

# CONGRESSIONAL RECORD:

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## THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-FIRST CONGRESS, FIRST SESSION.

ALSO

SPECIAL SESSION OF THE SENATE.

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CONGRESSIONAL RECORD,

FIFTY-FIRST CONGRESS, FIRST SESSION.

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the petition of about two hundred and fifty of her neighbors, among the best citizens in Adams County, Indiana, where she resides, recommending her as a person of high character and requesting the passage of this bill.

The majority of the committee recommend that the bill be amended by striking out the word "fifty," in line 8, and inserting the word "twenty-five" in lieu thereof.

During the reading of the report.

Mr. MARTIN, of Indiana, said: Mr. Chairman, I ask unanimous consent that the further reading of that portion of the report which sets out the evidence be dispensed with.

The CHAIRMAN. Is there objection?

Mr. MORROW. Let it be printed in the RECORD.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. MARTIN, of Indiana. Mr. Chairman, I beg the indulgence of the committee for a very few moments. I dislike to trespass upon time which is so important to every gentleman present, but I desire to ask this committee to-night to disagree to the amendment proposed by the Committee on Invalid Pensions, striking out \$50 a month and inserting \$25. The history of this case, which has been made known to many who are present this evening by the report which has been read, presents a most pitiful spectacle. It presents the spectacle of a wife, in August, 1864, to whom her husband was brought from the field of battle wounded, she then being in good health, and as a result of her nursing and anxiety, followed by the death of the soldier, she contracted a disease at that time, and from that day to this has never seen a well day.

For six years she steadily grew worse, and during the last nineteen and a half years she has not sat, but has crouched, in her chair in her humble home a victim of the disease which was then fastened upon her, and which, according to the testimony, would not have come upon her if she had not given this attention to her husband. I have never made any criticism and I do not desire now to make any criticism upon the line of conduct pursued by the Committee on Invalid Pensions or by the House with regard to pensioning any class of applicants, but it seems to me that this silent, plain figure which has sat in her home helpless, not able to move, not able to reach out her hand or to extend her fingers to give you a cordial welcome for nineteen and a half years last past, appeals not alone to the sympathies of this House, but to its sense of justice, and I believe that for the few years of life yet left to this woman she should have a pension of \$50 a month just as much as though she had been the wife of one who commanded the armies of his country or led a regiment. Therefore, Mr. Chairman, intending no disrespect to the Committee on Invalid Pensions, to which I belong, I ask that this Committee of the Whole shall not concur in the amendment, but shall reject it and allow this poor woman \$50 per month.

The CHAIRMAN. The question is on agreeing to the amendment recommended by the Committee on Invalid Pensions.

Mr. MORRILL. Mr. Chairman, I feel that I ought to say a word in defense of the action of the Committee on Invalid Pensions. I desire to call the attention of this committee to the fact that pensions are granted to widows, not on account of poverty or their disability, but on account of their being widows. The general law establishes the rate of \$15 per month for the widow of a lieutenant. In my experience on the Committee on Invalid Pensions we have had a great many cases brought before us that appealed strongly to our sympathies, and none more strongly than this one, for I can hardly conceive of a case that would more strongly appeal to the sympathies of the committee or the sympathies the House than this case does.

But we have doubted the propriety of going into that field and of considering the condition of each widow who applies for a pension. The law makes no distinction between the widow of a millionaire and the widow of a pauper; it makes no distinction between the woman in robust health and the woman who is confined to her bed by sickness, and we felt that we were doing all that we could do, consistent with our sense of duty, in recommending an increase of this pension to \$25 per month.

I do not want to appear as opposing this proposition, and yet I think it is due to the Committee on Invalid Pensions that I should make this explanation of their action in this case. If we are to take up in that committee the case of each widow who is now on the pension-roll and grade her pension according to her condition in life or according to her physical condition, there will be no end to it.

A pension of \$300 a year is a very liberal pension; it will afford this woman a very handsome support; and I do feel that the action of the Committee on Invalid Pensions in this case ought to be sustained. If it is not sustained, we shall regard your action as an instruction from the House to consider the condition of the different applicants, and the committee will be flooded and the House will be flooded with bills of this kind.

Mr. OWEN, of Indiana. Mr. Chairman, whenever the Committee on Invalid Pensions shall bring in a case parallel to this one, I believe the sentiment of the House will be in favor of granting a pension of \$50 a month. This is an unusual case. Here was a young wife in perfect health. Her husband was brought home from the field of battle wounded. She sat by his side and cared for him day and night until he died. She was left at his grave, a wreck.

According to the testimony of the physicians her disability went on

increasing from year to year until at the end of six years she was utterly helpless. Her knees are so stiffened that the limbs can not be moved. Her elbows are so stiffened that they can not be moved. Her fingers are drawn back so that they can not be moved. There that woman has sat or lain for nineteen years, utterly helpless, brought into that condition by her womanly, heroic, angelic devotion to her dying husband.

For my part, I want to vote a fifty-dollar pension for that man's wife, just as I would vote it for him were he in that condition to-day as the result of his army service. Therefore I support the motion of my colleague from Indiana [Mr. MARTIN], and I trust that this committee will reject the amendment of the Committee on Invalid Pensions, and will grant this woman a pension of \$50 per month.

The amendment recommended by the Committee on Invalid Pensions was rejected.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA STANTON.

The next business on the Private Calendar was the bill (H. R. 1482) for the relief of Eliza Stanton.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Eliza Stanton, mother of Lafayette C. Stanton, late of Company A, One hundred and forty-fifth Regiment of Indiana Volunteers, on the pension-roll, subject to the limitations and provisions of the general pension laws.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1482) for the relief of Eliza Stanton, submit the following report:

The claimant is the mother of Lafayette C. Stanton, who served in Company A, One hundred and forty-fifth Indiana Volunteers, from January 23, 1865, to January 21, 1866. Her claim has been rejected by the Pension Office on the ground that the immediate cause of soldier's death is shown to have been a wound from accidental discharge of a pistol sustained subsequent to the date of his discharge from the service. Soldier left neither wife nor child surviving him.

It appears in evidence that the soldier was a sound and able-bodied young man when he entered the service, and on his return home in January, 1866, was a great sufferer from diarrhea, in consequence of which he became much debilitated, rapidly growing worse, and being compelled to keep his room and bed the greater part of the time.

On the date of his death, May 29, 1866, he went into the room where he conducted his business, when the town marshal came in to arrest one Joseph Washburn, a boarder at the house kept by the soldier and his mother, the claimant. Washburn resisted, and after some struggling, both he and the marshal drew revolvers and both fired, the ball from the marshal's pistol inflicting the mortal wound which resulted in the soldier's death an hour later. It is the opinion of others who were present that had it not been for the soldier's enfeebled condition he could easily have gotten out the way and saved his life for a time, at least. None of his friends, however, had sustained any hope of his ultimate recovery.

The claimant is a widow without property and means. The soldier was the principal support of the family. On this point no question is raised.

The fact of soldier's debilitated condition from chronic diarrhea at discharge, and his gradual decline until his death from the wound, as well as the circumstances of the shooting, are well known to the member of this House who introduced the bill in behalf of his old and needy mother.

The committee are of opinion that the case is one entitled to the favorable consideration of Congress, and therefore return the bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. OLIVE PADGETT.

The next business on the Private Calendar was the bill (H. R. 2173) for the relief of Mrs. Olive Padgett.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mrs. Olive Padgett, widow of the late J. William Padgett, of Company D, First Regiment Potomac Home Brigade, Maryland Cavalry, on the pension-roll of the United States, at the rate of \$12 per month.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2173) for the relief of Mrs. Olive Padgett, submit the following report:

The claimant in this case is the widow of John W. Padgett, who served as private in Company D, First Maryland Cavalry, from November 5, 1861, to December 2, 1864. He was a pensioner for gunshot wound of left wrist at \$3 per month and died February 20, 1873, of disease of spinal cord and brain. The widow's claim has been rejected on the ground that in the opinion of the medical referee the cause of soldier's death is not shown to be chargeable to his military service.

Surg. James Willard, in charge of Harper's Ferry Hospital, where soldier was treated for his wound, testifies that at first the wound was regarded as a simple flesh wound, without injury to either bone. But as treatment therefor progressed it was discovered that the healing process was slow, probably due to the morbid state of the patient's system. The wound was slow to suppurate and excessively painful. The ordinary anodynes, singly and variously combined, were unavailing for relief and seemed to augment the general nervous irritation.

While the wound was still unhealed a very large abscess formed in the gluteal region (side not now remembered), which reduced him so much that it was feared purulent infections would result and ultimately destroy his life. He had not yet entirely recovered from this abscess when the first invasion of Maryland occurred, which occasioned the closing of said hospital and terminated affiant's connection with the same.

Soldier was under treatment from June 24, 1862, when wounded, until November 3, 1862, suffering also from pneumonia during that time, as shown by the record.

It is also shown that soldier even after discharge looked pale, was emaciated, and frequently had attacks of intense pains in the lumbar region, in close proximity to the location of the abscess.

Dr. John Reid, who treated soldier more or less during the last seven years



of his life, testifies that in the attack which resulted in soldier's death the whole of the spinal column and base of the brain were involved to such an extent that he was thrown into spasms, which continued to grow worse and worse until he died.

Affiant firmly believes that the suffering from the wound and his long confinement in hospital directly caused the abscesses to form and set up in the nervous system, and particularly the spine, the irritable condition which continued through life and which rendered him at any time liable to those violent spasms, and that his death is directly traceable to the wound received in service. Soldier was temperate in all his habits.

Your committee are of opinion that the case is meritorious, and therefore report favorably on the accompanying bill and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM BOONE.

The next business on the Private Calendar was the bill (H. R. 4840) to increase the pension of William Boone.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he hereby is, authorized and required to place the name of William Boone, of Andrews, Huntington County, Indiana, late a private in Company F of the Eighty-eighth Regiment Indiana Volunteers, at the rate of \$50 per month, in lieu of the pension he now receives.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4840) to increase the pension of William Boone, hereby make the following report thereon:

A similar bill (H. R. 3404) was introduced in the Forty-sixth Congress, to pension the claimant, and was referred to the Committee on Invalid Pensions, which reported recommending the passage of the bill, which report is referred to as part hereof, but not set out herein.

The bill was ordered printed and referred to the Committee of the Whole, but died there without consideration.

In the Forty-ninth Congress a similar bill (H. R. 473) was introduced and referred to the Committee on Invalid Pensions, which made the following favorable report:

"A bill granting a pension to this claimant was reported favorably by this committee and passed the House in the Forty-eighth Congress, but failed of consideration in the Senate. Your committee, therefore, adopt the report of the committee of the Forty-eighth Congress, as follows:

"That William Boone was a private in Company F, Eighty-eighth Regiment Indiana Volunteers. November, 1862, he was taken prisoner and paroled; and while at Aurora, Ill., on parole, July 4, 1863, while engaged in firing a salute in celebration of the fall of Vicksburg, by the premature discharge of a cannon he was assisting to fire he lost his right arm, and his left hand was injured so as to render it partially and permanently useless. He testifies in his own behalf that the citizens of said town were engaged in said celebration, and that he participated therein at the special request of said citizens, because he was a soldier and because it became him so to do as a soldier and patriot.

"He has not filed a declaration in the Pension Office, because, he says, he understood there were technical objections to granting a pension in his case under the rules and regulations of the Pension Office.

"The granting of a pension is strongly urged by the late Governor Williams and other distinguished citizens of Indiana. The surviving officers of claimant's regiment unite in a petition asking that his name be placed on the pension-roll, and assert that he was a gallant soldier, and faithfully, courageously, and honorably discharged his duties as a soldier, and that by reason of his physical disabilities, which were caused and exist as above stated, his capacity to earn a maintenance for himself, his wife, and three children, who depend upon him, is almost entirely destroyed.

"This case appeals strongly to the equity of Congress, and in view of the precedents for granting a pension in such cases, your committee recommend the passage of the accompanying bill, with the following amendment: Add to the bill these words: "Subject to the provisions and limitations of the pension laws."

Upon this report the bill passed the House, and upon going to the Senate of the United States was referred to the Committee on Pensions, which reported the same favorably in almost the identical words of the aforesaid report of the Committee on Invalid Pensions, which recites, as is true, that said bill had been passed by the House in the Forty-eighth Congress.

This bill was vetoed by the President in July, 1886, but no action was taken upon the objections made in the veto to the passage of the bill, thus leaving it an open question for the present Congress as to whether this bill shall be passed.

In view of the fact that this bill received the favorable report of this committee in the Forty-sixth, Forty-eighth, and Forty-ninth Congresses, was passed by the House in the Forty-eighth Congress, and by both the House and Senate in the Forty-ninth Congress, and that the injury suffered was received by the applicant without fault on his part and while he was a private soldier of the United States Army, is destitute, and sick, and wounded, therefore the bill should be passed.

Your committee further report that the applicant has been drawing a pension at the rate of \$4 per month since July 29, 1887, which was increased to \$6 per month since June 19, 1889, for disease of the urinary organs, rheumatism, and piles, but was refused anything on account of the loss of his hand and injury of his other hand.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ELIZABETH BURRESS.

The next business on the Private Calendar was the bill (H. R. 2175) granting a pension to Mrs. Elizabeth Burress.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Elizabeth Burress, widow of John J. Burress, late a private in Company G, One hundred and eighty-ninth Regiment Ohio Volunteers, and pay her a pension, subject to the provisions and limitations of the pension laws, the pension to commence from the date of her husband's death.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2175) granting a pension to Mrs. Elizabeth Burress, submit the following report:

The claimant is the widow of John J. Burress, who served in Company D, One hundred and sixty-eighth Pennsylvania Drafted Militia, from October 16, 1862, to July 25, 1863, and in Company G, One hundred and eightieth Ohio Volunteers, from February 28, 1865, to September 7, 1865, when discharged from general hospital at Huntsville, Ala. He died in January, 1866, of disease of lungs.

The widow's claim has been rejected on the ground that soldier's fatal disease originated after discharge.

The records of the Surgeon-General show that the soldier was under treatment for chronic diarrhea prior to and at the date of his discharge. There is no evidence that he suffered from disease of lungs during service or at discharge. It is shown, however, by the testimony of Dr. Moncrief, of Orrville, Ohio, a reputable physician, taken by a special examiner of the Pension Office, that the soldier came under his treatment on September 23, 1865, for disease of lungs, and was treated therefor, more or less, until January 21, 1866, when he died of acute pneumonia. The dates of treatment are taken from the records in possession of the doctor.

Disease of lungs is a recognized sequence of chronic diarrhea, in particular when followed closely upon treatment for the latter. In this case there is only an interval of about two weeks between the treatment therefor at the hospital and the treatment for lung troubles after the soldier's arrival at home. The widow, therefore, should have the benefit of any doubt that may exist as to the army origin of disease of lungs shown in September, 1865. Acute pneumonia, following upon an already diseased condition of the lung due to the service, is accepted by the Pension Office as pensionable death-cause.

Your committee are of opinion that the evidence is sufficient to connect the soldier's death-cause with his military service, and therefore report favorably on the accompanying bill, and ask that it do pass, amended, however, by striking out all after the word "laws," in line 8.

The amendment recommended by the committee in the concluding paragraph of the report was read and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

STEWART HERBERT.

The next business on the Private Calendar was the bill (H. R. 2168) granting an increase of pension to R. Stewart Herbert.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, at the rate of \$20 per month, the name of R. Stewart Herbert, late a private in Company A, Seventh Regiment Maryland Volunteer Infantry.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2168) granting an increase of pension to Stewart Herbert, submit the following report:

Stewart Herbert is a pensioner at the rate of \$8 per month for loss of sight of left eye from gunshot wound received in action in the Wilderness, May 5, 1861. In 1865, after having been discharged from the service, he was thrown from a mule, striking on his face, breaking the bones near and destroying the only remaining good eye.

Although totally blind he can only get pension for the loss of the sight of one eye. Had he lost the sight of one eye prior to his enlistment, the injury in the service and consequent loss of the sight of the other would have entitled him to \$25 per month from June 6, 1866, to \$31.23 from June 4, 1872, \$50 from June 4, 1874, and \$72 from June 17, 1878.

The equities are as strong in the one case as in the other, and it would seem but proper that some relief should be afforded this unfortunate pensioner. The committee therefore report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out the word "twenty," in line 5, and inserting therein the word "forty," also by inserting, after the word "infantry," in line 7, the words "in lieu of the pension now received by him."

The amendments recommended by the committee in the concluding paragraph of the report and an amendment striking out "R." before "Stewart," in line 5, were read and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN NAGLE.

The next business on the Private Calendar was the bill (H. R. 1865) granting a pension to John Nagle.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Nagle, late of Company C, Ninety-second Regiment of Illinois Infantry.

The report (by Mr. FLICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1865) granting a pension to John Nagle, have examined and considered the same and report it back to the House with a recommendation that it do pass.

The said John Nagle was a private in Company C, Ninety-second Regiment of Illinois Infantry, and filed a claim for pension upon the ground of cerebral hemorrhage, resulting in paralysis and hernia, which was rejected by the Pension Department because there was no record of his injury in service and his inability to furnish the legally required evidence of the origin of his disabilities.

From the evidence and affidavits on file it appears that on the night of the 29th day of November, 1864, he was one of a detail ordered to go to a railroad station some distance away for the purpose of acquiring certain information in regard to the whereabouts of the enemy, and Nagle claims that in the dark, and when not actually seen by any of his comrades, his horse, in attempting to jump a ditch, fell with and upon him, and thus caused the injuries which finally resulted in the disabilities complained of. He is quite well supported in this claim indirectly, but perhaps not directly. The colonel of his regiment swears to ordering the detail for the purpose stated, and that Nagle was one, and has some recollection of hearing at the time that Nagle was injured.

J. N. Nichols, a soldier in his company, swears to a recollection of the detail and that when it returned Nagle complained of his injury and was given a "lay off" of thirty days on account of it.

Luther Gedding, another member of the company, testifies that he was one of the detail, and that in crossing a ditch Nagle's horse fell and that Nagle complained of being injured, and he also says that according to his best information Nagle's horse died from the effects of the fall.

Allen McClure, also a member of his company, testifies to a recollection of the detail and that Nagle complained of his injury upon his return.

It is also shown by acquaintances that Nagle was a healthy man when he went into the service, and that when he returned to his home in June, 1865, he was very much broken down in health and suffering with paralysis, and one Anton Giebelstein heard Dr. Fairbanks, who was attending him, tell him that his paralysis was from his army service.

Quite a good showing is made of the reasons for not having more evidence from his army officers, his captain being dead, his first lieutenant was not with the regiment at the time, his second lieutenant does not recall the facts, and

he has been unable to find the whereabouts of his first sergeant, letters directed to him to his supposed place of residence coming back uncalled for.

With respect to treatment after he returned home, it appears from his testimony that his first physician was Dr. Repke, who left the country, going to Germany, and whom claimant has been unable to reach, and that then he was treated by Dr. Fairbanks up to the time of his death in 1873. Dr. J. F. H. Sugar was then his family physician for five years, and he testifies to the existence of rupture and cerebral paralysis, and that he was not during this time able to work.

Dr. E. H. Hayen testifies to having examined him and finding him suffering from paralysis.

Upon this showing we believe that it is fully established that the disabilities exist as claimed, and that there is every presumption that these disabilities were acquired as a result of an injury in service as claimed, and that failure to establish it in the Department is more technical than real, and that it is a case that fully warrants giving the soldier the benefit of any doubt that may exist.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LAURA A. YOURTEE.

The next business on the Private Calendar was the bill (H. R. 1471) granting a pension to Laura A. Yourtee.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Laura A. Yourtee, widow of Samuel L. Yourtee, late chaplain of the Fifth and Eighty-third Regiments Ohio Volunteer Infantry, and pay her a pension at the rate prescribed by law for a chaplain's widow, from April 8, 1869.

The report (by Mr. FLICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1471) granting a pension to Laura A. Yourtee, submit the following report:

The proposed beneficiary was a pensioner on account of the death of Clinton W. Searce, late chaplain Ninety-fifth Ohio Volunteer Infantry, which occurred August 20, 1863, from malarial poisoning. On April 8, 1869, she remarried one Samuel L. Yourtee, who also had been chaplain both in the Fifth and Eighty-third Regiments Ohio Volunteers. Yourtee at the time of his marriage to the claimant was in good circumstances, but by trying to help others he lost all, and left her dependent upon her own efforts. Being now sixty years of age, she is no longer able to keep up the struggle of life.

It also appears that claimant's second husband came home from service in broken health and was never thereafter a stout man, and died after a short illness of disease of lungs and heart. His death may be directly due to his army service, but he having failed to apply and furnish evidence in support of a claim for pension, it would be very difficult for his widow to establish now title under the general law. Her character is shown to be of the best. There is no one now drawing pension on account of either of said husbands, nor has there been since March 4, 1876, when the youngest child by the first husband became sixteen years of age.

The circumstances surrounding the case, coupled with the widow's dependent condition, appear to your committee as sufficient for favorable action on the accompanying bill, and they therefore return the same with the recommendation that it do pass.

Mr. MORRILL. This bill, I observe, grants arrears. I move to amend by striking out all after the words "volunteer infantry," in line 7.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GUSTAVUS ALONZO DRAPER.

The next business on the Private Calendar was the bill (H. R. 2131) granting a pension to Gustavus Alonzo Draper.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Gustavus Alonzo Draper, son of the late General Alonzo G. Draper.

The report (by Mr. FLICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2131) granting a pension to Gustavus Alonzo Draper, submit the following report:

Gustavus Alonzo Draper is the son of General Alonzo G. Draper, of Lynn, Mass., who lost his life on the battle-field. He has been for two years an inmate of the insane department of the Lynn almshouse, having previously been confined in the Danvers Asylum for the Insane. He is twenty-seven years of age, is mentally and physically incapable of caring for himself, and, as he has no relatives able to support him, is entirely dependent upon public charity.

General Alonzo G. Draper left a widow, but the proposed beneficiary was and is his only child. The widow, Sarah E. Draper, was in receipt of a pension as widow of General Draper up to February 14, 1896, when she died and said pension ceased. All of which appears from the records and affidavits submitted in this case. Therefore your committee, to whom was referred the above case, in view of the foregoing facts respectfully recommend the passage of said bill with the amendment that said pension pass to his legally constituted guardian, and that he be allowed \$18 per month.

The amendment recommended by the committee, adding to the bill the words "and pay to his legally constituted guardian a pension at the rate of \$18 per month," was read, and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CLARA FREY.

The next business on the Private Calendar was the bill (H. R. 6865) granting a pension to Clara Frey.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Clara Frey, widow of George Adam Frey, deceased, late of Company I, Fourth Regiment of Missouri Cavalry.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6865) granting a pension to Clara Frey, submit the following report:  
Clara Frey is the widow of George Adam Frey, who enlisted September 3,

1861, and was honorably discharged July 10, 1865, and died August, 1875, from disease contracted in the service and in line of duty. The claim was rejected in the Pension Office on the ground that when the records of the Southern army in and about Andersonville were captured it appeared that a person by the name of Adam Frey had enlisted in said army in January, 1865, and it was supposed that it was this soldier.

While there is no proof of that fact, it is in evidence that this soldier was wounded in battle while in the Union Army, and that he was afterwards captured in 1861, and was for many months in Andersonville prison, where he was taken sick with chronic diarrhea, and a comrade who was there with him at the time testifies in the record that he told him, the soldier, that if he did not get out of prison he would die, and that it was his opinion he would die at any event.

There is no evidence how he got out of prison, but he joined his regiment in June, 1865, and was honorably discharged July 10, 1865, and there can be no question from the testimony that the soldier continued sick and endured great suffering of this disease until he died of the same. There is no testimony in the record that identified this soldier as the one mentioned in the records of the rebel army as Adam Frey, but it is wholly left to inference, and the committee think that it is at least due to the memory of the soldier and his family that there should be some testimony more than a mere supposition or probability that this was the same person mentioned in this rebel army record.

This man served nearly four years; was a very stout man; was wounded in battle; was taken prisoner and placed in Andersonville prison, where he remained for many months, and finally contracted the disease of which he died. The writer of this report is acquainted personally with the claimant in this case, and knows of his own knowledge that this woman supported herself and the infant children of this soldier, after the soldier's death, at the wash-tub, at 50 cents per day; and that she is now well advanced in age, and unable to labor as she once did, and in the ordinary course of events can not live long.

In view of the facts of this case, we respectfully submit that this widow should be placed on the pension-roll, and therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY STUMPF.

The next business on the Private Calendar was the bill (H. R. 6863) granting a pension to Henry Stumpf.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry Stumpf, late a private in Company F, Fifteenth Regiment of Missouri Volunteers.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6863) granting a pension to Henry Stumpf, submit the following report:

The soldier enlisted June 26, 1861, and was discharged September 21, 1864. It is in evidence in the record that at Stone River, Tennessee, December 31, 1862, while in battle the soldier received a gunshot wound in the head, which has disabled him from the performance of mental and physical labor, and is rated at one-half total disability. The claim was rejected in the Pension Department for the reason that there was no record of the disability and the claimant was unable to furnish the testimony of comrades who knew of the incurrence of the disability.

There is no question that when this soldier entered the service he was a sound and healthy man, and after the battle mentioned he was injured in the head by gunshot wound. The soldier states that he was shot in less than fifteen minutes after the battle began and that he is not able to name or find any person who saw him when injured. From the facts of the case this committee has no doubt of these statements.

The high character of the soldier is fully proven by affidavits filed with the committee and on file in the record, and that he has been a great sufferer for many years, and is now of unsound mind at times because of this injury; he is now about fifty-five years of age, married, and very poor.

The gentleman who introduced this bill informs the committee that the soldier's wife is compelled to take in washing in order to support the soldier and their children.

We therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS N. MAXWELL.

The next business on the Private Calendar was the bill (H. R. 4532) for the relief of Thomas N. Maxwell.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Thomas N. Maxwell, late of Company I, Ninety-eighth Illinois Infantry, at the rate of \$50 per month, in lieu of the pension he is now receiving.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4532) granting an increase of pension to Thomas N. Maxwell, submit the following report:

Thomas N. Maxwell was a private in Company I, Ninety-eighth Illinois Volunteers, and is drawing a pension at the rate of \$10 a month, commencing May 22, 1890, for injury to testicles and resulting varicocele of left side. From the evidence on file this sum is wholly inadequate to the soldier's disability and it seems that the Commissioner of Pensions can not grant him any greater relief.

Affidavits have been filed by A. N. Walker, Thomas J. Fithian, H. K. Powell, George W. Fithian, W. L. Bridges, Jacob Eck, John Hawk, Charles H. Smith, C. W. Marsh, S. W. Clark, and Robb Ross, all neighbors of the said Thomas N. Maxwell, that the said Thomas N. Maxwell's physical condition is such as to render him totally unable to perform manual labor of any kind.

Affidavits have recently been filed by Drs. C. Booker, J. H. Maxwell, and Z. Allen, and comrades T. C. Dodd, Arch Poor, and others, that said Thomas N. Maxwell is now and for some time has been wholly confined to his bed by reason of his disability, and that he is in such condition that he constantly requires an attendant to care for him.

In the opinion of this committee this is a case that so strongly appeals to the generosity of this nation that it would be a great wrong and injustice to refuse the relief asked for in this bill. We therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MORRILL. I move that the committee rise.

The motion was agreed to.



The committee accordingly rose; and Mr. MORROW having resumed the chair as Speaker *pro tempore*, Mr. ALLEN, of Michigan, reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report sundry pension bills, some with and some without amendments, with the direction that they be passed as reported.

## BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole without amendment, were severally considered, ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed, namely:

- A bill (H. R. 2824) granting a pension to Charles A. Platz;
- A bill (H. R. 2352) granting a pension to W. S. Yohe;
- A bill (H. R. 4205) granting a pension to Isabella B. Stimple;
- A bill (H. R. 4821) to pension Eli J. Youngheim;
- A bill (H. R. 3103) granting a pension to Levi M. Lincoln;
- A bill (H. R. 2351) granting a pension to Allen McCowan;
- A bill (H. R. 4030) granting a pension to Mary Ann Allan;
- A bill (H. R. 5751) to increase the pension of Isaac Endaly;
- A bill (H. R. 4863) granting a pension to William H. Coppinger;
- A bill (H. R. 4027) granting a pension to William A. Merriwether;
- A bill (H. R. 2133) granting a pension to Betsey F. Newhall;
- A bill (H. R. 5905) to pension Thomas K. Edwards for services in the Indian war;
- A bill (H. R. 3583) to pension Samuel Wyrick for services in the Indian war;
- A bill (H. R. 3588) to pension Mary J. Maun, widow of John W. Mann, who served in the Indian war;
- A bill (H. R. 5862) granting a pension to Margaret Z. Austin;
- A bill (H. R. 2832) granting a pension to Sarah McTavey;
- A bill (H. R. 3056) for the relief of Theodore J. Shandal;
- A bill (H. R. 3055) for the relief of W. P. Alexander;
- A bill (H. R. 1581) granting an increase of pension to Andrew J. Ferguson;
- A bill (H. R. 1579) granting a pension to John McCool;
- A bill (H. R. 1586) granting a pension to Augustine McLaughlin;
- A bill (H. R. 4810) to pension Christina Edson for meritorious services rendered the Government during the Indian wars in the Oregon Territory, now the State of Oregon;
- A bill (H. R. 4195) to increase the pension of Mrs. Emma A. Hart;
- A bill (H. R. 1482) for the relief of Eliza Stanton;
- A bill (H. R. 2173) for the relief of Olive Padgett;
- A bill (H. R. 4840) to increase the pension of William Boone;
- A bill (H. R. 1865) granting a pension to John Nagle;
- A bill (H. R. 6865) granting a pension to Clara Frey;
- A bill (H. R. 6863) granting a pension to Henry Stumpf; and
- A bill (H. R. 4532) for the relief of Thomas N. Maxwell.

House bills of the following titles, reported with amendments, were severally considered, the amendments agreed to, and the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed, namely:

- A bill (H. R. 3536) to grant a pension to Samuel G. Dark;
- A bill (H. R. 3962) to increase the pension of Samuel Adams;
- A bill (H. R. 2356) granting a pension to Matthew J. J. Cagle;
- A bill (H. R. 4863) granting a pension to John Carter;
- A bill (H. R. 3584) to pension William Dunn for service in the Indian war;

- A bill (H. R. 4527) granting a pension to Daniel M. Dull, late a soldier of the Mexican war;
- A bill (H. R. 2435) increasing the pension of Mary Minor Hoxey;
- A bill (H. R. 2175) granting a pension to Mrs. Elizabeth Burress;
- A bill (H. R. 2168) granting an increase of pension to Stewart Herbert;
- A bill (H. R. 1471) granting a pension to Laura A. Yourtee; and
- A bill (H. R. 2131) granting a pension to Gustavus Alonzo Draper.

Senate bills of the following titles, reported from the Committee of the Whole, were severally considered, ordered to a third reading; and being read the third time, were passed, namely:

- A bill (S. 801) granting a pension to Miss Elizabeth A. Tuttle;
- A bill (S. 806) granting a pension to Cyrus Tuttle;
- A bill (S. 807) granting a pension to Mary E. Noll, widow of Philip Noll;
- A bill (S. 810) granting a pension to Eliza A. Talbott; and
- A bill (S. 813) granting a pension to Stephen Schiedel.

## LUCY HALE.

The next bill reported from the Committee of the Whole with amendments was the bill (H. R. 2423) granting a pension to Lucy Hale.

Mr. TURNER, of New York. I ask a separate vote on that bill. I do not think it ought to pass, in its present form, at least.

The SPEAKER *pro tempore*. The first question is on agreeing to the amendments reported from the Committee of the Whole.

The amendments were adopted.

Mr. KILGORE. I would like to know what merit there is in that bill. It does not say how old the beneficiary is.

Mr. O'DONNELL. I can tell the gentleman she is sixty-seven years old.

Mr. KILGORE. Married?

Mr. O'DONNELL. No, sir; a widow.

Mr. KILGORE. The provision of the bill is such that if she marries the pension will still continue during her natural life, as the bill now provides.

Mr. COLEMAN. Does the gentleman think there is much chance of a lady who is sixty-seven years old getting married?

Mr. KILGORE. Oh, well, they never get too old for that. [Laughter.]

Mr. O'DONNELL. I can say to the gentleman from Texas that her father was a soldier in the Revolutionary war, and she cared for him in the latter part of his life, when he was blind. It is not likely that she will be married again.

Mr. KILGORE. But there may be some fellow "laying around" for that pension right now. [Laughter.] I will not make objection, but I think this is going pretty far. You ought to strike out that portion of the bill giving it to her during her natural life.

Mr. O'DONNELL. Do you want it given to her for her unnatural life?

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MORRILL moved to reconsider the several votes taken; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

## GENERAL HORACE BOUGHTON.

The next business reported from the Committee of the Whole was the bill (H. R. 3954) granting a pension to General Horace Boughton, with favorable recommendation.

Mr. BAKER. I ask unanimous consent that this bill be considered, the previous question ordered upon its passage, and made the special order for next Monday morning immediately after the reading of the Journal, debate for fifteen minutes on each side.

Mr. KILGORE. The gentleman does not state the whole agreement in the committee. The understanding was that it shall be made the special order for Monday, the previous question being ordered upon its passage, and that fifteen minutes' debate shall be allowed on each side, with the privilege of amendment.

Mr. BAKER. Certainly.

The SPEAKER *pro tempore*. In the absence of objection that order will be made.

There was no objection, and it was so ordered.

## ORDER OF BUSINESS.

Mr. BOOTHMAN. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 3983) granting a pension to Daniel Sterling, and put it upon its passage.

Mr. MORRILL. I move that the House do now adjourn.

Mr. BOOTHMAN. I hope the gentleman will yield for a moment. I was here on the last evening and was the last man on the list.

Mr. MORRILL. The bill of the gentleman can be easily reached on next Friday evening, and it is now half past 10 o'clock.

Mr. BOOTHMAN. Two or three minutes remain yet, and it will take but a short time.

The SPEAKER *pro tempore*. Does the gentleman insist on his motion?

Mr. MORRILL. I do.

Mr. LANE. I demand the regular order.

The motion of Mr. MORRILL was agreed to; and (at 10 o'clock and 29 minutes p. m.) the House adjourned.

## EXECUTIVE COMMUNICATIONS.

Under the rule, the following executive communications were taken from the Speaker's table and referred as follows, namely:

## IMPROVEMENT OF CYPRESS BAYOU, LOUISIANA.

Letter from the Secretary of War, transmitting, with a letter from the Chief Engineer, report in relation to the improvement of Cypress Bayou, Louisiana, in reply to resolutions of the House of Representatives of February 6—to the Committee on Rivers and Harbors.

## RIGHT OF WAY ACROSS ST. AUGUSTINE MILITARY RESERVATION.

Letter from the Secretary of War, returning the bill (H. R. 5972) granting to the Jacksonville, St. Augustine and Halifax Railway a right of way across the United States military reservation at St. Augustine, Fla., with report of Chief of Engineers expressing the views of the Department and maps—to the Committee on Military Affairs.

## MARY E. METTE, ADMINISTRATRIX, VS. THE UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary E. Mette, administratrix of H. H. Mette, vs. The United States—to the Committee on War Claims.



## SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and concurrent resolution were taken from the Speaker's table and referred as follows:

The bill (S. 606) to provide for the purchase of a site and the erection of a public building thereon at La Fayette, in the State of Indiana—to the Committee on Public Buildings and Grounds.

The bill (S. 1203) granting a pension to Miss Margaret Stafford Worth—to the Committee on Invalid Pensions.

The bill (S. 1237) granting a pension to Mary E. Crimmins, widow of Patrick Crimmins—to the Committee on Invalid Pensions.

The bill (S. 1368) granting a pension to Mary H. Casler—to the Committee on Invalid Pensions.

The bill (S. 1812) granting an increase of pension to Emily F. Warren—to the Committee on Invalid Pensions.

The bill (S. 1813) granting increase of pension to Florida G. Casey—to the Committee on Invalid Pensions.

*Resolved by the Senate (the House of Representatives concurring), That the report of the National Academy of Sciences for the year 1888, with its appendices, be printed in the usual octavo form, and that 1,000 copies of the report and memoirs be printed for the use of the Senate, 2,000 for the use of the House of Representatives, and 1,500 for the Academy of Sciences;*

to the Committee on Printing.

## REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, the following reports were filed, and, with the accompanying bills, ordered to be printed, and referred as follows:

Mr. QUACKENBUSH, from the Committee on Public Buildings and Grounds, reported with amendment the bill (H. R. 3888) for the erection of a public building at Rome, N. Y.—to the Committee of the Whole House on the state of the Union.

Mr. SAWYER, from the Committee on Invalid Pensions, reported favorably the following bills; which were referred to the Committee of the Whole House:

A bill (H. R. 7743) granting a pension to Allen Feathers;

A bill (H. R. 200) granting a pension to the widow of Adam Shroke; and

A bill (H. R. 2837) granting a pension to Alvira A. Edwards.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported with amendments the following bills; which were referred to the Committee of the Whole House:

A bill (H. R. 3594) for the relief of Mary Conley;

A bill (H. R. 2834) granting a pension to Fanny Edgar; and

A bill (H. R. 5632) granting a pension to Sarah Sheldon.

Mr. MANSUR, from the Committee on Claims, reported favorably the bill (H. R. 1055) for the relief of Maurice G. Griffith—to the Committee of the Whole House.

He also, from the Committee on the Public Lands, reported with amendment the bill (H. R. 99) authorizing the Secretary of the Interior to issue certificates to certain persons who owned buildings on Hot Springs reservation, for the value thereof, which buildings had been condemned and afterward burned—to the House Calendar.

Mr. OSBORNE, from the Committee on Military Affairs, reported favorably the bill (H. R. 2407) for the relief of Mary A. Lee—to the Committee of the Whole House.

Mr. LIND, from the Committee on Commerce, reported favorably the bill (S. 1905) to amend an act entitled "An act to authorize the building of a railroad bridge at Fort Smith, in the State of Nebraska," approved July 19, 1888—to the House Calendar.

Mr. CAREY, from the Committee on Military Affairs, reported favorably the bill (S. 1872) to restore telegraph communication between Tatoosh Island and Port Angeles, Wash.—to the Committee of the Whole House on the state of the Union.

Mr. VAN SCHAICK, from the Committee on Public Buildings and Grounds, reported with amendments the following bills; which were referred to the Committee of the Whole House on the state of the Union:

A bill (H. R. 527) for the erection of a public building at Helena, Mont.; and

A bill (H. R. 928) to provide for the construction of a public building at Spokane Falls, Wash.

Mr. PERKINS, from the Committee on Indian Affairs, reported favorably the bill (S. 16) to enable the Secretary of the Interior to locate Indians in Florida upon lands in severalty—to the House Calendar.

He also, from the same committee, reported favorably the bill (S. 161) to reconvey certain lands to the county of Ormsby, State of Nevada—to the Committee of the Whole House on the state of the Union.

Mr. STEWART, of Vermont, from the Committee on the Judiciary, reported with amendment the bill (H. R. 866) to increase the salaries of the circuit judges of the circuit courts of the United States—to the Committee of the Whole House on the state of the Union.

Mr. CRAIG, from the Committee on Invalid Pensions, reported favorably the following bills; which were referred to the Committee of the Whole House:

A bill (S. 123) granting an increase of pension to John F. Ballier; and

A bill (S. 2195) granting a pension to Emma L. Selfridge.

Mr. CRAIG also, from the Committee on Invalid Pensions, reported

with amendment the bill (H. R. 1832) granting a pension to Mary Ann Schirge—to the Committee of the Whole House.

He also, from the same committee, reported favorably the following bills; which were referred to the Committee of the Whole House:

A bill (H. R. 4980) granting an increase of pension to Margaret A. Blake; and

A bill (H. R. 7765) granting a pension to James T. Irwin.

Mr. CASWELL, from the Committee on the Judiciary, reported favorably the bill (S. 172) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861—to the Committee of the Whole House on the state of the Union.

Mr. NUTE, from the Committee on Invalid Pensions, reported favorably the bill (S. 617) granting a pension to Hannah R. Langdon—to the Committee of the Whole House.

Mr. MANSUR, from the Committee on Claims, reported favorably the bill (H. R. 3151) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased—to the Committee of the Whole House.

Mr. DE LANO, from the Committee on the District of Columbia, reported favorably the bill (S. 1958) to shorten the terms of imprisonment in the jail and in the workhouse of the District of Columbia on account of good conduct during confinement—to the House Calendar.

He also, from the same committee, reported with amendment the bill (S. 296) vesting in the vestry of Christ Church, Washington Parish, District of Columbia, all the right, title, and interest of the United States of America in and to square south of square 1092 in the city of Washington, District aforesaid—to the Committee of the Whole House on the state of the Union.

Mr. WILSON, of Kentucky, from the Committee on Invalid Pensions, reported favorably the bill (H. R. 1296) to increase the pension of Mrs. Henrietta O. Whitaker—to the Committee of the Whole House.

Mr. COLEMAN, from the Committee on Foreign Affairs, reported with amendment the bill (H. R. 689) for the relief of James and William Crooks—to the Committee of the Whole House.

Mr. CAREY, from the Committee on Military Affairs, reported with amendment the bill (H. R. 1239) for the relief of David Barnhart—to the Committee of the Whole House.

Mr. CARLTON, from the Committee on Claims, reported favorably the bill (H. R. 2267) for the relief of Alice E. Robertson—to the Committee of the Whole House.

Mr. LIND, from the Committee on Commerce, reported with amendment the bill (H. R. 3876) authorizing the construction of a bridge across the Red River of the North—to the House Calendar.

Mr. BELKNAP, from the Committee on Invalid Pensions, reported favorably the following bills; which were referred to the Committee of the Whole House:

A bill (S. 1073) providing a pension for Matilda C. King;

A bill (H. R. 4866) granting a pension to Ida L. Martin;

A bill (H. R. 1147) granting an increase of pension to Merritt Lewis;

A bill (H. R. 5619) granting a pension to Maria Solles;

A bill (H. R. 6401) granting a pension to Mrs. Fanny W. Mudgett, dependent mother;

A bill (H. R. 5240) granting a pension to Alexander McCormick;

A bill (H. R. 1084) granting a pension to Mrs. Eliza J. Drake;

A bill (H. R. 3393) granting a pension to Jane A. Lusk;

A bill (H. R. 3969) granting a pension to Seth M. Walter;

A bill (H. R. 7685) granting a pension to Julia E. Phillips;

A bill (H. R. 6402) granting a pension to Mrs. Harriet McMann;

A bill (H. R. 4393) for the relief of Mary Dockham;

A bill (H. R. 5618) granting a pension to Malvina Fletcher, widow of John P. Fletcher, late private in Company D, First Michigan Engineers; and

A bill (H. R. 1086) granting a pension to Sarah Cuthbert.

Mr. BELKNAP also, from the Committee on Invalid Pensions, reported with amendment the following bills; which were referred to the Committee of the Whole House:

A bill (H. R. 4406) granting a pension to Jehial J. Oliver; and

A bill (H. R. 5263) granting a pension to Sarah C. McCauly.

Mr. LIND, from the Committee on Commerce, reported favorably the bill (H. R. 507) granting the counties of Hennepin and Dakota, Minnesota, the right to build two bridges across the Minnesota River—to the Committee of the Whole House.

Mr. CRISP, on behalf of the minority of the Committee on Elections, submitted their views on the contested-election case of Frank H. Threethus, Richard H. Clarke, from the First Congressional district of the State of Alabama; which report was ordered to be printed as part 2 of a report (No. 363) heretofore submitted by said committee.

## BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, the following bills were delivered to the Speaker, severally read twice, and referred as follows:

By Mr. COMSTOCK: A bill (H. R. 7898) granting right of way through Indian reservation—to the Committee on Indian Affairs.

By Mr. O'DONNELL: A bill (H. R. 7899) to increase the appropria-

tion for the erection of the public building at Jackson, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. HAYNES: A bill (H. R. 7900) providing for the erection of a monument at Put-in Bay, Ohio, commemorative of Commodore Oliver Hazard Perry and those who participated in the naval battle of Lake Erie on the 10th day of September, 1813—to the Committee on the Library.

By Mr. STONE, of Kentucky: A bill (H. R. 7901) placing carpenters' and blacksmiths' tools and all agricultural implements, including chains 1 inch in diameter and under, on the free-list—to the Committee on Ways and Means.

By Mr. DINGLEY: A bill (H. R. 7902) to establish a fog-signal at or near the Cuckolds Island, at the entrance of Boothbay Harbor, otherwise known as Townsend Harbor, Maine—to the Committee on Commerce.

Also, a bill (H. R. 7903) to enable the Secretary of the Treasury to gather full and authentic information as to the present condition and preservation of the fur-seal and sea-otter interests of the Government in Alaska, and other purposes—to the Committee on Ways and Means.

Also, a bill (H. R. 7904) for the issue of ordnance stores and supplies to the State of Maine to replace similar stores destroyed by fire—to the Committee on Military Affairs.

By Mr. TURNER, of New York: A bill (H. R. 7905) for the better protection of human life and property on merchant steam-vessels of the United States—to the Committee on Merchant Marine and Fisheries.

By Mr. MORROW: A bill (H. R. 7906) to permit the municipal authorities of the city and county of San Francisco to construct and maintain a sewer in and through the tract of land owned by the United States on the north of said city and county and known as the Presidio reservation—to the Committee on Military Affairs.

By Mr. BRECKINRIDGE, of Arkansas (by request): A bill (H. R. 7907) to authorize the building of a bridge at Pine Bluff, Ark., across the Arkansas River—to the Committee on Commerce.

By Mr. STONE, of Kentucky: A bill (H. R. 7908) to authorize the Secretary of War to cause to be investigated and to provide for the payment of all claims for the use and occupation of church and school buildings and grounds for Government purposes by the United States military authorities during the late war, and all claims for damages resulting from the appropriation to Government use of any of the furnishings or materials in said class of buildings—to the Committee on War Claims.

By Mr. WILSON, of Kentucky: A bill (H. R. 7909) to divide the State of Kentucky into two judicial districts—to the Committee on the Judiciary.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were delivered to the Clerk and referred as follows:

By Mr. BREWER: A bill (H. R. 7910) granting a pension to John T. Ballard—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 7911) granting an increase of pension to Henry W. McCarty—to the Committee on Invalid Pensions.

By Mr. CARLISLE: A bill (H. R. 7912) for the relief of John M. Curry—to the Committee on War Claims.

By Mr. FLOOD: A bill (H. R. 7913) for the relief of Isaac Samuels—to the Committee on Military Affairs.

By Mr. GIFFORD: A bill (H. R. 7914) granting a pension to Jay Marvin—to the Committee on Invalid Pensions.

By Mr. HOLMAN: A bill (H. R. 7915) granting a pension to Nancy Rarden—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 7916) to relieve James Diamond of the charge of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 7917) granting an increase of pension to Eliza Effer, a pensioner of the war of 1812—to the Committee on Pensions.

By Mr. LEE (by request): A bill (H. R. 7918) for the relief of Nancy Bailey—to the Committee on War Claims.

Also, a bill (H. R. 7919) for the relief of Mount Holly Church, of Fauquier County, Virginia—to the Committee on War Claims.

By Mr. LEWIS: A bill (H. R. 7920) granting a pension to A. Bresson—to the Committee on Invalid Pensions.

By Mr. MCADOO: A bill (H. R. 7921) for the relief of Samuel H. Poole and George P. Frothingham—to the Committee on Claims.

By Mr. MCRAE: A bill (H. R. 7922) for the relief of the estate of Thomas C. Monroe—to the Committee on Claims.

By Mr. MORRILL: A bill (H. R. 7923) to increase the pension of Hezekiah Jennings—to the Committee on Invalid Pensions.

By Mr. OWEN, of Indiana: A bill (H. R. 7924) granting a pension to Christian C. Whistler—to the Committee on Invalid Pensions.

By Mr. PAYNTER: A bill (H. R. 7925) to remove the charge of desertion against B. F. Royse—to the Committee on Military Affairs.

Also, a bill (H. R. 7926) to remove the charge of desertion against John Earls—to the Committee on Military Affairs.

Also, a bill (H. R. 7927) to remove the charge of desertion against William Riggs—to the Committee on Military Affairs.

By Mr. PETERS: A bill (H. R. 7928) granting a pension to Jesse G. Hamilton—to the Committee on Invalid Pensions.

By Mr. RAINES: A bill (H. R. 7929) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher—to the Committee on Claims.

By Mr. RUSSELL: A bill (H. R. 7930) granting a pension to Mary D. Gray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7931) for the relief of Columbus Alexander—to the Committee on the District of Columbia.

By Mr. SHERMAN: A bill (H. R. 7932) granting a pension to Jane Savage—to the Committee on Invalid Pensions.

By Mr. STIVERS: A bill (H. R. 7933) to relieve George W. Powers of the charge of dishonorable conduct—to the Committee on Military Affairs.

By Mr. STUMP: A bill (H. R. 7934) for the relief of Henry W. Friedley—to the Committee on War Claims.

Also, a bill (H. R. 7935) granting arrears of pension to James Tracey—to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 7936) for the relief of William R. Garner—to the Committee on Military Affairs.

By Mr. TURNER, of New York: A bill (H. R. 7937) granting an increase of pension to Harriet E. Martin—to the Committee on Invalid Pensions.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of references were made:

A bill (H. R. 1118) granting a pension to Mrs. Sarah Frost—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4692) granting a pension to Henry Ann Stewart—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were delivered to the Clerk and referred as follows:

By Mr. ALLEN, of Michigan: Petition of 276 citizens of Michigan, for a Sunday-rest law—to the Committee on Education.

By Mr. BELKNAP: Resolutions of the Chamber of Commerce, Sault Ste. Marie, Mich.—to the Committee on Rivers and Harbors.

By Mr. BRECKINRIDGE, of Kentucky: Petition of 7,000 citizens, for the Sunday-rest bill—to the Committee on the District of Columbia.

By Mr. BREWER: Petition of 185 individuals of Michigan, asking for a national Sunday-rest law—to the Committee on Education.

By Mr. THOMAS M. BROWNE: Petition of White Water Monthly Meeting of Friends, Richmond, Ind., against expenditure of large sums for coast defenses and other warlike purposes—to the Committee on Appropriations.

By Mr. BUCHANAN, of New Jersey: Resolutions of veterans, protesting against the passage of the dependent pension bill—to the Committee on Military Affairs.

Also, petition of Georgia Bar Association, for relief of United States Supreme Court—to the Committee on the Judiciary.

Also, petition of Parker Grubb Post, No. 16, Grand Army of the Republic, New Jersey, in favor of equalization of bounties, and pension legislation—to the Committee on Invalid Pensions.

Also, petition of Robert Finnickrou, of Trenton, N. J., against further sale of the public lands—to the Committee on the Public Lands.

Also, petition of New Jersey Society of Veterinary Surgeons—to the Committee on Military Affairs.

By Mr. BULLOCK: Memorials of W. C. Patton and others, Dudley W. Adams and others, H. S. Greenwood and others, John R. Williams and others, J. T. Perry and others, N. H. Thomas and others, George W. Davis and others, W. H. Hawkins and others, Samuel Hyde and others, W. L. Broderick and others, J. H. Burdick and others, O. B. Weeks and others, A. Cleveland and others, George W. Shopley and others, Edgar N. Waldron and others, John Coy and others, F. G. Sampson and others, J. M. T. Boughman and others, W. P. Gardner and others, J. Y. Gaskins and others, A. J. Horrill and others, orange-growers of Florida, for a higher tariff on oranges—to the Committee on Ways and Means.

By Mr. CAINE: Resolutions adopted by the Chamber of Commerce of Salt Lake City, Utah, favoring an appropriation of \$6,200,000 for the construction of a deep-water harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. CANNON: Petition of August Freeman, F. D. Braut and others, of Danville, Ill., asking retention of tax on cigars, etc.—to the Committee on Ways and Means.

Also, petition of Monthly Meeting of Friends, Vermilion County, Illinois, protesting against recommendations of the Senate Naval Committee proposing a large expenditure for Navy and coast defenses and other warlike purposes—to the Committee on Naval Affairs.

By Mr. CARLISLE: Joint resolution, to pay the mileage of James



Laird, deceased, for the second session of the Fiftieth Congress—to the Committee on Claims.

By Mr. CHEADLE: Petition of Kokomo Monthly Meeting of Friends, 310 in number, against the appropriation of money to build up a Navy—to the Committee on Appropriations.

By Mr. CHIPMAN: Petition of Mr. Marston and others, of Michigan, relative to Supreme Court—to the Committee on the Judiciary.

Also, petition of 145 citizens of Michigan, for Sunday-rest law—to the Committee on the Judiciary.

By Mr. COMSTOCK: Petition of settlers in Marshall, Polk, and Kittson Counties, Minnesota, asking relief from effects of railroad land grants—to the Committee on the Public Lands.

Also, petition of citizens of Kittson, Marshall, and Polk Counties, Minnesota, asking for relief—to the Committee on the Public Lands.

Also, petition urging establishment of navy-yard at New Orleans, La.—to the Committee on Naval Affairs.

By Mr. CONGER: Petition of Wadsworth Post, Grand Army of the Republic, Dexter, Iowa, in favor of service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Jason D. Ferguson Post, Grand Army of the Republic, Nevada, Iowa, in favor of service-pension bill—to the Committee on Invalid Pensions.

By Mr. COVERT: Concurrent resolutions of the Legislature of New York, favoring the passage of Senate resolution No. 46, authorizing the Secretary of War to cause the removal of the naval magazine from Ellis Island, in New York Harbor, etc.—to the Committee on Military Affairs.

By Mr. CRAIG: Petition of over 700 soldiers of Indiana and Jefferson Counties, Pennsylvania, recommending a service pension, widows' pension, and pension for prisoners of war—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: Petition of 244 citizens of Michigan, asking for a national Sunday-rest law—to the Committee on the Judiciary.

By Mr. DELANO: Petition of B. A. Way, of Windsor, Broome County, New York, and 114 others, farmers of same place, asking an increase of tariff duties upon various farm products, as stated in petition—to the Committee on Ways and Means.

Also, petition from William H. Tuttle, of Canastota, N. Y., asking that data in relation to electrical industry be collected by the Superintendent of Census in addition to the general statistics of manufactures already provided for by law—to the Select Committee on the Eleventh Census.

By Mr. GIFFORD: Memorial by Woman's Christian Union of Highmore, S. Dak., against further expenditure to increase the Navy—to the Committee on Naval Affairs.

Also, memorial by Ransom Post, Grand Army of the Republic, of Mitchell, S. Dak., for the passage of a dependent pension bill—to the Committee on Invalid Pensions.

By Mr. HAYNES: Memorial and petition of Henry E. Howe and 48 others, citizens of Toledo, Ohio, praying for the erection of a monument at Put-in Bay, Ohio, to commemorate Oliver Hazard Perry and others who participated in the naval battle of Lake Erie on the 10th of September, 1813—to the Committee on the Library.

Also, petition and memorial from A. T. Clark and 232 others, citizens of Toledo, Ohio, for same purpose—to the Committee on the Library.

By Mr. KELLEY: Petition of mass meeting of citizens of Sumner County, Kansas, asking for the passage of Ingalls-Cheadle service-pension bill—to the Committee on Invalid Pensions.

Also, petition of old soldiers and seamen of Geary County, Kansas, demanding the passage of same measure—to the Committee on Invalid Pensions.

Also, petition of Hopewell Lodge, F. M. B. A., Woodson County, Kansas, asking for free coinage of silver, abolition of the national-banking system, legislation against trusts and monopolies, and in favor of electing United States Senators by the people, in favor of a liberal system of pensions to the soldiers and sailors, and protesting against increase of salaries of any public officers—to the Committee on Agriculture.

By Mr. LANE: Petition of the F. M. B. A. Lodge No. 1514, of Illinois, for relief—to the Committee on Agriculture.

Also, petition of F. M. B. A. Lodge No. 1779, of Bull Hill, Fayette County, Illinois, for relief—to the Committee on Agriculture.

Also, petition of F. M. B. A. Lodge No. 1583, Illinois, for relief—to the Committee on Agriculture.

By Mr. MCADOO: Petition of tea importers of New York, Philadelphia, Boston, and Chicago, to have an ad valorem duty on teas imported into the United States from countries west of the Cape of Good Hope—to the Committee on Ways and Means.

By Mr. MAISH: Petition of Pennsylvania Agricultural Society, for reimbursement for expenses in holding international sheep and wool show in 1880—to the Committee on Claims.

Also, three affidavits in support of claim of Robert R. Matthews, of Carlisle, Pa.—to the Committee on Invalid Pensions.

By Mr. MORRILL: Resolutions of Upton Post, Grand Army of the

Republic, Caldwell, Kans., for service-pension law—to the Committee on Invalid Pensions.

Also, resolutions of the old soldiers and sailors of Gray County, Kansas, for service-pension law—to the Committee on Invalid Pensions.

Also, petition of L. E. Hanson and 37 others, ex-soldiers, of Mound Valley, Labette County, Kansas, for service-pension law—to the Committee on Invalid Pensions.

By Mr. MORROW: Petition of citizens, merchants, manufacturers, and business men of San Francisco, Cal., in favor of the repeal of sections 4 and 5 of the interstate-commerce law—to the Committee on Commerce.

Also, petition of citizens and letter-carriers of same city, in favor of passage of H. R. 3863—to the Committee on the Post-Office and Post-Roads.

By Mr. O'DONNELL: Petition of 7,971 citizens of the District of Columbia, against the Breckinridge Sunday bill—to the Committee on the District of Columbia.

By Mr. OUTHWAITE: Resolutions of the Governor Dennison Camp, No. 1, Sons of Veterans, in favor of general pension law—to the Committee on Invalid Pensions.

Also, petition of Henry Lorison, for special-act pension—to the Committee on Invalid Pensions.

By Mr. PAYNE: Petition of John Earls, corporal Company I, Twentieth Regiment Kentucky Volunteers, for amendment of military record and allowance of arrears of service pay, bounty, etc.—to the Committee on Military Affairs.

By Mr. PERKINS: Petitions and memorials from L. D. Winters, E. A. Rosser, and 100 others, citizens of Montgomery County, Kansas, asking for the service-pension bill and the passage of the Perkins bill, providing for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petitions and memorials from E. Foster, Charles H. Goodrich, Daniel Grass, and 160 others, citizens of Montgomery County, Kansas, asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. PETERS: Petition of Jane G. Hamilton, for pension—to the Committee on Invalid Pensions.

Also, address of convention of colored Americans of United States of America, praying for equal rights—to the Committee on the Judiciary.

Also, resolutions of Mossville Grange, No. 1645, Patrons of Husbandry, for the free coinage of silver and indorsing the Post silver bill—to the Committee on Coinage, Weights, and Measures.

By Mr. POST: Petition of 36 members of G. L. Fort Post, Grand Army of the Republic, for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. QUINN (by request): Petition of 156 individuals, asking for a national Sunday-rest law—to the Committee on the Judiciary.

By Mr. ROGERS: Petition of citizens of Mulberry, Ark., praying for the passage of special act for the relief of John Clark—to the Committee on Invalid Pensions.

By Mr. RUSSELL: Petition for the relief of Columbus Alexander—to the Committee on the District of Columbia.

By Mr. SNIDER: Petition of board of park commissioners of Minneapolis, Minn., in favor of the improvement of Fort Snelling reservation—to the Committee on Military Affairs.

Also, resolutions of Chamber of Commerce, Duluth, Minn., for a navy-yard at New Orleans, La.—to the Committee on Commerce.

By Mr. STEPHENSON: Resolutions of the Chamber of Commerce, Sault Ste. Marie, relative to the need of a public building at Sault Ste. Marie, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. STRUBLE: Petition of Cottrell Post, Grand Army of the Republic, No. 76, Hull, Iowa, urging the passage of the service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions from George B. Divis and 11 others, of Sanborn, O'Brien County, Iowa, asking for the restoration of silver to its constitutional place as a money metal—to the Committee on Banking and Currency.

Also, resolutions from J. R. Brady and 12 others, citizens of O'Brien County, Iowa, for restoration of silver to its constitutional place as a money metal—to the Committee on Banking and Currency.

Also, resolutions from E. P. Parker and 27 others, of Sanborn, O'Brien County, Iowa, for same purpose—to the Committee on Banking and Currency.

Also, resolutions of M. C. Hills and 104 others, ex-soldiers of Smithland, Iowa, in favor of the service-pension bill and army-nurse bill, etc.—to the Committee on Pensions.

By Mr. TARSNEY: Petition of William Warren and others, of Kansas City, Mo., for passage of House bill No. 3863, fixing letter carriers' salaries—to the Committee on the Post-Office and Post-Roads.

By Mr. TAYLOR, of Illinois (by request): A petition of 14 citizens of Illinois, asking that the Public Printer be directed to conform to certain changes in spelling—to the Committee on Education.

By Mr. WALKER, of Missouri: Additional papers in the claim of Michael Sherrer for pension—to the Committee on Invalid Pensions.

## HOUSE OF REPRESENTATIVES.

SATURDAY, March 8, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

## CO-OPERATION WITH MEXICO IN PURSUING HOSTILE INDIANS.

Mr. MCCREARY. I desire to make a privileged report from the Committee on Foreign Affairs. I am directed by that committee to report the resolution which I send to the Clerk's desk, and request that it be adopted.

The Clerk read as follows:

*Resolved*, That the President be requested to communicate to the House of Representatives, if in his opinion it is not incompatible with the public interest, any correspondence with the Mexican Government in regard to the employment in the regular Army of the United States of Indian scouts for the purpose of pursuing hostile Indians in their raids in the territory of the United States and of Mexico, and in regard to the proposed transfer of the Apache Chiricahua Indians from Mount Vernon Barracks, Alabama, to Fort Sill, Ind. T.

The Committee on Foreign Affairs, to whom was referred the resolution requesting the President of the United States of America to communicate to the House of Representatives, if in his opinion it is not incompatible with the public interest, any correspondence with the Mexican Government in regard to the employment in the regular Army of the United States of Indian scouts for the purpose of pursuing hostile Indians in their raids in the territories of the United States and in Mexico, and in regard to the proposed transfer of the Apache Chiricahua Indians from Mount Vernon Barracks, Alabama, to Fort Sill, Ind. T., have had the same under consideration, and report it to the House of Representatives and recommend that the resolution be adopted.

The SPEAKER. The question is upon the adoption of the resolution.

The resolution was adopted.

## PUBLIC BUILDING AT LANSING, MICH.

Mr. BREWER. On Thursday last the House passed the bill (S. 306) for the erection of a public building in the city of Lansing, in the State of Michigan. The bill (H. R. 6943) for the same purpose has been reported and is upon the Calendar. I ask unanimous consent that it be laid on the table.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

## LEAVE OF ABSENCE.

By unanimous consent, on motion of Mr. BREWER, leave of absence was granted to Mr. ALLEN, of Michigan, for this day.

## ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at sixteen minutes after 12.

Mr. DINGLEY. On Thursday last I asked unanimous consent—

The SPEAKER. The morning hour has commenced, and unanimous consent can not be asked in that hour; but without objection the Chair will hear the gentleman.

Mr. DINGLEY. I simply desire to ask that, as the Committee on Merchant Marine and Fisheries was passed on Thursday in the absence of the gentleman from Illinois [Mr. HOPKINS], on account of sickness, and its time taken by another committee, it may be allowed to retain its place in the call of committees without prejudice.

Mr. CUMMINGS. I object.

Mr. DINGLEY. I think if the gentleman from New York understood that this request was made on account of the absence of the gentleman from Illinois on account of sickness he would not object.

Mr. CUMMINGS. I object, Mr. Speaker.

## COMPULSORY ATTENDANCE OF WITNESSES BEFORE LAND OFFICERS.

The SPEAKER. The bill before the House is the bill (H. R. 7216) providing for the compulsory attendance of witnesses before registers and receivers of land offices; and the gentleman from Alabama [Mr. COBB], having offered an amendment, is recognized.

[Mr. COBB withholds his remarks for revision. See Appendix.]

Mr. COBB. Mr. Speaker, I propose now, as I said in the outset, to withdraw my pending amendment, and to offer in lieu of it the one I send to the desk.

The Clerk read the amendment, as follows:

Amend by striking out all of section 3 down to the word "provided," in the ninth line, and inserting the following:

"That any person willfully neglecting or refusing obedience to such subpoena, or neglecting or refusing to appear and testify when subpoenaed, his fees having been paid if demanded, shall be proceeded against as follows: The register or receiver shall, if required so to do by the party in whose behalf the witness is summoned, return the original subpoena and the affidavit of the person who executed the same, together with a statement from such register or receiver that the witness failed to obey the subpoena, to the district court of the United States; which court shall, on motion by said party who caused the subpoena to issue, cause a conditional judgment in the sum of \$100 to be entered against said defaulting witness; which judgment may be made absolute, in whole or in part, if said witness fails, on notice issuing from said court and served upon him at least ten days previous to final hearing, to make sufficient excuse, either in person or by evidence deemed satisfactory by the court. Said conditional and final judgment shall be in the name of the United States and the recovery shall be disposed of as a fine collected in said court."

The amendment was agreed to.

Mr. PAYSON. Mr. Speaker, I move the previous question upon the engrossment and third reading of the bill as amended.

Mr. COBB. I ask the gentleman to withhold that for a moment. I want to offer an amendment to the third section which I presume the gentleman will accept.

Mr. PAYSON. What is it, in substance?

Mr. COBB. It is, in substance, providing for depositions where the party lives out of the county or is a female.

Mr. PAYSON. I have no objection to that. That may be inserted by unanimous consent. Then I demand the previous question, Mr. Speaker.

The previous question was ordered.

Mr. LIND. Mr. Speaker, I desire to offer an amendment, which I send to the desk.

The amendment was read, as follows:

In section 3, strike out all after the word "act" in the twelfth line, being the second proviso in the section.

Mr. LIND. I do not desire, Mr. Speaker—

The SPEAKER. The previous question has been ordered. The question is upon agreeing to the amendment of the gentleman from Minnesota.

A MEMBER. Let the proviso proposed to be stricken out be read.

The proviso was read, as follows:

*Provided further*, That in case any party to a contest shall be unable to pay witness fees and shall make and file with the register or receiver an affidavit that he is unable to pay said fees and that he has a meritorious cause, and set forth in said affidavit what he can prove by said witnesses, if the register or receiver shall believe and so certify that the testimony so set forth is material to the issue, said witnesses shall be subpoenaed and attend without first having their pay, and in such case the subpoena issued shall state that the witness is required to attend without prepayment of fees or mileage, and all the provisions of this act, for the attendance of witnesses, shall apply to said witnesses, and they shall receive certificate of attendance from the officer before whom he is subpoenaed, which certificate shall be a liability of the person at whose instance they were subpoenaed.

The question was taken on agreeing to the amendment; and the Speaker declared that the yeas seemed to have it.

Mr. LIND. I ask for a division.

The House divided; and there were—ayes 70, noes 44.

So the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question is upon the passage of the bill.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, has not the hour expired?

The SPEAKER. The Chair thinks it has not quite expired.

Mr. PAYSON. The indicator shows that the hour began at 12.17, and it is only fifteen minutes past 1.

The SPEAKER. The previous question is operating, which will carry the matter through.

The question was taken upon the passage of the bill; and the Speaker declared that the yeas seemed to have it.

Mr. BRECKINRIDGE, of Kentucky. I ask for a division.

The House divided; and there were—ayes 81, noes 29.

So the bill was passed.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

## ORDER OF BUSINESS.

The SPEAKER. Sixty minutes of the morning hour having elapsed, in accordance with the order of the House it is now in order for the gentleman from Maine [Mr. MILLIKEN] to move to go into Committee of the Whole.

Mr. CLEMENTS. Mr. Speaker, I ask whether it is in order now to present a privileged report from the Committee on Appropriations. It will take but a moment.

The SPEAKER. The gentleman from Maine [Mr. MILLIKEN] has preference under the order of the House.

Mr. MILLIKEN. I move that the House now resolve itself into Committee of the Whole for the consideration of bills reported from the Committee on Public Buildings and Grounds.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. PAYSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills reported from the Committee on Public Buildings and Grounds under the special order, and the gentleman from Maine [Mr. MILLIKEN] has the floor.

## PUBLIC BUILDING, NEWARK, N. J.

Mr. MILLIKEN. I call up for consideration the bill (H. R. 7156) to provide for the increase of the limit of cost of site and public building at Newark, N. J.



The bill was read, as follows:

*Be it enacted, etc.,* That the act of Congress approved March 1, 1888, be, and the same is hereby, amended so as to authorize and direct the Secretary of the Treasury to acquire, by purchase or condemnation, such land as he may deem necessary in addition to the site of the custom-house and post-office building; to remove the present custom-house and post-office building, and to erect, in addition to the building known as the Church building, a suitable, commodious, and substantial building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, complete, for the use and accommodation of the United States custom-house, post-office, and other Government offices, in the city of Newark and State of New Jersey; and for said purposes the limit of cost of site and buildings be, and the same is hereby, increased from \$350,000, fixed by act of Congress approved March 1, 1888, to \$650,000; and that the sum of \$300,000, in addition to the sum of \$350,000 appropriated by act of Congress approved March 1, 1888, be, and the same is hereby, appropriated, out of any moneys in the United States Treasury not otherwise appropriated.

Mr. HOLMAN. I rise to a question of order.

Mr. BLOUNT. I wish to reserve the point of order that this bill makes an appropriation of money.

Mr. HOLMAN. I wish to know when that bill was introduced. I wish to raise a question of order that it makes an appropriation of money.

The CHAIRMAN. The Chair is advised that it was introduced on the 18th of December. For that bill the pending proposition was reported as a substitute.

Mr. HOLMAN. The Chair laid some stress on the time the bill was introduced; that perhaps it was introduced before the present rules were adopted.

Mr. MILLIKEN. If the gentleman will allow me I will move to amend the bill by striking out all of that portion of it against which the gentleman makes his point of order, commencing in line 20, and which is as follows:

and that the sum of \$300,000, in addition to the sum of \$350,000 appropriated by act of Congress approved March 1, 1888, be, and the same is hereby, appropriated, out of any moneys in the United States Treasury not otherwise appropriated.

The CHAIRMAN. By unanimous consent that can be done.

Mr. BLOUNT. I would be glad to take the Chair's ruling on the question of order.

The CHAIRMAN. If the motion of the gentleman from Maine prevails to strike out that portion of the bill on which the point of order is made, of course argument on that point would be unnecessary.

Mr. BLOUNT. But if the amendment should be voted down, then under the practice prevailing here it would be too late to make the point of order.

The CHAIRMAN. The point of order may be reserved, and if the amendment the gentleman proposes to make be voted down then the point of order can be made.

Mr. BLOUNT. The object I have, Mr. Chairman, is to get the ruling of the Chair on this point. I am not reasoning on the saving of the amount of money in this particular bill, but I think it proper that the practice in relation to this class of bills should be fixed.

Mr. MILLIKEN. If we can have a vote on that point of order now I will withdraw my amendment; but if that point of order is to be discussed for two or three hours, I prefer it should be discussed at some other time than that allotted to this bill.

Under the new rules the Committee on Public Buildings and Grounds can not get in unless they have days set apart for them. When our committee is called we take up only bills on the Calendar of the House. The bills coming from the Committee on Public Buildings and Grounds have to be considered in the Committee of the Whole, and if we can save time I will agree, as I have already said, to strike out that portion of the bill making an appropriation. I do not object to the point of order being made if we can have the vote on it at once.

Mr. BLOUNT. Under the rules to which I refer the Committee on Public Buildings and Grounds having the right to report at any time is another reason why we should discuss the questions of order when they come up, so we may ascertain the correct mode of procedure. I think my friend from Maine will save time if he will allow the point of order to be decided.

The CHAIRMAN. Under the proposition made by the gentleman from Maine it would still be in order to raise the point of order.

Mr. BLOUNT. I am not undertaking to determine whether the amount of appropriation is too large or too small. I am trying to ascertain what the rule is.

The CHAIRMAN. The amendment strikes out the appropriation, and if agreed to it will strike from the bill that portion against which the point of order is made.

Mr. BLOUNT. I understand that. It is quite clear to me. What I am endeavoring to do is to get the ruling on the question of order raised by myself. The amendment may or it may not be adopted.

Mr. MILLIKEN. Let us have a ruling.

The CHAIRMAN. This is an important question, and if the Chair is called upon to decide it he desires the fullest opportunity should be given to discuss the question of order and at such length as gentlemen wish. The gentleman from Maine is recognized and will take such course as he may think proper.

Mr. BLOUNT. I have raised a question of order, which I insist is in order before the amendment of the gentleman from Maine.

Mr. DIBBLE. I ask whether it is not in order to concede the point

of order for the purpose of facilitating business. I propose that the point of order be conceded. We consent that the section be struck out on the point of order.

Mr. BLOUNT. That would be a novel performance.

Mr. DIBBLE. There can be no possible objection, if we concede the point of order.

Mr. BLOUNT. I do not know whether the gentleman has the right to take from the Chair the duty of ruling upon the point. If the Chair thinks so, I am content.

The CHAIRMAN. The difficulty, under the suggestion made by the gentleman from South Carolina [Mr. DIBBLE], is that, while he may be willing to concede the point for himself, he can not do so for the Committee of the Whole or for the Chair.

Mr. BAYNE. I submit that the rules which we have adopted were intended to facilitate business. I submit, moreover, that when a bill is in charge of a committee and of the chairman of the committee and a point of order is raised against one feature of it, and the chairman of the committee in charge of the bill, representing that committee, is willing the provision against which the point of order is raised should be stricken from the bill—

The CHAIRMAN. But let the Chair interrupt the gentleman at this point to say, Suppose the majority of the Committee of the Whole should not be willing that the provision be stricken from the bill?

Mr. BAYNE. Then let a vote be taken. As the Chair suggested, the point of order might be reserved, and if the paragraph be not stricken from the bill the point of order can be discussed by the gentleman from Georgia and others.

The CHAIRMAN. The gentleman from Georgia insists that he has the right to present the point of order at this time and have it argued and disposed of in a parliamentary way.

Mr. BAYNE. Notwithstanding the fact that the chairman of the Committee on Public Buildings and Grounds and the committee itself are willing that the provision against which the point of order is raised shall be stricken from the bill?

The CHAIRMAN. Does the gentleman think that the chairman of the Committee on Public Buildings and Grounds or that the committee itself can waive a point which the Committee of the Whole has the right to act on?

Mr. BAYNE. Undoubtedly not, but the Committee of the Whole can dispose of the proposition in the summary way now proposed and can eliminate this paragraph from the bill, thus obviating the waste of considerable time in the discussion of the point of order.

Mr. DIBBLE. I ask unanimous consent that the paragraph objected to be stricken out under the point of order.

Mr. BLOUNT. I object, Mr. Chairman.

Mr. BAYNE. Yes, there it is!

Mr. MILLIKEN. I ask a vote on my motion.

Mr. DIBBLE. Now, as no objection is made to striking out this paragraph—

The CHAIRMAN. But objection is made by the gentleman from Georgia.

Mr. DIBBLE. The gentleman from Georgia can not object for this reason: that he is himself moving to strike out the paragraph on a point of order; therefore he can not object to its going out.

The CHAIRMAN. But the gentleman from South Carolina submits a request for unanimous consent; that request is submitted to the Committee of the Whole, and the gentleman from Georgia [Mr. BLOUNT] objects. That ends the request of the gentleman from South Carolina.

Mr. DIBBLE. But the Chair will permit one remark. The gentleman from Georgia when he makes a point of order against this paragraph moves in effect that it shall go out of the bill.

The CHAIRMAN. By the decision of the Chair. It is not a motion.

Mr. DIBBLE. It is not a motion; but the effect of it is to carry the paragraph out of the bill on a point of order.

The CHAIRMAN. By the decision of the Chair.

Mr. DIBBLE. Now, when unanimous consent is asked that this paragraph go out of the bill on the point of order, unanimous consent is asked to accomplish the precise thing that the gentleman has undertaken to accomplish by his point of order, and he can not be on both sides of the same question at the same time.

A MEMBER. Oh, yes, he can.

The CHAIRMAN. The Chair is inclined to think that is a matter of personal consistency of which the gentleman from Georgia is entitled to be the sole judge. [Laughter.]

Mr. GEAR. Is it competent to move to strike out the paragraph?

The CHAIRMAN. It is when the bill has reached a stage which will allow that motion to be entertained. But the bill has been read for general debate only; it has not yet been read by paragraphs for amendment. The Chair expresses the wish that the gentleman from Georgia would allow the gentleman from Maine to take the course indicated; and, if the motion should not be sustained, all rights of the gentleman from Georgia will be reserved.

Mr. BLOUNT. I would like very much to accommodate the Chair personally; but I have an object in debating this question of order.

The CHAIRMAN. The Chair will hear the gentleman from Georgia.

Mr. BAYNE. I ask for the regular order.

The CHAIRMAN. The regular order is the point of order made by the gentleman from Georgia.

Mr. BAYNE. Before the bill is read?

The CHAIRMAN. The bill has been read.

Mr. BAYNE. But before the bill has been read for consideration by paragraphs, is it competent to raise this point of order?

The CHAIRMAN. The Chair thinks the point of order may be entertained now. In order that the Chair may be understood, the committee will please give attention, and the Chair would be glad to have the attention of the gentleman in charge of the bill.

Mr. MILLIKEN. Will the Chairman listen to me for one moment?

The CHAIRMAN. The Chair has been endeavoring to have the gentleman from Maine listen to him.

Mr. MILLIKEN. The suggestion I wish to make to the Chair, if I may be pardoned a moment, is that I understand this is a question of order raised by the gentleman from Georgia, and that the argument upon it is a matter within the discretion of the Chair as to duration.

The CHAIRMAN. Undoubtedly.

Mr. MILLIKEN. Now I move, if in order, to strike out the paragraph in order to save the time of the committee. I have nothing whatever to conceal—

The CHAIRMAN. The Chair will state to the gentleman from Maine that at present that motion is not in order, the bill not having reached the condition where the motion could be entertained.

The Chair wishes to state, and to be understood by the members of the committee when he states, that when the point of order was made against the bill on the last day when reports from the Committee on Public Buildings and Grounds were under consideration, it was submitted by the gentleman from Illinois [Mr. CANNON] and embodied precisely the same point that is now made by the gentleman from Georgia. At that time, however, the bill had been read, the general debate had been practically closed, and the gentleman from Maine in charge of the bill had been recognized to move to lay the bill aside with favorable recommendation. Then the point of order was submitted by the gentleman from Illinois, and the Chair held that in the parliamentary condition of the question then prevailing, whatever might have been the decision of the Chair if the point of order had been made at an earlier stage of the proceedings, the judgment of the Chair was that it then came too late. That was the decision of the Chair at that time and the extent of the decision only.

The point of order of the gentleman from Georgia, however, is now interposed when the bill is first presented for consideration; and, as it embraces a question of considerable importance, the Chair desires to hear the gentleman from Georgia and other gentlemen who may wish to submit their views upon the question. The gentleman from Georgia is recognized.

Mr. BLOUNT. It is not my purpose, Mr. Chairman, to exhaust the time allowed to the committee, nor do I think it necessary to occupy any considerable length of time in presenting the reasons why this point of order should, in my judgment, be sustained.

It is not by any means a new question here. It is a question of jurisdiction which has been raised between the Committee on Public Buildings and Grounds and the Committee on Appropriations. It has been raised in former Congresses, and I raise it here because I believe it to be in the interest of the public service that it should be raised and decided by the Chair at the present time for the guidance of the House in future.

Under clause 3 of Rule XI the jurisdiction of the Committee on Appropriations is specifically defined. It provides that all subjects relating—

to appropriation of the revenue for the support of the Government, as herein provided, namely, for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for the District of Columbia; for pensions; and for all deficiencies: to the Committee on Appropriations.

I need scarcely say to the present occupant of the chair that one of the features of the sundry civil appropriation bill specifically mentioned in this paragraph of the rule has always been a provision making appropriation for the construction of public buildings.

Clause 21 of this same rule provides for and defines the jurisdiction of the Committee on Public Buildings and Grounds:

That all proposed legislation relating to the public buildings and occupied or improved grounds of the United States, other than appropriations therefor, shall be referred to the Committee on Public Buildings and Grounds.

There is first a direct committal of jurisdiction and the creation of jurisdiction of the appropriations for public buildings and grounds to the Committee on Appropriations. Then there is a distinct denial to the Committee on Public Buildings and Grounds of the right to frame appropriation bills for public buildings. The language of the rule is clear and specific in both of these clauses, and I think there can be no question about the correctness of the statement I have made.

As I have said, it is not a new question to-day. It has been contended in prior Congresses that because the House had permitted a bill to go to the Committee on Public Buildings and Grounds providing for the construction of a building, and in addition thereto providing for an appropriation to pay the cost of construction, it gave to the Committee on Public Buildings and Grounds jurisdiction thereof.

I say, Mr. Chairman, that question was raised in a former House and every argument was urged in favor of the Committee on Public Buildings and Grounds; and the Chair has uniformly, so far as my present recollection goes, sustained the jurisdiction of the Committee on Appropriations as against the Committee on Public Buildings and Grounds. The Chair will observe that it would be a difficult thing to keep a bill of this character from the Committee on Public Buildings and Grounds, as a part of the subject-matter embraced in the bill belongs in the language of the rule to that committee, to wit, the authorization of the building itself. It is so in this case. A part of this bill embodies a subject which that committee has unquestionable jurisdiction of, and the Speaker rightly referred it there; but will the Chairman undertake to say that the mere reference of the bill under these circumstances indicates a purpose on the part of the House to do away with the rules of the House on this question and confer jurisdiction upon a different subject?

Again, sir, the importance of this subject demands that we give a proper construction to the rule. You have a Committee on Appropriations of this House and a system by which the appropriations are referred to that committee, a system originating in a wise and conservative purpose, that is, to submit to one committee of the House, as a general proposition, all matters of expenditure for this great Government. They are the guardians of the Treasury in that regard.

Mr. DIBBLE. Mr. Chairman, I submit that the gentleman is not speaking to the point of order.

The CHAIRMAN. The point of order is overruled.

Mr. BLOUNT. I am somewhere about there, as my friend from Texas sitting near me suggests.

That Committee on Appropriations is charged with the duty of admonishing the House of the condition of the Treasury and the amount of the appropriations that are proper. The jurisdiction of the Committee on Appropriations ought to be carefully guarded, more carefully guarded—that and the Committee on Ways and Means—than that of any other of the committees of this House, because they are charged with regulating the burden to be imposed on the people of the country. And when this rule was created and placed among the methods of procedure in this House, and when the policy has been pursued in prior Congresses, during a long series of years, by the same animating spirit, the present occupant of the chair appreciates too well its force to permit by inadvertence the whole policy of the House to be destroyed. Why, sir, are you bound, in directing the proceedings of this House, by a flimsy technicality, or will you with strong hand hold the committees of this House to the jurisdiction assigned by the rules of the House? I do not care, sir, to occupy further the time of the House. If it were a new question I might ask to be heard further upon it.

The CHAIRMAN. Before the gentleman from Georgia concludes the Chair desires to hear from the gentleman his opinion, and the reason therefor, as to where the bill should have been referred when it was first introduced.

Mr. BLOUNT. This bill, one part of it, the Committee on Public Buildings and Grounds has jurisdiction of, and one part only, to wit, the authorization of a public building. The Committee on Appropriations has jurisdiction after that authorization is made—

Mr. DINGLEY. If the gentleman from Georgia will pardon me a moment, does the gentleman mean to say that a bill could be divided, one-half part committed to one committee and the other half to another? I understand that is a point that has been decided in the House frequently, that a bill can not be divided, but must be referred either to one committee or the other as a whole.

Mr. BRECKINRIDGE, of Kentucky. Would not that then make the reference of a bill depend upon the will of each individual member? By putting in separate clauses he would obtain jurisdiction for a committee which would not otherwise have jurisdiction. For instance, the Committee on Ways and Means might get jurisdiction of an appropriation and the Committee on Appropriations of a question of taxation.

Mr. DINGLEY. It would be impracticable to divide a bill which was pending before the House for reference. Must it not be referred as an entirety?

Mr. BRECKINRIDGE, of Kentucky. If I understand the position of the gentleman from Maine, then his question would lead to this result: That simply so much of the bill as is lawfully within the jurisdiction of a committee is referred to that committee and so much of it as refers to or comes within the jurisdiction of another committee should go to another committee, and those portions of the bill of which the committee has not jurisdiction could not be taken consideration of by that committee.

Mr. BLOUNT. Mr. Chairman, I believe I have the floor.

Mr. BRECKINRIDGE, of Kentucky. I beg the gentleman's pardon; I did not know that he desired to retain the floor.

Mr. BLOUNT. The gentleman from Maine, knowing that the declaration of this House in its rules is that the Committee on Appropriations shall have jurisdiction of questions relating to public buildings and that the Committee on Public Buildings and Grounds shall have jurisdiction only of matters relating to the authorization of buildings, would have a response from me that, notwithstanding these rules, the Committee on Public Buildings and Grounds, because the gentlemen saw fit to couple one matter within the jurisdiction of that committee to



another not within the jurisdiction of the committee, would thereby have conferred upon it jurisdiction which it had not under the rules.

The CHAIRMAN. The gentleman from Georgia will pardon the Chair for suggesting a question. If a bill is introduced, say in the precise form of this one, involving a proposition for the erection of a building and making appropriation to pay for it, it being introduced by a member under his right, in the judgment of the gentleman, where should that bill be referred under the rule?

Mr. BLOUNT. I would unhesitatingly say that it ought to be referred to the Committee on Appropriations, and for two reasons.

The CHAIRMAN. That much of it?

Mr. BLOUNT. Certainly. I want—

The CHAIRMAN. Then, if it may be properly—

Mr. BLOUNT. If the Chair will allow me. I want to say that part of it which relates to the authorization of a public building ought to be referred to the Committee on Public Buildings and Grounds, and that part containing the appropriation belongs to no committee of this House. Then, if that properly were referred to the Committee on Appropriations in anticipation of the law, if reported upon by that committee, it would be subject to a point of order, even if referred to the Committee on Appropriations.

The CHAIRMAN. Then, does the gentleman from Georgia think that a bill proposing to make an appropriation for a public building in contemplation of legislation for its erection can not be introduced and referred in any event?

Mr. BLOUNT. I do not say that it can not be introduced and referred, because the Committee on Public Buildings and Grounds would have jurisdiction of it; but the Committee on Public Buildings and Grounds has not jurisdiction of the question of appropriation, because it is expressly denied to it by the House.

The CHAIRMAN. Suppose the House should send it there, then what?

Mr. BLOUNT. Mr. Chairman, if the House should by inadvertence send a bill to that committee what has that committee to do? What has it done in the past? The House has trusted the committee to send it back. What is the plan now? You have provided that in three days a member of any committee may get up and have the reference corrected. You have directed the method of getting at it. The introduction and reference of a bill do not give jurisdiction; the power of correction is left, and it may be made at any time within the limit of the rule; but the provision of a mode of correcting a reference to the committee rightfully having jurisdiction does not repeal the rule conferring jurisdiction upon the committee where there has been no purpose manifested to give that committee jurisdiction of it. But, Mr. Chairman, this is not a new question. It has been in every Congress in which I have had the honor to serve from the Forty-fourth on down until now; and for sixteen years, so far as I have been able to observe, the Chairman of the Committee of the Whole has invariably given the construction that the mere reference of a bill to a wrong committee did not give that committee jurisdiction of it.

When the Committee on Public Buildings and Grounds had a bill referred to it, containing an appropriation for a building, it has on a question of order been the practice to rule it out. So that we are not left in the construction of this language to the literal terms of it. If there was a desire to adopt that, and while an exact construction of it pointed in that way, this language will be construed in the light of the precedents and of the course of the House for all time past.

The CHAIRMAN. The Chair will be glad if the gentleman from Georgia would state an instance in the line he has suggested. The Chair was unable last night to find any in the line that the gentleman suggests.

Mr. BLOUNT. I can not just now cite any. I was not expecting to have to cite any instances of the kind; but the chairman of the Committee on Public Buildings and Grounds during the last Congress knows the proceedings on this question. I had not expected to have anything to say or to have any occasion to bring these cases to the attention of the House.

Mr. DIBBLE. I would like to ask my friend one question.

Mr. BLOUNT. Certainly.

Mr. DIBBLE. During the Fiftieth Congress the gentleman from North Carolina [Mr. COWLES] moved a reference of a revenue bill for the repeal of the tobacco tax to the Committee on Appropriations. Under the rules it unmistakably would go to the Committee on Ways and Means. Now, do I understand when the House had referred that bill—a revenue bill—to the Committee on Appropriations it is the opinion of my friend that the Committee on Appropriations could not report it because it would be obnoxious to a point of order?

Mr. BLOUNT. Mr. Chairman, the case there cited by my friend is very far off. There was a distinct issue made in this House in a most aggressive form. The manifestation was a clean, clear, and unmistakable purpose of the House; and it was so referred. The matter of appropriations for public buildings was never brought to the attention of this House, and it only develops when these bills are being read here to-day. And I say, if the Chair takes the rules and the spirit of the rules as the mode of procedure by the House, and being bound to execute them in letter and spirit, for the purpose of carrying out the in-

tention of the House, the Chair will not rule because of this sort of reference—this unconscious reference of this matter to a committee—as he would where the distinct issue had been raised. So that I think the illustration of my friend is very far off.

I think he would have been much more apt if, instead of going off to that question in which high feeling was evidenced, he had followed his own history in debate on jurisdiction of the Committee on Public Buildings and Grounds and cited as instances from that.

Mr. Chairman, I do not care to occupy further time. This is all I expect to have to say about these public buildings, and it is for this House to determine for itself whether it shall lay the bars down and make the appropriations in all of these bills, ignoring the check and restraints made by their reference to the Committee on Appropriations, and recklessly and carelessly and unprecedentedly vote money out of the public Treasury.

Mr. DINGLEY. I wish simply to remind the gentleman from Georgia and the Chair that this point has been repeatedly decided, and decided to this effect: that whatever the House or the organ of the House may refer to a committee the committee thereby obtains jurisdiction. The last ruling on this point was by Speaker CARLISLE on the 29th of February, 1884. The Committee on Military Affairs reported a bill, as a substitute for another bill, granting a pension to General Pleasanton. The gentleman from Pennsylvania [Mr. BAYNE] made the point of order that the Committee on Military Affairs had not jurisdiction of the subject of pensions; whereupon the Speaker [Mr. CARLISLE] ruled:

The Speaker overruled the point of order on the ground that it was competent for the House to refer a bill to any committee that it pleased, and the committee thereby obtained jurisdiction of the matter.

I have nothing further to say.

Mr. BURROWS. I would like to ask the gentleman a question on this point. There can be no doubt of the power of the House at any time to refer a bill to whatever committee it may deem proper. But under our present rules bills are not referred in any public manner; the House knows nothing about the reference unless members take occasion to look over the RECORD. Now suppose this bill providing for the erection of a public building, referred as it was, had contained a provision on the subject of taxation, a provision for raising revenue by the imposition of duties on imported articles, would the gentleman contend that the bill having gone to the Committee on Public Buildings and Grounds there would be no way of avoiding the consideration of the question of taxation on that bill? Would not a point of order lie against it?

Mr. DINGLEY. It has been decided otherwise. And I may say, in reference to the gentleman's suggestion, that under our new rules the act of the Speaker in referring a bill is the act of the House. Whatever power the House had in that direction is now given to the Speaker.

Mr. BURROWS. My friend will allow me just one other word. Rule XI of our new code provides:

All proposed legislation shall be referred to the committees named in the preceding rule as follows, namely: Subjects relating—

To the public buildings and occupied and improved grounds of the United States, other than appropriations therefor: to the Committee on Public Buildings and Grounds.

Mr. DINGLEY. Precisely.

Mr. BURROWS. The question of appropriations for these purposes is expressly excluded.

Mr. DINGLEY. But at the same time the gentleman will remember that in the last Congress, notwithstanding our rules specifically provided that revenue bills should be referred to the Committee on Ways and Means, a bill relating to internal revenue was referred to the Committee on Appropriations, and that committee thereby obtained jurisdiction of it.

Mr. BURROWS. Yes, sir.

Mr. DINGLEY. Now, the Speaker in referring bills acts as the organ of the House; whatever he may do is the act of the House. But I am informed that the bill now under consideration was referred by the House.

Mr. LEHLBACH. It was referred December 18, 1889, before the adoption of the new rules.

Mr. BLOUNT. Whether the Speaker referred this bill or whether the House referred it—

Mr. DINGLEY. I understand that the bill was referred by the House.

Mr. BLOUNT. Whether the Speaker referred it or whether the House referred it, is there anything in the proceeding indicating any purpose on the part of the House or the Speaker to make any reference of this bill other than that provided in the rules?

Mr. DINGLEY. But if there had been a mistake in the reference, there is a method of correction provided by the rules, and that method of correction was not availed of for the purpose of changing in any manner the reference of this bill. Now, this is a question which has been repeatedly decided.

Mr. BURROWS. I did not quite comprehend the answer of my friend from Maine [Mr. DINGLEY] to my question. Suppose there had been in this bill a section proposing to raise the amount necessary for the construction of this building by imposing an additional duty upon



imported articles. Does the gentleman claim that we would now be obliged to go on with a consideration of that question upon this bill and that a point of order would not lie?

Mr. DINGLEY. I make no statement with respect to anything that might arise in that way. I simply say that this bill is in the same position as though it had been referred by the House; and I understand the bill was in fact so referred; and it has been repeatedly held and is established as a matter of precedent that when a bill has been referred to a committee and no steps are taken for a correction of the reference—of course in regard to such a matter as that suggested by my friend from Michigan steps would undoubtedly be taken to make a correction, either by the committee which had received the bill or by the committee which claimed jurisdiction of that portion of the bill—but I am referring to the decision of this simple question, and I say that when the House has referred a bill to any committee, whatever may be contained in that bill, the committee obtains jurisdiction of it unless there shall be a correction of the reference. That principle has been repeatedly affirmed in the House. I have here the opinion of Mr. CARLISLE on this precise subject.

Mr. BURROWS. I have no doubt that where the House refers a bill the rule is as the gentleman from Maine states.

Mr. BOUTELLE. This bill was referred by the House on the 18th of December.

Mr. BURROWS. I understood the gentleman to say that it was referred by the Speaker.

Mr. BOUTELLE. It could not have been; our present rules were not adopted at that time.

Mr. CANNON. I desire to ask my friend from Maine a question. Here is a bill authorizing the construction of a public building—in other words, a bill containing legislation. By virtue of the clause of the rules which has been referred to, clause 21 of Rule XI, this bill goes to the Committee on Public Buildings and Grounds.

Mr. DINGLEY. That is, the Speaker, as the organ of the House, refers it there.

Mr. CANNON. Well, I do not see that there is any difference between the Speaker referring it and the House referring it.

Mr. DINGLEY. No; there is no difference.

Mr. CANNON. Now, under clause 3 of the same rule this bill, which appropriates \$350,000, would go to the Committee on Appropriations. I ask the gentleman, could this bill be referred to both committees?

Mr. DINGLEY. It could not. The bill must be referred as an entirety to some one committee. That has been repeatedly decided.

Mr. CANNON. Then, that being the case, I ask the gentleman whether it is not true that a motion made by direction of the Committee on Appropriations under the rule would take this bill from the Committee on Public Buildings and Grounds and refer it to the Committee on Appropriations because it contains a provision which, under the rules, would give the Committee on Appropriations jurisdiction?

Mr. DINGLEY. If the House should by vote change the reference of the bill to the Committee on Appropriations, that action, under the repeated decisions which have been made upon this question, would, as to that particular bill, give the Committee on Appropriations jurisdiction.

Mr. CANNON. Precisely. I now understand the gentleman's position. So that, according to the gentleman, it is in the power of any member of this House, by putting into a bill different propositions which should go to different committees, to give any committee of the fifty-one jurisdiction of the measure by having the bill referred to that committee.

Mr. DINGLEY. It is undoubtedly in the power of the House to refer any bill containing any subject-matter to any committee that the House may choose. That has been repeatedly held. The reference of a bill is a matter for the House to determine.

Mr. KERR, of Iowa. I wish to ask the gentleman whether there is anything in the third clause of Rule XI defining the jurisdiction of the Committee on Appropriations that requires any such bill as this to go to that committee.

Mr. DINGLEY. Only a usage, that is all. And I may say with reference to this whole question that it is not an uncommon thing for almost every committee of the House to report occasionally a bill authorizing a particular thing to be done, and then to include in the bill itself an appropriation for the object. So that if the House has given jurisdiction in this case there can be no question of the right of the committee to take it. The question whether a particular matter shall be referred to one committee or another is simply a question of convenience and orderly proceeding. The rules provide in this case a method of orderly proceeding, and the intention always is to refer measures in accordance with the rule. But it frequently happens that a single bill contains subject-matter a part of which may appropriately go to one committee and a part to another, and the general rule is in such cases to refer the bill to that committee which has jurisdiction of the subject which seems to be the predominant or main subject in the bill.

Gentlemen understand very well that there have been in the House bills containing provisions some of which would appropriately go to the Committee on Banking and Currency and some to the Committee on Coinage, Weights, and Measures; and the question has in such cases

frequently been submitted by the Speaker to the House whether the bill should be sent to one committee or the other. It is entirely competent for the House to determine where it will send any bill. In this particular case, the House having sent the bill to the Committee on Public Buildings and Grounds, that committee, under the invariable practice, has obtained jurisdiction as a matter of order. As to the question of the abstract propriety of the reference, that should have been raised, if any member desired to raise it, at the beginning; but there never was any step taken toward a correction of the reference.

Mr. CLEMENTS. I wish to inquire whether this bill was sent to the Committee on Public Buildings and Grounds by a vote of the House.

Mr. DINGLEY. It was, I understand. But it would make no difference whether the reference was by the House or by the Speaker, the Speaker being, in reference to this matter, the organ of the House. But I understand that this particular bill was referred by a vote of the House.

The CHAIRMAN. The gentleman will allow the Chair to say that his last statement is not quite correct. This bill was introduced on the 18th of December, in open House, read a first and second time, and referred to the Committee on Public Buildings and Grounds, but not by a formal vote of the House.

Mr. DINGLEY. I understand that, but it was the act of the House; it was done in the presence of the House.

Mr. MILLIKEN. Let us have a ruling.

Mr. DOCKERY. In view of the fact that the Committee on Public Buildings and Grounds has only one day remaining—

Mr. BOUTELLE. Only half a day now.

Mr. DOCKERY. Very well. As the time of the committee is so limited, I shall not trespass upon it or the patience of the House at any great length.

Mr. Chairman, it does seem to me that there is no occasion for any unusual construction of the rule, for, in my judgment, the rule construes itself by the mere statement of its terms. The question involved is solely a question of jurisdiction. The Committee on Public Buildings and Grounds can not possibly exercise jurisdiction over appropriations unless the authority be given by the language of the rule or by a direct vote of the House, and, so far as I am advised, this view has not heretofore been seriously called in question.

It is not denied that the House has the power to make any reference of a bill that it may desire, regardless of the express terms of the rule, but this action is taken on a motion after discussion and a thorough understanding of the text of the bill. The reference of the bill proposing a repeal of the tobacco tax to the Committee on Appropriations during the last Congress was thus made, and, of course, gave that committee full jurisdiction despite the rule requiring such propositions to be referred to the Committee on Ways and Means.

The CHAIRMAN. On that point will the gentleman from Missouri be kind enough to advise the Chair as to what the difference is in practice between the reference of a bill by a direct vote of the House and a reference such as there appears to have been in this case, in accordance with the former practice, because the new rules had not then been adopted? In this case the bill was read a first and second time by its title and referred to the Committee on Public Buildings and Grounds in open House, and with the acquiescence of the House, but without a direct vote.

Mr. DOCKERY. Why, Mr. Chairman, the difference is material. In the one case the House acts advisedly in thus suspending the rule; in the other, the reference is made upon the reading of the title, and is, in fact, *pro forma*, with the full purpose, however, of maintaining the integrity of the rules.

Now, Mr. Chairman, when this bill was referred I venture to say that as a matter of fact no gentleman on this floor, including the Speaker, knew that bill carried an appropriation, because the title failed to make any reference to the fact, and the Speaker therefore properly referred it to the Committee on Public Buildings and Grounds. Indeed, sir, such reference should have been made even though the title revealed the presence of an appropriation, for legislation must precede appropriation.

The CHAIRMAN. The title of the bill is "to provide for the increase of the limit and cost of site of public building at Newark, N. J."

Mr. DOCKERY. The reading of the title verifies my statement. In other words, the bill provided for legislation, and, as the Committee on Appropriations had no authority to report legislation, the bill was properly referred to the Committee on Public Buildings and Grounds. Of course the House can, as heretofore stated, by a formal vote on a question of reference, suspend its rules, but in this case no such action was taken, and we must therefore look to the language of the rule to determine the question of jurisdiction.

What does the rule say, Mr. Chairman? The answer is plain and its meaning unmistakable. The rule provides that:

Subjects relating to the public buildings and occupied or improved grounds of the United States, other than appropriations therefor, shall be referred to the Committee on Public Buildings and Grounds.

Now, then, Mr. Chairman, if you can not refer "subjects relating to appropriations" to the Committee on Public Buildings and Grounds, how is it possible for that committee to lawfully report appropriations for public buildings?

This rule is binding upon the House and upon its presiding officer, and should be strictly construed, especially in view of the fact that under the new rules the House is practically without power to correct an improper reference until the question is presented on the report of a committee.

The point of order presented by the gentleman from Georgia [Mr. BLOUNT] raises the question of jurisdiction, so that the rule may be preserved in its integrity.

I have no desire to express any opinion on the policy involved in this new departure, but leave that for the consideration of gentlemen on the other side. My plea is for such a construction of the rules as will secure the orderly disposition and consideration of legislation. In the absence of definite action by the House the only safe guide for the Chair and the members on this question is the plain terms of the rule which declares that appropriations for public buildings shall not be referred to the Committee on Public Buildings and Grounds. The point of order if sustained will simply operate to correct an improper reference.

Mr. BOUTELLE. It is too late to make that point now.

The CHAIRMAN. Before the gentleman from Missouri takes his seat, the Chair would like to have his opinion as to that mode of reference.

Mr. DOCKERY. When was it?

The CHAIRMAN. December 18.

Mr. DOCKERY. That was before the new rules were adopted.

The CHAIRMAN. But rules were then adopted for this purpose.

Mr. DOCKERY. The bill was referred under the practice which obtained under the old rules.

The CHAIRMAN. The bill was read a first and second time by its title, and then it was referred. The Chair asks the gentleman from Missouri whether in his judgment that was the action of the House or simply action by the Speaker?

Mr. DOCKERY. I do not think it was action by the House in such a sense that an improper reference would give jurisdiction.

The CHAIRMAN. The Speaker had no power to make a reference under the rule.

Mr. DOCKERY. If the Chair holds that view—

The CHAIRMAN. The Chair does not hold any view.

Mr. DOCKERY. If the Chair is inclined to hold that view he will see at once the point made by the gentleman from Illinois [Mr. CANNON] a moment ago, that the effect of such a construction of the rule would be to give the right to any member on the floor of the House to nullify the rules of the House.

Such a construction makes the title of a bill conclusive as to its contents, and it matters not how misleading it may be, the reference would confer jurisdiction despite the plain language of the rule. It can not be that the rules contemplate such a flexibility of construction as would give to the Public Buildings Committee the power of appropriation, not as a result of deliberate judgment, but by error, the result of a misleading title to a bill. I sincerely hope that the Chair will hold the point of order to be well grounded, for the contrary view, in my opinion, will lead to much confusion and involve frequent controversies on the floor, growing out of the question of jurisdiction.

Mr. BYNUM. I will occupy the time of the committee but for a moment. I take it, Mr. Chairman, that this bill was referred by the Speaker under the rules and in accordance with the rules. Of course jurisdiction could only be conferred in accordance with the rules. Now it is quite different where a bill is referred by action of the House. The ruling of the Speaker has always been that it is within the power of the House to refer a bill to any committee, notwithstanding the rule conferring jurisdiction of the subject-matter on a particular committee.

A MEMBER. The House had the power to change it.

Mr. BYNUM. It is in the power of the House by affirmative action, by a vote of the House, to refer a bill to any committee. In short, the bill is referred, notwithstanding the rule of the House, but where it is presented in a regular way and in a regular course of proceeding it is referred by the Speaker under the rules of the House.

In the one case it is referred outside of the rules of the House, by the House itself, and in the other case it is referred by the Speaker of the House in accordance with the rules. Now, the question is, which is the proper reference? Unquestionably the Speaker had no power to refer this bill to the Committee on Ways and Means, for it is a bill providing for the erection of a public building. By that reference, with this provision embraced in the bill to make the appropriation, it did not confer jurisdiction on the Committee on Public Buildings and Grounds to make the appropriation. Here is a bill therefore appropriately referred in one sense and improperly referred in another sense, the jurisdiction of the committee, so far as the passage of a law for the construction of the public building is concerned, being unquestioned, and the reference of that portion of the bill to that committee no one will question; but in the same bill was and is embraced another and a distinct proposition, namely, making an appropriation for the construction of a building of which this committee had no jurisdiction whatever.

Could that committee have come into the House and stated that there was an improper reference of the bill and ask that the bill be otherwise referred? Unquestionably not, because they had jurisdic-

tion of that portion of the bill providing for the erection of a building and were the only committee that could have jurisdiction of that portion of the bill. But when the bill is brought back and taken up for consideration and the question of order is raised that it was improperly referred, because of the fact that it contained an appropriation, that presents one aspect of the case while the right of the committee to make an appropriation presents another, and if the point of order is made against that right it would unquestionably be decided under our rules in the negative. It is just the same in that case as in any other bill. If the Committee on Appropriations come in with a bill including legislation, although embracing items which had been properly referred to the committee in the estimates or otherwise, they are subject to questions of order when the bill is under consideration by sections, the point of order being made on the specific item. And it seems to me that this bill, having been properly referred to the Committee on Public Buildings and Grounds for the exercise of its jurisdiction in making provision for the erection of the building, can not be objected to because of a provision contained in it making an appropriation.

Mr. LEHLBACH. Let me interrupt the gentleman to ask if it is not a fact that every Senate bill which provides for the erection of a public building carries with it an appropriation?

Mr. BYNUM. I believe so.

Mr. LEHLBACH. Is it not properly referred to our committee?

Mr. BYNUM. Certainly.

Mr. LEHLBACH. And have we the right to report favorably upon it?

Mr. BYNUM. Of course.

Mr. LEHLBACH. Then how do you make the distinction between that and the House bill?

Mr. BYNUM. Because our rules apply only to our own action. Whenever an appropriation bill is sent from the House to the Senate for action by that body, they may include in it legislation, because that is a privilege conferred upon their committee. But in the H use our rules expressly provide against such things, and such provisions could be stricken out on the point of order.

Mr. LEHLBACH. Then Senate bills have a privilege over House bills?

Mr. BYNUM. Certainly. We have deprived ourselves of jurisdiction and the Senate have retained it.

Now, one of the difficulties at this time is the fact that our bills are referred without being presented to the House in open session. It is impossible for any member of the House to know what a bill contains, because he is not privileged to demand its reading before its reference. It is referred under the rules, and the committee to whom it is referred takes jurisdiction and reports it back. If there is any specific matter in the bill of which the committee has not jurisdiction, the point of order would be directed at the proper time to the specific matter, and the Chair can rule it out, which settles the whole matter.

Mr. CASWELL. Mr. Chairman, I think that we are altogether too technical about this question of jurisdiction. My idea is that the rules of the House are simply directory, and that the committee to whom a bill is referred takes jurisdiction if a bill is referred by proper authority until the bill is withdrawn.

Now, we have numerous instances where there is a part of a bill embracing the subject that should go to the Appropriations Committee and part to the Committee on the Public Buildings and Grounds or some other committee. What are we to do in such cases: divide the bill and destroy its object and purposes or shall we decide to refer it to one or the other of the committees? And the very committee to whom it is sent takes jurisdiction, and jurisdiction is retained by that committee until the bill is withdrawn.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I wish to make a single suggestion. It is necessary that there shall be two distinct and separate acts before a public building is erected: One is the act authorizing its construction and the other is the act appropriating the money for its construction. Now, the Committee on Public Buildings and Grounds has jurisdiction of the first and the Committee on Appropriations jurisdiction of the second branch of the subject. The provisions to carry out both of these acts may be included in the one bill, and it ought to be sent to the Committee on Public Buildings and Grounds because that committee must necessarily act primarily before the appropriation is made.

The CHAIRMAN. If the gentleman from Kentucky will permit an interruption just there, in view of what he is saying—

Mr. BRECKINRIDGE, of Kentucky. Certainly.

The CHAIRMAN. Does the Chair understand the gentleman from Kentucky to say that in this class of cases he understands the Committee on Appropriations to have jurisdiction solely of the second proposition?

Mr. BRECKINRIDGE, of Kentucky. Certainly.

The CHAIRMAN. Then is it the opinion of the gentleman from Kentucky that the Committee on Appropriations under the general rule would have jurisdiction of the question of appropriation before the public building is authorized?

Mr. BRECKINRIDGE, of Kentucky. I think not; and hence an item making an appropriation for the building may be included in the



same bill, and that bill goes to the Committee on Public Buildings and Grounds, which must first act and provide that the building shall be authorized by law and specify its location and dimensions and other data in reference to it before the Committee on Appropriations can report a bill appropriating the money. So the Committee on Public Buildings and Grounds returns the bill favorably as to the provisions over which it has jurisdiction, to wit, the authorization of the construction of the building, and the House acts upon that. Then by operation of the rules of the House the matter goes to the Committee on Appropriations, which returns the appropriation in the sundry civil bill. And it does not seem to me that there is any conflict of authority or trouble about the question; that it is the natural and ordinary sequence of legislation.

A bill is introduced. The Committee on Public Buildings and Grounds, to which it is referred, determine whether it is a proper expenditure, whether at that particular site a public building ought to be erected, the amount to be spent in such erection, and report it favorably to the House. The House acts upon it, and, if favorably, the matter, under the rules of the House, goes to the Appropriations Committee, which makes the appropriation, and the House, through the sundry civil bill, appropriates the money.

The CHAIRMAN. That, however, has never been the practice, the Chair is informed.

Mr. BRECKINRIDGE, of Kentucky. I think that it has been the universal practice, with a few exceptions, when occasionally gentlemen put into their bills this provision to appropriate the money for a public building, hoping thereby they may get their appropriation quicker than they would otherwise do by following the routine of legislation. Ordinarily the bill does not make provision for the appropriation of money, and it takes its ordinary course. The bill is introduced, goes to the Committee on Public Buildings and Grounds, comes back, and then goes to the Committee on Appropriations under the estimates, because it is necessary to carry out the law; and in my four years I know of no exceptions, except occasionally, where this question has arisen as it has to-day, by some gentleman shrewdly putting into his bill for the erection of a public building a clause providing for the appropriation.

Mr. WADE. Will the gentleman permit me there?

Mr. BRECKINRIDGE, of Kentucky. Not just now. And then it comes back, and we have this point of order made and this same discussion, and so far as I know it has been uniformly the practice that it must go out of the bill and come up in a regular way.

Mr. WADE. I would just like to suggest to the gentleman from Kentucky that the Committee on Public Buildings and Grounds want to strike out all the appropriation clauses in these bills.

Mr. BRECKINRIDGE, of Kentucky. So far as I am concerned I am perfectly willing to grant the committee that privilege. Personally I do not want to make the point of order, but it looks too important, because, if you adopt the principle which you seem to be inclined to, it simply gives to each individual member on the floor a chance of utterly setting aside the rule as to the reference of bills if any gentleman who sees fit to do so can by putting in a clause that ought to be avoided, and then handing it in to the Clerk, have it referred by the Speaker, it is to give jurisdiction to the committee which the committee had not and has not under the rules.

Mr. MCCREARY. Will my colleague permit me to ask him a question before he takes his seat?

Mr. BRECKINRIDGE, of Kentucky. Certainly.

The CHAIRMAN. The gentleman from Kentucky [Mr. BRECKINRIDGE] still has the floor.

Mr. MCCREARY. I understand my colleague to say that the Committee on Public Buildings and Grounds can provide for the erection of a building and then the Committee on Appropriations appropriates the money. That was the way, I believe, he divided the authority to each committee. Now, if the Committee on Appropriations is intrusted with the appropriation of the money, I would like to know under which of these heads the Committee on Appropriations will be authorized to make that appropriation. Under Rule XI it is declared:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating to appropriation of the revenue for the support of the Government, as herein provided, namely: For legislative, executive, and judicial expenses.

Now, this bill was not under that head.

For sundry civil expenses.

Mr. BRECKINRIDGE, of Kentucky. There. The simple way in which this is done is this: This, being legislation, goes to the Secretary of the Treasury for the purpose of making an estimate; it comes from the Supervising Architect to the Secretary of the Treasury in what is known as the Book of Estimates, which is printed and referred to the Committee on Appropriations and the Committee on Appropriations, in the sundry civil bill appropriates for these public buildings.

Mr. MCCREARY. Mr. Chairman, my point is this: There is no heading in this rule which defines the authority of the Committee on Appropriations that gives that committee the power to appropriate in such cases as this.

Mr. CLEMENTS. The sundry civil bill.

Mr. MCCREARY. The sundry civil appropriation bill is suggested by the gentleman from Georgia. Now, this does not refer to anything that is contained in the sundry civil appropriation bill. It does not pertain to "fortifications," to "coast defenses." It does not come under the head of "the District of Columbia," of "pensions," or of "general deficiencies," for there is no deficiency; and these are all the heads contained under that rule.

Mr. BRECKINRIDGE, of Kentucky. It does come under the head of the sundry civil appropriation bill; and if the gentleman will turn to page 14, Rule XXII, clause 2, he will find—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

Therefore, any appropriation reported in a general appropriation bill which has been previously authorized by law, which comes in the Book of Estimates from the Secretary of the Treasury to the Speaker of the House, is referred by the House to the Committee on Appropriations to pass upon; and it is for that committee to make the appropriation.

Mr. MCCREARY. But in this case the appropriation is previously authorized by law, because the bill simply authorizes the erection of a building.

Mr. BRECKINRIDGE, of Kentucky. But whenever the erection of a building is authorized, it is authorized by law.

Mr. MCCREARY. They then would make the appropriation.

Mr. BRECKINRIDGE, of Kentucky. It being authorized by law.

Mr. SAYERS. Do you find any jurisdiction given to the Committee on Public Buildings and Grounds except to authorize the building? That is the question.

Mr. MCCREARY. But that was not the question I asked the gentleman from Kentucky. I was simply asking the gentleman from Kentucky under what head of appropriations the Committee on Appropriations would get jurisdiction of this bill.

Mr. SAYERS. But that is not the question involved in this case.

Mr. MCCREARY. Where is the power given to the Committee on Appropriations?

Mr. SAYERS. It is not the question involved in this case.

Mr. BOUTELLE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BOUTELLE. I would like to inquire if the Chair is satisfied as to the bearing of this question, whether it is possible that debate can be continued interminably.

The CHAIRMAN. All these matters are in the discretion of the Chair. The Chair has invited discussion, but the Chair is ready to rule on the question. [Cries of "Rule!"]

Mr. BUCKALEW. Mr. Chairman, when the committee that has charge of these bills, through its chairman, has signified its willingness to dispose of this subject and dispose of it virtually on the point which has brought up this dispute, why should we have debate upon an abstract question about which gentlemen are not agreed? Why not take them at their word and end it? [Cries of "Amen."]

The CHAIRMAN. The gentleman will please address himself to the point of order.

Mr. BUCKALEW. And why cause the Chair to give an abstract opinion virtually, as I understand it, in a ruling that this provision in a bill is in order, virtually repealing the rule which provides expressly that these appropriations shall not go to this committee. That is the rule. If a proposition like this can be contained in a bill authorizing the erection of a public building, you are breaking down the rule; and you had better wipe it out if, because this bill was formally referred to the Committee on Public Buildings and Grounds relating to the construction of a public building, it is to confer jurisdiction upon that committee which was not conferred upon it by the rules. Under the rule for correcting a reference this could not have been referred anywhere else. It had to go to that committee; and I presume that neither the Speaker nor the House knew what was in the bill. I submit, sir, that when a bill of this kind goes to the Committee on Public Buildings and Grounds they should hereafter do what the Chairman suggests now, eliminate that feature and report the bill, and then we shall have no more controversies.

The CHAIRMAN. The bill for which the pending bill is a substitute is the bill H. R. 565, introduced by the gentleman from New Jersey [Mr. LEHLBACH] on the 18th of December, 1889, prior to the adoption of the new rules. The indorsement upon the bill is: "Read twice, referred to the Committee on Public Buildings and Grounds, and ordered to be printed." The Committee on Public Buildings and Grounds took jurisdiction of the bill. The point of order is made as against that clause of the bill which provides for an appropriation, because of the provision in clause 21 of Rule XI, which is:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz: Subjects relating,

to the public buildings and occupied or improved grounds of the United States, other than appropriations therefor: to the Committee on Public Buildings and Grounds.

It is claimed that, because of the prohibition in the rule as to the reference to the Committee on Public Buildings and Grounds of matters involving appropriations for public buildings or for the occupied

grounds in the United States, the point of order can be made against that provision in this bill which provides for an appropriation. It must be remembered that the House is now acting in Committee of the Whole on the state of the Union, considering a bill which has been reported by the committee, to which a bill substantially like this one has been referred. It has been frequently decided—and the Chair refers to the one decision covering the question—that a point of order as to the reference of a bill can not be made for the first time in Committee of the Whole. On the 10th day of May, 1879—the Chair reads now from a collection of decisions made by Mr. Speaker RANDALL—

Mr. John T. Harris, from the Committee on the Revision of the Laws, to which was referred the bill (H. R. 1493) defining the duties of reporter of the Supreme Court of the United States, fixing his compensation, and providing for the publishing and distribution of said reports, reported the same without amendment.

Mr. Garfield made the point of order that the bill was not in order to be reported from the Committee on the Revision of the Laws, on the ground that the subject-matter of the bill was, under the rule, committed to another committee. The Speaker overruled the point of order on the ground that it was too late to raise the question of the proper reference of a bill when the same was reported for consideration, the question of reference being in order only after its second reading, when, under the rule (Rule CXVIII), it was read for commitment or engrossment, which question of reference was not then raised.

It must be remembered that the fact is, as the Chair thinks, that the reference of this bill on the 18th day of December last was the act of the House of Representatives, and was not the individual act of the Speaker, nor the act of the Speaker in his position as Speaker alone. The bill, in legal contemplation, was read a first and second time, and then referred, as was assumed, under the rule. The question has been presented in the arguments whether or no that was the proper reference. Now, it is conceded by gentlemen who are in favor of sustaining the point of order that the subject-matter of the bill, which is the erection of a public building, was properly referred to the Committee on Public Buildings and Grounds, and could have been properly referred to no other committee.

It is suggested in argument that as the bill embraced two propositions, one of which might properly go to the Committee on Public Buildings and Grounds and the other involving an appropriation, which, as suggested by the gentleman from Kentucky [Mr. BRECKINRIDGE], ought properly to go to the Committee on Appropriations—in this view it has been suggested that some action should be had by which that kind of division should be made. But it has been repeatedly held that a bill can not be so divided. The Chair reads from the Manual and Digest:

It has been uniformly held that a bill can not be divided among two or more committees, although it contains subject-matter which legitimately belongs under Rule XI (the rule under consideration) to several committees; but must be referred to one committee as an entirety.

Therefore, under the decisions and under this opinion in the Digest collating the decisions, the reference of this bill to the Committee on Public Buildings and Grounds was, in the judgment of the Chair, a proper reference. The question is one of jurisdiction. The Committee on Public Buildings and Grounds has, by the formal action of the House itself—not by a formal vote of the House, but by action which, in the judgment of the Chair, was tantamount or equivalent to a vote of the House—received jurisdiction of this bill.

The bill being before that committee and involving a matter upon which the House has power to act, namely, to provide for payment for the erection of a public building at the same time that it provides for its erection, the committee alone had power to act upon the bill, because it is conceded, as the Chair understands, by all gentlemen who have taken part in the debate that the Appropriations Committee would not have jurisdiction of this appropriation until after the erection of the public building had been authorized, when the Committee on Appropriations would have the power, under the rule, to make the appropriation in pursuance of existing law and to include the amount in the sundry civil appropriation bill.

Clearly, the proposition for the appropriation for this building must go to some committee, and the Chair is of opinion that, under the rules of the House as they stand now and under the rules of the House of Representatives in the last Congress, there is no committee of the House to which a proposition for the appropriation of a sum of public money to pay for the erection of a public building might properly be referred under the rule in the first instance. None has been suggested in the argument, so far as the Chair knows. The Chair has made inquiry of two or three gentlemen having the floor as to what committee, in their opinion, this bill could have been referred to except the Committee on Public Buildings and Grounds.

Clearly it could not go to the Committee on Appropriations, because in general appropriation bills nothing is allowable except appropriations for expenses incurred in pursuance of existing law. As the bill had to go somewhere; as it did go to the Committee on Public Buildings and Grounds; as that committee has reported the bill, and it has been committed by the House to the Committee of the Whole on the state of the Union, and is now under consideration in Committee of the Whole, the Chair is of opinion that it is properly cognizable here and that the point of order should be overruled.

In connection with this question the Chair desires to say that a matter of the correction of a reference or taking any advantage of any improper reference is purely a matter for the House itself. Under the ex-

isting rules, if this bill had been referred by the Speaker without the knowledge of the House—furtively, as suggested—perhaps by the influence of some member who desired the bill to go to a committee that had not jurisdiction—if a bill under those circumstances should be referred to a committee not having jurisdiction, it would be because the rules gave the Speaker that power. But the rules also provide that any improper reference of a bill may be corrected in any one of three ways: Either by unanimous consent, or upon request of the committee claiming jurisdiction, or upon the report of the committee to which the bill has been referred.

Because this bill was referred by the House to this committee—and not improperly, as the Chair thinks, for the reasons which have been stated—and because it is under consideration in Committee of the Whole, the Chair thinks this point of order must be overruled.

Mr. MILLIKEN. I now withdraw my amendment and move that the bill be laid aside to be favorably reported to the House.

The CHAIRMAN. The bill is before the Committee of the Whole for general debate.

Mr. HOLMAN. Mr. Chairman, if this report is not long, I ask that it be read in my time.

The Clerk read as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 355) to increase the appropriation for the improvements and changes of the public building in Newark, N. J., and for the purchase of additional land, respectfully report:

An appropriation for the purchase of additional ground in Newark, N. J., adjoining the custom-house and post-office building, and for the improvement of buildings, etc., of \$350,000 was passed during the Fiftyeth Congress, and the act was approved March 1, 1888. The Secretary of the Treasury purchased for the use of the Government the church building adjoining the present post-office site, and the same has been altered so as to make it suitable for the transaction of the public business.

The Supervising Architect on examination found that it would be unprofitable to attempt to make additions to the present post-office building and that it would be more economical and to the best interests of the Government to remove the same and erect a new building in place thereof. He prepared plans and specifications, and it has now been ascertained that the amount available is insufficient to pay for the cost of the erection of a new building. According to the plans already prepared the building will adjoin a two-story structure on Broad street now being used as a dry-goods store. There would be no space between the buildings, and it is the judgment of the Supervising Architect that this property should be purchased in order that the customary open space can be secured. For the purchase of this land and for the additional amount necessary to erect the building in the manner proposed \$300,000 additional to what has already been appropriated is needed.

Newark is a city of nearly 200,000 inhabitants. Its postal receipts are over \$200,000, yielding a net revenue to the Government of about \$150,000. The postal business is steadily increasing. The internal-revenue bureau is located there, and the amount collected in this district is one of the largest in the country.

The United States courts are authorized to hold sessions in Newark for the convenience of the northern part of New Jersey and for the accommodation of over 80,000 of its citizens, and the plans provide for a suitable court-room.

Your committee is of the opinion that the appropriation asked for is proper, and therefore recommend that the accompanying substitute for bill H. R. 355 do pass.

Mr. HOLMAN. It will be seen from this report that the Government has already a public building in Newark, N. J., and has had, I believe, since about 1857 a four-story building. Two years ago we passed an act appropriating \$350,000 for the public building in Newark, N. J., which I ask may be read by the Clerk.

The Clerk read as follows:

An act to authorize the purchase of additional ground in Newark, N. J., adjoining the custom-house and post-office building, and for the improvement of the building thereon, and the erection of additions thereto.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to purchase or acquire by condemnation sufficient additional land adjoining the United States custom-house and post-office building in Newark, N. J., and cause such changes and improvements to be made in the building thereon, and to erect such addition thereto as, in his judgment, may be necessary to render the same suitable for the transaction of the public business; and for the purpose herein mentioned the sum of \$350,000, or so much thereof as may be necessary, to be immediately available, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

Approved March 1, 1888.

Mr. HOLMAN. Now, Mr. Chairman, it will be observed that this act appropriating \$350,000 for the improvement of this building and the purchase of additional ground was passed two years ago. We have now before us a bill proposing to appropriate the additional sum of \$300,000 for the same general purpose. I concede that this is not a singular case. There are upon the Calendar instances of the same kind from the State of New Jersey. The amounts are small, I believe; yet in three separate instances in the single State of New Jersey it is proposed by bills pending on the Calendar to enlarge the amount of previous appropriations for public buildings.

Now, Mr. Chairman, I have talked to a gentleman from the city of Newark who is very familiar with this subject. I have from him this statement: That the original site of the public building in Newark was 140 feet by 106 feet 8 inches; that was the original site on which the present building was erected. Under the authority of the act just read, the Secretary of the Treasury purchased an additional body of land of the same width, immediately adjoining the tract I have already mentioned, this additional tract being 78 feet 9 inches in length, and of course 106 feet 8 inches in width. He paid for this additional tract, I believe, \$90,000, and \$30,000 more for the purpose of carrying out this act by the improvement of the property. On this additional land there was a Bap-



tist church, which has been repaired and fitted up for the purposes of the public business. That is the state of the case as it stands now. That left still in the hands of the Secretary of the Treasury \$270,000 for the further improvement of this property. Now, in addition to that \$270,000, it is proposed to appropriate in this bill \$300,000, so that after making the purchase of the land and after repairing the building now on it there would be, if this bill should pass, the enormous sum of \$570,000 still remaining to improve this property. Now I do not feel that this is just and fair to the balance of this country. Year after year—and the practice is growing worse almost every year—we are appropriating such large sums in particular localities that the number of these buildings is necessarily limited, for gentlemen must remember that notwithstanding the supposed surplus in our Treasury there is a limit to the amount of money to be appropriated. And you will see that the Committee on Appropriations will find it necessary to restrict very severely the amount of money to be expended upon public buildings under the various acts which have been passed.

Now, let me inquire why should this additional sum of money be appropriated in this case within two years after a large sum has already been appropriated? Why should it be appropriated in derogation of other sections of this country? As I have said, there are three bills of this character on the Calendar from the State of New Jersey. I admit that New Jersey is one of the finest and most prosperous States of the Union, but why should three different localities in that State be asking for an increase of the amount of their appropriation in derogation of the rights of every other locality in this country?

Mr. LEHLBACH. If the gentleman had read the report he would very readily have seen the answer to his inquiry. New Jersey has not asked for anything extraordinary. We have asked for the city of Newark altogether an appropriation of \$650,000. It is a city about as large as Milwaukee, which has an appropriation of \$1,200,000 and is asking an additional appropriation of \$800,000. Another city in New Jersey to which the gentleman refers is Hoboken, a city of about 50,000 inhabitants, for which an appropriation of \$60,000 was made last year and which now requires \$15,000 additional to put up the building. Is that too much?

Mr. HOLMAN. The last Congress thought the appropriation then made was enough.

Mr. LEHLBACH. I want to defend New Jersey, because we have been modest in our requests. For Paterson, a city of nearly 90,000 population, an appropriation was made last year of only \$80,000. The Supervising Architect found that he could not do anything with that amount. He could not purchase a site and have enough money left with which to erect one story of a building. The Committee on Public Buildings and Grounds proposes an additional appropriation of \$75,000 for that city.

Now, New Jersey has asked for nothing extraordinary; and I did think that after the reading of this report no gentleman on this floor would object to this bill, especially not the economical gentleman from Indiana, because it is a modest bill and such a bill as our city of 200,000 inhabitants has a right to demand. Newark is a large manufacturing city, doing a greater manufacturing business, in comparison to its population, than any other city in the United States. The amount of goods annually manufactured there exceeds in value \$100,000,000. I do not wish to occupy the time of the committee by discussing the merits of our city. I would call the attention, however, to the fact that there are about two hundred employes in this building, and we collect between four and five million dollars of internal revenue. The post-office business amounts to twenty millions of pieces of mail matter annually, and it turns over into the Treasury \$100,000 a year.

Mr. HOLMAN. That is a very good showing.

Mr. LEHLBACH. I hope time will not be consumed. Already a great deal too much has been spent on this bill. I hope, Mr. Chairman, the vote will be taken and the bill passed.

Mr. HOLMAN. I am not responsible for the time consumed up to this point. I have taken up little of it myself. The effect is this: When Congress appropriates \$350,000 the money is invested as far as it can be done. Sixty thousand dollars were paid for additional grounds and \$20,000 for additional expense on that purchase. With the \$200,000 left it seems to me they ought to be able to go forward in the erection of a suitable building. But instead of that they come here and ask at the very next Congress for the sum of \$300,000.

You gentlemen need not indulge the hope that there is no limit to the surplus in the Treasury. Expenses are swelling by bills which are being passed in the two Houses of Congress—bills which are calling for the consideration of Congress, and which will pass this House and the other branch early, and when they do pass there will not be a dollar left in the Treasury. Then, instead of an enormous surplus, there will be little left. Gentlemen should not deceive themselves. If they continue to make these appropriations they will discover before Congress terminates there will be little margin left.

What is this building to be used for? I understand what it is for. The report of the committee leaves an impression on the House, unintentionally, of course, that a Federal court is held at Newark. Will my friend from New Jersey say that a Federal court is held at Newark?

Mr. LEHLBACH. I will say that at the last Congress—

Mr. HOLMAN. I am asking the question whether there is a Federal court held there or not.

Mr. LEHLBACH. The reason it is not held there now is that there is no accommodation for it in the present building. The people of Northern New Jersey, having a population of 800,000, are entitled to a United States court for their accommodation as much as the people of Indiana.

Mr. HOLMAN. In Indiana and other Western States men go eighty to a hundred miles to attend court.

A MEMBER. But they do not like it all the same.

Mr. HOLMAN. The impression created by the reading of the report in this case, unintentionally, of course, was that a Federal court was held there. The act which passed at the last Congress simply provides that, where both parties consent to it, the judge may order the trial of the case in the city of Newark. That is all there is about it. If both parties consent, of course the case may be tried there.

What is the next object of this bill? It is mentioned by my friend that there is an office of internal revenue there. Well, that does not require a very large building. The district I represent pays \$3,000,000 of internal revenue and it does not cost the Government more than \$25, or, at the furthest, \$40 a year for rent. The office is held at Lawrenceburgh in my own district.

I believe Newark is also a port of delivery, but so little business is done there in the way of importation that no very large accommodation is required.

I can not see from the position of the city and the limited amount of commerce so far as importations are concerned what necessity there is for the erection of this costly building. Then we are told it is required for post-office purposes. We already have an expenditure of \$20,000—

for what?

Mr. LEHLBACH. Temporary use.

Mr. HOLMAN. Twenty thousand dollars for the temporary use. Is that the way the Architect of the Treasury expends the public money—expending \$20,000 on the building bought in addition to the old site?

But I have said enough on this question. I hope this is understood. When I am satisfied of that fact I feel I have occupied all the time that is necessary. I ask why, after appropriating \$300,000 less than two years ago, we should now propose to appropriate \$650,000 for this building? In my own State cities and towns which in justice and fairness are entitled to attention are asking comparatively small sums of money, with little prospect of having their requests complied with. I think the amount appropriated in this bill should be reduced one-half. I think it should not pass, but I hardly feel justified in making a motion which would manifestly fail. I therefore move to reduce the amount of appropriation.

The CHAIRMAN. General debate is now progressing, and the gentleman will withhold his amendment until the proper time.

Mr. HOLMAN. I will move to reduce it to \$150,000, and we will leave it in this form. We will leave it with the additional lands purchased at a cost of \$60,000.

If this amendment is adopted it would leave this building as improved by the expenditure of \$20,000, it will leave as a balance \$270,000 of the money originally appropriated in the Treasury; and adding to that \$150,000, you will have a sum of about \$420,000 to improve this building or to construct a new one, if that shall be the determination of the Supervising Architect. That certainly it seems ought to be ample, when the amount proposed to be appropriated is reduced one-half, and at the proper time I shall make that motion and trust in justice to other portions of the country that it will be accepted by the committee.

Mr. MILLIKEN. Mr. Chairman, a word only in answer to the remarks of the gentleman from Indiana. The Committee on Public Buildings and Grounds of this House have made no appropriations or recommendations of any appropriations for the erection of public buildings in any part of the country for the benefit of New Jersey or any other State, as intimated by the gentleman. The committee recognize what they regard as a proper principle to guide them in recommending appropriations for such purposes, and that principle is, What is the need of the public service? That has been their guide. The Government makes an appropriation of money for this purpose, not to benefit any town or city or State, but for its own public service.

Now, the Committee on Public Buildings and Grounds, without regard to any other section of the country, looking only to the public service and to its benefit, recommend that this appropriation be made by this act for this great and very rapidly growing city of Newark, and we did not believe that it was an act of economy to recommend an appropriation which was entirely inadequate to meet the demands of the public service there. I know and the committee believed that in recommending these appropriations they should be guided as a man would be guided in the administration of his own private affairs, not to be extravagant, but to appropriate enough to meet the exigencies of the public service. That has been the rule of the committee. That has been the line laid down in its reports to this House, and I hope therefore, in view of the fact that the committee gave this matter a thorough investigation, that the amendment recommended by the gentleman will not be adopted.

The CHAIRMAN. The bill will now be read by sections for amend-

ment and debate under the five-minute rule, unless some gentleman desires to be heard further upon the general debate.

The bill was read at length.

Mr. CANNON. Mr. Chairman, I move to strike out all of the bill beginning with the word "and" in the twentieth line and including line 25.

Mr. LEHLBACH. Mr. Chairman, I hope that amendment will be voted down.

The CHAIRMAN. The gentleman from Illinois submits an amendment, which the Clerk will report.

Mr. CANNON. I offer that amendment in good faith and for a proper purpose.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the following words:

"And the sum of \$300,000, in addition to the sum of \$350,000 appropriated by the act of Congress approved March 1, 1888, be, and the same is hereby appropriated, out of any moneys in the United States Treasury not otherwise appropriated."

Mr. CANNON. My object, if I can have the attention of the committee for a moment, is to try to get the committee to adopt a policy touching appropriations in connection with public buildings hereafter—

Mr. LEHLBACH. Mr. Chairman, in order to avoid further delay, I will accept the amendment so as not to prevent the passage of other bills. I personally have no objection that the Committee on Appropriations should control this matter, and I hope the amendment will be agreed to.

The CHAIRMAN. The gentleman can not accept the amendment for the committee. The gentleman from Illinois offers an amendment which must be considered by the committee.

Mr. CANNON. It merely strikes out the appropriating clause.

The question being taken on the amendment of Mr. CANNON, it was adopted.

Mr. HOLMAN. I move to strike out the words "six hundred and fifty thousand dollars," in the nineteenth and twentieth lines, and insert the words "five hundred thousand dollars."

I hope the committee will not misunderstand this bill. Under the appropriation made two years ago there has been an addition made to the site of this public ground in Newark, an addition purchased at a cost of \$60,000, known as the Baptist Church property, which is 78 feet and 9 inches in length and 106 feet and 8 inches in width. The bill here contemplates a further purchase of land at that point. Gentlemen will observe that the original site was 140 feet in length and 106 feet 8 inches in width. Then under the act passed two years ago the addition named, to which I have just referred, this piece of property, some 78 feet 9 inches in width, and known as the Baptist Church property, and 106 feet and 8 inches in width, was also acquired. This, I say, has already been done, and this bill is conferring not simply the power to increase the cost of the building, but also to acquire more land.

Mr. BUCHANAN, of New Jersey. To separate it from other buildings.

Mr. LEHLBACH. And the reason is distinctly set forth in the report.

Mr. HOLMAN. And having already this amount of land, 218 feet 9 inches in length by 106 feet 8 inches in breadth, and with the \$500,000 appropriated, and now an additional appropriation of \$150,000, it would still leave for the construction of the building or the repair of it, as may be hereafter decided, all of the \$500,000 originally appropriated, except about \$70,000, which would be a total of \$430,000 for that purpose.

And this bill, if you notice, gentlemen, does not contemplate an entire new structure, because the Baptist Church property, which is already purchased, is by the terms of the bill proposed to be repaired and used for the purpose of the post-office as far as practicable.

Mr. LEHLBACH. Mr. Chairman, I hope the amendment of the gentleman from Indiana will be voted down. I will not occupy the time of the committee to discuss it, for I think every man present understands the importance of the appropriation, although the gentleman from Indiana does not seem to understand the needs of Newark—

Mr. HOLMAN. Oh, I understand it very well.

Mr. LEHLBACH. I think the rest of the committee understand it and can vote intelligently upon it.

The question being taken on the amendment of Mr. HOLMAN, the committee divided; and there were—ayes 11, noes 81.

Mr. HOLMAN. I believe there is no quorum, but I wish to say—

The CHAIRMAN. Does the gentleman make the point of order that no quorum has voted?

Mr. HOLMAN. I wish to say in that connection that the majority is so decisive that while there is no quorum voting I do not feel justified in making the point.

Mr. LEHLBACH. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

#### PUBLIC BUILDING AT CEDAR RAPIDS, IOWA.

Mr. MILLIKEN. I now call up bill (S. 903) for the erection of a public building in Cedar Rapids, Iowa.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase or otherwise provide a suitable site, and cause to be erected thereon, at the city of Cedar Rapids, in the State of Iowa, a suitable and commodious public building, with fire-proof vaults, for the use and accommodation of the post-office and for other Government uses. The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of \$200,000, nor shall any site be purchased until estimates for the erection of a building which shall furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least 40 feet, including street and alleys; and for the purposes herein mentioned the sum of \$200,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided,* That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, and the State of Iowa shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

When the Clerk had read to the twenty-first line of the bill,

Mr. MILLIKEN said: The part of the bill which follows is simply the appropriation clause, and if it is in order to make that motion now, I will move to strike it out.

The CHAIRMAN. It is not in order at this stage of the proceedings, but will be in order after the reading of the bill.

The reading of the bill was resumed and concluded.

Mr. HOLMAN. I ask that the report be read.

The CHAIRMAN. The gentleman from Indiana is recognized, and the report will be read in his time.

The report was read, as follows:

The committee to which Senate bill 903 was referred report that they have had the same under consideration, and also House bill No. 299, on the same subject. Accompanying House bill is the following report, which we adopt:

"The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 299) providing for the erection of a public building at Cedar Rapids, Iowa, report that they have had the bill under consideration and recommend its passage.

"Cedar Rapids is situated in the Fifth district of Iowa, which has a population of 200,000 and has no public building. It is the center of a very extensive railroad system embracing through lines of the Milwaukee and St. Paul Railroad, the Chicago and Northwestern Railroad, and is the center of the Burlington, Cedar Rapids and Northern Railroad system with 1,200 miles of road, and which employs 2,500 employes. Forty-three railroad mails on various lines are received and distributed at this office every day.

"The population of the city is from 20,000 to 25,000. The gross receipts of the office is \$42,000 a year and the net income \$27,000. Two hundred and twenty-five thousand registered letters and packages have passed through the office in the last three years. One million nine hundred thousand letters and packages were delivered by carriers last year, and about the same number directly from the office.

"Besides this the office is the distributing point of mail over the vast railway mail system centering there and is the headquarters of thirty-four railway mail clerks.

"Cedar Rapids has expended \$275,000 for school buildings.

"It has a Masonic library building which cost nearly \$50,000.

"It has the Holly system of water-works, costing \$175,000.

"It has a system of electric lights and gas-works, and many miles of street railways.

"It has the largest pork-packing establishment in the State of Iowa, with perhaps the exception of Sioux City, packing annually in the neighborhood of 200,000 hogs.

"It also has a large number of manufacturing establishments. The resources of the city are equalled by few inland cities in the country. It has abundance of capital, having five strong national banks, and has never had a broken bank.

"Congress unanimously reported in favor of a term of the United States court at Cedar Rapids, and the expense of transporting witnesses and prisoners, amounting to \$6,000 a year, warrants the location of the court on the ground of economy."

Your committee therefore recommend the passage of the Senate bill, and that the House bill on the same subject do lie on the table.

Mr. HOLMAN. In view of the action of the House on the last bill, for a public building at Newark, I do not feel justified in any extended discussion of this measure. It is obvious, however, to the House that this bill is for a post-office. The town, a very prosperous town, has a population which may amount to 20,000. It is said to be from 20,000 to 25,000 in the report. Therefore I take it it may be taken as a city of 20,000 people; but I will say that this may require the same amount of post-office accommodation under our free-delivery system that a city four times that population would require. So I can not vote for this bill upon the ground that its population is from 20,000 to 25,000; but I think, sir, that for a post-office the sum of \$200,000 is more than ought to be appropriated in justice to other cities of the country. I have the honor to represent a city of more than half that population. The Committee on Public Buildings and Grounds reports a bill in favor of that location and recommends an appropriation of \$40,000. I am not complaining about it. The proposition of a committee in appropriating for public buildings is to give the sum of three times as much as the gross revenues of the office. Now, will my friend from Iowa, who I think hears me, state whether or not this is substantially the proportion which has been considered by the committee, that the sum to be appropriated for a public building in any given locality should be three times the gross revenues?

Mr. GEAR. I do not understand the gentleman's motion. Will he please restate it?

Mr. HOLMAN. I move to strike out \$200,000 and insert \$150,000. I think \$100,000 would be the appropriate amount; but I will ask my



friend, does that committee expect to act upon the idea that the amount appropriated for a given public building shall be equal to three times the amount of the gross revenues of the post-office?

Mr. KERR, of Iowa. Mr. Chairman, I will state a fact or two, and if the gentleman insists and my friends from the State insist, in view of these facts after I make the statement, then I will submit the question. The gentleman says we have no courts. The committee in the Forty-ninth Congress, when the district was represented by my predecessor, Mr. Frederick, reported in favor of a court at Cedar Rapids, and twenty adjoining counties have all asked for the location of a court there. The only reason why it has not been established is because there is no suitable place there for the holding of the court. Now, as I understand, in our delegation from Iowa there is no one who is opposed to the location of a Federal court at that place; and for these reasons I do not think the gentleman's motion ought to be sustained.

There is another thing. The gentleman says his city has much larger receipts. The receipts of this post-office are \$42,000 a year.

Mr. HOLMAN. And three times that would give \$126,000.

Mr. KERR, of Iowa. The increase in the receipts during the last twenty years has been at the rate of \$8,000 every five years. It is in the Cedar Valley, the most beautiful valley in the world, in the center of one of the richest countries in the world, and it has better railroad communications than any city in our State; and I believe in a few years it will have a population of forty or fifty thousand.

Mr. HOLMAN. I wish to call the attention of the gentleman to a fact.

Mr. KERR, of Iowa. My own colleagues of the State who are asking for public buildings insist that I should consent to the motion of the gentleman from Indiana; and in view of that fact, although it will send the bill back to the Senate, I accept it.

Mr. HOLMAN. I hope the gentleman—

Mr. CANNON. I will go the gentleman from Indiana fifty better, and move that it be made \$100,000. I think that is enough.

Mr. HOLMAN. I move to strike out, where it occurs, "two hundred" and insert "one hundred and fifty."

Mr. CANNON. And I move to strike out "one hundred and fifty" and insert "one hundred;" and I want to say a word about it.

Mr. HOLMAN. I wish to call the attention of the gentleman from Iowa to a fact; and I wish to say to him that I am entirely impartial in this matter, and there is no gentleman upon the floor of this House whose bill I undertake to antagonize with greater reluctance than the gentleman from Iowa.

Take my own State; in the case of the city of New Albany, which is a much larger city than Cedar Rapids, we thought that \$100,000 was ample for that public building, and there is a Federal court there, and had been for twenty-five years, and also a large and extensive public post-office business, and in addition to that it is a port of entry and delivery, I believe; at least, it has a Federal court and the post-office, if nothing more. Yet I gave my consent to fixing it at that sum notwithstanding the location is in my own State and bordering my own district. We consented to an appropriation of \$100,000. Experience has demonstrated that the appropriation was ample, not only for a court-house, but also for the post-office. I shall cordially support the amendment of the gentleman from Illinois to reduce the amount of the appropriation to \$100,000.

Mr. CANNON. I hold in my hand the Sixth Auditor's report, from which it appears that the gross revenue at this post-office—and remember it is a post-office alone that is asked—is \$40,000 for the year 1889. I pick up the census of 1880 and I find that the population of Cedar Rapids was 15,000. I presume it has increased since that time.

Mr. GEAR. Cedar Rapids is a city of considerably over 20,000.

Mr. CANNON. Probably. I speak of the population as shown by the census of 1880. I am not aware that any census has been taken since, but I presume the city may now have 20,000; I do not know; I never was in Cedar Rapids. The report says the population is 20,000 or 25,000, and the report may be right.

Now, Mr. Chairman, as public buildings go, I am free to confess that I think there ought to be a public building in Cedar Rapids for the post-office, but I submit that \$100,000 is sufficient to build a post-office in a city where the gross postal revenues are only \$40,000 per annum. It is said that they have spent \$275,000 for school-houses in that city to house probably 2,000 or 2,500 or 3,000 children. I do not think that that is any argument in this matter, but it would appear that \$100,000 ought to provide a sufficient building to house one postmaster, five deputy postmasters, and eleven agents or letter-carriers, and still leave sufficient room to receive and deliver the mails. Certainly, I would be very glad to see the gentleman from Iowa [Mr. KERR] have \$150,000 for this purpose, if that is the amount that ought to be given under the circumstances; but I pick up a bill which will follow this, for a building in the city of Burlington, Iowa, and I find an appropriation of \$100,000 for that.

Now, I know what my friend, Governor GEAR, thought when he saw that. The postal receipts of Burlington are larger than those of Cedar Rapids and the population is greater, and Burlington is the center of this great system of railways that Cedar Rapids is the center of. [Laughter.] In fact, every town all through that country is the cen-

ter of that system of railways. [Laughter.] Now, if Cedar Rapids is entitled to \$150,000 for a public building, Burlington is certainly entitled to \$150,000, and I suggest to my friend, Governor GEAR, that he had better have this appropriation cut down \$50,000 and \$50,000 added to his bill.

Mr. GEAR. The gentleman may rely upon it that I shall ask for the city of Burlington all I think it ought to have, whether it be \$100,000 or \$150,000 or \$200,000.

Mr. CANNON. Precisely, and I think you will be very apt to get it. In fact, I do not know but what I shall vote for it myself. [Laughter.]

Mr. GEAR. Probably you will, and you will have an opportunity.

Mr. CANNON. But I want to say that I do think that \$100,000 is enough for a public building for Burlington, for which a bill is soon to follow, and that \$100,000 is enough for Cedar Rapids, both buildings being intended for post-offices and post-offices only.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment proposed by the gentleman from Illinois [Mr. CANNON] to the amendment of the gentleman from Indiana [Mr. HOLMAN].

The question was taken; and the amendment was rejected—ayes 10, noes 77.

The amendment of Mr. HOLMAN was then agreed to.

Mr. CANNON. I desire to submit an amendment. I have not the Senate bill before me, but I move to strike out these words:

And for the purposes herein mentioned the sum of \$200,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury.

Mr. KERR, of Iowa. Mr. Chairman, I entirely agree with the opinion of the Chair, rendered to-day, that the Committee on Public Buildings and Grounds has ample power to report an appropriation, and I do not see any sense in asking that an appropriation which has passed the Committee on Public Buildings and Grounds shall be afterward submitted to the Committee on Appropriations. I can not see any reason in the world for that. If any good reason could be shown, I would favor it, but I have heard no reason, and consequently I must resist this amendment.

Mr. CANNON. Mr. Chairman, I want, if possible, to see the policy of the House settled touching appropriations for public buildings. Gentlemen have said to me, "Why, Mr. CANNON, you want to have these appropriations referred to the committee of which you have the honor to be chairman, so that you can recommend the appropriation of the money." Now, I want to be entirely frank with this committee. I have no desire to see these appropriations for public buildings, after they are authorized, referred to the Appropriations Committee unless it is to the interest of the House and of the country that they should be so referred.

But, as I have said, I want the policy of the House settled. I do not know how many public-building bills there are to pass here; I believe there are seventy or eighty now upon the Calendar. Nor is it material to discuss most of those public appropriations now, because after they are authorized the buildings will not be completed within the next fiscal year; but I think it is entirely proper that the appropriations for these public buildings should go to some one committee that can inquire fully as to what amount can be properly and judiciously expended during the coming fiscal year for such purposes, and can report the facts for the consideration of the House, and let the House amend the action of the committee, increasing it or decreasing it, as it sees proper. And this is true not only as to this Committee on Public Buildings and Grounds, but as to other committees. The Committee on Commerce, for example, has jurisdiction of legislation establishing light-houses. There is a light-house established at Seal Rocks that we have been building for ten or twelve years past, and it will take ten or twelve years more to complete it; and so it is at other points throughout the country.

You establish a light-house; it takes time to build the foundation; it takes time to put up the structure. Now, if this committee should report full appropriations for public buildings, it might just as well report full appropriations for light-houses, and so on through all the different committees. The result would be that before Congress adjourned you would pile up millions upon millions in the shape of appropriations that could not be expended during the next fiscal year.

I think the former policy of the House has been correct; that all these matters after they have been authorized should be referred to a single committee, that it may inquire in good faith what amount is required from one fiscal year to another to carry on the work and report the necessary appropriation under the rules of the House.

Mr. MILLIKEN. Will the gentleman allow me a question?

Mr. CANNON. Certainly.

Mr. MILLIKEN. I do not care very much about this matter; I am not opposing the gentleman very much; but I would like to ask him whether it is not true that, should the whole amount of money be appropriated at once, it will only be used as fast as required.

Mr. CANNON. Precisely.

Mr. MILLIKEN. And that the public Treasury will not suffer one particle more if the appropriation be made now than if it be made by and by? The only result is that the amount appropriated looks large in the appropriation bill; that is all.



Mr. CANNON. Let me ask the gentleman a question. Suppose that for public buildings, light-houses, and various other improvements we authorize at this session an aggregate expenditure of \$40,000,000, as has been authorized at former sessions of Congress, and appropriate the whole amount; who can tell how much is to be expended? Some one committee having jurisdiction of this matter, after the legislation authorizing these works has been had, should inquire how much can be expended for the next year and should report the appropriation. I think that is good policy. Certainly I do not care to urge this matter as a mere question of the jurisdiction for my committee.

Mr. KERR, of Iowa. If the gentleman will waive any further remarks, I will accept his amendment. Mr. Chairman, as this bill was introduced by the chairman of the Committee on Appropriations of the Senate, I will accept the gentleman's amendment and consent that the provision indicated by him be struck out.

Mr. CLUNIE. I want to say a word on this question. [Cries of "Oh, no!"]

The CHAIRMAN. The pending question is on the amendment proposed by the gentleman from Illinois, to strike out the words he has indicated.

Several MEMBERS (to Mr. CLUNIE). Let it go.

Mr. CLUNIE. I have a right to vote on this question, and I do not propose to accept the amendment.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. CLUNIE. I move to amend by striking out the last word.

Now, Mr. Chairman, I want to say a word. I do not often trouble the House.

There is a law on the statute-book providing that before you can proceed with any of these public buildings you must get the site, and your building must come within the appropriation. Now, if we go on and pass these public-building bills and the Committee on Appropriations should see fit to appropriate only \$50,000 it means nothing; and I want every member—

Mr. CANNON. Will the gentleman allow me a moment?

Mr. CLUNIE. Certainly.

Mr. CANNON. When the Committee on Appropriations reports its bill to the House, the House can increase, decrease, or strike out.

Mr. CLUNIE. That does not answer the question. Congress has passed a law providing that unless you come within the appropriation—for instance, in the case of San José—unless you can buy the ground and erect the building for \$200,000 you can not do anything; your hands are completely tied. So it is with every public building. If the course suggested by the chairman of the Committee on Appropriations [Mr. CANNON] should be adopted, we can not do anything. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is upon the amendment proposed by the gentleman from Illinois [Mr. CANNON].

The amendment was agreed to.

Mr. MILLIKEN. I move that this bill be laid aside to be reported favorably to the House.

The motion was agreed to.

#### PUBLIC BUILDING AT SCRANTON, PA.

Mr. MILLIKEN. I now call up the bill (H. R. 3331) to amend an act entitled "An act to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pa.," approved July 27, 1882.

The bill was read, as follows:

*Be it enacted, etc.,* That the amount heretofore fixed as the limit of cost for the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pa., be, and the same is hereby, increased to \$300,000; and that sum is hereby fixed as the limit of cost for the erection of said building.

SEC. 2. That the sum of \$225,000, or so much thereof as may be necessary to carry out the provisions of this act, be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated.

The amendments reported by the Committee on Public Buildings and Grounds were read, as follows:

In section 1, line 7, strike out "three hundred" and insert "two hundred and fifty;" so as to make the sum \$250,000.

In lines 8 and 9, strike out the words "the erection of said" and insert the words "site and;" so as to read: "that sum is hereby fixed as the limit of cost for site and building."

In section 2, strike out, in line 1, the words "two hundred and twenty-five" and insert "one hundred and seventy-five;" so as to make the sum \$175,000.

The amendments were agreed to.

Mr. MILLIKEN. I move that this bill be laid aside to be reported to the House with a favorable recommendation.

Mr. HOLMAN. I ask that the report be read.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] demands the reading of the report. He will be recognized and the report will be read in his time.

The Clerk read as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 3331) to amend an act entitled "An act to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pa.," approved July 27, 1882, submit the following report:

The Forty-seventh Congress, by act of July 27, 1882, authorized the purchase of a site and the erection of a suitable building for a post-office and other Government offices at Scranton, Pa., limiting the expenditure to \$75,000. Of this

amount \$35,000 has been used in purchase of a site, leaving insufficient provision for construction of a building that will provide the accommodations required, and so inadequate that the Supervising Architect of the Treasury Department in his annual report for 1884, and annually since, has called attention to the deficiency, and states that he had not felt justified in recommending the preparation of plans.

By the census of 1880 Scranton was the fourth largest city in the State of Pennsylvania and the thirty-eighth in size upon the list of cities of the Union. Since 1880 its phenomenal growth is stated by its board of trade in its published reports, as follows:

The directory of Scranton for 1880 contained 10,323 names. The census of that year gave us a population of 45,850. This gave a multiple of 4.4 to use in ascertaining the population in succeeding years. The directory for 1889 contains 23,576 names. Multiplied by 4.4 this would give the present population of Scranton at 105,054. It is therefore not without reason that the claim of a population of 100,000 is made. The increase is tremendous, but other things bear out this evidence of remarkable advance.

In 1880 our buildings numbered.....	6,329
In 1889 our buildings numbered.....	12,749
The assessment of 1880 was.....	\$9,062,000
The assessment of 1889 was.....	\$16,623,637
Dun's agency for 1889 for Scranton gives business concerns at.....	1,324
In 1880.....	859

The increase in rating after making all necessary deductions averages, in round numbers, over \$13,000,000.

Such growth has no parallel in Eastern cities, and that its prosperity is substantial and gives promise of a great future it is only necessary to recite that it is located in the very center of the great northern anthracite coal fields, surrounded by a rich and practically inexhaustible mineral deposit. One-third of the entire anthracite tonnage comes from the Lackawanna district, of which Scranton is the center and from which point it is shipped.

Seven important railroad lines center at Scranton.

Two Bessemer-steel works are located there, with capital stock of \$4,000,000, which made during 1889 one-fourth of all the steel rails produced in the United States, and more than were manufactured in any one place in the world.

The amount of capital invested in the industrial enterprises operating at Scranton is stated at upward of \$23,000,000, and the steady increase for several years past has averaged 10 to 15 per cent. annually. The average line of its bank deposits is \$5,000,000.

In 1886 sessions of United States circuit and district courts were established at Scranton, necessitating a three-story building, for which the Supervising Architect advises this committee \$300,000 will be required. It is evident to this committee that suitable provision should be made for a building for Government uses in Scranton, commensurate with the size and importance of the city and its undoubted growth in the immediate future.

Your committee therefore report favorably on this bill, and recommend its passage, with the following amendments. In section 1, line 7, strike out the words "three hundred" and insert "two hundred and fifty;" and in line 8 strike out the words "the erection of said" and insert the words "site and;" and in section 2, line 1, strike out the words "two hundred and twenty-five" and insert in lieu thereof "one hundred and seventy-five."

TREASURY DEPARTMENT,  
OFFICE OF THE SUPERVISING ARCHITECT,  
Washington, D. C., January 25, 1890.

SIR: At the request of Hon. J. A. SCRANTON I have estimated amount required for the construction of United States court-house and post-office at Scranton, Pa., commensurate with the necessities of the public service and the size and importance of that city.

In my judgment, the limit of cost should be increased to \$300,000 for a site and a suitable building, with third story for the accommodation of the courts, the limit to include the cost of heating apparatus, approaches, and elevator.

Yours, respectfully,

JAS. H. WINDRIM, Supervising Architect.

Hon. SETH L. MILLIKEN,

Chairman Committee on Public Buildings and Grounds,  
House of Representatives.

Mr. HOLMAN. Mr. Chairman, I wish to say a few words in regard to this bill. I see that the committee have recommended a reduction of the amount in the bill from \$300,000 to \$250,000. Now, Scranton, it must be admitted, is one of the marvels of our country for its rapid growth and development, and a suitable building should be erected at that point. It seems, however, that this is for post-office purposes alone. I believe you have no Federal court there.

Mr. SCRANTON. We have.

Mr. HOLMAN. Then this building is designed for the accommodation of the Federal court and the post-office. Of course, the internal-revenue office will not require much space.

Now, what I desire is that the facts may be presented to the committee. In 1882 it will be admitted that Scranton was not as large as it is now, although then it was a prosperous city. In 1882 the House thought, and it was a Republican House, that \$75,000 was enough for a proper public building at Scranton, and it appropriated that amount of money for the purpose. I concede with the present drift of sentiment in this House that that seems to be a small amount, but that was the judgment of the House of Representatives only eight years ago, that for a building for Scranton, Pa., \$75,000 was sufficient. Thirty-five thousand dollars was expended for a site, leaving \$40,000. I admit, in the present condition of Scranton, that \$40,000 is not sufficient.

In my own State about five years ago there was an appropriation made of \$100,000 for New Albany, a leading city of Indiana, and an elegant building was erected there. The Federal court has been held there for many years. The building was for the Federal court and post-office. The city is, I think, a port of entry, but I am not certain as to that. That sum, I understand, was found to be ample, and the building has been completed for that expenditure of money.

The amount now remaining of the appropriation for Scranton is \$40,000. If you fix the limit at \$200,000, which I shall propose, you will have \$215,000 for the purposes of this bill; the site has been purchased for \$35,000. I think \$200,000 ought to be the limit, an increase of \$125,000. It is a sufficient sum to appropriate.

I wish to call attention, Mr. Chairman, to this fact, that while there has been a large surplus in the Treasury, which is a state of things always perilous to frugal and honest legislation, that surplus is rapidly melting away. By your laws you have wisely provided that the Committee on Invalid Pensions shall have the right to report general pension bills at any time. I think the distinguished gentleman from Kansas, chairman of that committee, ought to bring before the House at an early hour bills giving proper pensions to the soldiers of the Union Army and providing properly for their widows and children. These measures are of the highest importance and will certainly sooner or later receive proper consideration; such measures will necessarily involve the appropriation of a large sum of money.

I submit that until we know what that legislation will be in behalf of the Union soldiers and their widows and children, until we know what sums will be appropriated by Congress towards the payment of that debt of national justice and gratitude, we ought to move a little moderately in appropriations for costly public buildings which can very well be dispensed with. We have fifty or sixty bills already before us for public buildings, and there are others getting ready to swell the Calendar, and in this carnival of extravagance there may not be left any surplus in the Treasury to meet these higher obligations we owe to the defenders of the Union, or at least such a reduction of the surplus as will be urged as justifying only partial relief.

I hope gentlemen will remember that we have not reached that important legislation. I hope the proper pension bills in contemplation and which the public judgment demands will be reported at an early day, that the House may understand to what extent it may apply the public funds to the erection of costly public buildings and other objects of similar character, and yet do justice to the soldiers of the Union Army, their widows and children.

I move to amend the amendment of the committee.

The CHAIRMAN. The bill is not before the committee for amendment, but for debate. By unanimous consent, it may be considered before the House for amendment.

Mr. HOLMAN. I wish to reduce the amount of the limit from \$250,000 to \$200,000.

Mr. LEHLBACH. The gentleman misunderstands the bill. It does not call for an appropriation of \$250,000, but it increases the limit of cost.

Mr. HOLMAN. It is the same thing.

Mr. LEHLBACH. Oh, no.

Mr. HOLMAN. I do not misunderstand the terms of the bill. It increases the original limit of \$75,000 to \$250,000 and fixes the latter sum as the amount which is to be appropriated ultimately. Now, we take it for granted, from our past experience, that whatever is the limit of the law will be reached beyond question. I never knew a less sum appropriated during my service here than was fixed as the limit of the cost of the site and building. No; we may safely determine that the sum named will be ultimately appropriated.

The committee, I say, proposed to fix the limit at \$250,000. My motion is to make the limit \$200,000, instead of \$250,000. This is an increase of \$125,000.

I observe the anxiety of the distinguished gentleman who represents the Scranton district, and his friends, that a fair and proper bill should pass, and I am free to say, Mr. Chairman, that no gentleman on this floor will go further than I will, consistent with what is just and proper to the public service, to carry out the wishes and views of the gentleman from that district [Mr. SCRANTON].

That excellent gentleman, so far as personal consideration could govern our actions in disposing of the public funds, would certainly succeed in getting all that he might ask for this building. But public considerations intervene and these ought to govern, notwithstanding the wish that many of us entertain, and none more sincerely than myself, that the wishes of the gentleman from the Scranton district should be granted.

Mr. McCORMICK. Will the gentleman yield for a moment?

Mr. HOLMAN. Certainly.

Mr. McCORMICK. If the amendment to the amendment prevails, the sum appropriated for the building, as I understand the gentleman, will be \$240,000?

Mr. HOLMAN. I believe that is correct.

Mr. McCORMICK. The gentleman is mistaken, if he will permit me to say so. This is an amendment to the act of 1882. That act made the limit of the appropriation \$75,000. This bill makes it \$300,000, and the committee propose an amendment to limit the amount to \$250,000, which was the entire cost of the building. So that if the amendment of the committee prevails it would be \$250,000.

Mr. HOLMAN. And \$40,000 of that is still on hand.

Mr. McCORMICK. Forty thousand dollars of the original limit; but, if the gentleman's amendment prevails, then the amount of the entire cost of the building would be limited to \$200,000 instead of \$240,000 as the gentleman states.

Mr. HOLMAN. That may be the result—

Mr. LEHLBACH. I will state, so that the gentleman will understand it—

Mr. HOLMAN. I think that there is no misunderstanding about the matter. The original limit was fixed at \$75,000. The proposition

here is to make it \$250,000. My motion is to make it \$200,000, and this bill appropriates \$175,000.

Mr. SCRANTON. One hundred and seventy-five thousand dollars. Mr. HOLMAN. That is correct, \$175,000, and the \$40,000 remaining, and available, would make the total sum \$215,000.

Mr. LEHLBACH. That is correct; \$215,000. That is the correction I wanted to make, and the gentleman would not allow it.

Mr. HOLMAN. The effect of my proposition would be that the limit of the cost of the building and site, the site having been secured by an expenditure of the original appropriation to the amount of \$35,000, instead of being \$75,000 as originally provided it would be \$215,000. I think that in justice to other sections of the country and to the public Treasury that sum is sufficient.

Mr. SCRANTON. Mr. Chairman, when this bill first came up in the Forty-seventh Congress—and the gentlemen here want to understand that at that time the Government was not erecting buildings in every little cross-road village, but only in the large commercial centers and seaboard cities—when this bill first came up in that Congress I was a member of the Committee on Public Buildings and Grounds of which one of my Pennsylvania colleagues was the chairman. I acceded to his request to allow the sum to be reduced to \$100,000. When it came up by unanimous consent in the House the same gentleman who is opposing me to-day, the gentleman from Indiana, rose in his place and objected to the consideration of the bill, and sent me word over to our side of the House that if I would reduce it to \$75,000 he would withdraw his objection and the bill might pass. I told my colleagues that that would not more than pay for the site, as I thought at that time. They said, "All right, let it go; get your building established." So I consented to the reduction proposed by the gentleman.

In the census of 1880 this city was thirty-eighth in the Union, and yet the cost for the public building there was limited to \$75,000. The Government went on and acquired the site, for which it paid \$35,000. That site to-day would sell under the hammer for \$150,000, showing the advance in property and the rapid growth of that city.

Now, ever since then we have been knocking at the doors of Congress for the purpose of getting the building. Every report of the Supervising Architect from that time to this has called attention to the building and that the amount was entirely inadequate. The construction has been delayed, and so for eight years we have waited and waited—the thirty-eighth city in population by the census of 1880. Since that time at least one hundred and fifty public buildings have been authorized by Congress, one hundred and forty of them at least in cities less in size and importance than the city of Scranton.

Now, it makes me tired [laughter] when I see the cheap statesman from the West get up here and talk about what he does not know anything about. He never was in our country and does not know anything whatever about it. We need \$300,000 for this building and we are going to have it ultimately.

Now, the Committee on Public Buildings and Grounds has been very kind in this matter in this Congress. True, they cut me down \$50,000, but they would not have done it if they had had the facts and the figures before them, when they considered the question, that I desired to submit. The gentlemen constituting the subcommittee, the gentleman from New Jersey [Mr. LEHLBACH] and my colleague [Mr. DARTINGTON], when the matter came up, had not the statistics before them which I desired them to have.

Mr. CLUNIE. And the committee did not have them.

Mr. SCRANTON. So that they cut the amount down from \$300,000 to \$250,000. If there had been no motion made to reduce the amount here, I would have quietly accepted the recommendation of the Committee on Public Buildings and Grounds; but as it is, I ask gentlemen not to agree to the amendment of the Committee on Public Buildings and Grounds and to give us the amount that the bill calls for, \$300,000. That is the amount that we need, and I am satisfied if the House will consider the matter for a few moments they will not object to it.

The CHAIRMAN. The debate upon the pending amendment is exhausted.

Mr. SPINOLA. I move to amend by striking out the last word, and shall ask the attention of the committee for two or three minutes. The gentleman having the bill in charge has made complaint that the Committee on Public Buildings and Grounds reduced the amount appropriated by his bill from \$300,000 to \$250,000, but he has neglected to inform the House of the fact that the original appropriation was only \$75,000. From that they have sprung up to \$300,000, and the committee reduced the amount by \$50,000. Now, sir, as a matter of practical legislation, governed by common sense, if I had charge of the bill, I would accept the proposition made by the gentleman from Indiana, and accept it so quickly that it would make your head swim.

Mr. SCRANTON. What do you know about it?

Mr. SPINOLA. I know about as much about it as you do.

Mr. SCRANTON. You do not know anything about it.

Mr. SPINOLA. I do know. I know your city, and I have been in your city, and if you take members of this House to be ignoramuses you will be very much mistaken. [Laughter.]

Mr. SCRANTON. The gentleman from Indiana does not know anything about it.



Mr. SPINOLA. I want to tell you he would not be here if he did not know what is required in these cities, and I say to the gentleman that he ought to accept the offer that has been made to him.

Mr. SCRANTON. I would like to tell the gentleman something.

Mr. SPINOLA. You can tell it in your own time. Now, I wish to say to the gentleman from Pennsylvania that in my judgment he is making a great mistake. There will be another year, and then he may have votes enough in this House to have a majority.

Mr. SCRANTON. We have been waiting eight years.

Mr. SPINOLA. Suppose you have waited eight years. The Government gave you \$75,000 eight years ago and you thought that was sufficient.

Mr. SCRANTON. We did not.

Mr. SPINOLA. That is what your Representative said.

Mr. SCRANTON. I said at that time that it would not be enough.

Mr. SPINOLA. You asked \$100,000, and Congress gave \$75,000, thinking that that was sufficient at that time. Now you are here and ask for \$300,000.

Mr. SCRANTON. No.

Mr. SPINOLA. For \$200,000 more.

Mr. SCRANTON. For \$175,000 more.

Mr. SPINOLA. Take my advice. If you want to get a vote and pass this bill to-day, take this proposition that the gentleman from Indiana has offered; and I will say to you if you do not you may have the question of no quorum brought up against your bill. Take the proposition made by the gentleman from Indiana is my advice.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Indiana.

The question was put, and the Chairman announced that the "noes" seemed to have it.

Mr. HOLMAN. Division.

The House divided; and there were—ayes 12, noes 100.

So the amendment offered by Mr. HOLMAN was rejected.

Mr. CANNON. I move to strike out the second section of the bill, which is the section making the appropriation.

The CHAIRMAN. The first section of the bill contains an amendment proposed by the committee that must be first acted upon.

Mr. SCRANTON. Inasmuch as the gentleman from Indiana [Mr. HOLMAN] and the gentleman from New York [Mr. SPINOLA] have made an attack on this bill, as I believe and know that \$300,000 is needed and will have to be given in the end, why not give it to us at once, as a matter of business, and settle this matter? Therefore I hope that this committee will stand by me and not adopt the amendment of the Committee on Public Buildings and Grounds; and in this connection I wish to say that I have the consent of the chairman and members of that committee to make this appeal to the Committee of the Whole.

Mr. MILLIKEN. Mr. Chairman, the gentleman is entirely mistaken when he says that he has the consent of the chairman of the Committee on Public Buildings and Grounds to do anything of the kind. The committee cut down the bill to what they thought ought to be appropriated. Now, I will state that I had a bill for my own district, and in order to accommodate the gentleman from Pennsylvania I have passed over my own bill and called up his in the place of it. I submit that I do not think after having done that that the gentleman should provoke all this discussion. I hope his amendment will be voted down.

Mr. SCRANTON. Mr. Chairman, I think it is due me to say to the House that before I proposed to make this objection I consulted the chairman of the Committee on Public Buildings and Grounds in regard to it; and I told him at that time that I felt under obligation to him personally and to the members of the committee for reporting this bill at this early date; that I thought they had made a mistake in reducing the amount from \$300,000 to \$250,000, and that as bills were going here in towns of less importance it ought to be restored to \$300,000, and I would object to their amended bill. Mr. MILLIKEN told me to go ahead and object, it was all right; that he had no objection to the Committee of the Whole taking action on the bill.

Mr. MILLIKEN. Now, Mr. Chairman, I do not want to raise a question of veracity with the gentleman; but he is utterly mistaken in what he says.

The CHAIRMAN. The question is on the first amendment offered by the committee.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the second amendment of the committee.

The Clerk read as follows:

Strike out the words "the erection of said" and insert "site and;" so as to make it read: "that sum is hereby fixed as the limit of cost for site and building."

The amendment was agreed to.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk read as follows:

In section 2, strike out "two hundred and twenty-five," and insert "one hundred and seventy-five;" making it read: "That the sum of \$175,000," etc.

The amendment was agreed to.

Mr. CANNON. I move to strike out section 2, it being the section making the appropriation. I do not desire to say anything concerning it.

Mr. MILLIKEN. I will say so far as the committee is concerned they will accept that amendment.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

PUBLIC BUILDING, CHESTER, PA.

Mr. MILLIKEN. I call up the bill (H. R. 766) to provide for the erection of a public building at Chester, Pa., and I ask unanimous consent that the Senate bill S. 859, an act for the erection of a public building at Chester, Pa., be considered in its stead.

There was no objection.

The bill was read, as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Chester and State of Pennsylvania, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$100,000, which said sum of \$100,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$5 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Pennsylvania shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

Mr. HOLMAN. I ask that the report in that case be read.

Mr. SPRINGER. I ask unanimous consent to dispense with the reading of the report.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] has been recognized and has demanded the reading of the report, and it will be read as a part of his remarks.

The report (by Mr. DARLINGTON) was read, as follows:

The Committee on Public Buildings and Grounds, to which was referred the bill S. 859, has duly considered the same and recommends its passage, with an amendment to conform it with H. R. 766, already reported (House Report 215), as follows:

Strike out the words "one hundred thousand" wherever they occur in the bill and insert in lieu thereof the words "eighty thousand."

Mr. HOLMAN. I observe from the reading of the report that the amount is reduced to \$80,000.

The CHAIRMAN. By unanimous consent the bill will be regarded as before the committee for consideration and amendment. The question is upon the amendment proposed by the committee.

The amendment was agreed to.

Mr. CANNON. Mr. Chairman, I move to strike out the appropriation section of the bill.

Mr. DARLINGTON. I am willing that that shall be done.

Mr. BYNUM. Mr. Chairman, upon that motion I desire to be heard. In order that the House may understand the importance of this bill, I desire to have read what I have marked in the RECORD of a former Congress, which I send to the desk.

The Clerk read as follows:

Mr. EVERHART. It is for a public building in Chester, Pa. I may say, Mr. Speaker, with verity, that such an improvement is essential on account of the importance of the city. On account of its population, which, with the suburbs, will be accommodated, amounts to some 35,000 souls; and of its postal business, which will aggregate quarterly over \$10,000; and of its domestic and foreign trade, employing some three hundred vessels yearly, and its harbor, wider, deeper, and nearer the sea than Philadelphia. On account of its industrial works, textile, iron, and chemical, its famous plants for the construction of steel and wooden vessels, and its great refineries of oil. On account of its schools, miscellaneous, military, and theological, and its churches, banks, and newspapers, and its various associations of loyalty and charity. On account of its situation, bounded on the front by the Delaware River, teeming with fish and ventures, with the rolling land behind it exuberant with crops and cattle, while three great lines of railway send numerous loaded trains through it daily to all points of the compass. On account of its history, as the seat of William Penn's first legislative council, where he organized his commonwealth of free suffrage and free worship and proclaimed his immortal policy of peace. On account of its growth, which has duplicated its extent, its correspondence, and resources within a score of years. On account of its necessities, because the present buildings are merely leased and inconvenient in size, arrangements, and locality, for the transaction of the public affairs. [Applause.] Therefore, Mr. Speaker, I ask that this bill be considered and passed. [Applause.]

[Laughter.]

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. CANNON].

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

PUBLIC BUILDING, TROY, N. Y.

Mr. MILLIKEN. I call up the bill (H. R. 605) to increase the appropriation for the erection of a public building at Troy, N. Y.

The bill was read, as follows:

*Be it enacted, etc.,* That the amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Troy, N. Y., be, and the same is hereby, increased to \$500,000, and that sum is hereby fixed as the limit of cost for the erection of said building and for the payment for the site thereof; and said additional sum, to wit, the sum of \$300,000, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purposes provided in this act.

SEC. 2. That the officers of the United States Government having charge of the erection of public buildings are required to be governed by the limitation hereby prescribed in making plans and contracts for said building.

SEC. 3. That the provisions of existing law relating to said building be so amended as to require an open space of not less than 20 feet in lieu of 40 feet, as provided by the act of February 14, 1885.

Mr. HOLMAN. I ask for the reading of the report.

The report (by Mr. QUACKENBUSH) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 605) to increase the appropriation for the erection of the public building in Troy, N. Y., having had the same under consideration, respectfully report as follows:

At the second session of the Forty-eighth Congress a bill was passed appropriating \$200,000 for the purchase of a site and the erection of a public building thereon in the city of Troy, N. Y. At the second session of the Forty-ninth Congress an additional sum of \$100,000 was appropriated to the same object, the limit of cost of said site and building being increased by act of Congress to \$300,000.

A plot of ground on the corner of Fourth street and Broadway, 131 by 150 feet, in the midst of the most active business section of the said city, has been purchased as the site of said building at a cost of \$103,000, including sundry incidental expenses connected with such purchase, leaving the sum of \$197,000, which, under the present limit, is the sum available for the complete construction of the said building and the approaches thereto. The site has been cleared of the structures heretofore occupying it, and active work on the Government building is contemplated early in the coming spring.

The superintendent of construction of said building gave expression to his views in a letter of which the following is a copy:

TROY, January 14, 1888.

DEAR SIR: It is the generally expressed opinion of the citizens of Troy that the amount appropriated for the proposed Government building to be erected in this city is insufficient. In this opinion I concur. Two hundred thousand dollars will pay for a good brick building, but the structure to be erected here by the United States Government should be built of granite and be made fire-proof, and to so build it will require, in my judgment, a sum double the amount of the present appropriation.

Respectfully,

M. F. CUMMINGS,

Architect and Superintendent of Construction U. S. Post-Office, Troy, N. Y.

Hon. E. W. GREENMAN.

The Supervising Architect says:

THE TREASURY DEPARTMENT,  
OFFICE OF THE SUPERVISING ARCHITECT,  
Washington, January 20, 1889.

SIR: I have the honor to state in regard to the bill (H. R. 605) increasing limit of cost of the building at Troy, N. Y., transmitted to you on the 19th instant by the chairman of the Subcommittee on Public Buildings and Grounds, that the present limit would only permit of the construction of a non-fire-proof building, with barely sufficient floor space for the present need of the post-office business. To secure the floor space necessary for the proper transaction of the post-office business, which is rapidly increasing, basing this statement upon what will be required at the expiration of fifteen years, and erecting a fire-proof building, the limit of cost for site, building, and approaches complete should be extended to \$500,000.

Should the action be taken as indicated by the bill referred to it will be necessary to decrease the fire limit to 20 feet.

Respectfully, yours,

JAS. H. WINDRIM, Supervising Architect.

The SECRETARY OF THE TREASURY.

The city of Troy and its suburbs are among the most active and flourishing manufacturing centers in the United States, the output of goods exceeding in value the product of many cities of greater population.

The population receiving mail at the Troy post-office was 73,500, according to the census of 1880. At the present time conservative judges estimate it at 90,000, said census and estimate including the villages of Lansingburgh and Green Island and a part of the towns of Brunswick and North Greenbush, all of

which receive mail from the Troy office. The gross receipts of said office for the fiscal year ended June 30, 1888, were \$100,631.02. A money-order business of about \$500,000 is yearly transacted, and not less than 16,000,000 pieces are annually handled by the carriers and employees.

The citizens of Troy have for many years contributed a much larger sum of money annually to the Government in the way of internal-revenue tax than very many cities of larger population.

In answer to the suggestion of the Supervising Architect that the fire limit should be reduced to 20 feet, your committee would state that since the purchase of the site for the Government building the parcel of land north of and adjoining said site has been sold to the Union National Bank, and said corporation has erected thereon a three-story and attic fire-proof banking house, 25 feet in width and extending the full depth of the lot, namely, 131 feet; so that, although the open space between the Government building and the banking house should be reduced to 20 feet, yet the distance between the former and a non-fire-proof structure would be greater by 5 feet than is provided or required by the act of February 14, 1885.

In view of the foregoing facts your committee respectfully recommend the passage of the bill.

Mr. HOLMAN. Mr. Chairman, this is rather an unusual bill. Two hundred thousand dollars was appropriated in the first place for this public building in the Forty-eighth Congress, I believe; then \$100,000 more, and now \$200,000 more is asked for. That is going on pretty rapidly. What will be the demand in the next Congress? I observe, too, that there is no provision in the bill that this appropriation shall be in full. I do not understand our Supervising Architect of the Treasury. The spirit of the law is that he shall make his plans according to the appropriations made by Congress, but judging from these reports his opinion seems to be conclusive, and he appears to be recommending increases all along the line. The Forty-eighth Congress thought that \$200,000 was enough for this public building; the next Congress thought that \$100,000 should be added to that amount; and now the Fifty-first Congress is expected to add \$200,000 more. The site for the building has been purchased, if I understand correctly, for \$97,000; so that there is already \$203,000 available for the construction of this building, and, judging from the past action of Congress, I should not believe that double that sum, or \$403,000, would be thought necessary.

I observe that motions to reduce these appropriations are not received with very much favor, but still, this being so unusual a case, I will venture to move to reduce the amount by \$100,000, fixing the limit at \$400,000, instead of \$500,000.

The CHAIRMAN. By unanimous consent the bill will be regarded as before the committee for consideration and amendment, and the gentleman from Indiana moves to strike out "\$500,000" and insert "\$400,000."

The amendment was rejected—ayes 16, noes 80.

Mr. BUCKALEW. Mr. Chairman, I move to strike out the second section of the bill, which is entirely unnecessary.

Mr. MILLIKEN. The appropriating clause?

Mr. BUCKALEW. No, sir; the provision that this amount shall not be exceeded. I ask for its reading.

The Clerk read as follows:

SEC. 2. That the officers of the United States Government having charge of the erection of public buildings are required to be governed by the limitation hereby prescribed in making plans and contracts for said building.

Mr. BUCKALEW. If we put that into this bill it will raise the presumption that when we do not put it into other bills these officials may exceed the limit.

Mr. MILLIKEN. I do not object to the amendment.

The amendment was agreed to.

Mr. MILLIKEN. Mr. Chairman, I move that the appropriating clause of the bill be stricken out.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

PUBLIC BUILDING AT COLUMBUS, GA.

Mr. MILLIKEN. I now call up the bill (H. R. 188) for the erection of a public building at Columbus, Ga., and appropriating money therefor.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, for the use and accommodation of the post-office and other Government offices at the city of Columbus, Ga. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of \$150,000: *Provided,* That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Georgia shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be and remain the owner of the same, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

SEC. 2. That the sum of \$150,000 be, and the same is hereby, appropriated, from any money in the Treasury of the United States not heretofore appropriated, to enable the Secretary of the Treasury to carry out the provisions of this act, which sum shall be immediately available.

The amendments proposed by the committee were read, as follows:

In line 10 of section 1, strike out the words "and fifty," so as to make the sum "\$100,000."

In line 1 of section 2, strike out the words "and fifty," so as to make the sum "\$100,000."



Mr. HOLMAN. I ask for the reading of the report.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] is recognized, and the report will be read in his time.

The Clerk read as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 188) for the erection of a public building at Columbus, Ga., submit the following report:

Columbus is at this time the center of eight important railroads, at the head of steam-boat navigation on the Chattahoochee River, and is the seat of numerous factories, steam mills, foundries, iron works, and other industries of various kinds. Its population is rapidly increasing. A post-office building has at all times been rented, and the sum of \$1,200 per annum is now paid as rental.

The population of Columbus is about 24,000, being an increase of over 100 per cent, since the census of 1880, and, including the suburban population, it will exceed 35,000. It is a large manufacturing city, perhaps the largest in the State, including in this cotton and woolen mills, oil mills, bagging factory, iron works, fertilizing factory, and scores of other enterprising institutions, employing as many as 5,000 operatives. The annual cotton receipts of this place vary from 70,000 to 110,000 bales. A free-delivery system was here established in July, 1887. The gross revenue of the post-office at this place for 1889 was \$19,201.52, showing a very healthy increase over years previous. The money-order business will compare favorably with other offices supplying a like population.

The population within the delivery of the office is fully 35,000. From this it will be clearly seen that the prospects of a very rapid increase is reasonable. There are eight railroads running into this city. There are several others chartered which will be soon under contract. There is located here the largest iron foundry in the South, besides other foundries of lesser magnitude. With a large banking capital and a surplus of about half that sum, Columbus has bright prospects. The assessed value of city real estate is over \$8,000,000.

A bill for a public building at this place, with the same amount of expenditure which this report recommends, passed the House in the Fiftyeth Congress.

In view of the growing importance of this place, your committee are of the opinion that, as a matter of economy, the erection of a public building is warranted by the increasing importance of this growing city, situated as it is at the head of navigation on the Chattahoochee River, which flows to the Gulf of Mexico, and which has so large and increasing a wholesale and retail trade. The water-power here is known as the Coweta Falls, and is unsurpassed in the South. The Judiciary Committee have agreed at the present session to recommend the passage of a bill to require terms of the United States courts to be held here.

Wherefore your committee recommend that the bill do pass with the following amendments:

Amend by striking out the words "and fifty" in the tenth line of the first section of said bill and by also striking out the words "and fifty" in the first line of the second section of said bill.

The CHAIRMAN. The first question is upon agreeing to the amendments proposed by the committee.

The amendments were agreed to.

Mr. MILLIKEN. I move to amend by striking out the second section.

The amendment was agreed to.

Mr. MILLIKEN. I move that this bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

#### ORDER OF BUSINESS.

Mr. CANNON. It is now nearly 5 o'clock, on Saturday afternoon. It seems to me it is time for the committee to rise. [Cries of "Oh, no!"] I make the motion that the committee rise.

Mr. MILLIKEN. I hope that motion will not prevail.

The motion was rejected.

#### PUBLIC BUILDING AT DALLAS, TEX.

Mr. MILLIKEN. I now call up the bill (H. R. 848) to authorize the construction of an addition to the public building in Dallas, Tex.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to construct a wing or an addition to the public building in the city of Dallas, in the State of Texas, on the lot of land now belonging to the Government of the United States, and for this purpose the sum of \$100,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be used in the construction of said wing or addition and providing necessary fire-proof vaults, heating and ventilating apparatus, elevators, etc. Said sum of \$100,000 shall be immediately available.

The CHAIRMAN. By unanimous consent the bill will be regarded as before the Committee of the Whole for consideration and amendment.

Mr. HOLMAN. I think the report should be read.

The CHAIRMAN. The gentleman from Indiana is recognized, and demands the reading of the report. It will be read in his time.

The Clerk read as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 848) for the construction of an addition to the public building in Dallas, Tex., beg leave to report:

The committee finds that the city of Dallas had in 1880 10,000 inhabitants. In 1885 its population had increased to 31,000. Its present population is about 65,000. The city is lighted by both gas and electricity. It has 13 miles of street railways operated by horse-power, 10 miles of rapid transit operated by steam, and 5 miles of railway operated by electricity.

It has eight national banks and four private banks. The active banking capital of the national banks is over \$3,000,000. The Dallas clearing-house report for the year 1889 shows gross exchanges of over \$45,000,000. Dallas has over \$3,000,000 invested in factories of various kinds, which give employment to over 2,200 laborers.

It has eleven railroad outlets, which give it direct connection with all the cities north and east, and with all the cities of the Pacific Slope, the Gulf coast, and the city of Mexico.

On July 7, 1882, Congress passed an act authorizing the erection of a public building in said city, not to exceed in cost the sum of \$75,000. Subsequent thereto two additional acts were passed, each allowing \$25,000 more, making in the aggregate the sum of \$125,000.

A building 55 by 85 feet was constructed, but not completed and made ready for use until the early part of 1889.

The growth of the city in population and business had been so rapid and extraordinary that the building when completed was found to be wholly inadequate to serve the purposes for which it was erected.

The circuit and district courts of the United States each hold two terms annually and are compelled to occupy the same court-room. The United States district attorney, marshal, clerk, and other officers and employees of the Government have their offices in said building.

The collector of internal revenue for the fourth collection district of Texas has his headquarters and principal offices in said building. In this service, in the fourth collection district, there are six deputy collectors, one clerk, one gauger, and four store-keepers. Of these thirteen persons four are permanently located in Dallas and have their offices in said building. The internal revenue collected for the year ending June 30, 1889, amounted to \$84,093.43.

The first floor above the basement is used as a post-office, the floor area of which is wholly insufficient for the proper handling of the mail, as will more fully appear from the following statement of the business of said post-office:

There are employed in said office, clerks.....	16
There are employed in said office, carriers.....	17
Registered letters delivered.....	12,504
Letters delivered.....	1,906,336
Postal-cards delivered.....	258,232
Newspapers delivered.....	772,982
Local letters collected.....	46,502
Mail letters collected.....	1,428,076
Local postal cards collected.....	38,996
Mail postal cards collected.....	218,176
Newspapers collected.....	91,341
Total number of pieces handled.....	4,773,115
Weight of second-class matter mailed.....	pounds 481,263

#### Money-order business (number and amount issued).

	Number.	Amount.
Money-orders issued:		
Domestic money-orders.....	17,441	\$231,251.48
International money-orders.....	841	12,539.85
Postal-notes.....	10,222	19,692.85
Certificates of deposit.....	13,328	1,165,275.88
Money-orders paid:		
Domestic money-orders.....	45,504	646,256.74
International money-orders.....	183	4,745.24
Postal notes.....	20,809	36,518.47

The following statement shows the gross receipts, expenses, and net revenue for the year ending June 30, 1889:

Gross receipts.....	\$79,404.21
Expenses.....	30,876.39
Net revenue.....	48,527.82

In view of the facts in this case the committee recommend the passage of the bill.

Mr. HOLMAN. I would be very glad if the gentleman representing the district in which Dallas is located would give the Committee of the Whole a statement as to the amounts heretofore appropriated, how that money has been expended, and when, so that there may be a better understanding as to the necessity for the appropriation of this additional \$100,000; for the truth is, Mr. Chairman, that notwithstanding the efforts of the Chair to preserve order it is practically impossible to hear the reading of these reports.

Mr. ABBOTT. Mr. Chairman, I was authorized by the committee to offer an amendment striking out the word "one," in line 7 and inserting "two," but because of the fact that in other bills the appropriating clause has been stricken out I will also include a proposition of that kind in this amendment.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read, as follows:

Amend by striking out all after the word "State," in line 7, and inserting in lieu thereof the following: "not to exceed in cost the sum of \$200,000, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, etc.; and the Secretary of the Treasury may add another story on the old building if he deems it necessary for the public service."

The CHAIRMAN. The question is on agreeing to this amendment.

Mr. HOLMAN. Before the amendment is acted on I should be very glad if the gentleman representing that district would state the amount of the appropriations heretofore made, the character of the buildings erected, when erected, and how it happens that we are asked to increase this appropriation \$200,000 over and above the amount recommended by the Committee on Appropriations and provided for in the original bill.

Mr. ABBOTT. Mr. Chairman, I will state to the gentleman from Indiana and to the committee that in 1882 there was an appropriation of \$75,000 for this building; subsequently an act was passed making an additional appropriation of \$25,000; and still later \$25,000 more was appropriated, the total being \$125,000. The work on this building began in the early part of 1883, but was not completed until some time last year. When the work was commenced the city of Dallas had a population of about 12,000. It has now grown to be a city of 65,000 inhabitants.

A MEMBER. Since when?

Mr. ABBOTT. Since 1883. Mr. Chairman, I have numerous letters from public officials whose offices are located in that building and who inform me that with an appropriation of \$100,000 additional no sufficient accommodations can be provided there. There are now employed in the post-office there 16 clerks, besides 17 letter-carriers. The circuit and district courts of the United States are held in that building. The collector of internal revenue for the fourth collection district of Texas,

with 13 employes, has his headquarters and principal offices there, and four or five of those officers are permanently located in this building.

In view of all these facts, in view of the fact that the officers residing there and having charge of the public business have informed me it is impossible with \$100,000 to erect an addition to this building of sufficient capacity to enable them to carry on the public business, I went before the Committee on Public Buildings and Grounds and asked their authority to offer this amendment in the House, and the committee very kindly agreed to the proposition.

Mr. LANHAM. Unanimously.

Mr. ABBOTT. Unanimously. I therefore trust the House will support the amendment.

Mr. HOLMAN. Now, if I understand my friend from Texas correctly, the present building has been erected since 1882 at a cost of \$125,000. There is, of course, a court-room in addition to the post-office, and a portion of the other offices of the Federal Government are in that building now.

Mr. ABBOTT. I will state to the gentleman that the marshal and clerk of the United States court also reside in that city and have their offices in that building.

Mr. LANHAM. For the whole of the northern judicial district of Texas.

Mr. ABBOTT. Yes, sir.

Mr. HOLMAN. Now, I wish to ask for what purpose is this additional \$200,000 to be expended. Is it for erecting an additional building?

Mr. ABBOTT. For an addition to the building and to elevate this building one story higher. I will say to my friend that if he could see the miserable structure erected there he would not hesitate a moment to assent to this appropriation of \$200,000. This building was in process of construction from 1882 to 1889; and during that time by some means or other most of the appropriation which the Government allowed was squandered.

Mr. BLOUNT. What has been the increase in the postal receipts between 1883 and the present time?

Mr. ABBOTT. I have not the figures before me at the present moment, but I can get them in a little while. The present receipts are \$779,000. In 1883 the gross receipts amounted to \$30,000. If desired, I will get the facts and present them to the House. [Cries of "Vote!"] They are growing rapidly, as everybody knows, in this flourishing place.

Mr. HOLMAN. I ask for a division on the amendment.

The committee divided; and there were—ayes 104, noes 2.

So the amendment was agreed to.

Mr. MILLIKEN. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

#### PUBLIC BUILDING, ATCHISON, KANS.

Mr. MILLIKEN. I now call up for consideration the bill (S. 2406) to provide for the purchase of a site and the erection of a public building thereon at Atchison, in the State of Kansas.

The Clerk proceeded with the reading of the bill.

Mr. MILLIKEN. I ask by unanimous consent that the formal portions of the bill be omitted in the reading.

Mr. HOLMAN. I shall not object to that, but shall insist on the reading of the report.

There was no objection, and the formal portions of the bill were omitted in the reading.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Atchison and State of Kansas, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$100,000, which said sum of \$100,000 is hereby appropriated for said purpose, out of any moneys in the Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$5 per day and actual traveling ex-

penses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof, shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Kansas shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

Passed the Senate February 21, 1890.

Attest:

ANSON G. MCCOOK, Secretary.

Mr. HOLMAN. Let the report be read.

The Clerk read as follows:

Mr. KERR, of Iowa, from the Committee on Public Buildings and Grounds, submitted the following report, to accompany bill S. 2406:

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2406) to provide for the purchase of a site and the erection of a public building at Atchison, Kans., submit the following report:

A similar bill having been introduced in the House and reported by this committee at this session of Congress, the passage of this bill is recommended.

Mr. HOLMAN. There must be some other report; that does not give any information whatever.

The CHAIRMAN. The Clerk will read the House report.

The Clerk read as follows:

Mr. KERR, of Iowa, from the Committee on Public Buildings and Grounds, submitted the following report, to accompany bill H. R. 316.

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 316) providing for the erection of a public building at Atchison, Kans., having had the same under consideration, respectfully report:

The city of Atchison, in the State of Kansas, is located on the west bank of the Missouri River, at the western extremity of the grand detour on that river, making it undoubtedly the most natural and desirable "Gate City" for access from the East to the States of Kansas, Nebraska, Colorado, and the Territories of New Mexico and Arizona. It has a population of about 25,000. Within the last fifteen years it has more than trebled its population and business. It is the railroad center of the commercial metropolis of the State. It has eleven railroads, radiating in every direction, including two direct through lines to California, one direct to the city of Mexico, and two to Denver. Its railroad system embraces more than 30,000 miles; between seventy and eighty trains daily arrive and depart from its union depot.

It is the terminus of the Atchison, Topeka and Santa Fé Railroad, the Central Branch of the Union Pacific Railway, the Atchison and Nebraska Railroad, the Missouri Pacific Railway, the Hannibal and St. Joseph Railroad, and the Chicago, Rock Island and Pacific Railway. Two other roads are under contract and in process of construction. It is the natural point of shipment for the supply of Eastern and Western markets. It has a very large wholesale trade in groceries, drugs, dry goods, glass and china ware, saddles and harness, notions, tobacco, cigars, coal, lumber, and grain, extending into five States and Territories, amounting in 1887 to \$12,000,000.

The grain trade of the city is transacted in six elevators, and its increasing business may be seen by comparison of transactions for the years 1884, 1885, 1886, 1887, and 1888, the returns for 1889 not yet being made out.

Atchison handles more grain and lumber than any other point in the States of Kansas or Missouri west of St. Louis. Its manufactures are represented by iron foundries, furniture establishments, linseed-oil works, pottery, pressed brick, harness and saddles, and boots and shoes. It has seven banks, including four national. Two extensive pork-packing houses have been established immediately opposite on the east side of the river. A bridge crosses the Missouri at this point, costing over a million dollars. Gas and water works have been established, and many important enterprises are in course of construction. It is the general distributing point for all mails arriving and departing from all localities reached by its extensive system of railroads.

The business of its post-office is now transacted in a rented building, exposed to fire, without vaults or other accommodations for the distribution and protection of the mails. No private individual is justified in erecting such a building as is absolutely necessary for the transaction of the Government business at this point.

The Sixth Auditor makes the following statement of the business of the post-office for the year ended June 30, 1889:

Gross receipts.....	\$33,501.19
Net revenue.....	17,243.93

The amount of money-orders paid and issued last year approximated \$— There are fourteen employes in the post-office, and a large increase is required for the proper transaction of the business. A considerable portion of the wholesale stocks of merchandise in the city are imported direct without breaking bulk. Some pass through in bond, which necessitates the stationing of a weigher of customs at this point.

Atchison is also the location of the United States pension examining board, and the natural commercial center of a large collection district under the internal-revenue system.

The net proceeds of the post-office can with reasonable certainty be expected within the period of five years to pay the entire amount provided for in this bill.

In view of these facts your committee are of the opinion that a public building should be erected at Atchison, Kans., for the accommodation of the post-office and other offices of the Government now or hereafter to be located at said place, and they therefore unanimously recommend the passage of the bill.

Mr. HOLMAN. The amount named in this bill is \$100,000. That would seem to be three times the amount of the annual revenues of the post-office. It would seem to come within the rule, I understand, which the Committee on Public Buildings and Grounds has adopted, of appropriating three times the amount of the gross earnings of the post-



office. In view of that fact I see no objection to this bill. [Cries of "Vote!" "Vote!"]

Mr. CANNON. The bill makes an appropriation.

Mr. MILLIKEN. I move to strike out the clause "making appropriation."

The amendment was agreed to.

The bill was then laid aside to be reported to the House with the recommendation that it do pass.

#### PUBLIC BUILDING, ALEXANDRIA, LA.

Mr. MILLIKEN. I now call up the bill (H. R. 401) to provide for the construction of a public building at the city of Alexandria, State of Louisiana.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and is hereby, authorized and directed to purchase a site for, and cause to be erected, a suitable building, of brick or stone, with fire-proof vaults, for the accommodation of the post-office, United States courts, and other Government offices, at the city of Alexandria, State of Louisiana; and that for this purpose there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000, to be expended under the direction of the Secretary of the Treasury, who shall, upon the passage of this act, cause the proper plans and specifications to be made, so that no expenditure shall be made or authorized for the purchase of a site and the full completion of said building beyond the sum herein appropriated upon the plans to be previously approved by the Secretary of the Treasury: *Provided*, That no part of the money herein appropriated shall be expended until a valid title to the site of said building, which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least 30 feet, including streets and alleys, shall be vested in the United States.

The CHAIRMAN. The bill has been reported with two amendments, which will be read.

The Clerk read as follows:

Amend by striking out, in line 10, "one hundred" and inserting in lieu thereof the word "fifty"; also, in line 21, strike out "thirty" and insert in lieu thereof "forty," so it will read:

"Forty feet, including streets and alleys."

Mr. BLANCHARD. The report is long, and I ask, in lieu of reading the report, that I shall be permitted to make a brief statement.

The CHAIRMAN. There has been no demand for the reading of the report.

Mr. BLANCHARD. It is a point in Louisiana where circuit and district courts are held and have been held for the last eleven years. It is one of the most important towns in the State. We have no large towns in Louisiana except New Orleans. The people belong to the farming, and not the manufacturing, class. A building is needed for the accommodation of the Federal courts there, where a large amount of business is done. The amount appropriated is only about \$50,000. It should be \$100,000. [Cries of "Vote!" "Vote!"]

The amendments were agreed to.

Mr. CANNON. I move to strike out the appropriating clause.

Mr. MILLIKEN. And in lieu of that I move to insert "not to exceed in cost the sum of \$50,000."

The amendment was agreed to.

On motion of Mr. MILLIKEN, the bill was laid aside to be reported to the House with the recommendation that it do pass.

#### PUBLIC BUILDING, HOULTON, ME.

Mr. MILLIKEN. I now call up the bill (H. R. 417) for the erection of a public building at Houlton, Me.

The bill is as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase or otherwise procure a suitable site, and cause to be erected thereon, at the town of Houlton, in the State of Maine, a substantial and commodious public building, with fire-proof vaults, for the use and accommodation of the United States custom-house and post-office, and for other Government uses. The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of \$75,000; and for the purposes herein mentioned the sum of \$75,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, and the State of Maine shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein, and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided further*, That no site shall be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury, and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of \$75,000 for site and building.

Mr. MILLIKEN. Mr. Chairman, I move to amend the bill by striking out of the appropriating clause all after the word "dollars," in line 13, down to the word "provided," in line 17.

Mr. BOUTELLE. I trust that action will not be taken.

The CHAIRMAN. If there be no objection, this bill will be regarded as open to amendment and debate under the five-minute rule.

Mr. HOLMAN. Before that is done, Mr. Chairman, I request the reading of the report.

The CHAIRMAN. It will be read in the time of the gentleman from Indiana.

The report (by Mr. MILLIKEN) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill to provide for the erection of a public building at the town of Houlton, Me., submit the following report:

The committee finds that the customs collection district of Aroostook Me., comprises an immense area of territory of 6,800 square miles on the northeastern boundary of the United States, lying adjacent to the province of New Brunswick, and that its officers are intrusted with the guarding of a frontier line of more than 250 miles in extent, with headquarters at Houlton, the shire town of the county, situated at the terminus of the branch of the New Brunswick Railway, with stations at Fort Fairfield, Van Buren, etc.

The custom-house and post-office are now both located in a wooden building in Houlton, rented by the Government from private owners, and the accommodations are inadequate and insecure for the protection of the records and other property against fire.

The Aroostook customs district proves to be the only customs district in Maine in which the custom-house is situated in a rented structure, the Government having provided a public building in every other district. Aroostook is by far the most rapidly growing county in the State in population and production, and its rapidly increasing business with the adjacent province of New Brunswick renders it an important district in our revenue system. The rapidity of the growth of the section may be gathered from the following facts:

In 1870 the district contained 29,453 inhabitants; in 1880, 41,393, an increase in ten years of 11,940, or over 40 per cent. increase in population to 1880, and the total now probably exceeds 50,000 people.

The receipts of customs show a much greater ratio of increase, and the aggregates for eight years are shown by the official records to be as follows:

Amount of receipts from June 30, 1879, to June 30, 1887	\$203,802.15
Amount of expenditures from June 30, 1879, to June 30, 1887	73,169.08

Net receipts above expenditures for eight years	130,633.07
Amount of receipts year ending June 30, 1878	8,438.18
Amount of receipts year ending June 30, 1888	45,286.68

The shire town, Houlton, is the natural center of business for that entire section of country, comprising a thickly settled frontier of over 250 miles, and is rapidly increasing in population and business, the inhabitants being now estimated at 6,000. Within a few years numerous industries have been established there, many buildings have been constructed, and systems of water-works and electric lighting have been introduced. It is believed that the post-office is now used by 12,000 people in Houlton and the adjoining towns.

Two branches of the New Brunswick Railway enter the district from Canada, one at Houlton and the other at Fort Fairfield, the latter extending into the district 29 miles to Presque Isle. The main line of the New Brunswick Railway extends along the northern boundary a distance of 40 miles, with several trains each way daily, carrying freight into the United States or for transit through Canada between Houlton, Fort Fairfield, and Vanceborough, all of which have to be inspected, manifested, etc.

During the past year a new line of railway has been surveyed and work is expected to commence in the spring of 1890 on a line that will bring Houlton nearly 100 miles nearer the Boston market. The opening of this road will undoubtedly add great impetus to the growth of the district in population and business. The county is as large as Massachusetts, containing the finest farming and timber lands in the State, and it is filling with immigration from Canada and other places. From the geographical position Houlton is a most important point on our frontier revenue service, and must constantly become more so. The need of suitable and permanent accommodations for the custom-house and post-office is strongly urged and apparent.

A similar bill was favorably reported by the Committee on Public Buildings and Grounds in the Forty-eighth and Forty-ninth and Fiftieth Congresses, and passed by the Senate, but failed of passage in the House through not being reached on the Calendar.

Your committee therefore recommend that the bill do pass with the following amendment, namely: Strike out, in line 12, the words "seventy-five" and insert in lieu thereof the word "fifty."

The amendment of the committee was adopted.

Mr. BOUTELLE. I hope the motion to strike out the appropriation will not prevail.

Mr. SCRANTON. I would like to ask what is the population of this town? I understand it has 6,000 inhabitants.

The CHAIRMAN. The gentleman from Maine having charge of the bill can probably answer the question.

Mr. BOUTELLE. I will inform the gentleman that the population of this town is 6,000. It is in Aroostook County, which is the most rapidly growing county in the State of Maine. It is the headquarters of a collection district that guards 250 miles of our revenue frontier, where large revenues are collected.

This bill has been reported several times favorably. [Cries of "Vote!" "Vote!"] It passed the Senate. I want to have a vote on the appropriation clause. I will say to gentlemen who are calling for a vote I want the money to put the building up. I want to know whether the House will give it or not. I will take up no time, as gentlemen seem anxious to reach a vote. But I desire to have a separate vote on the motion to strike out the appropriating clause.

Mr. BYNUM. Mr. Chairman, before the question is put I desire to call the attention of the committee to the provisions of this bill. It is, it appears to me, an extraordinary measure. We are progressing pretty rapidly when we begin to construct buildings in towns of not more than 6,000 inhabitants, where nothing but a post-office and collection district are located.

Mr. MILLIKEN. Will my friend allow me a moment?

Mr. BYNUM. Presently. This report is somewhat remarkable for what it contains, but more remarkable for what it does not contain. It contains a statement of the area of the collection district, and, to make a showing of the amount of customs, the gross receipts for eight years is given, the total amount being \$203,802.15. That is the substance of the report.

Mr. Chairman, there are many customs districts and offices in various parts of the country the receipts of which amount to over a hundred thousand dollars annually that are scarcely known as existing.

For instance, the city of Indianapolis is a port of delivery, and the



gross receipts at that office are over \$140,000 per annum. Here is a port where the receipts amount to only about \$25,000 and it is proposed to expend a large sum of money for the erection of public buildings in order to provide the collector and postmaster with offices.

Now, I want to know why the Government needs a customs office to collect that amount of revenue? Why, Mr. Chairman, the collection of the revenue by the customs officers of a dozen invoices or shipments would bring in that amount of revenue, and the room that is needed for that purpose is simply a place for a desk. One man, at most not over two, will perform all the labor required in less than thirty minutes each day.

A warehouse will have to be rented, even if this building is constructed. The gentleman from Maine [Mr. BOUTELLE] says that this district contains 250 miles of coast to be guarded. Is that the necessity for this building? Would this line of coast be better guarded by the erection of this building?

Mr. BOUTELLE. It is not on the coast. The geographical information of the gentleman is as much at fault as his statistics.

Mr. BYNUM. I think, Mr. Chairman, that before we undertake to construct buildings at such points as this we ought to pay attention to the requirements of more important towns. The bill pending now for the construction of a building at South Bend, Ind., containing a population of over 20,000, where are situated the great Oliver Plow Works, the Studebaker Wagon Works, and where there is more mail received in one week than at Houlton, Me., in a month—

A MEMBER. Well, there will be a building there soon.

Mr. BYNUM. It is a long time getting on the Calendar. There are other cities in that State, cities with 15,000 and 20,000 inhabitants, not asking for public buildings. I might call your attention to the city of Anderson, to the city of Shelbyville, in my own district. Richmond, one of the finest cities in the country, with over 20,000 population, has no public building. I could cite a dozen places in Indiana alone where buildings are needed more than they are at this place, and if Congress is going to establish the precedent of erecting buildings for towns containing 5,000 or 6,000 inhabitants—and that is the estimate of the population given in this report, and we all know how inflated these estimates of population are—let us do it with our eyes open.

To keep up buildings at such places will cost the Government more than the gross revenues of the office. We ought, however, to first supply those places which, by reason of their population and business, will at least pay the cost of maintenance. As a matter of fact, the census of 1880 shows that the population of Houlton was less than 5,000 in 1880. Certainly, if a building is to be constructed at this place \$10,000 would be ample.

Mr. BOUTELLE. Mr. Chairman, the gentleman from Indiana makes the direct appeal to me for information. Now, I can answer the gentleman's question, but I am requested by gentlemen around me not to take up the time of the committee in answering what are entirely irrelevant and factions remarks, and I will not detain the committee from acting upon other bills.

Mr. CANNON. What is the pending question?

The CHAIRMAN. The pending question is on the motion of the gentleman from Maine to strike out the appropriating clause.

Mr. BOUTELLE. I trust it will not be done.

The question was taken; and the amendment of Mr. MILLIKEN was agreed to.

Mr. HILL. I rise to inquire what the limit is upon the appropriation for this public building?

Mr. LEHLBACH. Fifty thousand dollars.

Mr. HILL. I understand that this site or town has a population not exceeding 6,000 people. Now, sir, I would like to know of this House—

The CHAIRMAN. There is nothing pending before the committee.

Mr. LODGE. The motion to strike out the amount has been agreed to.

The CHAIRMAN. The gentleman can make a formal amendment if he chooses.

Mr. HILL. I move to strike out the last word. I would like to ask if this House is prepared to adopt a precedent of that kind. I have, Mr. Chairman, in my district more than a dozen cities larger than that, where there is no public building whatever erected at the expense of the United States Government. I come from a town of over 30,000 inhabitants with no public building, no post-office, no building erected at the expense of the United States; and I could cite here, not merely from my own Congressional district, but from other portions of the State of Illinois, other places nearly as large as the city of Joliet, from which I come, where there are no public buildings; and I say, Mr. Chairman, that this is a very bad precedent to set.

Mr. PERKINS. It is a good precedent.

Mr. HILL. And what I ask is whether this—

Mr. BOUTELLE. I would like to know what the gentleman refers to as a bad precedent. Why does he single out this bill as if it were the only place a public building has been erected where the population is so small as 6,000.

Mr. Chairman, I have not desired to take up a moment of the time of the committee, but in justification of my measure and myself it is

due to me to say that there have been repeated and numerous instances where very much larger appropriations have been made for public buildings in places where the population was very much smaller; for public buildings for post-offices and court-houses where there is no revenue at all whatever. This is an appropriation for the erection of a custom-house where the revenues of the Government are to-day, and have constantly been, increasing.

It is the principal place in the State of Maine upon the border of Canada, and is the custom-house for a frontier 250 miles in extent. It has grown more rapidly than any other portion of Maine, and it is a place where the receipts of the custom-house will pay for this building within two years.

Mr. HILL. I would like to ask the gentleman to state where public buildings of this sort have been erected in places where the population is no greater than that at this place.

Mr. BOUTELLE. I have a list of them here, giving the place, the year in which the appropriation was made, the character of building, the amount of the appropriation, and the population of the town or city.

Table showing population, appropriation, character of building, etc.

Place.	Population.	Year.	Appropriation.	Character of building.
Aberdeen, Miss.	2,339	1885	\$75,000	Court-house and post-office.
Abingdon, Va.	1,064	1882	62,000	Do.
Charleston, W. Va.	2,016	1880	90,853	Do.
Chattanooga, Tenn.	12,892	1885	100,000	Do.
Clarksburgh, W. Va.	25,332	1885	50,000	Do.
Covington, Ky.	29,720	1873	305,000	Do.
Dallas, Tex.	10,358	1882	100,000	Do.
Danville, Va.	7,526	1880	110,000	Do.
Fort Scott, Kans.	5,372	1885	50,000	Do.
Greensborough, N. C.	4,210	(1882) (1885)	57,500	Do.
Hannibal, Mo.	11,074	1882	98,000	Do.
Harrisonburgh, Va.	2,831	1882	72,500	Do.
Jackson, Miss.	5,204	1881	115,000	Do.
Jackson, Tenn.	5,377	(1882) (1885)	60,000	Do.
Lexington, Ky.	16,656	1885	150,000	Post-office.
Lincoln, Neb.	13,003	1873	199,500	Court-house and post-office.
Macon, Ga.	12,749	1885	75,000	Do.
Manchester, N. H.	32,630	1885	100,000	Do.
Marquette, Mich.	4,690	1882	100,000	Do.
Montgomery, Ala.	16,000	1880	165,000	Do.
Montpelier, Vt.	3,219	1885	75,000	Do.
Nebraska City, Nebr.	4,183	1885	75,000	Do.
New Albany, Ind.	20,000	1885		
Oxford, Miss.	1,584	1882	50,000	Do.
Tyler, Tex.	2,423	1885	50,000	Do.
Waco, Tex.	7,265	1885	100,000	Do.

\* City and county.

Here is another list of the same character:

Place.	Appropriation.	Population.
Dover, Del.	\$40,000	1,600
Frankfort, Ky.	115,000	6,958
Jefferson City, Mo.	132,000	5,271
Shreveport, La.	105,000	8,000
Annapolis, Md.	100,000	6,642
Huntsville, Ala.	100,000	4,977
Fort Smith, Ark.	150,000	3,099
Monroe, La.	100,000	2,070
Pueblo, Colo.	150,000	3,217
Greenville, S. C.	50,000	6,160
Vicksburg, Miss.	100,000	11,914
Fortress Monroe, Va.	15,000	825
Wichita, Kans. (additional)	50,000	4,911
Opelousa, La.	50,000	1,676
Hudson, N. Y.	50,000	8,670
Wilmington, N. C.	200,000	17,350
San Antonio, Tex.	200,000	20,000
Dover, N. H.	100,000	11,687
Sullwater, Minn.	75,000	9,055
Atchison, Kans.	100,000	15,105
Petersburgh, Va. (additional)	50,000	21,656
Montpelier, Vt.	125,000	5,847

The CHAIRMAN. Debate on the *pro forma* amendment is exhausted, and it will be considered as withdrawn.

Mr. CANNON. Mr. Chairman, I was content to hold my peace about this matter, supposing it would do no good to say anything; but we should face the facts, as the gentleman has undertaken to speak about the matter. And I say, so far as I know, that at no place where Federal courts are not held can an instance be found where public buildings have been authorized with so small a population as this place.

Mr. BOUTELLE. Precisely; because there are always so many lawyers in the House that they are always ready to vote for the erection of court-houses, which bring no revenue to the Government, while the net revenues at this place would pay for the erection of the building within two years. [Cries of "Vote!" "Vote!"]

Mr. CANNON. No, we will not vote for a minute. I know of no place where the Federal courts are not held with so small a population

and so little use for a building as this where there has been one authorized. Now, the gentleman says that this is the head of a customs district. Here is the report of the receipts. The receipts from June 30, 1879, to June 30, 1887 (that is, ten years), have been \$203,000; that is all.

Mr. BOUTELLE. That is all that is stated. The gentleman would not want me to state what is not the fact, on the Illinois plan. [Laughter.]

Mr. CANNON. Mr. Chairman, I want to state—

Mr. BOUTELLE. I want to say to the gentleman that these are not Illinois figures. They are State of Maine figures, and they are correct. There is not 1 per cent of brag in them.

Mr. CANNON. Now, then, I want to say further that in the last census, taking up Spofford's Almanac here and looking at this place, I find they had 4,000; 4,000 is given as the population of the city of Houlton. Is not that the fact? I want to state further that I hold in my hand or have it lying on my desk the Sixth Auditor's report of the postal receipts of 1889, and for this city of Houlton they were \$4,600 and no more.

Now, then, these are the facts. I was content, as I could not apparently help myself, as I had talked considerably during these two days [Cries of "Oh, no!"], to hold my peace about this matter; but when the gentleman jumps up and insists that this is the "center of the earth" [laughter] and tries to sit down on all the Illinois people I must protest.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### PUBLIC BUILDING AT LYNN, MASS.

Mr. MILLIKEN. I now call up the bill (H. R. 448) for the erection of a public building at Lynn, Mass.

Mr. HOLMAN. It is getting late on Saturday evening, and I hope that the gentleman from Maine will move that the committee rise.

Mr. MILLIKEN. After this, I will.

The bill is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, or otherwise provide, a site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the post-office, and for other Government uses, at Lynn, Mass. The site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of \$200,000; nor shall any site be purchased until estimates for the erection of a building, which will furnish sufficient accommodations for the transaction of the public business and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of \$200,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided,* That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Massachusetts shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. GEAR (during the reading). I move to dispense with the further reading of the bill.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to dispense with the further reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. HOLMAN. I hope that the report will be read.

Mr. LODGE. Mr. Chairman, I think I can save the reading of the report if the gentleman will allow me to make a statement in a few words.

Mr. HOLMAN. I hope the report will be read.

The CHAIRMAN. The gentleman from Indiana demands the reading of the report, and it will be read in his time.

The report was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 448) for the erection of a public building at Lynn, Mass., have had the same under consideration, and respectfully submit the following report:

In the Fiftyeth Congress the Committee on Public Buildings and Grounds reported favorably a bill authorizing the erection of a public building at Lynn, Mass. The consideration of this bill was not reached in the House. The following is an extract from the report made in the Fiftyeth Congress:

"The city of Lynn is on the sea-coast, 9 miles east of Boston. It is the largest center in the world for the manufacture of ladies' boots and shoes, in the transaction of which it has 600 manufactories, employing 10,500 workmen, with a capital of \$13,000,000. The annual sales are \$35,000,000.

"The population in 1860 was 19,083; the population in 1880 was 38,284; the population for 1885 was 45,864.

"The official records for 1882-'83 show that 796 factories and dwellings were erected. The municipal receipts for 1883 were \$522,000.

"Two hundred and forty-seven tons of freight arrived by rail daily, requiring 67 freight cars in the handling, and this amount is rapidly increasing.

"Five hundred and thirty-nine vessels arrived at the port, which is a branch customs district, 39 of which were foreign (British provinces), from which the deputy United States collector received \$2,670.38.

"If a public building is erected in Lynn, a suitable and convenient office for the transaction of public business will be provided in it for the deputy collector.

"Seventy-seven trains of passenger cars arrive daily from Boston and the East. It has horse-railroad service with the cities of Boston, Chelsea, and Salem and the adjoining towns of Peabody, Saugus, and Swampscott; the last two, with Nahant and Lynnfield, are almost to be considered parts of Lynn, and have a population of 10,000.

"The post-office is of the first class; it is located in a building, with a theater

above, never intended for such purpose, in the business center, in the midst of large blocks furnished with power and heat from engines and boilers located on the premises; there is constant danger from fire. The rent is \$1,800."

The present population of Lynn is estimated at 50,000. The gross postal receipts are over \$60,000. A large portion of the business part of the town has recently been destroyed by fire, and your committee is of the opinion that it would be sound public policy to act promptly in the consideration of this bill.

We recommend that the bill do pass with the following amendment: In line 13 strike out the words "two hundred" and insert in lieu thereof the words "one hundred and twenty-five," and also in line 29 strike out the words "two hundred" and insert in lieu thereof the words "one hundred and twenty-five."

Mr. MILLIKEN. I move that the amendment of the committee be adopted.

The CHAIRMAN. By unanimous consent, the bill will be regarded as before the committee for consideration and amendment. The question is upon agreeing to the amendments of the committee.

The amendments were agreed to.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### PUBLIC BUILDING, SPRINGFIELD, MO.

Mr. MILLIKEN. I now call up the bill (H. R. 516) to extend the limits for the erection of a public building at Springfield, Mo.

Mr. WILLIAMS, of Ohio. I move that the committee do now rise. The Clerk proceeded to read the bill.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I rise to a point of order. The confusion is so great that it is impossible to hear what is going on at the Clerk's desk.

The CHAIRMAN. The Clerk will suspend the reading until the committee comes to order.

Mr. WILLIAMS, of Ohio. I withdraw the motion that the committee rise.

The Clerk resumed the reading of the bill.

Mr. CANNON. Mr. Chairman, I understood the gentleman from Ohio [Mr. WILLIAMS] to move that the committee rise.

The CHAIRMAN. A bill has been called up by the gentleman from Maine [Mr. MILLIKEN] and is being read.

The Clerk completed the reading of the bill.

The CHAIRMAN. Without objection this bill will be regarded as under consideration for amendment.

Mr. HOLMAN. I will ask the gentleman who introduced this bill to state what is the extent of population and what are the public purposes demanding the erection of a public building in the city named.

Mr. WADE. I will state to the gentleman that the population of Springfield, Mo., is 28,000 and there is a United States court there. I would like to have the Clerk read, for the benefit of the gentleman and the committee, the letter which I send to the desk.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., April 20, 1888.

SIR: I am in receipt of a communication of the 19th instant from the clerk of your committee asking why this Department transmitted an estimate for the public building at Springfield, Mo., amounting to \$145,000, in view of the fact that the law approved limited its cost to \$100,000.

In reply I have the honor to state that when this bill was referred to the Department for examination and report it was the understanding that the views of this Department were desired in regard to whether the latter amount would be sufficient to construct a building adequate for the needs of the Government at that point.

According to reports received from the postmaster and other Government officials to be located in the proposed building and from the postmaster's estimate of the cost of a suitable site it was found (from an approximate estimate) that there would be required about \$145,000.

I have the honor to further state that no drawings nor detail estimate have yet been made for this building. The bill for its erection does not carry with it an appropriation. When an amount is appropriated plans and estimates will be made in accordance with the limit fixed.

In this connection I beg to call your attention to the fact that this plan was adopted in the report regarding the proposed public building at Lowell, Mass., the bill limiting the cost of said building naming \$200,000 for same, and Department letter of the 17th instant to you stating that \$100,000 would be sufficient.

Respectfully yours,

HUGH S. THOMPSON, Acting Secretary.

Hon. SAMUEL J. RANDALL,  
Chairman Committee on Appropriations, House of Representatives.

Mr. MILLIKEN. I move that the appropriation clause in the bill be struck out, and that, in lieu thereof, there be inserted a provision "that the limit be increased \$50,000."

Mr. BRECKINRIDGE, of Kentucky. While the gentleman is reducing his amendment to writing can not we have the report read?

The CHAIRMAN. The gentleman from Kentucky is entitled to have the report read in his time if he demands it.

Mr. BRECKINRIDGE, of Kentucky. The letter which has been read, as I understood it, only shows that no plans or specifications have been made for the building, and suggests that probably a larger building might be better upon the site selected.

Mr. WADE. No, sir.

Mr. BRECKINRIDGE, of Kentucky. There is no reason given for the increase of the limit above that already fixed, but probably my friend, the farmer from that district [Mr. WADE], was so seductive as to induce the Supervising Architect to recommend the increase. [Laughter.] Therefore I call for the reading of the report to see what information can be obtained from that.

The CHAIRMAN. The gentleman from Kentucky [Mr. BRECKIN-



RIDGE] calls for the reading of the report, and it will be read in his time.

The report was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 516) for the increase of the limit of cost for the erection of a public building at Springfield, Mo., have had same under consideration and report:

At the first session Fiftieth Congress an appropriation of \$100,000 was made for the erection of a public building at Springfield, Mo. At second session of same Congress a letter was addressed Mr. Freret, the then Supervising Architect of the Treasury, relative to the needs of the public service at Springfield.

In reply Mr. Freret stated the amount of floor space needed, and further stated that the amount of money appropriated was not sufficient to erect a public building to meet the wants of the Government, and suggested that an additional appropriation of \$45,000 be made.

A bill was introduced increasing the limit of cost \$45,000. This bill was reported favorably to the House by the Committee on Public Buildings and Grounds and its passage recommended, but failed to pass by reason of not being reached on the Calendar.

The committee has given careful consideration to this bill and diligently inquired into the needs of the public service at Springfield, Mo., and recommend that the words "seventy-five," in line 7, be stricken out and the word "fifty" substituted, and the bill as so amended do pass.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, that report gives no other reason why the limit should be increased except what is stated in the letter, and the letter gives no reason. There is nothing to show that the public business requires the increase, nothing to show the volume of public business, nothing to show the amount of rent that the Government is now paying, so as to tell us what will be the annual loss by the erection of this building. There will be an annual loss, I suppose, for I take it for granted that the rent we now pay is nothing like equal to 3, or 4, or 5, or 6 per cent. interest upon the \$100,000 which it is proposed to invest in this building.

Mr. WADE. The gentleman is mistaken.

Mr. BRECKINRIDGE, of Kentucky. The gentleman says that I am mistaken. I am glad to hear it, because generally we do lose by our public buildings, and I am glad to know that there is a case where we shall make by a public building. The point I want to submit to the committee is that we are doing this thing constantly, first making a limit and then, without any good reason, increasing that limit, and I do not think it is good policy.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Maine [Mr. MILLIKEN].

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

#### ORDER OF BUSINESS.

Mr. MILLIKEN. I move that the committee do now rise.

Mr. CHEADLE. Pending that motion, I ask unanimous consent for the consideration of the bill (S. 606) to provide for the purchase of a site and the erection of a public building thereon at La Fayette, Ind.

There was no objection.

The bill was read, as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of La Fayette and State of Indiana, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches complete, not to exceed the sum of \$100,000, which said sum of \$100,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of a site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the

United States, nor until the State of Indiana shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The following amendment, reported by the committee, was read:

Strike out "\$100,000" wherever it occurs in the bill and insert the words "eighty thousand dollars."

The CHAIRMAN. By unanimous consent, this bill will be regarded as before the committee for consideration and amendment. The first question is on the amendment proposed by the committee.

The amendment was agreed to.

Mr. LEHLBACH. Does this bill carry an appropriation?

The CHAIRMAN. The Chair is advised that it does.

Mr. CHEADLE. I move to amend by striking out the appropriating clause.

The amendment of Mr. CHEADLE was agreed to.

Mr. CHEADLE. I move that the bill as amended be laid aside to be reported to the House with a recommendation that it pass.

Mr. BRECKINRIDGE, of Kentucky. Before that is done I wish to ask the gentleman whether there is any United States court at La Fayette?

Mr. CHEADLE. No, sir.

Mr. BRECKINRIDGE, of Kentucky. What is the rent now paid for the post-office there?

Mr. CHEADLE. Eleven hundred dollars. The lease of the building will expire in about a year, and it will be impossible to renew it.

I will state for the benefit of the committee that in the Forty-ninth Congress a bill similar to this passed both Houses, but was vetoed; it was passed by the Senate over the veto, and in this House it had the right of way on the last night of the Congress. It was used for the purpose of obstructing legislation while the House was waiting for conference reports to come in, and it died while in that position.

A MEMBER. What is the population of La Fayette?

Mr. CHEADLE. Twenty-five thousand; and there are 30,000 people who get their mail at that place.

Mr. POST. The postal receipts were nearly \$29,000 for the last year.

Mr. CHEADLE. The court-house there cost \$402,000 and there are \$233,000 worth of city school buildings. Adjoining the city is the Purdue University, the Agricultural College of the State of Indiana, with buildings which cost \$300,000, including the finest chemical laboratory in the West. The taxable property of the city amounts to \$10,000,000 and of the county to \$20,000,000.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana [Mr. CHEADLE] that this bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

#### PUBLIC BUILDING AT BATON ROUGE, LA.

Mr. ROBERTSON. Now, Mr. Chairman, as one request for unanimous consent has been granted to the other side of the House, I ask unanimous consent for the present consideration of the bill (H. R. 386) to construct a public building at Baton Rouge, La. That is a city at which there are courts, a post-office, and everything of that kind.

The Clerk proceeded to read the bill, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, acquire by condemnation, or otherwise provide a site, and cause to be erected thereon a suitable, commodious, and substantial building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States courts, post-office, and internal-revenue office, and other Government offices, in the city of Baton Rouge and State of Louisiana, the cost of the site and the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$150,000, which said sum of \$150,000 be, and is hereby, appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated, upon the following provisions:

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city for at least fourteen days prior to the date specified in the advertisement for opening the proposals. The proposals made in response to said public advertisement, at the time named in the advertisement, or within ten days subsequent thereto, shall be received, opened, and considered by a commission of three persons, who shall be appointed by the Secretary of the Treasury, and it shall be the duty of said commissioners to forward to the Secretary of the Treasury, within forty days from the date named in the advertisement for opening the proposals, a written report, with the original proposals, maps, etc., and the oaths prescribed by act of Congress approved June 23, 1874, and to definitely state in said report the site selected by them, and their selection of the site shall be final, and each commissioner shall be allowed a compensation for his services of an amount within the discretion of the Secretary of the Treasury, said compensation not to exceed \$200 and actual traveling expenses to each commissioner.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, compensation and actual traveling expenses of the commissioners, and other expenses incident to the selection of the site shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the receipt of the report of the commissioners selecting the site.

So much of said appropriation as may be necessary to make payment for the site shall be available upon the receipt of the written opinion of the Attorney-General in favor of the validity of title to the site selected, and when the State of Louisiana shall have ceded to the United States jurisdiction over the site selected, during the time that the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein, or so much of said appropriation as may be necessary to acquire title to the site by condemnation shall be immediately available; and, after the site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect, and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

Before the reading of the bill was concluded the further reading was, by unanimous consent, dispensed with.

There being no objection, the Committee of the Whole proceeded to the consideration of the bill.

The following amendment, reported by the Committee on Public Buildings and Grounds, was read:

In lines 14 and 15 of section 1, strike out the words "and fifty," so as to make the sum \$100,000.

The amendment was agreed to.

Mr. LEHLBACH. I move to amend this bill by striking out the appropriating clause, as has been done with other bills.

The amendment was agreed to.

Mr. ROBERTSON. I move that the bill as amended be laid aside to be favorably reported to the House.

The motion was agreed to.

#### ORDER OF BUSINESS.

Mr. GEAR. I ask unanimous consent for the present consideration of the bill (S. 954) authorizing the construction of a public building at Burlington, Iowa. I hope there will be no objection.

Mr. HOLMAN. The gentleman from Maine [Mr. MILLIKEN] stated awhile ago, prior to the passage of the last three measures, that he would move that the committee rise. It is now 6 o'clock.

The CHAIRMAN. The gentleman from Iowa [Mr. GEAR] has been recognized to make a request for unanimous consent.

Mr. HOLMAN. I hope that the proposition of the gentleman from Maine [Mr. MILLIKEN] will be carried out in good faith.

Mr. BAYNE. I do not like to object to the request of the gentleman from Iowa [Mr. GEAR], but I think these bills should come up in their regular order.

The CHAIRMAN. Business should be proceeded with in order. The Chair desires to state the request of the gentleman from Iowa. Opportunity will be given to object if any gentleman desires to do so. The gentleman from Iowa asks unanimous consent for the consideration of the bill the title of which will be read.

Mr. HOLMAN. I desire to be recognized before that title is read. One gentleman on each side of the House has been recognized upon a request for unanimous consent. Now, if the proposition of the gentleman from Iowa [Mr. GEAR] comes in, of course there must be another recognition on this side. I therefore insist that the gentleman from Maine shall move—

The CHAIRMAN. The Clerk will proceed to read unless some motion be interposed.

Mr. HOLMAN. I move, then, that the committee rise.

Mr. GEAR. I hope the gentleman will withdraw that motion.

Several MEMBERS. Let us vote it down.

The CHAIRMAN proceeded to put the question on the motion of Mr. HOLMAN that the committee rise.

Before the result of the vote was announced,

Mr. HOLMAN said: The two sides of the House have now received equal treatment in respect to requests for unanimous consent, and I therefore call for the regular order.

The CHAIRMAN. The regular order is the announcement of the vote upon the motion of the gentleman that the committee rise. On this question the ayes are 21, the noes 75. The committee refuses to rise.

[Cries of "Regular order!"]

#### PUBLIC BUILDING AT FREMONT, NEBR.

Mr. MILLIKEN. I now call up the bill (H. R. 533) for the erection of a public building at Fremont, Nebr.

[Cries of "Regular order!"]

The CHAIRMAN. The regular order is proceeding. The gentleman from Maine has been recognized.

Mr. CANNON. I rise to a parliamentary inquiry. Awhile ago I understood the gentleman from Maine to say that he would himself move that the committee rise.

Mr. MILLIKEN. I have done so, and the committee refuses to rise.

Mr. CANNON. The gentleman from Maine made a motion which was not put. Was it not proper his motion should be put?

Mr. MILLIKEN. The motion was put and voted down.

Mr. CANNON. The motion of the gentleman from Maine was not voted down.

Mr. MILLIKEN. Well, the committee voted upon the same proposition.

The CHAIRMAN. The Chair is advised by the Clerk that the gentleman from Maine moved that the committee rise, and pending that motion certain requests for unanimous consent were made and granted. Subsequently the gentleman from Indiana [Mr. HOLMAN] moved that the committee rise, and the committee, by a vote of 21 to 75, refused to rise. The committee having thus declined to rise, the Chair supposes that may be regarded as substantially a vote upon the motion of the gentleman from Maine.

Mr. MILLIKEN. I call up House bill 533, for the erection of a public building at Fremont, Nebr.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, secure by condemnation, or otherwise acquire a proper site for and cause to be constructed, at Fremont, Nebr., a suitable building for the use and accommodation of the post-office and other Government offices, at a cost not exceeding \$60,000, which sum is hereby appropriated therefor, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury, who shall cause plans and estimates to be made so that no expenditure shall be made or authorized for a full completion of said building beyond the sum hereby appropriated; and the said building herein provided for shall be at least 50 feet removed from any other building: *Provided,* That no money be used or applied for the purposes mentioned until a valid title for the site shall be vested in the United States, nor until the State of Nebraska shall cede to the General Government of the United States jurisdiction over the property and exempt the same from taxation.

Mr. HOLMAN. I ask the report be read.

The Clerk read as follows:

Mr. KERR, of Iowa, from the Committee on Public Buildings and Grounds, submitted the following report, to accompany bill H. R. 533:

Fremont is on the Platte River, and is the county seat of Dodge County, Nebraska. It has a population of 15,000, and is rapidly increasing in population, wealth, and importance. The volume of business transacted by the post-office, banks, wholesale houses, and manufacturing establishments, and the shipments on the different lines of railroad show that Fremont is of great commercial importance, and second to no other point in the State, excepting Omaha.

The railroads entering Fremont are the Union Pacific, the Sioux City and Pacific, and the Fremont, Elkhorn and Missouri Valley, with its numerous branches, two of which run northwest, three to the southwest, and one east to Omaha, the city being the headquarters of this great system of railroads, which has at Fremont a supply depot, a round-house, general offices, and will in the near future have extensive machine-shops, which will give employment to a large number of men. The city has several miles of street-railroad in operation, a complete system of water-works, several miles of streets paved, and is lighted by both electricity and gas.

Twenty-nine passenger trains arrive and depart daily, all of which carry mails, thus rendering Fremont a very important distributing point for this service. It has a large system of stock-yards connected with the different systems of railroads by 3 miles of track, a large pork-packing plant, and numerous manufacturing establishments.

The wholesale trade of Fremont for 1889 amounted to nearly \$10,000,000 and the manufacturing industries to over \$2,000,000. The gross receipts of the post-office for the fiscal year ending June 30, 1889, were \$15,016.94 and the net receipts were \$9,108.24. A bill to erect a public building in Fremont was favorably reported to the Forty-ninth and Fiftieth Congresses.

Your committee recommend that the bill be amended by striking out "one hundred thousand," in the eighth line, and inserting "sixty thousand," and that as thus amended the bill pass.

The amendment reported by the committee was agreed to.

Mr. LEHLBACH. I move that the appropriating clause of the bill be stricken out.

The motion was agreed to.

Mr. MILLIKEN. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. HOLMAN. I ask for a division.

The committee divided; and there were—ayes 82, noes none.

Mr. CANNON. We ought to have one hundred people here to transact business.

The CHAIRMAN. Under the rule, the Chair will count the committee. [After a pause.] There are one hundred and two members and a quorum is present.

So the bill was laid aside to be reported to the House with a favorable recommendation.

#### ORDER OF BUSINESS.

Mr. MILLIKEN. I move that the committee rise.

Mr. GEAR. I had the floor, and there was no objection, for the purpose of calling up my bill.

The CHAIRMAN. The gentleman is hardly accurate, as the regular order was the motion that the committee rise. The Chair will submit the request for unanimous consent on the part of the gentleman from Iowa [Mr. GEAR]. Is there objection?

Mr. BYNUM. I demand the regular order.

The question recurred on Mr. MILLIKEN's motion that the committee rise; and it was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. PAYSON reported that the Committee of the Whole House on the state of the Union had had under consideration the special order and had directed him to report back sundry bills with a favorable recommendation.

Mr. HOLMAN. I suggest to the gentleman from Maine that it would be better to take these bills up on Monday.

Mr. MILLIKEN. If we can get at them on Monday I have no objection.

Mr. HOLMAN. We can get at them on Tuesday.

Mr. CANNON. It will take about 156 people to pass them.



Mr. HOLMAN. I hope the gentleman from Maine will move an adjournment.

Mr. MILLIKEN. I ask that the previous question be considered as ordered on all the bills reported from the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Maine asks by unanimous consent the previous question shall be considered as ordered.

Mr. HOLMAN. That would bring them up as unfinished business on Monday morning if the House adjourns.

The SPEAKER. That would be the effect of it.

Mr. BRECKINRIDGE, of Kentucky. I object unless the gentleman goes over to Tuesday, because the Committee on the District has Monday.

Mr. MILLIKEN. I have no objection to Tuesday.

The SPEAKER. Unanimous consent is asked that the previous question shall be considered as ordered on all the bills reported by the Committee of the Whole, and that the bills go over until Tuesday next.

Mr. BUCKALEW. One observation, Mr. Speaker. I believe that nearly all of these bills require an amendment to the title.

The SPEAKER. That can be done notwithstanding the ordering of the previous question.

Mr. BRECKINRIDGE, of Kentucky. I did not hear the question of the gentleman from Pennsylvania, but before giving consent to this, Mr. Speaker, I want to make a parliamentary inquiry. Under the rules of the House, if the previous question is by consent ordered, does it allow the forty minutes of debate? I take it for granted that it will.

The SPEAKER. It has been held that debate in Committee of the Whole satisfies the rule.

Mr. BRECKINRIDGE, of Kentucky. Then I object.

The SPEAKER. The Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (H. R. 7156) to provide for the increase of the limit of cost of the site of a public building at Newark, N. J.

Mr. HOLMAN. I move that the House do now adjourn.

The question was taken, the House divided, and there were—ayes 16, noes 74.

So the motion was not agreed to.

Mr. LEHLBACH. I ask unanimous consent that the House take a recess until 10 o'clock Monday morning.

Mr. BYNUM. I object.

Mr. WHEELER, of Alabama. I move that the House take a recess until 10 o'clock Monday morning.

Mr. LEE. I wish to ask if that will interfere with the District of Columbia business?

Mr. DORSEY. Not at all.

The question was taken on the motion of Mr. WHEELER, of Alabama, the House divided, and there were—ayes 80, noes 12.

Mr. BYNUM. No quorum.

The SPEAKER (having counted the House). Ninety-seven members only are present.

Mr. MILLIKEN. I move that there be a call of the House.

Mr. PERKINS. Pending the motion of the gentleman from Maine, I ask unanimous consent that the previous question be considered as ordered on the bills reported from the Committee of the Whole, and it be agreed that they shall be called up on Tuesday morning, and that there be allowed not exceeding ten minutes' debate on each side on each bill.

Mr. MILLIKEN. I accept that and withdraw my motion.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the bills laid aside with favorable recommendation by the committee be considered as having the previous question ordered, with the understanding that they be taken up on Tuesday morning, with not exceeding ten minutes' debate on each side for each bill. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLIKEN. What time Tuesday morning will these bills come up?

The SPEAKER. They will come up immediately after the reading of the Journal, unless the House understood otherwise. [Cries of "All right!"]

And then, on motion of Mr. CUTCHEON (at 6 o'clock and 23 minutes p. m.), the House adjourned.

#### EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

##### TRANSPORTATION AND RECRUITING, NAVAL SERVICE.

Letter from the Secretary of the Treasury, transmitting an estimate of deficiency in the appropriation for transportation and recruiting in the naval service for the fiscal year 1890, submitted by the Secretary of the Navy—to the Committee on Appropriations.

##### RANGE LIGHTS IN LAKE WINNEBAGO.

Letter from the Acting Secretary of the Treasury, transmitting a letter from the Light-House Board recommending an appropriation of

\$500 to establish range lights in Lake Winnebago, Wisconsin—to the Committee on Appropriations.

##### LIGHT-HOUSE, DETROIT RIVER.

Letter from the Acting Secretary of the Treasury, transmitting H. R. 15, and declining to recommend an appropriation for a light-house in the Detroit River—to the Committee on Commerce.

##### FLETCHER R. VEITCH ET AL. VS. UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Fletcher R. Veitch and others against The United States—to the Committee on War Claims.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

The bill (S. 328) to provide for the construction of a public building at Sterling, Ill.—to the Committee on Public Buildings and Grounds.

The bill (S. 859) for the erection of a public building at Chester, Pa.—to the Committee on Public Buildings and Grounds.

The bill (S. 1265) to provide for the purchase of a site for and the erection of a public building at Oakland, in the State of California—to the Committee on Public Buildings and Grounds.

The bill (S. 1285) to provide for the construction of a public building at Helena, Mont.—to the Committee on Public Buildings and Grounds.

The bill (S. 1313) for the erection of a public building at Cheyenne, Wyo.—to the Committee on Public Buildings and Grounds.

The bill (S. 1339) granting a pension to Joanna W. Turner—to the Committee on Invalid Pensions.

The bill (S. 1382) for the relief of Mary B. Hook—to the Committee on Invalid Pensions.

#### REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, the following reports were filed, and, with the accompanying bills, ordered to be printed, and referred as follows:

Mr. LEHLBACH, from the Committee on Public Buildings and Grounds, reported with amendment the bill (S. 2427) to provide for the purchase of a site, and the erection of a public building thereon, at St. Albans, in the State of Vermont—to the Committee of the Whole House on the state of the Union.

Mr. DARLINGTON, from the Committee on Public Buildings and Grounds, reported with amendment the bill (S. 859) for the erection of a public building at Chester, Pa.—to the Committee of the Whole House on the state of the Union.

Mr. POST, from the Committee on Public Buildings and Grounds, reported with amendment the bill (S. 606) to provide for the purchase of a site, and the erection of a public building thereon, at La Fayette, in the State of Indiana—to the Committee of the Whole House on the state of the Union.

Mr. LEWIS, from the Committee on Public Buildings and Grounds, reported favorably the bill (H. R. 265) to provide for the erection of a public building for the use of the post-office and other Government offices at the city of Madison, in the State of Indiana—to the Committee of the Whole House on the state of the Union.

Mr. MANSUR, from the Committee on Claims, reported favorably the bill (H. R. 5012) for the relief of R. D. Beckley and Leon Howard—to the Committee of the Whole House.

Mr. MANSUR also, from the Committee on War Claims, reported with amendments the bill (H. R. 5666) granting jurisdiction and authority to the Court of Claims in the case of the towboat Future City, her barges, cargoes, etc.—to the Committee of the Whole House.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the bill (H. R. 7404) for the relief of William G. Groom—to the Committee of the Whole House.

Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, reported favorably the following bills; which were referred to the Committee of the Whole House on the state of the Union:

A bill (S. 1612) to construct a road from the city of Staunton to the national cemetery, in the county of Augusta, in the State of Virginia; and

A bill (H. R. 904) to provide for macadamizing the road from the railroad to the national cemetery in the city of Fredericksburgh, Va.

Mr. WILLIAMS, of Ohio, also, from the Committee on Military Affairs, reported with amendment the joint resolution (H. Res. 12) authorizing the use and improvement of Fort Sewall, at Marblehead, Mass.—to the House Calendar.

Mr. SMITH, of Illinois, from the Committee on the Territories, reported with amendment the bill (H. R. 3934) to authorize the board of supervisors of Maricopa County, Arizona, to issue certain bonds in aid of the construction of a certain railroad—to the House Calendar.

Mr. PERKINS, from the Committee on Indian Affairs, reported with amendment the bill (H. R. 5974) extending the time of payment to purchasers of land of the Omaha tribe of Indians in Nebraska—to the House Calendar.

Mr. NUTE, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 1116) granting a pension to Clara M. Owen;  
 A bill (H. R. 7329) granting a pension to Harman Day;  
 A bill (H. R. 1114) granting a pension to Mary A. Holland;  
 A bill (H. R. 3591) granting a pension to Mary J. Natlage;  
 A bill (H. R. 1573) granting a pension to Mary Murphy;  
 A bill (H. R. 1115) granting a pension to Arthur D. and Alfred A. Lyford;  
 A bill (H. R. 2257) granting a pension to John F. Chase; and  
 A bill (H. R. 6801) increasing pension of Alonzo L. Page, late of Company B, Third Vermont Volunteers.

Mr. NUTE also, from the Committee on Invalid Pensions, reported with amendment the bill (H. R. 6799) granting a pension to Mary A., widow of Hiram, Goodspeed, late Company A, Fifty-sixth Massachusetts Volunteers—to the Committee of the Whole House.

Mr. MORRILL, from the Committee on Invalid Pensions, reported favorably the following bills; which were referred to the Committee of the Whole House:

A bill (H. R. 3739) granting a pension to Thomas F. Robinson;  
 A bill (H. R. 5660) granting a pension to Mrs. Pauline Hohmann;  
 A bill (H. R. 7101) granting a pension to Joseph Perkins; and  
 A bill (H. R. 3740) granting a pension to Lucy A. M. Normau.

Mr. CUTCHEON, from the Committee on Military Affairs, reported favorably the bill (H. R. 1145) for the relief of the Michigan Military Academy—to the Committee of the Whole House.

#### ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

By Mr. BELKNAP, from the Committee on Invalid Pensions, on the bill (H. R. 1146) granting a pension to Mary Fitzgerald.

Also, from the same committee, on the bill (H. R. 1149) granting a pension to Delilah Ferguson.

By Mr. CUTCHEON, from the Committee on Military Affairs, on the bill (H. R. 4653) to place upon the retired-list of the Army of the United States certain persons.

By Mr. WISE, from the Committee on Military Affairs, on the bill (H. R. 2972) to remove the charge of desertion from the record of John N. A. Breno.

By Mr. CULBERTSON, of Pennsylvania, from the Committee on Claims, on the bill (H. R. 5693) for the relief of Harrison Wagner.

By Mr. BOOTHMAN, from the Committee on Accounts, on the resolution for the relief of Noah W. Halley.

Also, from the same committee, on the resolution providing for an additional laborer in House cloak-room.

By Mr. MCCORD, from the Committee on Accounts, on the resolution for the relief of Maurice Ruddledsen.

Also, from the same committee, on the resolution for the relief of Robert Dougherty.

By Mr. LANE, from the Committee on Invalid Pensions, on the bill (S. 1213) granting an increase of pension to Catharine M. Lee.

#### BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, the following bills were delivered to the Speaker, severally read twice, and referred as follows:

By Mr. GROUT: A bill (H. R. 7938) authorizing sale of title of the United States in lot 3, in square south of square 990, in the city of Washington, to Henry M. Baker and John Jay Sanborn—to the Committee on the District of Columbia.

Also, a bill (H. R. 7939) to prevent the spread of scarlet fever and diphtheria in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LAWLER: A bill (H. R. 7940) for the relief of the owners and occupants of Camp Taylor, in Cook County, Illinois—to the Committee on War Claims.

By Mr. VANDEVER: A bill (H. R. 7941) to establish a life-saving station at Hueneme, Cal.—to the Committee on Commerce.

By Mr. FARQUHAR: A bill (H. R. 7942) to amend section 4153, Revised Statutes, defining register tonnage, to provide for the supervision of vessel measurement, and to insure accuracy in the compilation of tonnage—to the Committee on Merchant Marine and Fisheries.

By Mr. BLISS: A bill (H. R. 7943) to restore to market public lands in the States of Michigan, Wisconsin, and Minnesota, and to provide for the disposition of lands hereafter surveyed in said States—to the Committee on the Public Lands.

By Mr. WILLIAMS, of Ohio: A bill (H. R. 7973) to increase the appropriation for the erection of a public building in Dayton, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. CUTCHEON: A bill (H. R. 7974) to establish and define the United States seacoast and frontier reserve—to the Committee on Military Affairs.

By Mr. HERMANN: A bill (H. R. 7975) for the relief of the city

of Astoria, in the State of Oregon—to the Committee on Public Buildings and Grounds.

By Mr. CUTCHEON: A bill (H. R. 7976) to amend sections 1216 and 1285 of the Revised Statutes, relative to certificates of merit to enlisted men of the Army—to the Committee on Military Affairs.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were delivered to the Clerk and referred as follows:

By Mr. CARLISLE: A bill (H. R. 7944) for the relief of Catherine Metz—to the Committee on War Claims.

By Mr. COMPTON: A bill (H. R. 7945) for the relief of the legal representatives of John A. Augusterfer, deceased, for damages to his property—to the Committee on the District of Columbia.

Also, a bill (H. R. 7946) for the relief of the legal representatives of John A. Augusterfer, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7947) for the relief of Harriet M. Hennick—to the Committee on the District of Columbia.

Also, a bill (H. R. 7948) for the relief of Frank J. Augusterfer—to the Committee on the District of Columbia.

By Mr. BAYNE: A bill (H. R. 7949) for the relief of the heir or heirs of John Howard Payne—to the Committee on Claims.

By Mr. DUNNELL: A bill (H. R. 7950) for the relief of H. K. Belting—to the Committee on Claims.

By Mr. ELLIS: A bill (H. R. 7951) granting arrearage of pension to Campbell H. Johnson—to the Committee on Invalid Pensions.

By Mr. ENLOE: A bill (H. R. 7952) to increase the pension of Joel Hogler, of Henry County, Tennessee—to the Committee on Pensions.

By Mr. FITHIAN: A bill (H. R. 7953) granting a pension to Barbara Langstaff—to the Committee on Invalid Pensions.

By Mr. GREENHALGE: A bill (H. R. 7954) for the relief of Josiah S. Blood—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 7955) for the relief of Lieut. Col. William Smith, deputy paymaster-general, United States Army, and others—to the Committee on Military Affairs.

By Mr. HOLMAN: A bill (H. R. 7956) to relieve Elisha Lunsford from the charge of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 7957) granting a pension to Laura M. Cheek—to the Committee on Invalid Pensions.

By Mr. LANE: A bill (H. R. 7958) granting a pension to Christopher C. Funk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7959) granting a pension to Fredrick B. Sells—to the Committee on Invalid Pensions.

By Mr. NORTON: A bill (H. R. 7960) for the relief of Thomas M. Swearingen—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 7961) granting a pension to Mrs. Justina Blank—to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 7962) granting a pension to John Sill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7963) granting a pension to Maria Conlin—to the Committee on Invalid Pensions.

By Mr. SHIVELY: A bill (H. R. 7964) granting a pension to Margaret Pratt—to the Committee on Invalid Pensions.

By Mr. STOCKBRIDGE: A bill (H. R. 7965) for the relief of George W. Wayson, jr.—to the Committee on Claims.

Also, a bill (H. R. 7966) for the relief of the heirs of Edmund Wolf—to the Committee on War Claims.

By Mr. STONE, of Kentucky: A bill (H. R. 7967) to provide for ascertaining and settling private claims or demands against the United States—to the Committee on War Claims.

By Mr. JOSEPH D. TAYLOR: A bill (H. R. 7968) granting a pension to David A. McCrum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7969) granting a pension to Gordon Workman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7970) for the relief of J. S. Wilcoxon—to the Committee on War Claims.

Also, a bill (H. R. 7971) granting a pension to Lydia Baldwin—to the Committee on Invalid Pensions.

By Mr. TURNER, of New York: A bill (H. R. 7972) granting a pension to Joseph Whitmore—to the Committee on Pensions.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (H. R. 2390) referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 1288) for the relief of John Stuart—Committee on Claims discharged, and referred to the Committee on Indian Depredation Claims.

A bill (S. 503) granting a pension to Ellen G. King—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.



## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were delivered to the Clerk and referred as follows:

By Mr. BAYNE: Resolution of Union Veteran Legion, requesting support of H. R. bills 3320, 3328, and 3329—to the Committee on Invalid Pensions.

Also, resolutions of same, for support of per diem service-pension bill—to the Committee on Invalid Pensions.

By Mr. BLISS: Petition of Henry G. Cooley and 36 others, soldiers of Montcalm County, Michigan, praying passage of per diem pension bill—to the Committee on Invalid Pensions.

By Mr. BRECKINRIDGE, of Kentucky: Petition of 52 citizens, State not given, against running of interstate Sunday trains, mail trains, and against military drills—to the Committee on the District of Columbia.

By Mr. CHIPMAN: Petition of 3,000 citizens of Detroit, Mich., for increase of pay of letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. CLEMENTS: Petition of Thomas Russell, of Catoosa County, Georgia, No. 16026, for \$567, quartermaster's stores—to the Committee on War Claims.

Also, petition of Eli Robinson, of Ringgold, Catoosa County, Georgia, No. 542, for \$1,790, quartermaster's stores—to the Committee on War Claims.

By Mr. DOLLIVER: Petition of Taylor Post, No. 273, Department of Iowa, Grand Army of the Republic, of Laurens, Iowa, for increase, pension bill—to the Committee on Invalid Pensions.

Also, petition of Howland Post, No. 34, Lohrville, Iowa, same purpose—to the Committee on Invalid Pensions.

Also, petition of Kilpatrick Post, Grand Army of the Republic, No. 415, West Side, Iowa, for same purpose—to the Committee on Invalid Pensions.

Also, petition of Glidden Post, No. 291, Grand Army of the Republic, Iowa, for same purpose—to the Committee on Invalid Pensions.

Also, memorial of McCooks Post, No. 329, Iowa, Grand Army of the Republic, Boone, Iowa, for service-pension law—to the Committee on Invalid Pensions.

Also, memorial of Fonda Post, Grand Army of the Republic, Iowa, in favor of service-pension bill—to the Committee on Invalid Pensions.

By Mr. FUNSTON: Memorial of Wabunsee County Farmers' Alliance, against combines, trusts, and option gambling—to the Committee on Commerce.

By Mr. GEAR: Petition of Mort Hobart Post, No. 280, Grand Army of the Republic, Iowa, favoring a service-pension law—to the Committee on Invalid Pensions.

Also, memorial of I. Dodder Post, No. 446, Grand Army of the Republic, Iowa, for same purpose—to the Committee on Invalid Pensions.

Also, resolutions of N. L. McKinnie Post, No. 213, Grand Army of the Republic, Iowa, for same purpose—to the Committee on Invalid Pensions.

Also, petition of S. Caldwell Post, No. 360, Grand Army of the Republic, Iowa, for same purpose—to the Committee on Invalid Pensions.

By Mr. GROUT: Petition of F. S. Porter, Northfield, Vt., against Sunday-rest law—to the Committee on Education.

Also, resolutions of the convention of Congregational ministers and churches of Vermont, favoring an increase of the number of chaplains in the Army—to the Committee on Military Affairs.

By Mr. HAUGEN: Petition of the Chamber of Commerce of West Superior, Wis., in favor of a central canal across Minnesota Point—to the Committee on Rivers and Harbors.

By Mr. HAYES: Petition of Business Men's Associations of Rock Island, Ill., Moline, Ill., and Davenport, Iowa, in relation to proposed gun foundry at Rock Island arsenal—to the Committee on Appropriations.

Also, petition by same, favoring deep-water harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, petition by same, for same purpose and for construction of Hennepin Canal—to the Committee on Rivers and Harbors.

By Mr. HAYNES: Memorial and petition of Mayor A. Harker, village officers, and 234 other citizens of Put-in Bay and Middle Bass Island, Ohio, praying for the erection of a monument at Put-in Bay, Ohio, to commemorate Commodore Oliver Hazard Perry and others who participated in the naval battle of Lake Erie, on the 10th day of September, 1813—to the Committee on the Library.

By Mr. HOLMAN: Petition of Harkelman Post, No. 64, Grand Army of the Republic, Indiana, for the repeal of the limitation on the arrears of pensions—to the Committee on Invalid Pensions.

Also, affidavits in support of the bill to relieve Elisha Lensford from the charge of desertion—to the Committee on Military Affairs.

By Mr. KELLEY: Petition of the Farmers' Alliance of Wabunsee County, Kansas, for a deep-water harbor on the Gulf of Mexico; for a law that will prevent the formation of trusts and combines; for a law to prohibit the dealing in futures in grain or any other commodity, and for a law to prohibit the owning of real estate by aliens in the United States—to the Committee on Commerce.

By Mr. MCCOMAS: Petition of George W. Padget, of Frederick County, Maryland, asking his quartermaster claim be transferred to the Court of Claims under the so-called Bowman act—to the Committee on War Claims.

By Mr. MORROW: Memorial from the Amalgamated Society of Carpenters and Joiners of San Francisco, Cal., relative to the eight-hour law—to the Committee on Labor.

Also, memorial from the Pacific Coast Eight-Hour League of the city of San Francisco, Cal., upon the same subject—to the Committee on Labor.

Also, memorials from furniture dealers of same city, for same purpose—to the Committee on Labor.

Also, memorial from the same city, Union No. 22, United Brotherhood of Carpenters and Joiners of America, upon the same subject—to the Committee on Labor.

Also, memorial from Union No. 140, Brotherhood of Painters and Decorators of America, same city, upon same subject—to the Committee on Labor.

Also, memorial from Iron Molders' Union No. 164, of same city, for same purpose—to the Committee on Labor.

Also, memorial from the Brotherhood of Carpenters' and Joiners' Union No. 304, of same city, for same purpose—to the Committee on Labor.

Also, memorial from Boiler-Makers' International Brotherhood, of the same city, for same purpose—to the Committee on Labor.

Also, memorial from Journeymen Coopers' Union, of the same city, for the same purpose—to the Committee on Labor.

Also, a memorial from the Wool-Growers' Association, of the same city, upon the same subject—to the Committee on Labor.

Also, memorial from pattern-makers of same city, for same purpose—to the Committee on Labor.

Also, a memorial from the Musicians' Mutual Protective Union, of same city, for same purpose—to the Committee on Labor.

By Mr. O'NEIL, of Massachusetts: Petition of the Boston Forge Company and others, asking appropriations for the improvement of Boston Harbor by extending a channel from the main ship-channel at the southeast line of the Grand Junction wharves, extended thence to the southeast line of Samson street extended—to the Committee on Rivers and Harbors.

By Mr. OWENS, of Ohio: Petition of W. H. Robinson and 92 others, soldiers, of Ohio, praying for passage of service-pension bill—to the Committee on Invalid Pensions.

By Mr. PAYNTER: Petition of Robert F. and George W. Newdigate, for loss of horse taken and used by United States Army—to the Committee on War Claims.

Also, petition of George W. McKee, Company K, Twenty-third Kentucky Infantry, for amendment of military record, pay, and bounty; also, allowance of original invalid pension No. 273098, from discharge, July, 1868—to the Committee on Military Affairs.

Also, petition of L. W. Hatfield and 48 others, asking for the restoration of silver to its constitutional place as a money metal—to the Committee on Coinage, Weights, and Measures.

By Mr. PICKLER: A joint resolution of Legislature of South Dakota, asking that the Fort Sisseton military reservation, in said State, be granted to the State for use of militia of the State—to the Committee on Military Affairs.

Also, memorial praying for the opening to settlement, under the homestead law, of the Crow Creek Indian reservation, in Buffalo County, South Dakota—to the Committee on Indian Affairs.

Also, a memorial requesting legislation upon the subject of claims arising from Indian depredations—to the Committee on Indian Affairs.

Also, a memorial praying for the opening to settlement, under the homestead law, of the Yankton Indian reservation, in Charles Mix County, South Dakota—to the Committee on Indian Affairs.

By Mr. POST: Resolutions of the Chicago Board of Trade, for the consolidation of the revenue-cutter service and the Navy—to the Committee on Naval Affairs.

By Mr. PUGSLEY: Petition from 122 persons in Ohio, for passage of a national Sunday law—to the Committee on the Judiciary.

By Mr. SHIVELY: Statement in the case of Margaret Pratt, dependent mother of Eugene A. Pratt, late private Eighty-seventh Indiana Volunteers—to the Committee on Invalid Pensions.

By Mr. SMYSER: Petition of J. P. Ryan and 36 others, citizens of Wayne County, Ohio, asking for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of William Turner and 159 others, citizens of Wayne County, Ohio, for the same purpose—to the Committee on Coinage, Weights, and Measures.

By Mr. SNIDER: Petition of Chamber of Commerce of St. Paul, Minn., to convert the Pipestone Indian reservation into the National Indian Pipestone Park, and to establish a Government Indian industrial school thereon—to the Committee on Indian Affairs.

By Mr. STEPHENSON: Resolutions of the Michigan Conference, relative to the moral and religious needs of the United States Army—to the Committee on Military Affairs.

Also, resolutions of the Lake Carriers' Association, protesting against the passage of House bill 6451—to the Committee on Commerce.

By Mr. STEWART, of Texas: Resolutions of Cotton Exchange and Board of Trade of the city of Houston, Tex., favoring the appropriation of \$6,200,000 for harbor improvement at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. STONE, of Kentucky: Memorial of citizens of Graves County, Kentucky, praying for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. STRUBLE: Petition of Mansfield Post, No. 157, Grand Army of the Republic, Calliope, Iowa, urging passage of the service-pension bill, etc.—to the Committee on Invalid Pensions.

By Mr. SWENEY (by request): Petition of J. H. Riddle and 49 others, citizens of Iowa, in favor of a Sunday-rest law—to the Committee on Labor.

Also, petition of H. C. Evans and 134 others, citizens of Davis County, Iowa, asking that binding-twine and the raw material thereof be put on the free-list—to the Committee on Ways and Means.

By Mr. EZRA B. TAYLOR: Petitions of 58 individuals from Ohio, asking for a national Sunday-rest law—to the Committee on Education.

By Mr. JOSEPH D. TAYLOR: Petitions from eight different churches of Methodist Episcopal ministers, representing 1,188 petitioners, in favor of the passage of a Sunday-rest bill—to the Committee on Education.

Also, resolution of Encampment No. 55, Union Veteran Legion, of Cambridge, Ohio, in favor of the passage of the per diem pension bill—to the Committee on Invalid Pensions.

Also, resolutions of the Grand Army post of Cambridge, Ohio, in favor of the immediate passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of the Grand Army post of Cadiz, Ohio, for a service pension—to the Committee on Invalid Pensions.

By Mr. TOWNSEND, of Colorado: Resolutions of board of county commissioners of Garfield County, Colorado, in favor of appropriation for a deep harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. WADE: Petition of John G. Fulbright, administrator of Fulbright, deceased, Springfield, Mo., asking that his case may be referred to the Court of Claims under the so-called Bowman act—to the Committee on War Claims.

By Mr. WHEELER, of Michigan: Petition of H. T. Calkins and 175 others, citizens of Petoskey, Mich., praying for an appropriation for construction of breakwater at Petoskey, Mich.—to the Committee on Rivers and Harbors.

Also, petition of vessel owners and masters of Harbor Springs and Petoskey, Mich., for same purpose—to the Committee on Rivers and Harbors.

## SENATE.

MONDAY, March 10, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Friday last was read and approved.

### EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 28th ultimo, a report of the Commissioner of the General Land Office in regard to mineral lands in Alabama; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

### COURT OF CLAIMS REPORT.

The PRESIDENT *pro tempore* laid before the Senate a communication from the clerk of the Court of Claims, transmitting findings of fact in the case of James H. Dennis; which, with the accompanying papers, was referred to the Committee on Claims.

### PETITIONS AND MEMORIALS.

Mr. VOORHEES presented a petition of citizens of New Alabama, Ind., praying for the free coinage of silver; which was referred to the Committee on Finance.

He also presented a memorial of the White Water Monthly Meeting of Friends at Richmond, Ind., and a memorial of the Society of Friends, of Kokomo, Ind., remonstrating against the recommendation of the Senate Committee on Naval Affairs of large expenditures for building ships and coast defenses; which were referred to the Committee on Naval Affairs.

Mr. HARRIS presented a memorial of the Board of Trade of Jackson, Tenn., remonstrating against legislation adverse to cotton-seed oil; which was referred to the Committee on Finance.

Mr. HARRIS. I present the stereotyped printed form of a petition, said to contain 227 names of citizens of Coffee County, Tennessee, praying for a Sunday-rest law. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. CALL presented the memorial of Milton C. Brown and Mary E.

Pearson, on behalf of the Archer Monthly Meeting of Friends, of Alachua County, Florida, remonstrating against the recommendations of the Senate Naval Committee and other measures which propose a large expenditure for the Navy and so-called coast defenses and other warlike preparations; which was referred to the Committee on Naval Affairs.

He also presented a concurrent resolution of the Legislature of the State of Florida; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

[No. 7.]

Concurrent resolution requesting Senators and members of the House of Representatives of Florida in Congress of the United States to urge passage of House bill No. 6897.

Whereas the people of the State of Florida are earnestly interested in bringing about a settlement of the claims of the State against the General Government and to secure other measures of relief: Therefore,

Be it resolved by the house of representatives of the State of Florida (the senate concurring), That our Senators and Representatives in the Congress of the United States be requested to urge the passage of House bill No. 6897, reported from the Committee on Public Lands of the House of Representatives in the National Legislature during the first session of the Fiftyeth Congress, "A bill to relieve purchasers of and to indemnify certain States for swamp and overflowed lands disposed of, and for other purposes;" and that a certified copy of these resolutions be furnished each of the Senators and members of the House of Representatives for the State of Florida in the Congress of the United States.

Approved May 2, 1889.

Mr. CALL. I present a petition of citizens of Bluff Springs, Fla., stating their belief that the demonetization of silver, by which the money standard of the country was changed from gold and silver to gold alone was an act uncalled for by the people and one which has worked great wrong to the producing and industrial interests of the country, and praying that Congress will authorize the Secretary of the Treasury to purchase all gold and silver that may be offered to him and to issue legal-tender certificates therefor in equal sums of fives, tens, twenties, fifties, and one hundred dollars.

I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. BEKKY presented a petition of 117 citizens of Arkansas, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. DAWES presented resolutions adopted by the Massachusetts Civil Service Reform League, in favor of putting additional medical examiners in the Pension Bureau under civil-service rules; which were referred to the Committee on Pensions.

Mr. SHERMAN presented a petition of the Grand Army of the Republic of Logan County, Ohio, and a petition of 19 ex-Union soldiers of Ohio, praying for the passage of the service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of the Toledo Post, No. 107, Grand Army of the Republic, of Toledo, Ohio, praying for the passage of the per diem pension bill and the disability pension bill; which was referred to the Committee on Pensions.

He also presented a memorial of the Hopewell Monthly Meeting of Friends, of Fayette and Highland Counties, Ohio, remonstrating against the recommendation of the Senate Committee on Naval Affairs and other measures which propose large expenditures for the Navy and so-called coast defenses; which was referred to the Committee on Naval Affairs.

He also presented a petition of 122 citizens, residents of the State of Ohio, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. MOODY presented a petition of the Woman's Christian Temperance Union of Hyde County, South Dakota, and a petition of the Mount Vernon Monthly Meeting of Friends, of Davison County, South Dakota, praying the Congress of the United States to reject the recommendation of the Senate Committee on Naval Affairs and other measures which propose a large expenditure for the Navy and so-called coast defenses and other warlike preparations; which were referred to the Committee on Naval Affairs.

Mr. FARWELL presented a petition of teachers of public schools in Cook County, Illinois, praying for an international copyright law; which was ordered to lie on the table.

He also presented a memorial of members of the Society of Friends, of Cook County, Illinois, remonstrating against appropriating money for coast defenses and other warlike purposes; which was referred to the Committee on Naval Affairs.

He also presented a petition of Peoria County Grange, Illinois, praying for the free coinage of silver; which was referred to the Committee on Finance.

He also presented a petition of 200 citizens of Illinois praying for the passage of a national Sunday rest-law; which was referred to the Committee on Education and Labor.

Mr. WASHBURN presented a petition of the Board of Trade of Mankato, Minn., praying for the consideration of the Lind bill, providing for redistricting of the State of Minnesota for the purpose of holding terms of the United States district court; which was referred to the Committee on the Judiciary.

Mr. PADDOCK presented resolutions adopted by the commissioners of Sheridan County, Nebraska, praying that an appropriation be made



for a deep-water harbor at Galveston, Tex.; which were ordered to lie on the table.

He also presented a petition of Carley Post, 173, Grand Army of the Republic, Department of Nebraska, praying for the passage of a per diem rated pension bill; which was referred to the Committee on Pensions.

He also presented the petition of Fleming Grange, Box Butte County, Nebraska, praying for national aid for the beet-sugar industry; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of citizens of Auburn, Nebr., praying for the passage of a general bill for the erection of post-office buildings in smaller towns and cities of the country; which was referred to the Committee on Public Buildings and Grounds.

Mr. McMILLAN presented a petition of 229 citizens of Michigan and a petition of 182 citizens of Michigan, praying for the passage of a national Sunday-rest law; which were referred to the Committee on Education and Labor.

Mr. CHANDLER. I present the petition of B. G. Boothe and 85 others, legal voters in the county of Quitman, Mississippi, praying for the passage of a national election law securing a free ballot and an honest count in all elections of Representatives in Congress, and that, in addition, such laws may be passed by Congress as it may have power to enact for the enforcement of the fifteenth amendment of the Constitution. I move that the petition be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. BUTLER presented a memorial of the Charleston (S. C.) Chamber of Commerce and a joint resolution of the General Assembly of South Carolina, in regard to the jetties at Charleston Harbor; which were referred to the Committee on Commerce, and the joint resolution of the General Assembly of South Carolina was ordered to be printed in the RECORD, as follows:

Under concurrent resolution of the General Assembly of the State of South Carolina, we hereby affix our signatures to this paper.

W. L. MAULDIN,  
*Lieutenant-Governor and President of the Senate.*  
JAMES SIMONS,  
*Speaker of the House of Representatives.*

COLUMBIA, S. C., December 23, 1889.

Upon the joint memorial from the Charleston Chamber of Commerce, the Charleston Exchange, and Merchants' Exchange, relating to the jetties in Charleston Harbor, the concurrent resolution was agreed to, of which the following is a copy:

*Resolved by the house of representatives (the senate concurring), That our Senators and Representatives in Congress be, and they are hereby, earnestly requested to urge upon Congress the importance of appropriating the full sum which the United States engineers report as necessary to the early completion of the work upon the jetties in Charleston Harbor; that it is the sense of the house that said appropriation is in the interest of true economy, and that the early completion of the work, whereby deep water can be secured, will greatly promote the interest of the entire State and of the whole South Atlantic seaboard.*

*Resolved, further, That the president of the senate and speaker of the house of representatives be requested to sign the accompanying memorial, and the clerks of the senate and house of representatives be instructed to forward a copy of this concurrent resolution to each of the Senators and Representatives in Congress from South Carolina.*

IN THE HOUSE OF REPRESENTATIVES, December 16, 1889.

*Resolved, That the house do agree to the resolution.*

*Ordered, That it be sent to the senate for concurrence.*

By order.

JAMES SIMONS,  
*Speaker of the House of Representatives.*

IN THE SENATE, December 16, 1889.

*Resolved, That the senate concur in the resolution.*

*Ordered, That it be returned to the house with concurrence.*

By order.

W. L. MAULDIN,  
*Lieutenant-Governor and President of the Senate.*

We hereby certify that the foregoing is a correct copy of concurrent resolutions adopted by the General Assembly of the State of South Carolina at the regular session of 1889.

W. L. MAULDIN,  
*Lieutenant-Governor and President of the Senate.*  
JAMES SIMONS,  
*Speaker of the House of Representatives.*

Mr. PUGH presented a petition of citizens of Logan, Cullman County, Alabama, praying for the unlimited coinage of silver; which was referred to the Committee on Finance.

Mr. DAVIS presented a petition of citizens of La Crescent, Minn., and a petition of sundry citizens of Minnesota, praying for legislation to prohibit fictitious transactions in farm products; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the establishment of an Indian industrial school at Pipestone City, Minn.; which was referred to the Committee on Indian Affairs.

He also presented resolutions adopted by McIntyre Post, No. 66, Department of Minnesota, Grand Army of the Republic, praying for the passage of a bill repealing the limitation in the arrearage-pension act; which were referred to the Committee on Pensions.

Mr. PIERCE presented a petition of 44 citizens of North Dakota,

praying for legislation against the running of interstate Sunday mail trains and against military drills on the Sabbath; which was referred to the Committee on Education and Labor.

Mr. MANDERSON presented resolutions adopted by the commissioners of Sheridan County, Nebraska, in favor of an appropriation for a deep-water harbor at Galveston, Tex.; which were ordered to lie on the table.

He also presented a petition of citizens of Geranium, Valley County, Nebraska, and a petition of citizens of North Bend, Dodge County, Nebraska, praying for the unlimited coinage of silver and other appropriate legislation of a similar character; which were referred to the Committee on Finance.

He also presented a memorial of citizens of Long Pine, Brown County, Nebraska, remonstrating against the reduction of the duty on sugar and in favor of legislation to promote the beet sugar and sorghum industries; which was referred to the Committee on Finance.

He also presented a memorial of 124 citizens of Lincoln County, Nebraska, remonstrating against a reduction of the tariff on sugar and for legislation to encourage the beet sugar and sorghum industries; which was referred to the Committee on Finance.

Mr. MANDERSON subsequently said: The memorials presented a few moments ago with reference to the beet-sugar industry I think should be referred to the Committee on Agriculture and Forestry. That committee, I understand, has that matter in charge and will report a bill.

The PRESIDENT *pro tempore*. The memorials to which the Senator from Nebraska refers relate to a reduction of the duty on sugar. They will be referred to the Committee on Agriculture and Forestry, if there be no objection.

Mr. MORRILL. I think they ought to go to the Committee on Finance.

Mr. PADDOCK. I desire to state that the whole subject-matter of the beet-sugar industry is before the Committee on Agriculture and Forestry, and will be referred in the course of a day or two to the Committee on Finance, with a report, for their consideration.

Mr. MANDERSON. I understand that the Committee on Agriculture and Forestry is to report a bill upon this and similar subjects for reference to the Committee on Finance.

Mr. PADDOCK. Yes, for reference to the Committee on Finance.

The PRESIDENT *pro tempore*. The memorials will be referred to the Committee on Agriculture and Forestry.

Mr. STANFORD presented sundry petitions of the Pacific Coast Eight-Hour League of San Francisco, Cal., praying for the enforcement of the eight-hour law; which were referred to the Committee on Education and Labor.

He also presented sundry petitions of citizens of San Francisco, Cal., praying for the free coinage of silver; which were referred to the Committee on Finance.

Mr. CULLOM presented a petition of citizens of Danville, Ill., engaged in the manufacture of cigars, praying that the tax on cigars and the internal-revenue system be retained; which was referred to the Committee on Finance.

He also presented a petition of 63 citizens of Illinois, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. WILSON, of Iowa, presented a memorial of the Monthly Meeting of Friends (700 members), of Oskaloosa, Mahaska County, Iowa, remonstrating against any appropriation for the construction of a navy; which was referred to the Committee on Naval Affairs.

He also presented a petition of Sam Rice Post, No. 6, Grand Army of the Republic, of Atlantic, Iowa, praying for the passage of a service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of 50 citizens of Ripley, Iowa, praying for the passage of a Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. TELLER presented a petition of the city council of Colorado Springs, Colo., and a petition of the Pueblo (Colo.) Board of Trade, praying that an appropriation be made for a deep-water harbor at Galveston, Tex.; which were ordered to lie on the table.

Mr. MITCHELL. I present sundry petitions signed by 320 citizens of Morrow County, in the State of Oregon, earnestly praying that all the lands heretofore granted to the Northern Pacific Railroad Company terminous with and adjacent to the proposed Columbia River branch of that road, that is to say, between Wallula, in the State of Washington, and Portland, in the State of Oregon, be declared forfeited without delay. As a bill looking to the forfeiture of these lands has been reported, I move that the petitions lie on the table.

The motion was agreed to.

Mr. MITCHELL presented a petition signed by many citizens of Tualitan, in the State of Oregon, praying for the passage of legislation looking to the restoration of silver to its constitutional place as a money metal, with the same rights of coinage and legal tender as are now accorded to gold; which was referred to the Committee on Finance.

Mr. BLACKBURN. By reason of the enforced absence of my colleague [Mr. BECK], I ask leave to present sundry petitions in his name and have them appropriately referred.

The PRESIDENT *pro tempore*. The petitions will be received.  
Mr. BLACKBURN presented the petition of 38 citizens of Pilot Oak, Graves County, Kentucky, praying for the free coinage of silver; which was referred to the Committee on Finance.

He also presented the petition of 189 citizens of Kentucky, praying for the passage of a national Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. EVARTS presented a petition of 33 citizens of New York State, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

He also presented a memorial of 600 members of Marlborough Monthly Meeting of Friends, of Ulster County, New York, remonstrating against expenditures for the increase of the Navy, so-called coast defenses, etc.; which was referred to the Committee on Naval Affairs.

He also presented a petition of tea importers of New York, Philadelphia, Boston, and Chicago, praying for an ad valorem duty on teas imported into the United States from countries west of the Cape of Good Hope; which was referred to the Committee on Finance.

Mr. JONES, of Arkansas, presented the petition of Jacob W. Parker, of Hot Springs, Ark., praying that a law be passed to authorize and enable him to purchase block 94 from the United States at its assessed value in 1880, situate in the Hot Springs reservation, and which the commissioners erroneously failed to award him the right to purchase heretofore; which was referred to the Committee on Public Lands.

#### REPORTS OF COMMITTEES.

Mr. COKE, from the Committee on the Judiciary, to whom was referred the bill (H. R. 5181) to remove the political disabilities of D. C. Smith, a citizen of Texas, reported it without amendment.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2974) to construct a public building at Baton Rouge, La., reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 1002) for the erection of a public building at Bridgeton, N. J., reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 489) to provide for the erection of public buildings for post-offices in towns and cities where the post-office receipts for three years preceding have exceeded \$3,000 annually, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2614) to appropriate money for the erection of post-office buildings, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 350) to provide for the erection of public buildings for post-offices in towns and cities where the post-office receipts for three years preceding have exceeded \$3,000 annually, reported adversely thereon; and the bill was postponed indefinitely.

Mr. PADDOCK subsequently said: I move that the vote by which the bill (S. 350) to provide for the erection of public buildings for post-offices in towns and cities where the post-office receipts for three years preceding have exceeded \$3,000 annually was indefinitely postponed be reconsidered, in order that it may be placed upon the Calendar with the adverse report.

The PRESIDENT *pro tempore*. If there be no objection, the vote by which this bill was indefinitely postponed will be reconsidered and the bill placed on the Calendar.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1548) for the erection of a public building at Taunton, Mass., reported it with an amendment.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (S. 1657) to ratify and confirm an agreement with the Indians in Fort Berthold agency, in North Dakota, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 2140) authorizing the Secretary of the Interior to negotiate with the Turtle Mountain band of Chippewa Indians for the cession of their reservation, reported it with amendments.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 2457) to dispose of certain lots now unsold of the Fort Dalles military reservation, and the improvements thereon, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 3041) to dispose of certain lots now unsold of the Fort Dalles military reservation, and the improvements thereon; which was read twice by its title.

Mr. SQUIRE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1030) providing for the erection of a public building at the city of Tacoma, Wash., reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 1031) providing for the erection of a public building at the city of Seattle, Wash., reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 1029) providing for the erection of a public building at the city of Spokane Falls, Wash., reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S.

1075) to provide for the erection of a public building in the city of Walla Walla, Wash., reported it with an amendment.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 26) to authorize the appointment of a sanitary engineer in the District of Columbia, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 11) to authorize the appointment of a sanitary engineer in the District of Columbia, and for other purposes, reported it with an amendment.

Mr. HIGGINS, from the Committee on the District of Columbia, to whom was referred the bill (S. 1145) in relation to the rights and liabilities of married women, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1146) making a judgment a lien on all real estate, or interest therein, of the debtor in the District of Columbia, and allowing the same to be sold under execution, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2424) providing for the appointment of an assistant general superintendent and a chief clerk, railway mail service, reported it without amendment.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 2907) to grant the Mesilla Valley Irrigation and Land Company the right of way for an irrigating ditch across the Fort Selden military reservation in New Mexico, reported it with an amendment.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 2392) creating an additional land office in the State of North Dakota, reported it without amendment.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 1808) for the relief of William W. Webb, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. JONES, of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (S. 1682) to amend an act entitled "An act to authorize the Denison and Washita Valley Railroad Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July 1, 1886, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 3042) to amend an act entitled "An act to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July 1, 1886; which was read twice by its title.

#### COURTS IN WASHINGTON.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 2653) to provide for the times and places to hold terms of the United States courts in the State of Washington, to report it favorably with certain amendments. It is very important that the bill should go into effect at once, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The bill will be read at length.

Mr. HOAR. I ask unanimous consent that the question be taken on the several amendments when they are reached in the reading of the bill. It will save the time of the Senate.

The PRESIDENT *pro tempore*. The Chair hears no objection, and that course will be pursued.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on the Judiciary was to strike out section 4, in the following words:

SEC. 4. That all offenses committed in either of said divisions shall be cognizable and indictable within the division where committed, and all grand and petit jurors summoned for service in each division shall be inhabitants thereof.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment, was in section 5, line 11, after the word "fact," to insert the words "in civil causes;" so as to read:

All issues of fact in civil causes triable in any of the said courts shall be tried in the division where the defendant or one of the defendants reside, unless by consent of both parties the case shall be removed to some other division.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 6, line 4, after the word "shall," to insert the word "not;" so as to read:

That the clerk of the circuit and district courts for said district shall each appoint a deputy clerk at the place where their respective courts are required to be held in the division of the district in which such clerk shall not himself reside, each of whom shall, in the absence of the clerk, exercise all the powers and perform all the duties of clerk within the division for which he shall be appointed.

The amendment was agreed to.

The reading of the bill was concluded.



The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### REVISION OF REMARKS.

Mr. HOAR. I am directed by the Committee on Privileges and Elections to report a substitute for the resolution referred to that Committee, submitted by the Senator from New Hampshire [Mr. CHANDLER] February 24.

The PRESIDENT *pro tempore*. The proposed substitute will be read. The Chief Clerk read as follows:

*Ordered*, That in all future editions of the CONGRESSIONAL RECORD the following words be stricken from the report of the remarks of Mr. CALL, a Senator from the State of Florida, in the Senate, Thursday, February 20, 1890, as heretofore published in the RECORD, namely:

"And murders of hundreds of women and children in the Southern States; of these horrid crimes."

"The blood of Saunders, if the evidence shall show his death was in any way connected with the prosecutions in the United States courts, will rest on his conscience. The shrieking ghosts of the hundreds of outraged and murdered women and children, the victims of the wild lust and passions of a race who owe all that they know of religion and civilization to the Southern white people, and not to the Senator from New Hampshire, will disturb his sleeping and his waking hours. Like Banquo's ghost, it will not down, and the ocean will not wash his blood-stained hands from the guilt of the rape and murder of these tender white women and children;" said words not having been actually spoken by him, and that the passage of his remarks in which said words were inserted be published in such future editions as originally reported by the Official Stenographer.

The PRESIDENT *pro tempore*. The resolution will be placed on the Calendar.

On motion of Mr. HOAR, it was

*Ordered*, That the Committee on Rules report for the consideration of the Senate a rule defining the extent to which Senators shall be at liberty to revise remarks made by them in the Senate for publication in the RECORD.

#### BILLS INTRODUCED.

Mr. DAWES introduced a bill (S. 3043) to amend and further extend the benefits of the act approved February 8, 1887, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes," which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PASCO introduced a bill (S. 3044) to authorize the Secretary of the Treasury to pay the balance found to be due the State of Florida according to the account stated between the General Government and such State by the said Secretary, under the authority of the act approved March 2, 1889, known as the deficiency appropriation act; which was read twice by its title, and referred to the Committee on Claims.

Mr. VOORHEES introduced a bill (S. 3045) for the relief of Caroline M. McDougal, widow of the late Rear-Admiral David McDougal, United States Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3046) granting a pension to Fanny L. Davis; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3047) granting a pension to Susan Canins; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3048) to amend section 4708, Title LVII, of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 3049) to grant a pension to Lucinda Stamper; which was read twice by its title, and referred to the Committee on Pensions.

Mr. REAGAN introduced a bill (S. 3050) to provide for the purchase of a site for a military post near Eagle Pass, Tex., and for the construction of suitable buildings thereon; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. REAGAN. I ask to submit a letter from the Secretary of War, a letter from General Schofield, and the last annual report of General Schofield, and move their reference to the Committee on Military Affairs, to accompany the bill just introduced.

The motion was agreed to.

Mr. CULLOM introduced a bill (S. 3051) for the relief of Samuel Barrell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. STOCKBRIDGE introduced a bill (S. 3052) for the relief of the Michigan Military Academy; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3053) granting a pension to William H. Ballard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FARWELL introduced a bill (S. 3054) for the relief of William Smith and others; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PETTIGREW introduced a bill (S. 3055) to authorize the construction of a bridge across the Missouri River between the city of Chamberlain, in Brulé County, and Lyman County, in the State of South

Dakota; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TELLER introduced a bill (S. 3056) to compensate J. M. Bryan for property at Choteau Station taken from him by the Cherokee Nation; which was read twice by its title, and referred to the Select Committee on Indian Depredations.

Mr. HIGGINS introduced a bill (S. 3057) for the relief of William W. S. Davis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MITCHELL introduced a bill (S. 3058) making a further appropriation for the establishment of a light-ship with steam fog-signal to mark the bar at the mouth of the Columbia River, Oregon; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BARBOUR introduced a bill (S. 3059) to appropriate ——— dollars to commence, prosecute, and complete the building and construction of Mount Vernon avenue; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. VOORHEES introduced a joint resolution (S. R. 64) to arbitrate and settle the questions at issue between the District of Columbia and Samuel Strong; which was read twice by its title, and referred to the Committee on the District of Columbia.

#### GOVERNMENT LOANS ON REAL ESTATE.

Mr. STANFORD submitted the following resolution; which was read:

Whereas there is a stringency in money and much consequent distress, the energies of the country being depressed, large portions of the farming communities heavily burdened and struggling for relief; and

Whereas the United States Government is alone authorized to make money which shall be a legal tender, whether it be by stamp upon paper, silver, or gold; and

Whereas the value of the three commodities when used as money depends entirely upon the stamp of the Government making it legal tender; and

Whereas it has been found that the money advanced by the Government upon its own bonds to the holders thereof has furnished the best and most acceptable currency, through which to-day in our country most of the exchanges are made; and

Whereas the present stringency is largely due to the retirement of Government bonds which have been so largely the basis of our circulating medium; and

Whereas it is of great consequence to national and individual interests that credit should be established, where merited, as far as is safe and practicable; and

Whereas the Government can do this abundantly, without risk to itself, upon much of the property of the country, as it is now doing upon its own bonds, on which it is paying interest; and

Whereas loans upon a property basis would furnish all the money needed without cost to the Government, and a fair interest paid by the borrower would give to the Government for the use of its credits in bills a large income: Therefore,

*Be it resolved*, That the Committee on Finance be instructed to inquire what relief may be furnished by the United States Government, and particularly whether loans may not be made by the Government upon mortgages deposited with it upon real estate, independent of improvements, at such rate and to such an amount only as will make the security to the Government perfect, the Government to receive some small rate of interest, from 1 to 2 per cent., ample compensation for the use of its credit, and to prevent the undue applications for loans beyond the needs of the country. And the Government, as further restraint and provision against an overissue (if such a thing be possible upon perfect security, where the interest is very slight), shall provide to call in a percentage of its loans, from time to time, upon reasonable notice, as it may deem necessary, at its own discretion, for the welfare of the nation.

Mr. STANFORD. I ask that the resolution lie on the table. I expect to be absent for a few days, and I should like to have the unanimous consent of the Senate to submit a few remarks to accompany the resolution.

The PRESIDENT *pro tempore*. The Senator from California asks unanimous consent to submit observations to accompany the resolution just offered. The Chair hears no objection, and the Senator from California will proceed.

Mr. STANFORD. Mr. President, from the earliest civilization there has existed in all countries a need of some commodity that will stand as the representative of values through which exchanges can be made without the commodities themselves being passed from hand to hand.

In process of time gold and silver came into use for this purpose of equalizing exchange, and to-day, when stamped by responsible governments, these metals have a value as money far beyond any possible value they might have were they only used in the arts. But it is obvious that their value as legal tender depends as much on the Government stamp as does the paper which is stamped by the Government and made legal tender. Money becomes valuable as it stimulates industry and facilitates the exchange of the products of man's labor. Property itself is valuable according to the uses to which it is applied. Thus, supposing a man's wages were a dollar a day, \$100 would employ one hundred men one day; but could the product of the labor of those hundred men be immediately utilized, the \$100 might give employment to a hundred men every work day in the year.

The Government bond is valuable to the holder on account of the interest it earns. As an energetic factor in the transactions of men it only amounts to the percentage which it draws, but when the bondholder by depositing it with the Government receives back 90 per cent. in Government bills, 90 per cent. of its value becomes energized into an active commodity, giving possible employment to the energies of the country. In like manner, if the farmer were able to borrow from the Government without interest a certain amount of its bills, giving

his farm as security therefor, to that extent his land would become an active force and he would be enabled, while giving employment to the extent of the money loaned him, to improve his farm and increase its value to the full amount of the loan. Thus, the Government loan would be doing a double duty. Now, the activities of this money do not terminate with its expenditure by the farmer; those who have received it in their turn will make use of it as an energizing factor in the forces of life to an indefinite period. As money employs labor it brings to life a continuing force, labor begetting labor as certainly as its fruits are valuable. Another way by which we can appreciate what money actively used may perform in the settlement of balances is to be found in the value of commodities produced and exchanged compared with the amount of money in circulation.

I may here make use of the familiar illustration of a dollar going the round among twenty men each of whom owed a dollar to his neighbor, paying twenty dollars of debts and returning to the pocket from which it started. This is a small illustration and would be equally illustrative for a greater number of men and a greater amount of debts.

How far the boundless resources of our country shall be put into activity depends not only upon the active industry of our people, but upon the power necessary to induce that industry, and it should be the fostering care of the Government to see that such industry receives every encouragement.

An abundant supply of money means to individuals of capacity a field for the use of their abilities in prosecuting their various callings of life, and will be particularly valuable to associations of individuals by affording them facilities for obtaining capital for the transaction of every kind of business.

An abundance of money means universal activity, bringing in its train all the blessings that belong to a constantly employed, industrious, intelligent people.

If these proposed loans could be made by the Government without risk, I do not think that there would be any serious obstacle in the way of the accomplishment of the object of this resolution. In my opinion ample protection would be afforded the Government if it limited its loan to one-half or one-quarter the assessed value of the property given as security, and upon the appraisal of Government officers especially selected for that duty.

Abundant and cheap money places the power in the hands of the industrious and enables combination of labor that would produce ample competition and prevent anything like an oppressive monopoly. This combination has always done when not accompanied by any special privileges. Cheap and abundant money means co-operation of labor to an extent heretofore unknown, and with all its consequent advantages. Its abundant supply and possible activities would be one of the great means of employing labor and controlling and utilizing forces at man's disposal, and would go far towards aiding his intelligence, towards realizing his highest destiny.

It seems to me that the great thought of humanity should be how to advantage the great multitude of toilers, increase their power of production, and elevate their condition. We know that a great improvement is within the provisions of Providence, and in the prosperity of the masses of the people the prosperity of all is assured.

Man is the rightful heir to peace and prosperity, and very much depends upon the intelligence of governments to represent the associated capacities and interests of the whole. To me, one of the most effective means of placing at man's disposal the force inherent in the value of property is through furnishing a bountiful supply of money based upon unquestioned and secure values.

The PRESIDENT *pro tempore*. The resolution will lie on the table.

#### PATENTS FOR UNION PACIFIC GRANTED LANDS.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Interior be directed to report the cause of withholding patents for lands within the limits of the grant to the Union Pacific Railway Company which are free from all claims and were not reserved at the date of the definite location of the company's road, and also to forward to the Senate the report of the Commissioner of the General Land Office on said subject made to the Secretary of the Interior.

#### INDIAN TERRITORY.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to.

*Resolved*, That the Secretary of the Interior be directed to send to the Senate the compilation recently made in the Indian Bureau concerning the legal status of the Indians and lands within the Indian Territory.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

- A bill (H. R. 1471) granting a pension to Laura A. Yourtee;
- A bill (H. R. 1482) for the relief of Eliza Stanton;
- A bill (H. R. 1579) granting a pension to John McCool;
- A bill (H. R. 1581) granting an increase of pension to Andrew J. Ferguson;
- A bill (H. R. 1586) granting a pension to Augustine McLaughlin;
- A bill (H. R. 1865) granting a pension to John Nagle;

- A bill (H. R. 2131) granting a pension to Gustavus Alonzo Draper;
- A bill (H. R. 2133) granting a pension to Letsey F. Newhall;
- A bill (H. R. 2168) granting an increase of pension to Stewart Herbert;

- A bill (H. R. 2173) for the relief of Mrs. Olive Padgett;
- A bill (H. R. 2175) granting a pension to Mrs. Elizabeth Burress;
- A bill (H. R. 2351) granting a pension to Allen McCowan;
- A bill (H. R. 2352) granting a pension to W. S. Yohe;
- A bill (H. R. 2356) granting a pension to Matthew J. J. Cagle;
- A bill (H. R. 2423) granting a pension to Lucy Hale;
- A bill (H. R. 2435) increasing the pension of Mary Minor Hoxey;
- A bill (H. R. 2824) granting a pension to Charles A. Platz;
- A bill (H. R. 2832) granting a pension to Sarah McTavey;
- A bill (H. R. 3055) for the relief of W. P. Alexander;
- A bill (H. R. 3066) for the relief of Theodore J. Shandal;
- A bill (H. R. 3108) granting a pension to Levi M. Lincoln;
- A bill (H. R. 3536) to grant a pension to Samuel L. Dark;
- A bill (H. R. 3583) to pension Samuel Wyrick for services in the Indian war;

- A bill (H. R. 3584) to pension William J. Dunn for service in the Indian war;

- A bill (H. R. 3588) to pension Mary J. Mann, widow of John W. Mann, who served in the Indian war;

- A bill (H. R. 3954) granting an increase of pension to General Horace Boughton;

- A bill (H. R. 3962) to increase the pension of Samuel Adams;
- A bill (H. R. 4027) granting a pension to William A. Merriwether;
- A bill (H. R. 4030) granting a pension to Mary Ann Allan;
- A bill (H. R. 4195) to increase the pension of Mrs. Emma A. Hart;
- A bill (H. R. 4205) granting a pension to Isabella B. Stimple;
- A bill (H. R. 4527) granting a pension to Daniel M. Dull, late a soldier of the Mexican war;

- A bill (H. R. 4532) for relief of Thomas N. Maxwell;
- A bill (H. R. 4810) to pension Christina Edson for meritorious services rendered the Government during the Indian wars in the Oregon Territory, now the State of Oregon;

- A bill (H. R. 4831) to pension Eli J. Youngheim;
- A bill (H. R. 4840) to increase the pension of William Boone;
- A bill (H. R. 4863) granting a pension to John Carter;
- A bill (H. R. 5751) to increase the pension of Isaac Endaly;
- A bill (H. R. 5862) granting a pension to Margaret Z. Austin;
- A bill (H. R. 5905) to pension Thomas K. Edwards for service in the Indian war;
- A bill (H. R. 6863) granting a pension to Henry Stumpf;
- A bill (H. R. 6865) granting a pension to Clara Frey; and
- A bill (H. R. 7216) providing for the compulsory attendance of witnesses before registers and receivers of the land office.

The message also announced that the House had passed the following bills:

- A bill (S. 801) granting a pension to Miss Elizabeth A. Tuttle;
- A bill (S. 806) granting a pension to Cyrus Tuttle;
- A bill (S. 807) granting a pension to Mary E. Noll, widow of Philip Noll;
- A bill (S. 810) granting a pension to Eliza A. Talbott; and
- A bill (S. 813) granting a pension to Stephen Schiedel.

#### CORRECTION OF SCHOOL STATISTICS.

Mr. BLAIR. I should like to call the attention of the Senator from Maine [Mr. HALE] for a moment to the RECORD. I find in the report of the Senator's speech delivered last Friday, and which is in Sunday's RECORD, an error which I am sure he will not care to have go to the public any further than it has already gone. On page 2115 of the RECORD, which he will find on his desk to-day, near the bottom of the right hand column, the Senator makes this statement:

In 1888 they spent \$122,445,000 for public education; they had 12,000,000 children enrolled in their schools; the average school attendance was 8,000,000 pupils.

Those are the statistics of the whole country. The Senator applies them only to the Southern States. On the contrary, instead of being \$122,000,000, which was that of the whole country, the expenditure in the Southern States, including Missouri, was \$20,000,000.

That is a statement which some five or six times I have endeavored to get to the country in my speeches, and now I hope the Senator will make the correction, so that through him it will reach the State of Maine, where, as I understand him, there has been some change in sentiment, probably owing to the circulation of his speeches there.

Mr. HALE. I am very much obliged to the Senator for calling my attention to this matter.

Mr. BLAIR. The Senator will see that he has only exaggerated the Southern expenditure some six or seven times. In order that there may be no mistake about this matter, I will refer the Senator to the official record, which he will find on pages 82 and 83 of the Report of the Commissioner of Education for 1887-'88. He will find the whole matter summarized there, as he will some four or five times in my speeches during the present session also.

Mr. HALE. I have all of these figures. I had not looked over the RECORD to see the report of the speech. In what I said I gave no such



figures as those, but in making up the wrong tables may have been used.

Mr. BLAIR. If the Senator had made such a statement on the floor I should have corrected him if I could have been permitted to interrupt him.

Mr. HALE. Of course I made no such statement. The wrong figures got in; that is all.

Mr. BLAIR. I hope, with the correction giving the full statement of the actual expenditure, the Senator will circulate his speech largely in the State of Maine.

Mr. HALE. And I will send it to the State of New Hampshire.

Mr. BLAIR. I hope he will send it to New Hampshire also. I have frequently made the statement in just that connection that the expenditure is \$122,000,000 for the whole country; \$20,000,000 for the Southern States, including Missouri; that the Southern States expend about \$1 for the education of a child where the Northern States expend \$3; and that they require at least twice as much in order to produce the same effect because their school plant is deficient, their teachers are deficient, and they need, consequently, an increased expenditure for each scholar.

Mr. REAGAN. Before the Senator takes his seat, I wish to ask him if the summary of the amount expended by the States for education embraces the amount contributed by local taxation?

Mr. BLAIR. Oh, yes.

Mr. REAGAN. Or does it include only what is appropriated out of the State treasury?

Mr. BLAIR. It includes the entire expenditure. The Senator does not need to rely upon me. I put the figures upon record, but the Senator may go to the record which I quoted and take this book and he will find that the statistics as I have given them are in fact more than corroborated.

Mr. REAGAN. I call the attention of the Senator from New Hampshire to the statement presented. It does not, as I imagined it did not, embrace the money voted by local communities for education. I see by the table—now I speak alone of the State of Texas—that there was about \$900,000 appropriated last year—\$887,000 for 1889; it may not have been quite that for 1888, but the sum is not far from that.

Mr. BLAIR. I did not understand the Senator's statement. I will take occasion to examine it.

Mr. PADDOCK. Mr. President—

Mr. BLAIR. I am aware that this is irregular, but I call the attention of the Senator from Texas to the fact that the revenues to which he alludes include the revenue "from permanent funds and rents," "from State tax," "from local taxes," "from other sources." Here are the items: "from permanent funds and rents," "from State tax," "from local tax," "from other sources." He will find that on page 80 of the Report of the Commissioner of Education for 1887-'88, and at the close he will find an aggregation showing the whole.

Mr. REAGAN. That aggregation is here for the State I referred to, \$2,778,172, and the amount as shown by the report of the superintendent of education last year was three million eight hundred and odd thousand dollars.

Mr. SHERMAN and others. Regular order.

#### PUBLIC BUILDING AT SALT LAKE CITY, UTAH.

The PRESIDENT *pro tempore*. Is there further morning business? If there be none that order is closed, and the Calendar under Rule VIII is in order. The first order of business will be reported.

The bill (S. 1219) to provide for the construction of a public building at Salt Lake City, Utah, was announced as first in order on the Calendar.

Mr. SHERMAN. Mr. President—

Mr. PADDOCK. I should like to appeal to the Senator from Ohio to yield for the consideration of the bill which is regularly in order. The bill was read at length on Friday. The question, I think, was on its final passage when the time for the consideration of the Calendar expired.

Mr. SHERMAN. I would accede to that request, but I wish, if the Senator will allow me, to state that there is a bill on the Calendar in regard to the inspection of meats for exportation which it is very important at this time should be passed, a bill of great importance. I shall call it up immediately after this bill is disposed of. It will, I think, only take the time necessary to read it. It has already passed the Senate and has had the consideration of two committees. I will withhold it for a moment, but when the public building bill is acted on I shall insist on its being taken up.

The Senate resumed the consideration of the bill (S. 1219) to provide for the construction of a public building at Salt Lake City, Utah.

The PRESIDENT *pro tempore*. The bill is before the Senate, and the question is on the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. PLUMB. I withdraw the amendment.

The PRESIDENT *pro tempore*. The question recurs on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1471) granting a pension to Laura A. Yourtee;  
A bill (H. R. 1482) for the relief of Eliza Stanton;  
A bill (H. R. 1579) granting a pension to John McCool;  
A bill (H. R. 1581) granting an increase of pension to Andrew J. Ferguson;

A bill (H. R. 1586) granting a pension to Augustine McLaughlin;  
A bill (H. R. 1865) granting a pension to John Nagle;  
A bill (H. R. 2131) granting a pension to Gustavus Alonzo Draper;  
A bill (H. R. 2133) granting a pension to Betsey F. Newhall;  
A bill (H. R. 2168) granting an increase of pension to Stewart Herbert;

A bill (H. R. 2173) for the relief of Mrs. Olive Padgett;  
A bill (H. R. 2175) granting a pension to Mrs. Elizabeth Burress;  
A bill (H. R. 2351) granting a pension to Allen McCowan;  
A bill (H. R. 2352) granting a pension to W. S. Yohe;  
A bill (H. R. 2356) granting a pension to Matthew J. J. Cagle;  
A bill (H. R. 2432) granting a pension to Lucy Hale;  
A bill (H. R. 2435) increasing the pension of Mary Minor Hoxey;  
A bill (H. R. 2824) granting a pension to Charles A. Platz;  
A bill (H. R. 2832) granting a pension to Sarah McTavey;  
A bill (H. R. 3055) for the relief of W. P. Alexander;  
A bill (H. R. 3056) for the relief of Theodore J. Shandal;  
A bill (H. R. 3108) granting a pension to Levi M. Lincoln;  
A bill (H. R. 3536) to grant a pension to Samuel L. Dark;  
A bill (H. R. 3583) to pension Samuel Wyrick for services in the Indian war;

A bill (H. R. 3584) to pension William J. Dunn for service in the Indian war;

A bill (H. R. 3588) to pension Mary J. Mann, widow of John W. Mann, who served in the Indian war;

A bill (H. R. 3954) granting an increase of pension to General Horace Boughton;

A bill (H. R. 3962) to increase the pension of Samuel Adams;  
A bill (H. R. 4027) granting a pension to William A. Merriwether;  
A bill (H. R. 4030) granting a pension to Mary Ann Allan;  
A bill (H. R. 4195) to increase the pension of Mrs. Emma A. Hart;  
A bill (H. R. 4205) granting a pension to Isabella B. Stimpie;  
A bill (H. R. 4527) granting a pension to Daniel M. Dull, late a soldier of the Mexican war;

A bill (H. R. 4532) for relief of Thomas N. Maxwell;  
A bill (H. R. 4810) to pension Christina Edson for meritorious services rendered the Government during the Indian wars in the Oregon Territory, now the State of Oregon;

A bill (H. R. 4821) to pension Eli J. Youngheim;  
A bill (H. R. 4840) to increase the pension of William Boone;  
A bill (H. R. 4863) granting a pension to John Carter;  
A bill (H. R. 5751) to increase the pension of Isaac Endaly;  
A bill (H. R. 5862) granting a pension to Margaret Z. Austin;  
A bill (H. R. 5905) to pension Thomas K. Edwards for service in the Indian war;

A bill (H. R. 6863) granting a pension to Henry Stumpf; and  
A bill (H. R. 6865) granting a pension to Clara Frey.

The bill (H. R. 7216) providing for the compulsory attendance of witnesses before registers and receivers of the land office was read twice by its title, and referred to the Committee on Public Lands.

#### MEAT EXPORTATION AND INSPECTION, ETC.

Mr. SHERMAN. I move that the Senate proceed to the consideration of Order of Business 462, Senate bill 2594.

The PRESIDENT *pro tempore*. The bill will be reported by its title.

Mr. MITCHELL. I hope the Calendar will be proceeded with.

Mr. SHERMAN. It will take but about five or ten minutes to read this bill. There will be no objection to it, and it is admittedly a matter of public importance, as every Senator will see when the bill is read.

Mr. MITCHELL. And then can we go to the Calendar?

Mr. SHERMAN. I have no objection.

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill (S. 2594) providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes.

Mr. SHERMAN. It will not be necessary to read the original bill, as an amendment in the nature of a substitute, embodying also certain amendments suggested by the Committee on Agriculture, covers the whole ground.

The PRESIDENT *pro tempore*. The reported amendment being to strike out and insert a substitute, the Secretary will read the substitute.

Mr. SHERMAN. Yes, sir.

The Secretary read the amendment of the Committee on Foreign Relations, to strike out all after the enacting clause and insert as follows:

That the Secretary of Agriculture may cause to be made a careful inspection

of all salted pork and bacon intended for exportation, with a view to ascertain and determine whether the same is wholesome and sound for human food, and may appoint inspectors and authorize them to give an official certificate clearly stating the condition in which such pork and bacon is found; and no clearance shall be given to any vessels having on board salted pork or bacon unless each package bears the marks, stamps, or other devices for identification as provided in the last clause of this section; but any pork or bacon may be exported to any foreign country without such inspection when it is proven to the satisfaction of the inspector that the same has been properly salted and packed more than sixty days prior to the date of the application for inspection or manifest for exportation; and such inspector shall in that case certify to the fact that such meat was properly salted and packed more than sixty days before the date of such entry. One copy of any certificate issued by such inspector shall be filed in the Department of Agriculture, another copy shall be attached to the invoice of each separate shipment of such meat, and a third copy shall be delivered to the consignor or shipper of such meat; and as evidence that packages of salted pork and bacon have been inspected in accordance with the provisions of this act, and found to be wholesome and sound for human food, and for the identification of the same, such marks, stamps, or other devices as the Secretary of Agriculture may by regulation prescribe shall be affixed to each of such packages.

SEC. 2. That it shall be unlawful to import into the United States any adulterated or unwholesome food, or vinous, spirituous, or malt liquors, adulterated or mixed with any poisonous or noxious chemical, drug, or other ingredient injurious to health. Any person who shall knowingly import into the United States any such adulterated food or drink, knowing or having reasons to believe the same to be adulterated, being the owner or the agent of the owner, or the consignor or consignee of the owner, or in privy with them, assisting in such unlawful act, shall be deemed guilty of a misdemeanor, and liable to prosecution therefor in the district court of the United States for the district into which such property is imported; and, on conviction, such person shall be fined in a sum not exceeding \$1,000 for each separate shipment, and may be imprisoned by the court for a term not exceeding one year, or both, at the discretion of the court.

SEC. 3. That any article designed for consumption as human food or drink, and any other article of the classes or description mentioned in this act, which shall be imported into the United States contrary to its provisions, shall be forfeited to the United States, and shall be proceeded against under the provisions of chapter 13 of Title XIII of the Revised Statutes of the United States; and such imported property so declared forfeited may be destroyed or returned to the importer for exportation from the United States after the payment of all costs and expenses, under such regulations as the Secretary of the Treasury may prescribe; and the Secretary of the Treasury may cause such imported articles to be inspected or examined in order to ascertain whether the same have been so unlawfully imported.

SEC. 4. That whenever the President is satisfied that there is good reason to believe that any importation is being made, or is about to be made, into the United States, from any foreign country, of any article used for human food or drink that is adulterated to an extent dangerous to the health or welfare of the people of the United States, or any of them, he may issue his proclamation suspending the importation of such articles from such country for such period of time as he may think necessary to prevent such importation; and during such period it shall be unlawful to import into the United States from the countries designated in the proclamation of the President any of the articles the importation of which is so suspended.

SEC. 5. That whenever the President shall be satisfied that unjust discriminations are made by or under the authority of any foreign state against the importation to or sale in such foreign state of any product of the United States, he may direct that such products of such foreign state so discriminating against any product of the United States as he may deem proper shall be excluded from importation to the United States; and in such case he shall make proclamation of his direction in the premises, and therein name the time when such direction against importation shall take effect, and after such date the importation of the articles named in such proclamation shall be unlawful. The President may at any time revoke, modify, terminate, or renew any such direction as in his opinion the public interest may require.

SEC. 6. That the importation of neat cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within sixty days next before their exportation, is hereby prohibited; and any person who shall knowingly violate the foregoing provision shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding three years; and any vessel or vehicle used in such unlawful importation shall be forfeited to the United States.

SEC. 7. That the Secretary of Agriculture be, and is hereby, authorized, at the expense of the owner, to place and retain in quarantine all neat cattle, sheep, and other ruminants, and all swine, imported into the United States, at such ports as he may designate for such purpose, and under such conditions as he may by regulation prescribe, respectively, for the several classes of animals above described; and for this purpose he may have and maintain possession of all lands, buildings, animals, tools, fixtures, and appurtenances now in use for the quarantine of neat cattle, and hereafter purchase, construct, or rent as may be necessary, and he may appoint veterinary surgeons, inspectors, officers, and employes by him deemed necessary to maintain such quarantine and provide for the execution of the other provisions of this act.

SEC. 8. That the importation of all animals described in this act into any port in the United States, except such as may be designated by the Secretary of Agriculture, with the approval of the Secretary of the Treasury, as quarantine stations, is hereby prohibited; and the Secretary of Agriculture may cause to be slaughtered such of the animals named in this act as may be, under regulations prescribed by him, adjudged to be infected with any contagious disease or to have been exposed to infection so as to be dangerous to other animals; and that the value of animals so slaughtered as being so exposed to infection but not infected may be ascertained by the agreement of the Secretary of Agriculture and owners thereof, if practicable; otherwise, by the appraisal by two persons familiar with the character and value of such property, to be appointed by the Secretary of Agriculture, whose decision, if they agree, shall be final; otherwise, the Secretary of Agriculture shall decide between them, and his decision shall be final; and the amount of the value thus ascertained shall be paid to the owner thereof out of money in the Treasury appropriated for the use of the Bureau of Animal Industry; but no payment shall be made for any animal imported in violation of the provisions of this act. If any animals subject to quarantine according to the provisions of this act are brought into any port of the United States where no quarantine station is established the collector of such port shall require the same to be conveyed by the vessel on which they are imported or are found to the nearest quarantine station, at the expense of the owner.

SEC. 9. That whenever, in the opinion of the President, it shall be necessary for the protection of animals in the United States against infectious or contagious diseases, he may, by proclamation, suspend the importation of all or any class of animals for a limited time, and may change, modify, revoke, or renew such proclamation as the public good may require; and during the time of such suspension the importation of any such animals shall be unlawful.

SEC. 10. That the Secretary of Agriculture shall cause careful inspection to be made by a suitable officer of all imported animals described in this act, to ascer-

tain whether such animals are infected with contagious diseases or have been exposed to infection so as to be dangerous to other animals, which shall then either be placed in quarantine or dealt with according to the regulations of the Secretary of Agriculture; and all food, litter, manure, clothing, utensils, and other appliances that have been so related to such animals on board ship as to be judged liable to convey infection shall be dealt with according to the regulations of the Secretary of Agriculture; and the Secretary of Agriculture may cause inspection to be made of all animals described in this act intended for exportation, and provide for the disinfection of all vessels engaged in the transportation thereof, and of all barges or other vessels used in the conveyance of such animals intended for export to the ocean steamer or other vessels, and of all attendants and their clothing, and of all head-ropes and other appliances used in such exportation, by such orders and regulations as he may prescribe; and if, upon such inspection, any such animals shall be adjudged, under the regulations of the Secretary of Agriculture, to be infected or to have been exposed to infection so as to be dangerous to other animals, they shall not be allowed to be placed upon any vessel for exportation; the expense of all the inspection and disinfection provided for in this section to be borne by the owners of the vessels on which such animals are exported.

Mr. MANDERSON. Mr. President, one of the greatest barriers in the way of the exportation of beef cattle from this country is in the municipal legislation of foreign powers, notably of England. By the requirements of their law all cattle exported from this country are required to be slaughtered at the port of entry and within a very short time after arrival. Of course I realize very fully that that matter can only be changed by some diplomatic correspondence and by intervention of the usual treaty-making power, but I should like to ask the Senator from Ohio whether that evil has been contemplated by the Committee on Foreign Relations, and whether there is anything in this bill, resulting, perhaps, from this method of inspection, that would permit foreign powers to dispense with that provision.

Mr. SHERMAN. Mr. President, the complaint that has been made, not only by our people, but by our Government authorities for several years, has been that France, Germany, and Great Britain have made restrictions which prevented the importation of our meat products into those countries. In England it is true that the rule of their law requires beef cattle coming from our country to be killed at the place of importation there, in order to prevent, as they say, the spread of diseases among their own cattle. In France our pork products have been restrained very much by allegations that they bring over there trichina, and therefore they excluded our pork in many cases absolutely from their market. The same trouble exists in Germany. The general complaint made by these countries is that there are no inspection laws in the United States such as are enforced in the main in the European countries.

This bill, which was originally prepared, I think, two years ago by the Senator from Vermont, a member of the Committee on Foreign Relations [Mr. EDMUNDS], was reported to aid our Government in negotiating to get a release from these varied restrictions imposed by foreign countries upon our food products. It is believed that the passage of this bill will enable the proper authorities of our Government to procure the repeal and release of these various restrictions, more or less, and it is really thought that this bill, by securing the repeal of these restrictions, will add at least \$50,000,000 to our exports of meat products. I have no doubt it will add largely; whether it will add so much as that no man can say.

The bill as it now stands is recommended by the three Departments of the Government which will be connected with its enforcement: first, the State Department, which has conducted the negotiations; next, the Treasury Department, which must perform certain functions connected with the customs duties and so on; and, third, the Department of Agriculture. As the bill was reported at first it did not embody in it the provisions made necessary by the somewhat recent act creating the Department of Agriculture, and therefore, upon due representations made, the bill was recommitted and the amendments deemed necessary by the Treasury Department and by the Department of Agriculture, to conform to the law creating the Department of Agriculture, have been made. So I believe it now has gone through every possible scrutiny that it can be subjected to. I have among the papers connected with the bill a letter from the Secretary of Agriculture commending it. I believe that covers the ground.

Mr. PADDOCK. I desire to state, in connection with what the Senator from Ohio has said, that the Secretary of Agriculture has had it under contemplation to send a veterinary expert to Liverpool, or to ports where this product is sent out, in order to determine upon the alleged complaint of unfairness in inspection and to make proper reports to the State Department.

Mr. PLATT. Mr. President, of course the general purpose of this bill is one which commends itself to the Senate, but I very much fear that the bill has been prepared without full consultation with the persons who are engaged in the business of packing and exporting meats from this country. I know that when the bill was first introduced last year a gentleman representing a firm in Connecticut extensively engaged in packing and shipping pork abroad came here and represented to the Senator from Vermont [Mr. EDMUNDS] who introduced the bill that the provisions of the bill as it was then drawn would practically destroy the business which he was engaged in. In other words, it would throw such restraints around it as would make it impossible to pursue the business. Whether this bill is as that bill was amended last year I do not know, but I think the bill as first introduced was amended last year. Whether this bill follows the one which was in-



roduced last year or contains such amendments as were then found to be necessary I do not know.

Mr. SHERMAN. This bill is precisely as it passed the Senate last year, except such modifications as are needed to adapt it to the new Department of Agriculture.

There is one provision in it, a limitation upon the power of the President to stop certain importations confined to a short term of years, but on account of the delay it has been extended and made general.

Mr. PLATT. I should like to ask the Senator from Ohio where it is proposed that this inspection of salted pork and bacon intended for exportation is to be made?

Mr. SHERMAN. At the place of exportation.

Mr. PLATT. It is utterly impossible to carry on the business of exportation profitably by having the inspection at the port of exportation; at least, so I am informed; that the circumstances surrounding the shipping of these products from the wharves when they are sent to New York for exportation are such that any inspection there is practically to hinder and impede and so embarrass the business as that it will not be profitable.

Mr. SHERMAN. I was not literally correct in my answer to the question, that the inspection is at the place of exportation; for there is this provision in the bill:

But any pork or bacon may be exported to any foreign country without such inspection when it is proven to the satisfaction of the inspector that the same has been properly salted and packed more than sixty days prior to the date of the application for inspection or manifest for exportation.

In that case it might be inspected in Chicago, in Connecticut, or anywhere else, and need not then be inspected at the place of exportation, although otherwise it would have to be.

Mr. PLATT. I see there is that in the bill. It so happens that I received a letter last evening, which I have not replied to, from a gentleman who appeared, I think, before the Foreign Relations Committee or certainly before the Senator who introduced the bill last year, and I desire to read from what he says, because I should be neglecting my duty if I allowed this bill to pass without presenting the suggestion which he makes. He says:

The bill as now before the Senate will, if allowed to become a law, be destructive to a very large part of the export business and will do no good to any one. The export of hog products from this country is so large and so satisfactory under the present inspection instituted by the various boards of trade of the country that any interference by the Government will work irreparable harm, and in fact almost destroy a large part of the export trade of hog products. I could show you very clearly the reasons for my statement, but it would be too much to give in this letter.

I hope that you will let me know when the bill is coming up and I will come to Washington at once. It will not do to let this bill pass in the shape that it is now in. If the sixty-day clause was stricken out and in place of same was inserted the words "fully cured," that would in some measure relieve the bill of its most objectionable features.

I have had no opportunity to reply to this letter or to give him any opportunity to come here and present his views, so I can only state them to the Senate.

Mr. CULLOM. I inquire if the Committee on Agriculture has had anything to do or to say about this bill?

Mr. FADDOCK. The Committee on Agriculture reported certain amendments, amendments requiring that the matter of inspection and the performance of quarantine duties should be performed by the Bureau of Animal Industry rather than to be performed in the Department of the Treasury by a new class of inspectors to be set up there. It was intended to simplify the inspection and the quarantine business, and to put it where it belongs, under the Bureau of Animal Industry as now organized in the Department of Agriculture.

Mr. BATE. Mr. President, it seems to me that this bill is one of very great importance, and it ought not to be considered under the five-minute rule.

The PRESIDENT *pro tempore*. It is not so being considered. It was taken up on motion and is open to unlimited debate until 2 o'clock.

Mr. BATE. I desire to say that there are bills somewhat akin to this pending in the Committee on Agriculture, and two or three of them have been referred to a subcommittee, but the subcommittee has not had time to investigate them. I hope, therefore, that this bill will not be pressed now. It is one of vast importance, and we should have an opportunity of examining it.

Furthermore, I see that this is a substitute for the original bill, which has been examined with great care by all who are interested in this proposition, and that bill is amended now so as to strike out all after the enacting clause and insert a new bill. It was only reported some two or three days ago, and I do not think we have had an opportunity to consider it properly. I will say that the Committee on Agriculture have not had an opportunity to consider it, and I do not think they have had this substitute before them at all, but measures akin to it have been referred to that committee. I hope the bill will not be pressed now.

Mr. SHERMAN. The Senator from Tennessee will allow me to suggest that he probably did not hear what I said. This bill was practically referred to the Committee on Agriculture. Every amendment proposed by the Committee on Agriculture was adopted, and there is a letter on the files from the Secretary of Agriculture strongly recommending the passage of the bill. I also have a letter from the Secre-

ary of the Treasury approving of the modifications proposed between the two Departments; and I may say that the two Secretaries concur in all the amendments which have been adopted and incorporated in the substitute.

Mr. BATE. Do I understand the Senator to say that the Department of Agriculture has concurred in it?

Mr. SHERMAN. The Department of Agriculture and the Secretary of the Treasury also concur in these amendments. The amendments were prepared by the Department of Agriculture and handed me by the chairman of the Committee on Agriculture, and every amendment proposed by them has been adopted and incorporated in the substitute now pending.

Mr. BATE. I did not know that the matter had been presented to the Department of Agriculture, but this is a question of very grave importance, and I only suggested that it should be looked into by the committee having charge of that subject in connection with others.

Mr. SHERMAN. I feel bound to make one further statement. I have been urged to bring this matter before the attention of the Senate by important Departments of the Government, and I have once or twice done so, and I probably do not trespass upon what is proper on this occasion in saying that the adjustment and arrangement of all these controversies is now a matter of correspondence between our Government and other Governments. This is the season when this bill, if at all, should be passed. Before the summer commences these modes of inspection and organization should be provided. I hope, therefore, that the Senate will allow the bill to be disposed of now. If there is any trouble about it or any defect or any word that is wrong, there will be ample time to correct it in the House of Representatives.

Mr. TELLER. We had better correct it here.

Mr. SHERMAN. This bill has been more carefully scanned and considered than probably any bill upon the Calendar. It has once already passed the Senate, and the changes now made have been in consequence of a law passed since that time, the law creating the Department of Agriculture.

Mr. PLATT. It may be somewhat strange that a Senator living in an Eastern State should be the first to suggest questions in regard to whether this bill has been so considered as to protect the interests of the people who are engaged in packing and exporting meat products, but my attention was called to it by a very large and a very reputable house in my State, and while I have no doubt it is true that the State Department and the Agricultural Department and some other Departments have coincided in recommending the object of this bill, I do not believe that either of these Departments or the committee have heard the persons who are most interested in that feature of the bill, persons who are engaged in the business of packing and exporting meat. If I understand the trouble, or one trouble, it is that as the bill is now drawn the inspection must be on the wharf whence the exportation takes place. Any one who will consider the conditions of business on a wharf where meat is to be shipped on board a foreign-going vessel will see how utterly impossible it is for an inspection to take place there without great injury and great delay and great embarrassment to the parties who are engaged in shipping.

There is the only place, as I understand, if it is to take place at the port of exportation, where the inspection can be made, where the article is delivered from the cars or elsewhere, and whether it is on the wharf or in the cars or in the warehouse. The pork product can not wait for that kind of inspection to be performed. It has to go forward as soon as delivered at the point of exportation.

The Senator from Ohio says that difficulty is partially obviated, or wholly obviated, by a clause in the bill which provides that if "it is proven to the satisfaction of the inspector that the same has been properly salted and packed more than sixty days prior to the date of the application for inspection or manifest for exportation, and such inspector shall in that case certify to the fact that such meat was properly salted and packed more than sixty days before the date of such entry." What does that involve? It involves either an inspection at the port of exportation, and under all these disadvantageous and embarrassing circumstances, or it involves the keeping on hand for sixty days of all the pork and meat products intended for exportation. That ought not to be. It ought to be so that when the pork is properly packed and properly cured it can go forward.

I am not complaining of the general purpose of this bill, but I am complaining that I think there are not proper safeguards for the business thrown around it.

Mr. ALLISON. Mr. President, I am in sympathy with the general aim and purpose of this bill, and I have no doubt that it has been carefully and fully considered in the Committee on Foreign Relations, as also the Committee on Agriculture; but I submit that it is a very important measure as affecting a great many interests in this country. It has been reported here at the present session on the 5th of March. I have no doubt that it is wise to pass its substance at the earliest possible moment; but the people of my State are deeply interested in this question. I have on my table a telegram received this morning from one of the most intelligent men in my State who is engaged in this business, and he says to me in this telegram that he fears that this bill would obstruct the European export trade already existing more than

it would aid it. I have no idea whether he refers to the amendment which was reported on the 5th of March or to the original bill which was introduced by the honorable Senator from Vermont [Mr. EDMUNDS], or what it is that he objects to; but it seems to me that it would be wise for us to postpone for a few days, if it can be done, the consideration of this bill until we shall all have had an opportunity of communicating with our constituents who have knowledge on the subject.

I confess to a very great desire that some bill of this character shall be passed, and passed at an early day; and yet if called upon to vote on this measure to day I should vote with some hesitation, in view of the telegram which I have received from a very intelligent constituent who is engaged largely in this business and who is engaged in it wholly for exportation.

Mr. PADDOCK. I should like to inquire of the Senator if his correspondent gives the number or the file of the bill to which he makes his objection. There are other bills under consideration in the Committee on Agriculture which have excited a great deal of interest throughout the country because they are local in their character and relate to internal commerce.

Mr. ALLISON. He gives such designation, I will say to the Senator, as enables me to know that this is the bill to which he alludes.

Mr. PLUMB. It seems to me that this bill, properly construed, is not amenable to the objections urged by the Senator from Connecticut [Mr. PLATT]. This inspection can only be made properly, or at all events, the most proper place to make it is at the place where the goods are cut and packed, and in order to make this not only a safeguard to the purchasing public on the other side of the water, but to give to our cut meats that freedom of sale which they are entitled to, the inspection must be such as to make it perfectly certain to the public on the other side that it has been made with fidelity and under circumstances which preclude the idea that it is done in a perfunctory manner or by collusion; and that inspection can only be made, as I said before, at the packing-house. This provision ought to be made broad enough to require the inspection of the materials which go to make up the canned goods that find their way into export channels as well.

Now, the places at which pork and meats of all kinds are prepared for foreign exportation are very few in number, probably not more than a dozen in the United States at the very outside, and possibly not so many. I think it would be of very great advantage that the processes and the materials and the packing and every other thing that goes to make up what we know as purity, as wholesomeness, as freedom from disease and unfavorable conditions, should be resolved under some proper authority through the instrumentality of the law, and by some person or the agent of some Cabinet minister of such dignity that whatever certificate he shall give as the result of his examination shall carry with it verity in all quarters where these meats shall by any possibility be sent. Of course, there may be circumstances under which this inspection would not need to be made at the place where the article was packed, and, therefore, it seems wise to leave that open to the discretion of the Secretary of Agriculture. I have no doubt, whether the law be administered by the present incumbent or any one succeeding him, that the duty will be administered in a manner to make the least possible friction with reference to the exporter and at the same time with that fidelity which will give to our meats an unlimited market wherever they may be found.

Mr. President, this will be of some importance perhaps in another direction. The investigation which the Committee on Agriculture gave to the subject of lard at the last session of Congress left in my mind very considerable doubt as to the wholesomeness of a great deal of the material sold as lard in this country. Whether wholesome or not, I know that I have since that time always thought that I would not care to buy any packing-house lard.

There has been enough suggested, from what has been said in regard to the method obtaining in these different packing-houses, to leave a great many people in doubt as to the wholesomeness of all the products which come from them, and that has been enforced by an occasional poisoning of persons eating canned goods particularly, which has seemed to make it desirable, within the scope of proper authority, that all the processes in use in the various packing-houses should be subject to frequent and constant inspection. I think the State of Illinois has a commission which inspects, to some extent at least, the processes at the packing-houses in the city of Chicago. Of course we probably should be invading the authority of the State to apply our inspection to meats designed for domestic consumption, or at all events for consumption within the State where they are packed; but if there were a United States inspector, or a half dozen inspectors, or whatever number might be needed, at every place where these articles are put up for consumption, whether put in packages which would not be inspected until they were taken and opened in order that their contents might be eaten, it would undoubtedly tend to make the packers more circumspect, and this would give greater assurance to all the people who eat these products, and every one is obliged to run the risk of eating them whether he wants to do so or not, because they are now universally used in the hotels and in places where men are compelled through the necessities of travel and business to resort, and we are all affected by the things injurious to health which come from these packing-houses.

I do not see in this provision anything which, properly exercised, would constitute a barrier to trade, either foreign or domestic. As to those sections succeeding it, giving to the President power to prevent the importation of adulterated and unwholesome articles of food, they are only permissive, and undoubtedly the power given will be exercised with the greatest possible care; but certainly the authority which is conveyed by the first section, unless it is wantonly abused—which I am bound to believe will not be the case—will be to the last degree useful, and not only useful to our foreign trade, but it will have the indirect benefit of giving assurance to the consumers of these products in our own country.

Mr. EDMUNDS. Mr. President, I wish to say, in the first place, that the substance and almost the very form of this bill was first proposed, I think, by the late Senator Miller, of California, as many as six years ago, and that it has certainly once, and I think twice, passed the Senate, but has never been acted upon in the other legislative department of the Government.

I wish to say, in the second place, that this amendment reported by the chairman of the Committee on Foreign Relations as a complete amendment only changes the bill as it was reported in the first place this session, and as it was passed before, by turning over the control of this inspection from the Treasury Department to the Department of Agriculture. That is all there is to this amendment as differing from the other bill. Therefore I hope Senators will not be alarmed at the idea that the Committee on Foreign Relations found that they had been going wrong all the time, as the Senate had before in passing these bills, and had found it necessary to substitute an entirely new scheme. It was only put in this form of a continuous substitute amendment on account of the great number of mere verbal changes necessary to transfer the jurisdiction of inspection from the Treasury Department to the new Department of Agriculture. That is all there is in the amendment.

Mr. TELLER. I should like to ask the Senator who introduced the bill where he proposes the inspection to take place.

Mr. EDMUNDS. I was about to proceed to explain that when the matter a few years ago was carefully considered by the Committee on Foreign Relations we had before us or before some subcommittee of us the gentlemen in Connecticut, the constituents of my friend on my right [Mr. PLATT], deeply interested in this packing business of pork for immediate transportation, not perfectly cured and salted pork such as would cross the plains in wagons to the other side of the continent forty years ago, but pork that is intended specially for the English market, where they do not want it, provided it be sound, to be thoroughly salted, but being half cured as we would call it on the farm—bacon and pork as well as all sorts of products of the wine are sent over and opened there immediately and further cured if anybody wants it that way, but in the main it is immediately taken up by the classes who are compelled to eat American pork instead of American beef because the latter is so much more costly, and therefore our original bill required that there should be an inspection at the port of exportation, which would be in the case of Connecticut at New York. It was said they could not stand that, because, if these packages of partly cured pork were to be opened out in a hurry on the dock, the thing would not work.

Accordingly, to their entire satisfaction, we changed the phraseology so as to leave it to the discretion then of the Secretary of the Treasury and now of the Secretary of Agriculture to cause this inspection to be systematically made where, according to the nature of the particular trade, whether of the partly cured or totally cured commodity, it would be most convenient for the advantage of the manufacturer and for the safety of the public interests to have it done. It will happen in the great majority of cases that the inspection should be and must be at the place of original packing.

It may happen again on an imperfect inspection or a good inspection of a commodity that turns out by the time it has reached New York from Iowa, or Boston from Iowa, that the thing has gone wrong, and for the very safety of the Iowa producer, and of the Connecticut producer, and of the Ohio producer, and every other producer, and for the sake of the foreign trade as well as in justice to foreign countries, it would be necessary that the Secretary of Agriculture in that case should have the power to reinspect it, to be sure that the suspected shipment was all right, or else it was all wrong, and he would not allow it to go.

We thought, therefore, it was the right thing for the producer, for the public interest, and for the foreign interest, that the Secretary of Agriculture now, formerly the Secretary of the Treasury, should have the authority to exercise his wholesome official discretion as to the place of inspection, and to be authorized to repeat it, if necessary, after the goods had crossed half the continent and were about to go away, in the very interest of the people who are engaged in the business, as well as in the interest of public justice and the comity of the United States toward the foreign consumer. That was the idea.

Mr. VEST. May I ask the Senator a question?

Mr. EDMUNDS. Certainly.

Mr. VEST. I understand the Senator from Vermont drew this bill substantially as it is before the Senate. I ask, why was the article of canned meats excluded from the first section? Why was the provision confined to salted pork and bacon?



Mr. EDMUNDS. It is due to the late Senator from California, Mr. Miller, to say that the Senator from Vermont did not originally draught this bill, although he assisted in some respects, in technical phraseology and that sort of thing; but the originator of this bill, as I now remember it, was the late Senator from California.

The state of things then was, as we all remember, that Germany and, I believe, France, and in considerable degree Great Britain as well—certainly Germany and, I believe, France also—had entirely prohibited in effect and in fact the introduction of American pork, whether salted or in any form whatever.

Mr. SHERMAN. In Great Britain they require it to be inspected on landing.

Mr. EDMUNDS. Yes, I know, but the Germans and French took such steps as excluded it altogether, on the theory that there had not been such an inspection in the country of production and the country of shipment as to make it safe to their people to consume it. Really I suspect, with great respect to the foreign countries, it was done on the theory that it interfered with the home industry. That is my belief.

Accordingly, in order to meet that objection and to put it out of the power of our foreign friends to say "we have any doubt about the healthfulness of this commodity," which was then the very subject of contention, and that alone, this bill was originally framed providing for a national inspection and branding in order that there should be the best possible assurance, as good as could be anywhere, of the healthfulness of these products.

If the case were a new one, so far as I now understand it, I should certainly be willing to provide for an inspection of canned meats that should be exported, as well as pork and bacon, but that accounts for the circumstance that pork and bacon alone were named in this bill.

Mr. TELLER. I should like to ask the Senator to state what is the purpose of the provision in line 16 of section 1, that the exportation may take place when it is proven to the satisfaction of the inspector that the meat has been properly salted and packed more than sixty days prior to the date of the application for inspection.

Mr. EDMUNDS. The purpose of that was, it being alleged by a great many packers of pork that their pork was completely salted and packed, and assalted pork absolutely and completely able to stand any number of years after having been salted and packed in this country sixty days, that the idea of its danger in foreign countries had passed by, and in order to meet the objection of this product being subjected to an unnecessary examination, after the hearings that the committee had of people interested, we thought it would be safe enough to provide for allowing absolutely salted and packed pork that had been salted and packed for sixty days, as distinguished from the other kind that I have mentioned, to go without inspection.

Mr. PLATT. May I ask the Senator from Vermont a question?

Mr. EDMUNDS. Certainly.

Mr. PLATT. I find by an examination of the RECORD that when this bill passed at the last session the amendment which I will now read was introduced; of course the inspection was then under the Secretary of the Treasury:

*Provided, That whenever the Secretary of the Treasury shall think it expedient to cause such inspection, before mentioned, to be made at the place of packing of such meats for exportation, he may do so by proper officers appointed for that purpose; and such inspection, so made and properly certified, shall be in lieu of the inspection hereinbefore provided for, and shall be deemed a compliance with the provisions of this section.*

Now, I want to ask the Senator from Vermont whether he thinks the bill as reported by the committee at this session is as clear on the subject of where the inspection may be made as it was when last passed with that provision in it.

Mr. EDMUNDS. I think it is.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Senate resumes the consideration of the unfinished business, being the bill (S. 185) to aid in the establishment and temporary support of common schools.

Mr. EDMUNDS. I ask unanimous consent to finish in three minutes my answers to these questions.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. EDMUNDS. I have to reply to my friend from Connecticut on that side point that the bill, as originally framed and as originally reported, provided for an inspection at the port of exportation alone. Then came my friend's constituents and said, "We can not stand this in respect of this partially cured commodity which can not wait on the wharf in a hurried shipment to be again explored and torn up, and it will be a great expense besides." Then this amendment which was provided for authorized the Secretary in his discretion not to have every inspection at the port of departure, but to allow it to be made, in instances at his discretion, at the place of manufacture. Then, in the reframing of the bill, to carry out identically the same idea, it was provided that the Secretary of the Treasury, as first reported, and now the Secretary of Agriculture, without limit of either the port of exportation or the place of manufacture, should be authorized to cause an inspection to be made so as to adjust the inspection to the convenience of different parts of the country and the necessities of each particular case.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution:

A bill (S. 280) to amend an act to incorporate the Georgetown and Tenallytown Railway Company of the District of Columbia, which became a law August 10, A. D. 1888;

A bill (S. 308) to ascertain the amount due the Pottawatomie Indians of Michigan and Indiana;

A bill (S. 1297) to amend an act entitled "An act to authorize the construction of a wagon and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa;"

A bill (S. 1858) to shorten the terms of imprisonment in the jail and in the work-house of the District of Columbia on account of good conduct during confinement;

A bill (S. 1905) to amend an act entitled "An act to authorize the building of a railroad bridge at Fort Smith, in the State of Arkansas," approved July 19, 1888; and

Joint resolution (S. R. 63) providing for taking the census in Alaska.

The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

A bill (S. 157) to amend the charter of the Eckington and Soldiers' Home Railway Company;

A bill (S. 296) vesting in the vestry of Christ Church, Washington Parish, District of Columbia, all of the right, title, and interest of the United States of America in and to square south of square 1092, in the city of Washington, District aforesaid; and

A bill (S. 1083) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3872) to amend section 2599 of the Revised Statutes of the United States, designating ports of delivery in the district of Michigan; and

A bill (H. R. 5179) fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia if paid within the time specified.

#### AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 185) to aid in the establishment and temporary support of common schools.

The PRESIDENT *pro tempore*. The Senator from Delaware [Mr. HIGGINS] is entitled to the floor.

Mr. HIGGINS. Mr. President—

Mr. BLAIR. I merely wish to make a correction which will take but a moment.

The PRESIDENT *pro tempore*. Does the Senator from Delaware yield to the Senator from New Hampshire?

Mr. HIGGINS. Certainly.

Mr. BLAIR. In the debate on the bill to be found reported in the RECORD of March 8, in my remarks on the position of Judge Albion J. Tourgée upon this question of Federal aid, I said:

He has always been in favor of establishing national schools in the South, interfering with and overthrowing if need be the State institution, going so far as to seize upon the illiteracy there with national control, and expending the money from the national Treasury for the removal of that illiteracy.

I have received a communication from Judge Tourgée in which he says that I mistook and misstated his position in regard to that matter. He says:

We are both laboring for the same end, though so far apart in our methods.

I am very glad to know his position.

Mr. HIGGINS. Mr. President, if the view I take of this bill be correct, it is the most important measure now pending before the Congress, and in saying that I do not forget the important character of the other measures that will come up for consideration: the adjustment of the revenues to the needs of the Government by the further revision of the tariff, the settlement of the silver question in its relations to the currency, the subject of our sea-coast defenses, the equipment of a navy adequate to the needs of this Government, and the great questions of our foreign relations that are looming up in the not distant future. But this is especially a domestic question, and, it seems to me, still holds its place at the fore.

While we are a nation composed of many States, yet the conclusion is forced upon me from time to time that in many respects we are two peoples. The social structure of the North was founded upon white free labor, the social structure of the South was founded upon black slave labor, and the development of each section followed that quality of their origin, and the divergence between the sections has continued and remains until to-day. My sense of the moment of this bill is that I deem it the one measure peculiarly within the scope of the National Government, and to be the act of the people of the entire country, by which they can most contribute to the final eradication of these differ-

ences between the sections and make us as we ought to be, not merely one nation, but one people.

The North, unhampered by slavery, instinct with every motive and every principle that has gone to make up true and genuine Americanism, leaped forward in the pathway of industrial progress. One of the consequences of its system was that from the outset it realized and acted upon the necessity of public education. That was peculiarly so of New England and all those States that were settled by, and, so to speak, sprang from, New England. The South, on the other hand, was met at the outset by the inexorable condition from which it could not escape, that it must forbid public, free, common-school education to its people, white as well as black.

It was a crime to educate the black man. Of necessity he was a slave, a chattel, a thing, and to educate him threatened the lives, as they conceived it, and the property of all their people and the continuance of the peculiar institution. But the influence went beyond that, and it destroyed the possibility of the education of the poor whites, and thus we have it stated, in confirmation of what needs no confirmation, by so distinguished and eminent a representative of the public opinion of the South and of its thinking, influential statesmen as Rev. Dr. Curry, that previous to the schools established since the war there was no system of common-school education throughout the South.

It would be useless and idle, Mr. President, for me to undertake to go through with any historic account of all the particulars in which this fundamental divergence led apart the two sections; enough to know that it dominated the politics of each, that it has created the one question that has remained to plague us here for the last forty years, and that at last it culminated in the struggle over the extension of slavery, in the rebellion, and, finally, in its overthrow. In that overthrow slavery was destroyed, but, with that, the divergence between the two sections did not cease.

On the contrary, it meets us here to-day, where gentlemen, representing in the highest sense the ethics and the morals of their respective sections and communities, sit on either side of this Chamber and judge through different glasses the moral judgment that should be put upon, if you please, the assassination of a United States marshal while he was serving process. In every way the two sections are living to-day in different moral atmospheres, all growing out of this divergence which was thus laid in the very foundation and settlement of this country. It seems to me that we shall not become one people until we become in fact, in our institutions and in all respects, homogeneous, identical in our character and our characteristics, and that until that comes to pass we shall have this continuing conflict in which we are still so seriously concerned to-day. It seems to me that, whether consciously or not, when the rebellion was put down and slavery was destroyed, the South turned its back upon its past; that it turned its face to a new future. It did this involuntarily. It did it by force of a higher power, another law imposed upon it by the act of the nation.

The first step of the General Government was the destruction of slavery. The South, if it could, would have had a different solution at that time from that of public education. It began and enacted a series of laws that were meant to reduce the former slaves to a continuation of subordination in freedmanism in place of their previous estate of subordination in slavery. Thus there was forced upon the sentiment and public opinion of the North the necessity of dealing with that, and so it followed the amendment establishing freedom with the amendment establishing civil rights, and, to "make assurance double sure, and take a bond of fate," it took the other momentous step beyond, and gave to the negro the franchise and the suffrage. From that time the South as well as the North was committed to the task and duty of educating all its citizens. Then it had taken the first long stride towards the establishment of its position side by side with the North in the development of its industries, the emancipation of its people from all and every of those incidents which were the consequences and the concomitants of slavery.

To-day against the adoption of this bill we have brought as the strongest argument that could be urged, the splendid progress that the South has so steadily made. Its mines, its manufactories, its railways, its banks, its agriculture, even its schools, all are brought up here in order to show that it has so far progressed that it no longer needs any aid whatever from the nation or from the other States.

Mr. President, I do not concede that to be the case. It is urged here that the census of 1880 startled the country by its disclosure of the condition of ignorance and illiteracy throughout the South. With all due respect to those who make this statement, I think it ought not to have been a startling fact. It ought to have been no disclosure at all. That state of things was simply the necessary and inevitable condition of the South.

The adult class of the South were simply its freed slaves, and every one of them was of necessity illiterate. Only those could have had any opportunities of education who had shortly before come of age, and not until the establishment of the reconstructed governments throughout the South was there any initiation or establishment of any general system of common schools. Those had not had the time in which to make their influence felt at all in the reduction of illiteracy. It was, therefore, just what you would expect and must of necessity expect,

not only of the blacks, but of the whites, for, according to the figures given by Dr. Curry, while there were 69 per cent. of the illiterates of the South who were blacks, there were over 30 per cent. of those who were whites.

This vast mass of ignorance was the mountain which the South was called upon to remove, and, sir, it could not be removed in any one day or year or decade, and it will strain and test the resources of that people, with all the aid they can have from the General Government, to bring them abreast of the Northern section in a half century.

There is another general fact which lies at the root of this inquiry, for the dispute of fact that is here to day is whether or not the South has overcome this illiteracy already or so far overcome it that it can be safely and properly left to its own resources in dealing with it. The fact to which I refer is one that we are all familiar with. The school is but one-half, and the least half, of the education of the child; the other and the greater education is that of the parent and the home; and when you have illiterate parents you must have the utmost indifference to the education of the child and the least assistance in the task that is imposed upon the school-master.

So, whatever may be the development of the Southern school, it is left in the condition of being with one hand tied behind its back. They receive no aid whatever from the illiterate parent.

There is this to be said on the other side of that matter—and I wish to discuss the subject with perfect candor and as near as I can absolute fairness—that the peculiar status and characteristics of the negro race have led them to the utmost concern and anxiety that is possible to predicate of so vast a mass of people in such a condition of ignorance; they have been to the largest measure anxious to acquire education, if not for themselves, at least for their children.

The black has at least the merit, if not the virtue, of humility. There is no pride to keep him from acknowledging his ignorance or from seeking in the best way he can to overcome it. It seems to me that the problem of illiteracy among the whites has too often been obstructed by the spirit and the pride of the race, which, even under the conditions of ignorance, led the individual to feel that he was just as good as, if he was not better than, anybody else, and made him indifferent to the interests of education.

Now, when you come to the facts, the census of 1880 shows that of the illiteracy of the country there were in the fourteen Southern States on an average 21.6 per cent. and in the twenty-one remaining States the average illiteracy was but 3.48. Those are quiet figures, but they are deadly. If you will take Missouri and Delaware from the Southern column, as they fairly should be—Maryland, for that matter, should be taken from it also—and add them to the Northern States it would make the percentage of illiteracy in the twelve Southern States 23.7 per cent., while in the twenty-three remaining States it would be 3.95 per cent.

I take from a report made, I think, in the Congress of 1884, by the House Committee on Education and Labor, which was printed in the voluminous speech of the Senator from New Hampshire [Mr. BLAIR], what they had to say on this subject:

The last census shows that there are 6,239,958 people of this country above the age of 10 years who can not write—12.44 per cent. or about one-eighth of our entire population. The census further shows that 4,715,395, or 75.56 per cent. of them, are in the recent slave States, which contain but 33.8 per cent. of the population of the country. In six of these States one-third or more of the population above the age of 10 years are illiterate, while in the Territory of New Mexico nearly one-half can not write. Of the white population of the country only 6.96 per cent. can not write, while 47.7 per cent. of the colored population are in that condition. More than one-fourth of the entire population of those States is illiterate.

That was the admitted state of the country ten years ago. It is not disputed; it is not denied; it stands here in all its magnitude, and it can not be "whistled down the wind" or disposed of in any other way than the recognition, absolute and complete, of its momentous significance.

But the argument is that ten years of Southern education, if it has not wiped this out, has at least gone so far as to make it a problem no more of concern to the North or to the country.

Now, what figures are shown to develop this change? The *onus* of proof is on those who allege it. They find the existing condition of things in 1880, and they say that it has changed since. Where do they show the change? "Why," they say, "wait for the census of 1890 and that will show it." Until that comes it is for them to develop out of the inherent condition and facts of the case the evidence that would lead us to think that this illiteracy and condition of things in the South has been overcome.

But they say that the South is prosperous and that its prosperity is the evidence of its ability to discharge this duty of education, and we can safely leave that great task to the South. We have here in speeches from the South itself, from the State of West Virginia, from the State of Texas, from the State of Alabama, Senators disclaiming any need for this aid in their States, and the same claim is made in respect of Florida, though I do not know what is the attitude of the Senators from that State on the subject, and the same position is taken in respect of Arkansas.

It seems to me, Mr. President, if you are considering the South as a whole in this respect and go no further into a dissection of the elements that go to make it up, that, so to speak, you stick in the bark; you do



not get down to the real truth and the real facts of the case. Take the State of West Virginia, so ably represented by the Senator from that State [Mr. FAULKNER] in the very strong speech he made in opposition to this bill. West Virginia is a part of the South in a certain sense. It was a portion of old Virginia. To be sure, it was enough a part of the North to make it possible for that step to be taken without which the Senator would not be here, and to be joined to the loyal States of the North in the agony of the war. Why? Because its people were loyal. Why were they loyal? Because, living in a mountainous country, there were very few slaves among them.

The institution of slavery had the very least hold there upon them. Now, the geographical and topographical conditions, both of latitude and of altitude, in the north of the Southern country and on its mountain tops made West Virginia what it is. Why, it is but a part of Pennsylvania thrust down into the South. The change that is going on in that State, which all the country welcomes as the harbinger of better things, is the population that is pouring into it as it is not in other parts of the South, drawn there by its industries, by its mines, by its manufactures, by its oil wells, by its hard woods, by all the elements of wealth, long latent and now being developed, that are destined to make it as wealthy and important a section of this country as the imperial State of Pennsylvania. You might as well go to either the State of Maine or the State of Kansas as to talk about my friend from West Virginia representing that part of the South which needs help. He is the representative here of that new South which is bound to be developed first on the lines of commercial and industrial development.

I ought to have said earlier in my remarks that on top of the granting of suffrage and the enfranchisement of the blacks the other great force outside of education, which is bringing the two sections to a common plane out of which alone can grow that unity and oneness which will make them no longer two people, is the development of the industrial interests of the South.

Take the State of Arkansas, and of that the same principle may be predicated. I was told only a few weeks ago by a former member of this body from that State that Arkansas has no black population worth mentioning in the western half of it. In the mountains of Arkansas there is growing up an industrial development which is Northern in the sense that it does not present the problem that always is presented where the blacks form a considerable portion of the population. So the State of Arkansas is free from the quality which depresses the general extent of the Southern country.

If you go to Texas you see the same condition of things. There is an imperial State, an empire. I went across it a few years ago, and from corner to corner the distance is over 900 miles, while it is just as far between the opposite corners.

Bear in mind another thing, that all the migration which takes a southern course is forced down into Texas. It can not go across the Indian Territory; it can not go across Kansas or Nebraska without becoming a part of the North. So the white population of the South seeking an outlet as far as it goes south is pressing into that State, and the percentage of the blacks to the whites is growing less and less every year. Each year Texas is becoming less and less a State with relatively a large black population. Each year it has a larger proportion of white population. On top of that is the other fact, of which I shall have occasion to speak in a few minutes, that through the anomalous circumstance of its coming into the Union after having been an independent republic it is the owner in fee of its own lands, and for it the question of the disposition of the public lands within its borders was settled and disposed of and all of them are at its service for the public uses of the State. It presents the greatest example, in the South at least, of the beneficent results of abundant funds belonging to the State for the purposes of education.

So when Texas stands here and says, "We do not want any help," it may well be answered, "You need none," although the figures produced by the Senator from New Hampshire go to show the results worked out in that State up to the last report from the Commissioner of Education were not such as ought to make it an exception out of the benefits of this bill.

Florida presents the same exceptional condition as contrasted with the body of the Southern States. Every one knows that the present condition of Florida is the outcome of that Northern immigration which has been the result of the attraction of its marvelous climate, its fertile soil, and the value of its orange and other fruit productions. Much over half of Florida, I think, is dominated by these conditions; and I was creditably informed by a gentleman who had the best opportunities on that subject, as he was a native of the country, that the portion of the State where those disturbances occur which have come into this Chamber in such an unpleasant way is confined to half a dozen counties on the northern and central border of the State, which are in fact but a tongue of Georgia thrust down into Florida and constituting that a cause of trouble and difficulty there.

Take Alabama. The development of the iron, of the coal, of the lime, and the products thereof, in Alabama forms the most remarkable industrial fact in the recent history of the Republic. Northern capital is pouring into the State. But it would be keeping wide of the mark and getting very far from the truth of the whole problem if you

were to judge all of Alabama by the portion of it where these industries have been promoted. They are exceptional; they are not the rule; and Alabama stands in need of better educational facilities, just as the rest of the South does, notwithstanding the growth of development in a portion, and relatively in a small portion, of that State.

The same can be said of the like condition of things in Eastern Tennessee, in Western North Carolina, and in Eastern Kentucky. Grant, if you please, the entire development of all those portions of those States and you have left as a fact the problem that faces us, the difficulty we have to contend with, the condition of the agricultural portion of the South, not materially changed in the features of its illiteracy or its poverty by anything that has happened since they started out on the task of educating their people.

Railroads, much as they have helped the country, could not, in the nature of things, have been such promoters of prosperity as to work that change.

But, it is argued, cotton has done it. Well, we have had one or two good cotton crops; but anybody who has indulged in the luxury of farming will know that nothing is so illusory or delusive as to suppose that a good crop or a good price of one year is going to be followed by a good crop or a good price a second year. Neither one swallow nor two swallows make a summer. The wasteful character of Southern agriculture, the sparseness of its population, the very fact of the division of its people into the two races, the one white and the other black, all create a state of things which makes it impossible that any moderate prosperity which can grow out of cotton will put the South on such a plane of prosperity that it can afford to grapple alone with the problem of illiteracy.

But cotton, Mr. President, can not be in the nature of things the only crop in the South. No community which depends upon a single crop and does not have an agriculture prosperous in all its diversified aspects, but putting all their eggs into one basket, has yet prospered as an agricultural community, and it never will. Over the South we have the same depression of agriculture that we have in the North, and when you take that into the account it is well to see how that fact affects the remaining Southern States.

It has often seemed to me that the North had very little conception of the true state of things in the South. One of the singular manifestations of it is that this capital, right down here, so to speak, in the heart of the Southern country, between two Southern States, does not seem to bring with it the knowledge to the members of the Government of the facts that are right around them.

If you talk about the prosperity of the South you need only get into your carriage and drive out into Virginia a day's drive. Go into the old country that was first settled, from the James River up along the bay, take any part of it that you please, and you will find those people in a state of poverty, if not of destitution, that is distressing. Take any part of the State of Virginia not on the western border, where mines and minerals and manufactories can be established and developed, and you find a State given up entirely to agricultural productions and resting under the great depression which now is upon the entire country, and there is no escape for them.

So we see that the representatives in the Senate from that State come here frankly, forced by its public opinion, or, if not forced, at least obedient, I will say, to its public opinion, and tell the assembled law-givers of the country what their needs are.

One only needs to go, as I had occasion to do a year or two ago, to the State of North Carolina to find through the agricultural portions of that State the same condition of things. South Carolina and the agricultural portions of Georgia and Alabama are in no degree different. Throughout them all, the South proper, the great heart of the body of that country called to meet the problem of illiteracy, called to meet the problem of education, called to meet it fifty years behind the advancement which the North has made in its development of it, they have to rest upon the outcome of, I will not say the uncertain, but of the certain weakness of resting upon agricultural support alone.

Mr. President, it seems to me that if you compare the actual condition of those States with the condition of the other States of the North that are not in like case to that to which I have alluded, and which are enjoying the benefits of the development of manufactures and commerce, to say nothing of comparing this body of the South with the great North, you see the enormous disadvantage under which they rest in meeting the problem of the education of their people and of the removal of the mountain of illiteracy.

The idea of this bill goes upon these two great facts, that the illiteracy exists and that the South is not possessed of the means adequate to meet it. But the argument does not stop there. It is urged that if you undertake to help the South you destroy their spirit; that you take away from them their natural force; that what they should depend on is self-help, and that if this is done you will emasculate the South of its strength and vigor. Is that true, Mr. President? Will the experience of this country bear it out? Will the universal experience of the North bear it out?

I will ask at the outset of that consideration, are the gentlemen who urge it serious or are they joking in the light of the condition of their own States? The way the problem arises was well put by the Senator

from West Virginia when he said that the State first makes its grant to the local school districts, and that the officers for that purpose in each school district first take the amount of the State grant and then calculate how much they need to add to that in order to have the schools that they want; and that amount they raise by taxation. Thus it is the local school district which is the subject of this self-help. They are the ones who are to help themselves. But here you have throughout the North (for that system, I take it, everywhere prevails; I know it does in my own State, and we have it from the Senator from West Virginia that it obtains there) the local school district in every case aided and helped out of the grant from the State.

If you are to depend on self-help why not let the local district raise all the fund and give it no State aid at all. It is because of the fact that the provision for the schools is universal. It is equal everywhere. Every locality or certain number of people must have its school, and it ought to have a school just as good as every other locality. The necessities, therefore, of each district for that purpose are just as great as every other. But all parts of the State are not equally prosperous, not equally wealthy; they do not furnish equally the sources of taxation. What therefore lies at the bottom of the grants from the State Legislature as the product of their State taxation is that the taxes are raised from one part of the State to be devoted to schools of the weaker part, not so able to bear its taxation. But because the State helps the locality is self-help taken away from the locality and is it made the less able to help itself?

Go a point further. All of the Northern States have large permanent school funds, not the product at all of taxation, but the result of invested funds or of the proceeds of public lands devoted for their benefit. If the argument will hold that self-help will be destroyed by the grant proposed by this bill, then the same argument will hold and the same result of necessity must follow if grants are made from State funds, funds received from the investments of the State for their local schools.

But is that argument seriously urged here? If it be so, then to be logical and to be candid, it becomes incumbent on every State to give up its fund, to strip its people of the benefit of it, and leave them all to local taxation either by the locality or through the agency of a State taxation. It appears to me that this consideration shows the unfairness of the argument, the hollowness of it, the absurdity of it.

I know one example at least. A great deal of this argument is but mere speculation. I see quoted in the speech of the Senator from West Virginia the utterances of a number of educators, as they are called, from the Southern States, from Florida; General Armstrong, of Virginia, and others who use the self-help argument. The State of Delaware had no public-school system until it received the grant from the General Government in the distribution of the surplus in 1836. We owe the system then adopted in very large part to one of the best men this country ever produced, Willard Hall, who migrated to Delaware from Massachusetts in 1803.

After going to Congress one or two sessions he was appointed United States district judge by James Monroe in 1823, and it was my privilege to practice law before him and to know him well in the evening of his days, when he was still active on the bench, the oldest judge in this country, both in length of service and in length of years. He told me that without that grant we could have had no system established by the people at that time; that they were unwilling to tax themselves; that it was not the best law that could be had; it was not all he wanted, but it was all he could get.

Among its provisions was this, that to each district out of the annual income of this fund \$125 was to be given if the district would raise \$75 by taxation, but the option of raising the tax was left to the district. I was familiar with that in my time. I have seen the school meeting again and again vote on the question of tax or no tax, and no tax was too often voted and the State grant repudiated in the very districts which needed it most, in those where this question came before a population where many were illiterate, for the curse of ignorance, like that of brutishness, is that it is unconscious of itself and unconscious of its needs.

I am glad to say that within the last ten or fifteen years that feature of the law in Delaware has been changed. We have had introduced as a part of it the State and county superintendents and local institutes, the establishment of a uniform system of school books, a uniform curriculum of studies, and an examination of the qualifications of teachers, and in every way the system has been vastly improved over what it was.

But we have this testimony of experience that it was the aid of the General Government which enabled us to get as good a measure of common schools as we had and that, so far from its preventing the exercise of self-help in the State, it was the assistant without which we could not have maintained schools at all or even had a school system established and enacted; certainly not for many years after it was done. So I was told by Judge Hall.

But, Mr. President, there is another feature of this question which may as well be discussed in connection with this cognate branch of it. It is urged that this bill is unconstitutional. That is seriously urged in the face of the fact of the successive and continuous steps taken by this Government from a time prior to its origin, from the Northwestern

ordinance of 1787 to the present time, in the granting of public lands and the proceeds of public lands to the new States of the West, from time to time.

As the result of those grants we have the splendid school fund of the Northwest. If this self-help of the people is destroyed by outside aid, then I ask any gentleman from those States who will vote against this bill on that ground to begin by being consistent and advocate in their States the surrender of all those proceeds back to the General Government to escape the pernicious results that came from the grants which have been made to them. Then they will be consistent; but, while they are in the enjoyment of that, with what sort of reason can they come here to us and say that you will destroy the true cause of education in the South if you are going to give any help to them? It appears to me that on the claim that this bill is unconstitutional that practice of the Government and those successive steps alone make an adequate answer.

The Senator from Kansas [Mr. PLUMB] made his argument against this bill on the idea that Kansas was to get but about \$6 for every school district, while it would be paying out a great deal more through its share of this fund which was going from the General Government. I would say to him, if he wants to be consistent, let him advocate in Kansas the turning back to the General Government of the riches in the coffers of that State which are now going to the development of its educational interests. Will he say here that Kansas, with all this aid, does not tax itself more? Is it not the pride and the boast of that State that it does raise so much by taxation notwithstanding that it gets so much from the General Government?

Let gentlemen show us a single example of where the possession of a large school fund has resulted in the deterioration of the public school spirit and system of any State, and then it will be time for us to conclude that the argument is worth considering. But until then, with all respect to the gentlemen who take this ground so seriously, I think the argument is all on the other side. "To him that hath much shall be given," and so wherever you have communities with large school funds you find that it is the concomitant if it is not the cause of the condition of appreciation of the interests of education which have led to results that are the glory of this nation.

My friend from Wisconsin [Mr. SPOONER] dwelt seriously on this matter. I need only turn to the picture presented by his neighboring State of Michigan, with its great school fund, with its great school system, beginning with the system of public free schools that are the envy of the land, and going up through one grade of secondary schools to another until it reaches its great university, worthy to rival its older sisters of the East and drawing to its faculty the greatest men among the teachers of our land. Take a picture like that, and then tell me that the result of national aid to education in any State is to rob its people of their force and make them indifferent to education! It is irony to urge such an argument as that in the face of this problem of the South, presented not only to them, for they can not escape it, but presented, as I have urged before, to all of the States, for it will always continue with them until this illiteracy and this want of education are removed.

It appears to me that the South has a right to ask of New England and the Western children of New England if they have gone back on the cause of education, whether they have grown indifferent to that principle in the foundation and the development of a free State.

I wish to say right here, Mr. President, that if you are going to measure the relative degrees of responsibility the South, in my opinion, is the least responsible for the problem that it has to meet. The South said, "Keep the black man in slavery;" and, as the distinguished Senator from Kansas [Mr. INGALLS] pointed out in his memorable speech a few weeks ago, the North never said otherwise until slavery ceased to be profitable.

After the black man was freed the South still said, as I have before called to the attention of the Senate, "Keep him in the subordination of freedmanism;" but the nation said "No; we are going to make this race free; we give them civil rights; we give them the suffrage right in your midst, to make them help govern you." Thus this problem was forced upon the South by the power of the General Government, by the national will and word.

I say "the South;" and I mean by that the white portion of the South. I mean by that the people of the South who own its property, the property that has to bear this burden, the burden of a tax which in its essence is communistic; for it is taking one man's property to educate another man's child. They did not ask that this be put upon them. We put it upon them, and it seems to me that, in the light of that fact and of the others I have referred to, there is the largest equity on the side of the South in saying "You should help us to solve the problem which was created against our will, and by yours."

It appears to me that I can make this appeal not only to New England, but I can make it to that child of New England, the State of Kansas, born out of the agony of the initiation of the conflict between the two sections over the extension of slavery, which has contributed all her force from that time to this in the conduct of the Government upon the same idea, and which to-day, with a school fund in its treasury and lands unsold that make an imperial domain, comes here and



begrudges this pittance to the South, because, forsooth, out of her wealth and her development, or along with it, she is only going to get \$6 for each school district. It seems to me that such a position will not bear examination.

Like the Senator from Wisconsin, I have no trouble about the constitutional power to enact this bill into a law. I suppose, like the contest between protection and free-trade and necessity and free will, we are going to have this class of questions with us till the end of the Government. What is the power of the nation? What that of the State? What belongs to the peculiar functions of each? But it met our people in the outset of the Government. It seems to me that it is almost idle to undertake to discuss the question at this late day, when already this bill in substantially its present shape has passed this body during the last three Congresses and largely by the vote of so many of the representatives of the Southern States; but if we go behind that I find that the earliest advocate, the one who first suggested this subject, was no other than Thomas Jefferson himself. In his second inaugural address, March 4, 1805, he spoke as follows:

The remaining revenue on the consumption of foreign articles is paid cheerfully by those who can afford to add foreign luxuries to domestic comforts; being collected on our seaboard and frontiers only and incorporated with the transactions of our mercantile citizens, it may be the pleasure and the pride of an American to ask, what farmer, what mechanic, what laborer, ever sees a tax-gatherer of the United States? These contributions enable us to support the current expenses of the Government, to fulfill contracts with foreign nations, to extinguish the native right of soil within our limits, to extend those limits, and to apply such a surplus to our public debts as places at a short day their final redemption, and that redemption once effected, the revenue thereby liberated may, by a just repartition among the States and a corresponding amendment of the Constitution, be applied, in time of peace, to rivers, canals, roads, arts, manufactures, education, and other great objects within each State.

In 1836 we had the division of the surplus among the several States by way of what was called a deposit, yet everybody knew it was a distribution, so to speak, nakedly, but in fact when that bill passed the Senate the first time it was a bill for the distribution of the surplus out and out, without any provision for its return to the General Government. Among those who voted for the bill in that shape were Henry Clay, Daniel Webster, John M. Clayton, John J. Crittenden, James Buchanan, and Thomas Ewing. On the 4th of September, 1841, an act was passed to distribute the revenue from the public lands to enable the States to pay their debts and for public improvements and education. That bill was recommended by a President in whose Cabinet Daniel Webster was Secretary of State, and it received in this body the vote of Clay, Clayton, and Berrien, and in the House of Representatives of John Quincy Adams.

It appears, therefore, that this question has again come up after having been laid at rest for so many years. The act of 1841 had but little effect, because the surplus was speedily disposed of otherwise. The revenue did not reach to an extent to maintain it and so the question passed away. Then came on the Mexican war; then a long period of relative free trade; then came the war of the rebellion; then the payment of our public debt and the meeting of the demands for pensions and other increased expenditures of the nation; and at last the whirligig of time has brought us around again to the same question.

I do not care to go into any interpretation of the text or the language of the Constitution in its attempted interpretations. It is enough for me to know that it is for the welfare of the country and that it has received the sanction and support, after consideration, of this body on this very bill in three successive Congresses, and to have had the support of the great Whig and Democratic statesmen of the past.

I believe that to-day it will be of the utmost benefit to the people of the Southern States. I believe that it will be of the utmost benefit to the entire country by its action upon the cause of education in the Southern States. The Senator from Kansas [Mr. INGALLS] in his memorable speech prescribes for the solution of the Southern problem justice. I beg to go a point further, and, I believe, deeper and more lasting and more enduring, and the only serious contribution that can be made by the people of the entire nation to the solution of that problem, and to the bringing about of the homogeneity of institutions and characteristics throughout this land, and that is education. Make the people of the South as well as the North all free American citizens, as alone they can be when their minds are armed with learning and with knowledge, as well as their hands with the ballot.

I have but one more word to add, Mr. President. After all, everybody is agreed that the common-school system should be maintained. The question is, whence and from what source? I should be glad of the day when the people of the State, the people of the locality, could best carry that themselves, but I do not believe that that day has ever existed; I do not believe that it exists now.

It has seemed to me that one misfortune which arose from our dual system of government, and a most serious one, arose out of the fact that the maximum of duties and burdens of public functions rests under that system upon the States, while they possess and enjoy a minimum of the sources of revenue. While the minimum of public functions and burdens is cast upon the Federal Government, it enjoys the most convenient system and agency of taxation and of revenue.

Mr. HOAR. In time of peace, I suppose the Senator means.

Mr. HIGGINS. Yes; I mean that to the Federal Government are

given the customs and the excise, and exclusively so. The States can not enjoy them; they can not set up a tariff against one another; and if they were to attempt to impose an excise law in the proper sense of that word, an internal-revenue tax other than upon consumption, if they did it upon manufactures, it would simply drive the manufacturers out of their State into some other State that did not impose such a tax. Therefore the Federal Government has its coffers heaped to overflowing. We hardly know what to do with it. The last canvass was conducted upon the question what was to be done with it, the future and inevitable result of the exercise of this, the easiest method and the fairest method of taxation; while upon the other hand the States, the counties, the cities, the townships, the school districts, the municipalities of every character and kind, stagger along under the burdens that are heaped upon them, and heaped mainly upon the land, for we all know how difficult it is successfully and adequately to impose taxation upon investments of personal property. Thus the owner of the land is forced to bear the heavy weight of these burdens.

I do not care to carry that idea further. I simply close by saying that to my mind it is one of the grave and serious misfortunes that is a consequence of our dual form of government that this inequality of burdens and inequality of resources of revenue are distributed as they are.

Mr. JONES, of Arkansas. Mr. President, the consideration of the subject presented by this bill opens a wide field, and, while I intend to detain the Senate but a short time, there are some things connected with this question to which I wish to allude, which are somewhat apart from the considerations heretofore presented.

Gentlemen who have advocated this measure heretofore have done so because of a conviction that in addition to the direct aid to the States proposed there would be a resulting, consequential effect from it that might bring to the South relief and security from what has been felt to be a threatened evil of vast proportions. Education as a remedy for many social and political evils has only begun to be tried in comparatively recent years, but faith in it as a remedy for many of these has grown with experience and is now more firmly fixed in popular esteem than ever before. Only a short time since a distinguished political economist in England, in speaking of the fifty years of the reign of Queen Victoria, then just finished, said:

The spread of instruction and the diminution of crime have gone hand in hand, although the effect of educating the masses was at one time viewed with the utmost suspicion. The first who called public attention to the connection between crime and ignorance was Judge Coleridge, in 1838, whose words were echoed by the special committee of the House of Commons: "We find that the neglect of education causes much crime and expenditure that might be avoided."

Here it has been the habit to consider the common school, education, intelligence, as the real basis of the wonderful growth, prosperity, and progress of this country, and to consider the common-school system, especially of the Northern States, as their crowning glory. Whether in our enthusiasm we have not become somewhat forgetful of a great truth to which Charles Sumner gave utterance in the following words:

The true grandeur of humanity is in moral elevation, sustained, enlightened, and decorated by the intellect of man.

I will not now attempt to discuss further than to say that I fear the greater influence has been obscured to some extent by the lesser.

To me there is another consideration connected with this proposal which is exceedingly pleasant. It is sometimes asserted here that the animosities of the war are not dead; that the intense feelings incident to that struggle have crystallized into deep and settled hatred. This I am inclined to believe is true of a part of the people North and South, but a very small part; and I devoutly believe and have asserted often and do now assert again that it is the men who did not fight on either side when there was war who can not now be brought to think of peace. Those who never heard the whistle of a bullet when they had an opportunity are those for whom "grim-visaged war" can never "smoothe his wrinkled front."

Any of these "but for these vile guns would himself have been a soldier," doubtless. Here, where there are no guns, where there is no danger, their valor knows absolutely no bounds. One scarcely knows whether most to pity or despise their rant and bluster.

He whose name this bill popularly bears was a soldier of the Union, and the painful wounds he received in battle bear mute but convincing testimony of his devotion to that cause. Now that the war is over he is advocating aid not alone to the colored people of the South, but also to the children of those he met in mortal combat.

The brave are always magnanimous, and nobody who knows that Senator is surprised by his course in this matter. Whatever may be their opinions of the propriety of passing this bill, his conduct in connection with it will always command the respect and esteem of brave men everywhere—whether North or South.

On the last day the Senate was in session, in discussing the course of the North toward the South, he showed his ability to look the truth in the face and deal frankly with facts, as his words following will prove:

Now, I undertake to say that from the close of the war there has never been tendered on the part of the North in any definite, tangible form any great conspicuous act of kindness towards the people of the South. Not one. We have stood upon our legal rights. This measure is the only thing that has ever been suggested which could appeal to the better nature of the South.

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But as I was saying a moment ago, no great conspicuous act of sympathy and kindness has ever been tendered from the prevailing power in the contest of arms. Why should we not try that? A most eloquent member of the Senate said a few days ago that the South had never tried justice towards the negro in the solution of the race question. I do not think that the South has tried justice fully; but the South has labored under great difficulties and many are the Northern Republicans who say openly, and still more of them secretly, that if we lived at the South we would conduct ourselves just as the South does towards the colored population, not perhaps inflicting personal violence, but that they should never attain to political equality, much less to supremacy, no matter what their numbers might be.

The Legislature of my State during its last session adopted a resolution instructing her Senators to vote against this measure, and in compliance with that instruction I shall vote.

Some years since a Legislature of the State adopted resolutions favoring national aid to education, and the entire delegation from the State has, I believe, voted for this and similar bills heretofore on several occasions. Believing it to be the duty of Representatives of States to reflect the wishes of their constituents as far as possible, in all matters not involving the violation of a constitutional obligation, I shall cheerfully comply with what seems to be an authorized expression from the people through their constituted authorities.

The change in the attitude of my State towards this bill has been caused, I believe, mainly from an apprehension that this system would ultimately lead to Federal control, or at least Federal supervision, of the school systems of the States.

I have considered such apprehensions groundless, and I stated in the House of Representatives, when a member of that body, that, in supporting a measure similar to this, I had no doubt of the power of Congress to make the appropriation, and that there was just as clearly no constitutional authority for Congress to follow the appropriation or to control afterwards the objects for which it was made.

Upon this clear conviction I supported the measure.

I confess frankly, Mr. President, that I am now, after some years of closer observation of the conduct of political parties, much less confident of the protection of a constitutional limitation than I then was, and I am not now prepared to say that the apprehensions of possible aggressions growing out of the exercise of the power to pass this bill have not some foundation, though I have no doubt that any such aggression would be unconstitutional, and I still think there is no serious danger from this quarter.

It is true it seems that we as a people are drifting away from that old-time spirit of self-reliance and independence which made our ancestors revolt from the dominion of the mother country and set up a form of government new to the world, in which it was intended that there should be the largest possible amount of personal liberty and the least possible of governmental control. But, so far from now insisting on the preservation of such a government, a government of limited and specified powers, we seem as a people to be pressing forward towards centralization.

The people everywhere are manifesting a desire to have almost everything placed under the control of Federal officials. The rights and powers of the State are disregarded and the people seem to be utterly careless of this radical change. A calamity by fire or flood or drought can scarcely overtake any locality but somebody is at once proposing some sort of action by the Federal Government for the relief of the sufferers.

The numberless branches of manufacturing interests have so regularly attended the meetings of Congress to present special interests to be "taken care of" in Federal legislation, to build up private fortunes at public expense, that it has ceased to be a subject of remark and is looked upon as simply a matter of course.

The enactment of the interstate-commerce law is followed by a demand in some quarters for Government ownership of the railroads. Others clamor for governmental supervision and control of telegraph lines, while not a few demand that the Government shall buy them outright and become a great telegraph company. Those who contemplate building ships are now clamoring for an appropriation of \$100,000,000 to be presented to them out of the earnings of other people under the name of subsidies.

Another class of citizens are demanding Federal supervision of elections, while a large organization of useful and excellent men are insisting that the Government shall turn warehouse-keeper, or actually become purchaser of almost every article that any one has to sell, whether it is wanted by the Government or not. The assumption indulged in by men of ability in the early days of the Republic, that a governor of a State was of higher rank than the President of the United States, would now be considered as little short of insanity. In the midst of this unmistakable tendency it of course is proper to consider whether the passage of this bill would tend to aggravate this evil, though I confess it seems to me that there is much less of danger here than in other directions in which we hear no note of warning and no word of complaint.

I shall not now discuss at any length the constitutional power to make this appropriation. I believe the Government has the power, and whether or not the bill should pass is a question of expediency, and not one of principle.

By many of the opponents of the bill the power to appropriate money

for such a purpose is conceded, but they rest their opposition upon other grounds, while I believe all, the friends and enemies of the bill alike, admit that Congress has full power to appropriate the public lands to purposes such as this, and as a necessary consequence that the proceeds of such land may be so appropriated.

The absurdity of saying that Congress can appropriate money to buy land, as in the purchase of Louisiana, for instance, and can then appropriate the land to a purpose that the money could not have been appropriated to is ridiculous, and the absurdity of such a proposition, as well as that of saying that Congress may constitutionally appropriate money found in the Treasury of the United States derived from the sale of public lands to a purpose to which the application of other money found in the same Treasury derived from some other source would be unconstitutional, is so apparent that it needs no other illustration than the mere statement of the proposition. I would never have ventured to attribute such an opinion to any one for fear of giving personal offense if it had not been avowed.

It has been asserted, and I believe never denied, that Congress has from time to time appropriated lands to the aid of schools aggregating more than a hundred millions of acres, amounting to vastly more in value than the amount contemplated in this bill, and the constitutionality of all this is not questioned; and within three days, in debating this question, the Senator from New Hampshire [Mr. BLAIR] has stated that up to 1869 the Western States had received of this 62,000,000 acres, while the South had received 5,000,000. Yet a number of Senators from the various States which have received all this Federal aid denounce this bill as unconstitutional. The donation to railroads of 140,000,000 acres of land, and the loaning of the credit of the Government to them in sums now amounting to \$100,000,000 more, has never been declared unconstitutional by the courts.

Only two years ago Congress enacted a law providing "that, in order to aid in acquiring and diffusing among the people useful and practical information on subjects connected with agriculture," etc., \$15,000 per annum should be appropriated to each State for the maintenance of agricultural experiment stations, providing that the Secretary of Agriculture of the United States should prescribe forms for keeping records, etc. This bill was passed in this body without a dissenting vote, and in a Democratic House it passed under a suspension of the rules with but 12 votes in the negative, and in each succeeding appropriation bill since then about \$600,000 has been appropriated for this purpose, and no man has so much as suggested that it was unconstitutional to make these appropriations.

Our friends here who are so much exercised about the unconstitutionality of this bill, while I would not suggest that they are of the class of men who "strain at a gnat and swallow a camel," certainly strain at one gnat and swallow a number of others without any appearance of dissatisfaction.

Persons who have been more ready to pronounce judgment in this matter than to think might with profit remember that John C. Calhoun, Reverdy Johnson, John J. Crittenden, Webster, and Sam Houston had no doubt in 1847 of the power of Congress to appropriate \$500,000 to the suffering poor of Ireland, and they all voted for such an appropriation.

In 1817 Calhoun, in the House, used the following language:

We granted by a unanimous vote, or nearly so, \$50,000 to the distressed inhabitants of Caracas, and a very large sum at two different times to the St. Domingo refugees. If we are restricted in the use of our money to the enumerated powers, on what principle can the purchase of Louisiana be justified? To pass over many other instances, the identical power which is now the subject of discussion has in several instances been exercised. To look no further back, at the last session a considerable sum was granted to complete the Cumberland road. In reply to this uniform course of legislation I expect that it will be said that our Constitution is founded on positive and written principles, and not on precedents. I do not deny the position; but I have introduced these instances to prove the uniform sense of Congress and the country (for they have not been objected to) as to our powers; and surely they furnish better evidence of the true interpretation of the Constitution than the most refined and subtle arguments.

When this question of Federal aid to State schools was first agitated the condition of the Southern States was already attracting the anxious consideration of thoughtful, patriotic men in all sections of the Union. The conditions were such as had never surrounded any people in the history of the world and were such as might cause anxiety and the gloomiest foreboding to good men everywhere.

Out of those conditions difficulties were likely to arise which would demand for their solution the exercise of intelligence, patience, and forbearance in the dominant race, and conservatism, moderation, and good judgment in the other, the exercise in fact of the highest attainable intelligence and prudence in both races; and to-day, ten years after this agitation was fairly begun, the country is giving close attention to a debate in the Senate upon this very question and there seems to be as much diversity of opinion now as to the remedy for apprehended evils as there was at the beginning.

These conditions were not long ago set out in burning words by Henry Grady, as follows:

Note its appalling conditions. Two utterly dissimilar races on the same soil, with equal political and civil rights; almost equal in numbers, but terribly unequal in intelligence and responsibility; each pledged against fusion; one for a century in servitude to the other, and freed at last by a desolating war; the experiment sought by neither, but approached by both with doubt—these are



the conditions. Under these, adverse at every point, we are required to carry these two races in peace and honor to the end.

Never, sir, has such a task been given to mortal stewardship. Never before in this Republic has the white race divided on the rights of an alien race. The red man was cut down as a weed, because he hindered the way of the American citizen. The yellow man was shut out of this Republic because he is an alien and inferior. The red man was owner of the land; the yellow man highly civilized and assimilable, but they hindered both sections and are gone. But the black man, clothed with every privilege of government, affecting but one section, is pinned to the soil, and my people commanded to make good at any hazard and at any cost his full and equal heirship of American privilege and prosperity. It matters not that every other race has been routed or excluded, without rhyme or reason. It matters not that wherever the whites and blacks have touched, in any era or in any clime, there has been irreconcilable violence. It matters not that no two races, however similar, have ever lived anywhere at any time on the same soil with equal rights in peace. In spite of these things we are commanded to make good this change of American policy which has not perhaps changed American prejudice, to make certain here what has elsewhere been impossible between whites and blacks, and to reverse under the very worst conditions the universal verdict of radical history.

Any proposition offering a reasonable solution of this problem would naturally attract the attention of those who were not blind to the surroundings of the Southern people and who feel any interest in their welfare.

The Southern States were then but just beginning to emerge from the desolation resulting from the war. The privations and self-denial of those people, the hardships they uncomplainingly endured in the struggle to rebuild desolated homes, will never be known except to those who endured them; but human history has no page showing brighter deeds of heroic devotion to duty than is unwritten save in the hearts and memories of those who bore this burden alone.

When in the midst of such a struggle the mighty arm of the United States Government made their lines "bitter with hard bondage" by compelling them to provide for the education of the negro children out of the small amounts they were able to raise for education, was it unnatural that they should be willing that the Federal Government should aid them to the extent at least that it had burdened them?

There was hope in education. The education of books and the school-house might be a help to that broader and higher education to think correctly, to value the rights and privileges of an American citizen, not for low, mean, or sordid purposes, but for the honorable privilege of earning the respect of mankind and exercising the rights as well as cheerfully assuming the burdens of American citizenship. The unaided efforts of the white and colored people of the South have accomplished much in this direction, though it must be admitted that the lapse of time has served to produce the conviction in the minds of most men that there is less of potency in the mere school education than many hoped at one time to find; and this has served to emphasize what all reflecting men have always known, that school education which does not go hand in hand with and lean upon moral improvement and advancement is a delusion and a snare.

I confess that I did hope that the leading negroes might be led to think, to think soberly, to reason in a simple, dispassionate way and sufficiently without prejudice, to understand the conditions surrounding us all, not as a result of going to school, but as a result of seeing that we wished to do for them the best that could be done.

Schools and school-books will help to solve the race problem, but they are not and can not be the most powerful agency. There must be a moral uplifting of the negro before he can be materially advanced from his present position, and this will of necessity be slow work.

This requires no demonstration. All know that the moral advancement of an individual is slow, and that of a race must be slower. To do this he must have peace, and it seems that his pretended friends do not intend that he shall have peace. Teach the negro to think, teach him that when he is sensible, moderate, and conservative his white neighbors only wish him well and will be a helper in every ambition worthy of a man, as they are and have always been, and teach him at the same time to know the truth of the following words, spoken by Mr. INGALLS in his recent speech:

Mr. President, the race to which we belong is the most arrogant and rapacious, the most exclusive and indomitable in history. It is the conquering and the unconquerable race, through which alone man has taken possession of the physical and moral world.

It is sufficient to say that either by instinct or design the Caucasian race at every step of its progress from barbarism to enlightenment has refused to mingle its blood or assimilate with the two great human families, the Mongolian and the African, and has persistently rejected adulteration;

and, further and better than all this, teach him that those who undertake to incite him to murder and arson are his worst enemies; that his best friends are those with whom he comes daily in contact, who employ him, who do him justice, but who will not be ruled by him, but insist that for his good as well as their own the intelligence of the country must govern it, you will have done him a great kindness and will have shown him the only practical way of working out the best interest of both races in the South.

The following, which I find reported in the papers of this city as the expressions of a colored man from North Carolina in the recent convention of colored men held in this city, is full of wisdom, and such sentiments will meet with a warm response among the whole people of the South, who will gladly meet sensible, conservative colored men in an honest and patriotic endeavor to work out the best results for both races:

What is the use of the white men of the North jeering the white men of the

South for their restlessness and annoyance at the prospect of an aggravated political race conflict? The world knows no body of white men on earth, especially of Anglo-Saxon extraction, would do otherwise. Is it done from principle or is it done for party purpose? If principle underlies the act, let philosophy inquire: What has wiped out party lines in the South and crystallized the white population of that section as it is in no other civilized land on earth? If party diplomacy dictates this line of conduct in our governmental affairs, the scorn of an outraged nation should scorpion-lash them from the face of the earth.

It is plain, perfectly plain, that the sole purpose of the incendiary speeches on this subject in Congress and out of Congress is an effort to accomplish partisan purposes. Such expressions as were used recently by the Senator from Kansas can have no effect except to excite and aggravate the evils at the South, and it must be with the hope and purpose of reaping political advantages at the North that he said:

The South is sitting on a safety-valve. They are breeding innumerable John Browns and Nat. Turners. Already mutterings of discontent by hostile organizations are heard. The use of the torch and the dagger is advised. I deplore it, but as God is my judge I say that no other people on the face of this earth have ever submitted to the wrongs, the injustice, which have been for twenty-five years heaped upon the colored men of the South without revolution and blood. [Applause in the galleries.]

I agree with the colored man whose words I have quoted, that such conduct deserves "the scorn of an outraged nation."

To stir up old animosities is always an easy thing to do. To respond harshly to unjust attacks is always a temptation, but I know full well that the purpose of this inflammatory style of speaking is to arouse sectional feeling, to "fire the Northern heart" and exasperate the South, and that harsh and intemperate language used here by Southern men only aids those whose trade it is to live on their country's misfortunes, who ride into place and power upon bitter sectional animosities that the good men of both sections deplore.

The conditions we have to deal with are difficult enough without having marplots and incendiaries make them more so. The best interests of white and black people lie in exactly the same direction. The interests of all demand the cultivation of the best possible feeling between the races and of even and exact justice to all. If the white men of the South prosper the colored people must, and *vice versa*. We in that section are joined for better or for worse; we are inseparable, and must prosper or suffer together.

I grew up to manhood on a plantation; have lived amongst colored people all my life. I know them well, and no man living feels more keenly than I do a sincere desire for their prosperity, success, and happiness. They are peace-loving, quiet, and happy when let alone; but, like all other emotional, superstitious, ignorant people, they are easily influenced by agitators. Like such people everywhere, they are fond of excitements and agitations, and when under the influence of great excitement they are likely sometimes to be troublesome.

Unscrupulous, selfish men, willing to advance their own personal interests by any means, good or bad, taking advantage of these weaknesses of these people, use them often to their own hurt. This class is small, and is composed of "white trash" and bad negroes. These are responsible for ninety-nine-one-hundredths of all the troubles growing up in the South.

The great mass of colored people live in peace, quiet, and contentment, with only the same causes of complaint that white people similarly situated have, and no more; and all that they and the South need is to be allowed in peace and quietness to work out their own destiny. The colored people can and will help in this work if the agitators will only leave them alone and stop their nefarious practices.

That some of these people are learning to think and to take, not only a patriotic and calm, but also perfectly clear, view of some things bearing upon their situation, is shown by the following, which is an editorial clipped entire from a recent issue of a newspaper owned and edited by colored men in Little Rock:

The colored people of the South have had another set-back. The speech of Senator INGALLS will have the effect of causing many of the Southern whites to distrust and fear the old confidential colored servants that they have for so many years trusted and loved. The assertion that the white people of the South are sleeping over a volcano is something that the colored people of the South are not thinking about, or would not but for the meddlesome whites, and colored men, too, of the North. It is true that our people in the South, in many sections of the country, have more or less trouble; but show us a section of the country where they don't have these race troubles, and when they do occur we would like to know when it was that the colored people did not get the worst of it.

The majority of the Northern whites are the natural enemies of the blacks, while the white people of the South, especially the older ones, are their natural friends, and but for the fact that such men as INGALLS are continually throwing fire brands among us we would live in perfect peace. There is no deep-seated hatred between the races here, but there is a feeling among the white race that they will not allow the black race to control them—politically. And we would like to know where there is a spot, North or South, where the whites do not entertain these same views. Gentlemen, you can't help us any, and why don't you let us alone? Why do you continue to make it hard for us when you can do us no good?

I hoped that such clear views of the truth would gradually find their way into the minds of all colored people with increasing intelligence, until a clear understanding of the truth would make the solution of what is now difficult, easy. If we are let alone, if we can be quiet, if we can have rest from the bad elements in both sections, the turbulent spirits in the South, exasperated by fancied or real wrong, and the incendiary demagogues at the North seeking for political advantages in the trouble and unrest of the country, we can and will work out the solution of the difficulties to the best interests of both the white and black people and of the entire country.

Progress has been made, a clearer understanding of the rights and duties of all is growing up. Prejudice against the negro is not peculiar to Southern people nor confined to the South, but obtains everywhere and is less violent with us than at the North; and whether existing North or South it can not be overcome by force, and every effort in that direction only intensifies the difficulty and postpones the day of possible freedom from it. Prejudice like this can be met in but one way—it must be lived down; a long course of good conduct, upright business methods, attention to business, industry, manliness, soberness, self-respect, and courtesy will mitigate it, and in the course of time wear it away, and with such conduct on the part of the colored people now the prejudice as it exists will do no harm.

At one time in the history of the South we were subjected to outrages that now seem to honorable, fair-minded gentlemen North as incredible. We could not get justice because we were systematically lied about and the belief was common that we were all cut-throats and villains.

The speeches in Congress now indicate a return to these methods. The most monstrous statements of outrages in the South are now finding their way into the RECORD. Even to the most extreme cases there is only a shadow of foundation.

The South is, in proportion to population, as quiet and peaceful as any part of the country. There are elsewhere there is sometimes an act of lawlessness. When these occur, I assert that they are as heartily condemned and by as large a proportion of the community as in other sections of the Union; but, unfortunately for us, when such an instance occurs it is in the most reckless manner exaggerated and magnified, and based upon one or two such unfortunate circumstances; some miserable slanderer, compared to whom Munchausen was the embodiment of truth, steals a statement before the public that "political murder seems to be 'a pastime' and a 'nigger hunt,' as a sport, is as exhilarating as the old-time 'fox hunt.'"

These falsehoods are of the grossest and basest sort, but I hope that it is now impossible to deceive the country as was done formerly. Millions of dollars of Northern capital are flowing into the Southern States. The men who own and the men who manage all this wealth are interested to know the truth. They are business men. They want good government and justice, and the ravings of mere political adventurers will not deceive these nor lead them into the attitude of acquiescing in this campaign of misrepresentation and slander. They will break the force of these infamous falsehoods and will cause them, I hope, to fall harmless to the ground.

We, whose lives must be spent in the midst of these people and who must of necessity feel the difficulties of the situation more keenly than those who only consider them from afar, have hoped for aid in this exigency from the education of the colored people. We hoped that with intelligence might come conservatism, prudence, and a proper respect for the rights of others; but to my mind nothing is clearer than that schools and school-teaching alone will not reach the evil. There must be a broader education, and the necessity for this is clearly demonstrated now. But it is not in the power of the Government to give this.

Education, after all, is not merely what is learned in schools and in books. This is only one of the means of real education. The education that makes character is that which is taught by the mothers in the ceaseless admonitions from infancy up to maturity; is that formation of intellect and principles, moral character, that makes a man in God's own image or degrades him to the level of a brute. Manliness, honor, integrity, firmness of purpose, self-denial, and self-devotion, while strengthened by a liberal education, are not created by it. An educated man without moral principles and moral convictions is only worse by reason of his education and has the greater power of evil thereby. Moral development and elevation is the great need of the negro race.

There are amongst them many men of honorable character, men who are a credit to themselves and an honor to their race. These men feel this great need of their people more keenly than we do—are earnestly striving to elevate them—but leaders in moral advancement are too often not popular with those less advanced than themselves; unpleasant truths are not sought for by the average man, and it is unfortunately true that amongst all men those who seek to please the populace are listened to more readily than those who, from a sense of duty, "tell the truth."

A quarter of a century after emancipation it ought not to be true, but it is, that many negro ministers are by their example teachers of vice and the grossest immorality, while pretending to teach virtue from the pulpit. It should not now be the case that many favorite preachers are ex-penitentiary convicts, but it is unfortunately the truth. These people must be aided to elevate themselves, and this can be best done by "good and holy men of God" who know them and their characteristics.

Elevated morals, coupled with intelligence, are to be the sheet-anchor of this form of government. It requires no argument to prove that if the ignorant, depraved, and vicious class obtain and hold control in this country this form of government will at once be wrecked. The virtue and intelligence of the country must guide and control it if we preserve it, and when these are likely to be overrun by vice and ignorance we must either educate and improve that class or disfranchise it.

Advancement, permanent, enduring advancement, can not come except by cultivating and developing both virtue and intelligence. You can not develop the high moral character necessary to the safety of a Government like this without a high degree of intelligence, nor can you advance intelligence to an enduring point without a corresponding moral advancement.

When our common-school system was in its formative period our social condition as a people was such that there was no necessity for any religious and really but little for moral training in the schools, because religion and morals were taught in the churches and in the homes. The mothers, being of the highest and noblest type of womanhood, did that work better and more effectually than it could have been done anywhere else; hence our common schools were directed to the spread of intelligence, while the mothers taught religion and morals at home.

This, to my mind, indicates the fatal defect in this proposition and accounts for what is considered now by many persons to be the failure of education to do anything for the negro race.

Many of them have made creditable advancement, but the feeling is general that there has been no such elevation and advancement of the race as was expected from the efforts made for education.

Of course, the State can not now undertake to perform for these unfortunate people the offices our mothers performed for us, and I do not advocate it; on the contrary, I would vigorously oppose it. Yet, while considering the difficulties of this situation, I wish to call attention to what seems to me to have been up to this time a great omission on the part of the christian churches in the South. While they have been engaged in carrying the gospel to foreign lands the finest field for missionary work has been lying at their doors. It is a fine field because these people already have the foundation—a belief in Christ—and what they need is help to attain a higher moral plane.

A friend has written me that I have been recently made to say in a newspaper that this great work ought to be done by Northern missionaries, and it is proper that I say here now that, while I recognize the push and energy of the Northern people, they have not one whit more of that, than their Southern brethren, and that Southerners, knowing the negro characteristics better than Northern people, would make more efficient missionaries among the colored people and would produce much less friction in the work.

I am glad to see that the church is waking up to this great interest, this great necessity. The Catholics are moving as a body. That church, with its solemn forms, its pomp and methods of church government, will make a wonderful impression on the negro mind, and the great Protestant churches must begin to occupy this field, which is "white unto the harvest," or they will miss a glorious opportunity.

The Southern States are, by their own efforts, solving the question of local education. The difficulties of their situation are lessening as the struggle goes on. The schools are not yet even approaching what they should be, but the progress made gives assurance that a continuation of the efforts made will be crowned with triumphant success. The last report of the superintendent of public instruction for Arkansas shows that the following have been the amounts in the treasury for school purposes for each school year for the last nine years:

Year ending June—	Year ending June—
1880.....\$285,471.91	1885.....\$1,199,065.82
1881.....710,461.88	1886.....1,327,710.00
1882.....502,450.48	1887.....1,333,147.30
1883.....740,244.22	1888.....1,383,909.99
1884.....963,660.39	

And for the year ending June, 1889, as the superintendent, Hon. W. E. Thompson, writes me, the amount is \$1,433,696.77.

The superintendent says:

The increase of the school population and the enrollment in the public schools is equal to the increase in the revenue.

Again he says:

A fact to which I wish to call your attention is, there is no State in the Union which pays more for education in proportion to her taxable property than is paid by Arkansas. \* \* \* It would be truly gratifying as I have before stated if I could report a perfect work being done; that we are doing all that can be done under existing circumstances, and that the best results are being obtained from the funds expended; but candor compels me to say this is not the case. We are not doing the work as it needs to be done, especially in the country districts, where three-fourths of the children live; the limited terms and limited means fail to meet the demands of the requirements necessary to educate these children that they may become practical, intelligent citizens in the near future.

Thus it would seem that while the State unaided has not yet been able to put her schools upon a satisfactory basis, she has made the most wonderful progress and we may reasonably calculate that if we are permitted to go on with the work we can accomplish the ends desired; and that if we are not to be allowed to manage our own affairs in peace the appropriation of this money will do no good. Schools flourish in peace and only in peace, and if the purpose of the dominant party here is that we shall have no peace in the South, efforts to build up schools are utterly useless. The majority here has it in its power to destroy us. Some things indicate such an intention. We can only wait and see.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole, and the question is on the first amendment reported by the Committee on Education and Labor.

Mr. HARRIS. There are some House bills and messages that have



been sent to the Senate, and I should be glad if they were laid before the body.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate bills from the House of Representatives for reference.

#### HOUSE BILLS REFERRED.

The bill (H. R. 3872) to amend section 2599 of the Revised Statutes of the United States, designating ports of delivery in the district of Michigan, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 5179) fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia if paid within the time specified was read twice by its title, and referred to the Committee on the District of Columbia.

#### ECKINGTON AND SOLDIERS' HOME RAILWAY COMPANY.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 157) to amend the charter of the Eckington and Soldiers' Home Railway Company.

Mr. HARRIS. I have examined the amendment of the other House and I ask that it be read.

The PRESIDENT *pro tempore*. The amendment of the House of Representatives will be read.

The Chief Clerk read the amendment, as follows:

Add the following as a new section:  
"Sec. 6. That this act shall be considered as an amendment to the act of June 19, 1888, granting a charter to the Eckington and Soldiers' Home Railroad, and shall be construed as being subject to all limitations and conditions of said original act except as specifically provided otherwise herein."

Mr. HARRIS. If the Senate bill did not mean exactly that, it ought to have meant it, and I think it did. I move the concurrence of the Senate in the House amendment.

Mr. EDMUNDS. I wish the Senator would allow that to go over until to-morrow morning and let the amendment be printed.

Mr. HARRIS. Certainly, if the Senator desires. Just let it lie on the table until to-morrow morning and let the amendment be printed.

The PRESIDENT *pro tempore*. The amendment will be printed.

Mr. EDMUNDS. The point to which I wish to call attention is whether it is possible that this amendment will give authority to this railway company to extend any overhead electrical wires into this city. I wish to be sure about that.

Mr. HARRIS. I will state to the Senator from Vermont that in express terms the Senate bill provides that if, in the branch allowed by the bill, electric wires or cables are used they shall be placed under ground.

Mr. EDMUNDS. What is the necessity of this amendment, then, that the House of Representatives has put on?

Mr. HARRIS. I do not see any. It simply declares that this branch shall be subject to all the conditions of the original act as to taxation and all other regulations. I think the Senate bill means exactly that without the amendment. Hence the amendment is wholly innocent and I am perfectly willing to have the Senate concur in it.

Mr. EDMUNDS. Let it go over and be printed.

The PRESIDENT *pro tempore*. The amendment will lie on the table and be printed.

#### CHRIST CHURCH LAND IN WASHINGTON.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 296) vesting in the vestry of Christ Church, Washington Parish, District of Columbia, all of the right, title, and interest of the United States of America in and to square south of square 1092, in the city of Washington, District of Columbia; and it was referred to the Committee on the District of Columbia.

#### ANACOSTIA AND POTOMAC RIVER RAILROAD.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1083) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia; which was, in line 14, after the word "street," to insert:

Provided, That so much of the act of August 1, 1888, as authorized the company herein named to lay its tracks on Seventh street east, between M street and G, is hereby repealed.

The PRESIDENT *pro tempore*. The amendment of the House of Representatives will be referred to the Committee on the District of Columbia and printed, if there be no objection.

Mr. HAWLEY. It is hardly necessary to print 1,950 copies of the amendment. The parties in interest tell me that the amendment is immaterial, and they are perfectly willing to take the bill with the amendment.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the Senate concur in the amendment of the House of Representatives.

Mr. HAWLEY. Please let it lie on the table until the Senator from Virginia [Mr. BARBOUR] returns.

The PRESIDENT *pro tempore*. The bill with the amendment will lie on the table without being printed.

#### FLORIDA LANDS.

Mr. CALL. I ask unanimous consent that the resolutions I introduced some time ago, calling for information from the Interior Department in reference to alleged unlawful selections of land in Florida, and upon which I addressed the Senate, may be referred to the Committee on Public Lands.

The PRESIDENT *pro tempore*. The Chair thinks that order was made at the time, at the close of the Senator's speech.

Mr. CALL. I think it was not made.

The PRESIDENT *pro tempore*. If not made, the resolutions will be so referred.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (S. 140) to prevent the introduction of contagious diseases from one State to another, and for the punishment of certain offenses, with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5667) to amend an act to authorize the construction of a bridge across Trail Creek in the city of Michigan City, Ind.; and

A bill (H. R. 5682) to amend an act entitled "An act to constitute Columbus, Ohio, a port of delivery and to extend the provisions of the act of June 10, 1890, entitled 'An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes,' to said port of Columbus, Ohio," approved February 9, 1889.

The message further announced that the House had agreed to the resolution of the Senate authorizing the joint investigation of the workings of the laws of the United States relative to immigration of foreigners into the United States, with an amendment in which it requested the concurrence of the Senate.

#### AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 185) to aid in the establishment and temporary support of common schools.

Mr. BLAIR rose.

The PRESIDENT *pro tempore*. The Chief Clerk will state the first amendment reported by the Committee on Education and Labor.

Mr. BLAIR. That is what I was about to ask.

The first amendment was, in section 1, line 21, after the word "shall," to strike out "go to increase the amount for distribution among the other States and the Territories as herein provided" and insert "be covered into the Treasury;" so as to read:

And if any State, by its Legislature, shall decline or relinquish its share or proportion under this act, or any portion thereof, the sum so relinquished shall be covered into the Treasury.

The amendment was agreed to.

The next amendment was, in section 2, line 6, after the words "United States," to insert "except as provided in the fifteenth section;" so as to read:

Sec. 2. That such money shall annually be divided among and paid out in the several States and Territories, and in the District of Columbia, in that proportion which the whole number of persons in each who, being of the age of ten years and over, can not write, bears to the whole number of such persons in the United States, except as provided in the fifteenth section.

The amendment was agreed to.

The next amendment was, in section 6, line 6, after the word "laws," to strike out the following words:

And copies of all school-books authorized by the school boards or other authorities of the respective States and Territories, and used in the schools of the same, shall be filed with the Secretary of the Interior.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. HAWLEY. The amendment strikes out that clause from the pending bill?

The PRESIDENT *pro tempore*. So the Chair understands.

Mr. BLAIR. It does.

The amendment was agreed to.

The next amendment was, to strike out section 7, as follows:

Sec. 7. That the money appropriated and apportioned under the provisions of this act to the use of any Territory shall be applied to the use of common and industrial schools therein, under the direction of the Legislature thereof.

The amendment was agreed to.

The next amendment was, to add at the end of section (9) 8 the following:

But nothing in this section shall require the training of persons of different colors in the same schools.

The amendment was agreed to.

The PRESIDENT *pro tempore*. This concludes the amendments reported by the Committee on Education and Labor.

Mr. BLAIR. I will ask that the numbering of the sections be corrected so as to correspond with the amendments which have been made.

The PRESIDENT *pro tempore*. The necessary changes in the enumeration of the sections will be made by the Secretary. Are there further amendments to the bill, as in Committee of the Whole? If there are none, the bill will be reported to the Senate.

Mr. BLAIR. Several Senators have indicated a desire to speak on the bill before it is reported to the Senate.

Mr. PUGH. Let it be reported to the Senate.

Mr. BLAIR. I have no objection to its being reported to the Senate.

The bill was reported to the Senate as amended.

Mr. HARRIS. I am not quite sure that the Senate is ready to have the bill reported to the Senate. Is it the school bill?

The PRESIDENT *pro tempore*. It is.

Mr. HARRIS. I desire to suggest to the Senator from New Hampshire that in my opinion it would be wise for us to come to an understanding now that on a given hour of a given day (I care not how soon, so that the whole Senate may understand it) a vote shall be taken upon all proposed amendments and upon the final passage of the bill. Will the Senator suggest such an hour of such a day?

Mr. BLAIR. I should be glad to try to do that to-morrow. Some six or seven Senators have indicated a desire and purpose to speak on the bill, and I am not in a situation now to indicate, by fixing a day and hour, the limit which they may have in expressing themselves upon the subject.

Mr. HARRIS. Will the Senator probably do so to-morrow?

Mr. BLAIR. I think I can do so to-morrow. My particular purpose now is to state to the Senate that, as all at once this bill will be disposed of, if Senators have anything to say it is time to be thinking about it, and not to be wasting the time.

Mr. HARRIS. Hence the importance of fixing an early day at which we shall dispose of it.

Mr. BLAIR. Another speech may be made to-night. The Senator from Connecticut [Mr. HAWLEY] told me last week that if the bill should be postponed he would speak to-day. He tells me that not only he will not speak to-day, but he may not to-morrow.

Mr. HAWLEY. I think the Senator should let me speak for myself on little matters of this kind.

Mr. BLAIR. Certainly; when the Senator has the opportunity.

Mr. HAWLEY. I am much obliged to the Senator, but I take it as rather personal. I wish to remark that I did not say I would not speak to-morrow, but on the whole I am inclined to say now that I shall not, and for this reason: As near as I can find, there are five more Senators to speak, and four of them are favorable to the bill. I am the only one opposed to it now upon the list. I do not propose to leave four Senators to speak in favor of the bill after me. I can not say much, but I do not propose to have four follow me in favor of the bill.

Mr. BLAIR. I think it very reasonable that the Senator should not speak to-morrow if others are to speak for the bill. The Senator from New York [Mr. EVARTS] is to close the debate. It has been understood that he will close the debate for the bill. I do not know just how much time he will want, but I think other Senators who desire to speak one way or the other ought to be in readiness to go on to-morrow at 2 o'clock, so that we can see what progress is made; and I should think that to-morrow we might probably be able to at least see the day when we can take final action upon the measure.

Mr. HARRIS. I shall appeal to the Senator from New Hampshire to-morrow to let us come to an understanding as to the hour and the day when the vote shall be taken upon this bill; and in order that we may dispose of it for this evening I will move that the Senate do now proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The pending question on the bill is, Will the Senate concur in the amendments made as in the Committee of the Whole?

Mr. HARRIS. I beg to say to the Chair that I interrupted the report of the bill to the Senate in order to prevent its being reported to the Senate this evening. If the Chair did not understand me, that was my object.

The PRESIDENT *pro tempore*. The order, then, will be reconsidered, and the bill is in Committee of the Whole. The Senator from Tennessee moves that the Senate do now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After sixteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 37 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 11, 1890, at 12 o'clock m.

## HOUSE OF REPRESENTATIVES.

MONDAY, March 10, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

### IMMIGRATION.

Mr. OWEN, of Indiana. Mr. Speaker, on behalf of the Select Committee on Immigration and Naturalization I ask unanimous consent for the present consideration of the Senate concurrent resolution which I now send to the desk.

Mr. BAKER. I call for the special order.

Mr. OWEN, of Indiana. I hope the gentleman will yield for a moment. The committee recommend the adoption of this resolution, which will take but a short time.

Mr. BAKER. Very well.

The SPEAKER. The resolution will be read, subject to objection.

The concurrent resolution was read, as follows:

*Resolved by the Senate (the House of Representatives concurring), That the Senate Committee on Immigration and the House Committee on Immigration and Naturalization be, and hereby are, authorized jointly to investigate the workings of the various laws of the United States and of the several States relative to immigration from foreign countries to the United States, especially the law of Congress "to regulate immigration," approved August 3, 1882; and also to investigate the workings of the contracts made by the Secretary of the Treasury under said law of August 3 with the various State commissions, boards, and officers, the investigation to be conducted at such times and places as said committees may deem proper. And the committees are hereby authorized jointly, as full committees or through subcommittees thereof, to send for and examine persons, books, and papers, and to administer oaths to witnesses.*

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There was no objection.

Mr. OWEN, of Indiana. Mr. Speaker, there is an amendment recommended, which I also send to the desk.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Amend by adding, after the word "officers," in line 10, these words:

"And also investigate the effect on immigration, and incidentally on American workmen, which is likely to follow the purchase of American industries by foreign capitalists, and also to report to Congress the official correspondence in the proposal to make Bedloe's [Liberty] Island, in the harbor of New York, an immigrant depot, what title the Government has to such island, what buildings, if any, are intended to be built on said island, and what officers and employees it is designed to employ thereon in connection with such immigration, and whether in the opinion of the committee, after investigation, such island is the best and most suitable place for such immigrant depot."

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

### EXPENSES OF PROPOSED INVESTIGATION OF IMMIGRATION.

Mr. OWEN, of Indiana. Mr. Speaker, I also ask unanimous consent for the consideration of a resolution which provides for the payment of the expenses of the investigation just ordered, but which could not be incorporated in the Senate concurrent resolution.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

*Resolved, That \$5,000, or so much thereof as may be needed, is hereby appropriated, out of the contingent fund of the House, to be expended by and under the direction of the Sergeant-at-Arms of the House, to pay the expenses of the House Committee on Immigration and Naturalization in the joint investigation of the working of the Federal immigration laws by the Senate Committee on Immigration and the House Committee on Immigration and Naturalization, as authorized by Senate concurrent resolution.*

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. GROUT. I object.

Mr. OWEN, of Indiana. I ask the gentleman to withdraw his objection for a moment; it will take but a short time.

Mr. GROUT. This day is set apart under the rules for District business.

Mr. OWEN, of Indiana. But this will take but a few moments.

Mr. GROUT. It would take but a short time to get through with the District business, if we could have our time uninterrupted.

Mr. SPINOLA. Mr. Speaker—

Mr. OWEN, of Indiana. This provides for the payment of the investigation. This is also an inquiry into Bedloe's Island for an immigrant depot.

Mr. GROUT. Is this a part of the resolution just considered?

Mr. OWEN, of Indiana. It is a necessary sequence of the resolution just adopted.

Mr. GROUT. Is there likely to be a discussion?

Mr. OWEN, of Indiana. I think not.

Mr. CANNON. What is the object of this—to pay out of the contingent fund the expenses of the investigation?

Mr. OWEN, of Indiana. Yes, sir. The committee needs this to pay the expenses.

Mr. GROUT. If there is no discussion I withdraw the objection.

Mr. CANNON. Is it proposed to pay the expenses of both committees out of the contingent fund of the House?

Mr. OWEN, of Indiana. No; only the expenses of the House committee.

Mr. KILGORE. I object, and demand the regular order.

### ORDER OF BUSINESS.

Mr. HOPKINS. On Thursday last I was sick, and the Committee on Merchant Marine and Fisheries lost its place on the call of the committees. I now ask unanimous consent that it be restored to its privileged condition.

Mr. CUMMINGS. I object.

### GENERAL HORACE BOUGHTON.

The SPEAKER. The first business before the House is the bill (H. R. 3954) granting an increase of pension to General Horace Boughton,



the previous question having been ordered on last Friday evening. The Clerk will read the bill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Horace Boughton, late a brevet brigadier-general in the Army of the United States, at the rate of \$100 per month, said pension to be in lieu of that which he now receives.

The SPEAKER. The previous question was ordered, with the right to offer amendments, with thirty minutes for debate. Does any gentleman desire to offer an amendment?

Mr. KERR, of Iowa. I move to strike out \$100 and insert the amount allowed by law. How much does he now receive?

Mr. BAKER. He now receives \$72.

Mr. KERR, of Iowa. And insert \$72. I think it is a mistake to pass so many private bills, increasing the pensions of officers. We need all the money in the Treasury to provide for the welfare of a large number of men who are not now pensioned; and I consider it my duty, and it is the duty of this House, to resist every attempt to make a special feature of increasing the pensions of officers. There is no reason alleged; that is, there are no especial reasons given why this man should have more than the amount now allowed by law. He does not require any especial attention. If he did he would come under the provisions of the general law that we passed the other day, providing \$100 a month for persons who need attendance or who need medical attendance and the attendance of another person. Therefore, I do not think this bill ought to pass, or any of that class of bills. The general law on the subject is ample to provide for this class of cases, and passing so many of these bills endangers the chances of pensioning other men and of having the money to provide for their pensions.

Mr. BAKER. The gentlemen from Iowa says that no reasons are given for this proposed increase. Now, he simply has not read the report or he does not know what he is talking about. The fullest and amplest reasons are given in the report in favor of the bill. It is on a par with every one of the four or five cases which have been passed increasing pensions from \$72 to \$100 a month. This case is one of the most pitiable that can be found. General Boughton enlisted from my city and was one of the first to answer when the call for volunteers was made. He is utterly helpless, requiring daily medical attendance, and daily and nightly care and attendance, and he is in a painful condition that is indescribable.

I wish, Mr. Speaker, the Clerk would read the report. It is only an inch long and gives the statement of the physician who now attends on General Boughton.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3954) granting an increase of pension to General Horace Boughton, submit the following report:

General Boughton is now in receipt of a pension at \$72 a month for paralysis incurred while serving as colonel One hundred and forty-third Regiment New York Volunteers.

The bill proposes to increase his pension to \$100. In support of the same the certificate of his attending physician, Dr. F. Donohue, has been filed with your committee, as follows:

"I am the attending physician of General Horace Boughton, and I hereby certify that he is a total wreck, mentally and physically. His condition is such as to require medical attendance daily and the constant attention and assistance of an attendant. His body is paralyzed to such an extent that he can neither dress nor undress himself, can not cut his food or feed himself, and can not help himself in any way while attending to the calls of nature. So far as his mental faculties are concerned, it may be said that he is imbecile. Right side of brain and left side of body paralyzed. He is sometimes unconscious of surroundings, and will respond to calls of nature wherever he may be at the time and regardless of who may be present.

"I have known General Boughton since 1870. He was paralyzed in 1875, and his disease has been progressing until it has reached its present deplorable stage. He requires an attendant to dress, undress, and feed him, and to lead him and render him other attentions. Of recent years he has become a confirmed epileptic, resulting from the condition of his brain, and he requires the almost daily attention of the doctor. His case is a bad one, it being a combination of mental imbecility and physical disability."

The condition above described will, in the opinion of your committee, warrant the granting of the relief asked for, and the bill is therefore returned with the recommendation that it do pass.

Mr. KERR, of Iowa. This is evidently a meritorious case; but I wish to ask the gentleman from New York [Mr. BAKER] one question. Why does this case under this statement not come under the provisions of the general law that we passed the other day?

Mr. MORRILL. If the gentleman from New York will allow me, as I am familiar with that bill, I will explain to the gentleman from Iowa why it does not come under the provisions of the general law. The act that passed the other day only increased pensions from \$50 to \$72 per month for those who require regular aid and attendance of another person. This is one of those cases which not only requires the regular aid and attendance of a nurse, but also of a physician a large part of the time. General Boughton was a distinguished general in the Army, and it seems to me that for the few weeks that he can live the Government ought not to withhold a reasonable support from him.

Mr. CUTCHEON. Will the gentleman from Kansas permit me to ask him a question? Is there any doubt that the condition of General Boughton was caused by his military service?

Mr. MORRILL. None whatever; and there is no doubt that a few months must end his existence. I was told a day or two ago that for

three nights his wife had not had her clothes off, and that he had taken medicine enough to kill many strong men.

Mr. ALLEN, of Michigan. Mr. Speaker, this is a case in which we can not use the apothecary's scales. The increased pension asked should undoubtedly be paid to this distinguished general for the little time of life he has remaining.

Mr. KERR, of Iowa. Why not? Why apply the apothecary's scale to every man and not apply it in such cases as these?

Mr. CUTCHEON. If the gentleman from Iowa will permit me, I will state that this man not only requires the special attendance of a nurse daily, but also requires the daily attendance of a physician; and all this expense, to say nothing of the pain he endures, is the result of his service to the country.

The amendment proposed by Mr. KERR, of Iowa, was rejected.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. BAKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### SHORTENING TIME OF IMPRISONMENT IN JAIL AND WORK-HOUSE.

Mr. GROUT. Mr. Speaker, I call up for consideration the bill (S. 1858) to shorten the terms of imprisonment in the jail and in the work-house of the District of Columbia on account of good conduct during confinement.

The bill was read, as follows:

*Be it enacted, etc.,* That all persons sentenced to and imprisoned in the jail or in the work-house of the District of Columbia, and confined there on and after the 1st day of January, A. D. 1890, for a term of one month or longer, who conduct themselves so that no charge of misconduct shall be sustained against them, shall have a deduction of five days in each month made from the term of their sentence, and shall be entitled to their discharge so much the sooner, upon the certificate of the warden of the jail for those confined in the jail, and the certificate of the intendant of the Washington Asylum for those confined in the work-house, of their good conduct during their imprisonment (with the approval of the judge making the commitment); and it shall be the duty of said judge to write, or cause to be written, in the docket of his court, across the face of the commitment of the person to be so discharged, the following words: "Discharged by order of the court [giving date] on account of good conduct during imprisonment."

SEC. 2. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. GROUT. This bill is identical with the House bill, on which a report has been made.

Mr. DUNNELL. I would like to hear the reading of the report.

Mr. GROUT. Of course the report may profitably be read; but I think it is a proposition that commends itself so apparently to the judgment and conscience of every one, and it is the practice now in almost all the States, if not in all of them.

Mr. DUNNELL. How does it compare with the time allowed in the States?

Mr. GROUT. I do not know how it compares with the State laws. It is not less than in the States. I do not think it necessary really to consume the time of the House with the reading of the report, but I have no objection to its being read.

Mr. DUNNELL. I withdraw the request for the reading of the report.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The SPEAKER. Without objection, House bill 5940, of the same title, will be laid on the table.

There was no objection, and it was so ordered.

#### CHRIST CHURCH, WASHINGTON, D. C.

Mr. GROUT. I now call up the bill (H. R. 3296) vesting in the vestry of Christ Church, Washington Parish, District of Columbia, all of the right, title, and interest of the United States of America in and to square south of square 1092, in the city of Washington, District of Columbia, and, Mr. Speaker, I will ask for the reading of the report on this bill.

The SPEAKER. Does the gentleman desire the Senate bill to be considered?

Mr. GROUT. Yes. I will ask that the Senate bill, which is identical with the House bill, be considered.

The Clerk read the title, as follows:

A bill (S. 296) vesting in the vestry of Christ Church, Washington Parish, District of Columbia, all of the right, title, and interest of the United States of America in and to square south of square 1092, in the city of Washington, District of Columbia.

Mr. HOLMAN. I would like the report read.

Mr. GROUT. This is a bill which would grant any right, title, or interest, whether legal or equitable, of the United States in this square, and would therefore require to be considered in Committee of the Whole, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. No point of order has been made.

Mr. HOLMAN. Mr. Speaker, I hope that the point of order will be reserved until after the report shall have been read.

The SPEAKER. The point of order not having been made, the bill will now be considered in the House.

Mr. HOLMAN. I ask that the report be read, and that the point of order be reserved.

The report was read, as follows:

The committee have examined the bill and think the following amendment should be made: In line 9, after the word "Parish" insert "otherwise called the vestry of Washington Parish." With this amendment the committee beg to submit the Senate report on a like bill.

Senate report is as follows, and we make it a part of our report:

"The committee to whom this bill was referred sent the same to the commissioners of the District of Columbia, who requested the United States attorney for the District of Columbia and Col. John M. Wilson, United States Army, in charge of public buildings and grounds, to examine the bill and to report their opinion thereon. The commissioners have returned the bill with the recommendation that it pass, which recommendation is based upon the accompanying reports of the said district attorney and Colonel Wilson.

"This bill is framed to vest all of the title of the United States to square south of square 1002, in the city of Washington, in the vestry of Christ Church, District of Columbia, who are, by mesne conveyance, purchasers from the original proprietors of this whole square—George Walker and William Young. The following are extracts from the District Attorney's report:

"All the proprietors of the lands upon which the city of Washington was laid out, with few exceptions, conveyed their holdings to two trustees, Thomas Beall, of George, and John M. Gantt, upon trusts, that a "Federal city" should be laid out upon them. The portion of the deed which affects the present inquiry provides for an equal division of all the building squares between the original proprietors and the commissioners appointed under the act of Congress establishing the temporary and permanent seal of the Government, the parts falling to the commissioners on the division to be sold and the proceeds applied to the erection of the public buildings.

"George Walker and William Young's heirs were the proprietors of tracts adjoining each other, and part of each of these tracts, in unequal proportions, were included within the limits of this square.

"The individual account of Walker with the commissioners (page 187) shows that he is charged with lots 2 and 3 in this square, amounting to 37,621½ square feet; his original holding in the square was 14,727½ square feet, and of this the commissioners were entitled to one-half; the difference in his favor on this transaction is made up in favor of the commissioners by allowances from his interest in other squares.

"The individual account of William Young's heirs with the commissioners shows (page 215) that they are charged with lots 1 and 4 in this square, containing 25,142½ square feet; their original holding was 48,036 square feet, of which the commissioners were entitled to one-half, and the difference in their favor in the transaction is made up in favor of the commissioners by deductions from their interest in other squares.

"The above facts, in connection with the further entry in the book called "Disposal of Public Lot No. 2," which was prepared by Nich. King (surveyor of the city) in 1805, namely, "square south of 1002, assigned to George Walker and the heirs of William Young, the original proprietors thereof," show that the United States parted with all its interest in the square by the assignment of the whole of the same to said proprietors on the division; nothing was reserved.

"In my opinion the United States has no title to the square. I would, however, suggest a reference to Colonel Wilson, with the request that he verify the statement of facts above made, in order that no mistake may be possible."

"Colonel Wilson reports to the same effect.

"An abstract of title of the Real Estate Title Insurance Company of the District of Columbia shows that the said vestry is entitled to the relief sought as being the ultimate grantee of the original proprietors, Walker and Young.

"We report that the United States in 1800 were paid for their title to this square by the aforesaid settlement with the original proprietors, and that the said vestry is entitled to the relief sought, and we therefore recommend the passage of the bill."

Mr. GROUT. There is an amendment proposed by the committee.

The SPEAKER. The Clerk will read the amendment.

The Clerk read as follows:

Insert, after the word "parish" in line 7, the words "otherwise called the vestry of Washington."

Mr. GROUT. This amendment is offered simply because it is the name under which the original grant was made.

Mr. CANNON. I want to ask the gentleman a question. On its face the form of this bill is such that the ordinary reader would suppose it made a donation of lands from the United States to the vestry of this church. If I understand the report correctly such is not the case, and, in fact, the attorney for the District, if I understand his report, says that the United States has no title whatever to this land.

Mr. GROUT. Yes.

Mr. CANNON. Then why place upon the statute-book an act which ought not to go there if it was to be effectual? In other words, the gentleman himself, I apprehend, will admit that if the United States really owned this land it ought not to donate it to any religious corporation whatever.

Mr. GROUT. Mr. Speaker, this is simply a bill to clear the title to this property, which has been owned and occupied by Christ Church ever since the year 1800. The defect in the title resulted from the failure of the United States commissioners, in the year 1800, to sign together with the original proprietors of the ground composing this square, and this act is simply to cure the formal defect in the transfer then made. That is all.

Mr. CANNON. Does not the gentleman think it would be better policy to amend the bill so as to show just that fact?

Mr. GROUT. This bill only proposes that the United States shall release any claim which it may have. It is not a warranty deed that is to be given, but simply a quit-claim.

Mr. CANNON. I understand; but I say the ordinary citizen reading this act hereafter would be justified in speaking of it as an act donating land belonging to the United States to a religious corporation, making a donation which ought not to be made.

Mr. GROUT. Possibly; but the act should be read and will be read by the careful reader in the light of the report, and the report shows all the facts. This is a Senate bill and the House committee did not think it was necessary to make any change in it in that respect; but

if the House thinks so it can be done, or if the gentleman thinks it is necessary it is perfectly competent for him to offer an amendment.

Mr. CANNON. I only submit the suggestion to the gentleman, and if he does not accept it I have nothing further to say. The substance of the bill seems to be proper. I merely suggest that the amendment would avoid criticism on the part of any of the 60,000,000 of our people who might hereafter read the statute and claim it to be a precedent for the granting of land by the United States to a religious corporation.

The amendment of the committee was agreed to.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The title was amended by adding to it the words "this being an act to remove the cloud upon the title of said church."

The House bill (H. R. 3296) was laid on the table.

#### ARREARS OF TAXES IN THE DISTRICT OF COLUMBIA.

Mr. GROUT. I call up the bill (H. R. 5179) fixing the rate of interest to be charged on arrearages of general and special taxes now due in the District of Columbia if paid within a time specified.

The bill was read, as follows:

*Be it enacted, etc.,* That the rate of interest to be collected of any person owing arrearages of general taxes prior to July 1, 1889, or assessments for special improvements, including the laying of water mains, now due to, and the liens for which are held by the District of Columbia, shall be 6 per centum per annum, in lieu of the rate and penalties now fixed by law and of all accrued costs: *Provided,* That this provision shall only apply to taxes and assessments paid on or before the 31st day of October, 1890.

Mr. GROUT. There are certain amendments which the committee recommend.

The amendments were read, as follows:

Amend, in line 5, by inserting the words "eighty-eight" in place of the words "eighty-nine," making it read "1888" instead of "1889."

Also, by inserting the word "thirtieth" in line 11, in place of "thirty-first," and by inserting "April" in place of "October," making it read "the 30th day of April."

Mr. CLEMENTS. Will the gentleman state in what respect this bill changes the existing law?

Mr. GROUT. There is no existing law upon this subject. This is simply a proposition to allow parties in arrears for taxes an opportunity to avoid the penalty of 2 per cent. per month by paying their taxes on or before the 30th of April next. The commissioners of the District thought that if they offered such an inducement many persons would pay within the period named.

It will be seen by reading the report that there are taxes in arrears amounting to \$634,000 upon property which has been sold, to be sure, but upon which the title has not yet matured. The commissioners desire, if possible, to coax out of the defaulting tax-payer his taxes by remitting the penalties and the extremely high rate of interest (2 per cent. a month), and simply letting him pay the taxes and 6 per cent. per annum, which will place him upon precisely the same basis as the other tax-payers. That is the object of the bill, and that is the whole of it.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

#### ANACOSTIA AND POTOMAC RAILROAD.

Mr. GROUT. I desire to call up the bill (H. R. 5190) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia, and I yield the floor to the gentleman from Pennsylvania [Mr. ATKINSON].

Mr. ATKINSON, of Pennsylvania. Mr. Speaker, I desire to call up the Senate bill S. 1083, and have it considered in place of the House bill.

The Senate bill was read, as follows:

*Be it enacted, etc.,* That the act giving the sanction and approval of Congress to the route and termini of the Anacostia and Potomac River Railroad, approved February 18, 1875, amended March 24, 1876, and August 1, 1888, be, and the same is hereby, amended so as to authorize the said company to lay tracks and run cars thereon from the intersection of its tracks on M street, south, with Eleventh street, east, along Eleventh street to its tracks on G street, south. That the time for the completion of its track is extended one year. That in the construction of the tracks herein authorized the pattern of rail used shall be approved by the commissioners of the District of Columbia, and that all rails laid under authority of this act shall be on a level with the surface of the street.

Sec. 2. That Congress may at any time amend, alter, or repeal this act.

Mr. ATKINSON, of Pennsylvania. There is an amendment recommended by the House committee which I wish to have read.

The amendment was read, as follows:

Insert after the word "street," the last word in section 1, the following: *Provided,* That so much of the act of August 1, 1888, as authorized the company herein named to lay its tracks on Seventh street, east, between M street and G, is hereby repealed.

Mr. ATKINSON, of Pennsylvania. Mr. Speaker, this bill merely changes the route of a railroad upon four squares. The company was incorporated in 1888, and the proposed change is one that I believe provokes little or no opposition. It has been recommended by the commissioners of the District, and I think time will be saved if the reading of the report is dispensed with.

The amendment was agreed to.



The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ATKINSON, of Pennsylvania, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The House bill (H. R. 5190) was laid on the table.

#### SALES OF PROPERTY FOR OVERDUE TAXES.

Mr. GROUT. I now call up the bill (H. R. 5825) prescribing the times for sales, and for notices of sales, of property in the District of Columbia for overdue taxes.

The bill was read, as follows:

*Be it enacted, etc.,* That the commissioners of the District of Columbia shall prepare a list of all taxes on real property in said District, subject to taxation, upon which said taxes are levied and in arrears on the 1st day of July, 1899, and each and every year thereafter, including all taxes due to the late corporations of Washington City, Georgetown, the levy court of the county of Washington, and the District of Columbia. And said commissioners shall publish the same with a notice of sale in a pamphlet of which not less than 3,000 copies shall be printed for distribution to tax-payers applying therefor. Said commissioners shall, on the third Tuesday of March 1899, and the third Tuesday in March of each year thereafter, give notice by advertising twice a week for three successive weeks in the regular issue of two or more daily newspapers published in said District, that said pamphlet has been printed and that a copy thereof will be delivered to any tax-payer applying therefor at the office of the said commissioners, and that if the taxes due, together with the penalties and costs that may have accrued thereon, shall not be paid prior to the day fixed for sale, the property will be sold under the direction of the said commissioners at public auction at the office of the collector of taxes for the District of Columbia, commencing three weeks after the first publication of the said notice and continuing on each following day, Sundays and legal holidays excepted, until all said delinquent property is sold: *Provided, however,* That property which has once been advertised and sold for non-payment of taxes shall not be again advertised for the same tax. The expenses of said advertising and the printing of said pamphlet shall be paid by a charge of 20 cents for each lot or piece of property advertised.

SEC. 2. That all acts and parts of acts inconsistent herewith are hereby repealed.

Mr. GROUT. I move to amend this bill by striking out, in line 4 of section 1, the word "March" and inserting "April." This amendment is offered for the reason that there would not be time between now and the third Tuesday of March of the present year to make these sales. When the bill was prepared it was thought that the third Tuesday in March would be late enough.

The amendment was agreed to.

Mr. GROUT. I move also to amend by inserting after the word "notice," in line 15, the words "which shall contain the name of each and every person in which said piece of property is assessed, together with the amount of assessment upon each piece."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

#### ECKINGTON AND SOLDIERS' HOME RAILWAY COMPANY.

Mr. GROUT. I call up the bill (S. 157) to amend the charter of the Eckington and Soldiers' Home Railway Company.

Mr. SPINOLA. Before that is entertained, I rise to a question of privilege.

The SPEAKER. A question of privilege is not in order during the pendency of this bill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Eckington and Soldiers' Home Railway Company of the District of Columbia is hereby authorized to extend its tracks and to run its cars thereon through and along the following-named streets: Beginning at the intersection of New York avenue and Fifth street, northwest, south along Fifth street, northwest, to G street, northwest, and thence west along G street, northwest, to the east line of Fifteenth street, northwest; and also beginning at the present terminus of its Cemetery branch on the east side of Lincoln avenue, and thence northerly along Lincoln avenue to a point opposite the entrance to Glenwood Cemetery; and also beginning at the intersection of New York avenue and North Capitol street, thence north along said street to the south boundaries of the grounds of the Soldiers' Home: *Provided,* That if electric wires or cables are used to propel its cars over said streets (from New York avenue and Fifth to Fifteenth street, northwest), the same shall be placed under ground: *And provided further,* That the said company shall not be permitted to stop its cars at its (western) terminus, or at any point within the city limits, for a longer time than is necessary to take on and let off its passengers. Said company shall charge not exceeding five cents fare for one continuous ride from any point on its line to the terminus of its main line or any of its branches. And said company is authorized to use overhead wires on its (North Capitol street) branch.

SEC. 2. That so much of the original charter of the Eckington and Soldiers' Home Railway Company, granted by act approved June 19, 1888, as authorized the construction of a branch on First street, west, from New York avenue to the south boundary of the Soldiers' Home be, and the same is hereby, repealed.

SEC. 3. That said company is authorized to increase its capital stock \$175,000 for the purpose of enabling it to extend and equip its line as provided in this act.

SEC. 4. That unless said extensions are commenced within three months and the cars run thereon within one year from the passage of this act the authority herein granted shall be void: *Provided,* That said company shall have one year to complete the North Capitol Street Branch after said street is opened and graded.

SEC. 5. That Congress reserves the right to alter, amend, or repeal this act.

The amendment proposed by the committee was read, as follows:

At the end of the bill add the following as a new section:

"SEC. 6. That this act shall be considered as an amendment to the act of June 19, 1888, granting a charter to the Eckington and Soldiers' Home Railroad, and shall be construed as being subject to all limitations and conditions of said original act, except as specifically provided otherwise herein."

The amendment was agreed to.

Mr. CANNON. I would like to put a question to my friend from Vermont [Mr. GROUT], and I will preface the question with a statement.

As I understand, this is a charter to enable an electric railway company, known as the Eckington Railroad Company, to extend its line to the Treasury Department.

Mr. GROUT. Yes, sir—to Fifteenth street.

Mr. CANNON. I am very heartily in sympathy with the bill and shall vote for it, but I want to ask the gentleman what objection there is in his mind to the committee considering and bringing in a bill which will enable any association of gentlemen to form a corporation under general law and construct a street railway in Washington on any avenue or street, so far as the right depends on the city, provided they will use the electric motor or some other rapid motor?

Mr. GROUT. Well, Mr. Speaker, I know of no objection to formulating such a measure, unless that it might be well to have each individual proposition carefully considered by itself, with some supervising power over the grant, so that there might not be too many of these street railways. The proposition suggested by the gentleman has not been brought to the attention of the committee, and I am now answering individually. If such a bill should be introduced, authorizing the incorporation of street railways under a general act, I promise that it will receive careful consideration by the committee; and I do not see that it is not a safe and proper way to dispose of these questions.

Mr. CANNON. The gentleman understands that I do not antagonize this bill.

Mr. GROUT. I am glad to know that.

Mr. CANNON. After an experience of a great many years in Washington with the horse-cars (crowded as they usually are), and with a knowledge of the unavailing efforts for the introduction of any other motor (except that I believe they have almost completed a cable line on Seventh street), and after having seen from time to time various bills for the construction of various street railways proposed and defeated in this House, my object in speaking to the gentleman now was to draw his attention, as chairman of the committee, and the attention of his committee, to the necessity for taking some steps which will enable somebody to build railways about Washington with the electric or other rapid motor, so as to accommodate the people of this country who come to the national Capital. If I have succeeded in getting the gentleman to think about this question, I have accomplished all I desire.

Mr. GROUT. I will say to the gentleman that the way to accomplish a practical result would be to bring in a bill.

Mr. SPINOLA. I move to amend by adding as a new section the provision which I send to the desk.

The Clerk read as follows:

SEC. — That said company shall pay into the Treasury of the city of Washington 5 per cent. of the gross receipts of said company upon that part of said road authorized to be constructed by this act, the same to be in addition to any other tax paid by said company.

Mr. GROUT. Mr. Speaker, this bill is an amendment to the original charter, which provides for the payment of a 4 per cent. tax upon the gross receipts of the company, a sum which was then thought and is now thought by the committee to be a suitable amount.

Mr. SPINOLA. I am aware of that provision.

Mr. GROUT. This bill, by a section which the committee has added, is made a part of the original charter, and the authority now granted will be subject to all the provisions of the original charter with reference to the issue of stock, the payment of taxes, etc.

Mr. HEARD. If my friend from New York [Mr. SPINOLA] will permit me a few words, I think I can convince him that this act, if amended as he proposes, would be impossible of execution.

Mr. SPINOLA. I am ready to be convinced.

Mr. HEARD. As has been stated by the gentleman from Vermont, the original act to which this bill is amendatory provides that 4 per cent. of the entire gross receipts of this company shall be paid into the Treasury, practically as a consideration for the franchise, just as the gentleman from New York desires in this case.

Now, the gentleman proposes, as I understand his amendment, on the new part of the road or the extension now proposed, that a different rate shall be levied; that is, 5 per cent. I submit it will be impossible to sever the receipts of the new part from the receipts of the old part, and therefore a uniform rate would have to be adopted. It would be impossible to say how much was the receipt for riding from Fifteenth street to New York avenue and from there to Ivy City, and how much to the Soldiers' Home, for one ticket will carry you over the entire road.

Mr. SPINOLA. There is nothing in the suggestion of my friend from Missouri who has just taken his seat. In regard to the point the chairman of the committee has stated it is proposed here to use a new power on this road.

Mr. HEARD. The gentleman does not understand; they are now using electric power.

Mr. SPINOLA. The so much stronger my case will be, for roads run by electricity or by cable are claimed to be run for one-third less than horse-railroads. If that can be done then they should pay into the treasury of this city for this great right. It is an extraordinary grant, and it will run for a hundred or two hundred years. When this city comes to have a million of inhabitants this will be a most valuable

franchise. No man can say what it will be worth. There is no special tax on it, and if they paid 9 per cent on the gross receipts when compared with the price of running a horse-road they could make and pay 25 per cent. dividend. I make that statement on my own knowledge of roads of this character.

I do not wish to interfere with the construction of roads of this sort in this city, because they are necessary, but when we grant a power like this to a half-dozen individuals who expect to make thousands and thousands of dollars out of it they should be made to pay something back to the people. This is all that my amendment proposes.

Let me say to the gentlemen here, they should remember when this city gets to have a million of population and this becomes a valuable franchise, the people will begin to ask how it was it should be given for so small a sum as 4 per cent.

There is no trouble to get a tally for what is paid out on one part of the road and what is paid out on another. They get it in New York City from Fifteenth street to the Battery, and a separate account is kept of every passenger who gets on or off of the cars.

Mr. ATKINSON, of Pennsylvania. How much of the gross receipts is paid by the Broadway Railroad Company into the treasury of New York City.

Mr. SPINOLA. Nearly a million of dollars, I believe.

Mr. ATKINSON, of Pennsylvania. How much on the gross receipts?

Mr. SPINOLA. They pay 5 per cent., and they pay also a gross sum of \$40,000 a year. Here this railroad is to be allowed to use the electric cable, which is a great saving over the horse-railroad. In my judgment we should not give away this valuable franchise without compelling these people to pay just compensation for it.

Mr. MILLS. Do I understand there is in the charter a right reserved to amend, alter, or repeal?

Mr. SPINOLA. Yes, sir; to amend, alter, and repeal.

Mr. HEARD. Mr. Speaker, I promise to detain the House but an instant in order to explain to the gentleman from New York, because I think that every member of the House who was a member of the last House will remember that when the bill, of which this is amendatory, was passed, this new principle of legislation was ingrafted upon it. I believe the Eckington charter was the very first granted in this city which contained a provision taxing the gross receipts of a road in consideration of the grant of the franchise. These people have built the best road in this District, and the commissioners say it is the best road in the world. As to what that tax should be, I would submit that the House agreed to fix it at 4 per cent., and the House, in doing that, thought it was not proper to fix by an irrevocable law any rate, whether 5 per cent. or 10 per cent., but to provide a fair per cent. on the earnings of the road now, and leave it in the power of Congress to alter it to suit its views as to what may appear right in the future, and upon that principle it was considered that 4 per cent. was the right tax now.

There is reserved to Congress, as the gentleman from Texas [Mr. MILLS] elicited by his inquiry, the right to amend or repeal this charter at any time, so that whenever it becomes apparent to Congress that this company can afford to pay more than 4 per cent. they can be made to do it. In my judgment, the better course would be, whenever the receipts of the company will bear it, to benefit the people who ride by reducing the rate of transportation. Whenever it becomes practicable the people who travel on the road should get the benefit of a lower rate instead of being taxed by a high rate in order that the company may pay money into the District treasury. That is the principle upon which this bill was originally constructed.

Mr. SPINOLA. Well, Mr. Speaker, there is nothing in that proposition. We have been all through that in New York, and when you come down to fixing the benefit for the people alone, then you have got to fix the fare at 4 cents and be on the safe side.

Mr. HEARD. But Congress reserves the right to regulate that hereafter by amending the act if necessary.

Mr. SPINOLA. Oh, I know, and we all know what that amounts to. Congress reserves the right, but it never exercises it. It has never been known to interfere with the charter rights of corporations authorized by Congress, by reducing their income—never. What you do in that direction must be done now, at once, in the act of incorporation. Now is the time to perfect the bill, to protect the interests of the people and see that what is fair and just shall be accorded to them. You will not do it at all if you do not do it now, nor will they ever have any relief if you depend on the generosity of corporations or look to the action of some future Congress to remedy the evil. It will never be wiped out if you do not do it now. This is a rapidly growing city, and this route and charter will be beyond value to the corporation inside of twenty-five years. Therefore I appeal to the House to protect the citizens against these corporations while we have a chance to do so.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from New York.

The question was taken; and there were on a division—ayes 34, noes 43.

So the amendment was rejected.

Mr. WASHINGTON. Mr. Speaker, I would like to offer an amendment to the bill.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Whereas the street-car service in the city of Washington is primitive, slow, and inefficient, many of the cars being old, unclean, and uncomfortable; and Whereas the condition of the streets between and on each side of the tracks, paved as they are with stone, presents a rough and dangerous obstacle to the passage of vehicles, and is a space for the collection of mud and refuse matter to such an extent as to be a nuisance alike offensive to the smell and sight and impassable for pedestrians without great discomfort; and

Whereas under the present system of horse power used for propelling the cars twice as much time is required as should be to make a trip between any two points in the city: Therefore,

*Be it resolved*, First, That the Committee on the District of Columbia be, and is hereby, required to report to this House, as soon as practicable, by bill or otherwise, such legislation as may be necessary to so amend the charters as to compel, within a reasonable time, the Washington and Georgetown Street Railway Company, with its Fourteenth street extension, and the Metropolitan Street Railroad Company to substitute some form of cable or electric motor, in place of the horses now used.

Second, To equip their respective lines with more modern and better cars; to supply a number of cars sufficient to avoid crowding passengers, and to furnish seats for those who pay fares, and in fact to render a service adequate and in proportion to the great value of the franchise and monopoly now enjoyed by the said railroad lines.

Third, To require said companies to readjust their tracks; to pave all the space between the rails and tracks and for two feet on each side of the tracks uniformly with and of the same material as that now used in paving said streets.

Fourth, To amend said charters so as to compel said street railroads to pay, in lieu of other taxes, 5 per cent. of the gross receipts of said lines into the treasury of the District of Columbia.

Fifth, That all street railroads in the District of Columbia be compelled to issue transfer tickets without extra charge and to transfer passengers to and with all other street-car lines at their respective points of crossing or junction.

The SPEAKER. The Chair does not think the amendment of the gentleman is in order.

The bill was ordered to a third reading; and being read the third time, was passed.

Mr. HEARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### GEORGETOWN AND TENNALLYTOWN RAILWAY COMPANY.

Mr. GROUT. I now call up the bill (S. 280) to amend an act to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia, which became a law August 10, A. D. 1888.

The bill was read, as follows:

*Be it enacted*, etc., That the act entitled "An act to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia" be, and the same hereby is, amended, by substituting, after the words "and along High street, in Georgetown, to the Tennallytown road," the words "and thence along and in said road" for the words "but wholly outside of the limits of said road and along the side of said road:" *Provided*, That the inner line of rails shall be at the minimum distance of 8 feet from the center of the improved roadway: *And provided further*, That said railway shall be located on such side of the roadway as may be indicated by the commissioners of the District of Columbia.

Mr. MCADOO. I would like to inquire of the gentleman in charge of the bill, or some gentleman on the committee, why it is that we can not procure any of these District bills? I have sent to the desk and am informed that there are none to be had. I would like to vote intelligently upon these questions.

Mr. GROUT. I will take great pleasure in handing the gentleman a bill.

Mr. ATKINSON, of Pennsylvania. I can accommodate gentlemen here who may not be supplied with them. I have several at my desk and they can be had at the document-room without difficulty, all of them.

Mr. GROUT. I yield to the gentleman from Pennsylvania [Mr. ATKINSON].

The SPEAKER. The question is on the third reading of the bill.

Mr. O'NEIL, of Massachusetts. Before the question is submitted, Mr. Speaker, I would like to ask one or two questions of the gentleman in charge of this bill. I desire to ask, first, if there is a provision in the act which regulates the rate of speed at which cars may be run over this line?

Mr. ATKINSON, of Pennsylvania. My recollection of the bill as it originally passed the House, and of which this is an amendment, is that the speed is limited within the corporate limits of Georgetown, and I believe a different rate of speed is fixed outside of the corporate limits; at all events, the rate is limited, as I understand it.

Mr. O'NEIL, of Massachusetts. Another question. The experience of other cities which have authorized electric roads or cable roads has shown the necessity of placing fenders on the fronts of the cars, and I would like to ask the gentleman in charge of the bill if there is such a provision in this act.

Mr. ATKINSON, of Pennsylvania. I do not understand the gentleman's question.

Mr. O'NEIL, of Massachusetts. My question is if there is a provision in the bill which requires the placing of what would be a cow-catcher on a steam-engine, and what are called fenders on cable or electric cars, the cars of this line.

Mr. ATKINSON, of Pennsylvania. In answer to the inquiry of the gentleman, I wish to say that the bill is guarded in this way, and, besides, the construction and equipment of the road is all subject to the control of the District commissioners.



I may say further in response to the inquiry of the gentleman that animals in the section through which the road runs are not suffered to run at large, and whether there is need for the placing of such a structure as the gentleman refers to on the cars or not I am unable to say. It is the custom, however, to leave practical matters of this character to the judgment of the commissioners of the District, who are capable men and able to regulate the construction and equipment of the road.

Mr. O'NEIL, of Massachusetts. I only wish to say in reply to the gentleman from Pennsylvania that there is no law which prevents two-legged animals from running at large. If, therefore, the cars are not limited to a certain rate of speed and they come on people suddenly, they may do them a serious injury by knocking them down. If there are no fenders on the cars they are almost sure to run over them; but if there are fenders the chances are that the fender may pick a person up who has been thrown to the ground by the car, and, while he may be seriously hurt, yet he would not be run over and killed, as would almost inevitably be the case otherwise.

Mr. ATKINSON, of Pennsylvania. I do not know that there is anything in the bill specifically requiring that to be done on this line, but if it ought to be done I am satisfied the District commissioners will insist upon it.

Mr. CANNON. The original charter gave to these parties the right to condemn private property on the right of way, I believe.

Mr. ATKINSON, of Pennsylvania. It did not give the right to condemn, but it provided, and the provision was adopted in the House, that the road should be constructed on private property, off the side of the main road along which this line is to pass. I believe the gentleman who offered the amendment had the impression that the owners of property along the line would be willing to donate it for the purpose indicated. But they refused to make any such donation, and the company had no power of condemnation in their charter, nor is there a general power of condemnation given under any law now in force in the District, and the result is that they were not able to construct their line after reaching the Tennallytown road.

Further, the cost of the front along this road would be so high as to render it almost impracticable for any street-railway company to buy it, even if they had the power of condemnation given them.

Mr. CANNON. Now, I want to ask the gentleman whether this railway company, in whole or part, by condemnation or otherwise, has gotten the right of way along the line of this road upon which it can construct this railway.

Mr. ATKINSON, of Pennsylvania. It has not a foot of right of way on the face of earth so far as I know, except only on High street, in Georgetown, which is a public street, upon which they have constructed a double-track road about a mile and a half in length. They are now engaged in the construction of the power-house, have made the contract for their cars, have purchased a part of the iron necessary to be laid along this Tennallytown road, and there is no obstruction or objection to the construction and completing of this road, except only that they have no place to put it on along the road without authority of Congress.

Mr. CANNON. I am not opposing the gentleman's bill, yet I have heard it alleged or rumored, I do not know where, that after the passage of the act, or before, this corporation obtained, in whole or in part, a right of way as the original bill provided that it should have, and that now, for the purpose of making that property valuable, instead of constructing their road upon the property which they own, they come here and ask us for this charter. I do not know whether that is true or not.

Mr. ATKINSON, of Pennsylvania. My friend from Illinois has been misinformed respecting that. They will not secure a single foot of ground from private parties.

Mr. CHEADLE. I would like to ask the gentleman from Pennsylvania a question.

Mr. ATKINSON, of Pennsylvania. Go on.

Mr. CHEADLE. How far into the country do they propose to extend their railroad?

Mr. ATKINSON, of Pennsylvania. The bill provides that it shall be extended to the District line, which I understand is a short distance beyond the village of Tennallytown.

Mr. CHEADLE. How long will the line be from the city of Georgetown?

Mr. ATKINSON, of Pennsylvania. About 3 miles long, I think, from the city of Georgetown.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ATKINSON, of Pennsylvania. I ask that the House bill upon the same subject be laid on the table.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

Mr. ATKINSON, of Pennsylvania, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GROUT. Mr. Speaker, I express for the Committee on the District of Columbia their obligation for the considerate attention

which the House has given their business this morning, and I will say that this completes the business that the committee has to offer.

#### POTTAWATOMIE INDIANS OF MICHIGAN AND INDIANA.

The SPEAKER. The Chair will lay before the House the bill (S. 308) to ascertain the amount due the Pottawatomie Indians of Michigan and Indiana. The Chair is informed that it is substantially the same as the House bill which has been favorably reported by the Committee on Indian Affairs, and that the committee desire to have it passed upon by the House. The Clerk will read the bill.

The bill was read, as follows:

A bill (S. 308) to ascertain the amount due the Pottawatomie Indians of Michigan and Indiana.

Whereas representatives of the Pottawatomie Indians of Michigan and Indiana, in behalf of all the Pottawatomie Indians of said States, make claim against the United States on account of various treaty provisions which, it is alleged, have not been complied with: Therefore,

Be it enacted, etc., That the Court of Claims is hereby authorized to take jurisdiction of and try all questions of difference arising out of treaty stipulations with the said Pottawatomie Indians of Michigan and Indiana, and to render judgment thereon; power is hereby granted the said court to review the entire question of difference *de novo*, and it shall not be estopped by the joint resolution of Congress approved 28th July, 1866, entitled "Joint resolution for the relief of certain Chippewa, Ottawa, and Pottawatomie Indians," nor by the receipt in full given by said Pottawatomies under the provisions of said resolution, nor shall said receipt be evidence of any fact except of payment of the amount of money mentioned in it; and the Attorney-General is hereby directed to appear in behalf of the Government, and if the said court shall decide against the United States the Attorney-General may, within thirty days from the rendition of the judgment, appeal the cause to the Supreme Court of the United States; and from any judgment that may be rendered the said Pottawatomie Indians may also appeal to said Supreme Court: *Provided*, That the appeal of said Pottawatomie Indians shall be taken within sixty days after the rendition of said judgment, and the said court shall give such cause precedence.

Sec. 2. That said action shall be commenced by a petition stating the facts on which said Pottawatomie Indians claim to recover, and the amount of their claims, and said petition may be verified by a member of any "Business Committee" or authorized attorney of said Indians as to the existence of such facts, and no other statements need be contained in said petition or verification.

The SPEAKER. The question is upon the third reading of the bill.

Mr. CARLISLE. Mr. Speaker, this may be a very important bill, but we can not tell from the mere reading of it what its ultimate effect may be. I observe that it is proposed to annul a receipt in full heretofore given to the Government by these Pottawatomie Indians. I think the House ought to have some information as to the amount of this claim and the reasons why the legal effect of this receipt in full is to be annulled in this instance.

Mr. PERKINS. Mr. Speaker, the gentleman from Kentucky is correct. The bill is somewhat important in its provisions. It is a bill, however, to which the Committees on Indian Affairs in both Houses of Congress have given considerable attention. They have considered this matter carefully, and the House committee had reported substantially the same bill before this bill received favorable consideration in the Senate. These Pottawatomie Indians have claimed year after year that under treaty obligations there was a large sum of money due to them. They pressed that claim upon the attention of Congress and upon the attention of the Department from year to year, and finally, at the time suggested in this bill, Congress passed a joint resolution providing that they should be paid \$39,000 in full satisfaction of their demands, and under the provisions of the joint resolution they were to receipt in full upon accepting this money for all the claims that they had against the Government. They accepted the money and gave the receipt.

There is no trouble in regard to that feature of this claim; but the Indians claim, and the evidence shows, that we did not pay them in full; that there was a large sum of money due them in excess of the amount appropriated. The auditing department and the officers of the Government who have investigated it have reported from time to time that in their judgment there is from \$130,000 to \$170,000 due these Indians in excess of the amount paid, to say nothing about interest upon that sum. Your committee upon investigation became satisfied that there was quite a considerable sum due these Indians, although it did not attempt to ascertain accurately the amount; that the amount appropriated did not in fact satisfy every demand; that it was unjust to compel them to accept it in full satisfaction of their claim, and the feeling of the committee seemed to be that the Government was strong enough and rich enough to do justice to these Indians; that it ought not to plead this appropriation and receipt as a defense or in bar of the money honestly due these Indians.

The bill is recommended by both committees of Congress, and it is the judgment of the officers of the Government that it should be paid. Senator TELLER, when Secretary of the Interior, recommended its payment and Secretary Vilas recommended it; so also did Commissioner Atkins and Commissioner Price during the time they were Commissioners of Indian Affairs; and the present Commissioner of Indian Affairs also recommends it.

Mr. CARLISLE. Does this bill propose to allow interest?

Mr. PERKINS. No, sir; it simply provides that they may go to the Court of Claims and have their claim investigated so that it may be ascertained under treaty obligations what is due them, and that the receipt and joint resolution are not to stand in bar of their claim. That is the effect of this bill.

Mr. McMILLIN. Will the gentleman permit me to ask him a question?

Mr. PERKINS. Certainly.

Mr. McMILLIN. When was the appropriation of \$39,000 made?

Mr. PERKINS. It was made by the joint resolution of July 28, 1866, and the Indians accepted the money appropriated, but did so under protest, because of their pressing necessities, and, as it is claimed, with the assurance of the agent who paid them the money that the Government would do what was fair and right with them, notwithstanding their receipt in full.

Mr. McMILLIN. Out of what does the indebtedness grow?

Mr. PERKINS. Out of treaties made with these Indians years and years ago.

Mr. McMILLIN. On what account is it due?

Mr. PERKINS. On account of lands purchased from them and treaty obligations entered into with them years ago, two or three different treaties. My friend from Indiana [Mr. SHIVELY], who is a member of the Committee on Indian Affairs, reported the House bill and is quite familiar with all the circumstances of the case, and I will yield the floor to him in a moment.

Mr. CUTCHEON. About what is the amount of this indebtedness?

Mr. PERKINS. In answer to the gentleman from Michigan I will state that the Department has estimated that there is from \$138,000 to \$170,000 due these Indians in excess of the amount that was appropriated.

Mr. SHIVELY. Mr. Speaker, I do not care to take the time of the House in discussing this measure further. The gentleman from Kansas [Mr. PERKINS] has stated the situation fully. This legislation was recommended by Mr. TELLER when he was Secretary of the Interior, and has been recommended by every Secretary of the Interior since that time and by all the Commissioners of the Indian Bureau. It proposes simply to allow these people to go into the Court of Claims and establish their rights, and it provides, as gentlemen observe, that either party may take an appeal to the Supreme Court. It further provides that no interest is to be paid upon any sum that may be found due. I think it is simply a measure of justice to these people and that no possible harm can result from its passage.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The House bill (H. R. 7255) was, by unanimous consent, laid on the table.

#### TAKING THE CENSUS IN ALASKA.

Mr. DUNNELL. Mr. Speaker, I am instructed by the Committee on the Eleventh Census to report back the Senate joint resolution in relation to taking the census in Alaska with the recommendation that it do pass; and I ask unanimous consent for its present consideration.

The SPEAKER. The joint resolution will be read, after which the Chair will ask for objection.

The joint resolution was read, as follows:

Joint resolution (S. R. 63) providing for taking the census in Alaska.

Resolved by the Senate and House of Representatives, etc., That the Superintendent of Census is hereby authorized to pay special agents in Alaska, in addition to their salaries, a per diem allowance to cover all expenses of subsistence and transportation, not to exceed \$7 per diem.

Mr. DUNNELL. This joint resolution was passed by the Senate unanimously, and it is desirable that it should be considered immediately.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. HOLMAN. I hope the report will be read.

Mr. DUNNELL. I will send to the desk a communication from the Superintendent of the Census to show the importance of the early passage of this joint resolution:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,  
Washington, February 14, 1890.

SIR: I have the honor to refer the following matter for your consideration: Under section 17 of the "act to provide for taking the eleventh and subsequent censuses" it is provided that "the Superintendent of Census shall collect and publish the statistics of the population, industries, and resources of the district of Alaska with such fullness as he may deem expedient and as he shall find practicable under the appropriations made, or to be made, for the expenses of the Eleventh Census."

Under this provision of the act, Mr. Ivan Petroff, who conducted a similar investigation in the Tenth Census, and who made the first really satisfactory report in relation to the resources and population of Alaska, has been appointed special agent to take charge of the work in connection with the Eleventh Census.

After carefully going over this entire matter with Mr. Petroff and Mr. Gannett (the geographer of the Eleventh Census), I have concluded to divide "the district of Alaska" into seven divisions, namely:

First, the Southeastern or Sitka division; second, the Kodiak division; third, the Oonahaska division; fourth, the Nushagak division; fifth, the Kuskovim division; sixth, the Yukon division; seventh, the Arctic division.

Each division should be placed in charge of a special agent, who should be a resident of the division, if such can be found with the necessary qualifications; the duties of each special agent to be the collection of such statistics as are desirable and obtainable, and the transmittal of the same to a shipping point nearest to his division, as may be agreed upon hereafter.

As in all other cases, I have requested of Mr. Petroff an estimate of the proba-

ble expense of this work. I have the honor, therefore, to inclose a copy of Mr. Petroff's reply to this request, and to ask that the subject-matter be referred to the honorable the Secretary of the Treasury for reference to the First Comptroller with the view of obtaining the opinion of the latter as to what latitude may be allowed Mr. Petroff relative to expenditures, so that there may be no misunderstanding hereafter with regard to the settlement of his accounts and that of the other special agents as they come in.

I should be glad if you would have this matter determined at as early a date as possible, as I do not desire to start Mr. Petroff on this investigation until the matter is thoroughly understood by yourself and the officials of the Treasury Department.

In view of the fact that so much interest is just now centering in the development of the resources of Alaska—it being not improbable that discoveries of gold may be made there, and the fact that the vast timber interests are attracting so much attention from Eastern capitalists—I think it likely that the maximum expenditure suggested by Mr. Petroff will not be too great when the importance of the undertaking is considered. I should be glad to receive your approval of my proposed action in the premises.

Very respectfully,

ROBERT P. PORTER,  
Superintendent of Census.

Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,  
Washington, February 12, 1890.

DEAR SIR: In obedience to your request and supplementary to the plan for census work in Alaska previously submitted, I have the honor to append hereby an estimate of cost:

For salary of 7 special agents, at \$5 per diem (123 days).....	\$1,305
Expenses of the same, not to exceed \$8 per diem.....	6,838
Chief special agent, salary one year.....	2,100
Chief special agent, expenses.....	1,000
Stenographer and type-writer, one year.....	900
Rent of office, one year.....	240
Total.....	15,523

To which it may be necessary to add one additional man in the southeastern division, \$1,500.

A reduction of the estimated expense may be made, if the office be located in Washington, of \$1,140; and if the chief special agent should find it practicable to attend to the Arctic division in person, of \$1,500.

In connection with the above estimate, I would call the attention of the Superintendent of Census to the fact that the expenses of special agents in Alaska can not be estimated upon the same basis as in the civilized countries. The expenditures will have to be made for the hire of boats and canoes, and the payment of native paddlers or oarsmen, for which it will be next to impossible to obtain vouchers. Some agreement should be had previously with the proper authorities of the Treasury Department to insure the allowance to such expenditures. My previous experience as special agent of the Tenth Census in the same field has taught me a rather severe lesson. For a period of seven years subsequent to my services in connection with this office I have been paying bills to the Alaska Commercial Company on accounts disallowed by the Treasury Department.

As far as my experience goes, the expense of hiring canoes does not in any part of Alaska exceed \$1 per day for the canoe and \$1 per day for men, from two to four men being required for the work. These canoe journeys will only continue for a few days at a time. Transportation by steamer in the southeastern and Kodiak division can be obtained at rates very little in excess of those prevailing in this country.

In the case of the special agent in charge of the Arctic division, for whom passes must be obtained on the revenue marine and naval vessels making the tour of the Arctic coast of Alaska, the expenses will consist of but little beyond his proportional share of the mess bill on board of such vessels, as boats will probably be placed at his disposal.

In submitting the above I feel confident that the actual expenditures will be within the estimated total.

Very respectfully,

IVAN PETROFF,  
Special Agent in Charge of Alaska Division.

Hon. ROBERT P. PORTER,  
Superintendent of Census.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,  
Washington, February 18, 1890.

SIR: I have the honor to inclose herewith copy of supplemental letter from Ivan Petroff, special agent in charge of statistics of Alaska, in regard to the matter which came up in our interview the other day. Will you please cause this letter to be transmitted to the Treasury Department, so that it may be with the other papers in the case?

If this could be done to-day it would be a great convenience, as I should like to have the letter before the Comptroller at the time he makes his decision.

Very respectfully,

ROBERT P. PORTER,  
Superintendent of Census.

Hon. JOHN M. NOBLE,  
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,  
Washington, February 15, 1890.

DEAR SIR: With reference to a plan of operation in taking the census of Alaska and the estimated cost thereof, I have the honor to state that since submitting the same I have given the subject of enumeration of expenses of special agents in Alaska districts additional consideration. I have inquired into many cases which had arisen from difficulties in settling expense accounts pertaining to the taking of the Tenth Census in Alaska, and as progress is made the conviction grows upon me that under the usual system of adjusting accounts of this nature we shall meet with almost insuperable difficulties in the taking of the Alaska census.

If there be a possibility of obtaining a special ruling on the part of the First Comptroller of the Treasury to cover this particular case, I should like to have the opportunity to present an argument on the matter to that official, and to endeavor to convince him of the necessity for special action in this case.

I will here only mention a few difficulties encountered in the settlement of accounts during the last census. It was my personal experience to meet with shipwreck and loss of supplies, which had to be replaced at prices higher than those originally paid, and this in places where there was no possibility of making the proper affidavit. I was compelled to purchase native canoes where I could not hire them, and having no written authority for such action the accounts were disallowed.

In traveling about in the interior of the country or along the coast, tents were blown away or torn to pieces and had to be replaced. Provisions had to be ob-



tained in many instances by barter, and purchases of supplies to cover such cases had to be made at trading posts.

In one instance the pay of an interpreter, Ivan Ladygin, was advanced by a Mr. J. W. Clarke, agent of the Alaska Commercial Company, at Nushagak, and in presenting this particular account I made the request that the draft be made payable to Mr. Clarke directly. This request was disregarded, and a check forwarded to Ivan Ladygin after a delay of nearly a year. The check found the man at a point 500 miles from Nushagak in the interior. It was then indorsed by him, but being just 500 miles from the nearest ink bottle, it had to be done in pencil. Upon being presented at the subtreasury in New York, more than two years after the original transaction, this check was refused payment on the ground that it was not indorsed in ink, and the much traveled scrap of paper was sent upon another journey. In this case the final payment of a paltry sum of \$25 was not made until three years had elapsed.

I could recount numberless other instances of the kind, but they would increase the bulk of this already long communication indefinitely. I will only briefly mention the case of Alexander Miletich, my assistant in Southeastern Alaska during the Tenth Census. In this instance the man died long before any decision was arrived at in the disposal of his vouchers, which had first reached this office without signature.

To a certain extent the difficulties alluded to will be lessened during the present census by the division of the field among a number of special agents, who will have to devote themselves to a comparatively circumscribed section of the country; but one of the difficulties remaining consists in the fact that, being residents of their respective sections of Alaska, communications with them can be had only at rare intervals; in some instances, only twice a year, as regular monthly mail service extends only to a part of one of the divisions, the southeastern.

It seems obvious that the settlement of accounts of these agents would very probably extend over a more prolonged period, and any explanation required by the Treasury authorities as to items of expenditure would of necessity have to be obtained from Alaska. Equally obvious would seem the hardships imposed upon such agents, employed only for a brief period of four months, by such a mode of procedure. It should not be forgotten that a special ruling would have to be obtained in these cases also, on account of the inability of the special agents referred to to make the necessary jurat to their expense accounts. Officials empowered to administer oaths are located only in two of the districts of Alaska, and these could not be reached by the special agents of the other divisions.

As it is of the utmost importance, in order to secure satisfactory results of the present investigation, as well as for reasons of economy, that the special agents should be men residing in and familiar with the country, I would most earnestly urge the necessity of a strong effort to secure the consent of the First Comptroller of the Treasury to a fixed per diem allowance for expenses of the special agents in Alaska; and, as mentioned above, I would be glad to have an opportunity to argue the matter personally in the proper quarter.

I can only trust that I have expressed myself strongly enough upon the subject, upon which a bitter experience has caused me to feel strongly.

Should favorable action be had upon this suggestion, I should recommend that, in order to cover all contingencies, the expense of allowance be placed at the limit mentioned in the estimate previously submitted.

Very respectfully,

IVAN PETROFF,  
Special Agent in charge Alaska Division.

HON. ROBERT P. PORTER,  
Superintendent of Census.

DEPARTMENT OF THE INTERIOR, Washington, February 25, 1890.  
SIR: I transmit herewith for your information copy of a decision of the First Comptroller of the Treasury, dated the 21st instant, relative to certain allowances and per diem expenses to special agents of census statistics for Alaska, said decision having been rendered in compliance with requests from this Department dated the 14th and 18th instant, respectively.

Very respectfully,

JOHN W. NOBLE, Secretary.

The SUPERINTENDENT OF CENSUS.

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,  
Washington, D. C., February 21, 1890.

SIR: I have the honor to acknowledge your reference to this office, for my consideration and report thereon, of the letter addressed to you on the 14th instant by the Secretary of the Interior, transmitting a copy of a letter addressed to him by the Superintendent of Census, accompanied by an estimate submitted by Special Agent Ivan Petroff, in regard to the expense necessary to obtain such statistics from Alaska as are desirable and obtainable, to be transmitted to the Superintendent of Census to be incorporated in the next census; which matter the honorable Secretary of the Interior requests may be referred to the First Comptroller for his opinion as to what latitude may be allowed Mr. Petroff relative to expenditures necessary and proper in connection with the contemplated work in Alaska.

I have also received, by reference, the letter addressed to you on the 18th instant by the Secretary of the Interior, inclosing a copy of letter from the Superintendent of Census, bearing the same date, accompanied by a copy of a supplemental letter from Special Agent Ivan Petroff, relating to the same matter.

These communications sufficiently explain the difficulties which will probably be encountered by the special agents, operating in the remote regions of Alaska, in obtaining proper vouchers for their expenditures, made up in accordance with the regulations of the Department of the Interior and the rulings of the accounting officers. These difficulties are duly appreciated by me, and as far as may be consistent with the law I shall be pleased to make due allowance therefor in such cases as may be specially approved and authorized by the Secretary of the Interior. Section 17 of the act of March 1, 1889, "to provide for taking the eleventh and subsequent censuses" (25 Stat., 765), provides that "The Superintendent of Census shall collect and publish the statistics of the population, industries, and resources of the district of Alaska with such fullness as he may deem expedient and as he shall find practicable under the appropriations made, or to be made, for the expense of the Eleventh Census."

Section 18 of said act (25 Stat., 765) provides that the "Superintendent may employ experts and special agents to investigate and ascertain the statistics of the manufacturing, railroad, fishing, mining, cattle, and other industries of the country, and of telegraphing, express, transportation, and insurance companies as he may designate and require," and that such experts and special agents "shall receive compensation at rates to be fixed by the Superintendent of Census, with the approval of the Secretary of the Interior: *Provided*, That the same shall in no case exceed \$5 per day and actual necessary traveling expenses."

With respect to the compensation of the special agents to be assigned to the work in Alaska, there can be no room for doubt, provided such compensation is fixed by the Superintendent of Census, approved by the Secretary of the Interior, and does not exceed the limit prescribed in the act.

In the estimate submitted by Special Agent Ivan Petroff seven special agents are named at compensation of \$5 per day, and one chief special agent, at salary for one year, \$2,190. The compensation named for the chief special agent

is at the rate of \$5 per day, but it should be so specifically stated in accordance with the terms of the statute, and not by the year, should that rate of compensation for the chief special agent be fixed by the Superintendent of Census and approved by the Secretary of the Interior.

It will be observed that the proviso to section 18 of the act above referred to, respecting the compensation of experts and special agents, is: "That the same shall in no case exceed \$5 per day and actual necessary traveling expenses."

The act of June 16, 1874, (18 Statutes, 72), also contains the following provision: "Provided, That only actual traveling expenses shall be allowed to any person holding employment or appointment under the United States, and all allowances for mileage and transportation in excess of the amount actually paid are hereby declared illegal; and no credit shall be allowed to any of the disbursing officers of the United States for payment or allowances in violation of this provision."

The modifications in the law above referred to made by subsequent legislation have no relation to the special agents of the Census Office.

Therefore, under existing law, I should have no authority to consent to "a fixed per diem allowance for expenses of the special agents in Alaska," as suggested by Special Agent Petroff. Such authority can only be granted by Congress.

In this connection I would respectfully suggest that much difficulty in the settlement of traveling-expense accounts of the Census Office might be obviated and perhaps greater economy insured should the Secretary of the Interior or the Superintendent of Census procure the passage of a joint resolution by Congress authorizing the allowance of a per diem in lieu of subsistence, not to exceed a reasonable limit to be fixed in the resolution, for such experts, special agents, officers, and employees of the Census Office as may be lawfully authorized to incur traveling expenses, the amount of per diem to be allowed in lieu of subsistence to be fixed by the Superintendent of Census and approved by the Secretary of the Interior.

The actual cost of subsistence is limited to \$5 per day, under the circular of the Secretary of the Interior of May 15, 1889, governing traveling expenses, and it is presumed that there will be no occasion or necessity to exceed this amount in Alaska, since the cost of hiring canoes and other items of travel referred to in the communication of Mr. Petroff are not included in the actual cost of subsistence.

Respecting the inability of the special agents to make the necessary jurat to their expense accounts, by reason of being located at a great distance from any official empowered to administer oaths, to which Mr. Petroff adverts, I have to say that the requirement that expense accounts shall be sworn to is contained in the regulations of the Department of the Interior of May 15, 1889, above referred to. Should cases occur where it would be impossible for a special agent in Alaska to make oath to his expense account, for the reason alluded to by Mr. Petroff, I should be inclined to allow such account, if otherwise correct, upon the certificate of the special agent that the account is just and correct and expense charged has been actually and necessarily incurred, provided the account be specially approved by the Secretary of the Interior showing that *pro tanto* the provisions of the circular are waived.

The letters of the Secretary of the Interior, with the accompanying inclosures, are herewith returned.

I am, very respectfully,

A. C. MATTHEWS, Comptroller.

HON. SECRETARY OF THE TREASURY.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota [Mr. DUNNELL] for the present consideration of this joint resolution?

Mr. HOLMAN. I hope the gentleman will at least make a statement of the purpose of the joint resolution.

Mr. DUNNELL. I will make this statement, Mr. Speaker: It is very difficult for the agents in Alaska to get the vouchers necessary to adjust the accounts properly in the Treasury Department. A great deal of money has to be paid out for canoes and boatmen and in various unusual ways, and the vast extent of the Territory combines with other causes to render it difficult to get regular vouchers. It has been recommended, therefore, by the Comptroller of the Treasury, that instead of requiring the agents there to render accounts in the ordinary form they be allowed a definite amount per day, \$8. The Senate, however, determined to fix the amount at \$7 per day. By adopting this plan the accounts can be easily adjusted.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. HOLMAN. How many agents are to be employed?

Mr. DUNNELL. The entire estimate for taking the census in Alaska is fifteen thousand and some odd dollars, no more than it cost ten years ago, and the Comptroller is satisfied that it is in the line of economy to allow this per diem rather than to require ordinary accounts.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DUNNELL moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAGUE ISLAND NAVY-YARD.

Mr. BOUTELLE. Mr. Speaker, I am instructed by the Committee on Naval Affairs to report back the resolution which I send to the desk, and ask that it be adopted.

The resolution was read, as follows:

*Resolved*, That the Secretary of the Navy be requested to communicate to the House of Representatives, if, in his opinion, it is not incompatible with the public interest, the report of the board of naval officers, or commission, appointed by order of the Secretary of the Navy under date of July 25, 1889, and filed with the Department October 10, 1889, in relation to League Island navy-yard, Philadelphia, Pa., as to its availability and adaptation for a naval station and ship-building yard.

The resolution was adopted.

WATER SUPPLY FOR WASHINGTON, D. C.

Mr. CLEMENTS. Mr. Speaker, I desire to present a privileged report from the Committee on Appropriations.

The report was read, as follows:

"Whereas there has been appropriated the sum of \$2,575,270.30 for increasing

the water supply of the city of Washington, as proposed by the act of July 15, 1882, and nearly all of said sum was expended in said work without accomplishing the object desired; and

"Whereas the joint select committee of the two Houses, appointed under a concurrent resolution of the 8th of October, 1888, to investigate the work performed upon the Washington Aqueduct tunnel, and for other purposes, in their report, February 26, 1889, state that "it appears from the report of the experts and from the testimony taken to be beyond all question that substantially the whole and every part of the lining of the tunnel is absolutely and enormously defective, and that it is scarcely too much to say that there is hardly any continuous length of 10 feet in the whole lining where the backing, particularly over the arch of the lining, is not either absolutely wanting or only partly filled in, or, when fully filled in, so badly constructed as to make the whole backing of the lining entirely worthless;" and

"Whereas it further appears from said report and from the testimony taken by the said joint committee that gross frauds were perpetrated against the Government in the prosecution of said work; Therefore,

"Be it resolved, That the Secretary of War be, and he is hereby, requested to inform this House whether the contractors for the work of lining said tunnel are not liable individually and on their bond for loss to the Government incident to the defective work done thereon; if so, whether any legal proceedings have been or will be instituted against them for such recovery; also, whether they or their subcontractors, or others connected with said work, are not liable to criminal prosecution; and, if so, whether any steps looking towards such prosecution have been or will be taken against them."

The Committee on Appropriations, to whom was referred the resolution calling upon the Secretary of War for certain information touching the construction of the Washington Aqueduct tunnel, having considered the same, report it back herewith, and recommend its adoption.

The resolution was adopted.

#### WITHDRAWAL OF A BILL.

Mr. COMPTON. I ask unanimous consent to withdraw from the files of the Committee on Claims and of the House the bill (H. R. 4037) for the relief of William H. Hayden.

There being no objection, the bill was withdrawn.

#### ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at ten minutes before 2 o'clock. The call rests with the Committee on Commerce.

#### BRIDGE ACROSS MISSOURI RIVER AT PIERRE, S. DAK.

Mr. BAKER. I am directed by the Committee on Commerce to call up a number of bills. The first on the list is the bill (H. R. 4130) to authorize the construction of a bridge across the Missouri River at the city of Pierre, S. Dak.

The Clerk proceeded to read the bill, as follows:

*Be it enacted, etc.,* That the Pierre Ponton Bridge Company, a corporation duly organized and existing under the laws of the State of South Dakota, its successors or assigns, be, and are hereby, authorized to construct and maintain a bridge, and approaches thereto, across the Missouri River between the city of Pierre, in the State of South Dakota, and Stanley County, in the State of South Dakota. Said bridge shall be constructed to provide for the passage of railway trains, wagons, and vehicles of all kinds, steam and street cars, animals, foot-passengers, and for all road travel, for such reasonable rates of toll and under such reasonable rules and regulations as may be prescribed by said corporation, its successors, or assigns.

Sec. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to the said bridge, and it shall enjoy the rights and privileges of other post-roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph companies, and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

Sec. 3. That said bridge shall be constructed as a ponton draw-span bridge, and shall contain a ponton draw-span of not less than 300 feet in length, which draw-span shall be maintained over the main channel of the river at an accessible and navigable point, and the piers of said bridge shall be parallel with and the bridge itself at right angles to the current of the river: *Provided*, That said draw shall be opened promptly by said company or corporation upon reasonable signal for the passage of boats and rafts, and said company or corporation shall maintain, at his own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe. No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions shall be removed at the expense of the owner or owners of said bridge; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the district court of the United States of the State of South Dakota in which any portion of said obstruction or bridge may be located: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of the law now existing in reference to the protection of the navigation of rivers or to exempt this bridge from the operations of the same: *Provided*, That said company may construct a wagon and foot bridge alone; and in case of the construction of a wagon and foot bridge alone, the draws shall be of the same length herein provided, and shall be of such construction as shall be approved by the Secretary of War, and shall be subject to all the provisions herein contained in respect to being promptly opened to admit of the unobstructed navigation of said river, and of keeping the same lighted as herein provided in relation to the use for railroad purposes shall not apply.

Sec. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railroad trains or cars over the same, and over the approaches to the same, upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use, shall fail to agree upon the sum or sums to be paid, and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

Sec. 5. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War,

for his approval and examination, a design and drawings of the bridge, and a map of the location, giving, for the space of one-half mile above and one-half mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built, and should any change be made in the plans of said bridge during the progress of its construction, such changes shall be subject to the approval of the Secretary of War.

Sec. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof.

Mr. BAKER (before the reading of the bill was concluded). Mr. Speaker, I desire to ask unanimous consent that the reading of these bridge bills at length be dispensed with. They all contain the usual provisions, reserving to Congress the right to alter, amend, or repeal; and they conform to the recommendations of the War Department. Unless some gentleman desires to have this bill read through it is an unnecessary waste of time.

The SPEAKER. Is there unanimous consent that the reading of this bill be dispensed with? The Chair hears no objection.

The following amendment reported by the committee was read:

After the word "thereof" at the end of section 6 add the following:

"*Provided*, That Congress reserves the right to alter, amend, or repeal this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BAKER. I shall, when we get through our business, submit a general motion to reconsider and to lay that motion on the table. I now call up the bill which I send to the desk.

#### BRIDGE ACROSS TRAIL CREEK, INDIANA.

The Clerk read as follows:

A bill (H. R. 5667) to amend an act to authorize the construction of a bridge across Trail Creek, in the city of Michigan City, Ind.

*Be it enacted, etc.,* That an act to authorize the construction of a bridge across Trail Creek, in the city of Michigan City, Ind., approved June 23, 1888, be hereby amended by substituting for section 2 of the aforesaid act the following:

"Sec. 2. That if the construction of the bridge hereby authorized shall not be commenced within two years from the time this act takes effect and be completed within four years after its commencement, then this act shall be void and all rights hereby conferred shall cease and determine."

Sec. 2. That all acts or parts of acts inconsistent herewith are hereby repealed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

#### PORTS OF DELIVERY IN MICHIGAN.

Mr. BAKER. I next call up the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 3672) to amend section 2599 of the Revised Statutes of the United States, designating ports of delivery in the district of Michigan.

*Be it enacted, etc.,* That subsection first of section 2599 of the Revised Statutes of the United States be so amended as to read as follows:

"First. The district of Michigan, to comprise all the waters and shores of the State of Michigan lying west of the principal meridian and south of the latitudinal line dividing township 13 from township numbered 44 north of the baseline of the State, except the territory bordering on Green Bay and including the island of Bois Blanc, in which Grand Haven shall be the port of entry, and Duncan City, Manistee, and Ludington ports of delivery."

The amendment reported by the committee was read, as follows:

In lines 12 and 13 strike out the words "Duncan City" and insert "Cheboygan."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

#### RAILROAD BRIDGE AT FORT SMITH, ARK.

Mr. BAKER. I call up the bill (S. 1905) to amend an act entitled "An act to authorize the building of a railroad bridge at Fort Smith, in the State of Arkansas," approved July 19, 1888.

The bill was read, as follows:

*Be it enacted, etc.,* That an act entitled "An act to authorize the building of a railroad bridge at Fort Smith, in the State of Arkansas," approved July 19, 1888, be, and the same is hereby, revived and declared to be in full force and effect from and after the passage of this act. And section 7 of said act, which provides that said act shall be null and void if actual construction of the bridge therein authorized be not commenced within one year and completed within three years from the date thereof, shall be, and the same is hereby, so amended that the time within which said bridge is required to be commenced shall be one year from the passage of this act and the time within which it is required to be completed shall be three years from the date of the passage of this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ROGERS addressed the Chair.

The SPEAKER. For what purpose does the gentleman rise?

Mr. ROGERS. I rose for the purpose of moving that the vote on the passage of this bill be reconsidered, and that the motion to reconsider be laid on the table.

The SPEAKER. The gentleman from New York [Mr. BAKER] has announced that he proposes to make one motion of that kind covering all these bills.

Mr. BAKER. I will submit that motion when we get through.

Mr. ROGERS. Very well.



## RAILROAD AND WAGON BRIDGE, SOUTH ST. PAUL, MINN.

The SPEAKER. The Clerk will read the next bill.

The Clerk read as follows:

A bill (H. R. 505) for the construction of a railroad and wagon bridge across the Mississippi River at South St. Paul, Minn.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the South St. Paul Belt Railroad Company, its successors and assigns, be, and they are hereby, authorized to construct and maintain, at a point suitable to the interest of navigation, a railroad bridge or a combined railroad, wagon, and foot-passenger bridge across the Mississippi River, from a suitable point on its west bank, at or near the city of South St. Paul, in the State of Minnesota, and within the limits of section 35, township 23, range 22 west, to a corresponding point on its west bank, and to lay on or over said bridge a railroad track or tracks for the more perfect connection of any railroad or railroads that are or shall be constructed to said river, on either or both sides thereof, at or opposite said places, under the limitations and conditions hereinafter provided; that said bridge shall not interfere with the free navigation of said river beyond what is necessary in order to carry into effect the rights and privileges hereby granted, and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river or damage resulting from the same, the cause may be tried before the circuit court of the United States in and for any district in which any portion of said bridge or obstruction touches; said bridge may, at the option of the company building the same, be constructed to provide for the passage of railroad trains alone or for the passage of railroad trains and for the safe passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers, all for such reasonable rates of toll as may be fixed from time to time by the Secretary of War.

Sec. 2. That any bridge built under the provisions of this act shall be constructed as a pivot draw-bridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans giving a clear width of water way of not less than 200 feet on each side of the central or pivot pier of the draw, and the span or spans adjoining the draw shall give such clear width of water way as in the opinion of the Secretary of War is required by the interests of navigation; and said spans shall give a clear head-room of not less than ten feet above extreme high-water mark; and the piers of said bridge shall be parallel with the current of the river where said bridge shall be erected; *And provided also,* That said draw shall be operated by steam or other reliable mechanical power, and shall be opened promptly upon reasonable signal for the passage of boats, except when trains are passing over the draw; but in no case shall unnecessary delay occur in opening the said draw during or after the passage of trains.

Sec. 3. That any bridge constructed under this act and according to its limitations shall be a lawful structure and shall be known as a post-route, and the same is hereby declared to be a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or for passengers or freight passing over said bridge, than the rate per mile paid for their transportation over the railroads and public highways leading to said bridge; and the United States shall have the right of way for postal-telegraph purposes across said bridge.

Sec. 4. That all railway companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the fixtures and machinery thereof, and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in case they shall not agree.

Sec. 5. That the structure herein authorized shall be built and located under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War for examination and approval a design and drawing of the bridge and a map of the location, giving, for the space of 1 mile above and 1 mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as shall be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are decided by the Secretary of War to be such as will not materially affect the interests of navigation the bridge shall not be commenced or built. And should any change be made in the plan of said bridge during the progress of construction such changes shall be subject to the approval of the Secretary of War; and the said bridge shall be constructed with such aids to the passage of said bridge in the form of booms, dikes, piers, or other suitable and proper structures for confining the flow of water to a permanent channel for a distance of not less than 1 mile above the bridge and for a proper distance below, and for the guiding of rafts, steam-boats, and other water-crafts safely through the draw and raft spans as the Secretary of War shall prescribe and order to be constructed and maintained at the expense of the company owning said bridge; and the said structure shall be at all times so kept and managed as to offer reasonable and proper means for the passage of vessels through or under said structure; and for the safety of vessels passing at night there shall be displayed on said bridge, from the hours of sunset to sunrise, such lights as may be prescribed by the Secretary of War; and a record shall be kept, and posted where it will be plainly visible to boats passing the draw, showing each day the stage of water and whether the river is rising or falling; and the said structure shall be changed or removed at the cost and expense of the owners thereof from time to time, as Congress may direct, so as to preserve the free and convenient navigation of said river; and the authority to erect and continue said bridge shall be subject to revocation and modification by law when the public good shall, in the judgment of Congress, so require, without any expense or charge to the United States.

Sec. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. BAKER (after the Clerk had begun the reading of the bill). I ask unanimous consent that the reading of this bill be dispensed with.

Mr. HOLMAN. I think it had better be read.

Mr. BAKER. The bill is in the usual form.

Mr. HOLMAN. We had better conform to the usual practice.

The Clerk resumed and concluded the reading of the bill.

The amendments reported by the committee were read, as follows:

In line 10 of section 1, strike out "range" and insert "range."

At the end of the bill add the following as a new section:

"Sec. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the approval of this act."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

## COLUMBUS, OHIO, A PORT OF DELIVERY.

The SPEAKER. The next bill in order will be read.

The Clerk read as follows:

A bill (H. R. 5682) to amend an act entitled "An act to constitute Columbus, Ohio, a port of delivery, and to extend the provisions of the act of June 10, 1880, entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' to said port of Columbus, Ohio," approved February 9, 1889.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That an act entitled "An act to amend an act entitled 'An act to constitute Columbus, Ohio, a port of delivery, and to extend the provisions of the act of June 10, 1880, entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' to said port of Columbus,' approved February 9, 1889, be, and hereby is, amended to read as follows, namely: "That Columbus, in the State of Ohio, be, and is hereby, constituted a port of delivery, and that the privileges of the seventh section of the act approved June 10, 1880, entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' be, and the same are hereby, extended to said port, and that there shall be appointed at said port a surveyor with a compensation at \$1,000 per annum and the usual fees and commissions."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the time, and passed.

## BRIDGE OVER COLUMBIA RIVER BETWEEN OREGON AND WASHINGTON.

The SPEAKER. The next bill in order will be read.

The Clerk read as follows:

A bill (H. R. 7617) to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-road.

Whereas the act of Congress approved July 16, 1888 (25 Statutes at Large, page 296), has become null and void by failure of the Columbia Bridge Company, the corporation in said act named, or its assigns, to commence the construction of the bridge in said act authorized within one year from date of said act: Therefore

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Oregon and Washington Bridge Company, a corporation organized and existing under the laws of the State of Oregon, its successors and assigns, be, and is hereby, authorized to construct and maintain, if in the opinion of the Secretary of War the same be a public necessity, a bridge across the Columbia River, at a place suitable to the interests of navigation, at a point at or near La Camas, in the State of Washington, and to lay on or over said bridge a track or tracks for the more perfect connection of any railroad or railroads that are or shall be constructed to said river, on either or both sides thereof, at or opposite said point, under the limitations and conditions hereinafter provided; that said bridge shall not interfere with the free navigation of said river, and in case of any litigation arising from any obstruction, or alleged obstruction, to the free navigation of said river, the cause may be tried before the circuit court of the United States in and for any district in whose jurisdiction any portion of said obstruction or bridge touches. Said bridge shall be constructed to provide for the passage of railroad trains, and, at the option of the said company or corporation, its successors and assigns, for the safe and convenient passage of wagons and vehicles of all kinds, animals, and foot-passengers, for such reasonable rates of tolls as may be fixed from time to time by the Secretary of War.

Sec. 2. That said bridge shall be provided with two or more draw-openings, each having not less than 200 feet clear channel-way; and in addition to said draw-openings one or more fixed channel-spans, each having not less than 50 feet clear channel-way; and every part of the superstructure of said bridge shall give a clear head-room of not less than 10 feet above extreme high-water mark; *Provided,* That all spans shall be so located as to afford the greatest possible accommodation to the river traffic, and a draw-opening shall, if practicable, be located next or near shore; *Provided also,* That, if the physical characteristics of the locality so require and the interests of navigation be not injured thereby, the lengths of the fixed spans or the number of draw-openings may be reduced; *Provided also,* That, for any two adjacent draw-openings of 200 feet each, one draw-opening of 300 feet may be substituted if the interests of navigation be not injured thereby.

Sec. 3. That all draw-spans authorized by this act shall be operated by steam or other reliable mechanical power, and shall be opened promptly upon reasonable signal for the passage of boats, except when trains are passing over said span or spans; but in no case shall unnecessary delay occur in opening said draw after the passage of trains; and also, that in case the opening of a draw is delayed by reason of the passing of a train after the signal has been given from a boat ready to pass through, the draw shall be opened for the passage of such boat before another train is allowed to pass over the said span or spans; nor shall there be any unnecessary delay in the passage of trains over the bridge.

Sec. 4. That all piers shall be built parallel with the current of the river at that stage of water which is most important for navigation, and the bridge itself shall be built as nearly as may be at right angles thereto; and that riprapping or other protection for imperfect foundations which will lessen the required water-way shall not be permitted; and also that piers which will produce cross-currents or bars dangerous to navigation shall not be constructed; and if after construction any piers or accessory works are found to produce the above-mentioned effects, or if any riprapping or other protection prohibited by this section is found to exist, the nuisance shall be abated or corrected under the direction of the Secretary of War at the expense of the company or persons owning, controlling, or operating said bridge.

Sec. 5. That the approaches to said bridge shall be so designed and constructed as not to interfere with the free discharge of said river in seasons of flood; and any encroachment on the high-water cross-section by piers, solid embankments, or otherwise which will result in unduly accelerating the high-water current at the site of the bridge shall not be allowed.

Sec. 6. That any corporation, company, or persons owning, controlling, or operating the bridge built under the authority of this act shall build and maintain at all times, as accessory works to such bridge, such booms, piers, dikes, guard fences, and similar devices as may be necessary to insure at all times a permanent channel for a sufficient distance above and below the bridge site, and for the guiding of rafts, steamboats, and other water craft safely under or through said bridge; and if at any time after the construction of the bridge and its accessory works the approaches to draw-openings, channel spans, or raft passages in said bridge are found to be dangerous or difficult of access by any important class of river traffic, the Secretary of War may, upon the recommendation of the Chief of Engineers, United States Army, order the corporation, company, or persons owning, controlling, or operating said bridge to construct under his directions, and to maintain such additional sheer booms, dikes, and other devices as will obviate the difficulty mentioned, which additional sheer booms, dikes, and other devices shall be built and maintained at their own expense by said company or persons; and that said company or persons

shall maintain at their own expense, from sunset to sunrise throughout the season of navigation, such lights and other signals on said bridge as may be required by the Light-House Board for the security of navigation.

SEC. 7. That the bridge authorized to be constructed by this act shall be located and built under and subject to such regulations for the security of navigation on said river as the Secretary of War shall prescribe; and to secure that object said corporation shall submit for his examination a design and drawings of the bridge, piers, approaches, and accessory works, and a map of the location, giving, for a space of at least 3 miles above and 1 mile below the proposed location the topography of the banks of the river and the shore-lines at high and low water. This map shall be accompanied by others drawn on the scale of 1 inch to 200 feet, giving for a space of one-half a mile above the line of the proposed bridge and one-quarter of a mile below an accurate representation of the bottom of the river by contour lines 2 feet apart, determined by accurate soundings, and also showing over the whole width of this part of the river the force and directions of the currents at low water, at high water, and at least one intermediate stage by triangulated observations on suitable floats. The map shall also show the location of other bridges in the vicinity, and shall give such information as the Secretary of War may require for a full and satisfactory understanding of the subject, and the construction of the proposed bridge shall not be commenced until the location and plans thereof are approved by the Secretary of War.

SEC. 8. That any bridge constructed under the authority of this act shall be built under the general supervision of the Secretary of War, and no changes or alterations in plans shall be made during construction of said bridge or after its completion, unless said changes or alterations conform to the provisions of this act and are authorized by the Secretary of War. That such alterations and changes as may be required by the Secretary of War or Congress in said bridge so as to preserve free and convenient navigation shall be made, under the direction of the Secretary of War, at their own expense, by the company or persons owning, controlling, or operating said bridge. That during original construction or in carrying out any authorized changes or repairs of said bridge a navigable channel shall be preserved at the site of the bridge at all times, and the water way of the river shall not be obstructed to a greater extent than is absolutely necessary, and such lights and buoys shall be kept on all coffer-dams, piles, etc., as may be necessary for the security of navigation.

SEC. 9. That whenever the Secretary of War has good reason to believe that any of the provisions of sections 4, 6, and 8 of this act have not been complied with by the company or persons owning, controlling, or operating the bridge authorized under its provisions, it shall be the duty of the Secretary of War, on satisfactory proof thereof, to require the said company or persons to comply with the provisions of said sections, and on failure of said persons or company to comply with said requirements within a reasonable time the Secretary of War shall proceed to cause the necessary work, in the form of additions, alterations, repairs, or removals of obstructions, to be made at the expense of the United States, and shall refer the matter, without delay, to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in the circuit court of the United States, or any State in which any portion of said obstruction or bridge touches, for the recovery of the cost thereof, and all moneys accruing from such proceedings shall be covered into the Treasury of the United States: *Provided*, That in the construction of additional accessory works not contemplated by the approved plan of bridge and accessory works no greater sum than \$15,000 shall be required to be expended upon said bridge in a single year: *And provided further*, That such sum of money as may be necessary to execute the provisions of this section is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be paid on requisition of the Secretary of War.

SEC. 10. That all railroad companies desiring the use of the bridge authorized by this act shall have, and be entitled to, equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

SEC. 11. That the bridge constructed, maintained, and operated under this act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for transportation of said mails, troops, and munitions over the railroads and public highways leading to said bridge; and the United States shall have the right of way for postal-telegraph and telephone purposes over said bridge.

SEC. 12. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the date of passage or approval thereof.

SEC. 13. That all former acts or parts of acts granting authority for the erection of any bridge or bridges over the portion of said Columbia River over which the construction of a bridge is authorized by this act, be, and the same are hereby, repealed in each and every case where actual construction of said bridge or bridges be not commenced on or before the date of the passage or approval of this act.

SEC. 14. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require the entire removal of the bridge constructed under the provisions of this act, at the expense of the owners thereof, whenever Congress shall decide that the public interests require it, is also expressly reserved.

Mr. BAKER (when the Clerk had begun the reading of the bill). I ask unanimous consent that the reading of this bill, which is a bridge bill in ordinary form, be dispensed with.

Mr. BRECKINRIDGE, of Kentucky. I think I must object.

Mr. KILGORE. The bill had better be read.

Mr. BAKER. It will take considerable time.

Mr. KILGORE. We had better transact our business in a business-like way.

Mr. HERMANN. This bill has been approved by the Secretary of War and is properly guarded.

The SPEAKER. Objection is made by two gentlemen to dispensing with the reading.

The Clerk resumed and concluded the reading of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

#### PREVENTION OF CONTAGIOUS DISEASES.

Mr. BAKER. I call up for consideration the bill (S. 140) to prevent the introduction of contagious diseases from one State to another and for the punishment of certain offenses.

The bill was read, as follows:

*Be it enacted, etc.*, That whenever it shall be made to appear to the satisfaction of the President that cholera, yellow-fever, small-pox, or plague exists in any State or Territory or in the District of Columbia, and that there is danger of the spread of such disease into other States, Territories, or the District of Columbia, he is hereby authorized to cause the Secretary of the Treasury to make and promulgate such rules and regulations as in his judgment may be necessary to prevent the spread of such disease from one State or Territory into another, or from any State or Territory into the District of Columbia, or from the District of Columbia into any State or Territory, and to employ such inspectors and other persons as may be necessary to execute such regulations to prevent the spread of such disease. And any person who shall willfully violate any rule or regulation so made and promulgated shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than \$500 or imprisonment for not more than two years, or both, in the discretion of the court.

SEC. 2. That any officer or person acting as an officer or agent of the United States at any quarantine station, or other person employed to aid in preventing the spread of such disease, who shall willfully violate any of the quarantine laws of the United States or any of the rules and regulations made and promulgated by the Secretary of the Treasury, as provided for in section 1 of this act, or any lawful order of his superior officer or officers, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than \$500 or imprisonment for not more than one year, or both, in the discretion of the court.

SEC. 3. That when any common carrier or officer, agent, or employé of any common carrier shall willfully violate any of the quarantine laws of the United States, or the rules and regulations made and promulgated as provided for in section 1 of this act, such common carrier, officer, agent, or employé shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine of not more than \$500, or imprisonment for not more than two years, or both, in the discretion of the court.

Mr. CRISP. Does not that bill carry an appropriation? If it does not, I reserve the point of order.

The amendments of the committee were read, as follows:

In lines 19 and 11 of section 1, being line 9 of the printed bill, after the word "to," strike out the words "make and," and in line 29 of section 1, being line 16 of the printed bill, after the word "disease," insert: "The said rules and regulations shall be prepared by the Supervising General of the Marine-Hospital Service, under the direction of the Secretary of the Treasury."

Mr. CRISP. Does not that bill involve an appropriation or charge upon the Treasury?

The SPEAKER. The Chair does not see anything which implies an appropriation.

Mr. CRISP. There is in the law a provision for payment for diseased cattle which may be killed. If this has any relation to that the point of order lies against it.

The SPEAKER. There is nothing of that kind in this bill. The gentleman misunderstood it.

Mr. CRISP. There is a law providing for payment for diseased cattle which may be killed.

The SPEAKER. This does not apply to that.

Mr. BAKER. It makes no charge upon the Treasury.

Mr. CRISP. I understood from the reading of the bill at the Clerk's desk that it relates to the transportation of cattle. I thought it related to the transportation of cattle, but if it is a different bill, of course I do not insist on my point of order.

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BAKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

#### REGULATION OF STEAM-VESSELS.

Mr. BAKER. I call up for consideration the bill (S. 1629) to amend section 4414, Title LII, of the Revised Statutes of the United States, "Regulation of steam-vessels."

The bill was read, as follows:

*Be it enacted, etc.*, That section 4414 of the Revised Statutes be amended to read as follows:

"SEC. 4414. There shall be, in each of the following collection districts, one inspector of hulls and one inspector of boilers, namely: The districts of New York, N. Y.; Boston, Mass.; Philadelphia, Pa.; San Francisco, Cal.; Albany, N. Y.; New London, Conn.; Baltimore, Md.; Buffalo, N. Y.; Cleveland, Ohio; New Orleans, La.; Norfolk, Va.; St. Louis, Mo.; Galena, Ill.; Detroit, Mich.; Chicago, Ill.; Michigan, Mich.; Milwaukee, Wis.; Port Huron, Mich.; Willamette, Oregon; Portland, Me.; Puget Sound, Wash.; Savannah, Ga.; Pittsburgh, Pa.; Oswego, N. Y.; Charleston, S. C.; Duluth, Minn.; Louisville, Ky.; Evansville, Ind.; Memphis, Tenn.; Nashville, Tenn.; Cincinnati, Ohio; Gallipolis, Ohio; Wheeling, W. Va.; Superior, Mich.; Burlington, Vt.; Apalachicola, Fla.; Galveston, Tex.; Mobile, Ala. and Providence, R. I.

"The inspector of hulls and the inspector of boilers in the districts enumerated in the preceding paragraph shall be entitled to the following salaries, to be paid under the direction of the Secretary of the Treasury, namely:

"In districts inspecting less than one hundred steamers, to a salary of \$1,200 per year each.

"In districts inspecting over one hundred and less than one hundred and fifty steamers, to a salary of \$1,500 per year each.

"In districts inspecting over one hundred and fifty and less than two hundred steamers, to a salary of \$1,800 per year each.

"In districts inspecting two hundred and less than three hundred steamers, to a salary of \$2,000 per year each.

"In districts inspecting three hundred and less than five hundred steamers, to a salary of \$2,250 per year each.

"In districts inspecting five hundred steamers and upward, to a salary of \$2,500 per year each.

"The Supervising Inspector-General shall report to the Secretary of the Treasury at the end of each fiscal year the number of steamers inspected in each local district in that year, which number shall be the basis upon which shall be determined the salaries to be paid to local inspectors for the following fiscal year, in the ratio described in the preceding paragraphs of this section. And in addition the Secretary of the Treasury may appoint, upon the nomination of the supervising inspector of the district, in collection districts where there are



two hundred and twenty-five steamers and upward to be inspected annually, assistant inspectors, at a salary, for the district of New York, \$2,000 a year each; for the district of New Orleans, La.: Philadelphia, Pa.: Baltimore, Md.: Boston, Mass.; and San Francisco, Cal., at \$1,800 per year each; and for all other districts, at a salary not exceeding \$1,600 a year each; and he may appoint a clerk to any such board at a compensation not exceeding \$1,200 a year to each person so appointed. Every inspector provided for in this or the preceding sections of this title shall be paid for his actual and reasonable traveling expenses at the rate of 8 cents per mile, incurred in the performance of his duty, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of the Treasury."

SEC. 2. That the said original section 4414 be, and the same is hereby, repealed.

SEC. 3. That this act shall take effect July 1, 1890.

Mr. HOLMAN. That involves an appropriation.

Mr. McMILLIN. I make the point of order that the bill involves an appropriation and must have its first consideration in a Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair does not understand how it got upon the House Calendar. It does not properly belong upon this Calendar.

Mr. BAKER. All right.

The SPEAKER. One moment.

Mr. McMILLIN. The bill is not before the House.

The SPEAKER. The gentleman makes the point of order that the bill makes an appropriation and should have its first consideration in Committee of the Whole. Unless the bill fails to change existing law it seems quite apparent, on the face of the bill, that it should go to the Committee of the Whole.

Mr. McMILLIN. It increases largely the number of offices.

The SPEAKER. The point of order is sustained.

Mr. BAKER. I withdraw the bill.

The SPEAKER. The Chair does not understand how this bill got on the House Calendar.

Mr. McMILLIN. If it requires a motion I move that it be referred to the Committee of the Whole House on the state of the Union.

The SPEAKER. It does not, but the bill will go to the Committee of the Whole House on the state of the Union under the rules. It should not have been put upon the House Calendar.

#### BRIDGE OVER MISSISSIPPI RIVER NEAR LYONS, IOWA.

Mr. BAKER. I now call up for consideration the bill (S. 1297) to amend an act entitled "An act to authorize the construction of a wagon and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa."

The Clerk proceeded with the reading of the bill.

Mr. BAKER. I move, at the request of several gentlemen, that the reading of the bill be dispensed with.

The SPEAKER. Is it in the ordinary form?

Mr. BAKER. It is.

Mr. McCREARY. I ask for the reading of the bill.

The bill was read, as follows:

*Be it enacted, etc.,* That an act entitled "An act to authorize the construction of a wagon and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa," approved March 2, 1889, be, and the same is hereby, amended as follows, namely:

Strike out the title of said act and insert in lieu thereof the following:

"An act to authorize the construction of a railroad or wagon and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa."

Strike out the first section of said act and insert in lieu thereof the following:

"That the Lyons and Fulton Bridge Company, a corporation organized and existing under and by virtue of the laws of the State of Iowa, its successors or assigns, be, and they are hereby, authorized to construct and maintain a bridge and approaches thereto over the Mississippi River, at a location suitable to the interests of navigation, from a point in or near the city of Lyons, Iowa, to the opposite shore of said river, in the State of Illinois. Said bridge shall be constructed to provide for the safe and convenient passage of wagons, road-way vehicles of all kinds, animals, and foot-passengers, and, at the option of said corporation, its successors or assigns, may be so constructed as to provide for and be used for the passage of railroad trains, for such reasonable rates or tolls as may be fixed from time to time by said corporation, its successors or assigns, and subject to approval and change by the Secretary of War."

Strike out section 2 of said act and insert in lieu thereof the following:

"SEC. 2. That any bridge built under the provisions of this act may, at the option of the company building the same, be built with unbroken and continuous spans, or as a draw-bridge, or as a ponton draw-bridge: *Provided*, That if said bridge shall be made with unbroken and continuous spans it shall have one or more channel spans, each giving not less than 350 feet clear channel way and not less than 55 feet clear head-room above high-water mark, and the clear head-room under other than channel spans may be less than 55 feet, but no part of the superstructure of such spans shall be less than 10 feet above high-water mark: *Provided*, That the interests of navigation be not injured by such reduction of height: *And provided further*, That if any bridge built under the provisions of this act shall be constructed as a draw-bridge, it shall have two or more draw-openings, each giving not less than 200 feet clear channel way, and, in addition to said draw-openings, shall have one or more fixed channel spans, each giving not less than 350 feet clear channel way, and every part of the superstructure of draw-bridges shall give a clear head-room of not less than 10 feet above high-water mark: *And provided further*, That if any bridge built under the provisions of this act shall be constructed as a ponton draw-bridge, it shall be built subject (except as herein modified) to all the terms, requirements, and limitations contained in the act entitled 'An act to legalize and establish a ponton railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa,' approved June 6, 1874, so far as they may be applicable thereto: *And provided, also*, That it shall be constructed with one suitable ponton draw giving not less than 300 feet clear channel way, and such other ponton draws and other openings as may, in the opinion of the Secretary of War, be necessary: *And provided further*, That the piers of any bridge authorized by this act shall be parallel with the current of the river and the bridge itself at right angles thereto, and the spans of any such bridge shall be so located as to afford the greatest possible accommodation to the river traffic, and the draw-spans of any such bridge shall be opened promptly by steam or other reliable mechanical power upon reasonable signal for the

passage of boats: *And provided further*, That the dimensions of all spans, not definitely fixed by this act, shall be such as in the opinion of the Secretary of War will best serve the interests of navigation: *And provided further*, That for any two adjacent draw-openings of 300 feet each one draw-opening of 300 feet may be substituted, if the interests of navigation be not injured thereby: *And provided further*, That if the physical characteristics of the locality where a bridge authorized by this act is to be constructed require, and the interests of navigation be not injured thereby, the length of the fixed openings or the number of draw-openings required by this act may be reduced by the Secretary of War."

Strike out section 4 of said act and insert in lieu thereof the following:

"SEC. 4. That if any bridge built under the provisions of this act shall be constructed to provide for the passage of railroad trains, all railroad and other companies desiring to use the same shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and all approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties, in case they shall not agree."

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BAKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BRIDGE OVER RED RIVER OF THE NORTH.

Mr. BAKER. I call up for consideration the bill (H. R. 3876) authorizing the construction of a bridge across the Red River of the North.

The bill was read, as follows:

*Be it enacted, etc.,* That the assent of Congress is hereby given to the Crookston, Fort Stephenson and Montana Railroad Company, a corporation existing under the laws of the State of Minnesota, and to its successors and assigns, to construct and maintain a pivot draw-bridge and approaches thereto, across the Red River of the North, between the State of Minnesota and the Territory of Dakota at such point on said river, on the boundary-line between Polk County, in the State of Minnesota, and the Territory of Dakota, as may accommodate the lines of railroad which said corporation may build to said point. Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the said corporation, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers, for reasonable rates or tolls to be fixed by the Secretary of War; and the Secretary of War shall have the right, from time to time, to revise such rates or tolls.

SEC. 2. That the said bridge shall be constructed as a pivot draw-bridge, and shall be so constructed that a free and unobstructed passage may be secured to all water-craft, rafts, or logs navigating said river at the point aforesaid: *Provided*, That the draw of said bridge shall be opened promptly upon reasonable signals for the passage of boats or vessels; and said corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Secretary of War shall prescribe. The said bridge shall be located and built under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company shall submit to the Secretary of War, for his examination and approval, a design and drawings of said bridge and piers, and a map of the location, giving, for the space of one mile below and one mile above the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed and channel of the stream, and shall furnish such other information as shall be required for a full and satisfactory understanding of the subject; and until the said location and plan of the bridge hereby authorized to be constructed are approved by the Secretary of War, the said bridge shall not be built; and should any change be made in the plan of such bridge during the progress of construction thereof, such change shall be subject to the approval of the Secretary of War.

SEC. 3. That all railroad companies desiring the use of the bridge constructed under this act shall have and be entitled to equal rights and privileges relative to the passage of railway trains, cars, and locomotives over the same, and over the approaches thereto, upon the payment of a reasonable compensation for such use, to be fixed by the Secretary of War, in case the owner or owners of the said bridge and the several railroad companies, or any of them desiring such use, shall fail to agree upon the sum or sums to be paid; and the Secretary of War shall prescribe the rules and conditions to which each shall conform in using said bridge, and all matters of difference between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

SEC. 4. That the bridge authorized to be constructed under this act shall be a lawful structure, and shall be recognized and known as a post-route, and the same is hereby declared to be a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, troops, and munitions of war of the United States, or for through railway passengers or freight passing over said bridge, than the rate per mile for their transmission over the railroads leading to said bridge; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

SEC. 5. That the right to alter, amend, or repeal this act, so as to prevent or remove all material and substantial obstructions to the navigation of said river by the construction of the said bridge, is hereby expressly reserved; and any alterations or changes that may be required by Congress in the bridge constructed under this act shall be made by the corporation owning or controlling the same, at its own expense.

Mr. HENDERSON, of Iowa. That is not the next bill on the Calendar.

The SPEAKER. The committee is not required to call them up in their order on the Calendar.

Mr. HENDERSON, of Iowa. Why should the next bill on the Calendar be superseded?

The SPEAKER. There is nothing in the rule which requires the Calendar to be followed.

Mr. BAKER. I ask the Clerk to read the amendment reported from the committee in the nature of a new section.

The Clerk read as follows:

SEC. 6. That the time within which the construction of said bridge shall be commenced shall be three years from and after the passage of this act.

The amendment was agreed to.

Mr. BAKER. I ask for the reading of the other amendments. The bill as reported was not reprinted, but the amendments were indicated in the report.

The SPEAKER. The amendments will be read.

The Clerk read the amendments, as follows:

Section 1, line 8, strike out the word "Territory" and insert in lieu thereof the word "State," and before the word "Dakota" insert the word "North;" also, make the same changes in line 10.

Section 2, line 11, after the word "river," insert the following: "and such requirements as to location and direction of piers and spans, clear headway at high water and clear spans at low water."

Same section, line 14, strike out the words "a design and."

Same section, line 15, after the word "bridge," insert the words "and piers."

The amendments were adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

#### BRIDGE ACROSS THE COLUMBIA RIVER.

Mr. BAKER. I now call up the bill (H. R. 7618) to authorize the construction of a bridge across the Columbia River in Oregon and Washington by the Columbia Bridge Company; and I make the same request with respect to this bill. I ask unanimous consent that the reading of the bill be dispensed with, it being in the usual form.

Mr. McMILLIN. I submit, Mr. Speaker, that bills that are of sufficient importance to demand the attention of Congress ought to be at least read once in the presence of the House.

Mr. HERMANN. If the gentleman from Tennessee will permit me, I will state that this bill is word for word, except as to the location of the structure, similar to the language of the other bill which has just been passed. The same phraseology is used and every provision is incorporated which is demanded by the Secretary of War for the protection of the Government's rights.

Mr. McMILLIN. I think that these bills ought to be read when the House is called upon to consider them, and I therefore object.

The SPEAKER. The bill will be read.

The Clerk read as follows:

*Be it enacted, etc.,* That the Columbia Bridge Company, a corporation organized and existing under the laws of the State of Oregon, its successors and assigns, be, and is hereby, authorized to construct and maintain, if in the opinion of the Secretary of War the same be a public necessity, a bridge across the Columbia River at a place suitable to the interests of navigation at a point at or near a crossing of the Columbia Slough road and the section line dividing sections 9 and 10, township 1 north, range 1 east, of the Willamette meridian, in Multnomah County, Oregon, and to lay on or over said bridge a track or tracks for the more perfect connection of any railroad or railroads that are or shall be constructed to said river, on either or both sides thereof, at or opposite said point, under the limitations and conditions hereinafter provided: That said bridge shall not interfere with the free navigation of said river, and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, the cause may be tried before the circuit court of the United States in and for any district in whose jurisdiction any portion of said obstruction or bridge touches. Said bridge shall be constructed to provide for the passage of railroad trains, and, at the option of the said company or corporation, its successors and assigns, for the safe and convenient passage of wagons and vehicles of all kinds, animals, and foot-passengers, for such reasonable rates of toll as may be fixed from time to time by the Secretary of War.

Sec. 2. That said bridge shall be provided with two or more draw openings, each having not less than 200 feet clear channel way, and in addition to said draw openings one or more fixed channel spans, each having not less than 350 feet clear channel way, and every part of the superstructure of said bridge shall give a clear head-room of not less than 10 feet above extreme known high-water mark: *Provided,* That all spans shall be so located as to afford the greatest possible accommodation to the river traffic, and a draw opening shall, if practicable, be located next or near shore: *Provided, also,* That, if the physical characteristics of the locality so require and the interests of navigation be not injured thereby, the length of the fixed spans or the number of draw openings may be reduced: *Provided, also,* That for any two adjacent draw openings of 200 feet each one draw opening of 300 feet may be substituted if the interests of navigation be not injured thereby.

Sec. 3. That all draw-spans authorized by this act shall be operated by steam or other reliable mechanical power, and shall be opened promptly upon reasonable signal for the passage of boats, except when trains are passing over said span or spans; but in no case shall unnecessary delay occur in opening said draw after the passage of trains; and also, that in case the opening of a draw is delayed by reason of the passing of a train after the signal has been given from a boat ready to pass through, the draw shall be opened for the passage of such boat before another train is allowed to pass over the said span or spans; nor shall there be any unnecessary delay in the passage of trains over the bridge.

Sec. 4. That all piers shall be built parallel with the current of the river at that stage of water which is most important for navigation; and the bridge itself shall be built as nearly as may be at right angles thereto, and that riprapping or other protection for imperfect foundations which will lessen the required water way shall not be permitted; and also, that piers which will produce cross-currents or bars dangerous to navigation shall not be constructed; and if, after construction, any piers or accessory works are found to produce the above-mentioned effects, or if any riprapping or other protection prohibited by this section is found to exist, the nuisances shall be abated or corrected under the direction of the Secretary of War, or at the expense of the company or persons owning, controlling, or operating said bridge.

Sec. 5. That the approaches to said bridge shall be so designed and constructed as not to interfere with the free discharge of said river in seasons of flood, and any encroachment on the high-water cross-section by piers, solid embankments, or otherwise, which will result in unduly accelerating the high-water current at the site of the bridge, shall not be allowed.

Sec. 6. That any corporation, company, or persons owning, controlling, or operating the bridge built under the authority of this act shall build and maintain at all times as accessory works to such bridge such booms, piers, dikes, guard-fences, and similar devices as may be necessary to insure at all times a permanent channel for a sufficient distance above and below the bridge site, and for the guiding of rafts, steam-boats, and other water-craft safely under or through said bridge; and if at any time after the construction of the bridge and its accessory works the approaches to draw-openings, channel-spans, or raft passages in said bridge are found to be dangerous or difficult of access by any important class of river traffic, the Secretary of War may, upon the recommendation of the Chief of Engineers, United States Army, order the corporation, company, or persons owning, controlling, or operating said bridge to construct, under his directions, and to maintain such additional sheer-booms, dikes, and

other devices as will obviate the difficulty mentioned; which additional sheer-booms, dikes, and other devices shall be built and maintained at their own expense by said company or persons; and that said company or persons shall maintain, at their own expense, from sunset to sunrise, throughout the season of navigation, such lights and other signals on said bridge as may be required by the Light-House Board for the security of navigation.

Sec. 7. That the bridge authorized to be constructed by this act shall be located and built under and subject to such regulations for the security of navigation on said river as the Secretary of War shall prescribe; and to secure that object said corporation shall submit for his examination a design and drawings of the bridge, piers, approaches, and accessory works, and a map of the location, giving, for a space of at least 3 miles above and 1 mile below the proposed location, the topography of the banks of the river and the shore-lines at high and low water. This map shall be accompanied by others drawn on the scale of 1 inch to 200 feet, giving, for a space of one-half a mile above the line of the proposed bridge and one-quarter of a mile below, an accurate representation of the bottom of the river, by contour lines 2 feet apart, determined by accurate soundings, and also showing over the whole width of this part of the river the force and directions of the currents at low water, at high water, and at least one intermediate stage, by triangulated observations on suitable floats. The map shall also show the location of other bridges in the vicinity, and shall give such information as the Secretary of War may require for a full and satisfactory understanding of the subject, and the construction of the proposed bridge shall not be commenced until the location and plans thereof are approved by the Secretary of War.

Sec. 8. That any bridge constructed under the authority of this act shall be built under the general supervision of the Secretary of War, and no changes or alterations in plans shall be made during construction of said bridge or after its completion, unless said changes or alterations conform to the provisions of this act and are authorized by the Secretary of War. That such alterations and changes as may be required by the Secretary of War or Congress in said bridge, so as to preserve free and convenient navigation, shall be made under the direction of the Secretary of War, at their own expense, by the company or persons owning, controlling, or operating said bridge. That during original construction or in carrying out any authorized changes or repairs of said bridge a navigable channel shall be preserved at the site of the bridge at all times, and the water way of the river shall not be obstructed to a greater extent than is absolutely necessary, and such lights and buoys shall be kept on all coffer-dams, piles, etc., as may be necessary for the security of navigation.

Sec. 9. That whenever the Secretary of War has good reason to believe that any of the provisions of sections 1, 6, and 8 of this act have not been complied with by the company or persons owning, controlling, or operating the bridge authorized under its provisions, it shall be the duty of the Secretary of War, on satisfactory proof thereof, to require the said company or persons to comply with the provisions of said sections, and, on failure of said persons or company to comply with said requirements within a reasonable time, the Secretary of War shall proceed to cause the necessary work, in the form of additions, alterations, repairs, or removal of obstructions, to be made at the expense of the United States and shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in the circuit court of the United States, or any State in which any portion of said obstruction or bridge touches, for the recovery of the cost thereof, and all moneys accruing from such proceedings shall be covered into the Treasury of the United States: *Provided,* That in the construction of additional accessory works not contemplated by the approved plan of bridge and accessory works, no greater sum than \$15,000 shall be required to be expended upon said bridge in a single year: *And provided further,* That such sum of money as may be necessary to execute the provisions of this section is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be paid on requisition of the Secretary of War.

Sec. 10. That all railroad companies desiring the use of the bridge authorized by this act shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

Sec. 11. That the bridge constructed, maintained, and operated under this act according to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for transportation of said mails, troops, and munitions over the railroads and public highways leading to said bridge; and the United States shall have the right of way for postal-telegraph and telephone purposes over said bridge.

Sec. 12. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the date of passage or approval thereof.

Sec. 13. That all former acts or parts of acts granting authority for the erection of any bridge or bridges over the portion of said Columbia River over which the construction of a bridge is authorized by this act, be, and the same are hereby, repealed in each and every case where actual construction of said bridge or bridges be not commenced on or before the date of the passage or approval of this act.

Sec. 14. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require the entire removal of the bridge constructed under the provisions of this act, at the expense of the owners thereof, whenever Congress shall decide that the public interests require it, is also expressly reserved.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

#### BRIDGES ACROSS THE MINNESOTA RIVER.

Mr. BAKER. I now call up the bill (H. R. 507) granting the counties of Hennepin and Dakota, Minnesota, the right to build two bridges across the Minnesota River.

The bill was read, as follows:

*Be it enacted, etc.,* That the board of county commissioners of the county of Hennepin and State of Minnesota be, and the same hereby are, authorized to construct and maintain two bridges over the Minnesota River and approaches thereto; one bridge to be located, by a majority of the said board of county commissioners of said Hennepin County and a majority of the board of county commissioners of the county of Dakota, in said State of Minnesota, either in section 13, in township 27, range 24 west of the fourth principal meridian, or in section 18, township 27, range 23 west of the fourth principal meridian, as in the judgment of said majority of said commissioners shall be the best place for the construction of said bridge and approaches thereto; and one bridge and ap-



proachesthereto, between and connecting said Hennepin County and the county of Scott, in said State of Minnesota, at the point or place on said Minnesota River commonly known as and called "Bloomington Ferry" or "Lyndale Avenue," or at any place where said board of county commissioners of Hennepin County may decide between said points. Said bridges and approaches shall be of such plans and material as said board of county commissioners of Hennepin County shall in their discretion determine, except that said bridges shall be constructed as draw-bridges, and shall be and remain forever free. Said bridge or bridges shall be constructed to provide for free passage of wagons and vehicles of all kinds, for the transit of animals and for foot-passengers.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized as a post-route, and shall enjoy the rights and privileges of other post-roads in the United States: *Provided*, That the United States may construct a postal telegraph over said bridge or bridges without charge therefor.

SEC. 3. That any bridge built under this act shall be constructed as a pivot draw-bridge, with a draw over the main channel at an accessible and the best navigable point, and with draw-spans; a clear water way, measured at the lowest stage of water known at the locality, of not less than 80 feet in clear width, as herein provided for, shall not be reduced by deposits of rip-rap, or by other material about the piers and abutments; and the spans shall not be of less elevation than 3 feet above extreme high-water mark, as shown at the point of location, measuring to the lowest part of the superstructure of said bridge, and provision shall be made in the location and construction of the abutments and approaches to allow the free passage of flood water; and the piers of said bridge shall be parallel to and the bridge itself at right angles to the direction of the current of said stream: *Provided, also*, That the said draw, or draws, shall be opened promptly upon reasonable signal, for the passage of boats, and said board of county commissioners of said Hennepin County shall maintain at the expense of said Hennepin County such lights or other signals thereon as the Light-House Board may prescribe, and said Hennepin County shall provide at its own expense such sheer-booms, guide-piers, or other device as may be at any time deemed necessary by the Secretary of War to facilitate the safe passage of boats or other water craft through the spans of said bridge. No bridge shall be erected or maintained under authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct said navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstructions, at the expense of said county of Hennepin, and in case of any litigation arising from any obstruction, or alleged obstruction, to the free navigation of said river caused, or alleged to be caused, by said bridges, or either, the case may be brought in the circuit court of the United States of the district in which said obstruction or bridges are located: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt any bridge or bridges constructed by virtue thereof from the operation of the same.

SEC. 4. That any bridge or bridges authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe, and to secure that object the said board of county commissioners of said Hennepin County shall submit to the Secretary of War, for his examination and approval, designs and drawings of the proposed bridges and a map of the location, giving for the space of one mile above and one mile below the proposed locations the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents at all stages, and the surroundings, accurately showing the bed of the stream, the location of any other bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and should any change be made in the plan of said bridge or bridges such change shall be subject to the approval of the Secretary of War.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in such structure or structures, or the entire repeal thereof, at the expense of the owners, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

SEC. 6. That this act shall be null and void if actual construction of the bridges herein authorized be not commenced within one year and completed within three years from the date thereof.

The committee recommend the adoption of the following amendments:

Section 3, line 4, omit semicolon after the word "draw spans" and insert the word "having."

Same section, line 6, strike out the words "as herein provided for" and insert in lieu thereof the word "which," and after the word "not" insert the word "thereafter."

Same section, line 9, strike out the word "three" and insert in lieu thereof the word "ten."

The amendments recommended by the committee were adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

#### INSPECTION OF HULLS AND BOILERS, GALENA DISTRICT.

Mr. BAKER. I call up the bill which I send to the desk, and ask its present consideration.

The Clerk read as follows:

A bill (H. R. 278) to amend paragraph 3 of section 4414 of the Revised Statutes. *Be it enacted, etc.*, That paragraph 3 of section 4414 of the Revised Statutes of the United States be amended as follows: "Strike out the word 'Galena' in said paragraph 3 and insert the word 'Dubuque.'"

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. HITT. Mr. Speaker, I move to recommit that bill. It concerns the district which I represent. I was not informed of the consideration of the bill, as the gentleman states, by inadvertence; but I telegraphed and have just received a response from the city of Galena, the board of trade of that city, requesting this action, and stating that they desire to be heard upon the bill. I therefore move to recommit this bill to the Committee on Commerce.

Mr. HENDERSON, of Iowa. One moment, Mr. Speaker, before that motion is submitted.

Mr. HITT. I wish, before the gentleman from Iowa proceeds, to state the reason why I did not appear before the committee. In the first place the title of the bill does not disclose its true nature; and the gentleman on the committee with whom I conferred had no suggestion

in reference to the time it would be called up or as to my appearing before the committee.

Mr. HENDERSON, of Iowa. Mr. Speaker, this same bill, identically of the same title, was introduced in the last Congress, and the gentleman from Illinois had full knowledge then of the character of the bill. I have been fighting ever since I have been in Congress, in pursuance of the demands of the commerce of the Mississippi River, for this legislation. It was introduced before the adoption of the new rules and has been fully considered in the Committee on Commerce. The gentleman from Illinois, as a member of that committee, knew of the presence of the bill before the committee.

This bill has its merits in a nutshell, and that is to provide that the Mississippi River interest shall not be compelled to transact their business in the interior of the State of Illinois instead of on the river, where it should be done.

Now, I am opposed to the recommitment of this bill, and I want to say to my colleague from Illinois that he can have ten minutes to discuss the bill and I will take but two, and then I am perfectly willing to leave it to the House to determine what shall be done. I want action on the bill now. I do not want it to be hung up again, by being sent to the Committee on Commerce for further delay or to throttle this legislation. Hence I earnestly protest against its recommitment. This bill was introduced in the House, was considered by the committee, is fairly on the Calendar, and I myself spoke to the gentleman from Illinois about this coming up three or four days ago, supposing all the time that he knew everything about it—

Mr. HITT. Be fair, now.

Mr. HENDERSON, of Iowa. I am fair. Did I not inform you?

Mr. HITT. You told me so on Saturday.

Mr. HENDERSON, of Iowa. Well, that is three days ago. You only confirm my own statement.

Now, I have been diligent in trying to secure this legislation. Let us have a fair discussion, which must necessarily be brief, because there can not be much said about it. It is a simple thing, important to be done, and I am opposed to its recommitment, and hope the motion will not prevail.

Mr. HITT. Well, the gentleman stated, and I know that he did not mean to be misconstrued, for he is truthful, that it had been fully considered by the committee, and that the member from Illinois was there. Why, I think—

Mr. HENDERSON, of Iowa. Why, I did not say that the gentleman from Illinois on the committee was in the committee-room when it was considered; but I said that the member from Illinois on the committee knew that it was done, and got the gentleman from Iowa [Mr. SWENEY] to hold up the report for several days on his account.

Mr. HITT. That gentleman seemed to me, when I spoke to him, to know nothing about the merits of the bill, and the chairman had to have it described to him in order to know what it was. I ask that a constituency have a hearing by the committee. It is the usage on bills of this kind to have the state of facts from the Department, and not trust to the declamation of a member representing the district. I will not undertake to go into the merits of the bill.

Mr. HENDERSON, of Iowa. I wish you would go into the merits of the bill.

Mr. HITT. I do not think it fair to dispose of it now, as I have received a telegram from the board of trade of that very well known city asking that they shall have an opportunity to make argument on the proposition. I desire that they shall be heard at the proper time and place before the committee, where I had the right to appear and where I certainly would have appeared had there been any intimation given me that such legislation was pending, or as any member of the House would have been where the interests of his constituents were involved.

I know that the gentlemen on the committee are incapable of being unfair; and I think they would have given me an intimation that this bill was pending; and, being a bill affecting my district, I ask of the House that it go back to the committee so that I may have a hearing. If the committee shall then report it, I will meet it here fairly. These people are requesting that I have a chance to speak for my people before the committee on this bill.

Mr. HENDERSON, of Iowa. This bill is here regularly. It was introduced regularly, considered by a full committee, and reported.

Mr. HOPKINS. Will the gentleman from Iowa yield to me for a question?

Mr. HENDERSON, of Iowa. Certainly.

Mr. HOPKINS. Now, if this proposition has merit, how will you or your interests be harmed by recommitting the bill to the committee and give the constituency of Mr. HITT an opportunity of being heard?

Mr. HENDERSON, of Iowa. I do not want it to be recommitment. I did not know that he was not before the committee, but I will give you and your colleague [Mr. HITT] and the entire Illinois delegation ten minutes to my one to present it here on the floor of the House. My objection to its recommitment is that we do not want the bill taken back to the committee and there hang up and its final settlement delayed. The committee has considered and reported it, and I want it disposed of.

Mr. HOPKINS. That is not the point at all. The point is to give

the gentleman from the Sixth district of Illinois [Mr. HITT] an opportunity for his constituents to be heard before the committee. Now, this is a matter that seems to me appeals to the fairness of any gentleman.

Mr. HENDERSON, of Iowa. The gentleman asked me to yield to him for a question, and he is making a statement. I have the floor.

Mr. HOPKINS. Will your interests not be as well served by letting it go to the committee?

Mr. HENDERSON, of Iowa. All I want is fair treatment in this matter. I have taken no advantage of any one. The constituency of the gentleman from Illinois knew that this was pending in the last Congress, and know that the owners and shippers on the Mississippi River have petitioned Congress year after year asking that the offices of the inspectors of boilers and hulls be on the Mississippi River, and not in the interior, where there is no navigable stream connecting it with the Mississippi River.

The gentleman can well represent in this House the interest of his constituents. My bill is here, honorably and honestly brought here; and I do not want the third time to have delay in this Congress on a matter that is so simple that I would be willing to make a referee of my friend from Illinois [Mr. HITT] on the merit of this question, but would not do so because he represents that district.

Mr. HOPKINS. You have never answered my question as to how you will be harmed by the recommitment of this bill.

Mr. HENDERSON, of Iowa. Because it will delay action on the bill.

Mr. KERR, of Pennsylvania. Mr. Speaker, is this a motion to recommit the bill?

The SPEAKER. For what purpose does the gentleman rise?

Mr. KERR, of Pennsylvania. I rise to a question of order, and my point of order is that this is a matter that is before the House and that the motion made by the gentleman from Illinois is not debatable.

The SPEAKER. Under the rules it is debatable.

Mr. KERR, of Pennsylvania. Then that settles it.

Mr. HENDERSON, of Iowa. Mr. Speaker, I desire to say that Mr. SWENEY, of Iowa, stated to me that Mr. MASON, a member on the committee from Illinois, came into the committee-room, and Mr. SWENEY called his attention to the bill and that it had been acted upon favorably. That is the way the bill has come before the House.

Mr. ANDERSON, of Kansas. Is it not also true that Mr. MASON asked that the bill be held up until he could inquire about it? Was that the bill on which he made that request? I know he made that request in reference to some bill, and I think it was this one.

Mr. SWENEY. Mr. Speaker, I will answer the inquiry of the gentleman from Kansas. This bill was acted upon by the committee, and I was authorized, as a member of the committee from the State of Iowa, to make the report of the committee favorably. Immediately after that action was taken Mr. MASON, from Illinois, who is a member of the committee, came into the room, and it occurred to me that he, representing the State of Illinois, ought to have knowledge of what had been done; so I called the attention of the chairman of the committee, Mr. MASON, and other members of the committee to the action had. Mr. MASON asked that it be held up for a few days, that he might have a chance of conferring with reference to it.

Mr. HITT. With whom?

Mr. SWENEY. He did not designate the party.

Mr. HITT. I was the one who ought to have had the knowledge of it. I never knew of this bill until it came here.

Mr. HENDERSON, of Iowa. That was not the fault of Mr. SWENEY or myself.

Mr. SWENEY. I supposed I had acted with entire courtesy and fairness in the matter in considering Mr. MASON's reasons. I held up the report for a week or ten days, and hearing nothing from him until after he went from here to Chicago, I made the report on the bill. [Cries of "Vote!"]

Mr. HITT. I never heard of the bill.

Mr. VANDEVER. Mr. Speaker, I have some personal knowledge of the situation in this matter. For many years I resided in the city of Dubuque, and I know the situation of the city of Galena. It is no longer upon the navigable waters of the Mississippi River. Galena River, entering the Mississippi, long ago ceased to be navigable. Galena is not the proper place for the office of inspectors of hulls and boilers of steam-boats plying on the Mississippi River. He might as well reside at Chicago as at Galena. Such has been the case for a number of years, and the men engaged in the navigation of the Mississippi River can not go to Galena, 12 miles away from a navigable stream, to have their boats inspected; any fair and impartial man who lives either in Illinois or in Iowa must say that these inspection officers ought to be at Dubuque, and not at a distance from the navigable waters of the Mississippi.

Mr. ANDERSON, of Kansas. I ask unanimous consent that this bill be recommitted to the committee, they to have the privilege of reporting it back for consideration at any time, and to be required to report it within ten days.

Mr. HENDERSON, of Iowa. I will consent to that suggestion cheerfully.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

## ORDER OF BUSINESS.

Mr. BAKER. Mr. Speaker, I ask unanimous consent to proceed as in Committee of the Whole with the consideration of certain bills reported by the Committee of Commerce and now upon the Union Calendar.

Mr. SPRINGER. Mr. Speaker, has the morning hour expired?

The SPEAKER. It has not expired.

Mr. SPRINGER. How long is this hour?

The SPEAKER. As long as the House chooses to make it.

Mr. SPRINGER. Have the sixty minutes expired, so that it would be in order to move to take up other business?

The SPEAKER. That motion would be in order.

Mr. BAKER. Mr. Speaker, there are some other bills reported from the Committee on Commerce, but not yet printed, that should be on the Calendar, and I suppose the committee will have the right to the floor to finish the second hour on the next call.

The SPEAKER. Which second hour? [Laughter.]

Mr. BAKER. The committee did not have the whole of the first hour.

The SPEAKER. The committee will have the right to finish the first second hour, but not the second one. [Laughter.]

Mr. PERKINS. I move that the House resolve itself into Committee of the Whole for the consideration of the bill of the Senate S. 895, with the House substitute therefor.

Mr. BAKER. Mr. Speaker, I should have made the motion to reconsider the vote by which the bills called up by the Committee on Commerce were passed.

The SPEAKER. The gentleman from New York [Mr. BAKER] gave notice that he would make a general motion to reconsider the several votes upon the bills passed this morning at the instance of the Committee on Commerce. Without objection, the motion to reconsider will be entered in each case, and will be laid on the table.

There was no objection, and it was so ordered.

Mr. LACEY. Pending the motion of the gentleman from Kansas [Mr. PERKINS], I ask unanimous consent to present a privileged report. It is a resolution reported unanimously from the Committee on Elections, and its consideration will take but a moment.

Mr. PERKINS. I will give way for that.

The SPEAKER. The Clerk will read the report.

## CLAYTON VS. BRECKINRIDGE.

The Clerk read as follows:

Mr. LACEY, from the Committee on Elections, makes the following report: On the 16th day of December, 1889, the following resolution was passed by the House of Representatives:

"Whereas it is well known that a contest for a seat in this House was duly commenced by Hon. John M. Clayton, of Arkansas, against Hon. C. R. Breckinridge, a sitting member; and

"Whereas it is a matter of public notoriety that said Clayton, while engaged in taking testimony in the said contest, was assassinated, and all further proceedings thereby suspended;

"Resolved, therefore, That the Committee on Elections be, and is hereby, directed to inquire and report what further proceedings should be had in relation to the said case; and they are authorized to send for persons and papers, if deemed necessary by them, for the investigation of the said matter."

In pursuance of the directions contained in the foregoing resolution, the committee have obtained the notice of contest and answer of the contestee and all the evidence which had been taken up to the time of the death of Mr. Clayton. The attorney for Mr. Clayton has presented to the committee a memorial in relation to the said contest, which memorial has been submitted to Mr. Breckinridge, and he has presented to the committee a statement in his own behalf. We have directed that the foregoing papers be printed for the information of the House.

The committee have proceeded as far as they can under the said resolution, and they therefore report—

That, owing to the alleged assassination of Colonel Clayton, whereby the contest has been suspended, it is of the highest importance that the facts in the case should be thoroughly investigated, and recommend the passage of the following resolution:

"Resolved, That a subcommittee of five be appointed by the chairman of the Committee on Elections to make a full and thorough investigation of the contested-election case of Clayton vs. Breckinridge; to take and report all the evidence in regard to the methods of said election, and as to whether the contestant or the contestee or either of them was lawfully elected, and report such evidence to the Committee on Elections, and said committee will report said evidence and its findings to the House for further action.

"Said subcommittee is empowered to issue subpoenas for witnesses; to send for persons and papers; to employ a stenographer and deputy sergeant-at-arms, and to sit during session of the House. Said subcommittee may proceed to Arkansas, if deemed necessary by them, to take any part of said testimony.

"That all expenses of said committee shall be paid out of the contingent fund of the House. That all vouchers or expenditures shall be certified by the chairman of the subcommittee of the Committee on Elections. The Clerk of this House is authorized to advance the necessary funds to the chairman of said subcommittee upon his drafts therefor in sums not exceeding \$1,000 at any one time, to be accounted for under the terms of this resolution, under the supervision of the Committee on Accounts."

Mr. LACEY. Mr. Speaker, I have submitted that resolution to the gentleman from Arkansas [Mr. BRECKINRIDGE], and he suggests an amendment to the resolution, and I now offer the amendment, to come in at the point indicated in the manuscript.

The amendment was read, as follows:

Amend by adding, after the words "in regard to the method of said election," the words "to the contest, and all events relating thereto or arising therefrom after said election."

Mr. CRISP. Mr. Speaker, the Committee on Elections was directed by the House to inquire into the question as to who was elected to this



House as a Representative from the Second district of Arkansas. That committee, by a subcommittee, after seeing all the papers that are in existence and the evidence already taken in the case, decided that, in order to determine the question as to who was elected, it would be necessary to take more evidence.

As I understand the amendment just offered by the gentleman from Iowa [Mr. LACEY] it relates to another matter than the question who was or was not elected from this district in Arkansas. If I correctly understand the amendment, I object to it. I do not know of any constitutional power in this House or the other House, or in both Houses, to inquire into any matter in Arkansas or in any other State, unless the inquiry be made by virtue of some special power in the Constitution authorizing it or in pursuance of some power incident to or connected with a power expressly conferred upon us by the Federal Constitution.

I am perfectly willing (and that is the extent to which the resolution as reported goes—a resolution which, I may say, was unanimously reported from the Committee on Elections without any objection anywhere)—I am perfectly willing that this committee shall proceed to ascertain who was elected in this district in Arkansas. Any fact incident thereto or connected therewith or that will throw light upon that question would necessarily be investigated by this committee. But I understand that this amendment proposes to extend the investigation to events which have transpired since the election; and in my judgment, unless such events are directly connected with or throw light upon the proposition, this House has no authority to order such an inquiry; and I for one shall object to it.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, the amendment proposed by the gentleman from Iowa was drawn by me, as I believe the gentleman has stated. We know that while it has often been said, and upon this floor, that my opponent was killed while taking testimony, yet the remark has been uniformly made in a connection which conveyed the meaning on the part of the person speaking that my opponent was killed because he was taking testimony. We know also that the proposition has been brought up in various quarters that it is time for the Federal Government to consider whether some means should not be devised for protecting contestants from the animosities of their opponents.

As to the constitutional question involved here, I believe that every question of the constitutional power of Congress should be proceeded with prudently and advisedly. But it did not seem to me, and it does not now, that there is any impropriety in making an inquiry as to the propriety of legislation of the character I have just spoken of. I can not admit for a moment that any part of our country is more interested in a question of that kind than another. Neither can I see impropriety in an inquiry into events subsequent to an election or prior to it if they have any real or supposed connection to the right of representation here.

I did not draw the amendment with very special care nor with that consultation of which I would have availed myself if I had felt that the proposition needed to be particularly guarded. My idea was that inasmuch as it is claimed that the death of this gentleman was intended to prevent the taking of testimony in a pending contest and to affect the right to a seat on this floor, it is eminently proper and especially due to the community in which that event occurred that a full inquiry should be made into all things incident to this matter.

If my language is faulty I trust it will be improved upon, but not in any way to circumscribe the inquiry. My idea is to broaden the inquiry so that this House will have the fullest possible information upon everything relating to this matter or shedding light upon the election, directly or indirectly, and to serve full and fair notice upon all who have any complaints to make of that people or of this election, upon all who have any charges to make in these matters against the officials of my State, to come before this inquiring tribunal now and prove their case, or else forever hold their peace. That is the object I had in view, and I am anxious that this object should be carried out.

The SPEAKER. The question is upon agreeing to the amendment. The amendment was agreed to.  
The resolution as amended was adopted.

#### MEMORIAL ADDRESSES ON HON. WILLIAM D. KELLEY.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I ask unanimous consent that the proceedings in commemoration of the life and services of my late colleague, Judge Kelley, be held at 2 o'clock Saturday next, the 15th instant, instead of 3 o'clock, as heretofore ordered.

The SPEAKER. If there be no objection, that order will be made. There was no objection, and it was ordered accordingly.

#### WITHDRAWAL OF PAPERS.

Mr. WILSON, of West Virginia, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Martha B. Stribling.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:  
To Mr. WILSON, of Kentucky, indefinitely, on account of sickness and important business.

To Mr. PERRY, indefinitely, on account of important business.

To Mr. FEATHERSTON, for six days, on account of the sickness of his wife.

To Mr. KNAPP, for ten days, on account of important business.

To Mr. BLAND, indefinitely, on account of sickness.

To Mr. WHEELER, of Michigan, indefinitely, on account of important business.

#### SALES IN DISTRICT OF COLUMBIA FOR OVERDUE TAXES.

Mr. GROUT. I ask unanimous consent for a verbal correction in one of the bills which was passed this morning, the bill (H. R. 5825) prescribing the times for sales and for notices of sales of property in the District of Columbia for overdue taxes. I ask the Clerk to read the amendment.

The Clerk read as follows:

In line 14 of section 1, amend by striking out the word "third" and inserting in lieu thereof the word "first."

There being no objection, the amendment was agreed to.

#### OKLAHOMA.

Mr. PERKINS. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the bill (S. 895) to provide a temporary government for the Territory of Oklahoma.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. PAYSON in the chair), and resumed the consideration of the bill (S. 895) to provide a temporary government for the Territory of Oklahoma.

The CHAIRMAN. The Clerk will read section 4 of the bill.

Mr. MCRAE. I desire to offer an amendment to section 3.

The CHAIRMAN. As the Chair understands, section 3 was passed, Mr. MCRAE. But it was passed while I was on my feet for the purpose of offering the amendment.

The CHAIRMAN. Without objection, the amendment will be entertained.

The Clerk read as follows:

Amend section 3 by adding, after the word "Territory," in line 6, as follows: "And who shall be qualified electors of the Territory." Strike out the following words, in lines 27 and 28: "has not been a bona fide resident of said Territory for sixty days previous to said election," and insert in lieu thereof the words "are actual residents of said Territory at the time of the passage of this act."

Mr. MCRAE. I ask the amendments be agreed to.

The amendments were agreed to.

Section 4 was read, as follows:

SEC. 4. That for the purpose of facilitating the organization of a temporary government in the Territory of Oklahoma, six counties are hereby established therein, until after the first election in the Territory, as the First County, the Second County, the Third County, the Fourth County, the Fifth County, and the Sixth County, the boundaries of which shall be fixed by the governor of the Territory until otherwise provided by the Legislative Assembly thereof.

The county seat of the First County shall be at Guthrie. The county seat of the Second County shall be at Oklahoma City. The county seat of the Third County shall be at Norman. The county seat of the Fourth County, which shall embrace the Fort Reno military reservation, shall be fixed by the governor. The county seat of the Fifth County shall be at Lisbon or Kingfisher City. The place also to be fixed by the governor. The Sixth County shall embrace all that portion of the Territory lying west of the one hundredth meridian, known as the Public Land Strip, the county seat of which shall be at Beaver.

At the first election for members of the Legislative Assembly the people of each county may vote for a name for such county, and the name which receives the greatest number of votes shall be the name of such county. If two or more counties should select the same name, the county which casts the greatest number of votes for such name shall be entitled to the same, and the names receiving the next highest number of votes in the other counties shall be the names of such counties.

Mr. HARE. I move to amend as follows.

The Clerk read as follows:

Strike out the following words "fixed by the governor," in lines 14 and 15, and insert "El Reno." Also strike out the words "or Kingfisher City, the place also to be fixed by the governor," in lines 16 and 17; so it will read as follows: "The county seat of the Fourth County, which shall embrace the Fort Reno military reservation, shall be at El Reno. The county seat of the Fifth County shall be at Lisbon."

Mr. HARE. The bill provides for six counties and designates the county seats for four of them, but leaves the county seats in the other two unnamed, and provides they shall be fixed by the governor of the Territory. Why four are designated and two are not I do not know, but I do know there is a contest about the county seats of the two counties not named. In order to prevent any contest down there I have designated these two places to be named with the other four county seats. The adoption of this amendment will settle the contest so far as these county seats are concerned.

Mr. PERKINS. I hope the amendment of the gentleman from Texas will not be agreed to. I think it fair to these towns we should not become parties to the contest prevailing for county seats. We should not, by designating one, prejudice the other.

In the county in which Fort Reno will be situated there are three or four growing and ambitious towns. Frisco is perhaps the largest. Frisco is anxious to be designated as the county seat. El Reno is another growing town and El Reno City is ambitious to be named as the

county seat. Darlington is another growing town and ambitious to be designated as the county seat.

The committee thought that it was not right at the present time to designate one of these places to the prejudice of the others. We believed when the governor was appointed he would be able to give to the question more intelligent consideration and be better able to determine which should be the county seat.

As to Kingfisher and Lisbon the contest is substantially the same. They are growing and rival towns. It was the general belief of the committee they should be left to settle it between themselves. As to the other towns designated there is no contest or rivalry. There is no rival to Guthrie and no rival to Oklahoma as to the county seat.

There is no rival to Norman, and none to Beaver, in No Man's Land, so far as the commission could find. Hence we designated them. But as to the two mentioned by the gentleman from Texas, we did not think it right or proper to indicate the site where there was such a contest as I have referred to. For that reason, Mr. Chairman, I hope the amendment will not prevail.

Mr. HARE. Mr. Chairman, the very reason that there is a contest, as suggested by the gentleman, is the very reason why the amendment should be accepted. The town of El Reno has a railroad now running through it and another is being graded in another direction. The town of Lisbon is joined to the section in which Kingfisher is located, and the railroad line is run through the adjoining section. Now, the very object of the amendment is to take away this contest amongst the settlers and put at rest those questions of the county seat by establishing them here, as should be done, in this bill.

Mr. PETERS. Mr. Chairman, I move to strike out the last word. I am opposed to the amendment of the gentleman from Texas, though I am opposed to this provision of the bill which leaves the selection of the county seats to the governor. I believe with the gentleman from Texas that this bill ought to select a location for the county seat of the county in each case. But I think, also, that El Reno is not the place which should be so selected, for several reasons. In the first place, it is a town situated upon one side of the county as proposed to be designated by this bill. In the next place, it is not very much of a town, to start with. There are only a very few houses there. It is simply a newspaper town, or probably nothing more than a station upon a railroad. The fact of it is, Mr. Chairman, that Frisco is the place that ought to be designated as the county seat of this county, not only because it is by far the largest place in the county, having a population of 500 now, I understand, but also because it is more nearly in the center of the county, as proposed to be formed by the bill.

I hope the amendment of the gentleman from Texas will be voted down.

Mr. HARE. I would like to ask the gentleman from Kansas a question.

Mr. PETERS. Certainly.

Mr. HARE. Is not Frisco several miles from any railroad?

Mr. PETERS. Yes, sir; it is not on any railroad now, but it is on a line which is proposed to be built east and west.

But, Mr. Chairman, so far as that is concerned, it is much more convenient to the people who will probably be the inhabitants of the county to go to the center of the county to the county seat, instead of being compelled to go to one corner of it, simply because it may happen to be on the line of a railroad. The mere fact of its being located upon the line of a railroad that is off on one side of the county entirely overbalances any benefit that might be understood to arise from having railroad communication.

As a matter of fact, all of the people in this new county will probably have to travel 40 or 50 miles to get to the county seat. But if, as suggested by the gentleman, it should be placed at El Reno, near one side of the proposed county, and not put in the center of the county, where it should be, a small proportion only of the populace would have the advantage of railroad communication. All those living in the interior, or at the other extreme of the county, would have to go entirely across it to the opposite side in order to reach the county seat. Manifestly this would be a great disadvantage to them. But if the county seat is established in the center of the county, it would be equally fair to all persons who live in the county, whether they be on or off a railroad.

Mr. HARE. Does not the governor control the establishment of the boundaries of the counties? If so, then how does the gentleman say this is on one side of the county?

Mr. PETERS. As I understand it, the county seat of the Fourth County, which shall embrace the Fort Reno military reservation, shall be fixed by the governor—that is, the county seat.

Mr. HARE. But the boundaries of the county are fixed by the governor.

Mr. PETERS. The difficulty is this, if my friend from Texas will give me his attention for a moment. The governor can not extend the boundaries of the Territory, and yet he would be obliged to do so if he made a county in that section of the Territory which would place El Reno in the center of it. It is very near the Arapaho Indian reservation.

Mr. HOOKER. Mr. Chairman, I would like to inquire, before offer-

ing an amendment, of the chairman of the committee, if he will be kind enough to give me his attention, as to what is the object and purpose of the committee in providing in the 4th section as follows:

The county seat of the Fourth County, which shall embrace the Fort Reno military reservation, shall be fixed by the governor.

I should like to know what is the meaning of the expression, "which shall embrace the Fort Reno military reservation" and where was the necessity of making any such provision in the bill?

Mr. PERKINS. In the temporary division of the Territory into these six counties, for the convenience of the people, we thought it well to designate to that extent where this county should be; that is to say, that it should be on the southwest border of the Territory, embracing the Fort Reno military reservation. That was all we had in view.

Mr. HOOKER. About what part of the county would the Fort Reno military reservation be in?

Mr. PERKINS. I can not say, because I do not know what boundaries will be fixed by the governor, and I can only answer from my general knowledge of the geographical character of the country that it would necessarily be in the western part.

Mr. HOOKER. I do not precisely understand the terms of the amendment proposed by my friend from Texas, but I want to give notice of the following amendments, and as probably they might interfere with the construction of the bill if the amendment of the gentleman from Texas was offered first, I desire to state now that I have two amendments which I propose to offer. One is to strike out these words in the fourth section:

The county seat of the Fourth County, which shall embrace the Fort Reno military reservation, shall be fixed by the governor.

I do not understand what particular reason there can be for directing that the Fort Reno military reservation shall be included in any particular county; and I would ask the chairman of the committee further if the Fort Reno military reservation is in point of fact within the limits of the Territory as designated by this bill?

Mr. PERKINS. It is.

Mr. HOOKER. How far from the Kansas line?

Mr. PERKINS. Oh, 150 miles at least; it is nearer to Texas.

Mr. HOOKER. I intended to ask how far it was from the Texas line?

Mr. PERKINS. It is probably 75 miles from the Texas line.

Mr. HOOKER. I offer this amendment to the fourth section.

The CHAIRMAN. The Clerk will first report the amendment proposed by the gentleman from Texas.

The Clerk read as follows:

Amend by striking out, in lines 14 and 15, the following words: "Fixed by the governor," and inserting in lieu thereof "El Reno."

Also strike out, in lines 16 and 17, the following words: "Or Kingfisher City, the place also to be fixed by the governor;" so that it will read:

"The county seat of the Fourth County, which shall embrace the Fort Reno Military reservation, shall be at El Reno; and the fifth county seat shall be at Lisbon."

Mr. HOOKER. I now offer the following amendment as an amendment to that of the gentleman from Texas.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read as follows:

Amend by striking out all of the section which designates the county sites.

Mr. HOOKER. If the Clerk will return the amendment to me I will read it in the form I desire to offer it.

I offer this as a substitute:

Amend section 4 by striking out all of the section which designates the county seats or allows the governor to do so, from line 10 down to line 29, inclusive, in section 4, and add:

"The people shall by vote fix the county seats and names of the counties at the first election held in said Territory."

I do not see any reason, Mr. Chairman, why the committee should fix the designation of the counties by numbers, nor do I see why they fix the names of the counties. Now, I want to call the attention of the committee to the peculiarities in the phraseology of this section. It provides, after designating in the first paragraph of section 4, that in order to facilitate the organization of a temporary government there shall be six counties, to be known, until after the election in the Territory, as the First County, the Second County, the Third County, the Fourth County, the Fifth County, and the Sixth County. That—

The county seat of the First County shall be at Guthrie. The county seat of the Second County shall be at Oklahoma City. The county seat of the Third County shall be at Norman. The county seat of the Fourth County, which shall embrace the Fort Reno military reservation, shall be fixed by the governor.

Why should the governor be invested with the authority of fixing the county seat in this county and not given the same authority in respect to all the counties? What motives can there be for this? The county seat of the fifth county is fixed alternatively at Lisbon or Kingfisher City, that place also to be fixed by the governor. Then it provides:

The Sixth County shall embrace all that portion of the Territory lying west of the one hundredth meridian, known as the Public Land Strip, the county seat of which shall be at Beaver.

It will be observed that all the county seats are fixed with the exception of two. The provision for the Fourth County is that it shall embrace the Fort Reno military reservation, most probably with a view of



fixing the county seat at El Reno. Why should it not also be left to the people of this county to fix the naming of the county as well as to indicate the county seat?

I have received a letter from a gentleman entirely unknown to me, of whom I have never heard a word at all until I received his letter, in reference to this provision of the bill, which provides that the Fourth County shall embrace the Fort Reno military reservation. His name is John M. Canon, and in a part of this letter he objects to the fixing of the county seat or allowing the governor to fix it. He objects to the fact that the Fourth County is to embrace the Fort Reno military reservation with a view of fixing the county seat at or near Fort Reno. This gentleman, as I stated, is a total stranger to me. He writes from the Indian Territory.

Mr. PERKINS. From Frisco.

Mr. HOOKER. From Frisco. He refers me in his letter to Hon. JOHN MORRILL, chairman of the Committee on Invalid Pensions, from the First district of Kansas. Before using this letter, as I did not know this gentleman, I spoke to the gentleman from Kansas to know whether or not this gentleman's statements were credible and would be admitted. He stated that he was a neighbor of his; that he knew him well, and that any statement made by him would be worthy of credit. Now, in connection with my remarks I will ask to have this letter read.

The Clerk read as follows:

FRISCO, IND. T., February 27, 1893.

DEAR SIR: I am a resident of Frisco and consequently am very much interested in the welfare of the town, and on this account it might be said that I would color statements. Be that as it may, I believe that I can tell the truth, nevertheless. Frisco is the largest town in population by far of any town in the southwest portion of Oklahoma. It has not so many houses as Reno City, but it has more people than Reno City and El Reno both together. It is situated upon the east side of section 1, township 12, range 6, and the west side of section 6, township 12, and range 5, in the very best farming lands in Oklahoma, and you can see that it is in the geographical center of this country. It has no rivals but the two Renos, El Reno and Reno City. The west line of each of these towns joins upon the Cheyenne and Arapaho country, and they are only 3 miles apart, north and south.

Members of the committee who framed this bill say that they have named a few of the county seats for the convenience of the people. Now, would it not look very much like a travesty upon justice to name a town clear outside of Oklahoma as one bill, the first that was offered upon Territorial government (SPRINGER'S), when it placed the location in these words, "at or near Fort Reno?" And others say there were so many towns that wanted the county seat in this county that Congress could not go into this matter, but would leave the location to the governor. If that was a good thing for us why not a good thing all round and not name any? That kind of talk is a good deal like what is said by Bret Harte about the gambling Chinaman, "child-like and bland." A little too laud-like for Western Congressmen, especially when in the fourth section of the bill they say that the Fourth County shall embrace the Fort Reno military reservation. Why do they wish this to be taken into this Territory, when in the State of Kansas and other States the Government asks the States to cede jurisdiction to it?

I was a member of this last or present Legislature of Kansas, and one of its last acts was to cede jurisdiction to the Government of the Fort Riley military reservation. There might be a plausible reason given by some men that it was on account of the prohibition law of Kansas. Even that would not look well or sound well for a Congressman to speak of in Congress assembled, but when you go a little farther into the bill you can see the symptoms of the true inwardness of this matter; for instance, the first clause of the fourth section says that the governor shall establish the county line, subject to the future action of the Territorial Legislature. Yet in this particular county that bill says that this county shall embrace the Fort Reno military reserve. If the governor was to have the establishing of the county lines, why not let him do so? But no; this particular county must have that post embraced within its limits. Now, the majority of the people of this county, and I believe of the whole Territory, think this is an injustice and an iniquity that should not be allowed to pass so honorable a body as the Congress of the United States, nor do I believe it will be, if the members understand the situation fully.

The military reservation does not adjoin Oklahoma proper, but a part of the Cheyenne country intervenes between the two. But the crowning infamy of this proposed measure is that an American part which places the location of the county seat of the county beyond the reach of the governor or the Legislature of this Territory, or even the vote of the people themselves to change it; nothing but an act of Congress could change it. Now, do you believe that all these things could or have happened in the usual course of legislation? No, these things do not happen that way; there is a purpose in all these things that will develop further on. As the Chaplain of your House once had as the theme for a lecture "What a blind man saw in England," so can we who are here see though we have not the eyes of Congressmen.

I feel assured that when this matter is fully understood such a measure will not be forced upon us, as there is no precedent that I have ever heard of for such action. What possible benefit would it be to the Government to have the Fort Reno reserve embraced in this county? None; but on the other hand there would be embarrassment on account of conflict of jurisdiction. I believe that the workers of the scheme expected that the infamy of placing the county seat beyond the reach of the people might be discovered. Then they would still have the leverage of all of the Army attachés at the fort and agencies there, and it could be used for a herding ground for voters, to keep the county seat at some point at or near Fort Reno. When Kansas was admitted, or rather was organized into a Territory, all of the attachés of troops were debarred from voting, but there is nothing of the kind in this bill.

Truly yours,

JOHN M. CANON.

Hon. HOOKER, Washington City.

P. S.—You can ask Major MORRILL of the First Kansas district if I am responsible for what I say.

J. M. C.

#### MESSAGE FROM THE SENATE.

The committee informally rose, Mr. BREWER in the chair as Speaker *pro tempore*, and a message was read from the Senate, by Mr. MCCOOK, its Secretary, announcing the passage of bills of the following titles; in which concurrence was requested:

A bill (S. 2653) providing for the terms and place of holding terms of the United States courts in the State of Washington;

A bill (S. 1219) providing for the construction of a public building at Salt Lake City, Utah; and

A bill (S. 680) for the relief of Alice E. Robertson.

The committee resumed its session.

#### TERRITORY OF OKLAHOMA.

Mr. SPRINGER. Mr. Chairman, I dislike to be compelled on an occasion of this kind to reply to letters which are read in debate by members of this House, and which I am sure they do not indorse.

This gentleman sends a letter to a Representative in Congress in which he impugns the motives of the Committee on Territories and insists that there is some sort of a job or scheme in this proposition, and the honorable gentleman from Mississippi has had it read as a part of his remarks.

Now, Mr. Chairman, in the first place, this letter relates to the section of the bill before it was reported to this House and while it was pending in the committee, when the text was that the county seat of this county should be at or near Fort Reno. I believe that the people who live in the town that this gentleman represents object to that language, because it cuts that town out from competing for the county seat, and to oblige this gentleman I suggested this change; and it seems that he is not obliged now. Now, if there is any scheme about the gentleman who wrote that letter, he wrote me also, and objected to the text of the bill, which was amended to suit him, I think, and that objection comes from himself.

Now, the text originally stated that the county seat should be at or near Fort Reno. He objected to that because his town of Frisco, 12 miles from Fort Reno, he thought would be cut off from competing. I asked the Committee on Territories to make this change, and I thought this change was made necessary. There was no point at which we could designate the location of the county unless we stated that it was a county that was to embrace this reservation of Fort Reno, as the reservation had to be in some county; it was simply a geographical designation of the southwestern part of the Territory, and if gentlemen want it better understood than by having it stated as the county which shall embrace Fort Reno, they can make it in the southwestern part of the Territory.

This gentleman supposes that he knew more than members of Congress about it who had studied this matter from a disinterested standpoint and did not have any town-site or town interest in the place and who had no other disposition than to be fair. We had this change made simply so as to obviate such an objection; and I am perfectly willing that it shall not be designated as the county to embrace the Fort Reno military reservation, but it shall be called the southwestern part of the Territory. There must be some county within which the Fort Reno military reservation must be, and for the purpose of a geographical designation it was so named. Here is a map, if any gentleman desires to locate it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANSUR. In regard to this matter, Mr. Chairman and gentlemen of the committee, I remember full well when it was before the committee, and I opposed the proposition at the time that the location should be at or near Fort Reno, because there were three or four towns almost right together within two, three, or four miles of each other, and knowing that there would be a conflict between them I proposed that it ought to go, as I thought, to Frisco, that being about an equal distance between Fort Reno and Oklahoma City. It was discussed fully by the committee. There was considerable difference of opinion, and finally, for the purpose of reconciling the different opinions as to where the county seat should be, we thought of this: That, inasmuch as the governor was to be appointed by the President and inasmuch as he was to call the Legislature within thirty days after its election, it was a question that could be left to the people there at the time to determine which town ought to have it.

We thought that the best thing to be done with the rival contests between three or four towns (three, I believe) that are within two and a half and three miles in distance. It will probably be determined by whichever point may happen to be selected in the extension of the Rock Island road, which is running down there. The railroad town will most likely be made the county seat, and it will be located in the interest of the public; so that it was finally determined to leave it to the governor to locate it. That is the reason for the adoption of that language by the committee.

Mr. HAKE. The report of the committee I indorse throughout with the exception of not naming the county seats of the two counties named. To adopt the amendment offered by the gentleman from Mississippi [Mr. HOOKER] would simply bring up the six counties in which there would be so many contests for the county seat. I think it was proper to lay off the Territory into counties, and, wherever it was practicable, it was right to name the county seats, in order to keep them from being matters of contest among the people. This letter that has been read shows that there is a contest; and to settle such questions right here, whenever it can be done, is, in my judgment, right and proper. The town I have named is crossed by railroads, and the other one, Kingfisher, is on a disputed pre-emption. Therefore, to settle these controversies here and now and take away the occasion for these con-

tests, I oppose the gentleman's amendment and insist that my own is proper.

The CHAIRMAN. Debate upon this amendment is exhausted.

Mr. PICKLER. I move to strike out the last word. I desire to ask the gentleman who has charge of this bill a question. The bill provides for temporary county seats by these locations?

Mr. PERKINS. Yes.

Mr. PICKLER. How are the permanent county seats to be fixed?

Mr. PERKINS. They will be fixed as the Legislature of the new Territory of Oklahoma shall provide.

Mr. PICKLER. Does the bill make that provision?

Mr. PERKINS. There is nothing in the bill which precludes them from doing that, and it provides that these county seats shall be only temporary, until the organization of the Territorial government.

Mr. ANDERSON, of Kansas. The language of the bill provides that the government of the counties or the boundaries of the counties shall be temporary, but there is nothing in it which provides that the county seats shall be temporary, and I was about to suggest an amendment in the second line of the last paragraph of section 4, so as to make the provision read: "At the first election for members of the Legislative Assembly the people of each county may vote for a county seat and for a name for such county," etc.

Mr. PERKINS. The only objection to that is that at the time of the first election the Legislature will not yet have had an opportunity to define the boundaries of the counties; so that it would not be well for the people at that time to undertake to permanently locate their county seats.

Mr. ANDERSON, of Kansas. So far as this bill is concerned it does specifically designate the county seats. Now, this being an act of Congress and there being in it no language which indicates that the county seats shall be temporary, while there is something in it which indicates that the boundaries shall be temporary, may it not be held that the Territorial Legislature could not pass any act by which the people would change the county seats, even after the new counties are designated by the Legislature?

Mr. PERKINS. I think not; but we have no objection that an amendment shall be offered to the effect that these designations are only temporary in their character if any one desires it; because they are so in fact and in effect. The counties are temporarily designated and the provision of the bill is that they are temporary, and when the legislature convenes and marks out the boundaries of the counties then necessarily the county seats must conform to those counties, as the Legislature shall prescribe.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOOKER. Mr. Chairman, I move to strike out the last word. The amendment which I have offered as a substitute for that of the gentleman from Texas [Mr. HARE] proposes to give the people the right to determine the names of the counties and to fix the sites of the county seats, and I submitted the letter which has been referred to by the gentleman from Illinois [Mr. SPRINGER], because it seemed to me to contain an argument for not doing what the bill proposes to do. If there is in it any reflection upon the committee, I do not very well see it, and I certainly do not see any suggestion that there is any "nigger in the wood-pile," as one honorable gentleman seems to think.

The letter speaks for itself. It was written to me by a man whom I have never seen and never heard of before. He is one of the people there. He went from the good State of Kansas, and he seems to have been a member of the Legislature of that State at one time, and is a man of high character. He is evidently in favor of Frisco, which is admitted, I believe, to be the largest and most populous place in that county.

The writer of this letter has a right to be heard upon the subject as a citizen, and in writing that letter to a member of Congress I presume that he exercised simply his right to express his opinion, and to give not only the committee, but the House the benefit of the information which he has acquired by being on the spot. He certainly knows vastly more than I know or can pretend to know on the subject, and I submitted his letter because it seemed to me to present a forcible argument in support of my amendment, which refers to all the counties. I think there should be no designation of the names of the counties by Congress, and certainly no designation of the county seats, because upon that question the people ought to have the right to pass.

If there be a contest or anything of that kind as between El Reno and Frisco, let the people determine where they think the county seat ought to be. As I understand, it is conceded that the town of Frisco is more central than any other in this southwestern county and has a larger population. I offered my amendment to apply to all the counties. If there be towns in the other counties so well situated by nature and having so large a population as to be naturally indicated for the county seats, there will be no difficulty in applying this amendment to them, but I think the county seats should be selected by the people. For instance, it is provided that the county seat of the First County shall be at Guthrie; of the Second County at Oklahoma City; of the Third County at Norman. Now, if these are the places which would probably be selected by the people, and if there be any doubt as to this county whether the county seat should go to El Reno or Frisco, why not allow

the people to designate the site? It seems to me there can be no possible objection to my amendment.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. SPRINGER. I move to amend by striking out the last word. I desire to explain this matter briefly to the gentleman from Mississippi. It is provided in the bill that the laws of Arkansas be extended over this territory until the adjournment of the first session of the Territorial Legislature. If these county seats be fixed before a vote is taken in the Territory, the Territorial Government will be in full operation the very moment the governor enters upon his duties; the county officers will then all take their places. The returns of the first election must be sent to some place; there should be some point designated which the people will recognize as the county seat; and we propose merely to fix this county seat until the Legislature can otherwise provide.

Now, as to Guthrie, as to Oklahoma City, as to Norman, they are just as much fixed as county seats, by reason of their great preponderance of population, as the capitals of any of the States of the Union are fixed as capitals. These designations are made in the bill for the purpose simply of facilitating the temporary government.

Mr. HOOKER. I move to amend by striking out the last two words. It has been said that this change was made in committee. As I understand, this gentleman in his letter refers not to the present bill, but to the bill of a former Congress with regard to the first organization of Oklahoma Territory. In that measure, as I understand, it was provided that the county seat should be at or near Fort Reno. But that bill of a former Congress embraced an entirely different area.

As to the argument that the laws of Arkansas are extended over this Territory, I do not understand that that provision has been adopted; it has not yet been reached in the consideration of this bill, and we may never adopt it; there is every probability, I think, that it may not be adopted at all.

I submit, therefore, that this important matter of the selection of a county seat should be left to the people interested, and I do not see any reason why the selection should not be made by them at the first election. If these places have been indicated by population, by geographical position, etc., as the proper points for the county seats there is no reason for supposing the people will not select them. But if there be in any one county two points between which a question may arise, it seems to me the most obvious method of settlement is to allow the people of the whole county to vote on the question whether the county seat shall be at one point or the other.

As has been well suggested by my friend from Kansas, there is very good reason for apprehending that if we now fix the county seat by the terms of this act, it may be out of the power of the Territorial Legislature to make a change in that respect without further action by Congress. That would seem to be the natural construction of the phraseology of the bill: that, as this county seat is fixed by Congress, it can only be unfixed by Congress. When we, by this act, establish the Territory and designate this particular point, it may very well be assumed that we thereby take away from the people the right to determine this question, though it is one naturally belonging to them. Look at the language of the bill:

SEC. 4. That, for the purpose of facilitating the organization of a temporary government in the Territory of Oklahoma, six counties are hereby established therein, to be known, until after the first election in the Territory, as the First County, the Second County, the Third County, the Fourth County, the Fifth County, and the Sixth County, the boundaries of which shall be fixed by the governor of the Territory until otherwise provided by the Legislative Assembly thereof.

Under this language it is a very serious question for the consideration of this Committee of the Whole whether the Territorial Legislature would have any power to make any change on this subject; whether, after Congress has made this location, as it has the right to do, the Territory will have any authority to supersede the legislation of Congress on this subject. So that, as has been very properly suggested, an act of Congress might be required to get rid of the incumbency which you would thus place on the people of the county by fixing the county seat at a particular point, although a majority of the legal voters of the county might desire another.

The question being taken on agreeing to the substitute of Mr. HOOKER, there were—ayes 23, noes 39.

Mr. HOOKER. No quorum.

The CHAIRMAN. The gentleman from Mississippi makes the point that no quorum of the Committee of the Whole has voted. The Chair will count the committee. [A pause.] One hundred and eight members are present in the body of the Hall. The noes have it; and the proposed substitute of the gentleman from Mississippi is rejected. The question now recurs upon the amendment proposed by the gentleman from Texas.

Mr. OATES. I rise to a parliamentary inquiry. I desire to know by what rule the Chair, under the present circumstances, counts to ascertain whether a quorum is present or not?

The CHAIRMAN. The Chair expects that the gentleman from Alabama [Mr. OATES] is as well advised on that point as the Chair. The Chair undertakes to count the members present because, the point being made, it is necessary to know whether a quorum is in attendance or not.



Mr. OATES. The gentleman from Alabama does not know any rule which authorizes the Chair to count in that way to ascertain whether there is a quorum.

The CHAIRMAN. In answer to the gentleman's parliamentary inquiry, the Chair states that, on the point being made he assumes the power to count whether a quorum is present in the Hall, precisely as is done under the rules in the House, and announces that a quorum is present, there being 108 members actually in the Hall.

Mr. OATES. The Chair refuses to specify any rule?

The CHAIRMAN. It is unnecessary. The question recurs on the amendment of the gentleman from Texas.

Mr. PICKLER. I desire to offer an amendment.

The CHAIRMAN. As the Chair understands, the amendment of the gentleman from South Dakota [Mr. PICKLER] is not an amendment to the amendment of the gentleman from Texas.

Mr. PETERS. I move to amend the amendment by striking out "El Reno," in the first portion of the amendment, and inserting "Frisco."

The CHAIRMAN. An amendment to the amendment is already pending, and no other motion to amend is in order unless it be in the form of a substitute.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I desire to know whether an amendment I propose to offer would be a substitute for the amendment both of the gentlemen from Kansas and the gentleman from Texas? If so, I shall now submit it.

The CHAIRMAN. If it is a substitute for both the Chair thinks it would be in order at this time.

Mr. BRECKINRIDGE, of Kentucky. The amendment is to strike out the word "governor," where it occurs in this section, and insert the word "President."

Mr. PICKLER. I would like to have my amendment read first.

The CHAIRMAN. Does the gentleman propose it as an amendment to the amendment of the gentleman from Texas?

Mr. PICKLER. No, sir.

The CHAIRMAN. Then let it remain for the present until this other amendment is disposed of, and the Chair will recognize the gentleman.

Mr. BRECKINRIDGE, of Kentucky. I move, as a substitute for both the pending propositions, that the word "governor" be stricken out and "President" inserted in the fifteenth and seventeenth lines of section 4.

The CHAIRMAN. The Chair thinks that would hardly be proper as a substitute.

Mr. BRECKINRIDGE, of Kentucky. I doubted it myself. But I submitted it with this idea, that, if the committee made it a substitute for the proposition of the gentleman from Texas as proposed to be amended by the gentleman from Kansas, that would be a declaration of its purpose that the sites should not be named, as proposed in the bill, but should be named by some officer, and then the proposition would stand as an amendment to the original text.

The CHAIRMAN. The Chair will recognize the gentleman to offer the amendment later.

Mr. PETERS. I desire to be heard, Mr. Chairman, for a moment on the amendment I have submitted. I stated in my remarks before the main reasons why I believe that Frisco should be made the county seat of this county, and do not deem it necessary to do more than to call the attention of the committee succinctly to these reasons.

I hope that in the consideration of this question, whatever might have been supposed to be offensive in that letter, which has been written and read, will not have any weight upon the committee in fixing the county seat of this county. We all know and have had experience in county-seat elections how terribly bitter these contests may become.

I have heard it remarked frequently that the most bitter cases in court were those between members of the same family, members of the same church, and county-seat cases. And I think it safe to say that these cases, which involve the question of settling county seats, will create more bitterness, antagonism, and feeling than any other cases that can probably be brought into the courts. I state this much in extenuation of whatever may have been improperly said in the letter which has been already quoted here on the floor.

The town of Frisco, Mr. Chairman, is the largest in the county, having, as I have said, a population of about 500 people. It is nearly in the geographical center of the proposed county, as it must be formed by the governor by reason of the Territorial lines. These are strong reasons in favor of its location, and the only objection to the location is that it is off the line of the railroad, whereas the town proposed by the gentleman from Texas being on the railroad it is claimed gives it an advantage in that direction. It should not, Mr. Chairman, give it any advantage, because the large bulk of the population of that county, which will necessarily be agricultural, must in the nature of things be off the line of the railroad; and consequently it would be more subservient to their convenience and more to their advantage, as far as the mass of the population of the county is concerned, to locate it at the point I have named rather than on the line of the railroad.

Now, I hope the committee will take into consideration in the location of these county seats, although they be but temporary, the fact that they ought to be located with reference to the convenience of the

people that will probably inhabit the Territory thus to be made into counties; and as there are houses in Frisco, a number of them, for the convenience of the county officers and for the convenience of the records of the county and as it is in the center of this new and proposed county, it seems to me it is just and wise legislation to locate the seat at Frisco.

Aside from that we have named Guthrie, which is already a town of considerable importance; we have named Oklahoma City, a town of considerable importance; we have named Norman, which is not equal to the claims of Frisco, for it has not half the population of Frisco, as I am informed, and we have named either Kingfisher or Lisbon, neither of which alone has the population of Frisco. And so, Mr. Chairman, if you take into consideration the question of population, the question of where the people can most conveniently go to the county seat, the question of where they have settled and the geographical location of the county seat, certainly Frisco should be named as the county seat of this county.

Mr. HARE. Mr. Chairman, the reasons that Judge PETERS has assigned for the establishment of a county seat I fully indorse. These county contests, wherever they are waged, are extremely bitter. He states, however, that Frisco should be named as the county seat instead of El Reno.

I want to say that since this bill has been introduced in the House a railroad passes from north to south through El Reno and another from Fort Smith, running west, is now graded through the same point. I want to state further that since the introduction of this bill the population of that town to-day runs up, as it is claimed, in the neighborhood of 1,000 souls, or nearly twice the population of Frisco, and since this bill was introduced people are flocking there by the hundred daily. This is my information; and the reason is that, the governor having the power to determine the boundary lines of the county and to name where it is, El Reno being near or within 4 miles of Fort Reno military reservation, it makes the county in the southeast part of the Territory and a proper site for the county. And the very reasons which the gentleman from Kansas urges indicate the correctness of my amendment.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Kansas to the amendment of the gentleman from Texas.

The amendment of Mr. PETERS to the amendment of Mr. HARE was rejected.

The question being taken on the amendment of Mr. HARE, the committee divided; and there were—ayes 22, noes 46.

Mr. TURNER, of New York. I make the point that no quorum has voted.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will count the members of the committee present.

After counting, the Chair announced the presence of 121 members—more than a quorum of the committee.

So the amendment was rejected.

Mr. BRECKINRIDGE, of Kentucky. I desire now, Mr. Chairman, to submit the amendment which I offered a few moments ago.

The Clerk read as follows:

Strike out the word "governor," in the sixteenth and seventeenth lines of this section, and insert the word "President."

Mr. PERKINS. I would suggest to the gentleman from Kentucky to designate the Secretary of the Interior instead of the President and there will be no objection.

Mr. BRECKINRIDGE, of Kentucky. I have no objection to the modification. I thought originally of doing that, but concluded that as the Secretary of the Interior would be only a secretary to the President, I would insert the name of the President. But I accept the suggestion of the gentleman.

The amendment of Mr. BRECKINRIDGE, of Kentucky, was adopted.

Mr. PICKLER. I now ask the reading of the amendment which I have submitted.

The Clerk read as follows:

Add, after the word "Beaver," in the twentieth line of section 4, the following: "Provided the county seats located by this act may be changed in such manner as the Territorial Legislature may provide."

The amendment was adopted.

Mr. DOLLIVER. I submit the amendment I send to the desk.

The Clerk read as follows:

Amend section 4 by striking out the word "six," in the third line, and inserting in lieu thereof the word "seven;" also amend by adding the words "and the Seventh County" after the words "Sixth County" in the sixth line of section 4. Also by adding the following words after the word "Beaver" in the twentieth line: "the county seat of the Seventh County shall be at Stillwater, and said county shall embrace the northeast corner of the Territory."

Mr. DOLLIVER. The object of that amendment is to provide an additional county, with the seat at Stillwater. As I understand the geography of the Territory, it is about 60 miles from any of the county-seats provided by the bill, and this makes a county in the northeast portion of the Territory.

Mr. SPRINGER. I hope that that amendment will not be agreed to. The committee discussed this very thoroughly. We thought these were enough for the temporary organization of the government, and when the Legislature meets they could provide for the rest of them.

Mr. ROGERS. Mr. Chairman—

The CH. IRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was put; and the Chairman announced that the "noes" seemed to have it.

Mr. DOLLIVER. Division.

The committee divided; and there were—ayes 31, noes 28.

[Cries of "Tellers."]

Tellers were ordered.

The CHAIRMAN. The Chair will appoint the gentleman from Kansas [Mr. PERKINS] and the gentleman from Iowa [Mr. DOLLIVER] as tellers.

The committee again divided; and the tellers reported—ayes 60, noes 40.

So the amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I move to strike out the last word.

I tried to get the floor before the last vote was taken, but did not succeed. My purpose was simply to state that, for the credit of the House of Representatives, if we are going to create a seventh county in this bill (and about that I feel no concern whatever), we ought at least not to send it over to the Senate in the language of that amendment. The amendment says that the "seventh county shall be composed of the northeast corner of the Territory." I would like to know whether it is to contain 1 acre, 2 acres, 3 acres, or 40 square miles. I would dislike to be the father of an amendment to a bill the language of which was no more definite than that of the amendment which has just been adopted.

The CHAIRMAN. Does the gentleman from Arkansas withdraw the *pro forma* amendment?

Mr. ROGERS. I withdraw it, of course.

The Clerk read as follows:

Sec. 6. That criminal cases shall be instituted and tried in the district court held in said Territory in the county in which the offense was committed, unless the case shall be removed to another county by change of venue. Civil suits shall be instituted in the district court in the county in which the defendant resides, or where the contract was made or the cause of action accrued, or where the defendant may be found; and shall be tried therein, unless the case shall be removed to another county by change of venue.

Persons charged with any offense or crime in the Territory of Oklahoma, and for whose arrest a warrant has been issued, may be arrested by the United States marshal or any of his deputies wherever found in said Territory, but in all cases the accused shall be taken, for preliminary examination, before a United States commissioner or a justice of the peace of the county whose office is nearest to the place where the offense or crime was committed.

Mr. HOLMAN. I wish to submit an amendment to that section. I wish to call the attention of the gentleman having charge of the bill to the words in lines 4 and 5 of the section:

Civil suit shall be instituted in the district court in the county in which the defendant resides, or where the contract was made or the cause of action accrued, or where the defendant may be found.

Now, that does not seem to me to be a fair proposition. I think all after the word "resides" ought to be stricken out, so that it will read:

Civil suits shall be instituted in the district courts in the county in which the defendant resides.

That is the law in most of the States of the Union, I believe.

Mr. SPRINGER. Suppose you can not find him. He may be temporarily away.

Mr. HOLMAN. You serve process by copy in all the States of the Union by leaving them at the last known place of residence of the party. I do not believe that it is in harmony with the spirit of legislation for the last twenty-five years that a citizen shall be called to answer in a civil suit except in the county in which he resides. Prior to 1850 in the State of Indiana a provision similar to this proposition here was in existence.

Mr. SPRINGER. It is the common-law rule.

Mr. HOLMAN. And in 1850-'51 the constitution was amended, and one of the strongest contentions in the convention was concerning this very proposition relative to suing a man wherever he was to be found, whether he was traveling in the country or absent for any temporary purpose. Under the constitution as adopted the suit must be made where the man resides. Therefore, for twenty-five years in Indiana a citizen has not been called upon to answer in a civil suit except in the county in which he lives; and I think we are going backward in this provision to a state of things favorable to the creditor and injurious to the debtor, contrary to the reforms of our age.

Mr. SPRINGER. Will the gentleman allow me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. SPRINGER. If a citizen of one county should have a contract to build a building in another county, and was in that other county where the building was being constructed and where the work was being done, it seems to me that the proper place for this suit to be laid would be where the contract was made and where the work was going on.

Mr. HOLMAN. My friend is occupying the little time I have.

Mr. SPRINGER. I just wanted to understand the gentleman's position.

Mr. HOLMAN. I think that some consideration ought to be had for the debtor class instead of the creditor class entirely, and that a citizen should not be called upon to answer a civil action anywhere else ex-

cept in the county in which he lives. If he does not live in the State he ought to be sued wherever he can be found. I would be astonished to learn there was such a law in existence in the State of Kansas as this. I think if there is, it is about the only State now left in which such a law does exist.

Mr. PERKINS. I think the gentleman could improve his amendment by leaving out, in the sixth line, the words "or where the contract was made or the cause of action accrued."

Mr. HOLMAN. That will do.

Mr. HOOKER. I would like to hear the amendment read. I did not hear it.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Strike out the following words in the sixth and seventh lines: "or where the contract was made or the cause of action accrued."

The question was taken on the amendment, and the Chairman announced that the "ayes" seemed to have it.

Mr. TURNER, of New York. Division.

The House divided; and there were—ayes 69, noes 5.

Mr. TURNER, of New York. I make the point that no quorum has voted.

Mr. SPRINGER. Did you not vote in the affirmative? If you did, then you have got what you wanted.

Mr. TURNER, of New York. I do not like business to be transacted without a quorum.

The CHAIRMAN counted the committee, and announced that there were 113 members within the Hall of the House.

Mr. TURNER, of New York. I made the point that no quorum voted; and in the second section of Rule XXIII I find it stated that—

Whenever a Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum, which shall consist of 100 members, the Chairman shall cause the roll to be called.

And I made the point of order that the House is without a quorum.

The CHAIRMAN. The committee does not find itself without a quorum, there being 113 members within the Hall, as ascertained by the count by the Chairman. So the committee has a quorum. The point of order that no quorum has voted is overruled, and, the count by the Chair showing that 113 members are actually present, the amendment is agreed to.

Mr. TURNER, of New York. From that I respectfully appeal to the House.

The CHAIRMAN. If a quorum is actually present it is immaterial whether a quorum vote. One hundred and thirteen members are actually present, and the Chair only announces a fact, which is not disputed, of the actual presence of a quorum.

The Chair, following the precedent which has been set in the House, and which precedent the Chair thinks is right and should be followed, because no provision is made for a count of members present except by the Chair, declines to entertain the appeal.

An actual quorum is present and, in the judgment of the Chair, the statement of the fact cannot be questioned in this way. [Cries of "Read!" "Read!"]

The Clerk read as follows:

Sec. 7. That the general statutes of Nebraska, which are not locally inapplicable or in conflict with this act or in conflict with any law of the United States, are hereby extended to and put in force in the Territory of Oklahoma until after the adjournment of the first session of the Legislative Assembly of said Territory. The governor of said Territory is authorized to divide each county into voting precincts and into such political subdivisions and school districts as may be required by the laws of the State of Nebraska; and he is hereby authorized to appoint all officers of such counties and subdivisions thereof, and all election officers until their election or appointment shall be provided for by the Legislative Assembly, but not more than two of the judges or inspectors of election in any voting precinct shall be members of the same political party, and the candidates of each political party who may be voted for at such election may designate one person who shall be present at the counting and canvassing of the votes cast in each precinct: *Provided*, That the supreme and district courts provided for in other sections of this act shall constitute the courts in said Territory in lieu of courts of like jurisdiction provided for by the laws of the State of Nebraska; and jurisdiction is hereby conferred upon said courts to enforce said laws.

Mr. MORSE. Mr. Chairman, I desire to offer an amendment to this section.

Mr. HOOKER. Mr. Chairman, pending the consideration of that amendment I hope the gentleman in charge of the bill [Mr. PERKINS] will move that the committee rise.

Mr. PERKINS. Let us consider this amendment first.

The amendment of Mr. MORSE was read, as follows:

Amend section 7 by inserting immediately after the word "Territory," in line 6, the following:

"And provided, That no intoxicating liquor shall be introduced, under any pretense, into the Territory of Oklahoma until authorized by law, and that every person who, except for medicinal or mechanical purposes, sells, exchanges, gives, barter, or disposes of any intoxicating liquor to any person, or attempts to introduce any intoxicating liquor in the Territory, or to set up or continue any distillery or manufactory of any intoxicating liquor within said Territory, shall be punished by imprisonment for not more than two years and by a fine of not more than \$1,000."

Mr. MORSE. Mr. Chairman, the Territory of Oklahoma, with reference to the government of which we are legislating, is surrounded by the Indian Territory and by the Indians, and this amendment to the



seventh section which I have offered substantially continues the existing regulations of the liquor traffic with Indian tribes in Oklahoma until a Territorial government is organized and the people of that Territory have an opportunity to vote upon the question of allowing the manufacture or sale of strong drink within the Territory.

Mr. KILGORE. I desire to inquire of the gentleman from Massachusetts as to whether or no his amendment is the law of Massachusetts upon the subject of the liquor traffic.

Mr. MORSE. If it is not it ought to be. The sale of rum to a white man is bad, but it is very much worse to sell it to an Indian. I read of an Indian once who pointed to a barrel of whisky that was being unloaded in his country, and remarked in his native tongue that there were five murders in that barrel and fifty fights; and it is easy to foresee the effect of legalizing the saloons, as the existing bill will do, in close proximity to the Indians. Brawls, massacres, and murders are certain to follow the sale of strong drink to the Indians surrounding and inhabiting this Territory. Citizens of the Territory of Oklahoma have waited upon me since this bill has been under consideration and urged the adoption of this amendment. The pending bill fixes the same regulation upon the liquor traffic as exists in Nebraska, which is high license.

It will not matter much, in its effect, whether an Indian buys rum and whisky at a high or low license saloon. Fights, bloodshed, and murder are sure to follow, and in the interests of the citizens of this Territory and in the name of justice and fair play I demand that the breweries, distilleries, and licensed saloons shall not be forced upon the people of that Territory without their consent.

Mr. KILGORE. I desire to ask the gentleman from Massachusetts a question.

The CHAIRMAN. The gentleman from Massachusetts has the floor.

Mr. MORSE. I can not hear the gentleman from Texas—

Mr. SPRINGER. Will the gentleman from Massachusetts allow me to ask him a question?

Mr. MORSE. Certainly.

Mr. SPRINGER. I want to say to the gentleman from Massachusetts that he is mistaken in his assumption in regard to the position of the Indian reservation after this bill passes. The law of Congress which prohibits the introduction of intoxicating or spirituous liquors of any kind into those Indian reservations is not changed by this bill at all. That law will still exist, and, as gentlemen know, it contains a most stringent prohibition against introducing intoxicating liquors into any Indian reservation. Therefore the gentleman's amendment would apply only to that portion of this Territory that is opened for settlement, and over that is placed the law of Nebraska.

Now, any gentleman upon this floor who is familiar with the law of Nebraska will tell you that it prohibits the sale of intoxicating liquors of every kind until it has been authorized by a vote of the people and a license given therefor. Therefore, if the gentleman's object is to accomplish what he has stated, that object will be best obtained by letting the matter alone.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. MORSE. I move to strike out the last word.

Mr. Chairman, in answer to the gentleman from Illinois [Mr. SPRINGER] I desire to say that no harm can possibly arise from making this matter so plain and distinct that he that runs may read, and I believe the gentleman from Illinois is too wise and too patriotic to desire to open liquor saloons in close proximity to these Indians. If they are opened there it is easy to see what will happen: murders, fights among the Indians, and massacres of the white people.

This amendment I believe to be a wise and judicious one. I believe it has the approval of at least some members of the Committee on Territories, and I trust the House will adopt it.

Let us take no chances. Let us make the law so plain that there can be no mistake. This amendment simply excludes the sale and manufacture of rum in that Territory until the new government has a right to act upon that question, nothing more, nothing less, and I submit that this amendment is in the interests of law and order, morality and virtue, and good government, and ought to prevail.

Mr. TURNER, of New York. Mr. Chairman, I trust that this amendment prohibiting the sale of alcoholic liquors in this newly organized Territory, or about-to-be-organized Territory, will receive at least the deliberate consideration of this House. I believe that no more serious matter can weigh upon the consciences of the several members of this committee than the question whether these untutored children of the wilderness, as we are taught by this Committee on Territories to believe they are, shall be assailed by this most dangerous temptation of civilization. I confess, sir, I for one feel that I should be unmindful of my duty to my constituents and to my fellow-men did I not rise in my place and raise even a feeble voice against any legislation which would expose these untutored children of nature to this most subtle temptation. [Laughter.]

Mr. MANSUR. I would like to ask the gentleman a question.

Mr. TURNER, of New York. I yield with much pleasure.

Mr. MANSUR. Is the gentleman aware that the laws of the United States in full force to-day make it a criminal offense to take intoxicating liquor into the reservation of any Indians?

Mr. TURNER, of New York. But I suggest to the gentleman that this is no longer a reservation, but a Territory.

Mr. MANSUR. But I desire to remind the gentleman that, as this bill expressly declares, this Territorial government or organization is not for any Indian reservation whatever; it does not apply to Indian reservations.

Mr. TURNER, of New York. I admit that I ought to have known that this committee, in the paternal care which they have exercised over the poor red man, in their intense and earnest solicitude to help him onward in the path of civilization, would not have neglected a single point. It is really presumption on my part to rise here and raise any question as to all these points, having received the most careful and deliberate consideration in all their minutiae and details.

But I would suggest that as long ago as 1819 these people who, we are told here, are unable of themselves to go forward in the road they have so nobly trod toward civilization—as long ago as 1819 the Cherokee people passed a prohibitory act. Am I not entitled to claim that they have been the vanguard in this army of temperance reform? I submit it is too bad that these Indians, after seventy years of faithful adherence to the total abstinence policy, should now be exposed to this temptation. I hope, therefore, this committee will consider very seriously and very soberly this question; and I suggest that the committee now rise that we may go home and in meditation—possibly in the retirement and secrecy of our closets—consider whether we should thus put temptation in the way of the untutored savage. [Laughter.]

The CHAIRMAN. The gentleman from New York moves that the committee now rise.

Mr. PERKINS. Oh, no.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYSON reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (S. 895) to provide a temporary government for the Territory of Oklahoma, had come to no resolution thereon.

Mr. McMILLIN. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

#### EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

ESTABLISHMENT OF LIGHT AT ST. JONES RIVER, DELAWARE BAY.

Letter from the Secretary of the Treasury, recommending an appropriation for establishing proper lights for marking the entrance of St. Jones River, Delaware Bay—to the Committee on Commerce.

LIGHT AND FOG SIGNAL AT MARY OR ST. MARY'S ISLAND, ALASKA.

Letter from the Secretary of the Treasury, recommending an appropriation for the establishment of a light and fog signal at Mary or St. Mary's Island, Alaska—to the Committee on Commerce.

LIGHTS IN YAQUINA BAY, OREGON.

Letter from the Secretary of the Treasury, recommending an appropriation for the establishment of proper lights in Yaquina Bay, Oregon—to the Committee on Commerce.

RANGE OF LIGHTS, DETROIT RIVER, MICHIGAN.

Letter from the Secretary of the Treasury, recommending an appropriation for the establishment of a range of lights between Windmill Point, Lake St. Clair, and Belle Isle, Detroit River, Michigan—to the Committee on Commerce.

NAUTICAL ALMANAC OFFICE—RENT OF ROOMS.

Letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy for rent of rooms for Nautical Almanac Office—to the Committee on Appropriations.

SUPPORT OF THE ARMY.

Letter from the Secretary of War, transmitting a letter from the Adjutant-General of the Army, suggesting certain amendments to H. R. 7619, making appropriations for the support of the Army for the fiscal year ending June 30, 1891, and for other purposes—to the Committee on Military Affairs.

MAPS OF SURVEYS OF OCMULGEE RIVER.

Letter from the Secretary of War, transmitting blue-print maps to accompany the report on the survey of Ocmulgee River, already transmitted—to the Committee on Rivers and Harbors.

#### MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. DIBBLE:

Concurrent resolution of the General Assembly of the State of South Carolina, in favor of an early completion of the jetties of the harbor of Charleston, S. C.—to the Committee on Rivers and Harbors.

## RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was delivered to the Speaker and referred as follows:

By Mr. CARLTON:

Whereas report No. 558, accompanying the findings of the Court of Claims in divers cases, known as the French spoliation claims, made by Committee on Claims, has been fully exhausted; and

Whereas this report is an able and elaborate presentation of all the facts and history appertaining to said French spoliation claims; Therefore,

Be it resolved, That 2,000 copies of said report be printed for the use of the House and that 500 copies beyond the usual number be printed for deposit in the document-room;

to the Committee on Printing.

## REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, the following reports were filed, and, with accompanying bills, ordered to be printed, and referred as follows: Mr. DOLLIVER, from the Committee on War Claims, reported back favorably the bill of the Senate (S. 570) for the relief of Enoch Davis—to the Committee of the Whole House.

He also, from the same committee, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 1910) for the relief of Isaac H. Wheat; and

A bill (H. R. 2442) for the relief of Carl F. Kolbe.

Mr. DOLLIVER also, from the Committee on War Claims, reported with amendment the bill (H. R. 1662) for the relief of B. F. Moody & Co., or their legal representatives—to the Committee of the Whole House.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the bill (H. R. 3639) for the relief of Mrs. Eliza E. Hebart, widow of Jules J. Hebart, deceased—to the Committee of the Whole House.

Mr. SPINOLA, from the Committee on Military Affairs, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 1565) for the relief of the administratrix of the estate of George W. Lawrence; and

A bill (H. R. 4196) for the relief of the Washington Iron Works.

Mr. SPINOLA also, from the Committee on Military Affairs, reported favorably the bill (S. 1074) for the relief of John Hollins McBlair—to the Committee of the Whole House.

Mr. KINSEY, from the Committee on Military Affairs, reported favorably the bill (H. R. 886) providing for the building of a road to the national cemetery at Yorktown—to the Committee of the Whole House on the state of the Union.

Mr. ROCKWELL, from the Committee on Foreign Affairs, reported favorably the following joint resolutions; which were severally referred to the House Calendar:

Joint resolution (H. Res. 93) authorizing the heirs of Rear Admiral Charles H. Baldwin to receive a snuff-box from the Czar of Russia; and

Joint resolution (H. Res. 68) authorizing Capt. George S. Anderson, Sixth Cavalry, to accept from the President of the French Republic a diploma conferring the decoration of Chevalier of the National Order of the Legion of Honor.

Mr. POST, from the Committee on Public Buildings and Grounds, reported with amendment the bill (H. R. 232) for the erection of a public building at Logansport, Ind.—to the Committee of the Whole House on the state of the Union.

Mr. BOOTHMAN, from the Committee on Claims, reported favorably the bill (H. R. 4039) for the relief of O. W. Boyd—to the Committee of the Whole House.

Mr. HENDERSON, of North Carolina, from the Committee on Pensions, reported with amendment the bill (H. R. 6568) increasing the pension of Mrs. Dorothea D. Yates—to the Committee of the Whole House.

Mr. PARRETT, from the Committee on Pensions, reported favorably the bill (H. R. 6294) for the relief of Isabel Hensley—to the Committee of the Whole House.

Mr. LEWIS, from the Committee on Public Buildings and Grounds, reported with amendment the bill (H. R. 1006) to erect a public building at Lima, Ohio—to the Committee of the Whole House on the state of the Union.

Mr. BROWNE, of Virginia, from the Committee on Commerce, reported with amendment the following bills; which were severally referred to the Committee of the Whole House on the state of the Union:

A bill (H. R. 7314) making an appropriation for the construction of a new light-ship, with fog-signal, to be established at Fryling Pan Shoals, North Carolina; and

A bill (H. R. 7313) making an appropriation for the construction of a new light-ship, with fog-signal, to be established at Martin's Industry Shoal, off Port Royal entrance, eastward of Tybee light, Georgia.

Mr. WILLCOX, from the Committee on Claims, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 6062) for the relief of Andrew J. Calahan; and

A bill (H. R. 2723) for the relief of William W. Burns.

Mr. CULBERTSON, of Pennsylvania, from the Committee on War Claims, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 7245) for the relief of Snowden & Mason; and

A bill (H. R. 7489) for the relief of George W. Quintard.

Mr. TURNER, of Kansas, from the Committee on the Public Lands, reported favorably the bill (H. R. 3716) to authorize the Secretary of the Interior to convey to the State of Kansas certain lands therein—to the Committee of the Whole House on the state of the Union.

## BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, the following bills were delivered to the Speaker, severally read twice, and referred as follows:

By Mr. O'DONNELL: A bill (H. R. 7977) providing for the levying of a duty on coffee in certain cases, and for other purposes—to the Committee on Ways and Means.

By Mr. CHIPMAN: A bill (H. R. 7978) to establish telegraphic communication between Alpena, Mich., and certain life-saving stations—to the Committee on Commerce.

By Mr. DE LANO: A bill (H. R. 7979) to amend an act entitled "An act to restore pensions," approved June 9, 1880—to the Committee on Invalid Pensions.

By Mr. McCLELLAN: A bill (H. R. 7980) amending section 4708 of the Revised Statutes—to the Committee on the Judiciary.

By Mr. BOWDEN: A bill (H. R. 7981) to provide for the erection of a public building in the city of Portsmouth, in the State of Virginia—to the Committee on Public Buildings and Grounds.

By Mr. DORSEY: A bill (H. R. 7982) fixing compensation to be paid for use of telephones in the different Departments—to the Committee on Public Buildings and Grounds.

By Mr. WALLACE, of New York: A bill (H. R. 7983) amending an act of Congress passed July 12, 1882, relative to fire limit of site of post-office and Federal building, Brooklyn, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. FUNSTON: A bill (H. R. 7984) to amend an act entitled "An act for the establishment of a Bureau of Animal Industry"—to the Committee on Agriculture.

By Mr. CHIPMAN: A bill (H. R. 7985) to amend an act entitled "An act to aid vessels wrecked or disabled in the waters contiguous to the United States and the Dominion of Canada," approved June 19, 1878—to the Committee on Commerce.

By Mr. WATSON: A bill (H. R. 7986) to provide for the erection of a public building at Bradford, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. LEE: A bill (H. R. 7987) to appropriate — dollars to commence, prosecute, and complete the building and construction of Mount Vernon avenue—to the Committee on Military Affairs.

By Mr. RAINES: A bill (H. R. 7988) granting pensions to ex-soldiers, sailors, and marines who are incapacitated for the performance of manual labor, and providing for pensions to widows and children of deceased soldiers, sailors, and marines—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: A bill (H. R. 7989) to promote the administration of justice in the Army—to the Committee on Military Affairs.

Also, a bill (H. R. 7990) to amend Rules and Articles of War 79 and 90, and improve the administration of justice in the Army—to the Committee on Military Affairs.

By Mr. HITT: A bill (H. R. 7991) to prevent fraudulent transactions on the part of commission merchants and other consignees of goods and other property in the District of Columbia—to the Committee on the District of Columbia.

By Mr. COGSWELL: A bill (H. R. 7992) for the erection of a public building at Newburyport, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. CRISP: A bill (H. R. 7993) to amend section 4 of "An act to authorize the county of Laurens, in the State of Georgia, to construct a bridge across the Oconee River at or near Dublin, in said county and State," approved June 18, 1888—to the Committee on Commerce.

By Mr. CULBERTSON, of Texas: A bill (H. R. 7994) to establish a uniform system of bankruptcy—to the Committee on the Judiciary.

By Mr. WATSON: A bill (H. R. 7995) to provide for the erection of a public building at Oil City, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. TURNER, of Kansas: A bill (H. R. 7996) defining lager beer; also imposing a special tax upon and regulating the manufacture, sale, and importation of adulterated lager beer—to the Committee on Ways and Means.

By Mr. WHEELER, of Michigan: A bill (H. R. 7997) for the erection of a public building at Alpena, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. WADE: A bill (H. R. 7998) authorizing the Adjutant-General of the Army to correct the muster-rolls of the Missouri Home Guards of the war of the rebellion—to the Committee on Military Affairs.



## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were delivered to the Clerk and referred as follows:

By Mr. BAYNE: A bill (H. R. 7999) granting an increased pension to Adaline Whelan—to the Committee on Invalid Pensions.

By Mr. BOWDEN: A bill (H. R. 8000) for the relief of Louisa F. Guthrie—to the Committee on Claims.

By Mr. BROWNE, of Virginia: A bill (H. R. 8001) for the relief of Charles H. Watson—to the Committee on Invalid Pensions.

By Mr. CARLISLE: A bill (H. R. 8002) for the relief of Fannie Bostwick, widow of Martin B. Strader—to the Committee on War Claims.

By Mr. CALDWELL: A bill (H. R. 8003) granting a pension to Julia A. Colby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8004) granting a pension to Mary M. Luther—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: A bill (H. R. 8005) for the relief of Joseph Barton—to the Committee on Invalid Pensions.

By Mr. CLUNIE: A bill (H. R. 8006) for the relief of George F. Bratt—to the Committee on Pensions.

By Mr. COGSWELL: A bill (H. R. 8007) granting a pension to Mary R. Blood—to the Committee on Invalid Pensions.

By Mr. COMSTOCK: A bill (H. R. 8008) granting a pension to Chloe Quiggle—to the Committee on Invalid Pensions.

By Mr. COOPER, of Indiana: A bill (H. R. 8009) for the restoration of Abner Morehead to the pension-roll—to the Committee on Invalid Pensions.

By Mr. DE LANO: A bill (H. R. 8010) to remove the charge of desertion from the record of Joel Towsand—to the Committee on Military Affairs.

By Mr. DINGLEY: A bill (H. R. 8011) granting a pension to Ephraim G. Skinner—to the Committee on Invalid Pensions.

Also (by request) a bill (H. R. 8012) granting a pension to Charles A. Norton—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: A bill (H. R. 8013) to increase the pension of Mrs. E. F. Rice—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 8014) for the relief of Richard M. Edwards—to the Committee on Military Affairs.

By Mr. FORMAN: A bill (H. R. 8015) granting a pension to William McAlister—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8016) increasing the pension of John B. Reed—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 8017) granting arrears of pension to Elizabeth C. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8018) for the relief of Francis W. Seeley—to the Committee on Military Affairs.

By Mr. HARE: A bill (H. R. 8019) to compensate George P. Laffin for property destroyed by Comanche Indians—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 8020) to compensate George P. Laffin for property destroyed and stolen by Indians—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 8021) to compensate George P. Laffin for property destroyed and stolen by Navajo Indians—to the Select Committee on Indian Depredation Claims.

By Mr. HEARD: A bill (H. R. 8022) for the relief of Chyles C. Blanton—to the Committee on War Claims.

By Mr. HITT: A bill (H. R. 8023) granting a pension to Nancy Rodgers Macomb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8024) for the relief of John D. Waterman—to the Committee on the Post-Office and Post-Roads.

By Mr. MAISH: A bill (H. R. 8025) to pay Philip Henkel for property unlawfully confiscated and destroyed—to the Committee on War Claims.

By Mr. MANSUR: A bill (H. R. 8026) for the relief of O. P. Phillips—to the Committee on War Claims.

By Mr. McCREARY (by request): A bill (H. R. 8027) for the relief of Alexander Hogeland—to the Committee on Claims.

By Mr. NORTON: A bill (H. R. 8028) for the relief of Alexander Callison—to the Committee on Pensions.

By Mr. OWEN, of Indiana: A bill (H. R. 8029) granting a pension to James C. Chandler—to the Committee on Invalid Pensions.

By Mr. PEEL (by request): A bill (H. R. 8030) to compensate J. M. Bryan for property at Choteau Station taken from him by the Cherokee Nation—to the Committee on Indian Affairs.

Also, a bill (H. R. 8031) to authorize Mitchell Brothers to erect dam and irrigating ditches on Neutral Land Strip, Indian Territory—to the Committee on Indian Affairs.

By Mr. PERKINS: A bill (H. R. 8032) granting a pension to John M. Parker—to the Committee on Invalid Pensions.

By Mr. PHELAN: A bill (H. R. 8033) for the relief of William F. Gibson—to the Committee on War Claims.

By Mr. POST: A bill (H. R. 8034) for the relief of John W. Breckenridge—to the Committee on Military Affairs.

Also, a bill (H. R. 8035) granting a pension to Naoma Skeels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8036) granting a pension to Mary Younghaus—to the Committee on Invalid Pensions.

By Mr. ROBERTSON: A bill (H. R. 8037) granting a pension to Sarah E. Sanchez—to the Committee on Pensions.

By Mr. ROCKWELL (by request): A bill (H. R. 8038) for the relief of Norman Wiard—to the Committee on Claims.

By Mr. SAYERS (by request): A bill (H. R. 8039) for the recognition of Thomas P. McManus as a colonel of discontinued commands in Texas—to the Committee on Military Affairs.

By Mr. SHERMAN: A bill (H. R. 8040) granting a pension to Henry M. Hunt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8041) granting a pension to Henry M. Hunt—to the Committee on Invalid Pensions.

By Mr. WILLIAMS, of Ohio: A bill (H. R. 8042) to remove the charge of desertion against Urs Ambrose Nunlist—to the Committee on Military Affairs.

By Mr. WILLIAMS, of Illinois: A bill (H. R. 8043) for the relief of Emeline E. Musgrave—to the Committee on War Claims.

Also, a bill (H. R. 8044) granting an increase of pension to George W. Smith—to the Committee on Invalid Pensions.

By Mr. YODER: A bill (H. R. 8045) granting a pension to Harriet Fisk—to the Committee on Invalid Pensions.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (S. 134) for the relief of Rear Admiral Carter—Committee on Naval Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 4625) regulating settlement of military claims and for other purposes—Committee on Military Affairs discharged, and referred to the Committee on Expenditures in the Treasury Department.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were delivered to the Clerk and referred as follows:

By Mr. ABBOTT: Petition of Dinnitia W. Bates, widow of Isaac Bates, deceased, of Johnson County, Texas, praying for the reference of his claim to the Court of Claims, under act of March 3, 1883—to the Committee on War Claims.

By Mr. BROOKSHIRE: A petition and report to accompany H. R. 4712, for the relief of Harris Philpot—to the Committee on War Claims.

By Mr. BROWNE, of Virginia: Petition of John G. Dew and many citizens of King and Queen and King William Counties, for appropriations for improvement of the Mattaponi River—to the Committee on Rivers and Harbors.

By Mr. BYNUM: Application of George W. Stineback, for the removal of the charge of desertion against him as private Company K, Eighteenth Regiment, Indiana Volunteers—to the Committee on Military Affairs.

Also, affidavit of above-named applicant in support of said application—to the Committee on Military Affairs.

By Mr. CARTER: Protest by citizens of Red Lodge, Mont., against extending boundaries of the Yellowstone National Park—to the Committee on Public Buildings and Grounds.

By Mr. CHIPMAN: Petition of Peter Boland, for relief—to the Committee on Claims.

Also, statement of M. H. Chesney, relative to his claim for back pay—to the Committee on Military Affairs.

Also, papers in case of Herman Krumbach—to the Committee on Invalid Pensions.

By Mr. CLEMENTS: Petition of Mrs. R. C. Hamilton, of Nannie, Floyd County, Georgia, praying that her claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of Horace G. Mooney, Rome, Ga., praying for same relief—to the Committee on War Claims.

Also, petition of Margaret Morris, Rome, Ga., praying for the same relief—to the Committee on War Claims.

By Mr. CONGER: Petition of J. W. Guthrie Post, Grand Army of the Republic, Woodward, Iowa, in favor of service-pension bill—to the Committee on Invalid Pensions.

Also, petition of O. P. Lewin Post, Grand Army of the Republic, Hartford, Iowa, for same purpose—to the Committee on Invalid Pensions.

By Mr. DORSEY: Resolutions unanimously adopted by the commissioners of Sheridan County, Nebraska, in reference to deep-water harbor at Galveston, Tex.—to the Committee on Commerce.

By Mr. ENLOE: Petition of Eliza Benchom, of Henderson County, Tennessee, for reference of claim for stores and other supplies taken by United States Army to the Court of Claims under provisions of Bowman act—to the Committee on War Claims.

By Mr. FITHIAN: Resolutions of D. B. Hawkins Post, Grand Army of the Republic, Illinois, for service-pension law—to the Committee on Invalid Pensions.

By Mr. GEAR: Resolutions of Joe Mead Post and W. C. Harper

Post, Grand Army of the Republic, Department of Iowa, in regard to a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HARMER: Petition of 34 voters of Philadelphia, Pa., for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. HAUGEN: Protests against Central Canal across Minnesota Point, from the Chamber of Commerce of Superior, Wis.—to the Committee on Rivers and Harbors.

By Mr. HENDERSON, of Iowa: Resolutions of John A. Davis, Lieutenant Bruden, G. W. Nelson, Phil. Sheridan, Cascade, Janesville, Hartman, Fairbank, E. C. Buckner, and F. M. Thompson Posts, Grand Army of the Republic, Department of Iowa, urging the passage of the service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions by the Business Men's Association, Davenport, Iowa, indorsing the Hennepin Canal and the improvement of natural water ways in general—to the Committee on Rivers and Harbors.

Also, resolutions from same association, indorsing the deep-water movement on the coast of Texas—to the Committee on Rivers and Harbors.

Also, petition from farmers at Providence, Iowa, urging legislation against gambling in grain—to the Committee on Agriculture.

Also, letter from Mr. John H. Hale, Waukon, Iowa, and memorial in behalf of the deaf soldiers, praying for increase of pensions—to the Committee on Invalid Pensions.

By Mr. HERMANN: Memorial of Chamber of Commerce of Astoria, Oregon, for improving the Lewis and Clarke River and Columbia River between Astoria and Wood's Landing, in Oregon, and Gray's River, in Washington—to the Committee on Rivers and Harbors.

Also, petition of 82 persons of Oregon, asking for a national Sunday-rest law—to the Committee on Education.

Also, memorial of the Chamber of Commerce of Astoria, Oregon, in support of Senate bill 305—to the Committee on Commerce.

By Mr. HITT: Petition of Richard Barnett and about 500 others, citizens of Galena, Ill., for the improvement of Galena River—to the Committee on Rivers and Harbors.

By Mr. HOUK (by request): Petition of 227 persons of Tennessee, asking for a national Sunday-rest law—to the Committee on Labor.

By Mr. KERR, of Pennsylvania: Petition of members of William Lemmon Post, No. 260, New Bethlehem, Pa., and other soldiers and sailors, signed by 308 names, asking for the passage of an act whereby all pensioners of the war of the rebellion shall be treated equally, etc.—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of Grand Army of the Republic post, Richland, Iowa, for service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Grand Army of the Republic post, Colfax, Iowa, favoring same purpose—to the Committee on Invalid Pensions.

Also, petition of Grand Army of the Republic post of Rose Hill, Iowa, for service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Grand Army of the Republic post, Keota, Iowa, for service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Grand Army of the Republic post, Drakesville, Iowa, for same purpose—to the Committee on Invalid Pensions.

Also, petition of Grand Army of the Republic post, South English, Iowa, for same purpose—to the Committee on Invalid Pensions.

Also, petition of Oskaloosa (Iowa) Monthly Meeting of Friends, against increase of expenditures for Navy and coast defenses—to the Committee on Naval Affairs.

Also, petition of Hedrick (Iowa) Grand Army of the Republic post, for service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Fremont (Iowa) Grand Army of the Republic post, for same purpose—to the Committee on Invalid Pensions.

Also (by request), petition of J. H. Riddle and 49 others, citizens of Iowa, in favor of a Sunday-rest law—to the Committee on Labor.

Also, petition of H. C. Evans and 134 others, citizens of Davis County, Iowa, asking that binding twine and the raw material thereof be put on the free list—to the Committee on Ways and Means.

By Mr. MCADOO: Petition of Winter Bull Manufacturing Company, of Jersey City, N. J., with reference to the tariff on canes and umbrella sticks—to the Committee on Ways and Means.

By Mr. MCCREARY: Petition of Mrs. Fannie Donnelly, asking that her quartermaster claim be referred to the Court of Claims under the provisions of the so-called Bowman bill—to the Committee on War Claims.

By Mr. MCKINLEY: Petition of citizens of Damascus, Ohio, protesting against armor defense as a menace to peace—to the Committee on Naval Affairs.

Also, petition of soldiers and sailors, favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of many ex-soldiers and sailors of the late war, favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MORRILL: Resolutions of Bond Post, No. 24, Grand Army of the Republic, Department of Ohio, in favor of pension legislation—to the Committee on Invalid Pensions.

By Mr. MORROW: Petition of manufacturers of macaroni, vermicelli, etc., in California, in favor of the restoration of the duty on said articles—to the Committee on Ways and Means.

By Mr. NORTON: Petition of the Mexico Electric Light Company—to the Select Committee on the Eleventh Census.

By Mr. O'NEILL, of Pennsylvania: Petition of certain laborers in public stores in which imported goods are stored, asking that American laborers be employed in preference to foreigners—to the Committee on Ways and Means.

By Mr. OWENS, of Ohio: Resolutions for the relief of Harry B. Kessler—to the Committee on Accounts.

By Mr. PARRETT: Petition of George Sides and 40 other farmers of Gibson County, Indiana, in favor of a law to prevent dealings in futures, remonetization of silver, and other purposes—to the Committee on Commerce.

Also, petition of B. B. Spredley and 32 others, of Warrick County, Indiana, in favor of payment of all Government obligations in equal shares of silver and gold, and the full remonetization of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. PEEL: Petition of citizens of Neutral Land Strip, to grant right to Mitchell Brothers to erect dams and ditches for irrigating purposes—to the Committee on Indian Affairs.

By Mr. PERKINS: Petitions of J. E. Green and 20 others, ex-Union soldiers, residents of Montgomery County, Kansas, and P. J. Meurer and 7 others, asking for the passage of the Ingalls service-pension bill—to the Committee on Invalid Pensions.

Also, petition of O. Householder and 78 others, of Crawford County, Kansas, asking for legislation restoring silver to its proper place as a money metal and praying for its free coinage—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of the Board of Trade of Arkansas City, Kans., asking Congress to appropriate \$6,200,000 to construct a deep-water harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. PETERS: Petitions of ex-soldiers of Rice County, Kansas, for service pension—to the Committee on Invalid Pensions.

Also, resolutions of the Newton Board, county of Newton, Kansas, favoring appropriation for deep-water harbor in Gulf of Mexico—to the Committee on Rivers and Harbors.

Also, affidavits of John W. White and David White, in support of bill pensioning Mrs. Harriet B. White, stepmother of Francis White—to the Committee on Invalid Pensions.

By Mr. PHELAN: Petition of James B. Faires, administrator of Samuel R. Garner, deceased, late of Shelby County, Tennessee, for reference of claim to Court of Claims under the provisions of the Bowman act and fourteenth section of Tucker bill—to the Committee on War Claims.

Also, petition of J. A. Andrews, administrator of estate of William Noland, late of Shelby County, Tennessee, for same relief—to the Committee on War Claims.

Also, petition of Augustine Phischke, of same county and State, for same relief—to the Committee on War Claims.

By Mr. PIERCE: Petition of Nancy Dunn, of Lauderdale County, Tennessee, for reference of claim to Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. POST: Petition of James P. Lisenby and 92 others, citizens of the Tenth Congressional district of Illinois, for pension legislation—to the Committee on Invalid Pensions.

Also, memorial of the American Bar Association, favoring the creation of intermediate courts of appeal in order to relieve the Supreme Court—to the Committee on the Judiciary.

Also, petition of Mary Younghouse, for widow's pension—to the Committee on Invalid Pensions.

Also, petition of James Cabbage and 34 others, citizens of Illinois, for pension legislation—to the Committee on Invalid Pensions.

Also, petition of Jasper J. Brown and 24 others, citizens and letter-carriers of Peoria, Ill., for the passage of House bill 3863, fixing the maximum pay of letter-carriers at \$1,200 a year—to the Committee on the Post-Office and Post-Roads.

By Mr. RAINES: Petition in reference to electrical industries—to the Select Committee on the Eleventh Census.

Also of Prattsburgh Grange, No. 112, for higher duties on farm products—to the Committee on Ways and Means.

By Mr. ROCKWELL: Petition of letter-carriers of Springfield, Mass., in favor of the passage of H. R. 3863—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Board of Trade, Pittsfield, Mass., in favor of a uniform system of bankruptcy—to the Committee on the Judiciary.

Also, resolution of Congregational ministers of Hampden County, Massachusetts, against the construction of heavy armored line-of-battle ships—to the Committee on Naval Affairs.

By Mr. ROWLAND (by request): Petition of railway postal clerks for the passage of House bill 6459—to the Committee on the Post-Office and Post-Roads.

By Mr. SAWYER: Petition of 29 farmers of Greene County, New York, for protection to farmers—to the Committee on Ways and Means.



Also, petition of 35 farmers of Livingston County, New York, for same purpose—to the Committee on Ways and Means.

By Mr. SHERMAN: Petition of A. C. Cook and others, Lewis County, New York, for increase of duty on farm products—to the Committee on Ways and Means.

By Mr. SIMONDS: Petition of citizens of Glastonbury, Conn., for protection from encroachments of the Connecticut River—to the Committee on Rivers and Harbors.

By Mr. STRUBLE: Petitions of William Baker and Van Davis Posts, Grand Army of the Republic, Department of Iowa, urging the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. TAKSNEY: Memorial of Anheuser Brewing Company and Brewers' Association of St. Louis, Mo., against increase of duty on hops, rice, corks, barley, and barley malt—to the Committee on Ways and Means.

By Mr. TOWNSEND, of Colorado: Resolutions of the board of county commissioners of Pueblo County, Colorado, in favor of appropriations for deep-water harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, resolutions of Board of Trade of Pueblo, Colo., in favor of appropriation for deep harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, resolutions of the city council of Colorado Springs, Colo., for same purpose—to the Committee on Rivers and Harbors.

By Mr. WADE: Petition of E. G. Denny and 200 others, citizens of South Fork, Mo., praying for the passage of a bill to repeal the special limitation on pension claims of State militiamen disabled in the military service of the United States and to subject them to the limitations of the general pension law—to the Committee on Invalid Pensions.

Also, petition of Harvey Meredith and others, of Southwest Missouri, for same purpose—to the Committee on Invalid Pensions.

By Mr. WALKER, of Missouri: Additional papers in the pension claim of R. W. Barber—to the Committee on Invalid Pensions.

By Mr. WASHINGTON: Petition of J. M. Harding, administrator, for reference of his case to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. WILLIAMS, of Illinois: Affidavits of Hugh McCullough and others, relative to the removal of the charge of desertion against him—to the Committee of Military Affairs.

Also, petition of George W. Smith, for pension—to the Committee on Invalid Pensions.

## SENATE.

TUESDAY, March 11, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

Mr. BUTLER. Mr. President, I move a call of the Senate. There is evidently not a quorum present. I make the point of no quorum.

The PRESIDENT *pro tempore*. The Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Daniel,	Hoar,	Reagan,
Bate,	Davis,	Ingalls,	Sawyer,
Berry,	Edmonds,	McMillan,	Sherman,
Blackburn,	Evarts,	McPherson,	Sprouer,
Blair,	Farwell,	Mitchell,	Squire,
Butler,	Faulkner,	Moody,	Stanford,
Call,	Frye,	Morrill,	Teller,
Cassidy,	George,	Paaco,	Turpie,
Chandler,	Hale,	Pierce,	Vest,
Cole,	Harris,	Platt,	Wilson of Iowa.
Cullom,	Hawley,	Pugh,	

The PRESIDENT *pro tempore*. Forty-three Senators have answered to their names. A quorum of the Senate being present, the Journal of the proceedings of yesterday will be read by the Secretary.

The Journal of yesterday's proceedings was read and approved.

### CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of WILLIAM B. ALLISON, chosen by the Legislature of Iowa a Senator from that State for the term beginning March 4, 1891; which were read, and ordered to be placed on file.

### EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a communication of the 7th instant from the Commissioner of Indian Affairs, explanatory of the necessity for additional buildings and improvements at the Chillicothe school in the Indian Territory; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

### HOUSE BILL REFERRED.

The bill (H. R. 5667) to amend an act to authorize the construction of a bridge across Trail Creek in the city of Michigan City, Ind., was read twice by its title, and referred to the Committee on Commerce.

### PORT OF COLUMBUS, OHIO.

The bill (H. R. 5682) to amend an act entitled "An act to constitute Columbus, Ohio, a port of delivery and to extend the provisions of the act of June 10, 1880, entitled 'An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes,' to said port of Columbus, Ohio," approved February 9, 1889, was read the first time by its title.

Mr. FRYE. The Committee on Commerce of the Senate has reported a bill identical with this one, and it is on the Calendar. As it is to correct a mistake, the Senator from Ohio [Mr. SHERMAN] would like to have the bill passed now.

Mr. EDMUNDS. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read at length for information, if there be no objection.

The bill was read the second time at length.

Mr. EDMUNDS. Reserving the right to object, I ask the chairman of the Committee on Commerce or the honorable Senator from Ohio to explain how this changes the existing law.

Mr. FRYE. It simply provides for the appointment of an officer at a thousand dollars a year, which was left out, probably by mistake, when the act was originally passed.

Mr. EDMUNDS. And that is the whole of it?

Mr. FRYE. That is the whole of it. It is recommended by the Secretary of the Treasury.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the Senate proceed to the consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The bill having been read at length, a further reading will be waived, if there is no objection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRYE. I move that the bill (S. 2582) to amend an act entitled "An act to constitute Columbus, Ohio, a port of delivery, and to extend the provisions of the act of June 10, 1880, entitled 'An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes,' to said port of Columbus, Ohio," approved February 9, 1889, be indefinitely postponed.

The motion was agreed to.

### COMMITTEES ON IMMIGRATION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the amendment of the House of Representatives to a concurrent resolution of the Senate. The resolution will first be read as it passed the Senate.

The Chief Clerk read the resolution passed by the Senate January 23, 1890, as follows:

*Resolved by the Senate (the House of Representatives concurring), That the Senate Committee on Immigration and the House Committee on Immigration and Naturalization be, and hereby are, authorized jointly to investigate the workings of the various laws of the United States and of the several States relative to immigration from foreign countries to the United States, especially the law of Congress "to regulate immigration," approved August 3, 1882; and also to investigate the workings of the contracts made by the Secretary of the Treasury under said law of August 3 with the various State commissions, boards, and officers, the investigation to be conducted at such times and places as said committees may deem proper. And the committees are hereby authorized jointly, as full committees or through subcommittees thereof, to send for and examine persons, books, and papers, and to administer oaths to witnesses.*

The PRESIDENT *pro tempore*. The amendment of the House of Representatives will be read.

The CHIEF CLERK. Amend by adding, after the word "officers," in line 10:

*And also to investigate the effect on immigration, and incidentally on American workmen, which is likely to follow the purchase of American industries by foreign capital, and also to report to Congress the official correspondence in the proposal to make Bedloe's [Liberty] Island, in the harbor of New York, an immigrant depot, what title the Government has to such island, what buildings, if any, are intended to be built on said island, and what officers and employes it is designed to employ thereon in connection with such immigration, and whether in the opinion of the committee, after investigation, such island is the best and most suitable place for such immigrant depot.*

Mr. CHANDLER. I move that the Senate concur in the amendment made to the concurrent resolution by the House of Representatives.

Mr. EDMUNDS. May I inquire from what committee the original resolution of the Senate came, if any?

The PRESIDENT *pro tempore*. It does not appear upon the file.

Mr. EDMUNDS. It may be that it was not referred; very likely it was not.

I have one observation to make in reference to one particular part of the House amendment, which I think is worthy of the consideration of the Senate before it agrees to it hastily, and that is in regard to Bedloe's Island. As to the inquiry part in respect to foreign capital, etc., I have no objection, and perhaps I shall not have to the Bedloe's Island matter when the thing shall be perfectly understood. But we all understand from public prints that owing to a difference between the executive department of the Government and the authorities of the State of New York the immigrant station, it is said, is to be removed to Bedloe's Island, and that arrangements accordingly are being made, upon the supposition, as I take it, and the assumption, that examination would show that the present laws of the United States can have sway

and dominion over that island as a part of the property of the United States, or by some arrangement with its owner; and that without any action by Congress this change of the place for landing immigrants can be attained.

Now, the effect of agreeing to this House amendment is likely to be, according to our experience, and perhaps with a certain propriety, a temporary and perhaps indefinite stay on the part of the executive department in carrying out the change that has been arranged and agreed upon. I think the Senate ought to consider somewhat seriously the effect of agreeing to this amendment in respect of Bedloe's Island, so as to understand that it is likely to prevent the removal of the immigrant landing station from the foot of the island of New York, where I believe it is now, to this island in the bay, during the period of the investigation of this committee, which as we all know is likely to last, and may last, until the 4th of March, 1891.

I hope, therefore, that the matter may go over for to-day until we can ascertain from the executive department their views in regard to this very important affair about Bedloe's Island; and I suggest to the Senator from New Hampshire that he allow it to go over until to-morrow.

Mr. CHANDLER. There is no objection to the resolution going over. An investigation of the steps taken by the Secretary of the Treasury to transfer the immigrant station to Bedloe's Island would have been competent under the resolution as it originally passed the Senate. The House of Representatives have affixed an amendment specifically specifying the proposed transfer as one of the subjects of inquiry. It did not occur to me that there would be any objection to giving that authority to the committees, nor did I anticipate that giving that authority would operate to delay or hinder the Secretary of the Treasury in the performance of his duty under existing statutes. So I saw no reason to oppose the enlargement of the inquiry, and moved that the Senate concur in the House amendment. I have no objection to allowing the resolution to go over until to-morrow.

Mr. McPHERSON. I hope it will go over until to-morrow.

The PRESIDENT *pro tempore*. The amendment of the House of Representatives will lie over until to-morrow.

#### INTRODUCTION OF CONTAGIOUS DISEASES.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 140) to prevent the introduction of contagious diseases from one State to another, and for the punishment of certain offenses; which were read.

Mr. EDMUNDS. How will the bill read consecutively?

Mr. HALE. In the absence of the Senator from Tennessee [Mr. HARRIS], who is chairman of the committee having the matter in charge, I ask that the amendments may lie on the table for the present.

The PRESIDENT *pro tempore*. The amendments will lie on the table.

Mr. EDMUNDS. Let them be printed, for the changes proposed may be very important.

The PRESIDENT *pro tempore*. The amendments will be printed.

#### ANACOSTIA AND POTOMAC RIVER RAILROAD.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1083) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia; which was read.

The PRESIDENT *pro tempore*. If there be no other disposition proposed—

Mr. EDMUNDS. If the amendment is a repeal, I am in favor of it.

The PRESIDENT *pro tempore*. If there be no other disposition proposed, the bill with the amendment will be referred to the Committee on the District of Columbia.

Mr. EDMUNDS. That, I think, is the best way.

#### CHRIST CHURCH LAND IN WASHINGTON.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 296) vesting in the vestry of Christ Church, Washington Parish, District of Columbia, all of the right, title, and interest of the United States of America in and to square south of square 1092, in the city of Washington, in the District aforesaid; which were read.

The PRESIDENT *pro tempore*. If there be no motion, the bill, with the amendments of the House of Representatives, will be referred to the Committee on the District of Columbia.

#### ECKINGTON AND SOLDIERS' HOME RAILWAY COMPANY.

Mr. HARRIS. I ask the Senate to consider at this time the amendment of the House of Representatives to the bill (S. 157) to amend the charter of the Eckington and Soldiers' Home Railway Company.

The PRESIDENT *pro tempore*. The bill and amendment have been sent to the Printing Office under the order of the Senate to print, and have not yet been returned to the files of the Senate.

Mr. EDMUNDS. It can be taken up later.

Mr. HARRIS. Very well.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 505) for the construction of a railroad and wagon bridge across the Mississippi River at South St. Paul, Minn.;

A bill (H. R. 507) granting the counties of Hennepin and Dakota, Minnesota, the right to build two bridges across the Minnesota River;

A bill (H. R. 3876) authorizing the construction of a bridge across the Red River of the North;

A bill (H. R. 4130) to authorize the construction of a bridge across the Missouri River at the city of Pierre, in South Dakota;

A bill (H. R. 5825) prescribing the times for sales and for notices of sales of property in the District of Columbia for overdue taxes;

A bill (H. R. 7617) to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-road; and

A bill (H. R. 7618) to authorize the construction of a bridge across the Columbia River in Oregon and Washington by the Columbia Bridge Company.

The message also requested the Senate to return to the House the bill (S. 140) to prevent the introduction of contagious diseases from one State to another, and for the punishment of certain offenses.

#### HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 505) for the construction of a railroad and wagon bridge across the Mississippi River at South St. Paul, Minn.;

A bill (H. R. 507) granting the counties of Hennepin and Dakota, Minnesota, the right to build two bridges across the Minnesota River;

A bill (H. R. 3876) authorizing the construction of a bridge across the Red River of the North;

A bill (H. R. 7617) to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-road;

A bill (H. R. 7618) to authorize the construction of a bridge across the Columbia River in Oregon and Washington by the Columbia Bridge Company; and

A bill (H. R. 4130) to authorize the construction of a bridge across the Missouri River at the city of Pierre, in South Dakota.

The bill (H. R. 5825) prescribing the times for sales and for notices of sales of property in the District of Columbia for overdue taxes was read twice by its title, and referred to the Committee on the District of Columbia.

#### PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented sundry petitions, numerous signed by citizens of Wellington, Belle Plaine, Geuda Springs, Caldwell, South Haven, Coffeyville, and Dalton, in the State of Kansas, and sundry petitions of citizens of Montgomery County, Kansas, praying for the passage of the service-pension bill; which were referred to the Committee on Pensions.

Mr. HARRIS. I present a memorial of the Cotton Exchange of Memphis, Tenn., and a memorial of the Merchants' Exchange of Memphis, Tenn., remonstrating against the levying of a tax upon cotton-seed oil or any compound of which cotton-seed oil is a component part. I believe similar memorials have hitherto gone to the Committee on Agriculture and Forestry, and I move that these two be referred to that committee.

The motion was agreed to.

Mr. FAULKNER presented a petition of the Sugar Grove Farmers' Alliance of Ruckman, W. Va., favoring what is known as "the sub-treasury plan;" which was referred to the Committee on Finance.

Mr. STEWART presented thirty-seven petitions, signed by 1,383 members of the Farmers' Alliance and citizens of Nebraska, praying for the free coinage of silver; which were referred to the Committee on Finance.

Mr. HALE presented a petition of certain fire-insurance companies of Philadelphia; a petition of the editors of the Electric World and others, citizens of New York City; a petition of the Merchants' Arc Light and Power Company, and other firms and citizens of Chicago, and the petition of Frank E. Warren and others, praying that the Superintendent of the Census be directed to collect certain data in relation to the electrical industry; which were referred to the Committee on the Census.

Mr. SHERMAN presented a memorial of the Monthly Meeting of Friends, of Wilmington, Ohio, remonstrating against the proposed increased expenditure for the Navy and so-called coast defenses; which was referred to the Committee on Naval Affairs.

He also presented a petition of 41 ex-Union soldiers of Ohio, praying for the passage of the service-pension bill; which was referred to the Committee on Pensions.

Mr. MOODY presented a petition of 53 citizens of Lenox, S. Dak.,



praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. COKE presented a petition of citizens of Del Rio, Val Verde County, Texas, praying for the establishment of a four-company post at Camp Del Rio for the protection of that part of the country; which was referred to the Committee on Military Affairs.

Mr. VOORHEES presented a petition of Pomona Grange, of Kosciusko County, Indiana, praying for the enactment of a law prohibiting the selling of promises to deliver farm products by those who are not owners thereof; which was referred to the Committee on Agriculture and Forestry.

Mr. CALL. I present a petition of a large number of citizens of Florida, representing that the production of oranges in the United States as an industry is yet in its infancy, and is capable of being made valuable to its citizens and of reaching very large proportions; that the best oranges are produced in this country, and that in order to cripple the present growers and check the increase of home production immense importations of foreign oranges are being made just before the domestic fruit is ready for the market. The petitioners pray Congress to place a duty upon the importation of foreign oranges at the rate of \$1 per box.

I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. SPOONER presented a resolution adopted by the Douglas County Bar Association of Wisconsin, favoring the establishment of a term of the Federal court at Superior, Wis.; which was referred to the Committee on the Judiciary.

Mr. MITCHELL presented a petition of the Board of Trade of Yaquina, Oregon, praying for further and larger appropriations for the improvement of the mouth of Yaquina Bay, in that State; which was referred to the Committee on Commerce.

He also presented a petition signed by 63 citizens of Oregon, praying for a national Sunday-rest law; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Chamber of Commerce of Astoria, Oregon, submitting a report and estimate of the cost of improving the various rivers and bays tributary to Astoria, Oregon, and praying that an appropriation be made for that purpose; which was referred to the Committee on Commerce.

Mr. PLUMB presented a petition of the board of county commissioners of Jewell County, Kansas, and a petition of the board of county commissioners of Pawnee County, Kansas, praying for the passage of the bill now on the Senate Calendar appropriating \$6,200,000 for the improvement of the harbor at Galveston, State of Texas; which were ordered to lie on the table.

He also presented a petition of old soldiers and citizens of Anderson County, Kansas; a petition of old soldiers and seamen of Geary County, Kansas, and a petition of Emporia Post, No. 55, Grand Army of the Republic, praying for the passage of certain pension legislation; which were referred to the Committee on Pensions.

He also presented a petition of Edgerton Grange, 435, of the State of Kansas, praying for legislation concerning trusts; which was referred to the Committee on Finance.

Mr. PLUMB. I present a memorial of the Wabaunsee County Farmers' Alliance, of Kansas, on the subject of transportation of agricultural productions, grain, land and various other subjects of interest to the farming class. I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. PLATT presented a petition of the Woman's Christian Temperance Union, praying that the constitution of the State of Kansas be taken as the model for the constitution of the Territory of Oklahoma; which was referred to the Committee on Territories.

Mr. PLATT. I present resolutions adopted by the people of Southwest Oklahoma, remonstrating against annexing the Fort Reno reservation to Oklahoma Territory. As the bill has been reported and passed from the Senate, I move that the memorial be referred to the Committee on Military Affairs, it relating to a military reservation.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5161) granting a pension to Robert Hill;

A bill (H. R. 3582) to pension Joel B. Tribble for service in the Indian war;

A bill (H. R. 3581) to pension John D. Prator for service in the Indian war;

A bill (H. R. 4202) to pension Henry S. Morgan; and

A bill (H. R. 4854) to pension Green B. Lee.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the bill (S. 1510) granting a pension to Fedolin Buckwiller, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. STANFORD, from the Committee on Public Buildings and

Grounds, to whom was referred the bill (S. 2962) to provide for the increase of the limit of cost of site and public building at Newark, N. J., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2860) to authorize the construction of an addition to the public building in Houston, Tex., and to provide a cistern, heating apparatus, etc., for said building, reported it without amendment.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 3382) granting a pension to Lucy R. Olmstead;

A bill (H. R. 3597) granting a pension to Cynthia Day;

A bill (H. R. 3351) for the restoration to the pension-rolls of Nelson G. Edwards;

A bill (H. R. 2302) granting a pension to Bridget Carroll;

A bill (H. R. 4855) granting a pension to Delia W. Marshall;

A bill (H. R. 5995) granting a pension to Amasa Chase;

A bill (H. R. 5030) granting a pension to Henrietta L. Arlin; and

A bill (H. R. 4984) granting a pension to Thomas Kelly.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 2649) granting a pension to John Franklin, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. PIERCE, from the Committee on Territories, to whom was referred the bill (S. 1405) to establish a penitentiary in the State of North Dakota, and to carry out the provisions of section 15 of an act entitled "An act to provide for the division of Dakota into two States, and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union," approved February 22, 1889, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, submitted a report accompanied by a bill (S. 3060) to carry out the provisions of section 15 of an act entitled "An act to provide for the division of Dakota into two States, and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union," approved February 22, 1889; which was read twice by its title.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 1524) granting a pension to Mena Holmes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of M. L. Kitchie and 502 others, citizens of Council Grove, Kans., praying for the passage of a bill granting arrears of pension to W. J. Miller, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the bill (S. 1848) to restore the pension of Mrs. Helen S. Spring, and the bill (S. 2023) to restore the pension of Mrs. Helen S. Spring, reported adversely thereon; and the bills were postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 2132) to restore the pension of Mrs. Helen S. Spring, reported it without amendment, and submitted a report thereon.

Mr. FARWELL, from the Committee on the District of Columbia, to whom was referred the bill (S. 706) for the relief of James W. Walsh and others, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, submitted a report accompanied by a bill (S. 3061) referring to the Court of Claims the claims of James W. Walsh and others; which was read twice by its title.

#### BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 3062) making appropriation for continuing the erection of the public building at Worcester, Mass.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FRYE introduced a bill (S. 3063) to establish Rockport, in the district of Belfast, Me., as a port of delivery; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3064) to establish a fog-signal at or near the Cuckold Island, at the entrance to Boothbay Harbor, otherwise known as Townsend Harbor, Maine; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HOAR. I introduce a bill at the request of the Senator from Vermont [Mr. EDMUNDS], who is obliged to be absent from the Chamber.

The bill (S. 3065) to amend section 691 of the Revised Statutes concerning writs of error in certain cases was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SAWYER introduced a bill (S. 3066) granting a pension to Alvin J. Gould; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MOODY introduced a bill (S. 3067) for the relief of James W. Garland, of Whitewood, S. Dak.; which was read twice by its title, and referred to the Select Committee on Indian Depredations.

Mr. PASCO introduced a bill (S. 3068) for the relief of the legal representatives of Sally Sterrett Tate, late of Wilcox County and State of Alabama, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. SPOONER introduced a bill (S. 3069) to extend the benefits of section four of "An act making appropriations for the support of the Army for the year ending June 30, 1866," approved March 3, 1865; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HIGGINS introduced a bill (S. 3070) for the relief of the North-German Lloyd Steamship Company; which was read twice by its title, and referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 3071) to provide for the security of the national-bank circulation by the deposit of silver bullion at its value when coined in dollars, less estimated cost of coinage; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 3072) for the erection of a public building in the city of Portsmouth, Va.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3073) to construct a macadamized road from the city of Petersburg, Va., to the national cemetery in the county of Dinwiddie, in said State; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CHANDLER introduced a bill (S. 3074) authorizing the Secretary of the Navy to place the name of Charles C. Jones on the roll of the Metacomet; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PLUMB introduced a bill (S. 3075) granting a pension to John Moog; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3076) granting a pension to Mary E. Robinson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL introduced a joint resolution (S. R. 65) proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the qualified electors of the States; which was read twice by its title.

Mr. MITCHELL. I ask that the joint resolution lie on the table, and I give notice that at a very early day I shall call it up for the purpose of submitting some reasons why I think it should be passed.

The PRESIDENT *pro tempore*. The joint resolution will lie on the table for the present.

Mr. HAMPTON. I ask to have a correction made in an amendment regarding the French spoliation claims which I offered to the urgent deficiency appropriation bill a few days ago. I will send it to the desk. The initial in the name of one of the claimants is incorrect.

The PRESIDENT *pro tempore*. That correction will be made.

#### CROW INDIAN RESERVATION.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Interior be instructed to communicate to the Senate whatever information is in possession of the Department concerning the occupation of portions of the Crow Indian reservation by white men, and what steps, if any, have been taken by the Department to exclude from such occupation persons not entitled thereto.

#### PORTRAIT OF JOHN PAUL JONES.

Mr. VOORHEES submitted the following resolution; which was referred to the Committee on the Library:

*Resolved*, That the Committee on the Library be instructed to inquire into the expediency and propriety of purchasing from George B. Matthews his portrait painting of John Paul Jones, now in care of the Navy Department.

#### LOTTERY COMPANY.

Mr. MORRILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Interior be directed to report any information in the possession of the Department in relation to authorizing any lottery company by the Indian Territorial government of the Creek Nation.

#### APACHE INDIAN CORRESPONDENCE.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of War be instructed to communicate to the Senate copies of the correspondence between Lieutenant-General Sheridan and Brig. Gen. George Crook regarding Apache Indians between March 26 and April 5, 1886, inclusive.

#### REVISION OF REMARKS.

Mr. HOAR. I desire to call up, as a matter of privilege, the resolution reported yesterday from the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

*Ordered*, That in all future editions of the CONGRESSIONAL RECORD the following words be stricken from the report of the remarks of Mr. CALL, a Senator from the State of Florida, in the Senate, Thursday, February 20, 1890, as heretofore published in the RECORD, namely:

"And murder of hundreds of women and children in the Southern States."

"Of these horrid crimes."

"The blood of Saunders, if the evidence shall show his death was in any way connected with the prosecutions in the United States courts, will rest on his conscience. The shrieking ghosts of the hundreds of outraged and murdered

women and children, the victims of the wild lust and passions of a race who owe all that they know of religion and civilization to the Southern white people, and not to the Senator from New Hampshire, will disturb his sleeping and his waking hours. Like Banquo's ghost, it will not down, and the ocean will not wash his blood-stained hands from the guilt of the rape and murder of these tender white women and children."

Mr. HARRIS. I ask the Senator from Massachusetts if he will consent that I may call up now a House amendment to a Senate bill which I do not think will take half a minute to dispose of.

Mr. HOAR. I had not supposed that this Order of Business would take half a minute to dispose of. I had no reason to suppose that the resolution I have called up would lead to debate.

Mr. HARRIS. I chance to have reason to believe that it will take a good many half-minutes to dispose of it, but I am not certainly advised on that subject.

Mr. HOAR. The resolution which I have called up is the unanimous report of the Committee on Privileges and Elections. However, if it be true that there will be debate upon it, I shall cheerfully yield to the request of the Senator from Tennessee.

#### ECKINGTON AND SOLDIERS' HOME RAILWAY.

Mr. HARRIS. I understand the Eckington and Soldiers' Home Railroad bill has been returned from the House of Representatives and is in the hands of the Secretary. I move that the Senate concur in the amendment of the House of Representatives to that bill.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate proceed to the consideration of the amendment of the House of Representatives to the bill (S. 157) to amend the charter of the Eckington and Soldiers' Home Railway Company.

Mr. HOAR. The pending resolution being informally laid aside for that purpose.

Mr. VEST. I suggest to the Senator from Tennessee that he had better let that bill lie over. I think it ought to be amended from what I see of it in the RECORD this morning. It only came from the House yesterday.

Mr. HARRIS. Does the Senator think that it requires any amendment?

Mr. VEST. I do, from what I see in the RECORD, but I may be mistaken.

Mr. HARRIS. Certainly, then, I shall let it lie over, if the Senator wishes to look at it.

The PRESIDENT *pro tempore*. The bill will lie on the table.

#### CONTAGIOUS DISEASES.

Mr. HARRIS. Here is another bill returned from the House of Representatives with an amendment, which I ask may be referred to the Committee on Epidemic Diseases.

The PRESIDENT *pro tempore*. The title of the bill will be reported.

The SECRETARY. A bill (S. 140) to prevent the introduction of contagious diseases from one State to another, and for the punishment of certain offenses.

The PRESIDENT *pro tempore*. This bill, with the amendment proposed by the House of Representatives, will be referred to the Committee on Epidemic Diseases and printed.

#### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 8th instant approved and signed the act (S. 993) to constitute Minneapolis, Minn., a subport of entry and delivery in the collection district of Minnesota, and for other purposes.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 188) for the erection of a public building at Columbus, Ga.;

A bill (H. R. 401) to provide for the construction of a public building at the city of Alexandria, State of Louisiana;

A bill (H. R. 417) for the erection of a public building at Houlton, Me.;

A bill (H. R. 448) for the erection of a public building at Lynn, Mass.;

A bill (H. R. 516) to extend the limit for the erection of a public building at Springfield, Mo.;

A bill (H. R. 533) for the erection of a public building at Fremont, Nebr.;

A bill (H. R. 605) to increase the appropriation for the erection of a public building at Troy, N. Y.;

A bill (H. R. 848) to authorize the construction of an addition to the public building in Dallas, Tex.;

A bill (H. R. 3331) to amend an act entitled "An act to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pa.," approved July 27, 1882; and

A bill (H. R. 7156) to provide for the increase of the limit of cost of site and public building at Newark, N. J.



The message further announced that the House had passed the following bills with amendments in which it requested the concurrence of the Senate:

A bill (S. 606) to provide for the purchase of a site and the erection of a public building thereon at La Fayette, in the State of Indiana;

A bill (S. 859) for the erection of a public building at Chester, Pa.;

A bill (S. 903) for the erection of a public building in Cedar Rapids, Iowa; and

A bill (S. 2046) to provide for the purchase of a site and the erection of a public building thereon at Atchison, in the State of Kansas.

#### REVISION OF REMARKS.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the resolution reported from the Committee on Privileges and Elections, which has been read.

Mr. GEORGE. Mr. President, as far as my very limited experience goes in the Senate, this resolution appears to me to be without a precedent. It is the outcome of a resolution introduced by the Senator from New Hampshire [Mr. CHANDLER] asking the Senate to censure the Senator from Florida [Mr. CALL] for an unauthorized and improper correction of remarks made in open Senate. The resolution, if passed, whilst it does not expressly contain a censure, is certainly capable of that implication.

I speak with some difficulty when I speak of the usages of the Senate, because I am not so familiar with those usages as Senators who are older in the service of the Senate than I am and who have paid more attention to them. At a very early day after taking my seat here I learned that it was within the rules and usages of the Senate for Senators who had made speeches in this body to give them such correction as they deemed proper in accord with the general intent and meaning of the speech.

Since this resolution has been reported by the committee I have looked over the debate about which this controversy has arisen. I find that it was a debate characterized by extreme acrimony, bitter personal allusions contained in more speeches than one. I find that the Senator from Connecticut [Mr. HAWLEY], a very able and very discreet Senator, in the beginning of the debate thought proper to use this language:

I have listened, so far as the confusion in the Chamber would permit, to most of the remarks of the Senator from Florida, and have listened carefully to his proposed amendment, and both seem to me to be a sort of premature apology for murder.

And again, in the same speech, that distinguished Senator used this language:

Now, let the gentleman understand distinctly that I, for one, regard his speech and his resolution as an attempt to make a sort of left-handed apology for murder and to avoid investigation.

I do not read these extracts from the Senator's speech for the purpose of criticism or animadversion of any kind whatever, but simply to bring to the attention of the Senate the character of the debate about which this controversy has arisen.

The Senator from Florida [Mr. CALL] spoke on that occasion with great force and eloquence and under strong feeling. In order to understand exactly the point in the controversy, I will read an extract from his speech, occurring in it before that place to which the resolution before the Senate refers. The Senator from Florida said:

When these men, desperate, and reckless, and lawless, are sent throughout the entire country to stir up in peaceful communities a war of races, and rape and the outrage of women and children, who, in their indiscreet partisan zeal, indelicately prompt these acts and are *particeps criminis* in the outraging of women and the murder of infant life in a peaceable community, inciting the use of the torch and the dagger, that the public indignation, the profound sense of wrong and oppression, which will pervade the mind of every community, will not communicate itself to the more fiery and bolder spirits and lead to acts of violence and the taking of human life?

At this point of the speech the Senator from Florida distinctly put forth the idea that the acts of these lawless men, these officials in the State of Florida, were calculated to bring about the results which are deprecated in the extract which I have read to the Senate. Further on he said:

I say it is a calamity that in these happy and prosperous communities some wicked and evil-minded men, inspired from the regions below, could, for the sake of personal interest and for the money that they may obtain from the courts of the United States, enter into those communities and incite those easily misguided people to acts of crime and violence which render every man's household a place of danger and insecurity, not only to life, but to the virtue of the wife and the child that he is bound to protect.

Then comes another sentence:

Can you not see that such acts of fiendish malevolence will move any people to the profoundest depths of feeling, and that when this feeling becomes a conviction it will spread like fire to the bold and restless spirits, to whose excited minds and inflamed feeling acts of violence and blood may appear in these seductive forms of temptation to wrong and the corrupt tyrannies of another Jeffreys?

Then comes next the sentence which was complained of in the resolution of the Senator from New Hampshire [Mr. CHANDLER], and a sentence which I undertake to say, and which I will undertake to prove in a calm way to the Senate, contains every allegation distinctly and unequivocally contained in the clause which the committee in their resolution have recommended shall be expunged from the RECORD.

That is the feeling—

The one which I have just described—  
which in the hearts of desperate men leads to lawless acts. That is the feeling

relative to the outraging of and murder of hundreds of women and children in the Southern States for which the Senator from New Hampshire is personally responsible. The blood of these people rests upon him. The destruction of the happiness of these households is his, and not that of the miserable men who are the emissaries of these horrid crimes.

I understand the resolution of the Committee on Privileges and Elections does not complain of any change made in the sentence which I have just read, but only of the added sentence.

Mr. President, I desire, because this is a matter of some importance to our brother Senator from Florida, to call the attention of the Senate to this part of the speech, which passed without criticism and without amendment the scrutiny of the Committee on Privileges and Elections, and the first allegation in that is this, referring to the feeling produced in Florida by these lawless acts:

That is the feeling which in the hearts of desperate men leads to lawless acts.

Mr. HOAR. Mr. President, will the Senator from Mississippi allow me to make one statement to him?

Mr. GEORGE. I would be glad to have the Senator make any statement that he thinks proper at this stage of the debate.

Mr. HOAR. The committee conceived, as I understood them, that they had no jurisdiction under the resolution of any change made by the Senator from Florida in his speech or of anything in the original speech except what was recited in the resolution itself directing the inquiry.

Mr. GEORGE. As I only heard the resolution read at the desk of the Senate, will the Senator inform me whether the committee took any exception to or made any recommendation with reference to the sentence which I have just read?

Mr. HOAR. Mr. President, the committee, I will repeat, conceived that they had jurisdiction only of the matter which the original resolution of the Senate referred to them as having been inserted in his speech by the Senator from Florida which was not spoken by him orally on the floor. The purpose of the draughtsman of that resolution, according to the view of the committee, was to restore that portion of the speech to the condition in which it was spoken. If anything which is complained of as having been inserted in the speech of the Senator from Florida that was not spoken in debate but inserted afterwards is not adverted to in the resolution as drawn, that is an accidental omission of the draughtsman; but I conceive that there is nothing of that kind.

Mr. GEORGE. The Senator has not given me the exact information for which I asked. I will therefore ask that I be allowed to get the information by a second reading of the resolution presented by the committee.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk proceeded to read the resolution reported by Mr. HOAR from the Committee on Privileges and Elections, and having read some time was interrupted by—

Mr. GEORGE. The reading may stop there.

Mr. HOAR. Now, the Senator will observe—

Mr. GEORGE. I discover now what is complained of.

Mr. HOAR. I thought the Senator was asking me a question. I desire to repeat, for the information of the Senator, that the committee conceived that they had jurisdiction under the reference to them solely of the insertion in that particular passage of the speech of certain words not uttered upon the floor, and they report recommending that those words which were not uttered on the floor be stricken from the report and that the passage in which they were inserted be printed as originally reported by the stenographers. Now, when the Senator asks me if the committee took exception to this, that, or the other phrase or approved it or disapproved it, I have to reply that I have no authority from the committee to state anything on that subject in their behalf. All I was authorized by the committee to do was to report this resolution. I suppose each member of the committee had his own view on that.

Mr. GEORGE. I understand from the reading of the resolution that certain words are to be stricken out of the clause which I have read. I would call the attention of the Senate, and I hope (although I may present this case in a somewhat feeble and disjointed manner) that as the rights and interests of a brother Senator are involved in this matter I may have the attention of Senators who propose to vote upon the resolution.

In regard to this clause certain complaints are made and certain recommendations are made by the committee.

That is the feeling which in the hearts of desperate men leads to lawless acts.

That is not complained of.

That is the feeling relative to the outraging of and murder of hundreds of women and children in the Southern States.

The words "and murder of hundreds of women and children in the Southern States" are recommended to be stricken out. In place of these words recited in the resolution of the Senator from New Hampshire, were inserted the words "of these poor women;" so that the sentence, as it is claimed by the committee to have been spoken by the Senator from Florida, is as I shall now read it:

That is the feeling relative to the outraging of these poor women, for which the Senator from New Hampshire is personally responsible.

The change in that part of it occurs, as alleged by the committee, by the striking out of the words "of these poor women" and the inserting of other words, so that the sentence as printed reads as follows:

That is the feeling relative to the outraging of and murder of hundreds of women and children in the Southern States, for which the Senator from New Hampshire is personally responsible.

So that the point made against the speech of the Senator from Florida is that instead of the words "of these poor women," the language reading "that is the feeling relative to the outraging of these poor women," the Senator from Florida in revising his speech inserted "hundreds of women and children in the Southern States." Take what I have read before, and it will be seen at once that whilst there is a verbal change there is no change in the meaning of the language used; certainly it is just as objectionable to charge a Senator with being the author of and responsible for an outraging of these poor women as it is to charge him with being responsible for the outrage and murder of hundreds of women and children in the Southern States, and that is all the difference. And then the next correction made in that sentence is this:

The blood of these people rests upon him.

That is admitted now by the committee and by the Senate to have been spoken.

The destruction of the happiness of these households is his, and not that of these miserable—

That language is admitted by the committee to have been used by the Senator from Florida.

The destruction of the happiness of these households is his, and not that of these miserable men who are emissaries behind him.

Up to that point it is admitted by the committee that the report speaks truly the language of the Senator from Florida, but the change comes in here. "Men who are emissaries," as spoken by the Senator, is followed by the words "behind him," so that the sentence as actually spoken reads as I was now reading it to the Senate.

The destruction of the happiness of these households is his, and not that of these miserable men who are emissaries behind him.

The change made is that the words "behind him" are stricken out and the words "of these horrid crimes" are inserted, so that the language of this particular sentence is changed from an avowal that the destruction of the happiness of these households is the act of the Senator from New Hampshire, and not that of the miserable men who are emissaries behind him, but is the act "of the miserable men who are the emissaries of these horrid crimes." The change, if it changes the meaning at all, relieves the Senator from New Hampshire of a responsibility and does not fix upon him a responsibility not stated by the Senator from Florida. What is the difference, except favorable to the Senator from New Hampshire, whether these acts are said to be the acts of "emissaries behind him" or whether they are said to be the acts of "emissaries of these horrid crimes?"

So, Mr. President, I think, unless the Senator is held to the exact, literal use of language employed by him in debate, there is no complaint on that ground.

I come now to the inserted sentence. The committee claim that this sentence was inserted *de novo*:

The blood of Saunders, if the evidence shall show his death was in any way connected with the prosecutions in the United States courts, will rest on his conscience.

That is, the conscience of the Senator from New Hampshire. Does that change in substance the charge which the Senator from Florida had already made against the Senator from New Hampshire? Let us see:

The blood of these people rests upon him.

Everybody admits that the Senator from Florida used that language. Therefore is it an aggression or an encroachment upon the rights of the Senator from New Hampshire that there should be a specification of Saunders as one of the parties whose blood rests upon him? The Senator from Florida had already stated, in the broad language which I have read, that "the blood of these people rests upon him."

Has anything been added to the enormity of the charge against the Senator from New Hampshire by the language that the blood of Saunders rests upon his conscience? It would be a degree of hypercriticism which I have not seen heretofore employed with reference to changes in language made by Senators when they come to revise their speeches. It is absolutely the same idea expressed in different words, without as much precision and force as had been expressed before.

Next we come to another alleged insertion:

The shrieking ghosts of the hundreds of outraged and murdered women and children, the victims of the wild lust and passions of a race who owe all that they know of religion and civilization to the Southern white people, and not to the Senator from New Hampshire, will disturb his sleeping and his waking hours.

Mr. President, every one can see that is a mere rhetorical amplification of the statement which he had already made—"The blood of these people rests upon him." Of course, the introduction of the ghosts is an addition, but I do not know that there is anything in the use of that poetical machinery which ought to be offensive to any Senator. Ghosts, in my opinion, are myths. There was a time, I think, when

the world believed that the disembodied spirits of men who had left this earth came back and visited us, sometimes on friendly and sometimes on unfriendly missions, but I believe that idea has been exploded.

I am a very old man, and I have been sedulously looking out for ghosts and inquiring for ghosts all my life. I have never had the pleasure of seeing one, and I have never had the pleasure of seeing and conversing with any man who had seen one. So this is nothing more than a rhetorical amplification of what the Senator had previously said, except there is something complimentary in it to the Senator from New Hampshire which was not in the original charge. The original charge as stated is "The blood of these people rests upon him." The amplification is that the Senator from New Hampshire has a conscience, which is not implied in the first charge, and that that conscience has been awakened and disturbed by these shadowy beings from the other world.

Like Banquo's ghost—

That is an addition—

it will not down, and the ocean will not wash his blood-stained hands from the guilt of the rape and murder of these tender white women and children.

Mr. President, if he was responsible, as the Senator said he was, in the language which I will again read, "The blood of these people rests upon him," how is the Senator injured by a charge about Banquo's ghost? I admit that the Senator from Florida was guilty of a breach of taste in bringing out Banquo's ghost. That ghost has been brought out for duty now for some three or four hundred years. It has been brought out on former occasions, I believe, in this body; and for a mythical being that had no existence except in the disordered imagination of the people of the Middle Ages, I had thought that this particular ghost, this particular myth, had served its full time, and ought to have been dismissed from further attendance upon the Senate [laughter], put on the retired-list, as my friend from Louisiana [Mr. EUSTIS] suggests, and, as my friend from Texas [Mr. REAGAN] would suggest if he were not too modest, without a pension.

So, substantially, there is nothing in this added paragraph, which is not fully, substantially, in all respects whatever, stated in the language which the committee and which the Senator from New Hampshire admit was in fact used.

Now, Mr. President, whilst this is allowable, while Senators by the lamp at night are allowed to trim and fix up their speeches so as to make them rhetorically attractive, provided they do not substantially change the meaning of what they said in the Senate, I understand that there is a limitation to that rule, which is that in personal matters, personal controversies, crimination and recrimination in the Senate, Senators are confined to the exact letter of what they have said on this floor.

Mr. President, probably that is a good rule; but when has it been enforced? When did it originate? I want to call the attention of Senators now to a fact which they will all recognize at once, that when the rule was held to be strict about the changing or the not changing of language used in debate of a personal character, there was a custom then existing which does not exist now. I believe I will add, though it is not necessary for me to say so, but I believe I will: I am glad that it does not exist.

In former times personal remarks made by one Senator towards another were supposed to involve somewhat of personal accountability and personal responsibility on the part of the speaker towards the Senator about whom the words were spoken; but that has all passed away. There is no safer place in the world, in all of God's creation there is no safer place for a man who desires to insult another with immunity from personal responsibility than the American Senate. Everybody knows it, and it is no evidence of spirit, no evidence of courage that a Senator gets up here and uses insulting and abusive language towards another Senator, and, I will add, since this custom prevailed it is no evidence of a want of spirit or of a want of courage that the Senator about whom this insulting and personal language is used does not call the other Senator to a personal account. That is the way we stand to-day.

Of all the hard things that I have heard said in times of excitement by Senators towards other Senators in the last nine years—and I have heard some very hard things—I have never heard that any Senator about whom this harsh language has been used has thought it necessary even to inquire whether the Senator using the insulting language considered himself personally responsible. That is the fact. Everybody knows it and everybody understands it. So the sanctity of the rule which formerly existed requiring the exact language used orally in debate to be printed in the RECORD no longer exists, because if language more insulting than the language used in debate is actually inserted in the RECORD, and no notice is taken of it, there is no imputation that the Senator abused and insulted has not taken or will not take the proper steps for personal vindication. Everybody understands that.

Then, why shall the rule as to these personal matters, which formerly existed, I admit, and for which there was a good reason then, though growing out of a bad habit, why should it be extended now to a case in which the charge is no greater, the insult is no greater in the language employed in the printed report than the language used in debate actually? Will Senators say that the other Senator, the Senator



who is abused or who has been insulted, ought to have the right to know the language then and there, so that he may do, what? Now, let us see. The duello is clear out of the question; personal conflict on the street is clear out of the question; a hostile meeting between the parties is utterly beyond the contemplation of anybody whatever. Then how is he to answer? He ought to have the opportunity of doing, what? Why, the fish-woman opportunity to blackguard back, and that is all, and that is the way the thing stands.

Mr. President, I aver—and I ask Senators before they take this vote, which is an implied censure upon as amiable, as truthful, and as good a man as ever sat in the American Senate—I speak these words with the understanding that I impute to them their full significance—why attempt now to bring an implied censure upon him for doing, what? For pursuing the custom, the usage which all of us exercise in making our speeches a little more rhetorical in the revision than they were in the delivery. That is all.

I challenge Senators to point out in what respect the Senator from New Hampshire is injured in character, in feeling, or in any way whatever by the supposed changes, or the changes as found by the committee, made in the speech of the Senator from Florida. If you desire to hold Senators strictly and literally to the very words used by them in debate, accomplish that purpose by devising a rule requiring them to do that; but do not allow your rule to mean different from what everybody understands it to mean, that a Senator may in revising his speech change the phraseology, improve the rhetoric, if he does not substantially depart from the general tenor of his speech. That is not the way to do it.

This is an *ex post facto* proceeding. You, upon the other side, Senators, have a majority of six or eight. We are in the minority. We ask only that in the administration of the rules of the Senate party feeling shall not be aroused so that one kind of justice may be administered on one side of the Chamber and another kind on the other.

I believe I have pointed out in this disjointed way the grounds upon which I ask the Senate, as no good can come from it, as the fault, if it be a fault at all, is a venial one, and as the injury, if there come any injury at all, will be nil—I ask the Senate not to do this (so far as my experience in the Senate is concerned, now of nine years) unprecedented thing.

Mr. HOAR. Mr. President, I expected when this resolution came up, as I said, that it would receive the unanimous support of Senators on both sides of the Chamber, including the Senator whose remarks were under discussion.

I think the observations of the Senator from Mississippi [Mr. GEORGE] have proceeded from an entire misconception on his part of the effect of this resolution, of the opinion of the committee, and of the practice of the Senate; but I suppose after he has spoken I ought to occupy a few minutes at least in stating what I understand those to be.

Mr. JONES, of Arkansas. With the permission of the Senator from Massachusetts, as I suppose he intends to occupy the floor for some time, and in connection with what he has just said, I wish to make a statement for myself so far as the report is concerned.

Mr. HOAR. I should rather complete my statement, I think, than have interpolated in it the Senator's speech.

Now, Mr. President, I understand one thing is settled by general parliamentary law and is affirmed by a clear implication by the rules of this body itself, and that is that no Senator is amenable to censure or to a call to order for anything said by him in debate unless that point is made upon him at the time of the utterance and the words are taken down as they came from his lips. That is the statement of Mr. Jefferson in his Manual, originally prepared for the government of the presiding officer of this body, and which is still the accepted authority in all matters of parliamentary law in legislative assemblies in this country. Mr. Jefferson says on page 213 of our edition of Jefferson's Manual:

When any member has spoken or other business intervened after offensive words spoken, they can not be taken notice of for censure. And this is for the common security of all and to prevent mistakes which must happen if words are not taken down immediately. Formerly they might be taken down at any time the same day.

The third clause of Rule XIX of the standing rules of the Senate is this:

3. If a Senator be called to order for words spoken in debate, upon the demand of the Senator or of any other Senator the exceptionable words shall be taken down in writing and read at the table for the information of the Senate.

Mr. President, it is quite clear therefore that the Senate could not have been presumed by the committee to have referred to them the words actually spoken by the Senator from Florida for animadversion by reason of anything disorderly or offensive to anybody they might have contained, if they did contain any such offense.

The committee also conceived that a resolution which selected a certain passage from the speech of the Senator from Florida and complained that certain words uttered had been stricken out from that passage and that certain other words not uttered had been inserted, did not intend to refer to their jurisdiction any other passage in the speech of that Senator, whether correct or not. That was the limitation of the jurisdiction of the committee as they understood it.

The committee, however, conceived that it was within their juris-

diction and was their duty to inquire whether the subtraction of certain words from the report and the addition of certain other words in the report were properly made; and the committee were unanimously of opinion that neither by the law nor by the usage of the Senate is it permitted to make substantial changes in that report, which is the security and the protection of the public characters of all of us, and upon whose substantial photographic picture of what occurs here we must stand or fall in the judgment of our countrymen and contemporaries and in the judgment of the future.

We were not, as I conceived, called upon to enter into the motives of the Senator from Florida, and in speaking of these motives I must be understood to speak only for myself. But I will say for myself that I acquit the Senator from Florida of any design to escape answer or conflict or responsibility on the floor of the Senate by uttering one thing here and writing out another thing there. The character of the language which he used, and which I have no doubt he expected to have heard by all Senators, repels any such harshness of judgment as against him, in my opinion. But at the same time the Senator from Florida did do something quite other than to make the mere change of style, which I think has been somewhat practiced under the usages of the Senate where grammar or taste or clearness of expression has not been accomplished in the Senate; he did something quite different from the suppression by the consent of both parties to an angry and heated conflict of language of severity and reproach which both parties after the heat was over desired to have dropped, and which has been a great many times, I suppose, dropped from the RECORD to the entire approbation of everybody.

But it is not true, in my judgment, as the Senator from Mississippi states, that there is no substantial difference between the words uttered and the words printed. The Senator from Florida, if I conceive it correctly, in that passage of the speech imputed to the Senator from New Hampshire responsibility for certain things as the result of his public conduct or public speech, and that he had a perfect right to do. I have a perfect right to stand up here this afternoon and say to the Senate that every man who votes against the education bill of the Senator from New Hampshire [Mr. BLAIR] will be responsible for the ignorance and poverty of thousands and hundreds of thousands of American citizens and American children in the future. However severe that statement may be, it is within the fair limits of orderly debate. But I have no right to stand up here and say that the Senators who differ with me upon that important measure will be guilty of causing the ignorance. The one is a statement of the logical consequence or the historical consequence of an error of conduct or of judgment; the other imputes to the Senator charged the personal purpose and guilt of doing wrong. That distinction also is laid down in Jefferson's Manual, which is the law of our conduct.

The consequences of a measure—

Says Mr. Jefferson, on the two hundred and twelfth page of the manual—

may be reprobated in strong terms; but to arraign the motives of those who propose to advocate it is a personality, and against order. *Qui digreditur a materia ad personam*, Mr. Speaker ought to suppress.

Mr. President, the Senator from Florida in strong language said in his oral utterance that "the blood" of certain persons who had perished by these crimes in the South "rested upon the Senator from New Hampshire" [Mr. CHANDLER], and that "the destruction of the happiness of these households is his, and not that of those miserable men who are emissaries behind him," whatever an emissary behind a man means.

That, as I understand the Senator from Florida to have uttered it and intended it, however severe, was within precisely the limits laid down by Mr. Jefferson for the government of the Senate when he took the chair in this body in the year 1797.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Senate resumes the consideration of the unfinished business.

Mr. HOAR. I shall finish what I have to say in three or four minutes. I ask the indulgence of the Senate for that purpose.

Mr. BLAIR. This matter, I suppose, will naturally go on to its conclusion, and I very gladly yield.

The PRESIDENT *pro tempore*. The title of the unfinished business will be read.

The CHIEF CLEER. A bill (S. 185) to aid in the establishment and temporary support of common schools.

Mr. BLAIR. I yield informally.

The PRESIDENT *pro tempore*. The unfinished business will be laid aside informally. The resolution reported by the Senator from Massachusetts [Mr. HOAR] is before the Senate.

Mr. GEORGE. I ask the Senator—

Mr. HOAR. Let me finish this proposition; then I will listen to the Senator.

Mr. President, the Senator from Florida, by words spoken in debate, charged that the deplorable and dreadful facts which had taken place were the consequences of the policy of the Senator from New Hampshire, and that I conceive he had a right to say, and if he amplified it by the rhetorical phrase that "the blood of those people was upon him," that is but a repetition of the same thing. How often have we heard that thing said in debate? I believe our Southern brethren

used to think that every slave who was chastised south of Mason and Dixon's line owed the agony he suffered to Charles Sumner and William Lloyd Garrison. They were the arch fiends in those days upon whom all the crimes and blood and suffering and ignorance and poverty of slavery rested, and Mr. Sumner heard enough of that after he came into the Senate. That is one thing. Suppose, by a mistake in the negotiations going on with Great Britain, our distinguished Secretary of State should plunge this country into a war and should come to the Senate—his equally distinguished predecessor has come to the Senate after filling that office—does anybody doubt that it would be perfectly in order for a political opponent to say to him, "Your mistaken policy brought about this war, and the blood of every man who has fallen in it is upon you." That is one thing, severe enough, uncomfortable enough to listen to, harsh enough, I grant, but in order.

The Senator from Florida, when he had said that the responsibility of the public conduct of my friend from New Hampshire, with whose opinions I perfectly agree in regard to all these questions and with whom I am very happy to share any responsibility which belongs to his expression of indignation against what has happened south of Mason and Dixon's line, when he had said that, that was one thing; but he proceeded to add in what he wrote out, "The blood of Saunders will rest on his conscience," and that is an affirmation of personal and guilty responsibility, and not merely of the historical responsibility of a public course of conduct or policy.

Like Banquo's ghost, it will not down, and the ocean will not wash his blood-stained hands from the guilt of the rape and murder of these tender white women and children.

That is what the Senator from Florida wrote. So, independently of the question of the proposition on which this resolution rests, that there shall be no change in the picture of our proceedings which this RECORD is to give, there has been a change most substantial and important and complete, as I have pointed out.

I shall not follow the honorable Senator from Mississippi into the jesting and joking and comic-almanac view about the lamentable public occurrences which have given rise to these differences of opinion here on the floor of the Senate.

There is one thing, however, which the Senator from Mississippi said in regard to which I have an observation to make. He said that the safest place on the face of the earth for a man to speak his honest mind in regard to the opinion or conduct or character of another was the floor of the Senate of the United States, and I hope that always will be true; and in order to make it true and to keep it true, I do not mean that the secrecy of any man's chamber at midnight shall be a safer place than that of the floor of the Senate, from which he may send out his poisoned arrows which are to charge his companions with guilt, with rape, with murder, or with the blood of innocent and unoffending women and children.

Mr. EUSTIS. I do not rise, Mr. President, to discuss the negro question, nor do I feel called upon to express any opinion as to the justice of the accusation which was made the other day by the Senator from Florida against the Senator from New Hampshire. I am disposed rather, without any excitement or any passion, to consider the real question that is submitted by the proposed order as reported from the Committee on Privileges and Elections.

The Senator from Massachusetts quoted Jefferson's Manual to show that the Committee on Privileges and Elections had no right to censure the Senator from Florida, because the unparliamentary language which he used, assuming it to be such, was not noted down at the time that it was uttered. I would remind the Senator from Massachusetts that even if it had been noted down at the time and even if that technical objection had been waived by the action of the Senate, yet, under the resolution introduced by the Senator from New Hampshire, the Committee on Privileges and Elections would have had no jurisdiction to pass upon the question of censuring the Senator from Florida because of the unparliamentary language which he had used.

Mr. HOAR. The Senator will pardon me. The committee have acted and reported upon that fully.

Mr. EUSTIS. I understand, Mr. President, what I am talking about, I think. That is not the proper excuse for not having returned here an order to censure the Senator from Florida, because, under the resolution introduced by the Senator from New Hampshire, that question was never submitted to the Committee on Privileges and Elections. The question whether the language used by the Senator from Florida was parliamentary or unparliamentary was never brought within the cognizance of the Committee on Privileges and Elections, was never submitted to its jurisdiction by the very terms of the resolution which was introduced by the Senator from New Hampshire.

The cause of complaint of the Senator from New Hampshire was not that the Senator from Florida had used unparliamentary language toward him, that he had violated the rules of the Senate, that he had violated the prerogatives of the Senate, the customs of the Senate, because he had indulged in harsh and severe and personally abusive language towards him. That was not the complaint that was made by him to the Senate and to the Committee on Privileges and Elections. The complaint made was that certain language which appeared in the RECORD as having been uttered by the Senator from Florida was never

uttered in this Chamber, but was inserted into the RECORD. That was the entire complaint made by the Senator from New Hampshire; that was the only question within the jurisdiction of the Committee on Privileges and Elections; and it is the only question which is submitted to the judgment of the Senate. What did the Senator from New Hampshire ask? He asked, first, that the Committee on Privileges and Elections should discover the fact whether or not his charge was true that the Senator from Florida had inserted language which he had never uttered in the Senate, and, secondly, according to the terms of the resolution, if the committee discovered that fact to be as he alleged, then he asked the committee to report an order censuring the Senator from Florida because "it constituted a breach of privilege for which the Senator is hereby censured." That was the demand made by the Senator from New Hampshire.

Now, Mr. President, this order implies a censure upon the Senator from Florida—

Mr. EDMUNDS. Mr. President—

Mr. EUSTIS. This order can have no other meaning.

Mr. EDMUNDS. I will not interrupt the Senator in the middle of a sentence.

The PRESIDENT *pro tempore*. Does the Senator from Louisiana yield to the Senator from Vermont?

Mr. EDMUNDS. I only wished to ask the Senator a question if it is agreeable to him.

The PRESIDENT *pro tempore*. Does the Senator from Louisiana yield?

Mr. EUSTIS. Certainly.

Mr. EDMUNDS. I wish to ask the Senator this question: I was not present, I believe, when this debate occurred as reported, and I should like to find out what the real truth of the transaction is as regards what actually took place. Now, I have been told—

Mr. EUSTIS. I prefer not to be interrupted. If the Senator will allow me to conclude—

Mr. EDMUNDS. Then I will ask my friend a question when he is through, when that unfortunate time shall come.

Mr. EUSTIS. I can very briefly give the Senator the information. If he will read the speech of my friend from Mississippi [Mr. GEORGE] he will there find all the information he can possibly seek.

Mr. EDMUNDS. I only wished to ask the Senator whether he would say that a particular paragraph as printed in the RECORD was uttered or was not uttered by the Senator from Florida, and I was about to read the paragraph.

Mr. EUSTIS. That is admitted. Everybody knows that.

Mr. EDMUNDS. It will depend on what the paragraph is, whether it is admitted or not.

Mr. EUSTIS. Probably the Senator was not present during the discussion. That could be the only reason why he does not know what the paragraph is. It has been read in the Senate about six times. It is admitted on all sides that that paragraph was inserted in the RECORD and was not uttered by the Senator from Florida.

Mr. EDMUNDS. Yes. That being the case, then, if the Senator alludes to the paragraph I do—and I assume that he does—I wish to ask the Senator from Louisiana, so that I may understand it, whether he defends the propriety in any sense whatever of the printing of the paragraph just as it stands that he refers to, that was not uttered in the presence of the Senate and of the Senator to whom it alluded.

Mr. EUSTIS. If the Senator from Vermont had not interrupted me he would by this time have discovered exactly the position which I take.

Mr. EDMUNDS. Let me discover it now if I can.

Mr. EUSTIS. That is exactly what I was proposing to inform the Senator upon.

I say, Mr. President, that although in terms the Committee on Privileges and Elections do not report an order of censure, yet, inasmuch as they have found that there was a paragraph which appeared in the RECORD that was inserted by the Senator from Florida and was not uttered by him in this Chamber, and inasmuch as they ask an order of the Senate that that paragraph shall be effaced from the RECORD, and whatever words appear in the RECORD which he did not utter in debate shall be expunged from the RECORD, I should like in all seriousness to ask whether they have not found the Senator from Florida guilty of something. What is it they have found him guilty of? A mutilation of the RECORD? A falsification of the RECORD? That he has violated the custom of the Senate of the United States, that he has committed a breach of one of the rules of this body? The committee upon this question indulge in absolute and serene silence. They leave it to inference, and any member of this body or any citizen of the United States is at liberty to draw what inference he chooses with reference to the conduct of the Senator from Florida as passed upon by the Committee on Privileges and Elections.

My own position with reference to this matter is simply this—and I call the attention of the Senator from Vermont to my statement, for he seemed awhile ago, and I hope he still entertains the desire of knowing exactly what my position is—

Mr. EDMUNDS. That is what I have been struggling to find out for a good while.



Mr. EUSTIS. As I understand it, we have no rule of the Senate whatever with regard to the revision of the RECORD by any Senator. I believe I am correct in that statement.

Mr. GEORGE. There is none that I know of.

Mr. EUSTIS. So that we have to fall back upon some vague, undefined, antiquated, shadowy custom of the Senate, and, if we had been in existence long enough, I would probably say, which had been wet with the spray of the Deluge. What that custom is no one in this Chamber that I have ever heard has undertaken the task of defining, of explaining. What the limitations of that custom may be I do not know; what its license may be I do not know. I have heard some Senators say that we are at liberty to correct grammatical errors, but that is hardly a privilege, Mr. President, for I know that no Senator ever commits a grammatical error.

I have heard other Senators state in this Chamber that when any offensive language is exchanged, which sometimes happens in what is called the heat of debate—though I do not know exactly what that meant—then by common consent and common agreement these two minds get together, and they by a mere contract and consensus expunge from the RECORD and probably insert something that has never been said. Where do you get that right?

Mr. EDMUNDS. Sure enough.

Mr. EUSTIS. The Senator from Vermont says "Sure enough."

Mr. President, I am asked by my vote to do what I consider a grievous wrong and a grievous injury to a brother Senator on this floor, one whom I know is as regardful of the feelings of others as any other Senator, and who I know also will be as sensitive under reproach as any other Senator. For what? For having concealed his opinions? No, sir. For having suppressed his convictions? No, Mr. President, for those who heard him the other day repeat the language which he had used before, whatever opinion they may have had as to its parliamentary character, could not but admire the courage and the manhood of the utterances of the Senator from Florida.

Therefore, I ask, why should he be censured? Read, sir, the accusations which he made and the accusations which he inserted in the RECORD. In spirit, in emphasis, in significance, and I say in truth they are identical. Follow the line of his argument, the line of his thought, and you will find that there is not a single exaggeration in what he has inserted in the RECORD compared to what he publicly uttered on this floor. It is true the language is not the same, but the accusation is the same, the idea is the same, the arraignment is the same, only I will confess that the language which he inserted in the RECORD coming from the State of Florida is probably a little more flowery than the language which he uttered in this Chamber.

I am glad that this controversy has produced one result, and that is that the Committee on Privileges and Elections have asked for an order instructing the Committee on Rules to report a rule in order that we shall know what liberties we can take with this sacred RECORD and with our debates. If we are not to dot an "i" or cross a "t" or spell a word correctly which has been misspelled; if we are not to indulge in any figures of speech, in any rhetorical license and rhetorical amplification which my friend from Florida indulged in, let us know it, Mr. President. We shall then observe that rule which has an ascertained and determined and limited significance; but until then, for the Committee on Privileges and Elections to ask me by implication, however remote, to cast a vote which carries with it a serious censure upon a brother Senator whom I know we all respect and to whom we would do no wrong and no injustice, because he himself would treat us as he would have us treat him—I say that the Committee on Privileges and Elections will have to bring in a very different indictment, presenting some very different offense from that which is presented in this order, before I will cast a vote to censure a brother Senator.

Mr. EDMUNDS. Mr. President, I am yet unable to understand, although probably it can be inferred, what the view of the honorable Senator from Louisiana is in regard to the paragraph that has been referred to, which I take now to be admitted to have been interpolated into the print of the RECORD, and no part of which, as a paragraph, whatever the idea may have been in other parts of the speech, had been spoken in the presence of the Senate or of the Senator from New Hampshire, to whom it alluded. Now, the Senator from Louisiana, in voting on the resolution reported from the Committee on Privileges and Elections, be it good or bad, has either to affirm that he vindicates and justifies the after-insertion of that paragraph or that he condemns it. From what he has stated, I suppose he means to say that he vindicates and upholds the subsequent insertion of the whole of that paragraph, in which the Senator from Florida alludes to one member of this body as being a person with blood-stained hands, a criminal, and guilty of wicked intentions. That is the short of it.

Mr. President, I believe the Senator from Louisiana, as highly as I respect him personally, as he knows, misrepresents the people of the State of Louisiana; that if an honest vote and an honest count had been had in that State when the Legislature was elected that elected him, we should never have had the pleasure and the honor of his presence. Now, there I stop.

Mr. EUSTIS. Why do you make that statement?

Mr. EDMUNDS. I make it because I believe it.

Mr. EUSTIS. Oh, not because it is true.

Mr. EDMUNDS. Because it is true, also, as I believe.

Now, Mr. President, I come to the point. I have said that to illustrate this matter to the honorable Senator from Louisiana, if he will give me the honor to listen to me for a few minutes, if he can stand it. To-morrow there appears in the RECORD this statement purporting to have been made by me here and now, that that result, which I have stated I believe to be true, as I think, was accomplished in some way by the action of the Senator from Louisiana himself, and that with blood-stained hands and wicked intentions he had managed by violence and by fraud to construct a Legislature of that character. My friend from Louisiana would say, "In what you said yesterday you meant, you know, really that;" and therefore it was perfectly proper, behind the back of the Senator from Louisiana, for it to appear in the RECORD to-morrow as if I had said here and now that he was a party guilty, personally, with blood-stained hands and wicked intentions, of constructing a contrivance that should send him to the Senate.

Is there anybody on either side of the Chamber except my friend from Louisiana who would think that that was exactly the right sort of thing for a Senator to do? We are obliged on this resolution to say one way or the other, that we think it was right or we think it was wrong.

Mr. EUSTIS. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Vermont yield?

Mr. EDMUNDS. Oh, certainly; certainly.

Mr. EUSTIS. I thought when the Senator asked me the question that he knew nothing about this case. He wants to convey the idea that the Senator from Florida said nothing of that kind. I read to the Senator what the Senator from Florida did say in the Senate. It is very short:

That is the feeling which in the hearts of desperate men leads to lawless acts. That is the feeling relative to the outraging and murder of hundreds of women and children in the Southern States, for which the Senator from New Hampshire is personally responsible.

Mr. EDMUNDS. May I interrupt the Senator long enough to correct him in his reading? He is reading the interpolated text. The word "murder" was not in as it was spoken here. If the Senator will only confine himself to reading what was said here it will be a great gratification probably to everybody except the people who do not want it that way.

Mr. EUSTIS. Of course the Senator and I are trying to get at the facts in this case.

Mr. EDMUNDS. Well, that is what you have been wanting for a good while, apparently.

Mr. EUSTIS. This is the language of the Senator from Florida used in the Chamber:

That is the feeling relative to the outraging of these poor women for which the Senator from New Hampshire is personally responsible.

Mr. EDMUNDS. Where is your "murder?"

Mr. EUSTIS:

The blood of these people rests upon him.

Mr. EDMUNDS. Where is the "murder?"

Mr. EUSTIS:

The destruction of the happiness of these households is his, and not that of these miserable men who are emissaries behind him.

Mr. EDMUNDS. Why did not the Senator read it as he did in the first place? What has become of his "murder?"

Mr. EUSTIS. Of what?

Mr. EDMUNDS. What has become of the "murder" that the Senator read the first time? Is that a *post hoc* murder or what sort of a murder is it?

Mr. EUSTIS. The Senator from Florida changed only two or three words.

Mr. EDMUNDS. It is only a Florida flourish, I think, Mr. President. I think murder is a Florida flourish from the conduct there latterly.

Mr. EUSTIS. What does this mean?

The blood of these people rests upon him.

Does not that cover everything?

Mr. EDMUNDS. The Senator may think so. I rather think in Louisiana they suppose that there is no distinction between justifiable homicide and any other; they call it murder possibly.

Mr. EUSTIS. I assure the Senator from Vermont that in my part of the country when it is said the blood of these people rests upon them, the people there understand what it means.

Mr. EDMUNDS. It may be so. I think they do in Florida and perhaps in Louisiana; and if I adopt what the Senator from Louisiana defends to-day and can employ a good newspaper man or a clerk or somebody who can furnish ideas and words for me, I can put into the RECORD to-morrow a splendid picture of the state of things in Louisiana, and a splendid picture of the personal blood-stained hands of that Senator, and have him stand up the next day and say that I did just right; it was only a Florida flourish, of roses and jessamines and of sugar-cane, possibly, and that sort of thing.

Now, does the Senator really mean that? Mr. President, I am sure he does not. His zeal in supposing that he is defending (as we do our country, they say, right or wrong) a particular Senator of his particular way of thinking, has led him beyond what I am sure after a little reflection he will be willing to go.

But how does this happen? If this is only a mere piece of rhetoric—I think the Senator said frills, or furbelows, or flounces, or something of that kind—

Mr. HOAR. Embroidery.

Mr. EDMUNDS. Embroidery. What is the object, Mr. President, of you or me or even anybody in a warm climate to put into a permanent and official record of the Government, which the newspapers tell us, and, I think, very truly, nobody ever sees except the students in musty libraries, this kind of embroidery which describes a fellow Senator in a body that is bound in respect of itself, to say nothing of its respect to each other, to use language which comports not with the Deluge (for I believe that was not a deluge of blood-stained hands, but of water, as far as I have heard), but that comports with the decency of statement relating to public interests, and not in turning the Senate of the United States into a bear-garden, of which each particular member is a particular bear, at one time or another, to fight out with his own claws and on his own lines the best he can?

Mr. DANIEL. Mr. President, I rise to a point of order. I desire that the words of the Senator from Vermont as applied to the Senator from Louisiana [Mr. EUSTIS] shall be taken down.

Mr. EDMUNDS. Let them be taken down immediately.

Mr. EUSTIS. I understood that the suggestion as to me was a supposititious case.

Mr. EDMUNDS. It is not open to debate. Let the words be taken down, Mr. President.

The PRESIDENT *pro tempore*. The words to which the Senator from Virginia [Mr. DANIEL] refers will be taken down as reported by the Official Reporter as they stand upon his minutes. [A pause.] The Reporter desires that the words may be more specifically indicated in order that the page of the minutes may be referred to.

Mr. DANIEL. I can not repeat the precise words, sir, but I understood the Senator from Vermont to charge the Senator from Louisiana with intending murder, and it was on that line that I wished to have the words taken down.

The PRESIDENT *pro tempore*. As soon as the words can be found they will be read. While the Reporter is searching, the Chair would state that in his comprehension of parliamentary law it is requisite that the particular Senator complaining should state the words to which he takes exception precisely as he conceives them to have been spoken. Then, by referring to the official minutes, the accuracy of the memory of the member can be ascertained, and the Senate can then pass, through the Chair, upon the question whether the words were disorderly and in violation of the rules of debate.

Mr. REAGAN. I wish to say that that would be making the test the accuracy of the Senator's memory instead of the record made by the Reporter.

The PRESIDENT *pro tempore*. The subject is not open to debate, but the Chair will willingly listen to suggestions that may be submitted by unanimous consent.

Mr. DANIEL. Mr. President, I understood the Senator from Vermont distinctly to impute to the Senator from Louisiana, designating him as such, the defense of murder upon this floor, and it is to that language that I take exception on the ground that no Senator on this floor has the right to impute to another person—

Mr. EDMUNDS (to Mr. HOAR). He is making a strong point on our side.

Mr. DANIEL. I do not make it, sir, on your side or on my side.

The PRESIDENT *pro tempore*. The Senator must address the Chair.

Mr. DANIEL. Mr. President, the Senator from Vermont did not address the Chair. I did not intend any disrespect in not doing so myself. The point I make is this: I say no matter what side it strikes on, for in a judicial case in which I consider that the honor of the Senate is involved I do not speak for any side, but for its dignity alone; I except to that remark as imputing to a Senator a dishonorable thing.

The PRESIDENT *pro tempore*. The words to which the Chair supposes the Senator from Virginia to refer will be now read by the Secretary, having been furnished to him by the Reporter.

The Secretary read as follows:

I rather think that in Louisiana there is no distinction between justifiable homicide and any other; they call it murder possibly.

The PRESIDENT *pro tempore*. The Senator from Vermont will now have the opportunity of affirming or denying that the words as read were used by him.

Mr. DANIEL. Those are not the words.

Mr. EDMUNDS. I stand obstinately mute and take my fate.

Mr. DANIEL. Those are not the words that I except to.

The PRESIDENT *pro tempore*. If the Senator insists upon his desire that the words shall be taken down, the Official Reporter will further search the record.

Mr. DANIEL. If I had the record before me, while it is true according to my ear, I could put my finger upon it; but I can not undertake

to repeat whole sentences. I will repeat the exact words which struck my ear, and to which I took exception.

The PRESIDENT *pro tempore*. That the Senator has already done. Mr. DANIEL. Yes, sir; but the words just read are not the words.

The PRESIDENT *pro tempore*. Does the Senator desire that the search shall continue further?

Mr. DANIEL. It seems so difficult, sir, to find words just uttered that I have no desire to press the matter. I only wished to call attention to them. I do not wish to interrupt the proceedings now.

Mr. HOAR. I suggest to the Senator from Virginia that it will not take two minutes for the Reporter to read to him from his minutes the passage where the words he complained of occur, and he can then call the attention of the Senate to them.

Mr. DANIEL. With the permission of the Chair I will look at the language.

Mr. DANIEL thereupon withdrew from the Chamber with Mr. Shuey, who had taken the notes of Mr. EDMUNDS's remarks, and after some minutes returned and said:

Mr. President, the stenographer has not fully written out his notes, but having read them to me from his stenographic report, I do not find the words there as I recollect to have heard them and as I am sure I did hear them. I therefore have nothing in the notes to call attention to.

The PRESIDENT *pro tempore*. The Senator from Vermont.

Mr. EDMUNDS. Am I at liberty now to proceed for a few moments?

The PRESIDENT *pro tempore*. The Senator from Vermont is entitled to the floor.

Mr. EDMUNDS. Now that I am at liberty to speak (for I wish to observe the rules of the Senate), I wish to say to my honorable friend from Virginia—and after what he supposed he heard he should have done exactly what he did; it was his duty as he understood it—that the only allusion I made to the Senator from Louisiana or any other Senator was merely to put to him a supposed case of what I might say, stating in a general way that I believe in the State of Louisiana, for illustration, and that is not the only one, the Legislature of that State had been composed by unjust methods, to which I did not intimate in the least degree that he was a party, but he had been elected by that Legislature, and what would be thought of me if officially in the RECORD I should be reported to have said here in the presence of the Senate that he was a guilty party with blood-stained hands in the composition of such a Legislature, in order to illustrate to my friend from Louisiana, who knows just as well as anybody can how much personally I respect him, the argument that I understood him to deliver to the Senate in favor of vindicating the Senator from Florida for the interpolation that he made, it appears, of a whole paragraph in the RECORD. I should never say such a thing here or elsewhere; and I am rather confident that not having said it I should not put it in the RECORD to-morrow. I am rather strongly of that opinion.

Now, Mr. President, let us come back to the earnest aspect of the very thing that we have here. It is not party; it is not person; it is the just and orderly administration of the public duties of this body. In justice and parliamentary law, not of the time of the Deluge or of any other time, but inherent in the deliberations of every body, from the board of city or town aldermen up to the councils of the President of the United States or of the two Houses of Congress, whatever may be personal feeling, whatever may be personal passion, personal prejudice, neither this body nor any other public body has anything to do with that; its members are equal before each other; and it is the public business, and not their private passions and opinions or prejudices, that is to be drawn into consideration in the public deliberations of such a body.

The Senator from Florida, as I think in what appears from the report and from the RECORD and the undisputed statement of fact, so far forgot himself—and I use no terms other than mere implication of the reproach of thinking that he did wrong; I make no characterization of it—so far forgot, in a moment of warmth or heat or whatever, his duty to this body and to the public in the feeling he may have had upon the subject as to cause to be printed, as in the permanent official records of the United States and for public information, distinct and apparently carefully drawn out statements imputing to a Senator from another State, and in new language, whatever he meant before, a crime, and, worse than an ordinary and common crime, a concerted and systematized crime, such as, for illustration, I have stated to my good friend from Louisiana I might have the power (I certainly have the power if this sort of thing goes on) to put into the RECORD to-morrow; and I use him for illustration because I know that neither he nor anybody else will misunderstand it.

Now, is that right? If it is right we ought to reject the resolution reported from the Committee on Privileges and Elections. If it is wrong, we ought to say so, in justice to the Senator from Florida, and to every other Senator, and to the public interest. It is one way or the other, and voting one way or the other on this resolution defines our respective positions as to that sort of thing.

Mr. President, I have said and endeavored to say nothing that should wound the sensibilities of any Senator, but the honor and fairness that is required in this body compels me to say in all kindness that I think



the Senator from Florida transgressed, far transgressed, the right of correction, and even embroidery, as the Senator from Louisiana has so happily imagined as being possibly the case, and that he ought to stand up like a man and take whatever is implied in this resolution in saying that that sort of thing shall not be done any more.

Mr. DANIEL. Mr. President, this is a question, as I understand it, which addresses itself to the sense of honor of the Senate. I have had some advantage (if that word may be used) as to the understanding of this question, because I heard the discussion in which the words appeared that are now under consideration, and listened to that discussion with close attention. I was also one of the auditors to another discussion not long antedating that, in which the Senator from Florida was engaged.

I do not rise, sir, with a consciousness of any partisan bias, and, in my judgment, any man who would permit himself to be governed by partisan bias or by personal friendship in determining the right and propriety of the procedure to be pursued in this case is utterly incapable of being a judge.

I heard the remarks made by the Senator from Florida, and I did not regard those remarks as coming within the pale of parliamentary privilege. I go further, sir, than even the Senator from Massachusetts in my idea of the range of parliamentary privilege of any Senator who rises to address this body. I conceive, however poorly I may illustrate the idea in myself, that this is the grandest deliberative body the sun has ever shone upon; and in my judgment the rules of order and the decorous procedure which govern the Supreme Court of the United States should not exceed or transcend in any degree the personal politeness and dignity of demeanor of one Senator towards another.

The Senator from Massachusetts takes the ground that a Senator has the right to say to another that he is responsible for any train of evil consequences which may have eventuated from his vote or policy. That I respectfully deny. No Senator upon this floor has a right to point his finger at another and, separating him from the mass of his colleagues or from the mass of his political associates, attribute to him anything which is personal and which would naturally cause a just and honorable spirit to flinch. I would have the right to say with reference to a proposition pronounced by the Senator from Massachusetts that the consequences of that proposition involve any calamities which might fall upon the human race; I would have the right to say that the party to which he belongs was responsible for those consequences; but I have not the right to single that Senator out from amongst his colleagues and associates and to hold his personality up to the contempt or scorn or indignation of any individual. The Senator loses his personality when he stands upon this floor in the character that he represents, and unless you acknowledge it, insult, contumely, reviling, and all manner of things which lead to discord are the inevitable consequence.

Sir, I hesitate not to say that I do not believe the Senator from Florida had the right to designate the Senator from New Hampshire in his personality as a person who was responsible for crime or misdemeanor or anything that he chose to impute, for, if he should do so, the collision of the two men is made immediate, face to face, and invidious; and the great character in which they stand here as representatives of a sovereign nation and of sovereign States is immediately minimized to the personality of the two men.

In what I have to say upon this subject I shall pronounce my opinion, such as it may be and for whatever it may be worth, with as absolute an impartiality between these gentlemen as I am capable of maintaining. While, sir, these are my opinions, I would call the attention of the Senate to my view that the proper way to correct any order of procedure which has deviated from a correct line is not to single out one Senator and to make him the victim. If I know myself, I would vote exactly as I shall vote in this case if the Senator from New Hampshire occupied the shoes of the Senator from Florida and if the Senator from Florida should occupy his.

Mr. President, it was with that view upon my mind that I made the allusion I did to the remarks of the Senator from Vermont. It seems that I must have misunderstood him, though I was quite clear as to what I thought I heard him say. I wish to point out to the Senate the fact that this is not the first case here, nor is it without many associate cases, in which Senators have transgressed this rule, and that in order to correct the evil which must inevitably result if personality is ever to be permitted upon this floor you must strike at the root of that evil and tear it up root and branch. I was the much-pained witness of a discussion between two Senators which occurred upon this floor a few weeks ago. I shall not even designate them by name, as I do not wish to revive any personally unpleasant associations; but I heard one Senator who sat upon this side of the Chamber denounced with exhortation of invective, with personal charge and insinuation such as I had never heard delivered against any individual personally in any deliberative body of which I have ever had the honor to be a member. There was not a single member who noticed it.

I have the highest appreciation of the distinguished gentleman who presides over the deliberations of this Chamber, but, as I conceive, it was the duty of that gentleman the moment he heard those personalities uttered and aimed and directed towards a Senator to call the Senator

to order who uttered them and to cause him to cease to speak until he spoke in decorous order towards all of his companions. There is a rule in the rules of the Senate which seems to be regarded almost as obsolete in this body which provides that—

If any Senator, in speaking or otherwise, transgress the rules of the Senate the presiding officer shall or any Senator may call him to order; and when a Senator shall be called to order he shall sit down and not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order; which motion shall be determined without debate.

There is also another rule, a companion to this, which provides that—

If a Senator be called to order for words spoken in debate, upon the demand of the Senator or of any other Senator, the exceptionable words shall be taken down in writing.

Mr. President, it is a very disagreeable thing for any Senator here to take exception to any remark made by one of his colleagues. He is putting himself into a position of conspicuous prominence which naturally leads to friction and to unpleasantness before this Chamber. Therefore it is necessary that the Presiding Officer of this body, listening to the debate, should instantly check the first word, and no Senator here ought ever to be called upon to say a single word that might grate with insulting import upon the ears of another.

The Senator from Mississippi [Mr. GEORGE] has said that the Senate of the United States is a safe place for one man to insult another. The Senator from Massachusetts [Mr. HOAR] has rather congratulated the Senate upon the fact that a man may utter here with absolute freedom his opinions in such a manner as that, and that the Senate is safe. Mr. President, there ought not to be any spot of earth on which any man can with safety insult another. I do not mean to say that violence ought to result from the insult. Far from it. I do not look upon it as a matter of courage in any man to visit harsh and opprobrious terms upon a colleague; neither do I regard that the colleague is acting unmanly if he chooses to pass it by with the contemptuous scorn that a gentleman has the privilege of showing when he has been rudely and unmanly treated.

Mr. HOAR. Mr. President, I should like to ask the Senator from Virginia if he understood either me or the Senator from Mississippi to express any sentiment other than that which he is now expressing for himself, because, if he did, so far as I am concerned and so far as the Senator from Mississippi is concerned in what I said I concurred with him, I had no other meaning than that which he now states himself.

Mr. DANIEL. I think I understand the Senator perfectly correctly, but I beg leave respectfully to take issue with him. I do not think it ought to be safe for one Senator to point the finger of scorn at another in this body or to utter a contemptuous term towards him.

Mr. HOAR. Will the Senator—

Mr. DANIEL. Will the Senator permit me to finish my sentence?

Mr. HOAR. Certainly.

The PRESIDING OFFICER (Mr. FRYE in the chair). Does the Senator from Virginia yield?

Mr. DANIEL. Yes, sir.

Mr. HOAR. I paused because I understood the Senator to ask me to let him finish the sentence. When I said, and I suppose when the Senator from Mississippi said, that this place ought to be absolutely safe, I was referring and he was referring to safety from personal violence or quarrel in consequence of the utterance of opinions.

Mr. GEORGE. That is what I meant.

Mr. HOAR. I did not mean to intimate for a moment that a Senator who utters opprobrious language against another here should be safe from the very much severer punishment and greater danger of public condemnation of loss of the respect of gentlemen.

Mr. DANIEL. Mr. President, I am not quite as dull as the honorable Senator would seem by his language to think that I am. I think I understand him perfectly, and I think if he would be just a little patient in order that I might express myself one sentence after another and collect the whole idea I am endeavoring to give utterance to, he would find that he and myself are not very far apart, if at all, in the judgment which I venture to submit to the Senate.

I think the word "safe" is a misapplied term to any indecorum in the Senate of the United States. I think it is an ill-chosen adjective, if the Senator will permit me to criticise with becoming respect one who is generally so choice in his terms. It ought not to be safe in any sense beyond that of personal violence, which I of course except, for a Senator to use opprobrious epithets upon this floor towards another; and the only way in which it can be made unsafe is for the presiding officer to check the first intimation of such an utterance and for the universal common law and self-respect of this body to visit such a breach of its etiquette and privilege with its own emphatic disclaimer and disapprobation.

Mr. President, I wish to say this about the Senator from Florida: He has been made upon this floor the subject of much grosser animadversion than the Senator from New Hampshire. No one checked the utterance; no one chided the speaker; no one called him to order. This breach of privilege, which I call a departure from decorum, has gone on in various debates from time to time until now we have this case brought to our attention.

No objection is made in this place and now to the language of the Senator from Florida on account of its personal character. The time

has passed, as I understand, when it could be made a matter of exception on the ground of being out of order. The exception which is taken to it is not that it was out of order, but simply that it was not uttered upon this floor. It is true that the words which were published in the speech of the Senator from Florida in the order in which they are used and in their amplification and ornamentation, as some might style it, were not used by him in debate. But this is a point which I think the Senator from Vermont has not entirely attended to; words of like import were uttered, and words much severer in the imputation which they carried, than the mere adjectivorous and rhetorical flourishes which were attached to them.

Mr. EDMUNDS. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Vermont?

Mr. DANIEL. Certainly.

Mr. EDMUNDS. I wish in all sincerity to ask my honorable friend from Virginia, whose propositions upon this subject I entirely agree with, as I did with his calling me to order when he misunderstood me as stating an allegation of fact when I was using an illustration, why it should be proper for the Senator from Florida or for any other Senator, if it was rhetoric, to rub it in the next day and behind the back of the patient by a distinct and entirely separate sentence—not a mere correction of the rhetoric of a phrase, but a whole bodily thing?

If my friend will pardon me for a moment, I may allude to a similar instance, although not of personal imputation, which more strongly illustrates this proposition, that occurred here about a dozen years ago when one of the best of my personal friends (and I am glad to say still living, I believe, as a judge in North Carolina), Senator Merrimon, in a little discussion with another Senator in this body, taking the liberty that was supposed to belong to everybody of revising his remarks (I believe that is the phrase) made his adversary to appear, without intending it at all, as having made an entirely untenable and an almost ridiculous proposition. The attention of the Senate was called to it the next day as soon as it was printed, and my good friend from North Carolina and the whole Senate agreed that that was a mistake and a wrong and an injustice, and the very same order I think was made in substance that is proposed here, that the RECORD should stand as the thing actually took place, and that even in a case where it was not a personal imputation, but only an arrangement of argument which might, as my honorable friend perfectly understands, by a very slight change in language be made to put one person in the wrong and the other in the right.

I thank my friend for allowing me to make the suggestion.

Mr. DANIEL. I am happy to have heard the very entertaining argument of the Senator from Vermont. Its conclusion was so far away from the question he asked me that I must recur now to that.

Mr. EDMUNDS. It is 500 miles nearer, for North Carolina is only that far away from Washington.

Mr. DANIEL. When the Senator gets through (though I am so much entertained by his remarks that I regret he should so soon stop), I shall try to answer his question. The Senator puts to me the question, why should I say that the Senator from Florida did right and properly in adding these rhetorical flourishes and remarks to his speech? Has the Senator understood me to say that he did properly?

Mr. EDMUNDS. No; I am trying to find out what my friend thinks.

Mr. DANIEL. If my distinguished friend will only be a little patient (I am not quite so ready as he is upon a floor to which he has been so long accustomed) perhaps I shall state my own opinion upon that subject.

I do not think that any Senator ought ever either to utter or to put in the RECORD anything personally reflecting upon one of his colleagues. That is a sound principle, and I think that as to that proposition I shall have the assent of the Senator from Vermont.

Mr. EDMUNDS. Decidedly.

Mr. DANIEL. In the manner in which this question comes up and with this little naked record of it in the form of a resolution and a report, my objection to the proceeding is that it involves an implied censure for something more serious than it on its face imports.

I will state that proposition again, in order that the Senators who do me the honor to listen to my statement may understand the clear, distinct ground upon which I put my line of action. It is that to make simply this record of this transaction, although the purpose to censure may be disclaimed by the committee which makes the report and although the jurisdiction to censure was not reposed in it by the Senate, this naked record speaking by itself, imports a much more serious matter than that which it deals with. That is to say, Mr. President, if any one who had not heard this discussion, if any one not familiar with the *res gestæ* of the transaction, were to take that separate fact and endeavor to deduce from it what had been the conduct of the parties, he would arrive at a conclusion which is opposite from the truth, although in terms no misstatement might have been made.

In order to produce the effect of truth upon a mind which you are addressing you must present the main facts and the surrounding facts in their proper colors and in their true proportions; and you may produce upon the mind of another whom you are addressing, by the selection of a part of a truth or a disjointed truth, an impression which is absolutely false. That being the case, if I, unfamiliar with this transac-

tion, were to take this report and were to peruse it, I would reach the conclusion that the Senator from Florida had made a personal assault of words upon the Senator from New Hampshire, had done it behind his back, a term which the honorable Senator from Vermont uses, with all the implication which would attach to a cowardly and to an improper deed.

Mr. EDMUNDS. No, Mr. President, I did not mean that at all, because I know perfectly well that the Senator from Florida is not a coward or anything of the kind, and I do not wish to be so understood. But when I say behind one's back in this connection I mean that, after there has been a stand-up discussion and the body has separated, for one of the debaters to put into his speech a distinct and separate and new paragraph, whether it means the same thing that another did or not, is a thing done behind the back of that person, not in his presence, where he could then and there have defended himself from the imputation, whether it was a repetition or not.

Mr. DANIEL. I understand the Senator perfectly, and I have no doubt that every Senator does. But he illustrates, in the explanation that he makes of his own words, which I correctly apprehended, the very thing which I object to in this resolution. It places a Senator, in my judgment, in a false position.

While it is unpleasant to me to repeat the words of a painful debate (no Senator can have pleasure either in lingering upon it or in quoting language of this character uttered in this body), I state from my clear recollection as an attentive auditor of that discussion that there is not in the published remarks of the Senator from Florida any form of incultation or charge against the Senator from New Hampshire that he did not make here; in fact, I have before me now what the Senator from Florida did utter, and, in my humble judgment of the weight of words, the distinct charge is stronger even than the rhetoric with which it has been furnished up in the RECORD.

A little partisanship has crept into this discussion, and my honorable friend from Massachusetts, who is here delivering his judgment upon the propriety of conduct as involved between two of his colleagues, did not preserve his judicial pose and his judicial character long enough to forget the old battles of twenty-five and thirty years ago in which he was militant; and to listen to his address about the old-time abolitionist and the lash of the slave-master, it would seem to be the conclusion of his judgment that the Senate is incapable of deciding a naked question upon the rules without permitting its imagination to range the old battle-fields of a by-gone generation and to be illustrated from those sensitive points which are always calculated to disturb rather than to promote cool and deliberate judgment.

He speaks about the humor of the Senator from Mississippi. Banquo's ghost when it originally started upon its errand through the world, both upon the stage and in rhetorical illustration, was doubtless a very serious affair. But I am sure that even the grave Senator from Massachusetts is not incapable of detecting a little humor in the reiterated appearance, after the last appearance had been so often announced, and in my judgment a little humor about this matter is at least as much in order as a fiery invective based upon the memories of Charles Sumner and old-time issues which have long since died away, and which every good citizen, as it seems to me, would wish to see buried in oblivion.

Recurring to this matter I address you, Senators, as far as I am conscious, with a clear intent to endeavor to do what is just and right between man and man in this proceeding. I do not think that under all the circumstances of this case it would be the proper thing to place upon your record a conclusion which would be inevitably construed as a censure of the Senator from Florida upon an objection raised at a time when the matter to be censured in its personal character has passed by. Neither do I consider that it would be right and proper in the Senate in returning to and contemplating the enforcement of a rule, which has been neglected, to make any one of its members the illustration of its restored sense of order and propriety.

The order of the Senate must be located in its Chair and must pervade the whole body, and it is not the right and fair thing to do to select one man who has but done what is done daily in the Senate, who has amplified an idea which he has stated and illustrated it by terms of rhetoric. The personality and everything in that language which could have been objected to at any time, the gravamen of that utterance, was in his utterance here as I heard it fall from his lips once, twice, thrice, often repeated. And yet if you take up that speech and cut off the hem of the garment and ignore the garment, you put yourselves in the attitude of judging a thing which was not the substance of the matter complained of, and of misdirecting your judgment to an annex of rhetoric rather than to the main question which might at one time have been brought before you.

I have heard speeches made upon the floor of the Senate time and again, and I have seen them appear in the RECORD with diversified illustrations. I acknowledge that they furnish no clear or positive precedent for this, because this relates to personality, whereas some of them or indeed all of them may not have done so; and yet the very personality which is the subject of exception by the committee did appear and was the subject of discourse by the Senator from Florida in repeated utterances.



I can not, therefore, vote for this resolution, because in my judgment the effect of such a sentence would be a reflection, and not the accurate aim of justice. It would misguide the mind to a side light, and not to the main light of this controversy, and it would put the Senator from Florida, in my judgment, in the false light, before those who did not know the fact, of saying at night, in darkness and behind the back of a Senator, things which he had not uttered and reiterated in his presence. In reaching this conclusion, sir, I again repeat that if the Senator from New Hampshire was in his place and the Senator from Florida in his I would reach the same conclusion, and that the conclusion is utterly devoid of the control of bias on account of those engaged in it.

Mr. GRAY. Mr. President, as a member of the committee from which this resolution was reported by its chairman, I feel that I ought to say a word in explanation of the vote that I shall give upon it, in justice to myself and in justice to my distinguished friend from Florida.

I was not in the Senate Chamber this morning when the resolution was brought up for consideration, nor did I hear much of what has preceded the remarks of the Senator from Virginia [Mr. DANIEL]. I was surprised, however, upon entering the Chamber, to find that the resolution was before the Senate and had given rise to a debate the character of which surprised me still more. I had supposed that when this resolution was ordered to be reported to the Senate it would have been passed without a word of objection on any side of this Chamber, and would have been accepted as the orderly and best considered dealing that we could make with the subject-matter which had been referred to the committee by the resolution of the Senator from New Hampshire.

As I understood the meaning of the committee in ordering this resolution to be reported, it was that no attempt was to be made by the committee or on its recommendation by the Senate to pass upon the language used by the Senator from Florida or the language used by the Senator from New Hampshire; that the language of which the Senator from New Hampshire complains, not having been objected to at the time it was uttered (and which he explains by saying that he did not hear it), had passed out of the jurisdiction of the Senate, and that therefore it would be something outside of the jurisdiction of the Committee on Privileges and Elections to suggest to this body that they should revamp the issue and undertake to pass upon the question as to whether the language of the Senator from Florida was deserving of censure or not.

Therefore when I voted—as I am privileged, I suppose, to say that I did vote—for this resolution in the committee, I did not understand nor do I now know that any of my colleagues on that committee understood that the resolution was intended to imply a scintilla of censure upon the honorable Senator from Florida. All that I understood the resolution to mean is this: That it is the right of any Senator in this body, apart from the rules, and not by reason of privilege conferred by rules, but as inherent in those rules of decorum which should govern every assemblage of gentlemen, whenever a Senator calls attention to the fact that language personal to himself has been uttered by another Senator and that that language is opprobrious, to have that utterance remain upon the record, if he so wishes, precisely as it was uttered.

The question of the changes that were made by the Senator from Florida, in conformity to a habit that has grown up somewhat loosely in this body, how far he changed the purport of the language originally uttered, how far he modified it, as I certainly think he did modify it, was not a question considered by the committee nor submitted by it to this body; we simply and alone assert what I have characterized as the absolute right of every Senator to require language which he objects to as personal to remain upon the record precisely as it was uttered, *verbatim et literatim et punctuatim*.

Therefore, Mr. President, I must vote for this resolution, and my vote imports not only no disrespect to the Senator from Florida, but it imports not the slightest censure. The language that he uttered, and which I do not understand he denies that he uttered, will, if this resolution is adopted, simply remain upon the record, and the modification which he made in the stenographic report will be in future editions of the RECORD obliterated.

The Senator from Florida did say, according to the stenographic report:

That is the feeling which in the hearts of desperate men leads to lawless acts. That is the feeling relative to the outraging of these poor women, for which the Senator from New Hampshire is personally responsible. The blood of these people rests upon him. The destruction of the happiness of these households is his, and not that of these miserable men who are emissaries behind him.

Whether it is more objectionable to use language like that than to say, as the Senator from Florida saw fit to amend and modify that language in his corrected report—

The blood of Saunders, if the evidence shall show his death was in any way connected with the prosecutions in the United States courts, will rest on his conscience. The shrieking ghosts of the hundreds of outraged and murdered women and children, the victims of the wild lust and passions of a race who owe all that they know of religion and civilization to the Southern white people, and not to the Senator from New Hampshire, will disturb his sleeping and his waking hours—

we do not undertake as a committee to pass upon. In adopting this resolution we do not undertake as a Senate to pass upon the question whether one form of words is more objectionable than the other, whether

it is more opprobrious to charge one with responsibility for outraging poor women than to charge him with the responsibility for the killing of men. That is a question which is left open to the decision of every man in the Senate and every man in the country who shall read this record.

Therefore, Mr. President, with that understanding and because I believe the Senator from New Hampshire had a right, which I would not see impaired, to have the language which was uttered by the Senator from Florida remain upon the record exactly as it was uttered, I shall vote for the pending resolution.

Mr. PUGH. Mr. President, I do not rise for the purpose of prolonging this debate, but, being a member of the committee by which this resolution was reported, I simply desire to concur fully in what has been so well said by the Senator from Delaware [Mr. GRAY].

I am much surprised at this debate and much surprised at the opposition to the passage of the resolution. Senators who oppose the resolution, in my humble judgment, totally misconceive its plain meaning and purpose. So far as the committee who considered this matter are concerned, I can say that there was no difference of opinion, and no purpose whatever in the language of the resolution or in its effect to cast any censure whatever upon the Senator from Florida. There was no suggestion by any member of the committee that the resolution was capable of any such construction; and in my judgment that construction is distorted and is a misconception and a total mistake as to how the resolution will be construed by the Senate or by the public.

My opinion is that the defeat of this resolution would put the Senate in a false position, and every Senator who votes against it, in my judgment, places himself in a much worse position before the country than the Senator from Florida would be placed in by the adoption of the resolution. The resolution upon the face of it recites the language that it orders stricken from the RECORD, and it gives one single reason, and no other, for striking the language from the RECORD, and that is that the words that the committee ask to be stricken out were not actually spoken by the Senator from Florida. They may have been spoken in substance so far as the language of the resolution is concerned, but the recital is that they are asked to be stricken from the RECORD for the sole reason that they were not actually spoken. There is not a Senator who hears me who will say that that recital is not true.

Mr. President, having vindicated myself from a possibility of doing anything that would be a reflection upon my friend from Florida, with whom my associations are of the kindest nature and our friendship of the warmest character, I am utterly surprised that any friend of that Senator or any Senator can distort this language into the meaning that it amounts to a censure. It simply asks to have that language of a personal character, which can be construed to imply a personal offense, stricken from the RECORD because the words were not actually spoken.

We ought to take care of the verity of this RECORD, and especially in reference to language that can be construed into a charge of a personal character or implying a personal insult in words personally offensive. The RECORD ought to be guarded against it. And I am surprised that my friend from Florida desires that language which he admits was not actually spoken shall be added to the RECORD in the place of what the reporter put there, which he did say, and which, in my judgment, in substance, was contained in the words he added to the RECORD. But the language he added there might be differently construed by different persons, and because it might be so construed and was admitted not to have been actually spoken the committee thought it best to put itself in the position of correcting the RECORD and making it speak the truth.

Mr. HAWLEY. Mr. President, I do not rise, of course, to make any lengthy remarks in this matter, but an observation by the Senator from Louisiana [Mr. EUSTIS] leads me to call his attention to some remarks made by Thomas H. Benton in 1850 as reported in the Congressional Globe of Tuesday, April 2, 1850. They are confirmatory of what the Senator from Alabama [Mr. PUGH] said, and he came very near using the same language. In a case somewhat similar to this, Mr. Benton said:

Now, Mr. President, I have to say, what every Senator well knows, that it is not only the right, but the duty, of a Senator to revise his speeches, improve the style, and improve the argument, if it relates to argument; but where there is something of a different character—something personal—there can be no alteration of the words. This is parliamentary law, and it is the law, I will not say of honor, but of civilized man.

Further, he said:

Sir, in what is personal in this Chamber there can be no alteration of words—there can be no substitution of equivocal or convertible phrases. The words spoken, so far as character or feeling is concerned, are to stand. They are to stand, sir, and he is to abide what is to result from them in public opinion, or in any other way. There is to be no made-up case—there is to be no alteration in a single phrase.

Mr. JONES, of Arkansas. Mr. President, the reason given by the Senator from Alabama [Mr. PUGH] a few minutes ago why he thought every member of the Senate ought to vote for the resolution is exactly the reason why I shall vote against it.

I believe the reporters of the Senate are as accurate as any reporters could be expected to be, but that they are infallible nobody will claim. I was present at the time of the discussion and I heard it, and I do not

believe that I remember more distinctly that this body was in session yesterday than I remember that these words were spoken by the Senator from Florida:

And the murder of hundreds of women and children in the Southern States.

I remember to have turned in my seat and looked at that Senator, and in my astonishment at the force of the words he was using I turned and looked at the Senator from New Hampshire, who was in his seat. The expression made such an impression on me at the time that I do not believe it is possible to be mistaken about it, and because I believe as firmly as I believe I am standing in my place to-day in the Senate that those words were spoken by the Senator from Florida I shall vote against this resolution.

The Senator from New Hampshire, the Senator from Massachusetts, the Senator from Delaware, the Senator from Alabama, have each insisted that it was right that the RECORD should record exactly what was said. I believe that to be true. So far as the remainder of this reported matter is concerned, I heard nothing of the expression, and I take it for granted that it was interpolated in the RECORD; but this expression, the one which embraces the gravamen of the charge, was, I as firmly believe, spoken by the Senator from Florida as I believe I am alive and standing here to-day; and for that reason I can not vote to so change the RECORD as to have it speak an untruth when it says the Senator from Florida did not use those words.

Mr. EVARTS obtained the floor.

Mr. HAWLEY. Will the Senator from New York permit me to make a single remark further?

Mr. EVARTS. Certainly.

Mr. HAWLEY. The line upon which the Senator from Arkansas has just now commented is in the notes submitted to the printer in the handwriting of the Senator from Florida as if it had been inserted. You may say it was omitted by the Reporter, but in the manuscript sent to the Printing Office those words are in the handwriting of the Senator from Florida.

Mr. JONES, of Arkansas. I do not know anything about that, but when I heard the words spoken in this debate, whether they were not heard by the Reporter does not change the fact that they were spoken. I have no more doubt that those words were spoken than I have of my existence. They made an impression upon me that it would be difficult for me to forget. I could not forget such an impression made at such a time and under such circumstances, and I remember distinctly to have looked at the Senator from New Hampshire sitting in his seat and to have wondered that such an expression could be used by one Senator to another, and that it could be passed by with as little comment as it seemed to provoke at the time.

Mr. GRAY. Will the Senator from Arkansas allow me?

The PRESIDENT *pro tempore*. The Senator from New York [Mr. EVARTS] is entitled to the floor.

Mr. HAWLEY. It was by the indulgence of the Senator from New York that I spoke.

The PRESIDENT *pro tempore*. The Senator from Connecticut interrupted the Senator from New York with his consent.

Mr. EVARTS. Mr. President, I hope within a very short compass to bring the attention of the Senate to the real matter that has been committed to the Committee on Privileges and Elections, and that has been followed in their report, and that whatever may follow in debate here and in the vote must proceed upon the record as thus presented.

The matter was introduced to the Senate upon the complaint of one Senator that in the speech of another Senator the RECORD had presented not merely the words that were spoken by the Senator, but additional matter that was not expressed in the Senate, that neither in form nor in words was presented to the Senate; but that there was interpolated in the RECORD a separate composition made after the Senate adjourned, and in phrase and in rhetoric that it was not pretended had been expressed in the Senate.

The committee were desired to look into that, not in vindication of anything but the RECORD, for it was that the Senate was interested and that the country is interested in. The persons, therefore, who had submitted to the action of the Senate and the supervision of the committee this RECORD pass out of observation and no longer are important. It is the verity of the RECORD that we are concerned with.

Now, let me show within what narrow limits the question of the verity of the RECORD was laid before the committee and is now before the Senate. Each of the gentlemen who have brought to the attention of the Senate the matter in dispute appeared before our committee and submitted in writing whatever he had to say on the subject. The only topic and the only interest felt by the committee was what might be regarded as almost a mere clerical duty, examining the RECORD as printed and the portions of it that were impugned, for it was definitely ascertained before us that there was a birth to this secondary invective, if that is a proper description of it, quite independent of it, quite separated from it, quite unconnected with it in any physical fact of voice or speech.

Then what remains to be considered but whether this RECORD should be made correct or whether the difference was so immaterial, the relation of the two sentences or paragraphs so clearly indistinguishable in

purport as that the RECORD might be suffered to speak falsely, but yet not so as to injure? Well, Mr. President, who has a right to change the RECORD when the RECORD comes to be a matter of definite and responsible attention as to the verity or the falsification of the RECORD? Is this a record that we can make up afterwards and which we can hold forth as what we say after our attention is drawn to it that it is the record of what occurred here? Senators overlook the fact that that is not a matter of style nor a matter of taste nor a matter of interest or feeling.

The Constitution of the United States has attached importance to words spoken in debate in either of the Houses of Congress. It has declared, in protection and for the integrity of our debates, that a Senator for words spoken in debate shall not be called in question elsewhere. But is there any such provision as that over a composition prepared in one's chamber and never spoken in the Senate by which it is protected before the courts of justice or wherever else by this constitutional provision?

It seems to me, therefore, that we can not afford to be indifferent. We can not yield to questions when we reduce the RECORD to what was said in debate and omit what was confessedly written afterwards and in another place, because the correction may carry an implication of this or that degree of severity, that greater care, greater prudence, or a larger trespass had been observed or neglected. When we are asked to stand up and say that the Senator from Florida is not to be called in question for words spoken in debate, we can not afford to add "and for words not spoken in debate;" and yet that is the result, practically, if we shall assign as the cause of our reversal of the report of this committee that as the RECORD is printed there is, in substance and effect, in rhetoric and in taste, no difference between what was said in debate and what was not said in debate. The question is not how little there is, but how much there is that shows that one was said and the other was not, and for this great constitutional proposition it is necessary that the thing should itself be as it was said.

This committee, without turning to the right or to the left in any censure or in any approval, have announced that their united and undoubted opinion is that the produced record from the Reporter should remain and that the additional and separate appended portion of the speech shall be omitted; and yet Senators are here to vote and to pass upon that question; not impugning the facts, not doubting the integrity and the intelligence of the committee, they are going to vote against all of this for fear that they may do injustice in some implication that may be made from it.

Mr. President, I have nothing to say on the habit of enlarging or improving the RECORD from what literally appeared in debate, but when it comes to a question that might be and is a matter of importance, not only between Senators in regard to language used and language not used that may be charged to it, we are to look to the Senate itself as to whether it likes to have put under the constitutional protection language that never was uttered in its hearing. It is not a RECORD for the Senator from Florida, nor a RECORD for the Senator from New Hampshire, but it is a RECORD of this Senate that these things were said in its hearing and it took no note of them. It might take no note of them if they were said in its presence, but the Senate, without stultification, can never expose itself to the imputation that it allows words to pass unnoticed when they were not said in its presence.

Mr. VANCE. Mr. President, as I was a member, and am yet, of the Committee on Privileges and Elections which reported this resolution and as I favored the resolution in committee, I want to say a brief word in justification of the vote which I shall give.

Nothing was further from my intention than the idea that by this resolution any reflection was intended upon the distinguished Senator from Florida [Mr. CALL]. He has said nothing and done nothing that required censure, for, although he had used very severe language toward the Senator from New Hampshire, it will be admitted by all who remember that debate that he had exceeding great provocation.

There is a habit here, sir, prevailing in Senatorial courtesy that is thought to be very chivalrous and polite and courteous of making all remarks of a Senator impersonal towards the Senator who represents any people on this floor. It has come to be a habit, an excusable habit, a parliamentary habit, for a Senator to get up and say all kinds of hard and harsh and mean and unkind and false and slanderous things upon the whole people of a Senator's State, but so long as he makes these allusions impersonal to that Senator they are not considered unparliamentary, and the Senator himself is not considered justifiable in resenting them in the usual way.

Senators should remember that there are those whose names and good reputations are dearer to a Senator than his own. Senators should remember that we each and every one of us are sent here not only to transact the business of this country and to promote its welfare by every means within our conception, but that we are also sent here to take care of the good reputation and the fair name of the people whom we represent; and I say, therefore, when the Senator from Florida was attacked, as he was, through the people of his State, through the people who love and honor him, that he was fully justified in the very severe language with which he retorted upon the Senator from New Hampshire.



But there were certain things appearing in the RECORD which the Senator from Florida admitted were words that he had not said in the order of arrangement and in the language that he had not used, though he claimed that he had used a similar idea in the language attributed to him by the Reporter. That being so, this committee—and I presume I violate no confidence in what I shall say about it—after much deliberation and many castings up of precedents of what had been said in the Senate and what had been condoned, etc., and I believe an almost, if not entirely, universal disclaimer of any intention of reflecting upon the Senator from Florida, the proposition was submitted that, for the sake of the integrity of the RECORD, we would have omitted from it those words which it was admitted had not been spoken and let it speak the exact truth as our Reporter gave it to him, and for the sake of the verity of this RECORD of this great body I supported that resolution and shall now.

But I have already called attention and I desire still further to call the attention of Senators upon the other side of the Chamber to this habit of impersonal abuse, so to speak, of the people of our respective States. When the people whom we represent are assailed, you may expect, Senators, recrimination, and you must not always expect it in the most refined and elegant terms that can be selected from the lexicon of our language. You can not always expect us to keep our temper. You can not always expect us to imitate the wisdom of that great American philosopher, Mr. Josh Billings, who said that the little things of this life had given him more trouble than the great things, and he illustrated it by saying that fleas had given him a great deal more trouble and uneasiness than elephants. [Laughter.]

We can not always remember that, but naturally, as a great Georgia character, when he afterwards joined the church and was apologizing for being engaged in a fight, said that "in an unthoughtful moment he gave way to his human feelings" [laughter], you may expect such things. These little jabs and thrusts and gad-fly bites that come in an impersonal way are sufficiently irritating to upset the philosophy of the average American citizen, and language not conformable to the tenets of Sunday-schools and Young Men's Christian Associations may always be expected when such assaults are made upon our people. But I want the RECORD to speak the truth; that is, I want it to speak the truth so far as there is truth in what we give to go in the RECORD. [Laughter.] I do not vouch for it any further. Therefore I say I supported in committee and shall support here this resolution restoring the original language of the Senator from Florida, as reported by our Official Reporter, to the RECORD, and not denied by him. This will be satisfactory to the Senate, it will be satisfactory to all who read the RECORD, if anybody should unfortunately be compelled to read it after we are dead and gone, and the Senator from New Hampshire [Mr. CHANDLER] says it will be satisfactory to him. If that is the very jacket that fits him and that he was measured for when he was present and the other does not, and if he is satisfied with being charged with the outraging of women rather than the murder of men, why, God knows, he may have what satisfaction he can from it. [Laughter.]

Mr. CALL. Mr. President, I think it is due to myself before this resolution shall be voted upon that I should submit a few observations to the Senate. I have nothing to say as to whether the Senate shall or shall not adopt the resolution. I shall only speak in my own vindication.

There are two aspects in which this resolution can be regarded: First, as a rule, custom, and usage of the Senate and, secondly, in its relation to the personal charges or statements, if there be any, contained in it.

I have been in this body for eleven years. I have heard during that time a great many passages-at-arms between different members of this body, and I have here in the RECORD the controversy between Mr. Conkling and Mr. Lamar. I will allude only to those controversies which relate to members of the Senate who are not now members, in order that I may not have any personal allusions or call up any of the circumstances which occurred at the time. There are many Senators here who have had such controversies and between whom severe personal remarks have passed; I will not refer to them. I find that Mr. Conkling, on the 18th day of June, 1879, used the following language:

Let me be more specific, Mr. President. Should the member from Mississippi, except in the presence of the Senate, charge me, by intimation or otherwise, with falsehood, I would denounce him as a blackguard, as a coward, and a liar; and understanding what he said as I have, the rules and the proprieties of the Senate are the only restraint upon me.

To which Mr. Lamar replied:

Mr. President, I have only to say that the Senator from New York understood me correctly. I did mean to say just precisely the words and all that they imported. I beg pardon of the Senate for the unparliamentary language. It was very harsh; it was very severe; it was such as no good man would deserve and no brave man would wear.

That passed away. There was no resolution to strike that from the records of this body; it was not said to be unparliamentary, and nobody rose here to say that any substitution of words was made which made it more severe or less severe. If it had not been said in substance, it would have been open to a serious charge, but, if said in substance, what does it import to the verity of the RECORD whether the words "liar," "blackguard," or "coward" was used or not? What

difference did it make to the insult from either of these distinguished Senators to the other or to the verity of the RECORD that the specific language should be used?

But I aver upon the authority of the RECORD here that it has been the uniform practice of the Senate that there shall be a revival of the remarks, not by the insertion of any new matter which conveyed more severe charges than were uttered, but by any language which was not more severe.

In a celebrated debate between two very distinguished men, Mr. Thomas H. Benton, of Missouri, and Mr. Henry S. Foote, then Senator from Mississippi, on the 2d of April, 1850, the following observation occurs:

Now, Mr. President—

Said Mr. Benton—

I have to say, what every Senator well knows, that it is not only the right but the duty of a Senator to revise his speeches, improve the style, and improve the argument, if it relates to argument.

So much for the rule of this Senate for a hundred years. Now, I venture to say that Thomas H. Benton, with his thirty years in the Senate, with his compeers, Clay and Webster and Calhoun and Cass, and men of that stamp, will not suffer in comparison with the distinguished Senator from Massachusetts or from New York or from Vermont or from the whole body of the Senate. I venture to say that with that distinguished circle of men, whose genius and whose learning were quite equal to anybody here, this rule of revival and correction under the authority of Thomas H. Benton is a sufficient authority for any man now to revise.

In reference to the personality of this matter, Mr. Benton goes on to say—and in order that I may not misrepresent him I will quote what he said, because the verity of the RECORD, if it be impeached, is as much concerned in the revival of one as the other, and they are both subject to reasonable interpretation. What does he say in regard to the personality? He was then engaged, I will observe, in an excited controversy with Governor Foote, an able and eloquent man, and Mr. Foote had charged Mr. Benton with inserting in the debates language which he had not used, and Mr. Benton was charging Mr. Foote with precisely the same, inserting in the debates language which he had not used. Mr. Benton under those circumstances, and a very aggravated case, made this observation:

But where there is something of a different character—something personal—there can be no alteration of the words. This is parliamentary law, and it is the law, I will not say of honor, but of civilized man.

I accept that. There can be no alteration of the words, not in the critical and carping and unreasonable argument that the words can not be changed, but that the meaning of them can not be changed, for Mr. Benton says, immediately after:

I filled up these two or three words in the opening sentence. That was all.

Now, here is this case of a paragraph inserted, and here is Mr. Benton announcing the rule and announcing that he had made a change of a few words, not altering the meaning, and here is the language of Mr. Foote to which he refers:

So there are two falsehoods there together. I am remarking on an article in a newspaper, and I can not be called to order.

The official reports of the Senate were then published in a newspaper and making this evasion of what he supposed was parliamentary decorum in order to speak in the presence of the Senate—

Mr. FOOTE (in his seat). I hope he will not be called to order by any one.

Mr. BENTON—

Quoting from Mr. Foote—

"At present he is shielded by his age, his open disavowal of the obligatory force of the laws of honor, and his Senatorial privileges." Shielded by his age! by his age! Sir, let any person insult me where an appropriate chastisement can be employed and inflicted upon blackguardism and he will find out whether I am not young enough to resist; he will find out my age without consulting any calendar at all.

"His open disavowal of the obligatory force of the laws of honor." Take that in any sense and it is false. Take it in the sense in which it is perhaps intended, and it is false.

That discussion goes on. Mr. Foote replies and charges upon Mr. Benton that he had altered the record and alleges that he, Foote, had used nothing but language which imported the full sense and meaning of these corrected and revised remarks in the Globe. Where is the precedent obtained from this that these remarks should be struck from the RECORD? Are they not there? Do they not show what occurred?

Of what avail is it to the verity of the record when the speech comes here showing the substance and the facts of the controversy between them and left to the judgment of Mr. Clay? Mr. Calhoun was not then here, but Mr. Clay was, and I think Mr. Webster, though possibly Mr. Webster may have been Secretary of State at that time. It was, however, left to the judgment of the great men who were his contemporaries here, and what was the action taken upon it? Why, we heard nothing of striking it out of the record.

So I might go on and follow it up through numberless cases, and I say there is not a precedent nor can there be a reason why remarks should be stricken from the RECORD.

Mr. President, if I am guilty of what is charged by the Senator from

Massachusetts or the Senator from New York or the Senator from Vermont, of having inserted in this RECORD one single word that had not its full equivalent in direct allusion and reference to the Senator from New Hampshire, I pronounce myself a coward and a dishonorable man if there be one word in it that had not its equivalent in the original remarks; and, if that be the case, there is nothing to impeach the verity of the RECORD.

Now, Mr. President, let us look a little into this and see. It is admitted that I stated:

That is the feeling which in the hearts of desperate men leads to lawless acts. That is the feeling relative to the outraging of poor women in the Southern States for which the Senator from New Hampshire is personally responsible. The blood of these people rests upon him.

The Senator from Massachusetts undertakes to say that to this paragraph these words are added:

The blood of Saunders, if the evidence shall show his death was in any way connected with the prosecutions in the United States courts, will rest on his conscience, etc.

I will not take time to read the whole of it. The Senator undertakes to say that that contains a distinct and a new allegation. I will ask the Senator from Massachusetts or the Senator from New York if either of them will arise in his seat and say that that paragraph does not refer to the text of this speech everywhere, if there is any allegation in it from me that the Senator from New Hampshire was personally present and that his hands were stained with the blood of actual participation.

Why, no one will say it. They know that the responsibility charged upon the Senator from New Hampshire was the consequence of his official acts. No one will venture to say that that language imports a personal participation in the guilt of these crimes.

Mr. HOAR. The Senator asks me to rise. I will rise, with his leave, and say that that is not the point. The first utterance of the Senator, as I understand it, charges, what the Senator now says the second does, the Senator from New Hampshire with a certain course of public conduct which these things came in consequence of; and in what the Senator from Florida wrote out and put in the RECORD he charged the Senator from New Hampshire with conscious guilt on those subjects. He says the Senator from New Hampshire is guilty. It would not be at all applicable to a person who had advocated some public measure which had resulted in these things, but that the Senator added that the Senator from New Hampshire is guilty in his own conscience. That is the question.

Mr. CALL. Now, I will ask the Senator from Massachusetts to see if there is anything of that kind that bears such an interpretation. If such an interpretation can be placed upon that language, it is entirely beyond my knowledge or my intention. The language everywhere shows clearly that the Senator from New Hampshire was not charged with being personally present and that he could not have had his hands stained with the guilt of these people actually, unless he had been there participating in person in it. That is plain and manifest.

Mr. HOAR. The Senator will pardon me. That is not my point. It is not a question of personal presence; it is a question of conscious guilt; and in the one case the Senator did not charge it and in the other he did. That is the difference.

Mr. CALL. That is a very nicely drawn distinction which I do not think anybody in the world will see but the Senator from Massachusetts.

Mr. HOAR. Read the language.

Mr. CALL. I certainly did not perceive it, nor do I now. Let us see where the conscious guilt alleged is. Here is the paragraph which has caused all this contention, and as to which I aver now that if there is a single word in it, with the exception of the three phrases in reference to ghosts which have interested my friend from Mississippi [Mr. GEORGE] so much, and his old friend Banquo, I do not know and can not find it out, and I think I will prove that every word of it is contained and by direct reference to the Senator from New Hampshire, not as his own personal guilt, but as the result of his public conduct. Now, let us see where the conscious guilt is:

The victims of the wild lust and passions of a race who owe all that they know of religion and civilization to the Southern white people, and not to the Senator from New Hampshire.

The blood of Saunders, if the evidence shall show his death was in any way connected with the prosecutions in the United States courts, will rest on his conscience.

Now, Mr. President, what is it affirmed there that will rest on the conscience of the Senator from New Hampshire? That he personally slew this man? that he personally advised his killing? or is it affirmed that there will rest upon his conscience the knowledge that his official actions have led to this? Which is the inference? What would be the interpretation by any man, no matter whom? And yet I am arraigned here for imputing to the Senator a consciousness of guilt. What kind of guilt? If there be any guilt, it was of course the guilt referred to which follows every public man, the consequences of his acts, when they bring death and they bring outrage upon women and children, and when they bring in a highly inflamed and excitable community to the minds of those people who are subject to be excited and misguided the torch and the dagger and arson and rape and mur-

der, the impression that his actions, however well intended they may have been, have led to these results. There is no other imputation in that allegation, nor is there anywhere throughout that whole speech any imputation of anything but the moral responsibility for his public conduct in these directions. Now, let us see what the language is:

That is the feeling which in the hearts of desperate men leads to lawless acts. That is the feeling relative to the outraging of and murder of hundreds of women and children in the Southern States.

That is the stenographic report. What is that? Will the learned Senators tell me or tell the people of the United States or anybody in this inquiry here to ascertain whether I have inserted something new that impaired the verity of this RECORD by simply altering the arrangement of certain words—will they tell me that that word does not refer to what precedes it. For that is the very first proposition of the interpretation of language.

That—

What? Let us see—

That such acts of fiendish malevolence—

Preceding. What else?

When these men, desperate, and reckless, and lawless are sent throughout the entire country to stir up in peaceful communities a war of races, and rape and the outrage of women and children, who, in their indiscreet partisan zeal, indecently prompt these acts, and are *particeps criminis* in the outraging of women and the murder of infant life in a peaceable community, inciting the use of the torch and the dagger, that the public indignation, etc.

Here we have the whole, the torch and the dagger, the murder of infant life, the rape of women, the burning of houses, the murder of men, every one of these allegations substantially and in terms which are contained in the paragraph which is referred to, and therefore contrary to the declaration of Mr. Benton, contrary to everything that has preceded in the history of this body, I am arraigned here for what? For making a new arrangement in five sentences of the words used a dozen times in the course of that speech.

Mr. President, I have said that I shall not say anything to the Senate in regard to the passage of this resolution. I do, however, wish to say a few words in reference to the circumstances under which this speech was delivered. I had no idea of offending the rules of the Senate. I think I may call upon Senators who have been here in the eleven years I have served in this body to say that no one has been more carefully observant of the rules and decorum of this body than I have been, that no one has shown a disposition to be more amiable and to avoid everything offensive than I have. But let us see a little as to what were the actual facts of that day.

The Senator from New Hampshire has conceived it to be his duty on repeated occasions to bring to the notice of the Senate what he conceived to be violations of law and outrages of every description in the Southern States. In that very debate the Senator from New Hampshire used these words:

I do not know whether he—

John Bird—

was or was not a friend of the Senator from Florida [Mr. CALL].

And then the Senator added:

And I hope the Senator from Florida will remember it, for I say that that is what the Democrats of Florida are about to-day, individually and collectively, and through their representatives on this floor. From the time this judge, and this district attorney, and this marshal were appointed they have been hunting them down and assailing them and defaming them in every possible way and under all possible circumstances and in every possible place.

The Democrats of Florida have rallied to assail these men, the witnesses are killed, the United States deputy marshal is killed, and if there are not more of them killed before this business is over it will not be the fault of the Democrats of these half a dozen counties where, by frauds innumerable, crimes beyond measure, a Republican candidate for Congress was counted out and a Democratic candidate for Congress was counted in.

The Senator from New Hampshire further went on to say:

If I were able to give the name of my informant I would not do it to the Senator, for fear that he, too, would be added to "the silent voters" of Florida within a short time.

What is this language? A charge that the representatives upon this floor, the Senators from Florida, would communicate the name of the Senator's informant to those who had assassinated John Bird, and so he was afraid to communicate it!

In 1888 the Senator from New Hampshire used this language:

I denounce it—

The election in Louisiana—

as the result of a deliberate conspiracy of wrong and crime on the part of Governor Samuel D. McEnery and Governor Francis T. Nicholls, two stupendous criminals against free suffrage; two instigators of the intimidation and murder of voters; two guilty leaders of thousands of reckless, law-breaking election officers and desperate, cruel, brutal torturers and murderers of black citizens of their own State. I denounce this return of 126,746 votes as a crime against the Republicans of Louisiana, not only against those who are living, but against those who are dead, butchered by bloody ruffians, agents of the State governments of McEnery and Nicholls, in order to make a Democratic victory.

I denounce it as a crime against republican government, which it tends to destroy; as a subversion of the Senate of the United States, which is to be invaded as one of its results; as an outrage upon humanity, which is being degraded and dishonored by the frauds, forgeries, whippings, and killings of innocent citizens of our country of boasted freedom and liberty in order that Grover Cleveland may be again President of the United States.

But that was not all. The Senator from New Hampshire in the same



debate, on the 22d of August, 1888, read to the Senate a letter, and before reading it said:

I find in the Sunday Herald, published in this city on August 19—last Sunday—the two following telegrams. There seems to be an epidemic of negro-killing going on at the South about this time, and it prevails there to a much greater extent than does either cholera or yellow fever:

"SHOT HIM TO DEATH.

"APALACHICOLA, FLA., August 18.

"A lynching took place at Ocheekhee, Calhoun County, Wednesday. Nash Griffin, a negro, wrote an insulting letter to a young white lady, Miss Kimmie Griffin. She showed the note to white men, who caught Griffin, gave him one hundred lashes, and ordered him to leave the county. He did not go, when forty masked men caught and shot him to death. No arrests have been made." Undoubtedly Griffin ought not to have written the note—

Then said the Senator from New Hampshire—

if he did write such, but that is not the way to measure out justice.

Here is a case of a respectable, refined woman, with proposals of the most brutal character made to her in a community where outrages by violence are not uncommon, and the indignation which led to a violation of law at the occurrence of these events brought here without knowledge of the facts or the circumstances which attended it, as a reproach of an outrage committed wantonly by people who had been stirred up to violent indignation by acts of this description. I was justified, therefore, when the Senator from New Hampshire said here in that debate:

Mr. President, murder is an old weapon of the Democrats of Florida. The Senator from Florida wishes to go back into olden times. I am willing to go back with him into the history of the State of Florida ever since the war. In 1875 the State senate of Florida stood 12 and 12, and one of the Republican senators, E. G. Johnson, by name—I give the name and the date, so that the Senator shall know what the case is—on the 21st day of July, 1875, was shot dead at Hart's Road, Nassau County, and the senate of Florida was changed by that dastardly murder from a Republican to a Democratic senate; and although the murderer was well known, as I have been informed, certain it is that no arrest was made and no punishment inflicted, because the murderer was protected by the community in which he had performed his political crime.

Mr. President, here upon the floor of this body is a charge that murder is an old weapon of the Democrats of Florida. Here is a charge of outrages committed because the indignation of a community has visited upon a culprit, wantonly assailing the virtue of a white woman and inviting her to acts of impropriety, which exhibit the danger in a community where there are a great number of these people of leaving them unprotected, and the imputation upon the Senators of the State, upon the Representatives from the State, and the entire Democratic party of the State of Florida, of being parties to murder as a political weapon!

Mr. President, I felt myself justified in saying that the result of the action of the Senator from New Hampshire was the commission of these crimes. I said that he was the mouthpiece and the representative here of the lawless, the anarchists, the law-breaking population of the Southern States, the enemies of property and social order, and without imputing to him any intention whatever or looking into his motives, I characterized the result of these efforts of his, the line of political conduct he was pursuing, as the destruction of the happiness of the households of the Southern people, as the cause of the murder and the arson and the rape which were committed there.

Mr. President, that was legitimate, that was in the line of debate, and that imputed no personal imputation to the Senator from New Hampshire to which any of us are not subject for the consequences of our political action; and I therefore say in my justification here to-night, let the Senate take such action as it may see fit, I appeal to the just and impartial judgment of good men throughout the country whether in the addition that I have made to these observations of mine, and which were printed in the RECORD, there is a single word that conveys a new imputation or a different offense than that charged by me upon the floor of the Senate.

Mr. PADDOCK. I ask leave to make a report.

Mr. HOAR. Let us have a vote on the pending resolution.

The PRESIDENT *pro tempore*. Is the Senate ready for the question? The Chair understands the Senator from Massachusetts to object to other business.

Mr. HOAR. I call for the yeas and nays on the passage of the resolution.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present I should vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the Senator from Delaware [Mr. GRAY], but, as I understood his remarks this afternoon, he is in favor of this resolution. I am also in favor of it, and therefore I vote "yea."

Mr. DANIEL (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were here he would "yea" and I should vote "yea."

Mr. DOLPH (when his name was called). I am paired with the senior Senator from Georgia [Mr. BROWN]. I think this is a case in which I should withhold my vote.

Mr. EVARTS (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN], and withhold my vote.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. FRYE (when his name was called). I am paired with the senior Senator from Maryland [Mr. GORMAN].

Mr. MITCHELL (when his name was called). I am paired with the senior Senator from West Virginia [Mr. KENNA], and withhold my vote.

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here he would vote "nay" and I should vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. If he were present I should vote "nay."

Mr. PLATT (when his name was called). I am paired generally with the Senator from Virginia [Mr. BARBOUR], but I understand that that pair has by arrangement been transferred to the junior Senator from Colorado [Mr. WOLCOTT], and I will therefore vote. I vote "yea."

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL], who is detained from the Chamber by illness. If he were present I should vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB]. I should vote "nay" if he were present.

Mr. DAVIS (when Mr. WASHBURN's name was called). My colleague [Mr. WASHBURN] is paired with the Senator from Louisiana [Mr. GIBSON]. If present, my colleague would vote "yea."

Mr. TELLER (when Mr. WOLCOTT's name was called). My colleague [Mr. WOLCOTT] is paired with the junior Senator from Virginia [Mr. BARBOUR]. My colleague would vote "yea" if present.

The roll-call was concluded.

Mr. HARRIS. I desire to know if the Senator from Vermont [Mr. MORRILL] is recorded as voting.

The PRESIDENT *pro tempore*. He is not recorded.

Mr. HARRIS. I withhold my vote. I have a standing pair with that Senator; otherwise I should vote "nay."

The result was announced—yeas 27, nays 11; as follows:

#### YEAS—27.

Aldrich,	Hawley,	Moody,	Squire,
Blair,	Higgins,	Payne,	Stockbridge,
Cullom,	Hiscock,	Pierce,	Teller,
Davis,	Hoar,	Platt,	Turpie,
Dawes,	Ingalls,	Pugh,	Vance,
Dixon,	McMillan,	Sawyer,	Wilson of Iowa.
Gray,	Manderson,	Sherman,	

#### NAYS—11.

Bate,	Coke,	Hampton,	Reagan,
Berry,	Colquitt,	Jones of Ark.	Wilson of Md.
Blackburn,	George,	McPherson,	

#### ABSENT—44.

Allen,	Cockrell,	Hale,	Plumb,
Allison,	Daniel,	Harris,	Quay,
Barbour,	Dolph,	Hearst,	Ransom,
Beck,	Edmunds,	Jones of Nevada,	Spooner,
Blodgett,	Eustis,	Kenna,	Stanford,
Brown,	Evarts,	Mitchell,	Stewart,
Butler,	Farwell,	Morgan,	Vest,
Call,	Faulkner,	Morrill,	Voorhees,
Cameron,	Frye,	Paddock,	Walthall,
Casey,	Gibson,	Pasco,	Washburn,
Chandler,	Gorman,	Pettigrew,	Wolcott.

The PRESIDENT *pro tempore*. The state of the vote disclosing the want of a quorum, the Secretary will call the roll of the Senate.

Mr. HOAR. Is it in order now to move to adjourn?

The PRESIDENT *pro tempore*. It is.

Mr. PLATT. Let the roll be called.

Mr. SHERMAN. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate do now adjourn.

The motion was agreed to; and, at 5 o'clock and 8 minutes p. m., the Senate adjourned until to-morrow, Wednesday, March 12, 1890, at 12 o'clock m.

## HOUSE OF REPRESENTATIVES.

TUESDAY, March 11, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

The SPEAKER. Without objection, the Journal will be regarded as approved.

#### CORRECTION OF A BILL.

Mr. BAKER. I desire to make a correction in one respect concerning the bill (S. 140) to prevent the introduction of contagious diseases from one State to another and for the punishment of certain offenses. There is an error in one of the amendments which was adopted in that bill. The amendment, as it appears on page 2147 of the RECORD, provides:

The said rules and regulations shall be prepared by the Supervising General

of the Marine-Hospital Service, under the direction of the Secretary of the Treasury.

The word "Surgeon," which should have been inserted before the word "General," appears to have been omitted. It is a mere clerical error, and I ask unanimous consent that the correction be made.

The SPEAKER. The gentleman asks unanimous consent, as the Chair understands, that the bill be amended by inserting the word "Surgeon" before the word "General" in the clause which he has recited.

Mr. BAKER. Yes, sir; I think the correction had better be made in that shape.

The SPEAKER. Is there objection? The Chair hears none. The amendment will accordingly be made.

#### CHANGE OF REFERENCE.

Mr. CARTER. Mr. Speaker, I filed yesterday a protest by citizens of Red Lodge, Mont., against extending the boundaries of the Yellowstone National Park. I observe that this protest has been referred to the Committee on Public Buildings and Grounds. I desire to have the reference changed to the Committee on Public Lands, before which committee the bill to which the protest relates is now pending.

The SPEAKER. If there be no objection, the correction of reference will be made. The Chair hears no objection.

#### BOOK-KEEPER IN CLERK'S OFFICE.

Mr. KERR, of Pennsylvania. I desire to report a resolution from the Committee on Accounts.

The Clerk read as follows:

"Resolved, That the Clerk of the House of Representatives be authorized to employ an assistant book-keeper for the Clerk's office during the sessions of the Fifty-first Congress, to be paid out of the contingent fund of the House until otherwise provided for, at a salary of \$100 per month."

Your committee, to whom was referred the resolution authorizing the employment of an assistant book-keeper in the Clerk's office of the House of Representatives during the Fifty-first Congress, to be paid out of the contingent fund of the House until otherwise provided for, respectfully report said resolution favorably, and recommend its passage.

Mr. KERR, of Pennsylvania. I desire, Mr. Speaker, to have present consideration of the report.

Mr. MILLIKEN. I call for the regular order.

The SPEAKER. The regular order is the consideration of the bills reported from the Committee of the Whole on a previous day authorizing the construction of public buildings, which come over under the operation of the previous question.

Mr. ENLOE. I rise to a privileged motion.

The SPEAKER. The motion of the gentleman will be in order after the execution of the previous question. As the matter now stands there are certain bills upon which the previous question is operating, after which the Chair will recognize the gentleman, unless his motion refers to the pending business.

#### RETURN OF BILL FROM THE SENATE.

The SPEAKER. The Chair is informed that the bill which has just been corrected on motion of the gentleman from New York [Mr. BAKER], has been sent to the Senate. It is therefore necessary to submit to the House the following resolution, directing its recall for the purpose of making the necessary correction, which the Clerk will read.

The Clerk read as follows:

Resolved, That the Clerk be directed to request the Senate to return to the House of Representatives the bill (S. 140) to prevent the introduction of contagious diseases from one State to another, and for the punishment of certain offenses.

The resolution was adopted.

#### PUBLIC BUILDING, NEWARK, N. J.

The SPEAKER. The Clerk will report the first bill coming over under the operation of the previous question.

The Clerk read as follows:

A bill (H. R. 7156) to provide for the increase of the limit of cost of site and public building at Newark, N. J.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurred upon the passage of the bill.

Mr. HOLMAN. Mr. Speaker, I believe, under the order, these bills are subject to twenty minutes' debate?

The SPEAKER. Not after being ordered to engrossment.

Mr. HOLMAN. Before that?

The SPEAKER. Before that they were.

Mr. HOLMAN. Would any motion to amend have been in order?

The SPEAKER. The Chair is informed that the right of debate alone was retained, not the right of amendment.

The question was taken on the passage of the bill.

Mr. HOLMAN demanded a division.

The House divided; and there were—ayes 115, noes 7.

Mr. HOLMAN. Mr. Speaker, inasmuch as the vote is so decisive in favor of the passage of the bill, I will not call for a quorum.

So, no further count being demanded, the bill was passed.

Mr. MILLIKEN moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### PUBLIC BUILDING, CEDAR RAPIDS, IOWA.

The next business reported from the Committee of the Whole with amendments was the bill (S. 903) for the erection of a public building in Cedar Rapids, Iowa.

The bill was read at length.

The amendments reported from the Committee of the Whole were read and agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MILLIKEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### PUBLIC BUILDING, SCRANTON, PA.

The next business reported from the Committee of the Whole with amendments was the bill (H. R. 3331) to amend an act entitled "An act to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pa.," approved July 27, 1882.

The bill was read at length.

The amendments reported from the Committee of the Whole were read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MILLIKEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

#### PUBLIC BUILDING, CHESTER, PA.

The next business reported from the Committee of the Whole with amendments was the bill (S. 859) for the erection of a public building at Chester, Pa.

The Clerk proceeded to read the bill.

Mr. MILLIKEN. I ask unanimous consent that the reading of the formal part of the bill be dispensed with.

Mr. HOLMAN. The bill ought to be read at length, Mr. Speaker.

Mr. MILLIKEN. My only object was to save time in reading the formal part of the bill.

Mr. HOLMAN. I ask for the reading of the bill.

The SPEAKER. The Clerk will read.

The Clerk resumed and concluded the reading of the bill.

The amendments reported from the Committee of the Whole were considered and agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MILLIKEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### PUBLIC BUILDING, TROY, N. Y.

The next business reported from the Committee of the Whole with amendments was the bill (H. R. 605) to increase the appropriation for the erection of a public building at Troy, N. Y.

The bill was read at length.

The amendments were read, as follows:

Amend by striking out the following words: "And said additional sum, to wit, the sum of \$200,000, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purposes provided for in this act;" also by striking out section 2, as follows:

"SEC. 2. That the officers of the United States Government having charge of the erection of public buildings are required to be governed by the limitation hereby prescribed in making plans and contracts for said building."

Mr. HOLMAN. I ask that the last amendment may be again reported.

The amendment was again reported.

Mr. MILLIKEN. I will say to the gentleman from Indiana that that is the law now.

Mr. HOLMAN. If I remember correctly, that was stricken out on account of its being substantially the general law. If it is the general law, of course it is not necessary to repeat it here.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MILLIKEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### PUBLIC BUILDING, COLUMBUS, GA.

The next business reported from the Committee of the Whole with amendments was the bill (H. R. 188) for the erection of a public building at Columbus, Ga., and appropriating money therefor.

The bill was read at length.

The amendments were read and agreed to.



The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. GRIMES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. DIBBLE. I move to amend the title by striking out the words "and appropriating money therefor."

The SPEAKER. Without objection, that amendment will be made. There was no objection, and it was so ordered.

#### PUBLIC BUILDING, DALLAS, TEX.

The next business reported from the Committee of the Whole with amendments was the bill (H. R. 848) to authorize the construction of an addition to the public building at Dallas, Tex.

The bill was read at length.

The amendments were read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MILLIKEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### PUBLIC BUILDING AT ATCHISON, KANS.

The next business reported from the Committee of the Whole was the bill (S. 2406) to provide for the purchase of a site and the erection of a public building thereon at Atchison, in the State of Kansas.

The bill was read at length.

During the reading of the bill,

Mr. MILLIKEN said: I ask by unanimous consent that the reading of the formal part of these Senate bills be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

Mr. BRECKINRIDGE, of Kentucky. I object.

The reading of the bill was resumed and concluded.

The amendments were read and agreed to.

The bill as amended was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. MORRILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### PUBLIC BUILDING AT ALEXANDRIA, LA.

The next business reported from the Committee of the Whole was the bill (H. R. 401) to provide for the construction of a public building at the city of Alexandria, State of Louisiana.

The bill was read at length.

The amendments were read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLANCHARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### PUBLIC BUILDING AT HOULTON, ME.

The next business reported from the Committee of the Whole was the bill (H. R. 417) for the erection of a public building at Houlton, Me.

The bill was read at length.

The amendments were read, as follows:

Amend by striking out, in line 12 and line 35, the word "seventy-five" and inserting "fifty."

Also strike out the following words:

"And for the purposes herein mentioned the sum of \$75,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury."

Mr. BRECKINRIDGE, of Kentucky. I will ask the gentleman who has charge of this bill what the gross postal receipts are at this place.

Mr. MILLIKEN. I will give five minutes to my colleague from Maine, Mr. BOUTELLE, to explain the provisions of this bill.

Mr. BOUTELLE. I will say in relation to this bill that it is one which has been pending in Congress for seven years. It has been reported favorably in every Congress since and including the Forty-eighth, but, by the misfortune of being low down on the Calendar, it has never passed the House, though it has been passed by the Senate once, and, as I have said, has been reported favorably in the House three times before this report.

Mr. BRECKINRIDGE, of Kentucky. The gentleman misunderstood my question.

Mr. BOUTELLE. I will answer the gentleman's question. When the bill was introduced by me the population of the town was considerably less than it is now, and the application for a public building was based principally upon the needs of the customs service. The town of Houlton is the business center of the county of Aroostook, which county is larger in area than the State of Massachusetts, with a frontier line of 250

miles, which has to be guarded, and the receipts from customs are very considerable. It is on the border line between Maine and New Brunswick. This bill has been recommended by the Treasury Department, and I will state to the gentleman that the net customs receipts there are sufficient to pay for this building inside of two years.

Mr. BRECKINRIDGE, of Kentucky. What was the gentleman's last statement? I did not hear it distinctly.

Mr. BOUTELLE. I say that the net revenues to the Government, after paying all expenses, would pay for this building in about a year and a half.

Mr. BRECKINRIDGE, of Kentucky. What are the net receipts of the custom-house there?

Mr. BOUTELLE. I will give you a comparison that was called for by the Supervising Architect, and which shows the rapid growth of business there. In 1878 the gross receipts were \$8,194 and the expenses were \$7,421. In 1888 the receipts were \$45,286.68 and the expenses were \$8,600. The net revenue was about \$37,000. This bill provides for an appropriation of only \$50,000, which would be paid out of the net receipts inside of two years.

Mr. BRECKINRIDGE, of Kentucky. What are the accommodations there now for the customs business?

Mr. BOUTELLE. The business is done in leased premises, which are very inadequate. I have no wish to take up the time of the House, but I might have read here letters from the Democratic collector and postmaster for the past four years and from the other officials there, as well as from the Treasury Department, showing the need for this building.

Mr. BRECKINRIDGE, of Kentucky. Do you know the amount of rent which is now paid?

Mr. BOUTELLE. I have not the figures at hand, but can readily ascertain them. The amount of rent is not very large, but the accommodations are entirely inadequate. As I have said, this is the leading town in the most rapidly growing section of that part of New England. It increased over 40 per cent. in population between 1870 and 1880 and it is increasing much more rapidly now.

Mr. KERR, of Pennsylvania. What is the population of the town?

Mr. BOUTELLE. About 6,000.

Mr. KERR, of Pennsylvania. Is there a Federal court there?

Mr. BOUTELLE. There is no Federal court now, but there must be one established shortly to accommodate a large and growing section.

Mr. KERR, of Pennsylvania. Mr. Speaker, I think we must draw the line somewhere on the public-building question, and in the absence of a general law defining the localities where public buildings should be erected, I think we ought to say a little town estimated to contain five or six thousand people, shown by the census of 1880 to have had only 4,100 people and which has not a Federal court, should not come in here and receive our votes for a public building.

I can understand why this public-building bill for a little town in Maine has been reported. The chairman of the Committee on Public Buildings and Grounds seems to come from that State—

Mr. BOUTELLE. Allow me to say that my colleague [Mr. MILLIKEN] has only been chairman of that committee in this Congress, while this bill has been reported three times before.

Mr. KERR, of Pennsylvania. Well, he has done very well since he has been chairman. [Laughter.] You do not find fault with him, do you?

Mr. BOUTELLE. This bill has been reported before three different times by Democratic committees.

Mr. KERR, of Pennsylvania. Well, I do not think that is any credit to the Democratic committees [laughter], and I say to you now that this "I tickle you and you tickle me" plan is not a very good one for members to act upon in voting away the people's money. That is what I am here to protest against. I say to you, my fellow-members, that we must stop somewhere in this matter. I have seen members of this House who a few days ago were arrayed against each other with partisan feeling come together and embrace on a public-building bill. [Laughter.] We must not give away the people's money through a desire to do personal favors to one another.

I have no doubt that the gentleman from Maine [Mr. BOUTELLE] can come back again without this public building. I have no personal feeling in this matter. I never met the gentleman; I never was in his little town; I never heard of it until this bill was presented. My education may have been neglected, but that is the fact; and I do not think that this little place, situate in Aroostook County, near the New Brunswick line, with only one small railroad and without a Federal court, is entitled to a public building at this time. Better wait a little while and get a little larger and stronger before you come in and ask to have the public money expended in your locality. In all seriousness, Mr. Speaker, I think this bill should not pass, and I hope the members of this House will vote it down. I call a halt in this wanton extravagance and reckless expenditure of the people's money.

Mr. BYNUM. I do not think, Mr. Speaker, that this bill ought to pass, and if the members of this House will vote in accordance with their judgment and their consciences I do not think that it will pass. The gentleman from Maine [Mr. BOUTELLE] insists that this bill ought to pass because there is a custom-house at this point. The customs re-

ceipts amount, on an average, for the last eight years, to about \$25,000 a year. There is a collector and two clerks at this place. The clerical labor in the collection of customs is very small, less than that of the postal-order business of a fourth-class post-office. There is also a post-office at this town with a postmaster, and a separating clerk at a salary of \$300 a year. The only clerk at this office is a clerk who receives a salary of \$300 for separating the mail that is sent out from this office to different points.

The population of Houlton in 1880, according to the census of that year, was 3,228. I have not been able to find by any enumeration what the population is at the present time; but taking the vote of 1880 in Aroostook County we may be able to approximate the growth of this town and county during the last eight years. In 1880 the vote polled in Aroostook County was 5,335; in 1888 the vote was 5,541—an increase of 206.

In 1880 the gross receipts of the post-office amounted to \$3,795; in 1889, to \$4,716—an increase of \$1,079 in the eight years.

What are the present allowances to that office? For hire of separating clerk, \$300; the rent, in regard to which the gentleman from Maine does not appear to be posted, amounts to the enormous sum of \$200. That is the amount which the Government is now paying for rent.

It is said that the building thus occupied is an old wooden structure. This must be a very thriving, growing town that can not furnish anything but an old wooden building for the use of the Government, a building the rent of which amounts to the enormous sum of \$200. For fuel and light the amount allowed is \$55; salary of postmaster, \$1,600—making the total allowances \$2,150, leaving the net receipts \$2,566.

Now let us stop for a moment and calculate what will be the cost of maintaining the building which it is proposed to construct. On \$40,000 the interest at 3 per cent. would amount to \$1,200. The provision for heating will unquestionably be by furnace or by steam apparatus, requiring an engineer at a salary of probably \$1,000. There will have to be at least two janitors to take care of the building, whose salaries will amount to not less than \$1,440. For fuel and light a reasonable estimate is \$200. So that the interest on the money expended in the construction of the building, together with the expenses of keeping it up, will amount to nearly \$4,000 a year. We are paying now \$200 for rent. Would it not be wiser to permit some enterprising citizen in that enterprising town to construct a decent building and rent it to the Government for even \$500 or \$600 a year, the Government thereby increasing the rent to that amount? and it would certainly be sufficient to secure ample and commodious quarters and would save an enormous outlay.

[Here the hammer fell.]

The SPEAKER. The time allowed for debate in opposition to this bill is exhausted.

Mr. MILLIKEN. Mr. Speaker, I will not take time to reply to the pleasantries of the gentleman who was on the floor a few moments ago. I will simply say that this bill or one similar to it has been reported by four committees of the House during the last seven years. The present bill has been carefully considered by our committee, who have decided that the interests of the public and the safety of the records of the custom-house demand that this building should be constructed. I ask for a vote.

The question being taken on the amendments, they were agreed to. The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER (having put the question on the passage of the bill) said: The ayes seem to have it.

Mr. BYNUM. I ask for a division.

The question being again taken, there were—ayes 121, noes 32.

Mr. BYNUM. I call for the yeas and nays.

The yeas and nays were ordered, there being ayes 36, noes 117—more than one-fifth voting in the affirmative.

The question was taken; and it was decided in the affirmative—yeas 158, nays 60, not voting 111; as follows:

## YEAS—158.

Abbott,	Batterworth,	De Haven,	Henderson, Iowa
Adams,	Campbell,	Dibble,	Hermann,
Allen, Mich.	Candler, Mass.	Dingley,	Hooker,
Anderson, Kans.	Cartor,	Dolliver,	Hopkins,
Arnold,	Caswell,	Dorsey,	Houk,
Atkinson, Pa.	Catchings,	Dunnell,	Kelley,
Atkinson, W. Va.	Cheadle,	Edmunds,	Kennedy,
Baker,	Cheatham,	Evans,	Kerr, Iowa
Bankhead,	Chipman,	Farquhar,	Ketcham,
Bayne,	Clements,	Gear,	Kinsey,
Bergen,	Clunie,	Gest,	Lacey,
Blanchard,	Cogswell,	Gibson,	Laidlaw,
Bliss,	Coleman,	Gifford,	Lanham,
Boothman,	Compton,	Greenhalge,	Lawler,
Boutelle,	Comstock,	Grimes,	Laws,
Bowden,	Conger,	Grosvenor,	Lehlbach,
Brewer,	Connell,	Groat,	Lester, Ga.
Brower,	Cooper, Ohio	Hall,	Lewis,
Buchanan, N. J.	Culberson, Tex.	Hansbrough,	Lodge,
Bullock,	Culbertson, Pa.	Harmer,	Mansur,
Bunn,	Cutcheon,	Hauges,	McClammy,
Burton,	Dalzell,	Hayes,	McComas,
	Davidson,	Henderson, Ill.	McCord,

McCormick,	Payson,	Simonds,
McKenna,	Pennington,	Smith, W. Va.
McKinley,	Perkins,	Snyster,
Milliken,	Pickler,	Snyder,
Moffitt,	Post,	Spooner,
Moore, N. H.	Price,	Stephenson,
Morrill,	Quackenbush,	Stewart, Tex.
Morrow,	Ray,	Stivers,
Morse,	Reed, Iowa	Stockbridge,
Niedringhaus,	Rife,	Stump,
Nute,	Robertson,	Tarsney,
O'Donnell,	Rockwell,	Taylor, Ill.
O'Neill, Pa.	Rusk,	Taylor, Tenn.
Osborne,	Russell,	Taylor, J. D.
Owens, Ind.	Sawyer,	Thomas,
Payne,	Seranton,	Thompson,
	Sherman,	Tillman,

## NAYS—60.

Alderson,	Coverl,	Kerr, Pa.
Allen, Miss.	Cowles,	Kilgore,
Barnes,	Crisp,	Lane,
Blount,	Cummings,	Lester, Va.
Breckinridge, Ark.	Dockery,	Magner,
Breckinridge, Ky.	Ellis,	Martin, Ind.
Brookshire,	Enloe,	Martin, Tex.
Buchanan, Va.	Fithian,	McCarthy,
Bynum,	Forman,	McClellan,
Candler, Ga.	Geissenhainer,	McMillin,
Cannon,	Heard,	Mills,
Carlisle,	Henderson, N. C.	Montgomery,
Caruth,	Herbert,	Moore, Tex.
Cooper, Ind.	Hill,	Norton,
Cothran,	Holman,	Oates,

## NOT VOTING—111.

Anderson, Miss.	Darlington,	McAdoo,
Andrew,	De Lano,	McCreary,
Banks,	Dunphy,	McRae,
Bartine,	Elliott,	Miles,
Barwig,	Ewart,	Morey,
Beckwith,	Featherston,	Morgan,
Belden,	Finley,	Mutchler,
Belknap,	Fitch,	O'Ferrall,
Biggs,	Flick,	O'Neill, Ind.
Bingham,	Flood,	O'Neill, Mass.
Bland,	Flower,	Paynter,
Boutner,	Forney,	Perry,
Brickner,	Fowler,	Peters,
Browne, Va.	Frank,	Phelan,
Browne, T. M.	Funston,	Pugsley,
Brown, J. B.	Goodnight,	Quinn,
Brunner,	Hare,	Raines,
Buckalew,	Hatch,	Randall, Mass.
Burrows,	Haynes,	Randall, Pa.
Caldwell,	Hemphill,	Reilly,
Carlton,	Hitt,	Reyburn,
Clancy,	Knapp,	Rogers,
Clarke, Ala.	La Follette,	Rowell,
Clark, Wis.	Lansing,	Rowland,
Cobb,	Lee,	Sanford,
Craig,	Lind,	Scull,
Crain,	Maish,	Seney,
Dargau,	Mason,	Skinner,

So the bill was passed.

During the roll-call the following pairs were announced until further notice:

Mr. RANDALL, of Pennsylvania, with Mr. WILBER.  
 Mr. WILSON, of Kentucky, with Mr. PAYNTER.  
 Mr. BELDEN with Mr. DUNPHY.  
 Mr. STRUBLE with Mr. STAHLNECKER.  
 Mr. CLARK, of Wisconsin, with Mr. BARWIG.  
 Mr. WICKHAM with Mr. SENEY.  
 Mr. GIFFORD with Mr. SKINNER.  
 Mr. BROWER with Mr. BRUNNER.  
 Mr. SCULL with Mr. JASON B. BROWN.  
 Mr. MORSE with Mr. GOODNIGHT, Mr. MORSE reserving the right to vote to make a quorum; that is, if Democrats fail to vote.  
 Mr. RANDALL, of Massachusetts, with Mr. ANDREW.  
 Mr. FRANK with Mr. ALLEN, of Mississippi.  
 Mr. BECKWITH with Mr. FOWLER.  
 Mr. WRIGHT with Mr. BLAND.  
 Mr. BROWNE, of Virginia, with Mr. WISE.  
 Mr. WHEELER, of Michigan, with Mr. PERRY.  
 Mr. FEATHERSTON with Mr. DARGAN.  
 Mr. MORROW with Mr. WHEELER, of Alabama.  
 Mr. KNAPP with Mr. MUTCHLER, on all political questions until Monday, March 17.

For this day:

Mr. TOWNSEND, of Pennsylvania, with Mr. CRAIN.  
 Mr. ANDERSON, of Mississippi, with Mr. STONE, of Missouri.  
 Mr. GEAR with Mr. STOCKDALE.  
 Mr. PUGSLEY with Mr. MCRAE.  
 Mr. HITT with Mr. SPRINGER.  
 On this vote:  
 Mr. BINGHAM with Mr. MORGAN.  
 Mr. TURNER, of Kansas, with Mr. HATCH.  
 The vote was then announced as above recorded.  
 Mr. MILLIKEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.  
 The latter motion was agreed to.



## PUBLIC BUILDING, LYNN, MASS.

The next bill reported from the Committee of the Whole House on the state of the Union was the bill (H. R. 448) for the erection of a public building at Lynn, Mass.

The bill was read.

The amendments of the Committee of the Whole House on the state of the Union were read, as follows:

Strike out "two hundred" wherever it occurs and insert in lieu thereof "one hundred and seventy-five."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LODGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## PUBLIC BUILDING, SPRINGFIELD, MO.

The next bill reported from the Committee of the Whole House on the state of the Union was the bill (H. R. 516) to extend the limit for a public building at Springfield, Mo.

The bill was read.

The amendments were read, as follows:

Amend by striking out in the sixth line the word "sum" and inserting in lieu thereof the word "of."

Also, insert, after the word "of," "the cost of said building is hereby increased."

Also, strike out in the third line the following words: "Seventy-five."

Also, strike out in the same line, after the word "dollars," the words "is hereby appropriated, out of any money in the Treasury not otherwise appropriated."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MILLIKEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## PUBLIC BUILDING, LA FAYETTE, IND.

The next bill reported from the Committee of the Whole House on the state of the Union was the bill (S. 606) for the purchase of a site and the erection of a public building thereon in the city of La Fayette, Ind.

Mr. MILLIKEN. I move by unanimous consent that the reading of the formal part of the bill be dispensed with.

There was no objection, and it was ordered accordingly.

The amendments were read, as follows:

Amend by striking out "one hundred thousand" wherever it occurs and inserting in lieu thereof "eighty thousand."

Also strike out the following words: "which said sum of one hundred thousand dollars is hereby appropriated for such purpose out of any money in the United States Treasury not otherwise appropriated."

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time.

Mr. BRECKINRIDGE, of Kentucky. I demand a division on the passage of the bill.

The House divided; and there were—ayes 111, noes 4.

Mr. BRECKINRIDGE, of Kentucky. I make the point that no quorum is present.

Mr. CHEADLE demanded the yeas and nays, but subsequently withdrew the demand.

Mr. BRECKINRIDGE, of Kentucky. I make the point that a quorum ought to be present at the time business is being transacted, and that persons who have come in should not be counted, as they were not present at the time.

The SPEAKER. One hundred and sixty-five members are present.

Mr. BRECKINRIDGE, of Kentucky. That does not make a quorum.

Mr. MILLIKEN. It does with the Speaker.

The SPEAKER. One hundred and sixty-six are present. [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. Among those the Chair has counted are some who were not present at the time business was being transacted.

The SPEAKER. But there is a quorum present now, and the question recurs on the passage of the bill.

The bill was passed.

Mr. CHEADLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## PUBLIC BUILDING, BATON ROUGE, LA.

The next business reported from the Committee of the Whole with amendments was the bill (H. R. 386) to construct a public building at Baton Rouge, La.

The Clerk proceeded to read the bill.

Mr. MILLIKEN. I ask unanimous consent to dispense with the reading of the formal parts of the bill.

There was no objection.

The Clerk resumed and concluded the reading of the remainder of the bill.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROBERTSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## PUBLIC BUILDING, FREMONT, NEBR.

The next business reported from the Committee of the Whole with amendments was the bill (H. R. 533) for the erection of a public building at Fremont, Nebr.

The bill was read at length.

The amendments reported from the Committee of the Whole were considered and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DORSEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## PUBLIC BUILDING BILLS TABLED.

On motion of Mr. MILLIKEN House bills of the following titles were severally laid on the table, namely:

The bill (H. R. 299) for the erection of a public building at Cedar Rapids, Iowa;

The bill (H. R. 766) for the erection of a public building at Chester, Pa.;

The bill (H. R. 316) to provide for the erection of a public building for the use of the post-office and Government offices at the city of Atchison, Kans.; and

The bill (H. R. 234) to provide for the construction of a public building at the city of La Fayette, Ind.

## REPORT ON PENSION OFFICE INVESTIGATION.

The SPEAKER. The gentleman from Tennessee will now be recognized for a question of privilege.

Mr. ENLOE. Mr. Speaker, I move to discharge the Committee on Invalid Pensions from the further consideration of the resolution I send to the desk, and ask to have it read and considered at this time.

The SPEAKER. The gentleman rose to a question of privilege, as the Chair understood.

Mr. ENLOE. It is a question of privilege under clause 5 of Rule XXII of the House.

The SPEAKER. The Clerk will report the resolution called up by the gentleman.

The Clerk read as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to furnish to the House of Representatives the evidence taken and the report submitted to him by the committee which he appointed to investigate the management of the Pension Office under the late Commissioner Tanner; that he also be requested to inform the House of Representatives what steps, if any, have been taken to recover the money paid to persons who were illegally and improperly related; that he also be requested to furnish a list of the names of the employees of the Pension Office who were engaged in relating themselves and each other, and to inform the House of Representatives who of those on said list are still in the Government employ, and who have been discharged, if any, on account of their participation in such frauds on the Government.

The SPEAKER. The question is on the adoption of the resolution.

Mr. ENLOE. Mr. Speaker, I wish to say a few words upon that motion before it is submitted to the House.

The resolution which has just been read by the Clerk was introduced by myself in the early part of this session and was referred to the Committee on Invalid Pensions. From that day up to the present time no attention has been paid by the committee to the resolution, and no step taken to furnish to the House and to the country the information which the resolution demands. I think it is a matter of sufficient importance, not only to this House, but to the country, as well as to the gentleman who was investigated and removed from office, to require that the Committee on Invalid Pensions should have considered and reported it back, and if the committee has failed to do its duty in that regard I think it is the duty of the House to adopt the resolution and require the information to be furnished which the resolution calls for, showing why it was that Commissioner Tanner was removed from the office which he held as Commissioner of Pensions and why he was subjected to an investigation. Let us have the light turned on, not only inside of the Pension Office, but upon all those cases that were disposed of at that time.

The Secretary of the Interior in his report to Congress furnishes us a statement which reflects very seriously either upon the judgment or the integrity of the late Commissioner of Pensions. It indirectly charges the employees of that office and Mr. Tanner, for it must come to him and include him, he being at the time at the head of the office, with having conspired together for the purpose of defrauding the Government of the revenues collected from the people.

Mr. CANNON. Will the gentleman allow me?

Mr. ENLOE. I will yield for a question.

Mr. CANNON. I desire to say that I do not see the chairman of the Committee on Invalid Pensions, Mr. MORRILL, in his seat. I would be glad to have the gentleman present, if the gentleman from Tennessee will defer this subject.

Mr. ENLOE. I do not suppose the gentleman makes that request.

Mr. CANNON. I only desired to call the attention of the gentleman to the fact that the chairman of the committee seemed to be absent.

Mr. ENLOE. I am not responsible for his absence.

Mr. CANNON. Oh, no; not by any means.

Mr. ENLOE. The Committee on Invalid Pensions has had ample time to consider the resolution if they had desired to do so.

Now, sir, if there is any reason why the information should not be furnished to the House, I should like to know what that reason is. I find that the Secretary of the Interior furnishes in his report some sample cases of rating, and in these sample cases which he cites the majority of those rated are persons who are employed in the Pension Office and have been engaged in rating themselves, by which they have illegally taken from the Treasury of the United States the sum of \$16,799.16.

I find the first case cited by the Secretary is Frank D. Butts—a principal examiner—

Mr. FARQUHAR. Will the gentleman yield to me for a moment? I merely wish to ask the gentleman to withhold his remarks in the absence of the chairman of the Committee on Invalid Pensions and inasmuch as I understand that the members of the committee have talked about it amongst themselves in the committee and did not think there was any immediate urgency for its passage.

Mr. ENLOE. Mr. Speaker—

Mr. FARQUHAR. It seems that the gentleman is making a speech here without the House having official knowledge of the matter to which he calls attention, and I understood also that the gentleman rose to a question of privilege.

Mr. LANE. Will the gentleman from Tennessee yield to me for a moment?

Mr. ENLOE. I will yield for a question.

Mr. LANE. I wish to say to the gentleman that I am a member of the Committee on Invalid Pensions and that I have attended every meeting since the organization of the committee. I know that this matter has not been mentioned in the committee. Nobody ever mentioned it to me and it never was called up in the committee.

Mr. ENLOE. There has been enough said in the newspapers of this country to call attention to this matter, and the information ought to be furnished, whether there was a resolution referred to the committee or not.

The information furnished by the Secretary of the Interior is insufficient. It is unjust to the country and unjust to the late Commissioner of Pensions, who was removed from that office. Removed for what? So far as I have been able to learn from the public prints and the best information accessible, he was removed for the reason that he attempted to keep the promises that he made on the stump as a leader of the Republican party in the last campaign.

Now, I say, Mr. Chairman, so far as Mr. Tanner and his administration of the Pension Office are concerned and so far as I have been able to observe, he has simply tried to keep in good faith the promises which the Republican party made to the country, and upon which this Administration came into power. And now, after he has been kicked out of office for keeping those promises, I want to know not only a part of the reasons, but all the reasons. [Cries of "Hear!" "Hear!" on the Republican side.] I will give you something worth listening to if you will keep your ears open and your mouths shut. [Laughter.]

Now, Mr. Chairman, I say that this Frank D. Butts, the first case cited, was drawing a salary of \$2,000 a year from the Government when he received his arrearages of \$2,196.54. His pension was increased from \$17 to \$30 per month, and the Secretary of the Interior says that he was rated against the decisions and the practices of the Department.

The next case was that of James E. Smith, another chief of division, who was receiving a salary of \$2,000 a year. The arrearages he received were \$1,236.20, and his pension was increased from \$24 to \$30 per month; and the Secretary has questioned whether this man was ever entitled to a pension, but says there is no question about the fact that he was not entitled to the increase of pension and the arrearages.

Next, take the case of Alvah H. Doan, a clerk, receiving a salary of \$1,600 a year. The arrearages he received were \$3,022, and his pension was increased from \$10 to \$30 per month; and the Secretary of the Interior says that this was illegally done.

Then, take the case of Joseph C. Squire. I believe he was the personal and confidential friend of the late Commissioner Tanner, and he was drawing a salary at that time of \$1,800 a year from the Government. His arrearages amounted to \$1,564, and his pension was increased from \$4 to \$16 per month.

The next case I cite is that of William P. Davis, a chief of division, who was receiving a salary of \$2,000 a year. The arrearages paid him

were \$737.60. He was rated twice, and his pension increased from \$18.75 to \$25.50 per month.

The next case is that of Joseph Dickinson. He was an outsider and he did not fare so well as the insiders. Joseph Dickinson got arrearages amounting to \$713.33, but being an outsider he did not get an increase of pension, so that all he could get was what he laid his hands on at the time.

The next case to which I invite your attention is that of Silas Colgrove, an Indiana man—an outsider. I suppose his case was a fulfillment of some of the promises made on the stump in Indiana. This gentleman received \$1,822.50 and his pension was increased from \$22 to \$30 a month. No medical examination was made in his case to show that he was entitled to anything more than he was receiving.

Mr. CUMMINGS. I would like to ask the gentleman a question.

Mr. ENLOE. Certainly.

Mr. CUMMINGS. I would like to ask whether the gentleman has any information that any of these gentlemen were dishonorably discharged from the Army, as I understand that the Commissioner expressed the opinion that men who were dishonorably discharged should receive the same rate of pension or increase of pension as those honorably discharged.

Mr. ENLOE. I have not had time to go into the records of these gentlemen in the War Department to find whether they were dishonorably discharged or not; but I remember a ruling of the Assistant Secretary upon that point, and I will come to it after awhile.

The next case I want to call attention to is that of John L. Paine, another outsider, and another of those sample cases referred to by the Secretary. He received \$2,397.53. His pension was increased from \$4 to \$17 per month, and no medical examination had been made in his case. I see from the history of the case of Mr. Paine that he was examined by several medical boards, and claimed to have heart disease, and he received a pension of \$4 per month. In 1889 the Washington board found that he had heart disease and it gave him \$2,397.53 arrearages; and at that time there were on the files of an insurance company an application of this man in which he alleged that he had no functional disease of this character which was calculated to shorten his life; so that the Secretary makes the comment that this man either perjured himself in the one instance or the other.

I want to call attention to another matter. These are sample cases cited by the Secretary of the Interior, but I do not find a word, I do not find a line about Hiram Smith, jr., of the State of Missouri, who I believe drew arrearages amounting to \$6,000 or a little over. I want, for his benefit and for the benefit of the country, all the facts in the case of Hiram Smith, jr. He was thought good enough when Commissioner Tanner was kicked out of the place to remain in his place and to act as a Deputy Commissioner for several months. I suppose that when he did retire he retired voluntarily and carried with him the honors of the Pension Office.

Mr. RICHARDSON. And the money.

Mr. ENLOE. Yes, there is no doubt about his carrying the money.

Hiram Smith, jr., was honored with the confidence of the Administration, though one of the largest beneficiaries of this charitable organization in the Pension Office, to begin the reduction of the surplus by a distribution among the officers and employes first, which was to be extended to the soldier voters as soon as charity could get away from home. Hiram Smith, jr., could be trusted with the management of that great office after being one of the chief beneficiaries of what looks like a conspiracy to rob the Treasury, while Tanner, who did not get a cent of it, was made the scapegoat to carry these early sins of the Administration into the wilderness of private obscurity. The country needs more light to enable it to understand this moral reformation.

There were other cases not mentioned by the secretary which need further explanation. There was Captain Phillips, of the middle division, whose pension was, it is alleged, rated to six times the original amount. That case is not mentioned in the report of the Commissioner. There was Captain Butts, of the Army and Navy division, whose case is not mentioned, and there are the cases of Doctors Bell, Mason, Carpenter, Darling, and Baxter, all rated and not mentioned in the Secretary's report.

Altogether, I am informed there were some forty-eight or forty-nine of these men in the Pension Bureau who were engaged in the laudable business of rating themselves, and yet we have never been able to find out the names of but five or six of them, except through the public press. Now, Mr. Speaker, what I want is the adoption of this resolution, which will give us the names of these men, which will let us know how many of them are still in the service, how much money they received from the Government illegally, and what part of that money has been recovered, or what steps, if any, have been taken to recover it.

There are other outside cases that I would like to have a little light on. One of them is the case of Senator MANDERSON, who was rated and paid about \$5,000, which he found it convenient to return afterwards, and I believe that was the only part of the money that was ever returned. The public press alleges, on the authority of the Senator, that his pension was increased without his even making an application or request for an increase.



There is another gentleman with regard to whose case I should like some light, a gentleman from Maine, Mr. E. L. Dickey, and a friend of the great political reformer Dudley. He received \$2,000 as arrearages and had his pension increased from \$8 to \$37 a month. I would like to hear from the State of Maine on that subject.

I will go a little further. I find published in the papers a list almost as long as my arm, involving hundreds of thousands of dollars, cases of retarding that was done by Commissioner Tanner during the month of August. Following is the list:

Table of cases rerated.

Name of pensioner.	Total amount new certificates.	Amount paid on old certificates.	Balance paid on first payment under new certificates.
<i>Week ending August 10, 1899.</i>			
Charles N. Smith	\$7,745.10	\$2,033.79	\$5,711.31
Peter Brichter	469.00	375.20	93.80
W. T. Murray	3,200.40	824.92	2,465.47
W. H. Williams	477.00	381.60	95.40
Emery C. Green	1,373.60	849.34	524.26
Jacob Freezel	175.87	56.00	119.87
John R. Smith	3,322.59	166.40	2,156.19
Jonathan De Buller	1,132.80	944.01	188.79
William Gilkey	1,103.41	657.61	445.80
Josiah B. Hall	4,954.02	4,495.11	358.90
J. W. Holcomb	3,273.67	2,252.00	740.67
A. G. Kennar	3,508.80	1,461.60	2,047.20
William Gamble	145.06	95.47	49.59
William H. Monroe	1,235.07	729.13	505.94
William F. Brown	3,984.38	2,725.87	1,258.51
John H. Radke	369.00	255.20	113.80
Hiram Jackson	1,224.00	880.61	343.39
Albert L. Morry	3,318.13	1,788.40	1,529.73
Ezekiel Johnson	351.47	175.74	175.74
Alden Whitney	1,797.00	1,301.51	495.49
George Burton	2,024.40	571.60	1,452.80
B. B. Williams	249.30	230.80	18.50
Ezekiel Lamborn	2,247.93	1,387.27	860.66
T. R. Clemson	3,904.27	2,344.27	1,560.00
Jacob Crasmer	2,187.07	1,163.27	923.80
<i>Week ending August 18.</i>			
Charles D. Welch	4,563.80	3,537.87	1,025.93
Isaac S. Hawkins	82.67	62.00	20.67
E. D. Butler	1,224.00	851.81	372.19
W. D. Buckingham	1,602.00	1,128.73	473.27
H. Enteminger	540.00	300.00	240.00
Joshua R. Hayes	4,005.40	3,821.03	184.37
Charles Gleechner	1,706.40	1,511.49	194.91
George D. Lemon	304.46	167.54	136.92
Thomas Shearer	1,663.73	1,206.40	457.33
Edwin F. Lamb	1,224.00	904.40	319.60
Nathan Udell	516.00	430.00	86.00
F. B. Chapin	5,710.71	4,444.50	1,266.21
A. A. Maxam	890.00	249.20	640.80
Robert H. Barton	15.21	10.77	4.44
H. Marshall	11,783.05	11,316.25	466.80
Charles H. Knapp	1,189.93	1,040.20	149.73
William H. Gilman	277.23	69.33	207.90
Dwight Morly	991.53	640.21	351.32
James Hale	6,070.19	5,846.94	223.25
S. H. Sturgeon	1,224.00	950.81	273.19
Samuel K. Sperry	1,353.61	659.45	694.16
Henry L. Braatt	1,091.19	620.80	470.39
Elijah Haynes	145.00	77.34	67.66
Samuel Pilby	682.80	509.00	173.80
D. H. Robinson	330.27	160.13	170.13
F. M. Duncan	1,538.21	1,370.39	167.82
S. D. Mooney	2,358.88	2,177.98	180.90
David H. Smith	2,658.97	2,656.66	2.31
James C. Leahy	2,658.39	2,650.57	7.82
W. B. McMenamin	863.81	716.94	146.87
A. A. Parsons	1,598.34	763.86	834.48
George M. Myers	2,333.40	1,000.00	1,333.40
George M. Pattan	2,405.07	1,816.33	588.74
Thomas Gaffney	1,795.07	1,449.74	345.33
Jonathan Huff	2,010.81	773.47	1,237.34
Balla W. Beebe	1,020.00	816.00	204.00
William Crimer	439.20	377.20	62.00
Thomas Kirkwood	156.00	78.00	78.00
<i>Week ending August 24.</i>			
Eli Coy	7,800.80	1,350.60	450.29
Charles D. Long	14,821.99	7,909.05	6,912.94
James A. Enos	3,442.01	4,019.88	412.13
John Snyder	1,300.94	663.60	637.34
Calvin Bond	2,369.87	1,578.60	791.27
Dudley D. Dore	1,343.80	1,321.40	22.40
Edward Duff	312.83	173.73	39.10
Henry Stowder	1,811.01	1,239.20	571.81
<i>Week ending August 31.</i>			
Ed. H. Sheffield	270.66	162.40	108.26
Hugh H. Savage	5,940.75	3,928.57	2,012.18
W. H. Roe	1,019.33	943.27	76.06
Thomas S. Doble	340.07	156.73	183.34
Andrew G. Newgent	815.00	489.00	326.00
Hector Bacon	413.00	330.40	82.60
W. H. Wheeler	1,674.00	1,005.30	668.70
W. C. Blackstone	2,515.73	614.90	1,900.83
Elisha J. Barlow	439.00	351.01	87.99

Table of cases rerated—Continued.

Name of pensioner.	Total amount new certificates.	Amount paid on old certificates.	Balance paid on first payment under new certificates.
George C. Figgins	\$5,093.74	\$3,331.93	\$2,358.81
George H. Ballie	4,915.54	3,889.60	1,025.94
Frederick Hartman	2,201.73	1,173.45	1,028.28
Kingsbury Dulin	296.67	253.47	43.20
Daniel T. Lyle	735.00	357.30	377.70
Edwin J. Peaslee	1,157.33	863.50	293.83
Gerhard Brader	1,184.80	410.40	774.40
Charles W. Haskinson	1,950.40	902.77	1,047.63
William Edgar	1,146.14	573.07	573.07
John Shadday	1,145.87	5,672.93	572.94
S. R. Curtis	4,655.00	2,068.61	2,586.39
Abram Duryee	9,787.35	9,508.01	279.34
G. W. Ledebetter	733.20	529.53	203.67
F. H. Gilbreth	445.67	178.27	267.40
Robert Baum	49.60	47.20	2.40
William Henry (deceased)	3,146.41	2,039.73	1,106.68
Robert N. Hoak	226.67	106.40	120.27
William Dodge	6,515.47	3,110.72	3,404.75
G. D. Adams	2,456.87	2,150.81	306.06
W. B. F. Bogges	1,247.34	862.00	385.34
Ezra Paugh	1,813.80	990.39	823.41
John M. Libby	1,719.47	1,106.31	573.16
Ira P. Wetmore	2,156.93	1,715.46	441.47
Charles V. Collins	3,474.21	2,979.00	495.21
Matthew Ellison	1,584.40	1,478.13	106.27
Calvin C. Hill	1,151.73	603.87	547.86
W. B. H. alias W. Berthier	575.60	293.93	281.67
Jerome B. Grover	4,220.27	3,508.67	711.60
William Christopher	5,978.81	2,894.00	3,084.81
Doyle Bowden	3,475.61	2,354.81	1,120.80
John C. Baker	1,497.60	499.99	997.61
Ephraim Acre	4,999.99	4,892.53	1,107.46
John Zelger	1,948.77	1,796.28	152.49
John W. Farnell	1,209.73	948.07	261.66
S. M. Brown	1,658.14	1,296.80	361.34
A. G. Preston	805.00	308.00	497.00
A. Sweetland	4,193.34	2,794.93	1,398.41
A. H. Cheney	2,841.00	1,410.50	1,430.50
Thomas Riley	445.60	393.47	52.13
Lemuel Worford	2,303.47	1,498.06	805.41
H. G. Hopkins	3,133.20	2,322.87	810.33
Charles Burgess	3,906.20	2,772.40	1,133.80
Peter Sorhalg	1,354.74	870.98	483.76
John W. Hale	3,751.27	2,710.13	1,041.14
John Pabburg	2,763.20	2,250.15	513.05
Henry McDevitt	2,007.27	1,461.54	545.73
Charles Barton	1,426.13	765.93	660.20
Lowell Reese	3,553.69	3,043.50	510.19
W. H. Vickery	2,223.80	1,816.20	407.60
Robert T. Paine	4,359.16	3,465.85	893.31
Carl Steinheimer	2,336.27	1,750.18	586.09
Jacob Becker	2,332.97	2,221.81	111.16
Henry S. Tool	80.00	66.67	13.33
Daniel Bushman	654.97	580.94	74.03
Frank A. Howe	350.72	224.79	125.93
Miles N. Dawson	1,422.47	574.47	848.00
R. D. S. Hammond	1,332.00	1,020.00	312.00
Milton Corby	1,786.47	1,080.67	705.80
S. H. Underwood	5,877.31	4,154.34	1,722.97
John R. Wilson	3,363.60	3,040.60	323.00
James Fletcher	6,139.40	3,357.74	2,781.66
M. N. Gage	3,063.07	1,800.47	1,262.60
R. E. Richards	3,957.30	2,713.39	1,243.91
Patrick Lyne	4,142.14	2,472.73	1,669.41

Commissioner Tanner said another thing that commended him very much to the country, or to certain portions of it, or to a certain element in it, when he said that \$4 a month was little enough for any man to receive, and announced that he would take some 33,000 persons who received pensions of less than \$4 a month and put them on the roll at \$4 a month.

It is true that Assistant Secretary Bussey said of this order of Commissioner Tanner, "It has neither color of law nor the authority of precedent," and he overruled the decision of the Commissioner. It is true that Tanner made a deficit in the appropriation amounting to from ten to fifteen millions of dollars, and that his action will cost the country one hundred or one hundred and fifty millions more; but that is a matter of very little consequence in these times.

Tanner was keeping the pledges which he had made to the country by the highest authority and which he had a right to expect the Administration to sustain him in keeping. And, Mr. Speaker, if the Administration had kept its faith as Tanner kept his, he would be in that office still and you would have heard the hollow scoop of his shovel on the bottom floor of the Treasury long before this time. [Laughter.] But I will tell you what was the matter with Commissioner Tanner, in my opinion—if I am wrong the report of the facts will show it. I think the trouble with him was that he wanted to talk while he was at work. The Republican party wanted a man who would work and say nothing; and that work is being just as effectually done to-day and, I believe, more rapidly than it ever was before, but the man who is doing it is not saying anything about it. I wish, Mr. Speaker, that the line of this investigation could be carried a little further. I would like to know why it is that Bussey, the Assistant Secretary of the Interior, remains while Tanner goes.

Is it because he decided that a dishonorable discharge was no bar to a pension, that a man who had deserted his colors was as good a man to be pensioned as one who had stood by them to the last? That was the effect of his decision, and I suppose it is the law of the Department to-day.

As a naked question of law I do not assume to question it, but as a rule of the Department it is so severe on the honest and true soldier that Harper's Weekly Journal of Civilization, in commenting on it, uses this language:

If, as the opinion of the Judge-Advocate-General, of Secretary Delano, and of the Supreme Court holds, it is not the character of the soldier or the terms of his discharge, but the disability alone, which is the title to a pension, it is plain that unless the law expressly forbids—as in the case of a deserter—a thief, or a coward, or even a traitor may be placed upon the pension-rolls. If this be so, we should agree with Commissioner Black that an honorable pensioner must feel a little uncomfortable in such company, and the kindly respect which has hitherto attended the "old pensioner" would soon disappear.

He also decided that a man who was trying to steal hospital bread was in the line of duty; that a man who killed himself eating pie was in the line of duty, and in fact that any injury received by a soldier not at the time disobeying orders was received in the line of duty; and in that way he broke down the barriers erected by his predecessors against unworthy claimants and opened another door to great frauds on the Treasury. When he decided, as he did decide, that the testimony of a commissioned officer should not be required to make out a pension claim, he made it possible for Tom, Dick, and Harry to combine and swear for each other, and thus defraud the honest soldier and reward the bounty-jumpers, camp-followers, and deserters at the expense of the country and of the true and deserving soldiers.

Why is it, I would like to know, that Mr. Bussey is a patriot and a statesman, a man to be trusted and admired by the Administration, while plain, blunt, outspoken Mr. Tanner, who thought it no wrong to loot the Treasury to pay for the votes that brought this Administration into power, according to his authorized promise, must be made a Jonah and pitched overboard to the whale of public opinion? The country wants an answer to this question.

Is it because Mr. Tanner boasted of his work? If that is so, it seems a pity that a man's head should be cut off because his tongue is too long. It is a pity that this reflection should be cast upon the late Commissioner Tanner, while at the same time a man who is doing greater injury to the country than he ever did is still in office and still furnishing new legal keys to the back door of the Treasury.

I want to know how those men who rerated themselves and got the money have been treated. I want to know if they are going to be turned out. I want to know if they are going to be honored. I want to know if the Administration is going to undertake to keep the promises of the Republican party that it will divide the surplus to meet the requirements of the Grand Army of the Republic and that it will give every soldier \$12 a month as long as he lives.

I think Mr. Speaker, I have demonstrated not only that the investigation which this resolution calls for ought to be made, but that the entire administration of the Pension Office ought to be thoroughly investigated and overhauled by a committee of this House. I admit that I believe that the business of bidding for the soldier vote has been going on here upon both sides of the line. I think it has been done from the very start up to the present hour and it is going on here every day, especially every Friday night, and I think it is time that we should stop that business.

If the Democratic and Republican parties can not live without robbing the Treasury for the benefit of men who demand it as a matter of course, without regard to their disabilities or their necessities, without regard to their rights under the laws enacted and the usages and practices heretofore established and observed, then, I say, it is time that these parties should give way to some party that can live without it and can afford to protect the interests of the laboring people of this country, who ultimately have all these burdens to bear.

Mr. ALLEN, of Michigan. Will the gentleman permit a question at that point?

Mr. ENLOE. I will.

Mr. ALLEN, of Michigan. I want to know if the gentleman from Tennessee [Mr. ENLOE] did not, at the last session of Congress, in the interest of "economy" and keeping the money in the Treasury, introduce a bill providing for the erection, at the expense of the United States Government, of a soldiers' home, into which Confederate soldiers should be admitted.

Mr. ENLOE. The gentleman from Tennessee did; and it would have been a good use of the money to erect a soldiers' home, as I proposed, upon the Hermitage, the place where the great and immortal Andrew Jackson lies buried, the man who said "the Federal Union must and shall be preserved." If we have a restored Union, as you say we have, then I say that it would have been the part of right and duty, the part of wisdom and patriotism for you to take money from the public Treasury for that purpose. The State of Tennessee would have donated that site to you and you should have erected upon it a soldiers' home that would admit the disabled Confederate soldier alongside of his brother in blue whom he had met upon the field of battle.

That measure was prompted by the highest motives of patriotism.

It proposed to establish a soldiers' home where the Union soldiers and the Confederate soldiers who were unable to care for themselves might be cared for by a great and beneficent Government, of which they are all equally loyal citizens to-day. It was to commemorate the principles and the example of one of the greatest statesmen and soldiers this country has ever produced. It was to proclaim to the world the restoration of that Union which he so much loved and which he did so much on the field and in the forum to glory. I do not believe that the gentleman himself or that good and patriotic citizens in any part of this Union would have found anything in that measure to reprobate or condemn.

I maintain that the day for "shaking the bloody shirt" as an excuse for plundering the public Treasury ought to pass, if it has not passed. I am not in a condition to-day to go into a discussion of all these matters, but I am asking some questions in this resolution which are very interesting to the laboring people of this country, and the answers to which will be very interesting to everybody if the whole truth can be extracted from that Department.

I wish to say, in conclusion, that it seems to me we have gone almost far enough in the matter of increasing pensions in the reckless fashion which has prevailed heretofore. It has been done most recklessly. I want to see this competition between political parties bidding for the soldiers' vote and paying for it out of the public Treasury—I want to see this stopped. Let every soldier in this country stand upon his merits, upon his services, and not stand, as a Pretorian guard with a bayonet, at the polls to compel political parties to grant pensions to men who are not entitled to receive them.

I believe in the Government keeping its just obligations to its soldiers; but I do not believe in putting a price on patriotism and tarnishing the glory of the volunteer soldier by treating him as a mercenary whose sword in war and whose vote in peace can be bought for the price of a pension. That will do for bounty-jumpers and deserters, but not for the volunteer soldiers who fought for principles in that struggle and who as citizens are to-day striving to make this Government worth the cost of its preservation.

There must come a day when the increase of every person's pension will be impossible. There must be a limit beyond which is slavery for the labor of this country.

There are now in the neighborhood of 500,000 names on the pension-roll, and it is increasing at a rate near 3,000 per month, faster than at any previous time in our history.

We have expended during the past year nearly \$100,000,000 for pensions, and, though the estimates submitted at this session of Congress are less than that amount, we all know that Mr. Tanner was right when he said it would take between \$110,000,000 and \$115,000,000 for the next fiscal year to meet the demands on the Pension Office. The \$30,000,000 increase estimated by the late Commissioner will not go into the regular appropriation bills, because that might alarm the country, but it will come in in the deficiency bills next year, as the deficiency came over from the last fiscal year to this Congress.

If the gentlemen on the other side keep the promises made by them on the stump last fall to secure their present lease of power, they will have to devise new means of raising revenue. The pensions alone would absorb the \$79,000,000 raised under existing laws, arrearages which you have promised would require \$170,000,000, and the service pensions which you have promised would require \$146,000,000 annually in addition to the \$115,000,000 you are already obligated to pay annually.

The laboring man in this country is a patient man. He feels the burden, but he is slow to cast it off, because he is yet able to carry it and live. If you keep your campaign promises you will make the laboring man of this country forget what kind of a pensioner is on his back, and, in obedience to the great law of self preservation, he will think first of his wife and his children and himself, and he will refuse to bear it longer. Before the French revolution it was said that every citizen carried a soldier on his back; and you tread on dangerous grounds for the meritorious soldier and on dangerous grounds for the well-being of government and society when you so far forget the rights of the citizen who toils and earns the wealth of this country as to continue to increase the privileges and the bonuses of the classes at the expense of the masses.

It is all right to reward the soldier for his valor and patriotism by adhering to the wise policy of this Government heretofore established in dealing with its soldiers, but when you break down all precedents, override all laws, and forget the rights and the obligations of the Government to its laborers, who maintain its prosperity in peace and in war, you are sowing the seeds of communism, anarchy, and death to free institutions.

Mr. Speaker, I am here not to make a plea in anybody's interest except the interest of the people who have to labor and earn the money to pay the taxes out of which these pensions are taken. If the money is rightfully taken, I say all right; but if it has been stolen, if there have been jobbery and corruption, if there have been fraud and conspiracy, let the light of day be turned in on it, and let the men who have been concerned in it be consigned to eternal infamy.

The SPEAKER. The question is upon the adoption of the resolution of the gentleman from Tennessee.



Mr. MORRILL. Mr. Speaker, before the vote is taken, I think it due to the Committee on Invalid Pensions and to myself that I should make a simple statement.

Coming upon the floor of the House, as I did, after the gentleman from Tennessee had commenced his remarks, a copy of this resolution was placed in my hands. I want to say to you, Mr. Speaker, and to this House, that this is the first intimation I ever had that any such resolution was in existence. No member of the committee, to my knowledge, has ever known of the existence of this resolution. The chief clerk of the committee says it has never been presented to him. It has never been referred by him to the committee, and not a single man of us ever knew that such a resolution was in existence. If we had had knowledge of the resolution, it would have received very prompt attention.

This resolution purports on its face to have been introduced on the 20th of December, nearly three months ago. Almost daily since that time I have met the gentleman from Tennessee, and he never made the slightest reference to it. I have never seen his face inside the room of the Committee on Invalid Pensions. My attention has never been called to the resolution. We have had no opportunity to take up the subject in any shape whatever. It is entirely new to all of us. Not a member of the committee has known of the existence of the resolution or has called the attention of the committee to it.

Mr. ENLOE. Will the gentleman allow me to make a statement?

Mr. MORRILL. I am heartily in favor of the adoption of the resolution, and if the subject be left in our hands we will act upon it immediately.

Mr. ENLOE. Will the gentleman allow me to make a statement in reference to this matter?

Mr. MORRILL. The gentleman from Tennessee [Mr. ENLOE] has already occupied an hour "making a statement," battling a man of straw that he made and stuck up for his own amusement, and casting reflections upon the Committee on Invalid Pensions in regard to a matter as to which they were not at all to blame, for they had no knowledge of it.

Mr. ENLOE. The gentleman is now making a statement in reference to me in regard to which I might be able to set him right. Of course, if he does not wish to be set right, I do not care to say anything.

Mr. MORRILL. I yield for a moment to my colleague on the committee, the gentleman from Ohio [Mr. YODER].

Mr. YODER. Mr. Speaker, I have attended, I believe, every meeting of the Committee on Invalid Pensions that has been held this session, and I have never before heard of this resolution. If it had been brought to the notice of the committee it would have received, as our chairman has said, prompt attention. I fully corroborate and indorse every word which he has uttered. This is all I desire to say.

Mr. MORRILL. I yield five minutes to the gentleman from Michigan [Mr. CHIPMAN].

Mr. CHIPMAN. In regard to this resolution I wish to say that I have no objection to an investigation of the official conduct of the late Commissioner of Pensions, Mr. Tanner, especially in regard to rating. I wish also to say that there were many things in the official career of the late Commissioner of which I most heartily approve. I approve of his opposition to microscopical pensions, the two and four dollar a month pensions, which are two small to relieve any considerable disability. I approve of his proposal that the oath of an enlisted man shall be regarded as entitled to as much dignity in the Pension Office as the oath of a commissioned officer. The discrimination against the private and in favor of the officer is unjust and wicked. I wish to say, too, that I have served on the Committee on Invalid Pensions, and that, so far as my knowledge is concerned, I approve most heartily of their course in the past, and that the legislation they now bring before the House is carefully and conscientiously considered; and I wish to emphasize another thing:

In the section of country from which I come there is no party on this subject. We are all of one mind. We are all determined to do justice to the soldiers who fought in our armies during the rebellion and defended the flag.

There is no difference of opinion on that subject there, and I will say to my friend from Tennessee that there will be no difference of action on the part of the Representatives of that section whenever questions of that character come before the House. We intend to fulfill our pledges to the veterans. We are not half-hearted. We are earnest about that, and I am glad to be able to say that there is no sectional feeling against a provision for the old soldiers on this side of the House. The veterans of the war are the wards of the nation. They must not want. We owe them not only a debt of gratitude, but we are pledged to do them justice, and will redeem the pledge.

Mr. McKINLEY. I hope, Mr. Speaker, that after the statement of the chairman of the Committee on Invalid Pensions [Mr. MORRILL], the gentleman from Tennessee [Mr. ENLOE] will withdraw his motion and permit the committee to give some consideration to this resolution, which seems to be new to the committee. The chairman has already said that the committee will make a report promptly if the jurisdiction over the resolution should remain with them. It does seem to me

the gentleman from Tennessee should withdraw his motion, and let the resolution remain with the Committee on Invalid Pensions.

Mr. MORRILL. Does the gentleman desire to withdraw his motion?

Mr. SPINOLA. I will take the floor.

Mr. ENLOE. If the gentleman from New York wishes to proceed I will yield to him for that purpose.

Mr. SPINOLA. I ask the discussion shall be opened for a few minutes longer.

Mr. MORRILL. If the gentleman withdraws his motion to discharge the committee there is nothing further to discuss.

Mr. ENLOE. In view of the statement made by the chairman and other members of the committee, I will withdraw the motion and will make this statement: I do not wish to be put in the attitude of reflecting upon the chairman and members of the committee. It is true I did not approach the committee on the subject of the resolution, but I did go to the clerk of the committee and ask him who had the resolution in charge. He said nothing had been done in regard to it. As no notice was taken of it, if I expected a report at all, it was necessary I should do something further.

Mr. MORRILL. I understood you to say the resolution had never been put before the committee.

Mr. ENLOE. You heard my statement.

Mr. MORRILL. That ought to have satisfied you.

Mr. ENLOE. I do not desire to reflect on the committee.

The SPEAKER. The gentleman from Tennessee withdraws his motion.

Mr. SPINOLA. I ask leave to reoffer the resolution.

The SPEAKER. The resolution remains with the committee.

#### ADMISSION OF THE STATE OF WYOMING.

Mr. BAKER. I am directed by the Committee on Territories to report back House bill 982, providing for the admission of the State of Wyoming into the Union, and for other purposes, and to ask for its present consideration under clause 51, Rule XI. Under that clause the Committee on Territories is granted leave to report at any time bills for the admission of new States.

This bill was reported from the Committee on Territories and was ordered to be printed and recommitted. I now report it back under clause 51 of Rule XI, and ask for its present consideration.

I gave notice several days ago, Mr. Speaker, that I would bring this bill up for consideration, and, pursuant to that notice and under authority of the rule, I desire to ask the House to consider the bill for the admission of the State of Wyoming into the Union.

Mr. SPRINGER. I wish to say to the gentleman from New York that it was the understanding in the Committee on Territories that this matter was not to be called up until the Oklahoma bill was disposed of. I trust the gentleman will not put this side of the House in that position by calling up this bill. It comes in this morning as a complete surprise to me.

Mr. BAKER. I do not wish to antagonize the Oklahoma bill, but I had an understanding that the Oklahoma bill would not come up this morning. In the mean time we could take up and dispose of this bill for the admission of the State of Wyoming. It is not my intention to interfere with the Oklahoma bill.

Mr. SPRINGER. It is by the merest accident I happened to be on the floor. I met a gentleman who advised me five minutes ago, and until then I had heard nothing of this contemplated movement. I hope the gentleman will not insist on considering this bill now. It is unnecessary to read the bill at length unless we propose to enter upon its consideration. I therefore wish, with the permission of the House, to make a statement of a minute or two, so that some time in the future may be fixed for its consideration.

Mr. BAKER. Who has the floor?

The SPEAKER. The Chair thinks nobody has the floor. [Laughter.]

Mr. BAKER. I have reported this bill from the Committee on Territories, and we are ready to proceed with it in good faith. I had a conference with the gentleman from Kansas [Mr. PERKINS] who is in charge of the Oklahoma bill.

Mr. SPINOLA. If nobody has the floor I will take it.

The SPEAKER. The Clerk will read the bill.

Mr. SPRINGER. I ask, by unanimous consent, to make a statement not to exceed two minutes in length.

Mr. BAKER. I think we should proceed in the regular way.

Mr. SPRINGER. I wish to inform my friend it will facilitate business. It is unfair, and I have not experienced anything like it since I have been a member of this body.

Mr. BAKER. How much time does the gentleman ask in which to make his statement?

Mr. SPRINGER. I have already stated it.

Mr. CUMMINGS. I call for the regular order.

The SPEAKER. The Clerk will proceed with the reading of the bill. The bill was read.

Mr. BAKER. If no gentleman desires to have the report read at length—

Mr. SPRINGER. I raise the question of consideration against this bill.

I make the further point, Mr. Speaker, that this bill must be considered in Committee of the Whole on the state of the Union.

The SPEAKER. The gentleman can not raise the last point after having raised the first.

Mr. CARLISLE. But, Mr. Speaker, I understand the gentleman from Illinois has raised the question of consideration.

The SPEAKER. That is the question now before the House.

Mr. CARLISLE. Of course he could not make both questions at the same time; but I submit to the Chair that after the House has determined, if it should determine, to enter upon the consideration of the bill, and before it has actually commenced its consideration, the point could be made that it should have its first consideration in the Committee of the Whole House on the state of the Union.

The SPEAKER. That is a point to be determined when it shall arise.

Mr. CARLISLE. Because, if the contrary opinion was held, there would be no time when a member could raise the question of consideration against a bill, unless he waived the right to have it considered in a Committee of the Whole on the state of the Union, if it was subject to the point of order. So it has always been in order to raise this question that it shall have its first consideration in a Committee of the Whole on the state of the Union at any time before the House has actually entered upon the consideration of the bill.

The SPEAKER. That is of course a question to be determined after the disposition of the other question.

Mr. CARLISLE. Certainly; but I was only anxious that the Chair might not decide so important a point in this manner.

The SPEAKER. The Chair has not undertaken to do so.

Mr. HOLMAN. If the Chair will permit me, the Chair holds, as I understand it, that the gentleman can not raise two questions at one and the same time. But another member could reserve the right to make the point of order that the bill should be considered in Committee of the Whole.

The SPEAKER. The gentleman from Illinois having raised the question of consideration, that is first to be determined.

The question was taken; and upon a division there were—ayes 70, noes 79.

Mr. BAKER. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 122, nays 116, not voting 91; as follows:

## YEAS—122.

Allen, Mich.	Craig,	Lansing,	Sherman,
Anderson, Kans.	Culbertson, Pa.	Laws,	Simonds,
Arnold,	Cutcheon,	Lehlbach,	Smith, W. Va.
Atkinson, Pa.	Dalzell,	McComas,	Smyster,
Atkinson, W. Va.	De Haven,	McCord,	Snider,
Baker,	Dolliver,	McCormick,	Spooner,
Banks,	Dorsey,	McKenna,	Stephenson,
Bayne,	Dunnell,	Moffitt,	Stewart, Vt.
Belknap,	Evans,	Moore, N. H.	Silvers,
Bingham,	Farquhar,	Morrill,	Stockbridge,
Bliss,	Finley,	Morrow,	Sweeney,
Boothman,	Flick,	Nile,	Taylor, Ill.
Boutelle,	Funk,	O'Donnell,	Taylor, Tenn.
Bowden,	Gest,	O'Neill, Pa.	Taylor, E. B.
Brewer,	Greenhalge,	Osborne,	Taylor, J. D.
Brosius,	Grosvenor,	Payne,	Thomas,
Browne, T. M.	Hall,	Payson,	Thompson,
Buchanan, N. J.	Hansbrough,	Perkins,	Townsend, Colo.
Burrows,	Haugen,	Peters,	Vandever,
Burton,	Henderson, Ill.	Pickler,	Van Schaick,
Butterworth,	Henderson, Iowa	Post,	Wade,
Caldwell,	Hermann,	Raines,	Walker, Mass.
Cannon,	Hill,	Ray,	Wallace, Mass.
Carier,	Hopkins,	Reed, Iowa	Wallace, N. Y.
Cheadle,	Houk,	Reyburn,	Watson,
Cheatham,	Kerr, Iowa	Rife,	Wickham,
Cogswell,	Ketcham,	Rockwell,	Williams, Ohio
Coleman,	Kinsey,	Rowell,	Wright,
Conger,	Lacey,	Russell,	Yardley,
Connell,	La Follette,	Sawyer,	
Cooper, Ohio	Laidlaw,	Scranton,	

## NAYS—116.

Abbott,	Clements,	Haynes,	Mills,
Alderson,	Cobb,	Hemphill,	Montgomery,
Anderson, Miss.	Compton,	Henderson, N. C.	Moore, Tex.
Bankhead,	Cooper, Ind.	Holman,	Norton,
Barnes,	Cothran,	Hooker,	Oates,
Blount,	Covert,	Kerr, Pa.	O'Ferrall,
Boatner,	Cowles,	Kilgore,	O'Neill, Ind.
Breckinridge, Ky.	Crisp,	Lane,	O'Neil, Mass.
Brickner,	Culbertson, Tex.	Lanham,	Outhwaite,
Brookshire,	Cummings,	Lee,	Owens, Ohio
Buchanan, Va.	Davidson,	Lester, Ga.	Parrett,
Buckalew,	Dibble,	Lester, Va.	Peel,
Bunn,	Dockery,	Lewis,	Pennington,
Bynum,	Edmunds,	Magner,	Pierce,
Campbell,	Ellis,	Ma sh,	Price,
Candler, Ga.	Fithian,	Martin, Ind.	Reilly,
Carlisle,	Flower,	McAdoo,	Richardson,
Carlton,	Geissenhainer,	McCarthy,	Robertson,
Caruth,	Gibson,	McClammy,	Rowland,
Catchings,	Grimes,	McClellan,	Sayers,
Chipman,	Hare,	McCreary,	Shively,
Clancy,	Hayes,	McMillin,	Spinola,
Clarke, Ala.		McRae,	Springer,

Stewart, Ga.  
Stewart, Tex.  
Stone, Ky.  
Stone, Mo.  
Stump,  
Tarsney,

Tillman,  
Tracey,  
Tucker,  
Turner, Ga.  
Turner, N. Y.  
Turpin,

Walker, Mo.  
Washington,  
Whedder, Ala.  
Whiting,  
Wike,  
Wiley,

Wilkinson,  
Wilcox,  
Williams, Ill.  
Wilson, Mo.  
Wilson, W. Va.  
Yoder.

## NOT VOTING—91.

Adams,  
Allen, Miss.  
Andrew,  
Bartine,  
Barwig,  
Beekwith,  
Belden,  
Bergen,  
Biggs,  
Blanchard,  
Bland,  
Breckinridge, Ark.  
Brewer,  
Brown, J. B.  
Browne, Va.  
Brunner,  
Bullock,  
Candler, Mass.  
Caswell,  
Clark, Wis.  
Clunie,  
Comstock,  
Crain,

Dargan,  
Darlington,  
De Lano,  
Dingley,  
Dunphy,  
Elliott,  
Ewart,  
Featherston,  
Fitch,  
Flood,  
Forman,  
Forney,  
Fowler,  
Frank,  
Gear,  
Gifford,  
Goodnight,  
Grout,  
Harmer,  
Hatch,  
Heard,  
Herbert,  
Hitt,

Kelley,  
Kennedy,  
Knapp,  
Lawler,  
Lind,  
Lodge,  
Mansur,  
Martin, Tex.  
Mason,  
McKinley,  
Miles,  
Milliken,  
Morey,  
Morgan,  
Morse,  
Mutchler,  
Niedringhaus,  
Owen, Ind.  
Paynter,  
Perry,  
Phelan,  
Pugsley,  
Quackenbush,

Quinn,  
Randall, Mass.  
Randall, Pa.  
Rogers,  
Rusk,  
Sanford,  
Seuil,  
Seney,  
Skinner,  
Smith, Ill.  
Stahneck,  
Stockdale,  
Struble,  
Townsend, Pa.  
Turner, Kans.  
Venable,  
Wheeler, Mich.  
Whithorne,  
Wilber,  
Wilson, Ky.  
Wilson, Wash.  
Wise,

So the House determined to consider the bill.

Mr. MORSE. I desire to state that I am paired with the gentleman from Kentucky, Mr. GOODNIGHT.

The following additional pairs were announced:

Mr. HITT with Mr. HEARD, for the remainder of the day.

Mr. PUGSLEY with Mr. MORGAN, for the rest of the day.

Mr. DARLINGTON with Mr. BLAND, for the rest of the day.

Mr. LODGE with Mr. HERBERT, for the rest of the day.

Mr. WILSON, of Washington, with Mr. CLUNIE, for the rest of the day.

Mr. DE LANO with Mr. BULLOCK, for the rest of the day.

Mr. HARMER with Mr. HATCH, for the rest of the day.

Mr. MCKINLEY with Mr. BRECKINRIDGE, of Arkansas, for the remainder of the day.

Mr. DINGLEY with Mr. MANSUR, on this vote.

Mr. GIFFORD. I am paired with the gentleman from North Carolina [Mr. SKINNER]. If present, he would vote "no" and I would vote "ay."

Mr. GEAR. I am paired with Mr. STOCKDALE. I would vote "ay;" he would vote "no."

Mr. MORGAN. I am paired with Mr. PUGSLEY, and would vote "no;" he would vote "ay."

The result of the vote was then announced as above recorded.

Mr. SPRINGER. I make the point of order that this bill must have its first consideration in Committee of the Whole House on the state of the Union.

Mr. BAKER. I move that the House resolve itself—

The SPEAKER. The Chair sustains the point of order.

Mr. BAKER. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of this bill.

Mr. SPRINGER. Pending that motion I move that the House do now adjourn.

The question was taken.

Before the result of the vote was announced, Mr. SPRINGER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 116, nays 122, not voting 91; as follows:

## YEAS—116.

Abbott,	Crisp,	Mansur,	Rusk,
Alderson,	Culbertson, Tex.	Martin, Ind.	Sayers,
Anderson, Miss.	Cummings,	Martin, Tex.	Shively,
Bankhead,	Davidson,	McAdoo,	Spinola,
Barnes,	Dockery,	McCarthy,	Springer,
Blanchard,	Edmunds,	McClellan,	Stewart, Ga.
Blount,	Elliott,	McCreary,	Stewart, Tex.
Boatner,	Ellis,	McMillin,	Stone, Ky.
Breckinridge, Ky.	Enloe,	McRae,	Stone, Mo.
Brickner,	Fithian,	Mills,	Stump,
Brookshire,	Flower,	Montgomery,	Tarsney,
Buchanan, Va.	Geissenhainer,	Moore, Tex.	Tillman,
Buckalew,	Gibson,	Norton,	Tracey,
Bunn,	Grimes,	Oates,	Tucker,
Bynum,	Hare,	O'Ferrall,	Turner, Ga.
Campbell,	Hayes,	O'Neill, Ind.	Turner, N. Y.
Candler, Ga.	Haynes,	O'Neill, Mass.	Turpin,
Carlisle,	Hemphill,	Outhwaite,	Venable,
Carlton,	Henderson, N. C.	Owens, Ohio	Walker, Mo.
Caruth,	Holman,	Parrett,	Washington,
Chipman,	Hooker,	Peel,	Wheeler, Ala.
Clancy,	Kilgore,	Pennington,	Whiting,
Clarke, Ala.	Lane,	Pierce,	Wike,
Clements,	Lanham,	Price,	Wiley,
Cobb,	Lee,	Quinn,	Wilcox,
Compton,	Lester, Ga.	Reilly,	Williams, Ill.
Cooper, Ind.	Lester, Va.	Richardson,	Wilson, Mo.
Cothran,	Lewis,	Robertson,	Wilson, W. Va.
Covert,	Malish,	Rowland,	Yoder,



## NAYS—122.

Allen, Mich.	Connell,	La Follette,	Simonds,
Anderson, Kans.	Cooper, Ohio	Laidlaw,	Smith, W. Va.
Arnold,	Craig,	Laws,	Smyster,
Atkinson, Pa.	Culbertson, Pa.	Lehlbach,	Snider,
Atkinson, W. Va.	Cutcheon,	Lind,	Spooner,
Baker,	Dalzell,	McComas,	Stephenson,
Banks,	De Haven,	McCord,	Stewart, Vt.
Bayne,	Dingley,	McCormick,	Stivers,
Belknap,	Dolliver,	Miles,	Stockbridge,
Bergen,	Dorsey,	Moffitt,	Sweney,
Bingham,	Dunnell,	Moore, N. H.	Taylor, Ill.
Bliss,	Evans,	Morrill,	Taylor, Tenn.
Boothman,	Farquhar,	Morrow,	Taylor, E. B.
Boutelle,	Flick,	Nute,	Thomas,
Bowden,	Funston,	O'Neill, Pa.	Thompson,
Brewer,	Greenhalge,	Osborne,	Townsend, Colo.
Brosius,	Grosvenor,	Payson,	Vandever,
Brown, T. M.	Groat,	Perkins,	Van Schaick,
Buchanan, N. J.	Hall,	Peters,	Wade,
Burrows,	Hansbrough,	Pickler,	Walker, Mass.
Burton,	Haugen,	Post,	Wallace, Mass.
Butterworth,	Henderson, Ill.	Raines,	Wallace, N. Y.
Caldwell,	Henderson, Iowa,	Reed, Iowa	Watson,
Cannon,	Hill,	Reyburn,	Wickham,
Carter,	Hopkins,	Rife,	Williams, Ohio
Cheadle,	Houk,	Russell,	Wright,
Cheatham,	Kerr, Iowa	Scranton,	Yardley.
Cogswell,	Ketchum,	Sherman,	
Coleman,	Kinsey,	Lacey,	
Comstock,			
Conger,			

## NOT VOTING—91.

Adams,	Darlington,	Kennedy,	Randall, Mass.
Allen, Miss.	De Lano,	Kerr, Pa.	Randall, Pa.
Andrew,	Dibble,	Knapp,	Ray,
Bartine,	Dunphy,	Lansing,	Rockwell,
Barwig,	Ewart,	Lawler,	Rogers,
Beckwith,	Featherston,	Lodge,	Sanford,
Belden,	Fitch,	Magner,	Sawyer,
Biggs,	Flood,	Mason,	Scull,
Bland,	Forman,	McClammy,	Seney,
Breckinridge, Ark.	Forney,	McKinley,	Skinner,
Brewer,	Fowler,	Milliken,	Smith, Ill.
Brown, J. B.	Frank,	Morse,	Stahnecker,
Browne, Va.	Gear,	Morgan,	Stockdale,
Brunner,	Gifford,	Mutcher,	Struble,
Bullock,	Goodnight,	Niedringhaus,	Townsend, Pa.
Candler, Mass.	Harmer,	O'Donnell,	Turner, Kans.
Caswell,	Hatch,	Owen, Ind.	Wheeler, Mich.
Catchings,	Heard,	Paynter,	Whitthorne,
Clark, Wis.	Herbert,	Perry,	Wilber,
Clunie,	Hermann,	Phelan,	Wilkinson,
Cowles,	Hitt,	Pugsley,	Wilson, Mo.
Crain,	Kelley,	Quackenbush,	Wilson, Wash.
Dargan,			Wise,

So the House refused to adjourn.

The following additional pairs were announced on this vote:

Mr. ROCKWELL with Mr. LAWLER.

Mr. KETCHAM with Mr. CATCHINGS.

The vote was recapitulated.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is upon the motion of the gentleman from New York, that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. SPRINGER. Upon that I rise to a question of order. Under clause 4 of Rule XXIII it is provided that—

In Committees of the Whole House business on their Calendars may be taken up in regular order, or in such order as the committee may determine, unless the bill to be considered was determined by the House at the time of going into committee; but bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.

What I desire to ask is whether that precedence must be insisted on before going into Committee of the Whole or after? If before, I desire to make the point now.

Mr. HOOKER. I can not hear what the gentleman says.

Mr. SPRINGER. I am not responsible for that.

The SPEAKER. The Chair overrules the point of order.

Mr. SPRINGER. I did not make a point of order.

The SPEAKER. The gentleman says he did not make a point of order, and the question is on the motion of the gentleman from New York.

Mr. SPRINGER. I rose to a parliamentary inquiry.

The question was put, and the Speaker announced that the "ayes" seemed to have it.

Mr. SPRINGER. Division.

The House divided; and there were—ayes 100, noes 91.

Mr. SPRINGER. I demand tellers.

Mr. HENDERSON, of Iowa. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 116, nays 108, not voting 105; as follows:

## YEAS—116.

Adams,	Bayne,	Burrows,	Cogswell,
Allen, Mich.	Belknap,	Burton,	Coleman,
Anderson, Kans.	Bingham,	Butterworth,	Conger,
Arnold,	Bliss,	Caldwell,	Connell,
Atkinson, Pa.	Boutelle,	Cannon,	Cooper, Ohio.
Atkinson, W. Va.	Bowden,	Carter,	Culbertson, Pa.
Baker,	Brosius,	Cheadle,	Cutcheon,
Banks,	Buchanan, N. J.	Cheatham,	De Haven,

Dingley,	Kennedy,	Payne,	Stivers,
Dolliver,	Kerr, Iowa	Payson,	Stockbridge,
Dorsey,	Kinsey,	Perkins,	Sweney,
Dunnell,	Lacey,	Peters,	Taylor, Ill.
Evans,	La Follette,	Pickler,	Taylor, Tenn.
Farquhar,	Laidlaw,	Post,	Taylor, E. B.
Finley,	Lansing,	Raines,	Taylor, J. D.
Flick,	Laws,	Ray,	Thomas,
Funston,	Lehlbach,	Reed, Iowa	Thompson,
Gest,	Lind,	Reyburn,	Townsend, Colo.
Grosvenor,	McComas,	Rife,	Vandever,
Grout,	McCord,	Russell,	Van Schaick,
Hall,	McCormick,	Seranton,	Wade,
Hansbrough,	McKenna,	Sherman,	Walker, Mass.
Haugen,	Moffitt,	Simonds,	Wallace, Mass.
Henderson, Ill.	Moore, N. H.	Smith, W. Va.	Wallace, N. Y.
Henderson, Iowa	Morrill,	Smyster,	Watson,
Hermann,	Morrow,	Snider,	Wickham,
Hill,	Nute,	Spooner,	Williams, Ohio
Hopkins,	O'Neill, Pa.	Stephenson,	Wright,
Houk,	Osborne,	Stewart, Vt.	Yardley.

## NAYS—108.

Abbott,	Covert,	Lester, Ga.	Robertson,
Anderson, Miss.	Cowles,	Lester, Va.	Rogers,
Bankhead,	Culbertson, Tex.	Lewis,	Rowland,
Barnes,	Cummings,	Mansur,	Savers,
Blanchard,	Davidson,	Martin, Ind.	Shively,
Blount,	Dibble,	Martin, Tex.	Spinoia,
Boatner,	Dookery,	McAdoo,	Springer,
Breckinridge, Ky.	Edmunds,	McCarthy,	Stewart, Ga.
Brookshire,	Elliott,	McClammy,	Stone, Ky.
Buchanan, Va.	Ellis,	McClellan,	Stone, Mo.
Buckalew,	Enloe,	McCreary,	Stump,
Bullock,	Fithian,	McMillin,	Tarney,
Bunn,	Flower,	McRae,	Tillman,
Bynum,	Geissenhainer,	Mills,	Tracey,
Campbell,	Gibson,	Montgomery,	Tucker,
Candler, Ga.	Grimes,	Moore, Tex.	Turner, Ga.
Carlisle,	Hare,	Norton,	Turner, N. Y.
Carlton,	Hayes,	Oates,	Turpin,
Caruth,	Haynes,	O'Neill, Mass.	Walker, Mo.
Catchings,	Hemphill,	Outhwaite,	Washington,
Chipman,	Henderson, N. C.	Parrett,	Whiting,
Clancy,	Holman,	Peel,	Wike,
Clarke, Ala.	Hooker,	Pennington,	Wiley,
Clements,	Kilgore,	Pierce,	Wilkinson,
Cobb,	Lane,	Price,	Willcox,
Copier, Ind.	Lanham,	Reilly,	Williams, Ill.
Cottrian,	Lawler,	Richardson,	Wilson, W. Va.

## NOT VOTING—105.

Alderson,	Crisp,	Lee,	Rowell,
Allen, Miss.	Dalzell,	Lodge,	Rusk,
Andrew,	Dargan,	Magner,	Sanford,
Bartine,	Darlington,	Maish,	Sawyer,
Barwig,	De Lano,	Mason,	Scull,
Beckwith,	Dunphy,	McKinley,	Seney,
Belden,	Ewart,	Miles,	Skinner,
Bergen,	Featherston,	Milliken,	Smith, Ill.
Biggs,	Fitch,	Morey,	Stahnecker,
Bliss,	Flood,	Morgan,	Stewart, Tex.
Bland,	Forman,	Morse,	Stockdale,
Boothman,	Forney,	Mutcher,	Struble,
Breckinridge, Ark.	Fowler,	Niedringhaus,	Townsend, Pa.
Brewer,	Frank,	O'Donnell,	Turner, Kans.
Briekner,	Gear,	O'Ferrall,	Venable,
Brown, J. B.	Gifford,	O'Neill, Ind.	Wheeler, Ala.
Browne, T. M.	Goodnight,	Owen, Ind.	Wheeler, Mich.
Browne, Va.	Greenhalge,	Owens, Ohio	Whitthorne,
Brunner,	Harmer,	Paynter,	Wilber,
Candler, Mass.	Hatch,	Perry,	Wilson, Ky.
Caswell,	Heard,	Phelan,	Wilson, Mo.
Clark, Wis.	Herbert,	Pugsley,	Wilson, Wash.
Clunie,	Hitt,	Quackenbush,	Wise,
Compton,	Kelley,	Quinn,	Yoder.
Comstock,	Kerr, Pa.	Randa'l, Mass.	
Craig,	Ketcham,	Randall, Pa.	
Crain,	Knapp,	Rockwell,	

So the motion to go into Committee of the Whole House on the state of the Union was agreed to.

Before the vote was announced,

Mr. WHEELER, of Alabama, said: Mr. Speaker, I would like to vote.

The SPEAKER. The chair is not allowed to entertain a motion to record a vote.

The following additional pairs were announced:

Mr. BOOTHMAN with Mr. YODER, on all questions, for the rest of this day.

Mr. BREWER with Mr. LEE, on all political questions, for the rest of the day.

On this vote:

Mr. DALZELL with Mr. MAISH.

Mr. GREENHALGE with Mr. CRISP.

Mr. COMSTOCK with Mr. O'FERRALL.

Mr. BERGEN with Mr. VENABLE.

For the rest of the day:

Mr. KETCHAM with Mr. KEER, of Pennsylvania.

Mr. WILSON, of Washington, with Mr. CLUNIE.

Mr. BAKER. I ask unanimous consent to dispense with the recapitulation of the vote.

Mr. SPRINGER. I object.

The vote was recapitulated.

The result of the vote was then announced as above recorded.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed without amendment the bill (H. R. 5682) to amend an act entitled "An act to constitute Columbus, Ohio, a port of delivery, and to extend the provisions of the act of June 10, 1880, entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' to said port of Columbus, Ohio," approved February 9, 1889.

## ADMISSION OF WYOMING.

The House then resolved itself into Committee of the Whole on the state of the Union (Mr. BURROWS in the chair).

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of considering the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 982) to provide for the admission of the State of Wyoming into the Union and for other purposes.

Mr. BAKER. Mr. Chairman—

Mr. SPRINGER. I demand the reading of the bill before we consider it.

The bill was read.

Mr. BAKER. Mr. Chairman, it is not my purpose to enter into a formal discussion of this bill at any great length to-night; but I think I ought to make one or two observations in regard to the intimation of my colleague on the committee, the gentleman from Illinois [Mr. SPRINGER], that some degree of bad faith has been practiced in forcing this bill to consideration now.

It ought to be understood the Committee on Territories ordered this bill reported favorably without a dissenting voice. Instruction was given to me to move it at the first opportunity. A week or ten days ago it was reported to the House, ordered to be printed, and recommit- ted. Immediately after it was printed I gave notice in the House, as the RECORD will show, that on to-day I should move the bill unless it should interfere with the Oklahoma bill. Advised by the gentleman from Kansas [Mr. PERKINS], who had charge of that bill, that it would not be moved, the way was clear for the moving of this bill. Now I regret exceedingly, Mr. Chairman, that my good friend from Illinois should show any feeling about this matter. The bill for the admission of Wyoming has had most careful consideration in the Committee on Territories. It was carefully perfected, the report prepared was adopted without a dissenting voice by our Committee on Territories, and I think it is unfair for my friend from Illinois [Mr. SPRINGER] to impute to the committee, or any member of it, bad faith. This bill is before the House for consideration. It has been the desire of the Delegate from Wyoming [Mr. DUBOIS] to have it forwarded as rapidly as could be consistent with good management and with the proper conduct of legislative business here.

The duty has been assigned to me to move this bill at the earliest opportunity. Notice was given to every man in the House, and every member upon this floor has at his command a copy of the report and of the bill as recommended here. No; the real truth of the matter is—and we may as well understand it—that the purpose of my friend from Illinois [Mr. SPRINGER]—perhaps he can justify himself in it—is to so delay this bill and so delay the Idaho bill that he may attach to them and bring before this House an "omnibus" bill. Omnibus bills are a specialty with my friend from Illinois. He spent the better part of last Congress and the Congress before in building up, or attempting to build up, an omnibus bill that should bring in at one sweep several States besides those that did come in. As a matter of necessity, we yielded to his determination to have an omnibus bill, in order that justice might be done to the two Dakotas, Montana, and Washington; but now I believe the policy of Congress is to let each State stand upon its own merits.

Wyoming has been reported favorably; Idaho has; we shall soon come to the consideration of New Mexico, and I believe there is a disposition in the committee and in this House to give New Mexico the fullest and fairest consideration. I am strongly inclined to the opinion that New Mexico should be admitted as speedily as possible. Arizona is proposing to ask for an enabling act. Arizona should have the fairest consideration. I know there is no disposition on the part of any member of the committee to obstruct or delay the consideration of any of these bills, and there ought to be no disposition on the part of my friend from Illinois [Mr. SPRINGER] or on the part of any other member of the House to obstruct or delay the prompt consideration of the bill for the admission of Wyoming.

Mr. BUCKALEW. What about Utah? [Laughter.]

Mr. BAKER. Now, Mr. Chairman, the hour of 5 o'clock has passed and I do not care to detain the committee this evening. Therefore, in order that the bill may have consideration by a full House and in order to give everybody an opportunity to be fully heard, without yielding the floor to any other gentleman I will now move that the committee rise.

Mr. SPRINGER. I think the gentleman ought to yield to me to make an explanation.

Mr. BAKER. My good friend from Illinois shall have abundant opportunity later on. I move that the committee rise.

Mr. SPRINGER. I ask this House to do me the justice to give me an opportunity to make an explanation.

The CHAIRMAN. The gentleman is not in order.

Mr. SPRINGER. I ask unanimous consent. [To Mr. BAKER.] You think you are facilitating this bill, but I tell you you are not.

Mr. BAKER. Wait a moment. Mr. Chairman, if my friend from Illinois wants to make any statement in regard to the matter of good faith I hope he will be permitted to do it.

The CHAIRMAN. Does the gentleman from New York withdraw his motion?

Mr. BAKER. For the present.

Mr. SPRINGER. I desire to make a statement.

Mr. BAKER. I will give the gentleman five minutes of my time.

Mr. SPRINGER. I can not accept any limitation. I want to make a statement in my own way. It was understood in the Committee on Territories that this bill was not to be called up for consideration until the Oklahoma bill was disposed of. The gentleman [Mr. BAKER] so stated this morning when he called up this bill. I understood that that agreement was still subsisting, and, knowing that it was subsisting, I had arranged a pair and had left the Hall to be engaged on another committee of this House during the rest of the afternoon, when I accidentally met a member of the Committee on Territories in the corridor below, who informed me that this bill was to come up. I was never more surprised at any statement in my life. I did not believe it was true, but I came up into the House and found that it was true. I went to the desk of the gentleman [Mr. BAKER] after this bill had been called up and asked him if he did not remember the agreement we had made. He said he did, but that he had been to the gentleman from Kansas [Mr. PERKINS] and had asked him whether he was going to call up the Oklahoma bill and that gentleman had said he was not, whereupon he [Mr. BAKER] had concluded to call up this bill.

I stated to him that the agreement not to take up this bill was made, not with the gentleman from Kansas [Mr. PERKINS], but with me and the minority of the committee, and that the minority was not to be closed out upon this proposition by any agreement made between members of the majority. But, Mr. Chairman, when I called upon the gentleman from Kansas [Mr. PERKINS] he informed me that he was as much surprised as I was when this bill was called up; that he had only stated to the gentleman from New York that the Speaker desired to recognize some other gentleman for other business this afternoon, and that nothing was said to him about the Wyoming bill.

Another reason for my surprise at this action was that this bill was reported to the House by the Committee on Territories and ordered to be printed and recommit- ted, and since that time that committee has never, in my presence, made any order to re-report the bill. If the committee has made any such order I was not present and it was without my knowledge, so that I was not even expecting the bill to be re-reported. Every gentleman here understands, of course, that when a bill is ordered to be printed and recommit- ted to a committee, it can not be re-reported without an order by that committee. It will be seen, therefore, that I was totally taken by surprise.

Now, all that I ask of the House and of this committee is that a reasonable time be given to the minority to prepare some amendments and also to prepare a statement of views with regard to the admission of this Territory, to be printed with the report of the committee. That is all I ask. It was understood that I was to have that, and if I had not been so preoccupied with business upon other committees—I can assure gentlemen that I have not wasted any time during the past month—if I had not been so preoccupied with other business I might be ready now. As it is, however, I am not ready to present the views of the minority or to submit the amendments which I desire to submit.

There is another reason why I was surprised at this action. The chairman of our committee, the gentleman from Iowa [Mr. STRUBLE], has been absent for nearly ten days on important business, and when he left he requested that the committee should not consider the bill for the admission of New Mexico until he returned. In deference to his wishes we have laid aside the bill for the admission of New Mexico, so that it is not on the Calendar. I had desired, in justice to these Territories, to have the bills taken up in consecutive order and considered from day to day until they were disposed of, and that no one of them should be taken up until they were all on the Calendar for consideration.

To that end I proposed to the gentleman from New York [Mr. BAKER] that two weeks from to-day should be set apart for the consideration first of this bill, then of the Idaho bill, then of the New Mexico bill, and then of the bill for Arizona, and that we should proceed to consider each of those four bills separately, as he has suggested, until they were finally disposed of, and I stated that with such an understanding I would not at that time offer any amendment or make any motion that was not made in good faith for the purpose of facilitating a fair and honorable consideration of these great measures. I asked that of the gentleman from New York and he declined to grant it. I submit that it was a fair request, and that when we do reach this bill we ought to reach it with a determination to consider fairly, not only this case, but each one of the cases of the four great Territories that are now asking to be admitted into the Union.



Mr. BAKER. A word in reply, Mr. Chairman, before I renew the motion that the committee rise.

I want to read the notice which was given in this House on the 5th day of March and published in the RECORD of March 6. I then stated:

I desire to give notice that on Tuesday morning next I shall call up the bill for the admission of Wyoming, reporting it from the Committee on the Territories, unless it shall interfere with the Oklahoma bill.

Now, my friend from Illinois makes the point that the bill was not ordered by the committee to be re-reported. When the bill was originally ordered reported it was distinctly understood and stated that it should be reported for the purpose of being printed and recommitted, so as to have it in shape in printed form for introduction under the provisions of clause 51 of Rule XI, in order that it might be placed in the hands of members of this House and that they should understand its provisions. The arrangement to which my friend alludes that this bill should not be moved until the Oklahoma bill was disposed of is all nonsense.

Mr. SPRINGER. Do not say that; I can prove that arrangement by every member of the committee.

Mr. BAKER. Wait a moment—

Mr. McMILLIN. Will the gentleman from New York [Mr. BAKER] allow me to ask him a question?

Mr. BAKER. With pleasure.

Mr. McMILLIN. The gentleman from Illinois has stated that there was no order made to report this bill at any time when he was present after it had been reported to the House the first time; that is, after the recommitment. Now, what I want to know from the gentleman from New York is whether there was in fact any order made by the committee, after the bill was recommitted, to report it to this House. If not, I submit to him that the bill is now improperly here.

Mr. BAKER. I answer my friend with pleasure. When the bill was ordered reported by the committee it was the understanding and instruction that it should be reported for printing and recommitment, in order that we might have it in printed form—

Mr. McMILLIN. I understand that.

Mr. BAKER. And, further than that, the instruction was given that I should move it at the earliest opportunity.

Mr. McMILLIN. But I submit to the gentleman from New York and the Chair that this measure is in an extraordinary position; that when the House recommit a bill to a committee, the committee can not get rid of it by reason of any precedent action.

Mr. BAKER. But the instruction of the committee was—and it was well understood—that the bill should be moved at the earliest opportunity, re-reported.

Mr. McMILLIN. But the point to which I wish to call my friend's attention is that the House had taken action in regard to this bill, had ordered that the bill should go back to the committee; and that in order for the committee to get rid of it there must be subsequent action by the committee upon the bill.

Mr. BAKER. Now, then, it is a nice time for my friends on the other side to raise this point, when for a week the notice has been upon the pages of the RECORD that this bill would be moved. It was understood of all men that the bill was in order for consideration. It was the understanding of the Committee on Territories; it was their direction; and there was not a dissenting voice in the committee in regard to the reporting of this bill and its consideration at this time.

Mr. Chairman, I now renew the motion that the committee rise.

Mr. MANSUR. I would like to ask the gentleman from New York a question before he takes his seat.

The CHAIRMAN. The question is on the motion of the gentleman from New York that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURROWS reported that the Committee of the Whole House on the State of the Union, having had under consideration the bill (H. R. 982) to provide for the admission of the State of Wyoming into the Union, and for other purposes, had come to no resolution thereon.

Mr. BAKER. I move that the House adjourn.

Pending the motion to adjourn, the following business was transacted, by unanimous consent:

#### ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 306) for the erection of a public building in the city of Lansing, in the State of Michigan;

A bill (S. 801) granting a pension to Miss Elizabeth A. Tuttle;

A bill (S. 806) granting a pension to Cyrus Tuttle;

A bill (S. 807) granting a pension to Mary E. Noll, widow of Philip Noll;

A bill (S. 810) granting a pension to Eliza A. Talbott;

A bill (S. 813) granting a pension to Stephen Schiedel;

A bill (S. 1272) to increase the limit of cost of the public building au-

thorized by act of Congress approved June 30, 1886, to be erected at El Paso, Tex.; and

A bill (S. 2994) to authorize the construction of a bridge over the Arkansas River, in the Indian Territory.

#### CHANGES OF REFERENCE.

The SPEAKER. The Chair desires to submit certain changes of reference suggested by the Committee on Appropriations.

There being no objection, changes of reference were made as follows:

House Executive Document No. 243, letter from the Secretary of the Treasury, recommending an increase of the limit of cost of site and building for post-office, custom-house, etc., at Charleston, S. C., from \$300,000 to \$350,000—Committee on Appropriations discharged, and document referred to Committee on Public Buildings and Grounds.

Petition of Massachusetts Board of Gas and Electric Light Commissioners, for the collection of certain data relative to the electrical industry—Committee on Appropriations discharged, and petition referred to Select Committee on the Eleventh Census.

Memorial of South Dakota for 5 per cent. of the proceeds of all sales of public lands within the present boundaries of the State from June 30, 1880, to the date of admission of said State—Committee on Appropriations discharged, and memorial referred to the Committee on the Public Lands.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STIVERS, until Saturday next.

To Mr. FRANK, for fifteen days, on account of pressing business.

Mr. MILLS. I move to adjourn.

The SPEAKER. That motion is pending. Does the gentleman call for the regular order?

Mr. MILLS. I do.

The motion was agreed to; and accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned.

#### EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

##### COLLECTING REVENUE FROM CUSTOMS.

Letter from the Secretary of the Treasury, recommending that the permanent annual appropriation for expenses of collecting the revenue from customs be increased in the sum of \$2,000,000, and the receipts from fines, penalties, etc., be covered into the general Treasury—to the Committee on Appropriations.

##### WATER WAY FROM LAKE MICHIGAN TO THE ILLINOIS RIVER.

Letter from the Secretary of War, transmitting a letter from the Chief of Engineers, with a copy of a report from an officer of the Corps of Engineers upon the survey of a water way from Lake Michigan to the Illinois River, at La Salle, Ill.—to the Committee on Rivers and Harbors.

##### SALARIES OF OFFICERS IN INDIAN OFFICE.

Letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs, urging an increase of the salaries of the Commissioner and Assistant Commissioner of Indian Affairs and the financial clerk of the Indian Office, and inclosing a bill to effect these objects—to the Committee on Expenditures in the Interior Department.

#### REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, the following reports were filed, and, with accompanying bills, ordered to be printed, and referred as follows:

Mr. WALKER, of Missouri, from the Committee on Commerce, reported favorably the joint resolution (H. Res. 105) to continue in force an act authorizing the construction of a bridge over Bayou Bernard, in the State of Mississippi—to the House Calendar.

Mr. BOOTHMAN, from the Committee on Claims, reported favorably the bill (H. R. 2751) for the relief of Phillip S. Post—to the Committee of the Whole House.

Mr. OSBORNE, from the Committee on Military Affairs, reported favorably the following bills; which were severally referred to the Committee of the Whole House, except the last named bill, which was referred to the Committee of the Whole House on the state of the Union:

A bill (H. R. 4498) to correct the military record of Roswell M. Shurtlen;

A bill (S. 750) for the relief of Christian Fredericksen; and

A bill (S. 381) for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the Army or Navy during the war of the rebellion.

Mr. RUSSELL, from the Committee on Printing, reported, as a substitute for the bill (H. R. 3803) to increase the compensation of the employees of the Government Printing Office to that paid prior to March 3, 1877, a bill (H. R. 8046) to revise the wages of certain employees in the Government Printing Office—to the Committee of the Whole House on the state of the Union.

Mr. ADAMS, from the Committee on the Judiciary, reported with amendment the bill (H. R. 7133) for the relief of James Lausburgh and Julius Lansburgh—to the Committee of the Whole House.

Mr. CARLTON, from the Committee on Claims, reported favorably the bill (H. R. 6845) directing the issue of a duplicate of a lost check, drawn by O. M. Carter, lieutenant United States Engineer Corps, in favor of Charles C. Ely—to the Committee of the Whole House.

Mr. CUTCHEON, from the Committee on Military Affairs, reported favorably the bill (H. R. 3965) to provide for the reorganization of the artillery forces of the Army—to the House Calendar.

He also, from the same committee, reported favorably the bill of the Senate (S. 378) to amend the act approved March 1, 1887, relating to the Hospital Corps of the Army—to the Committee of the Whole House on the state of the Union.

Mr. STEWART, of Vermont, from the Committee on the Judiciary, reported with amendment the bill of the Senate (S. 174) fixing the salaries of the several judges of the United States district courts at \$5,000 per annum—to the Committee of the Whole House on the state of the Union.

Mr. DE LANO, from the Committee on Pensions, reported favorably the bill (H. R. 5906) to increase the pension of James C. Copeland—to the Committee of the Whole House.

He also, from the same committee, reported with amendment the bill (H. R. 6647) for the relief of John A. Whitecomb—to the Committee of the Whole House.

Mr. MCCORMICK, from the Committee on the Judiciary, reported favorably the following bills; which were severally referred to the House Calendar:

A bill (H. R. 64) to limit the time to six years within which suits may be brought against accounting officers and the sureties on their official bonds; and

A bill (H. R. 121) providing for the administration of oaths.

Mr. CULBERSON, of Texas, from the Committee on the Judiciary, reported favorably the bill (H. R. 7179) in relation to claims arising under the provisions of the captured and abandoned property acts, for extension of time in which to bring suit—to the House Calendar.

Mr. ROGERS, from the Committee on the Judiciary, reported favorably the bill (H. R. 7166) to amend section 3 of an act entitled "An act to amend the act dividing the State of Missouri into two judicial districts, and for other purposes"—to the House Calendar.

Mr. WICKHAM, from the Committee on Commerce, reported, as a substitute for the joint resolution (H. Res. 99) instructing the Secretary of War to cause an examination to be made of the necessity, practicability, and approximate expense of tunneling the Detroit River at or near Detroit, Mich., a joint resolution (H. Res. 119) requesting the Secretary of War to cause a further report to be made as to the practicability and approximate cost of tunneling the Detroit River at or near Detroit, Mich.—to the House Calendar.

Mr. KINSEY, from the Committee on Military Affairs, reported with amendment the bill (H. R. 608) making an appropriation for the construction of new buildings and the enlargement of the military post at Plattsburgh, N. Y.—to the Committee of the Whole House on the state of the Union.

On February 26, Mr. BROWNE, of Virginia, from the Committee on Commerce, reported with amendment the following bills; which bills, amendments, and reports thereon were referred to the Committee of the Whole House on the state of the Union:

A bill (S. 1507) to establish a light-station at or near Hillsborough Inlet, Florida;

A bill (S. 461) making an appropriation for a new light-house tender for use in the thirteenth light-house district, with headquarters at Portland, Oregon;

A bill (S. 465) providing for the purchase of a site and the construction of a wharf in Astoria, Oregon, for the use of the Light-House Department;

A bill (S. 936) making an appropriation for the construction of a new steam-tender for service in the first light-house district;

A bill (S. 463) making an appropriation for the construction of a first-order light-house on North Head, Cape Disappointment, in the State of Washington; and

A bill (S. 1508) to establish a light-station at Gladstone, Mich.

#### RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were delivered to the Speaker and referred as follows:

By Mr. CUTCHEON:

To fix and set apart a day for the consideration of business reported from the Committee on Military Affairs.

*Resolved*, That Wednesday, the 2d day of April next, immediately after the reading of the Journal, be set apart for the consideration of business reported from the Committee on Military Affairs in such order as that committee may present it; and should not the consideration of such business be completed by 5 o'clock p. m. of that day, the House shall take a recess until 8 o'clock p. m. to continue the consideration of said business, the evening session not to continue beyond 10.30 p. m.;

to the Committee on Rules.

By Mr. PERKINS:

*Resolved*, That the Committee of the Whole House on the state of the Union be discharged from the further consideration of Senate bill (S. 85) to provide a temporary government for the Territory of Oklahoma, and the substitute therefor reported by the Committee on Territories, and that Thursday, March 13, 1890, be set apart for the consideration of such bill, immediately after the morning hour, and that two hours be given for general debate and for the offering of amendments to such bill and substitute, at the expiration of which time the previous question shall be considered as ordered on such bill and pending amendments, and immediately thereafter the vote shall be taken in order upon such pending amendments and the passage of the bill and the substitute recommended therefor;

to the Committee on Rules.

#### BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, the following bills and joint resolution were delivered to the Speaker, severally read twice, and referred as follows:

By Mr. HALL: A bill (H. R. 8047) to construct a wagon bridge across the Mississippi River at Hastings, Minn.—to the Committee on Commerce.

By Mr. LODGE: A bill (H. R. 8048) for the erection of a public building at Medford, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. CARTER: A bill (H. R. 8049) to provide for the disposal of the abandoned Fort Ellis military reservation in Montana under the homestead law, and for other purposes—to the Committee on the Public Lands.

By Mr. WILSON, of Washington: A bill (H. R. 8650) to provide for the times and places to hold terms of the United States courts in the State of Washington—to the Committee on the Judiciary.

By Mr. WASHINGTON: A bill (H. R. 8051) permitting farmers and producers of tobacco to sell leaf-tobacco in any quantity to unlicensed dealers or to any person without restriction, and repealing all laws inconsistent therewith—to the Committee on Ways and Means.

By Mr. CAMPBELL: A bill (H. R. 8052) to amend section 6 of an act of Congress approved March 3, 1883—to the Committee on Military Affairs.

By Mr. ADAMS (by request): A bill (H. R. 8053) to establish a corps of architects—to the Committee on Public Buildings and Grounds.

By Mr. CALDWELL: A bill (H. R. 8054) to provide for granting leaves of absence to employees of the Post-Office Department employed in the mail-bag and mail-lock repair shops connected with said Department—to the Committee on the Post-Office and Post-Roads.

By Mr. SNIDER: A bill (H. R. 8055) to grant Lake Minnetonka to the city of Minneapolis, in the State of Minnesota—to the Committee on the Public Lands.

By Mr. LESTER, of Georgia: A joint resolution (H. Res. 118) authorizing the Secretary of War to cause an examination and survey to be made, and the cost of improvement to be estimated, of Brunswick Harbor, in the State of Georgia—to the Committee on Rivers and Harbors.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were delivered to the Clerk and referred as follows:

By Mr. BLISS: A bill (H. R. 8056) granting a pension to Mrs. Salie J. Miner—to the Committee on Invalid Pensions.

By Mr. BURTON: A bill (H. R. 8057) to remove the charge of desertion standing against the name of Ebenezer F. Woodworth—to the Committee on Military Affairs.

By Mr. CLEMENTS: A bill (H. R. 8058) for the relief of John James—to the Committee on War Claims.

By Mr. CONGER: A bill (H. R. 8059) granting a pension to Mrs. Emma A. Stoddard—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 8060) for the relief of William Karger—to the Committee on Invalid Pensions.

By Mr. DE LANO: A bill (H. R. 8061) to increase the pension of Jennie D. Hoskins—to the Committee on Pensions.

Also, a bill (H. R. 8062) to increase pensions in certain cases—to the Committee on Pensions.

By Mr. DINGLEY: A bill (H. R. 8063) to correct the military record of Mitchell Brewer, alias Thomas Brown—to the Committee on Military Affairs.

By Mr. DOLLIVER: A bill (H. R. 8064) to increase the pension of Joseph Langhery—to the Committee on Invalid Pensions.

By Mr. GROUT: A bill (H. R. 8065) increasing pension of Edwin C. Copeland, Second and Eighth Maine Volunteers—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 8066) for the relief of John Cleary—to the Committee on War Claims.

By Mr. LANSING: A bill (H. R. 8067) to correct the military record of John Ragan—to the Committee on Military Affairs.

By Mr. MCADOO: A bill (H. R. 8068) for the relief of George N. Emerson—to the Committee on Military Affairs.

By Mr. MCCARTHY (by request): A bill (H. R. 8069) authorizing the payment of arrears of pension due to the late Thomas Shapley, late



private Company A, Eleventh Regiment United States Infantry, to his heirs at law—to the Committee on Military Affairs.

Also, a bill (H. R. 8070) to remove the charge of desertion from the military record of George Erb—to the Committee on Military Affairs.

Also, a bill (H. R. 8071) to pay Albert Elsberg, assignee, for Indian depredations committed against Gustave Elsberg and Jacob Amberg—to the Select Committee on Indian Depredation Claims.

By Mr. McCLAMMY: A bill (H. R. 8072) for the relief of Albert L. Scott—to the Committee on War Claims.

By Mr. MILLIKEN: A bill (H. R. 8073) granting a pension to Timothy Higgins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8074) granting veteran bounty to James Murry—to the Committee on War Claims.

By Mr. MOORE, of New Hampshire (by request): A bill (H. R. 8075) granting a pension to Thomas F. Leahy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8076) granting a pension to Jennie M. Swain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8077) granting a pension to Mary Flynn—to the Committee on Invalid Pensions.

By Mr. NUTE: A bill (H. R. 8078) granting an increase of pension to James W. Lathe—to the Committee on Invalid Pensions.

By Mr. O'NEIL, of Massachusetts: A bill (H. R. 8079) granting a pension to Winifred Keenan—to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 8080) granting a pension to Catherine Sullivan—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 8081) granting a pension to James McGinn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8082) granting a pension to Julia Horrigan, widow of Patrick Horrigan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8083) granting a pension to Isaac Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8084) granting a pension to Margaret J. Hart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8085) granting a pension to Ellen O'Brien—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8086) granting a pension to Cornelius Marsh—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 8087) granting a pension to Johnson Reddick—to the Committee on Pensions.

By Mr. REED, of Iowa: A bill (H. R. 8088) granting a pension to Thelbert H. Head—to the Committee on Invalid Pensions.

By Mr. EZRA B. TAYLOR: A bill (H. R. 8089) to correct the name of George D. Parker on the military rolls—to the Committee on Military Affairs.

By Mr. TAYLOR, of Tennessee: A bill (H. R. 8090) for the relief of Andrew C. Fondren, of Washington County, Tennessee—to the Committee on Claims.

By Mr. TOWNSEND, of Colorado: A bill (H. R. 8091) for the relief of A. J. Sampson—to the Committee on Claims.

By Mr. WILSON, of West Virginia: A bill (H. R. 8092) granting a pension to Lucinda A. Brown, widow of Jacob E. Brown, deceased—to the Committee on Invalid Pensions.

By Mr. WILSON, of Washington: A bill (H. R. 8093) granting an increase of pension to Robert H. Milroy, major-general, United States volunteers—to the Committee on Invalid Pensions.

By Mr. WILEY (by request): A bill (H. R. 8094) for the relief of Maria Shuler, administratrix of Dr. John S. Shuler—to the Committee on Claims.

By Mr. YARDLEY: A bill (H. R. 8095) granting a pension to Robert Hargraves—to the Committee on Invalid Pensions.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (H. R. 1449) conferring jurisdiction upon the Court of Claims to finally determine the claims of Charles E. Creecy, for the use of the Schillinger patent in the Capitol Grounds—Committee on the Judiciary discharged, and referred to the Committee on Claims.

A bill (H. R. 1458) for the relief of Hartwell Silver—Committee on Pensions discharged, and referred to the Committee on Military Affairs.

Protest by citizens of Red Lodge, Mont., against extending boundaries of the Yellowstone National Park—Committee on Public Buildings and Grounds discharged, and referred to the Committee on the Public Lands.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were delivered to the Clerk and referred as follows:

By Mr. ADAMS: Petition for the relief of J. W. Chickering and others—to the Committee on Accounts.

By Mr. ALLEN, of Michigan: Petition of Mrs. Jennie E. Hall, for pension—to the Committee on Invalid Pensions.

By Mr. ALLEN, of Mississippi: Petition of William Burgess, of Mississippi, for reference of his claim to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

Also, petition of William McKnight, of Mississippi, for the same purpose—to the Committee on War Claims.

By Mr. ANDERSON, of Kansas: Petition of John A. Logan Post, No. 127, Grand Army of the Republic, of Salina, Kans., for service-pension bill—to the Committee on Invalid Pensions.

By Mr. ATKINSON, of Pennsylvania: Petition of 13 persons of Pennsylvania, for a Sunday-rest law—to the Committee on Labor.

By Mr. BARNES (by request): Petition of 140 persons of Augusta, Ga., for Sunday-rest law—to the Committee on the Judiciary.

By Mr. THOMAS M. BROWNE: Petition of 25 citizens of the city of Richmond, Ind., against the passage of any bill in regard to the observance of the Sabbath—to the Committee on Labor.

By Mr. CHIPMAN: Papers relative to case of Capt. Stephen Martin—to the Committee on Invalid Pensions.

By Mr. COLEMAN: Resolution of the National Farmers' Alliance and Industrial Union, indorsing the action of the commission appointed by act of Congress to select a site on the Gulf coast for a navy-yard in their selection of New Orleans—to the Committee on Naval Affairs.

By Mr. CONGER: Petition of Richmond Post, Grand Army of the Republic, Dallas County, Iowa, in favor of service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Lacona Post, Grand Army of the Republic, of Iowa, for same purpose—to the Committee on Invalid Pensions.

By Mr. DIBBLE: Concurrent resolutions of the General Assembly of South Carolina, in favor of the early completion of the jetties in the improvement of the harbor of Charleston, S. C.—to the Committee on Rivers and Harbors.

By Mr. DOLLIVER: Petition of Major Hutchison Post, No. 370, Grand Army of the Republic, Department of Iowa, Livermore, Iowa, and of Henry Dillon Post, No. 150, Grand Army of the Republic, Emmetsburgh, Iowa, for service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Henry Ellsworth Post, No. 336, Grand Army of the Republic, West Bend, Iowa, for same purpose—to the Committee on Invalid Pensions.

By Mr. DORSEY: Petition from citizens of Nebraska, asking that the present rate of duty on sugar may be maintained—to the Committee on Ways and Means.

By Mr. GEAR: Petition of S. G. Balding Post, No. 279, Grand Army of the Republic, Iowa, for service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Post No. 227, Grand Army of the Republic, Glasgow, Iowa, for same purpose—to the Committee on Invalid Pensions.

By Mr. HAUGEN: Protest of the Chamber of Commerce of Superior, Wis., against a central canal across Minnesota Point—to the Committee on Rivers and Harbors.

By Mr. HAYES: Resolutions of the General Assembly of Iowa, in favor of law requiring use on all interstate railroads of uniform and safe automatic couplers and brakes—to the Committee on Commerce.

By Mr. HENDERSON, of Iowa: Petition of Alden Spear and 57 others, of Hazelton, Buchanan County, Iowa, praying for the remonetization of silver as it was prior to 1873—to the Committee on Coinage, Weights, and Measures.

By Mr. HOPKINS: Resolutions of Aurora Post, No. 20, Grand Army of the Republic, Department of Illinois, in favor of the dependent-pension bill, etc.—to the Committee on Invalid Pensions.

By Mr. KELLEY: Resolutions indorsing the proclamation of the President of the United States, dated February 17, 1890, excluding the cattle barons, with their herds, from the Cherokee Strip, and protesting that the interference of said barons has been the principal obstacle in the way of opening said Strip to settlement, and insisting that when said Strip is open for settlement, whatever may be the consideration awarded in the adjustment of the Cherokee claims, said lands should be opened for settlement under the homestead laws of the United States only—to the Committee on the Public Lands.

Also, resolutions authorizing the carpenters of the House to construct shelving in document-room, and instructing the Clerk to pay for same out of contingent fund of the House—to the Committee on Public Buildings and Grounds.

Also, petition of the F. M. B. A. of Coffey and Osage Counties, Kansas, asking for free coinage of silver, for expansion of the paper currency, abolition of the national banks, election of United States Senators by a direct vote of the people, the suppression of trusts and combines, for a graduated income tax, for a Government loan to farmers at not a greater per cent. than 2 per cent. per annum, for a law to prevent dealings in futures in agricultural products, for a deep-water harbor in the Gulf of Mexico—to the Committee on Agriculture.

By Mr. KERR, of Iowa: Petition of 468 citizens of Iowa, for the passage of a Sunday-rest law—to the Committee on Labor.

Also, petition of John Kyle Post, Coggon, Iowa, for a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of William Beaver Post, Tipton, Iowa, for same purpose—to the Committee on Invalid Pensions.

Also, petition for same purpose from Cuban Post, Springville, Iowa—to the Committee on Invalid Pensions.

Also, petition of Union Mills Post, Central City, Iowa, for same purpose—to the Committee on Invalid Pensions.

By Mr. LODGE: Petition of citizens of Medford, Mass., for an appropriation for a public building in that town—to the Committee on Public Buildings and Grounds.

Also, a petition of the Boston Longshoremen's Provident Union, recommending a proposed amendment to the tariff laws relating to the warehousing of imported merchandise—to the Committee on Ways and Means.

Also, resolutions of Local Assembly No. 7174, Knights of Labor, of Boston, upon the same subject—to the Committee on Ways and Means.

By Mr. McCORD: Petition of S. S. Cohen and 148 others, citizens of Wausau, Wis., in favor of the erection of a public building at Wausau, Wis.—to the Committee on Public Buildings and Grounds.

Also, resolution of the Wausau (Wis.) Business Men's Association, for same purpose—to the Committee on Public Buildings and Grounds.

Also, petition of M. A. Hurley and 118 others, citizens of Wausau, Wis., for same purpose—to the Committee on Public Buildings and Grounds.

Also, remonstrance of E. B. Graham and 60 others, citizens of Fish Creek, Wis., against the passage of a Sunday-rest law—to the Committee on Labor.

By Mr. MOORE, of New Hampshire (by request): Memorial of Thomas F. Leahey, for pension—to the Committee on Invalid Pensions.

By Mr. PAYNE: Petition for correcting the military record of Luther Green by Hudson Post, Grand Army of the Republic, Fair Haven, N. Y.—to the Committee on Military Affairs.

Also, petition for relief of Julia Horrigan—to the Committee on Invalid Pensions.

Also, petition for back pension for Ellen O'Brien—to the Committee on Invalid Pensions.

Also, petition, etc., asking for pension for Margaret J. Hoit—to the Committee on Invalid Pensions.

By Mr. PAYNTER: Petition of James Henderson, sr., for nursing, boarding, washing, and mending for a soldier—to the Committee on War Claims.

By Mr. PERKINS: Resolutions adopted at a mass-meeting of ex-Union soldiers and citizens of Anderson County, Kansas, asking for the passage of the Ingalls service-pension bill—to the Committee on Invalid Pensions.

Also, petition of A. J. Tapper and other ex-Union soldiers of Independence, Kansas, for same purpose—to the Committee on Invalid Pensions.

Also, petition of J. W. Wright and 22 other farmers of Kansas, asking for legislation prohibiting bucket-shops and other combinations organized to control the price of farm products—to the Committee on the Judiciary.

By Mr. PETERS: Petition of Liberty Alliance, No. 943, Kansas, favoring deep-harbor bill—to the Committee on Rivers and Harbors.

Also, resolutions of Board of Trade, Larned, Kans., favoring same improvement—to the Committee on Rivers and Harbors.

Also, petition of J. H. Bonsall and 70 other residents of Arkansas City, Kans., and vicinity, asking legislation opening the Cherokee Strip to white settlement under the homestead law—to the Committee on Indian Affairs.

By Mr. PICKLER: Petition of soldiers of Andover, S. Dak., asking for service-pension bill—to the Committee on Invalid Pensions.

Also, memorial of Woman's Christian Temperance Union, of Hyde County, South Dakota, asking that Congress reject the recommendation of the Senate Naval Committee for large expenditures for navy and coast defenses—to the Committee on Expenditures in the Navy Department.

Also, memorial of Society of Friends, of Mount Vernon, S. Dak., numbering over 100 persons, for same purpose—to the Committee on Expenditures in the Navy Department.

Also, resolution of Luther C. Ludd Post, No. 146, Grand Army of the Republic, Department of Dakota, for service-pension bill—to the Committee on Invalid Pensions.

Also, memorial of Ransom Post, Grand Army of the Republic, Mitchell, S. Dak., for same purpose—to the Committee on Invalid Pensions.

Also, petition of Meade Post, Grand Army of the Republic, Gettysburgh, S. Dak., for same purpose—to the Committee on Invalid Pensions.

Also, petition of General G. M. Dodge Post, Grand Army of the Republic, Beresford, same State, for same purpose—to the Committee on Invalid Pensions.

By Mr. PENINGTON: Petition of Margaret R. Jones, for an increase of pension—to the Committee on Pensions.

By Mr. POST (by request): Joint resolution to arbitrate and settle the questions at issue between the District of Columbia and Samuel Stroug—to the Committee on the District of Columbia.

Also, petition of W. A. Gustin and 24 others, members of George N. Kerr Post, No. 619, of Table Grove, Ill., for pension legislation—to the Committee on Invalid Pensions.

By Mr. RUSSELL: Joint resolution providing for the printing of the "Military Policy of the United States," by the late Bvt. Maj. Gen. Emory Upton, United States Army—to the Committee on Printing.

By Mr. STEWART, of Georgia (by request): Petition of 74 young men of Atlanta, Ga., for a Sunday-rest law as to mail, military service, and interstate commerce, etc.—to the Committee on Labor.

By Mr. EZRA B. TAYLOR: Petition of Bowers Post, No. 28, Grand Army of the Republic, of Ohio, for pension for Margaret A. Bowers—to the Committee on Invalid Pensions.

By Mr. THOMAS: Resolutions of Charles Green Post, No. 216, Grand Army of the Republic, of Wisconsin, indorsing service-pension bill and asking that said bill be passed at an early day—to the Committee on Invalid Pensions.

By Mr. WILEY: Petition for light-house and appropriation for dredging at Wilson Harbor, New York—to the Committee on Appropriations.

Also, petition for survey at Port Day Harbor, New York—to the Committee on Rivers and Harbors.

By Mr. WILLIAMS, of Illinois: Affidavits in support of H. R. 6287, on behalf of Sarah Phillips—to the Committee on Invalid Pensions.

## SENATE.

WEDNESDAY, March 12, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

### HOUSE BILLS REFERRED.

The following bills, received yesterday from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (H. R. 188) for the erection of a public building at Columbus, Ga.;

A bill (H. R. 417) for the erection of a public building at Houlton, Me.;

A bill (H. R. 401) to provide for the construction of a public building at the city of Alexandria, State of Louisiana;

A bill (H. R. 448) for the erection of a public building at Lynn, Mass.;

A bill (H. R. 516) to extend the limits for the erection of a public building at Springfield, Mo.;

A bill (H. R. 533) for the erection of a public building at Fremont, Nebr.;

A bill (H. R. 605) to increase the appropriation for the erection of a public building at Troy, N. Y.;

A bill (H. R. 848) to authorize the construction of an addition to the public building in Dallas, Tex.; and

A bill (H. R. 3331) to amend an act entitled "An act to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pa.," approved July 27, 1882.

The PRESIDENT *pro tempore*. The following bills of the Senate having passed the House of Representatives with amendments will be reported by their titles and referred with the amendments of the House of Representatives to the Committee on Public Buildings and Grounds.

The CHIEF CLERK. A bill (S. 903) for the erection of a public building in Cedar Rapids, Iowa.

Mr. ALLISON. As the amendments of the House of Representatives to that bill probably will not be disagreed to by the Senate, I ask that the bill and amendments may lie on the table for the present.

The PRESIDENT *pro tempore*. If there be no objection, this bill and all the Senate bills on the subject of public buildings amended by the House of Representatives will lie upon the table for the present.

The remaining bills were, with the amendments of the House of Representatives, ordered to lie on the table, as follows:

A bill (S. 859) for the erection of a public building at Chester, Pa.;

A bill (S. 2406) to provide for the purchase of a site and the erection of a public building thereon at Atchison, in the State of Kansas; and

A bill (S. 606) to provide for the purchase of a site and the erection of a public building thereon at La Fayette, in the State of Indiana.

### PUBLIC BUILDING AT NEWARK, N. J.

The bill (H. R. 7156) to provide for the increase of the limit of cost of site and public building at Newark, N. J., was read twice by its title and ordered to lie on the table.

### INTRODUCTION OF CONTAGIOUS DISEASES.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message of the House of Representatives requesting the return to that body of the bill (S. 140) to prevent the introduction of contagious diseases from one State to another and for the punishment of certain offenses. If there be no objection, the bill will be returned to the House of Representatives in accordance with its request.

### COMMITTEES ON IMMIGRATION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a concurrent resolution of the Senate amended by the House of Representatives. It was previously laid before the Senate with the amendment of the House of Representatives, and was laid over at the request of the



Senator from Vermont [Mr. EDMUNDS]. The resolution will first be read as it passed the Senate.

The Chief Clerk read the resolution passed by the Senate January 23, 1890, as follows:

*Resolved by the Senate (the House of Representatives concurring), That the Senate Committee on Immigration and the House Committee on Immigration and Naturalization be, and hereby are, authorized jointly to investigate the workings of the various laws of the United States and of the several States relative to immigration from foreign countries to the United States, especially the law of Congress "to regulate immigration," approved August 3, 1882, and also to investigate the workings of the contracts made by the Secretary of the Treasury under said law of August 3 with the various State commissions, boards, and officers, the investigation to be conducted at such times and places as said committees may deem proper. And the committees are hereby authorized jointly, as full committees or through subcommittees thereof, to send for and examine persons, books, and papers, and to administer oaths to witnesses.*

The PRESIDENT *pro tempore*. The amendment of the House of Representatives will be read.

The CHIEF CLERK. Amend by adding, after the word "officers," in line 10:

And also to investigate the effect on immigration, and incidentally on American workmen, which is likely to follow the purchase of American industries by foreign capital, and also to report to Congress the official correspondence in the proposal to make Bedloe's (Liberty) Island, in the harbor of New York, an immigrant depot, what title the Government has to such island, what buildings, if any, are intended to be built on said island, and what officers and employes it is designed to employ thereon in connection with such immigration, and whether in the opinion of the committee, after investigation, such island is the best and most suitable place for such immigrant depot.

Mr. EDMUNDS. After this matter was laid over yesterday, I thought it to be a duty to communicate with the Secretary of the Treasury and ask his views upon the subject, which I did. I received a reply this morning and as a part of the history of the operation I ask that the dispatch from the Secretary of the Treasury may be read, after which I understand the Senator from New Hampshire [Mr. CHANDLER] proposes to non-concur and ask for a conference.

The PRESIDENT *pro tempore*. The communication will be read. The Secretary read as follows:

TREASURY DEPARTMENT, March 12, 1890.

To Hon. GEORGE F. EDMUNDS:

In reply to your telegram regarding the effect of the proposed amendment to the Senate concurrent resolution providing for inquiry into the question of the removal of the immigrant station from Castle Garden, I desire to say that after careful inquiry and personal investigation I am of the opinion that the removal of the immigrant station from its present environment is essential to the good administration of the immigration laws, and that Bedloe's Island is the best obtainable place for such depot. The right to use Castle Garden will expire on the 18th of April, and it is therefore necessary that steps be taken at once to provide for reception of immigrants. I deem it my duty under existing statutes to proceed to make this preparation without delay. I do not construe the proposed amendment as an expression of Congress that there should be any interruption of said preparations. If I am mistaken in this construction, I hope that the amendment may be so amended as to plainly indicate the will of Congress on that point, and thereby relieve the Department from the responsibility now imposed by law. In this connection, I desire to add that there is no objection on the part of the Department to the proposed investigation.

WM. WINDOM.

Mr. CHANDLER. I move that the Senate non-concur in the House amendment to the concurrent resolution of the Senate and insist on its first resolution, and ask for a conference on the disagreeing votes of the two Houses.

Mr. MCPHERSON. Mr. President, I am somewhat surprised at the motion made by the Senator from New Hampshire. From the reading of the dispatch of the Secretary of the Treasury it is plainly evident that the Secretary intends to proceed to take possession of Bedloe's Island, or what is now called Liberty Island, and upon that island to erect all kinds of structures, barracks, or whatever they may be, together with docks and piers along the shore of the island to accommodate the business of the immigration department. Now, it seems to me as though that is an unwarrantable proceeding.

It will be remembered that when the statue of Liberty was given to the people of this country by a distinguished citizen of France, it remained on the other side of the ocean for years before the Government of the United States had even prepared a site or a foundation upon which to erect the monument. To our everlasting disgrace, if I may say it, also, it remained for the efforts of a great metropolitan journal in the city of New York, the New York World, to appeal to the country for private subscriptions with which to erect a foundation for the monument. What was the result? A sufficient amount of money was contributed, the site was selected, the foundation was built, the pedestal was erected, and thereupon the monument was received from the other side of the ocean and erected upon Liberty Island. Every dollar of money as I understand—and believe it to have been assumed by the contributors to this fund—and every dollar of money paid in for the purpose of assisting in the erection of the pedestal and the foundation, was upon the pledge, either expressed or implied, that Bedloe's Island should never be used for any other purpose; that is, for any purpose of a commercial character, at least.

Now it is proposed to make it an immigrant station. It is proposed to destroy the symmetry and the character of the island, one of the most beautiful spots in the harbor of New York, and upon one side of the island to erect barracks for immigration purposes.

Mr. President, there is another view to take of this case which I want to speak of here and now. A bill is now pending before the Com-

mittee on Naval Affairs of this body, based upon petitions of the Board of Trade and Chamber of Commerce of New York, the Board of Trade and Chamber of Commerce of Jersey City, and petitions signed by hundreds of citizens of both cities, also by the commissioners of navigation in the city of New York, who have made the waters in and about Ellis Island a place for anchorage. Hundreds of vessels are daily anchored about Bedloe's Island and Ellis Island. The Government has made Ellis Island, distant only a few hundred feet from Bedloe's Island, a naval magazine, where tons of powder are continually stored. The request of the Boards of Trade and Chambers of Commerce is that the Government shall provide a powder magazine other than on Ellis Island, and a bill, as I say, is now pending before the Committee on Naval Affairs, awaiting some action by the Secretary of the Navy, providing that it shall be discontinued as a naval magazine.

Ellis Island will make a most excellent place for an immigrant station. It is much larger in area than the present grounds occupied at Castle Garden, in New York, for immigrant purposes. It can be made just as large as is necessary, because of the fact that the waters are very shallow about the island, and it may be increased to any extent by putting up walls of masonry on the outer side, although there is sufficient space already for the immigrant business.

It seems to me as though the proper course to adopt would be not to occupy Bedloe's Island, or what is now popularly called Liberty Island, with any of these unsightly structures. I hardly think the Senator from New York [Mr. EVARTS], who had so much to do with the obtaining of the site and its preparation and also in the erection of the monument there, would consent to have the island defaced or used for any purpose other than the purpose for which it is now used.

The people of New York and the people of New Jersey, since it became known that it was the intention of the Secretary of the Treasury to prepare Bedloe's Island for this purpose, have sent in a most earnest protest. It is not limited alone to New York and New Jersey. The protests have come from all sections of the country.

Therefore it is that I think the amendment of the House of Representatives should be agreed upon now by the Senate, in order that the Committees on Immigration may take full action in the matter, and immediate action, to enable the Secretary of the Treasury as well to fit out a place, and a suitable place, for the immigrant business for the city. I think that Ellis Island is a proper place to locate it, for certainly the Government must remove its powder magazine from that island, as it is only a few thousand feet from the New Jersey shore and a densely populated district, with, as I said before, hundreds of vessels located in and about those islands lying at anchorage. The vessels of course are required to anchor at some point outside of the main channel, and this is one of the points selected by the Bureau of Navigation where vessels may anchor. There is too much danger in allowing that powder magazine to remain there longer.

If I understand the motion of the Senator from New Hampshire, it is to non-concur in the House amendment and to ask for a committee of conference. Am I correct in the motion?

The PRESIDENT *pro tempore*. The Senator is correct.

Mr. MCPHERSON. It seems to me as though that is going to delay this matter unnecessarily and prevent the Secretary of the Treasury from understanding that there may be another and a better site selected than the one he proposes, and one in which the people will feel an interest, first, in getting rid of the powder magazine; and, secondly, it is an island to which no objection will be made for immigrant purposes or for any purpose other than a powder station.

Mr. EVARTS. Mr. President, the Senator from New Jersey [Mr. MCPHERSON] is quite right in thinking that I look with no complacency upon the movement of the Government to use Bedloe's Island as a depot for immigrants, after it has been consecrated to the statue of Liberty and the pedestal there erected upon the action of this Government. There was prepared the foundation for the gift, and its reception by a selection at leisure by this Government of the proper portion of New York Bay that would be appropriate to this great object.

Governor's Island was regarded, the other islands were regarded, and this island was selected as one that could be given by this Government without any injury to the public service, to this munificent gift, and the liberality of our citizens at home provided for the structure that was to receive it. It is a great international monument. It is on an island accessible in fair weather for hundreds and thousands of visitors, and if the grounds were put in order, as they ought to have been by this Government long ago, it would have been one of the most attractive resorts for the citizens and visitors of our great capital through the whole summer season and through some portion of the winter.

Now suddenly a movement is made, after such consultations as may have been directed to the mere convenience, irrespective of this suggestion, that has fastened upon Bedloe's Island as the place that should be adopted as an immigrant depot. I need not say that what remonstrance I could make on the subject I have made.

It is a very serious thing to take from the island of Manhattan itself this depot and transfer it 2 miles distant, in the midst of the waters of the bay. Those that are interested in particular forms of communication and transportation of immigrants may be able to accommodate themselves to this new depot, but those that are to be brought up to the

city or otherwise are to be distributed in the neighborhood will find that this is a burden and inconvenience, and in storms and disaster it may be more serious than is now in advance imagined.

But I do not rise here to debate this question, which does not seem to be before the body. It is quite true that the date of a new contract or the rejection or refusal to continue it may terminate on the 18th of April, unless by consent some extension of that opportunity may be given.

I rise only to suggest to the Senator from New Hampshire that the shortest and easiest way to have this question disposed of satisfactorily to the Secretary of the Treasury is to leave this resolution as it now stands, to agree to the amendment of the House of Representatives, and have this made the first and principal thing, and prompt attention given to it. Otherwise, if in conference it is finally struck out and the House should agree that this business shall not be retarded by the insertion of this question of Bedloe's Island, immediately in the House, as I imagine, a committee will be raised or a resolution will be offered for a separate examination to look into this question.

Then certainly it will be a pending inquiry that the Secretary of the Treasury, the executive government, may well regard as requiring some attention before this plan so important shall be consummated. I therefore would suggest to the Senator from New Hampshire that the way to have a prompt disposition of this question prior to the 18th of April, and in time for the Secretary to know what the intention of Congress is, will be to leave this resolution as it comes up from the House of Representatives and proceed to agree to the House amendment and have the committee set at work.

Mr. CHANDLER. Mr. President, with due respect to the Senator from New York and the Senator from New Jersey, I suggest that the speediest way of disposing of this question will be by non-concurrence and a committee of conference. I was myself willing yesterday to agree to the amendment of the House, but this morning it is suggested by other Senators that there is an objection to the language of the House amendment, that it implies some hindrance or delay or embarrassment to the Secretary of the Treasury; and in deference to their judgment and in order to prevent what is inadvisable, a debate on the merits of the question here in the Senate now, I have concluded to move a non-concurrence and a request for a committee of conference.

I think that there will be speedy action both in the House and in the Senate, and that this investigation may commence within a day or two, and that the object which the Senator from New Jersey seeks to promote, and which the Senator from New York seeks to attain, will be reached easier by the motion which I have made than by a motion to concur.

Mr. McPHERSON. Mr. President—

Mr. HOAR. I hope if this question is to be debated it will go over until some later day. The morning business ought to proceed. I do not think it has ever been the custom of the Senate—though I do not raise any parliamentary objection—to take up important and debatable questions that come from the other House by amendment or otherwise, to the exclusion of the morning business to which this time is specially assigned. I suppose it will meet the views of the Senator from New Jersey to have the matter go over, will it not?

Mr. McPHERSON. I should like to have the resolution passed calling for the investigation. The Secretary of the Treasury has but thirty days' time in which to investigate. The Senator from New Hampshire [Mr. CHANDLER] now proposes to ask for a committee of conference. The committee of conference is not an investigating committee. If it be the purpose of the executive department to occupy Bedloe's Island for immigration purposes notwithstanding Congress may be opposed to it and the people opposed to it, then I am content that the responsibility should rest where it belongs. Certainly, if this resolution were passed, the committee could proceed immediately to investigate, and, further than that, could proceed to cast some further light upon the question. If it can be arranged between the Secretary of War and the Secretary of the Navy, through the influence and aid of the committee, to transfer the immigration business to Ellis Island instead of Bedloe's Island, it certainly will be much the quicker way of arriving at it, for a committee of conference can make no investigation. If you want to stop the investigation altogether, the way to do is to call for a committee of conference.

Mr. CHANDLER. A committee of conference will expedite the investigation in this way: There is now a difference of opinion between Senators on the language of this House amendment. That difference may be adjusted in conference between the committees of the two Houses, and the object in moving non-concurrence is not to delay investigation but to enable it to go forward at once.

Mr. McPHERSON. I suggest to the Senator that as I understand the Committee on Immigration have a meeting to-morrow morning, why not refer the resolution with the amendment to the committee and let them investigate it and report something back to the Senate?

That is arriving at it as quickly as can be; and certainly, perhaps to-morrow morning even, the attention of the Secretaries of the Treasury and of the Navy may be called to the fact that another island may be used instead of Bedloe's Island.

The PRESIDENT *pro tempore*. The amendment of the House of

Representatives having been read, the Senator from New Hampshire [Mr. CHANDLER] moves that the amendment be disagreed to by the Senate and a conference be requested. Is the Senate ready for the question?

Mr. McPHERSON. On that question I call for the yeas and nays. The yeas and nays were ordered.

Mr. GEORGE. I should like to have the proposition upon which we are to vote read.

The PRESIDENT *pro tempore*. The resolution of the Senate will be again read, and the proposed amendment of the House of Representatives will be also again read.

The Chief Clerk read the resolution of the Senate and the amendment of the House of Representatives.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the amendment be disagreed to by the Senate and that a conference be requested with the House of Representatives thereon.

Mr. BUTLER. Mr. President, this matter was discussed somewhat before the Committee on Naval Affairs this morning, and those of us who have not had an opportunity of investigating it, as have the Senator from New York, the Senator from New Jersey, and the Senator from New Hampshire, are not quite prepared to vote upon the proposition as it comes from the Senator from New Hampshire. I should be very glad if the Senator from New Hampshire would state—for I did not have the opportunity of hearing his statement—the object he has in non-concurring in that resolution, for it seems to me, as the Senator from New Jersey has suggested, that he accomplishes his object very much earlier by agreeing to the House amendment and allowing this investigation to go on at once. I do not see what is to be accomplished by non-concurrence in the amendment of the House. It seems to me it is an urgent matter.

Mr. HOAR. I would suggest to the honorable Senator from South Carolina, if he will permit me, to ask that this subject may go over till to-morrow morning, and the amendment be printed.

Mr. BUTLER. I think that is a good suggestion.

Mr. CHANDLER. I am willing to concur in the amendment as it stands. I made the motion to non-concur in deference to the judgment of others; but, if it will suit the Senator from New Jersey and the Senator from South Carolina, I will withdraw the motion and move to concur.

The PRESIDENT *pro tempore*. The yeas and nays having been ordered, is there objection to the motion being withdrawn?

Mr. McPHERSON. I will withdraw the request for the yeas and nays.

The PRESIDENT *pro tempore*. Is there objection to the Senator from New Hampshire withdrawing his motion? The Chair hears none.

Mr. McPHERSON. Then the question recurs on concurring in the amendment.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment of the House of Representatives.

The amendment was concurred in.

#### REVISION OF REMARKS.

Mr. HOAR. I now desire to call up as a question of privilege the resolution which comes over from yesterday.

The PRESIDENT *pro tempore*. The morning business has not yet been called.

Mr. HOAR. Then I give notice that I shall call it up at the close of the morning business.

#### PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa, presented resolutions adopted by the Twenty-third General Assembly of Iowa; which were referred to the Committee on Railroads, and ordered to be printed in the RECORD, as follows:

Whereas reliable statistics show that thousands of our young men are killed and many thousands more are crippled for life in this nation in coupling and uncoupling cars and from being on top of freight trains to handle brakes; and

Whereas the National Car-Builders' Association (an organization of mechanics in the employ of railroad companies charged with the responsibility of car-building and representing in the said association about 90 per cent. of the railroads of the nation) did, after years of earnest investigation and tests, at their twenty-fifth annual convention, held in Minneapolis, Minn., June, 1887, adopt, by over a two-thirds majority vote, an automatic safety car-coupler of the vertical plane hook type, as the standard automatic coupler for general and uniform use upon cars in the nation; and

Whereas the managers of the railroads represented in that association of National Master Car-Builders did, after ninety days of consideration, approve the action of the Master Car-Builders by over a two-thirds majority vote, thus making what was named by the executive committee of said Master Car-Builders' Association the M. C. B. coupler, meaning the Master Car-Builders' Coupler, the standard car coupler for cars on their own motion; and

Whereas said executive committee, under instructions from the association, did make specification and draught contour lines of said couplers and publish them to the world, stating that any automatic vertical plane coupler that would couple automatically with the M. C. B. coupler and also couple readily by hand to the common draw-bar, with the link and pin coupler, would be considered as a standard coupler and could be so used by all railroads (of which there are now some ten or twelve already accepted and in use by the roads), thus forestalling a monopoly in such coupler; and

Whereas said same Master Car-Builders did in the same convention held in Minneapolis in 1887 adopt the report of their committee on freight-car brakes, which report showed that power or air brakes were as practically applicable to freight as to passenger cars; and

Whereas there being now no longer any doubt as to the practicability of ap-



plying such brakes to freight trains, and were such uniform automatic power brakes and couplers universally and uniformly adopted and used in the freight-car transportation service of the nation, it would prevent a very large percent of the fatalities and injuries now daily and hourly suffered by this large class of young men engaged in the indispensable work of the commerce of the nation: Therefore,

*Be it resolved by the senate (the house concurring),* That our Senators and Representatives in Congress be most earnestly and respectfully requested to take all proper means to have enacted at the earliest possible date efficient laws that shall require that all cars used on railroads in the interstate commerce of the nation shall be equipped with uniform, safe, automatic couplers and power automatic brakes, to the end that the present terrible sacrifice of life and limb be prevented, and this "reproach to our civilization, of subjecting any class of American workmen, while in the pursuit of a necessary and useful avocation, to a peril of life and limb as great as that of a soldier in time of war," be taken away. I hereby certify that the foregoing resolution has been passed by both houses of the General Assembly of Iowa.

W. R. COCHRANE, *Secretary Senate.*

Mr. SQUIRE presented a petition of the Board of Trade of Vancouver, Wash., praying for the passage of Senate bill No. 1662, to authorize the construction of bridges across the Columbia River and its tributaries by the Oregon Railway Extensions Company; which was referred to the Committee on Commerce.

Mr. SHERMAN presented a memorial of the Monthly Meeting of Friends of Caesar's Creek, Ohio, and a memorial of the American Peace Society, favoring legislation providing for international arbitration; which were ordered to lie on the table.

Mr. MOODY presented a petition of 34 members of the Farmers' Alliance of Flora, S. Dak., praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. STOCKBRIDGE presented a petition of 29 citizens of Lansing, Mich., praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. ALLISON presented the petition of J. G. Thomas and other citizens of Iowa and the petition of E. M. Burrhus and other citizens of Iowa, praying for the passage of such laws as will prohibit boards of trade, bucket-shops, and mercantile bodies and individuals from fixing the value on raw or manufactured produce of American farms by sales of promises of future deliveries of anything but the actual produce or manufacture; which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the National Grange of Patron of Husbandry at its annual session held at Sacramento, Cal., November 13, 1889, favoring legislation to prevent the false branding and adulteration of food products, including liquors and drugs; which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Iowa Woman's Synodical Missionary Societies at a session convened at Iowa City, Iowa, October 11, 1889, praying the national Congress to use every means to stay the iniquity of the liquor traffic in Africa; which were referred to the Committee on Foreign Relations.

He also presented a petition of 36 citizens of Marshalltown, Iowa; a petition of 37 citizens of Marshalltown, Iowa, and a petition of 14 citizens of Allerton, Wayne County, Iowa, praying for the free coinage of silver; which were referred to the Committee on Finance.

He also presented a resolution of Sam. Rice Post, No. 6, Department of Iowa, Grand Army of the Republic, praying for the passage of the service-pension bill; which was referred to the Committee on Pensions.

He also presented the petition of S. C. Thornton and other citizens of Hardin County, Iowa, and the petition of H. N. Peckham and other citizens of Hardin County, Iowa, praying for the passage of laws prohibiting gambling in farm products; which were referred to the Committee on Agriculture and Forestry.

Mr. BUTLER presented resolutions adopted by the Board of Trade of Buford and Port Royal, in the State of South Carolina, remonstrating against the passage of the bill to exempt coastwise sailing vessels from the obligations of employing pilots licensed under State authority; which were referred to the Committee on Commerce.

Mr. BLAIR presented a petition of the Woman's Christian Temperance Union of North Haverhill, N. H., numbering 15 members, officially signed, and a petition of the Woman's Christian Temperance Union of Piermont, N. H., numbering 69 members, officially signed, remonstrating against large expenditures for naval vessels and coast defenses; which were ordered to lie on the table.

He also presented a petition of Nicholas M. Butler and 7 others, president and faculty of the College for the Training of Teachers, of New York City, praying for a statistical investigation of industrial and technical schools; which was referred to the Committee on Education and Labor.

He also presented a petition of the First Congregational Church of Oakland, Cal., praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Weare Monthly Meeting of Friends, of Merrimack and Hillsborough Counties, New Hampshire, numbering 140 members, officially signed, remonstrating against large expenditures for naval vessels and coast defenses; which was referred to the Committee on Naval Affairs.

He also presented two petitions of adult citizens of the United States, praying for the passage of a national Sunday-rest law; which were referred to the Committee on Education and Labor.

Mr. EVARTS presented a petition of 21 citizens of Warren County, New York, and a petition of 24 citizens of Athol, Warren County, New York, praying for the free coinage of silver; which were referred to the Committee on Finance.

He also presented a memorial of the Butternuts Monthly Meeting of Friends, of Otsego County, New York, remonstrating against increased expenditures for the Navy and so-called coast defenses; which was referred to the Committee on Naval Affairs.

Mr. PLUMB presented the petition of William C. Shimoneck, of Washington, D. C., late a band-master, Third Regiment, United States Infantry, praying for certain legislation for his relief; which was referred to the Committee on Military Affairs.

Mr. WILSON, of Maryland, presented the petition of 230 citizens of Somerset County, Maryland, and of other parties in interest, praying for the erection of a light-house upon Porpoise Point near the mouth of Great Annessex and Manokin Rivers, in the State of Maryland; which was referred to the Committee on Commerce.

#### REPORTS OF COMMITTEES.

Mr. BLACKBURN, from the Committee on Naval Affairs, submitted a report to accompany the joint resolution (S. R. 51) authorizing the President to appoint Richard H. Jackson to be an ensign in the Navy of the United States, heretofore reported by him.

Mr. HIGGINS, from the Committee on Claims, to whom was referred the bill (S. 846) for the relief of Nathaniel McKay and the executors of Donald McKay, reported it without amendment, and submitted a report thereon.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred the memorial of the Legislative Assembly of the Territory of Arizona, urging the acquirement of certain territory from Mexico, asked to be discharged from its further consideration; which was agreed to.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1577) granting a pension to Francis E. Smith;

A bill (S. 1109) granting an increase of pension to John Kinney;

A bill (S. 2933) granting a pension to Jane H. Palmer; and

A bill (S. 1064) granting a pension to Margaret E. Adamson.

He also, from the same committee, to whom was referred the bill (S. 510) granting a pension to John W. Reynolds, reported it with an amendment, and submitted a report thereon.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (S. 2058) for the relief of Isabella Hance, administratrix of William Hance, reported it without amendment, and submitted a report thereon.

Mr. CASEY, from the Select Committee on Irrigation and Reclamation of Arid Lands, reported an amendment intended to be proposed to the urgent deficiency appropriation bill, and moved that it be printed and referred to the Committee on Appropriations; which was agreed to.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 868) for the relief of J. Henry Rives, reported it without amendment, and submitted a report thereon.

Mr. PADDOCK, from the Committee on Public Lands, to whom was referred the bill (S. 1355) to authorize the Secretary of the Interior to survey and mark the boundary line between the States of North and South Dakota, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, reported a bill (S. 3089) to authorize the Secretary of the Interior to survey and mark the seventh standard parallel between the States of North Dakota and South Dakota; which was read twice by its title.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 193) directing the Secretary of the Treasury to re-examine and resettle the accounts of certain States and the city of Baltimore, growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812, reported it without amendment.

#### SUGAR-BEET INDUSTRY OF BOHEMIA.

Mr. PADDOCK, from the Committee on Agriculture and Forestry, reported the following resolution; which was referred to the Committee on Printing:

*Resolved,* That there be printed 5,500 copies of the Sugar-Beet Industry of Bohemia, a report by Commercial Agent Hawes, of Reichenberg, 5,000 for the use of the Senate and 500 for the use of the Committee on Agriculture and Forestry.

#### PRINTING OF GEOLOGICAL REPORTS.

Mr. MANDERSON. I am directed by the Committee on Printing to report favorably a House concurrent resolution, and I ask for its immediate consideration.

The resolution was read, as follows:

*Resolved by the House of Representatives (the Senate concurring herein),* That there be printed at the Government Printing Office, in addition to the number already ordered by law, 15,500 copies each of the tenth, eleventh, and twelfth annual reports of the Director of the United States Geological Survey, uniform with the preceding volumes of the series, of which 3,500 of each shall be for the use of the Senate, 7,000 for the use of the House of Representatives, and 5,000 for distribution by the Geological Survey.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. I should like to ask the Senator if that is the usual number of the previous reports which has been printed?

Mr. MANDERSON. It is exactly in accordance with the number that has been printed for many years.

Mr. COCKRELL. I find very frequently that we sometimes get a larger number of these reports than at others, and it makes the excess of no particular value. There ought to be a regularity in the number of these valuable books that are published, so that we can supply them in sets, and not have an excess of one volume over others.

Mr. MANDERSON. This is in exact accordance with the number printed for many years, at least as long as I have been connected with the Committee on Printing.

The resolution was considered by unanimous consent, and concurred in.

Mr. MANDERSON. I am directed by the Committee on Printing to report back adversely the concurrent resolution submitted by the Senator from Arkansas [Mr. JONES], the consideration of which is not now needed on account of the resolution just passed.

The resolution submitted by Mr. JONES, of Arkansas, December 19, 1889, was read, as follows:

*Resolved by the Senate (the House of Representatives concurring herein), That there be printed at the Government Printing Office, in addition to the number already ordered by law, 15,000 copies each of the tenth, eleventh, and twelfth annual reports of the Director of the United States Geological Survey, uniform with the preceding volumes of the series, of which 3,500 of each shall be for the use of the Senate, 7,000 for the use of the House of Representatives, and 5,000 for distribution by the Geological Survey.*

Mr. MANDERSON. I move that that resolution be indefinitely postponed.

The motion was agreed to.

Mr. MANDERSON. I am also instructed by the Committee on Printing, to whom was referred a resolution submitted by myself January 21, 1890, to report it adversely.

The Chief Clerk read the resolution, as follows:

*Resolved by the Senate (the House of Representatives concurring herein), That there be printed at the Government Printing Office, in addition to the number already ordered by law, 15,000 copies each of the tenth, eleventh, and twelfth annual reports of the Director of the United States Geological Survey, uniform with the preceding volumes of the series, of which 3,500 of each shall be for the use of the Senate, 7,000 for the use of the House of Representatives, and 5,000 for distribution by the Geological Survey.*

Mr. MANDERSON. I move that that resolution be indefinitely postponed.

The motion was agreed to.

#### COAST SURVEY REPORT.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following resolution, submitted December 20, 1889, reported it without amendment; and it was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring), That there be printed, and bound in cloth, 5,000 extra copies of the report of the Superintendent of the United States Coast and Geodetic Survey for the fiscal year ending June 30, 1889, together with the usual necessary progress sketches and illustrations, 1,000 copies of which shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the United States Coast and Geodetic Survey.*

#### BILLS INTRODUCED.

Mr. PLATT introduced a bill (S. 3077) granting an increase of pension to Charles H. Moore; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL (by request) introduced a bill (S. 3078) to carry out the findings of the Court of Claims in the case of James H. Dennis; which was read twice by its title, and referred to the Committee on Claims.

Mr. STOCKBRIDGE introduced a bill (S. 3079) for the erection of a public building at Grand Haven, State of Michigan; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MANDERSON introduced a bill (S. 3080) providing for the construction of a military store-house and offices for Army purposes at the Omaha military depot, Nebraska, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TELLER (by request) introduced a bill (S. 3081) granting arrears of pension to Emelia Mumm; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MOODY introduced a bill (S. 3082) to validate pre-emption filings and pre-emption proofs made within the States of North and South Dakota, Montana, and Washington; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PLUMB (by request) introduced a bill (S. 3083) making an appropriation for the relief of Lucy J. Pruner, daughter and only heir of Black Beaver, a Delaware Indian; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3084) granting an increase of pension to General James W. McMillan; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3085) for the relief of Mrs. Moivre

Tousey; which was read twice by its title, and referred to the Committee on Claims.

Mr. McPHERSON introduced a bill (S. 3086) authorizing the Secretary of the Treasury to appoint commissioners to investigate certain claims for damages done to planted oysters in Raritan Bay in 1881; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL introduced a bill (S. 3087) for the relief of the legal representatives of Mrs. A. Shirley; which was read twice by its title, and referred to the Committee on Claims.

Mr. PADDOCK introduced a bill (S. 3088) granting pay as Indian agent to Charles H. Potter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. HOAK introduced a bill (S. 3090) for the erection of a public building at Haverhill, Mass.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. 386) to construct a public building at Baton Rouge, La.; in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 306) for the erection of a public building in the city of Lansing, in the State of Michigan;

A bill (S. 801) granting a pension to Miss Elizabeth A. Tuttle;

A bill (S. 806) granting a pension to Cyrus Tuttle;

A bill (S. 807) granting a pension to Mary E. Noll, widow of Philip Noll;

A bill (S. 810) granting a pension to Eliza A. Talbott;

A bill (S. 813) granting a pension to Stephen Schiedel;

A bill (S. 1272) to increase the limit of cost of the public building authorized by act of Congress, approved June 30, 1886, to be erected at El Paso, Tex.; and

A bill (S. 2994) to authorize the construction of a bridge over the Arkansas River in the Indian Territory.

#### WITHDRAWAL OF PAPERS.

On motion of Mr. MORRILL, it was

*Ordered*, That Mary E. Woodward have leave to withdraw her papers from the files of the Senate, subject to the rules of the Senate touching the same.

On motion of Mr. MITCHELL, it was

*Ordered*, That the papers in the case of Sarah A. R. Camp, deceased, be withdrawn from the files of the Senate and delivered to her representative, no report having been made on them.

#### ADDITIONAL SENATE EMPLOYEES.

Mr. HIGGINS. I submit a resolution which I ask may be read.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized and directed to appoint five additional messengers at an annual salary of \$1,440, two skilled laborers at an annual salary of \$1,000, and two laborers at an annual salary of \$720, to be paid from the contingent fund of the Senate during the remainder of the current fiscal year, upon vouchers approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HIGGINS. I will say that I introduce the resolution on account of the need caused by having committee-rooms outside of the Capitol.

The PRESIDENT *pro tempore*. The resolution will be referred, under the rules, to the Committee to Audit and Control the Contingent Expenses of the Senate.

#### VOTES IN EXECUTIVE SESSION.

Mr. PLUMB. I offer an amendment to Rule XXXIX, which I ask may be read and referred to the Committee on Rules.

The Chief Clerk read as follows:

Resolution proposing an amendment to Rule XXXIX.

Add at the close:

"Provided, That all votes cast in executive session, whether upon yeas-and-nays vote or otherwise, shall be made public at the close of the session at which the same are cast."

#### REVISION OF REMARKS.

The PRESIDENT *pro tempore*. Are there further resolutions, concurrent or other?

Mr. HOAR. I call up the resolution on which the vote was being taken when we adjourned yesterday.

The PRESIDENT *pro tempore*. Is there further morning business? The Senator from Massachusetts [Mr. HOAR] moves that the Senate proceed to the consideration of a resolution which will be read.

The Chief Clerk read the resolution reported by Mr. HOAR, from the Committee on Privileges and Elections, March 10, 1890, as follows:

*Ordered*, That in all future editions of the CONGRESSIONAL RECORD the following words be stricken from the report of the remarks of Mr. CALL, a Senator from the State of Florida, in the Senate, Thursday, February 20, 1890, as heretofore published in the Record, namely:

"And murder of hundreds of women and children in the Southern States."

"Of these horrid crimes."

"The blood of Saunders, if the evidence shall show his death was in any way



connected with the prosecutions in the United States courts, will rest on his conscience. The shrieking ghosts of the hundreds of outraged and murdered women and children, the victims of the wild lust and passions of a race who owe all that they know of religion and civilization to the Southern white people, and not to the Senator from New Hampshire, will disturb his sleeping and his waking hours. Like Banquo's ghost, it will not down, and the ocean will not wash his blood-stained hands from the guilt of the rape and murder of these tender white women and children," said words having not actually been spoken by him, and that the passage of his remarks in which said words were inserted be published in such future editions as originally reported by the Official Stenographer.

The PRESIDENT *pro tempore*. The question is on the motion to take up the resolution.

Mr. SHERMAN. The yeas and nays were ordered yesterday.

The PRESIDENT *pro tempore*. That was on the passage of the resolution. The question now is on proceeding to the consideration of it. The motion was agreed to; and the Senate resumed the consideration of the resolution.

The PRESIDENT *pro tempore*. The yeas and nays having been ordered on the passage of the resolution, the Secretary will call the roll.

The Secretary proceeded to call the roll.  
Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. DANIEL (when his name was called). I was paired with two gentlemen, one of whom is the Senator from Vermont [Mr. EDMUNDS]. That was for yesterday afternoon, but I would have continued the pair this morning but for his presence. I have a general pair with the Senator from Washington [Mr. SQUIRE]. I do not see him here. If he were present I should vote "nay" and I suppose he would vote "yea."

Mr. DOLPH (when his name was called). I am paired with the senior Senator from Georgia [Mr. BROWN], and I withhold my vote on this question.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. JONES, of Arkansas (when his name was called). I am paired with the Senator from New York [Mr. HISCOCK]. If he were present I should vote "nay" and he would vote "yea."

Mr. MORRILL (when his name was called). I have a general pair with the Senator from Tennessee [Mr. HARRIS]. I do not see him present, and therefore I withhold my vote.

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. If he were present I should vote "nay."

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR], and therefore withhold my vote. I should vote "yea" if he were present.

Mr. STOCKBRIDGE (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM]. If he were present, I should vote "yea."

Mr. WASHBURN (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON]. If he were present, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 36, nays 14; as follows:

## YEAS—36.

Aldrich,	Dixon,	Ingalls,	Pierce,
Allen,	Edmunds,	Jones of Nevada,	Pugh,
Alison,	Evarts,	McMillan,	Sawyer,
Blair,	Frye,	Manderson,	Sherman,
Casey,	Gray,	Mitchell,	Spooner,
Cocciell,	Hale,	Moody,	Teller,
Cullom,	Hawley,	Paddock,	Vance,
Davis,	Higgins,	Payne,	Wilson of Iowa,
Dawes,	Hoar,	Pettigrew,	Woolcott.

## NAYS—14.

Bate,	George,	McPherson,	Walthall,
Blackburn,	Gorman,	Morgan,	Wilson of Md.
Coke,	Hampton,	Reagan,	
Eustis,	Kenna,	Vest,	

## ABSENT—32.

Barbour,	Chandler,	Hearst,	Ransom,
Beck,	Colquitt,	Hiscock,	Squire,
Berry,	Daniel,	Jones of Arkansas,	Stanford,
Blodgett,	Dolph,	Morrill,	Stewart,
Brown,	Farwell,	Pasco,	Stockbridge,
Butler,	Faulkner,	Platt,	Turpie,
Call,	Gibson,	Plumb,	Voorhees,
Cameron,	Harris,	Quay,	Washburn.

So the resolution was agreed to.

## DEATH OF REPRESENTATIVE TOWNSHEND.

Mr. CULLOM. I rise to announce that on Friday morning immediately after the morning business I will call up the House resolutions relating to the death of Mr. Townshend, late a member of Congress from my State.

## PRESIDENT PRO TEMPORE OF THE SENATE.

Mr. EVARTS. Mr. President, I call up in the Senate the privileged question of the resolution reported by the Committee on Privileges and Elections, as to the office of the President *pro tempore* and the power of the Senate concerning the same.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate do now proceed to the consideration of the Order of Business which will be reported by the Chief Clerk.

The Chief Clerk read the following resolution, reported by Mr. EVARTS from the Committee on Privileges and Elections February 10, 1890:

*Resolved*, That it is competent for the Senate to elect a President *pro tempore*, who shall hold the office during the pleasure of the Senate and until another is elected, and shall execute the duties thereof when the Vice-President is absent.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New York to proceed to the consideration of this resolution.

The motion was agreed to.

Mr. EVARTS. Mr. President, when I called up this matter in the Senate when it was last considered, I announced that when it was brought up again I should ask that the Senate should proceed to a vote upon it. The Senator from Mississippi [Mr. GEORGE] who is in his seat has now, I believe, the floor upon that question.

Mr. GEORGE. Mr. President, I wish to acknowledge the courtesy extended to me by the Senator from New York [Mr. EVARTS] in having this matter postponed until it should suit my convenience to address the Senate. I feel that in attempting to present the arguments in opposition to this resolution I undertake a hopeless task. The resolution has received the sanction of one of the ablest committees of the Senate, and so far as I know has received the unanimous assent of that committee; yet I feel that my duty as a Senator, my obligation to support the Constitution, requires of me to say something against this innovation in the practice of the Senate.

I am sure that I stand on safe ground. I have on the side which I shall advocate this morning the uniform practice of the Senate commencing with the very first session of Congress under the Constitution and continued from that day without a single break up to the present time. Certainly, a construction of the Constitution which received the sanction of the first Senate, in which there were many members who assisted in framing the Constitution, continued without dissent from that time to the present, a construction of the Constitution thus commenced and thus sanctioned ought not to be departed from for light and trivial causes. The very first act ever performed by the American Senate was the election of a President *pro tempore*. In the order made by the Senate for that election the term of that officer was fixed in plain and unequivocal language. It was ordered that he be elected "for the sole purpose" of opening the electoral vote. From that time until the year 1861, so far as my researches go, there was unanimous consent on the part of the distinguished men, our predecessors in these chairs, as to the true construction of the clause of the Constitution now involved. At all times and in every conceivable way in which the question could be raised, it was uniformly decided until 1861, without dissent on the part of anyone, that the President *pro tempore* of the Senate held his office, as the words themselves mean, during that particular absence of the Vice-President for which he was elected.

In 1861 an effort was made to change this uniform practice. That effort was alluded to by the Senator from New York the other day in the speech he made in behalf of this resolution. The Senator from New York misinterpreted the result of that debate, as I understood him to say that the conclusion at the termination of the debate was in favor of that construction of the Constitution which is favored by his resolution.

Mr. EVARTS. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Mississippi yield?

Mr. GEORGE. Certainly.

Mr. EVARTS. The Senator is wrong in the recital of my statement if he supposes that I meant to say that the Senate had then come to a conclusion and a resolution upon the question. My interpretation of the course of the debate, mentioning the principal speakers, on one side Mr. Collamer, of Vermont, and on the other Mr. Bayard, the elder, of Delaware, was that the general result of the argument was that but for the habit which had been followed in the Senate it would be regarded as a new question in the way that I now state. That is all that I said.

Mr. GEORGE. Mr. President, I do not understand the position of the Senator from New York as explained now by him different from what I understood it to be before. That debate and the result of it do not show that if the question had then been *res nova* the decision of the Senate would have been different from what it was. There were two principal speakers, Mr. Collamer, who urged that the clause of the Constitution requiring the President *pro tempore* to be elected in the absence of the Vice-President merely indicated the occasion of the election, and Mr. Bayard, who insisted that it indicated something further; that it had something to do with the tenure. They were the only two speakers, except Mr. Simmons, of Rhode Island, who concurred with Mr. Collamer, and Mr. Trumbull, of Illinois, who dissented. On objection made by Mr. Trumbull the resolution was laid aside and never taken up again.

So the result of that effort to change the uniform practice of the Senate from 1789 to 1861 was a failure, and thereafter, down to the present time, the practice of the Senate has conformed to the original interpretation placed upon the Constitution as I have stated it to be.

It is hardly worth while, though it would fix in the minds of Senators the practice, for me to go into the various affirmative actions of the

Senate in which the construction placed upon the Constitution by the Senator from New York in the resolution which he brings from the committee was explicitly condemned. I have some memoranda here, however, to which I will refer in order to fix in the minds of Senators that this was not a mere silent acquiescence in a wrong interpretation of the Constitution, but was a reiterated construction placed on it by the actual proceedings of the Senate.

From March 4, 1789, to March 4, 1793, being the first term of Washington's administration, three different persons were elected President *pro tempore*, and in every case the election took place, as it is conceded by the Senator from New York it must take place, during the absence of the Vice-President, and in every single case the tenure of the office was held to be terminated by the subsequent appearance of the Vice-President. For instance, the first President *pro tempore* who was ever elected was elected on the 6th day of April, 1789, John Adams not having been installed as Vice-President. He held his office until the 26th day of that month, when John Adams appeared and it was held that the office of President *pro tempore* ceased.

From March 4, 1793, to March 4, 1797, there were five different members—not merely five elections; there were more—but five different members of the Senate were elected to this office.

From 1797 to 1801, during the administration of John Adams, nine different Senators were elected President *pro tempore* of the Senate. There were more elections than nine, but nine different Senators were upon nine different absences of the Vice-President elected, and in every one of them the term of their office was held to have been determined by the return of the Vice-President.

From 1801 to 1805, during Mr. Jefferson's first term, five different Senators were elected; from 1805 to 1809 there were three; from 1809 to 1813 there were four, and in every single one of these elections it was held by the Senate that there was a vacancy in the office of President *pro tempore* by reason of the return of the Vice-President to the chair.

That covers all of the early period of our constitutional history. I have some more data furnished me by the report of Mr. Morton, from the Committee on Privileges and Elections, made on January 6, 1876. From that report I learn that on the 19th day of March, 1818, Vice-President Tompkins retired from the chair and the Senate chose Mr. Gaillard President *pro tempore*. Mr. Gaillard was President *pro tempore* on the 19th of March. Mr. Tompkins appeared on the 31st day of March, and it was held by the Senate that that vacated Mr. Gaillard's office. Mr. Gaillard, under that election, held the office exactly twelve days, and when Mr. Tompkins retired or became absent there was a new election.

Mr. Gaillard was President *pro tempore* on the 28th of December, 1821, when the Vice-President resumed the chair.

On the 1st day of February, 1822, the Vice-President informed the Senate by letter that the condition of his health rendered it necessary that he should return to his family, whereupon the Senate again elected John Gaillard, who had been displaced only a few weeks before by the appearance of the Vice-President. Mr. Gaillard was President *pro tempore* on the 21st of January, 1824, when the Vice-President resumed the chair, and on the 21st of May he retired, and the Senate again elected John Gaillard President *pro tempore*.

We come down to a little later period. At the first session of the Thirty-fifth Congress, December 7, 1857, the Vice-President being absent, Mr. Rusk, of Texas, who had been chosen President *pro tempore* at the last session, having died in the recess, the Senate elected Benjamin Fitzpatrick, of Alabama, President *pro tempore*. This appointment terminated on the appearance of the Vice-President during the session; but on the vacation of the chair by the Vice-President Mr. Fitzpatrick was again elected President *pro tempore*.

At a special session of the Senate, which met June 15, 1858, the Vice-President, Mr. Breckinridge, being absent, Mr. Fitzpatrick, President *pro tempore*, resumed the chair.

We come now to the year 1869:

The Vice-President, Mr. Colfax, was present at the assembling of the Senate at each of its regular sessions during the Forty-first and Forty-second Congresses; but uniformly retired from the chair just before the close of each session to enable the Senate to choose a President *pro tempore*, and this office the Senate as uniformly conferred upon Hon. Henry B. Anthony, who was President *pro tempore* during the recesses that intervened in those two Congresses, as well as repeatedly during each session, upon the temporary absence of the Vice-President.

XLIX. At the special or called session of the Senate which assembled March 4, 1873, the Vice-President, Hon. Henry Wilson, being absent, the Senate chose Hon. Matt. H. Carpenter, a Senator from the State of Wisconsin, President *pro tempore*. This appointment ceased upon the appearance of the Vice-President at the first session of the Forty-third Congress and his resuming the chair; but being forced by indisposition to retire from its duties, the Senate again chose Mr. Carpenter its President *pro tempore*, who is at present in the exercise of that office.

So at the expense of frequent elections, at the expense of changing the occupant of the chair as frequently as ten or twelve days apart, with one uniform consensus of opinion, with a uniformity of practice which is without a single break for a hundred years, the judgment of the Senate has been that the President *pro tempore* elected in the absence of the Vice-President vacates his office upon the return of that officer.

I read further from this same report made by very able men, and from the same committee which has reported the resolution under consideration. Mr. Morton's committee say:

The office of President *pro tempore* of the Senate must expire whenever the absence of the Vice-President is at an end and he appears in the Senate to preside.

The report quotes from Mr. Jefferson, certainly an authority than whom none can be higher. He presided over the deliberations of this body for four years, and in his Manual he says:

In the Senate a President *pro tempore* is proposed and chosen by ballot. His office is understood to be determined on the Vice-President's appearing and taking the chair.

And then the report of Mr. Morton's committee says:

The unbroken and uniform practice of the Senate, from its first session down to the present time, sustains the position that the office of President *pro tempore* of the Senate is determined on the Vice-President's appearing and taking the chair.

In fact, so far as I have been able to learn (the Senator from New York or the Senator from Massachusetts in their researches may have found out other men), no man except Mr. Collamer and Mr. Simmons down to within the last Congress ever asserted the contrary of the view that the office of President *pro tempore* expires with the return of the Vice-President from that particular absence.

That is the practice. That has been the uniform practice. That has been the uniform construction of the Constitution, commencing with its birth and running through a period of one hundred years. The Committee on Privileges and Elections ask us to reverse that. They make no report in which an argument is contained upon which we are to rely in ascertaining the grounds upon which they propose to change this uniform practice. The Senator from New York undertook to give some grounds for it. I think I have shown that he was mistaken in the principal ground which he gave, and that is, that the result of the debate in 1861 was unfavorable to the old and settled practice of the Senate.

The Senator from Massachusetts informs the Senate that his opinion at one time had been adverse to the resolution reported from his committee, but he stated that he thought the better argument was in favor of the rule now attempted to be enforced. However, he did not give us the argument. No man, so far as I know, has attempted to give any argument in favor of this reversal of the practice of a hundred years except Mr. Collamer, of Vermont. I propose to answer that argument, as I have no other to answer. His position was that the Constitution merely fixed the occasion of the election of a President *pro tempore*. I will read the Constitution:

The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President or when he shall exercise the office of President of the United States.

The view of Mr. Collamer was that that merely fixed the occasion in which the power vested by this clause of the Constitution in the Senate was to be exercised. It is true it does fix the occasion, but it does more. We are construing the Constitution according to the view presented in the pending resolution of the committee, which I will now read to the Senate:

Resolved, That it is competent for the Senate to elect a President *pro tempore*, who shall hold the office during the pleasure of the Senate and until another is elected, and shall execute the duties thereof when the Vice-President is absent.

According to the view of the committee, the officer elected is a continuing officer who holds his office, not only during that particular business of the Vice-President, but during the pleasure of the Senate, and not only during the pleasure of the Senate, but in addition thereto until a successor is elected. Now, I put this question to the honorable Senator from New York and to the honorable Senator from Massachusetts: If the meaning of the Constitution is that we shall elect a regular substitute for the President of the Senate to come in and take the chair as often as that chair shall be vacated by the President of the Senate, why is it that the Constitution restricts the power of the Senate to make that election to the *casus* in which there will be an absence of the President of the Senate?

The scheme of the Constitution is that the people of the United States shall elect the Presiding Officer of this body, and for very obvious reasons. The power, the influence which a permanent occupant of the chair has, does to some extent destroy the equality of the States in their representation in the Senate, so that when the framers of the Constitution determined that there should be absolute equality between the States in this body they determined also that that equality should not be disturbed by the mere accident of the Presiding Officer belonging to one State rather than to another. The scheme of the Constitution is that he shall preside.

It is not within the mere election of the Vice-President whether he shall preside or not. He has no right to vacate that chair except upon a case of necessity. I call the attention of Senators to a speech made by Elbridge Gerry in 1814, when he was Vice-President (and when he declined to vacate the chair some time before the adjournment of the Senate so that a President *pro tempore* could be elected), in which he declared that it was his duty to preside, quoting the language of the Constitution, "the Vice-President shall be President of the Senate." That great man, Vice-President of the United States, a member of the



convention which framed the Constitution, declared, in view of the importance of the office, that it was his duty to be present and to preside, and he refused to vacate the chair so that a President *pro tempore* might be elected except a few moments before the final adjournment of this body. That is a very valuable speech. It declared that the office of Vice-President, or permanent President of the Senate, was not an office which the occupant could take up or lay down at his pleasure; that he had an important function to perform: first, to preserve the equality of the States in their representation in this body and, second, his presence prevents the negative States, upon any particular proposition, prevailing over an equal number of affirmative States.

According to parliamentary law, where a body is equally divided (and let it be remembered that the Senate, when full, is always composed of even numbers and therefore may be equally divided on almost any question) and when this body composed of even numbers divided equally votes upon a proposition, the negative votes are stronger than the affirmative votes of equal number, forty-one Senators voting "nay" outweigh forty-one Senators voting "yea." The scheme of the Constitution was that the forty-one negative votes or negative States should not be borne down by an equal number of affirmative votes or affirmative States; and the Constitution therefore provided for an arbiter, and that arbiter was the Vice-President of the United States sitting as President of the Senate.

Mr. President, when a man is elected to the very high office of Vice-President he is not elected to a mere sham, to a mere show, to a mere honorary office, or to a mere contingency to live until some accident may happen to the President of the United States which may call his vicarious powers into active operation.

Again, if it was the scheme of the Constitution that we should have a permanent, regular deputy, prepared at any time and at all times to take the place of the Chair when the Vice-President might be absent, I ask Senators to tell me why we can not create that officer until the Vice-President is absent. If the scheme of the Constitution was that we should have this deputy President (because that is his real name, as I shall show before I get through) selected, set apart to assume the duties of the office of Vice-President whenever it may seem pleasing to the Vice-President to be absent, why was it that the Constitution would not allow us to appoint him when we were regularly organized?

Mr. HOAR. It does.

Mr. GEORGE. Why is it, Mr. President, that when the Constitution refuses us the power when we are fully organized, ready to do business, to appoint another presiding officer of this body, when that occasion happens we can appoint one for all time to come?

Mr. HOAR. Will the Senator pardon me for saying that I understand all the advocates of this resolution believe the Constitution confers the power to make the choice at any time, whether the Vice-President is present or absent.

Mr. GEORGE. The Senator believes that?

Mr. HOAR. I understand that is the universal opinion of all the persons who advocate the pending resolution.

Mr. GEORGE. I am very glad to have had that admission from the Senator. It will save me some trouble. Now, let us see whether there is any foundation for that. We are still living under the Constitution, I believe, though some things occur sometimes that make me doubt whether the Constitution of the United States is in force.

The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President.

Mr. Collamer, in 1861, the first man who ever questioned the tenure of the office of the President *pro tempore*, admitted that the plain language of the Constitution gave the power to be exercised only in the absence of the Vice-President. Why is it that during all these long years just before the adjournment of the Senate at a session of Congress, under the old law, which put the President *pro tempore* in the line of succession for the Presidency, the Vice-President retired, went out, became absent, so that the Senate might exercise this power? Were all these men, after all this hundred years, mistaken? What new light has broken in upon us now that, in opposition not only to the uniform practice for a hundred years, but in opposition to the plain meaning of the words used, we are to usurp the power of electing a President *pro tempore* with the Vice-President in the chair?

Why was it that the Committee on Privileges and Elections did not move the election of a President *pro tempore* before Vice-President MORTON vacated the chair? If the committee believe, as stated by the Senator from Massachusetts, that the power exists in this body to elect a President *pro tempore* when the Vice-President is present in the chair, why did they wait for the Senate to become disorganized only a few days ago before they called upon the Senate to elect a President *pro tempore*? I hardly know how to describe it, but can not argue against a sham. The Senator from Massachusetts informed me of the opinion of the learned committee of which he is chairman, but he did not condescend to give a reason why the words "elect a President *pro tempore* in the absence of the Vice-President" meant to elect a President *pro tempore* whenever the Senate got ready to do it, whenever it suited their convenience to do it.

Mr. President, of course I can not fight a proposition of that sort unless it is buttressed up by some sort of reasoning. I assume that no

valid reason can be given not only for striking out words in the Constitution which are plainly written in it, but also for the insertion of words directly contrary in meaning. If the Senator from New York who has honored me so far by his presence during my remarks will get up and state that that is the basis of the right they claim in this resolution, I think I have discussed the matter long enough, and I will take my seat. The Senator does not respond. The Senator does not dare say that the Senate has a right to strike from the Constitution of the United States the words "in the absence of the Vice-President" and insert in it "whenever it shall please the Senate." He will not do that.

By what kind of reasoning able, ingenious lawyers may reach the conclusion stated by the Senator from Massachusetts to be the conclusion of the whole committee I confess I am unable to anticipate. I was going upon the argument made by the Senator from Vermont, Mr. Collamer, many years ago, who insisted that this language did fix in the Constitution the occasion and only the occasion in which the power to elect a President *pro tempore* existed. I was going to say that I thought I had driven the advocates of this singular proposition into a corner. I will not say that. I think they have run into a corner without being driven.

There are one or two other reflections which I desire to submit to the Senate upon the question now before us. The first thing I will do will be to put in juxtaposition the Constitution and the resolution and see if they can stand together:

The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President or when he shall exercise the office of President of the United States.

That is the Constitution. Now I will read the pending resolution:

Resolved, That it is competent for the Senate to elect a President *pro tempore*, who shall hold the office during the pleasure of the Senate and until another is elected, and shall execute the duties thereof when the Vice-President is absent.

I do not think it requires a very astute mind to see that these two propositions can not stand together. But I will hasten on.

I have the authority of the uniform practice of the Senate; I have the authority of all the great men who have ever preceded us in these seats for a hundred years, with two single exceptions—just two, Mr. Collamer and Mr. Simmons. Now, I propose to show that *ex vi termini* the words "President *pro tempore*" mean a President for the particular absence of the Vice-President. "Pro tempore" are two Latin words which have a signification. There are other words of that sort in the Constitution; and whenever you read the Constitution and come across one of those words, if you do not in language you must in idea substitute the English meaning of the words for the words themselves.

What are you going to do about "a quorum?" What is a quorum? What is the meaning of the word "quorum?" It is a Latin word meaning "of which." That is the literal meaning of the word, but it acquired a meaning at common law long ago of this sort: "That number of the body competent to do business." What will you do with "habeas corpus," two Latin words used in the Constitution? Whenever you read the Constitution, to understand it you must get in your mind the English words which these two Latin words represent, a writ to bring in the body of the prisoner before the court to examine into the cause of committal. And so with all the others. Those words had their signification at the time the Constitution was adopted, a well known signification at the common law, to which we must refer in ascertaining the meaning of every technical word used in the Constitution. "Bill of attainder." How will you ascertain what that means except by going to the common law? "Jury." How will you ascertain what that means except by going to the common law and finding that it means a body of twelve men above all exception, sworn to try a cause? "Grand jury." All these words are used in the Constitution. How are you going to know what they mean except by going to the common law? When we read the Constitution we read it as a parrot repeats unmeaning words, unless when we come across these technical words we bear in our minds the meaning in the English language which they represent.

#### AID TO COMMON SCHOOLS.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Senate resumes the consideration of its unfinished business, being the bill (S. 185) to aid in the establishment and temporary support of common schools.

Mr. BLAIR rose.

Mr. GEORGE. Is the Senator from New Hampshire ready to go on? I shall be through directly.

Mr. PLUMB. I wish to make a statement at this juncture, with the consent of the Senator from New Hampshire. There are a great many important measures upon the Senate Calendar. Nearly four months of the session have elapsed. Nothing which can be said to be of any national importance has yet passed this body, and I think it can be fairly said that largely these matters of importance have waited upon the progress of the educational bill. While I do not agree with the Senator from New Hampshire as to the importance of that bill, at the same time I have had no objection to its having the opportunity for discussion and final decision in advance of other measures in which I was interested; but I want to say now that unless on to-day some agreement can be made whereby a date can be fixed upon which that bill shall be

voted upon I shall to-morrow at 2 o'clock move that the bill be placed on the Calendar, subject to whatever contingency may there await it.

I say this not because of opposition to the bill nor because of any impatience at the delay heretofore occurring, but because I believe that now measures in relation to pensions, measures in relation to the forfeiture of land grants, a measure in regard to the free coinage of silver, and other measures relating to the prosperity of the people of the United States should be considered without the embarrassment which inevitably attaches to the fact that this bill, at 2 o'clock every day, in the middle of the legislative session, comes in to interrupt and break up.

Mr. President, I hope that the Senator from New Hampshire will avoid the necessity of a conflict which will only further harass the business of the Senate by agreeing that at some date to be named, and some reasonable date, and some date this week, the vote shall be taken upon the educational bill.

Mr. GEORGE. Will the Senator from Kansas give way so that I may ask the unanimous consent of the Senate to go on with my remarks? I wish to conclude them.

Mr. PLUMB. I wish to evoke some response from the sphinx of New Hampshire upon this subject.

Mr. BLAIR. Then I must first be dug out of the sand.

The PRESIDENT *pro tempore*. The Senator from Mississippi asks unanimous consent—

Mr. PLUMB. I object until some understanding can be had about this other matter, though I do not wish to oppose the request of the Senator from Mississippi.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Mississippi to ask unanimous consent that the consideration of the unfinished business may be informally laid aside in order that he may conclude his remarks.

Mr. GEORGE. That is all I ask.

The PRESIDENT *pro tempore*. Is there objection?

Mr. PLUMB. I withdraw the objection, Mr. President.

Mr. EVARTS. If the Senator will allow me, I will ask that the unfinished business may be postponed so that we may proceed to a vote on the question which has been under consideration. I hope the Senator from New Hampshire will not object to that course being taken.

Mr. BLAIR. I did not hear the Senator's suggestion.

Mr. EVARTS. I ask that we may proceed with the matter which was lately in discussion until we reach a vote.

Mr. PLUMB. When the Senator from Mississippi has concluded, I shall object to any further consideration of this matter, and shall insist on the special order doing one of two things, either going ahead on its own right or giving way indefinitely to other legislation to be brought before the Senate.

#### PRESIDENT PRO TEMPORE OF THE SENATE.

Mr. GEORGE. I believe, Mr. President, I have unanimous consent to proceed.

The PRESIDENT *pro tempore*. The Senator from Mississippi is recognized upon the resolution reported by the Committee on Privileges and Elections.

Mr. GEORGE. Mr. President, when I was interrupted I was talking about the technical words used in the Constitution of the United States, and saying that we had to resort to the English common law in order to find out what they meant. I desire to call the especial attention of the Senator from New York to the proposition which I make, that in every single instance in which a technical legal term is used in the Constitution of the United States, except one, the courts have put upon these technical terms the exact meaning which they had at common law. There is one exception, and only one, and that is the word "treason." There the Constitution defines the meaning of the term itself, the exception proving the rule. In every instance in which a technical term is used in the Constitution it is used in the sense it had at the common law at the time of the adoption of the Constitution, except the word "treason," and there our forefathers, being unwilling to allow the doctrine of constructive treason to prevail in this country, defined in the Constitution itself what treason was. On that basis I will go on to show what "President *pro tempore*" and "Speaker *pro tempore*" meant, at the time of the adoption of the Constitution of the United States, by the common law of England.

There is some similarity between the Speakership of the House of Commons in England and the Presidency of the Senate. In England the Speaker of the House of Commons is elected by the House, but he has to be approved by the sovereign. The President of the Senate is appointed by the sovereign in the United States, the people. We have nothing to do with his election. In England, on account of the fact that the election of the Speaker had to be approved by the sovereign, it was held up to the time of the Protectorate of Cromwell, a little after the middle of the seventeenth century, that the House of Commons had no power to elect a Speaker *pro tempore*. When he was absent they could do nothing. I will read some instances:

In the year 1656, the Speaker being absent, after prayers were read by the clerk, the journal states:

"They [the members] departed the House. This is an intermission of necessity, no adjournment."

The Speaker being absent.

At an other time the motion was that the house "be discontinued till Friday morning; so they arose and departed, yielding assent by a necessity to the motion."

So by the common law in England, after whose institutions ours were modeled, when the presiding officer had to be merely approved by the sovereign it was held that the House could not proceed in his absence and that they could not elect a temporary Speaker, and it would be the fact to-day, if the Constitution had not provided otherwise by giving us the power to elect a President *pro tempore*, that in the absence of the Vice-President we could not proceed. But the framers of the Constitution provided for that. The first time a Speaker *pro tempore* was ever elected was during the Protectorate of Cromwell.

"On January 27, 1656, the Speaker being sick, a Speaker *pro tempore* was selected."

How was his place defined? I read from the language of the journal—"to supply the Speaker's place during his absence." Thus, at the first time a Speaker *pro tempore* was selected, it was expressly stated that he was to occupy the Speaker's place during his absence. In 1658 there was another election of a Speaker *pro tempore* "to supply the Speaker's place during his absence, occasioned by his present indisposition, and no longer."

I quote the language of the journal, and similar entries were made in all the other cases, in every single one. So at the common law it was defined on every single occasion in which a Speaker *pro tempore* was elected that he was elected for that particular absence of the Speaker. That being the meaning of "pro tempore" as fixed in the common law, there being no doubt or dispute as to that, that being its meaning in 1789, when this Constitution was framed, it must have that meaning now, unless there be something in the context of the Constitution which gives it a different meaning.

"Pro tempore" is defined by the lexicographers to mean "for the time being." Then, adopting the rule which I have shown we must adopt in every single case of the use of Latin words in the Constitution, in reading them we must apply in our minds the English meaning. Then the Constitution would read thus: "And shall elect a President for the time being in the absence of the Vice-President." Is there any way to escape that conclusion?

Mr. MITCHELL. Is there any limit in the Constitution to that absence?

Mr. GEORGE. I could not catch what the Senator from Oregon said. I wish the Senator would approach a little nearer if he desires me to hear him.

Mr. MITCHELL. Is there anything in the Constitution defining the length of that absence or limiting it in any way?

Mr. GEORGE. Except the language which I have read, there is none.

Mr. MITCHELL. May not that absence be one hour or one day or one week or a month, and still be within the provision of the Constitution?

Mr. GEORGE. Oh, yes; and I think (and that has been the practice of the Senate) when it is for a year or more, as in the case of the death of the Vice-President, the election holds because he is absent. If it is for a day, the President *pro tempore* is elected for that time; if it is for a week, he is elected for that time; but he is not elected for the absence, whatever it may be.

Mr. President, that being the meaning of the phrase, both in the literary sense "for the time being" and also in the legal sense, then the Constitution must be read: "And shall elect a President for the time being in the absence of the Vice-President." If that be so, that closes the argument.

I was not compelled to make this argument to sustain a construction of the Constitution a hundred years old. I might have rested upon showing that practice and waited for the gentlemen who contend that that practice is wrong to assail it; but, Mr. President, I know that this resolution is to pass, and I want to inform my Democratic brethren on this side of the Chamber that I have an intimation—I do not know whether it is so or not, and if I am wrong the Senator from New York will correct me—that this great constitutional question, which has been settled by the practice of a hundred years, has recently undergone revision in the high court of a Republican caucus. The meaning placed upon the Constitution by Jefferson and Madison and Clay and Calhoun and Webster and by all the great men who have preceded us for a hundred years, sanctioned by that long line of precedents, sanctioned by the precedents in the House of Commons in England for five hundred years, is to be set aside because a Republican caucus of this body does not like it.

Now, Mr. President, I have great respect for caucuses, and especially for Republican caucuses. I reckon I have more respect for them than I have for Democratic caucuses for this reason: that I never happened to be in a Republican caucus and I happen to have been in several Democratic caucuses, and therefore I know more about Democratic caucuses than I do about Republican caucuses, and I do not think familiarity with these meetings is likely to increase one's respect for them. I have a high regard for them upon another ground, as party machinery. In a Democratic caucus, when anything is debated and decided upon, everybody considers that he has a right to go out and vote as he pleases. I understand that the decision of a Republican caucus is like the decree of an ecumenical council (I believe that is the name) in the Catholic



Church. The decree is infallible, and everybody is bound to obey or be anathematized. So, of course, this resolution will pass. Having received the high sanction of the Republican caucus, of course it must go through.

I do not see upon that side of the Chamber just now a very distinguished and able Senator, especially able as a lawyer, and I have his authority for saying that he agrees to the old rule, the old construction, and is opposed to this new-fangled construction put upon the Constitution by the high court of the Republican caucus. He is not here to speak for himself. I suppose without knowing—this is all guess-work, and I want it understood that this part of my speech is pure guess-work—that, whilst this high council of the Republican party is not sufficient to convince the judgment of this distinguished Senator, the chairman of the Judiciary Committee, it is at least sufficient to keep him out of this fight. So, then, unaided by his genius and his learning, I have been compelled to present the side of the Constitution of our fathers. I mean what I say. I have been compelled to present the side of the Constitution of our fathers and plead for its observance. I know that my words fall on leaden ears.

What is the Constitution, as expounded for a hundred years, when it stands in the way of the convenience or the will of a Republican caucus? Why point, as I have done this morning, to a long line of unbroken precedents, beginning on the first day that this body ever met and continuing down to the present time? Why point to that and to the plain meaning of the Constitution, recognized by all up to this hour, when it suits the convenience of the Republican caucus to annul the Constitution? That is all there is in it. The Constitution says that in the absence of the Vice-President you shall elect a President *pro tempore*. The Republican caucus, if the Senator from Massachusetts is regarded as an interpreter of Republican opinion, says you may elect this President *pro tempore* whether the Vice-President is absent or not. The Constitution says, so interpreted for a hundred years, that when you elect in the absence of the Vice-President a President *pro tempore* his office ceases upon the return of the Vice-President. The Republican caucus, this infallible council of the Republican party, says "No, we will elect one when the President of the Senate is in his seat, and he shall hold his place until the pleasure of the Senate is manifested to the contrary and until a successor is elected."

Sir, did it ever occur to our learned friends of the Republican caucus in construing away the Constitution of our fathers, recognized as such for a hundred years by every great man and every little man but two who ever sat in this Chamber until the last session of Congress, that they are to set aside this Constitution and put their will in the place of it? "Oh, it is a matter of convenience." I understand it is urged that it is inconvenient every time the Vice-President vacates the chair to go through an election. Are we to be told that the Constitution of our fathers, as expounded and acted upon for a century, is to be thrown aside because it is inconvenient for us? I must say we are degenerate sons of these illustrious men if we do it whenever it suits our convenience to set it aside. "We can not afford," is the argument, "to observe the Constitution; we can not afford to preserve the sanctity of our oaths to support the Constitution, because it is inconvenient to do so." Is that the argument that is to prevail in the American Senate? Is that the argument by which that sacred instrument, once so regarded, is to be set aside and trampled under foot? I know that this thing is to be done. It is only a slight invasion, it may be true, of the Constitution. It is only a setting aside of the plain words of the Constitution, so understood for a century, in order that we may be relieved from a little inconvenience. That is all. What new light has poured in upon the minds of Republican Senators? What spirit from this or another world gave to this conclave an insight into the meaning of the Constitution that was denied to all other men for a hundred years?

Mr. President, in my weak and bumble way I have discharged my duty. I have thought that at least the plain words of the Constitution upon mere little matters of form would be observed in the American Congress. I have long since despaired that its spirit and substance, when they stood in the way of the will of a majority, would be any protection.

The PRESIDING OFFICER (Mr. BERRY in the chair). The Senate resumes the consideration of the unfinished business.

Mr. EVARTS. I hope the unfinished business may be set aside and that we may proceed to dispose of this question of privilege, and the vote taken after Senators have spoken, if they desire to speak.

Mr. BLAIR. Can the Senator from New York indicate about what time he will be able to complete the consideration of this question?

Mr. EVARTS. I hope the vote may be taken very speedily. I shall in reply occupy a very few moments of the attention of the Senate.

AID TO COMMON SCHOOLS.

The PRESIDING OFFICER. Senate bill 185 is the unfinished business.

Mr. BLAIR. Mr. President, I will say a word in reply to the mad, rushing speech of the father of waters, which inundated the Senate—I suppose I may apply that description to the Senator from Kansas [Mr. PLUMB], as he gave me the appellation of "the sphynx." I had proposed myself to call the attention of the Senate to the situation

of this bill when my friend from Kansas introduced the subject with such marked emphasis. I was about to state to the Senate that the Senator from Illinois [Mr. CULLOM] had given notice that on Friday he would call our attention to the exercises having relation to the death of a colleague of his in the other House immediately after the morning business, and, of course, the ordinary respect that we pay in the presence of death will result in an immediate adjournment upon the completion of those exercises; so that Friday will be a lost day so far as the consideration of ordinary business is concerned. Yesterday was absorbed in a matter which could not be evaded. To-day a matter which has been pending a long while is before the Senate, and it involves a point which must early be decided, I suppose, touching the choice of the President *pro tempore*, and the Senator from New York [Mr. EVARTS], who has had this upon his mind for some time, is anxious to dispose of it, and a brief period is necessary to do so. That would leave only the remnant of to-day and to-morrow in which the consideration of the school bill may be proceeded with.

The Senator from Mississippi [Mr. GEORGE], who has just taken his seat, has the floor upon the bill. Next in order a Senator, who will speak at length upon it, informs me that his absence from the city is compulsory, so that he can not speak until Monday. The Senator from Connecticut [Mr. HAWLEY], who does not desire to speak until the friends of the bill have been heard from further, if they are to speak at all, will take the floor on Tuesday, and he will be followed by the Senator from New York [Mr. EVARTS], who will, in the natural order of events, be entitled to the floor on Wednesday next; and before the vote is taken on this bill I shall desire to reserve a short time, not exceeding an hour, which I shall occupy, and it seems to me that it is necessary to do so, in order to correct some misapprehensions as to the nature of the bill and essential misstatements that may have been made of a statistical character bearing upon its merits.

I have thought, and I wanted to do it without any unusual propulsion from the opponents of the bill, to ask the Senate that we take the vote upon the amendments and upon the passage of the bill on Thursday of next week at 2 o'clock, or during the day on Thursday, at all events. If circumstances should so arise, one or two Senators may desire to speak—the Senator from Vermont [Mr. EDMUNDS] and the Senator from Massachusetts [Mr. HOAR], who will both speak briefly, as I understand; and that they may have that opportunity, it may be necessary to take another day to finish the bill.

Mr. FRYE. Only one speech to be made a day?

Mr. BLAIR. Perhaps so; I do not know; but I do not suppose that there will be much done on Monday, Tuesday, and Wednesday, beyond the time to be occupied by the gentlemen who are to speak; but I had thought that probably the time during those first two days would suffice for the short speeches which I refer to as likely to be made, if made at all, and so I have not any doubt myself that we shall dispose of the bill on Thursday of next week, or, at the latest, on Friday, and I shall ask the Senate to dispose of it on Friday certainly, and, if possible, on the day preceding.

The PRESIDING OFFICER. Does the Senator make that request now?

Mr. BLAIR. I do, but I will hear any suggestion of the Senator from Kansas.

Mr. PLUMB. I only want to say that there is no objection, of course, to any debate on this or any other measure. The Senate knows, and the Senator from New Hampshire well knows also, that whenever a Senator gives notice that he wants to speak he can bring up any subject on the Calendar or elsewhere, or make a subject, to which he can address his remarks, and that is all right. But to keep this bill here all the time, week after week and month after month, in such a way as to disarrange all the business of the Senate, is not fair, and I give notice now that on Monday I shall move at 2 o'clock to either put the pension bill or the silver bill in place of the pending measure; not because I want to prevent anybody from speaking, but simply because I want to give the Senate an opportunity to do some other business and something which I consider is of a great deal more importance than this bill in any possible attitude in which it may be viewed, and yet not with the design of in any way impeding the consideration of the bill at all, because it can still go on, like Tennyson's brook, forever, so long as there is any disposition to speak upon it. That is all I have to say, that on Monday I shall move to proceed to the consideration of either the pension bill or the silver bill in place of this.

Mr. BLAIR. The Senator from Kansas is not capable of showing wherein at any moment, from the time the consideration of this bill commenced, it has not been pushed with even as great energy and determination as he is accustomed to manifest in urging measures with which he is intrusted, and there is not the slightest occasion for the Senator to make the suggestions which he does make with reference to the assumed dilatoriness that has been manifested in the conduct or the management of this bill.

Mr. PLUMB. I do not assume that there has been any dilatoriness in urging this bill, but I say it is here obstructing the passage of measures in which the country is interested, but, whether dilatory or not, I know the Senator from New Hampshire is impetuous, and he has been crowding this in. Notwithstanding the fact that he crowds it, it

does not get ahead, and I would rather the Senate should address itself to something else. The Senator from New Hampshire holds the floor, and he graciously farms it out. He has been gracious to me and he has been gracious to others, and yet there are a good many of us who would rather in some day of the week, or some day of the month, or some day of the year have rights here rather than to have these concessions made to us because the Senator from New Hampshire regards us with grace.

All I want to say is that on Monday next I am going to test the Senate on the maintenance of the present condition, not to interfere with the opportunity of any Senator to speak on this bill, but as to keeping it in this condition and interfering with everything that comes up after 2 o'clock, so as to take it out of the will of the Senator who has control of this bill.

Mr. PLATT. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Connecticut?

Mr. BLAIR. Unless it is to be assumed that the bill is to be set aside, of course I yield to the Senator.

Mr. PLATT. Not at all. I only desire to make a suggestion as to what has been said within the last few minutes about this bill.

I am one of those Senators who have felt embarrassed by the fact that this bill has taken so much time, yet I do not complain of it. I do not know how it could well have been otherwise or can be well otherwise under the practice which we have adopted here. I think the practice is all wrong. I do not think any measure, however important, ought to go along day after day and the convenience of Senators as to when they can get ready to speak be consulted. When we reach a measure, as it seems to me, however important, then that ought to go forward without this extreme courtesy which is manifested as to when a Senator can get ready to speak upon it. That is the difficulty, not only with this matter, but with all bills.

Now the Senator from Kansas comes in and says he will try to move some other measure to take precedence of this. I do not like that, either, because I have some measures, and I may name them, at least some of them, bills for the creation of new States, which I think are as important as any bills, and I am anxious to get at them. I do not want to have some other matter come in while this bill is pending. I want this bill to be hurried to a conclusion, and then we may all take our chances of getting our measures before the Senate.

Mr. BLAIR. I do not know, unless there is to be a change in the usages of the Senate for the first time in its history, how Senators who want to speak on this bill can be deprived of the opportunity, and it is customary for them to select their opportunity with reasonable regard for their own convenience in that matter.

I have done the best I could with this bill. It is a bill far more important than any other one that is pending or likely to be pending, including the appropriation bills themselves, in my judgment, and I am not inclined to see a bill of this importance dealt with otherwise than with the ordinary courtesy which is extended to public-building matters or anything else, even of the most trifling importance.

I should not probably get into any violent altercation over this bill and its postponement, but it would probably be a subject of discussion upon every matter that got before the Senate under that license which the Senator alludes to, of the privilege of every Senator to speak upon anything that is before the Senate, and I might take a notion to make a speech on the school bill myself before we get through [laughter], even if some other subject-matter was pending; and if the school bill itself should be liable to be set aside the Senator might discover that in the United States of America, and possibly in the Senate of the United States of America, there would be those who want to consider this bill and are willing to give a little time to the consideration of the interests of the childhood of the country; and sooner or later the bill will be considered and will be voted upon at this Congress, and I hope to get it disposed of by Thursday or Friday of next week, and if it can be done earlier I think it will be done.

Mr. FRYE. I desire to ask the Senator a question. I should like to ask the Senator if he has ever known, during his experience in the United States Senate, of a bill being permitted to drag along for a solid month in order to accommodate Senators who said they desired to make speeches? Why should not a Senator who desires to make a speech be ready to make it? Why should he not recognize the fact that the bill is under consideration and that it should continue under consideration until disposed of? Why should one speech be made here in a day and then go into executive session at 4 o'clock, when two more speeches could be made, an hour being long enough for anybody to make a speech on the educational bill or anything else? Why should this bill be permitted for over a month, and perhaps for a month longer, to take the place of all the pending business before the Senate simply to accommodate some Senator who says he desires to make a speech? The Senator should accommodate himself to the business of the Senate if he desires to make a speech.

Now, there is no particular desire to hear Senators make speeches on this bill. I have sat there in the presiding officer's chair three or four times during the pendency of this bill when Senators were making speeches, and counted less than seven members of the United States Senate present and listening. Under those circumstances—

Mr. BLAIR. The Senator has on a good many other bills, too.

Mr. FRYE. Yes, with many other bills, but I never saw it in the case of a bill pending along like this. If the Senator from New Hampshire would insist that his bill should be considered day after day against executive sessions or anything else until it was disposed of, it would have been disposed of a fortnight ago, but his good nature leads him to accommodate this Senator, that, and the other, when the fact illustrates itself every time the bill is up that there is no living Senator who wants to hear a speech, because the Senators are all in the smoking-rooms or in their committee-rooms while the speeches are going on.

Mr. BLAIR. The Senator has put to me a great many conundrums, but I was never a member of the Committee on Rules, and never officiated with any frequency as presiding officer of this body, and I never had anything to do with the creation of this Senatorial courtesy any more than to exercise it towards others in a very much more marked degree than it has been exercised by others towards myself.

Now, Mr. President, this is not the only bill that has taken a great deal of time, though it be the most important bill, and might well claim time more than any other that has been pending in this Congress since I have known anything of it. I mean by "this Congress" the Congresses I have had the honor to be connected with. I know many another bill which has drifted along week after week, and I never knew any of them that could resist a motion to go into executive session, or a motion to adjourn, or the desire for dinner on the part of members of the Senate, and I do not suppose that the pendency of the question of a declaration of war against christendom, against the world, against the universe, would prevent Senators from being caught eating their salmon occasionally at 2 o'clock in the day, and I think it may be fair to presume that at the time when the Senator from Maine observed the absence of Senators during the discussion of this and other bills the absence has generally been during that important hour when Senators are attending to the inner, middle man rather than the head-work of their Senatorial systems.

This bill has been pressed with unexampled energy, as the Senator must admit, not always, but sometimes, leading the forlorn hope in the effort to get a hearing. The Senator knows that, and the fact that the Senator is not interested in listening to these speeches is probably only by reason of the fact that he is better posted and better remembers what he has heard in former Congresses than many of the others. I found that a great many members of the Senate did not know much about this bill. I have found, even up to almost the present day, many Senators who certainly had not read the bill, or, if they had read it, did not remember much about it, but seemed to have got their information in regard to it more largely from the public prints, which, as I have stated, have misrepresented it, than from an examination of the bill itself.

We are getting on with this debate. It is not any more protracted than it needs to be in order that Senators may understand the subject fully. I would have been glad to have a vote much earlier, but in the exercise of ordinary courtesy, and no more than ordinary courtesy, it has not been possible for me to get any further along than I have done.

Now, I have stated to the Senate just how it seems to me inevitable that the time will be occupied from Monday until Thursday of next week, possibly a little longer and more likely a little shorter, and if this bill continues to be considered, I do not see but that I am helpless in the matter otherwise than to do all I can do, and that I have done; I have done the best I could with this bill. If you could have done any better with it, you should have been allowed to pass it. That is all.

Mr. HAWLEY. Will the Senator allow me a word?

Mr. BLAIR. Certainly.

Mr. HAWLEY. The Senator knows, I think, who the five Senators are who desire to speak on this bill. Speaking as one of them, I put myself in his hands to make up his programme. Why are not the others willing to do it?

Mr. BLAIR. Between now and Monday?

Mr. HAWLEY. Yes.

Mr. BLAIR. I do not know of any speech that is likely to be made except the address of the Senator from Mississippi [Mr. GEORGE].

Mr. GEORGE. I think I shall not speak more than ten or fifteen minutes.

Mr. BLAIR. There might be some business done this week, to-day and to-morrow, undoubtedly, and I should be very glad that that might be the case, though I could well occupy the time myself, if I felt there was any necessity for my doing so.

Mr. HAWLEY. I did not count the Senator in the five. I thought he had been speaking. [Laughter.]

Mr. BLAIR. It appears that there are very important views of this matter not yet presented, but I am so anxious for a vote that I am willing the Senate should vote almost in the dark on some important considerations bearing on the merits of the bill.

Mr. CULLOM. May I ask the Senator if he has any promises out as to time?

Mr. FRYE. The Senator from Mississippi [Mr. GEORGE] has just promised.

Mr. CULLOM. Has the Senator any promises out that would prevent him giving notice now that he will insist on a vote on this bill on Tuesday next?



Mr. BLAIR. Oh, yes. It will be impossible to get through with the consideration of this bill, as I understand the desire of Senators, earlier than Thursday of next week, and I intimated that I would ask permission to have the final vote on the amendments and the passage of the bill on Thursday of next week.

Mr. HOAR. Let us vote on the pending resolution.

Mr. BLAIR. But the Senator from Kansas [Mr. PLUMB] intimates that this bill will disappear.

I ask unanimous consent that on Thursday of next week at 2 o'clock in the afternoon I may have not exceeding an hour to make any such closing remarks upon the bill as I deem it important to make, and that upon the conclusion of what I shall have to say the vote be taken immediately upon the pending amendments and the bill.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that on Thursday of next week all debate on this bill shall cease at 2 o'clock in the afternoon, except such remarks as he may desire to make, not exceeding one hour, and that at the conclusion of his remarks the vote be taken on the amendments and the bill without further debate. Is there objection?

Mr. ALLISON. The language of the Senator was "upon the pending amendments." Of course this bill ought to be open to amendment until it is finally disposed of.

Mr. BLAIR. In which case I suppose the mover of an amendment would want, perhaps, five minutes.

Mr. ALLISON. I do not object to the arrangement proposed by the Senator from New Hampshire having charge of this bill, except that I think it should be open to amendment until it is finally disposed of.

Mr. BLAIR. That is very proper, of course; but I would not like to assent that an amendment of which the friends of the bill or the enemies of it have had no notice should be moved and action taken without any opportunity for debate upon the amendment. I suggest that the Senate consider and debate such amendments under the Anthony rule.

Mr. ALLISON. I have no objection to any arrangement the Senator may suggest.

Mr. BLAIR. And that what is known as the Anthony rule may be applied to debate on amendments which may be offered to the bill.

The PRESIDING OFFICER. The Chair will restate the proposition. The Senator from New Hampshire asks unanimous consent that on Thursday of next week, at 2 o'clock in the afternoon, all debate shall cease upon the bill and the amendments pending, except such remarks as the Senator from New Hampshire shall desire to make himself, not to exceed one hour, and that, at the conclusion of his speech, the vote shall be taken upon the pending amendments, and all amendments that may be thereafter offered to be subject to debate under the five-minute rule. Is that the proposition?

Mr. BLAIR. That is the way I mean to be understood.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BLAIR. It is the understanding that it applies to one week from to-morrow.

The PRESIDING OFFICER. Thursday of next week.

Mr. TURPIE. I desire to offer an amendment to the resolution which has been pending in relation to the election of President *pro tempore*.

Mr. BLAIR. That is the resolution reported by the Senator from New York [Mr. EVARTS].

Mr. TURPIE. Yes, sir.

Mr. BLAIR. I will give way informally for the consideration of that resolution.

Mr. PLUMB. Let me repeat what I said before. I know that it is not usual for any Senator to say he will interpose anything against the desire of any Senator to be heard on any question at any time, but on Monday next, at 2 o'clock, subject to the desire of some Senator then to speak, and if the circumstances be such that it is manifest at the conclusion of that Senator's speech that there is an absence of any desire on the part of any other Senator to immediately proceed, I shall move to take up some other bill, the effect of which will be to displace this bill from its present anomalous condition.

Mr. BLAIR. I do not understand that that—

The PRESIDING OFFICER. The Chair has recognized the Senator from Indiana [Mr. TURPIE]. The Chair will receive the amendment proposed by him.

Mr. TURPIE. I move to strike out the words at the conclusion of the resolution, "when the Vice-President is absent," and insert "during the future absences of the Vice-President, until the Senate otherwise order."

I desire to address the Senate on the resolution.

The PRESIDING OFFICER. The Chair would state to the Senator from Indiana that the education bill is before the Senate. The Chair understood that that was yielded for the purpose of allowing the Senator to offer his amendment. The education bill is yet pending before the Senate.

Mr. EDMUNDS. The amendment can be received and printed.

Mr. BLAIR. I do not wish in this confusion to lose sight of the education bill, which I consented should be informally laid aside.

The PRESIDING OFFICER. The education bill is pending before

the Senate at this time. The Chair understood the Senator from New Hampshire to yield for the purpose of allowing the Senator from Indiana to offer his amendment, but the education bill is now pending before the Senate.

Mr. BLAIR. At the request of the Senator from New York [Mr. EVARTS] I assented that the education bill should be laid aside informally for the consideration of his resolution. I hope after that to call up the bill, and then the Senator from Mississippi [Mr. GEORGE] will speak.

The PRESIDING OFFICER. That will require unanimous consent of the Senate. Is there objection to the suggestion of the Senator from New Hampshire that the pending bill be laid aside informally in order to consider the resolution pending at the conclusion of the morning hour? The Chair hears none.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. 1701) making an appropriation for the removal of a dangerous obstruction to the entrance of the harbor at Milwaukee, Wis.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5074) extending the time of payment to purchasers of land of the Omaha tribe of Indians in Nebraska, and for other purposes; and

A bill (H. R. 7025) to amend an act entitled "An act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889.

#### EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Interior, transmitting, in response to Senate resolution of March 10, 1890, the compilation concerning the legal status of the Indians in the Indian Territory; which was referred to the Committee on Indian Affairs, and ordered to be printed.

#### HOUSE BILLS REFERRED.

The bill (H. R. 386) to construct a public building at Baton Rouge was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The bill (H. R. 5974) extending the time of payment to purchasers of land of the Omaha tribe of Indians in Nebraska, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 7025) to amend an act entitled "An act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889, was read twice by its title, and referred to the Committee on the Census.

#### PRESIDENT PRO TEMPORE OF THE SENATE.

The Senate resumed the consideration of the following resolution, reported by Mr. EVARTS, from the Committee on Privileges and Elections, February 10, 1890:

*Resolved*, That it is competent for the Senate to elect a President *pro tempore*, who shall hold the office during the pleasure of the Senate and until another is elected, and shall execute the duties thereof when the Vice-President is absent.

Mr. TURPIE. I now submit my amendment.

The PRESIDING OFFICER (Mr. BERRY in the chair). The amendment of the Senator from Indiana will be read.

The CHIEF CLERK. It is proposed to strike out at the close of the resolution the words "when the Vice-President is absent" and to insert "during the future absences of the Vice-President, until otherwise ordered;" so as to make the resolution read:

*Resolved*, That it is competent for the Senate to elect a President *pro tempore*, who shall hold the office during the pleasure of the Senate and until another is elected, and shall execute the duties thereof during the future absences of the Vice-President, until otherwise ordered.

Mr. EVARTS. The Senator from Indiana [Mr. TURPIE], who is a member of the Committee on Privileges and Elections, has proposed this amendment, and, so far as I may speak for the committee and for the supporters of this resolution, there is no objection made to the amendment.

Mr. TURPIE. Mr. President, I have offered the amendment in the terms which I have submitted because I think they are more explicit, and that they are an improvement upon the resolution as it was reported, and put beyond question what the construction should be.

I do not deny what the Senator from Mississippi [Mr. GEORGE] has said about the former action of the body, but I do not believe the question involved in the practice has ever been settled, and I think the unbroken practice or custom which he speaks of is owing to the fact that the question has not been discussed, and there has been no determinate or affirmative decision on the construction of the national Constitution herein.

It has always been a mooted question, and the practice and the custom have been mooted and disputed also. I heard here twenty-six years ago a brief restatement of the discussion between Senator Bayard, of that era, and Senator Collamer. I heard a colloquy in which Senator Bayard, who took the same ground as the Senator from Mississippi now does, conceded that, laying aside what had been the practice of the Senate, Mr. Collamer had the correct construction. Indeed, the Sen-

ate determined nothing then. They left the dispute undetermined. I refer to the debate of 1861 only to show that the question was then mooted; and in 1854 there was a debate, and as far as I know the question has always been mooted, at least in modern times, and in the memory of any living man has never been regarded as settled.

Mr. GEORGE. Will the Senator allow me to interrupt him?

Mr. TURPIE. Yes, sir.

Mr. GEORGE. I have looked up the debate of 1854 and of 1856 and the question involved there is not the one here. In the one the question was whether you could get along when the President *pro tempore* was not present at the meeting of the Senate. The debate was very short, but I am sure the Senator is mistaken in supposing that this question now involved, whether the tenure of the President *pro tempore* ceases when the absence of the Vice-President ceases, was that involved on that occasion.

Mr. TURPIE. I only spoke of the debate of 1854 and an earlier debate on this question upon the reference to them in the debate of 1861, between Senators Bayard and Collamer, and there the earlier debate was recognized as having a bearing upon the construction of this clause. I speak of the discussion which lasted for half a century, which has shown that the question itself was mooted and is yet open. I cite in the first place the passage of the Constitution in reference to the House of Representatives:

The House of Representatives shall choose their Speaker and other officers,

There is an entirely parallel passage in the Constitution respecting the other branch. The power contained there is not a common-law power. It was the common law that the House of Commons could not choose its Speaker except *sub conditione*, and the Upper House could not choose its presiding officer at all, but both these powers were granted in the Constitution of the United States, and the power is absolute in its character, not only as to the Speaker, but as to the other officers. "The House of Representatives shall choose their Speaker and other officers." The passage of the Constitution with reference to our own branch is as follows:

The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President.

The provisions are the same except as to the order of "other officers." "The House of Representatives shall choose their Speaker and other officers;" the Senate section is "The Senate shall choose their other officers, and also a President *pro tempore*."

Neither section alludes in any way to the time when the election is to take place. The time when the election is to take place is fixed by the rules of both bodies. It is not fixed with reference to the President *pro tempore* or with reference to the Speaker any more than it is with reference to the Sergeant-at-Arms of the Senate or the Doorkeeper of the House, or the Secretary of the Senate or the Clerk of the House, "the other officers" of either body.

The only object of both these sections is to confer upon the two Houses the power to effect a complete organization at the time they may desire to do so, and under the rules which they may have made for that purpose and to change the *personnel* of such organizations whenever they may wish to change the same. Those, then, who adopt our construction are not at all affected by what the Senator from Mississippi has said about the phrases "in the absence of the Vice-President" and "when he shall discharge the duties of the office of President of the United States;" for, if these two phrases relate to the time when the Senate shall choose a President *pro tempore* they relate just as plainly to the time when "the other officers" shall be chosen, and such a construction compels the inference that the other officers, and also the President *pro tempore* of the Senate, could only be chosen in the absence of the Vice-President or when he is serving as President.

Such a proposition can not for a moment be entertained. It is very clear that the two latter clauses in relation to the absence of the Vice-President or his Presidential service do not relate to the time of the election, but to the occasion and time of the service to be rendered by the President *pro tempore*.

The first phrase is "in the absence of the Vice-President." Now, supposing the Vice-President is absent and a Senator is chosen here to preside in his absence under their construction, and during that absence the President dies and the Vice-President is fulfilling the duties of the President, is another election for President *pro tempore* necessary? Is it not plain that both the phrases refer, not to the time of election, but to the occasion and the time of service of the officer so chosen?

I am of the opinion that if the House and the Senate have synonymous powers and equal powers as to the choice of their own officers, we can elect a President *pro tempore* of the Senate when we elect a Secretary or whenever we choose to do so, whenever it becomes necessary, and that phrase "in the absence of the Vice-President or when he shall exercise the office of President of the United States" does not determine the time when we shall choose him, but it does determine the times when that officer shall serve.

Again, the Senator from Mississippi would have us make an actual, literal translation of the words "pro tempore." Let us have it as actual and as literal as you please, and it means "for the time." But what would it mean in this connection? For the time "embraced or

included" in the absence of the Vice-President or when he shall exercise the office of President of the United States? "Pro tempore" alludes to the term of service of the President *pro tempore*. It does not allude to the time in which he is chosen or the time of his election, and the clauses which follow it form the contemporaneous and indeed the textual construction of what is meant by the phrase "pro tempore," "for the time." It means in the absence from here or the service of the Vice-President as President of the United States. Either of these is the time in which the officer who was chosen may serve as President of this body, but neither of these relates in any way to the time at which the Senate may select or choose that officer.

I call the attention of the Senate also to another consideration. The Senator from Mississippi remarked that the power under this section is a power given us to choose in the absence of the Vice-President, and he spoke of the practice the other way. I have always understood it to have been a matter of courtesy merely that the Vice-President should retire—simply a matter of courtesy and not a matter of necessity at all. He might as well be present, but as a matter of courtesy due to the position he does retire while the President *pro tempore*, his successor, is being chosen, not by any command or requirement of the Constitution, however.

The Senator from Mississippi claimed that we are only given this power to choose a President *pro tempore* in the absence and during the time of the absence of the Vice-President, because it is so inserted in the Constitution under the Senator's construction. Now, sir, I think it perfectly evident that without any such grant at all this body would have the right to choose a presiding officer. Supposing the Vice-President is absent, supposing the President *pro tempore* is absent, and a quorum of the Senate meets here, are we powerless? Can we not call a member of the body to the chair? We do call a member of the body to the chair, and in England the House of Commons calls a member of the body to the chair in just such emergencies.

Mr. GEORGE. That is in the case of a resolution being passed.

Mr. TURPIE. I am not speaking of resolutions or enactments; I am speaking of absences for an hour or half an hour or a whole day of a presiding officer or of a substituted presiding officer of the body in either House. I am not saying that from the common-law power, but from the fact that no presiding officer should have the right to destroy legislation and to block it simply by his absence, intentional or unintentional. From the general legislative power granted by the States to this body and by the people to the members of the other body, we have a right to select a person temporarily to preside in the absence of both the President *pro tempore* and the Vice-President, it being a necessary incident to the exercise of greater power. We exercise that power every day. Many a Senator here is called to the chair simply as a matter of courtesy to the Vice-President, and takes it. Is such a Senator the President *pro tempore* of this body? He is not. Does it take a constitutional grant of power to authorize that action of the officer presiding? Not at all. On the contrary, I do not think that the makers of the Constitution, eminent and profound statesmen and learned as they were, would have taken the trouble to insert a clause into the Constitution authorizing either the Senate or the House to temporarily organize itself for a day or for an hour in the absence of the regular presiding officer. It would have occurred to them in a moment, as it had a hundred times in their practice in the Confederate Congress and in the Colonial Congress, that such power was exercised without legislation required by constitutional enactment, and that it would have been a frivolous, trivial thing to put it into an instrument embodying provisions of the importance of the Federal Constitution. No; the makers of the Constitution recognized the parliamentary power of making *ex necessitate* a temporary presiding officer at any time in the absence of the regular presiding officer; and in the absence of a Vice-President they wished to make a permanent substitute for him and to make it a constitutional office, but not to prescribe the time of his election any more than that of any other officers, but only the time or occasion of his service.

Therefore I think that the office of President *pro tempore* of this body is a very high permanent position, one not provided for by statute. It is higher than any of the judges, any of the executive officers except the President and the Vice-President. It comes in rank next to them because it is named in the Constitution, and is provided for in that instrument, the fundamental law of the Government. And to think that a temporary or casual election should have been provided for in such a fundamental measure or that there should be a perpetual procession of temporary elections, would be beneath the dignity of the body, and I think a fatal misconception and misconstruction of the power under the clause in the Federal Constitution so often referred to.

Mr. GEORGE. I have only a few words to say in reply to the speech made by the Senator from Indiana.

In the first place, I want to correct him, as I have my notes now made by myself from a reading of the Globe about these debates in 1854 and 1856. In 1854 David R. Atchison, of Missouri, was President *pro tempore* of the Senate. He was absent and J. D. Bright, of Indiana, was elected. It was thought by some—

Mr. TURPIE. I will ask the favor of the Senator to allow me to interrupt him, as he asked the favor to interrupt me. I call his at-



tention to the fact that I said nothing about those debates and know nothing about them.

Mr. GEORGE. It answers the Senator's argument very well, anyway.

David R. Atchison was President *pro tempore*, and he was absent. The Senate then elected Mr. Bright, and the question arose whether they could elect a temporary substitute for this absent *pro tempore* President, and the Senate held that, upon the election of Bright, Mr. Atchison's term ended.

In 1856 Mr. Bright was President of the Senate *pro tempore* and he appointed a substitute on the 9th day of June of that year. He wrote a letter to Mr. Stuart, of Michigan, asking him to take the Chair for the day. Mr. Bright was not in the building and therefore not constructively present, and the Senate held that he could not make any such appointment and they thereupon elected Mr. Stuart as President *pro tempore*, and it was held that Stuart's election superseded Bright's. They could not have two Presidents *pro tempore*. As Stuart did not want the office and as he understood very well that the Senate wanted Bright to be the President *pro tempore* of the Senate, he held the office about four or five days—I have forgotten which—and then, Bright having returned, he resigned and Bright was elected. That is all of the discussion of 1854 and 1856.

Now, in reply to the Senator from Indiana, about the power of the Senate to elect this officer at any time, I want to call attention to this fact: the very first time this question was raised in the Senate, in 1861, by Judge Collamer, of Vermont, he admitted that the President *pro tempore* must be elected during the absence of the Vice-President. He held that was the occasion on which the President *pro tempore* was to be elected, but that the absence of the Vice-President was the tenure of his office. The Senator from Indiana reverses all that, and he says that you may elect at any time, and that the absence of the Vice-President is not the tenure of the office.

Another thing: From the beginning of the Government down to the present day, including the election of Mr. INGALLS as President *pro tempore* of this body, now holding that office, a man never was elected President *pro tempore* except in the absence of the Vice-President. The Senator from Indiana seems to think that that was not done upon a construction that the power did not exist at any other time.

I call his attention to the speech made by Elbridge Gerry, which I quoted in my previous remarks made to the Senate, in which he replied to the suggestions made by Senators to him, asking him to vacate the chair as Vice-President so that they might elect a President *pro tempore*, it being conceded on all sides that they could not elect without his absence, giving a reason why he refused to accede to the request which I have just stated. He said that it was his duty to be there, it was his duty to preside, and when he did vacate the chair it was only a few minutes before the adjournment of the Senate, it being admitted on all sides that the election could not take place until that time.

I call the Senator's attention to these facts so that he may look through the debates and the proceedings of Congress from the very beginning down to the present time, and he has the honor of making the first suggestion which ever has been made that a President *pro tempore* was elected in the absence of the Vice-President simply as a matter of courtesy to him. On the contrary, from the beginning down to the present time, without a single break, it has been held, and was so held by this Senate when we elected the present occupant of the chair, that the power to elect did not exist until the Senate was in a state of disorganization by the absence of the Vice-President.

Mr. EVARTS. If any other Senator desires to speak on this question I will yield the floor.

Mr. TURPIE. I should like to be heard a moment, if the Senator pleases. I do not know that I am entitled to the distinguished position assigned me by the Senator from Mississippi.

Mr. GEORGE. Yes, you are.

Mr. TURPIE. I think I am not. I think the position taken by myself is a familiar one in the debates in Congress on the subject heretofore. I have not heard any one here dispute that this question is one of fair discussion which has never been closed. There is no binding custom, there never has been any *stare decisis*, and we are discussing now what does the Constitution mean? The whole clause reads:

The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President or when he shall exercise the office of President of the United States.

If the Senator's construction is right we must choose our "other officers" in the absence of the Vice-President; that is very plain, just the same as we choose the President *pro tempore*, and we must "choose our other officers" when he shall exercise the office of President of the United States. The construction which the Senator puts upon the section is entirely ungrammatical, illogical, and it is not supported by a single authority—I speak now of judicial construction—by this body. It is acquiesced in by practice, because every Vice-President has had the courtesy to retire when the consideration of the question of his successor was open, but that retirement is not necessary and is not to be found in a legal construction of our own powers.

Mr. EVARTS. Mr. President, I will briefly state the reasons which have brought the Committee on Privileges and Elections to prefer this

form of the exercise of the duty of the Senate, and then will leave it, as I hope, to a vote to be taken.

Sensors will notice that this is a mere declaration of the competency of the Senate to choose a permanent President, who should take the chair in the absence of the Vice-President or whenever he should act as President of the United States. It does not preclude in the least that the Senate should instantly upon any election limit that election to the then present absence of the Vice-President if it should be desired, but the declaration of the power of the Senate to establish an office of President *pro tempore* is the object of this resolution.

Now for the historical situation. It is a little difficult to say, with all our veneration for the framers of the Constitution, that in putting in operation this new Constitution for a new government those wise and good men at the first meeting under the Government knew more about the Constitution and its workings than their descendants after a hundred years of observation of it. The framers of the Constitution never claimed for themselves one moment or authority for their descendants in the Government that the Constitution, as they had left it in the executed instrument, was to be construed except by reason and experience as their descendants should find occasion. When, therefore, an appeal is made to a *sub silentio* course of procedure, by which the Senate took up *pro re nata*, and only *pro re nata*, the question whether they should choose a *pro tempore* President or one for the occasion of the then expected absence, they find no decision of this Senate upon a resolution such as is now presented for a definite determination. True, we have had one debate, the same as thus far we have had a debate in this Senate, and that was in 1861, in order to define this competency of the Senate, and the debate ended as has been stated.

The arguments on one side were presented by eminent men in favor of the resolution that this committee has presented and by other Senators to the contrary opinion, and there ended the matter. There was no resolution, there was no determination, but, as I have stated before, the whole burden of the debate shows that all the reason was in favor of the construction of this clause that the committee now gives to it, and the only answer was that up to that time it had not been advocated and had not been determined, but that the custom of the Senate had been satisfied without dealing with every case *pro re nata* and without harm to the public service. Now we have a situation in which we find, if this competency exists in the Senate, much reason why it should be put in exercise.

Let us understand for a moment a singular difference in the constitution of society and of population at the time of the formation of the Constitution and the present time. Then no man ever came here to the Senate, no man ever came here as Vice-President and presided in the Senate without the expectation, almost the necessity, of remaining permanently at the seat of government without any casual absences, unless under some great stress of circumstances. When it was as much of a task and a burden to leave and return home as it was to come, there was no occasion for casual intercurrent absences to be looked into; there were none such in the contemplation or in the practice of the Senate.

Now, as we know perfectly well, under the system of our intercourse through transportation and by telegraph, there come to be every now and then occasionally short absences that are contemplated either by Senators or by the Vice-President of the United States. It is thought by us unseemly that on casual and unpremeditated occasions we should be called suddenly into the election of a President to take the chair when there may not be twenty Senators in their places or any considerable number that are accessible at the moment. We are to look, then, at the Constitution and see what it means, and finding this power we find a reason for exercising this faculty.

The Senator from Mississippi hangs wholly upon his own interpretation of this clause, not on any ancestral and reverent attitude about the past, and he takes so peremptory an attitude as to ask whether I had a right or the Senate had a right to strike out a part of the Constitution. I made no response to that request. I have never asked and no Senator has ever asked that a clause of the Constitution should be stricken out. But the Senator was not satisfied to put it there on my silence, but he stated again that I did not dare to say it. Well, Mr. President, it was not a question of personal courage.

Mr. GEORGE. Oh, no; I did not mean that.

Mr. EVARTS. I treated the question just as it deserved. Nothing I had ever said, nothing I had ever hinted, nothing that anybody had ever said or had ever hinted, had suggested a right to strike out a clause of the Constitution, and I left the question unanswered. But the Senator followed it up by saying that I did not dare to answer!

Mr. President, what does this clause mean? Those who stickle for the technical construction of this sentence would have it read thus, very differently from what it does read. They would have it read, "And also in the absence of the Vice-President, or in case he shall exercise the duty of President, the Senate may choose a President *pro tempore*." Does the clause read in that way? Is the substance, is the gist, is the meaning that our power arises in the absence of the Vice-President? No, the natural meaning, the literal meaning, the common-sense meaning, is exactly in the opposite way. It is thus: The previous clause, having furnished us by the Constitution a President

within the powers of the Senate, which, if unobserved by the Constitution at all, would have been the general right of a deliberative body to provide for its officers, including its presiding officer when there was not one provided for it, then proceeds to say, "and the Senate shall choose its other officers, and a President *pro tempore*."

That is the function, that is the power, and if you stop there you have the whole deposited power. But now, in order to guard against the least suspicion of the dominancy of the Vice-President, although not a member of this body, the provision is that this *pro tempore* condition, this *pro tempore* action, this necessity of having a presiding officer is because the constitutional President of the Senate, the Vice-President of the United States, is withdrawn. When we choose any of our officers, we elect them to fulfill the functions and satisfy the obligations that are imposed. This function, this obligation is to preside in the absence of the Vice-President or in case of his permanent elevation to the discharge of the duties of President of the United States, temporarily or permanently. We therefore have what the Senator from Mississippi I believe will admit is within the competency of this Senate, the power to read the Constitution and know what it means. *Quod necessarie intelligitur non deest*—what is understood in the reading is not wanting from the words.

Mr. President, it is said that this is a question only of convenience, of dignity, of orderly proceeding. If we have the power, it is a good ground for our exercising it if we find all these reasons. If we have not the power, all the reasons which we may imagine, powerful, dangerous, injurious, could not give the power, but they might aid us in reading the clause to find what it meant for great occasions, for little occasions, for necessities, and for convenience.

Now, one can imagine very easily that in our habits of casual absences, of a telegram arriving at night, and the Vice-President absenting himself because of a casual misfortune to himself or his family, that we should be in an awkward condition for the moment. But with this habit of occasional absences, which can not be imputed at all as out of the ordinary course and propriety of conduct on the part of either Senators or the President or Vice-President, we should have some disorder in finding out in the signing of bills for half a day who was the President *pro tempore* and how he came to be chosen.

Mr. President, the question is a plain one, that we have power to choose an officer, and an officer as to which "*pro tempore*" means the occasion for which the necessity arises and the duty is given.

The PRESIDENT *pro tempore*. Is the Senate ready for the question upon agreeing to the resolution? The Chair understands the amendment suggested by the Senator from Indiana [Mr. TURPIE] has been accepted by unanimous consent.

Mr. EVARTS. Yes, sir.

Mr. GEORGE. I should like to hear the resolution read as amended.

The PRESIDENT *pro tempore*. The resolution will be read as modified.

The Secretary read as follows:

*Resolved*, That it is competent for the Senate to elect a President *pro tempore*, who shall hold the office during the pleasure of the Senate and until another is elected, and shall execute the duties thereof during all future absences of the Vice-President until the Senate shall otherwise order.

The resolution was agreed to.

#### AID TO COMMON SCHOOLS.

The PRESIDENT *pro tempore*. The consideration of the unfinished business will be resumed.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 185) to aid in the establishment and temporary support of common schools.

Mr. BLAIR. The Senator from Mississippi [Mr. GEORGE] is entitled to the floor.

Mr. GEORGE. Mr. President, the Senator from New Hampshire desires me to make some remarks on this bill. I have argued this bill at three sessions of the Senate. My opinions are very well known on the subject. I do not say that I have made an exhaustive argument upon it, but I have made an argument which presents all the views I entertain on this subject.

There is some falling away on this side of the Chamber from a support of the bill. I desire to say that I have heard nothing and seen nothing which lessens my interest in the passage of the bill.

Its constitutionality has been assailed with great vigor by my friends on this side of the Chamber. I think all the arguments they have presented have been answered over and over again, conclusively answered, by speeches made by my colleagues on this side of the Chamber on former sessions; and good arguments on the same side, that is, on my side, have been made at this session by Senators on the other side of the Chamber—the Senator from Delaware [Mr. HIGGINS] and others. I have no desire to go into that argument again. I did think at one time after my friend from Texas [Mr. COKE], who sits before me, and who finds so much vitality in this bill that he has to kill it every session by a long speech—I did think, as that heresy in constitutional law maintained by him had made its appearance on my side of the Chamber once more, that I would say something in reply, but I have been relieved of the necessity of doing so by the speech of the Senator from Arkansas [Mr. JONES], who, I think, has removed all the

little straws placed in the way by the able and learned speech of my friend from Texas.

I desire to say simply this, and I will sit down, for I am tired any way—I have spoken too long to-day—that from the beginning—and I want Senators on the other side to understand it—I have regarded this measure of the Senator from New Hampshire as a generous offer made by the Northern States to the Southern States.

The bill, in its distribution of the funds, is drawn on purpose, as was the bill drawn by the Senator from Vermont [Mr. MORRILL] about the proceeds of the sales of public lands, to give the Southern States an advantage in the distribution of the fund. Therefore I regard it as an offering on the part of the North to the South. I am not here to ask alms for the people of Mississippi. I shall not go into the spurning business, as my friend from West Virginia [Mr. FAULKNER] did the other day, when he got on his high-horse and proposed to spurn all bribes and all that sort of thing. I do not think there is any bribe in it, but I do not feel that I have any right, when I look at the condition of a large portion of the black people of Mississippi, to reject an offer like this when it is made.

I do not regard that this offer is made on dishonorable terms to the people of Mississippi. I think—I will confess that much—that possibly there was too much of jealousy and of suspicion in some amendments which have been put to the bill by the Senate heretofore, but I am willing to waive that. I believe that the donor of the fund has a right to prescribe conditions, and I believe that the donor of the fund has a right to make such examination as will determine whether the conditions have been complied with. The Committee of the Whole has amended, or has recommended the amendment, and I believe it has been adopted by the Senate in one respect, that was particularly obnoxious to me and to the people of the South.

I voted for the bill, though with that provision in it requiring the filing of school books with the Commissioner of Education, but men like my friend from Texas [Mr. COKE], who see the devil behind every bush connected with this thing, and who see all sorts of usurpations and wrongs to be perpetrated upon the people of the South—I thought I would ask them in committee to remove that trouble out of the way, so that the Senator from Texas would not find a devil behind that bush; and that is the extent now of the effort, as was charged by the Senator from Wisconsin [Mr. SPOONER], to strike out that clause to purchase Southern support. That clause was stricken out, if I have a right to say so, and I think I have, in committee on my motion, and it was acceded to by every member of the committee, Republican and Democrat, with one exception, and as to that I am in doubt. It was a generous action on the part of the Republican members of the committee to meet the wishes of myself and my colleagues on the Democratic side.

Mr. WASHBURN. I should like to interrupt the Senator as to his statement in regard to the unanimous action of the committee with regard to striking out the language to which he refers as to the submission of text-books. I understood the Senator to say that it was the unanimous act of the committee?

Mr. GEORGE. With one exception, and as to that I did not remember. I was referring to the Senator. That is the way I stated it.

Mr. WASHBURN. I did not exactly understand the Senator's allusion to the action of the committee.

Mr. GEORGE. I do not remember how the Senator from Minnesota voted. I am set right now. The Senator from Minnesota, I understand now, was against it.

The Southern people are having a rather hard road to travel, and I am sorry to be obliged to say so. You Senators on the other side make it by your conduct and your declarations here a great deal harder than it otherwise would be. There is a condition of affairs in the South that you gentlemen who live in the North have no conception of—not a particle. You sit serenely in your homes, far away from strife and trouble, far away from the men and women of the South, and starting from one text in the Scripture, and I have only a part of that, "that God made all men of one blood," or something like that—that is the idea—you imagine that there is nothing in the South except devilish bulldozing and force and innocent suffering. There is no danger where you are. I thank God there is not. If my people are to drink the bitter cup, it is no reason why I should wish you an equal calamity. I do not do it.

But, as I was proceeding to say, removed in distance from the scene, you know nothing of the situation. You see an account in the newspapers of some riot or race disturbance, and you read it always that the Southern white people are oppressing the blacks. You have no faith, you have no confidence in the political integrity and disposition of the people of the South to work out this problem with safety to the country and to themselves—not a bit of it. You are ready to believe every idle and infamous rumor that is wafted by the press to your midst which blackens us.

You think, and I hope to God you may be right, though I doubt it, that the solving of this terrible problem, which you do not understand, is to be found in the education of the negro. I hope you are right. I dare not cherish the apprehensions I have on that subject. I dare not give shelter and refuge to the apprehensions which I some-



times have, which I almost always have, as to what will come in the future. No man knows the future. You abuse us, you criticise us, you denounce us, when you do not know, when you will not take the trouble to learn the terrible problem that we have before us.

I am not to be driven from the path of duty I have marked out for myself by a sense or consciousness—and I have that sense and I feel that consciousness—of the wrong which is continually day after day being perpetrated upon our people. I intend to pursue the path which the lights I have before me indicate is right. The people of Mississippi have shared their taxation for education, 90 per cent. or 95 per cent. of which is paid by the whites, in the proportion of three-fifths to the blacks and two-fifths to the whites. So far as in me lies, I intend to do the best I can to elevate, to advance, and to qualify the unfit population who by the chances of war and the terrible passions and animosities created by war have been inflicted upon the people of the South as voters.

So, then, standing here as I do, listening day by day, as I have been compelled to listen, to abuse which has been poured upon the people of the South, when I have seen this Senate, which I have so often heard spoken of here as the highest legislative body in the world, turned into a political cesspool, into which all these charges of guilt and venomous allegations of this character are poured—notwithstanding all that, I intend to pursue the path of duty as I understand it. That path is, if there be power to elevate, to fit for the high purposes of social order and of government the negro, that policy shall be pursued. I intend to do it. I hope I am understood.

If you would keep your intermeddling from outside of the State of Mississippi; if you would allow these diverse races, locally intermingled, and yet in all the attributes which distinguish men from one another as far apart as the poles—if you would allow us to work out our own salvation without your external aid, I might add, your infernal intermeddling, we might at last work out something; but I do not expect that. As long as \$450,000,000—and I believe our revenues and expenditures will amount to that much this year—as long as this immense sum is the annual expenditure of the Government and as long as the great honors and the great offices of this country are the prizes to be fought for in national elections, I expect nothing, I hope for nothing from your forbearance. I know that the love of power is the strongest passion of the human heart, and next to that is the love of money. These united will make you, I fear, forever unwilling, and unable if you were willing, to look at our condition as it is.

So, first I want to tell you, placing my sole reliance upon the virtue, the good sense, the nerve, and the patriotism of the people of Mississippi for salvation, that when you come and make an offer which may tend to help us, I will not refuse it. I accept it, so far as my vote is concerned. I told my friend from New Hampshire, the author of this bill, that I should say to the Senate when I spoke that if my vote would pass this bill against the vote of the majority of the Senators from the Northern States, I would move to reconsider it. I will not vote to put a burden upon you. I am satisfied, though, from a canvass on this side of the Senate that the bill can not pass unless it is supported by a majority of the Northern Senators. In that condition of things, I shall vote for it cheerfully, vote for it because I hope it may prove of benefit to the people whom I represent, vote for it because it appears to be a generous and munificent offering on the part of the Northern States to the people of the South. In that view and believing it to be a beneficent measure, I shall cast my vote for it.

Mr. HOAR. Mr. President, I have too much at heart the passage of this most important and beneficent measure to respond to any challenge while it is under discussion to a debate upon the great questions which separate the two parties in this country or which divide in opinion the gentlemen who at present, with, I think, one exception, represent the Southern States in the Senate from those who represent the part of the country to which I belong. Whatever there is in the speech of the Senator from Mississippi [Mr. GEORGE] which contains a taunt—

Mr. GEORGE. Contains what?

Mr. HOAR. A taunt.

Mr. GEORGE. I did not intend any.

Mr. HOAR. Whatever there is in it which is provocative of anger or of a just and righteous indignation, so far as I am concerned, is to pass unanswered now. The picture which he has drawn of the state of mind of the representatives of a large majority of the States of his country must stand or fall in the judgment of the people upon its truth as they see it, without any attempt to efface any of its colors on my part. I have risen, therefore, simply to ask the honorable Senator who thinks we so misjudge him, and that we ought to leave this question which he has spoken to, of the condition of the two races at the South, to him and to those who agree with him to settle, and that their plan is so much better than any other—I ask if he will be good enough to state for the information of the Senate and the country, in connection with what he has said, what that plan is? What is it? Does it embrace the absolute security to every man who, under the Constitution and laws of this country, has a title to vote, of that title, without interference by force or fraud or in any other way? Does it embrace the

security to the colored people of the South of the same fair trial by jury when they are charged with offenses which their several constitutions, as well as the Constitution of the United States, prescribe for white citizens and for all citizens in terms? What are the things which he wants done by the proper legal authority, whatever it is, which, as he understands the matter, differ from the things we want done? That I wish he would tell us.

Mr. GEORGE. Mr. President, the Senator asks me several questions. I have proposed no plan. I have thought that the Senator from Massachusetts as well as other Senators in this body could understand the difficulty of having orderly, good, secure government with two diverse races, differing in all things, and especially when the passions of the ignorant race were inflamed by intermeddling from the outside.

Mr. President, the theory of this Government is—and if that theory be false your Government must come down—that the people are capable of self-government, that the people of each State are capable not only of discharging State duties and performing State powers, but also of exercising their share of national powers. There is no such thing in this country under our Constitution as wise States capable of the guardianship of inferior States. There is no such thing under our theory of government of States in wardship to other and better States. But yet, unless I have misread and misunderstood the history of recent years, the claim is that there are some, the New England States and others, wise, great, good, capable of discharging their full duties to their own people and to the Federal Union, and capable also of guardianship over their more unfortunate sisters.

That is your theory; that is your practice; and in your blind zeal—I will not call it by a worse name—to rectify all wrongs wherever they may be, in your assumed wisdom and goodness to correct the misfortunes and the short-comings of others, you transgress the comity of the Constitution; you incite in the Southern section of the Union the dagger and the torch. If we of the South are unfit (as we are not) for self-government, we do not need your tutelage. When under our system of local autonomy in each of the States, you enter with your superior wisdom and your superior morality, as you assume, you destroy all harmony, you make co-operation between diverse races utterly impossible, and then turn you around and abuse the unfortunate people whose condition you have made tenfold worse than it would have been but for your interference, and then this state of affairs is made the occasion for renewed interference.

Does the Senator from Massachusetts remember that in 1883, I believe it was, when the Chinese exclusion bill was before the Senate, learned Senators on that side of the Chamber, notably the Senator from Nevada [Mr. JONES] and the Senator from Colorado [Mr. TELLER], pointed out some of the difficulties in which their people were involved, when their communities were composed not only of heterogeneous races, but of antagonistic races? Does the Senator remember that the great Senator from Vermont [Mr. EDMUNDS] asked him how he would like to have a million of the inhabitants of the Dark Continent settle in Massachusetts, declaring for himself that he wanted no such people in Vermont? That question the Senator from Massachusetts has never answered to this day. Easy it is for him in a State, the richest in the Union, millions and millions of dollars being poured into the private coffers of her people by a fiscal system which enriches them and robs us; easy it is for him with colleges in every county, probably, in his State, with high schools everywhere, with a population of which I believe I heard somebody say the other day, so far as native Americans were concerned, only 3 per cent. were illiterates—I think I heard something of that sort—

Mr. HOAR. Three-tenths of 1 per cent., I think it is.

Mr. GEORGE. Three-tenths of 1 per cent.—enterprising, intelligent, with Anglo-Saxon blood in their veins, with no diverse and inferior race to disturb them—easy it is for him to content himself with that serenity of temper which comes from a consciousness that, however the storm may beat upon distant Alabama and Mississippi and Louisiana, it can not reach him.

Mr. President, the Senator asked me some specific questions, and I will now turn my attention to them. I want everybody to vote, but I want to show that the Senator from Massachusetts denies to my State and other Southern States, claiming it for his own, the power to prescribe for themselves the rules by which electors shall be made.

Does not the Senator remember when, in Massachusetts, with the population to which I have alluded—educated, progressive, with but a small sprinkle of illiteracy—the people found it necessary that there should be an educational test for voters, and that he himself and his party concurred in putting upon the bills to readmit Mississippi and Virginia and Texas and Arkansas and the others to representation in the Union a provision to the effect that ignorance, vice, brutality of characters should never, never exclude a man from the polls in those States?

I see the Senator smiles. I expect that if there be any one thing that gives him supreme satisfaction it is the reflection that whilst he has secured for Massachusetts a good and orderly and a safe government he has denied to the States that I have named all opportunity of doing it. That is true. If it is any satisfaction to you, take it.

The PRESIDENT *pro tempore*. The Senator must address the Chair.  
Mr. GEORGE. I beg pardon; I withdraw what I said. If I be consistent with the rules of the Senate that what I said out of order may be stricken out, I ask that it be done.

I should like to have in Mississippi, if I could get it, at whatever cost of influence and power in national affairs, a chance to so organize government that there would be and could be safe, orderly protection to all. The Senator would deny it to us. He claims that the power of a State to secure itself against improper suffrage is a peculiar prerogative of his own section.

As to his other question in regard to the administration of justice to the blacks in Mississippi, I have never known, and I have had some opportunity to know, any distinction in the administration of justice in Mississippi between blacks and whites, except that I have seen both in the jury-box and on the bench a leniency accorded to the blacks, on account of their inferior and ignorant position, which was not accorded to the whites. In Mississippi I venture to say that not one black man has been tried for a felony since 1876 where there were not black men on the jury. I ask my colleague if I am correct in that statement.

Mr. WALTHALL. Except when the prisoner wished to be tried by a white jury.

Mr. GEORGE. My colleague informs me of something that I had forgotten. There are occasions when the black prisoner expresses to his counsel a wish to be tried by a white jury. Those are the exceptions to the remark which I have made.

What right had the Senator from Massachusetts to impute by the questions which he propounded to me that there was any difference made in the administration of justice in the State of Mississippi between the whites and blacks? I know there are certain crimes committed in Mississippi that when committed by black or white there comes a swift and terrible vengeance in the shape of mob law. I deplore that. I know, too, and I will confess it (it is as well to tell it), when there is a conflict between whites and blacks and blood is shed, the race instincts and the race animosities produce reprisals. Where in the world, where in all of civilized and savage life of which we have any knowledge, has not that same thing occurred and does not occur regularly? Were there no mobs in California and the other Western States where the conflict was incited by the presence of the mild Mongolian?

The Senator expects a millennium in the South with all these troubles, with all this difficulty of harmonizing antagonistic and diverse races. That is what he expects. He will never get it. I pray God that there shall be that much at least of virtue and wisdom in the American people that there shall be allowed time, opportunity, just means, without impertinent interference, to settle the grandest and gravest problem that was ever presented to the human mind. Easy it is for men who know nothing of actual conditions, men who are familiar only with government carried on by the highest type of the Anglo-Saxon race, to criticize and to denounce those who are differently situated.

Sir, I tell the Senator that I am in favor of giving the same justice to the white as to the black and to the black as to the white, with one single exception. I would do as I know the courts and juries of Mississippi do, administer the law more mercifully and more leniently where the ignorant black man is involved.

Mr. President, I have been betrayed by the remarks of the Senator and probably by my own feelings a great deal further than I expected to go. This trouble is ever present in every Southern man's mind. It is in mine. Probably I have said some indiscreet things. If I have said any harsh things or any insulting things, I beg pardon. I did not intend to insult any one; I did not want to harrow anybody's feelings or to hurt them.

But going back to this bill; if the bill can do us good I am willing to accept it. I hope it may. I shall vote for it. I would not vote for it, though, if I did not know that it would require a majority of the Northern Senators upon this floor in order to pass it, and for the simple reason—and I hope I shall not be misunderstood on that point—that I do not care to be here a member of the American Senate voting upon the Northern States of this Union a burden to help the Southern States which the Northern States themselves do not want.

Mr. HOAR. Mr. President, the Senator from Mississippi may be quite sure that nothing he has said requires any withdrawal or modification on his part for fear he has hurt my feelings. I am not much in the habit of being disturbed by angry or excited speeches from anybody. The only thing I have to complain of in the honorable Senator from Mississippi is that he has not answered my question.

Mr. GEORGE. I have.

Mr. HOAR. While he has talked about, I will not say everything else on the face of the earth or under the earth, the simple question which I put to the Senator remains without an answer. I think it is rather hard for a Senator to get up and tell us that we are very ignorant of a certain subject which we are obliged to deal with in our public function, that he and those who live in his neighborhood know all about it, and that what we say and do tends very much to interfere with them in their schemes for dealing with this subject; and then when he

is asked if he will kindly explain to us what his plan or scheme is for dealing with this terrible condition of things which he has depicted in such glowing colors, and how it differs from ours, he answers with such a volcano as that of which we have just witnessed the eruption.

Mr. President, our plan, the Massachusetts plan, the Northern plan, the Republican plan, the American plan of dealing with this American problem which confronts us to-day, is exactly this, as I understand it. Without looking to see what State gets an advantage in the process, without looking too closely to see whether anybody else is doing or failing to do their duty, where we see a mass of illiterate American children growing up to be citizens and voters and sovereigns in this country of ours without getting the necessary education which will enable them to discharge the duties which that sovereignty brings with it, we propose to provide the means as far as we can for curing that evil.

The children, black or white, who are growing up in these Southern States are Americans. They are to be Americans; they are to remain Americans; and if they discharge wrongly or ignorantly or criminally the great function of sharing in the American administration of this Republic every American suffers. You can not touch the nerve in Mississippi with vice or crime or ignorance that the nerve in Massachusetts does not respond and feel as swiftly and as surely as the mandate of the brain of the Senator from Mississippi is conveyed to his finger-tips.

Now, that is our plan. Another part of our plan is this: We propose that the law-making power in this country and the law-executing power in this country shall, so far as we can influence it, protect the right of every American citizen, poor or rich, foreign born or native born, black or white, to cast the ballot which the Constitution confers upon him and to have that ballot counted. So far as that is a matter of State concern, we expect to leave it to the States which it concerns. So far as it is a matter of national concern in the election of national officers, we propose to provide for it as far as we can by the exertion of national forces.

We propose, in addition to these acts of public authority, to do what we can in our private capacity to aid the Senator from Mississippi or any other Senator, to aid the humanity and the intelligence of those States, so far as they desire and will accept it, by private benefaction. The wealth of New England, to which the honorable Senator has referred, has been poured out and shall be poured out like water to aid in removing the ignorance or the poverty or the suffering of American citizenship anywhere whenever that will be accepted and can be done without an affront to its independence and manhood.

That is our plan and that is the whole of it; and I challenge the Senator from Mississippi to discover any other plan proposed, enacted, debated, thought of throughout the length and breadth of the North.

When I ask the honorable Senator to tell me in what his plan differs from that, he answers me as we have heard. He says, in the first place, when Mississippi and Virginia were readmitted we refused to allow Virginia and Mississippi to impose upon themselves the educational test of the right of suffrage, the qualification which he would have been glad to propose and which we impose upon our citizenship.

The Senator, I think, is very much mistaken. There is not a word in the act of readmission of those States, which I hold in my hand, or in the act of readmission of any other State, or in the constitutional limitations to which they are obliged to submit themselves to-day, which prevents any Southern State that chooses, or any Northern State that chooses, from placing in its constitution an educational test of the right of suffrage.

Mr. GEORGE. Will the Senator send me that volume? [The volume was handed.] Will the Senator give me the page?

Mr. HOAR. I have not got the page. I did not look at it. You will have to look in the index.

Mr. GEORGE. I will find it.

Mr. HOAR. What that statute prohibits and what the Constitution of the United States prohibits is that you shall impose any different test or obligation upon one American citizen from that which you impose upon any other, by reason of his race or color. Did the Senator from Mississippi mean to be understood that he desired to have imposed upon the people of Mississippi and the people of the South a reading and writing test like that of Massachusetts which shall apply to every white man as well as to every black man? Does the Senator hear my question?

Mr. GEORGE rose.

Mr. HOAR. Does the Senator mean to be understood that he favors the imposition of an educational test in Mississippi and throughout the South which shall apply to every white man and to every black man?

Mr. GEORGE. Now, I will answer that.

Mr. HOAR. Well.

Mr. GEORGE. I have not expressed any opinion upon that subject at all. I have said to the Senate, and I shall prove it before this debate ends, that the Senator and his party in Congress, he co-operating personally, in the act which readmitted Mississippi and Virginia and Texas into the Union put in as a fundamental condition that we should not do that.

Mr. HOAR. Now, that I deny.

Mr. GEORGE. Well, sir, we shall see. We will try that by the record.



Mr. HOAR. We shall see; but that is not our present proposition.

Mr. GEORGE. That is mine.

Mr. HOAR. I will see whether it is yours. I asked the Senator from Mississippi to state to the Senate how his plan of dealing with this subject differed from ours, and the Senator from Mississippi answered, not by telling me how he differed with us, but by saying that in 1870, twenty years ago, we imposed upon them in the act reorganizing their States a test which we did not apply to ourselves. That is of no sort of importance in the matter of answering the question that I put, though, as I said, I do not so understand it. There is nothing in the original act of readmission of those States, nothing in the general reconstruction acts, nothing in the Constitution of the United States, which prevents the State of Mississippi from doing to-day or of having done within the last twenty years exactly what the State of Massachusetts has done in her constitution.

Mr. GEORGE. I mean before this debate closes —

Mr. HOAR. I will give way for the Senator to read the clause.

The PRESIDENT *pro tempore*. The Chair takes this occasion to state that a colloquial debate under circumstances like those prevailing at present is liable to degenerate into disorder.

Mr. GEORGE. I beg pardon, Mr. President.

The PRESIDENT *pro tempore*. The Chair therefore begs that Senators will address themselves to the Presiding Officer.

Mr. HOAR. Mr. President, I have addressed no other person or authority.

The PRESIDENT *pro tempore*. The Chair was not criticising the Senator from Massachusetts.

Mr. GEORGE. I beg pardon for what I did.

The PRESIDENT *pro tempore*. Neither Senator was being criticised by the Chair. The statement was general.

Mr. HOAR. If the Senator from Mississippi will read what he claims to be a support of the statement which he has made, I will listen to the reading now.

Mr. GEORGE. Will you give me the floor to comment on it as well as to read it?

Mr. HOAR. No, sir; I will not.

Mr. GEORGE. When you get through—I beg pardon, Mr. President—

The PRESIDENT *pro tempore*. The Chair again asks Senators to address the Presiding Officer.

Mr. GEORGE. I beg your pardon, Mr. President. When the Senator gets through I will answer him.

The PRESIDENT *pro tempore*. The Chair will then recognize the Senator from Mississippi.

Mr. GEORGE. And I shall answer him in such a way that I think he will not make a statement of that sort again in the Senate.

Mr. HOAR. The Senator will not tell us whether he has got any plan for dealing with this subject which differs from what I have stated as mine. I asked him whether his plan included the security to every person constitutionally entitled to vote in the casting and the counting of his vote, and to that interrogatory the Senator was entirely silent. I asked him another question, and that was whether his plan included the securing to the blacks in the State of Mississippi the same protection of their life and property which the laws and usages of that community secure to their white fellow-citizens, and the Senator answers me by a statement, which I am very glad to hear and am very glad to believe, that in the ordinary administration of criminal justice the people of this race heretofore so unfortunate are treated with a kindness which is not always extended to offenders of our own race; and that I have no doubt is true as the two Senators from Mississippi state it. The Senator's colleague stated it the other day. I should expect from a people of which those two Senators are types and representatives that kind of generosity in the ordinary dealing of justice between man and man.

That is not what I referred to. I was speaking of the case where the black man suffers violence or wrong with intent to prevent the exercise of his political functions. I was the chairman of an investigating committee appointed by this body to take testimony in regard to the transactions in the county of Copiah, where for a week preceding an election men who were admitted to be the foremost white citizens of that county, some of them holding offices of trust and confidence, went around at midnight and visited the cabins of negroes, and some of them were slain, others were badly injured, others were flogged, for the purpose of compelling them to absent themselves from the polls at the coming election. There was no question of the facts on the part of any member of that committee, Democrat or Republican, and yet there never was a finger lifted to bring those offenders to justice.

Can the Senator from Mississippi point out in the entire length and breadth of his State a single instance of a white offender punished for an injury to a black man inflicted for the sake of affecting the black man's conduct in an election? Until he is able to answer that question in the affirmative, when the Senator provoked this debate by a taunt upon this side of the Chamber that they were intermeddling with schemes of their betters, at any rate with men who were wiser than

they on this subject, I think I have the right to inquire whether the Senator's plan proposes the legal suppression of things like that.

Mr. President, I think the Senator from Mississippi does a great injustice both to the intelligence and the purpose of his Northern fellow citizens and associates.

Mr. GEORGE. I hope I do.

Mr. HOAR. So far as I understand the sentiment of the people I represent, the one desire of their hearts, a desire greater than that which the Senator thinks is the strongest passion in human nature, that for political power, a desire greater than that which he thinks is the next strongest, greater than the desire for the accumulation of money, is the desire that they may see in this country a peaceful, contented, prosperous, happy, and wealthy South; that that part of the country as well as the rest of the country may reach a state of things where every American, white or black, will live in peace in his dwelling, will be clothed with American citizenship as with a robe of honor, when the urn in which he casts his ballot shall be sacred as a sacramental vessel, and when men shall live together of diverse races and diverse occupations and diverse conditions in peace and in friendship and in glory as befits American citizens.

I do not believe in this doctrine of irreconcilable antagonism between races of men. The Senator from Mississippi in one breath talks about that and in the next breath says that the white men of the South are the truest friends and the best friends of their colored fellow-citizens. The two statements can not stand together. One or the other must fail and fall.

Mr. President, I am sorry that while this bill in which I take so deep an interest is on its passage we have been betrayed on either side into anything like a political discussion. I have not spoken upon this bill or taken part in its discussion this winter or in the last Congress, because it was in better hands, and because, in the assignment of duties among different Senators, a different class of duties has been assigned to me by my associates here, but it is dearer to my heart than anything which is now proposed or discussed before the American people.

I would be glad, if I could secure its passage and if I could be assured, as I am assured, of the great consequences which I think will come from it, to go out of public life to-morrow and never to be heard of again among my countrymen. I had the honor to draught and to conduct through the House of Representatives more than once the original bill from which this bill of the Senator from New Hampshire took its leading ideas and its rise. I had the honor to support it more than once and to secure its passage when it came into the Senate, and I should be very sorry if anything I have said or anything the Senator from Mississippi has said should have a tendency in the least to diminish the probability of its final and successful accomplishment.

Mr. GEORGE. Mr. President, I am obliged to the Senator from Massachusetts for any kind words he may say with reference to the people of the State of Mississippi and the South, but there is a little issue between the Senator and myself about the bonds which that Senator has placed upon the arms and the hands and the feet of the people of Mississippi that it is well now to settle.

I asserted, and the Senator denied, that in the acts of Congress readmitting Mississippi, Virginia, and Texas into the Union there were fundamental conditions which prevented Mississippi from enjoying the right which Massachusetts has of prescribing an educational qualification. Now I will read:

That the State of Mississippi is admitted to representation in Congress as one of the States of the Union, upon the following fundamental conditions: First, That the constitution of Mississippi shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote who are entitled to vote by the constitution herein recognized, except as a punishment for such crimes as are now felonies at common law, whereof they shall have been duly convicted under laws equally applicable to all the inhabitants of said State.

I believe I have here the constitution of Mississippi which was thus recognized and which is made the eternal and never-ending law by this act. I will read one clause from the constitution of Mississippi for the benefit of the Senator:

No property or educational qualification shall ever be required for any person to become an elector.

How does that stand with the statement made by the Senator? It is not only true, Mr. President, that we are bound, notwithstanding the denial of the Senator from Massachusetts, but it so happens that the Senator himself was an active agent and participant in fixing this fundamental condition upon the people of the State of Mississippi. What did he mean by a fundamental condition? He meant, as all those who voted with him said, that it should never be changed by the people of Mississippi, and yet the Senator comes here to-day, after having been one of the main instruments in inserting this fundamental condition in the act which readmitted Mississippi to representation in Congress, and denies that any such act has been passed.

Now, we will go on a little further, Mr. President, to show you how they bound our hands, how they meant that the barbaric foot of the ignorant African should always be placed upon the neck of the Anglo-Saxon white man.

Mr. GORMAN. What is the date of that act?

Mr. GEORGE. February 23, 1870.

Mr. HARRIS. Is that the act of Congress?

Mr. GEORGE. This is the act of Congress. Further—

*Provided, That any alteration of said constitution, prospective in its effects, may be made in regard to the time and place of residence of voters.*

Here is the general declaration that every class of citizens recognized in this constitution (and that embraces all over twenty-one years of age, residents of the State—I can find that clause if the Senator desires it—residents in the State one year and in the county, I believe, three months) shall be electors; and that is the exception they give us. No other change shall ever be made except you may change the time of the residence of the voter.

Now, what does the Senator say about that? He was an active agent in passing that law. If I have not misread—I speak doubtfully as to that and subject to correction—if I have not misread or misremembered, the Senator, in the debate on these fundamental conditions inserted in the act admitting Mississippi to representation in the Congress, contended in the House of Representatives for the constitutional validity of these fundamental conditions.

I do not want to press the Senator from Massachusetts any further upon that question, having exposed him on that point. There is another little fundamental condition in this act to which I desire to call the attention of the Senator and his brethren upon the other side of the Chamber. It will be remembered (probably it is forgotten; if it is, I will call the attention of the Senate to it) that when the fifteenth amendment was being passed through the two Houses of Congress there was a proposition—the Senator from Iowa [Mr. ALLISON] will remember it—to insert, as secured by that amendment, the right to hold office as well as the right to vote.

The Senate put it in and the House put it in, and then this remarkable thing came out: They differed about education and about creed and about some other immaterial things, and referred the matter to a committee of conference, and the committee of conference struck out the right to hold office, so that the fifteenth amendment now reads that "the right to vote shall not be denied on account of race, color," etc., and not "the right to vote and hold office."

But whilst the Senator and his friends were not willing to make by national guaranty the negro an office-holder so that he might be elected in Massachusetts and Illinois and Iowa and Ohio and all the Northern States, while they shrank from that and struck it out of the amendment, when they came to deal with Mississippi, having stricken it out of the fifteenth amendment, they put in this nice little fundamental condition, which I will now proceed to read for the enlightenment of those who have forgotten all these old things:

Second. That it shall never be lawful for the said State to deprive any citizen of the United States, on account of his race, color, or previous condition of servitude, of the right to hold office under the constitution and laws of said State or upon any such ground to require of him any other qualifications for office than such as are required of all other citizens.

So now it stands this way, that the Senator and his confrères, flushed with victory, inflamed by passion if not with hatred to the bleeding and prostrate people of the South, when Mississippi presented her constitution here for readmission to representation in Congress, said: "Mississippi shall never have the power which Massachusetts claims and exercises of prescribing an educational qualification for voters."

There we stand, sir, Massachusetts serene, with the most enlightened population, I suppose, according to its numbers, in the Union, a population composed of a race trained for a thousand years in the habits and practices of self-government. When Massachusetts through the Senator came to deal with Mississippi and Texas and Virginia—and I believe this condition was put in all of them, in Arkansas and every one; I am not sure about that, but I am as to the three I have first named—when they came to deal with these States where this unlettered, ignorant class, unused to the exercise of political power, were in the majority, they hastened to bind their hands and to shackle them forever, denying to them a power which Massachusetts was quietly exercising in her own jurisdiction.

Then, not satisfied with that, after holding out to the poor negro this boon of suffrage, and when a majority in this Chamber and a majority in the other House—not very large, I admit, but it was a majority, nevertheless—had agreed to secure to the poor negro the right to hold office in Massachusetts and in the other Northern States, under the cover of a committee of conference they quietly struck it out.

As was said by gentlemen in the debate who argued in favor of retaining the right to hold office, they were perfectly willing to admit the negro to suffrage in their States, the race being there few and far between, but when it came to securing to him the right to hold office they stood back aghast. But in Mississippi, in Texas, in Virginia, afraid to put it in the Constitution of the United States, where it would be equally binding on all, they put it in the act admitting those States as a fundamental condition.

Mr. President, I should think that the Senator before he asked me my plan about suffrage in Mississippi had better introduce a bill here and pass it making the law stand as he said it stood. Take the shackles

off of our limbs, give us the privilege that Massachusetts has to fix suffrage for ourselves, and then when I am at liberty to speak I will speak. But, sir, you have got my hands bound, if only your fundamental conditions are constitutional. I believe they are not only the injustice which I have described them to be, as discriminating between Mississippi and Texas and Virginia on the one hand and the Northern States on the other, but I believe they are a gross violation of the Constitution, utterly null and void.

But do you want us to take the risk? Ah, does the Senator ask, "Why do you not act upon your convictions?" I can tell him, perhaps. There was a time when the Southern people were prostrate at the feet of the victor, when military rule was established over them, and when we appealed to that great tribunal appointed by the Constitution itself to settle the question of the constitutionality of these laws, and Congress, by a dishonest and disreputable trick, and I repeat the words, by a dishonest and disreputable trick, inserted into a bill, without disclosing its true character, a provision repealing the law which allowed the Supreme Court to decide a case involving all these questions which was then before it and which had been argued two or three days before this infamous proceeding on the part of the American Congress took place.

Sir, the Constitution, grand, great as it is, ought to be the palladium of our liberties. It ought to be that bulwark behind which every American citizen may rest himself secure against oppression and wrong. When that Constitution has been invoked on the part of the subjected people of the South it has proved a rope of sand. Does the gentleman want me to advise the people of Mississippi to embark in the tempestuous sea of disregarding these fundamental conditions upon the idea that they are unconstitutional and void? Does he ask me to take that risk? Sir, if I were to do it I would hear the Senator's bugle note summoning his clans in Congress to preserve, not the Constitution, but the sanctity of this act of readmission of Mississippi and Texas and Virginia to representation in Congress.

Sir, I have relied upon the Constitution. I have pleaded for it; I have invoked it; and I am sorry to say I fear it is only the recent amendments to the Constitution which seem to have any sanctity in the minds of some Senators.

Now I have answered the Senator. I have proven that I was right and he was wrong on the most fundamental point in issue between us. Remove your fundamental conditions and I will answer your question about my plan.

Mr. HOAR. Mr. President, the Senator seems to have conducted this debate a good deal on the principle which is contained in a brief which I heard of as given to a famous lawyer in our part of the country by his associate: "If you have not got any case, revile the counsel for the plaintiff."

Mr. GEORGE. I have not reviled you; I have exposed you as a witness; that is all.

Mr. HOAR. The Senator from Mississippi provoked this discussion by an angry and bitter reproach that the Senators on this side of the Chamber and the people of the North undertook to meddle with a matter which they did not understand and which he and his associates would settle in their own way.

Mr. GEORGE. Will the Senator allow me to interrupt him?

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. HOAR. Certainly.

Mr. GEORGE. I want to call the attention of the Senator back to these fundamental conditions, that is all.

Mr. HOAR. I thought the Senator wanted to ask a question. On being asked in what his plan differs from ours, he replies in substance, though not in words, that he has not got any; that is, he devotes two twenty or thirty minute speeches to asserting that an old act of 1870 or thereabouts, passed now twenty years ago and more, so bound the hands of the people of Mississippi, including his own, that they can not do anything for the benefit of this race, and to settle these great race issues and difficulties, this gigantic problem before the American people. He thinks the act is not constitutional, but he is afraid if he proceeds to disobey it somebody will summon some clans somewhere who will reproach him and his associate, and so he does not propose to do it.

So this great Senator from Mississippi, this great leader of his people and of the men who think with him, when asked if he has any different plan from that of a liberal provision for education, the security of an impartial administration of justice, and the security of the constitutional right of the ballot, declines to tell us whether he is in favor of either one of those things, and goes off to get up an immaterial issue as to the exact meaning of the statute of 1870.

Mr. President, I do not agree with the honorable Senator from Mississippi in regard to his construction of that statute. If I did, I should agree with him that it was unconstitutional. When we passed our constitutional amendment, known as the reading and writing amendment, in Massachusetts, we expressly enacted that no person should be deprived of the right to vote who had it at the time of the passage of the amendment. Now, what is said in the statute of 1870 which the Senator has read? The statute of 1870 reads:

That the constitution of Mississippi shall never be so amended or changed as



to deprive any citizen or class of citizens of the United States of the right to vote who are entitled to vote by the constitution herein recognized.

It provides—

That any alteration of said constitution, prospective in its effects, may be made in regard to the time and place of residence of voters.

Does the Senator from Mississippi doubt that a provision of a reading and writing clause like that of Massachusetts would be entirely constitutional and consistent with this act as applied to all future voters?

Mr. GEORGE. Do you want me to answer?

Mr. HOAR. Yes, I want to know whether the Senator agrees with me or not on that question.

Mr. GEORGE. I think the intention of the proviso which the Senator is discussing was to prevent the State of Mississippi forever from imposing any such qualification.

Mr. HOAR. I do not so understand it.

Mr. GEORGE. I think the proviso is unconstitutional, and when the Senator gets through I will show him why I think so.

Mr. HOAR. I merely wanted to know whether the Senator agreed with me on that proposition, not to have him argue the opposite.

Mr. GEORGE. All right.

Mr. HOAR. We have always contended and always understood in Massachusetts that the reading and writing clause was not in the nature of a disqualification of a person for voting, but only in the nature of a condition which any person could prepare himself to fulfill if he saw fit, like the condition of paying a poll-tax, which we still retain, like the condition of residence, like the condition of putting his name on a voting-list, and it is so construed everywhere.

The representation never has been diminished in those States which have a reading and writing clause, by the reason that there was a certain number of illiterates incapable of reading and writing, and therefore incapable of voting in these States. It always has been regarded and understood and claimed by every Massachusetts man, as far as I have ever heard (a much stronger provision existed in the State of Rhode Island until recently), that these were in the nature of conditions which the individual citizen might prepare himself to fulfill, and not in the nature of essential qualifications for voting which would be under the regulation of this fundamental provision. So I conceive and believe that the State of Mississippi might to-day, as it might have done a year after the statute of 1870 was passed, so amended its constitution as to provide that all future persons coming to the voting age or claiming to be voters must possess themselves of the capacity to read and write before they should be admitted to the elective franchise. That is my understanding of that clause. I do not stop to debate it now. It is no new suggestion, because it has been the universal understanding and claim in the State of Massachusetts in regard to the operation of their own constitution.

I ought to have added before that the fifteenth amendment was ratified by the last State just about the time of the passage of the statute of 1870. I do not care to enter upon the disagreeable history of the enactments which created the necessity of these provisions in the acts of reconstruction. The Senator well knows that many eminent leaders of the Northern sentiment, including Governor Andrew, of my own State, including the late distinguished Senator from Indiana, Mr. Morton, and many others all over the country, were in favor of remitting the control of the States of the South to the old white voters who had governed those States before the war. It was a policy which had many supporters; but under what was known as Mr. Johnson's policy constitutional conventions and Legislatures assembled in many States, in Mississippi, in Texas, in Louisiana, and in various States—

Mr. BUTLER. And in South Carolina.

Mr. HOAR. And in other States, I presume in the State of Mississippi. There were some eight or ten of them in all. They were composed of the intelligent white classes in those States. They were men who had lived with the colored race in a condition of slavery. They were men who had gone through the war, and the feelings of the war which the Senator thinks existed and burned with so fierce a flame in the breasts of the people of the North I suppose he will hardly claim were absent from the breasts of his own people. The natural result followed, which I do not speak of now by way of reproach, but by way of accounting for the policy of these statutes. They passed laws which, in point of fact, in spite of the Constitutional amendments, if they had been carried out would have reduced the blacks to a condition of servitude again.

In the State of Louisiana and in some of the other States, there were laws which made it a penal offense, punishable by imprisonment in the penitentiary, for a white man to associate on terms of equality with a black man. There was another law, which I remember, which provided that any man of color who was found for a certain time out of work might be sold by a decree of any local magistrate, and that in the sale his former master should have the preference in the purchase; in other words, providing that American citizens, as these men had become by their freedom and by the Constitution, should be sold at auction for the crime of being out of work.

As I have said, I do not suppose these laws approve themselves now even to the persons who passed them. They were laws which were passed by persons who had just been forced to abandon the institu-

tion of slavery and were intended to restore, as far as was within their power, that institution. I no more bring them up now as a matter of reproach than I should bring up the institutions which preceded the war as a matter of reproach. Such a thing would not be attempted or vindicated or approved anywhere now. But that was what made this change of opinion. That was what led John A. Andrew and Oliver P. Morton, after expressing the views to which I have alluded, to become the most earnest, radical advocates of extreme and forcible, operative, drastic measures of legislation.

There was no purpose on the part of the men who voted for them to tie up forever; there could not be. As I said at the time and as I repeat now, we conquered in that war. The men whom we conquered might be brought to our side, but not to our feet. We never had the purpose of having a Constitution so framed or so interpreted or so administered that there should be anywhere under the flag of this Republic vassal States or subject citizens; but we did mean and we do mean that the men who by the beneficent operations of the war, which North and South alike concur in hailing with satisfaction, have been made free men and equals and citizens shall be protected and preserved and secured in the freedom and the equality and the citizenship which they then gained.

Mr. GEORGE. Mr. President, I simply desire to make one remark. It is now late. I am not going into the fundamental conditions any more; I am satisfied on that point. But the Senator made a remark in his last speech that is untrue historically, and I want to call his attention to it. He says the fifteenth amendment was passed on account of the black-code laws in the Southern States.

Mr. HOAR. No; I did not say that. I beg the Senator's pardon for interrupting him, Mr. President, but I desire the Senator's leave to say that he misunderstood me.

Mr. GEORGE. What was the Senator's position?

Mr. HOAR. I was speaking of the statutes of reconstruction.

Mr. GEORGE. On that subject I desire to make a statement, so that the Senator may understand the history of that matter. The fourteenth amendment was passed after the black laws were enacted in the Southern States and was supposed to be sufficient to annul them.

Mr. HOAR. If the Senator will pardon me I will look at the date.

Mr. GEORGE. It was February, 1869.

Mr. HOAR. The statute, if I mistake not, was passed after the adoption of the fifteenth amendment. I can give the Senator the date if he will wait a moment.

Mr. GEORGE. No, sir; not after its passage by Congress. I desire to state for the information of the Senator and others who have curiosity to know about these things, that in February, 1869—

Mr. HOAR. February 19, 1870, the last State which was needed to be counted in making the requisite number for the constitutional amendment, Minnesota, adopted it. The statute was passed a few days after the ratification of the fifteenth amendment.

Mr. GEORGE. No; the statute was passed the 23d of February, 1870.

Mr. HOAR. February 19, 1870, was the date of the ratification of the last State which adopted the constitutional amendment. So they were substantially contemporary.

Mr. GEORGE. Very well. I desire to make this remark; it may as well be known now: The Senator seems to be not entirely clear upon these great historical events. The fifteenth amendment was repudiated over and again by the Republican party, not getting more than 11 votes in this body at any one time, until February, 1869, when after the election of General Grant upon a platform which promised the people of this country that Congress would not pass the fifteenth amendment it was passed by Congress and afterwards ratified.

#### EXECUTIVE SESSION.

Mr. CHANDLER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 13, 1890, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate the 12th day of March, 1890.*

##### UNITED STATES ATTORNEY.

G. Bowne Patterson, of Florida, to be attorney of the United States for the southern district of Florida, *vice* L. W. Bethel, whose term expired March 3, 1890.

##### UNITED STATES CONSUL.

James A. Wood, of New Hampshire, to be consul of the United States at Sherbrooke, *vice* D. M. White, recalled.

##### SURVEYOR-GENERAL, LOUISIANA.

Charles B. Wilson, of New Orleans, La., to be surveyor-general of Louisiana, *vice* Calhoun Fluker, to be removed.

## SUPERVISOR OF CENSUS.

Theophilus F. Smith, of St. Paul, Minn., to be supervisor of census for the third census district of Minnesota, *vice* William H. H. Johnston, declined.

## JUSTICE OF THE PEACE.

Joseph W. Davis, of the District of Columbia, to be justice of the peace for the District of Columbia (to be assigned to the city of Georgetown), whose commission will expire March 12, 1890.

## PAYMASTER-GENERAL.

Lieut. Col. William Smith, Deputy Paymaster-General, to be Paymaster-General with the rank of brigadier-general, March 10, 1890, *vice* Rochester, retired from active service.

## POSTMASTER.

George G. Briggs, to be postmaster at Grand Rapids, in the county of Kent and State of Michigan, in the place of James Blair, whose commission expires March 29, 1890, and who has resigned.

## WITHDRAWAL.

*Executive nomination withdrawn by the President March 11, 1890.*

William Gregg, to be surveyor-general of Louisiana.

## CONFIRMATIONS.

*Executive nomination confirmed by the Senate March 10, 1890.*

## COLLECTOR OF CUSTOMS.

Joseph E. Lee, of Florida, to be collector of customs for the district of St. John's, in the State of Florida.

*Executive nominations confirmed by the Senate March 12, 1890.*

## UNITED STATES ATTORNEY.

William E. Craig, of Virginia, to be attorney of the United States for the western district of Virginia.

## NAVAL OFFICER OF CUSTOMS.

Milton G. Urner, of Maryland, to be naval officer of customs in the district of Baltimore, in the State of Maryland.

## APPRAISER OF MERCHANDISE.

Cecil J. Karsner, of Maryland, to be appraiser of merchandise in the district of Baltimore, in the State of Maryland.

## SURVEYOR OF CUSTOMS.

William D. Burchinal, of Maryland, to be surveyor of customs in the district of Baltimore, in the State of Maryland.

## UNITED STATES CONSUL.

Frederick W. Catlen, of New York, to be consul of the United States at Munich.

## SECOND ASSISTANT ENGINEER, REVENUE SERVICE.

George B. Maher, of the District of Columbia, to be a second assistant engineer in the revenue service of the United States.

## COLLECTORS OF CUSTOMS.

William M. Marine, of Maryland, to be collector of customs for the district of Baltimore, in the State of Maryland.

Daniel P. Booth, of Alabama, to be collector of customs for the district of Mobile, in the State of Alabama.

## UNITED STATES MARSHALS.

George I. Cunningham, of South Carolina, to be marshal of the United States for the district of South Carolina.

Simon S. Matthews, of Mississippi, to be marshal of the United States for the southern district of Mississippi.

James W. Brown, of Tennessee, to be marshal of the United States for the western district of Tennessee.

## POSTMASTERS.

Theodore J. Hutton, to be postmaster at Rushville, in the county of Schuyler and State of Illinois.

William F. Elgin, to be postmaster at Corinth, in the county of Alcorn and State of Mississippi.

Frederick Chapman, to be postmaster at Woodstock, in the county of Windsor and State of Vermont.

Paul Demanade, to be postmaster at La Fayette, in the county of La Fayette and State of Louisiana.

Americus B. Tinder, to be postmaster at Monticello, in the county of Pratt and State of Illinois.

Benjamin E. Robinson, to be postmaster at Fairbury, in the county of Livingston and State of Illinois.

Charles P. McCabe, to be postmaster at Leesburgh, in the county of Loudoun and State of Virginia.

Park Agnew, to be postmaster at Alexandria, in the county of Alexandria and State of Virginia.

Alexander J. MacGregor, to be postmaster at Baton Rouge, in the county of East Baton Rouge and State of Louisiana.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 12, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

## EXPENSES OF IMMIGRATION INVESTIGATION.

Mr. OWEN, of Indiana. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The SPEAKER. The resolution will be read, after which the Chair will ask for objection.

The Clerk read as follows:

*Resolved*, That \$5,000, or so much thereof as may be needed, is hereby appropriated, out of the contingent fund of the House, to be expended under the direction of the Sergeant-at-Arms of the House, to pay the expenses of the House Committee on Immigration and Naturalization in the joint investigation of the working of the Federal immigration law by the Senate Committee on Immigration and the House Committee on Immigration and Naturalization, as authorized by the Senate concurrent resolution.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. BRECKINRIDGE, of Kentucky. I could not quite catch the exact reading of the resolution, and would like to ask if it is contemplated that this is to provide for the expense of both committees or for the House alone, as I presume it is intended to do.

Mr. OWEN, of Indiana. I will state to the gentleman that this is for the House alone.

Mr. BRECKINRIDGE, of Kentucky. I have no objection to it.

There being no objection, the resolution was considered, and agreed to.

## REPORTS FROM COURT OF CLAIMS.

Mr. RICHARDSON. Mr. Speaker, I rise to a question of privilege, or at least, I think, a question of order; at any rate, one that involves the orderly procedure of the business of the House.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. The question which I raise, Mr. Speaker, involves the preparation of the Calendar of business of the House and refers to the location or position on the Calendar of those cases coming over from the Court of Claims from the last Congress—cases reported from the Court of Claims in the last Congress—which were not disposed of at the close of that Congress.

Under the seventh section of the Bowman act, Mr. Speaker, I insist that these cases take their places at the head of the Private Calendar; and I ask to have read from the Clerk's desk a ruling upon that question made by the Speaker of the House of Representatives of the Fiftieth Congress, which ruling also embodies the section of the Bowman act to which I have referred.

The Clerk read as follows:

Mr. McCOMAS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCOMAS. The Bowman act, chapter 116, volume 22, of the Statutes at Large, in section 7, provides—

"That reports of the Court of Claims to Congress under this act, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon."

Now, in order to give effect and force to that continuance from Congress to Congress, my question is, will not claims thus reported back from the Court of Claims to the last Congress and then reported by its committee to the Forty-ninth Congress with an accompanying bill standing on the Calendar of the last Congress—will not those claims, under the force of the terms of the section which I have read, be placed upon the Calendar and be the first claims in priority on the Calendar for consideration during the present Congress? I send to the Speaker's desk the act to which I have referred.

The SPEAKER. The Chair remembers the terms of the act. The practice in the House has been when a report is received from the Court of Claims it is referred to the committee which had original jurisdiction of the matter—the Committee on War Claims or the Committee on Claims, as the case may be. If that committee during that Congress reports the claim back again to the House, the Chair thinks that the section of the act to which the gentleman from Maryland refers requires the report to be continued on the Calendar, and the Chair has so instructed the Clerk in the present session to place on the Calendar in regular order all the reports made by committees on reports from the Court of Claims. That will be done.

Mr. RICHARDSON. This question was afterwards raised in Committee of the Whole House—I mean subsequent to the ruling of the Speaker just read—and I have in my hand the ruling of the Chairman of the committee, which I will read myself. The gentleman from Missouri [Mr. HATCH] was then occupying the chair, and the gentleman from Kansas [Mr. PERKINS] raised the question of order upon a bill which had been reached for consideration on the Calendar. The Chairman of the committee ruled as follows, as will be found by reference to page 7437 of the RECORD of the Fiftieth Congress:

The CHAIRMAN. The Chair decides, this having been reported from the Court of Claims under the Bowman act, and referred to the Committee on War Claims and reported back favorably, that it takes its place at the head of the Calendar and has precedence over other bills. This is one of that class of claims, and I believe is the last one.

That shows, Mr. Speaker, that the Chairman of the Committee of the Whole governed himself by the ruling of the Speaker.

Now, I want to say that the Calendar, which I hold in my hand, is not made up at this present session of Congress in accordance with that



ruling of the Speaker and of the Chairman of the Committee of the Whole. I think it ought to be, and hence have called attention to it in order that the question may be disposed of properly.

As a further evidence that the ruling was right, I desire to have read from the desk the ruling of the Speaker of the House of Representatives in the Thirty-seventh Congress, December the 6th, 1861. I want to say that, as I understand the law, the seventh section of the Bowman act, which has just been read by the Clerk, is literally the law in reference to these claims reported from the Court of Claims, which was in force in 1862, the seventh section of the Bowman act being simply a repetition of the act then in force. I ask the Clerk now to read the decision to which I have referred.

The Clerk read as follows:

The Speaker announced that, in conformity with the law and usage of former Congresses, such bills from the Court of Claims as were left undisposed at the close of the last Congress should be again read a first and second time, and, together with the adverse reports of the said court, which were also left undisposed of, would be committed to the Private Calendar.

Mr. RICHARDSON. That was in accordance with the law which was enacted, if I remember correctly, in 1855. The seventh section of the Bowman act is simply a re-enactment of that act, and upon which the ruling is made as shown in 1862. I think it right, Mr. Speaker, that these findings should be placed properly at the head of the Calendar where they belong in order to be disposed of first.

The SPEAKER. If the gentleman has no objection, a ruling made by the Speaker *pro tempore* of the last Congress will be read in that connection.

Mr. RICHARDSON. I will be very glad to have it done. May I ask when the ruling was made?

The SPEAKER. The first session of the Fiftieth Congress, on January 27.

Mr. RICHARDSON. Who was the Speaker *pro tempore* at that time?

The SPEAKER. The late Mr. Cox, of New York.

The Clerk read as follows:

On motion of Mr. LANHAM the House resolved itself into the Committee of the Whole House; and after some time spent therein, the Speaker *pro tempore* resumed the Chair, and Mr. HATCH reported that the committee, having had under consideration bills upon the Private Calendar, had reached in its regular order the bill of the House (H. R. 6336, first session, Forty-ninth Congress) for the relief of Martha J. A. Rumbaugh, whereupon objection had been made to considering the same.

Mr. LANHAM made the point of order that the said bill was not properly upon the Calendar of the Committee of the Whole House, for the reason that it was a bill introduced into the Forty-ninth Congress, and that the only report upon it was from a committee of that Congress, and that it had never been introduced or reported upon in the present Congress.

The Speaker *pro tempore* overruled the point of order upon the ground that the bill referred to was one of the class which were reported to the Forty-ninth Congress with accompanying reports from the Court of Claims. They were, by direction of the Speaker during the present session, ordered to be placed on the Private Calendar for consideration on Fridays. In the opinion of the Chair, it did not follow that these bills of a former Congress are here for passage by the present House without the formalities contemplated by our rules. They are on the Calendar for appropriate action, which may be the reference of them to a committee or to lay them on the table, etc. The reference of the bills to the Calendar did not necessarily import that they were to be passed or to be considered with a view to their final disposition. Even messages of the President were often directed to be placed on the Calendar; but no one would suppose because a President's message is placed on the Calendar of the Committee of the Whole that that committee should at once consider, for instance, the question of the tariff presented by that message without such preliminary steps as the rules contemplate. The Chair, therefore, held that the bill in question, being a bill of the Forty-ninth Congress, was, with the report of the Court of Claims which accompanies it, before the House for appropriate action, but not for final disposition, inasmuch as under the rules certain preliminary steps are indispensable.

Mr. COMPTON appealed from the decision of the Chair;

Pending which,

On motion of Mr. BLOUNT, the appeal was laid on the table.

Mr. BAYNE. Mr. Speaker, it seems to me that the Court of Claims is part of the judicial system of this country and that this section of the Bowman act is part of the law of the land. It gives to the findings of that court a certain status in the progress of the legislation of the country, not by indicating to the Speaker an interference with any rule of the House, nor any direction to the Speaker to do any particular thing; but by virtue of a succession of facts that will arise—that is to say, *ipse facto*—these reports which came from the Court of Claims to a preceding Congress will, by virtue of that fact, have precedence on the Calendar of a succeeding Congress, and that status should not be taken away.

I think that status can not be properly taken away by a rule of the House or by reports from committees or by the fact that these bills are to be referred to committees. I think that status was intended to be acquired by the Bowman act, for the purpose of carrying out the essential provisions of that act, which were that by this method a citizen could sue the Government and possibly obtain redress of his grievance. I do think that in the interest of this act, in the interest of the findings of this court, in the interest of the law of the land, and in the interest of the conservation of our judicial system, of which the Court of Claims forms a part, these measures and findings of the Court of Claims should have their proper relation to the Calendar, namely: that, coming before it from preceding Congresses, they should be placed at the head of the Calendar.

Mr. DINGLEY. I would like to ask the gentleman a question. Do I understand the gentleman to maintain that a bill introduced in the

last Congress and reported by a committee of the last Congress could be placed upon the Calendar for consideration of this Congress without having been reported by any committee of this Congress?

Mr. BAYNE. This is what the law says: "That they shall be carried at the head of the Calendar."

The SPEAKER. Will the gentleman from Pennsylvania suggest to the Chair how it is possible for any past Congress to lessen the powers of the House of Representatives?

Mr. BAYNE. I do not say that it could or possibly how this reference could. I do not think I could assent to that proposition, that a bill, simply because it reported the findings of the Court of Claims, should have precedence in this Congress; but is not the law defeated if that bill, after having been referred to a committee of this Congress, shall not take its proper status on the Calendar; and is not its proper status on the Calendar by virtue of this law and by virtue of the judgment of this court at the head of the Calendar?

There is no difficulty about placing these cases in that position, even although reports may have come in from committees on original reference; but yet, when they do come back, there is no difficulty whatever practically in placing these findings of the Court of Claims at the head of the Calendar. It seems to me, Mr. Speaker, that this step of the Bowman act was an effort on the part of Congress to enable citizens to sue this Government to obtain money due them. If these cases are to be relegated to such place on the Calendar as they may happen to find, when they are reported by a committee then this act of Congress is certainly defeated and its object is not attained. We do not attain the object and purpose of that act.

It seems to me that the proper and orderly method of doing the business would be that when these findings are reported by the committee the bill should go to the head of the Calendar.

Mr. CRISP. I would like to ask the gentleman a question.

Mr. BAYNE. Certainly.

Mr. CRISP. The question I want to ask the gentleman is whether it is competent for any act of Congress to do anything that takes away from this House the right to make rules for its own government and its own proceedings, its Calendars, and putting cases there under the rules of the House.

Mr. BAYNE. I do not think it is competent for any act of Congress to do that.

Mr. CRISP. That is the effect of the act, as I understand it, which the gentleman cites. It fixes a place on the Calendar of this House and says where these bills shall be placed, and that is a question that must be determined by this House for itself.

Mr. BAYNE. No; it does not fix the place. There is a rule which governs where they shall go.

Mr. CRISP. I understand they are to go first on the Calendar.

Mr. BAYNE. They go first on the Calendar by the fact of their having been reported to a former Congress under the law.

Mr. CRISP. But my understanding is that no action of a former Congress upon reports of committees has any force or effect on this Congress, unless it be by its own consent.

Mr. BAYNE. But it is not the action of a former Congress. It is the operation and action of the law of the land.

Mr. CRISP. Then you understand that the law can take away from this House the right to govern and control its own proceedings?

Mr. BAYNE. Not at all. It does not interfere at all with the right of this House to govern and control its own proceedings.

Mr. CRISP. That is the way I understand it.

Mr. BAYNE. It simply provides, by reason and by virtue of the fact that these bills have been reported to a former Congress, that they shall be carried over on the Calendar of the next Congress. It does not preclude the examination of the measure by a committee of this Congress at all. The reference can be made to a committee; the committee can examine it and a report can be made; but you ignore the law which you had a hand in passing, unless these bills take their places on the Calendar under the provisions of this act.

Mr. HEARD. Mr. Speaker, if my friend from Pennsylvania will allow me, I wish to ask him this question: Was it not the purpose of the Bowman act, in the declaration which he has cited, simply to perpetuate that evidence for the use of any succeeding Congress, and not to attempt to provide that a report sent from the Court of Claims of one Congress should compel any succeeding Congress to give precedence to the subject to which such report might relate, as the gentleman claims, by putting the case to which the report refers at the head of the Calendar without any action of a committee of that Congress?

Mr. BAYNE. I think the intention of Congress in enacting that law was to give to the findings of the Court of Claims a superior status to that of the report of a committee, because it was considered—

The SPEAKER. Perhaps gentlemen will recollect that the Chair is to pass upon this question, and that it would be more satisfactory if the remarks which they are addressing to each other could be heard by the Chair. [Laughter.]

Mr. HEARD. I am, perhaps, unfortunate in that either the Speaker did not understand me or else I do not now understand the Speaker. I addressed myself to the Chair and asked permission to propound a question to the gentleman from Pennsylvania.

The SPEAKER. Yes, but it is desirable that the Chair should hear the inquiry and the answer. The Chair has not heard a word of the dialogue between the gentlemen. [Laughter.]

Mr. HEARD. I regret that, Mr. Speaker, on account of the Chair.

The SPEAKER. The Chair regrets it for the very same reason.

Mr. HEARD. I will now endeavor to supply the loss. The question I put to the gentleman from Pennsylvania was this: Was it not the purpose of Congress in the enactment of the Bowman act to provide simply for the perpetuation of the evidence, so far as it might be considered evidence, which is contained in the findings of the Court of Claims? Was it not the object to provide that, by reason of the failure of any Congress to act upon such finding or such advice coming from the court, it should not therefore be lost so as to necessitate another reference of the question to the court and another report upon the same facts? That is my opinion of the intent of the act.

Mr. BAYNE. That was but a part of the intention of the act. When the act was under discussion it was alleged on all hands that the committees of Congress could not report intelligently on many of the claims referred to them, because of being confined to *ex parte* evidence, because there was no cross-examination, because the investigation which they could make was not a thorough one; and the purpose of referring these claims to the Court of Claims was that counsel might be heard on both sides, that the facts might be judicially ascertained, that the opinion of the court might be rendered, and that then the report of the court might give these claims a legal status, in order that such of them as were just and should be paid might obtain early and favorable consideration by Congress. All these were factors in the discussion and enactment of the bill, and all of them should be considered now.

There is no gentleman who will not concede that when an investigation is made by the Court of Claims under legal rules, counsel appearing on both sides and the facts being developed in that way, the finding of that court is infinitely superior, in a great majority of cases, to the finding of a committee of this House, arrived at, perhaps, on *ex parte* evidence, perhaps on the statement of an individual without being sworn at all. It was to give a status to the claims of parties who employed counsel to press their cases before that court and to have the merits determined there that this law was enacted, and I think it should be rigidly adhered to.

Mr. HEARD. Mr. Speaker, I desire to make another inquiry of my friend from Pennsylvania.

The SPEAKER. The Chair would like to reserve this question and make a decision upon it later, unless gentlemen desire to discuss it further now.

Mr. HEARD. Well, Mr. Speaker, I desire to make a very few observations. I will not detain the House long. In response to what the gentleman from Pennsylvania [Mr. BAYNE] last said, with regard to the effect of findings of the Court of Claims, I think it will be conceded by every gentleman who has investigated that question and thoroughly considered it—and in that class I expect to find my friend from Pennsylvania when he shall have more maturely reflected upon the subject—that a finding of the Court of Claims does not have the effect of giving the claim any "legal status" apart from the fact that when the report comes here it may be regarded by the House as furnishing evidence superior in character to the evidence upon which we ordinarily act in the consideration of these claims. That it does have more weight and should have more weight I readily concede; but that the Court of Claims, by a finding under the Bowman act, can bind Congress at all, I think the gentleman from Pennsylvania [Mr. BAYNE] will not seriously contend. I think it has never been contended that the House of Representatives, as a branch of Congress, is obliged by such a finding to do more than consider it as it would consider any other evidence coming before it.

#### ELECTRIC WELDING.

Mr. LODGE, from the Committee on Naval Affairs, reported back the following resolution; which was read, considered, and agreed to:

*Resolved*, That the Secretary of the Navy be requested to communicate to the House of Representatives the report of the United States Naval Board appointed under orders of the honorable Secretary of the Navy January 9, 1890, to investigate the welding process of the Thomson Electric Welding Company of Boston, Mass.

#### ALICE E. ROBERTSON.

Mr. McRAE. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate bill which I send to the desk. It has been favorably, and I believe unanimously, reported by a committee of this House.

The SPEAKER. The Clerk will report the bill, after which the Chair will ask for objections.

The bill (S. 680) for the relief of Alice E. Robertson was read.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. CANNON. Is that bill called up for consideration?

The SPEAKER. The request is for immediate consideration of the bill.

Mr. CANNON. I think it had better go to the Calendar.

Mr. McRAE. I hope my friend from Illinois will not insist upon that.

Mr. CANNON. I object. Regular order.

Mr. McRAE. This bill has been considered favorably by a House committee.

Mr. CANNON. That may be, but I think it had better go to the Calendar.

The SPEAKER. Objection is made.

#### ELEVENTH CENSUS.

Mr. DUNNELL. I am directed by the Select Committee on the Eleventh Census to report back with a favorable recommendation the bill which I send to the desk and to ask for its immediate consideration. There is a short report which gives argument in favor of the passage of the bill, and which, if any gentleman desires, can be read.

The bill was read, as follows:

A bill (H. R. 7025) to amend an act entitled "An act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889.

*Be it enacted, etc.*, That section 18 of an act entitled "An act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889, be amended by adding to the last line of section 18, after the words "and actual necessary traveling expenses," the words "and a per diem allowance in lieu of subsistence of not less than \$3 nor more than \$5 per day."

The amendment reported by the committee was read, as follows:

In line 8 strike out "not less than" and in line 9 strike out "nor more than five;" so as to read: "a per diem allowance in lieu of subsistence of \$3 per day."

Mr. BLOUNT. That leaves \$3 as the maximum?

Mr. DUNNELL. Yes, sir.

The SPEAKER. Is there objection to the consideration of the bill at this time? The Chair hears none.

The amendment reported by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### CLAIMS ALLOWED BY THE TREASURY DEPARTMENT.

Mr. WILCOX. I desire to present a privileged report from the Committee on Claims, and to ask for its immediate consideration. The committee has directed me to report back with a favorable recommendation the resolution which I send to the desk.

The Clerk read as follows:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the House of Representatives a list of all claims allowed by the accounting officers of the Treasury enumerated in House Ex. Docs. Nos. 55 and 153, Forty-eighth Congress, second session, for which appropriations have not been made.

The resolution was adopted.

#### REMOVAL OF HARBOR OBSTRUCTION, MILWAUKEE, WIS.

Mr. HENDERSON, of Illinois. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of Senate bill No. 1701, and that the same be considered at this time.

The bill was read, as follows:

A bill (S. 1701) making an appropriation for the removal of a dangerous obstruction to the entrance of the harbor at Milwaukee, Wis.

*Be it enacted, etc.*, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$6,100, or so much thereof as may be necessary, for the purpose of removing the sand-bars formed at the entrance or mouth of the harbor at Milwaukee, Wis., and to make the same free and easy of access or passage by boats arriving at or departing from such port.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BRECKINRIDGE, of Kentucky. Is there any special reason why this matter can not go into the general river and harbor bill?

Mr. HENDERSON, of Illinois. There is. I will briefly explain to the gentleman that on account of storms there has been a filling in of the harbor at Milwaukee, so that very recently a valuable vessel was very greatly damaged, far beyond the amount of money now asked. The continuance of this obstruction will seriously interfere with the entrance of vessels at that harbor as soon as navigation opens.

Mr. BRECKINRIDGE, of Kentucky. Is not that true of a great many harbors? Is there any special reason why this sand-bar should be dug out any more quickly than all the other sand-bars scattered around in our various water ways?

Mr. HENDERSON, of Illinois. I call for the reading of the report. The report (by Mr. HENDERSON, of Illinois) was read, as follows:

The Committee on Rivers and Harbors, to whom was referred the bill (S. 1701) making an appropriation for the removal of a dangerous obstruction to the entrance of the harbor at Milwaukee, Wis., having considered the same, beg leave to submit the following report, namely:

From a letter from the Chief of Engineers, herewith appended and made part of this report, it appears that no dredging has been done in the harbor at Milwaukee since the year 1880, when a channel was dredged 18 feet deep and 200 feet wide throughout the entire length of the harbor. From recent soundings it appears there is only a depth of 16 feet in the channel, and the Chief of Engineers recommends that the depth of the channel for the entire length be increased to 18 feet, at an estimated cost of \$6,100.

It appears to the committee that the filling up of said harbor is a dangerous obstruction to navigation and a constantly increasing source of danger to all the



larger class of vessels entering or departing from the harbor, and that such obstruction should be at once removed for the safety of such vessels and for the interests of that important harbor.

The committee, therefore, in view of these facts, report the bill back and recommend its passage.

WAR DEPARTMENT, Washington City, January 17, 1890.

SIR: I return herewith Senate bill 1701, "making an appropriation for the removal of the dangerous obstruction to the entrance to the harbor at Milwaukee, Wis.," referred to this Department on the 9th instant, and invite your attention to the report of the Chief of Engineers thereon.

The recommendation of the Chief of Engineers is approved.

Very respectfully,

REDFIELD PROCTOR, Secretary of War.

Hon. W. P. FRYE,

Chairman Committee on Commerce, U. S. Senate.

OFFICE OF THE CHIEF OF ENGINEERS, U. S. ARMY.  
Washington, D. C., January 15, 1890.

SIR: I have the honor to return herewith letter of January 9, 1890, from the Committee on Commerce, United States Senate, inclosing Senate bill 1701. "A bill making an appropriation for the removal of a dangerous obstruction to the entrance of the harbor at Milwaukee, Wis.," and in reply to its reference to this office for report, I beg to state that no dredging has been done at this locality since 1890, in which year there was a channel dredged 18 feet deep and 200 feet wide throughout its entire length; soundings made on the 6th day of December, 1889, show a channel 16 feet deep.

It is recommended that the depth of the channel for its entire length be increased to 18 feet and to a width of 200 feet by dredging, at an estimated cost of \$6,100. If the money is appropriated now the work can be completed in time for the opening of navigation on the lakes.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,  
Brigadier-General, Chief of Engineers.

Hon. REDFIELD PROCTOR,  
Secretary of War.

Mr. HENDERSON, of Illinois. This has nothing to do with the general appropriation for rivers and harbors.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BRECKINRIDGE, of Kentucky. I will not object.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HENDERSON, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARCHIBALD HUNLEY.

Mr. FITHIAN. I ask unanimous consent for the present consideration of the bill (H. R. 5067) for the relief of Archibald Hunley.

The bill was read as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of resisting his superior officer, and the decision of said military court-martial upon said charges, and all other charges which appear against said Archibald Hunley, late a private in Company H, Thirtieth Regiment of Illinois Volunteers, on the records of the War Department; and the proper Department of the Government is hereby directed to settle all claims for back pay, bounty, pension, or allowances as if such charges did not exist.

Mr. OUTHWAITE. I would like to hear the report in this case.

Mr. CANNON. I call for the regular order.

ORDER OF BUSINESS.

The SPEAKER. The regular order is called for. The morning hour begins at five minutes before 1 o'clock. The first committee in order is the Committee on Elections.

Mr. LACEY. Before entering on the regular call, I ask unanimous consent to have published in the RECORD without reading—

The SPEAKER. The Chair will submit that request later.

The Committee on Ways and Means and the Committee on Appropriations were called, no reports being presented.

The Committee on the Judiciary was then called.

Mr. EZRA B. TAYLOR. On behalf of the Committee on the Judiciary I call up House bill No. 6956.

Mr. PERKINS. I rise to a parliamentary inquiry. I was of the opinion that the call rested with the Committee on Indian Affairs. That committee certainly has not been called during the morning hour, and I do not understand why we return to the head of the list to-day. The last committee called in regular order, as I understand, was the Committee on Public Lands.

The SPEAKER. The call was gone through with, but two or three committees were passed over, by unanimous consent of the House; and those committees having since been called, it became necessary to commence again at the beginning of the list.

Mr. PERKINS. But I am of the opinion that the Committee on Indian Affairs has never been called, because I have been ready to present business whenever the committee should be reached in order.

The SPEAKER. The Chair is quite certain that the committee was called.

Mr. ADAMS. My impression was that the call progressed a certain distance and certain committees were passed over, which committees have since been called; but, as I understand, the Chair had only reached the middle of the entire list. I have examined the RECORD to find the entire call of committees, and I can not find it.

Mr. PERKINS. I am very certain that the Committee on Indian Affairs has not been called.

Mr. DOCKERY. The committees have never been called through.

Mr. ADAMS. I went back in the RECORD ten days or two weeks to find when the call had taken place; and I respectfully suggest that the Chair must be mistaken.

The SPEAKER. The best information that the Chair can get is that the Chair is mistaken. [Laughter.] The call rests with the Committee on Naval Affairs. [A pause.] The Chair thinks it only fair that the Committee on Naval Affairs should be passed over without losing its right, because the Chair has given a wrong impression to members on this matter.

Mr. MORROW. May I be allowed, not being a member of that committee, to ask that the Committee on Naval Affairs be passed over?

The SPEAKER. If there be no objection, the Committee on Naval Affairs will be passed over this morning without prejudice. It is evident a wrong impression was given to that committee. The next committee is the Committee on Indian Affairs.

Mr. MCCREARY. The chairman of the Committee on Foreign Affairs is absent. The Committee on Foreign Affairs has not been called.

The SPEAKER. The Committee on Foreign Affairs was called at the proper time.

Mr. MCCREARY. The chairman of the Committee on Foreign Affairs went away yesterday.

The SPEAKER. The Committee on Foreign Affairs was called in regular order.

Mr. MCCREARY. When?

The SPEAKER. On the 9th of February, when the Committee on Military Affairs was called.

Mr. MCCREARY. I ask, in the absence of the chairman of the Committee on Foreign Affairs, that it be passed over this morning without prejudice. It is an oversight.

The SPEAKER. That committee will not be reached to-day in the call.

Mr. MCCREARY. I understand, Mr. Speaker, you have passed two committees already.

The SPEAKER. They were passed on the 19th of February. The Committee on Foreign Affairs was called in regular order.

Mr. MCCREARY. The chairman of the Committee on Foreign Affairs was not aware of it.

The SPEAKER. If the gentleman will examine the RECORD he will see it was called in due order.

Mr. MCCREARY. He asked me when he left to have it passed without prejudice.

The SPEAKER. He was under the impression the call would begin at the beginning of the list. The next committee to be called is the Committee on the Post-Office and Post-Roads.

ASSISTANT GENERAL SUPERINTENDENT, RAILWAY MAIL SERVICE.

Mr. HOPKINS. I am directed by the Committee on the Post-Office and Post-Roads to call up for consideration the bill (H. R. 4975) providing for the appointment of an assistant general superintendent and chief clerk, railway mail service.

The Clerk proceeded to read the bill.

Mr. McMILLIN. This bill has to be considered in the Committee of the Whole House on the state of the Union. I reserve the point of order.

The SPEAKER. The point of order may be made after the bill has been read.

Mr. McMILLIN. I reserve the point of order.

The SPEAKER. A point of order of that kind can be made at any time before the consideration of the bill has been entered upon.

The bill was read, as follows:

*Be it enacted, etc.*, That the Postmaster-General may appoint, and assign to duty, one assistant general superintendent, railway mail service, who shall be paid a salary of \$3,000 per year; and one chief clerk of railway mail service, to be employed in the Post-Office Department, who shall be paid \$2,000 per year; said assistant general superintendent and chief clerk to be also paid their necessary and actual expenses while traveling on the business of the Department. The salaries and expenses of these officers shall be paid out of the appropriation for the transportation of mail on railways.

Mr. McMILLIN. I make the point of order that this bill can not be considered in the House, but, as it makes an appropriation, it requires its first consideration in the Committee of the Whole House on the state of the Union.

The SPEAKER. This bill is not on the House Calendar, and has not been properly called up. It is in the Committee of the Whole House on the state of the Union. The rule provides the committee may call up bills from the House Calendar. This is on the Union Calendar.

Mr. HOPKINS. In the absence of the chairman of the committee I ask the committee be passed without prejudice.

The SPEAKER. Is there objection?

Mr. DUNNELL. I object.

CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY.

The Committee on Indian Affairs was next called.

Mr. PERKINS. On behalf of the Committee on Indian Affairs, I

call up for consideration the bill (H. R. 3732) to accept and ratify an agreement made by the Sisseton and Wahpeton bands of Sioux Indians, and to grant a right of way for the Chicago, Milwaukee and St. Paul Railway through the Lake Traverse reservation, in South Dakota.

The Clerk proceeded to read the bill.

Mr. PERKINS. This is a lengthy bill. It has been carefully considered by the committee. The road is now in operation under rights secured by treaty with these Indians after negotiation and agreement. I ask that the reading of the bill be dispensed with.

Mr. FITHIAN. I object.

The bill was read, as follows:

Whereas the second article of the treaty with the Sisseton and Wahpeton bands of Dakota or Sioux Indians concluded February 19, 1867, duly ratified and proclaimed (Statutes at Large, volume 15, page 506), provides as follows:

"The said bands hereby cede to the United States the right to construct wagon-roads, railroads, mail stations, telegraph lines, and such other public improvements as the interest of the Government may require, over and across the lands claimed by said bands (including their reservation as hereinafter designated), over any route or routes that may be selected by authority of the Government; and

Therefore,  
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain memorandum of agreement now on file in the office of the Commissioner of Indian Affairs, bearing date the 8th day of December, 1884, signed by Gabriel Renville, principal chief; Dave Fairbault, assistant principal chief; Michael Renville, president of council; Tacan-dupaholonica, councilman; Wicaneponopa, councilman; Eetukiya, councilman; Wandiduta, councilman; Ileojanjan, councilman; Wakinyanocana, councilman; Izakiye, councilman, and 27 other Indians, constituting a duly certified majority of all the adult male Indians of the Sisseton and Wahpeton bands of Dakota or Sioux Indians, occupying or interested in the lands of the Lake Traverse reservation, in the State of South Dakota, acting under the supervision and by and with the consent and approval of the Secretary of the Interior, be, and the same is hereby, ratified and confirmed; and that a right of way, not exceeding 200 feet in width, through said reservation, in the several directions and according to the maps of definite location filed in the Department of the Interior, be, and the same is hereby, granted to the said Chicago, Milwaukee and St. Paul Railway Company, its successors and assigns, upon terms and conditions mentioned in said agreement, which is in the words and figures following, to wit:

"Whereas by the second article of the treaty between the United States and the Sisseton and Wahpeton bands of Dakota or Sioux Indians, concluded February 19, 1867, duly ratified and proclaimed (Statutes at Large, volume 15, page 506, etc.), the said bands of Indians ceded to the United States the right to construct wagon-roads, railroads, mail stations, telegraph lines, and such other public improvements as the interest of the Government might require over and across the lands claimed by said bands, including their reservation as thereafter designated, to wit: Beginning at the head of Lake Traverse, and thence along the treaty line of the treaty of 1851 to Kampeska Lake; thence in a direct line to Relpan, on the northeast point of the Coteau des Prairies; and thence passing north of Skunk Lake, on the most direct line to the foot of Lake Traverse, and thence along the treaty line of 1851 to the place of beginning, over any route or routes that might be selected by authority of the Government; and

"Whereas the Chicago, Milwaukee and St. Paul Railway Company, a corporation organized under the laws of the State of Wisconsin, duly authorized and empowered by the Legislature of the Territory of Dakota to extend its line of road and branches through said Territory, some time since applied to the Secretary of the Interior for permission to survey and construct a line or lines of railroad through said reservation, which said permission was, in exercise of the right reserved to the United States under said treaty provisions, granted, upon condition that the consent of the Indians to the construction of the road should first be obtained and a reasonable compensation paid to them by said company for the right of way and other privileges required; and

"Whereas the said Sisseton and Wahpeton Indians, in council assembled, on the 2d day of May, 1880, resolved to accept and after the rate of \$1.75 per acre as compensation to them in respect of such lands as should thereafter be required by said railway company for a right of way not exceeding 200 feet in width across said reservation; and

"Whereas the said Chicago, Milwaukee and St. Paul Railway Company did, on or about the 26th day of May, 1880, file in the Department of the Interior a map showing the definite location of the Hastings and Dakota division of said railway, commencing at the eastern boundary line of the Sisseton and Wahpeton reservation, in the Territory of Dakota, being a point in the southeast quarter of the northeast quarter of section 35, township 122 north, range 51 west; thence in a westerly direction across said reservation to a point on the western boundary line thereof, to wit, to a point in the southeast quarter of fractional section 21, township 122 north, range 53 west, which said map of definite location was approved by the Secretary of the Interior on the 22d day of July, 1880; and said company has since constructed its railroad upon said line of route, and the same is now and for some time past has been in active operation; and

"Whereas the said Chicago, Milwaukee and St. Paul Railway Company did afterwards, on or about the 11th day of August, 1880, file in the Department of the Interior a map showing the definite location of the line of route of a branch of the Hastings and Dakota division extension of said railway (known as the Whetstone branch) through a further portion of the said Sisseton and Wahpeton reservation aforesaid, viz: commencing at a point on the eastern boundary line of said reservation, being a point on such boundary line about 700 feet southwesterly from the northeast corner of fractional section 33, township 124 north, range 50 west; thence northwesterly to a point in the north line of section 16, township 129 north, range 51 west, about 1,000 feet east of the northwest corner of said section 16, a distance of 42.1 miles; and said company has also partially constructed its road upon this last-mentioned line of route, and the same is now in active operation as far as the Sisseton agency; and

"Whereas the said Chicago, Milwaukee and St. Paul Railway Company did afterwards, on or about the 8th day of March, 1883, file in the Department of the Interior a map showing the definite location of the line of the said branch of the Hastings and Dakota division extension of said railway (known as the Whetstone branch) through the remainder of said reservation, as follows, viz: commencing at a point on the north line of section 16, township 229 north, range 54 west, 1,000 feet east of the northwest corner of said section 16; thence running northwesterly on a line curving southerly to a point on the west line of section 9, in said township and range, 900 feet north of the southwest corner of said section 9; thence on tangent to a point on the western boundary line of said reservation, a distance of 6.57 miles;

"Now, therefore for the purpose of evidencing the consent of the said Sisseton and Wahpeton bands of Dakota or Sioux Indians to the right of way hereinbefore mentioned, we, the undersigned chiefs, headmen, heads of families, and others, constituting a majority of all the adult male Indians of the Sisseton and Wahpeton bands of Dakota or Sioux Indians occupying or interested in the lands of the Lake Traverse reserve, in the Territory of Dakota, and acting under the super-

vision and by and with consent and approval of the Secretary of the Interior, do hereby consent and agree that upon payment by the Chicago, Milwaukee and St. Paul Railway Company, its successors or assigns, to the Secretary of the Interior, for the use of our said bands of Indians, the sum of \$2,668.24, lawful money of the United States (being at and after the rate of \$1.75 per acre in respect of the lands hereinafter mentioned), the said Chicago, Milwaukee and St. Paul Railway Company, its successors and assigns, shall have and be entitled to a right of way extending over and across the Sisseton and Wahpeton (or Lake Traverse) reservation, in the several directions hereinafter mentioned, that is to say: (1) A strip of land not exceeding 200 feet in width, commencing at the eastern boundary line of said reservation, being a point in the southeast quarter of the northeast quarter of section 35, township 122 north, range 51 west; thence in a westerly direction across said reservation to a point in the western boundary line thereof, to wit, to a point in the southeast quarter of fractional section 21, township 122 north, range 53 west, as the same is laid down on the said map of definite location thereof hereinbefore referred to; said strip of land to be used as a right of way and roadbed for the Hastings and Dakota division of said railway and for no other purpose, and containing, in the whole, 352.14 acres. (2) A strip of land not exceeding 200 feet in width at a point on the eastern boundary line of said reservation, being a point on such boundary line about 700 feet southwesterly from the northeast corner of fractional section 33, township 124 north, range 50 west; thence northwesterly to a point in the north line of section 1, township 129 north, range 51 west about 1,000 feet east of the northwest corner of said section 16; thence running northwesterly on a line curving southerly to a point on the west line of section 9, in said township and range, 900 feet north of the southwest corner of said section 9; thence on a tangent to a point on the western boundary line of said reservation, a total distance of 48.37 miles, or thereabouts, as the same appears on the said two several maps of definite location hereinbefore referred to, said strip of land to be used as a right of way and roadbed for the Whetstone branch of the Hastings and Dakota division extension of said railway, and for no other purpose, and containing in the whole 1,172.58 acres, together with the free and unmolested right in said railway company, its successors or assigns, to construct, operate, and maintain a line of railroad through said reservation between the points aforesaid, subject, nevertheless, to the due observance of the Indian intercourse laws and the regulations prescribed, or from time to time to be prescribed, by the Secretary of the Interior for the benefit and protection of the Indian tribes.

"We do further undertake and agree that if at any time hereafter the said railway company, its successors or assigns, shall require the use and occupation of additional grounds for depot or station purposes on either of its lines of road within said reservation, said company, its successors or assigns, shall be privileged to select the same from the unoccupied lands of the reserve in quantity not exceeding 10 acres for each station, and not more than one station in every 10 miles, upon the same terms of compensation as hereinbefore provided for the right of way hereby agreed to, subject always to the requirements and approval of the Secretary of the Interior for the time being; damages to individual property to be paid by the said railway company and its successors, in addition to the within-contracted payments.

"Executed at the Sisseton agency, Dakota, this 8th day of December, A. D. 1884."

Sec. 2. That said railway company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Sec. 3. That Congress may at any time amend, add to, alter, or repeal this act.

Mr. ANDERSON, of Kansas. It would seem that the latter portion of the bill makes a further grant in several different directions.

Mr. PERKINS. I do not understand the question of my colleague.

Mr. ANDERSON, of Kansas. As I caught the reading of the bill, the latter portion of it makes a new grant in two or three directions through this reservation.

Mr. PERKINS. I will say, in answer to the inquiry of my colleague, that this road has been already built and is now in operation. It secured, after negotiation with these Indians, by treaty the right to enter the reservation. The money has been on deposit in the Treasury Department, but the Indians can not get it because there has been no ratification of the agreement. There is no objection, so far as I know, from any source. The gentleman from Dakota can answer more fully.

Mr. GIFFORD. I will state, Mr. Speaker, there are two short lines of road provided in this bill, one of which extends 40 miles in the reservation.

Mr. ANDERSON, of Kansas. How much is the reservation?

Mr. GIFFORD. It contains somewhere in the neighborhood of a million of acres.

And one line extends across the reservation, the other a short distance into it. Now, the additional ground you refer to is simply for another station on the line already constructed, not any projected line, for this does not propose to grant any land for such purpose. The bill does not extend through the reservation, the gentleman will understand. It only grants the right of way for such road as has been already built. It does not grant the right to build beyond where the road is already built. They do not want that or ask for it, but simply to complete what has already been done.

Mr. PICKLER. If the gentleman will allow me a moment, I will state that this has been in operation for seven or eight years.

Mr. GIFFORD. Yes; it has been in operation for at least that time.

Mr. ANDERSON, of Kansas. How about the payment to the Indians?

Mr. GIFFORD. The money has been deposited with the Secretary of the Interior.

Mr. ANDERSON, of Kansas. Has it been paid to the Indians?

Mr. GIFFORD. This money, as I say, is with the Secretary of the Interior, and has been for seven or eight years, for their payment.

Mr. ANDERSON, of Kansas. Is the object of this bill to return the money to the Indians?



Mr. GIFFORD. Yes; to pay it to the Indians, to whom it belongs.  
Mr. PICKLER. This bill simply ratifies the agreement of the company with the Indians.

Mr. COBB. Let me ask the gentleman if this road was built under an agreement with the Indians?

Mr. GIFFORD. An agreement was first had with the Indians.

Mr. COBB. But have they any other powers except those which were obtained from the Indians or by their consent?

Mr. GIFFORD. No, sir.

Mr. COBB. Was this ratified by Congress?

Mr. GIFFORD. No, sir.

Mr. ANDERSON, of Kansas. They did not receive their power from Congress, as I understand it?

Mr. GIFFORD. No; under a treaty.

Mr. ANDERSON, of Kansas. With whom?

Mr. GIFFORD. It was under a treaty which provided that they could get the consent of the Indians. Now, by the consent of the Indians and with the approval of the Secretary of the Interior, they entered into an agreement with the Indians for the right of way. The price and everything was agreed upon, with the consent of the Indians and the Secretary of the Interior secured.

Mr. ANDERSON, of Kansas. But from what source did this company originally obtain its authority to enter the Indian reservation?

Mr. GIFFORD. From the Indians themselves, by consent of the Secretary of the Interior and with his approval.

Mr. ANDERSON, of Kansas. But by what authority?

Mr. GIFFORD. By virtue of a treaty with the Indians that they could do so.

Mr. ANDERSON, of Kansas. A treaty with the Government, or a treaty with the Indians, or under a Government treaty with the Indians?

Mr. GIFFORD. I will explain to the gentleman. The Indians and the Government entered into a treaty by which the right of way to construct a road across this reservation could be secured with the consent of the Indians. The Government has always held that the action of Congress is of course to be secured to ratify such an agreement. That is the object of this bill. Now, inasmuch as this agreement was perfectly satisfactory to the Government and to the Indians, and the price regarded as ample, this bill ratifies that right. The gentleman will understand that the Government provided that the price should be paid for the right of way as agreed upon by the Indians, and for the 42 miles of road this money has been deposited subject to be paid to the Indians.

Mr. PICKLER. Let me say to the gentleman from Kansas that these Indians are educated, civilized Indian—farmers, supplied with schools, churches, and are as capable of making contracts as any white men. These are not by any means blanket Indians, but they are civilized and understand perfectly well what they are doing.

Mr. STEWART, of Vermont. What is the amount of money deposited?

Mr. GIFFORD. The amount deposited with the Secretary of the Interior is \$2,402.

Mr. ANDERSON, of Kansas. The gentleman has not yet stated in response to my interrogatory whether the Government has ever authorized this company to enter the Indian reservation.

Mr. GIFFORD. I have just stated to the gentleman that it was authorized under the treaty.

Mr. ANDERSON, of Kansas. But has Congress ever granted the authority?

Mr. GIFFORD. No, sir.

Mr. ANDERSON, of Kansas. Just let me ask the gentleman this: Has the Secretary of the Interior power to permit a railroad company to enter an Indian reservation and construct its lines without the consent of Congress?

Mr. GIFFORD. I think so, in this case. This is an exception. It is peculiar. It was a mooted question whether the consent of Congress was required at all or not.

Mr. ANDERSON, of Kansas. Mooted by whom, the railroad attorneys? Because a railroad attorney will assume anything.

Mr. GIFFORD. Mooted by everybody.

Mr. COBB. Let me ask the gentleman how do these Indians hold that reservation?

Mr. GIFFORD. As a permanent reservation.

Mr. COBB. By act of Congress?

Mr. GIFFORD. No, sir; under a treaty; and the language is that they shall hold it as a permanent reservation. That is the exact language, I believe, of the treaty.

Mr. PERKINS. I would suggest, for the information of the gentleman from Alabama, that the treaty provides as follows:

The said bands hereby cede to the United States the right to construct wagon-roads, rail roads, mail stations, telegraph lines, and such other public improvements as the interest of the Government may require, over and across the lands claimed by said bands (including their reservation as hereinafter designated) over any route or routes that may be selected by authority of the Government.

Mr. COBB. Was that ratified?

Mr. GIFFORD. This bill is a ratification of it.

Mr. ANDERSON, of Kansas. Now, we have been informed that there was a treaty between the Indians and the United States, and we have heard a portion of the language of that treaty cited here. What I wish to ask is this: Has this company ever received from the United States, by an act of Congress, permission to enter that reservation?

Mr. PERKINS. The object of this legislation is to ratify the agreement they made with the Indians, including the right of way across the reservation. There has never been any legislative action ratifying it. The Indians themselves gave the company this permission. Hence the necessity for the passage of this bill.

Mr. ANDERSON, of Kansas. In other words, the railroad company, as I understand it, assume that they are the United States Government, and enter into a treaty with the Indians for the purpose of constructing a railway through that reservation. They construct the road, and now come to us under the guise of confirming a treaty to justify them in their unmitigated impertinence in the attempt to exercise the authority which is only vested in Congress. Am I correct?

Mr. GIFFORD. No; I do not think you are at all. [Laughter.]

Mr. ANDERSON, of Kansas. That is the position as it appears to me from the statements I have heard.

Mr. GIFFORD. I have no doubt that is the gentleman's view, but it is not correct.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and there were on a division—ayes 67, noes 8.

Mr. ANDERSON, of Kansas. I will save the Chair the trouble of counting by not making the point of no quorum.

So the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOCATION OF INDIANS IN FLORIDA ON LANDS IN SEVERALTY

Mr. PERKINS. I now ask consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (S. 16) to enable the Secretary of the Interior to locate Indians in Florida upon lands in severalty.

The bill was read at length.

Mr. McMILLIN. Mr. Speaker, this bill is subject to the point of order that it can not be considered in this hour for the reason that the House Calendar that can be approached in this hour is provided for in this language:

A House Calendar, to which shall be referred all bills of a public character not raising revenue nor directly or indirectly appropriating money or property.

This bill does appropriate money.

Mr. PERKINS. This money has already been appropriated. It was appropriated at the last session of Congress, and this simply directs how it may be used.

Mr. McMILLIN. But under the law, if it was not expended in the way provided for, it is to be covered back into the Treasury; and this is a reappropriation of money. This may be a very proper bill, and I might not be disposed to antagonize it if it should come up properly, but I think it is subject to the point of order.

Mr. PERKINS. This money was appropriated by the last annual appropriation bill for the purchase of land for these Indians. The Secretary of the Interior found a difficulty in executing the direction of the last Congress, and has asked for this modification. The money has already been appropriated.

Mr. McMILLIN. But not for this purpose. It could not be for this purpose, because there is a modification asked by this bill.

Mr. PERKINS. It was appropriated to buy lands for these Indians, and was appropriated for that specific purpose.

Mr. DAVIDSON. I would ask the gentleman from Tennessee, in view of the fact that this is a meritorious bill, to withdraw the point of order.

Mr. McMILLIN. I do not resist this bill. I do not know anything about its merits; but I do think that this hour should not be consumed by the consideration of bills which properly are not to come up during the hour.

The SPEAKER. The Chair will say to the gentleman that it is a somewhat doubtful question whether this comes within the rule.

Mr. McMILLIN. Mr. Speaker, I have addressed myself to the point of order, and I have read the rule. The gentleman confesses what the bill does. His confession is that the money can not be appropriated to this use without legislation. Legislation appropriating money to any use can not be passed in this hour under the second section of Rule XIII.

Mr. BLOUNT. I would like to ask my friend from Tennessee a question, if he will allow me.

Mr. McMILLIN. With pleasure.

Mr. BLOUNT. If this bill should pass would not the appropriation which has been taken out of the Treasury be subsequently covered in?

Mr. McMILLIN. That is true.

Mr. BLOUNT. Therefore this bill does take money out of the Treasury.

Mr. McMILLIN. Whenever it diverts money, Mr. Speaker, from the use to which it was to be applied or from the use that it could be applied to under the previous act, it diverts it from the purpose to which it would go under this enabling act. This is clearly an appropriation, I think, as contemplated under the rules.

The SPEAKER. The Chair sustains the point of order.

#### EXTENDING TIME OF PAYMENT FOR INDIAN LANDS.

Mr. PERKINS. I ask consideration of the bill (H. R. 5974) extending the time of payment to purchasers of land of the Omaha tribe of Indians, in Nebraska, and for other purposes.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to extend the time of payment of the purchase money due for land sold on the Omaha Indian reservation under the sales made by virtue of "An act to provide for the sale of a part of the reservation of the Omaha tribe of Indians, in the State of Nebraska, and for other purposes," approved August 7, 1882, as follows: The time for the first payment is hereby extended until the 1st day of December, 1894, the second payment to become due in one year thereafter, and the third payment to be due and payable in one year from the time fixed for the second payment: *Provided*, That the interest on said payments shall be paid annually at the time said payments of interest are due. *And provided*, That the said act above mentioned, except as changed or modified by this act, shall remain in full force and effect: *And provided further*, That all the lands, the payment for which is hereby extended, shall be subject to taxation in all respects by and in the State of Nebraska as if fully paid for and patents issued.

The amendment recommended by the committee was read, as follows:

Amend by adding:

"SEC. 2. That any entryman that has taken less than 160 acres of land on this reservation, and has made payments on the same according to law, may amend his entry and purchase at the appraised price and upon the conditions prescribed in the act of August 7, 1882, such additional lands lying contiguous to the lands included in his original entry as he may desire: *Provided*, That the land so purchased, together with the land included in his original entry, shall in no case exceed 160 acres."

The amendment was agreed to.

Mr. HOOKER. Mr. Speaker, I would like to inquire of the gentleman from Kansas on what basis the rate of payment for this land per acre is fixed.

Mr. PERKINS. The land was appraised, Mr. Speaker, under an act of Congress, and this bill provides that they may take it just as the other settlers have taken it, at the appraised value, ranging from eight to twelve dollars per acre. This was a high appraisement, and it is for that reason largely that the land has not been taken heretofore.

Mr. HOOKER. What is the equity, propriety, and justice of the extension of the time to those who have bought those lands?

Mr. PERKINS. The low prices prevailing for farm products has prevented them from keeping up their payments. They are to keep up payments of interest, and that would be as satisfactory to the Indians as though the money was in the Treasury. Under the provisions for the sale they get the interest, and it is a matter of no importance to them whether they get it from the settlers or from the Government. This bill provides that they must keep up their interest payments.

Mr. HOOKER. I would like to ask one further question. Are these Indians satisfied with this provision?

Mr. PERKINS. They are. There is no objection to it from any source.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

#### DENISON AND WASHITA VALLEY RAILWAY COMPANY.

Mr. PERKINS. I now ask consideration of the bill (H. R. 856) to amend section 1 and section 9 of an act entitled "An act to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July 1, 1886.

The bill was read, as follows:

*Be it enacted, etc.,* That section 1 of an act entitled "An act to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July 1, 1886, be, and the same is hereby, amended so as to read as follows, to wit: "That the Denison and Washita Valley Railway Company, a corporation created under and by virtue of the laws of the State of Texas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point to be selected by said railway company on the Red River, near Denison, in Grayson County, in the State of Texas, and running thence in a northeasterly direction by the most feasible and practicable route through the Indian Territory to a point in the east boundary line of the Indian Territory near Fort Smith, in the State of Arkansas, and also a branch line of railway from a point on said main line, not exceeding 50 miles from Red River, to be selected by said company, and running thence in a northwesterly direction through the Indian Territory and the county known as Oklahoma, to a point on the southern line of the State of Kansas at or about where the same is crossed by the one hundredth meridian, by the most practicable route thereto, with the right to construct, use, and maintain such tracks, turn-outs, branches, sidings, and extensions as the said company deem it to their interest to construct along and upon the right of way and depot grounds herein provided for."

SEC. 2. That section 9 of the act above referred to be, and the same is hereby,

amended so as to read as follows, to wit: "That said railway company shall, build at least 50 miles of its railway in said Territory within three years after the passage of this amendatory act, or the rights herein granted shall be forfeited as to that portion not built; that said railway company shall construct and maintain continuously all fences, road, and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same."

The SPEAKER. The Clerk will report the amendment recommended by the committee.

The Clerk read as follows:

Add to section 1 the following:

*Provided*, That all of the rights, franchises, powers, and privileges by this act granted to said railway company are hereby declared to be, and are hereby given, granted, and conferred upon and to it and its successors and assigns, subject to the same conditions and limitations as are contained in the act to which this is amendatory, except only as to the time in which to complete the construction of that part of said company's road required by section 2 of this act, which shall be done within the time therein set forth."

Mr. McMILLIN. Mr. Speaker, I was unable to hear distinctly the first section of the bill as it was read, but I am inclined to think it is subject to the point of order. With the view of ascertaining the fact, I wish to inquire of the gentleman in charge of the bill [Mr. PERKINS] what are the rights and franchises that are made assignable under the amendment proposed?

Mr. PERKINS. There is no appropriation whatever in the bill.

Mr. McMILLIN. Is there not an appropriation of public land?

Mr. PERKINS. No.

Mr. McMILLIN. A right of way?

Mr. PERKINS. The right of way through the Indian Territory is given to this company—

Mr. McMILLIN. And through Oklahoma.

Mr. PERKINS. If I remember correctly, this line does not contemplate entering Oklahoma.

Mr. McMILLIN. I did not hear distinctly the reading of the first section, but I think it shows that the right of way is given through Oklahoma. I will ask to have the first section read again.

Mr. PERKINS. I may be mistaken about that, but I know there is no appropriation whatever.

The Clerk again read the first section of the bill.

Mr. McMILLIN. That section shows that it gives the right to construct this line through the Territory of Oklahoma, and that there is an appropriation of public land, the property of the Government.

Mr. PERKINS. Mr. Speaker, if it should be held by the Chair that the language of the rule pertaining to appropriations can be construed to apply to this—

Mr. McMILLIN. Perhaps the shortest way of settling the question, if my friend from Kansas will permit me, will be for me to draw his attention to the language of the rule, which I will read:

Second, a House Calendar, to which shall be referred all bills of a public character not raising revenue nor directly nor indirectly appropriating money or property.

My friend will see that it is not confined to money. It applies to appropriations of money or property.

Mr. PERKINS. I would suggest to the gentleman that there is a public act granting to railroad companies the right of way across the public domain, and the language in this section pertaining to a branch of this line to run in a northwesterly direction into the Territory of Oklahoma is only language descriptive of the direction of the road. There is a general act granting to railroad companies the right of way over the public lands, and it is not necessary to have new legislation in order to give this company the right to build to Oklahoma.

The SPEAKER. This bill only gives land—

Mr. PERKINS. At most it only gives the right to pass over the land. It does not give the fee.

The SPEAKER. Does it give it as to land which is already appropriated by public act?

Mr. PERKINS. Yes, by public statute.

Mr. MCRAE. Mr. Speaker, I would like to ask the gentleman the date of the passage of the act to which this is amendatory. Was it before the passage of the Oklahoma section in the appropriation bill?

Mr. PERKINS. Yes; it was before that time.

Mr. MCRAE. Then if this will have the effect to grant the right of way through lands that were public lands at that time, without giving compensation to those who have taken up those lands since that time, it ought not to pass. If the purpose is to give the right of way over lands that were public at that time, but are not public lands now, the bill ought not to pass, because those who have taken up those lands ought to have the right to compensation like other people.

Mr. PERKINS. Of course where lands have been taken up under the homestead or pre-emption laws the Territorial or other existing law must govern, and compensation will have to be made as in other cases. This applies only to public lands and Indian lands.

Mr. MCRAE. But there are no public lands in Oklahoma now, because they have all been taken up.

Mr. PERKINS. Yes, they have all been taken up.

Mr. MCRAE. Then I suggest that this provision ought to be stricken out.

Mr. PERKINS. I have no objection to that. I regret that the



gentleman from Texas [Mr. HARE] who introduced this bill is not present to explain it.

Mr. HOOKER. Is there a report upon this bill?

Mr. PERKINS. Yes, sir.

Mr. HOOKER. It ought to be read.

Mr. PERKINS. I see the gentleman from Texas [Mr. HARE] is now in his seat.

Mr. HARE. I have just come in and do not understand what is before the House.

Mr. ANDERSON, of Kansas. Mr. Speaker, the point of order is not waived.

The SPEAKER. The Chair has not heard any waiver.

Mr. COBB. Mr. Speaker, I have an amendment that I desire to offer to this bill at the proper time.

The SPEAKER. The gentleman can not offer an amendment pending a point of order. The Chair desires to be put in possession of the facts of this matter. If this bill does not make an appropriation of land or of property of the United States, it is not open to the point of order.

Mr. HARE. I do not consider this bill as appropriating lands of the United States. This is to amend a charter that was granted three years ago. The original charter required the company to construct so many miles of railroad within a certain time. The company failed to construct as much as was required by the act, and they come now to ask that the charter be extended and that they be given three years more in which to construct 100 miles. In addition to that, there is an amendment authorizing the extension of a branch of the road to Oklahoma.

There is no public land granted, as I understand, by this bill. It simply grants a right of way through the Indian Territory. It does not appropriate any public domain either of the Indians or of the United States, but simply gives a charter for the right to construct a railroad.

Mr. HOOKER. Let us have the report read.

Mr. ANDERSON, of Kansas. On the point of order I wish to say that the portion of the Territory which this right of way proposes to enter is now public land.

Mr. HOLMAN. On the question of order I wish—

The SPEAKER. The gentleman from Kansas has the floor.

Mr. HOLMAN. I wish to suggest to the gentleman from Kansas that the general law granting right of way through the public lands does not apply perhaps to Oklahoma, inasmuch as—

The SPEAKER. But the gentleman from Kansas [Mr. ANDERSON] is upon the floor on a point of order.

Mr. ANDERSON, of Kansas. I was going to call the attention of the Chair to this fact: That the charter for this company, as I understand, has expired; that while in one sense this is an extension of the original charter, yet in an actual and substantial sense it authorizes a new branch; that a portion of the land through which this right of way is intended to be granted to this company is now public land; that while in the sense in which the old land-grant roads were spoken of as receiving grants of public lands this road does not receive a subsidy, yet to the extent of its right of way it does receive a grant of public land—a grant of public land 200 feet wide and a given number of miles in length; that this public land is public property; and therefore, so far as the bill grants a right of way through any public land, it is giving away public property and is liable to the point of order.

Now, I want to call the attention of the Chair to another feature of the bill—

Mr. PERKINS. If my friend will permit the suggestion, I will ask to strike out in the bill the words "and the country known as Oklahoma." That will remove all question.

The SPEAKER. The Chair does not see how this bill in any way appropriates public land.

Mr. PERKINS. I do not either; but I was willing to remove the difficulty by the change I have suggested.

The SPEAKER. The bill simply grants right of way, which is a different affair.

Mr. ANDERSON, of Kansas. I am not through yet. I want to call the attention of the Chair to another fact. This bill in language does what I never knew any bill to do before: it grants the ownership of a public highway to a company. The acts of 1862-1864 did not grant ownership; they granted franchises; they granted certain privileges. Nowhere have I ever seen an act that granted to a company the ownership of a public highway. If you take the position that you can exercise the power of eminent domain for the purpose of taking from one private citizen his property and giving it to another private citizen in the form of a railway company, you are running in the very teeth of the fundamental principles of law which have been recognized from the day that the law began.

Now, this bill in language takes a public highway and grants the ownership of it to a company. It does not grant alone the franchise of collecting tolls over a public highway; many bills do that; and they also grant the franchise of collecting a reasonable rate for operating a road as a public carrier.

But this bill goes away beyond that; it goes away beyond a grant of public money or public land; it goes to the point of granting a public

highway to a private corporation; and I submit to the Chair that this is a grant of public property, and under the rules this bill can not be considered in the House.

The SPEAKER. The Chair overrules the point of order.

Mr. ANDERSON, of Kansas. I thought the Chair would.

Mr. HOLMAN. Has not the hour expired?

The SPEAKER. The hour has not expired.

Mr. HOOKER. I ask for the reading of the report accompanying this bill.

The SPEAKER. The question is upon the amendment reported by the committee.

Mr. HOOKER. I ask for the reading of the report.

The SPEAKER. If the gentleman desires to address the House, he can have the report read as a part of his remarks.

Mr. HOOKER. I will take the floor and ask that the report be read in my time.

The report (by Mr. BOOTHMAN) was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 856) to amend section 1 and section 9 of an act entitled "An act to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July 1, 1886, submit the following report:

In 1886 Congress passed an act granting a right of way through the Indian Territory from a point about 100 miles west of the northeast corner of the State of Texas, at or near Denison, in Grayson County, Texas, to a point near Fort Smith, Ark., on the eastern boundary of the Indian Territory, to the Denison and Washita Valley Railway Company. This act, among other conditions, required the company to construct at least 50 miles of the proposed road in the Indian Territory within three years from the passage of the act. About 10 miles have been so constructed and are now in operation therein. The whole line contemplated to be built in the Territory was something near 125 miles in length. The reason given why the 50 miles have not been built is the failure to secure the necessary funds, the company being composed largely of persons of limited means, who depended on the sale of the bonds of the road for the purpose of completing it.

The committee is informed that the company has now practically succeeded in making arrangements by which it can go on and complete the road and the branch road by this bill proposed to be built in a short time. The advantages claimed to result from the road when built are that it will open up the lumber region of the Red River on the one hand to the people of Oklahoma, the Indian Territory, and Kansas, while on the other it will give an outlet to the coal mines of the Indian Territory, which are now in operation, to the south, northwest, and western portions of that region and to the people of Texas.

Your committee are of opinion that the bill should be amended so as to require the company to complete the construction of not less than 100 miles of the proposed road and branch within the limits of the Indian Territory in three years; also, that the further privileges conferred by the bill should be given upon the same conditions and limitations as were imposed in the original act to which this bill is amendatory.

We therefore recommend that section 1 of the bill be amended by inserting at the end thereof the following proviso, namely:

"Provided, That all of the rights, franchises, powers, and privileges by this act granted to said railway company are hereby declared to be, and are hereby, given, granted, and conferred upon and to it and its successors and assigns subject to the same conditions and limitations as are contained in the act to which this is amendatory, except only as to the time in which to complete the construction of that part of said company's road required by section 2 of this act, which shall be done within the time therein set forth."

Also amend section 2 by striking out the word "fifty," in line 3 of said section, and inserting the words "one hundred" in its stead; and as thus amended we recommend the passage of the bill.

The amendment reported by the committee was agreed to.

Mr. ANDERSON, of Kansas. I wish to offer an amendment. I will ask my colleague [Mr. PERKINS] whether the original act of which this is amendatory contains the ordinary repealing clause.

Mr. PERKINS. There is a repealing clause in this bill, and there was also in the original act.

Mr. ANDERSON, of Kansas. I did not hear the repealing clause when the bill was read.

Mr. PERKINS. The original act is very carefully framed in that particular. It authorizes Congress to alter or repeal the legislation at any time and to declare a forfeiture if the company does not conform to all the provisions of the bill.

Mr. ANDERSON, of Kansas. I wish to offer an amendment to strike out the word "own" where it occurs in the first section of the bill. It sets forth a grant to this company of certain powers to survey, construct, etc., a railway company, and among the words employed is the word "own."

Mr. PERKINS. I move the previous question on the amendment and on the passage of the bill.

Mr. ANDERSON, of Kansas. I move to strike out that word.

The SPEAKER. The gentleman from Kansas [Mr. PERKINS] moves the previous question upon the bill and pending amendment.

Mr. ANDERSON, of Kansas. I rise to a point of order.

Mr. PERKINS (to Mr. ANDERSON, of Kansas). That includes your amendment.

Mr. ANDERSON, of Kansas. Very well; then let my amendment be put.

The SPEAKER. The question can not be put on the amendment until the motion for the previous question is put.

Mr. ANDERSON, of Kansas. All right.

Mr. COBB. I had proposed an amendment; I do not know whether that is included in the operation of the previous question or not.

The SPEAKER. No amendment of the gentleman has been stated to the House.

Mr. COBB. I asked the privilege of offering it.

The SPEAKER. The Chair recognized the gentleman in charge of the bill.

The question being taken on ordering the previous question, there were—ayes 61, noes 21.

Mr. BUCHANAN, of New Jersey. No quorum.

The SPEAKER. The gentleman from New Jersey makes the point that no quorum is present. The Chair will count the House. [A pause.] The Chair counts 124 members—not a quorum.

Mr. PERKINS. I believe the hour is exhausted or nearly so.

A MEMBER (to Mr. BUCHANAN, of New Jersey). Withdraw your point.

Mr. BUCHANAN, of New Jersey. I will not insist on the point if a fair opportunity for amendment be given.

Mr. PERKINS. I move a call of the House.

The motion was agreed to.

The SPEAKER. The Clerk will call the roll.

The roll was called; and the following members failed to answer to their names:

Abbott,	Burrows,	Grout,	Rife,
Adams,	Campbell,	Hall,	Rockwell,
Alderson,	Candler, Mass.	Hansbrough,	Rowell,
Allen, Miss.	Carlisle,	Harmer,	Rusk,
Arnold,	Cheatham,	Haugen,	Sanford,
Atkinson, Pa.	Clancy,	Hemphill,	Sawyer,
Atkinson, W. Va.	Clark, Wis.	Henderson, Ill.	Scull,
Bankhead,	Clunie,	Hermann,	Seney,
Banks,	Compton,	Hitt,	Shively,
Bartine,	Cooper, Ind.	Hooker,	Skinner,
Bayne,	Cothran,	Kerr, Pa.	Smith, Ill.
Beckwith,	Crain,	Knapp,	Snider,
Belden,	Dalzell,	Laidlaw,	Stahneck,
Bergen,	Dargan,	Leibach,	Struble,
Biggs,	Darlington,	Magner,	Thompson,
Bingham,	Dunphy,	Mason,	Turner, Kans.
Blanchard,	Edmunds,	McCarthy,	Vandever,
Bland,	Elliott,	McClammy,	Walker, Mass.
Bliss,	Ewart,	Miles,	Wallace, Mass.
Boatner,	Farquhar,	Morgan,	Wallace, N. Y.
Boutelle,	Featherston,	Morrill,	Wheeler, Mich.
Bowden,	Fitch,	Mitchler,	Whitthorne,
Breckinridge, Ark.	Fithian,	Perry,	Wickham,
Brookshire,	Flick,	Phelan,	Wilber,
Brower,	Flood,	Price,	Willcox,
Browne, T. M.	Fornoy,	Quackenbush,	Willis, Ohio
Brown, J. B.	Fowler,	Raines,	Wilson, Ky.
Brunner,	Frank,	Randall, Mass.	Wison, Wash.
Buchanan, Va.	Funston,	Randall, Pa.	Wise,
Buckalew,	Goodnight,	Ray,	

The SPEAKER. Two hundred and ten members have answered to their names, which are more than a quorum.

Several members asked to have their names recorded, having come in after their names had been called.

The SPEAKER. The rule provides for noting members reporting to the Clerk to be recorded as present.

Messrs. EDMUNDS, SHIVELY, HANSBROUGH, ALLEN of Mississippi, BROOKSHIRE, ATKINSON of Pennsylvania, ELLIOTT, ADAMS, GROUT, BRECKINRIDGE of Arkansas, TILLMAN, ABBOTT, BURROWS, MORRILL, FARQUHAR, DALZELL, and HENDERSON of Illinois appeared, and were recorded as present.

Mr. CANNON. I move that all further proceedings under the call be dispensed with.

The motion was agreed to.

#### OKLAHOMA.

Mr. CANNON. I am directed by the Committee on Rules to submit the following report.

The Clerk read as follows:

The Committee on Rules, to whom was referred the following resolution: "Resolved, That the Committee of the Whole House on the state of the Union be discharged from the further consideration of Senate bill (S. 895) to provide a temporary government for the Territory of Oklahoma, and the substitute therefor reported by the Committee on Territories, and that Thursday, March 13, 1890, be set apart for the consideration of such bill, immediately after the morning hour, and that two hours be given for general debate and for the offering of amendments to such bill and substitute, at the expiration of which time the previous question shall be considered as ordered on such bill and pending amendments, and immediately thereafter the vote shall be taken in order upon such pending amendments and the passage of the bill and the substitute recommended therefor;"

having had the same under consideration, report the same back with a substitute therefor, and recommend the adoption of the said substitute in the following words: "Resolved, That immediately after the morning hour this day the House shall resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 895) to provide a temporary government for the Territory of Oklahoma and a substitute therefor reported by the Committee on Territories; and that the consideration of the said bill be continued in committee during this legislative day; and that on tomorrow, immediately after the morning hour, the Committee of the Whole House shall resume the consideration of the said bill, and at 4 o'clock on said day the committee shall rise and report the bill to the House, with such amendments as may have been agreed to; and thereupon the previous question shall be deemed ordered upon said amendments, and the engrossment and third reading and passage of the bill."

Mr. CANNON. This substitute recommended by the Committee on Rules, if adopted, provides that the balance of to-day, and to-morrow until 4 o'clock, shall be devoted to the consideration of the Oklahoma bill, at which time the previous question shall be considered as ordered on the bill and substitute therefor and amendments in the Committee of the Whole House on the state of the Union.

I will now yield for five minutes to the gentleman from Georgia [Mr. BARNES].

Mr. BARNES. Mr. Speaker, I have been seriously and earnestly opposed, from its first presentation, to the substitute offered by the Committee on Territories for the organization of the government of Oklahoma Territory, and have given my preference to the Senate bill. I am still of the same opinion. But I recognize the fact that there must be a limit to all debate. There are other pressing and important measures coming from the Committee on the Territories. They must be considered by the House. This bill stands in the way.

I recognize, Mr. Speaker, also, the further fact that it is exceedingly important, and is so recognized by the Executive Departments of the Government, because of pressing necessities, that a Territorial government in some form should be organized for the Territory of Oklahoma. I still hope that the Senate bill may be finally adopted.

But, sir, in view of all the circumstances and the long time that has been already given to the debate on this bill, I believe that a limit should be put to it, and after a full consideration of all the circumstances have given my assent to this proposition and trust the opponents of the measure will, as far as possible, assent to it by the adoption of the resolution reported from the Committee on Rules limiting the debate to the time specified.

Mr. ADAMS. I desire to ask my colleague a question.

Mr. CANNON. Certainly.

Mr. ADAMS. I notice that the phrase "immediately after the morning hour" occurs twice in the pending resolution. I had supposed that the morning hour under our new rules lasted all day, unless terminated by a particular motion; and I will simply ask whether there may not be some ambiguity in the expression? It should have been "after the first sixty minutes of the morning hour have expired."

Mr. CANNON. I will accept the amendment and modify the resolution accordingly.

Mr. HOOKER. Mr. Speaker, I would like to be heard on this question.

Mr. CANNON. I will yield five minutes to the gentleman.

Mr. HOOKER. Before that, I would like to have the proposed substitute again read, not in my time.

The substitute as modified was again read.

Mr. HOOKER. Mr. Speaker, I am at a loss to understand what is the purpose of the Committee on Rules in presenting a proposition of that character to limit the debate on a measure of the importance of that which is now under consideration. We are confronted with a proposition here to introduce a special rule with reference to the consideration of this Oklahoma bill; but, like all special rules, it is obnoxious to the objection that it is intended to apply to a particular measure only, and will cease and have no further force or effect after that particular measure shall have been disposed of under the special rule invoked.

Now, sir, we are considering this measure, this amendment of the House to the Senate bill, and we are considering it in Committee of the Whole. We have progressed to a certain point—to the consideration of seven sections of the bill—and now the Committee on Rules, consisting of but five members of this body, two from the Republican side, two from the Democratic side, and the Speaker of the House, who is *ex officio* chairman of the committee, here propose to limit all discussion and action on this measure. I want to call the attention of the House to the fact that if the Committee on Rules have the power to introduce an arbitrary rule for the governance of the House in the consideration of any particular measure it may do it as to all measures. We may assume, if the exigency arises, that they may be expected to exercise the same power and that it will be exercised on every other bill or every other occasion on which it may be the desire of the majority to force an early vote.

Why, Mr. Speaker, should this be done? What necessity exists at this time for it? Why not abide by the rules that have been adopted for the government of the House with regard to this bill and in regard to all other bills? Why should we adopt a special rule to apply to the consideration of this measure departing thus early from the rules, which have been incubated after months of deliberation by the Committee on Rules and presented for the consideration of the House, and for its guidance in the transaction of the public business? Why now stop in the midst of the discussion and consideration of this important measure and let this committee report its special rule by which the previous question shall be considered as ordered at a specific time, and thereby force action upon the bill whether the House has considered it fully or not?

Mr. Speaker, there are over thirty sections to this bill. We have considered thus far but seven. There are numerous amendments proposed in regard to the other measures embodied in the bill, and if you fix a particular time for calling the previous question to-morrow or at any future time, as is proposed by the Committee on Rules, you may exclude and will, in all probability, exclude the consideration of many of the most important amendments. This is a measure, as all gentlemen will concede, of the utmost importance, and is one which ought to be considered under the rules of the House. It should be considered in accordance with the rules adopted by the House for the government of all such matters, and if there be a reason why this rule should be



introduced by the autocratic power of the Committee on Rules, I warn you gentlemen that you may look for a similar innovation on all other measures of public importance, and you may expect that when rules are adopted by the House to meet certain contingencies and to fit certain purposes, cutting off debate on a particular measure—that you may expect a like character of rules to apply to other equally important measures, and to any measure, no matter what it is, which may come before the House for consideration.

I do not look, sir, upon the rules which require the House to pause, reflect, and consider before expressing its judgment; I do not look upon the rules which require argument which will illustrate and elucidate facts and truths and impresses upon the people the great consequences involved in that particular controversy; I do not look upon such rules as in the way of a proper conduct of the public business, but on the contrary as auxiliary if not essential to the conduct of such cases. But, whatever be their character, they have been adopted by the House; they are the rules of the House, framed for its government, and why should they be changed? And if they may be changed in regard to this particular bill so they may also be changed and altered in respect to every measure which may come before the House of Representatives.

I can see no reason whatever for it. The committee have a right to determine this question in the ordinary manner fixed by the rules of the House. We have considered it for some time in committee, but now we are asked to adopt another rule which takes it away from the committee, and I tell you gentlemen again if you do this you may well expect your general rules to be superseded at any moment by reports from the Committee on Rules, on resolutions offered by gentlemen limiting debate upon any particular measure. You may expect the limitation of debate upon the great question of taxation, and you will have it on every other great question. And I say if this supersedes the standing rules and orders of the House you may well and reasonably expect to have the same proposition made when we come to consider that great question of taxation, the most vital question which can be considered by this or any other Congress.

[Here the hammer fell.]

Mr. CANNON. A word in reply. I yielded to the gentleman from Georgia [Mr. BAENES] five minutes, and, in simple justice, yielded to the gentleman from Mississippi [Mr. HOOKER] for five minutes, as they occupied different positions upon this matter. Now, as I said in the beginning, this order, if adopted, will devote the balance of to-day and to-morrow until 4 o'clock to the consideration of this bill, and then come to a vote, the consideration commencing to-morrow after the expiration of sixty minutes spent in the morning hour.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman from Illinois allow me a suggestion, which is this: To strike out "sixty minutes in the morning hour," and let the consideration commence immediately after the reading of the Journal?

Mr. CANNON. I would prefer not to dispense with the sixty minutes of the morning hour.

Mr. BRECKINRIDGE, of Kentucky. It makes a delay of sixty minutes.

Mr. CANNON. For that matter, I want to say that the Oklahoma bill almost from the commencement of this session has blocked the way, and it has been talked about and discussed till I think all of us understand the merits of this bill and the proposed substitute. I believe, for one, that a great block of our people in a portion of our Territory, without government and substantially without law, should not be compelled to further wait in that condition. Therefore, as I understood it was agreeable to many gentlemen upon that side and to many upon this side to close the consideration of the Oklahoma bill, for one I voted for this order. The gentleman from Mississippi seems to claim that other orders may follow. They may or may not; I do not know. I have none in mind at this time and know of none that are to follow; but if they do follow they will follow by a majority vote in this House. We are not alone in this House and in this Congress in making special orders. In past Congresses, especially the Forty-eighth, Forty-ninth, and Fiftieth Congresses, they were almost of daily occurrence. I move the previous question on the adoption of the report.

The question was put; and the Speaker announced that the "ayes" seemed to have it.

Mr. HOOKER. Division.

The House divided; and there were—ayes 103, noes 23.

Mr. HOOKER. I raise the point that no quorum is present.

Mr. SPRINGER. I hope the gentleman will withdraw that, as it is just so much time taken from the consideration of the bill.

Mr. HOOKER. I raise the point.

Mr. SPRINGER. Let us have the yeas and nays.

Mr. CANNON. Yeas and nays, Mr. Speaker. [Before the question was put.] I will withdraw the demand for the yeas and nays, as it is on the previous question.

Mr. SPRINGER. I withdraw the demand for the yeas and nays at present.

Mr. HOOKER. I now call for the yeas and nays, as this is an important question.

The yeas and nays were refused.

The SPEAKER. On this question the yeas are 108, the noes 23;

and there being a quorum present, the previous question is ordered. The question is now on the adoption of the resolution.

The resolution as amended is as follows:

*Resolved*, That immediately after the call of committees under clause 4, Rule XXIV, this day, the House shall resolve itself into Committee of the Whole House on the state of the Union for the further consideration of Senate bill (S. 895) to provide a temporary government for the Territory of Oklahoma and a substitute therefor reported by the Committee on Territories; and that the consideration of the said bill be continued in committee during the remainder of this legislative day, and that on to-morrow, immediately after sixty minutes have been occupied by a call of committees, the Committee of the Whole House on the state of the Union shall resume the consideration of the said bill; and at 4 o'clock on said day the committee shall rise and report the bill to the House with such amendments as may have been agreed to, and thereupon the previous question shall be deemed ordered upon said amendments, and engrossment and third reading and passage of the bill.

The resolution was adopted.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the further consideration of the bill (S. 895) to provide a temporary government for the Territory of Oklahoma. Section 7 of the bill was under consideration, and the gentleman from Massachusetts [Mr. MORSE] is entitled to the floor upon an amendment which was then under consideration.

Mr. MORSE. Mr. Chairman, it is not my purpose to detain the House with any remarks at this time. I simply desire to say that, after conferring with legal gentlemen who are members of this House upon this floor, I think it best to withdraw the amendment I offered and to offer the following amendment as a substitute for that amendment, which will obviate all the objections raised to the other amendment.

The Clerk read as follows:

Amend section 7 by inserting, after the word "Territory," in line 6, the following:

"And that the provisions of section 2139 of the Revised Statutes be, and the same are hereby, extended to this Territory until otherwise provided by law."

Mr. STEWART, of Georgia. I desire to have that section read, Mr. Chairman, that it may be thoroughly understood.

The Clerk read as follows:

No ardent spirits shall be introduced under any pretense into the Indian country. Every person (except an Indian in the Indian country) who sells, exchanges, gives, barter, or disposes of any spirituous liquors or wine to any Indian under the charge of any Indian superintendent or agent, or introduces or attempts to introduce any spirituous liquor or wine into the Indian country, shall be punishable by imprisonment for not more than two years and by a fine of not more than \$500. But it shall be a sufficient defense to any charge of introducing or attempting to introduce liquor into the Indian country that the acts charged were done by order of or under authority from the War Department or any officer duly authorized thereunto by the War Department.

[Cries of "Vote!" "Vote!"]

Mr. STEWART, of Georgia. Mr. Chairman, I do not desire to discuss this matter, but only to make one statement. A gentleman the other day made the statement that the laws of Nebraska covered this question. The Nebraska statute provides that by the consent of thirty freeholders the right to retail spirituous liquors may be granted under license of that State. Thinking that there was some mistake about that, I desire to call the attention of the House to that fact. I have the gentleman's statement in the RECORD to that effect.

Now, I only want to make one passing remark. The provision read applies to the Indian Territory. Some question has been raised on the floor as to the fact that No Man's Land is not strictly in the Indian country, and that question might be made. The provision is that the code shall apply to the entire Territory of Oklahoma and make symmetry in our statutes.

[Cries of "Vote!" "Vote!"]

The question was put; and the Chairman announced that the "noes" seemed to have it.

Mr. STEWART, of Georgia. Division.

The committee divided; and there were—ayes 30, noes 44.

So the amendment was rejected.

Mr. KERR, of Iowa. I ask unanimous consent that on this amendment there shall be a yeas-and-nays vote in the House.

A MEMBER. I object.

Mr. KERR, of Iowa. Then I make the point of no quorum.

Cries of "Too late!" "Too late!"

Mr. KELLEY. Mr. Chairman, I rise to offer an amendment which I send to the desk.

The amendment was read, as follows:

Amend section 7 by striking out the word "Nebraska" wherever it occurs in this section and inserting "Kansas."

Mr. KELLEY. Mr. Chairman, the object of the amendment is very similar to the object of the amendment which has just been voted down, but my reason for offering the amendment is not that I have any objection to the laws of Nebraska, but because I prefer that the laws of Kansas should apply to this Territory. As is perhaps well known to every gentleman in this House, in Kansas we have prohibition, and it works well, and probably more people have gone to this Territory from Kansas than from any other State, and I have been requested by many of them to offer this as an amendment to the pending bill. Further than that, Mr. Chairman, in Kansas we have a provision of law which

allows women to vote upon all questions pertaining to the municipal government of cities and towns and in relation to schools, and we find that it works very well, and adds a great deal to our power to enforce the prohibition law. Indeed, I think that without this provision prohibition, even in Kansas, would be a failure. Now I hope the women who have gone to this new Territory as pioneers will be placed on an equality with the men who have made sacrifices by going out there, and that their counsels and their intelligence and their patriotism will be felt in the popular vote in the same way that it is in the State of Kansas, and will have its influence in the enactment of laws for the government of that Territory.

Mr. KERR, of Iowa. Mr. Chairman, I move to strike out the last word. In addition to what the gentleman from Kansas [Mr. KELLEY] has just said with regard to this matter, I think it is very important, in the organization of this Territory, to provide against the introduction of intoxicating liquors. The gentleman from Kansas has adduced forcible reasons why the laws of Kansas should prevail in this Territory, but, in addition to that, I wish to suggest that in Kansas, and in Iowa, and in every State where the policy of prohibition has been adopted we find that one of the strongest arguments made against it is that it is a violation of vested rights; that the liquor-dealers have vested interests which the adoption of the policy of prohibition affects injuriously. The governor of my State, elected last fall, devotes a great deal of space in his message to arguing that our prohibitory laws are destructive of vested rights. Now, in order that this question may not hereafter arise in the Territory of Oklahoma and the argument be made there as it has been made in Iowa and elsewhere, that vested rights are affected by prohibitory legislation, I think that in the organization of this Territory we ought to begin on the principle that no man can have a vested right to destroy his fellow-men by the introduction of a system that has proved so disastrous, so prolific of crime and of other evils that affect society. For that reason, sir, I hope that the amendment proposed by the gentleman from Kansas will be adopted.

Mr. PICKLER. Mr. Chairman, I am in favor of this amendment. I am in favor of it not only because I believe in keeping liquor out of this Territory until the Territorial Legislature shall act upon the question, but also because I believe that two men out of every five now in the Territory of Oklahoma have gone there from the State of Kansas. The laws of Kansas have been over that Territory until the present time—

Mr. KILGORE. I understood the gentleman to say that most of the present population of the Territory are from the State of Kansas.

Mr. PICKLER. A large percentage of it.

Mr. KILGORE. My understanding is that most of them have run away from Kansas to get rid of the prohibition laws. [Laughter.]

Mr. PICKLER. I want to say to the gentleman from Texas—I do not know whether he indorses the opinion or not—that there are Texas Prohibitionists down there in Oklahoma who are praying to him to vote for this amendment.

Mr. CULBERSON, of Texas. Mr. Chairman, I understand that the proposition of the pending amendment is to import into Oklahoma the laws of Kansas.

Mr. PICKLER. Yes, sir; instead of the laws of Nebraska, as the bill proposes.

Mr. CULBERSON, of Texas. I want to ask the gentleman whether, under the laws of Kansas, a person who served in the Confederate army is allowed to vote.

Mr. PICKLER. I can not answer the gentleman, but if there is any objection on that score it can be easily removed. I got acquainted with men down there who had been Confederate soldiers and who were law-and-order men and helped to keep the law in force, and if there is any such prohibition in the laws of Kansas as the gentleman from Texas [Mr. CULBERSON] intimates, I should be emphatically in favor of eradicating it.

Mr. CULBERSON, of Texas. I understand that there is such a provision. I will ask the gentleman from Kansas [Mr. PERKINS] if it is not so?

Mr. PERKINS. That is a constitutional provision. It prohibits such a person from voting unless where the disqualification has been removed by act of the Legislature.

Mr. CULBERSON, of Texas. And this amendment applies to the constitution and laws of Kansas and proposes to introduce them in Oklahoma?

Mr. PICKLER. I call the gentleman's attention to the fact that there is nothing in the bill or amendment in regard to the constitution of the State, but only in regard to the laws.

Mr. CULBERSON, of Texas. But the constitution is the supreme law of the State.

Mr. PICKLER. But this bill or this amendment does not provide anything about the constitution of the State being established for the government of Oklahoma. The bill only speaks of the statutes. However, I want to say further to the gentleman that if that provision of the Kansas law or constitution would apply I am sure there would be no objection on the part of any gentleman on this floor to eradicate it now. In my opinion, there is not a man here who wants any such rule to obtain in a Territory like Oklahoma, which is being settled from

States north and south. The bill, however, speaks only of the statutes, not of the constitution.

Mr. CULBERSON, of Texas. I think the gentleman is mistaken about that.

Mr. PICKLER. Mr. Chairman, while I believe in the prohibition law of the State of Kansas—while I believe in prohibition upon principle—that is only one reason why, in my judgment, the statutes of Kansas should be applied to this Territory. As I was about to remark, a large number of the people in that Territory are from Kansas and are acquainted with the provisions of the statutes of that State. United States marshals from Kansas are the officers who have been protecting the citizens in that Territory since it has been settled. Prisoners held to answer there are held to answer before the courts of Kansas. Oklahoma City in its organization adopted the laws of Kansas for its government. There is, therefore, it seems to me, every argument why the laws of Kansas, rather than the laws of Nebraska, should be extended to this Territory. Why the laws of Nebraska should be applied to this Territory, as this bill provides, is something that I do not understand.

Mr. Chairman, aside from what may be the opinion of any gentleman on this floor as to the liquor question, this matter of keeping intoxicating liquors out of that Territory is a very serious one for the people there. Let us provide in this bill, as the General Government has provided up to this time, that no intoxicating liquors shall be admitted into that Territory until its own Territorial Legislature shall act upon this question. It will be time enough, gentlemen, for saloons in Oklahoma Territory when the people there vote that they will have them. During the months of April, May, and June of last year I do not remember a day when Indians did not come to the city of Guthrie, the largest city of the Territory, from the Iowa and Kickapoo reservations, only a few miles distant. The Indians come there daily on horseback and on foot. Now, if you admit liquor into that Territory, it will be impossible to keep it from the Indians. Only a mile and a half from the cities of Kingfisher and Lisbon are the camps of the Arapaho Indians. In view of the presence of the Indians, I submit that if you allow intoxicating liquors to be imported into this Territory and saloons to be established, you take great risk with reference to the peace and welfare of that community. The towns with their officers might be able to cope with any trouble that might arise; but if the Indians, who must travel by the homes of the settlers in returning to their reservations, should be permitted to become intoxicated, there will be no safety for the settlers.

Even if there were none but white settlers in Oklahoma, there are the strongest reasons why intoxicating liquors should not be admitted there. There are conflicting interests among the settlers in that country. There are questions as to who are entitled to the ownership of lots. Other questions which arouse men in any country are coming up for settlement. The people there must organize their Territory, must erect counties, must vote upon county-seats, must put into operation the whole machinery of government. There is everything at issue to arouse the feelings of men, and every reason, it seems to me, why, before the Territorial organization is effected, Congress should keep liquor out of that Territory.

Is it not time enough—I appeal to gentlemen on this floor—is it not time enough to have saloons out there, is it not time enough for liquor to be introduced among those people, when the Territory has been placed under their own Territorial enactments? As I understand, under the laws of Nebraska (which this bill proposes to extend to this Territory) saloons can be opened anywhere in that Territory upon the petition of thirty freeholders. Adopt such a provision, gentlemen, and it will not be twenty days after the passage of this bill before there will be from three hundred to five hundred saloons opened in this little Territory of Oklahoma.

[Here the hammer fell.]

Mr. PICKLER. I move to amend by striking out the last word.

Mr. PEEL. I wish to submit to the gentleman from South Dakota [Mr. PICKLER] whether it would not be better to allow the statute of the United States which prohibits the introduction of liquor into the Territory to remain unrepealed by this bill.

Mr. PICKLER. Emphatically; I should be in favor of that; but the committee has voted that down. I would prefer a provision of that kind to the Kansas enactment.

Mr. PEEL. The law of the United States, I think, would be better than the law either of Nebraska or Kansas.

Mr. PICKLER. It seems to me that the House can scarcely have understood the question in voting down the provision to which the gentleman from Arkansas [Mr. PEEL] refers. I should be in favor unequivocally and emphatically of making the statutes of the United States on this subject apply to this Territory until the Territorial Legislature shall act on the subject. I should prefer such an amendment as that to the amendment of my friend from Kansas [Mr. KELLEY].

Mr. ROGERS. The gentleman will allow me a single remark. I concur with the view expressed by the gentleman from South Dakota [Mr. PICKLER], that it would be wise to keep liquor out of this Territory until the Territorial organization is completed. But the amendment of the gentleman from Georgia [Mr. STEWART] went far beyond that. It was in such terms that it would continue in force until an



act of Congress should repeal it; an act of the Territorial Legislature could not do so.

Mr. PICKLER. That could be very easily remedied by modifying the terms of the provision.

Mr. STEWART, of Georgia. My amendment provided for that.

Mr. ROGERS. I did not so understand.

Mr. STEWART, of Georgia. By its terms, it was provided that it should remain in force only during the Territorial existence.

Mr. ROGERS. I thought the provision was that it should continue in force until repealed by a law of Congress.

Mr. PICKLER. I will detain the committee but a moment longer. I submit that the people of Oklahoma Territory, if they could voice their sentiments, would by a large majority say to you in no uncertain tones, "Keep liquor out of our Territory until we have our own Territorial laws." I know that is what a large majority of them desire.

Remember this, gentlemen: that the Government of the United States has by its strong arm kept liquor out of this Territory from the time of its first settlement until the present. Now, can you afford as a House of Representatives of the United States to force liquor upon those people by voting for this bill as it stands? It seems to me not.

I say, therefore, this proposition involves a broader question than what a man may believe on the liquor question. That is not the prime inquiry. The important, the paramount question is whether the House of Representatives will continue the policy which the Government has heretofore adopted, and keep liquor out of that Territory until these people can form their own laws and until these perilous questions to which I have referred—because the questions in respect to property rights with regard to town sites, etc., are perilous questions which are to be settled in the coming months—until these perilous questions have been settled by the act on of the people of the Territory. I hope this House will coolly and deliberately say by its vote to the people of Oklahoma: "As the United States Government has kept liquor out of your Territory until the present, we will continue that policy, and will not allow it to come in until you say so by your own enactment." That is reasonable. There is nothing unfair about that. It does not compromise the convictions which any gentleman may entertain in regard to the liquor question. It is in the line of peace, good order, right, and justice. I hope it will prevail.

Before sitting down I will say that I do not care in what form the purpose I have advocated be accomplished, whether by a continuation of the statute of the United States on the subject of intoxicating liquors or by extending to this Territory the statutes of Kansas. I simply desire that by some effectual provision intoxicating liquors shall be kept out of this Territory until the Territorial Legislature can pass on the question.

Now, Mr. Chairman, I desire to have the following letter read in closing my remarks.

The Clerk read as follows:

NATIONAL WOMAN'S CHRISTIAN TEMPERANCE UNION,  
Chicago, Ill., March 6, 1890.

To the honorable Senate and House of Representatives of the United States:

In view of the fact that your honorable body is considering a constitution for Oklahoma, we, the undersigned, representing more than one hundred and fifty thousand women, beg that you will use the constitution of the prohibitory State of Kansas as your model.

Oklahoma has never suffered the disgrace of the legalized liquor traffic, and we earnestly entreat that the United States Government will continue to protect her in this, as in every other particular, and that this may go into her fundamental law.

FRANCES E. WILLARD,  
President National Woman's Christian Temperance Union.  
CAROLINE B. BUELL,  
Corresponding Secretary.  
ESTHER PUGH, Treasurer.

The CHAIRMAN. The Chair will consider the *pro forma* amendment as having been withdrawn.

Mr. CHIPMAN. I ask for the reading of the pending amendment.

The Clerk read as follows:

Amend section 7 by striking out the word "Nebraska" wherever it occurs and inserting the word "Kansas."

Mr. CHIPMAN. Mr. Chairman, I suppose the object of this amendment is to introduce into the Territory which we are now organizing what are known as the prohibitory laws of Kansas. I, sir, must oppose that. I do not believe we ought at this stage to fasten any policy in regard to the liquor traffic on the Territory. If we do anything at all we should leave the people there free, as the people of the other Territories have been left free, to shape their policy for themselves.

I say without reserve that I am utterly opposed to what is known as the prohibitive policy. I believe it is vicious in principle and I know that it is vicious in practice. It is undemocratic. It is more congenial to despotic than to free governments.

I have observed its effect in my own State for a period of nearly twenty years, and the people of that State threw it aside in utter disgust, because it did not prohibit the use or the sale, even, of liquor. Drunkenness was rather encouraged by it, and it was found intemperance increased under the operation of that law, and the liquor traffic was unregulated, unchecked by any proper code of regulations. It was evil in its principle, in its effects. It had no redeeming feature, and was cast aside by the people.

For these reasons, Mr. Chairman, I must oppose this amendment. It undertakes, not to leave the people of the Territory free, as somebody said on the other side, to choose a system, but it fastens a system on them, a system which is exceptional, a system which does not prevail in a majority of the States of the Union, and it undertakes to determine that system in advance and commit this Territory in the direction of what is known as prohibition. Is essays to achieve the great purpose of the prohibitionist, to lay the foundation of a State in prohibition.

Mr. PICKLER. Let me ask the gentleman a question.

Mr. CHIPMAN. Ask your question.

Mr. PICKLER. Either I do not understand the proposition or the gentleman does not. We only seek to keep the liquor traffic out until the first Legislature is organized to determine the matter.

Mr. CHIPMAN. That is what I am opposed to. I do understand the gentleman. I do him the compliment to say he expresses himself clearly, and it is that very thing I object to. I object that the people of my State, that the brewers, that the men who have their capital invested in this business shall be handicapped in order that the views the gentleman who has just questioned me entertains shall be made the foundation of the future of a great Territory, and of what will be a great State, that they shall be the rule of action in advance of everybody who goes into the Territory. That is what I am opposing, and that is what I invite the House to vote down in the shape of the pending amendment. I do not propose that my constituents who are in the liquor traffic shall be branded as outlaws.

[Here the hammer fell.]

Mr. ALLEN, of Michigan. I am surprised, Mr. Chairman, that my colleague would open this Territory to the liquor traffic, by indirection or otherwise, until the people thereof have had opportunity to express their choice. All must admit that without the presence of statutory law saloon-keepers can go now into the Territory as freely as those who go there with dry goods and groceries. In other words, under the common law there is no restriction on this business. Here we have a Territory which has been kept in order by the good sense and good conscience of the people, aided by the United States Army. [Applause.] Through the course of procedure relative to this Territory there has not been a day or an hour that the use and sale of liquor there have not been prohibited. My friend from Michigan who opposes this amendment proposes, instead of leaving things in *statu quo*, to throw down the barriers and admit whisky with no more restrictions than upon the admission of dry goods, except a small tax and without opportunity on the part of the people there in any manner to prevent it. It is that we object to. We say things should remain as they are in this Territory until the people have organized their Government and can act on the question for themselves. [Applause.]

Then if they want prohibition let them have it. If they want license they will legalize it. But as far as we are concerned it would be a fatal mistake for this House or for Congress to reverse what has been the policy of the Government ever since the first white man set foot in this Territory, to wit, to keep alcoholic liquors out of it. We can not afford to allow it, and that is the only question before us now, namely, whether we will let things remain as they are or allow whisky to come in free as a commodity, when every man, whether he uses it or not, knows it to be an evil, and an evil which should be held in check by the most stringent laws.

Mr. CHIPMAN. Will my colleague allow me to ask him a question?

Mr. ALLEN, of Michigan. Certainly.

Mr. CHIPMAN. Under what law does the Government exercise the policy of keeping whisky out of the Territory now?

Mr. ALLEN, of Michigan. Under a special law applicable to the conditions there and backed by the strong arm of the military.

Mr. CHIPMAN. That is no law at all.

Mr. ALLEN, of Michigan. I understand; but let matters remain as now relative to liquor, at least until the people have an opportunity of framing a law themselves upon the subject.

Mr. FITCH. Let me ask the gentleman from Michigan whether, if that policy is good, that the Army should enforce prohibition in Oklahoma—whether it would not be also good to be established as a permanent procedure in the District of Columbia.

Mr. ALLEN, of Michigan. The cases are entirely different. They have no government out there except the Army, in one sense of the word, and the Army of the United States is to-day keeping peace in that Territory; and experience has shown that it is absolutely necessary, in order to preserve peace, to keep whisky out. Now, does the gentleman want to throw down the door and let New York saloon-keepers go down there without let or hindrance and set up their whisky bars?

[Here the hammer fell.]

Mr. PETERS. Mr. Chairman, objection has been made to the amendment that has been offered by my colleague from Kansas, extending the laws of Kansas over this Territory, instead of the laws of Nebraska, because of a provision existing in our State constitution disfranchising those that were in the Confederate army. I propose now an amendment, if in order, and if not I shall present it at the proper time, which I will ask the Clerk to read.

The Clerk read as follows:

Add to section 7:

"Provided, That the constitutional provision of Kansas disfranchising persons who served in the Confederate army shall not apply to the qualifications of a voter in the Territory."

Mr. PETERS. That will obviate any objection on that score. I am free to say, from my intercourse with the people in the Territory, that they do not desire that any of those who served in the Confederate army should be deprived of the privilege of voting. I agree that the time has come when a Territory should be allowed to fix its own citizenship, as far as the question of voting is concerned, and I believe the amendment proposed will exempt from the operation of that provision in the law all such persons.

Mr. CULBERSON, of Texas. But does not the constitution of Kansas go still further and prohibit such persons from not only exercising the right of suffrage, but from holding any position under the government?

Mr. KELLEY. I will accept the modification of my amendment as suggested by my colleague [Mr. PETERS].

Mr. PETERS. The suggestion of the gentleman from Texas calls to my mind an additional provision of our Constitution which will be necessary to accept also, namely, the provision that men can not hold office under the Constitution who served in the Confederate army, and I will make that change in the amendment.

Now, Mr. Chairman, while I have the floor I wish to say a word upon another question which has been raised here, namely, prohibition. I want to testify from personal observation that there is not a law that can be framed that is more essential to the peace and good order of that Territory of Oklahoma, when it shall have been formed, than this law of prohibition. We have a law now, a statute law, which prevents the introduction of whisky into the Territory.

Mr. CANDLER, of Georgia. Does it prevent?

Mr. PETERS. Yes, sir; as much as any law for the prevention of crime. It prevents as much as the law for the suppression of murder. There is a criminal law on the statute-books of all of our States prohibiting murder and horse-stealing and similar crimes. In every State of the Union we have such laws, prescribing punishment for horse-stealing and also for the crime of murder. This prohibition law prohibits just as well as any of them.

Mr. KILGORE. Will the gentleman allow me a moment?

Mr. PETERS. I will yield to the gentleman for a question shortly.

We have laws in all of the States prohibiting murder, and yet we have murder committed even within the shadow of the Capitol of the United States. We have laws prohibiting all crimes, and yet the prosecution of criminals takes up much of the time of our courts for the administration of justice; and if that objection is any argument against prohibition, the same can be made against any law, whether it be in regard to horse-stealing or murder or any other crime prohibited by common or statute law.

Mr. FITCH. Mr. Chairman, it is claimed that this is an attempt on the part of the advocates of prohibition to do here in the House what they were defeated and prevented from doing in the committee. In the committee this same matter was brought up and discussed. The advocates of one side desired the laws of Arkansas and on the other the laws of Kansas; and the law of Nebraska, where a high license exists, was selected as a compromise measure. Now these gentlemen, with their pet hobby of prohibition, which has been voted down in State after State, North, lately, would attempt to put on to this Territory this Kansas law which, as I say, State after State has voted down and refused to accept, and the question is, will you override the unanimous decision of the committee on a fair compromise to have the law of Nebraska taken, in order to place gentlemen who are the advocates of prohibition before their Republican or Democratic constituencies, as the case may be?

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BREWER having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. McCook, its Secretary, announced that the Senate has passed a concurrent resolution providing for the printing of 5,000 extra copies of the report of the Superintendent of the United States Coast and Geodetic Survey for the fiscal year ending June 30, 1889; in which concurrence was requested.

It also announced that the Senate agreed to the amendments of the House to the concurrent resolution of the Senate authorizing the Senate Committee on Immigration and the House Committee on Immigration and Naturalization to jointly investigate the workings of the various laws of the United States and of the States relative to the immigration from foreign countries to the United States.

Also, that the Senate agreed to the concurrent resolution of the House to authorize the printing of additional copies of the tenth, eleventh, and twelfth annual reports of the Director of the United States Geological Survey.

It also announced that the Senate returned, in compliance with the request of the House, the bill (S. 140) to prevent the introduction of contagious diseases from one State to another, and for the punishment of certain offenses.

#### OKLAHOMA.

The Committee of the Whole resumed its session.

Mr. CUTCHEON. Mr. Chairman, I have not occupied a single moment of the time of the Committee of the House during this session of Congress with reference to the Oklahoma bill.

When this, or a similar bill, was under consideration in the last Congress it did not meet my approval. It seemed to me that, as I said then, we were providing for a government before we had a people to be governed; but since the adjournment of the Fiftieth Congress the situation has changed in the opening of Oklahoma Territory, and I think we ought now to recognize the fact that civil government must be provided for that Territory.

I desire to address myself now directly to the amendment offered by the gentleman from Kansas [Mr. KELLEY]. The committee have reported in favor of extending the laws of the State of Nebraska—that is, general statutes, which are not locally inapplicable and conflicting with this act—over the new Territory of Oklahoma. The first thing that strikes the mind of one who contemplates this proposed enactment is, that the committee have passed over the State which is most contiguous to the proposed Territory and taken the statutes of another State, entirely removed in locality and in circumstances from the proposed Territory. No explanation has been given here of this remarkable fact, unless it has been done in the remarks just submitted by the gentleman from New York [Mr. FITCH]; and that is that the committee recognized the State of Kansas had a prohibitory liquor law, while the State of Nebraska had a high-license law.

Mr. DORSEY. If my friend will allow me to interrupt him, I will state that there were other objections to the Kansas statutes. There was the disqualification of men who had been in the Confederate service.

Mr. CUTCHEON. For one, I am in favor of removing that objection.

Mr. MANSUR. If the gentleman will permit me to interrupt him, I will state the matter as I understand it—and I appeal to the gentleman from Nebraska to inform me whether I am correct—if it be not true that they have prohibition in Nebraska by virtue of the general law, but that each and every county can by vote adopt high license, and that we took that as a compromise in the committee.

Mr. DORSEY. That is true.

Mr. CUTCHEON. Mr. Chairman, I hope these interruptions will not come out of my time.

The next thing that strikes my mind in regard to this amendment is this: Here is a Territory in which this traffic in intoxicating liquors has never been permitted; in which, under the laws of the United States, being an Indian Territory, it was a crime against the laws of the United States to take, vend, or give away a single drop of intoxicating liquors.

There are in this Territory more than 60,000 Indians of various tribes, who will be there just the same after this bill becomes law as they are to-day. They will be subject to the same passions, subject to the same weaknesses, subject to the same influences precisely, after this so-called Oklahoma bill becomes a law that they have been under in the past. They will be Indians still. And if it has been necessary in the past, in order to protect them, and protect others around them with whom they come in contact, from the influences of the sale and use of intoxicating liquors it will be equally as important that the restriction shall continue in the future.

We set apart this Territory years and years ago. We said by solemn treaty obligation that it was set apart as a perpetual home for these Indian tribes. That treaty has never been abrogated by the consent of these people. We propose now, contrary to the express stipulations of that treaty, to extend a Territorial government over the people—a people to whom we commit ourselves by solemn treaty obligations that we would never extend a Territorial or State government over them except by their consent; and it seems to me that we propose to break this treaty obligation. We propose, also, to thrust this unspeakable, this indescribable curse upon these Indian people, open whisky shops all around them and let a flood of evil in upon them. For one, I stand here to protest against it, in the name of humanity, in the name of decency, in the name of the plighted faith of this great nation, that is not to break these treaty obligations with its weakest wards. [Applause.]

Mr. McRAE. Mr. Chairman, the proposition is to strike out Nebraska and insert Kansas where it occurs in the bill, thus extending the laws of the State of Kansas over the Territory of Oklahoma. I am opposed to this in any shape, but if it is to be done at all I hope the amendment will be modified as was suggested by the gentleman from Texas [Mr. CULBERSON]. I oppose this amendment without any reference to constitutional prohibition in Kansas or the high-license laws of Nebraska. The controlling objection with me is to that clause of the constitution which disfranchises Confederate soldiers and other persons who aided or abetted in the late rebellion. Until a moment ago I did not suppose such a law existed in any State in the Union. I have just examined the constitution of Kansas and much to my surprise find that there is such a provision. I will ask the Clerk to read that part of section 2 of Article V relating to this subject.



The Clerk read as follows:

\* \* \* No person who has ever voluntarily borne arms against the Government of the United States or in any manner voluntarily aided or abetted in the attempted overthrow of said Government, except all persons who have been honorably discharged from the military service of the United States since the 1st day of April, A. D. 1861, provided that they have served one year or more therein, shall be qualified to vote or hold office in this State until such disability shall be removed by a law passed by a vote of two-thirds of all the members of both branches of the Legislature.

Mr. McRAE. Now, Mr. Chairman, whatever gentlemen may think about prohibition, the Congress of the United States ought not to sanction any such law as this. It can not now at this distance from the war period afford to extend such laws over a territory inhabited in part by the class of citizens thus discriminated against. As a rule, the Confederate soldiers are good citizens, loyal to the Government, and as well qualified to vote and hold office as any other class of people in the United States. Many of them now reside in the Oklahoma country, and they have a right to all the privileges and immunities accorded to other law-abiding citizens of that Territory without asking pardon of the Kansas Legislature.

Mr. SPRINGER. Mr. Chairman, I desire to call the attention of the committee to the pending amendment, offered by the gentleman from Kansas [Mr. KELLEY], in regard to substituting the laws of Kansas in place of those of Nebraska. In the Committee on Territories, when this subject was under consideration, the whole question was exhaustively discussed, and delegates were here from Oklahoma representing both political parties. These gentlemen were divided. Some wanted the laws of Arkansas, some those of California, some those of Kansas, and some those of Colorado, and others of Texas. After hearing all these various views for some time and after an express declaration of the representatives of Oklahoma Territory, citizens who came here to represent the interests of the various localities, we concluded that a compromise of all these conflicting interests could be effected by taking some State that had not been in controversy at all; and in the spirit of compromise, on the motion of the gentleman from Nebraska [Mr. DORSEY], the committee unanimously agreed to put Nebraska in the place of all those other States. That was done in the spirit of compromise after a very exhaustive discussion of the whole subject. Now, I hope this committee will ratify that compromise, and that the good faith that prevailed there may prevail here.

Mr. HILL. I would like to be informed as to what the laws of Nebraska are upon this subject?

Mr. SPRINGER. The laws of Nebraska on the subject of the sale of liquor are prohibition in the first instance, and no right to sell except upon certain conditions of obtaining license, for which the lowest charge, I believe, is \$500.

Mr. PICKLER. That is not the law of Nebraska, as I understand it.

Mr. STEWART, of Georgia. I have the statute here.

Mr. SPRINGER. What is it?

Mr. STEWART, of Georgia. It simply provides for a license to be granted upon a petition signed by thirty citizens.

Mr. SPRINGER. Well, it is a high-license law. The gentleman from Nebraska [Mr. DORSEY], living in the State, can, of course, explain the law better than I can. I understand, however, that there can be no liquor-selling unless the municipality or the county organization shall agree to it and order it. The rule in that State, and in other States, is that every spring election there is a contest as to whether the town is to be "wet" or "dry;" sometimes a town is "wet" and sometimes it is "dry," but they always pass upon that question in the spring election.

Mr. HEARD. Does not the history of the case show that the elections go "wet" when the people are "dry?" [Laughter.]

Mr. SPRINGER. The gentleman can, perhaps, explain that better than I can.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. SPRINGER] has expired.

Mr. CUTCHEON. I desire to ask the gentleman from Illinois [Mr. SPRINGER] a question. I want to ask him what he thinks the result would have been if when this Territory was opened in April last there had been the law of Nebraska in force there, under which, upon the petition of forty freeholders, saloons could have been opened in every town and in every ward.

Mr. FLOWER *(sotto voce)*. The result would have been that anybody could have taken a drink if he pleased. [Laughter.]

Mr. SPRINGER. The consequence was that neither the law of Kansas, nor the law of Nebraska, nor of any other State was in force there, nor any law except that of the United States. That law was found sufficient before there was any regular government established there; so it is likely to be sufficient when they have a regular government.

Mr. CUTCHEON. There was a law of the United States there prohibiting the introduction of liquor, and the army of the United States was there to enforce it. [Cries of "Vote!" "Vote!"]

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I desire to say, in corroboration of what has been said by the gentleman from Illinois [Mr. SPRINGER], that this question was carefully

considered by the Committee on Territories. We listened to gentlemen from Oklahoma representing every shade of political conviction and of party affiliation. Some were in favor of the adoption of the laws of Kansas, others desired the adoption of the Arkansas statutes; some favored the statutes of Texas, and some California or Illinois. We found these adverse and conflicting views among those representing the people of Oklahoma, and we found also that as a committee we were divided.

Personally I favored the statutes of Kansas, and I believe, as the gentleman from South Dakota [Mr. PICKLER] says, that a majority of the residents of Oklahoma at this time desire to have the statutes of Kansas extended over them; but, for the purpose of compromise, the committee agreed on this provision in relation to the laws of Nebraska, and I think we should stand by that agreement, and therefore I do not favor the amendment asking for the adoption of the laws of Kansas under the circumstances.

Mr. PICKLER. Do I understand the gentleman from Kansas to say that the Committee on Territories agreed unanimously to take the laws of Nebraska so as to make it easier to open saloons in Oklahoma?

Mr. PERKINS. Not at all, sir. That is not the object of accepting the statutes of Nebraska. The object was what I have suggested, to secure harmony, in order that we might report a bill here that would receive the unanimous support of the members of the committee upon the floor of this House and at the same time secure the best possible legislation for the people of Oklahoma.

Mr. KELLEY. Will the gentleman from Kansas allow me a question?

Mr. PERKINS. Certainly.

Mr. KELLEY. I understood the gentleman to say that, without doubt, the majority of the citizens of Oklahoma are in favor of the laws of Kansas.

Mr. PERKINS. So I believe.

Mr. KELLEY. The gentleman says he believes that, but at the same time he tells us that the committee are opposed to taking the laws of Kansas. Now I ask him, which had this House better consider and obey, the wants and the will and the wishes of the people of Oklahoma or the wants and the will and the wishes of the Committee on Territories?

Mr. PERKINS. I think we had better pass the bill recommended by the committee and secure this important legislation for the people of Oklahoma—a bill that, after consideration, has the unanimous endorsement of the committee and I believe the approval of a great majority of the members of this House.

Now, Mr. Chairman, some of these questions anticipate my remarks, and I prefer to say what I have to say in order, and then, if any gentleman wishes to ask me a question I shall endeavor to answer it.

As I understand the statutes of Nebraska they provide for high license. The Nebraska system is what is known as the "high-license" system. Personally I believe it is better for the people of the Territory that during the temporary period of organization, the existing condition concerning the sale and traffic in alcoholic beverages should be continued, and continued until they have a Territorial Legislature of their own which can legislate for them upon this subject.

For that reason I was in favor of the amendment of the gentleman from Massachusetts [Mr. MORSE], but I do not accept the amendment of the gentleman from Kansas [Mr. KELLEY], for the reasons which I have already suggested, namely: That the Committee on Territories, after fully considering the subject, agreed to take the laws of Nebraska, which is a high-license State, as a compromise. Under the laws of Nebraska no man can obtain permission to sell intoxicating beverages until he has presented a petition either to the county commissioners or to the city government asking for it, and that petition must be signed by at least 30 freeholders of the community or the city in which he lives and in which he desires to establish his saloon.

If the license is for an incorporated city the petition must be signed by freeholders, residents of the city. If for a town not incorporated, by freeholders and residents of the county. Now I desire to suggest that there are no freeholders in any city of Oklahoma to-day; there is no person qualified to be a petitioner under the laws of Nebraska in any town of Oklahoma to-day. No title has been secured to their town sites, and hence no petition, such as the laws of Nebraska provide for, can be presented after this bill becomes a law, until the Legislature of Oklahoma has convened and has put into effect in that Territory local government, or until legal city governments are organized and the town sites are entered and a title secured to the land.

[Here the hammer fell.]

Mr. PERKINS. I ask unanimous consent to proceed for a few moments longer.

Mr. MORRILL. I will take the floor and yield my time to the gentleman.

Mr. HOOKER. I would like to put a question to the gentleman from Kansas [Mr. PERKINS]. Are we to understand the gentleman as saying that he prefers the high-license system of Nebraska to the system of prohibition?

Mr. PERKINS. I do not say that at all.

Mr. HOOKER. What do you say about that?

Mr. PERKINS. I say that personally I think it is better to have the present conditions continued and preserved upon that subject, and I voted for the amendment offered by the gentleman from Massachusetts for that reason. Personally I prefer to have prohibition extended over this Territory. But I believe in local government, and in due time I would give to the people of Oklahoma the right through their Territorial Legislature to legislate for themselves on this subject. Every man who has had occasion to investigate this question at all knows that the prohibition which has prevailed in Oklahoma during the last ten months has contributed wonderfully to the good order prevailing there, has contributed wonderfully to the protection of property, the preservation of peace and good order, and the safety of human life. I presume that most of the members of this House know that under the statute of the United States no intoxicating liquors can be introduced or sold within the boundaries of the Indian Territory or upon any of the Indian reservations or to Indians.

Mr. DINGLEY. I wish to ask the gentleman whether section 2139 of the Revised Statutes applies now to the territory included in Oklahoma?

Mr. PERKINS. I was about to remark that the President of the United States directed that the forces in control there during the time intervening from the opening of the Territory until the present should not permit intoxicating liquors to be introduced or sold there. There was some question in the mind of the Attorney-General whether the section referred to continued in force after those lands were opened to settlement; but to avoid any question President Harrison gave the instructions I have suggested.

Mr. DINGLEY. Then the effect of the passage of this bill as reported by the committee would be to set aside section 2139 of the Revised Statutes so far as it applies to Oklahoma—

Mr. PERKINS. I think so.

Mr. DINGLEY. And substitute the Nebraska license system?

Mr. PERKINS. Substitute the Nebraska statutes. I think that would be the effect so far as Oklahoma proper is concerned, but would not change the law as to Indians or Indian reservations.

Mr. DINGLEY. I would like to ask the gentleman whether he thinks it quite right that Congress should now set aside this legislation which has protected that Territory thus far until the people shall act on the question?

Mr. PERKINS. I have already stated that personally I am in favor of continuing in that particular the conditions existing in the Territory to-day. Without entering into a discussion of the merits of prohibition, for I know that gentlemen differ on that subject honestly and conscientiously, and I am not discussing prohibition on its merits, because I am aware of these differences of opinion, but I think this House can with consistency and propriety continue the conditions existing there to-day until the Legislature of the Territory can be called together and can legislate on the subject and can express the voice of the people of Oklahoma.

If the Legislature that shall be chosen should provide for high license or for local option or for prohibition, that will be their business, and we will have done our duty if we procure for them temperance, sobriety, and good government until they can legislate for themselves. All that is proposed, as I understand, by these amendments is that temporarily, until a Legislature can be chosen, until it convenes, until it legislates for the people, the conditions now existing in the Territory in reference to alcoholic beverages or intoxicating drinks shall continue. Personally, I think that is wise and right. Yet I do not apprehend much difficulty from the adoption of the Nebraska statutes, for the reason I have suggested: that no man under that statute can secure authority to sell a single drop of intoxicating drink until he has obtained a license so to do; and in order to obtain that license he must present a petition signed by at least thirty qualified freeholders of his county or his city.

Now, there is no county organization in Oklahoma; there is no board of county commissioners to whom in accordance with the laws of Nebraska petitions may be presented, and there can not be such officers until the Legislature has met and provided for them by law. Hence the adoption of the bill as reported by the committee, putting into effect in Oklahoma the statutes of Nebraska, would, in my judgment, give to the people of Oklahoma practically prohibition. Yet, in order that there may be no question on that subject, I am personally in favor of the amendment of the gentleman from Massachusetts.

[Here the hammer fell.]

Mr. KILGORE. I wish to ask the gentleman from Kansas [Mr. PERKINS] whether it is not a fact that the act of Congress which now controls in that Territory would continue in force until the machinery was provided for putting in operation the statute of Nebraska?

Several MEMBERS. Oh, no.

Mr. PICKLER. Make that certain and we are content.

Mr. KILGORE. That is certain enough, anyhow.

Mr. PICKLER. No, sir.

"The CHAIRMAN. The time of the gentleman from Kansas [Mr. PERKINS] has expired.

Mr. SPINOLA. I have listened for a great many years to the discussion of the temperance question; and up to this time I have been

unable to discover that the enactment of any special laws by any law-creating authority in the country has ever yet had the effect of preventing the indulgence of the people in intoxicating drinks. What we want to do is not to undertake to say that a man shall or shall not do a particular thing; but we want to adopt on this question the very best regulation we can establish; and that, in my judgment, is not prohibition. It has failed in every instance where it has been established. In States where they have amended their constitutions to provide for prohibition there is as much liquor consumed as there ever was. [Applause.]

Mr. FUNSTON. I dispute every statement made by the gentleman from New York City. [Laughter and applause.]

Mr. SPINOLA. Oh, sit down, and speak in your own time. [Laughter and applause.]

Why, take the State of Maine, which has tried prohibition for thirty or forty years, and there is more whisky consumed there to-day than when prohibition was begun. So it will continue for all time. [Applause.]

Mr. FUNSTON. I deny it. [Laughter and applause.]

Mr. SPINOLA. Sit down. [Laughter.] Mr. Chairman, if you do what is right and proper, we will surround the use and sale of liquor with proper regulations. You can not stop men from doing what they wish to do, even as to the commission of crime. You can not make any law so severe as to stop them. Nor, sir, can you frame any law to prevent men from the gratification of their appetites, whatever they may be.

Kansas! Prohibition in Kansas! Why, sir, I am sick of Kansas and its prohibition! [Great laughter and applause.]

Mr. PETERS. They are not your kind of politics. [Renewed laughter.]

Mr. SPINOLA. No; they are not, and I thank God for it. [Laughter and applause.]

Mr. FUNSTON. I suppose you prefer those of New York City.

Mr. SPINOLA. Yes, sir; I do. I come from New York City, one of the most christian, intelligent, and enterprising communities on the face of this continent. [Applause and laughter.] That Democratic State, by the acts of you Republicans, has been made irredeemably Democratic for the next eight or ten years. [Applause on the Democratic side.] There will be no more Republican Senators from that State after the term of WILLIAM M. EVARTS has expired. [Laughter and applause.] Kansas! Why, her State constitution has pardoned every man except those who took part in the rebellion.

Her State constitution says that for every man who took up arms against the Union there shall be no toleration. That intolerance of Kansas they propose to extend to Oklahoma. Suppose our brethren did commit the folly of going into rebellion. Now, after we have given them a good thrashing and they want to come back, why should we shut the door in their faces? [Applause.] They are American citizens, and they are to-day as loyal as any men in Kansas or elsewhere. [Applause.]

Mr. PERKINS. The Legislature of Kansas has always removed those disabilities when any man has made application for that purpose.

Mr. SPINOLA. But it requires a two-thirds vote. Here is a Territory to be organized, over which it is proposed to extend this provision of the Kansas constitution imposing these political disabilities. I am opposed to it, and I hope it will be voted down. [Applause.] I would leave that intolerance to Kansas and extend it nowhere else. [Renewed applause.]

[Here the hammer fell.]

Mr. FUNSTON. Mr. Chairman, it was the furthest from my intention to refer to the remarks which the gentleman from New York [Mr. SPINOLA] has just made had he not taken upon himself to reflect on my State of Kansas. I stand here, Mr. Chairman, to resent his reflections upon my State and to hurl them back upon him. [Applause.]

When he says no State in this Union that has passed prohibition laws has observed those prohibition laws, I say so far as the State of Kansas is concerned his statement is not the truth.

Mr. SPINOLA. That is ante-bellum talk. [Laughter.]

Mr. FUNSTON. I am here to-day to say that we have had prohibition in our constitution and in our laws since 1840, and I am here to say we have gained about 100,000 annually in population, although it was said the State would be depopulated as soon as we passed that prohibition law. [Applause.] I am here to resent the charge against prohibition. We have a State 400 miles east and west and 200 miles north and south, with a population of 1,600,000 people, and not one open saloon in it. [Long continued applause.]

I wish to say further that, as to the gentleman from New York [Mr. SPINOLA] being sick of hearing about Kansas, I have no doubt the Republican majority of 82,000 does make him supremely sick whenever he thinks of it. [Laughter and applause.] I wish to say still further to the gentleman from New York that the Republican party had its birth on Kansas soil in the district I represent.

There was begun the original movement which brought forth this grand Republican party, and which is to-day dominant in the councils of the nation. It brought the cause of freedom to a happy conclusion,



and I hope to see the Republican party champion the cause of prohibition as it championed the cause of liberty. [Applause.]

Mr. TAISNEY. Mr. Chairman, during the month of last May my professional duties called me to one of the county-seats of the southwestern part of Kansas. I was engaged there in the trial of causes before the district court of that State. While engaged in the trial of a cause, the court being held in a public hall, used as a theater—I say while engaged in the trial of a cause and examining a witness, my attention was attracted by the rapping on the judge's desk by him of his pencil, and, looking up, I observed him scowling in the direction of one of the wings of the stage. I looked myself, and there beheld the prosecuting attorney of the county shaking a bottle of beer at the judge of the court. [Laughter.] The judge was very indignant. Now, the bottle of beer was not shaken at him in a menacing and intimidating manner, but rather in a seductive and enticing manner. [Laughter.] The judge scowled and shook his head. The prosecuting attorney retired into the wings of the stage, and in a few moments the judge turned to the jury and said, "Gentlemen, we will now take a recess for ten minutes." [Laughter.] "Under the usual instructions you will be permitted to separate for that period of time. Be prompt, gentlemen, in returning to your seats. We will now take a recess," and the judge departed into the wings of the stage.

Mr. Chairman, I am opposed to the further extension of Kansas prohibition. [Great laughter.]

Mr. FUNSTON. That, Mr. Chairman, was about the only Democratic judge in the State. [Laughter.]

Mr. STEWART, of Georgia. Mr. Chairman, this is, strictly speaking, "much ado about nothing." This is simply a question of construction as to whether the section read does not include the entire Territory under the provision of the Revised Statutes. It is no effort at establishing prohibition or temperance, but to make clear and certain that which is uncertain. The proposition offered is that the provision of the section should embrace the entire Territory of Oklahoma, and that is all there is of it.

Now, I am opposed to embracing in this Territorial bill either the law of Kansas or the law of Nebraska, or indeed of any other State, and I offer as a reason for it what I ask the Clerk to read. I desire to advise the House in adopting the laws of Nebraska that we should understand exactly what we are providing for, and in that view I ask the Clerk to read a section from the law in the State of Nebraska.

The Clerk read as follows:

Every person, male or female, who has resided in the district forty days and is twenty-one years old and who owns real property in the district or personal property that was assessed in the district in his or her name at the last annual assessment, or who has children of school age residing in the district, shall be entitled to vote at any district meeting.

Mr. STEWART, of Georgia. Now, we do not intend, unless we understand thoroughly this code of laws—we do not intend, I take it, to establish in the Territory any provision of law which would be manifestly objectionable, but nevertheless we are proposing to adopt here what we do not understand. Hence the greater reason for adopting the Federal statute which my friend from Texas called attention to awhile ago, for many believe now that is already in force and will be in force in this Territory. But to put the matter beyond all question I offered this amendment.

Mr. DORSEY. Will you yield to me for a moment?

Mr. STEWART, of Georgia. I want to have this amendment read.

Mr. DORSEY. I want to explain to the gentleman that what he has read is simply a provision for school elections.

Mr. STEWART, of Georgia. Well, the law you propose is for all purposes.

Mr. DORSEY. But in justice to the State the gentleman should say that this is not a provision for general elections, but for school elections.

Mr. STEWART, of Georgia. But the provisions of Nebraska are to apply to this Territory.

Mr. DORSEY. Well, you can not make any mistake if you adopt the laws of Nebraska.

Mr. STEWART, of Georgia. I ask that the Clerk read the amendment I have proposed.

The Clerk read as follows:

Insert after the word "Territory," in line 6 of section 7, the words:

"Provided, That section 2139 of the Revised Statutes of the United States shall be enforced in said Territory until after the adjournment of the first session of the Legislative Assembly of said Territory."

Mr. STEWART, of Georgia. All I want to say now—

Mr. CUTCHEON. Will the gentleman allow the section of the statutes referred to in his amendment to be read?

Mr. ROGERS. I will refer to that presently.

Mr. STEWART, of Georgia. I only want to state this. I am opposed to adopting the laws of Kansas, or Nebraska either, in this Territory. It is now simply a matter of construction as to whether these statutes do not already obtain in that Territory. But in order to put it beyond question I have offered the amendment.

Mr. ROGERS. Mr. Chairman—

The CHAIRMAN. The question is on agreeing to the substitute proposed by the gentleman from Georgia.

Mr. ROGERS. I desire to be heard for a few moments on this question.

The CHAIRMAN. The Chair will recognize the gentleman from Arkansas.

Mr. ROGERS. If the committee will give me its attention for a very few moments I will try to place before them the legal status of this question as it will obtain by the passage of this bill with the amendment offered by the gentleman from Georgia incorporated.

At present the statute reads as follows:

No ardent spirits shall be introduced under any pretense in the Indian Territory.

Mr. CUTCHEON. That is the existing law.

Mr. ROGERS. Just a moment. That is the existing law at present applied to Oklahoma. Now, the Kansas courts have jurisdiction to enforce that. It is likewise the law which pertains to all Indian reservations, including the five civilized tribes, certainly those Indians proximate to that portion of the country in which I live. If, however, the bill is passed organizing the Territorial government over Oklahoma without the enactment of the provision offered by the gentleman from Georgia, this law will have no application whatever to that Territory. I think I make myself clear on that point.

But it is right to say in this connection, also, that while, if the bill passes without the provision, liquor may be taken into Oklahoma, and while without any regulation at all unless regulated by the Nebraska law, nevertheless so far as the Indian tribes are concerned in Oklahoma, or the five civilized tribes, or anywhere else—provided these tribes are under control of an agent or still in their tribal relations—any sale, gift, barter, or exchange to any Indian is a violation of the provisions of this statute.

Let me follow it up consecutively; so that, Mr. Chairman, I now invite attention to this:

Every person who sells, exchanges, gives, barter, or disposes of any spirituous liquors or wine to any Indian under the charge of an Indian superintendent or agent, or introduces or attempts to introduce any spirituous liquor or wine into the Indian country, shall be punishable by imprisonment for not more than two years and by a fine of not more than \$500.

Now, under this statute it has been held by the Federal court that a wholesale liquor merchant in Arkansas is liable to prosecution under the provisions of this act, even though the sale may take place in the State. If, however, the Indian has dissolved relations with his tribe and is no longer under the control, management, and general supervision of the Government, but has become a citizen of the State, the law relaxes; but in Arkansas it, however, happens we have a law that makes it an offense to sell to him. Now, that leaves this question in this attitude: Is Congress prepared to organize the Territory of Oklahoma without some provision to regulate the liquor traffic?

Mr. HILL. Will the gentleman yield to me for a question? I would like to inquire if you consider all these provisions just read from and the statute, taken together, refer simply to the sale to Indians?

Mr. ROGERS. It does.

Mr. HILL. And not to white men?

Mr. ROGERS. But, Mr. Chairman, the section I have alluded to applies only to the sale to Indians, and every man will observe that if this section is extended over Oklahoma Territory it is an absolute prohibition for any purpose to introduce liquor into the Territory of Oklahoma, even for sacramental purposes or for anything else, so far as that is concerned, except by order made by the Secretary of War.

Now, Mr. Chairman, I am not familiar with the Nebraska law, but I take this position: That it is a safe thing to do to adopt, in connection with the Nebraska laws generally, the provision offered by the gentleman from Georgia [Mr. STEWART], because that provision simply says that this section of the statute shall be continued in force over Oklahoma Territory until the adjournment of the first session of its Territorial Legislature. If at that time the Territorial Legislature, in the exercise of the ordinary local self-government conferred upon it by Congress, has not made suitable provision for this matter, Congress may still regulate it. It seems to me that no people, knowing the influences liquor ordinarily has upon communities, will permit this business to be carried on without proper restraint and proper legislation. So I believe Congress may act wisely and safely by extending the provisions of this act—that is, the proviso of this section—over that country until the adjournment of the first session of its Legislative Assembly.

To do that will enable this Territorial organization to take place, enable the election of the legislators to the first General Assembly to be had free from the influence of liquor or anything of that description, and it will keep away from the tribes or any of them so far as possible the sale of these liquors until the Legislative Assembly have made such rules as they may deem best. It must be presumed that the Legislature of that Territory can manage their own affairs and the protection of their own people; and I take it that it can be faithfully intrusted to—as I think the American people everywhere can—adopt such legislation as will protect their several communities.

Mr. MORSE. I desire to say that while I am myself personally and heartily in sympathy with the laws of Kansas on this subject I hope the amendment offered by the gentleman from Georgia will be accepted as a very wise and just compromise of this matter. The amendment offered by the gentleman from Georgia is exactly the amendment,

in other words, which I offered this morning and which was voted down in less than a quorum by a very small majority. It seems to me as if there was no possible doubt as to whether or not the provisions of existing law extended over the Territory of Oklahoma; but this will make that matter so that there could be no mistake about it. Now, I wish to say that we should not adopt the law of Nebraska nor the law of Kansas nor any other law, but simplify the matter by continuing the existing restriction in regard to the liquor traffic over this Territory.

Why, will any gentleman here picture to himself what would have been the history of the Territory of Oklahoma when that Territory was entered upon under the President's proclamation if there had been no restriction of the liquor traffic of that Territory? I venture to say that there would have been bloodshed—a good deal of bloodshed—and the course of the President of the United States in ordering the Army to banish and keep liquor out of that Territory was very wise and salutary. I hope it will be continued until these people may speak for themselves. This amendment of the gentleman from Georgia is in the interest of good morals; it is in the best and highest interests of the people of that Territory, and it is desired by the people of that Territory, and I know whereof I speak.

Mr. CONGER. As a member of this House, who represents in part a State which has a prohibitory law upon its statute-book—and which, by the way, enforces it—I simply wish to furnish a little evidence in reply to the statement made by my venerable friend from New York [Mr. SPINOLA], and I will read from the last annual message of the governor of Iowa to the Legislature now in session. He says:

Our present statute was passed by the Twentieth General Assembly, and came into force July 4, 1884. Since that time about three thousand saloons have been closed in Iowa. The law has steadily grown in public favor, and during the last two years has been nearly as well enforced in ninety counties of the State as any other law. There is, indeed, every reason to believe that in these ninety counties it is better enforced than any license law was ever enforced in Iowa, and even better than any high-license law is now enforced in any other State in the Union. The reports from the States which have license laws bear me out in this assertion.

It is a well recognized fact that crime is on the increase in the United States, but Iowa does not contribute to that increase. While the number of convicts in the country at large rose from 1 in every 3,442 of population in 1850 to 1 in every 880 in 1887, the ratio in Iowa is at present only 1 to every 3,130. The jails of many counties are now empty during a good portion of the year, and the number of convicts in our penitentiaries has been reduced from 750 in March, 1886, to 604, July 1, 1889. It is the testimony of the judges of our courts that criminal business has been reduced from 30 to 75 per cent. and that criminal expenses have diminished in like proportion. There is a remarkable decrease in the business and fees of sheriffs and criminal lawyers, as well as in the number of requisitions and extradition warrants issued. We have less paupers and less tramps in the State in proportion to our population than ever before. Breweries have been converted into oat-meal mills and canning factories, and are operated as such by their owners. The report of the superintendent of public instruction shows an increased school attendance throughout the State. The poorer classes have better fare, better clothing, better schooling, and better houses. The deposits in banks show an unprecedented increase, and there are everywhere indications of a healthy growth in legitimate trade. Merchants and commercial travelers report less losses in collections in Iowa than elsewhere.

Mr. Chairman, it is the duty of this Congress to furnish for this newly organized Territory the best code of laws possible, and I submit that such a statement as that which I have read proves that the amendment offered by the gentleman from Kansas [Mr. KELLEY] ought to pass.

Mr. MILLS. Mr. Chairman, it would seem from the speeches we have been listening to and the amendments which have been offered to this bill either that the settlers in this new Territory are not a part of the American race or that the American people have lost their capacity for self-government. The whole of our political institutions are based as upon a bed-rock, upon the assumption that man is capable of self-government and that each local community is capable of self-government; and the history of the formation of all the governments of this Union, from the first in Massachusetts and Virginia, extending all over the whole country from ocean to ocean and from the lakes to the gulf, has in a century demonstrated that each American community is capable of governing itself.

They tell us, Mr. Chairman, that there are Indians in this Territory, and that therefore we must prevent the white people from importing intoxicating beverages. Where is there a Territory in the Union in which the first nucleus of a government of English-speaking people was not formed in the presence of Indians? The first government of Massachusetts, of Rhode Island, of Connecticut, of Georgia, of New York, of Pennsylvania, of all the older States, was formed in the presence of Indians. There is not one of those States to-day in this family of the United States whose first local government was not formed in the presence of Indians. It was so in my own State, and the Indians largely dominated the whites; yet we had no prohibition. The white people of that State were capable of governing themselves and of taking care of themselves and of the Indians, too.

A statute has been read which has been on our Federal statute-books these many years, but it is a statute that was made against the Indians, because our fathers never believed that the Indians were capable of self-government. They knew that they were not, and hence they provided that no intoxicating liquor should be carried into the Territory where the Indians were and where white people were pro-

hibited from going. The Indians are not capable of self-government, but we are; and the history of the last one hundred years has shown that this Government, based upon the consent and the will of each individual and of each community, has attained a greatness, a power, yes, and a temperance which exists nowhere else. Our fathers hated paternalism and I inherit that hate. If the people, who are our creators, are not capable of self-government, how is it that the creature is so much more wise and virtuous than those who created it? How is it that we can govern these white people of Oklahoma better than they can govern themselves? How is it that we, the servants of the people, can govern our masters, and yet that those masters are incapable of governing themselves? I shall vote against all these amendments, and if you attempt this paternalism by placing these proscriptions upon this bill, prohibiting each man from determining for himself what he will eat, what he will wear, where he will go, how long he will stay, when he will come back, I will vote against the bill.

This is a free government, and freedom means that each man shall determine for himself what he will do, what he will eat, what he will drink, what he will wear, what creed he will profess, everything that regards himself alone and dissociates him from his fellow-beings. The rightful jurisdiction of government comes in where his action involves another; but where his action does not involve another he is not the subject of any government but the government of God and his own conscience. This, sir, is my creed.

I believe that I am capable of taking care of myself; I believe that each one of the gentlemen before me is capable of taking care of himself, and I believe equally that each one of the white men in Oklahoma Territory is just as capable of taking care of himself as you are capable of taking care of him. I want him to be permitted to do as he pleases with himself. I do not want you to dictate what he shall drink, or what he shall eat, or what he shall wear, or what church he shall attend, how he shall demean himself on the Sabbath day, what time he shall get up, how he shall worship, whether he shall count his beads, or whether he shall worship with his face towards Jerusalem or towards Mecca. That is none of your business. It is none of my business. It is a business that he has not delegated to any government on earth. The interference doctrine is one that does not belong on this continent. Paternalism has cursed all the countries of Europe, and all other nations except this, which was dedicated by our fathers to be the home of a fearless-minded and a free people. [Applause.]

Mr. JOSEPH D. TAYLOR. Mr. Chairman, while this discussion is both interesting and instructive, much of it seems to me to be foreign to the pending question.

The question presented by the pending amendment is not a question of prohibition or anti-prohibition; it is not a question of high license or low license; it is simply whether the law now in force in the Indian Territory as to the liquor traffic shall remain until Oklahoma shall have a Legislature. One gentleman has remarked that he is opposed to introducing into this new Territory the policy of prohibition by invoking the laws of Kansas, a policy which to him is objectionable. We are not proposing to introduce into Oklahoma any new policy. All we propose to do is to continue in the Territory the present statutes of the United States until the Territory is completely organized and prepared to make provision for questions of this kind. We are proposing nothing new, nothing different from what has existed in the Territory heretofore and has met the approval of everybody.

I have in my hand now, and have had for some time, an amendment almost identical with that proposed by the gentleman from Georgia [Mr. STEWART], which I had intended to offer; and I think that, after all, this is the proper solution of this whole difficulty, as it continues in force until the Territorial Legislature shall otherwise provide, section 2139 of the Revised Statutes. I never knew a man, Democrat or Republican, who was opposed to this section of the statutes of the United States. It has always been conceded to be a wise policy to prohibit this traffic in the Indian Territory, among the Indians and among the whites as well, and it is still a wise policy. It is a necessary policy. We have been boasting of the good order that has prevailed in Oklahoma.

The President in his message refers to this matter and points to the good order prevailing there as a marvel. Allusion has been made to it on the floor of this House in a hundred speeches. There is good order there to-day simply because this statute of the United States prohibiting the introduction of intoxicating liquors in the Territory has been in force, and is in force now, and will be until this new Territory is organized. Therefore, I beg gentlemen on both sides of the House to lay aside all abstract questions with regard to temperance, prohibition, license or no license, and come to the real issue involved in the pending amendment, which is to continue the present policy until the Legislature has time and an opportunity to inaugurate some other policy.

The only thing we now propose is to continue in force in this Territory the present statute of the United States prohibiting the liquor traffic until the Legislative Assembly of the new Territory shall enact laws on this subject or until the first session of the Legislature shall adjourn, by which time the people can settle this question for themselves. We ask this much and nothing more in the interest of humanity, in the interest of peace and quiet, in the interest of good order



and good sense, and in the general interest of the people of Oklahoma. I think we ought to agree upon this as a compromise, and I think there should be but one opinion as to the wisdom of this adjustment; we ought to adopt this amendment unanimously.

[Here the hammer fell.]

Mr. MANSUR. Mr. Chairman, I would ask "in the name of the great Jehovah and the Continental Congress" whether 200,000 white people in the Territory of Oklahoma ought not to be heard and consulted on a question like this by the great American Congress of the nineteenth century. If we are to suffer them to have something to say in this matter—if we are to pay any respect to their views as expressed to us through their accredited representatives who have spoken to our committee from nearly every town in that Territory—then I have some reason to believe that this bill reflects their wishes.

I challenge any gentleman on this floor—I care not who he is—to take any one of the first twenty-four sections of this bill and show where it touches a red man at all. I repeat, for I would like to have it understood, that the first twenty-four sections of this bill do not relate to a red man or to a tribe, do not relate to the Indians in any manner whatever. The first twenty-four sections relate to white men only, of whom there are 200,000 in that Territory now asking for law and order and legislation.

Now, if gentlemen will permit us to explain to them the legal provisions which are to operate in that Territory they can perhaps understand somewhat the situation, because it is a fact about which there can be no dispute that two things are settled: First, in the whole Indian Territory as now organized all persons are prohibited from introducing intoxicating liquor and, next, by the laws as they now exist, no white man under the severest penalties can sell a drop of liquor to any red man whatever. The whole effect, then, of our legislation is simply to take out of the existing condition a certain small territory, 2,000,000 acres in one place and a little more than 3,000,000 acres in No Man's Land, in all less than 6,000,000 acres, and to put this much territory under the control of white men when their Territorial Legislature shall be organized.

Now, the second of these twenty-four sections provides that the Constitution and all the laws of the United States not locally inapplicable shall have the same force and effect in the Territory of Oklahoma as elsewhere in the United States. There is nothing there that conflicts with the law which prohibits the importation of intoxicating liquor into that Territory and the sale of such liquor to any Indian.

Now, as to every Indian reservation within the whole limits of the Indian Territory as now organized, we say expressly that those first twenty-four sections of the act thus organizing this Territorial government shall not apply. Remember, gentlemen, we say in plain, clear language that, as to every Indian tribe and as to the land of every Indian tribe, none of these twenty-four sections which apply to the white people shall operate. Remember, too, that if any white man sells an Indian a drop of intoxicating liquor he is punished under the severest penalties. The laws in that respect are ample.

Mr. OATES. Will the gentleman kindly state the number of square miles embraced in this Territory?

Mr. MANSUR. There are between 22,000,000 and 23,000,000 acres, which would approximate very nearly 40,000 square miles—about the area of the State of Ohio.

Now I call attention to the language of section 7 of this act:

That the general statutes of Nebraska which are not locally inapplicable or in conflict with this act or in conflict with any law of the United States are hereby extended to and put in force in the Territory of Oklahoma until after the adjournment of the first session of the Legislative Assembly of said Territory.

It will thus be seen that you have the statutes of the United States absolutely prohibiting the importation of a drop of intoxicating liquor into the Indian Territory and absolutely prohibiting the sale of a drop of intoxicating liquor to any Indian; and the laws of Nebraska, if they should be in conflict with those provisions, do not overturn them. So that, so far as the Indians are concerned, we have provided here absolutely all the legislation that can be desired for their protection.

[Here the hammer fell.]

Mr. PERKINS. I move that all debate on section 7 and pending amendments terminate in two minutes.

Mr. HOOKER. I hope that will not be done. I have an amendment which I propose to offer.

The CHAIRMAN. The motion of the gentleman from Kansas [Mr. PERKINS] is in order.

Mr. SPRINGER. It does not interfere with the offering of amendments.

The CHAIRMAN. Not at all. The closing of debate upon the section and the pending amendments does not, under the rule, preclude the offering of amendments; it simply prevents debate upon them when offered. The question is on the motion of the gentleman from Kansas that all debate on section 7 and pending amendments be limited to two minutes. [The question was put.] The ayes seem to have it.

Mr. PICKLER. I demand a division.

The committee divided; and there were—ayes 98, noes 21.

So the motion was agreed to.

The CHAIRMAN. Debate on the pending amendment is limited to

two minutes; and the Chair recognizes the gentleman from Kansas [Mr. PERKINS].

Mr. PERKINS. I will yield the floor to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I wish to supplement what I said before by a single statement. It will not be found to be true, if we adopt this bill without the amendment of the gentleman from Georgia [Mr. STEWART], that section 2139 will apply to Oklahoma Territory. The moment you come out of the Indian Territory, the Territory of Oklahoma, that section of the Revised Statutes of the United States, so far as it applies to the introduction of spirits, is no longer of force in Oklahoma Territory. But in so far as it prohibits and punishes the gift, barter, sale, or exchange of ardent spirits to an Indian in that Territory, it will be in force. And that is the law all over the United States, if such Indian is a member of a tribe under the control of an agent or on a reservation. I will make one other suggestion. The object of extending or, to use a more correct term, of continuing in force section 2139 of the Revised Statutes over what is known as Oklahoma Territory is not to organize a government for the people there, but it is simply to preserve the *status quo* in that Territory until the people can have an opportunity to organize a government for themselves.

I have no doubt, for such has been the history of the Anglo-Saxon people the world over, that the people of Oklahoma can take care of themselves with the bayonet and with the rifle and the Army.

But we are not dealing with the Indian question on that line now. That line has been passed long ago by the American people. We are now treating the Indian in this country, or pretending to do so, with some degree of humanity, with a view of elevating him to citizenship, intelligence, and capacity for self-government. [Applause.]

The purpose of continuing this law is for his protection in pursuance of the plighted faith and settled policy of the nation when it made treaties and passed laws keeping liquor from those tribes.

So I say it would seem the practical effect of this amendment offered by the gentleman from Georgia is merely to allow the people of Oklahoma to organize a government for themselves, and in the mean time to preserve the *status quo*, protect the Indians, carry out treaty stipulations, and accomplish a high duty rightfully imposed upon us. [Applause.]

The amendment of the gentleman from Georgia was again read.

Mr. CUTCHEON. I ask that the section of the Revised Statutes referred to in the amendment be read.

The CHAIRMAN. It is not here, and it has been read already.

Mr. KELLEY. Would the status of Nebraska apply?

The CHAIRMAN. That is not a parliamentary question, and points of construction each gentleman must determine for himself.

The question recurred on the substitute of Mr. STEWART, of Georgia.

Mr. MCADOO. I demand a division.

The committee divided; and there were—ayes 75, noes 39.

So the substitute was agreed to.

Mr. SPRINGER. This is a substitute for the amendment of the gentleman from Kansas. Now, the question is on the adoption of the amendment as amended or agreed to by the committee.

The CHAIRMAN. The Chair is of opinion that the adoption of the substitute is tantamount to the rejection of the amendment.

Mr. SPRINGER. But this simply takes the place of the amendments, and now the vote is to incorporate it in the bill.

The CHAIRMAN. The Chair is of opinion that the last vote settles the matter as to the amendment of the gentleman from Kansas.

Mr. SPRINGER. I think the Chair is mistaken as to the parliamentary situation. The committee have thus far only substituted the amendment of the gentleman from Georgia for the proposed amendments.

Mr. CUTCHEON. I wish to make a parliamentary inquiry. I understand the parliamentary status is this: The gentleman from Kansas [Mr. KELLEY] offered an amendment to substitute "Kansas" for "Nebraska"; to that the gentleman from Georgia offered a substitute—

The CHAIRMAN. No, the gentleman is mistaken. The gentleman from Kansas offered an amendment, and his colleague [Mr. PETERS] offered an amendment to that amendment. The gentleman from Georgia thereupon offered a substitute for both, which has been adopted by the committee; and in the judgment of the Chair that determines the amendment proposed by both the gentlemen from Kansas. If the Chair is wrong, it would like to be set right in the matter.

Mr. STEWART, of Georgia. It was intended to operate as a substitute for the amendment of the gentleman from Kansas, but it did not strike out Nebraska.

The CHAIRMAN. The amendment of the gentleman from Kansas was voted down by the adoption of the substitute offered by the gentleman from Georgia.

Mr. SPRINGER. But it is not yet in the bill.

Mr. CUTCHEON. If the Chair will permit me, the committee decided its preference for the substitute offered by the gentleman from Georgia over that suggested by the gentleman from Kansas. Now the question is on the adoption of the substitute.

The CHAIRMAN. The Chair will submit the question to the com-

mittee, as it involves some doubt, and the question is on agreeing to the substitute of the gentleman from Georgia.

The question was taken; and on a division there were—ayes 70, noes 47.

So the amendment as amended was agreed to.

Mr. KELLEY. I would like to inquire if that amendment now takes the place of the word "Nebraska."

The CHAIRMAN. It does not.

Mr. HOOKER. Mr. Chairman, I desire to offer an amendment to strike out this section altogether. I think it will relieve the bill very much of the trouble that is shown to exist by the discussion which has just taken place.

The CHAIRMAN. The Chair was about to suggest that the amendment is not debatable.

Mr. HOOKER. Why not?

The CHAIRMAN. Because the committee has by a direct vote closed debate upon the section and all pending amendments.

Mr. HOOKER. But mine was not a pending amendment when that order was made.

The CHAIRMAN. The Chair thinks that debate is closed by order of the committee, but will cause the rule to be read.

Mr. HOOKER. It was stated by the gentleman in charge of the bill that the motion would not preclude the offering of further amendments.

Mr. PERKINS. No, not the offering of amendments.

Mr. BOUTELLE. But it cuts off debate.

The CHAIRMAN. The Clerk will read the sixth clause of Rule XXIII.

The Clerk read as follows:

6. The committee may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment, to be decided without debate.

The CHAIRMAN. The Chair is of opinion that under this Rule the debate is terminated.

Mr. HOOKER. I only wanted simply to make an inquiry as to what has become of the Oklahoma bill; for I do not suppose it makes much difference to the Indians whether they are robbed drunk or robbed sober.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Mississippi.

The amendment was rejected.

The Clerk read section 8, as follows:

Sec. 8. That jurisdiction is hereby conferred upon the district courts in the Territory of Oklahoma over all controversies arising between members or citizens of one tribe or nation of Indians and the members or citizens of other tribes or nations in the Territory of Oklahoma, and any citizen or member of one tribe or nation who may commit any offense or crime in said Territory against the person or property of a citizen or member of another tribe or nation shall be subject to the same punishment in the Territory of Oklahoma as he would be if both parties were citizens of the United States. And any member of any Indian tribe or nation in said Territory shall have the right to invoke the aid of the courts therein for the protection of his person and property as though he were a citizen of the United States.

Mr. HOOKER. I have an amendment which I desire to offer to this section.

The Clerk read as follows:

Amend section 8 by striking out all after the word "citizens," in line 10, and inserting "and any person residing in the Territory of Oklahoma in whom there is Indian blood shall have the right to invoke the aid of the courts therein for the protection of his personal property as if he were a citizen of the United States."

Mr. HOOKER. It will be observed, Mr. Chairman, that the language of section 8 of the substitute bill provides, after conferring jurisdiction on the district courts of Oklahoma, that any member of any Indian tribe or nation in said Territory shall have the right to invoke the aid of the courts therein for the protection of his personal property as though he were a citizen of the United States.

It was said in debate the other day by the gentleman from Illinois [Mr. SPRINGER] that the Indians themselves had given their assent to this proposition. As I understand from them their assent was given, by their attorneys, to the proposition that any Indian embraced in the Territory of Oklahoma might appeal, as a citizen of the United States would appeal, to the courts thus established for protection or for the determination of his rights. It was not intended to apply nor was the concession made as to any Indian tribe. But according to the language of the bill it would imply that he must be a member of some tribe in said Territory. The amendment I propose is to give the right to anybody of Indian blood, or holding relations with the Indians; and it is proper, it seems to me, in order that there should be protection accorded to everybody within the Territory—not the Indian Nation, but the Territory of Oklahoma—who should have the right to appeal to the courts of the United States for protection of his own right.

There will be Indians embraced in the Territory under the eighth section, probably, and if the courts are established and this bill passes, they will have the right when they hold relations with the Indian tribes under their law. And I think the amendment ought to be accepted by the committee and added to the bill, for that is what the Indians assented to. It does not refer to the tribes, but to such In-

dians as may be there and to white citizens who hold relations with the Indians, and they ought to be allowed to invoke the protection of the courts.

I hope the amendment will be adopted as a matter of right.

Mr. PERKINS. Let it be again read.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. PERKINS. I have no objection to the amendment.

The amendment was adopted.

The Clerk read as follows:

Sec. 9. That the provisions of Title LXII of the Revised Statutes of the United States relating to national banks, and all amendments thereto, shall have the same force and effect in the Territory of Oklahoma as elsewhere in the United States; *Provided*, That persons otherwise qualified to act as directors shall not be required to have resided in said Territory for more than three months immediately preceding their election as such.

Mr. HOOKER. I would like to inquire of the chairman of the committee what is meant by this provision of this statute:

*Provided*, That persons otherwise qualified to act as directors shall not be required to have resided in said Territory for more than three months immediately preceding their election as such.

Mr. DORSEY. Under the law the officers of a national bank must have been a resident of the Territory in which the bank was organized at least six months. There are so few residents of Oklahoma who have been there more than six months that we deemed this provision wise.

The Clerk read as follows:

Sec. 10. That the lands embraced in the section of country lying west of the one hundredth meridian and between the States of Kansas and Colorado on the north, the Territory of New Mexico on the west, and the State of Texas on the south, known as the Public Land Strip, are hereby declared a part of the public domain of the United States, and shall be open to settlement under the provisions of the homestead laws of the United States, and under the provisions of sections 12, 13, and 14 of "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes," approved March 2, 1889, and under the provisions of section 2 of "An act to ratify and confirm an agreement with the Muscogee (or Creek) nation of Indians in the Indian Territory, and for other purposes," approved March 1, 1889, and under the provisions of this act; but all actual and bona fide settlers upon and occupants of the lands in said Public Land Strip at the time of the passage of this act shall be entitled to have preference to and hold the lands upon which they have settled under the homestead laws of the United States by virtue of their settlement and occupancy of said lands, and they shall be credited with the time they have actually occupied their homesteads, respectively, not exceeding two years, on the time required under said laws to perfect title as homestead settlers. And all other lands in the Territory of Oklahoma which are not required by law, treaty stipulations, executive orders, or right of occupancy for the use of any Indian tribe or which may be relinquished as an Indian or military reservation, shall be a part of the public domain, and shall thereupon be open to settlement under the provisions of the homestead laws of the United States, and under provisions of said acts of Congress approved March 1 and 2, 1889, and under the provisions of this act: *Provided*, That all tracts of land in Oklahoma Territory which have been set apart for school purposes, to educational societies, or missionary boards at work among the Indians shall not be open for settlement, but are hereby granted to the respective educational societies or missionary boards for whose use the same have been set apart.

Mr. HOLMAN. It will be observed that the last portion of this section, after including the Public Land Strip, provides that—

And all other lands in the Territory of Oklahoma which are not required by law, treaty stipulation, executive orders, or right of occupancy for the use of any Indian tribe, or which may be relinquished as an Indian or military reservation, shall be a part of the public domain.

Now, in view of that provision I wish to add to that section the following provision.

The Clerk read as follows:

Add to section 10 the following:

*Provided, however*, That no part of the land embraced within the Territory hereby created shall inure to the use or benefit of any railroad corporation (except the rights of way and land for stations heretofore granted to certain railroad corporations), nor shall any provision of this act or any act of any officer of the United States done or performed under the provisions of this act or otherwise invest any corporation owning or operating any railroad in the Indian Territory with any land or right to any land in said Territory; and this act shall not apply to or affect any lands which upon any condition, on becoming a part of the public domain, would inure to the benefit of or become the property of any railroad corporation.

Mr. HOLMAN. I wish to say a few words in regard to this amendment. Two railroad corporations authorized to construct railroads in the State of Kansas and subsidized with grants of public lands in that State, running to the northern boundary of the Indian Territory, were by acts of Congress in 1866 authorized to extend their railroads southward through the Indian Territory, with large grants of land in the Indian Territory when the lands in the Indian Territory through which the railroads would pass should become "public lands." In one of those grants ten sections per mile, in the other twenty sections per mile, through the Indian Territory were to be the property of the railroad companies when the lands became "lands of the United States."

These two roads run north and south. A third road (the Atlantic and Pacific) runs east and west through the Indian Territory, and the act authorizing its construction and creating that corporation, also enacted in 1866, contains substantially the same provision as to subsidy in lands in the Indian Territory, with the stipulation that Congress shall provide, when practicable, for the extinguishment of the Indian title with the consent of the Indian tribes. Now, the question is, and it is a serious one to which I invite attention of the House, whether the mere repeal of the acts authorizing those grants will be effectual or not. I fear the mere repeal will not accomplish the purpose, for I ap-



prehend the courts, judging from former decisions, may hold that, inasmuch as the railroad corporations were not entitled to lands within the Indian Territory until the Indian title was extinguished, they were not in default until the Indian title was extinguished and the lands became public lands of the United States; that they were not in default until the Indian titles were extinguished, and that when the lands became "lands of the United States" their rights under the grants would accrue.

You gentlemen are familiar with the unexpected decisions which have been rendered by the courts in relation to these unfortunate grants to railroad corporations. If this view is correct I submit that the last clause of my amendment, "and this act shall not apply to or affect any lands which upon any condition, on becoming a part of the public domain, would inure to the benefit of or become the property of any railroad corporation," is absolutely necessary to defeat any claim the railroad corporations may assert under the several extraordinary grants made in 1866. I am certain Congress does not intend to extinguish the Indian title to these lands at great expense in such form as may even by possibility secure several million acres of the most valuable portions of these lands to railroad corporations.

The amendment was agreed to.

Mr. PEEL. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

In line 37, after the word "act," insert the following:  
"Provided, That nothing herein contained shall in any way change the possession, legal or equitable title to that part of the Indian Territory known as the Cherokee Outlet, and—"

Mr. PEEL. Mr. Chairman, I believe the members of the committee say that this is substantially a portion of the bill. If that be true, of course it would be unnecessary; but, inasmuch as there is a great deal of apprehension on the part of the Indians or some of their number as to whether the status of the Outlet might be affected in some way, I desire to have the amendment inserted. If the bill is what it is designed to be or intended to do, that provision will not certainly hurt it. I do not think we ought by any kind of legislation to change the title, equitable or legal, that the Indians have to this strip which is known as the Outlet.

Mr. PERKINS. I hope, Mr. Chairman, that amendment will not prevail. As suggested by the gentleman from Arkansas, the bill is amply guarded so as to protect what rights the Indians possess concerning the Cherokee Strip as well as other lands within the boundaries of that Territory. But I am not in favor of any affirmative proposition which may be construed as legalizing or recognizing a claim which does not in fact exist. I am willing to leave the status of every piece of land to which the Indians claim any title whatever under the provisions of this bill as it is, but it seems to me that here is an attempt to get legislative recognition which I am opposed to, because I do not think we ought to enter upon that field of legislation. But then there seems to be this question also about that amendment. These Indians, the Cherokees, have leased these lands to cattle companies. The cattle companies are there in possession of them, and they have been notified by the President of the United States that after a certain day they must get out of there, because their possession is not lawful and is contrary to public policy. Therefore I do not want this House to legalize any possession that has been given to these cattle companies in the Cherokee Strip.

Mr. MANSUR. Mr. Chairman—

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. MANSUR. I move to strike out the last word.

Mr. ROGERS. Mr. Chairman, if the gentleman will permit me, I would ask that that amendment be again reported.

Mr. MANSUR. I have no objection to that.

The amendment was again reported.

Mr. MANSUR. Mr. Chairman, the objection that I have to that is that it dignifies one piece of Indian land in the Indian Territory over and above all the others. The Indians themselves, by their representatives, day after day, before our committee, sought to have us insert some direct, positive legislation upon this bill. That is true of the Choctaws and the Chickasaws; it is true of the Cherokees; it is true of the Osages; it is true of every Indian tribe that sent representatives to appear before us. They came with the most skillful men that the country can furnish. They came with propositions so insidious in character that you could scarcely understand them, and when they go away with affirmative legislation they invariably assert at home that they have a new recognition and a new lease of life and are stronger than they ever were before.

Therefore I insist, sir, that, in the interest of the white people of this country, the true method of dealing with the Indians is to say specifically—as we have said in this bill, not once or twice, but four times—that there is nothing in the bill which in any way changes the existing status of any Indian or any Indian tribe. Having said that, we should neither add to nor take from it. Hence I say that this House ought not to indulge in the recognition of a specific claim or title to any one piece or tract of land. More than that, the eye of the nation is to-day turned toward the Cherokee Strip as it never was before. We have had court after court, two Attorneys-General and two Adminis-

trations differing in politics, declare that the Indians have no such right in this strip as that they can lease or transfer it to any other party than themselves; that whatever right they have in the land, if any, belongs to the Indians and to the Indians alone, and is not transferable for leasing purposes of any kind.

Now, I say we ought not to embarrass our Government. We ought not to legislate against our white men. We ought to stand right where we are, because I venture the assertion right here, as an honest conviction of my heart, that the attempt of the Cherokee Nation to get these 6,022,000 acres of land is the grandest steal of modern times as against the white men of this country. All that is necessary to satisfy any gentleman of that is for him to investigate the facts. Two Administrations, the Democratic one just out and the Republican one just in, while they do not use the same kind of language that I do, yet, by the notices they have given to the cattle barons everywhere, they do take the same ground and the same view of the matter. Therefore, let this House not indulge in this kind of positive declaration, but be content with just what the bill says, that there is not a word in it that changes the status of any right, title, or claim that any Indian or Indian tribe has to any lands in the Territory.

Mr. PEEL. I move to strike out the last word. In justice to myself I desire to say that if I know anything about a negative proposition that is exactly what this amounts to. The gentleman from Missouri [Mr. MANSUR] has declared that this bill asserts in three or four places that it does not interfere with the title to this Outlet.

Mr. MANSUR. It does not name the Outlet, but it says it does not interfere with the title to any land.

Mr. PEEL. "Any land;" well, if that does not include these lands, then I do not know what common language means. Now, I want it distinctly understood that I do not recognize any claim that the cattle-men have ever set up to this Outlet or to any other country out there.

I never believed that the Indians had any legal right to lease those lands, and I approve of the action of the President ordering the cattle-men out of there; but as long as there is any apprehension on the part of those who claim an interest that this bill will in some way embarrass it, while this committee claim that it will not, I think it desirable that the uncertainty should be removed.

Mr. KERR, of Iowa. Supposing the amendment which the gentleman from Arkansas proposes adopted, would it not prohibit any action by the Government to dispossess these cattle syndicates?

Mr. PEEL. Why, certainly not. It just leaves the status as it was before the bill was passed. It is not proposed by this bill to put the cattle-men out or to interfere with them in any way. That belongs to the executive branch of the Government, and it has the right to do it. I care very little about this; but in order to allay apprehensions and in order that the declarations of this committee to the House and the country may not be misunderstood, I propose this proviso, which I think will put the question at rest. If we want to interfere with Indian rights or Indian claims to lands, let us do it boldly. I am ready to go as far as anybody, but I am not willing to pass any bill that is deceptive in its character. I do not think that this bill is so, but at the same time I believe that the adoption of this proviso can not do any harm.

Mr. HEARD. If the word "possession" were omitted, would not the gentleman's amendment still effect the purpose which he says he desires to accomplish? Then it would go to the title, legal or equitable, and would not cut any figure in the matter of the control of the leasing by the Government.

Mr. PEEL. I want to say to my friend that the treaty of 1866 reserves the possessions to the Indians. That is in the treaty, and we can not interfere with it by this bill unless we undertake to take the possession away from them.

[Here the hammer fell.]

Mr. PERKINS. Mr. Chairman, I am advised that there are two or three gentlemen who would like to speak on this amendment and the further discussion may therefore consume some time. I will move that the committee rise.

Mr. BUCHANAN, of New Jersey. I ask the gentleman to withhold that motion for a moment until I make a request that an amendment which I have prepared be printed in the RECORD, to be considered as pending to-morrow when the previous question operates.

The CHAIRMAN. The gentleman from New Jersey sends to the desk an amendment, which will be printed in the RECORD and be considered as pending.

The amendment of Mr. BUCHANAN, of New Jersey, is as follows:

Strike out section 25; strike out section 26; strike out section 27; strike out section 28; strike out section 29; strike out section 30; strike out section 31; strike out section 32; strike out section 33; strike out section 34; strike out section 35; strike out section 36; strike out section 37; strike out section 38; strike out section 39; strike out section 40; strike out section 41; strike out section 42; strike out section 43; strike out section 44.

The following amendments, by Mr. PICKLER, were also ordered to be printed in the RECORD, to be considered as pending:

Amend section 11 by striking out all of said section after the words "final proof," in line 11 of said section.

Amend section 12 by striking out all after the word "patent," in line 15 of said section.

The following amendment, by Mr. TARSNEY, was also ordered to be printed in the RECORD, to be considered as pending:

Amend section 10 by adding thereto the following proviso:  
*Provided, further, That the lands in this section declared a part of the public domain of the United States and hereby opened to settlement are hereby created into a public land district, and the President is hereby empowered and directed to locate land offices for the same in said district, and to appoint, in conformity with existing law, a register and receiver for said land office; and for the purpose of carrying out this provision the sum of \$2,500, or so much thereof as may be necessary, is hereby appropriated.*

Mr. PERKINS. I renew the motion that the committee rise.  
 The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYSON reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (S. 895) to provide a temporary government for the Territory of Oklahoma, had come to no resolution thereon.

Mr. PERKINS. I move that the House now adjourn.

Pending the motion to adjourn, business was transacted by unanimous consent, as follows:

#### ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 280) to amend an act to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia, which became a law August 10, A. D. 1888;

A bill (S. 308) to ascertain the amount due the Pottawatomie Indians of Michigan and Indiana;

A bill (S. 1297) to amend an act entitled "An act to authorize the construction of a wagon and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa;"

A bill (S. 1858) to shorten the terms of imprisonment in the jail and in the work-house of the District of Columbia on account of good conduct during confinement;

A bill (S. 1905) to amend an act entitled "An act to authorize the building of a railroad bridge at Fort Smith, in the State of Arkansas," approved July 19, 1888;

A bill (H. R. 5682) to amend an act entitled "An act to constitute Columbus, Ohio, a port of delivery, and to extend the provisions of the act of June 10, 1880, entitled 'An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes,' to said port of Columbus, Ohio," approved February 9, 1889; and

Joint resolution (S. R. 63) providing for taking the census in Alaska.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RUSK, for this day, on account of important business.

To Mr. LANSING, for ten days from this date.

#### WITHDRAWAL OF PAPERS.

Mr. WILSON, of West Virginia, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of William Hawkins.

#### CORRECTION.

The SPEAKER. The Chair desires to state, in regard to the resolution submitted by the gentleman from Massachusetts [Mr. LODGE] calling for Departmental information, that it was incorrectly stated to be a report from the Naval Committee. Without objection, the resolution will be journalized as having been introduced by the gentleman from Massachusetts by unanimous consent. Is there objection? The Chair hears none.

#### MEMORIAL ADDRESSES ON HON. JAMES LAIRD.

Mr. LAWS, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

*Resolved, That Saturday, April 12, 1890, at 4 o'clock in the afternoon, be set apart for paying tribute to the memory of Hon. James Laird, late a member of the House of Representatives from the Second district of the State of Nebraska.*

#### CAR-COUPERS AND AIR-BRAKES ON FREIGHT TRAINS.

Mr. LACEY, by unanimous consent, presented the following resolutions of the Legislature of the State of Iowa; which were referred to the Committee on Commerce, and ordered to be printed in the RECORD:

Whereas reliable statistics show that thousands of our young men are killed and many thousands more are crippled for life in this nation, in coupling and uncoupling cars and from being on top of freight trains to handle brakes; and

Whereas the National Car-Builders' Association (an organization of mechanics in the employ of railroad companies, charged with the responsibility of car-building and representing in the said association about 90 per cent. of the railroads of the nation) did, after years of earnest investigation and tests, at their twenty-fifth annual convention, held in Minneapolis, Minn., June, 1887, adopt by over a two-thirds majority vote an automatic safety car-coupler of the vertical plane hook type as the standard automatic coupler for general and uniform use upon cars in this nation; and

Whereas the managers of the railroads represented in that association of National Master Car-Builders did, after ninety days of consideration, approve the action of the master car-builders by over a two-thirds majority vote, thus making what was named by the executive committee of the Master Car-Builders' Association the M. C. B. coupler, meaning the Master Car-Builders' Coupler, the standard car-coupler for cars, on their own motion; and

Whereas said executive committee, under instructions from the association,

did make specifications and draught contour lines of said coupler, and published them to the world, stating that any automatic vertical plane coupler that would couple automatically with the M. C. B. coupler, and also couple readily by hand to the common draw-bar, with the link and pin coupler, would be considered as a standard coupler and so used by all railroads (of which couplers there are now some ten or twelve already accepted and in use by the roads), thus forestalling a monopoly in such coupler; and

Whereas said same master car-builders did in the same convention, held in Minneapolis in 1887, adopt the report of their committee on freight-car brakes, which report showed that power or air brakes were as practically applicable to freight as to passenger cars; and

Whereas there being now no longer any doubt as to the practicability of applying such brakes to freight trains, and were such uniform automatic power brakes and couplers universally and uniformly adopted and used in the freight-car transportation service of this nation, it would prevent a very large per cent. of the fatalities and injuries now daily and hourly suffered by this large class of young men engaged in the indispensable work of the commerce of the nation; Therefore,

*Be it resolved by the senate (the house concurring), That our Senators and Representatives in Congress be most earnestly and respectfully requested to take all proper means to have enacted at the earliest possible date efficient laws that shall require that all cars used on railroads in the interstate commerce of the nation shall be equipped with uniform, safe, automatic couplers and power automatic brakes, to the end that the terrible sacrifice of life and limb be prevented and that this "reproach to our civilization of subjecting any class of American workmen, while in the pursuit of a necessary and useful avocation, to a peril of life and limb as great as that of a soldier in time of war," be taken away.*

I hereby certify that the foregoing resolution has been passed by both houses of the Twenty-third General Assembly of Iowa.

W. R. COCHRANE, Secretary Senate.

The motion of Mr. PERKINS that the House adjourn was then agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

#### EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

#### ADDITIONAL BUILDINGS AND IMPROVEMENTS IN THE CHILOCCO SCHOOL, INDIAN TERRITORY.

Letter from the Secretary of the Interior, transmitting a copy of a communication from the Commissioner of Indian Affairs, with explanatory papers, explaining the necessity for additional buildings and improvements in the Chillico School, Indian Territory—to the Committee on Indian Affairs.

#### PERSONS ARRESTED FOR MURDER, ETC., IN THE DISTRICT OF COLUMBIA.

Letter from the Attorney-General of the United States, transmitting a report of the number and names of persons arrested in the District of Columbia charged with murder, manslaughter, etc., in answer to resolution of the House of Representatives of February 21, 1890—to the Committee on the Judiciary.

#### SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolution of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 680) for the relief of Alice E. Robertson—to the Committee on Claims.

A bill (S. 1219) to provide for the construction of a public building at Salt Lake City, Utah Territory—to the Committee on Public Buildings and Grounds.

A bill (S. 2653) to provide for the times and places to hold terms of the United States courts in the State of Washington—to the Committee on the Judiciary.

*Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 5,000 extra copies of the report of the Superintendent of the United States Coast and Geodetic Survey for the fiscal year ending June 30, 1889, together with the usual necessary progress sketches and illustrations, 1,000 copies of which shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the United States Coast and Geodetic Survey; to the Committee on Printing.*

#### REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, the following reports were filed, and, with accompanying bills, ordered to be printed, and referred as follows:

Mr. THOMAS, from the Committee on War Claims, to which was re-committed the bill (H. R. 7158) authorizing the Quartermaster-General and the Commissary-General to re-examine claims against the United States, and extending time for filing such claims, reported, as a substitute therefor, a bill (H. R. 8098) authorizing the Secretary of War to cause to be re-examined claims against the United States, and extending the time for filing such claims, and for other purposes; which said substitute was read twice, and referred to the Committee of the Whole House on the state of the Union.

Mr. ENLOE, from the Committee on War Claims, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 5280) for the relief of Mrs. Ellen P. Malloy;



A bill (H. R. 1341) for the relief of Louisa Q. Lovell and others; and  
A bill (H. R. 1353) for the relief of the heirs of William D. Wilson,  
deceased.

Mr. LANSING, from the Committee on Private Land Claims, reported  
with amendment the bill (H. R. 3809) relative to the Rancho  
Punta de la Laguna—to the Committee of the Whole House.

Mr. STONE, of Kentucky, from the Committee on War Claims, to  
which was referred a letter from the assistant clerk of the Court of  
Claims, transmitting a copy of the findings of fact in the case of Mary  
J. Dooley *vs.* The United States, reported the same with the recommendation  
that the same be printed and recommitted to said committee;  
which was so ordered.

Mr. THOMAS, from the Committee on War Claims, reported favorably  
the bill (H. R. 6000) for the relief of Samuel Marsh—to the Committee  
of the Whole House.

Mr. THOMPSON, from the Committee on the Judiciary, reported  
favorably the bill (H. R. 813) to provide an additional mode of taking  
depositions of witnesses in cases pending in the courts of the United  
States—to the House Calendar.

Mr. CUTCHEON, from the Committee on Military Affairs, reported  
favorably the bill (H. R. 7976) to amend sections 1216 and 1285 of the  
Revised Statutes relative to certificates of merit to enlisted men of the  
Army—to the Committee of the Whole House on the state of the Union.

Mr. ATKINSON, of Pennsylvania, from the Committee on Expenditures  
in the Treasury Department, reported, as a substitute for the  
bill of the House (H. R. 3896) to determine and increase the pay of  
watchmen in the Treasury Department, a bill (H. R. 8106) to determine  
and increase the pay of watchmen in the Treasury Department—to  
the Committee of the Whole House on the state of the Union.

Mr. DAVIDSON, from the Committee on Commerce, reported, as a  
substitute for the bill (H. R. 4665) to establish five lights at stations  
along the ship-channel of Mobile Bay, a bill (H. R. 8107) to establish  
additional aids to navigation along the ship-channel of Mobile Bay,  
Alabama—to the Committee of the Whole House on the state of the Union.

Mr. KERR, of Iowa, from the Committee on Public Buildings and  
Grounds, reported favorably the bill (H. R. 4596) to provide for the construction  
of a public building at Hastings, Nebr.—to the Committee of  
the Whole House on the state of the Union.

Mr. ATKINSON, of Pennsylvania, from the Committee on Expenditures  
in the Treasury Department, reported favorably the bill of the  
Senate (S. 2237) providing for the maintenance of discipline among customs  
officers—to the House Calendar.

#### ADVERSE REPORT.

Under clause 2 of Rule XIII, an adverse report was delivered to the  
Clerk and laid on the table, as follows:

By Mr. THOMPSON, from the Committee on the Judiciary, on the  
bill (H. R. 879) to amend section 3477 of the Revised Statutes of the  
United States.

#### RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were delivered  
to the Speaker and referred as follows:

By Mr. LANSING:

*Resolved*, That the Clerk of the House be, and he is hereby, authorized and  
directed to pay out of the contingent fund of the House of Representatives to  
Charles H. Clark the sum of \$50, being the amount due him for services rendered  
as temporary clerk in the document room of the House of Representatives from  
January 6, 1890, to February 1, 1890;

to the Committee on Accounts.

By Mr. KELLEY:

Whereas in defiance of the proclamation of the President of the United States,  
dated February 17, 1890, persons largely interested in the live-stock business in  
the Indian Territory and the adjacent States have conspired together to drive  
their herds into the section of country known as the Cherokee Strip, claiming  
the right to do so under lease purporting to have been made by the authorities  
of the Cherokee Nation; and

Whereas it appears that the influence of the so-called "cattle barons" to hold  
such Strip for grazing purposes has been the principal obstacle in the way of the  
adjustment of the claim of the Cherokee Nation and the opening of said land  
to settlement: Therefore,

*Resolved*, That any violation of the provisions of said proclamation would be  
prejudicial to the public interests, and its rigid enforcement will receive the un-  
qualified approval of the country at large, and especially of the persons wishing  
to make homes upon the land in question.

*Resolved*, That whatever may be the consideration awarded in the adjustment  
of the Cherokee claim, lands herein referred to should be opened to actual settlement  
under the homestead laws of the United States;

to the Committee on the Public Lands.

#### BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, the following bills were delivered to  
the Speaker, severally read twice, and referred as follows:

By Mr. BLISS: A bill (H. R. 8096) granting a pension to the honorably  
discharged soldiers and sailors of the war of the rebellion who  
served ninety days and who shall make application for the same—to  
the Committee on Invalid Pensions.

By Mr. GREENHALGE: A bill (H. R. 8097) authorizing and directing  
the construction and trial of three Hall torpedoes, and making an  
appropriation therefor—to the Committee on Naval Affairs.

By Mr. HEMPHILL (by request): A bill (H. R. 8099) to amend an  
act entitled "An act to regulate steam-engineering in the District of  
Columbia—to the Committee on the District of Columbia.

By Mr. CRAIN: A bill (H. R. 8100) to provide for the purchase of  
the site of Fort Duncan at Eagle Pass, Tex., and for the erection of  
buildings thereon for a military post—to the Committee on Military  
Affairs.

By Mr. EZRA B. TAYLOR: A bill (H. R. 8101) to provide for the  
further distribution of reports of the Supreme Court—to the Committee  
on the Judiciary.

By Mr. LEE: A bill (H. R. 8102) making an appropriation for improving  
the public road in Alexandria County, State of Virginia, connecting  
the District of Columbia by way of the Government bridges,  
known as the Aqueduct Bridge, Chain Bridge, and Long Bridge, with  
the national cemetery at Arlington, Va.—to the Committee on Military  
Affairs.

By Mr. DUNPHY: A bill (H. R. 8103) to amend "An act for the  
erection of an appraiser's warehouse in the city of New York, and for  
other purposes," approved September 14, 1888—to the Committee on  
Public Buildings and Grounds.

By Mr. BUCHANAN, of New Jersey: A bill (H. R. 8104) to amend  
section 2166, Revised Statutes of the United States—to the Committee  
on the Judiciary.

Also, a bill (H. R. 8105) extending the provisions of the pension laws  
to acting medical cadets—to the Committee on Invalid Pensions.

By Mr. WILSON, of Missouri: A bill (H. R. 8145) for the erection of  
a public building at Maryville, Mo.—to the Committee on Public  
Buildings and Grounds.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were  
delivered to the Clerk and referred as follows:

By Mr. ADAMS: A bill (H. R. 8108) granting a pension to Martha  
Vande-grift—to the Committee on Invalid Pensions.

By Mr. BROWNE, of Virginia: A bill (H. R. 8109) to pension George  
W. Scott for service in the Florida war—to the Committee on Pensions.

By Mr. BRUNNER: A bill (H. R. 8110) granting a pension to Clara  
Geiser—to the Committee on Invalid Pensions.

By Mr. BURROWS: A bill (H. R. 8111) for the relief of Lott S. Bay-  
less—to the Committee on Claims.

Also, a bill (H. R. 8112) for the relief of Sarah F. Turner—to the  
Committee on Invalid Pensions.

By Mr. BYNUM (by request): A bill (H. R. 8113) granting a pen-  
sion to Edward Ayers—to the Committee on Invalid Pensions.

By Mr. COLEMAN: A bill (H. R. 8114) for the relief of Mary C.  
Haile, widow of Capt. C. M. Haile, of the Fourteenth Regiment United  
States Infantry, war with Mexico—to the Committee on Pensions.

By Mr. CHIPMAN: A bill (H. R. 8115) increasing the pension of  
John Winchell—to the Committee on Pensions.

By Mr. COVERT: A bill (H. R. 8116) for the relief of Alexander Stod-  
dart, of New York—to the Committee on War Claims.

Also, a bill (H. R. 8117) for the relief of Frederick, Victor & Achelis,  
importers and merchants of the city of New York—to the Committee on  
Ways and Means.

By Mr. FITHIAN: A bill (H. R. 8118) granting a pension to Rich-  
ard Buckner—to the Committee on Invalid Pensions.

By Mr. GEST: A bill (H. R. 8119) to grant a pension to Margaret  
Hawkins—to the Committee on Pensions.

By Mr. GIBSON: A bill (H. R. 8120) for the relief of W. H. Rowley  
& Sons—to the Committee on Ways and Means.

By Mr. GREENHALGE: A bill (H. R. 8121) to increase the pen-  
sion of William Sharrock—to the Committee on Invalid Pensions.

By Mr. HATCH: A bill (H. R. 8122) for the relief of James W.  
Ralls—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8123) for the relief of Emily S. Wheeler—to the  
Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 8124) granting a pension to George  
Everts—to the Committee on Invalid Pensions.

By Mr. LANE: A bill (H. R. 8125) granting a pension to Frederick  
B. Sells—to the Committee on Invalid Pensions.

By Mr. LAWLER: A bill (H. R. 8126) for the relief of Peter Clark—to  
the Committee on Military Affairs.

By Mr. LEE: A bill (H. R. 8127) for the relief of the estate of Branch  
Kincheloe—to the Committee on War Claims.

Also (by request), a bill (H. R. 8128) for the relief of Rachel Dyer,  
of Fairfax County, Virginia—to the Committee on Claims.

By Mr. MCCREARY: A bill (H. R. 8129) for the relief of Thomas J.  
Barker—to the Committee on War Claims.

Also, a bill (H. R. 8130) for the relief of Joseph B. Cox—to the Com-  
mittee on War Claims.

Also, a bill (H. R. 8131) for the relief of Jeremiah Davidson—to the  
Committee on War Claims.

Also, a bill (H. R. 8132) for the relief of Joseph L. Davis and Mrs. Mary E. Dennis, heirs of John Davis, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8133) for the relief of David L. Stephenson—to the Committee on War Claims.

By Mr. MOORE, of New Hampshire: A bill (H. R. 8134) granting a pension to Ellen M. Burpee—to the Committee on Invalid Pensions.

By Mr. NUTE: A bill (H. R. 8135) granting a pension to Jeanie Brent Davenport—to the Committee on Invalid Pensions.

By Mr. OWEN, of Indiana: A bill (H. R. 8136) for the relief of James M. Watts—to the Committee on the Post-Office and Post-Roads.

By Mr. PEEL: A bill (H. R. 8137) for the relief of Flavius J. Lindsey, administrator of John N. Curtis, deceased—to the Committee on War Claims.

By Mr. PETERS: A bill (H. R. 8138) increasing the pension of Har-ness R. Buckles—to the Committee on Invalid Pensions.

By Mr. QUACKENBUSH: A bill (H. R. 8139) for the relief of George Campbell—to the Committee on War Claims.

Also, a bill (H. R. 8140) for the relief of Henry Wheeler—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 8141) granting a pension to Mrs. Hannah Fowler, widow of Charles Fowler, deceased—to the Committee on Invalid Pensions.

By Mr. SAYERS: A bill (H. R. 8142) for the relief of the heirs of Brittan Marshal Odum—to the Committee on War Claims.

By Mr. STUMP: A bill (H. R. 8143) for the relief of the legal representatives of Robert R. Vandiver—to the Committee on War Claims.

By Mr. WILSON, of West Virginia: A bill (H. R. 8144) granting a pension to Thomas P. Lilly, late a private soldier of Company I, Eighty-fifth Pennsylvania Regiment—to the Committee on Invalid Pensions.

Under clause 2 of Rule XXII, the following changes of reference were made:

#### CHANGE OF REFERENCE.

A bill (H. R. 5580) for the relief of John F. Kranz—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 4805) for the relief of Harry S. Kellogg, administrator of the estate of Lyman M. Kellogg—Committee on War Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 278) to amend paragraph 3 of section 4414 of the Revised Statutes—House Calendar discharged, and referred to the Committee on Commerce.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were delivered to the Clerk and referred as follows:

By Mr. ADAMS: Petition of F. L. Hagadorn, relative to H. R. 7183—to the Committee on Military Affairs.

By Mr. BULLOCK: Petition of the Monthly Meeting of Friends, of Archer, Fla., protesting against appropriations for increase in navy and coast defenses—to the Committee on Naval Affairs.

By Mr. CAINE: Resolutions adopted by the city council of Beaver City, Utah, favoring an appropriation of \$6,200 for the construction of a deep harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, resolutions adopted by the county court of same county and Territory, for same purpose—to the Committee on Rivers and Harbors.

By Mr. CHIPMAN: Petition of residents adjacent to Detroit, Mich., in favor of increase of pay of letter-carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Detroit, Mich., for same purpose—to the Committee on the Post-Office and Post-Roads.

Also, petition of business men and manufacturers of same city, for same purpose—to the Committee on the Post-Office and Post-Roads.

Also, petition of other citizens of same city, for same purpose—to the Committee on the Post-Office and Post-Roads.

By Mr. COMSTOCK: Petition asking that Pipestone Indian reservation be converted into National Indian Pipestone Park, etc.—to the Committee on Indian Affairs.

By Mr. CONGER: Concurrent resolution of the senate and house of representatives of the State of Iowa, urging such legislation by Congress as will require all railroad cars used in interstate commerce to be equipped with uniform, safe automatic couplers and power automatic brakes—to the Committee on Commerce.

By Mr. COVERT: Memorial of Frederick, Victor & Achelis, for relief from excessive import duties—to the Committee on Ways and Means.

By Mr. DORSEY: Resolution adopted by farmers of Box Butte County, Nebraska, in regard to the beet-sugar industry—to the Committee on Ways and Means.

By Mr. ELLIOTT: Resolutions of the Boards of Trade of Beaufort and Port Royal, S. C., against the passage of the bill exempting coastwise vessels from payment of pilotage—to the Committee on Merchant Marine and Fisheries.

By Mr. FITHIAN: Petition of Camp No. 56, Union Veteran Legion, Palestine, Ill., to pass service-pension bill—to the Committee on Invalid Pensions.

By Mr. FUNSTON: Resolution to authorize the Committee on Agriculture to have papers and documents printed—to the Committee on Printing.

By Mr. GEAR: Memorial of the senate of the State of Iowa, praying Congress to enact laws requiring all interstate railways to be equipped with automatic brakes—to the Committee on Railways and Canals.

By Mr. GEISSENHAIN: Petition for improvement of South Shrewsbury River, in Monmouth County, New Jersey—to the Committee on Rivers and Harbors.

By Mr. GIFFORD: Memorial of the Legislature of South Dakota, that an appropriation be made to aid in the selection of indemnity school lands in said State—to the Committee on the Territories.

Also, memorial of the Legislature of South Dakota, asking for an appropriation equaling 5 per cent. of the proceeds of all sales of public lands within the present boundaries of the State of South Dakota from June 30, 1880, to the admission of said State into the Union—to the Committee on the Public Lands.

By Mr. HATCH: Memorial of the Brewers' Association of St. Louis and East St. Louis, against the passage of the bill (H. R. 4599) to fix the rate of duty on hops—to the Committee on Ways and Means.

Also, petition and affidavits to accompany a bill for the relief of James W. Rulls—to the Committee on Invalid Pensions.

Also, memorial of the St. Louis Typothete, against the Government mode of printing and selling envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDERSON, of Iowa: Petition of farmers of New Providence, Hardin County, Iowa, urging legislation against gambling in grain—to the Committee on Agriculture.

Also, resolutions passed by W. Fairbank Post, No. 436, Grand Army of the Republic, Alden, Hardin County, Iowa, urging passage of the service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions passed by W. A. Morse Post, No. 190, Grand Army of the Republic, Manchester, Delaware County, Iowa, for same purpose—to the Committee on Invalid Pensions.

Also, resolutions passed by Surfus Post, No. 105, Grand Army of the Republic, Bristow, Butler County, Iowa, urging the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of I. R. Shull, in support of bill for relief of George Everts—to the Committee on Invalid Pensions.

By Mr. LANE: Petition of Farmers' Alliance, Red Willow County, Nebraska, asking free coinage of silver and approving Windom bill—to the Committee on Coinage, Weights, and Measures.

Also, petition of Farmers' Alliance of Nebraska, against the Union Pacific funding bill—to the Committee on the Pacific Railroads.

By Mr. OUTHWAITE: Petition of the railway postal clerks running into Columbus, Ohio, in favor of bill H. R. 6359—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNTER: Petition of John A. Nigdon, Company G, Kentucky Cavalry, for amendment of military record and honorable discharge—to the Committee on Military Affairs.

Also, petition of John McGowan, for removal of charge of desertion, for honorable discharge, pay, bounty, etc., and pension claim 884825—to the Committee on Military Affairs.

By Mr. PEEL: Petition of Flavius J. Lindsey, praying that his claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of David Stephenson, for same purpose—to the Committee on War Claims.

By Mr. PUGSLEY: Petition from 250 Friends of Wilmington, Ohio, against appropriations for Navy and other warlike expenditures—to the Committee on Naval Affairs.

By Mr. ROBERTSON: Petition of T. S. Fontent and others, asking relief for settlers within the limits of indemnity grant of lands to New Orleans Pacific Railroad Company, setting forth the fact that said land has been unlawfully withdrawn from the public domain—to the Committee on the Public Lands.

By Mr. SMITH, of West Virginia: Petition of late soldiers in Wirt County, West Virginia, to revive arrears act—to the Committee on Invalid Pensions.

By Mr. STOCKDALE: Petition of Loudon L. Leu, of Amite County, Mississippi, for reference of his claim to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. STRUBLE: Petition of Biddlecome Post, Grand Army of the Republic, No. 461, Akron, Iowa, asking the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. TARSNEY: Petition of M. M. Cooke, asking Congress to refer his claim for quartermaster stores to the Court of Claims under the so-called Bowman act—to the Committee on War Claims.

By Mr. VENABLE: Petition of common council of city of Petersburg, asking for an appropriation for the Appomattox River, in Virginia—to the Committee on Rivers and Harbors.

By Mr. WALKER, of Massachusetts: Petition of the Massachusetts Board of Gas and Electric Light Commissioners, for an appropriation to be allowed the Superintendent of the Census for the collection of certain data relative to the electrical industry—to the Select Committee on the Eleventh Census.



By Mr. WATSON: Petition of about 200 citizens of Warren County, asking passage of pension bill—to the Committee on Pensions.

By Mr. WILLIAMS, of Illinois: Affidavit in support of claim of J. J. Talbott—to the Committee on War Claims.

By Mr. WILSON, of West Virginia: Papers accompanying bill granting pension to Thomas P. Lilly—to the Committee on Invalid Pensions.

By Mr. WRIGHT: Petition and papers accompanying House bill 7749, to pension Elizabeth A. Brown—to the Committee on Invalid Pensions.

## SENATE.

THURSDAY, March 13, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

### PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a letter from the secretary of Utah Territory, transmitting a copy of a memorial to Congress from the governor and Legislative Assembly of Utah, praying that an appropriation of \$250,000 be made for the construction of a public building at Ogden, Utah; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PADDOCK subsequently said: I suggest that the memorial of the Legislative Assembly of the Territory of Utah, which was referred to the Committee on Appropriations, relating to the construction of a public building at Ogden, be referred to the Committee on Public Buildings and Grounds.

The PRESIDENT *pro tempore*. It asks for an appropriation.

Mr. PADDOCK. It is for the construction of a public building for a post-office and other Government offices.

The PRESIDENT *pro tempore*. It is customary to refer petitions asking for appropriations to the committee on that subject. If there be no objection, however, the memorial will be referred to the Committee on Public Buildings and Grounds.

Mr. PADDOCK. That is the proper reference.

The PRESIDENT *pro tempore* presented a petition of Grand Army Post No. 289, of Grenola, Kans.; a petition of citizens of Cherryvale, Kans.; a petition of citizens of Smith County, Kansas; a petition of citizens of Brewster, Kans.; a petition of citizens of Wanego, Kans.; a petition of citizens of Lyons County, Kentucky; a petition of citizens of Horton, Kans.; and a petition of the Grand Army of the Republic Post No. 27, of Caldwell, Kans., praying for the passage of the service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of Grand Army Post 76, of Nebraska; a petition of citizens of Coffey County, Kansas; a petition of Grand Army Post 134, of Kansas; a petition of citizens of Kansas; a petition of citizens of Topeka, Kans.; a petition of Grand Army Post 75, of Crete, Nebr.; a petition of Grand Army Post 136, of Nebraska; a petition of Grand Army Post 118, of Tekamah, Nebr.; a petition of Grand Army Post 91, of Minden, Nebr.; a petition of Grand Army Post 23, of Central City, Nebr., and a petition of McConihie Post No. 45, Grand Army of the Republic, of Nebraska, praying for the passage of Senate bill 496, to remove the limitation in the act granting arrears of pension; which were referred to the Committee on Pensions.

He also presented a petition of citizens of Reno County, Kansas, praying for the passage of the Kansas-Indiana service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of C. H. Schroeder, principal of the public school at Sligo, Mo., and the petition of M. A. Hang, teacher in the public school at Salem, Mo., praying for the passage of the international copyright bill; which were ordered to lie on the table.

He also presented a memorial of the Friends' Association of Lowell, Kans., remonstrating against increasing appropriations for naval defense; which was referred to the Committee on Naval Affairs.

He also presented a petition of a mass meeting of colored citizens of Ironton, Ohio, praying for the passage of the Blair educational bill; which were ordered to lie on the table.

He also presented a petition of the Leavenworth County (Kansas) Farmers' Alliance, praying for the passage of the bill to establish national warehouses for the storage of grain; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Gridley, Kans., praying for the passage of a national Sunday-rest law; which was referred to the Committee on Education and Labor.

He also presented a petition of the county commissioners of Jewell County, Kansas, and a petition of the county commissioners of Pawnee County, Kansas, praying that an appropriation of \$6,200,000 be made for a deep-water harbor at Galveston, Tex.; which were ordered to lie on the table.

He also presented sundry petitions numerously signed by citizens of the counties of Shannon, Crowley, and Neosho, in the State of Kansas, and a petition of citizens of South Haven, Kans., all praying for the free coinage of silver; which were referred to the Committee on Finance.

Mr. STEWART presented nineteen petitions signed by 793 members of the Farmers' Alliance and citizens of Nebraska, praying for the free coinage of silver; which were referred to the Committee on Finance.

Mr. WILSON, of Iowa, presented a memorial of the Monthly Meeting of Friends, of Richmond, Keokuk County, Iowa, consisting of 400 members, remonstrating against appropriations for the construction of a navy; which was referred to the Committee on Naval Affairs.

Mr. HAWLEY presented a memorial of citizens of Hartford, Conn., remonstrating against the passage of a Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. GORMAN presented the petition of Virginia T. Lewis, of Baltimore, Md., praying Congress to purchase the dress sword of General George Washington; which was referred to the Committee on the Library.

He also presented a petition of 41 citizens of Sparrow's Point, Maryland, praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. CULLOM presented a petition of citizens of Illinois, praying that all honorably discharged Union soldiers and sailors who served three months or more in the late war be given a pension from the date of their discharge large enough to keep them from suffering for the comforts of life, except those who have drawn such pension; which was referred to the Committee on Pensions.

He also presented resolutions adopted by Carrollton Post, No. 442, Grand Army of the Republic, Department of Illinois, remonstrating against the passage of the dependent pension bill and praying for the passage of the service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of the Peoria County Grange, Patrons of Husbandry, of North Peoria, Ill., praying for the passage of the bill introduced by Hon. P. S. Post, providing for the free coinage of silver; which was referred to the Committee on Finance.

Mr. MANDERSON presented a petition of the county commissioners of Polk County, Nebraska, praying that an appropriation be made to secure a deep water-harbor at Galveston, Tex.; which was ordered to lie on the table.

Mr. MANDERSON. I present a petition of citizens of Antelope County, Nebraska, calling the attention of Congress to the experiments that are being made in the West in the way of producing beet and sorghum-cane sugar, and praying for the retention of the present tariff thereon. I understand that petitions of this character are being referred to the Committee on Agriculture and Forestry, and I move that this petition be so referred.

The motion was agreed to.

Mr. EVARTS presented a petition of 24 citizens of Woodville, Jefferson County, New York, praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. PADDOCK presented resolutions adopted by the Chamber of Commerce of Salt Lake City, Utah, favoring an appropriation for a deep-water harbor at Galveston, Tex.; which were ordered to lie on the table.

Mr. WALTHALL presented a petition of the Legislature of Mississippi, praying for legislation requiring that all cars used on railroads in the business of interstate commerce shall be equipped with uniform automatic couplers and power automatic brakes to prevent the sacrifice of life and limb; which was referred to the Committee on Interstate Commerce.

### REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (H. R. 4840) to increase the pension of William Boone, reported it without amendment, and submitted a report thereon.

Mr. BLACKBURN, from the Committee on Naval Affairs, to whom was referred the bill (S. 2639) for the relief of Mrs. Selina Bestor, Orson H. Bestor, and E. Francis Riggs, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1757) to apply to commissioned and non-commissioned officers the provisions of the act of Congress entitled "An act for the relief of certain volunteer and regular soldiers of the late war, and the war with Mexico," approved March 2, 1889, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 2897) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, A. D. 1880, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 3017) to amend chapter 418 of the acts passed at the second session of the Fiftyeth Congress, reported adversely thereon; and the bill was postponed indefinitely.

### LIFE-SAVING APPLIANCES.

Mr. FRYE. I am instructed by the same committee to report an original bill, and it renders the one just indefinitely postponed unnecessary.

The bill (S. 3091) to repeal chapter 418 of the acts passed at the second session of the Fiftieth Congress was read the first time by its title.

Mr. FRYE. I desire to say a few words in relation to this bill in order that the greed of certain companies may receive the notice required.

In the last Congress there was a proposition before the Senate and before Congress to require all steam-boat companies to carry certain projectiles, guns, and rockets, for the casting of lines in case of distress. The Committee on Commerce considered the bill carefully and had doubts, but gave the security of life the benefit of the doubts and reported the bill favorably; it passed both Houses and became a law.

When that bill became a law the Lyle Gun Company, the Hunt Gun Company, the Cunningham rocket concern furnished to the life-saving stations of the country the rockets for \$20 each; the Lyle gun for \$87.50; the Hunt gun for \$87.25; and, as I understand, they are to-day furnishing the life-saving stations those projectiles at those prices. But when we passed the law requiring steam-boats each to use a projectile of this kind the charges immediately took a leap upward, and to-day the Lyle company is charging for its gun not \$87.50, but \$100; the Hunt company is charging \$250 instead of \$87.25, and the Cunningham rocket costs \$90 instead of \$20.

The committee have considered the matter, and have reported a repeal of the law requiring the projectile—

Mr. COCKRELL. It ought to be passed this morning.

Mr. FRYE. No, I do not care about having the bill passed this morning, but it will be passed without any doubt.

Mr. GORMAN. Let it be acted upon at once.

Mr. COCKRELL. It ought to be acted on at once.

Mr. FRYE. If it is the desire of the Senate that the bill shall be taken up now, I shall be very happy to have it passed now and become a law.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that a bill be passed the title of which will be read.

The bill was read the second time by its title.

Mr. HOAR. There is no committee for whom I have higher respect than the Committee on Commerce, and no Senator for whose thorough knowledge of this general subject I have so high respect as I have for that of the Senator from Maine. But this is a matter relating to the security of life. It is a matter in regard to which Congress passed a law on full deliberation within a very few years.

Mr. FRYE. Two years ago.

Mr. HOAR. Two years ago. It seems to me, therefore, that as the Senator who reported the bill did not himself originally make a request that it should be considered so urgently, it had better stand on our docket a day or two in order that if there is any statement on the other side which should come it may appear. I ask the Senator to let the bill stand over for a day or two.

Mr. FRYE. I have no desire to have the bill passed this morning.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Massachusetts to object to the present consideration of the bill.

Mr. HOAR. Yes, sir.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

#### MISSOURI AND COLUMBIA RIVER BRIDGES.

Mr. VEST. I am instructed by the Committee on Commerce to report back with amendments two House bills, House bill 4130 and House bill 7617, and I desire to make a statement, with the permission of the Senate.

These two bills are, with certain amendments, bills which were passed by the Senate and sent to the House of Representatives. Instead of passing upon the Senate bills, the other House has sent us two original House bills. The Committee on Commerce have amended these two bills, and I now report them back and ask that they be considered with a view to a committee of conference.

The PRESIDENT *pro tempore*. The Senator from Missouri reports from the Committee on Commerce a bill, which will be stated.

The CHIEF CLERK. A bill (H. R. 4130) to authorize the construction of a bridge across the Missouri River at the city of Pierre, in South Dakota.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the bill may now be considered. Is there objection? It will be read at length for information.

The Chief Clerk read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Commerce will be stated in their order.

The first amendment was, in section 1, line 11, before the word "trains," to strike out the word "railway" and insert "railroad," and at the end of the section to add "and approved by the Secretary of War;" so as to make the section read:

That the Pierre Ponton Bridge Company, a corporation duly organized and existing under the laws of the State of South Dakota, its successors, or assigns, be, and are hereby, authorized to construct and maintain a bridge, and approaches thereto, across the Missouri River between the city of Pierre, in the State of South Dakota, and Stanley County, in the State of South Dakota.

Said bridge shall be constructed to provide for the passage of railroad trains, wagons, and vehicles of all kinds, steam and street cars, animals, foot-passen-

gers, and for all road travel, for such reasonable rates of toll and under such reasonable rules and regulations as may be prescribed by said corporation, its successors or assigns, and approved by the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 2, line 7, to strike out the word "railroads" and insert "railroad," and in the same line to strike out the word "the" before the words "said bridge;" so as to make the section read:

Sec. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroad or public highways leading to said bridge, and it shall enjoy the rights and privileges of other post-roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph companies, and the United States shall have the right of way across said bridge, and its approaches, for postal-telegraph purposes.

The amendment was agreed to.

The next amendment was, in section 3, line 10, before the word "own," to strike out "his" and insert "its;" in line 14, after the word "time," to strike out the words "substantially or materially;" in line 18, after the word "cause," to insert "the entire removal thereof or;" and in line 25, after the word "in," to strike out the word "which" and insert "whose jurisdiction;" so as to make the proviso read:

Provided, That said draw shall be opened promptly by said company or corporation upon reasonable signal for the passage of boats and rafts and said company or corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe. No bridge shall be erected or maintained under the authority of this act which shall at any time obstruct the free navigation of said river, and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause the entire removal thereof or such change or alteration of such bridge to be made as will effectually obviate such obstruction, and all such alterations shall be made and all such obstructions shall be removed at the expense of the owner or owners of said bridge, and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the district court of the United States of the State of South Dakota in whose jurisdiction any portion of said obstruction or bridge may be located.

The amendment was agreed to.

The next amendment was, in section 3, line 39, before the word "railroad," to insert the word "a;" so as to make the additional proviso read:

Provided, That said company may construct a wagon and foot bridge alone, and in case of the construction of a wagon and foot bridge alone the draws shall be of the same length herein provided, and shall be of such construction as shall be approved by the Secretary of War, and shall be subject to all the provisions herein contained in respect to being promptly opened to admit of the unobstructed navigation of said river, and of keeping the same lighted as herein provided in case of a railroad and wagon bridge, and in such case the provisions herein in relation to the use for railroad purposes shall not apply.

The amendment was agreed to.

The next amendment was, in section 6, line 4, to strike out the words "date thereof: Provided, That Congress reserves the right to alter, amend, or repeal this act" and to insert "time this act takes effect: Provided, That Congress reserves the right to alter, amend, or repeal this act whenever it may think the public interests so require;" so as to make the section read:

Sec. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the time this act takes effect: Provided, That Congress reserves the right to alter, amend, or repeal this act whenever it may think the public interests so require.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the construction of a bridge across the Missouri River between the city of Pierre, in Hughes County, and Stanley County, in the State of South Dakota."

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. VEST] reports from the Committee on Commerce the bill (H. R. 7617) to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-road, and asks that the bill may be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. If there be no objection, the amendments of the committee will be acted upon as they are reached in reading the text of the bill, to save time.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Commerce was, in section 1, line 6, after the word "maintain," to strike out the words "if in the opinion of the Secretary of War the same be a public necessity;" in line 8, after the word "suitable," to strike out "the interests of;" and insert "commerce and not interfering with;" in line 18, after the word "river," to insert "by reason of the construction of said bridge;" and, in line 21, to strike out the word "touches" and insert "may be;" so as to make the section read:

That the Oregon and Washington Bridge Company, a corporation organized



and existing under the laws of the State of Oregon, its successors and assigns, be, and is hereby, authorized to construct and maintain a bridge across the Columbia River, at a place suitable to commerce and not interfering with navigation at a point at or near La Camas, in the State of Washington, and to lay on or over said bridge a track or tracks for the more perfect connection of any railroad or railroads that are or shall be constructed to said river, on either or both sides thereof, at or opposite said point, under the limitations and conditions hereinafter provided; that said bridge shall not interfere with the free navigation of said river, and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river by reason of the construction of said bridge, the cause may be tried before the circuit court of the United States in and for any district in whose jurisdiction any portion of said obstruction or bridge may be. Said bridge shall be constructed to provide for the passage of railroad trains; and, at the option of the said company or corporation, its successors and assigns, for the safe and convenient passage of wagons and vehicles of all kinds, animals, and foot-passengers, for such reasonable rates of toll as may be fixed from time to time by the Secretary of War.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, in section 2, line 17, after the word "if," to insert the words "in the opinion of the Secretary of War;" so as to make the section read:

SEC. 2. That said bridge shall be provided with two or more draw-openings, each having not less than 200 feet clear channel way; and in addition to said draw-openings one or more fixed channel spans, each having not less than 350 feet clear channel way; and every part of the superstructure of said bridge shall give a clear head-room of not less than 10 feet above extreme known high-water mark: *Provided*, That all spans shall be so located as to afford the greatest possible accommodation to the river traffic, and a draw-opening shall, if practicable, be located next or near shore: *Provided, also*, That if the physical characteristics of the locality so require, and the interests of navigation be not injured thereby, the lengths of the fixed spans or the number of draw-openings may be reduced: *Provided, also*, That for any two adjacent draw-openings of 200 feet each, one draw-opening of 300 feet may be substituted if, in the opinion of the Secretary of War, the interests of navigation be not injured thereby.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, in section 4, line 13, after the word "War," to strike out "or" and insert "and;" so as to make the section read:

SEC. 4. That all piers shall be built parallel with the current of the river at that stage of water which is most important for navigation; and the bridge itself shall be built as nearly as may be at right angles thereto; and that riprapping or other protection for imperfect foundations which will lessen the required water way shall not be permitted; and also that piers which will produce cross-currents or bars dangerous to navigation shall not be constructed; and if after construction any piers or accessory works are found to produce the above-mentioned effects, or if any riprapping or other protection prohibited by this section is found to exist, the nuisance shall be abated or corrected under the direction of the Secretary of War and at the expense of the company or persons owning, controlling, or operating said bridge.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, in section 7, line 3, before the word "said," to strike out "on" and insert "of;" so as to make the section read:

SEC. 7. That the bridge authorized to be constructed by this act shall be located and built under and subject to such regulations for the security of navigation on said river as the Secretary of War shall prescribe; and to secure that object said corporation shall submit for his examination a design and drawings of the bridge, piers, approaches, and accessory works, and a map of the location, giving for a space of at least 3 miles above and 1 mile below the proposed location the topography of the banks of the river and the shore-lines at high and low water. This map shall be accompanied by others, drawn on the scale of 1 inch to 200 feet, giving for a space of one-half a mile above the line of the proposed bridge and one-quarter of a mile below an accurate representation of the bottom of the river, by contour lines 2 feet apart, determined by accurate soundings, and also showing over the whole width of this part of the river the force and directions of the currents at low water, at high water, and at least one intermediate stage, by triangulated observations on suitable floats. The map shall also show the location of other bridges in the vicinity, and shall give such information as the Secretary of War may require for a full and satisfactory understanding of the subject, and the construction of the proposed bridge shall not be commenced until the location and plans thereof are approved by the Secretary of War.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was in section 8, line 8, after the word "War," to strike out the words "or Congress;" so as to make the section read:

SEC. 8. That any bridge constructed under the authority of this act shall be built under the general supervision of the Secretary of War, and no changes or alterations in plans shall be made during the construction of said bridge or after its completion, unless said changes or alterations conform to the provisions of this act and are authorized by the Secretary of War; that such alterations and changes as may be required by the Secretary of War in said bridge so as to preserve free and convenient navigation shall be made under the direction of the Secretary of War at their own expense by the company or persons owning, controlling, or operating said bridge; that during original construction or in carrying out any authorized changes or repairs of said bridge a navigable channel shall be preserved at the site of the bridge at all times, and the water way of the river shall not be obstructed to a greater extent than is absolutely necessary, and such lights and buoys shall be kept on all coffer-dams, piles, etc., as may be necessary for the security of navigation.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 9, line 16, after the word "States," to strike out the words "or any State" and insert "in and for the district;" in line 17, to strike out the word "touches" and insert "may be;" in line 18, to strike out the words "the cost thereof" and insert "such expenses," and to strike out the proviso in the following words:

*Provided*, That in the construction of additional accessory works not contemplated by the approved plan of bridge and accessory works no greater sum than \$15,000 shall be required to be expended upon said bridge in a single year: *And provided further*, That such sum of money as may be necessary to execute the provisions of this section is hereby appropriated, out of any money in the Treas-

ury of the United States not otherwise appropriated, to be paid on requisition of the Secretary of War.

So as to make the section read:

SEC. 9. That whenever the Secretary of War has good reason to believe that any of the provisions of sections 4, 6, and 8 of this act have not been complied with by the company or persons owning, controlling, or operating the bridge authorized under its provisions, it shall be the duty of the Secretary of War, on satisfactory proof thereof, to require the said company or persons to comply with the provisions of said sections; and on failure of said persons or company to comply with said requirements within a reasonable time, the Secretary of War shall proceed to cause the necessary work, in the form of additions, alterations, repairs, or removals of obstructions, to be made at the expense of the United States, and shall refer the matter, without delay, to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in the circuit court of the United States in and for the district in which any portion of said obstruction or bridge may be, for the recovery of such expenses; and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 11, line 7, after the word "for," to insert "the;" so as to make the section read:

SEC. 11. That the bridge constructed, maintained, and operated under this act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation of said mails, troops, and munitions over the railroads and public highways leading to said bridge; and the United States shall have the right of way for postal-telegraph and telephone purposes over said bridge.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was in section 12, line 4, to strike out the words "passage or" before the word "approval;" so as to make the section read:

SEC. 12. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the date of approval thereof.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 13, line 7, before the word "approval," to strike out the words "passage or;" so as to make the section read:

SEC. 13. That all former acts or parts of acts granting authority for the erection of any bridge or bridges over the portion of said Columbia River over which the construction of a bridge is authorized by this act be, and the same are hereby, repealed in each and every case where actual construction of said bridge or bridges be not commenced on or before the date of the approval of this act.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The preamble was agreed to.

Mr. VEST. I move that the Senate insist upon its amendments to these two bills and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. DOLPH, and Mr. CULLOM were appointed.

#### REPORT OF DISTRICT HEALTH OFFICER.

Mr. MANDERSON. From the Committee on Printing I report back the joint resolution (S. R. 14) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia adversely, and I ask that it be indefinitely postponed. I report from the Committee on Printing a concurrent resolution to the same effect, which I ask may be now considered.

The PRESIDENT *pro tempore*. If there be no objection the joint resolution will be indefinitely postponed, and the concurrent resolution will be read with a view to its present consideration.

The concurrent resolution was considered by unanimous consent, and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the Public Printer be, and he is hereby, authorized to print 2,500 extra copies of the annual report of the health officer of the District of Columbia; 100 for the use of the Senate, 350 for the use of the House of Representatives, and 2,050 for the use of the said health officer of the District.

#### BILLS INTRODUCED.

Mr. HARRIS. I introduce a bill prepared by a committee of the Board of Trade of the city of Washington. I introduce it at their request, and ask its reference to the Committee on the District of Columbia.

The bill (S. 3092) to provide for a permanent system of highways in that part of the District of Columbia not included within the cities of Washington and Georgetown was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PLATT introduced a bill (S. 3093) granting arrears of pension to Hermann A. Sanford; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. EVARTS introduced a bill (S. 3094) to provide for the payment of

the claim of the mayor, aldermen, and commonalty of the city of New York; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS introduced a bill (S. 3095) for the relief of Joseph C. Grissom; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. STOCKBRIDGE (by request) introduced a bill (S. 3096) to revise the wages of certain employes in the Government Printing Office; which was read twice by its title, and referred to the Committee on Printing.

Mr. HAWLEY introduced a bill (S. 3097) authorizing the appointment of an assistant sword-master at the Military Academy; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3098) to amend the Articles of War relative to the punishment of enlisted men for military offenses committed in time of peace; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3099) to remove the charge of desertion against Thomas Morrison; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 3100) to remove the charge of desertion against Peter J. Soly; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GRAY introduced a bill (S. 3101) granting a pension to Anne Rodgers Macomb; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3102) for the relief of John W. Eckles; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALLISON introduced a bill (S. 3103) for the erection of a public building at Creston, Iowa; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3104) granting relief to Samuel D. Harper; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLODGETT introduced a bill (S. 3105) for the relief of Edwin M. Hart; which was read twice by its title, and referred to the Committee on Claims.

Mr. BARBOUR introduced a bill (S. 3106) appropriating \$50,000 for improving the public road in Alexander County, State of Virginia, connecting the Chain, Aqueduct, and Long bridges and running in front of the Arlington national cemetery; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3107) for the relief of the trustees of St. Paul's Protestant Episcopal Church at Norfolk, Va.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3108) authorizing the Pneumatic Gun Carriage and Power Company to build a siege gun and disappearing siege carriage for the War Department; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TURPIE introduced a bill (S. 3109) to provide for the erection of a factory for the making, casting, and finishing of field guns and other ordnance at the Government arsenal grounds at Indianapolis, Ind.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GORMAN introduced a bill (S. 3110) for the relief of Henry W. Freedley, late captain Third Infantry and assistant quartermaster United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. EVARTS introduced a bill (S. 3111) to permit manufacture and printing of securities for foreign governments, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

Mr. MOODY introduced a bill (S. 3112) for the relief of George Falkenburg; which was read twice by its title, and referred to the Select Committee on Indian Depredations.

Mr. COCKRELL introduced a bill (S. 3113) for the relief of Henry M. Cannon, administrator of the estate of James Cannon, deceased; which was twice read by its title, and referred to the Committee on Claims.

F. A. PATTERSON.

The PRESIDENT *pro tempore*. If there be no further morning business, that order is closed.

Mr. HAWLEY. I ask unanimous consent for the consideration of the bill (S. 2644) for the recognition of F. A. Patterson as a captain of the Third West Virginia Cavalry.

The PRESIDENT *pro tempore*. The Calendar under Rule VIII being in order, the Senator from Connecticut moves that the Senate proceed to the consideration of the bill (S. 2644) for the recognition of F. A. Patterson as captain of the Third West Virginia Cavalry.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to recognize F. A. Patterson as a captain of the Third West Virginia Cavalry from the 25th of November, 1862, the date of his commission,

to the date of muster out of his regiment, and that his name be inscribed and taken up as such captain on the rolls of the regiment.

Mr. HAWLEY. This is the unanimous report of the Committee on Military Affairs. If any one desires it, the report can be read; it is brief.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (H. R. 3732) to accept and ratify an agreement made by the Sisseton and Wahpeton bands of Sioux Indians, and to grant a right of way for the Chicago, Milwaukee and St. Paul Railway through the Lake Traverse reservation, in South Dakota; in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (S. 280) to amend an act to incorporate the Georgetown and Tennytown Railway Company of the District of Columbia, which became a law August 10, A. D. 1888;

A bill (S. 308) to ascertain the amount due the Pottawatomie Indians of Michigan and Indiana;

A bill (S. 1297) to amend an act entitled "An act to authorize the construction of a wagon and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa;"

A bill (S. 1858) to shorten the terms of imprisonment in the jail and in the work-house of the District of Columbia on account of good conduct during confinement;

A bill (S. 1905) to amend an act entitled "An act to authorize the building of a railroad bridge at Fort Smith, in the State of Arkansas," approved July 19, 1888;

A bill (H. R. 5682) to amend an act entitled "An act to constitute Columbus, Ohio, a port of delivery, and to extend the provisions of the act of June 10, 1880, entitled 'An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes,' to said port of Columbus, Ohio," approved February 9, 1889; and

A joint resolution (S. R. 63) providing for taking the census in Alaska.

#### JOHN N. QUACKENBUSH.

Mr. HOAR. Mr. President, the other day a bill which was on the Calendar under the eighth rule was passed over without prejudice after debate, on the request of the present occupant of the Chair [Mr. INGALLS] that it should stand over a day or two so that it might be further examined. I think I correctly understood the Senator from Kansas now occupying the Chair afterwards to intimate that he did not desire further to debate the question. It is Order of Business 321. I understand the honorable Senator from South Carolina [Mr. BUTLER], who has charge of that bill, is to be absent after to-day, and I therefore ask that that bill may be taken up now.

The PRESIDENT *pro tempore*. The Senator from Massachusetts calls for the consideration of Order of Business 321. It having been passed over without prejudice under Rule VIII, its consideration is in order. It will be read by its title.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 113) relating to the status of a certain commander in the Navy, and to correct the same.

The PRESIDENT *pro tempore*. The bill has been read as it now stands, the amendments of the Committee on Naval Affairs having been agreed to when the bill was formerly under discussion.

Mr. COCKRELL. Let the report be read. My recollection is that that bill has been here before in the Senate.

Mr. BUTLER. I will inform the Senator from Missouri that the bill passed at the last session of Congress.

Mr. COCKRELL. I think it did pass, and I did not know it was to come up this morning. If I am not mistaken it is a bill which I submitted a few feeble remarks upon at that time.

Mr. BUTLER. Very vigorous remarks, Mr. President.

Mr. COCKRELL. If that be so, I would like to submit them again for the consideration of the Senate.

Mr. BUTLER. As far as I am concerned, I should be delighted to hear the Senator.

Mr. COCKRELL. I did not know that the bill was to be called up this morning, and I hope it will be deferred until such time as I can have an opportunity to look up the papers.

The PRESIDENT *pro tempore*. The bill being called up under Rule VIII, it can be passed over if the Senator from Missouri desires.

Mr. BUTLER. The bill was up for consideration on a former occasion, and, as was stated by the Senator from Massachusetts, passed over at the suggestion of the present occupant of the chair. As I understand, the objections which existed at that time have been removed, so far as the Senator from Kansas is concerned. I shall have to leave the Senate Chamber after to-day, to be absent for a week or ten days, and I should be very glad indeed if the bill could be considered and



disposed of to-day. The report has been read, and the Senator from Missouri is familiar with the facts.

Mr. COCKRELL. I am not familiar with each case; there are so many of these cases where men are under a cloud for drunkenness and who have been dismissed from the service and are trying to get back into it.

Mr. HOAR. I wish the Senator would allow me to make a practical statement before he makes his objection, and then I think he will waive it.

Mr. COCKRELL. I will hear it.

The PRESIDENT *pro tempore*. A Senator is entitled to speak once. Mr. HOAR. Mr. President, this bill has been thoroughly discussed, I think, as many as a half dozen times in the Senate. In every instance after explanation, for there were some things about it which required such explanation, it has been passed by very large majorities. It passed both Houses last year and failed to receive attention of the President in time to be signed.

Mr. COCKRELL. Did it pass the last House? I thought it was reported adversely there.

Mr. HOAR. No, it passed the House and went to the President, as I understand. The Senator from South Carolina knows about that. I understand it passed both Houses and failed to reach the President in time for examination. I ask the Senator from South Carolina if I am not correct in understanding that this bill passed both Houses and failed to reach the President in time for his signature?

Mr. BUTLER. I do not know about that. I know the bill has passed the Senate several times.

Mr. HOAR. It has passed both Houses, I am sure.

Mr. COCKRELL. I am under the impression that it was reported adversely in the House of Representatives.

Mr. HOAR. I am quite sure of my statement.

Mr. BUTLER. I think the Senator is correct.

Mr. HOAR. I am quite sure it passed both Houses, but failed to reach the President in time to be examined and signed.

Mr. President, it is merely to correct a mistake. This man was dismissed from the Navy for six years, and he was entitled to go back under his sentence, but by a mistake another officer was nominated, and by a subsequent decision of the Supreme Court that nomination operated as a removal. President Grant wrote a letter certifying that it was not so intended; the then Secretary of the Navy wrote a letter certifying that it was not so intended; and now, as I understand, this bill merely restores him to his place without any past pay, and puts him merely on the retired-list.

Mr. BUTLER. Mr. President, let me suggest for the information of the Senator from Missouri that this bill has been before the Committee on Naval Affairs and repeatedly reported favorably by that committee. When the bill first came before the committee it provided for this man's restoration to the active-list of the Navy as a commander. The committee decided that that was not proper in view of the record which he had made, not altogether a very savory one, we all admit; but there were some facts connected with his history during the war which entitled him to certain consideration. I believe it was universally acknowledged that he had a very gallant career in the Navy during the war, and out of consideration for that the committee finally agreed to report this bill, recommending that he be restored to the Navy with the rank of commander, his pay to begin from the date of the approval of the act. That bill has been reported to my knowledge twice from the Committee on Naval Affairs in that shape, so that I think the Senator from Missouri will conclude to let the bill pass. The matter has been considered very fully by the Committee on Naval Affairs, and I believe without dissent this report was made and the passage of the bill recommended.

Mr. HOAR. If the Senator still desires time to look into this matter, I shall not for one move to take the bill up notwithstanding his objection, but agree to let it stand until the return of the Senator from South Carolina.

Mr. COCKRELL. Let it be passed over without prejudice, retaining its place, until the return of the Senator from South Carolina, and we can then consider it.

Mr. HOAR. I will waive the request for present consideration.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice, retaining its place on the Calendar. The next bill on the Calendar will be reported.

#### PUBLIC BUILDING AT STOCKTON, CAL.

The bill (S. 1590) to provide for the construction of a public building in the city of Stockton, Cal., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office, land office, and other Government offices, in the city of Stockton and State of California, the cost of said site and building,

including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$85,000, which said sum of \$85,000 is hereby appropriated for said said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses; *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of California shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PUBLIC BUILDING IN YELLOWSTONE NATIONAL PARK.

The bill (S. 488) to provide for the erection of a public building for the use and accommodation of the post-office at Mammoth Hot Springs, in the Yellowstone National Park, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators and approaches, for the use and accommodation of the United States post-office and other Government offices, at Mammoth Hot Springs, Yellowstone National Park, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$10,000, which said sum of \$10,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least 20 days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusions in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses; *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent,

and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

Mr. SHERMAN. There is no city at these springs.

Mr. VEST. That is a mistake.

Mr. SHERMAN. I supposed so. There is no land there but Government land.

Mr. VEST. That is a mistake of the clerk of the committee, and I can very well see how it happened. The clerk of the committee, in adapting the new form of these bills to this measure, overlooked the fact that this is a public reservation. The original bill ought to be passed.

The PRESIDENT *pro tempore*. Shall the bill be recommitted?

Mr. VEST. No, let the bill as originally introduced be read.

Mr. REAGAN. I inquire how many people are there?

Mr. SHERMAN. I have no doubt a small building is necessary for the postal service there, but it is all a Government reservation.

The PRESIDENT *pro tempore*. Shall the amendment of the committee be disagreed to and the bill read in its original form?

Mr. VEST. Yes, sir.

Mr. SHERMAN. Read the original bill.

The PRESIDENT *pro tempore*. The Secretary will read the original bill.

The Chief Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Interior and the Postmaster-General shall select a suitable site at Mammoth Hot Springs, in the Yellowstone National Park, and shall cause to be erected thereon a suitable building for the use and accommodation of the post-office at that place. The said building shall not exceed in cost the sum of \$10,000, and the plans and specifications therefor shall be furnished by the Supervising Architect of the Treasury, and shall be approved by the Secretary of the Interior and the Postmaster-General before the work on said building shall be commenced. The site selected shall leave the building unexposed to danger from fire by an open space of at least 100 feet; and the sum of \$10,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act.

The PRESIDENT *pro tempore*. The amendment of the committee to strike out and insert will be disagreed to.

Mr. REAGAN. Is there a report accompanying the bill?

The PRESIDENT *pro tempore*. There is no report.

Mr. REAGAN. Is any one prepared to tell us how many people live there and what sort of a town this is?

Mr. VEST. I can give the Senator the information. It is no town at all. It is a post-office for the Mammoth Hot Springs in the Yellowstone National Park. There is a large amount of mail received during the summer months by tourists, and there is no building suitable for a post-office. There is a postmaster and has been for some years, but the business has been conducted in a frame shanty where there is no security from fire and no accommodation. This simply provides a small building for the Government to be used as a post-office, which is absolutely necessary.

Mr. REAGAN. I only wish to say that in my opinion this is carrying the public-building business a long way.

Mr. VEST. The building is to cost only \$10,000. It could not be built for any less.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT PAWTUCKET, R. I.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1230) for the erection of a public building in the city of Pawtucket, R. I.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Pawtucket and State of Rhode Island, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$100,000, which said sum of \$100,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in

person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Rhode Island shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT WOONSOCKET, R. I.

The bill (S. 1231) for the erection of a public building in the city of Woonsocket, R. I., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Woonsocket and State of Rhode Island, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$100,000, which said sum of \$100,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval of the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Rhode Island shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior



rior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT HUDSON, N. Y.

The bill (S. 1306) for the erection of a public building at Hudson, N. Y., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Hudson and State of New York, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$100,000, which sum of \$100,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plans, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plans, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof, shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of New York shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT VIRGINIA CITY, NEV.

The bill (S. 166) for the erection of a public building at Virginia City, State of Nevada, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Virginia City and State of Nevada, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$75,000, which said sum of \$75,000 is hereby appropriated for said purpose out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed

sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plans, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plans, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Nevada shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT HASTINGS, NEBR.

The bill (S. 221) providing for the erection of a public building at the city of Hastings, Nebr., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States courts, post-office, and other Government offices, in the city of Hastings and State of Nebraska, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$150,000, which said sum of \$150,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plans, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plans, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Nebraska shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States

shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### HOUSE BILL REFERRED.

The bill (H. R. 3732) to accept and ratify an agreement made by the Sisseton and Wahpeton bands of Sioux Indians, and to grant a right of way for the Chicago, Milwaukee and St. Paul Railway through the Lake Traverse reservation, in South Dakota, was read twice by its title, and referred to the Committee on Indian Affairs.

#### PUBLIC BUILDING AT THE DALLES, OREGON.

The bill (S. 466) for the erection of a public building for a post-office and United States land office in the city of The Dalles, Oregon, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of The Dalles and State of Oregon, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$100,000, which said sum of \$100,000 is hereby appropriated for said purpose out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof, shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Oregon shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT SALEM, OREGON.

The bill (S. 78) to provide for the construction of a public building at Salem, Oregon, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be

erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office, and other Government offices, in the city of Salem and State of Oregon, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$100,000, which said sum of \$100,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof, shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Oregon shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT STILLWATER, MINN.

The bill (S. 301) for the erection of a public building at Stillwater, Minn., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Stillwater and State of Minnesota, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$100,000, which said sum of \$100,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent,



and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Minnesota shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT RENO, NEV.

The bill (S. 167) for the erection of a public building at Reno, State of Nevada, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Reno and State of Nevada, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$75,000, which said sum of \$75,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agents and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Nevada shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. HOAR. Mr. President, I should like to make one observation upon this bill for the consideration of the Committee on Public Buildings and Grounds. I do not know whether any of the members of that committee are within hearing; that is, I do not see any. We pass a great number of these bills every year with certain restrictions and conditions and provisions in them. I do not see why there should not be a general law that in all public buildings to be erected by the United States for certain purposes, post-offices and court-houses, these conditions should be applicable to the cases of all public buildings, and then

each bill would save several pages and several minutes of time by simply referring to that general law, just as I believe the Committee on Commerce have done in regard to bridge bills, instead of spending a great deal of time in the Senate in reading long bills.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 347) to grant the right of way to the Galena, Guthrie and Western Railway Company through the Indian Territory, and for other purposes;

A bill (H. R. 856) to amend section 1 and section 9 of an act entitled "An act to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July 1, 1886;

A bill (H. R. 1590) to ratify an act entitled "An act to provide for a wagon-road between Mount Idaho, in Idaho County, and Little Salmon Meadows, in Washington County, in Idaho Territory;"

A bill (H. R. 3940) to amend an act entitled "An act to extend the fees of certain officers over the Territories of New Mexico and Arizona;"

A bill (H. R. 7509) granting to the Palouse and Spokane Railway a right of way through the Nez Percé Indian reservation in Idaho; and

A bill (H. R. 7754) granting right of way to Little Falls, Mille Lacs and Lake Superior Railroad across Mille Lacs Indian reservation.

#### AID TO COMMON SCHOOLS.

Mr. EUSTIS. As the Senator from Massachusetts [Mr. HOAR] is present, I ask unanimous consent of the Senate at this time to correct a statement which he made yesterday in a debate with the Senator from Mississippi [Mr. GEORGE] when the Blair bill was under consideration. The Senator from Massachusetts used the following language:

In the State of Louisiana and in some of the other States there were laws which made it a penal offense, punishable by imprisonment in the penitentiary, for a white man to associate on terms of equality with a black man.

This is a statement made by a Senator to the Senate and to the country that in the State of Louisiana there is a penal law making it a penitentiary offense for a white man to associate on terms of equality with a black man. I desire to inform the Senator from Massachusetts that so far as the State of Louisiana is concerned there is not the slightest foundation for any such assertion; that there is no necessity, and never has been, why Louisiana should enact such a preposterous law as that. What would such a law as that mean, making it a punishable offense for a white man to associate on terms of equality with a black man? The State of Louisiana does not undertake to regulate the personal and social relations of its citizens. If a white man wants to associate on terms of equality with a black man, even if he should come from Massachusetts, he has a perfect right to do so without incurring the displeasure of the State of Louisiana or without apprehending that he will be furnished with an involuntary residence in the penitentiary.

Mr. HOAR. Mr. President, will the Senator allow me to state—  
The PRESIDENT *pro tempore*. The Senator will pause one moment. The hour of 2 o'clock having arrived, the Senate resumes the consideration of the unfinished business, being the bill (S. 185) to aid in the establishment and temporary support of common schools.

Mr. EUSTIS. The Blair bill was under consideration when the Senator from Massachusetts made the statement to which I am referring.

Mr. BLAIR. I yield to the Senator from Louisiana.

Mr. HOAR. Will the Senator from Louisiana allow me to state to him that he misunderstood—

Mr. EUSTIS. In one moment.

Mr. HOAR. I made no such statement as the Senator has indicated, if I understand it.

Mr. EUSTIS. I have read the statement as reported as having been made by the Senator. The statement is that—

In the State of Louisiana and in some of the other States there were laws which made it a penal offense, punishable by imprisonment in the penitentiary, for a white man to associate on terms of equality with a black man.

That is the language as I find it in the RECORD.

Mr. HOAR. The Senator stated that I spoke of it in the present tense. I spoke of the laws which were passed about 1867.

Mr. EUSTIS. I say there is not the slightest ground for any assertion that in 1867 or in any other year there ever was such an absurd or preposterous law enacted by the Legislature of Louisiana.

The Senator went on, not satisfied with that extraordinary statement in regard to the statute law of Louisiana, to use the following language:

There was another law, which I remember, which provided that any man of color who was found for a certain time out of work might be sold—

That is the language—

might be sold by a decree of any local magistrate, and that in the sale his former master should have the preference in the purchase; in other words, providing that American citizens, as these men had become by their freedom and by the Constitution, be sold at auction for the crime of being out of work.

Now, Mr. President, I would like to ask the Senator from Massachusetts whether he thinks for a moment that he can discover in the statutes

of Massachusetts any such law as he says he remembers to have existed in the State of Louisiana? I could not imagine for a moment to what the Senator alluded. I knew that his criticisms were directed against the Democratic Legislature of Louisiana of 1866 and 1867, of which I was a member, but I have never yet heard a Republican Senator criticize any legislation of the State of Louisiana unless that legislation was enacted by a Democratic Legislature. We have upon the statute-books a compilation of the most infamous laws that have ever disgraced civilization, which were enacted in the State of Louisiana by Republican Legislatures, but I have yet to hear a Republican Senator rise in this Chamber and criticize the legislation of that period.

I say that there is no such law as the Senator undertakes to recite. The law to which the Senator from Massachusetts refers was never in the constitutional sense enacted. I have examined the statutes of Louisiana this morning. I have examined the journals of the house and the senate of that period, and there is no such law upon the statute-book of Louisiana. Therefore, there being no such law, such a law could never be enforced or executed.

We have vagrant laws in the State of Louisiana as they exist in all the other States of the Union. The amendment to the vagrant law which was proposed in 1867 is not, in my judgment, any more severe, any more harsh, than is the existing vagrant law of Massachusetts to-day. Under the law of Massachusetts, a person who has no visible means of support can be arrested as a vagrant, he can be taken before a magistrate, and that magistrate can condemn him to six months' labor, it may be in the jail, or it may be in the work-house, or it may be in some industrial institution, but that is the power which the magistrate in Massachusetts has. The change which was proposed in the vagrant law of the State of Louisiana in 1867 was that if a person had no visible means of support and was in a legal sense a vagrant his services could be hired to a planter for one year or he could be required to labor on the public works, roads, and levees.

It may be simply a difference of opinion; but I know that the negro, accustomed, as he is, to agricultural pursuits—for many a negro statesman has been taken from the plow and elevated to distinction in Louisiana by Republican influences—would much prefer to be condemned to work for a year upon a plantation than to be confined in some institution in the State of Massachusetts for six months. But as to any pretense that any law of Louisiana authorizes the sale of a person, as the Senator from Massachusetts stated yesterday—and I challenge him to produce that law—it only illustrates with what recklessness, with what destitution of sense of responsibility, Republican Senators indulge in statements here when they speak of Southern affairs. They seem to be restrained by nothing, Mr. President, not even by facts; for here are two statements made by the Senator from Massachusetts, a gentleman who generally speaks seriously when he addresses the Senate, that there were two laws in the State of Louisiana, one making it a penitentiary offense for a white man to associate on terms of equality with a negro, the other that a negro is put upon the block and sold as a slave, when there is not the slightest foundation of truthfulness of either assertion.

MR. HOAR. I have sent for the documents which will show whether the statement I made in regard to Louisiana was or was not correct. I think the Senator from Louisiana, probably by an accidental slip of the tongue, stated in the beginning of his speech that I had spoken of the laws to which I referred as present existing laws. He goes on to say there is no such law, and so on, and that I had said there is such a statute. What happened exactly was this: The Senator from Mississippi charged, with expressions of great severity, on the Republicans who were in power in this country in 1870, the imposition of a certain restraint upon the people of his State which he said bound their hands as with manacles, and I stated in reply that that policy was occasioned by certain laws which were passed in several of the Southern States in regard to the relation between white men and negroes, the logical result of which would have been to reduce the negroes to the condition of slaves.

I added, what I presume the Senator from Louisiana did not read, that I mentioned those laws not in the least by way of reproach, that they were passed immediately after the relation of slave and master had ceased to exist, when the passions of the war were still excited, and that I should not think of reciting by way of reproach the condition of slavery itself any more than those laws; but I alluded to them as the exciting cause for the policy which was adopted in Congress, and I said—speaking from memory, of course—that in the State of Louisiana and in several other Southern States these laws had passed, and I shall be able, as soon as I can get the documents from the Library, to state the exact laws which were passed by the Andrew Johnson Legislatures, as we called them in 1867, in the Southern States, and if I erred in anything it was in memory in regard to the particular State where the law was passed, though I think not. I shall have the laws here in a moment. But here is the vagrant act of Mississippi of November 24, 1865. Now, do not let any Senator get up and say I have made any attack on any State this morning; I am simply stating what I spoke of in the way which I stated yesterday.

That all freedmen, free negroes, and mulattoes in this State over the age of eighteen years found on the second Monday in January, 1866, or thereafter, with no lawful employment or business, or found unlawfully assembling themselves

together, either in the day or night time, and all white persons so assembling with freedmen, free negroes, or mulattoes, or—

Now, here is the clause to which I specially alluded; this is the Mississippi statute, the Senator will understand—

or usually associating with freedmen, free negroes, or mulattoes, on terms of equality, or living in adultery or fornication with a freed woman, free negro, or mulatto, shall be deemed vagrants, and on conviction thereof shall be fined in the sum of not exceeding, in the case of a freedman, free negro, or mulatto, \$50, and a white man \$200, and imprisoned at the discretion of the court.

There is the exact language; first, that any white man who associates on terms of equality with negroes is to be punished and imprisoned at the discretion of the court; second, that any negro who is without lawful employment or business shall be deemed a vagrant person; and section 3 gives jurisdiction to all justices of the peace, mayors, and aldermen to try this offense.

Section 5 provides:

That all fines and forfeitures collected under the provisions of this act shall be paid into the county treasury for general county purposes; and in case any freedman, free negro, or mulatto shall fail for five days after the imposition of any fine or forfeiture upon him or her for violations of any of the provisions of this act to pay the same, that it shall be, and is hereby made, the duty of the sheriff of the proper county to hire out said freedman, free negro, or mulatto to any person who will for the shortest period of service pay said fine or for elation and all costs: *Provided*, A preference shall be given to the employer, if there be one, in which case the employer shall be entitled to deduct and retain the amount so paid from the wages of such freedman, free negro, or mulatto then due or to become due.

That is the law to which I referred, and, if my recollection is not at fault, the same law in substance was passed in several States, and I said I did not suppose that anybody in any State would think of passing or voting for such laws now. What I have just read does not relate to the Senator's State. It is possible, in speaking of a matter which I investigated ten or twelve years ago, I may have been at fault in regard to the particular State to which I referred, but I think not. I think the substance of that law will be found in the statutes of Louisiana, but the Senator will see when I get the documents.

MR. BLAIR. While the Senate is waiting for the documents I will occupy the time of the Senate with a remark or two that should be made at some time while this bill is pending.

It will be remembered that during the colloquy between the Senator from Mississippi [Mr. GEORGE] and the Senator from Massachusetts [Mr. HOAR] last night there was some disagreement between them as to the actual character of the fundamental conditions upon which Mississippi and other Southern States were readmitted to the Union under the process or so-called process of reconstruction. The Senator from Mississippi understands, and I have always understood it to be so, that the Southern States were readmitted to their full practical relations with the Union upon this fundamental condition among others, that manhood suffrage should be forever universal in those States regardless of any educational qualification; that that condition was at the time thought necessary to be imposed, as otherwise, when those States were in the Union and were at full liberty to amend their constitutions and to regulate their domestic affairs like other States, unless this condition existed and bound the constitutions of the States, the action of the States, there might be a disposition, to say the least, to place the colored population in substantially its old position so far as the exercise of the suffrage was concerned.

I have always understood that to be so. It may be that the Senator from Massachusetts is right in his legal construction of those fundamental conditions, but I do not think that public sentiment at the North, if it would indeed at the South, would justify any change in the conditions of suffrage wherever universal or manhood suffrage has been conferred, at all events in those States where the colored population or the unlettered population of any color is numerous. It was, I think, at the time believed to be necessary, in order to insure suffrage to the masses of men of either color that this condition should be imposed. The Southern States were understood to be aristocracies, and not republics, and the masses were unable, as we believed, intelligently to exercise the right of suffrage; and yet, unless universal suffrage was given at the time, there never would be likely to come a period when it would be generally exercised by the volition of what would be the ruling power in those States. Therefore, this condition was made, and along with it, in order to insure the public safety, of necessity went the proposition that the means of education from some source should be furnished to the people at large.

There is no such thing possible as the continuance of Republican Government through the exercise of universal suffrage unless the conditions of intelligence be available to those who are to do the voting. And so the nation, in imposing this condition that suffrage should be universal to the colored man and to the white man in the Southern States, necessarily took upon itself the obligation, if otherwise the voter was not afforded the privilege of making himself intelligent, to furnish those means; and I have always considered that, if there were any other ground upon which this bill failed to rest on an impregnable foundation, yet nevertheless in this act of the nation in the restoration of the Southern States to their normal relation to the Union, in the imposition of this condition of universal suffrage, we necessarily contracted with the individual who is to be the voter to give him the opportunity to qualify himself to exercise the right of suffrage. Otherwise we pro-



vided for ignorant suffrage wherever it existed, and in so doing we provided for the destruction, not alone of the States, but of the nation itself as well.

It would have been most grievous and ruinous self-stultification not to have undertaken to guaranty under the provisions of the Constitution intelligence to that suffrage which we made universal. So, then, if the construction of these fundamental conditions contended for by the Senator from Mississippi be the right one, it is impossible to escape from the obligation of the nation to enact this bill into law, for no human being can stand up in the face of these demonstrations of mountain ranges of illiteracy existing all through that portion of the country, and admitted on this floor by her intelligent Senators, and fail to see that the public safety of the whole country demands that from some source there come the means of education to the children of the South. As I have observed before, this is no question of relation between the States, but it is a question of the relation of the National Government and of the people of the whole country to the child of the coming generation, who is to be the republic in the State and the republic in the nation at large.

In regard to the construction suggested by the Senator from Massachusetts, even if it be right in theory, public sentiment will never consent that the suffrage be taken from the negro or from the poor white man, however ignorant he may be, in the Southern States, and I do not believe that the nation would permit the States generally to impose these conditions of educational qualification upon the people of the States. I do not believe in the educational qualification of the State of Massachusetts. It is tolerable there, because along with that qualification she furnishes in the greatest abundance the means of education. But I do not believe that the human being in a Republic can be deprived of the means of asserting his will at the ballot-box simply because he has lacked early opportunities of education or for any reason has failed to acquire the power to read and write.

The public safety requires that the means of education be universally diffused, and if the nation or the State does this, then there can never be any danger from an ignorant suffrage, for ignorant suffrage will either not exist at all or it will be of such an infinitesimal quantity as to produce no appreciable or injurious result in the decision of the people upon public questions.

One thing further should be said with reference to a suggestion made by the Senator from Wisconsin [Mr. SPOONER] and by the Senator from Kansas [Mr. PLUMB] to the effect that the funds proposed to be distributed under the provisions of this bill ought to go to the colored population of the South in the larger proportion of their illiteracy as compared with the white population in the South. All that objection seems to be based upon a misapprehension. Amendments to this bill have been moved in former Congresses based upon that idea. They tell us that we make use of the larger illiteracy of the colored people in order to carry to certain States the larger amount of money, and that then, when this money is in the State, we distribute it to the white child as well as to the colored child in equal proportions, treating every child as being under the equal or equivalent necessity of education. That, sir, is true, but along with that provision it should be remembered that we impose the condition that all the funds of the State be distributed upon the same principle, and that when this money from the national Treasury and the money from the State treasury are united, they are one fund and you can not distinguish the national dollar from the State dollar. It is all one fund and is by virtue of the provisions of this bill so to be treated and to be distributed among the children who are to be educated, giving to all an equality of privilege without regard to color, race, or previous condition of the parent in life.

When this amendment was moved, in the year 1886, of course the friends of the bill as it now stands had occasion to examine and to analyze it, and I desire to read to the Senate and to place upon the records of the Senate at this time, in reply to the suggestions in the speeches of the two gentlemen whom I have named, and I might also include the Senator from West Virginia [Mr. FAULKNER], statements showing the inequality to the child of the country where the two races exist which would result from the adoption of the amendment which was suggested.

When that amendment was under consideration I made a calculation as to these results, which I will now read to the Senate. After describing the provisions of the bill to secure absolute equality in the distribution of State and national funds all as one fund to those who require education, I proceeded to say (and these remarks are to be found on page 1951 of the RECORD, volume 17, part 2, of the Forty-ninth Congress, first session):

With this as the existing status, the amendment comes in and provides that in the State of Alabama this money shall be so distributed as to give as often as there is \$1 given to a white child—not to the white race, but to the white child, who is in need of education just like the colored child, no more, no less—as often as \$1 is given to him, to give to the colored child \$3; in Arkansas as often as the white child will get \$1 the colored child will get \$3; in Delaware as often as the white child gets \$1 the colored child gets \$5; in Florida as often as the white child gets \$1 the colored child gets \$3; in Georgia as often as the white child gets \$1 the colored child gets \$3; in Kentucky the white child \$1 and the colored child \$4; in Louisiana the white child \$1, the colored child \$4; in Maryland the white child \$1, the colored child \$5; in Mississippi the white child \$1, the colored child \$4; in Missouri the white child \$1, the colored child \$5; in North Carolina the white child \$1, the colored child \$2; in South Carolina the

white child \$1, the colored child \$3; in Tennessee the white child \$1, the colored child \$4; in Texas the white child \$1, the colored child \$4; in Virginia the white child \$1, the colored child \$4, and in West Virginia the white child \$1, and the colored child \$3, thus establishing by the terms of the bill a most apparent and, as I think, a most hurtful discrimination, and a discrimination especially hurtful to the colored race themselves.

Its inevitable tendency must be to excite prejudices toward them on the part of their white associates, people double their own in number, owning already at least nine-tenths, probably ninety-five-one-hundredths, I presume even more than 95 per cent. of the property, and a prejudice exceedingly hurtful to them during the period of the administration of the bill. Then, further, we should instruct them by this national action that the negro is our special ward, and relieve them from the pressure of the duty upon their consciences to take care of the colored men who are with them, who are their laborers and their producers.

We make them the wards of the nation in a more complete sense than is the Indian to-day, and when, at the end of eight years, this bill ceases to operate, the appropriations under it having run down to a merely nominal sum when we consider the increase of population, so that its failure to be distributed the year following will be felt as inconsiderable, the school system meanwhile having improved, wealth increased, and the States become more able to bear taxation—at that period of time we should leave this colored race entirely dependent, while of property they would have made themselves comparatively no large increase. At present they are wholly unable to bear taxation and do not bear the taxation which affords them anything like a twentieth of the school facilities which they enjoy. Where then would be the colored race; and shall we not have instructed the white race that they have no interest in them?

In this connection I desire to insert the table which is to be found on page 1952 of the same volume, "Distribution in the States where there are white and colored schools."

*Distribution in the States where there are white and colored schools of their proportion of \$7,000,000 to white and colored children of school age in such States, in the proportion that the number of white and colored persons ten years of age and upward who can not write bear to each other by the census of 1880.*

States.	Total to both races.	White.	Colored.	Amount per capita of school population.		Proportion of \$1 to each child.		Ratio
				White.	Colored.	White.	Colored.	
Alabama.....	\$493,258.95	\$126,947	\$361,311	\$0.50	\$1.73	Pr. cl.	Pr. cl.	1 to 3
Arkansas.....	227,561.00	111,505	116,056	.52	1.51	25	75	1 to 3
Delaware.....	21,869.00	9,404	12,465	.24	1.34	15	85	1 to 6
Florida.....	90,322.00	22,581	67,741	.38	1.19	24	76	1 to 3
Georgia.....	586,225.00	146,556	439,669	.61	1.90	25	75	1 to 3
Kentucky.....	392,448.00	243,318	149,130	.51	2.09	20	80	1 to 4
Louisiana.....	358,641.00	68,142	290,499	.52	2.04	20	80	1 to 4
Maryland.....	151,494.00	49,993	101,501	.20	1.36	12	88	1 to 5
Mississippi.....	420,394.00	58,885	361,509	.31	1.32	19	81	1 to 4
Missouri.....	235,152.00	171,661	63,491	.24	1.26	16	84	1 to 5
North Carolina.....	522,647.00	214,285	308,361	.72	1.51	32	68	1 to 2
South Carolina.....	416,617.00	66,659	349,958	.70	2.08	25	75	1 to 3
Tennessee.....	462,660.00	245,210	217,450	.59	2.04	22	78	1 to 4
Texas.....	356,446.00	139,014	217,432	.76	3.14	19	81	1 to 4
Virginia.....	484,772.00	130,838	353,934	.40	1.40	22	78	1 to 4
West Virg.ia.....	96,172.00	84,631	11,541	.38	1.22	24	76	1 to 3

Some question has arisen as to the position of the President of the United States with reference to this bill. The Senator from Wisconsin [Mr. SPOONER] stated, in substance, that his approval was somewhat perfunctory and really amounted to but a casual and unemphatic utterance. When this bill was under discussion in 1886, the last time when it was discussed during the term of the President as a member of the Senate, he made a very emphatic speech of about two pages of the RECORD, which commences on page 1989 of the same volume from which I have been reading, and I desire to read a few extracts from these utterances of the President as bearing upon this bill as it stands, as it was then voted for, and as it then passed, and every provision of which has been the subject-matter of discussion in the Senate during the present session:

Mr. HARRISON. Mr. President, as I said yesterday, it is not my purpose to enter upon a general discussion of this bill. It is unusual legislation. It is suggested and defended upon the ground that in some of the States of the Union there is a dangerous degree of illiteracy. It is agreed on all hands that the great bulk of that illiteracy is found in the colored race of the South, a race that recently came out of a condition of slavery.

The fact that this race was so long held under slavery, a condition of which ignorance was an incident, appeals strongly to the philanthropy and patriotism of the people of all the States to assist in relieving it from that weight of inherited ignorance. It is agreed that in all the old free States the people have both the ability and the disposition to provide for every child of school age a suitable common-school education. If all the States were now in the condition in which the free States are such legislation as this could not be justified.

Some portions of what the President then said I desire to call to the attention of the Senate now. He says, referring to the bill:

It was understood then in framing this legislation that it should be so framed that the bulk of the money would go to the Southern States. It was not thought best to make an arbitrary assignment of so much to each State. At the last Congress it was concluded that it was not best to put this apportionment upon a basis, suggested I believe by myself, that its distribution should be limited to those States that had 10 per cent. or more of illiteracy in their population.

That suggestion was made, that amendment was moved. It was unanimously opposed by many of the States because it seemed to be in-

vidious and wholly unnecessary, when illiteracy was to be found everywhere and is equally evil in itself wherever it exists, and ought to be removed, to select particular States because they were more unfortunate than others and to place them in that condition permanently upon the statute-books of the country. That was almost by pretty general consent the view then taken in the Senate, and the amendment was rejected.

The committee and those who were friendly to this measure therefore sought some general expression as to the division which would accomplish the purpose of giving the larger part of this donation to the Southern States, and yet would seem to be general in its application. After much discussion the basis of this bill was agreed upon, that this fund should be distributed to the States in the proportion that the illiterates in the several States over ten years of age bore to the whole number of such illiterates in the United States. Mr. President, no one supposed that this would be a just basis of distribution in the State to the respective school districts. It was not suggested as a just basis for such distribution. It was suggested wholly for the purpose which I have mentioned.

Now, sir, for one I do not believe in making this legislation a subject of jugglery. I do not believe that we should attempt any tricks for political advantage. I do not believe that we should so legislate as to hold out to our colored friends in the South a promise of substantial aid in the way of education and yet cumber the bill with such unjust limitations as will make its defeat certain, or if it should ever become a law that its kindly execution in the States would be impossible. If we are unfriendly to this general system let us frankly and openly say so, let us kill this bill in an open way; but I object to any suggestion that shall tend to so cumber the bill with conditions as that its kindly and efficient operation in the States shall be absolutely prevented.

Mr. President, I am one of those who feel that the colored race in the South since the war has been subjected to indignities, cruelties, outrages, and a repression of rights such as find no parallel in the history of civilization. I have read with horror the authenticated stories of the cruelties which have been visited upon this docile, kindly, and inoffensive race. I have looked hopefully in the old times to the forcible intervention of the General Government in their defense. I have thought that it might be possible under that stringent legislation which Congress adopted, by the forcible intervention of the Federal authority to protect them in those rights of which they were so cruelly deprived. But I have ceased to have faith in the possibility of that intervention in their behalf, constituted as this Government is with its complex organization of Federal and State governments, independent within certain limitations. In the States and in the tribunals which they establish and in the venue where the offenses are committed, crimes against the colored people must be tried. Of necessity the successful vindication of the rights of these people falls unless there is a sentiment in the locality where the offenses are to be examined into and punished that reprobates and condemns them.

Mr. President, for one I believe there exists to-day in the Southern States a condition of things that sadly needs to be remedied. I do not see how it can be remedied by the intervention of the Federal authority. I look to two great agencies alone to elevate the colored race to an equality with their white brethren who dwell with them, to secure them in their just rights and to equip them properly, as we must admit they have not hitherto been equipped, to understand the duties of citizenship and to discharge those duties intelligently: I look to two great agencies, the force of public opinion and education within the States. I believe there are no other efficient agencies. I believe the only method by which the colored man can be led up to a manhood which will claim and which will not be denied full and equal rights as a citizen in all the Southern States is this process of education.

Holding these views, Mr. President, I am sincerely solicitous that Federal aid shall be extended to the States in such a way that the kindly impulses of that increasing body of Southern men who show a kindly disposition toward the elevation of the colored man shall be recognized and encouraged.

In attempting to extend this aid there were just two methods open to us. One was to have the General Government administer its own fund in the States—that is, to set up a Federal system of common schools in the States, to appoint the teachers and superintendents and pay them, and to bring into those schools the colored population of the States. But this process is not now advocated by any one here. I do not think there is a Senator on either side of this Chamber who suggests that course as a solution of this trouble.

Then what was the other method? That we should use the State governments and the institutions which they have established and the officers they have selected as the instrumentalities for the distribution and application of this gift from the General Government. It is agreed, I believe, on all hands that this is the course we must pursue. It is the most promising course. It is a course that makes these Southern States and their officers the instruments of this work, that brings them into kindly relations with the race that is to be educated, that stimulates and suggests and promotes the best impulses of their own heart, and is calculated to develop a like kindly feeling in the race in whose behalf their efforts are expended.

These things settled, that we are to use the States as the agency of this distribution, what follows? The fundamental mistake that has run through the arguments of the Senator from Iowa and the Senator from Maine is this: They speak of this question as if we were dealing alone with that fund which is contributed by the General Government. That is the error. All of their arguments are upon the idea that we are simply dealing with our own fund and directing its application. That is a mistake. By the conditions of this bill imposed upon the States we deal with the State revenue; we say, "You shall have no benefit of this bill unless you do thus and so with your own revenue."

I agree, if we were dealing simply with our own fund, and if we were leaving the States perfectly free to deal with theirs as they chose, then it is a matter entirely within our own discretion as to how we will have this fund expended. But why have we dealt or assumed to deal with State school funds and taxes by imposing conditions upon their use? Simply because we desire not to make this an independent system, but to ingraft it upon or rather to use it as a stimulus to the school systems of the several States. We say to every State that gets the benefit of it, "You shall distribute the fund you raise for education equally without any discrimination between the white and black children of your State who are of school age." That is the limitation we put upon them. That is asserted in the bill over and over again. I happen to know with what carelessness and with what pains and after what consultations these stringent provisions were inserted in this bill. As the Senator from Massachusetts [Mr. Hoar] suggests to me, we require a system that shall offer school advantages to all the children, and that shall offer those advantages equally to every child without reference to race or color.

When we require that of a State, have we not solemnly declared that that is the true basis upon which to put education in the State? If that confession is not involved, why that requirement? I say it is our proclamation that the ideal school system, the ideal and perfect relation between the white and black races of the South is to be sought and is to be attained when every man, black and white, is secured in the full and equal enjoyment of equal civil rights, and as to education when every child, black and white, of the school age is secured equal privileges in the common schools of the State. These provisions are our declaration that that is the ideal and perfect relation of the races; and it is. Who will ask more?

Mr. President, I have been always the friend of the colored man. I have received him into my camp when a fugitive from his master he sought liberty under the flag; I have fed him; and in a very humble way under the greater instrumentalities that were over me and under God, whose guiding hand was over all, have in small measure contributed to his emancipation; and no one anywhere rejoiced in it more than I. I have seen some illustrations of his hungering for education that touched my heart deeply and filled my eyes with tears. In the camps of the war I have seen an aged colored man who had fled from slavery to the safe refuge of a Union camp, who had toiled all day in the employment to which he was assigned, and when the camp was left in silence and soldiers slept, when only the tread of the sentinel broke the stillness of the night, I have seen that poor colored man, past three-score, prone upon the ground with his head toward a camp-fire and the spelling-book that he had gotten from the chaplain before him, toilsomely learning the lessons of childhood. I know his eagerness to be taught; and his need is too serious and too important a question to be the subject of legislative jugglery.

Now, Mr. President, having admitted by the bill that this condition of equality which the bill requires as a condition before the State can receive any benefit in the ideal condition, shall we incorporate in this bill any amendment that disturbs that condition and that equality?

Alluding to the inequality in the division of the money, giving a colored child so much more of this specific money coming from the national Treasury than the white child gets, the present President said:

Mr. President, when we say to the State "you shall thus equally, per capita"—for that is what it amounts to—"distribute your revenue among the children of the State of school age without reference to race or color," we come under a most solemn obligation to use ours in the same way.

He was speaking upon this same proposed amendment, and he said in conclusion:

Let me say, in conclusion, that if we accept the States in the South as the agencies through which this benefaction is to be distributed, then we must put our gift upon that basis that will secure, as I have said before, the co-operation, the hearty and kindly co-operation of the people of those States in executing it; and if they shall fail of this high trust, if being put upon trial before this nation and the world in dealing as trustees with the most sacred trust that ever was confided to a people—if they shall fail to respond faithfully to the trust, then if I shall remain in this Senate Chamber the moment that is developed, for one, I shall vote to withhold any further appropriation. If they discharge the high trust with fidelity and enthusiasm, then I believe we shall have entered upon a peaceful and a magnificent solution of the gravest problem that confronts us to-day.

I desire to place these sentiments of the President on record in this debate and to say that I believe he holds them with the same earnestness to-day as when he uttered them here in the Senate Chamber.

I desire to make a part of the record certain citations contrasting the influence of intelligence and ignorance upon society. They have been collected with a great deal of care, published on a former occasion, but not as yet made available in this debate. They are carefully elaborated facts exhibiting the effect of education upon society in almost all its great elements and interests. I will ask that they be inserted.

The citations are as follows:

#### CITATIONS CONTRASTING THE INFLUENCE OF INTELLIGENCE AND IGNORANCE UPON SOCIETY.

I have collected citations from high authorities, and historical illustrations, bearing upon the necessity of education, especially in a republic. They are from authors of other nations as well as our own. Many of them are of high literary merit. They are good reading. I will read a few of them. Before proceeding to do so, I wish to make one statement as bearing on the interests of education in our Southern States by reason of the liberation of the colored people. The historical example nearest our shores, that of the liberation of the blacks in the British West India colonies, might well be adduced, and should be instructive to us. There the British Government, more considerate, perhaps, than our own, gave pecuniary compensation to the extent of about \$10,000,000, if I remember correctly, to the owners of the emancipated slaves. No provision, however, was made for the education and the elevation of the colored people. They have had freedom so far as it could exist under the British constitution, and they have had degeneracy and demoralization accompanying it. Without wasting time to depict the causes of the social condition and industrial condition of those people, I will state one fact which is significant of almost everything else that could be said, that such is the social degradation of that people that most social ties are disregarded, poverty is universal, and over 60 per cent. of the annual income of the population is illegitimate. Let me quote from the American Cyclopaedia, volume 15, page 17:

"The government measure was brought forward April 23, 1833. It proposed an apprenticeship of twelve years for the slaves, and to pay out of their earnings to the masters the sum of £15,000,000. The friends of emancipation remonstrated against these features of the plan, and it was finally modified by a reduction of the term of apprenticeship to six years and a provision to pay the masters £20,000,000 out of the national treasury. The bill passed the House of Commons August 7, the House of Lords August 29, and received the royal assent August 28, 1833. The day fixed for emancipation was August 1, 1834, and it was left optional with the local legislatures respectively to adopt or reject the system of apprenticeship. Antigua and Bermuda rejected, while the other islands adopted the system. The apprenticeship system did not work well."

It ought to be known and is known that like causes produce like effects. It is well known to those who have taken pains to be informed by evidence coming to them, though they may never have been in the Southern States themselves, and I have some personal observation that has instructed me, so that I am convinced of the fact, that the general condition of the colored population in a large geographic proportion of the South is growing worse rather than better. The colored population when disciplined by their former legal status were more industriously inclined than the youthful colored population that is now growing up. The colored youths are now not so quiet and good-natured and easily managed and tractable a race of men as the Northern people are inclined to think. I believe that they are becoming demoralized, an idle, thriftless population, with a tendency to violence, and likely to become a source of as much danger to the United States as a population like this described in Jamaica can be. They increase more rapidly from natural causes than does the white population, and there is danger if they be neglected.

By the last census it is shown that they increase 7 per cent. more rapidly than does the white population of the whole country from immigration and births combined. While increasing in numbers, in my belief they are not improving in condition. In twenty-five years from now this Southern colored population, unless something is done to restrain, improve, and elevate them, are quite likely to be a source of violence and of turmoil in this country. Those who think otherwise, I imagine will find themselves profoundly mistaken, and it is well enough to be instructed by historical examples when they exist.



I can not take the time of the Senate a great length in reading the citations from eminent men which I have made; but I will read a few in regard to national education. Macaulay in his speech on education uses this language:

#### NATIONAL EDUCATION.

"This, then, in my argument. It is the duty of government to protect our persons and property from danger. The gross ignorance of the common people is a principal cause of danger to our persons and property. Therefore it is the duty of the government to take care that the common people shall not be grossly ignorant."—*Macaulay's Speech on Education*.

"The education of the people is not only a means, but the best means, of obtaining that which all allow to be a chief end of government."—*Ibid*.

Another great authority says:

"When we see government measures, which are excellent in themselves, fail from the opposition of an ignorant people, we at first feel irritated against the senseless multitude; but when we come to reflect, when we observe that this opposition might have been easily foreseen, and that the government, in proud exercise of authority, has taken no steps to prepare the minds of the people, to dissipate their prejudices, to conciliate their confidence—our indignation is transferred from the ignorant and deceived people to its disdainful leaders."—*Jeremy Bentham's Works*, volume 1, page 568.

Let me give further citations:

Ignorance causes poverty—

By diminishing productive capacity, and therefore wealth.

"Intelligence is a most powerful factor in industrial efficiency. The intelligent is more useful than the unintelligent laborer: (a) Because he requires a far shorter apprenticeship. \* \* \* (b) Because he can do his work with little or no superintendence. \* \* \* (c) Because he is less wasteful of materials. \* \* \* (d) Because he readily learns to use machinery, however delicate or intricate."—*Walker's Political Economy*, pages 52, 53.

By hindering improvement.

"In some parts of the country the ignorance of the people of almost everything beyond their huts and potatoes and pigs, their entire lack of practical sense and judgment, and of that energetic and progressive spirit which advancement in education is apt to bring, has hitherto been one of the greatest hindrances to the progress of the country. With this ignorance there has often been coupled superstition, and a tendency to indolence, increasing poverty, distress, and discontent."—*The Irish Question*, by King, pages 283, 284.

II. Ignorance causes poverty.

Illustration from Scotland and Ireland in 1800-1810:

"I am persuaded that the extreme profligacy, improvidence, and misery which are so prevalent among the laboring classes in many countries are chiefly to be ascribed to the want of education. In proof of this we need only cast our eyes on the condition of the Irish, compared with that of the peasantry in Scotland. Among the former you behold nothing but beggary, wretchedness, and sloth; in Scotland, on the contrary, under the disadvantages of a worse climate and more unproductive soil, a degree of decency and comfort, the fruit of sobriety and industry, are conspicuous among the lower classes. And to what is this disparity in their situation to be ascribed, except to the influence of education? In Ireland the education of the poor is miserably neglected; very few of them can read, and they grow up in a total ignorance of what it most befits a rational creature to understand; while in Scotland the establishment of free schools in every parish, an essential branch of the ecclesiastical constitution of the country, brings the means of instruction within the reach of the poorest, who are there inured to decency, industry, and order."—*Robert Hall's Works*, I, 201, 202. (1810.)

II. Ignorance causes demoralization.

Illustration from Rome:

"But we must look beyond the political institutions of Rome, and seek in her social condition the primary causes of the fall of the republic. \* \* \* There was no union of the different classes of society in common interests and sympathies, nor any adequate gradation of classes to balance their relative forces. Without a middle class, industrious, orderly, progressive, and contented, society was [divided] broadly into the rich and the poor. And in the later days of the republic both were corrupted. The rich became more covetous and grasping."

"The poorer classes were no less demoralized as citizens and depositaries of political power. Pauperized by bounties of grain; corrupted by bribery; debased by barbarous and brutal entertainments; tainted with the vices of slavery; without regulating industry; disunited by the confusion of many nationalities; and unsettled by incessant wars and revolutions, they were wanting in all the elements of a sound democracy."—*May's Democracy in Europe*, I, pages 225, 226, 227.

Illustration from France:

"The peasants, suffering from want and resenting the oppression of the feudal lords, rose in great numbers in different parts of France (in 1353); they burned many castles, murdered the owners, and committed the most frightful outrages upon women and children. \* \* \* and in later times the like passions were to be revealed in excess no less monstrous and unnatural."—*May's Democracy in Europe*, II, pages 91, 92. See also *Taine's Ancient Regime*, pages 374-380.

II. 4. Poverty causes demoralization.

Illustration from Rome:

"The mind itself can scarcely comprehend the wide range of the mischief—how constant poverty and insult long endured, as the natural portion of a degraded caste, bear with them to the sufferers something yet worse than pain, whether of the body or the feelings; how they dull the understanding and poison the morals; how ignorance and ill-treatment combined are the parents of universal suspicion; how from oppression is produced habitual cowardice, breaking out when occasion offers into merciless cruelty; how slaves become naturally liars; how they, whose condition denies them all noble enjoyments, and to whom looking forward is only despair, plunge themselves with a brute's recklessness, into the lowest sensual pleasures; how the domestic circle itself, the last sanctuary of human virtue, becomes at length corrupted, and in the place of natural affection and parental care there is to be seen only selfishness and unkindness, and no other anxiety on the part of parents for their children than that they may, by fraud or by violence, prey in their turn upon that society which they have found their bitterest enemy. Evils like these long working in the heart of a nation render their own cure impossible; a revolution may execute judgment on one generation, and that perhaps the very one which was beginning to see and to repent of its inherited sins, but it can not restore life to the morally dead; and its ill success, as if in this line of evils no curse should be wanting, is pleaded by other oppressors as a defense of their own iniquity and a reason for perpetuating it forever."—*Arnold's Rome*, Volume II, page 19.

Illustration from the No-Popery Riots of 1780:

"I do not know that I could find in all history a stronger proof [than the No-Popery Riots of 1780] of the proposition that the ignorance of the common people makes the property, the limbs, the lives of all classes insecure. Without the shadow of a grievance, at the summons of a madman, a hundred thousand people rise in insurrection. During a whole week there is anarchy in the greatest and wealthiest of European cities, etc."

"The cause was the ignorance of a population which had been suffered, in the neighborhood of palaces, theaters, temples, to grow up as rude and stupid as any tribe of tattooed cannibals in New Zealand—I might say as any drove of beasts in Smithfield market."—*Macaulay's Speech on Education*.

II c. A discouraged person is useless and may become desperate.

His industrial power is small.

"A fifth reason for the higher efficiency of the laborers of one class or nation than of another is found in greater cheerfulness and hopefulness, growing out of higher self-respect and social ambition and a more direct and certain interest in the product of industry."—*Walker's Political Economy*, page 54.

"Fear is far less potent than hope in evoking the energies of mind or body, while efforts made under the influence of the former passion are far more exhausting than those made under the influence of the latter."—*Ibid*.

Discouragement may result in desperation [French revolution].

"The feeling of hatred [in the French peasant at the time of the revolution, 1791] was become too strong to be appeased, because here too it was mixed with intense suspicion, the result inevitably of suffering and ignorance, and nothing but the overthrow of those against whom it was directed could have satisfied it."—*Arnold's Lectures on Modern History*, page 390.

III. Ignorance causes immorality—

Because its opposite, knowledge, elevates.

"But to return to the moral good which results from the acquisition of knowledge; it is chiefly this, that by multiplying the mental resources it has a tendency to exalt the character, and in some measure to correct and subdue the taste for gross sensuality."—*Hall's Works*, I, 200.

Results of ignorance.

"Where education has been entirely neglected or improperly managed, we see the worst passions ruling with uncontrolled and incessant sway. Good sense degenerates into craft, and anger rankles into malignity. Restraint, which is thought most salutary, comes too late, and the most judicious admonitions are urged in vain."—*Dr. S. Parr*.

III. Ignorance causes immorality.

Ignorance vs. Education in Switzerland.

"Neither in Switzerland nor in other countries do we find ignorance and poverty united with high moral qualities. In some of the cantons, however, where education is diffused and industry and commerce have become sources of wealth, the people are contented and happy."—*Dean's History of Civilization*, VI, 108, 109.

Injuries from ignorance.

"The laboring class, for instance, will have no mobility [if uneducated], will be in the power of the employer, will have no hope of bettering its condition of life by change of place, will be given to low pleasures. Crime and ignorance go together, and the prospect for the children of such a class is dark indeed. For the industry, morals, loyalty, and quiet of this class, for the safety of all classes some kind of education is necessary."—*Woolsey's Political Science*, I, page 227.

III. 2. Immorality causes degeneration. National degeneration comes from loss of character.

"But this political ruin [of the Roman Empire] was an effect of a moral ruin, not a first cause; and a nation that has lost its character must decay politically until some new condition of the world quickens it again into life."—*Woolsey's Political Science*, II, page 601.

Fruits of long-continued moral advance.

"There are certain moral fruits so conspicuous in the history of civilization that no pessimist can dispute them. That the long, slow movements in society which have been tending with steady purpose and sure result to establish order and the reign of equal laws; to extinguish slavery; to break oppression of every form; to mitigate the barbarities of war, and to put restraints upon it; to diminish human suffering; to help the unfortunate, and to lift the debased; to cultivate the cosmopolitan sentiment and the spirit of co-operation among men—that the movements which bear this ripening fruitage are moral movements, it is impossible to deny."—*J. N. Leonard, in Popular Science Monthly*, XI, 549.

IV. Ignorance causes error in judgment and conduct—

By opening the people to evil influences.

"Nothing in reality renders legitimate government so insecure as extreme ignorance in the people. It is this which yields them an easy prey to seduction, makes them the victims of prejudices and false alarms, and so ferocious withal that their interference in a time of public commotion is more to be dreaded than the eruption of a volcano."—*Robert Hall's Works*, Volume I, page 203.

By deceiving him as to his interest in his neighbor.

"The less instructed a man is the more he is led to separate his interests from those of his fellows. The more enlightened he is the more distinctly will he perceive the union of his personal with the general interest."—*Jeremy Bentham's Works*, Volume I, page 537.

#### ILLUSTRATIONS OF BENEFITS FROM EDUCATION.

Athenian intelligence.

"Mitford was right enough when he assumed that an English county meeting reached the very height of political ignorance, only he should not have thence leaped to a similar conclusion as to the assembled people of Athens. We suspect that the average Athenian citizen was in political intelligence, above the average English member of Parliament. It was this concentration of all power in an aggregate of which every citizen formed a part which is the distinguishing characteristic of true Greek democracy."—*Freeman's Athenian Democracy*, pages 146, 147.

The education of a lower class in Turkey.

"In the vigorous age of the Ottoman Government the Turks were themselves excluded from all civil and military honors, and a servile class, an artificial people, was raised by the discipline of education to obey, to conquer, and to command."—*Gibbon's Rome*, chapter LXV.

Scotland vs. Ireland.

"We have two nations closely connected, inhabiting the same island, sprung from the same blood, speaking the same language, governed by the same sovereign and the same legislature, holding essentially the same religious faith, having the same allies and the same enemies. Of these two nations one was, a hundred and fifty years ago, as respects opulence and civilization, in the highest rank among European communities; the other in the lowest rank. The opulent and highly civilized nation leaves the education of the people to free competition. In the poor and half-barbarous nation the education of the people is undertaken by the state. The result is that the first are last and the last first. The common people of Scotland—it is in vain to disguise the truth—have passed the common people of England. Free competition, tried with every advantage, has produced effects of which, as the Congressional Union tells us, we ought to be ashamed, and which must lower us in the opinion of every intelligent foreigner. State education, tried under every disadvantage, has produced an improvement to which it would be difficult to find a parallel in any age or country."—*Macaulay's Speech on Education*.

#### WASHINGTON'S VIEWS.

Some views of education entertained by Washington are indicated by provisions inserted in his last will; e. g., he provided that the slaves who had not attained their majority at the time when they were to receive their freedom, in accordance with his direction, should be taught to read and write and be brought up to some useful occupation. He bequeathed \$4,000 for the education of orphans and the children of the poor in the academy at Alexandria. He gave property for the endowment of a university which should draw to it the youth of all sections, thus preventing their being sent abroad to their injury, and reconciling local prejudices and antagonisms through friendly associations.

What I have read from Robert Hall was written at the beginning of the present century in reference to a status then existing in Ireland; but it is proper to say that of late years the educational privileges of Ireland have been very greatly improved, as in fact they have been in every European country, until

to-day the truth is that many of them are passing our own country in the vigilance and intensity of the effort which they are making to educate their own people. Indeed, there is great danger that they will pass us, and pass us before a great while, in the matter of industrial skill, because of the greater attention they are giving to the matter, perhaps growing out of the fact that they have recently discovered the great need of the education which they want, and are making correspondingly vigorous efforts to overcome the prevailing ignorance. They also find that American production paying higher wages is nevertheless competing with them in their own markets, and likely to do so more extensively hereafter in all the markets of the world, and unless their people become educated they will soon be without employment or that form of employment giving productions for exportation to the other and increasing markets of the world.

In other words, the skilled labor of Europe, based upon general education, is coming more and more in competition with the skilled labor of America, and our superior intelligence will not much longer tell to our advantage in this direction.

I close my citations from the writings of eminent men and illustrations drawn from the history of the race by quotations from two remarkable addresses delivered before the National Education Assembly, held at Ocean Grove, from the 9th to the 12th, four days, inclusive, in August, 1885.

Over sixty addresses were delivered on that occasion by American educators and some others interested in the subject. Thousands of people were in attendance, and all religious denominations nearly were represented.

Rev. J. C. Hartzell, D. D., who was the active organizer of the great work, has published the proceedings in a volume, which I hesitate not to say is of greater practical value than any other work upon the subject of education and its cognate problems as they exist and require to be dealt with to-day than any, and I had almost said all, other sources of information accessible of which I have knowledge. The book is an encyclopedia in one volume, carefully indexed, and treats exhaustively of the following topics: Education and man's improvement; Illiteracy in the United States; National aid to common schools; The negro in America; Illiteracy, wealth, pauperism, and crime; The American Indian problem; The American Mormon problem; Education in the South since the war; Christ in American education; Tables; Illiterate and educational status United States, 1880.

On that occasion, among the sixty, Hon. John Eaton, Commissioner of Education, delivered an address, which was full of meat, and of good meat, too. I wish to read a little from it, not his comments and philosophy, but statements of fact. I read from page 49:

"But we must not pause here; we must look at the reverse side. New England to-day has but 1 college student, male and female, to every 107 families; whereas at the end of the first twenty-three years of New England history, or when there were 20,000 souls in the settlements, there was 1 university graduate to every 40 families. May we not say that hence came such wisdom in laying the foundation of those States? When will the educated classes anywhere attain the same relation to the whole body of the people?"

"But against this attendance upon the public schools there is the non-attendance of 5,754,750. Allowing that these odd hundred thousand are in private schools that are not reported, there remain 5,000,000 of children of school age untaught. To furnish these sittings in buildings, at the usual average of \$20 per sitting, would cost a hundred million in money; to furnish them teachers would require an increase of 30,000 to the teaching corps, and a single year's preparation of these teachers at the average rate in New York would cost \$10,000,000.

"The pay of these 30,000 additional teachers for one year of ten months, at the rate of \$32 a month, which is about the average throughout the country, would amount to \$9,600,000. Add to this the items for preparation and school-house sittings necessary for these non-attending school children, and you have the grand total required for the first year of \$12,000,000.

"There has been an attempt to raise a laugh at the proposition of the honorable Senator Logan to appropriate \$60,000,000 in aid of education, but I give you here figures which can not be invalidated, showing that his proposition falls \$60,000,000 short of the sum which would be required to furnish for a single year all our school children now without school sittings and teachers."

Referring to myself he says:

"Mr. Senator BLAIR, in his examination of this point in his recent speech, considering that Texas has a school period of only six years, states that if the school life were properly lengthened in that and other States the number reported without school accommodations and without teachers would be increased by three millions.

"In our cities we are accustomed to expect the best teachers, best school-houses, best methods, and best supervision; but laws making attendance obligatory are wanting in more than half of the States, and, on an average, two-fifths of the children are not enrolled in the schools. Here are forced upon us the terrible problems encountered in older civilizations and more dense populations."

"The fifteen States and the District of Columbia where slavery prevailed, having a legal white school population of 3,399,961, had 2,215,674 enrolled in schools, and with a colored school population of 1,893,357 had 784,900 enrolled, and expended \$12,475,044. This money, it should be remembered, is divided pro rata, without distinction of color, in all States excepting Kentucky and Delaware. In the former State the colored people have had for educational purposes the benefit only of the income of the tax upon their own property and polls and specified fines and forfeitures. By an act of the last Legislature, however, provision was made for submitting to the people the question of adding a two-mill tax upon property for educational purposes, uniting this and the amount from the previous provisions for education, and distributing the whole pro rata per capita. In Delaware, \$2,500 are now appropriated for the colored schools. What has thus been accomplished in these States for education may be taken as a pledge of what they will do."

"To which great agency can you assign the additional burden of educating these illiterates? To the family? How many families of the most cultured and best conditioned are unable to educate their children as in former times or as they desire; and among those colored people the least supplied with schools, how widely is the family a minus quantity as a factor in promoting the improvement of the young? Shall we then look to the church for the light to overcome the darkness? How inadequate are the resources of the church in the South to supply sittings and preachers for the special function of declaring the gospel! How generally are they in debt! What appeals are they compelled to make to their friends in other quarters! Shall we turn, then, thirdly, to the States, already impoverished and loaded with taxes and embarrassed by questions of repudiation? In reply, let me invite attention to the fact that the taxable real and personal property reported for assessment in those States is given in round numbers as \$3,379,000,000, while the real and personal property in New York and New Jersey alone is worth nearly an equal amount, or \$3,292,000,000.

"What would the people of these two States say to an additional assessment on their property sufficient to erect all the additional school-houses and supply all the teachers for the instruction of the millions of illiterates in the South? All are familiar with the sensitiveness in the several Northern States to the assessment of any additional tax for education or any other purpose, and there the total wealth as assessed is reported as \$13,065,000,000 or nearly ten billions more than in the South.

"It should be remembered, in addition to the short period in which schools are already taught in the South, that there are 2,702,835 children of age not enrolled

for instruction. Take another comparison: Charleston, S. C., now levies a tax of 3 mills on a dollar; but to furnish the children of that State a fair approach to the instruction given those in Massachusetts would require a tax on the property of the State of nearly 3 cents on the dollar. This the friends of education in Massachusetts or any other State would hesitate to propose in their own case.

"I must not pause to elaborate these points; but supposing (1) that the labor of an illiterate is increased in value 25 per cent. by teaching him to read and write, 50 per cent. by fairly educating him, and 75 per cent. by giving him a thorough training, and (2) that the average value of the labor of illiterates is the same as the average wages paid employees in manufacturing, then the following computations give sound conclusions.

"By the census of 1880, the number of persons of twenty-one years and upward in the Southern States who were unable to write was 2,984,387. If 75 per cent. of them should be taught to read and write, it would increase the value of the labor of 2,238,290 persons 25 per cent. The present value of their labor is, approximately, \$248 a year each. The increase of value would be \$62 a year per capita, a total of \$138,773,980. If 15 per cent. of the illiterates should be fairly educated, it would increase the value of the labor of 447,658 persons 50 per cent., or from \$248 to \$372 a year each. The total of this annual increase would be \$55,509,592. If the remaining 10 per cent. of illiterates should have the value of their labor increased 75 per cent. by being thoroughly trained, the industrial value of 298,439 persons would be raised from \$248 to \$434 a year each, a total of \$55,509,554. By adding the three totals just given, it is seen that the increase which would come to the industrial value of illiterates in the Southern States would be, were they educated as indicated, \$241,792,220 a year.

"A regular computation may be made for the entire country. The average annual wages paid by manufacturers is \$345. The number of persons twenty-one and over unable to write is 4,204,263. By teaching 75 per cent. of these to read and write, the labor of 3,153,227 individuals is increased in value from \$345 to \$434 a year, a total gain of \$271,181,302 each year. The gain which would come from educating 15 per cent. (630,654) of the illiterates so that their labor would be increased 50 per cent. in value would be \$108,787,815. The same amount would be gained by so training the remaining 10 per cent. of illiterates that their labor would be of 75 per cent. more value; and the total annual profit to the country by the conversion of illiterate into educated labor would be, according to the premises assumed as a basis of computation, \$488,757,022 a year.

"Need I go further to indicate that education is a most profitable investment for both labor and capital?"

"Omitting any reference to the influence of illiteracy during minority or any bearing of the illiteracy of the female adults, the late census shows us that there is a great army of 1,870,216 adult males or voters who can not write, an army nearly double that ever in the field during the late deplorable civil war. You will certainly excuse me from any delineation of the horrors of the devastation that might follow their united and concentrated efforts against the peace and order of society.

"I simply call your attention to what may be the injurious effect of their silent action at the polls. The members of our respective political parties believe in the rightness of their principles and seek to make their appeal to the reason and consciences of the people; but the figures disclose the alarming fact that in eleven States these illiterate voters outnumbered the votes cast in the last Presidential election by either of the political parties. Thus, should they unite under any strong, impassioned, successful leader, they would have absolute control of legislation and offices in those States and of the election of twenty-two members of the United States Senate."

I turn now to the address of Col. Dexter A. Hawkins, of New York City, a prominent lawyer and publicist, as undoubtedly members of the Senate are aware now deceased, after a life of honor to his country and of usefulness to the world. His address was upon the relations of education to wealth and morality, pauperism and crime. I read only the most pertinent extracts, and would refer any one interested to the entire address.

"In 1870 the Commissioner of Education at Washington sent out a series of carefully drawn, comprehensive, and searching questions to the great centers of labor in all parts of the United States. These centers were so selected as to represent every kind of labor, from the rudest and simplest up to the most skilled. The object of the questions was to determine the relative productiveness of literate and illiterate labor. I have tabulated, reduced, and generalized the answers so as to get at what seems to me to be the average result over the whole country. This investigation—one of the most interesting ever made—brought clearly to light the following facts:

"1. That an average free common-school education, such as is provided in all the States where the free common school has become a permanent institution, adds 50 per cent. to the productive power of the laborer considered as a mere productive machine.

"2. That the average academical education adds 100 per cent.

"3. That the average collegiate or university education adds from 200 to 300 per cent. to his average annual productive capacity, to say nothing of the vast increase to his manliness, to his godlikeness.

"By the census of 1880 we had in the United State 4,204,262 illiterate adults—white and colored."

I read his computation in order to show that independent and most intelligent observers and thinkers arrive at substantially the same conclusion:

"Now, putting their labor at the minimum annual value of \$100 each (which is far below the average even for farm labor, while the wages of manufacturing operatives, including 15 per cent. of women and children, as shown by the census of 1880, average in the whole country \$345 each per year), and the annual loss to these persons from the lack of at least a common-school education would be \$50 each. This, for the whole number of 4,211,362, is \$210,000,000 per year—a sum twice as large as the entire annual expenditure for public education in the whole country. This sum—\$210,000,000—is a clear annual loss, not only to these illiterates, but to the community, by reason of their illiteracy."

"The late slave States complain of their inability to pay the expenses of free common schools, and they raised for public education in 1880 only \$10,883,104. The amount of the annual loss in these same States from their labor being illiterate is at least \$150,000,000. The extra productiveness of their laborers over what it is now would—had they been educated, as in Maine and New Hampshire—establish and support free common schools nine months in the year for every child of the school age within their borders, and leave a surplus sufficient to support a free academy in every county and a free college in every State."

A supposition of that kind is very well, but it must be remembered that an existing state of things, where it is the status of human beings, can be changed but by long and expensive processes, and that to change the actual condition in these Southern States to the degree of literacy which exists in the ones referred to must necessarily be the work of ten or fifteen or twenty years.

A careful examination of the census of England, Scotland, Ireland, and of the several countries on the continent of Europe indicates that, other things being equal, pauperism is in the inverse ratio of the education of the mass of the people; that is, as education increases pauperism decreases, and as education decreases pauperism increases.

In the Grand Duchy of Baden they put into operation in 1854 a rigorous system of universal compulsory education in the elementary branches. The effect in seven years upon pauperism was to reduce it 25 per cent. It has been calculated by statisticians and students of social science that 95 per cent. of pauper-



ism could be exterminated by universal compulsory education in the elementary branches of knowledge and industry.

"In Pennsylvania, Ohio, and Illinois, three great central States where self-support is not difficult, one in ten of the illiterates is a pauper, while of the rest of the population only one in three hundred is a pauper. In other words, in those three great central States a given number of children suffered to grow up in ignorance produce thirty times as many paupers as when given an average common-school education.

"In 1870 a special investigation was made, in fifteen States, of the inmates, to the number of 7,388, of almshouses and infirmaries. Of these, 4,327, or nearly 59 per cent., could not read and write; while in those fifteen States the average percentage of illiterates was only 6 per cent. of the whole population. From this 6 per cent. came that 59 per cent. of the paupers; or, to express it in another form, a given number of children in those fifteen States, suffered to grow up in ignorance, produced twenty-two times as many paupers as the same number of children would if given a fair common-school education.

"Similar results may be obtained from the census of almost every country in Europe or America.

"We may safely say, then, that it is a general law of modern civilization that an illiterate person is from twenty to thirty times as liable to become a pauper and a charge upon the public as is one with an average common-school education; and that the annual loss to the community, in the United States, in the productive power of the illiterates, and in the support of paupers made such by illiteracy, is nearly, if not quite, equal to the amount that would be required to establish and maintain a free common school the year round in every State in the Union, amply sufficient for the whole fifteen millions of the children of the school age in the United States.

"The annual expense of maintaining paupers—96 per cent. of whom have become such through lack of proper training while young—is at least ten times as great as would have been the expense to the public of securing an education while young to each of these paupers sufficient to have enabled 96 per cent. of them to support themselves instead of being a charge upon the public.

"Education leads naturally to industry, sobriety, and economy; hence it makes one conscious of the benefits resulting from these habits.

"Statistics proclaim in no uncertain voice that education is the surest preventive of pauperism and that the expense of providing and applying in season this preventive would not be one-tenth that now brought upon society by pauperism.

"The first incentive to action is self-support—gaining a livelihood. This is the very basis of personal independence, of individual character, respectability, and influence. The key to self-support is education. Money and labor invested in education are capital invested in such a manner that the principal is absolutely safe and the income large, sure, and promptly paid. The States should see to it that a reasonable investment of this kind is made in and for every child as it grows up.

"In France, in 1868, one-half of the inhabitants could not read nor write. From this half came 95 per cent. of the persons arrested for crime. From the other, the educated half, came only 5 per cent. In other words, a given number of children suffered to grow up illiterate produced nineteen times as many persons arrested for crime as the same number would if educated, at least to the extent of the elementary branches.

"In the Grand Duchy of Baden, from 1854 to 1861—seven years—the government, by a rigorous system of universal compulsory elementary education, reduced the number of prisoners actually arrested 51 per cent. and the number of crimes committed 54 per cent.

"In the six New England States, in 1870, 7 per cent. only of the inhabitants above ten years of age were unable to read and write; and yet this 7 per cent. produced 80 per cent. of the criminals. Or, in other words, a given number of children in New England at that time suffered to grow up illiterate produced fifty-three times as many criminals as the same number would if educated to the extent of the curriculum of the public schools. This fact is a complete vindication of the moral effect of the New England system of public education, Cardinal Antonelli to the contrary notwithstanding.

"In the State of New York, in 1880, the illiterates produced eight times their pro rata proportion of the criminals in that State; that is, a given number of children brought up illiterate, on the average, produced eight times as many criminals as the same children would have produced if educated to the extent of the curriculum of the public schools.

"In the city of New York, in 1870, among the illiterates, one crime was committed for every 3 persons; while among the literates there was only one crime to every 27 persons. Or, in other words, the ignorant class in that city furnishes nine times the criminals they would if educated in the public schools.

"In the Commonwealth of Pennsylvania, in 1870, the illiterates, according to their numbers, committed seven times as many crimes as the literate class.

"In Pennsylvania, Ohio, and Illinois, taken together, the illiterates committed ten times as many crimes, according to their numbers, as the literate class.

"Take the whole of the United States together, according to the census of 1870, the illiterates committed ten times their pro rata proportion of crimes.

"In Pennsylvania, in the years 1879 and 1880, one-thirtieth of the population above ten years of age could neither read nor write, and this one-thirtieth committed one-sixth part of the crimes, or nearly six times its proper proportion. But if we class with the illiterates the criminals who could barely read and write, but who had no education beyond bare reading and writing, it will then appear that the one-thirtieth of the population of Pennsylvania that is illiterate commits one-third of the crime, or more than fourteen times its legitimate proportion.

"A careful examination of the statistics of twenty States shows the following average results:

"First. That one-sixth of all the crime in the country is committed by persons wholly illiterate.

"Second. That one-third of the crime in the country is committed by persons wholly or substantially illiterate.

"Third. That the proportion of criminals among the illiterate class is, on the average, ten times as great as it is among those who have been instructed in the elements of a common-school education or beyond.

"Fourth. That the expense imposed upon society to protect itself against a few thousand criminals, most of whom were made such through the neglect of society to take care of their education when young, is one of the heaviest of the public burdens. In the city of New York it is 50 per cent. more than the whole cost of the public schools.

"In that city the annual appropriation for police, criminal courts, reformatories, jails, and penitentiaries is over five millions of dollars; while that for the training of the 385,000 school children in the city is only \$3,500,000.

"The average attendance at the schools in 1880 was 138,329. The 'compulsory school age'—that is, the age within which all children are required by law in the State of New York to attend school—is eight to fourteen years. The number of children of this age in the city of New York in June, 1880, was 141,474; while the average attendance on the public schools of children of all ages from five to twenty-one in that year in the city was only 133,090. As a logical consequence of this neglect of education the city jails and almshouses are crammed and taxes are high.

"The city, in its meager provision for education and its enormous taxation

for criminals (to use an old but expressive adage), 'saves at the spigot, but loses at the bung.'

"What is true of the metropolis of the country is equally true of every city, town, village, and neighborhood.

"These facts could be multiplied almost without limit.

"The examination of the statistics of criminality and illiteracy in the census of any civilized state or country will give results substantially in harmony with the above.

"Carlyle says that—

"If the devil were passing through my country and he applied to me for instruction on any truth or fact of this universe, I should wish to give it to him. He is less a devil knowing that three and three are six than if he didn't know it; a light spark, though of the faintest, is in this fact; if he knew facts enough, continuous light would dawn on him; he would (to his amazement) understand what this universe is, on what principles it conducts itself, and would cease to be a devil."

Mr. BLAIR. Now, if the Senator from Massachusetts is ready to proceed, I will give way.

Mr. CALL. Will the Senator from New Hampshire allow me a moment?

Mr. BLAIR. Certainly.

Mr. CALL. I desire to offer a resolution, and I ask that it be read. The PRESIDING OFFICER (Mr. DAWES in the chair). Does the Senator from New Hampshire yield to the Senator from Florida?

Mr. BLAIR. Certainly.

Mr. CALL. I offer a resolution to be read and printed. It will necessarily lie over until to-morrow under the rules.

Mr. BLAIR. I give way subject to objection. I do not know what the Senator from Florida proposes.

Mr. CALL. I simply offer a resolution, and I only ask that it be read.

Mr. CULLOM. Is all that manuscript a resolution?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield for the purpose indicated?

Mr. BLAIR. I yield simply for a resolution.

The PRESIDING OFFICER. The Chair hears no objection, and the resolution submitted by the Senator from Florida will be read.

The Chief Clerk read as follows:

Whereas the newspapers contain charges that Charles Swayne, nominated to be district judge of the United States for the northern district of Florida, has been guilty of being privy to and responsible for the selection of a grand jury and a petit jury of persons selected because of their political and party affiliations for the purpose of indicting and trying citizens of the United States, by and before a jury organized and selected for their indictment and conviction; and

Whereas the newspapers contain statements that the said Swayne and Joseph N. Stripling, district attorney of the United States, acted in concert and with an understanding to this end; and

Whereas it is stated in the newspapers and by citizens of Florida that the said Swayne has been a resident of the State of Florida for only two years, or about that time, and that he is a bitter and vindictive partisan, with intense prejudice against the people of the State of Florida; and

Whereas it is further stated in the newspapers that the said Swayne has never had any considerable practice or experience as a lawyer, and that his only recommendation for this high office is that he is a bitter and vindictive partisan with a feeling of hatred to the people of the Southern States: Therefore, it is

Resolved—

Mr. HOAR. Mr. President, I object to that if it comes in by unanimous consent.

Mr. CULLOM. It is not in by unanimous consent except to be read, and I certainly object.

The PRESIDING OFFICER. Unanimous consent has been given for the reading of the resolution.

Mr. HOAR. Very well.

The PRESIDING OFFICER. Does the Senator from Massachusetts raise a question of order?

Mr. HOAR. Not if unanimous consent has been given.

Mr. CULLOM. It was simply asked that it be read.

Mr. BLAIR. It was simply asked to be read, but it is a good deal longer than I supposed.

The PRESIDING OFFICER. The reading of the resolution will be continued.

The Chief Clerk resumed the reading of the resolution, as follows:

Therefore, it is

Resolved, That the consideration of the nominations of Charles Swayne for district judge of the United States for the northern district of Florida and Joseph N. Stripling for the office of district attorney of the United States for the northern district of Florida—

Mr. CHANDLER. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator from New Hampshire will state his question of order.

Mr. CHANDLER. It is that the resolution is not in order in open session, but relates wholly to a matter of executive session.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. CALL. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Florida appeals from the decision of the Chair, and the question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. BLAIR. I hope the Senator from Florida will not press the matter.

Mr. CALL. I do not desire to trespass upon the time of the Senator from New Hampshire, and I will not do so in the face of his objection. I will allow the matter to go over.

Mr. BLAIR. The Senator will see that his resolution is quite lengthy and it might consume the afternoon.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. CALL. Until the resolution is read it can not be acted upon, and in the presence of the objection of the Senator from New Hampshire, by whose courtesy I was occupying the floor, I withdraw the resolution for the time being.

The PRESIDING OFFICER. If there be no objection, the Senator from Florida withdraws the resolution.

Mr. HOAR. Mr. President, I have not yet been able to obtain the statutes of the State of Louisiana for 1867 or of the period from 1865 to 1868, whenever it was, when the Provisional Legislature was in force. It was during that period that the statute to which I have referred was enacted. I sent to the Senate Library for the volume, but it is not there. I have now sent to the Law Library, and I hope to obtain it very soon. But I find the Mississippi statute, which in both respects bears out the statement I made, as I understand it. However, in a volume, entitled "History of the Reconstruction," a book by Mr. McPherson, the Clerk of the House of Representatives, I find what purports to be the Louisiana law of December, 1865. It is thus described:

An "Act to provide for and regulate labor contracts for agricultural pursuit" requires all such laborers to make labor contracts for the next year within the first ten days of January, the contracts to be in writing, to be with heads of families, to embrace the labor of all the members, and be binding on all minors thereof. Each laborer, after choosing his employer, "shall not be allowed to leave his place of employment until the fulfillment of his contract." \* \* \* Employers failing to comply are to be fined.

The amount of the fine is not given in the abstract of the law. Then it provides that if the laborer refuse to work—

beyond three days, the offender shall be reported to a justice of the peace, and he shall be forced to labor on roads, levees, and other public works, without pay, until the offender consents to return to his labor.

He is required when in health to—

work ten hours during the day in summer and nine hours during the day in winter. \* \* \* Failing to obey reasonable orders \* \* \* will be deemed disobedience; \* \* \* and all fines imposed and collected under this section shall be deducted from the wages due, and shall be placed in a common fund, to be divided among the other laborers.

Then it goes on to state that the new vagrant act is thus condensed in the New Orleans Picayune, which says:

It adopts the same definition of vagrancy as in the act of 1855.

Whether that be a misprint for the act of 1865 I do not know or whether it refers to some act passed by the State before the war. It does not appear from this statement.

Mr. EUSTIS. The Statutes of 1855?

Mr. HOAR. It provides—

That any person charged with vagrancy shall be arrested on the warrant of any judge or justice of the peace.

One of the definitions of vagrancy, I presume, if it is like the Mississippi statute, is that it is the having no employment, but that does not appear here. There is nothing of the kind which shows that here. Then it provides that the party shall enter into bond, give security. Failing to give bond and security "for his good behavior and future industry for the period of one year," the justice or other officer shall issue his warrant to the sheriff, "directing him to detain and to hire out such vagrant for a period not exceeding twelve months," and "if the accused be a person who has abandoned his employer before his contract expired the preference shall be given to such employer of hiring the accused."

That is Mr. McPherson's statement.

Mr. CHANDLER. Will the Senator allow me?

Mr. HOAR. Wait one moment. I ought to say in justice to myself and to the Senator from Louisiana that there is nothing in either of these publications which I have found of Louisiana which warrants the statement that in Louisiana the provision sentencing white men as vagrants to the penitentiary or to be imprisoned at the discretion of the justice for associating on terms of equality with blacks is found. I will speak on the subject again when I have examined these volumes, which have just arrived, but I presume my memory was at fault in ascribing that part of the law to the State of Louisiana. But the Senator will see that there was no attempt to make any reproach on his people or any other when he remembers what laws were passed in several of the Southern States, and that I stated in my original remarks that the fact that these laws were passed was what seemed to me to have occasioned the legislation of 1870.

In Massachusetts Governor Andrew, who was our leader more than any other man within its limits, even more than Mr. Sumner himself, whom all the loyalty of the State venerated, came out in his valedictory address to the Legislature at the close of the year 1865 (I think it was; I do not remember the date) urging that the matter of reconstructing the Southern communities should be left to the intelligence and influence of those States; that is, that the white men who had gone into the rebellion, and had been the leaders then, should be the persons upon whom the duty of adjusting their States to the new order of things should be imposed. Mr. Morton, of Indiana, took the same ground in a passage which has often been quoted. I believe now that if it had not been for the laws the character of which I have adverted to,

which were passed in so many of the Southern States, without going into particulars, the whole matter of the government of those communities would have been remanded by the victors of the North to the men who had been their rulers and governors before the war, saving, of course, to the colored man his constitutional rights of citizenship, including the right to hold property and the right to trial by jury, but not including the matter of suffrage, unless those communities should confer it.

I do not wish to be betrayed into an angry controversy here. I think the Senator from Louisiana knows that I would not purposely, and I hope he will believe I would not carelessly, make any statement injurious to his State.

Mr. EUSTIS. The Senator will allow me to say that I never intended to intimate that he had any intention whatever to misrepresent the laws of the State of Louisiana.

Mr. HOAR. In a debate with the Senator from Mississippi, in which he complained very bitterly of a law that he deemed harsh to that State I cited from memory—from the memory of now over twenty years—the provisions of certain laws which did in fact exist in Mississippi and which I thought existed also in Louisiana; and I accompanied the citation with a statement that under the circumstances the conduct of the white people of those States at that time seemed to me to be not only natural but inevitable, and by the statement at the time that I did not make this citation by way of reproach to anybody any more than I should allude to the history of thirty years ago in the time of slavery as a reproach, but only as an historical explanation of the statute of 1870.

Mr. EUSTIS. Then, Mr. President, I understand—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield?

Mr. HOAR. I merely wish to add that I shall examine the volume which has arrived.

Mr. EUSTIS. I understand the Senator from Massachusetts to admit that his statement to the Senate, that in the State of Louisiana there is a law making it "a penal offense, punishable by imprisonment in the penitentiary, for a white man to associate on terms of equality with a black man," is incorrect.

Mr. HOAR. The Senator now reads that in the present tense. There is no such thing in my speech. If there is, it is a misprint.

Mr. EUSTIS. "There were laws."

Mr. HOAR. That is a very different thing.

Mr. EUSTIS. The language is, "there were laws."

Mr. HOAR. That is a very different thing.

Mr. EUSTIS. Then I understand the Senator from Massachusetts to admit that there was not such a law in the State of Louisiana.

Mr. HOAR. What I have to say is that I suppose, without having yet examined the authentic edition of the statutes, so far as that part of the statement is concerned, my memory was at fault, and that it was in Mississippi, and not in Louisiana.

Mr. CHANDLER. Mr. President, I only rise to read an ordinance of the parish of St. Landry, Louisiana, which I find in volume 3 of the CONGRESSIONAL RECORD, Forty-third Congress, second session, page 745, to which probably the attention of the Senator from Louisiana has not been called recently. It is "An ordinance relative to the police of negroes recently emancipated within the parish of St. Landry."

Whereas it was formerly made the duty of the police jury to make suitable regulations for the police of slaves within the limits of the parish; and whereas slaves have become emancipated by action of the ruling powers; and whereas it is necessary, for public order as well as for the comfort and correct deportment of said freedmen, that suitable regulations should be established for their government in their changed condition, the following ordinances are adopted:

SECTION 1. *Be it ordained by the police jury of the parish of St. Landry.* That no negro shall be allowed to pass within the limits of said parish without a special permit in writing from his employer. Whoever shall violate this provision shall pay a fine of \$2.50, or in default thereof shall be forced to work four days on the public roads or suffer corporal punishment, as provided hereinafter.

SEC. 2. *Be it further ordained.* That every negro who shall be found absent from the residence of his employer after 10 o'clock at night, without a written permit from his employer, shall pay a fine of \$5, or in default thereof shall be compelled to work five days on the public road, or suffer corporal punishment, as hereinafter provided.

SEC. 3. *Be it further ordained.* That no negro shall be permitted to rent or keep a house within said parish. Any negro violating this provision shall be immediately ejected and compelled to find an employer; and any person who shall rent or give the use of any house to any negro in violation of this section shall pay a fine of \$5 for each offense.

SEC. 4. *Be it further ordained.* That every negro is required to be in the regular service of some white person or former owner. But said employer or former owner may permit said negro to hire his own time by special permission in writing, which permission shall not extend over seven days at any one time. Any negro violating the provisions of this section shall be fined \$5 for each offense, or in default of the payment thereof shall be forced to work five days on the public road, or suffer corporal punishment as hereinafter provided.

SEC. 5. *Be it further ordained.* That no public meetings or congregations of negroes shall be allowed within said parish after sunset; but such public meetings and congregations may be held between the hours of sunrise and sunset, by the special permission in writing of the captain of patrol within whose beat such meetings shall take place. This prohibition, however, is not intended to prevent negroes from attending the usual church services conducted by white ministers and priests. Every negro violating the provisions of this section shall pay a fine of \$5, or in default thereof shall be compelled to work five days on the public road, or suffer corporal punishment as hereinafter provided.

Mr. HOAR. What is the date of that?

Mr. CHANDLER. It is given in a speech delivered in 1875. The date of the ordinance is not given.



Mr. EUSTIS. I will ask the Senator from New Hampshire to state what possible application all that has to the question which we are discussing.

Mr. CHANDLER. If the Senator does not perceive it I shall not undertake to enlighten him.

Mr. EUSTIS. I acknowledge that I do not perceive it.

Mr. CHANDLER. I should not like to instruct the Senator, who is so able and learned generally, and so acute. If he does not perceive the bearing of it upon the question as to what kind of laws the State of Louisiana passed in the days of reconstruction, I leave him to think it over and see if he can not find out by reflection.

Mr. EUSTIS. I utterly fail to discover the application. The question before the Senate, and the question in discussion between the Senator from Massachusetts and myself, is whether a statement he had made, which appeared in the RECORD, was correct or incorrect. That was the only question. Whether the ordinances of the police jury of the parish of St. Landry were wise or unwise legislation, necessary or unnecessary, and so on, I utterly fail to discover that that question has any possible application to the issue which was presented by myself this morning. I will merely inform the Senator from New Hampshire that whenever the general question comes up I may have something to say on that subject, and that then possibly those old stories from St. Landry may have some application.

Mr. SHERMAN. Mr. President, unless I am interfering, I should like to ask the Senator from Louisiana a question. Does he not know that the fifteenth amendment of the Constitution would never have been adopted but for the fact that the laws of the Southern States, then lately in rebellion, practically deprived the negro, in the opinion of the Congress of the United States at that time, of his rights of citizenship, and but for the passage of those laws, which were quoted at large and spread broadcast all over the Northern States, the whole basis of reconstruction would have rested upon the fourteenth amendment? I presume he was familiar with the facts at the time. If he does not know that, I can assure him that such is the fact.

Mr. EUSTIS. Mr. President, I am glad that the Senator from Ohio has asked me the question which he has propounded. It has been my honest conviction that all the reconstruction measures, all the Federal legislation, and the constitutional amendments were adopted by the Republican party with the single object of africanizing the South and maintaining and preserving their political supremacy. That is my opinion. What I consider the greatest crime which has ever been committed against civilized communities has been committed by the Republican party in this country; and if you to-day stand aghast and appalled, as I know you do, at the results of your work, and feel like apologizing to the country and to yourselves for having committed such a monstrous crime against the civilization of the South, I assure the Senator from Ohio that I will not by any answer to that question help him out of any such difficulty as that.

Mr. SHERMAN. Mr. President, I have always thought it idle and worthless for us to discuss the historical events growing out of the war; but the Senator from Louisiana is much less observant and much more ignorant of the motives of the Republican party and of the men associated with that party, comprising at that time more than three-fourths or four-fifths of the people of the Northern States, if he does not appreciate the magnitude of the fact that I state to him.

When the civil war closed there was a feeling universal in the Northern States, represented in every organ of opinion, that the best way to solve the difficulty was to restore to the people of the Southern States their State governments with all the original powers attached thereto, with only such limitations and qualifications as would enable the people of the United States to secure the results of the war, that is, the equal rights of citizens, black and white, to wipe out the distinction that had been made in our Government growing out of the institution of slavery in the South. Recalling the events as they occurred, I say that in the sessions of 1866 and 1867 the first act that was passed to provide for the reconstruction of the Southern States was framed by a committee of as conservative Senators as ever participated in the formation of a law. Among them were Reverdy Johnson, and such men as Morton, men who were moderate in their opinions, who desired to restore the status as far as was consistent with the changed condition of affairs.

I was chairman of a committee appointed here to frame out of the various bills that were then pending in the Senate a law to provide for the reconstruction of the Southern States, and that law was based upon the restoration of the States to their practical position before the war, only subject to such changes as were made necessary by the abolition of slavery as the result of the war.

There was at that time no feeling of hostility against the people of the South. Indeed, I never in my life, in those times after the war, heard any expression of opinion except of kindness to the people of the South. There was a universal appreciation of the fact that while they were wrong, radically wrong, as we thought, in waging a useless and bloody war against the Union of this country, yet they were honest in their convictions; they believed that the doctrines they fought for were the doctrines of the Constitution; and there was therefore a spirit of generosity, of forbearance, of kindness to those people, and everything that they asked in reason would have been granted to them.

At that time it was not contemplated to arm the negro with suffrage. It was not proposed except by one or two Senators, and the proposition was scouted and laid aside. You may go back to the records and you will see (I can produce, if necessary, the evidence of those records to show it) that the laws passed by the various Southern States when they first assumed to act after the close of hostilities were so cruel, so unjust, so wrong in our view of the rights of the colored people of the South, so unjust in our view of the rights of the white Republicans of the South, of whom there were thousands during the war and since the war, that those laws burned like coals of fire in the Northern heart. They were felt to be unjust, and the belief grew stronger and stronger that the people who had waged war to break up the Union intended to over-throw the results of the war and to deprive those who were made free by the policy of that war of all the rights of citizenship.

That was the feeling. It was a feeling in which I participated. All I said at that time and all I did at that time was guided by that one generous feeling, that all the results of the war should be blotted out, except only those results that grew out of the abolition of slavery. That was the feeling; and the law was passed. It may be read now. It was the first law providing for reconstruction. Then the acts passed by the Southern Legislatures commenced and continued from that time on until the feeling deepened in the Northern States; and it was not until the people of the North felt that there was no way whatever left to protect the acknowledged rights of the colored men of the South except to arm them with suffrage, that we approached it; and we did so with great difficulty and with much delay. Two years and more elapsed after the first act was passed before Congress was brought to vote upon the fifteenth amendment. The fourteenth amendment was framed by Trumbull and Doolittle, and by other men of the most conservative character—men who had formerly been Democrats.

Mr. CHANDLER. And Fessenden.

Mr. SHERMAN. And Fessenden; men of that type, the most moderate and conservative men of the Republican party, largely then represented by men who had been brought up in the school of Democracy.

But, sir, when the time came that we saw there was no protection for the people of the Southern States, and especially for those who had been emancipated, except to arm them with the suffrage, we reluctantly, slowly, deliberately, adopted that remedy, and the only remedy fit for the case. There was no feeling of passion about it. There was no feeling of hatred about it. There was no such ungenerous sentiment as that typed by the speech of my friend from Mississippi [Mr. GEORGE] yesterday. There was nothing of the kind. But when we came to the conclusion that there was no remedy left except to arm the negroes with suffrage, it was adopted in the form of a constitutional amendment and voted for by such men as I have named—Fessenden and Trumbull and Doolittle and Mr. Cox, who has recently died, lately a member from New York, then a member from Ohio. It was adopted by them as the last resort.

Sometimes I have thought, in view of all the events which transpired at that time, that perhaps it would have been better not to adopt that amendment, because the rights conferred by the fifteenth amendment to the Constitution have been nullified and uprooted. Those rights do not now exist wherever the franchise is valuable to those people for whom it was meant. No man can question, in view even of the admissions made on this floor, that practically the result of the fifteenth amendment is to give to the Southern States increased representation in the House of Representatives, to give them increased power in the Electoral College. Although it was known that would be the result of that amendment, yet it was the extreme remedy to which we were compelled to resort.

Mr. President, this is all that I need say. If there is anything wrong in the situation of Southern affairs, in every case they have brought it upon themselves. When the Senator from Mississippi yesterday spoke of the feeling of hate that exists in the Northern States, he described what is only to be seen in his own imagination. There is no such feeling of hate at this moment, and if we could now secure by any sacrifice the equal rights of all citizens in this country, without respect to color, we would be satisfied, whatever might be the result of the elections hereafter.

That is the universal feeling of the North. In my travel and intercourse with the Northern people I have never heard in any State of the Union any violent denunciation of the Southern people, nor observed any evidence of hate. Our people do not like the course that has been adopted in the South; they do not believe in the lawless acts of violence which have been paraded in the newspapers and have been proven over and over again by examinations before committees of Congress. All they want is that the Southern people, now having the power in their hands, shall secure to the emancipated slaves all the rights granted to them by the Constitution.

We perceive the difficulty of their situation. We know how difficult it is sometimes to reconcile the prejudices of opposing races. But we hoped that that would be a measure of time, and that time would heal all these things. That it has not done so is not our fault. We have committed no act of oppression or wrong to the South. We have confiscated no property. We have destroyed no life. We have not impaired or weakened in the slightest degree the rights of the people of

the South. They now enjoy more rights than the people of the North, because they now hold an unnatural representation in Congress made by treading down under their feet with lawless violence or with fraud or wrong the privileges granted to the colored race by the fifteenth constitutional amendment.

That is the true statement in regard to this matter; and for one, in the name of the people of Ohio, without respect to party, I disclaim and deny any such feeling of hostility. On the other hand, men of my State have gone down South, and with their wealth and energy they are now developing large portions of the Southern States, and if left alone, if protected by the laws of those States, they will develop them and make them rich and boundless in their prosperity.

Sir, the wealth, the prosperity of the South to-day, of which they boast and in which I take pride, is the result of the incorporation into their midst of some of the energy and strength and free ideas and free notions of the North. At first they did not welcome the emigrants from the North, this increase of capital, this importation of energy to their faded system of slave domination; but now they do, and I believe the time is not far distant when every Southern State, feeling the force and vital energy that have been grafted upon their system, will take pride in this development of their resources.

But, sir, there is no feeling of unkindness in this matter. It is only an open door for their energy. Our citizens go there to improve their condition; they go there to develop the resources of the South; they go there, if you please, to make money; but they do not go there with hatred in their hearts, or violence, or a desire to at all intrench upon the rights of the people of the South.

Mr. President, I trust that hereafter when statements are made with regard to the Republicans of the North or their feelings towards the South gentlemen will understand that that charge has been denied, as I do here to-day deny it, and if they insist upon repeating it over and over again as a justification for any wrongs that have been committed in the South, they plead what ought not to be pleaded in any court of justice, especially in this high tribunal of the Senate of the United States.

I can see the difficulties that surround the South. I would be glad to aid them in any way. I voted once or twice for the pending bill in order to relieve them from the burdens thrown upon them by ingrafting in their body politic a great mass of ignorance among the blacks. That is the only equitable ground upon which the bill can be placed. If it is rejected by the South, well and good; it is not for us to complain. It is the payment of Northern money to aid them to educate their ignorant people in the South. There is no ground whatever of claim against us that we should aid to educate the ruling classes in the South. There is a ground of equity that we should aid them to educate and dissipate the mass of ignorance contained in that large body of their population which has been emancipated by our policy. That is the equitable ground upon which this bill can be placed and no other. If that fails, or if that is denied, or if it is not fairly apportioned and applied to its proper use, then all the merits of this bill fall, and ought to fall, to the ground.

This, sir, is all that I deem it necessary to say, and I only say it in response to the complaints which have been made. If there are any ills in the South they have been brought upon them by themselves. If they complain of the fifteenth amendment, which enfranchises an ignorant race, they compelled us to pass it, in the judgment of the most conservative men of the Northern States, not of the extreme men, not of Mr. Sumner or a few others who might be picked out, but the conservative classes of the Northern States, including, as I believe, a great mass of the Democrats of the North, who felt that there was no other way, that there was no stopping short of arming the negroes with the right of suffrage.

It is true it has not turned out as we expected, because no man then dreamed that such measures would be resorted to as have been resorted to in order to deprive the negro of his rights. No man then dreamed of ku klux klans and of the savage machinery by which this exclusion has been perfected. No man then dreamed that in a district where there were two blacks to one white the blacks should be excluded from the count or if counted should be counted as voting with the whites. No man dreamed then that a state of society could exist where a majority in the South should not rule in the particular locality.

It is true we felt and appreciated the dangers of conferring this power, but, as I said before, we were compelled to resort to it. There was nothing else left. Step by step this action was taken; and it was taken deliberately. It was not until General Grant became President of the United States, in 1869, that the fifteenth amendment to the Constitution was proposed as part of the law of the land. But during the four years that intervened between the close of the war and the inauguration of President Grant we had gone through the history that I have depicted. We had witnessed the mode and manner adopted by the Southern people in dealing with the negroes of the South. We were therefore induced and compelled by our sense of what was right and just to them to do what we did.

We have no apologies to offer. The apologies, if any, ought to come from the other side. The Senator from Mississippi ought to apologize here to the Senate for the manner in which the negroes have been de-

prived of their rights in Mississippi. No Northern man and no Northern constituency has ever deprived any man, black or white, in the South of any rights. You can not point to a single act of injustice done by the Northern people against the Southern people. All we did that you now think was so wrong was simply to avoid the laws that you passed during this time of trial, when the Southern people, it seems to me, ought to have been actuated by a different feeling.

Nowhere in the history of the world was such a spectacle of magnanimity shown as was shown by the people of the North in their dealings with the South. When the war closed no life was taken, no property was taken, no right was deprived. You were still armed with all your rights. All we asked and all we aimed at was, first, that you would be willing to do justice, because we left it to you at first, and when we found you were unwilling to do justice to these emancipated masses we felt that it was our duty by the constitutional amendment to compel you as far as we could do it to deal justly with them. If we have failed in this it has not been our fault, but yours.

Mr. BUTLER. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. SHERMAN. Certainly.

Mr. BUTLER. May I interrupt the Senator from Ohio for one moment?

Mr. SHERMAN. Certainly.

Mr. BUTLER. I wish to call to his attention a fact which appears to have escaped him. I have no disposition to enter into this debate, but some statements made by the Senator from Ohio, I think, deserve attention.

Mr. SHERMAN. If the Senator will ask his question I shall try to answer it.

Mr. BUTLER. I will come to the question in a moment. The Senator has made the statement that whatever evils have overtaken the South the South is responsible for; that the Southern white people refused to do justice to the negro; and that therefore the fourteenth and fifteenth amendments were adopted, and the suffrage was put in the hands of the negroes as a means of protecting them.

The question I wanted to ask the Senator from Ohio as one of common justice to the people of the South is, if in his judgment as a statesman and as a citizen he does not think that the conduct of Andrew Johnson when he was President of the United States had as much to do with the condition of things in the South as the conduct of the Southern people themselves?

Mr. SHERMAN. Yes; when Andrew Johnson left the Republican party and joined the Democratic party he then did do more, he was able to do more, than anybody else—

Mr. BUTLER. That is not exactly my question, Mr. President. Whether Mr. Andrew Johnson was a Democrat or a Republican, he was the President of the United States—he represented the executive department of the United States—and in dealing with the South he had one policy and the Republican party which he had left had another. I ask the Senator if Mr. Johnson is not responsible as much as any other one influence in this country for the condition of things there.

Mr. SHERMAN. I say that Andrew Johnson is more responsible for the evils that have been brought upon this country by the treatment of the negroes than anybody else. He was elected by the Republicans as a part of the generous treatment they have always extended to the people of the South. They took Johnson in 1864, and put him on the ticket. They took him as a Southern Democrat, and when he came into power he deserted the Republican party; he turned his back upon that party, and joined the Democrats of the South in this system of measures that I have complained of, and our fight was against Johnson as well as against the extreme men of the South.

Mr. BUTLER. Very well. I am glad to hear that admission.

Mr. SHERMAN. Our fight was against Johnson because he had left us and joined them. That shows the unanimity of sentiment of the Northern people. Although he was armed with all the executive power of President, with all the offices in the gift of the President, we did tie his hands and prevent him from carrying out his policy, which in my judgment was wrong, and which we then thought was wrong—a judgment that was supported and sustained by the whole North.

Mr. BUTLER. Then I understand the Senator from Ohio practically to admit that the Southern people were not alone responsible for the condition of things which was brought upon them, but that Mr. Andrew Johnson, his President, was in a measure responsible for his policy and the enforcement of his policy in the South, to which the people of the South acceded when they surrendered their arms; and I was one of them, sir. So, I think when the Senator brings the wholesale charge upon the white people of the South that they are responsible, and that they alone are responsible, he does a grave injustice to the people of the South.

Mr. SHERMAN. I look upon Andrew Johnson as one of the white men of the South. He was born there, raised there.

Mr. BUTLER. But he was a Republican Vice-President, and the Southern people had no other authority to look to except the Executive in dealing with them after they surrendered their arms.

Mr. SHERMAN. The Southern people had a right to look to the



Congress of the United States as the governing power of this country. They knew as well as I know that Andrew Johnson deserted the party that elected him and joined the party of the South, which he had fought against and abused as loudly as anybody.

Mr. BUTLER. If the Senator will pardon me, how were we to know that?

Mr. SHERMAN. Oh, well, the sagacious men of the South do not need to have me answer that question.

Mr. BUTLER. If the Senator will pardon me for refreshing his memory, he can not fail to recall the fact that every influential man in the South was disfranchised; he was not allowed to utter his sentiments; he was not allowed to cast a ballot. How were we, with our hands tied, to come to the Congress of the United States and go around the Executive and say to the Congress, "Give us your terms?"

Mr. SHERMAN. Let me first answer the statement the Senator makes. No Southern man was disfranchised. From the time the Senator from South Carolina laid down his arms until this moment he has been a free citizen with the right to vote. It is true that for a time he could not hold office.

Mr. BUTLER. I was not allowed to vote in South Carolina.

Mr. SHERMAN. That was by your own law.

Mr. BUTLER. No, sir.

Mr. SHERMAN. No act of the United States deprived the Senator of his right to vote. No act of Congress ever looked to such a thing as that. Every one of them had the right to vote. But in the fourteenth amendment (which was the framework, as I said, of the conservative men of the North, which was made more by the three men I have already named here, especially by Mr. Fessenden and Mr. Trumbull, than any others; they were the leading actors in the matter) no man in the South was deprived of his right.

They did say that those who had taken the oath of office before the war, and, as we thought, had violated that oath by entering into an armed rebellion, should be deprived of the right to hold office until a majority of Congress should relieve them from that disability. It must be marked as one of the evidences that no unkind feeling was ever entertained in the North, that there never was a bill offered in the Senate to relieve any man from this disability of holding office which was not passed by a unanimous vote. There never was a question about it. I think that the case never occurred when it was not done, until finally by a general law, made under the provisions of the 14th amendment, all were relieved from even this disability.

Mr. BUTLER. If the Senator will pardon me, I think there is a law upon the statute book now, of which I do not complain, which deprives any man who held a commission in the Confederate army from holding a commission in the United States Army to-day.

Mr. SHERMAN. On the contrary, that disability has been removed. I believe there was but one exception, and that man is now answering before a higher power than this.

Mr. BUTLER. Oh, no; the Senator is mistaken. No ex-Confederate officer can enter the Army.

Mr. SHERMAN. What, he can not enter the United States Army?

Mr. BUTLER. He can not enter the United States Army or Navy. I do not complain of this. I do not expect to hold any position, and I do not know that anybody else does. But the Senator says that all disabilities were removed, and I remind him that that is one which has not been removed. I care nothing about it.

Mr. SHERMAN. If that is the case it is so unimportant that it has escaped my attention, and I think that of everybody else. Certain it is that the sons of the Confederate soldiers, bright young men, from the very day of the close of the war entered into the Military Academy at West Point and were there educated, and I have no doubt they make as true, loyal, brave, and patriotic soldiers as any other portion of the Army of the United States. But, sir, practically all the disabilities that affected you were removed, and if the matter had stood upon the fourteenth amendment of the Constitution and the Southern people had performed one-half of their duty, yea, if they had shown a disposition to perform their duty, there would have been the end of the controversy, and it would have been a happy end. But it was not so; and whether you blame it on Andrew Johnson or somebody else, certain it is that after the adoption of the fourteenth amendment, until the time the fifteenth amendment was adopted, there were a series of laws and regulations, local and State, one after another, coming in a deluge, aimed and designed and intended to secure the practical enslavement of the colored race.

Mr. GEORGE. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. SHERMAN. Certainly.

Mr. GEORGE. Does the Senator wish to be understood as saying that after the adoption of the fourteenth amendment any of those objectionable laws were enacted by Southern States?

Mr. SHERMAN. Before and after, both.

Mr. GEORGE. Not a single Legislature ever met in a Southern State after the passage of the first reconstruction law on the 2d of March, 1867.

Mr. SHERMAN. During the whole consideration of the fourteenth

amendment, during the whole consideration of the process of reconstruction, while this was going on and popular opinion was forming in the North, these laws were being passed, printed in every paper in Northern States and read by every man, woman, and child there. It was in consequence of those laws, in consequence of the hostile attitude of the Southern people to the plain and manifest policy of the Government, which was leaving the power in the hands of the States and of the very men who had been engaged in the war, not even securing to the negro the right to vote, but only the simple, common rights of citizenship—it was after and during the consideration of those measures that the laws I complain of were passed. No one can question that. As a matter of course, I am not prepared now to quote them, nor do I care to do it, because it would only tend to engender the old feeling.

Sir, they are there of record; they were spread upon our records here at the time. That was the reason why the fifteenth amendment came and that was the reason of the acts of which the Senator from Mississippi complains. There can be no question about that. But so far as I am concerned I never have, I believe, to this hour sought to revive or renew or even repeat this history, or to revive the incidents of those times, because they are past and gone. They are part of the history of the country. I believe the time will come, as it has come in old England, when there is no longer the controversy between the Round-head and the Cavalier, and such as existed in our own country where there is no longer a controversy between the descendants of the Tory and the Patriot of the Revolution. All these feuds ought to be like passing dreams, to disappear into history, to be recorded there by the cold pen as facts accomplished, not as things to affect us in the future.

Let me say to Senators on the other side, in all seriousness, that the feeling in the North is that injustice has grown out of the fifteenth amendment, not only to the negroes of the South, but injustice has grown out of it by your deprivation of the negroes of their right to vote, and that you now openly enjoy larger political power than the same number of people in the North. You have thirty-odd members in the House of Representatives as the result of the fifteenth amendment. There are a few Republicans there left. Nearly all of them, however, are Democrats, and their representation is based upon negro suffrage.

Mr. DAVIS. And disfranchisement.

Mr. SHERMAN. And the disfranchisement of the negro. Now, let the South do what they ought to do. Let them observe and obey the constitutional amendments. Let them give to the negro his vote and allow him to vote as he will. We are not there to protect him; we are not there to control him; we are not there to guide him; and I would not care if the whole of them should vote the Democratic ticket.

Mr. BUTLER. May I ask the Senator a question there?

Mr. SHERMAN. Let me go on. I will give way to the Senator in a moment. This feeling of injustice does prevail in the North, that by your own act in depriving these people of their representation you yourselves exercise an undue power in this Government, a power that is not exercised by the people of the North. Until that is remedied in some way, either by the negro voting or the negro being excluded from the basis of representation, you never will have a feeling of content and equality among the people of the Northern States. It is not a feeling of hate; it is not a feeling of anger; but it is a sense of injustice, a sense of wrong of which I now speak, not only for the Republicans of the North, but for the Democrats of the North, in a power which gives you unduly a control over their organization, a power which enables you to wield a greater influence over the destinies of this country than any equal number in the North. That is the result of your policy in regard to the fifteenth amendment, not of our fault or of our wrong.

Now, to sum it all up, we gave you the fourteenth amendment, the most liberal basis of compromise and settlement that ever was offered by a conquering foe to one that had been defeated. Then when we found that you would not acquiesce in the results of the war, including the emancipation of the slaves, we undertook perhaps to do what has turned out to be impossible, to secure to the blacks the right to protect themselves by their ballot. You have overthrown that right and you now enjoy increased political power by your own wrong. Yet you complain of us. You complain of us of what? Of injustice, or wrong, or violence, or bloodshed? No; you complain of us that we hate you. We deny the hatred, but we demand justice, and until the Southern States are prepared in their own way (for they have now the power complete and absolute as ever was exercised by a despot or a tyrant anywhere; they have the power over these five, six, or seven millions, whatever the number is, of free people) to give those people their rights under the Constitution, a Constitution that you and I have sworn to support and maintain, there will be disquiet, discontent, a feeling of injustice.

I trust that good time may come when even this will disappear, when this question shall be settled upon the basis of the Constitution, when every man shall have a right to vote. I now say that far above and far beyond the bill which is now pending or any other measure now before Congress is an act of Congress in pursuance of its plain power to secure to every man in the United States entitled to vote one free, honest vote, and to have that vote counted. Whenever Congress shall rise to the dignity of its power and pass a law uniform throughout the

United States, affecting Massachusetts and Ohio as well as South Carolina and Mississippi, a law that will enable everybody having a right to vote to vote, and have it so guarded, so worded, that every man will feel that it is a just and fair law, when members of Congress can be elected by the voice of a free people, then there will be no further ground of complaint. You can arrange your matters as you please in your own States. Congress can exercise no authority in your local matters. It does not claim to exercise any; but it does claim the right to demand and insist upon, and to secure, if we have the majority, a law so fair in its character that it will not blush with shame anywhere; a law so powerfully executed that no man will dare to undergo its penalties, a law so just that the humblest negro armed by the Constitution with a vote may go to the ballot-box as freely as the proudest and haughtiest man in our country.

Mr. BUTLER. Mr. President, if this debate has accomplished nothing else, I think one thing has been ascertained which I have never heard admitted before by Senators so prominent as the Senator from Ohio and the Senator from Massachusetts; and it is this, that the right of suffrage was conferred upon the negro in the South, not because he was entitled to it, not because he was qualified to exercise it properly, but because of certain laws passed by certain Southern States immediately after the war, the black code, for instance, in my own State, which I am very glad to be able to say I voted against in the Legislature of 1866 because I thought it was unwise. I have no vindication or justification of those laws to-day. I think they were as unwise as the laws of Massachusetts and Connecticut were unwise which carried people to the stake because of their religious belief and for witchcraft.

Mr. HOAR. Not quite so bad as that.

Mr. BUTLER. They were dragged at the tail of a cart through the streets and towns of Massachusetts because they entertained certain opinions upon certain questions. I think that one perhaps was as unwise as the other, and I am inclined to think that we can properly plead the statute of limitations upon all of them. But, as I said, we have had an admission from the Senator from Ohio which will go a long way in throwing light upon any future discussion which may arise in this body or elsewhere upon the question of the right of the negro to vote in the South.

I am not going into the history of events in my State immediately following the war, further than to say this, and I think it is due to myself and due to those who agree with me that I should say it. When we surrendered our arms we did so with the full assurance and knowledge that the victorious party had the right to dictate its terms, and we had nothing to do except to comply with them. That was the sentiment and feeling which actuated every man who bore arms in the South. So, when Mr. Andrew Johnson sent his messengers to the South and said, "You have failed, and here are the terms upon which you shall be restored to your rights in the Union; among them are that you shall convene in convention, rescind and revoke the ordinance of secession, recognize the emancipation and freedom of your slaves, and you shall come back into the Union," so far as my own State is concerned I know that that was done, and done freely and willingly and honestly; and I know that the Legislature which followed in 1866, of which I was a member, was influenced by no other consideration than that of conforming to the letter to whatever terms the victorious North might have imposed upon us. If expatriation, if execution had followed, I should have expected and submitted to it without a murmur. I say that was the feeling of every man who had the interests of his country at heart, who acknowledged that he had failed, who felt that he had failed, and now he must conform to what was dictated to him by the conquering power.

That was the attitude. Mr. Andrew Johnson, a Republican Vice-President, succeeded to the Presidency by a crime which sent a thrill of horror through the South. When Mr. Andrew Johnson, occupying that attitude, Commander-in-Chief of the Army and Navy of the United States, said to the disbanded military of the Confederate States, "You must do so and so and you shall be recognized as equals," then, I insist, one of the most unfortunate days that ever came over this country, North or South, was that which brought about a conflict between the Chief Executive and the legislative department of the United States, Mr. Andrew Johnson insisting that "my policy" shall be carried out in the South, saying to us, "This is my policy; I say as Commander-in-Chief of the United States that this shall be the settlement upon which you are to return." When I acquiesced in that I was met by a conflict between himself and the legislative department of the Government, which had in the mean time inaugurated another policy for the settlement of the issues growing out of the war, and between the upper and the nether millstone of Executive policies on one side and legislative policies on the other the South was ground to powder.

The reconstruction followed; the fourteenth and fifteenth amendments followed. Mr. President, I should not have had the slightest trouble, and I do not believe any man in the South would have had the slightest trouble, in conforming to the requirements of those two amendments but for the fact that we were admonished and enjoined and besought by the President of the United States not to accept them. "My policy shall prevail." As I said, we were ground between these two conflicting powers.

Then comes the Senator from Ohio and says that because under Johnson's system of reconstruction you passed certain laws which practically put the negroes back into slavery, which Mr. Johnson approved in effect, if not in terms, we were compelled to give to the negro the franchise, the suffrage, not because he was entitled to it, not because he deserved it, not because he was qualified for it, but because, forsooth, you passed certain laws which infringed his rights, you people of the South, situated as I have described, are responsible for all the evils of which you complain; the class of people whom we, in effect, admit were not fit to exercise the right of suffrage are not allowed now to exercise that right; you deprive them of the right to vote by fraud and intimidation, and yet you have all the power which the increased representation gives you in the national councils.

Without meaning to recriminate upon anybody, it seems to me that those positions are inconsistent the one with the other. Let me say to the Senator from Ohio that when you people of the North give the negro all the rights that he is entitled to under the law you will find the South alongside of you. The Senator from Massachusetts smiles.

Mr. HOAR. I beg your pardon.

Mr. BUTLER. He smiles; and yet in the State of Massachusetts, where, I forget how many there are, perhaps there are 20,000 colored people, there is not a member of the colored race in any office of profit or trust within that State, to my knowledge. There is not a colored man in the State of Ohio occupying a position of profit and trust that I now recall.

Mr. SHERMAN. The Senator is mistaken about that.

Mr. BUTLER. The Senator from Ohio says I am mistaken. I am delighted, Mr. President, to hear him say so.

Mr. SHERMAN. I feel bound to say to the Senator that in Ohio there is no restriction whatever upon the right of any negro to vote, and we have had, and have now, a negro representing the second wealthiest city of our State in the Legislature.

Mr. BUTLER. I am delighted to hear it.

Mr. SHERMAN. And we have them holding office there.

Mr. BUTLER. I am delighted to hear that Ohio is making progress. [Laughter and applause in the galleries.] I am delighted, Mr. President, to hear it.

The PRESIDENT *pro tempore*. The Senator will pause.

Mr. BUTLER. I am delighted to hear that a State which voted 50,000 majority against the right of the negro to vote is making progress and recognizing his right to hold office in that State.

Mr. HOAR. Mr. President—

The PRESIDENT *pro tempore*. The Senator will pause one moment. The Chair takes this occasion to admonish the galleries that demonstrations of applause or disapproval are violations of the rules of the Senate. The Chair is confident that this suggestion will be sufficient to prevent a repetition of the disorder that has just occurred. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. BUTLER. For one moment.

Mr. HOAR. I wish to correct the statement the Senator made about Massachusetts, if he will permit me.

Mr. BUTLER. Yes, sir.

Mr. HOAR. There is no restriction in Massachusetts, either in the constitution or in the legislation of her people, upon placing colored persons in important positions. We have had many excellent colored people in important offices, one of them lately, still, I have no doubt, a judge of an important court in Charlestown, several of them members of the Legislature, one of them a delegate-at-large to our national Republican convention; and they stand on their merits like other men.

Mr. BUTLER. Mr. President, I am delighted to hear it. I am delighted to congratulate Massachusetts upon having made progress.

Mr. HOAR. I rose, if the Senator will pardon me, that he might make progress himself.

Mr. BUTLER. I am making progress in a direction which perhaps may not be entirely agreeable to the Senator from Massachusetts. I congratulate Massachusetts that she is making progress.

The Senator from Ohio says and the Senator from Massachusetts says that there is no law of those respective States which discriminates against a man on account of color.

Mr. SHERMAN. They all vote freely.

Mr. BUTLER. They all vote freely, but by some curious hocuspocus mighty few of them hold office. How is that? There is no law of South Carolina, or of Mississippi, or of Louisiana, or of Georgia which discriminates against a man on account of his race, color, or previous condition of servitude, and yet in those States quite a number of the colored race are holding offices to-day, and one of the Southern States, North Carolina, is represented in the Congress of the United States by a colored man. So, when the Senator from Ohio and other Senators, rather in the style of lecture, say it is the duty of the South to do so and so, and then in a patronizing attitude say: "If you will do right towards the colored people all the friction will disappear between the sections," let me say to those Senators, if they will do right to the colored people a great deal of the friction will have disappeared.

This very day and this very hour and for the last week the news-



papers have been teeming with accounts of white men in the Territory of Oklahoma, and Republicans among them, announcing to the world that if the colored people dared assert their rights to control that country by reason of their superiority in number they would be driven out at the point of the bayonet. In the State of Ohio and in the State of Indiana I have seen within the last month accounts of outrages upon colored people, pursuing them to the death by white mobs, and yet, Mr. President, I have not heard one syllable of protest, one word of inquiry from the Senators from those States calling upon Congress to ascertain whether or not the rights of American citizens have not been infringed. And when in conversation they are reminded of such occurrences they respond by saying: "Oh, these disturbances are not political; they are not on account of politics; they are personal."

Mr. President, conflicts between the two races occur in the North as they occur in the South. The white man, I care not whether he is in Massachusetts or in South Carolina, is going to assert his right to dominate the colored man in Ohio and Massachusetts as well as anywhere else. I say this is deplorable. I join the Senator from Ohio and the Senator from Massachusetts in the prayer, I was about to say, that the time will come, and may not be long postponed, when this feeling shall die out, and when the poor negro, who has been made the football of politicians long enough, may be left alone to work out his own career and fate.

The Senator from Ohio can not, with justice and with propriety, if he will pardon me for saying so, in view of the history of the past, charge upon the people of the South that they have intentionally and wantonly and disloyally nullified or abrogated or defied any law of Congress which the Supreme Court of the United States has admitted to be constitutional; and if the Senator had said, what I expected from one of his position and influence in the country, that our troubles result from errors on both sides, if he had admitted, which I think his position would have justified him in admitting, that whatever evils beset us now are the results of errors and mistakes on both sides, I should not have risen to say a word.

I admit, and I have no hesitation in admitting, that we have made mistakes in the South, but the Senator from Ohio would have the country believe that he and those who have been instrumental in bringing this condition of things upon the country are infallible, and have made no mistakes, have committed no errors, and they have not made allowances, and he does not make them now for the difficulties which surround the people in the South, although he has said so. He has put the suffrage (the ballot) in the hands of those who, he himself practically admits, were not fit to exercise it, and then complains that the South has not dealt with it as he thinks it ought to have dealt with it.

I have not referred to these things in any spirit of acrimony, I have not referred to them with a view of reviving any spirit of recrimination or animosity. I will join with the Senator from Ohio in saying that I believe the great body of the people of the North are kindly disposed to the people of the South, and I believe that that kindness has been very much stimulated, if I may use that expression, by the fact that they are sending their millions of treasure into that section for investment. And I will tell the Senator from Ohio another thing: whenever he carries out his threat, which I understood to be a threat, of another crusade upon the South through United States supervisors and United States marshals to dominate elections in that region, he will hear a fire in his rear from those very men from the North who have carried their money and invested it there, for there is no nerve so sensitive as the pocket nerve, and, if he will allow me to make a prediction, whenever he does enter upon that crusade he will find that the very men to whom he has referred will be arrayed side by side, shoulder to shoulder, through evil and good report, in preserving in the Southern States the same character of governments that exist there to-day, and why? Because they understand and know that it will be by the power and influence of just such governments as those that their investments in that section can be preserved.

He will find that whenever he attempts, if he shall do so, to re-establish the governments in the South which sprang from reconstruction, which left in their train a black mark of spoliation, of disgrace, of humiliation, which will always be a reproach upon the history of this country—whenever he attempts to resurrect and re-establish those governments in the South, as he seems anxious to do, those governments which brought so much humiliation upon his own party, those governments which were a disgrace to that era of our history, he will find a protest in his own State and in his own country which will cause him to hesitate before he carries it to its fullest extent.

I am not apologizing for, I am not now intending to approve or vindicate or sustain any acts of violence in the South. I deplore and deprecate them, as does every man who loves his country for the sake of its institutions. I would to God that we had such a condition of things that they would never occur again. But I think I am justified in saying that the more the solution of these questions is left to the people of that section the less they will recur.

I speak the sentiment, I believe, of every honorable man and woman in that country when I say that we are far more concerned and interested in the preservation of order and law in our midst than you can

possibly be. I would not exchange the good order of society in the South for one day for all the political power that your negro suffrage has given us; I would not exchange one hour of composure in that country for a century of political power which the suffrage of the negro gave us in the South, and if I had the power to-morrow, speaking for myself, I would transfer every atom of it to you and wish you God-speed in the solution and management of it. But I do appeal to Senators and I do appeal to the people in the North to believe us when we say that we are far more interested in an orderly, humane, honest settlement of this question than you can possibly be.

The principle of justice has been suggested as one of the solutions. I do not know that any Senator can go further than myself in wishing justice to be done. We have tried to do justice to the negro as well as to the white man. We have tried sincerely and honestly to deal with this new condition of things and at the same time preserve our civilization and our property and our rights, but we found that the unbridled license of the reconstruction governments entailed upon us by negro suffrage jeopardized, threatened, and well-nigh destroyed the peace and quiet and order of the South.

So when we talk about justice we must not forget that there are two scales. The balance has two scales or two sides of the same scale, and we must always be careful in the administration of law that one side is not overloaded and burdened to raise the other out of existence and to destruction.

It is the most difficult and delicate of all duties of life to balance those scales equally. I repeat that we have tried to do it, and I therefore can not sit and patiently hear the Senator from Ohio charge the people of the section from which I come as entirely responsible for whatever there has been of friction between the sections, and I repeat now that we have every disposition to see that every man has his rights, and that time will come if left to the solution of the people who are interested in it.

I want to see the day when, as a Senator from Massachusetts said, the humblest citizen, whether he be white or mulatto or black, may enjoy his rights and freedom in his humble cot as unmolested as the most influential citizen of the country, and I want to see the time when the white laborer of the North may be relieved of the domination and power and control of the corporate and wealthy and influential employers of the North.

Mr. President, I really have been betrayed into saying a great deal more than I expected to say when I rose. I simply desired in a brief manner as I could—and I regret very much that I have detained the Senate as long as I have—to repel as well as I could some of the charges made by the Senator from Ohio, as I think, unjust to the people of the South. I have not gone into a great many questions which, perhaps, might have been discussed in connection with this subject. I did not propose to do so and do not care to do so now, but I repeat that a great many acts were done by the people of the South soon after the war which can not be justified. I repeat that I think they were unwise, that they were perhaps the incidents of the condition of things which surrounded us. I may say with equal truth, without being actuated by a spirit of reproach, that a great many things were done by the people of the North which could not be justified, but which were likewise the incidents of the passions which grew out of that great struggle.

The PRESIDENT *pro tempore*. Are there amendments in Committee of the Whole to the bill? If there are none, the bill will be reported to the Senate.

Mr. HOAR. Mr. President—

Mr. CALL. Does the Senator from Massachusetts desire to take the floor?

Mr. HOAR. I rose to move an executive session unless some Senator wishes to pursue this discussion.

Mr. CALL. Before that is done—

The PRESIDENT *pro tempore*. Does the Senator from Florida rise to the pending bill?

Mr. CALL. I ask the Senator from New Hampshire to yield to allow me to present a resolution.

Mr. BLAIR. I only want to observe that all this seems to prove the absolute necessity for establishing these schools [laughter], but to begin with the babies and build up new communities all the way through. I do this simply to suggest that the matter before the Senate is the education bill. These old folks can fight it out together. I hope they will have good fortune. We are dealing with the babies, the rising generation of the future.

Mr. CALL. Will the Senator from New Hampshire allow the pending bill to be laid aside informally?

Mr. BLAIR. What does the Senator desire?

Mr. CALL. I wish to present a resolution, and I ask the Senator to allow me to do so.

Mr. BLAIR. I have no objection if the education bill is not to be further discussed now.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire claim the floor in his own right?

Mr. BLAIR. I do not care to hold the floor now.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

Mr. CALL. I ask the Senator to allow me to offer a resolution, in order that it may be printed and lie upon the table.

Mr. HOAR. If the Senator means to offer the same resolution which was partially read some time ago, I can not yield for that purpose, as I deem it out of order in open session.

Mr. CALL. I wish to have read from the table a notice of an amendment to the rules. I ask the Senator to allow that to be presented.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate do now proceed to the consideration of executive business. Does he yield further to the Senator from Florida?

Mr. HOAR. I do not.

Mr. HAMPTON. May I ask the Senator from Massachusetts to withhold his motion for a moment for the purpose of allowing me to make a motion to reconsider the vote by which a bill reported from the Military Committee by me a few days ago was indefinitely postponed and have it placed upon the Calendar?

Mr. HOAR. I make no objection.

WILLIAM W. WEBB.

The PRESIDENT *pro tempore*. The title of the bill will be reported.

Mr. HAMPTON. It is the bill (S. 1808) for the relief of William W. Webb. I have been requested to have that bill placed upon the Calendar and let the report be printed.

The PRESIDENT *pro tempore*. The vote by which the bill was indefinitely postponed will be reconsidered and the bill placed on the Calendar with the adverse report of the committee, if there be no objection. The Chair hears none.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate do now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 14, 1890, at 12 o'clock m.

#### NOMINATIONS.

*Executive nominations received by the Senate March 13, 1890.*

##### CHIEF-JUSTICE, ARIZONA.

Henry C. Gooding, of Indiana, to be chief-justice of the supreme court of the Territory of Arizona, *vice* James H. Wright, to be removed.

##### UNITED STATES MARSHAL.

Alexander Ramsey Nininger, of Alabama, to be marshal of the United States for the northern district of Alabama, *vice* Arthur H. Keller, resigned.

##### FIRST DEPUTY COMMISSIONER OF PENSIONS.

Andrew Davidson, of Cooperstown, N. Y., to be First Deputy Commissioner of Pensions, *vice* Hiram Smith, jr., resigned.

##### INDIAN AGENT.

Robert Waugh, of Mount Pleasant, Iowa, to be agent for the Indians of the Uintah and Ouray agency (consolidated), in Utah, *vice* Timothy A. Byrnes, to be removed.

##### SUPERVISOR OF CENSUS.

Pedro Sanchez, of Taos, N. Mex., to be supervisor of census for the census district of New Mexico, *vice* Horatio O. Ladd, declined.

##### RECEIVER OF PUBLIC MONIES.

Joseph H. Hughes, of Cheney, Wash., to be receiver of public moneys at Spokane Falls, Wash., *vice* Leonard B. Cornell, to be removed.

##### REGISTER OF LAND OFFICE.

Franklin Sweet, of Clarks, Nebr., to be register of the land office at Grand Island, Nebr., *vice* John G. Higgins, whose term of office will expire March 17, 1890.

##### POSTMASTERS.

John Sherman Cady, to be postmaster at Sonora, in the county of Tuolumne and State of California, in the place of Thomas Leonard, removed.

John Calder, to be postmaster at Willow, in the county of Colusa and State of California, in the place of Joseph E. Putman, whose commission expires March 29, 1890.

John G. Joy, to be postmaster at Salinas, in the county of Monterey and State of California, in the place of William V. McGarry, whose commission expires April 6, 1890.

Thomas Kelley, to be postmaster at San José, in the county of Santa Clara and State of California, in the place of Samuel H. Wagener, whose commission expires April 20, 1890.

James C. Conkling, to be postmaster at Springfield, in the county of Sangamon and State of Illinois, in the place of Henry W. Clendennin, removed.

William H. Ward, to be postmaster at Salem, in the county of Washington and State of Indiana, in the place of John D. Alvis, removed.

Edward B. Cousins, to be postmaster at Audubon, in the county of Audubon and State of Iowa, in the place of Robert M. Carpenter, removed.

Charles H. Talmadge, to be postmaster at West Union, in the county of Fayette and State of Iowa, in the place of William McClintock, removed.

Asia Willison, to be postmaster at Creston, in the county of Union and State of Iowa, in the place of S. R. Davis, resigned.

Clark Conkling, to be postmaster at Lyons, in the county of Rice and State of Kansas, in the place of George W. Clark, whose commission expires April 14, 1890.

William H. Overby, to be postmaster at Henderson, in the county of Henderson and State of Kentucky, in the place of Robert E. Cook, whose commission expires April 16, 1890.

Miss Ovie Smedley, to be postmaster at Harrodsburgh, in the county of Mercer and State of Kentucky, in the place of Mrs. Jamesetta H. Dixon, whose commission expires April 14, 1890.

Charles T. Drake, to be postmaster at Stoughton, in the county of Norfolk and State of Massachusetts, in the place of Edward F. Capen, whose commission expires March 29, 1890.

Gottlieb Schmidt, to be postmaster at New Ulm, in the county of Brown and State of Minnesota, in the place of Francis Baasen, whose commission expired January 13, 1890.

Martin K. Barkley, to be postmaster at Nevada, in the county of Vernon and State of Missouri, in the place of William McCrudden, removed.

Thomas J. Whiteman, to be postmaster at Carrollton, in the county of Carroll and State of Missouri, in the place of John B. Jewell, removed.

Charles W. Seyde, to be postmaster at Miles City, in the county of Custer and State of Montana, in the place of John McAusland, whose commission expired March 12, 1890.

George G. Roe, to be postmaster at Clyde, in the county of Wayne and State of New York, in the place of Lathrop S. Taylor, resigned.

John Waller, to be postmaster at Monticello, in the county of Sullivan and State of New York, in the place of Mrs. Amanda Quinlan, whose commission expired January 27, 1890.

Alfred H. Breese, to be postmaster at Mount Gilead, in the county of Morrow and State of Ohio, in place of James S. Cooper, removed.

Daniel H. Hensley, to be postmaster at Hamilton, in the county of Butler and State of Ohio, in the place of John E. Lohman, removed.

Jeremiah Kerr, to be postmaster at Greenfield, in the county of Highland and State of Ohio, in the place of Albert M. Mackerly, whose commission expires April 6, 1890.

Henry H. Williams, to be postmaster at Urbana, in the county of Champaign and State of Ohio, in the place of Samuel L. P. Stone, whose commission expired March 12, 1890.

John M. Lewis, to be postmaster at East Portland, in the county of Multnomah and State of Oregon, in the place of William B. Welch, resigned.

Andrew N. Brice, to be postmaster at Sunbury, in the county of Northumberland and State of Pennsylvania, in the place of Jacob E. Eichholtz, whose commission expired February 10, 1890.

Eugene W. Davies, to be postmaster at Athens, in the county of Bradford and State of Pennsylvania, in the place of Henry C. Baird, whose commission expires March 29, 1890.

John M. Blakely, to be postmaster at Rapid City, in the county of Pennington and State of South Dakota, in the place of Gustavus Schnasse, whose commission expired March 12, 1890.

Charles S. Moss, to be postmaster at Franklin, in the county of Williamson and State of Tennessee, in the place of Thomas E. Haynes, whose commission expired March 3, 1890.

Frederick W. Childs, to be postmaster at Brattleborough, in the county of Windham and State of Vermont, whose commission expired January 27, 1890.

Richard E. Griffith, to be postmaster at Winchester, in the county of Frederick and State of Virginia, in the place of Bruce Gibson, whose commission expires April 15, 1890.

James A. Davis, to be postmaster at Morgantown, in the county of Monongalia and State of West Virginia, in the place of Adam L. Nye, whose commission expires April 6, 1890.

Thomas Reed, to be postmaster at Fairmont, in the county of Marion and State of West Virginia, in the place of Newton S. Barnes, whose commission expired February 17, 1890.

Joseph Harris, jr., to be postmaster at Sturgeon Bay, in the county of Door and State of Wisconsin, in the place of Gideon W. Allen, removed.

#### WITHDRAWAL.

*Executive nomination withdrawn by the President March 13, 1890.*

Charles C. Austin, to be marshal of the United States for the northern district of Alabama.



# CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 13, 1890.*

## UNITED STATES CONSULS.

William Burgess, of New Jersey, to be consul of the United States at Tunstall.

James A. Wood, of New Hampshire, to be consul of the United States at Sherbrooke.

## PROMOTION IN THE ARMY.

### Pay Department.

Lieut. Col. William Smith, Deputy Paymaster-General, to be Paymaster-General with the rank of brigadier-general.

## COLLECTORS OF CUSTOMS.

Edward C. Duncan, of North Carolina, to be collector of customs for the district of Beaufort, in the State of North Carolina.

Alfred C. Barwick, of New Jersey, to be collector of customs for the district of Burlington, in the State of New Jersey.

## COLLECTORS OF INTERNAL REVENUE.

Patrick H. McCaul, of Virginia, to be collector of internal revenue for the sixth district of Virginia.

James D. Brady, of Virginia, to be collector of internal revenue for the second district of Virginia.

## RECEIVER OF PUBLIC MONEYS.

John T. Carlin, of Bozeman, Mont., to be receiver of public moneys at Bozeman, Mont.

## REGISTER OF LAND OFFICE.

Eddy F. Ferris, of Bozeman, Mont., to be register of the land office at Bozeman, Mont.

## SURVEYOR-GENERAL OF MONTANA.

George O. Eaton, of Gardiner, Mont., to be surveyor-general of Montana.

## UNITED STATES MARSHAL.

Peter A. Williams, of Florida, to be marshal of the United States for the southern district of Florida.

## POSTMASTERS.

George N. Bradley, to be postmaster at Guilford, in the county of New Haven and State of Connecticut.

Thornton E. Jacobs, to be postmaster at Shreveport, in the parish of Caddo and State of Louisiana.

Augustus D. Welty, to be postmaster at Greensburgh, in the county of Westmoreland and State of Pennsylvania.

Mrs. Josephine Reid, to be postmaster at Connellsville, in the county of Fayette and State of Pennsylvania.

John A. Gilleland, to be postmaster at Allegheny, in the county of Allegheny and State of Pennsylvania.

Owen Fowler, to be postmaster at Freeland, in the county of Luzerne and State of Pennsylvania.

Andrew H. Bowman, to be postmaster at Tompkinsville, in the county of Richmond and State of New York.

Joseph H. Toms, to be postmaster at Beverly, in the county of Burlington and State of New Jersey.

# HOUSE OF REPRESENTATIVES.

THURSDAY, March 13, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

## CHANGE OF REFERENCE.

The SPEAKER. The Chair wishes to present the following correction of reference. The bill (H. R. 3889) to restrict the sale of convict-made goods was referred to the Committee on Labor, and by that committee reported back for reference to the Committee on Commerce. In the absence of objection, the change of reference will be made.

## PUBLIC BUILDING AT SACRAMENTO, CAL.

Mr. McKENNA. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 1477) to increase the appropriation for the erection of a public building at Sacramento, Cal., and put the same upon its passage.

The SPEAKER. The bill be read, subject to the right of objection. The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BRECKINRIDGE, of Kentucky. I ask the regular order.

Mr. McKENNA. Will the gentleman consent to withhold his demand for the regular order and allow me to make a statement showing the necessity for this action?

Mr. BRECKINRIDGE, of Kentucky. Reserving the right, I have no objection.

Mr. McKENNA. Mr. Speaker, the first appropriation for this building was made in the Forty-eighth Congress and amounted to \$100,000, of which amount \$30,000 was expended in the purchase of a site. The site was insufficient, however, because of the fact that it left the building exposed to fire from adjacent buildings and did not accommodate the approaches to it. It was necessary, therefore, to expend a further sum for the purchase of the site. An opportunity was given to the Government to purchase cheaply, and the citizens of the city stepped forward and purchased the land themselves, holding it for the Government, the Government being allowed to purchase it at the same price.

In the last Congress \$50,000 extra was appropriated, of which \$10,000 was used for the purchase of the extra site. Now, in the plans of the Architect there was a mistake made which did not provide for a foundation. Further than that it was discovered that an old slough had passed diagonally across the site, and it was necessary to go below the slough in order to secure a proper foundation. This required the expenditure of \$18,000 more.

The Architect reports that he can not erect a proper building there for this sum; and I hope, sincerely, that the gentleman from Kentucky will withdraw his objection and allow the bill to be considered at this time. If there is any amendment which the gentleman deems necessary to protect the interests of the Government I hope he will present it. I will state that this is identically the same as the House bill.

Mr. BRECKINRIDGE, of Kentucky. I do not know of anybody I would like to gratify more than my friend from California; but inasmuch as this day has been set apart for a particular order, a special work, I feel that we ought not to devote it to the consideration of any other propositions.

Mr. McKENNA. But if this encroaches in the least degree upon the time fixed for the consideration of that measure to which the gentleman refers I will withdraw it.

Mr. BRECKINRIDGE, of Kentucky. But the trouble is if that bill is allowed to go in by unanimous consent, another from this side of the House will necessarily come up, and I think, therefore, these had better go over until some time when the House is not engaged in a special order.

Mr. McKENNA. As I understand, then, the objection of the gentleman is only temporary, and that this afternoon he will not insist upon it.

Mr. BRECKINRIDGE, of Kentucky. I should not like to commit myself to such an agreement as that, for I do not know what a day or an hour may bring forth.

The SPEAKER. Objection is made.

## PACIFIC RAILROAD SECURITIES HELD BY THE GOVERNMENT.

Mr. DALZELL. Mr. Speaker, I am instructed by the Committee on Pacific Railroads to submit the following resolution and ask its immediate consideration.

The SPEAKER. The resolution will be read, subject to the right of objection.

The Clerk read as follows:

*Resolved*, That the Secretary of the Treasury is hereby requested, if not incompatible with the public interest, to inform the House of Representatives, at as early a date as practicable, whether the Government of the United States is the owner or holder of any of the first-mortgage securities of any of the Pacific railroad companies which were aided by the Government, and, if so, the amount of such securities held or owned by the Government, when, and in what manner, and by what authority the same were acquired.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HOLMAN. I do not object to the consideration of the resolution, but suggest to the gentleman that when calling upon the head of a Department for information it is not customary to employ the words "if not incompatible with the public interest." It is for the House to determine whether it is proper that such information should be furnished or not. In requesting information from the President it is entirely proper that these words should be incorporated, but when calling for such information from the head of a Department they should be omitted. I refer to the words "if not incompatible with the public interest."

Mr. DALZELL. I have no objection to striking them out.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. ROGERS. Is that the regular order?

The SPEAKER. It is not.

Mr. ROGERS. The regular order has been called for.

The SPEAKER. Does the gentleman call for the regular order?

Mr. ROGERS. I demand the regular order.

## DENISON AND WASHITA VALLEY RAILROAD.

The SPEAKER. The regular order is the morning hour, which begins at 12 o'clock and 20 minutes, and the call rests with the Committee on Indian Affairs. When the hour expired on yesterday the House was dividing on the demand for the previous question on the bill (H. R. 856) to amend section 1 and section 9 of an act entitled "An act to authorize the Denison and Washita Valley Railway Company to construct

and operate a railway through the Indian Territory, and for other purposes," approved July 1, 1886, and the question recurs on the demand for the previous question.

The previous question was ordered.

The SPEAKER. The Clerk will report the amendment of the gentleman from Kansas [Mr. ANDERSON].

The Clerk read as follows:

Amend by striking out the word "own" in the twelfth line of the bill.

The amendment was adopted.

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time.

Mr. PERKINS. I believe there is a committee amendment.

The SPEAKER. That has been already adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### RIGHT OF WAY ACROSS MILLE LACS INDIAN RESERVATION.

Mr. PERKINS. I call up for consideration the bill which I send to the Clerk's desk.

The bill was read, as follows:

A bill (H. R. 7754) granting right of way to Little Falls, Mille Lacs and Lake Superior Railroad across Mille Lacs Indian reservation.

*Be it enacted, etc.*, That there is hereby granted to the Little Falls, Mille Lacs and Lake Superior Railway Company, a corporation organized and existing under the laws of the State of Minnesota, and its assigns, the right of way for the construction of a railroad through the Mille Lacs Indian reservation in said State. Such right of way shall be 75 feet in width on each side of the central line of said railroad, and said company shall also have the right to take, from the lands adjacent to the line of said road, material, stones, and earth necessary for the construction of said railroad; also grounds adjacent to such right of way for station buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, not to exceed in amount 300 feet in width and 3,000 feet in length for each station to the extent of two stations within the limits of said reservation.

SEC. 2. That before said railroad shall be constructed through any land, claim, or improvement held by individual occupants, according to any treaties or laws of the United States, compensation shall be made to such occupant or claimant for all property to be taken or damage done by reason of the construction of said railroad. In case of failure to make satisfactory settlement with any such claimant the just compensation shall be determined as provided for by the laws of Minnesota enacted for the settlement of like controversies in such cases. The amount of damage resulting to the Mille Lacs Indians in their tribal capacity, by reason of the construction of said railroad through such lands of the reservation as are not occupied in severally, shall be ascertained in such manner as the Secretary of the Interior may direct and be subject to his final approval; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plat thereof, made upon actual survey for the definite location of such railroad, and including grounds for station buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, shall have been approved by the Secretary of the Interior, and until the compensation aforesaid shall have been fixed and paid and the consent of the Indians on said reservation as to the amount of said compensation shall have been first obtained in a manner satisfactory to the Secretary of the Interior. Said company is hereby authorized to enter upon such reservation for the purpose of surveying and locating its line of railroad: *Provided*, That said railroad shall be located, constructed, and operated with due regard to the rights of the Indians, and under such rules and regulations as the Secretary of the Interior shall prescribe: *Provided*, That no part of the lands herein authorized to be taken shall be leased or sold by the company and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines, and when any portion thereof shall cease to be used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### SALE OF CROW INDIAN RESERVATION, MONTANA.

Mr. PERKINS. I now call up the following bill.

The bill was read, as follows:

A bill (H. R. 526) to authorize the Secretary of the Interior to procure and submit to Congress a proposal for the sale to the United States of the western part of the Crow Indian reservation, in Montana.

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to proceed forthwith, by such agents or commissioners as he may appoint, not to exceed three in number, at a reasonable compensation to be fixed by him, to negotiate with the Crow tribe of Indians, in the State of Montana, for the purchase from them by the United States of all that portion of their reservation lying south of the Yellowstone River and west of the summit of the divide between Prior Creek and Clark's Fork River, in said State, and to procure the most favorable proposition at which the said Crow Indians will sell the lands aforesaid to the United States, and submit the same to Congress at the earliest practicable moment in the form of an agreement, subject to ratification by Congress.

SEC. 2. That such sum of money as may be necessary to carry out the provisions of this act, not to exceed \$5,000, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, and the same shall be disbursed, upon the order of the Secretary of the Interior, for the purposes aforesaid.

Mr. KILGORE. Mr. Speaker, that bill can not be on the House Calendar.

The SPEAKER. The Chair does not understand how it can be there either.

Mr. KILGORE. Mr. Speaker, I make the point of order that this

is improperly on the House Calendar, and can not properly be considered in the morning hour.

The SPEAKER. The Chair is informed from the Clerk's desk that the bill has already been transferred to the Union Calendar, and was therefore not properly on the House Calendar.

Mr. PERKINS. I had overlooked the fact that it makes an appropriation.

Mr. CARTER. Mr. Speaker, I ask unanimous consent that the bill be considered at this time.

The SPEAKER. The only way in which unanimous consent can be obtained would be for the gentleman from Texas to withdraw the point of order.

Mr. CARTER. I ask the gentleman from Texas to withdraw his point of order, so that this bill may be considered; and I will make a statement which I believe will prove satisfactory to the gentleman from Texas.

Mr. KILGORE. While the committee have the right of way, I do not think they ought to interfere with the business that would properly come up for consideration in the morning hour.

Mr. CARTER. This will not require any debate, I will state to the gentleman from Texas.

Mr. KILGORE. But it will interfere with the business that should be considered in the morning hour.

Mr. CARTER. I will state to the gentleman from Texas that it has been favorably reported by the committee.

Mr. KILGORE. It will necessitate going into Committee of the Whole, and that will involve the consumption of more time. I demand the regular order.

The SPEAKER. The gentleman from Texas declines to withdraw his point of order.

#### RIGHT OF WAY THROUGH THE INDIAN TERRITORY.

Mr. PERKINS. I call up now the bill (H. R. 347) to grant the right of way to the Galena, Guthrie and Western Railway Company through the Indian Territory, and for other purposes.

The title of the bill was read, as follows:

A bill (H. R. 347) to grant the right of way to the Galena, Guthrie and Western Railway Company through the Indian Territory, and for other purposes.

Mr. PERKINS. Mr. Speaker, that bill is very long, as all these bills pertaining to granting right of way through the Indian Territory are, because of the many provisions in them for the purpose of protecting the rights of the Indians and all others, and providing for forfeitures. I therefore ask unanimous consent to dispense with the reading of the bill. It is unanimously reported by the committee, and has every safeguard in it that we have heretofore incorporated in these bills.

Mr. ANDERSON, of Kansas. I would like to ask my colleague whether this bill makes any grants of ownership.

Mr. MCCREARY. I ask for the reading of the bill.

The SPEAKER. The Clerk will proceed to read the bill.

The bill was read, as follows:

*Be it enacted, etc.*, That the Galena, Guthrie and Western Railway Company, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian Territory, beginning at any point to be selected by said railway company on the south line of the State of Kansas, in the county of Cherokee, at or near the southwest corner of lot numbered 3, section numbered 14, township number 35, range number 21 east of the sixth principal meridian, and running thence by the most practicable route through the Indian Territory to the west line thereof, via, at or near Guthrie and Kingfisher or Lisbon, Indian Territory, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem to their interest to construct along and upon the right of way and depot grounds herein provided for.

SEC. 2. That said company is authorized to take and use, for all purposes of a railway and for no other purpose, a right of way 100 feet in width through said Territory, and to take and use a strip of land 200 feet in width, with a length of 3,000 feet in addition to right of way, for stations, for every 10 miles of the road, with the right to use additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *And provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company; and they shall not be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines, and when any portion thereof shall cease to be used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any tribe of the Indians, nations, or tribes through which it may be constructed, full and complete compensation shall be made to such occupant for all property to be taken or damage done by reason of the construction of said railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appointment of three disinterested referees, to be appointed, one (who shall act as chairman) by the President of the United States, one by the chief of the nation to which such occupant belongs, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oaths duly certified shall be returned with their award to, and filed with, the Secretary of the Interior within sixty days from the completion thereof, and a majority of said referees shall be competent to act in case of the absence of a member, after due notice; and upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled



by the judge of the United States court of the district of Muscogee; upon the application of the other party the chairman of said board shall appoint the time and place for all hearings within the nation to which said occupant belongs. Each of said referees shall receive for his services the sum of \$4 per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nation; costs, including compensation of the referees, shall be made a part of the award and be paid by said railway company. In case the referees can not agree, then any two of them are authorized to make the award; either party being dissatisfied with the finding of the referees shall have the right, within ninety days after making of the award and notice of the same, to appeal by original petition to the courts of the Indian Territory at Muscogee, which court shall have jurisdiction to hear and determine the subject-matter of said petition according to the laws of the State of Kansas, providing for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the costs of said appeal shall be adjudged against the railroad company. If the judgment of the court shall be for the same sum or less than the award of the referees, then the cost shall be adjudged against the appellant; when proceedings have been commenced in court the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

Sec. 4. That said railway company shall not charge the inhabitants of said Territory a greater rate of freight than the rates authorized by laws of Kansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed 3 cents per mile, Congress reserving the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government shall be authorized to fix and regulate the cost of transportation of persons and freight within its respective limits by said railway company, but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rates above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide, and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Sec. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nation or tribe through whose lands said line may be located, the sum of \$50, in addition to compensation provided for in this act, for property taken and damages done to individual occupants by the construction of the railway for each mile of railway that it may construct in said Territory: said payment to be made in installments of \$1,250 as each working section of 25 miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after filing of the maps of definite location as set forth in section 6 of this act, dissent from the allowance provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provision of this act shall be determined as provided for in section 3 for the determination of the compensation to be paid to the individual occupants of the lands, with the right of appeal to the courts upon the same conditions, terms, and requirements as therein provided: *Provided further*, That the amount of the award adjudged to be paid by said railway company for dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provisions; said company shall also pay, so long as said Territory is owned or occupied by the Indians, to the Secretary of the Interior the sum of \$15 per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, as long as said lands are occupied and possessed by said nations or tribes, to impose such additional taxes upon said railway as it may deem just and proper for their benefit, and any Territory or State hereafter formed through which said railway shall have been established may exercise the like powers as to such part of said railway as may be within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Sec. 6. That said company shall cause maps, showing the route of its located line through said Territory, to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of the nations or tribes through whose lands said railway may be located, and after filing said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed, as herein provided for, said company shall commence grading said located line within one year thereafter or said location shall be void, and said location shall be approved by the Secretary of the Interior in sections of 25 miles before construction of any such section shall be begun.

Sec. 7. That the officers, servants, and employes of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon said right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Sec. 8. That the United States circuit and district courts for the Indian Territory, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Galena, Guthrie and Western Railway Company and the nations or tribes through whose territory said railway company shall construct its lines; said court shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nation or tribe and said railway company, and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

Sec. 9. That the said railway company shall build at least 100 miles of its railway in said Territory within three years after the passage of this act, and complete main line of the same within one year thereafter, or the right herein granted shall be forfeited as to that portion not built. That said railway company shall construct and maintain continually all fences, roads, and highway crossings, and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Sec. 10. That the said Galena, Guthrie and Western Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and its signs, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian Nation any further grant of lands or its occupancy than is hereinbefore provided: *Provided*, That any violation of the conditions mentioned in this section shall operate as a forfeiture of all rights and privileges of said railway company under this act.

Sec. 11. That all mortgages executed by said company conveying any portion of its railway, with the franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and properties of said company as therein expressed.

Sec. 12. That Congress may at any time amend, alter, or repeal this act, and the right of way herein and hereby granted shall not be assigned or transferred in any way or form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

The SPEAKER. The question is upon the engrossment and third reading of the bill.

Mr. ANDERSON, of Kansas. Mr. Speaker, I desire to offer the following amendments.

The Clerk read as follows:

In section 1, line 6, strike out the word "owning;" and in section 2, line 1, strike out "two" and insert the word "one."

Mr. ANDERSON, of Kansas. On the first amendment, if the gentleman in charge of the bill is willing to accept it, I have nothing to say; otherwise I wish to discuss the matter.

Mr. PERKINS. I think, Mr. Speaker, that the amendment ought not to prevail, and for that reason I yield to the gentleman that he may debate it.

Mr. ANDERSON, of Kansas. Mr. Speaker, the first amendment is as to the power conferred upon these corporations by Congress. There has, in this bill and the one that was considered yesterday, been introduced an entirely new proposition so far as I know anything about grants made by Congress to railroad companies, namely, the proposition of expressly giving to them ownership of the railways. In the acts of 1862-1864, the Pacific railway acts, in the Northern Pacific acts, in any acts that Congress has passed unless it may be within the last year or so, there never yet has been any railway company which has proposed a bill to Congress asking Congress to grant it the ownership of the highway. The reason for all that is this: A railway can only be built by the exercise of eminent domain. Domain is the high power of the sovereign alone, and can only be used upon the property of an individual for the acquisition of private property for public use. It has been held long ago in England that the king could not exercise eminent domain for the purpose of acquiring property for his own use. It must be for the use of the state; and if private property be not acquired for the use of the state, then it can not be acquired at all under eminent domain, for the reason that the state can not take the property of a private individual and give that property to another private person. The whole philosophy of the acquisition of property for public needs rests upon the theory of eminent domain; that the property taken is taken for a public use; and it has always been held that a railroad is and must be a public highway, because the Government can not take the property of a private individual and give it to some other private individual to be used as private property.

If you will consult Redfield on Railway Law, or Pierce or Schouler or, I think, Cooley, I risk the statement that you will everywhere find it held that a railway company does not acquire the ownership of the highway, because it is a public highway, but that it does acquire two franchises: First, the franchise of collecting tolls for the use of a public road, and, second, the franchise of collecting reasonable rates where the company acts as the carrier over that public highway. Now, this bill proposes to wipe out all of the land-marks as to public highways and as to the exercise of eminent domain, and it does it by inserting this word "owning." The grant to this company is in the following language:

And the same is hereby invested and empowered with the right of locating, constructing, owning, etc.

Now, there is no old grant of this kind which contains that word "owning," and if it be omitted, then the clause will read:

And the same is hereby invested and empowered with the right of locating, constructing, equipping, operating, using, and maintaining a railway, telegraph and telephone line through the Indian Territory.

How much more power can you give them than that? Wherein lies the necessity for giving them also the ownership of that which in law has always been recognized as a public highway, as public property, in which the company merely has certain franchises, namely, the franchise to collect toll and the franchise to operate. But it is proposed here to go beyond all that and to give this corporation expressly the ownership of the public highway.

Now, I suggest to the gentleman that this is a step which ought to be scrutinized very carefully. If Congress proposes at this time that the legal status of railways shall no longer be that of public highways, but that they shall become the private property of the men who own the stock, in the same sense that a farm is private property, if that status be established as the law, then the score of men who to-day own the stocks of the great railways of the United States will, under such a provision, become the owners of the highways just exactly as they own houses on Fifth avenue. That is the legal effect of the insertion of this word "owning" in the bill; and it is in order to prevent such legislation, to prevent such a precedent, and to preserve the rights of the people to the public highways that I move to strike out the word "owning."

The SPEAKER. The question is upon agreeing to the amendment of the gentleman from Kansas.

Mr. PERKINS. Mr. Speaker, I have not examined the act granting powers to the Union Pacific or the Northern Pacific Railroad Company, but the language employed in this bill is the language employed in every bill of this character that has been reported from the Committee on Indian Affairs giving to railway companies the right of way through the Indian Territory. We simply grant to this company the right to build, equip, maintain, and own a railway through that Territory, with a telegraph and telephone line, and we do not grant to them any other rights or privileges than we have granted under all similar acts; and, if my friend will examine this bill further, he will find in it provisions which expressly reserve to Congress beyond question the right to regulate and restrain this corporation as Congress may from time to time think it should be regulated and restrained. Every single right is reserved to the Government and we simply grant the company the right to maintain, equip, and own this railway, telegraph and telephone line through the Territory.

Mr. ANDERSON, of Kansas. Mr. Speaker, in granting to this company the right to "own" this railway Congress establishes with the company a contract. Now, suppose that ten years hence you undertake to repeal this act, then the company will set up in court the claim that this is a contract and that it passed to the company certain contract rights so that Congress can not do anything even though it does repeal the act.

I do not know what the committee of which my friend speaks may have done as to other bills. The first of these bills that attracted my attention was the one we had up yesterday, but if the committee have presented bills here granting in express terms the ownership of public highways to corporations, then in my humble judgment they have done what Congress heretofore has never done or undertaken to do. I am positive in my recollection as to the language of the Pacific railway act, and will embody it in my remarks. It goes on as this bill does up to the point where "owning" would naturally come in, but there it stops.

Congress never gave the ownership of the public highway to anyone of these corporations that to-day are drawing the life-blood out of the people by extortionate freight rates, and if under this act or any similar act ownership is to be given to adventurers, to merciless speculators, then I would like to know upon what legal ground or upon what other ground the state may step in to regulate the rates. Under such legislation the railroad is no longer a public highway. It is private property. This bill is a ruthless exercise of the power of the state to take the property of John Jones or James Smith from him and give it to a corporation. That is the effect of it in law, and in my judgment it is an outrage.

The language of the Pacific railroad act touching the grant of power to the corporation is as follows:

And the said corporation is hereby authorized and empowered to lay out, construct, furnish, maintain, and enjoy a continuous railroad and telegraph line, etc.

So far from "ownership" being granted to the company, it is reserved to the Government by virtue of not being specified when all other items are specified. The ownership of the Pacific roads remains in the Government, because the company has no rights except those given by the charter, and ownership of the road is not one of them.

Mr. HOLMAN. Mr. Speaker, I would like to have the amendment reported.

The SPEAKER. It has been reported twice, but it will be again read.

The Clerk again read the amendment.

The question was taken upon the amendment of Mr. ANDERSON, of Kansas, and the Speaker declared that the ayes seemed to have it.

Several MEMBERS. Division.

The House divided; and there were—ayes 73, noes 19.

So the amendment was agreed to.

Mr. HOLMAN. Mr. Speaker, I call the attention of the gentleman from Kansas [Mr. PERKINS] in charge of this bill to the provision in section 11 where this language is used:

And the record thereof shall be evidence and notice of their execution, and shall convey all rights and properties of said company as therein expressed.

That is, the record of the mortgage or mortgages that may be executed by the company. Now, I suggest to my friend that there should be added after the words "therein expressed" the words "subject to the provisions of this act." Otherwise you may confer upon the mortgages rights beyond those proposed to be created in the corporation.

The SPEAKER. There is an amendment pending, which the Clerk will read.

The Clerk read as follows:

Amend section 2, line 4, by striking out "two" and inserting in lieu thereof "one."

Mr. ANDERSON, of Kansas. That amendment is in section 2. I do not know that it is a matter of very great importance, but I want to call the attention of the chairman of the committee [Mr. PERKINS] to it. The bill proposes that there shall be a right of way 100 feet in width through said territory, and to take and use a strip of land 200

in width, with a length of 3,000 feet, in addition to right of way, for stations." As I understand it, that makes the grant at a station 300 feet wide and 3,000 feet long. Is that correct?

Mr. PERKINS. Yes; at stations.

Mr. ANDERSON, of Kansas. My amendment is to strike out "two" and insert "one;" so as to give the company its right of way 100 feet wide, and at stations an additional 100 feet; in other words, 200 feet wide by 3,000 feet long, and it seems to me that is enough.

Mr. PERKINS. The provision of the bill to which my friend refers is one that has been incorporated in all these bills. The right of way granted to this company is 100 feet in width except at stations.

The bill provides that there may be stations, one for each 10 miles; and where these stations are established or located it gives for depot purposes and right-of-way purposes an additional grant—a grant 200 feet in width and not to exceed 3,000 feet in length. The bill further provides that no one except operatives of the railroad company shall be permitted to reside upon or use the land thus given.

I have no interest in this matter other than to secure such legislation as may be fair and proper. If in the judgment of the House the bill grants too much, let it be amended. But the bill proposes simply to give in this case what we have given to every other company in this particular; and I see no reason why this company should be discriminated against by this House.

Mr. HARE. As has been remarked by the gentleman from Kansas, the bill proposes to give to this company only what has been granted in similar cases to other companies. If the amendment now offered be adopted a discrimination will be made, and this company will receive a less privilege than has heretofore been granted to other companies. I submit that in order to be fair the amendment ought to be rejected.

The question being taken on the amendment, it was rejected.

Mr. HOLMAN. I move to amend by adding to section 11 the words "subject to the provisions of this act."

Mr. PERKINS. There is no objection to that amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### PALOUSE AND SPOKANE RAILWAY.

The next business in order, reported from the Committee on Indian Affairs, was the bill (H. R. 7509) granting to the Palouse and Spokane Railway a right of way through the Nez Percé Indian reservation in Idaho.

The bill was read, as follows:

Be it enacted, etc., That the right of way is hereby granted, as hereinafter set forth, to the Spokane and Palouse Railway Company, a corporation organized and existing under the laws of the State of Washington, for the extension of its railroad through the Nez Percé Indian reservation from a point on the northern boundary of said reservation on the Potlatch Creek, in section 16, township 37 north, range 3 west of the Boise meridian, in Nez Percé County, in the Territory of Idaho; thence extending in a southerly and southwesterly direction, following the valley of said Potlatch Creek to the Clear Water River; thence following the valley of said Clear Water River in a southwesterly direction to the western boundary of said reservation.

Sec. 2. That the right of way hereby granted to said company shall be 75 feet in width on each side of the central line of said railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, not to exceed in amount 200 feet in width and 3,000 feet in length for each station, to the extent of one station for each 10 miles of road.

Sec. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad, including charges of transportation, shall be conducted with due regard for the rights of the Indians and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision: *Provided*, That the consent of the Indians to said right of way shall be obtained by said railroad company in such a manner as the Secretary of the Interior shall prescribe before any right under this act shall accrue to said company.

Sec. 4. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order across said reservation within —from the passage of this act.

Sec. 5. That said railway company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.



SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act.

Mr. PERKINS. I move to amend by striking out, in line 9 of section 2, the word "three" and inserting "two," so as to vest in this company for depot purposes a right of way of 200 feet in width instead of 300 feet. I think 200 feet will be sufficient; and with this amendment the bill will correspond with other bills which have been reported by the committee.

The amendment was agreed to.

Mr. PERKINS. I move further to amend by inserting, in the blank in the eighth line of section 4, the words "two years."

The amendment was agreed to.

Mr. HOLMAN. I suggest to the gentleman from Kansas that this bill makes a larger grant of right of way than is common. It grants 75 feet on each side of the track of the road. I think that in general the amount granted for right of way has been 100 feet in all. I suggest that this bill be made to conform to our ordinary legislation in that respect.

Mr. PERKINS. I yield to the gentleman from Idaho [Mr. DUBOIS], who introduced this bill. He may be able to state some special reasons why the amendment should not be adopted.

Mr. HOLMAN. Before the gentleman from Idaho proceeds, I move to amend by striking out "seventy-five" and inserting "fifty" in the second line of section 2.

Mr. DUBOIS. Mr. Speaker, the country through which this road is to run is in many places rolling and mountainous, and for that reason the right of way was made a little larger than usual. The peculiar character of the country was taken into consideration in framing the bill. I do not think that a right of way 150 feet in width would be too large.

The amendment of Mr. HOLMAN was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ORDER OF BUSINESS.

Mr. PERKINS. This concludes the business which our committee has the right to call up under the rule; but if there is no objection I would like to call up the bill which I brought to the attention of the House a few moments ago—the bill introduced by the gentleman from Montana [Mr. CARTER]. I ask unanimous consent for the consideration of that bill.

The SPEAKER. The Chair does not think it proper during this hour to submit requests for unanimous consent. The next committee in order is the Committee on Territories.

Mr. BAKER. On behalf of the Committee on Territories, I send to the desk several bills which the committee desire to have considered. They are all short.

The SPEAKER. The gentleman from New York must submit the bills one at a time. The Clerk will read the first bill submitted by the gentleman.

#### WAGON-ROAD IN IDAHO TERRITORY.

The Clerk read as follows:

A bill (H. R. 1590) to ratify an act entitled "An act to provide for a wagon-road between Mount Idaho, in Idaho County, and Little Salmon Meadows, in Washington County," in Idaho Territory.

*Be it enacted, etc.,* That the act of the Legislative Assembly of the Territory of Idaho, passed February 2, 1889, entitled "An act to provide for a wagon-road between Mount Idaho, in Idaho County, and Little Salmon Meadows, in Washington County," be, and the same is hereby, ratified and confirmed. The time for the completion of said road shall be extended one year.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BAKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### FEES IN TERRITORIES OF NEW MEXICO AND ARIZONA.

Mr. BAKER. I am directed by the Committee on Territories to call up from the House Calendar for consideration at this time the bill (H. R. 3940) to amend an act entitled "An act to extend the fees of certain officers over the Territories of New Mexico and Arizona."

The bill was read, as follows:

*Be it enacted, etc.,* That the act of the Congress of the United States entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853, and section 837 of the Revised Statutes of the United States, is extended to the Territories of New Mexico and Arizona, and shall apply to the fees of all officers in such Territories, but the district attorney shall not, by fees and salary together, receive more than \$5,000 per year, and all fees or moneys received by him above said amount shall be paid into the Treasury of the United States.

Mr. HOLMAN. I should like to inquire of the gentleman from New York whether the effect of this bill is to increase the fees and salaries of these officers. Before we are called upon to vote on it we should know what the effect of the measure is.

Mr. BAKER. I will yield the floor to the gentleman from Arizona or to the Delegate from New Mexico to explain the bill. If they are not present, I will yield to the gentleman from Idaho [Mr. DUBOIS].

Mr. DUBOIS. The other States and Territories provide that the attorneys' fees shall be \$5,000 a year, as the maximum, but in Arizona and New Mexico they are limited to \$3,500 a year. There is no reason why the exception should be made, as there is just as much business done there as in the other States and Territories. This bill merely provides that the maximum shall be the same in Arizona and New Mexico. The bill was introduced by the Delegate from New Mexico [Mr. JOSEPH], and has been reported back from the Committee on Territories.

Mr. HOLMAN. Are those the only two exceptions—Idaho and Arizona?

Mr. DUBOIS. Not Idaho, but Arizona and New Mexico.

Mr. HOLMAN. Those are the only two exceptions?

Mr. DUBOIS. I think so.

Mr. HOLMAN. It is proposed to fix the fees as in the other Territories. It proposes to limit the maximum to \$5,000 a year.

Mr. McMILLIN. The effect will be to allow the fees to reach that amount. The bill does not make an appropriation out of the Treasury.

Mr. DUBOIS. It does not, but merely limits the fees to be charged. The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BAKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### OKLAHOMA.

The SPEAKER. Sixty minutes having elapsed, in accordance with the provisions of the resolution adopted by the House yesterday, the House will now resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the Oklahoma bill, and the gentleman from Illinois [Mr. PAYSON] will take the chair.

The CHAIRMAN. The House is now in Committee of the Whole, and will resume consideration of the bill (S. 895) to provide a temporary government for the Territory of Oklahoma, and the Clerk will read the pending amendment, moved by the gentleman from Arkansas [Mr. PEEL].

The Clerk read as follows:

In line 37, after the word "act," insert the following: "Provided, That nothing herein contained shall in any way change the possession, legal or equitable title to that part of the Indian Territory known as the Cherokee Outlet, and."

The CHAIRMAN put the question and said: The yeas seem to have it. Mr. PEEL demanded a division.

The House divided; and there were—ayes 44, noes 70.

Mr. HOOKER demanded tellers.

Tellers were ordered, and Mr. HOOKER and Mr. PERKINS were appointed.

The committee again divided; and the tellers reported—ayes 38, noes 77.

So the amendment was disagreed to.

Mr. HOLMAN. I ask, by unanimous consent, to make a correction in the amendment I offered yesterday. It will be found on page 3233 of the RECORD. I have submitted it to the gentleman in charge of the bill.

Mr. PERKINS. There is no objection to it.

The CHAIRMAN. Unanimous consent is asked by the gentleman from Indiana [Mr. HOLMAN] to move the following amendment, to correct an error in an amendment previously offered by him and adopted by the committee.

The Clerk read as follows:

Insert, after the words "Indian Territory" the words "or Territory created by this act" and strike out the words "said Territory" and insert the words "either of said Territories."

Mr. McRAE. What section?

Mr. HOLMAN. The tenth.

The CHAIRMAN. So as to make the amendment read as follows:

*Provided, however,* That no part of the land embraced within the Territory hereby created shall inure to the use or benefit of any railroad corporation (except the rights of way and land for stations heretofore granted to certain railroad corporations), nor shall any provision of this act or any act of any officer of the United States done or performed under the provisions of this act or otherwise invest any corporation owning or operating any railroad in the Indian Territory, or Territory created by this act, with any land or right to any land in either of said Territories, and this act shall not apply to or affect any lands which, upon any condition, on becoming a part of the public domain, would inure to the benefit of or become the property of any railroad corporation.

The amendment was agreed to.

Mr. HOLMAN. I move the following amendment, to come in at the end of the section.

The Clerk read as follows:

Add the following:

"And any question which shall arise under this provision shall be referred by the Secretary of the Interior to the Attorney-General with his opinion thereon."

Mr. McRAE. What section is that?

Mr. HOLMAN. Section 10.

The amendment was agreed to.

Mr. STONE, of Missouri. I move after the word "said," in the eighth line of section 10, to insert "except section 2301 of the Revised Statutes, which shall not apply." Also insert the same after the word "States" in the thirty-fourth line.

I ask the gentleman from Kansas in charge of the bill whether he has any objection to the exception of the commutation clause of the homestead law.

Mr. PERKINS. I do not know there is any objection to that.

The amendment was agreed to.

Mr. TARSNEY. I move the following amendment:

The Clerk read as follows:

Amend section 10 by adding thereto the following proviso:  
"Provided further, That the lands in this section declared a part of the public domain of the United States and hereby opened to settlement are hereby created into a public land district, and the President is hereby empowered and directed to locate land offices for the same in said district, and to appoint, in conformity with existing law, a register and receiver for said land office; and for the purpose of carrying out this provision the sum of \$2,500, or so much thereof as may be necessary, is hereby appropriated."

Mr. PERKINS. If the gentleman will permit me to suggest to him, I think we have already in the bill such a provision; but if as we proceed we find there is no such provision I am perfectly willing that he shall have permission to return to this portion of the bill and offer it.

The CHAIRMAN. If, then, the gentleman will withhold his amendment for the present with that understanding—

Mr. PICKLER. Let me ask, is this for the establishment of a land office in No Man's Land?

Mr. TARSNEY. Yes. I will withhold it for the present.

Mr. BARNES. Mr. Chairman, I have certain amendments which I would like to offer to this bill, and which relate to the sections towards the close of the bill, namely, sections 29, 30, 36, and 37. I would like to have the consent of the committee to present these amendments now, have them read for information, and considered as pending, so that when the committee rises they may be reported to the House.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to have the amendments which he suggests read, first for information, and then considered as pending in case the sections of the bill to which they are applicable shall not be reached for discussion and amendment before the hour fixed by the House for the committee to rise is reached. They will be read subject to the right of objection.

The Clerk read as follows:

Amend section 29 by inserting in line 18, after the word "Congress," the following words:

"Provided, however, That the judicial tribunals of the Indian Nation shall retain exclusive jurisdiction in the civil and criminal cases arising within their country in which members of the nations, by nativity or adoption, shall be the only parties, or when the cause of action shall arise in the Cherokee Nation."

Amend section 30, line 73, of the bill by inserting, after the word "Territory," the following:

"Provided, however, That the members of the five civilized nations of Indians shall not be subject to the said laws."

Amend section 30 by adding, after the word "corporations," in line 77, the words "other than members of either of the civilized nations of Indians." On line 93, after the word "the," insert "courts of the," and after the word "nations," in the same line, insert the word "exclusive;" so as to make the sentence read:

"But nothing in this act shall be so construed as to deprive any of the courts of the civilized nations of exclusive jurisdiction over all cases."

Also amend by striking out sections 36 and 37 of the bill.

Mr. CULBERSON, of Texas. If, as I understand the request of the gentleman, that these be considered as pending amendments, I ask to have the first one read again.

The CHAIRMAN. They are reported now only for the information of the House, and the gentleman asks unanimous consent that they may be considered as pending.

Mr. CULBERSON, of Texas. I ask for the reading of the first amendment again.

The amendment was again read.

Mr. CULBERSON, of Texas. I will have to object to that unless the privilege is given to discuss it when it is considered. That is a far-reaching amendment to this bill, and I would like it to be withdrawn, or else I shall feel compelled to withhold consent to the other amendments being offered.

The CHAIRMAN. It is a matter for the committee to determine. Unanimous consent is asked. Is there objection to the request of the gentleman from Georgia?

Mr. PERKINS. I did not understand that the consent was asked for present consideration.

The CHAIRMAN. It was not.

Mr. BARNES. I will withdraw the amendment just read for the present.

The CHAIRMAN. The Chair will then regard unanimous consent as having been given to the pendency of the other amendments in the absence of objection, the first amendment read being withdrawn.

The Chair hears no objection.

The Clerk read section 11 of the bill, as follows:

Sec. 11. That the procedure in applications, entries, contests, and adjudications in the Territory of Oklahoma shall be in form and manner prescribed under the homestead laws of the United States, and the general principles and provisions of the homestead laws, except as modified by the provisions of this act and the acts of Congress approved March 1 and 2, 1889, heretofore men-

tioned in this act, shall be applicable to all entries made in said Territory, and no patent shall be issued to any person who is not a citizen of the United States at the time he makes final proof. *Provided*, That where the final decision of the Secretary of the Interior in any land contest arising in the Territory of Oklahoma will, in his opinion, affect a class of cases, or furnish a precedent for the future action of the register and receiver of any land office therein, or of the Commissioner of the General Land Office, or of the Secretary of the Interior in relation thereto, the Secretary of the Interior shall, on application of the Attorney-General, on behalf of the United States, or of any party to such contest, if made within sixty days after the rendition of such decision, cause such case, with all the papers, proofs, and documents pertaining thereto, to be transmitted to the supreme court of the District of Columbia, and the case shall there be tried *de novo* on the record thus furnished as if originally commenced therein, with the right of appeal to the Supreme Court of the United States as in other cases, without regard to the value of the land in controversy.

Mr. McRAE. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Amend section 11 by striking out all after the word "proof" in the eleventh line.

Mr. PICKLER. That is the same as my amendment.

Mr. TARSNEY. And mine.

Mr. McRAE. The proviso to this section ought not to be adopted, and hence I have made the motion to strike it out. It is enough, I think, to require the settlers to satisfy the Department, without permitting the Department after years of delay and vexation to turn them into the courts of this city where their claims may never be decided. This is a departure from the well established methods of procedure in the Department of the Interior for adjusting such cases. There is no necessity for it and no good will come from it. The mode of procedure in the courts and rules of evidence applicable to trials there of causes between individuals are not applicable to these cases. It is a system that has grown up in the Department, and unlike anything or any other tribunal in this country, but admirably adapted to the settlement of all questions arising upon applications to enter public lands. These questions belong to the executive department of the Government and it should be required to settle them in accordance with present law and the regulations now in force.

We have had no trouble in the settlement of these matters heretofore except from delay, and if this amendment is not agreed to and this bill ever becomes law it will add to the hitherto long delays, and will also give an advantage to parties who are able to go to the courts over those who are poor and not able to follow them to this city. If they must go to the courts at all, let us do them the justice and fairness to open the courts having jurisdiction over the litigants and the subject of the litigation. Why should such jurisdiction be conferred upon the supreme court of the District? It is a wrong upon the bona fide settlers for which there is no excuse whatever, and I am surprised that there is such provision in the bill.

Mr. PICKLER. Mr. Chairman, the amendment of the gentleman from Arkansas is identical with the one that I offered on yesterday. But there are other reasons why, in my opinion, that portion of the bill should be stricken out.

The land laws, as at present in force, are amply sufficient for the disposition and settlement of such questions as may arise under this bill at any time. Now, it is provided here that after a contested claim from Oklahoma is followed through all of the local land offices, then to the Commissioner of the General Land Office, and, finally, to the Secretary of the Interior, and a decision is made by him, then that the parties may have the case certified to the Attorney-General of the United States, and have it tried here in the supreme court of the District of Columbia. What is the object of that? Why not allow these people in Oklahoma to take their lands and have the contest settled as in any other Territory of the United States? Why should there be a difference in that regard?

But, Mr. Chairman, the point about this provision, which we desire to strike out, is directly in the interest of these men who entered that Territory contrary to the President's proclamation.

A MEMBER. The "sooners."

Mr. PICKLER. Yes; the "sooners." This is directly in their interest, or that is what it will result in. For, Mr. Chairman, if in the course of the settlement of these cases out there any one can get up a leading case that suits their views, these people will see that it shall be placed in the supreme court of the District of Columbia. So these men can combine together and say to the settler, "We will compel you to go to the District of Columbia or you will settle with us here." And so it will force the man who is unable to follow in this unnatural route, outside of the lines of the Land Department, in a line unprecedented, it will compel him to accept their terms. I believe that there is no other case in such contest between claimants to public lands provided in the States in this country, that places them in the supreme court of the District of Columbia.

Another thing, Mr. Chairman: if this obtains, if this provision is not amended and such case is certified (and the "sooners" will have such a case certified without doubt), the next move will be to order the local land offices and the contestants in the Land Department to wait the decisions of the court; and so the settlers of Oklahoma will be compelled to retain possession of their land and law it here at Washington in the supreme court of the District of Columbia.



Further than that, there will arise new rules of construction. We are dealing with public lands outside of the regular line now; and it seems to me, Mr. Chairman, that there will be interminable difficulties that it is not necessary to burden these people with. I think that amendment should prevail, to strike out this whole provision; and then, gentlemen, you leave the people there as in other land contests, just as they are left in the State of Minnesota and in the States of Dakota or any other Western State. I do not understand why this amendment should appear to impose restrictions on these people.

Mr. STONE, of Missouri. Mr. Chairman, I desire to say just a word in addition, and in the same line as the remarks submitted by the gentleman from South Dakota. This legislation proposed in the proviso to this section is certainly exceptional and unusual. It is a radical departure from the rule that has heretofore obtained in the administration of the public-land laws. I am unable to conceive of any reason why the same rules of administration should not govern in the disposition of the public lands of the Territory of Oklahoma which obtain in the disposition of those lands elsewhere throughout the country.

But I desire to call the attention of the committee especially to this feature: I am advised there are tracts of land in this Territory which are embraced within the corporate limits as laid out and defined in towns; that persons who entered the Territory before they were authorized to do so by the proclamation of the President, and it may be those who entered afterwards, who have laid claim to those lands, in contravention of the law, as homesteaders, are now entering contests, claiming the right to carry them to patent.

Now, if this is permitted, Mr. Chairman, and if these claims can be carried into the Supreme Court and an adjustment of them delayed from year to year and almost indefinitely, the result will be that many people now settled upon these lands who have improved lots laid out upon these lands as part of a city will be compelled, in order to enjoy their titles and in order to utilize their titles, to go to these fraudulent claimants and buy them out at such figures as they may be able to agree upon.

Now, it seems to me, sir, in view of that condition of things, that this provision ought to be eliminated from this bill, and contests of whatever character should be initiated and prosecuted to a conclusion under the law which obtains in reference to all the rest of the public lands of the country.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Arkansas.

Mr. SPRINGER. I desire to be heard.

Mr. PICKLER. I desire to accept the amendment of the gentleman from Arkansas.

The CHAIRMAN. The amendment of the gentleman from Arkansas is the pending amendment.

Mr. SPRINGER. I move to strike out the last word. Mr. Chairman, if the gentleman from Missouri who has just addressed the committee will suggest any amendment which will facilitate a more speedy determination of every question involved, I will, so far as I am concerned, take pleasure in supporting it.

My object in supporting this proposition is to favor such measures as will bring to a speedy determination the controversies in that country, and such a determination as will alone quiet everything—that is, a decision of the highest judicial tribunal in the land. I do not think that any gentleman here or any citizen of the United States can feel that his property rights will be jeopardized in the slightest by having a question relating to them submitted to the Supreme Court of the United States. I have differed with that distinguished tribunal on many occasions, but these occasions have related more to questions of public policy than to the law as it affects the rights of individuals; and I say here that I challenge contradiction of the statement, as to property rights that are involved in this country, they secure in the Supreme Court of the United States as near justice as can be hoped for in this world. Gentlemen who are afraid to trust controversies in regard to the laws and to homes upon the public domain to that tribunal must suggest some other way to me that will be better and further removed from prejudice before I will consent to deprive that great tribunal of the right to finally determine who is entitled to homesteads upon the public domain.

Mr. STONE, of Missouri. Just a moment.

Mr. SPRINGER. In a moment. Does the gentleman desire to ask me a question?

Mr. STONE, of Missouri. I desire to make a reply of one moment to your observation.

Mr. SPRINGER. I have not concluded my remarks. I may not have understood the gentleman. The object of this provision is not to take away from these people the right to have their cases tried and not to transfer them to the Supreme Court; but one case may be taken as a sample case:

*Provided*, That where the final decision of the Secretary of the Interior in any land contest arising in the Territory of Oklahoma will, in his opinion, affect a class of cases or furnish a precedent for the future action of the register and receiver of any land office therein, or of the Commissioner of the General Land Office, or of the Secretary of the Interior in relation thereto, the Secretary of the Interior shall, on application of the Attorney-General, on behalf of the United States, or of any party to such contest, if made within sixty days after the rendition of such decision, cause such case, with all the papers, proofs, and docu-

ments pertaining thereto, to be transmitted to the supreme court of the District of Columbia, and the case shall there be tried *de novo* on the record thus furnished as if originally commenced therein, with the right of appeal to the Supreme Court of the United States as in other cases, without regard to the value of the land in controversy.

Now, this case must, in the opinion of the Secretary of the Interior, first be such a one as to furnish a precedent in a large class of cases; otherwise it can not be taken to the Supreme Court in this way; and it is for the purpose of getting the decision of the highest court of the country and for the advantage of a large number of the people that this provision was inserted. It will entirely depend upon the discretion of the Secretary, because in the committee that was discussed, and the words "in his opinion" were inserted, so that if he were not of the opinion that it reflected a large number of cases he could refuse to certify the case to the Supreme Court.

Mr. McRAE. Mr. Chairman, I am opposed to the amendment to strike out the last word. As has been said by the gentleman from South Dakota and the gentleman from Missouri there can be no use whatever for this provision unless it be to enable the "sooners" to get their cases into the courts where they can freeze out, as it were, the poor men who have superior rights but less money. What is meant by a class of cases? What other class of people would make a case? The homestead law is the only public-land law that operates there, and certainly we do not need the supreme courts of this District and of the United States to settle the qualifications of applicants and to determine who applied first. The truth is there are certain parties who have claims that they know will not be recognized by the Department and they want a chance to litigate and delay in the hope of getting a compromise.

I believe that this is an effort, though not so intended by the committee who reported the bill, in the interest of those who have entries that they made in violation of the law and of the proclamation of the President. It is an effort and will have the effect to drag the people who are contesting those claims into courts they know nothing of and which they can not attend by reason of the distance. Justice delayed is justice denied; and to tell the honest settlers in Oklahoma that they can only get their homesteads at the end of contests that must or may go to the Supreme Court of the United States is in effect denying them their rights. It will cost them more than their claims are worth.

Why, sir, we all know that even individual litigants with means to go to that court and something to warrant litigation can not get their cases decided within three or four years; yet instead of relieving the court it is proposed by this to send them a new class of cases. Of all the courts in the United States I think the supreme court of the District of Columbia is the least fitted for such cases. I say this not because they are not able men and good judges, but because this court sitting here is composed of men who perhaps never saw an acre of public land, and who probably never had anything to do with a contested-land case as a court. Why, I ask, does the committee come so far in order to get this court?

Mr. PETERS. If the gentleman will allow me a suggestion, the supreme court of the District of Columbia is as far behind with its business as the Supreme Court of the United States is.

Mr. McRAE. I thank the gentleman for the information. That being so, it will be two or three years' more delay for such cases. That may be the reason for selecting this tribunal.

The gentleman from Illinois [Mr. SPRINGER] talks about the learning and ability of the Supreme Court of the United States. No gentleman on this floor has more respect for that great court than I have, but I say it is a mockery upon justice to tell the settlers on the public lands in this new Territory that their titles must remain in dispute and clouded until their cases are reached upon the overcrowded docket of this court and decided. No, Mr. Chairman, let these people take their chances under the laws that were in existence at the time the entries were made, as other contestants must do, and abide the result. I repeat again that if there must be a court for this purpose give them a court where they live, and give them the right of trial by a jury of their peers.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Arkansas [Mr. McRAE].

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I want to suggest briefly that the conditions under which Oklahoma was settled were rather anomalous, so that what is true of the growth, development, and settlement of other sections of the country is hardly true of Oklahoma. As is known to members of this House, the bill which provided that that country should be opened to settlement directed that the President of the United States should issue his proclamation and should designate a day and an hour at which settlers should be permitted to enter, to occupy, and possess these lands. Notice was given to all sections of the country of that fact and of that date, and settlers by thousands went there and waited upon the borders of the Territory for the time to arrive when they might enter and take possession, and, as a result, towns grew in the Territory of Oklahoma from nothing in the morning to a population of 10,000 when the sun went down.

Nothing like it ever occurred before in the history of this country, and, as suggested by one gentleman who has participated in this discussion, contests exist there between homestead claims and town sites

which involve many thousands of dollars. Very important controversies exist there, involving very valuable property, controversies involving, perhaps, larger values than any which have ever heretofore arisen in an agricultural section of country. It was the judgment of the Committee on Territories considering this bill, in view of these conditions and facts, that certain test cases might be selected and that a decision might be obtained from some court of competent jurisdiction where these questions could be deliberately and judiciously settled, and settled—I will not say more intelligently, but perhaps more in keeping with the spirit of the institutions of our country than they could be in the Land Office or in the Interior Department.

It was in that view that the committee thought it was right and fair to authorize the Secretary of the Interior, where he found that a case involved many others of a like character, so that a test case could be made, to permit such test case to be taken to the supreme court of the District of Columbia, with the right of appeal to the Supreme Court of the United States. My own judgment as a member of the committee was that perhaps it would be better to send such cases to the courts of the Territories rather than to the supreme court of the District of Columbia or the Supreme Court of the United States; but the judgment of the committee was that, the records being here in Washington, the papers being here, the evidence being here, a test case could be sent to the court of the District of Columbia with less trouble and less cost to litigants than would be involved in sending it to the courts of the Territories. In that view this provision was incorporated in the bill.

Personally, I have no feeling whatever upon the subject. The committee thought, in view of the interests involved and in view of the value of some of the claims in dispute, that it was but fair and right that an additional investigation might be given to some of these cases as test cases, and a decision obtained which, as suggested, would be, perhaps, more in keeping with the genius and spirit of our institutions than a decision made in the Land Office or the Interior Department.

Mr. PICKLER. Will the gentleman permit a question?

Mr. PERKINS. Certainly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. I move to strike out the last word, in order that I may have an opportunity to answer the gentleman's question.

Mr. PICKLER. I desire to ask the gentleman whether it is not true that the only class of persons interested in contests, the only persons that can be properly denominated a class, and who might avail themselves of the benefit of this provision, are the men known as "sooners?"

Mr. PERKINS. Oh, no.

Mr. PICKLER. Who else are there?

Mr. PERKINS. The case of any man whose rights are affected by an adverse decision comes under this provision, provided the Secretary of the Interior on reviewing the case thinks that it may be made a test case, that many other cases of a like class will be affected by its decision.

Mr. PICKLER. One man would not be a "class." There is no class there except the class of "sooners."

Mr. PERKINS. There are many others.

Mr. PICKLER. Who are they?

Mr. PERKINS. Why, the honest settlers.

Mr. SPRINGER (to Mr. PICKLER). Why, the question of priority of location involves more cases than the question to which you have referred.

Mr. PICKLER. Priority of location is the very question adjudicated by the Land Department more than any other question coming to the Department from the States and Territories. Why should we want a different tribunal in this case?

Mr. SPRINGER. Because this is a different condition of things. The settlers there came into the Territory at a signal; people entered at one time all along the line for a mile.

Mr. PICKLER. This question of priority of location is one coming up in all matters of disputed settlement.

Mr. SPRINGER. But in none like this.

Mr. STOCKDALE. Mr. Chairman, I have not occupied the floor to any extent on this bill, and I desire to say a word on this amendment. I have always been in favor of the Oklahoma bill; voted for it in all its phases, and have always been here when it was under consideration. But with reference to this amendment I wish to say that with such a provision incorporated in the bill I certainly should hesitate to support the measure further.

It has been said by the chairman of the committee that the records concerning these land questions are here, and that a party could get into the courts of the District of Columbia more easily, perhaps, than into a court in Oklahoma. Is it to be said that it is easier to transport litigants from Oklahoma to Washington City than it is to send transcripts of the records from Washington City to Oklahoma? Cheaper! Why, there is not a transcript in any case to be tried there that will cost more than from \$15 to \$25. Now, a man can not come here from Oklahoma and get back home, living in the cheapest sort of a way while here, for less than \$100.

Is it more in conformity with our institutions to try a man's case 1,400 miles away from his home than to try it where he resides? I hope this Government or this Congress will not assume for the Dis-

trict of Columbia that there is more virtue and more intelligence here than among the people of any State or Territory of the Union. There is too much of this sentiment growing up in the country already. Unless we are to legislate solely in the interests of the rich and powerful, it is time we should take into consideration somewhat the right of the poor man. The very circumstance detailed by the chairman of the committee—men going into that Territory by tens of thousands in a day—is a circumstance in favor of my position. We all know that men seeking to settle on these lands were hanging around the borders of that Territory until in their necessities they had disposed of almost everything they had except their fire-arms. They never disposed of them, although they were not in the South. Those men went in there and entered upon their land. Now powerful corporations or wealthy individuals come in and undertake to contest the title to these lands with a poor settler who has nothing but his teams and his wife and his children.

The representatives of these wealthy claimants say to this poor settler, "We will take you to the District of Columbia, to the Supreme Court of the United States to determine this question." The poor settler at once gives up to the rich and powerful contestant; the settler is turned off his land. And the Congress of the United States says, "This is more in keeping with the genius of our institutions!" If this practice proceeds it will be more in keeping with the genius of our institutions to oppress the poor in favor of the rich.

I am entitled to say this by another circumstance, one which occurred in this House a few days ago.

In a bill presented here establishing land offices there was a provision by which, if a poor man had not money enough to pay his witnesses, he would be enabled to compel them to attend at the land office and give in their evidence. More than half the States of this Union have statutes of that sort: to enable a poor litigant to secure a fair trial by compelling the attendance of witnesses, even if he is unable to pay them. But that provision was stricken out of the bill in this House upon motion, without debate. So by the action of this House it is provided that at the land offices in the Northwest a man who is able to pay his witnesses and keep them at the land office may laugh in scorn and derision at the poor man who is unable to pay the expense of the attendance of witnesses. Because he is poor the courts refuse to summon his witnesses, the sheriff refuses to serve the process, the witnesses refuse to attend. And that is the judgment of this House upon the conduct of land contests in the Northwest, and all over the Union, so far as that is concerned.

Now, there comes here an analogous proposition—a proposition that a litigant in any contest arising in this Territory may be compelled to come to this city, and to remain here at an expense of \$1 a day while awaiting the slow processes of the courts of the District of Columbia and of the Supreme Court of the United States, where, as we know, cases remain on the docket unheard for years. We propose to say to the poor litigant, "You may have your land, provided you have money enough to pay for the transportation of witnesses or money enough to bring your transcripts here and fight your case." Under such circumstances the contest to the settler in necessitous circumstances is from the beginning hopeless, because he has neither the power nor the means nor the influence to contest his case in the courts.

[Here the hammer fell.]

Mr. STONE, of Missouri. Mr. Chairman, I move to amend by striking out the last word. I am unwilling to delay the passage of this bill by unnecessary discussion; but from reliable information coming to me from authentic sources I regard the feature of the bill now under discussion as of the very highest importance, and it ought to be understood by the House in its practical effect before we determine to retain it.

The gentleman from Illinois [Mr. SPRINGER] occupied the greater part of his five minutes in pronouncing a eulogy upon the Supreme Court. There is no question about the capacity of the Supreme Court as our highest judicial tribunal to settle these questions as they ought to be settled; that is a matter which is not at issue here. This proviso simply proposes to change the general law as it applies to our public-land system throughout the entire country.

Mr. Chairman, in the State of Kansas or Nebraska, or in any of the Territories of the Northwest, if a contest should arise similar to such as may arise in Oklahoma, it is tried first before the register and receiver, then an appeal may be taken to the Commissioner of the General Land Office, and if the party is not satisfied with his decision an appeal may be taken to the Secretary of the Interior, whose conclusion is final. That is the general law applied in the administration of our public-land system from one end of the country to the other, and it has been the law for many years.

But here it is proposed, with reference to the public lands in the Territory of Oklahoma, and exclusively with reference to them, to authorize parties interested in land contests, after the Secretary of the Interior has made his decision, to carry the case to the supreme court of the District of Columbia, where a decision may be delayed three or four years, with a still further right of appeal to the Supreme Court of the United States, where the contest must await the slow and tedious processes of that tribunal.

Now, what is the practical phase of this question? The gentleman



from Kansas in charge of this bill admits that contests have been initiated and are now being prosecuted in which persons claiming title under homestead entries come in conflict, not with one, but with many adverse claimants whose title rests upon town-site laws, laws of the municipality.

It is currently reported wherever it has found expression in this Hall, from authentic sources, from reliable sources, that the men who are endeavoring to establish these homestead entries are persons there with fraud upon their titles, "sooners" many of them are termed.

What is going to be the result if we give them this extraordinary privilege? Some gentlemen here may claim a lot in one of these towns, and may be brought into conflict with one of these "sooners." One hundred men claiming one hundred titles to one hundred lots may be brought into conflict, and there should be some provision in order to avoid delay on the part of these one hundred men claiming these one hundred lots, and in order they may put mortgages on them if they so desire or may dispose of them if they so desire. Instead, these men are compelled to wait eight or ten years before they can obtain possession by settling the dispute, or they must go to the "sooner" and make some contract with him by which he will quit-claim the interest he has to the lot or which he pretends to have to it.

I can see no reason why we should depart from that practice, which has been established by long usage in the country and which has been approved by many years of administration. Many have gone into that Territory, not only without authority of law, but in defiance of the very letter of the law itself.

[Here the hammer fell.]

Mr. PETERS. Mr. Chairman, I have an amendment to offer which I think will take precedence of the motion to strike out, as it is to perfect the words to be stricken out.

The Clerk read as follows:

Amend by inserting, after the word "its," in line 12, section 11, the following words: "Involving property exceeding \$5,000 in value."

Mr. PETERS. Mr. Chairman, I think there is some good reason for an appeal in certain cases, but the great objection which has been made, and the great objection in my mind in regard to allowing an appeal, is that it places the homesteader, whose claim would not in any event for the first three or four years exceed the sum of one thousand or two thousand dollars, at the mercy of the man who has time and money to appeal to the higher court and thus invoke the law's delay.

The amendment I propose would exempt all that class of cases, and only allow an appeal in cases where the property in value exceeded the sum of \$5,000.

I am also opposed to taking the appeal to the supreme court of the District of Columbia. If this amendment is adopted I shall offer another, proposing to strike out the words "the District of Columbia," and make the appeal to the supreme court of the Territory.

I do not believe there is any reason why the appeal should be taken to the supreme court of the District of Columbia. That court, as stated by the gentleman from Arkansas, is behind with its regular business, as I understand, about three years, and it would be almost an absolute denial of justice to provide for an appeal to the supreme court of the District of Columbia and from the supreme court of the District of Columbia to the Supreme Court of the United States. That would mean a delay which could not be avoided of from five to six years.

And I think, as stated, there are cases arising in town sites where there is a large amount of property involved and where there are intricate questions, which cases necessarily should be passed upon by a court. The questions involved in the settlement of these cases should be passed upon by a regular tribunal. Certainly it will not provoke delay to provide for appeals to the supreme court of the Territory of Oklahoma. That court when created will have but little business and it can dispose of it rapidly. Those familiar with the Land Office here know that, by making a showing that the disposal of one case will dispose of a large number of other cases, a person can have it made special and passed upon at once. So in this class of cases there need be no delay in the Land Office or in the office of the Secretary of the Interior by reason of lack of business, and there need be no delay in the supreme court of the Territory of Oklahoma.

I believe, therefore, that all those who are in favor of striking out the section ought to first try to amend it by limiting the amount as proposed to \$5,000, and then, if possible, further amend it by making the appeal to the supreme court of the Territory, and then, if not even satisfied with that, move to strike out the whole measure when it is thus perfected.

Mr. SPRINGER. Mr. Chairman, I rise to oppose the amendment. I think the gentleman from Kansas misunderstands the scope of this proviso. If the object, as suggested, is to settle a class of cases, manifestly it does not matter whether the case appealed involves a hundred, a thousand, or five thousand dollars of value. It should be settled all the same, because the case involved may settle a class involving hundreds of thousands or even millions of dollars, while the case itself might involve but \$500. For that reason the amendment of the gentleman ought not to be agreed to.

Now, in reply to the remarks of the honorable gentleman from Missouri [Mr. STONE], whom I do not now see in his place, I fully agree

with the objects which the gentleman desires to accomplish, namely, to secure a speedy determination of every important fact involving land contests everywhere; and, strange to say, the Committee on the Territories, after hearing all persons interested down there, were unanimously of opinion that this was the very way to secure a speedy and satisfactory determination of the legal questions involved.

Now, if we have mistaken the situation and the language we have used does not express in clear terms what we desire to accomplish, and what the gentleman from Missouri also desires to accomplish, from his remarks, then I urge my friend, who is a member of the Public Lands Committee, to formulate a proposition which will bring it about in a simple and more speedy manner; and I assure him that I will heartily co-operate with him in any proposition which will bring, at the earliest time, a satisfactory and final decision of the questions involved.

Mr. STONE, of Missouri. Will the gentleman permit me a moment?

Mr. SPRINGER. With great pleasure.

Mr. STONE, of Missouri. I think, in response to the gentleman's statement, that by adopting the amendment of the gentleman from Arkansas [Mr. McRAE]—that is, by striking out this proviso and leaving the settlement and adjustment of these contests in Oklahoma to be determined by the same law and procedure that applies in all other cases—you will secure a complete and early settlement of the question.

Mr. SPRINGER. Very well. Now I am glad the gentleman has so stated. I want to inform the gentleman what the present law is, and that is just what we desire to improve. It is first a decision of the land officers, second an appeal to the Commissioner of the General Land Office at Washington, and from him to the Secretary of the Interior. That is the present course. Now, these cases are not heard as a judge trying a case at law. The Secretary of the Interior refers the case to his law clerk, and in a private room an entirely *ex parte* proceeding and hearing is had, and the Secretary's decision is simply perfunctory, his name being appended to the decision of his law clerk.

Mr. PETERS. The gentleman from Illinois is mistaken in that.

Mr. STONE, of Missouri. The gentleman does not state the case fairly.

Mr. SPRINGER. Let me ask the gentleman, Does the Commissioner of the General Land Office or does the Secretary of the Interior make a personal and official examination of the matter, or does it not take the course I have stated?

Mr. STONE, of Missouri. Upon a trial before a register or receiver both parties are heard, and when an appeal is taken the entire testimony is sent up to the Commissioner of the General Land Office, as it would be sent to one of these courts, and there the whole case is examined from the papers and passed upon by the officers.

Mr. SPRINGER. That is exactly what I said.

Mr. STONE, of Missouri. And I do not see why there should be an exception in the case of Oklahoma?

Mr. SPRINGER. The gentleman simply repeats what I have said, and has taken up a good deal of my time unnecessarily. The gentleman does not controvert the statement that the Secretary of the Interior does not examine these cases personally, but that they are committed to the law clerks to pass upon the question from the testimony presented.

[Here the hammer fell.]

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. No member here is more anxious to protect the honest settlers of Oklahoma than are the members of the committee reporting this bill. I would not knowingly consent to any provision that is likely to embarrass them in their settlement, or efforts to settle, in a fair and judicial way the controversies and disputes that are almost certain to arise in that new Territory. I would not personally consent to anything that would embarrass them in their efforts to secure title to their homes, and a permanent settlement of the various controversies arising, at the earliest possible day. I know the embarrassment now existing. I know what difficulties the settlers have to encounter. I know, as suggested by the gentleman from Mississippi [Mr. STOCKDALE], that many settlers are poor and have gone there to better their condition in life, with the hope of securing, expeditiously, and with the expenditure of a small amount of money, their homes, and I do not want to embarrass them or delay their chance of securing titles.

But, in view of the conditions suggested when I had the floor before, the committee thought it was but fair to give to the Secretary of the Interior an opportunity of permitting some contested case or cases involving large and considerable sums of money to be settled in a tribunal more judicial in its form than a local land office or the General Land Office, and that was all that was desired by the committee. I personally am disposed to think that the amendments offered by my colleague from Kansas [Mr. PETERS] ought to be accepted, particularly that one sending the case on appeal to the courts of Oklahoma for adjudication rather than to the courts of the District of Columbia and the Supreme Court of the United States. We know that these courts are encumbered now with innumerable cases, and the sending of these appeals there would necessarily work delay and possible hardship for a long time to come.

For that reason I favor any proposition which will secure an early consideration of them; and personally I favored sending them to the

courts of Oklahoma, but the judgment of the committee was otherwise, and as a member of the committee I acquiesced. But now as the matter is brought to the attention of the House I am disposed to favor the amendment of my colleague, and for the reasons suggested as well as others that might be named.

The CHAIRMAN. The question is on agreeing to the amendments of the gentleman from Kansas [Mr. PETERS].

Mr. PERKINS. Is the vote to be taken now upon both or only one of the amendments?

The CHAIRMAN. The first amendment proposed by the gentleman from Kansas.

The House divided; and there were—ayes 23, noes 29.

So the amendment was rejected.

Mr. PETERS. Now, Mr. Chairman, I offer an additional amendment.

Mr. STONE, of Missouri. Is that to the original proposition?

Mr. PETERS. This is an amendment to perfect the proposition proposed to be stricken out.

The CHAIRMAN. There is a question of parliamentary status which the Chair will state to the committee. The Chair is inclined to hold that this is the parliamentary condition. The motion made by the gentleman from Arkansas to strike out the proviso is pending; but pending that it is in order to move an amendment to perfect the provision which is proposed to be stricken out. The gentleman from Kansas moves the following amendment:

The Clerk read as follows:

Amend by striking out the words "District of Columbia," in lines 22 and 23, and inserting in lieu thereof the following: "Territory of Oklahoma."

The CHAIRMAN. The question is upon agreeing to this amendment.

Mr. SPRINGER. What is the purport of this amendment?

Mr. PETERS. I will state in a word that it is to make the appeal to the supreme court of the Territory of Oklahoma instead of the supreme court of the District of Columbia.

Mr. SPRINGER. That will delay the matter still further. That is all.

The amendment was agreed to.

#### MESSAGE FROM THE PRESIDENT.

The committee informally rose; and a message was received from the President, by Mr. PRUDEN, one of his secretaries, announcing approval of acts of the following titles:

On the 6th instant,

An act (H. R. 7215) authorizing the Secretary of State to appoint two suitable persons to represent the United States at the international conference in regard to the protection of industrial property, and making an appropriation therefor.

On the 7th instant,

An act (H. R. 5235) to change and fix the time of holding terms of the district and circuit courts at Texarkana, Ark.

On the 11th instant,

An act (H. R. 3266) for the relief of the heirs of Noah W. Yoder.

The committee then resumed its session.

#### TERRITORY OF OKLAHOMA.

Mr. STONE, of Missouri. I would like to have the proviso read as amended.

The proviso was again reported.

Mr. STONE, of Missouri. I move to strike out the last word, and I shall just take time enough to say that I am absolutely unable to discern in what way this amendment particularly betters the condition of affairs. There is still, and would be still, an appeal from the supreme court of the Territory to the Supreme Court of the United States. That means, of course, this long delay of years in favor of the "sooners" who are laying claim to these lands, upon which towns are located and which are covered by hundreds of houses and buildings of one sort or another. Their determination is delayed indefinitely by these appeals to the court. The persons who are in possession by right will be compelled under the proviso as amended to expend such sums as the contestants may see proper to coerce them into paying. I am as much opposed to the proviso as amended as I am to the original provision.

Mr. PICKLER. Mr. Chairman, I am more opposed, if that can be, to this amendment than I was to the provision as it stood before. What have we now as proposed by the gentleman from Kansas and adopted by the committee? That cases will be tried by the local land offices, then appealed to the Commissioner of the General Land Office, and then from the Commissioner of the General Land Office to the Secretary of the Interior; and after the Secretary of the Interior has tried it, upon petition of some of these men out there, the Secretary of the Interior certifies it back to the Territory of Oklahoma to go into their courts and be tried there. Now, who ever heard of going from the authorities here back to the courts of the Territories?

Mr. PETERS. If my friend from South Dakota will allow me, I will state to him that there is no certifying it back. Under the law as provided, if a party desires to appeal to the supreme court of the Territory of Oklahoma he must make a showing before the Secretary of the In-

terior that his case will settle a large class of cases, and if that is done within sixty days he can take this appeal.

Mr. PICKLER. That is just what I say, that they can try all the way through to the Secretary of the Interior, and then if they are not suited they can have it certified back to the Territory of Oklahoma for its supreme court to try. I want to know if there was ever such a proceeding as that heard of before. I want to say that I do feel an interest in those people because I know many of them so well. I want to say to the House now, and to the committee, that there can only be one object in this and only one can result, and that is, that the men who went in by special trains, who stood in with the railroad companies, who were there contrary to law, and who are settlers upon the best and most valuable property, they are the only class of men who can be or are interested in this provision. I do not know how it comes in here; I do not care; but that, gentlemen, is the fact in the case; and it benefits that class alone. It is directly in opposition to the honest settler; and of that there can be no question.

Now, again I say, in conclusion, why not let the people of Oklahoma be governed by the same laws and in the same way that the settlers are governed in every State and Territory in the Union? That is all that they want. The gentleman to the contrary notwithstanding, I say, in Oklahoma Territory to-day, and I know what I am talking about, that there is no one who wants this provision except those men who went in there contrary to law.

Mr. SPRINGER. I say that the gentleman is mistaken.

Mr. PICKLER. I am not mistaken. I will say to the gentleman that I was there three months and he was only "toasted" three days. [Laughter and applause.]

Mr. PETERS. I desire to offer another amendment to the proviso.

The amendment was read, as follows:

Amend by striking out all after the word "therein" in line 24.

Mr. PETERS. The purport of that amendment is to strike out all the words that provide for an appeal to the Supreme Court of the United States. That leaves the matter to be regulated by the law as it exists at present in regard to appeals from the supreme court of any State or Territory. I do not see any use in retaining the provision for the right of appeal to the Supreme Court of the United States. If this amendment is adopted there will be simply an appeal to the supreme court of the Territory of Oklahoma, and then an appeal to the Supreme Court of the United States only in such cases as are provided for by law.

The amendment was agreed to.

The CHAIRMAN. The question recurs upon the amendment of the gentleman from Arkansas [Mr. MCRAE] to strike out this portion of the bill.

The amendment was agreed to.

The CHAIRMAN. The amendment of the gentleman from South Dakota to this section, which has been printed in the RECORD and which is similar to the amendment of the gentleman from Arkansas, will be regarded as withdrawn, and the Clerk will read section 12.

Mr. HARE. Mr. Chairman, before that is read I desire to offer an amendment to be considered as pending when that part of the bill to which it applies is reached.

The CHAIRMAN. Unanimous consent is asked by the gentleman from Texas [Mr. HARE] for leave to offer an amendment and have it considered as pending when the proper section shall be reached in the committee. The amendment will be read for information, after which the Chair will ask for objection.

The amendment was read, as follows:

Strike out section 26; strike out section 27; strike out section 28.

Amend section 29 as follows: Strike out lines 1, 2, and 3 and insert the following words: "The district court of Muscogee shall have exclusive original jurisdiction in the following cases."

Strike out the lines beginning at the word "and," in line 62, section 30, and ending at the word "territory," in lines 72 and 73.

The CHAIRMAN. Unanimous consent is asked by the gentleman from Texas that these several amendments shall be considered as pending when the appropriate sections shall be reached. Is there objection?

Mr. KILGORE. Yes, sir; I object.

Mr. PICKLER. Mr. Chairman, I desire to offer an amendment to section 11.

The amendment was read, as follows:

Amend section 11, line 11, by adding, after the words "final proof," the following words:

"Provided, That no person who entered said Territory of Oklahoma contrary to law or the President's proclamation of March 23, 1892, shall obtain title to any lands or town lots in that portion of the Territory of Oklahoma which was opened to settlement on the 22d day of April, 1892."

Mr. PICKLER. I do not wish to discuss the proposition. I call for a vote.

Mr. PERKINS. I hope that amendment will not be adopted. There is nothing in this act that attempts to settle these controversies at all. This amendment is entering upon a field that was considered when we had the town-site act before the House, and was discussed generally. There is nothing in this act which attempts in any way to regulate or determine these controversies between litigants or contestants in Oklahoma or to settle their rights or interests one way or the other. We



are simply attempting to create for them a Territorial government and tribunals in which they may settle their controversies according to the law as it is, and I hope that we shall not now enter upon this field. If we are now to enter upon this field it will take the remaining time that is left to the committee for the consideration of this bill and we shall not get away from this section this afternoon.

The amendment was rejected—ayes 15, noes 42.

Mr. TARSNEY. Mr. Chairman, I believe that section 11 is disposed of, and I desire to call attention again to the amendment to section 10 which I offered yesterday, and which was temporarily passed over. I desire to say to the committee that I have examined that section of this bill which, if any, covers the case, and it does not seem to me to be sufficient. It is section 19. It provides that—

The President may, at such times as he may deem it necessary, direct land offices to be opened in the Territory of Oklahoma.

Now, my amendment provides that one land office shall be established in the district of lands that are opened by this bill, and if that be adopted there will be no necessity for section 19. There is no provision in this bill making an appropriation to cover the cost of establishing land offices. It is simply left discretionary with the President to direct their establishment, and the President certainly will not establish any land offices until provision is made by appropriation to pay the cost of their establishment.

There is absolute necessity for the establishing of a land office, because No Man's Land lies more than 225 miles away from any place where there is a land office now, and the convenience of the persons who intend to occupy those lands demands that immediate provision be made for a land office nearer than the one at Guthrie. There is another and a still more potent reason why this amendment should be adopted and another land office established immediately. It is that those who expect to settle upon and become claimants to these lands shall have protection in the rights which the laws guaranty to them in making settlement.

It is known to this committee that a correspondence had been carried on between the Interior Department and the agents or officers of the Government at Guthrie for months after the opening of the Territory, which culminated in July last by the Secretary of the Interior writing a letter to the register of the land office at Guthrie, in which he condemned him in most explicit language as a corrupt official and as a co-conspirator of others who were trying to seize upon and steal those lands.

I desire to read for the information of this committee a few pertinent paragraphs from that letter. After reciting all the correspondence that had passed between the Secretary of the Interior and the register of the land office, the Secretary says:

Your communication of the 3d ultimo—

This letter was dated July 1, 1889,—

Your communication of the 3d ultimo was received in due course of mail and laid before the President, who has been advised of the correspondence between us. I was directed by him to reply to you that your explanation was not satisfactory. \* \* \*

The President, as well as myself, also marks with emphasis the fact that your former law-partner, Mr. Kenner, was one of those for whom a location was made in connection with your half-brother, Mr. Dille, and that it appears as if you had all left your homes with the preconceived idea that the opportunity offered was a favorable one, by whatever means you had at command, to take advantage of your fellow-citizens and regardless of the law and the trust reposed in you.

Then again he says:

I do not deem it necessary to continue this correspondence. You have long ere this arrived at a full understanding of my views as to your action and the position which you hold in the future towards this office. I am not authorized by the President to request your resignation, but I am directed by him to express to you the views herein embodied.

Mr. Chairman, in some remarks which I submitted upon this question a few days ago I said that this register of the land office had, in stronger language than I could command, been condemned by the Secretary of the Interior and condemned by the President of the United States. Yet, sir, since the 1st day of July last, these corrupt officers have been permitted to remain in office, to adjudicate upon the rights of honest citizens, and they are there to-day adjudicating upon cases in which their own fraudulent acts are the gist of the controversies.

Mr. Chairman, I said in my previous remarks that these officers were permitted to remain there by the President and the Secretary of the Interior after being condemned by both as corrupt and unworthy. When I said that, I stated only the facts, and I would not withdraw therefrom one word. Yet, sir, an improper reflection upon the Secretary of the Interior may be drawn from those facts, and I expected some gentleman on the other side of the House, representing the State which I have the honor in part to represent, to rise here and defend the Secretary of the Interior from the imputation the facts warrant. As no gentleman on that side has seen proper to do so, it is my duty and pleasure as a Representative of that State to say that the Secretary of the Interior is a citizen of our State—one in whom we have a just pride.

We know him; we believe him to be an honest man; and this letter, with its burning words of indignation, the indignation of his honest heart at the corruption of these officials of his Department, entitles him to have it said here by me that those officials are not there to-day by his act or consent, but are there because his hands are tied by a higher

power that retains them there in payment for political services given in aid of those in higher authority. In the name of honest citizens who expect to acquire title to homes in No Man's Land, I protest against leaving the adjudication of the titles of those lands in the hands of those officials, denounced as corrupt by the President and yet retained in office by him.

[Here the hammer fell.]

Mr. PERKINS. Mr. Chairman, I do not understand what much of what the gentleman from Missouri [Mr. TARSNEY] has said has to do with the amendment offered by him—a proposition that has no relation to the field of discussion which he has entered upon, and to which, so far as I am concerned, no reply will be made.

I simply desire to say that the committee thought it right that four land offices should be provided for Oklahoma; and in this nineteenth section we supposed we had made ample provision in that respect. There are two land offices there now; and this section provides for four, which would give two additional offices. But to avoid any controversy I think the amendment of the gentleman from Missouri may be accepted, as it seems to me entirely proper that one of these offices should be located in No Man's Land. Undoubtedly one would be located there; but, to avoid ambiguity or uncertainty, I am quite willing that the amendment should be adopted.

The amendment of Mr. TARSNEY was agreed to.

The Clerk read as follows:

SEC. 12. That it is hereby made the duty of the Commissioner of the General Land Office to carefully examine each claim before issuing a patent to the claimant; the entryman shall be required to make full proofs, and unless it shall appear that the claim was taken in good faith, and that there has been full performance of all the terms and requirements of law, he shall refuse a patent and declare all prior proceedings before him in such case to be null and void. All persons settling on lands under the provisions of this act shall be required to select the same in square form, as near as may be, and to maintain a continuous personal residence of five years on the land, and to improve and cultivate the same for that period in the manner required by the homestead laws, and that the provision of section 2305 of the Revised Statutes of the United States, entitled "Homesteads," shall apply to this act: *Provided*, That registers and receivers of the land offices in the Territory of Oklahoma shall have the power to subpoena witnesses and to compel their attendance in all land contests instituted in their respective offices; but the party desiring the attendance of such witnesses shall advance the fees for one day's attendance and for mileage to and from the residence of such witnesses at the same rates allowed in the courts of the Territory.

Mr. HOLMAN. I move to amend the section just read by adding the provision which I send to the desk.

The Clerk read as follows:

No person who shall be at the time seized in fee-simple of 160 acres of land in any State or Territory shall be entitled to enter land covered by the provisions of this act.

Mr. HOLMAN. Mr. Chairman, in 1841, when our public domain seemed to be entirely boundless, persons, even under the pre-emption law, were not permitted to enter public land if they owned in any State or Territory 320 acres. That was the law fifty years ago. Now here are lands that are to be paid for at a higher price than we have ever required heretofore. The country is full of landless people who need homes for themselves, their wives, and their children. The number of such persons is increasing every year. It does seem to me the country can not afford to deprive its landless citizens of the opportunity of obtaining land by permitting persons of ample means to acquire land within the limits of our small remaining public domain. I trust there will be no opposition to this amendment.

Mr. PETERS. Mr. Chairman, if the gentleman from Indiana [Mr. HOLMAN] will reflect a moment he will see that his proposition would work manifest injustice to a great number of poor people. Under such a provision, the man who already owns 160 acres of land, but which is so heavily mortgaged that there is no hope of redemption, would be prevented from going into this Territory and selecting a piece of land. It seems to me it is not right to make any such prohibition. There are men in the gentleman's own State who own, perhaps, 160 acres of land, but who, by reason of financial difficulties, have had to mortgage their land, which would sell to-day for but little more than the amount of the mortgage. Yet, if these men should seek a new home in Oklahoma, they would be shut out by the gentleman's amendment from obtaining land there.

Mr. HOLMAN. Mr. Chairman, fifty years ago, as I have said, when our public domain seemed without limit, it was thought proper to impose a restriction upon the entry of our public lands, even in cases where \$1.25 an acre was paid. No person was permitted to make a purchase of the public land on those terms if he was already the owner of a half section of land. If that policy was sound then it is still sound now.

Mr. PETERS. I oppose the amendment for the reasons I have stated and for this additional reason: If a mortgage has been practically foreclosed by the court, although the title has not yet been confirmed in the purchaser, the person who has thus practically lost his title under the foreclosure of a mortgage would, under this amendment be cut out from the opportunity of obtaining 160 acres of land in this Territory. There are large numbers of persons in Indiana, Illinois, Missouri, Iowa, and Kansas who would be excluded under precisely those circumstances.

Mr. HOLMAN. On the other hand, my friend from Kansas will bear in mind that in his own State, in my State, and in my own neighborhood men of ample landed possessions have gone down into Okla-

home and acquired under our public-land system a quarter-section of land, worth when acquired \$10, \$15, \$20, or \$30 an acre. Is this the way we are providing for the landless people of this country?

Mr. PERKINS. If the gentleman from Indiana will modify his amendment so as to exclude only those persons who have 160 acres of land elsewhere unencumbered, I for one will make no objection to the amendment.

I know there are many cases, as suggested by my colleague, where men have their homes mortgaged beyond hope of redemption, and who ought not to be excluded by this bill from securing new homes within the boundaries of this Territory.

Mr. MCADOO. Mr. Chairman, I hope this amendment of the gentleman from Indiana [Mr. HOLMAN] will be adopted. This House will be held to strict accountability by the landless people of the United States if that amendment is not adopted. The object of the land laws is that any honest man, the head of a family, shall have the opportunity to secure 160 acres of the public domain where he can establish a home for himself and family. That public domain has almost gone. By the last report of the Land Commissioner there are only five millions of arable land now the property of the United States. I warn you, gentlemen, when the last acre of the public domain has become private property and the landless people come to contemplate the new landocracy, the new barons of North America, then will come the great strain upon our republican institutions.

For myself I have been rather friendly to keeping up these large Indian reservations. I believe they have done much good. They have preserved the public domain at a time when speculators and land-grabbers, alien and domestic, have been taking up the acres of the public lands from the people. I have been loath to advance, with any degree of swiftness, so far as my individual vote is concerned, toward any further extension to the opening up of the public domain by making these Indian reservations part of the public land of the United States.

It has been suggested by the gentleman from Indiana [Mr. HOLMAN], as to the question of mortgage, that the mortgage can be dated at any time, and taxes and all other liens are incumbrances in the meaning of this section. At any rate there is no reason why it should not be made sure, where landless citizens honestly intend by industry to make homes on the public lands which belong to the people of the United States, that they alone should be interested in the making of these Indian reservations a part of the public lands.

Indeed, sir, you can not make the bill too sure, if there is any doubt about it, that these lands shall only be made a part of the public domain so that they may go into no other hands than those of the honest settler. It is for that purpose I am in favor of the amendment of the gentleman from Indiana.

I have heard it stated on this floor by gentleman from the western portion of our country that it seemed strange to them we who represent working communities in the East should take such interest in the land of the West. Why, sir, the land of a country is the life of it, the blood of it. You can not have a free republic unless the people are rooted and grounded in the soil where they toil, and the working people in the manufacturing towns in the East, in the great commercial centers of our country, are as deeply interested in the land question as the men who live on the frontier of the country. It is the burning question with the whole people of the United States. Every evil which affects Europe to-day comes from land. Whenever you get in this Republic a great number of tenant farmers, instead of the homes of the free landholders who now produce millions of bushels of wheat and corn, you will have a number of dependent serfs to go to the ballot-box instead of independent freemen.

Keep back the public domain as long as you can for the people of the United States, because the public lands are the safety-valve of Republican institutions in the United States. When this land is owned by corporations and speculators, when the foreigners who are now acquiring vast amounts of land in this country have supplanted the independent farmer with the tenant system, and the share system which leads to the tenant system, and the wholesale mortgage system which prevails in vast portions of our country, then we will witness the departure of the very pillar of American institutions, the independent farmer who owns his land and lives under his own roof-tree, owing obligation to no man and bowing only to God and his own conscience. [Applause].

[Here the hammer fell.]

Mr. SPRINGER. Mr. Chairman, I agree with the general tenor of the remarks made by the gentleman from New Jersey in every respect. I desire, however, the attention of the gentleman from New Jersey and also the gentleman from Indiana for a few moments, while I remind them of a local proposition involved in the amendment. The amendment of the gentleman from Indiana provides that no person who is the owner of 160 acres of land in any State of the Union shall be permitted to take any lands under the provisions of this law in the new Territory.

Mr. HOLMAN. That is, under the homestead law.

Mr. SPRINGER. Under the homestead law. Now, if the amendment applied to lands hereafter opened to settlement there could be no legal objection. But if you apply it to a homestead already taken you present this difficulty—

Mr. HOLMAN. It can not apply to them, of course, for the rights are vested.

Mr. SPRINGER. That is just what I was going to suggest. But you do apply it to all homesteads taken under this act.

Mr. HOLMAN. Yes; but vested rights can not be impaired.

Mr. SPRINGER. That is the point, and I want it so stated in the amendment; for this will leave it to the decision of the land officers to determine whether the provision shall be strictly construed or whether they may go behind the law and determine the question of vested rights. It does not specify in clear and unmistakable terms.

Mr. HOLMAN. I did my best to have it inserted in the other form.

Mr. SPRINGER. If the gentleman will modify the amendment in that respect, then it will be only objectionable in my judgment in one other feature, and that is that it singles out a man owning 160 acres of land and incapacitates him from taking any advantage of the homestead provisions of this bill under the general land laws, although he may not be worth a thousand dollars, while the millionaire, who has got his money invested in United States bonds, not taxable, may go into Oklahoma and avail himself of the provisions of the law to acquire additional land. This seems to me to be discrimination that ought not to be permitted in legislation. It is a discrimination against the poor land-owner and in favor of the great rich bondholder and monopolist, who has his lands in mortgages upon the farms of the Western States and Territories, but owns actually no lands.

So I hope the provision of the amendment will be modified in that respect in order that we may put this question beyond cavil as to whether it is intended to discriminate against the small landholders or whether it will treat the great monopolists in the same way and provide that a man who is worth in any State or Territory of the Union a thousand dollars over and above his indebtedness shall not be allowed to take advantage of the homestead provisions of this bill. Then it will be fair and just to all. In its present form it is a discrimination against the poor land-owners and in favor of the monopolists and bondholders.

Mr. DOCKERY. I was going to suggest that I was in hopes the gentleman from Illinois, from his large experience, would give us the benefit of it in this direction, so that in the preparation of this amendment we might get rid of the difficulty he suggests.

Mr. HOLMAN. I wish to modify the amendment, Mr. Chairman, by inserting the word "hereafter"—

The CHAIRMAN. That has been already done.

Mr. PERKINS. I propose what I send to the desk as an amendment to the amendment.

The Clerk read as follows:

After the word "land" insert "unencumbered at the date of the passage of this act."

Mr. SPRINGER. Let the amendment of the gentleman from Indiana be read as it would stand if the amendment of the gentleman from Kansas shall be adopted to it.

The Clerk read as follows:

No person who shall be at the time seized in fee-simple of 160 acres of land unencumbered in any State or Territory shall hereafter be entitled to enter land covered by the provisions of this act.

Mr. DOCKERY. The amendment of the gentleman from Kansas, Mr. Chairman, it seems to me would defeat the very object the gentleman from Indiana has in view; for all that is necessary in the world for any citizen to do in order to acquire a homestead in Oklahoma would be to encumber his homestead in the State.

Mr. PERKINS. Oh, no; it must have been done at the date of the passage of this act.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Kansas to the amendment proposed by the gentleman from Indiana.

The question was taken; and the Chair decided that the amendment was rejected.

Mr. PERKINS. Mr. Chairman, I think the committee must be acting under some misapprehension. The amendment of the gentleman from Indiana cuts out every man who may be the owner to-day—

The CHAIRMAN. The Chair would suggest that debate is not in order.

Mr. PERKINS. I ask unanimous consent to make an explanation of one minute. And then, if necessary, I shall have to ask a division on the question just taken.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PERKINS. The amendment of the gentleman from Indiana would cut out from the advantages of this act every man who may be the owner to-day of 160 acres of land in some one of the States or Territories of this Union.

Mr. HOLMAN. Not now, but at the time of making the entry.

Mr. PERKINS. It is an exception to the general law, and would deprive, as I have already suggested, every man who has a title to 160 acres of land, although it may be encumbered by mortgages in excess of its actual value. My amendment modifies it so as not to deprive those who may be the owners in fee of 160 acres of land, but upon which there may be incumbrances. Such lands may be encumbered beyond



their value, and if the amendment of the gentleman from Indiana prevails these men are deprived of the privileges and benefits granted by the Government to its citizens in Oklahoma under the provisions of this bill.

Mr. MCADOO. I desire to submit a word in reply to the gentleman from Kansas.

The CHAIRMAN. Before the gentleman proceeds the Chair will state that there is a misapprehension as to the effect of the amendment of the gentleman from Kansas. The Chair will again put the question. The Chair will state that the question is on agreeing to the amendment of the gentleman from Kansas to the amendment proposed by the gentleman from Indiana.

Mr. MCADOO. Mr. Chairman, a single word on the point suggested by the gentleman from Kansas. The amendment proposed by the gentleman is to the effect that if there is an incumbrance upon the land under this act the party owning this property can take advantage of the provisions embodied in this bill and secure additional lands in Oklahoma. Now, in order to do that and to make himself eligible to take advantage of the provisions of this act and to get 160 acres more land in Oklahoma, all he would need to do would be to put a mortgage upon his land.

Mr. PERKINS. Oh, no; the amendment prescribes that the mortgage or incumbrance must be on the land at the date of the passage of this act.

Mr. MCADOO. Oh, he could have the mortgage antedated.

Now, the gentleman from Illinois says that this provision is in favor of bondholders and against the land-owners. But instead of mortgaging his land, he can sell it and put the money into his pocket. Now, if we are going to aggregate anything, let us aggregate money and segregate the land. I do not care if a man chooses to sell his land and put his money in his pocket, nor how much money he may have, but I certainly favor limiting the amount of land that a man may be permitted to take up; and for that reason I think the amendment of the gentleman from Kansas will nullify and render entirely inoperative the good effects to be secured by the amendment of the gentleman from Indiana.

Mr. PETERS. But the amendment to the amendment says that the land must be unencumbered at the time of the passage of this act.

Mr. MCADOO. All he will have to do will be to antedate the mortgage.

Mr. PETERS. That could not be done.

Mr. HOLMAN. Mr. Chairman, it is evident that men looking to speculation in the public lands watch carefully the proceedings and progress of your legislation, and such a provision as this, announced months before it will take effect, will give them an opportunity of evading this provision by fictitious incumbrances on their land. No matter how trivial the incumbrance may be or how valuable the possessions of a man may be, he will be enabled under the amendment of the gentleman from Kansas to take 160 acres of land in Oklahoma as a free gift. A man might well afford to leave his valuable farm to his employe temporarily and go upon and acquire title to lands in Oklahoma, thus defeating the purpose and spirit of the homestead law. That law was intended to dedicate the public domain to securing homes for our landless people.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Kansas.

Mr. PEEL. Before the vote is taken I hope the committee will vote down the amendment of my friend from Kansas, for I think if he reflects for a moment he will see that it will virtually destroy the homestead law itself. Under that a man has a right to take 160 acres of the public domain. Now, if a man has acquired in any part of the country 160 acres of land under the original homestead act, and voluntarily places a mortgage upon it for its value, or even half its value, he has had the advantage of the money at least.

Now, simply because he has placed himself in that attitude, to give him the right to take another additional 160 acres, simply because he has put an incumbrance upon it, gives him that much advantage over the man who has not placed himself in that condition. And I say it would be a discrimination given to a man who mortgaged his homestead, as it gives him a double benefit over the man who has not mortgaged.

Mr. MCRAE. Mr. Chairman, my colleague is right in the statement he made. This amendment ought not to prevail. I question further whether the amendment of the gentleman from Indiana [Mr. HOLMAN] ought to prevail unless it be made general in its application. I am opposed to making a law that applies to one part of the country and does not apply to other parts. If this be a declaration on the part of Congress that they mean to apply this to all the public lands of the United States, then I am in favor of it, but as a discrimination against the citizens of Oklahoma I am opposed to it.

But if you permit one citizen to acquire a title under the homestead law simply because the land he may have in the State from which he has moved is mortgaged and deny this right to the man who has kept his home free from incumbrance, you put a premium upon farm mortgages. This is not good policy, and it is not in keeping with the spirit of the homestead law.

In this line, tending to show the danger of farm mortgages, I ask the

Clerk to read a petition of the Farmers' Alliance from the State of Kansas showing how this mortgage business is working; and from that, if true, it would appear that they are dangerous; that Congress, as far as possible, ought to discourage mortgaging homes rather than give a premium on them.

The Clerk read as follows:

The petition of the Farmers' Alliance says:

"Whereas the shrinkage in values on both real and personal property in the State of Kansas in the past two years has caused very great financial embarrassment among the farmers of our State, and in many instances the farmers have become unable, by reason of these shrinkages, to prevent proceedings in foreclosures, which are increasing to an alarming extent; we, the undersigned, electors of Kansas, therefore respectfully petition your excellency to call a special session of the Legislature of Kansas for the purpose of providing for the relief of our farmers, giving the mortgagee of a homestead at least two years in which to occupy, enjoy, and redeem, if possible, after sale of mortgaged premises, and to provide, also, for a stay of execution on all judgments on promissory notes and mortgaged bonds for a reasonable time after judgment, without bond."

Mr. MCRAE. This matter seems to have been sufficiently important for this great agricultural organization of that State to ask that the Legislature be called in extra session to relieve the people against foreclosures and grant stays of execution. Now, I believe that this amendment will encourage the mortgaging of homes. I want this new country settled by people who own their lands in small holdings, without incumbrances, if possible. I would not take from a man the right to mortgage his homestead or anything he has title to, if he wishes to do so and his wife consents; but I do not want Congress to do anything to encourage him to do so. If he is driven to that by misfortune, let him do it, but not till then. It is a matter of business; but, as a rule, it ought not to be encouraged, and ought not to be done except as a last resort.

Mr. PERKINS. If the gentleman is sincere, he must see that he puts himself in a rather inconsistent position. He offers that memorial as an evidence of the condition of the people of Kansas; and yet at the same time he says, notwithstanding that, this proposition ought not to prevail. If the prayer of that memorial be true, it is one of the best arguments in favor of and is the best evidence that this amendment should be accepted. If the people are in the condition recited in that memorial, as my friend suggests, they ought to be allowed to take homesteads in Oklahoma, as every other citizen will be permitted to do. I do not acknowledge that that statement is correct; but if the statement be correct, it is the best argument that this amendment ought to be accepted, and that the suffering condition in which they are said to be in that memorial should be relieved; and they ought not to be excluded from the privilege of entering another homestead.

Mr. MCRAE. That is a good argument to make against the amendment of the gentleman from Indiana, but not a good argument for yourself.

Mr. DOCKERY. If the present condition continues, the homestead will have to be mortgaged very soon.

The question was taken on the amendment of Mr. MCRAE; and it was agreed to.

The CHAIRMAN. The question now is upon the amendment proposed by the gentleman from Indiana.

The question was put; and the Chairman announced that the "ayes" seemed to have it.

Mr. PERKINS. Division.

The committee divided; and there were—ayes 59, noes 50.

Mr. PERKINS. I ask for tellers on that.

Tellers were ordered.

The CHAIRMAN. The Chair will appoint the gentleman from Kansas [Mr. PERKINS] and the gentleman from Indiana [Mr. HOLMAN] to act as tellers.

The House again divided; and the tellers reported—ayes 82, noes 72.

So the amendment was agreed to.

Mr. MCRAE. I offer the following amendment.

The Clerk read as follows:

Amend by adding the following after the word "void," in line 8: "Subject to an appeal to the Secretary of the Interior, as in other cases."

The amendment was agreed to.

Mr. STONE, of Missouri. I offer this amendment.

The Clerk read as follows:

Amend by striking out all the section after the word "act" in the sixteenth line.

Mr. STONE, of Missouri. I will say to my friend from Kansas in charge of the bill that a few days ago a bill reported from the Committee on Public Lands relating to this very matter of summoning witnesses when their presence and testimony were desired passed the House. It covers the whole question in a general law, but I will suggest to him that I will be governed by his decision in the matter.

Mr. PERKINS. I know, Mr. Chairman, that the suggestion made by the gentleman from Missouri is true, that a general law has passed the House, and while it is correct so far as the House is concerned, has it received favorable consideration in the Senate?

Mr. STONE, of Missouri. I have no doubt that it will receive favorable consideration because of the great necessity for such legislation.

Mr. PERKINS. I was in favor of the general law, and when this

provision was incorporated in this bill that matter had been considered and discussed in the committee, and as we did not know whether the general bill might become law, as a matter of caution and safety we incorporated this provision in the bill, because it is very important to those people claiming these lands to have this provision.

Mr. STONE, of Missouri. There is no doubt about its importance, but I think there might be a conflict if the general law and this one were also adopted.

Mr. PERKINS. I shall not resist the amendment, Mr. Chairman. The amendment was agreed to.

The Clerk read as follows:

Sec. 13. That lands entered in the Territory of Oklahoma shall not be subject to any judgment or lien obtained upon indebtedness contracted or obligations incurred prior to the issue of patents therefor, nor shall such lands be sold or contracted to be sold, leased or contracted to be leased, conveyed, mortgaged, or in any manner encumbered prior to final proof and the record thereof made in the office of the register and receiver of the district where the land is located; and any sale, lease, conveyance, or mortgage made, executed, or contracted for prior to such final proof and record shall be absolutely null and void; and all assignments, transfers, and mortgages of unpatented land entries shall be at the risk of the assignees, transferees, and mortgagees, who shall have no recourse against the United States for any failure of claimant's title before issue of patent. No entry shall be allowed of any homestead except to actual settlers thereon; and no preferred right of entry shall be given to any person by reason of claim of occupancy prior to the application to enter the land, except in cases of actual occupancy and continued residence upon the land to the date of the application to enter. And no right of an alleged settler as such shall attach to any land in the Territory until the date of his actual, bona fide and continuous residence upon the tract he proposes to enter; and his declaratory statement shall contain a true and full statement of the date and facts of residence on the land and last place of residence prior thereto, and detailed description of improvements, all verified by oath of the applicant and at least one credible witness, made before the register or receiver of the proper land office, as to all facts, except that proof of the applicant's place of residence may be made before any officer authorized by law to administer oaths; but the use of such affidavit in the Territory shall, in case of false swearing thereto, subject the party to the same penalty as though sworn to before the register or receiver of the proper office.

The CHAIRMAN. The Chair desires the attention of the committee, particularly the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Missouri [Mr. STONE], as to the parliamentary condition of the amendment which has been offered by those gentlemen to section 12. The amendment of the gentleman from Indiana [Mr. HOLMAN] was adopted and thereby made a part of the section. Then the gentleman from Missouri [Mr. STONE] moved to strike out all of the section after the word "at," in the sixteenth line, which was adopted, and in pursuance of that would carry with it the amendment of the gentleman from Indiana, which clearly was not the intention of the committee.

Mr. HOLMAN. I was out of the House for a moment. When did the gentleman from Missouri [Mr. STONE] make his motion?

The CHAIRMAN. The Chair is quite accurate in his statement of the chronological order of the amendments. [Laughter.]

Mr. STONE, of Missouri. I was not aware, Mr. Chairman, at what point the gentleman from Indiana's amendment came into the section. The purpose of my amendment was simply to strike out the proviso which included the last word of the section as printed.

The CHAIRMAN. By unanimous consent, the amendment proposed by the gentleman from Missouri will include the lines that he has named, specifying them.

There was no objection, and it was so ordered.

Mr. PICKLER. I call for the reading of the amendment that I submitted to section 13.

The Clerk read as follows:

Amend section 13 by striking out all after the word "patent" in line 15 of said section.

Mr. PICKLER. Mr. Chairman, I am opposed to the portion of the section that I have moved to strike out, for the same reason that I was opposed to the former section discussed this morning; that is, that this section undertakes to radically change the general homestead law, and, as I think I can demonstrate very clearly, imposes greater burdens upon settlers than ever have been imposed upon the settlers in any other State or Territory. The portion that I move to strike out reads in part as follows:

No entry shall be allowed of any homestead except to actual settlers thereon; and no preferred right of entry shall be given to any person by reason of claim of occupancy prior to the application to enter the land, except in cases of actual occupancy and continued residence upon the land to the date of the application to enter.

Now, in the settlement of that country a great many men went to Oklahoma last spring, settled on their quarter-sections of land, and then returned to their homes to raise a crop, intending to return in the fall, which they have done. This provision interferes with the rights of such men. It provides that no man shall obtain any right of entry by reason of former occupancy until he files his application to enter in the land office. That is wrong. The general law permits any man to settle upon a quarter-section of land at any given date, and to have ninety days after this date to file upon his land; that is, he settles to-day and is given ninety days to file. Now, these Oklahoma settlers should have the same right.

Again, I call attention to the further provision:

And no right of an alleged settler as such shall attach to any land in the Territory until the date of his actual, bona fide and continuous residence upon the tract he proposes to enter.

Now the man who settled on his land last spring and went home for six months had no continuous residence there during the summer. He made his settlement, his filing, under the general homestead law; and under the general law his residence is allowed to commence six months in the future; and in fact nearly all of the men who settled upon the land there did it in that manner. I understand from members of the committee that this section has come down from some former legislation and that it is not understood exactly how it gets into this bill. It certainly inflicts great hardship on the settler.

But here is a still greater burden, and I beg special attention to this:

And his declaratory statement—

His filing—

shall contain a true and full statement of the date and facts of residence on the land, and last place of residence prior thereto—

That, it seems to me, is an impertinence. I do not know why a settler should be called upon to tell where he lived last, but I do not complain of that provision particularly. It goes on—

and detailed description of improvements, all verified by oath of the applicant and at least one credible witness, made before the register or receiver of the proper land office, as to all the facts except that proof of the applicant's last place of residence may be made before any officer authorized by law to administer oaths.

Now, whereas in any other State or Territory if I desire to settle upon a quarter-section of land as a homestead I go alone, without any witness, to the office of the clerk of the circuit court, make my affidavit and file upon the land, and that is transmitted to the land office, under this provision the settler in Oklahoma must go in person to the land office—and it will be 100 miles journey for many of them—and in addition to that (what is not required of a settler elsewhere) he must take with him a witness and have him swear to these facts before the register or receiver. This, I say, imposes upon the settler not only the burden of making this journey himself, however great the distance may be, but the further burden of taking with him and paying the expenses of another witness. Now, in my judgment, this is all wrong.

The remainder of the provision relates to punishing for perjury persons who give evidence before these officers. Now it seems to me this is all useless. Let the homestead law remain as it is in its application to this Territory. The general law is good enough for settlers elsewhere; it is good enough for settlers in Oklahoma. These excessive burdens should not be imposed upon them.

[Here the hammer fell.]

Mr. HOLMAN. I move that debate on this section and pending amendments be limited to two minutes.

Mr. MCRAE. I want to move another amendment.

The CHAIRMAN. The gentleman will have that opportunity.

Mr. MCRAE. If the proposition is to limit debate on the pending amendments, I have no objection, but on this section I want to be heard.

The CHAIRMAN. The entire question is in the power of the Committee of the Whole. The question is upon the motion of the gentleman from Indiana to limit debate on this section and pending amendments to two minutes.

The motion was not agreed to.

Mr. MCRAE. I move to strike out section 13; and if my friend from South Dakota [Mr. PICKLER] desires to continue his remarks, I will yield him three minutes of my time.

Mr. PICKLER. Mr. Chairman, I shall vote for the motion of the gentleman from Arkansas [Mr. MCRAE] to strike out this whole section. The policy of the present Administration, and especially of the Secretary of the Interior, is more liberal toward settlers than the policy pursued for the last few years. I believe this is right. There has been such a strain to prevent the operations of "land-grabbers" and speculators, as they are called, that the pendulum has swung over too far in the other direction, until too great burdens are imposed upon the settler.

The gentleman from Missouri [Mr. TARNSEY] went out of his way in an effort to criticize the present Secretary of the Interior, of whom the worst that he could say was to read from the Secretary's criticism of officers who, as the Secretary thought, had been guilty of questionable practices. The gentleman might well stop there in his criticism, because for bravery as a soldier, for integrity as a citizen and public official, the present Secretary of the Interior is unassailable and his character is above reproach. Let us not impose on these people in Oklahoma worse burdens than are imposed on the people in other Territories.

Mr. MCRAE. Mr. Chairman, I see no reason why the general provisions of the homestead law, so well understood by all, should not apply in Oklahoma as well as elsewhere. The people there ought to enjoy its benefits and be made to comply with its requirements. The settlers in that Territory ought not to be required to do more than is required of other settlers under the homestead laws in other parts of the country. They should be permitted to make proof of their compliance with the law as to settlement and cultivation in the manner now prescribed by law. I think that sections 13 and 14 ought both to be stricken out, and the provisions of section 2301 of the Revised Statutes ought to be extended to this Territory for uniformity. I am opposed to making different laws for different localities. It is contrary to the estab-



lished policy of our public-land system to permit the lands to be sold or encumbered before the patent issues, or to make the receiver's final receipts conclusive evidence of title behind which the Government can not go, as this section evidently intends to do. We have never gone to that extent, and there is no reason why we should undertake to do it at this time and for this territory. Here is a bill coming from the Committee on Indian Affairs, with no jurisdiction over public lands, dealing with only a small part of the public lands, proposing radical changes in the laws and the methods of procedure for entering and passing to patent public lands. It is evident that this committee has not given to the public-land features of this bill that consideration which its importance demanded.

In my opinion all we should do is to organize the Territory and extend the public-land laws over it. This bungling manner of dealing with the matter will in the end make much trouble to the Department and produce hardships upon the settlers. There are many objections to the subsequent sections, but they can not under the resolution heretofore adopted ordering the previous question be amended.

The question being taken on the motion of Mr. MCRAE to strike out section 13, it was rejected, there being—ayes 9, noes 71.

The CHAIRMAN. The question now recurs on the motion of the gentleman from South Dakota [Mr. PICKLER] to strike out so much of the section as he has indicated.

The question having been taken,

The CHAIRMAN said: In the opinion of the Chair the amendment is rejected.

Mr. PICKLER. I demand a division.

The question was again taken; and there were—ayes 32, noes 64.

Mr. PICKLER. I call for tellers.

Tellers were not ordered, only 11 voting in favor thereof.

So the motion of Mr. PICKLER was rejected.

The Clerk read as follows:

SEC. 14. That any person entitled by law to take a homestead in said Territory of Oklahoma, who may have located and filed upon a homestead therein under and in pursuance of the land laws applicable to said Territory, and who has complied with such laws, may receive a patent therefor at the expiration of eighteen months from date of locating upon said homestead upon payment to the United States of \$1.25 per acre for land embraced in such homestead.

Mr. STONE, of Missouri. I move to amend by striking out the whole of section 14. But I would like to inquire of the gentleman from Kansas [Mr. PERKINS] if he has any objection to the adoption of that amendment.

Mr. PERKINS. Oh, yes.

Mr. HOLMAN. Yes, strike it out.

Mr. STONE, of Missouri. Mr. Chairman, this section proposes to allow the homesteader to go out, after he has occupied his land for eighteen months, by paying the price of \$1.25 per acre.

Mr. Chairman, I am opposed, or would be, to imposing any burdens upon the people of Oklahoma which would not be common to homesteaders throughout the country. I am opposed also to conferring any special privileges upon the people settling in Oklahoma which can not be enjoyed by the people of any other State or Territory in the Union.

I am utterly unable to see a solitary reason why the homesteaders in the Territory of Oklahoma should be permitted to enjoy this great privilege denied to homesteaders everywhere else throughout the country. It is certain, if it is intended to speculate in these public lands, it is one of the easiest methods which could be provided for that purpose. We have just stricken out the general commutation clause of the homestead law, and it will not apply to this bill when it passes. Persons who have entered homesteads under this law are allowed by sections already agreed to to have the benefit of any time during which they have occupied their lands heretofore. If they have been on them one year or eighteen months when this act goes into effect they will be credited with that extent of residence. It is now proposed that within eighteen months any homesteader can in the Territory of Oklahoma, by paying \$1.25 per acre, receive his patent.

Mr. PICKLER. Will the gentleman allow me to make a suggestion?

Mr. STONE, of Missouri. I have no objection.

Mr. PICKLER. I think in the consideration of the burdens imposed on the settlers in the last section of the bill you ought to give them a quarter of a section each.

Mr. STONE, of Missouri. I have said all I desire to say.

Mr. HOOKER. Mr. Chairman, I do not think we can readjust the land laws of the country on this bill. [Laughter.]

I have a few words to say before this debate is closed, in reference to the merits of the Senate and House bills; but, in the first place, I wish to reply to what was said as to this Cherokee Outlet being a steal on the part of the Cherokees. I deny most emphatically that it is a steal or anything like it. On the contrary, Mr. Chairman, if even-handed justice were done by this Government to the Cherokees it would give them back the lands in North Carolina, Alabama, Georgia, and Mississippi which these Indians gave in exchange for the lands in this Territory, "including the Cherokee Outlet."

In the brief time at my disposal I propose to make a perfect deraignment of the title by which these Cherokee Indians hold these lands, which was unquestionably inherent in them originally to the lands in

North Carolina, Alabama, Georgia, and Mississippi, and afterwards to the lands for which they exchanged them in this Territory.

In the first place, let me refer to section 3 of the act of March 28, 1830, which provides—

That in the making of any such exchange or exchanges it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made that the United States will forever secure and guaranty to them and their heirs or successors the country so exchanged with them, and if they prefer it the United States shall cause a patent or grant to be made and executed to them for the same, provided always that such land shall revert to the United States if the Indians become extinct or abandon the same.

Here, in the most unequivocal language, it was made lawful for the President solemnly to assure these Indians with whom the exchange is made that the United States will forever secure and guaranty to them, and their heirs or successors, the country so exchanged with them, and if they prefer it the United States shall cause a patent or grant to be made and executed to them for the same.

Next let me read the third article of the treaty of 1835:

ART. 3. The United States also agree that the lands above ceded by the treaty of February 14, 1833, including the Outlet, and those ceded by this treaty shall all be included in one patent executed to the Cherokee Nation of Indians by the President, according to the provisions of the act of May 28, 1830. It is, however, agreed that the military reservation at Fort Gibson shall be held by the United States. But should the United States abandon said post and have no further use for the same it shall revert to the Cherokee Nation. The United States shall always have the right to make and establish such post and military roads and forts in any part of the Cherokee country as they may deem proper for the interest and protection of the same, and the free use of as much land, timber, fuel, and materials of all kinds for the construction and support of the same as may be necessary: Provided, That if the private rights of individuals are interfered with a just compensation therefor shall be made.

Is there not the utmost assurance here that the right and title of the Cherokee Indians to these lands shall remain undisturbed? Who can doubt it?

Then we come to the treaty of August 17, 1846. It is a treaty in which all united. It was the treaty after the patent was issued on the 31st of December, 1838. It reads:

That the lands now occupied by the Cherokee Nation shall be secured to the whole Cherokee people for their common use and benefit, and a patent shall be issued for the same, including—

Observe, now—

including the 800,000 acres purchased, together with the outlet west promised by the United States, in conformity with the provisions relating thereto contained in the third article of the treaty of 1835 and in the third section of the act of Congress approved May 28, 1830, which authorizes the President of the United States, in making exchanges of lands with the Indian tribes, "to assure the tribe or nation with which the exchange is made that the United States will forever secure and guaranty to them and their heirs or successors the country so exchanged with them; and if they prefer it that the United States will cause a patent or grant to be made and executed to them for the same, provided always that such lands shall revert to the United States if the Indians become extinct or abandon the same."

Can there be any reasonable doubt these Indians were guaranteed a perpetual outlet west and a free and unmolested use of all the country lying west of the western boundary of the above-described limits, and as far west as the sovereignty of the United States and their right of soil extend?

The treaty of 1866 is the strongest possible recognition of their right to this property. The patent was issued to them in 1838.

In 1866 (twenty-eight years afterward) the United States entered into this agreement with them in regard to the very land conveyed in the deed, in which the following agreement appears:

The United States may settle friendly Indians in any part of the Cherokee country west of the ninety-sixth degree, to be taken in a compact form, in quantity not exceeding 160 acres for each member of each tribe thus to be settled, the boundaries of each of said districts to be distinctly marked and the land conveyed in fee-simple to each of said tribes, to be held in common or by their members in severalty, as the United States may decide.

Such lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed on between the said parties in interest—

What parties in interest? The Cherokee Nation on the one hand, as one of the contracting parties, and the friendly tribes that propose to settle there as the other contracting party—

subject to the approval of the President; or, if they should not agree, then the price to be fixed by the President.

I say, Mr. Chairman, the title of these Cherokee Indians to these lands, including the Cherokee Outlet, is complete and indefeasible.

You now propose to extend a Territorial limit over these lands and thus throw a cloud upon their title. Is it just? On the contrary, is it not most unjust?

I ask, Mr. Chairman, in good faith whether we are not bound to respect the titles by which they hold these lands upon which they live and which have been guaranteed to them by the Government in the most solemn manner.

[Here the hammer fell.]

The CHAIRMAN. The question is on agreeing to the amendment proposing to strike out the section.

The question was taken; and on a division there were—ayes 63—

Before the announcement of the negative vote,

Mr. SPRINGER. I make the point that 4 o'clock has arrived.

The CHAIRMAN. On this question the ayes are 63 the noes 70.

So the amendment was rejected.

The CHAIRMAN. The hour of 4 o'clock having arrived, the bill will now be reported to the House under the special order.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYSON reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill S. 805 (the Oklahoma bill) and the House substitute therefor, had directed him to report the same back with certain amendments to the substitute in accordance with the resolution adopted by the House yesterday.

The SPEAKER. The first question is on agreeing to the amendments, which will be read. Is a separate vote demanded?

Mr. HOOKER. I think we had better have a separate vote on the various amendments, for this matter has gotten to such a stage now, and is in such a state of conglomeration, that even the committee do not understand what it is.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Amend section 3 by adding after the word "Territories," in line 6, the words "and who shall be qualified electors of the Territory."

The amendment was adopted.

The next amendment was read, as follows:

Strike out, in lines 27 and 28, in section 3, the words "has not been a bona fide resident of said Territory for sixty days previous to said election" and insert in lieu thereof the following: "are actual residents of said Territory at the time of the passage of this act."

The amendment was adopted.

The next amendment was read, as follows:

Amend section 4, lines 15 and 17, by striking out the word "governor" and inserting in lieu thereof the words "Secretary of the Interior."

The amendment was adopted.

The next amendment was read, as follows:

Add to section 4 the words "provided the county sites located by this act may be changed in such manner as the Territorial Legislature may provide."

The amendment was adopted.

The next amendment was read, as follows:

Amend section 4 by striking out the word "six," in the third line, and inserting in lieu thereof the word "seven;" also amend by adding the words "and the Seventh County" after the words "the Sixth County," in the sixth line of section 4.

Also by adding the following words after the word "Beaver," in the twentieth line: "The county seat of the Seventh County shall be at Stillwater, and said county shall embrace the northeast corner of the Territory."

The amendment was adopted.

The next amendment was read, as follows:

In lines 6 and 7 of section 6 strike out the following words: "or where the contract was made or the cause of action accrued."

The amendment was adopted.

The next amendment was read, as follows:

Amend section 7 by inserting after the word "Territory," in line 6, the following: "Provided, That section 2139 of the Revised Statutes of the United States shall be enforced in the said Territory until after the adjournment of the first session of the Legislative Assembly of said Territory."

The question was taken; and on a division there were—yeas 87, noes 88.

Mr. PERKINS, Mr. PETERS, and others demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 133, nays 104, not voting 92; as follows:

## YEAS—133.

Adams,	Culbertson, Pa.	Laidlaw,	Rowell,
Allen, Mich.	Cutcheon,	Laws,	Rowland,
Anderson, Kans.	Dalzell,	Lewis,	Russell,
Arnold,	Darlington,	Lind,	Sanford,
Atkinson, Pa.	De Haven,	Lodge,	Sawyer,
Atkinson, W. Va.	De Lano,	McComas,	Scranton,
Baker,	Dingley,	McCord,	Sherman,
Banks,	Dolliver,	McCormick,	Simonds,
Bartine,	Dorsey,	McKenna,	Smith, W. Va.
Bayne,	Dunnell,	McKinley,	Smyser,
Belknap,	Evans,	Moist,	Snider,
Bergen,	Farquhar,	Moore, N. H.	Stephenson,
Bliss,	Flick,	Morey,	Stewart, Ga.
Boothman,	Funston,	Morrill,	Stockbridge,
Boutelle,	Gear,	Morrow,	Stockdale,
Brewer,	Gest,	Morse,	Stump,
Broslus,	Gifford,	Niedringhaus,	Sweeney,
Browne, Va.	Greenhaile,	Nute,	Taylor, Tenn.
Browne, T. M.	Grosvenor,	O'Donnell,	Taylor, E. B.
Buchanan, N. J.	Groat,	O'Neill, Pa.	Thomas,
Burrows,	Hall,	Osborne,	Townsend, Colo.
Burton,	Hansbrough,	Outhwaite,	Townsend, Pa.
Candler, Mass.	Harmer,	Payne,	Tracey,
Cannon,	Haugen,	Payson,	Van Schaick,
Carter,	Henderson, Ill.	Perkins,	Wade,
Caswell,	Henderson, Iowa	Peters,	Wallace, Mass.
Cheadle,	Hermann,	Pickler,	Wickham,
Cheatham,	Hill,	Post,	Williams, Ohio
Cogswell,	Hitt,	Pugsley,	Wilson, Wash.
Coleman,	Hooker,	Quackenbush,	Wright,
Comstock,	Kelley,	Ray,	Yardley,
Conger,	Kerr, Iowa	Reed, Iowa	
Cooper, Ohio	Lacey,	Reynolds,	
Craig,	La Follette,	Rife,	

## NAYS—104.

Abbott,	Cooper, Ind.	Lane,	Reilly,
Alderson,	Covert,	Lanham,	Richardson,
Bankhead,	Cowles,	Lawler,	Robertson,
Barnes,	Culbertson, Tex.	Lester, Va.	Sayers,
Barwig,	Cummings,	Magner,	Seney,
Boatner,	Davidson,	Malsh,	Shively,
Breckinridge, Ark.	Duckery,	Mansur,	Spinola,
Breckinridge, Ky.	Dunphy,	Martin, Ind.	Stringer,
Brickner,	Edmunds,	Martin, Tex.	Stewart, Tex.
Brookshire,	Ellis,	McAdoo,	Stone, Ky.
Brunner,	Finley,	McCarthy,	Stone, Mo.
Buchanan, Va.	Fitch,	McClammy,	Tarsney,
Buckalew,	Fithian,	McClellan,	Tillman,
Bullock,	Flower,	McCreary,	Tucker,
Bynum,	Forman,	Mills,	Turner, Ga.
Candler, Ga.	Fowler,	Montgomery,	Turner, N. Y.
Carlisle,	Geissenhainer,	Moore, Tex.	Venable,
Carlton,	Hare,	Morgan,	Walker, Mo.
Caruth,	Hatch,	Oates,	Washington,
Catchings,	Hayes,	O'Neill, Ind.	Wheeler, Ala.
Chipman,	Heard,	O'Neill, Mass.	Whiting,
Clancy,	Hemphill,	Owens, Ohio	Wike,
Clarke, Ala.	Henderson, N. C.	Parrett,	Williams, Ill.
Clements,	Herbert,	Pennington,	Wilson, Mo.
Clinie,	Holman,	Pierce,	Wise,
Cobb,	Kilgore,	Quinn,	Yoder,

## NOT VOTING—92.

Allen, Miss.	Dargau,	Lester, Ga.	Smith, Ill.
Anderson, Miss.	Dibble,	Mason,	Spooner,
Andrew,	Elliott,	McMillin,	Stahlnecker,
Beckwith,	Enloe,	McRae,	Stewart, Vt.
Belden,	Ewart,	Miles,	Stivers,
Biggs,	Featherston,	Milliken,	Struble,
Bingham,	Flood,	Mitchler,	Taylor, Ill.
Blanchard,	Forney,	Norton,	Taylor, J. D.
Bland,	Frank,	O'Ferrall,	Thompson,
Blount,	Gibson,	Owen, Ind.	Turner, Kans.
Bowden,	Goodnight,	Paynter,	Turpin,
Brower,	Grimes,	Peel,	Vandever,
Brown, J. B.	Haynes,	Perry,	Walker, Mass.
Bunn,	Hopkins,	Phelan,	Wallace, N. Y.
Butterworth,	Houk,	Price,	Watson,
Caldwell,	Kennedy,	Raines,	Wheeler, Mich.
Campbell,	Kerr, Pa.	Randall, Mass.	Whithorne,
Clark, Wis.	Ketcham,	Randall, Pa.	Wilber,
Compton,	Kinsey,	Rockwell,	Wiley,
Connell,	Knapp,	Rogers,	Wilkinson,
Cottrah,	Lansing,	Rusk,	Willcox,
Crain,	Lee,	Scull,	Wilson, Ky.
Crisp,	Lehlbach,	Skinner,	Wilson, W. Va.

So the amendment was adopted.

The following pairs were announced until further notice:

Mr. BECKWITH with Mr. COMPTON.

Mr. BROWER with Mr. BLAND.

Mr. FEATHERSTON with Mr. DARGAN.

Mr. WHEELER, of Michigan, with Mr. PERRY.

Mr. BELDEN with Mr. DUNPHY.

Mr. STURBLE with Mr. STAHLNECKER.

Mr. CLARK, of Wisconsin, with Mr. BARWIG.

Mr. GIFFORD with Mr. SKINNER.

Mr. SCULL with Mr. JASON B. BROWN.

Mr. MORSE with Mr. GOODNIGHT.

Mr. RANDALL, of Massachusetts, with Mr. ANDREW.

Mr. FRANK with Mr. ALLEN, of Mississippi.

Mr. WILSON, of Kentucky, with Mr. PAYNTER.

Mr. WILBER with Mr. RANDALL, of Pennsylvania.

Mr. SPOONER with Mr. GRIMES.

Mr. LEHLBACH with Mr. DIBBLE, until Wednesday morning.

Mr. KNAPP with Mr. MUTCHLER, on all political questions until

Monday, March 17.

Mr. STEWART, of Vermont, with Mr. WILSON, of West Virginia, until Tuesday next.

Mr. RAINES with Mr. WILEY, on the Oklahoma bill.

Mr. THOMPSON with Mr. ANDERSON, of Mississippi, on this bill.

Mr. KETCHAM with Mr. BUNN, for the rest of the day.

Mr. O'FERRALL with Mr. VANDEVER, for the rest of the day.

Mr. ROCKWELL with Mr. ELLIOTT, for the rest of the day.

Mr. BINGHAM with Mr. BLOUNT, for the rest of the day.

Mr. STIVERS with Mr. CRAIN, for this day.

Mr. JOSEPH D. TAYLOR with Mr. BLANCHARD, for the rest of the day.

Mr. LANSING with Mr. NORTON, for this day.

Mr. KENNEDY with Mr. HAYNES, for this day.

Mr. WATSON with Mr. GIBSON, for the rest of the day.

Mr. BOWDEN with Mr. MCRAE, for the rest of the day.

Mr. HOUK with Mr. ENLOE, on this vote.

Mr. MORSE. I am paired with the gentleman from Kentucky [Mr. GOODNIGHT] on political questions, but I do not consider this a political question, and accordingly have recorded my vote.

Mr. PETERS. I desire to say that my colleague [Mr. TURNER] is absent sick at his room, and I was not able to obtain a pair for him. If present he would have voted "yea."

Mr. DUNPHY. I am announced as being paired with Mr. BELDEN, but I have recorded my vote, as I do not regard this as a political question.

Mr. ROWLAND. My colleague [Mr. BUNN] is absent sick.



Mr. HOLMAN. Mr. Speaker, I desire to announce that my colleague [Mr. JASON B. BROWN] is detained from the House by sickness.

Mr. McMILLIN. Mr. Speaker, I desire to make a statement, and if under that statement I am entitled to vote under the rule I desire to do so. I was in the Hall when the second roll-call was made, but at the time when my name was reached I was engaged in the examination of a matter that is pending before Congress and did not hear my name. If under that statement I am entitled to vote, I desire to do so.

The SPEAKER. The gentleman would not be entitled to vote.

Mr. HOPKINS. Mr. Speaker, I was sitting in my seat during the roll-call and did not hear my name called.

The SPEAKER. Was the gentleman listening, so that he thinks his name was not called?

Mr. HOPKINS. I was not listening specially.

The SPEAKER. Then the Chair is not allowed to entertain the request of the gentleman to vote.

Mr. YARDLEY. I voted "yea," but the Clerk has announced me as being paired.

Mr. McRAE. Mr. Speaker, I desire to announce that my colleague [Mr. ROGERS] is absent on account of sickness.

Mr. SPRINGER. I ask that the reading of the names be dispensed with.

Mr. HOPKINS. I object.

The result of the vote was then announced as above stated.

So the amendment was agreed to.

The next amendment was read, as follows:

Amend section 8 by striking out all after the word "States," in line 10, and inserting the following: "And any person residing in the Territory of Oklahoma in whom there is Indian blood shall have the right to invoke the aid of the courts therein for the protection of his personal property as if he were a citizen of the United States."

Mr. SPRINGER. I rise to a question of order. Was that amendment that the Clerk read adopted?

The SPEAKER. The Chair is informed that the amendment was adopted.

Mr. PERKINS. That amendment was not accepted in Committee of the Whole, and I make the point of order against it.

Mr. HOOKER. Oh, yes; it was adopted in Committee of the Whole.

Mr. PERKINS. I am mistaken. I was thinking of the amendment offered by the gentlemen from Georgia [Mr. BARNES].

The amendment was agreed to.

The next amendment was read, as follows:

Amend by inserting after the word "States," in line 8 of section 10, the following words: "Except section 2301 of the Revised Statutes, which shall not apply."

The amendment was agreed to.

The next amendment was read, as follows:

Amend, after the word "States," in line 34 of section 10, by inserting the following words: "Except section 2301 of the Revised Statutes, which shall not apply."

The amendment was agreed to.

The next amendment was read, as follows:

Add to section 10 the following:  
"Provided, however, That no part of the land embraced within the Territory hereby created shall inure to the use or benefit of any railroad corporation (except the rights of way and land for stations heretofore granted to certain railroad corporations), nor shall any provision of this act or any act of any officer of the United States done or performed under the provisions of this act or otherwise invest any corporation owning or operating any railroad in the Indian Territory or Territories created by this act with any land or right to any land in either of said Territories; and this act shall not apply to or affect any lands which upon any condition on becoming a part of the public domain would inure to the benefit of or become the property of any railroad corporation; and any question that shall arise under this provision shall be referred by the Secretary of the Interior to the Attorney-General for his opinion thereon."

The amendment was agreed to.

The next amendment was read, as follows:

Amend by striking out all of section 11, after the word "proof," in the eleventh line.

The amendment was agreed to.

The next amendment was read, as follows:

Amend section 11 by adding thereto the following proviso:  
"Provided further, That the lands in this section declared a part of the public domain of the United States and hereby opened to settlement are hereby created into a public land district, and the President is hereby empowered and directed to locate land offices for the same in said district, and to appoint, in conformity with existing law, a register and receiver for said land office; and for the purpose of carrying out this provision the sum of \$2,500, or so much thereof as may be necessary, is hereby appropriated."

Mr. TARSNEY. That amendment, Mr. Speaker, belongs properly to section 10. It was agreed to as an amendment to section 10.

The SPEAKER. Was the amendment agreed to as part of section 10?

Mr. SPRINGER. We went back to that section and agreed to it.

The SPEAKER. In committee this was agreed to as an amendment to section 10, and will be submitted to the House as an amendment to that section.

The amendment was agreed to.

The next amendment was read, as follows:

Amend by adding to section 12 the following words:  
"No person who shall be at the time seized in fee-simple of 160 acres of land in any State or Territory shall hereafter be entitled to enter land covered by the provisions of this act."

The amendment was agreed to.

The next amendment was read, as follows:

Amend section 12 by adding the following words after the word "void," in line 8: "Subject to an appeal to the Secretary of the Interior, as in other cases."

The amendment was agreed to.

The next amendment was read, as follows:

Amend section 12 by striking out all of the section after the word "act," in the sixteenth line, down to and including the word "Territory," in the twenty-third line, being the words following: "Provided, That the registers and receivers of the land offices in the Territory of Oklahoma shall have the power to subpoena witnesses and compel their attendance in all land contests instituted in their respective offices; but the party desiring the attendance of such witnesses shall advance the fees for one day's attendance and for mileage to and from the residence of such witnesses at the same rates allowed in the courts of the Territory."

The amendment was agreed to.

The SPEAKER. The question now is upon agreeing to the substitute as amended.

Mr. BUCHANAN, of New Jersey. Mr. Speaker, I rise to a parliamentary inquiry. I desire to ask the Chair whether a certain amendment offered by myself yesterday can be voted upon under the order of the House. I will state the facts as succinctly as possible. A portion of the special order under which we are acting reads as follows:

And at 4 o'clock on said day the committee shall rise and report the bill to the House with such amendments as may have been agreed to, and thereupon, etc.

Yesterday these proceedings occurred in Committee of the Whole:

Mr. BUCHANAN, of New Jersey. I ask the gentleman to withhold that motion for a moment until I make a request that an amendment which I have prepared be printed in the RECORD, to be considered as pending to-morrow when the previous question operates.

The CHAIRMAN. The gentleman from New Jersey sends to the desk an amendment, which will be printed in the RECORD and be considered as pending when the previous question operates.

Thereupon follows the amendment, which appears on page 2234 of the RECORD. My inquiry is whether this leave granted in Committee of the Whole is such an enlargement of the order of the House as to bring that amendment before the House for action, the Committee of the Whole having risen before the amendment was reached because of the expiration of the period, to wit, the arrival of 4 o'clock?

The SPEAKER. The Chair thinks it is not. The question is upon agreeing to the substitute.

Mr. HOOKER. Mr. Speaker, before that question is put I wish to say a word. I did not hear the gentleman from New Jersey [Mr. BUCHANAN] distinctly, but I presume he was calling attention to an amendment offered by him yesterday, to strike out certain sections of the bill. The amendment was offered under these circumstances, as I understand: It was to be considered as a pending amendment, to be voted upon like other amendments; and while it might not have been reached in Committee of the Whole, yet it was a pending amendment, and I think that under a fair construction of the order amending the rules for the special purpose of passing this bill, amendments pending at the time when the committee rose may be voted upon in the House.

The SPEAKER. The Chair does not see how the committee can enlarge the resolution of the House.

Mr. HOOKER. That would not enlarge it.

The SPEAKER. The resolution says "such amendments as may have been agreed to." The question is upon agreeing to the substitute as amended.

The question was taken; and the Speaker declared that the "ayes" seemed to have it.

Mr. HOOKER. I call for a division.

The House divided; and there were—ayes 160, noes 25.

Mr. HOOKER. I call for the yeas and nays.

The question was taken on ordering the yeas and nays; and they were refused, only 26 members voting in the affirmative.

The SPEAKER. The yeas and nays are refused, and the substitute is agreed to. The question is upon the third reading of the bill as amended.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. PERKINS. I move to amend the title so as to conform to the new provisions in the bill. It ought to read "A bill to organize the Territory of Oklahoma, to establish courts in the Indian Territory, and for other purposes."

There was no objection, and it was so ordered.

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

#### REPRINT OF A REPORT.

Mr. CUTCHEON. In behalf of the Committee on Military Affairs I ask that House Report No. 529, in relation to Army appropriations, be reprinted on account of errors.

There was no objection, and it was so ordered.

#### ORDER OF BUSINESS.

Mr. MILLS. I move that the House do now adjourn.

The SPEAKER. The gentleman from Texas moves that the House do now adjourn. Pending that motion the Chair desires to lay before the House a report from the Committee on Enrolled Bills.

## ENROLLED BILL SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 1701) making an appropriation for the removal of a dangerous obstruction to the entrance of the harbor at Milwaukee, Wis.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SPOONER, on account of a death in his family.

To Mr. SAWYER, for five days, on account of sickness and death.

To Mr. YARDLEY, for six days, on account of important business.

To Mr. STEWART, of Vermont, for four days, on account of important business.

To Mr. BUNN, indefinitely, on account of sickness.

To Mr. LEHLBACH, for five days.

## CORRECTION OF A BILL.

The SPEAKER. The Chair desires to lay before the House the bill S. 410, which the House yesterday asked the Senate to return in order that it might be amended by the insertion of the word "Surgeon" between the word "Supervising" and the word "General," so as to read "Supervising Surgeon-General." The suggestion of the change was made by the gentleman from New York [Mr. BAKER]. If there is no objection, the amendment will be made.

There was no objection, and it was so ordered.

## ARCHIBALD HUNLEY.

Mr. FITHIAN. I ask unanimous consent for the present consideration of the bill (H. R. 5067) for the relief of Archibald Hunley.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of resisting his superior officer, and the decision of said military court-martial upon said charges, and all other charges which appear against said Archibald Hunley, late a private in Company H, Thirtieth Regiment of Illinois Volunteers, on the records of the War Department; and the proper Department of the Government is hereby directed to settle all claims for back pay, bounty, pension, or allowances as if such charges did not exist.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WASHINGTON. Does it carry any appropriation?

Mr. FITHIAN. It makes no appropriation.

Mr. WASHINGTON. But will not the soldier under this bill receive additional pay or allowances?

Mr. FITHIAN. Whether there be any pay or allowances due him is a matter to be determined hereafter by the officers of the Government. The bill provides that the charge against this soldier be removed.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MILLS. I now ask a vote on the motion to adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned.

## EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

## FOG-SIGNAL AT CUCKOLD'S ISLAND, BOOTH BAY, ME.

Letter from the Secretary of the Treasury, recommending an appropriation for the establishment of a fog-signal at or near the Cuckold's Island, in Townshend Harbor, Booth Bay, Me.—to the Committee on Appropriations.

## ABANDONED MILITARY RESERVATION, FORT LYON, COLORADO.

Letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior to pay the salary of the custodian of the abandoned military reservation at Fort Lyon, Colorado, for the fiscal year 1891—to the Committee on Appropriations.

## TELEGRAPHING AND PURCHASE OF INDIAN SUPPLIES.

Letter from the Secretary of the Treasury, transmitting an increased estimate from the Secretary of the Interior for telegraphing and purchase of Indian supplies for the fiscal year 1891—to the Committee on Indian Affairs.

## LIGHT AT CUT-OFF CHANNEL, BALTIMORE HARBOR, MARYLAND.

Letter from the Secretary of the Treasury, recommending an appropriation for the establishment of a light-station at or near the mouth of the new Cut-Off Channel, Baltimore Harbor, Maryland—to the Committee on Appropriations.

## LIGHTS AT DOLLER'S POINT AND HOG ISLAND WHARF, JAMES RIVER.

Letter from the Secretary of the Treasury, recommending an appropriation for the establishment of proper lights at Doller's Point and on Hog Island Wharf, James River, Virginia—to the Committee on Appropriations.

## CHEBOYGAN (MICHIGAN) RIVER LIGHT RANGE.

Letter from the Secretary of the Treasury, recommending an appropriation for the purchase of additional land for the Cheboygan (Michigan) River range light station—to the Committee on Appropriations.

## WILLIAM F. MOORE VS. UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the finding of the court in the case of William F. Moore against The United States—to the Committee on War Claims.

## PUBLIC BUILDING AT OGDEN, UTAH.

Letter from the secretary of the Territory of Utah, transmitting a memorial from the governor and Legislative Assembly representing the need of an appropriation for a public building at Ogden, Utah—to the Committee on Public Buildings and Grounds.

## LEAGUE ISLAND NAVY-YARD.

Communication from the Secretary of the Navy, transmitting, in compliance with the resolution of the House of the 10th instant, copy of the report of the board as to the availability of the navy-yard, League Island, as a naval station and ship-building yard, with maps accompanying—to the Committee on Naval Affairs.

## REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, the following reports were filed, and, with accompanying bills, ordered to be printed, and referred as follows: Mr. QUACKENBUSH, from the Committee on Public Buildings and Grounds, reported with amendment the bill (H. R. 613) for the erection of a public building at Oneida, N. Y.—to the Committee of the Whole House on the state of the Union.

Mr. ROCKWELL, from the Committee on Foreign Affairs, to which was referred the memorial, together with a letter of the Secretary of State, to permit Henry Vignaud to receive the decoration of commander of the Legion of Honor, reported a joint resolution (H. Res. 120) authorizing Henry Vignaud to accept from the President of the French Republic a diploma of commander of the Legion of Honor; which was read twice, and referred to the House Calendar.

He also, from the same committee, to which was referred the memorial, together with a letter from the Secretary of State, to permit Lieut. Aaron Ward and Capt. H. C. Cochran to accept diplomas from the French Republic, reported a joint resolution (H. Res. 121) authorizing Lieut. Aaron Ward, United States Navy, and Capt. H. C. Cochran, United States Marine Corps, to accept from the President of the French Republic diplomas of the Legion of Honor; which was read twice, and referred to the House Calendar.

Mr. BUCHANAN, of New Jersey, from the Committee on the Judiciary, reported favorably the bill (H. R. 1087) for the relief of Daniel W. Perkins—to the Committee of the Whole House.

Mr. HENDERSON, of Iowa, from the Committee on the Militia, reported, as a substitute for the bill (H. R. 4668) to promote the efficiency of the militia, a bill (H. R. 8151) to promote the efficiency of the militia; which substitute was referred to the Committee of the Whole House on the state of the Union.

Mr. SPOONER, from the Committee on Military Affairs, to which was referred the estimates for the support of the Military Academy for the fiscal year ending June 30, 1891, reported a bill (H. R. 8152) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1891; which was read twice, and referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON, from the Committee on Claims, reported with amendment the bill (H. R. 2393) for the relief of William H. Crook—to the Committee of the Whole House.

Mr. DORSEY, from the Committee on the Territories, reported with amendment the bill (H. R. 7170) to authorize the city of Ogden, Utah, to assume an increased indebtedness—to the House Calendar.

Mr. EZRA B. TAYLOR, from the Committee on the Judiciary, to which was referred the bill (H. R. 7179) in relation to claims arising under the provisions of the captured and abandoned property act, heretofore reported, submitted the views of the minority thereon in writing; which said views were ordered to be printed as part 2 of report No. 784 and referred to the House Calendar.

Mr. SMYSER, from the Committee on Pensions, reported favorably the bill (H. R. 2738) granting a pension to Christiana Schneider—to the Committee of the Whole House.

Mr. BROWNE, of Virginia, from the Committee on Commerce, reported with amendment the following bills; which were severally referred to the Committee of the Whole House on the state of the Union:

A bill (H. R. 900) to establish range and other necessary lights at the entrance to the harbor of Cape Charles City, in Virginia; and

A bill (H. R. 3870) to authorize the construction of a steam-tender for use of engineer department in the ninth and eleventh light-house districts.

## ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports on bills of the following titles were delivered to the Clerk and laid on the table as follows:

By Mr. JASON B. BROWN, from the Committee on War Claims, on the bill (H. R. 2300) for the relief of James Cosgrove.



By Mr. CUTCHEON, from the Committee on Military Affairs, on the bill (H. R. 673) to amend the act approved March 1, 1887, and to provide concerning pay of privates of the Hospital Corps, United States Army.

Also, from the same committee, on the bill (H. R. 3312) to amend section 6 of the act approved March 1, 1878, entitled "An act to organize the Hospital Corps of the Army of the United States, to define its duty and fix its pay."

By Mr. BELKNAP, from the Committee on Invalid Pensions, on the bill (H. R. 1085) granting a pension to Mrs. Elizabeth Vincent.

By Mr. BUCHANAN, of New Jersey, from the Committee on the Judiciary, on the bill (H. R. 68) relating to the duties and compensation of United States attorneys.

Also, from the same committee, on the bill (H. R. 69) relating to the duties and compensation of United States marshals.

#### RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were delivered to the Speaker and referred as follows:

By Mr. MILLIKEN:

*Resolved*, That Tuesday, Wednesday, and Thursday, March 18, 19, and 20, after sixty minutes of the morning hour shall have passed, be fixed for the consideration in Committee of the Whole, when reported, of such bills as may be indicated by the Committee on Public Buildings and Grounds, of the bills reported by that committee, and that this order shall continue from day to day until three days shall have been occupied; not to interfere with revenue or general appropriation bills, or prior orders, or reports privileged under Rule XI; and that such bills as the Committee of the Whole shall report favorably be regarded as unfinished business of the following day;

to the Committee on Rules.

By Mr. DORSEY:

*Resolved by the House of Representatives*, That the heads of the several Executive Departments of the Government be, and they are hereby, required to inform this House of the number of telephones now in use in their respective Departments, bureaus, and offices, the annual rental paid for each instrument, the cost of maintaining said instruments, if any, and the amount paid to employees of the Government who are employed or assigned to duty in whole or in part as telephone operators;

to the Committee on Public Buildings and Grounds.

#### BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, the following bills and joint resolutions were delivered to the the Speaker, severally read twice, and referred as follows:

By Mr. CHIPMAN: A bill (H. R. 8146) to authorize the construction of a tunnel under the Detroit River at the city of Detroit, Mich.—to the Committee on Commerce.

By Mr. MASON (by request): A bill (H. R. 8147) to provide for a national-bank circulation that shall adjust itself to the demands of commerce, and for other purposes—to the Committee on Banking and Currency.

By Mr. FITCH: A bill (H. R. 8148) to permit the manufacture and printing of securities for foreign governments, and for other purposes—to the Committee on Banking and Currency.

By Mr. ABBOTT: A bill (H. R. 8149) to increase the limit of cost of the public building authorized by act of Congress, approved March 2, 1889, to be erected at Fort Worth, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. HERMANN: A bill (H. R. 8150) to provide for the adjudication and payment of claims arising from Indian depredations—to the Select Committee on Indian Depredation Claims.

By Mr. PICKLER: A bill (H. R. 8153) granting the buildings and four sections of land at Fort Sisseton, S. Dak., to the State of South Dakota for the use of the militia of the State, and for other purposes—to the Committee on the Public Lands.

By Mr. O'NEIL, of Massachusetts: A bill (H. R. 8154) authorizing the Pneumatic Gun Carriage and Power Company to build a siege gun and disappearing siege carriage for the War Department—to the Committee on Military Affairs.

By Mr. CHIPMAN: A bill (H. R. 8155) to grant school district No. 7, of the township of Dearborn, Wayne County, Michigan, certain lots of land for school purposes—to the Committee on the Public Lands.

By Mr. ATKINSON, of Pennsylvania: A bill (H. R. 8156) to incorporate the Cross-Town Railroad of the District of Columbia—to the Committee on the District of Columbia.

By Mr. BREWER (by request): A bill (H. R. 8157) to amend an act entitled "An act to incorporate the Georgetown Bridge, Lock, Elevator and Railway Company"—to the Committee on the District of Columbia.

By Mr. HERMANN: A bill (H. R. 8158) to dispose of certain lots of the Fort Dalles military reservation, and the improvements thereon—to the Committee on Military Affairs.

By Mr. LESTER, of Georgia: A joint resolution (H. Res. 122) authorizing the Secretary of War to cause an examination and survey of the inside route between Doboy and Sapelo Sounds—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. Res. 123) authorizing the Secretary of

War to cause to be made an examination and survey of the inside route between Savannah River and Fernandina, Fla., including Romero Marsh—to the Committee on Rivers and Harbors.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were delivered to the Clerk and referred as follows:

By Mr. BOOTHMAN: A bill (H. R. 8159) for the relief of John Tucker, late private Company F, Thirty-eighth Ohio Volunteers—to the Committee on Military Affairs.

By Mr. BRECKINRIDGE, of Kentucky: A bill (H. R. 8160) for the relief of Dr. William Kenney—to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 8161) for the relief of the heirs of Alpha A. Leach, for accrued pension—to the Committee on Invalid Pensions.

By Mr. CARUTH: A bill (H. R. 8162) for the relief of Thomas Crawford, of Louisville, Ky.—to the Committee on Pensions.

By Mr. CASWELL: A bill (H. R. 8163) granting a pension to W. W. Seely—to the Committee on Invalid Pensions.

By Mr. CATCHINGS: A bill (H. R. 8164) for the relief of Jackson Briscoe—to the Committee on War Claims.

By Mr. CHEATHAM: A bill (H. R. 8165) granting a pension to Mary Norman—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: A bill (H. R. 8166) to place the name of Sarah A. Smail upon the pension-roll and grant her a pension of \$25 per month—to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 8167) granting a pension to Martha Hindman—to the Committee on Invalid Pensions.

By Mr. KINSEY: A bill (H. R. 8168) to relieve John Hatfield from the charge of desertion—to the Committee on Military Affairs.

By Mr. LAWLER: A bill (H. R. 8169) for the relief of Peter Clark—to the Committee on Military Affairs.

Also, a bill (H. R. 8170) granting a pension to Elizabeth Keely—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8171) granting a pension to Israel Litno—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: A bill (H. R. 8172) granting a pension to Edwin Bragg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8173) for the relief of Annie E. Tallman—to the Committee on Military Affairs.

By Mr. MOREY: A bill (H. R. 8174) granting a certificate of honorable service to Wesley S. Crane—to the Committee on Military Affairs.

Also, a bill (H. R. 8175) for the relief of Thomas and Lydia Eckhart—to the Committee on War Claims.

Also, a bill (H. R. 8176) for the relief of Peter Ehrstine—to the Committee on Military Affairs.

Also, a bill (H. R. 8177) granting a pension to Thomas Geiger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8178) for the relief of Benjamin D. Lakin—to the Committee on Claims.

Also, a bill (H. R. 8179) granting a pension to John Kindle Tate—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8180) for the relief of John Walters—to the Committee on Military Affairs.

By Mr. MORRILL: A bill (H. R. 8181) granting a pension to Isaac Smith—to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 8182) for the relief of Caroline M. McDougal, widow of the late Rear-Admiral David McDougal, United States Navy—to the Committee on Naval Affairs.

By Mr. O'NEIL, of Massachusetts: A bill (H. R. 8183) for the relief of Edmund M. Phelan—to the Committee on Claims.

By Mr. POST: A bill (H. R. 8184) for the relief of Freak H. Ferris—to the Committee on Military Affairs.

By Mr. SANFORD: A bill (H. R. 8185) for the relief of Margaret Yatto—to the Committee on Invalid Pensions.

By Mr. STOCKDALE: A bill (H. R. 8186) for the relief of Landon L. Lea, of Amite County, Mississippi—to the Committee on War Claims.

By Mr. TAYLOR, of Illinois: A bill (H. R. 8187) for the relief of Edmund C. Bailey—to the Committee on Claims.

By Mr. WILSON, of West Virginia: A bill (H. R. 8188) for the relief of Joseph Hoffman—to the Committee on War Claims.

Also, a bill (H. R. 8189) for the relief of John Spangler—to the Committee on War Claims.

By Mr. WISE: A bill (H. R. 8190) for the relief of John Bowers, of Henrico County, Virginia—to the Committee on War Claims.

Also, a bill (H. R. 8191) for the relief of A. S. Lee—to the Committee on War Claims.

By Mr. WRIGHT: A bill (H. R. 8192) for the relief of Collins M. Segar, late employé Quartermaster-General's Office—to the Committee on Invalid Pensions.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (H. R. 3889) to restrict the sale of convict-made goods—Com-

mittee on Labor discharged, and referred to the Committee on Commerce.

A bill (H. R. 285) providing payment for paving the alley adjoining the United States Government building in Des Moines, Iowa—Committee on Public Buildings and Grounds discharged, and referred to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were delivered the Clerk and referred as follows:

By Mr. ANDREW: Papers to accompany H. R. 6156, granting a pension to John D. Creighton—to the Committee on Invalid Pensions.

By Mr. BOOTHMAN: Resolutions of Bond Post, No. 24, Grand Army of the Republic, Department of Ohio, in favor of the per diem rated service-pension bill—to the Committee on Invalid Pensions.

By Mr. BROWNE, of Virginia: Resolution of the council of the city of Fredericksburgh, Va., for road to national cemetery—to the Committee on Military Affairs.

By Mr. CARUTH: Petition to accompany a bill for the relief of Thomas Crawford, of Louisville, Ky.—to the Committee on Pensions.

By Mr. CHIPMAN: Petition of school district No. 7 of the township of Dearborn, Michigan, for certain land for school purposes—to the Committee on the Public Lands.

By Mr. DE LANO: Petition from Cyrus B. Martin and 76 others, citizens of the town of Norwich, N. Y., asking the speedy passage of House bill 584, the same being in the interest of the American silk industry—to the Committee on Ways and Means.

By Mr. ELLIS: Proofs and vouchers to be filed with H. R. 7951, for the relief of Campbell H. Johnson—to the Committee on Invalid Pensions.

By Mr. FLICK: Concurrent resolution of the senate and house of representatives of the State of Iowa, urging such legislation by Congress as will require all railroad cars used in interstate commerce to be equipped with uniform safe automatic couplers and power automatic brakes—to the Committee on Commerce.

By Mr. FUNSTON: Resolutions of a mass meeting of old soldiers at Garnett, Kans., March 7, 1890—to the Committee on Invalid Pensions.

By Mr. GIBSON: Petition of citizens of Caroline and Dorchester Counties, for survey of "Linchester River," Maryland—to the Committee on Rivers and Harbors.

By Mr. GREENHALGE: Petition of Nancy E. Hardy, for relief—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Petition of E. P. Brooks and a great number of ex-soldiers of Meigs County, Ohio, favoring a service pension—to the Committee on Invalid Pensions.

By Mr. GROUT: Memorial of T. S. Peck and others, in favor of a pension for George H. Brown—to the Committee on Invalid Pensions.

Also, testimony relating to the bill granting a pension to Mary Morgan Edson—to the Committee on Invalid Pensions.

By Mr. HAYNES: Petition and memorial of F. W. Alvord and 168 others, citizens of Sandusky, Ohio, praying for the erection of a monument at Put-in Bay, Ohio, to commemorate Oliver Hazard Perry and others who participated in the naval battle of Lake Erie on the 10th day of September, 1813—to the Committee on the Library.

Also, petition and memorial of G. E. St. John and 70 others, of Port Clinton, Ohio, for the same purpose—to the Committee on the Library.

By Mr. HENDERSON, of Iowa: Resolution of the Twenty-third General Assembly of Iowa, favoring legislation in the construction of such railroad couplings as will protect the lives and limbs of railroad employes—to the Committee on Commerce.

Also, petition of Amos Crow, for increase of pension—to the Committee on Invalid Pensions.

Also, resolutions passed by J. M. Holbrook Post, No. 342, Grand Army of the Republic, Department of Iowa, Delhi, Delaware County, Iowa, urging the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. HERMANN: Petition of citizens of The Dalles, Oregon, to sell Fort Dalles military reservation—to the Committee on Military Affairs.

Also, petition of citizens of Oregon, asking for the forfeiture of the Northern Pacific Railroad land grant between Wallula and Portland, Oregon—to the Committee on the Public Lands.

By Mr. HITT: Petition of John Bain and 38 others, citizens of Rochelle, Ill., for converting Pipestone reservation into a national park and locating an Indian industrial school therein—to the Committee on Indian Affairs.

By Mr. KELLEY: Petition of J. D. Smith and 46 others, soldiers of Woodson County, Kansas, asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Otter Creek Lodge, F. M. B. A., asking for free coinage of silver, a liberal system of pension, for abolition of national-banking system, for a law providing for election of United States Senators by a direct vote of the people, for a reduction of tariff on articles of necessity—to the Committee on Coinage, Weights, and Measures.

By Mr. LACEY: Petition of Grand Army of the Republic post,

Floris, Iowa, for service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Richland (Iowa) Monthly Meeting of Friends, against increased expenditure for Navy and coast defenses—to the Committee on Naval Affairs.

By Mr. MILLIKEN: Petition of Mrs. Annie E. Tallman, for a pension—to the Committee on Invalid Pensions.

By Mr. MONTGOMERY: Petition of Capt. E. H. Whittinghille, for pension—to the Committee on Invalid Pensions.

By Mr. MOREY: Memorial of Caesar's Creek Monthly Meeting of Friends, Ohio, for peaceful methods of settling national disputes and controversies—to the Committee on Military Affairs.

By Mr. MORROW: Memorial from Oakland Union of Carpenters and Joiners of Oakland, Cal.—to the Committee on Labor.

By Mr. NIEDRINGHAUS: Petition to accompany H. R. 6780, to refund license fees to officers of steam-vessels—to the Committee on Merchant Marine and Fisheries.

By Mr. OSBORNE: Resolutions of National Encampment Union Veteran Legion, favoring the selection of General A. L. Pearson as one of the board of managers of National Soldiers' Home—to the Committee on Military Affairs.

By Mr. POST: Petition of Jacob Hoffman and 20 others, employes and employers, engaged in the manufacture of cigars in Peoria, Ill., for the retention of the tax on cigars and the internal-revenue system which protects brands and trade-marks—to the Committee on Ways and Means.

Also, papers in the case of F. H. Ferris—to the Committee on Military Affairs.

Also, resolution of Peoria (Ill.) Typographical Union, No. 29, for the passage of Senate bill No. 232—to the Committee on Printing.

By Mr. SMITH, of Arizona: Remonstrance from citizens of Arizona against the passage of a land court bill to settle Spanish or Mexican land grants in Arizona—to the Committee on Private Land Claims.

By Mr. STRUBLE: Resolutions of Wallor Post, No. 223, Grand Army of the Republic, Milford, Iowa, urging the passage of the service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions from Sidney Fuller Post, No. 458, Grand Army of the Republic, Oto, Iowa, for same purpose—to the Committee on Invalid Pensions.

Also, resolutions from McDowell Post, No. 391, Grand Army of the Republic, Early, Iowa, for same purpose—to the Committee on Invalid Pensions.

#### SENATE.

FRIDAY, March 14, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

#### EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, stating, in response to a resolution of March 10, 1890, that the questions relating to the withholding of patents for lands within the limits of the grant to the Union Pacific Railroad Company which are free from all claims and were not reserved at the date of the definite location of the company's road, are still under consideration in the Interior Department, and for want of time the inquiry in regard thereto has not yet been completed; and that, as the report of the Commissioner of the General Land Office is part of the record in the matter under consideration and is subject to be affirmed or reversed by the action of the Secretary, it should not at present be promulgated.

The communication was read.

The PRESIDENT *pro tempore*. The resolution to which this communication is a response was offered by the junior Senator from Kansas [Mr. PLUMB], and it will lie upon the table until he shall come in.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of March 3, 1890, a report from the Commissioner of Indian Affairs relative to persons who have been added to the membership of the Sac and Fox Indians; which was read.

The PRESIDENT *pro tempore*. The resolution to which this communication is a response was also offered by the junior Senator from Kansas [Mr. PLUMB], and, in the absence of suggestion, will lie upon the table without further order until he shall come in.

#### HOUSE BILLS REFERRED.

The following bills received yesterday from the House of Representatives were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. 347) to grant the right of way to the Galena, Guthrie and Western Railway Company through the Indian Territory, and for other purposes;

A bill (H. R. 7509) granting to the Palouse and Spokane Railway a right of way through the Nez Percé Indian reservation in Idaho; and



A bill (H. R. 7754) granting right of way to Little Falls, Mille Lacs and Lake Superior Railroad across Mille Lacs Indian reservation.

The bill (H. R. 1590) to ratify an act entitled "An act to provide for a wagon-road between Mount Idaho, in Idaho County, and Little Salmon Meadows, in Washington County, in Idaho Territory" was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. 3940) to amend an act entitled "An act to extend the fees of certain officers over the Territories of New Mexico and Arizona" was read twice by its title, and referred to the Committee on the Judiciary.

#### PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the memorial of C. H. Bubb, of Dewart, Pa., remonstrating against an increase of the present rate of duty on tin plate; which was referred to the Committee on Finance.

He also presented the petition of Elvira Hoaglin, of Lake, in the State of Michigan, widow of Jefferson Hoaglin, late of Company L, First Regiment, Ohio Heavy Artillery, praying to be allowed a widow's pension; which was referred to the Committee on Pensions.

Mr. SAWYER presented a resolution adopted by members of Pomona Grange, of Rock County, Wisconsin, remonstrating against the demonetization of silver and favoring its free coinage; which was referred to the Committee on Finance.

Mr. PADDOCK presented a petition of the Farmers' Alliance, of Bennett, Fillmore County, Nebraska, praying that efforts be made by the Government to secure the removal of unreasonable restrictions upon our export trade in meats; which was referred to the Committee on Finance.

Mr. SHERMAN presented a petition of S. W. Brown and 49 other legal voters in the county of Holmes, Mississippi, praying for the passage of a national law securing a free ballot and an honest count in all elections of Representatives in Congress, and that, in addition, such laws may be passed by Congress as it may have power to enact for the enforcement of the fifteenth amendment to the Constitution; which was referred to the Committee on Privileges and Elections.

He also presented a memorial of Hazlett Post, No. 81, Department of Ohio, Grand Army of the Republic, remonstrating against the passage of the dependent-pension bill and praying for the passage of the service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of J. Tevis Post, No. 560, Department of Ohio, Grand Army of the Republic, praying for the passage of the service-pension bill; which was referred to the Committee on Pensions.

Mr. STEWART presented forty-nine petitions signed by 1,849 members of the Farmers' Alliance and citizens of Nebraska, praying for the free coinage of silver; which were referred to the Committee on Finance.

Mr. BLAIR presented the petition of A. W. Hawkins and 66 others, citizens of Athens, Ga., praying for the passage of the educational bill; which was ordered to lie on the table.

He also presented a petition of 62 citizens of the United States, praying for the passage of a national Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. MOODY presented a petition 34 citizens of Andover, S. Dak., and a petition of 21 citizens of the same place, praying for the free coinage of silver; which were referred to the Committee on Finance.

#### REPORTS OF COMMITTEES.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 2455) making appropriation for the improvement of the military reservation known as Fort Walla Walla, in the State of Washington, reported it without amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2714) for the erection of a public building at the city of Aurora, Ill., reported it with an amendment.

Mr. VEST, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 505) for the construction of a railroad and wagon bridge across the Mississippi River at South St. Paul, Minn.;

A bill (H. R. 507) granting the counties of Hennepin and Dakota, Minnesota, the right to build two bridges across the Minnesota River; and

A bill (H. R. 5667) to amend an act to authorize the construction of a bridge across Trail Creek, in the city of Michigan City, Ind.

Mr. WASHBURN, from the Committee on Commerce, to whom was referred the bill (S. 2730) to authorize the construction of a bridge across the St. Louis River at the most accessible point between the States of Minnesota and Wisconsin, reported it with amendments.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 2842) to establish wind-signal display stations at Thunder Bay and Middle Islands, Lake Huron, reported it with amendments.

He also, from the same committee, reported a bill (S. 3122) to amend section 4426 of the Revised Statutes of the United States, "Regulation of steam-vessels," which was read twice by its title.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 3876) authorizing the construction of a bridge across the Red River of the North, reported it with amendments.

#### ADJOURNMENT TO MONDAY.

Mr. VEST. I move that when the Senate adjourn to-day, it be to meet on Monday next.

The motion was agreed to.

#### RATE OF INTEREST ON TAX ARREARAGES.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 5179) fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia if paid within a time specified, to report it with an amendment, and I ask unanimous consent for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the rate of interest to be collected of any person owing arrearages of general taxes prior to July 1, 1888, or assessments for special improvements, including the laying of water mains, now due to and the liens for which are held by the District of Columbia, shall be 6 per cent. per annum, in lieu of the rate and penalties now fixed by law and of all accrued costs.

The amendment of the Committee on the District of Columbia was, in line 11, to strike out "April" and insert "June;" so as to make the proviso read:

*Provided*, That this provision shall only apply to taxes and assessments paid on or before the 30th day of June, 1890.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### DISTRICT TAX SALES.

Mr. VANCE. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 5825) prescribing the times for sales and for notices of sales of property in the District of Columbia for overdue taxes, to report it without amendment, and to ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to require the commissioners of the District of Columbia to prepare a list of all taxes on real property in the District, subject to taxation, on which taxes are levied and in arrears on the 1st of July, 1889, and each and every year thereafter (including all taxes due to the late corporations of Washington City, Georgetown, the levy court of the county of Washington, and the District of Columbia). The commissioners are to publish the same with a notice of sale in a pamphlet of which not less than 3,000 copies shall be printed for distribution to tax-payers applying therefor.

On the first Tuesday in April, 1890, and the third Tuesday in March of each year thereafter, the commissioners are to give notice which shall contain the name of each and every person in which each piece of property is assessed, together with the amount of assessment upon each piece, by advertising twice a week for three successive weeks in the regular issue of two or more daily newspapers published in the District, that the pamphlet has been printed and that a copy thereof will be delivered to any tax-payer applying therefor at the office of the commissioners, and that if the taxes due, together with the penalties and costs that may have accrued thereon, shall not be paid prior to the day fixed for sale the property will be sold, under the direction of the commissioners, at public auction, at the office of the collector of taxes, commencing three weeks after the first publication of the notice and continuing on each following day, Sunday and legal holidays excepted, until all the delinquent property is sold.

Mr. SHERMAN. I will ask if that is a House bill?

The PRESIDENT *pro tempore*. It is a House bill.

Mr. SHERMAN. Then it is all right. I noticed that the other House had passed such a bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CHRIST CHURCH PROPERTY IN WASHINGTON.

Mr. VANCE. A Senate bill quit-claiming the title of the Government to certain property in this city was passed by this body, sent to the other House, and was there slightly amended in the matter of designating more particularly the property. I am instructed by the Committee on the District of Columbia to report it favorably and recommend the adoption of the House amendment and to ask for its immediate consideration.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 296) vesting in the vestry of Christ Church, Washington Parish, District of Columbia, all of the right, title, and interest of the United States of America in and to square south of square 1092 in the city of Washington, District aforesaid.

The PRESIDENT *pro tempore*. The amendments of the House of Representatives will be stated.

The CHIEF CLERK. In line 7, after the word "Parish," insert "otherwise called the vestry of Washington Parish."

Amend the title by adding, after the word "aforesaid," "this being an act to remove a cloud upon the title of said lot."

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made by the House of Representatives.

The amendments were concurred in.

#### ANACOSTIA AND POTOMAC RIVER RAILROAD.

Mr. FAULKNER. The bill (S. 1083) to amend the act giving the approval and sanction of Congress to the route and terminal of the Anacostia and Potomac River Railroad, in the District of Columbia, was passed by the Senate and subsequently by the House of Representatives with an amendment. I am instructed by the Committee on the District of Columbia to report back the amendment and move the concurrence of the Senate therein.

The PRESIDENT *pro tempore*. The amendment of the House of Representatives will be stated.

The CHIEF CLERK. In line 14, after the word "street," insert:

*Provided*, That so much of the act of August 1, 1883, as authorized the company herein named to lay its tracks on Seventh street, east, between M and G, is hereby repealed.

The amendment was concurred in.

#### SUGAR-BEET INDUSTRY OF BOHEMIA.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back favorably (with a report which I ask may be printed) a resolution referred to the Committee on Printing, which was submitted by the Senator from Nebraska [Mr. PADDOCK] on the 12th instant; and I ask for its present consideration.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

*Resolved*, That there be printed 5,500 copies of the Sugar-Beet Industry of Bohemia, a report by Commercial Agent Hawes, of Reichenberg, 5,000 for the use of the Senate and 500 for the use of the Committee on Agriculture and Forestry.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. MANDERSON. I wish to say that the printing of this report is desired by the Committee on Agriculture and Forestry. It has been examined by the Committee on Printing, and it is found that the cost of printing 5,500 copies will be a little over \$200. The document contains very valuable information upon this subject, which undoubtedly should be given to the public interested in the question.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

#### BILLS INTRODUCED.

Mr. DOLPH (by request) introduced a bill (S. 3114) for the adjudication and payment of Indian depredation claims; which was read twice by its title.

Mr. DOLPH. This bill was prepared by a gentleman who has given a great deal of attention to these claims. I have glanced through it and believe it contains some valuable provisions, and I call the special attention of the chairman of the committee to it. I move that it be referred to the Select Committee on Indian Depredations.

The motion was agreed to.

Mr. FAULKNER introduced a bill (S. 3115) to punish the unlawful appropriation of the use of the property of another in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3116) to punish the carrying or selling of deadly or dangerous weapons within the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3117) for the relief of Levi Teets; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HIGGINS introduced a bill (S. 3118) to establish a circuit court of appeal; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HIGGINS. I wish to state that this is a substitute for the bill (S. 2619) to establish a circuit court of appeals, previously introduced by me. I ask that the Committee on the Judiciary be discharged from the further consideration of that bill, and that it be indefinitely postponed.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection. The Chair hears none, and it is so ordered.

Mr. CASEY introduced a bill (S. 3119) granting a pension to William Wansbrough; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PIERCE introduced a bill (S. 3120) to amend an act for the relief of the Sioux Indians at Devil's Lake agency, North Dakota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WILSON, of Maryland, introduced a bill (S. 3121) for the relief of John R. Bond; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. EVARTS introduced a bill (S. 3123) to amend an act to pro-

hibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia; which was read twice by its title, and referred to the Committee on Immigration.

He also introduced a bill (S. 3124) granting a pension to Catherine S. Lawrence; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 3125) for the relief of A. N. Kimball, and sureties on his official bond as receiver of public moneys; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLISON introduced a bill (S. 3126) to construct a public building at Oskaloosa, Iowa, and for other purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MANDERSON introduced a bill (S. 3127) amending an act entitled "An act to constitute Lincoln, Nebr., a port of delivery, and to extend the provisions of the act of June 10, 1880, entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' to said port of Lincoln;" which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. SAWYER (by request) introduced a bill (S. 3128) granting an increase of pension to Henry Zell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

#### AMENDMENTS TO BILLS.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the bill (S. 390) to amend paragraph 3 of section 4693 of the Revised Statutes, and for other purposes; which was referred to the Committee on Pensions, and ordered to be printed.

Mr. SAWYER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### ECKINGTON AND SOLDIERS' HOME RAILWAY COMPANY.

Mr. HARRIS. I move to take from the table Senate bill 157 with the amendment of the House of Representatives.

The PRESIDENT *pro tempore*. If there be no further morning business, that order is closed, and the Senator from Tennessee moves that the Senate proceed to the consideration of the bill (S. 157) to amend the charter of the Eckington and Soldiers' Home Railway Company.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Chair understands this to be a Senate bill which passed the other House with an amendment. The amendment of the House of Representatives will be read.

The CHIEF CLERK. The amendment is to add as a new section:

SEC. 6. That this act shall be considered as an amendment to the act of June 19, 1889, granting a charter to the Eckington and Soldiers' Home Railway, and shall be construed as being subject to all limitations and conditions of said original act, except as specifically provided otherwise herein.

Mr. HARRIS. I move to concur in the amendment of the House of Representatives. The bill was laid over the other day at the instance of the Senator from Missouri [Mr. VEST], who was in his seat a moment since, but is not in his seat at this moment. I want the House amendment acted upon this morning.

The PRESIDENT *pro tempore*. Is the Senate ready for the question upon agreeing to the House amendment?

Mr. COCKRELL. What is that?

The PRESIDENT *pro tempore*. It will be again read.

Mr. COCKRELL. What is the title of the bill?

The PRESIDENT *pro tempore*. The title of the bill will be read.

The CHIEF CLERK. A bill (S. 157) to amend the charter of the Eckington and Soldiers' Home Railway Company.

Mr. COCKRELL. I hope the Senator from Tennessee will not insist upon that until my colleague can be here. He is in the building and will be here in a few moments.

Mr. HARRIS. I thought he was in his seat when I asked the Senate to take up the bill. I want the amendment concurred in this morning. I have sent a page to hunt for the Senator from Missouri, but inasmuch as he is absent at the moment I am willing to pass from it. However, I shall move again to proceed with it the moment the Senator appears.

Mr. SHERMAN. Let it be passed over informally.

The PRESIDENT *pro tempore*. The Chair does not understand the Senator from Ohio.

Mr. SHERMAN. The bill being now pending, it may be passed over informally until the Senator from Missouri comes in.

Mr. HARRIS. Let it be passed over informally.

The PRESIDENT *pro tempore*. It will be passed over informally.

Mr. PADDOCK. I ask unanimous consent—

Mr. VEST entered the Chamber.

Mr. HARRIS. The Senator from Missouri is now here. Let the amendment of the House be again read.

The PRESIDENT *pro tempore*. The amendment of the House of Representatives will be again read.

The amendment was read.



The PRESIDENT *pro tempore*. The question is on concurring in the amendment made to the bill by the House of Representatives.

Mr. VEST. Mr. President, my objection to the bill, and I state it very frankly, is to that provision in it which gives to this company the right to construct additional overhead electric wires in the District of Columbia. Senators will remember (at least those who were members of the last Congress) that the question of overhead electric wires was discussed in granting the original charter of this company, and a resolution was passed by the Senate, after debate, instructing the Committee on the District of Columbia to report legislation forbidding the construction of overhead electric wires in this District. It is unnecessary to repeat the arguments pro and con had in that discussion.

While that matter was pending in the Senate the District appropriation bill was reported with a provision prohibiting the construction of overhead electric wires in the District after, I think, the 15th of last September. That was the settled rule and law of the District in the general enactment, as I understand it. The company proceeded with a haste which was remarkable to construct its overhead wires along New York avenue, to erect its poles and put up the wires there, and managed to finish the work before the limitation of time fixed in the general appropriation law arrived.

Now, I take my part of responsibility for not having objected to this provision when the bill was passed through the Senate. I did not know there was any such provision in the bill until my attention was called to it after it had passed the House of Representatives and come back to us with this amendment. I am informed, for I claim to be no expert in such matters myself, that under parliamentary rules the body of the bill as it passed the Senate can not now be reached unless it should be by an amendment to the amendment which nullifies the provision in the main body of the bill to which I have referred—either that or that the bill itself must be rejected.

I have no other interest in this matter than that of any other Senator. If the Senate now, in the teeth of the general enactment which was solemnly passed through both Houses of Congress, prohibiting overhead electric wires in this District, choose to violate that rule and to give this company the right to put up these overhead electric wires upon North Capitol street, one of the handsomest avenues in the city, of course I can stand it if the rest of the Senate have no objection. That is the whole case.

Mr. HARRIS. Mr. President, I do not understand the Senator from Missouri as objecting to the House amendment. His objection goes to the bill as it passed the Senate and as it passed the House of Representatives.

I have once or twice before stated upon this floor, and I will now restate, that there is not an electrical expert in America who will not assure the Senator from Missouri, and every other Senator, that an electric current with an energy of 500 volts or less never endangers animal life; that is not hurtful to man or brute; and that a current with an energy of 500 volts is more than equal to propelling any line of street cars within the limits of the District of Columbia.

But, notwithstanding the objection of the Senator from Missouri, the executive authority of this District, composed of three commissioners, whose duty it is to look well and carefully to the public interests within this District, recommended the passage of this bill as it is. A committee of nine Senators, especially appointed to look after District interests and District affairs, with absolute unanimity reported this bill. The Board of Trade of the city of Washington have recommended its passage in its present form. A large number of persons outside have recommended it. The Senate by its vote has recommended it. The other House by its vote has recommended it. The whole world, so far as it has been consulted, seems to be decidedly in favor of it, except the Senator from Missouri.

I leave the Senate to decide between the Senator from Missouri and the District commissioners, the Senate Committee on the District of Columbia, the action of the two Houses of Congress. I ask that the House amendment be concurred in, which will end this controversy for the present.

Mr. VEST. Mr. President, the Senator from Tennessee [Mr. HARRIS] speaks of the action of the two Houses of Congress. The action of the two Houses of Congress was to the effect that no overhead electric wires should be put up in this District after the 15th of September last.

Mr. HARRIS. The Senator will allow me to say that when he comes to scrutinize the legislation I think he will find that he states it very much too strongly, but I do not care to go into that, and I do not intend to do so. But when I spoke of the action of the two Houses I spoke of their action upon this bill, and the Senator from Missouri will remember that when this bill was under consideration in the Senate he and I debated this electric feature here and then.

Mr. VEST. Mr. President, I have no recollection of ever having noticed this provision in this bill until the bill came back from the House of Representatives, and I immediately entered my dissent to it as soon as I made that discovery. If anything was said in debate between the Senator from Tennessee and myself, it was not upon that feature of this bill at all, for I solemnly aver that I knew nothing about it, I have no recollection of it, and my attention was not called to it, or I should most unquestionably have objected at the time.

The Senator says the action of Congress is indicated by the passage of this bill. This bill passed through the Senate without any attention being called to this clause in it which permits this company to violate the general provision that was incorporated in the general District appropriation bill as it was passed during the last year. Then the question was debated in the Senate. The provision prohibiting the erection of overhead electric wires was resisted strenuously by the Senator from Tennessee, and after a discussion lasting through the best part of two or three days the District of Columbia Committee was instructed to report a resolution against this sort of thing. Now it is proposed by this same corporation, which then rushed the work through, put up its posts upon New York avenue, and erected overhead wires, in the very first amendment that is proposed to its charter, to violate the general provision of law.

I assume the responsibility of oversight or ignorance, or whatever it may be, in permitting this bill to go through the Senate as it is, but it does not change my opinion; and on that assumption of responsibility I reiterate my opposition to the whole system of overhead electric wires in this District.

Mr. HALE. The Senator will remember, in the line in which he is speaking, that after the contest to which he has alluded the best that Congress could do to preserve any rights, either in law or equity, that these electric companies had ever, in their discretion, condescended to allow them, was to provide that, instead of removing their wires entirely, they should be placed underground whenever the commissioners deemed that that was safe. The upshot of that is, as the Senator says, that we should have no electric wires overhead. The best that Congress would vouchsafe to these companies was that they might be permitted to put them under ground.

Mr. VEST. That is so.

Mr. HALE. The provision is found on page 804 of the statutes of last year.

Mr. VEST. I wish the Senator would read it.

Mr. HALE. This is the provision giving that permission:

That the commissioners of the District of Columbia may hereafter, under such reasonable conditions as they may prescribe, authorize the overhead wires of any telegraph, telephone, or electric-light company to be laid under any street, alley, highway, footway, or sidewalk in the District, whenever, in their judgment, the public interest may require the exercise of such authority, such privileges as may be granted hereunder to be revocable at the will of Congress without compensation, and this authority to continue only until the termination of the Fifty-first Congress.

Mr. VEST. That is my understanding of the condition of the legislation now. I do not propose to go into the general subject of the future or the business of the future in the construction of overhead electric wires. The reviews of the country have been full of that discussion by Mr. Westinghouse and Mr. Edison; experts have given their opinion, and some have said that 500 volts of electricity shot into a human being do not endanger life. I simply say for myself that I want no such experiment on my body or that of any friend. We know that in the city of New York this discussion has resulted in the prohibition of overhead electric wires and the officers of the companies holding that monopoly there have refused to put their wires under ground. Such is the consensus of opinion in the municipalities of the country to-day, as I understand, and if electricians have changed their opinion it has not changed the opinion of the American people in regard to this matter.

No man driving his vehicle along the route of one of the roads that these electric wires are over wants to be exposed to the accident of the wire being detached and killing the animal he is driving, and perhaps himself or a member of his family, and I say now, as I said in a former debate, that one human life ought to be more to the Congress of the United States than all the expenditure of money or consideration of convenience on the part of any corporation. We know what has been the result elsewhere, and when an accident happens here we shall be told that it will not happen again. That is no remedy to the man who, or whose family, has been killed, no matter what his position in life may be, however humble.

I propose to offer this amendment at the end of the amendment of the House of Representatives:

*Provided*, That no overhead wires shall be used within the limits of this city.

The PRESIDENT *pro tempore*. The Senator will send the amendment in writing to the desk.

Mr. HARRIS. And upon that amendment I raise the question of order that it is out of order because it does not propose to modify the terms of the House amendment, but it is proposed as a modification of the body of the bill.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The CHIEF CLERK. The amendment is to add to the proposed new section of the House of Representatives the following:

*Provided*, That no overhead wires shall be used within the limits of this city.

The PRESIDENT *pro tempore*. The Senator from Missouri proposes that the Senate agree to the amendment of the House with the amendment read.

Mr. SHERMAN. Mr. President, another answer that has been made to the Senator from Missouri—

The PRESIDENT *pro tempore*. The Senator from Tennessee, the Chair understands, raises a point of order.

Mr. HARRIS. I do.

The PRESIDENT *pro tempore*. The Chair will hear suggestions upon that point.

Mr. SHERMAN. I have no desire to speak to the point of order.

Mr. HALE. What is the point of order?

The PRESIDENT *pro tempore*. The Senator from Missouri moves to amend the amendment of the House of Representatives. It will be read again.

The Chief Clerk read the proposed amendment of Mr. VEST.

The PRESIDENT *pro tempore*. The Senator from Tennessee raises the point of order that this can not be received, as not being germane to the subject of the amendment made to the bill by the House of Representatives.

Mr. HARRIS. It does not modify or change the principle of the House amendment, but is intended to affect and to change the body of the bill as agreed to in the Senate and as agreed to in the House of Representatives. It is intended for no other purpose and can perform no other office or have any other effect than that.

Mr. HALE. I only say that it would be a remarkable thing in the history of the Senate, so far as I know of, if an amendment of that kind were held not to be in order.

The PRESIDENT *pro tempore*. The Chair would be inclined to hold that the amendment, under the practice and custom of the Senate, was in order.

Mr. MCPHERSON. Can we have the amendment of the House again reported?

The PRESIDENT *pro tempore*. The title of the bill will be stated, and the amendment of the House will be again reported, together with the amendment proposed by the Senator from Missouri.

The Chief Clerk read the title of the bill, the amendment of the House of Representatives, and the amendment thereto proposed by Mr. VEST.

Mr. SHERMAN. Mr. President, there is another answer to the Senator from Missouri besides the one made by the Senator from Tennessee, and that is that there is no authority in this bill to this railroad company to have overhead wires except in a region of the city now practically without inhabitants. As I remember the terms of it when it was up before and was thoroughly discussed, the branch that is allowed to have the overhead wires is the branch along North Capitol street beyond New York avenue.

Mr. HARRIS. Which is only one or two squares this side of the northern boundary of the city.

Mr. SHERMAN. I submit to the Senator from Missouri, whether it would be fair to this corporation to enact this legislation. It has, in my judgment, erected the most beautiful specimen of an electric railroad now in the United States, as has been stated and I believe correctly—the specimen from Seventh street to North Capitol street. They propose now to erect a line along North Capitol street and an extension to the Soldiers' Home, which will be a great convenience of a suburban character to the people of Washington, seeking generally in the holidays some retreat like the Soldiers' Home park. It is only one square from the present line of this railroad to Boundary street, so that it only goes through in the city of Washington one square probably of about six or eight hundred feet. Senators must be familiar with the ground and must know it. Beyond that it extends up a new road just opened without any houses or habitations upon it. It is purely a suburban extension of the present road. Now to require them in this space of six or eight hundred feet to establish a different system or mode of motive-power or replacement of the wires would be simply idle and futile.

Therefore it is that, although I am in favor of the amendment that has been read, which was made to the law last year, not, at present at least, to allow any railroads to a considerable extent to come within the city of Washington with electric wires, except under ground or in some condition of absolute safety, yet I have no question whatever in voting for the proposition to allow this company to continue its line along North Capitol street to the Soldiers' Home. To that there can be no objection.

Mr. HARRIS. The Senator from Ohio will allow me to refresh his memory. This bill provides in explicit terms that on that branch within the traveled part of the city, if electric cables or wires are used, they shall be put under ground, and the overhead wires provided for are on that part of the line running out from North Capitol street, as the Senator has correctly stated, I forget whether it is one or two squares, but not exceeding two squares within the boundaries of the city and in a part of the city where there are scarcely any buildings on either side of North Capitol street.

Mr. SHERMAN. The Senator correctly states that this very bill provides that within the city proper in inhabited places the wires have to be under ground. But when you go to the outskirts of the city at the junction of North Capitol street and New York avenue, which we have all traversed over a hundred times, and probably I have a thousand times, and from that point on to Boundary street and so on to Soldiers' Home, there is no considerable number of inhabitants, and every one of them, so far as I know, is in favor of the measure.

Mr. VEST. I should like to ask the Senator from Ohio whether it is not the fact that that portion of the city is being rapidly settled up, and whether he did not agree with me the other day in the discussion of another measure here that if it were not for the nuisance of the Balti-

more and Ohio Railroad it would be settled from now on more rapidly than any portion of the city has been.

Mr. SHERMAN. Yes, Mr. President, the route of this proposed new road is not settled at all, because the great body of it, from Boundary street to the Soldiers' Home, the land has only been opened very recently, within a year, and there is not a house on the line, so that it is not settled. It is equally true that the construction of this railroad by a very enterprising citizen of this city—because it was mainly done by him—along its present route to the Catholic University has opened up to settlement a considerable region of country, and a very large number of buildings are being erected along the line of the railroad in consequence of the railroad being constructed there, and no part of the city is likely to be more prosperous and to grow more rapidly than the section traversed by this line of railroad.

I intend to stand by the protection of life in this city and never to vote for a proposition for a railroad within the heart of the city that will not secure to the people absolute security against the possibility of danger by electric wires, as to which there is some danger certainly; but I would not apply this rule to the extension of an existing line through a region that is not now populated and where everybody who is interested at all desires it to be constructed.

It was fully understood when the matter was debated the other day and the bill passed the Senate; this very thing was discussed; and I am only surprised that, with the usual prompt attendance of the Senator from Missouri and his usual observation of what is going on, he did not notice it, because I think everybody else who was here noticed the distinction made in this bill between the extension of the line through a new country and that which extended through the older and settled portions of the city.

Mr. FAULKNER. I want to state to the Senator from Ohio also, in the line of his argument, that the bill when it was introduced and submitted to the committee contemplated the road going through another street than North Capitol street, but when it was submitted to the commissioners of the District of Columbia they suggested that it would be more proper to require the road to go through North Capitol street, as it was a wide street and the poles could be put up there without any inconvenience to the public generally. It was through the advice given and the suggestions made by the commissioners of the District that this line was changed so as to cover about one or two squares within the boundary on North Capitol street, which is a very wide street.

Mr. SHERMAN. I know that North Capitol street is wider than even New York avenue. I think North Capitol street is 130 feet wide, and there is no difficulty in putting a line of poles in the center of the street and having plenty of room on either side.

Mr. HALE. Mr. President, the Senator from Ohio [Mr. SHERMAN] is more moderate in his desires as to extending these electric railroads throughout the city of Washington than either the projectors of this enterprise or some of the Senators who favor it.

If the argument of the Senator from Tennessee [Mr. HARRIS] amounts to anything, it is that it will be a benefaction to the inhabitants of Washington for these roads to traverse their streets everywhere, and the experience of Senators in the past ought to teach them that this is simply an enterprise in the direction of making constant encroachment upon the highways and streets of this city.

These enterprises are not called for in the beginning by the inhabitants of any section either in the populated parts of the city or in the suburbs. A company or an individual purchases available lands outside of the populated parts of the city and seeks to open those lands by getting Congress to charter an electric railroad. The committees of the two Houses having the subject in charge and the bodies themselves are importuned until at last their consent is given upon the proposition that this is intended to be a suburban road. When this road which is the subject of debate here now was first chartered it was stated to the Senate under the most solemn and repeated asseverations that no attempt would ever be made to bring these dangerous wires, or wires which many people believed to be dangerous, into the populated part of the city; but no sooner had the company organized and built its road and developed its lines and began to look out than human nature prevailed with them and they sought to penetrate the other portions of the city, and the Senate may go on and may grant this little encroachment, may give this inch, and it will find in the end the ell will be demanded. You can not let these companies into a single street where the population of the city is now thickly settled but that it will be made a precedent for another demand, and if you let them into North Capitol street along the line described by the Senator from Ohio, while he is sincere in what he says now that nothing more will be asked for, he will find himself confronted within one year from now with a demand that it be extended farther and brought into all the great avenues and streets of the city that we ought to keep sacred for ourselves and our children and the future generations that will come here to this great city.

The argument, as I have said, of the Senator from Tennessee does not blink this. He does not commit himself to the proposition that he will not come in here afterwards and ask that these roads be extended over all our streets, but he boldly takes the offensive and declares that these roads are not only practical, convenient, and profitable, but in their operation are to the benefit of the public generally; and if there



is anything to be derived from this argument it is that horse-railways and cable-railways, and underground railways should give way to electric lines placed overhead.

Now, Mr. President, whether or not the Senator can demonstrate to his satisfaction that the percentage of death or destruction or injury is very small under this system, still, as the Senator from Missouri has said, it has been tried in New York, and there have been casualties, calamities, accidents occurring there which have aroused the press and the public, and to-day they are committed against these electric wires overhead; but the companies do not cease their struggle there and here and they will continue it, and the only way for the Senate to maintain its ground safely is to hold these parties to the original conditions and keep them in the suburban regions—that is bad enough—and let them take care of themselves there.

Mr. PADDOCK. At Omaha, Nebr., a remarkably flourishing and active business town, we have, during the last year and a half, put in over 40 miles of the overhead wire system of electric roads. Before the commencement of the construction of our system we had the same prejudices, the same apprehensions as to the dangers and uncertainties of electric roads that have been expressed here by the Senator from Missouri [Mr. VEST] and the Senator from Maine [Mr. HALE], but after a year or more of operation of our system there is no citizen of Omaha who would not be glad to have it on every street in the town. There has been no death, no accident of any kind or nature, that I remember. We were satisfied by the investigations which were made before the actual work of putting up the wires commenced that there could be no danger, and by the operation of all the roads in our extensive system since we have become satisfied entirely that the apprehensions at first entertained were not well grounded, and we shall be very glad indeed, so far as that city is concerned, to have the entire street-railway system of the town of that character.

Mr. EDMUNDS. Mr. President, perhaps in Omaha there has not yet been an occasion or a time when the overhead wires broke and fell down where people were passing. That is the test. An overhead wire or any highly charged wire, either for telegraph or motive power, is perfectly safe so long as you keep it perfectly insulated and do not touch it, just as the lightning in the heavens is, and the argument that because in Omaha no evil has happened in the space of a year would be an argument against all lightning-rods because a particular house without a lightning-rod had not been struck within the last year. It does not prove anything at all; but all the human experience that we have had in this country and every other shows that these overhead and highly charged wires, whether for motive power or telegraph purposes or for any other purpose, when their insulation fails, either by fracture so that they fall in places where people and animals are passing, or where they fall in houses so that the current is diverted from its safe and protected channel, a sad disaster always happens. There is no use of anybody denying it, and I do not know that anybody does deny it; and that is the case we have.

Now, what is the great public necessity for granting these extraordinary privileges, that we condemned a year ago by a tremendous majority, to this particular corporation? Have we any petitions from the body of people residing between here and the Soldiers' Home crying out for an overhead electric railroad? By no means. Senators in favor of it say that nobody lives there. What is it, then? It is a land speculation, and a railroad in connection with it to make lands worth more and bring them into market in a city that is not half filled up nor quarter filled up within the boundaries of Boundary street at this minute. That is just what is the fact about it; and therefore there ought not to be any great public urgency to allow these parties to put up on North Capitol street or anywhere else such wires as are dangerous to human life. If it be only the human life (if there is any distinction in human lives in the minds of these corporations) of a poor market-woman who is driving out to go to her home beyond the Boundary, her life is just as sacred, I take it, in the eyes of everybody but corporations as the lives of Senators or anybody else. Of course the *quantum* of danger is diminished in a lonely rural road because the number of people exposed to the danger is less; but the danger is there just the same, and if the breakdown happens at the moment of time when there is a passer-by there or a passer-by afterwards until the current is cut off or the insulation is destroyed, there follow disaster and death.

Mr. President, I notice that overhead wires are very curiously authorized in some other places by this bill than a few hundred feet from New York avenue up North Capitol street, as has been stated—a good deal more than a few hundred feet. I am not on the question of distances just now, but we will call it 800 feet. I will never dispute with the Senator from Ohio as to quantities, however much we may differ otherwise. This provides, first, that they may begin—

At the intersection of New York avenue and Fifth street, northwest, south along Fifth street, northwest, to G street, northwest, and thence west along G street, northwest, to the east line of Fifteenth street, northwest; and also beginning at the present terminus of its cemetery branch on the east side of Lincoln avenue—

Which, I believe, is out east here in the city somewhere; I am not sure of its location—

and thence northerly along Lincoln avenue to a point opposite the entrance to Glenwood Cemetery.

Mr. SHERMAN. That is the name of the avenue going to the cemetery.

Mr. EDMUNDS. I do not know that the name makes any great difference. If it be the present road that goes up to that cemetery, it is a great public thoroughfare, where perhaps more people go in the course of a year, up and down from New York avenue to Glenwood Cemetery and to the top of the hill on the side of the Soldiers' Home, than in almost any other thoroughfare out of this city; and if that is the place, it is infinitely improper to put up overhead electric wires, if it be improper to put them up in front of this Capitol.

Now, the bill authorizes that, for its limitation is:

That if electric wires or cables are used to propel its cars over said streets from New York avenue and Fifth to Fifteenth street, northwest, the same shall be placed under ground.

Leaving authority to run it on Lincoln avenue, wherever that may go, from end to end or from point to point, as well as on North Capitol street, and all the way on New York avenue from North Capitol street to the Soldiers' Home. I am decidedly opposed to it, Mr. President, and I shall offer in a minute, with the consent of my friend from Missouri [Mr. VEST], a substitute for his amendment, something to strike at the root of the whole matter, the order of which, I take it, nobody will question.

Now, I want to say a word about North Capitol street, that is represented to be a lonely rural place. Perhaps it is, but anybody who will go to the north end of this Capitol and look out of its windows will see that North Capitol street is, in its original design and in its present outlines, perhaps the noblest avenue that there is in the whole District of Columbia. It has failed to become populated by the people of this town and by the people of wealth and leisure who come here, as it otherwise would have been, because of the nuisance near us of the Baltimore and Ohio Railroad, which occupies it for a long distance as part of its yards, and which, of course, obstructs the passage of people up and down it, and makes it a nuisance to everybody that owns property in the vicinity, and a nuisance to the Capitol itself.

If that thing were got out of the way North Capitol street, from here to the Soldiers' Home, would be the grandest avenue in North America or anywhere else, starting at the great north front of this Capitol and going in a direct line to the highest ground in the neighborhood of Washington, to that magnificent park in which the Soldiers' Home is situated. I do not propose, for one, to vote under any circumstances at any time, whether the ground about it be vacant or filled up, to put up these confessedly dangerous and deadly and unsightly structures.

When there are people enough living along there or capable of living along there to make it a public necessity for the convenience of people going to and fro from this Capitol to the other end of this great and magnificent avenue, as it will be, then there will be profit enough in the transaction for the promoters of a railway line, who are not building for charity or patriotism, but for profit, to put in a railway line, either of cable or underground wires, that will subserve the public interests and give them profit besides. That is what I think about it. Therefore, Mr. President, I move to amend the proviso of my friend from Missouri by striking it all out and inserting this as a part of the House section:

That the authority of said company by this act or any other act—

Which will cut them out on New York avenue, and from here out to the boundary—

conferred to erect or use overhead wires in its operations within the city of Washington shall absolutely cease and determine on the 1st day of July, 1893.

That gives them three years and over to get out of New York avenue, and they say, and this bill provides, that their time for erecting overhead wires in North Capitol street shall not begin or be obligatory until the street is opened and graded, which must depend upon a proper appropriation by Congress and the tax-payers of the District of Columbia. Therefore, there is no immediate danger about this North Capitol street business, except, perhaps, for a few blocks, as my friend has said, they might run up there where it is already graded and probably used, just as they set up these New York avenue overhead wires within the boundaries of the District against the spirit and against, I believe, the legal effect of the statute we had already passed, in order to get ahead of the provision for its taking effect on the 1st day of September, if that was the day.

There is another thing I should like to ask while we are dealing with railroad corporations, whether we have got any evidence anywhere that this company has paid into the Treasury the 4 per cent. that the act of incorporation required on its gross earnings during the time it has been running, as it is said in the newspapers, so profitably and with such great success? That is not material to the passage of this particular bill, but it is an inquiry that I feel interested in making at this time.

Mr. VEST. I am willing to accept that amendment in lieu of the amendment I offered.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Vermont will be read, the amendment of the Senator from Missouri being withdrawn.

The Chief Clerk read as follows:

That the authority of said company by this act or any other act conferred to erect or use overhead wires in its operations within the city of Washington shall absolutely cease and determine on the 1st day of July, A. D. 1893.

Mr. PADDOCK. Mr. President, referring to the description or the characterization of this enterprise given by the Senator from Vermont [Mr. EDMUNDS] I desire to say, so far as I am concerned, that I know nothing whatever of the enterprise, have no interest in it, and know nobody interested or connected with it directly or indirectly. I gave my testimony as to the experience in Omaha respecting the system there, because I felt it my duty to do so in defense of the system itself, and a year's experience ought to be pretty satisfactory evidence as to the fact whether it is a safe system or not. There has been no accident in that city and the roads there pass through streets where more business is done than in any street in this town, and that of itself, I think, ought to be very fair evidence that it is a safe and secure system.

Mr. HARRIS. I dislike very much to detain the Senate a moment longer, but I want to state two or three facts.

I know that quite a number of deaths have occurred from electric shocks in this country, but in respect to every one of them that I have had the ability to run down and ascertain how they occurred, they resulted from the arc-light wire. The arc light can not be produced and maintained with an energy less than from 1,500 to 2,500 volts, and in respect to every one of them that I have had the means of investigating, there is not one single death of a human being traceable to a railroad wire, because where the road is ordinarily smooth and level four or five hundred volts give a power quite equal to propelling a train of street-cars.

The road under consideration has used the maximum of 400 volts. It has been in operation for now about a year and a half. It carried over 500,000 passengers in the first year of its operation, and not a single accident to man or brute has occurred by the operations of that road.

All the electrical experts in the country, as I said awhile ago, will give assurance as to the result of their experiments and their investigations and their knowledge of the subject that there is no danger whatever to animal life in a current of 500 volts. The old city of Boston, where more electrical experiments have been made, perhaps, than in any other city of the United States, having experimented largely with electricity as a motive-power and in every other way, about a year ago authorized the erection of overhead wires and the propelling of all the street lines within the limits of that city, in the most crowded as well as in the suburban parts, by overhead wires and electricity.

Mr. EDMUNDS. May I ask the Senator if he does not know that the city of Boston has been governed for some time, as a good many people in that city think, much as New York was some time ago, and that the getting of a right to put anything overhead or anywhere else does not demonstrate either its safety or its propriety?

Mr. HARRIS. I take it for granted, as there is no clamor or no seeking to repeal the order that authorized a year or more ago the erection of overhead wires in propelling street cars by electricity by means of these wires, that there is no very great amount of alarm, no very great sense of danger, no very urgent desire to have that order repealed, or we should have heard something of the kind. Wherever they have been tried, so far as my knowledge goes, no accidents have resulted from railroad wires. The electrical accidents which have proved fatal have been invariably those resulting from the arc light. I do not remember an instance where the incandescent light, with its slow current, has produced an accident to human or animal life.

Mr. EDMUNDS. May I ask the Senator a question if I do not disturb him?

Mr. HARRIS. Certainly.

Mr. EDMUNDS. We have, I believe, some electric-lighting apparatus in this Capitol. I understand that to be the incandescent system, and not the arc.

Mr. HARRIS. We have both.

Mr. EDMUNDS. We will take the incandescent, then. Do I understand the Senator to say that he believes one of the power wires, if the insulation were removed and an expert or anybody else would put his hand upon it, would not be destructive?

Mr. HARRIS. If there be a wire, as there doubtless is, so far as the arc light is concerned—

Mr. EDMUNDS. I am speaking of the incandescent now.

Mr. HARRIS. My information from the Architect of the Capitol is that a current of 50 volts will run an incandescent light, and that a current of 200 volts will be amply sufficient for the incandescent lights of the Capitol. The Committee on Rules, having been informed that there was both a high and a low tension system in use in the Capitol, has the matter under consideration, and I doubt not will report a resolution which will admit no system requiring a wire to the Capitol charged with a current of more than 300 or 500 volts; and in the light of all the experience and investigation by electrical experts a current of 500 volts is absolutely free from danger.

Mr. MANDERSON. Mr. President, the objection to bills of this character is to my mind not so much an objection to their details as to the general principle upon which they are enacted. Here is another bill which proposes to grant to a corporation composed of private individuals a valuable franchise in this city. The city of Washington, by reason of its plan as to streets and the character of its population and the industries in which that population are engaged, certainly does not need that net-work of street railways which is needed by such commer-

cial cities as Philadelphia, New York, Boston, and others that I might mention. But that there should be a bettering of present conditions and an increase of railroads there can be no question; and I suggest, as I did the other day, that the proper method for their construction is not that persons who may be interested in outside real estate, having a speculative interest in property outside, should be permitted to dictate a line of road by which their real estate shall be brought into market, but that there should be some demand either from a suburban or a city population along the proposed route to the commissioneers or to Congress praying that such road might be constructed, and the inception of the railroad should come from that demand for it.

When the demand is made, I submit that the District authorities and the proper committees of the two Houses of Congress should consider the advisability of the road, and, if it is well that it should be constructed, then it seems to me that these valuable franchises—for we know from the profits made by the street-railway companies that these franchises are very valuable—should be granted to those who are ready to pay for them, and there should be some method devised, and I hope that it may be by the committees of Congress on the District, by which these charters shall be given to those who are ready to pay the most money into the public Treasury for them. As it is now, these rights to the use of the streets are obtained to the immense profit of a few individuals, and while it is true that they are for the public convenience so far as the running of the cars and their use are concerned, there is no profit to the general public, which is taxed to maintain the streets over which the cars are propelled.

Now, so far as this road is concerned, I know but little of its proposed route. I have been over the streets and avenues that are mentioned, but not often, so that I am not very familiar with them, but I wish to add a word to that which has been suggested by my colleague [Mr. PADDOCK] with reference to electric-motor railways.

There are three methods of propulsion for electric tramways: one the underground-wire system, another the overhead-wire system, and a third, which is known as the storage-battery system. The only successful system, as I understand, has been the overhead-wire system. Where wires are placed under ground for the propulsion of street cars, for some reason there seems to be a dissipation of the electric current, and it can not be conserved so as to answer the proper uses, although they are running some railways in the country by that method. The storage-battery system has been objectionable thus far (although I expect to see it ultimately the system by which these cars will be propelled) because of the expense incident to the placing of these batteries in the cars themselves and the weight that is an incident to them: but I have no question that the electrical experts, who are making such marvelous developments, will find some plan by which both the expense and the weight will be reduced.

Electricity is a most dangerous element, as the Senator from Vermont suggests. An attempt to "chain the lightning" is one that is attended with danger always; but no one conceives that the wires over which telegrams are sent are particularly dangerous to the communities through which they pass. The poles that support them and the wires themselves are unsightly, and so with the telephone wires and poles, they are unsightly, but they are not dangerous, and yet they carry currents of electricity, and, as suggested by the Senator from Tennessee, the later experience with reference to overhead wires for the conducting of cars has shown that with the number of volts of electricity they are required to carry there is no danger to human life in them even when they drop to the street and come in contact with either man or beast.

Two or three years ago when a subject akin to this was under consideration, I opposed the putting up of any overhead wires in the city of Washington. I did so because I then believed, as the Senator from Missouri and others believed, that there was an element of very great danger in placing overhead wires in the streets of this city. Since that time there has been constructed an electric tramway out New York avenue, with overhead wires. I understand that there has been no resulting damage from its use so far as human life is concerned.

I have seen, myself, in the electric tramways referred to by my colleague, in Omaha, the workmen handle the wires when the cars were running and when the wires were charged with the full amount of electricity necessary to do the work. My experience with reference to these roads has been this: I have no interest in them; I do not own a dollar of stock in any of them, and have simply been observant of them because I was somewhat interested in the subject. It was proposed about two years ago to run one of these overhead electric tramways along a street on which I happened to own a small piece of property. I objected to it very strongly, and, with other property-owners, did what I could to resist, through that much-traveled street, the building of this railway and the putting up of these wires. The matter went into court, and finally it was decided that the road should be built, and about three miles of road were constructed a little over two years ago. I watched it with a good deal of disgust, and yet at the same time, with a good deal of interest, and I became a convert to the electric-tramway system, and until there can become system of storage batteries devised by which the cars can be propelled I believe the best system is the overhead electric tramway system. There was such a revulsion of public senti-



ment in that city that, after these three or four miles were constructed, the people were clamorous for the change of the horse-car systems of that city to the electric-tramway system, and the result of it is that today there are over 40 miles of overhead electric tramways in the city of Omaha, as suggested by my colleague, and they are rapidly replacing the horse cars.

Mr. PADDOCK. I will say to my colleague that the horse-car roads in our system will be almost entirely replaced by the electric motors during the present season.

Mr. MANDERSON. I have no question of that. I have no question that that change will very speedily be made. I think that any one who will investigate this subject will be satisfied that there is not the element of danger in it that is dreaded. If there was I for one would be heartily in favor of this proposed amendment.

Mr. EDMUNDS. Are your streets level?

Mr. MANDERSON. In the business part of the city there are level streets, but back of it there are quite steep hills, and these electric cars climb the hills with great ease.

Mr. EDMUNDS. But it takes more power to do that.

Mr. MANDERSON. With the amount of electricity mentioned, the maximum of 500 volts, there is no trouble about running up any hill that you find in the cities on the Missouri River, and the bluffs are quite steep.

Mr. EDMUNDS. What is the diameter of the wire?

Mr. MANDERSON. It is a very small wire; I do not know that I can give its exact diameter, but it is a very little larger, if larger at all, than the usual wire over which telegrams are sent by the Western Union Telegraph Company.

Now, Mr. President, I think that one of the evils of the railway system of this city is the present horse-car arrangement. No man or woman rides upon these cars, especially those on Pennsylvania avenue and on Seventh street, without being pained and shocked by the suffering of the poor horses who are compelled to draw the cars, and I think in the interest of a decent humanity we ought to compel the horse-car companies to change their method of propulsion as rapidly as it can be done.

Mr. SPOONER. Or else they should get better horses.

Mr. MANDERSON. I should hate to see them get better horses, as suggested by my friend from Wisconsin, for the better the horse the worse I should like to see him abused. I do not think that horses ought to be used for any such purpose. They do not need to be, under the present system.

This bill, I presume, is beyond the reach of any recall. I should be glad to see it recalled, and I should be glad to see no further legislation in the way of chartering these railway companies to individuals until some such course as I have suggested shall obtain. But I felt it no more than due, as, with others, I joined in the attack here two or three years ago on the electric-tramway system, that I should bear testimony to the fact that not only the theorizing of the electrical experts, but the actual and practical experience of the communities in which these roads have been built shows that the fears of the Senator from Missouri are very largely groundless.

Mr. VEST. Mr. President—

Mr. HARRIS. Will the Senator from Missouri allow the report of the committee to be read and then proceed with his remarks?

Mr. VEST. I have no objection to that course.

Mr. HARRIS. I ask that the report of the committee may be read.

The PRESIDENT *pro tempore*. The report will be read, if there be no objection.

The Secretary read the following report, submitted by Mr. HARRIS, January 20, 1890:

The Committee on the District of Columbia, to which was referred Senate bill 157, has considered the same, and submits the following report:

A bill for the same purpose, and substantially the same as the one under consideration, was reported by the unanimous vote of the committee in the second session of the Fiftyth Congress, and passed the Senate, and was favorably reported by the House committee, but was not considered by the House.

The bill under consideration was referred to the commissioners of the District for such information as they could give as to the operations of the road, and especially as to the safety to the public in the use of electricity as a motive power, and their opinion as to the propriety of granting the extensions asked.

The report of the commissioners is here inserted, as follows:

OFFICE OF THE COMMISSIONERS, DISTRICT OF COLUMBIA.

Washington, December 23, 1889.

SIR: In compliance with the request contained in your letter of the 13th instant and the verbal request of Hon. ISAAC C. HARRIS, of your committee, the commissioners of the District of Columbia have the honor to return herewith Senate bill 157, to amend the charter of the Eckington and Soldiers' Home Railway Company, with the following remarks:

This railway commenced the operations of its cars by electricity a little more than a year ago. At that time the application of electricity to such purposes was largely an experiment, and serious doubts were entertained regarding its safety and practicability. During the past year the commissioners have watched this experiment and studied this problem with great interest. The results of experience have been noted from all parts of this country and Europe, and personal examinations of existing systems have been made.

As the result of these studies the commissioners have arrived at the following conclusions:

- (1) Up to the present time no method of operating cars by electricity through conductors laid under ground has been satisfactorily established by experiment.
- (2) The method of operating cars through overhead conductors is the only system which actual practice has shown to be a success.
- (3) Of the overhead systems now employed the commissioners believe that

the one used by the Eckington and Soldiers' Home Railway Company, in which the conductors are supported by poles situated in the middle of the street, is the most satisfactory where there is sufficient width of carriage way for its employment.

(4) The commissioners believe that the electrical system employed by this railway, the electro-motive force of which can never exceed 500 volts, is as safe as any motive system ever employed by any railway. The Eckington Railway has never had any accident whatever resulting from its employment of electric motive power, and the commissioners believe this to be also true of all other electric railways now in operation throughout the United States.

The Eckington Railway has been so admirably constructed and equipped, its operation has been so satisfactory to the public, and its success has been so much greater than its most sanguine friends could have anticipated that the commissioners say without hesitation that the extensions provided for in this bill are generally in the public interest. They doubt, however, the advisability of authorizing the use of overhead wires on the First street branch within the city limits, as they consider that street too narrow for this purpose. This objection will be removed if, as the commissioners suggest, North Capitol street should be substituted for First street in the company's charter, the former being considerably wider than the latter.

The correspondence with the president of the Eckington and Soldiers' Home Railway Company relative to this subject is herewith appended.

Very respectfully,

J. W. DOUGLASS, President.

Hon. J. J. INGALLS,

Chairman Committee on District of Columbia, United States Senate.

DISTRICT OF COLUMBIA,  
OFFICE OF THE ENGINEER COMMISSIONER,  
Washington, December 20, 1889.

DEAR SIR: The commissioners have received a letter from the Senate Committee on the District of Columbia, inclosing a copy of Senate bill 157, providing for the extension of the Eckington and Soldiers' Home Railway, requesting the commissioners to report to the committee "the result of the practical operations of the electric system used on the Eckington and Soldiers' Home Railway during the past year, especially as to its safety."

Will you kindly furnish me with any information that you may have in your possession bearing upon this point?

Respectfully, yours,

CHAS. W. RAYMOND,  
Major of Engineers, U. S. Army,  
Engineer Commissioner, District of Columbia.

Mr. GEO. TRUESDELL,

President Eckington and Soldiers' Home Railway Company,  
Washington, D. C.

WASHINGTON, D. C., ROOM 29, ATLANTIC BUILDING,  
December 27, 1889.

DEAR SIR: I have the honor to acknowledge the receipt of your communication of the 20th instant, in which you request me to furnish for the use of the Senate Committee on the District of Columbia a report as to the result of the practical operations of the electric system used on the Eckington and Soldiers' Home Railway during the past year, especially as to its safety, and to make the following reply:

The Eckington and Soldiers' Home Railway Company was chartered on the 19th of June, 1888, and the main line of the road was completed and opened for traffic on the 17th of October, 1888. The Cemetery branch was completed in June, 1889, and the Fourth street extension to the Catholic University was finished on the 20th of October, making altogether about 3 miles of double track and half a mile of single track.

The report of the operation of the road for the first year was submitted to the stockholders on the 17th of October, 1889, a copy of which is hereto appended for your information. The road, as will be seen from said report, has been a great success, the receipts for the first year having exceeded the operating expenses by over \$3,300, it being the first instance in which the receipts of any street-car line in the District of Columbia have equaled its expenses during the first year of its existence. Considering that this is essentially a suburban road, with its city terminus at New York avenue and Seventh street, it affords conclusive evidence of the popularity of the system. If anything further were needed upon this point, it is found in the fact that property on New York avenue between Seventh street and Boundary has doubled in value since the road was opened, while beyond Boundary the advance has been even greater, in some cases being as much as 400 or 500 per cent.

As to the danger of the electric current, it affords me great pleasure to be able to state that not one of the 503,000 passengers carried by our company has been injured by it, nor have any of our employes, although the latter have received frequent shocks. That the current used on our railway and on the other electric roads in this country is not dangerous to human life is further shown by what I am assured is the fact, that although there are now 1,100 miles of electric tracks in use in the United States and over 800 electric cars, no passenger has been seriously injured by the current used to propel them. It may be proper to add that no passenger has been seriously injured by our cars in any manner whatsoever.

Yours, very respectfully,

GEO. TRUESDELL,

President Eckington and Soldiers' Home Railway Company.

Maj. CHAS. W. RAYMOND,

Corps of Engineers, U. S. Army, Engineer Commissioner, D. C.

Report of the receipts and expenses of operating the Eckington and Soldiers' Home Railway for the year ending October 17, 1889:

Total number of passengers carried.....	503,860	Total receipts from passengers.....	\$23,604.00
Daily average.....	1,505	Expenses of operating.....	20,256.72
Average daily earnings.....	\$68.45	Excess of receipts over expenses.....	3,347.28

The committee is satisfied that the extension from the intersection of New York avenue and Fifth street, northwest, to Fifteenth street, northwest, will be a great convenience to the traveling public, as the present terminus of the road at the intersection of New York avenue and Seventh street, northwest, is an inconvenient point to reach, and generally involves an additional car-fare to the passengers who get on or off at that point, while this extension will reach the business part of the city and make connection with the various car and herd lines.

The committee adopts the recommendation of the commissioners, and recommends the repeal of so much of the original charter as authorized the construction of the Soldiers' Home branch along First street, and authorizes the construction of a branch from the intersection of New York avenue and North Capitol street along North Capitol to the Soldiers' Home. This point of beginning is only three blocks from the northern boundary of the city, and North Capitol being a broad street, the laying of these tracks will be little if any inconvenient.

ience to wagon and carriage traffic, but a great convenience to that portion of the people of the city who do not keep their own carriages, enabling them to reach the beautiful grounds of the Soldiers' Home quickly and cheaply.

Upon this point the committee submits the letter of the Rev. John J. Keane, rector of the Catholic University, and the letter of the Washington Board of Trade, recommending the passage of the bill:

THE CATHOLIC UNIVERSITY OF AMERICA.  
Washington, D. C., December 11, 1889.

RESPECTED DEAR SIR: Permit me, in the name of the trustees of this university, to ask of your Committee on the District of Columbia favorable consideration for the petition of the Eckington and Soldiers' Home Railway to extend their line to the corner of Fifteenth street.

This electric line is an incalculable advantage to us and to the large numbers of the public at large who visit the university. The advantage to us and to the public would be very greatly increased if this excellent method of transit could bring us within immediate reach of so central a point as Fifteenth street. Twice a week we have lectures open to the public, at 4.30 p. m.; and the proposed extension of this railway would make it easy for persons in the Departments to reach the university before the hour of the lecture.

For these reasons I feel that it is not only permissible to me, but is even my duty, to urge upon yourself, dear sir, and upon your respected committee, the advisability of granting the liberty of extension petitioned for.

Most respectfully, yours,

JOHN J. KEANE, Rector.

Senator INGALLS.

OFFICE OF THE WASHINGTON BOARD OF TRADE.  
Washington, D. C., January 17, 1890.

SIR: I am directed by the chairman of the executive committee of the Washington Board of Trade to inform you that the railroad committee has carefully considered the inclosed Senate bill 157, entitled "A bill to amend the charter of the Eckington and Soldiers' Home Railroad Company," and believe its passage will be to the interest of the District.

Very respectfully,

ALEX. D. ANDERSON,  
Secretary Board of Trade.

Hon. JOHN J. INGALLS,  
Chairman Committee on District of Columbia, United States Senate.

This company was chartered by act approved June 19, 1888, and the main line of the road was promptly built upon the most approved plan and without regard to any expense necessary to its perfection and its safety. It has been in operation for more than a year, and during its first year's business it carried more than 500,000 passengers in safety and comfort.

In the opinion of the committee it is the best electric railway in the United States and vastly superior to any horse railway.

The committee reports the bill back with amendments, and recommends the adoption of the amendments and the passage of the bill.

Mr. VEST. Mr. President, the reading of this report has obviated the necessity of my doing more than alluding to a single statement of the Senator from Ohio [Mr. SHERMAN]. He commenced his argument by stating that only one block of North Capitol street would be traversed by this proposed extension of the Eckington Railroad. The District commissioners state that it is three blocks, which I knew to be the fact at the time the Senator from Ohio made his statement.

Mr. SHERMAN. It is not over 800 feet, I am quite sure.

Mr. VEST. It is three blocks, and the commissioners so state, on the most magnificent avenue, as the Senator from Vermont [Mr. EDMUNDS] said, in the city of Washington or anywhere else, and but for the impediment that the Baltimore and Ohio Railroad presents now it would be settled up more rapidly and with better residences than any other portion of the city except that part immediately around Scott Circle.

Now, I do not propose to thrash over old straw in regard to the danger of so many volts of electricity to animal life. All that has been discussed by the most eminent electricians in the world, and if Senators will refer to the article in the North American Review, I think, for last month, or certainly the month before, by Mr. Westinghouse, of Pittsburgh, who is as eminent an electrician as Edison, they will find a statement by Mr. Westinghouse that 200 volts of electricity from one battery or another is dangerous to human life, and Mr. Westinghouse states what every man of common sense, whether an expert or a layman, knows to be the truth, that no Procrustean rule can be laid down as to the result of so many volts of electricity to any human being or to any animal, because it depends upon the nervous organization, which differs in different animals and in the various members of the human family, as much as the color of the eye or the hair or any part of the human body. What would kill some men would be simply a pleasing titillation to others. Think of a delicate woman riding in a vehicle along the course of this Eckington railway and 300 volts of electricity striking her; think of it striking a child; think of it striking an old person whose vitality is diminished, and the effect would be very different from that produced by it striking one who was a young, robust, and entirely healthy man, and, as Mr. Westinghouse, in that article, in answer to Mr. Edison, discussing the question of overhead electric wires in the city of New York for any purpose, says, it is absolutely impossible to lay down a rule, and the question for a legislator is whether any human life is in danger. That is the question, because the lives of the old and the feeble ought to be peculiarly under the protection of the legislation of Congress and of every other legislative body.

I prefer to take the opinion of Mr. Westinghouse and actual experiment. Why, sir, when this debate was up before the incident was given here and read of the mayor of Montgomery, Ala., who in riding along in his buggy the morning after a storm encountered one of these electric wires from an overhead line—

Mr. HARRIS. An arc light.

Mr. VEST. Not an arc light.

Mr. HARRIS. It was an arc light.

Mr. VEST. I do not understand that it was an arc light, but an

overhead electric wire. The animal was killed, the buggy overturned, and the mayor knocked senseless out of it.

The Senators from Nebraska say that this system has operated well in Omaha. If testimony of that sort is to be adduced, I say that it has not operated well in Kansas City, Mo., where I live. The money was subscribed there to construct an electric road, the cars were put upon it, and it was put in operation, and it has been abandoned and the cable system adopted in that city, and in that city to-day there are five cable roads in actual operation.

We were told when the bill granting this charter was originally passed that this road was to be constructed to Seventh street, to be put in communication with the cable road now built up to the boundary on that street, and yet now the proposition is to extend it down to the business parts of the city, putting the wires under ground, an admission that the overhead wire is considered dangerous.

I was in Des Moines, Iowa, last summer with the Committee on Meat Products—the Senator from Texas [Mr. COKE] was with me—and we were told there that the operation of the overhead electric wires in that city was a nuisance and was about to be abandoned under the popular indignation that had been excited against them. So this thing of stating that this system is a success everywhere is a mistake.

Mr. PADDOCK. I wish to say to the Senator from Missouri that, if he will investigate the facts as to his own city, I think he will find that more injuries and more deaths have been caused by the cable and horse-car system than by the electric system in that city. That certainly is true of Omaha.

Mr. VEST. There are other things to be considered besides the accidents that occur. The cable system is far superior to any other system, and actual experience shows it to be the fact wherever it has been tested, and the cable road in this city on Seventh street will prove to be the best road in the city, and, if Congress does its duty, in my judgment, it will force all these corporations to adopt the cable system, as we have a right to do.

Why should there be any chances taken upon a question of this sort in order to put a little money in the pockets of some speculators? They have a perfect right to get this bill through Congress if they can; it is all legitimate on their part; but I am a criminal, with my convictions, if I do not oppose it. I do not believe that the accretion in the price of real estate, I do not believe that the dividends the corporations will receive upon their stock in these railroads, is any excuse for me if I consent to putting up the overhead electric wire and then a single human being is destroyed by it. If, with the testimony of Mr. Westinghouse, published in the North American Review, I should give this vote with my convictions in regard to it, I should be an accessory to homicide; and I can not understand, permit me to say to the Senator from Ohio, how he, after avowing here as he has done, that he considers these overhead wires dangerous—because he said he stands by his vote in favor of the provision which we put in the District appropriation bill prohibiting these wires after the 15th day of September last—I can not see how he can vote for putting up these overhead wires simply because they only traverse three blocks of the city and then a country road that runs out to Eckington and the Catholic University.

Human life is just as dear upon that road as in any three blocks in the city or anywhere else; and the Senator supplements his statement by saying that there will be a large amount of travel by the citizens of Washington making their way to the suburbs during the warm months, an argument directly re-enforcing my position in this case, that where there is the more travel there is the more danger, and, therefore, the necessity for more caution on the part of Congress.

I will not further detain the Senate, but I ask for the yeas and nays on the amendment of the Senator from Vermont.

The PRESIDENT *pro tempore*. Is the Senate ready for the question? The Senator from Missouri asks that upon this question the yeas and nays may be entered on the Journal.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The proposed amendment to the amendment will be read.

Mr. HARRIS. I understood the Senator from Missouri [Mr. VEST] to accept the amendment of the Senator from Vermont [Mr. EDMUNDS] in lieu of his.

The PRESIDENT *pro tempore*. That is correct.

The SECRETARY. It is proposed at the end of the amendment of the House of Representatives to add the following:

That the authority of said company by this act or any other act conferred to erect or use overhead wires in its operations within the city of Washington shall absolutely cease and determine on the first day of July, A. D. 1893.

Mr. PLATT. As the yeas and nays have been ordered, I shall vote against this amendment, and I want, in a word or two, to give the reasons why I shall do so.

I do not believe in all this cry of danger from these overhead wires, possibly because we have a system of that sort in my own city, which, like the Senators from Nebraska, I have had some experience with. I should like to vote against the bill, which seems to me to be not needed for railroads extending out in the country, and which seem to be merely speculative bills without any public necessity back of them; but as re-



gards this amendment it seems to me that my vote for it would be construed into the expression of a belief that there was such a danger from these overhead wires that they ought not to be permitted, and that is the ground on which I shall vote against the amendment.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (S. 185) to aid in the establishment and temporary support of common schools.

Mr. HARRIS. I ask the Senator from New Hampshire to allow the unfinished business to be informally laid aside in order that we may finish this question. If it leads to any extended debate I shall not trespass upon the Senate, but if we are ready to take the vote I shall be glad to have the bill disposed of.

Mr. BLAIR. The Senator from Colorado [Mr. TELLER] was about to take the floor on the school bill.

Mr. HARRIS. If the railroad bill leads to any further debate I shall not press my request.

Mr. BLAIR. Very well.

The PRESIDENT *pro tempore*. The roll-call will be proceeded with. The Secretary proceeded to call the roll.

Mr. EVARTS (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN], and therefore withhold my vote.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. MITCHELL (when his name was called). I am paired with the senior Senator from West Virginia [Mr. KENNA]. I should vote "yea" if he were here.

Mr. STOCKBRIDGE (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM], and therefore withhold my vote.

The roll-call was concluded.

Mr. PLATT. I am paired generally with the Senator from Virginia [Mr. BARBOUR]. As he is not in the Chamber, I will not vote upon this amendment. If he were here, I should vote "nay."

Mr. CULLOM (after having voted in the affirmative). I voted a moment ago, but I notice the Senator from Delaware [Mr. GRAY], with whom I have a general pair, is not present, and I therefore withdraw my vote.

Mr. FARWELL. I inquire if the Senator from Florida [Mr. PASCO] has voted?

The PRESIDENT *pro tempore*. He is not recorded.

Mr. FARWELL. Then I withhold my vote.

The result was announced—yeas 37, nays 13; as follows:

## YEAS—37.

Aldrich,	Coke,	Hampton,	Reagan,
Allen,	Dawes,	Hawley,	Squire,
Allison,	Dixon,	Hearst,	Teller,
Bate,	Dolph,	Higgins,	Vest,
Berry,	Edmunds,	Hiscock,	Walthall,
Blackburn,	Eustis,	McPherson,	Washburn,
Blair,	Frye,	Morrill,	Wilson of Iowa.
Casey,	George,	Payne,	
Chandler,	Gorman,	Pettigrew,	
Cockrell,	Hale,	Pierce,	

## NAYS—13.

Blodgett,	Jones of Arkansas,	Sawyer,	Wilson of Md.
Call,	McMillan,	Sherman,	
Harris,	Manderson,	Spooner,	
Ingalls,	Paddock,	Stewart,	

## ABSENT—32.

Barbour,	Davis,	Kenna,	Quay,
Beck,	Evarts,	Mitchell,	Ransom,
Brown,	Farwell,	Moody,	Stanford,
Butler,	Faulkner,	Morgan,	Stockbridge,
Cameron,	Gibson,	Pasco,	Turpie,
Colquitt,	Gray,	Platt,	Vance,
Cullom,	Hoar,	Plumb,	Voorhees,
Daniel,	Jones of Nevada,	Pugh,	Wolcott.

So the amendment of Mr. EDMUNDS was agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment of the House of Representatives as amended.

The amendment as amended was concurred in.

Mr. EDMUNDS subsequently said: I enter a motion to reconsider the vote of the Senate by which it agreed to the House amendment to the bill (S. 157) to amend the charter of the Eckington and Soldiers' Home Railway Company, with an amendment.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. 140) to prevent the introduction of contagious diseases from one State to another, and for the punishment of certain offenses, with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (H. R. 5067) for the relief of Archibald Hunley; in which it requested the concurrence of the Senate.

## ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 1701) making an appropriation for the re-

moval of a dangerous obstruction to the entrance of the harbor at Milwaukee, Wis.; and it was thereupon signed by the President *pro tempore*.

## EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Treasury, transmitting a communication from the Secretary of State, asking for an additional appropriation of \$35,000 to meet the expenses of the International Marine Conference held in Washington; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of the Treasury, transmitting a communication from the Sixth Auditor of the Treasury, calling attention to the inadequate accommodations provided for the use of his office; which was referred to the Committee on Appropriations, and ordered to be printed.

## HOUSE BILL REFERRED.

The bill (H. R. 5067) for the relief of Archibald Hunley was read twice by its title, and referred to the Committee on Military Affairs.

## INTRODUCTION OF CONTAGIOUS DISEASES.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 140) to prevent the introduction of contagious diseases from one State to another, and for the punishment of certain offenses; which were referred to the Committee on Epidemic Diseases.

## URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I report, from the Committee on Appropriations, with amendments, the bill (H. R. 7496) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1890, and for other purposes. I give notice that on Monday next I shall ask the Senate to take up the bill and consider it until it is passed.

The PRESIDENT *pro tempore*. Meanwhile the bill will be placed on the Calendar.

## AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 185) to aid in the establishment and temporary support of common schools.

Mr. TELLER. Mr. President, the educational bill, commonly called the Blair bill, has been before the Senate in some form at every session of Congress during the last ten years, or if at not every session at least in every Congress during that time. More than ten years ago a bill passed this body, but failed in the other House, with similar purposes and similar aims with the present bill. I have from time to time discussed the measure. I have committed myself as thoroughly as I could to its principle, both as a member of this body and as a member of the executive branch of the Government.

I admit that in the ten years which have intervened since we first commenced this discussion there have been great changes, and there is, perhaps, necessity for some change in the pending bill. The relation of the colored people in the South to the white people of that section of the country is somewhat different to-day from what it was ten years ago. I had intended to content myself with a silent vote in favor of the bill, but the very remarkable character of the discussion in the last few days has induced me to express my opinion upon the bill and upon some questions connected with this debate.

Mr. President, we all admitted in the days of reconstruction that there was a great problem to be solved. It was not my fortune at that time to be engaged in the legislative department of the Government. I had the voice only of an American citizen. I want to say now, for fear I may forget it, that I was one of those who advocated the extension of suffrage to the colored people, and that I have no apologies to make; nor am I willing to admit, on the contrary I deny, that it was a mistake or a blunder. You can not maintain the integrity of any country and insure prosperity to all classes unless all classes stand on one political plane. That is elementary; and he who does not admit it has yet much to learn.

We knew that those men were unfitted for the exercise in the highest and best manner of the rights of American citizens. We knew also that side by side with them would go to the ballot box men of our own color, no better fitted by education, by aspiration, to exercise the right of citizenship than they; but they were "to the manner born." They came here not by their will, but by ours. If they were ignorant and debased it was the ignorance that we had kept them in. If it had been a crime for a generation and more to teach them to read, it was our fault, and not theirs. If there was deep degradation amongst this great mass of men that we were putting into the body-politic, it was not their fault nor was it ours in the North. It was the fault of circumstances surrounding their condition, as to which I will not now complain of the people of the South.

What were we to do with them? Were they to be aliens in the land of their birth? Were they to be subjected to all the duties of citizenship without any of its rights? If they became the owners of property were they to be taxed? Nobody in this country would have submitted to that and agreed that if they became owners of property they should not be

taxed. If they were to bear their portion of the burdens of society they had a right, as have all people who bear those burdens, who are here to be permanent and actual residents without their will or without their wish, to participate in all the advantages.

So when we were met with that problem I was one who did not wait to see how the people of the South were going to treat the colored race in that region, whether they were to deny to them or to give to them privileges, because with me it has ever been a fundamental principle that all men must stand on a political plane alike if you will have harmony and a homogeneous condition of affairs.

I admit to the fullest extent the difficulties that surround the question. I admit to the fullest extent the difficulty of two races inharmonious, two races non-homogeneous, living together on terms of perfect political equality; and I admit that with so much difference between these two races as there is it will be utterly impossible for them ever to remain together in social equality.

I do not admit that this problem is so great that it may not be solved, because if I did I should despair of the Republic. If the Southern people and the negroes can not live together in a state of political equality and political harmony, there is an end of republican government in one-third at least of the area of the United States.

When I say this I am not insensible to the great task that these people in the South have. I sympathize with them. I have thought much upon this subject, and I am not prepared to say now that I have any key to the solution of this great problem; but realizing ten years ago that this problem was as great as it is now, realizing that the problem was here to be solved in some way, and believing, as the Senator from Mississippi who sits nearest to me [Mr. GEORGE] said the other day that he did, that education might in some respects help to solve the problem, I have steadily, on all occasions, voted for this and every other measure that might help the people of that country to solve this question.

Mr. President, I do not think this is a political question. I am averse ordinarily to the discussion of political questions. I now speak of it as a political question as distinguished in the two great political parties. I do not think it is a political question in that sense of the term, and yet I do think it is the greatest political question that has been presented for our consideration. It seems to me that it is a problem so great that when we approach it we should approach it not in the temper, I am sorry to say, in which it has been approached by some Senators on the other side of the Chamber, as it seems to me, within the last two days.

I do not believe it is profitable to-day to discuss the questions that are past and gone in connection with the war. What profit would it be for us to spend a week here in discussing whether slavery was a divine institution or whether it was justified by proper economic principles? If we should attempt it we would find some men here and some men out of here who are in favor probably of that proposition, but we should find the great mass of men against it. What difference does it make? Slavery has passed away. As to who is responsible for it that has nothing to do with the present condition. Who were right in 1859 and 1860 previous to the war in the great questions that led up to the war is not now to be considered. We have enough to do in addressing ourselves to present difficulties, present troubles.

Believing as I did, as I say the Senator from Mississippi did, that the solution of this question could be, in a measure at least, aided by education, I introduced more than ten years ago a bill in this body. More than ten years ago from the seat where the Senator from Maine [Mr. FAYE] now sits, I stated that I was willing to pour out with unstinted hand the treasure of the United States to the Southern people to be used in solving this question, if it could be so done; and when I made that statement I uttered a sentiment that pervaded the entire North. It was not exclusively mine. It was not common to my section of the country alone; it was a sentiment that the people of the whole country entertained: "Show us how you can better your condition there by the use of money, and we, the richest part of the country, will pay it with willingness and gladness if it will do something towards bettering your condition." If the colored people are educated and if the white people are educated, there can be no question that the chances are at least that they will live together on better terms than if they are steeped in ignorance.

I have said here again and again, and it is a fact patent to all, that ignorance and vice go hand in hand, and when you have got a community steeped in ignorance you have got a community steeped in crime. The terms are correlative, and one means the same thing practically as the other. What a vicious colored man in ignorance would do, an intelligent colored man would scorn to be guilty of; and it is no less true of him than it is of the white man. Education does not simply consist in reading and writing and mathematical demonstrations; it is the elevation of the moral as well as the intellectual man.

When we attempt out of the great amount of money on hand to put forth this effort and pay some money, we are met by the men who are opposed to the bill with a charge that we are inimical and hostile to the best interests of the South. It is that which I want to deny more than to make an argument upon this bill.

Why should I want to vote for a bill that gives to Alabama \$6,000,000 where it gives a few thousands to my State? Why should I want to

vote for a bill that gives to Mississippi millions where it gives nominally a useless sum to my State? Does any Senator suppose that the beneficence we are offering on the part of the Government is with a design to take possession of the school fund and of the school system? If he does, why has not he or any other Senator on that side moved to make the bill so certain that that can not be done if that does not exist? But does not that exist in this bill? Does not every man know that one of the objections which have been made against this bill, and the only possible objection that has been made in the North, was that by it we surrendered the absolute control to the people of the South? That is a merit in the bill according to my view. I am in favor of surrendering the entire use of this money to the South; I am in favor of giving them an opportunity to use it as they see fit, and if they abuse the beneficence of the General Government it will be time enough for us then to complain. I shall not complain until that is done. I shall not for myself assert that there is any more danger of Mississippi, Alabama, and Georgia perverting the use of the fund than I would if it went to my own State. I do not believe that they can afford to do it or that they will do it.

Mr. President, there is nothing in the bill that indicates hostility on our part. There is everything in the bill that indicates generosity on our part; there is everything in the bill that indicates sympathy on our part; there is everything in the bill that indicates a desire on our part to assist these people in solving this problem.

If there is any solution of this problem at all, if it is possible for the negroes of the South and the white men of the South to live on terms of political equality, of fair neighborly friendship, it must come by the elevation of the colored race. If the South is willing and able to try that alone, we of the North ought not to complain; but if they lack either the desire or the ability, it is right and proper, as I have repeatedly said, that we should come to their aid.

I was surprised when I came into this Chamber day before yesterday to hear the Senator from Mississippi who sits nearest to me complain that he had stood here in the Senate day by day and listened to denunciations of the Southern people. Mr. President, I have been as careful an attendant upon the Senate as any member of this body for the last five years, and for more than five years before, when I was a member of this body; and while I was not a member, in the time between, I was so connected with the affairs of the Government that I had every opportunity to know what occurred here; and I say to the Senator that he must have drawn slightly upon his imagination—evidently that is suggested—when he says that day by day the Southern people have been denounced.

I began my public career in this body as a member of a committee of investigation into affairs in Mississippi. It would not please the Senator from Mississippi for me to detail what appeared before that committee. Subsequently I went with a committee to Louisiana and South Carolina. There were things produced before both committees that would not be pleasing to the Senators from Mississippi or any other section of that country to hear repeated now. Has the Senator heard me in the long time he has known me in this body bring forward these facts to disgrace his community?

Mr. GEORGE. I have not.

Mr. TELLER. Or to charge him?

Mr. GEORGE. I have not.

Mr. TELLER. Has he heard anybody who has done so from the reports we made?

Mr. President, I have no more disposition to denounce the people of Mississippi than I have the people of Massachusetts or Colorado. They are my fellow countrymen, and if they are degraded men I degrade myself when I charge it. My sympathies are strong enough and broad enough to get beyond the State's lines of the State in which I live, and I am not unlike, in that particular, the great body of the American people. If bad men in Mississippi, if bad men in South Carolina, if bad men in Georgia, and other sections of the country commit crimes and atrocities, it can be attributed in a great degree to the peculiar and remarkable condition of affairs in that country; and when I condemn those outrages it is not necessary that anybody should infer or suppose that I am condemning the great mass of men in those States.

Recently a citizen of Indiana went down into Mississippi. He was fearfully outraged. I have no idea myself that the mass of the people had anything to do with it. I heard one of the Senators from that State, if not both Senators, say on this floor that it was not defensible, and of course it was not defensible. When it was suggested that we wanted the facts before this body, the Senator from Mississippi who sits nearest to me took the floor, and I believe the resolution still lies on the table. What objection could there be to giving the truthful statement of the affair to the people of the United States? Would it not have shown, if the Senator was correct, that but a little portion of the community, and they not the best, had participated in it? The mistake the Senators from that section of the country make is that whenever this question has come up, whenever we stand for decent treatment of every man in this land, they assume that it is an attack upon the whole people of that part of the country.

A United States officer was killed in Florida. I should probably have to travel all over Florida to find a dozen men who would not con-



deman the act; yet when the question was brought here as to whether we would make an inquiry the Senators from Florida, at least one of them, took the floor and in a remarkable speech, remarkable delivered anywhere, more than remarkable delivered in this Chamber, held that resolution for days, and I do not know but that it is still held.

Mr. President, every citizen of the United States is entitled to the protection either of his State government or of the General Government. If Mississippi outrages a citizen of Ohio or Indiana, Indiana or Ohio can not call upon Mississippi to respond, but the United States may. Only in extreme cases, not in a sporadic case, not when, here and there, there was an occurrence of the kind that doubtless occurred at Aberdeen, would anybody pretend that the General Government should interfere to protect the citizen of one State any more than it should to have protected a citizen of Mississippi if a mob had outraged him. But if the State of Mississippi should by any system, public or private, adopt a policy that would outrage every citizen of Indiana and Ohio who went in to its borders, then it would be the duty of the General Government to interfere. Such a state of affairs, I am happy to say, is not charged upon any State in the Union.

The impression made by the speeches within two or three days was that the great Northern sentiment was hostile to the South. There never was a greater mistake in the world. We have been proud of the prosperity that has come since the war to the South. We have been proud of the energy with which the people there undertook to reconstitute their shattered fortunes. We were proud of their courage when they met our men on battle-fields. Why? Because they are blood of our blood, part and parcel of our country. They are our brethren and our fellow-citizens. There is no hostility anywhere to you. We are willing you should work out this problem yourselves, if you can do it, and we stand ready with our money, with our advice, and with our assistance, to help you on every possible occasion; but we do not like to have you tell us when we offer you a beneficent measure like this that there is lurking back of it a design to destroy your institutions or to precipitate a condition of affairs that might be precipitated where the races are so diverse and antagonistic as there.

Mr. President, I have said, and I repeat it here, that if any statesman in the South, if anybody in the South will bring here an intelligent measure to solve this question he will get my vote for it every time, though it should put upon this nation a debt as great as we had at the close of the war. Money would be no consideration with the people of the North. Money would not be counted in the scale. We did not count money when the South undertook to establish a government of its own; we did not count blood and we did not count treasure, because we believed, as the Southern people now believe, that it would be a great mistake to allow another government to be established within our border. We believed that the Southern people and we could live in harmony. We believed that the future good of the Republic demanded that there should be a unity of this people, that they should be under one flag, with one aspiration, and with the same hopes and with the same rights.

That is the sentiment of the great North; that is the sentiment of the people who have made this country rich and great. I speak now of what Mr. Lincoln called "the plain people." That is their sentiment everywhere. The plain people, the common people, if you choose so to term them, the poor people, have filled up the South with their missionaries and with money. They have built and maintained schools in all sections of the South among the colored people. Men who are little able to give have given with freedom and with gladness, because they felt that they were taking part in solving this great problem. Do they do it with malice? Do they do it in anger?

There has never been an exhibition in the history of the country of equal generosity. "When the war was over," said the Senator from South Carolina [Mr. BUTLER] yesterday, "we were willing to accept anything—execution, expatriation, anything that you said." So you were. When General Grant said, "Take your horses; you will need them to put in your spring crops," he voiced the general sentiment of the American Army and the American people, and ever since we have met these people with that sentiment.

We did give to the colored people the franchise. We gave it to them because we believed it to be necessary for their protection. We believed it to be necessary for the welfare of the negro and the welfare of the white man alike, and in my judgment to-day we did not make any mistake. What else could we have done? Would it have been decent for us to do anything else? It was the inevitable consequence of the condition that you yourselves had brought upon yourselves; and I thank God that you did bring it on; and so ought you; for as much as the war cost in blood and in treasure it was cheap, and a consolidated and a united people with common aspirations and common hopes and common interests are worth a thousand times all it cost.

When questions relating to your material interests have come before this body you have found our votes with you. We have loved your great river in the interest, as we have said, of commerce, but in the interest in fact of the planters who live on its banks. Every dollar that we put in in the interest of commerce has been \$5 in the interest of the men who own the land and the material prosperity of the States bordering on that river. We are not deceived. We seized the constitu-

tional power that we have to do you a benefit, and we voted it with unstinted hands. You have had from the Chief Executive of this nation more than one message to this body and the other in your special interest with reference to that great river. You have no other interest that has ever come here that has not met a ready response on our part.

When you said you wanted half a million dollars for the Charleston Harbor, a city where rebellion first started, a city of all cities in the Union against which there was likely to be prejudice, we gave it with a liberal hand. The people of the North have ever stood by and regarded these benefactions extended to you as the proper thing for us to do. If you came here to-day in a body and said you wanted \$20,000,000 a year for education, you would get it by the united vote of the representatives of the Northern people.

The reason why you did not get this bill years and years ago was because you have been divided yourselves on this question and because there has been a reluctance on the part of the Northern people to insist upon giving to you that which some of you stated you did not need and did not want. Some, at least, have allowed their judgment to be guided by you on this subject.

Mr. President, I never meant to speak upon this question, simply because I could not offer any solution. I do not know what can be done. I know what you can try. You can try to lift up and elevate those who have been down-trodden, to put them on a higher intellectual and moral plane; and when you do that you will have our aid. I do not want for myself drastic laws to compel you to treat them properly; I want you to do it without. I want you to do it because it is right that it should be done, and I am willing, so far as I am concerned, to trust you, to trust the people of that section, if they will but show a disposition on their part to take hold and try to solve this great question; and if we can aid you we are ready and willing so to do.

We are not insensible to your difficulties. We know what they are. We know the dominant character of our race as depicted here from the seat in front of me by the President *pro tempore* of the Senate. He did not say any too much. We know how careless they are of the rights of other men if those rights come in conflict with theirs. We make due allowance for that. We have got it, and we put the question to ourselves and say, "If met face to face with this great question, what would we do?" and the answer in our hearts is, "We do not know." We do not propose to be bitter or severe upon you if you do not come up to the full standard that we would set up to in the plane on which we live, where no difficulties come; but we do not want you to charge us with hostility, with enmity, when the whole history everywhere in detail and in full shows that it is not true. Ask us in the spirit of brotherhood to meet you in solving this question and you will find us there, whether it means our advice, whether it means that we shall carry in our minds the difficulties that surround you, or whether it means that we should pour out the wealth of the country. Show us how we can help you and we are ready to do it, but do not taunt us with despising or hating. We have forgotten the war. We could afford to forget it. Much as it cost, we could afford to forget it, and we have forgotten it; and we simply ask on your part that you too shall forget it.

Mr. GEORGE. Mr. President, I rise with a good deal of pleasure to acknowledge the good temper and the good feeling exhibited in the speech of the Senator from Colorado [Mr. TELLER]. If all of us on both sides of the Chamber in dealing with this question, this great problem to which he has alluded, would bring to its solution, if solution is possible, the temper, the charity, the kindness, the good feeling, and the statesmanship exhibited by the Senator from Colorado, I think a good deal of the trouble would be removed.

I wanted merely to say that. I thought I ought to say that. I can say that without committing myself to an admission of the correctness of several of the positions which the Senator's judgment dictated to him to take.

Mr. CULLOM. Mr. President—

Mr. CALL. I ask the Senator from Illinois if he will allow me to offer a notice in writing in conformity with the rules?

Mr. CULLOM. Does the Senator desire to have it read?

Mr. CALL. I only wish to submit a resolution and this notice.

The PRESIDING OFFICER (Mr. DAWES in the chair). Does the Senator from Illinois yield to the Senator from Florida?

Mr. CULLOM. If it takes no time I have no objection.

Mr. CALL. It will take no further time than to submit a resolution and a notice, and have them read and ordered to be printed.

The PRESIDING OFFICER. Does the Senator from Illinois yield?

Mr. CULLOM. I yield to allow the notice to be read.

#### PROPOSED CHANGE OF RULE.

The PRESIDING OFFICER. The Chief Clerk will read as requested. The Chief Clerk read as follows:

I give notice that I shall move on to-morrow to amend and modify clause 2 of Rule XXXVIII, as follows:

"All information communicated or remarks made by a Senator when acting on nominations concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret."

Also so much of Rule XXVI, clause 2, as follows: "When acting upon confidential or executive business, unless the same shall be considered in open executive session, the Senate Chamber shall be cleared of all persons, except the

Secretary, the Chief Clerk, the Principal Legislative Clerk, the Executive Clerk, and such officers as the Presiding Officer shall think necessary shall be sworn to secrecy.

The object of this motion for change of rule is to allow the consideration of the nomination of Charles Swayne and Joseph N. Stirling in open executive session.

WILKINSON CALL.

Mr. CALL. I submit a resolution in accordance with the notice, and I ask that it be read and printed in order that I may bring it up at the next meeting of the Senate for consideration.

The PRESIDING OFFICER. Does the Senator from Illinois yield?

Mr. CULLOM. I yield for the purpose of allowing it to be read simply, if it is not a very long resolution.

Mr. CALL. I shall be satisfied with having it printed.

Mr. CULLOM. The Senator says he will be satisfied to have it printed as a resolution without reading. It seems to be a long document, and I hope he will be content with that. I desire to call up the House resolutions relating to the death of the late Mr. Townshend.

The PRESIDING OFFICER. What is the pleasure of the Senator from Florida in regard to the notice and resolution submitted by him?

Mr. CULLOM. I understand the Senator from Florida simply desires the resolution to be printed and laid on the table.

The PRESIDING OFFICER. Is there objection?

Mr. CHANDLER. I call for the reading of it.

The PRESIDING OFFICER. The Secretary will again read the notice.

The Chief Clerk proceeded to read the notice submitted by Mr. CALL. Mr. CULLOM. The Senator from New Hampshire, I understand, withdraws his request for the reading.

Mr. MORRILL. There is no permission to print except what has been read.

Mr. CALL. That is a notice merely in accordance with the rule, which requires it to be submitted in writing. I submit also a resolution, and ask that it be printed and laid on the table, to come up for consideration at the next meeting of the Senate.

The PRESIDING OFFICER. The Senator from Florida has sent to the Chair a resolution—

Mr. CULLOM. I hope the Senator will withhold that for the present.

Mr. CALL. It is the resolution referred to in the notice.

Mr. FRYE. That is the resolution the Senator from Florida desires to have printed and laid on the table?

Mr. CALL. I wish to have it printed and laid on the table.

Mr. CULLOM. I have no objection to its being printed and laid on the table simply.

Mr. CHANDLER. If it is the same resolution to which I objected yesterday, which the Chair ruled out of order, I desire seasonably to raise the point of order on it.

The PRESIDING OFFICER. The Chair is not informed whether it is the same resolution which was offered yesterday or not.

Mr. CULLOM. I hope the Senator from Florida will withhold the resolution.

Mr. CALL. I will allow it to lie on the table until resolutions are called for on Monday morning.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

#### DEATH OF REPRESENTATIVE TOWNSHEND.

Mr. CULLOM. I desire to call up the resolutions of the House of Representatives in relation to the death of the late Mr. Townshend, of my State.

The PRESIDING OFFICER. The Chief Clerk will read the resolutions of the House of Representatives.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, February 15, 1890.

*Resolved*, That the business of the House be now suspended that appropriate honors may be paid to the memory of Hon. Richard Wellington Townshend, late a Representative in Congress from the State of Illinois.

That in the death of Mr. Townshend his district and State lost an able and faithful public servant and the country a legislator and statesman who stood high in its councils.

That as a further mark of respect to the memory of the deceased the House, at the conclusion of these ceremonies, shall adjourn.

That the Clerk transmit a copy of these resolutions to the Senate.

Mr. CULLOM. I offer the resolutions I send to the desk for consideration and adoption.

The PRESIDING OFFICER. The resolutions will be read.

The Chief Clerk read as follows:

*Resolved*, That the Senate shares with the House of Representatives in its expressions of sorrow at the death of the Honorable Richard W. Townshend, late a Representative in that body from the State of Illinois.

*Resolved*, That as a mark of sympathy toward the family of the deceased the Secretary of the Senate be directed to transmit to them a copy of these proceedings.

Mr. CULLOM. Mr. President, I ask the attention of the Senate while I submit some remarks appropriate to the occasion suggested by the resolution just read. We are again called upon to pay our tribute of respect to the memory of a deceased member of Congress, Richard Wellington Townshend, a Representative from the State of Illinois. It is fitting that the Senate shall pause from its ordinary labors and express its appreciation of the life and character of the deceased.

Mr. President, the death-roll of the present Congress has been un-

usually large, and, in language not to be misunderstood, reminds us "that in the midst of life we are in death."

Richard W. Townshend, whose death we mourn to-day, was born in Prince George's County, Maryland, April 30, 1840, and died in this city March 9, 1889, being nearly forty-nine years old, having scarcely reached the zenith of his manhood.

In early youth, while yet a boy, an orphan boy, he came to this city, where he attended the schools, and for a time was a page-boy in the House of Representatives, of which body he subsequently became, and continued for many years, a distinguished member. While young Townshend was a page in the House, S. S. Marshall, then an honored member from Illinois and now an honored citizen of that great Commonwealth, became attached to him and advised him to go to Illinois, which he did in 1853. There he taught school for a time, and finally studied law in the judge's law office. He was subsequently licensed to practice law, was soon elected clerk of the circuit court, afterwards elected prosecuting attorney for the judicial circuit in which he lived, and became known as an able lawyer and prosecutor.

In those days, when the State was less densely populated, a judicial circuit comprised many more counties than now, and the ability and valuable services of Mr. Townshend in protecting the peace and good order of the people made him a tower of strength in his section.

He was always an uncompromising Democrat, and was ready to defend his party and its principles and policies on any proper occasion. He was a man of courage, was honest in what he avowed, and was therefore aggressive in dealing with his political enemies. He held various positions at the hands of his political friends before he was elected to Congress. As I have said, he was circuit clerk, prosecuting attorney, and was also long a member of the Democratic State committee, and once or more a delegate to the Democratic national convention. He was prominent in the councils of his party because he was recognized as wise and sagacious as a leader. In 1876 his career as a member of Congress began by his election in his district, in which he was elected six successive times, the last time in 1888. In all this period of service he grew more and more in public favor, and stronger as a legislator and in the esteem of his colleagues and all who knew him.

Mr. President, there have been few public men so devoted to the interests of the people of their districts as was he; never tiring, always on the alert, ever watchful, ever toiling, to work for his constituents was to him absolutely a labor of love. He was an honest, generous, able man, sincere in his convictions and strong in his adherence to what he believed. Under our constitutional Government the Senators and Representatives bring from their several States and districts the sentiments, views, and expressed desires of the people they most directly represent touching national affairs and national legislation, and by so doing a consensus of public opinion of every section is voiced in our legislative action as nearly as may be, and it is true more exactly, perhaps, in the House of Representatives than in the Senate. Townshend always sought to reflect in his legislative action what he believed was the voice of a majority of his people at home, and such a course made him strong. In a government by the people the duty of their representatives, either in this body or the other branch of Congress, is to represent and carry out the wishes of the people, so far as the Constitution will permit.

Mr. Townshend acted upon that idea, that it was his duty as a Representative elected by the people of his district to come here and faithfully, honestly, and devotedly carry out their wishes so far as he was able to do.

It was my good fortune to be somewhat intimately acquainted with Mr. Townshend for many years, as a citizen, as a lawyer, and as a public servant; he was faithful in all the relations of life.

It is a solemn duty to pay the last tribute to our departed friends who have been identified with us in the performance of any public trust. I think that the bond of friendship becomes stronger between men who share the responsibility of public duty together than it does between men in the common walks of life. The attachment that grows and strengthens with years between men who have been in the Army and stood shoulder to shoulder in battle becomes strong and undying as life itself; so, perhaps, in a less degree do the friendships become strong between men thrown together in the discharge of public duty in civil affairs.

Mr. Townshend's services as a member of Congress were valuable, and were more and more appreciated from year to year. A reference to the record of the Congresses in which he was a member shows that at each succeeding Congress greater responsibilities and more onerous duties were placed upon him by the body to which he belonged. He was a member of many important committees at different times, such as the Judiciary and Appropriations, and during the last Congress, if not in more than one Congress, was chairman of the Committee on Military Affairs. He took great pride in the latter position, and was liberal in his consideration of the needs of the Army, and appreciated its important relation to the Government. He was greatly interested in the National Military School at West Point, where, as members of the Board of Visitors, we met with others but a few years ago to investigate its condition and needs.

He was greatly interested in and strongly advocated the congress of the American States which is now in session in this city and which I



trust and believe will result in binding together socially, commercially, and politically the people of the United States, the Republic of Mexico, and all the states of Central and South America.

I can not undertake, on an occasion like this, Mr. President, to make even a passing reference to the many measures of public utility with which Mr. Townshend was closely identified. On the 9th of March last, now a few days more than one year ago, his labors, struggles, and conflicts ended, and he passed forever from sight. His work was done, he finished his course, and he has gone, I trust, where suffering and conflict are no more.

Mr. President, these sad occasions seem to occur so often in Congress that we are apt to pass over them lightly. The Senate will be called upon to pause several times before this session closes to pay tribute to those who were elected to the present Congress and who have passed away: Cox, that brilliant leader of the Democratic side of the House and friend to humanity in the broadest sense, is gone; Kelley, that great advocate of protection to American labor and industry, has gone; Newton W. Nutting, of New York, James Laird, of Nebraska, and Edward J. Gay, of Louisiana, have passed away, making six in number thus early in the present Congress who were elected to it and are now no more.

Such occasions are solemn, Mr. President, and to me the more often they occur the more startling and solemn they seem. Mr. Townshend was a man of great social qualities. He was fond of his friends and to have them around him. He was kindly and friendly in his nature and sought to make all his friends. He was a devoted husband, and loved his children as the apple of his eye. He left behind a heart-broken wife, a grown son, and a beautiful, loving daughter.

Mr. President, I have sometimes thought that death would have comparatively few terrors, so far as this world is concerned, if we were not so dependent upon each other. The happiness of one depends upon others; so the life of this stricken family household—widow, son, and daughter—seems enveloped in gloom and darkness since the husband and father died. He was their head, their pride, their life. He is gone; peace to his ashes!

Mr. VEST. Mr. President, the insoluble mystery of death again confronts us. In its presence rhetoric loses its charm and logic reaches no conclusion.

It has been said that the greatest terror in death is the dread of annihilation; but more terrible than this is the absolute isolation of the grave. Every man must die alone. When we pass through that shadowy portal no human voice can cheer us upon the dark pathway, no caressing hand can lead or assist; we must make that journey alone.

Sir, in the presence of the profound mystery and the tragedy that ends a human life, with all its passions and temptations and sorrows and joys, in the presence of the fact that we know so little why that life began and know so little why that life has ended, exaggerated encomium is as futile and as out of place as criticism or censure.

My acquaintance with Richard W. Townshend began eleven years years ago, when I entered the Senate. We were from the same section of the country. I afterwards came to know him well, and he impressed me as a strong, earnest, brave man, with large heart and large brain. He was devoted to the district he represented, and understood fully all the wants of its people. He was a typical Western Representative, aggressive in debate, but kindly and generous in word and deed. The constituents he represented were composed of those sturdy, self-reliant, and independent men of the prairies before whom no public official either timid or dishonest could survive. The proudest epithet that I could announce for him to-day is that for six consecutive terms he possessed the absolute confidence of such a constituency.

In every home in Southern Illinois the name of Dick Townshend, as they loved to call him, is to-day a household word. He was a perfectly natural man. Children came to him at sight and nestled in his arms as if he were an old and familiar friend. To the poor, the oppressed, the unfortunate, he was tender and patient. If all those to whom he spoke kindly words and for whom he did kindly acts were gathered together it would be a vast multitude, and if each of those who were happier by reason of his life could cast one leaf upon his grave he would sleep now beneath a wilderness of foliage.

Sir, compared with this, how poor a monument of granite or a shaft of spotless marble! His place in the councils of the nation is worthily filled, but his place in the hearts of the thousands who loved him will be vacant until they, too, shall have passed through the ever-open gates of the silent city.

Mr. HALE. Mr. President, my acquaintance with Mr. Townshend began with the Forty-fifth Congress, in the House of Representatives, of which he and I were then members.

He was new in service and young in years for the House; but he soon attracted my attention, as he did that of other old members, and he immediately made friends there, who afterwards watched with satisfaction his constant increase in power and influence in the body.

His mental and physical organization was such that, while he was unusually clear and direct and persistent in his course upon subjects where he took special interest in legislation, his nature was so affec-

tionate and his ways were so pleasant that all who were associated with him felt an interest in his success.

He had both boldness and ambition, and these pushed him on, but he constantly increased in mental stature, and whenever I met him I was impressed with the growth in the reach of his mind.

His industry was so patent that all who have spoken of him have made mention of it; and in the great work which the House of Representatives performs he bore a more and more conspicuous part. His service upon important committees there shows the estimation in which he was held, and the people whom he served attested their confidence in him by giving him what few men have ever had in this country, seven successive elections.

I can well believe that sadness pervaded his district, Mr. President, when the people heard of their great loss and knew that the man who had so faithfully and ably represented them had been cut down in his prime.

To all appearance one month before his death Mr. Townshend might count upon a most enviable future public life. He had an admiring, unquestioning constituency. He had laid broad and deep the foundations for wide influence in Congress. He was a man of the people and trusted by the people. He had filled his mind with special knowledge derived from close study into social, economic, and financial questions and had broadened it by wide general reading.

To the ordinary view, few men had better promise of a far-reaching political career, crowned with the Republic's higher honors; but no man, Mr. President, with whatever "eagle eyes" he may "stare" at the ocean of the future can tell when his voyage there may be interrupted. He of whom we speak to-day was suddenly snatched from his high vantage ground and, in what we call his untimely eclipse, went out whatever there might have been for him otherwise of honor or glory to come. "He only heard Fame's thunders wake."

His friends love to think of him and his genial ways and kindly deeds. Those nearest and dearest to him will never lose the sad pleasure which comes from the recollection of scenes brightened by love.

All of us who met him here in public or private life, especially the members of that great body where he took so active a part, will miss him long, and long regret him. During the fourteen years over which my acquaintance with Mr. Townshend extended, every incident of our intercourse has left with me nothing but pleasant memories, and my brief tribute to his merit is most sincerely given.

Mr. JONES, of Arkansas. Mr. President, upon occasions like this, when the usual course of public business is suspended, and for a time the important public interests and the political demands of a great nation are laid aside, and the representatives of people and of States assemble to pay the last sad tribute of respect to one who was of us, but who is not, and to solemnly bear public testimony to his worth and merit to the end that those who come after us may know that we were not unmindful of his public services and private virtues, we are forcibly reminded that

To our graves we walk  
In the thick foot-prints of departed men.

To one to whom life offers nothing, for whom disappointment has blasted hope, in whose bosom ambition is dead, or to one who is compelled to drag out an existence rendered miserable by misfortune or disease, for whom no loving hands smooth the rough places of life, for whom there is no rest, no peace, the grave is doubtless welcome, and that

Sinless, stirless rest,  
That change which never changes—

is a merciful release, a happy dispensation for him, and a calamity to no one. But to one in the prime and vigor of mature manhood; in the full enjoyment of his matured but scarcely ripened powers; just in the summer and approaching the autumn of his life, when the ripening fruits of his years of toil are about to be garnered; blessed by Providence with a happy family, the pride of his life and the solace of his heart; full of hope and ambition for his country, his family, and himself, to be suddenly cut off is terrible and makes those who witness it to shudder. Such was the life and death of Mr. Townshend.

Few men had more to live for or a better right to expect many years of success, prosperity, and happiness. No thought of his early departure from the walks of life entered the minds of those who knew him, and the sad announcement that he had "gone from the earth forever" was a shock to every one of his hosts of friends.

Such things bring home to us all with crushing force the vanity of all human calculations, but

Men drop so fast ere life's mid stage we tread  
Few know so many friends alive as dead.

Even in this world, however,

We live in deeds, not years; in thoughts, not breaths;  
In feelings, not in figures on a dial.  
We should count time by heart-throbs. He most lives  
Who thinks most, feels the noblest, acts the best.

Measured by this standard, the life of Mr. Townshend filled a larger space than that allotted to most men.

The very first day of my experience in Congress, amid the bustle and confusion incident to the organization of the House of Representatives,

in the wilderness of strange faces and the stirring scenes of such an occasion, my attention was attracted to him, and though I at the time had no idea who he was, I never lost sight of him afterward.

Fearless and aggressive in the advocacy of the right as he saw it, he never occupied a doubtful position, but boldly and effectively presented his views whenever occasion required. Keenly attentive to the current of public affairs here and abroad, he was a valuable and conspicuous representative of the people, and the esteem in which his qualities and endowments were held by his associates in the House is indicated by the fact that while Hon. SAMUEL J. RANDALL was chairman of the Committee on Appropriations he always had Mr. Townsend associated with him upon that most important and responsible committee. A ready debater, a hard worker, familiar with the whole current of public affairs, he was trusted and relied upon by his committee in all their contests upon the floor. He left his impress upon public affairs, a record of his work as a public man which is an honor to him, to his State, and his constituents, and which is a rich heritage to his family; but the distinction which he would himself have prized most, of which he would himself have felt the proudest, is the sincere love and affection for him and his memory which warms the hearts of those amongst whom he lived, to whom he was best known, and to whose service he devoted his life. In the long years to come his name and his memory will be remembered and cherished by thousands of loving friends and admirers in his far-away prairie home.

Few men have had so deep and firm a hold on the confidence of their constituents as he. Coupled with the qualities which distinguished him as a public man he had personal qualities which bound him as with "hooks of steel" to those who knew him best. I often had occasion to notice his courteous and kindly demeanor towards those occupying the more lowly walks of life, and no man was freer than he from that characteristic of ignoble men, servility to place and power and arrogance towards the humble and lowly, but, being a thorough man of the people, he saw and respected the man, in utter disregard of the trappings of position or the drawbacks of a humble station. I happen to know how upon an occasion he won the admiration and sincere esteem of an old lady traveling a long distance alone, by his constant, delicate, and courteous attentions. She never forgot him or his thoughtful kindness to her, and she never will.

His accurate knowledge of what Mr. Lincoln called "our plain, common people," his familiarity with their domestic life, with their hopes and fears, his intimate knowledge of their struggles and their hardships, and his deep and sincere sympathy with them in all these won for him the place in their love and confidence which he enjoyed through life and which will "keep his memory green" after death.

To one whose life was thus devoted to the good of his fellow-men in every public duty and whose private life and daily walk were marked by words of good cheer to the faint-hearted and deeds of unselfishness to all, one who, in a word, devoted himself to the good of his fellow-men—

There is no death. What seems so is transition;  
This life of mortal breath  
Is but a suburb of the life elysian  
Whose portal we call death.

The PRESIDING OFFICER. The question is on agreeing to the resolutions submitted by the Senator from Illinois.

The resolutions were agreed to unanimously.

Mr. CULLOM. I move as a further mark of respect to the memory of the deceased that the Senate do now adjourn.

The motion was agreed to unanimously; and (at 3 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, March 17, 1890, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

FRIDAY, March 14, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

### HARBOR-LINES, PORTAGE LAKE, MICHIGAN.

Mr. HERMANN. On behalf of the Committee on Rivers and Harbors I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill was read, as follows:

A bill (H. R. 7345) authorizing and directing the Secretary of War to establish new harbor-lines in Portage Lake, Houghton County, Michigan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized and directed, as speedily as the same can be done, to establish new harbor-lines in Portage Lake, Houghton County, Michigan. And that on each side of said Portage Lake between the shore and its corresponding harbor-line, established as aforesaid, riparian owners may place and discharge the refuse, debris, tailings, or products of stamp mills: Provided, That a depth of water of not less than 20 feet at said harbor-lines, and of not less than 30 feet between said harbor-lines, shall at all times be maintained and preserved.

SEC. 2. That all laws and parts of laws in conflict with this act are repealed. This act shall be in force from its passage.

Mr. HOLMAN. I hope the gentleman from Oregon [Mr. HERMANN] will state the purpose of this bill. It does not appear from the reading.

The SPEAKER. The Clerk will report the amendments proposed by the Committee on Rivers and Harbors, so that the House may be in possession—

Mr. BRECKINRIDGE, of Kentucky. As Friday is set apart for private business and as the session continues only till 5 o'clock, I think we had better have the regular order.

Mr. HERMANN. If the gentleman will listen to a brief statement in regard to this matter, I think he will not object.

Mr. BLANCHARD. The gentleman from Kentucky will not object if he understands the proposition.

Mr. BRECKINRIDGE, of Kentucky. I am willing to withhold my objections temporarily—

Mr. HERMANN. This is a matter of public importance, in which the commerce of the entire Portage Lake is interested; and there is an emergency.

Mr. BRECKINRIDGE, of Kentucky. I will withdraw the objection temporarily, if I have that right, in order to hear a statement; but I do not wish to waive the right to object.

Mr. BLANCHARD. I wish to state to the gentleman from Kentucky and to the House that this is nothing more nor less than a proposition authorizing the Secretary of War to adjust the harbor-lines at Portage Lake. The necessity for this is brought about by reason of the fact that the copper mills there have been dumping refuse, slag, and other things into the harbor; and this bill proposes to authorize the Secretary of War to make such rules and regulations as will protect the interests dependent upon the navigation of that harbor. That is all the bill proposes. It carries no appropriation whatever and is a matter demanded by the public necessity. After this statement I trust the gentleman from Kentucky will not object.

Mr. HERMANN. And it might be further remarked that the public works there are practically suspended by reason of the necessity of this very much needed improvement.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. BRECKINRIDGE, of Kentucky. I ask for the regular order.

ALBERT H. EMERY.

The SPEAKER. The regular order is called for. The first business in order is the bill (H. R. 3538) for the relief of Albert H. Emery. This bill was reported from the Committee of the Whole House last Friday with the recommendation that the enacting clause be struck out. The question now is, Will the House concur in that recommendation?

Mr. SPRINGER. Mr. Speaker, under the practice in former Congresses bills in this position come up after the House has gone into Committee of the Whole and the committee has made its report of other bills. I submit that this bill should come up after the sitting of the Committee of the Whole to-day, to be disposed of with such other bills as may be reported from the Committee of the Whole.

The SPEAKER. But the rule has been changed since then.

Mr. SPRINGER. Is there anything new in the new rule on that subject?

The SPEAKER. The Chair thinks so.

Mr. SPRINGER. Because I would like to have it pointed out.

The SPEAKER. It says "after the unfinished business." The Chair regards this as unfinished business.

Mr. SPRINGER. That is the old rule. That would be the case if the previous question was ordered.

The SPEAKER. The Chair thinks the rules have been so changed as to alter the status of unfinished business on Friday, and that such business coming over from the preceding private-bill day must be disposed of by the House before the motion that the House resolve itself into the Committee of the Whole House can be entertained. The question is on concurring in the recommendation of the committee to strike out the enacting clause.

The question was taken; and the Speaker announced that the yeas seemed to have it.

Several members demanded a division.

The House divided; and there were—yeas 37, yeas 77.

Mr. KILGORE. I make the point of order that no quorum has voted.

Mr. DOCKERY and Mr. SPRINGER demanded the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 66, nays 143, not voting 120; as follows:

YEAS—66.

Abbott,	Conger,	Hill,	McClellan,
Anderson, Kans.	Connell,	Hopkins,	McMillin,
Anderson, Miss.	Cooper, Ind.	Kennedy,	McRae,
Bankhead,	Cowles,	Kerr, Iowa	Montgomery,
Barwig,	Culberson, Tex.	Kilgore,	Moore, Tex.
Blount,	Cummings,	Lane,	Morgan,
Brunner,	Dockery,	Lanham,	Norton,
Bullock,	Fithian,	Laws,	O'Donnell,
Candler, Ga.	Forman,	Lester, Ga.	Parrett,
Chipman,	Hare,	Martin, Ind.	Pennington,
Clancy,	Henderson, Iowa	Martin, Tex.	Perkins,
Cobb,	Henderson, N. C.	McClammy,	Peters,



Pickler,  
Pierce,  
Richardson,  
Rogers,  
Rowland,

Sayers,  
Shively,  
Tillman,  
Springer,  
Stewart, Ga.

Stockbridge,  
Taylor, Ill.  
Tillman,  
Turner, Ga.  
Turner, N. Y.

Walker, Mo.  
Wilke,  
Williams, Ill.

## NAYS—143.

Adams,  
Alderson,  
Allen, Mich.  
Arnold,  
Atkinson, Pa.  
Baker,  
Banks,  
Bayne,  
Blanchard,  
Bliss,  
Boatner,  
Boothman,  
Boutelle,  
Bowden,  
Breckinridge, Ark.  
Breckinridge, Ky.  
Brewer,  
Brookshire,  
Buchanan, N. J.  
Buchanan, Va.  
Burrows,  
Burton,  
Butterworth,  
Caldwell,  
Candler, Mass.  
Cannon,  
Carlisle,  
Caruth,  
Casswell,  
Catchings,  
Cheadle,  
Cheatham,  
Clarke, Ala.  
Cogswell,  
Coleman,  
Craig,

Culbertson, Pa.  
Cutcheon,  
Darlington,  
De Haven,  
De Lano,  
Dingley,  
Dolliver,  
Dorsey,  
Dunnell,  
Ellis,  
Enloe,  
Evans,  
Farquhar,  
Fitch,  
Flick,  
Flood,  
Flower,  
Funston,  
Gear,  
Geat,  
Grosvenor,  
Grout,  
Hall,  
Hansbrough,  
Harmer,  
Hatch,  
Hayes,  
Haynes,  
Henderson, Ill.  
Hermann,  
Hooker,  
Kelley,  
Kerr, Pa.  
Ketchum,  
Kinsey,  
Laidlaw,

Lawler,  
Lec,  
Lester, Va.  
Lewis,  
Lodge,  
Mansur,  
McAdoo,  
McCord,  
McCormick,  
McCreary,  
McKenna,  
McKinley,  
Moffitt,  
Moore, N. H.  
Morrill,  
Morrow,  
Morse,  
Niedringhaus,  
Nute,  
Oates,  
O'Neil, Mass.  
O'Neill, Pa.  
Osborne,  
Owen, Ind.  
Owens, Ohio  
Payne,  
Peel,  
Post,  
Pugsley,  
Quackenbush,  
Raines,  
Ray,  
Reed, Iowa  
Reilly,  
Reyburn,  
Robertson,

Rockwell,  
Rusk,  
Russell,  
Scranton,  
Sherman,  
Smyser,  
Stephenson,  
Stewart, Tex.  
Stockdale,  
Stone, Ky.  
Struble,  
Tarsney,  
Taylor, Tenn.  
Taylor, E. B.  
Thomas,  
Townsend, Colo.  
Townsend, Pa.  
Tracey,  
Tucker,  
Turpin,  
Vanderer,  
Van Schaick,  
Venable,  
Wade,  
Walker, Mass.  
Wallace, Mass.  
Wallace, N. Y.  
Washington,  
Watson,  
Wheeler, Ala.  
Whiting,  
Wilkinson,  
Willcox,  
Wise,  
Yoder.

## NOT VOTING—120.

Allen, Miss.  
Andrew,  
Atkinson, W. Va.  
Barnes,  
Bartine,  
Beckwith,  
Belden,  
Belknap,  
Bergen,  
Biggs,  
Bingham,  
Bland,  
Brickner,  
Brosius,  
Brower,  
Brown, J. B.  
Brown, T. M.  
Brown, Va.  
Buckalew,  
Bunn,  
Bynum,  
Campbell,  
Carlton,  
Carter,  
Clark, Wis.  
Clements,  
Clunie,  
Compton,  
Comstock,  
Cooper, Ohio

Cothran,  
Covert,  
Crain,  
Crisp,  
Dalzell,  
Dargan,  
Davidson,  
Dibble,  
Dunphy,  
Edmunds,  
Elliot,  
Ewart,  
Featherston,  
Finley,  
Forney,  
Fowler,  
Frank,  
Geissenhainer,  
Gibson,  
Gifford,  
Goodnight,  
Greenhalge,  
Haugen,  
Heard,  
Hemphill,  
Herbert,  
Hitt,  
Holman,  
Houk,

Knapp,  
Lacey,  
La Follette,  
Lansing,  
Lehlbach,  
Lind,  
Magner,  
Malsh,  
Mason,  
McCarthy,  
McComas,  
Miles,  
Milliken,  
Mills,  
Morey,  
Mutchler,  
O'Ferrall,  
O'Neill, Ind.  
Outhwaite,  
Paynter,  
Payson,  
Perry,  
Phelan,  
Price,  
Quinn,  
Randall, Mass.  
Randall, Pa.  
Rife,  
Rowell,  
Sanford,

Sawyer,  
Seull,  
Seney,  
Simonds,  
Skinner,  
Smith, Ill.  
Smith, W. Va.  
Spinola,  
Spoonor,  
Stahnecker,  
Stewart, Vt.  
Stivers,  
Stone, Mo.  
Stump,  
Sweney,  
Taylor, J. D.  
Thompson,  
Turner, Kans.  
Wheeler, Mich.  
Whitthorne,  
Wickham,  
Wilber,  
Wiley,  
Williams, Ohio  
Wilson, Ky.  
Wilson, Mo.  
Wilson, Wash.  
Wilson, W. Va.  
Wright,  
Yardley.

So the motion to strike out the enacting clause of the bill was rejected.

On motion of Mr. SHERMAN, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced until further notice:

Mr. GIFFORD with Mr. SKINNER.

Mr. CLARK, of Wisconsin, with Mr. BARWIG.

Mr. BELDEN with Mr. DUNPHY.

Mr. WHEELER, of Michigan, with Mr. PERRY.

Mr. FEATHERSTON with Mr. DARGAN.

Mr. BROWER with Mr. BLAND.

Mr. STIVERS with Mr. WILEY.

Mr. WILBER with Mr. RANDALL, of Pennsylvania.

Mr. SAWYER with Mr. MCCARTHY.

Mr. YARDLEY with Mr. BUNN.

Mr. THOMPSON with Mr. DAVIDSON.

Mr. SPOONER with Mr. GRIMES.

Mr. WILSON, of Kentucky, with Mr. PAYNTER.

Mr. FRANK with Mr. ALLEN, of Mississippi.

Mr. RANDALL, of Massachusetts, with Mr. ANDREW.

Mr. BROWNE, of Virginia, with Mr. EDMUNDS.

Mr. SCULL with Mr. JASON B. BROWN.

Mr. HARMER with Mr. HOLMAN, on all political questions, for the rest of this day.

Mr. JOSEPH D. TAYLOR with Mr. STAHLNECKER, for this day.

Mr. KNAPP with Mr. MUTCHLER, on all political questions, until Monday, March 17.

Mr. MORSE with Mr. GOODNIGHT, until further notice, saving the right to vote to make a quorum.

Mr. LEHLBACH with Mr. DIBBLE, on political questions, until Wednesday.

Mr. STEWART, of Vermont, with Mr. WILSON, of West Virginia, until Tuesday morning.

Mr. BECKWITH with Mr. GEISSENHAINER, until further notice.

Mr. LANSING with Mr. MAGNER, for one week.

Mr. CARTER with Mr. CLUNIE, on this vote.

Mr. BINGHAM with Mr. COMPTON, on this vote.

Mr. MOREY with Mr. CRAIN, on this vote.

Mr. SPINOLA. Mr. Speaker, I desire, if possible, to have my vote recorded.

The SPEAKER. Was the gentleman paying attention when his name was called and failed to hear it?

Mr. SPINOLA. I was sitting in my seat engaged in conversation at the moment, and did not hear my name called.

The SPEAKER. The Chair can not entertain a request for unanimous consent to record the gentleman's vote under the circumstances.

Mr. SPINOLA. I wanted to vote in the negative if permitted to do so.

The result of the vote was then announced as above recorded.

The SPEAKER. The House refuses to agree to the recommendation of the committee and the bill stands recommitted to the Committee of the Whole House.

Mr. SPRINGER. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. I desire to call attention to clause 7 of the rule to which the Speaker referred a few moments ago.

This bill is now recommitted to the Committee of the Whole House on the Private Calendar. I wish to ask, first, if that bill in the Committee of the Whole House will take its place on the Calendar as other bills which are committed to that Calendar to-day?

The SPEAKER. This bill goes to the Committee of the Whole House and takes its position on the Calendar as if it had never been sent back to the House. It becomes the first bill on the Calendar, as the unfinished business, to be considered when the House again resumes consideration of the Private Calendar.

Mr. SPRINGER. I desire, Mr. Speaker, to have this question settled now and before going into Committee of the Whole, because it is a very important question. I was of opinion and think the rule requires that when a bill is recommitted in this manner it goes back, as any other bill which would be committed at this time, and takes its place at the foot of the Calendar. I desire to ask the attention of the Chair to the language of the rule:

Whenever a bill is reported from the committee with an adverse recommendation and such recommendation is disagreed to by the House, the bill shall stand recommitted to said committee without further action of the House.

The SPEAKER. Precisely, and resumes its former place upon the Calendar.

Mr. SPRINGER. If there is a bill before the House, however, and recommitted under the circumstances named, it stands in its order on the Calendar as of that day.

The SPEAKER. But the gentleman must see that this is a different case.

Mr. SPRINGER. I think not.

Mr. FARQUHAR. That is simply a supposition of the gentleman. This case stands on a different footing by the action of the House.

Mr. SPRINGER. I am only seeking a correct interpretation of the rule, which, as I have said, is one of importance.

The SPEAKER. This is unfinished business now in the committee.

Mr. SPRINGER. But it has been acted upon once in the committee and reported to the House, and the action of the committee was adverse to the bill.

The SPEAKER. But the House has refused to concur in that action of the committee, and that reverses it.

Mr. SPRINGER. Now, if there was in fact a rule on that subject the motion would be necessary, in order to save this bill, to reconsider the vote by which the House had stricken out the enacting clause, and after it was reconsidered it would have to be considered in committee.

The SPEAKER. The Chair does not think so.

Mr. SPRINGER. Without any rule it would require a motion to take it back to the committee. The rule would avoid it, and would prevent the committee from getting the bill into the House and getting action of the House upon it. I think the Chair is in error, but I will not appeal from the decision of the Chair.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOLMAN, for to-day, on account of sickness in his family.

To Mr. BUNN, on account of sickness.

To Mr. T. M. BROWNE, indefinitely, on account of illness.

On motion, to Mr. PETERS.

To Mr. TURNER, of Kansas, on account of sickness.

To Mr. LIND.

## CHEROKEE OUTLET.

Mr. PERKINS. I desire to make a personal statement, which, if not a matter of personal privilege, is a matter of importance. In the

the Associated Press dispatch of last evening, giving an account of proceedings of Congress, a synopsis is given of the Oklahoma bill, and in that report it is stated—

The Cherokee Outlet is declared open to settlement under the homestead law to bona fide settlers, and occupants are given a preference of right.

That dispatch has gone to all sections of the country. I have already two telegrams asking me whether the information is correct. I think Mr. SPRINGER also has one. The public are necessarily deceived by it, and the result, unless it be corrected, will be that this land will be taken possession of at once by settlers, which will work greatly to their prejudice as well as to the prejudice of the Cherokees.

I desire to state that under the provisions of the bill the Cherokee Outlet is not opened to settlement. No provision is made in the bill for the opening of the Cherokee Outlet to settlement. The statement should have been that the Public Land Strip, what is known as No Man's Land, is declared to be public lands and open to settlement under the provisions of the bill, and not the Cherokee Outlet.

The Cherokee Outlet is embraced within the boundaries of the proposed Territory of Oklahoma, but as yet is not open to settlement.

#### ORDER OF BUSINESS.

Mr. LAIDLAW. I move, Mr. Speaker, that the House resolve itself into Committee of the Whole on the Private Calendar.

#### FINDINGS OF COURT OF CLAIMS.

Mr. RICHARDSON. Before action is taken on that motion I desire to inquire of the Chair whether there has been any ruling by the Chair on the parliamentary question I submitted on Wednesday in regard to the findings of the Court of Claims.

The SPEAKER. If the House will give attention, the Chair will make a ruling upon that subject. Upon examination the Chair is unable to find that the provisions of the Bowman act or any rule of the House requires that the bills in question should be placed first upon the Private Calendar. Whether the House ought to make a rule to that effect or not the Chair can express no opinion. It has not made a rule, nor does the law in terms require it.

#### ORDER OF BUSINESS.

The motion of Mr. LAIDLAW was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. ALLEN, of Michigan, in the chair.

#### ALBERT H. EMERY.

The CHAIRMAN. The House is in Committee of the Whole on the Private Calendar, and the Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 3538) for the relief of Albert H. Emery.

Mr. CUTCHEON. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CUTCHEON. When this bill was last in Committee of the Whole, as I remember it, the amendment recommended by the Committee on Claims was amended by striking out "one hundred and seventy-five" and inserting "one hundred." After that motion was carried a motion was made to strike out the enacting clause. That has been rejected by the House, and we now come back to the amendment of \$100,000, which the committee had adopted. Is not that the regular order?

Mr. McMILLIN. Mr. Chairman, a point of order. It seems to me that it can not be construed that the House nullified a part of the action of the Committee of the Whole House that was referred to it and did not nullify the balance. The report was as a whole to the House. The House failed to adopt the recommendation of the Committee of the Whole.

The CHAIRMAN. The recommendation of the Committee of the Whole House was to strike out the enacting clause.

Mr. McMILLIN. Now, the recommendation of the committee was that the bill be amended by striking out "one hundred and seventy-five," thereby limiting it to a hundred thousand.

Mr. FARQUHAR. That is right.

Mr. McMILLIN. The amendment in the committee will stand, I say, as if there were no action taken upon that by the House, nor can the House take it away by refusing to agree to the action of the committee in striking out the enacting clause.

Mr. CUTCHEON. Then, Mr. Chairman, what is the effect, if it stands in that way upon the amendment made in the Committee of the Whole to strike out the word "seventy-five," and leave the amount at a hundred thousand dollars? I move that the bill be now laid aside with a favorable recommendation to the House.

The CHAIRMAN. That is the pending motion.

Mr. BRECKINRIDGE, of Kentucky. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRECKINRIDGE, of Kentucky. This bill is not at the head of the Calendar. The first bill on the Calendar was the bill to retire Maj. Gen. John C. Frémont. When the House struck out the enacting clause of this bill for the relief of Mr. Emery, consideration of the bill for the retirement of Major-General Frémont was taken up, and this bill would take its original place on the Calendar. If the Chair-

man will look at the original Calendar of March 5 last he will see which was the first bill.

Mr. CUTCHEON. I make the point of order that it is now too late to make that point, because the committee has considered this bill, and the question before the committee is, shall this bill be laid aside with a favorable recommendation?

Mr. SPRINGER. Mr. Speaker. I rise to a question of order. The Speaker held in the House that the first business before the House was the consideration of unfinished business coming over from last week. A part of that unfinished business was the bill in regard to General Frémont, and the House should have disposed of that bill before it went into the Committee of the Whole.

Mr. CUTCHEON. But there was no recommendation of the committee in regard to that bill.

Mr. SPRINGER. Yes.

Mr. CUTCHEON. No; it was simply read. There was no recommendation.

Mr. McMILLIN. The bill was not reported to the House. It was simply read, and after its reading the committee rose.

The CHAIRMAN. The question is: Shall this bill be laid aside to be reported to the House with the recommendation that it do pass?

Mr. SPINOLA. Question.

Mr. McMILLIN. This bill is open to discussion, Mr. Chairman, is it not?

The CHAIRMAN. The record will be read, which will show the present status of the bill.

Mr. McMILLIN. The status of the bill was fixed by its recommitment this morning.

The CHAIRMAN. The Clerk will read the record of the previous proceedings on this bill.

The Clerk read as follows:

The CHAIRMAN. The Chair desires to state to the gentleman from Illinois that he recognized the gentleman from New York [Mr. LAIDLAW] in charge of the bill to make the motion which he submitted, and did not recognize the gentleman from Illinois.

The question being taken on the amendment of the committee as amended, the committee divided, and there were—ayes 71, noes 39; so the amendment as amended was adopted.

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with a favorable recommendation.

Mr. SPRINGER. Now I move to strike out the enacting clause of the bill.

Mr. BURROWS. That motion can not be made in Committee of the Whole. The committee can report the bill back to the House with the recommendation only.

Mr. SPRINGER. That is the motion I desired to make, that the bill be reported to the House with the recommendation that the enacting clause be stricken out.

The question being taken on the motion of Mr. SPRINGER, the committee divided; and there were—ayes 76, noes 61.

Mr. McMILLIN. Mr. Chairman, I rose for the purpose of taking the floor to discuss this bill.

The CHAIRMAN. The gentleman from Tennessee [Mr. McMILLIN] understands that the committee is now dividing upon this question.

Mr. McMILLIN. I do not so understand.

The CHAIRMAN. The committee is dividing upon the question of reporting this bill.

Mr. McMILLIN. No, sir; I rose when the gentleman [Mr. CUTCHEON] made his motion. The parliamentary question was raised as to the status of the bill and I rose to discuss the bill. It is here for the action of the committee. It is here, not under any instructions from the House. Debate upon it has not been limited.

The CHAIRMAN. The condition of the bill at the time the gentleman [Mr. McMILLIN] made his inquiry was that the Committee of the Whole was dividing, and any motion that he may have made would not change that order. The committee is dividing now.

Mr. McMILLIN. Does the Chair hold that the bill is not subject to debate after it is referred back to the House? Addressing myself to that point, Mr. Chairman, it can not be that the House can refuse to assent to the recommendations of the committee and can send the bill back here, and yet that after its return to the committee our hands are tied and we are unable to do anything. The bill comes back here for consideration, for deliberation, for such recommendation as the committee may see fit to make.

The CHAIRMAN. The rules provide that a bill in the condition of the present one comes back to the Committee of the Whole from the House without any further action on the part of the House than that provided in the rule, but the last action of the committee was in reference to reporting the bill to the House with a favorable recommendation. That motion was voted down, but debate had been closed upon the bill by the action of the committee—

Mr. McMILLIN. But does the Chair hold that when the House sends a bill back to the Committee of the Whole for consideration and deliberation no amendment to it is in order, no debate is in order? If so, why was the bill sent back here at all? What is the use of returning it to the Committee of the Whole if the committee has its hands tied? We might as well abolish the committee, and be subject to the order of the House, and let the bill be disposed of in the House.

The CHAIRMAN. The bill is now before the Committee of the Whole, and the question is: Shall it be reported to the House with a favorable recommendation?

Mr. McMILLIN. And upon that question I wish to be heard.



The CHAIRMAN. If that question, when put to the committee, is carried, it ends all discussion of the bill. If not, then the bill will be open to discussion and amendment.

Mr. McMILLIN. I wish to know if an amendment to the bill will be in order?

The CHAIRMAN. It will not at this stage. The question is, Shall the bill be reported back to the House with a favorable recommendation? And if the committee so order, that ends it. If, on the contrary, the committee refuses to make that recommendation, the bill will then be open for debate or amendment and will be in exactly the position it was on Friday last when ordered reported to the House.

Mr. CRISP. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. CRISP. I understood the Chair to say that the question was a question which was pending before the Committee of the Whole when it last had this bill under consideration. I beg to suggest to the Chair that that is a mistake. This bill was in Committee of the Whole. When it was considered by that committee there was a rule limiting the debate upon the bill. The Committee of the Whole exhausted its powers as to this bill by reporting it back to the House. All action in the committee goes with that report to the House. Then the House, in the exercise of its power, referred the bill back to the committee, and it stands in the committee now exactly as it did when it was originally referred there. The House simply refused to conform to the recommendation of the committee and sent the bill back here for a *de novo* investigation by the committee. That, I suggest, is the parliamentary status of the bill.

The CHAIRMAN. The Chair will state—

Mr. SPRINGER. Will the Chair allow me a remark in regard to the parliamentary status—

The CHAIRMAN. In one moment.

Mr. SPRINGER. What I desired was to speak before the Chair made a decision, not afterward.

The CHAIRMAN. The Chair desires to state the condition of the bill. The motion in Committee of the Whole last Friday was to lay aside the bill, to be reported with a favorable recommendation, pending which the gentleman from Illinois interposed a privileged motion to strike out the enacting clause of the bill, which motion was carried. The House this morning refused to concur in that recommendation of the Committee of the Whole; the bill therefore comes back to the Committee and resumes the exact position it then occupied, and the question is, Shall the bill be laid aside to be reported with a favorable recommendation?

Mr. CRISP. I do not wish to argue against the deliberate judgment of the Chair, but I trust I may be permitted before a final decision to give an illustration of my position.

This is a committee of the House; that is all it is; and it may be assimilated to any other committee of the House. Suppose, Mr. Chairman, that a bill is reported to the House from the Committee on Ways and Means and after consideration is recommitted. How does the committee consider the bill? According to the position in which it stood when last in the committee? Not at all. If the bill is recommitted without instruction it is before the committee for all purposes as it was originally. There has been no intimation on the part of the House in recommitting this bill to the Committee of the Whole that the committee shall conform to its previous action; on the contrary, the House says to the committee, "Your recommendation is not approved; and we send the bill back to you to make such other recommendation as you shall see proper to make." If the question is now simply whether the bill shall be reported back to the House, we render the action of the House in recommitting the bill nugatory; we proceed upon the assumption that the recommitment has been practically coupled with instructions that the bill be reported back without any change or alteration.

Mr. McMILLIN. Not only with such instructions, but with a coercive effect upon the committee; for, according to the ruling of the Chair, the Committee of the Whole can now do nothing in the way of amending or improving the bill.

Mr. HOOKER. I submit, Mr. Chairman, that, while this bill will go back to the Committee of the Whole House for consideration, after the House has refused to sanction the action of the Committee of the Whole in striking out the enacting clause, it can not interfere with the action of the committee previously adopting an amendment to the bill.

The CHAIRMAN. The Chair can not hear the gentleman from Mississippi or any other gentleman on the floor. Gentlemen will cease conversation.

Mr. CRISP. Mr. Chairman, consider for one moment the status of the bill. It was referred by the Committee of the Whole, under the rule, to the committee and reported to the House with a recommendation. The House disagrees to the recommendation of the committee and sends the bill back to the committee; not simply to consider the question of disagreement, but to consider the bill. It is here as it was originally, and it is not proper to conclude that it was the intention of the House to instruct the committee simply to vote whether the bill, as it stands, shall be reported back to the House favorably or unfavorably. I submit it has the same right under the rule which existed under the original reference, the right of general debate, the right of

debate under the five-minute rule, and when that is exhausted for report to the House.

I thank my friend from South Carolina [Mr. DIBBLE] for calling my attention to this clause of Jefferson's Manual:

If a report be recommitted before agreed to in the House, what is passed in committee is of no validity; the whole question is again before the committee, and a new resolution must be again moved as if nothing had passed.

That is what we sought, and that is the status of this bill when re-committed to the Committee of the Whole.

The CHAIRMAN. The Chair desires to state, if the gentleman from Georgia will give his attention, that of course where the Jefferson's Manual conflicts with the rules of the House and the joint rules of the House and Senate the latter prevail.

Secondly, the Chair desires to state in reply to what has been stated by the gentleman from Tennessee [Mr. McMILLIN] that this question is entirely within the control of the committee. If the committee refuses to adopt the pending motion—that is, to report the bill back favorably to the House with amendment—if they refuse to adopt that, then the bill will be open to discussion and amendment; but if, on the contrary, the committee shall report it favorably to the House, that ends the discussion, because the House was dividing on this question when it last sat and was interfered with by the specially privileged motion of the gentleman from Illinois [Mr. SPRINGER] to strike out the enacting clause. If the committee refuse to lay it aside to be reported favorably to the House, then it will be open to discussion and amendment; but if the committee shall lay it aside to be reported to the House, of course that is the end of it in the committee.

Mr. CRISP. Is there any rule of the House under which the Chair can make any such decision?

The CHAIRMAN. The rule is that the bill, on the refusal of the House to strike out the enacting clause, comes back to the Committee of the Whole House, and under the practice resumes its former position. That action has been taken. There is no special rule governing the Committee of the Whole House in this respect.

Mr. CRISP. I have read the general rule from Jefferson's Manual.

The CHAIRMAN. The practice of the House has been the other way. It is analogous to the case when a quorum does not vote, when, as stated in Jefferson's Manual (page 170), "the matter continues exactly in the state in which it was before the division and must be resumed at that point on any future day."

Mr. CRISP. I think it is a mistake that such has been the practice of the House. If not, the Clerk can turn the Chair to such a decision.

Mr. SPRINGER and Mr. McMILLIN took the floor.

The CHAIRMAN. The Chair will recognize each gentleman in turn. He now recognizes the gentleman from New Jersey [Mr. MCADOO], who wishes to ask a question.

Mr. SPRINGER. I have been standing on the floor and thought I would be recognized.

Mr. CANNON addressed the Chair.

The CHAIRMAN. The gentleman from New Jersey has the floor.

Mr. MCADOO. I wish to ask the Chair a question. I think there is some misunderstanding in the minds of the gentleman from Georgia [Mr. CRISP] and the gentleman from Tennessee [Mr. McMILLIN]. If I understand the Chair right he holds that the motion is not debatable.

The CHAIRMAN. The Chair agrees with the gentleman from Georgia that when the bill comes back from the House and is within the control of the committee the motion to report it back to the House favorably is debatable. It is otherwise, however, when the committee is dividing. If the committee, on the contrary, does not order it reported back, then it will be open to discussion and amendment.

Mr. SPRINGER rose.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois.

Mr. SPRINGER. I hope the Chair will insist on gentlemen taking their seats. I can hardly hear myself.

The CHAIRMAN. The Chair will be compelled to suspend business of the committee unless order is preserved on the floor.

Mr. SPRINGER. Mr. Chairman, the rules of the House so far as applicable are to control in Committee of the Whole. In a Committee of the Whole House we have no previous question, but a motion simply to close debate, which is equivalent and analogous to the motion for the previous question in the House. When this bill was pending in committee, and before debate was closed by order of the committee, it was of course subject to amendment and debate as if in the House before the operation of the previous question.

The bill, after debate was closed in committee, went to the House by the action of the committee, on the motion to report it to the House with the recommendation that the enacting clause be stricken out, and the action of the committee on the bill was reconsidered by the House and the bill sent back to the committee. Now, the question is as to whether the order closing debate heretofore still exists? I hold that it does not. If it had been in the House and a demand for the previous question had carried, it would have exhausted itself when the vote was taken, and the bill would be again open to amendment and debate if there had been adverse action. This is pointed out in the Digest on page 417, under the rules of the House, where it is said:

When a vote, taken under the operation of the previous question, is recor-

sidered, the question is then divested of the previous question and is open to debate and amendment.

Now, I hold that, this motion to rise and report this bill to the House having been reconsidered and the action of the House being to again recommit the bill to the committee, the bill comes back divested of the order closing debate, and it is again upon our Calendar subject to all debate and amendment, as if no previous action had been taken upon it. Otherwise you could never perfect a bill sent back to the committee under those circumstances, and our mouths would be closed to debate. All we could do under the circumstances, if the opinion of the Chair is to prevail, would be to report it back again to the House adversely or otherwise.

Now, suppose we want to amend the bill, what must we do? We must vote against reporting it to the House with favorable recommendation. The converse of that is that we report it back to the House with an adverse recommendation; and so it is manifest you compel us to report it one way or the other, just as it stood before the House took action on the former report of the committee, namely, to strike out the enacting clause.

Now, why not allow the question to be open to amendment and debate, so that we may reach a conclusion which will be satisfactory?

Mr. CUTCHEON. When the House went into Committee of the Whole, I raised the parliamentary inquiry as to the status of the bill.

Mr. OATES. Will the gentleman yield to me for a moment, as I can not secure recognition of the Chair. I wish to state that while I am in favor of the bill, I have to vote against it if it be held that what was done in committee before was conclusive against amendment or discussion, for I am not in favor of the gag rule.

Mr. CUTCHEON. I immediately made the motion that the bill be laid aside with favorable recommendation as amended, leaving the amount at \$100,000, and unless the ruling of the Chair is correct, that that is the pending motion, then my motion is in order and is the pending motion, and is the only one that the vote is to be taken upon.

The CHAIRMAN. The Chair has held that the motion of the gentleman from Michigan was the motion really pending when the bill came back.

In order that there may be no misapprehension in regard to the matter the Chair will state that the pending question to be put now is, Shall the bill as amended be laid aside with favorable recommendation? If the majority so decides, that ends the question; if they decide otherwise, the bill is open for further amendment and debate.

Mr. BRECKINRIDGE, of Kentucky. I move to amend the motion to strike out the words "favorably recommended" and recommend that the bill be recommitted to the Committee on Claims. I suppose that motion is in order as an amendment to the pending motion.

The CHAIRMAN. The gentleman will suspend for a moment. The committee will rise to receive a message from the Senate.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message was received from the Senate by Mr. McCook, its Secretary, announcing the passage of bills of the following titles in which concurrence was requested, namely:

A bill (S. 78) to provide for the construction of a public building at Salem, Oregon;

A bill (S. 166) for the erection of a public building at Virginia City, Nev.;

A bill (S. 167) for the erection of a public building at Reno, State of Nevada;

A bill (S. 225) providing for the erection of a public building at the city of Hastings, Nebr.;

A bill (S. 301) for the erection of a public building at Stillwater, Minn.;

A bill (S. 466) for the erection of a public building for a post-office and United States land office at the city of The Dalles, Oregon;

A bill (S. 488) to provide for the erection of a public building for the use and accommodation of the post-office at Mammoth Hot Springs, in the Yellowstone National Park;

A bill (S. 1230) for the erection of a public building in the city of Pawtucket, R. I.;

A bill (S. 1231) for the erection of a public building in the city of Woonsocket, R. I.;

A bill (S. 1306) for the erection of a public building at Hudson, N. Y.;

A bill (S. 1590) to provide for the construction of a public building at the city of Stockton, Cal.; and

A bill (S. 2644) for the recognition of F. A. Patterson as a captain of the Third West Virginia Cavalry.

It also announced the passage of concurrent resolutions authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia.

Also, that the Senate agreed to the amendments of the House to bills of the following titles, namely:

The bill (S. 296) vesting in the vestry of Christ Church, Washington Parish, District of Columbia, all of the right, title, and interest of the United States of America in and to square south of square 1092, in the city of Washington, District aforesaid; and

The bill (S. 1083) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad of the District of Columbia.

It also announced that the Senate insisted on its amendments disagreed to by the House to House bills of the following titles, and asked a conference with the House on the disagreeing votes thereon, and had appointed Messrs. VEST, DOLPH, and CULLOM as conferees on the part of the Senate, namely:

The bill (H. R. 4130) to authorize the construction of a bridge across the Missouri River at the city of Pierre, in South Dakota; and

The bill (H. R. 7617) to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-route.

It also announced that the Senate had passed, with amendments in which concurrence was requested, the bill (H. R. 5179) to fix the rate of interest to be charged on arrearages of general and special taxes now due to the District of Columbia if paid within a time specified.

And, also, that the Senate had passed the bill (H. R. 5825) prescribing the times for sales and for notice of sales of property in the District of Columbia for overdue taxes.

ALBERT H. EMERY.

The Committee of the Whole resumed its session.

Mr. CANNON. Mr. Chairman, I want to say, if I understand the ruling of the Chair, it is as follows and on the following state of facts: This bill was committed to the Calendar. The committee proceeded to have general debate upon the bill. By and by general debate was closed. It was then read under the five-minute rule. By and by debate under the five-minute rule was closed. Then the gentleman from Michigan obtained the floor and in the absence of all other motions moved that the bill be reported with a favorable recommendation to the House. Upon that motion the gentleman from Illinois [Mr. SPRINGER] moved that the enacting clause be stricken out, which motion took precedence of the motion of the gentleman from Michigan. The committee so recommended, the bill went to the House, and the House was asked to vote whether it would concur in the recommendation, namely, to strike out the enacting clause.

The House refused to so concur. Under the rule, this bill came back to the committee for further consideration, and being back to the committee, the House having refused to recognize that recommendation, the committee has to pick up the bill at the exact point of time and procedure when the motion of the gentleman from Illinois was made, namely, upon the motion of the gentleman from Michigan [Mr. CUTCHEON] to report it favorably.

Now, then, the House or committee may or may not adopt that motion. It may or may not be antagonized by parliamentary motions; but if the committee does not adopt the motion, as the Chair well says, it seems to me that, if the committee votes the motion down, then it is open to amendment, but not debate, as I understand. In other words, the only thing that the House reversed the committee upon was the motion to strike out the enacting clause; and the House having refused to concur, we pick it up at that exact point for action.

The CHAIRMAN. Debate is proceeding by consent of the Chair.

Mr. WALKER, of Massachusetts. Mr. Chairman—

Mr. DOCKERY. I desire to make a parliamentary inquiry. Are these motions open for debate?

The CHAIRMAN. They are not, under the rule. It is simply a matter of courtesy on the part of the Chair.

Mr. KERR, of Iowa. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KERR, of Iowa. Under what rule does the House hold that a motion to lay aside a bill can not be debated? I am not familiar with parliamentary law, and I would like to inquire.

The CHAIRMAN. There is no rule on the subject.

Mr. WALKER, of Massachusetts. Mr. Chairman, I desire to say a word or two upon this question. It seems to me that the whole question is involved in this: whether the House has the right to recommit to the Committee of the Whole a report that has been made from the Committee of the Whole to the House; secondly, the further question is involved in it whether when the Committee of the Whole makes a report to the House its report is completed and closed on that question that it has reported to the House.

Now, it seems to me, Mr. Chairman, entirely clear that, when any bill is before the committee, or has been considered by the committee, and has been reported to the House, the report of that committee upon that bill is closed, and that, when a motion is made to recommit that bill to the committee, it is clearly for the reconsideration of that bill by the committee, and it must be reconsidered without any reference to the records of the committee upon that bill, precisely the same as though it was a new bill.

Now, I find the action of the House in recommitting the bill to the committee is defeated by the records of the committee. Now, it seems to me there is no dodging that conclusion, and, furthermore, I believe that all parliamentary law aside from the rules justifies that view of the case as well as the rules.



Mr. DOCKERY. Mr. Chairman, let us have the regular order.

The CHAIRMAN. The question is, Shall this bill as amended be laid aside with a favorable recommendation?

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I offered an amendment.

The CHAIRMAN. The Chair will state that the motion is out of order because the committee was dividing upon the motion at that point.

Mr. BRECKINRIDGE, of Kentucky. I beg the pardon of the Chair. The motion I made is precisely in the same attitude as the motion made by the gentleman from Illinois [Mr. SPRINGER], that the enacting clause be stricken out. That was voted upon, and therefore it could not be that the committee was dividing. The Chairman held that that motion was in order, and this motion is made in precisely the same way, and as the committee voted on it a similar motion would certainly be in order under the rule exactly as if that motion had not been carried and the House had disapproved of it, so that an amendment to the recommendation is clearly in order. I submit that to the Chair.

The CHAIRMAN. The Chair did not understand all that the gentleman from Kentucky said, because of the confusion, but there has been no motion entertained by the Chair whatever this morning. The only question the Chair holds before this committee is, Shall this bill as amended be laid aside with a favorable recommendation?

Mr. BRECKINRIDGE, of Kentucky. That motion I moved to amend, and it is clearly an amendable motion. It is an amendable motion because it is not a motion to rise only, but a motion to recommend, and that recommendation is amendable.

The CHAIRMAN. The Chair has held that when the motion was made and stated the committee was really, as a parliamentary fact, in the act of dividing, and the motion would not be in order.

Mr. BRECKINRIDGE, of Kentucky. When was it dividing?

Mr. CUTCHEON. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CUTCHEON. Can the Committee of the Whole commit a bill to the Committee on Claims?

Mr. BRECKINRIDGE, of Kentucky. I do not ask that this committee commit it to the Committee on Claims. I ask that the recommendation of this committee to the House be that the House recommit it to the Committee on Claims.

Mr. CUTCHEON. That will be competent as an instruction or recommendation.

Mr. BRECKINRIDGE, of Kentucky. And that has been decided to be in order over and over again.

Mr. DOCKERY. I hope the Chair will not rule out the amendment offered by the gentleman from Kentucky. I think that the Chair was right in the original ruling; and I think that every reason that made the original ruling sound and correct makes it in order now to offer the amendment presented by the gentleman from Kentucky.

The CHAIRMAN. In the opinion of the Chair the amendment of the gentleman from Kentucky would do indirectly what can not be done directly, which has been uniformly decided by the House as not in order, and, as the Chair has stated, the whole matter is entirely in the hands of the committee. [Cries of "Regular order!"]

Mr. SPRINGER. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SPRINGER. If this committee should negative the pending motion, would it be in order to move to reduce the amount carried by the bill as it stands?

The CHAIRMAN. The Chair holds that if the committee refuses to report the bill as amended back to the House with a favorable recommendation, any motion or amendment that would otherwise be in order will be in order thereafter.

Mr. SPRINGER. Then we will vote down the motion to report it back favorably.

The CHAIRMAN. That is for the committee to decide, not for the Chair.

Mr. KERR, of Iowa. Mr. Chairman, I submit that in a case of this kind, where the House has referred the matter back to the Committee of the Whole, it is not in order for us to have it sent back again without having a word of discussion upon it, and I submit that there is no rule requiring that that course shall be taken.

The CHAIRMAN. The Chair answers the gentleman from Iowa that that is a matter entirely for the committee to settle, and it is not for the Chair to assume to settle it. The Chair will put the question.

Mr. OATES. Mr. Chairman, what is the decision of the Chair? I have not been able to learn. [Laughter.]

The CHAIRMAN. The Chair will state it again. The decision of the Chair is that the only question before the committee now is the question upon which it was dividing last Friday when the gentleman from Illinois [Mr. SPRINGER] interposed his privileged motion.

Mr. OATES. And the Chair decides that debate is not admissible? Does that decision cut off debate?

The CHAIRMAN. Debate has proceeded by unanimous consent, and the Chair is happy to know that almost every member of the committee has had something to say on the subject, either in his seat or standing and addressing the Chair. [Laughter.]

Mr. McMILLIN. Mr. Chairman—

Mr. OATES. Will the gentleman from Tennessee wait until I get through? [Laughter.]

Mr. McMILLIN. Certainly.

Mr. OATES. I want to know if the decision of the Chair is that the proceedings had upon this bill heretofore are such that the only question now is upon the motion of the gentleman from Michigan, which cuts off all debate. Is that the decision of the Chair?

The CHAIRMAN. The Chair does not recognize the motion of the gentleman from Michigan. The Chair holds that by virtue of parliamentary law and practice this bill, coming from the House in the shape in which it has come, is sent to the committee for the settlement of one question, to wit, Shall the bill be favorably reported to the House? pending when the motion of the gentleman from Illinois [Mr. SPRINGER] to strike out the enacting clause was adopted. Now, the committee have entire control of that question, and if they desire either to amend or to further discuss the bill, they will simply vote down the motion to report it favorably. Therefore the Chair will put the question upon that motion. [Cries of "Regular order!"]

Mr. OATES. I am in favor of the bill, but I think it is unfair to cut off those who want to discuss it, and therefore I appeal from the decision of the Chair.

The CHAIRMAN. The Chair will state that the committee itself cut off discussion at its last session by its own action.

Mr. McMILLIN. On the appeal of the gentleman from Alabama [Mr. OATES] I want to be heard long enough to have read that portion of the RECORD of last Friday's proceedings which shows that the Chair is in error in the assumption that at the time the motion of the gentleman from Illinois was made the committee was dividing. As matter of fact the motion had merely been made, and the gentleman from Illinois made his motion before the committee began to divide; and I think it is well for us to act upon this matter advisedly. I ask the Clerk to read from the RECORD the portion of last Friday's proceedings which I have marked, which will show that from the time the motion was made by the gentleman who moved to lay the bill aside with a favorable recommendation until the committee proceeded to the consideration of the Frémont bill there was no division had that would cut off the amendment offered this morning by the gentleman from Kentucky [Mr. BRECKINRIDGE].

The Clerk read as follows:

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with a favorable recommendation.

Mr. SPRINGER. Now I move to strike out the enacting clause of the bill.

Mr. BURROWS. That motion can not be made in Committee of the Whole. The committee can report the bill back to the House with the recommendation only.

Mr. SPRINGER. That is the motion I desire to make, that the bill be reported to the House with the recommendation that the enacting clause be stricken out.

The question being taken on the motion of Mr. SPRINGER, the committee divided; and there were—ayes 76, noes 61.

Mr. LAIDLAW. I call for tellers.

Mr. SPINOLA. Oh, no.

Mr. SPRINGER. It will require a vote of the committee to tell whether tellers shall be ordered.

Tellers were ordered.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from New York [Mr. LAIDLAW] and the gentleman from Tennessee [Mr. McMILLIN].

The committee again divided; and the tellers reported—ayes 80, noes 76.

So the motion to strike out the enacting clause was adopted.

Mr. McMILLIN. Thereupon, as the record shows, the committee proceeded to the consideration of the Frémont bill, called up by the gentleman from New York [Mr. SPINOLA], and it will be seen that at no time was there a division pending before the motion of the gentleman from New York. Hence, with all due deference, I insist that the Chair is in error in holding that when the motion of the gentleman from Illinois was adopted the committee was dividing.

The CHAIRMAN. The gentleman from Alabama appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question having been put,

The CHAIRMAN said: The noes appear to have it.

Mr. REILLY. I call for a division.

The question was again taken; and there were—ayes 56, noes 46.

Mr. OATES. I call for tellers.

Tellers were ordered; and Mr. OATES and Mr. LAIDLAW were appointed.

The committee again divided; and the tellers reported—ayes 70, noes 61.

So the decision of the Chair was sustained.

The CHAIRMAN. The question now is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

Mr. LAIDLAW. Before the vote is taken on that question I would like the Chair to announce that, if the motion be agreed to, the recommendation will be only for \$100,000.

Mr. McMILLIN. Debate is not in order.

The CHAIRMAN. The Chair declines to state anything about that matter.

The question being taken, there were—ayes 48, noes 70.

So the motion to lay the bill aside to be reported favorably to the House was rejected.

Mr. LAIDLAW. I demand tellers.

The CHAIRMAN. The Chair will state the status of the bill. It is now open for debate and amendment.

Mr. LAIDLAW. I demand tellers.

The CHAIRMAN. In the opinion of the Chair the demand comes too late.

Mr. BRECKINRIDGE, of Kentucky. I move to amend the bill by striking out "\$100,000" and inserting "\$75,000."

Mr. HENDERSON, of Iowa. I move to amend the amendment by striking out "\$75,000" and inserting "\$50,000."

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. SPRINGER. The gentleman from Iowa, as I understand, makes this motion for the purpose of having the House now finally conclude this question by agreeing to fix \$50,000 as the amount to be paid.

Mr. HENDERSON, of Iowa. I want to bring the bill to the amount I am willing to vote for. I will never vote for it unless the amount be cut down to \$50,000.

Mr. SPRINGER. Is that satisfactory to the friends of the bill?

Mr. FARQUHAR. It is not satisfactory to anybody but himself.

Mr. MCCREARY. At the last session of Congress, when this bill was under consideration, an amendment was adopted fixing \$65,000 as the amount to be paid Mr. Emery. I suggest that the gentleman from Iowa modify his amendment so as to name \$65,000 instead of \$50,000.

Mr. HENDERSON, of Iowa. I have very carefully followed the debate on this question for several Congresses. During the discussions in previous Congresses a great many questions were asked which were not satisfactorily answered. I am satisfied that \$50,000 would be a liberal compensation in this case; and I do not like to accept the proposition of the gentleman from Kentucky [Mr. MCCREARY]. If my amendment be voted down, the sense of the committee can then be tested upon \$65,000, the amount proposed by the gentleman from Kentucky. [Cries of "Vote!" "Vote!"]

The question being taken on the amendment of Mr. HENDERSON, of Iowa, to the amendment of Mr. BRECKINRIDGE, of Kentucky, it was agreed to, there being—ayes 83, noes 50.

The amendment as amended was then agreed to.

Mr. SPRINGER. I move to amend the bill by inserting "which amount shall be in full of all demands against the Government."

Mr. BUTTERWORTH. That is already in the bill.

Mr. SPRINGER. All right then.

Mr. MANSUR. I want to amend the amendment of the gentleman from Illinois.

Mr. SPRINGER. I have withdrawn my amendment.

Mr. MANSUR. I simply want to add the words "This amount is given as full payment by the stingiest government on God's green earth to private individuals."

Mr. KERR, of Iowa. I would like to substitute the declaration that "this is \$50,000 paid for nothing."

Mr. LAIDLAW. I demand tellers on the vote last taken.

Tellers were not ordered.

Mr. MANSUR. Mr. Chairman, was the question taken on my amendment which I offered as an amendment to that of the gentleman from Illinois [Mr. SPRINGER]?

Mr. SPRINGER. I withdrew my amendment, as it was stated the bill already contained substantially the same provision which I proposed to insert.

Mr. MANSUR. If the gentleman withdraws his amendment I withdraw mine.

The CHAIRMAN. The question is now on laying aside the bill as amended to be reported to the House with a favorable recommendation. The motion was agreed to.

JOHN C. FRÉMONT.

The CHAIRMAN. The Clerk will read the title of the bill next in order.

The Clerk read as follows:

A bill (H. R. 2849) authorizing the President to appoint and retire John C. Frémont as a major-general in the United States Army.

Mr. SPINOLA. This bill has already been read through on a former day, and there appears to be no opposition to it. I move that it be laid aside to be reported to the House with a favorable recommendation.

Mr. KILGORE. I make the point of order that this bill is before the Committee of the Whole for consideration; and the motion just made by the gentleman from New York would cut off all amendments and discussion, and therefore can not be entertained.

The CHAIRMAN. In the absence of any proposition to amend or debate, the only thing the Chair can do is to state the motion of the gentleman from New York.

Mr. KILGORE. I move to amend by striking out in lines 9 and 12 of the bill the word "major" and inserting in lieu thereof the word "brigadier."

As I understand, Mr. Chairman, the purpose of this bill is to restore General Frémont to the rank of major-general and put him on the retired-list with the rank and pay of a major-general retired. Now, General Frémont has been out of the service twenty-five years or more. If he is entitled to a pension for valuable services rendered by him heretofore

(and I concede that he has rendered valuable service to the country), I think Congress ought to meet the question squarely and give him a pension such as he may be entitled to, if any he should have. This is nothing more nor less than a proposition to pension him at the rate of \$10,000 or \$12,000 a year. I am not certain as to the amount which a major-general on the retired-list would be entitled to receive; but I understand it is about \$11,000 a year.

Mr. CUTCHEON. The salary of a major-general serving in the regular Army is \$7,500 a year; upon the retired-list he would get 75 per cent. of that amount.

Mr. CHEADLE. Five thousand six hundred and twenty-five dollars. A MEMBER. Are there not extra allowances?

Mr. CUTCHEON. There are no allowances for quarters, rations, or anything else.

Mr. PICKLER. What is the age of General Frémont?

Mr. CUTCHEON. Seventy-six years.

Mr. KILGORE. I do not know of any instance where Congress has retired an officer with the same rank that he had in the volunteer army.

Mr. CUTCHEON. But General Frémont was a major-general in the regular Army.

Mr. KILGORE. But it is not the rule, as I understand it, to retire officers with the same rank they have held in the regular Army.

Mr. CUTCHEON. If the gentleman were conversant with the history of this matter he would know that such officers have been retired with full rank in a number of instances, especially when they have had war service.

Mr. KILGORE. But it is not the rule to place a man back on the roll with the rank of major-general after he has been out of the service for twenty-five years or any other considerable length of time and then retire him with the rank of major-general. I say that is not the rule; and we ought not to establish a precedent of that kind unless the rule is made to apply to all alike. General Frémont's services to the country—his greatest services—were rendered as a civilian, and not as a soldier. He was liberally rewarded for such services by the Government; he was honored and promoted by the people, and has been accorded a high place in the esteem of the people of the nation.

Mr. CUTCHEON. One year ago we retired our old friend, General Rosecrans, with his full rank of brigadier-general, and I think the gentleman participated in that action. General Rosecrans is now drawing his salary, not only as a brigadier-general on the retired-list, but also his salary as Register of the Treasury in addition.

Mr. BUTTERWORTH. That is a statement, Mr. Chairman, that ought not to go unchallenged. He is not drawing both salaries and he can not do so under the law.

Mr. CUTCHEON. I understood he was.

Mr. BUTTERWORTH. The gentleman's understanding is incorrect. He can not draw both salaries under the law.

Mr. CUTCHEON. There is a bill now pending to prevent the drawing of two salaries.

Mr. BRECKINRIDGE, of Kentucky. I should like to inquire of the gentleman from Michigan whether we have retired any officer who went out of the Army at as high a grade as major-general?

Mr. CUTCHEON. I believe there are such instances, but I can not recall them at this moment.

Mr. BRECKINRIDGE, of Kentucky. I know there are numbers of officers who have been retired with the rank which they held in the volunteers, but I believe there has been no instance where an officer of the regular Army has been retired with the rank of major-general on the retired-list. Has there been any retired at a higher grade than that of brigadier-general?

Mr. CUTCHEON. I believe there has been quite a number of cases where the retirement has been in the highest grade held in the regular Army.

Mr. BRECKINRIDGE, of Kentucky. If the gentleman can remember any instance where such an officer has been retired as major-general in the regular Army I should like to have him state it.

Mr. CUTCHEON. I believe there are a number of instances. Of course where an officer is retired as a major-general there is no question of regular Army or volunteers. All retired officers are recognized as a part of the military establishment.

Mr. SPINOLA rose.

Mr. KILGORE. I believe I have the floor, and I should like to ask the gentleman from Michigan what would be the pay of General Frémont if he were placed upon the retired-list as brigadier-general?

Mr. CUTCHEON. The full pay of brigadier-general is \$5,500 a year, and on the retired-list he would get three-quarters of that full pay. As a major-general he would get three-quarters of \$7,500 a year.

Mr. KILGORE. Figure it out for me.

Mr. CUTCHEON. I will in a moment.

Mr. KILGORE. The purpose of my amendment is to strike out "major-general" and make it read "brigadier-general."

Mr. SPINOLA. Mr. Chairman, it would be an insult to reduce the grade in the case of General Frémont from that of major-general to that of brigadier-general, when we reflect upon the immense renown which he has conferred upon his country. The services this great man has rendered can not be adequately described by any speech delivered upon this



floor. His name stands upon the pages of his country's history almost unsurpassed for the value and glory of the acts which he has done and which have increased the extent and power and the glory of the Republic. In his declining years, in his old age, should we not do everything we can to smooth his way during the few years that still remain to him? Shall I appeal in vain to the patriotism of this House in his behalf?

Think of what he has done, Mr. Chairman. He saved to this country the Pacific Slope without the cost of a drop of blood. And had it not been for his presence, decision, and skill the red flag of England to-day would have waved over the whole of that vast extent of country, and its millions of gold and silver would have been lost to the United States besides; it would not have been secured by us without a costly and bloody war. He gave it to us without price, and because of his services to the country we should now take care of him. Coming from Northern California all the way down to Monterey he took Mexican fort after Mexican fort until at last the American flag floated along the whole coast.

When he met Commodore Sloat the question was settled and the Pacific Slope was in our possession, with its now untold wealth in agriculture and commerce, which, added to the products of its mountains and valleys, has done much towards making us the great nation we are to-day, which should justify us in conferring upon this intrepid man the very highest honors within our gift. We should not in his declining years permit him to suffer, but, on the contrary, should save him from every discomfort and make pleasant his few remaining years. I trust, therefore, the amendment will not prevail. Three-fourths of the pay of \$7,500 is not more than we ought to give to him when we consider the great services he has rendered to the country.

I hope, therefore, my friend from Texas will withdraw the amendment and let this bill go through just as it is.

Mr. STEWART, of Georgia. Do you know this gentleman's pecuniary condition?

Mr. SPINOLA. My friend asks me as to his pecuniary condition. Mr. Chairman, I do not wish to picture before the House and the country the pecuniary condition of any citizen. But I will say, God forbid that I shall ever be placed in the financial position he occupies to-day or that any member of this House shall be placed in that condition. Yes, I could describe his condition financially if I chose to do so, but I do not believe it necessary.

Frémont blazed his way across the continent with no guide but the starry banner of his country as westward the march of empire took its way. The name of General Frémont is identified forever with some of the proudest and most grateful passages in American history. His 20,000 miles of wilderness explorations in the midst of the inclemencies of nature and the ferocities of jealous and merciless tribes, his powers of endurance in a slender form, his intrepid coolness in the most appalling dangers, his majestic sway over enlightened and savage men, his vast contributions to science, his controlling energy in the extension of our empire, his lofty and unsullied ambition, his magnanimity, humanity, genius, sufferings, and heroism, should make all lovers of progress, learning, and virtue rejoice when Frémont's services have been rewarded by the admiration and the gratitude of the nation.

The feet of three men have pressed the slopes of the Rocky Mountains whose names are associated forever with these vast ranges. Humboldt, the Nestor of scientific travelers; Audubon, the interpreter of nature; and Frémont, the pathfinder of empire. Each has done much to illustrate the natural history of North America and to develop its illimitable resources.

The youngest of all is likely to become as illustrious as either, for fortune has linked his name with a scene in the history of the Republic as startling to the world as the announcement of its existence. To him was committed the magnificent task of opening the golden gates of our Pacific empire. His early association with Nicollet, as his assistant for four years in the survey of the basin of the Upper Mississippi, and his association with that learned man in his field labors and in drawing up the great map which unfolded to science the vast tract they had explored gave him a thirst for adventure. He now planned the first of those distant and perilous expeditions which have given luster to his name.

Having received a lieutenant's commission in the Corps of Topographical Engineers, he proposed to the Secretary of War to penetrate the Rocky Mountains. His plan was approved, and in 1842, with a handful of men gathered on the Missouri frontier, he reached and explored the South Pass; he achieved more than his instructions required. His report was printed by the Senate, translated into foreign languages, and the scientific world looked on Frémont as one of its benefactors. Impatient, however, for broader and more hazardous fields, he planned a new expedition. His first had carried him to the summit of the Rocky Mountains, and in November, 1843, he stood on Fort Vancouver, with the calm waters of the Pacific at his feet. On his return he was lost to the world nine months traversing 3,500 miles in sight of eternal snows, in which he explored and revealed the grand features of Alta California, the Sierra Nevada, the Valley of San Joaquin and Sacramento, and established the physical geography and natural history on the western part of our continent.

He was again in Washington in August, 1844; his report put the seal to the fame of the young explorer.

In 1845 he was again on his way to the Pacific with his mountain comrades, to examine in detail the Pacific slope of the continent, which resulted in giving a volume of new science to the world and California to the United States.

His achievements, military and civil, and services during the war with Mexico, in the occupation by our naval and military forces, resulting in its acquisition, were rewarded by the people of California, when it became an independent and sovereign State, by making him the first Senator to represent them in the Congress of the United States.

Mr. MANSUR. Mr. Chairman, Jessie Benton married John C. Frémont.

Mr. SPINOLA. Yes.

Mr. MANSUR. It was Benton, the great Missourian, who pointed the way to the west, and said: "There lies India, there lies the East."

Speaking, then, as a Missourian, with Missouri's admiration for Benton, the only man to this day, whether Republican, Whig, or Democrat, who has served the American people for thirty years in the Senate of the United States, I hope that this bill may pass. And I would say to my Democratic friends, passing by the other side for the time being, that John C. Frémont, when he led his force past the Rocky Mountains, when he went to California, when as military governor he ruled there, when he led the way to the treaties that gave us all that Mexican region, fellow-Democrats, he added to this country nearly one-half its area. This he did in connection with the valor of our American soldiers, of whom he was one. Thus Frémont's action and conduct eventually led to our acquisition of half the area of this country that you gentlemen on the other side are so fond of telling us every day you saved.

Mr. CUTCHEON rose.

Mr. MANSUR. I hope I will not be interrupted, Mr. Chairman. If that be the case, if he doubled the magnitude of the country, of which to-day each and every man on this floor I hope and believe is justly proud, if his actions and management gave us a region that has more than doubled our power, as well as the wealth and the glory that attach to us as a nation among all the other nations of the earth, then this man, who is known in Missouri as the great Pathfinder of the West, deserves this recognition at the hands of the American Congress as well as any other man whose name has in recent years been before the Congress of the United States for similar action.

Mr. Chairman, I am speaking for myself, without consultation with any one on this side of the Chamber, but I do not believe that a man from Missouri could well oppose this bill. I hope not, at least. We have seen, day in and day out, other men thus retired, this one and the other compensated in some manner for gallant services. And when it comes to the glory of my own State I feel, although I do not believe I can quote exactly the language uttered by the immortal Webster when he rose in his place in the Senate of the United States and, speaking for the Commonwealth of Massachusetts, as I hope I am voicing to-day the sentiment of Missouri, said:

There stands Massachusetts; she needs no eulogium.

[Laughter.]

That may not be exactly correct. I know I have got the idea, though possibly my language is not exact. So say I for Missouri.

There Missouri stands, and needs no eulogium. And as Webster spoke for Massachusetts in the olden days, so spoke Benton for Missouri, in the same years and in the same place; and each statesman was and is the crowning glory of his State to this day. So, as the name of Frémont is by the ties of marriage indissolubly linked with that of Benton and the blood of the great commoner of Missouri is perpetuated in the line of Frémont, I have, as all Missourians have, the double incentive to honor both in aiding by my voice and my vote this bill, which, if it becomes a law, will give comfort to the closing hours of a gallant man and his family, whose services have been distinguished in civil as well as in military times. So, I appeal earnestly in behalf of a man so eminent all his life as General Frémont was and is; a man whose work aided so largely in securing for us such a magnificent area of territory; one so related to the family of the foremost Missourian of any age; I may safely appeal to this side of this Chamber, surely to every colleague from my State, in view of all precedents adopted in these latter years and of the real merit of General Frémont, to rally to the support of this bill.

Mr. SPINOLA. I yield now to the gentleman from Ohio [Mr. WILLIAMS] for a few minutes.

Mr. WILLIAMS, of Ohio. Mr. Chairman, I hope the committee will not support the amendment. In my judgment it is a wise provision of law that provides that the officer grown old in the service of his country may be placed on the retired-list with ample provision to render the evening of his life happy and pleasant; and whenever and wherever I meet one of those gray-headed veterans, standing by reason of age in the twilight of two worlds, I cheerfully render to him the reverence that is due to age and valor.

I also approve of those special acts of Congress that have singled out officers who, after serving with credit to themselves and country in the camp and field, return to the duties of civil life, and then in time

of war, when the nation has need of the brain and brawn of her bravest sons, again took up the profession of arms and rendered brilliant and distinguished services to their country. Therefore, I am in favor of authorizing the President, by a special act of Congress, to appoint and retire John C. Frémont as a major-general of the United States Army. Time will not permit, nor is it necessary in this presence, to recount the services of General Frémont. They are written on the pages of our country's history, brilliant in character and beneficial in results.

His name will be identified forever with the history of adding one of the brightest stars that glitter in our constellation of sovereign States to the American Union. California, with the "sky of Italy and the soil of Egypt" and a mineral wealth that challenges the admiration and wonder of the world, was won and saved to the nation by the bravery, fortitude, and sagacity of John C. Frémont. Yea, I go farther; his history will be forever identified with that vast empire that lies between the Mississippi River on the east and the Golden Gate on the west. Over treeless and waterless plains he led his gallant explorers; up the rugged mountains, above the line of perpetual snow, he led his brave men and unfurled the stars and stripes higher towards the blue dome of the sky than mortal man had ever waved our country's flag before.

Foreign nations recognized his eminent services. The King of Prussia, afterwards the Emperor of the German Empire, delegated to the illustrious Humboldt the duty of presenting Frémont with the "Grand golden medal destined to those who have labored at scientific progress."

The Royal Geographical Society of England awarded him the "Founders' medal" for distinguished services rendered geographical science.

But the recognition of the distinguished services of John C. Frémont is not the heritage of any party. The author of this bill is the able gentleman from New York, the hero of a hundred Democratic battles and victories and the idol of Tammany Hall [applause on the Democratic side], where he leads the way in rendering homage and justice to the Old Pathfinder of the nation. May not Republicans gladly follow his lead?

The life-work of Frémont is almost done; when the weight of seventy-six years rest upon the head, life has but few duties and no ambitions. Frémont is poor; the nation is rich; and to me it is a grateful duty to cast my vote in favor of a measure that I regard as one of simple justice to a distinguished citizen of the Republic.

I hope, Mr. Chairman, that the gentleman will withdraw his motion to strike out the word "major-general" and insert "brigadier-general." It is due to General Frémont, in view of his past services and in view of his past history and the services he has rendered to this nation, that he be placed upon the retired-list in his old age and in his poverty.

Mr. CUTCHEON. Mr. Chairman, I do not desire to detain the committee, but I wish to call attention for a moment to the question that was asked by the gentleman from Texas [Mr. KILGORE] and also by the gentleman from Kentucky [Mr. BRECKINRIDGE] in regard to the retirement of officers with the full rank held in the Army. I hold in my hand the Army Register for 1889, and on page 186, where the retired-list is found, I find that Daniel E. Sickles was retired as major-general in April, 1869. The highest rank he ever held in the military establishment was colonel of the Forty-second Infantry. Directly following his name is that of John C. Robinson, whose highest rank in the military establishment was that of colonel of the Forty-third Infantry. He was retired with the rank of major-general May 6, 1869. The next name is that of Samuel C. Carroll. His highest rank was that of lieutenant-colonel of the Twenty-first Infantry. He was retired with the rank of major-general on the 9th of June, 1869.

Then follows the name of Maj. Gen. John Pope, who was retired with his proper rank. The next is Maj. Gen. Alfred H. Terry, retired with his proper rank, and General Harney, who was also retired with his proper rank. Next comes the case of Francis Fessenden, whose highest rank in the regular Army was that of lieutenant-colonel of the Forty-fifth Infantry, and who was transferred in the same rank to the Twenty-eighth Infantry, and retired with the rank of brigadier-general September 1, 1866. The next case is that of Eli Long, who was retired with the rank of brigadier-general, his highest full rank in the military establishment being captain. The next name is that of General Richard W. Johnson, whose highest rank in the military establishment was major of the Fourth Cavalry. He was retired with the rank of major-general on the 12th of October, 1867, and with the rank of brigadier-general on the 3d of March, 1875. The next on the list is Thomas J. Wood, whose highest rank was colonel of the Second Cavalry. He was retired with the rank of major-general on the 9th of June, 1868, and as a brigadier-general by the act of March, 1875; and I might go on with other names contained in that list, but I think this is a sufficient illustration.

Mr. KERR, of Iowa. Were these generals retired by special act?

Mr. CUTCHEON. Some of them were and others under a general act applicable to all officers of their class, retiring them upon the highest rank held by them in the volunteer service.

Mr. HOOKER. I desire to ask the chairman of the committee a question if he will permit me.

Mr. CUTCHEON. With pleasure.

Mr. HOOKER. Were all these officers retired with the rank they had in the Army which is proposed by this bill?

Mr. CUTCHEON. Certainly, upon their full rank.

Mr. HOOKER. Were they not in the Army at the time?

Mr. CUTCHEON. Not all at the time of retirement, but they had all been distinguished generals.

Mr. HOOKER. Were they not in the Army?

Mr. CUTCHEON. They were volunteer officers during the war, and, as a rule, appointed to the military establishment at the close of the war, and they were retired generally from 1866 to 1869—

Mr. HOOKER. They were still in the service at the time?

Mr. CUTCHEON. No, not as generals; they were generally mustered out at the close of the war as volunteers, and then appointed to the military establishment in lower grades, and afterwards retired under a general act, and placed upon the retired-list. [Cries of "Vote!"] But, Mr. Chairman, I do not desire to detain the House from coming to a vote upon this bill. General Frémont is 76 years of age, and can live but a few years longer. His services were pre-eminent both in peace and in war; and it seems to me that a grateful nation can not do less than place his name among those of other distinguished men whose high services illustrate our history. His service in the exploration of the path of empire from the Atlantic to the Pacific would entitle him to this consideration. His later services in securing to our country the results of the Mexican war in the conquest of California would entitle him to this consideration. His services, very great during the war of the rebellion, would abundantly entitle him to this consideration; and it seems to me, without taking more time, the amendment ought not to prevail; but for the few months, or for the few years at most, that General Frémont will remain among us, we should signify to him the thanks of a grateful nation by putting his name on the list with those whose names I have just read, who have already been retired.

Mr. HOOKER. Do I understand the gentleman to state that he is to be retired with the rank which he held in the Army, and that he was a major-general in the regular Army?

Mr. CUTCHEON. Yes; he was a most distinguished major-general. One of the senior major-generals.

Mr. HOOKER. I ask leave to suggest to the House that certainly it would not want to inflict an indignity upon General Frémont by retiring him at a grade in the Army lower than the actual grade he had in the regular Army of the United States.

Mr. CUTCHEON. He held it from 1861 to 1864.

Mr. LANE. Mr. Chairman, the proposition before the House now is to retire John C. Frémont with the rank of major-general of the United States Army.

I wish to be heard briefly on this question. John C. Frémont has been in private life now for twenty years or more and it is now proposed to retire him from the Army, where he has not been for nearly a quarter of a century, and the Government to pay him a pension or salary at the rate of \$5,000 per annum for and during his natural life; and I suppose it will then be asked to put his widow on the pension-roll at a like sum. Why should this be done? I know I am not wanting in admiration for the gallantry of the American soldiery, and if John C. Frémont was now in the Army he might be placed on the retired-list under the general law and draw two-thirds of a full salary, as other officers do. But there is no reason offered to the House why this case should be made exceptional and a special act passed for his benefit.

Sir, there is somebody else to be remembered in this House and country besides the generals and the other army officers. There is somebody else in this country besides that class of men. There is another class, the men who pay the taxes and bear these burdens, but are very seldom mentioned in this House. There is the great mass of tax-paying, tax-ridden people in this country who are expected to pay all this money, and I insist that once in a while their voice ought to be heard in this House, especially when we are asked to put everybody upon the pension-roll or upon the retired-list. I hold in my hand a paper which is indorsed by all the farmers' organizations in the West, several thousand in number, and I send it to the Clerk's desk to be read as a part of my remarks, an extract which expresses my views on this question.

The Clerk read as follows:

While we favor a liberal system of pensions to the soldiers and sailors who in the line of duty became disabled from earning a livelihood, we are unalterably opposed to creating or retaining a list of retired office-holders, either civil or military, as pensioners, to be supported at the public charge, and that largely by the hard earnings of farmers and laborers who can hardly support themselves and families. It is unrepugnant and smacks strongly of aristocracy and royalty.

Mr. LANE. This, Mr. Chairman, is a part of a series of resolutions adopted by the farmers' organizations throughout the West and Northwest, and I fully indorse every word of it. It was sent to me from a farmers' lodge at Vera, in my district. I am informed that there are a great number of these lodges in Illinois and other Western States, amounting now to many thousand voters, and the organization is still going on. They have spoken in no uncertain terms on this question, and they are entitled to some recognition in this country and upon the floor of this House. They are expected to pay the burden created by this bill, and for that matter all other bills passed by this House, and it is unjust to them to burden them with unnecessary hardships and deplete the Treasury with unjust legislation. As they say in the resolution, this character of legislation is unrepugnant and smacks strongly



of aristocracy and royalty. The farmers this year are unable to pay the taxes on their farms and homes, much less to meet the burdens of placing men on the retired-list with princely salaries, to live in luxury and ease. This is what is done in the old countries and royalty is the result.

I am unable to say just at this moment how many are on the retired-list in this country. I did not know the question would come up this afternoon, and therefore I am not prepared to state the exact number or the amount paid, but it amounts to thousands of dollars annually and is still increasing. The principle is wrong of retiring these men and putting them on the pension-roll, for it is nothing else.

The friends of this measure say that General Frémont was a distinguished man. So are the governors of the various States and lieutenant-governors, the judges of our courts, State and national, the generals and colonels in the late war, as well as many distinguished private soldiers. The list can be swelled to several thousand who might be placed on the retired pension-roll, and the same reasons would exist for this as do for placing John C. Frémont on the retired-list and paying him \$5,000 a year.

Mr. Chairman, this act is un-American, un-republican, and in the name of the great labor and farm organizations and tax-payers of the country I protest against its passage.

Mr. SWENEY. Mr. Chairman, if there is one citizen of the United States that objects to the retirement of General John C. Frémont I have yet to hear of it. If there is one citizen of this country who desires him to be degraded from the highest rank which he held in the regular Army of this country, then I regret it, and especially, Mr. Chairman, should I regret it if this action were taken after Congress has placed the name of a Fitz-John Porter upon the retired-list at the highest rank which he ever held in the regular Army. I am not generally in favor of placing people on the pension-list or on the retired-list, but I represent a farming community, fully as much so as that which is represented by my friend from Illinois [Mr. LANE], and I believe that the patriotic people of this country of all classes desire to remember and to reward the services of such patriots as John C. Frémont has proved himself to be. Therefore, sir, I stand here to protest in the name of the patriotic citizens of this country and of the soldiers of this country against degrading him from the rank which he held in the regular Army of the country.

Mr. KERR, of Iowa. Mr. Chairman, I am not one of those who think that a man is "degraded" when he is given \$4,000 a year. [Laughter.] I think that is an abundant allowance for any man in order to secure him comfort in his old age. No man in this country has been a more thorough admirer and defender than I have been of General John C. Frémont. In my youth I read of his travels in the far West from the beginning to the end, and I am one of those who have never been able to get over the unfortunate conviction that he is one of the greatest men in our country and has done as much for our institutions and for our Government as any living man.

But while I say that, Mr. Chairman, I do not think that we are doing justice to the great tax-paying community of this country in allowing any man to have, by way of pension or allowance, more than is proposed by the amendment of the gentleman from Texas [Mr. KILGORE]. I was surprised to see gentlemen on the other side of the House bring forward the great civil services of a man as a reason why he should be placed on the pension-roll. It has never been conceded in this country as any reason for pensioning any man that he had performed distinguished civil services, and it ought not to be allowed to be a reason now.

The gentleman from Ohio [Mr. WILLIAMS] spoke of what other governments in other countries have done for men who have rendered distinguished service to the state. We are not in the business in this country of imitating those nations that are looking out for their leading minds. In this country we have the proud boast that in our legislation we are looking out for the masses of the people, trying to secure to our men an equal chance in the race of life, and to see to it that no great man's children or no great man himself shall be given the privilege of having a tax levied upon the people in order that he may be maintained in a superior position to the masses of his fellow-countrymen. It is un-republican, it is un-American; and for one I think it is a very great concession on the part of the gentleman from Texas to move that John C. Frémont—and, I repeat, there is no man in this House who honors General Frémont more than I do—should receive in his old age \$4,000 a year.

Mr. VANDEVER. Mr. Chairman, the name of John C. Frémont has been a household word in this country for half a century. He blazed a pathway across this continent from sea to sea before the American flag first floated in sovereignty upon the shores of the Pacific. He has a world-wide reputation. John C. Frémont has a name that lives in history and is respected by the people of all civilized nations. He has made for himself a history which under any other government on this globe would have entitled him to the very highest consideration; he would have been covered with decorations; he would have been loaded with wealth. That is no reason, however, why we, in our capacity of representatives of the people, should pile honors upon John C. Frémont or load him with wealth, simply because this recognition might have been extended to him by some foreign government.

But he is an American; he belongs to no particular section of this country; he is a constituent of mine, residing in the Congressional district that I represent. He rescued that Pacific shore from a foreign jurisdiction; he took possession of it in the name of the United States, planting the flag which waves there to-day; he has gone to that shore to find an asylum and a home in his declining years. This country owes him a debt of gratitude, and I undertake to say there is no hard-handed son of toil in the length and breadth of this land—no tiller of the soil—but cherishes the name of John C. Frémont in his heart with gratitude and associates it with the greatest glory and renown of this country.

John C. Frémont made a history for himself in this country before the war of the rebellion—he made a history for himself from 1831 to 1865; he has made a history for himself since. There is not a blemish upon his name. He is a kind, noble, self-reliant American citizen; and now, in the declining years of his life, when he has sought a home upon the Pacific shore, if you refuse him for the short remnant of his days this small pittance of comfort you allow him to go down to his grave in poverty, but not in disgrace. His name will still live. It is a part of the heritage of this country. The name, the example, the exploits, and the history of John C. Frémont will be referred to by coming generations, inspiring them to emulate his virtues and his greatness.

This bill should pass without an amendment; and General Frémont should be put upon the retired-list as a major-general of the United States Army, in vindication of ourselves as much as in justice to him. [Applause.]

Mr. ENLOE. Mr. Chairman, I have been very much interested in the information which has been given to us about the "debt of gratitude" resting upon the American people to General John C. Frémont, and I have listened with especial interest to the speech of my friend from Ohio [Mr. WILLIAMS] describing the difficulties and the hardships which General Frémont had to encounter and overcome in acquiring possession of the great territory which was added to our country by the war with Mexico. And I have thought it strange—I have often thought it strange in this House—that when we commence to remember our "debt of gratitude," it generally begins with remembering the "debt of gratitude" to the officer; but I have not heard any man here to-day who seems to remember the "debt of gratitude" that is due to the soldier, the private soldier who made the victories of that war possible.

Mr. PICKLER. We are going to give you a chance to vote on that. Mr. ENLOE. Go back and attend to Oklahoma. I thought you had run dry on that. [Laughter.] This is not Oklahoma.

Mr. Chairman, I would like to offer an amendment to this bill, if it were in order—an amendment providing that the Secretary of the Interior place upon the pension-roll the name of every soldier of the Mexican war who is to-day on the pension-roll, at the rate of \$12 per month. I do not know but we might spread our gratitude over a wider territory and benefit a much larger class of people, a class of people who are equally deserving and whose necessities are as great, if we should adopt that proposition as a substitute for this bill.

I have been opposed and am opposed to-day to the policy of taking up any man, I care not what his record may be, what his history may be, what the "debt of gratitude" that the country owes to him may be, to taking him up after he has retired from the military service of the country and putting him back in the Army for the purpose of saddling him as a pensioner upon the tax-payers. I voted against the Rosecrans bill. If I had been here, I would have voted against the Grant bill. I will vote against this bill to-day; and I will vote against every bill of similar character that comes up in Congress so long as I am a member, because I am opposed to such measures on principle.

Mr. OATES. As I understand, the gentleman by that statement means to say, not that he is opposed to giving pensions to such persons as may deserve them on account of military service, but that he is opposed to taking a man after he has retired from the military service and putting him back into the Army for the purpose of placing him on the retired-list.

Mr. ENLOE. That is the proposition I intended to state; I thought I had made myself clear. I am obliged to the gentleman from Alabama for calling my attention to the matter. I do not believe in taking a man after he has retired from the military service, after he has gone into private pursuits and perhaps been unfortunate, and putting him again into the military service for the express purpose of placing him on the retired-list and paying him a pension. I have often wondered who was going to take care of the unfortunate members of this Congress after they have retired from active service. There are a great many gentlemen here to-day who feel that they are rendering distinguished service to the country; they are piling up "a debt of gratitude." I have no doubt a great many of them will go away from here poorer than they came. Some of them will probably go away bankrupt. Who is going to have them placed upon a retired-list and saddle them upon the tax-payers? There is just as much justice and right in the one proposition as in the other.

But I feel, Mr. Chairman, that I am unnecessarily occupying the time of this House. I have observed that we go about this sort of thing with a great deal of consideration, with a great deal of formality and

ceremony, with a great deal of care and caution; but we generally wind up with passing any sort of a proposition that comes here to pension anybody at the expense of the tax-payers of this country, especially any one of that class who ought to be able to take care of themselves, and would be if they had lived frugally, as the tax-payers of this country are compelled to live, or starve.

Mr. SPINOLA. That is what members of Congress ought to do.

Mr. ENLOE. That is what they ought to do; and if they were not trying to be re-elected probably more of them would be doing it. [Cries of "Vote!" "Vote!"]

[Mr. BANKS withholds his remarks for revision. See Appendix.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

Mr. WILLIAMS, of Ohio. I hope the House will vote it down. We ought not to place upon General Frémont that indignity. He ought to be retired with the rank he had in the Army.

The question was put; and the Chairman announced that the "noes" seemed to have it.

Mr. KILGORE. Division.

Pending the count,

Mr. KILGORE said: Mr. Chairman, I submit that the committee does not probably understand the proposition. I think it might be submitted again.

The CHAIRMAN. Without objection, the Chair will again state the proposition.

Mr. KILGORE. Let the amendment be reported.

The amendment was again reported.

The question was again taken; and the Chairman announced that the "noes" seemed to have it.

Mr. KILGORE. I demand a division.

The committee divided; and there were—ayes 7, noes 116.

So the amendment was rejected.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

#### RELIEF OF OWNERS OF BRITISH BARK CHANCE.

The next business on the Private Calendar was the bill (H. R. 2234) for the relief of the owners, officers, and crew of the British bark Chance.

Mr. RAY. By direction of the Committee on Claims, I ask consideration of the Senate bill 1296, in lieu of the bill H. R. 2234, on the same subject.

Mr. SPRINGER. Has it been reported by the committee?

Mr. RAY. It is on the Calendar.

Mr. ROGERS. What is the bill?

The CHAIRMAN. It is a bill substantially the same as the House bill. The gentleman from Pennsylvania having charge of this bill asks that the Senate bill be substituted for the House bill on the same subject.

Mr. ROGERS. What is the title of the bill?

The CHAIRMAN. The Clerk will report the title again.

The title was again reported.

The CHAIRMAN. The gentleman from Pennsylvania desires to substitute consideration of the Senate bill for the House bill.

Mr. ROGERS. Let it be read, subject to objection.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of State be, and he hereby is, authorized and directed to draw his requisition upon the Secretary of the Treasury for the payment, out of any money in the Treasury not otherwise appropriated, of the sum of \$16,000 to the duly accredited representative of the Government of Great Britain at Washington, to enable said Government to pay the same to the owners of the British bark Chance, of the port of Sydney, New South Wales, to indemnify them, and the officers and crew of said bark, for abandoning their whaling voyage in the Arctic Ocean, in the month of September, in the year 1871, and rescuing from shipwreck ninety-six American seamen and transporting them to Honolulu.

The CHAIRMAN. The question is on substituting the Senate for the House bill. Is there objection? [After a pause.] The Chair hears none, and the Senate bill is before the House.

Mr. RAY. Mr. Chairman, this bill has been several times reported upon favorably by committees of both the House and the Senate, but has never been reached on the Private Calendar of the House. The facts being pretty clearly and thoroughly stated, as I think, in the report made by the Committee on Claims, I will ask to have the report read at the Clerk's desk.

The CHAIRMAN. Does the gentleman move that the bill be laid aside with a favorable recommendation?

Mr. ROGERS. Mr. Chairman, there is so much disorder in the House that no gentleman has heard a single word that the gentleman from Pennsylvania has stated, and if there is a report accompanying the bill I will take the floor and have it read in my time.

The report was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2234) for the relief of the owners, officers, and crew of the British bark Chance, having had the same under consideration, respectfully report:

Bills similar to this were favorably reported from the Committee on Foreign Affairs of the Forty-sixth and Forty-seventh Congresses, and also from the Committee on Claims of the Forty-ninth and Fiftieth Congresses, but failed of action in the House.

The bark Chance, owned at Sydney, New South Wales, had been fitted out in

March, 1871, at an expense of £3,200 (\$16,000), for a whaling voyage in the Arctic. She had a captain, chief officer, four mates, and a crew of twenty-eight men.

She arrived on the whaling grounds early in September, 1871, and had a fine prospect of taking whales. The season is short, extending from about September 1 to the middle of October, and in 1871 whales were unusually plenty.

Our American whaling fleet of some thirty vessels had gone 60 miles farther north and were caught in the ice. Four ships were wrecked, and the whole fleet was imprisoned, with no hope of escape.

The ship-masters sent a letter addressed to "any ship-master south of Icy Cape," in eloquent terms asking instant aid to save them from the danger that stared them in the face.

The letter closed as follows:

"We realize your peculiar situation as to duty and the bright prospects you have for a good catch in oil and bone before the season expires, and now call on you in the voice of humanity to abandon your whaling, sacrifice your personal interests as well as that of your owners, and put yourselves in condition to receive on board ourselves and crew for transit to some civilized port, feeling assured that our Government, so jealous of its philanthropy, will make any compensation for your losses."

The moment this news came the master of the Chance gave up his voyage and got his ship ready to take on board all he had room for. With crowded decks the Chance sailed, September 15, for Honolulu, and arrived safely on the 29th of October. She had rescued from almost certain death ninety-six American seamen.

The ship happened to have an agent at Honolulu, who took the responsibility of drawing up an account, charging the United States at the rate of \$35 a man for the officers and crew thus brought to port as passengers. This was forwarded to Washington, without the sanction or special authority of the owners. However, upon learning of the fact, they ratified his action, and the sum of \$3,360 was paid to the agent of the owners July 27, 1872.

This was done under the act February 24, 1811, for the relief of destitute seamen (2 Stat., 651), which reads:

"In all cases where distressed mariners and seamen of the United States have been transported from foreign ports where there was no consul, vice-consul, commercial agent, or vice-commercial agent of the United States to ports of the United States, and in all cases where they shall hereafter be so transported, there shall be allowed to the master or owner of each vessel in which they shall or may have been transported such reasonable compensation, in addition to the allowance now fixed by law, as shall be deemed equitable by the Comptroller of the Treasury."

Our statute for the relief of seamen in foreign ports was framed to meet the constantly recurring emergencies of sailors being where an American ship happens to be lying. She is bound sooner or later to return home, and can take one or two extra men on board with no trouble and without deviating from her intended voyage. That is not this case.

Here a voyage sure of success was abandoned and the ship forced to go back the route she had come, the whole season's labor going for naught. In the ordinary case contemplated by the statute \$35 per man for transportation and provisions may be regarded as sufficient. Here that sum could give only partial relief. The money went towards paying for the use of the vessel and for provisions consumed. It did not represent the proceeds of the voyage, to be divided among owners, officers, and sailors, according to the "lay."

All parties in a whaling voyage are paid by "lays," or shares in the oil and bone taken. The officers and crew get no monthly wages; and of course they had everything to lose by giving up their certainty of taking whales.

These British owners and sailors incurred a heavy loss in order to save the lives of our American seamen. No Government would have hesitated to dispatch public ships to the rescue or to charter private vessels, if need had been, as witness the Greely expedition.

The Chance, owned by foreigners and subject to no power of seizure by our Government, may be considered in some sense as having been impressed into the service of the Government of the United States.

Your committee are of opinion that the case presents urgent reasons for Congressional action. The owners of the Chance could get no indemnity for their loss from the insurers. In abandoning their voyage those in control of the Chance acted no doubt under the belief engendered by the suggestion of the letter that eventually this Government would recognize the character of the relief and see to it that the loss was in whole or in part made up to them.

The master of the Chance indeed acted for humanity's sake, and this is not susceptible of being reduced to a matter of dollars and cents. Whatever indemnity may be tendered should not be considered, therefore, as forming a precedent, so far as the amount is concerned.

The affidavit of one of the owners shows that all that the bark had of oil and bone was valued at \$6,500. She had every prospect of taking 380 barrels of oil, worth \$15,120, and 1,200 pounds of bone, worth \$15,000. Allowing for what was on board and for passage money received, it is evident that the breaking up the voyage entailed upon the owners, officers, and sailors a net loss, at a moderate computation, of from \$15,000 to \$20,000.

The owners, as well as officers and sailors (and their families), sustained this loss more than eighteen years ago. The claim was first presented to the Department of State in 1872, and the Department in January, 1878, recommended the claim to the favorable action of Congress.

In view of the services rendered and of the international features of the case, your committee are of opinion that the sum of \$6,000, to be appropriated as the bill provides, is just and reasonable, and therefore recommend that the bill do pass.

During the reading of the report,

Mr. ROGERS said: Mr. Chairman, I have looked over this report while the Clerk has been reading, and have no desire to have it read further.

The bill was ordered to be laid aside with the recommendation that it do pass.

J. F. BAILEY & CO.

The next business on the Private Calendar was the bill (H. R. 3913) granting jurisdiction to the Court of Claims, notwithstanding any statutory bar, of the claims of J. F. Bailey & Co., and others.

Mr. LAIDLAW. I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The bill should be read, unless dispensed with by unanimous consent.

Several members objected.

The bill was read, as follows:

*Be it enacted, etc.,* That jurisdiction be, and is hereby, given to the Court of Claims, notwithstanding any statutory bar, of the claims of J. F. Bailey & Co.; Oliver L. Garrison; William Chisholm, president Cleveland Rolling Mill Co.; A. E. Godefroy & Co.; Downing, Sheldon & Co.; Herbert Brainard, as manager of the St. Albans Steel Works; H. C. Arbuckle; Brown Bros. & Co.; C. W. Matthews, E. Samuel & Co.; A. H. Childs, agent for H. W. Oliver, jr.; Diamond



State Iron Company; P. Wright & Sons; Baltimore and Ohio Railroad; Schrader & Ellery; H. W. Oliver, Jr.; and Lewis, Oliver & Phillips; C. H. & E. Odell; Drexel, Morgan & Co.; A. H. Barney; H. E. Collins & Co.; Edgar Thomson Steel Company (Limited); Carnegie Bros. & Co. (Limited); James Lee & Co.; Interstate Improvement Construction Company; James Johnston; Clarice, Post & Martin, agents for Springfield Iron Company; Post, Martin & Co., agents for the Springfield Iron Company; Springfield Iron Company, of Springfield, Ill.; Joliet Steel Company; Edge Moor Iron Company; E. S. Wheeler & Co.; Isaac Jeanes & Co.; Seiser & Bro.; S. S. Scattergood & Co.; and N. Hellings & Bro., for excessive import duties paid by them, with the same right of appeal as in other cases: *Provided*, That the adjudication shall be for such sums only as were paid in excess of the legal duty: *And provided further*, That their petitions in said court shall be filed within six months after the passage of this bill.

Mr. LAIDLAW. I call for the reading of the report.

The report was read, as follows:

The claimants imported in the years 1879, 1880, 1881, and 1882 steel blooms, upon which steel blooms the customs officials and the Treasury Department exacted and compelled the payment of a duty at the rate of 45 per cent. ad valorem.

The claimants objected to this rate of duty, but the collector of customs decided that that was the correct rate, and refused to allow the steel blooms to be taken by or delivered to the owners until that rate, viz, 45 per cent. ad valorem, had been paid. The Treasury Department sustained the collector of customs in this decision, and the claimants were compelled to pay a duty of 45 per cent. on the steel blooms that they imported, when the correct and legal duty was only 30 per cent. ad valorem.

In 1882 a suit was brought in the United States circuit court for the southern district of New York by R. F. Downing *et al.* against William H. Robertson, collector of the port of New York, for the return of the excessive rate of duty exacted by the collector of customs at that port on certain steel blooms imported by them, namely, a duty of 45 per cent. ad valorem, instead of 30 per cent. The case was tried and a verdict obtained against the Government for the excessive rate of duty exacted, and it was then judicially determined that the correct rate of duty on steel blooms was 30 per cent. ad valorem, and not 45 per cent. This case was appealed by the Government to the United States Supreme Court, October term, 1884, No. 853, and on the 19th of January, 1885, the appeal of the Government was dismissed by the Supreme Court.

The Treasury Department after this, in February, 1885, instructed the collector of the port to collect, in conformity with this decision, only 30 per cent. ad valorem, instead of what the collector had been exacting, namely, 45 per cent.

In the act of March 3, 1885, steel blooms are specifically named and a rate of 45 per cent. is stated as the rate of duty, but prior thereto the correct rate of duty was as the claimants claimed, namely, 30 per cent., and as the courts determined, and not at the rate exacted by the collector of customs and enforced by the Treasury Department.

The bill gives the Court of Claims jurisdiction of these claims, provided that the petitions are filed within six months and that the adjudication shall only be for such sums as were paid in excess of the legal duty.

In a letter from the Acting Secretary of the Treasury to the chairman of this committee, dated February 27, 1888, he states that the Treasury Department refunded to certain importers who had brought suit against the Government the difference between the rate of 45 per cent. and the rate of 30 per cent., in pursuance of the decision in the case of Downing *vs.* Robertson.

The bill now reported by this committee allows the claimants who had not been refunded the duty illegally exacted from them an opportunity to present their claims for excessive duties paid by them to the Court of Claims.

Your committee recommend the passage of the accompanying bill, with the following amendment: In line 15, after the word "Collins," insert "and Company."

Mr. CULBERTSON, of Texas. Mr. Chairman, I think this bill ought not to become law. It provides that thirty-five or thirty-six persons, or firms, shall have the right to institute suit or suits in the Court of Claims in their respective interests to recover excesses of duties paid by them upon steel blooms about eleven years ago. The allegation is that this excess of duty was paid in 1879, 1880, 1881, 1882, and 1883. They claim that the duty upon these products was 30 per cent. and that they were required by the Secretary of the Treasury to pay 45 per cent.

In 1882 the Supreme Court decided this question, and decided adversely to the ruling of the Treasury Department, and fixed the legal rate at 30 per cent. Now, these people claim that they were required to pay 45 per cent; after sleeping upon their rights for five years, because there was no bar or limitation until after the expiration of six years, they now crave the right to bring suit, each for himself, for each of these corporations in the Court of Claims to recover these excesses, which, I understand, will amount to about \$1,000,000.

There is no statement in the papers as to how much it will amount to whatever. I do not believe it ought to pass for another reason, and that is, this excess of duty was charged to the consumer who paid it. They sold these products in the market at a price covering the 45 per cent. which they paid to the Treasury Department, and they taxed that in the price at which they sold them to the consumers of this country. Therefore, if Congress allows them to bring these suits, there is no doubt that they will recover judgment, because under a decision of the Supreme Court of the United States in 1882 the law is fixed on that subject, and you will refund to these gentlemen from \$500,000 to \$1,000,000 in money which the consumers of this product have already paid to them.

Now, if there could be any way by which this money could be diverted and paid back to those unfortunate consumers who had to pay these importers this amount of money in the first instance, I would be willing to co-operate with the distinguished gentleman from New York [Mr. LAIDLAW] to pass this bill. As it is they get the money twice and the consumers pay it twice. [Laughter.]

Mr. LAIDLAW. Mr. Chairman, a simple statement with reference to the bill that is under consideration would seem to be all that is necessary. This is a question of taxes. Now, I take it to be a very plain proposition that if the citizen pays all the taxes the law requires that is about all the Government can ask of him. It appears that in this case 45 per cent. ad valorem was exacted of these claimants, when the legal duty, as determined by the circuit court, and, on appeal, by the

Supreme Court, was only 30 per cent. Another principle of taxation would seem to me to be fair, and that is that taxes ought to be uniform. It appears that the Secretary of the Treasury actually refunded to other importers an excess of duty paid in like cases amounting to over \$700,000, as his letter to the chairman of the Committee on Claims shows. Now, why should not the same be done in this case?

Mr. McMILLIN. Will the gentleman permit a question?

Mr. LAIDLAW. Yes, sir.

Mr. McMILLIN. Why was it that these claimants did not bring their suit against the Government within the time required by law and take the necessary steps to resist payment?

Mr. LAIDLAW. I never supposed that the statute of limitations could be pleaded in such a case by the Government. I did not imagine that the United States was standing up and pleading the baby act.

Mr. McMILLIN. I am not asking about the United States acting the baby. What I ask the gentleman is why these parties did not act the man in the transaction of their own business.

Mr. LAIDLAW. Not having been one of them, I can not answer the gentleman.

Mr. McMILLIN. The gentleman can not answer that question. Well, before he calls upon the people to pay this amount of money out of the Treasury, I suggest, with all due deference, that he ought to be able to answer the question.

Mr. LAIDLAW. Oh, not at all. In perhaps two-thirds of all the claims that come before the committee it is found that some technical statutory bar has to be waived, some bar that stands between the citizen and justice. It is a common thing for the committee to recommend the waiving of a statute of limitation, and there is a multitude of short statutory bars which the committee often recommend shall be waived. There is hardly a claim that comes before the committee that some bar is not found which the committee is called upon to waive. These men are asking the Government to refund money that has been illegally exacted from them. There is no question about its having been illegally exacted, because the court has so determined. They are simply asking for their own.

Mr. CULBERTSON, of Pennsylvania. Will the gentleman answer me a question?

Mr. LAIDLAW. Yes, sir.

Mr. CULBERTSON, of Pennsylvania. Did not these merchants or jobbers charge their customers to whom they sold those goods the amount of the tax they had paid?

Mr. LAIDLAW. Now, as to whether they did or did not, the gentleman must see upon a moment's reflection that I can not answer. But I do not care whether they did or did not; I do not care whether they put the stuff in the Potomac or whether they sold it at a profit or sold it at a loss. The simple question in the case is, did the Secretary of the Treasury and the collector of the port take money from these men without authority of law? That is the question that we have to face. It makes no difference whether they sold these goods at a profit or at a loss. How could they compete with these other importers of the same kind of goods to whom the Secretary refunded this \$700,000? Is it not the gentleman's opinion that taxes ought to be uniform, and that if one man gets his goods into this country for 30 per cent. duty others should get theirs in at the same rate?

Mr. OATES. Yes, sir.

Mr. LAIDLAW. Well, that is my doctrine. Now, other parties did go to work to secure their rights, and by a letter from the Secretary of the Treasury to the chairman of the committee it appears that he did refund these duties to the amount of \$700,000. I will read a portion of the letter:

THE TREASURY DEPARTMENT, February 27, 1888.

Hon. S. W. T. LANHAM, etc.:

DEAR SIR: I am in receipt of your letter of the 24th instant, in which you inquire whether any of the duties collected on steel blooms have been refunded by the Government, and, if so, at what time, to what amount, and at what rate of duty such repayments were estimated. In reply I have to inform you that refunds amounting in the aggregate to \$797,027.25 were made by this Department from February 20, 1885, to March 25, 1887, this amount being the difference between the rate of 45 per cent. ad valorem and the rate of 30 per cent. ad valorem, including interest and costs.

These refunds were made in pursuance of the decision of the United States circuit court of New York in the case of Downing *vs.* Robertson, a copy of which was transmitted to you on the 17th instant.

Mr. CULBERTSON, of Pennsylvania. Those gentlemen were very lucky. They sold the goods and got the money from the customers, and now they have got it from the Treasury again.

Mr. LAIDLAW. Now, it would seem as if this House ought to be able to do a plain piece of very common justice. It would seem so. The first proposition is that this Government exacted duties illegally from these parties and required them to pay a duty of 45 per cent. ad valorem when the proper legal duty was only 30 per cent. That question has been decided by the court. The court decided that they had no business to charge more than 30 per cent. ad valorem, but they did, in fact, charge 45 and collect 45 per cent. Other importers, of whom the same exaction had been made, had the excess of duty refunded. Now, to try to ascertain whether these importers sold these goods at a profit or at a loss seems to me to be the poorest piece of speculation,

and to be entirely outside of the real question at issue here. The question is, was the tax illegally imposed and illegally collected, and a moment's reflection will show any one that, as the court decided that the proper duty was 30 per cent. ad valorem, while the amount collected was 45 per cent. ad valorem, the difference between the two is the property of these claimants and ought to be refunded to them.

It is not the money of the Government; it never was the money of the Government. Suppose the Secretary of the Treasury has another man's overcoat, and, when it is proposed he shall return it, some one says, 'You are going to furnish the man with an overcoat,' when the only thing asked is that the man shall have his own coat. These claimants are simply asking for their own money.

Mr. HILL. Was application made to the Treasury Department to have this money refunded?

Mr. KERR, of Iowa. No; it was not.

Mr. LAIDLAW (to Mr. KERR, of Iowa). Now, you do not know whether it was or not.

Mr. KERR, of Iowa. I examined this case at the last session, and I know there never was any application.

Mr. LAIDLAW. Wait a moment; I will answer the question of the gentleman from Illinois [Mr. HILL]. I do not know whether such an application was made or not; and I am very certain the gentleman from Iowa has not one particle of information on the subject.

Mr. KERR, of Iowa. The matter was before our committee in the last Congress.

Mr. LAIDLAW. The committee do not appear to have thought it necessary to go into the question raised by the gentleman from Illinois. The committee considered simply the question, was this money illegally taken from the citizen? If it was, it is proper that he should be permitted to go into the Court of Claims, prove the amount that was taken from him improperly, and get it back, as other importers did. The Treasury Department paid back over \$700,000 of these illegally collected duties. Can any reason be suggested why one citizen should pay duty at the rate of 45 per cent. and another citizen at the rate of 30 per cent.; and, if there should happen to be a little statutory bar in the one case and not in the other, should that be insisted upon to the prejudice of one party, when equitably they both stand on exactly the same footing?

Mr. HILL. I am not suggesting anything of that kind; but it struck me as somewhat singular if so large an amount of money had been paid back on application at the Treasury Department.

Mr. LAIDLAW. There was a very large quantity of these goods imported; there was a sharp controversy as to the rate of duty that should be imposed. It now turns out that these importers were right in their contention as to the rate which should be paid; the court said so; and the court having said so, I had supposed that would be the end of the business; that after a case had been contested in the *nisi prius* court and gone to the Supreme Court of the United States for the determination of a single question, and that question has been determined in favor of the citizen, I supposed that would end the debate on that proposition.

Mr. HILL. If the parties could get their money by going to the Treasury Department why should they come here?

Mr. LAIDLAW. Because, I suppose, there was some little statute providing that there should be a protest and appeal within a certain length of time; that otherwise the door would be closed. I suppose that, as a matter of fact, these parties did not comply with the precise terms of that statute, or they would not be here. I suppose the decision of this case of Downing threw some light upon the subject which they might not have had before. But I do not care how long they waited. I say that when a tax has been imposed illegally on a citizen every dollar of that money belongs, not to the Government, but to the citizen; and we ought to make haste to pay it back, instead of haggling over the manner of doing it.

Mr. BOOTHMAN. Will the gentleman permit a suggestion?

Mr. LAIDLAW. Certainly.

Mr. BOOTHMAN. I understand that many of the claims embraced in this bill accrued while the case referred to was pending in the circuit and the Supreme Court; and the delay there was the occasion of the laches or apparent laches in these cases.

Mr. LAIDLAW. Very likely. That part of the business never annoyed me. I looked only to see whether money belonging to the citizen had gone improperly into the Treasury. I supposed that we were sent here to do justice occasionally—a little bit of justice once in a great while—to pay an honest claim sometimes; not often, but occasionally.

Mr. CANNON. Does the gentleman know of any instance in which Congress in cases like this has permitted the parties, after they have slept upon their rights, to go into the Court of Claims?

Mr. LAIDLAW. If I could get away from this debate I have no doubt that in an hour I could find the gentleman fifty such cases.

Mr. CANNON. I understand—I do not myself know how the fact is—that that policy has not been pursued by the Government. I understand that if a party sleeps upon his rights and does not make claim for a refund by prosecuting his case under the general provisions of the law his remedy is gone. The policy of the Government has not been to allow a party eight or ten years after duties have been paid to go to

the Court of Claims under a special act and recover the money. If such a policy should be entered upon, can the gentleman state or approximate the amount that the Government, following out that principle, would have to pay, whether it would be \$10,000,000, or \$100,000,000, or \$200,000,000?

Mr. LAIDLAW. I would like to ask the gentleman a question in turn. Suppose that the statutory bar of eighteen months had intervened before the application to the Treasury, would the gentleman as an honest man be in favor of standing on the statute?

Mr. CANNON. Yes.

Mr. LAIDLAW. You would?

Mr. CANNON. I would.

Mr. LAIDLAW. Then the defense would be, not that you did not owe the man the money, but that his remedy was gone.

Mr. CANNON. What I might do in a matter individual to myself is one thing. But when I speak for 60,000,000 of people, when these importations have been made and the duties paid in fact, if not paid here, paid by the manufacturer on the other side, in either event I do not see the equity of permitting these parties to be relieved from the consequences of their own laches in failing to prosecute their claim under the general provisions of law.

Mr. LAIDLAW. Then what would be bad morality for the individual becomes very respectable where it is practiced in the interests of 60,000,000 of people! Now, if I comprehend the gentleman's proposition I say there is no constituency behind any of us who wants any one to stand here and do an unmanly thing, an unjust thing. This idea that the people in the aggregate want some kind of a service from us that they would not ask individually as honorable men is to me absolutely absurd; it is something I do not believe in.

Mr. CANNON. I heartily indorse, even when the interests of private individuals are involved, statutes of limitation. They are statutes of repose. The law favors the vigilant, and I think such statutes are wise in policy, and I have nothing to urge against any man or any government which avails itself of the statute.

Mr. LAIDLAW. Every *nisi prius* lawyer on the floor knows you have to plead the statute of limitations or to insist on it before you can avail yourself of it.

Mr. KERR, of Iowa. And that is just what we are doing.

Mr. LAIDLAW. I did not know whether you knew it or not. [Laughter.]

Mr. KERR, of Iowa. That is what we are doing.

Mr. LAIDLAW. That is what the position of the gentleman amounts to. He is pleading here the statute of limitations in behalf of 60,000,000 of people against the payment of a just claim which has been fully proved to the satisfaction of the committee. Is that the statesmanship we are to have in this House? There is not a man on this floor who as an individual would do such thing. If there were one who would do it, I would not hang my coat up in the same room with him. [Laughter.]

Mr. CANNON. If the gentleman had imported certain articles from abroad at a 45 per cent. duty and sold them and afterwards learned the duty was not 45 per cent., but only 35 per cent., and the goods had gone into consumption and he allowed the statute of limitations to run out before he made any claim for the 10 per cent. difference of duty, I say to the gentleman from New York I would plead the statute of limitations, just as I believe everybody else would.

Mr. LAIDLAW. This is the worst piece of logic I ever heard. The simple proposition here is that the citizen was compelled to pay excessive duty, and when that excessive duty was wrongfully exacted from him it makes no difference what became of the property. It was sold at great loss or great profit does not matter. What the Government ought to do is to refund the amount of excessive duty. Are we to be told that the Government is going into speculation and is to profit by such matters as this? I hope not. I hope the excessive duty which was charged in this case will be refunded without objection and without resorting to the statute of limitations. It should at once be paid back to the parties from whom it was unjustly exacted.

Now, Mr. Chairman, I hope the committee will give us a chance to pass just one private bill during this session of Congress. [Cries of "Vote!" "Vote!"]

Mr. KERR, of Iowa. I wish to oppose the bill and make a few statements of fact in regard to it.

The CHAIRMAN. The gentleman from New York has been recognized.

Mr. COVERT. Mr. Chairman, I challenge any gentleman on this floor to examine the report which has been made in this case and to doubt the justice and propriety of refunding to these parties the excessive duty which was paid by them. The proof is so plain and so clear that he who runs can read it, whether he comes from Texas or from Illinois.

Now, this is not any old claim on the part of the people who are in the habit of coming here to the doors of Congress. They allege, and prove beyond question, that they did pay on these articles which were imported more than they should have paid under the law and more than the officers of the Government should have exacted from them. Their claim rests not only upon their own statements, but upon the testi-



mony of the officers of the United States having jurisdiction of the matter. They present also the decision of the highest tribunal of the country, a decision of the Supreme Court of the United States in favor of refunding to them the amount of excessive duty.

They are met here now by the statement or by the supposition that the consumer paid the excessive taxation which was exacted from the parties, and that, therefore, we ought not to refund it to the importer. I do not know what profit the importer may have made; I do not know how much he got from those to whom he sold the articles, whether he estimated the wrongful tax as part of the price, and I do not believe the gentleman from Texas or the gentleman from Illinois knows. I do not believe either one of them can substantiate the supposition he makes in that regard.

The statute of limitations has been referred to. Now, every State in the Union has adopted statutes of limitations. It has become necessary in the ordinary transactions of business to fix some limit within which suits shall be brought. It arises from the necessity of getting testimony by the presence of witnesses and for other reasons which are obvious to everybody. In my own State in some instances suit can be brought at any time within twenty years. It is in order that no wrong may be done, no harm inure to anybody.

Now, since the enunciation of the decision of the Supreme Court has come in reference to this wrongful exaction of duty from these parties, why should an effort be made to prevent the refunding of this money to those parties from whom it was taken? Should not Congress settle it without hesitation in the way here recommended by the committee? The highest tribunal has passed upon the question, and the proper method should be provided to carry out that determination of the court.

Mr. COBB was recognized.

Mr. CULBERSON, of Texas. Will the gentleman from Alabama allow me to occupy the floor for a few moments in response to the gentleman from New York before he begins his argument?

Mr. COBB. I will yield to the gentleman from Texas, retaining the right to the floor, if permitted.

Mr. CULBERSON, of Texas. Mr. Chairman, I desire to restate my position briefly in reply to the remarks of the gentleman from New York [Mr. COVERT].

I am not in favor at all times of the Government insisting on the statute of limitations; but whenever a person comes before Congress and insists that the bar of the statute of limitations should be removed he ought to present an equitable case; he ought to show to Congress that he has sustained some loss or that he will sustain a loss if Congress refuses to remove the bar.

In 1879 these parties, or most of them, paid this tax; that is, they paid 45 per cent. when the legal rate was 30 per cent., as determined by the Supreme Court in 1882. Now, they had the right for six years to go into the Court of Claims and bring these suits for the repayment of this money. In 1879 (when the Supreme Court had made this decision in 1882) the statute of limitations did not affect these parties, so far as the bar of limitations is concerned, in any case at all. But they have remained from four to five years sleeping on their rights until the statute made the bar effectual against them.

The proposition here presented is to remove the bar. Well, if it is inequitable to close the bar against these parties, I would be willing and in favor of removing it; but the onus of proof is on them to show that they have sustained loss. I do not know whether they have sold the goods or not. I suppose that they have. It has been eleven years since the main party in the transaction paid the duties. If they have sold them (and it devolves upon them to show that they have not, or, if they have sold them, that they sustained a loss) they collected the full amount of the tax from the consumer. That is the presumption. And therefore if the Government insists on its rights, whose right is affected by it? Not theirs, for they have suffered no loss. But the Government imposes its bar to keep its citizens—the people—from having to pay for these goods twice. That is the position I take.

Mr. COBB. Mr. Chairman, the gentleman from New York [Mr. LAIDLAW] in charge of this measure narrows the proposition submitted to the House. He says that the only question before us now is whether the Government of the United States did on a certain occasion recover from certain importers a sum of money greater than they ought to have paid as import duties, and there he rests the case. Upon that issue he would have the judgment of this House to decide.

Now, Mr. Chairman, as I remarked, that is narrowing the issue before us and is not putting it properly before the House at all.

As stated by the gentleman from Texas [Mr. CULBERSON], several years elapsed after the decision of the Supreme Court of the United States touching the matter herein involved, during which time these men had ample opportunity to go to the Court of Claims and settle their rights. Why did they not avail themselves of that opportunity? We do not know. And here let me say that these gentlemen, both of them, who have advocated the pending proposition, when they are asked certain questions which bear directly upon this point, reply, "I do not know."

Now, I wish to say, Mr. Chairman, that these things that they do not know are the very things that ought to be known and clearly ex-

plained to this committee before it adopts the bill presented. The policy of every government is to have statutes of limitation, statutes of repose. Through all the histories of governments it has been found to be a wise policy and results in good. And so it happens that whenever a party comes before a legislative body and asks that the bar of the existing statute of limitations be removed he is coming simply to ask the grace and favor of the legislative department of the Government to grant something which he has no right to demand and which could not be enforced by the courts.

Mr. REILLY. An extraordinary privilege.

Mr. COBB. It is an extraordinary privilege, as suggested by the gentleman from Pennsylvania, and only to be granted on extraordinary occasions. Now, gentlemen do not deal with this question at all in the light of surrounding circumstances. They avoid it. They say the man paid the money, *ergo* the Government ought to pay it back. They assume that this man paid the money and under circumstances which render it necessary that the Government should pay it back in order to act in good faith. That is a mere assumption. I will repeat what I said before, that it is a favor on the part of the Government, but before such favors should be granted, before a case of this sort should pass the House, good reasons should be shown why the demand is made. Where are these reasons?

The gentleman from New York waives the consideration of the fact presented to him by the gentleman from Texas as to whether or not these men did not, as importers of goods, turn immediately around, notwithstanding the excessive duty, and recover the amount paid by them from the consumer; and the gentleman from Texas well puts it when he says that is the presumption. These men are importing merchants. They import their goods for sale. They expose them for sale. Have they sold them? We do not know. The presumption is that they have or we would know. Now, if they have sold the goods, at what price did they sell? Less than cost to import and put upon the market? Did they lose? Was the American market in such a condition that they could not command the price which would remunerate them for the trouble and expense of importing? If so, that is a fact we ought to know, and if it is not disclosed to us the presumption again is that they sold the goods on profit, for that is the way merchants do according to my experience.

Now, where is the equity? It might exist, but if it does why is it not disclosed? Where is the equity existing in favor of the importing merchants to authorize us, as the lawmakers of the Government, to reverse the policy in reference to this tax? Why, Mr. Chairman, it is flippantly urged that the policy which interposed this bar should be put aside for the reason that injustice will be done to certain parties who are urging claims before Congress unless they can go into the courts. That is usually the case, and I believe I have remarked before, and I will now repeat, that whenever the statute of limitation is removed and the court is acting upon a stale claim the defendant in the case is always taken at a disadvantage, always.

Hence the wisdom and the policy of having these statutes. Now, I do not say that there are no occasions when these statutes ought not to be removed; but I press here upon the House the fact that the party asking the removal must show that this is an occasion in which the equities demand this action at our hands. That is the point. Now, we have nothing of that sort, absolutely nothing. No fact, no circumstance is placed before us except the simple one that these men were import merchants in the first place, and in the second place that the Treasury Department collected from them an excessive amount of duty. But along with that fact we have the fact that ought not to be overlooked, that for three or four years opportunity was offered to them to correct the error, and they did not. May I not indulge in the presumption here that this delay was had by reason of the fact that they might thereby gain some advantage of the Government? I do not say that is true; but we are indulging in presumptions along here, and these gentlemen hold the burden of the proof, and it will not do to shove it off in this sort of way.

Now, Mr. Chairman, I am opposed to this whole proposition. Before it is passed I want to offer an amendment which I think ought to pass in the bill if it be adopted.

The Clerk read as follows:

Add to the bill the following:

"Provided, That no person or firm named shall recover judgment for a greater amount than he or they lost on the goods imported by reason of the excessive duty collected by the Government."

Mr. COBB. Now, Mr. Chairman, I think this amendment ought to be adopted to this bill before it is passed, as I have urged; but, if it is not met here and if this House sees proper to let this matter go to the court, let us give the Court of Claims the power to say whether or not this money belongs of right to these men.

Mr. MILLS. Make your amendment so that it will read that these men have not reimbursed themselves by adding it to the price of the goods.

Mr. COBB. Gentlemen around me suggest that the amendment does not reach the point, and if, while I have the floor, they will suggest such amendment as will meet the occasion I will offer it. What I want to do is to confer upon the Court of Claims, not only the power, but the

duty of ascertaining on these trials whether these importers have reimbursed themselves for this excessive charge made upon them by the Government. That is what I am asking, and I say that ought to be shown here; at least a *prima facie* case ought to be made out.

Mr. REILLY. That they should recover judgment for only such amount as they lost.

Mr. COBB. What I want is that they shall only be paid the loss on the goods that were sold. If the Clerk will let me have my amendment again I will amend it.

The CHAIRMAN. If the gentleman has concluded his remarks he can withdraw his amendment and resubmit it.

Mr. COBB. Just a moment, Mr. Chairman. Just let me read this right here. I simply add this to my amendment: "That he or they have not reimbursed himself or themselves for the excessive duty in the sale of the goods."

Mr. SAYERS. That is the very fact that is controverted.

Mr. COBB. The very fact that that is to be controverted, as suggested by the gentleman from Texas, is the highest reason that we should put this amendment in here. Why, this bill ought not to pass at all.

Mr. SAYERS. That is right; I agree with you there.

Mr. COBB. I would not be understood as favoring this measure simply because I introduce this amendment. I am opposed to it, and I think it ought to be voted down *in toto*; but if the judgment of the House is inclined the other way, then I insist upon the amendment I have offered.

Mr. BOOTHMAN. Mr. Chairman, it seems to me a plain question of right that these men who paid money to the Government, that the Government had no right to exact from them, should receive it back. Now, when for a moment we stop to consider the course of legal proceeding, resulting in the decision which required the refunding of these duties to other gentlemen who had paid them, we can easily see how importers bringing a cargo of goods into the port of New York would be thrown off their guard by reason of the pending suit. The construction of the Treasury Department first was—

Mr. COBB. But, if the gentleman will allow me, after that suit in the Supreme Court the bar had not run.

Mr. BOOTHMAN. But, if the gentleman will take the trouble to read this report, he will see that these importations took place in 1879, 1880, 1881, and 1882. The decision was not rendered by the Supreme Court of the United States until the year 1885, and pending the proceeding in the court these collections were made that are now complained of. The limitation upon the right to recover back had already run; so that the citizen who had brought in his goods to the port of New York and desired to sell them in market had to do so with the chance of recovering back from the Government, and not a single man ever refused to sell them and take his chance of eventually recovering. He paid the duties and took his chance to recover it back. He had delivered the goods; the case was already pending, and was decided in the Supreme Court of the United States upon the question as to his right.

Mr. COBB. Did they not know it at that time—before they had sold their goods?

Mr. BOOTHMAN. Whether they did or not makes no difference for the point that the gentleman urges in his amendment. This is a claim for money to be refunded after the statute of limitations has run. Is there not the same right in the one case as there is in the other? For instance, an importer brings steel blooms into New York from England and there pays more duty than he is required by law to pay, but he pays it. Now, then, if he sues for that within a certain time he can recover that back, and the Government pays it back, does it not? And does it stop to ask whether he put a profit on his goods after paying it in selling the goods, and before he sold the goods? It allows them to run for eighteen months and never asks such a question.

Mr. COBB. That is a right that he can demand. The repayment is a matter of right.

Mr. BOOTHMAN. Yes—

Mr. COBB. Here he is asking to recover it from the Government after the bar.

Mr. BOOTHMAN. If demanded within five months; but if not demanded within eighteen months he does not have that right. But the point the gentleman urges is more than that. So far as correct principle is concerned, it is only a question on the part of the Government whether suits shall be brought within a certain limited time; that it will not interfere with its revenue operations. It is not intended that the revenue laws shall be enforced so as to collect money from a citizen unjustly and wrongfully, and give an advantage to one competitor which is not given to another, simply because one placed his goods in a warehouse until suit could be determined and the other paid his duty and sold the goods. It is not the policy of the Government to have a number of suits pending at the same time, and it is the custom, and it has been for years in all of the Treasury operations, when one test case is pending to let that settle the question, and then, when the proper time comes, to refund the duty if a refund is required. This is a simple question of honesty, and it seems to me that it ought to be decided as men would decide such a question between each other in any personal transaction.

Mr. KERR, of Iowa. Mr. Chairman, it will be observed from this

report that it mentions the return of the duties upon goods imported in 1879, 1880, 1881, and 1882. Now it is quite evident from this that all of these goods, except perhaps one cargo, were imported into this country, not only with a knowledge of the law, but also with a knowledge of the decision of the customs officers upon the law, namely, that 45 per cent. ad valorem would be exacted upon imported steel blooms. It appears that these parties knew they would have to pay that rate of duty, and of course they would not have imported these goods unless they knew that they could reimburse themselves out of the pockets of the people that bought the goods after they came here. If this were the case of the importation of a single cargo, without a knowledge on the part of the importers of the decision of the customs officers upon the law, there might be some force in the position of the gentleman from Ohio [Mr. BOOTHMAN], but that is not the case here.

And now with regard to another point. Why is this matter to be sent to the Court of Claims? It is simply a question of public policy, a question whether the Secretary of the Treasury shall be directed to refund to these parties a certain sum of money which they have paid as duties. Why, then, refer it to the Court of Claims? There is nothing involved except the question of the policy of refunding this money; yet it is proposed to send the matter to the Court of Claims, and it is proposed to send it there perhaps with the knowledge of what the decision will be, or, at all events, with the knowledge that there is no other question involved than the question of policy. Now, I undertake to say that there is no State and no municipality in this country that ever pursues the policy of refunding taxes under such circumstances. It has never been heard of anywhere.

Mr. BOWDEN. Where they are improperly collected?

Mr. KERR, of Iowa. Where they are improperly collected and where the person has a knowledge of his legal remedy and fails to avail himself of it. These parties had a remedy by appeal. They could have taken their cases to the courts and had them pending, but the fact is they themselves, at the time they imported these goods, believed that they were paying the legal duty; otherwise they would have gone into the courts.

Again, Mr. Chairman, I want to call attention to the amount involved here. This is to be a refund of 15 per cent. of the duty paid upon all the steel blooms imported into this country during four years, and it involves, directly and indirectly, millions of dollars, and, upon the theory of the bill, that question is to be determined by a court rather than by Congress. I do not think we ought to adopt any such legislation.

Mr. BUCHANAN, of New Jersey. Will the gentleman answer a question, as he is on the Committee on Claims and undoubtedly familiar with the facts?

Mr. KERR, of Iowa. Before I sit down I wish to state that I was a member of the Committee on Claims in the last Congress, and that I understood it to be the opinion of that committee that this bill should not be reported favorably.

Mr. BUCHANAN, of New Jersey. Now, I will ask the gentleman whether it is true or not that in any of these cases there was any protest entered or appeal taken.

Mr. KERR, of Iowa. There was no appeal taken in any of these cases.

Mr. BINGHAM. But there was a protest.

Mr. BOWDEN. Was there not a protest at the time the duties were paid?

Mr. KERR, of Iowa. I know of no protests; but a protest would not amount to anything. The parties knew they could have their remedy by an appeal, and they could have had every one of these cases pending in the courts if they had desired.

This question was submitted to the Committee on Claims in the last Congress, and I believe a majority of that committee were opposed to reporting the bill because they believed such legislation would be in violation of the public policy that had been pursued by the Government, and because they saw no good reason for it. If the law was as is proposed to-day by some gentlemen, giving no right of appeal and no right of trial by jury, there would be much more reason why the party should be allowed to come to Congress and seek a remedy here. But in this case there is nothing of that kind, because the party had a legal remedy which he could have resorted to, and I think the point has been well made, in view of the fact that these parties continued to import these articles during four successive years, that they were very probably reimbursed by the consumers for every dollar of duty that they paid.

Mr. BOWDEN. Mr. Chairman, with the gentleman from Iowa [Mr. KERR] I also served upon the Committee on Claims in the last Congress, and my recollection of the determination of that committee in respect to the pending claims is entirely different from his. My recollection is that after a full hearing there was a unanimous report ordered by that committee in favor of the payment of these claims.

Mr. LANHAM. In the last Congress?

Mr. BOWDEN. In the last Congress.

Mr. LANHAM. I think my friend is mistaken about that.

Mr. BOWDEN. There was a favorable report.

Mr. LANHAM. I do not remember that there was any report upon the bill, but I do remember distinctly that I was opposed to this bill.



Mr. KERR, of Iowa. And I.

Mr. BOWDEN. I think I am right about it.

Mr. LAIDLAW. I will tell gentlemen about this claim in the last Congress. This bill was referred to a subcommittee, consisting of the gentleman from Texas [Mr. LANHAM] and myself. Amongst other bills that I took up was this one, and I drew a report upon it and got ready to report the bill by leave of the committee, but I was called home, and I gave the report to Mr. Campbell, of New York, who presented it to the House, so that it appears on the files as coming from him. The fact is, however, that I drew the report, and it did pass the committee. Mr. Campbell reported the bill to the House, and it is on the files as coming from him; but I drew the report, and it did pass the committee.

Mr. LANHAM. I do not say it was never reported from the committee; I simply state that I was opposed to the bill, as was also, I believe, the gentleman from Iowa. I did not remember the bill having been reported.

Mr. BOWDEN. I suppose the record will disclose what were the facts. According to my recollection it was a unanimous report.

Mr. LANHAM. I do not think so.

Mr. BOWDEN. I am not very familiar with the facts now. I remember that the matter was very diligently looked into by the committee in the last Congress; and it was certainly my impression that there had been a unanimous report, the only question being what weight should be given to the protest filed by these importers at the time they paid the duties; whether, having failed to make application for a refund pending the test suit to decide whether the duty should be 45 or 30 per cent., that protest should be regarded by Congress as taking the place of an application to the Secretary of the Treasury for a refund of the duties improperly paid. My recollection is that there was no question in the minds of the committee as to the propriety of the payment of this claim; and it was merely to correct the statement of the gentleman from Iowa that I rose.

Mr. KERR, of Iowa. I have no recollection of any such report.

Mr. BROSIUS. Mr. Chairman, I discover in the report a circumstance which, if it be a fact, seems to me to supply the equity needed to justify the waiver on the part of the Government of the statute. In 1882 a suit was brought in the Federal court for the purpose of determining the question as to the proper construction of the law. Parties to the number of twenty-five or thirty had at that time a valid claim against the Government. It seems to me they were justified in "resting upon their oars" until the Federal court had determined that question; and this delay, it will be perceived, redounded to the advantage of the Federal Government.

Mr. COBB. Is it not true that that suit was decided in the Federal court before the bar of the statute took effect against these parties?

Mr. BROSIUS. That suit was brought in 1882, and was not determined by the Supreme Court of the United States until January, 1885.

Mr. COBB. That was not six years.

Mr. BROSIUS. But the bar is not six years, as the gentleman will remember. I am told it is only eighteen months; I have not verified that statement. Now, I want to direct the gentleman's attention to the fact I have already suggested, that the delay in this case—

Mr. COBB. Are there not two statutes, one providing that within eighteen months an appeal shall be taken from the decision of the Secretary of the Treasury and the other providing that, as in all other cases against the United States, there shall be no bar against going into the courts until the expiration of six years?

Mr. BROSIUS. I very frankly state to the gentleman that I have not examined the statutes. I take it for granted that the statement made by the chairman of the committee on the floor was correct. I am now only desiring to direct my friend's attention to the fact that the delay on the part of these twenty-five or thirty claimants redounded to the advantage of the Government by saving the costs that would have ensued upon twenty-five or thirty suits which would have gone against the Government. Can the Government justly now, after having saved those costs—

Mr. COBB. Does the Government pay costs?

Mr. BROSIUS. I suppose so. I suppose the Government paid the costs of the suit brought by Downing.

Mr. COBB. I reckon not.

Mr. BROSIUS. When a judgment is entered against the Government—

Mr. COBB. The Government, I will say to my friend, never pays costs unless it is expressly provided by statute.

Mr. BROSIUS. Well, I apprehend that the Government pays costs in a case like this, where judgment is entered against it.

Mr. BUCHANAN, of New Jersey. Not only that, but it also pays interest on the amount of the refund.

Mr. BROSIUS. I can not speak about the interest. The general principle is that the Government pays no interest.

Mr. BUCHANAN, of New Jersey. In these cases the Government does pay interest. I know it. The statute of the United States so proclaims.

Mr. COBB. I ask the gentleman from New Jersey—

Mr. BROSIUS. One moment, and I will yield the floor to my friend. I rose only to suggest, in view of what I have already stated, the fair-

ness and justice of refunding to these claimants any sums of money which constituted a valid ground of claim against the Government at the time the suit of Downing was brought for the purpose of testing the question. I do not speak of any claims against which the bar of the statute had begun to run at that time. If my friend will amend his amendment by putting that limit upon the amount which shall be considered by the Court of Claims I will support his amendment.

Mr. COBB. I did not understand the gentleman's proposition.

Mr. BROSIUS. If eighteen months constituted the bar of the statute of limitation, then at the time Downing brought his suit in the Federal courts against the Government, the claim as to all the money that had been paid in 1879 and 1880 had already been barred by the statute.

Mr. COBB. Well, that point I am inclined to controvert from information given to me. I do not, myself, remember what the statute is.

Mr. BROSIUS. I am precisely in that situation. I took it for granted that the statement made here by the chairman of the committee was accurate.

Mr. COBB. My impression is, as I have suggested, that there are two statutes, and that the eighteen-month bar does not apply in regard to suits in the courts, but only to appeals from the decision of the Secretary of the Treasury.

Mr. SPRINGER. Mr. Chairman, I desire to call the attention of the committee for a moment to the question raised by the gentleman from Iowa, I believe, to the effect that no protest was made at the time these duties were paid. I remember, Mr. Chairman, when this question arose in the practical workings of the Treasury Department many years since, ten or twelve years ago. One of my constituents was interested as an importer of steel goods, and he brought to my attention the difficulties which confronted him when this decision was made. I regret that the gentleman who prepared this report did not embody this information for the benefit of the committee, because I think it important we should have all the facts.

This report states that there were two rates of duty suggested in regard to these blooms, 45 per cent. ad valorem and 30 per cent. ad valorem.

That is true as far as it goes, but the Treasury Department, pending the time these blooms were being imported, not the Treasury Department, but one of the appraisers in the city of New York decided these steel blooms were steel ingots, and as such they came under that clause of the tariff laws in force before 1883 which described ingots, blooms, etc., at a rate of 2½ cents a pound.

I do not know what that would be ad valorem, but at 2 cents per pound ad valorem under the law of 1883 for the year 1888 the per centum would be 123.04, an absolutely prohibitory rate if applied to steel blooms used in the making of steel rails.

When these were being imported one of my constituents had a cargo of these steel blooms arriving in the city of New York upon which the local appraiser assessed 2½ cents per pound, and if this had not been reversed he would have been compelled to ship the cargo back to Europe. He could import steel rails cheaper than they could have been made out of the blooms.

It was a ruinous rate, and after an exhaustive argument before the Secretary it was settled by the Secretary waiving the question of the legal rate upon the ground that it would be manifestly unjust that importers should be subjected to this enormous rate of duty, which would amount to over \$154 a ton on the steel blooms then imported, when steel rails could have been purchased in England at thirty or forty dollars a ton.

This steel bloom upon which the duty was paid is a piece of manufactured steel from 4 to 5 feet long, and from 6 to 7 inches square, which, when heated to a white heat and put in the rolling mills, produces steel rails. It is the raw material out of which steel rails are made. Therefore, if 2½ cents were exacted they would have had to ship these blooms back. The bondsmen upon the contracts were in the condition that if they contested the question in the courts the courts might have decided that 2½ cents per pound was the legal rate, and it would have ruined them all.

Mr. COBB. They were willing to take the advantage which accrued to them by not making a contest in the courts.

Mr. SPRINGER. They were more willing to submit to the payment of 45 per cent. before the question was decided in the court than to take the chance of having the legal rate of 2½ cents per pound, which would have ruined every man of them. They were confronted with these conditions: Shall we go to the courts when there is a doubt as to what is the legal rate? It was a closely disputed point. If the court decided the legal rate was 2½ cents they would have been ruined in their business. The question with them was whether they should pay the 45 per cent.

Mr. COBB. They willfully determined to remain out of court and not contest because they thought they were getting an advantage.

Mr. SPRINGER. They thought if they went into the court they might be bankrupted, and for that reason they did not make the contest. They did just as the gentleman would have done if he had been a party to such a contract.

Mr. COBB. I think that I would not come and ask the Congress of the United States to relieve me.

Mr. SPRINGER. I believe the gentleman is just and I know he is honest. I believe if he were the judge in the case and persons under duress, as it were, were compelled to submit to a wrongful rate of duty when the time came and the law was made known by the highest tribunal of the land, that he would be of opinion that they should have the benefit of the law as it is.

As to these gentlemen being able to recoup themselves on these contracts, I am cognizant of one case where they were not able to recoup and were compelled to suffer loss on their contract.

The merchant went on and did the best he could, and after the courts of the United States decided that 30 per cent. ad valorem is the lawful rate I do not see why these gentlemen should not have the benefit of what the Supreme Court of the United States decided was lawful as a rate of duty to be collected upon these blooms.

Now, if the Supreme Court of the United States does not so hold, no wrong is done. This is simply to submit the question, in each individual case, to the Supreme Court, and if that tribunal does not decide in their favor they are then out of court and must abide the consequences and pay the costs. But if the court decides that the law only authorized the collection of 30 per cent. ad valorem, and they had a good reason for not protesting and subjecting themselves to the hazard of a case not yet decided, it will award judgment, and the result will simply be to treat these gentlemen as all other persons engaged in this business have been treated.

Mr. KERR, of Iowa. Can you give any reason why they should go on importing for four successive years knowing this decision?

Mr. SPRINGER. A very good reason. They had to carry out their contracts. They could not stop their business, for they could not get sufficient of this material in this country to carry on the mills. The mill in my district would have been compelled to stop if they relied solely on the home market.

Mr. COBB. But they did not stop.

Mr. SPRINGER. No.

Mr. COBB. Well, was not that because they were making a profit on the blooms imported?

Mr. SPRINGER. I do not know how that may be; but I do know they were compelled to pay in excess of what the duty really was. They were importing these blooms under a rate of 30 per cent. ad valorem and they were compelled to pay 45 per cent., and I do not see why we should not mete out to these people the law of this case, and treat them as honorable business men should be treated engaged in a lawful proceeding in building up the great highways of this country.

Mr. O'NEILL, of Pennsylvania. Will the gentleman yield to me for a moment?

Mr. SPRINGER. I have finished my remarks, what I had desired to say, and will yield to the gentleman from Pennsylvania, simply expressing the hope that this bill will pass.

Mr. O'NEILL, of Pennsylvania. I did not want the gentleman from Illinois to yield to me, but simply took the floor to ask his attention to one clause of this report which has apparently been overlooked in the committee. These cases—the cases of these business men named in this bill—did get before the Secretary of the Treasury. I do not know whether there was a formal protest, or a formal appeal, or anything of the kind in the language of the law, which perhaps they were required in ordinary cases to make. But the case got absolutely before the Secretary of the Treasury, and he sustained the decision of the collector of the port. Now, if you will read a few lines of this report you will find this statement is verified:

The Treasury Department sustained the collector of customs in this decision, and the claimants were compelled to pay a duty of 45 per cent. on the steel blooms they imported, when the correct, legal rate of duty was only 30 per cent. ad valorem.

So the cases got before the Secretary of the Treasury—that is a fact which can not be denied—and were by him decided. Hence these gentlemen, after the Supreme Court had reversed the decision of the Secretary of the Treasury, were entitled to come in; and it does seem to me to be a hard case, after a decision of the Supreme Court in favor of certain suitors involving the same principle, that these men, who have paid into the Treasury of the United States money exacted from them, over and above the ad valorem duty of 30 per cent., should be kept out of their money.

Mr. COBB. The gentleman from Illinois [Mr. SPRINGER] said that these parties after the decision of this question by the Secretary of the Treasury considered whether or not it was to their interests to go into the court. They decided that if they went into the courts they might lose, and therefore it was better to remain out. Now, in that state of the case, let me ask the gentleman from Pennsylvania, where is the equity in their favor?

Mr. O'NEILL, of Pennsylvania. That does not reach the question of equity. The question is, Were the cases brought before the Secretary of the Treasury, I care not by whom? It is shown that they were there. These identical claims for overpayment of duty were before the Secretary, and the Secretary decided against these claimants for this amount overpaid. I think that covers the question of equity entirely. They were not in the wrong. They did not put themselves in the wrong or outside of the law. They simply had to abide by a decision against them.

Mr. COBB. The gentleman from Pennsylvania does not understand my proposition. Whenever a man considers, as a practical question affecting his interest, whether he will sue in a court or not and decides that it is his interest to remain out, he has then no foundation of claim by which he can urge a legislative body, after the bar of a statute of limitation has been imposed as in this case and such bar has taken effect, to remove the bar. That is all.

Mr. O'NEILL, of Pennsylvania. There is no evidence here that there was a statute of limitations running against these people or that the time had expired.

Mr. KERR, of Iowa. I will call the attention of the gentleman from Pennsylvania to the statute, if he will allow me.

Mr. O'NEILL, of Pennsylvania. Certainly.

Mr. KERR, of Iowa. The language of the statute is—

The decision of the Secretary on such appeal shall be final and conclusive, and such vessels, or merchandise, or costs and charges shall be liable to duty accordingly, unless suit shall be brought within ninety days after the decision of the Secretary of the Treasury on such appeal for any duties that shall have been paid before the date of such decision on such vessel, or merchandise, or costs and charges, or within ninety days after the payment of duties paid after the decision of the Secretary. No suit shall be maintained in any court for the recovery of any duties alleged to have been erroneously or illegally exacted until the decision of the Secretary of the Treasury shall have been first had on such appeal, unless the decision of the Secretary shall be delayed more than ninety days from the date of such appeal, in case of an entry at any port east of the Rocky Mountains, or more than five months in case of an entry west of those mountains.

The appeal has to be made east of the Rocky Mountains in three months and west of the Rocky Mountains in five months.

Mr. O'NEILL, of Pennsylvania. Well, I simply wanted to bring this point before the committee, that these claimants were heard by the Secretary of the Treasury, not upon their own appeal, perhaps, but by the collector sending these cases to the Secretary.

As to the question of time when they should bring suit, that was within their own discretion entirely. A suit was pending, and they, of course, after a decision by the Supreme Court of the United States, imagined they would be paid back the amount overpaid by them.

Mr. COBB. Does the gentleman think it was within their discretion when there was a statute of limitations staring them in the face?

Mr. O'NEILL, of Pennsylvania. I am speaking of the question of bringing suit. I simply arose, not for the purpose of making an argument on the case, but to call the attention of the committee to the reading of this report so as to show that these gentlemen were before the Secretary of the Treasury, and that he decided against them.

Mr. HILL. Before further action is taken I desire to offer an amendment.

Mr. SPRINGER. Suppose we take up the amendments of the committee and let them be voted upon.

Mr. HILL. Is there an amendment pending?

Mr. SPRINGER. Yes, sir. Let the amendment of the committee be read, Mr. Chairman.

The CHAIRMAN. The amendment reported by the committee will be read.

The Clerk read as follows:

Insert the words "and company" after "H. E. Collins," in the fifteenth line.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Alabama offers an amendment to the bill, which the Clerk will read.

The Clerk read as follows:

Add to section 1 the following:

"Provided, That no person or firm named shall recover judgment for a greater amount than he or they lost on the goods imported by reason of the excessive duty collected by the Government, and that he or they did not reimburse himself or themselves for the excessive duty in the sale of the goods."

Mr. BUCHANAN, of New Jersey. I raise the point of order that that amendment is void for want of certainty.

The CHAIRMAN. The Chair overrules the point of order.

The question was taken on the amendment, and the Chairman announced that the "ayes" seemed to have it.

Mr. SPRINGER. Division.

The House divided; and there were—ayes 51, noes 54.

Mr. COBB. Tellers.

Tellers were ordered.

The CHAIRMAN. The Chair will appoint the gentleman from Alabama [Mr. COBB] and the gentleman from New York [Mr. LAIDLAW] as tellers.

The House again divided; and the tellers reported—ayes 69, noes 70. So the amendment was rejected.

Mr. BUCHANAN, of New Jersey. Mr. Chairman—

Mr. HOOKER. I move that the committee do now rise.

Mr. SPRINGER. I move that the committee rise and report this bill.

Mr. LAIDLAW. I move that the committee do now rise.

Mr. BUCHANAN, of New Jersey. Mr. Chairman, I was recognized to offer an amendment.

The CHAIRMAN. The gentleman from New Jersey was recognized to offer an amendment.

The Clerk read as follows:

Amend line 27. Immediately after the word "duty" insert "and as to which protests were duly entered."

Mr. LAIDLAW. I move that the committee do now rise.



Mr. BUCHANAN, of New Jersey. Mr. Chairman, I believe I was recognized to offer my amendment and to discuss it.

The CHAIRMAN. When this bill is brought up for consideration again the gentleman from New Jersey will have the floor.

Mr. HILL. I ask consent to have an amendment that I have here published in the RECORD for the information of the House.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. HILL]?

Mr. PAYSON. Regular order.

Mr. HOOKER. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ALLEN, of Michigan, reported that the Committee of the Whole on the Private Calendar had had under consideration sundry bills and had directed him to report the same back to the House with various recommendations. The committee had also had under consideration the bill (H. R. 3913) granting jurisdiction to the Court of Claims, notwithstanding any statutory bar, to the claim of J. F. Bailey & Co., and others, and had come to no resolution thereon.

#### PERMANENT AND INDEFINITE APPROPRIATIONS.

The SPEAKER. The gentleman from Illinois [Mr. CANNON], chairman of the Committee on Appropriations, asks an order for the printing of a communication from the Secretary of the Treasury, the title of which the Clerk will read.

Mr. CANNON. I ask that it be printed as an executive document.

The Clerk read as follows:

Letter from the Secretary of the Treasury, concerning the bill (H. R. 3832) to repeal laws relating to permanent and indefinite appropriations.

The SPEAKER. Without objection, the order will be made.

There was no objection, and it was so ordered.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BUCHANAN, of Virginia, for eight days, on account of important business.

To Mr. O'FERRALL, until the 19th instant, on account of important business.

To Mr. DIBBLE, for three days.

#### ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 5825) prescribing the times for sales and for notices of sales of property in the District of Columbia for overdue taxes; when the Speaker signed the same.

And then, the hour of 5 o'clock p. m. having arrived, the House took a recess until 8 o'clock p. m.

#### EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. MORROW as Speaker *pro tempore*, who directed the Clerk to read the following communication.

The Clerk read as follows:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,  
Washington, D. C., March 14, 1890.

Mr. MORROW, of California is hereby appointed Speaker *pro tempore* for this evening.

T. B. REED, Speaker.

#### ORDER OF BUSINESS.

Mr. MORRILL. I move that the House resolve itself into Committee of the Whole for the consideration of bills under the rule for Friday evening sessions.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. ALLEN, of Michigan, in the chair.

The CHAIRMAN. The House, under the rule for Friday night sessions, is in Committee of the Whole for the consideration of private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion. The Clerk will report the first bill on the Calendar.

#### FRANK DEMING.

The first business on the Private Calendar was the bill (H. R. 5620) granting a pension to Frank Deming, Company F, Ninth Michigan Infantry.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, instructed and authorized to put the name of Frank Deming, late of Company F, Ninth Michigan Infantry, on the pension-roll, subject to the limitations and provisions of the pension laws.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5620) granting a pension to Frank Deming, submit the following report:

Claimant enlisted August 14, 1861, and served until September 15, 1865—four years and one day; all of this time in active service, with the exception of one thirty-day furlough.

Claim is based on total blindness caused by rheumatism. Hospital records show that he was treated at three different times for intermittent fever and once for bronchitis, but the last time he was sent to hospital no record was recorded

as to disease, but comrades testify that he suffered from rheumatism. Claimant alleges that he contracted the disease in August, 1864; that he never recovered from it, but that it became chronic, and eventually resulted in total blindness. Claim was rejected by the Pension Department for want of sufficient evidence from date of discharge to the year 1884.

This is accounted for; reasons as follows: After his discharge he went to Nova Scotia, where he married and lived until 1880, when he returned to Michigan. All of the surgeons who had treated him were dead. At that time he was nearly blind and very destitute, and unable to find comrades, and in 1884 he became totally blind. For several years he was supported by his faithful wife, who did washing and other severe drudgery until she also is totally broken down in health and dependent upon charity.

The records show that he was a most worthy soldier, and is only denied a pension for his inability to furnish testimony for the first few years after the war.

Your committee recommend that he be placed upon the pension-roll at the rate of \$40 per month from and after this date.

The CHAIRMAN. There is an amendment to the bill reported by the committee.

Mr. KILGORE. I want to make an inquiry about that. I do not understand why it is committees take it into their own hands to give the applicant for pension more than he or the Representative who introduced the bill in his favor calls for. It is a common practice here, after some gentleman who is cognizant of the facts has introduced a bill giving a certain pension or putting a man on the pension-roll subject to the limitations of the pension law, for the committee to come forward and give more.

Now, I am admonished by a private colloquy here that I am mistaken. I will anticipate what my friend from Kansas proposes to say, and insist that I am not mistaken, because a number of the bills passed last Friday night did that. For instance, a bill granting a pension at \$12 and \$25 a month was introduced, and the committee came in and reported a bill favorably, and amended it by making it \$40 a month. Now, I can not understand why the committee should give more than the party has asked through his Representative who introduced the bill in his behalf. That is a subject for explanation.

Mr. MORRILL. The explanation in regard to the fixing of the rate in this case is simply this: The bill as originally introduced would have given this man a pension of \$72 a month. Now, the committee feel that it is hardly just, although a man may be blind, to grant him, with the doubt hanging around the case that does exist in this case, the same pension that you would give a man who had lost his eyes on the battle-field.

Mr. KILGORE. Would not the effect of that bill simply be to place the man on the pension-roll at \$8 a month, the fact of the blindness not being recited in the bill?

Mr. MORRILL. The office is always governed by the facts in the case in deciding what disease an applicant shall be pensioned for. Under the original bill this man would be allowed the pension for total blindness, which would be \$72 a month. In the Forty-ninth Congress, I think it was, the committee discussed that matter very thoroughly, and decided that there ought to be a distinction made between a case where there are doubts, which can not possibly be solved, as to the cause of the man's blindness, and cases where it is absolutely certain that the loss of sight was incurred on the battle-field. So, ever since that Congress, we have passed upon cases of this kind by fixing the rate at \$40 a month instead of \$72, the regular rate. I think it happens very rarely indeed that the Committee on Invalid Pensions ever report a rate higher than the bill would carry, but we oftentimes fix a rate where we desire the pension to be lower than what the bill would make it.

Mr. STONE, of Missouri. Mr. Chairman, I will ask the Clerk to read in connection with this bill what I have marked in the volume which I send to the desk. I desire to say in advance that the Francis Deming therein referred to is the Francis Deming referred to in the pending bill.

The Clerk proceeded to read.

Mr. STONE, of Missouri (during the reading). Mr. Chairman, with the view of economizing time, I will ask that that veto message of President Cleveland be not now read in full, but I will ask that it be printed in the RECORD as a part of the remarks which it is now my purpose to submit.

There was no objection, and it was so ordered.

The message is as follows:

To the House of Representatives:  
I herewith return without approval House bill No. 2971, entitled "An act granting a pension to Francis Deming."

This claimant entered the service in August, 1861, and was discharged September 15, 1865.

His hospital record shows that during his service he was treated for various temporary ailments, among which rheumatism is not included.

He filed an application for pension in September, 1884, alleging that in August, 1864, he contracted rheumatism, which had resulted in blindness.

On examination of his case in November, 1884, he stated that his eyesight began to fail in 1882.

There seems to be no testimony showing his condition from the time of his discharge to 1880, a period of fifteen years.

The claim that his present condition of blindness is the result of his army service is not insisted upon as a reason for granting him relief as strongly as his sad and helpless condition. The committee of the House to which this bill was referred, after detailing his situation, closed their report with these words: "He served well his country in its dire need; his necessities now appeal for relief."

We have here presented the case of a soldier who did his duty during his army service and who was discharged from 1865 without any record of having suffered with rheumatism and without any claim of disability arising from the same; he

returned to his place as a citizen, and in peaceful pursuits, with chances certainly not impaired by the circumstance that he had served his country; he appears to have held his place in the race of life for fifteen years or more. Then, like many another, he was subjected to loss of sight, one of the saddest afflictions known to human life.

Thereupon, and after nineteen years had elapsed since his discharge from the Army, a pension is claimed for him upon a very shadowy allegation of the occurrence of rheumatism while in the service, coupled with the startling proposition that this rheumatism resulted, just previous to his application, in blindness. Upon medical examination it appeared that his blindness was caused by amaurosis, which is generally accepted as an affection of the optic nerve.

I am satisfied that a fair examination of the facts in this case justifies the statement that the bill under consideration can rest only upon the grounds that aid should be furnished to this ex-soldier because he served in the Army and because he a long time thereafter became blind, disabled, and dependent.

The question is whether we are prepared to adopt this principle and establish this precedent.

None of us are entitled to credit for extreme tenderness and consideration toward those who fought their country's battles; these are sentiments common to all good citizens; they lead to the most benevolent care on the part of the Government and deeds of charity and mercy in private life. The blatant and noisy self-assertion of those who, from motives that may well be suspected, declare themselves above all others friends of the soldier can not discredit nor belittle the calm, steady, and affectionate regard of a grateful nation.

An appropriation has just been passed setting apart \$76,000,000 of the public money for distribution as pensions, under laws liberally constructed, with a view of meeting every meritorious case; more than a million of dollars was added to maintain the Pension Bureau, which was charged with the duty of a fair, just, and liberal apportionment of this fund.

Legislation has been at the present session of Congress perfected considerably increasing the rate of pension in certain cases. Appropriations have also been made of large sums for the support of national homes where sick, disabled, or needy soldiers are cared for; and within a few days a liberal sum has been appropriated for the enlargement and increased accommodation and convenience of these institutions.

All this is no more than should be done.

But, with all this and with the hundreds of special acts which have been passed, granting pensions in cases where, for my part, I am willing to confess that sympathy rather than judgment has often led to the discovery of a relation between injury or death and military service, I am constrained by a sense of public duty to interpose against establishing a principle and setting a precedent which must result in unregulated, partial, and unjust gifts of public money under the pretext of indemnifying those who suffered in their means of support as an incident of military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, July 5, 1886.

Mr. STONE, of Missouri. Mr. Chairman, I will occupy only a little while, as it is not my purpose or my desire to consume time merely for the sake of doing so. If any gentleman will take the trouble to-morrow or now to read the message of President Cleveland, which I have sent to the Clerk's desk, he will find that a bill pensioning this claimant, Francis Deming, passed the first session of the Forty-ninth Congress and was returned to this House, in which it had originated, without the approval of the President. The reasons for his action are clearly, succinctly, and elaborately stated in the message which I have sent to the desk. The ex-President has said all I care to on this particular bill.

I wish to say a few words, not touching this particular bill, but with reference to this class of legislation. I dislike exceedingly to put myself in opposition to measures of this kind; for these private bills and all bills of a local character are measures which members resent interference with more than any other; and it is a source of regret to me to come into conflict with gentlemen whom I highly regard and with whom I associate here more or less every day, personally and officially. But, Mr. Chairman, I think something ought to be said, plainly said, deliberately said, about this class of legislation.

I came here last Friday night and witnessed the performance of this House on that occasion. I have been here on other Friday nights during this session of Congress and many Friday nights during the years of my service in this House, and what I witnessed here one week ago to-night I have seen repeated over and over again.

Mr. Chairman, it is my deliberate judgment that seven out of every ten—I believe I understate rather than overstate the fact—that seven out of every ten of these private bills passed through this House and through Congress are not only outrages, but outrages which amount in moral intent, if not in legal effect, to absolute larceny. I speak now of special legislation, which is one of the evil results growing out of the widespread public demoralization engendered by our entire system of pension legislation. It is my purpose at an early day, on the very first opportunity which may be afforded me, to express myself very clearly and distinctly upon the subject of general pension legislation. There are some things I am anxious to say in regard to that phase of this question, but not now.

What did we do here on last Friday night? About fifty members of this House were present; there are about twenty here to-night. About fifty members on that occasion, in two hours, passed forty-seven bills. The thing has been done often. On one occasion I believe in the Senate several hundred—my recollection is about three hundred—were passed in one lump without ever being read. Not a gentleman on this floor, outside perhaps of one or two members upon the committee reporting these bills, ever saw them or ever saw the report, or heard of them until they were read from the Clerk's desk. My friend from Texas [Mr. KILGORE] and one or two others, myself among them, sometimes make a few feeble and ineffectual protests [laughter] and withdraw them at the solicitation of members.

A MEMBER. "Feeble" is pretty good.

Mr. STONE, of Missouri. I repeat it—"feeble" in this sense, that

being generous and yielding to members who appeal to them the gentlemen withdraw almost invariably whatever opposition they have to urge.

It is not my purpose now, or at any time, to adopt obstructive measures—to call "no quorum," and all that; but I do purpose to discuss these questions and to have the facts known as we go along.

Mr. Chairman, since the adjournment on Friday night last I have looked over our work. Forty-seven bills passed in about two hours. Twenty-three of the bills carried specific sums, from \$12 to \$30 each per month. Those twenty-three bills carry an average pension of over \$23.50 per month, or a total of \$542 per month; \$6,504 per year. The other twenty-four bills did not carry specific sums, but directed the Secretary of the Interior to place the beneficiaries on the pension-roll subject to the provisions and limitations of the pension laws. If those twenty-four bills shall carry an average pension of \$8 a month, they would amount to \$192 in the aggregate per month, or \$2,304 per year. In other words the average for the forty-seven bills would be \$15.50 per month, making a total annual expenditure of \$8,808 per year.

That was the work of two hours. Forty-seven bills, with which scarcely a member of this House was familiar and which were read at such a galloping pace from the Clerk's desk that nobody was able to understand them at the conclusion, were passed in two hours. If this session were to last for six months and this performance should be repeated each Friday night during that time it would impose an annual burden of more than \$200,000 upon the tax-payers of the country. Continue it for ten years and the annual burden on account of these private bills alone will mount into the millions.

I am about done; but before I conclude I wish to call attention to two or three of these bills which passed here on Friday night last as illustrating the character of this legislation. I have them here. First comes the war of the Revolution. Lucy Hale was the beneficiary. Her grandfather, it appears from the report of the committee, served for a short time in some capacity in the War for Independence. What conspicuous service he rendered, what special service he rendered, if any, has not yet been written in the history of the nation. But this granddaughter is old and poor; and because she is old and poor, and for that reason alone, she is granted a pension of \$20 a month—because one hundred years ago her grandfather or great-grandfather, I do not now remember which, for some short period of time rendered some service in the Army of his country. Why, sir, I suppose nearly every gentleman on this floor of American birth had a grandfather in the Revolutionary war or a great-grandfather. I heard one distinguished member of this House say here the other day that he had several grandfathers engaged in that struggle. [Laughter.]

Here is Mary Ann Allen.

The claimant's husband, John Piner, was a private in Capt. James Davidson's company of Col. Richard M. Johnson's regiment, Kentucky Mounted Militia, war of 1812, from May 20, 1813, to November 19, 1813—

a period of six months. He died in 1823. She afterwards married Mr. Allen and remained his wife for many years. But she liked the name of Piner best. She is a Piner herself! She is old, the report says, and poor. That is the whole case. Now, what service Mr. Piner rendered in the war of 1812 or what disabilities he suffered remain a mystery.

But because her first husband served a short time in the war and because now she is old and poor, she must be allowed a pension. Mr. Chairman, I know many widows in this country who are old and poor and whose grandfathers, I have no doubt, and fathers, too, perhaps, fought in some of our wars with foreign countries as well as in our domestic wars.

Here is Isaac Enderly, another case. He served in Captain Smith's company of Tennessee militia from January 12, 1814, to March 3, a little over a month. He was granted a land bounty and is now and has been for many years a pensioner at \$8 a month. Well, he comes here to this willing Congress and asks that his pension be increased to \$50 a month—

Mr. LAWLER. He wants to get the surplus out.

Mr. STONE, of Missouri. Simply because he is old and poor and his vision somewhat impaired, though he is not blind. That is the whole case, and accordingly this old and poor man, because of his age and poverty and one month's service in the Tennessee militia, is given \$50 per month, having already received a land warrant.

Here is the case of William Dunn. He was a private, so says the report, in Mentor's company of Alabama militia in the Florida war, and served from February 29, 1836, to May, 1836, or just about three months. A member, whose genial face I see now before me within the walls of this room, a gentleman whom I esteem, as all of you do, as a man of high character, this member of Congress, says the report, has assured the committee that Mr. Dunn is seventy-eight years old, quite feeble, unable to work, and very poor. That is the whole case as presented by the report, and accordingly this old man who served ninety days in the Florida war is pensioned. He was never wounded or disabled and never rendered, so far as we are advised, any special or conspicuous service to his country, but he is old and poor. There are a great many old and poor men in this country.

I have one more, Charles A. Platz, who belonged to an Indiana regi-



ment during the war of the rebellion. He served first in a hundred-day regiment; then re-enlisted April 12, 1865, after the war was over. [Laughter.] He was never out of the State of Indiana, so far as we are advised, in a military capacity. Soon after his enlistment, while encamped at Camp Morton, Indianapolis, he says he was ordered to water some horses, and while so engaged was kicked by one of them on his left side and seriously injured. That is the man, that is the service, that is the whole case. After full investigation the claim was rejected at the Department, and now, twenty-five years after the incurrence of this alleged injury and almost without a hearing, this House overrules the Department and grants the pension.

Now, Mr. Chairman, let it be borne in mind that all, or nearly all, of these claims, which are brought from year to year by the thousands and tens of thousands into this House and the other branch of Congress, are claims which have been investigated by the sworn officials of the Government, employing all the vast machinery provided by law to aid in investigating them, and which have been denied in the Department as being without merit. It has got to be the practice now that the very moment a claim is rejected in the Department application for rehearing is filed, which is entirely proper, and, if denied, then the applicant comes to his member of Congress. It is easier to put a claim of any kind, war claims, pensions, claims of every kind and character, through Congress than through any Department of the Government. This is the great claim department, easy of access and easy to be used.

Mr. Chairman, I have been looking up, during such moments as I could spare from other duties during the week past, some of the cases that are to come on to-night, and I intend as far as I possibly can do so during the remainder of this session of Congress, in advance of these Friday night meetings, to examine at the Department the papers in the cases, and I purpose to state the facts as I find them in order that the House may not be governed exclusively by *ex parte* reports—perhaps I ought not to use that term; I will say exclusively by the reports of the members of the committee.

Mr. Chairman, that is as much as I care now to say. I again call attention to the fact that this particular bill was not only rejected by the Department, but has been vetoed since by the President of the United States. Still it is ever with us.

Mr. COOPER, of Indiana. Mr. Chairman, I regret very much that I have not had time, as the gentleman who has just taken his seat has had, to investigate this question and to prepare myself to speak deliberately and carefully as he has done; and I further regret that in making the speech he has made to-night at some length he has not devoted himself more particularly to the examination of the special question upon which we are now called to vote. It would have been much pleasanter, for me at least, when I come to cast my vote on the bill now before this committee, if the remarks which the gentleman had made were applied more particularly to that bill.

He began his address by having read to the House a short veto message from ex-President Cleveland. I have not had the opportunity to read that message. I do know this, sir, however, that if any lawyer will take the pains, as my friend from Missouri did who has just taken his seat, to investigate a close question, he can find very much to say on either side; and whether he speaks favorably or against a given proposition depends altogether on the spirit with which he enters the investigation; and I am sorry to say that I feel from the general tenor of the remarks of the gentleman that the spirit which animates him in entering upon this investigation is, and, indeed, he himself declares it to be, antagonistic to this class of legislation.

The pension laws are general in their application. All laws are so. There have been in the neighborhood of half a million cases adjudicated under existing law. It would be extraordinary, it would be strange indeed, Mr. Chairman, if in the adjudication of that number of cases, at least half a million of them, in the allowance of that number, the Department has not stumbled now and then upon one which came very near to the line, one which had many equities, and yet when the line was drawn upon it and the rule rigidly applied was found falling just outside of the line, when at the same time the heart and conscience of the man who had the case in hand told him that in equity the case had merit in it and that in that particular case a modification of the law ought to be made.

Such is the experience and observation of every man who has investigated this kind of cases. Now, I have no answer to the special case that the gentleman has spoken of here, because I have not given that investigation. I have not had opportunity to do so. If the gentleman had been kind enough to attend at the meeting last Friday night and point out these facts that he has pointed out in a specific case the Committee on Pensions would have had opportunity on their side to see what might be said in behalf of or in vindication of the step they have taken in this case, and no doubt some of the criticisms he has made to-night would have been answered. I have confidence in these gentlemen and in their integrity and ability to ascertain the right in these cases; and I utterly dispute and deny the proposition made by him that seven-tenths of these claims if allowed here become acts of petit or grand larceny. I utterly deny that.

Mr. Chairman, these claims as a rule are claims which come very nearly up to the mark or which fall only short of it because of the fail-

ure in the phraseology of the law to fit the applicant in a particular case. Now, Mr. Chairman, I say I have not read that message. There is not a gentleman upon this floor, and no gentleman ever occupied a seat upon this floor, who has a higher regard for the man who penned that message than I have; but I will say to you, Mr. Chairman, and I will say to the gentleman who so eloquently entertained us here to-night that I have a deep and abiding conviction that if he had stood by his record upon the great economic questions of the day, upon which he was right and upon which the country was with him, and not endeavored to make a special issue on this class of legislation, and if he had not, as it sometimes appeared he did, gone somewhat out of his way to throw the great weight of his name and official station against some poor blind man, who to say the least was rather to be pitied than reviled, he might have been President of the United States to-day. [Applause.]

I think that was a mistake, and while I am willing to follow him generally I am not willing to admit that he made no mistakes. No man is wholly perfect, and I protest that we do not copy his mistakes. It may be that it is pleasant for the gentleman, coming from the particular locality from which he does, to make remarks which will provoke laughter when the claims of soldiers' widows and of men broken down with disease contracted in defense of their country are being discussed, but it is not popular in the section from which I come.

Mr. STONE, of Missouri. Will my friend allow me right there?

Mr. COOPER, of Indiana. Yes, with pleasure.

Mr. STONE, of Missouri. The gentleman speaks of the section of country from which I come. I come from a State which furnished more men to the Union armies than the State from which you come. I come from a district—

Mr. TARSNEY. Yes; by seventy-five thousand.

Mr. STONE, of Missouri. I come from a district which to-day has three thousand pensioners within its borders and about thirty Grand Army posts.

Mr. COOPER, of Indiana. Mr. Chairman, I do not desire to cast any reflection upon the gentleman's State, nor upon its loyalty; but if he makes the charge that the State which he represents furnished more troops in proportion to population than did Indiana, I dispute that proposition and demand the proof. Mr. Chairman, I am not prepared to give you precisely the number of troops Indiana furnished, but I know this, that she has more men upon the pension-rolls to-day in proportion to her population than any other State in this Union. I suppose they are there lawfully and justly.

I believe, Mr. Chairman—I know that it has been the fashion of some to make speeches upon this floor to tickle a particular constituency which they represent, regardless of the effect it has upon other portions of this Union. Of course it is the duty primarily of the member to represent his own constituency and to speak for them; but I desire simply, as between the gentleman, for whom I have the most friendly feeling personally, and myself, to have this line distinctly marked, that in the State from which I come it is not popular to speak disparagingly of the men nor of their families who gave, or at least showed a disposition to give, everything that was dear to them for the honor and preservation of that flag.

Now, Mr. Chairman, in deciding these questions, I do not say that I shall oppose my friend here when he gives us good ground to act upon. It is from the general tone and tenor of his remarks that I dissent. The gentleman has not argued this case. If he had devoted his time to the consideration of this particular claim and should have proven that this man was not entitled to a pension, that he did not come within the rule for our guidance here of equity and fair play, I should gladly support his position; but to make a general attack on this whole class of legislation and especially to denounce it as he has done, I think is entirely wrong. I have been here for three or four months now, and I have seen gentlemen vote appropriations for all characters of public and private enterprises. I believe the gentleman has calculated the amount of money that was appropriated in the last Friday evening session at \$6,000.

Why, to-day we saw a compromise made about some old gentleman who had some sort of claim upon the Government for a patent, when the record shows that he was paid every cent that he had asked years ago. Propositions were sent back and forth between the friends and enemies of the bill that they would give him \$20,000 or \$25,000 to get rid of him, and it was finally agreed, I believe, that he should have \$65,000. Now, I have seen this House vote millions of dollars for public buildings, for works of material improvement, to gild the outside and make a show of greatness. But none of these, in my judgment, reflects our country's greatness half so much as the manifestation of gratitude to her brave defenders. This money paid out of the public Treasury as a reward for patriotism is an evidence that the people of this country are willing to reward devotion to and sacrifice in behalf of the Government. It is not thrown away; it is not lost; but is money given out for a good purpose. It proves to these men that they were not mistaken when they thought they were offering their lives for the defense of the best Government that this world has ever seen. It insures the perpetuity of the Government by proving that it is worthy to live. [Applause.]

Mr. PETERS. Mr. Chairman, I simply wish to say a word in regard to general pension legislation as supplementing what has been so well said by my friend from Indiana [Mr. COOPER]. In the history of jurisprudence it was found necessary to establish courts of equity because the courts of law were found to be inadequate to measure and mete out justice in many individual cases, and, as a result of the establishment of courts of equity, we have in every county throughout all this broad land a court which hears and determines cases which, if tried strictly according to the law, would not be determined justly. Congress is nothing more nor less than a court of equity in these pension cases. The Pension Office is the court of law, the nisi prius court so to speak, and wherever a case comes before that nisi prius court in which, according to the law, justice can not be meted out and the application of the applicant is declined or refused because the evidence, or the facts, or the application does not bring the case within the law, then the applicant has the right to appeal to the court of equity, which is the Congress of the United States and which boasts that its doors are open to the humblest applicant, even though he be blind and even though his petition comes from the walls of a poor-house. Let me give an illustration of this. A stepmother may have been dependent almost entirely upon a stepson who marched beneath the banner of the Union and offered up his life as a sacrifice upon the altar of his country, yet by reason of the universality of the pension law that stepmother can not obtain a pension at the Pension Office.

That is right, according to the law of the land. It is right, according to the general statutes passed by the Congress of the United States providing for granting pensions; but there is a higher court which says to that stepmother when appeal is made to it: "Although, under the law, you are not entitled to a pension because you were not the actual mother of that boy, who gave his life for his country and who was your support, yet this court of equity will say that you are entitled to a pension because the mainstay of your life was taken from you." So, almost every Friday evening we have bills brought before us granting pensions to a dependent stepmother or a dependent stepfather. That is simply one class of cases illustrating the operation of this court of equity and the necessity of having such a court to which an applicant can appeal.

The objection is made by the gentleman from Missouri [Mr. STONE] that there are only thirty or forty members here to-night and that these few pass upon the right of these applicants to receive pensions. Mr. Chairman, how often does it occur during our day sessions that the most important legislation is passed by the voices of not to exceed a dozen of the Representatives of the people upon this floor. Why is that? It is because the days of oratory and eloquence in the House of Representatives are past. It is because the legislation that is now being enacted is framed and molded in the committee-rooms instead of upon the floor of the House. The days of Clay and Webster have been supplanted by the days of fact, by the days of careful examination; ay, more than that, they have been supplanted by the electric wire and by the newspaper, so that whatever is done here during the day is flashed to all portions of our country and is known there before the sun goes down.

The legislation of the country, as I have just said, is now molded and framed in the committee-rooms, and consequently during the day sessions of the House hundreds of motions are passed upon when the voices that are heard in support of them do not exceed a dozen. That is because, in so large a body as this, it is impossible for each member to examine in detail every measure that comes before the House. He must necessarily rely, to a great extent, upon the work that has been done in the committee-rooms. Therefore, what is true of pension legislation is true to a great extent of all other legislation that comes before this House, and if the objection which the gentleman from Missouri [Mr. STONE] makes upon the ground that there are only thirty or forty members present here to-night is valid as against pension legislation, the same objection can be made to four-fifths of the legislation that is passed by the Congress of the United States.

Now, a word in regard to this special bill and then I am done. The veto message of the President which has been read was based upon the ground that there was no evidence showing that this man had contracted rheumatism during the war. I do not know whether that evidence was on file in the Pension Bureau when this case was first examined by the committee, or whether it was on file when the President examined the case, or whether it has been since added to the files and has been considered by the present Committee on Invalid Pensions. I only know that the report says that comrades testify that he suffered from rheumatism during the war.

Here is a man who served four years and over in the service of his country, and the report in the case shows why the Pension Office could not grant his application. It was not because he was unable to show that he had suffered from rheumatism during the war, but because he was unable, by reason of the circumstances which surrounded him, to show the continuance of that disability from the date of his discharge up to the time when he made his application. And there, Mr. Chairman, is another instance where the general law in regard to pensions can not mete out justice in many individual cases.

This man, I believe, removed to Nova Scotia and remained there for

some time. In 1884 he became totally blind. The physicians that had attended him during the war and since the war were dead. When he was living outside of the United States of course he was not in the immediate vicinity of any of his comrades. The evidence shows, as a reason why the Pension Bureau could not grant his application, his inability to prove the continuance of his disability year after year, as the law required; but the Committee on Invalid Pensions, having examined all the evidence and all the circumstances in the case, reasonably conclude that this is a case where that proof should not be required in this court of equity, and they say to this blind man sitting in the darkness of the sacrifice which he made for his country, "We will tint the blackness of that sacrifice by giving you a pension." I say it is right and that we should stand by the report of the committee.

Mr. TARSNEY. Mr. Chairman, I had supposed that in the discussion of these measures which are special the consideration of the general principles involved in pension legislation throws but very little light. I had supposed these were special cases, depending each upon special facts and to be determined each upon its merits, and that eloquent appeals for or against the principles involved in general pension legislation should have no weight with those who are to determine these particular cases. Therefore, having had those ideas I am constrained to follow them in the determination of these cases.

I find here from the report of this case as it is presented that in the Forty-ninth Congress a bill was introduced for the relief of this claimant; that it passed both Houses of Congress; that it went to the Executive and failed for the reasons pointed out to receive his approval. The record then is silent as to whether subsequent action was taken in the matter. It is not disclosed to this House to-night that the bill when returned to the House without the approval of the Executive was taken up and considered here again or not. It does not appear whether by a failure of a two-thirds majority to pass it over the veto of the Executive it was defeated or whether the author and the friends of the bill were convinced by the arguments of the Executive that there was no merit in the measure and let it die.

These matters do not appear on the record in this case; and it adds nothing to the merit of the case for my friend from Indiana to step outside the record and criticize the Executive upon other matters. I regret exceedingly that that Executive did not have the counsel and advice of my friend from Indiana to guide him and save him from the errors which the gentleman has pointed out to-night. I say that until it is shown that in this measure the Executive erred that record is conclusive upon me, unless, as in ordinary cases of right involved in questions of this character, new evidence is disclosed.

No man can feel more sympathy for a person deprived of his sight than I. But all over this land are countless thousands of men groping in darkness because the heavy hand of Providence has been laid upon them and they have been afflicted. But because of these facts I am not warranted in putting my hand into the Treasury of this nation to take out money and give to them when it does not belong to me or to them. I would deal not only fairly, but liberally with them when they present a case of merit. But sympathy can not guide me in the discharge of an official duty of this kind. We are here the trustees of an express trust, to take care of the people's money and to distribute it according to the law of the land for the purposes for which this Government was organized, not to deal it out in charity when there is no legal obligation that calls for such distribution.

This man if he is entitled to anything under the law had a clear remedy provided by law. He went to the Pension Office, the duties of which, as we know, are administered with the utmost liberality. He went there and filed his application for pension. It was examined in the spirit of liberality which characterizes the office. It was rejected. What was the issue? No technical failure of proof, no technicality which deprived him of a legal right. The question on which he failed was the merits of his case. "Did this disability occur by reason of your service to your country? Did this rheumatism occur because of your service in the Army? Did it occur while you were so serving? Has it continued since?" That was the issue involved; that was the issue determined by those liberal administrators of the pension laws. Upon that issue the verdict was adverse to the claim. Then he comes and appeals to a still more liberal tribunal—this House and the other. They pass a bill. It goes to the Executive, whose approval it fails to secure upon its merits.

The reasons for the withholding of the Executive approval are before the House. Now, the claim has come back here again after one Congress has passed by, and I say if the Committee on Invalid Pensions can show me that there is any new evidence in this matter which changes its merits, which changes the situation from what it was when this case was passed upon by the Pension Bureau, when it was passed upon before by Congress and when they refused to pass the bill over the veto of the Executive—if the committee can show me that any new evidence has intervened to prove that the Pension Bureau or the Executive erred in their judgment I will cheerfully vote for \$50 a month, if that is the amount proposed, or \$72 a month, ay, for \$100; because \$100 a month would not compensate for blindness brought on by service in the Army.

But I want these measures scrutinized; I want them to pass upon



their merits; so that the distinction shall be maintained here between meritorious and unmeritorious cases; so that all shall not be treated alike, one having a just and meritorious case under the law and another having no merit but the eloquent pleas that are made here on this floor for sympathy because the Author of the Universe has afflicted some of His creatures. Let us examine these cases upon their separate merits. When the Pension Committee comes in and reports in favor of the allowance of a pension and the record does not disclose want of merit, I will vote with the committee every time; but when the record, as in this case, unexplained by subsequent or new evidence, exhibits a lack of merit, I can not vote with the committee, and I will not in this case.

Mr. WADE. Mr. Chairman, my colleague from Missouri reflects somewhat on the Committee on Invalid Pensions and on individual members of the House when he charges that we come here to pass legislation that is equivalent to "petty larceny." Now, I am here with two bills on this Calendar to pension two citizens of the State of Missouri that the gentleman, in common with myself, represents. I have had passed during the time I have been in Congress other bills pensioning men in Missouri; and against no one of them could the charge of "petty larceny" lie.

One of these men was wounded badly at Springfield. He belonged to a Missouri militia regiment. There is no provision in the general pension law which will warrant the granting of a pension in his case. He was wounded in 1864, and he has suffered from the date of the reception of the wound up to this day, and he has never received a pension from the Government. His case is undoubtedly meritorious.

The other is also a citizen of Missouri, who, in 1862, as one of the home guard was guiding a company of Missouri troops, and in an engagement with the enemy in which they took part he was wounded. He has been a cripple since 1862, unable to gain a livelihood. This Government owes him a pension and ought to have discharged the debt in 1862.

I am not here, sir, to-night, and never have been, to assist in committing petty larceny upon this Government, in the interest of any constituent of mine or anybody else, and I will pledge this House and the country that when I present a bill to this House and ask the support of the House for its enactment into a law it is a meritorious case.

Now, sir, I desire to address myself briefly to the pending bill. My colleague from Missouri, unfortunately for himself, was too young to enter the Army during the late war. If he had been old enough he would have been alongside of me sustaining the old flag. I went into the service in 1861, in April.

I can remember in the State of Ohio, of which I was then a citizen, that they called meetings to excite enthusiasm and induce men to volunteer and induce them to defend the old flag. They put on the rostrum the leading men of the State, and they spoke to the young men and the married men, and told them that if they went out and defended the flag of the country, preserved the Union and the Government, the Government would owe them a debt which would be discharged. Now, sir, this language was repeated on every rostrum in the State of Ohio and all over the Union by these people, and it had as much binding force, because it was backed by the entire sentiment of the people, as though the language had been formulated into a law and had received the sanction of the Chief Magistrate of the nation. And we are here to-night to carry out, as far as we may, those promises and that provision of law. That man who served four years in the Army of the United States in defense of the Union is to-day blind, and I say if there is a bit of virtue in the people of the United States, they will now at this time give him a pension and enable him to pass the remainder of his life in comfort and to provide a home to the woman who has labored until she has broken herself down for the support of this defender of the Union.

Mr. LAWLER. Mr. Chairman, I have often wondered on nights like this, when members leave their families, their warm, comfortable rooms, and come up here to the Capitol in the rain and try to legislate for soldiers, their widows or dependents, throughout the country, to find the night wasted or taken up by filibustering, I may term it, because it looks a good deal like it, to prevent action upon meritorious and deserving cases. I have believed, from watching the action of Congress here, voting away thousands and tens of thousands of dollars, that we would have a right as a Congress to advance to our old and aged citizens pensions if we believed they were actually in need of the same.

I want to say, sir, that I consider all these matters that come before Congress in this shape are, as a rule, bills that are outlawed at the Pension Office, and the only resort of the applicant is here in order to secure relief.

I know one case that President Cleveland vetoed, and in a few words I will show you its merit. There entered the war, when very young, a boy who from shocks became partly derailed, received from the striking of a shell while engaged on one of the mosquito gunboats. The concussion affected his brain and he went out of the service and some years afterwards he was killed in the Cañon of the Colorado in a snow-slide. The bill came up here in the House and there was enough merit in it to say that his old mother, seventy-two years of age, should have a pension. The bill passed the House and the Senate, and went to the President and was vetoed.

That bill is now before the House again. The President of the United States vetoed it because of reasons which are set forth in the veto, but stated that he regretted much that he was compelled to do so, on account of the mother. That old mother to-day is poor and helpless. If it had not been for the service of her son and his death in consequence of it he would be living now and taking care of her, who is to-day in Chicago in a starving condition.

I want to say to those trying to find means of obstructing pensions and pension legislation that if I was in their places I would not come here at these sessions. If I did not believe in the justice and the merit of this legislation I would remain absent and allow the party in power to go right along and assume these responsibilities, because I will say to my Democratic friends we made that issue for four years, and we went out before the people and we were beaten. I say to-day that the tax-payers of this country, and I know I voice the sentiments of many of them in my own locality, believe that even the stepfathers and stepmothers and those who took care of those who fought for the Government during the war should be provided for in their old age and that pensions should be granted to them.

Mr. TARSNEY. Will the gentleman yield for a question?

Mr. LAWLER. Certainly.

Mr. TARSNEY. Will the gentleman say that in the locality he represents his constituents are desirous of having pension bills passed whether they are meritorious or otherwise?

Mr. LAWLER. I want to say that my people would to-day endorse me to vote a pension to every citizen of this country who served in the Army who is past that age that he is fit for manual labor, I will answer him. [Applause.]

Mr. TARSNEY. I am satisfied.

Mr. LAWLER. And that means that the man who is known to have served in the Army, who is known to be blind, who is known to have been injured, and who has sacrificed his youth and health for the Government and for the protection of the Union should be aided in his old age.

Mr. PERKINS. Let me interrupt the gentleman from Illinois to ask if the constituency he represents is not entirely willing to take the judgment of the gentlemen who compose the Committee on Invalid Pensions to determine whether the claims pending before them, and on which they report to this House, are meritorious or otherwise?

Mr. LAWLER. The committee are known to be honest and conscientious gentlemen who give a great deal of their time examining these cases, and I further wish to say that I would cheerfully, and I have cheerfully and willingly, cast my vote on all of these pension matters, representing a large constituency, as I do, of over 300,000 people; and I am pleased to say that they have endorsed my views, and sent me back here by a majority of 6,082 votes. [Applause.]

The surplus so much talked of; it is there. I say it were better to put it out in internal improvements in the country or to pay it out for pensions and put it in circulation, where it will do more good than to keep it tied up in the vaults of the Treasury. [Applause.] The money paid to these unfortunates is not hoarded up; it is put into active circulation. In this country there are to-day over a million men unemployed; and, while this surplus can not affect them directly, indirectly it would assist these people and put more than a million of unemployed men to work. But our Republican friends say we must draw the line at some place and our Democratic friends say they are becoming alarmed at the amount of expenditures. I will say that the party which puts that money out in internal improvements is deserving of the thanks of the country.

Mr. KILGORE. For national fairs.

Mr. LAWLER. I will meet you at Chicago in '92, and I will say that the men who will vote to do that will come back to this House with increased majorities. [Applause.]

Mr. KILGORE. I have been unwittingly, I take it, rung into this discussion to-night. I have been subjected to a lecture in a mild way by one or two gentlemen who have addressed the committee. Therefore, I think it is entirely proper that I should consume a little of the time of this committee in this discussion. There have been but few observations, if any, upon the pending question, because it has been a discussion after the manner of procedure known to gentlemen who participated in the war called "shelling the woods." We are engaged in "shelling the woods" this evening, and I want the privilege of indulging in that luxury a little myself.

Now, my friend from Missouri [Mr. STONE] made a very fine speech. But he argued his case after the trial, after the verdict against him, and after the motion for new trial had been overruled and the final judgment entered. As suggested by the gentleman from Indiana [Mr. COOPER], if he had been here on last Friday night and had made the eloquent speech which he has made here this evening, I apprehend the action of this House would have been more in conformity with his views and convictions in regard to the bills he has discussed. At any rate, Mr. Chairman, if he is so much opposed to the bills he referred to, if he has found so little merit in them, it was within his power to defeat them. Now, when I make up my mind in sessions like this that a measure ought not to pass, I know how it can be defeated, and proceed to defeat it. That is the best way to do business.

Mr. STONE, of Missouri. I think my friend ought to permit me a word.

Mr. KILGORE. Yes, sir; I will permit you to say anything. A man who talks so eloquently can always command my attention.

Mr. STONE, of Missouri. I remarked at the outstart of what I said that I was here on Friday night last; that I had not previously ever taken occasion to examine these bills; that they were read rapidly from the Clerk's desk, so rapidly that it was almost impossible for me to understand the merits of the cases. Since then, as a matter of curiosity somewhat, I have, however, looked over them as published in the RECORD, and what I said in regard to these measures is simply to explain that it is my purpose in future similar measures to examine them so far as I can in advance in order, at the proper time, to explain my objections to them, if I have any objections.

Mr. KILGORE. Now, Mr. Chairman, he insists "that the gentleman from Texas" interposed "a feeble opposition." [Laughter.] "A feeble opposition." [Laughter.] Mr. Chairman, it may be feeble, but if it is true "'tis pity 'tis, 'tis true." But the gentleman from Missouri, who was in the Forty-ninth Congress, if he will examine the record, will find during that Congress the House would pass from eighty to one hundred and twenty bills on the Friday night sessions. The House was in the habit of doing with precipitation, I may say, with indecent haste what is done in the Senate nearly every day. It would pass private pension bills without reading them or the report of the committee.

Now, I have only chosen, in my limited experience in Congress, to attend these meetings and to insist that business should be conducted in a business like method. I have insisted that the bills should not be passed without having been read in the hearing of members of this House, and that the report of the committee should be read, so that the House might be advised as to the merits of the question under consideration. I have found a great deal of opposition in my efforts to hold the House down to the transaction of business after the manner of business men; and it is this abuse in private and local legislation I have heretofore resisted, and which I think it is my duty to continue to resist. I do not come from a country that is affected by pension legislation; and if the gentlemen who do come from those sections of country where a great number of pensioners live, and where they preponderate possibly as voters, consulted their own private judgment, I venture to say they would admit that there are flagrant abuses perpetrated in this House continually in respect to such legislation. They say that to me in private conversations repeatedly, but that they can not resist the evil; it is unpopular with a large class of voters, and therefore they must fall in with the crowd and drift along with the tide.

Mr. COOPER, of Indiana. Will the gentleman allow me?

Mr. KILGORE. Oh, yes.

Mr. COOPER, of Indiana. I will say to my very good friend from Texas, if he refers to the State from which I have the honor to come, I hope his remarks at present have no relation to me. And I will ask the gentleman if it is not true that I have repeatedly sat near him and with him and with my arms around his shoulders besought him to keep his seat in order that orderly transaction of business at Friday night sessions might not be interrupted?

Mr. KILGORE. That is true. The gentleman has been very affectionate to me. [Laughter.] But I want to ask my friend from Indiana if he has not said to me that bill or this bill ought not to pass, but to let it go? [Renewed laughter.]

Mr. COOPER, of Indiana. Oh, no! Oh, no! I beg your pardon. [Renewed laughter.]

Mr. KILGORE. I have a recollection of some of these conversations, but I will raise no question upon that subject.

Now, Mr. Chairman, it is the abuse of this system that I resist, and I can afford to talk about that abuse. You can not, perhaps. You are afraid to do so. It affects your election—Democrats and Republicans alike—and I suppose I would be afraid to talk about it, too, if I were in the same position you are. I am not saying that I am any braver than you, but I am in the attitude to talk about it; and the fact that I come from the far Southwest, the fact that I was on the losing side in the "recent unpleasantness," does not in the least affect my sense of duty here, and it ought not to, and I hope it does not, affect the obligation which is upon me to discharge my duty as I understand it. I am not going over the country apologizing continually for being born and raised in the South and standing with my own people in the late war. I do not deem it necessary that I should surrender my independence and my judgment as a member of this House merely to satisfy the world that I am thoroughly and profoundly reconstructed.

Now, as I have said, it is the abuse of the system that I have always chosen to resist. Never since I have been a member of this House have I raised my voice against a suitable pension to the man who carried the musket and the knapsack and who bore the brunt of battle during the war, if he presented a meritorious case. It is extravagant pensions, it is pensions to wealthy and fashionable people, it is pensions to people who are in high life and who hold high positions, backed by wealth, influence, and culture, I have resisted. In doing that I be-

lieve I am in the discharge of my duty according to my own judgment, and no man has a right to criticize my motives in that respect.

As I say, it is the abuse that I have resisted. I have resisted bills which, upon the face of the reports made by the committee, did not appear to present a meritorious case. I have resisted bills where it occurred to me that the committee had made a mistake or had gone further than any reasonable rule would sanction. And, Mr. Chairman, I have the right to differ with the Committee on Invalid Pensions. If their report upon any case is to be taken as conclusive, if there is no appeal, if their report is *res adjudicata*, then the House has no duty to perform except to record the judgment of the Committee on Invalid Pensions. If their report is not conclusive, if a bill is subject to objection, criticism, and discussion, then the House has a duty to perform, and I, as a member of the House, have my duty to perform, and I trust will be accorded the right to perform it in my own way.

Now, when we talk about these abuses, when we resist claims for pension in which there appears to be no merit, some of our friends who disagree with us upon this subject immediately take the floor and talk about the war for the Union and the brave soldiers who saved the Union. Then they proceed to lecture us for entertaining the slightest suspicion that every man who wants a pension was not a brave and faithful soldier. I do not propose to disparage any man who participated in that war and did his duty. I honor brave men wherever they are found; the country honors them and it ought to do so. But camp-followers, dead-beats, deserters, dishonorably discharged soldiers, have no claim on the country. If the Union Army had not been made up of brave men, true and patriotic men, and had not been led by great soldiers, the Confederate army would have made no reputation. [Laughter and applause.] If the Confederate army had not been made up of brave soldiers and commanded by brave and skillful generals, the Union army would have made no reputation. [Renewed laughter and applause.]

Why, sir, some of the best men in this House owe their presence here to the prowess of the Confederates. I have had occasion sometimes to say, in a joking way, to my friend from Iowa [Mr. HENDERSON] and my friend from Ohio [Mr. BOOTHMAN], when they have been abusing the "rebels" of Texas and Arkansas and the Southern States, "Why, we did you a favor; you never would have been in Congress if we had not shot your legs off." [Laughter.]

Mr. Chairman, this system of private legislation has become one of the greatest abuses in the legislative history of this country. The public mind has become so strongly impressed with the evils which attend it that nearly every State in the Union has placed in its constitution a provision prohibiting the State Legislature from engaging in private legislation. Private legislation is the great evil, the greatest evil of Congress. Not merely pension legislation; because my war upon private legislation, as gentlemen well know, has not been limited to pension legislation at all. I have chosen to attack every species of private and local legislation before this body.

I say it is the greatest evil that attends the work of Congress, and it is the abuses that I attack, not merely in pension legislation, but in all other kinds of private legislation—legislation local in its character—if I considered it wrong; and it has made no difference to me whether it affected the North or the South, whether it was urged by a Democrat or a Republican, it met my opposition if my judgment did not sanction it.

Now, the abuses were the things attacked by Mr. Cleveland in his vetoes, and if, in undertaking to correct an abuse, he was beaten in the discharge of what he believed to be his duty, I say it was better to be beaten on principle than to succeed as a matter of expediency and at the sacrifice of principle. Why, Mr. Speaker, only within the last few months the whole country resounded with criticism and condemnation of the abuses which had crept into the Pension Office itself under the direction of the present Administration.

Democrats and Republicans alike condemned the abuses that were found existing in that office. Men who advocate pension legislation and men who oppose it alike denounced those abuses, and the result was a public exposition of the wrongs and outrages in that office and the removal of the Commissioner in charge of it by reason of the abuses which he had committed himself or which he had tolerated in those under him.

Does anybody here condemn the present Administration for turning out Commissioner Tanner because he had permitted the most flagrant irregularities under his eyes every day? Yet you come here and criticize me, and denounce Mr. Cleveland, and denounce other gentlemen who oppose abuses in this line, while you tolerate the present Administration for discharging those who were guilty of similar abuses in the Pension Office itself.

Now, Mr. Chairman, in relation to the remark made by my friend from Chicago [Mr. LAWLER], that everybody who is not able to work ought to have a pension from the Government, I have only to say that it is about where this thing is going to end. [Laughter.] The gentleman said that we had made an issue on this subject of pensions. I never knew, sir, that the Democratic party had made any issue on pensions. Why, more pensions, thousands more, were granted under Mr. Cleveland than under any preceding Administration.



I never knew that the Democratic party had made any issue with the Republican party against pensions. I know that the Democratic party, or members of that party, in this House have resisted the abuses which have crept into the Pension Office and into legislation upon this subject; and the tendency of those abuses, Mr. Chairman, is to the line drawn by my friend from Chicago, who says that he has the indorsement of 300,000 people of his policy to give pensions to everybody who can not work; that is the idea.

Now, I want to remark that my friend from Kansas [Mr. PETERS] has fallen into an egregious blunder in making the declaration that the days of oratory are over. [Laughter]. He ought not to have said it. I was satisfied that they were not over when I heard my friend from Missouri [Mr. STONE].

Mr. STONE, of Missouri. He made that remark before you had spoken.

Mr. KILGORE. I was satisfied that the days of oratory were not over when I heard my other friend from Missouri, the gentleman from Kansas City [Mr. TARNSEY]. I was convinced that the days of oratory had not passed when I heard my eloquent friend from Kansas [Mr. PETERS], who spoke in behalf of this bill. If I had not been already convinced, why, sir, when I heard my Republican friend from Bald Knob [laughter]—when I heard him and the gentleman from Chicago, then this question was conclusively settled that the days of oratory are not over, and my friend from Kansas must retract his statement.

A MEMBER. You forget the gentleman from Indiana.

Mr. KILGORE. Yes; I should have referred to the eloquent speech of the gentleman from Indiana. But I can not name them all. After hearing all these speeches, I know that my friend from Kansas will withdraw his remark.

Now, Mr. Chairman, in relation to this bill itself, I think any gentleman in this House can consistently oppose it without being charged with resisting proper pensions to the soldiers of the late war who deserve pensions. I think we can consistently oppose any similar measure that is supported by no better claim than that presented in this report.

Now, Mr. Chairman, I think this House might go on in the orderly discharge of its business; and if there are cases that come within the proper definition of equity, if a man appears to have an equitable case—and it ought to be a pretty strong case, because the pension laws are very liberal and are very liberally construed—I believe it has been held by the Pension Office that a dishonorably discharged soldier may be entitled to a pension—

Mr. LANE. The gentleman is mistaken—

Mr. KILGORE. I understand it has been so held.

Mr. LANE. The gentleman is mistaken in saying the Pension Office is liberal in its construction; it is anything else but liberal.

Mr. KILGORE. I say the Pension Office has held that a dishonorably discharged soldier may be entitled to a pension.

Mr. MORROW. In other words, it has held that the pension does not depend on the discharge, but on the service and disability.

Mr. BRECKINRIDGE, of Kentucky. Assistant Secretary Bussey distinctly held that the fact of a soldier having been dishonorably discharged did not prevent him from obtaining a pension.

Mr. KILGORE. That is exactly as I understand it. I say that the laws are liberally construed by the Pension Office.

Mr. MORROW. The Assistant Secretary held that the pension depended upon the service and disability, and not the character of the discharge.

Mr. KILGORE. I understand that; but suppose a man served in the war for three years, rendering gallant service, and then deserted, would he be entitled to a pension? I say that the pension ought to depend upon the entire service—the service from the time of enlistment to the discharge—and if the soldier deserted he ought not to have a pension. But I am speaking of that matter only by way of illustration.

Mr. MORROW. I presume the gentleman understands that the decision to which he refers was simply the construction of a statute; but the attention of Congress has been called to the matter by the Secretary of the Interior, who recommends some legislation in that regard.

Mr. KILGORE. I have mentioned that matter not with the view of criticising the action of the office, but only for the purpose of emphasizing the fact that the pension laws are liberally construed in behalf of pensioners, and there is no objection to such liberality. It is the intention of Congress that they should be liberally construed, I take it; and therefore Congress itself ought to do very little in this line.

Mr. MORROW. Mr. Chairman, I think that we can say that on this side of the House there is no question about the effectiveness of the gentleman from Texas in his opposition to this class of legislation. Since I have been in Congress I have observed his conduct here, and I know that whenever there has appeared an opportunity to criticise any of these pension bills he has resisted them; and I think it was somewhat unfair on the part of the gentleman from Missouri [Mr. STONE] to say that the resistance of the gentleman from Texas has been "feeble." It has been effective to the extent often of absolutely stopping the machinery of Congress in passing upon such measures.

Now, Mr. Chairman, this particular case is a somewhat remarkable

one. It seems that when the President vetoed the bill passed in a former Congress it gave rise to a general discussion on the part of gentlemen on both sides of the House with respect to pension legislation; and I find in the RECORD page after page where gentlemen on both sides indulged in a full discussion of general pension legislation—

Mr. KILGORE. In this case?

Mr. MORROW. In this case. And after it was all through it appears the bill was referred to the committee without a single point having been discussed with respect to the merits of the bill, and it looks now as if we were to adjourn to-night without the merits of this particular case being discussed. I presume this is only another illustration of the view of the scientists about the peculiarity of all affairs traveling in circles, the earth itself coming around periodically within the range of aerial pyrotechnics; and so this case, traveling around, has again come within the range of the intellectual pyrotechnics of this House with respect to general legislation. I do not propose, myself, to indulge in anything of that kind. I am inclined to agree with my friend from Kansas in his view that oratory has come to an end, that it is not necessary for us to indulge in oratory in order to have this sort of legislation properly presented to the country.

Now, what is this case? The President in his message to Congress, July 9, 1886, says:

This claimant entered the service in August, 1861, and was discharged September 15, 1865. His hospital record shows that during this service he was treated for various temporary ailments, among which rheumatism is not included.

And that was the point on which the veto message was based: that this man's blindness could hardly have arisen from rheumatism, as he did not appear to have been treated for rheumatism while in the service.

We all have, I presume, confidence in this Committee on Invalid Pensions. According to the report of that committee this claimant, Frank Deming, enlisted August 14, 1861, and served until September 15, 1865, four years, one month, and one day, all of this time in Government service, with the exception of one thirty-day furlough.

The committee then goes on to state the nature of the claim:

Claim is based on total blindness caused by rheumatism. Hospital record shows that he was treated at three different times for intermittent fever, and once for bronchitis, but the last time he was sent to the hospital no record was recorded as to disease, but comrades testify that he suffered from rheumatism.

I am not sufficiently conversant with the character of diseases to say whether there is any pathological sequence between intermittent fever and bronchitis and rheumatism, but I think it is a fact which has been recognized by physicians that patients suffering from intermittent fever and bronchitis are liable as a consequence to attacks of rheumatism. I know where a party was traveling in a foreign country, when a child was attacked with the bronchitis and was taken to an English physician. He at once stated that the child was also subject to rheumatism, and gave it as a pathological sequence to throat disease.

The claimant alleges that he contracted the disease in August, 1864; that he never recovered from it, but that it became chronic and eventually resulted in total blindness. Claim was rejected by the Pension Department for want of sufficient evidence from date of discharge to the year 1884.

It presents a fair case. There is, in my judgment, no impropriety about the discussion of these cases in the House. The session was provided for that purpose. The gentleman from Texas [Mr. KILGORE] and other gentlemen are perfectly right in asking for the reading of the report from the committee in each case, in asking for it to be read and read in full, and passing upon it such criticism as they may deem necessary, so that the House may pass intelligently in reference to all these matters.

I believe, from the report in this case, it will be perfectly proper to grant a pension to this man, who served faithfully, and who is now suffering from blindness caused by intermittent fever arising out of services in the Army, and for that reason I am in favor of the passage of the bill.

Mr. LANE. Mr. Chairman, the gentlemen who have addressed the committee so far are not members of the Committee on Invalid Pensions. For myself, as a Bourbon Democrat of the severest type, I wish to enter my protest against the statement made here, that the practice in the Pension Office is most liberal. I have been three years on this Committee on Invalid Pensions, and I have examined somewhere near 800 cases referred to me personally as a member of that committee; and in the whole of twenty-five years' practice of law, and nothing else, I am prepared to say to the House and the country that the practice of the Pension Office is not liberal at all. I have on my desk fifteen cases reported favorably that I assume to say if those cases were tried before any jury and judge in the country there would be a report in favor of the soldier. They are rejected by the Pension Office for the most trivial and nonsensical reasons; and it is evident to my mind that the men selected to make these examinations in the Pension Office are taken from a class of men who never had any experience in weighing evidence. I am satisfied of that fact from my examination of these cases.

I am willing to challenge the investigation of any court or jury to hear those cases and to pass upon them, and I say the decision of that court and jury would be adverse to the decision of the Pension Office.

A MEMBER. Cut it short.

Mr. LANE. No, nothing can be done this evening. I think there is \$6,000 a year wronged out of some soldiers or their widows by the course of the House to-night. I do not say who is to blame, but some one is to blame, and whoever is to blame will take the responsibility of depriving forty soldiers or their widows of their just allowance.

For the man who wrote that veto I have the highest esteem and respect for his judgment and manhood, and in my presence I would not allow any man to challenge his honesty, his purity of purpose, his sense of duty, and willingness to discharge every obligation fairly resting upon him.

But I know, Mr. Chairman, that it is the fortune of man to make mistakes. We are but human, and it is human to err, and Grover Cleveland is no exception to that rule.

I have on the Calendar now a case with which I am familiar, the facts of which I understand, and a case which was vetoed by him. This is a case where there is the testimony of six witnesses, five of whom swear to a certain state of facts, that the soldier's death was due to his army service, and a single witness swears that his death was due, not to his army service, but to intoxication.

Mr. Cleveland, in the exercise of the high functions of his office, saw proper to believe the one man in preference to the testimony of the five. All of them seemed to be equally conversant with the facts of the case, all equally honest and equally intelligent, but he in vetoing the bill relied on the testimony of the one man and set aside the testimony of five. The case is now on the Calendar for consideration. When the case came back with the veto of the President I went myself and saw him in regard to it and told him that I had personal knowledge of the man, that he was from my own district, and that in my judgment he had made a mistake. I mention that, Mr. Chairman, to show that Mr. Cleveland sometimes made mistakes himself, although I think in the main he was right in the majority of cases which he declined to approve.

This particular case before us presents some points of interest. The committee acted knowingly upon it. They did not act blindly. There is not a committee of this House that has labored half as hard as this Committee on Invalid Pensions, and I think I may say with propriety that there is no committee of this House which has discharged its duty with any more zeal or care than the Committee on Invalid Pensions. They have studied these cases with extreme care. We have examined the testimony carefully in every instance. In this particular case we have the assurance of a member of this House who saw this soldier, who was there before the committee present with him, who knows his condition, who was himself an eye-witness of his condition, and therefore we did not act blindly, but with a full understanding of the case.

It is not a proper thing, after twenty-five years, in my judgment, when these men have been kept waiting, to go and poise the scales, as the President of the United States says, with the utmost precision about such cases. For myself I would rather, as a Democrat, make ten errors in the granting of pensions than to refuse an act of justice to a deserving and worthy soldier. I would rather make ninety-nine errors in favor of men—if there was an error; my leaning would be that way—and give them the benefit of the doubt, rather than to deny the right of a single man who is entitled to a pension.

Gentlemen talk about the pension rules being "liberal." Why, Mr. Chairman, I should like to know where the liberality comes in. You may go into a court of justice anywhere in the land, and there is not a court in this country but, upon the testimony of a single witness, you may hang a man, and yet these liberal laws will not permit you to go to the Pension Office and have your claim allowed on the testimony of a single witness.

You can go into the courts of the country and secure a verdict for \$10,000 or any amount on the unimpeached testimony of a single witness, and that man the claimant himself; but the system in the Pension Office, going away back to the old law of two or three hundred years ago, away back of all the courts of our age and the laws of our land, entirely ignores the testimony of the claimant himself, and presumes that a man who fought for his country, a gallant soldier, no matter what his personal character or standing, if he went before the Pension Office in his own behalf would swear to a lie. I say it is a shame upon our system and practice in the Pension Office. They attach no weight to the testimony of the claimant at all, I do not care how credible he may be in all the walks of life, simply because he is the claimant in the case.

The courts allow him to come before them and swear to his claim, and it is allowed, if the testimony is not impeached. But in the Pension Office you say it will not do at all; you must have two corroborative witnesses or else the testimony of a commissioned officer. You must have other testimony than your own. Is that the liberality that gentlemen talk about? Where is the liberality in that system?

Now, Mr. Chairman, in regard to all of these cases reported here we have exercised the most minute care in examining the testimony. As a matter of fact we ought to report a great many more of them, but the committee has been overcareful. It is a shame that men are kept out of their just dues for years and years, until old age grows upon them, and their claims are allowed to sleep in the pigeon-holes and offices of the Government.

I am in favor of general laws, of course, when general laws are applicable. If it could be done, all of these cases should be relieved under a general law, and I hope before this session of Congress closes that out of the Committee on Pensions will be reported a general law relieving a great mass of these cases. But still the ingenuity of man can not devise a general law that will meet all of such cases.

Why, the gentleman from Texas [Mr. KILGORE] says that you have in all the States constitutional prohibition against special legislation. And it is a fact that in all the States that have resorted to such a prohibition they resort to general legislation to meet special cases, and I insist that that is worse than the other practice. When you go to States where there is prohibition against special legislation what is done? Why, they pass a general law to meet a single case, and the result of it is that you encumber your statute-books with useless laws which are of no purpose whatever after the special case to which they are applied is out of the way.

There are therefore two sides to that question as to every other question. You can criticize this on both sides; and yet it is not well to arrive at a judgment until you have examined the other side of the case. It must be apparent to every member that it is utterly impossible for this House to give attention to each one of these cases. They must rely upon the committee. The committee make their report under oath to this House, and they state the facts on which they base their reports. That report is *prima facie* evidence of the truth of the claim and should be so held until it is impeached. If that position is not correct and you have no confidence in your committees you should wipe out the committees and bring all the bills here.

The committee, in the exercise of its duties, submits a report of the facts and its conclusions upon them, and I think that report is *prima facie* true until something is brought here rather than the mere *ipse dixit* of some member without proof to sustain the allegation that the report is erroneous. The case at bar is reported by the committee, and I think the report is specific and should be satisfactory. It sets out the full case. It charges that the man is blind and that his blindness is due to his army service. What more do you want?

I think the claim ought to be allowed.

The CHAIRMAN. The question is on agreeing to the amendment to this bill reported by the committee, which the Clerk will read.

The Clerk read as follows:

Strike out the words "subject to the limitations and provisions of the pension laws" and insert in lieu thereof "at the rate of \$40 per month."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

HENRY BLOOMFIELD.

The next business on the Private Calendar was the bill (H. R. 5617) granting a pension to Henry Bloomfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to put the name of Henry Bloomfield, late of Company G, Ninety-second New York Infantry, on the pension-roll, subject to the limitations and provisions of the pension laws:

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5617) granting a pension to Henry Bloomfield, submit the following report:

Claimant enlisted December 29, 1863, was discharged April 6, 1865, as a private, Company G, Ninety-second New York Infantry. Claim for pension was rejected December 5, 1883, for want of testimony of a commissioned officer or comrades that the wound was received while in line of duty. Basis of claim is gunshot wound, left foot, by accidental discharge of his gun July 5, 1864. There is no dispute as to this point; it is clearly shown by the records of the War Department of his service; the hospital and medical reports are full and plain, but it is claimed that the wound was received by the accidental discharge of his gun while cleaning it after returning from the picket line, when it was wet by rain during the night.

Your committee therefore, believing that the claimant was on duty at the time and it being clearly shown that his record of service as a soldier was good, would respectfully recommend that he be placed on the pension-rolls, subject to the rules and regulations governing the same.

Mr. STONE, of Missouri. I would like to know, Mr. Chairman, whether under the rules the sitting of the House is limited to 10 o'clock?

The CHAIRMAN. The House will adjourn at half-past ten, according to the rule.

Mr. STONE, of Missouri. Mr. Chairman, I desire to say a word in reference to this bill. Mr. Bloomfield, the beneficiary of this bill, applied for a pension on the ground that he had been injured by a gunshot wound by which his left big toe was injured. The toe was not lost, but injured by the shot. The medical board which examined him found, and so reported, that the injury resulting from this wound was slight. I examined the papers at the Pension Office to-day. The question before the Pension Department, the question at issue, and which was determined by the officials in that Department, was as to how this wound was inflicted, the circumstances under which it was done, and whether it was received while the soldier was in the discharge of his duty and in the line of his duty.

The claimant in his original application, made under oath, stated that the wound was received in battle—the battle of Petersburg. That is what he swore to when he filed his application in June, 1879. He



was not able to furnish any proof by anybody as to when or how or where the wound was received. He swore that his lieutenant-colonel was present when the wound was received, but the colonel was dead. Afterwards, on May 4, 1881, two years after this original application under oath was filed, he filed another affidavit, in which he stated that the gunshot wound was not received in battle, but, as stated in the report of the committee just read by the Clerk, that it was received while cleaning his gun after having been relieved from picket duty. The two statements are contradictory. There is but one single witness whose testimony is offered in the case, that of Samuel Bloomfield, presumably a relative.

I could not discover from the somewhat brief examination I was obliged to make of the papers what the kinship was, if any existed at all. That witness, Samuel Bloomfield, simply testified that he "understood" that the claimant's wound was occasioned by an accidental discharge of his gun. "That his understanding was." How he was made to understand it, when or from whom he learned it, is not stated. Now, Mr. Chairman, that is the whole case as it appears in the papers on file in the Pension Department. The case as presented here depends entirely on the testimony of the claimant himself.

Mr. BELKNAP. I would like to ask the gentleman a question.

Mr. STONE, of Missouri. Certainly.

Mr. BELKNAP. Did you examine the record evidence?

Mr. STONE, of Missouri. I examined the report of the medical board.

Mr. BELKNAP. Did you not find that he was in the hospital for a gunshot wound, and that he was discharged from the service on account of that wound?

Mr. STONE, of Missouri. I found that there was a report from the Adjutant-General or some officer of the War Department who furnishes those reports—

Mr. BELKNAP. From the Surgeon-General.

Mr. STONE, of Missouri. The Surgeon-General, I meant to say, and that this man had been in the hospital for a gunshot wound, but that was all. That he was wounded I have no sort of doubt.

Mr. BELKNAP. Did not that record state, and did it not do so plainly, that he was discharged from the service on account of this wound?

Mr. STONE, of Missouri. I do not remember as to that. I can not say exactly what was stated in that report. I can not see that it is material.

Mr. BELKNAP. But did you look to see if such was the fact?

Mr. STONE, of Missouri. I can not now recollect whether I did or not. If I did so, I do not regard it as a material fact and I do not now say it is.

Mr. BELKNAP. What, then, would you regard as a material fact in this case?

Mr. STONE, of Missouri. The question to be determined in order to entitle this claimant to a pension is, first, to ascertain whether there was disability at all and the nature of the disability, and, then, to determine whether that disability was incurred in the military service and in the line of duty.

Mr. BELKNAP. Did you not discover in the papers the report of the special examiner, who examined that case, hunted up the evidence, and made up the claim in that case? Did it not show that it was regarded as a very meritorious one, fully describing the soldier's disabilities and that it was rejected simply on account of the fact that the wound was not received in line of duty; that the man was not on duty, but was cleaning his gun, and that the case was rejected simply because of the fact that the claimant was not in the line of duty?

Mr. STONE, of Missouri. My remembrance of the report of the board of medical examiners, as I stated, is that there was evidence of the wound to this toe, that there was a cicatrix upon the toe, and that there was some adhesion to the bone of the toe; but that the wound itself was slight and the injury was slight.

Mr. BELKNAP. I do not understand that such is the evidence. Now, I know this man personally and have known him for the last ten, twelve, or fifteen years.

Mr. STONE, of Missouri. I did not yield for a statement.

Mr. BELKNAP. I know that he walks with a crutch and that he is unable to walk without a crutch.

The CHAIRMAN. The gentleman from Missouri declines to yield.

Mr. STONE, of Missouri. Now, Mr. Chairman, I of course am passing upon this question on the evidence as delivered under oath and on file in the Pension Office, and not upon what may be within the personal knowledge of the honorable gentleman who interrupted me, and who, I believe, has not volunteered to make a statement in the way of evidence. Now, it has occurred to me as being strange and unaccountable that if a man was actually wounded in the line of duty in battle nobody knew it, not even himself.

Mr. MORROW. Will the gentleman from Missouri allow me to ask him a question?

Mr. STONE, of Missouri. Certainly.

Mr. MORROW. As I understand the evidence, it is that this man received this wound in battle and in line of duty.

Mr. STONE, of Missouri. There is no evidence of that except the statement of the soldier himself.

Mr. MORROW. And that is what you were looking for. Now, if that evidence was on file would not he receive a pension from the Pension Bureau, and therefore have had no occasion to come and ask for this relief?

Mr. STONE, of Missouri. I know nothing about that.

Mr. MORROW. And is not that the present condition of the case; that, because it does not appear that he received this wound in battle and in line of duty, he was not given a pension by the Bureau?

Mr. STONE, of Missouri. Now, Mr. Chairman, I am not prepared to say what the position of the Pension Office would have been if certain conditions had existed and certain facts had been made to appear.

My statement is this, and I want it to be distinctly understood, that the only evidence that I could find in the case touching the incurrence of this alleged disability was the testimony of the claimant himself, supported by the statement of Samuel Bloomfield that he had "understood" that this man had been accidentally shot while cleaning his gun. But the soldier himself, in his original statement made under oath, said that he had received the wound in action in the battle of Petersburg. Two years afterward he filed a supplementary affidavit in which he stated that the wound was not received in battle, but was accidental; that he had been recently relieved from picket duty, and while cleaning his gun it was accidentally discharged, resulting in this injury. Now, that is the whole testimony in the case, except such inferences as may be drawn from the report of the medical board or the record in the War Department, that he was in hospital for a wound, and it is upon those inferences that my friend [Mr. BELKNAP], who, I suppose, made this report—did the gentleman make the report?

Mr. BELKNAP. I made that report, and I made it upon the evidence found on file with the claim; and if the gentleman searched the records as he claims to have done, he must have found that it is plainly and clearly shown that the claimant was confined in the hospital and treated for a gunshot wound in the foot and was discharged from the service on account of the same.

Mr. STONE, of Missouri. There ought to be no dispute about the facts. Let me ask my friend whether this statement is correct according to his memory: That the soldier himself testified in his first application that the wound was received in action, and afterwards, in his later affidavit, stated that it was an accidental injury, not received in battle. Am I correct so far?

Mr. BELKNAP. I am not prepared to dispute the technical point brought up here—

Mr. STONE, of Missouri. I am simply asking for the evidence.

Mr. BELKNAP. But I assure the gentleman that there was no time during the siege of Petersburg when the troops were not in action. It was one continual battle day and night.

Mr. STONE, of Missouri. I will ask my friend one question further: Whether there is any testimony of any witness except Samuel Bloomfield corroborating the testimony of the claimant himself and whether that testimony of Samuel Bloomfield is not purely hearsay?

Mr. GROUT. Will the gentleman from Missouri [Mr. STONE] allow me to ask a question?

Mr. STONE, of Missouri. Certainly.

Mr. GROUT. Have you here the exact language used by the claimant in his original application, so that you are able to state positively whether he said he received this wound "in action" or during the fight at Petersburg?

Mr. STONE, of Missouri. I have not a copy of the affidavit here.

Mr. GROUT. The exact language might be very important, because that siege or battle was an affair running through many days, as all soldiers who were connected with it will remember.

Mr. STONE, of Missouri. While I have not copied either of the affidavits in the case, I undertake to say that the first affidavit does distinctly state that the wound was received in action, in the battle of Petersburg, and uses that language, "in action."

Mr. GROUT. Uses the language "in action?"

Mr. STONE, of Missouri. Yes, "in action." I wish that understood, and I will stand by it. I undertake to say, also, that the second affidavit is as I have stated.

Mr. GROUT. The language could not have been "during the action?"

Mr. STONE, of Missouri. "In action." Then, in the second affidavit, when his attention is called to it, he specially corrects that statement.

Mr. SMYSER. May I ask the gentleman a question?

Mr. STONE, of Missouri. Certainly.

Mr. SMYSER. If the record discloses the fact that the man was treated for this wound and the soldier himself, in his first declaration, does allege that he received it at one place, but afterwards states that he received it at another, would you not say that he had simply made a mistake?

Mr. STONE, of Missouri. There is no question that it was a mistake.

Mr. SMYSER. Would you be prepared to go further, or do you now mean to impute perjury to the claimant simply because there is a discrepancy in his statements?

Mr. STONE, of Missouri. I mean to say that this is a claim against

the Government of the United States, prosecuted under the laws of the United States, and that there ought to be some sort of conformity to the requirements of the law; and I go further and say that it is an unusual and dangerous practice to allow a claim upon the unsupported testimony of the claimant himself, and especially so when he has made contradictory statements as to the main facts.

Mr. SMYSER. But do you not base your objection largely upon the ground that the soldier has made contradictory statements as to how the wound was incurred?

Mr. STONE, of Missouri. Yes, sir; and as to when it was incurred. Mr. SMYSER. Now, when you find the Government itself furnishing record evidence of the injury, are you not then prepared to say that the soldier simply made a mistake in one or other of his declarations, as to the time and place when he received the injury?

Mr. STONE, of Missouri. I am prepared to say that he certainly made a mistake.

Mr. SMYSER. An innocent mistake.

Mr. STONE, of Missouri. No doubt he made a mistake. There can be no doubt about that.

Mr. HILL. If the gentleman will permit me I will ask him a question.

Mr. STONE, of Missouri. Certainly, sir.

Mr. HILL. Would it make any difference as to the real merits of the case whether this wound was received in action, as stated in the first affidavit, or accidentally by the discharge of the soldier's gun, as stated in the second affidavit?

Mr. STONE, of Missouri. Oh, I think not. I mean to say that it makes no difference in my judgment whether he was wounded in battle or accidentally wounded while in the discharge of his duty and in the line of duty. I think there would be no difference in that respect.

Mr. BOOTHMAN. As I understand, my friend from Missouri has looked at the report of the medical board that examined this claimant.

Mr. STONE, of Missouri. Yes, sir.

Mr. BOOTHMAN. What disability rating did that board give him?

Mr. STONE, of Missouri. Well, I can not recall it, if there was any.

Mr. BOOTHMAN. There was some disability rating, was there not?

Mr. STONE, of Missouri. Very likely. I will say to my friend that I devoted three or four hours to-day—the only time I have had to give to this matter during the week—to the investigation of a number of these cases. But as to details of that character, though possibly I observed them, I did not make any minute, and hence I can not answer accurately the question of my friend.

Mr. BOOTHMAN. Is not this the situation of the claim, that no dispute as to the fact of the man having been wounded arises?

Mr. STONE, of Missouri. I do not dispute it.

Mr. BOOTHMAN. And when the claimant himself swears that he received the wound in action and afterward swears that the wound was received while he was cleaning his gun after he had returned from picket duty, does not this circumstance show that the man intended to be honest about the matter, to state the fact as to the occurrence? He was not obliged to state afterward (was he) that the wound was received out of action?

Mr. STONE, of Missouri. I will ask the gentleman a question, Yankee fashion. If he were the Commissioner of Pensions and if in the discharge of his duty under the law an applicant should come before him with nothing but his own unsupported testimony and state that he had received a wound in battle—in the fierce onslaught of battle—and if two years afterward he should come and make another affidavit saying that he had received the wound at an entirely different place and under entirely different circumstances, by reason of an accident—and that is the whole affirmative testimony—would the gentleman grant the pension?

Mr. BOOTHMAN. I will say this in answer to the gentleman's question: If I were the Commissioner of Pensions, I would grant pensions upon sufficient evidence as recognized by the rules of law.

Mr. STONE, of Missouri. I have stated a particular case.

Mr. BOOTHMAN. I will meet the case. In this instance there is but one witness to the incurrence or origin of the wound.

Mr. STONE, of Missouri. And that is the claimant.

Mr. BOOTHMAN. The Pension Office, under such circumstances, can not grant a pension, and for that very reason the man comes to Congress for relief.

Now, if I were Commissioner of Pensions and desired to test the truthfulness of this witness, I would let this circumstance bear some weight with me: the fact that there was a continuous action in front of Petersburg for many weeks or months, that this man may have been on picket duty when he was in fact in actual action, and upon his immediate return, in cleaning his gun, he might have received the injury as soldiers frequently did to my own personal knowledge; and the differences in the statements of the witnesses as to time and place are so slight that they would not, in my judgment, bear against the man's truthfulness. The mere fact that this man, being himself the only witness to the incurrence of the disability, states at one time the circumstances in one way and at another time in another way, shows to my mind that he did not intend to deceive, because there was no necessity resting upon him, if he intended to deceive, to make the second

statement differ from the first as to the circumstances under which the wound was received.

Mr. BRECKINRIDGE, of Kentucky. Is it not probable, from the gentleman's own knowledge of the way things were done, that if this man had received the wound in action his company commander would have reported him wounded at the time, and there would then have been corroborative evidence? He might not have been familiar with that rule; but when he made his statement under oath that he had been wounded in action the absence of his name from the company report would be contradictory of his statement; and therefore if he were intending to deceive he might afterward want to fix up the matter so as to make the wound appear as having been received under circumstances which would not require, as he would think, that it should appear in the official report. If he had been wounded, even by accident, when he was on duty or with his company, that would have been returned by the proper officer of the company in accounting for the absence of the soldier, if the record was kept in that regiment, as I suppose it was.

Mr. BOOTHMAN. Now, my friend from Kentucky is too old and too good a soldier not to know that frequently men were injured in the service, and injured in action, when the company commander was not near.

Mr. BRECKINRIDGE, of Kentucky. Undoubtedly.

Mr. BOOTHMAN. A case of this kind might occur when the company commander was not present.

Mr. BRECKINRIDGE, of Kentucky. Undoubtedly. But in all well disciplined companies or regiments every soldier must be accounted for. There is a morning report of the orderly sergeant to the sergeant-major of the regiment, which accounts for every soldier on the roll; the soldier must be present for duty, or detailed, or absent sick, or in some way accounted for. Now, this person would be accounted for on that roll if he had been wounded.

Mr. BOOTHMAN. Let me put a question to the gentleman.

Mr. STONE, of Missouri. I want to ask my friend a question. I think I have yielded far enough. Before this debate is closed I want to ask one question of my friend from Ohio [Mr. BOOTHMAN]. I believe he was wounded in battle?

Mr. BOOTHMAN. Yes; I think I have a lively recollection of that.

Mr. STONE, of Missouri. I would like to know whether my friend from Ohio, in applying for a pension, would be able to state whether he was shot by the enemy or shot by himself.

Mr. BOOTHMAN. Yes, I think I would.

Mr. STONE, of Missouri. Well, does it not occur to you that this man ought to have been able to state in the first place whether he was shot in battle, as he says he was (leaving the inference to be drawn that it was a wound received from the enemy), or whether he inflicted the wound himself?

Mr. BOOTHMAN. I will answer that question by asking another. Does not my friend know that in many of these cases the soldier is not able to draught his own papers; and I do not understand that the papers in this case were draughted by the claimant. Now, when the soldier goes to a claim agent to have his papers draughted the attorney in hundreds of instances places in the blank language which the soldier himself would not put there in describing the injury; in other words, the attorney, having the usual idea that every wound is received in action, puts it down so.

Mr. STONE, of Missouri. I do not know about that, Mr. Chairman, but I know this (of course gentlemen can do as they please)—I know that this claim was rejected on account of this insufficient testimony, after a full investigation by the Pension Department; and it seems to me to be carrying this policy of private legislation to a great extreme when we allow a measure of this sort to be passed through here upon testimony of this character.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

The question being put, it was decided in the affirmative.

Mr. MORRILL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MORROW having resumed the chair as Speaker *pro tempore*, Mr. ALLEN, of Michigan, reported that the Committee of the Whole House, having had under consideration pension business on the Private Calendar, had directed him to report back the bill (H. R. 5620) granting a pension to Frank Deming, Company F, Ninth Michigan Infantry, with an amendment, and the bill (H. R. 5617) granting a pension to Henry Bloomfield without amendment.

FRANK DEMING.

The SPEAKER *pro tempore*. The bill (H. R. 5620) granting a pension to Frank Deming, Company F, Ninth Michigan Infantry, has been reported back with an amendment, which will be read.

The Clerk read, as follows:

Strike out "subject to the limitations and provisions of the pension laws" and insert "at the rate of \$40 per month."

Mr. BRECKINRIDGE, of Kentucky. I move that the House adjourn.

A MEMBER. Let us pass these bills.



Mr. BRECKINRIDGE, of Kentucky. In view of the debate we have had this evening, we had better postpone action until after we have seen that debate in the RECORD.

Mr. PERKINS. The country will understand they have not permitted a single pension bill to pass to-night. It will be understood that gentlemen have exhausted this entire evening in debate.

Mr. ALLEN, of Michigan. Let the country understand that they have dropped out forty pension cases which should have been passed to-night.

Mr. BRECKINRIDGE, of Kentucky. I rise to a point of order. The rhetorical and excited statements of my friends on the other side are entirely out of order. The motion to adjourn is not debatable.

Mr. ALLEN, of Michigan. The country will understand who it is has prevented to-night the passage of any pension business.

Then (at 10 o'clock and 30 minutes p. m.) the Speaker *pro tempore* declared the House adjourned.

#### MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following memorial was delivered to the Speaker and referred as follows:

By Mr. ANDERSON, of Mississippi: A memorial of the Legislature of Mississippi, recommending the passage of a law by Congress compelling railroads engaged in interstate commerce to equip their cars with uniform safety automatic couplers and power automatic brakes—to the Committee on Commerce.

#### RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was delivered to the Speaker and referred as follows:

By Mr. MCCORD:

*Resolved*, That the Committee on Printing be, and they are hereby, authorized and directed to consider a proposition to furnish to the House of Representatives a consolidated alphabetical index of the reports of committees of the House and Senate from the beginning of the First Congress, 1793, to the close of the Fiftieth Congress, 1889, being the reports for one hundred years, the committee to report by bill or otherwise;

to the Committee on Printing.

#### REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, the following reports were filed, and, with accompanying bills, ordered to be printed, and referred as follows:

Mr. TAYLOR, of Tennessee, from the Committee on Invalid Pensions, reported favorably the bill (S. 609) granting a pension to Mrs. Catherine Tittle, widow of Ephraim Tittle—to the Committee of the Whole House.

He also, from the same committee, reported with amendment the bill (H. R. 2989) granting a pension to Mrs. Martha E. Jones—to the Committee of the Whole House.

Mr. WILSON, of Kentucky, from the Committee on Invalid Pensions, reported favorably the bill (H. R. 4028) granting a pension to Agnes Vetter—to the Committee of the Whole House.

Mr. WILLCOX, from the Committee on Claims, reported favorably the bill (H. R. 4473) for the relief of the National New Haven Bank of the State of Connecticut—to the Committee of the Whole House.

Mr. FLICK, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

- A bill (H. R. 4808) granting a pension to Roxanna Finch;
- A bill (H. R. 1456) granting a pension to Ira E. Smith;
- A bill (H. R. 1670) granting a pension to Sarah Hamilton;
- A bill (H. R. 4127) granting a pension to Rhoda Williams;
- A bill (H. R. 4126) granting a pension to H. G. Church;
- A bill (H. R. 4038) granting a pension to James Fitzgerald;
- A bill (H. R. 6296) granting a pension to Samantha Williams;
- A bill (H. R. 1672) granting a pension to Margaret P. Minter;
- A bill (H. R. 7078) granting a pension to Mary B. Stidger;
- A bill (H. R. 4258) increasing the pension of Francis Gilman;
- A bill (S. 907) to restore the name of Mrs. Mary L. Bradford to the pension-roll;
- A bill (S. 2137) granting a pension to David C. Bullard;
- A bill (S. 578) granting a pension to Mrs. Emma Dill;
- A bill (S. 177) granting a pension to Mary McCowan;
- A bill (S. 650) granting a pension to William H. Cummings;
- A bill (S. 2290) granting a pension to Olin Hanson;
- A bill (S. 2283) to increase the pension of W. H. Bailey, of Braintree, Mass.; and
- A bill (S. 2347) granting an increase of pension to George L. Warren.

Mr. FLICK also, from the Committee on Invalid Pensions, reported with amendment the following bills; which were severally referred to the Committee of the Whole House:

- A bill (H. R. 4152) granting an increase of pension to Albert Mabb;
- A bill (H. R. 4359) granting a pension to Elizabeth Ogden; and
- A bill (S. 1221) granting a pension to Helen Plunkett.

Mr. LAWS, from the Committee on Invalid Pensions, reported favor-

ably the following bills; which were severally referred to the Committee of the Whole House:

- A bill (H. R. 6906) granting a pension to John H. McLaughlin; and
- A bill (H. R. 5299) for the relief of Chloe Cooper.

Mr. BELKNAP, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

- A bill (H. R. 1400) for the relief of Patrick Culhan; and
- A bill (S. 1022) granting a pension to the widow of the late Commander Samuel H. Baker, United States Navy.

Mr. WILSON, of Washington, from the Committee on Indian Affairs, reported favorably the bill (H. R. 5964) granting the Spokane Falls and Northern Railway Company the right of way through the Colville Indian reservation—to the House Calendar.

Mr. PICKLER, from the Committee on the Public Lands, reported favorably the bill (S. 368) to establish two additional land districts in the State of Nebraska—to the Committee of the Whole House on the state of the Union.

Mr. TURNER, of Georgia, from the Committee on Commerce, reported favorably the bill (H. R. 7993) to amend section 4 of "An act to authorize the county of Laurens, in the State of Georgia, to construct a bridge across the Oconee River, at or near Dublin, in said county and State"—to the House Calendar.

Mr. ROBERTSON, from the Committee on Military Affairs, reported with amendment the bill (H. R. 3857) to provide for the disposal of a portion of the United States military reservation at Baton Rouge, La.—to the Committee of the Whole House on the state of the Union.

Mr. THOMAS, from the Committee on War Claims, reported favorably the bill (H. R. 3107) for the relief of Col. James Lindsey—to the Committee of the Whole House.

Mr. RAY, from the Committee on Claims, reported favorably the bill (S. 1381) for the relief of Jacob I. Cohen and J. Randolph Mordecai—to the Committee of the Whole House.

Mr. BROWNE, of Virginia, from the Committee on Commerce, reported with amendment the bill (H. R. 3871) for the establishment of a steam fog-signal at Ludington light-station, Michigan—to the Committee of the Whole House on the state of the Union.

Mr. OSBORNE, from the Committee on Military Affairs, reported favorably the bill (S. 117) for the relief of Edward H. Lieb—to the Committee of the Whole House.

Mr. BOOTHMAN, from the Committee on Claims, reported favorably the bill (S. 888) for the relief of George K. Otis or his legal representatives—to the Committee of the Whole House.

#### BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were delivered to the Speaker, severally read twice, and referred as follows:

By Mr. BAKER: A bill (H. R. 8193) to amend section 12 of the act entitled "An act to regulate commerce," approved February 4, 1857—to the Committee on Commerce.

By Mr. NORTON: A bill (H. R. 8194) to amend section 1 of "An act granting pensions to the soldiers and sailors of the Mexican war"—to the Committee on Pensions.

By Mr. HEARD: A bill (H. R. 8195) to provide for the coinage of both gold and silver and for the issuance of coin certificates to circulate as money, and to provide for the substitution of such certificates for the silver and gold certificates now outstanding—to the Committee on Coinage, Weights, and Measures.

By Mr. PAYSON: A bill (H. R. 8196) for the erection of a public building at Kankakee, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. RUSK: A bill (H. R. 8197) to define the route of the Baltimore and Ohio Railroad in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. BRECKINRIDGE, of Kentucky: A bill (H. R. 8198) for the erection of a public building at Georgetown, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. PIERCE: A bill (H. R. 8199) to authorize a survey of that portion of the Mississippi River west and north of Red Fork Lake, in Kentucky and Tennessee—to the Committee on Rivers and Harbors.

By Mr. PARRETT: A bill (H. R. 8200) to erect a public building at Mount Vernon, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. CUTCHEON: A bill (H. R. 8201) to amend the Articles of War relative to the punishment on conviction by courts-martial—to the Committee on Military Affairs.

Also, a bill (H. R. 8202) to provide for the examination of certain officers of the Army and to regulate promotion of officers therein—to the Committee on Military Affairs.

By Mr. DIBBLE: A bill (H. R. 8203) authorizing the construction of a new steam-tender for service in the sixth light-house district—to the Committee on Commerce.

By Mr. PAYNTER: A bill (H. R. 8204) to direct the Secretary of War to appoint a commission to ascertain and report the facts concern-

ing the destruction of property at Augusta, Ky., on September 27, 1862—to the Committee on War Claims.

By Mr. BAKER: A bill (H. R. 8205) to amend section 22 of the act to regulate commerce, as approved March 2, 1889—to the Committee on Commerce.

By Mr. CUTCHEON: A bill (H. R. 8235) to prevent desertions from the Army, and for other purposes—to the Committee on Military Affairs.

By Mr. THOMAS: A bill (H. R. 8236) to amend chapter 331, approved July 20, 1874, entitled "An act making additions to the fifteenth section of the act approved July 2, 1864, entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,'" approved July 1, 1862—to the Committee on the Pacific Railroads.

By Mr. SPINOLA: A joint resolution (H. Res. 124) authorizing the Secretary of the Treasury to take possession of part of Governor's Island and for the establishment of an immigration depot—to the Committee on Military Affairs.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were delivered to the Clerk and referred as follows:

By Mr. ABBOTT (by request): A bill (H. R. 8206) for the relief of Raby Alderson—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 8207) for the relief of the legal representatives of Charles W. Adams, deceased—to the Committee on War Claims.

By Mr. BRECKINRIDGE, of Kentucky: A bill (H. R. 8208) for the relief of H. P. Montgomery and Patty W. Garnett, executor and executrix of Gean Garnett, deceased—to the Committee on Claims.

Also, a bill (H. R. 8209) for the relief of Thomas Kephart—to the Committee on Invalid Pensions.

By Mr. CULBERTSON, of Pennsylvania: A bill (H. R. 8210) granting an increase of pension to Maria L. Caraher—to the Committee on Invalid Pensions.

By Mr. DARLINGTON: A bill (H. R. 8211) granting an increase of pension to Mrs. Rebecca E. Simon—to the Committee on Pensions.

By Mr. DIBBLE: A bill (H. R. 8212) granting a pension to John Preacher—to the Committee on Pensions.

By Mr. EVANS: A bill (H. R. 8213) for the relief of James R. Edwards, of Chattanooga, Tenn.—to the Committee on Military Affairs.

By Mr. FLOOD: A bill (H. R. 8214) for the relief of Gamahil Benjamin—to the Committee on Claims.

Also, a bill (H. R. 8215) granting a pension to Elsie Dykeman, mother of James and Nathan Dykeman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8216) granting a pension to John Mann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8217) granting a pension to Mary E. Smith, widow of George W. Smith—to the Committee on Invalid Pensions.

By Mr. GEST: A bill (H. R. 8218) to grant a pension to Margaret E. Hall—to the Committee on Invalid Pensions.

By Mr. GROUT: A bill (H. R. 8219) granting a pension to Emeline M. Butler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8220) granting a pension to Marion M. Smith—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 8221) granting a pension to William White—to the Committee on Invalid Pensions.

By Mr. HEARD: A bill (H. R. 8222) granting a pension to Sarah C. Rutledge—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 8223) for relief of A. N. Kimball and sureties on his official bond as receiver of public moneys—to the Committee on Claims.

By Mr. KERR, of Iowa: A bill (H. R. 8224) granting a pension to Charles Avery—to the Committee on Invalid Pensions.

By Mr. KERR, of Pennsylvania: A bill (H. R. 8225) granting a pension to Mary Jane Blair—to the Committee on Invalid Pensions.

By Mr. LAWLER: A bill (H. R. 8226) granting a pension to James H. Fleming—to the Committee on Invalid Pensions.

By Mr. MCCOMAS: A bill (H. R. 8227) granting a pension to Ann Downey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8228) granting a pension to Eliza Wentz—to the Committee on Invalid Pensions.

By Mr. MOREY: A bill (H. R. 8229) granting a certificate of honorable service to George W. Sollers—to the Committee on Military Affairs.

By Mr. MORRILL (by request): A bill (H. R. 8230) to provide for the payment of \$5,000 to Mrs. Celia C. Short—to the Committee on Claims.

By Mr. RUSSELL: A bill (H. R. 8231) granting a pension to Harriet P. Farnsworth—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 8232) for the relief of Robert N. Nation—to the Committee on Military Affairs.

By Mr. TAYLOR, of Tennessee: A bill (H. R. 8233) granting a pension to Catherine Vaughn—to the Committee on Invalid Pensions.

By Mr. TRACEY: A bill (H. R. 8234) granting a pension to Catherine S. Lawrence—to the Committee on Invalid Pensions.

By Mr. O'NEILL, of Pennsylvania: A bill (H. R. 8237) for the relief of Jared W. Dillman, late of the United States Navy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8238) for the relief of William Wheeler Hubbell—to the Committee on Claims.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII the following changes of reference were made:

A bill (H. R. 6967) for the relief of sailors and marines in the United States Naval Homes—Committee on Pensions discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 7008) granting a pension to Thomas Shannon—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (S. 647) granting a pension to Catherine Simmonds—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7523) granting a pension to Calvin Gunn—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4819) granting increase of pension to Gottfried Gauss—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7073) to investigate into and remunerate Samuel S. Stevenson, a physician of the city of Detroit, county of Wayne and State of Michigan, for a certain discovery and cure for sporadic pneumonia and "la grippe" pneumonia—Committee on Invalid Pensions discharged, and referred to Committee on Claims.

A bill (H. R. 4165) for the relief of Jesse H. Strickland—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

Petition to accompany the bill (H. R. 6780) to refund license fees to officers of steam-vessels—Committee on Merchant Marine and Fisheries discharged, and referred to the Committee on Commerce.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were delivered to the Clerk and referred as follows:

By Mr. ANDERSON, of Mississippi: Petition of William Foy, administrator of Fiestor Foy, deceased, praying for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BOOTHMAN: Petition of ex-Union soldiers, in favor of a service pension—to the Committee on Invalid Pensions.

By Mr. BULLOCK: Resolutions of town council of Waldo, Fla., asking an appropriation for improvement of the entrance to Cumberland Sound—to the Committee on Rivers and Harbors.

Also, resolutions of town council of Gainesville, Fla., asking an appropriation for improvement of the entrance to Cumberland Sound—to the Committee on Rivers and Harbors.

By Mr. BURTON: Petition of Alfred A. Jerome, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. CANNON: Petition of William Hester, Theodore Reynolds, and others, of Vermillion Grove, Vermillion County, Illinois, asking Congress to reject recommendations of the Senate Naval Committee proposing large expenditures for the Navy and coast defenses—to the Committee on Naval Affairs.

By Mr. COGSWELL: Resolutions of the Vessel-Owners and Captains' National Association, for appropriations for a deep harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. CONGER: Petition of Redfield Post, No. 26, Grand Army of the Republic, at Perry, Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Samuel Irwin Post, No. 444, Grand Army of the Republic, at New Virginia, Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Dorr Post, No. 62, Grand Army of the Republic, at Altoona, Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DE LANO: Petition of J. D. O'Brian Post, No. 65, Grand Army of the Republic, of Oswego, N. Y., praying for the passage of a service-pension act—to the Committee on Invalid Pensions.

By Mr. DORSEY: Petition of members of the Farmers' Alliance, of the State of Nebraska, for the defeat of the Windom bill—to the Committee on Coinage, Weights, and Measures.

Also, petition of H. A. Hayward, L. Oswald, and 14 others, citizens of the State of Nebraska, for the defeat of the Windom bill—to the Committee on Coinage, Weights, and Measures.

Also, petition of Atlanta Post, No. 275, Grand Army of the Republic,



of Platte Center, Nebr., in reference to increased pensions—to the Committee on Invalid Pensions.

By Mr. DUNNELL: Petition of John Ludwig and 88 others, citizens of Minnesota, asking that a pension be granted to E. A. Goodfellow—to the Committee on Invalid Pensions.

Also, petition asking that the Superintendent of Census be authorized to collect data relative to the electrical industry—to the Select Committee on the Eleventh Census.

By Mr. FARQUHAR: Petition of John S. Patric, for an extension of patent—to the Committee on Patents.

By Mr. FITHIAN: Resolutions of Gila Lodge, No. 1350, F. M. B. A., Jasper County, Illinois, against the ship subsidy bill, and of same lodge, against increasing circulation of national banks—to the Committee on Banking and Currency.

By Mr. GEST: Petition and proof upon the pension claim of Martha J. Wells—to the Committee on Invalid Pensions.

Also, petition and proof upon the pension claim of Margaret E. Hall—to the Committee on Invalid Pensions.

By Mr. GIFFORD: Memorial by the Legislature of South Dakota, asking that an appropriation be made to aid in the selection of indemnity school lands in South Dakota—to the Committee on the Public Lands.

By Mr. GROUT: Petition of Marion M. Smith, of Reading, Vt., for a widow's pension—to the Committee on Invalid Pensions.

Also, of Emeline M. Butler, for a widow's pension—to the Committee on Invalid Pensions.

By Mr. HAUGEN: Petition of citizens of Wisconsin, asking for the passage of an appropriation bill to provide for the completion of the Sault Ste. Marie Canal and improvements of Hay Lake Channel—to the Committee on Rivers and Harbors.

By Mr. HENDERSON, of Iowa: Resolutions of Buford Post, No. 300, Grand Army of the Republic, at Ogden, Boone County, Iowa, urging the passage of the service pension bill—to the Committee on Invalid Pensions.

By Mr. MAISH: Petition of Ida F. Bossler, praying that her name be placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. MOREY: Petition of A. A. Fulton and others, of Xenia, Ohio, asking that the name of Mollie V. Johnson be placed on the pension-roll—to the Committee on Invalid Pensions.

Also, petition of Malinda Ellis, of Xenia, Ohio, for a pension—to the Committee on Invalid Pensions.

By Mr. MORRILL: Petition of old soldiers, of Garnett, Kans., in favor of a service pension—to the Committee on Invalid Pensions.

By Mr. O'NEILL, of Pennsylvania: Petition of Samuel M. Thatcher, for restoration to the pension-roll and increase of his pension—to the Committee on Invalid Pensions.

Also, memorial of the ex-letter-carriers of Philadelphia, asking that the civil-service law may be so amended as to give five years for application for reinstatement instead of one year, the present period—to the Select Committee on Reform in the Civil Service.

By Mr. RUSSELL: Petition of Harriett P. Farnsworth, asking for a pension—to the Committee on Invalid Pensions.

By Mr. SENEY: Petition of Frank Jones and others, citizens of Upper Sandusky, Ohio, asking for a tax on cigars, and for protection by trade-marks—to the Committee on Ways and Means.

By Mr. STRUBLE: Resolutions of Newell Post, No. 416, Grand Army of the Republic, of Newell; of E. O. C. Ord Post, No. 219, Grand Army of the Republic, of Sutherland; of Kenyon Post, No. 339, Grand Army of the Republic, of Sanford, and Colonel Goodrich Post, No. 117, Grand Army of the Republic, of Odebolt, all of Department of Iowa, urging the passage of the service-pension bill—to the Committee on Invalid Pensions.

## HOUSE OF REPRESENTATIVES.

SATURDAY, March 15, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D.D.

The Journal of the proceedings of yesterday was read and approved.

### GOVERNMENT OWNERSHIP OF PACIFIC RAILROAD SECURITIES.

Mr. DALZELL. Mr. Speaker, by instruction of the Committee on Pacific Railroads, I submit the following resolution and ask unanimous consent for its present consideration.

The Clerk read as follows:

*Resolved*, That the Secretary of the Treasury is hereby requested to inform the House of Representatives, at as early a date as practicable, whether the Government of the United States is the owner or holder of any of the first-mortgage securities of any of the Pacific railroad companies which were aided by the Government; and, if so, the amount of such securities held or owned by the Government, when, and in what manner, and by what authority the same were acquired.

There being no objection, the resolution was considered, and agreed to.

### FLOODS IN THE MISSISSIPPI RIVER.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I offer the following resolution and ask unanimous consent for its immediate consideration.

The Clerk read as follows:

*Resolved by the House of Representatives*, That the Secretary of War be, and he is hereby, requested to inform the House if sufficient money and facilities are at the command of the officials in charge to guard the levees and other works and the plant of the Government, so far as the same may be practicable, from destruction or injury by the present flood in the Mississippi River; and, if not, to report to the House at the earliest possible moment what may be necessary. He is requested also to report if there is reason to apprehend unusual danger to human life, and what steamers can be used by the Department or by the Mississippi River Commission to rescue those in peril.

There being no objection, the resolution was considered, and agreed to.

### IMPROVEMENT OF THE TENNESSEE RIVER.

Mr. HOUK. Mr. Speaker, I ask unanimous consent to have a memorial from the Chamber of Commerce of Knoxville and a river improvement convention, composed of delegates from the States of Tennessee, Virginia, Alabama, Georgia, North Carolina, and Kentucky, printed in the RECORD. The memorial is in behalf of the improvement of the Tennessee River and its tributaries.

There being no objection, the memorial was ordered to be printed in the RECORD, and referred to the Committee on Rivers and Harbors.

It is as follows:

Memorial to the Congress of the United States in behalf of the improvement of the Tennessee River and its tributaries.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the undersigned, representing large portions of the States of Tennessee, Virginia, Alabama, Georgia, North Carolina, and Kentucky, by appointment of a general convention held at Knoxville, Tenn., on January 25, 1889, beg leave to submit to your consideration the following resolutions unanimously passed by said convention:

#### RESOLUTIONS OF THE RIVER CONVENTION.

"Whereas the Tennessee River, with the tributaries, is third in size and national importance, and drains an area nearly as large as the New England States, of the richest undeveloped part of the globe, and has received less in proportion to its claims than any other river now recognized in the Government plan for the improvement of the rivers and harbors; and the small amount asked can, therefore, and ought to be at once expended:

Therefore, we, the representatives of the people who reside in that portion of the United States drained by the Tennessee River and its tributaries, in convention assembled at Knoxville this day, respectfully petition the American Congress:

"1. That all navigable rivers be made national highways free from any toll.  
"2. That all obstructions to the navigation of the Tennessee River and its tributaries, as high as the same can be improved by slack-water navigation, be removed therefrom.

"3. That said river, with its tributaries, be improved so as to give us at least 4 feet of water all the year round from its mouth to Chattanooga; at least 3 feet of water all the year round from Chattanooga to Knoxville, and by slack-water navigation to the headwaters of all its tributaries.

"4. That no bridge be allowed to cross said river, or its tributaries, so as to interfere with the free use of the same as hereinbefore set forth.

"5. *Resolved*, That a committee, consisting of eleven at large and one from each county and city represented, be appointed to prepare and submit to Congress, now in session, a memorial in our name, setting forth the claims of our river and its tributaries to their consideration, and petitioning as hereinbefore set forth.

"*Resolved*, That our Representatives and Senators be requested to aid us and our memorialists to obtain what we ask.

"*Resolved*, That the Legislatures of Kentucky, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Tennessee be requested to take action favoring the improvement of our rivers."

And now, in obedience to said resolutions, we ask permission to set forth the claims of the Tennessee River and its tributaries to your consideration, to the end that the petitions of said convention, above set forth, may be granted.

#### THE TENNESSEE AND ITS TRIBUTARIES.

The Tennessee River is, if not the longest, certainly next to the longest river in the United States east of the Mississippi. The Ohio with the Allegheny, its longest tributary, is 1,250 miles in length. The Tennessee with the Holston, its longest tributary, is over 1,200 miles in length. The Tennessee and its tributaries water large parts of Kentucky, Tennessee, Mississippi, Alabama, Georgia, North Carolina, and Virginia, and give to fully half a million of the people of these States their only means of reaching a profitable market for their products.

The principal tributaries of the Upper Tennessee are the Holston and the Clinch, each of which is a great river of itself and both of which run far up into the State of Virginia. The other tributaries that cross the Tennessee line are the Hiwassee, the Little Tennessee, the French Broad, the Big Pigeon, the Nolachucky, the Watauga, and the Powell, all of which have their rise in the North Carolina mountains, except the Powell, which rises in Virginia.

The Emory River, while wholly within the State of Tennessee, is also a tributary well worthy of the attention of Congress. It cuts far and deep into the Coal Measures, and by means of slack-water navigation can be made to the Tennessee what the Monongahela is to the Ohio.

The Clinch flows in a broad, deep current within ten miles of the great Coal Creek mines, and the Powell passes within five miles of the immense iron and coal deposits at Cumberland Gap. The Hiwassee, the Little Tennessee, the French Broad, the Pigeon, the Nolachucky, and the Watauga all penetrate the iron districts of East Tennessee and Western North Carolina.

#### COUNTRY DRAINED AND ITS PRODUCTS.

The territory drained by this great river contains at least 40,000 square miles, and constitutes one of the finest regions in the world, whether estimated by the salubrity of its climate, the richness and variety of its vegetable products, or the quantity and excellence of its mineral deposits. In all of these great particulars no river east of the Mississippi surpasses it, and none, except the Ohio, can equal it.

The principal products shipped by the citizens of these seven States to distant markets are cotton, grain, bacon, hay, coal, iron, timber, marble, lumber, and zinc. These are all bulky commodities, for the cheap transportation of which river navigation is indispensable. These bulky products are our main sources

of wealth, and upon our means of getting them to good markets our prosperity greatly depends.

These products, cotton, grain, bacon, hay, coal, iron, timber, marble, lumber, and zinc, are, also, important factors in the markets of the world; and by their cheapness and abundance the growth of the United States and the welfare of the American people are greatly promoted. The quantities of these and other products shipped on the upper Tennessee and its tributaries by the millions of people living in the seven States through which these waters flow can not be given even proximately, there being no sufficient statistics thereof; but to give your honorable bodies some conception of the commerce of the region above the Muscle Shoals we append some tables to this memorial. (See Appendix.)

These shipments were generally made under great disadvantages and at great risks. The percentage of loss from striking snags or rocks in the river bottoms and from being swamped in the rapids is very large. But fully half a million of our people have no other way of reaching their markets, and are thus forced to run these risks.

The amounts and kinds of merchandise now shipped on these rivers are mere trifles compared with what would be shipped if the obstructions, caused by rapids, rocks, and shoals, were removed. Your honorable body having, with a generous patriotism, undertaken several years ago the removal of the Muscle Shoals obstructions, our constituencies have been content to await the completion of that important work before calling upon you to deepen the rivers above the Shoals. But, the canals at these shoals being nearly completed, we beg leave to show what enormous benefits will accrue to the seven States drained by the Tennessee and its tributaries, and through them to the whole country, by so improving the navigation of these rivers as to make available the enormous deposits of iron, coal, marble, and other minerals, and the timber accessible to these rivers.

#### COAL AREA TO BE REACHED.

Tennessee has 5,100 square miles of coal lands, more than half of which is above Chattanooga and in reach of the Tennessee, the Clinch, and the Powell. Kentucky and Virginia have 2,500 square miles of coal territory in convenient reach of the Clinch, the Powell, and the Holston. The coal of these three States is the equal of any upon earth, as is demonstrated by the fact that enormous quantities are now transported by railroad (costly as this method is) to the South as far as Dallas, Tex.; to all parts of the Southern Atlantic sea-coast; to the West as far as Denver; to the North as far as Chicago, and to the East as far as New York City. The aggregate amount of coal and coke shipped last year by rail from territory in reach of said rivers was not less than two million tons. With slack-water navigation on said rivers for three months in the year above Knoxville and for all the year round below Knoxville, before the year 1900 the output of the coal mines of Tennessee, Kentucky, and Virginia, transported on these rivers, would be at least 9,000,000 tons, about 40 per cent. of the present output of the Pennsylvania mines.

#### IRON DEPOSITS MADE ACCESSIBLE.

But vast and valuable as are the coal fields on the waters of the Tennessee, more vast and valuable are the deposits of iron in the same territory. While the coal is found only upon the upper waters of the river, the iron deposits are found everywhere in its valley from Paducah in Kentucky to the Alleghany Mountains in Virginia, a distance of over 1,000 miles. And as the coal is being mined in great and increasing quantities, so is the iron. From Chattanooga to Rockwood, a distance by water of 150 miles, the course of the river can be traced by the smoke of the furnaces near its banks, furnaces using coal and iron from mines in sight of each other, and producing iron good in quality and unequaled in cheapness this side of the Atlantic. The output of these furnaces is immense, one of them alone consuming 450 tons of iron ore, coal, and limestone every day, all of which is transported on this river, advantage being taken of high waters, and the ore-banks being below the junction of the Clinch. Fully 95 per cent., however, of all the coal and iron mined in the valley of the Tennessee is transported by railroad.

#### SUPERIOR QUALITY OF THE ORES.

The red and brown hematites are found on both sides of the river and throughout its whole length, and on both sides of nearly all of its tributaries. These ores are of a grade out of which excellent pig-iron is made, they averaging over 60 per cent. of metallic iron and a large proportion of it containing less than one-fifth of 1 per cent. of phosphorus. On the western side of the great East Tennessee Valley the belts of iron ores are for hundreds of miles in sight of the coal beds, and generally not more than a mile apart. The United States Geological Report for 1883-'84 says that "in the manufacture of car-wheels and best refined bar-iron the ores of Tennessee have no superior."

But the iron ores on the eastern side of the Tennessee are richer in both quantity and quality than those on the western side. The reason they have not been more generally worked is their inaccessibility to coal and coke. When the auspicious day shall arrive that witnesses the removal of the obstructions in the Tennessee and its great tributaries, then the coal from the western side of the valley and the coke from the famous Pocahontas fields in Virginia and the Cumberland Gap mines in Kentucky will be met at the river banks by the wonderfully rich ores of the eastern side of the valley, and the world will then see the finest possible iron and steel produced at the lowest possible price. This done, and this valley becomes the seat of the iron empire in North America, and the tariff problem as to iron and steel will be forever solved.

The Pocahontas coal-fields in Virginia are in easy reach of the Holston and the Clinch, and the Cumberland Gap coal-fields are only 5 miles from the Powell; and a small part of the money so wisely expended on the Allegheny and Monongahela, the two main branches of the Ohio, would make the Holston, the Clinch, and the Powell more navigable than either of those wealth-bearing tributaries, and would open up to the balance of our country coal-fields fully as rich in coking coal as those that have made the Connellsville region in Pennsylvania more valuable than the richest gold mine upon the earth. The headwaters of the Clinch actually flow out of the Pocahontas Mountains, and the Holston's sources are under their very shadows.

#### THE CRANBERRY IRON ORES.

But your memorialists feel that we would fall short of telling the whole truth about the iron ores on the eastern side of the great East Tennessee Valley if they omitted to make special mention of the now world-famous Cranberry magnetic ore, found in such great quantities on the boundary between Tennessee and North Carolina, and no doubt existing also in Virginia on the south fork of the Holston. It seems to be agreed among iron experts that these are among the most valuable iron mines in the United States, quality and quantity both considered. The quality is fully equal to the finest Swedish ore. As evidence of its extraordinary value a very costly railroad 30 miles long has been built to the mines for the sole purpose of reaching this ore.

The report of the United States Geological Survey for 1886 says that "the Cranberry ore makes good steel by the Bessemer process," and the 1885 report says that this ore yields 68 per cent. of metallic iron, and that "its superior adaptability to the manufacture of steel is everywhere acknowledged."

#### COAL AND IRON THE SOURCES OF NATIONAL WEALTH AND POWER.

England's prominence in the affairs of nations is due very largely to the cheapness of her coal and iron. Where would the mistress of the oceans be to-day,

politically and commercially, had God not filled her pockets with iron and coal? To some nations he gave gold and silver; but to England he gave iron, and coal to fuse that iron; and to her people he gave courageous hearts and industrious hands; and with her iron she has won empire, gold, and glory.

The country watered by the Tennessee and its tributaries has a larger coal area and contains more iron and better iron than all England. But of what benefit are talents buried in the earth? The opening of these rivers, which can be done at a cost utterly insignificant, compared with the ability of the nation and the beneficent results of the expenditure, will enable the United States to compete with England not only in the iron markets of the world, but at the very doors of her own furnaces and factories.

#### HOW THESE ORES AND COKE CAN BE BROUGHT TOGETHER.

The Holston River can now be navigated by steam-boats, in high water, to Kingsport, 175 miles above Knoxville, and large flat-boats, loaded with grain, bacon, lard, butter, poultry, and hides, come down from points in Virginia in sight of the Pocahontas Mountains. The Clinch is also navigable for steam-boats in high water 400 miles above Chattanooga, and for flat-boats far beyond the Virginia line. The Powell can be navigated for flat-boats beyond the Virginia line. What wealth-bearing rivers these will become when they begin to transport the Pocahontas coals to the furnaces where the Cranberry ores will await their coming! The transportation of the Pocahontas coke on cars hundreds of miles beyond the high-grade Cranberry ores, to be used in melting low-grade hematites, reminds one of a grand queen leaving her own country to marry a boorish peasant and become the mother of swineherds in a distant land!

#### CUMBERLAND GAP IRON AND COAL REGION.

The Cumberland Gap region, composed of parts of Kentucky, Tennessee, and Virginia, is known throughout the iron and coal world for its wonderful deposits of the finest coke-making coals and the finest steel-making ores, all in cannon-shot of each other. To reach these coals and ores a railroad is now being built both from Knoxville and from Louisville, and the present year will probably witness its completion. This railroad crosses both Powell and Clinch Rivers, and thus renders them easily accessible to the iron and coal banks. Powell River is about 5 miles from Cumberland Gap and Clinch River is distant about 25 miles. A company of heavy capitalists have purchased a large area of the Cumberland Gap coal and iron region, and are building a railroad from Knoxville to enable them to utilize their purchase. A large city has already been located near the Gap, on a grand site, and far-seeing men predict that here will spring up another Birmingham in the near future, but a Birmingham with cheap river transportation, which Alabama's iron city does not possess.

#### TESTIMONY OF EMINENT EXPERTS.

And now, speaking more generally of the mineral wealth of the region watered by the Tennessee and to show that our picture has not been too highly colored, we will cite the opinions of three well known men, fully qualified to give reliable testimony on this subject.

Hon. Abram S. Hewitt, of New York, the most distinguished iron man in America, says of this region: "It is the only place upon the North American continent where it is possible to make iron in competition with the cheap iron of England. \* \* \* The cheapest place on the globe, until now, for the manufacture of iron is the Cleveland district, in Yorkshire, England. The distance of the coal and iron from the furnaces there averages about 20 miles. Now, in Alabama and Tennessee the coal and the ore are, in many places, within half a mile of each other. This region, so exhaustless in supplies, so admirably furnished with coal, so conveniently communicating with the Gulf, will be of infinitely more consequence to us for its iron than it has ever been for its cotton. I think this will be a region of coke-made iron on a scale grander than has ever been witnessed on the globe."

All that is wanting to make sure the perfect fulfillment of this grand prophecy is the expenditure of a few hundred thousand dollars on the rivers of this God-favored but man-neglected region.

#### THE FUTURE COAL AND IRON EMPIRE OF THE UNITED STATES.

Col. A. K. McClure, editor of the Philadelphia Times and one of the most noted citizens of Pennsylvania, after visiting our section of the South, thus writes: "No citizen of the North, of fair intelligence, can review the slumbering wealth of Alabama and Tennessee, and the water ways which offer the cheapest transportation, without accepting the conclusion that the next generation will see these States an iron and coal center equal to if not surpassing Pennsylvania. \* \* \* Alabama and Tennessee have been gifted far beyond even our boasted empire of Pennsylvania; \* \* \* and the time is at hand when a large portion of the great iron and coal products of the country, which enter competing centers, will be supplied cheaper from Alabama and Tennessee than from any States in the North. \* \* \* These are strong expressions, but I write them only after the most exhaustive inquiry and careful examination, and I know they are fully warranted. This is the coal and iron empire of the South, and, I believe, the future coal and iron empire of the United States."

#### OPINION OF A GREAT ENGLISHMAN.

Sir I. Lowthian Bell, a well known Englishman, who is declared, by the 1886 report of the United States Geological Survey to be "the highest authority in England on the manufacture of pig-iron," says of this section: "There seems nothing to prevent Tennessee, Alabama, and Georgia from becoming the cheapest iron-making centers in the Union." And said report, after making this quotation, adds: "They are that now."

#### ONLY STATESMANSHIP AND PATRIOTISM NEEDED.

The valley of the Tennessee, then, being the seat of "the future coal and iron empire of the United States," he who would attempt to resist this decree of the fates would fight against "the stars in their courses." The rivers of this valley are sure to be deepened by the hand of man; the only question is, have we statesmanship and patriotism enough to do this grand work in our own day or will we leave it to be done by a grander generation to come? Nobler is he who founds an empire than he who inherits one. Let us be founders of this empire!

The effect of the improvement of our rivers would so cheapen iron, coke, and coal that the whole of our country would be greatly benefited. Iron and coal so enter into the cost of manufacturing everything else and are so interwoven with all the multifarious business operations of mankind that their cheapness cheapens everything else. Now, we buy over \$50,000,000 worth of iron and steel every year from foreign lands; but deepen these rivers and in less than twenty years we will sell to foreign nations fully \$100,000,000 worth of our own iron and steel and become the supreme masters of the iron markets of the world.

The advancement of a nation in civilization is measured by its consumption of iron, and its commercial power and political prestige may be measured by its production of iron. Verily, iron is king and his scepter sways the world. But hitherto in the United States he has not only been an uncrowned king, but has been imprisoned here in his mountain fortresses. Let us open up a highway worthy of his power and majesty and he will go forth and conquer for us the wealth of the world.

The questions we are presenting, while seemingly interesting to a few States only, are really national questions of momentous importance, whose magnitude can not well be overestimated and whose consideration is worthy of the highest statesmanship.



## MARBLER OF EAST TENNESSEE.

We beg leave to add a few words in reference to our marble and timber, before we conclude. So full of marble is the East Tennessee Valley that it may almost be said to be paved with marbles from Chattanooga to Bristol, and marbles, too, of many of the most beautiful varieties, and, as a rule, of the most excellent qualities, both for building purposes and for ornament.

The Capitol of the United States and the State capitol of New York are adorned with Tennessee marble, and the custom-houses at Knoxville and Memphis and the Lee monument at New Orleans are built of it. For durability, polish, strength, and resistance to moisture the gray building marbles of this section are unequalled, and our ornamental marbles are known from San Francisco to New York and from New Orleans to Chicago, and praised and patronized wherever known. Whether for indoor ornamentation or for outdoor usefulness, the East Tennessee marbles are everywhere sought for, and never disappoint those who use them.

These marbles are found in hundreds of immense deposits, and so cheaply are they quarried that, although transported exclusively by railroad, they will yield a profit to the quarryman, even when shipped to markets as remote as New York and San Francisco. As evidence of this, we point to the convincing fact that last year there were over 54,000,000 pounds of our marbles shipped by railroad, chiefly to Baltimore, Philadelphia, New York, and Boston. These marbles, being free from iron and sulphur, never stain or tarnish by exposure to the weather.

## OUR MARBLES THE FINEST IN THE UNITED STATES.

The United States Geological Report for 1886, after alluding to the fact that 269,486 cubic feet of marble were shipped from Tennessee in that year, says: "The already celebrated marbles of Tennessee are rapidly increasing in popularity, and are unquestionably the finest in the country [meaning the United States] for decorative work."

If, then, we can afford to ship tens of millions of pounds of our marbles by railroad to markets a thousand miles distant, as we are now doing, what hundreds of millions could we not ship if we had the advantages of cheap river transportation. No longer would our American youth be forced to content themselves with "dreaming that they dwell in marble halls," but "marble halls" would become so numerous that the patriotic statesmen who aid in improving these rivers might make the boast of Augustus, who said he "found Rome built of brick, but left it built of marble!"

And in this connection we may add that the quantity of lime, marble dust, and cement that will be shipped from this region as soon as our rivers are deepened, will be such as to make them among our leading industries.

## TIMBER IN THE VALLEYS OF TENNESSEE.

And now a word in reference to our timber wealth. We can truthfully say that the Tennessee River and its tributaries drain the largest and richest forests now existing on the American continent; and already Knoxville and Chattanooga are among the foremost lumber markets of the world. There are in easy reach of these rivers at least 25,000 square miles of timber land, much of it containing virgin forests and all of it covered by as valuable timbers as can be found on the continent. Commissioner Hawkins estimates the timber lands of Tennessee alone at 25,000 square miles, "much of which," he says, "has been but slightly, if at all, disturbed by the woodman's ax." And when it is remembered that the tributaries of the Tennessee penetrate the very finest timber regions of Alabama, Georgia, North Carolina, and Virginia, it will be agreed that 25,000 square miles is an underestimate.

In these immense forests is found almost every variety of valuable timber found anywhere in the United States. This richness of variety is due to the varieties of soil and of climate, the lands rising from rich alluvial river bottoms 200 feet above the sea level, through many gradations, to the lofty heights of the Unakas, 6,000 feet above the sea.

The marketing of this timber has hardly been begun. The attention of our people has been only recently called to this new source of wealth. A few years ago fences were made of walnut and hickory, and gum and cherry were deemed worthless. A seventy-four page pamphlet descriptive of the resources of East Tennessee, published in 1883, only six years ago, does not even allude to these millions of acres of timber lands, trees being regarded, even then, in many parts of our section, as mere cumberers of the earth, whose existence was an annoyance and whose extermination was most devoutly desired!

How the lumber business has grown since then! Now, it is one of our great sources of wealth. Last year 70,000,000 feet of saw logs went down our rivers and 18,000,000 feet of sawed lumber, and yet only the outskirts of the timber regions have felt the edge of the woodman's ax.

## OUR RAILROADS.

Your memorialists have several times alluded to the great cost of railroad transportation as compared with water freightage, but we do not wish to be understood as in any way complaining of our Tennessee railroads. On the other hand, we deem it our duty to bear witness to their liberality in meeting all the reasonable demands of our shippers of coal, coke, iron, timber, and marble. They have put freights on these articles down to the minimum. Without this liberality on the part of our railroads our coal, iron, and marble would be almost unknown in those great marts of our country where they are now such important factors. And it gives us pleasure to know that the improvement of our rivers will so greatly develop the general wealth and increase the population and business of our section that, while our railroads will lose a cumbersome freightage that was not at all profitable, they will in exchange obtain an immense increase of lighter and more valuable freights, and thus prosper *pari passu* with the general prosperity of the communities through which they run and whose welfare they have done much to promote.

## HOW OUR RIVERS HAVE BEEN OVERLOOKED.

You memorialists beg leave to say to your honorable bodies that Tennessee has in the past been neither greedy nor importunate in her demands for river appropriations. Exa tly how much has been expended on the rivers of Tennessee we have no present means of knowing. But in the American Almanac and Treasury of Facts for the year 1888, edited by A. R. Spofford, Librarian of Congress, we find a semi-official statement of the amounts appropriated by the United States to be expended on rivers, harbors, roads, and canals from 1789 to 1883; and this statement shows that Tennessee has received far less than any other State in the Union except Iowa, Colorado, and Nevada, all new States, and neither of them having a navigable river within its territory.

To show you how little has been done by Congress for the rivers of Tennessee, we give this table of appropriations:

States and Territories.	Rivers and harbors.	Roads and canals.	Totals.
Alabama.....	\$1,091,752	\$913,971	\$2,005,723
Alaska.....			
Arkansas.....	316,500	601,232	917,732
California.....	1,717,000		1,717,000
Colorado.....		25,614	25,614
Connecticut.....	1,585,927		1,585,927

States and Territories.	Rivers and harbors.	Roads and canals.	Totals.
Dakota.....			
Delaware.....	\$3,327,165		\$3,327,165
District of Columbia.....	291,500		291,500
Florida.....	760,350	\$193,483	953,833
Georgia.....	1,412,597		1,412,597
Idaho.....	10,000		10,000
Illinois.....	2,672,305	8,000	2,680,305
Indiana.....	786,204	620,353	1,406,557
Iowa.....	2,500	70,500	73,000
Kansas.....		300,161	300,161
Kentucky.....	457,000		457,000
Louisiana.....	245,000	332,354	577,354
Maine.....	1,475,884	137,748	1,613,632
Maryland.....	1,731,818		1,731,818
Massachusetts.....	3,119,489		3,119,489
Michigan.....	7,984,877	874,467	8,859,344
Minnesota.....	447,500	609,254	1,056,754
Mississippi.....	377,900	980,951	1,358,851
Missouri.....	22,000	1,009,759	1,031,759
Montana.....		10,000	10,000
Nebraska.....		110,000	110,000
Nevada.....		8,414	8,414
New Hampshire.....	202,500		202,500
New Jersey.....	1,099,063		1,099,063
New Mexico.....		245,645	245,645
New York.....	10,237,611	3,500	10,241,111
North Carolina.....	2,399,059		2,399,059
Ohio.....	3,116,147	599,939	3,716,086
Oregon.....	654,000	234,930	888,930
Pennsylvania.....	1,158,042		1,158,042
Rhode Island.....	733,700		733,700
South Carolina.....	963,000		963,000
Tennessee.....	85,500		85,500
Texas.....	2,566,200		2,566,200
Utah.....			
Vermont.....	551,980		551,980
Virginia.....	1,734,880	18,600	1,753,480
Washington.....	5,500	300,000	305,500
West Virginia.....	1,531,300		1,531,300
Wisconsin.....	4,659,542	272,116	4,931,658
Wyoming.....		40,413	40,413

## TENNESSEE THE GREATEST RIVER STATE IN THE UNION.

Now, when it is remembered that the Mississippi River forms Tennessee's western boundary and that the Cumberland and the Tennessee flow entirely through the State, and that all three of these great rivers have many large tributaries within the limits of the State, it will be seen that Tennessee has more miles of river than any State in the Union. And yet, notwithstanding this momentous fact, she has received down to the year 1883 only \$85,000 for rivers and harbors, roads and canals, while sister States, with much less need and no greater merit, have received from five to fifty times as much!

We do not begrudge our sister States what Congress has done for them. Far from it! We honor Congress for its liberal and patriotic statesmanship; and we congratulate our sister States upon their good fortune. But, then, it must be remembered that Tennessee is a large State, containing 42,000 square miles and about 2,000,000 inhabitants; and that she has been a member of the Union nearly one hundred years. For these reasons, we memorialists, who are from Tennessee, respectfully ask, may we not hope to share equally, with at least our younger sisters, in the benefits granted by our common country?

But neither our Representatives nor your honorable bodies have been as neglectful of the interests of the upper Tennessee Valley as the foregoing facts would seem to imply; for of no great benefit would the deepening of the rivers above Chattanooga have been until the completion of the Muscle Shoals. And we assume that the reason Congress has not expended more money on the waters of the upper Tennessee is that it was deemed best to postpone these appropriations until the obstacles to navigation at the Muscle Shoals had been removed. That auspicious day has now dawned; and in behalf of the seven States most interested we are now here to ask that these appropriations be now made.

Of all the fabled works of Hercules, none has been of such lasting value as the tearing open a passage-way from the Mediterranean to the ocean; and of all the great works of river improvement executed by the American Congress, none has been more beneficial and profitable than the canal around the Falls of the Ohio, at Louisville, and the improvement of the Upper Ohio and its tributaries. And we believe that when a like work is done at the falls of the Tennessee (for such the Muscle Shoals are), and on the upper Tennessee and its tributaries, a like benefit and a like profit will be the result. God has given us many great rivers, but he requires of us that we improve them. This is the test of our enterprise, manhood, and patriotism.

Without further consumption of your time and attention, we will conclude by briefly summarizing what we have said.

## SUMMARY STATEMENT.

First. The upper waters of the Tennessee River open to the world the best and largest coal-fields in the United States.

Second. To these same waters are easily accessible the best and largest deposits of iron ore east of the Mississippi.

Third. The coal-fields and iron deposits are nearer together than any others of like quality and quantity in North America, if not in the world.

Fourth. On the waters of this same great river are hundreds of quarries of the most beautiful and most durable marbles in America and immense forests of the best merchantable timber.

Fifth. This river and its main tributaries can be made, at small expense, capable of cheaply transporting all of this coal and iron, marble and timber to the markets of the world.

Sixth. While the seven great States of Tennessee, Mississippi, Alabama, Georgia, North Carolina, Virginia, and Kentucky will be directly benefited by the improvement of these rivers, nevertheless, in the indirect benefits, the whole people of the United States will prove to be largely the partakers.

And for these reasons and in obedience to the resolutions under which we act, we respectfully memorialize your honorable bodies to make prompt and adequate appropriations for the removal of all obstructions to the navigation of the Tennessee River and its tributaries, as high as they can be improved by slackwater navigation, so as to give 4 feet of water all the year round from Paducah to Chattanooga, at least 5 feet of water all the year round from Chattanooga to Knoxville, and good slackwater navigation on all the tributaries up to their headwaters.

And as in duty bound, we will ever so pray.

C. W. Charlton, chairman; Henry R. Gibson, Knoxville; H. B. Wetzel, West Knoxville; J. W. S. Frierson, Knox County; Tomlinson Fort, Hamilton County; I. B. Merriam, Chattanooga; C. R. Love, Blount County; P. M. Bartlett, Maryville; W. A. Hoskins, Monroe County; W. G. Lenoir, Loudon County; J. H. Robinson, Greene County; A. H. Pettibone, Greeneville; J. C. Stamps, Hawkins County; H. B. Clay, Rogersville; W. P. Mitchell, Sevier County; W. S. Tipton, Bradley County; C. L. Hardewick, Cleveland; J. A. Greene, James County; J. K. P. Wallace, Anderson County; S. M. Leath, Clinton; T. C. Reeves, Washington County; E. C. Reeves, Johnson City; Milton P. Jarnagin, Jefferson County; J. K. Shields, Grainger County; Jno. P. Rogers, Union County; Chas. R. Vance, Sullivan County; C. H. Slack, Bristol; G. W. Folsom, Hamblen County; J. E. Helms, Morristown; Henry Tyler, Hancock County; Wm. Epps, Claiborne County; J. M. Melton, Roane County; J. H. Welcker, Kingston; D. M. Coffman, Rockwood; H. M. Folsom, Carter County; W. W. Langhorne, Cocke County; Jacob S. Mathews, McMinn County; J. J. Irwin, Athens; R. P. Lloyd, Rhea County; E. M. Kirkpatrick, Polk County; T. S. Smythe, Johnson County; W. C. Crozier, Morgan County; J. T. Toney, Union County; E. S. Hollingsworth, Campbell County; W. D. Kelley, jr., South Pittsburgh; W. B. Woods, Estillville, Va.; J. B. Richmond, Jonesville, Va.; A. L. Pridemore, Jonesville, Va.; Montague Browning, Russell County, Virginia; A. C. Woodson, Sheffield, Ala.; E. C. Gordon, Decatur, Ala.; W. B. Rison, Huntsville, Ala.; Geo. W. Alexander, Knoxville; Wm. Allison, Kingston; J. P. Kendrick, Chattanooga; W. C. Hennegar, Chattanooga; Geo. W. Nicholson, Kingston; Berry Chapman, Kingston; W. C. Hizer, Chattanooga; S. A. Russell, Chattanooga; G. W. Ochs, Chattanooga; Hugh Whitesides, Chattanooga; E. C. Camp, Knoxville; M. L. Ross, Knoxville; C. W. Dabney, jr., Knoxville; J. M. Brooks, Knoxville; Wm. Page, Knoxville; W. H. Evans, Knoxville; J. T. Wilder, Johnson City.

#### APPENDIX.

Table of shipments showing the railroad and river commerce of the region watered by the Tennessee and its tributaries above the Muscle Shoals.

[Compiled from statistics of railroad, steam-boat, and flatboat freights, and from official reports.]

Articles shipped.	1873.	1888.	Estimate for 1900, provided the rivers are deepened by 1895.
	Pounds.	Pounds.	Pounds.
Bacon and lard.....	4,655,000	16,800,000	70,000,000
Bricks.....		21,000,000	126,000,000
Corn.....	63,000,000	98,000,000	112,000,000
Cotton.....	72,160,000	121,000,000	200,000,000
Coal and coke.....	80,792,000	3,165,000,000	30,000,000,000
Fruit, dried and fresh.....	8,094,000	11,618,000	15,000,000
Flour and wheat.....	49,816,000	94,500,000	150,000,000
Hay.....	4,991,000	11,300,000	50,000,000
Iron, pig, manufactured, and ore.....	20,635,000	432,000,000	10,000,000,000
Logs and lumber.....	41,514,000	1,294,000,000	6,000,000,000
Lime and cement.....	990,000	19,210,000	100,000,000
Marbles.....	1,582,000	54,000,000	1,000,000,000
Slates and building stones.....		63,000,000	500,000,000
Salt.....	22,816,000	33,800,000	100,000,000
Zinc.....		3,900,000	20,000,000
Miscellaneous merchandise.....	368,700,000	2,045,000,000	10,000,000,000
Totals.....	739,715,000	7,394,128,000	58,443,000,000
Totals, in tons.....	369,857	3,697,064	29,221,500

#### ADDITIONAL BOOK-KEEPER, CLERK'S OFFICE.

Mr. KERR, of Pennsylvania. Mr. Speaker, I am directed by the Committee on Accounts to report back the resolution I now send to the desk, and ask its present consideration.

The Clerk read as follows:

Resolved, That the Clerk of the House be authorized to employ an assistant book-keeper in the Clerk's office during the sessions of the Fifty-first Congress, to be paid out of the contingent fund of the House, until otherwise provided for, at a salary of \$100 per month.

Mr. KERR, of Iowa. Is that reported from a committee of the House?

The SPEAKER. It comes from the Committee on Accounts.

Mr. KERR, of Iowa. By unanimous report of the committee?

Mr. KERR, of Pennsylvania. Unanimously.

The resolution was adopted.

#### WILLIAM AND MARY COLLEGE, VIRGINIA.

Mr. BOWDEN. Mr. Speaker, I ask unanimous consent to have a memorial of the board of visitors and others, of William and Mary College, Virginia, for reimbursement for destruction of the building during the war, printed in the RECORD and appropriately referred.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There being no objection, the memorial was ordered to be printed in the RECORD and referred to the Committee on War Claims.

It is as follows:

To the Senate and House of Representatives:

Your memorialists are a committee appointed by the board of visitors of William and Mary College, Virginia, to present a claim on the part of that institution to reimbursement from the Government for losses caused by fire during the late civil war.

Your memorialists are full-handed with proofs of the following facts: Early in 1862 Williamsburgh, being a place of strategic importance on the peninsula

of Virginia, was occupied and held by the Union forces. William and Mary College and its outbuildings being used as barracks. On September 9 of that year these Union forces were attacked by a body of Confederate cavalry and the college taken and held for a few hours by them, who, however, very soon evacuated the college and the town, which were promptly reoccupied by the Union forces. A body of stragglers from these, drunken, disorderly, and insubordinate, in the first hour or two after their return fired and destroyed the college building, with the library, philosophical apparatus, furniture, and other property in the building belonging to the institution. The Union forces continued to occupy the premises for most of the subsequent period of the war, during which other houses and property of the college and connected with it were destroyed by the Union soldiers. General Meade said of this destruction, in a letter which was made public: "I am satisfied, on examination of the facts of the case, that the destruction of the buildings of William and Mary College by our troops was not only unnecessary and unauthorized, but one of those deplorable acts of useless destruction which occur in all wars," etc.

Your memorialists are taught by the law of nations that works of art, repositories of science and learning, and public buildings devoted exclusively to civil and scientific purposes, though belonging to an enemy, are and ought to be sacred from spoliation and destruction, and are not considered as the *pecunia* of this or that nation, but as the property of mankind at large and as belonging to the common interests of the whole human species.

This noble doctrine of international law has been signally illustrated in the history of the venerable college of William and Mary itself. During the War of Independence the buildings of this college were repeatedly occupied by British troops. They were in every instance respected as sacred to the cause of letters, and left unharmed. After the cease of that contest, Louis XVI, our ally, caused buildings of the college, accidentally destroyed by his troops, to be rebuilt and every injury to be repaired, thus rendering royal homage to the cause of learning.

Another instance of respect for the principle under consideration is furnished by the history of another literary institution of Virginia, the University at Charlottesville. In 1865, when General Sheridan passed through Charlottesville, the seat of the university, he thoughtfully, and without solicitation, stationed a guard to protect the institution from all injury; and the fact is gratefully and conspicuously recorded to his honor on the archives of the university. Thus, the great institution which Thomas Jefferson gave to his country was fortunately preserved, although the elder college, which may be called its mother and which gave Thomas Jefferson to America and to mankind, fell a victim to the devastating hand of war.

Your memorialists are confident that further examples, illustrating the principle of international law under consideration, need not be adduced.

The restoration of the buildings, library, apparatus, and other properties destroyed by Union troops, as described, has cost the college the aggregate sum of \$65,000, details of which will be presented to appropriate committees of Congress. This expenditure has well-nigh exhausted the endowment fund of the college, and your memorialists have been charged with the duty of presenting its claim for remuneration to the present Congress.

Your memorialists beg leave to remind the Congress that, next after Harvard, William and Mary College is the oldest on the continent of North America. It was chartered in 1693 by royal grant from England's most illustrious sovereigns, William and Mary. Many of the great statesmen who were most conspicuous in declaring and effecting the Independence of the United States and in laying the foundations of our new Government on the sound principles on which they have rested for a century, were educated within its walls. The president of the first general Congress, five signers and the author of the Declaration of Independence, three Presidents of the United States, Chief-Justice Marshall, the first Attorney-General, Edmund Randolph, a commanding general of the Armies of the United States, and many statesmen, jurists, and soldiers but little less distinguished were students of this venerable college.

Documents published by preceding Congresses will be submitted to the present Congress, illustrating the honorable part that William and Mary College has taken through her sons at every period of the history of our country.

These present the claims of the college to the relief now solicited in a manner so cogent, full, and exhaustive that your memorialists feel it unnecessary to recapitulate them here. They may add, however, that the relief here asked for has been granted by each House of Congress, but, unfortunately, not in the same bill; and thus the college, by the accidents of legislation, has failed of this righteous relief.

Confidently relying upon the justice of Congress in this matter, your memorialists will ever pray, etc.

WILLIAM LAMIE,  
J. E. JOHNSTON,  
WM. B. TALIAFERRO,  
BEVERLEY B. MUNFORD,  
WALTER A. EDWARDS,  
D. GARDINER TYLER,

Committee of the Visitors.

JNO. B. COKE,  
ROBT. M. HUGHES, Chairman,  
WM. REYNOLDS,  
WALTER R. STAPLES,  
H. D. COLE,  
JNO. B. CARY,  
VAN. B. GARRETT,

Committee of the Alumni.

#### ARREARAGES OF GENERAL AND SPECIAL TAXES IN THE DISTRICT.

The SPEAKER laid before the House the amendment of the Senate to the bill (H. R. 5179) fixing the rate of interest to be charged of arrearages of general and special taxes now due in the District of Columbia, if paid within the time specified.

The Senate amendment was read, as follows:

In line 10 strike out "April" and insert "June."

Mr. GROUT. Mr. Speaker, I move to non-concur in the amendment of the Senate and ask a conference on the disagreeing votes thereon. I would suggest that the commissioners state that this will defeat the purposes of the bill.

Mr. ADAMS. Will the gentleman state the difference between the House and the Senate?

Mr. GROUT. The Senate makes a change in the date fixed by the House from April to June—that is, when payments may be made. The House bill provides that payments may be made by the first Tuesday in April, and the amendment proposed by the Senate extends it to June.

The motion of Mr. GROUT to non-concur in the Senate amendment and ask a conference thereon was agreed to.



The Speaker announced the appointment of Mr. GROUT, Mr. BURTON, and Mr. HEMPHILL as conferees on said bill.

#### BRIDGE ACROSS THE MISSOURI RIVER AT PIERRE, S. DAK.

The Speaker also laid before the House the amendments of the Senate to the bill (H. R. 4139) to authorize the construction of a bridge across the Missouri River at the city of Pierre, in South Dakota.

The Senate amendments were read at length.

Mr. BAKER. Mr. Speaker, these amendments are merely verbal in their character. They have been examined, and it is the desire of the parties interested that they be concurred in. I therefore move concurrence in the Senate amendments.

The amendments were concurred in.

#### BRIDGE ACROSS THE COLUMBIA RIVER, OREGON.

The SPEAKER also laid before the House a bill (H. R. 7617) to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-road, returned from the Senate with amendments.

The amendments were read at length.

Mr. BAKER. The amendments read are of the same character as those to the preceding bill and are merely of a verbal character. I move they be concurred in.

Mr. ROGERS. I endeavored to hear the gentleman from New York, but was unable to do so.

Mr. BAKER. I will state to the gentleman from Arkansas that the amendments are merely of a verbal character, necessary to perfect the bill; and I ask concurrence in the amendments.

The amendments were concurred in.

Mr. BAKER. I move to reconsider the votes by which the amendments to the last two bills were concurred in; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### TERRITORY OF OKLAHOMA.

Mr. PERKINS. Mr. Speaker, in the consideration of the Oklahoma bill, the gentleman from Arkansas [Mr. McKRAE] offered an amendment, which was adopted by the Committee of the Whole and by the House, but which, when you come to incorporate it in the bill, destroys the sense intended by the amendment. The amendment in the bill will read:

And no persons shall be entitled to vote at the first election or to be elected to any office who are actual residents in said Territory at the time of the passage of this act.

That is the language as amended. The word "not" should be inserted, and I ask unanimous consent that that correction be made.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the correction will be made.

#### STEAMER SAN BENITO.

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent to take up for consideration the bill (S. 2501) to provide for an American register for a steamer to be named San Benito, owned by a corporation of the State of California.

The bill was read at length for information, as follows:

*Be it enacted, etc.,* That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer Kimberly, owned at the port of San Francisco, State of California, by the Pacific Improvement Company, a corporation of said State of California, and now rebuilding in the United States, to be registered as a vessel of the United States, under the name of San Benito.

SEC. 2. That the Secretary of the Treasury be, and hereby is, authorized and directed to authorize and direct the inspection of said steam-vessel, steam-boiler, steam-pipes, and the appurtenances of said boiler, and cause to be granted the proper and usual certificate issued to steam-vessels of the merchant marine without reference to the fact that said steam-boiler, steam-pipes, and appurtenances were not constructed pursuant to the laws of the United States, and were not constructed of iron stamped pursuant to said laws; and the tests to be applied on the inspection of said boiler, steam-pipes, and appurtenances will be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes, save that the fact that said boiler, steam-pipes, and appurtenances not being constructed pursuant to the requirements of the laws of the United States, and are of unstamped iron, shall not be an obstacle to the granting of the usual certificate if said boiler, steam-pipes, and appurtenances are found to be of sufficient strength and safety.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. BRECKINRIDGE, of Kentucky. Reserving the right to object, I would inquire whether there is any special reason why this should be considered out of its regular order? Has the committee made a report and requested it?

Mr. BINGHAM. There is no special reason. It is an unobjectionable bill, and I am directed by the committee—

Mr. BREWER. If there is no special reason I do not see why the bill should pass.

The SPEAKER. The gentleman makes inquiry as to whether there is any special reason why it should be considered at this time.

Mr. BINGHAM. I would state that I am directed by the Committee on Merchant Marine and Fisheries to ask unanimous consent to report this bill to the House for favorable action, it being identical with a bill introduced in the House and approved by the Committee on Merchant Marine and Fisheries.

Mr. BREWER. I would like to ask the gentleman if this vessel is not covered by the general law?

Mr. BINGHAM. It is not covered by the general law, for the reason that the repairs to the vessel amounted to \$60,000. The general law requires that the repairs shall amount to three-fourths of the value of the vessel.

Mr. BREWER. What proportion is \$60,000 to the value of the vessel? Mr. BINGHAM. The value of the vessel is \$200,000; and if the gentleman will allow me, I will state that it was bought for \$50,000. The purchase price included \$45,000 for salvage. Therefore, the expenditure upon the vessel having been \$60,000, it is believed to be a fair case for the action of the House, for the reason that under the general statute the Commissioner of Navigation, as well as the Secretary of the Interior, can not admit the vessel to register. The Commissioner writes in this way:

It is probable, therefore, that if application for register of the vessel should be made to the bureau it would be rejected on technical grounds. The case, however, seems to have merits, and, if not directly within the letter of the law, it appears to be within its spirit.

[Cries of "Vote!" "Vote!"]

The SPEAKER. Is there objection to the consideration of the bill?

Mr. BRECKINRIDGE, of Kentucky. I think we had better have the regular order.

Mr. BINGHAM. Will not the gentleman from Kentucky withdraw his call for the regular order? It would take but a moment to pass this bill.

The SPEAKER. The gentleman from Kentucky demands the regular order, and the morning hour commences at 12 o'clock and 32 minutes. The call rests with the Committee on the Territories.

#### TERRITORY OF OKLAHOMA.

Mr. STRUBLE. The day before yesterday the House disposed of the Senate bill on the subject of Oklahoma, but there stands upon the Calendar the House bill H. R. 6786, on the same subject, undisposed of. I move that that bill be laid on the table.

The SPEAKER. Without objection, that order will be made.

#### COUNTY SEAT, SHOSHONE COUNTY, IDAHO.

Mr. STRUBLE. I call up for consideration the bill (H. R. 6474) to submit the location of the county seat of Shoshone County, Idaho Territory, to a vote of the people of said county.

The bill was read, as follows:

*Be it enacted, etc.,* That the location of the county seat of Shoshone County, Idaho Territory, be submitted to a vote of the legal voters of said county at the next general election which shall be held in said county.

SEC. 2. That such town as receives a majority of all the votes cast at said election for the location of the county seat shall be the county seat of said county until otherwise changed by law.

SEC. 3. That said election for the location of the county seat shall be governed in all respects the same as all other general elections in Idaho are governed.

The SPEAKER. The question is upon the engrossment and third reading of the bill.

Mr. ROGERS. Mr. Speaker, I think we should have some explanation of this bill.

Mr. DUBOIS. Mr. Speaker, the Forty-ninth Congress passed a law which prohibits the Territories from changing their county seats, from building roads, from changing their county boundaries, or from doing almost anything else, and the consequence is that the Territories are forced to come to Congress and ask relief in these directions. This bill simply proposes to give the people of one county in the Territory which I represent the right to vote as to where they will have their county seat located. We can not pass a law on the subject through our Territorial Legislature, and therefore, as I have said, we are compelled to come to Congress and ask this authorization. I think that everybody in the country desires to change the location of the county seat, and the bill provides that a majority of all the voters must select one town before it shall become the county seat.

Mr. HOOKER. Mr. Speaker, I think the proposition made by the gentleman from Idaho is a very correct one, and it only demonstrates the utter absurdity of the provision by which we undertook to fix the county seats in the Territory of Oklahoma. [Laughter.]

Mr. SPRINGER. Mr. Speaker, I desire to say a word in regard to the law to which the gentleman from Idaho has referred. That law simply prohibits the people of the Territories from passing special laws on the subjects to which he has referred. The Territorial Legislature in this case might have passed a general law to cover these subjects, but it has not done so. The law to which the gentleman has referred was simply a provision of the constitution of nearly every State in the Union with regard to special legislation. It was prepared in this House and a portion of it in the Senate, and the President of the United States at this time was the author of about half of the bill. It was a very good bill, and it illustrates the wisdom of Congress in that respect, as well as in the Oklahoma bill which has just passed. [Laughter.]

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STRUBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## BONDS FOR RAILROAD, ARIZONA.

Mr. STRUBLE. I now call up the bill (H. R. 3934) to authorize the board of supervisors of Maricopa County, Arizona, to issue certain bonds in aid of the construction of a certain railroad.

The bill was read, as follows:

*Be it enacted, etc.,* That the board of supervisors of Maricopa County, in Arizona Territory, be, and they are hereby, authorized and required to issue the bonds of said county to aid in the construction and equipment of a railroad to, from, or through the city of Phoenix, in said Maricopa County, to the northern boundary line of said county, which shall form a part of a continuous line from Phoenix, by way of Prescott, to the Atlantic and Pacific Railroad, in the Territory of Arizona, which bonds shall be issued at the times, at the rate per mile, in the form, and as provided by this act.

SEC. 2. That whenever Joseph Renzolds, as trustee, or his assign or incorporated grantee, shall have completed a road-bed and laid the ties and rails thereon for the distance of 10 miles along the route of said road in said county of Maricopa, the board of supervisors of said county is hereby empowered and required, within ten days thereafter, to issue the bonds of said county for said 10 miles, in the sum of \$4,000 per mile, which said bonds shall be delivered to said Joseph Renzolds, trustee, or to his assign or incorporated grantee so constructing said railroad, upon proof, including the certificate of the chief engineer having in charge the construction of said road, being filed with said board of supervisors showing the construction and completion of said 10 miles of railroad in the manner and to the extent as above required; and as often as 10 miles along the route of said road additional to said first 10 miles shall be constructed as aforesaid in said county of Maricopa said board of supervisors of said county are hereby empowered and required, in like manner and upon like proof, to issue and deliver the bonds of said county to said Joseph Renzolds, as trustee, or to his assign or incorporated grantee, in like amount per mile: *Provided*, That if the last section of said road to be constructed in said county of Maricopa shall be less than 10 miles, then whenever the same shall have been constructed as aforesaid, and proof thereof made to and filed with said board of supervisors in the manner aforesaid, said board of supervisors may thereupon, in like manner and form, issue and deliver the bonds of said Maricopa County, in the same amount per mile, for said last section: *Provided*, That said county of Maricopa shall, upon the issue and delivery of said bonds, receive a like amount of full-paid non-assessable stock from said Joseph Renzolds, trustee, or from his assign or incorporated grantee, said stock being issued and based upon said railroad so constructed or to be constructed as aforesaid.

SEC. 3. That the bonds provided for in this act shall be issued in the name of the county of Maricopa, in the usual form of municipal bonds, and shall be signed by the chairman of the board of supervisors of said county in his official capacity, and countersigned by the treasurer of said county, under the seal of said board of supervisors, each bond to be of the denomination of \$1,000, payable thirty years after date thereof, with interest at the rate of 7 per cent. per annum, payable annually, said principal and interest to be made payable at the office of the county treasurer of said Maricopa County or at the office of any trust company in the city of New York that said Joseph Renzolds, trustee, or his assign or his incorporated grantee, shall select. The interest, rate, and time of payment shall be evidenced by coupons in the usual form attached to said bonds.

SEC. 4. That said board of supervisors of Maricopa County are hereby empowered and required, at their first regular meeting after the first issue and delivery of said bonds under the provisions of this act, and annually thereafter, and at the time and in the manner provided by the general revenue laws of the Territory of Arizona for levying taxes, to levy such additional taxes as may be necessary to raise a sum of money sufficient to pay the interest as the same matures on any outstanding bonds issued by said county of Maricopa under the provisions of this act: *Provided*, That in the year 1901, and every year thereafter, until both principal and interest of said bonds shall have been paid, said board of supervisors shall, in the manner and at the time provided by the general revenue laws of the Territory of Arizona for levying taxes therein, levy such further and additional taxes in said county as may be required to raise a sum of money sufficient to pay the annual interest upon said bonds and that will insure the payment of the principal of said bonds and the redemption of the whole amount of said bonds outstanding at the date of their maturity; that the taxes so levied and collected by the treasurer of said county of Maricopa be placed in a fund to be denominated "railroad, interest, and redemption fund."

SEC. 5. That the treasurer of said Maricopa County shall, out of said "railroad, interest, and redemption fund," and, if there be not sufficient in said fund, then the amount of the deficiency shall be paid out of the general fund of said county annually upon each bond, to pay the interest which shall then have accrued thereon; and upon the payment by said treasurer of such interest he shall require the coupon or coupons representing the interest to be surrendered to him for cancellation, which shall be his voucher for the money so paid thereon.

SEC. 6. That said board of supervisors are further authorized and empowered to enter into a contract, in the name and under the seal of said county, with said Joseph Renzolds, as trustee, or with his assign or incorporated grantee, touching the issue of the bonds herein provided for, to aid in the construction of the said road, and in and by said contract said board of supervisors are hereby authorized to agree for and on behalf of said county with said Joseph Renzolds, as trustee, or with his assign or incorporated grantee, for the issue and delivery of the said bonds in the manner and for the purpose and as in this act provided: *Provided, however*, That any contract heretofore made by said board of supervisors for the issuance of said bonds in conformity with the provisions of this act is hereby ratified.

SEC. 7. That this act shall not apply to any section or portion of said railroad which shall not be completed in the manner aforesaid on or before January 1, A. D. 1893, it being the intention of this act to give and extend the time for the completion of said road to January 1, A. D. 1893.

SEC. 8. That all acts or parts of acts in conflict with this act are hereby repealed in so far as the same might be deemed or taken to affect or prohibit the action of said board of supervisors of Maricopa County as herein authorized and provided.

Certain verbal amendments recommended by the committee and set forth in the report below were read.

Mr. HOLMAN. Mr. Speaker, before these amendments are voted upon I should like to have the report read.

Mr. STRUBLE. I will yield in a moment to the gentleman from Arizona [Mr. SMITH] to explain the bill, but before doing so I wish to call attention to a clerical error which ought to be corrected wherever it occurs in the bill. The name "Reynolds" is misprinted "Renzolds." I ask unanimous consent that it be corrected.

The SPEAKER. If there be no objection, the correction will be made. There was no objection, and it was so ordered.

Mr. STRUBLE. I now yield to the gentleman from Arizona [Mr. SMITH].

Mr. SMITH, of Arizona. Mr. Speaker, this bill is for the purpose of authorizing the county of Maricopa, in the Territory of Arizona, to issue bonds to the amount of \$4,000 a mile to aid in the construction of a railroad, in order to give the people some sort of chance to get to market the fruits and the farm products of that valley which now rot upon the ground, owing to inability to get them out by horses, mules, or the ordinary old-fashioned modes of transportation. The Legislature of the Territory in 1885 passed a law granting to the counties of Yavapai and Maricopa, which adjoin, the right to issue bonds to aid in the construction of a railroad. Through the county of Yavapai there runs the Atlantic and Pacific Railroad. At the southern end of the Territory there runs the Southern Pacific, but there is no north and south connection. There is a connection as far as Phoenix with the Southern Pacific, but there is no connection north. The county of Yavapai, under the power given by the Legislature, did construct a railroad through that county. There are 45 miles of road yet unbuild and which can not be built unless the money is raised in this way.

The people of Maricopa County held an election to determine whether or not these bonds should be issued, and about 90 per cent. of the full vote of the county voted in favor thereof, because that is purely a fruit-raising and agricultural region, and, as I have said, their products, to a value greater than the amount for which it is proposed to issue these bonds, rot yearly in the fields for want of means of transportation. It is the almost unanimous wish of the people that these bonds shall be issued and the road built. The amount of the bonds is less than 2½ per cent. of the taxable property of the county, and I assure the House that I have been besieged by letters from chambers of commerce, from mass meetings, and from almost every man in the county, asking that Congress shall give the right to issue these bonds.

Mr. HOLMAN. Mr. Speaker, let us have the report read.

The report was read, as follows:

The Committee on the Territories, to whom was referred the bill (H. R. 3934) to authorize the board of supervisors of Maricopa County, Arizona, to issue certain bonds in aid of the construction of a certain railroad, submit the following report:

That Maricopa County is one of the most fertile and productive counties in Arizona. That by reason of having no railroad connection with the northern part of the Territory the large crops raised become almost valueless on account of excessive freight charges. Maricopa County has taxable property to the extent of \$5,000,000, as your committee is informed. By the terms of the bill the county receives bonds in payment of the money proposed to be advanced.

A letter from the Chamber of Commerce of Phoenix, Ariz., hereto attached and marked "Exhibit A," presents the facts.

The committee respectfully recommend the passage of the bill with the following amendments, namely: On page 1, line 4, strike out the last word "and." On page 1, line 5, strike out the first word "required." On page 2, line 6, strike out the words "and required." On page 2, in line 19, strike out the words "and required." On page 3, in line 27, strike out the word "shall" and insert in lieu thereof the word "may." On page 4, in line 2, strike out the words "and required." On page 4, in line 13, strike out the word "shall" and insert in lieu thereof the word "may." On page 5, in line 4, strike out the word "shall" and insert in lieu thereof the word "may."

## EXHIBIT A.

THE CHAIRMAN COMMITTEE ON TERRITORIES,  
Washington, D. C.:

On or about the 2d day of April, 1889, a meeting of the citizens of Maricopa County was called for the purpose of investigating the possibilities of building a railroad from Phoenix north to some point on the Atlantic and Pacific Railroad.

At this meeting the following resolution was adopted:

*Resolved*, That the citizens of Maricopa County, assembled this 2d day of April, 1889, to discuss the great and urgent necessities of further and better railroad facilities, for the marketing of the products of the Salt River Valley as now produced, and considering the largely increased products of this valley from year to year, do deem it wise and proper that Maricopa County pledge its credit by the issuing of its county bonds in a sum not to exceed the sum of \$4,000 per mile to aid in the construction of a railroad to the north, to connect this city with the Atlantic and Pacific Railroad. The building of this proposed road would open to this valley a very large country, using largely of its products, and we, the citizens of Maricopa County, here assembled, request the Phoenix Chamber of Commerce to act as a committee for and in behalf of the citizens of Maricopa County, and to take such steps as they deem proper to interest capital in the proposed line of road."

At the Territorial legislative session of 1885 an act was passed authorizing Yavapai and Maricopa County to issue county bonds to aid in the building of a railroad from some point on the Atlantic and Pacific to Prescott and thence to Phoenix. Yavapai County took advantage of this act within the prescribed time, and a railroad was built to Prescott. Through negligence of the officers of Maricopa County the benefits provided for in this act were allowed to lapse. This chamber entered into negotiations with capitalists and provided for the immediate building of this north and south railroad, provided that the county of Maricopa issue its bonds to aid in the construction of said road at the rate of \$4,000 per mile. For the purpose of getting the voice of the tax-payers of this county, an election was held on the 27th day of August, 1889, when the question of the county aiding the building of said road by issuing county bonds in the sum of \$4,000 per mile was submitted to a vote of the legal voters of the said Maricopa County. Out of a total vote of 2,000 over 90 per cent. were in favor of the issuing of county bonds.

The building of this proposed road is a necessity to this people at this time. The products of this valley are increasing very largely from year to year, and the markets now within reach to the south and east are not sufficient to use the surplus, while to the north, along the line of this proposed road and along the line of the Atlantic and Pacific Railroad, are extensive markets, using largely the products grown here, that are to-day supplied from California, making a railroad haul of at least 600 miles, while this valley lies less than 200 miles distant.

A bill will be introduced in Congress making valid the issuing of the bonds above referred to, and this chamber, in behalf of the citizens of Maricopa County, would respectfully ask the support of the committee of which you are chairman to this bill when it comes before your honorable body.



Our Delegate in Congress, Hon. MARK A. SMITH, is familiar with our wants and necessities, to whom we would respectfully refer you.

Very respectfully, yours,

PHOENIX CHAMBER OF COMMERCE,  
By HENRY E. KEMP, President.  
H. H. LOGAN, Secretary.

The SPEAKER. The question is upon agreeing to the amendments recommended by the committee.

Mr. HOLMAN. Mr. Speaker, I think that even well established communities very seldom act wisely in adopting a system which taxes the whole people of a given county for public improvements of this kind, and I believe that in Arizona it will be found exceedingly unwise policy on the part of the counties to incur in this way such heavy indebtedness. As I understand the proposition, 45 miles of road are to be completed.

Mr. SMITH, of Arizona. Forty miles.

Mr. HOLMAN. I understood it was 45 miles. The indebtedness incurred is to be at the rate of \$4,000 a mile, making, if there were 45 miles, \$180,000 of indebtedness at the very beginning of the county's existence. All legislation of this sort inures to the benefit of a comparatively small body of people, while the burden falls upon all. It does seem to me more natural and reasonable that conveniences of this sort should not be created in this thoroughly artificial method.

Mr. SMITH, of Arizona. My friend from Indiana [Mr. HOLMAN] is, I presume, acquainted with the condition of the country about Prescott. We are in this attitude: The Southern Pacific Railroad has a connection from the south with the Salt River Valley, where all these crops are raised. A branch railroad having been constructed to connect the Southern Pacific with Phoenix, every freight team has been driven off the road; and as soon as the freight teams are gone the railroad companies put the freight at what they please. The result is that through Southern Arizona, in the mining region, within 100 or 200 miles of the very locality where all these fruits, vegetables and grain are grown, it is impossible to obtain them, but such supplies must be brought from California, paying freight for a distance of 1,000 or 1,500 miles. The road which is here proposed to be built will give a connection with the Atlantic and Pacific on the north, giving outlet for produce which now it is impossible to ship over the mountains by mule teams, while hay shipped from California is selling at Prescott, 100 miles above, at \$23 a ton. Under present conditions the products of that valley, the richest in the world, are simply lying in the fields without any chance of getting to market.

In answer to another objection of the gentleman, allow me to state that there is no settlement along the proposed line of this road sufficient to induce capital unaided to build it. The work will not be done unless the people are permitted to take hold of it themselves. The road will give its bonds for the money raised by the people in this way.

I will state again that the people themselves have voted on this question, and over 90 per cent. of all the tax-payers of that valley have voted in favor of the issuance of these bonds. They only ask Congress to permit them, as they work as hard as any people in the world, to do in this matter what they please with their own money. If what they propose to do should prove to be a mistake, they will learn something by it.

Mr. HOLMAN. I do not yet understand, because the report furnishes no information of any value, in what form this debt is to be created. Is it to be a loan of money?

Mr. SMITH, of Arizona. A loan of money. The county is to issue bonds in aid of the construction of the road, and accept in return the bonds of the railroad company.

Mr. HOLMAN. I wish to refer to one fact mentioned by my friend from Arizona. He complains of the absence of competition between the roads mentioned. That indicates hasty legislation on the subject. How did it happen that Arizona allowed the construction of those roads under conditions which enable them to exercise such arbitrary power? And as to this road which is to be constructed, is there any provision in the act incorporating the company which will impose proper limitations upon the charges to be made for transportation of persons or freight?

Mr. SMITH, of Arizona. I do not know whether there is or not. But this bill is only permissive; in the action yet to be taken by the people they may impose whatever limitations they please.

Mr. HOLMAN. As a general rule this is the act of the corporation itself—

Mr. SMITH, of Arizona. This is not a corporation as yet.

Mr. HOLMAN. We all remember our experience in regard to the Atchison, Topeka and Santa Fé Railroad Company. There the employees of the corporation themselves organized counties and voted large subsidies, which became a lien upon the whole property of the counties. That may be the case here. Some enterprising town or city may take advantage of the opportunity to force upon the whole surrounding population, embracing all the farms of the county, a mortgage of \$180,000.

For one I have protested against this policy in the State which I have the honor in part to represent. I do not believe in the exercise of any such power by a State. I do not believe that such a power is within the proper province or domain of government. These enterprises are in the very nature of things private enterprises, with which the Government has nothing to do. I have protested always against this policy, and I shall vote against this bill.

The SPEAKER. The question is upon agreeing to the amendments. The amendments were agreed to.

Mr. HILL. I would like to hear the bill and amendments reported. The SPEAKER. They have already been reported to the House.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STRUBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDEBTEDNESS, OGDEN, UTAH.

Mr. STRUBLE. I now call up for present consideration the bill (H. R. 7170) to authorize the city of Ogden, Utah, to assume an increased indebtedness.

The bill is as follows:

*Be it enacted, etc., That section 4 of the act entitled "An act to prohibit the passage of local or special laws in the Territories of the United States to limit Territorial indebtedness, and for other purposes," approved July 30, 1896, be amended so as to authorize the municipal corporation of Ogden, Utah Territory, to assume a bonded indebtedness, including all existing liabilities, equal to 8 per cent. of the value of the taxable property within said corporation, such value to be ascertained by the last assessment for municipal taxes: Provided, That any and all sums borrowed or secured under the authority of this act shall be expended for the public improvement of said city.*

Mr. HOLMAN. I presume there is a report accompanying this bill. If so, I hope it will be read.

Mr. STRUBLE. I yield the time to the gentleman from Nebraska [Mr. DORSEY].

Mr. DORSEY. I will call for the reading of the report, as the gentleman from Indiana desires to have it read.

The report (by Mr. DORSEY) was read, as follows:

The Committee on the Territories, to whom was referred the bill (H. R. 7170) "to authorize the city of Ogden, Utah, to assume an increased indebtedness," beg leave to report as follows:

1. That there are in the city about 60 miles of streets which are in great and immediate need of improvement.

2. That the lower and thickly populated portion has since the first settlement thereof drained the whole city until now the soil has become saturated with sewage and rendered unhealthy and offensive. That therefore a system of public works, including adequate sewerage, is imperatively demanded.

The foregoing facts are fully set out and elaborated in the petition before the committee, dated January 28, 1890, and signed by the mayor and the prominent business men, property-holders, and tax-payers of the city; in the statement of Dr. H. J. Powers, the city physician, and Drs. Samuel M. Brick and John D. Carahan, dated January 28, 1890, and addressed to the mayor; and in the statement by T. A. Perkins, the city engineer, dated January 29, 1890, addressed to the mayor.

Were the city of Ogden located in a State, the relief here sought would be unnecessary, as any community, in a State so situated and composed of an intelligent, industrious, progressive population, like that of Ogden, would have the making of the needed improvements within its own power.

It is conceded that it may be necessary in the Territories, and in the case of villages and proposed towns and cities, to prevent by law the incurring of indebtedness for speculative purposes and to "boom" the property, but surely no such inhibition should stand in the way of Ogden, which is already an established, populous, and growing city.

The situation of affairs as shown in the papers filed is such as to demonstrate that the improvements suggested are essential to the progress, the prosperity, and the health of the community, and it is shown that they are desired by the officials, the business men, and the citizens generally.

The report of the governor of Utah for 1889 shows that the population of Ogden in 1880 was 6,039; that in 1889 the population was 15,000, showing an increase of nearly 300 per cent. in ten years; and the population is steadily and rapidly increasing. The governor's report also shows that the property assessment of Ogden for 1889 was \$7,000,000; that the indebtedness of the city was \$100,000 only; that there were in the city three national banks, with a capital of \$350,000 and deposits of \$1,321,000. Speaking of the business prosperity of the Territory, the governor, after reciting that an immense immigration has been flowing into Ogden, says:

"The people of this rapidly growing city are active, persevering, and industrious, and deserve the success which has come to them."

Ogden is a railroad center, and to and through the city there is an immense traffic and travel. It is a distributing point for the United States mails and for Army stores and supplies.

The city is the central point of five trunk lines of railroad and there are always a great number of transient visitors in the city, as well as the employees of the railroad companies, and the erection and maintenance of a city hospital is indispensable.

The following, quoted from the last report of the city recorder, will show something of the financial transactions and condition:

"The report of the city recorder for the quarter ending February 14 was read, and showed a balance on hand at the beginning of the quarter of \$11,076.39; receipts, \$29,126.70; total, \$40,203.29. Disbursements, \$26,725.43; cash on hand, \$13,473.86. The yearly report, ending February 14, showed cash on hand at beginning of year, \$30,773.37; receipts, \$106,496.60; total, \$127,269.97. Disbursements, \$113,796.11; balance on hand, \$13,473.86."

In view of all the surroundings, it is evident that Ogden is already a very important city, and that in the near future it is certain to be one of a great population and of vast business interests. It is not necessary to point out that the improvements now sought can be more economically and advantageously made at this stage, so as to be prepared for the coming increase, as well as to contribute to the health, convenience, and comfort of the present population.

It is believed that upon a proper consideration the bill will commend itself to the House.

It is known that, should the bill become a law so that the loans can be negotiated on long time and in the manner proposed, the money can be had at an annual interest of not to exceed 5 per cent.; whereas, under other circumstances and for shorter time, the interest charges would be not less than 8 or 10 per cent.

Your committee, however, recommend the following amendments to the bill as being better in phraseology and to more carefully guard the interests of all concerned, namely:

First. Strike out from the beginning of line 3, to and including the word "taxes," in line 2, and insert in lieu thereof the following:

"That the municipal corporation of Ogden, Utah Territory, is hereby authorized to assume a bonded indebtedness, including all existing liabilities, equal to

per cent. of the value of the taxable property within said corporation, such value to be ascertained by the last assessment for municipal taxation, notwithstanding the provisions of section 4 of an act entitled 'An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes,' approved July 13, 1896."

And, second, add at the end of the bill the following:  
"And provided further, That this act shall be of no effect until the proposition to increase the indebtedness of said city shall have been submitted to and adopted by the lawful voters thereof at an election for that purpose to be held after the passage of this act and on such day as the mayor and city council of said city may appoint: And provided further, That the amount and purpose for which such bonds are to be issued shall be distinctly stated in the proclamation calling such election."

And as so amended your committee recommend that the bill do pass.

The amendments recommended by the committee were agreed to.  
The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.  
Mr. DORSEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### FUNDING ACT OF ARIZONA.

Mr. STRUBLE. I now call up for consideration the bill (H. R. 3365) approving, with amendments, the funding act of Arizona.  
The bill was read, as follows:

*Be it enacted, etc.,* That the act of the revised statutes of Arizona of 1887, known as "Title XXXI—Funding," be, and is hereby, approved and confirmed, with the following amendments, subject to future Territorial legislation. The act as amended shall read as follows:

#### "TITLE XXXI—FUNDING AND LOAN.

##### "CHAPTER I.

##### "TERRITORIAL, COUNTY, MUNICIPAL, AND SCHOOL DISTRICT INDEBTEDNESS.

"PAR. 2039. (Sec. 1.) For the purpose of liquidating and providing for the payment of the outstanding and existing indebtedness of the Territory of Arizona, and such future indebtedness as may be or is now authorized by law, the governor of the said Territory, together with the Territorial auditor and Territorial secretary, and their successors in office, shall constitute a board of commissioners, to be styled the loan commissioners of the Territory of Arizona, and shall have and exercise the powers and perform the duties hereinafter provided.

"PAR. 2040. (Sec. 2.) It shall be, and is hereby, declared the duty of the loan commissioners to provide for the payment of the existing Territorial indebtedness due and to become due or that is now or may be hereafter authorized by law, and for the purpose of paying, redeeming, and refunding all or any part of the principal and interest, or either, of the existing and subsisting Territorial legal indebtedness, and also that which may at any time become due, or is now or may be hereafter authorized by law, the said commissioners shall, from time to time, issue negotiable coupon bonds of this Territory when the same can be done at a lower rate of interest and to the profit and benefit of the Territory.

"PAR. 2041. (Sec. 3.) Said bonds shall be issued as near as practicable in denominations of \$1,000, but bonds of a lower denomination, not less than \$250, may be issued when necessary. Said bonds shall bear interest at a rate to be fixed by said loan commissioners, but in no case to exceed 5 per cent. per annum, which interest shall be paid in gold coin, or its equivalent in lawful money of the United States, on the 15th day of January in each year, at the office of the Territorial treasurer, or at such bank in the city of New York, in the State of New York, or in the city of San Francisco, in the State of California, or such place as may be designated by said loan commissioners, at the option of the purchaser of said bonds, the place of payment being mentioned in said bonds. The principal of said bonds shall be made payable in lawful money of the United States fifty years after the date of their issue.

"They shall bear the date of their issue, state when, where, and to whom payable, rate of interest, and when and where payable, and shall be signed by said loan commissioners, and shall have the seal of the Territory affixed thereto, and countersigned by the Territorial treasurer, and bear his official seal, and shall be registered by the Territorial auditor in a book to be kept by him for the purpose, which shall state amount sold for, or if exchanged, for what; and the faith and credit of the Territory is hereby pledged for the payment of said bonds and the interest accruing thereon, as herein provided.

"PAR. 2042. (Sec. 4.) Coupons for the interest shall be attached to each bond, so that they may be removed without injury to or mutilation of bond. They shall be consecutively numbered, and bear the same number of the bond to which they are attached, and shall be signed by the Territorial treasurer.

"The said coupons shall cover the interest expressed in said bond from the date of issue until paid; but in no case shall bonds bear interest nor shall any interest be paid thereon for any time before their delivery to the purchaser, as hereinafter provided.

"PAR. 2043. (Sec. 5.) Whenever the said loan commissioners may be authorized by law to issue bonds or shall have decided to refund or redeem all or any part of the existing indebtedness of this Territory, they shall direct the Territorial treasurer to advertise for a sale of the bonds to be issued for that purpose, by causing a notice of such sale to be published for the period of one month in some daily newspaper published at the capital of the Territory, and at least one insertion in a newspaper published in the city of New York, in the State of New York, and in the city of San Francisco, in the State of California, or such other places as the loan commissioners may name; such notice shall specify the amount of bonds to be sold, the place, day, and hour of sale, and that bids will be received by said treasurer for the purchase of said bonds within one month from the expiration of said publication; and at the place and time named in said notice the said treasurer and loan commissioners shall open all bids received by him and shall award the purchase of said bonds, or any part thereof, to the bidder or bidders therefor bidding the lowest rate of interest: *Provided*, That said loan commissioners shall have the right to reject any and all bids: *And provided further*, That they may refuse to make any award unless sufficient security shall be furnished by the bidder or bidders for the compliance with the terms of their bids.

"PAR. 2044. (Sec. 6.) When the sale of said bonds shall be awarded by the loan commissioners, they shall provide and procure the necessary bonds as in this act provided, and any expense incurred by them therefor, for the publication of said notices, costs of remitting funds for the payment of interest or money on said bonds, and all other necessary incidental expenses under the provisions of this act shall be paid out of the general fund of said Territory, upon the order of the Territorial auditor, countersigned by the governor; and a sum of money sufficient to cover said costs and expenses is hereby appropriated out of said fund.

"They shall, from time to time, after signing said bonds, deliver them to the Territorial treasurer, taking his receipt therefor, and charge him therewith. The

said treasurer shall give to the Territory of Arizona an additional official bond, with two or more sureties, in a sum equal to the amount of bonds delivered to him by the said loan commissioners, which bond shall be approved by the governor and deposited and filed with the secretary of the Territory, and recorded by him in a book to be kept for that purpose. And the said treasurer shall stand charged upon his official bond for the faithful performance of the duties required of him under this act.

"PAR. 2045. (Sec. 7.) The Territorial treasurer shall sell said bonds for cash, or exchange them for any of the indebtedness for the redemption of which they were so issued, but in no case shall said bonds be sold or exchanged for less than their face or par value and the accrued interest at the time of disposal, nor must any indebtedness be redeemed at more than its face value and any interest that may be due thereon.

"That said treasurer shall indorse, by writing or stamping in ink on the face of the paper evidencing the indebtedness received by him in exchange for said bonds the time when and the amount for which exchanged.

"PAR. 2046. (Sec. 8.) Moneys received by said treasurer shall be applied by him to the redemption of the indebtedness for the redemption of which bonds were issued, and the treasurer shall give notice, as is provided by law in case of payment and redemption of Territorial warrants, of his readiness to redeem such indebtedness, and thereafter interest on all such indebtedness due and outstanding shall cease.

"Before any such indebtedness shall be paid the Territorial auditor shall indorse on each certificate the amount due thereon, and shall write across the face of each the date of its surrender and the name of the person surrendering, and shall keep proper record thereof.

"PAR. 2047. (Sec. 9.) There shall be levied annually upon the taxable property in this Territory, and in addition to the levy for other authorized taxes, a sufficient sum to pay the interest of all bonds issued and disposed of in pursuance of the provisions of this act, to be placed in the Territorial treasury, in the fund to be known as the 'interest fund.' And fifty years after such bonds shall have been issued such additional amount shall be levied annually as will pay 10 per cent. of the total amount issued until all the bonds issued under the provisions of this act are paid and discharged.

"The Territorial board of equalization, or, on their failure, the Territorial auditor, shall determine the rate of tax to be levied in the different counties in the Territory to carry out the provisions of this act, and shall certify the same to the board of supervisors in each county and to the municipal or school authorities; and the said board of supervisors, or authorities, are hereby directed and required to enter such rate on their assessment rolls in the same manner and with the same effect as is provided by law in relation to other Territorial, county, municipal, and school taxes. Every tax levied under the provisions of authority of this act is hereby made a lien against the property assessed, which lien shall attach on the first Monday in March in each year, and shall not be satisfied or removed until such tax has been paid.

"All moneys derived from taxes authorized by the provisions of this act shall be paid into the Territorial treasury, and shall be applied:

"First. To the payment of the interest on the bonds issued hereunder.

"Second. To the payment of the principal of such bonds: *Provided*, That all moneys remaining in the interest fund after the payment of the interest in each year, and all moneys remaining in the 'redemption fund' after all said bonds shall have been paid and discharged, shall be transferred by the Territorial treasurer to the Territorial 'general fund.'

"PAR. 2048. (Sec. 10.) Whenever, after the expiration of the fifty years from the date of issuance of any bonds under this act, there remains after the payment of the interest, as provided in the preceding section, a surplus of \$10,000 or more, it shall be the duty of the Territorial treasurer to advertise, as in the manner of advertising by the loan commissioners for bids for sale of bonds, which advertisement shall state the amount of money in the said redemption fund, and the number of bonds, numbering them in the order of their issuance, commencing at the lowest number then outstanding which such fund is set apart to pay and discharge; and if such bonds so numbered in such advertisements shall not be presented for payment and cancellation at the expiration of such publication, then such fund shall remain in the treasury to discharge such bonds whenever presented, but they shall draw no interest after the expiration of such publication. Before any such bonds shall be paid they shall be presented to the Territorial auditor, who shall indorse on each bond the amount due thereon and shall write across the face of each bond the date of its surrender and the name of the person surrendering. The Territorial auditor shall keep a record of all bonds issued and disposed of by the Territorial treasurer, showing their number, rate of interest, date, and amount of sale, when, where, and to whom payable, and, if exchanged, for what, and, when presented for redemption, the date, amount due thereon, and person surrendering.

"The boards of supervisors of the counties, the municipal and school authorities, are hereby authorized and directed to report to the loan commissioners of the Territory their bonded and outstanding indebtedness, and said loan commissioners may, on written demand, require an official report from the board of supervisors of counties, the municipal or school authorities, of their bonded and outstanding indebtedness, and said loan commissioners shall provide for the redeeming or refunding of the county, municipal, and school district indebtedness, upon the official demand of said authorities, in the same manner as other Territorial indebtedness, and they shall issue bonds for any indebtedness now allowed, or that may be hereafter allowed by law, to said county, municipality, or school district upon official demand by said authorities; the county, municipality, or school district to pay into the Territorial treasury, in addition to all other taxes authorized by law, such amounts as may be by the Territorial board of equalization, or on their failure by the Territorial auditor for the payment of the principal of the bonds issued in redemption, refunding, or other bonds issued to such county, municipality, or school district when the same shall become due, and, in addition, a rate of interest paid by the Territory on such bonds.

"PAR. 2049. (Sec. 11.) When the treasurer pays or redeems any indebtedness he shall indorse, by writing or stamping in ink, on the face of the paper evidencing such indebtedness so paid or redeemed, the words 'redeemed and canceled,' with the date of cancellation. He shall keep a full and particular account and record of all his proceedings under this act and of the bonds redeemed and surrendered, and he shall transmit to the governor an abstract of all his proceedings under this act with his annual report, to be by the governor laid before the Legislature at its meeting. All books and papers pertaining to the matter provided in this act shall at all times be open to the inspection of the party interested, or the governor, or a committee of either branch of the Legislature, or a joint committee of both.

"PAR. 2050. (Sec. 12.) It shall be the duty of the Territorial treasurer to pay the interest on said bonds when the same falls due out of the said interest fund, if sufficient; and, if said fund be not sufficient, then to pay the deficiency out of the general fund: *Provided*, That the Territorial auditor shall first draw his warrant on the Territorial treasurer, payable to the order of said treasurer, for the amount of such deficiency, out of the general fund.

"PAR. 2051. (Sec. 13.) It shall be the duty of said loan commissioners to make a full report of all their proceedings had under the provisions of this act to the governor on or before the 1st day of January of each year, and said reports shall be transmitted by the governor to the Territorial Legislative Assembly.

"PAR. 2052. (Sec. 14.) No bond issued under the provisions of this act shall be taxed within this Territory."



The committee recommend the adoption of the following amendments:

Strike out, in lines 83 and 84 of section 5, the words "or such other places as the loan commissioners may name."

Also, insert in section 9, after the word "discharged," in line 155, the words "Nothing herein contained shall be construed to prevent the Legislature of Arizona from creating a sinking fund during the life of said bonds for their redemption at maturity."

Strike out in the same section, after the word "interest," in line 190, the words "in each year."

Also, insert in lines 228 and 229, after the words "may be," the word "directed," and in line 230, after the word "auditor," the words "to be levied;" so that it will read:

"Such amounts as may be directed by the Territorial board of equalization, or, on their failure, by the Territorial auditor, to be levied for the payment of the principal of the bonds issued in redemption, refunding."

Also, add new sections 15 and 16, as follows:

"SEC. 15. That nothing in this act shall be construed to authorize any future increase of any indebtedness in excess of the limit prescribed by the 'Harrison act.' Provided, however, That the present existing and outstanding indebtedness, together with such warrants as may be issued for the necessary and current expenses of carrying on Territorial, county, municipal, and school government for the year ending December 31, 1890, may also be funded and bonds issued for the redemption thereof; and thereafter no warrants, certificates, or other evidences of indebtedness shall be allowed to issue or be legal where the same is in excess of the limit prescribed by the 'Harrison act.'"

"SEC. 16. That all acts or parts of acts in conflict with this act are hereby repealed."

Mr. HOLMAN. Let the report accompanying this be read.

Mr. STRUBLE. I will yield to the gentleman from Nebraska [Mr. DORSEY.]

The report (by Mr. DORSEY) was read, as follows:

The Committee on Territories, to whom was referred the bill (H. R. 3365) approving with amendments the funding act of the Territory of Arizona, having considered the same, report as follows:

The assessed valuation of the Territory of Arizona is, in round numbers, \$30,000,000, and the indebtedness of the Territory, counties, cities, and school districts, about \$3,000,000, or 10 per cent. of the assessed valuation.

The rate of interest on the present indebtedness is not less than 6 per cent., and much of it 10 per cent. per annum, the average being about 8 per cent.

This high rate of interest has been paid regularly, and all the bonds, Territorial, county, city, and school, are held at or above par, and they were all issued for indebtedness created prior to the Harrison act. At the time said act went into effect the Territorial and county treasuries were without funds, and continued without funds until the next taxes were paid. In order to carry on government it became a necessity to create debt, and this debt was placed in the form of warrants bearing 10 per cent. interest. Notwithstanding the high rate of interest these warrants have never had a good commercial standing, on account of their dubious legal status. It is therefore a fact that the running expenses of the Territory, including counties, cities, and school districts, are largely increased by the depreciated value of warrants and the high rate of interest they bear. The Territory and many of the counties have each year fallen a little behind the preceding year in meeting their expenses, and it is therefore an absolute necessity to afford them relief.

The committee believe that a Territorial bond, with the long time proposed and having the approval of Congress, can be sold at par, bearing a less rate of interest than can be sold in any other way, and thereby secure for the Territory the much-needed relief and the saving of \$100,000 annually.

The provisions of the bill for carrying the same into effect have been carefully considered by the committee and are found to be ample, and that, except to legalize the indebtedness, there is no responsibility attached to the United States.

The time within which indebtedness may be funded is placed at December 31, 1890, when the taxes are due and payable. From and after that date there will be cash on hand with which to meet the current expenses of the Territory.

The committee are unanimously of opinion that the Territory of Arizona is entitled to relief, and therefore report back the accompanying bill with amendment, and recommend that it do pass.

The SPEAKER. The first question is on agreeing to the amendments reported by the Committee on the Territories.

The amendments were adopted.

Mr. HOLMAN. Mr. Speaker, I desire to ask the attention of the gentleman from Arizona for a moment, and also the gentleman from Nebraska in charge of this bill. The time fixed during which these bonds shall run is fifty years, with interest at 5 per cent. I think the gentleman reporting the bill, the gentleman from Nebraska, as well as the gentleman representing the Territory, will agree to the proposition to reduce the period to twenty years, with this provision added:

Provided, That said Territory reserves the right to redeem at par any of said bonds, in their numerical order, at any time after ten years after the date thereof.

That would make the bonds redeemable in ten years and payable in twenty, and it seems to me that it is not the policy of any of the Territories or the States of this country, or ought not to be, to create a longer debt than that period. I think this generation should meet the obligations it sees proper to create, especially in the form of public indebtedness.

I therefore move, with the concurrence of the gentleman from Arizona, to strike out "fifty" wherever it occurs in the bill, as fixing the date that these bonds shall run, and insert "twenty years," and add also the additional section which I have suggested.

Mr. DORSEY. If the gentleman from Arizona assents to the proposition of the gentleman from Indiana, I am sure I have no objection; but I desire to say that this bill has been carefully considered by the Committee on the Territories in both the Senate and the House. We have had frequent conversations with officers of the Territory and also with prominent citizens, and the bill is draughted in accordance with their wishes and desires. They desired that the Territory should have the right to fund its outstanding warrants in long-time bonds.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Indiana, which the Clerk will report.

The Clerk read as follows:

Strike out "fifty" wherever it occurs in the bill.

The SPEAKER. Strike out "fifty" and substitute "twenty," as the Chair understands the amendment.

Mr. HOLMAN. That would come in the additional section to the bill.

The SPEAKER. The Clerk will read the remainder of the amendment.

The Clerk read as follows:

Add as an additional section: "Said Territory reserves the right to redeem at par any of said bonds in their numerical order at any time after ten years after the date thereof."

Mr. SMITH, of Arizona. That amendment, Mr. Speaker, it seems to me, should come in, on the bill I have before me, on page 3, lines 48, 49, and 50, inclusive. It now reads—

The principal of said bonds shall be made payable in lawful money of the United States fifty years after the date of their issue.

Now, the amendment of the gentleman is to strike out "fifty," where it occurs there, and insert "twenty." I think that the amendment is a good one and ought to be adopted.

Mr. DORSEY. That is the proper place for it.

Mr. HOLMAN. Wherever it is appropriate—

Mr. DORSEY. And the same amendment, to strike out "fifty" and insert "twenty," should also come in on page 7, line 151.

Mr. SMITH, of Arizona. Instead of the additional section proposed by the gentleman from Indiana, that amendment should come in after line 50, I think.

The SPEAKER. The question is on the amendments of the gentleman from Indiana.

The amendments of Mr. HOLMAN were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DORSEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL JUSTICE FOR THE SUPREME COURT OF WYOMING.

Mr. STRUBLE. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the consideration of the bill (H. R. 967) providing for an additional justice for the supreme court of Wyoming, and for other purposes.

The SPEAKER. The Chair does not think that unanimous consent ought to be entertained during this hour.

Mr. STRUBLE. Then I have no other business from the Committee on the Territories.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BOWDEN, for the 17th and 18th instant, on account of important business.

To Mr. McCLANNEY, for eight days, on account of important business.

TRANSFER OF REVENUE-CUTTER SERVICE.

The SPEAKER. The Committee on Naval Affairs was passed by consent, and will now be called.

Mr. LODGE. Mr. Speaker, on behalf of the Committee on Naval Affairs I call up the bill (H. R. 6944) to transfer the revenue-cutter service from the Treasury Department to the Navy Department.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, on or before the 1st day of July, 1890, by and with the advice and consent of the Senate, all the officers of the revenue-cutter service (commissioned under section 2751, Revised Statutes of the United States) to be officers in the United States Navy, in the grades corresponding to their present relative rank, as follows: Captains revenue-cutter service to be lieutenant-commanders United States Navy; first lieutenants revenue-cutter service to be lieutenants, senior grade, United States Navy; second lieutenants revenue-cutter service to be lieutenants, junior grade, United States Navy; second lieutenants revenue-cutter service to be lieutenants, junior grade, United States Navy; third lieutenants revenue-cutter service to be ensigns United States Navy; chief engineers revenue-cutter service to be passed assistant engineers United States Navy, with the relative rank of lieutenant, senior grade; first assistant engineers revenue-cutter service to be passed assistant engineers United States Navy, with the relative rank of lieutenant, junior grade, and second assistant engineers revenue-cutter service to be assistant engineers United States Navy, with the relative rank of ensign. That the officers of the revenue-cutter service transferred to the Navy by this act shall take rank in the Navy according to the date of their commissions therein, and their seniority among themselves shall be determined by the date of their commissions in the revenue-cutter service; that the officers so transferred shall receive the pay and emoluments pertaining to their rank in the Navy; that they shall be governed by and subject to all laws and regulations for the government of the Navy, except in such particulars as may conflict with the provisions of this act; and that the number of officers so transferred shall be a permanent addition to that now allowed by law in the Navy, in the several grades hereinbefore mentioned.

SEC. 2. That on or before the said date the Secretary of the Treasury shall transfer from the Treasury Department to the Navy Department all vessels, with all their appurtenances, and all depots, stores, and other articles in any way belonging to the revenue-cutter service, and said vessels shall thereafter form a part of the regular naval force of the United States; and any revenue vessels hereafter built shall be constructed, and all repairs to existing vessels shall be made, under the authority and according to designs of the Navy Department; and the offices of superintendent of construction and consulting engineer and every office appertaining thereto, the office of instructor of cadets, and of the surgeons who serve during the practice cruises with cadets, are hereby abolished.

SEC. 3. That the number of enlisted men now allowed by law in the Navy shall be increased by so many as may be necessary to man the said vessels according to the regulations and allowances of the Navy; and the Secretary of the Navy is authorized to employ a sufficient number of pilots for the proper conduct of the service.

SEC. 4. That the Secretary of the Navy shall at all times, upon the requisition of the Secretary of the Treasury, assign suitable vessels, with the proper complement of officers and crews, to perform the duty now performed by the revenue-cutter service in such ports on the sea and Gulf coasts, on the lakes and elsewhere, as the Secretary of the Treasury may deem necessary, the duties of such vessels, their officers and crews, in relation to the protection of the revenue, to be prescribed by the Secretary of the Treasury, and their operations and movements to be controlled and directed by him precisely as has heretofore been in the revenue-cutter service. All officers so assigned shall be deemed officers of the customs during the period of such assignment and shall be clothed with the authority and exercise the powers now or heretofore pertaining to revenue-cutter officers.

SEC. 5. That all line officers transferred in pursuance of this act from the revenue-cutter service shall be considered out of the line of promotion upon attaining the rank of lieutenant-commander United States Navy; and all engineers so transferred shall be likewise considered out of the line of promotion upon attaining the rank of passed assistant engineer United States Navy, with the relative rank of lieutenant, senior grade; that whenever a vacancy shall occur from any cause whatever among the transferred officers it shall be filled by an officer so transferred, according to seniority, subject to the provisions herein-after contained in relation to filling such vacancies, such officer having successfully passed the prescribed examination for the grade to which he is promoted, but no officer so transferred shall be promoted to vacancies occurring among officers not so transferred. Whenever a vacancy occurs at the foot of the list of the transferred officers, it shall be deemed an ordinary vacancy in the naval establishment, and be filled according to the law and custom of the Navy, and the Secretary of the Navy may detail any officer of the proper grade to do duty in the vacancy so occurring (and such vacancies shall be filled, and details made in like manner until the list of transferred officers shall be exhausted), and thereafter the Secretary of the Navy may detail any officer to perform revenue-marine duty in the same manner as details are now made for other special duty. But the Secretary of the Navy shall not detail for the revenue-cutter service, nor continue therein, any officer who shall not be satisfactory to the Secretary of the Treasury, nor shall he detail for such service other than transferred officers, so long as any such are available.

SEC. 6. That the standard of examination for the promotion of officers transferred by this act shall be that now in force for the revenue-cutter service, and such examinations shall be made by boards composed of such transferred officers, such examinations to continue so long as any transferred line officers remain below the grade of lieutenant-commander United States Navy, or any transferred engineer below the rank of passed assistant engineer with the relative rank of lieutenant, senior grade, United States Navy.

SEC. 7. That section 1445 of the Revised Statutes shall be held not to apply to the officers transferred from the revenue-cutter service to the Navy by this act, but such officers shall receive the full benefit of sections 1443 and 1444, Revised Statutes of the United States, their rank notwithstanding, when they have performed the prescribed service of forty years or reached the prescribed age of sixty-two years, and officers so transferred shall be credited with the sea-service and other duties performed by them in the service of the United States, and shall receive all the benefits of such duty and of their service in the same manner as if they had been officers of the Navy during such service, without regard to the date of their commissions in the Navy.

SEC. 8. That no officer transferred as hereinbefore provided shall be required to serve in vessels doing other than revenue-cutter duty, except in case of war, and all officers attached to vessels performing revenue duty shall be considered as on sea service.

SEC. 9. That cadets of the revenue-marine service who shall have completed their probationary course when this act shall take effect shall, upon passing the prescribed examination, receive their commissions as ensigns in the Navy, but shall be considered in all respects as officers transferred by this act, and cadets who have completed one year of the probationary course upon the passage of this act shall be admitted to the Naval Academy in the fourth class, after passing a suitable examination, or, if they so prefer, after one additional year's probationary course, to be served on board a revenue-cutter, upon passing the examination for revenue-marine officers, as prescribed in section 6 of this act, be transferred to the Navy as provided above for revenue cadets who have finished their probationary course, and shall thereupon be held to be transferred officers and ineligible for promotion above the grade of lieutenant-commander, and no appointment shall hereafter be made to the grade of revenue cadet.

SEC. 10. That all contracts entered into by the Secretary of the Treasury for the maintenance of the revenue marine, or for the repair or construction of the vessels thereof, in force on the date of this act, becoming operative, shall remain in force in the same manner as if made by the Secretary of the Navy in accordance with the provisions of this act.

SEC. 11. That every officer not on the transferred list detailed for revenue-marine duty shall, within three months after such detail, pass an examination in the laws relating to his duties as an officer of the customs, according to the standard now in force for the revenue-cutters service.

SEC. 12. That all acts or portions of acts conflicting with or inconsistent with this act be, and they are hereby, repealed.

During the reading of the bill,

Mr. SPINOLA said: Mr. Speaker, I rise to make a parliamentary inquiry. How does this bill come here at this time this morning?

The SPEAKER. It comes before the House by being called up by the gentleman from Massachusetts [Mr. LODGE] in behalf of the Committee on Naval Affairs.

Mr. SPINOLA. I wish to offer an amendment.

The SPEAKER. Amendments are not in order until after the reading of the bill.

The reading of the bill was resumed and concluded.

Mr. McMILLIN. Mr. Speaker, I make the point of order against this bill that it increases the expenditures of the Government in excess of those now contemplated, and therefore would be a charge on the Treasury and hence obnoxious to the rule governing the consideration of bills in the morning hour.

The SPEAKER. Will the gentleman from Tennessee point out any portion of the bill that is obnoxious to the rule?

Mr. MCADOO. If the gentleman from Tennessee will permit me, I will state to him that it simply provides that the revenue-marine service shall be transferred from the Treasury to the Navy Department. It does not increase the expenditures of that establishment, as I understand it, being a member of the committee. It was jointly recom-

mended by the Secretary of the Treasury and the Secretary of the Navy that this branch of the service should simply be transferred.

Mr. McMILLIN. My understanding of the bill is that it increases the compensation of officers in the service.

Mr. LODGE. Mr. Speaker, I will explain the bill to the gentleman from Tennessee.

Mr. McMILLIN. I will hear the statement of the gentleman from Massachusetts, reserving the point of order.

Mr. LODGE. The report is rather a long one—

The SPEAKER. Can the gentleman from Tennessee point out to the Chair any ground in the provisions of the bill for the point which he makes?

Mr. McMILLIN. I sent for a copy of the bill when it was being read, but I did not get a copy of it until now, and I have not had time to find the particular provision.

The SPEAKER. The Chair will be obliged if the gentleman will point out the ground on which he makes the point of order.

Mr. McMILLIN. I will ask the gentleman in charge of the bill if that is not the fact?

Mr. LODGE. What?

Mr. McMILLIN. That it increases the compensation of certain officers.

Mr. LODGE. It decreases the expenditures of the service by \$138,000.

Mr. McMILLIN. But it increases the compensation of officers embraced in the bill, does it not?

Mr. LODGE. Yes; it increases the compensation as they are taken into the Navy.

Mr. BOUTELLE. But it decreases the expenditures \$138,000.

Mr. McMILLIN. But if it increases the compensation of any officer of the Government, Mr. Speaker, it would make it obnoxious to the rule.

Mr. LODGE. This bill makes no appropriation of any kind. It simply transfers this service to the Navy.

Mr. McMILLIN. But it is obnoxious to the rule because of the fact that it increases the compensation of certain officers, and is thereby made a charge upon the Treasury.

Mr. LODGE. Mr. Speaker, this bill transfers the officers of the revenue-marine service to the naval service of the United States. In doing that it is necessary to give them naval rank. They are given a relative rank to that of the Navy while in the service. In the Navy they are given actual rank, and the actual rank carries with it a slight increase of pay in such cases; but the consolidation of the service effects a saving of \$138,000 annually. That is the estimate. I do not see how this increase of pay which arises from the change of rank and which involves no appropriation of money, but, on the contrary, decreases the expenses of the Government, would be obnoxious to the rule.

Mr. KERR, of Iowa. Can the gentleman explain how that is?

Mr. McMILLIN. The bill may be a very proper one. I have not had opportunity to examine it, but I must say, from the statement of the gentleman from Massachusetts, it is clearly obnoxious to the second subsection of the first paragraph of Rule XIII, which provides:

A House Calendar, to which shall be referred all bills of a public character not raising revenue nor directly or indirectly appropriating money or property.

The increase of the compensation of a single officer of the Government is such an additional charge on the Treasury as would make it obnoxious to the rule. I think there can be no doubt about its effect, and it must take its place for consideration in another way and on another Calendar. As I have said, this may be a very proper bill. It is a very long bill, and I was unable to get hold of it until this morning; but I take it that it is obnoxious to the rule on the gentleman's own statement.

Mr. BOUTELLE. I would suggest to the gentleman from Tennessee that this bill does not directly or indirectly appropriate money.

Mr. McMILLIN. Is not the salary, fixed by an officer whom the President may appoint and whom the Senate confirms, a charge upon the Treasury? It transfers them; it changes their rank; and, as stated by the gentleman from Massachusetts, it increases the pay they are to receive.

Mr. BOUTELLE. But in other respects the expenditures are very largely decreased, so that the expenditures on the whole service would be \$138,000 less than now.

Mr. McMILLIN. That is a matter of argument.

Mr. BOUTELLE. It is not a matter of argument; it is a matter of financial fact.

Mr. McMILLIN. The bill is on the wrong Calendar, and it can not be considered in this hour. I might vote for the bill if it was up for consideration in its regular order.

Mr. BOUTELLE. I do not understand that the merits of the bill are under discussion, but I think that the bill is on the proper Calendar.

Mr. McMILLIN. It increases the compensation of officers of the Government, and hence is obnoxious to the rule.

Mr. BOUTELLE. The fact is that it decreases the expenditures.

Mr. LODGE. It does not appropriate a dollar.

Mr. McMILLIN. It does appropriate a dollar for these officers. They are provided for to-day in the appropriation bill as officials of the revenue-marine service, under the Secretary of the Treasury, in the Treasury Department.



A MEMBER. But it reduces the salary.

Mr. McMILLIN. No; the gentleman is wrong.

Mr. BOUTELLE. The gentleman assumes that the effect of this bill is an increased charge upon the public Treasury. It has not that effect. That is not the fact. The effect of the bill is to increase in certain instances the compensation of some of these officers; but the general effect of the entire measure is to reduce the expenditures now made for the carrying on of this service. In other words, it does not appropriate money for any purpose, but provides for the reorganization of a certain branch of the public service in a manner that will reduce the amount to be appropriated and the amount of expenditures by something like \$138,000, as near as can be estimated.

A MEMBER. But in certain instances it increases the pay.

Mr. LODGE. I wish to call attention to this matter of the appropriation of money out of the Treasury. This bill authorizes the President to appoint under this act, and gives him the power, in other words, to transfer these officers to a certain rank in the Navy. Instead of making an increased charge upon the Treasury it reduces the charge upon the Treasury.

Mr. KERR, of Iowa. Can you explain that?

Mr. LODGE. Why, certainly. The estimates are all in the back part of the report, if you will examine it. They are given in Appendix A.

Mr. KERR, of Iowa. I have not heard of it until this morning.

Mr. CANNON. If the gentleman will allow me. The effect of the bill may be to reduce the charges made; they may or may not. But that is immaterial. It does provide that the President is authorized to appoint certain officers in the Navy. Now, then, that does make a charge upon the Treasury. It does require an appropriation, and it does not matter, so far as the rule is concerned, to say that it would retrench expenditures and that it would make a less charge than is now made.

Mr. LODGE. I desire to call attention of the House to the way in which the point of order acts for economy; that in order to throw this out of the Calendar and out of its place we refuse to make a net saving of \$138,000 a year by making the point of order on a small increase in the officers' salaries. And I do not see how that can be considered as a charge on the Treasury in view of the fact that the increase in the salaries is compensated by the reduction in the total expenditures to the extent of more than \$130,000.

Mr. BOUTELLE. This bill might properly be designated a bill to reduce expenditures for the maintenance of the revenue service. That would be an entirely proper title to that bill, and under that title I should think it would go to the House Calendar.

Mr. McMILLIN. But as to every officer that is appointed under this bill, his salary is a charge upon the Government.

Mr. BOUTELLE. But he is a charge upon the Government, and it is simply a transfer that is provided for by this bill.

Mr. HOPKINS. But under this bill he becomes an increased charge.

Mr. McMILLIN. Yes; an increased charge according to the confession of the gentleman in charge of the bill [Mr. LODGE].

Mr. BOUTELLE. There are some increases, but the aggregate effect is a decrease.

Mr. McMILLIN. There are certain increases, and if I understand the bill correctly it retires officers of a certain age who would not otherwise be retired, and in that way the bill makes a charge upon the Treasury. I may, however, be in error on that point.

Mr. BUCHANAN, of New Jersey. You certainly are, because if not retired they are on full pay, while if retired they would receive only 75 per cent. of full pay.

Mr. HOPKINS. But 75 per cent. of the pay they would receive under this bill may be more than full pay would be under existing law.

Mr. BUCHANAN, of New Jersey. But it so happens that it is not.

Mr. SPINOLA. If I understood correctly the statement of the gentleman in charge of the bill [Mr. LODGE] that the pay of a certain class of officers is increased by it, then certainly that increase must be a charge upon the Treasury in addition to that which it is now called upon to meet. If that is the fact, then certainly the bill is open to the point of order under the rule. I do not see how gentlemen can meet or avoid the point in view of the declarations and admissions made by the chairman of the committee, who has charge of the bill, that, as I understand, the increases in the compensation of officers will amount to some thousands of dollars.

Mr. BOUTELLE. You do not decide what Calendar a bill shall go to because of a single paragraph in it.

Mr. SPINOLA. But a single paragraph may provide for taking a certain amount of money from the Treasury, and that would bring the bill under the rule.

Mr. BOUTELLE. The bill only provides for the transfer of officers from one salary-roll to another.

Mr. SPINOLA. Yes; but at increased compensation.

Mr. BOUTELLE. In some cases.

Mr. SPINOLA. Very well. That makes an additional charge upon the Treasury, and there is no way to avoid the point, that I can see, except to allow the bill to take its regular order.

Several MEMBERS. Let us have a ruling on the point of order.

Mr. SPINOLA. I believe I have the floor, Mr. Speaker. [Laughter.]

The SPEAKER. The gentleman from New York [Mr. SPINOLA] has the floor and is addressing the Chair upon the point of order.

Mr. SPINOLA. Certainly, sir; and I do not propose to surrender it until 2 o'clock.

A MEMBER. That I should call a dilatory proceeding. [Laughter.] Mr. SPINOLA. No, sir; and I do not propose to be long-winded either, but to take the thing as coolly, quietly, and peaceably as possible, and to see that no injustice is done to the Treasury of the United States. [Laughter.]

Mr. BOUTELLE. I am glad to see how anxiously and earnestly the gentleman [Mr. SPINOLA] is laboring to get that provision upon the bill which he desires adopted on behalf of the pilots.

Mr. SPINOLA. Certainly, sir. My amendment, when the time comes, I shall ask all the members of this House to vote for, and they will do so, for the reason that it will be a just amendment, in the interest of a most worthy class of men. [Laughter.]

Mr. BOUTELLE. Well, let us go ahead now and we will soon reach it.

Mr. SPINOLA. Oh, yes, you want to go ahead, but you will not take my amendment, and that is the reason you must come under the rule. [Laughter.]

THE LATE REPRESENTATIVE KELLEY, OF PENNSYLVANIA.

The SPEAKER. The hour having arrived for executing the special order of the House, the Clerk will read the order.

The Clerk read as follows:

*Resolved*, That Saturday, March 15, at 2 o'clock, afternoon, be fixed for paying tribute to the memory of Hon. William D. Kelley, late a member of the House of Representatives in the Fifty-first Congress from the State of Pennsylvania.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, biography of eminent men who have achieved distinction in life is a great teacher and holds out to youth struggling against adverse circumstances a hope of ultimate success.

William Darrah Kelley, born April 12, 1814, in the city of Philadelphia, died at twenty minutes after 6 o'clock of the evening of January 9, 1890, at the Riggs House, in the city of Washington, D. C., having reached almost seventy-six years of age, from his early youth until his death, while a member of the House of Representatives of the United States, is another illustration in his successful career of what can be accomplished by devotion to study stimulated by a proper ambition.

Young Kelley, thrown upon his own resources in his boyhood, was at school until nearly his twelfth year and was fortunate in receiving a good English education. This was the basis of his fondness for study. He began then to earn his own living by going into a store as errand boy and by reading proof in a printing office. His father, who died when he was but two years of age, was a widely known and successful jeweler, but the shrinkage in all business pursuits following the war of 1812 brought to him financial disaster. The son, feeling the necessity of adopting some permanent occupation, concluded to learn the business his father had followed, and by thirteen years of age had apprenticed himself for seven years to a firm of jewelers. Having completed his apprenticeship he went in a little while to the city of Boston, and worked there several years as a journeyman.

Returning to Philadelphia in his early manhood he commenced the study of law, and at twenty-seven years of age was admitted to the bar. With a matured intellect and with close habits of study he soon became prominent as a lawyer, and, attracting by his rapid progress in his profession the attention of the governor of the Commonwealth, he was appointed prosecuting attorney of the city and county of Philadelphia, and held that office a second time. In 1846, at thirty-two years of age, he was commissioned by appointment a judge of the court of common pleas. In 1851, the judiciary of Pennsylvania having become elective, he was chosen by the people to the same court for a term of ten years, remaining a judge about half his elective term, he having served in that capacity about ten years in all.

He was nominated in 1856 for the House of Representatives, and then resigned his judgeship. His resignation enabled him to take part with propriety in the interesting canvass of that year, presenting to the people with great power and eloquence the principles of Republicanism upon which he sought to be elected, and urging with force and vigor the election of General John C. Frémont. The campaign ended in the defeat of the judge for Congress and also of the distinguished candidate for the Presidency.

He had won distinction upon the bench, and, coming to the bar again, his knowledge of the law and his impressiveness of speech brought to him at once a large clientele, both as counselor and advocate.

Taking hours from his professional work, he was prominent in the lecture field upon many of the subjects, irrespective of politics, of that day which called to the rostrum many cultured men. An errand boy, a printer's proof-reader, a jeweler's apprentice, a workman at his trade, a lawyer, a prosecutor of the pleas, a judge, and a lecturer, he never failed of success, for he never ceased to devote himself to study. His temperament was such that he must work; his unwearying eagerness for learning and his determination to succeed elevated him in the estimation of the people and made his wonderful career in public life a historical certainty.

My acquaintance with my late colleague commenced when he was filling the position of prosecuting attorney. As a student at law I was frequently a listener in the courts and the quarter sessions and over and over again gave me opportunities of hearing him in the trials of criminals of all grades. I was impressed with his consummate skill in the examination of witnesses, his logical analysis of evidence, and his persuasive power of presenting cases to juries. As I look back upon these earlier years of his professional life, the Philadelphia bar full of great lawyers, I can say that he was noted among them as already a distinguished leader.

Great questions were now agitating the public mind, and Judge Kelley naturally entered into their discussion. In the division of parties he had been a Democrat, but he differed with that party upon the issue of slavery and its extension. In his lectures before large assemblies he advocated freedom to all, and upon the stump as a candidate made himself most conspicuous as an orator and contributed in a great degree to the future success of the Republican party.

Elected to the House of Representatives in 1860 as a Republican, he was sworn in as a member of the Thirty-seventh Congress at the session called by President Lincoln July 4, 1861. He came to the performance of his duties fully equipped, for he had studied the principles of republican government. As a man of the people, he understood what was due to humanity. With a mind stored with knowledge acquired by study of the writings of the fathers of the Republic, he soon took rank with the great statesmen who welcomed him to a seat beside them in that eventful called session. Among them, as senior colleagues from Pennsylvania, were Thaddeus Stevens, Galusha A. Grow, James K. Moorhead, and Edward McPherson, all widely known throughout the country.

From other States were seated there JUSTIN S. MORRILL, WILLIAM S. HOLMAN, HENRY L. DAWES, John A. Logan, Schuyler Colfax, DANIEL W. VOORHEES, William Windom, Robert Mallory, John A. Bingham, Samuel S. Cox, Elihu B. Washburne, Clement L. Vallandigham, William A. Wheeler, Francis P. Blair, jr., Roscoe Conkling, George H. Pendleton, JAMES F. WILSON, Elijah Ward, who, with many others of distinction, composed that House of Representatives of the Thirty-seventh Congress. With its roll of only 181 members who took the oath of office, I believe it has never been surpassed, if ever equaled, in the number of men who already had impressed themselves upon the country for statesmanship or who subsequently, so many of them, rose to higher eminence in different branches of Government service.

Judge Kelley, for the first time in a representative position and finding himself surrounded by so many great men, but depending, as was his wont, upon his own ability, at once came almost to the fore front, and sustained himself well in that early day of his Congressional service. Soon he was acknowledged as fit to take a prominent part in the deliberations and debates of that stormy period. The great leader of Republicanism in the House of Representatives then was Thaddeus Stevens, who was, in my judgment, the greatest leader ever in Congressional life. In statesmanship, without detracting in the least from the reputation of others with whom it has been my good fortune to serve these many years in the House, I place him before them all. Now, in conscientiously considering where should stand upon the roll of leading members of Congress the name of my long-time colleague, Judge Kelley, I must inscribe it next to the great American commoner, Thaddeus Stevens.

This high position I give him I believe is due to him, for never in my Congressional acquaintance has any one excelled him in persistent acquisition of knowledge and in toiling without cessation through years as a Representative for the advancement of his country's interests. He never failed at any time earnestly to advance by legislation the improvement in circumstances of his own immediate constituents while never neglecting the people at large. So able in argument for the abolition of slavery, so patriotic in his teachings for the preservation of the Union, so convincing in speech for the system of protection to American industry that eulogy is exhausted. The Congressional Globe and the CONGRESSIONAL RECORD in their pages contain an imperishable history of William D. Kelley as a Representative in Congress. He never spoke but to enlighten his hearers and the country. His eloquence upon this floor at times turned expected defeat into victory, and his voice, raised to accomplish something for the poor and distressed seeking individual legislation, rarely was in vain.

Judge Kelley had the confidence of President Lincoln and his Cabinet. He was frequently called upon by them during the four years of the rebellion for suggestions, and his broad views and his convictions of right many a time were concurred in by those distinguished men. His faculty of research, his extensive reading, his gift of a never-failing memory, his personal visitations to almost every part of our country in search of information, his journeyings in Europe, his contact with the great men here and in many foreign lands, taught him as few men have been taught. He gathered facts from every source and brought them into use with great effect upon all subjects upon which he wrote or spoke. This devotion to the acquisition of knowledge made him a statesman. Such, in my estimation, must be the manner of life of any one who wishes to accomplish statesmanship.

Upon the subject of protection, in my opinion, his acquaintance with

its details was far beyond that of any of his associates in Congressional life, and was not surpassed, yes, not equaled, even by those from whom he first learned the principles of the system. Indeed, the tariff was his hobby above and beyond every other subject to which he turned his attention. What we owe to those who have hobbies! Knowledge would progress slowly were it not for the devotion of earnest men to the study of some one great subject and the promulgation of their researches to the world.

Notwithstanding the constant hourly and daily occupation of Judge Kelley in the duties of his representative life, he was prompted to take from his busy moments sufficient time to write and edit works upon the topics which engrossed his mind. Thus he gave to the public the stores of information his industry had accumulated, especially so upon the question of protection. To read his publications is to learn the soundness of a system which has given prosperity to our country and made us the chosen of the earth.

Did we ever realize that years were passing on in the life of our distinguished friend? Did we look upon him as one who was showing the advance of age and decreasing in physical strength or mental vigor? That graceful form, that lightness of step which all of us so often noticed as he crossed this floor, that bright and unclouded mind kept out of our thoughts even the idea that he had passed far beyond threescore years and ten. Not until a few months before his death could I, his intimate friend, I who saw him and conversed with him almost every day during the sessions of the Congresses in which we have served, observe any such decided change in his health as to give me undue alarm.

As late as the 13th day of last September, when he and I, in New York, as members of the funeral committee, followed to the grave our dear friend, Samuel S. Cox, his hope of active service in the Fifty-first Congress had not entirely departed. I saw him several times afterwards in Philadelphia; but still later, in an interview with him at the house of his daughter only a few days before he started for Washington to take his seat in the House, did I feel that he had lost strength, seemed discouraged, and that watchful care alone would enable him to undergo the never-ending anxieties which the session would bring upon him. Such a change in him between early in September and late in November last I could scarcely realize.

It was not until after the organization of the House that increasing physical weakness led him to decline serving upon the Committee of Ways and Means, of which he had once been chairman and had served so many years as one of its members. His friends noticed his depression of spirits; and, he having lost that natural buoyancy and liveliness which had ever made him a cheerful companion, their hearts began to fail them and they feared that he might not be long among them. A man whose patriotic ambition had given him years of honor was evidently lingering out but a few remaining days of life.

I never knew Judge Kelley to be ambitious but for an acknowledgment of service advantageous to the people. His aspirations never led him to wish for or to seek the Speakership of the House. He, at times when approached by his immediate Republican colleagues to permit them to present his name to the general caucus as Pennsylvania's choice for that high position, ever declined. Likewise, he never expressed a wish to be transferred to the Senate. His idea of Congressional service was upon the floor of the House, always asserting that continued elections by the people of his district covered the fullness of his ambition. So he had his wish. He alone, of all men living or dead, received fifteen consecutive elections to the House of Representatives.

Judge Kelley not only in speech was true to the preservation of the Union, but in practical service. In the emergency call of September, 1862, he enlisted in an artillery company and with it marched to the front, when Pennsylvania was invaded, and served until its muster out. In a short campaign he endured the fatigues of the march and of the camp. He shared with other privates of the company the privations and dangers of a soldier's life and held as a precious relic an honorable discharge. The exposure of those days and nights, in my opinion, laid the foundation of his fearful bronchial affection, which ended only with his life. He combated this disease with nerve, and never, with all the varied sufferings from it, did he yield in his determination to stand up to his work, his unconquerable will power keeping him many a time in the performance of duty while most others would have given up in despair.

His life was full of most interesting personal incidents. He was a positive man and he always uttered his opinions and sentiments. There were times and occasions when speech was dangerous in many parts of our country, but in the fulfillment of duty to principle he went wherever called upon to speak for the cause of the Union. His fearlessness disarmed his enemies, and under the greatest excitement he was given hearings, for his perseverance in the right commanded the respect of those from whom he differed.

How many a time I have heard him in a conversational way recount his experiences, and so gifted was he in interesting statement that he never tired his ever-ready listeners. He was truly a complete social companion, and he enjoyed life in a superlative degree. He was of a quick temperament, which I ascribe to his long suffering, but no one ever reacted in manner sooner, and if an imagined hurting of the feelings of any one was told him he never failed to seek out the per-



son injured and to evince the greatest kindness and readiness to hear and oblige if possible.

But, Mr. Speaker, the ending of his life was approaching. To a friend it was slow of belief, but it was sure to come. How could I, after twenty-five years of the closest companionship here, become satisfied that before long my associations with Judge Kelley, my friend and my colleague, were to cease? At last I learned from his own lips the progress of his disease. Even by his friends he disliked to be asked about his health, so sensitive had he become. He knew that, however solicitous and anxious they were, his days on earth were not many, and in his love for them he wanted to keep from them, as much as he could, his helpless condition.

Sitting by him at the dinner table at the Riggs House but a few days before the Christmas vacation, in a conversation I had with him about the recess, he, knowing I would spend it in Philadelphia, said that he would not, as he thought he would have more rest in Washington, and that his wife was coming to him. In a moment of extreme depression, and to my great surprise, he said to me: "How difficult I am finding it to talk much; but, my dear, long-time friend, I want to tell you that I am a dead man; yes, to tell you, but please do not repeat it to others. Oh!" said he, "if my life can only be spared until after the holidays, how thankful to my God I will be. I so much desire that the shadow of death may not be upon the households of my dear children and grandchildren to mar their Christmas enjoyments and to darken in my family the brightness of that festive time."

Dear colleague, your life was prolonged beyond that gay season. The wife who was with you, the children and grandchildren who were at their homes, had not to mourn your death until a later day.

To me the shock of this, as it were, confidential communication was terrible. The composure with which he spoke these words, "I am a dead man," unnerved me, and I can never forget them. Soon he took to the bed from which he was not to arise again. A devoted wife, sorrowing sons and daughters, cared for and nursed him until the last moment he was permitted to live. He suffered greatly at times during these dying days, but there was no murmuring. He knew that his end was coming, but he realized that there was One to Whom he could look for ease and comfort in the passing hours of his trials on earth, and calling time and again upon the Lord Jesus Christ, his Divine Lord and Savior, and repeating over and over, by day and by night, the Lord's Prayer, taught him by his christian mother, he breathed away his life in calmness and composure.

Mr. HOLMAN. Mr. Speaker, when on the 4th day of March, 1861, Abraham Lincoln was inaugurated President of the United States of America and the Thirty-sixth Congress expired, there was a great multitude of people at this Capitol; there was some display of enthusiasm such as is incident to a great event, but there was a subdued feeling in the minds of all men that the issue which the founders of the Republic could only postpone, which statesmanship for three-quarters of a century could only hold in abeyance, must be decided by an appeal to arms; that the hour of revolution was at hand. Multitudes visited the tomb of Washington as if to revive their love for the Union at the shrine of the immortal patriot. With anxiety and foreboding men sought to conjecture what, from the gathering storm of human passions, Providence would bring forth.

On the 4th day of July, 1861, a day that will be consecrated to human liberty as long as the race shall endure, by the proclamation of the President of the United States Congress assembled in extraordinary session at the Capitol. It was a memorable meeting of Congress. The Republic, resting so long in safety in the security of peace, was already in the throes of war; the clash of arms could almost be heard from the portals of this Capitol. The seats in this Hall went to be occupied by the Representatives of ten States of the Union were vacant. No great crowds of people filled the corridors or galleries. The insignia of war were upon every hand. Union soldiers were encamped in this Capitol.

Anxiety and a sense of high responsibility pervaded both halls of Congress. Yet there was from the beginning a living confidence, both in House and Senate, that the Union of the States would survive the shock and come forth from the gathering darkness in unimpaired grandeur and strength.

The apostrophe of the greatest of American poets to the Union well expressed the confidence and enthusiasm of the two Houses of Congress at that memorable meeting on the 4th day of July, 1861:

Thou, too, sail on, O Ship of State!  
Sail on, O Union, strong and great!  
Humanity with all its fears,  
With all the hopes of future years,  
Is hanging breathless on thy fate!

In spite of rock and tempest roar,  
In spite of false lights on the shore,  
Sail on, nor fear to breast the sea!  
Our hearts, our hopes, are all with thee;  
Our hearts, our hopes, our prayers, our tears,  
Our faith triumphant o'er our fears,  
Are all with thee; are all with thee!

On that 4th day of July, 1861, William D. Kelley first entered this

Hall as a member of the House. The unseen forces in the great current of human affairs—forces of which men seem unconscious, which underlie physical revolutions and ever bear onward the human race to a higher and better life—were organizing events which statesmanship could not perceive; statesmen and politicians were "building better than they knew."

In the political contest of 1860 an unusual number of able men were chosen by the people to represent them in this Hall. The great political party, the counsels of whose statesmen had in the main guided the affairs of the Republic in former years, was broken into fragments. New men took charge of the ship of state. Pennsylvania furnished to the House in the Thirty-seventh Congress a very able body of men. Of Republicans there were Thaddeus Stevens, John Hickman, John Covode, James K. Moorhead, and Galusha A. Grow, who was elected Speaker, already experienced legislators; William D. Kelley, Edward McPherson, William Morris Davis, and others, all of whom were destined to play an important part in public affairs. Of Democrats, Hendrick R. Wright, the successor of George W. Scranton, the founder of the city of his name, whose early death in the midst of a career of great usefulness caused great and sincere public sorrow; Philip Johnson, Sydenham E. Ancona, and others, men of high merit, who made honorable records in this Hall.

It might be supposed, in view of their long service, that I had omitted the names of SAMUEL J. RANDALL and CHARLES O'NEILL, but the entry of those distinguished gentlemen into the public service did not occur until the opening of the Thirty-eighth Congress, two years after Judge Kelley became a member of the House.

Having been acquainted with the predecessor of Judge Kelley, after the House organized I went over and formed his acquaintance. We talked of his predecessor, of whom he spoke in high commendation; we talked of the condition of our country and the exigencies of the hour. I soon saw the spirit and high aspirations of the new member from Pennsylvania. He talked freely; there was no halting in his convictions.

He looked into the future without doubt or apprehension. The Union was safely intrenched in the affections and hopes of the people, and no revolution could be strong enough to even weaken the foundations on which the fathers had erected the structure. The fierce conflict impending would open up a new era; the slavery of the African, the only obstacle which in the beginning clouded the hopes of the fathers of a perpetual union of the States, would perish. Unconscious forces, under the command of Providence, were to open up in the North American Continent a scene of unexampled grandeur. I could not but admire his enthusiasm. Judge Kelley, as I saw him on that 4th day of July, 1861, was in the very bloom of confident manhood. The mysterious power of hope illuminated to him the scenes of the coming years with rays of golden light. He impressed me in that brief interview with the conviction that with opportunity he would impress his views and opinions on affairs and policies of Government.

I was charmed with Judge Kelley, though I did not fully concur in his views or feel the confidence he expressed in the future of our country, while rejoicing in the hope he expressed. His bearing then, as always afterwards, was pleasant and courteous; his manner genial, not much inclined to self-assertion, and in a degree diffident; yet his manner expressed confidence in himself; with a pleasant and kindly face, a bright, sagacious eye that seemed to see everything transpiring, and yet at moments with an absent expression; with a charming voice, under wonderful control, and of great compass, that in after years on countless occasions was to reach every nook of this great Hall, and which men would always stop to hear; such was Judge Kelley as I recall him to my mind after this long interval of nearly twenty-nine years.

Judge Kelley's record in Congress is in the main confined to three great subjects: the abolition of slavery, the currency, and the tariff. He was as determined, steadfast, and practical in his support of the abolition of slavery in our country as was Charles Sumner in the Senate or Thaddeus Stevens in the House, or as Wilberforce or the poet Montgomery was for its abolition in the British possessions. He was intensely hostile to slavery from the time he became a member of the House.

I think he allied himself with the Republican party because he believed that that party would in the main embody and express the anti-slavery sentiment of the American people. He sympathized keenly with the down-trodden and the miserable. He believed in the capacity of all men for progress and improvement, that all men should have an opportunity to better their condition, and that the distinctive glory of the christian religion was that it taught the unity of the human race, that all men were brethren. He hated all forms of human servitude; he would raise up the lowly and give them an opportunity to assert their manhood; hence he championed the measure for arming the slave that he might strike for his own liberty; he would liberate and enfranchise the slave because he was a man. He believed in the human race; he saw in the convulsions which overthrow hoary-headed distinctions among men, in the fierce antagonisms between rival States, the wrecks of revolution, the everlasting and feverish unrest in the social as well as the political world, only the outward expression of the aspirations of

the human heart for a purer atmosphere, for social life, a larger liberty, and a juster recognition of the natural equality and manhood of mankind; the race ever struggling to be better. He would have said with Longfellow, making the human race the "Poet, Prophet, Seer:"

In their feverish exultations,  
In their triumph and their yearning,  
In their passionate pulsations,  
In their words among the nations,  
The Promethean fire is burning.

Judge Kelley saw with exultation, emerging from the wreck of war, the accomplishment of the purpose to which he had devoted the earlier period of his life, the slave emancipated and enfranchised and representatives of the race in both Halls of Congress.

He was a valuable associate of Thaddeus Stevens in the contest in Congress as to the form in which the national debt should be created. He stood firmly with Mr. Stevens in demanding that the currency which should meet the enormous requirements of the war should be issued in the form of legal-tender Treasury notes, convertible into public securities, the principal and interest of which should be payable in the same currency; hence his opposition to the national-bank system or the payment of either the principal or interest of the national bonds in coin.

Mr. Stevens, the author of the legal-tender system of currency (greenbacks), was only partially successful in securing the adoption of his system in 1862. Judge Kelley adhered to it without faltering, and went at a later period to the verge of a rupture with his party in its defense. Experience has demonstrated that the plan of Mr. Stevens would have resulted greatly to the advantage of the people.

While the statesmen in Congress were ransacking every field of property and industry for subjects for taxation to meet the demands on the Treasury, the question of the tariff gave rise to but little discussion.

At a later period, when the public debt was materially reduced and it was obvious that the resources of the country would readily meet every demand on the Treasury, the tariff became a subject of absorbing interest. In the mean time Judge Kelley had become a great master of political science from the standpoint of the great party with which he was associated. He explored every field of learning and experience bearing upon the subject, and for twenty years he has been a high authority on all questions bearing upon the tariff as a means and method for promoting American industry. His elaborate speeches on that subject display great ability and inexhaustible industry. He must be regarded as one of the greatest and best informed advocates of that policy our country has produced.

Judge Kelley is justly entitled to be classed as a statesman of a very high order. He was not a politician in the sense in which that term is commonly used; he was not subservient as a partisan. He stood by his convictions of public duty without hesitation. He parted with his political friends, under a sense of duty, on the currency question, indifferent to the result. He refused, with dignified courtesy, to employ his time required in the public service to securing appointments to office of political associates. He served a great constituency in a great city in the high duties of a member of this House for over twenty-eight years, and that, too, without interruption, a longer period of service than has been known in this House since the beginning, over a century ago, and had he lived to the close of this Congress his service would have reached thirty years, and that, too, during a period crowded with a greater number of great events beneficial to mankind than any other period of the world's history. He has made a great record on great and historical questions. He came into this Hall when clouds of war covered the whole land and the Union was in mortal peril. He lived to see his country prosperous and united, every State in its place, the asperities of war supplanted by the kindly relations of a united people, and the spirit of peace and fraternal kindness overshadowing the great States of the Union—

Like the protecting hand of God inverted above them.

He left this Hall for the last time, bending under the weight of years, employed in the service of his country, conscious of possessing the affectionate regards of all the members of this great assemblage. His political opponents as well as his political friends alike join in sentiments of honor to his memory. Surely, this is a fortunate termination of a long and valuable life.

[Mr. BANKS withholds his remarks for revision. See Appendix.]

Mr. MILLS. Mr. Speaker, when we pay the last tribute of respect to the memory of William D. Kelley our minds naturally recur to the period of our history through which his service extended. His Congressional career began on the 4th of March, 1861, and ended with his life on the 9th of January, 1890. He was chosen a Representative for thirty consecutive years and was a member of the House for nearly twenty-nine years. During a large part of that time the country was passing through the most trying ordeal that had ever occurred in its history. After his first election and before his induction into office some of the States had declared the bands of political union dissolved, and soon after the fratricidal struggle began. No one supposed it was to assume such gigantic proportions or to last so long.

The wisest statesmen on either side never dreamed of the limitless military power of the country or the extent to which it would be called into action. But it was soon demonstrated that vast armies were to

be levied, organized, equipped, and supported; that quartermaster, commissary, medical, and ordnance stores were to be provided for the largest military establishment ever known on the earth. All these had to be created by Congress, and with as little delay as possible.

Beyond these demands, and what was more perplexing and difficult of accomplishment, a financial system had to be improvised to meet the daily draughts upon the Treasury, practically empty. In the preparation and passage of all these measures Judge Kelley's brain and pen bore a conspicuous part. He was then in the vigor of his manhood and in the zenith of his intellectual resources. He came to Congress well equipped for the difficult work which a great civil war made necessary to be done. His life had been spent in mental toil. Books had been his constant companions. Few of his associates were as well up in the knowledge of the country and its resources as he, and few of them made their influence so potent in the legislation of the country, in devising the means to prosecute the war and supply the armies with the men and material necessary to make it efficient.

Unhappily for the country, the difficulties which confronted Congress did not cease with the termination of the conflict. The war left a large debt as a part of its inheritance. To preserve the public credit means had to be provided to meet its annual interest and provide for its gradual extinction. The conquered States had to be restored to the Union. Their governments had to be reorganized. The passions and resentments engendered by civil war had to be allayed, wounds had to be soothed and healed, and the people who had been belligerents had to be reunited in the same government. The problem was filled with difficulties to the brim, and it required for its solution more than ordinary statesmanship.

It could hardly be a matter of surprise that mistakes were made, and mistakes which it would have required extraordinary wisdom and extraordinary virtue and extraordinary leaders to avoid. They were such as were common among the English-speaking people in the hour of triumph over their revolted kinsmen. The terms of restoration were harsh, and the manner of their enforcement was still harsher. The rehabilitation, both political and social, would have been more quickly and more easily accomplished if the hand that wielded the power had been more softly gloved.

Wiser and more desirable as the milder course would have been, yet in the light of the experience of other peoples similarly situated who had fallen under the edge of the sword, it was not to be expected. It required time after the storm had stilled for the billows to cease to roll and break over the surface of the troubled waters. The lawless surges when they roll do not consider natural or political rights, but sweep wildly over everything in their course.

In recalling the history of reconstruction I do not do so in any spirit of complaint. It was one of the inevitable results of civil war, and while it might have been made a brighter period in our history, yet it might have been made on the other hand infinitely darker. When all those now living are sleeping in their graves, and the generations yet in the womb shall have come into being and occupied our places; when all hate and resentment left as an inheritance from the struggle shall "sleep the sleep that knows not breaking," then our children and children's children will point with pride to the fact, as it will stand recorded in the annals of their country, that but a few years after the struggle the distinguished chieftains that led the opposing armies in the field and the statesmen that directed the counsels of the opposing governments sat together in the Senate and House of Representatives of the restored Union and of a reunited people.

Perhaps in scanning the pages of the records of the House they will feel a thrill of pleasure when they see that its membership was assembled in its Hall on the 15th of March, 1890, to render funeral honors to one of the most distinguished statesmen of the Union; one whose hand had steadied the helm when the ship of state, in the convulsion of the conflict, was riding out the storm and slowly but surely coming into the harbor of safety; that more than one hundred of those that stood about his bier had borne arms against the Government when the terrible conflict was on, and now, when it was over and ended forever, were as ready and as willing, if occasion required, to devote life and fortune to the service of the Union.

The party to which Judge Kelley belonged and of which he was a distinguished leader was in possession of the Government and charged with the responsibilities of all legislation affecting the reconstruction and restoration of the revolted States. In all its plans and policies I have no doubt he fully concurred, feeling that it was the course which prudence dictated as the wisest and best; but it may be said to his credit that he did not feel constrained on every occasion to add to the harshness of the measures by railing accusations thrown in the faces of the people upon whom they were to be enforced.

This to them will be a bright spot in his memory and one which they will recall with grateful feelings. He was not revengeful in his nature. Hate and resentment found no resting place in his heart. Thank God, the hearts in which they still live are lessening in number day by day, and it is fervently hoped that the day is not distant when they shall wholly disappear, and from one end of the Republic to the other we shall feel the ties of fraternal affection binding us together in one indissoluble bond of family union.



During the long period of my service with Judge Kelley here I am glad to say that I can not recall an instance in this House or out of it where he ever uttered cruel or unkind words of the people among whom I live. Throughout his whole public life he was the advocate and defender of measures directly opposite to everything they held dear to them. He opposed slavery, and never for one moment let his opposition sleep. He urged its abolition. He favored the enfranchisement of the negro. He supported all the measures he thought were necessary to secure these ends, but in doing so he taught a lesson others might learn, that one could support harsh measures without using harsh words. He knew how to be severe when provoked. No man had better command of vigorous English than he. His abstaining from its use was not from want of capacity, but from want of inclination.

During his public life he spoke and wrote on all the great questions that came before Congress, but he will be especially remembered for his able advocacy of the restriction of foreign commerce and the protection of American manufactures against foreign competition. This was the thought that never slept in his brain. It accompanied him wherever he went and only left him when the lamp of life had burned down into the ashes of old age and was extinguished. He believed in it with all his heart. He accepted without reservation all the articles of faith embraced in its creed. To study it in all its phases and to support it in all its conflicts was to him a labor of love. He investigated it at home and abroad, and felt convinced that he could trace its results in home and foreign industrial development.

Everything he saw or heard or read was turned toward his favorite theory. It would be difficult to find anywhere another who had gathered so large a store of information about every branch of manufactures. He knew the materials entering into the manufacture of a great number of products, and the different processes they passed through in coming to the finished article. He was not only familiar with the tariff history of his own country, but of that of other commercial countries. He was a man of extensive reading, of good memory, of well disciplined mind, and a high order of ability. To these he added the accomplishments obtained by travel in foreign lands and familiar acquaintance with the character, habits, and business of foreign peoples.

My acquaintance with Judge Kelley began in the Forty-third Congress. He was then an able and aggressive debater, and stood easily among the ablest and best in the House. In his later years the infirmities of age and the depressing effects of disease made him averse to the struggles of the intellectual arena. As age and the feebleness that follows in its train grew upon him he became a silent member, rarely participating in debate, and confining his legislative work to casting his vote for such measures as met the approval of his judgment.

His work is now done. The trust which he kept so long is ended. The office which he filled for so many years, and with so much distinction, returns to his constituency, his body to the dust from which it sprang, and his spirit to the God who gave it. All that is mortal of William D. Kelley now peacefully sleeps in the midst of those whom he served so long and whose will and opinions he so faithfully represented.

As a Representative his continuous service surpassed that of any other member of the House from the organization of the body. I have served with him here nearly seventeen years. Eight years of that time we have been members of the same committee, and during all the time of our long acquaintance on terms of uninterrupted personal friendship. In politics we were opposites, but differences in political opinions were fought out in the political arena and never disturbed our social relations. We have often spoken of his long service in the House. Some years ago I said to him that I supposed then that no member of the House had served as long as he had. He replied that he had thought so himself, but on investigating the subject he found that Nathaniel Macon, of North Carolina, was ahead of him.

Mr. Macon was elected to the House for fourteen consecutive terms, but before he had served out the twenty-seven years he was chosen a Senator and continued his long service in the other branch of Congress. Judge Kelley lived to pass the term of three score and ten allotted to man and to go beyond the long period of service here by the illustrious citizen of North Carolina. The rolls of the House show that of the thousands of Representatives who have served in the House only Kelley, Macon, and Cox, among the dead, and RANDALL, O'NEILL, and HOLMAN, among the living, have held that high honor for a quarter of a century.

The long life of Judge Kelley was full of public service and public honors. Throughout the whole period of his public career he enjoyed the unshaken confidence and affection of the people among whom he lived and for whom he labored so zealously and so long. And now, when life's fitful fever is over, like a tired laborer after a long day's toil, he returns to his home in the gathering shadows of the evening, and lies down to quiet and peaceful slumbers.

Mr. MCKINLEY. Mr. Speaker, I can not refrain from claiming for a moment or two the attention of the House to bring my tribute of respect and affection to my old friend, for whom living I had the most affectionate regard and whose death takes from all of us an honorable associate, a wise counselor, and from some of us a very close and dear

friend. I first met Judge Kelley in the Forty-fifth Congress. In the following Congress I was associated with him on the Committee on Ways and Means and from that time until the close of the last Congress I served with that distinguished statesman on the committee to which he devoted so much of the labor of his life, and with whose business, for almost a quarter of a century, he will be always remembered.

No eulogy which I will speak can do justice to the noble life which has closed. His life work is his highest eulogy; what he wrought for his fellow-men and the impress he made upon the legislation of the country will be his best and most enduring memorial. That which most impressed me in my long acquaintance with him was his thoroughness, his industry, his capacity for work, his sturdy integrity, his wide range of information. Every subject he touched he became master of; not content with scratching the crust merely, he penetrated the strata and foundation, and his public speeches and contributions to magazines evidenced a grasp of the subjects he was considering which few men possess. He was a great student and did his work with method, and therefore with dispatch. The long hours he gave to his public duties, to the critical investigation of the questions with which he was charged as a member of the House, will never be known, and they told awfully upon his strength. His work in his committee was of the most laborious character; the days were too short and the nights which should have been given to rest were exacted by the stern demands of duties placed upon him.

His intellectual resources were almost without limit. His knowledge of economic, financial, and scientific questions was vast and comprehensive. He was not only a reader of books and of current literature, but a keen and intelligent observer of forces, of causes, and events. Scarcely a subject could be discussed with which he was not familiar and which was not illuminated from his storehouse of knowledge. His work in the Forty-seventh Congress as chairman of the Committee on Ways and Means so drained his vital forces as to be the beginning of that physical impairment which ended in his death. It was a fearful draught upon his strength.

As a student and master of political economy he was probably without an equal in the present generation, and as the advocate of the doctrine of protection he was for twenty years the unquestioned leader, always in the very front rank and on the extreme outpost. He was devoted to the principle because it was a conviction with him and because he believed it would best subserve the interests of his fellow-citizens and secure the highest prosperity of his country. His name in that field of public duty will pass into history linked with the name of that other great protectionist, Henry Clay.

As an orator at his best he was powerful and persuasive. His voice was full and musical, his sentences were clear and rhetorical, his information and illustration striking and forceful. I recall some of his speeches in this Hall as the most impressive I have ever listened to; and whether on this floor or on the hustings, where vast crowds delighted to greet him, he carried his audiences by the irresistible force of his logic and the fervor of his eloquence.

He was an honest man, and that after all counts most and is best. Never did suspicion even fasten upon him; he was above it. For thirty years in public life, a member of the House of Representatives during the war, with its waste and destruction, followed by doubtful schemes and wild speculations; called upon as he was to deal with great public and private interests and much of the time in touch and control of legislation which affected vast enterprises, while others fell before the temptations of the hour, he passed through all unscathed and unswayed, uncorrupted and incorruptible, and leaves to his family and friends and his countrymen that highest of all honorable titles, an honest man.

He had a wonderful hold upon the people and upon his immediate constituency. For thirty years he represented the same district; fifteen times in succession he was returned to this House by an intelligent and discriminating constituency, and, while not at all times in accord upon every public question with those he represented, such confidence did his people have in his honesty and capacity and usefulness that they would elect no other Representative to displace him. This was a rare distinction, given, I believe, to no other man of the present or past, no other statesman living or dead; and at the end he was more firmly entrenched in the respect and affection of his people than at any other period of his career.

He devoted his whole life, his vigorous youth, his matured manhood, and his declining strength and energy to the public service, and his name will be associated with the greatest events of our national history. That public which he served so well owe him a debt which it can never repay. Men of all classes and conditions turned to him as their friend, and he served them faithfully and well. We shall miss him from these halls. We have already missed him.

We will honor him most by emulating his many virtues.

Mr. BINGHAM. He who took the harp of the North from "the witch elm that shades St. Fillan's Spring" has gone to sleep beneath "the pillared arches" and there is none left to wake the echoes of the vanished strains.

In the death of William Darrah Kelley there passed away to join the unreturning caravan, "to where, beyond these voices, there is rest," not only one of the most distinguished members of our body, but one of the most conspicuous figures that have stood in public life as a subject of popular attention during the last half of this eventful century.

Although his life was lustrous with grand achievements and his career masterful and almost matchless, it is not my purpose to review it in detail. His noble characteristics, his unremitting labor and tireless toil, a life work rounded, are better perpetuated in the lasting annals of our Government than I could preserve them in the most glowing rhetoric that faithful friendship could inspire or intimate association dictate.

Judge Kelley was in public life and wearing the deserved emblems of an honored position ere I had passed "the dreams of childhood days." He had conquered more than the ordinary obstacles of life ere I had mastered the common books of school-boy days. He had won grand triumphs ere many of us had put on the armor of warfare. He had abandoned a distinguished office ere many whom I address had aspired to the responsibilities of public avocation.

I might well say of him as the celebrated Talon said of the still more celebrated D'Anguesseau on hearing his first speech at the bar, "I would willingly end as that young man commenced."

He was of an ambitious, heroic, rugged, stern, and aggressive mold of character. "He wore the white flower of a blameless life," while but few roses made glad or marked his pathway of duty.

He preferred to sow with the sowers rather than luxuriate with the harvesters. He preferred to march with the plodding phalanx rather than rejoice with the happy victors. He had the courage to encounter the most valiant gladiators of the arena, and the ability to vanquish the grandest champions of the forum. With his native ability and his natural attributes it were impossible for him to be the inert observer when he had the opportunity of becoming the aggressive actor. He was, by his rich endowments, laborious training, and full learning, "the law's whole thunder born to wield."

But his restless genius and wise ambition prompted him to seek for greater laurels in wider fields. He was restless under the quiet duties which the functions of judicial life imposed. He doffed the spotless ermine, the noblest emblem that pertains to the dignified domain of jurisprudence, to don the buckler and contend for the more uncertain chaplets that crown the varied achievements of honorable statesmanship. He passed from the forum of the bar to the halls of legislation and, *omnium assensu*, became the head and front of those who professed to comprehend and control the legislation which involved the political economy of our Government.

The reputation he made in this field of strife and labor will survive untarnished by time as a lasting tribute to his memory and a living guide for his successors. He has hung along the highways of legislation no dim, flickering, or uncertain lights. His protracted experiences, large information, and tireless industry have and will illumine the paths he has traced for generations to come. They will ever exist as the tested and reliable pharos on the shores of the domain of legislation to point the inexperienced wayfarer and pilot even those who have encountered the shoals and quicksands that endanger the mariner on the sea of political life. He appreciated the full measure of public duty and official fidelity. He realized the great weight of every burden he had to bear. He shirked no peril, evaded no hazard, circumvented no risk in the line of duty and province of obligation, but conscientiously wore the insignia of appointed avocation, fearless of confronting obstacles, daring in resources, and hopeful in favorable results.

Let no impulsive flattery paint pictures to tint virtues, to mask infirmities, or exaggerate worth. But let us here in this Hall, where to all his face and form were so familiar, with bowed heads and reverent hearts, do full justice to the memory of one who has filled no small space in the world's history and who everywhere and under all circumstances, regardless of personal bias or partisan prejudice, has invoked by his illustrious and pre-eminent record, the homage of the faithful, the gratitude of the generation, and the tears of the loving to embalm a character that may well be our cloud by day and pillar of fire by night. He has passed to the sleep that knows no awakening and to the dreamless rest that furnishes no heralds. As he came from the unknown so he has journeyed to the inscrutable, playing his common part in the act of humanity which the great Jehovah permits in our brief earthly sojourn, which is but a flash of light between two great darknesses, the whence and the whither.

Mr. WILSON, of West Virginia. Mr. Speaker, I shall not attempt to rehearse the life of Judge Kelley or to present an estimate of his services as legislator and statesman. Such a review and such an estimate come more appropriately and with far more authority from those who served longer with him in this House, or who were brought nearer to him in their service than myself. Indeed, I can not claim to have enjoyed more than the formal acquaintance that grows out of membership of the same body, until I found myself, at the beginning of the last Congress, seated just opposite to him, at the table of the Committee on Ways and Means. That association, or perhaps I should with more accuracy say that opposition, which brought us into constant antagonism

in the work of the committee and in our views of the great public questions that occupied so much of the time of the Fiftieth Congress, gave rise, as frequently happens in this House, to a cordial and pleasant friendship that was never checked or strained by these open and avowed differences of political opinion.

In a large body like this, where the two parties not only sit widely apart but in semi-hostile array, close social intermingling is the exception rather than the rule. The free and intimate association of the committees, where most of the real work of legislation is done, plays a needed and useful part in tempering the asperities of partisan conflict and of individual antagonism.

Such close contact, even for a single Congress, is a test that settles forever our estimate of colleagues and opponents and sets in unchanging colors our feelings toward them.

If it occasionally confirms and hardens previous dislikes, it no less frequently replaces prejudice with warm and unfading friendship. I esteem it, Mr. Speaker, one of the most precious fruits of service here that I have garnered from my committee associations friendships which political concord does not enhance and political antagonism can not mar or destroy. It is to the memory of such a friendship that I bring a very humble but a very sincere tribute to-day.

From the beginning of my acquaintance with Judge Kelley he was an interesting personage to me. His name had been a prominent one in the proceedings of Congress from my earliest knowledge of those proceedings. He had been an actor, or at least the intimate associate of actors, in all the recent political history of the country.

However much advancing years and waning health had sapped the strength of the old warrior and compelled him, most reluctantly, as all could see, to resign to younger hands the leadership of battles he had so long gloried in fighting, they had not tamed his ardor for the fray nor had they clouded his memory of the past; and to hear him discourse of that past was like seeking history from its fountain-head, from one who had seen it all and his full share of it had performed.

It was in such recitals as these that a younger colleague like myself was wont to engage him, nothing loath, and in these recitals to see the kindly and genial side of a man habitually serious if not severe, who in the contests of the House used weapons on which there were no foils.

But, Mr. Speaker, it is not fitting that I should merely commemorate my own personal acquaintance with Judge Kelley. He was not only a leading and well known actor in the debates and proceedings of this House. He had for years past been a unique and interesting figure as one who had enjoyed a longer period of consecutive service than any other member here. To have served for nearly one-third of the life of the Republic, to have received fifteen successive elections from the same people, was enough to give him a prominence had he been in himself but a minor character and an obscure personage in our proceedings.

And no one, Mr. Speaker, will venture to assert that he owed this long service and this unwavering support of a single constituency to any servitude to a political machine, to any skill in political arts and management, still less by virtue of being what is unhappily becoming a somewhat familiar character in current politics, a party "boss." He held his seat upon the honorable terms of being the representative of definite and well known political ideas, which he was always ready to maintain, to defend, and to propagate, and which his political opponents thought he was only too successful in embodying into the laws and the fiscal policies of the country. In the advocacy of these ideas he represented, undoubtedly, the prevailing sentiment of his constituents, and they, having full confidence in his able and unswerving devotion to these ideas and in the purity and virtues of his private character, did not attempt to hamper, control, or criticise him as to his views and his action on other public questions.

Public service on such terms is an honor and a privilege so rare as to be coveted and to be held up to general commendation, for it is the only kind of public service that can produce statesmen or be highly promotive of the common welfare. We often witness the sudden and permanent disappearance from our legislative halls of men who are the ornaments of their parties and able, judicious public servants, because in some minor or unimportant question they have offended the whims, run counter to the private interests, or disregarded the unenlightened views of enough of their constituents to make a balance of power in a close district, while the main body of their constituents, and even the country at large, may bewail their disappearance as a public loss.

In other countries having the representative system, new constituencies are always ready and eager to take up such men and to continue them in the public service; but with us the highest ability, statesmanship, and merit are not able to lift a citizen into our Legislative Hall if a majority of the people of the particular district in which he happens to reside do not agree with him in all his political views. A great British statesman, one whose memory America delights to honor as sincerely as his native land, when importuned by his constituents to follow their wishes in a minor matter as the condition of their continued support, uttered these noble words:

I should only disgrace myself. I should lose the only thing which can make such abilities as mine of any use to the world, now or hereafter. I mean that authority which is derived from the opinion that a member speaks the language of truth and sincerity, and that he is not ready to take up or lay down a great political system for the convenience of an hour; that he is in Parliament to



support his opinion of the public good, and does not form his opinion in order to get into Parliament or to continue in it.

The city of Bristol, not willing to allow Mr. Burke this honorable freedom, lost his services and passed over to another and nobler constituency the honor of being represented by so great a man.

The city of Philadelphia, or rather that section of it which he represented, was not so intolerant with Judge Kelley, and, having found him a faithful servant, enjoyed for the remainder of his life his able services and the distinction of being represented by one of the best known and most positive men in the Federal Congress.

Well indeed would it be if such instances were less rare than we must confess them to be; well indeed for the public and the highest welfare of the country, if the oath of office to be taken and faithfully and honestly to be observed by the members of both Houses of Congress were like that which an old historian tells us was prescribed in 1621 for members of the council of the Colony of Virginia:

You shall in all things to be moved, treated, and debated in that council, faithfully and truly declare your mind and opinion according to your heart and conscience.

It was doubtless the spirit of this oath that guided and illustrated the long public career of Judge Kelley. All honor to the generous and wise constituency that left him free to its guidance. All honor to the faithful servant who held and was willing to hold their commission upon no other terms. Having said this of Judge Kelley, it is not necessary that I should make a catalogue of his virtues or attempt an inventory of his deeds.

Mr. CANNON. Mr. Speaker, William D. Kelley was a force in the country. He stood for an economic policy which affected the opinions of men, controlled their action, and in its operation reached the material interests of the citizen on the farm and in the factory, in the mine and in the forest, in the marts of trade, everywhere throughout the country where men followed gainful employment. Under all circumstances, at all times, in all places, he was true to his convictions as the needle to the pole.

Mr. Kelley was in his fifteenth term of continuous service in the House at the time of his decease, a length of continuous service rarely accorded to any man in Congress, especially in the popular body. I first made his acquaintance during the Forty-third Congress. He was then the Father of the House, and so remained until his decease. Serving with him for so many years and belonging to the same political organization, I saw much of him, felt that I was well acquainted with him, believed that I had his esteem, as he had mine, as well as my admiration. He was at that time but little past the meridian; always strong mentally, he was then strong physically. It was his fortune to serve during a period in the history of the country, measuring time by events, that lengthened his actual service of over twenty-eight years into a century.

During his service he measured arms and touched elbows with perhaps the greatest number of strong men that have been in public life in the same length of time during the existence of the Republic. The House of Representatives, at all times made up in the main of the picked men of the country, was never stronger continuously than during his service. There were SHERMAN, STEVENS, BANKS, the two HOBBS, BUTLER, FARNSWORTH, BINGHAM, MCCRARY, BLAINE, COLFAX, GARFIELD, KERR, BECK, HEWITT, POTTER, COX, LAMAR, RANDALL, MORRISON, DAWES, SHELLABARGER, and a host of others, veritable giants in the land, who placed the marks of their individuality, wisdom, and patriotism in the warp and woof which was woven into the history of the country. William D. Kelley stood during his long service the peer of his colleagues. No man could so stand at such a period and with men of such stature without having great strength, merit, and industry. He had all of these.

Nature did much for him. Industry, care, preparation did more. He rarely discussed public questions without the most exhaustive preparation. In his chosen specialty his speeches and sayings became the text-books in popular discussion of the school to which he belonged. I talked with him many times about his service in the House. He was especially proud of his constituency and of its approval, as evidenced by his long service. He believed in his country and its institutions, and held that Philadelphia was the typical American city. He gloried in her history, prosperity, and culture. It was especially a matter of pride to him that her artisans owned their own homes and that her system of common schools was such that all the children received a liberal instruction and training. He believed that the economic system of which he was so consistent an advocate was the foundation upon which the prosperity of the great mass of people securely rested.

I will not speak further of his public record. It needs no commendation from me. It is written in the march of the industrial prosperity of the Republic. Mistaken he may have been at times; sincere he always was. Few men in public life so rarely made mistakes.

In social life he was courteous, affable, bright. I have rarely met so companionable a man. For the last ten years of his life he had a constant conflict with disease, which, with age coming on, he was less able year after year to fight. Only his close friends knew how bravely he made the contest for life. He was a man who never complained or

whined. He frequently expressed a desire to die in the harness. He died in the harness.

It was my privilege to be designated by the House as one of those who helped to bury his remains. We took all that was left of William D. Kelley after life departed to the modest church in his loved city where in life he had worshiped. Standing at the head of the casket containing his remains, his friend and pastor, Dr. FURNESS, himself full of years and almost ready to put his armor off, paid the most touching tribute to the memory of his dead friend and parishioner that it has ever been my fortune to hear. We then proceeded to the beautiful cemetery of Laurel Hill and laid him to sleep amongst friends and loved ones who had gone before.

As I stood over his grave I said, his life was a success. Comparatively poor in property, yet he had enough for comfort. In this respect he was above want and below envy. The loved ones and children who survive him, strong, vigorous, and willing to work honorably in life's contest, are rich in the heritage of a name made honorable in efficient service to the State. May the Republic in future be blessed by increasing numbers of public servants of the type of William D. Kelley!

Mr. McKENNA. Mr. Speaker, in the solemn ritual for the dead it is announced to the living that man's life is three score years and ten, and some by special strength may attain four score years. Judge Kelley had almost that special strength—lived almost four score years. But better, the strength he had was exerted for his country; the years he lived were filled with merit and distinction, impressing "the very age and body of the time."

Such lives supersede praise. We can recount their acts. It is useless eulogy to extol them. To summarize Judge Kelley's life would be to summarize the greatest period of his country's history. He was a potent factor in it, always in the front rank of men, a peer of the acknowledged strongest. Yet he was not "fortune's minion." His youth was one of responsibility and toil; his whole life one of unweary industry. He was a jeweler's apprentice in Philadelphia from his fourteenth to his twentieth year. He had no education and was debarred from the schools. It would not have been unnatural if he had remained in routine drudgery and mere bread-winning. His aspiring spirit could not be so restrained. His strength and distinctiveness of character could not be obscured or subdued by any situation or circumstance. For study, he plucked time from the night; for books, he organized with some companions the Youth's Library, afterwards the Pennsylvania Literary Institute. Such men help us when they help themselves; from them issue and grow institutions, instrumentalities of good.

He was a journeyman jeweler in Boston, and there, while faithful to his manual work, his ability strengthened and took form, and his biographer tells us he was associated in more than one programme of lectures with Channing and Emerson, then ascending to the zenith of a deserved fame. Back again to Philadelphia, he there becomes a lawyer, and thereafter, forgetting or overlooking his humble commencement as he ascends to and achieves fame, we think of him and speak of him as jurist, legislator, and statesman.

He was always a politician, but a politician in the best sense of that much-abused word. Politics engaged at once his energies and his sympathies. In them he had to do with mankind and for mankind. He was a natural leader besides. He was confident in opinion and vehement; but his reasoning was clear, consecutive, and proportioned. His physical characteristics assisted his mental characteristics. He was tall and impressive-looking, his voice was full, deep, sonorous, and musical, flexible to every purpose of persuasion, exhortation, and command.

In my boyhood days, in my home in Philadelphia, I heard Judge Kelley spoken of. In my manhood, in the distant West, I watched and applauded his fame as it became national. I have been his associate in Congress, and have witnessed the close of his noble and distinguished career—noble because its impulse and purpose was patriotic; distinguished because great qualities were displayed in it and great good was accomplished by it. He died a Representative of the Republic; he died in the country's service.

Mr. REILLY. Mr. Speaker, the very able, eloquent, and exhaustive tributes that have been paid to the memory and life of our departed colleague by the distinguished gentlemen who have preceded me, as well as the lateness of the hour, admonish me that I ought not to further trench upon the time of the House by indulging in any extended remarks, and that there is no necessity for it.

Besides, the public career of Judge Kelley is so well known, not only to the people of the great Commonwealth which he served so long and well, but to the people of the entire country, that, as has been so aptly said by the distinguished gentleman from Ohio [Mr. McKINLEY], his life-work constitutes in itself his highest eulogy. Still, Mr. Speaker, the occasion inspires me to add my humble tribute.

I first became personally acquainted with the late Judge Kelley at the opening of the Forty-fourth Congress, since which time, although differing with him politically, our personal relations have been more or less intimate, and at all times and under all circumstances, in common with his fellow-citizens, not only of our native State, which I have the

honor in part to represent on this floor, but with his fellow-citizens throughout the country, I have joined in admiration of his illustrious career and of the great services he rendered to the country and to the people.

Mr. Speaker, I can conceive of no greater responsibility that can be imposed upon any man than to seat him in this Chamber as a legislator for this great and mighty people. Under our form of government every other public official has a safe, plain landmark, a guide-post by which to direct him in the discharge of his public duties. To be the Chief Executive of this mighty and free people is an honor that is exalted above any other civic station that man can be called to fill anywhere on the face of the globe; but great as is the honor and great as is the responsibility, yet the duties of the Chief Magistrate of the nation are but to execute the laws of the land as he finds them laid down in the statute-books.

So also with the other co-ordinate branch of the Government, the judiciary. What more exalted tribunal can the imagination conceive than the Supreme Court of the United States, a tribunal in which we expect to look for and find the exercise of those attributes the perfection of which is alone to be found in the Deity? And yet they but administer the law, they but adjudicate the rights of the citizen involving life, liberty, and property, under and according to the written law of the land. But who, Mr. Speaker, who shall measure the responsibility of the lawgiver; he who sits clothed with the great power and responsibility of legislating for the welfare of a free and independent people; he who holds in the hollow of his hand, as it were, the destinies of a nation to be affected for weal or woe by the action of the legislative department?

But, looking back over the career of Judge Kelley, which, during three eventful decades in our country's history, had been devoted to the discharge of those great and grave duties, and to which he brought the highest and most conscientious convictions, what nobler tribute or greater eulogy, standing over his grave to-day, can we pronounce than to proclaim to the world that his life-work was well done?

This can be truthfully said of him, and his eulogy is written, not alone in his life-work, in the record of his membership in this body, but in the great services which he has rendered to the country and with which his name is connected, which will go down on the undying pages of history as a tribute to his memory, to be appreciated and admired by every American citizen.

Mr. Speaker, a great career has closed; a great statesman and patriot has gone from amidst scenes long familiar and congenial, but which will know him no more forever. As has been stated, Judge Kelley entered upon his career as a legislator on the 4th day of July, 1861, at a time when the very life of the nation trembled in the balance. But he entered upon his high trust with a stern sense of duty, and for more than a quarter of a century he has continued therein with the same fidelity, never faltering or wavering; and when at last his hour had come, the dread messenger found him, though feeble from the weight of advancing years and the ravages of disease, at his post of duty, nobly but vainly struggling against the inevitable. During the early days of this session we lodged at the same hotel. He was then ailing, but able to be about, and as I met him daily and inquired as to his health, he would answer by a despondent shake of the head and say, "Growing weaker and weaker."

He seemed, Mr. Speaker, to realize that his end was fast approaching; but with that spirit of industry and energy which characterized his life he made desperate battle. It was apparent that the sands of life were nearly run. It was his ambition to be called hence from the place where for nigh on to thirty years he had so zealously labored. Under the dispensation of a kind Providence he had passed the three score and ten allotted to man, and in the ripeness of a well rounded and fruitful life, and after devoting the best years of his mature manhood to the service of his country he calmly passed away. Peace to his ashes.

Mr. ATKINSON, of Pennsylvania. He who was the senior in point of service in this House and first in the affections of his colleagues has passed away. His venerable form has disappeared from our midst, and his voice so familiar to us all has been forever hushed. A seat long occupied by the acquiescence of his colleagues is vacant, and a name has been stricken from the roll of living Representatives which has been borne thereon for a longer period than that of any other who ever served in this Hall.

After a long life, spent mostly in the service of the people of his native city and of this nation, William D. Kelley has gone to his final rest. Could he have chosen the circumstances of his death they would not have been different. Here in the performance of his duty as a Representative, surrounded by his family and friends, he gave back to his Creator the life which had been given him. Others who knew him longer will tell of his earlier career, of the qualities which made him an object of interest, of respect and veneration; but I can not refrain from stating the impressions which he left upon me during an acquaintance extending through more than three terms of Congress. Kind, considerate, and genial, he freely advised with me when as a new member I sought his wise counsel, and he never seemed to weary in placing his

time at the disposal of his friends or in opening his rich treasure-house of learning for their benefit.

Although suffering from a malady which at last ended his life, he knew but one measure of duty and he never left it unfulfilled. No important measure was presented to this House that his vote was not recorded upon it, and few great problems were presented here that were not illuminated by his learning and influenced by his eloquence.

He entered Congress with the advent of the civil war, and for almost thirty years his influence was felt upon this floor. Always ready, able, and fearless, his convictions were known of all men, and his views upon the great questions discussed were impressed upon his party, adopted in its councils, and indorsed by the country. A student and disciple of Henry C. Carey, the principles of the great American political economist found no abler advocate; his earnest and tireless advocacy of protection placed him foremost among the distinguished men who have maintained the duty of developing and fostering the industries of the United States.

No cynical maxim ever fell from his lips. He believed and he taught that it was the duty of the Government to support the people in their business enterprises, to aid them in developing the marvelous resources of this our common country, and to shield them from foreign industrial assaults. A friend of the workingman, he never ceased to plead for that policy which he believed would lighten the burdens of the toiler and uplift him to the highest and most solid prosperity.

No sectionalism clouded his vision, but his comprehensive mind contemplated the prosperity of the South as well as the North, and no State lines contracted his statesmanship. He viewed with honest pride the possibilities of the South under the policy of protection, and anticipated the time when the vast cotton production of that section should be distributed in beautiful fabrics, instead of in a crude form. He contributed his full share to the growth of the iron interests of the South and never ceased to encourage the full development of that section so highly favored by nature. His closing years saw, if not the full fruition of his hopes, at least the light of that morning which precedes the advent of the great industrial day that will bring wealth and activity to the business centers of that portion of our common country.

He was a man of strong convictions, and heart and soul a Republican. He believed in his party and its principles. A model of industry, his attention to his legislative duties is shown by the records of the House of Representatives of which he was so long a member. But the services rendered by Judge Kelley while in office do not measure the value of his life to the country. His views were impressed upon the people by his speeches and his writings and influenced the action of others upon many important public questions.

He had outlived detraction, the shafts of envy had long ago fallen harmless at his feet, and opposition to him was unthought of because it was known to be futile. Against him the defamer was powerless and calumny exhausted her resources in vain.

His long and patriotic career, his rugged honesty and unflinching directness of purpose, had disarmed enmity, and he was one of the few men in public life who lived unassailed. He leaves a stainless name and an unblemished reputation.

A living example of purity and devotion to duty, when death came it found him not unprepared. His career was complete, the affection of his countrymen secured, full of years and honors he passed into the night of death to emerge, as we believe, into that shining realm where sorrow and darkness are unknown.

There is no death! What seems so is transition;  
This life of mortal breath  
Is but a suburb of the life elysian,  
Whose portal we call death.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, the greatest of all human arts is the art of governing; the noblest of all secular enterprises is the experiment of free institutions. Statesmanship requires the exercise of the nobler qualities of mankind and elevates and dignifies them. It is that single pursuit which, earnestly and honestly and conscientiously followed, gives to every part of this complex nature of ours a chance for its highest development. That a man shall devote his life with unceasing industry and ceaseless love for mankind to the well-ordering of the greatest free nation that the world has ever seen is the very highest pursuit which any man could possibly follow.

However erroneous may be the opinions of such a man and however he may be mistaken in the policies which he advocates, if he did believe those opinions and was convinced of the wisdom of those policies, his life could not but be fruitful. However thoroughly we may disagree in this Hall with our colleagues who pass from it to that greater and eternal country to which we are traveling, however fierce these contests may be (and the measure of their fierceness is frequently the truthfulness and intensity of our respective convictions), yet we can not but recognize in our hearts that where our opponents are honest they deserve our respectful commendation.

Indeed, Mr. Speaker, there is not so much difference between us as we sometimes think. Out of these conflicts, which seem to be bitter, emerges that compromise which one of the greatest of essayists said was "the wisest statesmanship for the given day in which it was enacted."



These differences produce their legitimate fruits; not by the conquest of one side over the other, but by the concessions that are made that legislation may become practical. And, perhaps, the best evidence of the growth of a free people is that out of these conflicts of the past have grown compromises, where neither side feels that defeat has been his portion, and where the victorious side may feel that the victory that is accomplished has to be maintained by concessions in the future.

Judge Kelley's life was singularly fortunate in the apparent victory which his policies met. He was an intense anti-slavery man. He lived to see slavery abolished; the negro not only freed, but a voter. Yet, who can say that the end has been reached; for it but changed the relations of the races and the conditions of the problem; and that very victory has left the most momentous question, not only in the South, but in other States, that the future has for our children to answer. Judge Kelley believed in the doctrine of protection, and advocated it through a series of years, not only with entire persistency, but with unusual and conspicuous ability.

He died soon after a national victory based upon a platform of the great party of which he was one of the leaders, more nearly in accordance with his extreme views than any platform ever adopted in America. He died after the organization of a Congress organized in consonance with his opinions, and the chief committee of that Congress presided over by the ablest scholar and pupil whom he had probably had in his Congressional career; and yet who will be bold enough to say that the victory is complete, that there is no further battle for the advocates of protection? Who will say that the problems which were in dispute can be solved on the principles to which Judge Kelley's life was devoted? In a sense that is personal to him his life was a series of victories. He was for more than thirty years on the winning side. He knew no defeat from the time he was elected to Congress until his death.

Temporary obscurations in certain sections of the country of his party's victories had occurred; but nothing that may fairly be called disaster had ever occurred during his political career to the party of which he was a member. During that long period he was the recipient of its honors, and, what was dearer to him than mere honors, he was the recipient of its praises and of its plaudits until he became nearly the type of its belief and its principles.

This is a rare fortune to happen to a statesman. My friend from Ohio [Mr. MCKINLEY] connected his name this afternoon with the name of the great Kentuckian who filled the seat that I have been commissioned to sit in—that great, illustrious, and majestic leader of men who, in a long and illustrious life, met only honor and encountered only defeat. This never happened to him whose memory we celebrate to-day, and in that sunshine of constant victory it is not too much to say the qualities of Judge Kelley took on a brighter hue and became more vigorous than they might otherwise have done.

We can not estimate the power of development that resides in the educational influences of this House, especially to one who has gained leadership upon this floor. If Judge Kelley had dropped out after four, or six, or even eight years of service here he would have been a comparatively obscure man; but as he staid here he gained in power, his power grew as his reputation extended; and it is a proof of the value of service on this floor.

Philadelphia has not only been generous, Mr. Speaker, but she has been wise. She has not only been a model of generous confidence in her public servants, but she has been an exemplar of worldly wisdom in her political adherence to those who represented her here. Who can estimate how much of Philadelphia's wealth, of those great blocks of buildings, and of that accumulated capital the evidences of which enchant the eye wherever you go in Philadelphia—who can estimate how much of that has come from the devoted service, the intelligent co-operation, the constant fidelity to her interests of those gentlemen whom she has kept in this Hall for the last quarter of a century or more?

Mr. Kelley and Mr. RANDALL might fight about other things, but to each of them Philadelphia was the prime object of affection; and by their efforts, with the aid of their colleagues, who have also been kept here for nearly a quarter of a century, whatever could be gotten was gotten for Philadelphia. I do not begrudge it to her. Standing, as it were, by the grave of her conspicuous son, hoping for the recovery of her living and stalwart son who, in his power, had the will of Jackson and the incorruptibility of the honest public servant, I do not begrudge anything that has happened of good to Philadelphia. I only wish that from this day out not only may she but all the country have a succession of such faithful public servants securing peace within her borders and prosperity beside her firesides.

Mr. KERR, of Iowa. Mr. Speaker, I am glad to be permitted to pay a tribute to the memory of the distinguished statesman who for so many years honored the State of Pennsylvania and the whole country by his service in this body. Of the men who were members of this body when that service began only three now occupy seats in this Hall, the distinguished gentleman from California [Mr. VANDEVER], the distinguished gentleman from Indiana [Mr. HOLMAN], and the distinguished gentleman from Massachusetts [Mr. BANKS].

William D. Kelley was a type of the statesmen more common in

this country than elsewhere, who have come from the ranks of common life and who by profound study, untiring energy, and unwavering devotion have been able to secure and retain the confidence of the people and thus be enabled to imprint their views on the policy of the nation. Thoroughly devoted to the fundamental principles of our Government, an ardent believer in the inalienable rights of man without regard to race or creed, he became an equally firm believer in the doctrine that the preservation and the prestige of our system depended on the policy of protection as a means of securing proper remuneration to labor and of elevating American character, and in the application of these principles he was broad and liberal in his views and rejoiced in the prosperity of his countrymen without regard to State or section.

I think no man in the country took a greater pride than the deceased statesman in the marvelous development that in the last few years has transformed the sunny South. Few men in this country have ever so fully enjoyed the confidence of their immediate constituents. The recognized Father of the House, he was trusted by his constituents as a kind and loving parent is trusted by his children. I had the pleasure in the last session to sit near him and to observe with what pleasure he read to the circle round him a letter from his home announcing his renomination, coupled with the statement that the writer was for William D. Kelley for Congressman during his natural life. Those of us who had observed how his robust mind contrasted with his feeble frame even then feared that his service in this body would soon draw to a close, and when we assembled at the beginning of this session and welcomed the kindly old gentleman to these halls, we felt that hovering over him was the shadow of impending death.

Perhaps no two men of opposite political views have had greater political influence than the two distinguished men whose places have been rendered vacant since the close of last Congress—the distinguished statesman from New York, Mr. Cox, and the statesman from Pennsylvania whom we mourn to-day; and no man on this side of the House, as I think, has borne a more conspicuous part in shaping the policy of this country than our late honored associate.

I was very much impressed a few weeks since by the classic address of the distinguished gentleman from Mississippi on the occasion of the memorial services in honor of the late Mr. Townshend, of Illinois, in which that gentleman referred to the sentiment of dread with which the human soul shrinks from death. But, Mr. Speaker, I think as the human mind accepts the grand truths of the christian faith we become more reconciled to this inevitable step in human destiny and accept with a calmness unknown before the transition to the great loving heart of the Infinite.

Death comes at last to all. When it strikes down the warrior in the full tide of victory or the statesman in the triumph of his ideas, when his theories are in the ascendant, when his country is prosperous and triumphant, when he sits in the highest places enthroned in the confidence of the people, it soothes the anguish of bereavement. Our friend had achieved a high renown, and yet how slight and unsatisfying are all human glories.

Oh, if there were not brighter hopes than these,  
Were there no palm beyond a feverish fame,  
If joy and hope and all the charities of life  
Must fling their withered wreaths into the tomb,  
If beyond this earth there is no heaven  
In whose wide air the spirit may find room,  
And in the converse of whose bright inhabitants  
The lavished heart may spend itself,  
What thrice-mocked fools are we.

It is only when a well-spent life fades away at evening, like that of our friend, in the calm promise of an eternal day, when life's titful fever is over, that we attain the full fruition of human hopes and can say with the poet—

There is no death! The stars go down  
To rise upon some fairer shore,  
And bright in heaven's jeweled crown  
They shine forever more.

Mr. REYBURN. A few weeks ago, on a busy street of one of our large cities, groups of men were to be seen here and there coming together with quiet demeanor and strong grasp of hand, then separating and entering a low but massive structure; inside this a room, the light of heaven softened by windows of glass picturing the divine love and goodness of the God of all nations, with bowed heads the people wait. The strains of gentle music fill the air, a procession of the grief-stricken clad in habiliments of woe follow their dead; from above, as if from angelic regions, a sweet voice is heard chanting forth a song of tender words of consolation; a man feeble from ripeness of years, but with a nobleness of bearing born of much good-doing and the teaching men to love one another, speaks words of encouragement to the weeping ones of that higher, better, purer life assured to mortals through the tender mercy of an all-wise Father who gave his only begotten Son that the dead might rise again; then gives the assurance to the sorrowing wife and children that though the form lay cold before them he knew that, chastened by the struggles and temptations of a stormy life such as few men live through, the dead husband and father clung to his belief in his God and his Savior.

To the others assembled he spoke of the more than fifty years he had known the dead, and in words eloquent with truth, tempered by the softening of time, told of the fierce conflicts with the prejudices and passions of men; of the battles for principle and humanity; of the shock and horror of civil war and the troublesome times that followed its ending; of the strength of will and mind of the dead one before them; the prophetic foresight, the wise, the patriotic protests against the prejudices of old systems; the firm, unfaltering belief in the greatness of his native land, its progress and final leadership in the mighty development going on among the nations of the earth; then of the suffering, the gradual weakening of the bodily strength, of the flashes of the old fire, fitful but deceptive, presaging the end which came easily, peacefully, hushing forever the voice of the statesman and the citizen, who, born of the people and from the people, must live on and whose achievements must bear witness in the time to come, more eloquently than tongues can speak, of the fitness of men to govern themselves. No eulogy of mine can add glory to the luster of the name of William D. Kelley, the statesman, the friend we are now called upon to mourn.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I move, as a further mark of respect to my deceased colleague, the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned.

#### EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

##### BINDING MANUSCRIPT PAPERS, DEPARTMENT OF STATE.

Letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of State, for an additional appropriation of \$5,000 for binding manuscript papers belonging to that Department—to the Committee on Appropriations.

##### NAVY-YARD, PORTSMOUTH, N. H.

Letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy for reconstruction of buildings and machinery destroyed by fire at the navy-yard, Portsmouth, N. H.—to the Committee on Naval Affairs.

##### INCREASE OF PAY FOR STAFF OFFICERS.

Letter from the Secretary of War, transmitting petition of Thomas Kimball, commissary-sergeant, and George Eppert, quartermaster-sergeant, United States Army, praying for favorable action on House bill 4588, "to fix the pay of the non-commissioned staff officers of the United States Army"—to the Committee on Military Affairs.

#### SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 73) to provide for the construction of a public building at Salem, Oregon—to the Committee on Public Buildings and Grounds.

A bill (S. 166) for the erection of a public building at Virginia City, State of Nevada—to the Committee on Public Buildings and Grounds.

A bill (S. 167) for the erection of a public building at Reno, State of Nevada—to the Committee on Public Buildings and Grounds.

A bill (S. 221) providing for the erection of a public building at the city of Hastings, Nebr.—to the Committee on Public Buildings and Grounds.

A bill (S. 301) for the erection of a public building at Stillwater, Minn.—to the Committee on Public Buildings and Grounds.

A bill (S. 466) for the erection of a public building for a post-office and United States land office at the city of The Dalles, Oregon—to the Committee on Public Buildings and Grounds.

A bill (S. 488) to provide for the erection of a public building for the use and accommodation of the post-office at Mammoth Hot Springs in the Yellowstone National Park—to the Committee on Public Buildings and Grounds.

A bill (S. 1230) for the erection of a public building in the city of Pawtucket, R. I.—to the Committee on Public Buildings and Grounds.

A bill (S. 1231) for the erection of a public building in the city of Woonsocket, R. I.—to the Committee on Public Buildings and Grounds.

A bill (S. 1306) for the erection of a public building at Hudson, N. Y.—to the Committee on Public Buildings and Grounds.

A bill (S. 1590) to provide for the construction of a public building in the city of Stockton, Cal.—to the Committee on Public Buildings and Grounds.

A bill (S. 2644) for the recognition of F. A. Patterson as a captain of the Third West Virginia Cavalry—to the Committee on Military Affairs.

*Resolved by the Senate (the House of Representatives concurring).* That the Public Printer be, and he is hereby, authorized to print 2,500 extra copies of the annual report of the health officer of the District of Columbia, 100 for the use of the Senate, 300 for the use of the House of Representatives, and 2,050 for the use of the said health officer of the District; to the Committee on Printing.

#### RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was delivered to the Speaker and referred as follows:

By Mr. DORSEY:

*Resolved,* That there be printed for the use of the House of Representatives 20,000 copies of the report of Commercial Agent Hawes, of Reichenberg, on the sugar-beet industry of Bohemia;

to the Committee on Printing.

#### REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees on bills of the following titles were filed, ordered to be printed, and referred as follows:

Mr. STOCKBRIDGE, from the Committee on Commerce, reported, as a substitute for the bill (H. R. 7794) to amend chapter 418 of the acts passed at the second session of the Fiftieth Congress, a bill (H. R. 8239) to amend section 4488, Title LII of the Revised Statutes, as amended by chapter 418 of the acts passed at the second session of the Fiftieth Congress; which substitute was read twice, and referred to the House Calendar.

Mr. CASWELL, from the Committee on the Judiciary, reported, as a substitute for the bill (H. R. 530) to require the United States circuit and district judges to instruct the jury in writing in certain cases, a bill (H. R. 8246) to require the United States circuit and district judges to instruct the jury in writing when requested; which substitute was read twice, and referred to the House Calendar.

Mr. QUACKENBUSH, from the Committee on Public Buildings and Grounds, reported with amendment the bill (H. R. 6442) for the erection of a public building at Oneonta, N. Y.—to the Committee of the Whole House on the state of the Union.

Mr. ATKINSON, of Pennsylvania, from the Committee on the District of Columbia, reported, as a substitute for the bill (H. R. 6791) to change the route of the Rock Creek Railway Company, a bill (H. R. 8251) to change the route of the Rock Creek Railway Company; which substitute was referred to the House Calendar.

#### BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were delivered to the Speaker, severally read twice, and referred as follows:

By Mr. LEE: A bill (H. R. 8241) authorizing the Chesapeake and Ohio Railway Company or the Potomac and Piedmont Railway Company to acquire and use property for railway purposes in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LODGE: A bill (H. R. 8242) to regulate elections of Representatives in Congress—to the Select Committee on the Election of President, Vice-President, and Representatives in Congress.

By Mr. ATKINSON, of Pennsylvania (by request): A bill (H. R. 8243) supplementary to an act entitled "An act to authorize the construction of the Baltimore and Potomac Railroad in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. GIFFORD: A bill (H. R. 8244) to authorize the construction of a bridge across the Missouri River, between the city of Chamberlain, in Brulé County, and Lyman County, in the State of South Dakota—to the Committee on Commerce.

By Mr. CAREY: A bill (H. R. 8245) to provide for the disposal of the abandoned military reservations in Wyoming Territory—to the Committee on the Public Lands.

Also, a bill (H. R. 8246) to authorize the purchase of certain public lands by the city of Buffalo, Wyo., and for other purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 8247) to authorize entry of public lands by incorporated cities and towns for cemetery and park purposes—to the Committee on the Public Lands.

By Mr. ALLEN, of Michigan: A bill (H. R. 8248) to prevent the adulteration and misbranding of foods and drugs, and prohibiting poisonous adulterations, and for other purposes—to the Committee on Agriculture.

By Mr. SKINNER (by request): A bill (H. R. 8249) to amend an act entitled "An act to regulate steam-engineering in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. STRUBLE: A bill (H. R. 8250) to amend an act entitled "An act authorizing the construction of a high wagon-bridge across the Missouri River at or near Sioux City, Iowa," approved March 2, 1889—to the Committee on Commerce.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were delivered to the Clerk and referred as indicated below:

By Mr. BERGEN: A bill (H. R. 8252) for the relief of James R. Thompson—to the Committee on War Claims.

By Mr. BURROWS: A bill (H. R. 8253) for the relief of Jonathan Hanes—to the Committee on Military Affairs.



By Mr. COMPTON: A bill (H. R. 8254) for the relief of William H. Rogers, of Baltimore, Md.—to the Committee on War Claims.

By Mr. FORMAN: A bill (H. R. 8255) for the relief of Edward Dreher—to the Committee on Claims.

Also, a bill (H. R. 8256) for the relief of Isaac N. Enloe—to the Committee on Claims.

Also, a bill (H. R. 8257) for the relief of Risdon A. Moon—to the Committee on Claims.

Also, a bill (H. R. 8258) for the relief of John Le Seargeant—to the Committee on War Claims.

By Mr. GEST: A bill (H. R. 8259) to grant a pension to Lydia Ziegler—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 8260) for the relief of the owners of the schooner Chesapeake Trader—to the Committee on Claims.

By Mr. GROUT: A bill (H. R. 8261) granting a pension to Samuel W. Rice—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 8262) for the relief of Parker Adams—to the Committee on Pensions.

By Mr. HAYNES: A bill (H. R. 8263) for the relief of Mrs. Susannah Binkley, widow of Jacob Snyder—to the Committee on Military Affairs.

By Mr. MAISH: A bill (H. R. 8264) for the relief of Catherine Dutera—to the Committee on Invalid Pensions.

By Mr. MOKEY: A bill (H. R. 8265) granting a pension to Emerson Cronley—to the Committee on Invalid Pensions.

By Mr. RAINES: A bill (H. R. 8266) for the relief of Mrs. N. J. Hasler, widow of John Hasler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8267) for the relief of Charles Parshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8268) for the relief of Sarah A. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8269) granting a pension to Charles R. Wisewell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8270) for the relief of Walter H. Wood—to the Committee on Invalid Pensions.

By Mr. STOCKDALE: A bill (H. R. 8271) for the relief of Henry M. Gastrell—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 8272) for the relief of Ebenezer Petty—to the Committee on Invalid Pensions.

By Mr. WALLACE, of New York: A bill (H. R. 8273) for the relief of Henry Elsner—to the Committee on Claims.

By Mr. WHEELER, of Alabama: A bill (H. R. 8274) for the relief of Mrs. Mary L. Clemens—to the Committee on Pensions.

Also, a bill (H. R. 8275) for the relief of Joseph Hammond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8276) for the relief of Benjamin J. Marion—to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were delivered to the Clerk and referred as follows:

By Mr. ALLEN, of Michigan: Petition of F. M. Vanorsdale and other citizens of Jefferson, Hillsdale County, Michigan, asking for an act to prevent land adulteration—to the Committee on Agriculture.

By Mr. BERGEN: Petition of James R. Thompson, asking that he be reimbursed for supplies and stores taken by the Army in the late war—to the Committee on War Claims.

Also, petition from Winter & Ball Manufacturing Company, asking that the tariff on canes and umbrella sticks be increased—to the Committee on Ways and Means.

By Mr. BUTTERWORTH: Memorial of National Board of Trade, in reference to coast and harbor defenses—to the Committee on Appropriations.

By Mr. CHIPMAN: Petition of several hundred citizens of Detroit, Mich., asking for increase of pay to letter-carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Detroit, Mich., asking for increase of pay to letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. CONGER: Petition of James H. Ewing Post, No. 305, Grand Army of the Republic, at Maxwell, Iowa, asking for the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. DIBBLE: Petition of citizens of Charleston, S. C., favoring H. R. 3863—to the Committee on the Post-Office and Post-Roads.

By Mr. DOLLIVER: Petition of H. Baxter and 100 others, citizens of Webster City, Iowa, asking for Indian industrial school at Pipestone Indian reservation—to the Committee on Indian Affairs.

Also, petition of W. S. Winnett Post, No. 454, Grand Army of the Republic, at Dedham, Iowa, for a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Perry Wright Post, No. 198, Grand Army of the Republic, at Coon Rapids, Iowa, asking for the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. FITHIAN: Petitions of McManus Post, No. 241, Martinsville; Smedell Post, No. 257, Greenup; Joseph Shaw Post, No. 235, Annapolis; Albert Wood Post, No. 175, Oblong; Alexander Post, No. 89, Flora; Coblantz Post, No. 272, Yale; Willow Hill Post, No. 199,

Willow Hill; Monroe Post, No. 100, Casey; West Salem Post, No. 222, West Salem; Wilson Post, No. 424, Toledo, Grand Army of the Republic, Department of Illinois, asking for the passage of the pension bill—to the Committee on Invalid Pensions.

By Mr. FLOWER: Resolutions extending thanks of Congress to Col. Charles Chaille Long—to the Committee on Foreign Affairs.

By Mr. FUNSTON: Two petitions of citizens of Lawrence, Kans., for passage of bill to increase pension of Thomas H. Gohagan—to the Committee on Invalid Pensions.

Also, memorial of Darius M. Finch, of Jingo, Miami County, Kansas, asking for service-pension legislation—to the Committee on Invalid Pensions.

Also, resolutions of Pleasant Ridge Alliance, No. 570, Cadmus, Kans., against trusts, rings, and oppressive organizations—to the Committee on Banking and Currency.

By Mr. GEST: Petition and proof upon the pension claim of Lydia Ziegler—to the Committee on Invalid Pensions.

Also, petition of citizens of Monmouth, Ill., that taxes on tobacco may remain undisturbed—to the Committee on Ways and Means.

By Mr. HANSBROUGH: Resolutions of George P. Fosters Post, No. 130, Grand Army of the Republic, Hope, N. Dak., asking for a service pension in addition to a disability pension—to the Committee on Invalid Pensions.

By Mr. HEARD: Petition of Baily D. Skinner, for relief from the charge of desertion—to the Committee on Military Affairs.

By Mr. KELLEY: Petition of Jayhocker Post, No. 140, Grand Army of the Republic, Department of Kansas, in favor of passage of pension law without dependent clause; protesting against the inference in any pension law that soldiers must be paupers before they can have the benefits of same; favoring passage of service-pension bill with disability clause attached, and asking that widows of all Union soldiers be pensioned at \$12 per month, regardless of cause of soldier's death—to the Committee on Invalid Pensions.

Also, petition of June Baxter and 15 others, citizens of Clark's Creek Township, Morris County, Kansas, asking for the free coinage of silver on an equality with gold—to the Committee on Coinage, Weights, and Measures.

By Mr. LACEY: Resolutions of Shilo Post, No. 126, at Peoria; Kellogg Post, No. 432, at Kellogg, Grand Army of the Republic, Department of Iowa, favoring a service pension—to the Committee on Invalid Pensions.

By Mr. LAWS: Petition of 7 teachers of Ord, Nebr., praying for the passage of the international copyright bill—to the Committee on the Judiciary.

By Mr. MORRILL: Petition of Wilderness Post, No. 116, Grand Army of the Republic, of Delphos, Kans., favoring a service pension—to the Committee on Invalid Pensions.

By Mr. POST: Resolution of Peoria (Ill.) Typographical Union, No. 29, for the passage of Senate bill No. 232—to the Committee on the Judiciary.

By Mr. PUGSLEY: Memorial from 601 Friends, of New Burlington, Clinton County, Ohio, against war expenditures, and in favor of arbitration—to the Committee on Expenditures in the War Department.

Also, petition of 47 members Grand Army of the Republic post of Higginsport, Ohio, for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. RAINES: Two petitions of farmers of Yates County, New York, for increased duties on farm products—to the Committee on Ways and Means.

By Mr. ROBERTSON: Resolutions of Farmers' Union Commercial Association of Louisiana, indorsing resolutions of National Farmers' Alliance and Industrial Union; also indorsing the establishing of a navy-yard and its location at New Orleans, La.—to the Committee on Naval Affairs.

By Mr. ROCKWELL: Resolution of New England Ship Owners' Association of Boston, Mass., asking an appropriation for a deep-water harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. SHIVELY: Resolution of Clay Grange, Claypool, Ind., asking for legislation to suppress gambling in the products of the farm—to the Committee on Commerce.

By Mr. SKINNER: Petition of J. C. Bellamy and many others, asking an appropriation to clear out obstructions in Fishing Creek, North Carolina—to the Committee on Rivers and Harbors.

By Mr. STEPHENSON: Resolution of Michigan State Millers' Association, relative to the duty on jute and burlaps—to the Committee on Ways and Means.

By Mr. TRACEY: Petition of the Littlefield Stove Company, Albany, N. Y., for the repeal of the act demonetizing silver—to the Committee on Coinage, Weights, and Measures.

By Mr. WHEELER, of Alabama: Petition of B. F. Nelson, for the reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of widow of William C. Herston, for the reference of her claim to the Court of Claims—to the Committee on War Claims.

Also, petition of P. D. Wright, for reference of his claim to the Court of Claims—to the Committee on War Claims.

## SENATE.

MONDAY, March 17, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Friday last was read and approved.

## PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Black Creek Monthly Meeting of Friends, of Grant County, Indiana, remonstrating against appropriations for the Navy and so-called coast defenses, as recommended by the Committee on Naval Affairs; which was referred to the Committee on Naval Affairs.

He also presented a letter from J. Thompson Gill, transmitting resolutions adopted by the Journeyman Bakers and Confectioners' International Union of America, favoring the passage of Senate bill 2169, relative to bakers at Army posts; which, with the accompanying papers, was referred to the Committee on Military Affairs.

He also presented resolutions adopted by the select and common councils of the city of Philadelphia, Pa., favoring the passage of Senate bill No. 2971, giving a pension to Caroline Huddell White, widow of Commodore George B. White, United States Navy; which were referred to the Committee on Pensions.

He also presented a petition of the Hays Farmers' Alliance, McPherson, Kans.; a petition of 41 citizens of Neosho Rapids, Kans., and a petition of 15 citizens of Lyon County, Kansas, praying for the free coinage of silver; which were referred to the Committee on Finance.

He also presented two petitions of citizens of Reno County, Kansas; sundry petitions of citizens of Sumner County, Kansas; a petition of citizens of Montgomery County, Kansas; a petition of D. M. Finch, of Jingo, Kans.; a petition of citizens of Chanute, Kans.; a petition of citizens of Beaver, Ind. T.; a petition of Post No. 48, of Nebraska, Grand Army of the Republic; a petition of Post No. 196, of Nebraska, Grand Army of the Republic, and a petition of citizens of St. John, Kans., praying for the passage of the service-pension bill; which were referred to the Committee on Pensions.

Mr. WILSON, of Iowa, presented a petition of Assembly No. 412, Knights of Labor, of Farmington, Iowa, praying for the passage of the postal-telegraph bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Monthly Meeting of Friends, of West Branch, Cedar County, Iowa, and a memorial of the Monthly Meeting of Friends, of Honey Creek, Hardin County, Iowa, remonstrating against the passage of an act making an appropriation for the construction of a Navy; which were referred to the Committee on Naval Affairs.

Mr. PADDOCK presented five petitions of the Farmers' Alliances of Nebraska, praying for free and unlimited coinage of silver and remonstrating against the passage of the bill to issue bonds as a basis for bank notes and the continuance of Government supervision of banking in the interest of depositors; which were referred to the Committee on Finance.

He also presented two memorials of the Nebraska Farmers' Alliance, remonstrating against the extension of time for the payment of the indebtedness of the Union Pacific Railroad to the Government; which were ordered to lie on the table.

He also presented resolutions adopted by the Board of Trade of Nebraska City, Nebr., favoring a deep-water harbor at Galveston, Tex., which were ordered to lie on the table.

He also presented a resolution adopted by the Board of Trade of Lincoln, Nebr., favoring the selection of New Orleans as a suitable site for a navy-yard; which was referred to the Committee on Naval Affairs.

Mr. WASHBURN presented a petition of letter-carriers and citizens of Minneapolis, Minn., praying for the passage of House bill No. 3863, fixing the compensation of letter-carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Hardy Post, No. 118, Grand Army of the Republic, Department of Minnesota, of Lanesboro, Minn., praying that the limitation in the arrears act be removed and that the dependent-pension bill be passed, and that all other pension legislation be made secondary to those measures; which was referred to the Committee on Pensions.

Mr. MANDERSON presented a memorial of citizens of Antelope County, Nebraska, remonstrating against the reduction of duty on sugar and praying for Government encouragement to the beet and sorghum sugar industries; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Board of Trade of Nebraska City, Nebr., praying for the immediate appropriation of \$6,200,000 to construct a deep-water harbor at Galveston, Tex.; which was ordered to lie on the table.

Mr. MOODY. I present a petition of the Woman's Christian Temperance Union of the Black Hills district, South Dakota, praying Congress to reject the recommendations of the Senate Naval Committee and other measures which propose a large expenditure for the Navy and so-called coast defenses and other warlike preparations, all of which are a menace to the peace and security of the nation.

The petition is signed by Grace A. French, president; L. A. Sparks, treasurer, and J. M. Marohn, corresponding secretary. I move that the petition be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. SHERMAN presented a petition of 16 citizens of Ohio, praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. TURPIE presented memorials of the North American Turnbund (Gymnastic Union), of St. Louis, Mo., and the Social Turnverein, of Indianapolis, Ind., remonstrating against the passage of certain laws changing the present national laws on immigration and naturalization; which were referred to the Committee on Immigration.

Mr. HARRIS presented the petition of C. W. Tyler and 39 other citizens of Montgomery County, Tennessee, praying the passage of an act authorizing the free coinage of silver; which was referred to the Committee on Finance.

Mr. ALLISON presented a petition of 17 citizens of the Seventh Congressional district of Iowa; a petition of 16 citizens of the Seventh Congressional district of Iowa; a petition of 22 citizens of the Seventh Congressional district of Iowa; a petition of 33 citizens of the Seventh Congressional district of Iowa; a petition of 28 citizens of Des Moines, Iowa; a petition of 37 citizens of Des Moines, Iowa; a petition of 40 citizens of Des Moines, Iowa; a petition of 53 citizens of Rockford, Floyd County, Iowa; a petition of 27 State senators of Iowa; a petition of 57 citizens of the Seventh Congressional district of Iowa; a petition of 30 citizens of the Seventh Congressional district of Iowa; a petition of 30 citizens of Polk County, Iowa; a petition of 15 citizens of Jefferson, Greene County, Iowa; a petition of 99 citizens of Rudd, Floyd County, Iowa; a petition of 35 citizens of Buena Vista County, Iowa; a petition of 48 citizens of Buena Vista County, Iowa; and a petition of 226 citizens of Charles City, Iowa, all praying for the free coinage of silver; which were referred to the Committee on Finance.

He also presented resolutions adopted by Maxwell Post, No. 11, Department of Iowa, Grand Army of the Republic, of Stuart, Iowa, relating to pension legislation, and praying for the passage of a service-pension bill in preference to the dependent-pension bill; which were referred to the Committee on Pensions.

Mr. HALE presented additional signatures to the so-called New England iron and coal petition received since February 25, 1890, praying for the reduction of duties upon coal and iron ore and crude iron; which were referred to the Committee on Finance.

Mr. VOORHEES presented a memorial of the Monthly Meeting of Friends, of Parke County, Indiana, remonstrating against the expenditure of large sums of money for the construction of a navy and so-called coast defenses and other warlike preparations; which was referred to the Committee on Naval Affairs.

He also presented a petition of a large number of ex-soldiers and citizens of Warwick County, Indiana, praying for the repeal of the law limiting arrears of pension; which was referred to the Committee on Pensions.

He also presented a memorial of the Indianapolis (Ind.) Board of Trade, remonstrating against any legislative restriction which will have the effect of lessening our export of hog products; which was referred to the Committee on Finance.

Mr. BLAIR presented a memorial of the Woman's Christian Temperance Union of Manchester, N. H., numbering 225 members, and a memorial of the Woman's Christian Temperance Union of Laconia, N. H., numbering 30 members, remonstrating against large expenditures for naval and coast defenses; which were referred to the Committee on Naval Affairs.

Mr. MITCHELL presented a petition of the Chamber of Commerce of Port Townsend, Wash., praying Congress to make an immediate appropriation to place the cable and telegraph line between Port Townsend and Tatoosh light-house, Cape Flattery, in the State of Washington, wholly under the control of the United States Signal Service; which was ordered to lie on the table.

He also presented a petition of citizens of Warmie, Wasco County, Oregon, praying for the enactment of a law to prohibit speculation in farm products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of citizens of Warmie, Wasco County, Oregon, praying for legislation to prohibit the adulteration of food products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the heirs of John E. Ross and others, praying pay for the Indian depredation claims audited by George H. Ambrose, A. C. Gibbs, and L. F. Grover, commissioners, for property destroyed by the Rogue River Indians, in Oregon; which was referred to the Select Committee on Indian Depredations.

He also presented a petition of citizens of Wamic, Wasco County, Oregon, praying for legislation to prevent the adulteration of lard; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of W. G. Piper, of Moscow, Latah County, Idaho Territory, praying to be allowed a pension; which was referred to the Committee on Pensions.



Mr. CHANDLER presented the petition of John H. Miller and 50 others, legal voters of the county of Holmes, Mississippi, praying for the passage of a national law securing a free ballot and an honest count in all elections of Representatives in Congress, and that in addition such laws may be passed by Congress as it may have power to enact for the enforcement of the fifteenth amendment to the Constitution; which was referred to the Committee on Privileges and Elections.

Mr. DAVIS presented a petition of the Bar Association of Polk County, Minnesota, praying for the passage of a bill establishing judicial divisions in Minnesota and in favor of Crookston as a place of holding terms of Federal courts; which was referred to the Committee on the Judiciary.

He also presented a petition of letter-carriers of Minneapolis, Minn., praying for the passage of House bill 3863, regulating the salaries of letter-carriers, etc.; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Hardy Post, No. 118, Department of Minnesota, Grand Army of the Republic, praying for the passage of certain pension legislation; which was referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce of St. Cloud, Minn., praying for the construction of a public building at that place; which was referred to the Committee on Public Buildings and Grounds.

Mr. COKE. I present a petition of the Legislative Assembly of the Territory of Utah, praying for the passage by Congress of a bill reported from the Committee on Commerce, making an appropriation of \$6,200,000 for the improvement of Galveston Harbor. The resolutions are signed by James Sharp, speaker of the house of representatives; Franklin R. Richards, president of the council, and Richard L. Thomas, governor of Utah Territory, and are certified by Elijah Sells, secretary of Utah Territory.

I ask unanimous consent that, without reading, the petition, being that of a Territorial Legislature, be printed in the RECORD.

The PRESIDENT *pro tempore*. The Senator from Texas asks unanimous consent that the petition be printed in the RECORD. Is there objection?

Mr. SHERMAN. I object. I have no objection to its being printed as a document, if the Senator wishes that done.

Mr. COKE. I did not hear the remark of the Senator from Ohio.

Mr. HARRIS. I think it has been the uniform custom to print resolutions of Legislative Assemblies in the RECORD.

Mr. SHERMAN. I beg pardon. Is this the resolution of a Legislative Assembly?

Mr. VEST. It is the memorial of a Territory.

The PRESIDENT *pro tempore*. The Chair thinks that the unanimous consent to which the Senator from Tennessee refers has been confined to memorials of State Legislatures, though Territorial memorials have occasionally been printed in the RECORD. Is there objection to printing the petition in the RECORD? The Chair hears none.

The petition was ordered to lie on the table, and to be printed in the RECORD, as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Whereas the growing necessities of the West demand a first-class harbor on the Gulf coast, in the State of Texas, in order that the surplus products of the State of Texas and neighboring States and Territories may find an outlet to the markets of the world by a shorter route than is now open to them, and at a vast annual saving to the producers; and

Whereas the annual surplus tonnage of farm and manufactured products of the West amounts annually to many millions of tons; and

Whereas the Congress of the United States did, at its last session, provide for the appointment of a special Board of Engineers whose duty it was to report to the present Congress the most eligible point or points upon the Gulf coast of Texas for a deep harbor, to be of ample depth, width, and capacity to accommodate the largest ocean-going vessels and the commercial and naval necessities of the country; and such special board of engineers, having been appointed as provided by said act of Congress, did, after due examination of the harbor of Galveston, among other things report in favor of Galveston as such point, and recommend the appropriation by Congress of the sum of \$6,200,000 for the improvement of that port and harbor; and

Whereas the Committee on Commerce in the United States Senate has reported to the Senate a bill making an appropriation for the purpose aforesaid, of which the following is a copy: "Be it enacted, etc., That for the purpose of securing the work of improving the entrance to Galveston Harbor, Texas, the Secretary of War, upon the application of the Chief of Engineers, is hereby authorized, in his discretion, to draw his warrant or requisition from time to time upon the Secretary of the Treasury for such sums as may be necessary to do such work, not to exceed in the aggregate \$6,200,000, the amount estimated as necessary for the completion of the same, as shown in the report of the Chief of Engineers for the year 1890: Provided, however, That the amounts so drawn from the Treasury shall not exceed \$1,000,000 in any one year, and that an itemized statement of said expenditures shall accompany the Annual Report of the Chief of Engineers. The amount required for the completion of this work as herein proposed is hereby appropriated out of any moneys in the Treasury not otherwise appropriated." Therefore,

Be it resolved by the governor and Legislative Assembly of the Territory of Utah, That the Congress of the United States is hereby earnestly requested to pass the bill now pending in the Senate above referred to.

JAMES SHARP, Speaker of the House of Representatives.

FRANKLIN D. RICHARDS, President of the Council.

ARTHUR L. THOMAS, Governor of Utah Territory.

I hereby certify that the foregoing is a true copy of the original on file in my office.

Given under my hand and the seal of the Territory of Utah, this 12th day of March, A. D. 1890.

[SEAL.]

ELIJAH SELLS, Secretary of Utah Territory.

Mr. TELLER presented a petition of the county commissioners of

Arapahoe County, Colorado, praying that an appropriation be made for a deep-water harbor at Galveston, Tex.; which was ordered to lie on the table.

Mr. VEST presented a memorial of the North American Turnerbund (Gymnastic Union), of St. Louis, Mo., remonstrating against the passage of any and all measures now before Congress to change the present laws on immigration and naturalization; which was referred to the Committee on Immigration.

Mr. COCKRELL. I present a memorial of the Brewers and Maltsters' Union, No. 6, of St. Louis, remonstrating against the ratification of the extradition treaty between the United States and Russia.

The PRESIDENT *pro tempore*. The Chair thinks that had better be presented in executive session.

Mr. VEST. Has it been the rule to present such matters in executive session?

Mr. COCKRELL. It is a public memorial, as a matter of course. Still, if the Chair thinks it should be presented in executive session I suppose I should withhold it here.

Mr. VEST. I think the question ought to be determined by the Senate. I have received a large number of memorials similar to the one presented by my colleague, and before bringing them to the attention of the Senate I consulted with the Senators who had been longest in service here (amongst whom, by the way, is my colleague, but he was not present at the time), and there was a general consensus of opinion that such memorials ought to be presented in executive session. I therefore pursued that course.

The PRESIDENT *pro tempore*. The Chair would hold that petitions or memorials relating to business pending in executive session should be presented in executive session, in the absence of instructions from the Senate to the contrary.

Mr. COCKRELL. These are public memorials. There is no secret about them.

The PRESIDENT *pro tempore*. If the Senator desires, the Chair will submit the matter to the Senate.

Mr. COCKRELL. I think they ought to be presented in open session, but I shall not appeal from the decision of the Chair. I think they ought to be presented so that the parties who make these protests against certain proceedings of which they can have no knowledge, the proceedings taking place in executive session, will know that their memorials have been presented to the Senate, and will be considered in executive session.

Mr. PLATT. I rose for the purpose of making the suggestion which the Senator from Missouri has already made. Of course these memorials go upon the idea that there is an extradition treaty pending between this country and Russia. The newspapers have published what purported to be such a treaty or the substance of such a treaty. I do not remember particularly what the publication in the newspapers has been. That of course has called forth these remonstrances. I do not see that any harm results from presenting them in open session. It seems to me that people exercising the right of petition ought, unless some harm is to come from it, to be permitted to see, if they examine the Journal or RECORD, or that they should be permitted to be told, that their petitions or memorials have been presented to the Senate.

It was with that idea I rose. If the right of petition extends to subjects of this kind, it seems to me the people who have the right to petition ought to be informed in some way that their petitions or memorials have been presented.

The PRESIDENT *pro tempore*. Are there further petitions or memorials?

Mr. COCKRELL. I have great respect for and confidence in the decisions of the Chair, but when a petition is in printed form, has been published in the papers of the country, I presume (I do not know that fact), is addressed to the Senate, and states that the petitioners respectfully ask the Senate not to ratify the pending or any other treaty between the United States and the Emperor of Russia, and they then give their reasons for this prayer, I think such a petition should be presented in open session, and should be received by the Senate, and then considered in connection with any such treaty, if there be such. If there be no treaty, what would be the necessity of referring it to an executive session? I do not know that there is any treaty now pending in executive session between the United States and Russia, and this memorial is a remonstrance against any treaty which may be pending or any treaty which may hereafter be made. It protests against the making of any such treaty. If it is not made, then they protest against the making of any such treaty. If there is no treaty pending (and I take it there is none), then why shall this be presented in executive session when there is nothing before the executive session of the Senate to consider? It seems to me perfectly appropriate that the memorial should be presented in open session.

The PRESIDENT *pro tempore*. The Chair will submit the question to the Senate, if the Senator from Missouri desires.

Mr. COCKRELL. I should like the question to be settled by the Senate.

The PRESIDENT *pro tempore*. Shall the petition be received in legislative session?

Mr. HARRIS. What is the nature of the petition?

Mr. COCKRELL. It is a petition of the Brewers and Maltsters' Union, No. 6, of St. Louis, Mo., praying the Senate of the United States not to ratify the pending or any other extradition treaty with the Emperor of Russia, for the reasons stated.

Mr. HARRIS. Clearly it is an executive matter.

The PRESIDENT *pro tempore*. Shall the petition be received in legislative session? [Putting the question.] By the sound the ayes have it. The ayes have it. The Senator from Missouri, under the order of the Senate, can present his petition.

Mr. COCKRELL. I present the petition to which I have referred, and also a similar petition of the Bakers' Union, No. 15, of St. Louis, Mo., and also a similar petition of the German Arbeiter-Bund, of St. Louis and vicinity, and ask that they be received and appropriately referred.

The PRESIDENT *pro tempore*. The petitions will be referred to the Committee on Foreign Relations.

Mr. VEST. Under the decision of the Senate I present a memorial of the Wood-Working Machine Hands' Union, No. 1, of St. Louis, Mo., remonstrating against the ratification of the Russian treaty. I move the reference of the memorial to the Committee on Foreign Relations. The motion was agreed to.

Mr. PLUMB presented a resolution adopted by old soldiers, residents of Cowley County, Kansas, praying for certain pension legislation; which was referred to the Committee on Pensions.

He also presented a resolution adopted by Vicksburg Post, No. 72, Grand Army of the Republic, of Humboldt, Kans., favoring the passage of a law to pension army nurses; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Bluff Creek, Lyon County, Kansas, praying for the free coinage of silver; which was referred to the Committee on Finance.

He also presented a petition of citizens of Kansas, praying for the passage of a national bankruptcy law; which was referred to the Committee on Finance.

He also presented resolutions adopted by Hays's Farmers' Alliance, No. 238, praying for certain financial legislation; which were referred to the Committee on Finance.

He also presented a resolution of the Wichita (Kans.) Board of Trade favoring an appropriation of \$6,200,000 to construct a deep-water harbor at Galveston, Tex.; which was ordered to lie on the table.

He also presented a petition of Wilderness Post, No. 116, Department of Kansas, Grand Army of the Republic, of Delphos, Kans., praying for the passage of certain pension legislation; which was referred to the Committee on Pensions.

He also presented a memorial of citizens of Maricopa County, Arizona Territory, remonstrating against the establishment of a court for the settlement of land titles in that Territory; which was referred to the Committee on Private Land Claims.

#### COMMITTEE SERVICE.

Mr. GEORGE. If in order now, I should like to be excused from further service on a committee.

The PRESIDENT *pro tempore*. The Chair will receive the request of the Senator from Mississippi.

Mr. GEORGE. I ask to be excused from further service upon the Committee on Immigration.

The PRESIDENT *pro tempore*. The Senator from Mississippi asks to be excused from further service upon the Committee on Immigration. Unless objection be made, the request will be agreed to.

Mr. CALL. I ask to be excused from further service upon the Committee on Immigration.

The PRESIDENT *pro tempore*. The Senator from Florida asks unanimous consent that he may be discharged from further service upon the Committee on Immigration. Unless objection is made, the request will be agreed to.

#### REPORTS OF COMMITTEES.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, to whom was referred the bill (S. 584) to amend so much of section 351 of the Revised Statutes as fixes the salary of the chief clerk of the Department of Justice, reported it without amendment.

Mr. PADDOCK, from the Committee on Public Lands, to whom was referred the bill (S. 2613) for the relief of Wesley Montgomery, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1743) to provide for the disposal of Fort Hartsuff, Fort Sheridan, and Fort McPherson military reservations, in the State of Nebraska, to actual settlers under the provisions of the homestead laws, reported it with amendments.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 330) for the relief of the honorably discharged soldiers Thomas Wright and John Lamb, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2923) for the relief of Hiram W. Hub-

bard, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 303) relating to the pay and retirement of the mates in the Navy, reported it with amendments, and submitted a report thereon.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (H. R. 1482) for the relief of Eliza Stanton, reported it without amendment, and submitted a report thereon.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 2955) to validate pre-emption filings and pre-emption proofs made within the States of North and South Dakota, Montana, and Washington, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 3082) to validate pre-emption filings and pre-emption proofs made within the States of North and South Dakota, Montana, and Washington, reported it with an amendment.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1384) for the erection of a public building at Mankato, Minn., reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. 417) for the erection of a public building at Houlton, Me., reported it without amendment.

#### BILLS INTRODUCED.

Mr. BERRY introduced a bill (S. 3129) for the relief of the Memphis and Little Rock Railroad Company; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRIS introduced a bill (S. 3130) to correct the military record of William Smith, of Tennessee; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HARRIS. A precisely similar bill was introduced in the Forty-eighth Congress and adversely reported. I now present a supplemental petition of the petitioner, which is accompanied by a large amount of additional and subsequently discovered testimony. I ask that the petition be now received and referred with the bill to the Committee on Military Affairs, and I also ask an order that the previous petition and accompanying papers be taken from the files of the Senate and also referred.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

Mr. HAMPTON introduced a bill (S. 3131) for the registry or enrollment of the barges Herdis and Agostinoc; which was read twice by its title, and referred to the Committee on Commerce.

Mr. INGALLS introduced a bill (S. 3132) granting a pension to T. W. Moore; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3133) granting a pension to Isaac Newman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3134) to perfect the military record of Henry C. Barney, of Pella, Tex.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3135) for the relief of Thomas J. Yount; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

He also (by request) introduced a bill (S. 3136) for the relief of ex-soldiers in certain cases; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 3137) granting a pension to Mary A. Linney; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MOODY introduced a bill (S. 3138) for the improvement of the channel of the Missouri River near the city of Yankton, in the State of South Dakota, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3139) to aid the State of South Dakota to support a school of mines; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3140) for the relief of Titus Molitor, of Deadwood, S. Dak.; which was read twice by its title, and referred to the Select Committee on Indian Depredations.

He also introduced a bill (S. 3141) to provide for building and maintaining an Indian industrial school at or near Rapid City, in the State of South Dakota, and to provide a farm in conjunction therewith; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3142) to provide for building and maintaining an Indian industrial school at or near Chamberlain, in the State of South Dakota, and to provide a farm in conjunction therewith; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SQUIRE introduced a bill (S. 3143) to provide and equip two steam-launches, to be used in the collection district of Puget Sound;



which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL introduced a bill (S. 3144) for the relief of W. G. Piper, of Moscow, Idaho; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3145) granting a pension to Samuel Miller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. EVARTS introduced a bill (S. 3146) to insure preference in appointment and retention therein, in the public service of the United States, to veterans of the late war; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HALE introduced a bill (S. 3147) providing for an Assistant Secretary of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HOAR introduced a bill (S. 3148) for the relief of Mrs. Sidney Manse; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PLUMB introduced a bill (S. 3149) for the relief of George W. Graham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3150) granting a pension to James Delaney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3151) granting a pension to James A. Southard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3152) for the relief of Henry Zuber; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3153) for the relief of G. D. Humphrey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3154) granting a pension to George M. Dowell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3155) increasing certain pensions; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3156) to prevent desertions from the Army, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3157) for the relief of William Dillon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BLAIR introduced a bill (S. 3158) granting an increase of pension to Mrs. Ellen M. Thornton, widow of the late Capt. James S. Thornton, United States Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3159) granting an increase of pension to Albert P. Davis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DOLPH introduced a bill (S. 3160) to extend the time for adjudicating certain classes of claims; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HAWLEY introduced a bill (S. 3161) to prevent desertions from the Army, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3162) to provide for the examination of certain officers of the Army and to regulate promotions therein; which was read twice by its title, and referred to the Committee on Military Affairs.

#### WITHDRAWAL OF PAPERS.

On motion of Mr. EVARTS, it was

Ordered, That George McCredy be permitted to withdraw from the files of the Senate the petition and accompanying papers in his behalf, subject to the rules of the Senate.

#### DEPRESSION OF AGRICULTURAL INTERESTS.

Mr. VOORHEES submitted the following resolution; which was read:

Whereas the deep and widespread depression and decay of the agricultural interests of the American people, the enormous and appalling amount of mortgage indebtedness on agricultural lands, the total failure of home markets to furnish remunerative prices for farm products, the palpable scarcity and insufficiency of money in circulation in the hands of the people with which to transact the business of the country and effect exchanges of property and labor at fair rates, are circumstances of the most overwhelming importance to the safety and the well-being of the Government: Therefore,

Be it resolved, That it is the highest duty of Congress in the present crisis to lay aside all discussion and consideration of mere party issues and to give prompt and immediate attention to the preparation and adoption of such measures as are required for the relief of the farmers and other overtaxed and underpaid laborers of the United States.

Mr. VOORHEES. I ask that the resolution may be printed and lie on the table; and in that connection I give notice that at the close of the morning business day after to-morrow, Wednesday, I shall ask the permission of the Senate to submit some remarks in regard to it.

Mr. MITCHELL. I do not understand that the resolution points out any remedy at all. It does not suggest any remedy.

Mr. VOORHEES. I was saying that I should seek the floor to ad-

dress the Senate upon the subject of the resolution day after to-morrow, at the close of the morning business. If the Senator from Oregon will be in his seat and will listen, there will be some measure pointed out which I hope will have his support.

Mr. MITCHELL. But in the resolution there is nothing suggested. The PRESIDENT *pro tempore*. The resolution will lie on the table and be printed.

Mr. BLAIR. I desire to suggest to the Senator from Indiana that by unanimous consent the vote upon the school bill is to be taken on Thursday. Public notice was given of the fact that the Senator from Virginia [Mr. DANIEL] was expected to speak on the bill to-day, the Senator from Connecticut [Mr. HAWLEY] to-morrow, and on Wednesday the Senator from New York [Mr. EVARTS] will close the general discussion.

Mr. VOORHEES. That measure comes up at and after 2 o'clock, I believe?

Mr. BLAIR. Yes.

Mr. VOORHEES. The morning business is usually terminated by half past 12, and I can conclude what remarks I have to make by 2, or closely about that hour, so that I shall not trench much on anybody's time.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3365) approving, with amendments, the funding act of Arizona;

A bill (H. R. 3934) to authorize the board of supervisors of Maricopa County, Arizona, to issue certain bonds in aid of the construction of a certain railroad;

A bill (H. R. 6474) to submit the location of the county seat of Shoshone County, Idaho Territory, to a vote of the people of said county; and

A bill (H. R. 7170) to authorize the city of Ogden, Utah, to assume an increased indebtedness.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. 4130) to authorize the construction of a bridge across the Missouri River at the city of Pierre, in South Dakota; and

A bill (H. R. 7616) to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-road.

The message further announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 5179) fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia, if paid within a time specified, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GROUT, Mr. BURTON, and Mr. HEMPHILL managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 895) to provide a temporary government for the Territory of Oklahoma, with amendments in which it requested the concurrence of the Senate.

#### ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 5825) prescribing the times for sales and for notices of sales of property in the District of Columbia for overdue taxes; and it was thereupon signed by the President *pro tempore*.

#### URGENT DEFICIENCY APPROPRIATION BILL.

The PRESIDENT *pro tempore*. Are there further resolutions, concurrent or other?

Mr. HALE. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Maine rise to morning business?

Mr. HALE. If the morning business is ended, I desire to ask the Senate to take up the urgent deficiency appropriation bill.

The PRESIDENT *pro tempore*. The business of the morning hour being concluded, the Senator from Maine moves that the Senate proceed to the consideration of the bill (H. R. 7496) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1890, and for other purposes.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 15th instant approved and signed the following acts:

An act (S. 2994) to authorize the construction of a bridge over the Arkansas River, in the Indian Territory;

An act (S. 1297) to amend an act entitled "An act to authorize the construction of a wagon and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa;"

An act (S. 1858) to shorten the terms of imprisonment in the jail and in the work-house of the District of Columbia on account of good conduct during confinement; and

An act (S. 1905) to amend an act entitled "An act to authorize the building of a railroad bridge at Fort Smith, in the State of Arkansas," approved July 19, 1888.

#### HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Territories:

A bill (H. R. 3365) approving, with amendments, the funding act of Arizona;

A bill (H. R. 3934) to authorize the board of supervisors of Maricopa County, Arizona, to issue certain bonds in aid of the construction of a certain railroad;

A bill (H. R. 6474) to submit the location of the county seat of Shoshone County, Idaho Territory, to a vote of the people of said county; and

A bill (H. R. 7170) to authorize the city of Ogden, Utah, to assume an increased indebtedness.

#### PROPOSED CHANGE OF RULE.

Mr. CALL. On Friday last I submitted a notice, and I again present it this morning. I ask that it be read and submitted to the Senate. The PRESIDENT *pro tempore*. The paper will be read.

The Chief Clerk read as follows:

I give notice that I shall move on to-morrow to amend and modify clause 2 of Rule XXXVIII, as follows:

"All information communicated or remarks made by a Senator when acting on nominations concerning the character or qualifications of the persons nominated, also all votes upon any nomination, shall be kept secret."

Also, so much of Rule XXVI, clause 2, as follows: "When acting upon confidential or executive business, unless the same shall be considered in open executive session, the Senate Chamber shall be cleared of all persons, except the Secretary, the Chief Clerk, the Principal Legislative Clerk, the Executive Clerk, and such officers as the Presiding Officer shall think necessary shall be sworn to secrecy."

The object of this motion for change of rule is to allow the consideration of the nomination of Charles Swayne and Joseph N. Stripling in open executive session.

#### WILKINSON CALL.

The PRESIDENT *pro tempore*. The Chair holds that any motion to consider executive business must be made in executive session, and he can not now, therefore, entertain the motion of the Senator from Florida.

Mr. CALL. Mr. President, I also submitted a resolution, which I now ask to have read.

The PRESIDENT *pro tempore*. The Chair has examined the resolution to which the Senator from Florida refers, and he thinks it is obnoxious to the same objection, and therefore he does not regard the resolution as in order under the rules of the Senate with open doors.

Mr. CALL. I submit to the Senate whether or not the Chair has the right to decide that a resolution can not be considered. There is no rule, I submit, by which the Presiding Officer can arbitrarily exclude a resolution.

The PRESIDENT *pro tempore*. It is the duty of the Chair to pass upon all resolutions that may be offered or motions that may be presented under the rules of the Senate.

Mr. SHERMAN. I think the question now presented is a proper one for a secret session, and I move, therefore, that the doors of the Senate be closed.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the doors of the Senate be closed. Is there a second?

Mr. EDMUNDS. I second the motion, Mr. President.

The PRESIDENT *pro tempore*. The Senator from Vermont seconds the motion of the Senator from Ohio. The Sergeant-at-Arms will clear the galleries and close the doors of the Senate.

Mr. CALL. I raise the point of order—

The PRESIDENT *pro tempore*. The Chair can not entertain the point of order.

Mr. CALL. I appeal from the decision of the Chair.

The PRESIDENT *pro tempore*. The Chair can not entertain the appeal. The Sergeant-at-Arms will execute the order.

The doors of the Senate were thereupon closed; and after fifty minutes the Senate proceeded to the consideration of executive business; and after twenty minutes spent in executive session the doors were reopened.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (S. 1332) granting to the city of Colorado Springs, in the State of Colorado, certain lands therein described for water reservoirs.

The message also announced that the House had passed the bill (S. 1477) to increase the appropriation for the erection of a public building at Sacramento, Cal., with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 833) providing for the erection of a public building at Paris, Tex.;

A bill (H. R. 7166) to amend section 3 of an act entitled "An act to

amend the act dividing the State of Missouri into two judicial districts, and for other purposes;" and

Joint resolution (H. Res. 119) requesting the Secretary of War to cause a further report to be made as to the practicability and approximate cost of tunneling the Detroit River at or near Detroit, Mich.

#### TERRITORY OF OKLAHOMA.

The President *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 895) to provide a temporary government for the Territory of Oklahoma; which were, on motion of Mr. PLATT, ordered to lie on the table and be printed.

Mr. REAGAN subsequently said: Has the Chair made any disposition of the Senate bill which came back with an amendment in relation to the Territory of Oklahoma?

The PRESIDENT *pro tempore*. It was ordered to lie upon the table and be printed with the House amendments, at the request of the chairman of the Committee on Territories.

Mr. REAGAN. I shall desire to submit a few remarks upon the bill before it is disposed of.

#### HOUSE BILLS REFERRED.

The bill (H. R. 833) providing for the erection of a public building at Paris, Tex., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The bill (H. R. 7166) to amend section 3 of an act entitled "An act to amend the act dividing the State of Missouri into two judicial districts, and for other purposes" was read twice by its title and referred to the Committee on the Judiciary.

The joint resolution (H. Res. 119) requesting the Secretary of War to cause a further report to be made as to the practicability and approximate cost of tunneling the Detroit River at or near Detroit, Mich., was read twice by its title, and referred to the Committee on Commerce.

#### PUBLIC BUILDING AT SACRAMENTO, CAL.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1477) to increase the appropriation for the erection of a public building at Sacramento, Cal.; which was referred to the Committee on Public Buildings and Grounds.

#### RATE OF INTEREST ON TAX ARREARAGES.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendment of the Senate to the bill (H. R. 5179) fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia if paid within a time specified, and a king a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HARRIS. I move that the Senate insist upon its amendment and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. McMILLAN, Mr. FARWELL, and Mr. HARRIS were appointed.

#### ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, being the bill (S. 185) to aid in the establishment and temporary support of common schools.

Mr. HALE. Mr. President, when the doors of the Senate were closed a motion which I had made to take up the urgent deficiency bill was pending. I am very desirous that the bill should have a speedy passage by the Senate, and I do not expect it to take much time. I should be glad to go on with it now. I am told the Senator from Virginia [Mr. DANIEL] desires to speak at the present time upon the educational bill, and I ask the Senator whether he is ready to go on now or will yield some time for the consideration of the appropriation bill.

Mr. DANIEL. Mr. President, if it does not interfere with the Senator I should be glad to go on now, especially as I am under the constraint of an engagement which may possibly take me away.

Mr. HALE. I do not want to interfere with the convenience of the Senator from Virginia, but I will give notice that, unless some other Senator desires to speak upon the pending bill, at the conclusion of the remarks of the Senator from Virginia I will move to take up the appropriation bill, and, if I do not to-day, that to-morrow morning after the routine morning business I shall ask the Senate to consider and dispose of the bill.

Mr. McPHERSON. I did not understand what the appropriation bill was.

Mr. HALE. The urgent deficiency bill.

#### DISPOSITION OF EXECUTIVE COMMUNICATIONS.

Mr. PLUMB. In relation to certain executive documents transmitted to the Senate on Friday last in my absence, I move that the communication from the Secretary of the Interior relative to the membership of the Sac and Fox Indian tribes, with the accompanying papers, be referred to the Committee on Appropriations, and ordered to be printed.

The motion was agreed to.



Mr. PLUMB. I also move that the communication from the Secretary of the Interior, transmitted to the Senate on the same day, relative to the cause of withholding patents for lands within the grant of the Union Pacific Railroad Company, with the accompanying papers, be referred to the Committee on Public Lands.

The motion was agreed to.

#### COMMITTEE SERVICE.

Mr. COCKRELL. I move that the Chair be authorized to fill the vacancies in the Committee on Immigration made by the resignation of the Senator from Mississippi [Mr. GEORGE] and the Senator from Florida [Mr. CALL].

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the vacancies in the Committee on Immigration caused by the resignation of the Senators from Florida and Mississippi be filled by the Chair. Is there objection? The Chair hears none. The Chair appoints the Senator from Louisiana [Mr. EUSTIS] and the Senator from Virginia [Mr. DANIEL].

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. 389) to construct a road to the national cemetery at Port Hudson, La.; in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 4130) to authorize the construction of a bridge across the Missouri River at the city of Pierre, in South Dakota; and

A bill (H. R. 7617) to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-road.

#### RIGHT OF WAY THROUGH THE INDIAN TERRITORY.

Mr. VEST. Mr. President—

The PRESIDENT *pro tempore*. The Senator from Virginia [Mr. DANIEL] is entitled to the floor on the unfinished business.

Mr. VEST. With the consent of the Senator from Virginia, as I expect to be absent from the city for a few days, I desire to call up House bill 346, Order of Business 478, which will give rise to no debate.

The PRESIDENT *pro tempore*. Does the Senator from Virginia yield for that purpose?

Mr. DANIEL. Yes, sir; I yield for that purpose.

The PRESIDENT *pro tempore*. The title of the bill will be reported.

The CHIEF CLERK. A bill (H. R. 346) to extend "An act to grant the right of way to the Kansas City and Pacific Railroad Company through the Indian Territory, and for other purposes."

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Indian Affairs with amendments, in line 6, before the word "company," to strike out "railway" and insert "railroad," and in line 10, after the words "of its," to strike out "railway" and insert "railroad;" so to make the bill read:

*Be it enacted, etc.*, That the provisions of an act approved May 14, 1888, granting the right of way through the Indian Territory to the Kansas City and Pacific Railroad Company, and for other purposes, shall be extended for a period of two years from May 14, 1890, so that said company shall have until May 14, 1892, to build the first 100 miles of its railroad, and two years thereafter to build the remainder thereof and branches.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### AMENDMENT TO A BILL.

Mr. SPOONER submitted an amendment intended to be proposed by him to the urgent deficiency appropriation bill; which was ordered to be printed.

#### AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 185) to aid in the establishment and temporary support of common schools.

Mr. DANIEL. Mr. President, the subject under consideration is the measure generally known as the Blair educational bill. It is a subject which has been under discussion for six or seven years, and I can not hope to throw any new light of constitutional law upon it or to add much in the way of facts; and I shall therefore seek for my part simply to give an outline of the considerations which lead me to cast my vote in its favor.

In the first place, however, I think it proper to throw out of the discussion the declaration that this can be looked upon in any light as a bill of mendicancy. I can see no more propriety in declaring that a bill to appropriate public funds for the purposes of education is a bill

to fill the hands of beggars than of so declaring as to other appropriation measures which may come before the Senate. It is a little curious that while one class of debaters, in the press, upon the hustings, and in legislative halls, declare that it is a bill of mendicancy another class oppose it upon the opposite ground that nobody has asked for it. Thus we heard a few days ago the Senator from Kansas [Mr. PLUMB], when he made a strong and able argument clustering together with great power these considerations which have been stated against it and said therein that one of the two reasons why he would not vote for this bill of so-called mendicancy was that nobody had asked for its passage.

The passage of the bill—

Said he—

has not been asked for. At the time it was first introduced by the Senator from New Hampshire [Mr. BLAINE] I think there had been no public expression of opinion in its favor anywhere in the United States.

No State—

He added—

ever asked for it. \* \* \* A majority of the Southern people and their representatives do not want it.

So then, sir, this bill stands opposed before the Senate as an appropriation which beggars cry for and as an appropriation that nobody wants. Between these extreme statements of the question I think there is to be found the "golden mean" of truth. It is not a mendicant's bill any more than an application for an appropriation for a public building is a mendicant's bill. It is not a mendicant's bill any more than the application of a wounded soldier for a pension is a mendicant's bill. It is not a mendicant's bill any more than the bill making appropriations to rivers and harbors is a bill of mendicancy.

But neither is it true in point of fact that no one has asked for it. The State which I have the honor in part to represent upon this floor has asked for it by every channel of communication that a Commonwealth can employ in making known its wishes to the Federal Government. It has asked for its passage in the repeated platforms of the Republican party; it has asked for it in the repeated platforms of the Democratic party; it has asked for it in public meetings and it has asked for it by the unanimous, or nearly unanimous, voice of its General Assembly. The candidates before the people for governor, for Congress, and for the place which I have the honor to occupy have proclaimed that if they were elected they would support it. So there is one State at least which, in unequivocal language, has said that it desired the passage of this bill. And that there are others also is well attested by the records.

For my part, sir, whatever might be my personal predilections upon the question, I should feel constrained to do either one of two things: to resign my seat in this body and retire to my constituents and permit them to send some one here who would fittingly declare their voice or to cast my vote and give such influence, humble as it may be, as I may possess in favor of this measure. If the measure was one which, perchance, violated any fundamental principle of government, if it stripped any one of his right of trial by jury or his writ of habeas corpus, if it trench upon any of the cardinal institutions of liberty which I feel that the citizen should everywhere protect and defend at the risk of his political as well as of his mortal life, I would certainly resign my seat in the Senate before I would support it, for, if perchance, instruction from constituents should violate cardinal principles they could not bind the agent unless he were willing to surrender his convictions of right and wrong to his people.

But I do not find, however gentlemen may differ as to constitutional construction, that there is anything in the Constitution as it has been construed by many of the wisest and best of American statesmen to constrain me to the conclusion that this bill should not be supported. I am candid to say that if we were debating this subject in 1790 rather than in 1890 I should have great doubts whether or not the fathers of this Republic, who formulated the instrument which we have sworn to support, had contemplated giving to Congress the power to pass such a measure as is involved in the bill before us.

But, Mr. President, the discussion as to the construction of that Constitution is not a new one. It began almost co-ordinately with its existence, and there is a broad, beaten road in which many statutes have trodden, year after year and decade after decade, which has blazed the way for the passage of this bill, and if to-day, in the great floods which are now transpiring in the Mississippi Valley, the Mississippi River were to change its bed from its present course and run into Mississippi or into Arkansas, I should fancy myself as much of a cavalier to object to following the course of the stream in a steamer that might float upon its surface, because it did not follow its convolutions according to the territorial boundaries that had once been established, as to refuse at this date in the history of our Government and of accepted constitutional interpretation to vote for a beneficent measure because it might be criticised as not within the language of that instrument as it had been at one time construed or as some might yet construe it.

We have before us in section 8, Article I, of the Constitution the language that—

The Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

Then there follows this broad declaration of the power to lay and apply the taxes, an enumeration of additional and specific powers, which are also conferred upon the Federal Congress, as follows:

- To borrow money on the credit of the United States;
- To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;
- To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;
- To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;
- To provide for the punishment of counterfeiting the securities and current coin of the United States;
- To establish post-offices and post-roads;
- To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;
- To constitute tribunals inferior to the Supreme Court;
- To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;
- To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;
- To raise and support armies, but no appropriation or money to that use shall be for a longer term than two years;
- To provide and maintain a navy;
- To make rules for the government and regulation of the land and naval forces;
- To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;
- To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;
- To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and
- To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

Mr. President, in the construction of that Constitution, I conceive that the statesman and the citizen who desires to tread in the path of truth and justice may accept as his guides both the language of the instrument and the logic of facts which has been applied to its interpretation. If we look at the naked instrument itself, standing out before us in the form of a mere literary composition, it can not be said with clearness or with emphasis that its mere statement carries the light of conviction to the mind that it was not intended by that instrument that the power to lay and collect taxes should be co-equal with the power to apply them for any substantive thing which was comprehended in the idea of the common defense or the general welfare of the United States.

In grammatical construction the specific powers which are afterwards enumerated were not necessarily appended as a modification of the general power to "provide for the common defense and general welfare of the United States;" and the imagination must connect the main proposition with the declared modification by general theories as to the powers both of the Government and the relation of the States, in order to deduce the argument that the enumerations were made to limit the methods of providing for "the common defense and the general welfare." Therefore, whosoever stands upon a strict construction of the constitutional document must confess that there is at least a broad and a general doubt as to what was the original intent and meaning of those who fashioned this instrument in that form.

Now, then, how are we to interpret the question when we find a subject-matter of construction laid before us out of which we wish to follow the divining rod which shall guide us towards the truth? We must look, as I conceive, to the opinions of those who were the contemporaneous expounders of the instrument and who have been its expounders from time to time in the application of its doctrines to the circumstances which were brought within its jurisdiction.

I find in the speech of my distinguished colleague, the Senator from Arkansas [Mr. JONES], a very luminous statement of the views of James Monroe, of Virginia, and I will read from them, as they formulate, in my judgment, a clear exposition and constitutional construction of this language:

Speaking of the general grant of power to Congress contained in the "general welfare" clause, Mr. Monroe said:

The grant consists, as heretofore observed, of a twofold power: the first to raise and the second to appropriate the public money, and the terms used in both instances are general and unqualified. Each branch was obviously drawn with a view to the other, and the import of each tends to illustrate that of the other. The grant to raise money gives a power over every subject from which revenue may be drawn, and is made in the same manner with the grants to declare war, to raise and support armies and a navy, to regulate commerce, to establish post-offices and post-roads, and with all the other specific grants to the General Government.

In the discharge of the powers conveyed in any of these grants there is no other check than that which is to be found in the great principles of our system, the responsibility of the representative to his constituents. If war, for example, is necessary, and Congress declare it for good cause, their constituents will support them in it. A like support will be given them for the faithful discharge of their duties under any and every other power vested in the United States. But should the Representative act corruptly and betray his trust or otherwise prove that he was unworthy of the confidence of his constituents he would be equally sure to lose it and to be removed and otherwise censured according to his deserts.

Again:

Had it been intended that Congress should be restricted in the appropriation of the public money to such expenditures as were authorized by a rigid construction of the other specific grants, how easy would it have been to have provided in it by a declaration to that effect. The omission of such declaration is therefore an additional proof that it was not intended that the grant should be so construed.

The substance—

Says Mr. Monroe in the conclusion of his views—

The substance of what has been urged on this subject may be expressed in a few words. My idea is that Congress have an unlimited power to raise money and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense and of general, not local, national, not State, benefit.

I will also read from the speech of Mr. John C. Calhoun, of South Carolina, made in the year 1817, from which I take this extract:

If the framers had intended to limit the use of the money to the powers afterward enumerated and defined, nothing could have been more easy than to have expressed it plainly. I know it is the opinion of some that the words "to pay the debts and provide for the common defense and general welfare," which I have just cited, were not intended to be referred to the power of laying taxes contained in the first part of the section, but that they are to be understood as distinct and independent powers granted in general terms, and are qualified by a more detailed enumeration of powers in the subsequent part of the Constitution.

If such were in fact the meaning intended, surely nothing can be conceived more bungling and awkward than the manner in which the framers have communicated their intention. If it were their intention to make a summary of the powers of Congress in general terms which were afterward to be particularly defined and enumerated, they should have told us so plainly and distinctly; and if the words "to pay the debts and provide for the common defense and general welfare" were intended for this summary, they should have headed the list of our powers and it should have been stated that to effect the general objects the following specific powers were granted.

Again he says:

But suppose the Constitution to be silent, why should we be confined in the application of moneys to the enumerated powers? There is nothing in the reason of the thing that I can perceive why it should be so restricted; and the habitual and uniform practice of the Government coincides with my opinion. Our laws are full of instances of money appropriated without any reference to the enumerated powers. We granted by a unanimous vote, or nearly so, \$50,000 to the distressed inhabitants of Caracas, and a very large sum at two different times to the St. Domingo refugees. If we are restricted in the use of our money to the enumerated powers, on what principle can the purchase of Louisiana be justified? To pass over many other instances, the identical power which is now the subject of discussion has in several instances been exercised. To look no further back, at the last session a considerable sum was granted to complete the Cumberland road. In reply to this uniform course of legislation, I expect it will be said that our Constitution is founded on positive and written principles, and not on precedents. I do not deny the position; but I have introduced these instances to prove the uniform sense of Congress and the country (for they have not been objected to) as to our powers; and surely they furnish better evidence of the true interpretation of the Constitution than the most refined and subtle arguments.

If our laws were then, in 1817, "full of instances of money appropriated without any reference to the enumerated powers," how much fuller are they of such instances now in 1890! If the "uniform sense of Congress and the country" had already gathered the force of precedent, how much stronger now are the accumulated precedents of many years!

Mr. President, I might follow the example of other Senators and read, from the writings of many eminent statesmen who have figured in public affairs, some statement of views on this subject which would look to the one side or to the other of this general proposition; but when I look to the practice of the Government which has been paralleled with their interpretation of the Constitution for nearly a hundred years, I find that the bed of the stream is so broad and deep that at this stage of the controversy he would be a bold man who would attempt to maintain that the construction which is contended for by the supporters of this bill was an unjust, an unwise, or an unprecedented one.

It was the remark of Sir James Mackintosh that "constitutions grow." In so saying he simply announced that general principle of evolution as applied to constitutional construction that applies to all created things that have within them either animal life or that artificial life which is imparted to them by the brains and hearts of men.

I have before me a striking illustration in the way of literary criticism and of constitutional declaration as to how the instrument which binds us to-day has grown. I read in the Life of Mr. Webster, by H. CABOT LODGE, a scholarly gentleman of the city of Boston, who now represents a constituency in Congress, this comment upon the construction of our Constitution at the time it was adopted:

When the Constitution was adopted by the votes of States at Philadelphia and accepted by votes of States in popular conventions it is safe to say there was not a man in the country, from Washington and Hamilton on the one side, to George Clinton and George Mason on the other, who regarded the new system as anything but an experiment entered upon by the States, and from which each and every State had the right to peaceably withdraw, a right which was very likely to be exercised.

Now, here is the critical exposition of the Constitution by a student of history who is now representing a Republican constituency in the Halls of Congress, who gives it as his deliberate judgment that at the time this instrument under which we are now sitting was adopted there was not a man in all the country, from the extreme Federalist on the one side to the extreme State-rights man on the other, who did not regard it as a simple experiment of Government from which any State had the right to retire at any time peaceably. If I were to utter on this floor that doctrine now I should be looked upon as an antediluvian. I should be regarded as throwing into the debate a question which had been settled by the force of events and which had been stricken from the docket of open controversies.



Therefore, it does not become us to contend, as I conceive, that these principles of government, which have been settled by the habitual practice of legislative bodies, by Commonwealths, by popular assemblies, by political conventions, and by general acceptance of the people, are longer open matters of controversy further than this, that, while the one side or the other side is certainly open to criticism, it is evident that the final determination of the points which are raised upon the one side or the other of the question can find no conclusion until the supreme tribunal of this country has pronounced upon them.

Then, when I come to contemplate this measure, whatever might have been the predilections of constitutional construction which I received from education, from hereditary direction, from local surroundings, I am obliged to recognize as a fact of our political existence that the question has been passed upon by those who were competent to consider it and to determine it, and that it does not to-day operate as a fair and just impediment to the exercise of such views of public policy upon the subject as our minds might bring us to the conclusion was right and proper.

Now, then, laying aside that question as one which has been sufficiently discussed, and as to which I have given but a suggestion and an outline of my own deliberations, the next question presents itself: Is this a wise and proper measure?

Mr. President, this measure was not the offspring of the solicitations of the Commonwealths of the South. It was, in my judgment, the offspring of a generous and philanthropic feeling on the part of those statesmen who first suggested it, and, in my judgment, it is the first measure of general and comprehensive legislation since the unhappy period of 1861 to 1865 in which the members of that great political organization which has, in the main, controlled the legislation of the country have proposed to apply liberal methods to the solution of those questions that were left as the aftermath of a bloody struggle.

In my opinion there is not an illiberal word nor an illiberal statute upon the statute-books of the United States which was not a profound mistake of statesmanship. I do not believe that there is a single disfranchisement, a single penalty, a single harsh word spoken in the laws of the United States since the last gun was fired at Appomattox that has not retarded, instead of aided, the processes of healing and reconstruction which have been at work.

Mr. President, we belong to a race of people who are easily led by proper persuasion addressed to self-respect, but whom it is difficult to drive, and the man who does not understand the people whom he deals with is groping in utter darkness when he applies towards their government statutes which are inconsistent with their character and with their history. If you will look into your own hearts you will see that God Almighty has written on them that truth, and if you would consistently treat others as you would have them treat you about subjects on which we differ, you would have given to your minds a legend that would guide us out of the wilderness of difficulty and controversy.

On the other hand, I do not believe that any illiberal treatment of any of these subjects from the Southern side of this controversy has had any beneficent influence in solving them. The people of one side of the Potomac River are very much like the people on the other side of the Potomac River in the bottom traits of character which control and govern their political conduct. They are different in their surroundings and they have a diversity of things to deal with, but in the habits of mind and in the principles of action which control they are not so widely apart; and you will find an interpretation to it—of the influences which will control others—if you will consider how you would yourselves be controlled.

In the contemplation of this educational bill there is presented to my mind the first measure which had its origin in the generous and philanthropic modes of the North for dealing with the great issues which we have to solve at some time or other in the Southern country.

I do not doubt the truth of the statements made a few days ago by the Senator from Ohio [Mr. SHERMAN] that in the breast of the Northern people—behind the voices of contention—there is generosity and magnanimity. They belong to a race of people who have the seeds of generosity and magnanimity in their breasts, and the difference between the great segments of people who inhabit the American Republic is not so much the difference of intuition as it is the difference of local surroundings.

You will see that in the sphere of action that this race has occupied here in America they have dealt with each other very much as our forefathers dealt with us. Look at England, for instance, and see how she treated the American colonies which were the children of her loins and whom she had every prompting of nature to treat with the utmost generosity and magnanimity. How did she treat them? She treated them very much as any man two or three thousand miles away from the subject which he has to deal with is apt to treat it; that is, with ignorance of the actual conditions which he attempted to deal with. Therein arise the principle and the necessity for local self-government. I think you may trace the great calamities which have befallen successive portions of the great family to which we belong to their failure to apply to others who were under their jurisdiction the principles of action which they would have demanded for themselves.

In the year 1787, Lord Mansfield, sitting in the Court of King's Bench,

rendered what was welcomed in many parts of the Christian world as a great judgment. It was a judgment in the case of *Somerset*, the black, in which he pronounced, in a style becoming a great tribunal, that the air of England was too pure to be breathed by any one but a freeman, and so discharged *Somerset* from slavery. Yet the very crowned heads of that great Government which had placed him upon the bench to pronounce that declaration had filled the American continent, and the islands of the sea, and every place that their slave-ships could reach, with slaves. In other words, in England, where they had no use for *Somerset*, the black, the air was too pure for him to breathe in any other capacity than as a freeman; but in effect England had said, "You colonists in America, 3,000 miles away and half barbarians, as we choose to contemplate you, here is black for you until your gorge rises against it; and when you, Virginia, and you, Georgia, and you, South Carolina, and you, little colony here and there, stand up and say to me, 'Don't send any darkies here,' we, the King and the Queen, have an interest in the slave trade, and we will appoint Mansfield chief justice to say there shall be no slaves here, but we will fill the world with them, to the utter repudiation of every moral sentiment upon which our judgment at home is predicated."

Mr. President, there is no room for the Pharisee to stand up in American politics and say, "I am holier than thou." What England did toward her weaker colonies our Northern brethren have done toward us; and they will find, if they pursue that experience, that they will always reach a vain result in working out the problem they have to deal with.

A man in England does not know how to govern the American continent. A curious thing happened in English history which you would see repeated in American history if you were to accept it as your example. There was a time when England almost despaired of retaining possession of Canada, of Australia, of New Zealand, and of her other colonies. She thought that that local spirit of freedom which had risen here so fiercely in America would be widespread, and that her great empire would in many places go to pieces. Bowing to what she regarded as the inevitable, she passed measures which gave her colonies local representative governments, with their parliaments and other attributes of autonomy. The very reverse of the effect which she anticipated befell. That was what they wanted, and when they received it they no longer had that impulse to separate themselves from the mother country which before had actuated them. The integrity to-day of the British Empire in many parts of the world where her flag still flies is due to the liberality of measures which sprang out of her despair.

Froude, the historian, commenting on her policy, says:

Events mock at human foresight, and nothing is certain but the unforeseen. Constitutional government and an independent executive were conferred upon our larger colonies with the express and scarcely veiled intention that at the earliest moment they were to relieve the mother country of responsibility for them. They were regarded as fledglings who are fed only by the parent birds till their feathers are grown, and are then expected to shift for themselves. They were provided with the full plumage of parliamentary institutions on the home pattern and model, and the expectation of experienced politicians was that they would each at the earliest moment go off on their separate accounts and would bid us a friendly farewell. The irony of fate has turned to foil the wisdom of the wise. As far as our own colonies are concerned it is clear that the abandonment by the mother country of all pretense to interfere in their internal management has removed the only cause which could possibly have created a desire for independence.—*The English in the West Indies*, Froude, page 2.

When I take up this Blair bill I see in it not bayonets, not banners, but I see in it an appropriation for the enlightened agencies of peace. Some very powerful and fundamental consideration would have to stand in my path before I ever voted against any well-devised measure for education.

I had the honor to be a member of the Virginia Legislature in 1868, when it assembled under a constitution which required that our free schools should be put in operation within a certain time. I voted with those who went ahead of the constitution and said, "Here and now let us start out upon this new régime of enlightening the people." Any one who had any divination of what lay in the nature of things could see that it was going to be a difficult thing to preserve free government and pure government with two races lying side by side, the one illiterate, the other learned; the one poor, the other richer; the one without prestige and power, the other with them; the one emerging from bondage, the other free in every instinct; but, more than all this, the one black, the other white.

You may preach as much as you please, you may theorize to the world's end, but you can not alter the facts as God has created them, that there are lines of division—of prejudice, if you so please to call it—between these two races. My friend from New Hampshire may say it is nothing but a prejudice. Be it so. A prejudice is a fact, and you can not alter the fact by calling it by one name or another. His people have got it just as strong as other people of the same race, and it will show itself whenever they are in a position to have it presented to them in the same attitudes and bearings which others have before them. It is the same in the State of Ohio, where the white people are struggling to prevent mixed schools; it is the same in Illinois, where they refuse mixed schools; it is the same in Oklahoma, where new parties of the different races are now being brought together and old-time frictions are not brought with them that it is to-day in Virginia, or in South Carolina, or elsewhere. It may be unconsciously to you; it may

be that you look in the glass of legislation before your eyes and straightway forget what manner of men you are; but what did the President mean when he said that the people in Indiana would not like to have a colored postmaster sent there?

What do you mean when you sit here day after day, year after year, and never make a Supreme Court judge of a colored man, or a district court judge of a colored man, or a circuit court judge of a colored man? Although you say that you recognize the fact, as presented to you by the Senator from Massachusetts, that he has been here time and again with able colored men who served in the Senate and who served in the other House, how is it that you have never yet sent one of them abroad to represent the people of whom he is the type except when you found a black republic to send him to? How is it that in the Cabinet of your President, how is it that in all the Departments, while you proclaim that that race has an abundance of men who are down-trodden and oppressed, who are fit to be judges of our courts, are fit to be Congressmen of our constituencies, never anywhere, at any time, in any year, have you proved the faith of your declaration or indicated to the country that you are sincere by taking up one of them in your own midst and sending him here to represent you in the House of Representatives or in the Senate? An ounce of practice, Mr. President, is worth a hog's-head of preaching.

Mr. President, going on further in the trend of my argument as to the Congressional practice in legislation about this measure, I herewith present a list of no less than twenty-five or thirty measures, cases where relief has been granted by Congress to sufferers by fire, floods, earthquakes, and in the extermination of diseases.

*Cases where relief has been granted by Congress to sufferers by fires, floods, earthquakes, diseases, etc.*

Statutes at Large.	Date of approval.	Sufferers, etc.	Amount appropriated.
Vol. Page.			
2 730	May 18, 1812	Sufferers by earthquake in Venezuela.	\$50,000.00
3 211	Feb. 17, 1815	Sufferers by earthquake in New Madrid, Mo.	Indefinite.
5 6	Mar. 19, 1836	Sufferers by fire at New York City.	Do.
5 131	Feb. 1, 1836	Sufferers by Indian depredations in Florida.	Do.
6 46	Feb. 19, 1863	Sufferers by fire at Portsmouth N. H.	Do.
6 53	Mar. 19, 1864	Sufferers by fire at Norfolk, Va.	Do.
6 356	Jan. 24, 1827	Sufferers by fire at Alexandria, Va.	20,000.00
9 207	Mar. 3, 1847	Transportation of supplies to sufferers in Ireland.	Indefinite.
12 652	Feb. 16, 1863	Sufferers by Indian depredations in Minnesota.	200,000.00
13 416	July 4, 1864	Sufferers by accident at arsenal, District of Columbia.	2,000.00
14 364	July 4, 1866	Sufferers by fire at Portland, Me.	Indefinite.
14 567	Feb. 22, 1867	Transportation of supplies South.	Do.
15 24	Mar. 29, 1867	do.	Do.
15 28	Mar. 30, 1867	Sufferers in South.	Do.
15 28	Mar. 30, 1867	Seeds for destitute in South.	50,000.00
15 246	Jan. 31, 1868	Destitute in South.	Indefinite.
16 596	Feb. 10, 1871	Transportation of supplies to France and Germany.	Do.
17 51	Apr. 5, 1872	Sufferers by fire at Chicago, Ill.	Do.
17 646	Mar. 12, 1872	Postmaster's losses at fire in Chicago, Ill.	Do.
18 31	Apr. 23, 1874	Sufferers by overflow of Mississippi River.	Indefinite.
18 45	Mar. 13, 1874	do.	190,000.00
18 303	Jan. 25, 1875	Seeds to sufferers by grasshoppers.	30,000.00
18 314	Feb. 10, 1875	Sufferers by grasshoppers.	150,000.00
19 374	Mar. 3, 1877	do.	285.40
21 27	June 14, 1878	do.	663.00
21 1	Apr. 18, 1879	Refrigerating ship—yellow fever.	200,000.00
21 66	Mar. 5, 1880	Contributions to colored emigrants free duty.	Indefinite.
21 303	Feb. 25, 1880	Transportation of supplies to Ireland.	Do.
21 306	May 4, 1880	Sufferers by cyclone at Macon, Miss.	Do.
22 44	Apr. 11, 1882	Seeds to sufferers Mississippi River overflow.	20,000.00
22 378	Feb. 23, 1882	Sufferers Mississippi River overflow.	100,000.00
22 378	Mar. 10, 1882	do.	Indefinite.
22 378	Mar. 11, 1882	do.	Do.
22 379	Mar. 21, 1882	do.	150,000.00
22 379	Apr. 1, 1882	do.	100,000.00
22 367	Feb. 12, 1884	Sufferers by Ohio River overflow.	300,000.00
22 368	Feb. 15, 1884	do.	200,000.00
22 369	Mar. 27, 1884	Sufferers by Mississippi River overflow, unexpended balance of appropriation for Ohio overflow.	125,000.00
23 273	June 7, 1884	Sufferers by overflow of Mississippi River.	Unexpended balance.
25 630	Sept. 26, 1888	Sufferers by yellow fever.	200,000.00
25 631	Oct. 12, 1888	do.	100,000.00

What difference is there—constitutionally speaking—in the passage of this bill and in the passage of such bills as those which are here referred to? They are all, or nearly all, based on the constitutional prerogative to provide for the general welfare.

But it has been urged that the appropriations in this bill are more for the benefit of the South than of the North. I acknowledge it. The beds of illiteracy are more in the South than in the North, because the percentage of illiteracy is so great amongst the colored people. If

you will look, for instance, to the State of Virginia you will find that the illiterates among the colored people who can not write are 19 per cent., while the illiterates of the white people who can not write are only 13 per cent. So then the appropriation in the bill is measured by the evil which that appropriation is applied to cure; and if it happens that that predominates in one section of the United States it has so happened by the common action of the whole country, and not of the Southern people alone.

When the Constitution of 1787 was formed it may suit the Fourth of July speaker of the present day to proclaim the fact that the North was the great section of freedom and that the South was the section of slavery; but the historical fact is contrary to the declaration. The republic that was formed in 1787 was a slave republic, and if those who inhabited its northern portion were opposed to the formation of a slave republic, then, when the Constitution was being framed, was the time for them to enter the caveat and to maintain their stand against it. But they came into the Constitutional Convention, entered the Union, and swore to maintain the constitution of slavery.

I know that in the partisanship of debate it is sometimes thrown up to the Southern people that they, or some of their representatives, held lightly their oaths to support the Constitution of the United States.

It must be an exceedingly bigoted and narrow mind that does not perceive that if that kind of crimination and recrimination is in order there would be just as much force in it from the one side as the other. The men who believed in the doctrine of secession, whatever may be your construction of the Constitution, did not have upon their minds and consciences the idea that they were violating an oath. They thought, as Mr. CABOT LODGE has said in his calm and deliberate criticism, as the fathers thought, that they were but exercising a right. So should all presume; for we should much prefer to put any question of issue between any part of the people of this country upon a ground which would make us feel that we were dealing with high-minded and worthy men than upon a ground which would attribute to any a dishonorable and ignoble action.

Suppose in reply to those who would criminate us it were to be said, "You abolished slavery; you had sworn to support it; it was a violation of your oaths." You would answer at once that you did it as a matter of war and that war suspended the Constitution. If war can suspend a constitution for one conscience it can suspend it for another; and as soon as men perceive and realize and apply the doctrine that they are dealing with a people who are actuated by as high and noble sentiments and who are seeking the right and to follow the truth with as earnest an ambition and as sincere an intention as they, they will then meet upon the ground where parley will be fruitful of wisdom.

Mr. President, in the State of Virginia, which I have the honor here in part to represent, I do not conceive that, so far as her colored people are concerned or any portion of her population is concerned, considering the interest of the Federal Government in the elevation of its constituents and in the enlightenment of its people, there will be any undue share of this appropriation. If I were to look beyond the surface view of the matter I could show by figures that that Commonwealth had richly contributed out of the pockets of her people to this very surplus which she asks may be thus in part dispensed. Since the year 1870 no less than \$114,000,000, an amount five times the whole public debt of that Commonwealth which has lain upon it like a nightmare, has gone out of the pockets of her people to the internal-revenue coffers of the United States.

It will be said to me, perhaps, in reply, "Ah! Virginia and her people do not pay that. We pay it who use tobacco, who use whisky, who use any of the various articles upon which that tax has been levied." That is but a partial truth. To a certain extent taxation does diffuse itself and its burdens through a community, but you would not permit that argument to be carried very far if the retort were made to you that in the heavy tariff taxation which intercepts the imported goods the people of Virginia and the people of the whole country were paying, by that very principle of diffusion, a much mightier tribute than that paid into the Federal Treasury from internal taxation.

I would also point the Senate to the fact that a great work is being done, not only in Virginia, but in all the Southern States for the elevation and enlightenment of the colored race. I have a table before me showing what the Southern States have done since 1870. It shows that in the sixteen Southern States, beginning with Delaware (which should hardly be counted as a Southern State in this relation) and Texas, \$252,000,000 have gone out of the pockets of its people for the purposes of education, and the State which I represent is the fourth State in the list in the magnitude of its donations and appropriations.

I will append the table to my remarks, as it contains an imposing statement.

Mr. MORGAN. Will the Senator from Virginia allow me to ask him a question?

Mr. DANIEL. Certainly.

Mr. MORGAN. Does the Senator from Virginia desire to increase that enormous amount of taxation upon his people in time to come during the next eight years covered by this bill?

Mr. DANIEL. I do not wish to increase that tax in the form in which it has there been drawn from the people. If my distinguished



friend from Alabama was upon the floor instead of myself, I would ask him how long he had been here trying to get rid of excessive Federal taxation, and if he could point to a time now, after his many years of service, in which he could foresee that either he or any of his colleagues could dispense with it.

Mr. MORGAN. I will answer that question. I have tried for thirteen years in this body to reduce Federal taxation because I knew that my people had as much taxation, or more, in proportion to their ability to pay than the people of richer communities in different sections.

I should like to say in this connection, if the Senator will permit me, that while he seems to treat this as a bill to dispose of a surplus in the Treasury, it is a bill that runs over a period of eight years and requires an annual average taxation of the people of the United States of \$8,777,000 for all that period of time. I therefore think that whatever effort I might be disposed to make (and certainly I shall make all I can while I remain here) to relieve the people from taxation would amount to nothing if we saddle upon this country a debt which will average \$8,777,000 a year and to run through eight years. This bill does not deal with a surplus in the Treasury at all except the amount that may now be in it for the first payment. It is a bill for taxation for eight years, amounting in the aggregate to \$8,777,000 for school purposes and \$2,000,000 for school-houses.

Mr. DANIEL. Mr. President, there are two ways of dealing with every subject. The one is to deal with it abstractly and imagine ideal things which may possibly, under some conditions, be brought about. The other is to take the thing as you find it and try to get the best out of it that is attainable.

My distinguished friend has been here thirteen years. It is no reproach to him, neither is it a reproach to the party of which he is a member (I am not arguing, however, the question now of reproach to any one), but it is the fact that you have been upon this hunt for thirteen years, and at the end of thirteen years you do not see that you are a bit nearer than it seemed when you started. Every year there has been in the Treasury a surplus which had much better been applied to education than to many of the things that it was applied to.

I do not believe that the question as to whether we shall vote for this bill is going to have allied to it the question whether that much money will be realized by excessive taxation to meet it or not. It is in the Treasury now. It was there last year. It will be there next year. If we are depending upon the political organization of which we are members to get rid of it, the attitude of affairs which we face to-day in this very body is not one that would lead even so sanguine a statesman as my friend to anticipate that he will have that difficulty relieved at any very near date. But, be that as it may, if in a year or two, or after awhile, the necessary appropriations for other things shall be so close as possibly to interfere with the carrying out of this bill, I think we might as well wait until we get to the impediment before we say that it is insuperable. We are not at it now. In the mean time, after an experiment of one or two years, it may be discovered that this bill has been so beneficial that we had better have a little lower tower on a public building and a little more school-house. It may be that at the end of that time we shall cut off extravagances in some other things in order to make way for light and knowledge. On the other hand, it may turn out that the beneficial results anticipated do not flow. If so, it would be very easy, under a constrained Treasury, to stop the evil.

So then, at last, the difficulty which my honorable friend suggests is not a present difficulty. It is not a difficulty which is likely in all probability to confront us at a very early day, and sufficient to that day when it comes be the evil thereof.

Another objection which has been made to this bill is that it has a tendency to be destructive of local self-government, that it tends against the integrity and independence of the State governments. I look upon local self-government as the most precious of all the legacies we have inherited from our fathers. I look with extreme jealousy and apprehension upon, and with a disposition to combat, anything that takes out of a locality the power to administer its local affairs according to its will. I believe that the preservation of the principles of local self-government are essential to the progress, to the happiness, and to the perpetuity of the free institutions which here spread over a continent.

The difficulty which we have in dealing with the local affairs from a central standpoint is not the difficulty of the inferior intelligence nor the difficulty of inferior disposition, but the difficulty inherent in time, place, and circumstance of knowing and understanding the thing that is to be dealt with. We saw that illustrated time and again during the war when there was a Commander-in-Chief of the armies seated in Washington who had half a dozen lieutenants out in the field dealing with crete things in the concrete. An editor, a critic, a commander here could very easily perceive how, according to the rules of war as laid down upon a map or sketched on a piece of paper, armies could be hemmed in and destroyed, but the general who was in a marsh or in a pass of a mountain, who had heat and cold and obstacle and danger to deal with, was under very different conditions. There was the same kind of experience on the other side of the river.

When Thomas J. Jackson one year was roaming about in Northwest Virginia he was so berated with criticism or restraint that he tendered his resignation. The next year his name was upon every man's lip. When

General Lee was out in Western Virginia he was unsuccessful in his plans and the critics retired him. When opportunity came he showed what metal he was made of. When Albert Sidney Johnston was devising schemes of a campaign he was so bounded that when he did finally set his army in motion he rode, in the eager spirit of victory, to his death. When Joseph E. Johnston was confronting, with the remnants of a command which had been time and again cut to pieces, one of the ablest generals and one of the greatest armies the United States ever sent to the field, public criticism was such that he was taken away from the head of the army. Scarcely was he taken away when the army went to pieces. He was sent back to it too late to restore a field now lost. It was simply the difference between local government and distant government. The men who were far from the battle could see exactly how it ought to be waged, but the men who were there face to face with difficulty had things to deal with that they wot not of.

Now, Mr. President, that is the Southern difficulty, and the impossibility of its intelligent treatment from a distant standpoint. The people who live in remote parts of our country can not understand all the conditions and situations of the problem we have before us. Yet we wish not only by our own example in the State Legislatures and in State policy, but here and everywhere to follow the lines of enlightenment and of Christian influence wherever they are held out. The times of force have logically ended. The time to apply reason, and system, and persuasion, and encouragement, and liberality, and magnanimity, and open and generous dealing is here and now. I find them in this bill. It will be an assurance to the people of the South that the Federal Congress holds them and their conditions in considerate remembrance. It will be an indication to the colored people of the South that those who preach generosity are willing to practice it.

Nor will your generosity be any greater than that now practiced by their Southern neighbors and friends. Not 10 per cent. of the taxation of the Southern people, or but a little more, that goes to the education of the colored people comes from the colored people's pockets. It comes from the property-holding and from the intelligent classes. But they have not flinched from it. No man can read the educational reports or credit the accounts that come up from a thousand witnesses in the South without seeing that everywhere in that country, from the Potomac to Texas, the process of educating and elevating is going on in a healthy and in a commendable way. There is no more generosity in this bill than there is in the bills which pass their Legislatures year after year and day after day.

It may be said indeed that the Southern people owe something to the colored man. So they do. At the same time the colored man owes something to them. He worked for them without wage; but what have they made of him? He came to them speaking a gibberish; they gave him a language. He came to them naked; he is now clothed with civilization. He came ignorant; and yet ere they had finished with him even in a condition of slavery he was declared intelligent enough to become an American citizen and to be invested with the full rights and prerogatives of a sovereign under our Constitution. He is the only man on the face of this earth to-day who had liberty given him as a precious gift. Every other race has won it by the flash of the sword and at the point of the bayonet.

If you were to sum up now the balance of account between the North and South and between white man and colored, the colored man would have the largest balance to his credit in what he has gained through his American civilization. We all realize and know that he is a weaker brother. How strong he may become no man can surely tell. There is scarcely one of us who has not in one thing or another been disappointed by the event as fulfilling our prophecies. It was thought at the North during the war, and was thought at the South, that the colored man would rise in revolution. He did not rise. It has been thought since the war that he was not capable of this or that and that the enlargement of his rights in one particular or another would lead to conflict. In some respects these anticipations have not been fulfilled. But looking at the whole subject in a broad way, not belittling the observation to pick out a sample fact here and there, and say this specimen indicates the character of the whole, no man who has broad comprehension of the drifts of history can deny that taking into the account all the items, little and big, not only has the progress of the colored man in the South been rapid, but that the progress of the whole Southern people has not only been rapid but marvelous, considering the conditions they were under in 1865.

Mr. President, I believe from the limited sphere of my own observation and reading that the grandest history which was ever written in America or in any country is the history of the Southern people since the war. It is not brilliant, it is not illustrated by the rise of men overshadowing their neighbors in greatness of intellect or in splendor of achievement, but it has been the calm, equable movement of the whole people up out of the slough of despond into restored prestige and power and the reacquisition of wealth and influence.

The State of Virginia happened to be the very focus upon which the lines of battle poured their fire. Its banking institutions, its insurance companies, its homes, its property, the accumulations of wealth of over two hundred years, were swept away as a piece of paper would be swept away in a flame. Yet that Commonwealth, though cut in twain,

has paid since 1870 \$114,000,000 through one source of taxation to the Federal Government and has spent some \$25,000,000 in the education of her people.

The condition there to-day has been described to you by my worthy colleague [Mr. BARBOUR]. Sir, I do not consider that it is a condition at all peculiar to that State, but one which is shared in by nearly every Commonwealth in America. You see a certain degree and character of prosperity there, but it is not a prosperity which spreads itself with an equal hand all over the Commonwealth. The agriculture of the State is deeply depressed. I do not attribute it in any degree whatsoever to any inferiority of her people, to any indisposition on their part to labor, for they are full of energy, pluck, and aspiration, but to conditions which apply in every part of the American Union and which are working out their results to-day, North, South, East, and West. Yesterday I picked up the New York Times and I read there about the condition of agriculture in New Jersey and in Ohio.

The decadence—

Says the Times of Saturday—

of agricultural industry in New Jersey has been called recently in a variety of ways to the attention of the State authorities. The report of the Agricultural Bureau, just presented, presents the facts in a strong light.

Then, turning to Ohio, the Times says:

In the last six years the price of farm lands has fallen from 20 to 35 per cent. and is still falling, with no signs of the bottom being near. Hundreds have been forced to sell their homes and seek cheaper homes far from markets in the West, and thousands of others are to-day hopelessly embarrassed, barely able to keep themselves and families and pay their taxes, to say nothing of paying the interest on their debts. Never, except after a failure of crops, has such widespread depression prevailed among the farmers. The crops were up to the average last year, but they brought no relief to the tariff-ridden farmers. In one of the best agricultural counties of North Central Ohio, a county that stands among the first three in the State in wheat-raising, I know from personal observation and acquaintance that nearly one-fourth of the farmers are in financial straits and that farm lands are a drug on the market at a price 25 per cent. lower than they were held at ten years ago. Yet this county is traversed by five railroads, five of them trunk-lines, and is settled by as economical and thrifty a class of people as can be found in the State.

I had no idea of introducing even the name of the tariff in this discussion, neither shall I, as matter of illustration or argument. But the fact is, Mr. President, let it come from one source or another, the depressed condition of agriculture in the States of Virginia and Maryland, as pointed out by my colleague, is not a local depression, but one that is as widespread almost as the map of the Republic. If you will go to the State of my honorable friend from New Hampshire, if we may believe the reports of its commissioner of agriculture, you find deserted homes and the continuous tread of its ingenious youth towards the West. If you go to Massachusetts you see the same thing. Yet when the facts are suggested our friends will tell us that the workmen of New England have got large sums in the savings-banks. That very fact is one which indicates that something is wrong. Men do not put their wealth in savings-banks on small interest when their communities are prosperous and when they want to acquire more enlarged homes and grounds and have the temptation to invest in profitable transactions.

Mr. President, this is the condition in the State which I represent, and which I think will be found to be a type of many other States. There is a spotted and a striped prosperity. Go along the lines of the great trunk railroads, from the mineral regions of Southwestern Virginia to the harbor at Norfolk, or from Iron Gate, in Alleghany County, to Newport News, and you will find that an industrial movement unprecedented in the South is going on. You will find that you will have to get a new geography every two or three months to keep up with the new towns that are located and the new communities which are organized. There is the town of Roanoke, in the district which I had the honor to represent in the Forty-ninth Congress, which had 500 inhabitants when I came here, and which has 20,000 now. There are other new towns up and down the line of that great trunk railway, the Norfolk and Western, and still other new ones springing up on the Chesapeake and Ohio. Northern capital and Northern immigration are pouring in there in an unprecedented stream. But it is not true that Northern capital and Northern industry are doing all or more than a large, substantial percentage of this great work. The mind of the people of our State is moving in these industrial directions. Its cultured men and men of intellect and wealth are active in the line of mineral development and in the establishment of industries; and the masses are energetically pressing forward.

But the moment you leave the great railway lines, where prosperity has fallen in great big drops and larded the lean earth with aggregations of industry and capital, and go out into the country side, you will find depreciated lands in Virginia and the farming class are undergoing depressed conditions in many if not in all parts of the State, just as you will find the case to be in Maryland, in Pennsylvania, New Jersey, Ohio, New York, and all the way up to New Hampshire, and in the West, as we hear, also.

Mr. President, do these classes of the community desire the passage of this bill? They do. They are under a weight of taxation, not only in my State but in others, which they can but illy bear under the circumstances of their situation. They would welcome a well directed appropriation from the Federal Treasury which would give enlarged school

accommodations, which would carry the school-house, as King Alfred carried justice, to every man's door, and which would indicate the disposition of the Federal Government to share with their State governments the burdens which the Commonwealths have to bear, and to assist them in solving the great issues upon which the welfare of themselves and of this whole country depends.

Mr. President, when I take up this bill, although there are some things in it which I would have different if I were the author of it or chief director of its language, it is as unobjectionable a bill as ever has been here upon this subject. No State is required to accept this money unless it desires it. The Federal Government does not undertake to prescribe school-book or name the teacher. It simply turns over this fund, which it holds in trust for all the people, to the State government, to be administered by it on certain well defined lines of appropriation, and its supervision of that appropriation is like its supervision of every other appropriation, a supervision simply to see that the money is guided to the goal at which it is directed.

Mr. President, neither is there anything in this bill that would tend to sectarian, sectional, or race attrition. It is provided that these schools shall be non-sectarian, so that religious liberty in them will be absolutely preserved. It is provided also that white and colored schools may be conducted separately, so that it leaves the two races to seek out their own destinies without having the one push upon the other in any hostile manner. Then, furthermore, in the regulation of those things which shall be taught there is liberality in this bill. I appreciate what was said by the Senator from Kansas [Mr. PLUMB] when he declared that "the three R's" were the great things to be considered in public schools, reading, writing, and arithmetic, and this bill provides for the instruction in "reading, writing, speaking the English language, arithmetic, geography, the history of the United States, and such other branches of useful knowledge as may be taught under local laws."

There then is the hand of the Federal Government fixing justly the limits of "must" and the limits of "may." If there be local idiosyncrasies or local practices or local customs, which ought to be respected in the observance of education, they are respected; but the line of demarkation in what must be placed, as I conceive, exactly where it should be placed, education in "reading, writing, arithmetic, speaking of the English language, geography, and history," alone to be required.

I know that there was at one time a disposition to prescribe by this bill that "copies of all school-books authorized by the school boards or other authorities of the respective States and Territories, and used in the schools of the same," should be "filed with the Secretary of the Interior." I believe that that provision was originally inserted from a sensitive feeling upon the part of some Senators or Representatives that there were occasionally used Southern school-books in Southern schools which commented upon political affairs and historical events in a manner which was calculated to make the rising generation in the South form opinions and generate feelings which were antagonistic to the Federal Government and to the results of the war.

Mr. President, whether from the North or from the South, no patriot and no wise man would, in my judgment, ever desire to see written in any school-book to be used anywhere in this Republic those diatribes which belong to the hustings and which would be calculated to make any one portion of this Republic hate the people of another. I would not have written in a Southern school-book, if I were the Czar to dictate what should be written in any one of them, those things which would preserve the animosities and revive the hates that belong to a period which we should leave behind us. Neither would I have written in them anything that would hold up to public opprobrium or scorn those who were of our own blood and bone, and if the Southern people were willing to do that they would be utterly unworthy to be American citizens or to share with any worthy companionship the dignity of conducting the affairs of a great and free republic.

The Southern people are not so sensitive about these matters as to prevent them from desiring the pouring of liberal and generous thought into all the channels of their public education. I do not wish to teach my children or that any man should teach them to hate the Government of which I am a citizen and a loyal and firm friend, to be counted upon in a day of difficulty; but neither do I wish any man to teach them, nor shall he with my consent or without my protest, to look upon me or mine or my people with aught but those feelings of veneration and respect which are due from the child to the ancestry from which he sprang.

Mr. President, I believe that we may attain liberal results better by saying nothing on some subjects than by commanding things which must rest within disposition and discretion. I recollect to have seen a picture on one occasion in a picture-store of a little French girl who was looking at a glass of water sparkling in front of her, who said: "Oh! how delicious it would be if it were only bad!" Mr. President, human nature is that way constituted, that if you try to make it do a thing it has a disposition to decline, not because it is unwilling to do it, but because you have tried to force it.

You may remember the story of Andrew Jackson when he was President, and a letter came to him written in French in which was used the word "demande." He broke out in a passion, and used some



very uncomplimentary terms towards the French minister who had written it, and said he would see him somewhere else first! [Laughter.] Happily at that juncture the interpreter came in, who explained to Andrew Jackson, who was not much of a French scholar, that this word "demande" in French did not signify what it seemed to signify in English, "demand," but was merely the French synonym for the word "request." "Ah! If that be so," replied Old Hickory, "it is all right, and I will do it with pleasure."

Mr. President, that is human nature in its highest and best form, not in its erratic and eccentric forms, the world over. Try to boss and compel, and it kicks. Meet it civilly, and it follows. Now, if this bill is passed without exactions, without things that are calculated to irritate and revive unpleasantness, it will be received in the cordial spirit in which it was tendered.

I was about, in speaking of the subjects to be taught in the public schools, to say something in regard to the prescription that history should be taught, and to add, in connection with that thought, what were the views of Thomas Jefferson upon that subject. To my mind Thomas Jefferson saw the map of the nineteenth century in prevision more plainly than any statesman of his time. Read his writings, his predictions, his injunctions as applicable to the century of our growth, and you will scarcely find a suggestion which he made which, had it been adopted, would not have resulted in boundless good, nor will you scarce find a departure from his advice which did not result in difficulty, in embarrassment, and in disaster. He saw the necessity for education in this Republic when he stood upon the threshold of its being, and, within the confines of the State which gave him birth, he dedicated his best talents and writings to the building up in that Commonwealth of a great and comprehensive system of free schools. He would have had, according to his conception of that democracy of enlightenment which he would have founded, free schools in the hundreds or thousands and then academies. The University of Virginia was to be the great capital of education in that Commonwealth. It was a long time coming, but even now it has come. The University of Virginia is the crown of our free educational system; and a noble crown it is, worthy of him. The Virginia Military Institute and the Blacksburgh College are also parts of that system, to a degree, and the closing scenes of the education of those who may start with the common school, go to the high school, and finally wind up fairly armed and equipped for the battles of the world before them.

Now, Mr. President, I will conclude my remarks by reading a page—

Mr. HARRIS. Will the Senator from Virginia allow me to ask him a question?

Mr. DANIEL. Certainly.

Mr. HARRIS. The Senator refers to Mr. Jefferson. I ask the Senator if it is not true—I am not sure whether it was in his farewell address, in an inaugural address, or in a message—that Jefferson suggested that when there was a surplus in the Treasury, by a constitutional amendment moneys could be taken from the United States Treasury and granted to educational purposes and to the improvement of roads, and perhaps some other objects; but did he not suggest that it would require an amendment of the Constitution to do it?

Mr. DANIEL. It is my recollection that he did; and yet, Mr. President, I have a page of history before me which is scarcely less instructive than the declaration of Mr. Jefferson. I have a page of history before me in a Synopsis of the American Almanac for 1884. It is a page that belongs not to the logic of language, but to the logic of facts. There are two kinds of logic we have to use in dealing with practical subjects: the one is the logic of language and the other is the logic of fact. Now, then, here is the logic of fact. I will gladly answer the question of my distinguished friend by conceding fully what he says and by saying here is the reply: Here is the State of Tennessee, which has received from the Federal Government grants for schools and universities of 100,000 acres of public land. This page of the almanac is an answer.

This table shows the area of the several States and Territories containing public lands, and the quantity donated for educational purposes by Congress from 1789 to June 30, 1878:

Table showing land grants for education in the United States.

[Compiled from the annual reports of the Commissioner of the General Land Office.]

States and Territories containing public lands.	Areas of States and Territories containing public lands.	Grants for—			
		Schools.	Universities.	Agricultural colleges (act of July 2, 1862).	Deaf and dumb asylums.
	Acres.	Acres.	Acres.	Acres.	Acres.
Alabama.....	32,462,080	902,774	46,080	.....	21,949
Alaska.....	369,529,600	.....	.....	.....	.....
Arizona.....	72,906,304	4,050,350	.....	640	.....
Arkansas.....	33,406,720	886,460	46,080	.....	2,097
California.....	120,947,840	6,719,324	46,080	1,355,577	.....
Colorado.....	66,880,000	3,715,535	46,080	183,398	.....

Table showing land grants for education, etc.—Continued.

States and Territories containing public lands.	Areas of States and Territories containing public lands.	Grants for—			
		Schools.	Universities.	Agricultural colleges (act of July 2, 1862).	Deaf and dumb asylums.
	Acres.	Acres.	Acres.	Acres.	Acres.
Dakota.....	153,982,080	8,554,560	.....	125,404	.....
Florida.....	57,931,520	908,503	92,160	.....	25,921
Idaho.....	58,196,480	3,233,137	.....	.....	.....
Illinois.....	35,462,400	985,066	46,080	.....	.....
Indian Territory.....	44,154,240	.....	.....	.....	.....
Indiana.....	21,637,760	650,317	46,080	.....	.....
Iowa.....	35,228,800	905,144	46,080	316,199	.....
Kansas.....	52,043,520	2,891,306	46,080	828,824	.....
Louisiana.....	26,461,440	786,044	46,080	.....	.....
Michigan.....	36,128,640	1,067,397	46,080	1,225,806	.....
Minnesota.....	53,559,840	2,969,990	82,640	957,014	.....
Mississippi.....	30,179,840	837,584	46,080	.....	.....
Missouri.....	41,824,000	1,199,139	46,080	448,803	.....
Montana.....	92,016,640	5,112,035	.....	44,452	.....
Nebraska.....	48,636,800	2,702,044	46,080	1,079,191	.....
Nevada.....	71,737,741	3,985,430	46,080	16,794	.....
New Mexico.....	77,568,640	4,309,388	46,080	1,440	.....
Ohio.....	25,576,960	704,488	69,120	.....	.....
Oregon.....	60,975,360	3,329,706	46,080	50,049	.....
Tennessee.....	.....	100,000	100,000	.....	.....
Utah.....	86,353,635	3,130,869	46,080	87,031	.....
Washington.....	44,796,160	2,488,675	46,080	46,036	.....
Wisconsin.....	34,511,360	658,649	92,160	1,358,913	.....
Wyoming.....	62,645,120	.....	.....	2,395	.....
Total.....	1,814,769,056	68,083,914	1,465,520	8,098,758	44,970

The editor of the Almanac (Mr. A. R. Spofford) adds in a note to this table the following comment:

Under an act of Congress approved September 4, 1841, each State thereafter admitted to the Union was granted 500,000 acres of land for purposes of internal improvement, 46,080 acres (72 sections) for a State university, 32,000 acres (50 sections) for the purpose of erecting public buildings at the capital, and 32,000 acres for a penitentiary or State prison. The same grant of 500,000 acres was extended to the States of Alabama, Arkansas, Illinois, Indiana, Louisiana, Michigan, Mississippi, and Missouri. The quantity of land thus granted is estimated at 9,000,000 acres.

By act of July 2, 1862, each State, old or new, was granted 30,000 acres of the public domain for each Senator and Representative in Congress (or land scrip to that amount) for the purpose of endowing a college of agriculture and the mechanic arts in each State. Of the 9,600,000 acres estimated to be due the States under this munificent land grant, about 8,200,000 acres have already been located.

Mr. HARRIS. A very different thing from moneys in the Treasury, the Senator will observe.

Mr. DANIEL. Only different in this degree, that the States took the appropriations without waiting even for it to go into the Federal Treasury. It was a short cut from substance to recipient without being liquidated through the process of a Treasury warrant, and I should like to know where the distinction can be found between the power to give away real estate, which is generally encumbered with more formalities of conveyance the world over, and giving away personal estate, which is everywhere recognized as a more trivial consideration and of a lighter and more negotiable character.

Mr. MORGAN. The Senator from Virginia is an able historian as well as statesman, and he surely has not forgotten the fact that in every one of the concessions of the public domain made by the different States to the Congress of the United States, or to the United States *en masse*, an express trust was reserved in those lands for the benefit of the States. In the very language of every conveyance that was made it is a trust held by the Congress of the United States for the State governments, to be administered for the benefit of the States, and that has been the ruling upon it by the Supreme Court of the United States, and it is also the history of that process of transferring the public domain belonging to Virginia and other States into the custody of Congress for the benefit of the States.

Mr. HARRIS. And then the constitutional provision gives unlimited power to dispose of the public land in any way that Congress may choose.

Mr. REAGAN. I should like to suggest two things in answer to the interrogatory. First, that the public lands of the United States are under the exclusive jurisdiction of Congress, and it may do with them whatever it pleases. The next distinction is that in giving this land to the States it was given to them to be administered by the States, and in this bill the gift is to be followed by Federal legislation to execute the law in the States and to bring persons within the jurisdiction of the United States.

Mr. DANIEL. Mr. President, it is not necessary for me to consider these tendrils of technicality which shoot out from the root of an old tree. I can not see the substantial difference between the power of the Federal Government to take a piece of land and appropriate or give it away and the power to take money which is in the Treasury and appropriate or give it away. The distinction is slender, it is refining, and it has not been the distinction which has governed and controlled legislation in its practical acts.

Why, Mr. President, here is the State of Tennessee that received 100,000 acres of land for schools and 100,000 for universities. Is there anything in the Constitution of the United States which authorizes the Federal Government to appropriate land that is held in trust for all the States to a university in Tennessee and prohibits it from appropriating the money for which it has sold the land or money otherwise obtained to a common school in Alabama or in Virginia?

Mr. HARRIS. The Senator will allow me to answer. I will say that in respect to the disposition of the public lands the Constitution gives to Congress absolute and unlimited power. Where do you find the power that authorizes you to levy taxes and put the money into the Treasury and take it out to donate it to any such purpose?

Mr. MORGAN. Or to a State.

Mr. HARRIS. Yes, or to a State.

Mr. DANIEL. Am I to understand, if the Senator will permit me to ask him a question, that the public lands of the United States may be disposed of otherwise than for the general welfare? Is not the general welfare clause of the Constitution your only limitation as to the disposal of the public lands, or do you contend that there is no limitation? If it is the only limitation as to the disposal of the public lands, who will show me another and different limitation as to the disposal of the public money?

Returning to the Constitution, about the public lands the provision is:

The Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

If my learned friends will allow me to ask them a question I will ask them whether or not they consider money in the Treasury "other property" or not?

Mr. REAGAN. I have no idea that money was meant to be embraced in that suggestion, but it meant the general control of property. Other clauses of the Constitution control the disposition of money.

Mr. COKE. Mr. President—

The PRESIDENT *protempore*. Does the Senator from Virginia yield to the Senator from Texas?

Mr. DANIEL. Certainly.

Mr. COKE. The term "other property" used in the Constitution refers to the property in the possession of the Government at the time of the adoption of the Constitution, ships, arms, and all property which was in the hands of the Government at that time. The power of Congress to dispose of property subsequently acquired requires no constitutional provision, because the power to acquire it carries with it the power to dispose of it.

Mr. DANIEL. Now, Mr. President, I will answer my learned friends, in the first place, by an argumentative denial of what they say, and then by an admission, and I think that both the denial and admission will leave us exactly in the same place, that it is a question for Congress to judge of, and that there is no other or general limitation in the Constitution for either but the general welfare:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

The "territory" applied to the real estate; the "other property" must have meant the personal estate. Now, if you exclude money, it must be because you have got some peculiar technical light upon that subject which shows that the term "other property," meaning by it personal estate, was intended to exclude money from being considered in that connection as personal estate. If that be so, I will then make the argument from analogy upon the theory and ground that the Constitution here intended simply to refer to Congress the absolute power to dispose of its whole "territory," and all its "other property," except money.

Would it not have been singular indeed, and contradictory of a correct contemplation of business relations, to give to a body the absolute power to dispose of all the territory of the country and all the property of the country, and then to say to it, "But you must not so dispose of the money which is specially confided to you to raise by taxation and to bring within your jurisdiction?"

So I say, admitting you are correct in that view of these specific words, does not the fact that the Constitution has been so clear and positive in putting those terms there show that when it gave power to collect the money and apply it to the general welfare it intended that power to roll along as the co-equal of this?

Mr. REAGAN. The Senator from Virginia will allow me. The power to appropriate money is derived from other clauses of the Constitution. This clause in reference to "the territory or other public property" was intended to give the Government the control of the territory and of any property, such as public buildings, fortifications, arms, ships, and the like, which it might possess. This was for a special purpose; but the general power to appropriate money is found under other clauses of the Constitution.

Mr. DANIEL. I do not doubt that it was intended to give Congress control, but what I contend is that Congress has got it because it was given control.

Mr. FAULKNER. I should like to ask the Senator from Virginia a question.

Mr. DANIEL. Certainly.

Mr. FAULKNER. I should like to ask whether the Senator regards the public-school system as now organized in the States as a matter of State or national cognizance, and when he answers that question I should like to ask him another question.

Mr. DANIEL. I must answer in my own way. I would like the Senator to discharge both barrels at once.

Mr. FAULKNER. I was going to say that I should like an answer to the question, and then it may not be necessary for me to ask him any further question.

Mr. DANIEL. Mr. President, that page of history answers all these questions. There it is. If this was a new question and I was in a debating society a hundred years ago, I should feel at liberty to exercise my own fancy about these things and would exercise it according to the bent of my mind and education; but the current of history has gone that way. It is a finished fact. And the Senator will stand here and vote to-morrow for something that involves this same broad, general principle upon which I stand.

Why, these appropriations for education in Alabama, Alaska, Arizona, down to Wyoming, of thirty States, have already answered that question. We have had it in Virginia in the time of my father and grandfather and of the Senator's father and grandfather; and our predecessors have all been over this ground, up and down and all around, over and over and over again, and the question is wound up by the States taking the appropriations; and it is wound up by coming here and voting for appropriations, traceable to the like authority; and when the whole country has gone that way and political parties and legislatures and senates, what is the use of my coming here and saying, "Gentlemen, there is my opinion of the Constitution; it ought to have been interpreted differently;" we can not do it. One man is not so much of a factor in the concerns of millions and millions of men that he can stand up and say, "This is my *ipse dixit*, and the world has all gone wrong."

Whether wrong or otherwise, it has gone along and we can not bring it back to where we would have it and start it afresh. So, not in any spirit of demagoguery, but proclaiming it to be a just, conscionable, honest, and proper view of constitutional construction which should control the highest and most dignified of bodies, I say that when a whole people have interpreted their Constitution by every agency in which they can express their will in regard to it, and their laws have been passed in consonance, one man can not come and say, "That is not the Constitution, and I will not march along in the procession of events, because I think differently from that."

Mr. FAULKNER. I want to see if I understand the Senator from Virginia. I understand him to reply to my question that the appropriations made by Congress for educational purposes in the form of lands, etc., amount to a declaration on the part of the legislative body, an interpretation of the Constitution of the United States, which means that the school system of the States is a subject of national as well as State cognizance. Am I correct?

Mr. DANIEL. I did not mean to answer the Senator in that way, for I do not think so.

Mr. FAULKNER. If it is not so, I would ask the Senator from Virginia how he can avoid the decision of the Supreme Court of the United States, delivered by Marshall, C. J., unanimously given, in the case of *Gibbons vs. Ogden*, in which the Supreme Court decided that under the power to tax the Federal Government has no constitutional power to levy and collect a tax except for Federal and national purposes, and not for State subjects.

Mr. DANIEL. Mr. President, I do not expect that anything I may say on this subject will be the finality of it. I do not expect to conclude debate finally and forever by my reply to the Senator's question. I think I shall leave it pretty much where it was when I got up, and therefore I am not as particular to satisfy him in the logical sense, nor have I the pride of opinion to attempt refinements in order to convince him. What I simply say is in explanation and justification of the course which I see proper to pursue as a Senator; and while I am candid to confess—for there is no reason why we should not state our candid views about things in every way in these conferences with each other—that, if we were back to a former period in our Government, I would incline to think that this language or that was intended differently, I see the fact that the statesmen of this country and the constructors and makers of its laws have for half a century, ay, and longer, accepted a different interpretation. And I say that the interpretation which they have put upon it is to be accepted as a fact of parliamentary history. And I submit to it just as I would if I had a case in court against my friend which I knew to be right, as litigants always know whatever they claim is right, and the judge should say, "You are wrong," I would say "We have had this out, and I bow to the result."

Mr. FAULKNER. If the Senator will allow me, I should like to ask him one more question.

Mr. DANIEL. Certainly.

Mr. FAULKNER. This is really for information. I ask any Senator, as well as the Senator from Virginia, whether there is any precedent in the history of this Government which can be brought to sustain the present bill which pledges the Government for eight years to appropriate money on the basis of taxation, to supply the appropriations for that period? I know of none and never heard of one.



Mr. DANIEL. I am very much honored by the attention my friends on either side have given me, but I feel that I have already inflicted upon the Senate a much lengthier discourse than I had any idea of delivering. It only shows we do not know where we shall end when we begin. I hope gentlemen will allow me to retire as soon as possible.

I was about to say that I wish to read a page of comment about Mr. Jefferson in relation to historical reading in the public schools, and it is from a volume published by our Government under the general-welfare clause of the Constitution. But for the fact that the general-welfare clause is in our Constitution we should never have had a Commissioner of Education, and we should never have had this volume for our enlightenment; and as I know the scrupulous and sensitive character of the gentlemen who oppose that idea, I suggest to them that, as the receiver of stolen goods is as bad as the thief, perhaps, instead of sending their volumes to their constituents, they had better send them back to the Government and let those receive and distribute them who have not those scruples. In that volume on "Thomas Jefferson and the University of Virginia" I read this:

Jefferson's original bill, in 1779, provided not only for the popular foundation of common schools but for the free training of all children, male and female, for three years in reading, writing, and arithmetic. The proposed admission of girls was a step in advance of the times, for not until the year 1789 did Boston allow the female sex to attend her public schools. Most remarkable, too, was Jefferson's idea, that reading in the common schools should be made the vehicle of historical instruction. The bill enjoins that "the books which shall be used therein for instructing the children to read shall be such as will at the same time make them acquainted with Grecian, Roman, English, and American history." Jefferson elsewhere maintains that, in common schools, where most children receive "their whole education," it should be "chiefly historical." This was very advanced ground for an eighteenth century educator; indeed, the nineteenth century is likely to pass away before all American teachers reach any such rational standpoint.

Jefferson regarded language simply as an instrument for attaining knowledge; and, in his opinion, a knowledge of what men have actually done in this world is a most important educational and moral force. Jefferson wished to have children's minds stored with useful historical facts. He said: "History, by apprising them of the past, will enable them to judge of the future; it will avail them of the experience of other times and other nations; it will qualify them to act as judges of the actions and designs of men." Such an historical idea of popular education, if introduced, not by wretched manuals, but by happily illustrated, well selected historical reading books, in the hands of intelligent, enthusiastic teachers, capable of telling now and then a good tale not in the book, would revolutionize common-school education in America. The idea of making reading the avenue to intelligence has already begun to dawn in our modern text-books, but it was suggested more than a century ago by Thomas Jefferson. The idea is, however, capable of a special and most useful application to the teaching of history. The writer has seen tried with great success the experiment of reading history to children in a Baltimore kindergarten, and he has great faith in that method for all grades of education. Jefferson proposed that a "general plan of reading and instruction" should be recommended by the college of William and Mary, and introduced by a county superintendent or county overseer of education in the local hundreds.

Therefore, Mr. President, under the like considerations which actuated this great apostle of Democracy a century ago, I would like to see the study of history required in our public schools, because I believe that the study of history is the greatest of all studies to which mankind can bend its attention. I believe it is not only true, as said in the lines quoted by my friend from New Hampshire [Mr. BLAIR], that—

Error is wrought  
By want of thought  
As well as by want of heart.

The case is stronger than there stated. Nine-tenths of the errors of this world in the progress of civilization are not wrought by want of heart, but by want of thought and intelligent understanding.

I have no doubt that if that Confederate army which once stood across the Potomac River menacing this Capital had thrown away their arms and had been permitted to march as on a holiday to New York and to Boston and to come back home down the valley of the Mississippi, and mingling daily with the people at their firesides and seeing what manner of men and women they were, and what manner of coun-

try this was, and if you could have suspended hostilities for one month and taken the Army of the Potomac and marched it all the way down South and back again until the two columns met here again without weapons, you could not have had any war declared in this country. They would have settled the thing then and there, because they would have understood what manner of country they lived in and what manner of people they had to deal with, and that every question which was at issue between them was capable of being solved by wise, and brave, and true men, with comprehensive and enlarged understanding.

Mr. President, I see down in this Southern country of ours coiled up that which may untwine itself as a great national calamity. I wish as far as I can, in the short time that I shall occupy the stage of human concerns, to exercise every considerate feeling of forbearance, of patience, of courage, of intelligence, to wear away the inevitable frictions of contact between different races and let the race problem work out itself as christianity and enlightenment would lead it. I invoke from you, who contemplate it from a different standpoint, the exercise of the highest faculties of statesmanship and reason which you can summon to your aid. I pledge the people whom I have the honor here in part to represent to continuously address themselves to it as they have done bravely and heartily in the right spirit, and if we can continuously meet and confer in the high spirit of justice and of honor and of cordial friendship, I believe it is in the power of the American people so to solve it that blood will not be shed and that lands will not be wasted and that the generations that shall come after us shall not reap from us a heritage of sorrow and calamity and woe. It is for that reason, sir, that I overcome whatever of predilection I might have as to the construction of the Constitution. I feel justified in conscience and in honor in waiving such predilections as I might have to the weight of public thought in this great Republic in order to obtain what I believe is to be a great beneficence.

Mr. President, I do hope that the United States Senate will this year, as last year and the year before, pass this bill, feeling that, while we have not yet solved the problem we have before us, we will be in this act traveling towards the light. I do not believe that education is to be the sole solvent, for we must realize its limitations as well as realize its benefits. The poet has said that man must mourn forever—

O'er the fatal truth,  
The tree of knowledge is not the tree of life.

But, Mr. President, if knowledge does not absolutely heal, it goes towards healing. Judging things generally, you will find that the most enlightened nations have the highest moral ideas; that the most enlightened men develop the highest characters, and while crime will not depart from the world nor other ills that human flesh is heir to, yet when the light falls in upon the subject, where there is wiser understanding, the elements of solution will be better presented.

I vote for this Blair bill, Mr. President, not because I think it will be an absolute cure of the difficulties. There are other difficulties which will arise and are to be encountered. It is not the education of the school-book alone that you must depend upon; it is the education of society; the education of history; the education of tradition. But all these come more easily when you have the book as a guide to them. While I sometimes feel appalled as I stand before the problem which my Southern countrymen have to deal with, I see that in this measure we are moving towards the light. I would deal with it just as a shipwrecked sailor who landed upon the shore in the night-time. If he were looking around him to a murky sky and to a darkened and weary land, and saw a taper glimmering in the distance, whither would he go? A marsh might lie between him and it; there might be a hill to climb or a river to cross; but just as sure as fate he would rise up and travel towards the light. So in this case. Here is light set in a dark place, and for myself I say, let it shine.

## APPENDIX.

Table showing expenditures for education in the Southern States from 1870 to 1888.

States.	1870.	1871.	*1872.	1873.	1874.	1875.	1876.	1877.	1878.	1879.
Delaware.....	\$127,729	\$153,509	\$197,398	\$168,374	\$173,056	\$192,735	\$216,225	\$218,502	\$217,596	\$218,117
Maryland.....	1,190,226	1,214,729	1,354,101	1,354,017	1,530,072	1,640,048	1,623,349	1,544,516	1,593,290	1,531,558
Virginia.....	98,770	587,472	993,319	950,419	1,004,990	1,021,397	1,069,680	1,050,347	91,895	570,589
West Virginia.....	470,129	577,719	536,737	606,991	704,768	763,812	786,118	770,650	661,818	709,071
North Carolina.....	*80,000	177,498	204,000	191,675	297,585	*315,000	334,163	310,103	339,559	319,150
South Carolina.....	*165,000	275,688	292,451	369,433	448,252	426,463	423,872	226,021	319,000	465,746
Georgia.....	109,423	292,000	*135,000	223,667	265,000	435,319	434,046	440,153	411,453	440,705
Florida.....	76,389	129,421	101,820	111,389	139,870	188,952	101,722	139,340	134,880	140,705
Kentucky.....	1,150,451	*1,075,000	941,334	963,121	*980,000	1,359,452	1,130,000	1,388,000	*1,281,000	*1,190,000
Tennessee.....	683,068	*758,000	*833,000	*908,000	981,887	726,177	713,306	707,968	615,098	712,227
Alabama.....	*275,000	*370,000	*300,000	*100,000	*100,000	*550,000	*365,000	*450,000	*428,000	*495,000
Mississippi.....	950,000	1,024,196	*990,000	903,690	873,719	*600,000	525,000	592,805	641,549	641,549
Louisiana.....	724,243	581,834	531,361	723,826	798,201	699,665	776,069	369,829	558,231	529,065
Texas.....	1,210,175	1,216,198	1,222,221	1,228,244	903,960	726,236	613,964	501,691	747,534	941,404
Arkansas.....	670,944	645,664	441,537	318,998	534,499	750,000	119,403	143,331	148,395	265,449
Missouri.....	1,548,257	1,749,019	1,904,997	1,638,353	1,192,655	1,804,064	2,374,961	2,406,133	2,406,133	3,069,454
Total.....	8,579,744	10,703,791	10,887,422	10,816,587	10,965,495	12,667,039	11,681,821	11,151,593	11,636,689	12,098,202

Table showing expenditures for education in the Southern States from 1870 to 1888—Continued.

States.	1880.	1881.	1882.	1883.	1884.	1885.	1886.	1887.	1888.	Total.
Delaware.....	\$207,281	*\$194,000	\$181,780	*\$198,000	\$215,161	*\$242,000	\$269,528	*\$258,000	\$246,718	\$3,895,711
Maryland.....	1,544,367	1,604,581	1,651,909	1,603,211	1,720,264	1,771,219	1,832,983	1,831,826	1,838,178	29,867,862
Virginia.....	946,109	1,100,239	1,157,142	1,288,409	1,372,625	1,424,532	1,453,103	1,535,289	1,558,353	20,143,519
West Virginia.....	707,553	758,475	865,878	947,371	997,431	1,043,269	1,036,874	1,087,675	1,240,650	15,292,998
North Carolina.....	378,062	434,687	573,088	680,830	640,245	650,090	671,116	653,637	691,188	7,969,086
South Carolina.....	324,629	345,634	389,834	423,473	428,419	425,903	424,426	430,669	440,444	6,908,957
Georgia.....	471,029	498,533	584,174	613,647	653,868	723,162	711,990	731,662	869,065	9,048,889
Florida.....	114,895	118,000	*145,000	*157,000	172,178	135,984	*385,000	449,299	484,110	3,026,062
Kentucky.....	1,069,030	1,165,838	1,273,804	1,333,584	1,367,464	1,861,322	*1,740,000	1,754,107	1,850,241	21,774,718
Tennessee.....	744,180	695,564	*850,000	940,518	991,011	1,070,674	1,102,447	1,128,744	1,177,957	16,543,769
Alabama.....	*500,000	*560,000	*579,000	*615,000	*685,000	*725,000	741,244	*760,000	*800,000	9,338,245
Mississippi.....	830,705	757,758	680,640	803,876	799,933	840,777	802,476	839,797	1,037,264	14,463,485
Louisiana.....	455,768	441,484	179,052	236,930	466,930	450,030	450,030	514,570	544,269	1,065,057
Texas.....	753,346	825,631	803,850	1,150,332	1,661,476	1,914,055	2,166,633	2,840,000	2,778,172	23,925,122
Arkansas.....	238,056	388,412	508,857	479,471	561,745	742,871	866,899	835,048	901,191	9,495,770
Missouri.....	3,152,178	3,468,739	3,753,224	3,767,049	4,281,135	4,261,572	4,328,596	4,357,636	4,843,323	56,294,509
Total.....	12,435,188	13,067,575	14,172,282	15,238,701	17,021,885	18,182,460	18,982,745	20,027,059	21,311,053	252,713,759

\* Estimated.

Mr. MORGAN. Mr. President, I have had the opportunity on three occasions before of discussing this measure *in extenso*, and I have no disposition to add anything to the remarks I have heretofore submitted to the Senate and which are recorded in the proceedings of Congress. But as this debate will be conducted by gentlemen who expect to speak at large about the measure I desire to put upon the record some statements which I think it is very necessary that we should pay attention to in the consideration of this bill; and particularly is that duty incumbent upon the gentlemen from the States of the South, where large amounts of money, it is said, are to be expended under this measure for the benefit of education. The bill provides that—

If any State, by its Legislature, shall decline or relinquish its share or proportion under this act, or any portion thereof, the sum so relinquished shall be covered into the Treasury—

The bill having first provided—

That no money shall be paid to a State, or any officer thereof, until the Legislature of the State shall, by bill or resolution, accept the provisions of this act.

When the Legislature of a State accepts the provisions of this bill it binds itself, not in honor merely, but in law, to provide all the State funds that may be necessary to comply with the measure in its terms and in its spirit also. In other words, the States that receive \$77,000,000 under this law during its operation must tax their people \$77,000,000 during that time in order to be entitled to receive it; and where the taxes now imposed upon the different States, particularly those of the extreme South, fall short of the quota and allowance that will come to them under this proposed act of Congress, having accepted the measure the Legislatures will be bound to make up the deficit. They will be bound to raise their standard of taxation, so that the sum which shall be realized under the State tax-laws shall annually be equal to the sum which will be applied under the bill to educational purposes coming from the Treasury of the United States. I suppose that proposition will scarcely be denied either as a matter of fact or in respect of the question of honor which the State would impose upon itself, the obligation of duty which it would necessarily assume when it had accepted the provisions of the bill.

In 1888, when this measure was before the Senate, I made up a computation, which is exact, and which no man, I think, ever has disputed or attempted to dispute, in reference to my State and in reference to some other States of the Union. That computation was based upon the amount of money that the State raised by taxation in that year and applied to the purposes of education. Alabama now expends \$527,319.88 for school purposes annually. That, of course, does not include the colleges; it does not include the academies or private schools which are being conducted and supported by communities; it is the expenditure for the public-school system. There has been a little increase in the amount of the appropriation in Alabama since that time for school purposes, which increase implied the necessary increase of taxation upon the people.

But I assume the figures as they existed in 1888 as being a proper standard of taxation in respect of the amounts of money to be taxed out of the people under the local laws for the purposes of education, and the amount that will be required to be taxed out of them in order to provide a sum equal to that which should be apportioned to them under the act of Congress when this bill becomes a law.

The first year under the bill the State tax will be \$527,319.88, the figures I have just stated; the United States fund received will be \$486,240.84—making an aggregate of expenditure in that State for that year of \$1,013,560.72.

The second year the State tax will increase to \$694,598.81; the United States fund will be the corresponding amount—making a total for school expenses of \$1,289,197.60, quite double all the other expenses of the State government in Alabama, including the payment of interest on her public debt.

The third year, the culminating year, the tax will be \$1,041,876.55;

the United States will give the same amount, and the total expenditure for educational purposes in the State in the third year of the reign of this bill will be \$2,083,753.10; and that in a State which finds itself comfortably off and well officered and well cared for by an expenditure of less than \$600,000 a year in the payment of all its State expenses, including the interest on the public debt.

Now, I proceed further. When this bill has reached its culmination, the amount of money expended by the State of Alabama, whether derived from her own taxes or jointly from her own taxes and the Treasury of the United States, will be \$2,083,753.10. Of course, having once accepted the law, the States would be bound in honor and by their own enactments to tax themselves to keep up to that plan; and how would it then run? The fourth year the State tax in Alabama would be \$1,180,752.97, the United States fund being \$903,000.13. The fifth year the State tax would be \$1,319,672.73, the United States fund being \$764,080.37. The sixth year the State tax would run up to \$1,458,592.50, the United States fund being \$625,160.60. The seventh year the State tax would be \$1,597,512.26, and the United States fund would decrease to \$486,240.84. The eighth year the State tax of Alabama would be \$1,736,475.37. The United States fund would then have shrunk to \$347,277.73. The ninth year, the year after the bill had accomplished its operation, the State taxation of Alabama would be \$2,083,753.10, and the United States fund would simply be wanting—no help; and then what would become of your system? You would be obliged from that time forward either to witness the wreck and destruction of your school system or you would have to raise the standard of taxation in Alabama to \$2,083,753.10. During the period from the second to the sixth year the increase of taxation in five of the Southern States—Alabama, Georgia, Louisiana, North and South Carolina—would be as follows: In Alabama, \$1,392,115; in Georgia, \$1,591,994; in Louisiana, \$721,447; in North Carolina, \$1,654,482, and in South Carolina, \$1,309,702.

Mr. BLAIR. Will the Senator allow me to ask him the basis of his calculation as to the taxation which Alabama would pay?

Mr. MORGAN. It was the sum appropriated in the year 1888.

Mr. BLAIR. But I speak of the contribution from the national Treasury and the taxation that they will pay by reason of the enactment of this bill into a law. Does he make his assessment and his calculation per capita, or in what way?

Mr. MORGAN. I take the sum of money that is raised by taxation each year in the State of Alabama and then take the amount of money that is coming into the State of Alabama upon the basis of this bill. Of course she is bound under the bill to tax herself equally, a sum equal to the amount she will receive under the bill.

Mr. BLAIR. There is no State that is not doing that in full now.

Mr. MORGAN. I know of no State that is not doing it. I am not speaking of the effect of it upon the rich State of New Hampshire, but upon poor States.

Mr. BLAIR. But I wish to ascertain, if I can, the basis upon which the Senator supposes the taxation in his State which goes into the national Treasury is levied. Is it per capita?

Mr. MORGAN. I take the sum of money levied by the State of Alabama in the year 1888, and I find the amount of money that would go into the State treasury or the State school system from this bill, and I carry it on through each successive year, including the increase, up to the third year of the bill, and then I ascertain that you have got the State of Alabama to a maximum of taxation, which the State is obliged to adhere to unless it dishonors itself; and when this aid is withdrawn, if it should ever be withdrawn, when this bill expires by its own terms, you have left upon the State of Alabama the necessity of providing for a system which has been sustained by the taxation I have referred to annually of \$2,083,753.10.

Our people can not stand that. There is no occasion in this world for Congress to impose upon Alabama the duty of providing three times



as much for the education of her children as is necessary for the maintenance of the entire State government and the payment of the interest on the public debt.

This is a bill, sir, for taxation. Not only so, but it is a bill for double taxation; it is a bill for compulsory double taxation. The object and purpose of the bill is to compel certain States of the Union to tax themselves more than they are doing for the benefit of public education.

First of all, we assume (and I think we are not at all wrong in the assumption) that we pay our pro rata of the expenses of this Government, because we are very large consumers in proportion to our wealth in the South. What you derive from the tobacco and whisky tax certainly is paid in a larger degree by the Southern States than by the Northern States, taking them according to population. What you derive through the tariff taxation is paid also in a larger degree per capita by the people of the Southern States than it is by the people of the Northern States. So I am not in error in assuming that in proportion to our population we are contributing to this fund to be brought into the Treasury during the next eight years as much as any other people of the United States.

The money must be raised by the people or else it must be borne by the Government. Tariff taxation, direct taxation, any form of taxation, may be resorted to that is essential for the purpose of raising the money to meet this debt which we put upon ourselves for eight years to come, amounting to \$77,000,000, and the people of Alabama contribute as much of that as any other people in the United States in proportion to their numbers.

Now, then, having done that, you compel them to contribute three times as much as the entire State government costs, including the interest on the public debt, annually, for the maintenance of public schools whenever they have accepted this bill. Having accepted it, they are bound to make the contributions.

Sir, I do not like the idea of the Congress of the United States forcing the people of Alabama to tax themselves over \$3,000,000 a year for the benefit of public schools when their public debt and all else that concerns them amount to little short of \$800,000 a year. We are an economical people down there. We have been poor enough to understand the value of economy in public affairs, and we are not disposed to draw upon the poor people of that State to pay heavy taxes. We would rather leave the money in the pockets of the people.

They are as much interested as I am, or the Senator from New Hampshire, or any one else, in the education of their children. They understand their Christian and moral and social duties as well as anybody. Black and white, they understand them; and you can not present a subject to a citizen of Alabama, black or white, which touches his conscience, his manhood, his pride more tenderly and more quickly than the subject of the education of his children. Sir, there is not a man in that State, unless he is some poor cripple or diseased man, who has not the ability to educate his children just as well as he can clothe them and feed them.

So this bill can not be regarded justly in any other light than as a bill to raise \$8,777,000 (if I have the figures right) annually from the people of the United States for the next eight years, the people of my State contributing their quota to that taxation. Then you put on them exactly double the amount that you compel the Legislatures of the different States to tax out of the people by their local laws. You compel every State that accepts this bill (and in consequence of an illiteracy that existed eight years ago some States get more than their just proportion out of this measure) to raise the standard of local taxation just to an equilibrium with the contributions from the public Treasury.

It will not do in a law that contains these provisions to talk about the appropriation of money now in the Treasury, property that we now own. Sir, there is not the tenth dollar in the Treasury of the United States to-day that will be expended under this measure. The money that will meet the requirements of this bill is money that will flow into the Treasury of the United States during the next eight years after its passage, simply from taxation, unless we get into a war or something of that kind and are compelled to borrow it. It is a debt fixed upon the Government, a debt of duty and honor which we can not repudiate. We invite the States to rearrange their educational systems with a view of having this subvention from the Congress of the United States, and having done so, and they having accepted the measure, what else than a debt does it become, this \$77,000,000, on the part of the United States Government? It is a debt that we are as much bound to provide for as we are to protect the credit of the United States by paying the bonds and the interest upon them. It is not an appropriation of money to take effect now upon a surplus now in the Treasury, property now owned by the Government of the United States. It is a measure to enhance taxation.

While Senators get up here and complain about the poverty of the farmers of the land, the embarrassments under which they are living, the threat of penury and bankruptcy that seems to hang over the farming interests in every part of this country, they still insist upon loading the farmers with an additional incumbrance, a debt of \$8,777,000 a year. That may suit some; it may suit those who are particularly benefited by the high protective tariffs which are requisite to bring treasure into their pockets, or which, at least, exist here for that pur-

pose; but it can not suit me as the representative of a farming constituency. Every dollar of debt that I load upon the people of my country is a dollar loaded upon the shoulders of the farmers. They are already in poverty and in distress, and I do not propose to increase that burden by \$77,000,000 or \$79,000,000 in the next eight years through Federal taxation, and another \$79,000,000 through local taxation. That is what it comes to. The people have to foot these bills after all, if Congress had to pay this debt it would not be so anxious about voting the money. The hard-laboring people of this country will have to find the means of paying this double and coerced taxation.

Sir, this bill is a threat. It is not a threat merely, but it is the execution of a threat against the States. "You shall tax through your Legislature to educate these people; otherwise, the money in the Treasury of the United States will be taken and turned over to other communities that are willing and able to do it."

That is all I desire to say about this measure, but I should like Senators who have anything further to say in favor of the bill to answer whether these facts and figures are true.

Mr. BLAIR. Mr. President, I will answer. They are not true, as I understand the matter. I will read the seventh section of the bill in reply to the last point made by the Senator, the one that he makes most emphatically:

That the design of this act not being to establish an independent system of schools, but rather to aid for the time being in the development and maintenance of the school system established by local government, and which must eventually be wholly maintained by the States and Territories wherein they exist, it is hereby provided that no greater part of the money appropriated under this act shall be paid out to any State or Territory in any one year than the sum expended out of its own revenues or out of moneys raised under its authority, including interest money from any source, in the preceding year for the maintenance of common schools, not including the sums expended in the erection of school buildings.

So after the State has accepted the provisions of this bill she may raise just whatsoever sum she sees fit. The guard for the malappropriation or disproportionate expenditure of national money in the State is this: that if she lessens her own taxation she receives a less amount than what she otherwise might receive from the funds of the United States, and in no event can she receive any more than the amount which appears apportioned in the table which is before the Senate. The State is not obliged to tax herself any more than she is now. She can let her school system become an utter ruin, as she can now; but if she does reduce her appropriation for the maintenance of her schools, by just so much she reduces the assistance she might receive from the Government of the United States.

As a matter of fact, there is not a State in the Union to-day which is not raising voluntarily a larger amount in support of its schools than it will receive under the provisions of this bill. So it does not propose any increase of burden beyond that which the States are already bearing.

In the Southern States, which we point at so often, they are to-day raising \$20,000,000 for the maintenance of their schools, and in the rest of the country \$102,000,000. In the Southern States they are raising at least \$20,000,000 at the present time. Alabama is raising her proportion with the rest. It is not so large as some others, but her average proportion is nearly or quite as large. Under the provisions of this bill at no time would the entire South receive more than \$10,000,000 or \$11,000,000. So the South is to-day raising far beyond the amount of money which it is necessary to raise in order to avail herself in the completest sense of the provisions of this measure. Immediately the South, by the first year's appropriation, will not receive more than \$5,000,000. The entire amount for the whole country the first year is but \$7,000,000. The South, raising \$20,000,000 now, would receive under the provisions of this bill not more than one-fourth of that which she is now expending, in addition to what she is now raising. So she is not called upon in the least to increase her taxation, and no additional burden is imposed upon the South. It is simply something to assist to prolong the schools and to give some equality in the school privileges in the remoter sections, in the rural sections, where money is scarce and where the privileges exist in next to no degree at all.

The Senator read a table. I am entirely unable to comprehend the significance of that table. I understood the purpose of the Senator to be, when he began, to show that in some way by the provisions of this bill, if they were accepted and its full benefits were realized in the State of Alabama and other States, there was to be some increase of actual taxation on the part of the States enforced by the acceptance of the provisions of the bill; that is to say, in making up the national fund which is to be distributed among the States the Southern States were to pay more to the national Treasury than they would receive back from it. That is of course an absurdity. Nobody can contend that, because they receive in proportion to their illiteracy, which as compared with the rest of the country is immensely greater, as shown by the census itself, and in no view is the South called upon to bear taxation except it may be in the proportion of her relative assessable property as compared with that of the rest of the country. Although by the latest estimates she has nearly 24,000,000 people (it is apprehended that her population will be shown to be 24,000,000 under the next census—24,000,000 of the 65,000,000—considerably more than one-third, three-eighths of the population) she has only about one-fourth of the taxable property of the country. So if the money in the national Treas-

ury was raised by actual taxation upon assessable property she would pay only about one-fourth while she is receiving this large proportion, two-thirds or more, of the fund which is redistributed under the provisions of the bill.

The money in the national Treasury is not obtained either by taxation of assessable property within the States or in any other way which imposes upon the South relatively so large a burden as falls upon the North. It comes from the consumption of the country. I notice that my friend is ready to take this distinction now which demolishes the table of the Senator from Kansas [Mr. PLUMB] that has been the great stock in trade in misrepresentation all through the North. This money in the Treasury comes from the luxuries of life, from tobacco and whisky, and from the high customs duties upon those articles of luxury which wealth enjoys and which common people do not. That is the rule; and the common people who are to receive the benefits of this bill in the education of their children pay almost nothing of that which finds its way to the national Treasury. If they do so it becomes a tax upon habits, upon a form of consumption which it is better that they should dispense with, and which the increase of taxation has a tendency to induce them to dispense with.

So there is no view in which any remark of the Senator from Alabama, as I have been able to understand him here this evening, is truthful as a criticism upon this bill. I do not say that it is untruthful in any offensive sense, but it is not a fair, just criticism, I mean to say, of the provisions of the bill.

The PRESIDENT *pro tempore*. The bill is still open to amendment as in Committee of the Whole.

Mr. HAWLEY. I desire to speak upon this question, but not at very great length. I prefer not to speak to-night.

Mr. HALE. Mr. President—

Mr. EVARTS. It will be my wish, if it should meet the indulgence of the Senate, to speak upon the bill on Wednesday at the hour the bill shall be taken up. I mention that in order that so far as I know the time on the bill will be taken up by the Senator from Connecticut to-morrow, and other business may intervene.

Mr. HALE. I should like the Senate to take up the urgent deficiency appropriation bill, not with the purpose of occupying the Senate with it to-night, but that it may be before the body, giving notice that I shall ask the Senate to consider it in the morning after the routine morning business.

The PRESIDENT *pro tempore*. It would obtain no precedence by being taken up to-night, because it could not be the unfinished business in the morning hour to-morrow.

Mr. HALE. I am aware of that. I do not want to displace the bill in charge of the Senator from New Hampshire, but if by unanimous consent it could run on for a few minutes we might make some progress with it to-day.

Mr. BLAIR. Let the unfinished business be informally laid aside.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the unfinished business may be informally laid aside to enable him to move the consideration of the urgent deficiency appropriation bill. Is there objection? The Chair hears none.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. 6420) to amend an act entitled "An act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889; in which it requested the concurrence of the Senate.

#### HOUSE BILLS REFERRED.

The bill (H. R. 389) to construct a road to the national cemetery at Port Hudson, La., was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 6420) to amend an act entitled "An act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889, was read twice by its title, and referred to the Committee on the Census.

#### EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of War, transmitting, in compliance with the resolution of January 28, 1890, a report from the Adjutant-General of the Army concerning the seizure and imprisonment of Chatto and other Apache Indians, etc.; which, with the accompanying report, was referred to the Committee on Indian Affairs, and ordered to be printed.

#### URGENT DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7496) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1890, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading be dispensed with, and that the Senate consider the amendments of the Committee on Appropriations as they are reached in order in the reading of the bill.

The PRESIDENT *pro tempore*. The bill will be read, and the amend-

ments reported by the committee will be considered as they are reached in the reading of the text, if there be no objection.

The Chief Clerk proceeded to read the bill. The first amendment was, in section 1, page 1, after line 7, to insert:

#### DEPARTMENT OF STATE.

International Marine Conference: For an additional amount to pay the necessary expenses of the International Marine Conference authorized by the act approved July 9, 1888, to be disbursed as provided by said act, \$35,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 1, page 2, in the appropriations for the "Coast and Geodetic Survey," in line 8, before the word "thousand," to strike out "four" and insert "twelve;" so as make the clause read:

Office expenses: For copper-plates, chart-paper, printers' ink, copper, zinc, and chemicals for electrotyping and photographing; engraving, printing, photographing, and electrotyping supplies; for extra engraving and drawing, and for photolithographing charts and printing from stone or copper for immediate use, \$12,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 1, in the appropriations for "Coast and Geodetic Survey," after line 12, on page 2, to insert:

For miscellaneous expenses, contingencies of all kinds, office furniture, repairs, and extra labor, and for traveling expenses of assistants and others employed in the office sent on special duty in the service of the office, \$1,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 1, at the top of page 3, to insert:

#### REVENUE-CUTTER SERVICE.

For additional amount for maintenance of a refuge-station at or near Point Barrow, Alaska, on the Arctic Ocean, \$8,000, to be available during the fiscal year 1891.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in the appropriations for "Fish Commission," on page 3, line 14, before the word "thousand," to strike out "ten" and insert "twenty;" so as to make the clause read:

Propagation of food-fishes: For the introduction by the United States Fish Commission into and the increase in the waters of the United States of food-fishes and other useful products of the waters, including lobsters, oysters, and other shell-fish, and for such general and miscellaneous expenditures as the Commissioner may find necessary to the prosecution of his work, including salaries or compensation of all necessary employes, \$20,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 1, page 4, under the head of "Public Buildings," after line 1, to insert:

Treasury Building, Washington, D. C.: For plumbing, painting, plastering, carpentering, and general repairs to the Treasury and Winder buildings, \$3,000.

To complete the work of replacing the disintegrated slate roof of the Treasury building with a copper roof, \$6,450.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 1, page 4, after line 18, to insert:

For court-house and post-office at Leavenworth, Kans: For completion of building and payment of outstanding liabilities, \$7,394.62.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 1, line 5, under the head of "Miscellaneous objects, Treasury," after line 22 of page 5, to insert:

Contingent expenses, Treasury Department: For rent of additional room required by the Bureau of Statistics for months of April, May, and June, 1890, at \$60 per month, \$180.

The amendment was agreed to.

The next amendment was, in section 1, page 6, after line 3, to strike out:

Recoinage of uncurrent silver coins: The Secretary of the Treasury is authorized to transfer to the United States mints, for recoinage, any uncurrent fractional silver coins now in the Treasury or in any of the subtreasury offices, and the loss incident to such recoinage shall be reimbursed from the silver-profit fund.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, under the head of "War Department," in section 1, page 9, after line 7, to insert:

Office of the Secretary: To pay the salary of an Assistant Secretary of War provided by the act of March 3, 1890, for the months of April, May, and June, current fiscal year, at the rate of \$4,500 per annum, \$1,125.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 1, page 9, after line 13, to insert:

Publication of the official records of the war of the rebellion, both of the Union and Confederate armies: For continuing the publication of the Official Records of the War of the Rebellion in accordance with the plan approved by the Secretary of War August 3, 1890; and for the compensation of such temporary expert services in connection with the preparation, publication, and distribution of said records as may be deemed necessary by the Secretary of War, such experts to be selected and appointed by the Secretary of War from time to time as the necessity therefor arises, and for the purchase and repair of type-writers, and for the purchase of stationery, \$50,000.

The amendment was agreed to.



The reading of the bill was resumed. The next amendment was, under the head of "Naval Establishment," in section 1, after line 19 of page 13, to insert:

Bureau of Construction and Repair: For boats, blocks, furniture, and coo-perage, and for purchase of stores for the new cruisers San Francisco and Philadelphia and the new gunboats Concord and Bennington, \$50,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in the appropriations for "Public Lands Service," in section 1, on page 14, line 13, before the word "thousand," to strike out "twenty-eight" and insert "thirty-five;" so as to make the clause read:

Contingent Expenses of Land Offices: For clerk-hire, rent, and other incidental expenses of the several land offices, \$35,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 1, on line 19 of page 14, before the clause making appropriations for "feeble-minded children of District of Columbia," to insert the head-line "Miscellaneous."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 1, at the top of page 15, to insert:

Protection and improvement of Hot Springs, Ark.: For completing improvement of free bath-house and bathing-pools, \$3,200.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 1, on page 15, under the head of "Army and Navy Pensions," in line 16, after the word "Mexico," to insert "\$21,598,834," and in the same clause, line 22, after the word "separately," to strike out "\$21,598,834;" so as to make the clause read:

For Army and Navy pensions as follows: For invalids, widows, minor children, and dependent relatives, survivors, and widows of the wars of 1812 and with Mexico, \$21,598,834: *Provided*, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same may be sufficient for that purpose: *Provided further*, That the amount expended under each of the above items shall be accounted for separately.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 1, on page 16, after line 13, to insert:

#### DEPARTMENT OF JUSTICE.

##### JUDICIAL.

District judges: To pay the salaries of the district judges for the States of North Dakota, South Dakota, Montana, and Washington from the date each qualifies to June 30, 1890, so much therefor as may be necessary.

The amendment was agreed to.

The next amendment was, under the same heading, in section 1, on page 16, after line 20, to insert:

District attorneys: To pay the salary of the district attorney for the Indian Territory from April 1, 1889, the date of his qualification, to June 30, 1890, \$250.

The amendment was agreed to.

The next amendment was, under the same heading, in section 1, at the top of page 17, to insert:

To pay the salaries of the district attorneys for the States of North Dakota, South Dakota, Montana, and Washington from the date each qualifies to June 30, 1890, so much therefor as may be necessary.

The amendment was agreed to.

The next amendment was, in section 1, on page 17, after line 5, to insert:

District marshals: To pay the salary of the district marshal for the Indian Territory from April 1, 1889, the date of his qualification, to June 30, 1890, \$250.

The amendment was agreed to.

The next amendment was, in section 1, on page 17, after line 10, to insert:

To pay the salaries of the district marshals for the States of North Dakota, South Dakota, Montana, and Washington from the date each qualifies to June 30, 1890, so much therefor as may be necessary.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 1, on page 18, after line 16, to insert:

#### DEPARTMENT OF AGRICULTURE.

Furniture, cases, and repairs: For repairing buildings, heating apparatus, furniture, carpeting, matting, water and gas pipes, new furniture, and all necessary material and labor for the same, including lumber, hardware, glass, and paints, \$2,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 18, after line 22, to insert:

Contingent expenses: For stationery, freight, express charges, fuel, lights, subsistence, and care of horses, repairs of harness, for paper, twine, and gum for folding-room, advertising, telegraphing, dry-goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, purchasing supplies, washing towels, actual traveling expenses while on the business of the Department, and other miscellaneous supplies and expenses not otherwise provided for, and necessary for the practical and efficient work of the Department, \$5,000.

The amendment was agreed to.

Mr. HALE. The next two amendments of the Committee on Appropriations, in relation to experimental stations and location for artesian wells, may be passed over until to-morrow morning, when there will be some amendments to be offered to them.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The

amendments referred to will be passed over for the present, if there be no objection. The next amendment will be stated.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, on page 17, after line 20, to insert:

#### SENATE.

For salaries and mileage of Senators, \$17,000.  
For salaries of officers, clerks, messengers, and others in the service of the Senate, \$9,000.

For stationery and newspapers, \$600.  
For expenses of maintaining and equipping horses and mail-wagons, \$3,500.  
For fuel, oil, and cotton-waste, and advertising for heating apparatus, exclusive of labor, \$2,500.

For purchase of furniture, \$1,500.  
For folding speeches and pamphlets, at a rate not exceeding \$1 per thousand, \$9,000.

For packing-boxes, \$100.

For miscellaneous items, exclusive of labor, \$30,000.

For expenses of inquiries and investigations ordered by the Senate, \$30,000.

For expenses of inquiries and investigations ordered by the Senate, fiscal year 1889, \$8,000.

To enable the Secretary of the Senate to pay the expenses of the investigation concerning immigration ordered by concurrent resolution of the two Houses of Congress, dated —, \$10,000, or so much thereof as may be necessary, to be disbursed upon vouchers approved by the chairman of the Senate Committee on Immigration and the chairman of House Committee on Immigration and Naturalization.

Mr. HALE. I move to fill the blank in line 22 by inserting "March 12, 1890."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, under the head of "House of Representatives," in section 1, on page 27, line 9, before the word "thousand," to strike out "ten" and insert "twenty;" so as to make the clause read:

For miscellaneous items and expenses of special and select committees, \$20,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 1, on page 21, after line 9, to insert:

#### PUBLIC PRINTING AND BINDING.

To supply in part and up to April 1, 1890, a deficiency in the appropriation for the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, including salaries or compensation of all necessary clerks or employés for labor (by the day, piece, or contract), and for all the necessary materials which may be needed in the prosecution of the work for the fiscal year 1890, \$200,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 21, after line 21, to insert:

For printing and binding for the Department of Agriculture, \$7,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 21, after line 23, to insert:

To enable the Public Printer to continue the operations under joint resolution approved February 6, 1883, for removal and storage of certain property of the Government mentioned therein, \$4,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 2, page 22, line 12, after the date "1890," to insert "the sum of \$200,000, or;" so as to read:

SEC. 2. That for payment of amounts for arrears of pay of two and three year volunteers, certified to be due by the accounting officers of the Treasury, as set forth in House Executive Document No. 144, Fifty-first Congress, first session, \$284,090.25, and for the payment of such amounts additional thereto as may be certified to be due by said accounting officers on this account during the fiscal year 1890, the sum of \$200,000, or so much therefor as may be necessary, is hereby appropriated.

The amendment was agreed to.

The next amendment was, in section 2, on page 22, line 24, after the date "1890," to insert "the sum of \$175,000, or;" so as to make the clause read:

For payment of amounts for bounty to volunteers and their widows and legal heirs, certified to be due by the accounting officers of the Treasury, as set forth in House Executive Document No. 144, Fifty-first Congress, first session, \$243,893.11, and for the payment of such amounts additional thereto as may be certified to be due by said accounting officers on this account during the fiscal year 1890, the sum of \$175,000, or so much therefor as may be necessary, is hereby appropriated.

The amendment was agreed to.

The next amendment was, in section 2, on page 23, in line 12, after the date "1890," to insert "the sum of \$15,000 or;" so as to make the clause read:

For payment of amounts for bounty under the act of July 28, 1866, certified to be due by the accounting officers of the Treasury, as set forth in House Executive Document No. 144, Fifty-first Congress, first session, \$33,926.77, and for the payment of such amounts additional thereto as may be certified to be due by said accounting officers on this account during the fiscal year 1890, the sum of \$15,000, or so much therefor as may be necessary, is hereby appropriated.

The amendment was agreed to.

The next amendment was, in section 2, on page 23, line 23, after the date "1890," to insert "the sum of \$22,000, or;" so as to make the clause read:

For payment of amounts for commutation of rations to prisoners of war in rebel States, and to soldiers on furlough, certified to be due by the accounting

officers of the Treasury, as set forth in House Executive Document No. 144, Fifty-first Congress, first session, \$31,023.11, and for the payment of such amounts additional thereto as may be certified to be due by the accounting officers of the Treasury on this account during the fiscal year 1890, the sum of \$22,000, or so much therefor as may be necessary, is hereby appropriated.

The amendment was agreed to.

The next amendment was, in section 2, on page 24, line 6, after the word "cents," to strike out:

And for the payment of such amounts additional thereto as may be certified to be due by said accounting officers on this account during the fiscal year 1890, so much therefor as may be necessary is hereby appropriated.

So as to make the clause read:

For payment of amounts for horses and other property lost in the military service by officers and enlisted men during the late war, certified to by the accounting officers of the Treasury as set forth in House Executive Document No. 144, Fifty-first Congress, first session, \$118,706.51.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. ALLISON. I ask the Senator from Maine now to allow this bill to be laid aside until to-morrow.

Mr. HALE. I do not propose to proceed further with the bill now. There are certain amendments which have been passed over, and other amendments will be offered in the morning. I give notice that I shall ask the Senate to take up the bill to-morrow immediately after the routine morning business. I am willing that it shall go over now.

The PRESIDING OFFICER. The bill will be passed over.

#### PUBLIC BUILDING AT CEDAR RAPIDS, IOWA.

Mr. ALLISON. I ask unanimous consent to take from the table the bill relative to the public building at Cedar Rapids, Iowa, in order that I may ask the Senate to concur in the amendments of the House of Representatives.

The PRESIDING OFFICER. If there be no objection, the bill will be considered as before the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the bill (S. 903) for the erection of a public building in Cedar Rapids, Iowa.

The PRESIDING OFFICER. The amendments will be stated.

The CHIEF CLERK. The House of Representatives struck out "\$200,000" and inserted "\$150,000;" and also struck out, after the word "alleys," in line 19, to and including the word "Treasury," in line 23.

The PRESIDING OFFICER. The question is on concurring in the House amendments.

The amendments were concurred in.

Mr. ALLISON. There is still one other amendment, I believe.

The PRESIDING OFFICER. Both amendments have been reported and concurred in.

Mr. ALLISON. Is there not another amendment besides that read?

The PRESIDING OFFICER. The Chair is advised that there are no other amendments.

Mr. ALLISON. Is there not an amendment striking out the appropriation?

The PRESIDING OFFICER. The amendments were to strike out "two hundred thousand dollars" and insert "one hundred and fifty thousand dollars," and after the word "alleys," in line 19, to strike out down to and including the word "Treasury," in line 23.

Mr. ALLISON. That means to strike out the words making the appropriation. I only wanted to ascertain the fact.

Mr. PADDOCK. That is the limit of cost.

Mr. ALLISON. Please read the words proposed to be stricken out.

The CHIEF CLERK. The words stricken out of the Senate bill are as follows:

And for the purposes herein mentioned the sum of \$200,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury.

Mr. SPOONER. I suppose the appropriation will be taken care of in one of the general appropriation bills.

Mr. ALLISON. I hope to call the attention of the Senate to that later on. I do not desire in this bill to establish any precedent upon that subject, although I understand there is a contest somewhere on the question as to whether these public building bills carry an appropriation. This is a Senate bill that carried an appropriation. The House of Representatives reduced the amount \$50,000 and struck out the provision making the appropriation. I wish to say that the friends of this measure desire that the House amendments shall be concurred in, and I do not feel at liberty to make any contest about them.

Mr. MANDERSON. I should like to ask how the building is to be erected without an appropriation. If it is not the purpose of the Senator from Iowa to place the appropriation in this bill, I am afraid this town will go without a public building.

Mr. ALLISON. It is the custom of the Committee on Appropriations to recommend to the Senate appropriations for every purpose required by law previous to the passage of the general appropriation bills; so that I will say to the Senator from Nebraska that I shall endeavor to call the attention of the Senate to an appropriation for this building at a later stage of the session.

Mr. SPOONER. As a friend of this bill I have no doubt the Senator from Iowa will not forget it.

The PRESIDING OFFICER. The amendments of the House of Representatives have been concurred in.

#### AID TO COMMON SCHOOLS.

Mr. PADDOCK. I move that the Senate do now adjourn.

Mr. BLAIR. Let the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Before submitting the motion, the Chair will lay before the Senate the unfinished business, which is the bill (S. 185) to aid in the establishment and temporary support of common schools. The question is on the motion of the Senator from Nebraska [Mr. PADDOCK] that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 34 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 18, 1890, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate the 17th day of March, 1890.*

##### UNITED STATES MARSHALS.

Alexander Ramsey Nininger, of Alabama, to be marshal of the United States for the northern district of Alabama, *vice* Charles C. Austin, who was commissioned during the recess of the Senate, and who has resigned.

Daniel Lake, of New York, to be marshal of the United States for the eastern district of New York, *vice* Charles M. Stafford, to be removed.

William Van Buren, of Michigan, to be marshal of the United States for the eastern district of Michigan, *vice* Galusha Pennell, whose term will expire March 29, 1890.

##### PROMOTION IN THE ARMY.

Additional Second Lieut. William Lassiter, of the Fourth Artillery, to be second lieutenant February 10, 1890, *vice* Babbitt, who resigns his line commission from the date of confirmation by the Senate of his appointment as first lieutenant in the Ordnance Department.

##### SUPERVISING INSPECTOR OF STEAM-VESSELS.

Frank Burnett, of Missouri, to be supervising inspector of steam vessels for the fourth district, in place of David R. Asbury, resigned.

##### UNITED STATES CONSULS.

James R. Danforth, of Pennsylvania, to be consul of the United States at Verviers and Liege, *vice* William S. Preston, transferred to Cognac.

James S. Kellogg, of Louisiana, to be consul of the United States at Stettin, *vice* Andrew F. Fay, recalled.

William S. Preston, of New York, to be consul of the United States at Cognac, *vice* Edward P. Earle, recalled.

Alfred W. Street, of New York, to be consul of the United States at Coaticook, *vice* Frank W. Roberts, recalled.

Samuel B. Zeigler, of Iowa, to be consul of the United States at Aix-la-Chapelle, *vice* J. Russell Parsons, jr., recalled.

##### ASSISTANT SURGEON IN THE NAVY.

Edward Strong Bogert, a resident of New York, to be an assistant surgeon in the Navy, to fill a vacancy.

##### CIVIL ENGINEER IN THE NAVY.

George Mackay, to be a civil engineer in the Navy, to fill a vacancy.

##### POSTMASTER.

John A. Reynolds, to be postmaster at Rochester, in the county of Monroe and State of New York, in the place of Henry S. Hebard, deceased.

#### WITHDRAWALS.

*Executive nominations withdrawn by the President March 17, 1890.*

Charles C. Austin, to be marshal of the United States for the northern district of Alabama.

Alexander Ramsey Nininger, to be marshal of the United States for the northern district of Alabama.

James R. Danforth, of Pennsylvania, to be consul of the United States at Kehl.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 17, 1890.*

##### FIRST DEPUTY COMMISSIONER OF PENSIONS.

Andrew Davidson, of Cooperstown, New York, to be First Deputy Commissioner of Pensions.

##### REGISTER OF LAND OFFICE.

Franklin Sweet, of Clarks, Nebr., to be register of the land office at Grand Island, Nebr.

##### SUPERVISORS OF CENSUS.

Pedro Sanchez, of Taos, N. Mex., to be supervisor of census for the census district of New Mexico.

Theophilus F. Smith, of St. Paul, Minn., to be supervisor of census for the third census district of Minnesota.



## POSTMASTERS.

John M. Blakely, to be postmaster at Rapid City, in the county of Pennington and State of South Dakota.

James C. Conkling, to be postmaster at Springfield, in the county of Sangamon and State of Illinois.

John M. Lewis, to be postmaster at East Portland, in the county of Multnomah and State of Oregon.

## HOUSE OF REPRESENTATIVES.

MONDAY, March 17, 1890.

The House met at 12 o'clock m. Prayer by Rev. G. H. COREY, D. D. The Journal of the proceedings of Saturday last was read and approved.

## PUBLIC BUILDING AT SACRAMENTO, CAL.

Mr. McKENNA. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill S. 1477, and that it be immediately considered by the House.

The bill was read, as follows:

A bill (S. 1477) to increase the appropriation for the erection of a public building at Sacramento, Cal.

*Be it enacted, etc.,* That the amount heretofore fixed as the limit of cost for the erection of a public building by the Government of the United States at Sacramento, Cal., be, and the same is hereby, increased to \$300,000, and that the same is hereby fixed as the limit of cost of the erection of said building, including site.

SEC. 2. That the officers of the United States Government having charge of the erection of public buildings are authorized and required to be governed by the limitations hereby prescribed in making contracts for the erection of said building.

SEC. 3. That the additional sum of \$150,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purposes provided in this act.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. McKENNA] that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill, and that it be now considered by the House? The Chair hears none.

Mr. CANNON. Mr. Speaker—

The SPEAKER. The question is now upon ordering the bill to a third reading.

Mr. CANNON. But I rose for the purpose of making objection, subject to a question that I desire to ask the gentleman from California.

The SPEAKER. The Chair did not hear the gentleman from Illinois make any objection.

Mr. CANNON. But I rose for that purpose, and commenced speaking just as the Chair spoke.

Mr. CULBERSON, of Texas. I hope that the gentleman from Illinois will not object.

Mr. CANNON. I desire to ask the gentleman from California a question. Has the foundation of this building been laid?

Mr. McKENNA. No, sir; it is not started yet.

Mr. CANNON. Has the site been obtained?

Mr. McKENNA. The site has been obtained.

Mr. CANNON. And paid for?

Mr. McKENNA. Yes; paid for.

Mr. CANNON. What amount is desired to be expended on this building in the coming year?

Mr. McKENNA. I can not say what amount is desired for expenditure during the coming year. What is desired is to start the building and carry it as rapidly toward completion as possible.

Mr. CANNON. And to extend the limit of cost?

Mr. McKENNA. Yes, sir.

Mr. CANNON. I simply suggest to the gentleman that he strike out the appropriation of \$150,000, making the bill conform in this respect to other Senate and House bills of this character which have been passed here.

Mr. McKENNA. This is a Senate bill.

Mr. CANNON. I know it is; but clauses of that kind have been struck out in Senate bills.

Mr. McKENNA. I do not know that I have any special objection to the gentleman's suggestion, except that this matter has been pending ever since the Forty-eighth Congress, and the building is not yet started.

Mr. CANNON. Precisely; but it is evident there is no necessity for an appropriation of \$150,000 for the coming fiscal year.

Mr. McKENNA. Probably not.

Mr. CANNON. I see no reason why this bill should not go on all fours with other bills of similar character.

Mr. McKENNA. I have no objection, Mr. Speaker—

Mr. CANNON. Then let the amendment be made; let the appropriation be struck out.

Mr. McKINLEY. It seems to me the gentleman makes a mistake in striking out the appropriation. The question of the amount has already been considered by the committee, and there is no reason why we should not act now upon the appropriation.

Mr. CANNON. What new light has dawned upon the mind of my friend from Ohio as showing why we should now appropriate \$150,000, when the construction of this building has not been commenced and the amount will not be required during the next fiscal year?

Mr. McKINLEY. If it be not required, it will not be expended; it will simply lie in the Treasury.

Mr. CANNON. Certainly; and the same remark might be made as to appropriations for every purpose; we might just as well make appropriations four or five years ahead.

Mr. McKINLEY. If we know this is the amount required and the committee has considered the question, there is no reason why it should not now be appropriated.

Mr. CANNON. The policy of this House with reference to Senate bills as well as House bills has been to strike out the appropriating clause, with a view of getting later on an estimate of the amount that can be expended profitably during the coming year and limiting the appropriation to that sum. Why, in respect to these bills, should we make fish of one and fowl of another?

Mr. McKENNA. Will the gentleman from Illinois [Mr. CANNON] make the motion to amend?

Mr. CANNON. I understood the gentleman to assent that the appropriation should go out.

Mr. McKENNA. Will the gentleman make the motion? I will not press any objection.

Mr. CANNON. No, sir; I will not make the motion. I will take my chances in the Committee of the Whole unless the gentleman desires to make the amendment.

Mr. McKENNA. I will allow the clause to go out, Mr. Speaker.

Mr. KERR, of Iowa. I move to strike out the appropriating clause.

The SPEAKER. The question is, first, whether there is objection to considering the bill in the House at the present time?

Mr. CANNON. There is no objection, provided the gentleman will assent to striking out the appropriation.

Mr. McKENNA. I have assented.

The SPEAKER. Is there objection to the consideration of the bill? The Chair hears none.

Mr. KERR, of Iowa. I now move to amend by striking out the third section of the bill—the section making the appropriation of \$150,000.

The SPEAKER. The first question is upon agreeing to that amendment.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time.

The question being on the passage of the bill,

Mr. HOLMAN. I call for a division.

The question was taken; and there were—ayes 103, noes 5.

So the bill was passed.

Mr. McKENNA moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## PUBLIC BUILDING AT PARIS, TEX.

Mr. CULBERSON, of Texas. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill was read, as follows:

A bill (H. R. 833) providing for the erection of a public building at Paris, Tex.

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for and cause to be erected thereon a suitable building, with fire-proof vaults therein, for the accommodation of the United States courts, post-office, and other Government offices, at the city of Paris, Tex. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of \$125,000, which sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated: *Provided,* That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Texas shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

The SPEAKER. Is there objection to the present consideration of this bill in the House?

Mr. CANNON. I will object unless the gentleman from Texas consents to amend the bill by striking out the appropriation.

Mr. CULBERSON, of Texas. I am willing to conform to the usage in that respect.

Mr. HOLMAN. I believe the bill is reported with amendments.

The SPEAKER. The Clerk will read the amendments proposed by the committee.

The Clerk read as follows:

Strike out, in line 11, the words "and twenty-five;" so as to make the amount of the appropriation \$100,000.

After the word "shall" in line 17, insert "not;" so as to read "money appropriated for this purpose shall not be available until a valid title," etc.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, and the amendments recommended by the committee were adopted.

Mr. CANNON. I now ask the gentleman to move the amendment.  
Mr. CULBERSON, of Texas. I shall not object to the amendment.  
Mr. CANNON. I will move to amend the bill by striking out the appropriating clause, which I ask to have read.

The Clerk read as follows:

Which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. CANNON. It was agreed that those words should be stricken out. I therefore make the motion.  
The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CULBERSON, of Texas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### TUNNELING DETROIT RIVER, DETROIT, MICH.

Mr. WICKHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. Res. 119) requesting the Secretary of War to cause a further report to be made as to the practicability and approximate cost of tunneling the Detroit River at or near Detroit, Mich.

The joint resolution was read, as follows:

Whereas there have been commissions of army engineers appointed in the years 1873, 1879, and 1889 to investigate and report upon the necessity and practicability of the proper means of crossing the Detroit River at or near Detroit, Mich., by bridge or otherwise; and

Whereas said commissions have limited such investigations more particularly to the question of bridging said river: Therefore,

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War is hereby directed to have the said board of engineers appointed by the Secretary of War in 1889 to more fully report upon (at the earliest time practicable) the advisability, practicability, and approximate cost of tunneling the Detroit River at or near Detroit, Mich., in such a manner as to accommodate the large trade and commerce crossing the river at that point, without permanent obstruction of any kind whatever to the navigation interests of said river, with a view to the passage of said commerce through said tunnel from the United States into and through the Dominion of Canada and return, such report to be based upon the examination already made by said board, or, if necessary to a compliance with this resolution, to make such report after further inquiry into the subject.

The SPEAKER. Is there objection?

There being no objection, the joint resolution was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WICKHAM moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### PRINTING, ETC., FOR COMMITTEE ON AGRICULTURE.

Mr. RUSSELL. Mr. Speaker, I submit a privileged report from the Committee on Printing. I am directed by the committee to report back the resolution I send to the desk and recommend its adoption.

The Clerk read as follows:

*Resolved,* That the Committee on Agriculture be authorized to have printed and bound for its use such papers and documents, etc., relating to matters pending before it, as the committee may deem necessary, provided that the cost of said publication shall not exceed the sum of \$500.

The resolution was adopted.

Mr. RUSSELL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### GRANT OF LAND TO COLORADO SPRINGS.

Mr. PAYSON. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 1332) granting to the city of Colorado Springs, in the State of Colorado, certain lands therein described, for water reservoirs, and put it upon its passage.

The bill was read, as follows:

*Be it enacted, etc.,* That the following-described tracts of land, situate in the county of El Paso and State of Colorado, namely, that part of Pike's Peak military reservation described as follows: Beginning at station "O," as designated in the field-notes of the said United States military reservation survey, and running thence north 18° 54' 45" west 1,320 feet, along the east boundary-line of said reservation; thence south 65° 39' west 8,012 feet; thence at right angles south 20° 21' east 2,595 feet to a point on the south boundary of said reservation; thence north 63° 39' east 6,512 feet, along said south boundary-line, to station "1" of said reservation survey; thence north 19° 31' 30" east 1,330 feet to station "O," the place of beginning; also, lots numbered 1, 2, 3, 4, and 5, and the north half and the southeast quarter of section 28, lots numbered 3 and 4 and the east half and southwest quarter of section 22, all in township 14 south, range 68 west of the sixth principal meridian, containing 764.48 acres, more or less, be, and the same are hereby, granted and conveyed to the city of Colorado Springs, in the county of El Paso and State of Colorado, to have and to hold said lands to its use and behoof forever, for purposes of water storage and supply of its water-works; and for said purposes said city shall forever have the right, in its discretion, to control and use any and all parts of the premises herein conveyed, in the construction of reservoirs, laying such pipes and mains, and in making such improvements as may be necessary to utilize the waters contained in any natural or constructed reservoirs upon the said premises.

Sec. 2. That if the city of Colorado Springs shall at any time after the construction of reservoirs on the land described in section 1 of this act abandon the same or cease to use the same for water storage, the land herein described shall revert to the Government of the United States. The survey of the lands so

granted shall be made under the direction and approval of the War Department.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BRECKINRIDGE, of Kentucky. I rose to call for the regular order.

Mr. PAYSON. I hope the gentleman will not insist on that.

Mr. BRECKINRIDGE, of Kentucky. This seems to be just giving away 700 acres of land.

Mr. PAYSON. If the gentleman will hear me a moment, I think he will withdraw his objection.

The report embodies the language of the city engineer of Colorado Springs, who says in reference to this land:

The capacity here, while not very large, will meet all demands for years to come; the water is clear, pure, and cold, and the altitude (10,108 feet above sea-level) is such that it will not be contaminated by decomposing organic matter, as is the case at a lower altitude; and still further, the stream (Ruxton Creek, or South Fork of the Fontaine qui Bouille) leading out of the basin is the same from which the present water supply is taken, and, together with the minimum cost of construction, are the points of superiority over any other site found.

This lake and basin are situate in the Pike's Peak United States military reservation, as shown upon the accompanying plats, which are copied from those furnished by the United States surveyor-general's office of Colorado, the same being compiled from United States Government surveys.

That portion marked by parallel lines, relieved by yellow margin (see accompanying plat), includes the basin and lake alluded to, and also a greater portion of the streamlets emptying into this basin, and should your honorable body pray Congress to grant the right to construct this reservoir it should also ask that this tract be included, in order to have control of and prevent any pollution of the water at or near the reservoir.

The land is utterly worthless and unfit for cultivation, or in fact for any purpose whatever, excepting the basin alluded to, and this is fit for nothing but a storage basin, as the marshy nature of the ground will not admit of its being used for grazing purposes to any great extent.

The country north of this basin is very steep and rocky, while that on the south is also rugged and covered with dead and fallen timber. And were the surface such that cultivation could be carried on, the altitude is so great that no crop could be grown, being from 10,109 to 11,100 feet above the sea-level.

This piece of land is situated in the mountains of Colorado, 10,400 feet above sea-level. It is a pond in the midst of a marsh from which the city of Colorado Springs gets its water supply. The title, however, is not in the city. It is utterly valueless for any other purpose, and has been withdrawn from purchase, nobody desiring it, indeed, except for speculative purposes, for years. The bill passed the Senate twice and was recommended by the Committee on the Public Lands of the last Congress and this.

Mr. ANDERSON, of Kansas. Is this a part of the Cheyenne Cañon?

Mr. PAYSON. No; it is a piece of marsh ground on the summit of the mountain, not available for any other purpose than that designated.

Mr. BRECKINRIDGE, of Kentucky. Has this been reported from your committee?

Mr. PAYSON. It has been reported three different times favorably. This is the third report.

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### LEAVE OF ABSENCE.

By unanimous consent, Mr. McCLAMMY was granted leave of absence, for eight days, on account of important business.

#### ORDER OF BUSINESS.

The SPEAKER. This day being set apart by the rules for suspensions on motions of committees, the Chair will proceed to call the committees for that purpose.

#### CONTESTED ELECTION—MUDD VS. COMPTON.

When the Committee on Elections was called,  
Mr. COOPER said: I will call up for consideration, after the morning hour on Wednesday, the case of Mudd vs. Compton.

The SPEAKER. This call is for motions to suspend the rules.

Mr. COOPER. I desire to give that notice, Mr. Speaker, anyhow.

#### JUDICIAL DISTRICT, MISSOURI.

The Committee on the Judiciary was called.

Mr. ROGERS. I am directed by the Committee on the Judiciary to move to suspend the rules and pass the bill (H. R. 7166) to amend section 3 of an act entitled "An act to amend the act dividing the State of Missouri into two judicial districts, and for other purposes."

The bill was read, as follows:

*Be it enacted, etc.,* That section 3 of the above-entitled act is hereby amended by striking out the words beginning with the word "except," in the third line, and including the word "created," in the fifth line; also, the words beginning with the word "except," in the seventh line, and including the word "year," in the eighth line, and also the words beginning with the word "that," in the fifteenth line, and including the word "proceedings," in the twenty-second line; so that when amended it shall read as follows:

"Sec. 3. That there shall be, and there are hereby, established a district and circuit court of the United States in each of the several divisions of the said eastern and western districts herein created. That in each division there shall be held two terms of the district and circuit courts in each and every year. The time of holding said terms of court in the city of St. Louis, the city of Kansas City, and the city of Jefferson shall be held at the time now established by law, and in the other divisions herein named the time of holding said terms of court



shall be at the city of Hannibal on the first Monday in May and November; at the city of St. Joseph on the first Monday in April and October; at the city of Springfield on the first Monday in February and August. The district judges for the eastern and western districts of Missouri, each in the divisions of proper district, and the circuit judge of the United States for the eighth judicial circuit, are hereby required to hold the courts aforesaid. Juries shall be summoned for the courts hereby created as now provided by law for the summoning of juries in the said districts, and whenever the circuit and district courts in either of said districts or divisions shall be held at the same time and place, jurors shall not be summoned for each of said courts, but for both said courts, and they shall act accordingly as grand and petit jurors for both said courts."

The motion of Mr. ROGERS was agreed to (two-thirds voting in favor thereof); and accordingly the rules were suspended, and the bill passed.

#### ABOLITION OF COMPULSORY PILOTAGE.

The Committee on Merchant Marine and Fisheries was called.

Mr. HOPKINS. On behalf of the Committee on Merchant Marine and Fisheries, I ask a suspension of the rules to pass the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That Thursday, March 27, after sixty minutes of the morning hour have expired, be fixed for the consideration of a bill (H. R. 1003) exempting American coastwise sailing vessels, piloted by their licensed masters or by a United States pilot, from the obligation to pay State pilots for services not rendered, and from day to day thereafter until disposed of, not to interfere with prior special orders or the consideration of revenue and general appropriation bills.

Mr. FITHIAN. On that I demand a second.

Mr. HOPKINS. Mr. Speaker, I ask that a second be considered as ordered.

Mr. DAVIDSON. I object.

Mr. SPRINGER. I object; and demand the reading of the resolution, so that we may understand it.

The SPEAKER. Without objection, the Clerk will again report the resolution. The House must be in order. The resolution can not be read until gentlemen cease conversation and take their seats.

The resolution was again reported.

Mr. SPRINGER. I withdraw my objection to considering a second as ordered.

The SPEAKER. There are other objections.

Mr. SPINOLA. Is the resolution debatable now?

Mr. ROGERS. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. ROGERS. I want to inquire whether under this rule it is in order for the bill to be read to which it is sought by this special order to set apart a day for consideration, in order that we may know what the bill is?

The SPEAKER. It is not in order.

Mr. SPINOLA. Is the resolution now debatable?

The SPEAKER. It is not.

Mr. FITHIAN. Is it proper to state what the bill is?

The SPEAKER. It is not.

The question was taken on ordering a second; and there were—ayes 87, noes 86.

The SPEAKER. A second is ordered; and there are forty minutes for debate.

Mr. SKINNER. I desire to vote.

Mr. HOPKINS. Mr. Speaker, this is simply a proposition reported by the Committee on Merchant Marine and Fisheries to set apart a day for the consideration of this bill. It is not for the purpose of determining the bill to-day upon its merits at all; but the friends of the proposition, to do away with compulsory pilotage, desire to set aside a particular day so as to give full opportunity for the discussion of this question, and give to the opponents of the bill all the time that may be necessary to urge objections they may have to the bill. In my judgment, it is perfectly fair and proper; and I can not understand how any gentleman would desire to object to setting apart a day for this purpose. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Illinois [Mr. FITHIAN] is recognized in opposition to the resolution.

Mr. FITHIAN. I do not desire to debate the resolution.

Mr. SPINOLA. Mr. Speaker—

The SPEAKER. Does any other gentleman in opposition desire to discuss the proposition?

Mr. SPINOLA. I desire to speak. [After a pause.] No. [Cries of "Vote!" "Vote!"]

Mr. FITHIAN. I yield my time to the gentleman from New York [Mr. SPINOLA].

Mr. SPINOLA. I think we had better take a vote. I do not think the House is going to be insane enough to pass this bill.

The SPEAKER. The question is upon suspending the rules and passing this resolution.

The question was put; and the Speaker announced that the "ayes" seemed to have it.

Several MEMBERS. Division.

The House divided; and they were—ayes 75, noes 99.

Mr. HOPKINS. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. MORSE. Mr. Speaker, can the question be stated again?

The SPEAKER. The resolution has been read twice.

The question was taken; and it was decided in the negative—yeas 111, nays 122, not voting 96; as follows:

#### YEAS—111.

Abbott,	Cheadle,	Hopkins,	Ray,
Adams,	Cheatham,	Houck,	Rife,
Allen, Mich.	Cogswell,	Kelley,	Roswell,
Andrew,	Constock,	Kennedy,	Russell,
Arnold,	Conger,	Kerr, Iowa	Sherman,
Atkinson, Pa.	Cooper, Ohio	Kinsey,	Smith, W. Va.
Atkinson, W. Va.	Covert,	Lacey,	Smyser,
Baker,	Craig,	Laidlaw,	Snider,
Banks,	Cutcheon,	Lind,	Springer,
Barline,	Dalzell,	Lodge,	Stephenson,
Bayne,	Darlington,	Mansur,	Stivers,
Belden,	De Haven,	McComas,	Struble,
Belknap,	Dingley,	McCormick,	Sweney,
Bingham,	Dolliver,	Mills,	Taylor, Ill.
Bliss,	Dorsey,	Moffitt,	Taylor, Tenn.
Boutelle,	Dunnell,	Moore, N. H.	Thomas,
Breckinridge, Ark.	Evans,	Morse,	Townsend, Colo.
Brewer,	Farquhar,	Nute,	Townsend, Pa.
Brosius,	Flick,	Osborne,	Van Schaick,
Buchanan, N. J.	Flood,	Owen, Ind.	Wade,
Burton,	Greenhalge,	Payson,	Walker, Mass.
Butterworth,	Grout,	Perkins,	Wallace, Mass.
Caldwell,	Hall,	Peters,	Watson,
Candler, Mass.	Hansbrough,	Pickler,	Whiting,
Cannon,	Henderson, Iowa	Post,	Williams, Ohio
Carlisle,	Hermann,	Pugsley,	Wilson, Mo.
Carter,	Hitt,	Randall, Mass.	Wise.
Caswell,			

#### NAYS—122.

Alderson,	Connell,	Lester, Ga.	Rogers,
Allen, Miss.	Cooper, Ind.	Lester, Va.	Rowland,
Anderson, Kans.	Cowles,	Lewis,	Rusk,
Anderson, Miss.	Crisp,	Martin, Ind.	Sayers,
Bankhead,	Davidson,	Martin, Tex.	Shively,
Barnes,	Dockery,	McAdoo,	Skinner,
Barwig,	Dunphy,	McClellan,	Spinola,
Bergen,	Elliott,	McCord,	Stahlnacker,
Blanchard,	Ellis,	McCreary,	Stewart, Ga.
Bland,	Enloe,	McKenna,	Stockbridge,
Blount,	Finley,	McMillin,	Stockdale,
Boatner,	Fithian,	McRea,	Stone, Ky.
Breckinridge, Ky.	Flower,	Montgomery,	Stone, Mo.
Brickner,	Forman,	Morey,	Stump,
Brookshire,	Fowler,	Morgan,	Tarnsey,
Browne, Va.	Gibson,	Morrill,	Tillman,
Brunner,	Grosvenor,	Niedringhaus,	Tracey,
Bullock,	Hare,	Norton,	Tucker,
Burrows,	Hatch,	Oates,	Turner, Ga.
Bynum,	Hayes,	O'Neill, Ind.	Turner, N. Y.
Campbell,	Haynes,	Parrett,	Turpin,
Candler, Ga.	Hemphill,	Payne,	Walker, Mo.
Carlton,	Henderson, N. C.	Peel,	Wallace, N. Y.
Caruth,	Herbert,	Pennington,	Washington,
Catchings,	Holman,	Pierce,	Wheeler, Ala.
Chipman,	Hooker,	Price,	Wike,
Clarke, Ala.	Ker, Pa.	Raines,	Wilkinson,
Clements,	Kilgore,	Reilly,	Williams, Ill.
Cobb,	Lane,	Reyburn,	Yoder,
Coleman,	Lanham,	Richardson,	
Compton,	Lawler,	Rockwell,	

#### NOT VOTING—96.

Beckwith,	Fitch,	McCarthy,	Scull,
Biggs,	Forney,	McClammy,	Seney,
Boothman,	Frank,	McKinley,	Simonds,
Bowden,	Funston,	Miles,	Smith, Ill.
Brower,	Gear,	Milliken,	Spooner,
Brown, J. B.	Geissenhainer,	Moore, Tex.	Stewart, Tex.
Browne, T. M.	Gifford,	Morrow,	Stewart, Vt.
Buchanan, Va.	Goodnight,	Mutcher,	Taylor, E. B.
Buckalew,	Grimes,	O'Donnell,	Taylor, J. D.
Bunn,	Harmer,	O'Ferrall,	Thompson,
Clancy,	Haugen,	O'Neil, Mass.	Turner, Kans.
Clark, Wis.	Heard,	O'Neil, Pa.	Vandever,
Clunie,	Henderson, Ill.	Outhwaite,	Venable,
Cothran,	Hill,	Paynter,	Wheeler, Mich.
Craln,	Ketcham,	Perry,	Whithorne,
Culbertson, Tex.	Knapp,	Pheasant,	Wickham,
Culbertson, Pa.	La Follette,	Quackenbush,	Wilber,
Cummings,	Lansing,	Quinn,	Wiley,
Dargan,	Laws,	Randall, Pa.	Willcox,
De Lano,	Lee,	Reed, Iowa	Wilson, Ky.
Dibble,	Lehibach,	Robertson,	Wilson, Wash.
Edmunds,	Magner,	Sanford,	Wilson, W. Va.
Ewart,	Malish,	Sawyer,	Wright,
Featherston,	Mason,	Scranton,	Yardley.

So the motion to suspend the rules and pass the resolution was not agreed to.

The following pairs were announced:

Until further notice:

Mr. BROWER with Mr. WILEY.

Mr. THOMAS M. BROWNE with Mr. FORNEY.

Mr. REYBURN with Mr. McCLAMMY.

Mr. BECKWITH with Mr. GEISSENHAINER.

Mr. SPOONER with Mr. GRIMES.

Mr. WILSON, of Kentucky, with Mr. PAYNTER.

Mr. COGSWELL with Mr. O'NEIL, of Massachusetts.

Mr. SCULL with Mr. JASON B. BROWN.

Mr. WHEELER, of Michigan, with Mr. PERRY.

Ms. FEATHERSTON with Mr. DARGAN.

Mr. HARMER with Mr. LEE.

Mr. KNAPP with Mr. WILLCOX.

Mr. SAWYER with Mr. MCCARTHY.

Mr. YARDLEY with Mr. BUNN.  
 Mr. FRANK with Mr. ALLEN, of Mississippi.  
 Mr. WILBER with Mr. RANDALL, of Pennsylvania.  
 For this day:  
 Mr. DE LANO with Mr. CRAIN.  
 Mr. THOMPSON with Mr. CLANCY.  
 Mr. KETCHAM with Mr. CUMMINGS.  
 Mr. O'NEILL, of Pennsylvania, with Mr. O'FERRALL.  
 Mr. JOSEPH D. TAYLOR with Mr. PHELAN.  
 Mr. TURNER, of Kansas, with Mr. QUINN.

On this vote:

Mr. HILL with Mr. EDMUNDS.  
 Mr. MORROW with Mr. BIGGS.  
 Mr. LIND with Mr. SENEY.  
 Mr. LEHLBACH with Mr. DIBBLE, until Wednesday morning.  
 Mr. LANSING with Mr. MAGNER, for one week.  
 Mr. STEWART, of Vermont, with Mr. WILSON, of West Virginia, until Tuesday next.

Mr. BOWDEN with Mr. BUCHANAN, of Virginia, on all political questions, including election-contest cases, from this date (March 14, 1890) and during all of next week.

Mr. MORSE with Mr. GOODNIGHT, on all political questions until further notice, reserving the right to vote to make a quorum; that is, if Democrats fail to vote, Mr. MORSE reserves the right to vote to make a quorum.

Mr. WHEELER, of Alabama. I ask unanimous consent to dispense with the recapitulation of the vote.

There was no objection, and it was so ordered.

The result of the vote was then announced as above recorded.

#### LEAVE OF ABSENCE.

By unanimous consent (pending the announcement of the above vote), leave of absence was granted to Mr. EDMUNDS, for three days, on account of important business.

#### ENUMERATION OF CHINESE.

Mr. McKENNA. Mr. Speaker, on behalf of the Committee on the Eleventh Census I move to suspend the rules and pass the bill which I send to the Clerk's desk, being an act (H. R. 6420) to amend an act entitled "An act to provide for taking the eleventh and subsequent censuses."

The bill was read, as follows:

*Be it enacted, etc.,* That the seventeenth section of an act entitled "An act to provide for taking the eleventh and subsequent censuses" be so amended as to authorize and require the Superintendent of Census to enumerate the Chinese population in such manner and with such particulars as to enable him to make a complete and accurate descriptive list of all Chinese persons of either sex who may be found in the United States at the time of taking the census, and that the said Superintendent of Census be, and he is, further authorized and required to give to each Chinese person so enumerated in the census an engraved certificate, to be duly numbered and registered in the Census Office, which shall contain all the particulars necessary to fully and accurately identify the Chinese person to whom such certificate shall be issued, and such certificate, when produced by any Chinese person found to appertain and belong to the holder thereof, shall be the sole evidence of the right of such Chinese person to be and remain in the United States: *Provided,* That said certificate shall under no circumstances be evidence in favor of any Chinese person to enter the United States. A duplicate record of said certificate shall be filed and permanently preserved in the Census Office. Chinese children shall be enumerated and certificates of identification prepared and issued to parents or other person having such children in charge in such manner as may be prescribed by the Superintendent of the Census.

SEC. 2. That for the purpose of obtaining the particulars necessary for the registration and the issuance of the certificates herein provided for, the Superintendent of Census, if he shall deem it expedient so to do, may withhold the schedules of inquiries relating to the enumeration of the Chinese from the enumerators of the several subdivisions and may charge the collection of this information upon experts and special agents without respect to locality, in the same manner as is provided for in section 18 of the aforesaid act, both as to their authority and the rates of compensation.

SEC. 3. That any Chinese person subject to enumeration on the 1st day of June, 1890, who shall fail or refuse, for the period of ninety days from said 1st day of June, to comply with the provisions of this act in submitting himself for such enumeration and in obtaining the certificate of identification herein provided, and all Chinese persons found thereafter in the United States without such certificates of identification, shall be deemed to be unlawfully in the United States, and may be arrested upon a warrant issued upon a verified complaint filed by any party on behalf of the United States by any justice, judge, or commissioner of any United States court, returnable before any justice, judge, or commissioner of any United States court, or before any United States court, and when convicted upon a hearing and found and adjudged to be one not lawfully entitled to be or remain in the United States, such person shall be removed from the United States to the country whence he came or be imprisoned in a penitentiary for a term not exceeding five years. A certified copy of the judgment shall be the process upon which said removal shall be made, and it may be executed by the marshal of the district, or by any officer having authority of a marshal under the provisions of this section: *Provided,* That the court may imprison any Chinese person against whom a judgment of deportation has been rendered until such judgment can be executed as herein provided. And in all such cases the person who brought or aided in bringing such person into the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are hereby invested with the same authority, in reference to carrying out the provisions of this act, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation, to be audited and paid by the same officers.

SEC. 4. That any person who shall sell, transfer, or otherwise dispose of his or her certificate, or knowingly and falsely alter or substitute any name for the name written in any certificate herein required, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, and any person other than the one to

whom a certificate was issued, who shall falsely present any such certificate, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding \$1,000 and imprisoned in the penitentiary for a term of not more than five years.

SEC. 5. That the preceding sections shall not apply to Chinese diplomatic or consular officers or their attendants, who shall be admitted to the United States under special instructions of the Treasury Department, and be entitled to remain without production of other evidence than that of personal and official identity, when such identification is required.

SEC. 6. That any Chinese person enumerated and furnished with a certificate as provided in section one of this act, who wishes to depart from the United States, shall surrender to the collector of customs, at or near the port or place of his or her departure, the certificate issued to such person as aforesaid, and the certificate so surrendered shall be immediately canceled and transmitted to the Census Office, where the same shall be filed and recorded in such manner as to show such cancellation on the duplicate record of such certificate. The collector of customs to whom such certificate is surrendered shall allow the party surrendering the same to depart from the United States, and, under such regulations as the Secretary of the Treasury may prescribe, he shall issue to such departing Chinese person a departure permit, to be taken up and returned to said collector by the person or company transporting such Chinese person from the United States.

SEC. 7. That in case any departing Chinese person is unable to produce his or her certificate by reason of the loss of the same, the collector of customs, upon being satisfied of such loss by competent proof, shall allow such person to depart, in the manner prescribed in section 5 of this act, and he shall report such departure to the Census Office, with such particulars of identification as will enable the proper officer in charge of the Census Office to show such departure on the duplicate record, as in the case of the cancellation and return of a certificate as hereinbefore provided.

SEC. 8. That collectors of customs shall keep a record of all departing Chinese persons, in such form as may be prescribed by the Secretary of the Treasury, setting forth all the particulars necessary to identify such persons, and collectors of customs and their deputies are hereby authorized and empowered to administer oaths whenever they may deem it necessary or proper to do so, and take from any person an oath, affirmation, affidavit, or deposition in any matter or proceeding relating to the identification of Chinese persons or their right to be or remain in the United States, or liability to be deported therefrom under any law of the United States. Any person who shall willfully and corruptly swear falsely in any such oath, affirmation, affidavit, or deposition shall be deemed guilty of perjury, and on conviction shall be punished by a fine of not less than \$1,000 and not more than \$2,000, and by imprisonment at hard labor for not less than one year and not more than five years.

SEC. 9. That to enable the Superintendent of Census to comply with the foregoing requirements the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated, in addition to any moneys which may have been or may be appropriated for purposes of the Eleventh Census, this sum to be immediately available upon the passage of this act and to be paid out of any money in the Treasury not otherwise appropriated.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, from what committee does this come?

Mr. McKENNA. It comes from the Committee on the Eleventh Census.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I rise to a parliamentary inquiry. I desire to inquire whether that committee was called.

The SPEAKER. The Chair understands that upon this day individual recognitions also may take place, and that the Chair is not confined to any particular order with regard to committees. At the same time it is not the purpose to deviate from the regular order except in cases where an exigency seems to require it. As this bill is connected with the taking of the census the Chair felt that it was doing its duty in submitting it to the House for immediate action. That is the motive, and the Chair does not wish his action in this case to be regarded as establishing any particular precedent.

Mr. BRECKINRIDGE, of Kentucky. The point I wish to make is as to whether the preference which the rule authorizes to be given to committees on this day does not exclude individual recognitions until the list of committees has been called. I presume the Speaker is correct in assuming that he is not limited as to the order in which he shall recognize committees; but I suggest that individual recognitions cannot be had until all the committees have been called.

The SPEAKER. The Chair is not sure about that; but inasmuch as this bill was called up by order of the committee, it is not necessary now to pass upon that question.

Mr. HOOKER. Mr. Speaker, does this bill contain an appropriation; and, if so, does it not require to receive its first consideration in the Committee of the Whole?

The SPEAKER. The Chair thinks not.

Mr. McKENNA. Mr. Speaker, I wish to say that I have been authorized by the Committee on the Eleventh Census to call up this bill, and that it was by that authorization I asked recognition of the Chair, and not on my own individual account.

Mr. BRECKINRIDGE, of Kentucky. I ask for a second.

Mr. McKENNA. I ask unanimous consent that a second be ordered.

Mr. CRISP. Mr. Speaker, I rise to a parliamentary inquiry. I did not catch exactly the statement of the Speaker. I understand from the rules of the House that on a certain Monday, this Monday, preference is to be given to committees, and the custom has always been to call the committees in their order. I merely want to know whether the present occupant of the chair intends to conform to that custom or to establish a new one.

The SPEAKER. The Chair intends to conform to that custom generally, but when the first call was made the Chair announced that he did not consider himself bound to a particular order when a case arose where it seemed to him the matter ought to be submitted to the House.

Mr. CRISP. The rule, then, is not to be enforced as it has been heretofore.



The SPEAKER. There is no rule with regard to it.

Mr. CRISP. I beg pardon of the Chair. The rule is:

Nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month, preference being given on the first Monday to individuals and on the third Monday to committees.

The SPEAKER. Preference is given to committees.

Mr. CRISP. Yes, sir; but since I have had the honor of being a member of this House the presiding officer, to remove any question or any charge of partiality, or anything of that sort in making recognitions, has called the roll of the committees. There has been, I think, no deviation from that practice, and in that way the Chair has accorded to each committee what was understood to be its right under the rule.

The SPEAKER. The Chair thinks that it is rather a question of the orderly conduct of the business of the House than of rights, and that there may be occasions, this being one, when it is desirable that committees should be recognized out of the usual order. The Chair says this while perfectly agreeing with the gentleman from Georgia [Mr. CRISP] as to the propriety of calling the committees in order unless there is some special occasion for doing otherwise. Is there objection to a second being considered as ordered? [After a pause.] The Chair hears none.

Mr. KERR, of Iowa. Mr. Speaker, I understood the Chair to say that this bill did not contain any appropriation.

The SPEAKER. The Chair did not say so. The Chair says that the point of order can not be made, because this is a question of suspending the rules.

Mr. BRECKINRIDGE, of Kentucky. I did not catch distinctly what the Chair said about a second.

The SPEAKER. The Chair understood that there was no objection to a second being considered as ordered.

Mr. BRECKINRIDGE, of Kentucky. I do not object.

The SPEAKER. The question is now open to debate for forty minutes. The Clerk will report the amendment.

The amendment was read, as follows:

Amend section 1, twenty-eighth line, after the word "census," by inserting the following: "Provided, That if the Chinese person to whom a certificate shall have been issued as aforesaid lose the same, he shall, under such regulations as the Secretary of the Interior may prescribe, on proof of such loss, receive a certified copy of the duplicate copy kept on file in the Census Office, which certified copy shall have the same force and effect of the original which was issued to him."

The amendment was agreed to.

Mr. McKENNA. I now yield ten minutes to my colleague from California [Mr. MORROW].

Mr. MORROW. Mr. Speaker, the laws now upon the statute books provide for the exclusion of Chinese laborers from the United States. Commencing with the treaty of the 17th of November, 1880, where provision was made that Congress might provide for the exclusion of Chinamen, following with the act of the 6th of May, 1882, the act of July 5, 1884, and concluding with the act of the 1st of October, 1888, there has been one purpose in view. Congress has been seeking to execute the will of the people of the United States, to exclude Chinese laborers from this country. For a time each act in turn had been deemed effective, but the immigration has continued in spite of legislation forbidding it.

The act of October 1, 1888, commonly known as the Scott exclusion act, was supposed to be particularly direct, positive, and effective in its terms of exclusion. But, while this last-named act provided that Chinese laborers who had departed from the United States should not be permitted to return, there was nothing in that act which really executed the purpose of the law. It provided no machinery for guarding the frontier, and as a consequence it did not take long for the Chinaman to discover more than one road of ingress across the border.

Anticipating this difficulty Congress passed another act, which was approved October 19, 1888, appropriating \$50,000 for the execution of that act; and subsequently, on March 2, 1889, there was another appropriation of \$30,000, making \$80,000 in one year for the execution of this law. But notwithstanding the amount of money that has been appropriated for the execution of these several acts the Chinese people are still coming into the United States almost as rapidly as they did four or five years ago. They come, for instance, to the port of Victoria or Vancouver, in British Columbia, on vessels from Hong Kong that connect with the Canadian Pacific Railroad; and after their arrival there they improve an early opportunity to cross the lines into the United States. Of course, the Government employs officers to prevent the entry of the Chinese at Seattle, Port Townsend, and other American points adjoining British territory; but the difficulty is that there is a large Chinese population on this side of the line as well as on the other side, and those on the other side smuggle across without any ability on the part of the officers to distinguish or identify the invaders from those who are entitled to be and remain here.

So with reference to the Mexican border. These Chinamen land at Guaymas from a steamer coming direct from China or by way of San Francisco in transit, and pass over the Sonora Railway to Nogales, where they cross the line without detection into the United States. When Chinamen thus pass from one side of the line to the other the officers of the Government are unable to determine whether those found

on this side have or have not come across the line in violation of law. They may also land at Ensenada, and come across the line at Tia Juana, near San Diego, eluding the observation of the officers of the Government at that point. The same is true at several places on the line between the United States and Mexico.

I have here a statement of the extent of the boundary line between this country and Canada and between this country and Mexico. From this statement, which comes from the office of the Coast and Geodetic Survey, it appears that the line between the United States and Canada is 3,740 miles in extent and the boundary line between this country and Mexico is 1,540 miles. Between this country and Canada there are twenty-two railroads crossing from one country into the other, and between this country and Mexico there are four railroads crossing the line, making twenty-six railroads that cross the line on the north and the south, these lines of railroad and other lines of transportation furnishing ample facilities for these people to come from one side of the line to the other.

This bill proposes nothing new in the matter of excluding Chinese laborers. They are already excluded by law. The proposition is that the Chinese lawfully in the country may be identified by the census enumerators, and given certificates that they were here at the time the census is taken, which certificates will thereafter be evidence that they are entitled to remain in the United States. Those coming into the country thereafter will, of course, be without such certificates, and they can thus be easily detected. In the language of the report of the committee:

The purpose of the bill is to secure a careful and accurate enumeration of the Chinese population of the United States in the Eleventh Census, and in connection with such enumeration to issue to each Chinese person a certificate which shall thereafter be evidence of the right of such Chinese person to be and remain in the United States. It further provides that after the enumeration shall have been completed any Chinese person found in the United States without such certificate shall be deemed to be unlawfully in the United States, and may be deported therefrom upon the judgment of a United States court in a proper proceeding for that purpose.

The necessity for such an identification of the Chinese persons lawfully residing in the United States arises out of the fact that notwithstanding the legislation that has been had for the purpose of excluding Chinese immigration, such immigration continues to come into the United States clandestinely over the border from Canada and Mexico, and promises to continue unless effective measures are taken to guard the frontier or provision is made as contemplated by this bill for the identification of the Chinese people who are now here, so as to distinguish those who shall hereafter unlawfully come into the United States. The Secretary of the Treasury in his last report calls the attention of Congress to this subject in the following language:

#### "CHINESE EXCLUSION ACT."

"The existing laws for the exclusion of Chinese laborers from the United States have been vigorously enforced by the officers of the customs to the extent of their ability, but the extensive frontiers of the Union facilitate the clandestine introduction of such persons from the contiguous territory of British America and Mexico.

"It is alleged that evasions of the law in this regard are of a serious character. The Department is employing the limited means at command to prevent such evasions, but to police these frontiers in such a manner as to completely suppress the influx of prohibited immigration will require a much greater force than has been provided for. The attention of Congress is invited to this subject."

The bill contains a provision for deporting Chinamen found in the United States contrary to law. This section is copied from a statute which was approved September 13, 1888, when it was supposed we were about to have a treaty providing for a more effective exclusion, the negotiations for which were then pending between this country and China. It was then understood that Congress should pass a law executing that treaty; and we did pass a law, which will be found on page 476 of volume 25 of the Statutes at Large, "An act to prohibit the coming of Chinese laborers to the United States," approved September 13, 1888. The object of this act was to execute an agreement, I might say, between this country and China as to what measures we might take for the purpose of excluding the Chinese. In that act we adopted certain penalties to which there was no objection, namely, that Chinese persons coming into the United States and not entitled to remain should be deported.

In preparing this bill I have copied the penalties necessary for the execution of the provisions of law with respect to those Chinese persons who come into the United States when they are not entitled to do so. There is nothing new in this bill with reference to the exclusion. There is simply a provision for the deportation of those not entitled to come in and for the identification of those who are here by certificates to be issued by the census enumerators or special agents of the Census Bureau. That is all there is in this bill.

I may add that this measure has met with general approval on the Pacific coast. It has been indorsed by the press and all parties interested in the subject. Indeed, I find on file in the Department letters from officers who have been sent to the boundary-line to execute the present law, recommending the passage of some such bill as this as the only means that can be adopted to prevent Chinese persons from coming over the line into our country.

Mr. HOOKER. I wish to ask whether the treaty to which the gentleman has referred was ratified.

Mr. MORROW. I am very glad the gentleman has called my attention to that matter. I intended to say the treaty negotiated in 1888 was not ratified by the Chinese Government; but that was not

because of any exception taken to the provisions of the statute which was passed to enforce it. The objection raised by the Chinese Government, it was understood, was to a provision of the treaty proposed by the Senate with respect to exclusion which was not clear or satisfactory as originally framed. Congress upon the failure or refusal of the Chinese Government to ratify that treaty passed, as we know, the Scott exclusion act, which prohibits the return of Chinese people who departed from the United States and claimed the right to return by reason of prior residence, whether holding return certificates or not. The act of 1882, as amended in 1884 and amended again by the Scott exclusion act in 1888, prohibits the immigration of Chinese laborers for the period of ten years, or perhaps indefinitely, as these statutes may be hereafter construed. The present bill provides a method for executing more effectually and economically that exclusion.

Mr. McKENNA. I now yield five minutes to my colleague on the committee, the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. I yield so much of that time to the gentleman from California [Mr. CLUNIE] as he may desire.

Mr. CLUNIE. Mr. Speaker, I trust this bill will pass without objection. We have suffered and are suffering a great deal on the Pacific coast from Chinese immigration. I will not enter into details in this matter. The question has been so thoroughly discussed by the press and in Congress that the country thoroughly understands the situation. After years of patient waiting the appeals of the people of the Pacific coast were considered and legislation looking to their relief was inaugurated in 1882. The bill then desired by the Pacific coast was passed by both Houses of Congress, but was vetoed by President Arthur.

We succeeded, however, in passing a bill excluding Chinese laborers for a period of ten years. While this was a step in the right direction, it did not suit our people. They justly demanded permanent and absolute exclusion of all classes of Chinese. The working men and women of my city demanded as a right more stringent legislation. And in 1888 you gave us the Scott exclusion act, which received the sanction of President Cleveland. This was another step towards giving the Pacific coast the legislation to which its people were justly entitled. This law, now upon the statute-books, was wholly inadequate to afford the necessary relief.

First, it took for granted that Chinese merchants were a better class than Chinese laborers, and permitted them to enter. Had they known them as I do this would have been the first class they would have excluded. The more intelligent they are the better they can lie and cover it up. There is no more sense or reason in admitting a so-called Chinese merchant than a laborer. They come in competition with a class of small retail merchants who are least able to stand it. Again, they are such notorious liars.

Why, since the passage of the Scott exclusion act they are all merchants. They are posted in advance concerning some Chinese firm with a Co. to it, and, although they may never have seen the store or known of its existence, they come in as merchants and partners in the Co. They swear to all sorts of falsehood to get in and say "Me all same Melican man, my partner keep store." It is a notorious fact in San Francisco that Chinese cooks and laborers are and have been coming in under that clause of the bill which permits merchants to enter. I wish the House to understand that if you leave a loophole in your bill that can be evaded by Chinese perjury, they will not hesitate to commit it at any time. I once in the course of my profession as a lawyer had a Chinaman call on me, and, as I understood him, ask how much I would charge to defend a Chinaman accused of murder.

I told him \$1,000 was my fee. He went away, returning after several days with a sack of silver. He said, "I killee my man; here is your money." I was shocked. I said, "You killed him? Then you should hang." He said, "I kill him. How many men you likee me get say I no killee him?" This but illustrates their regard for truth. They are evading the law all the time. Our collector of the port of San Francisco, Hon. T. G. Phelps, is doing good work in his honest endeavors to execute the law; but no man, however vigilant, can guard against Chinese perjury. I have introduced a bill that will prevent this willful perjury by excluding merchants, as well as laborers. My colleague, Mr. MORROW, the author of the bill now under consideration, who has at all times opposed Chinese immigration, informs me that his committee will soon report my bill. I will then give reasons why it should become a law.

The object of this bill is to require the Superintendent of Census to enumerate the Chinese population in the United States at the time of taking the census and to give to each Chinese person so enumerated an engraved certificate. A Chinese person found in the country ninety days after June, 1890, without such certificate shall be deemed to be unlawfully in the United States. He may then be arrested, and on conviction thereof shall be removed from the United States to the country whence he came or be imprisoned in the penitentiary. This will teach them not to set at defiance the laws of the United States.

Why, Mr. Speaker, I have been in Victoria, where they are permitted to land upon payment to the British Government of \$50 a head, and I have ascertained that Victoria gets the \$50 and we get the Chinamen. Again at Tia Juana practically the same thing is being done. We have

hundreds of miles of exposed border north and south, where these foxy Chinese are daily evading the law. It would cost a large sum of money to patrol the borders and thus prevent this undesirable and unlawful Chinese invasion. Give us this bill and the border invasion will practically cease, and at a merely nominal cost. I have talked with Hon. Robert P. Porter, the Superintendent of Census, and he favors the bill. If you mean to execute your laws this is by far the cheapest way to stop this clandestine invasion.

In conclusion, Mr. Speaker, I desire to say my people are deeply interested in this subject. The farmers and fruit men who get the benefit of their cheap labor are willing to forego that advantage for the benefit of our own race. The working men and women in the cities, and, in fact, all over the State, appeal to you to give them this legislation and any additional legislation necessary to rid the country of this evil. Their children are growing up and are anxious and willing to work, but they can not compete with these Mongolian invaders.

Thousands and thousands of brave men and honest women throughout the whole country are unable to find work for willing hands to do. It is for them I speak. Their labor made this country great. No insult to our flag could be offered in their presence. They are certainly entitled to respectful consideration. For every Chinaman you get rid of you provide a place for one of them. If I had my way not one of them would be here now. The comfort and happiness of our own people at home are worth more to us than all our commercial relations with China. If we can not trade with them without becoming the receptacle of all the slum of the Chinese Empire, if the fairest country on earth is to be overrun and our people destroyed by this Mongolian horde, then I say forego the trade.

The prosperity and happiness of our own people with me are paramount to all else. An alien race will destroy it. There is no room in this country for any race we can not mix with and dwell with in harmony. I do not think the Caucasian race can mix with any other race on earth. This is our country, left us as a heritage from our fathers. It is our duty to protect it against this foreign invasion. The people I represent are men and women who are rearing their families to worship God and love our institutions. It is for them I make this appeal. Stand by the Pacific coast on this question. Give them a bill that will forever close our Golden Gate against all classes of Chinese immigration, including Chinese merchants, and receive the heartfelt thanks of a grateful people.

Mr. McKENNA. If no other gentleman desires to debate the question I will ask for a vote.

The SPEAKER. Does the gentleman from Kentucky desire to take the floor?

Mr. BRECKINRIDGE, of Kentucky. I will yield five minutes to the gentleman from Mississippi.

Mr. HOOKER. Mr. Speaker, it seems to me this bill, while many of its provisions are said to be taken from the statutes already in existence and while this is a proper subject to introduce into the taking of the census—I see no objection to the clause to take the census of the Chinese, as all other populations of the country. Indeed, this is a proper thing to be done as to all populations, and I have no objection, therefore, to that portion which proposes to take the census of the Chinese. But it will be observed in connection there are certain punitive parts of the bill which propose high penalties on these people and which seem to me not connected with the legitimate business of taking the census. It is designed to enforce the penal statutes against the Chinese under the process of taking the census. I believe, therefore, that portion of the bill which provides for enforcing these high penal statutes against the Chinese ought not to be embodied in a measure which proposes to take the census, because in taking the census you can take, as the bill provides, under the Superintendent of the Census, the census also of these Chinese people.

I notice there has been added a proviso in the first section, which is in these words:

*Provided, That if the Chinese person to whom a certificate shall have been issued, as aforesaid, lose the same he shall, under such regulations as the Secretary of the Interior may prescribe, on proof of such loss, receive a certified copy of the duplicate copy on file in the Census Office, which certified copy shall have the force and effect as the original which was issued to him.*

Section 2 provides:—

SEC. 2. That for the purpose of obtaining the particulars necessary for the registration and the issuance of the certificates herein provided for, the Superintendent of Census, if he shall deem it expedient so to do, may withhold the schedules of inquiries relating to the enumeration of the Chinese from the enumerators of the several subdivisions and may charge the collection of this information upon experts and special agents without respect to locality, in the same manner as is provided for in section 18 of the aforesaid act, both as to their authority and the rates of compensation.

It seems to me it is improperly providing in a bill for taking the census for the enforcement of penal laws against the Chinese people who are unlawfully here. It is encumbering this measure with provisions which are foreign to it.

I made an inquiry of the gentleman from California [Mr. MORROW] who introduced the bill whether or not the treaty under which this act was passed, as all will remember who were members of the last House, under what is known as the Scott exclusion act—it was passed under



the idea that treaty would be ratified—I asked, I say, whether that treaty was ratified.

Mr. MORROW. Not that bill; that Scott bill was passed because the treaty was not ratified.

Mr. HOOKER. But the idea was that the Chinese would ratify the treaty. Now, we did not receive positive information as to this when the penal statutes to which the gentleman has referred were first enacted.

That treaty has not yet been ratified; but these people are here at present in large numbers and under stringent penal laws. They did not come originally of their own seeking and consent, because the original treaty with China was under the Stanton and Burlingame treaties, wherein we solicited intercourse with them, broke down the Chinese wall of exclusion, and they were brought here under the operation of these treaties in considerable numbers. In fact, it was regarded as a great piece of diplomacy on our part that we had broken down this wall and secured the admission of our missionaries, who were sent in large numbers under that treaty to China. Large numbers of them are still there, notwithstanding that we adopted a treaty which the Chinese did not regard as friendly to them and thus far have not ratified.

As I have said, Mr. Speaker, we asked a treaty originally with China. We sought their consent to it. They never asked us to make it. We insisted, and it was finally accomplished. This treaty contained the most salutary and liberal provisions on their part, so far as the admission of our missionaries was concerned, and under it, as I have said, they were admitted, and they are extensively laboring in that field, and notwithstanding the hostile treaty, which China has failed so far to ratify, she has not excluded our missionaries or taken steps in that direction. This hostile treaty which China felt she ought not to ratify, as I recollect, excepted from the operation of our stringent laws Chinese merchants and travelers and those persons coming from China and traveling through this portion of the world as if they were citizens of any other nation. The original law, as I understand it, admitted the Chinese merchant or traveler who came here for the purpose of looking at our country or passing through it, the object of the law being, as has been well stated by the gentleman from California, to strike at the laborers, those who were regarded as laborers, coming here under what is known as the contract system. This character of labor we proposed and proposed to exclude, and that by the adoption of heavy penal statutes. It was never intended to affect ministers or legations from that country, and excepted also, as I have said, originally, the merchants and travelers who might come in as if from any other country. In this respect this bill seems highly punitive in its character and absolutely foreign from the taking of the census with which it is connected. So foreign is it, Mr. Speaker, that it should be adopted in an entirely separate and independent measure. While the census part is practically correct and should be adopted, I think there are grave objections to the other portion.

Mr. MORROW. Mr. Speaker, I wish to say a word in response to what has been said by the gentleman from Mississippi that the penal provisions of the bill are not properly associated with the execution of the law in the making of enumerations under the census. The enumerators, under the census law, will proceed with the enumeration and issue to these people certificates that will identify them. Then the execution of the other provisions remains to the courts and officers of the United States, as under the former statutes. It is not designed to make any change in that respect, but it was deemed advisable, in view of the fact that these people were coming to this country, and under contracts much more objectionable than those which preceded the present prohibitory legislation, that we should provide a certificate for those entitled to remain here, which requirement would show that a person without the certificate came across the line in defiance of the law. That is all there is in the bill.

Mr. BRECKINRIDGE, of Kentucky. I yield now five minutes to the gentleman from Kentucky [Mr. McCREARY].

Mr. McCREARY. Mr. Speaker, I am in favor of the passage of this bill. For some years past we have been endeavoring to prohibit Chinese laborers from coming to this country. In 1882, a bill was passed by Congress to prohibit Chinese laborers from coming to the United States. Again, in 1884, we passed another bill the object of which was to prevent the coming of Chinese; and again, in 1888, Congress passed what is known as the Scott exclusion act, to prohibit the immigration of the Chinese.

The passage of these three measures proves that the Congress of the United States desires to prohibit the coming of Chinese to the United States. But it seems that these three acts have not been full enough to accomplish the object sought; for information which is believed to be reliable now comes to us that in spite of the law the Chinese are still coming here, crossing the Canadian border and coming in by way of Victoria, or by way of Nogales on the Mexican border, as well as from other places. If that be the case, we are now called upon to take such means as may be necessary, effective, and proper to exclude them.

The bill which is now under consideration is, in my judgment, drawn for the purpose of securing and enforcing their exclusion from the United States. It seems to me that it provides much which we could not put into any other bill. It provides that the Superintendent of the Census shall cause the Chinese now in this country to be enumer-

ated, and shall give to each one a certificate, and then, if after a certain length of time a Chinaman is found here without such certificate, it is presumptive evidence that he is here without authority of law; then he may be arrested and the penalties imposed by the law will follow, because it is *prima facie* proof that he came in unlawfully.

If therefore the Congress of the United States desires, as it has indicated its desire by the passage of three separate acts, to exclude the Chinese from our country, I think we ought to pass this bill. I believe it is a good bill, and will go far towards preventing the Chinese from coming here unlawfully by skipping across our borders from Victoria, Nogales, and other points.

Mr. BRECKINRIDGE, of Kentucky. I now yield five minutes to the gentleman from California [Mr. VANDEVER].

Mr. VANDEVER. Mr. Speaker, the Chinese exclusion act passed at the last session of Congress was a Democratic measure. It met the approval, I believe, of the entire delegation from California, and was in accordance with public sentiment upon that side of the continent. We have long felt there that the Chinese are an undesirable portion of our population. While to a certain extent they may be utilized in the labor of the country, yet if we erect no barrier against their incoming they will entirely overrun that portion of the country to such an extent as to seriously disturb the labor interests of our own people and will exert a deleterious and depressing influence upon the prosperity of the whole Pacific coast.

It was from good motives, from patriotic motives, that the people of California opposed the unrestricted immigration of Chinese into this country. Now, then, we find under the operation of the Chinese restriction act that various subterfuges are resorted to by the Chinese to evade its provisions; they find their way into this country in large numbers in a clandestine manner, coming over the border from the British possessions in the north and in large numbers over the Mexican boundary on the south, in defiance of the provisions of law. The bill under consideration simply proposes a method of registering Chinese already in the country, in order to ascertain the extent to which the law has been defied and disregarded; and to protect ourselves as far as possible against illicit immigration of Chinese we have a law which prohibits the introduction of contract labor upon the Atlantic coast, and indeed on either side of the continent, which has the same principle involved as this bill has. Now, if similar subterfuges were resorted to for the purpose of enabling contract labor to come into the Atlantic ports illegally, how quick and ready would be members on this floor from that section of country to support all measures preventing such occurrence in the future. Now, that is the manner in which this stands. There seems to be a general sentiment against unrestricted Chinese immigration; this bill will aid in accomplishing this end.

The only question that can be raised against this bill is whether it properly belongs to the Census Office to institute this practice of registry. That is the only question to be considered here; and if the House does not choose to support in its present shape this bill the duty will be incumbent upon us to provide for it in a separate act. But why not do it in the census act? We get the information in the Census Office; and in obtaining the information we may at the same time provide for the identification of the Chinese who have come into the country in defiance of law and in contravention of the Chinese exclusion act. I see no objection to it, and I hope the bill will be passed.

Mr. BRECKINRIDGE, of Kentucky. I thought that this bill was too important not to have some attention drawn to it. I do not want to oppose the bill, but it is in no particular sense a census bill at all. The really important part of the bill, providing for giving a certificate to the Chinese, is not a part of the duties of the Census Department, and I think it is a mistake to add it to that department. I doubt whether the appropriation of \$100,000 is necessary; but I do not care anything about that. It seems to me that one of the provisions of the bill is a very severe provision. It is section 3, and I desire to call the attention of the gentleman in charge of the bill to that section:

That any Chinese person subject to enumeration on the 1st day of June, 1890, who shall fail or refuse, for the period of ninety days from said 1st day of June, to comply with the provisions of this act—

Mr. McKENNA. To what section is the gentleman referring? Mr. BRECKINRIDGE, of Kentucky. It is where a Chinaman who fails or refuses to submit himself for enumeration and in obtaining the certificate of identification provided for shall be subjected to certain penalties. The word "fail" there is too severe. If a man has been notified and refused, I think it may not be improper to have a very rigorous and severe punishment; but for a mere failure to submit himself for identification, it is too severe. In all probability he is not familiar with our institutions. In all probability he is not familiar with our language, probably not aware of the passage of the bill, and may not know what he is required to perform under it; and therefore to subject him for mere "failure" to such punishment seems to me, under all the circumstances, a very harsh measure. Of course the bill can not be amended, and we have to take it as it is.

I sympathize very largely with the feeling which has induced this legislation. The principles upon which it is based apply, however, to very important questions which I am sorry to say my friend from California does not seem to appreciate or agree with me upon.

Mr. McKENNA. To strike out the word suggested by the gentleman from Kentucky would make too large a hole in this bill, and if agreed to the bill would be of no use. I now yield two minutes to the gentleman from Illinois [Mr. ADAMS].

Mr. ADAMS. Mr. Speaker, I did not hear distinctly what the gentleman from California said about the proposed amendment to the bill. If the words "fail or," before the word "refuse," in section 3, were not in the bill perhaps I should not have to say what I intend to say. I believe, as the gentleman from Kentucky has said, that these words ought not to be in the bill. I believe there should be an end to this Chinese question. Certain Chinese are legal Chinamen entitled to be denizens of the United States. Certain others are not legal denizens, and they should be identified. This bill proposes what seems to me to be an awkward and clumsy way of identification. If the United States chooses to go into the work of identification, it ought to spend all the money that is necessary for that purpose. That a Chinaman who receives a certificate from a census enumerator thereby becomes a legal denizen, although he may not have been one before, seems to me absurd; and to say that a Chinaman who has not received a certificate must be conclusively deemed to be illegally in the United States is equally absurd.

Now, I admit the purposes of this bill are good. I believe, however, that these Chinamen, some of whom are legal denizens of this country and some are not, ought to be identified by some exact and practicable proceeding. If any Chinaman willfully refuses to submit to the process of identification I believe in applying to him a penalty; but to say that any man who has failed, without his fault and by the fault of the Census Office, to get a certificate from that officer, shall thereby be declared conclusively to be illegally in the United States under the treaty obligations of the United States, appears to me inadmissible. I do not object to any method, however severe, of ascertaining whether a Chinaman has or has not the right to remain in the country under our treaty obligations with China, but I believe the method proposed by this bill is unnecessary and inadmissible. Generally the bill is good; this particular provision is exceedingly bad.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. McKENNA. Mr. Speaker, before that question is put I ask unanimous consent to change the word "five" in line 5, section 7, to "six." "Five" is a clerical error; it should be "six."

There was no objection, and it was so ordered.

Mr. BRECKINRIDGE, of Kentucky. Does the gentleman from California feel authorized to ask unanimous consent to strike out the words "fail or" in section 3?

Mr. McKENNA. The gentleman from California will say that he does not feel authorized to do it.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

Mr. WILLIAMS, of Ohio. Mr. Speaker, I wish to ask the gentleman from California a question.

The SPEAKER. The time for debate has not yet expired, and the gentleman is in order.

Mr. WILLIAMS, of Ohio. I will ask the gentleman whether there has been any estimate made of the additional expenditure that will be incurred by this bill?

Mr. McKENNA. Yes, sir; there has been an estimate made.

Mr. WILLIAMS, of Ohio. What is it?

Mr. McKENNA. The amount of the appropriation in the bill.

The question being taken, the motion to suspend the rules and pass the bill as amended was agreed to (two-thirds voting in favor thereof).

#### HAWAII IN THE PAN-AMERICAN CONGRESS.

Mr. HITT. Mr. Speaker, on behalf of the Committee on Foreign Affairs I move to suspend the rules and pass the Senate concurrent resolution which I send to the desk.

The concurrent resolution was read, as follows:

*Resolved by the Senate (the House of Representatives concurring), That the President of the United States be requested to invite the King of the Hawaiian Islands to select delegates to represent the kingdom in the Pan-American Congress now assembled in the Capital of this Republic.*

The question being taken, the motion to suspend the rules and pass the concurrent resolution was agreed to (two-thirds voting in favor thereof). \*

#### ROAD TO NATIONAL CEMETERY, PORT HUDSON, LA.

Mr. ROBERTSON. Mr. Speaker, on behalf of the Committee on Military Affairs I call up for consideration the bill (H. R. 389) to construct a road to the national cemetery at Port Hudson, La.

The bill was read, as follows:

*Be it enacted, etc., That the sum of \$25,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of a road from the Mississippi River to the national cemetery at Port Hudson, La.*

*Sec. 2. That the sum of money appropriated by this act shall be expended by and under the direction of the Secretary of War, either by contract or otherwise, as to him may seem best.*

The committee recommended an amendment, striking out "twenty-

five thousand," in line 1, before the word "dollars," and inserting "thirteen thousand five hundred;" which, by unanimous consent, was agreed to.

The SPEAKER. The question is upon the motion of the gentleman from Louisiana to suspend the rules and pass the bill as amended.

Mr. KILGORE. I demand a second.

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. KILGORE. I object.

The SPEAKER. Objection is made. The gentleman from Louisiana [Mr. ROBERTSON] and the gentleman from Texas [Mr. KILGORE] will take their places as tellers.

The question was taken on ordering a second, and it was decided in the affirmative—ayes 145, no 1.

The question being taken, the motion to suspend the rules and pass the bill was agreed to (two-thirds voting therefor).

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage of the bill (H. R. 346) to extend the act to grant the right of way to the Kansas and Pacific Railroad Company through the Indian Territory, and for other purposes, with an amendment in which concurrence was requested.

It further announced that the Senate had insisted on its amendment to the bill (H. R. 5179) fixing the rate of interest charged on arrearages of general and special taxes now due the District of Columbia if paid within a time specified, had agreed to the conference asked on the disagreeing votes of the two Houses, and had appointed Mr. McMillan, Mr. Farwell, and Mr. Harris as conferees on its part.

#### ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 4130) to authorize the construction of a bridge across the Missouri River at the city of Pierre, in South Dakota; and

A bill (H. R. 7617) to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-road.

#### TRANSFER OF REVENUE MARINE.

Mr. LODGE. Mr. Speaker, on behalf of the Committee on Naval Affairs, I move to suspend the rules and pass the bill (H. R. 6944) to transfer the revenue-marine service from the Treasury Department to the Navy Department.

The bill was read, as follows:

*Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, on or before the 1st day of July, 1890, by and with the advice and consent of the Senate, all the officers of the revenue-cutter service (commissioned under section 2751, Revised Statutes of the United States) to be officers in the United States Navy, in the grade corresponding to their present relative rank as follows: Captains revenue-cutter service to be lieutenant-commanders United States Navy; first lieutenants revenue-cutter service to be lieutenants, senior grade, United States Navy; second lieutenants revenue-cutter service to be lieutenants, junior grade, United States Navy; chief engineers revenue-cutter service to be passed assistant engineers United States Navy, with the relative rank of lieutenant, senior grade; first assistant engineers revenue-cutter service to be passed assistant engineers United States Navy, with the relative rank of lieutenant, junior grade, and second assistant engineers revenue-cutter service to be assistant engineers United States Navy, with the relative rank of ensign. That the officers of the revenue-cutter service transferred to the Navy by this act shall take rank in the Navy according to the date of their commissions therein, and their seniority among themselves shall be determined by the date of their commissions in the revenue-cutter service; that the officers so transferred shall receive the pay and emoluments pertaining to their rank in the Navy; that they shall be governed by and subject to all laws and regulations for the government of the Navy, except in such particulars as may conflict with the provisions of this act; and that the number of officers so transferred shall be a permanent addition to that now allowed by law in the Navy, in the several grades hereinbefore mentioned.*

*Sec. 2. That on or before the said date the Secretary of the Treasury shall transfer from the Treasury Department to the Navy Department all vessels, with all their appurtenances, and all depots, stores, and other articles in any way belonging to the revenue-cutter service, and said vessels shall thereafter form a part of the regular naval force of the United States; and any revenue vessels hereafter built shall be constructed, and all repairs to existing vessels shall be made, under the authority and according to designs of the Navy Department; and the offices of superintendent of construction and consulting engineer and every office appertaining thereto, the office of instructor of cadets, and of the surgeons who serve during the practice cruises with cadets, are hereby abolished.*

*Sec. 3. That the number of enlisted men now allowed by law in the Navy shall be increased by so many as may be necessary to man the said vessels according to the regulations and allowances of the Navy; and the Secretary of the Navy is authorized to employ a sufficient number of pilots for the proper conduct of the service.*

*Sec. 4. That the Secretary of the Navy shall at all times, upon the requisition of the Secretary of the Treasury, assign suitable vessels, with the proper complement of officers and crews, to perform the duty now performed by the revenue-cutter service in such ports on the sea and Gulf coasts, on the lakes and elsewhere, as the Secretary of the Treasury may deem necessary, the duties of such vessels, their officers and crews, in relation to the protection of the revenue, to be prescribed by the Secretary of the Treasury, and their operations and movements to be controlled and directed by him precisely as has heretofore been in the revenue-cutter service. All officers so assigned shall be deemed officers of the customs during the period of such assignment and shall be clothed with the authority and exercise the powers now or heretofore pertaining to revenue-cutter officers.*

*Sec. 5. That all line officers transferred in pursuance of this act from the rev-*



enue-cutter service shall be considered out of the line of promotion upon attaining the rank of lieutenant-commander United States Navy; and all engineers so transferred shall be likewise considered out of the line of promotion upon attaining the rank of passed assistant engineer United States Navy, with the relative rank of lieutenant, senior grade; that whenever a vacancy shall occur from any cause whatever among the transferred officers it shall be filled by an officer so transferred, according to seniority, subject to the provisions herein-after contained in relation to filling such vacancies, such officer having successfully passed the prescribed examination for the grade to which he is promoted, but no officer so transferred shall be promoted to vacancies occurring among officers not so transferred. Whenever a vacancy occurs at the foot of the list of the transferred officers, it shall be deemed an ordinary vacancy in the naval establishment, and be filled according to the law and custom of the Navy; and the Secretary of the Navy may detail any officer of the proper grade to do duty in the vacancy so occurring (and such vacancies shall be filled and details made in like manner until the list of transferred officers shall be exhausted), and thereafter the Secretary of the Navy may detail any officer to perform revenue-marine duty in the same manner as details are now made for other special duty. But the Secretary of the Navy shall not detail for the revenue-cutter service, nor continue therein, any officer who shall not be satisfactory to the Secretary of the Treasury, nor shall he detail for such service other than transferred officers, so long as any such are available.

SEC. 6. That the standard of examination for the promotion of officers transferred by this act shall be that now in force for the revenue-cutter service, and such examinations shall be made by boards composed of such transferred officers, such examinations to continue so long as any transferred line officers remain below the grade of lieutenant-commander United States Navy, or any transferred engineer below the rank of passed assistant engineer with the relative rank of lieutenant, senior grade, United States Navy.

SEC. 7. That section 1445 of the Revised Statutes shall be held not to apply to the officers transferred from the revenue-cutter service to the Navy by this act, but such officers shall receive the full benefit of sections 1443 and 1444, Revised Statutes of the United States, their rank notwithstanding, when they have performed the prescribed service of forty years or reached the prescribed age of sixty-two years, and officers so transferred shall be credited with the sea-service and other duties performed by them in the service of the United States, and shall receive all the benefits of such duty and of their service in the same manner as if they had been officers of the Navy during such service, without regard to the date of their commissions in the Navy.

SEC. 8. That no officer transferred as hereinbefore provided shall be required to serve in vessels doing other than revenue-cutter duty, except in case of war, and all officers attached to vessels performing revenue duty shall be considered as on sea service.

SEC. 9. That cadets of the revenue-marine service who shall have completed their probationary course when this act shall take effect shall, upon passing the prescribed examination, receive their commissions as ensigns in the Navy, but shall be considered in all respects as officers transferred by this act, and cadets who have completed one year of the probationary course upon the passage of this act shall be admitted to the Naval Academy in the fourth class, after passing a suitable examination, or, if they so prefer, after one additional year's probationary course, to be served on board a revenue-cutter, upon passing the examination for revenue-marine officers, as prescribed in section 6 of this act, be transferred to the Navy as provided above for revenue cadets who have finished their probationary course, and shall thereupon be held to be transferred officers and ineligible for promotion above the grade of lieutenant-commander; and no appointment shall hereafter be made to the grade of revenue cadet.

SEC. 10. That all contracts entered into by the Secretary of the Treasury for the maintenance of the revenue marine, or for the repair or construction of the vessels thereof, in force on the date of this act, becoming operative, shall remain in force in the same manner as if made by the Secretary of the Navy in accordance with the provisions of this act.

SEC. 11. That every officer not on the transferred list detailed for revenue-marine duty shall, within three months after such detail, pass an examination in the laws relating to his duties as an officer of the customs, according to the standard now in force for the revenue-cutter service.

SEC. 12. That all acts or portions of acts conflicting with or inconsistent with this act be, and they are hereby, repealed.

#### The report of the committee is as follows:

The Committee on Naval Affairs, to whom were referred the bills (H. R. 71 and H. R. 450) to transfer the revenue-cutter service from the Treasury Department to the Navy Department, report the same back with amendments in the form of a substitute (H. R. 6944), and recommend that the said substitute be concurred in and the bill do pass.

For the information of the House and as the reasons for our recommendations we submit the following:

The revenue-marine service was organized in 1790, upon the recommendation and advice of Alexander Hamilton. The leading feature of the organization was to give naval rank and authority to its officers and place its vessels and crews upon a similar footing in regard to drill and discipline as a regular vessel of war, but for the convenience and dispatch of the public business to attach it to the Treasury Department. Accordingly, its vessels are provided with a full armament of cannon and small-arms, its officers and men are trained and made proficient in the use and management of such weapons, and Congress has conferred naval rank upon the officers, and they are compelled to wear a uniform bearing the insignia of such rank.

Congress has constantly treated it as a part of the naval force of the country, to this end adding to the number of its vessels and strengthening their armament and crews on several occasions of threatened war, and providing by law that the President may in his discretion place its vessels on active naval service. Its officers are commissioned by the President and confirmed by the Senate in like manner as those of the Army and Navy.

Following these objects of its creation, the revenue marine has borne an important part in every war in which the nation has been involved. Its vessels, always ready at a moment's call, have been the first armed force to repel a foreign enemy or aid in the prevention or settlement of international complications. Its officers have received a due proportion of honorable scars in the country's defense.

They are empowered to quell mutinies, capture slaves, destroy pirates, and, in time of war, attack and capture vessels of the enemy. The act of Congress, June 14, 1797, authorized the President "to cause revenue-cutters to be employed to defend the seacoast and to repel hostility to the vessels and commerce within their jurisdiction."

In a communication to Congress, 1790, relating to revenue-cutters, Alexander Hamilton, Secretary of the Treasury, recommended giving the officers naval rank, "which," he said, "will not only induce fit men to engage, but will attach them to their duties by a nicer sense of honor."

In October, 1798, the President "with a view of producing concert of action of the naval forces of the United States, placed the revenue-cutters at the disposal of the Secretary of the Navy," and seven of them were accordingly employed in the West Indies, during the quasi French war, and afterward in the suppression of piracy in that quarter.

By act of Congress, March 2, 1799, the President was authorized to direct the revenue-cutters to co-operate with the Navy, as well in peace as in war.

In the war of 1812-1814 the revenue-cutters were employed as dispatch boats and for coast defense. On several occasions they encountered the enemy with great bravery and credit, notably in the case of the cutter *Surveyor*, which was captured by an overwhelming force from the British frigate *Narcissus*, after a defense so desperately brave as to cause the British captain to return to Captain Travis his sword, with a letter bearing admiring testimony to his gallant conduct.

In 1835 several revenue-cutters participated in the Seminole war and maintained a high reputation for the service.

In 1858 the steam-cutter *Harriet Lane*, commanded by Capt. John Faunce, United States revenue marine, served in the Paraguayan expedition, and was of incalculable value to the fleet.

During the civil war the steam-cutter *Harriet Lane* shared in the attack on Hatteras Inlet, the cutter *Miami* in that on Sewall's Point, while the *Naugatuck* was with the gallant *Rodgers* in the attack on Fort Darling by the iron-clads, and her captain badly injured.

Several revenue-cutters performed valuable service in Chesapeake Bay in preventing the smuggling of supplies from North to South, and Captain Duncan, of the service, was shot dead while rescuing Union refugees from the Virginia shore.

Since the war the vessels of the service have performed military duty in protecting the inhabitants of Alaska from murder and outrage by the Indians.

It thus appears from its history that the naval character of the revenue-cutter service has been recognized from its foundation by its employment in war-like operations in every war in which the country has engaged, by its prescribed duties, by the armament of its vessels and their crews, and by uniforming and giving naval rank to its officers.

The policy of transferring the revenue-marine service to the Navy, as proposed by this act, is not a new one. In 1882, Mr. Chandler, then Secretary of the Navy, said in his report:

"The revenue-cutter service affords a proper field for the employment of naval officers. The duty is directly in the line of their profession. They are fitted for it, both by training and experience; and if they could be so employed without detriment to the interests of the existing corps of officers, a great and permanent benefit to the Government and to the Navy would result."

"The service of the cruising cutters is strictly naval. The duties of the officers are not distinguishable in kind from those of naval officers. The discipline is naval, as far as naval discipline can be carried on outside the Navy Department."

"The cruising cutters carry an armament of from one to four guns. The crew are armed with small-arms. The broadside guns are furnished by the Navy Department. In time of war these vessels have always been pressed into the naval service."

"At the date of the annual report of 1881 there were 35 vessels in the revenue marine. Deducting the 8 vessels on harbor duty and 5 sailing vessels, there remain 22 steamers, 15 of which are propellers of from 131 to 403 tons and 8 are side-wheel steamers of from 201 to 499 tons. These 23 vessels, which may be classed as gunboats, are good vessels of their class, and must always be regarded as a part of the available naval force."

"The experience acquired by junior naval officers, if employed in the cutter service, in cruising on our coast and in assisting vessels in distress, would be of direct benefit in their profession and to the country in case of war. They would acquire a familiarity with the coast and a knowledge of local pilotage that could not otherwise be obtained. They would have practice in the handling of small vessels under difficult circumstances. Employed at first in the lowest rank, they would readily acquire whatever might be new or peculiar in this branch of the service."

"In the interests of economy the change suggested is desirable. While the Navy proper is being reduced, the Government is keeping up a revenue navy of 34 captains, 86 lieutenants, and 65 engineers; in all, 185 officers. Two training schools are maintained to do the work of one. The Naval Academy at Annapolis is supplied with a full corps of instructors and every appliance for the training at all times of 335 naval cadets. At the same time, another school is maintained at New Bedford for the training of revenue-marine cadets, covering the same ground, only in a limited degree, and with imperfect appliances. The revenue-marine cadets receive \$900 a year during their service at the school. Recent legislation has provided that only a part of each graduating class at Annapolis shall enter the Navy, while the remainder shall be given a year's pay and remanded to private life. All these young men, upon whom the Government has bestowed a gratuitous education, are well fitted for their profession, from which they are thus excluded; and by opening the cruising-cutter service to these graduates of the Naval Academy, the Government will save, at a single stroke, the whole cost of a duplicate establishment."

"In order to harmonize all the interests involved in connecting naval officers with the revenue-cutter service, the administration of the two services should be combined under the Navy Department. The small vessels employed on harbor duty, which are only used to carry inspectors of customs and as a sort of harbor police, should remain solely attached to the Treasury, as at present. The duty is not such as to require a special corps of officers. The cruising cutters should be transferred to the Navy Department; but they should be assigned to duty in the various districts, as at present, upon the requisition of the Secretary of the Treasury, and their movements may be directed for the time being by the collectors of customs. The present revenue-marine officers should become a corps in the Navy, receiving life commissions as naval officers, with all the rights and privileges that belong to such commissions, while the vacancies gradually made at the foot of the list should be supplied by the detail of junior officers of the Navy of corresponding grade, for service on board the cutters."

"It is not proposed to remove the present officers of the revenue marine or to take away or abridge, in the slightest degree, their privileges or emoluments. On the contrary, they would retain all that they now enjoy, and, without re-examination or a new test of any kind, would receive in addition the benefits of a permanent naval commission. Vacancies in the upper grades should continue to be filled by promotion in the corps, and naval officers should only be detailed as vacancies are made at the bottom of the list. The duties of the revenue-marine officers would remain the same as they now are; and it should be particularly provided, in any change that might be made, that their position should in no way be altered, except by giving all, including the engineers, the same permanency of tenure now enjoyed only by naval officers, and the same right of being placed upon the retired-list of the Navy in case of extreme age or disability—changes in every respect advantageous."

"If it is not the policy of the Government to make appropriations for sufficient ships of war to give adequate occupation to all our naval officers, it should certainly make use of them in every branch of the public service for which they are fitted. A highly trained corps of officers, such as modern naval warfare demands, can not be created in a day. If the personnel of the Navy is to be kept at its present standard of quality and numbers, it must be utilized in every form of Government employment for which it is adapted. In this view it hardly admits of question that the revenue marine should be joined with the Navy. No disturbance of vested interests would be caused by the transfer; on the contrary, every provision would be made to guard against such a disturbance. But a new field would be opened for the services of officers already at the disposal of the Government which by their training they are in every way qualified to occupy."

(Interesting information and suggestions concerning the revenue marine, prepared, by orders from the Navy Department, by Master George H. Peters.)

Mr. Chandler discussed the subject again in his report for the year 1883, as follows:

"The duties of the revenue marine, as officially defined, consist in cruising for the prevention of illicit trade, and for the enforcement of certain laws applicable to shipping, particularly those requiring the registry, enrollment, and license of vessels, compelling life-saving appliances to be kept therein, the name and hailing port to be affixed, and lights to be exhibited; prohibiting the overloading of passengers, assessing the marine-hospital tax, and aiding in the quarantine service of the States. The cutters further assist in enforcing the neutrality laws, and those for the suppression of piracy, and for the protection of the timber reserves. They are also called upon to prevent unlawful traffic in rum and fire-arms in Alaska; to protect the seal fisheries, to suppress mutinies and extinguish fires on board merchant vessels, and to carry out the laws in aid of distressed seamen.

"Several of these duties, such as the enforcement of the neutrality laws, the suppression of piracy, of mutinies on board merchant vessels, and the like, the ships of the Navy are now charged with and actually perform in common with revenue vessels. Of the rest there is not one that is foreign to the general purpose and scope of the naval officer's profession. The only duty connected directly with the customs is that of the seizure of smugglers—a duty which is precisely similar to the naval officer's duty of searching and seizing, during war, vessels engaged in contraband trade. It requires a knowledge of the statutes relating to the subject, a knowledge not very difficult to acquire, but beyond this nothing that is outside of a naval officer's necessary training. The duties of both services are identical in their general nature, only they operate in different localities. Both cruise to protect the maritime interests of the Government and to render assistance to American vessels—the one on the coast, the other, in addition, at sea and in foreign waters. One polices the shore, the other the ocean. In war both engage in naval operations.

"The practical identity in the character of the naval and the revenue-marine services lies in the fact that they are both nautical and military. That the revenue marine is a nautical service requires no proof. It is nothing if not nautical. That it is a military service was officially asserted by the Treasury Department in the report on the service for 1881, in these words:

"The revenue marine, while charged by law with the performance of important civil duties, is essentially military in its character. Each vessel is provided with great guns and furnished with as full a complement of small arms for its crew as any ship of war. Its officers are required to be proficient in military drill and possess a thorough knowledge of the uses of both great and small arms. Its crews are required to be instructed from day to day at the great guns and in the use of the carbine, pistol, and cutlass. Commanding officers are required, while boarding vessels arriving in ports of the United States, in case of the failure or refusal of any such vessel, on being hailed, to come to and submit to the proper inspection by an officer of the service, to fire first across her bows as a warning, and, in case of persistent refusal, to resort to shot or shell to compel obedience. In the performance of this work they are likely at any time to receive injuries and be subjected to the same dangers in time of peace as the force employed on naval vessels.

"By the act of March 2, 1799, it is provided that 'the revenue-cutters shall, whenever the President so directs, co-operate with the Navy.' It will be observed that the co-operation of the two services prescribed in the act above quoted is not contingent upon a state of war or other particularly perilous conditions. On the contrary, it may take place in time of peace and for pacific purposes, and when less hazard is involved to the two services than pertains to the discharge by a revenue vessel of its ordinary duties. It is difficult to conceive that discrimination could be made by the law between services subjected to equally hazardous and equally important military duties, both in time of peace and in time of war. \* \* \* Objection to granting pensions for the revenue-marine officers and seamen has been made on the ground that such action would be extending this bounty to civil employes of the Government, a policy to which our legislative traditions, so to speak, are opposed. But if in legal theory they are civil employes, are they so in fact? Are they less positively a part of our military force in time of war than the Army or Navy? It is true revenue vessels are not to be ordered into action on purely military service, offensive or defensive, except the President so direct; neither are vessels of the Navy."

"The above clear and precise statement, showing that the so-called revenue marine is simply a coast navy, is without doubt correct and just. It is because it forms a part of Government work in which officers and seamen are employed to navigate Government vessels at sea, from port to port, that it may fitly become a part of the naval establishment. If the present system of military instruction is so defective that the officers of the revenue navy are not made naval officers, it would seem that some other system should be adopted to that end, seeing that they are 'subjected to equally important and equally hazardous military duties, both in time of peace and in time of war,' and that they are no less positively 'a part of our military force in time of war than the Army or Navy.' If, on the other hand, naval officers now have too little practice in coast navigation, a method should be devised of giving them such practice at once, for there is nothing more essential than this to success in the operations of modern warfare.

"The plan proposed with these objects in view included the transfer to the Navy Department of the cruising cutters, their officers and seamen (excepting the harbor boats used by the inspectors of customs, which do not require a special corps of officers), the organization of the officers transferred as a revenue-marine corps in the Navy, upon a footing precisely similar to that of the present naval officers, and the gradual employment of junior officers of the Navy in this service as vacancies occur at the bottom of the list. Such a measure would accomplish the desired result while protecting effectually the interests of the existing corps."

Secretary Tracy, in his report for the year 1883, says:

"The recommendation is made by the Board of Visitors at the Naval Academy that the officers of the revenue-marine service should be taken from the graduates of the Academy. This suggestion is sound and timely, but does not go far enough. The extravagance of maintaining in the United States what are practically two navies, one for ocean service and the other for coast service, supplied by two naval academies, one of which discharges half of its pupils at graduating, has at different times been pointed out, and nowhere more forcibly than in the reports of the Secretary of the Navy for 1882 and 1883 (which have just been quoted).

"The Department therefore strongly recommends a consolidation of the coast-guard navy and the ocean navy. It is believed that no practical difficulties lie in the way of its accomplishment. The present revenue marine, composed of some two hundred officers, should be taken bodily into the naval service and organized as a separate corps, to be known as the revenue marine corps of the Navy, subject in all respects to the laws and entitled to all the privileges which attach to the naval commission.

"The interests of the existing revenue marine officers being thus carefully guarded, their employment and emoluments will continue as at the present time. As vacancies occur at the foot of the list they should be filled, not by special appointment, but by the temporary detail of junior naval officers, thereby diminishing the number of cadets discharged each year from the graduating class at the Academy. As the numbers of the revenue marine corps decrease, the number of junior officers of the Navy employed on the duty would increase, until, in the course of time, the corps would pass away by the operation of natural causes, such as retirement, death, and resignation.

"As to employment, the officers of the revenue-marine corps, as long as it lasted, and those of the Navy supplying the places made vacant in the corps, would perform the duties now incident to the revenue marine. The harbor boats now used by the inspectors of customs, which do not require a special corps of officers, should remain, as at present, exclusively under the customs service, as the light-house tenders are under the Light-House Board. The cruising cutters, however, should be officered and manned by a force fully incorporated in the naval organization.

"The duties of the Navy and revenue marine are identical in general character, and differ only in their administrative objects. One polices the ocean, the other the coast. The seizure of smugglers, the only duty of the revenue marine that has direct relation with the collection of customs, is precisely similar to the duty of naval officers in seizing vessels engaged in contraband trade in time of war. Other duties of the revenue marine, such as the enforcement of the neutrality laws and the suppression of piracy and of mutinies in merchant vessels, are now actually imposed on and performed by the Navy in common with the sister service.

"The rescue of distressed vessels and seamen on our coast is as much the duty of naval as of revenue officers, and the only reason why the former do not perform it is because they are not on the coast or have no suitable vessels for the service. For the other miscellaneous duties of the revenue marine, such as the enforcement of the laws applicable to shipping, the prevention of unlawful traffic in fire-arms in Alaska, and the protection of the seal fisheries in Behring Sea, naval officers are perfectly well fitted. Finally, in time of war both law and custom sanction the employment of the revenue marine in naval operations.

"The practical identity of the services lies in the fact that both are nautical and both are military. There is absolutely no reason for a distinction between them, and a consolidation would inure equally to the advantage of both; and it is believed that the officers of both services would regard the change with favor. The revenue marine would be placed on a substantial footing, absolutely the same as that of naval officers, and could not fail to find satisfaction in being connected with the past traditions and future development of the Navy. The junior naval officers, who would gradually obtain employment in the cutters, would find the service of great practical benefit, and the knowledge they would thus obtain of the pilotage of our own coasts and harbors would be an overwhelming advantage to the Government during their whole professional career. Finally, in the interests of a sound economy, the consolidation must sooner or later take place, and the sooner it comes the better it will be for the country, for the Navy, and for the revenue marine."

The purpose of the present bill is to embody the policy recommended by Secretaries Tracy and Chandler, and it will be seen from the following letters that this bill has the approval, not only of the Navy Department, but of the Treasury Department as well:

NAVY DEPARTMENT, Washington, January 4, 1890.

MY DEAR SIR: I have the honor to return herewith the copy of House bill 459 transmitted to me with your letter of the 2d instant.

In reply to your request that I should make any observations or suggestions occurring to me in reference to this bill, I have to say that, having given it a careful and detailed examination, I have no alteration to suggest, and heartily approve of it and would recommend its passage, not only in the interest of the two services concerned, but also in that of the Government generally.

In this connection I beg to inclose a copy of my annual report and ask your attention to the portion marked, which deals directly with the subject of this bill.

Very respectfully,

R. F. TRACY, Secretary of the Navy.

HON. CHARLES S. BAKER,  
Chairman Committee on Commerce, House of Representatives.

TREASURY DEPARTMENT, January 9, 1890.

SIR: I have respectfully to acknowledge the receipt of your letter of the 2d instant, transmitting for my examination and views House bill 459, providing for the transfer of the revenue-cutter service from the Treasury Department to the Navy Department, and in reply have the honor to state that I have examined the bill with the view to the interests of the Government and the officers concerned, and that it meets with my approval.

The bill is herewith returned as requested.

Respectfully, yours,

W. WINDOM, Secretary.

HON. CHARLES S. BAKER,  
Chairman Committee on Commerce, House of Representatives.

This bill is also strongly urged by the officers of the revenue-marine service, as will be seen by the following petition and the statement of reasons accompanying it:

HON. WILLIAM WINDOM, Secretary of the Treasury:

SIR: We, the undersigned, commissioned officers of the United States revenue marine, represent that for many years efforts have been made before Congress, always with approval of the honorable Secretary of the Treasury for the time being, looking to the promotion of the interests of our service; that of the numerous appeals made, whether through bills presented to Congress or upon the recommendations by your honorable predecessors, not one has been successful.

We now appear before you as petitioners earnestly invoking your aid to obtain, through the national legislature, the relief we seek from the injurious distinctions which exist between the revenue marine and kindred branches of the public service. To this end we have the honor to submit what follows as setting forth some of the most glaring and undeniable facts bearing upon the disadvantages under which we labor.

While many of our duties (mainly those which pertain to the customs service) are characteristic of the civil establishment, our organization, training, discipline, naval rank (conferred by law), the equipment and armament of our vessels, all are military. Thus, while allied to both the civil and military services of the Government and constantly discharging functions common to both, we are upon an equal footing with neither.

The hours of duty or labor required of the civil employé of the Government are fixed by law, are comparatively few, and confined to daylight, usually from 9 a. m. to 4 p. m. He is subjected to no sudden or unusual calls which demand of him an exhibition of manly fortitude or courageous effort, and never to risk his life to save others; no life or property is ever in jeopardy for the loss of which he can be held, even remotely, responsible; when his office hours end his work is done, and the rest of the day is his in which to do what he will; overtaken by sickness his pay goes on and no reduction is made; he is given by law thirty days' leave of absence each year, without forfeiture of salary; he can choose his own home and secure its privacy; here he can gather about him his household gods and enjoy the congenial circle of friends of his choice, live in accord with his tastes and within his means; he has but the one home to maintain, and, by being constantly at its fireside, can practice such economy of his means as will secure him against privations in his declining years; he experiences no more of the vicissitudes of life than the ordinary salaried man of business—hardly so much, because his income is assured; should sickness or



death invade his home he is always within call; he can devote his leisure to such interests and occupations as taste and inclination may dictate, thus gratifying desires which render life most endurable, while not a few instances can be cited wherein the incumbents of public office thus circumstanced have been enabled by the leisure afforded them after office hours to qualify themselves for the practice of the law, medicine, and other professions; in short, the choice is left to him whether he will be a drone in the hive or become a useful citizen, fitted to cope with his fellow-men in any or all the avenues of life.

On the other hand, the officer of the revenue marine has no settled home or habitation; he is, by force of circumstances, a nomad; he has two separate and distinct establishments to maintain: his own temporary resting place on ship-board and the equally transitory lodgings of his wife and family on shore; he is confined to cramped and inconvenient quarters, in which, for the most part, decent privacy is denied him; he inhabits, with half a dozen others, a room 10 feet by 18 feet; here he must eat, sleep, perform his ablutions, receive and entertain his friends, and break his daily bread with the congenial and uncongenial alike; his sleeping berth is barely large enough to contain his person; his comforts are such as he can catch as his life wears on; his hours of duty embrace the night as well as the day, and cover the whole twenty-four; he is burdened with the responsibility of many lives, as well as with the care incident to the safety of the property confided to his skill and courage; he must brave the terrors of Arctic seas and face the rigors of the terrible winters of our northern seaboards; he must expose himself to the malaria of our Southern harbors and to the yellow fever in the Mexican Gulf; he must cheerfully leap from his berth at midnight to obey, often half-clad, amid storm and tempest, the summons to save life and property.

Amid all discomfiting and discouraging circumstances, in the faithful execution of his duty, his voice must be heard above the tumult and din cheerily encouraging his subordinates and giving to them the example of a leader for their emulation. Stricken ill, in the line of duty, he is rewarded for his abnegation of self by having his already slender pay cut down, and this at the very time he most needs it; and so, absent from wife and children, home and friends, he fares as best he may; if he visits his wife and children after long absence, "on leave," he must pay for the privilege by having his pay reduced for the duration of the leave, be the same one day or thirty; placed on "waiting orders," whether to satisfy an exigency of the service or other, he must quietly submit, have his pay reduced, and defray his own expenses out of what is left to his post-office address.

The naval officer receives larger pay in the same rank and holds higher rank for the same service; his ordinary duties are less constant, less arduous, and less dangerous; his is a deep-sea service; ours a coasting service, which is the most hazardous and trying known to the sea-farer. His pay is not cut down when sick, and he is entitled to thirty days' leave each year with full pay; if placed on "waiting orders" he is furnished transportation to his place of residence; he has constantly before him the incentive of higher rank; but, without that, his salary increases with length of service; wronged, he can appeal to a court of his peers, and no harm can come to him save through the sentence of such a court; if he loses his life in service, his widow becomes a ward of the nation; when rendered unfit to discharge the functions of his commission, by reason of the infirmities of age or other disability, he is retired upon a competency and can spend his declining years in honor and comfort, earned by a life's devotion to duty. Every right and privilege enjoyed by the naval officer is carefully vested and guarded by law.

The officer of the revenue marine has none, can claim none of these things, and yet there is not a single valid reason that has ever been or can be advanced as argument for granting them to officers of the Army, Navy, and Marine Corps which does not apply with equal force in behalf of the revenue-marine officer. He discharges the multifarious, often delicate and always onerous, trusts imposed upon him, cheered by no expectation of honors, incited by no hope of other reward than a consciousness of duty performed. He has not a single vested right by virtue of the commission he holds. There is not a line in the statutes which guarantees to him a fair and impartial trial by his peers, that he may escape oppression and injustice. Neither is there a word in the law that places him upon an equal or fair footing with his brother sea-farer of the Navy as to rank, compensation, rights, or privileges, and yet the duties and life of the one are strangely in consonance with the other, any existing differences being entirely favorable to the naval officer.

Thus we have endeavored to lay before you as briefly as possible a few of the salient reasons which actuate us in seeking relief, and having, as we believe, exhausted effort in other years to secure some of the rights and privileges to which we are justly entitled by virtue of our commissions and the service upon which we are employed, and which are so freely bestowed upon and guaranteed to the naval service, to which we are kindred, and failed, and believing, furthermore, that it is the unmistakable purpose that no measure looking to the retirement and pensioning of civil servants of the Government can pass Congress, we conclude that our best hope of obtaining what we seek is by transfer to the Navy, and we invite your able scrutiny, Mr. Secretary, of the proposed provisions of Senate bill 324, which is designed to effect this.

We respectfully submit that under the provisions of his eminently conservative measure no possible injury can result, and we earnestly contend that great good must accrue to the public service should this bill be enacted into law. Only the professional and military portion of the service would be affected by the pending measure; the force now at the disposal of the Treasury Department would be augmented, while your control of its operations would remain unimpaired, thus insuring the continued performance without friction of the duties now imposed upon the revenue marine; the transfer sought would relieve your Department of the innumerable and vexatious details of a technical service, numbering 200 officers, 1,000 men, and a fleet of 40 vessels, while it would continue to obey, as now and heretofore, your mandates and the behests of law.

We who ask your favorable consideration, Mr. Secretary, of the measure submitted constitute a large majority of the officers of the service whose destiny is affected by it, and we do most earnestly commend to you the assuredly undeniable fact that we, of all men, must hold most dear to our hearts and understandings the interests of the service in which we have the honor to hold commissions. We have won our present positions upon the lists, step by step, from the lowest grades known to the service; many of us have spent our lives from youth to manhood, and grown gray under the flag which our vessels wear, and we earnestly contend that, as compared with the Army, Navy, and Marine Corps, whose peers we are, the revenue marine is the poorest paid, least provided for, and hardest worked organization of commissioned officers in the service of the nation.

Notwithstanding the withering disadvantages under which our service has always labored, we point with just pride to its record for efficiency and devotion to duty, whether it be amid the ice floes of Arctic seas, the winter tempests upon the rock-bound coast of New England, or in the fever-infected ports of our coasts bordering the Gulf of Mexico. From the performance of the arduous and exacting duties of the revenue marine for almost a century to the establishment and development of our great Life-Saving Service, which is without a peer on this globe, in which our officers have taken an active and conspicuous part, the record is unblemished and fairly incomparable.

In conclusion, sir, we beg of you to take into consideration all these matters, and we ask most respectfully but most earnestly that you will lend us your powerful aid in our struggle for that recognition which so long has been withheld; and we entreat you to declare, when you come to give answer to the question

we submit, if we are not justly entitled to the practical recognition of our services, the tangible reward we seek.

We have the honor to be, your obedient servants,

John Faunce, captain, U. S. R. M.; Thomas S. Smyth, first lieutenant, U. S. R. M.; Daniel F. Kelley, chief engineer, U. S. R. M.; Alfred Hoyt, first assistant engineer; E. F. Hedden, second assistant engineer; C. F. Shoemaker, first lieutenant; G. L. Carden, third lieutenant.

Third Lieut. W. V. E. Jacobs, Third Lieut. P. H. Brereton, Asst. Engineer H. C. Whitworth, First Lieut. Thomas Mason, Capt. J. M. Moore, Second Lieut. D. P. Foley, Third Lieut. J. E. Reinburg, Chief Engineer A. H. Harrison, Asst. Engineer O. U. Turner, Capt. E. L. Deane, First Lieut. W. H. Roberts, Second Lieut. George Delap, Third Lieut. F. G. Dodge, Chief Engineer Eugene Vallat, Asst. Engineer Eugene Vallet, jr., Capt. J. A. Henriques, First Lieut. George H. Gooding, Second Lieut. F. G. F. Wadsworth, Third Lieut. L. L. Robinson, Chief Engineer G. C. Dreame, Second Asst. Engineer A. J. Howison, First Lieut. Wm. J. Herring, Chief Engineer D. C. Chester, First Asst. Engineer S. H. Magee, Second Lieut. F. M. Dunwoody, Third Lieut. J. B. Hull, First Lieut. Robert Barstow, First Lieut. W. H. Hand, Third Lieut. J. L. Sill.

Second Asst. Engineer Willits Pedrick, First Asst. Engineer W. J. Phillips, Capt. L. M. Keene, First Lieut. S. E. Maguire, Second Lieut. F. H. Newcomb, Third Lieut. S. M. Landrey, Chief Engineer A. L. Churchhill, First Asst. Engineer O. P. Remick, Second Asst. Engineer E. P. Webber, First Asst. Engineer F. B. Randall, Capt. Erick Gabrielsen, Chief Engineer J. J. Roberts, Capt. W. S. Simmons, Capt. J. C. Mitchell, Chief Engineer S. T. Taylor, Lieut. P. W. Thompson, First Asst. Engineer E. G. Schwartz, First Asst. Engineer C. F. Dyce, Chief Engineer M. D. L. Dinmore, Capt. Frank Barr, Second Lieut. C. C. Fengar, First Lieut. G. E. McConnell, Second Asst. Engineer H. L. Boyd, First Lieut. J. M. Simms, Second Lieut. W. E. Reynolds, Third Lieut. B. L. Reed, Chief Engineer F. H. Pulsifer, Chief Engineer J. A. Severn, Second Asst. Engineer F. A. Jack.

First Lieut. T. D. Walker, Chief Engineer J. W. Collins, Capt. H. J. Blake, First Lieut. J. B. Butt, Second Lieut. A. Y. Lowe, Third Lieut. F. L. Smith, First Asst. Engineer J. B. Brown, Capt. A. A. Fengar, First Lieut. S. A. Hall, Second Lieut. W. S. Howland, Third Lieut. E. P. Berthoff, Chief Engineer G. M. Robinson, Second Asst. Engineer Alex. Bennett, Second Asst. Engineer R. W. Champlain, Capt. J. G. Baker, Lieut. W. C. DeHart, Lieut. W. H. Cushing, Lieut. J. H. Brown, Chief Engineer C. H. Ball, Asst. Engineer D. T. Cross, Lieut. H. D. Smith, First Lieut. J. H. Rogers, First Lieut. J. Brann, Asst. Engineer J. Fitzpatrick, Third Lieut. R. O. Crisp, Second Lieut. J. H. Little, Lieut. John Morrissey, Thurston, Second Lieut. R. M. Clark, Lieut. John Morrissey.

First Lieut. J. W. Howison, Second Lieut. S. Howard, Third Lieut. J. Quinan, Chief Engineer G. T. Tupper, Second Asst. Engineer W. C. Meyers, Second Asst. Engineer H. O. Slayton, First Lieut. B. W. Loring, Second Lieut. C. H. McLellan, First Lieut. J. E. Thurston, Second Lieut. J. N. Rhoades, First Lieut. W. S. Baldwin, Third Lieut. J. M. Moore, Second Lieut. C. H. Foote, Second Lieut. H. Emery, Chief Engineer J. R. Dally, Second Asst. Engineer J. M. O'Donovan, Capt. David Evans, First Lieut. George Walden, Second Asst. Engineer William Robinson, Second Lieut. John Wyckoff, Chief Engineer M. T. Chevers, Third Lieut. P. H. Ueberroth, First Lieut. A. D. Littlefield, Second Asst. Engineer J. I. Brereton, Second Asst. Engineer J. H. Chalker, Third Lieut. C. B. Fengar, Capt. J. A. Stamm, Second Lieut. J. L. Davis, Asst. Engineer C. F. Nash, Lieut. J. C. Cantwell, Lieutenant Answorth.

Chief Engineer Jeffries, Assistant Engineer McEllegan, Assistant Engineer Falkenstein, Lieut. A. E. Benham, Assistant Engineer Broadbent, First Asst. Engineer F. E. Owen, Capt. John McGowan, First Asst. Engineer H. C. Barrows, Capt. J. W. Congdon, First Lieut. F. J. Simmonds, Second Lieut. C. T. Brian, Third Lieut. J. C. Harris, Chief Engineer F. W. H. Whittaker, First Asst. Engineer C. F. Coffin, Second Asst. Engineer D. F. Bowen, First Lieut. W. F. Kilgore, First Asst. Engineer W. H. Warren, First Asst. Engineer D. McC. French, Second Asst. Engineer Phillip Little, Capt. D. B. Hodgson, First Lieut. W. D. Roath, Lieut. O. D. Myrick, Lieut. K. W. Perry, Chief Engineer S. Keogh, Engineer Butler, Capt. R. Glover, Lieut. O. S. Willey, Lieut. H. M. Broadbent, Chief Engineer J. T. Wayson, Asst. Engineer M. G. Marsilliot.

Engineer H. C. Henshaw, Capt. L. G. Shepard, Lieut. Francis Tuttle, Lieut. J. C. Moore, Lieut. H. B. West, Lieut. F. H. Dimock, Engineer J. A. Doyle, Engineer W. F. Blakemore, Engineer J. B. Coyle, Capt. W. C. Coulson, Lieut. E. C. Chaytor, Lieut. G. A. Starkweather, Lieut. S. M. Crossley, Chief Engineer J. M. Case, Asst. Engineer C. W. Beckwith, Asst. Engineer H. W. Spear, Lieut. Oscar E. Hamlet, First Asst. Engineer James T. Klecher, Second Lieut. J. F. Wild, Capt. M. A. Healy, First Lieut. Albert Buhner, Third Lieut. D. H. Jarvis, Lieut. A. J. Henderson, Chief Engineer Horace Hassel, Asst. Engineer Charles W. Monroe, Asst. Engineer Nath. E. Cutchin, First Lieut. W. A. Falling, Capt. C. M. Scammon, Asst. Engineer E. J. Noonan, Capt. Frederick Munger.

"NEW YORK CITY, November 26, 1889.

"Supplementary reasons to the petition to the honorable Secretary of the Treasury for the consolidation of the revenue marine with the regular Navy, under the proposed provisions of House bill —

"Having stated in the body of our petition such reasons as apply to the revenue officers individually, we beg to call your attention to the following, in which are set forth those which affect the policy of the Government:

"First. Because the naval establishment should embrace and consist of all armed vessels of the Government which are officered by duly commissioned officers and manned by duly enlisted men.

"Second. Because the consolidation, in the manner provided and by the terms of this bill, would be strictly in accord with the character of its organization in 1790, the leading features of which were to bestow military rank upon the officers, and to place the vessels, armaments, and discipline upon the same footing as that in vogue in the regular naval establishment.

"Third. Because the revenue marine is essentially military in character—a fact recognized by its employment in all military operations in this country in times of war; its prescribed duties; the giving of military rank to its officers; the arming of its vessels, and the drill and discipline of the crews.

"Fourth. Because the manifest desire of the people that the naval establishment of the United States should be commensurate with the power and dignity of the nation, there is no apparent way in which this establishment can be increased with such little expense and, at the same time, with such great advantage to the public service as by the proposed consolidation.

"Fifth. Because by the provisions of this bill the force now at the command of the Treasury Department for the protection of the revenue interest of this country would be greatly increased, while, at the same time, the control and authority now vested in the honorable Secretary of the Treasury would in no wise be curtailed.

"Sixth. Because Congress, while conferring upon the officers of the revenue marine rank relative with the Navy and while constantly treating the revenue marine as a part of the regular naval establishment of the country, have as constantly refused to the officers of this auxiliary corps the benefits appertaining to the regular Navy.

"Seventh. Because the consolidation of the revenue marine with the regular naval service would in no wise conflict with the principles of economical administration.

"Eighth. Because by the provisions of the proposed bill, naval cadets now relegated to civil life from the Naval Academy, because of no vacancies in the Navy, would have their services accepted, and in consequence make some return to the Government for the expensive education bestowed upon them. At the same time the auxiliary naval school for the instruction of revenue-marine cadets would be abolished, thereby saving to the Government some \$30,000 annually.

"Ninth. Because, by the consolidation of the revenue marine with the regular Navy, the naval establishment would be rendered more compact and strong and in every way be able to perform more efficiently the duties now imposed upon each service individually. The value of this unity of action in the event of war would be inestimable.

"Tenth. Because it would give the young officers of the Navy, by virtue of the constant and active service, often hazardous in the extreme, that opportunity to acquire habits of command, readiness of resource, to become accustomed to responsibility and self-reliance while still active and adventurous.

"Eleventh. Because there would be established at once a practical school, in which young officers of the Navy would have afforded them excellent opportunities to learn the pilotage of our coast; boat duty under dangerous and difficult circumstances; handling vessels in crowded water; rescuing vessels ashore; getting lines to and towing vessels in heavy weather; taking care of and managing small vessels in gales along the coast; having, in fact, to perform various duties with small means and appliances; in this and many other ways preparing them for the high commands and responsibilities which await them.

"Twelfth. Because it will bring the officers of the whole naval service more often and more closely in contact with the business communities of the country, and thus enable them to better appreciate and understand the needs of commerce and its requirements, of which they are the guardians.

"Thirteenth. Because, by virtue of the vessels, equipment, material, etc., of the revenue marine being put upon a footing compatible with modern naval requirements, by reason of this consolidation, the country would have in time of war a fleet of fast vessels, well armed, light in draught, highly efficient in speed, powerfully armed, and most eminently capable of performing the various duties of torpedo-boat-catchers, dispatch vessels, scouts for the heavy fleets, keeping open lines of supplies, patrolling coast, rivers, and harbors, forming at all times one of the most powerful adjuncts to the country's naval force.

"Fourteenth. Because the consolidation with the Navy would relieve the Hon. Secretary of the Treasury of detail duties regarding the personnel and material of the service for which he has neither the time nor the technical knowledge to direct in person, and which in consequence demands a separate department for the management instead of coming under one individual naval head.

"Fifteenth. Because, there being at present no provision made for superannuated and disabled revenue-marine officers, the active list is burdened by a large number of old and faithful servants of the people, who, instead of being retired, prevent the promotion of young and active men.

"Sixteenth. Because, while benefiting the interest of the public service, the consolidation would incidentally do justice to a body of public servants whose high standard of efficiency, devotion to duty, professional attainments, and personal character deserve at least a status of equality with brother officers in a contiguous service.

"Seventeenth. Because the consolidation in the manner provided for in the proposed bill, while greatly adding to the strength of the Navy, does not violently disturb existing institutions or methods and will produce no friction in present operations.

"Finally, it has been considered possible that the proposed consolidation would cripple the Treasury Department in the execution of the laws now committed to the revenue marine for enforcement. A careful consideration of the provisions of the proposed measure will dispel this notion and prove its sophistry. A sufficient answer to this suggestion is plainly in the measure itself, but experience has demonstrated that officers of the Army and Navy have always rendered as efficient service while under the orders of civil departments as while serving under their own departments. Officers of the Army are constantly on duty in the Light-House Service, which is a branch of the Treasury; so also are naval officers, from whose number are detailed the inspectors of districts, and who with our Army officers compose the Light-House Board, of which the Secretary of the Treasury is *ex officio* president. Officers of the Navy and naval seamen perform the work of the Coast Survey under a bureau chief of the civil service, who is under the orders of the Secretary of the Treasury."

Your committee has been presented also with copies or originals of resolutions passed by the following bodies recommending the transfer of the revenue marine to the Navy, which indicates the opinion of those most interested in the conduct and welfare of the revenue-marine service:

The Chamber of Commerce, Norfolk, Va.  
The Board of Trade, Fernandina, Fla.  
The Boston (Mass.) Executive Business Association.  
The Cotton Exchange, Savannah, Ga.  
The Board of Trade, Wilmington, Del.  
The Board of Trade, Brunswick, Ga.  
The Board of Trade, Jacksonville, Fla.  
Petition of the mayor, aldermen, councilmen, and business men of New Bedford, Mass.

The Board of Trade, Erie, Pa.  
The Board of Trade, Boston, Mass.  
The Chamber of Commerce, Rochester, N. Y.  
The Cotton and Grain Exchange, New Berne, N. C.  
The Board of Trade, Chicago, Ill.  
The Board of Trade, Portland, Me.  
The Board of Trade, Charleston, S. C.  
The Board of Trade, Bath, Me.  
The Board of Trade, Baltimore, Md.  
The Chamber of Commerce, Mobile, Ala.  
The Chamber of Commerce, New Orleans.  
The Board of Trade of Beaufort and Port Royal, S. C.  
The Board of Trade, New Bedford, Mass.  
The Vessel-Owners and Captains' National Association of Boston, Mass.  
The Chamber of Commerce, Boston, Mass.  
The Board of Visitors to the Naval Academy.  
The Board of Trade, Savannah, Ga.  
The Merchants' Exchange, Buffalo, N. Y.  
The Board of Trade, New London, Conn.

In conclusion your committee will say that the proposed transfer will result in a large saving to the Government, as will be seen by the following estimate

(Appendix A), and they therefore believe that on every ground of efficiency and economy the bill should pass.

## APPENDIX A.

*Estimated expenses now incurred in conducting the revenue marine which would be cut off by transferring it to the Navy.*

Cost of maintaining revenue school-ship Chase	\$32,000
Interest on her cost	900
Extra and unnecessary force in office at New York	
Naval constructor	1,800
Consulting engineer	1,800
Clerk at \$1,800 per annum	1,800
Clerk at \$1,200 per annum	1,200
Clerk to consulting engineer, \$900 per annum	900
Store-keeper	1,500
Rent of New York office	1,000
Commutation of quarters for superintendent of construction, at \$40 per month	480
Traveling expenses and hotel bills for same (estimated)	1,000
Reduction in salary of chief of revenue-marine division	500
One assistant chief of division	2,000
Two clerks at \$1,600 per annum	3,200
One clerk at \$1,400 per annum	1,400
One clerk at \$1,200 per annum	1,200
One clerk at \$1,000 per annum	1,000
One clerk at \$900 per annum	900
Reduction on account of repairs, one-fourth	35,000
Commutation of quarters	5,000
Contingent expenses	5,000
Less an average of 15 graduates dismissed yearly from Annapolis for lack of vacancies in the Navy, educated at an average cost of \$10,500	157,500
One year's pay to same on dismissal, \$930	13,250

Total annual saving first three years

*Increase of expense by pay to transferred officers.*

Rank.	No.	Increase.	Total increase.
Captain	36	\$500	\$18,000
First lieutenants	36	800	28,800
Second lieutenants	36	500	18,000
Third lieutenants	25	200	5,000
Chief engineers	26	900	23,400
First assistant engineers	22	700	15,400
Second assistant engineers	26	500	13,000
Total increase			121,600
Total saving first three years, per annum			260,430
Net annual saving first three years			138,830

After three years—

By average of six graduates from Annapolis for whom vacancies will be made annually by the transfer at \$10,000	\$63,000
By one year's pay to same on dismissal, heretofore \$930 per annum	5,700
Other items as above	99,780

Total saving after first three years per annum	168,480
Total increase per annum	121,600

Net annual saving after first three years

Mr. SPINOLA. Mr. Speaker, before the question is taken I ask unanimous consent to offer an amendment which I believe is generally approved.

The amendment was read, as follows:

Amend by adding to section 3 the following: "But the pilots now employed upon any of the vessels transferred to the Navy by this act shall be retained in their present positions at the same pay and emoluments that they now receive, unless removed for cause."

The amendment was agreed to.

The SPEAKER. The question is upon the motion to suspend the rules and pass the bill as amended.

Mr. BLOUNT. I demand a second.

Mr. BLOUNT and Mr. LODGE were appointed to act as tellers.

The question was taken; and it was decided in the affirmative—ayes 102, noes not counted, and no further count demanded.

The SPEAKER. The bill is now open for debate. The gentleman from Massachusetts has the floor.

Mr. LODGE. I do not care to detain the House with debate unless there is some opposition to the bill.

Mr. BLOUNT. I hope the gentleman will explain the bill. I made objection simply because the bill is a long one and I did not catch its full import from the reading.

Mr. LODGE. Then I will make a brief explanation of the bill. It proposes to transfer the revenue-marine service from the Treasury to the Navy Department. The revenue-marine service is especially a naval service, and has always been kept under military discipline and ready for use in time of war. It is believed that it will be for the advantage of both branches of the Government that this essentially naval service shall be consolidated with the other branches of naval service of the Government. Under the bill the transferred officers are placed in the naval service, but the Revenue Marine School at New Bedford, where officers are now educated for this service, is abolished, and as the transferred officers disappear from the list, either by retirement or by death, their places will be taken by the regular officers of the Navy. This will open up the way to employing fifteen more graduates annually from Annapolis, who now, after the Government has paid for their education, are turned back into private life because there is nothing for them to do. The revenue service will also offer to the naval officers of the



United States a constant and exacting sea-service, which is the most desirable practice for naval officers. As gentlemen will see, if they will turn to the last page of the report, this measure is a saving of money to the Government, estimated at \$138,000. The bill has the approval of the Secretary of the Treasury, from whose Department the service is taken; it has the approval of the Secretary of the Navy, to whose Department the service is transferred. It is approved by the officers of the Navy; it is asked for by the officers of the revenue-marine service. It has been petitioned for by the boards of trade and chambers of commerce in almost every large seaport town, I think, of the United States, a list of the towns being given at the end of the report. It has also been asked for by the Legislatures of Massachusetts and New Jersey, and possibly some other States.

The committee is unanimous in support of the bill, having given it very careful consideration and believing, not only that no interest will be injured, but that the Government service will be greatly improved by the change.

The officers assigned to revenue duty by the Secretary of the Navy under this bill will of course be subject to the approval of the Secretary of the Treasury; but the effect of the measure briefly stated will be to consolidate the whole naval service of the United States under one head, to have a body of ships of light draught, but which can be made formidable by speed and equipment as vessels of war, continually on our coast ready for service at a moment's notice. This measure will make the whole naval service of the United States more manageable, more easily handled, while the Treasury Department believes that it will in no way affect the proper collection of the revenue. The committee has heard no objection to the bill in any quarter; but if there are any questions which any member desires to ask it will give me a great deal of pleasure to reply to them.

Mr. BLOUNT. As I have had no opportunity to examine the bill, but gain my information about it only from the reading at the Clerk's desk, I wish to know whether the number of officers in the Navy is to be increased by the number of officers in the marine service.

Mr. LODGE. Yes.

Mr. BLOUNT. Of course that is the immediate effect; but what I wish to know is whether, under the operation of this bill, it is proposed finally to perform the duties of the naval service and the revenue-cutter service with the number of naval officers now provided for by law?

Mr. LODGE. As the gentleman is aware, the revenue-marine service is now supplied from a revenue-marine school at New Bedford, Mass.; and of course there must be officers to perform duty at that school. The school is by this bill abolished; and we take just so many more cadets from Annapolis every year into the naval service. I think about fifteen is the number that will be added this year. Of course as the transferred officers disappear the naval officers will perform entirely the duties of the revenue service.

Mr. BLOUNT. Then will not this follow, that these revenue officers, when they become naval officers, will have the same allowances as to sea pay, shore pay, furlough pay, etc., that are now received by naval officers?

Mr. LODGE. You mean these graduates? Certainly they will.

Mr. BLOUNT. I mean the officers now transferred.

Mr. LODGE. They will have rank in the Navy up to the grade of lieutenant-commander, beyond which they can not be promoted; and the engineers are also limited in respect to promotion. But on their transfer these officers will receive an advance in pay over what they now get. They have now certain relative naval rank. They will, I understand, get the pay of that as actual rank, constituting an advance in pay both in retirement and while on the naval list. The figures are given at the end of the report.

Mr. MILLS. The measure is a good one, and ought to have been adopted some time ago.

Mr. COVERT. Is it not true in point of fact that under existing conditions a certain number of every graduating class at the Naval Academy are relegated for the time being to their homes, the Government having no place for them to do duty?

Mr. LODGE. That is practically true. A certain proportion of the classes graduated at Annapolis every year are sent back to private life after the Government has expended large sums of money on their education, because the Government has no employment for them.

Mr. COVERT. And this bill if passed will utilize such graduates in the revenue service?

Mr. LODGE. The bill will utilize some of those men by substituting them for revenue-marine cadets.

Mr. CANNON. I wish to ask my friend—perhaps I ought to know—whether there is a retired-list now for officers of the revenue marine?

Mr. LODGE. I understand they have retired pay.

Mr. CANNON. How long since?

Mr. LODGE. That I can not say.

Mr. CANNON. And will it be the same under this bill?

Mr. LODGE. No; they will get an advance both of active and retired pay.

Mr. CANNON. What is their retired pay as compared with the retired pay of naval officers?

Mr. LODGE. That I can not say.

Mr. BOUTELLE. The officers of the revenue marine receive no retired pay now.

Mr. LODGE. The gentleman from Maine [Mr. BOUTELLE] informs me that I am mistaken; that officers of the revenue marine receive now no retired pay.

Mr. CANNON. Is not that "the milk in the cocoanut" after all? Here is this service under the Treasury Department, and for this list of officers there is no retired pay. I recollected in a general way that some years ago there was a bill pending to provide a retired-list for these officers. I did not recollect whether it became a law or not. But now the gentleman from Maine [Mr. BOUTELLE] states that these officers have no retired pay. I do not know whether I am ready to vote for this bill or not, without knowing how many of these revenue-marine officers there are and what their present pay is.

Mr. LODGE. The number of officers is given in the report.

Mr. BOUTELLE. Allow me to suggest to the gentleman from Illinois [Mr. CANNON] that this is not a measure which has been formulated, or presented, or promoted solely on behalf of the revenue marine. This proposition originated with the Secretary of the Navy, Mr. Chandler, some years ago, being based on the idea that all branches of the Government service which carry out their functions upon the water, that all the ships, all the ship-building, all the vessel service of the Government, should be under one Department. And as we had more or less naval officers who could not be constantly kept in active service on account of lack of vessels, it was urged that we could utilize that portion of our naval officers not detailed for other active duties in conducting the revenue-marine service, as they are now in the Light-House Service and in the Coast Survey. At first the Treasury Department was inclined to oppose this transfer, but latterly a change has come over the Treasury officials and the bill has come to us with entire unanimity of approval from the Navy and Treasury Departments.

Now, while it is true that this bill makes the revenue-marine officers eligible to the retired-list, to which they were not eligible before, it does not make a permanent addition to the retired-list, because, so soon as these revenue officers have passed away, their places are to be filled by regular officers of the Navy, who would be entitled to the benefits of the retired-list without regard to this transfer.

Mr. BLOUNT. The gentleman has told us that only one-third of the naval officers are engaged at sea. The revenue-marine officers are employed all the time. Then you propose to substitute a class which not only increases the number of employes, but you also substitute for these revenue-marine officers naval officers with that difference. You therefore necessarily increase not only the number of officers—

Mr. BOUTELLE. This bill does not necessarily increase the number of graduates from the Naval Academy.

Mr. BLOUNT. I understand it proposes to utilize officers, when graduated, by appointing them to this service instead of turning them out into civil life.

Mr. BOUTELLE. It will not utilize more unless at the time being all the officers who have been graduated under present conditions from the Naval Academy are actively employed in the naval service. If today we should put this additional duty upon the naval service we could probably utilize quite a proportion of the required officers in the naval service, but we can not so utilize them now, because it is deemed unjust to thrust these men of the revenue marine out of employment after they have spent their lives in that service.

Mr. LODGE. How much time have I left?

The SPEAKER. Seven minutes.

Mr. LODGE. I reserve my time.

Mr. McMILLIN. In the time, then, of the gentleman from Georgia [Mr. BLOUNT] I wish to inquire whether it will have the effect to increase the expense. Is it not a fact there are now only the officers in the Navy proper who are entitled to go on the retired-list, and under the operations of this bill will not the revenue-marine officers, who are thus transferred to the naval service, be entitled to go upon the retired-list? And will there not be an increase to that extent?

Mr. BOUTELLE. Undoubtedly, up to the time when these transferred officers pass out. But that is only a temporary addition. That is an essential feature of any transfer from one Department to another. These men will be gradually replaced by regular naval officers. In a short time thereafter there will only be the usual number of officers going upon the retired-list.

Mr. McMILLIN. I beg the gentleman's pardon. There will be a greater number going from these two services than now because every one—

Mr. BOUTELLE. That depends on the kind of naval establishment the Government may maintain.

Mr. McMILLIN. It will be in one instance as in the other.

Mr. BOUTELLE. No.

Mr. McMILLIN. Then there is no strengthening the Navy at all.

Mr. BOUTELLE. It will strengthen the Navy by giving naval officers this employment and adding the vessels to the Navy.

Mr. McMILLIN. By giving an additional number of men employment and allowing an additional number of men to go upon the retired-list?

Mr. BOUTELLE. If the revenue marine could be transferred and

the Navy Department could furnish the officers to man these vessels, instead of having them detailed to the various employments found necessary, it would utilize just that many more naval officers who are now on other than active duty because of lack of vessels to put them on.

Mr. McMILLIN. But does it not follow as a further consequence that it increases the compensation of some of the officers there now?

Mr. BOUTELLE. I think there is a misapprehension in some quarters in regard to this matter, and that is that the *personnel* of the Navy can be possibly at any time a specific force in number, as applied to a certain number of vessels. The conditions are such that it would not be possible. The *personnel* of the Navy can not be maintained at a certain number of officers for a certain number of vessels, because the conditions are constantly changing. We have a naval establishment and certain methods and laws under which we replenish and keep in force or commission a certain complement of officers of certain grades, forming the *personnel* of a naval establishment, and this must be kept up with permanency, regardless of fluctuations in the number of vessels. Our experience is, up to this time, even with the reduction of the number taken into service from the Naval Academy, that we have a number of officers on the roll who are not on active duty, and have consequently furnished a subject of complaint to certain gentlemen who preach economy, because they were not all the time engaged in actual service on the high seas.

That has been true to a certain extent and it has been unavoidable, because you can not drop out everybody from the naval establishment because at some particular time there may be no fighting for them to do or not enough ships in commission to employ them at sea. We are now building up the Navy and we must have a force of trained officers to call upon at any time for its equipment.

But the point I desire to present is this: At any time during the last fifteen or eighteen years until recently, if the naval establishment could have availed of any such occupation as the Revenue-Marine Service or an extension of the Coast Survey or increase of the Light-House Service, it could have furnished many or all the officers necessary for this purpose by detailing to the vessels officers of the regular naval establishment who were kept on leave or waiting orders or detailed to various kinds of service on shore.

Mr. McMILLIN. The answer of the gentleman from Maine is more a disquisition upon the naval service than an answer to the inquiry. What I want to know is this: Is it not a fact that when these officers are transferred from the revenue-marine to the naval service by this bill, if it becomes a law, the compensation of a number of them is increased?

Mr. BOUTELLE. That is true; but I am informed that the Department estimates—I have not gone over them in detail recently, but did so some time ago—that the estimates show that this measure will ultimately produce a reduction in expenditures to a considerable amount.

Mr. CANNON rose.

Mr. BLOUNT. I will yield to the gentleman from Illinois [Mr. CANNON].

The SPEAKER. The gentleman has fifteen minutes of his time remaining.

Mr. BLOUNT. I will yield five minutes to the gentleman.

Mr. CANNON. Mr. Speaker, I must confess that I do not know much about this bill, but I have been learning something while this debate was progressing, and wish to see if I am right.

The revenue marine, as all know, is under the Treasury Department. It forms no part of the Army and no part of the Navy, and, if I am further right about it, I understand that the policy of placing people upon the retired-list when no longer fit for active service runs only to the Army and the Navy.

Now, here is a corps of officers in the revenue-marine service—and, frankly, I can not say how many there are, and the report, I believe, does not disclose it; it may be a hundred or it may be three hundred, and if anybody has the information at hand I hope he will speak up and tell us the number.

Mr. LODGE. It is all given in the report.

Mr. CANNON. I do not find it in the report.

Mr. BOUTELLE. I think the gentleman is incorrect in his criticism of the report. I am not sure, but I think it is in the report, and possibly the trouble may be with the gentleman rather than the report.

Mr. CANNON. I find a list of people here asking to be transferred with—

Mr. LODGE. The gentleman will find it at the end of the report.

Mr. BOUTELLE. I think the difficulty is with the gentleman from Illinois rather than with the report.

Mr. CANNON. Well, that may be so. Frankly, I do not know much about it, but if I am to be called upon to vote I certainly want to know something about the question. I am doing the best job I can under the circumstances. [Laughter.]

Now, I find that in round numbers there are over two hundred of these officers connected with the revenue marine. How many people would be included in the amendment of the gentleman from New York [Mr. SPINOLA] I do not know.

Mr. LODGE. That does not change anything.

Mr. CANNON. But, I have an understanding that the revenue-mar-

ine officers get very good pay. The revenue-marine officers are not in the Army or in the Navy, and, if I am correctly informed, they have not now and never had under any law the right to be retired.

Mr. LODGE. Will the gentleman allow me a moment?

Mr. CANNON. Certainly.

Mr. LODGE. The superannuated officers of the revenue marine are always placed on waiting-orders pay, and the service has had practically, since 1863, a retired-list in that way.

Mr. CANNON. A retired-list without law.

Mr. WHEELER, of Alabama. Are not the most of these officers practically on the retired-list?

Mr. LODGE. The old and superannuated officers are kept on waiting orders, and are substantially a retired-list; that is to say, they receive the retired pay.

Mr. CANNON. Then they are practically retired.

Mr. LODGE. No, not retired, but placed on waiting orders, which is lawful.

Mr. CANNON. Oh, well, as far as that is concerned, it is lawful I suppose for a man to be appointed in one of these Departments and give him leave of absence and let his pay go on.

But these expenditures come before us, and while there may be some of that class of expenditures it does not pervade the whole public service. So that there is for the first time, if I am properly informed and if this bill shall pass, a law that takes these gentlemen in this service and puts them into the Navy, with all that that means.

Mr. BOUTELLE. Will the gentleman allow me a suggestion in that connection.

Mr. CANNON. Certainly.

Mr. BOUTELLE. It is this: The gentleman states what is true, that it has never been the policy of this Government to grant position on the retired-list except to those who have been in the military or naval service. Now, you are in error in assuming that the officers of the revenue marine are not engaged in military or naval service, because under the laws of the United States, enacted in the early days of the Government, the revenue marine may, at any time, by order of the President of the United States, be called into the military service or into the naval service, and it has been repeatedly done. They are obliged to do that duty when called upon.

Mr. CANNON. Right upon that point; and it is on the statute-books. It is true that the militia may be called into service, multiplied thousands of them; and it is also true that every male citizen between the age of eighteen and forty-five throughout the country, whether he holds a civil position or not, is liable to be called on, first to volunteer and next to be drafted into the public service, if his services are needed. Yet all along the line there have none of them been put on the retired-list except those who rendered services in the military and naval service; and the policy and reason for it was, because you take a class of people and educate them to the military service and thereby cut them off from otherwise obtaining a living, and they become the arm of force of the Government.

Mr. BOUTELLE. These men have been for years in the service.

Mr. CANNON. I submit that list should not be enlarged. Again, this service is purely a civil service, under the Treasury Department. You have that service under the Treasury Department for the Treasury, for the collection of the revenues, and you put it under a different Department, with all of the rules and regulations of the Navy Department.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BOUTELLE. You are mistaken about that. You evidently have not read the bill.

Mr. CANNON. That is what the gentleman said.

Mr. BLOUNT. Mr. Speaker, I can not undertake to assert any correct and certain conclusion as to the propriety of this question. It does seem to me that as it relates to an important branch of the service it ought to have fuller consideration. I hope we can have order.

The SPEAKER *pro tempore*. The House will be in order. Gentlemen will cease conversation.

Mr. BLOUNT. I was saying, Mr. Speaker, that I did not claim to have reached any definite conclusion as to the propriety of this measure from the manner in which it was read from the Clerk's desk. I have not got hold of it until this day, and I have not had an opportunity to examine the report of the committee, which I should have done could I have anticipated this rapid method of disposing of this question.

The distinguished gentleman from Illinois [Mr. CANNON] finds himself, with his long experience here and his important relation to this House, without any knowledge as to the results of this bill.

The proposition is to transfer the revenue-marine service to the Navy. It provides for the transfer of officers as well as the crews. At once, sir, it gives these officers, as I understand the import of it (though I can not undertake to say absolutely), under this provision, the pay which applies to the Navy; among other things, the sea-pay and the shore-pay of the pay-roll of naval officers.

Why, it not only increases the compensation of these officers, but provides for a reduction of the duties to be imposed on them. I can not see how that would be proper. These officers' time is to be reduced



by two-thirds, and incidentally they are to have their pay increased. That is the result of this bill. These revenue officers are employed all the time. The instant you transfer them to the Navy these various provisions as to pay of naval officers are applied to them, and they are only required one-third of the time; and when I say that they are employed only one-third of the time it is simply according to my reading. The services of the officers of the Navy are only used about one-third of the time. Only about one-third of them are required in the Navy, and a portion of them—a few of them—are utilized about the navy-yards, and a portion of them are doing what is called shore duty.

Mr. SKINNER. Will the gentleman allow me a minute. I just want to say that this is exactly what this bill is to do, to employ them the other two-thirds.

Mr. BLOUNT. I did not yield to the gentleman for a statement. I yielded to a question. I want to state this in my own way.

Now, Mr. Chairman, how my friend can make out just exactly what is wanted, I do not know, because he places them in the Navy instantly this bill is passed. Now the gentleman from Massachusetts says that after awhile these men will be taken from the Naval Academy and it will take up the fifteen cadets annually. Since I have been a member of this House the complaint has been that we have too many naval officers already; that the Navy was top-heavy.

Why, sir, so far back as 1856 Congress passed a bill providing for a mode of examination which could reach to a large class of them, and yet since that has been done such has been the influence of these gentlemen that they have been enabled to repeal all legislation and to prevent any reduction of the number of officers of the Navy. Now, they are here to-day, and, as has been often said, in a top-heavy condition, seeking to maintain their status by taking work from the revenue service and giving that work to the Navy. The gentleman from Illinois has rightly said that the collection of revenue is not a part of the duty of a naval officer. There has never been until now a time, so far as I know, that there has been any such proposition as to turn over this civil service to naval officers. I believe in keeping the naval service apart and distinct from the other branches of the service; in keeping the military service—the Army—distinct from all other branches of the service. They should have nothing to do except with the Army and naval duties; and if, sir, we have too many officers of the Army and Navy let us undertake to reduce the number, even if some gentleman does lose his place and some gentleman does lose his salary thereby.

Mr. Speaker, I am not, as I have said, undertaking to ask this House to follow any conclusions which I may have taken growing up in this hurried way; but I do ask that a measure of this kind shall not be passed under a suspension of the rules, but that it may be taken up in its order, with time given to examine the paragraphs and to amend them; that opportunity may be given to gentlemen of this House to get some correct conclusions as to the proper force of the paragraphs of this bill.

Mr. BOUTELLE. Did I understand the gentleman to say that the revenue marine was for the purpose of collecting the revenue?

Mr. BLOUNT. Looking after it and protecting it.

Mr. BOUTELLE. That would be entirely consistent with the naval aspect of the service, would it not?

Mr. BLOUNT. I am much obliged to the gentleman for the correction, but in my judgment that is no part of the duty of a navy.

Mr. BOUTELLE. But it could be made a part of it.

Mr. BLOUNT. Yes, sir, it could; and so could a great many other things be assigned to the Navy, but I do not believe in a navy that is to be used for anything but naval purposes.

Mr. BOUTELLE. Underlying this bill is the idea of consolidating and simplifying the operations of these two marine branches of Government service.

Mr. BLOUNT. I have no doubt that that is my friend's idea, but what I want is for the House to take this bill up regularly and discuss and consider it paragraph by paragraph, so that we may have a full opportunity to examine and weigh its provisions, and not have it hurried through here under twenty minutes of debate.

Mr. BOUTELLE. The gentleman will see by the printed date that the bill has been reported more than a month.

Mr. BLOUNT. Mr. Speaker, I accept that suggestion as true, but the fact that this bill has been reported for a month or more does not indicate that the House ought not to have an opportunity to consider it deliberately. I hope it is not to be understood that we are to take up matters which require examination and discussion and pass them through here by a suspension of the rules simply because they have been reported for a month.

Mr. BOUTELLE. I will say to the gentleman from Georgia [Mr. BLOUNT] in all good faith that to-day for the first time I have heard an objection to this bill. The matter has been discussed very freely through the newspapers of the country—

Mr. BLOUNT. Mr. Speaker, I must object to my friend continually thrusting in his criticisms while I am speaking. The fact that my friend has not heard any objection to this bill until to-day does not signify anything. This House has been engaged in other business. It has not been all the time engaged in examining this bill reported from the Committee on Naval Affairs.

Mr. BOUTELLE. Evidently not. [Laughter.]

Mr. BLOUNT. No, evidently not. Therefore it is simply proper and decorous and prudent to give the House time and opportunity to examine and consider it deliberately.

Mr. KERR, of Iowa. I will ask the gentleman from Georgia whether it would not be equally suitable to transfer the duties of the officers of the internal-revenue service to the Army.

Mr. BLOUNT. Just as much so, I suppose.

Mr. LODGE. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has seven minutes.

Mr. HENDERSON, of Iowa. I want to ask the gentleman from Massachusetts one or two questions. I will ask him first, is this a unanimous report from the committee?

Mr. LODGE. It is.

Mr. HENDERSON, of Iowa. Is it concurred in by the Secretary of the Navy?

Mr. LODGE. It is.

Mr. HENDERSON, of Iowa. And by the Secretary of the Treasury?

Mr. LODGE. It is.

Mr. HENDERSON, of Iowa. That is all I want to know.

Mr. LODGE. Mr. Speaker, the committee have reported this bill simply because they believe it is good legislation to simplify, consolidate, and improve the service and make a saving to the Government. I know there is a class of minds that see in every measure brought in here some concealed scheme, some attempt to give somebody something, some "nigger in the wood pile," some "milk in the cocoanut," or something else of that kind which indicates great keenness of vision in the person looking. [Laughter.] But, Mr. Speaker, I beg to assure the House that the Secretary of the Navy and the Secretary of the Treasury have approved this bill, and that the Committee on Naval Affairs have unanimously reported it solely because they believe it will be an economical and advantageous measure to the country. I now yield three minutes to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. I yield two minutes to the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. Mr. Speaker, from careful consideration of this bill, in the committee and out of it, I am satisfied that it is a wise and economical measure. This bill is the happy outcome of an agreement which has put an end to the controversy between the Naval and the Treasury Departments which has raged for years. It has been impossible hitherto to get the revenue-marine service into the Navy because the officers were opposed to coming in; they thought they were better out of it.

The gentleman from Georgia [Mr. BLOUNT] says that after these men are transferred they will do only one-third of the duty they do now. Sir, these men who are to be transferred will do exactly the same duty that they do now; they are now and will always be in active duty; and if you transferred this service to-day and every one of the present revenue-marine officers died, you would find employment for the naval officers who the gentleman from Georgia says are now idle, without adding much to your present naval list. This bill is for reform; this bill will strengthen your Navy; this bill is for economy. The abolition of the revenue-marine school and other expenses now had under this bureau will more than pay for the retired-list which may grow up under this bill.

Another point, and I must be very brief, for I have only two minutes. Your Navy to-day, in every sea where it sails, is manned largely by unnaturalized foreigners. Your decks, with a Babel of tongues, are polyglot institutions. The men who man your ships are not one-third of them American born or naturalized American citizens. Take these men from the revenue marine who are real American sailors, long-shoremen, American citizens, and transfer them to your naval service and you create a school for the seamen who will be required to man the ships that you are expending millions to build. Let us have an American navy, manned by American citizens, or tie our ships to the docks.

Mr. BLOUNT. I will ask the gentleman to state what is the amount of the increase that this bill makes at once?

Mr. MCADOO. It will operate like this: A captain in the marine service gets so much; when he is transferred he will take his transfer and become, correlatively, a captain in the Navy, and will get the pay of a navy captain as against the pay of a captain in the revenue-marine service. The difference is not great.

Mr. BLOUNT. Does not the increase amount to \$138,000 instantly?

Mr. MCADOO. The increase will not amount to as much as the saving, taking the whole scope of the bill.

Mr. LODGE. The net annual saving the first three years will be \$138,830.

Mr. HERBERT. The gentleman from Georgia [Mr. BLOUNT] is mistaken in saying that only one-third of the officers of the Navy are at work. The number of naval officers on waiting orders, or doing nothing, is always very small. The large majority of the officers are at work either on shore duty in the navy-yards in connection with the building of ships or in some other useful employment on shore or at sea. He is mistaken also in supposing that the number of naval officers has been at any time increased since it was limited, as he suggests. If

the gentleman will examine the statutes he will find that in 1882 there was a bill passed limiting the number of naval officers, and from that time down to this nearly every year a number of cadets have been turned loose to go home after graduating in the Naval Academy.

Prior to the passage of the law of 1882, cadets educated at the Naval Academy went directly into the Navy, so that the Navy was gradually increasing. The limit fixed by the law of 1882 has never been transcended from that time to this, and the number of officers will not be increased by the passage of this bill.

Of course there will be an increase in the number of naval officers by the number that is transferred from the revenue-marine service into the Navy. The purpose of the bill is to have all the ships of the United States under the command ultimately of the Navy Department; to have all the vessels built in accordance with lines laid down by that Department, and under its superintendence and control; so that every ship in the service of the United States, afloat anywhere, may be in a condition to be utilized for naval purposes.

Another purpose is by this transfer, and using the naval officers in this service, to acquaint them with the harbors, bays, inlets, etc., of the coast of the United States.

An examination into this matter some years past convinced me that this transfer ought to be made; and in the last speech which I made on the naval appropriation bill during the last Congress I stated that this bill or a bill like this ought to be passed as soon as Congress should again convene. At the present session the gentleman from Massachusetts [Mr. LODGE] and myself introduced similar bills on this subject. This is a substitute for the two bills, perfected after a great deal of consideration in the Naval Committee and upon consultation with the Secretary of the Navy and naval officials. It seems to me that it is a wise, a very wise measure.

Mr. MCADOO. Before my friend from Alabama sits down, I want to recall to his mind this point: The revenue marine is now dealing with very delicate international questions in Behring Sea. Does not the gentleman think it would be well that this service which is now dealing with those delicate questions should be under the command of the Navy Department rather than as it is at present?

Mr. HERBERT. That simply illustrates the point I was making, that it is very much better to have the thoroughly educated officers, whom we turn out after training them at great expense at Annapolis, in command of all the vessels of the United States, because, certainly, they are competent to deal with questions of revenue as well as with international questions.

The SPEAKER. The time allowed for debate on this question has expired.

Mr. CANNON. I ask unanimous consent to occupy one minute.

The SPEAKER. If there be no objection, the gentleman from Illinois [Mr. CANNON] will proceed.

There was no objection.

Mr. CANNON. I wish to say but a word in reply to the gentleman from Massachusetts [Mr. LODGE]. I am not aware that any member is legitimately subject to criticism who wants to inquire about and understand a bill which even the gentleman from Massachusetts reports. I say again, without any desire to reflect upon this committee or anybody else, that in my opinion "the milk in the cocoanut" in this legislation is the desire of the revenue-marine officials to get increase of pay and go upon the retired-list the same as naval officers do. This is all I want to say.

The SPEAKER. The question is upon the motion to suspend the rules and pass the bill as amended. [The question was put.] In the opinion of the Chair, two-thirds have voted in the affirmative.

Mr. KERR, of Iowa. I call for tellers.

Mr. HOLMAN. I call for a division.

Tellers were not ordered, only 20 voting therefor.

Mr. HOLMAN. I call for a division.

The question being again taken, there were—ayes 114, noes 19.

Mr. HOLMAN. No quorum.

The SPEAKER. The gentleman from Indiana makes the point of no quorum.

Mr. KERR, of Iowa. I call for the yeas and nays.

The yeas and nays were not ordered, only 17 voting in favor thereof.

Mr. HOLMAN. No quorum.

The SPEAKER. Does the gentleman from Indiana make the point that no quorum is present?

Mr. HOLMAN. Yes, sir; I made it at the proper time.

The SPEAKER (after counting the House). There are 169 members present; and there being 114 ayes and 19 noes, two-thirds have voted for the motion to suspend the rules, and the bill is passed.

#### ADDITIONAL OFFICERS, RAILWAY MAIL SERVICE.

The SPEAKER called the Committee on the Post-Office and Post-Roads.

Mr. HOPKINS. On behalf of the Committee on the Post-Office and Post-Roads, I move that the rules be suspended in order to pass the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 4975) providing for the appointment of an assistant general superintendent and a chief clerk, railway mail service.

*Be it enacted, etc.,* That the Postmaster-General may appoint and assign to duty one assistant general superintendent, railway mail service, who shall be paid a salary of \$3,000 per year; and one chief clerk of railway mail service, to be employed in the Post-Office Department, who shall be paid \$2,000 per year; said assistant general superintendent and chief clerk to be also paid their necessary and actual expenses while traveling on the business of the Department. The salaries and expenses of these officers shall be paid out of the appropriation for the transportation of mail on railways.

The SPEAKER. The question is upon the motion to suspend the rules and pass the bill just read.

Mr. McMILLIN. Let us have a second.

Mr. HOPKINS. I ask unanimous consent that a second be considered as ordered.

Several members objected.

The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN] and the gentleman from Illinois [Mr. HOPKINS] will take their places as tellers.

The House divided; and the tellers reported—ayes 93, noes 27.

Mr. McMILLIN (the tellers retaining their places). No quorum.

The SPEAKER. Does the gentleman make the point that no quorum is present?

Mr. McMILLIN. I make the point that no quorum has voted.

The SPEAKER. Does the gentleman make the point that no quorum is present?

Mr. McMILLIN. No quorum has passed between the tellers.

The SPEAKER. That is not the point. Does the gentleman make the point that no quorum is present?

Mr. McMILLIN. I believe that under the rules a quorum is required to take the step now being taken.

The SPEAKER. If the gentleman does not make the point that no quorum is present, the Chair will proceed with the public business.

Mr. McMILLIN. I make the point that no quorum has voted.

The SPEAKER. The question is—

Mr. McMILLIN. The gentleman from Indiana [Mr. HOLMAN], I understood, made the point.

The SPEAKER. Does the gentleman from Indiana make the point that no quorum is present?

Mr. HOLMAN. Yes, sir.

The tellers continued the count, and reported—ayes 103, noes 28.

The SPEAKER. On this question the ayes are 103, the noes 28; and the motion to suspend the rules is seconded. The gentleman from Illinois [Mr. HOPKINS] is recognized.

Mr. HOPKINS. Mr. Speaker, the bill now under consideration is not only recommended by the present administration, but it was also recommended in the precise form now reported to the House by the last administration. The matter has been considered by the Committee on the Post-Office and Post-Roads, both in subcommittee and in the main committee.

Mr. BLOUNT. I ask that we may have order so we may hear what the gentleman from Illinois is saying.

The SPEAKER. The House will come to order. Gentlemen will please take their seats and cease conversation.

Mr. HOPKINS. Mr. Speaker, this bill provides for the creation of an assistant general superintendent for the railway mail service and a chief clerk for that bureau. The bill has not only been recommended by the present but by the preceding administrations of the Post-Office Department. The superintendent of the general railway mail service under the last administration repeatedly recommended that an assistant should be provided for the proper administration of that department, and when the present general superintendent came into office, after seeing the necessities of that position and the vast amount of work forced upon that officer, he earnestly recommended that Congress should provide him an assistant.

This matter was also considered by the subcommittee of the Committee on the Post-Office and Post-Roads and by the general committee, and is unanimously reported by that committee to this House.

This bureau has increased more than 50 percent during the last ten years. The amount of work imposed on the general superintendent is of such a character that it is impossible for him to perform the duties of his office. There are to-day about 150,000 miles of railway over which this service extends. In order properly to discharge the duties of his office it is necessary he should travel over a large portion of the service represented by the miles of railway I have indicated. Every member of Congress who has to go to that bureau understands it is impossible for him to transact the necessary business in his absence. For a number of years a post-office inspector has been employed to discharge the duties of this office, but under a ruling of the Department in 1884 that officer was dispensed with, and since then the office has been filled by a division superintendent, at a salary of \$1,600 per annum. There is no reason, it seems to me, why an assistant superintendent should not be granted.

So far as that portion of the bill is concerned which relates to a chief clerk, it happens this bureau never had a chief clerk, and yet it is one



of the largest bureaus in the Department. It is more important than any of the Postmasters-General. It is more important to the public than any of the bureaus in any of the other great Departments of the Government, and yet they have never had a chief clerk for that bureau provided by law. It has been filled by detailing some subordinate officer to the office.

The needs of the Department are such that it has seemed to the Committee on the Post-Office and Post-Roads that it would be a matter of economy to the Government and betterment to the service to give the Department the two officers required.

I will reserve the remainder of my time.

Mr. McMILLIN. Mr. Speaker, I do not wish to occupy much of the time of the House in the discussion of this matter.

One of the provisions of this measure is the appointment of an assistant superintendent of the railway mail service. I wish to call the attention of the House to the fact that there certainly can not be the greatest need for this increase. When the present Administration came into power there had been provision made for the placing of that service under the civil service.

The superintendent, or those over him, since that time, however, have had sufficient opportunity and time to revoke that order and take the railway mail service from under the operation of the civil service, making it a partisan machine for the ousting of those not of the right political complexion and putting in their places those who were. I suppose they have not been greatly crowded with public business or the partisan business would not have occupied so much of the attention of that Department.

Mr. BOUTELLE. You mean turning Democrats out?

Mr. McMILLIN. Yes, sir.

Mr. BOUTELLE. How did they get in?

Mr. McMILLIN. How did they get in? They were appointed during four years of a preceding Administration as the service was increased or vacancies occurred or inefficiency was exhibited by incumbents. When the present Administration came in I believe they were nearly half and half, or in that neighborhood, politically. But that was not a satisfactory "divide" to my friend's party. The order placing it under the civil service made by President Cleveland was revoked, all that provision of the platform for the extension of the civil service disregarded, those beautiful platitudes upon which the campaign had been conducted were set aside for the time being, and it was made a partisan political machine. The platitudes were no longer needed and the promises had served their purpose and might be broken. Now, I have presumed that, in view of the fact that they were able to devote so much time to the political side of the question and to the doing of political work, there was not a great amount of public business demanding their attention and no great increase of force required.

Mr. MILLIKEN. Will the gentleman permit a question?

Mr. McMILLIN. With pleasure.

Mr. MILLIKEN. I desire to say to my friend, if it will not interrupt him, that in my State—

Mr. McMILLIN. Well, your question. I do not want to yield for a speech.

Mr. MILLIKEN. Very well; I will put it in the form of a question.

Does my friend think this Administration can do better in the way of turning out Democrats than the foregoing Administration did in turning out Republicans, when it turned out every Republican in the railway mail service in the State of Maine, not leaving one single soul?

Mr. McMILLIN. I believe your Administration had failed to put it under the civil-service rules and there was no violation of the civil service or the protestations that had been made in the campaign in that change. And besides that—for I do not wish to evade my friend's question—I will answer him that the present post-office officials are said to have beaten the record, having made twenty odd thousand changes inside of a year. How true that statement is I do not know of course, but it has not been contradicted as far as I have heard, and I suppose is true. Mr. Cleveland greatly improved the service by changes.

Mr. BOUTELLE. Does the gentleman feel quite sure that this record of removals has not been beaten?

Mr. McMILLIN. It has not. That certainly beats the record.

Mr. MILLIKEN. If my friend from Tennessee will allow me, those changes were made by the last Administration notwithstanding that it was *par excellence* a civil-service Administration—

Mr. McMILLIN. And this is a pretended civil-service Administration. But what has become of the pledge made that fitness alone should be the qualification for office?

Mr. MILLIKEN. And as that was *par excellence* the civil-service Administration, how can the present Administration beat the record that it made in the State of Maine?

Mr. OUTHWAITE. Well, is that a fact?

Mr. McMILLIN. I do not know; but the record of removals by the present Administration has not been surpassed as far as the records show. I will reserve the time.

Mr. BLOUNT *r se*.

Mr. HOPKINS. I yield to the gentleman from Georgia as much time as he may desire.

Mr. BLOUNT. Mr. Speaker, this is a branch of the public service which is non-partisan or should be so regarded, this postal service of the country. If there is a service in which the public will not regulate its loyalty to an Administration on account of being in sympathy with it politically, it is this service. Let there be a miscarriage of the mails in any part of this country under a Democratic Administration or a Republican Administration and instantly an assault is made upon it by the press, without regard to its political views.

I know, sir, that in my own State for many years certain of the newspapers have assailed the various administrations—they assailed the last Administration and they assailed this—on that ground. I know from the State of Kansas, during the last Congress, newspaper articles were read here from Republican papers assailing the Administration then in power for the way the mails were handled in that State, and on examination it was found that the same papers had denounced in more bitter terms the Republican Administration that preceded it. The truth is that the people in this country demand a correct service in the transmission of their mails. The business of the country absolutely requires a correct and speedy transmission of the mails. The transportation of the mails over the various railroads, their quick transportation and correct distribution, is of exceeding great importance to the people of all parts of the country without regard to their political affiliations.

The railway mail service of this country has increased, in the amount of business done, over double in the last decade; and yet your organization to handle that service is still the same. Your railroads have reached out thousands upon thousands of miles; mail matter has multiplied by millions in tons, and yet an organization created at the very birth of this service has been held to handle it simply on account of the rules of this body. Time and again has this proposition been reported here, and because there was no privilege granted to the Committee on the Post-Office and Post-Roads, no opportunity to give it the ear of the House in order to press these questions to consideration and expose the public needs, this condition of things has been permitted to exist without change.

You may have difficulty in the mails from New York to the great West, from New York down the Atlantic coast, and in various other directions. The division superintendent is unable to make arrangements; public discontent springs up; the official here, your general superintendent of the railway mails, who has charge of the service, finds it absolutely necessary to leave the Department building to undertake negotiations with certain railroad corporations in order to better their service; and while he is gone what becomes of the balance of the service?

It is left to a chief clerk. Who is the chief clerk? Simply a postal clerk. The country is placed in that attitude, that a postal clerk, a man detailed from the postal clerks as the chief clerk, is left in charge of the great railway mail system of this country so far as the transportation of the mails goes. I ask gentleman of this House to say whether this is a right condition.

Mr. ALLEN, of Mississippi. I will ask the gentleman from Georgia if this is the present condition of the mail, if this person could not have employed his time to straighten out these mails better than to devote his time to the changes that the gentleman has been speaking of?

Mr. BLOUNT. Mr. Speaker, I do not care here to say anything about these changes. I suppose there have been a good many made, and frankness induces me to say that there were no doubt a number made under the last Administration.

Mr. McMILLIN. I will give the gentleman the facts about that.

Mr. BLOUNT. I do not want to be diverted by those facts.

Mr. McMILLIN. I do not want to interrupt the gentleman.

Mr. BLOUNT. I understand that the gentleman does not want to interrupt me. I do not want, because of changes made in some of the employes, to strike a blow at the service which will leave this great service at the mercy of a chief clerk who is recognized only as a postal clerk. I wish to say, sir, that this situation was urged with great vehemence during the last Administration, and the Committee on the Post-Office and Post-Roads in the last House unanimously reported a similar bill to relieve this situation. For one, sir, I am not willing to permit it to remain.

I do not believe that there is any party demand upon me which requires me during an Administration of my own to sustain a service and during an Administration which happens to be adverse politically to deny to it every facility for preserving and perfecting the service that I demanded for my own. Now, sir, so much as to this assistant railway mail superintendent.

Then, sir, comes the chief clerk. They have no chief clerk provided by law. With all this area of railway mail service we have, covering an area equal to the railway mail service of the entire world, with the vast amount of mail matter, letter, newspaper, and parcels-post service, etc., having under his direction thousands of employes, without a chief clerk; refusing a chief clerk to him and giving it to insignificant bureaus throughout the service.

Mr. Speaker, I do trust that this bill will pass, because it is in the interest of the service which is closest to the masses of the people all through this land. I trust that this side of the House will rise to the

importance of it. It is not our duty simply to oppose, it is to recognize the great interests of this country, and to meet them as they arise.

I am not here, sir, to defend this Administration in the matter of the appointment of postal clerks. Perhaps they have violated the spirit of the civil-service laws. If it were not for the interests of the service I might indulge in some partisan observations in relation thereto; but I do not wish to divert the mind of this House in that way from a measure which I have for years advocated, and the necessity for which is apparent on the most casual examination.

Before taking my seat I wish to say that this railway mail service simply illustrates the methods we have of bringing to public attention any service. The appropriation at first was small; then you added to it for the transportation of the mail. You kept the organization away in the background. It was diminutive. The service grew, and there has not yet been a response on the part of Congress in the way of increase to make efficient that organization on that account. It is the same way with your money-order system. It was very insignificant in the beginning, and did not attract attention or observation; but it has crept along, has become a public need, and filled a great public want. It is the same with many of the great public services. The tendency of the public mind is so conservative that it somewhat dreads a change; but when that change has gradually grown upon it and its benefit is enjoyed then the importance is recognized. I imagine, sir, that there is no man who would lay his hand on the transmission of mails and change it from the present method of distribution by postal clerks. Sir, I believe it to be our duty to give such officers as are necessary to handle the mails, and I trust that we shall have no difficulty about the question.

Mr. McMILLIN. Mr. Speaker, I will not permit my friend to go ahead of me in anxiety for a good public service; but, sir, whenever any department of that service or anybody connected with it needs a little exhortation I am ready to give it to him.

Mr. BLOUNT. I am not objecting to that. I simply desired that the House should keep this matter before it. If my friend wants to indulge himself on that ground I have no objection to it.

Mr. McMILLIN. I am glad I do not encounter the objection of the gentleman.

Mr. BLOUNT. I hope my friend will not misrepresent me. Certainly I have been loyal.

Mr. McMILLIN. There is no doubt as to my friend's loyalty. He is ever patriotic in motive and faithful in action, but as the gentleman from Georgia thinks some few facts concerning this partisan work that were taken up instead of the public service seem to have no connection with this bill, I will pause awhile to give some few of the facts to the House. What are they? The civil service law was to go into effect in the railway mail service in March, by order of President Cleveland, who was no pretender. Between that time and the time to which it was postponed by order of President Harrison over two thousand scalps were taken in a partisan way—I do not believe that I have overstated it—more than two thousand Democrats displaced to put in Republicans. The facts were that way.

The force was run in season and out of season for the purpose of taking off Democratic scalps. Now, I am willing to have the victor gather the scalps if he wants to, but let him go like a man, and like a man take them, and like a man hang the scalps to his belt. Let us have no cant and hypocrisy about it. I believe I would not overstate it if I were to say that more than five hundred removals were made within the last seventy-two hours of the period given by the President's order for this work. Why was it that these official patriots, these much-crowded officers, these people who are sitting up nights to advance the public service, did not go along with the duty of the office instead of breaking down the civil-service rules, breaking their own promises made in the campaign? Why was not their time given to work instead of running the politics of the party in the Department? These are important things to be considered when we are asked to make more high-salaried places for more zealous partisans.

These are some of the facts connected with that service. I think it may be reasonably assumed that there was not a very great demand for an additional clerical force for the public business, if so much time could be spared to political work.

Now, Mr. Speaker, I yield the remainder of my time to the gentleman from New York [Mr. SPINOLA].

The SPEAKER. The gentleman has seven minutes remaining.

Mr. SPINOLA. Mr. Speaker, I wish to state that so far as a railway service is concerned it has been giving universal satisfaction to the people of the country. Mail matter has been promptly and carefully attended to, and it has been attended to by the men who are in charge of it now, and there has been no reason given here why an increase should be made by the appointment of an assistant superintendent and a permanent clerk or a general clerk, both at largely increased compensation. The men who are discharging that duty to-day are receiving sufficient compensation for their services, and are doing the duty well, and there is no reason on the face of the earth why we should create a bureau of any kind for the purpose of making new offices to take care of the hungry men who are hanging about this Capitol and about the President's Mansion and about the Departments of the Government.

I have seen a great many Administrations come in and go out in my time. For the last fifty years I have been watching them to some extent, and during that long period of time never has there been, to my knowledge, anything to equal the present thirst and hankering for public offices. The corridors of our hotels are filled with hungry cormorants; the President can not take any comfort in the mansion assigned to him by the nation for his residence; the head of no Department can get any peace; and, between daylight and dark, as the gentleman from Tennessee [Mr. McMILLIN] has intimated, five hundred Democratic scalps have been captured by the enemy. [Laughter.] Now, we want you gentlemen to leave this door wide open, so that when we come in we shall not have the civil-service law staring us in the face; but if you do not I am in favor of wiping them out, civil-service law or no civil-service law [laughter], because that is what the Republicans are doing and have been doing for the past year. Thirty-four thousand removals in the Post-Office Department made in a period of eleven months, and the gentleman who wielded the ax, tired out with his labors, has gone into retirement, fearing that if he should continue longer he might break down his health and perhaps die an imbecile. [Laughter.]

Mr. WILLIAMS, of Ohio. Will the gentleman yield for a question? Mr. SPINOLA. Presently. Not now. I have only five minutes.

Now, if my friends want to do something handsome for the postal service of the country let them cut down the hours of labor of the men in the railway mail service, and let them do it with the money which they propose to pay to these new officers that they are going to create.

Mr. BLOUNT. How many are there? There are only two new officers proposed, I believe—

Mr. SPINOLA. Two, one at \$3,100 a year and the other at I do not know how much—whatever he can grab. [Laughter.] I am not going to investigate that now, because I have not got the time. No one can investigate or discuss a question of this kind fully in seven minutes. [Laughter.]

Mr. BLOUNT. I can give my friend a little information with regard to what he proposes for the letter-carriers. There is a million and a half dollars involved there.

Mr. SPINOLA. I have to run over this subject very rapidly. I wish it understood that I am in favor of reducing the mail-carrier service to eight hours, and also of doing the same for the clerks in the post-offices, who now have to work fifteen to sixteen hours a day. No human being can stand working so many hours a day. Let our friends do something practical for the Post-Office Department, something that will tend to improve the service, and not simply go on creating new offices.

My friend has suggested that there are only two of these new offices proposed now, but if you create these offices, even one or two at a time, they will mount up to a large number at the end of a year. Mr. Speaker, I hope this bill will not pass. It is purely a political scheme, intended to provide for two gentlemen who are now going around with their tongues hanging out of their mouths owing to their thirst for public office. [Laughter.]

Mr. HOPKINS. Mr. Speaker, I will yield three minutes to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. Mr. Speaker, I have only this to say to the gentleman from New York [Mr. SPINOLA], as well as to the gentleman from Tennessee [Mr. McMILLIN], that the propositions contained in this proposed legislation have nothing to do with the civil-service law as applied by either Administration or with the question of eight hours' labor, as suggested by the gentleman from New York. This is simply designed to meet the growth and demand of a branch of the Government service that reaches directly to the people and grows more rapidly than that of any other governmental department.

The growth of the railway mail service has been such that it requires to day this additional force, and if the Committee on the Post-Office and Post-Roads should come before the House and ask for \$300,000 additional appropriation, as they will, when the facts are submitted as to the growth of that service I do not believe that any gentleman on this floor will object, and I am sure that the gentleman from New York [Mr. SPINOLA] will be the last to file an exception to that proposition. To-day this line of work is done under the general superintendent of the railway mail service by detail. That is contrary to law; it is so recognized, and the Department comes before Congress and simply says, "For orderly procedure of business within the limits of the statute, we ask that we shall have an assistant superintendent and chief clerk."

Mr. Speaker, the compensations we have indicated for these two officers are the same compensations that run through the other bureaus of the Government, and the proposition is simply this: Given an assistant superintendent with a compensation of \$3,000 a year and a chief clerk with a compensation of \$2,200 a year, then, in lieu of detail from the railway mail service, we shall have duly appointed subordinates hedged and protected by the law. That is all that is contained in this proposed legislation. As I have said, it is simply a response to the demands of the growth of the service, and it is within as economical limits as any man can demand from a committee that carefully scrutinizes every claim for increased expenditure or increased force.

The bill comes here unanimously reported from a committee that has carefully examined all the bearings of the proposition. If we could in-



corporate it in our general appropriation bill I venture the statement that no gentleman on this floor would object to it.

Mr. HOPKINS. I will supplement the remarks of the gentleman from Pennsylvania [Mr. BINGHAM] with this single statement: The Committee on the Post-Office and Post-Roads in the last Congress reported this bill and recommended its passage, and the Democratic Administration urged it as a Democratic measure. It has no politics in it. I now ask for a vote.

The SPEAKER. The question is upon the motion of the gentleman from Illinois [Mr. HOPKINS] to suspend the rules and pass the bill.

Mr. WASHINGTON. I call for the yeas and nays.

The yeas and nays were ordered, 31 voting in favor thereof, more than one-fifth of the last vote.

The question was taken; and there were—yeas 150, nays 52, not voting 127; as follows:

## YEAS—150.

Adams,	Comstock,	Lester, Va.	Rowell,
Allen, Mich.	Conger,	Lewis,	Russell,
Anderson, Kans.	Connell,	Lodge,	Sherman,
Anderson, Miss.	Cooper, Ohio	Mansur,	Smith, W. Va.
Andrew,	Craig,	McClellan,	Smyser,
Arnold,	Culbertson, Pa.	McComas,	Snider,
Atkinson, Pa.	Cutcheon,	McCord,	Springer,
Baker,	Darlington,	McCormick,	Stewart, Ga.
Bankhead,	Dockery,	Milkien,	Stewart, Tex.
Banks,	Dolliver,	Mills,	Stockbridge,
Beckwith,	Dunnell,	Montgomery,	Stockdale,
Belknap,	Elliott,	Moore, N. H.	Stone, Ky.
Bergen,	Ellis,	Moore, Tex.	Struble,
Bingham,	Evans,	Morey,	Stump,
Bliss,	Farquhar,	Morgan,	Sweeney,
Blount,	Finley,	Morrill,	Tarsney,
Boatner,	Flick,	Morrow,	Taylor, Ill.
Boothman,	Funston,	Morse,	Taylor, Tenn.
Boutelle,	Gest,	Nute,	Thomas,
Breckinridge, Ky.	Greenhalge,	Oates,	Townsend, Colo.
Brewer,	Hansbrough,	O'Donnell,	Townsend, Pa.
Brosius,	Haugen,	Osborne,	Turpin,
Buchanan, N. J.	Hayes,	Outhwaite,	Vaudever,
Hullock,	Haynes,	Owen, Ind.	Van Schaick,
Burrows,	Heard,	Owens, Ohio	Wade,
Burton,	Hemphill,	Payson,	Walker, Mass.
Butterworth,	Henderson, Iowa	Penington,	Wallace, Mass.
Caldwell,	Herbert,	Parkins,	Wallace, N. Y.
Candler, Ga.	Hill,	Peters,	Wickham,
Candler, Mass.	Hitt,	Pickler,	Wilkinson,
Cannon,	Hopkins,	Post,	Williams, Ohio
Carter,	Houk,	Pugsley,	Wilson, Mo.
Caruth,	Kelley,	Reed, Iowa	Wilson, Wash.
Caswell,	Kennedy,	Reilly,	Wise,
Clark, Wis.	Kerr, Iowa	Reyburn,	Wright,
Clunie,	Kinsey,	Rife,	Yoder.
Cogswell,	Lawler,	Robertson,	
Coleman,	Laws,	Rogers,	

## NAYS—52.

Abbott,	Cowles,	Lane,	Seney,
Barwig,	Crisp,	Lester, Ga.	Shively,
Breckinridge, Ark.	Davidson,	Martin, Ind.	Spinola,
Brickner,	Dunphy,	Martin, Tex.	Tracey,
Brookshire,	Fithian,	McMillin,	Tucker,
Brunner,	Forman,	McRae,	Turner, Ga.
Bynum,	Forney,	Norton,	Turner, N. Y.
Carlton,	Fowler,	Parrett,	Walker, Mo.
Chipman,	Hare,	Peel,	Washington,
Clements,	Hatch,	Pierce,	Wheeler, Ala.
Cobb,	Henderson, N. C.	Richardson,	Whiting,
Holman,	Kilgore,	Sayers,	Wike,
Covert,			Williams, Ill.

## NOT VOTING—127.

Alderson,	De Haven,	Lanham,	Ray,
Allen, Miss.	De Lano,	Lansing,	Rockwell,
Atkinson, W. Va.	Dibble,	Lee,	Rusk,
Barnes,	Dingley,	Lehibach,	Sanford,
Bartine,	Dorsey,	Lind,	Sawyer,
Bayne,	Edmunds,	Magner,	Scranton,
Belden,	Enloe,	Maish,	Scull,
Biggs,	Ewart,	Mason,	Simonds,
Blanchard,	Featherston,	McAdoo,	Skinner,
Bland,	Fitch,	McCarthy,	Smith, Ill.
Bowden,	Flood,	McClammy,	Spooner,
Brower,	Flower,	McCreary,	Stahneck,
Brown, J. B.	Frank,	McKenna,	Stephenson,
Browne, T. M.	Gear,	McKinley,	Stewart, Vt.
Browne, Va.	Geissenhainer,	Miles,	Stivers,
Buchanan, Va.	Gibson,	Moffitt,	Stone, Mo.
Buckalew,	Gifford,	Mitchler,	Taylor, E. B.
Bunn,	Goodnight,	Niedringhaus,	Taylor, J. D.
Campbell,	Grimes,	O'Ferrall,	Thompson,
Carlisle,	Grosvenor,	O'Neill, Ind.	Tillman,
Catchings,	Grout,	O'Neill, Mass.	Turner, Kans.
Cheadle,	Hall,	O'Neill, Pa.	Venable,
Cheatham,	Harmer,	Payne,	Watson,
Clancy,	Henderson, Ill.	Paynter,	Wheeler, Mich.
Clarke, Ala.	Hermann,	Perry,	Whitthorne,
Compton,	Hooker,	Phelan,	Wilber,
Cothran,	Kerr, Pa.	Price,	Wiley,
Crain,	Ketcham,	Quackenbush,	Willcox,
Culbertson, Tex.	Knapp,	Quinn,	Wilson, Ky.
Cummings,	Lacey,	Raines,	Wilson, W. Va.
Dalzell,	La Follette,	Randall, Mass.	Yardley.
Dargan,	Laidlaw,	Randall, Pa.	

So (two-thirds voting in favor thereof) the motion to suspend the rules and pass the bill was agreed to.

The following members were announced as paired until further notice:

Mr. BROWNE, of Virginia, with Mr. EDMUNDS.

Mr. ATKINSON, of West Virginia, with Mr. ALDERSON.

Mr. ENLOE with Mr. LIND.

Mr. ROCKWELL with Mr. CAMPBELL.

The following members were announced as paired for the rest of the day:

Mr. DORSEY with Mr. GIBSON.

Mr. LACEY with Mr. BARNES.

Mr. SCRANTON with Mr. BLAND.

Mr. CHEADLE with Mr. HOOKER.

Mr. WATSON with Mr. FLOWER.

Mr. THOMAS M. BROWNE with Mr. COTHRAN.

Mr. PAYSON. I ask unanimous consent to dispense with the recapitulation of the names.

There was no objection.

The result of the vote was announced as above stated.

Mr. ANDERSON, of Kansas. I move that the House adjourn.

## ENROLLED BILLS SIGNED.

Pending the motion to adjourn,

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 296) vesting in the vestry of Christ Church, Washington parish, District of Columbia, all of the right, title, and interest of the United States of America in and to square south of square 1092, in the city of Washington, District aforesaid; and

A bill (S. 1083) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia.

The motion of Mr. ANDERSON, of Kansas, that the House adjourn, was agreed to; and accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

## EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

## PROCESS OF WELDING BY ELECTRICITY.

Letter from the Secretary of the Navy, transmitting, in compliance with a resolution of the House of Representatives of the 12th instant, a copy of the report of a board of officers of the Navy on the process of welding by the Thomson Electric Welding Company of Boston, Mass.—to the Committee on Naval Affairs.

## LIGHT AND FOG-SIGNAL AT SEUL CHOIX POINT, MICHIGAN.

Letter from the Secretary of the Treasury, recommending an additional appropriation for the establishment of a light and fog-signal at Seul Choix Point, Michigan—to the Committee on Appropriations.

## RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were delivered to the Speaker and referred as follows:

## By Mr. MUTCHLER:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, directed, in all work for Congress and for the Departments begun after the passage of this resolution, whenever variant spellings of a word are found in the current dictionaries, to use the simplest form, as recommended by the joint action of the American Philological Association and the Philological Society of England;

to the Committee on Printing.

## By Mr. CARLISLE:

Resolved, That the Secretary of State be, and he is hereby, requested to furnish to the House of Representatives a statement showing what, if any, changes have been made by foreign countries since 1879 in the rates of duty imposed upon breadstuffs and provisions imported into such countries from the United States, and what laws, if any, have been enacted or regulations have been made in such countries since said date prohibiting, obstructing, or in any manner interfering with the importation or sale of such articles;

to the Committee on Ways and Means.

## REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, the following reports were filed, and, with accompanying bills, ordered to be printed, and referred as follows:

Mr. CUTCHEON, from the Committee on Military Affairs, reported favorably the bill (S. 428) to amend article 103 of the Rules and Articles of War—to the House Calendar.

Mr. BROWNE, of Virginia, from the Committee on Pensions, reported favorably the bill (H. R. 6349) increasing the pension of Mary Snead, a Revolutionary pensioner—to the Committee of the Whole House.

Mr. SWENEY, from the Committee on Commerce, reported, as a substitute for the bill (H. R. 3837) to declare the Iowa River unnavigable below Wapello, Iowa, a bill (H. R. 8296) to allow the erection of bridges across the Iowa River at and below Wapello; which substitute was read twice, and referred to the House Calendar.

Mr. HENDERSON, of North Carolina, from the Committee on Pensions, reported favorably the bill (H. R. 7577) granting a pension to William H. Chapman—to the Committee of the Whole House.

He also, from the same committee, reported with amendment the bill (H. R. 7952) to increase the pension of Joel Hagler, of Henry County, Tennessee—to the Committee of the Whole House.

Mr. BARWIG, from the Committee on Pensions, reported favorably the bill (H. R. 7514) granting a pension to Johanna Shield—to the Committee of the Whole House.

Mr. PARRETT, from the Committee on Pensions, reported favorably the bill (H. R. 5777) for increasing the pension of Sarah Dabney, a Revolutionary pensioner—to the Committee of the Whole House.

Mr. RANDALL, of Massachusetts, from the Committee on Invalid Pensions, reported favorably the bill (H. R. 6688) asking an increase of pension for Mary H. Nicholson—to the Committee of the Whole House.

#### BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were delivered to the Speaker, severally read twice, and referred as follows:

By Mr. CUTCHEON: A bill (H. R. 8277) to increase the efficiency and reduce the expenses of the Signal Corps of the Army and to establish the Weather Service in the Department of Agriculture—to the Committee on Military Affairs.

By Mr. BAKER: A bill (H. R. 8278) to further amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Commerce.

By Mr. EZRA B. TAYLOR: A bill (H. R. 8279) to limit the appellate jurisdiction of the Supreme Court, and to recognize the inferior courts of the United States and to define their jurisdiction—to the Committee on the Judiciary.

By Mr. FARQUHAR: A bill (H. R. 8280) providing for the retirement of enlisted men of the Army—to the Committee on Military Affairs.

By Mr. HANSBROUGH: A bill (H. R. 8281) to confirm final proofs of lands in certain cases—to the Committee on the Public Lands.

By Mr. BROSIUS (by request): A bill (H. R. 8282) to authorize the President to appoint physicians to fill vacancies in the regular medical corps—to the Committee on Military Affairs.

By Mr. PERKINS: A bill (H. R. 8283) providing for the payment per capita of the trust funds of the Delaware Indians of the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. EVANS: A bill (H. R. 8284) for the erection of a public building in McMinnville, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. MORROW: A bill (H. R. 8285) to provide for a subsistence detachment, United States Army—to the Committee on Military Affairs.

By Mr. KELLEY: A bill (H. R. 8286) to provide for the election of members of the House of Representatives—to the Select Committee on the Election of President, Vice-President, and Representatives in Congress.

By Mr. WALLACE, of New York (by request): A bill (H. R. 8287) to insure preference in appointment, employment, and retention in public service of veterans of the late war—to the Select Committee on Reform in the Civil Service.

By Mr. HARMER: A bill (H. R. 8288) to authorize the Secretary of the Navy to reopen the navy-yard at League Island, Pennsylvania, for the construction and repair of vessels of the Navy—to the Committee on Naval Affairs.

By Mr. GROUT: A bill (H. R. 8289) to prevent unlawful conversion of goods, or the proceeds thereof, by the factors, commission merchants, and consignees in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BELDEN: A bill (H. R. 8290) to provide for the increase of the salary of the assistant and chief clerk of the office of the Supervising Architect of the Treasury Department—to the Committee on Expenditures in the Treasury Department.

Also, a bill (H. R. 8291) to incorporate the Metropolitan Gas-Light and Fuel Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. BAKER: A bill (H. R. 8292) to regulate commerce between the United States and foreign countries—to the Committee on Ways and Means.

By Mr. LODGE: A bill (H. R. 8293) to simplify the classification of mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STAHLNECKER: A joint resolution (H. Res. 125) authorizing the Secretary of the Navy to remove the naval magazine from Ellis's Island, New York Harbor, and to purchase a site and erect a naval magazine at some other point—to the Committee on Naval Affairs.

Also (by request), a bill (H. R. 8294) to prohibit objectionable foreign immigration, encourage desirable immigration, defend American institutions, and protect American labor—to the Select Committee on Immigration and Naturalization.

By Mr. CAREY: A bill (H. R. 8295) to authorize the purchase of certain public lands by the city of Buffalo, Wyo., and for other purposes—to the Committee on the Public Lands.

By Mr. MORRILL: A bill (H. R. 8297) providing for a service pen-

sion for the soldiers of the rebellion and their widows, and for other purposes—to the Committee on Invalid Pensions.

By Mr. CONNELL: A bill (H. R. 8298) to constitute Lincoln, Nebr., a port of delivery, and to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to the said port of Lincoln—to the Committee on Commerce.

By Mr. CALDWELL: A bill (H. R. 8299) to reclassify and fix the salary of persons in the railway mail service, known as postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. MCADOO: A joint resolution (H. Res. 126) authorizing the Secretary of the Navy to remove the naval magazine from Ellis's Island, in New York Harbor, and to purchase a site and erect a naval magazine at some other point—to the Committee on Naval Affairs.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were delivered to the Clerk and referred as follows:

By Mr. BROOKSHIRE: A bill (H. R. 8300) granting a pension to John A. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8301) granting a pension to Elvin Brown—to the Committee on Pensions.

Also, a bill (H. R. 8302) granting a pension to Mary E. Graham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8303) granting a pension to Malinda Lemmon—to the Committee on Pensions.

By Mr. ELLIS: A bill (H. R. 8304) for the relief of Nancy Berry—to the Committee on War Claims.

Also, a bill (H. R. 8305) for the relief of John G. Stodghill—to the Committee on War Claims.

By Mr. EVANS: A bill (H. R. 8306) for the relief of R. H. Mason, McMinnville, Tenn.—to the Committee on Claims.

By Mr. FINLEY: A bill (H. R. 8307) granting a pension to Stephen H. Jackson, of Laurel County, Kentucky—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8308) for the relief of the heirs of John A. Leveredge, of Wayne County, Kentucky—to the Committee on War Claims.

Also, a bill (H. R. 8309) granting an increase of pension to Willis Sturgeon, of Hart County, Kentucky—to the Committee on Invalid Pensions.

By Mr. FITHIAN: A bill (H. R. 8310) granting a pension to Mary V. Todd—to the Committee on Invalid Pensions.

By Mr. HANSBROUGH: A bill (H. R. 8311) to place John A. Edgren on the pension-roll—to the Committee on Invalid Pensions.

By Mr. HARE: A bill (H. R. 8312) for the relief of W. T. Cox—to the Committee on Claims.

By Mr. HARMER: A bill (H. R. 8313) for the relief of Henry Peters—to the Committee on Military Affairs.

By Mr. HENDERSON, of Iowa: A bill (H. R. 8314) granting a pension to Sarah M. Jewell—to the Committee on Invalid Pensions.

By Mr. HOLMAN: A bill (H. R. 8315) granting a pension to Anna H. Anderson, of Decatur County, Indiana—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8316) to restore the name of Druzilla Fowler, of Switzerland County, Indiana, to the pension-roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8317) granting an increase of pension to Thomas H. Kennedy—to the Committee on Invalid Pensions.

By Mr. LODGE: A bill (H. R. 8318) for the relief of Charles H. Neill—to the Committee on Claims.

Also, a bill (H. R. 8319) granting a pension to Joseph D. Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8320) for the relief of David D. Smith—to the Committee on War Claims.

By Mr. MANSUR (by request): A bill (H. R. 8321) granting an increase of pension to Ellen Hartnett—to the Committee on Invalid Pensions.

By Mr. MASON: A bill (H. R. 8322) for relief of Emanuel Mason—to the Committee on Expenditures in the Interior Department.

By Mr. MCCLELLAN: A bill (H. R. 8323) for the relief of I. W. Young—to the Committee on Claims.

By Mr. MCCOMAS: A bill (H. R. 8324) for the relief of the Columbian Iron Works and Dry-Dock Company of Baltimore City—to the Committee on Naval Affairs.

By Mr. MCCREARY: A bill (H. R. 8325) for the relief of Mrs. Eugenia Dunlap Potts—to the Committee on War Claims.

By Mr. PERKINS: A bill (H. R. 8326) granting a pension to Benjamin F. Douglass—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8327) granting a pension to Lyman B. Simon, of Columbus, Kans.—to the Committee on Invalid Pensions.

By Mr. RANDALL, of Massachusetts: A bill (H. R. 8328) granting an increase of pension to Mrs. Ellen M. Thornton, widow of the late Capt. James S. Thornton, United States Navy—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 8329) for the relief of J. J. Bailey, of Shelby County, Tennessee—to the Committee on War Claims.



By Mr. RUSSELL: A bill (H. R. 8330) for the relief of George H. Goddard—to the Committee on Naval Affairs.

Also, a bill (H. R. 8331) for the relief of William H. Latham—to the Committee on Naval Affairs.

Also, a bill (H. R. 8332) for the relief of John Rodgers—to the Committee on Naval Affairs.

By Mr. STAHLNECKER: A bill (H. R. 8333) for the relief of John G. Bright and Robert T. Humphrey—to the Committee on Claims.

Also, a bill (H. R. 8334) to remove charge of desertion from the record of the late August Henckell—to the Committee on Military Affairs.

By Mr. STIVERS: A bill (H. R. 8335) to relieve W. W. Wheeler of the charge of desertion—to the Committee on Military Affairs.

By Mr. STONE, of Kentucky: A bill (H. R. 8336) for the relief of J. H. Bugg and others—to the Committee on War Claims.

By Mr. WILSON, of West Virginia: A bill (H. R. 8337) for the relief of Mrs. Ann E. Heiskell—to the Committee on War Claims.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (H. R. 8182) for the relief of Caroline M. McDougal, widow of the late Rear-Admiral David McDougal, United States Navy—Committee on Naval Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 2406) for the relief of Francis M. Potter—Committee on War Claims discharged, and referred to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. BAKER: Petitions of M. L. Wilson, executor, D. D. Davies, J. A. Thorn, all United States commissioners, western district of North Carolina, in support of House bill 5832—to the Committee on Claims.

Also, petitions of Charles L. Adams, United States commissioner, northern district of New York, and John J. Allen, and B. L. Benedict, United States commissioners, eastern district of New York, in support of House bill 5832—to the Committee on Claims.

By Mr. BAYNE: Petition of H. C. Matsell and 100 other members of Southern Branch National Home, for the passage of House bill 4569, the furlough bill—to the Committee on Military Affairs.

By Mr. BRECKINRIDGE, of Kentucky: Petition of 40 citizens of Woodruff County, Arkansas, against the Conger or Butterworth land bill—to the Committee on Agriculture.

By Mr. BURROWS: Petition of ex-officers and soldiers of Benton Harbor, Mich., asking for a service pension—to the Committee on Invalid Pensions.

By Mr. CARUTH: Papers to accompany H. R. 1290, to pension Mary A. Bailey—to the Committee on Pensions.

By Mr. COMSTOCK: Petition of ex-soldiers and citizens of Marshall County, Minnesota, asking pension legislation—to the Committee on Invalid Pensions.

By Mr. CONGER: Resolutions of Farmers' Alliance No. 5353, Pleasantville, Iowa, for the passage of the Butterworth bill defining options and futures, and imposing penalties to lessen and prevent gambling in produce—to the Committee on Agriculture.

By Mr. CONNELL: Resolutions adopted by the Board of Trade of Nebraska City, Nebr., favoring an appropriation of \$5,200,000 for deep harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, petition of 110 veterans of the war of the rebellion, now residents of Johnson County, Nebraska, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of members of Sons of Veterans, United States Army, Johnson County, Nebraska, in favor of the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. COVERT: Petition of A. D. Hawkins and others, for the erection of a breakwater at Mattituck Bay, New York—to the Committee on Rivers and Harbors.

By Mr. CUMMINGS: Petition of A. J. Demarest, to remove charge of desertion—to the Committee on Military Affairs.

By Mr. DORSEY: Petition from citizens of Pierce County, Nebraska, against the passage of the Windom silver bill—to the Committee on Coinage, Weights, and Measures.

Also, two petitions of citizens of Nebraska against the Windom bill—to the Committee on Coinage, Weights, and Measures.

Also, petition of members Farmers' Alliance and citizens of Nebraska against the passage of the Union Pacific Railway funding bill—to the Committee on the Pacific Railroads.

Also, two petitions of the citizens of State of Nebraska against the passage of the Windom silver bill—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of Board of Trade of Lincoln, Nebr., in favor of harbor for navy-yard at New Orleans, La.—to the Committee on Naval Affairs.

By Mr. ENLOE: Petition of Thomas J. Waller, asking for compensation for property taken and used by the United States Army during the late war of the rebellion—to the Committee on War Claims.

Also, petition of M. E. Eubanks, heir of Ann B. McGowan, deceased, of Hardeman County, Tennessee, asking for the reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Joseph B. Inabuck, Hinds County, Mississippi, asking for compensation for horses, mules and sheep taken by the United States Army during the late war—to the Committee on War Claims.

Also, papers in the claim of George Sinclair, of Apalachicola County, Florida—to the Committee on War Claims.

By Mr. EVANS: Petition of soldiers of late war, Warren County, Tennessee, for pay—to the Committee on War Claims.

By Mr. FITHIAN: Petition of Donald McDonald for a pension—to the Committee on Invalid Pensions.

Also, resolutions of Lawrence County (Illinois) Assembly, Farmers' Mutual Benefit Association, against the ship subsidy bill—to the Committee on Merchant Marine and Fisheries.

By Mr. GEAR: Resolutions of James Sample Post, No. 120, at Fort Madison; J. W. Hardin Post, No. 384, at New London; Shriver Post, No. 177, at Vernon; Ed. Hamlin Post, No. 112, at Wellman, Grand Army of the Republic, Department of Iowa, for a service pension—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Petition of John F. Thouen and a large number of others, Union soldiers of Hannibal, Ohio, praying for a service pension—to the Committee on Invalid Pensions.

Also, petition of Lydia A. Grimes, for a widow's pension—to the Committee on Invalid Pensions.

By Mr. GROUT: Petitions of H. F. Griswold, P. W. Carrier, W. H. Chase, and others, citizens of the State of Vermont, for cold storage on steam-ships between New York and Liverpool—to the Committee on Merchant Marine and Fisheries.

By Mr. HAYES: Resolutions of N. B. Howard Post, No. 92, at De Witt, Iowa, Grand Army of the Republic, in favor of a service-pension—to the Committee on Invalid Pensions.

By Mr. HEMPHILL: Petition of John M. Hardin and 30 others, citizens of Chester County, South Carolina, also Chester County Alliance, urging the earliest possible adoption of the bill to prevent land adulteration—to the Committee on Agriculture.

By Mr. HENDERSON, of North Carolina: Petition of Back Creek Monthly Meeting of Friends, of Randolph County, North Carolina, in opposition to large expenditures for the Navy and for coast defenses and all other warlike preparations—to the Committee on Expenditures in the Navy Department.

By Mr. HOLMAN: Affidavits in support of bill granting a pension to Anna H. Anderson, of Decatur County, Indiana—to the Committee on Invalid Pensions.

Also, resolutions in relation to the pension of Druzilla Fowler—to the Committee on Invalid Pensions.

By Mr. JOSEPH: Petition of over 500 citizens, residents on the Las Vegas grant, asking for the passage of House bill 973, providing for a survey of the Las Vegas grant and the issuing of a patent therefor to the town of Las Vegas, said petitioners being the most prominent professional men and substantial citizens of the town of Las Vegas and residents on the said grant—to the Committee on Private Land Claims.

By Mr. KELLEY: Petition of Hugh Brady and other old soldiers of Woodson County, Kansas, asking for the passage of a service-pension bill, and protesting against the passage of any bill that would imply that soldiers must be dependent or in any sense paupers before they are entitled to its benefits, and protesting against any more appropriations for public buildings until the soldiers and their widows are provided for—to the Committee on Invalid Pensions.

Also, petition of William Higgins and 81 others, citizens of Topeka, Kans., asking for increase of pay of letter-carriers, and asking for passage of House bill 3863, introduced by J. LOGAN CHIPMAN—to the Committee on the Post-Office and Post-Roads.

Also, petition of Farmers' Mutual Benefit Association of Vernon, Kans., in favor of free coinage of silver, to abolish the power of national banks to issue money, in favor of increasing amount of currency in circulation to \$50 per capita, and asking that the Government loan money to the farmers on mortgages at low rate of interest—to the Committee on Coinage, Weights, and Measures.

Also, petition of Emporia Post, No. 55, Grand Army of the Republic, Department of Kansas, in favor of a service pension—to the Committee on Invalid Pensions.

By Mr. LODGE: Resolutions of New England Ship-Owners' Association, in behalf of improvements of harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. MCCLELLAN: Papers in the case of I. W. Young—to the Committee on Claims.

By Mr. MCCORD: Remonstrance of B. G. Grunert and others, citizens of Oconto, Wis., against the passage of any and all measures now pending before Congress designed to materially change the present national laws on immigration and naturalization—to the Select Committee on Immigration and Naturalization.

Resolution of Phillips Post, No. 181, Grand Army of the Republic.

Department of Wisconsin, in favor of service-pension laws—to the Committee on Invalid Pensions.

Also, remonstrance from Adam Fisher and others, citizens of Oconto, Wis., against the passage of any and all measures now pending before Congress designed to materially change the present national laws on immigration and naturalization—to the Select Committee on Immigration and Naturalization.

By Mr. McCREARY: Papers in support of and to be filed with House bill for the relief of Mrs. Eugenia Dunlap Potts—to the Committee on War Claims.

By Mr. McKINLEY: Petition of citizens of Columbiana County, Ohio, protesting against appropriations for coast defenses as a menace to peace—to the Committee on Appropriations.

Also, petition of Hazlett Post, No. 81, Grand Army of the Republic, of Zanesville, Ohio, favoring a service-pension bill—to the Committee on Invalid Pensions.

By Mr. McRAE: Resolutions of Chamber of Commerce of Fort Smith, Ark., in reference to locating a Government penitentiary at Fort Smith, Ark.—to the Committee on the Judiciary.

Also, petition of citizens of Hempstead County, Arkansas, asking for the restoration of silver to its constitutional place as a money metal—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of Memphis Merchants' Exchange, against tax on compound lard—to the Committee on Agriculture.

By Mr. MOREY: Papers in support of H. R. 4859—to the Committee on Education.

By Mr. MORRILL: Petition of Abe Zahn, Robert Nesch, and others, citizens of Atchison, Kans., protesting against any material changes in the naturalization laws—to the Select Committee on Immigration and Naturalization.

By Mr. OSBORNE: Resolutions of Los Angeles Post-Office Clerks' Association, favoring eight consecutive hours to constitute a day's work and fifteen days' vacation annually after one year of actual service—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Indianapolis Board of Trade, favoring the conversion of the United States arsenal at that city into a manufactory of ordnance and arms—to the Committee on Military Affairs.

Also, petitions of labor organizations, churches, and other bodies, of Pennsylvania, asking for a national Sunday-rest law—to the Committee on the Judiciary.

By Mr. PAYNTER: Petition of Newton Lanter, for pension—to the Committee on Invalid Pensions.

Also, petition of Thomas S. Reed, for a pension—to the Committee on Invalid Pensions.

Also, petition of Martin Preston, in reference to claim—to the Committee on War Claims.

By Mr. PEEL: Papers in the claims of John M. Wilson, Clark County, Arkansas; Elizabeth Fitzhugh, Izzard County, Arkansas, and Albert G. Withers, Arkansas County, Arkansas—to the Committee on War Claims.

By Mr. PETERS: Resolutions of Wichita (Kans.) Board of Trade, favoring appropriation for deep harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. SPRINGER: Memorial from citizens residing in No Man's Land, approving the action taken by the Committee on the Territories designating Beaver as the county seat of the Sixth County—to the Committee on the Territories.

By Mr. STAHLNECKER: Petition of John G. Bright and Robert T. Humphrey, for relief—to the Committee on Claims.

By Mr. STRUBLE: Petition of Lieut. A. Hurlburt Post, Grand Army of the Republic, No. 82, Alta City, Iowa, urging the passage of the service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions of Homestead Farmers' Alliance, of Hull, Iowa, favoring the passage of H. R. 5353, defining and prohibiting options and futures, and imposing penalties to prevent gambling in farm products—to the Committee on Agriculture.

By Mr. SWENEY: Resolutions of Volga Post, No. 281, at Volga City; Sisco Post, No. 178, at Elma; Abernathy Post, No. 48, at West Union; Hiram Steel Post, No. 299, at Edgewood; Sutherland Post, No. 171, at Waucoma; Center Post, No. 276, at Randalia; Floyd Post, No. 348, at Floyd; Marble Rock Post, No. 308, at Marble Rock; Heminway Post, No. 344, at Lansing; A. P. Morton Post, No. 277, at New Hampton; John C. Chalmers Post, No. 294, at Bassett; Frank A. Brush Post, No. 77, at Osage, and memorial of Post No. 216, at Cresco, Grand Army of the Republic, Department of Iowa, in favor of service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions of the Legislature of the State of Iowa, favoring the enactment of a law requiring railroads engaged in interstate commerce to supply their cars so employed with automatic brakes and couplers—to the Committee on Commerce.

By Mr. TARSNEY: Memorial of the Commercial Exchange of the city of St. Louis and the Pork Packers' Association of said city, protesting against the passage of the bill known as the Edmunds inspection bill relating to the inspection of hog products intended for export—to the Committee on Agriculture.

Also, memorial of packing companies of Kansas City and others, pro-

testing against any increase of duty on tin-plate—to the Committee on Ways and Means.

By Mr. JOSEPH D. TAYLOR: Petitions, resolutions, and memorials from 35 Grand Army posts in Alabama, Maine, Kentucky, California, Colorado, Iowa, Kansas, Illinois, Massachusetts, Indiana, Missouri, Michigan, Minnesota, New York, Texas, Ohio, Pennsylvania, South Dakota, and Wisconsin, favoring the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. TOWNSEND, of Colorado: Resolutions of the board of county commissioners of Arapahoe County, Colorado, in favor of appropriations for deep harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. VANDEVER: Remonstrance of citizens of San Luis Obispo, Cal., against demonetization of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. WASHINGTON: Petition of H. P. Letwick and others, of Tennessee, for the remonetization and free coinage of silver—to the Committee on Banking and Currency.

By Mr. WICKHAM: Petition of National Woman's Christian Temperance Union, asking for a Sunday-rest law—to the Committee on the Judiciary.

By Mr. WILSON, of Missouri: Petition of W. A. Roney, B. J. Bless, J. M. Cornell, George W. Doppler, and 100 others, citizens of West Platte County, Missouri, praying for such an appropriation as may be necessary to build a breakwater at or near Kickapoo, in Leavenworth, Kans., for the purpose of improving navigation of the Missouri River by forcing the same back to its former channel opposite to the city of Weston—to the Committee on Rivers and Harbors.

Also, petition of the North American Turnerbund, E. Tadberg, H. W. Kaston, Carl Lohr, and 100 others, citizens of St. Joseph, Mo., protesting against the passage of any measure now before Congress looking to any material change in the naturalization or immigration laws as they now exist—to the Select Committee on Immigration and Naturalization.

By Mr. WISE: Petition of citizens of Virginia, praying for the restoration of silver to its constitutional place as a money metal—to the Committee on Coinage, Weights, and Measures.

Also, petition of W. H. Weson, praying compensation for 100 bales of cotton burned by the Federal Army after the war ended—to the Committee on War Claims.

## SENATE.

TUESDAY, March 18, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

### EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting estimates of appropriations presented by the commissioners of the District of Columbia for the payment of judgments amounting to \$10,250.75, and stating that the commissioners ask that provision be made therefor in the urgent deficiency bill.

The communication was read.

The PRESIDENT *pro tempore*. The urgent deficiency bill having been reported, what disposition shall be made of this communication, with the accompanying papers?

Mr. HALE. Let it lie on the table.

The PRESIDENT *pro tempore*. It will be so ordered.

Subsequently the communication was referred to the Committee on Appropriations, and ordered to be printed.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 11th instant, a report from the Commissioner of Indian Affairs relative to the authorizing of any lottery company by the Indian Territorial government of the Creek Nation; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

### PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of J. H. Herman, of Warsaw, N. Y., praying for the passage of the dependent pension bill, with certain amendments; which was referred to the Committee on Pensions.

Mr. BERRY presented the petition of F. M. Richter, administrator, of Jacksonport, Ark., praying for the passage of a resolution referring Senate bill 2723, for the relief of the estate of Augustus Heberlein, to the Court of Claims; which was referred to the Committee on Claims.

Mr. DAVIS presented a petition of citizens of Redwood County, Minnesota, praying that the proposed Indian industrial school may be located at Redwood Falls, Minn.; which was referred to the Committee on Indian Affairs.

Mr. MANDERSON. I present a petition of the General Association of Congregational Churches of Nebraska. This association sets forth



the fact that there is an immense amount of immorality and vice in the Army of the United States, and suggests as a remedy for that deplorable condition that there should be an increase in the chaplain force of the Army. The petitioners pray for legislation which shall increase the number of chaplains, so that there will be one at each army post. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. MANDERSON presented a resolution adopted by the Board of Trade of Lincoln, Nebr., in favor of the establishment of a navy-yard and the erection of suitable buildings at New Orleans, La.; which was referred to the Committee on Naval Affairs.

Mr. PADDOCK. I present a petition of the Nebraska Congregational Church Association, of Omaha, Nebr., of similar import to the one presented by my colleague, remonstrating against the discontinuance of the office of chaplain in the regular Army of the United States, and praying for an increase in the number of chaplains. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. PASCO. I present the petition of J. Ira Gore and 32 others, citizens of Cedar Keys, Fla., including the Board of Trade of that city, praying for a survey of the channel north and west of Cedar Keys known as "Boat," or No. 4, Channel, and an appropriation for its improvement.

I also present a letter of J. O. Andrews, secretary of the Board of Trade of Cedar Keys, calling attention to the value of this channel and the importance of the survey asked for.

I move that the petition and letter be referred to the Committee on Commerce.

The motion was agreed to.

Mr. STEWART presented 26 petitions, signed by 558 members of the Farmers' Alliance and citizens of Nebraska, praying for the free coinage of silver; which were referred to the Committee on Finance.

Mr. ALLEN presented a memorial of the Legislature of the State of Washington; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF WASHINGTON,  
Office of the Secretary of State.

I, Allen Weir, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the attached instrument of writing, *i. e.*, House Memorial No. 17, for removing obstructions to navigation in the upper Columbia River, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, at Olympia, this 17th day of February, A. D. 1890.

[SEAL.]

ALLEN WEIR, Secretary of State.

Memorial.

To the honorable the Senate and House of Representatives of the  
United States in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Washington, respectfully represent that the Columbia River, one of the great water ways of the world, can, with slight expense, be made navigable from Kettle Falls, in Stevens County, State of Washington, to a point in British Columbia more than 230 miles distant; that said river above said falls traverses a country of unexcelled fertility, rich in the precious minerals, in coal, iron, marble, and limestone, and in vast forests of pine, fir, and cedar trees; that Northeastern Washington, in the center of which lies the great and thriving city of Spokane Falls, needs to be brought into connection with said country by means of said river, in order that there may be a mutual interchange of products; that the said Columbia River is navigable in British Columbia to and above the crossing of the Canadian Pacific Railway, and the said country will be greatly benefited by the competition for its freights of that great transcontinental line; that Kettle Falls on said Columbia River is the natural and only point at which it is practicable for lines of railway and other highways to approach said Columbia River from Northeastern Washington, and that a line of railway from said Spokane Falls to said point is now completed to within a few miles of said Kettle Falls, namely, the Spokane and Northern Railroad; that the only obstructions in said river above said Kettle Falls for more than 230 miles are at a place called the Little Dalles, in said Stevens County; that said obstructions are inconsiderable, and can be removed, and the river rendered navigable at all stages of water, at an expenditure of not to exceed \$50,000, as is shown by the report of Lieut. Thomas W. Symonds, Engineer Corps, United States Army, made in the year 1881, Senate Executive Document 186; that considerable traffic between Northeastern Washington and said British Columbia has existed and been carried on by means of a line of steam-boats above said Little Dalles, but all freights to and from said boats has been required to be freighted by teams for a long distance over difficult and dangerous roads, and for that reason the said traffic has languished and nearly died away, but that said traffic will be revived and immediately increased with the completion of the line of the said Spokane and Northern Railway to said Kettle Falls and with the removal of the obstructions in the said river at the Little Dalles.

Wherefore your memorialists respectfully pray that an appropriation of a sum not to exceed \$50,000 be made by your honorable bodies for the removal of the obstructions in said river at the Little Dalles, said appropriation to be expended under the direction of the General Government as in other similar cases. And as in duty bound your memorialists will ever pray.

Passed the house January 29, 1890.

J. W. FEIGHAN, Speaker.

Passed the senate January 31, 1890.

CHAS. E. LAUGHTON, President.

Mr. SQUIRE presented a memorial of the Legislature of the State of Washington; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF WASHINGTON,  
Office of the Secretary of State.

I, Allen Weir, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the attached instrument of writing, *i. e.*, Senate Memorial No. 12, praying for an appropriation of \$300,000 for public surveys, with the original now on file in my

office, and that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, at Olympia, this 17th day of February, A. D. 1890.

[SEAL.]

ALLEN WEIR, Secretary of State.

Senate Memorial No. 12.

To the honorable Senate and House of Representatives of the  
United States in Congress assembled:

Your memorialists, the Legislature of the State of Washington, would most respectfully represent that—

Whereas under the act of February 22, 1889, to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States, there was granted to the State of Washington, to be selected under the direction of the Secretary of the Interior, from the surveyed, unreserved, and unappropriated public lands of the United States within the limits of said State:

For erecting public buildings at the capital of said State, 32,000 acres;  
For State university purposes, 46,000 acres;  
For agricultural college, 90,000 acres;  
For scientific school, 100,000 acres;  
For State normal school, 100,000 acres;  
For buildings at State capital, an additional grant of 100,000 acres;  
For State charitable, educational, penal, and reformatory institutions, 200,000 acres; and

Whereas there was also granted to the State of Washington, for the support of the common schools, sections numbered 16 and 36 in every township in said State, an estimated amount of 2,500,000 acres, and where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one quarter-section, and as contiguous as may be to the section in lieu of which the same is taken, may be selected; and

Whereas from the fact of settlements on these lands having been made prior to their survey and withdrawal from entry, and also a large amount of said lands falling in sections 16 and 36 being of a mineral character, for all of which indemnity lands to the amount of at least 1,000,000 acres must be selected, making a total of public lands granted to the State of Washington of 1,668,000 acres, which must be selected from the surveyed, unreserved, and unappropriated public lands of the United States within the limits of said State; and

Whereas the total surveyed area of the State of Washington not otherwise reserved or unappropriated does not exceed at this time 1,000,000 acres, as taken from the reports of the General Land Office to June 30, 1888, and estimating the sale and disposal of lands for the year ending June 30, 1889, as 2,500,000 acres, which is without doubt much less than the actual amount disposed of; of this 1,000,000 acres of surveyed and undisposed lands a large portion is included in the lands granted to the Northern Pacific Railroad Company, while at least 90 per cent. of the remainder are waste lands and practically worthless; and

Whereas during the years 1886, 1887, and 1888 but 468,438 acres of land were surveyed in the Territory of Washington, while the aggregate area of lands disposed of during the same period was 7,782,609 acres; and

Whereas it appears from the foregoing statements, which have been taken from official reports, that the State of Washington has now due and soon to become due from the public lands of the United States 1,668,000 acres of land which have been granted said State by the Government of the United States; and

Whereas there are no public lands of the United States in the State of Washington at the present time surveyed, unreserved, and unappropriated, from which the said grants to the State of Washington can be selected as required under the act granting said lands; and

Whereas the necessity for the immediate survey of lands from which these grants may be selected has been presented to your honorable bodies by a memorial from the Legislature of the State of Washington;

Now, therefore, we most earnestly and respectfully petition your honorable bodies that you will appropriate for the survey of public lands in the State of Washington the sum of \$300,000, to be made immediately available, said sum of money to be expended under the direction of the United States surveyor-general for the State of Washington, in accordance with the laws of the United States relative to the survey of public lands.

And your memorialists will ever pray.

Resolved, That our Senators be instructed and our Representatives requested to prepare and present bills embodying the subject-matter of this memorial and to earnestly urge the passage of the same.

Passed the senate December 18, 1889.

CHAS. E. LAUGHTON, President of the Senate.

Passed the house January 15, 1890.

J. W. FEIGHAN, Speaker of the House.

Mr. HOAR. I present two petitions which are addressed to the Senators from Massachusetts, but are intended as petitions to the Senate. One is the memorial of the Massachusetts Horticultural Society in aid of a certain memorial of the American Forestry Association in regard to the policy of dealing with the forests on the public lands. I move that the memorial be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. HOAR. The other is a petition of the Boston Executive Business Men's Association, favoring the enactment of a law which shall provide for the free admission of foreign-built ships to American registry for a period of ten years. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. CULLOM presented a petition of farmers of Illinois, praying for the passage of Senate bill 1655, authorizing the Secretary of the Treasury to loan money to farmers on real-estate security at 2 per cent. per annum; which was referred to the Committee on Finance.

Mr. PLUMB. I present a memorial of a large number of citizens of the State of Kansas, setting forth the great wrong committed upon the people of the United States by the passage of the bill for the demonetization of silver, and praying for the free coinage of silver. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. PLUMB presented the petition of citizens of the Indian Territory, asking that the Fort Reno reservation be retained in the Oklahoma bill recently passed by the House of Representatives; which was ordered to lie on the table.

Mr. VEST presented a petition of 41 citizens of Harrison County, Missouri, and a petition of 80 citizens of Harrison County, Missouri, praying for the free coinage of silver; which were referred to the Committee on Finance.

Mr. VEST. I also present resolutions of the Pork-Packers' Association and Merchants' Exchange of St. Louis, Mo., against the passage of the Edmunds inspection bill. Those resolutions can lie on the table, as the bill has been reported.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The resolutions will lie on the table.

Mr. EDMUNDS. They ought to go to the Committee on Foreign Relations, inasmuch as we are to have a hearing to-morrow of gentlemen concerned.

The PRESIDING OFFICER. The resolutions will be referred to the Committee on Foreign Relations.

Mr. VEST presented the petition of the Robert Anderson Post, No. 45, Grand Army of the Republic, and the petition of the Earlton Post, No. 206, Department of Kansas, Grand Army of the Republic, praying for the passage of the bill known as the Ingalls service-pension bill; which were referred to the Committee on Pensions.

#### REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Finance, reported an amendment in the nature of a substitute for the bill (S. 1) to declare unlawful trusts and combinations in restraint of trade and production; which was ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1140) granting a pension to Robert A. Stewart; and

A bill (S. 1385) granting a pension to James Drake.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1875) granting a pension to Elizabeth E. Groff;

A bill (H. R. 6304) granting a pension to Frederick Bischer;

A bill (H. R. 1873) granting a pension to Lovina Wright; and

A bill (H. R. 2767) increasing the pension of John Taylor.

Mr. BLODGETT, from the Committee on Pensions, to whom was referred the bill (S. 2200) for the relief of Mary E. Johnson, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 404) granting a pension to William Clawson;

A bill (S. 992) granting a pension to Phillipe Ray; and

A bill (S. 2766) granting a pension to John McLaren.

Mr. BLODGETT, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1153) granting a pension to Silas S. Holbrook; and

A bill (S. 841) granting a pension to Mary Bailly.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 2641) granting a pension to John S. Williams, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1565) granting a pension to Ann Ruffner, reported it without amendment, and submitted a report thereon.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (H. R. 4195) to increase the pension of Mrs. Emma A. Hart, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7010) for the relief of John J. Freeland, reported it with an amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2859) for the relief of Caroline Baker Stevens, relict of the late Col. Robert J. Stevens and daughter of the late Col. Edward D. Baker;

A bill (S. 2954) granting a pension to Charles A. Norton;

A bill (S. 789) granting an increase of pension to Henry G. Healy; and

A bill (S. 1048) granting a pension to Lloyd H. Snell.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the petition of Martin Harrington, late a private in Company E, Tenth Wisconsin Volunteers, praying for an increase of his pension, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

#### WESLEY MONTGOMERY.

Mr. PADDOCK. I move a reconsideration of the vote by which the bill (S. 2613) for the relief of Wesley Montgomery, reported yesterday from the Committee on Public Lands, was indefinitely postponed.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves

that the vote by which the bill was indefinitely postponed be reconsidered. The Chair hears no objection.

Mr. PADDOCK. I move that the bill be recommitted to the Committee on Public Lands.

The motion was agreed to.

#### BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 3163) to reorganize and establish the customs collection district of Puget Sound; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SQUIRE introduced a bill (S. 3164) to provide for the survey of public lands in the State of Washington; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MORRILL introduced a bill (S. 3165) to constitute Beecher's Falls, Vt., a port of entry, and to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to the said Beecher's Falls; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PASCO introduced a bill (S. 3166) granting a pension to Antonio Lopez; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FAULKNER introduced a bill (S. 3167) authorizing the appointment of Henry Haymond to the position of captain in the Army and to place him on the retired-list; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3168) granting a pension to Henry N. Karickhoff; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3169) granting a pension to Patrick H. Russell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 3170) authorizing the Secretary of the Treasury to establish a port of delivery at West Stewartstown, N. H.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLATT introduced a bill (S. 3171) to remove the charge of desertion from the military record of George O. Bradley; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3172) granting the use of certain lands to the town of New Haven, Conn., for a public park; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 3173) to amend an act entitled "An act to regulate commerce," approved February 4, 1887; which was read twice by its title, and referred to the Committee on Interstate Commerce.

He also introduced a bill (S. 3174) constituting Cairo, Ill., a port of delivery in the customs collection district of New Orleans; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HISCOCK (by request) introduced a bill (S. 3175) to provide for certain additional beneficiaries under the pension laws, to provide a specific uniform system of rates and grades for pensionable disabilities, to equalize the pensions now granted for disabilities incurred in the service and in line of duty, to grant arrears of pensions, to establish a practice for the adjudication of pension claims and the payment of the pensions granted, to grant pensions to Union ex-soldiers and sailors who are incapacitated for the performance of manual labor, and to the dependent widows, minor children, and certain other relatives of deceased soldiers and sailors, and to amend certain sections of the Revised Statutes of the United States relating to pensions and certain laws relating to pensions enacted since the revision of the statutes, and for other purposes; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3176) to provide for the letting of contracts for construction of public buildings and public works; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. PLUMB introduced a bill (S. 3177) granting a pension to Ursula Lucretia Haight; which was read twice by its title, and referred to the Committee on Pensions.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4975) providing for the appointment of an assistant general superintendent and a chief clerk, railway mail service; and

A bill (H. R. 6944) to transfer the revenue-marine service from the Treasury Department to the Navy Department.

The message also announced that the House had agreed to the concurrent resolution of the Senate requesting the President of the United States to invite the King of the Hawaiian Islands to select delegates to represent that kingdom in the Pan-American Congress, now assembled in the Capital of this Republic.



## ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 296) vesting in the vestry of Christ Church, Washington Parish, District of Columbia, all of the right, title, and interest of the United States of America in and to square south of square 1092, in the city of Washington, District aforesaid; and

A bill (S. 1053) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia.

## WITHDRAWAL OF PAPERS.

On motion of Mr. PLATT, it was

Ordered, That the papers on file in the Secretary's Office, in support of a bill to remove the charge of desertion from the military record of George O. Bradley, be withdrawn therefrom and referred to the Committee on Military Affairs.

## URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE. If the morning business is ended—

The PRESIDENT *pro tempore*. Is there further morning business? If there be none, that order is closed, and the Calendar, under Rule VIII, is in order.

Mr. HALE. I move that the Senate proceed to the consideration of the urgent deficiency appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7496) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1890, and for other purposes.

The PRESIDENT *pro tempore*. The remaining amendments reported by the Committee on Appropriations will be considered. The first reserved amendment will be stated.

Mr. HALE. I am not quite ready to go on with those. There are one or two other amendments that will be first considered.

Mr. PADDOCK. If in order I should like to offer an amendment to come in on page 9, after line 3. I send it to the desk.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 9, after line 3, insert:

## TERRITORIAL GOVERNMENTS.

Industrial Home in Utah Territory: To aid the Industrial Christian Home Association, Utah Territory, in carrying on the work of said association, fiscal year 1890, \$2,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

The amendment was agreed to.

Mr. HALE. On page 22, section 2, line 13, the word "therefor" should be "thereof." The same change should be made on the top of page 23, line 1; also, on page 23, line 13, and on line 24 of page 23. These amendments can all be adopted together.

The PRESIDENT *pro tempore*. The word "therefor" will be changed to "thereof" at the points indicated, if there be no objection.

Mr. HALE. On page 16, at the end of line 20, I move to add "to be paid as the salaries of other United States district judges are paid;" so as to read:

To pay the salaries of the district judges for the States of North Dakota, South Dakota, Montana, and Washington, from the date each qualifies to June 30, 1890, so much therefor as may be necessary, to be paid as the salaries of other United States district judges are paid.

The PRESIDENT *pro tempore*. Shall the word "therefor" in this clause be changed to "thereof," if there be no objection?

Mr. HALE. No; let it remain as it is.

The PRESIDENT *pro tempore*. The Senator from Maine thinks the word "therefor" should be retained. The question is on agreeing to the amendment submitted by the Senator from Maine.

The amendment was agreed to.

Mr. HALE. On page 15, after line 11, I move to insert:

Turtle Mountain band of Chippewa Indians: That the Secretary of the Interior is hereby authorized to use the sum of \$5,000 of the amount appropriated by the act of February 27, 1890, for the relief of the Sioux Indians at Devil's Lake agency, for the purchase of subsistence and clothing and other necessary articles to relieve the wants of the Chippewas of the Turtle Mountain band under the charge of the Devil's Lake agency.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Maine.

Mr. TELLER. Mr. President, I do not desire to antagonize the proposition of the committee; however, I wish to say a few words about the Turtle Mountain band of Indians, because the general rule is that whenever any Indians are in distress a certain class of people in the United States take it upon themselves to immediately arraign the Government for its treatment of those Indians. I think that I know as much about the Turtle Mountain band of Indians, perhaps, as anybody here, and I wish to give a brief history to set right the statements made by some of the pulpit orators of the country, and some of the newspaper orators, and some of those who are neither newspaper nor pulpit orators, and whose statements are based entirely upon misrepresentation.

The country where the Turtle Mountain Indians reside was never Chippewa land, they being Chippewa Indians. It was Sioux land, purchased of the Sioux tribes by the United States years ago. Years ago we purchased all of the right and title of the Chippewa Indians as far west as their title ran, no matter what it was. So, whether this was Chippewa or whether it was Sioux land, in either case the Government of the United States has obtained title in the regular methods.

When I became Secretary of the Interior I found that there were in the Turtle Mountain band of Indians less than 300 persons. They were setting up claims then to a section of country now in Northern Dakota aggregating about nine and a half million acres of land. My predecessor, upon a claim of that kind, had withdrawn this land from the operation of the settlement laws, although it had been open for at least ten or fifteen years, I think. Within this area there were at least 10,000 settlers. A large number of acres of land had been entered at the land office, and if not patented had at least proceeded in the regular way to a patent.

My attention having been called to the hardship of suspending the entries and the operations of the law upon so extensive a section of country, I began a personal investigation of a subject that I may say without egotism I was somewhat familiar with, and that was the habitat of the North American Indian. It had been to me a subject of interest, and I had been a student to some extent at least for a great many years of the location and the original and present habitat of the North American Indian. I did not need any investigation to show upon the first blush that this was not Chippewa land and never had been Chippewa land. That I might not be mistaken in the matter I called to my assistance ex-Governor and ex-Senator Ramsey, of the State of Minnesota, who knew probably as much about this question as any man living. I examined carefully the treaties made by Calhoun in early days and the history and location of the Indians as laid down both by Calhoun and by Catlett and by others who have been familiar with Indian subjects. Everything proved to me that my first idea was correct, that this was not Chippewa land and never had been, but was Sioux land, and that these Indians had no claim whatever to it.

I then began an investigation of the history of the Turtle Mountain Indians, and I wish to repeat now that this band then numbered, all told, after a careful census, less than 300, and they were composed mostly of half-breeds, who were not entitled under the law to be treated as Indians. I gave then to these Indians, as I could as Secretary of the Interior, permission to locate upon certain unoccupied land, saying to them that they could take 160 acres of land for the head of every family, and then they could have some pasture land and meadow land, and the rest of the country must be open to settlement. So I revoked what my predecessor had called a temporary order, or had the President done it, and opened this country to settlement, and gave to these less than 300 Indians, out of which to select 160 acres for each family, more than two townships in Northern Dakota, and the next time the Indian appropriation bill was passed Congress appropriated for their relief \$1,000 for the purchase of seeds.

On investigating the history of these Indians I found that they belonged to the original Chippewa tribe. They had never been recognized in Indian circles as a tribe, but simply as a band. They had gone to the White Earth reservation after our treaty with the Chippewas. They had participated in all the benefits and all the privileges of the Chippewa treaty. They had received their wagons, they had received their supplies, and then they had taken themselves over into Manitoba and had not been residents of the United States for ten consecutive years. They had then recently returned, probably in 1879 or 1880, or perhaps even later, to the United States with their carts and ponies, and, in their poverty, had set up a claim to this country.

I see by the public press that the Turtle Mountain band of Indians numbers 1,930. I wish to state that they are not American Indians, and the Government of the United States is under the same obligation, and only the same obligation, that it is to any suffering creatures to protect and take care of them. They are the Manitoba Chippewas, of which there are now at least 5,000 more still left in Manitoba, or in that section of the continent; and if you open the door and make a general distribution of funds there, you will invite all the Chippewas of that country to the United States.

I have no objection, if these people are in a suffering condition, that the Government should relieve them, but the Government should take some steps to put them back where they belong on the other side of the Canadian border. It is not fair for any man to stand up here and talk about the Government of the United States having stolen 11,000,000 acres of land from these Indians, for every foot of the land they owned the Government has bought and paid for, and given them a magnificent reservation covered with immense pine forests worth millions and millions of dollars. The American portion of the Chippewas are entitled to go to White Earth, if they see fit, and partake of the hospitality and generosity of this Government as any other Chippewas.

I want to put on record a denial of the statement, whether it comes from the pulpit or anywhere else, that these Indians have been improperly treated by the Government of the United States. Everything that they owned we have paid for and we are supporting them now in their idleness, in their vice, not where they ought to be supported, but

where they selected that they would go, and the 300 that are there, or less than 300, who claim to be treated as American Indians, are now swelled to 1,930, it is said, by the advent of British Indians, for whose support we are not liable either in equity or in law.

That is all I think I care to say upon this subject, except to add that the statement to which I have referred is in keeping with the general run of the statements made in this country with reference to Indians. The more ignorant a man may be of the location of Indians and the history connected with them, the better he thinks he is qualified to stand before the American public and denounce the Government and people of the United States for their treatment of the Indians.

Sir, I say that in the history of the treatment of aborigines anywhere in the world there has been no such lavish expenditure of money by any nation as we have expended for the Indians. I am not criticising it; but it is not true that we have treated them improperly. It is true we have said they should not occupy great, extensive territories of the United States to the exclusion of civilization and white men. That is true; that is inevitable; that is in the nature of things; that is in harmony with the Divine purpose, if Divine purposes govern these matters at all; it is in harmony with the idea that the world was made, not for savages, but for civilized men. If these Indians go upon the White Earth reservation now, they will be amongst the rich men of this country, and not the poor men, with an abundance of provisions and with a great property there in that pine and in that land which will make them infinitely better off than the settlers of any new section of this country.

Mr. COCKRELL. Where are they now?

Mr. TELLER. They are in Northern Dakota, in what is called Willow County. They would be better off, if they would go to the White Earth reservation and claim what they are entitled to claim there, than the people who have settled the prairies of my State; better off than the people who have settled the prairies of Kansas and Nebraska; better off than the people who have made civilization all over the West; better off than the people who are raising farm productions in the valleys of the Platte and the Arkansas.

While I do not object to the appropriation, I object to the statement which has been made so generally that these people are there suffering because of the misconduct of the Government of the United States, for it is absolutely untrue, and the man who makes it, whether he makes it from the pulpit or whether he makes it through the press, is either ignorant of the facts or is a willful falsifier.

Mr. DAWES. Mr. President, I am interested with the Senator from Maine in the passage of this bill, but I desire to say a few words in this connection.

I am very glad the Senator from Colorado has corrected the misstatements made in the public press relative to these Indians. I do not desire to enter into any discussion with him about the general treatment of the Indians of this country. If any comment should be made on what the Senator has said about the magnificent generosity which has characterized the treatment of the Indians of this country, it is simply this. It is not in the amount which has been bestowed upon the Indians in this country, but it is in the misapplication of it. At some points much more than ought to be done has been done, and at other points a great deal less than ought to be done has been done; but that is in the past and can not be cured now.

What the Senator says about these Turtle Mountain Indians is true, but in connection with this appropriation I want to say that the Catholic association or organization here, at the head of which is Father Stephan, of whom we have had some knowledge here in the Senate, has already contributed \$4,000 to the relief of these Indians and has \$5,000 more ready to send to their relief. The Government of the United States by telegraph, as the newspapers say, applied \$2,000 of another appropriation for that purpose. That would make \$11,000, and about \$5,000 or \$6,000 is proposed to be appropriated by this amendment. This amendment was new to me when it was offered. That would make some fifteen or sixteen thousand dollars.

It is true that the only Indians that are entitled to this relief are three or four hundred, of whom the Senator from Colorado has spoken. If this \$15,000 is sent there every five out of six dollars of it will be consumed by Indians either invited there over the border from the British Dominions or coming over of their own accord and sharing with these poor Indians the beneficence of this Government. Such has been the rule for five or six years; such has been the rule ever since the United States undertook to provide for these Indians at these two townships. The appropriation of \$10,000 at one time and \$5,000 at another from year to year has been consumed, three-quarters or five-sixths of it, by Indians from over the border. Everything that they raise there, whenever it comes to be in condition to be consumed, is shared by Indians who, either by invitation or otherwise, come from over the border.

These 300 or 400 Indians are not to blame because they do not go down to White Earth. Two religious denominations have possession of them. They have each of them their chaplain there, and each of them is contributing to these Indians, and they persuade them to stay there. If it were not for those religious denominations who go to them where they are and who desire to keep them there rather than let them mingle with and be absorbed in the Chippewa Indians of White Earth, who prefer to keep them there and depend upon public charity and these

appropriations for helping them out every winter in their distress, this difficulty would not continue.

There is pending before the Committee on Indian Affairs at this moment a provision for a commission to make one more effort to persuade these Indians to go down to White Earth, where they could be taken care of and where they could properly support themselves. The difficulty is that the United States, whenever they have undertaken, or very often when they have undertaken, these negotiations, have begun at the wrong end and spoiled the whole thing. They were met at their last negotiation with the statement by the Indians that the White Earth people did not want them there and would not treat them kindly. So the commission invited two families to go down to White Earth and try the experiment, and then the commission retired and never went near White Earth to see that they were properly treated. The families went down there, and no White Earth Indian paid any attention to them or took the least care of them, and they were obliged for the whole summer to live in tepees on the bank of the river and take care of themselves as best they could. When cold weather came they went back to the Turtle Mountain band and said it was just as they supposed: the White Earth Indians did not want them there and the Government did not want them there, and the negotiation fell through.

The last time the Committee on Indian Affairs were at White Earth they sought to make provision for these Indians. I have not a doubt that, if a commission could be appointed to go and make them homes and show them that they could be taken care of, they could be induced, notwithstanding the adverse advice of those two religious organizations that have possession of them, to go down there. There are thirty-six townships in the center of Minnesota devoted to the White Earth reservation, and as fine a tract of land as any in that beautiful State. There have been gathered around there in the last two years a good many of the Chippewa Indians from various reservations, and to the extent of the capacity of those thirty-six townships they ought to be appropriated to the little bands of Indians scattered about that country.

In connection with what the Senator from Colorado says about the magnificence of the generosity of the Government, or rather the misapplication of that generosity, I want to remark that I never could understand for a long time why a treaty granting 49,000 square miles of territory was made and that land set apart to the Sioux Indians until I ascertained that during the negotiations, which have resulted in opening 11,000,000 acres of that territory to settlement, it appeared that the design of that treaty and the setting apart of 49,000 square miles was to gather not only the Sioux upon it, but the Chippewas and the Crows upon it. That was the reason why that vast territory was set apart for Indians. That was the plan of the commission.

The treaty was ratified, and then Congress changed their policy and set the Crows out somewhere else and left the Chippewas where they are, and the 49,000 square miles were left for 28,000 Sioux Indians. That is the generosity, the magnificent generosity, to which the Senator from Colorado alludes, but misapplied.

I have some doubt whether it is wise to appropriate five or six thousand dollars more to these Indians, besides the private contributions I have alluded to and the \$2,000 already sent by telegraph, because the money is used to feed Indians that belong in British America. If somebody would go up there and see that it was used to feed only the 300 that it belongs to and take care of them and send the others home, I should like to see it done.

Mr. WASHBURN. I should like to ask the Senator from Massachusetts, in view of the statements made by the Senator from Colorado, as well as by the Senator from Massachusetts, if he thinks this appropriation ought to be made, whether it will not be bad in its effects in the future?

Mr. DAWES. I would not want to oppose it, because the Indians are suffering and it is better to feed more than to let the few starve. I want to say that two years ago private contributions from all over the country were sent there. There were sent from my own town five or six barrels of clothing. Some of them never went beyond Fargo and some of them went to the depot nearest to the Turtle Mountain Indians, and some of them got there and were over the line on the backs of the Canadian Indians in a week's time. I felt then as if it was a misapplication, and if it were not for the personal suffering of these Indians I would not contribute a dollar until they were induced to go down to White Earth reservation, where they ought to be.

Mr. WASHBURN. Mr. President, it seems to me that if this appropriation is made now we shall be just as likely to be called on a year from now or some time in the future to make another. The sooner the policy of the Government is determined that no contributions are to be made for the support of these Indians the sooner they will go to the White Earth reservation, where they really belong.

Mr. DAWES. I do not think they can be starved into going to the White Earth reservation. One reason, in addition to what I said, why they cling to these two townships, one-half of them under water and in a most bleak and sterile portion of the northern border of Dakota, is the idea that they have a claim upon the Government for the 11,000,000 acres of land, and they are told by the people who desire to keep them where they are that if they leave that country they never will get anything for that claim. They have been told over and over again by those who



think they are their friends that that is a matter so shadowy and so groundless that there is no possible hope for them to ever get any money, and I agree with the Senator that the trouble is as he has stated; but the difficulty is that we have got three hundred Indians there who are starving to death, and are starving to death because other Indians eat them out of house and home, and they must be kept where they are.

I shall not oppose the appropriation, but I think a great deal of it will go where it ought not to go.

Mr. HALE. I will only say, in reply to the statements which have been made, that I have an estimate for the amendment with a letter from the Commissioner of Indian Affairs, strongly urging the passage of the amendment, and upon the strength of that I offered it here, not from the Committee on Appropriations. If the Senator from Colorado or the Senator from Massachusetts or the Committee on Indian Affairs oppose the amendment and think it is not wise and right—

Mr. TELLER. Let me say that I did not oppose the amendment. I have no doubt the statement is true that these Indians are in a bad condition, and, while there is neither a legal nor a moral obligation upon us to take care of them, nobody else, perhaps, will, and I think it is well enough to let this appropriation go to take care of them; but I think the Department charged with these things should see to it that these foreign Indians are returned to their own country and that no more are allowed to come here. They are not immigrants. They can be sent back; they ought to be sent back. We shall have the whole Chippewa tribe from that section of British America here, because whatever people may say about the treatment of Canadian Indians our treatment of the Indians on this side of the line has been and is now infinitely better than it has been on the other side of the line, except with reference to a few Indians who went from New York to Canada in the early days after the Revolutionary war. With few exceptions, we have been much more liberal to the Indians than the Canadians or the British. I think it is important that we should help these poor people during the winter, and then see that they are returned and that no more are allowed to come here.

Mr. DAWES. I do not wish to oppose the amendment. It is better that three dollars should be wasted where one is properly expended than that these poor Indians should starve to death. I got up more to supplement the statement of the Senator from Colorado and to set right the Government of the United States against what has appeared in the newspapers, and I should have called the attention of the Senate to the subject if the Senator from Colorado had not done so.

Mr. REAGAN. I have not anything to say as to the moral liability of the United States for this particular appropriation, but the vicious and unwise policy which the Government has pursued with reference to the Indians generally does impose a moral obligation on us to change the policy. This is one of the results of the Government undertaking to feed a people who ought to earn their own living like other people. I know the policy is fixed and I do not expect to reverse it, but I wish to stand as a continual protest against the policy of feeding the Indians and keeping them in idleness and doing nothing; and it is worse than that, because when we begin to feed and clothe them they cease to make efforts for themselves, they become helpless dependents and a burden upon the country.

It is that to which I refer when I speak of the unwisdom of the policy of the Government in undertaking to feed and clothe these people. There is no race of men, I do not care who they are, whether Anglo-Saxons, Indians, Mongolian, or negroes, who, if the Government will undertake to care for them, will not lose their energy and become dependents, and soon, like these Indians, helpless dependents.

I make no objection to the appropriation, but I do protest that the policy which has led to such results is all wrong.

The PRESIDENT *pro tempore*. Is the Senate ready for the question?

Mr. HALE. I ask to have printed in the RECORD a communication from the Department.

The PRESIDENT *pro tempore*. The communication will be so printed if there be no objection. The Chair hears none.

The communication referred to is as follows:

DEPARTMENT OF THE INTERIOR, Washington, March 15, 1890.

SIR: I have the honor to transmit herewith copy of a communication of 15th instant from the Commissioner of Indian Affairs, and accompanying draught of "A bill for the relief of the Indians on the Turtle Mountain reservation, North Dakota."

This bill authorizes the Secretary of the Interior to use an amount not exceeding \$5,000 of the \$25,000 appropriated by act of Congress approved February 27, 1890, for the relief of the Sioux Indians at Devil's Lake agency, North Dakota, for the purchase of subsistence, clothing, and other necessary articles to relieve the wants of the Chippewas of the Turtle Mountain band, under the charge of the Devil's Lake agency.

The Commissioner's letter shows the necessity for this action, and the matter is respectfully referred for the favorable consideration of the committee.

Very respectfully,

JOHN W. NOBLE, Secretary.

The CHAIRMAN COMMITTEE ON APPROPRIATIONS,  
United States Senate.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., March 15, 1890.

SIR: Senator CASEY, of North Dakota, in conversation with me yesterday, made certain statements in regard to the destitute condition of the Chippewa Indians on the Turtle Mountain reservation, and, at his verbal request, I handed

him a draught of a joint resolution, to be passed by Congress, authorizing the Secretary of the Interior to use, from the \$25,000 appropriated by Congress by act of February 27, 1890, for the relief of the Sioux of Devil's Lake agency, the sum of \$5,000 in the purchase of subsistence and other necessary articles.

I am now in receipt of the inclosed letter from Senator PIERCE, of North Dakota, and in compliance with his request I have the honor to state that the farmer in charge of the Turtle Mountain reservation reports that "everybody has been down sick with the prevailing disease, 'la grippe,' and there are a considerable number suffering from the effects yet." \* \* \* Owing to sickness I have been obliged to be liberal with rations; last ration day I issued to the mixed-bloods only 1 pound of pork to the individual, and shall have to hold on to the balance of it to meet extreme cases. There is no sale of wood, nor any other opportunity to earn anything, and the absolutely poor are so numerous that the present supply will not last long. We need an addition to our provisions, and that speedily."

Senator CASEY reported to me verbally that he is informed by the Bishop of Dakota that there is great suffering and in some cases actual starvation among the Turtle Mountain Indians, and I submit herewith draught of a bill authorizing you to use the sum of \$5,000 from the \$25,000 appropriated for the Sioux of Devil's Lake, to purchase subsistence, etc., for the Turtle Mountain Indians, who are under the charge of the agent of the Devil's Lake agency, and respectfully ask that you transmit the same to the Senate Committee on Appropriations with your favorable recommendation.

Very respectfully,

T. J. MORGAN, Commissioner.

The HON. SECRETARY OF THE INTERIOR.

A bill for the relief of the Indians on the Turtle Mountain reservation, North Dakota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and hereby is, directed and authorized to use from the \$25,000 appropriated by act of Congress, approved February 7, 1890, for the relief of the Sioux Indians at Devil's Lake agency, North Dakota, an amount not exceeding \$5,000 for the purchase of subsistence and clothing and other necessary articles, to relieve the wants of the Chippewas of the Turtle Mountain band, under the charge of the Devil's Lake agency.

The amendment was agreed to.

Mr. SHERMAN. I offer an amendment to come in on page 6, after line 3, which is recommended by the Secretary of the Treasury, and has been submitted to the Committee on Appropriations, and I understand meets the approval of the Senator from Maine [Mr. HALE].

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 6, after line 3, it is proposed to insert:

For rental of a suitable building to meet the requirements of the office of the Sixth Auditor of the Treasury for the remainder of the current fiscal year, \$500.

The amendment was agreed to.

Mr. ALDRICH. I offer an amendment which I send to the desk.

The CHIEF CLERK. It is proposed to amend the bill on page 19, after the word "dollars," in line 11—

The PRESIDENT *pro tempore*. The amendment to which the Senator from Rhode Island proposes to offer his amendment is one of the reserved amendments and has not been acted upon in Committee of the Whole.

Mr. HALE. I reserved it on account of the absence of the Senator from Rhode Island.

The PRESIDENT *pro tempore*. The question then will be on the amendment from Rhode Island from Rhode Island to the amendment.

Mr. COCKRELL. Let the amendment be read.

The PRESIDENT *pro tempore*. The original amendment will be read and the amendment to the amendment.

The Chief Clerk read the amendment of the Committee on Appropriations, to insert, on page 19, under "Department of Agriculture:"

Experimental stations: To provide for the expenses of agricultural experiment stations organized during the current fiscal year in the Territories of Arizona, New Mexico, and Utah under the act of March 2, 1887, \$30,000.

The amendment of Mr. ALDRICH was read, to amend by adding:

To enable the Secretary of the Treasury to pay the State of Rhode Island the sum which said State would have been entitled to receive under the provisions of an act entitled "An act making an appropriation to carry into effect the provisions of an act approved March 2, 1887," etc., approved February 1, 1888, if an agricultural experiment station in said State had been organized within the time required by said act approved March 2, 1887, \$15,000.

Mr. ALLISON. Will not the adoption of this amendment make necessary a similar provision to place all the States on the same basis that did not immediately organize these stations?

Mr. ALDRICH. All the States except the State of Rhode Island have received their appropriation.

Mr. ALLISON. For that particular year?

Mr. ALDRICH. For that particular year.

Mr. ALLISON. Very well, then I have no objection to the Senator's proposition.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment as amended.

The amendment was agreed to.

Mr. COCKRELL. I offer the following amendment, to come in at the end of line 22, on page 8:

For printing and publishing lists of overdue taxes on real estate with notice of sale in pamphlet form, and for printing and publishing other notices and advertisements required in and about the sale of such real estate for such overdue taxes, to be reimbursed by the charge of 20 cents for each lot so advertised, \$5,000, or so much thereof as may be necessary.

That is in consequence of the passage of House bill 5825, "prescribing the times for sales and for notices of sales of property in the Dis-

trict of Columbia for overdue taxes." This bill has been passed by both Houses, is in the hands of the President, and has probably been approved by this time, and it requires—

That the commissioners of the District of Columbia shall prepare a list of all taxes on real property in said District, subject to taxation, on which said taxes are levied and in arrears on the 1st day of July, 1889, and each and every year thereafter, including all taxes due to the late corporations of Washington City, Georgetown, the levy court of the county of Washington, and the District of Columbia. And said commissioners shall publish the same with a notice of sale in a pamphlet of which not less than 3,000 copies shall be printed for distribution to tax-payers applying therefor. Said commissioners shall, on the first Tuesday in April, 1890, and the third Tuesday in March of each year thereafter, give notice which shall contain the name of each and every person in which each piece of property is assessed, together with the amount of assessment upon each piece, by advertising twice a week for three successive weeks in the regular issue of two or more daily newspapers published in said District that said pamphlet has been printed, and that a copy thereof will be delivered to any taxpayer applying therefor at the office of the said commissioners.

And then it says:

The expenses of said advertising and the printing of said pamphlet shall be paid by a charge of 20 cents for each lot or piece of property advertised.

The commissioners of the District of Columbia have sent this letter:

OFFICE OF COLLECTOR OF TAXES, DISTRICT OF COLUMBIA,  
Washington, March 17, 1890.

GENTLEMEN: I respectfully call your attention to the fact that to carry into effect the provisions of H. R. bill No. 5825 (passed and now before the President), which prescribes the times for sales and notices of sales of property in the District of Columbia for overdue taxes, it will be necessary to have an appropriation of \$5,000, as the fund available for advertising is nearly exhausted. The repayment of the cost of advertising is provided for in the bill by a charge of 20 cents on each lot.

This amount, covered by an urgent deficiency bill so as to be immediately available, I hope will receive your indorsement.

Very respectfully,

E. G. DAVIS,

Collector of Taxes, District of Columbia.

To the Honorable Commissioners District of Columbia.

It is necessary that an appropriation of \$5,000 be made to enable the commissioners to execute the law.

L. G. HINE, Acting President.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

The amendment was agreed to.

Mr. HALE. Was the amendment of the Committee on Appropriations, on page 19, disposed of?

The PRESIDENT *pro tempore*. As amended it was agreed to. That was the first one on that page.

Mr. HALE. How as to the one below that?

The PRESIDENT *pro tempore*. That amendment has not yet been acted upon.

Mr. HALE. I hope it may be acted upon now.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 1, on page 19, after line 11, the Committee on Appropriations propose to insert:

Location for artesian wells: To authorize the Secretary of Agriculture to make such preliminary investigation of an engineering and other character as will, so far as practicable, determine the proper location for artesian wells for irrigation purposes within the area west of the ninety-seventh meridian and east of the foot-hills of the Rocky Mountains, \$20,000; and a report of all operations and expenditures hereunder shall be made to Congress immediately after July 1, 1890.

The amendment was agreed to.

Mr. CHANDLER. I desire to call the attention of the Senator in charge of this bill to the appropriations for deficiencies for the Fish Commission. It appears that an appropriation was made by the bill in the House of Representatives of \$10,000, another of \$3,000, and another of \$10,000. The Senate Committee on Appropriations proposes to increase the first appropriation from \$10,000 to \$20,000. It seems to me that the Committee on Appropriations will do well to make some special inquiry into these expenditures for the Fish Commission which are being increased year after year with very great rapidity.

I find in Senate Miscellaneous Document No. 88, Fiftieth Congress, first session, that the total appropriations for the Fish Commission from its establishment in 1871 down to 1887 were \$2,476,351.31. The appropriations for the fiscal year ending June 30, 1888, as appears by House Miscellaneous Document No. 11 of the present Congress, were \$223,880.68. The appropriation for the fiscal year ending June 30, 1889, was \$257,580, and the appropriation for the present fiscal year to end on the 30th of June, 1890, is \$296,900. In addition to this appropriation of \$296,900, the Senate is now called upon to appropriate, if it adopts the amendment proposed by the Senate Committee on Appropriations, \$33,000, making a total appropriation for the present fiscal year of \$329,900.

I respectfully ask the chairman of the Committee on Appropriations whether he does not think it practicable for the Fish Commissioner to so make his estimates for the expenses of a fiscal year that it will not be necessary to have these large deficiency appropriations. I call attention to the fact that this appropriation has crept up from \$223,880.68 to a proposed appropriation of \$329,900.

I do not undertake to say at this time that these large appropriations for fish culture are not wise or expedient; I am not now prepared to

make an attack upon the system; but I do say that this Fish Commission ought to be placed under some one of the existing Departments of the Government. I introduced a bill placing it under the Navy Department, which has been reported upon adversely by the Committee on Fisheries, and so it stands that we have this anomaly in connection with this Fish Commission, that it is not connected with any one of the Departments of the Government; it is not subordinate to any Cabinet minister, as it ought to be. The mistake in allowing this commission to go on from year to year under a commissioner responsible to no Department, and under no effective supervision consequently of the President of the United States, is made evident by the fact that these appropriations are increasing day by day and month by month and year by year until now, after an annual appropriation of \$296,900, we are asked to vote a deficiency of \$33,000, carrying the total to \$329,900.

I do not believe that there is any reason for these deficiencies. I believe that the Fish Commissioner, whether under a Department or not under a Department, should be able to make his estimates and keep the expenditures within those estimates, and that these expenditures should not creep up on us year by year, as it appears that they have been doing. I now ask the Senator in charge of this bill why the Senate Committee on Appropriations have increased the House appropriations from \$10,000 to \$20,000 and also whether that increase is all the expected deficiency of the Fish Commission during the current fiscal year.

Mr. HALE. Mr. President, the startling proposition that the Senator from New Hampshire has just made, that there ought not to be a deficiency in any Department of the Government, has been made for many years.

Mr. CHANDLER. The Senator will allow me to suggest that I said there ought not to be a deficiency in the Fish Commission. The Senator has expanded that statement into one that there ought not to be any deficiency in any of the Departments of the Government. I beg the Senator's pardon, I did not so state.

Mr. HALE. Perhaps the Senator did not go so far, but taking charge and overhauling, as he has done, all branches of the Government service, if he has not made that statement about the others, I have no doubt he will make it before he gets through. The Committee on Appropriations in this matter had a letter of the Commissioner stating the condition of the business of his bureau, and the committee were aware of the fact that the business of the Fish Commission had largely increased for years by reason of the public demands upon it. It began in a very small way, with a very small appropriation, but the public interest became so aroused on the Atlantic coast and on the Pacific coast and in the interior and on all the streams and lakes of the country, that if any service became popular in the country it was the fish service, and from year to year Congress was called upon and willingly made increased appropriations and is making them all the time. While it may not please the Senator from New Hampshire, I have no doubt we shall be called upon to make additional appropriations next year, more than we are making now, because in all parts of the country the people of the different States are asking for the establishment of fish stations for propagating and hatching and distributing fish, and the work has grown upon the Commissioner all the time. The present Commissioner is not responsible for it any more than his predecessor.

I ask to have put into the RECORD a letter from the Commissioner of Fisheries, showing something of this situation, which was used in the House of Representatives when the bill was before that body for consideration. That is the basis on which the committee acted in increasing this appropriation from \$10,000 to \$20,000.

The PRESIDENT *pro tempore*. The communication will be printed in the RECORD, if there be no objection. The Chair hears none.

The communication is as follows:

UNITED STATES COMMISSION OF FISH AND FISHERIES,  
Washington, D. C., February 13, 1890.

DEAR SIR: I beg to ask the early consideration by your committee of the communication herewith inclosed relating to anticipated deficiencies in the appropriations for the use of the Fish Commission for the current and past fiscal years.

I desire to call special attention to that part of the communication respecting the deficiencies on account of propagation, etc., and for the maintenance of vessels for the current fiscal year, for the reasons set forth in said communication, and to ask that provision be made for these deficiencies in the urgent deficiency bill. Unless this is done it will be necessary for me to curtail the work of the commission in all directions, and to suspend it at those stations which have been created by Congress from time to time, but for the maintenance of which no provision has been made.

The following table, giving the annual appropriations made for the propagation and distribution of food-fishes, the number of stations operated, and the results obtained for each year from 1886 to 1889, will indicate to your committee that with a decreased appropriation we have increased the total production of eggs, fry, and yearling fish from 173,000,000 in 1886 to 333,000,000 in 1889. Our results for the current year will show further improvement provided we receive the deficiencies asked for in time to prevent the necessity of curtailing work.

Comparing the appropriations of 1886 with those of the present fiscal year, it will be seen that the appropriations for 1886 are \$17,000 in excess of those made for the present fiscal year, and that we are asking for an increase of only \$3,000 over that year to provide for the maintenance of eight additional stations and a twofold increase of production.

Very respectfully,

M. McDONALD, Commissioner.

Hon. D. B. HENDERSON,

Chairman Subcommittee on Deficiencies,  
House of Representatives.



*Exhibit of the annual appropriations made for the propagation and distribution of food-fishes, the number of stations operated, the product distributed, and the miles traveled, from the fiscal year 1886 to the fiscal year 1889, inclusive.*

1886.		1887.		1888.		1889.	
Appropriated.....	\$187,000.00	Appropriated.....	\$175,000.00	Appropriated.....	\$175,000.00	Appropriated.....	\$161,180.00
Stations.....	13	Stations.....	13	Stations.....	15	Stations.....	19
Fish.....	173,655,083	Fish.....	210,625,413	Fish.....	238,986,117	Fish.....	333,462,689
Mileage.....	63,218	Mileage.....	87,395	Mileage.....	89,631	Mileage.....	116,012

In comparing the appropriations, work done, etc., of the year 1886 with the year 1889 we find: In appropriations, a decrease of \$25,820, or 13.8 per cent.; in stations, an increase of 6, or 46 per cent.; in fish, an increase of 159,796,606, or 92 per cent.; in mileage, an increase of 53,794, or 85 per cent.; stations in 1889, 21, an increase of 8, or 61.5 per cent.

Should the deficiency of \$20,000 asked for the current fiscal year be given, the increase over 1886 will be but \$3,000, or but 1.6 per cent. The tables showing the amount of work done so far this year can not at present be brought together, but indications go to show that at the end of this year the increase of work over the past year, 1889, will be a very large percentage, the increase in one branch of the work alone, that of the distribution of fishes indigenous to the Mississippi Valley, being 30.5 per cent., or 100,591 fish in 1889, to 131,311 fish in 1890.

Mr. SPOONER. I am instructed by the Committee on Public Buildings and Grounds to offer the following amendment to the bill, to come in after line 22, on page 4:

For court-house and post-office at Manchester, N. H.: For finishing the second story of the building in white oak instead of the white pine called for by the contract under which the building is being finished, \$5,000.

The amendment was agreed to.

Mr. PLUMB. Mr. President, on the proposition to appropriate additional funds for the Fish Commission I want to remark that while I agree with the Senator from New Hampshire [Mr. CHANDLER] that this bureau or this division of the Government ought to be under some Secretary who is immediately responsible to the President, and who meets with him about his Cabinet table, I beg to remind that Senator that by means of this Fish Commission we are getting a great many valuable things we should not otherwise get. In the first place, we are getting a navy and we are getting coast fortifications and we are getting gradually and certainly a control over the railroads of the country. A large amount of railroad transportation is an adjunct of the operations of the Fish Commission, which is giving the Government gradual control over the question of railroad facilities in this country, which will undoubtedly result finally in putting the whole system under the control of this Commissioner.

We have got perhaps the most effective navy the Government owns to-day under the control of this commission, and the beginning of a system of coast defenses. The Fish Commission has an island somewhere near the mouth of the Delaware River, or it may be that it is in the Susquehanna, which it has proceeded to fortify, and which I understand to-day is absolutely impregnable, and not only impregnable, but it is a position from which the employés of that department can sail forth with great effect upon the works and the operations of neighboring nations. I therefore want to say that I regard this Fish Commission as not only proper to be maintained as a department, but I think in due time the United States will be practically a running mate of the Fish Commission. I do not want this operation to be in any wise impaired by failure to grant appropriations, and I hope no such misfortune is likely to occur, because whatever the Fish Commission asks for is granted *ad m. con.*

Mr. President, while this is all true, it is well to bear in mind that a Department or bureau of this Government which is entirely outside of the personal purview of the President, and which is carrying on that kind of business which is equivalent to a free lunch, requires some sort of supervision. Its present field is to distribute fish all over the country, trout, shad, salmon, and so on, but it costs money; and the fact being that this very lively function on the part of the Government is one of those things which are somewhat deceptive, if not insinuating, I think the proposition of the Senator from New Hampshire that it should be transferred into the Navy Department or some other Department is decidedly a good point. However, I would suggest to the Senator, notwithstanding the offensive and defensive functions of this great bureau of the Government, that it should go to the Department of Agriculture, and thereby be brought within the natural purview of that great Department which to-day is concerned with those matters which relate to the food-supply, its creation, and its distribution.

I hope that the Senator from New Hampshire or some other Senator will, in pursuance of that idea, introduce a bill for that purpose, and let us bring this great department of the Government under such control and at the same time in such relations with the Government proper as we may from time to time not only get the full benefit of it, but may have such control of it as will make it answer the purpose we have in view, whether offensive or defensive, or whether it relates to the food supply of the country or not.

Mr. ALLISON. Mr. President, the appropriations for the Fish Commission have been made for a great number of years. The Senator from New Hampshire has summed them up in some documents which are before him showing an aggregate appropriation of over \$2,000,000.

I remember that this system of appropriations began about the year 1870, when Professor Baird, an eminent scientist of this country, began the work. We have progressed from year to year, increasing these appropriations. These increases have been nominally made on motion of the Committees on Appropriations of the two Houses, but they have really been made by the action of the two Houses independently. We have considered it important enough during the past few years to have a committee of this body called the Committee on Fisheries, giving it all the responsibility of initiating and inaugurating legislation as respects this great interest, and from time to time this committee has made reports to the body respecting expenditures for this commission.

Under ordinary circumstances I should agree with the Senator from New Hampshire that it is better to have this commission under the control and direction of the Navy Department, especially so after listening to the statement of my friend from Kansas, who seems to understand that this Fish Commission has a sort of little navy of its own. That might be wise if the operations of the Fish Commission were confined to the propagation and distribution of sea food-fishes; but it so happens that the operations of this commission not only extend to what may be done on the sea, but in the rivers adjacent to the sea, and we have taken into account under this commission the highest altitude, I believe, in this country. There is a hatchery, if I am not mistaken, in the Rocky Mountains or the mountains of Colorado, requiring a considerable expenditure, the object being to prepare for use such fishes as can be propagated in that high altitude. We have another in a little lower altitude, in the valley of the Neosho. I do not know precisely where that is, but I think it is in the State of Missouri.

Mr. COCKRELL. It is in Newton County, in the southwest corner of the State.

Mr. PLUMB. Will the Senator allow me a word?

Mr. ALLISON. Yes.

Mr. PLUMB. I am not surprised that the Senator does not know that Neosho is in the State of Missouri, which may be a very insignificant member of the confederacy, but which is represented on this floor and is somewhat known geographically.

Mr. ALLISON. I am obliged to the Senator for the information respecting the exact location of the Neosho. I only wanted to call the attention of my colleague upon the Committee on Appropriations to the fact that this river does not flow immediately into the sea.

But what I desired especially to say is this: We all know and understand how the Fish Commission has grown. There is a hatchery in Michigan. It must have been put there for some purpose; surely the chairman of the Committee on Fisheries must know that the hatchery in Michigan is of value. I know personally it is of value, because within two months I have received more than a dozen letters from the State in which I live, where we have small streams and some beautiful creeks and lovely lakes, asking me to intercede with this Fish Commission in order that our rivers and streams might be populated with fish.

So, Mr. President, I think this expenditure is growing; I undertake to say that there is no appropriation in this bill or in any other bill that brings greater results to the people of this country compared with the amount of expenditure than does this Fish Commission through its present organization and methods. I think there is great force in what is said by the Senators here, that the commission might well be put under some Department of the Government, but I want to vindicate, so far as I can vindicate, these expenditures on behalf of the Fish Commission.

The PRESIDENT *pro tempore*. Are there further amendments to the bill in Committee of the Whole?

Mr. ALLISON. I move, on page 14, after line 13, under the head of "Public-land service," to insert:

Depredations on public timber: To meet the expenses of protecting timber on the public lands, \$17,963.15.

Protecting public lands: For the protection of public lands from illegal and fraudulent entry or appropriation, \$19,500.

The PRESIDENT *pro tempore*. The two clauses will be treated as one amendment, if there be no objection.

Mr. CHANDLER. Mr. President, I desire to repeat, in view of the remarks of the Senator from Iowa, what I said in the beginning, that I do not charge that these large expenditures for the Fish Commission, mounting up, between 1871 and 1887, to two million and a half of dollars, and an annual expense of about a quarter of a million dollars, are not advisable. I am not here now to make an attack upon the Fish Commission as not a useful institution, and upon its expenditures as not wise, although I have some doubts upon that subject. I have some doubts whether we are now receiving, or whether we are likely to receive, sufficient equivalent in the production of fishes for food consumption which would justify this expenditure yearly of a quarter of a million of dollars. I withhold my opinion upon that subject and confine myself to the proposition which I made before: First, that some way should be devised by which to avoid these deficiency appropriations; and, secondly, to this end, and for making more efficient the Fish Commission, and for giving the estimates which shall come from it greater confidence of Congress, that the commission itself should be placed under some one of the existing Departments of the Government.

Mr. ALLISON. The Senator from New Hampshire will allow me to say that the way in which these deficiencies occur is that after the original appropriation has been made new stations have been established; as, for example, one in Ohio and this one at Neosho, not quite completed.

Mr. COCKRELL. And one in Colorado.

Mr. ALLISON. It is necessary that this money should be expended or carrying on the operations at these new stations.

Mr. CHANDLER. Is the Senator able to state that these deficiencies were made necessary by authority given from Congress to establish these stations?

Mr. ALLISON. I can say substantially that is true, that if these new stations had not been established in the last two or three years or five years the expenditures for the Fish Commission would not have grown to their present amount.

Mr. CHANDLER. It certainly seems to me that a business of this kind, involving an expenditure of a quarter of a million of dollars a year, can be brought year by year within the scope of estimates to be made by the head of the commission and passed upon by Congress without there being any necessity of increasing 10 or 15 or 20 per cent. those appropriations to make up a deficiency.

It is true that there are many fish stations, and they are pretty well distributed throughout the country in order to insure a wide and general distribution of the benefits of the Fish Commission and to insure for the Fish Commission the proper support. It is true, as is said by the Senator from Iowa, that the attempt of the commission to propagate food-fishes is not confined to the coast alone, but it has been extended into the interior of the country, up the mountain sides, even as high as Leadville, Colo.

I also find that there are in Maine salmon stations the cost of which is \$3,049.20 a year; at Wood's Holl, Mass., a station costing \$11,442.95 a year; at Gloucester, Mass., one costing \$4,681.27 a year; at Cold Spring Harbor, N. Y., one costing \$894.79 a year; at Wytheville, Va., one costing \$3,987.79 a year; at Northville, Mich., one costing \$7,392.64 a year; at Alpena, Mich., one costing \$3,400.76 a year; at Detroit River, Michigan, one costing \$2,052.42 a year; at Sandusky, Ohio, one costing \$2,829.32 a year; at Duluth, Minn., one costing \$5,674.07 a year; at Bayard, Cal., one costing \$8,562.14 a year; at Clackamas, Oregon, one costing \$5,176.70 a year; at Havre de Grace, Md., one costing \$5,926.42 a year; at Fort Washington, Md., one costing \$4,183.09 a year; fish ponds, Monument lot, Washington, D. C., \$5,780.76 a year; St. Jerome's, Md., \$356.08; Central Station, Washington, D. C., \$13,793.51; Neosho, Mo., \$69.82 for fish and \$6,600 for the establishment of a building, and a survey has been made at Leadville, Colo., costing \$90.

Mr. President, I repeat that this extension of the work of the Fish Commission, not only along the whole coast line of the United States, but throughout our great Central States and up into the interior, even to the heights of Colorado, has made this business, which has grown from a small appropriation until now we are asked to appropriate \$329,000 for this one year, so great that it is advisable that the commission should have a little additional looking after, and if the Senator from Michigan [Mr. STOCKBRIDGE], who is the chairman of the Committee on Fisheries, is not willing to have the Fish Commission put under the Navy Department, and if, because of the statement of the Senator from Iowa that fish culture has extended into the interior of the country, it ought not to go to the Navy Department, then let us put it under the Agricultural Department. It certainly must be that there is some existing Department of this Government that is fit and appropriate to supervise this work. If there is not such a Department of the Government, then I think that is a pretty good argument why we ought to discontinue the business.

Mr. PADDOCK. I should like to inquire of the Senator what good reason he is able to give for the transfer of this bureau, which has charge of all matters pertaining to the propagation of food-fishes and their distribution generally throughout the entire country, to the Navy Department. It seems to me if there is any subject which, because it relates to a food-product, is considered a proper one to locate in the Department of Agriculture this is the one. This subject, which is in charge of this bureau, relates exclusively to a food-product recognized universally as one of the most important and useful known to mankind, and it belongs properly in the Agricultural Department.

Mr. CHANDLER. Mr. President, I gave up long ago the idea of putting this Fish Commission under the Navy Department. I gave it up as soon as I found that these fish stations were distributed all over the country and that, as the Senator from Iowa says, there is a constantly growing demand for them. I found that it would be necessary to go away from the Navy Department in order to get supervision of this Fish Commission by some Cabinet minister, and therefore I say to the Senator from Nebraska that my present mind is to have the Fish Commission put under the Secretary of Agriculture. I hope that will suit the Senator. The subject has nothing to do with land, but it has something to do with water; and inasmuch as we are to irrigate the whole interior of the country by some process and by the use of the public money, I think that the Fish Commission, the object of which is to produce an additional food-supply for this nation, may well be placed

under the new Department, the Department of Agriculture, and I hope that at some time we shall see the Department of Agriculture changed into a department of industries, and then it will gather up these loose ends of subjects which are being cared for and fostered by the United States and we shall have them properly supervised.

But I say to the Senate that it is necessary, in my judgment, to put the Fish Commission under some Department of the Government where it can have supervision, in order to prevent an explosion of some kind which, in my judgment, will come sooner or later under the present management of the Fish Commission by a Fish Commission responsible to nobody but the two Houses of Congress and their committees.

Mr. COCKRELL. Will the Senator yield to a question?

Mr. CHANDLER. Certainly.

Mr. COCKRELL. I agree fully with the Senator in regard to the impropriety of these deficiencies, but sometimes when Congress enacts a law after the passage of a regular appropriation bill and that law is to be carried out, an additional appropriation becomes necessary to carry it out. I have no recollection of any Department of the Government being so administered under either political party as to have no deficiencies, and I would be very glad indeed if the distinguished Senator from New Hampshire would inform the Senate if when he was at the head of the Navy Department he was ever able to prevent the calling upon Congress for deficiencies.

Mr. CHANDLER. There is a very great difference between a Department of this Government that expends from fifteen to twenty millions of dollars for the current service of the Government calling for a deficiency and the requirement of a deficiency by a Fish Commissioner, whose duties are limited and whose expenditures can be accurately estimated and need not be great. Now, I call the attention of the Senator from Missouri to the fact that we have in this case \$257,000 of original appropriation, requiring, according to the report of the Senate committee, an increase for this year of \$33,000. I ask the Senator if he knows of any Department of the Government that has been administered so badly that it has been necessary for it to call in the way of deficiencies for 15 per cent. of its regular annual appropriations? I undertake to say that all the deficiencies that are called for by any of the Departments of the Government have been trivial and insignificant proportionally compared with this \$33,000 now called for by the Fish Commissioner.

It is impossible for the Secretary of the Navy to determine exactly how much money will be expended for provisions and clothing for the Navy during the year. It is impossible to tell how much it will be necessary to expend for coal for the Navy during a given year.

Mr. COCKRELL. Will the Senator allow me? The number of men in the Navy, the number of officers in the Navy, the number of vessels in the Navy, everything about it is permanent, and the law prescribes exactly what the salaries are and makes specific appropriations of the various amounts needed for the respective items; and the distinguished Secretary had four years to experiment upon this question, and he ought to have been able, considering the tutelage that he is giving this Fish Commission, to bring down the Navy expenditures to within a very few thousand dollars instead of having to call for thousands of dollars of deficiencies every year. I think it would have been a great deal easier to reduce the expenditures of the Navy, all fixed by law, to a given amount and to estimate accurately for them, than it has been to estimate accurately for these appropriations for the Fish Commission when Congress has been year by year at every session increasing its operations, opening new fields for the expenditure of money without making an appropriation.

Mr. CHANDLER. I do not agree with the Senator from Missouri, and I am surprised to find him engaged in the rôle of defending deficiencies. The Secretary of the Navy can tell how much is wanted for the pay of the Navy with substantial accuracy, but the Secretary of the Navy can not tell how much coal it will be necessary to burn; the Secretary of the Navy can not tell how much clothing will be consumed; the Secretary of the Navy can not tell how much provisions will be consumed by the officers and men of the Navy in the drawing of rations; but the Fish Commissioner can tell, I undertake to say, within less than 15 per cent. the expenditures that will be necessary to conduct a business the whole of which costs a quarter of a million dollars a year.

Mr. STOCKBRIDGE. Mr. President, this discussion has taken rather a wide range as to whether the Fish Commission should be placed under the Navy or Agricultural Department. As to which Department of the Government it should be placed under I am not prepared to answer. I did not know that that question would come up for discussion to-day. There is upon the Calendar a bill upon that subject which will be reached, and I have no doubt that when we come to consider it we shall arrive at a wise determination upon it.

In regard to the appropriations, the statements already made by the Senator from Iowa [Mr. ALLISON] and the Senator from Missouri [Mr. COCKRELL] cover the whole ground. The simple fact is that since the estimates were made up there have been several new fish stations established, requiring largely increased expenses, and hence the necessity for these additional appropriations. I doubt whether any other quarter of a million dollars expended by the Government is expended to better purposes than the appropriations for fisheries.



I think it is pretty well established that an acre of water will produce as much valuable food supply as any acre of land in the country. Under the operations of the commission here this interest has been developed to a very great extent and various States have embarked in the enterprise and are themselves spending large amounts of money for this purpose.

The Senator from New Hampshire [Mr. CHANDLER] read of a number of fish-hatcheries along the Great Lakes, at Detroit, at Northville, Mich., and also one on Lake Erie. Now, there are millions and millions of fish produced from these hatcheries in the Great Lakes, and but for that work of the propagation of fish in the lakes the supply of whitefish would be almost exhausted at this time.

I do not wish to prolong this debate, but at some future time I may have some remarks to make upon this general subject. It is generally known, however, to those who are well informed that the supply of shad would undoubtedly have been nearly extinct but for the operations of the Fish Commission.

As to placing the commission under some Department of the Government, I am glad that in the light of the short discussion here the Senator from New Hampshire has changed his mind as to which Department it had better be under. He did not seem to be aware that the operations of the Fish Commission extended to the interior of the country.

Mr. CHANDLER. I knew they went to Michigan.

Mr. STOCKBRIDGE. You did?

Mr. CHANDLER. Yes, I knew that.

Mr. STOCKBRIDGE. You did not know that they went into Colorado.

Mr. CHANDLER. I have learned of that.

Mr. STOCKBRIDGE. The Senator can learn a great deal about the matter if he will investigate it.

I hope there will be no opposition to this amendment, for I think it is an entirely proper and wise use of the public money.

The PRESIDENT *pro tempore*. The question recurs upon the amendment proposed by the Senator from Iowa [Mr. ALLISON] concerning depredations upon the public lands.

Mr. HAMPTON. I wanted to say something in regard to the Fish Commission. Is that subject under consideration now?

The PRESIDENT *pro tempore*. It is, but another amendment is pending.

Mr. HAMPTON. Mr. President, I think the suggestion made to place this Fish Commission under some Department is advisable and worthy of very serious consideration, but I would suggest that it is rather premature to do it now, as the proper committee have had no opportunity of considering that matter. I do not propose to discuss that, but I wish to call the attention of the Senate to a fact that bears upon this question very directly.

At the last session it was proposed by our Fisheries Committee to buy the island at Havre de Grace. The Government had expended \$85,000 in improvements upon that place. It was offered at a reasonable price, and our committee recommended the purchase and, if I remember aright, the Senate passed it. The Fish Commissioner took the ground that all the accretions to the island belonged to the General Government and moved off some buildings. That involved a suit in the Maryland courts, and they have now decided unanimously that all the accretions on the land, the whole of the island, belong to Major Ferguson, and it will be necessary either to buy that island now or lose all the money that has been expended by the Government. I hope that we shall have a meeting of our committee very soon and consider the question of this transfer of this commission to some Department. I think it is very well that it should be put under some responsible head. I hope we shall also consider the question of this hatchery at Havre de Grace.

Mr. HALE. Is there an amendment before the Senate.

The PRESIDENT *pro tempore*. The amendment before the Senate is that proposed by the Senator from Iowa [Mr. ALLISON]. It will be read.

The SECRETARY. On page 14, after line 13, add:

Depredations on public timber: To meet the expenses of protecting timber on public lands, \$17,962.15.

Protecting public lands: For the protection of public lands from illegal and fraudulent entry or appropriation, \$19,500.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Shall the amendments made as in Committee of the Whole be concurred in in the Senate?

The amendments were concurred in.

Mr. PLUMB. I will, I think, venture to offer an amendment to an amendment of the committee, which has been agreed to, if that be in order, to increase the amount on page 4, line 21, \$552. I have information from the Treasury Department which has not been verified as yet that the amount should be \$552 greater, making the sum appropriated for the court-house and post-office building at Leavenworth, Kans., \$7,946.62. I have information from the Treasury Department that the amount ought to be greater. It has not been verified, but still I am under the impression that that is the case, and it can be arranged in conference if this be a mistake.

Mr. HALE. I have no objection to the amendment, under that statement.

The PRESIDENT *pro tempore*. The amendment moved by the Senator from Kansas will be stated.

The SECRETARY. In the amendment of the committee on page 4, line 21, it is proposed to strike out "394" before the word "dollars" and to insert "946;" so as to read: "\$7,946.62."

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### TRANSFER OF REVENUE-MARINE.

The bill (H. R. 6944) to transfer the revenue-marine service from the Treasury Department to the Navy Department was read twice by its title.

Mr. CHANDLER. I ask that that bill be printed and lie on the table.

The PRESIDENT *pro tempore*. It will be so ordered.

#### PUBLIC BUILDING AT CEDAR RAPIDS, IOWA.

Mr. ALLISON. Last evening I asked the Senate to consider the amendments of the House of Representatives to the bill relating to the public building at Cedar Rapids. A member of the Committee on Public Buildings and Grounds is of the opinion that the phraseology in one of the amendments does not make very good sense in connection with the text of the bill. Therefore, I ask unanimous consent that the question on amendments to that bill may be reconsidered in order that I may move the reference of the bill, with the House amendments, to the Committee on Public Buildings and Grounds.

The PRESIDENT *pro tempore*. The vote by which the Senate agreed to the amendments made in the House of Representatives will be reconsidered if there be no objection, and the bill, with the amendments of the House, will be referred to the Committee on Public Buildings and Grounds.

#### TERRITORY OF OKLAHOMA.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 895) to provide a temporary government for the Territory of Oklahoma.

Mr. PLATT. I move that the Senate disagree to the amendments of the House of Representatives and request a conference upon the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PLATT, Mr. CULLOM, and Mr. JONES, of Arkansas, were appointed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. 6419) to amend section 2294 of the Revised Statutes of the United States, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. 346) to extend "An act to grant the right of way to the Kansas City and Pacific Railroad Company through the Indian Territory, and for other purposes."

#### AID TO COMMON SCHOOLS.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived the Senate resumes the consideration of the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 185) to aid in the establishment and temporary support of common schools.

[Mr. HAWLEY addressed the Senate. His speech is withheld for revision. See Appendix.]

Mr. MOODY. Mr. President, I send to the Secretary's desk some amendments to this bill that I propose to offer, and I ask to have them read.

Mr. BLAIR. Will the Senator from South Dakota allow me to read a telegram I have just received?

Mr. MOODY. Certainly.

Mr. BLAIR. I have just received this telegram, dated Cincinnati, Ohio, to-day, March 18, addressed to myself:

CINCINNATI, OHIO, March 18, 1890.

Senator HENRY W. BLAIR, 201 East Capitol Street:

The National Camp of the United States Patriotic Order, Sons of America, representing two hundred and seventy-five thousand native-born sons of America throughout thirty-eight States and Territories, urgently request the adoption of the Blair educational bill, believing that free education is the basis of national and individual liberty and prosperity, and that the provisions of that bill are wise and judicious and for the best interests of all classes and sections.

GEORGE P. SMITH,

National President.

FRANK W. HENDLEY,

National Secretary, 255 West Eighth Street, Cincinnati, Ohio.

The PRESIDING OFFICER. The amendments submitted by the Senator from South Dakota [Mr. MOODY] will be read.

The SECRETARY. The first amendment is in line 7 of section 14 of the amended bill, after the word "authorize," to insert "and required,"

and in line 11 of the same section to insert "including the illiterates of the Indian population resident therein," and at the close of the same section to add:

And in any subsequent apportionment in said States and Territories, or in any of said Territories after they shall be admitted as States, the illiterate Indians living therein shall be included in the basis of such apportionment.

The PRESIDING OFFICER. The Chair understands the Senator to give notice of these amendments.

Mr. MOODY. Mr. President, I have submitted for the consideration of the Senate the amendments just read, and I move their adoption. I am not satisfied that the provisions of the bill would not include precisely what is intended to be included by these amendments, but out of abundance of caution I have offered them, and I trust they will be considered as pertinent and will not be objected to, and if they are adopted the fourteenth section will then read as follows:

SEC. 14. That the apportionment of the money that shall be appropriated in pursuance of this act for the purpose of education in the Territories shall be upon the basis of the illiteracy therein, as provided in section 16; but in determining the number of illiterates therein, and also in the States of South Dakota, North Dakota, Montana, and Washington, the Secretary of the Interior is authorized and required to receive and consider, in addition to the census returns of 1880, any evidence that may be submitted to him showing the number of illiterates in any such Territories and the States named in this section, including the illiterates of the Indian population resident therein, and shall determine therefrom, before the first distribution is made, the amount to which such Territory or State is entitled; and in any subsequent apportionment in said States and Territories, or in any of said Territories after they shall be admitted as States, the illiterate Indians living therein shall be included in the basis of such apportionment.

Mr. President, I do not intend to enter into an extended discussion of the merits of this bill. From my standpoint, representing as I do in part the State of South Dakota, I am in favor of its provisions, and if a just basis of distribution is made for my own State by the adoption of these amendments I shall gladly and cheerfully support this measure by my vote.

In the State of South Dakota, among its resident population, there are about thirty thousand Indians. A comparatively small portion of the children of these Indians are being educated by the Government. But notwithstanding the efforts of the Government in that behalf the State will of necessity be called upon to provide means of education immediately for a large number of the children of these Indians within the school age. Many of them have already taken lands in severalty, and under the provisions of the law of Congress they will become citizens of the State. They are surrounded by white settlers and are intermingled among them. Others are taking lands in severalty upon the ceded portion, and we confidently look forward to a time in the near future when these Indians will necessarily be absorbed into the population of the State and become subject to its laws and be entitled to the rights and privileges of citizens of the State, including a right to the beneficial provisions which the State has already made for the free education of all of its children.

Many of these Indians are by the allotment system removed from their agencies and agency schools, their settlements are mingled among those of the whites, and their children must necessarily attend the same schools as the white children and be provided with the means of education by the taxes which are common to all the whites who own property.

The frontier has disappeared. No longer can the Indian problem be solved by following the example of the older States in pushing the Indian out beyond their borders. We must take care of, protect, educate, civilize, and enlighten the Indians who are among us, in order that they may become useful citizens, homogeneous in everything with the white population. Their education both in books and in industrial pursuits must necessarily be pushed with all the vigor and means at the State's command. In these things it is but right and just that the aid of the General Government, whose wards these Indians have been and whose wards many of them will continue for years to be, should be granted. It is but just that in the distribution of the funds provided in this beneficial measure provision should be made for the new States and the Territories of means to educate the illiterates among that class of people as well as among all other classes.

Therefore I have taken the liberty to offer these amendments, and I am much gratified to be able to say that they meet with the hearty concurrence of the distinguished promoter of this bill, whose kindly nature and great heart does not stop at the line of any class of inhabitants in this country. All, white, black, Indian, Mongolian, and mixed, are alike the subject of his kindly and benevolent consideration.

If the merely selfish, moneyed interests of our people were to govern me in the vote which it becomes my duty to declare upon the Blair educational bill, such selfish interest would dictate that I vote against it.

The ratio of illiteracy in the whole Territory of Dakota by the census of 1880, as given in the tables submitted by the distinguished Senator from New Hampshire, is 2.29 per cent., the fourth in the lowest ratio of all the States and Territories of the United States. By the census of 1885, so far as it can be ascertained and calculated from the defective returns and the want of returns in some of the States, our statisticians and educators have confidently asserted that South Dakota was the lowest in the ratio of illiteracy of any State or Territory, and the probabilities are, judging from the population that has been since

the census of 1880 constantly coming into South Dakota, from their character, their intelligence, and their liberal support of public schools, by the census which is now pending the ratio of illiteracy among the white and black population will be shown to be as low, if not the lowest, of any State in the entire United States. The brightest and the best of the young men and the young women from the Eastern, Middle, and Western States have populated South Dakota. Universities, colleges, commercial schools, the higher public and private schools, have sent their graduates there to build a splendid empire.

The natural sequence has been, and without having the statistics at hand to present I confidently assert, that more money has been expended during the past ten years in South Dakota for the public schools therein, in the employment of teachers, in the erection of school-houses and the purchasing of apparatus, than in any other State in proportion to the population. The logical result is, then, that by a distribution of governmental funds for educational purposes, appropriated upon the basis of illiteracy, the people of my State would pay, in paying their proportion of the sum apportioned to all the States, more than it would receive, because the ratio of illiteracy is so vastly below the average.

Now, in a measure, because we have not been an organized community a sufficient length of time to have accumulated any great wealth, and therefore having no surplus, I must pay some heed to the economic character of the question involved by including that class of our population whom, as I have said, we must necessarily absorb and educate. I hope somewhat by this to correct the financial injury that might apparently result to us from the adoption of the bill without such provision. Nevertheless, Mr. President, I must say that from many of the excellent classes of our people, from those who are giving attention to benevolent and christian work, from those who are enthusiasts, and rightly so, in their desire for education throughout the country of those who are ignorant, and because of their ignorance depressed and degraded, I have been daily in receipt of appeals to support this measure. Not one citizen of South Dakota, so far as I know, has remonstrated against my support of it, though my intention to do so has therein been publicly proclaimed.

It is not for me, especially at this late day in the discussion, to enter into any argument in behalf either of the principle upon which this measure is based or upon the provisions therein which aim at carrying into operation that principle.

No one in these modern days, in this now universally free country, will need to have it spoken in his ear that the education of all our people is not only a blessing but a prime necessity. Conceded is it everywhere, by every one whose mind is not wandering in some crooked path, that if private effort can not or will not procure this education of the people, then the government of the States or the General Government, one or both, must produce that result.

No considerable portion of the American people can safely be left in ignorance, and its consequent vices, for any length of time without endangering the very citadel that we have built with such magnificent grandeur.

I would not if I could enter into any discussion of what has been termed "the race question," as that question is involved in any part of our common country. It seems to me that that question has no proper place in the consideration of this measure, except in so far as it illustrates what is conceded to be a danger to our free institutions.

The very scenes and incidents and conditions that have been so graphically pictured, so sincerely deplored by Senators upon this floor as existing in some of the Southern States, may well illumine the proposition we are considering and guide us in finding the true solution.

If under our Government a majority can be overruled for any considerable time by a minority, no matter whether such result is accomplished by force or by fraud, the system and foundation upon which the Government is based is violated, denied, and annulled, and therefore to that extent the system is abrogated.

If the ignorance of the majority either permits or necessitates this abrogation of the system of free government by the majority, then that ignorance must be removed in order that the true condition may again assert itself. Danger common alike to all, to those who breathe the aroma of the ever-blooming flowers and to those whose ice-loaded atmosphere stimulates to more constant exertion, lurks in every truthful assertion that any considerable portion of our people have been, are, or will be deprived of their natural, personal, or political rights by reason of their ignorance and superstition unless such assertion is accompanied by the expressed intention of removing such ignorance and ceasing the usurpation.

Believing as I do that the common and rightful heritage of every American citizen is to have placed within his reach the opportunity for education and that this bill tends to bring every child of liberty into his own, I cheerfully give it my cordial support.

It is no new departure in its principles; it does not invade by one hair's breadth the sacred doctrine of local rule. From the early years of our history, the General Government has by its grants, either in lands, in money, or its equivalent, aided the States in their support of public schools. No one now questions the far-seeing wisdom of such procedure. A portion of the States profited immeasurably by this and laid the foundation and reared the structure for universal education.



Because of the peculiar condition existing in other of the States they did not reap the full benefit of these wise provisions, but left a large portion of their population in ignorance and vice.

If this measure under consideration shall tend to bring about an equality in this direction, as it is hoped by its promoters, as the years go on, no man will question the wisdom of its enactment, and all portions of our common country will be alike benefited thereby.

I am gratified to be able, as I said, to believe that the almost universal sentiment in my own State is in favor of this bill. Our people, in their infancy financially, have already seen the great benefits that have accrued from extraordinary expenditures for educational purposes, the means for which have been created by voluntary taxation of themselves. They would not deny to any portion of the people the like benefits, even at the expense of the General Government.

Mr. CHANDLER. Mr. President, I will occupy a brief period by stating to the Senate the reasons why I shall vote for this beneficent measure of legislation. The Legislature of New Hampshire in 1887 adopted the following resolution:

*Resolved by the house of representatives (the senate concurring), In view of the alarming state of illiteracy now existing in certain sections of our country and considering the great danger to republican institutions that may result therefrom unless some adequate relief is afforded, that we approve of the measure known as the Blair educational bill substantially as it passed the Senate of the United States in 1890; and the secretary of state is hereby directed to send copies of this resolution to the President of the Senate and Speaker of the House of Representatives at the meeting of the next Congress.*

This resolution was passed by the house and also was passed by the State senate on the 31st day of August, 1887. This resolution of the Legislature which first elected me to this Senate was in accordance with a previous resolution of the Legislature of 1881. I have an extract from a joint resolution of that Legislature, approved August 19, 1881, which was draughted by myself as a member of its committee on national affairs:

SEC. 2. That universal popular education is essential to develop in the coming generations that intelligence and virtue which are the surest safeguards of free and republican government; and it is therefore the duty of Congress, by all apt means, to encourage the American common-school system, and, if necessary, to compel and aid in the establishment of unsectarian free schools in every State in the Union.

Therefore, Mr. President, my own convictions and the wishes of the people of my State go with my vote for this bill. I had hoped that we might have upon the passage of a bill of this character substantial unanimity in the Senate. I had hoped so because no man will deny that the evil which is sought to be removed by this bill is great. Illiteracy exists in large measure in the United States, not only in the South, but in the North.

I present in a condensed form facts of illiteracy which have hitherto been stated by others.

According to the census of 1890, in a population of 50,155,783 there were, over the age of ten years, 4,923,451 who could not read and 6,239,958 who could not write.

Among 10,000,000 of legal voters there were 2,000,000, one-fifth of the whole, unable to read and write: 900,000 whites and 1,100,000 colored; and undoubtedly 4,000,000, two-fifths of the whole, so imperfectly educated that their education is worth practically nothing.

Out of 15,803,535 children of school age, 6,022,762 were not enrolled; and from the 9,780,773 children enrolled an average daily attendance of only 5,804,993 is secured.

To furnish school-houses to increase the average attendance by 6,000,000 children, 120,000 school-houses are needed immediately, which, at a cost of only \$300 each, would require \$36,000,000.

I present a table showing the percentage of illiteracy in population according to the census of 1880 in sixteen States of the Union.

Table showing the percentage of total population over ten years of age who can not write.

States.	Colored.	White.
	Per cent.	Per cent.
Alabama.....	54	17
Arkansas.....	49	16
Delaware.....	42	7
Florida.....	48	14
Georgia.....	54	16
Kentucky.....	49	16
Louisiana.....	53	13
Maryland.....	43	6
Mississippi.....	49	11
Missouri.....	39	8
North Carolina.....	51	22
South Carolina.....	51	15
Tennessee.....	48	19
Texas.....	48	10
Virginia.....	50	13
West Virginia.....	39	13

The average total percentage of colored people in the United States, including Indians, Chinese, and Japanese, over ten years of age, who can not write is 47.70, or, in round numbers, 48.

The same average of the white population is 6.96 per cent., or, in round numbers, 7.

The greatest percentage of whites in the States, excluding Territories, is 22, in North Carolina; and the smallest is 2.43, in Nebraska. I have also the following:

Table showing the number of illiterate voters in the same sixteen States of the Union.

States.	Total number of voters.	Voters who can not write.		
		White.	Colored.	Total.
Alabama.....	259,584	24,450	96,408	120,858
Arkansas.....	182,977	21,349	34,300	55,649
Delaware.....	38,298	2,955	3,787	6,742
Florida.....	61,099	4,706	19,110	23,816
Georgia.....	321,438	28,571	116,516	145,087
Kentucky.....	376,287	54,956	43,177	98,133
Louisiana.....	216,787	17,377	86,555	103,932
Maryland.....	232,106	15,152	30,873	46,025
Mississippi.....	238,532	12,473	99,068	111,541
Missouri.....	541,207	40,655	19,028	59,683
North Carolina.....	294,740	44,420	80,282	124,702
South Carolina.....	205,789	13,924	53,010	66,934
Tennessee.....	330,305	46,949	58,601	105,550
Texas.....	380,476	33,085	59,669	92,754
Virginia.....	334,505	31,474	100,210	131,684
West Virginia.....	139,161	19,055	3,830	22,885
Total.....	4,154,125	410,550	944,424	1,354,974

Of the above illiterate voters, 70 per cent. are colored and 30 per cent. are whites. In each of six of the States the illiterate voters are about 50 per cent; in South Carolina they are 52 per cent. In 1880 the popular vote for President was: In Alabama, 151,507; in Georgia, 155,651; in Mississippi, 117,078; and in Louisiana, 97,201.

I suppose, Mr. President, it is conceded that illiteracy in the United States is not upon the decrease, but is rather upon the increase, and I apprehend that when the figures come in of the census of 1890 it will be found that, instead of having gained upon this illiteracy, in the South and in many of the other States the illiteracy will have increased. In the South there are special and local reasons why the illiteracy does not diminish, and in the Northern States there is a constant flood of immigration of persons who can not read and write, so that in the Northern States, by reason of this immigration, illiteracy on the whole is not diminishing.

Mr. WILSON, of Iowa. Will the Senator yield to me a moment?

Mr. CHANDLER. Certainly.

Mr. WILSON, of Iowa. He does not name a Northern State where he thinks the percentage of illiteracy may have increased. I wish to relieve the State which I in part represent from any possible inclusion in that list of States, and to state that the percentage of illiteracy is not only diminishing constantly in Iowa, but that it has reached now a point represented by only 1.2 per cent., which I think, notwithstanding the statement made by the Senator from South Dakota, is the lowest point reached by any State in the Union.

Mr. CHANDLER. I do not doubt, Mr. President, that the Senator from Iowa is correct. The immigration into Iowa is of an exceptionally excellent kind, and I apprehend that in most of the Northern States where there are not great cities into which is pouring an almost overwhelming influx of immigration the percentage of illiteracy will be found to have decreased, according to the census of 1890. But I repeat that, in the Southern States and in several of the Northern States where there are large cities into which this immigration pours, it is more than probable it will be found that the illiteracy has increased rather than diminished, and it is quite likely that the total percentage of illiteracy in the United States will be found to have increased rather than diminished during the decade.

Mr. President, with this great evil upon the country, why should not the nation help remove it? Why should not the United States from its Treasury assist in overcoming this obstacle to our progress? The Treasury is full. We are in a condition of unbounded prosperity. We have a large surplus of money. There can not be, therefore, when this bill comes up for consideration, any disposition to withhold national aid because the national Treasury is empty or because the United States are poor, for the contrary is the case, and the committees of Congress are to-day engaged in finding ways of reducing the revenue of the United States. This is, therefore, a most appropriate time to take some money from our overflowing Treasury and send it throughout the country for the purpose of grappling with and reducing the gigantic evil so startlingly presented by the figures which I have submitted to the Senate. The ability to aid in removing national illiteracy exists in connection with the desire to remove it.

I wish to allude briefly to some of the objections which have been made to the adoption of this bill. I will not detain the Senate by undertaking elaborately to refute those objections, but will simply state the reasons why they carry no weight to my mind and will not influence my vote.

It is said that this bill is an invasion of State rights, and its constitutionality is challenged. I do not concede that the question of the

lawfulness of the appropriation of money from the Treasury for the present object is at this day fairly open to serious debate. It may be conceded that one hundred years ago a reading of the Constitution would not have shown the power to appropriate money raised by taxation for the education of the children in the several States.

The argument based upon the fact that all powers not expressly granted by the Constitution to the General Government were reserved to the States, and that the General Government was one of limited and express powers, would have had force at that day and under those conditions; but now we are one hundred years from the organization of the Government under the Constitution, and during that time the country has grown until it is now a nation of sixty millions of people. Its territory then was restricted; it now extends from ocean to ocean; and during these one hundred years a construction has been placed upon the Constitution which is a sufficient warrant for this appropriation.

We are not to deal with the question as an original question. We are not to go back, like the Senator from Connecticut [Mr. HAWLEY], to argue in favor of the doctrine of State rights and the limitations of national power as they may have existed one hundred years ago, but we are to take the Constitution with the interpretations which have been put upon it by the practice of those who have preceded us; and we find that in the practical adaptation of the Constitution to the wants of an enlightened, an enterprising, and an increasing population the power of appropriation has been expanded until it covers substantially the appropriation of the money of the United States found in the Treasury for any purpose deemed by Congress useful for the public welfare.

But, Mr. President, if this were not so, if there might be ground on a strict construction of the Constitution for doubts about this power, I have hoped that those doubts would not be raised upon this bill. I have hoped that a strict construction of the Constitution would not be urged in connection with an appropriation for such a beneficent purpose as this. This is not a charity. It has an appropriation of money to discharge a duty which the Government owes to its people. But although it is not a charity it is a beneficence, it is a great benevolent object which is sought to be accomplished by this bill, and therefore it seems to me that we ought, in considering and acting upon it, to raise no nice or doubtful questions of constitutional law. The most persistent advocate of State rights, the most strict constructionist of the powers of the Federal Constitution, might well waive all his arguments in order to favor a bill which proposes to carry education and enlightenment to so many thousands of illiterates in the United States.

I have felt that the Southern States which are to be so largely benefited by this act ought not to hesitate to take the money which is to be furnished them to be applied to the education of their children through any fear that the action would be made a precedent for the passage of other bills, and I have felt that Senators and Representatives from the Northern States ought to vote for this bill feeling that it would constitute no precedent for the passage of any other bill, but that it should be taken just as it is, as a grand monument of the beneficence of the National Government towards the school children and towards the illiterates of this nation wherever they may be, whether North or South.

Mr. President, I have further heard it alleged—I do not know whether the objection has been stated in this debate or not—that there is an objection to the passage of this bill and the granting of this \$77,000,000 for education, \$50,000,000 of which is to be expended in the Southern States, because the General Government does not retain sufficient control over the expenditure of the money which is appropriated. My answer to that objection, satisfactory to myself and I believe such as should be satisfactory to others, is twofold: First, it seems to me the bill does retain a sufficient control over the expenditure of the money. The State must accept the provisions of the bill and pledge itself to obey its conditions. Each State which takes this money and expends it for the benefit of its school children must, before it can receive a second or a subsequent year's appropriation, make a statement in detail to the Secretary of the Interior, showing him every item of the previous year's expenditure. All this must be carefully written down, and unless the Secretary of the Interior can see that the money has been faithfully applied and that all the conditions of the bill have been complied with, no more money will be sent by the General Government to that State for expenditure for the benefit of its schools.

In addition, the power to investigate the expenditure of this money does exist and will not be objected to. The General Government can ascertain where every dollar of the expenditure has gone. The General Government can investigate every complaint that the money has not been wisely expended, and the result will be made publicly known to the people of the United States.

Under these circumstances it is utterly futile for any opponent of this bill to claim that any of the money will be wasted, or that it will be expended contrary to the provisions of the gift, or that there is any reason to believe that it will be misappropriated by any one of the States of the Union. We can afford to risk this money, we can afford to give it, not only to the States of the North, but we can afford to give it to the States of the South upon this sacred and solemn trust that it shall be expended for the benefit of the school children of those States, black and white, in accordance with the provisions of the bill, and I scout the idea that there is any possibility that this money thus given for this

beneficent purpose will be misappropriated or used in any way contrary to the spirit and letter of the donation.

It is also said that there is an objection to the appropriation of national money as provided in the bill, because, while it is apportioned among the several States according to the illiteracy within the various States, it is to be expended by the States for the benefit of all the children of school age. I suppose the objection is that this money appropriated to remove illiteracy can not be made to reach that large class of illiterates who are adults, beyond the reach of school education, and that therefore the apportionment is unfair; but my answer is that this bill is the only one that can be framed, this method is the only method that can be devised by which it is practicable for the General Government to appropriate money from its overflowing Treasury for the removal of the illiteracy in the States. I ask those who object to the method that is provided by this bill what can be fairer than to take the money and to give it to the States in proportion to the illiteracy? The bill proceeds upon the theory that illiteracy is a danger to the Republic and that the National Government is called upon at this time to aid in removing it by money from the public Treasury. What better method can be devised of reaching that illiteracy than to take the money and give it to the various States in proportion to their illiteracy? And when the money is given to a State, in what way can the State better reach the evil which is complained of than by appropriating it for the benefit of all the children of school age, without regard to color?

It may be admitted that this method of distributing the money among the States and of expending it within the States does not work literal and exact justice to all the States and to all the children in the States; but the point is that it is the only practicable and feasible method of doing this thing. It is the only way in which the National Government can do it.

There has been much discussion on this bill during the last ten years, and there has been much fault found with its provisions. There has been much criticism of this particular provision, and I have heard Senators who are opposed to it say that they would be willing to appropriate a sum of money to be applied directly to illiteracy in certain of the States and that such is the proper method of rendering the aid; but I have not noticed that those Senators have devised any bill for doing what they say they favor. The Senators who have criticised the clause in the bill under discussion and have said that they were willing that national money should be voted to aid in removing illiteracy if it could be done in some other way have not devised the other way. They have proposed no suitable amendment to this bill; neither have they discovered any bill of their own which they are satisfied to propose to carry out the beneficent object which it is sought to accomplish.

And so, Mr. President, I say the method in this bill provided is as good as can be devised. It is not perfect, perhaps, but I would ask what great scheme of benevolence to great numbers of people ever was perfect? I ask what scheme of taxation (and it is a fundamental principle of taxation that taxation shall be equal) ever was made absolutely and exactly equal? It is in the nature of great measures of this kind that they shall be more or less imperfect; it is in their nature that they shall be more or less unequal, and this mode of taking money from the national Treasury year by year, first a small sum, then a larger sum, and then a decreasing sum, and giving it to all the States alike in proportion to their illiteracy, and then allowing and requiring the States to expend the money given them among all the children of school age, is as good and perfect, as equal and exact, a system of distribution as can be devised.

So as to the objection that this bill gives money raised by taxation or found in the Treasury of the United States not only to States that are not well able to raise the money themselves, but also gives money to States that are able to raise it, and therefore that do not need this national benefaction, my answer is that the system in that respect is not perfect, but yet it is a good system. It is not a potent objection that in order to make an equal distribution of public money for the removal of widespread illiteracy, something near an equal and just distribution throughout the United States, the money is given to all the States, to each its proportion, to States that are able to raise all the money they need to expend for school purposes, and also to States which are not able to raise the money they need for school purposes. It might be a just objection if it could be demonstrated that the result would be that any State would be required to spend more money for school purposes by reason of this donation and the obligation imposed to spend an equal amount of its own money than would be really needed by the school children of the State.

But that is not pretended by any one. On the contrary, it has been shown by my colleague that every State already spends more money for school purposes than will be given it in any one year by this bill from the national Treasury. I ask my colleague, that I may be distinct on that point, if there is any State which now annually spends less money for school purposes than the sum which it will receive in the largest year under this bill?

Mr. BLAIR. Not a single State. Unless I am greatly mistaken, I think every one spends several hundred thousand dollars more than it will receive under this bill in any year.

Mr. CHANDLER. Then we are not forcing any State by this bill



to expend more of its own money for its schools than it now spends. On the contrary we are doing exactly what the friends of this bill wish to do: We are aiding for eight years each State to supplement its existing school system by better provision for the common-school children, and we are not producing an unnatural stimulus, but are only wisely aiding the State for the time being; and therefore, although we do give money to some States which do not need it and are able to raise all the money which they need for their schools by local taxation, yet that is not an objection in view of the fact that the money is unquestionably needed for the schools, and in view of the further fact that this is the simplest, most natural, and most appropriate method of reaching the illiteracy which exists to some extent in all the States, namely, by taking a gross sum of money from the national Treasury and apportioning it to all the States precisely according to the existing illiteracy in those States.

Mr. President, there has been very prominently put forth in the discussion of this subject the idea that the expenditures which are to be made of national money in the States during the eight years of the operation of this bill will be injurious in the end to the schools of the States because it will discourage self-help, and that after a long period of time the schools will have been injured instead of benefited by these appropriations. That idea is the favorite idea of the Senator from Connecticut [Mr. HAWLEY], who has addressed the Senate this afternoon, and it is to be found running more or less through all the discussion of this bill by its opponents. I do not wish to say that I do not think those who adduce this argument are sincere when they make it, and yet I must think that they are grossly mistaken. There may be such provision for the wants of a man or a State as will paralyze self-help and will prevent self-exertion; but it can not be that there is any danger that this money, given as it is and taken away as it is to be, will paralyze the school system of the States or will do anything except that which all wisely and judiciously administered aid always does: encourage and stimulate the object for which it is applied.

The school system of all the States is firmly embedded in their institutions. If there be any considerable exception I do not know of it. If there be any State where there is now no foothold for the common-school system, I am not acquainted with it. In every one of the States there is a school system well devised, well elaborated, and in full operation. There is nothing to which the people of each and every State of the Union are pledged more firmly than they are to a maintenance of common schools, and under these circumstances when it is proposed for a short series of years to assist each of these States to accomplish a better administration of its school system and a better management of its schools it can not safely be contended that the money thus furnished will do anything but stimulate the inhabitants of the State and the teachers of the State to continued exertion after the Government aid shall have been withdrawn.

Mr. President, the trouble is not that the people of any State do not wish to liberally maintain their schools. The trouble is not that there is a disposition to sacrifice the school system of any State and leave it to go to pieces. Money is not wanted in order to make the people of any State willing to keep up their common schools; but money from the national Treasury is wanted in the States where most of this money is to go in order to enable them to give scope to their desire to maintain effectively their school system and in order to enable them to overcome their poverty and want of resources and place their school system upon such a basis that eight years from now, illiteracy having been in a great measure removed, it will proceed of its own accord and without any further necessity of national aid.

Therefore, I am confident that the effect of this bill on the whole will be beneficial to the school system of every State, that the money which is used will be applied to placing the school system of the various States upon firm and substantial foundations, and that those States which receive this aid and which to-day need it most will find themselves at the end of the eight-year period with a school system which will take care of itself, for which the people of the State will willingly make appropriations which will amply sustain it, and will show that the aid which the Government has given has not been an injury, has not paralyzed self-help, but has placed the school system upon a foundation which will be perpetual.

Mr. President, the great need, as I conceive, of this measure at this time, and the great need that has existed for its passage during the last decade, is the poverty of the Southern States. It has been argued here by Senators that the Southern States do not need this help. It has also been argued by other Senators that they do need this help; and beyond all question, referring to the sixteen Southern States to which I have hitherto alluded, the larger proportion of them are not able now, in justice to other objects of expenditures, to appropriate the money which is needed for the maintenance of an adequate common-school system and for the removal of the illiteracy now existing within their borders.

It is difficult for us to realize what a complete destruction of property took place in the South during the war. To be sure, it is now twenty-five years since the war closed and the Southern States have been making wonderful progress; but consider how they stood in 1865, when the war closed. There had been almost an utter annihilation of all values except those of real estate. The slave property had been

destroyed; the slaves remained and constituted the laborers of the section, but the labor system of the South was disorganized; the currency was destroyed, and all business interests were broken up. From one end of the South to the other there was almost no taxable property except the land and the buildings. The Southern States at once began the work of building anew their industries, but they have been able, many of them, to barely make both ends meet. I say from a careful consideration of the subject that a majority of these sixteen Southern States are not able to raise at this time the money that ought to be expended in those States for the education of the black and white children and for the purpose of preventing the increase of illiteracy, and therefore it is that I believe the whole nation ought to make this contribution in aid of the Southern States. The North ought to give it, so far as they give more of it than the other section, in a spirit of liberality and of justice, and the South ought without hesitancy to accept it as an appropriation which the North is willing to make to aid the South in overcoming the injuries of the war and in providing for the children of the South, black and white, that education which they can not at present, at least fully, obtain in any other way.

Mr. President, there is another reason why I think this bill should be adopted. That reason has been foreshadowed by others who have spoken on this subject. It is that in education we see the only remedy for the difficulties of what is called the Southern question, which it is agreed by men from all sections tends to afford help in our sectional trouble. The education of the masses of the people, the education of the blacks and the whites alike in the South, will be a remedy to some extent for the existing troubles in that section. The colored people, becoming more enlightened, becoming more intelligent, will be more likely to get on well with the white citizens of the South, and the white citizens of the South, becoming more intelligent, illiteracy being removed, prejudice being overcome through education and enlightenment, will be more likely to get on well with the black people of the South.

The Southern question is full of trouble and doubt, but I believe, adopting the illustration made yesterday by the Senator from Virginia [Mr. DANIEL], that we ought to pursue this one star of hope, this one light that we see in the distance, which promises some help and some possibility of solution. With education and with increased religious sentiment at the South, developed by education, will come greater forbearance towards each other on the part of the two races. The great lesson, as it seems to me, for the Southern whites to learn in dealing with the black man is forbearance and justice. In proportion as the people of the South become better educated, in proportion as illiteracy is removed, the principles of the christian religion will make advance. Religion largely consists of self-control, and self-control on the part of the white people of the South is what is needed more than anything else to help them in the present difficulties that are upon them.

So I believe that with increased education will come higher religious convictions, and just so far as education and religion can be advanced throughout the country, North and South, and the spirit of forbearance and self-control can be made to prevail with those who have to deal with the colored people in their midst, in the same proportion shall we approach peace and harmony in the management of all our sectional questions.

So, Mr. President, I hope this bill will pass with as large a majority as possible. I hope it will pass with as many votes as possible on both sides of the Chamber, in order that through education and the growth of religious principle and the progress of christian civilization we may hopefully approach a solution of the troublesome Southern question which now afflicts the nation.

Mr. REAGAN. I ask unanimous consent of the Senate for the consideration and passage of Senate bill 1644. It is an important bill in itself, and yet it is a bill which I think will not lead to any discussion.

The PRESIDENT *pro tempore*. The Senator from Texas asks unanimous consent that the unfinished business may be informally laid aside to enable him to ask for the consideration of Senate bill 1644.

Mr. BLAIR. It is necessary that the education bill should make all possible progress in the matter of debate, and I understood the Senator from Florida [Mr. CALL] desired to make some remarks upon it.

Mr. REAGAN. If the Senator from Florida wishes to discuss the pending bill this evening I shall give way, though the bill which I desire to have considered looks to negotiations by the President and to avoid a complication with Mexico, and it ought to be passed and go to the President as early as possible.

The PRESIDENT *pro tempore*. Is there objection?

Mr. BLAIR. I only want to say that the discussion of the education bill extends only to to-day and to-morrow, and the day is pretty much absorbed already by speakers who are known to be desirous of addressing the Senate. I supposed the Senator from Florida, perhaps, would proceed to-night.

Mr. REAGAN. If the Senator from Florida or any other Senator desires to speak on the education bill I will withdraw my request.

Mr. CALL. I have but little to say upon the subject, and if there is no opportunity I will cheerfully forego saying anything.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill named by the Senator from Texas?

Mr. HARRIS. Let the bill be read at length, subject to objection.

Mr. BLAIR. I have no objection to the present order being informally laid aside if no one cares to speak upon it at the present time.

The PRESIDENT *pro tempore*. The Chair is ready to recognize any Senator to take the floor on the unfinished business. If there be no objection, the bill called up by the Senator from Texas will be read for information, subject to objection.

#### IRRIGATION IN RIO GRANDE VALLEY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1644) concerning the irrigation of arid lands in the valley of the Rio Grande River, the construction of a dam across said river at or near El Paso, Tex., for the storage of its waste waters, and for other purposes.

The Chief Clerk read the amendment proposed by the Select Committee on Irrigation and Reclamation of Arid Lands, which was to strike out all after the enacting clause and insert a substitute.

Mr. DOLPH. I do not like to object to the Senator's bill, but it seems to me, and indeed I am quite certain, that it was never before the Committee on Foreign Relations. It involves matters in which the citizens of the two Republics are interested, and it seems to me it is a subject for consideration by the Committee on Foreign Relations. I see no other member of the committee present, and I will ask the Senator from Texas to let the bill go over until they can be here.

Mr. REAGAN. The bill has a double purpose. It is a matter of so much importance that it should be acted upon that if the Senator will let me make a statement I think he will not delay action on the bill. It has been reported from the Committee on Irrigation, to which it was referred.

Mr. DOLPH. There are facts within my knowledge that would induce me to object to the consideration of the bill to-day until some other member of the Committee on Foreign Relations is present.

The PRESIDENT *pro tempore*. Does the Senator from Oregon insist on his objection?

Mr. DOLPH. I will withhold the objection until the Senator can make a statement. I have no objection to hearing his statement.

Mr. REAGAN. Mr. President, the Rio Grande River forms the boundary between the United States and Mexico for some 1,200 miles. At El Paso, where that stream passes out of the territory of the United States and forms the boundary, there is on each side of the river a city. On the Mexican side there is the city of Juarez, formerly called Paso del Norte. On the American side is the city of El Paso. The city of Juarez has now about 25,000 inhabitants. It is a city that has been occupied by the Mexicans for more than one hundred years.

They depend upon irrigation for their cultivation, and the taking out of the water by the irrigation in Colorado and New Mexico has made that river, during the dry season and during the season when crops are made, dry for about 500 miles, that place being about the center, the dividing point of these 500 miles. The river, by the accumulation of snows in the winter and rain in the spring, in its torrential flow from April to July, frequently makes very great floods, and changes, as this report shows, the channel of the river for many miles, involving questions that will be better understood if the Senate will bear with me until I read one or two pages of the report, showing the necessity for action and how it arises.

In the report of the troubles on the Rio Grande, transmitted to the House of Representatives by the Secretary of War in 1878, Executive Document No. 84, Forty-fifth Congress, second session, Colonel Hatch says, among other things:

One [trouble] which must be looked for sooner or later is in connection with the water taken from the Rio Grande for irrigation, as soon as the attempt is made to largely extend cultivation in this valley (there will not be enough water for all, and both sides have an equal right). From this troubles are certain to arise sooner or later which may involve the two countries seriously.

In the report of the board of officers (Ex. Doc. No. 93, Forty-fifth Congress, second session), March 16, 1878, is to be found the following statement:

The Rio Grande, at this season of the year even an insignificant stream, its channel often shifting and always erratic, but during the heats of summer some times dry, affords, by being directed into *acequias* on either bank, a scant and variable supply of water to the people of both nationalities, but is utterly insufficient to irrigate this extensive valley, where the yearly rainfall measures but a few inches. As time progresses and the country is opened by accessions to its population, sure to come—for it is a most fertile region and gloriously rewards the labor spent in irrigation—the question must grow in importance and may occasion trouble beyond the reach of diplomacy to settle.

Then, in the report of General Stanley, of last year, to the Secretary of War, he uses this language:

Our relations with our Mexican neighbors upon the long line of the Rio Grande have been kindly, although they are good deal excited over what they deem the violation of their riparian rights through our people taking all the water of the Rio Grande for the irrigation of the San Luis Valley, which leaves the Rio Grande a dry bed for 500 miles. The question is one that must be settled by the State Department, and thus far there has been no call for military force. The remedy for this water famine and consequent ruin to the inhabitants of the Rio Grande Valley, must be found in storage reservoirs, so easy of construction, one in the cañon opposite Taos and the other in the cañon near and north of El Paso.

In the report of the committee this statement is made:

These floods have sometimes become devastating torrents, inundating the whole valleys for miles, cutting new channels, and sweeping everything before

them. In 1842, in the El Paso Valley, the river changed its bed for a distance of 30 miles, and in some places 7 miles laterally. Hundreds of smaller changes have been made since. In 1844 it began moving back from the Mexican side at this point, and in a few months carried away 15 miles of the Southern Pacific Railroad, and threw a single body of over 5,000 acres of land on the south side of the river, although it is still claimed to be within the domain of Texas. This land was just above the Mexican town of San Ygnacio, and as the river left the town for miles, its people were compelled to take a canal from the river where it is entirely in Texas, and carry it for more than 3 miles over Texan soil to irrigate their land and for domestic purposes. The situation is further well described in an able report submitted in the last Congress by Hon. Mr. HITT, of the Committee on Foreign Affairs, as follows:

"It (the Rio Grande) has shifted its channels so often and so far, in some cases gradually, in others abruptly and by cut-offs, that no man knows accurately where the boundary is to-day. Sometimes the stream will suddenly cut a new channel, abandoning the old ones altogether, and in a single day, by a cut-off, a tract or 'banco' of a hundred acres will be found to be on the other side of the river. These causes have produced uncertainty as to the boundary, and this encourages smuggling, which is always carried on more or less on the border. When a man smuggles from a 'banco' it is almost impossible to catch and convict him. No surveys are made nor official records kept of the time and place of cut-off changes, and no one can tell with accuracy the extent of a cut-off. The bed of the old channel is the boundary, though it may be long since dry. There are sometimes two or three old beds, and it is hard to tell where is the middle of the old bed contemplated by the treaty."

"At the last term of the United States district court at Brownsville the most noted case of smuggling was lost by the Government for want of that accurate knowledge that would satisfy the court. \* \* \* These 'bancos' with their uncertain boundaries afforded retreats for smugglers, thieves, kidnappers, murderers, and every class of criminals, as well as bases of supplies from which to carry on their operations free from interference by either Government."

Mr. HARRIS. I should like to ask the Senator from Texas, before proceeding further with this matter, if this bill contemplates authorizing the President to negotiate with the Republic of Mexico for authority for a private enterprise to construct a dam to store water for the purposes of irrigation or does it contemplate that the two Governments or either of them shall construct such a dam?

Mr. REAGAN. In answer to the question of the Senator from Tennessee I will state that the language of the bill was framed expressly so as to cover either contingency, as the Senator will see, and that, while it is a matter of interest to private persons, it is a great national problem which this Government is under obligation to its own citizens and to the citizens of Mexico to ask the settlement of. As I stated, outside of the city of Juarez and independent of that, there are 25,000 people deprived of their supply of water who have lived there in the city that has been in existence for more than a hundred years.

Our Committee on Irrigation last summer were invited by the authorities of Mexico to pass through that city to see grape-vines and fruit trees dying for want of water, and we were informed that one-fourth of the population had already been compelled to leave, and now they feel that it is a grievance that the people of the United States higher up the Rio Grande have taken from them their supply of water, and they feel that, while they may not legally have the right to claim a restoration of their water privileges, good neighborhood and fairness between government and government make it appropriate that the United States Government should take such steps in connection with the Mexican Government as to relieve them, and to relieve them by building a dam in a narrow gulch just above El Paso, storing the torrential flow of water, so as to be able to supply water to both sides of that great valley and at the same time so regulate the flow as to prevent any further changes of the channel of the river, with the power to the President to agree to a commission that shall fix where the real boundary between the two countries is.

Mr. HARRIS. I desire to say to the Senator that so far as any legislation may be necessary to avoid any international complications with Mexico or any other country, I certainly should not object; but if this bill contemplates entering upon a plan of committing this Government to building dams across the Rio Grande or any other gulch or stream for the purpose of storing water in order to irrigate farms, then I shall want a full Senate when it is considered, and I feel bound to object to its consideration this evening.

Mr. REAGAN. Very well; but I desire before the Senator takes his seat to say that that problem of controlling the channel can not be mastered without building the proposed dam, and it ought not to be an objection, in settling or in providing for the settlement of a serious national trouble, that it may contribute great benefit to the people on both sides of the river.

Mr. HARRIS. Does the Senator mean that the dam is necessary to fix the boundary between the two countries?

Mr. REAGAN. That is what all the authorities say.

Mr. HARRIS. So far as any action is necessary to fix the boundary, I shall not object, but if the bill contemplates, directly or contingently, that the Government is to construct a dam to store water for the purposes of irrigation, that is to my mind a very different question.

Mr. REAGAN. I would say to the Senator from Tennessee that the bill makes no appropriation of money whatever, and nothing can be done without the future action of Congress. So, if the Senator will let the bill go, the negotiations can be made and Congress will at all times hereafter have the control of the question as to whether the dam shall be built in one way or another.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Tennessee to object to the consideration of the bill.

Mr. HARRIS. I was asking for information. To some phases of it



I certainly would not object, but if it does contemplate the construction of a dam to store water for irrigation purposes I should object.

Mr. DOLPH. Mr. President, I do object. The bill is too important to be passed at this hour in the session and without a full Senate. I desire to say also that there has been a treaty with Mexico and a commission appointed to fix the boundary line and the basis upon which it is to be determined, and the Senator from Texas ought to know also that the subject-matter is now before another committee of the Senate in another shape.

Mr. REAGAN. I do not know it, and the Senator will see that the problem is one which appropriately comes before the Committee on Irrigation, and the Committee on Foreign Relations ought not, on a technical ground, to arrest a measure necessary for the peace of the two countries.

Mr. DOLPH. I must insist on my objection.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

#### RAILWAY MAIL SERVICE.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. 4975) providing for the appointment of an assistant general superintendent and a chief clerk, railway mail service; which was read twice by its title.

Mr. SAWYER. I ask unanimous consent for the consideration of that bill at this time. A Senate bill has been reported from the Committee on Post-Offices and Post-Roads, which is on the Calendar, and which is *verbatim* the same as this House bill.

Mr. COCKRELL. It had better be printed and lie on the table.

Mr. SAWYER. The Senate bill is on the Calendar.

Mr. COCKRELL. We have not reached it on the Calendar. Let this bill be printed and lie on the table, and the Senator can call it up at some other time.

The PRESIDENT *pro tempore*. If there be no objection, the bill will lie on the table and be printed without being referred.

Mr. COCKRELL. I understand the bill is to be printed without a reference.

The PRESIDENT *pro tempore*. It will be printed without a reference to a committee.

#### PUBLIC BUILDING AT HOULTON, ME.

Mr. FRYE. I should like very much to have the Senate consider House bill 417, Order of Business 654, the last bill on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the pending business may be informally laid aside and that the Senate proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 417) for the erection of a public building at Houlton, Me.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BLAIR. Let it be understood that the unfinished business is informally laid aside.

The PRESIDENT *pro tempore*. That is the understanding.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARY B. LE ROY.

Mr. GORMAN. I ask unanimous consent for the present consideration of Senate bill 314, Order of Business 553, which is a pension bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 314) for the relief of Mary B. Le Roy. It proposes to pay out of the naval pension fund to Mary B. Le Roy, widow of the late Rear-Admiral William E. Le Roy, \$50 per month during her widowhood, in lieu of her present pension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT TAUNTON, MASS.

Mr. HOAR. I desire to make a similar request to that made by the Senator from Maine, for the consideration of a public-building bill. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 1543.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1543) for the erection of a public building at Taunton, Mass.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Taunton and State of Massachusetts, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$75,000, which said sum of \$75,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circula-

tion for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plans, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plans, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$5 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Massachusetts shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site, and the erection of a public building thereon, at Taunton, in the State of Massachusetts."

#### ANNIE D. RUNDLETT.

Mr. MITCHELL. I ask unanimous consent for the consideration of Order of Business 545, Senate bill 640.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 640) granting pensions to Annie D. Rundlett and Annie Howard Rundlett.

The Chief Clerk read the bill.

Mr. COCKRELL. Is there not an amendment to that bill?

The PRESIDING OFFICER (Mr. PLATT in the chair). There are several amendments to the bill, which will be stated in their order.

The amendments of the Committee on Pensions were, in line 6, after the word "widow," to strike out "and Annie Howard Rundlett, minor child;" in line 8, after the word "pay," to strike out the words "the widow" and insert "her;" in the same line, before the word "dollars," to strike out "fifty" and insert "thirty;" in line 9, after the word "dollars," to strike out "and daughter \$12;" and in the same line, after the word "month," to strike out "respectively, from May 25, 1873, the date of the death of said Rundlett;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Annie D. Rundlett, widow of Howard M. Rundlett, passed assistant surgeon, United States Navy, and pay her \$30 per month.

Mr. MITCHELL. The amendments limit the pension to the widow alone.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Annie D. Rundlett."

#### PUBLIC BUILDING AT SPOKANE FALLS, WASH.

Mr. SPOONER. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 1029) providing for the erection of a public building in the city of Spokane Falls, Wash.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and

Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, for a building for the use and accommodation of the United States courts, post-office, land office, and other Government offices, in the city of Spokane Falls and State of Washington, the cost of said site not to exceed the sum of \$100,000, which said sum of \$100,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Washington shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The building to be erected shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

Mr. SPOONER. I move to amend the amendment of the committee by inserting after the word "building," in line 5, the words "to be erected thereon."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In line 5 of the proposed amendment, after the word "building," it is proposed to insert "to be erected thereon;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site for a building to be erected thereon for the use and accommodation of the United States courts, post-office, land office, and other Government offices, in the city of Spokane Falls.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site for a public building at Spokane Falls, in the State of Washington."

#### PUBLIC BUILDING AT SAGINAW, MICH.

Mr. McMILLAN. I ask that the Senate proceed to the consideration of the bill (S. 1453) for the erection of a public building at Saginaw, Mich.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Saginaw and State of Michigan, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$250,000, which said sum of \$250,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Michigan shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Saginaw, in the State of Michigan."

#### PUBLIC BUILDING AT TACOMA, WASH.

Mr. SQUIRE. I ask for the consideration of the bill (S. 1030) providing for the erection of a public building at the city of Tacoma, Wash.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site for a building for the use and accommodation of the United States courts, post-office, custom-house, and other Government offices, in the city of Tacoma and State of Washington, the cost of said site not to exceed the sum of \$100,000, which said sum of \$100,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Washington shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The building to be erected shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

Mr. SPOONER. I move to amend the amendment, in line 5, by in-



serting, after the word "building," the words "to be erected thereon;" a mere verbal change.

The amendment to the amendment was agreed to.  
The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site for a public building at Tacoma, in the State of Washington."

#### DENISON AND WASHITA VALLEY RAILWAY.

Mr. COKE. I move to take from the table the bill (H. R. 856) to amend section 1 and section 9 of an act entitled "An act to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July 1, 1886.

The PRESIDING OFFICER. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 856) to amend section 1 and section 9 of an act entitled "An act to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July 1, 1886, was read twice by its title.

Mr. COKE. There is a bill on the Calendar, being Order of Business 603, with exactly the same title, reported from the Senate Committee on Indian Affairs, like the bill which has come from the other House with some few verbal exceptions. I ask for the present consideration of the House bill, and when it is taken up I shall move to strike out all after the enacting clause and to insert in lieu thereof the bill reported from the Senate committee.

The PRESIDING OFFICER. The Senator from Texas moves that the Senate proceed to the consideration of the bill. Is there objection? By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COKE. I move to strike out all after the enacting clause of the bill, and to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill, and to insert:

That the act entitled "An act to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July 1, 1886, be, and the same is hereby, amended as follows:

"That said railway company is hereby authorized, in the manner and with the limitations, restrictions, and requirements in said act contained, to continue the railway in said act authorized, from the terminus therein specified, namely: 'A point of intersection with the projected line of the St. Louis and San Francisco Railway in the Indian Territory from Fort Smith to Paris, in the State of Texas, in a northeasterly direction to Fort Smith, Arkansas, and also to construct, with the same limitations, restrictions, and requirements, a branch line of railway from a point on said main line not exceeding fifty miles from Red River, to be selected by said company, and running thence in a north-westerly direction through the Indian Territory and the country known as Oklahoma to a point on the southern line of the State of Kansas at or about where the same is crossed by the one hundredth meridian, by the most practicable route thereto.

"Sec. 2. That said railway company shall build at least 50 miles of its railway on its main line and 50 miles of its railway on its branch line within three years from the passage of this act, and shall complete both the main and branch lines within two years thereafter, or all the rights herein granted shall be forfeited as to that portion of the main line and branch line not then built.

"Sec. 3. That said act of July 1, 1886, is hereby continued in force, and made applicable to said railway and branch line in all its provisions, except as herein otherwise provided."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Texas.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDING OFFICER. The Senate bill, being the bill (S. 3042) to amend an act entitled "An act to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July 1, 1886, will be indefinitely postponed, if there be no objection.

#### NORTH AND SOUTH DAKOTA BOUNDARY.

Mr. PADDOCK. I ask the Senate to consider at this time the bill (S. 3089) to authorize the Secretary of the Interior to survey and mark the seventh standard parallel between the States of North and South Dakota.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MARY E. HARNEY.

Mr. TURPIE. I ask the Senate to proceed to the consideration of the bill (S. 916) granting a pension to Mary E. Harney.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out the words "one hundred" and insert "fifty;" so as to make the bill read:

That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Harney, widow of William S. Harney, late brigadier-general and brevet major-general United States Army, and pay her a pension at the rate of \$50 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT DEADWOOD, S. DAK.

Mr. MOODY. I ask the Senate to proceed to the consideration of the bill (S. 1319) to provide for the erection of a public building in the city of Deadwood, S. Dak.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States courts, post-office, and other Government offices, in the city of Deadwood and State of South Dakota, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$200,000, which said sum of \$200,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of South Dakota shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Deadwood, in the State of South Dakota."

#### PORTS OF DELIVERY IN ALASKA.

Mr. DOLPH. I ask for the consideration of the bill (S. 2692) to establish certain ports of entry in Alaska Territory.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to constitute Mary Island, Wrangel, Juneau, Sand Point, Kodiak, and Ounalaska ports of delivery within the collection district of Alaska. The Secretary of the

Treasury is to designate customs officers to be stationed at each of these ports, with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services as in his judgment the exigencies of commerce may require.

The Secretary of the Treasury is also authorized to provide the necessary buildings for the transaction of the public business at Mary Island and Sand Point, at a cost not to exceed in the aggregate \$25,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish certain ports of delivery in Alaska Territory."

#### PUBLIC BUILDING AT SEATTLE, WASH.

Mr. ALLEN. I ask the Senate to proceed to the consideration of the bill (S. 1031) providing for the erection of a public building at the city of Seattle, Wash.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site for a building for the use and accommodation of the United States courts, post-office, custom-house, land office, and other Government offices, in the city of Seattle and State of Washington, the cost of said site not to exceed the sum of \$100,000, which said sum of \$100,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$5 per day and actual traveling expenses; *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Washington shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The building to be erected shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

Mr. SPOONER. I move, in the fifth line of the amendment, after the word "building," to insert the words "to be erected thereon;" so as to read:

For a building to be erected thereon for the use and accommodation, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site for a public building at Seattle, in the State of Washington."

#### PUBLIC BUILDING AT DOVER, N. H.

Mr. BLAIR. I ask for the present consideration of the bill (S. 188) to provide for the erection of a public building in the city of Dover, in the State of New Hampshire.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Dover and State of New Hampshire, the cost of said site and building, includ-

ing said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$100,000, which said sum of \$100,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$5 per day and actual traveling expenses; *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of New Hampshire shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 30 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon, at Dover, in the State of New Hampshire."

#### ORDER OF BUSINESS.

Mr. BLAIR. The next order of business is a bill for a public building in a city in the adjoining district. The two bills have been passed at two previous Congresses and have gone along together. I should like consent to have them both disposed of at the present time.

Mr. COCKRELL. I think we had better not do that.

Mr. CULLOM. I am willing to yield after I have had my turn, but I desire to call up Senate bill 1075. I have been waiting for quite a while.

Mr. BLAIR. They are twin bills and never have been separated over night.

Mr. COCKRELL. I think they had better be separated. We can not do that now.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

#### PUBLIC BUILDING IN WALLA WALLA, WASH.

Mr. CULLOM. I ask the Senate to proceed to the consideration of the bill (S. 1075) to provide for the erection of a public building in the city of Walla Walla, Wash.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site for a building for the use and accommodation of the United States post-office, courts, land office, and other Government offices, in the city of Walla Walla and State of Washington, the cost of said site not to exceed the sum of \$20,000, which said sum of \$20,000 is hereby appropriated for said purpose out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in



person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$5 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof, shall be immediately available.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Washington shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The building to be erected shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

Mr. CULLOM. I offer an amendment in the fifth line of the proposed amendment. After the word "building" I move to insert the words "to be erected thereon;" so as to read:

A site for a building to be erected thereon for the use and accommodation of the United States post-office, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site for a public building at Walla Walla, in the State of Washington."

WILLIAM DE FORD.

Mr. GORMAN. I ask for the consideration of the bill (S. 1136) for the relief of William De Ford, trustee for C. D. De Ford & Co.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to William De Ford, assignee in trust of William Y. De Ford and George T. De Ford, co-partners trading as C. D. De Ford & Co., \$4,653.75, or so much thereof as the trustee shall prove to the satisfaction of the Commissioner of Internal Revenue that he or the firm have expended in the purchase of revenue stamps used by him or them to stamp packages containing cigars upon which he or they shall prove to the satisfaction of the Commissioner that a tax had been previously paid under the revenue laws in force at the time of manufacture and sale, but which were made liable to be stamped under the act of July 20, 1868.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT SIOUX FALLS, S. DAK.

Mr. MOODY. I ask for the present consideration of the bill (S. 1354) for the erection of a public building at Sioux Falls, S. Dak.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States courts, post-office, and other Government offices, in the city of Sioux Falls and State of South Dakota, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$250,000, which said sum of \$250,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate,

and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of South Dakota shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Sioux Falls, in the State of South Dakota."

#### PENITENTIARY BUILDING IN NORTH DAKOTA.

Mr. PIERCE. I ask for the consideration of the bill (S. 3060) to carry out the provisions of section 15 of an act entitled "An act to provide for the division of Dakota into two States, and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union," approved February 22, 1889.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The preamble recites that by the act of March 2, 1881, \$30,000 was appropriated for the purpose of erecting, under the supervision of the Secretary of the Interior, a penitentiary in the Territory of Dakota at or near the village of Sioux Falls; and that section 15 of the act approved February 22, 1889, for the division of Dakota into two States, etc., granted to the State of South Dakota the lands purchased and the buildings erected under and by virtue of that appropriation, with the proviso that the State of North Dakota should have like grants for the same purpose and subject to like terms and conditions.

The bill proposes to appropriate \$30,000 for the purpose of erecting, under the direction and supervision of the Secretary of the Interior, a penitentiary building in the State of North Dakota upon such tract or parcel of land at or near the city of Grafton, in the county of Walsh, as shall be designated by the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

#### PUBLIC BUILDING AT NASHUA, N. H.

Mr. BLAIR. I ask for the consideration of the bill (S. 189) to provide for the erection of a public building in the city of Nashua, in the State of New Hampshire.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Nashua and State of New Hampshire, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of \$100,000, which said sum of \$100,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original

proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of New Hampshire shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Nashua, in the State of New Hampshire."

MRS. ANNA BUTTERFIELD.

Mr. CHANDLER. I ask the Senate to proceed to the consideration of House bill 3592. It is a pension bill.

Mr. COCKRELL. Is there any urgency about that?

Mr. CHANDLER. There is a report. The woman is ninety years of age and poor and in need, and it is a House bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3592) granting a pension to Mrs. Anna Butterfield. It proposes to place on the pension-roll the name of Mrs. Anna Butterfield, dependent mother of James A. B. Butterfield, late a sergeant in the Second Illinois Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AID TO COMMON SCHOOLS.

Mr. COCKRELL. I move—

Mr. BLAIR. Let the unfinished business be laid before the Senate. The PRESIDING OFFICER. It will be stated by its title.

The CHIEF CLERK. A bill (S. 185) to aid in the establishment and temporary support of common schools.

Mr. COCKRELL. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 19, 1890, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

TUESDAY, March 18, 1890.

The House met at 12 o'clock m. Prayer by Rev. G. H. COREY, D. D. The Journal of the proceedings of yesterday was read and approved.

TAX ON COTTON-SEED OIL.

Mr. ROGERS. Mr. Speaker, I have a telegram from the president of the Colored Industrial Fair Association of Arkansas, and I ask unanimous consent to have it read and placed in the RECORD. It relates to a business matter pending before the House.

The SPEAKER. Without objection, the telegram to which the gentleman from Arkansas refers will be read, printed in the RECORD, and referred to the Committee on Agriculture.

There was no objection.

It is as follows:

LITTLE ROCK, ARK., March 17, 1890.

Hon. JOHN H. ROGERS, House of Representatives:

The colored planters of the State of Arkansas have learned with much concern that there is a movement to tax cotton-seed oil, and, being producers of

60 per cent. of the seed, have instructed me, as president of the Colored Industrial Fair Association of Arkansas, to present their urgent protest against the passage of such measures.

W. N. GIBBES.

ADULTERATION OF LARD.

Mr. CONGER. Mr. Speaker, I ask unanimous consent to have a concurrent resolution of the Legislature of the State of Iowa printed in the RECORD and referred to the Committee on Agriculture. It relates to a kindred subject to that referred to by the gentleman from Arkansas a moment since.

The SPEAKER. Without objection, the concurrent resolution of the Legislature of the State of Iowa will be printed in the RECORD and referred to the Committee on Agriculture.

There was no objection.

It is as follows:

Whereas gross and unprincipled adulterations of lard are made by the mixture of cotton-seed oil and other inferior oils with pure lard; and

Whereas such a mixture is put up by the great syndicates of packers in the United States and sold as pure steam-refined lard to the consumers of this and foreign countries, which practice is seriously detrimental to Iowa farmers; and

Whereas such practice is unjust and ruinous to the hog-raisers of Iowa and the Great West: Therefore,

*Be it resolved by the senate (the house concurring),* That our Senators and Representatives in Congress are earnestly requested and urged to introduce and vote for a law looking to the punishment of such fraudulent transactions and compelling vendors of adulterated food, and especially lard, to label it with the name of its constituent elements and the quantity of each ingredient used in forming the compound.

The secretary of the senate is instructed to send a copy of these resolutions to our Senators and Representatives in Congress.

I hereby certify that the foregoing concurrent resolution passed both branches of the Twenty-third General Assembly on the 4th day of March, A. D. 1890.

W. R. COCHRANE, Secretary of Senate.

Mr. HAYES. Mr. Speaker, I have also a concurrent resolution of the Legislature of the State of Iowa upon the same subject, and I ask its reference to the Committee on Agriculture.

The concurrent resolution referred to by Mr. HAYES was referred to the Committee on Agriculture.

ARREARS OF PENSIONS.

Mr. HAYES. I hold in my hand a joint resolution of the Legislature of the State of Iowa, in relation to the arrears of pensions, which I ask to have read and printed in the RECORD, and appropriately referred.

There was no objection.

The joint resolution, which was ordered to be referred to the Committee on Invalid Pensions, is as follows:

[Joint resolution No. 4.]

*To the Congress of the United States in relation to the arrears of pensions:*

*Be it resolved by the General Assembly of the State of Iowa,* That our Senators and Representatives in Congress be, and they are hereby, earnestly requested to use their best efforts to secure the repeal of the limitation contained in the arrears act of 1879, so that all invalid soldiers shall share alike, and their pensions shall begin with the date of disability or discharge, and not with the date of their application.

That the secretary of state transmit a certified copy of this resolution to each of our Senators and Representatives in Congress.

A. F. MESERVEY,

President of the Senate pro tempore.

J. T. HAMILTON,

Speaker of the House of Representatives.

Approved March 11, 1890.

HORACE BOIES.

I hereby certify that this resolution originated in the Senate and is known as "Joint resolution No. 4."

W. R. COCHRANE, Secretary Senate.

HENNEPIN CANAL.

Mr. HAYES. I also present a memorial and joint resolution of the State of Iowa in relation to the Hennepin Canal, and ask that it be printed in the RECORD and referred to the Committee on Railways and Canals.

The SPEAKER. In the absence of objection, the memorial and joint resolution will take that course.

There was no objection.

It is as follows:

[Joint resolution No. 3.]

Memorial and joint resolution relative to the construction of a canal from the Mississippi River to the Illinois River at Hennepin, in the State of Illinois.

Whereas the question of cheap transportation by an uninterrupted water route between the Mississippi River and the Atlantic seaboard by way of the Great Lakes has long been one of all-absorbing interest to the people of the food-producing States of the Northwest; and

Whereas the General Assembly of Iowa has repeatedly memorialized Congress for the construction of this water route and urged upon Congress the construction of the same; and

Whereas the construction of this canal has received more indorsements since 1844 than any other water way on the continent of America; and

Whereas a board of civil engineers has surveyed, located, and approved of the construction of this water way from Hennepin to the Mississippi River at the mouth of Rock River; and

Whereas at the water convention held September 3 and 4 in Cincinnati, Ohio, a resolution passed said convention urging upon Congress to make an immediate appropriation therefor: Now, therefore,

*Be it resolved by the General Assembly of the State of Iowa,* That our Senators and Representatives in Congress are requested to vote for and use their active influence to effect such legislation by Congress as will secure an appropriation to commence the construction of said canal at an early day, and they are also requested to vote a liberal appropriation therefor to the end that said canal may be completed and opened to the commerce of the country at the earliest possible date.

*Resolved,* That the secretary of state be, and he is hereby, instructed to forth-



with transmit a copy hereof to each of our Senators and Representatives in Congress.

A. F. MESERVEY,  
President of the Senate pro tempore.  
J. T. HAMILTON,  
Speaker of the House of Representatives.

Approved March 11, 1890.

HORACE BOIES.

I hereby certify that this resolution originated in the senate and is known as "Memorial and joint resolution No. 3."

W. R. COCHRANE, Secretary Senate.

#### PROPOSED TRANSFER OF PENSION BUREAU.

Mr. MORRILL. Mr. Speaker, I am instructed by the Committee on Invalid Pensions to report back a resolution and recommend its adoption.

The Clerk read as follows:

*Resolved by the House of Representatives, That the Secretary of War and the Secretary of the Interior be, and they are hereby, requested to inform this House, at as early a date as practicable, what saving of public expenditure, if any, can be made by transferring the Bureau of Pensions from the Department of the Interior to the War Department.*

The resolution was adopted.

#### PENSION STATISTICS.

Mr. MORRILL. I am also instructed by the committee to report back the resolution I send to the desk, and recommend its adoption.

The Clerk read as follows:

Whereas many measures relating to pension matters are liable to be presented for consideration during the present session of Congress, and it is advisable that all available information touching the subject-matter of pensions may be placed before the House in order that more intelligent consideration may be given to such legislation: Therefore,

*Be it resolved, That the Secretary of the Interior be, and he is hereby, requested to furnish for the use of the House the following information as soon as convenient:*

First. What is the total number of original pension claims which have been filed for disabilities received or contracted during the late war, up to the last day of January, 1890, and how many of such claims have been allowed up to said date; what is the total number of claims that have been filed for increase up to said time, and in how many cases has an increase been granted; how many claims up to said time have been filed for retarding, and in how many cases has such claim for retarding been allowed or granted; how many claims have been filed by widows, by minor children, and by dependent parents, and how many have been granted in each class, and how many pensioners were on the pension-roll January 1, 1890, of each class, for service, etc., arising out of the late war; what is the total amount of money which has been paid out for pensions for claims arising out of the late war; how much has been paid to meet such claims during the last fiscal year, and how much will probably be required to meet the payment of such claims during the present fiscal year; what amount has been paid out in pensions for arrearages under the act of 1879, and the probable amount still required to meet such payments under said act; what was the amount paid out to meet such arrearages during the last fiscal year; what amount will probably be required to pay arrearages upon original claims filed since July 1, 1890, or which will be hereafter filed; in other words, about how much would it probably take to meet arrearages in case the limitation in the act of 1879 should be repealed?

Second. How do the present rates of pensions compare with rates granted for similar disabilities received or contracted in former wars in which our country has been engaged; how do the rates now fixed by law for pensions to widows, minor children, and dependent parents compare with the rates fixed for such classes of pensioners in former wars?

Third. How do the rates of pensions now fixed by law for pensioners of the late war compare with the rates for similar disabilities in England, France, and Germany?

Fourth. How many years elapsed after the close of the Revolutionary war, the war of 1812, and the Mexican war before a service pension was granted, and were such service pensions based upon length of service or at a fixed amount for all of equal rank; what would be the probable amount required annually to meet the payment of \$8 per month to each honorably discharged soldier as a service pension, and to the widows of those deceased?

Fifth. How many appealed cases were pending before the Assistant Secretary on January 1, 1890, and how long will it probably take to dispose of such appealed cases?

Mr. DUNNELL. I desire to ask the gentleman a question in reference to that part of the resolution just read which calls for information or data with which to make comparison between the pensions granted to soldiers in this country and France, England, and Germany. I do not think we want that information in any manner. I do not see the necessity for it in connection with our legislation.

Mr. MORRILL. It was the belief of the committee that in presenting measures for the consideration of the House all the accessible information would be valuable. It is desirable to get all the information we can.

Mr. DUNNELL. It would seem that such information could be of little service to us.

Mr. PICKLER. Do I understand the gentleman from Kansas that this information is to be obtained before we have any general pension bills before the House?

Mr. MORRILL. In reply to the gentleman from Dakota I would say that this resolution was introduced by the gentleman from Michigan [Mr. BREWER] and referred by the House to the Committee on Invalid Pensions. The committee after a full consideration of the subject decided that while a greater part of the information asked for was within their reach in the form of reports of the Secretary of the Interior, it was desirable for the House to have it presented in a compact form for the use of the members, and therefore reported back the resolution recommending its adoption. The committee, I am happy to say, are making good progress in maturing bills to submit to the House, and it will be entirely unnecessary for them to wait for the reply to the interrogatories. So far as the committee are concerned it is immaterial

whether the resolution is adopted or rejected, but all will agree that in order for the House to act intelligently upon any subject every avenue of information should be open to them and every material fact bearing upon it should be known to them.

Mr. DOCKERY. I did not hear the reading of the resolution in full, and wish to ask the gentleman from Kansas whether it calls for information as to the amount of money that will be necessary to pay all honorably discharged soldiers of the war \$8 per month pension who have arrived at the age of sixty-two years?

Mr. MORRILL. I do not know that it is embraced specifically in the report, but the committee have that information before them.

The resolution was adopted.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STEPHENSON, indefinitely, on account of sickness.

To Mr. TURPIN, indefinitely, on account of sickness.

To Mr. SKINNER, for ten days, on account of important business.

To Mr. CRAIG, for four days, on account of important business.

To Mr. GIFFORD, indefinitely, on account of illness.

#### IMMIGRATION DEPOT, NEW YORK.

Mr. SPINOLA. I ask unanimous consent to make a report from the Committee on Military Affairs in favor of the adoption of the joint resolution (H. Res. 124) authorizing the Secretary of War to take possession of a part of Governor's Island for the establishment of an immigration depot.

The joint resolution was read at length.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. THOMPSON. I object.

Mr. SPINOLA. I hope the gentleman will withdraw his objection a moment, allowing me to make a brief explanation. He can reserve the right to object.

Mr. THOMPSON. I have no objection to withdrawing it for the purpose of letting the gentleman make a statement.

Mr. SPINOLA. The reason for the present consideration of the joint resolution grows out of a decision of the United States court, which holds that immigrants landing in the United States, at any of its ports, come directly under the discretion of the General Government. Heretofore they have been landing at Castle Garden, but now the General Government proposes to take charge of the subject. But there is no place fixed for their reception. The joint resolution appropriates a small unoccupied portion of Governor's Island to enable the Secretary of the Treasury to carry out the law as it stands.

The contract between the General Government and the State of New York expires by its own limitation within six or seven weeks, and something must be done and done speedily in order to provide the accommodation necessary. This would take not more than a minute or two to pass. It is a public measure.

Mr. THOMPSON. I insist upon my objection.

#### KANSAS AND PACIFIC RAILROAD COMPANY.

The SPEAKER laid before the House the bill (H. R. 346) to extend the act to grant the right of way to the Kansas and Pacific Railroad Company through the Indian Territory, and for other purposes, with Senate amendments.

The amendments were read, as follows:

In line 4 strike out "railway" and insert "railroad." In line 9 strike out "railway" and insert "railroad."

Mr. PERKINS. Mr. Speaker, I move that the Senate amendments be concurred in.

The motion was agreed to.

#### THE LATE HON. WILLIAM D. KELLEY.

Mr. O'NEILL, of Pennsylvania. I present the following joint resolution to print the eulogies upon the late Hon. William D. Kelley.

The resolution was read, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed the eulogies delivered in Congress upon the late William D. Kelley, a Representative in the Fifty-first Congress from the State of Pennsylvania, 25,000 copies, of which 6,000 copies shall be for the use of the Senate and 19,000 copies shall be for the use of the House of Representatives; and the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said William D. Kelley to accompany said eulogies; and for the purpose of engraving and printing said portrait the sum of \$500, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.*

*Resolved further, That of the quota to the House of Representatives the Public Printer shall set apart 50 copies, which he shall have bound in full morocco, with gilt edges, the same to be delivered when completed to the family of the deceased.*

Mr. O'NEILL, of Pennsylvania. I ask unanimous consent for the present consideration of the resolution.

Mr. KILGORE. Mr. Speaker, I think that it should be referred to the appropriate committee.

Mr. O'NEILL, of Pennsylvania. I ask its reference to the Committee on Printing.

The SPEAKER. The resolution will be referred to the Committee on Printing under the rule.

## ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at 12 o'clock and 30 minutes, and the call rests with the Committee on Naval Affairs.

Mr. LODGE. Mr. Speaker, there is only one other bill on the House Calendar from the Committee on Naval Affairs.

The SPEAKER. The pending question was a point of order, but, inasmuch as the bill has been passed by the House, it is not necessary to pass upon the point of order.

Mr. LODGE. I was going to say that there is only one other bill on the Calendar. That bill the committee believes was wrongfully placed on the House Calendar, as it makes a charge upon the Treasury; and I ask that it be transferred from the House to the Union Calendar. It is the bill (H. R. 5413) for the retirement of a certain class of officers of the United States Navy.

The SPEAKER. If it makes a charge on the Treasury it does not appear on its face.

Mr. LODGE. The effect of that bill will be to change officers' pay from furlough pay to retired pay. Officers retired on disability not sustained in the service receive furlough pay. The bill is to remedy a very grave injustice in two or three cases, but is obnoxious to the point of order, as it seemed to the committee; and the committee will not press it at this time, but take it up when reached on the Union Calendar.

The SPEAKER. If the committee thinks it is obnoxious to the point of order, perhaps it is so.

Mr. LODGE. The committee have no other business on the House Calendar.

## APPROPRIATIONS, OFFICE SECOND ASSISTANT POSTMASTER-GENERAL.

The Committee on the Post-Office and Post-Roads was called.

Mr. BINGHAM. Mr. Speaker, I present the following joint resolution on behalf of the committee.

The Clerk read as follows:

Joint resolution construing part of the act of March 2, 1889, making appropriations for the office of Second Assistant Postmaster-General.

*Be it resolved, etc.* That such part of the act of March 2, 1889, making appropriations for the office of Second Assistant Postmaster-General as appropriates \$100,000 "for the purpose of enabling the Postmaster-General to make a lease of a suitable place in the city of Washington, and to furnish and equip the same with tools, implements, and machinery and other material which may be necessary to repair mail bags and sacks, and mail locks and keys," shall be construed so that the appropriation (until exhausted) shall cover all expense of purchasing tools, implements, and machinery and other material, and that the "other material" mentioned above shall be construed to mean such other material as is necessary to put the building leased for the shops in a suitable condition for repairing the various mail equipments used by the Post-Office Department, and that all other material and machinery found necessary to the successful operation of the repair shops shall be purchased and paid for out of the funds appropriated for the purchase of mail bags and locks.

The SPEAKER. How can this come up?

Mr. BINGHAM. Simply on the call of the committee.

The SPEAKER. This resolution is not on the House Calendar.

Mr. BINGHAM. Then I ask unanimous consent to have it considered.

The SPEAKER. The Chair can not entertain a request for unanimous consent during this hour.

Mr. BINGHAM. It carries no appropriation of money.

The SPEAKER. It does not conform to the rule.

## PUBLIC LANDS.

The Committee on the Public Lands was called.

Mr. HOLMAN. Mr. Speaker, I understand that the chairman of the committee is absent for a moment, and I ask that the Committee on Public Lands be passed without prejudice.

Mr. DUNNELL. I object.

Mr. HOLMAN. The gentleman from Illinois [Mr. PAYSON] just left for a moment a moment ago, and I hope that the committee will be passed.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the Committee on Public Lands be passed without prejudice.

Mr. DUNNELL. I object.

## AFFIDAVITS IN LAND CASES BEFORE LOCAL OFFICERS.

Mr. McRAE. I call up the bill (H. R. 6419) "to amend 2294 of the Revised Statutes of the United States, and for other purposes."

The SPEAKER. Does the gentleman call up this on behalf of the committee?

Mr. McRAE. I do.

The bill was read, as follows:

*Be it enacted, etc.* That section 2294 of the Revised Statutes be, and the same is hereby, amended so that it will read as follows:

"Sec. 2294. In any case in which the applicant for the benefit of the homestead, pre-emption, timber-culture, or desert-land law is prevented, by reason of distance, bodily infirmity, or other good cause, from personal attendance at the district land office, he or she may make the affidavit required by law before any commissioner of the United States circuit court or the clerk of a court of record for the county in which the land is situated, and transmit the same, with the fee and commissions, to the register and receiver.

"That the proof of settlement, residence, occupation, cultivation, irrigation, or reclamation, the affidavit of non-alienation, the oath of allegiance, and all other affidavits required to be made under the homestead, pre-emption, timber-culture, and desert-land laws may be made before any commissioner of the United States circuit court, or before the judge or clerk of any court of record of the county or parish in which the lands are situated; and the proof, affidavit,

and oath, when so made and duly subscribed, shall have the same force and effect as if made before the register and receiver, when transmitted to them with the fee and commissions allowed and required by law; and the register and receiver shall be entitled to a fee of \$1 for examining and approving said testimony. That if any witness making such proof, or any applicant making such affidavit or oath, shall knowingly, wilfully, and corruptly swear falsely to any material matter contained in said proofs, affidavits, or oaths, he shall be deemed guilty of perjury, and shall be liable to the same pains and penalty as if he had sworn falsely before the register. That the fees for entries and for final proofs, when made before any other officer than the register and receiver, shall be as follows:

"For each affidavit, 25 cents.

"For each deposition of claimant or witness, when not prepared by the officer, 25 cents.

"For each deposition of claimant or witness prepared by the officer, \$1.

"Any officer demanding or receiving a greater sum for such service shall be guilty of a misdemeanor, and, upon conviction, shall be punished for each offense by a fine not exceeding \$100."

The amendments recommended by the committee were read, as follows:

Amend the title so as to read as follows:

"A bill to amend section 2294 of the Revised Statutes of the United States, and for other purposes."

Also, to amend by striking out, in lines 25, 27, and 28, beginning at the word "law," in line 25, the following words:

"And the register and receiver shall be entitled to a fee of \$1 for examining and approving said testimony."

The SPEAKER. The question is on agreeing to the second amendment.

The amendment was agreed to.

The SPEAKER. The question is now upon the engrossment and third reading of the bill.

Mr. LIND. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LIND. Will the bill be subject for discussion after the pending motion?

The SPEAKER. It is subject to discussion now.

Mr. LIND. Well, Mr. Speaker, I desire to ask the gentleman from Arkansas [Mr. McRAE] some questions in regard to this bill. If I understood it correctly from the reading, it revises and changes the entire system of compensating registers and receivers for the work they perform in allowing entries and making final proofs.

Mr. McRAE. It makes no change whatever as to the compensation. It only provides that affidavits for these entries may be made before a new officer, who is named, to wit, the commissioner of the United States circuit court, and may be transmitted to the register and receiver.

Mr. LIND. Under the law and regulations of the Interior Department now, is not the register or receiver entitled to a compensation of 15 cents per folio for examining final proofs that have been taken before the clerk of a court?

Mr. McRAE. And he gets the same under this bill.

Mr. LIND. Under this bill, if I understand it, the compensation is limited to \$1 for each paper.

Mr. McRAE. The gentleman did not observe the amendment. The provision of the bill to which he refers is stricken out by the amendment. The only thing left is the provision permitting, for the convenience of the settler, these affidavits to be made before a commissioner and transmitted by mail to the receiver, instead of requiring the settler to go in person to the land office.

Mr. LIND. I ask for the reading of the report in my time. It may throw some light upon the bill.

The report (by Mr. McRAE) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 6419) to amend section 2294 of the Revised Statutes, and for other purposes, have considered the same, and report the same back with the recommendation that it pass with the following amendment: Strike out the following words in lines 25, 27, and 28: "and the register and receiver shall be entitled to a fee of \$1 for examining and approving said testimony."

The purpose of the bill is to authorize all affidavits and depositions under the public land laws to be made before and certified by commissioners of the United States circuit court or clerks of a court of record for the county in which the land is situated, and to fix the fees of such work. It is for the convenience of the settlers, and does not in any way change the fees of the register and receiver.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill to amend section 2294 of the Revised Statutes of the United States, and for other purposes."

Mr. McRAE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The Committee on the Public Lands was called.

## REPEAL OF TIMBER-CULTURE LAWS.

Mr. PAYSON. By direction of the Committee on the Public Lands, I call up the bill (H. R. 7254) to repeal the timber-culture laws, and for other purposes.

The bill was read, as follows:

*Be it enacted, etc.* That the act to amend an act entitled "An act to encourage the growth of timber on the Western prairie," approved June 14, 1878, and all laws relating to or authorizing timber-culture entries are hereby repealed: *Provided*, That all entries heretofore made may be perfected to patent in accordance with the provision of said act: *And provided further*, That all contests initiated against timber-culture entries prior to the passage and approval of this act shall be heard and determined in accordance with the laws, rules, and



regulations governing such cases and in force at the date of the passage of this act.

SEC. 2. That any person who has made entry of any public lands of the United States under the timber-culture laws, and has for a period of four years in good faith complied with the provisions of said laws, shall be entitled to make final proof thereto, and acquire title to the same, by the payment of \$1.25 per acre for such tract, under such rules and regulations as shall be prescribed by the Secretary of the Interior.

SEC. 3. That no land acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

Mr. DUNNELL. I call for the reading of the report.

The report (by Mr. PAYSON) was read, as follows:

The Committee on the Public Lands have had under consideration House bill 5464, and have prepared a substitute therefor with the following title: "A bill to repeal timber-culture laws, and for other purposes," and recommend its passage.

Mr. PETERS. Mr. Speaker—

Mr. PAYSON. Mr. Speaker, reserving my time, I yield to the gentleman from Kansas.

Mr. PETERS. I wish to ask the gentleman in charge of the bill [Mr. PAYSON] whether I understand correctly the provisions of the second section. As I understand, it provides that whenever a party has complied with the existing law for four successive years he can obtain a patent by paying \$1.25 per acre, without reference to the number of trees that are growing upon the land.

Mr. PAYSON. He can.

Mr. LIND. I wish to ask the gentleman a question. If this bill should pass, the result would be to take from our statute-books every public law for the encouragement of timber-culture on the western prairies, would it not?

Mr. PAYSON. Yes, sir. This is the only timber-culture law that is now in existence.

Mr. LIND. I would like to have the gentleman state what reasons actuated the Committee on Public Lands in recommending the elimination of this legislation which has been on our statute-books so long and has been so beneficial to the West.

Mr. PAYSON. Mr. Speaker, the first act of Congress providing for practically the donation of public lands to those who should engage in the growth of timber thereon was passed in 1873. It was amended and made more liberal in its terms in 1874, again in 1876, and again in 1878; but the experience, or the observation rather, of gentlemen connected with the Interior Department, as well as of those who have had occasion to notice the operation of this law generally, is that it has fallen very far short of the benefits that were expected to grow out of its passage. Except in a few favorable localities it is the universal experience of those who have observed the operation of the law that it has been a practical failure, while it has been possible and practicable for gentlemen desiring to obtain title to quarter-sections of land to secure a segregation by making an entry under the timber-culture law of large areas of land without any corresponding beneficial results to the country. Legislation repealing the timber-culture act has been recommended year after year by the Interior Department, commencing as far back as when Mr. McFarland was Commissioner of the General Land Office, I believe, during the administration of President Hayes. For the past five or six years, by the successive reports made by the Secretaries of the Interior and the Commissioners of the General Land Office (some eight or ten of which are contained in the bound volume I hold in my hand), this legislation has been recommended for the reasons I have stated. Perhaps I had better read a passage or two. I read from the report of the Secretary of the Interior as far back as 1885:

The system of the timber-culture act is, in substance, a subsidy paid in lands to encourage the planting and culture of timber. In a few instances the system has produced the intended results, but in nearly all it seems to have been used as a fraudulent means of acquiring title to public lands. In many cases it has been resorted to only to hold possession, without any intent to acquire title if contest should be made. This form of entry is used to obstruct the advance of legitimate settlement, and the evils growing from the timber-culture system and its administration have been proved to exceed any good derived, and its repeal would be wise legislation.

That advice has been given to the House of Representatives year after year by the Interior Department, and, following that advice, this bill has been reported by the Committee on Public Lands. It is reported now for the fourth time, I think, since I have been connected with that committee, and the testimony before the committee, as well as the recommendations from the Department, testimony given by gentlemen representing the extreme Northwest, has led the committee unanimously to recommend the legislation contained in the first section of the bill.

The provision in the second section allowing commutation is a new feature. It provides that where in good faith parties have attempted for four years to comply with the requirements of the law and have been unable to do so by reason of unpropitious climatic conditions or other causes they shall be allowed to commute a timber-culture entry by paying \$1.25 into the Treasury. This we think a proper provision and have recommended its adoption.

I have now said all I care to say on this subject unless some gentleman desires to make some inquiry.

Mr. HERMANN. What was the object of the committee in drawing the line at four years, rather than three years or two years?

Mr. PAYSON. Because the timber-culture act provides for eight

years within which an entire compliance with the act shall be performed. The provision of the law is:

Five acres on a quarter-section must be broken or plowed the first year and 5 acres the second year. The second year the first 5 acres must be cultivated to crop or otherwise. The third year the second 5 acres must be cultivated to crop or otherwise, and the first 5 acres must be planted in timber, seeds, or cuttings. The fourth year the second 5 acres must be planted in timber, seeds, or cuttings. Ten acres are thus to be plowed, planted, and cultivated on a quarter-section, and the same proportion when less than a quarter-section is entered. The whole 10 acres, or the due proportion thereof, must be prepared and planted within four years from the date of the entry, 5 acres being prepared and planted the first and second years and planted the third year, and 5 acres being prepared the second and third years and planted the fourth year.

So that the effort is in the fourth year to have timber growing on 10 acres of the 160. We draw this line in the proposed legislation because it is the line drawn in the original act, within which time there shall be an effort made in good faith to have 10 acres of timber growing on each 160 acres.

Mr. HERMANN. What remedy is there in the case of parties who have complied with the law for three years?

Mr. PAYSON. We have not provided any, because they will not have under the law more than 5 acres growing at that time.

Mr. HERMANN. Can they still proceed and comply with the law?

Mr. PAYSON. They can.

Mr. KELLEY. I would like the gentleman to explain the object of the last section.

Mr. PAYSON. I think it shows for itself.

Mr. KELLEY. Not very distinctly.

Mr. PAYSON. The language of the section is as explicit as any explanation I could make. It provides that—

No land acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

This is the general provision of the homestead law applying to that matter.

Mr. KELLEY. It seems to me that this is a broader provision than any in the general homestead law.

Mr. PAYSON. It is the same thing exactly.

Mr. KELLEY. Does it mean that when a man has obtained his patent for land and holds it in fee-simple a creditor can not collect a judgment against it?

Mr. PAYSON. This does not apply to a debt originating subsequently to the issuing of the patent, but only to debts contracted prior thereto.

Mr. PICKLER. This is the general provision of the existing law.

Mr. KELLEY. I think it is broader than the existing general provision.

Mr. PICKLER. No.

Mr. DUNNELL. Mr. Speaker, I desire to make a few remarks on this question.

Mr. PAYSON. How much time does the gentleman desire to occupy?

Mr. DUNNELL. As much as I am entitled to.

Mr. PAYSON. Well, I would be glad to make some arrangement with the gentleman.

Mr. DUNNELL. I have been recognized, I believe. I do not know that I am speaking by the permission of the gentleman from Illinois.

The SPEAKER. The Chair did not intend to recognize the gentleman from Minnesota [Mr. DUNNELL], except with the consent of the gentleman from Illinois, who has charge of the bill and is entitled to one hour.

Mr. DUNNELL. Is not this bill open to general debate?

The SPEAKER. It is open to general debate, but under the rule which gives the gentleman in charge of the bill the floor for an hour, so that he may control the bill.

Mr. PAYSON. I desire to be not only perfectly courteous, but absolutely generous toward the gentleman from Minnesota, if he will accept the offer I make him in the spirit in which it is made. I do not desire to move the previous question unless it shall be necessary. If it shall appear that gentlemen opposing the bill are desirous to talk out the hour I shall not feel free to accede to that kind of proceeding. If the gentleman will indicate how much time he desires to occupy—

Mr. DUNNELL. Ten minutes will be all I shall want.

Mr. PAYSON. I yield to the gentleman for ten minutes.

Mr. DUNNELL. Mr. Speaker, I do not desire to occupy the time of the House unnecessarily. It is not my custom to claim much time in the debates that occur here. I have, however, taken considerable interest in the subject of tree-culture and forestry in our Western country.

As a member of this House and of the Committee on Public Lands I had the honor in 1873 to secure the passage through this House of the original tree-culture act. My own observations later convinced me that the act was imperfect; and subsequently, during my former service in this House, I participated in amendments to the original act. The report which accompanied the first bill was very widely circulated throughout this country and throughout the countries of Europe, which had taken an interest in the matter of forest preservation and forest-culture.

I am unwilling to see this measure pass at this time, because there

are pending before the Committee on Public Lands and also before the Committee on Agriculture a number of different bills looking to the preservation of some portion of the public lands for the encouragement of forest growth. I think it was a great misfortune that all the States that were brought under the influence of the original acts did not more thoroughly yield to the provisions of those acts. I think that if Northern Dakota, Southern Dakota, and Kansas had yielded to the purposes of that legislation and had brought about tree-culture in those States we should to-day find very much less complaint against the dryness of the climate of those States than we now hear.

Mr. Speaker, there are, I say, bills pending upon this subject in two or three different committees. As a result of the original act and the report which was made at the time to which I have alluded, forestry associations have sprung up in very many States of the Union. We have one in our own State by whose influence a million of trees are now set out each year. And all the Western States were affected by the passage of that bill.

I would have this bill lie on the table and the present law remain unrepealed until after the committee to which this bill goes have thoroughly examined the question of timber culture and forest preservation. By my own motion ten or twelve years ago a commissioner of forestry was appointed by an amendment to an appropriation bill. The reports of that Commissioner of Forestry are the most carefully prepared documents anywhere to be found in the archives of the Government. Those reports have been sought for and are to be found in all foreign libraries. To-day we have the basis of legislation which will secure the best results. I am sorry this bill is brought up for consideration and the present law is to be repealed. If this were to remain there would be a more intelligent examination. I had the honor to present one of the bills before the committee. The repeal of the law will cripple the committee in the further consideration of the subject and the prosecution of forestry investigation and the setting apart of reservations of the public lands for that purpose.

I would like to ask the gentleman from Illinois [Mr. PAYSON], chairman of the Committee on Public Lands, if this subject can not more properly be considered in its entirety than now to pass this bill and then take up for consideration the bills pending before the committee.

Mr. PAYSON. Does the gentleman desire an answer now?

Mr. DUNNELL. I do.

Mr. PAYSON. I have no doubt a general forestry bill, such as he is speaking about, would be expedited if this were out of the way; because this bill under its practical operation is only a system of land grabbing. That is the result of it. And in support of that I will ask gentlemen to listen to statements made by Representatives from South Dakota and Washington in the Northwest, emphasizing what I say on this subject.

Mr. DUNNELL. I have no doubt the gentleman from South Dakota is intelligent on this subject, but there are other gentlemen on the floor who are also intelligent. Our own State was brought under the operation of the original law of 1873, and I have acquired as much information as possible on this subject. I have never denied that the original bill was defective and needed amendment. It had amendment, but I believe the law as it now exists may be a basis to enable the committee to reach proper conclusions on this matter of forestry.

My ten minutes have expired, but I do desire to say in a few general sentences that the matters of forestry, forest-culture, and timber-culture are subjects of exceeding importance. They are important to the good of North Dakota and South Dakota, of Nebraska, and of Kansas. But little intelligence has existed on this subject; it has been too little investigated, that is, the influence of forests, of trees, on the climate of the country.

Now, it is not possible for me, not knowing this bill was coming up, to present any data. There is this clause in it to which the gentleman from Oregon [Mr. HERMANN] has referred, relating to the four-year limit, which I think is decidedly wrong. If, three years ago, I went on a quarter-section of land, set apart under the law, and made my calculation to acquire an honest title, it would not take me four years in which to secure vested rights. To be sure I am not called upon to break my ground the first year, but I am called upon to have it broken the second year. I am called upon to do my planting the third year. Now, I have done two years of active work, the second year and the third year. Now, if I happen to fail the third and have worked in good faith, paid out my money in plowing, in breaking, and planting, because my trees are not eight feet high, because I have not approached the time of proving up, I am to be cut off. Why should a man be cut off at the end of three years?

Mr. PAYSON. If the gentleman desires to be accurate—and I know he does—there is a saving of the rights of every man under the timber-culture law, and, notwithstanding the repeal of the law, he can go on, and if at the end of four years he does not desire to do so he can commute.

Mr. DUNNELL. I did not gather that idea as the bill was read. The report is not very voluminous and does not give a very great deal of information about the bill.

Mr. Speaker, I had hoped, knowing the approach and presentation of the bill, that the Committee on Public Lands would consent to let

it lie until the committee had more thoroughly investigated the subject of tree-culture.

I have said all I desired to say.

Mr. PAYSON. I now yield as much time as may be desired to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Speaker, I think it is very obvious that this bill ought to pass, and I have heard nothing from the gentleman from Minnesota, with all respect to him, which seemed to me to be an argument against its passage. All gentlemen who have had occasion to investigate this subject and examine the reports made from time to time by the Commissioner of the General Land Office and by the Secretary of the Interior are aware of the fact that this law has not accomplished the purpose originally anticipated, but on the contrary has been a source of dishonesty and fraud from the beginning.

The measure came into the House in the first place, I believe, about the year 1872, the gentleman representing the Harrisburg district, Pennsylvania, I think, first bringing the subject to the attention of Congress. It was reported favorably by the Committee on the Public Lands and passed without careful examination. Efforts have since been made to amend the law; amendments have been made, without any good results.

All persons felt that in the prairie regions of this country it was highly desirable that the General Government should do everything that could possibly be done while controlling the public lands to secure as large a growth of timber as possible on the treeless prairies, but it must be confessed that the law, notwithstanding it has been several times amended, is hopelessly defective.

According to reports made by the Commissioner of the General Land Office, it has been a constant source of fraud and nothing more, and has accomplished no satisfactory results; simply, and in the main, used to withhold the lands from honest settlement for the purpose of speculation. And my own experience and observation, from opportunities afforded me in passing through portions of the Western country to see the operations of the law, have convinced me that the law should be repealed, and every observation I have made and every expression of sentiment received from the Western country upon the subject, wherever the public lands are located, go to confirm my conviction that the law should not remain upon the statute-books.

The subject of forestry, Mr. Speaker, is an exceedingly interesting one, especially in the States and Territories where the Federal Government has extensive reservations of land still remaining subject to its regulations, and, although the area is rapidly diminishing, still a wise public policy would seem to suggest and demand that something should be done to at least protect as far as practicable the forest lands remaining. But I know that the Committee on Public Lands will further examine this subject and thoroughly. It has been under consideration for some years past. Of one thing I am convinced, however, that this law can not be made the foundation for any satisfactory legislation. My friend from Minnesota is mistaken, I think, in his view that it can be improved.

Mr. LIND. Will the gentleman permit a question?

Mr. HOLMAN. Certainly.

Mr. LIND. Can not this act be so amended as to require that each homesteader—every homesteader—before making final proof should also prove in connection with the other facts required by the general law that he had raised, and had growing in good condition, one acre of trees?

Mr. HOLMAN. That would be in itself a subject of separate legislation or of the amendment of the homestead law, and I think would hardly be germane to this law.

Mr. LIND. I will ask my friend if at the time this act was amended, in 1874, a somewhat similar provision existing in the homestead law was not repealed.

Mr. PICKLER. No, sir; it is still in force.

Mr. LIND. It was modified; but I addressed my question not to the gentleman from South Dakota, but to the gentleman from Indiana, and would like to have his opinion upon the question.

Mr. HOLMAN. I would not say without refreshing my memory by again examining the statutes and seeing exactly what was the effect of that legislation. But I understand that the provision in the homestead law in encouragement of tree-culture is still in force.

I think the experience of the past in the operation of the homestead law does not warrant any change in that law. I think the homestead law is as perfect now as we can make it, and I do not think it desirable to make such a modification as would impose this additional hardship upon our people who settle upon the public land under that law. The beneficial influences of that law ought not to be impaired. I can assure the gentleman from Minnesota that the subject of forestry and the extent to which the General Government can encourage it upon the public lands, and the protection of our forests, will be thoroughly considered by the committee.

But I must insist that this law can not be made the basis of satisfactory legislation.

I am not at all satisfied with the second section of this bill. I believe there should be, as was thought by the last Congress, an absolute repeal of the timber-culture law, protecting vested rights only; that



the rare instances where the law has been carried out in good faith are not sufficient in number to warrant its continuance upon the statute-books; while in general it has furnished unusual facilities for the acquisition of large bodies of the public domain in a manner hostile to the influences of the homestead law.

The people of Indiana and other Western States, in common with all people in the region of our public lands, know the fact that vast bodies of these lands have been acquired by persons in violation of the spirit if not directly of the letter of the law. These titles have been acquired, I will say to my friend from Minnesota, in conflict with the spirit of the homestead law—non-residents, men of wealth, going into the region of the public lands, and hiring men to do what is in conformity with the terms of the law to enable them to acquire title.

All this is wrong; and no friend of the homestead policy should defend a state of things that would lead to such results.

But the second section, I repeat, I am not satisfied with. I apprehend that it will be found the means of securing titles in many instances where none should accrue. I think it can be made useful for wrong purposes. But I deem a repeal of this law to be so important that I yield my objection to the second section and shall favor the passage of the bill as it is.

Mr. DUNNELL. Will the gentleman answer a question?

Mr. HOLMAN. With pleasure, if I can.

Mr. DUNNELL. Does the gentleman from Indiana favor a repeal of the pre-emption law?

Mr. HOLMAN. Why, certainly, and hope my friend does; and I think my friend, if he does not, will find that he stands alone in the House on that subject.

Mr. DUNNELL. Do you not think that ten times as many frauds have been committed under the pre-emption law as under this?

Mr. HOLMAN. Why, certainly. This House has done all it could for years to do so. It has been a source of fraud for many years, and has been used to monopolize our public lands. It has operated on the same principle as the timber-culture law, and men have been speculating in the public lands through both laws. This House has done all it could to repeal the law. It has been repealed over and over again, so far as the House could do. The last Congress passed a bill to repeal that law without, I think, one negative vote.

Mr. DUNNELL. If I may be permitted to ask one other question. Does the Committee on Public Lands intend to bring a bill into this House in favor of repealing the pre-emption law?

Mr. HOLMAN. Undoubtedly.

Mr. DUNNELL. Heretofore the repeal of the two laws has been contained in one bill.

Mr. HOLMAN. Yes, sir. I think they ought to be repealed.

Mr. DUNNELL. Why should it not be so now?

Mr. HOLMAN. I think they ought to go together. I am in favor of repealing all those laws, all laws for disposing of agricultural lands except the homestead law. I have been in favor of that year after year. Ever since I have held a seat on this floor I have always advocated that policy.

Mr. DUNNELL. Mr. Speaker, one thing further I would like to say as to speculators in the public lands. I would call the attention of the House to this fact: That the second clause to which the gentleman refers will give to those very men who went in after the tree-culture act and who have not lived up to that act the privilege of coming in and commuting and buying for \$1.25 an acre 160 acres of land.

Mr. HOLMAN. I have stated already to the gentleman that I was not satisfied with that second section; but it is not so bad, I hope, as he states. There must be, at any rate, a carrying out of the law in good faith for a period of four years. This section requires that to be done in good faith, and then allows the party to commute at \$1.25 an acre. Now, both of these things are against my view. I have repeatedly urged against the selling of agricultural lands under any circumstances. I think we have little land enough, and all that we have should be husbanded to providing homes for our landless people; but inasmuch as I see no other plan of getting at the repeal of the law, I have reluctantly determined to support this bill of the committee.

Mr. PAYSON. Mr. Speaker, how much time remains of the hour?

The SPEAKER. Ten minutes.

Mr. PAYSON. Of the sixty minutes? I yield ten minutes to the gentleman from South Dakota [Mr. PICKLER].

Mr. PICKLER. I desire to say a word to the House about this bill, because it is one in which my people are more deeply interested than any other legislation that will come before the House this session. We have thoroughly tested the tree-culture law in our country, and we can not grow trees as provided by that law, or so well and successfully as it may have been done in other localities. In the Northwest and in the country still farther west trees can not be made to grow through the operation of this law. In the first place, the trees must be planted the third year after breaking. You break the land this year, next year you cultivate it, and the third year you plant the trees. This is not sufficient cultivation, and trees can not be made successfully to grow upon these lands after only two years of cultivation.

Mr. DUNNELL. Give them more time, then.

Mr. PICKLER. You can not give them more time.

Mr. DUNNELL. Why? Amend it so as to give more time.

Mr. PICKLER. That is the law. I will say to the gentleman from Minnesota that I hope something will be passed so far as the forestry-culture law is concerned in that bill; but this law, I undertake to say to the gentleman from Minnesota, stands directly in the way of that. Why? Because this law lays down rules for the growing of trees for every climate of the United States. Now, it is found that it will not work. It is a failure.

Another practical thing I desire to say. The farmer who settles upon a tract of land in the West desires his trees about his homestead, about his houses and barns. Under the timber-culture act he takes another claim which is from 1 to 10 miles distant. That it is so far from his home, it costs him so much to attend it and cultivate it and plant his trees, and they are so often killed by drought, that it renders it wholly valueless and impracticable and is a great burden upon the people of the Northwest at present.

Here is an opportunity to repeal the timber-culture law. I am satisfied from the experience we have had that it is not a practical law; that under its regulations it is not competent to raise trees. Further, our people who have tried it for four years and have planted out their trees have found that they were killed year after year, and they have been put to the expense of planting and replanting. It has become a great burden, and we desire to have a chance to commute after four years' trial in good faith. At the end of the four years the planter would have planted all his trees and would be entitled to title by cultivating them for four years longer. That has been uniformly done under that provision. This is a bill in which the settlers in the Northwest are very deeply interested, and I hope the gentlemen will vote for the bill.

Mr. PAYSON. I now yield five minutes to the gentleman from Kansas [Mr. PETERS].

Mr. PETERS. Mr. Speaker, I opposed the repeal of the pre-emption and timber-culture laws in all prior Congresses. I was not opposed to the repeal of the timber-culture law provided it could be done without affecting the right of those who, in good faith, attempted to comply with the provisions of that law; but in prior Congresses the repeal of the two laws has always been coupled together, and it became necessary to oppose this measure. Now, this bill obviates the objections I have always had to the bill that has been introduced for the repeal of the timber-culture law. It provides, in the first place, for the preservation of the rights of those who have attempted to acquire land under the timber-culture law and who in good faith have gone on and tried to comply with the provisions of that law. In the second place, it allows every party who for four succeeding years has attempted to comply with the provisions of this law in good faith to commute and obtain title by the payment of a dollar and twenty-five cents per acre.

Again, in the third place—and this is a very important provision of the bill as I understand it—wherever a party has only had time to comply in good faith with the provisions of the law for two or three years, he can continue on in his efforts under that law until the four years shall have expired, and then can secure a title to the land. I do not agree with gentlemen who say that the timber-culture law has not been a benefit to the country. I know from my own experience and observation that it has resulted in great benefit; but the objection to the law has always been that, while it has produced a large amount of good, yet that benefit has been derived only from the efforts of those who have tried in good faith to carry out its provisions. The law itself was open to the objection that it allowed parties who desired to cover up quarter-sections of land in various portions of the country, and to keep them from being settled, to do so under cover of the timber-culture act, and I am sorry to say that even in my own State, as to perhaps one-half of the timber-culture claims, instead of the parties going on to use the law for the purpose of acquiring title and producing timber which would benefit the country, they have used it simply for the purpose of keeping 160 acres of land in a continual state of transition from one speculator to another.

Mr. ADAMS. We have heard that in South Dakota the law is and has been and is likely to be a failure. Is that true everywhere?

Mr. PETERS. It is not true in Kansas.

Mr. ADAMS. Is it true in Kansas and in such other parts of the country as you are familiar with that the law has not been valuable heretofore and is not likely to be valuable hereafter, and is it true also that the repeal of this law will expedite a more desirable law for the promotion of timber culture?

Mr. PETERS. I think it is true that the repeal of this law will expedite the passage of a forestry law which will reach the object sought better than any amendment of the timber-culture law could possibly do. I agree that the Western States are largely interested in this question of the growth of timber. I know that in my own State the growth of timber has affected the climate favorably; the fact is, as I have already said, that, in the face of all the benefit that has resulted from the timber-culture law, a large number of persons have obtained possession of 160 acres of land each under that law who have never made any effort to comply with the law in good faith. Now, if we can enact a forestry law which will secure the object of promoting the growth of timber upon the Western prairies, then we shall have ac-

complished great benefit to the agricultural interests of the West, and that, I think, can be better done by a new forestry law than by any amendment that could be made of the existing timber-culture law.

Mr. DUNNELL. I wish to ask the gentleman a question. If we repeal the timber-culture law what lands will remain that can be used under another tree-culture law? Will not these lands go at once into the public-land system and be open to pre-emption and homestead settlement, and in that way will they not pass beyond the reach of persons who might desire to occupy them for the bona fide culture of timber?

Mr. PETERS. The gentleman from Minnesota goes upon the presumption that immediately upon the passage of this bill repealing the timber-culture act all of the quarter-sections that have not been taken and occupied by parties in good faith under this law will at once be taken up by homestead settlers or pre-emptors. That, I think, is a violent presumption. In the State of Kansas, for example, where a speculator has attempted to hold a quarter-section for speculative purposes, that land will at once revert to the Government, and the Government then, by a forestry law, can hold those lands free from entry for the purpose of growing timber upon them.

As I have already said, perhaps one-third or perhaps a greater proportion of the timber-culture claims in my State are being held by speculators, and those claims will at once revert to the Government under the operations of this bill if it shall be passed. Then, if the passage of a forestry bill follows, as I believe it will during this session of Congress, the Government can reserve those quarter-sections for experimental purposes under the forestry law.

Mr. DUNNELL. But there is no reservation of such lands in this bill.

Mr. PETERS. As I have said, the gentleman from Minnesota goes upon the assumption that every quarter-section of land which will be released by the provisions of this bill will be immediately homesteaded or pre-empted, but I think that is a violent assumption.

Mr. PERKINS. I will ask my colleague if it is not true that under existing laws lands which are taken under the timber-culture act may be taken for homestead or pre-emption purposes?

Mr. PETERS. Yes sir. I thank my colleague for the suggestion. Even now a timber-culture claim can be homesteaded or pre-empted.

Mr. HERMANN. I suggest, also, that, although this bill provides for commuting, a great many persons will not commute. They are not necessarily compelled to commute; they can go on and grow timber under the provisions of the act.

Mr. LIND. The gentleman from Kansas [Mr. PETERS] says that these lands will revert to the Government. They do not revert by the operation of this bill.

Mr. PETERS. They simply revert by reason of this act taking from those quarter-sections of land the clutch of the speculator.

#### ORDER OF BUSINESS.

Mr. MORROW. Mr. Speaker, I suggest that sixty minutes of the morning hour have expired, and I desire to make a motion that the House resolve itself into Committee of the Whole for the purpose of considering a pension appropriation bill.

Mr. PAYSON. Pending the motion of the gentleman from California [Mr. MORROW] I wish to make an inquiry. As I understand the rule, the bill which we have just had under consideration will come up as unfinished business in the next morning hour.

The SPEAKER. Undoubtedly.

The motion of Mr. MORROW was agreed to.

#### PENSION APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BURROWS in the chair, and proceeded to the consideration of the bill (H. R. 7160) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1891, and for other purposes.

The bill was read.

Mr. MORROW. Mr. Chairman, the largest single item of appropriation in the fiscal operations of the Government is for Army and Navy pensions, and the bill making this appropriation is always one of the shortest upon the statute books. While the sum appropriated is large, there are but few details involved in this large expenditure, but in presenting a bill which appropriates \$98,427,461 it is due to the country to furnish all the information that can be obtained on the subject, that the public may know the scope, character, and expense of pension legislation.

The members of the subcommittee of the Committee on Appropriations, to whom this bill was intrusted for preparation, felt it their duty, therefore, to make diligent inquiry with respect to every item of expense, with the view of determining how far the Government is responding to the just demand of the soldiers "To care for him who has borne the battle and for his widow and orphan."

When the subcommittee took charge of the subject they called upon the Commissioner of Pensions for information on various points; and this information, after having been carefully prepared, has been incorporated in the report of the committee. I desire to call the attention of the House to this report, for if it shall be ascertained that the

method adopted for estimating the cost of pensions is a correct one, it may be of advantage hereafter in estimating the expenditures for pensions under the various laws now on the statute-book and at the same time indicate the direction of further legislation for the benefit of those whose services entitle them to the bounty of a generous Government.

In the appendix attached to this report will be found estimates of Army and Navy pensions for the year ending June 30, 1891, based upon expenditures for the years 1887, 1888, and 1889. These estimates start with the number of pensioners on the pension-roll on the 30th day of June, 1889, the number being 489,725. It was found by the Commissioner of Pensions that the annual value of each pension at that date was \$131.18. Multiplying 489,725, the number of pensioners, by \$131.18, representing the annual value or cost of each pension, we have the sum of \$64,246,552 as the aggregate annual value of all pensions at the date named.

Following this item of estimates there is a report of the number of pensioners on the roll June 30, 1887, and also June 30, 1888; and these several numbers multiplied by the cost of each pension for the years stated give an aggregate of the value or cost of all the pensions of pensioners on the rolls at those dates. These items are designed to illustrate the cost from year to year of these pensions.

We then estimate the number of pensioners who will be dropped during the current year ending June 30, 1890, which it is found will probably be about 17,862. This number multiplied by the value of each pension, \$131.18, will give \$2,343,137 as the amount to be deducted from the annual cost of pensioners as stated a moment ago, leaving the sum of \$61,903,415.

Then there will be dropped from the rolls during the year ending June 30, 1891, a certain number of pensioners, estimated at 17,211. But the dropping from the roll during the year 1891 of this number will not be for the whole year, but will occur during the year; and a correct estimate would be to take the whole number for the average of the half year, which, multiplied by \$65.59, the average of the half-year pension, would make a further reduction of \$1,128,869, leaving \$60,774,546 as the net result after deducting the pensioners that will be dropped during the two years.

The number of pensioners added to the pension-roll during the year 1889 was 51,921, at a cost of \$5,578,490. But the pensioners who will be added to the roll during the year 1890 will be at a value not less than \$131.18; and if we assume that the same number will be added during 1890 that were added during 1889 we shall have 51,921 pensioners added, which number, multiplied by \$131.18, will give the result, \$6,810,997, as the cost of such pensioners to be added to the roll during the year 1890, providing, of course, the Pension Office shall adjudicate claims as rapidly during the present year as it did during 1889. The fact will undoubtedly be that many more cases will be adjudicated and allowed, but no estimate can be made of such increase at this time.

Mr. CLEMENTS. I wish to ask the gentleman whether the calculation he is now giving takes into consideration the additional force of surgeons recently allowed by Congress?

Mr. MORROW. No, sir. We have not taken into consideration in the preparation of this bill any pending legislation either with reference to an increase of force in the Pension Office or with reference to the adding of pensioners to the pension-roll by the extension of the provisions of the pension laws to persons or classes of persons not now entitled to receive pensions.

Mr. SAYERS. The bill providing for additional surgeons has been reported since this bill was.

Mr. CLEMENTS. I understand that the figures embraced in the gentleman's calculation do not include the increase which that bill will bring about.

Mr. SAYERS. No, sir.

Mr. MORROW. From the amount stated a moment ago as the cost of pensions to be added to the roll during the year 1891 is to be deducted the number that will probably be dropped during that year from such added list, namely, 1,893, and the cost or value of the pensions so dropped for the average half year will be \$65.59, making a total of \$124,162 to be deducted from the total sum of \$6,810,997, leaving the net cost of such added pensions for the year 1891 at the sum of \$6,686,835.

The next estimate is that there will probably be restored to the rolls during the year ending June 30, 1890, 1,898 pensioners, which number multiplied by the annual cost of \$131.18 gives the cost of \$248,980. There will also probably be restored to the rolls during the year 1891 2,037 pensioners, which number, multiplied by the average of one-and-one-half-year pension, \$196.77, gives the cost of \$400,820.

I will not detain the committee, Mr. Chairman, with all the details contained in this statement, but I have given so much for the purpose of showing that there has been an effort made to bring this bill within the rules of calculation as applied to other expenditures, and in this effort the present Commissioner of Pensions has rendered a most efficient service.

Mr. SAYERS. As the gentleman from California has given a great deal of thought to this subject, I would like him to state what would be the probable cost if the dependent-pension bill should become a law?



Mr. MORROW. If the gentleman from Texas will postpone his inquiry for a short time until I can finish the statement I am now making, I will then take pleasure in giving him whatever information I may possess on the subject to which he refers.

We have, therefore, as I have shown, an estimate of the number of pensioners who are likely to be on the rolls on the 1st of July, 1890. After adding the persons whose claims will have been adjudicated and deducting therefrom those whose claims will go off the rolls by reason of death or otherwise, there will probably be on the pension-rolls on the 1st of July, 1890, 525,682 pensioners. The same method of calculation applied to the year 1891 will give us the number of pensioners on June 30, 1891, the end of the fiscal year for which this appropriation is made, namely 562,429.

These calculations, as I have already explained, are based upon the business of the Pension Office for the year 1889, and any increase in the work of the office during 1890 and 1891 or any enlargement of the provisions of the law will change the result.

Mr. Chairman, I now desire to call the attention of the committee to one of the most important items of expenditure in this and all other preceding pension appropriation bills. I refer to the expenditure for first payments to pensioners who receive their pensions after their claims have been pending generally for a long time, a payment which often covers a period of several years, extending back to the filing of the original application, or if the application was filed prior to the 1st of July, 1880, then it includes the arrears back to the date of the death or discharge of the pensioner.

Mr. SAYERS. Sometimes getting up as high as fifteen or twenty thousand dollars.

Mr. MORROW. I do not know how much, but they are often considerable sums of money.

Mr. MORRILL. Twelve thousand dollars is as high as they can get.

Mr. BRECKINRIDGE, of Kentucky. That depends on the lapse of time.

Mr. MORROW. I call attention to this item of expense, as it amounts to nearly one fourth of the whole expenditure. We estimate, on the experience of the last three years, that there will be required to pay these 51,921 first payments to pensioners who will have their pension claims adjudicated by the 1st of July, 1891, the sum of \$22,949,082, being an average of \$442 for each first payment.

The total annual cost of all the pensions on the rolls July 1, 1889, was, as I have stated, \$64,464,552, and the cost of first payments for that year was \$22,365,708. We estimate, as I have said, the cost of these first payments, upon the experience of the last three years, for the year 1891, at the sum of \$22,949,082, or \$442 for each 51,921 first payments.

Mr. MORRILL. You mean the annual pension-roll is \$64,000,000?

Mr. MORROW. Yes, the annual roll.

Mr. MORRILL. And the difference between that and \$98,000,000 is arrears?

Mr. MORROW. Yes; what are called arrears or first payments and a few other minor payments.

Mr. MORRILL. Will not arrears necessarily continue to be paid? It will be impossible to get rid of them.

Mr. MORROW. There will always be arrears in the first payments of pensions, but not necessarily so large a sum as now. If the Pension Office should be able, by reason of an increase in its force or by the employment of more expeditious methods, to reach a point where claims could be adjudicated as fast as filed, then of course these first payments would be greatly reduced in amount.

Mr. BRECKINRIDGE, of Kentucky. No, a great many run back to the time of disability, and therefore the speed with which the Pension Office does its business will not make any difference.

Mr. MORROW. From my investigation I have come to the conclusion that these cases pending on the 1st of July, 1880, and which when allowed date back to the death or discharge of the pensioner, have been pretty nearly all adjudicated, and I do not think there is going to be a great amount of expenditure in the future on account of such claims.

Mr. SAYERS. Right there, is it not a custom with the Pension Office, after claims have been rejected and laid aside for years, that the applicant may be permitted to furnish additional evidence, and then upon that additional evidence, if satisfactory to the office, this rejected applicant is put on the pension-rolls?

Mr. MORROW. I understand that to be the practice.

Mr. SAYERS. Then no lapse of time is a bar to the application?

Mr. MORRILL. There is no limitation.

Mr. MORROW. No; there is no limitation, except that claims filed since July 1, 1880, when allowed, date from the date of application. I desire to state, therefore, in reference to the suggestion of the gentleman from Kansas a few moments since, that these arrears are always going to make an element of expense in the pension bills, that that is unquestionably a fact. But it does seem to me that as the Pension Office continues to adjudicate these pending claims the arrears will be a decreasing charge. The Pension Office is quite considerably in arrears in the adjudication of the claims, as will be seen by reference to Table 9 of the report of the Commissioner of Pensions, to be found on page 25 of his report. There is a statement there as to the number of claims filed

each year, the number of such claims allowed each year, and the percentage of claims allowed for each year's filings.

Now, for instance, take the year 1862. We find by the table the number of claims filed was 1,362. There have been allowed 1,102 of such claims, which allowance is 80.9 per cent. of the whole number filed that year. Now, this allowance of nearly 81 per cent. of the number filed is about the percentage that the office has found will be allowed of any number of claims filed at any time; that is to say, in the neighborhood of 20 per cent. will be rejected because of insufficient evidence or on other grounds connected with the administration of the law. Therefore it may be reasonably assumed that nearly all the claims filed in 1862 have been adjudicated and but few more applications for that year will be allowed.

Mr. MORRILL. That is the percentage of claims allowed under applications filed in that particular year?

Mr. MORROW. Yes, sir.

Now, for 1863 the number of claims filed is reported to have been 26,380 and the number of claims allowed 19,343, being 75.5 per cent. of the whole number filed for that year; but in the year 1888 there were filed 47,349 claims, of which, on the 30th of June, 1889, only 11,733, or 24.7 per cent., had been allowed. In the year 1889 there were filed 51,919 claims, of which at the end of the year only 1,557, or 2.9 per cent., had been allowed. This statement shows the delay in completing cases for adjudication. Part of this delay is doubtless caused by the pensioner himself in many cases in failing to promptly furnish the required proof, but there is also delay in the Pension Office by reason of an inadequate force to pass on the claims as filed. The table to which I am referring, and which I have compiled from the Commissioner's report, is as follows:

*Army invalid claims filed, allowed, and percentage of the number of claims allowed out of those filed each year from July 1, 1861, to June 30, 1889.*

Years in which the claims were filed.	Number filed.	Number allowed.	Per cent. allowed.
1862.....	1,362	1,102	80.9
1863.....	26,380	19,343	75.5
1864.....	20,263	16,344	80.6
1865.....	27,229	24,369	89.2
1866.....	35,739	31,385	87.6
1867.....	15,905	13,231	83.1
1868.....	7,292	6,234	85.4
1869.....	11,035	9,115	82.4
1870.....	12,991	10,647	81.1
1871.....	8,837	6,925	78.3
1872.....	8,857	6,877	77.6
1873.....	8,728	7,329	83.9
1874.....	9,302	7,165	77.0
1875.....	11,926	9,160	76.8
1876.....	17,030	12,398	72.8
1877.....	16,532	12,687	76.7
1878.....	18,812	14,381	76.4
1879.....	36,835	29,892	81.1
1880.....	110,673	78,972	71.3
1881.....	18,455	9,848	53.3
1882.....	29,004	14,932	51.4
1883.....	35,039	16,955	48.3
1884.....	28,962	13,376	46.1
1885.....	27,559	12,888	45.9
1886.....	35,202	15,997	45.4
1887.....	36,204	13,206	36.1
1888.....	47,349	11,733	24.7
1889.....	51,919	1,557	2.9
Total.....	715,951	428,629	

I commend the information contained in the foregoing table to the attention of those who are interested in the subject of pension claims. From it may be ascertained the number and percentage of invalid claims allowed for each year since 1862. It must be remembered, however, that an average of 80 per cent. represents about all the claims that will usually be allowed out of any considerable number, the remaining 20 per cent. being the number usually rejected for want of merit.

In this connection I will call the attention of the committee to the question of arrears under the acts of January 25, 1879, and March 3, 1879.

Mr. MORRILL. There were two acts, one providing for arrears and the other limiting it.

Mr. MORROW. Yes; the act of January 25, 1879, and March 3, 1879, two acts. There were filed under the provisions of these two acts 110,673 claims during the year 1880.

Mr. BRECKINRIDGE, of Kentucky. That was under the arrears act?

Mr. MORROW. Yes; that number was filed after the passage of the two acts named providing that pensions should date from the death or discharge of the pensioner if such claims were filed prior to July 1, 1880. The effect of these two acts was to cause the filing of more claims during that year than during any other year before or since. The reason is very plain. There would be large arrears attaching to each claim if allowed by reason of such pension dating back to the death or discharge of the pensioner.

Mr. SAYERS. Was that the number of original applications or applications for arrears?

Mr. MORROW. Original applications.

Now, of the number filed in 1880 there have been allowed 78,972 claims, or 71.3 per cent.

In the year 1885 the Commissioner of Pensions was interrogated by the Committee on Appropriations as to how many of the claims that were pending on the 1st day of July had been allowed. He gave a statement to the committee and to the House which has often been referred to. In that statement the Commissioner estimated that there were a certain number of claims and a certain amount still undetermined, and that there would be a certain sum of money to be paid on account of these claims. I have made an examination of these claims, and I estimate that there has been paid out up to this time a larger sum of money on account of these claims than was estimated by Mr. Commissioner Black as the probable whole expenditure on this account.

Mr. BRECKINRIDGE, of Kentucky. What has been the additional expenditure?

Mr. MORROW. I will show this in a moment.

The Commissioner of Pensions, General Black, under date of January 25, 1886, in a communication addressed to Hon. SAMUEL J. RANDALL, chairman of the Committee on Appropriations, estimated the cost to the Government resulting from the extension of the limitation in the filing of applications under date of June 30, 1880, under the acts of January 25 and March 30, as aggregating the sum of \$179,404,872 up to that date.

Mr. SAYERS. How much since then?

Mr. MORROW. I am coming to that; but I will first answer the question of the gentleman from Kentucky [Mr. BRECKINRIDGE]. The Commissioner, in the communication to which I have referred, reported the number of applications for pension filed prior to July 1, 1880, and the amount of arrears allowed and paid from 1879 to and including 1885 as follows:

*Estimated cost to the Government resulting from the extension of the limitation in the filing of applications to June 30, 1880, as provided in the acts of January 25 and March 3, 1879, amounting to \$179,404,872 up to that date.*

1879.....	\$3,797,648.89
1880.....	12,504,075.50
1881.....	25,962,250.31
1882.....	29,300,119.88
1883.....	34,741,580.50
1884.....	22,451,997.25
1885.....	26,842,302.84
Arrears paid to June 30, 1885, in cases on roll January 25, 1879.....	24,904,890.87
	179,404,872.00

The number of applications for pensions filed prior to July 1, 1880, and still pending July 1, 1885, was as follows:

Invalid claims.....	73,415
Widows and others.....	26,656
	100,071

He estimated that these pending claims would cost as follows:

60 per cent. of 73,415 = 44,049 × \$1,500.....	\$66,073,500
60 per cent. of 26,656 = 15,994 × \$900.....	14,394,600
	80,468,100

The estimate of an allowance of 60 per cent. of the then pending claims was stated to be in accordance with the experience of the Pension Bureau that about 60 per cent. of the claims filed are allowed. I find, however, that 80 per cent is more nearly the correct percentage.

The total cost of the extension of the limitation in the filing of pension claims to June 30, 1880, was, according to the Commissioner's estimate, as follows:

Amount expended to June 30, 1885.....	\$179,404,872
Estimated cost of claims pending but unadjudicated June 30, 1885.....	80,468,100

Total cost of acts of January 25 and March 3, 1879..... 259,873,972

If I have made myself understood the committee will comprehend that I have now given what was then estimated as the cost of arrears under the two acts named.

Mr. BRECKINRIDGE, of Kentucky. Estimated by Commissioner Black?

Mr. MORROW. Yes.

The present Commissioner has been requested to furnish information as to the actual amount of arrears paid under these two acts since June 30, 1885, but he has replied that it would take considerable labor to obtain the information and it has not been insisted upon.

By reference, however, to the table of claims allowed each year, to be found on page 25 of the Commissioner's report, we find that the invalid claims allowed during the years 1886, 1887, 1888, and 1889, which were filed prior to July 1, 1880, were 48,687, or more than 4,000 in excess of the number the Commissioner estimated in 1886 would be allowed out of the whole number of pending invalid claims. If these 48,687 allowed claims have cost the Government \$1,500 each, as then estimated by the Commissioner, then there have been paid out since July 1, 1885, arrears on invalid claims in the sum of \$73,030,500.

Mr. SAYERS. That is since 1885?

Mr. MORROW. Yes, sir.

For widows and others there are no records in the pension tables as published in the Commissioner's report from which we can obtain information as to the number of these claims allowed since July 1, 1885, but the same general rule of calculation applied to these claims as applied to the invalid claims would show that not less than 16,000 widows' claims have been allowed since July 1, 1885, and if these claims have cost the Government \$900 each as then estimated, then there have been paid out since that date arrears on the claims of widows and others to the amount of \$14,400,000.

The extension of the limitation for filing claims to June 30, 1880, as provided in the acts of January 25, 1879, and March 3, 1879, has therefore cost the Government as follows:

Arrears to June 30, 1885.....	\$179,404,872
Invalid claims allowed between July 1, 1885, and June 30, 1889, 48,687, at \$1,500 each.....	73,030,500
Claims of widows and others allowed during same period, 66,000, at \$900 each.....	14,400,000
Total cost of arrears.....	266,835,372

This sum is nearly \$7,000,000 in excess of General Black's estimate; from which it may be properly inferred that nearly all the claims filed prior to July 1, 1880, have been considered, and that no considerable sum remains to be paid on account of said claims.

Mr. MORRILL. Right there I want to bring out more fully what I suggested before, that every year there must be something of arrears, because there are arrears on every application that has been filed since the 1st of July, 1890; that is to say, if an application for pension was made a year ago and is allowed to-day, there is one year of arrears; so that, as I said, from 1880 there is something in the way of arrears every year, because the claim can not possibly be allowed the same day as the application is made. That is what I was getting at. There are some arrears in every year.

Mr. MORROW. The gentleman is quite correct in his statement. As he has suggested, there will be some arrears as long as claims are filed and adjudicated, but all I claim is that the claims filed prior to July 1, 1880, have probably been nearly all adjudicated.

Mr. SAYERS. If the gentleman will allow me to ask him a question right there, suppose there should be no more pension legislation—that is to say, no more legislation granting additional pensions—at what period do you think we would reach the highest point of expenditure and from that time the annual appropriations steadily decrease?

Mr. MORROW. I have made an estimate in that direction, and if the gentleman from Texas will permit me to close the few remarks I have to make with reference to the pending bill, I will answer him then, as that question may lead to further discussion.

Mr. SAYERS. Very well.

Mr. MORROW. The estimate contained in this report to which I have been referring of original pensions allowed during the year 1889 shows that there were 51,921 new pensioners placed upon the pension-roll in 1889. Assuming, as I have said before, that this number will be placed on the rolls during the fiscal year ending June 30, 1891, there will be an average of a half-year pension due such pensioners in addition to what has already been estimated, making the further cost for such pensions \$65.59 each, or a total of \$3,405,498.

We now come to the expense under the law providing for payments on account of sickness and burial of pensioners who die without heirs and without assets sufficient to meet such expense, which it is estimated will amount to \$125,000.

There is another important item, and that is for the pensioners whose pensions will be increased during 1891. It appears that there are about 50,000 pensioners whose pensions are reinvestigated and their pensions increased each year; that there is an increase of about \$50 each; so that there is an estimate of \$2,500,000 for the increase of these pensions.

Mr. WASHINGTON. Fifty dollars each year?

Mr. MORROW. Fifty thousand claims.

Mr. WASHINGTON. Per annum?

Mr. MORROW. Yes, sir; and an increase of \$50 each, making \$2,500,000.

From these several estimates we have \$97,090,761 as the amount required to pay Army and Navy pensions for the year 1891.

This sum may be divided into two general items, as follows:

Annual cost of 562,429 pensioners who will probably be on the pension-rolls at the end of the fiscal year, June 30, 1891, at \$181.82 each.....	\$74,141,679
First payments to 51,921 new pensioners who will probably be placed on the pension-rolls during the fiscal year ending June 30, 1891, at \$412 each.....	22,949,082
Total.....	97,090,761

I will not go into details concerning the other items in this bill, which relate to the fees of examining surgeons, salaries of pension agents, clerk-hire, fuel, light, stationery, etc., further than to say that the Commissioner of Pensions asked for two additional pension agents by reason of the fact that there was so large a number of pensioners paid at the agencies at Columbus, Ohio; Chicago, Ill.; Indianapolis, Ind.; and Topeka, Kans., that the work imposed on those agents was more than they could perform.



The Commissioner, I say, recommended that there should be two additional pension agents, so that this large number of pensioners might be distributed in such a way that they could be paid expeditiously and relieve the pension agents at the points named from excess of work. The committee did not agree to that request or recommendation of the Commissioner, but they have sought to meet the difficulty by providing an increased appropriation for clerk-hire, so that at these places the pension agent may employ additional clerks, who will be authorized, under this bill, to act for the pension agent, and in that way relieve him of some of the burden that is now imposed upon him by reason of the fact that he is required to sign all the checks for the payment of pensions.

Mr. CONGER. How much do you increase the amount for clerk-hire over the amount allowed in the last general pension appropriation bill?

Mr. PETERS. The increase is \$72,000.

Mr. MORROW. The amount appropriated for 1889 was \$178,000, and we appropriate this year \$220,000. The increase is therefore \$42,000 for clerk-hire at the agencies.

Mr. CONGER. Was there not a large deficiency in last year's appropriation?

Mr. MORROW. Not a large deficiency; \$7,200, I think.

Mr. CONGER. That was provided for in the urgent deficiency bill.

Mr. MORROW. Yes, sir.

Mr. CONGER. Was it only \$7,000?

Mr. MORROW. Seven thousand two hundred dollars, I believe. The clerk-hire in the bill now before the committee amounts to \$220,000.

Now, with reference to the time when the pension-roll will carry the maximum number of pensioners under existing law; that is the inquiry made, I believe, by the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. Yes, sir.

Mr. MORROW. Mr. Chairman, all these estimates with reference to pension claims and pension expenditures have so far proven extremely incorrect, and I think in nearly every instance it has been realized that the estimates are almost useless; that they fail to give accurate information and frequently mislead the country as to what there is in the future with respect to such claims and expenditures. However, I have made an investigation of this subject, carefully examining the history of previous pension laws, and I think that we may safely assume that we shall reach the maximum number under existing laws about June 30, 1894. I will give the committee the basis of my estimate.

Mr. SAYERS. What would be the maximum expenditure?

Mr. MORROW. In round numbers about \$112,500,000 for the annual cost of pensions at that date, and 750,000 the number of pensioners. This estimate is made on the following basis:

*Pensioners on the rolls June 30, 1889.*

Service.	Invalids.	Widows and others.	Total.
War of rebellion.....	356,031	99,856	455,887
War of 1812.....	603	9,964	10,567
War with Mexico.....	17,065	6,206	23,271
Total .....	373,699	116,026	489,725

*Pension claims pending June 30, 1889.*

Service.	Invalids.	Widows and others.	Total.
War of rebellion.....	170,179	71,583	241,762
War of 1812.....	99	326	425
War with Mexico.....	788	945	1,733
Total .....	171,066	72,854	243,920

243,940 × 80 per cent.....	195,136
Pensioners on rolls.....	489,725

Deduct for loss .....	684,861
	50,000

Add for new claims filed 143,750 × 80 per cent.....	634,861
	115,139

Pensioners who would probably be on the rolls June 30, 1894, under existing law, 750,000 × \$150, probable value of each pension, = \$112,500,000.

If the Commissioner of Pensions shall allow 80 per cent. of these pending claims there will be placed on the pension-roll out of the pension claims now pending 195,136. Add this number to the number on the rolls July 1, 1889, and you have 684,861 pensions. But there will be, of course, a number of claims dropped during the period while these cases are being adjudicated. The adjudication of 195,136 claims, with new claims, will certainly take four years, bringing us up to June 30, 1894, the period I have already named, and during that time there will be dropped from the rolls, by reason of death and other causes, 50,000 pensioners, leaving 634,861.

There will also be new claims filed during the same period of four

years, which I estimate at 143,750, of which there will probably be the usual allowance of 80 per cent. That number I estimate at about 115,000 or 115,139, in order to make a round number in the aggregate, so that the pensioners who would probably be on the rolls on June 30, 1894, under existing law would be 750,000. If the annual value of such pensions shall increase from \$131.18, the value on the 1st of July, 1889, to the sum of \$150 each, as has been sometimes suggested, then the cost for the 750,000 pensioners will be \$112,500,000, and that number will be the maximum number and that amount will be the maximum expenditure for pensions under existing laws.

Mr. SAYERS. The gentleman means that that will be the annual value of the pensions?

Mr. MORROW. Yes, sir.

Mr. SAYERS. He does not refer to or include appropriations necessary to cover arrears?

Mr. MORROW. No, sir; I have not taken that into consideration. That field is too extensive to be dealt with on this occasion, but I do not think it will exceed at that time \$12,500,000 annually, making a total of \$125,000,000 as the limit of expenditure.

Mr. CUTCHEON. The gentleman's figures show what we may expect under existing laws, without reference to a service-pension bill or a dependent-pension bill or any other such pension legislation.

Mr. MORROW. Without reference to any such legislation. However, it must be remembered that if any such legislation as the gentleman suggests shall be passed by Congress there is included in this estimate a considerable number of pensioners and an estimate of cost that would be taken up by such a bill. In other words, it would not be an additional sum by any means. In fact, I think the dependent-pension bill would not of itself add a very large sum to the amount estimated in the statement I have just presented to the committee.

Mr. CUTCHEON. In other words, you think that most of those persons who would come in under a dependent pension bill you have already included in your estimate of new applications and the like.

Mr. MORROW. A considerable portion.

Mr. BROSIUS. On page 2 of the bill there is a provision for the payment of pensions accruing between the last quarterly pay-day and the death of the pensioner; in some cases the amount of accrued pension is to be paid to the widow, in other cases to the minor children. Now, it frequently happens that a pensioner anticipates his pension and at his death leaves liabilities incurred since the last quarterly pension day, with no assets to pay them. Supposing that state of things to exist, would there be anything wrong in inserting a provision allowing payment of the accrued pension to the personal representatives of the pensioner, at the discretion of the Secretary of the Interior? Do I make myself understood?

Mr. MORROW. I understand the gentleman's question, but I do not know that I am entirely familiar with the difficulty that he seeks to cover.

Mr. BROSIUS. I infer that under the existing law there is no provision for the payment of pension accruing between the last quarterly pension day and the death of the pensioner.

Mr. MORROW. That is so, if no widow or child survive.

Mr. BROSIUS. Very well; that being admitted, it has frequently happened, it is constantly happening, that a pensioner, for the purpose of securing the means of living, anticipates the receipt of his pension, and then dies, we will say, two months after the last quarterly pension day, leaving liabilities incurred in his maintenance since the last pension day, with no assets to pay those liabilities. Would it not be right, in case that is made to appear to the Secretary of the Interior, that he should have the power to pay over this balance for the purpose of meeting liabilities thus incurred by the pensioner?

Mr. HENDERSON, of Iowa. I believe that under the existing law there is provision for the payment of the funeral expenses and expenses of the pensioner's last illness, even if he leaves no heirs. If there are heirs, of course they get the money.

Mr. BROSIUS. That is true; but that does not cover the point I make. I refer to liabilities incurred in the maintenance of the pensioner during the interval from the last quarterly pension day to his death.

Mr. HENDERSON, of Iowa. That is not contemplated by the existing law, and can not be inserted in this appropriation bill, as I understand the rules.

Mr. BROSIUS. It is not contemplated by existing law?

Mr. HENDERSON, of Iowa. No, not as to other expenses than what may be classed as expenses of last illness. But the administration of the law is so liberal in this respect that I presume any accrued pension is always practically absorbed.

Mr. BROSIUS. I wish to direct attention to the fact that some of the provisions in this bill already exist in our laws.

Mr. MORROW. Precisely.

Mr. BROSIUS. I was about to suggest that it might be just as competent to put in this provision, but I see that such a proposition might be liable to a point of order as new legislation.

Mr. MORROW. According to the information of the committee on this subject, derived from statements made before us, the provisions of existing law as incorporated in this bill cover, so far as desirable, cases that may occur in the direction stated by the gentleman.

Mr. HILL. Before the gentleman from California [Mr. MORROW] takes his seat I desire to call his attention to the last clause on the second page of this bill, which provides—

That hereafter whenever a pension certificate shall have been issued and the pensioner mentioned therein dies before payment shall have been made, leaving no widow and no surviving minor children, the accrued pension due on said certificate to the date of the death of said pensioner may, in the discretion of the Secretary of the Interior, be paid to the legal representatives of said pensioner.

I would like to inquire whether that provision is the existing law or a modification of it?

Mr. MORROW. It is the existing law.

Mr. HILL. I have a case in my mind where the applicant for a pension died before the pension certificate was issued, leaving no widow or children, but leaving a legal representative. I would like to inquire whether the proviso I have just read would apply in such a case?

Mr. CUTCHEON. It is impossible to hear what is going on. We would be glad to have the benefit of this colloquy.

Mr. MORROW. The gentleman from Illinois [Mr. HILL] made an inquiry concerning one of the provisions of the bill and suggested a case which does not come under that provision, and he was so informed. He also inquired whether the proviso at the bottom of page 2 is the existing law, to which I responded that it is.

Mr. Chairman, this bill appropriates a large sum of money, but not larger than will be required to pay the pensions for the year 1891. It certainly deals more candidly with pension expenditure than did the regular pension appropriation bill for the current year, which left a deficiency of \$21,613,009 to be provided for in a deficiency bill which passed the House a few days ago. The Administration, as represented by the Republican majority in both Houses of Congress, is doubtless to be charged with extravagance in the matter of public expenditures, and this deficiency will probably be charged to that account. Against such a charge the Administration will be acquitted by an honest effort to meet the requirements of the Government, and to that point I take pleasure in referring to the following extracts from the reports of the Secretary of the Interior and the Secretary of the Treasury in relation to the pension estimates covered by this bill and the apparent increase in the amount.

The Secretary of the Interior, in his report dated November 15, 1889, explains his estimates for pensions for the year 1890-'91 as follows:

The estimates for pensions made for the fiscal year beginning July 1, 1889, were not only inadequate, but must have been known to be so when recommended to Congress. The estimate for the previous year was \$80,000,000. But before this estimate for the present year was completed it was apparent that a deficiency would be incurred, as it was incurred, for the previous year, to the amount of at least \$8,000,000, and that this added to the original eighty millions would not be enough to meet the obligations accruing before the end of even that fiscal year.

It was known also that the pension-list was increasing, and if the payments of 1888-'89 could not be met with \$80,000,000, but a deficiency bill had to be passed for \$8,000,000 more, it must have been anticipated that the former Commissioner's successor would be run into a deficiency. Yet the estimate for pensions was confined to \$80,000,000 for 1889-'90. The result, if the cause were not so easily detected, might produce an unfair comparison between the previous administration and the present as to the amount to be expended in this branch of the service. I do not hesitate, however, to assume the responsibility, as I have done in the estimates for the next fiscal year, of recommending an increase in the appropriation for pensions, so that a liberal and legal payment may be made to all the deserving pensioners of the Republic. This sum will reach \$97,210,252.

The Secretary of the Treasury, in his report of December 2, 1889, refers to the increased expenditure for pensions in the following language:

The amount estimated for pensions for the year 1889 was \$76,312,400, and the estimates for same purpose, herewith submitted, for the year 1891 are \$98,587,252, showing an apparent increase of \$22,274,852. These figures, however, do not even approximately represent the actual increase of expenditure for pensions, because the estimate for the year 1889 was wholly inadequate to meet the demands of the service.

The amount regularly appropriated for pensions for that year was \$81,758,700. To this was added a deficiency appropriation by last Congress of \$8,000,000, and about \$8,000,000 more were necessarily drawn from the appropriations for the current year to pay pensions due in the fiscal year 1889, but for which sufficient appropriations had not been made. The total amount, therefore, which was actually required for pensions for the fiscal year ended June 30, 1889, was \$96,624,779.11.

The amount appropriated for pensions for the current year was the same as last year (\$81,758,700); but there is an estimated deficiency of \$24,000,000 for this year, making a total of \$105,758,700; deducting from this the \$8,000,000 drawn out, as above stated, to meet the deficiency for last year, will leave chargeable to the current year \$97,758,700. The amounts, actual and estimated, for pensions will therefore stand as follows:

Expended for the year ended June 30, 1889..... \$96,624,779.11  
Appropriated and estimated for year ending June 30, 1890..... 97,758,700.00  
Estimated for year ending June 30, 1891..... 98,587,252.00

A comparison of the expenditures of 1879 with those of 1889 will show that during the last ten years the increase of pensions has not differed very widely from the decrease of interest on the public debt:

Pensions in 1879..... \$35,121,482.39  
Pensions in 1889..... 97,758,700.00  
Interest on public debt, 1879..... 105,327,942.00  
Interest on public debt, 1889..... 41,001,484.29

No patriotic American has ever complained of the vast amounts of interest paid to the men who loaned their money to preserve the integrity of the nation; much less will they complain of any just and proper recognition of the claims of men who, in the nation's hour of extreme peril, sacrificed their lives and health to save it.

The patriotic declaration of the Secretary of the Treasury in the concluding paragraph just quoted voices the generous sentiment of the American people towards those who periled their lives that the nation

might live. The policy of economy in public expenditures must be maintained, but not at the expense of the nation's honor. Within eight weeks after the signing of the Declaration of Independence, the Continental Congress resolved that pensions should be paid to those who should be disabled in the war of the Revolution. This action was followed by such provisions as could be made under the Articles of Confederation. When the Government was established under the Federal Constitution, the first appropriation act, approved September 29, 1789, contained an item of \$96,000 for invalid pensions. Then followed the act approved March 26, 1790, appropriating \$96,979.72 for paying pensions to invalids. In the act of May 8, 1792, we find this declaration:

If any person, whether officer or soldier, belonging to the militia of any State and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense.

This has continued to be the law and is now found in section 1639 of the Revised Statutes. We are required therefore by every consideration of public duty to provide for those who have become disabled in the service of the country. It is the command of the law, the obligation of our national honor, and the highest evidence of our faith in the perpetuity of free institutions.

The following is the table of estimates referred to in the foregoing remarks:

*Estimate of appropriations required for the payment of Army and Navy pensions for the fiscal year ending June 30, 1891, based upon expenditures for the years 1887, 1888, and 1889.*

ANNUAL VALUE OF PENSIONS.	
June 30, 1889:	
Pensioners on rolls, 489,725.....	
Average annual value of each pension, \$131.18+.....	489,725×\$131.18+=\$64,216,552
June 30, 1887:	
Pensioners on rolls, 406,007.....	
Average annual value of each pension, \$130.10+.....	406,007×\$130.10+=\$52,824,611
June 30, 1888:	
Pensioners on rolls, 452,557.....	
Average annual value of each pension, \$125.30+.....	452,557×\$125.30+=\$56,707,221
Three years ending June 30, 1889:	
Average number on rolls, 449,430.....	
Average value of each pension, \$128.86.....	449,430×\$128.86=\$57,913,590

PENSIONERS DROPPED.	
Pensioners that will probably be dropped from rolls during the year ending June 30, 1890, 17,862×\$131.18+.....	2,343,137
Leaving 471,863 pensioners.....	61,903,415
NOTE.—The pensioners (17,862) to be dropped during 1890 is determined by a proportion. The number of pensioners on the rolls at the beginning of 1889 (452,557) is to the number on the rolls at the beginning of 1890 (489,725) as the number dropped during 1889 (16,507) is to the number to be dropped during 1890 (17,862):	
452,557 : 489,725 :: 16,507 : 17,862.	
Pensioners that will probably be dropped from the rolls during the year ending June 30, 1891, 17,211.....	1,128,809
Average half-year pension 17,211×\$65.59.....	60,774,546

NOTE.—Of the 489,725 pensioners on the rolls July 1, 1889, 17,862 will be dropped during 1890. Of said number there will remain July 1, 1890, 471,863. By the same proportion it will be shown that of said remainder (471,863) 17,211 will be dropped during 1891. Of the 51,921 new cases added during 1890-'91 (on the same basis) will be dropped during 1891. (See further along.)

During year ending June 30, 1887:	
Pensioners dropped from the rolls, 17,677.....	
Average annual value of each, \$132.46.....	17,677×\$132.46=\$2,341,600
During year ending June 30, 1888:	
Pensioners dropped from the rolls, 15,730.....	
Average annual value of each, \$182.89.....	15,730×\$182.89=2,876,985
During year ending June 30, 1889:	
Pensioners dropped from the rolls, 16,507.....	
Average annual value of each, \$142.50.....	16,507×\$142.50=2,352,250
During the three years ending June 30, 1889:	
Average number dropped from the rolls each year, 16,638.....	
Average annual value of each pension dropped, \$152.62.....	16,638×\$152.62=2,539,292

NEW PENSIONERS ADDED.	
Pensioners that will probably be added to the rolls during the year ending June 30, 1890, 51,921×\$131.18.....	6,810,907
Pensioners that will probably be dropped from such added list during the year ending June 30, 1891, 1,893.....	
Average half-year pension, \$65.59×1,893.....	124,162
	6,686,805

During the year ending June 30, 1887:	
Pensioners added to the rolls, 55,194.....	
Average annual value of each, \$95.80.....	55,194×\$95.80=\$5,287,605
During year ending June 30, 1888:	
Pensioners added to the rolls, 60,252.....	
Average annual value of each, \$95.89.....	60,252×\$95.89=5,777,741
During the year ending June 30, 1889:	
Pensioners added to the rolls, 51,921.....	
Average annual value of each, \$107.44.....	51,921×\$107.44=5,578,490
During the three years ending June 30, 1889:	
Average number added to rolls, 55,789.....	
Average annual value of each pension, \$99.71.....	55,789×\$99.71=5,562,721



## PENSIONERS RESTORED.

Pensioners that will probably be restored to the rolls during the year ending June 30, 1890, 1,898 × \$131.18..... 248,980

NOTE.—The number of pensioners on the rolls at the beginning of 1889 is to the number of pensioners at the beginning of 1890 as the number of pensioners restored during 1889 is to the number to be restored during 1890:

432,537: 489,725: 1,754: 1,898.

Pensioners that will probably be restored to the rolls during the year ending June 30, 1891, 2,037.

Average 14 year pension, 2,037 × \$196.77..... \$400,820

NOTE.—By the proportion used to determine the number of pensioners to be restored during 1890, it will be shown that 2,037 will probably be restored during 1891:

432,537: 525,682: 1,754: 2,037.

[During year ending June 30, 1887:

Pensioners restored, 2,707..... 2,707 × \$77.22 = \$209,042

Average annual value of each, \$77.22.....

During year ending June 30, 1888:

Pensioners restored, 2,028..... 2,028 × \$75.72 = 153,565

Average annual value of each, \$75.72.....

During year ending June 30, 1889:

Pensioners restored, 1,754..... 1,754 × \$87.84 = 154,067

Average annual value of each, \$87.84.....

Pensioners restored during the three years ending June 30, 1889, 6,489; value..... 516,694

Average number restored each year, 2,163..... 2,163 × \$79.62 = 172,231

Average annual value of each, \$79.62.....

## FIRST PAYMENT TO NEW PENSIONERS, INCLUDING ARREARS.

New pensioners who will probably be placed on the rolls during year ending June 30, 1891:

First payments, 51,921..... 51,921 × \$442..... 22,949,082

Average value of each first payment, \$442.....

[During the year ending June 30, 1887:

First payments due (paid and unpaid) 58,702..... 58,702 × \$495.75 = \$29,091,773

Average value of each of such payments, \$495.75.....

During the year ending June 30, 1888:

First payments due (paid and unpaid) 70,856..... 70,856 × \$349.51 = 24,765,328

Average value of each of such payments, \$349.51.....

During year ending June 30, 1889:

First payments due (paid and unpaid) 56,234..... 56,234 × \$480.26 = 22,365,708

Average value of each of such payments, \$480.26.....

During the three years ending June 30, 1889:

First payments due (paid and unpaid), 182,792.....

Total amount due (paid and unpaid), \$90,864,725.....

Average number due (paid and unpaid), 60,931.....

Average amount of each payment, \$442.....

Average amount of each annual payment, \$26,954,907.....

## AVERAGE HALF-YEAR PAYMENTS TO NEW PENSIONERS.

Half-year pensions to 51,921 new pensioners, being average of year, 51,921 × \$65.59..... 3,405,498

## EXPENSE OF LAST SICKNESS AND BURIAL OF PENSIONERS.

Settlements by Third Auditor of the Treasury under section 4718, R. S., for last sickness and burials of pensioners who die without heirs, and without assets sufficient to meet such expense (see also act of March 1, 1889, 25 Stats. at Large, page 782), 2,500 claims at \$50 each..... 125,000

[Claims settled under sec. 4718, R. S., during year ending June 30, 1887:

Number, 2,495..... 2,495 × \$45.00 = \$113,997

Average amount of each, \$45.00.....

Claims settled under sec. 4718, R. S., during year ending June 30, 1888:

Number, 2,328..... 2,328 × \$55.88 = \$130,089

Average amount of each, \$55.88.....

Claims settled under sec. 4718, R. S., during year ending June 30, 1889:

Number, 2,306..... 2,306 × \$50.76 = \$117,976

Average amount of each, \$50.76.....

Claims settled under sec. 4718, R. S., during the three years ending June 30, 1889:

Number, 7,029.....

Total amount paid, \$356,052.....

Average claims settled for each year, 2,343..... 2,343 × \$50.05 = \$118,673

Average amount of each, \$50.05.....

## PENSIONERS INCREASED AND REINSTATED.

During year ending June 30, 1891, pensions probably increased 50,000 claims at \$50 each..... 2,500,000

[During year ending June 30, 1887:

Pensions increased 32,107..... 32,107 × \$90.71 = \$2,912,591

Average annual increase to each, \$90.71.....

During the year ending June 30, 1888:

Pensions increased 45,716..... 45,716 × \$49.68 = 2,271,445

Average annual increase to each, \$49.68.....

During year ending June 30, 1889:

Pensions increased 71,198..... 71,198 × \$59.41 = 4,229,794

Average annual increase to each, \$59.41.....

During the three years ending June 30, 1889:

Pensions increased, 149,021.....

Amount of increase, \$9,413,830.....

Average increase, 49,674..... 49,674 × \$63.17 = 3,137,907

Average annual increase to each, \$63.17.....

Total estimate for amount required to pay pensions for the year ending June 30, 1891..... 97,090,761

## NUMBER OF PENSIONERS ON ROLLS.

Pensioners July 1, 1889..... 490,725

New cases to be added during 1890..... 51,921

To be dropped during 1890..... 17,862

To be restored during 1890..... 523,784

Probable number of pensioners July 1, 1890..... 525,682

Probable number to be added during fiscal year 1891..... 51,921

Total..... 577,603

Probable number to be dropped during 1891..... 17,211

Probable number to be restored during 1891..... 560,392

Probable number of pensioners July 1, 1891..... 2,037

Probable number of pensioners July 1, 1891..... 562,429

The following are the items of appropriations contained in the bill under consideration:

For the payment of pensions..... \$97,090,761

For fees and expenses of examining surgeons..... 1,000,000

For salaries of agents..... 72,000

For clerk-hire..... 220,000

For fuel..... 750

For lights..... 750

For stationery and other necessary expenses..... 25,000

For rents..... 18,200

Total..... 98,427,461

The following is a statement of the quarterly disbursements of the Pension Office during the years 1887, 1888, and 1889:

Amount of disbursements of Army and Navy pensions each quarter from July 1, 1886, to December 31, 1889.

Fiscal year..... Army pensions..... Navy pensions..... Total.....

1887.....

First quarter, ending Sept. 30, 1886..... \$16,987,333.13..... \$252,306.62..... \$17,239,639.75

Second quarter, ending Dec. 31, 1886..... 17,495,416.54..... 281,443.80..... 17,776,860.34

Total first six months..... 34,482,749.67..... 533,750.42..... 35,016,500.09

Third quarter, ending Mar. 31, 1887..... 17,923,797.12..... 281,555.57..... 18,205,352.69

Fourth quarter, ending June 30, 1887..... 19,868,182.08..... 301,998.35..... 20,170,180.43

Total last six months..... 37,791,979.15..... 583,553.92..... 38,375,533.07

Grand total..... 72,274,728.82..... 1,117,304.34..... 73,392,033.16

1888.....

First quarter, ending Sept. 30, 1887..... 19,429,830.27..... 274,582.17..... 19,704,412.44

Second quarter, ending Dec. 31, 1887..... 17,249,007.96..... 319,127.87..... 17,568,135.83

Total first six months..... 36,678,838.23..... 593,710.04..... 37,272,548.27

Third quarter, ending Mar. 31, 1888..... 18,272,027.45..... 297,739.98..... 18,569,767.43

Fourth quarter, ending June 30, 1888..... 20,175,680.78..... 298,958.61..... 20,474,639.39

Total last six months..... 38,447,708.23..... 596,698.59..... 39,044,406.82

Grand total..... 75,126,626.46..... 1,190,408.63..... 76,317,035.09

1889.....

First quarter, ending Sept. 30, 1888..... 20,353,131.94..... 407,023.50..... 20,760,155.43

Second quarter, ending Dec. 31, 1888..... 22,601,249.42..... 428,476.95..... 23,029,726.37

Total first six months..... 42,954,381.36..... 835,500.45..... 43,789,881.81

Third quarter, ending Mar. 31, 1889..... 22,132,358.99..... 397,149.25..... 22,529,508.24

Fourth quarter, ending June 30, 1889..... 21,504,728.95..... 436,503.47..... 21,941,232.42

Total last six months..... 43,637,087.94..... 833,652.72..... 44,470,740.66

Grand total..... 86,591,444.30..... 1,669,153.26..... 88,260,597.56

1890.....

First quarter, ending Sept. 30, 1889..... 23,525,130.21..... 495,851.94..... 24,020,982.15

Second quarter, ending Dec. 31, 1889..... 23,625,895.94..... 416,193.74..... 24,042,089.68

Total first six months..... 47,151,026.15..... 912,045.68..... 48,063,071.83

Mr. MORROW. If the gentleman from Texas [Mr. SAYERS] will now indicate his pleasure as to the time to be consumed in general debate, perhaps we can come to some agreement.

Mr. SAYERS. I suggest to the gentleman in charge of this bill that he allow the debate to run on for the present and we shall be able to take a vote this evening before the adjournment.

Mr. MORROW. Very well.

The CHAIRMAN. The gentleman from California [Mr. MORROW] reserves the balance of his time, fifteen minutes.

Mr. MORROW. Yes, sir. Before surrendering the floor I desire to say that I have a number of tables which I would like permission to print in connection with my remarks.

There being no objection, leave was granted.

Mr. SAYERS. Mr. Chairman, the pending bill carries an appropriation amounting to \$98,427,461 and covers only eight items of expenditure, which are:

For the payment of pensions.....	\$97,090,761
For fees and expenses of examining surgeons.....	1,000,000
For salaries of agents.....	72,000
For clerk-hire.....	220,000
For fuel.....	750
For lights.....	750
For stationery and other necessary expenses.....	25,000
For rents.....	18,200

Total..... 98,427,461

Though nearly a quarter of a century has elapsed since the termination of our civil war, the appropriation for pensions has been largely increased each successive year, until it has now culminated into nearly \$100,000,000 for the fiscal year 1891, to say nothing of the very large deficiency which will surely follow though there be no further legislation upon this subject.

Mr. Chairman, I was much impressed with the remarks of the gentleman from Pennsylvania [Mr. REILLY] on last Saturday, when he spoke of the responsibilities of the three great branches of our Government to the people—the executive, the judicial, and the legislative—and especially of the responsibility which rests upon Congress, the law-making power.

The Committee on Appropriations have for consideration estimates submitted to Congress by the heads of the several Departments, involving enormous expenditures. These estimates, to be properly understood, require the most thorough examination; and I must say for the gentlemen who constitute that committee that they, each and all of them, have exhibited the most earnest and praiseworthy desire to fully meet and to properly discharge the duties which have devolved upon them.

But, sir, since my entrance into this House, more than four years ago, I have been struck with one peculiar circumstance, which is, that within my knowledge, and since I have been here, no inquiry has ever been instituted into the methods that have been employed in the administration of the Bureau of Pensions.

Other offices and bureaus have been criticised, investigated, and denounced by the one party or the other, but the administration of the Pension Office, in the matter of expenditure, has not been seriously questioned for years past. It seems to have been taken for granted that its management has not only been wise, but to no small extent economical; in fact, too much so to satisfy the demands of the soldier element of the country.

Mr. Chairman, many subjects of importance continually arise for consideration. However interesting they may be for the time, they are generally short-lived, and after a limited period of excitement, sometimes intense, they pass from the public mind and are soon forgotten.

Not so, however, is it with the questions of taxation and expenditure. They are ever present, and their presence will continue, as it should, so long as our Government exists.

And it is right that these questions should not only be always with us, but also that they should not diminish in importance; because it is the people whom we represent that must respond to the demands of taxation, and it is their treasure, not the Government's, which must be expended.

The matter of expenditure is practical, not theoretical. Every dollar that is taken from the Treasury, whether rightfully or wrongfully, should be scrupulously accounted for, and the account should be first had with the body whose authority is necessary to its outgoing.

It will be admitted, even by the most liberal gentlemen upon this floor, that \$98,427,461 is quite a large sum to be expended for one single purpose, and the questions, how does it compare with other appropriations of a like character? and why has so large a sum become necessary? are not only pertinent, but they press for an immediate and a direct answer.

Sir, from time immemorial, from the very organization of this Government, the pension system has been recognized. The first appropriation of the kind was made in 1791, and amounted to \$175,813.88. It, therefore, did not originate in and because of the late war, but it was steadily maintained, without a single intermission, through all the years preceding. I hold in my hand a table, the sum total of which is \$1,105,326,017.17. It shows the aggregate annual amount of pension expenditures from July 1, 1860, to January 1, 1890.

An examination of this table discloses that, between these dates, 1,299,580 applications for pensions were filed, that 816,469 applications were allowed, and that there were 508,419 pensioners enrolled and being paid on the 1st day of last January. It must be borne in mind, however, that in the list of claims filed between the 1st day of July, 1889, and the 1st day of January, 1890, are not included 197 applications for bounty land and 82,178 applications for increase of pensions; and in the list of claims allowed during the six months are not embraced 26,647 applications for increase of pension, 5,321 reissues on account of new disability, and 2,921 applications which come under the head of "arrears, accrued, and miscellaneous."

I submit this table to the committee and do most earnestly insist

that, when it shall have appeared in the RECORD, each and every item shall be closely scrutinized. The figures are official and may be relied upon as affording, to that extent, a correct account of the transactions of the Pension Office during the years named.

Table showing the number of pension claims filed and allowed each year since July, 1861, and the number of pensioners on the rolls at the close of each year, with annual disbursements on account of pensions since July 1, 1860.

Fiscal year ending June 30—	Claims filed.	Claims allowed.	Pensioners on the roll.	Disbursements.
1861.....			8,636	\$1,072,461.55
1862.....	2,487	462	8,159	790,384.76
1863.....	49,332	7,884	14,791	1,025,139.91
1864.....	53,599	39,487	51,135	4,504,616.92
1865.....	72,684	40,171	85,986	8,525,153.11
1866.....	65,256	50,177	126,722	13,459,996.43
1867.....	36,753	36,482	153,183	18,619,956.46
1868.....	20,768	28,921	169,643	24,010,981.99
1869.....	26,066	23,196	187,963	28,422,884.08
1870.....	24,851	18,221	198,686	27,780,811.81
1871.....	43,959	16,562	207,495	33,077,381.63
1872.....	26,391	34,333	232,229	30,169,341.00
1873.....	18,303	16,052	238,411	29,185,289.02
1874.....	16,734	10,462	236,241	30,593,749.56
1875.....	18,704	11,152	234,821	29,683,116.63
1876.....	23,523	9,977	232,137	28,351,599.69
1877.....	22,715	11,326	232,104	28,589,157.04
1878.....	44,587	11,962	223,998	26,844,415.18
1879.....	57,118	31,345	242,755	33,780,526.19
1880.....	141,466	19,545	240,802	57,240,540.14
1881.....	31,116	27,394	268,830	50,626,538.51
1882.....	40,939	27,664	285,697	54,296,280.54
1883.....	48,776	38,162	303,658	60,431,972.85
1884.....	41,785	34,192	323,756	57,273,536.74
1885.....	40,918	35,767	345,125	65,693,706.72
1886.....	49,895	40,857	365,783	64,584,270.45
1887.....	72,465	55,194	406,067	74,815,486.85
1888.....	75,726	60,252	452,557	79,649,146.37
1889.....	81,230	51,921	489,725	89,131,968.44
1890, to January 1.....	51,434	27,348	508,419	53,207,604.00
Total.....	1,299,580	816,469	508,419	1,105,326,017.17

Sir, it ought not to be forgotten that since July 1, 1860, and up to January 1, 1890, the vast sum of \$1,105,326,017.17 has been expended for pensions alone, and this fact is of itself a conclusive answer to the charges which have been so often repeated upon this floor, that Congress has been unmindful of the just claims which the soldiers of the late war have upon the country because of the services rendered the Government during the time of its greatest peril.

How it can be said, in the face of this immense and undisputed expenditure, that the rights of the soldier have not been fully recognized and met is to my mind beyond comprehension.

Shall not \$1,105,326,017.17 count for anything?

And shall not the fact that an annual expenditure of largely more than \$100,000,000, for many years to come, must be maintained for them, even though no additional legislation be enacted, be taken into consideration when services upon the one side and gratitude upon the other are to be contrasted, weighed, and measured?

But, sir, in the circumstances which surround us it would be entirely unsafe to estimate for the future. One thing, however, we do know, and that is since July 1, 1860, we have expended \$1,105,326,017.17 for pensions.

Mr. MORROW. That is for all pensions.

Mr. SAYERS. Certainly.

Mr. HOOKER. How much is that a year?

Mr. SAYERS. It is from July 1, 1860, up to January 1, 1890. The gentleman can easily average it.

The amount expended for the fiscal year ending June 30, 1889, was \$89,131,968.44, and for the last six months, mark you, \$53,207,604; so it can be readily seen that the increase of expenditure for the present year must necessarily exceed the increase of expenditure during the preceding year.

Mr. BLOUNT. What do you estimate the figures at?

Mr. SAYERS. It is estimated that the expenditure for the present year will run to as much as \$103,000,000.

Mr. MORROW. The gentleman will recollect the fact that in this \$103,000,000 there are some seven or eight millions of dollars which came over from the year ending the 30th of June, 1889, for unpaid pensions at that time.

Mr. SAYERS. The gentleman will, however, remember that the Committee on Appropriations at the second session of the Fiftieth Congress reported and provided for a deficiency of \$8,000,000.

Mr. MORROW. For the preceding year?

Mr. SAYERS. Yes.

Mr. MORROW. The actual deficiency for 1890 is about \$15,000,000.

Mr. SAYERS. I believe so; but 1890 has not yet terminated, and it can not be said with certainty what will be the final outcome.

Now, Mr. Chairman, in order that the method of our pension ex-



penditures may be the better understood, I submit to the committee another table:

*Amounts paid for pensions to the survivors of the war of 1812, and to the widows of those who served in that war, since 1871, and to the survivors of the war with Mexico, and to the widows of those who served in that war, since 1887.*

## WAR OF 1812.

Fiscal year of—	Survivors.	Widows.	Total disbursements.
1871 (from February 14, 1871).....	\$2,555.05	\$511.00	\$3,066.05
1872.....	1,977,415.84	335,993.63	2,313,409.47
1873.....	2,078,606.98	689,303.59	2,767,910.57
1874.....	1,588,832.95	616,026.40	2,204,859.35
1875.....	1,356,599.86	553,000.21	1,899,600.07
1876.....	1,089,037.18	445,772.95	1,534,810.13
1877.....	934,637.82	361,548.91	1,296,206.73
1878 (from March 9, 1878).....	768,918.47	294,572.05	1,063,490.52
1879.....	1,014,525.66	2,192,699.54	3,207,225.20
1880.....	730,710.39	2,658,058.14	3,448,768.53
1881.....	621,612.80	2,381,890.95	3,003,503.75
1882.....	478,274.85	2,024,307.63	2,502,582.48
1883.....	357,334.81	1,882,542.41	2,239,877.22
1884.....	278,888.85	1,686,302.09	1,965,190.94
1885.....	207,782.80	1,518,202.39	1,725,985.19
1886.....	144,349.59	1,458,896.44	1,603,246.03
1887.....	106,837.01	1,765,582.36	1,871,419.37
1888.....	73,659.48	1,596,604.96	1,670,264.44
1889.....	52,800.27	1,397,487.09	1,450,287.36
From July 1, 1889, to January 1, 1890.....			699,049.99
Total, upon acct of other pensions.....			38,459,613.39

## WAR WITH MEXICO.

1887.....	\$53,148.68	\$2,458.08	\$55,606.76
1888.....	1,861,756.07	583,066.28	2,444,822.35
1889.....	1,796,899.30	693,572.45	2,490,471.75
From July 1, 1889, to January 1, 1890.....			1,226,942.56
Total.....			6,217,833.42

Total disbursements for pensions of all kinds from the fiscal year beginning July 1, 1887, to January 1, 1890..... \$1,105,326,017.17  
Deduct war of 1812 pensions from March 9, 1878 (\$38,459,613.39), and Mexican war pensions (\$6,217,833.42)..... 44,677,446.81

Total..... 1,060,648,570.36

In explanation of this statement, I desire to say that by the act of February 4, 1862, all pensioners who had taken or should take up arms against the Government, or who in any manner should encourage the Confederates or manifest a sympathy with their cause, were stricken from the roll; and that the act of February 14, 1871, placed upon the rolls all who served in the war of 1812 for sixty days and did not come within the proscriptive clause of the act of February 4, 1862. The act of March 9, 1878, restored to the roll all survivors of the war of 1812 and of the Indian wars whose names had been stricken from the roll under the act of February 4, 1862; and where such survivors had died, their widows became entitled to pensions, but not to any arrears for the time during which the act of 1862 was in force.

The survivors of the Mexican war and their widows were not pensioned until January 29, 1887. It will be seen that between February 14, 1871, and January 1, 1890, the sum of \$38,459,613.39 was paid to the war of 1812 pensioners, and that between January 29, 1887, and January 1, 1890, the sum of \$6,217,833.42 was paid to the Mexican war pensioners. Deducting these two amounts from what was paid to pensioners of all kinds between July 1, 1860, and January 1, 1890, we have left the sum of \$1,060,648,570.36, fully 95 per cent. of which, if not more, has gone to the pensioners of our civil war.

But, sir, let us now examine the pension system from another point of view; that is, from the standpoint of the table which I now offer.

Table showing the number of pensioners on the roll, annual value of pensions, disbursements on account of pensions as reported by the Treasury, 1879 to 1889, inclusive, and excess of disbursements over values of pensions.

Fiscal years.	Number of pensioners.	Annual value of pensions.	Disbursements on account of pensions.	Excess of disbursements over annual values.
1879.....	242,755	\$25,493,742.15	\$35,121,482.39	\$9,627,740.24
1880.....	250,802	25,917,906.60	56,777,174.44	30,859,267.84
1881.....	268,830	28,760,967.46	50,059,279.62	21,298,312.16
1882.....	285,697	29,341,101.62	61,345,193.95	32,004,092.33
1883.....	303,658	32,245,192.43	66,012,578.64	33,777,386.21
1884.....	322,756	34,456,600.55	55,429,228.06	20,972,627.51
1885.....	345,125	38,080,985.28	56,102,267.49	18,021,282.21
1886.....	365,783	44,708,027.44	63,404,954.03	18,696,926.59
1887.....	406,007	52,824,641.22	73,436,402.69	20,611,761.47
1888.....	452,557	56,707,230.92	80,288,508.77	23,581,277.85
1889.....	489,725	64,246,532.30	87,624,779.11	23,378,246.81

Total excess of disbursements over annual value of pensions from 1879 to 1889, inclusive..... 252,869,816.42

This statement informs us that the excess of disbursements over the annual value of pensions is \$252,869,816.42. Gentlemen can examine it for themselves. They will be amply repaid for their trouble.

Mr. HEARD. Let me ask the gentleman from Texas a question. I wish to understand this point. The gentleman uses the expression "annual value of the pensions." Does he mean the amount received by the pensioners themselves?

Mr. SAYERS. What I mean by the annual value of the pension is this: It is what is called for in the certificate of the pension; but at the time he receives his first certificate of pension he generally becomes entitled to arrears, which frequently amount to as much as \$10,000. The sums vary of course.

Mr. BLOUNT. Is that the item which makes up the excess to which you refer.

Mr. SAYERS. Yes, in a very great measure, if not altogether.

Mr. BLAND. And the excess is the increase over the face of the pension arising from the arrears.

Mr. SAYERS. That is correct.

Mr. MORROW. Let me understand the statement of my friend from Texas. The total amount that this table shows, as I understand him, is the aggregate of the arrears, the first arrears.

Mr. SAYERS. Yes, as stated in that table.

Mr. MORROW. Or about \$25,000,000 annually?

Mr. HENDERSON, of Iowa. But the statement will also include the accumulations since the extension of the arrears act?

Mr. SAYERS. Certainly.

Mr. CONGER. Do I understand that the table the gentleman has just exhibited shows the difference between the total appropriation for pensions and the amount the pensioners themselves received?

Mr. SAYERS. Oh, no; not at all. The total expenditure for pensions and the annual value of the pensions. The pensioner receives a great deal more sometimes than his annual pension calls for.

Mr. BLOUNT. You mean the annual value to distinguish it from arrears?

Mr. SAYERS. Yes; that which he receives over and above what the face of the certificate declares.

Mr. PETERS. I think, with the permission of the gentleman from Texas, I can make that clear by stating that the first payment amounts this year to \$22,000,000, and that of course includes arrears.

Mr. SAYERS. The gentleman is correct.

Mr. CONGER. But you include in that expenditure the whole investigation that must be gone through with before the pension is allowed?

Mr. SAYERS. The papers, Mr. Chairman, to which I have referred are official.

Mr. CONGER. I know; but do I understand you to mean that you include the whole expenditure for running the machinery of the Pension Office?

Mr. MORROW. Oh, no.

Mr. SAYERS. No; that is an entirely different matter.

Mr. CUTCHEON. If I understand the gentleman correctly, he illustrates the point he is making in this way: If each pension were to commence to be paid from the time from which it is ultimately allowed, at the uniform rate of so much per month, then the annual value of the pension-roll would be the amount of the pension appropriations, and not exceed it.

Mr. SAYERS. Certainly.

Mr. CUTCHEON. But we are constantly allowing pensions that were pending. I have myself knowledge of the fact of a pension in which I was interested which was finally granted after pending for twenty-one years, and, when granted, of course arrears followed, being included in the first payment. Now, the aggregate of the first payment, as I understand the gentleman, increased by reason of that fact, is the sum of the gentleman's figures.

Mr. SAYERS. Of course, it constitutes the excess.

Mr. CUTCHEON. Over and above the annual value of the pension?

Mr. SAYERS. It does.

Mr. HEARD. Let me ask the gentleman if the tables which he has prepared, and from which he speaks, show the increase of expenditures on account of pensions for the last year?

Mr. SAYERS. They do.

Mr. HEARD. Now, I want to ask the gentleman what proportion of the increase was on account of new claims allowed or new allowances, and what proportion is on account of the increase of claims already allowed?

Mr. SAYERS. I can not give the gentleman that information.

Mr. PETERS. If the gentleman will allow me, I can state the entire annual amount allowed for increase is between three and four millions of dollars.

Mr. SAYERS. That is an estimate.

Mr. MORROW. In this statement is the report for the last three years, which will show that. Now, for instance, in 1887, the admitted claims were 32,107 and the annual value \$2,912,591. In 1886 this increased to 45,716 claims of an annual value of \$2,271,445, and for 1889, 71,080 admitted claims, amounting to \$4,229,794.

Mr. SAYERS. Mr. Chairman, I now desire to call the attention of

the committee briefly to a comparison of expenditures for the first six months of each of the past three fiscal years and of the present fiscal year, as shown by this table:

Amount of disbursements of Army and Navy pensions for the six months ending December 31—

1886.....	\$35,016,500.09
1887.....	37,274,628.27
1888.....	43,789,881.90
1889.....	53,063,052.73

Here it will be seen that the expenditures for the six months ending December 31, 1889, were greater than the six months ending December 31, 1886, by \$18,046,552.64, and than the six months ending December 31, 1887, by \$15,790,324.46, and than for a like time preceding December 31, 1888, by \$9,273,170.83.

Truly, the process of evolution has been not only steady, but rapid. The development has been almost marvelous in view of the information which has been given Congress as to the prospective cost of much of the legislation now on our statute-books.

Mr. MORROW. Did you state in that connection the number of pensions for that period?

Mr. SAYERS. No, sir; I will get to that directly.

Now, Mr. Chairman, I think it is peculiarly appropriate at this time to call the attention of the House and country to a comparison between the pension expenditures and other expenditures of the Government. The pension expenditures from March 4, 1789, to June 30, 1861, during a period of seventy-two and one-third years, amounted to \$80,738,327.06, and embraced pensioners of the Revolutionary war, of the war of 1812 with Great Britain, of the Indian wars, and of the Mexican war.

Mr. ROGERS. And the regular Army.

Mr. SAYERS. From the 1st of July, 1861, to January 1, 1890, twenty-eight and a half years, we expended \$1,094,253,552.62. The excess of pension disbursements for the last fiscal year over the pension disbursements from March 4, 1789, to June 30, 1861, a period of seventy-two and one-third years, is \$8,393,641.38. The excess of pension disbursements from July 1, 1861, to January 1, 1890, a period of twenty-eight and a half years, over the disbursement from March 4, 1789, to June 30, 1861, being a period of seventy-two and one-third years, is \$1,013,515,225.56.

Let us now see what our various wars have cost. In the war of 1812—from June 18, 1812, to February 17, 1815—there were 85,000 regulars and 471,622 militiamen and volunteers, being a sum total of 556,622 militiamen, regulars, and volunteers in that war. The expenditures for the support of the Army and Navy in that war amounted to \$112,912,543.54, including the years 1812, 1813, 1814, 1815, and 1816, from which it will be seen that the expenditure for pensions, as provided for in this bill, is only about \$14,485,082.54 less than the cost of the war of 1812, and for a period of five years.

As to the war with Mexico. There were 104,730 men, regulars and volunteers, in that war, and the expenditures for the support of the Army and the Navy for the three years—1846, 1847, and 1848—were \$97,705,860.82. So that the cost of that war was \$721,600.18 less than our pension-roll will cost us during the next fiscal year, as indicated in the bill under consideration. The estimated cost of the Revolutionary war to the United States is about \$135,193,703; of the war of 1812, \$107,159,003, and of the war with Mexico, \$100,000,000. The amount recommended in this bill for pension expenditures during the fiscal year 1891 is \$98,427,461, and I am confident that it will fall short by at least \$20,000,000.

The estimated cost of the late civil war, including all expenses growing out of the war, was a little more than \$6,189,929,009. The number of regulars and volunteers—Army and Navy—engaged amounted to 2,213,365. The expenditure for the support of the Army and Navy from March 4, 1789, to June 30, 1889, was only \$5,844,038,811.20. The gross expenditures of the Government from March 4, 1789, to June 30, 1889, was \$23,245,903,153.01. The expenditures for the Army and Navy from July 1, 1861, to June 30, 1862, amounted to \$431,813,915.28; from July 1, 1862, to June 30, 1863, \$666,575,647.13; from July 1, 1863, to June 30, 1864, \$776,096,012.40; and from July 1, 1864, to June 30, 1865, \$1,153,307,834.13.

In the expenditures for the Army and Navy are included the cost of their maintenance in war and in peace; the construction, armament, and equipment of vessels; the building and maintenance of yards; the erection and armament of fortifications and arsenals; quartermaster, commissary, ordnance, and medical stores. In the gross expenditures of the Government are included the expenditures of the War and Navy Departments, for Indians, pensions, miscellaneous, premiums, interest, and the public debt.

Mr. Chairman, when these figures are read and compared, when they are studied, analyzed, and reflected upon, it will be found that there is not a particle of ground upon which those who are claiming that the Union soldier has not been fairly treated and is entitled to increased pensions, can stand.

The trouble is that the deserving soldiers, the men who bore the burden and sustained the brunt of the war, and who have been disabled through wounds or disease and are not able to support themselves by

their own labor, are not the only beneficiaries of this immense and unparalleled bounty of the Government. Such men have been almost swallowed up in the host of unentitled men whose claims have been advocated and put through by the Pension Office at the instance of pension attorneys, who have grown rich through their successful operations, and whom a very distinguished Republican Senator has denounced "as being, with some honorable exceptions, the worst vermin that have ever infested the body politic."

Mr. Chairman, from the records of the Pension Office we learn that there were upon the roll, because of the late civil war, on the 1st of January last, 474,991 pensioners as against the 2,213,365 men who served in that war.

This, of course, does not indicate the number of pensions that have been granted because of that war.

Comparing these numbers with the numbers which have served in all previous wars and also with the number of pensions growing out of such wars, we find that the number of troops which were in the service of the United States, whether in the Army or in the Navy, during all the wars previous to 1861, was 1,115,853, and that the number of pensions allowed prior to 1866 was:

For the war of the Revolution.....	62,069
For the war of 1812 with Great Britain.....	67,048
For the war with Mexico.....	7,619
For Indian and all other wars.....	1,389
For the Navy.....	3,563

Making a total of..... 141,688

This comparison serves the purpose of showing that, as it now stands, the soldiers in our civil war have been much more liberally treated than those who fought for the Republic in all previous wars. But I was asked a few moments ago as to the pensioners on the roll for the past several years. Replying to that question, Mr. Chairman, I find that on the 30th day of June, 1888, there were upon the roll 419,800 pensioners of the late war, 21,164 of the Mexican war, and 11,593 of the war of 1812; and on June 30, 1889, 455,887 pensioners of the late war, 23,271 of the Mexican war, and 10,567 of the war of 1812; and that on January 1, 1890, there were 474,991 pensioners of the late war, 23,568 of the Mexican war, and 9,860 of the war of 1812.

This shows an increase on June 30, 1889, over June 30, 1888, as to the pensioners of the late war, of 36,087, and on January 1, 1890, over June 30, 1889, of 19,104; and as to the pensioners of the Mexican war, an increase on June 30, 1889, over June 30, 1888, of 2,107, and on January 1, 1890, over June 30, 1889, of 297; and as to the pensioners of the war of 1812, a decrease on June 30, 1889, from June 30, 1888, of 1,026, and on January 1, 1890, from June 30, 1889, of 707.

We will now examine, very briefly, the work of the Pension Office during the past six months.

The number of claims that have been filed during this time is 133,550.

Mr. CUTCHEON. That includes the increase cases also.

Mr. SAYERS. It does. Itemizing, I find the claims filed between June 30, 1889, and January 1, 1890, to be:

Revolutionary.....	0
War of 1812.....	108
Mexican war.....	1,163
Old war.....	117
Bounty land.....	198
Late war, original.....	50,530
Late war, increase.....	83,434
Total.....	135,550

And the number of claims allowed to be:

Revolutionary war.....	0
War of 1812.....	58
Mexican war.....	682
Late war, original.....	27,050
Late war, increase.....	26,976
Reissues (new disability).....	5,390
Restoration.....	722
Arrears, accrued, and miscellaneous.....	2,947
Total.....	63,825

And the number of claims pending December 28, 1889, to be—

Original invalid.....	182,955
Original widows.....	75,370
Increase invalid.....	199,776
Increase and accrued widows.....	2,278
Total pending.....	460,379
Rejected claims with evidence attached.....	36,677

Total claims that must be considered..... 497,056

And the number of pensioners on the roll January 1, 1890, to be—

Revolutionary war service.....	27
War of 1812 survivors.....	513
War of 1812 widows.....	9,347
Mexican war survivors.....	17,114
Mexican war widows.....	6,454
Late civil war invalids.....	373,102
Late civil war widows and others.....	101,889
Total.....	508,446

In the light, Mr. Chairman, of these facts, I can not appreciate the statement of the gentleman from California [Mr. MORROW] that the highest point of the pension expenditures will be reached in 1894. The



vigilance and activity of the pension agents, I am informed by those who are entirely competent to speak upon the subject, continues unabated. Every nook and corner of the earth is being diligently and thoroughly searched in the hope that a pension claim may be secured for attention.

The high-water mark, I fear, is yet far in the distance, and it will be many years before the tax-payers of the country will begin to feel the effect of the declining ebb of the flood.

At this point it may be well to invite the attention of the committee to a very anomalous feature of the pension system. It appears that there are 128 different monthly rates of pension, beginning with \$1 per month and reaching as high as \$416.66 per month. Between these two limits the vast body of pensioners stand. Without taking the time to review the entire list, I will ask the committee to consider only a few of these rates. As instances, I notice that there are 26,875 pensioners who draw \$2 per month; 69,048 who receive \$4; 50,397 who get \$6; 69,828 who are allowed \$8; 24,535 who are paid \$10; 28,431 who receive \$12; and so on until the one who has been given the largest rate is reached.

It will also be noted that fractions of dollars and of cents are not omitted, so exceedingly fine have the lines of discrimination been drawn. Here the drain upon the Treasury has been so very small as to be scarcely perceptible; there the stream breaks out into larger and bolder current; and finally it reaches the volume of a majestic river.

Whether this be the fault of the laws which have been enacted or of administration, or of both, I am unable to say.

Mr. Chairman, it would be impossible within the time allotted me to review all of the legislation which has led to these enormous expenditures. Very generally such legislation has been hastily passed through both Houses of Congress without criticism or inquiry as to the expense involved.

A proposition is made to enlarge the pension-list or to increase the expenditure for the service, and it is accepted and enacted into law sometimes with a haste and carelessness that are not altogether creditable to the legislative branch of the Government. We all know this to be true. As an illustration, Mr. Chairman, permit me to call attention to the arrears act of January 25, 1879, and the manner of its passage through the House.

It was "suspension day" and the bill was in the hands of the committee. It had never been reported to the House. That there may be no mistake, I will read what transpired in regard to this bill. The proceedings are to be found on page 4874, volume 31, of the RECORD, and are as follows:

#### ARREARS OF PENSIONS.

Mr. HASKELL. I move that the rules be suspended and that the Committee on Invalid Pensions be discharged from the further consideration of the bill (H. R. 4234) to provide that all pensions on account of death or wounds received or disease contracted in the service of the United States during the late war of the rebellion, which have been granted or which shall hereafter be granted, shall commence from the date of death or discharge from the service of the United States, for the payment of arrears of pensions, and other purposes; and that the bill be passed, with an amendment.

The Clerk read the bill, as follows.

It is proposed to amend the bill by inserting as section 4 the following: "No claim agent or other person shall be entitled to receive any compensation for services in making application for arrears in pensions."

And also to change section 4 to section 5.

Mr. BANNING. I understand that this is the bill reported from the Committee on Pensions and recommended by them.

Mr. RIDDLE. No, sir; it is not the bill.

The SPEAKER pro tempore. Debate is not in order.

Mr. BANNING. I ask for the reading of that section which was not contained in the bill reported from the Committee on Invalid Pensions.

Mr. RICE, of Ohio. The bill was not reported from the committee at all.

Mr. EDEN. That is in the nature of debate, and is not in order on a motion to suspend the rules.

Mr. CUMMINGS. I call for the yeas and nays upon the motion to suspend the rules. [Cries of "Tellers!"] I withdraw the demand for the yeas and nays for the present.

The question was put on the motion to suspend the rules; and on a division there were—yeas 90, nays 20; no quorum voting.

Mr. HASKELL. I call for tellers.

Mr. BROWNE. I call for the yeas and nays.

Mr. WHITE, of Pennsylvania. Can not we understand whether this is the bill that was reported from the Committee on Invalid Pensions or not?

Mr. RICE, of Ohio. I will state that it is not the bill. I have been trying to get the bill reported unanimously from the committee acted upon, but have failed to do so.

Mr. CONGER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 161, nays 61, not voting 65; as follows.

So (two-thirds voting in favor thereof) the rules were suspended, and the bill passed with the amendment.

Has any legislation of an important character ever been considered by this House in so rapid and negligent a manner? No inquiry of moment is made; no information is asked for; not a single word of criticism falls from the lips of any one.

The bill passes the House under these circumstances by a two-thirds vote and goes to the Senate.

That body gives the measure more consideration. It is referred to the appropriate committee and is reported back to the Senate. Some debate was had upon the bill, a portion of which I will submit to this

committee. It is to be found on page 484, volume 33, of the RECORD:

The bill was reported to the Senate without amendment.

Mr. SAULSBURY. I should like the chairman of the Committee on Pensions to indicate to us something as to the amount of money which will be required to pay the pensions here provided for. We ought not to vote blindly on this matter.

Mr. INGALLS. Mr. President, in 1876, when a similar measure was pending before the Senate, I addressed a communication to the Commissioner of Pensions, and asked him for information in regard to the amount which would be required to make the bill operative. I received from him a statement which was printed as Miscellaneous Document No. 113, at the first session of the Forty-fourth Congress, which gives in detail, as far as it could be ascertained from the Pension Office, the amount that would be required to pay the arrears, both of invalids and widows and dependents, in each year since the adoption of section 4709 of the Revised Statutes.

I do not know that it will be necessary to read specifically the annual amounts, but up to the 1st of January, 1876, the Commissioner reports that there were 16,454 invalid cases to which the limitation of the section applied and the estimated amount of arrears at that time was \$9,529,775. The number of widows and dependents was 5,145. The amount required to pay the arrears of those would be \$3,887,334; making a total at that time of \$13,417,109.

There have been three years since that date, and of course I can only estimate what amount would be required since this computation was made; but taking the estimate for 1875 as an average, my judgment would be that this sum should be added not less than \$5,000,000 for claims since allowed to which the limitation now applies. Of course these estimates are very largely in the nature of surmises, because we can not tell until the bill is put practically in operation exactly what will be required.

Mr. CONKLING. Making in all how much, as the Senator has it there?

Mr. INGALLS. Making in all, up to the 1st of January, 1876, the sum of \$13,417,109, and that amount I should judge would be increased, by not less than \$5,000,000 up to the 1st of January, 1879.

Mr. CONKLING. Which makes about \$19,000,000?

Mr. INGALLS. I should judge somewhere from eighteen to twenty million dollars in round numbers. Of course, it is impossible to make anything like an accurate calculation upon matters of this kind.

The distinguished Senator, Mr. Chairman, was quite right in adding the saving clause to his statement. It is to be supposed that he was not unaware that the cupidity of man, the searching and everywhere present activity of the pension agent, and the exigencies of party were three prime factors, of immeasurable and undefinable influence, that would necessarily have to be taken into the account in order to reach even an approximate estimate of the cost which the bill then under consideration would inevitably entail upon the Government. And it will be so in regard to every other measure of like character.

This bill, so hastily passed, received the signature of the President on the 25th day of January, 1879. It had been in force seven years, when the Commissioner of Pensions, in reply to a communication from the Hon. SAMUEL J. RANDALL, chairman of the Committee on Appropriations, officially stated that under and because of said act and of the limitation act of March 3, 1879, expenditures had been made to June 30—

1883.....	\$105,255,682.00
1884.....	22,451,997.25
1885.....	28,842,362.81
1885, in cases on rolls January 25, 1879.....	24,501,896.87

Total amount expended to June 30, 1885, as results of the acts of January 25 and March 3, 1879..... 179,401,872.93

To this amount must be added the expenditures under and because of said acts since July 1, 1885, as estimated by the gentleman from California [Mr. MORROW], \$73,030,500, and we have \$252,433,372.93 as the result of these two acts, and the end is not yet.

What is still in store for us as the ultimate and total consequence of this legislation no man can safely predict. In view of the enormous expenditures which have been made because of these acts, it is indeed fortunate that the limitation act of March 3, 1879, was passed.

Otherwise the expenditures would have been vastly increased. This limitation was, I believe, placed by the Senate upon an appropriation bill that had already passed the House.

I have not the time, Mr. Chairman, to refer to other pension legislation, but will now, hurriedly and briefly, call the attention of the committee to some features of the administration of the service.

Before doing so, however, I desire to impress upon the minds of gentlemen that the plain, direct, and undisputed tendency, for years past, of both legislation and administration has been and is now to give applicants the readiest and easiest access to the inner chamber of the Pension Office. Safeguard after safeguard has been removed, until scarcely an obstacle stands in the way of an unscrupulous applicant. Sir, I know of no better authority upon the question of profligate and fraudulent expenditures in the matter of pensions than Hon. J. A. Bentley, a former Commissioner.

In a letter to the Secretary of the Interior of February 4, 1870, this gentleman, in his official capacity, said:

In each of my three annual reports I invited attention to the defects in the system now provided by law for the adjustment of pension claims. The passage of the act of January 25, 1879, very greatly emphasizes the necessity for immediate and efficient legislation in that direction, and I therefore again allude to the subject.

The present system, being entirely *ex parte* in its proceedings, furnishes extraordinary facilities for the successful prosecution of fraudulent and unscrupulous claims, thus inviting the presentation of that character of claims.

As the law stood previous to the passage of the arrears act the temptation to fraud was very great, but since that act it is many times increased. Then the claims were comparatively few in which any considerable sum of money would be the immediate reward of a successfully prosecuted claim, but since

that not every invalid claim allowed, as well as many of the other classes, will have in it from several hundred to several thousand dollars due the claimant at the first payment.

It is estimated by those best informed that there have been not less than \$2,000,000 paid out annually for fraudulent pensions. In my judgment, the estimate is below, rather than above, the actual amount.

With the temptation to the commission of fraud so greatly increased and the road to the Treasury easy through *ex parte* proceedings, the consequences can easily be foretold. Not only will the people be taxed to pay an annual tribute to the unworthy amounting to several millions of dollars, but with so many claims pending, and still to be presented, and the avenues to the two or three hundred persons, more or less, who are charged with their adjustment, open for the approach of interested parties, it will be little less than a miracle if extensive official corruption does not follow.

In transmitting this letter to the House of Representatives Mr. Schurz, who was then the Secretary of the Interior, wrote:

The fact that such large amounts will be required to pay arrears of pension furnishes an additional reason for urging the adoption of some means for the protection of the Government against frauds in pension claims more efficient than can be had under the present system, which rests almost entirely upon *ex parte* evidence.

And, again, in his annual report of November 1, 1879, the same Commissioner says:

Besides being cumbersome and expensive, the present system is an open door to the Treasury for the perpetration of fraud. The affidavits in support of claims have the same appearance to the officers of the bureau, whether false or true. The rules which are established in relation to the production of evidence in attempting to exclude the frauds often work a hardship upon the honest claimant. He finds himself, through the death or imperfect recollection of witnesses or for some other cause, unable to comply with them, is often defeated, while the fraudulent claimant, who will manufacture the necessary testimony to meet them, succeeds in his claim.

The large sum of money which the claimant will receive upon the allowance of his claim and the ease with which a fraudulent claim may be manufactured constitute a powerful inducement to dishonest persons to present fraudulent claims, and these occupy the attention of the office in attempting to determine their merits, which ought to be given to the meritorious claims, and thus, by the encouragement of fraudulent claims, the system operates to delay the others to such a degree that, in many cases, it results in a practical denial of justice. And the pursuit of the necessary medical inquiries is little better than a farce. There are about 1,700 surgeons, for the most part neighborhood practitioners, who make the examinations of the claimants in their respective neighborhoods, and report their condition to the Commissioner of Pensions, for which service they are paid by the Government a fee of \$1 (formerly \$2) for each examination.

Without reflecting upon the intelligence and integrity of these surgeons in general, it is a fact that the reports of these examiners too often bear evidence that they were of the most superficial character, and not unfrequently are they found to be untruthful in whole or in part, sometimes to the prejudice of the Government and then again to the prejudice of the claimant. And the consequence is, the medical referees and other professional gentlemen, whose business it is to review the medical side of the cases, are oftentimes as much in the dark in relation to the existence and character of the claimant's alleged disease and the degree to which he is disabled by it as though no examination had been made, and not unfrequently arrive at wrong conclusions, and injustice follows, either to the claimant or to the Government.

It would seem that the fact that *ex parte* methods in the ascertainment of truth in doubtful or disputed questions have been condemned by the civilized world for centuries, and that open public proceedings, bringing parties and witnesses face to face that they may be interrogated, such as are proposed by the new plan, have been adopted by the unanimous judgment of enlightened people, based upon the common observation of mankind, ought to leave no question as to the propriety of discontinuing the *ex parte* system in pension claims.

There is another aspect of the *ex parte* system which should receive the most earnest consideration on the part of the Government, and that is its fruitfulness of crime against the laws, in the nature of perjury, forgery, and false personation.

The following table shows the number of the two first-named offenses committed in the cases of 500 pensioners whose names have been dropped from the rolls since July 1, 1876, because the pensions were obtained by fraud:

	Invalid.	Widows, etc.	Total.
Number of claims.....	229	271	500
False affidavits made by—			
Officers.....	291	95	386
Comrades.....	179	69	248
Civilians.....	763	1,687	2,450
Total.....	1,233	1,851	3,084
Total number of affidavits filed in the cases.....	1,581	2,816	4,397
Number of forgeries.....	6	86	92

It will be seen that 70 per cent. of these affidavits were false. There had been paid to these 500 pensioners before their fraud was discovered \$947,225.

Mr. Chairman, I commend to the committee the argument and statement of this Commissioner, a Republican of much experience in this branch of the service and a gentleman of undisputed integrity and of undoubted ability. It truthfully and forcibly applied to the condition of things as they then existed. It will also apply with equal or greater truth and force to the service as it has since existed and as it now exists.

The accuracy of these statements, so far as I am informed, has never been questioned.

But, sir, let us pass to matters of more recent date. I will now call the attention of the committee to facts which have transpired within the past two years, and which are still fresh in the memories of those whom they more directly affect than ourselves. As I have before said, since my membership of this House there has not, so far as my recollection goes, been an investigation of the Pension Office. Its records are practically a sealed book to the House of Representatives except in so

far as the Commissioner has revealed them to us in his reports; therefore I shall confine myself to such facts only as I have, through my own efforts, been able to ascertain.

Mr. MORROW. Has the gentleman seen any evidence of reluctance on the part of the present Commissioner to furnish the committee with whatever information they might require?

Mr. SAYERS. I have no charge to enter against the present Commissioner; I have made no charge against him. It is of the administration of his immediate predecessor and of the present Assistant Secretary of the Interior, Mr. Bussey, that I propose to speak.

Mr. Chairman, on the 25th of January last the Commissioner of Pensions was asked by the chairman of the pension subcommittee, at my request, to give the names of all officials, clerks, and employes in the Pension Office and connected therewith who have been rated since March 27, 1889; the dates of their ratemement, respectively; the salary and the pension which each one, when rated, was receiving; the pension which each one so rated is entitled to receive by virtue of such ratemement, and the amount of arrears which accrued to each one under and because of such ratemement. On the 12th instant he furnished the following answer:

Names of employes of Pension Bureau who are pensioned and who were rated between March 28, 1889, and September 1, 1889, inclusive.

Certificate number.	Name of employe.	Salary.	Annual value of pension prior to rating.	Annual value of pension by virtue of rating.	Date of rating certificate.	Amount of rating.
204369	Frank A. Butts a.....	\$2,000	\$153	\$360	May 3	\$2,158.54
106482	William S. Bell.....	1,400	204	360	May 29	286.33
77146	William M. Barnett.....	720	540	540	June 1	955.75
202410	Joseph S. A. Baker.....	1,000	288	288	June 10	2,105.12
40779	George J. Bond.....	1,200	540	540	June 12	715.50
190607	John E. Carpenter b.....	1,800	288	360	May 16	1,803.03
82315	Wallace W. Case.....	2,000	180	360	May 29	1,257.20
60993	Silas Colgrove.....	2,000	270	360	June 6	1,822.50
60993	Thomas W. Dalton.....	12,000	540	540	May 21	955.75
8491	Perley B. Dickerson.....	1,400	540	540	May 22	820.75
126969	William P. Davis.....	1,800	225	270	May 27	1,085.35
117185	Joseph Dickinson.....	1,800	360	360	June 3	823.33
126969	William P. Davis.....	1,000	270	360	June 11	737.60
44757	Alva H. Doan.....	1,600	120	360	June 12	3,022.00
230828	Benjamin F. Darling.....	1,400	288	360	July 8	27.20
79852	James Edgar Engle.....	1,800	540	540	June 13	828.00
193079	John M. Foote.....	1,400	144	192	July 20	542.67
46816	John G. Greenawalt c.....	1,400	48	168	Mar. 28	537.29
327077	William M. Goodlove d.....	2,000	192	204	May 23	331.73
79421	Edward Howard.....	1,200	360	360	May 21	653.47
161233	Valentine M. Hodgson.....	1,400	204	288	May 27	1,917.89
336930	William J. Hilligoss e.....	2,000	144	204	June 1	184.00
92708	Joshua R. Hayes.....	1,000	225	270	Aug. 14	210.29
92980	Jefferson H. Jennings.....	1,400	96	204	May 20	1,715.60
154785	Dennis T. Kirby.....	1,400	257	360	June 7	1,844.83
114510	Ezekiel H. Maxwell.....	1,400	72	120	May 15	391.27
183499	Forest W. McElroy.....	1,200	192	432	May 31	1,029.69
178245	Philip Metzger.....	1,600	204	204	June 7	877.97
162156	Charles Mc artee.....	1,400	36	204	June 11	321.77
14317	Moses D. Neal.....	600	168	168	May 29	138.27
102168	Henry A. Phillips.....	2,000	204	288	April 23	3,748.77
37673	Frederick W. Partridge.....	1,200	360	360	May 8	4,037.33
164696	William K. Peidle.....	1,400	180	240	May 14	1,466.50
230246	Jacob Pinick.....	1,200	144	144	May 15	86.93
267829	William B. Pratt.....	1,400	51	156	May 27	286.97
273786	John L. Paine.....	1,400	48	204	May 29	2,397.53
166321	Nathan B. Prentice.....	1,400	48	48	June 4	465.87
164948	Edward C. Parkinson c.....	1,400	96	360	June 4	2,555.33
46448	Frederick A. Piper.....	1,400	48	72	July 2	581.71
280316	James E. Smith h.....	2,000	240	360	May 8	1,236.20
16848	Ashland B. Swiggert.....	1,800	288	360	May 25	1,463.77
54566	Hiram Smith, jr. f.....	3,600	540	864	July 29	6,262.29
121513	Frederick Tyers.....	1,000	96	120	June 7	1,024.27
17864	Isaac B. Thatcher.....	720	168	204	June 19	1,007.30
20788	John R. Walston.....	1,400	120	192	June 8	2,117.40
289486	Winfield F. Works.....	1,400	48	96	June 8	152.00
Total.....						58,610.79

a Acting chief of division.

b Medical examiner.

c Special examiner.

d Qualified surgeon.

e Chief of division.

f First Deputy Commissioner.

Suppose, Mr. Chairman, that this list should be read around every camp-fire of the Grand Army of the Republic throughout the country, can it not be easily imagined what would be thought and said of these officials—all of them drawing good salaries—all in the Pension Office, and in daily and direct communication with its chief and his immediate advisers and subordinates?

I call the attention of gentlemen on both sides of this Chamber whose constituents are, for especial reasons, deeply and directly interested in the proper administration of this great bureau, which not only handles more than an hundred millions of dollars annually, but also adjudicates thousands and tens of thousands and hundreds of thousands of claims, to its transactions, as evidenced by this statement.

Why, sir, suppose the Secretary of War or the Secretary of the Navy or the Secretary of the Treasury had permitted such a thing to occur in their Departments, do we not all know that within an hour after it had



become known to the House a dozen members would have been ready and eager to offer resolutions looking to an immediate investigation? Here we find a chief of division, already enjoying a salary of \$2,000 per annum and drawing a pension, not only procures an increase of his annual pension, but also arrears amounting to \$3,748.77. I refer to Henry A. Philips.

Mr. RAINES. Does not the gentleman know that no chief of division in the Pension Office can rerate himself?

Mr. SAYERS. I know that these reratements could not have occurred unless the officials, whose names appear in the list, were willing parties to the scheme, and they are responsible for it. Observe the dates of these reratements, how close they are together. All of the parties are in the same building and in daily intercourse with each other. Can any one, in his senses, doubt the existence of a conspiracy by them to take advantage of the time, the circumstances, and the occasion to their own enrichment? And, in this list, we find the name of John E. Carpenter, a medical examiner, getting a salary of \$1,800 per annum and drawing a pension. He is rerated, or rather he assists to rerate himself. His pension is increased and he pockets the neat sum of \$1,803.03 in the way of arrears. And William M. Goodlove, also a qualified surgeon, enjoying \$2,000 a year as salary and a pension, comes in for his share.

And Frank A. Butts, an acting chief of division; and Edward C. Parkinson, a special examiner; and James E. Smith, another chief of division; and Hiram Smith, jr., First Deputy Commissioner, a gentleman not unknown to fame, were also members of this celebrated pool, formed for the purpose of raiding the Treasury.

Gentlemen of the committee, I earnestly invite you to a careful consideration of this statement.

Mr. MORROW. Does the gentleman propose to insert in that connection the list that he has received from the Pension Office showing the rerating of employes by Commissioner Black?

Mr. SAYERS. Certainly. I will read that list now, if it will do the gentleman any good. I do not propose to shield Democrats at the expense of the Republican party. If Democratic Commissioners of Pensions or Democratic employes have been doing wrong, give us a committee of Republicans and Democrats; let them examine the Pension Office from top to bottom and for many years past.

Mr. CUTCHEON. I suggest that there will be no more opportune moment to insert that list than just now, especially the case of Deputy Commissioner Bartlett, who was rerated by Commissioner Black.

Mr. SAYERS. All right; I shall be glad to refer to the case which the gentleman mentions.

Mr. MORROW. The name of Deputy Commissioner Bartlett, however, does not appear on that list; that is an outside case.

Mr. SAYERS. If the name of Deputy Commissioner Bartlett does not appear on this list, the Commissioner of Pensions has not certified to me all the facts. If he has withheld the name of Deputy Commissioner Bartlett, how many more may have been withheld?

Mr. MORROW. The gentleman will pardon me. The case of Bartlett was not a case of rerating; and that is the reason it does not appear on the list. The facts involved in that case were that while Mr. Bartlett was Deputy Commissioner, drawing \$3,600 a year, his case, under what is called "the forty-eight-hour order," was required to be examined at once; and while the medical examiner had fixed the pension at \$22.50 the Commissioner gave him \$30 peremptorily and arbitrarily.

Mr. SAYERS. I wish it understood that I make no assault on the present Commissioner of Pensions. So far as he is concerned I have no reason to believe that he is not acting honestly and discharging his duty to the best of his ability.

Mr. HILL. Can you tell us how many cases of employes of the Pension Office were rerated during the period to which you have referred?

Mr. SAYERS. There were forty-six.

Mr. HILL. How many in all were rerated during the same period?

Mr. SAYERS. Under Commissioner Black?

Mr. HILL. Under Commissioner Tanner.

Mr. SAYERS. I do not know; I have not got that information.

Mr. HILL. You gave the figures of something between two thousand and three thousand cases that have been rerated.

Mr. SAYERS. That was only for six months.

Mr. HILL. Well, during that period of six months how many were rerated in all.

Mr. SAYERS. The answer will appear in my remarks.

Mr. HILL. I would like the gentleman to now state the exact figures.

Mr. SAYERS. Here is a statement of the number of pension cases rerated between March 28, 1889, and August 31, 1889, inclusive, the number being 1,396.

Mr. DOCKERY. At what cost?

Mr. SAYERS. The value of the pensions before rerating was \$191,866; afterward \$287,906. The total amount was \$997,547.61.

Mr. HILL. Then, as I understand, out of a total of 1,396 persons rerated during that period of six months 46 were employes of the Pension Office?

Mr. SAYERS. I so understand. I now submit the table called for by the gentleman from California [Mr. MORROW].

*Names of employes of Pension Bureau who are pensioners, and who were rerated between September 1, 1888, and March 27, 1889, inclusive.*

Certificate number.	Name of employe.	Salary.	Annual value of pension prior to rerating.	Annual value of pension by virtue of rerating.	Date of rerated certificate.	Amount of rerating.
75816	John D. Anderson a	\$4,000	\$432	\$432	Feb. 27, 1889	\$1,379.67
61731	Philip H. Barton c	2,250	240	360	Jan. 31, 1889	194.00
54495	James B. Coit d	2,000	261	300	Feb. 8, 1889	1,580.70
164584	Watson H. Cook	1,400	123	204	Jan. 8, 1889	1,430.71
158455	William H. Helpbringer	1,400	48	96	Nov. 27, 1888	439.32
217961	Pierce McMurtrie	1,400	96	204	Jan. 19, 1889	770.07
195491	William C. Mason	1,600	48	204	Feb. 15, 1888	629.77
178245	Philip Metzger	1,800	120	204	Mar. 9, 1889	729.03
316496	Richard C. Rynex	1,400	120	144	Feb. 8, 1889	91.47
117165	Joseph Dickinson	1,600	330	360	Sept. 15, 1888	713.33
	Total					7,958.07

a United States pension agent.

b Navy.

c Assistant medical referee.

d Chief of division.

Mr. HILL. Does the gentleman know any good reason why the Pension Office employes should not be rerated as other employes if they are entitled to it.

Mr. SAYERS. I do not believe if I were placed as a custodian of the Treasury I should be the first man to put my hand into its vaults or to take advantage of the fact of my being nearest to the Treasury and, when there is an opportunity, increase my salary. [Laughter.] As suggested by my friend from Arkansas, I should not play "sooner" on the rest. [Laughter and applause.]

Mr. HILL. Does the gentleman say because they are employes of the Pension Office that fact precludes them from filing their applications as other soldiers?

Mr. SAYERS. That is a question of taste. If a man is drawing a big salary and wants to get more money by virtue of his official position, it is a matter of taste. I would not do it myself. [Applause.]

Mr. HILL. If it is a mere question of taste then it does not follow there is any fraud or collusion in it.

Mr. SAYERS. The question of taste often involves a moral, if not a legal fraud and also collusion.

Mr. MORROW. The gentleman from Texas does not read the rerating under Commissioner Black. [Laughter.]

Mr. SAYERS. I will put it in my remarks.

Mr. MORROW. It would only take a moment to read a portion to the House.

Mr. SAYERS. It is a pretty good showing for Commissioner Black, and I will read it.

Mr. MORROW. Read it.

Mr. SAYERS. I will. The number of cases from September 1, 1888, to March 27, 1889, was 1,118; their value, prior to reratement, \$150,288.77, and after reratement \$191,423, with a total amount of \$543,140.36, which would show a difference of \$449,407.25 between the two administrations.

Mr. MORROW. It is only a question of degree, then.

Mr. SAYERS. Of amount.

Mr. MORROW. General Black rerated 1,118 and Tanner 1,136.

Mr. SAYERS. The statement as to General Black begins September 1, 1888, and ends March 27, 1889; and as to Mr. Tanner, it begins March 28, 1889, and ends August 31, 1889. But I do not wish to have any contention with the chairman of the subcommittee as to the relative abilities of Commissioner Black and Commissioner Tanner to get money out of the Treasury. [Great laughter and applause.]

Mr. BUTTERWORTH. Will the gentleman let me ask him a question?

Mr. SAYERS. I am always glad to accommodate the gentleman.

Mr. BUTTERWORTH. You are always kind. I understand the rerating began under our friend Tanner, and that Commissioner Black, our excellent friend, in 1888 began this loose rerating. [Laughter.]

Mr. SAYERS. I do not admit that.

Mr. BUTTERWORTH. And it continued until 1889 without interruption.

Mr. SAYERS. I do not admit that. It continued, as I understand, for almost a year in the office without interruption. I understand that Commissioner Tanner was appointed in March, and when it was ascertained that rerating was going on among the officials in the office it was arrested, and he was removed.

Mr. BUTTERWORTH. I do not know as to that.

Mr. SAYERS. I ask the gentleman if he was removed?

Mr. BUTTERWORTH. He is not there now. [Laughter.]

Mr. SAYERS. Was he removed? [Renewed laughter.]

Mr. BUTTERWORTH. He was removed, but I do not know whether he removed himself or because of a suggestion from the Administration.

[Laughter.] And I wish to have my friend's attention for a moment, in order to commend the Administration for correcting it as soon as it was discovered.

Mr. SAYERS. I am willing that the Administration shall have all the credit it can get before the country for appointing Mr. Tanner Commissioner of Pensions and for its action in summarily dismissing him from office. That is a question I shall have nothing to do with just now.

Mr. BUTTERWORTH. My friend will observe that he went on uninterruptedly under our friend, the late President, while in this particular instance the moment the same offense was repeated it was instantly checked and the offender removed. He will comment on that further on, of course.

Mr. SAYERS. I have already commented—

Mr. HILL. If it will not interrupt the gentleman from Texas, he says that these are things he had nothing to do with. Why, then, inject them into the debate?

Mr. SAYERS. I will tell the gentleman why I have injected them into the debate. I was appointed through the kindness of the Speaker of this House a member of the Committee on Appropriations, and through the kindness of the gentleman from Illinois, the chairman of that committee, I was appointed to the subcommittee on pensions, and I felt it my duty not to sit here with my lips closed while a bill amounting to nearly \$100,000,000 of appropriation was passing through the House.

Mr. HILL. You thought it a good chance to make a speech?

Mr. SAYERS. First rate; and I have availed myself of it.

Mr. LANE. And made a good speech.

Mr. SAYERS. Now, Mr. Chairman, I desire to say a few words to the old soldiers on the Republican side, to the men who saw active service, who went early into the field.

Mr. BUCHANAN, of New Jersey. Before the gentleman leaves this branch of the subject will he yield for a question?

Mr. SAYERS. Certainly.

Mr. BUCHANAN, of New Jersey. The gentleman seems to have received information from the Pension Office which he has been discussing. Has he discovered, by anything obtained from the office, that there has been any rerating under the present Commissioner, General Raum?

Mr. SAYERS. It does not extend to General Raum. I have said to the committee, Mr. Chairman, time and time again, that I have no question with General Raum as to the administration of the office since he has had charge of it, for I know nothing about it. I have an amendment, however, that I shall offer to this bill, which if adopted by the House may develop some facts later on.

At this point, Mr. Chairman, I desire to present to the committee a statement, which can not be otherwise than interesting. It introduces into this discussion and brings before the committee a gentleman who has made himself somewhat famous by reason of his decisions reversing the action of the Pension Office upon applications for pensions.

The statement speaks for itself and furnishes its own best analysis. It is as follows:

*Statement of pensions paid, result of reversals by the Secretary of the Interior.*

September 1, 1888, to March 26, 1889:	
Amount under Commissioner J. C. Black.....	\$38,503.18
March 27, 1889, to October 18, 1889:	
Amount under Commissioner James Tanner.....	103,695.86
October 19, 1889, to March 7, 1890:	
Amount under Commissioner Green B. Raum.....	48,152.33
Total amount from September 1, 1888, to March 7, 1890, inclusive.....	190,351.37
Total number of certificates issued.....	144

We have seen, Mr. Chairman, one method by which increased pension expenditures have been obtained; that is, through favoritism among the officials in the central office.

But it sometimes happens that the office itself can not afford the desired relief, and an appeal to departmental authority becomes necessary.

It appears, sir, that since the advent of the present Administration into power many rehearings have been granted upon claims rejected by General Black while he was Commissioner. In other words, certain of these rejected claims have been reconsidered and allowed by Assistant Secretary Bussey, and it is to some of his decisions that I propose to now call the attention of the committee.

The first one is that of Daniel B. Kaufman, late captain in the Forty-eighth Regiment of Pennsylvania Volunteers.

His claim for a pension had been rejected under a departmental decision rendered October 22, 1887. I ask the attention of the committee to this case, and especially do I ask those gentlemen of the House who, when the war of 1861 began, volunteered for the preservation of the Union and did their full duty at all times and under all circumstances, whether in the camp, on the march, or on the field of battle.

The decision of October 22, 1887, rejecting this man's application for a pension, rested solely upon the ground that he had been dishonorably discharged the service. It appears from the records, which I hold in my hand, that Captain Kaufman was arraigned and tried before a general court-martial, convened near Petersburg, Va., upon the charge of

cowardice. He was found not guilty of cowardice, but guilty of gross misconduct before the enemy, and his sentence was, "To be dismissed the service of the United States." Major-General Meade, in General Court-Martial Orders, No. 28, dated August 1, 1864, approved the proceedings, finding, and sentence in the case of Captain Kaufman, and directed that he should cease to belong to the military service of the United States from the date of the order. These facts are not disputed. The Assistant Secretary, Mr. Bussey, reversed this decision and admitted Kaufman to the pension roll.

In the course of his argument, Mr. Chairman, which is quite lengthy, Mr. Bussey says that—

The pension system is not one of privileges, nor of rewards, nor of honors, nor of morals. It is purely and exclusively a system of governmental gratuity, of aid, of care for the physically disabled whose wounds or injuries or diseases have been incurred in and by reason of the service.

The language of the Assistant Secretary is plain and can be easily understood. There can be no doubt as to its meaning, and, if it be the true legal definition of the system, the opinion heretofore held is a false one and should be immediately and completely abandoned.

General Black, in one of his rulings, has said:

No ordinary man can believe, without convincing proof thereof, that it has been designed to exact of the soldiers of the regular Army, and of that great class of volunteers of other and honorable wars, the condition of an honorable discharge or release from service and at the same time allow that the company of their equally honorable brethren of the war of 1861 should be degraded and lowered in the universal estimation of mankind by admitting to the high privilege of the pension-roll those not honorably discharged or released from service. Or, in other words, the Commissioner can not believe that the Government intends that the deserter of the war of 1861 should be placed upon a par with the faithful soldiers of that great war and all the wars that preceded it.

And Governor Hovey, of Indiana, speaking for the association of which he is so prominent a member, declares that—

Pensions should be granted, not for the support of the pensioner alone, but as a badge of distinction for past services. Like the Victoria Cross or the French Cordon of Honor, they should be the evidence of bravery, loyalty, and service for our country.

Mr. Chairman, can there be a greater variance in language and idea than is here exhibited as to the true meaning and intention of the pension system? Which of these definitions will the House and the country accept as true, the one given and maintained by Mr. Bussey as a guide to his official action in such matters or that which has the sanction of two such distinguished soldiers as Governor Hovey and General Black?

Mr. HILL. I understand the gentleman to say that he will incorporate that entire decision.

Mr. SAYERS. I have said so; but the gentleman will have an opportunity to answer in his own time. I intend to put this case fairly before the committee.

Sir, to-day, at this very hour, this man, Captain Kaufman, a dishonorably dismissed officer, is drawing his pension, and his name is upon the roll amongst the names of those who fought and I-felt their lumps at Chickamauga, Chancellorsville, Gettysburgh, and the many hundred battle-fields of the late war. Is it right that this should be so?

Mr. CUTCHEON. I would appeal to the gentleman in criticising the Assistant Secretary of the Interior that he at least give him the benefit of the whole of the decision.

Mr. SAYERS. I have it with me. I have not had time to read it all, but I will put it in.

Mr. CUTCHEON. Insert it in the RECORD.

Mr. SAYERS. In order that there may be no doubt as to the dismissal of Captain Kaufman from the service, I beg to read the order itself:

[General Court-Martial Orders, No. 28.]

HEADQUARTERS ARMY OF THE POTOMAC, August 1, 1864.

IV. Before a general court-martial, of which Lieut. Col. J. C. Whiton, Fifty-eighth Massachusetts Volunteers, is president, convened at camp near Petersburg, Va., by virtue of General Orders, No. 29, from headquarters Second Division, Ninth Army Corps, of June 20, 1864, was arraigned and tried—

Capt. D. B. Kaufman, Forty-eighth Regiment Pennsylvania Veteran Volunteers, upon the following

Charge: Cowardice.

Finding: Not guilty of cowardice, but guilty of gross misconduct before the enemy.

Sentence: "To be dismissed the service of the United States."

The proceedings of this court-martial and this sentence are approved.

By command of Major-General Meade.

S. WILLIAMS, Assistant Adjutant-General.

The CHAIRMAN. The hour of the gentleman from Texas has expired.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I suppose that as a member of the subcommittee I would be entitled to take the floor; and, if it is agreeable I will take the floor and yield as much time to my friend from Texas as he desires.

Mr. MORROW. I think at this time it would be well to fix the limit of this general debate. Will the gentleman from Texas indicate when general debate shall be closed?

Mr. SAYERS. We will probably get through this evening.

Mr. MORROW. How much time do you require?

Mr. SAYERS. I will not take more than ten minutes longer.

Mr. Chairman, I will now rapidly and without comment invite the attention of the committee such portions of other cases as will



not only make the opinions rendered by the Assistant Secretary thoroughly understood, but will also bring into close and certain light the policy that he has inaugurated in reference to the allowance of pension claims.

The first case is that of Zenas Hamilton.

Mr. MORROW. What page is that on?

Mr. SAYERS. On page 3. This application was rejected on the 5th day of March, 1885, and a new hearing was asked after the appointment of Mr. Bussey as Assistant Secretary of the Interior.

A MEMBER. Who was his attorney?

Mr. SAYERS. Milo B. Stevens & Co. In this case the Assistant Secretary says:

I am clearly of the opinion, after considering the facts connected with the incurrence of the injury for which this claim for pension is made, that the second point contended for in said motion is well taken. It is true that it appears that claimant was injured by a fall of seats while seated among the audience witnessing a circus performance, but it also appears that he was at the place where said circus was performing as a member of a detail, ordered to protect and guard said circus, and was within the circus tent at the time of the accident by the permission and consent of his superior officer, the sergeant in command of said detail; and during an interval between the times he was required to go on post as sentry. His being in the circus tent, looking at the performance, was merely incidental to his being on duty at that place as a member of the guard. He was simply awaiting there the proper time to arrive when he would again be required to walk his post as sentinel, and was in a place where he had permission to be, near his post of duty, in a position where he was ready to respond in a moment to any call that might be made upon him, and, in my judgment, was in the line of his duty as a soldier and as a member of said guard at the time said accident occurred; nor do I think it just or reasonable to hold that claimant's pensionable status should be in any way affected by the circumstances that he was a spectator of a circus performance which happened to be transpiring at said time and in said place. There appears to have been no dispute as to the fact that the accident by which he was injured was unavoidable on his part, with the happening of which he was in no way concerned.

And in the case of William M. Ammerman:

Upon a motion filed by claimant's attorney, I have reconsidered the claim of William M. Ammerman, formerly of Company K, Eighty-sixth Regiment of Ohio Volunteers, for pension, upon which a decision affirming the action of the Commissioner of Pensions, adverse to claimant's right to pension, was given by the Department on the 25th of June, 1886.

It appears from the decision that the said William M. Ammerman received an injury, on account of which he claimed pension, in the following manner: On or about the 1st of September, 1863, he was in camp, standing in front of his tent. Certain of his comrades were engaged in play, in which, however, Ammerman was not participating. One of the comrades knelt down behind Ammerman, and another pushed him backwards over the one kneeling, so that he was thrown upon his head and shoulders and received a fracture of the left clavicle and of the acromion process of the scapula.

Upon the state of facts set forth in the former decision, the injury on account of which Ammerman claims a pension was connected as a result with his military service. At the time he received the injury he was in his proper place, ready to perform such duty as he might be called upon to do. The injury alleged as the ground of pension happened to him without any fault or neglect on his part. The injury was connected as a result with the service, in that the service had placed him in a position where, without fault on his part, he had received said injury. This connection is sufficiently close and direct to entitle him to the benefits of the pension law.

And in the case of William H. Brokenshaw:

On the motion, filed April 9, 1889, by Soule & Co., attorneys, Washington, D. C., for a reconsideration of the adverse departmental decision rendered on appeal July 23, 1887, in the case of W. H. Brokenshaw, late of Company H, Twenty-ninth Michigan Volunteers.

The basis of the claim filed April 30, 1883, was an injury of left side, alleged to have been incurred in the service and line of duty at Jackson, Mich., about March 25, 1865, said injury having been caused by three soldiers, names unknown, jumping on claimant while he was climbing into his bunk, crushing ribs of left side just below the heart. Claimant was enrolled March 2, 1865, and was mustered out with his company June 30, 1865. He was examined at Detroit, Mich., October 1, 1864, by a board of examining surgeons, consisting of J. F. Noyes, N. W. Webber, and Charles C. Yemans.

Brokenshaw was clearly in the line of duty—not passive only, but active duty—inasmuch as when he received the alleged injury he was in the act of "climbing into his bunk," the place of customary rest, which it was his duty to use, and which was provided for him by the regulations of the service; and said injury, though not a necessary result, was, as to claimant, an unavoidable incident of the service, it having been caused, without provocation on his part, by "three soldiers, names unknown, jumping on him while he was climbing into his bunk." He was thus in no degree a contributor to his own injury, but was merely the helpless recipient of an irresistible assault. His title to remedy is plain, but it does not lie against his assailants. It lies in the system of pensions provided by Congress for disabilities incurred in the military service and line of duty. Brokenshaw was "in his proper place, ready to perform such duty as he might be called upon to do," and the injury alleged as the ground of pension happened to him "without any fault or neglect on his part."

And in the case of William Jones:

The material facts connected with the incurrence of the disability which is alleged by the claimant are conceded in the former departmental decision to be the following, namely:

"Claimant, while serving as a member of the guard, and having the permission of his superior officer, while standing against a rail or balustrade eating his rations at dinner time, immediately in front of his quarters at Camp Chase, Ohio, in May, 1865, was pushed or thrown backward over said balustrade by two of his comrades, who were scuffling on the portico which supported the balustrade, and who, intending to precipitate him from his position, had seized him for that purpose, claimant himself having no part in the scuffle, except to resist or defend himself against the unexpected assault, which caused the disability now alleged as the basis of his appeal."

The claimant in this case was the victim of an overpowering assault, to which he did not contribute and to which he was not a party, while he was in camp under orders as a member of the guard, and while, also, he was doing an act

which, according to army regulations, is not only related to, but an essential condition of the service; and, therefore, when, without contribution or carelessness on his own part, he incurred the disability which he here alleges, he was in the line of duty in the sense that gives title to a pension.

This claim had been rejected April 14, 1887.

And in the case of Mary E., widow of Alexander McNeill:

I have carefully considered the motion filed April 17, 1889, by James H. Vermilya & Co., attorneys for claimant, requesting that the departmental decision rendered May 8, 1888, in the case of Mary E., widow of Alexander McNeill, affirming on appeal the action of your bureau rejecting her claim for widow's pension (No. 263306), be reversed by the Department.

It appears from the statement of facts in this claim that the soldier received in the service the injuries which it is claimed subsequently caused his death while engaged, in camp, in a friendly wrestling match with a comrade. There does not appear to have been any malice or bad blood about the affair, and the injury to the soldier was evidently purely accidental. He was at the time in camp, where his duty as a soldier required him to be; and in indulging in a harmless and innocent athletic sport, of a friendly character, he was not violating any of the rules and regulations of the service, nor disobeying any command of his superior officers, nor conducting himself in an unseemly or unsoldierlike manner, nor doing any other act calculated to disturb or to transgress military discipline.

The Government placed both the soldier and the comrade with whom he was wrestling in the position where it was both natural and proper for them to indulge in such athletic sports or exercises, with the consent of their commanding officers; and I consider that it would be too narrow and technical a view to hold that an injury resulting from such exercises as appear in this case was incurred out of the line of duty, and, therefore, not pensionable.

And in the case of Martha A., mother of John Hunt:

Her claim was rejected November 25, 1887, "on the ground that the death of soldier did not grow out of circumstances relating to his military duty."

The sole question presented for consideration is, was soldier's death due to causes connected with and incident to his service and line of duty?

The records show that he "died in hospital at Bardtown, Ky., January 4, 1862;" no other record of sickness, injuries, or cause of death.

Appellant, mother of soldier, alleges that he died at Bardtown, Ky., from the "effects of poison received in some pies."

The captain and comrades testify that while in the service and in camp at Bardtown, Ky., with his company, he purchased a pie of a woman selling pies to the soldiers; that he was within a few hours taken violently sick, suffering from severe pains and cramping in the bowels; and was taken to the hospital, where he died the next day. No post mortem was had, nor is there any more positive evidence as to the specific cause of death.

The surgeon in charge of the hospital where he died, in a recent special examination, stated that "soldier had never been on the sick-list until he was suddenly ill at Bardtown and died in a few hours. His death made a great excitement in the regiment, for it was believed to be the work of rebels." The symptoms were those of poisoning, and I have no doubt in my own mind that death was produced by some irritant, but what the nature of it was I do not know.

While there is no positive testimony that the pies purchased were poisoned, yet in view of the foregoing testimony and the impressions upon the minds of officers and comrades at the time, it would not be an unreasonable presumption.

But in the absence of positive proof that the soldier was thus poisoned, causing his death, the fact still remains that prior to that time, while in the service, he had no disability, was taken suddenly ill, and in a few hours died at the hospital.

When he was taken sick he was on guard duty; there is not the slightest indication that he was violating any military law, rule, or regulation of his command, or that he was guilty of any contributory or culpable negligence.

In the absence, then, of any proof to the contrary, the legal presumption arises that the death cause originated in the service and line of duty.

It is therefore believed that the rejection of the claim on the ground stated is erroneous, and the decision of your bureau is, to that extent, reversed.

And in the case of Henry A. Helmer; this application had been rejected March 1, 1889:

The adverse departmental decision was based upon the ground that claimant's disability was not incurred while in the line of duty. Claimant's own statement of the case, which was accepted as the ground for the foregoing decision, was made before a special examiner November 12, 1884, in the following terms, as shown by the accompanying papers:

"On or about the second day after the battle of Pea Ridge, I was taking care of my captain's horse. I asked for the loan of the horse to go over the battle-field just to look at it. Second Lieut. John Cahoe also went with me on horseback. When I asked the captain for the horse, he said: 'Henry, I rather you would not take him. He may throw you and kill you. You know he has thrown you once or twice.' He threw me at Osage River over his head, but did me no injury. As we were riding along, my horse got frightened, I think at a dead horse, and commenced back-jumping, and the first thing I knew I was thrown against a tree. When I went to get up I found I was badly hurt; my ankle just popped over. The lieutenant went back to camp for help. They carried me to my tent and went and got one of the surgeons of the regiment, who set my ankle, which was broke—the outside bone of the left ankle—and put the splints on it."

Claimant was in the service and in his proper place at the time when, in company with Lieutenant Cahoe, at his own request, he started on horseback to ride over the battle-field at Pea Ridge, thereby doing an act which is known to be customary where opportunity offers immediately after a battle, for purposes of inspection and information. The fact that claimant was going on the tour of inspection was known to his superior officers and was evidently in accordance with official consent, as evidenced by the presence of Lieutenant Cahoe, who accompanied him. It is clear that the tour of inspection was in no sense nor degree a violation of the regulations of the service, but in harmony therewith. Otherwise it would have been the part of claimant's superior officer to forbid and restrain him, in which event claimant would have been out of the line of duty when taking the ride over the battle-field.

The fact that claimant's captain warned him against the horse because the animal might throw him can not be construed as a command, nor as an instruction prohibitory of the proposed ride. It was only a precaution which in no way affected the line of duty which claimant was pursuing. Claimant might, in fact, have been thrown by any other horse, even by ordinarily the gentlest animal, and the determination of claimant to ride the captain's horse was justified by the fact that he (claimant) was caring for the animal, and was not likely to be afraid of him, but believed him to be safe enough.

Mr. Chairman, I have collated these decisions for the purpose of showing an evident and certain tendency, through a too liberal and

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unwarranted construction of the law, toward the entire destruction of every barrier which has been erected to protect the Treasury against the assaults of undeserving men.

No one can foretell the ultimate consequences which will undoubtedly result from such a policy as this. The tax-payers of the land are entirely helpless in the presence of these decisions. They constitute precedents which, if followed to their logical conclusion, will enable any claimant, however unworthy, if he can only establish an enlistment and a discharge, to make himself a pensioner upon the liberal bounty which the Government has created for those who have rendered honorable, faithful, and courageous military service, and, through disease contracted or wounds received while in the performance of duty, have placed themselves within the provisions of our pension laws.

And, sir, the time will come, if this iniquity be persisted in, when the minds and hearts of the people will be turned, in utter loathing, from the laws which they now regard with favor and affection. The true interests of the faithful soldier, who returned from the field of conflict, with his escutcheon undimmed and with his shield untarnished, to the peaceful walks of American citizenship, demand that the pension-roll should be securely guarded; that it should be purified from the presence of the unworthy; and that such men as Assistant Secretary Bussey should not be permitted to destroy a system which was intended by our fathers to be an emblem of courage and fidelity as well as a protection against want to those whose misfortune it has been to lose their health and their strength while in the actual military service of the country.

Sir, I have already spoken at greater length than I intended, but I felt that something should be said in opposition to the policy which characterizes the present administration of the pension system and to warn the people against the consequences which are sure to come unless such policy be speedily and radically changed.

I return to the gentleman from Kentucky [Mr. BRECKINRIDGE] the remainder of his time, with thanks for his courtesy.

The CHAIRMAN. The gentleman from Kentucky has forty-five minutes remaining.

Mr. PETERS. Does the gentleman from Kentucky desire to proceed now?

Mr. BRECKINRIDGE, of Kentucky. No; I would rather not. I do not know that I shall occupy any of the time myself.

Mr. PETERS. Mr. Chairman, I ask unanimous consent that gentlemen desiring to extend remarks upon this bill may have authority to do so.

There was no objection, and it was so ordered.

Mr. PETERS. Mr. Chairman, I shall start out by complimenting my colleague on the committee [Mr. SAYERS] for the great number of interesting figures he has presented to us and for the laborious and painstaking manner in which those figures have been collated. I shall reply as briefly as possible to some of the exceptions that have been taken by that gentleman to pension legislation and to the administration of the Pension Bureau, and shall reply also to some of his criticisms in regard to various expenditures that have been made.

During the current fiscal year ending June 30, 1890, the amount appropriated for pensions in the bill passed by the last Congress was \$80,473,000. The amount for the payment of examining surgeons was \$1,000,000. The amount for salaries of eighteen pension agents was \$72,000. The clerk-hire for those agencies was \$178,000. For fuel in connection with those agencies, \$750; for lights, \$750; and for stationery, \$16,000; making a total in the pension appropriation bill for the current fiscal year of \$81,758,700. If you divide this sum by four, the number of quarters in the fiscal year, it will give you \$20,439,675, which would be the quarterly expenditure if the total amount were divided equally among the several quarters; or, for the half year, \$40,879,350, which would bring the expenditure up to the 1st of January last.

Now, there was in fact expended up to the 1st of January last \$54,493,304, or an excess over what should have been expended, if there had been no deficiencies, during the first half of the present fiscal year, of \$13,613,954. If we had a law prohibiting the Commissioner of Pensions from expending any more than one-quarter of the appropriation in any one quarter of the year or more than one-half in any half year, then the amount which it would have been proper to expend under such a law was exceeded up to the 1st of January last by \$13,613,954. But in fact there is no such law. The Pension Bureau is not prohibited from expending a larger amount than one-quarter of the annual appropriation within any given quarter of the year.

It would be unjust to limit the Pension Department in any such way. For instance, in order to carry on the Pension Department it was necessary, prior to the 1st day of July, 1889, to draw upon the appropriation for the fiscal year beginning on the 1st day of July, 1889, to the amount of \$8,000,000; and therefore the \$81,000,000 for the current fiscal year was decreased by the amount of over \$8,000,000 to carry on the business of the Pension Department during the last fiscal year. It is then proper and legitimate to deduct that \$8,000,000 from the appropriations for the current fiscal year, because that amount was taken out of the sum appropriated and should not properly be charged up to the appropriation bill for the current fiscal year. That, then, accounts for \$8,000,000 of the \$13,000,000 in excess of the expenditures for the first

half of the fiscal year. In other words, if you deduct that \$8,000,000 from the amount which was expended during the first half of the fiscal year, over and above the half of the appropriation, it would leave \$5,613,954 which was expended during the first half of the fiscal year in excess of the half of the appropriation allowed.

Now, then, we come to another very interesting question connected with this matter. For the first time in the history of the country—I speak advisedly—we have a careful and concise estimate of what the expenses will probably be during the next fiscal year in the Pension Department. Never before in the history of this Government has there been a basis established from which you could estimate what the expenses were going to be. Members will find attached to the report of the committee, for the first time in the history of legislation, an appendix prepared with great care giving an accurate basis upon which to form an estimate. All estimates heretofore have been merely guess-work. It was not taken into consideration, for instance, how much the number on the pension-rolls would be increased.

We have the figures showing the annual increase of the number of pensioners for 1887, 1888, and 1889; then we have a careful computation of the annual value of each of these pensions; then we have a computation of the average amount of the increase of the pension-roll during a series of years; and that gives us a basis from which to estimate the amount that will be required to pay the pensions of those who may be added to the names on the pension-rolls during the coming fiscal year. This estimate shows also the number of those that are dropped from the rolls annually and the number of those that are restored to the rolls, giving us the net increase for the last three fiscal years, from which we can safely estimate what will be required in future for the payment of this increased number added to the pension rolls.

Nothing of this kind was presented to the committee when the appropriation was made for the present fiscal year. Now, what were the figures? As has already been stated, the estimated increase of the annual pension-roll for the next fiscal year will, according to these figures, be 50,000 persons; and the first payment to be made to these 50,000 pensioners will require \$22,000,000.

During the past fiscal year there have been added to the pension-roll about 51,000 persons.

When the appropriation for the present fiscal year was before the House there was no estimate by which we could tell what amount would be required to pay the additional pensioners that would be added to the pension-roll during the present year. It was, therefore, not surprising that there was a deficiency of \$8,000,000 when the fiscal year was entered upon, and that there was an additional deficiency, which we provided for a short time ago in the urgent deficiency bill, of \$21,000,000. If you add the \$21,000,000 in the urgent deficiency bill passed by this House several days ago and the \$8,000,000, you have an aggregate of \$29,000,000, which is probably, as nearly as can be ascertained, the deficiency in pension appropriations for the present fiscal year.

So my friends who are anxious to criticize the administration of the Pension Department can see from these figures that the amount of \$5,613,954, which was in excess of what should have been spent during the first half of the fiscal year, is only a very small portion of what is really a deficiency in the appropriations for the present fiscal year. I can see, therefore, nothing that should surprise any one or nothing that points to any lack of proper administration in the Pension Office, so far as that is concerned.

I now desire to call attention for a few moments to the increases to which reference has been made. Much has been said in regard to the number of increases that were made during the present fiscal year and under the present Administration. I may say in passing that this will not in any way account for the large deficiency that we have been called to provide for in this fiscal year, because at the most liberal estimate the entire amount of increases will not exceed the sum of \$4,000,000. This would account for only \$4,000,000 of the \$29,000,000 of deficiency. When we come to examine carefully by the figures there is nothing unreasonable in the increases which have been made. Of course gentlemen can pick out individual and exceptional cases and comment upon them; but I am speaking of the aggregate; and I say that, so far as the aggregate of increases is concerned, the result is such as to reflect credit upon the Pension Department rather than discredit.

In this connection I wish to call attention to the number of persons drawing a pension of \$2 per month from 1885 to 1889.

In 1885 the number of pensions at \$2 per month was 26,134; in 1886, 28,359; in 1887, 30,823; in 1888, 31,722; and in 1889, 26,875.

Now, I might stop to criticize the administration of the Pension Office under the last Commissioner of Pensions, and show, what was somewhat notorious throughout the country, that it was allowing a large number of \$2 a month pensions. I mean under Commissioner Black it was currently reported in the newspapers he was allowing a large number of two-dollar pensions. Any one conversant with the disabilities incurred in the Army will know that where a disability exists at all it in most cases, under existing law, is equal to more than \$2 per month.

Now, mark you, the number of two-dollar pensions increased steadily from 1885 up to 1888, and they did not decrease in the least until 1889,



when the Administration changed hands. For comparison, in 1885 there were 26,134 two-dollar pensioners on the roll; in 1888—

Mr. BRECKINRIDGE, of Kentucky. Are these fiscal years or calendar years?

Mr. PETERS. They are fiscal years.

In 1888 these 26,134 had increased to 31,422, and gradually and continually increased from 1885 up to 1888. I might not uncharitably say the object, perhaps, of this kind of pension legislation was to create the impression throughout the country that a large number of pensions were being granted, and for the purpose of pleading an economical administration those pensions were rated at a small figure per month. As soon, therefore, as the Republican Administration came in, in view of the fact there had been a number of two-dollar pensions granted, examination was made of these claims, and in a large number of cases it was found the disabilities really entitled the pensioner to more than \$2 a month. Consequently, in 1889, the number of pensioners on the rolls at \$2 a month had decreased to 26,825, or a decrease of nearly 5,000.

I want to call attention to another fact in connection with this to show there was a foundation for the rumor that these two-dollar pensions were purposely granted. The number of six, eight, ten, twelve, and fourteen dollar pensions gradually and continually increased from 1845 up to 1889. It is only in the case of two-dollar pensions there has been any decrease under the present Administration, proving that when the present Administration came to look into affairs, it found a large number of pensioners had been placed on the roll at much less than their disability warranted. This fact will account for some of the aggregate amount of increase, because as is shown from the figures I have presented, over 5,000 of these two-dollar pensions after the present Administration came in were inadequately rated and were increased to higher grades.

This, also, will account somewhat for the deficiency which has been brought upon us during the present year, a deficiency which we inherited from the past Administration, a deficiency that we would not have been required to meet, if the former administration of the Pension Office had properly rated these disabilities.

The gentleman from New York [Mr. RAINES] has asked me in regard to the whole amount of the increases. My colleague from California [Mr. MORROW] gave the amount of increases during these years. I will give them in brief again. During the year ending June 30, 1887, there were 32,107 pensions increased. During the year 1888 there were 45,716 pensions increased. During the year 1889 there were 71,198 pensions increased. The very fact to which I have called attention will, to some extent, account for the number of increases during the year 1889 over prior years.

Mr. TRACEY. May I ask the gentleman from Kansas a question?

Mr. PETERS. Certainly.

Mr. TRACEY. I noticed a few moments ago the gentleman stated that it was proved that the rate of \$2 a month was regarded as an insufficient pension, and so when the present Administration came into power it was found necessary to raise all those pensions to \$4 a month. Now, if my recollection is accurate, that was done by Commissioner Tanner issuing a general order that all pensions of \$2 a month should be made \$4, and subsequently the Assistant Secretary of the Interior set aside that order as being improper.

Mr. PETERS. Commissioner Tanner, as I understand it and as I remember it, said he believed that if a party had a disability which amounted to a grade that would entitle him to \$2 a month, or, in other words, if the party had any disability at all, it entitled him under the law to a greater rate than \$2 a month, and he made an order that all that was necessary for such party to do was to make an application stating the facts to the Pension Department and he would have them examined into, and if found to be correct he would, without medical examination, order the increase to be made. That, I think, is the substance of the order.

Mr. TRACEY. And the Assistant Secretary set aside that order and said that the law did not permit the Commissioner of Pensions to make such a rule, that it only allowed him to grant an increase on medical testimony under the law. And hence I say that would naturally account for a large number of the increases from \$2 to \$4 per month to which the gentleman has referred, and would be no indication that the examiners under the previous administration had not performed their duty.

Mr. PETERS. This order of Commissioner Tanner applied entirely and solely to the two-dollar pensions. It did not apply to any other except the two-dollar pensions.

Mr. ENLOE. My understanding, and I recollect the order of Commissioner Tanner quite distinctly, was to the effect that when a man had a pensionable disability at all, whether for one or two or four dollars, he should not be allowed a less rate than \$4 per month. And Assistant Secretary Bussey, in overruling the decision, said there was no shadow of law, authority, or precedent for such decision.

Mr. PETERS. Of course there is no question that where the law provides the increase shall only be made after the medical examination Commissioner Tanner was wrong in making the order, and the Assistant Secretary of the Interior was right in overruling and setting

it aside. I am not here to apologize for Mr. Tanner; I only desire to make a correct statement of the facts.

I want to say in this connection, in extenuation of Mr. Tanner's action, that he succeeded a man who had the reputation of being an astute lawyer, conversant with the rules governing the construction of statutes and the limitations to official discretion, as well as an extended acquaintance with public men and legislative proceedings. And so when my friends on the other side seek to criticize him for making the increase and reratings in the Department, I want to call their attention to the fact that he simply followed in the wake of Commissioner Black.

Not only that, Mr. Chairman, but another fact: If, as my friend from Texas says, there was a conspiracy in the Pension Department, among the employes, to rerate themselves, that conspiracy was planted and incubated during the administration of Commissioner Black. There was nothing remarkable in the fact that Mr. Tanner should go on following in the footsteps of the administration of Mr. Black, who was a lawyer, an old soldier, experienced in governmental affairs. Whatever mistake was made by Mr. Tanner in rerating employes in the Department was only a little greater in degree, perhaps, than the one made by his predecessor, if it was a mistake.

Mr. ENLOE. I would like to ask the gentleman a question if he will permit.

Mr. PETERS. Certainly.

Mr. ENLOE. I would like to know if you can find in the records of the office, or know personally, any case of a clerk under the administration of Commissioner Black having written a legal and medical opinion and made out the cases himself to have them railroaded through for the benefit of particular attorneys and particular claimants.

Mr. PETERS. I have not examined into that matter. I have not taken up the cases of rerating by Mr. Black and examined them at the Department for the purpose of picking flaws in the machinery or in the action of the Commissioner.

I only call attention of the gentleman to the case of John D. Anderson, who was drawing a salary of \$4,000 and who was rerated, receiving \$1,379.67, and that there are nine others of the same character. I know another fact, and that is something not much to the credit of the administration of Mr. Black, that all of these rerated cases except two were made during the months of January and February. And let it be said in this connection, also, that these ratings were made after the people had passed upon the claim for power, prestige, and existence of the last Administration and had remanded it to the rear.

All of those cases rerated by Commissioner Black, with the exception of two, took place during the months of January and February. If any odium attaches to Mr. Tanner for having rerated the employes of the Pension Department, the same odium, but perhaps in a less degree, must attach to the Commissioner of Pensions under the Democratic Administration. Mr. Black not only set the example, but inaugurated the system.

Mr. ENLOE. I think the gentleman is mistaken about that.

Mr. PETERS. And it is further to be said that as soon as the attention of the present Administration was called to it, it stopped the proceeding and it is at an end.

Mr. BRECKINRIDGE, of Kentucky. Does the gentleman mean to say that no employes of the Pension Bureau were ever rerated prior to the administration of General Black? He has said that it was inaugurated during General Black's administration. Does he mean to state that he has made an examination and knows that prior to General Black's administration no employe of the office was rerated?

Mr. PETERS. I will make the statement that no employe of the Pension Bureau, under the forty-eight-hour rule, was ever rerated prior to General Black's administration.

Mr. BRECKINRIDGE, of Kentucky. That is not the question I asked.

Mr. PETERS. I am not prepared to make my answer as broad as the gentleman from Kentucky made his question.

Mr. BRECKINRIDGE, of Kentucky. The gentleman made the statement very broad that the rerating of employes had been inaugurated during General Black's administration. The inquiry I desire to make is whether he made that statement on any information he had.

Mr. PETERS. There are exceptions to all general rules. I have no doubt that during prior administrations, by reason of proper application and medical examination, that employes of the Pension Bureau have had their pensions rerated. But what is known in the Pension Department as "railroading cases" of employes was inaugurated under the past administration.

Attention has already been called to the fact that Commissioner Black rerated the pension of General Bartlett, the Deputy Commissioner, and I would not call attention to this were it not for the fact that my friend from Texas [Mr. SAYERS] makes some strictures upon the present administration for having rerated the pension of Hiram Smith.

He (Smith) was a man who had lost an arm and a leg and a man who was entitled in equity to the rerating he obtained in the Pension Department. I would not call attention again to this case of General Bartlett had it not been for the stricture cast upon the administration by reason of the rerating of Smith; and yet in the case of General

Bartlett, who is an estimable gentleman, a man with whom I have had very pleasant intercourse in the transaction of business at the Pension Office, and a man for whom I have the highest esteem—

Mr. BRECKINRIDGE, of Kentucky. He was a wounded Federal soldier.

Mr. PETERS. Yes; so was Hiram Smith. Both of them stand upon the same footing. General Bartlett by reason of his wound had become disabled, so that he was wholly unfit for business of any kind. Hiram Smith lost an arm and a leg, and is incapacitated from earning a living at any ordinary occupation.

Mr. ENLOE. Was that the reason he retired?

Mr. PETERS. I have no knowledge of the reason why Mr. Smith retired. The medical examination given to General Bartlett rated him at \$22.50 per month, and Commissioner Black, upon his own motion and on the arbitrary exercise of a discretion that was doubtful he had the right to exercise, increased the pension to \$30 per month.

I simply call attention to this in justice to Mr. Tanner and in justice to the Administration. I do not agree with the gentleman from Texas [Mr. SAYERS] that it is improper for an employé of the Pension Department to obtain an increase of pension during that employment. I do not think so. I believe if I were an employé of the Government and the disability for which I was drawing pension had increased, the mere fact that I was a Government employé instead of a private individual is no reason why I should be debarred from making application for an increase. That is a mere sentimentality. It is without foundation in common sense, according to my judgment. Another thing in connection with this: I do not pretend to say that these reratings that were made under Commissioner Tanner were not largely equitable. I believe in nearly every instance the man who was rerated was in a similar position to that of Hiram Smith. He had either lost a leg or an arm, or by wounds had his physical structure so destroyed that the disability would naturally increase with each succeeding year.

Mr. ENLOE. Does the gentleman from Kansas mean that he does not agree with the Secretary of the Interior in regard to the ten sample cases that are cited of gentlemen who were rerated?

Mr. PETERS. No, sir; I do not state anything of the kind.

Mr. ENLOE. You stated "all."

Mr. PETERS. I said I disagreed with the gentleman from Texas when he stated that he believed that it was improper for an employé of the Pension Department while receiving money from the Government to make an application for an increase of pension.

Mr. ENLOE. I understood the gentleman to state also that he thought that "all" these cases were of a similar character to the case of Hiram Smith.

Mr. PETERS. Oh, no; I did not say that. I said in nearly every instance the cases rerated were similar to that of Mr. Smith, in that they had lost a leg or an arm or had received other disabilities which would increase from year to year.

Mr. ENLOE. If the gentleman will examine these cases—if he will excuse me—cited by the Secretary of the Interior, giving a sample of the character of the administration of the Commissioner of Pensions whom he caused to be removed, he will find that repeated medical examinations were made, and in one instance he makes the comment that the man perjured himself.

Mr. PETERS. I do not desire to be diverted from the line of my argument. I am simply stating what I do state in extenuation of whatever odium any one may see fit to cast upon Commissioner Tanner.

Mr. MORSE. If the gentleman will permit me, I will remark at this point in justification of Commissioner Tanner. It has been stated here that he ordered all the pensions that were at the rate of \$2 a month to be increased to \$4 a month. If I understood Commissioner Tanner's position correctly it was that a man who was receiving \$2 per month ought either to be taken off the pension-roll altogether because he was not entitled to any sort of a pension or else that his pension should be increased.

Mr. PETERS. Yes, sir; I have so stated in my remarks.

Mr. ENLOE. I could cite the gentleman an instance—

Mr. PETERS. I desire to go on, Mr. Chairman.

Mr. ENLOE. I beg the gentleman's pardon; I only wanted to cite an instance to show that that rule did not work all the time. I could cite the instance of a man who got \$13 a month just because the skin was broken on his hand—

Mr. PETERS. Well, Mr. Chairman, I do not desire to take the evidence of my friend from Tennessee [Mr. ENLOE], who, as every one knows by his record in this Congress, speaks from a prejudiced standpoint.

Now, I want to call attention to another statement made by the gentleman from Texas [Mr. SAYERS]. I stated in the outset his figures in regard to the different wars in which we have been engaged were very interesting. He compared the expenditures for pensions arising out of the different wars, and I presume his comparison was made with the intention of disparaging the party to which I belong, by showing that there has been extravagance in the administration of the Pension Bureau since the late war. The disbursements for pensions from 1861 up to the present time were said by the gentleman to be largely in excess of all prior disbursements, and he gave a statement of the disburse-

ments for pensions arising out of the war of 1812, out of the war with Mexico, and out of the Revolutionary war, and compared these with the war of 1861-1865.

Those figures were all very interesting, and I am glad the gentleman gave them. But, Mr. Chairman, there is one difference to which he did not call attention, and that is that during the late war the credit of our Government was much lower, so that a larger expenditure of money was required in order to accomplish the desired result than ever before in the history of any of our wars. In 1812 we were fighting against a foreign foe and we were a united people. In the war with Mexico we were fighting a foreign foe and we were united, and our serried ranks from the North and from the South marched together upon the plains of Mexico. But when it came to the war between ourselves, our great internecine war, when it came to our internal strife, then it was natural that the credit of our Government should be seriously impaired.

Let it be said, Mr. Chairman, not to the credit of the Democratic party, that at the beginning of that war an effort to sell twenty-five millions of bonds could not meet with success, except at a high rate of interest, and even then all the bonds could not be disposed of. So it was during almost the entire period of that war. Until victory began to dawn upon the banner of the Republic foreign capitalists had a doubt as to whether the Union would be preserved, and that doubt naturally affected the credit of the Government and required a much larger expenditure of money than was ever required before. Therefore, it is hardly just, as I think, for the gentleman to make the comparison between the disbursements for the various wars without also stating in connection with it the difference that existed so far as our country was concerned in its relationship to the war with Mexico and the war of 1812 and its relationship to the war of 1861-1865.

Now, Mr. Chairman, I believe I have hastily glanced at most of the positions taken by the gentleman from Texas [Mr. SAYERS], with the exception of his criticism upon the administration of the Interior Department in connection with pension appeals. I will call attention to that briefly, and then I am done.

What constitutes an injury or disability received in line of duty is susceptible of various constructions and answers. Those of us who were in the Army know that the "duty" of a soldier consisted not merely in loading his gun and marching towards and firing at the enemy. The duties of a soldier were various, and in the performance of them a man was just as much "in the line of duty" as when he stood up and fired at the enemy.

It is impossible for any law to draw an arbitrary line. I may have been performing what might be considered a domestic duty in connection with the soldiers with whom I was associated; I may have been cooking for my mess over the camp-fire, yet, if wounded in the performance of that duty, it was as much in the line of duty as if I had been wounded in battle. I may have been two miles in the rear of the command taking care of some wounded comrade when a stray bullet may have struck me; I may have been ordered to do that duty, and, if so, my wound was received "in the line of duty."

I may have been sent to the rear to bring up a horse for one of my officers, and if wounded while going to the rear or returning to the front I was as much "in the line of duty" as though I had received my wound in the front rank of the battle. Even take the case to which the gentleman from Texas [Mr. SAYERS] calls attention. If I had been sent to the rear to bring up a horse to the regiment, and if, while bringing up that horse, I was thrown by him against a tree and injured, that disability would have been incurred "in the line of duty" as much as if I had been in the cavalry and had received the injury while charging the enemy. I simply give these illustrations to show how difficult it is to draw any exact line where "in the line of duty" ceases and outside the line of duty begins.

There are exceptions to all general rules, and I believe I am voicing the sentiment of the people of the United States when I say that it is not their desire that the pension laws should be technically construed. It is their desire that they shall be liberally construed, and that if a man received in the Army a disability which he would not have received if he had not been in the Army he shall receive a pension for it.

I want to call attention also to the decision which it is claimed was made by the Assistant Secretary of the Interior in regard to soldiers dishonorably discharged. It is a ruling of the Pension Department (and it is right) that a pension is not based upon an honorable discharge, but is based on the service the man has given to his country and upon his disability. I may have fought valiantly for two years and may have lost an arm or a leg during that time in the service, and then for some reason may have left my command and gone home. Yet the mere fact that I fought for two years and lost an arm or a leg entitles me to a pension, though I may have been dishonorably discharged for leaving my command.

As a gentleman suggests to me, the punishment for desertion is one thing and the granting of a pension for a disability received in the line of duty is another; and there should be in law and equity no connection between the two.

Mr. Chairman, I yield the residue of my time to the gentleman from Michigan [Mr. CUTCHEON].



The CHAIRMAN. The gentleman from Kansas has five minutes remaining.

[Mr. CUTCHEON withholds his remarks for revision. See Appendix.]

Mr. MORROW. I believe we have used on this side of the House one hour and forty-five minutes, and, with the additional three minutes yielded to the gentleman from Michigan, one hour and forty-eight minutes. I wish to have an understanding how much time is to be occupied in this general debate.

Mr. BRECKINRIDGE, of Kentucky. My understanding was, and it is perfectly agreeable, that the gentleman from California desired to yield a certain length of time, probably forty-five minutes, to the gentleman from Indiana [Mr. CHEADLE], and then we, on our side, are to have sufficient time to make, added to the time used by the gentleman from Texas, an amount equal to the total amount used on that side, namely, two hours and thirty-five minutes in all.

Mr. MORROW. That is correct; and I ask unanimous consent that the general debate be closed after forty-five minutes additional have been used on this side of the House and on the other side whatever is necessary to make the time on both sides equal during the debate.

Mr. BRECKINRIDGE, of Kentucky. That will be one hour and twenty minutes additional on this side.

The CHAIRMAN. The Chair thinks that had better be settled in the House.

Mr. MORROW. I ask unanimous consent.

Mr. BRECKINRIDGE, of Kentucky. We can agree upon it here. There will be no conflict about it.

Mr. SPINOLA. Make it three hours.

The CHAIRMAN. The gentleman from California asks unanimous consent that the general debate on this bill be closed at the expiration of the time he has indicated. Is there objection? The Chair hears none.

Mr. SPINOLA. I feel inclined to object as it strikes me the time is too short. [Cries of "Too late!"]

Mr. MORROW. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURROWS reported that the Committee of the Whole House on the state of the Union, having had under consideration the pension appropriation bill, had come to no resolution thereon.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had disagreed to the amendments of the House to the bill (S. 895) to provide a temporary government for the Territory of Oklahoma, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed Mr. PLATT, Mr. CULLOM, and Mr. JONES, of Arkansas, conferees on the part of the Senate.

#### FORTIFICATION APPROPRIATION BILL.

Mr. BREWER, from the Committee on Appropriations, reported a bill (H. R. 8391) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1891, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. ROGERS. Mr. Speaker, I wish to rise to a question of order. I am not advised whether any ruling has been made under the present code of rules with reference to the consideration of appropriation bills, whether it be necessary to make the point of order when they are presented or not. But I desire to reserve the point of order if necessary.

The SPEAKER. The Chair thinks the gentleman had better reserve the points of order, and a record will be made of the fact.

Mr. ROGERS. I reserve all points of order on this bill.

#### DEBATE ON PENSION BILL.

Mr. MORROW. Mr. Speaker, I desire to have the agreement entered into in Committee of the Whole ratified and made a matter of record in the House, namely, that the general debate on the bill now before the committee shall be limited as follows: Forty-five minutes additional time to be consumed on this side of the House, and the remainder of the time necessary to make up the equivalent, that is to say, one hour and twenty minutes, on the other side, after which the general debate shall be closed.

The SPEAKER. Without objection, that order will be made.

There was no objection, and it was so ordered.

#### ENROLLED BILL SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same, namely:

A bill (H. H. 346) to extend "An act to grant the right of way to the Kansas City and Pacific Railroad Company through the Indian Territory, and for other purposes."

#### INFORMATION FROM PENSION OFFICE.

Mr. MCADOO. Mr. Speaker, I wish to ask leave to have printed in the RECORD a communication from the Pension Office, and be permitted to make a brief statement, not exceeding one minute, in regard to it.

I shall be obliged to be away when this subject comes up again tomorrow, but desire to call the attention of the members of the House, without undertaking to pass any strictures upon the Commissioner of Pensions, to the change which has been made by that Department in answering the inquiries of members of Congress in regard to pending applications before the Department. On the 11th day of February I addressed a letter to the Department in the case of a claim pending before it, and asked for information as to the status of the claim.

Under the former administration of the office, under Mr. Bentley, Mr. Dudley, and Mr. Black, written replies were sent to such communications. The present Commissioner replied to that request, as I understand replies are also made to other inquiries of the same character intended to facilitate claims, by sending a circular, and I ask that this circular be printed in the RECORD for this purpose: If the clerical force of the office is not sufficient to make a proper reply to such inquiries, I respectfully suggest to the Committee on Invalid Pensions that the matter of an increase in the force should be considered by them. And in order that the House and both the Committees on Invalid Pensions and Appropriations may consider what remedy ought to be applied, if any is needed, for this condition of affairs, I ask to have this communication printed.

Mr. ENLOE. Let me ask the gentleman if he has any information from the Commissioner of Pensions that he desires an increase of the clerical force.

Mr. MCADOO. Not the slightest, except what this circular discloses.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The communication is as follows:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS.  
Washington, D. C., March 17, 1890.

MADAM: I beg to acknowledge the receipt, through Hon. WILLIAM MCADOO, of a call for statement of condition of your claim. There is no sufficient reason shown why the claim should be taken out of its turn for settlement. It is found to be impracticable to give immediate attention to this inquiry, and others like it, without seriously interfering with the settlement of claims. The number of similar calls received from members of Congress during the week ending March 1, 1890, was 4,996; the number of calls received from claimants and attorneys during the same period was 20,608, being a total of 25,604 calls for the status of claims. To make proper reply to these Congressional calls alone would require the time of 100 examiners and to give the status in all the cases as requested would require at least 500 clerks on this work alone, and would be such an interference with the orderly business of the bureau as to almost suspend the work of adjudicating claims.

To claimants and attorneys who have furnished the evidence covering the well known requirements of a pension claim, the following order has been issued to facilitate the work of the bureau and to enable completed cases to receive prompt action:

#### Order No. 151.

Claimants are hereby authorized to apply to the Commissioner of Pensions to have their claims placed upon the list of "completed files" for immediate consideration.

Such applications may be made by the claimants or their attorneys of record, and shall set forth:

1. That the declaration has been made in due form, stating the proper service of the soldier and the facts as to incurrence of the disability in and his discharge from the service.
2. That the proof establishes that the disability alleged in the declaration was incurred in the service and line of duty.
3. That the proof connects the present disability for which pension is claimed with wounds or diseases incurred in the service and establishes the fact of disability during any past pensionable period.
4. That the claimant has, with the authority of the Bureau of Pensions, had a regular medical examination in respect to the disability described and claimed for in the declaration.
5. That, in the opinion of the claimant, the claim is fully made out and complete.

In the claims of widows it must be alleged that proof has been made showing that the soldier died of an injury or disease contracted in the service and that claimant is the soldier's widow.

In the case of dependent relatives it must be stated that the proper proof of dependence has been filed in the claim and that the soldier left no widow or minor children.

If the application is made by the attorney of record, in addition to the other statements required he shall certify upon honor that, after a careful consideration of the case, he is of the opinion that the case is complete.

Claims placed upon the list of "completed files" under this order will be considered in the order of the date they are so placed.

This order does not apply to rejected cases. When a claimant or his attorney will certify in accordance with the requirements of the above order that a claim is complete, it will insure its consideration within a few days.

All claims in which the last call for evidence has been complied with will be very soon reached for settlement.

To act promptly upon all completed cases requires that no unnecessary work be done. This bureau is now adjudicating more than 15,000 cases a month from the "completed files," and that number will be largely increased as soon as Congress authorizes by law the employment of thirty additional examining surgeons in this bureau.

Calls are now being made monthly in 50,000 cases for the evidence to complete them. At this rate complete calls will be made in every original case now pending in this Bureau within the next three months. The calls for evidence now being made are in the order in which the claims were filed in this Bureau. I regard this as fair to every claimant, and I do not think it should be disturbed except in extraordinary cases.

I am very anxious to do everything I can to hasten the settlement of every pension claim pending in this Bureau, and I feel sure that you and the great

body of claimants are not desirous of imposing work upon the office which will actually interfere with the business of settling claims. If you are aware of any evidence wanting in your case, as suggested by the above order, try to procure it and send it forward.

In any event, your case will soon be reached either for settlement or for the final call to be made for the evidence in the case.

I trust this explanation and information will be taken as a satisfactory reply to your inquiry.

Very respectfully,

GREEN E. RAUM, *Commissioner*.

COTTON-SEED OIL.

Mr. ROGERS. Mr. Speaker, I hold in my hand a telegram signed by various distinguished gentlemen from my State—business men and others—deeply concerned in the welfare of the State, in relation to a subject now pending before Congress. I ask unanimous consent to have it printed in the RECORD and appropriately referred.

There being no objection, the telegram was ordered to be printed in the RECORD, and referred to the Committee on Agriculture.

It is as follows:

LITTLE ROCK, ARK., March 18, 1890.

To the honorable the Senate and House of Representatives  
in Congress assembled, Washington, D. C.:

The attention of the undersigned citizens of Arkansas has been called to several bills before your honorable body bearing directly upon the present uses of cotton-seed oil, and believing same to be class legislation, do hereby protest against such measure—becoming laws for the reason that it directly prejudices the values of farm products and is inimical to the interests of every farm producing cotton and cotton seed. The said bills are hostile to the cotton-oil manufacturers and refineries who employ many millions of dollars of capital in this industry, located in fourteen States, North and South. We urge our Senators and Representatives to oppose all such legislation.

Logan H. Root, John G. Fletcher, James R. Miller, R. A. Smith, J. T. W. Tillar; Bank of Little Rock, C. F. Walker, cashier; Little Rock Trust Company, C. T. Walker, treasurer; C. T. Walker, M. H. Johnson; the German National Bank, Oscar Davis, cashier; Oscar Davis, R. E. Douglas & Co., F. H. Root; First National Bank, Little Rock, Ark., P. H. Root, cashier; the Exchange National Bank, J. S. Pollock, cashier; D. G. Fones, Foxes Bros. Hardware Company, Little Rock Board of Trade, by J. A. Fones, president; Fred Hanger, Herman Kahn, James P. Eagle, Henry M. Cooper, R. A. Edgerton.

Hon. JOHN H. ROGERS,  
House of Representatives, Washington, D. C.

And then, on motion of Mr. HOLMAN (at 5 o'clock and 7 minutes p. m.), the House adjourned.

#### EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred, as follows:

##### JAMES RESLEY VS. UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the finding of the court in the case of James Resley against The United States—to the Committee on War Claims.

##### DANIEL BEARD, ADMINISTRATOR, VS. UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the finding of the court in the case of Daniel Beard, administrator of Eli Koons, against The United States—to the Committee on War Claims.

##### ISAAC GRUBER, EXECUTOR, VS. UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Isaac Gruber, executor of John Cowton, against The United States—to the Committee on War Claims.

##### HIRAM B. SNIVELY AND ALBERT G. LOVELL, EXECUTOR, VS. UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Hiram B. Snively and Albert G. Lovell, executors of George Snively, against The United States—to the Committee on War Claims.

##### REUBEN ROUZEE VS. UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Reuben Rouzee against The United States—to the Committee on War Claims.

##### JOSEPH ST. AMAND, EXECUTOR, VS. UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Joseph St. Amand, executor of Alphonso St. Amand, against The United States—to the Committee on War Claims.

##### WILLIAM H. ANDERSON VS. UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William H. Anderson against The United States—to the Committee on War Claims.

##### JACOB A. GLOYD AND SAMUEL S. GLOYD, EXECUTORS, VS. UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Jacob A. Gloyd and Samuel S. Gloyd, executors of Samuel Gloyd, against The United States—to the Committee on War Claims.

#### MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred, as follows:

By Mr. SWENEY: Joint resolution of the Legislature of Iowa, asking liberal appropriations for construction of the Hennepin Canal—to the Committee on Agriculture.

Also, joint resolution of the Legislature of Iowa, asking Congress to repeal the arrears-of-pension limitation law—to the Committee on Agriculture.

Also, concurrent resolution of the General Assembly, asking for the enactment of a law punishing the adulterating and vending of adulterated lard and other food products—to the Committee on Agriculture.

By Mr. GEAR: Resolution of the Iowa State senate, asking for legislation in regard to adulterated lard—to the Committee on Agriculture.

#### RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. RICHARDSON:

*Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 additional copies of the work known as the "Growth of Industrial Art," of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives; the remaining 1,000 copies shall be turned over to the Secretary of the Interior, to be sold by him under the provisions of the resolution providing for the sale of public documents by said Secretary, approved March 3, 1887.*

*Be it further resolved, That the plates on which the work has already been printed shall be used to do this work, unless it be found that the work can be done more cheaply by using other plates:*

to the Committee on Printing.

By Mr. NORTON:

Whereas the Postmaster-General of the United States is authorized under the provisions of existing laws to appoint such post-office inspectors and such special agents as the good of the service and the safety of the mail may require; and

Whereas such post-office inspectors and special agents are allowed a stated salary, and also a per diem allowance for incidental and traveling expenses while actually employed in the service; and

Whereas it is currently reported that the present Postmaster-General has been employing the time of such post-office inspectors and special agents in investigating the claims of contending Republican applicants for appointment as postmasters, and paying for such services out of the public funds; and

Whereas such practices are contrary to the laws of the land, subversive of good government, and such outlays of the public moneys wholly unauthorized:

*Therefore, Be it resolved, That the Postmaster-General be, and he is hereby, requested to furnish as speedily as practicable to the House of Representatives a statement of what post-office inspectors or special agents, if any, have been employed or directed to investigate the standing and claims of rival applicants for appointments as postmasters, and if so, where, when, and in what cases, reports have been made by such inspectors or special agents, either under the direction of said Postmaster-General or by any officer of the Department under his control, and what amount of money or moneys have been paid out of the public funds for the salaries of such post-office inspectors and special agents while employed as hereinbefore mentioned, and the amount of per diem so paid such employees;*

to the Committee on the Post-Office and Post-Roads.

#### REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees on bills of the following titles were delivered to the Clerk, ordered to be printed, and referred as follows:

Mr. ATKINSON, of Pennsylvania, from the Committee on Expenditures in the Treasury Department, reported favorably the bill (H. R. 4625) regulating settlement of military claims, and for other purposes—to the House Calendar.

Mr. BOOTHMAN, from the Committee on Claims, to which was referred the bill (H. R. 3644) for the relief of the estate of John W. Whitfield, reported as a substitute therefor a bill (H. R. 8338) for the relief of the estate of John W. Whitfield; which was read twice, and referred to the Committee of the Whole House.

Mr. REED, of Iowa, from the Committee on the Judiciary, reported with amendment the bill (H. R. 7044) to amend section 707 of the Revised Statutes—to the House Calendar.

Mr. GROUT, from the Committee on the District of Columbia, reported with amendment the bill (S. 4) authorizing the establishing of a public park in the District of Columbia—to the Committee of the Whole House on the state of the Union.

Mr. BUCHANAN, of New Jersey, from the Committee on the Judiciary, reported with amendment the bill (H. R. 8104) to amend section 2166, Revised Statutes of the United States—to the House Calendar.

Mr. BURTON, from the Committee on Claims, reported favorably the bill (H. R. 6008) releasing S. H. Brooks, assistant subtreasurer of the United States, and his sureties on his official bond—to the Committee of the Whole House.

Mr. MCCORMICK, from the Committee on the Judiciary, to which was referred the bill (H. R. 4632) to establish a circuit and district court at Johnson City, Tenn., reported, as a substitute therefor, a bill (H. R. 8346) to create a new division in the eastern judicial district of the State of Tennessee—which was read twice, and referred to the House Calendar.

Mr. SWENEY, from the Committee on Commerce, reported favorably



ably the bill (H. R. 278) to amend paragraph 3 of section 4414 of the Revised Statutes—to the House Calendar.

Mr. BURTON, from the Committee on Claims, reported favorably the bill (H. R. 2309) for the relief of Stubbs & Lacey—to the Committee of the Whole House.

Mr. SPINOLA, from the Committee on Military Affairs, reported with amendment the resolution (H. Res. 124) authorizing the Secretary of the Treasury to take possession of a part of Governor's Island for the establishment of an immigration depot—to the House Calendar.

#### BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were delivered to the Speaker, severally read twice, and referred as follows:

By Mr. MONTGOMERY: A bill (H. R. 8339) for the erection of a public building at Lebanon, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. SPINOLA: A bill (H. R. 8340) to regulate promotions to the heads of the staff departments of the Army—to the Committee on Military Affairs.

By Mr. HATCH: A bill (H. R. 8341) to promote the construction of a safe deep-water harbor on the coast of Texas—to the Committee on Rivers and Harbors.

By Mr. STOCKBRIDGE: A bill (H. R. 8342) for the removal of the United States court-house building at Baltimore, Md.—to the Committee on Public Buildings and Grounds.

By Mr. ROGERS: A bill (H. R. 8343) for the erection of a public building at Van Buren, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. ELLIS: A bill (H. R. 8344) placing spool thread of cotton on the free-list—to the Committee on Ways and Means.

By Mr. WICKHAM: A bill (H. R. 8345) to provide for reimbursing officers in the Army during the war of the rebellion for losses of property by capture—to the Committee on War Claims.

By Mr. STONE, of Missouri: A bill (H. R. 8347) to abolish the Utah Commission and to devolve its duties on certain other officers—to the Committee on the Judiciary.

By Mr. HARE: A bill (H. R. 8348) for the erection of a public building at Wichita Falls, in the State of Texas—to the Committee on Public Buildings and Grounds.

By Mr. GEST: A bill (H. A. 8349) to grant to honorably discharged soldiers and sailors of the late war \$50 additional bounty for each year and fraction of a year of service—to the Committee on Invalid Pensions.

By Mr. VANDEVER: A bill (H. R. 8350) to establish the Yosemite National Park in California—to the Committee on Public Buildings and Grounds.

By Mr. PERKINS: A bill (H. R. 8351) granting the St. Louis and California Railway Company the right of way through the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

Also, a bill (H. R. 8352) to appropriate \$200,000, or so much thereof as may be necessary, to pay certain Absentee Shawnee Indians for losses sustained during the war—to the Committee on Indian Affairs.

By Mr. WRIGHT: A bill (H. R. 8353) placing Pennsylvania State militia who were in actual service under command of United States officers during the war of 1861 upon the same footing as United States soldiers in the matter of pensions—to the Committee on Invalid Pensions.

By Mr. DINGLEY: A bill (H. R. 8354) to establish a fog-signal at or near the Cuckolds Island, at the entrance to Boothbay Harbor, otherwise known as Townsend Harbor, Maine—to the Committee on Commerce.

By Mr. OATES: A bill (H. R. 8355) for the erection of a public building at Eufaula, Ala.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8356) to continue the publication of the supplement to the Revised Statutes—to the Committee on the Judiciary.

By Mr. O'NEILL, of Pennsylvania: A joint resolution (H. Res. 127) to print the eulogies upon William D. Kelley—to the Committee on Printing.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were delivered to the Clerk and referred as follows:

By Mr. ADAMS: A bill (H. R. 8357) for the relief of Edward Golden—to the Committee on Claims.

Also, a bill (H. R. 8358) granting arrears of pension to Alphaus Ruschpler—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 8359) for the relief of the legal representatives of Peter Lyle, deceased—to the Committee on Claims.

By Mr. BROSIUS (by request): A bill (H. R. 8360) for the relief of the legal owners of the Columbia bridge, Columbia, Pa.—to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 8361) to relieve Edward McDonald of the charge of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 8362) to relieve Ferdinand Young of the charge of desertion—to the Committee on Military Affairs.

By Mr. CAREY: A bill (H. R. 8363) to relieve Enoch Venter from the charge of desertion—to the Committee on Military Affairs.

By Mr. CLUNIE: A bill (H. R. 8364) for the relief of William Britton—to the Committee on Military Affairs.

Also, a bill (H. R. 8365) to validate homestead entry No. 3710 of Martin V. Roe—to the Committee on Private Land Claims.

By Mr. COBB: A bill (H. R. 8366) for the relief of Mrs. A. E. Hardin, of Alabama—to the Committee on War Claims.

By Mr. DE LANO: A bill (H. R. 8367) to remove the charge of desertion from the record of John Sharp, late of Company A, Second New York Artillery—to the Committee on Military Affairs.

By Mr. FINLEY: A bill (H. R. 8368) for the relief of Michael Lawler, of Hart County, Kentucky—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 8369) granting a pension to Peter Davidson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8370) for the relief of Ralph Deremer—to the Committee on Military Affairs.

By Mr. FUNSTON: A bill (H. R. 8371) to increase the pension of Thomas N. Gohagan—to the Committee on Invalid Pensions.

By Mr. GEST: A bill (H. R. 8372) to increase the pension of Elihu S. Myers—to the Committee on Invalid Pensions.

By Mr. HEARD: A bill (H. R. 8373) granting a pension to Asa M. McKinney—to the Committee on Invalid Pensions.

By Mr. MCCREARY: A bill (H. R. 8374) for the relief of Alexander Curd—to the Committee on Invalid Pensions.

By Mr. RAINES: A bill (H. R. 8375) granting a pension to Harriet S. Bentley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8376) for the relief of John M. Clawson—to the Committee on Military Affairs.

Also, a bill (H. R. 8377) granting a pension to Laura J. James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8378) granting a pension to George W. Murray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8379) granting a pension to John Shirley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8380) granting a pension to Mrs. Eliza Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8381) to increase the pension of Asenath Turner, a Revolutionary pensioner—to the Committee on Pensions.

By Mr. ROGERS: A bill (H. R. 8382) for the relief of William J. Ellington—to the Committee on Military Affairs.

By Mr. SANFORD: A bill (H. R. 8383) for the further relief of Ann McCarney—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 8384) granting a pension to John Lee—to the Committee on Invalid Pensions.

By Mr. SPINOLA: A bill (H. R. 8385) granting an increase of pension to John Massey, late lieutenant Company G, Thirty-seventh Regiment New York Infantry Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8386) granting an increase of pension to Daniel Peck, Company E, Ninth New York Cavalry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8387) granting an increase of pension to C. J. Phillips, Company F, Ninth New York Cavalry, certificate No. 55267—to the Committee on Invalid Pensions.

By Mr. TOWNSEND, of Colorado: A bill (H. R. 8388) granting a pension to Mrs. M. P. Felch—to the Committee on Invalid Pensions.

By Mr. WALKER, of Massachusetts: A bill (H. R. 8389) for the relief of Edward Rice—to the Committee on Claims.

By Mr. WICKHAM: A bill (H. R. 8390) providing for the recognition of George W. Youngblood as a second lieutenant in the Eighty-second Regiment of Ohio Infantry Volunteers—to the Committee on Military Affairs.

By Mr. BINGHAM: A joint resolution (H. Res. 128) construing part of act of March 2, 1889, making appropriations for the office of Second Assistant Postmaster-General—to the Committee on the Post-Office and Post-Roads.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following change of reference was made:

A bill (H. R. 7183) for the relief of Francis L. Hagadorn as inventor of an improvement in ammunition chests and the method of packing ammunition therein—Committee on Military Affairs discharged, and referred to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were delivered to the Clerk and referred as follows:

By Mr. ATKINSON, of West Virginia: Papers in the claim of Chadwell Brittain—to the Committee on War Claims.

By Mr. BLAND: Petition of Eli T. Murphy, for pension—to the Committee on Invalid Pensions.

By Mr. BOWDEN: Petition for relief of William and Mary College, Virginia—to the Committee on War Claims.

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By Mr. BROOKSHIRE: Petition of about 300 members of the Rush Creek Monthly Meeting of Friends, of Parke County, Indiana, requesting the rejection by Congress of the recommendations of the Naval Committee of the Senate providing for the expenditure of a large sum for so-called coast defenses and other warlike preparations—to the Committee on Naval Affairs.

By Mr. BYNUM: Petition of the Social Turnverein of Indianapolis, Ind., against any modification of the immigration laws—to the Committee on Immigration.

By Mr. CARTER: Memorial by the city council and Board of Trade of Butte City, Mont., relating to a public building in said city—to the Committee on Public Buildings and Grounds.

Also, protest of Montana Stock-Growers against House bill No. 304—to the Committee on Agriculture.

By Mr. COMSTOCK: Petition of letter-carriers of Minneapolis, Minn., for fixed salaries—to the Committee on the Post-Office and Post-Roads.

By Mr. CONGER: Memorial of J. C. Ferguson Post, Grand Army of the Republic, Knoxville, Iowa, in favor of service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions of Farmers' Alliance, No. 1350, Dallas County, Iowa, in favor of House bill 5353, defining and punishing dealing in options, futures, etc.—to the Committee on Agriculture.

Also, memorial and joint resolution of the Legislature of Iowa, in favor of the construction of the Hennepin Canal—to the Committee on Rivers and Harbors.

Also, joint resolution of same body, favoring the repeal of the arrears limitation as to pensions in act of 1879—to the Committee on Invalid Pensions.

By Mr. CULBERSON, of Texas: Petition in favor of pure lard, supporting H. R. bill 11027, Fiftyeth Congress—to the Committee on Agriculture.

By Mr. CUMMINGS: Resolution of the New York Board of Trade and Transportation, favoring the establishment of a limited post and telegraph service as a bureau or part of the Post-Office Department of the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. DOLLIVER: Petition of Grand Army of the Republic post of Manning, Iowa, for service-pension law—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Petition of ex-officers and ex-soldiers of the Seventy-fifth Ohio Volunteer Infantry, for the relief of James W. Whaley—to the Committee on Military Affairs.

By Mr. HENDERSON, of Iowa: Resolutions passed by A. Waldron Post, No. 381, Grand Army of the Republic, Department of Iowa, Quasqueton, Buchanan County, Iowa, urging the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. HERMANN: The petition of the heirs of John E. Ross and other Indian depredation claimants, under awards of the commissioners, George H. Ambrose, A. C. Gibbs, and L. F. Grover, against the Rogue River Indians in Oregon—to the Select Committee on Indian Depredation Claims.

By Mr. HITT: Resolutions of the Grand Army of the Republic, of Savanna, Ill., for law granting service pensions—to the Committee on Invalid Pensions.

Also, resolutions of the New York Board of Trade and Transportation, favoring Government postal telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. KELLEY: Petition of the Thirty-third Judicial Veteran Association, of the State of Kansas, asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Hills Lodge, No. 1255, with a membership of 75, of Coffey County, Kansas, for the abolition of national banks, for free and unlimited coinage of silver, in favor of electing United States Senators by a direct vote of the people, of United States judges by a vote of the people, for liberal pension legislation, and for abolition of trusts, and for reduction of taxes on articles of necessity—to the Committee on Agriculture.

Also, petition of James L. King and 79 others, citizens of Topeka, asking for the passage of House bill 3863, introduced by J. LOGAN CHIPMAN, and providing for an increase of pay of letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. KERR, of Iowa: Petitions of Wilson Post, Grand Army of the Republic, Iowa; Von Pelt Post, Grand Army of the Republic, Iowa; of George S. Comstock Post, Grand Army of the Republic, Iowa; Thompson Post, Reinbeck, Iowa, for service-pension law—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of New Sharon (Iowa) Farmers' Alliance, favoring the passage of the Butterworth bill prohibiting option deals in farm products—to the Committee on Agriculture.

By Mr. LAIDLAW: Petition of citizens of Chautauqua County, New York, praying for legislation to prevent the adulteration of lard—to the Committee on Agriculture.

By Mr. LANE: Eleven petitions, containing 320 names of members of Nebraska Farmers' Alliances, asking free coinage of silver, protesting against passage of Windom bill, etc.—to the Committee on Coinage, Weights, and Measures.

By Mr. LANHAM: Petition of citizens of Val Verde County, Texas, for the establishment of a four-company military post at Del Rio, Tex.—to the Committee on Military Affairs.

By Mr. MONTGOMERY: Petition for public building at Lebanon, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. NIEDRINGHAUS: Petition of Emilin Nurnberger, for pension—to the Committee on Invalid Pensions.

By Mr. O'DONNELL: Petition of 30 citizens of Jackson, Mich., asking the passage of the Blair bill—to the Committee on Education.

By Mr. O'NEILL, of Pennsylvania: Remonstrance of business men of Philadelphia, against an increase in the duty on oranges and lemons—to the Committee on Ways and Means.

By Mr. PARRETT: Petition of Scott Township Lodge, No. 1360, F. M. B. A., of Vanderburgh County, Indiana, against trusts and monopolies—to the Committee on Agriculture.

By Mr. PERKINS: Petition asking that a commission be appointed on the authority of Congress to confer with a like committee appointed by the State of Texas to decide the question of the ownership of Greer County, Indian Territory or Texas, and that, if the title to lands in said county be vested in the United States, the bona fide settlers of the county now located upon said lands be given preference—to the Committee on the Territories.

Also, petition of Rose Hill Monthly Meeting of Friends, of Butler County, Kansas, numbering 278 persons, asking Congress to reject the recommendation of Senate Naval Committee to appropriate money for improvement of the Navy—to the Committee on Naval Affairs.

Also, resolution of the old soldiers and seamen of Geary County, Kansas, asking for the passage of the Ingalls service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Mr. Boyer and 52 others, residents of Chautauqua County, Kansas, asking for the passage of a service-pension act—to the Committee on Invalid Pensions.

Also, resolutions of L. E. Houson and 32 others, ex-Union soldiers, of Mound Valley, Kans., for same purpose—to the Committee on Invalid Pensions.

Also, petition of W. S. Stanton and others, ex-Union soldiers, of Montgomery County, Kansas, asking for same relief—to the Committee on Invalid Pensions.

Also, petition of Isaac Wonderly and others, residents of Montgomery County, Kansas, asking for the passage of the same measure—to the Committee on Invalid Pensions.

By Mr. SNIDER: Petition of citizens and letter-carriers of Minneapolis, Minn., for increased compensation for letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. STIVERS: Petition of Stephen B. Rider and Hannah M. Isaac, clerks of the Monthly Meeting, of Cornwall, N. Y., comprising 125 persons, asking the House of Representatives to reject the recommendation of the Senate Naval Committee and other measures proposing a large expenditure for the Navy and coast defenses and other warlike preparations—to the Committee on Naval Affairs.

By Mr. STRUBLE: Petition from the Fairfield Farmers' Alliance, Buena Vista County, Iowa, urging the passage of House bill 5353—to the Committee on Agriculture.

By Mr. SWENEY: Petitions from five Grand Army of the Republic posts, Department of Iowa, for service-pension law—to the Committee on Invalid Pensions.

Also, remonstrance of Charles Reineke and 32 other members of the North American Turnerbund, protesting against the enactment of laws restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. TOWNSEND, of Colorado: Resolutions of board of county commissioners of Montrose County, Colorado, in favor of appropriations for deep harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. TURNER, of Georgia: Memorial of J. R. Forrester, of Albany, Ga.; W. A. Watson, president Albany Suballiance; T. J. Pierson, president Pine Bluff Suballiance; J. H. Vurkey, president Wesley Chapel Suballiance, and P. B. Tuitty, president East Dougherty Suballiance, all of the State of Georgia, against the bill to tax cotton-seed oil when compounded with lard—to the Committee on Agriculture.

By Mr. WASHINGTON: Printed copy of findings of Court of Claims, to accompany House bill of Fifty-first Congress—to the Committee on War Claims.

## SENATE.

WEDNESDAY, March 19, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The VICE-PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read and approved.

### EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of December 19, 1889, the report and findings of a court of inquiry



appointed to ascertain whether formal organizations not expressly authorized by the Navy Department exist among naval officers; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

#### HOUSE BILL REFERRED.

The bill (H. R. 6419) to amend section 2294 of the Revised Statutes of the United States, and for other purposes was read twice by its title, and referred to the Committee on Public Lands.

#### PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa, presented a joint resolution of the General Assembly of Iowa; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

[Joint resolution No. 3.]

Memorial and joint resolution relative to the construction of a canal from the Mississippi River to the Illinois River at Hennepin, in the State of Illinois.

Whereas the question of cheap transportation by an uninterrupted water route between the Mississippi River and the Atlantic seaboard, by way of the Great Lakes, has long been one of all-absorbing interest to the people of the food-producing States of the Northwest; and

Whereas the General Assembly of Iowa has repeatedly memorialized Congress for the construction of this water route and urged upon Congress the construction of the same; and

Whereas the construction of this canal has received more indorsement since 1844 than any other water way on the continent of America; and

Whereas a board of civil engineers has surveyed, located, and approved of the construction of this water way from Hennepin to the Mississippi River at the mouth of Rock River; and

Whereas at the water convention held September 3 and 4 in Cincinnati, Ohio, a resolution passed said convention, urging upon Congress to make an immediate appropriation therefor: Now, therefore,

*Be it resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be requested to vote for and use their active influence to effect such legislation by Congress as will secure an appropriation to commence the construction of said canal at an early day, and they are also requested to vote a liberal appropriation therefor, to the end that said canal may be completed and opened to the commerce of the country at the earliest possible date.*

*Resolved, That the secretary of state be, and he is hereby, instructed to forthwith transmit a copy hereof to each of our Senators and Representatives in Congress.*

A. F. MESERVEY,  
President of the Senate pro tempore.  
J. T. HAMILTON,  
Speaker of the House of Representatives.

Approved March 11, 1890.

I hereby certify that this resolution originated in the Senate and is known as "Memorial and joint resolution No. 3."

W. R. COCHRANE, Secretary Senate.

Mr. WILSON, of Iowa, presented joint resolution of the General Assembly of Iowa; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Whereas gross and unprincipled adulterations of lard are made by the mixture of cotton-seed oil and other inferior oils with pure lard; and

Whereas such a mixture is put up by the great syndicates of packers in the United States and sold as pure steam-refined lard to the consumers of this and foreign countries, which practice is seriously detrimental to Iowa farmers; and

Whereas such practice is unjust and ruinous to the hog-raisers of Iowa and the great West: Therefore,

*Be it resolved by the Senate (the House concurring), That our Senators and Representatives in Congress be earnestly requested and urged to introduce and vote for a law looking to the punishment of such fraudulent transactions, and compelling vendors of adulterated foods, and especially lard, to label it with the name, its constituent elements, and the quantity of each ingredient used in forming the compound.*

The secretary of the Senate is instructed to send a copy of these resolutions to our Senators and Representatives in Congress.

I hereby certify that the foregoing concurrent resolution passed both branches of the Twenty-third General Assembly on the 4th day of March, A. D. 1890.

W. R. COCHRANE, Secretary of Senate.

Mr. WILSON, of Iowa, presented a joint resolution of the General Assembly of Iowa; which was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

[Joint resolution No. 4.]

To the Congress of the United States, in relation to the arrears of pensions:  
*Be it resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be, and they are hereby, earnestly requested to use their best efforts to secure the repeal of the limitation contained in the arrears act of 1879, so that all invalid soldiers shall share alike, and their pensions shall begin with the date of disability or discharge, and not with the date of their application.*

That the secretary of state transmit a certified copy of this resolution to each of our Senators and Representatives in Congress.

A. F. MESERVEY,  
President of the Senate pro tempore.  
J. T. HAMILTON,  
Speaker of the House of Representatives.

Approved March 11, 1890.

I hereby certify that this resolution originated in the Senate and is known as "Joint resolution No. 4."

W. R. COCHRANE, Secretary Senate.

Mr. WILSON, of Iowa, presented resolutions of Farmers' Alliance No. 1168, of Hawthorne, Iowa, in favor of the passage of an act prohibiting speculation in raw and manufactured farm products; which were referred to the Committee on Agriculture and Forestry.

Mr. DAWES presented a petition of Union No. 2, Bricklayers and Masons' International Union of America, of Holyoke, Mass., and the petition of Union No. 11, Bricklayers and Masons' International Union

of America, of North Adams, Mass., praying for an amendment to the labor laws, etc.; which were referred to the Committee on Education and Labor.

He also presented a petition of Albert Pierce, president, George M. Bowker, secretary, and others, members, of the Fitchburg Letter-Carriers' Association of Fitchburg, Mass., praying that increased compensation be granted to letter-carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. VOORHEES presented a memorial of the Monthly Meeting of Friends, numbering 437 adult members, of Marion, Grant County, Indiana, remonstrating against the appropriation of large sums of money for the Navy and so-called coast defenses, and other warlike preparations; which was referred to the Committee on Naval Affairs.

Mr. VOORHEES. I present a memorial signed by a large number of citizens of Richmond, in the county of Wayne, State of Indiana, remonstrating against the enactment of any law in regard to the observance of the Sabbath or the Lord's Day or any other religious or ecclesiastical institution or rite, and against the adoption of any resolution for the amendment of the national Constitution that would in any way give preference to the principles of any one religion above another, or that would in any way sanction legislation upon the subject of religion, believing that the total separation between religion and the state, assured by our national Constitution as it now is, is for the best.

I move that the memorial be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. FAULKNER presented a petition of the Bricklayers and Masons' International Union, No. 2, of Wheeling, W. Va., signed by Magnus Long, president, and Henry Kirchner, recording secretary, petitioning Congress to enact such laws as will secure to skilled and unskilled laborers who are citizens of the United States preference over aliens in the erection and construction by the Government or by contract of public buildings, navy-yards, fortifications, and other structures and works; which was referred to the Committee on the Judiciary.

Mr. BERRY. I present a memorial of the Chickasaw Indians relating to lands of the Choctaw and Chickasaw Nations west of the ninety-eighth meridian of west longitude, with an accompanying statement. I move that the memorial be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. INGALLS presented a petition of 30 members of Liberty Union, Emporia, Kans., praying for the free coinage of silver; which was referred to the Committee on Finance.

He also presented a petition of Dr. Louis Mackall and other citizens of Washington, D. C., praying relief for injuries to real property caused by improvements and repairs of streets and avenues in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SQUIRE presented a memorial of the Legislature of the State of Washington; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF WASHINGTON,  
Office of the Secretary of State.

I, Allen Weir, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the attached instrument of writing, i. e., senate joint memorial No. 22, asking for the appropriation of \$100,000 to improve Skagit River, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof, I have hereunto set my hand and affixed the seal of said State, at Olympia, this 17th day of February, A. D. 1890.

ALLEN WEIR, Secretary of State.

Senate joint memorial No. 22.

To the honorable the Senate and House of Representatives of the Congress of the United States:

Your memorialist, the Legislature of the State of Washington, do most earnestly and urgently request your honorable body to appropriate \$100,000 for improvement of the Skagit River.

The Skagit River, which empties into Utsalady Bay, one of the large sheets of water forming Puget Sound, is the largest river in Western Washington. Its drainage basin contains 2,900 square miles, including 300 square miles of fertile valley land, nearly level, and is covered with dense forests, principally of fir, cedar, spruce, and cottonwood.

The width of the river varies from 300 to 600 feet, and can, by the judicious expenditure of \$100,000, be made navigable for a distance of 90 miles for steamers drawing from 5 to 6 feet of water. This accomplished, Skagit Valley will become one of the most productive and richest valleys in the United States, and will give employment and support to a population of 50,000 persons. Its present population is about 5,000.

The iron ore already discovered and located in the mountains at whose base the river courses is estimated by experts as sufficient in quantity and quality to supply the wants of the United States for centuries. Contiguous to these iron mountains are vast deposits of limestone. The great coal fields of Skagit Valley are unsurpassed in quality. The veins now open and awaiting transportation facilities (there being no railroad in the valley) are the "Bennett," showing a 30-foot face, the "Cumberland," showing a 15-foot face, and the "Connor," showing a 12-foot face. These three mines would, inside of sixty days, if the necessary improvements prayed for are made, furnish to the markets of the world 1,500 tons of coal daily. The additional mines that would be opened would swell the output of coal in the valley to 55,000 tons daily. This coal can be floated down the river on barges to Utsalady Bay, and then loaded on ocean vessels ready for shipment to any port in the world. Iron, coal, and limestone, in contiguous mountains, insure the building of large iron works in this valley.

The Skagit River once made a navigable highway to the ocean will protect the producer against exorbitant freight rates in the future and accelerate the

opening up of its manifold resources now lying dormant. Besides its vast wealth in minerals there are floated down the Skagit River from forty to fifty million feet of logs yearly. Its soil is of the richest, producing in hay from 3 to 4 tons per acre, oats from 95 to 130 bushels per acre. Its fruits are equal to those of California. Sugar-beets, potatoes, and other roots are wondrously prolific in growth. A fine quality of tobacco is also raised.

The granting of the prayer of your memorialist will open up the vast resources of this valley, for which your memorialist will ever pray.

Passed the senate January 20, 1890.

CHAS. E. LAUGHTON, *President of the Senate.*

Passed the house January 21, 1890.

J. W. FEIGHAN, *Speaker of the House.*

Mr. MOODY presented a petition of citizens of South Dakota, praying for the enactment of a national Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. ALLISON presented a joint resolution of the General Assembly of Iowa; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Joint resolution No. 3.

Memorial and joint resolution relative to the construction of a canal from the Mississippi River to the Illinois River at Hennepin, in the State of Illinois.

Whereas the question of cheap transportation by an uninterrupted water route between the Mississippi River and the Atlantic seaboard, by way of the Great Lakes, has long been one of all-absorbing interest to the people of the food-producing States of the Northwest; and

Whereas the General Assembly of Iowa has repeatedly memorialized Congress for the construction of this water route and urged upon Congress the construction of the same; and

Whereas the construction of this canal has received more indorsement since 1844 than any other water way on the continent of America; and

Whereas a board of civil engineers has surveyed, located, and approved of the construction of this water way from Hennepin to the Mississippi River at the mouth of Rock River; and

Whereas at the water convention held September 2 and 4 in Cincinnati, Ohio, a resolution passed said convention, urging upon Congress to make an immediate appropriation therefor: Now, therefore,

Be it resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress are requested to vote for and use their active influence to effect such legislation by Congress as will secure an appropriation to commence the construction of said canal at an early day, and they are also requested to vote a liberal appropriation therefor, to the end that said canal may be completed and opened to the commerce of the country at the earliest possible date.

Resolved, That the secretary of state be, and he is hereby, instructed to forthwith transmit a copy hereof to each of our Senators and Representatives in Congress.

A. F. MESERVEY,  
*President of the Senate pro tempore.*  
J. T. HAMILTON,  
*Speaker of the House of Representatives.*

Approved March 11, 1890.

HORACE BOIES.

I hereby certify that this resolution originated in the senate and is known as "Memorial and joint resolution No. 3."

W. R. COCHRANE, *Secretary Senate.*

Mr. ALLISON presented resolutions of the Federation of Labor of the District of Columbia, in favor of the passage of a law authorizing the Government to loan money to the people at a low rate of interest; which were referred to the Committee on Finance.

He also presented a petition of the governor and other State officers, members of the General Assembly of the State of Iowa, of the supreme court, and other citizens of the State of Iowa, praying for certain pension legislation; which was referred to the Committee on Pensions.

He also presented a petition of 44 citizens of Freeport, Iowa, and a petition of 36 citizens of Polk County, Iowa, praying for the free coinage of silver; which were referred to the Committee on Finance.

Mr. SPOONER presented resolutions adopted by Joseph Bailey Post, No. 133, Department of Wisconsin, Grand Army of the Republic, favoring the passage of the service-pension bill; which were referred to the Committee on Pensions.

Mr. PIERCE presented a petition of 41 farmers of New Jersey, praying for the passage of Senate bill 2607, creating a commission to investigate the cause of agricultural depression; which was referred to the Committee on Agriculture and Forestry.

Mr. BLAIR, I present a petition from the State Normal College, of Troy, Ala., praying for the passage of the educational bill. It is from the Normal College of that State, and the petition is signed by the faculty, Edwin R. Eldridge, president, Edward M. Shackelford, and various other professors of the institution, strongly setting forth their desire for the passage of the bill, and stating that those from the South who oppose it misrepresent the general wish of the educators and the people.

I also present a telegram addressed to myself, which is a petition from the State Camp of the Patriotic Order Sons of America of Ohio, in which they urge the adoption of the educational bill, believing it to be for the best interests of our educational system, the mainstay of American liberty and civilization. It is signed by the State secretary, E. J. Swerer. This is from Columbus, Ohio, the State organization. Last night I introduced and had printed in the RECORD a like petition from the organization in Cincinnati, Ohio.

I move that these petitions lie on the table.

The motion was agreed to.

Mr. BLAIR presented the petition of B. W. Annett, B. T. Tanner, bishops, and 7 presiding elders of the Florida Conference of the African Methodist Episcopal Church, and the petition of John R. Scott and 62 others, citizens of Florida, praying for the passage of the educational bill; which were ordered to lie on the table.

Mr. PADDOCK presented four memorials, signed by 250 citizens of Nebraska, remonstrating against any material alteration in the existing immigration and naturalization laws; which were referred to the Committee on Immigration.

Mr. BLODGETT presented a petition of the president and secretary of the Journeymen Bricklayers and Plasterers' Association of Trenton, N. J., praying that none but American citizens be employed in the construction of public buildings; which was referred to the Committee on the Judiciary.

Mr. HALE presented a petition of the subordinate Union, No. 2, of Portland, Me., of the Bricklayers and Masons' International Union of America, praying for legislation that shall limit the employment upon Government works to citizens of the United States; which was referred to the Committee on the Judiciary.

Mr. SHERMAN presented a memorial of subordinate Union, No. 1, Bricklayers and Masons' International Union of America, of Cincinnati, Ohio, and a memorial of subordinate Union, No. 6, Bricklayers and Masons' International Union of America, of Canton, Ohio, remonstrating against the employment of aliens on Government works; which were referred to the Committee on the Judiciary.

He also presented a petition of Typographical Union, No. 3, of Cincinnati, Ohio, praying for the passage of an international copyright bill; which was ordered to lie on the table.

Mr. SHERMAN. I present the petition of Samuel Sly, of Wichita, Kans., praying for the establishment of a bank and fiscal agent of the United States, accompanied by the draught of a bill to incorporate, establish, and create a bank and fiscal agent of the United States of North America. Upon statements made to me by a Senator that the gentleman who prepared the bill is a man of ability and a good lawyer, I ask that the petition and bill be printed, simply as a document, not as a bill introduced. I do not introduce it as a bill.

The VICE-PRESIDENT. What reference does the Senator from Ohio desire?

Mr. SHERMAN. Let the papers be referred to the Committee on Finance and printed as a document.

The VICE-PRESIDENT. It will be so ordered, if there be no objection.

Mr. TELLER presented a memorial of the Legislature of Colorado, praying for the construction of a deep-water harbor on the Gulf coast of Texas; which was ordered to lie on the table.

Mr. HOAR presented a petition of citizens and residents of Holyoke, Mass., and a petition of citizens of North Adams, Mass., praying for such amendment of certain laws having reference to the erection of public buildings as that none but citizens of the United States be employed thereon; which were referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of subordinate Union of the Bricklayers and Masons' International Union, of Portland, Me., praying for an amendment of the law so that none but citizens of the United States shall be employed on Government works; which was referred to the Committee on the Judiciary.

Mr. EVARTS presented the memorial of the Yorktown Monthly Meeting of Friends, of Westchester County, New York, remonstrating against expenditures for the Navy, coast defenses, etc.; which was referred to the Committee on Naval Affairs.

He also presented a petition of 101 citizens of Homer, N. Y., praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. DANIEL presented a petition of 260 members of the Farmers' Alliance of Sussex County, Virginia; a petition of 46 citizens of Loudoun County, Virginia; a petition of 39 citizens of Loudoun County, Virginia; and a petition of 42 citizens of Loudoun County, Virginia, praying for the free coinage of silver; which were referred to the Committee on Finance.

Mr. PLATT. I present a petition of the Bricklayers and Masons' International Union of America, by one of its subordinate unions, at New Haven, Conn., relating to the passage of some law which shall secure to citizens of the United States the right to labor on Government works in preference to aliens.

I notice that petitions of a similar character have been this morning referred to the Committee on the Judiciary, but it seems to me that perhaps this petition should go to the Committee on Education and Labor. If there be no objection, I should like to have it take that reference.

The VICE-PRESIDENT. It will be so referred, if there be no objection.

REPORTS OF COMMITTEES.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 1127) to pay Emma S. Cameron, widow of James Cameron for property taken and used by the Army during the late war, reported it with an amendment, and submitted a report thereon.

Mr. ALLISON, from the Committee on Finance, to whom was referred the bill (H. R. 4970) to simplify the laws in relation to the collection of the revenues, reported it with amendments.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 371) for the relief of the Mobile Marine Dock Company, reported it without amendment, and submitted a report thereon.



Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (S. 2931) granting jurisdiction to the Court of Claims, notwithstanding any statutory bar, of the claims of J. F. Bailey & Co. and others, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. 632) for the relief of P. B. Sinnott, late Indian agent at Grande Ronde agency, State of Oregon, reported it without amendment, and submitted a report thereon.

The VICE-PRESIDENT. The bill will be placed on the Calendar. Mr. MITCHELL. That bill has heretofore passed the Senate three times. I ask in unanimous consent, if it leads to no discussion, that the Senate allow it to be passed now.

Mr. VOORHEES. I shall have to object.

Mr. MITCHELL. I will not interfere with the Senator from Indiana, who desires to speak this morning.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 245) for the relief of Albert H. Emery, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 222) providing for the erection of a public building at the city of Norfolk, Nebr., reported it with an amendment, and submitted a report thereon.

Mr. STANFORD, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 605) to increase the appropriation for the erection of a public building at Troy, N. Y., reported it without amendment.

Mr. MOODY. From the Committee on Pensions I report the bill (S. 1208) granting a pension to Sarah A. Blakely adversely, on the ground that her application is not completed in the Pension Bureau. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. MOODY, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1238) granting a pension to Daniel Donovan; and

A bill (S. 2309) for the relief of Joseph O. Cotton, dependent father of Gregory H. Cotton.

Mr. WOLCOTT, from the Committee on Claims, to whom was referred the bill (S. 243) for the relief of Frank Della Terre and Susan F. Della Terre, heirs of Peter Della Terre, deceased, reported it with an amendment, and submitted a report thereon.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 681) making an appropriation for the benefit of the estate of William Moss, deceased, reported it without amendment, and submitted a report thereon.

#### INTRODUCTION OF CONTAGIOUS DISEASES.

Mr. HARRIS. The Committee on Epidemic Diseases, to which were referred the amendments of the House of Representatives to the bill (S. 140) to prevent the introduction of contagious diseases from one State to another, and for the punishment of certain offenses, directs me to report them back and move that the Senate concur in the House amendments.

The VICE-PRESIDENT. The amendments of the House of Representatives will be stated.

The CHIEF CLERK. In lines 10 and 11, after the word "to," strike out the words "make an." In line 20, after the word "disease," insert "The said rules and regulations shall be prepared by the Supervising Surgeon-General of the Marine-Hospital Service under the direction of the Secretary of the Treasury."

The VICE-PRESIDENT. Is there objection to the present consideration of the amendments? The Chair hears none. The question is on concurring in the amendments made by the House of Representatives.

The amendments were concurred in.

#### ISAAC ENDALY.

Mr. TURPIE. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 5751) to increase the pension of Isaac Endaly, to report it favorably. The claimant under this bill is ninety-eight years old and is utterly destitute of means except \$8 a month which he is drawing as a pensioner of the war of 1812. He is feeble in health, and time seems to be the essence of relief in his case. I ask for the immediate consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the pension of Isaac Endaly, a private in Captain Smith's company of Tennessee Militia, in the war of 1812 between the United States and Great Britain, to \$50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Mr. INGALLS introduced a bill (S. 3178) for the improvement of Calcasieu River and Passes, Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

He also (by request) introduced a bill (S. 3179) to grant additional bounty to the soldiers and sailors of the late war: which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GORMAN introduced a bill (S. 3180) for the relief of John M. Robinson; which was read twice by its title, and referred to the Committee on Claims.

Mr. SAWYER introduced a bill (S. 3181) to constitute Port Washington, Wis., a port of delivery and to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to the said port of Port Washington; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. COKE introduced a bill (S. 3182) for improving Aransas Pass; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HIGGINS introduced a bill (S. 3183) granting a pension to Amanda M. Smyth; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FAULKNER introduced a bill (S. 3184) for the relief of Adam Kidwiler; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3185) for the relief of the trustees of the Presbyterian Church of Springfield, Hampshire County, West Virginia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3186) for the relief of E. C. Trimble; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3187) for the relief of Robert Thompson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 3188) to increase the pension of Daniel Clark; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BARBOUR. I introduce a bill by request. I desire it noted that I am not committed to it.

The bill (S. 3189) to authorize the construction of the Potomac River Railroad in the District of Columbia, and to define the route of the same, was read twice by its title, and referred to the Committee on the District of Columbia.

#### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HARRIS, it was

Ordered, That the petition and papers of Asa B. Ayers be taken from the files of the Senate and referred to the Committee on Claims, there having been no adverse report thereon.

#### REPORT ON IMPORTED LIQUORS.

On motion of Mr. WILSON, of Iowa, it was

Ordered, That Senate report 610, Fiftieth Congress, first session, relating to imported liquors, be reprinted for the use of the Senate, including the views of the minority.

#### MARY B. LE ROY.

Mr. GORMAN. The Senate yesterday passed the bill (S. 314) for the relief of Mary B. Le Roy. There was a slight mistake in the bill, simply of a word. I ask that the votes by which the bill was ordered to a third reading and passed be reconsidered, so that the necessary correction may be made. It will only take a moment.

The VICE-PRESIDENT. The Senator from Maryland moves that the votes by which the bill indicated by him was ordered to a third reading and was passed be reconsidered.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The bill is before the Senate and open to amendment.

Mr. GORMAN. In line 7, before the words "to be," I move to strike out the word "same," and to insert the word "sum;" so as to read:

The sum of \$50 per month during her widowhood, that sum to be in lieu of her present pension.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT TAUNTON, MASS.

Mr. HOAR. I desire to enter a motion to reconsider the vote by which the bill (S. 1548) for the erection of a public building at Taunton, Mass., was passed yesterday. I should like to inquire if that bill has been sent to the other House?

The VICE-PRESIDENT. It has not been.

Mr. HOAR. I wish the motion to reconsider to be entered simply, and the matter to lie over.

I desire to state that the motion to reconsider is made, not because of any doubt about the propriety of the bill, if it exists anywhere, but I understand there have been some little differences of policy between the draughtsmen of this class of bills in this body and in the other, and that it is possible there will be a conference before long on some other bill which will determine the policy of both Houses in regard to the matter. If that be true, this bill will be amended or not so as to con-

form to what the two Houses shall agree upon in reference to the other bill.

Several SENATORS. This is a Senate bill.

Mr. HOAR. It is a Senate bill, but if it goes down to the other House and has to be amended there, it will have to come back. If it goes to the other House in the shape which that body will probably pass it, it will not be delayed by a return.

The VICE-PRESIDENT. The question is on the motion to reconsider.

Mr. HOAR. I do not desire to have the motion put now. I desire simply to enter it, and leave it for the time being.

The VICE-PRESIDENT. The motion will be entered.

#### DEPRESSION OF AGRICULTURAL INTERESTS.

The VICE-PRESIDENT. Is there further morning business? If not, that order is closed, and the Chair lays before the Senate the resolution submitted on a previous day by the Senator from Indiana [Mr. VOORHEES]. The resolution will be read.

The resolution submitted by Mr. VOORHEES on the 17th instant was read, as follows:

Whereas the deep and widespread depression and decay of the agricultural interests of the American people, the enormous and appalling amount of mortgage indebtedness on agricultural lands, the total failure of home markets to furnish remunerative prices for farm products, the palpable scarcity and insufficiency of money in circulation in the hands of the people with which to transact the business of the country and effect exchanges of property and labor at fair rates, are circumstances of the most overwhelming importance to the safety and the well-being of the Government; Therefore,

*Be it resolved*, That it is the highest duty of Congress in the present crisis to lay aside all discussion and consideration of mere party issues and to give prompt and immediate attention to the preparation and adoption of such measures as are required for the relief of the farmers and other overtaxed and underpaid laborers of the United States.

Mr. VOORHEES. Mr. President, there is trouble at this time in the hearts and minds of the farmers of this country. There is a deep, strong current of discontent, anxiety, and alarm prevailing in all the farming regions of the United States, and that current is growing swifter, stronger, and more threatening every hour. The spirit of unrest, irritation, and reproach is abroad amongst the tillers of the soil to an extent never before known in American history. The millions who plow and sow and reap are being moved by a mighty and concerted impulse to inquire into the causes which have led to their present calamitous and oppressed condition.

I propose on this occasion to aid them to the extent of my ability in pushing this most natural and necessary inquiry and in securing an honest and truthful answer. The farmer is the progenitor of the human race, and was the first to stand in the presence of the Creator and to receive from Him the decree of the divine mind on the question of labor. From the farmer's loins has descended the human family, with all its widespread and far-reaching branches, and wherever his dignity, honor, and prosperity have been ignored or trampled under foot, there the worst forms of government and the darkest scenes of barbarism have been found. God created a farmer to begin with, and, in all the ages since, His blessings have been most abundant and His civilization most glorious in the history of the nations and peoples where the farmer has ranked highest and where his comfort and prosperity have been the greatest care and chief concern of government.

The foundations of all human progress are in the hands of the farmer, and are laid by him as he asserts dominion by his daily toil over the tremendous forces and illimitable resources of nature. Who fails to be fascinated by a contemplation of the commerce of the seas? The thought is a most inspiring one that at this moment the richly freighted ships of all the nations of the earth are moving through all the oceans, and swarming on all the coasts and into all the harbors known to civilized man; and yet all this mighty system of commerce, traffic, and exchange is as dependent upon the corn-fields and wheat-fields of the farmer as the fields themselves are upon the dews and rains and sunshine of heaven. How brilliant, wonderful, and awe-inspiring appear the great cities of the world to the casual glance of the unreflecting mind.

The ordinary traveler speeds on and on, thousands of miles through farm lands, gazing listlessly at farm houses and farm productions, thinking nothing of the vast fundamental lessons they teach, but looking eagerly forward to the problems, mysteries, and wealth contrivances of the crowded, speculating, stock-gambling city which he is rapidly approaching; and yet that city would wither and perish, shrivel back to a barren, naked beach; its wharfs would rot, and its swollen corporations and haughty millionaires would dwindle into poverty-stricken skeletons, no better fed than Pharaoh's lean kine, were it not that the fountains of all its wealth, support, and grandeur are kept open and running, day and night, by the cultivation of the soil in the great domain of agriculture.

Gilded palaces, baronial castles, marble halls, colossal estates outrivaling in value the richest dukedoms of the Old World, all draw their sustenance from the bosom of mother earth; their roots strike deep into the mold that is turned by the plow, and the farmer at last is made to pay for all. It is estimated that over twenty millions of the present population of the United States, counting all ages and both sexes, are engaged in the cultivation of the soil, and on their productive labor,

not only the Government itself leans for support, but also all other classes of citizens derive from the same source their prosperity, their wealth, and too often their profuse and criminal luxuries. Is it not well, therefore, in the present juncture of affairs, to turn away from less important questions and look carefully into the condition of the agricultural masses, who bear the burdens and constitute the strength and glory of the Republic?

Sir, it is now nearly thirty years since the crisis of a terrible war gave to unhallowed avarice an opportunity to prey upon the self-sacrificing patriotism of the country and to plunder the laboring people of their hard and honest earnings, such as was never before in the history of nations presented to the basest passion and most sordid and odious vice in the fallen nature of man. In all the financial counsels of the Government at that time, Mammon, the demon of riches for the favored few, seemed to preside and control.

Mammon, the least erected spirit that fell  
From heaven; for 'e'en in heaven his looks and thoughts  
Were always downward bent, admiring more  
The riches of heaven's pavement, trodden gold,  
Than aught divine or holy else enjoyed  
In vision beatific.

Nor did this evil god of ill-gotten wealth, this fallen angel of greed and lust for gold, once a dweller in heaven, but now an inhabitant of hell, for a moment fall short of his delineation by Milton when, in his base, hard, grinding, and oppressive spirit, our present financial system, with its many and widespread branches and its far-reaching and destructive consequences, was organized and enacted during the war. No "vision beatific" of an unselfish patriotism, of mighty, mustering multitudes, comprising the flower of the land marching to the altar of self-sacrifice, and treading with high heroic step and mien the wine-press of the battle-field; no vision of a Union restored, a country united, and a flag floating in the sunlight of peace ever for an instant allured the thoughts or diverted the gaze of the American Mammon and his ignoble concave when they were engaged in laying deep and strong the foundations of the plutocracy, the giant money power, which now governs and curses this country and its laboring people.

A system of finance has been fastened on the American people with more hands than the fabled Briareus, and each one with an itching palm to clutch the fruits of honest industry for the enrichment of those who toil not, and yet outvie in splendor many of the crowned heads of Europe. Of this oppressive system there are many parts and contrivances, all skillfully woven together like a great network and having all the time the same object in view, the taxation of one class of citizens for the enrichment of another class. It is sometimes said that certain old sins of the Government should not be recalled at this late day; that they have the sanction of time, wear a venerable aspect, and should be condoned.

When ministers of the christian religion cease to denounce the sins and crimes of the human race because they are old, "hoary and white with beld," then, and not till then, will the fraudulent manner in which our bonded debt was doubled on the tax-payer be forgotten; then, and not till then, will the demonization of silver be forgiven, and then, and not till then, will a high protective tariff, existing not for revenue, but as a machine with which to gorge, glut, and cram the privileged few at the expense of the many, cease to exasperate and inflame the indignation of the intelligent laborers of the world.

The tariff, with all its overwhelming prominence and its overwhelming oppression at this time, is but a part of the vast system devised more than a quarter of a century ago, whereby a moneyed aristocracy has been created, labor degraded and deprived of its earnings, and the Government itself revolutionized in spirit, and soon to be revolutionized in substance and in form. It is true that, while the tariff is only a part of the money-power system of Government, yet its place and agency in that system are of the most vital and commanding influence in its execution. To take toll from all the laboring men, women, and children of the United States on all their wants and necessities, not for Government revenue, but for the protection of the millionaire manufacturers, powerful corporations, trusts, and syndicates, is the base function of the tariff laws now on our statute-books.

Who has the hardihood to rise and say that such laws are now or ever have been or ever will be a blessing to the farmer? On the one hand behold the present condition of the farmer and on the other behold the towering peaks of the highest protective tariff ever known, with perhaps the exception of the Chinese wall. Will you dare go before the distressed farmers of the country in the approaching political canvass with the old, stale, worn-out falsehood that a high protective tariff is for them an event of joy, a rich benefaction, a season of prosperity, and of home markets at good prices? Such a lie in this year of 1890, like a murderer's prayer, will stick in the throat of him who tries to utter it. When you again push the tariff, with its enormous and unnecessary taxation on every article of farming life, into the farmer's weather-beaten and care-worn face as a wise policy for him, will he not exclaim in indignation at your fraudulent pretense—

Do men gather grapes of thorns, or figs of thistles?

Even so every good tree bringeth forth good fruit; but a corrupt tree bringeth forth evil fruit.

A good tree can not bring forth evil fruit, neither can a corrupt tree bring forth good fruit.



Every tree that bringeth not forth good fruit is hewn down, and cast into the fire. Wherefore by their fruits ye shall know them.

Are you willing to have your tariff tree, your protective policy, tried by this high and immortal standard? The able and distinguished Secretary of State under the present Administration, in a recent magazine article in reply to Mr. Gladstone, has pointed out certain periods in American affairs when, as he claims, there was general prosperity in connection with a protective tariff, and that therefore, by virtue of the unrepeatable laws of cause and effect, prosperity was begotten by protection, and the laboring people, the farmers especially, were blessed in their homes and at their firesides by being forced to buy what they needed in a high-priced market protected from competition and to sell their products, whatever they might be, according to the cheap prices prevailing in the London markets and in the other markets of the civilized world, where no protective policy is known and where the wheat and other great staples of the United States are brought face to face in competition for sale with the productions of the serf labor of Russia, the Sepoy servitude of the Indies, and the practical slavery of other portions of the globe.

I will not stop to controvert, as others have successfully done, the Secretary's accuracy in his statement of historical facts; I need not dwell on the past for the support of my contention that a protective tariff is a curse, and not a blessing. I am not dealing with a theory, but with a condition on which even a blind man, by brief, primary instruction, can look with unclouded vision and reach an unerring conclusion. What is the issue this day between the farmer and the restrictions, repressions, and extortions of a protective tariff? That is the question to consider; that is the question in which American farmers are now everywhere most vitally interested. Are they gathering figs, are they plucking good fruits from the policy of their Government? I challenge the advocates of the present system of protection to answer on this floor or anywhere else.

The farmers of the United States are this hour realizing, upon a general average, not more than 10 cents per bushel for corn, 50 cents per bushel for wheat,  $2\frac{1}{2}$  to 3 cents a pound for hogs, a cent and a half to 2 cents for fat cattle, and even this low and almost nominal rate of prices would be reduced to nothing at all, and the farmers would be brought in debt if the expenses of production as well as of transportation were taken into the account. The compensation to the farmer for the enormous and infernal tax he has to pay under the tariff on all he needs and all he uses has always been the loud, prolonged, and vehement promise of an eager, remunerative home market for all he raised and wanted to sell. Where is that home market? The farmer is hunting for it, and mourning because it is not to be found. Home market! What lies have been told in its name!

The ignorant charlatan and the designing knave have alike poured falsehoods into the ears of the people, assuring the unsuspecting, and those of easy faith in the direction especially of their party ties, that home markets are created and sustained by a protective tariff, until now, after all these years of deception and lucrative mendacity on the part of the money power and its advocates, thousands of farmers in different parts of the country, owning and tilling lands richer far than the Delta of the Nile, are pointing in derision and scorn of all tariff protection to their stoves and fire-places as their only home market for corn. The rich contents of their corn-cribs, the fruits of the year's toil, have become cheaper as fuel than wood or coal, and as they mournfully gaze on this great staple breadstuff turning to ashes for want of a market in this land of railroads, rivers, and lakes, it would seem as if all their hopes of relief at the hands of the party now in power would perish in the same way.

Experience is teaching a harsh and severe lesson to the American farmer, and the time will come, at no distant day, when he will look upon the proposition to tax him, his wife, and his children for the protection and benefit of other people besides himself and his own as he would look upon a law of Congress establishing the army worm, the weevil, and the midge in his wheat, legalizing locusts, lice, grasshoppers, and infecting his cattle with murrain and his hogs with cholera. It is not possible that the fraudulent and monstrous policy of taxing the farmer into poverty in order to make another class of people nabobs and millionaires can much longer delude and mislead any one fit to manage his own affairs and have the care of a family.

From year to year the farmer has been assured, and in certain quarters he is now again being reminded, that protection is extended to the products of his labor against the competition of similar products imported from abroad for sale in our markets. The protectionist who advances this argument is either himself a fool or an audacious knave, who assumes that the farmers to whom it is addressed are fools. Do the home markets of the United States invite the great staples of agriculture from foreign lands? Does the price of wheat, of corn, of cotton, of pork, and of beef in our markets excite the cupidity of the grain-growers and stock-raisers of Europe, Canada, Mexico, or South America? What need is there of a tariff duty to keep the products of foreign farms away from our shores, when in point of fact prices in American markets for agricultural productions pay the American farmer but little more than neighborhood transportation and nothing at all for his labor?

The farmers of the United States sell abroad and feed the world. Every pretense of protection for their home markets is a fraud; every duty laid on such articles as wheat, corn, cattle, horses, eggs, poultry, and other like productions of farm life and farm labor is a cheat and a sham, and is so intended. Under cover of a deceptive and pretended protection, which affords no protection at all for anything he has to sell, the farmer has been for years, and is now, compelled to pay taxes on the necessities of life after the following average rates: On woolen goods, an average of 70 per cent.; knit cotton goods, 39 per cent.; cotton clothing, 35 per cent.; cotton bagging, 44 per cent.; cotton ties, 35 per cent.; tin-plate for roofing, milk pails, and kitchen utensils, 40 per cent.; earthen and stone ware, 58 per cent.; chains, 44 per cent.; window-glass, 73 per cent., and sugar, 70 per cent.

To convince the farmer that he is protected and benefited by such an abominable system as this would seem to a rational mind utterly impossible, and yet in some instances it has been done. I recall one instance at this time, and I will venture to describe it to Senators as I have once before done to a popular assemblage. During the campaign of 1888, in one of our beautiful Indiana towns and in a very fertile belt of country, I witnessed a Republican procession. It had in it many industrial exhibits, claiming to show the power and the glory of a tariff laid for protection. As I scanned the long line of moving vehicles I caught sight of one that riveted my gaze and gave me much food for reflection on the power to mislead and deceive which was abroad in the land. It was a wagon driven by a farmer and loaded with the productions of his fields. There were specimens of corn, wheat, rye, hay, and oats; of potatoes, pumpkins, watermelons, and cantaloupes; of cabbages, beans, onions, pie-plant, and tomatoes; of apples, peaches, pears, grapes, and cultivated blackberries, and on each side of the wagon, in big staring letters, I read the following: "These are the fruits of protection." My first thought was that such a man would certainly become the victim of a bunco-steerer or a confidence swindler before he got out of town, but in a moment I reflected that he had been listening to the eloquent advocates of the monopolists, and had been persuaded that tariff protection had done more for him than the sun, the dews, the rains, and a rich and bountiful soil, with all his own labor thrown in.

The stupendous extent of this unfortunate man's delusion can only be estimated when you turn away from a political parade and look at him while at work on his farm. You there behold the poor, blind dupe breaking up his grounds, preparing them for crops, and then planting and drilling in his corn, wheat, oats, and rye with plows, harrows, planters, and drills on which he has paid out of his own pocket from 75 to 100 per cent., nearly double their real value, as a tariff tax laid for the protection and enrichment of the manufacturer of such implements in this country. You behold this enslaved and deluded victim of the money power cutting his small grain and his hay with a reaper and a mower for which he has paid twice what they would cost him but for a protective tariff.

He uses a double-priced hoe in his cabbage patch and a double-priced pitchfork at his hay-mow and wheat-stack, in order to enable the manufacturers of hoes and pitchforks to avoid foreign competition and thus get rich. He then puts a set of harness on his horses, taxed from the bridle-bits to the breech-bands and every buckle, link, and chain, hitches them to a wagon taxed 85 per cent., at least, on every bolt, spike, and tire that holds it together, and then, with a suit of clothes on his back taxed at about the same rate and with his wife by his side, also covered with raiment at twofold-protected prices, he starts to town shouting for the Republican party, the sideboards of his wagon proclaiming that the productions of his farm are the fruits of protection.

The fruits of protection! They were planted, nurtured, and gathered in spite of protection, and at a double expense because of such a curse in the statute-books of the Government. It is a notorious and self-evident truth that the tariff, as it now stands, increases the farmer's expense account from 35 to over 100 per cent. on every implement of husbandry with which he toils from one year's end to another.

The Mills bill attempted to place all fibers, such as hemp, jute, flax goods, and manila, used in the manufacture of twine, on the free-list. That just and moderate bill was defeated by the monopolists; and now, with a tariff of \$20 a ton and 40 per cent. ad valorem on twine, and also a twine trust, creating a close monopoly in its manufacture, thousands of farmers during last summer's harvest were not able to pay the increased price of twine-binders. They have been forced back to the machinery of their naked hands, and with bloody fingers and thumbs they have reflected upon the price of binding-twine, enhanced to 15 cents a pound by tariff and by trust. It is true that party prejudices are stubborn and hard to remove, but surely it is not too much to suppose that between these same sore fingers and thumbs a Republican ticket will not be found this year.

The very house in which the farmer lives is a monument to unnecessary, unjust, vicious, wicked, and criminal taxation. His barn is the same. There is not an inch of lumber, or a single nail, or a pane of glass in either of them which has not cost the farmer an average tax of more than 50 per cent., paid, not to the Government, but as a naked subsidy to the manufacturers of lumber, iron, and glass. His table, spread with dishes and with his daily food, is an altar reared to taxation,

on which he sacrifices three times a day to the unholy god of mammon now controlling the councils of the nations and devouring the encreased offerings of unpaid labor. His bed is not a place of untrodden rest; it is lined and stitched and quilted with dishonest taxes, which he is compelled to pay before he can draw his blanket over his weary frame and sink down to sleep.

But in discussing the effects of a high protective tariff on the farmer and on his struggles for a prosperous home, there remains for consideration another page of startling statistics and agricultural disasters. In high-sounding phrase and with the swelling note of a bugle proclaiming victory in advance, the advocates, the orators, and the essayists of protection are constantly boasting of the growth and development of the country, and citing its wealth as an evidence that their policy is sound and just. But is it true that there have been a healthy development of the true interests of the American people and an honest, beneficial accumulation of wealth in this country under our present financial policy, and more especially by virtue of the present system of tariff taxation?

The prosperity of huge corporations, the accumulation of vast fortunes in the hands of the few, the swollen bank accounts of trusts, syndicates, and protected manufacturers, are no more evidences of a people's wholesome growth and greatness than were the riches of Dives when he refused a crumb of bread to Lazarus, nor than the ill-gotten possessions of the Scribes and Pharisees who devoured widows' houses and made long prayers in the days of our blessed Savior on earth. The only genuine strength, progress, and glory of a nation must arise from the increasing value of its agricultural lands and in the yearly incomes and substantial gains of its laboring people, thereby as a consequence securing their contentment and their happiness.

Sir, our present system of protective-tariff taxes was enacted twenty-eight years ago, and I deny that the farmers of the United States have been prosperous under its operation; I deny that they have had fair profits on their labor; I deny that they have had reasonable yearly incomes, or, on an average, any income at all, after barely securing the absolute necessities of life. On the contrary, I assert that while farmers have been compelled to continue the payment of war taxes in a time of peace there has been not only no increase in the value of their lands during the last quarter of a century, but an absolute loss of not less than 33 per cent.

Reliable statistics warrant me in saying that the improved farm lands of the United States, if put to sale to-day under the most favorable circumstances now possible, would not upon a general average realize more than two-thirds their value twenty-five years ago. Take the lands of the State of Ohio as an illustration of this startling fact. Ohio is one of the most favored States by nature in the American Union, and yet three years ago Governor Foraker, in an official address, comparing the value of real estate in 1837 with what it was in 1880 in that great Commonwealth, said:

There has been a heavy decline. Farm property is from 25 to 50 per cent. cheaper than it then was.

But the rich and productive lands of Ohio have been not only rapidly diminishing in value, but their owners have also been forced to mortgage them to a most alarming extent. It is estimated from official statistics that the mortgaged indebtedness of the farmers of Ohio reaches the enormous sum of \$300,000,000.

In Illinois, that empire of natural resources and vast cultivation, the showing as to her farming lands and farming interests is still darker and more disastrous. A recent number of the Bankers' Magazine, commenting on the report of Mr. John S. Lord, chief of the Illinois bureau of statistics, points out the fact that the private debts secured by mortgages of record in that State exceed \$402,000,000.

It is also shown that of this mortgage indebtedness \$181,000,000 is outside of Cook County, the farm indebtedness, exclusive of mortgages on chattels and town lots, being \$142,000,000, with an annual interest of \$4,919,000. Taking the entire average of the State, 23 per cent. of its whole face is under mortgage. The Bankers' Magazine characterizes these figures as stupendous and alarming, and yet there are other States with even worse records of debt and financial distress than Illinois or Ohio. According to the last report of the Labor Bureau of Michigan, over 47 per cent. of all the farm lands within her borders are under mortgage. During the last Congress the able and accomplished Representative of the Harper's Ferry district of West Virginia made the following striking and uncontradicted statement on the floor of the House:

I do not wish to make any statement that is not sustained by the facts, and so I have obtained the last report of the labor bureau of the State of Michigan, which covers an investigation into the mortgages on Michigan farms and which presents some striking figures. I stand here to-day and say that I have not the slightest doubt that the Michigan farmer is as industrious, as hard-working, as intelligent as the farmer in any other section of the country, and yet this official volume shows that 47 per cent. of the farm lands of Michigan are covered by mortgages and that the mortgages are 46 per cent. of the assessed valuation of the farms mortgaged. Compare the condition of the unprotected Michigan farmer with the condition of the protected owner of the copper mines in Michigan, the latter piling up dividend upon dividend, million upon million, out of the privilege granted him by Congress to tax the people of this country, while the farmer is working early and delving late and piling up mortgage after mortgage upon his estate. The farmers have neither the time nor the money to come here and beseege Congress about these matters. They are chained to their plow, to their daily labor. They can not come here to look after their own interests; but the owners of the copper mines and the other industries that

are protected and subsidized are here at all times in your lobbies, urging measures for their own benefit.

In Indiana, Kentucky, Missouri, Kansas, Iowa, Nebraska, and indeed throughout the whole Northwest, from 20 to 50 per cent. of the improved farms are covered by mortgage liens at such rates of interest as farmers can never pay out of the proceeds of their crops, much less also the principal. They are thus brought face to face with the loss of their homes, with ruin, and hundreds of thousands of them are standing in that attitude this day and hour. If, however, it is retorted, as we constantly hear, that the deplorable condition of Western and Northwestern farmers is local, exceptional, peculiar to themselves, growing out of their lack of thrift and skill, and not due to the general policy of the Government, it will only be necessary to turn our inquiries in another direction in order to find that the decay of values in farm lands and in farm productions has been even greater and more ruinous in the older Eastern States than in the West.

Sir, New England is the home of high protection; the busy brains of her people have been engaged from the beginning of the Government in devising tariff duties for other people to pay to the manufacturing classes, and she has placed her privileged few at the head of the money of this country, if not of the world. But like the boomerang as a weapon of war, New England's high protective-tariff policy is at last returning against her own bosom, and carrying widespread destruction to her farmers in their homes, in their lands, and in everything they possess. We are informed by Bradstreet's reliable journal, in an article on statistics—

That depopulation in rural New England is something to create wonder. Recent investigations by the State authorities of Vermont, New Hampshire, and Massachusetts show that an alarming number of farms in fair condition and once owned by thrifty farmers are abandoned entirely and turned over to the bramble and the thistle, untenanted and unrentable.

And, again, we find the following careful and amazing statement recently made public in the press of the country:

The movement to recolonize Vermont and New Hampshire with Scandinavian immigrants has brought out some significant facts with reference to these two New England States. From the State commissioner of agriculture and manufacturing interests it is learned that good farming land is passing out of occupation. In the town of Reading, Windsor County, Vermont, 4,000 acres of lands which are now or have been in former times good farms are offered for sale. One-half of these, says the commissioner, are lands which formerly comprised good farms, but with buildings now gone, and fast growing up with timber; some of this land is used for pasturage, and on other portions the fences are not kept up, leaving old cellar holes and miles of stone walls to testify to a former civilization.

Such lands can be purchased at from one to two dollars per acre. The commissioner tells of having heard of one farm of 200 acres, with fair buildings and good soil, in the township of Chelsea, Vermont, which can be bought for \$100. In the township of Vershire, Orange County, there are from thirty-five to forty farms, contiguous or nearly so, abandoned or unoccupied. Many of these farms have a fair set of buildings on them, and others could be made comfortable with a small outlay. A recent telegram in the papers reported that fifteen families of Swedish immigrants had been engaged to settle in Vermont.

A gentleman in Jamaica, Windham County, has compiled a list and description of farms in that town from which the State commissioner takes the following examples:

"A farm of 200 acres, fair buildings, good sugar orchard, plenty of wood and timber, has been one of the best in the town, listed at \$810.  
 "A farm of 135 acres, good buildings, sugar orchard, fruit orchard, and in good state of cultivation, listed at \$730.  
 "A farm of 90 acres, good buildings, vacant only one year, with timber enough on the place to pay for it.  
 "A farm of 23 acres, good buildings, vacant one year, listed at \$225.  
 "A farm of 97 acres, good buildings, sugar and fruit orchards, a good farm, listed at \$700.  
 "A farm of 90 acres, in a high state of cultivation, must be sold, listed at \$765.  
 "A farm of 155 acres, the finest location in the town; has got to be sold for what it will bring."

The Vermont commissioner then goes on to say that in Essex County there are six towns containing 89,491 acres of land, on which there are probably all told not more than fifteen or twenty families. These are described as good lands, lands that will make good productive farms, well watered, and with timber sufficient for home consumption, wanting nothing but the energy, the bone and muscle to clear them up.

"In Newark, Caledonia County, twenty-five farms, only 3 miles from railroad, can be bought for \$3 to \$4 per acre."

This is only a partial report on the unoccupied and abandoned farming lands in Vermont. It is known to the commissioner that there are 5,000 acres of such lands in the town of Wilmington.

These are startling facts, and what is affirmed of Vermont is also true of New Hampshire and other New England States. Extensive tracts of land, once dotted with farm-houses, are now covered with young forest trees and brambles.

The only explanation offered by the Vermont commissioner is that, of the people who once occupied these farms, some have died, others have gone West and to the cities, and none have come to fill their places.

In still another account of agricultural decay and desolation in New England I find the following melancholy facts and figures:

Vermont is bad off, and New Hampshire is no better. The last Legislature of New Hampshire appointed Mr. Bachelder to devise means by which the farming interests might be restored, if possible, and waste fields be cultivated. He sent out letters, and the replies are said to be startling. In the town of Jackson alone thirty farms have been deserted, while in Bath there are 75,000 deserted farms. And so in fifteen other towns there are from one to thirty deserted farms, while in fourteen others there are in all 21,000 vacant acres, with tumble-down buildings, and this is said to be only the beginning of the list, which promises, on the basis of what has already come in, to be a revelation. The Boston Globe says the condition of the other Northern New England States is similar.

From New York and Pennsylvania sad stories also come of the manufacturer eating up the farmer. In fact, the tiller of the soil is being ruined by a system which creates an order of plutocrats, fosters monopolies, and begets all-devouring trusts.

Sir, in the face of these appalling facts and cruel figures of ruin to



the farmers of New England, as well as to the farmers of the Middle States and of the Mississippi Valley, who will now confront the country and eulogize the workings and the results of a system of tariff protection which, after a continuous trial of twenty-eight years, has accomplished nothing save the concentration, the amassment of enormous wealth in a few protected and privileged hands, depriving the people of a sufficient amount of currency in circulation, impoverishing and enslaving wage laborers, and inflicting upon farmers such a condition of financial wretchedness as to fill their hearts with bitterness and resentment against the law-making power of the Government?

With a cry resounding through the land for Scandinavians and other half-civilized races of Northern Europe to come over and recolonize American States that were of the original and immortal thirteen, who is there, here or elsewhere, to maintain and defend an economic policy under which such shameful disasters have overtaken the most meritorious, the most useful, the most honorable, and the most absolutely essential class of American citizens? With the depopulation of the agricultural regions of New England and their abandonment to the bush and the bramble; with a home market for the farmers of the United States generally for nothing at active rates, except mortgages on their lands on terms as to interest, amount, and time which render payment impossible, and foreclosure, sale, and dispossession swift and inevitable, surely it is not difficult to discover the character of the highway we are traveling or the end we are approaching.

This highway is not new; other nations have trodden it before, and have reached the overthrow of popular government and personal liberty, as we will unless the people speedily rise and rescue themselves from the awful condition in which they are involved. The improved lands of the United States, the homes of farmers, are passing under mortgage foreclosures from occupant freeholders to loan associations, to non-resident money-lenders, and becoming tenant rookeries, paying rent to a landed aristocracy. The meaning of all this is obvious in the light of history.

Ill fares the land, to hastening ills a prey,  
Where wealth accumulates, and farms decay.

In the strong language of a gifted writer on this subject—

When darkness settled over Egypt and she lost her place among the great nations of the earth, 3 per cent. of her population owned 97 per cent. of her wealth. When Babylon went down, 2 per cent. of her population owned all the wealth. When Persia bowed her head, 1 per cent. of her population owned all the land. When the sun of Rome set in black despair, eighteen hundred men owned and controlled all the then known world. For the past thirty years—more particularly since the close of the civil war—the United States has moved rapidly along the path followed by these old nations. In 1850 our capitalists owned 37 1/2 per cent. of the nation's wealth. In 1870, only twenty years later, they owned 63 per cent., having almost doubled their accumulations. They have more than kept up this ratio since 1870, and probably now hold fully 80 per cent. of the total wealth of the country. What proportion of the population holds this large percent. It is not easy to determine, but it does not probably exceed 10 per cent. of the 90,000,000 who inhabit this country, and this per cent., so small in numbers, but so omnipotent in wealth, is using its immense power in every department of business and of government in the development and prosecution of schemes for making the rich richer and the poor poorer.

Sir, the inquiry as to the cause, or causes, of this appalling condition is earnest and universal among the laboring classes, and especially among farmers, at this time. The main answer is easy and obvious; it is to be found on the very surface of our affairs. Living under a plutocracy, the farmer does not own his full time and labor; he owns a part, but not all. He needs all the six days of the week in which to work for himself, his wife, and his children, but under the iniquitous system by which the tariff taxes him upon every necessary of life he is compelled to devote the proceeds of at least two days out of the six to the protection and enrichment of the robber barons.

One-third of his time the American farmer is a toiling serf for the payment, not of revenue to his Government, but of naked tribute to those who are protected in charging him from 25 to 100 per cent. more than it is worth on every article his wants compel him to buy. For two days' work, we will say, a farmer can earn a pair of blankets worth \$3 to make, but which are increased in price by tariff protection to \$5. To whom does the additional labor on his part, necessary to enable him to buy them, belong? The same question may be asked in regard to all his agricultural implements, his household and kitchen utensils and furniture, and all the clothing on his back, purchased in markets viciously protected in the right to add war taxes to prices for the benefit of the manufacturing monopolist on every article there sold.

Sir, we are all familiar with the name applied to a system of government by virtue of which one class owns the labor of another class, and it is a moderate and reasonable statement to make that the American laborer, and more especially the farm laborer, is already one-third slave by law, with the clutch, greed, and power of his master, the plutocracy, increasing the degree and the degradation of his servitude every hour. The relations of the laboring classes to the feudal barons of Europe during the Middle Ages were exactly the same in principle as those now existing between the laboring classes of the United States and the favored few, for whom they are hewers of wood and drawers of water.

Cedric the Saxon had no surer hold on the services of Gurth the swineherd than the lords of the money power have at this time on the hard earnings of American industry. Are we to be blind to the lessons of history? There is always a point in the oppression and enslavement

of labor where safety ceases and danger begins. A tax known as *corvée* in France, requiring and enforcing gratuitous labor on the part of the inhabitants of a district for their lord of the manor, was one of the sore grievances which led to the French revolution. A French writer thus describes the workings of this tax:

It consisted of a number of days' work which the seigneur had the right to require annually gratis of the serf, originated with Charlemagne, only ended by the revolution. It might be required at any day, any hour, at the pleasure of the lord of the manor. He might require any sort of labor: plow the lands of the baron, train his hedges, make and clean his ditches, repair roof or walls of his castle, and even beat the water in the pond all night to keep the frogs still so that monseigneur's sleep should not be broken.

Well might Mirabeau denounce the *corvée* tax as "the most cruel of all servitudes," and yet the French peasantry of that period were no more required to render gratuitous services to the French aristocracy than are the grain-growers and stock-raisers of the United States to-day to render gratuitous millions and hundreds of millions annually to the coffers of those whom a high protective tariff has made their lords and masters. It remains to be seen whether the American laborer at the close of the nineteenth century will be any more patient of a *corvée* tax on his time and his industry than was the down-trodden French peasant of a hundred years ago.

Sir, the aristocracy of money is always cruel and coarse and unmindful of all else save its own gains and meretricious splendor. Its lavish and ostentatious displays of ill-gotten wealth often light up the whole argument on the relations between labor and capital, and point to the soundest conclusions ever found in history. Who is protected and enriched by a protective tariff? has been a question of debate prolonged through generations, but can be best determined now by pointing out as object lessons the condition of our agricultural communities on the one hand and certain arrogant, ambitious, and dazzling demonstrations of wealth which have recently taken place on the other.

There came to this country, not many years ago, a subject of Great Britain, with a keen capacity and hungry instinct for the amassment of great riches. He became a citizen of the State of Pennsylvania and engaged in manufacturing iron and steel. The productions of his mines and his mills have been and still are protected in the American markets from foreign competition by tariff duties ranging from 40 to over 100 per cent. on imported iron and steel of various kinds and in various conditions. These enormous percentages have been added to the price of all his sales, and have been paid at last by the farmer, whether the sales were for the equipment of railroads or the equipment of farms. What has been the effect of this policy on Mr. Carnegie and his fortunes? We know that his laborers have not grown rich, for only last July he gave them notice of a heavy reduction in their wages and persuaded them into submission by the presence of Pinkerton men and Springfield rifles.

Who is it, then, if not the working people, that protection has pampered into more than oriental magnificence in the iron and steel works of Pennsylvania? Three or four weeks ago there was a banquet spread in this city, a description of which the next morning was the joy and the glory of the newspapers and the sensation of the whole country. Accounts were head-lined as follows: "Like Lucullus of old—Gorgeous dinner that rivaled an ancient Roman feast—Mr. Carnegie's entertainment—Over two thousand tulips and crocuses and thousands of roses used—A menu which almost the whole world furnished—Delightful musical programme."

We are informed that this banquet was given to the President of the United States and his Cabinet, and also to the delegates and officers of the International Conference, and the brilliant reporter proceeds to say that—

All that money could provide and taste suggest to combine beauty of surroundings with the enjoyment of an epicurean repast had been brought into requisition to secure the desired end, and the result was a success far beyond that anticipated, but none the less gratifying. \* \* \* Undoubtedly it was the most elegant affair ever given in this city, if not in the United States. The room resembled a conservatory supplied with plants and blossoms. The side halls were almost completely hid from view by plaques of palmetto leaves, intertwined with Southern smilax, deep green and glossy, and which grows wild in the Carolinas, whence this had been brought. The north hall, back of where President Harrison and Mr. Carnegie sat, was a gem from the florist's hands.

Mr. PLATT (in his seat). President Harrison was not there. Mr. VOORHEES. He sent his regrets, I believe. I heard the remark of the Senator from Connecticut and I was waiting for some such catch as that. President Harrison sent his regrets, and if he was not there he regretted it, for he said so. Would the Senator from Connecticut have been ashamed to be found there himself? I think conscience is coming to the surface somewhat.

Then, after a vast deal more of the same sort about "maiden-hair ferns," "palms 16 feet high," "mammoth four-leaf clover," "mounds of Ulrich Bruner, Gabrielle Luizeti, and Magna Charta roses," the reporter told a gaping world what the modern Lucullus, sired by a protective tariff, gave his guests to eat. Among other things, the farmers and wage-workers of the country were informed that the fish, being a "sole, was secured from England, the mutton from Scotland, and the spring chickens from Louisiana. The celery, olives, and anchovies were served in the finest cut glass, and the salted almonds and radishes in dishes of solid silver. The forks and table-ware used throughout the dinner were also of solid silver, while the plates and service com-

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prised Haviland china, with the exception of the fish course, which was served on plates of royal Worcester." It is also stated that the silver alone on the table cost \$3,000.

To the farmer now in trouble, with a mortgage on his homestead, the interest unpaid, foreclosure approaching, no demand for what he has to sell, and no money in the house—to him I commend this picture of the Carnegie banquet as the best explanation of a high protective tariff ever before known in American history. At one end of the tariff question the manufacturer, the protected monopolist, spreads an imperial banquet-board, loaded with epicurean dainties from every clime, and flowing with wines costlier than nectar, while at the other end of the question farm laborers, wage-workers, and all who live by the sweat of their faces are in deep apprehension, in sighs, in distress, and often in tears. When I reflect on the bitter trials which the farmers are undergoing at this time and the depression and suffering attendant upon other working classes, there is but one other occasion of the kind which can parallel, to my mind, the impious mockery of Carnegie's entertainment.

Belshazzar the king made a great feast to a thousand of his lords, and drank wine before the thousand.

They drank wine, and praised the gods of gold, and of silver, of brass, of iron, of wood, and of stone.

In the same hour came forth fingers of a man's hand, and wrote over against the candlestick upon the plaster of the wall of the king's palace: and the king saw the part of the hand that wrote.

Then the sacred historian says the king was filled with terror, his knees smote together, and he cried aloud, and for a time in vain, for an interpreter of the writing on the wall. An interpreter came into his presence at last and, after taxing him with the use of the sacred vessels taken from the Temple of Jerusalem, said:

And thou hast praised the gods of silver, and gold, of brass, iron, wood, and stone, which see not, nor hear, nor know: and the God in whose hand breath is, and whose are all thy ways, hast thou not glorified.

How swiftly your minds anticipate the remainder of the old and sublime story! "Mene, Mene, Tekel, Upharsin" signified the downfall of a kingdom upheld by injustice, impiety, and crime. My earnest prayer and belief is that a handwriting, beginning in the banquet halls of unrighteous monopolies and spreading over the walls of all the farm-houses and homes of labor in the United States, is now heralding the speedy overthrow of a system of extortion and robbery more wicked and criminal in the sight of God and man than all the sins of Babylon when her robes were most scarlet with iniquity.

And now, sir, having pointed out, to some extent at least, the condition of the farmers of the United States at the present time and the widespread and crushing evils which have befallen them through the criminal policy of their Government, it remains as a part of my duty to suggest such remedies as I would adopt had I the power to enact and enforce them.

First. Tariff reform should be so thorough, complete, and unsparing that, after providing sufficient revenue for the Government, not one dollar would be further required of the farmer as protection to high-priced goods, wares, and merchandise, because of their being manufactured and sold by American monopolists. The only protection connected with tariff taxation should be a mere incident to a tariff laid for nothing else but Government revenue, and even that, when it enhances the cost of the necessities of life, should be wholly eliminated if possible.

A tariff enacted for the sake of protection, designed as a law whereby one class of our citizens is protected against competition in the manufacture and sale of articles at increased prices over their real value, is not only a violation of the Constitution, but a legalized crime, more distinctly at war with principles of liberty and equality than the stamp tax which caused the American Revolution. Such is the system now in existence. Its reform and revision on the basis of a tariff for revenue only would relieve the farming class of the payment of not less than \$500,000,000 annually extorted from them for the protection, aggrandizement, and enrichment of manufacturing monopolies, trusts, and all the kindred brood of ugly moneyed monsters which now infest the land and prey upon the people.

By the tariff reform which I indicate it would become the farmer's turn to enjoy protection; protection against high-priced markets in which to buy and low-priced markets in which to sell; protection in the ownership of his own time and labor; protection against the condition of a slave for two days out of every six, with monopoly as his owner and overseer; protection against class robbery, spoliation, and plunder; protection in the secure possession and enjoyment of his own earnings without being compelled to divide with legalized looters or pay ransom to financial brigands. I am for this kind of protection, and it would afford immeasurable relief where relief is most needed and most deserved.

Second. A full supply of legal-tender money in the hands of the people, proportioned in amount to the population and business of the country, is as essential to the prosperity of the farmer as a sufficient quantity of blood is to human life. It is nowhere denied that there is at this time a meager and stinted volume of currency in circulation amongst the producing and business classes. This fact is owing largely to the absorption of money by the monopolies at the money centers and to a great extent also to the growth of population and the expan-

sion of business without any corresponding increase in the amount of our circulating medium.

The figures of the census and the statistics of finance show that, while our population has increased 25,000,000 in the last twenty-five years and the requirements of business for the use of money has increased in the same proportion, yet there is in fact less money in actual circulation in the hands of the people or attainable by them for daily use than there was a quarter of a century ago. It is the constitutional power and the constitutional duty of the Government to authorize and enact by its stamp, on either gold, silver, or paper, a sufficient amount of money, full legal tender in quality, to meet the sound and healthy demands of the people in their trade, their commerce, and their development of the physical resources of the country.

Thus the Supreme Court of the United States has decided, and thus, in despite of those interested in the scarcity of money, in low-priced property, and in cheap labor, the law stands settled. With the power in Congress to declare what shall be money and how much shall be issued what necessity can there be for the farmer to offer his lands to the Government as security for a small loan in his sore distress? He has a higher right than this to a much ampler and more enduring relief. I fully agree with the Senator from California [Mr. STANFORD] in his statement that "an abundance of money means universal activity, bringing in its train all the blessings that belong to a constantly employed, industrious, and intelligent people."

I do not, however, agree with him that the land-owners of the United States, the sovereign people who own and support the Government, should be left to become borrowers at the door of the Treasury on their mortgaged homes at one-half or one-quarter of their assessed value, or at any other appraisement. I do not agree with him that such a system would in the long run bring any relief at all. The owners of the soil stand on higher, safer, and more dignified ground. The Constitution of the United States confers the power on Congress to create and issue all the money needed for the relief of the people; and for the value, the integrity, the good faith, and the final redemption of this money all the lands between the two oceans, all the homes on the farms or in the cities, all the wealth of monopoly and of corporations, all the credit, resources, and honor of the Government itself stand pledged and will stand pledged forever.

Let Congress, on such a pledge, such a mortgage, furnish to the laboring masses and the active business interests of the country an amount of currency in proportion to population and trade, and every active industry will be stimulated, prices for agricultural produce will become remunerative, mortgages will be paid off, old debts will be wiped out, wages will increase to a fair exchange for work in the shops and in the coal mines, the wrinkled visage of hard times will be smoothed, and homes now dark with gloom and distress will smile with peace and plenty. The largest amount of legal-tender notes (greenbacks) known in our financial history since the war was \$432,757,604, and that at a time when our population was 25,000,000 less than it is now.

The present amount of the greenback circulation is \$346,681,016, being a contraction of the currency, for an enormously increased population, of \$86,076,588. Had I the power, I would, as a measure of justice, wise policy, and permanent relief to every worthy and industrious class of citizens, restore the greenback circulation to the highest point it ever reached in time of peace, and there maintain it. Let the \$86,076,588 be reissued, with debt-paying power, and the humiliating idea of mortgaging homesteads for small loans will disappear forever. No speculative disturbance in values would follow such an increase of our circulation, for it would even then be too small in its ratio to a population of 60,000,000 and to the giant developments yet to take place in this Union of forty-two States.

Third. The free coinage of silver also presents itself as a measure of relief to the American farmer and to the laborer for daily wages. Argument against the use of silver money to the full extent of all our silver resources is never heard in the channels of trade nor in the fields of active industry. Its enemies are not to be found in the ranks of labor, but in the sumptuous council chambers of the arrogant plutocracy, where the chief aim and end of government is to increase the power of money over lands and houses and over men and women by making it scarce and hard to obtain by the plain, unprotected people.

Those who affect an alarm at silver inflation are mostly those who are bent on the contraction of all kinds of currency in order to increase the purchasing power of the money which monopoly and privilege have already given them. The financial credit of no nation in the world stands higher than that of France, and the circulation of silver amongst the French people is \$14.67 per capita, while it is but \$2.72 per capita with us. With more silver products than all the world besides, the people of the United States are demanding fair play for silver money and the assistance and stimulus of its unlimited coinage and circulation. With all the discrimination that has been made against it, with all the sneers and calumnies that have been heaped upon it, gold can buy no more in the markets than silver and can carry its aristocratic head no higher than the dollar of the fathers. The adoption of the free coinage of silver will mark an era of prosperity to the American farmer and to all the industrial classes.

Fourth. Another measure of relief for the embarrassment and de-



pression of agricultural interests and the disturbance of their markets should be the prompt enactment of laws, either by Congress or by the States, or by both, punishing with State's prison imprisonment those who speculate on the great food products of the world and gamble on their future prices, without ever having owned a bushel of corn or wheat, or a pound of beef or pork, or of any other commodity which they assume to buy and sell. This is an interference with the honest, legitimate trade of the farmer which should be made a felony and punished as such.

Fifth. To the foregoing propositions in the interest of the farmer I would add a liberal policy of pensions and a full and generous recognition of those who served their country in the hour of its peril. Money paid in pensions to the soldier is not only a benefit and blessing to him and those who are dear to him, but also to the produce dealer, the merchant, and to all within the range of its circulation. But for the large sums which for years have been disbursed by the Pension Office and thus reached nearly every neighborhood in the United States and gone into general circulation the present financial crisis amongst the farmers and laborers would have come at an earlier day. As a beneficial measure, therefore, to all, as well as a duty of the most sacred character, the soldier should be paid by his Government as one who was willing to die for his Government. On that lofty basis his equities are without limit, and justice should at all times stand ready to enforce them.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (S. 185) to aid in the establishment and temporary support of common schools.

Mr. HARRIS. Mr. President, I ask the unanimous consent of the Senate that the unfinished business may be informally laid aside until the Senator from Indiana shall have concluded his remarks.

Mr. VOORHEES. I shall conclude in five minutes.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and the Senator from Indiana will proceed.

Mr. VOORHEES. Mr. President, those who have sought to reform the enormous abuses growing out of consolidated wealth, legalized avarice, and educated rapacity have in all ages been met with the most vindictive, unsparing, and sanguinary hostility of which history makes any record in the affairs of men. Those who have invaded the seats of ancient wrong and disturbed the enjoyments of privileged oppression have in every era of human progress been assailed as enemies of law and order, seeking to break down the safeguards of society, as agitators, fire-brands, iconoclasts, and traitors to their government.

Evils which have grown venerable and hoary in plundering the toiling masses of mankind have always been upheld by caste and aristocracy, whether in council, debate, or by the steel-clad hand of war, or by the ghastly gibbet. It was the awful denunciation of the mighty Nazarene hurled against those who were "full of extortion and excess," rather than the preaching of a new dispensation, which inspired the accusations before Pontius Pilate; and those who followed Him with bitterest execrations and most insolent triumph to his death agony on the cross were the usurers, the money-changers, the accursed plutocracy of Judea. And from that great hour to this the resentment of chronic and corrupt riches, entrenched behind accumulated laws and constructions, has known no bounds at the intrusion of the reformer. It has been the most venomous and merciless sentiment ever known to infect and pollute the human soul.

The ablest statesmen and the broadest philanthropists have not been spared when found, in any age or in any part of the globe, laboring to reform the abuses of concentrated wealth. John Bright led the column of reform for the repeal of the corn laws of England, laws imposing tariff duties on the importation of corn into Great Britain, thereby protecting the landed aristocracy in selling their corn at high prices to the laboring classes, who were compelled to have it or starve. He took the side of justice to the working people as against the proprietors of vast estates, and a recent writer says:

For many years Mr. Bright was assailed incessantly, and with extraordinary vehemence and rancor, and as an incendiary agitator who provoked the poor to regard the rich with envy, jealousy, and hatred; as a reckless demagogue who wished to destroy all those ancient institutions which had made England great; as the friend and ally of the worst enemies of his country; as a traitor who cared nothing for her safety and honor. Now that the stormiest of those times are sufficiently remote to be recalled without bitterness and passion, even those who were Mr. Bright's most loyal supporters may see that it was natural, perhaps inevitable, that he should have been regarded as a revolutionist. For during the greater part of his political life he was the strenuous assailant of laws and institutions which were protected by the interests, by the affections, by the convictions, and by the traditions of the wealthiest and most powerful classes in the state. He became known by the energy and vehemence with which he attacked the corn laws. He did not merely argue against them as economically indefensible; he denounced them as criminal.

Thomas Jefferson, more than a hundred years ago, laid the hand of reform on the laws of primogeniture, the laws of entail, and the union of church and state, and as a consequence was painted as a Jacobin and atheist, an enemy to God and man, by the orders of privileged society and by the same powerful classes which afterwards so fiercely sought the destruction of the great British statesman and reformer. No one need suppose that the same rule will not prevail now. The tariff reformers of the United States in the present crisis will encounter

a hostility filled with all the wickedness, corruption, and malevolence which more than \$500,000,000 a year as a clear robbery from the people and a clear bonus to protected monopoly can inspire.

All that money can do to subsidize the press and fill its columns with false arguments, false statements, and false accusations against tariff reform and tariff reformers will be done; all that corruption funds can do in carrying elections by venal blocks of five, and in thus defeating the advocates of honest and equal taxation, will be accomplished; and all the arts of intimidation on one hand and alluring seduction on the other, in the bestowal of office and the distribution of official patronage, will be resorted to, in order to retain the ascendancy of the money power over the possessions and liberties of the people. In the face of these things, however, and with a full knowledge of what is before us, we will gird up our loins like men and go forward to the fight.

The battle may be long and weary, and some of us may fall in the conflict or sleep in peace by the wayside before it is over; but after awhile, amidst the glad shouts of liberated millions, the sun will go down on a great and final victory of the eternal right over legalized wrong, of freedom and equality over caste and servitude. Hail mighty day of the swift-coming future!

Born of the seventh generation of farmers in an unbroken line on American soil, inured in my youth to their daily labors, and made familiar with their hardships and privations, it is my birth-right to speak for their deliverance from oppression and their restoration to prosperity, dignity, and honor. This I have here and now aimed to do on principles fully indorsed by the people of Indiana when they sent me to this body, and to that intelligent and just-minded people I hold myself responsible.

Mr. WILSON, of Iowa. Mr. President, I desire to occupy the attention of the Senate but a few minutes in order to give an Iowa farmer, not present, but whose expressions I will use, an opportunity to answer the remarkable speech we have just heard from the Senator from Indiana [Mr. VOORHEES].

Mr. BLAIR. What does the Senator desire? simply to read that piece of paper which he has before him?

Mr. WILSON, of Iowa. I shall not occupy, I think, more than five minutes.

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. BLAIR. I yield for that purpose, but give notice that I can yield for no other.

Mr. WILSON, of Iowa. In Des Moines County, Iowa, resides a farmer whose name is Charles M. Garman. He knows by practical experience more about the condition of farmers and the farming class than the Senator from Indiana has learned all his life through his reading and his theory. I desire now to read the case as presented by this Iowa farmer. He says:

In 1846, as my books show, we got only 10, 12, and 15 cents for corn, and wheat in proportion. I remember selling hogs in Schenck & Denise's pork-house in this city—

That is the city of Burlington—

for \$1.50 per hundred net. Sometimes I would have to stay in town, pay a hotel bill, take my turn while the hogs were weighed and slaughtered. Sales were made in this city to-day for \$3.60 gross. Every practical farmer knows the difference between \$1.50 net and \$3.60 gross. I remember seeing Joab Comstock hauling wheat into town with an ox team and selling it for 37 cents a bushel. That was in 1846. That year we got 10 cents for corn and 8 cents for oats.

Now, that would not have been so bad if we could have bought everything we wanted as cheap in proportion. But unfortunately for us, that was not the case. We had to pay \$3 a barrel for salt, which we can buy now for \$1.20 to \$1.30. A farm wagon cost \$140. We can buy now a much better wagon for \$60; and hardware we can buy cheaper. A dozen files, for instance, can be bought now for the price which we then paid for one. That was not an exceptional case by any means, but all along through those years prior to the adoption of the protective tariff, in 1861, there was not any great opportunity for farmers to make money. We had to pay \$50 to \$60 for a good overcoat which can now be bought for \$15 to \$20, and nobody ever imagined that a good suit of clothes could be bought for \$10.

With the development of our manufactures in this country and a diversity of industries an immense amount of farm products is now raised for which there was then no market. And the rates of interest are much lower now than then. I remember paying as high as 22 per cent. before the war, but money can now be had for from 6 to 8 per cent. We used to pay \$250 to \$300 for a harvester; now we can buy one with binder complete for \$100. So it was at every point where the interest of the farm is touched. We can get better prices for our products and we pay less for what we buy. Occasionally there is an article, like sugar, that is an exception to this. We sometimes bought sugar as cheap as now, but it was not as good a quality; mostly common brown sugar.

Then there is another thing to be considered. Farmers now buy a great many things that in those days were unthought of or would have been looked upon as luxuries and extravagance. Our houses now have carpets and furniture, and a great many conveniences that we could not have afforded in the days of low tariff. We dress better, we have better houses, they are better furnished. We have better farm implements. We have a great many comforts that were not enjoyed by the pioneer farmer. These things, of course, cost money. If we would live as plain now as in those days and do as little for schools and churches and the requirements of social life, we could probably put more money in the savings-banks than we do now. But the modern farmer is intelligent and progressive, and wants to keep abreast of the times. He is a reading man and takes a list of newspapers and magazines that in the days of low tariff would have appalled him by their expense. Every farm-house has its little library. The prosperous farmer keeps his family carriage, and in a multitude of ways he indulges in expenditures that he would not have thought of in the days of low tariff.

I commend these expressions of the Iowa farmer to the calm, deliberate consideration of the Senator from Indiana, and I think they will

enable him to make in the course of time a very different speech concerning the farmer and the tariff than the one to which we have listened to-day.

Mr. STEWART. I ask the Senator from New Hampshire who has charge of the educational bill to give me about five minutes to make a remark or two.

The PRESIDING OFFICER (Mr. SPOONER in the chair). Does the Senator from New Hampshire yield?

Mr. BLAIR. Mr. President, I do not know what to do about it.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield?

Mr. BLAIR. The Senator from Nevada spoke to me and said he wanted to occupy five minutes. The Senator from Iowa had before that desired to put in his farmer's communication. If the Senator from Nevada wants but five minutes and the Senator from New York will not object, I shall assent, but it must be understood that we are limited.

Mr. EVARTS. I shall not object, Mr. President, to five minutes more being taken on this side, but it must be understood, I think, that it can not be extended beyond that time nor in favor of any other speech.

Mr. VOORHEES. It does seem to me that the Senator from New York ought not to be asked to yield; certainly no further than that. I apologize to him myself for having trespassed upon so much of his time.

Mr. STEWART. I will take only five minutes.

The PRESIDING OFFICER. The Senator from Nevada will proceed.

Mr. STEWART. Mr. President, I listened attentively to the speech of the Senator from Indiana, and while I concur with him that there is great distress in the country, that prices are low, and that times are hard for the farmers, I differ with him most radically as to the principal cause. I concur with the Senator as to the last portion of his speech in which he contended that there is not a sufficient circulating medium. I maintain that a shrinking supply of money is the sole cause of the present depression in business and low price of farm products.

I challenge any one to name a time in the history of this country when high prices for farm products prevailed with a low tariff or to show any time since the formation of the Government when free trade was approached which was not followed by falling prices of farm products without a corresponding decline in manufactured articles. Free trade withdraws our money to pay for foreign productions and produces contraction at home. It also destroys our home market, which is 95 per cent. of our whole market.

I will undertake to show, whenever time will permit, that low prices and hard times are always coincident with low tariff and stringency in the money market. Contraction and low tariff are twin sisters. Their union is always disastrous. Either is sufficient to produce stagnation and distress. The two combined lead to bankruptcy and ruin.

When silver was demonetized the tariff was, and had been for more than twenty years, higher than it is now. The price of farm products and the wages of labor were during all that period more than 33½ per cent. higher than at the present time. The tariff has been largely reduced since silver was rejected, and still prices have continued to go down. From 1850 to 1873 the annual supply of the precious metals from which money could be made was nearly two hundred millions.

The demonetization of silver cut off more than one-half of the supply of money metal. The production of gold has not been more than sufficient to keep good the stock of metallic money on hand. The growth of population and business has enormously increased the demand for money, while the supply has not increased. The result is money has gone up or become more valuable, or, what is the same thing, the average range of price of commodities has declined and will continue to decline so long as contraction of the circulating medium continues.

I make these suggestions at this time because I regard it of the first importance that the depression and hard times which now prevail should be attributed to the right cause, and that the right remedy be applied.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 17th instant approved and signed the act (S. 1701) making an appropriation for the removal of a dangerous obstruction to the entrance of the harbor at Milwaukee, Wis.

The message also announced that the President had this day approved and signed the following acts and joint resolution:

An act (S. 308) to ascertain the amount due the Pottawatomie Indians of Michigan and Indiana;

An act (S. 306) for the erection of a public building in the city of Lansing, in the State of Michigan;

An act (S. 801) granting a pension to Miss Elizabeth A. Tuttle;

An act (S. 806) granting a pension to Cyrus Tuttle;

An act (S. 807) granting a pension to Mary E. Noll, widow of Philip Noll;

An act (S. 810) granting a pension to Eliza A. Talbott;

An act (S. 813) granting a pension to Stephen Schiedel;

An act (S. 2994) to authorize the construction of a bridge over the Arkansas River, in the Indian Territory;

An act (S. 296) vesting in the vestry of Christ Church, Washington Parish, District of Columbia, all of the right, title, and interest of the United States of America in and to square south of square 1092, in the city of Washington, District aforesaid; and

Joint resolution (S. R. 63) providing for taking the census of Alaska.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House insisted upon its amendments to the bill (S. 895) to provide a temporary government for the Territory of Oklahoma, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STRUBLE, Mr. PERKINS, and Mr. SPRINGER the managers at the conference on the part of the House.

#### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 346) to amend "An act to grant the right of way to the Kansas City and Pacific Railroad Company through the Indian Territory, and for other purposes;" and it was thereupon signed by the President *pro tempore*.

#### AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 185) to aid in the establishment and temporary support of common schools.

The PRESIDING OFFICER (Mr. SPOONER). The Senator from New York [Mr. EVARTS] is entitled to the floor.

Mr. EVARTS. The Senator from North Dakota [Mr. PIERCE] desires to address the Senate on this bill, and finds it more convenient to do so at this moment than at any other; and I yield the floor to him for a brief address which he proposes to make.

The PRESIDING OFFICER. The Senator from New York yields to the Senator from North Dakota.

Mr. PIERCE. Mr. President, I am indebted to the courtesy of the Senator from New York [Mr. EVARTS], who has been accorded the floor at this hour, as well as to the kindness of the Senator from New Hampshire [Mr. BLAIR], for the privilege of speaking for a few minutes on the pending bill. I shall not abuse their kindness. I hope, Mr. President, that I shall have an opportunity to vote on a motion to postpone this bill until the second Tuesday of December next. I should do this in the hope that it could and would be so amended as to divest it of its objectionable features and yet secure in a large degree what seems to me its most righteous objects; for I recognize, sir, the magnificent design of this measure. It is grand in its conception; its object is worthy of the care, the love, the labor, the devotion which its distinguished author has bestowed upon it.

But I fear it is too stupendous in its scope, too liberal in its grants, too royal in its benefactions to be supported without something more than a belief that its terms are wise and that the vast expenditure authorized by its terms will yield the harvest hoped for by its friends.

The sum appropriated by this bill is more than three times the amount required for the entire annual civil expenses of the Government. It is twelve times the amount required for our Indian service; it is four times the sum needed for naval expenses, and nearly equal to our entire annual expenditures for pensions. It would pay the interest on the public debt for two years. It would sustain our postal service for eleven years.

These facts do not argue against the wisdom of the measure, but they do admonish us that we should be well assured, not only of the justice of the bill, but of the faithful application of the money before we proceed to vote it away.

But, sir, I did not rise to debate this bill. That is unnecessary after six weeks of discussion, even if I had the ability to add any valuable suggestions to what has already been said. I desire simply to correct a misapprehension regarding the new States which seems to be entertained in this Chamber.

It has been said to me and to others, personally as well as in debate, that it is rather ungenerous for the new States, which have received such liberal grants for educational purposes, to vote against an appropriation for the benefit of States that have not received such grants. But I find, Mr. President, that every State admitted since 1802 has received donations for this or a like purpose, while appropriations of money for their benefit and for the benefit of the original States are counted by hundreds of millions of dollars. Aside from this, I desire to call attention to the fact that the public-school system of the new States, excellent as it is, owes nothing thus far to the bounty of the General Government.

Not one cent has been received for this purpose. The donations of land made a year ago will form a grand educational fund for the future, but they are not yet available. Our schools in Dakota have been maintained and our school buildings erected from the proceeds of direct taxation. It is a fact, Mr. President, that our people are poor. Agricultural communities are usually poor compared with the condition of commercial classes. Unfortunately, rich men are the exception among such communities in Vermont and New Hampshire as well as in North and South Dakota.



But, sir, poor as they are, they have not forgotten the lessons instilled in their minds, and in the minds of their fathers before them, long before they took up their homes in the West, a lesson which happily has been learned at last by every community North and South alike. The people of the new States are grounded in the conviction that education is the parent of progress, the hand-maiden of advancement, the bulwark of free institutions, and upon that line and in that faith they have labored.

In North Dakota alone we have to-day, with all our shortcomings, 1,362 public schools, giving employment to 1,741 teachers.

In the last five years there has been paid by these "destitute," "suffering," "unfortunate" people, who, it is sometimes feared by our good brethren, "have been granted the boon of statehood too soon," more than \$3,000,000 for public education. A State institution of learning has been established which would be creditable to any Commonwealth, and at whose head sits one of the brightest educational lights of New England, while in the State are five denominational colleges and higher schools, all prospering and, I believe, in the future to prosper still more abundantly.

All these schools have been supported, are now being supported, not by the generosity of the National Government, but out of the precious savings of men and women who, recognizing the blessings of free schools, cheerfully contribute to their maintenance. In the whole State, out of a population of about 200,000, there were, according to the decennial census of 1885, taken by authority of the General Government, but 1,403 persons, all told, who could not read and write. I find by a recent report that in six towns of the State, out of an enumeration of 4,089 children of school age, 3,900 are pupils in the public or private schools.

These people have labored, have sacrificed, have submitted freely to taxation to place their system of education on this prosperous plane. Is it exactly fair or just to come forward now and require them to be taxed for the benefit of those who have not made such sacrifices?

This favorable exhibit of North Dakota might be carried into material, social, and religious conditions, but this is not the time to present them. The showing of South Dakota, and I doubt not Montana and Washington, would be equally favorable. Let me in one sentence assure the Senate and the country that States with such records to sustain them will be abundantly able to vindicate the wisdom of their admission and their right to representation upon this floor at the proper time and in the proper place.

But now we are called upon to vote \$79,000,000 toward dispelling the cloud of illiteracy which overhangs other parts of the country. I simply wish to call attention to the fact that North Dakota, poor as she is, undeserving perhaps as she is, does not require and does not ask, for herself, this bounty. The Senator from New Hampshire says that the two Dakotas would pay about \$500,000 and receive \$59,000 in return. But this estimate, bad as it is, is based upon the census of 1880, and does not show the full burdens that the bill would entail upon us. So far as I am able to judge the State of North Dakota alone would pay \$400,000 into this fund and receive practically nothing in return.

Mr. President, the people of the West are proverbially generous, but this is asking too much of them. It asks the people of my own State, compelled as they are to contend not only against unfavorable seasons, but against unjust, ungenerous, and arbitrary interpretations of law, to give of their scanty earnings money to educate the illiterate of States old enough, grand enough, big enough, and rich enough to care for themselves.

If there is any duty which the Government owes to the race it has emancipated, any assistance it should render to those kept so long in compulsory darkness, I for one should be glad to discharge that obligation. We may owe it to them as wards of the nation, we may owe it to the people among whom their lot has been cast, and who must necessarily have a hard struggle to dispel the mass of illiteracy in their midst. But the bill under consideration goes far beyond a duty of that character.

It undertakes a gigantic, a wholesale task of education; and in doing so it reverses the general rule of human action; it violates the practice of the very system it advocates, which gives to the deserving scholar the reward of merit, putting instead a premium on illiteracy and bestowing the grand prize on those who have done least to merit it.

And where shall the national generosity stop? Where can it stop if this be once begun? The bill makes provision for nine years. But what then? Can you cease the work when once it has been entered upon?

Mr. President, when you begin this national aid it will be like the spirit summoned by the magician's Fabulus, it can not be stopped or dispelled. Once accustom the States to a reliance upon Federal aid for the support of their schools, and their own pride will diminish and dependence will be the rule.

Do not cheapen education in the sense of making it obtainable without an effort. That which costs nothing, which is gained without labor or sacrifice, is, as a rule, without benefit to the recipient.

It is easy to make this appropriation now with an overflowing Treasury.

It may not be so easy when financial clouds are lowering and taxes are wrung from a burdened people.

Mr. President, there seems to be some doubt as to whether the Republican party has pledged itself to a measure of this character. It is affirmed and denied. But there are some things which it did pledge itself to favor and support, and in such language as to leave no doubt of its meaning. It declared itself in favor of both gold and silver as money, but we have acted upon no measure of this character because for weeks we have been engaged upon this educational bill. It pledged itself to a policy which would give employment to labor, activity to our various industries, promote trade, open new and direct markets for the produce of our farmers, and cheapen the cost of transportation. But we have done nothing, for our time has been occupied by this educational bill. It declared that the gratitude of the nation to the defenders of the Union "can not be measured by laws." It said "the legislation of Congress should conform to the pledges made by a loyal people and be so enlarged and extended as to provide against the possibility that any man who honorably wore the Federal uniform should become the inmate of an almshouse or dependent upon private charity." But the dependent-pension bill is waiting consideration in this Chamber to-day, crowded out by the educational bill.

Mr. President, I want to see those pledges fulfilled. I want them fulfilled first. They will be fulfilled, I have faith to believe, when this measure no longer bars their progress. Let us be just before we are generous. There will be time to shed the beneficent light of education on the comparatively few not now enjoying its advantages, when we have saved the farmers of the nation from ruin and the old soldiers from beggary. Men do not perish bodily for lack of intellectual nourishment. A few months, a year's delay of this measure, will not result in disaster; but, sir, a few months, a few weeks, even a few days may be vital in the cases of thousands of veteran soldiers who have waited and waited long for promised justice.

There has come under my notice alone, as a member of the Pensions Committee, at least a dozen cases of soldiers whose just applications are pending before Congress or the Pension Bureau and who have "spread their tents" on "Fame's eternal camping ground" in the past twelve months, dying with the bitter reflection that the Government had forgotten them. I do not expect, sir, to satisfy all who present claims against the Treasury. That is impossible. But let us redeem our pledges to these men, and redeem them without delay. I do not wish to be misunderstood regarding the author of this bill. There is no warmer friend of the soldier in this Chamber than the Senator from New Hampshire. But I sometimes fear that his zeal for his favorite measure blinds him somewhat to the emergency that is upon us, to the immediate necessity of legislation on undisputed measures of supreme importance: legislation for the relief of the veterans of the war; legislation for the relief of that alarming depression in our great agricultural industry which extends like a black pall from the Atlantic to the Pacific and from Maine to Florida.

The Senator from Indiana [Mr. VOORHEES] has just spoken on this subject in eloquent terms. The picture he has drawn of the condition of our farmers is a dark one, but, sir, it is scarcely magnified. I echo many of the warnings he has given; but I call attention to the fact that he offers no definite, and only a general, remedy. He suggests no digested measure of relief, only general propositions, and the trouble is that he, with the rest of us, has allowed the pending bill to stand in the door of progress for two months without protest.

Sir, these sweet words of ours "butter no parsnips;" they remind me of a declaration made by that eminent American philosopher, Josh Billings, who said that when a man was hard up he would rather have ten dollars in greenbacks than ten thousand in christian consolation. What the people want is action, not words, words flowing steadily and eternally in the vast quantity indicated by this huge Record which lies on the desk before me.

If the tariff is responsible for this depression, how does the Senator from Indiana propose to remedy it? Will a little reduction here and there, as proposed by the Mills bill, make the farmers prosperous and a system good which is, according to his view as expressed this morning, wholly iniquitous?

The farmer is not poor because he pays more for a reaper and mower here than is paid abroad, for as a matter of fact he does not do it. At least, I have a letter from that great manufacturing concern, the McCormick Manufacturing Company, which sells so many machines abroad, declaring that there is no place where their machines bring so small a price as in the United States.

Why, sir, we find this same complaint of hard times among the farmers of free-trade England. There is a wide divergence of views regarding the reasons of this depression. I have a letter from a New Jersey farmer this morning which declares that after twenty years of investigation he has become convinced that the whole trouble is occasioned by the maintenance of the tax on whisky and high wines. The cause must be determined by patient investigation and then the remedy applied, whatever it may be.

Let me remark before I leave the subject, Mr. President, that I regretted most sincerely to hear the language of the Senator from Indiana when referring to our Norwegian citizens. If I understood him

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aright, he spoke of them as among the half-civilized immigrants from Northern Europe.\*

Mr. President, the Senator mistakes the people to whom he refers. Among all the thousands of Norwegians and Swedes in my own State I do not believe there is 1 per cent. who can not read and write, while many of them are highly educated and possess a knowledge of public affairs that will compare favorably with any of the Senator's constituents. They are among our best citizens, law-abiding, industrious, and patriotic, and there are no people whom we more gladly welcome to our State than these same people from Northern Europe.

No one, sir, can respect the author of this bill more highly than myself. I admire his earnestness; I have faith in his sincerity. I believe the time may come when the principal and primary object of this measure, which is, I take it, to provide better opportunities of education for the colored people of the South, can be accomplished—accomplished, sir, by action which shall not bind or embarrass the National Government forever; by aid which shall be given, not in obedience to any obligation which we owe the States, but out of a generous desire on the part of the Government to aid people honestly struggling to better their intellectual condition; which shall not check or dwarf the sturdy growth of the excellent system of education now established and being established in the South, and which shall not endanger the work of relief and of patriotism which we have solemnly engaged to perform. When such a measure is proposed I shall cheerfully support it. When, under the light of the new census, the people who sent me here have the opportunity to speak upon this subject, I shall do their bidding, even to the support of the pending bill; but until that time, sir, I must decline to give it my vote.

Mr. EVARTS. Mr. President, this measure before the Senate and the country has in two successive Congresses, while I have been a member of the Senate, been fully considered and passed upon. When again it was brought to our attention, early in this session, I had not imagined that any condition of things should make it in my own judgment at all necessary that I should take part in the discussion. I had previously given attention to the topics that seemed to me most pressing when in 1886, and again in 1888, the bill had been under consideration. I had seen that bill passed by the Senate by large majorities, and it had not occurred to me that anything in the condition of this country, anything in the nature of this subject, anything in the attitude and feeling of the people of this country, anything in the sentiment or in the judgment of the public or of the Senators on this floor, would lead to any other disposition of it than a prompt vote and a large majority to be given in its favor.

I could not wish, if the debate were prolonged by others, that I should add to the delay in its passage by repeating what has been better said by others, nor indeed by repeating (for it is not my habit to do so) what, whether well or ill said, has been heretofore said by myself.

But I find now that a very grave subject is before this body and that its disposition toward it is quite changed from what it has been before.

I find that now the possession of the legislative and executive departments of this Government is in the party with which I act and the party with which the Senators who sit on this side of the alley in a body concur. I have seen this bill passed twice with great concurrence from this side and with a large assent upon the other side; and yet the situation of Congress and of the Executive was such that no reasonable expectation could be had that the bill would become a law. At all times, in my judgment, if the bill could have been submitted to a vote in the House of Representatives, although the majority was of the Democratic party, this bill would have passed with a good deal of enthusiasm and with a firm and thorough conviction of its great benefits. But the sages of the caucus and of the committee-rooms stifled the opportunity to ask the assent of that body to it. There was also a question whether the Executive, as then filled, would have approved the bill had it passed both Houses of Congress.

Now, however, all in that regard is changed. Whatever shall be the action of this Senate, if it approve this bill, it is to go to and be approved by the House of Representatives. If presented to the President, it is, as I suppose from his public action and public expressions, either in the Senate Chamber or from the Executive Mansion, sure to receive his approval. I must find some way to satisfy my constituency, some way to satisfy the great Northern people, some way to satisfy the great Republican party that this bill is in better shape now than has been presented, in my judgment, by any of the opponents of the bill.

It is said that this is not a Republican measure and that the Republican party is not committed to it. The great body of the Northern people have committed their power in both these Houses of Congress to the Republican party; other portions of the country, with almost unbroken front, have committed their power in the two Houses of Congress to the Democratic party, and this alley divides not only the Republican from the Democratic party, but it divides, in a general sense, the depositaries of the power and will of the great Northern people from the depositaries of the great power and will of other portions of

the country. I may hope that some time, not while I can be a member of this body, but some time, the alley that divides the political parties will not present a division of that nature or of that tendency.

But now it exists, and this measure, the most beneficent, as I think, that has been presented to the attention of Congress during the time I have had the privilege of a place upon this floor, is to be considered, not as a Republican measure, not as a matter of opposition by the Democratic party, but as a matter that is to be expressed and decided by the generous and noble feeling of the great body of the American people. If, then, I find that by the arrangements of our Government when this great power has been intrusted to the Republican party, when no measure can fail here that this party approves, I am at a loss to understand why this bill now here should be killed and not be charged as having lain at the responsibility of the Republican party.

It is said that the pledges of the convention platform may be waived out of sight as a courtesy and as a manner of speech. Mr. President, that form, that method of disposing of this question savors too much of imputing hypocrisy to the Republican party, and, as Mr. Burke said, hypocrisy can afford to be magnificent in its promises, for, never intending to go further, it costs nothing.

Mr. President, I feel myself obliged to take up rather more seriously, and yet I hope not at any very great length, the very merits, the very pith and marrow, the very motives, the very purposes and very results that are embedded in this bill. We can not disguise from ourselves that this nation looks at this measure in view of historical transactions of the last twenty-five years. Whatever may be said of the conformity of the motives, the desires in support of this bill and those who oppose it, it must be admitted, however prevalent they may have been heretofore, however much they may find this or that support in previous controversies for the last fifty years on the subjects that enter into this, we are now confronted with it, not as a general and speculative view of aid to education from the Federal Government, but, as the situation is, whether the Federal Government shall give the proposed aid under the circumstances and the condition of the people at both ends of this country and the relation of the great body of the people who enter into the considerations and interests that affect this bill.

Before I consider the special aspect that leads to this measure and to engage its immediate and its prompt support, what is the general proposition? It is this: This nation, opulent, prosperous, powerful, looks at the situation of ignorance in some portions greater, but in all portions considerable, that needs attention. Out of the full Treasury as it now stands and as it will be replenished from the wealth of this people, it is proposed that the Federal Government shall administratively, in the way of distribution, look at the condition of the several States and their populations, and apply a portion from the Treasury of the wealth raised from the people to the object of education.

Mr. President, education is the great portal of the national, the political, and the social life of this country, and the public schools are the means by which and through which is distributable and is distributed this sustenance of national, political, and social life. All other matters that may interest this people are but distant in their affections in their duties, and in their security. What are all the other forms of aggrandizement either in art or in science or in culture, what are they all, compared with this great matter of the people's life? What are they all but as the purple vintage of the golden fruitage as compared with the corn and the wheat and the springs that sustain the natural life of this people?

It may be thought, then, that it is not an unworthy, that it is not an unimportant, but that it is a great and most pressing, occasion for the wealth of this people to be expended, whenever the occasion and the needs shall attract attention to this necessity and shall ask for this succor. Now, this being the object in view, it is thought that the revenues of this Government might be well employed through a period of eight years, coming to an aggregate of \$77,000,000, and thus dividing itself between, not equally but substantially, eight and nine millions a year.

We find that no special burden is needed to be imposed, no extraordinary taxation to be levied for the exercise of this benefit, but that we have before us our methods of taxation, of which Mr. Jefferson, speaking upon this very subject of the application of the revenue in this way, spoke as the affluence that came from the collection of the Government without the people seeing the tax-gatherer at any man's door. The revenue of this Government comes from the customs and from the excise. Whatever of this modicum of expenditure should be assigned to foreign customs and what to domestic excise, the funds are not exacted in that name and for that purpose by an extraordinary stress upon the payer of taxes or the energy of the Government in exacting them.

People have their own ideas of how much of this ample revenue from customs is a burden upon our citizens. Some think that it comes out of the wealth of our people in fuller or lesser measure. In my own judgment this fortunate people is in the attitude towards the rest of this world of being a tax-gatherer from foreign nations. No doubt, duties in conditions of trade may be a burden upon consumption entirely; others, I have no doubt, may be a burden upon importation entirely; but as a general rule, speaking broadly and at large, the exactions through the customs are about one-half paid by foreign

\*The exact language of Mr. VOORHEES was: "Scandinavians and other half civilized races of Northern Europe."



contributors to the wealth supporting our Government and its occasions.

If we turn then to the excise, that, as we know, comes from the body of our people; but in what shape is that exacted? For the most part it is in those forms of the use of tobacco and the use of spirituous liquors, and the participation that any of our citizens shall take in these modes of filling the coffers of the country is voluntary on their part. No one believes that this is an oppression that is felt by those who find their incentive to these at least unnecessary indulgences in their contribution to the public revenues.

We have, then, this great occasion and this abundant opportunity to meet it. We have here what any nation, that was master of all its powers and felt the pressure of all its duties, might well feel, that if there were in the situation of the country any provocative of its beneficent action, it should be taken for granted at once that it should be made. This bill is of that nature. It is to be taken from the collected wealth of the country by these forms by which it is drawn into the Treasury, and to the extent that I have named in amount is to be applied to the education of the people of this country.

But it is said that this Government, this people, are not the masters of this question as it is to be disposed of, as it is to be dealt with, as it is to be determined by the Congress; for in that happy arrangement, which no one can applaud more than I and no portion of this nation can more applaud than the great State which I in part represent on this floor, it is said that this General Government, with its great resources of wealth in the Treasury, is incapacitated from dealing with this general necessity of the education of the people. I state it thus broadly. I would state it even more strongly, that it could not be done if the direct necessity called for it and there was no opportunity to meet it except the wealth of this Government.

It will not do to confuse the question of constitutional power to meet an exigency of this kind by confounding it with the question whether it is urgent, whether it is important, whether it can pass in silence and unattended to. No, Mr. President, that is not the way to argue constitutional questions. So far as that point is involved in this debate, so far as it is involved in any consideration of the people of this country, the question is this: Supposing, in the event of the condition of the people of this country showing a dire necessity for their education, that the corruption of our institutions, that the vigor of our population, that our safety and our welfare turned upon this education, that there were no other resources than those which this Government had brought to its coffers by taking away the excise and the customs from any of the States, would the power of action exist here? Now, that is the question, so far as the constitutional point goes.

I find, however, no occasion to dwell much upon this subject. I have listened with interest to the arguments upon the other side of the alley on this topic. I find that they have trodden in the worn footsteps of the same path that for a hundred years has gone on from step to step of negation to this Government of its capacity for the exigencies which attended it. This people have not found themselves much impeded in the general progress, in the general enlargement, in the general exercise of the authorities of this Government, and I have noticed that the arguments of constitutional impediment are seldom put forward by debaters or theorists against the execution of any desired movements of this people. I find it used more as a stalking-horse, behind which to aim, according to the wishes and the interests of the people or of the country, as they are in their view. That marks the difference and makes out the resistance in a measure that is proposed.

But at any rate it must be conceded that the constitutional question has been very much attenuated. It is conceded that, if the public domain were now at our disposal for this very object, there could be carried out in every way every detail of this measure, and all the wealth of all the territory belonging to the United States would be at the disposal of this Government and could be freely used without either danger of violating the Constitution or of submitting to humiliation by taking the distribution in that form. I have never been able to give very great weight and dignity to the proposition that the land which is situated as a common property of the United States, for disposition under the phrase of common benefit and general welfare, could be treated as a trust imposed upon the land that would be satisfied by the application of the wealth in that form to this very object, but that under the trust power given to this Government for all the occasions during the whole future of the safety of this country over the stormy sea of human affairs, of human passions, of human interests, this clause of common defense and general welfare was not a trust power as wide as the trust that was designed.

No, Mr. President, we have got over that question on everything but education. In the close, restrictive method of early construction by the great men on one side or the other in the progress of this country, what is there left but this one great and universal interest that can not be exerted by the United States Government?

Let me ask, as I shall wish to comment upon them, that the words of Thomas Jefferson may be read from the desk. Mr. Jefferson, after speaking, in his inaugural address to Congress in 1805, of the happy condition, of the prosperity of our revenue, of our security in regard to our foreign debtors, of our peace and all the growing hopes of this coun-

try, and that all these revenues, as he expressed it, were collected by the foreign duties without a single tax-gatherer approaching the taxpayer, spoke these words, which I ask the Senate to ponder upon.

The Chief Clerk read as follows:

These contributions enable us to support the current expenses of the Government, to fulfill contracts with foreign nations, to extinguish the native right of soil within our limits, to extend those limits, and to apply such a surplus to our public debts as places at a short day their final redemption, and, that redemption once effected, the revenue thereby liberated may, by a just repartition among the States and a corresponding amendment of the Constitution, be applied, in time of peace, to rivers, canals, roads, arts, manufactures, education, and other great objects within each State.

Mr. EVARTS. Mr. President, see how this great master of political thought and expression rises by one step to another till he brings out education at the head of the climax; but it rests in his mind, it rests in his political deliberations in precisely the same situation as all the other subjects there mentioned. He was then in favor of all these beneficent advantages coming from the General Government in all these forms of the exercise of its authority. He had the opinion that an amendment of the Constitution was necessary, and that it ought to be had, in order to arm this Government with greater opportunities to be useful with the resources of our revenues in these other and great topics that I have mentioned, rivers, canals, roads, arts, manufactures, education, and then the general great objects that are of importance within each State.

Now, no such amendment of the Constitution has been made. Perhaps the first instance in which this great statesman thought the Constitution should be amended was in the acquisition of Louisiana and again of West Florida; but those transactions needed from this people no corroboration. No money could be better spent, raised from this people at that time, in the way either of common defense or of general welfare, than in the acquisition of Louisiana, when the situation of beligerent and hostile cabinets in Europe put it in our power to acquire it.

And now at this hour, when this great leader in thought, this great lover of education, Thomas Jefferson, has thus spoken, shall we after this lapse of time look in the face of the American people, look in their face, in view of the action and the history and the methods and the results of this administrative authority by the General Government, that carried rivers, canals, roads, arts, manufactures, without an amendment of the Constitution, and tell them that this primal and universal interest of education was so deep buried in the clauses of the Constitution that this country could not unearth it, though it could do so for every other purpose and every other occasion?

Mr. HAWLEY. I beg permission of the Senator from New York to let me suggest a view on which I should be glad to hear his opinion more strictly and directly. I believe nobody has ever denied that the National Government might properly dedicate public lands to education, especially when it founded new States, and that it might give the proceeds of taxes in general or of the sales of public lands to certain great national purposes. But we are discussing something else here today. We are discussing the first measure that ever was in Congress that followed this dedication to the close details of State administration and attempted to control minor State officers.

Mr. EVARTS. I am obliged to the Senator. I know, I think, what I am discussing. I know what is before this Senate, and I confine myself literally to the very topic to which he invites my attention; but I can not allow that the arrangement of my argument should be disturbed to so preposterous a result that what is to follow should be made to precede.

Mr. President, if we stood upon this attitude, see how accurately the situation, as now unfolded, is portrayed in the situation that was before Mr. Jefferson. Who will doubt that he would have put education above everything else? It is always recorded among the manifold glories of his historic fame that education from beginning to end was what lay nearest to his heart, came oftenest to his lips, and was most sturdily and earnestly lifted up before this people.

Perhaps the Senator from Virginia, if I am wrong, may correct me, but I believe it is recorded of Mr. Jefferson in Virginia, and in public life there, that as early as 1778, while you were nearly under Revolutionary government and were all engaged in a Revolutionary war, Mr. Jefferson desired that the Congress and the General Government, such as it was then, should use money to educate the colored men, the slaves of this country.

He was one of those statesmen who could see the end from the beginning, and he knew that in human affairs there are two ways by which men are governed in social, in political, in national affairs. One is by power from without and the other by power from within. Force and fraud, which is by the lawyers treated as equal to force, because the consent is extracted by the force of the fraud, and not by the assent (and this old, old topic of the human race and government by force or government by consent had come in the happy period of our happy Revolutionary independence), brought us to understand and this great statesman to express that by the consent of the governed, and not led by force, must a free Government be maintained.

What, then, is there left but that out of the traits and out of the interests and out of the passions there should be drawn out from the natural person the means by which consent was to be given and upon

which peace was to depend? Thus do we deduce from the internal powers of man the means of free and equal society and of free and equal and just government, and educating that is education. As the great Grecian political philosopher has said, "It is by education that I learn to do by choice what other men do by force."

Mr. President, I should hope, in the aspect in which this case thus lies, it was only necessary to determine whether there was a benefit in the sense of the welfare of this people and in the aspect that it should be regarded by this Government, and whether this great Government and this great people have now resources by which to meet that end.

But the long history of this Government in its relation to the States and to this subject of education needs no argument to prove that in reality and in the observation of Government it has always occupied a prominent place. I need not recite the endowments that have been given to States, whether new States were formed or whether this form of wealth was, to use Mr. Jefferson's phrase, to be as a repartition among the States for their occasion.

I now come to a consideration of the particular traits of this bill. Although this constitutional objection will never put an end to this bill, although the constitutional objection that there is not power to use money as well as land for the purposes of education is harbored on this side of the Chamber, let us see whether the other criticisms and the repugnancies which are exhibited—to which I will pay every degree of respect on either side of this Senate—let us see whether these difficulties are in the way of encouraging and sustaining this particular method which is now proposed for our adoption.

In the first place, this bill recognizes or assumes that there is a condition in the population whereby, either under motives growing out of recent events or by some general result which has been produced, there is greater need of education prompted and aided, supported and amplified, that is not within the resources or promptly at the hands of the States, and that there is not only this need, but that it is of such nature and of such condition as that it may be penetrated, that it may be permeated, that it may be enlivened, that it may be led into all the operations of generous mind and of submissive will to the good order of society and the maintenance of this Government.

Then the question is only this, further, whether this application, whether the mode and way, whether the amount, whether the adequacy or the exuberance ought to be regarded. These are the only qualities of this bill, and they are to be looked at. They are to be looked at as a transaction of a nation towards its citizens, of this Government towards the State government, and to be looked at not by aunds and ifs and buts, for no government was ever conducted by aunds and ifs and buts.

Let me then look at the recognition of illiteracy and its measure. It is before us. Its figures are given to us from the very highest altitude of education down to the lowest depths; I mean the lowest depths within our borders of ignorance and need of education. They are all displayed before us. They run from 2 or 3 per cent. to 50 and 52 and 54 in some portions of our community. Then it is said that the pressure is such that the adequacy to deal with it promptly for the occasions of the country is not at hand within the States, and that this supply will furnish the means by which the desired result can follow.

This being conceded then, as a matter of statistics, the bill proposes to take from the Treasury in eight successive years \$77,000,000, to be distributed, we will say, something like \$8,000,000 or \$9,000,000 in each year. I have heard on this floor such stupendous estimates of the greatness of these sums as, they say, should appall, if they do not strike with remorse, every supporter of this bill. It would seem as if this was going to break down our finances, to postpone all attention to the necessary and general burdens of Government, all the occasions that rest upon our Government or upon our duty in other directions.

Now, this immense mass that is always held up as if it was to be called in and paid out over night by the people, this \$77,000,000 in its mass is about a dollar and a quarter a head of the population of this people, and running through these eight years it is reduced to about 15 cents a head. If you take it upon the adult population, and as to the record shown by the right to vote, it would be about 75 cents on each voter in each year.

Sometimes we hear magnificent exaggerations. We are told in one day that this Senate is the greatest assembly of lawgivers in the world or that history has shown. Let me not disparage this grateful estimate of our importance. We are then told that our people at large are the richest people on the face of the earth; that in our accumulations, in our power of earning, in our energy, in our faculty, in our wits and our wisdom we are ahead of all the world, and I imagine, by a strict and logical relation, all this latter magnificence may be traced to education more than to anything else.

Now, we are asked to devote 15 cents a head of our population in a year, or 75 cents a head of the voters of this population, to stimulate, extend, conserve, animate, and revive the stimulus of all our wealth, our education, and our common schools. Well, away with this dizzy and dazzling imposition upon the strength and the authority of this people. Away with this imposition upon the intelligence of these Senators, these members of the greatest legislative body in the world. Whatever other reasons there be, this reason can not go down with the

people of this country. It can not go down with the historical aspect which will be given to it. It will not be an answer for us to make at the hustings or in the conscience of the Senators. Not there, then, is found the obstacle. Let us find something more obligatory and more important than that.

Then it is said that this bill, as the Senator from Connecticut [Mr. HAWLEY] would have us think, for the first time undertakes to distribute the wealth of this country (for I have got by the question of distinction between money and land and wealth and duty) in aid of strengthening a system of education in the States. I can not dwell upon the subject in full, but I point now the attention of the Senate to an act passed in 1862, one of those great and beneficent measures that the Senator from Vermont [Mr. MORRILL] who sits farthest from me, when in his seat, has given to this country. I mean the act that is known as the Morrill act, and I will ask the Secretary to read only the title of the act, that I may draw it to the attention of the Senate for some comment that I shall make upon it.

The SECRETARY. An act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862.

Mr. EVARTS. The method adopted by that act, to make it efficacious in its distributive and profitable employment to the end in view, was to allow each State to take a certain number of acres found within its own borders and this carried the fee directly of that land; but no State was allowed, not finding that land within its borders, itself to take in possession and title any land in another State. Such an *imperium in imperio* by one State in another State was discarded as inadmissible, but each State thus having to resort beyond its own limits was allowed to issue scrip, and its assignees were able to take it up at the rate of \$1.25 an acre wherever they could find the land. This seems to be but a flimsy distinction between carrying money or carrying land.

But what I ask the attention of the Senate to is the further explanation of the Morrill act, which I do not hesitate to declare and challenge the contradiction of, that every principle, every method of the procedure in the bill now under discussion is found in the Morrill act. This Government undertook to follow into each State the use and the application that each State should make. It required the Legislature to accept it under its obligations. It required the governor to report all transactions under it. That very measure, so recent in our recollections, stands as a model for this general bill, with nothing more recently to be added except what may be in the region of expediency or prudence or advantage. But no mind is to be shocked, no equilibrium is to be stirred by any novelty in the procedure of this bill, if the Morrill act was found a useful measure and plan, and if experience has approved it as a benefit and advantage—a noble and continuing advantage without one single suggestion of weakness or injury to the competency and the welfare and the dignity of any State.

Look at the reception and the brilliant exhibition, without any sense of humiliation on the part of any State, that this donation, as the title of the act calls it, received, and how it has been employed. Take the great and wealthy State of New York, able to support its educational system, able to endow its colleges, able to carry on with ample revenue from an opulent and vast population all the occasions of a great and generous scheme. Let me point at one instance within the borders of that State, sometimes called by its own people and sometimes called by those without its borders the Empire State. Let me point to Cornell University, founded, upheld, having its vital and its ample strength under this donation of the General Government to the great and opulent State of New York. True, this fund was wisely, prudently, fortunately managed. In some quarters it did not turn out so prosperously; but a great benefactor, Mr. Ezra Cornell, who had given a great endowment of his own fortune to this college, undertook to buy the scrip certificates that were to be turned into land and into money, agreeing that the outgrowth of the investment should every dollar of it go to the benefit of this college; and now it stands as one of the great colleges of the land, a college such as never before in so short a time grew out of nothing by influence of endowment of wealth into so great and beneficent a structure.

Let us hope that our distinguished Senator from California [Mr. STANFORD] may show another great example in the endowment he has made and is making for the benefit of education in that, his adopted State. But more than that, \$15,000 a year, as I am informed by my friend, the Senator from Iowa, on my left [Mr. ALLISON], is paid out of our Treasury to these colleges thus built up by the nation, which it is thought now it will be humiliating for some portion of this country to receive in the shape of aid to common schools.

Let me ask Senators, and especially the Senators representing the new States, not merely those who have lately been welcomed here so heartily, at least on this side of the Chamber, to look a little at the situation in the conduct of this Government on the subject of public lands. When the method of devoting the land, by reservation from public sale, to occupation for homesteads and in other forms, was adopted, this entire area of the wealth of this Government in the shape of its public lands was withdrawn from any opportunity of what Mr. Jefferson called "a repartition of its wealth among the States." Is it



imagined by that action, not certainly in its intention, all the States that may be in stress, all the States that may be in a convenient necessity for a proper application of the wealth of the country as derived through its other revenues, shall not receive it? Was it merely intended that those new States should thus substantially give to themselves the land within their borders? for it does not move an acre from them and it stocks it with occupants that alone give value to land. The lands granted are within their borders. This immense endowment is operating under a wise and beneficent arrangement, I agree, but is it to impoverish the ability of this country to use other forms of its wealth in aid of education by other means and in other portions of the country?

Now, Mr. President, let us look at the situation from which perhaps one would like to withdraw any reiteration of examination. I refer to the condition of illiteracy as growing out of circumstances with which the action of the Government for the common defense and for the general welfare has to do. I refer to the emancipation of the slaves. I confess that I do not much share the feeling that the emancipation of the slaves was too quickly followed by enfranchisement and endowment of suffrage. It was a prodigious transaction, just as the first step was a prodigious one. I would agree that no other community ever settled so great a change in its domestic situation without preparation, not by choice of its own deliberation, but by external authority.

The emancipation of the slaves in every honest aspect must have been at the cost of the community wherein slavery resided in its care and digestion of the situation thus produced, but it was for the benefit in the largest sense of this great country of ours, from the farthest corner of Maine to the farthest shore of California and down to the States themselves where emancipation was brought about for their good, more greatly perhaps than for any others, but only for their good in that situation of enjoying the benefits that accrued to this whole nation and all its vast prospects in the future. Now the question would arise, and it has been spoken somewhat, as I said, hastily on this side of the Chamber, that it was a mistake perhaps to carry full enfranchisement to the South.

A free community, as a wise Grecian has said, is subject, where they have participation in the government, to two opposite inconveniences. If only some portion of the citizens participate in the government, then it is an occasion of discontent that all do not participate, and if they all do participate then the discontent is that some have as much share as others. This wise observation of human political affairs can not be corrected and can not be suppressed. When we are looking at the question of whether you have within a State a proper franchise, with all the people having every civil right, having every equality before the law, every footing in the courts, every protection under the general and in the State governments, how are any of them to be deprived of suffrage? Can we not understand that that is a dreadful problem? And no community, in my judgment, can stand still on that line of demarcation between suffrage and its effacement in every other particular.

Whatever, then, may be the prodigious burdens, what the prodigious duties, what the prodigious dangers that may attend the treatment that this Government has given to this subject, let us at least remember that there is one footing on which we should all agree, that that is a burden which belongs to the great Government and the great people; and certain is one thing, at least, if no impediments are to be found in the organism of administration, of law making and execution, that the hearts and minds of all of us should sympathize with the grand transaction which will ever rest in history as an action incapable by any nation but the greatest that the world has ever seen. What country, what institutions, what glory, what martial power, what population assembled together under one Government, ever before was equal to the solution of so great a problem?

For myself, I would say, whenever I am brought to confront some treatment, some action, some conduct, some principle that will help to raise the whole transaction into that which rests upon the whole nation and appeals to the conscience and the heart and the will and the intellect of the whole, I will bear my part of it as a humble sharer in so great a sacrifice. I will not stop to talk about the sentiment and the conduct, the mistakes and the difficulties now. I will take and I think the great State of New York will take its share in this immense, ennobling transaction. If these great things were done without preparation, to be sure the human mind and the moral government of this world are not to be changed about that situation; it is the resources of our men, of our people, of ourselves that will go on with that conciliation of antagonistic and inconsistent conditions of society in any portion of this country that will take the place of the preparation that the inexorable laws of conduct by the nation render impossible.

Now, Mr. President, let us look into another view. You can not hide it from us, no one can hide it from himself, that whatever there may be of weakness in our society and in our institutions, in freedom, in equality, in justice, wherever the weak point in the whole area of the country, in the whole enumeration of its population, wherever that weak and dangerous point is, is the weak and the dangerous point of the whole country. There is no natural, no artificial, no social, no political body but where, if there be the weakness of disorder and disease, that spot is the master of all the rest. To the relief of that, all the resources

of a curative nature, all the resources of legislative and of social succor, are to rush to save the mischief, which is the mischief of the natural or the political body, and not of the limb or of the part immediately affected. Amputation, excision, may save in a dire necessity what is left of the whole and noble body that is thus mutilated; but it is, alas, a last and final subjection to a dire thing that is not to be met with patience or philosophy until every method to the contrary has been exhausted.

In that situation this matter of education is looked at and the distribution of this money is made precisely and by an accurate adjustment, so far as in such large transactions is possible, to the apportionment among the States to a reasonable estimate and calculation of the degree and pressure of illiteracy. Does any one doubt that every motive, every argument, every calculation in the frame of this adjustment has looked only to that consideration?

But then we come to a singular argument, that, although the money is distributed most largely to the States where this pressure is most felt and where this trouble arises from the presence of the emancipated slaves, a pressure traceable to that condition and the sources from which it came, yet, when you come to take the fund which the State has placed at its disposal, when the bill comes to apply it, it no longer applies it in proportion to the ignorance of the whites and the blacks as thus statistically ascertained.

Why, Mr. President, this is a provision for a State to do what it can do with its own resources in educating its children in the common schools. That is the institution; that is the only one we deal with; and is there any other mode of distributing the application of this fund, great or small, through these public schools, than that it shall be adjusted upon the number of scholars that are there? What methods would critics have of distributing in the way of applying to the direct education of boys and girls in the public schools but in the ratable proportion of scholars? And as this well-spring is opened in every corner of this land and this education shall bring out larger and larger access to the schools by the colored people, then this plastic, this open, this flexible mode will adjust itself to that.

I can not conceive anything in this criticism that deserves attention; but if I wanted a reason other than that which I have stated for large endowments to assist in removing the mass of ignorance, not only among those of educational age, but among the old, the aged, the middle aged, the robust, I would like to hear these earnest Senators from the happy portions of our land with which they are familiar, who, with so light a tongue, talk of the task of education and of the school age in these New England communities and this great mass in portions of the South. We hear from the Senator from Connecticut [Mr. HAWLEY] the description of an interesting picture of the great importance of the education obtained outside of the school, and how to have the child at the mother's knee taught the prayers and the precepts of the gospel, and hear from the father the manly and interesting facts of life and preparation to tread the foot-steps of prosperous fathers, and from the pulpit that has to teach to the young and to the old together the continual need, day after day and week after week, in audiences of five hundred or a thousand hearers every Sunday in the year, the great doctrines that have been inculcated upon them from their cradle.

Who could bear this burden of the education of the black children outside of the schools that have been opened so nobly by the States themselves and which we intend to open? No, no, Mr. President, these idle, these, I must say, irresponsible comparisons of the condition of children who are taught from the mother's breast in this education of life until they go to the first school as little toddling children and then to the grammar school and then to the education for higher pursuits, is a picture, when you transfer it to the dark ground of these populations, that can not be recognized. Why, Mr. President, the only inlet into the hamlets or the cabins of the old, the aged blacks is to be through this little angel of light, sent from the public schools, and this superincumbent mass rests only upon this one gleam to be carried into that household by the instruction of the public schools.

We are told, forsooth, that education in the common schools is but a small part of the education of man. No, Mr. President, these older men, these older women, these men of motives, these women here in the same darkness, so far as education goes, with the little young that they wish to turn into the sunshine of education, these can not receive the direct benefits of instruction; but these grown girls, these grown boys, coming up into full enjoyment in their journey of life, are able to tell the fathers and the mothers and to read to them and talk to them about the forms of life and the means and methods by which people are elevated and civilized and made submissive to the law. Though this great mass can not shed on those below them in age any of this light and sustenance, yet these young girls, this growing race, may stand somewhat in the position of that noble Roman youthful matron who imparted to a blind and imprisoned aged father the sustenance that nature gave her for her own offspring.

It is said that there is an innovation upon, an interference with, an oppression of the freedom of the States. Why, Mr. President, this bill is as observant as it is possible to have one which reserves oversight by this Government to follow and secure the application of the endowment to the purposes intended. It is in this bill, as in the Morrill act

and as it is in various other forms of endowment, a mere reservation of sufficient authority to accomplish the result, and it is criticised on this side of the Chamber for the reason that it is so exacting, that it is so continuous in its operations as not to make it worth the giving of their acceptance to it.

Where are the lovers of education that want to help this bill? Where are the lovers of a benighted race that hasten to sustain this bill? Let them come with their offerings of frankincense and myrrh upon this altar of education. I suspect these arguments of impediment, when during the ten years, certainly during the three considerations of this bill in this body since I have been here, where were the improvements, where the better helps, where the worthier means, where the better agencies that were proposed? I did not hear them. Let us then take from those who feel the needs, take from those who wish to meet the needs, and let us have their counsel and their aid in helping to improve this measure.

But, Mr. President, it is said that the North and the South stand in attitudes of distrust on each side and of aversion each to the other. It is claimed that after the conclusion of the war this great wound in the body politic should have been cured at the first intention, and that the Northern people are responsible for that not having taken place. A wound as wide and as deep as that to be cured at the first intention, as if no ragged edge, as if no fever would set in, as if no nerves could be involved and liable under contact of so rude a touch as this war had inflicted!

Mr. President, although quite aside from this situation as it now exists that we are to apply our attention to, I must here differ from these calculations. I do not believe that at a remote or a much nearer date any great fact more interesting to humanity at large would appear than that this great people suffered immense change in its condition, both politically and socially, and survived it with as little of terror, as little of danger, as little of misconception, as little of fever as ever could attend such a vast, such a deep, such a permanent transaction. Was it not amazing that this great body of the American people could rally all its resources, that there should be no punishment and no proscriptions, and that in the halls of Congress all should again be collected on equal terms, and nothing left to darken the air but the mutual oburgations across this alley and that whenever we get up a benevolent discussion about education we should meet with these mere technical objections?

Mr. President, I do not take any share in any distrust on this side that the States of the South, as we call them, will not apply these sums if they accept them. I do not recognize as at all creditable to the other side of the Chamber that they should be disdainful of our succor or contentious of our sympathy. It is not our succor nor our sympathy that I plead for. It is the sympathy and succor of the United States of America. A no less noble benefactor than that stands forward for your acceptance, and for this side I will say that we ask no greater confidence from you in a detailed, in a limited, and what may be considered a narrow trust, when you have been given the great amnesty and the great pardon for all the trespasses that have been committed and that are brought now and then into view. I do not like, when every feature and every proportion in this transaction is on the grandest scale, that flaws and defects are to be pointed out on one side or the other of this transaction. No; now is the time it is to be done, now is the time it is to be refused, now is the time it is to be rejected, now is the time in the name of the country when it is to be proposed.

Let nobody flatter himself that this country will stand in this friendly relation, all parts of it in the same condition, if this bill is defeated, that it will be if this bill is passed. Let no men flatter themselves that the people of this country are inattentive to this very transaction that passes in this bill. Millions of noble men and women through all portions of this country are turning their intelligent eyes upon this transaction as it proceeds on this side of this Chamber; millions of eager and straining eyes of the healthy and the feeble and the ignorant from the other portion of the country are gazing with hopeful eyes upon this side of the Chamber, and of clear scrutiny upon its rejection, if it proceeds from the predominance of the feeling and the votes on that side.

Society is not to stand still, government is not to stand still, the moral government of the world is not to stand still. Great phrases are no help to a situation. Some say that you will endanger self-help if you extend this aid. Why, Mr. President, would it do for a benevolent bystander to refuse to cast a rope to a struggling and drowning man on the ground that it would enfeeble his self-help?

Instead of going into an idle analogy let us look at the great, the benevolent system of life-saving that is carried on by this Government for shipwrecked passengers and shipwrecked mariners; and are we to be told in the self-satisfied situation of the landsman, "Oh, no! Do not send your cars and boats, your ropes and your mortars, and your lights and rockets. Oh, no! All this method of helping the seamen will lessen their self-help. They have all been brought up, until in the last fifty years, on the plan of saving themselves, and what better education could they have for saving passengers than to learn how to save themselves? No, let the seamen alone; let them learn to take care of themselves." To my apprehension the suggestion that I hear touching the application of this bill in this matter of enfeebling the people

has as little relation to the situation of necessity and the opportunity of self-help as this figure which I have presented to your attention.

But we have experience in the benevolent forecast of a great American merchant who took hold of this business at the expiring days of the rebellion. He took out of his large fortune a great portion of it. He loved his country. He knew that the war had demolished the prosperity and fortunes of the South, and he knew the immense and pressing necessity of the enfranchised slaves, who needed a method that would educe from that population by education the means of dealing with a tremendous situation. Selecting such men as he could place confidence in at the North and at the South, he put in their hands a sum that gave them, perhaps, \$100,000 a year, with no injunctions except in those portions of the country that needed it from the results of the war and with equal access to this benefit of both races. For twenty years these gentlemen have administered that trust. Do you wish to tell me now that if, instead of having \$100,000 in our hands, we had a million a year, two millions a year, five millions a year, there would not have been a more rapid, a more extensive, a more convincing and admirable exposition of the result?

But the result is one of the greatest that ever happened because of its being pointed where it was needed and when it was needed, and every State superintendent, and every State governor, and every board of instruction will tell you that this largess of George Peabody was the first light, the first encouragement, the first help to men to help themselves. The smallness of the sum would come to very little in the direct education of this boy or that girl over this vast area, but it was a stimulant to the weak, to those who could add their help, which with our help would become an amount that would produce results.

Search the record of these State agencies and superintendents, find out how much this little private endowment—little for a nation, but noble for a single benefactor—stimulated and worked out by other agencies, has accomplished. The contributors, out of their means to be added together with this aid, would do something important. Thus we find out now how wise the benefaction is, and all thank this great benefactor, and no particle of friction, irritation, interference, faulty or meddling disposition has been exhibited by any. Then ask me whether, when we have added to what has been secured by other benefactions and when all have brought about a larger education and a larger means of education—when we have opened the channels that were clogged and closed—we are to be told, forsooth, on this side of the Chamber that they have now so far advanced that help will do no good. Mr. President, the people who look at this matter outside of this Chamber in this way and the Senators who propose this criticism have not looked into the situation.

Mr. President, however large the area of general discussion, however more direct might be some need of our criticism, I feel that I can not trespass upon the attention of the Senate one moment more. But I wish it understood that when great and important arguments are presented here and we are told on one side what might have been done, and on this side what ought to have been done, those are only meditations of disappointed hopes. These are living hopes that are now here. The question is what ought to be done now and what can be done now?

We are told that all, or perhaps all, that is needed to permeate and render alive and beneficial the action between the two races, either in politics or in social affairs, is justice. Ah, Mr. President, when did the human race ever learn to do justice except by education? Who can say in these communities what is justice to the whites, who can say what is justice to the blacks, unless by the education of both? Who can learn what justice is, not in abstract or in rhetorical declamation, but in the intimate sense of giving what is due to every one—*sum cuique tribuito*—at every hearth-stone, in every court-room, in every pulpit, in every market-place? Who has welcomed from above the star of justice that could enlighten the human race except by following the methods that the great and beneficent Governor of the human race has made, that they shall follow the precepts step by step as far as they could in these great inculcations? Then, indeed, it may be that education in these regions of danger and difficulty and doubt and distrust may have brought out all actual and living enjoyments—justice, that is safe against all the vicissitudes of human affairs; justice that is safe against growing old even with time.

*Cassibus hæc nullis, nullo delictis æro.*

Mr. CALL. Mr. President, I desire to submit a few observations upon this bill before the vote shall be taken upon it, in order that my own position may be understood upon the subject. I have upon former occasions when the bill has been before the Senate for consideration voted for it, and I propose to do so at this time, unless some change should be made in the condition under which the bill stands before the Senate.

I shall support the bill because it is a donation and only a donation, a gift from the people of the United States to the different States, a gift without condition for the purpose of education, containing within the bill no other conditions than those which have been applied to the agricultural college and the experimental stations. In these respects it differs in nothing from the previous bills which have been passed and are now the law.



Considered in the light of reason, the appropriation contained in this bill must be regarded only in reference to the respective merits of the different subjects of appropriation, as education, contrasted with the Army, the importance of education as contrasted with the Navy, or public buildings, or any of the objects of national policy and expenditure.

I am not disposed to exaggerate the importance of this appropriation. It will have its influence, and a good influence, and under the provisions of the bill it is apportioned with reference to the particular necessities of particular States. For instance, in the State of Florida the amount collected under the revenue laws of the country which will have to be appropriated in some form or other to pay the appropriation of this bill will be about \$400,000 approximately, more or less, while there will be paid to the State, if subsequent Congresses shall approve the appropriation and enact it into law, something like a million dollars. The State of Florida, therefore, will be benefited by receiving a larger sum for the purpose of education than will be paid by the people of that State.

I support the bill further because it is an appropriation out of money already in the Treasury, a surplus that has been accumulated there and which must be paid out for some purpose of appropriation. If it were a bill to impose additional taxes upon the people of the country I should vote against it, but it is a bill for temporary aid and making an appropriation out of money already in the Treasury. Whether that money shall be paid out to other purposes hereafter is another and a different question. It is in the Treasury now and subject to be appropriated for the purposes of this bill.

I do not conceive that there can be any defense made of a permanent system of appropriation by Congress for local education or common schools or education unless it be in the shape of a great national university situated here in the District of Columbia. Unquestionably local education must depend on local support as a system. Nor would there be any justification for the provisions of a bill which proposed to use the power of taxation in the National Government to collect from the people of any particular State or locality the money necessary for the support of their systems of education, having the effect to deprive the people who pay the tax of the power to direct and control the appropriation.

That has been objected to as comprehended in the policy and the effect of the pending bill, but it is not a reasonable conclusion and the bill does not justify that proposition. The bill is simply one for a donation or an appropriation of a specific amount of money for the temporary support of education. In that point of view I think that its effect will be beneficial. It will be in the direction of aiding local education in the portions of the country where assistance is needed, and I think the bill would have been better if it had been confined to those localities where the need of assisting the efforts of different communities or States is most important.

Mr. President, I speak of the Southern States and especially of the State of Florida. The State of Florida has been taxed by her own consent and the action of her own people to the utmost extent of the capacity of her people, and more than she has been able reasonably to bear, for the support of education. I find that since the war the State of Florida has paid in customs revenues to the Federal Government \$8,213,419 and from the internal revenue \$5,657,652.05. Now, in addition to this sum of money they have taxed themselves for the support of education, for the common schools in the State, a sum which may be reasonably estimated at between three and three and one-half million dollars. You will perceive that this is a large proportion of the taxation imposed for the support of the government, and when you consider the circumstances of the country you will see that it is equal to the utmost capacity of the people of that State.

That the surplus in the Treasury should be appropriated in temporary aid of education I can not see that there can be any reasonable objection upon any ground of public policy. If it be said that it is establishing a precedent, a precedent of what? A precedent of aiding education under extraordinary circumstances in the line of policy that the Government has already adopted. This fact prevents the effect of any precedent for evil, and if there should occur similar circumstances hereafter the precedent can have only a beneficial effect.

If it be assumed that the appropriation carries with it the power of control and asserts in the General Government the right to interfere in the affairs of the States, I deny it. If it did it should never receive my support.

If there was in it any interference whatever with the absolute power of the State to direct local education, to accept or reject it, to apply it through its own instrumentalities to the purpose specified in the bill of promoting common-school education, I should never consent to its passage. But, whatever may be the opinion, or the hopes, or the desire of those who favor the bill, there can be found in its provisions nothing that justifies this conclusion and nothing from which such an assumption of power may be reasonably inferred.

I do not consider that this appropriation nor the appropriation of a thousand millions of dollars, if it were practicable and if the capacity of this country and the disposition of the people of this country were adequate and willing to make an appropriation of that amount, would effect the objects which have been contended for and set forth here.

Education, it is true, is one of the most important objects of public policy—the common-school education, schools to be established everywhere, industrial schools, in my judgment, far more than the ordinary common-school education; but they can not change the established force of nature and the necessary economies of natural law.

We have been told here that one great object of this appropriation is the establishment of a homogeneity amongst men, a common standard of thought and judgment. I do not accept that as a controlling influence over my vote. The colored people of the South have been set forth as the special and particular object of this appropriation. I vote for it because they share in its benefits, but not because the appropriation of this money will have any great appreciable effect upon the condition of the colored people.

They have found amongst the people of the Southern States their best friends. They have found that that people have voluntarily imposed upon themselves taxes for their education equal to their utmost capacity to bear. They have found that the money has been equally and fairly divided between them and the people of the white race. In proportion to the taxable resources of the people, as heavy a burden of taxation has been imposed by the people of the different Southern States as by the people of any other States in the Union.

Mr. President, the condition of the colored men has been made a text in connection with this bill, and it has been urged that their relations to the people of the South furnish an especial reason for this appropriation. In so far as that touches the means of the people to establish a general system of common schools for both races it is proper and pertinent, and carries force with it. In so far as it furnishes any suggestions of a failure on the part of the people of those States to do everything that it has been possible to do, it is a mistake and has no proper place in the argument. If it relates in any respect whatever to placing the colored man in a condition other and different from that which he would occupy without this appropriation, then there is another error.

While I appreciate the generosity and the fair and just feeling which has characterized the Senator from New Hampshire who has introduced this bill and stood by it session after session, while I approve of it as a proper object of public policy to grant out of the surplus of money which has accumulated in the Treasury by virtue of excessive taxation and which must be distributed somehow and to some objects, while I maintain that this is a proper object and one of the best objects to which it could be devoted, as a pure and simple grant to the States, claiming no power whatever and conveying no power whatever to interfere in their local affairs, it has my cordial support and would have for the whole amount of the surplus in the Treasury. While I take this view of the subject and maintain these propositions, yet in so far as the relations of these two races are concerned, the colored people have received, as they will receive, every possible consideration which sound policy, which kindly feeling, which a proper consideration for their rights would demand; and they have received it in a larger extent than they have received from any other community, from any other States, or any other people in the history of the world.

Mr. President, we have had a great deal of consideration given to the condition of the Southern white people and to the Southern colored people, and the relations which exist between them, and it has been assumed and repeated here and throughout the country that there was a necessity of some repressing influences, of some severe legislation to be directed towards the Southern white people because of their want of consideration for the colored people who live among them and among whom they live. I should never vote for this bill if it contained such an idea, if it did not apply to them and to the white people equally, if it was not an aid to education without reference to these considerations and to this imputation upon the Southern people.

Mr. President, history shows no condition of the world, no period of time in which the colored race have ever received from any people the consideration which they have had from the white people of the Southern States. This is not mere assertion. When we consider the history of this country and the contributions which have been made to this Government from the relation which has been sustained between the white and the colored people of the Southern States and the civilization which has grown up out of that relation, it is a matter of astonishment that we should have here suggestions from persons outside of those influences impeaching and distrusting and reflecting upon the character and the sympathy and the kindness of feeling of the white people of the South for the colored people.

From what condition did George Washington come, and Thomas Jefferson, and the Lees, and the great patriots who formed this Government, who more than any other people contributed to its formation and shaped its institutions? Was it not from a condition of society in which the white people and these colored people lived together? Who was it but a Southern man and a slave-holder, a descendant of slave-holders, a man of elegant taste and accomplishments and ample fortune, with these circumstances and surroundings, brought up in the midst of these people, whose heart was fired with sympathy for these suffering and oppressed masses of mankind, who traveled on foot throughout France, and came back to this country and made war upon all distinctions of caste?

Who was the author of the Declaration of Independence, and who

did more to form the Constitution of the Union than any other, and to impress upon our institutions the idea of the equal rights of men in their respective conditions to life, liberty, and property? Was it not Thomas Jefferson, the outcome of this relation between the colored people, the slaves, and the white people, and who was the first advocate and the great advocate of freedom for those people?

Mr. President, the beginning of this Government was a constitutional union formed more largely under the influence of the people who had grown up out of this relation between the two races than any other. It was such people who gave the spirit of freedom, the spirit of equality to our Constitution. It was such people who gave shape and form to our institutions, and it is because of this sympathy with mankind this great, benevolent, and philanthropic Thomas Jefferson to-day stands first in the hearts of the people everywhere throughout the world as the great representative of popular government, of sympathy for the people, and of defense of their rights.

But let us follow for a little while the condition of these people. I have said before that the twenty-five years since the war exhibits a kindness, forbearance, and sympathy with the colored people which the history of the world does not show anywhere else. The colored man has with the white people of the Southern States more friends and warmer friends and warmer sympathies as a race, and a people more willing to advance him, to place him, where he is qualified for it, in proper positions than in any other part of the world; yet those people do not recognize him as being fit, nor is he fit in the mass, to control their institutions and to be a dominant political power in the affairs; nor is it left to themselves do they desire to exercise political control over the white people of the Southern States.

Mr. President, a fair and a just comparison will be to see what was the treatment of the colored man after his emancipation in the States of the South and what was his treatment after emancipation in the States of the North. Without any disparagement or reflection upon either or imputation upon any one, it is a just and fair process of argument to inquire, in respect to the feeling of these different people and the imputation of an interference with their rights and a want of sympathy for them, what was the condition in which the negro was left in the two respective portions of the country. I desire to put in the RECORD here a quotation from a book, *Notes on the History of Slavery in Massachusetts*, by George H. Moore. I will ask permission to print it without detaining the Senate to read it.

The extract referred to is as follows:

*V. Be it further enacted by the authority aforesaid (the senate and house of representatives in General Court assembled). That no person being an African or negro, other than a subject of the Emperor of Morocco or a citizen of some one of the United States (to be evidenced by a certificate from the secretary of the State of which he shall be a citizen), shall tarry within this Commonwealth for a longer time than two months, and upon complaint made to any justice of the peace within this Commonwealth that any such person has been within the same more than two months the said justice shall order the said person to depart out of the Commonwealth, and in case that the said African or negro shall not depart as aforesaid any justice of the peace within this Commonwealth, upon complaint and proof made that such person has continued within this Commonwealth, within ten days after notice given him or her to depart as aforesaid, shall commit the said person to any house of correction within the county, there to be kept to hard labor, agreeable to the rules and orders of the said house, until the sessions of the peace next to be holden within and for the said county; and the master of the said house of correction is hereby required and directed to transmit an attested copy of the warrant of commitment to the said court on the first day of their said session, and if upon trial at the said court it shall be made to appear that the said person has thus continued within the Commonwealth, contrary to the tenor of this act, he or she shall be whipped not exceeding ten stripes, and ordered to depart out of this Commonwealth within ten days; and if he or she shall not so depart, the same process shall be had and punishment inflicted, and so forth.*

Passed March 26, 1788.

Mr. CALL. I read this to show the condition of the colored people in the two respective States. In the one they were banished and not allowed to remain, and the statute punishes them with whipping and with imprisonment. In the Southern States they have been educated. They have been educated at the expense of the white people, notwithstanding they have produced by their labor always since their emancipation far less than the white people. They have been educated upon equal terms with the white people. The school fund, the public fund derived from taxes, has been appropriated with strict impartiality between the different races in proportion to their numbers.

I wish to go a little beyond that. I desire that this proposition may be considered by the people of this country. Under whose care and whose treatment has this colored race prospered, multiplied, and progressed to their present condition? Banished from the Northern States when emancipated, banished by statute from most of the original thirteen States, how is it that in this period from the year 1788 and to the year 1868 and up to the year 1890 these people have continued to grow in numbers, to increase in prosperity, to accumulate property in the Southern States alone of all the countries in the world and in all the history of the race?

If you contrast the condition of these people to-day with those in Africa we may form some idea of the debt of gratitude and humanity due to the people in the Southern States and to the relations which existed between them and the Africans—the Africans, who, however they came amongst them, found a home there, not imported by those people or their ancestors, but driven amongst them by the hostile legislation

of other States, and finding friends, protection, and homes, and increasing until now they constitute an important portion of the producing population of the country, protected in all their rights and in all their real interests.

Is not that a fact which is to stand in the face of every species of invective, of misrepresentation, or of accusation against the people of the South? Who is it that feels an interest in these people, strangers to them and bearing no part in this great work of kindness and protection for years, who stands up now to accuse the Southern people of a want of kindness? What part have their accusers borne in the great work of protecting and caring for these people, who nowhere else in the whole history of recorded time have found a place of progress or of protection or of even anything like civil rights of any description whatever?

We have heard a great deal about the treatment of the negroes by the Southern people and the hardship of the lot of the colored race and their ancestors. I wish to read from Stanley's *Adventures in Africa* a short paragraph:

I also busied myself—

Says this author—

I also busied myself in collecting a vocabulary of Kirna and in inquiring into the manners and customs of the people, and by this means became acquainted with the ceremonies observed at the burial of a chief of Urui, which are probably unequaled in their savagery.

The first proceeding is to divert the course of a stream and in its bed to dig an enormous pit, the bottom of which is then covered with living women. At one end a woman is placed on her hands and knees, and upon her back the dead chief, covered with his beads and other treasures, is seated, being supported on either side by one of his wives, while his second wife sits at his feet.

The earth is then shoveled in on them and all the women are buried alive with the exception of the second wife. To her, custom is more merciful than to her companions, and grants her the privilege of being killed before the huge grave is filled in. This being completed, a number of male slaves—sometimes forty or fifty—are slaughtered and their blood poured over the grave, after which the river is allowed to resume its course.

Stories were rife that no fewer than one hundred women were buried alive with Bambaré, Kasongo's father; but let us hope that this may be an exaggeration.

The same author shows how the slave trade is now conducted in Africa by the native Africans, as follows:

At Uganda the trade begins to assume a wholesale character, yet it wears here a rather business aspect; the slaves by this time become hardened to suffering. "they have no more tears to shed," the chords of sympathy have been severed and they seem stolid and indifferent. At Ujiji one sees a regular slave-market established. There are "slave-folds and pens," like the stock-yards of railroads for cattle, into which the naked wretches are driven by hundreds, to wallow on the ground and half starved on food not fit for hogs. By the time they reach here they are mere "ebony skeletons," attenuated, haggard, gaunt human frames. Their very voices have sunk to a mere hoarse whisper, which comes with an unearthly sound from out their parched, withered lips. Low moans, like those that escape from the dying, fill the air, and they reel and stagger when they attempt to stand upright, so wasted are they by the havoc of hunger. They look like a vast herd of black skeletons, and as one looks at them in their horrible sufferings he can not but exclaim, "How can an all-mighty Father permit such things?" No matter whether on the slow and fanishing march or crowded like starved pigs in the overloaded canoes, it is the same unvarying scene of hunger and horror, on which the cruel slave-trader looks without remorse or pity. It may be asked how are these slaves obtained? The answer is, by a systematic war waged in the populous country of Marungu by banditti, supported by Arabs.

These pay guns and powder for the slaves the former capture, which enables them to keep up the war. These Arabs, who sell the slaves on the coast, furnish the only market for the native banditti of the interior. These latter are mostly natives of Unyamwezi, who band together to capture all the inhabitants of villages too weak to resist them. Marungu is the great productive field of their satanic labors. Here almost every small village is independent, recognizing no ruler but its own petty chief.

These are often at variance with each other, and, instead of banding together to resist a common foe, look on quietly while one after another is swept by the raiders. In crossing a river, Stanley met two hundred of these wretches chained together, and, on inquiry, found they belonged to the governor of Unyamwezi, a former chaplain of Speke and Burton, and had been captured by an officer of the prince of Zanzibar; this prince had made a treaty with England to put a stop to this horrible traffic, and yet here was one of his officers engaged in it, taking his captives to Zanzibar, and this was his third batch during the year.

Contrast that condition with that of these people now in the Southern States, and in all fairness ask the question how is it that not in New England, not in the North, benevolent as they are, progressive as they are, but in the Southern States and with these people whom you are accusing, they have grown up into this vast multitude of civilized beings, understanding something of the social life and social duties, and living in peace and friendship with the white people?

Mr. President, let us have some truth in this matter. Let this great monumental fact of the progress of these people from this condition in their native Africa give the credit where it is justly due, and award a proper tribute to the Christian feeling, to the sympathy, to the affection that grew up in the relations sustained between these people. It has not gone yet, although it has been greatly diminished and changed by the efforts which have been used to make them an influential and even a controlling political factor.

Mr. President, I am a friend of the African race. Whatever can be done, not to crush them in the millstones of political agitation, but to educate them, to develop them, to lead them to the course which Providence and the natural economies will direct, I am willing to do.

You will not by a system of common schools change the course of Providence. You will not make the leopard change his spots nor the Ethiopian his skin. You will not divest the white race of their racial distinctions. You will not dispossess them of their disposition to pre-



serve the purity of their race. You will not by the expenditure of the money appropriated in this bill, nor a hundred times the amount, alter the course of nature and of Providence. The Senator from Massachusetts [Mr. HOAR] said here the other day that the fact of the existence of these people in the Southern States upon terms of kindness and of peace and of prosperity to some extent and the fact of the impossibility of their controlling those States where they were a numerical majority were two antagonistic propositions that could not be reconciled.

But the colored man is docile. He has his kindly qualities, and he lives in peace and happiness where there is a directing hand, where he feels that there is not an antagonism created between him and the white race. If left to himself, where he is educated, where he is qualified by a virtuous life, he will receive political promotion from the kindly feelings and sympathies which have in these hundred years made him grow up from a small number into a vast multitude of people, performing in some way and to some extent the duties of civilized life.

But if you undertake to create under any conditions whatever a control which is not exercised by them anywhere, which is not true anywhere in the North and will never be done, that a naked numerical majority, uninfluenced by social and personal considerations, shall be the absolute law; if you undertake to create that kind of antagonism, you interpose a barrier to his progress; you interrupt these kind feelings; you destroy the sympathies which have been the moving factor in his advancement from a condition of barbarism all along in prosperity, in an abundance of all the necessities of life, in the main with a greater degree of abundance of comfort than is to be found amongst any laboring people anywhere in the world, because, with a country comparatively new and a fertile soil and the colored man devoted to agriculture, the conditions were most favorable for his abundant supply of all the material wants of life, and the natural sympathies that religion and humanity create grow up and control in a spirit of kindness and affection the relations of the two races.

I protest against the idea that you can by the mere substitution of a common-school education supply that education which christianity furnishes, which sympathy creates, which the relation of the two races upon terms of decent friendship develops. It plays but an unimportant part by the side of that education which the natural affection and kindness of the white race gives to the colored people living in terms of peace and quiet and of mutual assistance with them.

That is the education that has made the colored man capable of a future, hopeful of attaining some condition where he will be upon the plane of civilization with other races; and it is to the white people of the Southern States alone that it is due and that it will be due. If assistance in the shape of a pure and absolute donation to the people who have proved their right to it by the fact that they alone have ever given to the colored man protection and, in their relation and their contact with him, the development which he possesses at this time, if a system of aid from the National Government in a proper way is left to them to use and dispose of, that alone is the condition which is possible for their improvement, their development, and their protection, if you do not intervene considerations of political power.

The Senator from Delaware [Mr. HIGGINS] said here the other day in a speech which he made that nothing showed the necessity more of this appropriation than the different views of the representatives upon both sides of this Chamber, which he was pleased to term were the best outcome and representatives of the morality and the intelligence of their respective constituencies, as to the assassination of a United States marshal. But, Mr. President, there was no foundation for that observation. The standards of morality are eternal. They are the everlasting yea and amen of Divine Providence, and they are in their application to all races the same.

In Delaware, in Vermont, in Florida, or in Mississippi the United States marshal or the United States judge who covers himself with the mantle of public authority that he may be an assassin and a perpetrator of outrage upon women is not representing the majesty of the law or the Government. In covering his shoulders with the mantle of religion and of law he is still the outcast. The judge who, sitting upon the bench, perjures himself, or the Senator who, in a spirit of harshness, will deal with the rights of others in a spirit of persecution, can not protect himself from the just scorn of an outraged public opinion by claiming the authority of the law.

In these respects they do not represent the law. Hence, my friend from Delaware was mistaken. The standards of morality are and ever have been the same in all sections. Who will say he surpasses Thomas Jefferson and George Washington and the compatriots of their day in his appreciation of morals or his proper regard for public authority? They were the representatives, as these people of the South are to-day, of their people, their institutions, their relations, their contact with the colored people.

Then, again, what more? Who will stand up and say that there can be contact in terms of equality between an inferior race, constant contact, surrounded by them, unless they be separated—contact, I mean, upon terms of equality—without unfavorably affecting the progress of the higher race? If you want a man to be progressive you must surround him with the influences which are better than he is, or at least as good as he is. If you surround him only with those which are in-

ferior and his whole association is with them, you must limit him in his progress.

But such was not the relation which the colored people sustained with the white population of the South. They sustained a relation of dependence upon the one side and protection on the other. They sustained a relation of friendship upon one side and contribution and assistance and support upon the other. The relations were those of affection and charity and religion and kindness in the main, though there were then there, as here, monsters who perpetrated wrong.

But this was the general character of the relations, and the outcome of their morality was in George Washington and in Thomas Jefferson; and I challenge the Senators who asperse and make charges upon the Southern people to produce brighter specimens of humanity in all the history of the world than those which came from these people in their contact and relationship with the slave population of the South. I insist that the people of the Southern States still have the same high standards of religion and morality and charity, and their representative men are equal in these qualities to those of any other people.

Mr. President, I support this bill. I support it because education is a great public object—not the mere learning to read and write, but the education of the mind and the heart and the character. It contributes to it. The little pittance that is given here to each State will amount to but little, but it is better appropriated in that direction than to be appropriated to the Army or the Navy, or to public buildings. It is better because it will be an evidence, in my judgment, of a disposition on the part of the people of this country to render aid to the Southern people, now sorely taxed and laboring under a heavy burden.

All the propositions that maintain the propriety, the necessity of absolute local support of education and local control of education I acquiesce in. They are true. It would be absurd for the National Government to impose a tax upon the people of the different localities to be collected and then paid out by appropriations by Congress in support of local education. If that were the proposition, in my judgment it would not deserve support because it would be an attack upon the principle of local support, of local education. But it is not that. You have an excess in your Treasury, and the question is, To what will you apply it?

You will not reduce the taxes until another accumulation has been made. Shall it go to the bondholders to pay them their immense premiums? Shall it go to the Army or Navy? Shall it go entirely for the support and education of the Indians? Or will some part of it be given to these people who justly claim the merit of whatever advancement the colored race has made from the condition of barbarism to their present situation? Shall it be appropriated and given to them to dispose of, not for the blacks alone, but for the whole community of whites and blacks who, under their administration, are in the main living in happiness and in contentment and in prosperity?

Mr. BATE obtained the floor.

Mr. EDMUNDS. Will the Senator from Tennessee yield to a motion to adjourn?

Mr. BATE. Certainly, sir.

Mr. EDMUNDS. I move that the Senate adjourn, the Senator from Tennessee being entitled to the floor.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 20, 1890, at 12 o'clock m.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 19, 1890.

The House met at 12 o'clock m. Prayer by Rev. G. H. CORREY, D. D. The Journal of the proceedings of yesterday was read and approved.

### REPRINT OF A BILL.

Mr. TAYLOR, of Illinois. Mr. Speaker, I offer the following resolution for immediate consideration.

Mr. COOPER, of Ohio. Mr. Speaker, I rise to call up the contested-election case of Mudd vs. Compton.

The SPEAKER. The Chair understands that the proposition of the gentleman from Illinois is to reprint a bill.

Mr. TAYLOR, of Illinois. It is.

The resolution was read, as follows:

*Resolved*, That House bill 7846, Fifty-first Congress, first session, entitled "A bill to provide for the establishment of Government telegraphs," be reprinted.

The SPEAKER. Without objection, it will be so ordered. There was no objection, and it was so ordered.

### MARYLAND CONTESTED-ELECTION CASE—MUDD VS. COMPTON.

The SPEAKER. The gentleman from Ohio [Mr. COOPER] calls up the contested-election case of Mudd vs. Compton.

Mr. COOPER, of Ohio. I offer the following resolutions.

The Clerk read as follows:

*Resolved*, That Barnes Compton was not elected as a Representative to the Fifty-first Congress from the Fifth district of Maryland, and is not entitled to the seat.

*Resolved*, That Sydney E. Mudd was duly elected as a Representative for the Fifth Congressional district of Maryland to the Fifty-first Congress, and is entitled to his seat as such.

Mr. MORROW. Mr. Speaker, when the House adjourned last evening the business pending was the pension appropriation bill. I understand that this resolution is claimed to be one of superior privilege.

The SPEAKER. That measure was pending in Committee of the Whole, and the question of the right of a member to his seat is of the highest privilege.

Mr. MORROW. If that appropriation bill is to give way for this contested-election case, I want it understood that when it is disposed of we will proceed with the pension appropriation bill.

Mr. COOPER, of Ohio. You can have the floor immediately after this has been disposed of; and I wish to announce that it is agreed that the debate on this case shall be limited to six hours, three hours on each side, and the previous question considered as ordered, after which the gentleman from Texas [Mr. MOORE] will offer what substitute he desires for the resolutions offered by the majority of the committee.

The SPEAKER. Is there objection to the agreement proposed? [After a pause.] The Chair hears none.

Mr. MORROW. I desire to give notice that I shall insist upon the consideration of the pension appropriation bill as soon as this case shall be disposed of.

The SPEAKER. It will be in order after this contested-election case has been disposed of. Does the gentleman from Ohio [Mr. COOPER] desire to take the floor now?

Mr. COOPER, of Ohio. No, sir; I desire to yield one hour to my colleague on the committee, the gentleman from Iowa [Mr. LACEY]. The understanding is that the debate is to be limited to three hours upon each side, after which the previous question is to be considered as ordered, with liberty to offer a substitute to the resolutions offered by the majority.

Mr. LACEY. Mr. Speaker, in opening this case in behalf of the Committee on Elections, I wish to say that the questions involved in it are largely, or perhaps mainly, questions of law. The majority report shows that the contestant was elected upon the face of the returns by from two to three majority. The minority report, upon the other hand, shows that the contestee is entitled to his seat by a majority of 37. So that we have an issue clean and clear of 154 majority upon the one hand and of 37 upon the other. It is not claimed, and will not be claimed by the minority on this floor, that the governor in giving the certificate of election in this case to the sitting member had all the returns of the Congressional district before him. But, upon the contrary, it will not be disputed that as to one county, Charles County, there were two precincts which were wholly unreported to the governor.

This fact being conceded by the minority report and also being conceded by the majority report, it seems to me it does away with the *prima facie* effect accorded to the governor's certificate in the case.

How did it occur that these two precincts were omitted from the returns from Charles County? No one specially was to blame about it. It was a mere accidental error committed by the judges of election. They have a very complete election law in the State of Maryland, and among those laws is a provision for a glass ballot-box; and there is also a provision by which one copy of the returns shall be sealed up in that ballot-box and returned to the county officials, and that the ballot-box shall not be opened again until ordered by the court or until proper process of law had for that purpose.

Now, as to some other precincts I will say, merely as a matter of history, that the same error occurred as to some of the boxes which gave the sitting member a majority, and the sealed returns were also erroneously locked up; in other words, both sides by mistake put all the returns in a sealed ballot-box in several instances. The sitting member being an old member and having that shrewdness which is accumulated by large experience in matters of that kind, got his friends together and they "saw through a glass darkly," and read the returns through the glass ballot-box and corrected the returns through which the majorities in his favor appear; but the contestant [Mr. Mudd], on the other hand, attempted to have the ballot-box opened by legal process. Now, notwithstanding the fact that these ballots and returns were locked up for the two precincts and were omitted and were not sent to the governor and in view of the proper proceedings pending to have the ballot-boxes opened and the original returns certified, the governor gave the certificate to the sitting member. The circumstances under which this certificate and others of like character were given by the governors of some of the Democratic States are quite fresh in the memory of this House.

The House was close; it was uncertain who would control it, and it was important that the governor should give to Mr. Compton, the sitting member, the certificate of election in time that he might help to organize the House. Something in the nature of an "urgency deficiency bill" was put in the form of a requisition upon the governors of West Virginia, Tennessee, and Maryland. The governor of West Virginia responded with an alacrity that promptly gave to two gentlemen certificates for seats to which they were not entitled on this floor. The governor of Maryland gave the certificate to the sitting member without warrant. Now, in the correction to which I have already called

your attention, both the majority and the minority of the Committee on Elections have agreed that the returns for these two precincts should be added, and when these returns are added and various corrections as alleged shall be made by the minority report have been made, it is claimed by the minority that Mr. Compton is entitled to a seat by a majority of 37. There is, Mr. Speaker, another item that was omitted from the returns—a mistake of 28 in the vote from Calvert County.

Under the theory of parliamentary law it is my duty to address my remarks to the Speaker, and I am supposed to be endeavoring to convince you, Mr. Speaker, that the majority report is right; but, in fact, I wish more particularly to address my remarks to my good friend from Texas [Mr. MOORE] who wrote the minority report. I am not trying "to call the righteous," but I am trying to call my friend from Texas "to repentance" in this case, and to see whether he will agree that upon the face of his own report laid before this House the sitting member is entitled to his seat.

In Calvert County there was a mistake made of 28 votes in the count. The Republican papers and the Democratic papers and the general public were informed as early as the 10th of November, 1888, that the vote for S. E. Mudd in Calvert County was 1,166 instead of 1,138.

In footing up the returns, however, and sending the general result to the governor, the various precincts were not set out separately and reported, but the general result only was certified. It appears from the evidence in the case, without any dispute, that the majority of the judges of election in the county were Republicans, that a Democratic deputy clerk did the footing, and that the Republicans read off the figures to him and he footed them up and made the result 1,138 when it ought to have been 1,166. The mistake was not then discovered, and the returns from each precinct not being sent to the governor, he had no opportunity to make the correction. I wish to call attention to the return as published in the Democratic newspaper, the Calvert Gazette, on the 10th day of November, which gives the vote as 1,166 for Mudd, 896 for Compton.

Mr. CUMMINGS. Will the gentleman state whether those were the official figures?

Mr. LACEY. These figures agree, as I will explain further on, with the official figures as they are now on file in the clerk's office of that county.

Mr. COOPER, of Ohio. And the deputy clerk himself discovered the mistake the very next day.

Mr. LACEY. Yes; the next day after the mistake was made this clerk forwarded a correct statement to the governor, calling attention to the mistake in the footing. There is no dispute about that. We have in the Sun Almanac—not the New York Sun, but an authority almost equal, possibly better, inasmuch as it comes nearer home—in the Baltimore Sun Almanac we have the figures given at 1,166 votes for Mudd instead of 1,138, and at the same time this almanac states that the official returns for Congress returned to the executive department at Annapolis are, for Mudd, 1,138.

Now, it is shown by the testimony in this case, fairly and clearly and beyond controversy, that 1,166 are the correct figures. That brings the minority of the committee face to face with 28 votes to come out of the 37 majority, as claimed by them, leaving only 9 of their claimed majority for the sitting member. That brings us uncomfortably close together, as my friend from Texas [Mr. MOORE] will find when he comes to argue upon the basis of his minority report. The Calvert County Journal, edited by the attorney for the sitting member, gives the official figures on the 10th day of November, and I offer this merely as corroborative of the statement that the returns now on file show the same thing. The Calvert County Journal gives the figures for Mudd at 1,166. The Democratic editor of that paper was a witness before the committee, and his testimony is in the record. In that testimony he swears that he carefully collated the returns immediately after the election, and that the returns as published by him, to which I have called the attention of the House, are correct. Consequently there is nothing to breathe any suspicion on the returns as they now appear on file in the office of the clerk of the county of Calvert. Those are the original returns.

The footings that were sent to the governor were nothing more than the general result. We go behind the returns to attack the returns with the returns in this particular case; but we go back to the original returns in Calvert County, and there is no controversy that they are correct and they are the original evidence.

In computing these returns, no matter which way you figure, whether you figure with the minority report backwards or with the majority report forwards, you find a majority in favor of the contestant if you correct the returns from Calvert County. So that that question is a vital one, and the clerk who made the addition himself swears that he made a mistake; and he was a Democrat. I do not say that as giving him greater credit or standing before the House, but merely for the purpose of calling attention to the fact that he is an interested witness adverse to the contestant. The deputy clerk, who made the footing himself, says that if it does not agree with these original returns it is wrong; that the original returns show the correct figures.

There was no controversy about it at the time, and the mistake of 28 votes in Calvert County should be corrected. Now, adding the 28



votes in Calvert County and the returns that had been locked up in Charles County, you have, taking the minority's figures for it, a plurality of only 9 for the sitting member. In order to make that plurality they count out 1 vote upon which there was a "sticker" for Mr. Mudd. Some Republican or Democrat, I don't know which, who voted for Mr. Mudd, was so anxious to vote for him that he got a "sticker" and stuck Mudd's name upon the ticket, so that it appeared there twice, and that vote was not counted for Mudd; the minority in their report threw that vote out. There can be nothing clearer than that the fact that the name of a candidate appears upon a ticket twice furnishes no reason why the vote should not be counted for him at least once. Nothing is better settled than that, and when you make this rectification it reduces by one the 9 majority claimed for the sitting member.

Mr. COMPTON. Where was that "sticker" stuck? Was it not upon the words "For Congress?"

Mr. LACEY. It is claimed that it was over the words "For Congress," and it is claimed by the sitting member, and by his counsel, and by the minority that, inasmuch as the "sticker" got over the words "For Congress," the ticket should not be counted.

But there are authorities holding that even if the words "For Congress" had been erased, if the name of the man running for Congress was written on the ticket or printed on the ticket, the omission of the words "For Congress" would not prevent the vote from being counted. It is said, however, that there is a law of the State of Maryland preventing such a vote from being counted. But this House is the "judge of the elections, returns, and qualifications of its own members" and has always held that where a man's name is upon the ticket, either in print or in writing, and is the name of the only man running for the office or the man who is understood to be the candidate for that particular office, it shall be counted.

Then there was a scratched ticket in Calvert County which was not counted for Mr. Mudd. That scratched ticket is testified to by Mr. Perran, the same Democratic editor to whose evidence I have already called attention. He says that the vote was not counted, yet it appears that Mr. Mudd's name was clearly upon the ticket.

Mr. Mudd also received three votes, one for S. N. Mudd, one for S. E. Mudd, and one for Mudd. Under the rule laid down in the case of Wallace vs. McKinley in this House these votes should be counted.

I wish to call the attention of the House to the recapitulation which I will incorporate in my remarks, not taking time to read it, showing the official returns as they actually appeared after correcting the returns of Charles County and Calvert County. I will also give in tabulated form the vote by counties, incorporating this statement in my remarks without reading it.

#### RECAPITULATION.

County or city.	Sydney E. Mudd.	S. N. Mudd.	S. E. Mudd.	Mudd.	Barnes Compton.
Anne Arundel County.	3,015	1			2,776
Baltimore city.	3,186				2,472
Baltimore County.	743				1,020
Calvert County.	1,166				896
Charles County.	1,864				1,714
Howard County.	1,550				1,764
Prince George's County.	3,004				3,072
St. Mary's County.	1,732		1	1	1,366
Total.	16,280	1	1	1	16,280

Total vote for Mr. Mudd..... 16,283  
Total vote for Mr. Compton..... 16,280

Mr. Mudd's plurality..... 3

Mr. HILL. Will the gentleman summarize those statements so that we may understand their character?

Mr. LACEY. Yes, sir; I will give a summary of the statements if the gentleman desires to hear it. Here is the summary as given by the majority of the committee:

For Sydney E. Mudd..... 16,279  
For S. N. Mudd..... 1  
For S. E. Mudd..... 1  
For Mudd..... 1  
"One ticket upon which Sydney E. Mudd's name appeared twice and Mudd's name was not counted in the above returns"..... 1

Total..... 16,283  
For Barnes Compton..... 16,280

Plurality for Sydney E. Mudd..... 3

Then further along there is 1 vote for — Compton, which is also counted, giving to the contestant upon the face of the returns a majority of 2.

Mr. CRISP. That does not include the recount—

Mr. LACEY. No, sir.

Mr. CRISP. Which the gentleman admits was a gain of 19 or 20.

Mr. LACEY. Next comes the question of the recount to which my friend from Georgia calls my attention, and upon which I intended next to speak. It is a little remarkable that the recount in Maryland,

like the recount in West Virginia, seems always to result on the Democratic side, or substantially so. There was some gain on both sides; but the result is a gain of 19 or 20 votes in favor of the contestee. But the committee and the contestant waived that question and gave to the contestee the benefit of that recount, which, upon the face of the returns, after the recount is had, would again give the majority to the sitting member. There is no question, however, between the majority and the minority of the committee as to the fact that there are certain errors in the poll-lists which ought to be corrected; and when those errors are corrected the majority is transferred again to the other side.

Among the statutes of Maryland there is a strict registration law. After the registration is made at the county seat, the clerk or county officer sends copies of the poll-list to the various voting precincts, and those copies should and must agree with the original registration. It is conceded by the minority of the committee that where the poll-list fails to agree in some unimportant particular with the original registration the voter should have his vote counted, notwithstanding it is refused because of the failure to have an accurate transcript made.

Mr. COMPTON. Where it is identified.

Mr. LACEY. Yes, where it is identified. Now, I call the attention of my friend from Texas again to this question. He says in the report:

We have reached the conclusion that whenever a voter did tender his vote and his name was upon the list of voters furnished to the judges of election, although the middle name or initial might be wrongly entered, still his vote should be counted as it should have been received by the judges, the object of registration being for the purpose of identification of a voter, or if the name given by the voter was *idem sonans* with the name registered. By applying this rule a number of votes claimed by each side, as will be hereafter shown, must be rejected.

There are certain names which I will hand to the reporter to be incorporated in my remarks, not taking time to read them; and adopting this rule the minority have given a credit for 18 of those votes to the contestant; and after giving that credit of those 18 votes there is a majority of 37 votes against the contestant, according to the finding of the minority. But after correcting, as I have already stated, the computation of the minority by subtracting 28 votes in Calvert County, there remain only 9. After we have made the correction by counting the 3 names, S. N. Mudd, S. E. Mudd, and Mudd, after correcting by allowing the ticket upon which Mr. Mudd's name appears twice; after correcting by admitting the vote in Calvert County upon which the scratch appears, it makes 6 to come from these 9, leaving us only 3 votes apart upon the minority report.

Now, Mr. Speaker, if we adopt the rule stated here that the votes should have been received, although the middle name or initial letter may have been wrongly entered, let us see how many additional names there are that ought to be counted for Mr. Mudd in this contest.

John Henry Thomas gave his name to the judges of election as "Henry Thomas," and because he called himself "Henry" instead of "John Henry" his vote was thrown out. Now, according to the spirit of this report of the minority, if not in accordance with its letter, the vote of John Henry Thomas ought to be counted. The vote of David R. Brooks is excluded because his name was on the books as David W. Brooks. Now, I will ask my friend from Texas, when he comes to address the House, to state upon what theory he excludes the name of David W. Brooks, after saying that where the middle letter is wrong the vote must still be counted. After laying down this position when the name of David W. Brooks appears, which ought to have been David R. Brooks, the gentleman refuses to count it.

So with Benjamin F. Gamble. His name was given as Benjamin Gamble. Why does the gentleman throw out that vote? Simply because the "F." standing, no doubt, for Franklin, was omitted from the name. That is a mere oversight, and I do not see how the gentleman can explain to the House any reason for throwing out the vote. It is in direct conflict with the rule laid down in his report.

In this manner we find 37 as the total majority figured for contestee by the gentleman representing the minority, but I am inclined to think he was a little too generous, and that he will be disposed to modify his minority report in the House, because, unless he does so, he must by his own logic count these 3 votes for the contestant. The vote of John Taylor was rejected because his name appeared as John E. Taylor, and he gives as another reason for throwing it out because he claims that John Taylor did not press his right to vote with sufficient earnestness or force.

Isaiah Chester was on the poll-list as Isaac Chester. In reading it off, no doubt, by the parties having charge of the registration, the error occurred because of the similarity of the words Isaac and Isaiah. The words, sounding alike, were mistaken for each other. The next is the case of Robert Reed, who is excluded, not because his name is wrong, but because the number of his house was incorrectly given. Taking the minority report, and on the logic of the argument these votes must also be counted for the contestant. Lev Cure was not counted because his name was written Lem. James W. Clements was not counted for the reason that his name appeared as John W. Clements. You must count the votes of Gamble, Taylor, Reed, Cure, and Brooks for the contestant, following out the strict letter of the minority report.

This, Mr. Speaker, brings us to the consideration of the question of repeaters, to which reference is made in the report.

There were certain gentlemen, or individuals, I might say, not gentlemen, that went to other precincts in this district and voted upon some other person's name than their own. When the true man came to vote he found his name checked off—that somebody else, some repeater had come in, taken possession of his name, and voted in his stead. Why should not these votes be counted? The reason given in the minority report is as follows:

If when these parties offered to vote the names they respectively gave were checked, and either they themselves or others had voted on their names, the judges of election could not receive their votes, for the reason that otherwise they would have allowed 2 ballots to be cast by one registered voter. We therefore reject these 6 votes.

Mr. OUTHWAITE. Will the gentleman yield for a question.

Mr. LACEY. Certainly.

Mr. OUTHWAITE. What evidence is there that the voters who voted on these names were repeaters, and not the persons who owned the names themselves?

Mr. COOPER, of Ohio. The registered voters themselves swear that they did not vote.

Mr. LACEY. The voters swear that they registered, that they saw their names registered, that they tendered their tickets, that they were refused the right to vote upon the alleged grounds that some one had previously voted upon their names.

Mr. OUTHWAITE. Still that does not answer the question. What evidence is there, I ask, that the other parties were not those who were entitled to cast the vote and have their votes counted?

Mr. LACEY. It is not disputed in physical laws that no two bodies can occupy the same space at the same time, and that, I think, is a sufficient answer to the question. It is true that we did see at the exhibition of Hermann in this city a few days ago two rabbits rubbed into one by a trick, but you can not make two votes out of one registration when the voter himself swears that he went and registered his name, saw it put on the record, that the same voter went to cast his vote and was refused; and all of this raises a conclusive presumption that the other man, who did not do it, who did not testify, and who used the name of the individual who did register, was a repeater, and the right man did not have the opportunity to cast his vote.

Mr. OUTHWAITE. But were there not two or more persons of the same name exactly claiming the same locality?

Mr. DALZELL. There is no evidence to identify them as the parties here referred to.

Mr. LACEY. There is no evidence as to the other man at all. But there is one conclusion which may be reached with perfect safety, or at least a presumption, and it is that they did not vote for Mr. Mudd; for a repeater, if a Democrat, at least, usually takes a Republican's name to vote on, and if there is such a thing as a Republican repeater—and certainly no testimony has been brought forward to show that there was any in this district—he would naturally take a Democrat's name to vote on so as to gain as much advantage for his party as practicable. And to say that one man has lost his vote because some one else has voted on the name of the true man, and therefore exclude him, is to attempt to make two wrongs do one right, and is as much of an injury to the man who has been deprived of his vote as if some other man had cast a fraudulent vote.

Now, it seems clear, Mr. Speaker, on a moment's reflection, that these six votes ought to be counted for the contestant. They were registered voters. That fact is not controverted; all of them were insisting on the right to vote, but were excluded from voting by the election officers.

Mr. CRISP. Will the gentleman permit me to ask him a question?

Mr. LACEY. Certainly.

Mr. CRISP. What would the gentleman do with the six repeaters?

Mr. LACEY. If they were identified, if they could be identified as the parties who cast the votes illegally and improperly, they should be punished—

Mr. CRISP. But that is not the point. I mean for whom should the votes be counted that were cast, or whom were these 6 votes cast for?

Mr. LACEY. There is no evidence showing for whom they were cast; but the presumption is that they were cast for the man who was opposite politically to the man that they pretended to represent. That, I think, is clear.

Suppose, for instance, that John Henry Thomas undertook to personate John Thomas Brown at an election and wanted to cast the vote of Brown. He finds out the politics of Brown first; because, if he attempted to do, in advance, what Brown himself would do if he had his own good time to do it in, he would simply be doing the party he himself pretended to represent an injury and advancing the interests of Brown's party, and it is a good deal to assume that a Democratic voter would vote upon a Democratic name if he could find a Republican name to use.

But in regard to these tickets it is not shown for whom they were cast, and therefore we can only imagine or presume that they were voted for Mr. Compton, and the presumption is strong. There is no evidence, as I have said, directly in point, but it certainly makes the wrong greater to prevent the true man from casting his vote because of the fact that a thief comes in to steal his vote and undertakes to cast it for somebody else.

Mr. HAUGEN. Did he not have the absolute right to vote if he registered?

Mr. LACEY. He had an absolute right to cast his vote because he registered; but when he went to the polls he found that "somebody had been there while he was gone."

Mr. COMPTON. Will the gentleman permit me to ask him a question there?

Mr. CRISP. My friend knows very well—though I do not recollect as to this particular precinct—that in some of them there were at least four, five, or six George Washingtons, and in some cases as many as eighteen or twenty colored men of the same name.

Mr. COMPTON. Would I interrupt the gentleman—

Mr. DALZELL. Not in this case. There is no evidence of that in this case.

Mr. CRISP. In cases that we have examined there have been a number of persons of the same name.

Mr. DALZELL. But not in this case.

Mr. LACEY. I will first answer the question of the gentleman from Georgia and then yield to a question from the contestant. There was no George Washington nor Andrew Jackson in the case. There was William Butler, John H. Smith, William Brown, Charles H. Green, Henry Brown, and Thomas Williams. Were these six gentlemen entitled to vote? Their votes were excluded, and there is no pretension anywhere in this record that these men were not legal voters. There is no pretense that they had cast their votes before. There is nothing upon which to base the gratuitous statement here in the minority report that these men had already cast a vote. They could not cast a vote "by others." They had not had an opportunity to cast a vote for themselves. That is a constitutional right guaranteed to them as legal voters.

Suppose my friend from Georgia was not so well known. He goes up to the polls and finds that his vote has been anticipated, that somebody has been mistaken for him, as he was mistaken the other day for Mr. GREENHALGE. I believe there was a Democratic lawyer in the committee-room came up and complimented the gentleman from Georgia [Mr. CRISP], supposing him to be Mr. GREENHALGE.

Mr. CRISP. I forgive him.

Mr. LACEY. Mr. GREENHALGE and the gentleman from Georgia [Mr. CRISP] went off immediately and formed a mutual admiration society. But suppose we have a mistake of that kind, would it be right that the gentleman from Georgia should thereby lose his vote, for them to say that some other Crisp had already voted under that name? Mr. CRISP would say: "I want to vote. I am a registered voter and have the right to vote."

Mr. CRISP might say, "You ought to know more of the history of the country than to have mistaken another man for me." But Mr. Butler is not so well known as the gentleman from Georgia [Mr. CRISP], and if the judges of election allow some other man to vote in his name he should at least be permitted to vote upon proof of the fact that he was entitled to vote, and he ought to be counted for the contestant in this case.

Mr. COMPTON. Now, if the gentleman will allow me I will answer his proposition that there were equally as many or more Republican repeaters, and I will give cases similar to the other cases that he has mentioned. I ask him to look at page 469 of this record.

Dr. Louis A. Griffith, being called, said:

1st. My name is Louis A. Griffith; I am a physician and judge of orphan's court; and reside in Marlboro; and am thirty-five years old.

2nd Int. Do you know Robert Green, colored? Did you see him on the day of the last Congressional election? Did he vote or try to vote; and, if so, what ticket?

A. I know Robert Green. He was present at the last election. I saw him ask to be allowed to vote, and the judges stated his name had been voted. He had the ticket in his hand and while standing there unfolded it, and said: "This is my ticket, and I want to vote it." It was a Democratic ticket.

Mr. LACEY. They did not follow that up with evidence that this man had not already voted. The minority report has not claimed that vote, and there is no evidence that that could be established.

Mr. COMPTON. The record shows it.

Mr. LACEY. The record in this case did not show a single Republican repeater in this district. There is evidence there, it may be granted, tending to establish that fact if it had been followed up. But the judges in this case simply found that this man had voted before. This man did not go on the stand and say he had not voted, but these six men I have spoken of before the House did go upon the witness-stand and swear that they had not voted, and there was no evidence to the contrary.

Now, Mr. Speaker, that brings us to another question; that is, the claim of the majority report as to the rights of the voters to cast their votes when they have done their duty in seeing themselves properly registered in the first place. The minority report—and I will ask my friend to take it all back when he gets the floor—says that the law is wrong as laid down by the majority of the committee, that all that a voter has to do is to see that he is properly registered and tenders his vote, and after that, if he tenders it and it is refused, it shall be counted. The act of 1870 expressly so provides; but the gentleman who wrote the minority report has made the statement that that section of the act of 1870 was declared unconstitutional in the case of the



United States *vs.* Reese, 92 United States Reports, page 214. Now, Mr. Speaker, that would have been a good point if there had been anything in it; but unfortunately for my friend, and unfortunately for the minority report, the act of 1870 has been repealed and re-enacted in the act of 1874, and re-enacted with the objectionable features left out of it, and re-enacted in a form to be absolutely and unquestionably constitutional.

My friend, if he had only looked a little further, if he had not simply shut his eyes and accepted the statement of the counsel before the committee as to the fact that the Supreme Court had passed on this question, would have discovered that section 2007 of the Revised Statutes of 1878 is constitutional. Part of the act 1870 being the unconstitutional feature as defined by the Supreme Court of the United States in the Reese case, had been left out altogether. After that the United States circuit court (Judges Hughes and Bond, of Virginia) has passed upon this exact question in the 16th Federal Reporter. My friend should by all means withdraw that statement, because he has made a slip of the pen or an inadvertency that is excusable, I think, under the circumstances of the case.

The minority report was hurriedly made; made, no doubt, without careful consideration, as is evident from the fact that it leaves out Brooks and these other names that I have called attention to that should have been counted, even under the express language of the minority report. Section 2007 Revised Statutes reads as follows:

SEC. 2007. Whenever under the authority of the constitution or laws of any State or the laws of any Territory, any act is required to be done by a citizen as a prerequisite to qualify or entitle him to vote, the offer of such citizen to perform the act required to be done shall, if it fail to be carried into execution by reason of the wrongful act or omission of the person or officer charged with the duty of receiving or permitting such performance or offer to perform, or acting thereon, be deemed and held as a performance in law of such act; and the person so offering and failing to vote, and being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act.

That is copied from the Revised Statutes of 1878 and embodied in the majority report, and the minority report says that that provision was declared unconstitutional in 1874 by the Supreme Court of the United States, in the case of the United States *vs.* Reese. I call attention to the case of the United States *vs.* Mumford, in 16 Federal Reporter. I will not take time to read much of it, but I will read a part which especially calls attention to the change in this law.

Mr. CRISP. That is not a decision of the Supreme Court.

Mr. LACEY. This is a decision of the circuit court of the United States. The opinion is by Justice Bond and by Justice Hughes of that court. I will read now an extract from the opinion of Judge Hughes, which will be found on page 229:

I fully concur in the opinion just delivered by Judge Bond. I will add something on the constitutional question that has been argued so elaborately at bar. The information in this case is founded upon section 5506 of the Revised Statutes of the United States.

And I may here say, Mr. Speaker, that that section is another part of the act of 1870. In codifying the laws in 1874 the provision as to municipal votes, as to elections for State and county officers, was omitted, and this law, instead of having to stand now as it did at the time when the case of the United States *vs.* Reese was decided, upon the fifteenth amendment alone, stands upon other parts of the Constitution of the United States. I read further from this opinion:

I will remark that that section is not the same law as section 4 of the enforcement act of May 31, 1870. It is nearly the same in terms, but it contains no words connecting it with words in any other act, as section 4 did. It stands upon its own terms and language. It was not enacted in the same bill as section 4 of the act of 1870, or at the same time, or by the same Congress. It was enacted in 1874 and took effect as a law on the 1st day of December, 1874, two months after the case of the United States *vs.* Reese was argued before the Supreme Court of the United States and more than two years after the indictment was found which was passed upon in that case.

It became, Mr. Speaker, a part of the Revised Statutes of 1873, and those statutes did not take effect until 1874, and this particular law which gentlemen upon the other side now say is unconstitutional, basing that opinion upon the decision in the case of the United States *vs.* Reese, was not enacted in its present form to take effect until the 1st day of December, 1874.

Mr. CRISP. I will ask my friend if the "present form" of the law, as he calls it, is not exactly the same as it was in 1870.

Mr. LACEY. It is not.

Mr. CRISP. What is the distinction?

Mr. LACEY. The distinction is this: In the act of 1870 there is a previous provision connected with this section, placing the section under the fifteenth amendment and raising the questions of previous condition of servitude and of race and of color. That is all left out in the revision, and this law is limited and confined to Federal elections, to elections for Congress only.

Mr. DALZELL. Under Article IV of the Constitution.

Mr. LACEY. Under Article IV, section 1, of the Constitution of the United States.

Mr. CRISP. The gentleman thinks this is authorized under the "time, place, and manner" clause.

Mr. LACEY. Yes, sir; this comes under the "time, place, and manner" provision. My friend [Mr. CRISP] may smile, but I have the

advantage of having these two judges smiling upon my side of the question.

Mr. CRISP. And I suggest that I have the advantage of having a decision of the Supreme Court of the United States on my side, while the opinions to which the gentleman refers are merely the opinions of circuit judges whose decisions have not always stood, as the gentleman knows, if he bears in mind who they are.

Mr. DALZELL. Does the gentleman refer to the Reese case?

Mr. CRISP. I refer to the Reese case and to the Yarborough case.

Mr. DALZELL. The Reese case is the one you rely on?

Mr. CRISP. Yes; the Reese case and the Yarborough case.

Mr. LACEY. I will ask my friend from Georgia [Mr. CRISP], when he takes the floor, to explain to the House how it is that the case of the United States *vs.* Reese, arising under the act of 1870, where a man was arrested for a violation of that law as it related to a municipal election, and where the Supreme Court of the United States said that that law was not apt legislation to enforce the fifteenth amendment, controls this question arising under the present statute when that portion of it has been stricken out and the whole section made to apply entirely to Federal elections, and to the time, place, and manner of those elections. That identical question is discussed in this opinion. I read further:

We are dealing here with an offense charged to have been committed in a Federal election, in violation of this section 5506; and the defense ask us to base our ruling, in this case of a Federal election, upon the ruling of the Supreme Court in a case arising in a town election under the act of 1870, in which that court not only carefully confines itself to the case before it, but protested by iteration that it was not considering any law in its relation to Federal elections, its opinion in *Reese et al.* was expressly confined to section 4 of the act of 1870, in its relations to State elections, and the court held that section not to be within the purview of the fifteenth amendment of the Constitution. But, even as to that section, the court did not, and took especial pains not to, decide that the section was beyond the purview of the first article of the Constitution.

The Supreme Court has never decided that section 4 of the act of 1870 was unauthorized by Article I. Much less has it ever decided that section 5506 of the Revised Statutes was unauthorized by Article I. This article and the fifteenth amendment are as follows; and it will be seen that the former refers only to Federal elections, while the latter refers to all elections, Federal, State, and municipal, but limits legislation under it to the prevention of discrimination between voters on account of race, color, and previous condition. The result is that Congress has general powers of legislation concerning Federal elections, but can legislate concerning State and municipal elections solely for the purpose of preventing discriminations on account of race.

And the case of *The United States vs. Siebold*, in 100 United States, qualifies and modifies the language in the case of *The United States vs. Reese*, and expressly holds that the fifteenth amendment was self-enacting so far as giving the right to vote is concerned.

Then, on page 232, Federal Reporter, the court proceeds to say:

Section 4 of the act of 1870 is now repealed. The Supreme Court never said that it was invalid under Article I of the Constitution, and it is now no longer on the statute-book. It is substituted by section 5506 as it stands in the Revised Statutes. This latter section applies only to offenses committed in relation to Federal elections. No one pretends, no one has ever pretended, that it relates to State or municipal elections; for it has never before now been under adjudication. It could not be made to refer to State or municipal elections except by authority of the fifteenth amendment, and it could not be brought within that authority except by interpolating in the section the words "on account of race, color, or previous condition of servitude."

Judge Bond in his decision discusses the questions and sustains the law as it now stands upon the original section. He says:

The fourth section of the first article of the Constitution of the United States provides "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but the Congress may at any time by law make or alter such regulations except as to the places of choosing Senators."

If Congress can provide for the manner of election, it can certainly provide that it shall be in an honest manner; that there shall be no repression of voters and an honest count of the ballots. There is little regarding an election that is not included in the terms "time, place, and manner of holding it." Since the Reese case was argued Congress has enacted, as we said before, this section 5506.

Now my friend here makes, it seems to me, for the first time, the proposition as a lawyer that, when a law has been held unconstitutional by reason of some particular provision rendering it so, that law is still to be held unconstitutional after the unconstitutional feature has been stricken out, after the objectionable part has been eliminated. The fair way for our friends on the other side is to concede that they did not trace this question to the bottom, to concede their error, and let the case stand on some other question than one where they are confronted by the statutes of the United States and by the decision of the highest court that has yet been called to pass upon the question since the statute has been amended.

Now, taking this law as the law of the land, we have these additional nineteen men going to the polls and offering to vote. We have the fact that they had registered; the fact that their names had been left off the list sent to the judges of the election where the elections were held; that the voters did everything they could do to have their votes counted; and this being the case, under this section of the statute, it is the duty of the House to count such votes.

The next question involved in this case, Mr. Speaker, is the question of intimidation in Anne Arundel County. I am gratified to be able to say in behalf of the contestee, whom I regard as a gentleman of the highest character and for whom I entertain the profoundest respect, that the record only shows this intimidation in one place. It shows that a number of men went out from Baltimore, men whom I believe my friend from New York [Mr. SPINOLA] calls "Plug Uglies." It

appears that certain "Plug Uglies" went out from Baltimore to this particular precinct and interfered—

Mr. SPINOLA. The gentleman will permit me to make this remark, that the "Plug Uglies" were all Knownothings and Whigs and Republicans.

Mr. LACEY. Well, I was only borrowing a beautiful phrase which the gentleman threw at the gentleman from Maryland [Mr. McCOMAS] the other day; and I think a "plug-uglier" lot could not be picked out than these few men who went out to control the election at that precinct in Anne Arundel County.

It appears, Mr. Speaker, that one Tip Wells, who was soon afterward appointed to a position in the revenue service of the United States by the late lamented Mr. Cleveland, went out with a badge upon his person and, associated with sundry other persons of like evil-disposed nature, interfered with the election at this precinct.

Mr. COMPTON. That is not in the record.

Mr. LACEY. What is not in the record?

Mr. COMPTON. What you are saying: that Wells went out from Baltimore and had a badge on.

Mr. LACEY. The evidence shows that these men who presumed there to interfere with the election, and who intimidated the negro voters, had badges on and were claiming to be deputy United States marshals. They were strangers in that vicinity. The evidence shows that they struck old man Hall, an honorable old colored man who by honest industry has acquired property upon which he pays \$300 annual taxes; they drove him out of the line, tore his ticket from him, and told him that "no nigger should vote that day unless he voted for Cleveland."

The evidence shows that Rod Kess, another colored man, was knocked out of the line, beaten, struck down, and not permitted to vote. Then there was another man who was attacked, a man named Sampson; there were three of them; and this attack was followed up by a statement made by Mr. Pumphrey, a Democratic deputy marshal who had the badge of authority upon his bosom. He went to these various negro voters and told them they must go home; they must not vote; if they voted he would not answer for the consequences, with other persuasive remarks of like character, by which he led them to believe that their only safety depended upon their withholding their ballots. There were 175 of these men who went there to vote and did not vote.

It is contended by the minority in their report, and was argued before the committee, that these men ought not to be counted for the reason they did not show a sufficient amount of bravery. The law is stated by the minority in this language:

The law is well settled the poll can not be rejected unless the violence was such a display of force that ought to intimidate men of ordinary firmness.

Grant that that is the law. What is ordinary firmness? Must not you take into consideration that the man is colored, and his past habits of life and training? It would not intimidate my friend from Texas [Mr. MOORE], who is noted for his courage in the past. What would not intimidate him would prevent many colored men from coming out in this district to the polls. Long servitude has made these men timid.

During the war these colored men, properly trained and led, performed deeds of valor which are immortal, and for which they are entitled to the highest honor. But, sir, when they are scattered, when they are disorganized, their two hundred years of servitude, two hundred years of slavery on the part of their ancestors, all these things have made them more easily intimidated than white men. Herodotus tells when the Scythians were absent in their wars about twenty-eight years on their return they found their slaves drawn up in line of battle to meet them. What did these slaveholders then do? They threw down their arms, cut switches, and their slaves were at once disarmed and returned to servitude.

So in this day, men in whom timidity has been bred, who fear the white race, who have been in slavery year after year for centuries, are more easily intimidated than white men. We have the fact here proved that they were intimidated. We have the fact that they were threatened. Three were knocked out of the line and three were assaulted. After that they left the line and did not take their places again. You have only heard of the three who were assaulted, and after you have made the correction which has been called to the attention of the House the votes involved in this precinct will only increase the majority of Mr. Mudd, the contestant.

But all these men kept out of the line. They abandoned the polls, they understood there was danger, and I will call the attention of the House further to some of the testimony on this question. As it will be a convenience to members in finding the testimony and as I will not be able to read the whole of it, I hope, by unanimous consent, I will be allowed to print a part of it with my remarks.

The SPEAKER. The Chair hears no objection.

Mr. LACEY. The testimony in reference to the intimidation of these colored men is as follows:

E. J. Hines, one of the judges of the election:

Where were you standing when you say you saw a colored man pulled as you have described?

A. At the window.

Q. Inside the window?

A. Inside, sir.

Q. How far away from the window was the man standing that was pulled away?

A. About 6 feet; it might have been more and it might have been less.

Q. Was he in line to vote?

A. Yes, sir.

Q. Well, then, how many were ahead of him, between him and the window?

A. Well, there was, I suppose, maybe four or five.

Q. Colored people?

A. Yes, sir; and some white.

Q. They voted, didn't they, those that were ahead of him in the line?

A. Some of them did, very few, because it took time for the names to be run over, and they could not vote them fast.

Q. How many colored men did you see any one take hold of and pull away?

A. Two that I saw grabbed and slung off to one side of these fellows; first one and then another.

Q. You only saw two colored men pulled away?

A. Yes, sir.

Q. How many persons pulled them away?

A. This one man.

Q. Now, one man took first one colored man and then a second colored man to pull him out of the line; is that it?

A. As I stood here he threw him off to the side, to this here deputy, and told him to take him off, and then grabbed another one and slung him off.

Q. The deputy didn't take these two men, did he?

A. No, sir; because they didn't have no right to take him away, I suppose; just wanted to raise this spree there.

Q. The only spree that was raised was by pulling two men out of the line and telling the man who they said was a deputy marshal to take them away?

A. And told them they could not vote there, and to go home.

Q. Told whom they could not vote?

A. These colored men.

Q. Told these two colored men?

A. No; the whole crowd, that they could not vote and to go away.

George A. T. Jubb:

Q. You say you have been in the habit of voting the Democratic ticket?

A. Yes, sir.

Q. Did you vote for Barnes Compton at the last election?

A. No, sir.

Q. Whom did you vote for?

A. For Congressman; I scratched Compton off my ticket.

Q. Well, the county commissioners of Anne Arundel County last fall, at the time the judges of election were appointed, were Republicans, were they not?

A. I suppose not, sir; I have always voted the Democratic ticket up to last fall.

Q. How many colored people did you see taken away, as you have expressed it?

A. Well, I could not say exactly how many there were. There were quite a number at the window and quite a string behind them coming up.

Q. What did you see done yourself?

A. I saw the roughs pull them away from the window.

Q. How many colored men did you see pulled away?

A. I could not say how many there were they pulled out of the crowd, but they appeared to be determined to clear the window.

Q. How many roughs did you see there?

A. Seven or eight; I could not recognize them; they said they were roughs; I heard people say that.

Q. But you don't know that?

A. I do not know they are roughs; I know they are not residents of the county; not voters.

Q. And you are sure you saw seven or eight men that are not voters?

A. I am very positive in my mind.

Q. You can not tell how many colored people you saw taken hold of?

A. Oh, no; I couldn't tell, but there were several, and maybe more.

Q. Can you swear that there were more than two?

A. I am willing to swear there was more than two.

Q. Were there three?

A. I could not say the number, but there were more than two.

Q. Well, how many?

A. A hundred or more, probably; I can't tell.

Q. And they all went away only because these two or three men were pulled out of the line?

A. There might have been more than three; they were taking charge of the windows; the roughs were.

Q. How far from the window were these men that were taken away?

A. They were pressing them back; they would not allow them to come up and get their vote in.

Q. Were there any more people voting then?

A. No, sir; the voting had ceased.

Q. How far away from the window were the colored men that were pulled away?

A. The roughs appeared to be, when I looked up, near the window when the voting ceased, and I knew there was something going on; I looked up and the roughs had got possession between the colored people and the window.

A. Well, the darkies said as we passed, "There goes two white Republicans; now let's see if they vote." Well, we went down there and it was some time before we could get a ticket to vote; there wasn't any in the window, and none to be found around unless you got them from the darkies—Republican tickets. Mr. Goodin got several from a darky and gave me one and I went up and voted it. Before I got near to vote, when I was standing around there, this Roderick Kess he made a start to vote, and one of these roughs from Baltimore came over towards him and ran him about the length of this room and struck him; Kess got his head down this way [indicating] and the rough struck him right in the ear, ran him about the length of this room and struck him; that is about all I seen; I never seen a darky there to vote afterwards.

Q. Did you hear any white man tell the darkies not to vote?

A. I did.

Q. Who was it?

A. I heard Tip Wells tell several other Democrats; I was standing in a group and I heard Tip Wells tell several of those Democrats—and there was Ed. Pumphrey there, supposed to be a deputy sheriff, you know, and he told him to go out and tell the darkies that he was appointed deputy sheriff and there was fifty United States deputy marshals over here, and to tell these darkies that they had all better go home and not kick up any disturbance at all, because if any of them made any try to vote some of them would be hurt, and he did not want to see any trouble.

Q. You heard Tip Wells say that?

A. Yes, sir; and Ed. Pumphrey, too.

Q. You heard Ed. Pumphrey say that to the colored people?

A. I heard Tip Wells say that, and I heard twenty different darkies say—

Q. What are Tip Wells's politics?

A. Democratic.

Q. Do you know anything about his being appointed lately to an office?



A. He was appointed store-keeper in the internal-revenue office, I believe.  
Q. That is within the last two or three weeks?  
A. Yes, sir.  
Q. What are Ed. Pumphrey's politics?  
A. Democratic; but is little or nothing.

Owen Goodin:

Q. Did you go to the polling place on election day?  
A. Yes, sir.  
Q. Did you see any disturbance there?  
A. Yes, sir; this man Rod. Kess was jerked away from the window when he went to hand his ticket in, down at the house, close to the road.  
Q. Rod Kess is a colored man, I believe?  
A. Yes, sir.  
Q. Do you know the man who struck him there?  
A. No, sir; I do not.  
Q. Was he a stranger in the neighborhood, or a resident?  
A. I never saw him before in my life, and I don't know who he was.  
Q. You haven't been in the neighborhood long, I believe?  
A. No, sir; about a year.  
Q. Where were the colored people when you came to the polls, or were there any of them about?

A. They were about, away above; I asked one of them if he had any tickets; he said: "Yes, but they are no use, they won't let us vote."  
Q. Then, this man Kess came up to vote while you were there?  
A. Yes, sir.  
Q. Well, what happened; they grabbed him, you say?  
A. They grabbed him and jerked him away down to the other end of the house, near the edge of the road; he struck at him, but I do not know, could not tell, whether he hit him or not.

A. K. Young (white):

Q. Were you at the polling place of the first precinct of the third district on election day?  
A. I was, sir.  
Q. Did you see any disturbance there when you were there?  
A. I didn't exactly see no disturbance; they were driv away from the polls, but I didn't see any licks struck.  
Q. Who drove them away, and how did they drive them away?  
A. These parties from Baltimore did it.  
Q. Did you know any of them?  
A. I can't say that I did.

Q. Was Wells among them, or do you know him?  
A. He was amongst them; I know Tip Wells.  
Q. How did they drive them away?  
A. The first man that came on the grounds they took hold of him and shoved him back, and he said he could not vote there, and the balance they pushed them away and told them they couldn't vote there.

Q. These men that did this were strangers?  
A. Strangers to me; yes, sir.  
Q. You have been a resident of this precinct for some time?  
A. Six or seven years.  
Q. How did they come over, do you know?  
A. I don't know; I think they come in wagons.  
Q. Were they armed?  
A. Some of them had revolvers.  
Q. Were they exhibiting them?  
A. I saw some of them; yes, sir.

Q. Had you any official capacity that day?  
A. I was appointed a marshal, but had nothing to show for it; deputy sheriff I mean.

Q. Did you take any part in protecting these men?  
A. No, sir.  
Q. Why not?  
A. I had no authority.  
Q. Had you no commission?  
A. No, sir; I had no commission or badge.  
Q. How many of them were there?  
A. I could not say exactly; I did not count them.  
Q. Were they 2 or 20?  
A. Now, I suppose may be 10 or 12; something along there.  
Q. Did any colored people [vote] after the first pushing away from the polls?  
A. I think there were two that voted the Democratic ticket.  
Q. Were there any more that voted?  
A. I did not see them.

Q. That is all the disturbance you say you saw?  
A. That is all I seen; I didn't see ne'er a lick struck.  
Q. Now, you say you saw some one have a revolver or revolvers.  
A. I did, sir.  
Q. Where were they when they had them; where did you see them?  
A. There on the ground.  
Q. You did not see them point any revolvers towards the colored man that they pushed away, you say?

A. I did not, sir.  
Q. How many colored people were there when you saw these pushed away after the polls were opened?  
A. I could not tell you, sir; a great many; I didn't count them.  
Q. Did any of them go up to vote after you saw them pushed away?  
A. Some of them did; yes, sir; but they didn't vote.  
Q. Did these men, these strangers that were there, did they have any badges on?

A. Yes, sir.  
Q. Can you tell me what was on the badges, or did you see?  
Q. United States marshal.  
Q. What was the color of the badges?  
A. Different colors; some blue and some red, as far as I remember.

Osmond S. Pumphrey:

Q. Did you see any disturbance there?  
A. I was the second man that voted, and left immediately after.  
Q. You didn't see anything there?  
A. No, sir; I saw nothing; there was several men that I did not know; strangers in the neighborhood; I was the second man that voted, and then left.

Q. You left before there was any disturbance, if there was any?  
A. All the disturbance was he stopped this colored man Hall, and told him he had no right to vote; Hall said he thought he had; he said, "No, go away," and Hall turned, then, and left the window, and the colored men did not attempt to vote any more as they would not be allowed to vote, and they all left as far as I know.

Q. Who was this man that told Mr. Hall this?  
A. That I could never tell you, sir; I never saw him before.  
Q. He was a stranger in the district?  
A. Yes, sir; an entire stranger.

Q. Had he a badge on that you noticed?  
A. Yes, sir; I think he had.  
Q. Do you know what was on it?  
A. I did not examine the badges.  
Q. What are your politics?  
A. I am a Democrat, sir; always was.

William H. Hall:

Q. What happened when you went up there?

A. I started away from home about quarter to 7 that morning and drove down there tolerably fast, and got down there about a quarter to 8 o'clock; I got up there about a quarter to 8; when I got up there I saw some white folks there, you know, and the polls had opened, and they commenced voting just before I got there; I was about the sixth person, I reckon, that got up to the window at about the time they commenced voting; I had my ticket in my hand, and folded my ticket up; at least I opened my ticket just that way [indicating], and held it in my hand; if I had a piece of paper to show you I could; this sketch will do; just this way [indicating]; I was walking up to the polls and was going to open my ballot and open it this way [indicating], and I was about the third person off the window, and I had my ticket in my hand ready to give it in; just at that very moment, just as I had my ticket in that position—I was about the third man from the window—there was some man come between; I stood right at Mr. Tip Wells's elbow, and the man came between me to crowd between me and Tip Wells, and tore the ticket in two; I held one part and he taken the other, and I asked a gentleman standing close there, Mr. Chairs, not further than that door [indicating], and I said, "Chairs, do you see this?" I said, "Mr. Chairs, see this," and nobody made any response; I carried my hand right around to the window and said, "Do you see this?" I said, and nobody made any response, and I said, "Don't you count out votes here to-day?" and a half dozen voices hollered out, "Not a damn one of you shall vote;" I said, "If we can't vote we will go home," and I said, "Now, men, don't make no fuss," and we fell back, and I got in my buggy and went home.

Q. Who was it, so far as you could tell, that hollered, "Not a damned one of you shall vote?"

A. Well, I could not recognize any of the voices at all but Tip Wells's.

Q. You heard Wells holler that out?

A. Yes, sir.

Q. What are his politics?

A. A Democrat, I think, sir. I don't know what he votes, but I think he is a Democrat.

Q. Why was it, Mr. Hall, that you told the men to go home?  
A. I apprehended danger. There was danger there from what I had heard before I got there. As I was going down the road I met a man by the name of Elias Brown when I was about a mile off the polling place, and he told me, "It ain't no use to go down there. Mr. So and So says you sha'n't vote, not a damn one of you." I said, "Is that so?" and he said, "Not a damn one of you shall vote," and he took me by the arm and shoved me up the road. He was a little cranky, anyhow, as I thought, and I said, "My son, we will go down and see what the trouble is, anyhow;" and when I got down there there was some men there, of course; so I hitched my horse, and I have told you what occurred.

Roderick Kess:

Q. How long have you lived in this district?  
A. Well, sir, I have been living here all my life; I did live in the fifth; I was born in the third, and remained in the third until, I suppose, I was about thirteen or fourteen years old, and then I went into the fifth district and staid over there until I was about twenty-three years of age; then I went backwards and forwards, but I married in the third, and of course I remained there.

Q. You have been there all your life except a few years?

A. Yes, sir.

Q. Did you go up to vote on election day?

A. Well, I did, sir; I tried it.

Q. Tell us what happened.

A. I went down there in the morning and intended to vote and marched up to the polls as I generally always do; of course, in going to the polls there was a young man, I could not tell who it was, I did not know him, but knew he was a stranger, and know that he did not belong there; he struck me in the face, and threw me off, and pushed me off, and told me to go away; told me I didn't belong there, and knocked my hat off, and I turned around and said, "Dr. Williams, I am in my county!" I said, "What kind of carrying on is this here?" He said, "You will have to go and see the deputy sheriff." I didn't know he was, or whether he was a deputy or not, but afterwards I seen who it was, and that was a young man in the district called Mr. Ed. Pumphrey; of course he was acting as deputy sheriff and had a blue badge on, and it was said that there was the deputy sheriff.

Q. Was that the last of it?  
A. I saw it was no use to try to vote, so I left.

J. B. Hall:

Q. Mr. Hall, how long have you lived in the first precinct of the third election district?

A. Ever since I was about one year old.

Q. Were you at the polling place on election day?

A. I was, sir.

Q. Did you see any disturbance there?

A. Well, a man snatched a ticket out of my father's hand, and he said, "Gentlemen, do you see this?" And I looked and the ticket had been snatched out of his hand. I didn't see it, but, from what he told me, it was torn in his hand; and he called out to Mr. Chairs: "Mr. Chairs, do you see this?" I had my arm on the window with my ticket in my left hand, ready to call my name, and nobody answered, and I said, "Gentlemen, can't we vote here to-day?" and this Tip Wells hollered out, "No; not a damn one of you shall vote here to-day;" and then we fell back from the window.

William M. Hines:

Q. Did you see any strangers about the polls that day?

A. I did, sir.

Q. How many do you suppose there were?

A. About eight or ten, I think.

Q. Where did they come from, do you know?

A. I do not, sir.

Q. What did they come in, do you know that?

A. They came in two-horse vehicles.

Q. Strange vehicles?

A. Yes, sir.

Q. Did they have any arms, do you know?

A. I could not say; I saw no arms.

Q. How long did you stay at the polls, Mr. Hines?

A. From about the time I got there until after the polls were closed and the ballots were counted.

Q. Did any colored men come up to vote while you were there?

A. No, sir; one started to come up and they told him to go back.

Q. Who told him to go back?

A. The strange parties.

Elijah Henson:

Q. Did you vote?

A. No, sir.

Q. Why didn't you vote?

A. Well, when Mr. Hall went, I got my ticket from Mr. Hall; and I were coming up to the window for to vote, and some of them snatched him away, pulled him around, and tore his ticket in half as he had it in his hand; he said, "Ain't our tickets accepted?" and some one says "No;" I don't know who it was, but there was some one made the answer, "No; they was not accepted," and he said, "Well, it is best for us all to go home."

Q. Where were they when you saw them?

A. They were up there to the polls or right around them.

Q. Close to the polls?

A. Close, of course; yes, sir.

Q. Was it one of them or not that tore Mr. Hall's ticket out of his hands?

A. Yes, sir; that was one of the strange men; it was a stranger to me that tore Mr. Hall's ticket in his hand—that he had in his hand.

Elijah G. Howard:

Q. Did you go to vote last election?

A. Yes, sir.

Q. Did you get your vote in?

A. No, sir.

Q. Why not?

A. Well, when I went there I went, I guess, about 8 or 9 o'clock, when there was a good many of the men coming away, and I said, "Why didn't you vote?" and they said some of them were keeping them away, and when I got to the polls I didn't try to vote, and Mr. Ed. Pumphrey—I got word from Mr. Hall there. Mr. Hall said—the first thing I knew—it was just as well to go back home, that they were objecting to the votes. Mr. Ed. Pumphrey told us not to go to the window, and he was telling us that for our own good, and for us not to go to the window, as there would be great trouble, he said; and I didn't go to the window at all.

Q. Did you see any guns around there?

A. Yes, sir.

Q. Where?

A. In a wagon.

Q. Where was the wagon?

A. About the window.

Q. Was it a wagon from the neighborhood?

A. It was from Baltimore, I guess; I had not seen it before.

Q. Do you remember what horses were in it, or were there any in it?

A. I think it was gray horses in it, but some of the rest knew the horses better than I did; but I seen them in the wagon.

Q. What sort of guns were they; could you tell?

A. No, sir; I didn't stop long enough to look at them; I heard some of the rest of the men say there were guns in the wagon, and I walked off down the road; but I seen the guns in there and seen the locks and breeches.

Q. How many do you suppose there were there?

A. Five or six; some of the men said more, but I did not stop to see.

Q. How far was this wagon from the polling place?

A. It was not over 5 yards from the window, right at the corner of the house, most; it was right at the corner of the house, most.

Q. Were you afraid to vote there?

A. Yes, sir; I just got up there and nobody else would not go up and vote, and I wouldn't go up by myself; and if nobody voted, I wouldn't do it.

Noah Queen.

By the examiner:

Q. State your name, residence, occupation, and age.

A. Noah Queen; third district, Anne Arundel County; I am a carpenter; am forty-three years old, as near as I can come at it; I am not certain about that.

By Mr. ROSE:

How long have you lived in Anne Arundel County?

A. I moved in the third district of Anne Arundel County in 1869.

Q. Did you go up to vote on election day?

A. I did, sir.

Q. What happened?

A. I didn't vote; that's one thing I know didn't happen.

Q. Why not?

A. Well, sir, some of my friends objected to my going there, and said there had been some ahead of me that could not vote; that Mr. Hall was there with the men there and that he couldn't vote, when he went up to vote, and they objected to my going because I wanted to vote, and when I wanted to go and try they said Mr. Hall had been there to vote and several others wouldn't let them vote. I says, "Well, I am going to try to vote, anyhow; I don't care what Mr. Hall does." They said, "Don't you go, or somebody will get hurt." I said, "I don't care if I do; who is going to stop us?" Jerome Hall said, "Don't go." I said, "I'm going," with an oath to him, and I looked around suddenly, and a gentleman by the name of Ed. Pumphrey, he said he was deputized as a sheriff that day, and I said "Mr. Pumphrey," with an oath, "what is the result that we can't vote here to-day?" He said, "No, you can't vote, I don't think;" and he said, "If you go there and try to vote it will be the dearest day's work you ever did."

Q. What happened to you; why didn't you?

A. Well, when I got there they were all scattered about there, standing around there, and there was no colored persons at the polls voting, and I asked what was the matter; and they said the votes was objected to, and no colored man had voted there that day; and so I stood off and didn't try afterwards to go to the window, and along come Mr. Pumphrey.

Q. Which Mr. Pumphrey?

A. Ed. Pumphrey, and he talked with me, and he told me that we could vote, provided we would run the risk of our own lives. Well, I made the remark that I didn't feel disposed to run the risk of my own life, and I didn't feel I had done anything or done anybody any harm; so I staid there pretty well along in the evening, and then I went away to go home. I was in the neighborhood, and I was one of the last that left there. Nobody didn't bother me.

Q. Did you hear Mr. Chairs here say anything about it, about the colored people voting that day?

A. I didn't hear him say anything about the polls, only he was walking along talking.

Q. You did hear him say something?

A. Yes, sir; he went along talking about the case, and he said that it was made up with themselves, and that was all he said. He was not talking to me; he was talking to a friend, and I was alongside of the road as he went by.

George W. Howard.

Q. Did you vote?

A. No, sir; I didn't.

Q. Why not; what happened?

A. Well, when I got down there it appears that they were objecting to letting us vote.

Q. Who told you that?

A. Mr. Ed. Pumphrey.

Q. What did he tell you?

A. He told me it would be best; he told me the best thing I could do was not to try to vote, and he said the best thing we could do would be to leave, because we would not be allowed to vote.

Q. What did he say would be the trouble? Did he say you would get into trouble; and, if so, what sort of trouble?

A. He said some of us would get hurt if we undertook to vote, and advised us to leave.

Q. Did he say there were any arms down there, or anything about there?

A. He said there was about thirty roughs from Baltimore down there; he told us that.

Q. Did you hear Tip Wells say anything?

A. Well, then we left from opposite the window and went and sat upon an old log alongside of an old barn there; and he were walking up the road and he said, "Within ten years from now there won't be a damn nigger in Anne Arundel County that can vote;" I heard him say that.

Q. Did you go to vote last election?

A. Yes, sir; I went there, but I didn't vote.

Q. Why didn't you vote, and what happened when you went there?

A. When I went up to the polls to vote I followed Mr. Hall, and Mr. Hall went around where the white gentlemen were, and I followed the house side up, and when I got up to the window, I didn't go quite to the window, I touched the window with my cane, and I heard some of them say, "Go back," and that we could not vote there. As I was a cripple I could not go back far, and they like to knock me down; and Mr. Hall started back and said we could not vote; and a gentleman there said, "You shan't vote; go away; and we don't want none of your jaw;" and then we came back.

Q. You say you were nearly knocked down; who nearly knocked you down?

A. Some four or five colored people ahead of me; when I started away from the window I could not go away fast enough.

Q. Were they running?

A. They fell back on me.

Q. Crowded back?

A. Yes, sir; they fell back from the window and like to knocked me down, as I could not get away fast enough, and I fell back, and Mr. Hall told us we had better go away, and all hands went away.

Q. Did you hear Mr. Ed. Pumphrey say anything?

A. He didn't say—the only thing he said was that it wasn't no use to go up there for they had too many guns, and that we could not vote that day.

Jacob H. Owens:

Q. Did you know Andrew Sampson?

A. I did.

Q. How long has he lived down there?

A. These eight or nine years or more.

Q. They pulled him from the window?

A. Yes, sir.

Q. Did you see Tip Wells there that day?

A. I did, sir.

Q. Was he or not with those strangers?

A. These two young men that pulled Sampson away from the window, Tip Wells followed them, but he didn't attempt to put his hand on Sampson, but just followed behind them when they shoved him out.

Q. Did you see any guns there that day?

A. I did.

Q. Who had them?

A. There were three men standing behind the house loading their guns, but I don't know who they were.

Q. Were they strangers there?

A. They were; they loaded the guns and stood behind the house like that [indicating]—behind the house; then I saw two other gentlemen coming up with guns; one of them I knew, and the other one I didn't.

Q. And these men were loading the guns right at the polling place?

A. Right behind the polling place.

Q. Did you hear Mr. Ed. Pumphrey say anything that day?

A. I asked himself what was his position, and he said he was sheriff; and I asked him if he was a constable, and he said no, he was a deputy sheriff there to arrest any one that disobeyed the laws that day; "But," he said, "I am not worth a damn in this crowd of men that is here;" and he said, "I would advise you fellows all to go home, as you won't have any show of voting here to-day."

Q. Did you see Mr. Hall pulled from the window?

A. I did, sir.

Q. What occurred then?

A. The same two young men that pulled Sampson from the window pulled him away, too.

Q. Did you go up to vote last fall?

A. No, sir; I didn't; I didn't go there, sir.

Q. How near did you get to the polls?

A. Well, I got about half a mile off the polls.

Q. Why didn't you go any further?

A. Well, I heard there was a row kicked up and that it wasn't no use to go any further.

James Henry Baker:

Q. Did you vote?

A. No, sir; I didn't vote.

Q. What stopped you from voting?

A. These men from Baltimore, or wherever they were from; when we went up to the polls to vote they said we shouldn't vote, and Mr. Hall then said we couldn't vote; I didn't go up to the window at all.

Q. They were strange men, were they?

A. Stranger men.

Q. Did they take hold of anybody?

A. I seen them carrying Mr. Hall back, but which it was had him I don't know.

Q. What did those men say?

A. They said we should not vote; I heard them say that, but who it was said it I do not know.

Q. White men said it?

A. Yes, sir.

Q. Strangers to you?

A. Yes, sir.

By Mr. COMPTON.

Q. You say you didn't want to get killed?

A. No, sir.

Q. Why did you think you were going to be killed?

A. I heard they had guns.

Q. You saw nobody with guns, did you?

A. No, sir.

Q. Did you see anybody with pistols?

A. No, sir.



Q. Did you see or hear anybody threaten to kill anybody?  
 A. No, sir; but I heard them say they had guns, and that somebody might get killed.  
 Q. Who said that?  
 A. I don't know who; it was a stranger, but who it was I do not know, sir.  
 By Mr. ROSE:  
 Q. What did he say?  
 A. He said some niggers would be killed that day, but who it was said it I don't know.  
 Q. Did you go to the polls last election?  
 A. I did, sir.  
 Q. How near did you get?  
 A. I got right up to the polls.  
 Q. Did you vote?  
 A. No, sir.  
 Q. Why didn't you? Tell us all about it.  
 A. The reason why I didn't vote, they said it wasn't no use; there had been a little riot, but I got there, and they said it was no use for any of them to try to vote; I met some of them coming back, and I didn't vote.  
 Q. You went up to the window?  
 A. No, sir; not to the window; I went up to the yard.  
 Q. Did you see any strange men there?  
 A. No, sir; not particular; there was a good many strange men I didn't know, but I don't know of any particular strange men.  
 Q. Did you hear any white men say anything?  
 A. No, sir.  
 Q. And the other colored men told you that there had been a riot and you couldn't vote?  
 A. Yes, sir; that is, I met some coming away, though I kept on up there.  
 Q. Why didn't you try to vote?  
 A. They said it was no use.  
 Q. Told you you would not be allowed to vote?  
 A. Yes, sir.  
 Q. Did they tell you what had occurred there?  
 A. Yes, sir; they did.  
 Q. How near did you get to them?  
 A. Up to the polls on the ground.  
 Q. Did you vote?  
 A. No, sir.  
 Q. Why not?  
 A. My vote was rejected.  
 Q. Tell us all that happened?  
 A. These men, you know, it was a lot of them, and there was a row before I got there, but I can't tell anything about it.  
 Q. You say your vote was rejected; how was it rejected?  
 A. All I know the folks was there before I was, and they said the vote was objected, and I didn't try to put mine in.

Stephen Asbury Brown:

Q. You didn't vote?  
 A. No, sir; I did not.  
 Q. Why not?  
 A. Well, when I got there the folks told me that it was not worth while to go to the polls, because my life was in danger.  
 Q. Who told you that?  
 A. Mr. Ed. Pumphrey told me that. He come down and told me that. He said it wasn't worth while for me to go; I could go, but I was liable to get hurt; and under them circumstances I didn't go to vote.  
 Q. And then, you say, Mr. Pumphrey told you—  
 A. (Interposing.) Mr. Pumphrey said that there was no chance of voting. "But," he said, "you probably can vote if you persevere your way to the window; but you are liable to get hurt."

Josiah Cephas:

Q. The people you saw told you you could not vote; did you know them?  
 A. I guess I knew some of them.  
 Q. Who were the men who told you that?  
 A. Ed. Pumphrey was one of them.  
 Q. Who else; do you remember?  
 A. I can't remember exactly; so many said you can't come there, and I was prohibited from going there.  
 Q. But you remember Ned Pumphrey telling you that?  
 A. Yes, sir; he said you can't go there and vote.

Q. And Mr. Pumphrey said you were objected to?  
 A. He said, "You can't go there to vote," and I didn't go.

Henry Green:

Q. You didn't vote?  
 A. No, sir.  
 Q. Why not?  
 A. I met the folks coming away from there, and they were kicking up a row and I thought I better not go, and Mr. Ed. Pumphrey came down in the crowd where we were sitting; he was some kind of a marshal, and he told us not to go to the polls, that we might get hurt.

Stanley Chester Green:

Q. What confusion did you see?  
 A. I seen a gentleman taking Mr. Hall way from the window, and they said they rejected the votes there that day; the colored people couldn't vote.  
 Q. Who were the men that said that?  
 A. I don't know them.  
 Q. Were they white men?  
 A. Yes, sir.  
 Q. Had you ever seen them before?  
 A. No, sir.  
 Q. They were strangers, then, in the neighborhood?  
 A. Yes, sir.

Q. Why didn't you go closer?  
 A. Well, I don't never go nowhere where there is an eruption made; I don't fight myself.  
 Q. You are not a fighting man, then?  
 A. No, sir; I am not a fighting man, and I was raised that way, and always kept clear of anything like that that I could.

Jacob Hall:

Q. Were you there when Andrew Sampson attempted to vote?  
 A. Yes, sir.  
 Q. What happened to him?  
 A. Two gentlemen pulled him out and struck at him, and said he was in the wrong district.

Aaron Johnson:

Q. Did you vote?  
 A. No, sir.  
 Q. Why not?  
 A. Well, I see the scrimmage there; they pulled a man away from the window and struck at him, and soon after that Mr. Hall, they snatched him from the window, and they had a scrimmage, and that was enough; I was becoming intimidated until I was afeared to go up. I heard Mr. Hall say they had objected to the votes.  
 Q. And you went away?  
 A. Yes, sir.

Stephen Johnson:

Q. Did you go up to vote last fall?  
 A. I did.  
 Q. How near did you get to the polls?  
 A. I went up in the yard, sir.  
 Q. Did you vote?  
 A. No, sir; I did not.  
 Q. Why not?  
 A. I didn't see nobody else a voting, and they said the votes were refused, and so I didn't think, I didn't know as I was more manly than anybody else, so I went home.  
 Q. What time of day was that?  
 A. I guess it was 10 o'clock, sir, as close as I can come at it. It might have been later.  
 Q. Who told you the votes were refused?  
 A. Thomas Johnson.  
 Q. He is a colored man, isn't he?  
 A. Yes, sir.

John Wesley Jacobs:

Q. Did you vote?  
 A. No, sir.  
 Q. Why not?  
 A. Because I understood when I got there they would not let the colored ones vote, and of course I didn't insist at all; the crowd was broke up when I got there, and they was not allowed to vote, and of course I didn't resist.  
 Q. What time was it when you got there?  
 A. As near as I can come at it, it was about 11 o'clock.  
 Q. You were told the colored people were not allowed to vote?  
 A. I was, sir.  
 Q. Other colored people told you so?  
 A. Yes, sir.

John W. Marsh:

Q. Did you vote?  
 A. No, sir; I did not.  
 Q. Why not?  
 A. Well, they said the vote was objected, and they wouldn't let the colored fellows vote.

Benjamin Richards:

Q. Did you vote?  
 A. No, sir.  
 Q. Why not?  
 A. I was objected to, my voting.  
 Q. Who objected to your voting?  
 A. I don't know the man's name; I don't know the names now, about the Neck much; but the men objected to our vote, and our head captain said he thought it would be best for us not to vote.  
 Q. What time did you get there in the morning?  
 A. I guess about 7 o'clock.  
 Q. Did you see Andrew Sampson when he went up to vote?  
 A. I did, sir.  
 Q. What happened to him?  
 A. Some man called him away, and said he couldn't vote in that district.  
 Q. Did you see Hall go up to vote?  
 A. Yes, sir.  
 Q. What happened to him?  
 A. Some of them pulled him away; I can't say his name.  
 Q. Did you see Mr. Hall there?  
 A. Yes, sir.  
 Q. Did you see him go up to vote?  
 A. I seen him go up to vote, but I don't know whether he voted or not; I seen him start up.  
 Q. You left when you saw Andrew Sampson pulled away?  
 A. Yes, sir.  
 Q. What did you leave for?  
 A. Mr. Hall said it wasn't no use for us to vote, and said the vote was objected, and to go away, and before that I heard some one in the crowd say there wasn't a damn colored man that could vote that day, but I can't tell who it was.  
 Q. Was it a white man?  
 A. Yes, sir.

John Wesley Richards:

Q. Did you go up to vote last fall?  
 A. Yes, sir.  
 Q. How near the polls did you get?  
 A. I don't know, sir; no nearer than 40 yards to the house; that is as close as I got.  
 Q. Why didn't you go nearer?  
 A. The reason I didn't go any nearer, because I met the gang, and they had been there and they couldn't vote; and it wasn't any use for me to go any nearer.

Howard Richards:

Q. How near did you get to the polls?  
 A. About as close as from here across the street here [indicating].  
 Q. Why didn't you go closer?  
 A. Well, I met the other parties coming away from the polls, and they said the vote was rejected; was the reason I didn't go any further.  
 Q. Did they tell you how it was rejected and who rejected it?  
 A. They told me they had some roughs there from Baltimore, but didn't know who they were, and I didn't see them.

William Mason:

Q. What stopped you?  
 A. They say they could not vote.  
 Q. What time did you get there?  
 A. Between 9 and 10 o'clock, sir.  
 Q. They told you you could not vote?  
 A. There was a good many of them said you couldn't, and I went on up further, and they said they couldn't vote, none of them; and that's what they said.

Q. And then you turned around and went home?  
 A. I staid down there awhile; I didn't see nobody voting.  
 Q. Why didn't you go up and try?  
 A. I was like many others.  
 Q. You hadn't enough sand in you?  
 A. The sand was in my heels.

Alexander Davis:

Q. Did you vote?  
 A. No, sir.  
 Q. Why not?  
 A. Because when I went there to vote they snatched one man off the polls and grabbed the tickets out of his hand; he had one-half of the ticket and the other man had the other half, and said he couldn't vote.  
 Q. Who was the man?  
 A. That said that?  
 Q. No; that was snatched away?  
 A. Hall, I think his name was; an old gentleman.  
 Q. You saw them pull him away?  
 A. Yes, sir; they snatched him off and grabbed the ticket, tore the ticket in half, and he held on to one half and the other man held on to the other part.  
 Q. Did the white man say anything?  
 A. Only said that he could not vote, and that is all they said.

Richard Edwards:

Q. Did you go up to vote I mean?  
 A. No, sir; I started on the road, but I heard they were not voting and I turned around and came back home.  
 Q. Who told you they were not voting?  
 A. I met some men coming back, and they said they had been down there and did not think it worth while for me to go vote.  
 Q. Did they tell you why they were not voting?  
 A. They said they couldn't vote; that is all they told me.

Charles H. Brooks:

Q. How near did you get to them?  
 A. I got about 3 yards from the window, sir.  
 Q. Well, why didn't you vote?  
 A. Because I started to the polls there and there was a kind of a scrimmage there and kicked up a rumpus and said nobody could vote and so I came away.

George A. Edwards:

Q. Did you go to vote last fall?  
 A. I tried to went there, but I didn't go very far, so I turned back.  
 Q. How far did you go?  
 A. I got as far as Ben Howard's.  
 Q. How far is that from the polls?  
 A. A good ways.  
 Q. How many miles?  
 A. I will never tell you.  
 Q. Why didn't you go on the rest of the way?  
 A. No, sir; it was too sweet down there for me.  
 Q. What do you mean by too sweet?  
 A. I thought I had an engagement to go down there, but I didn't go; no, indeed.  
 Q. You were afraid to go down there; was that it?  
 A. Certainly; and there was a lot more afraid besides me.  
 Q. What did people tell you that was going on?  
 A. Right smart told me.  
 Q. What did they tell you?  
 A. They told me I had better turn back, and I turned back as I was coming down, and went home.

Charles Fletcher:

Q. How near did you get to the polls?  
 A. Within about 5 yards of the window, as near as I can get at it.  
 Q. Did you vote?  
 A. No, sir.  
 Q. Why not?  
 A. Well, there was a couple of gentlemen coming up to me at the time I was near the window, and they got me by the shoulders and shoved me back and said there was no niggers should vote there that day.  
 Q. Who were these men?  
 A. I don't know, sir. They were strangers to me, and I never seen them before as I know of.

Resin Prout:

Q. How near did you get to the polls?  
 A. I got close enough to the polls to see the polls.  
 Q. Why didn't you go closer?  
 A. Because I met some fellows, and they told me I couldn't vote; some people coming down there.  
 Q. Who told you?  
 A. I heard people say there that you couldn't vote; you shouldn't vote. I don't know who they were.  
 Q. Were they white men?  
 A. Yes, sir; they was white men.  
 Q. You didn't know them?  
 A. No, sir.  
 Q. You had never seen them before?  
 A. Not as I know of, sir; I might have seen them, but I didn't know them.  
 Q. They were strangers to you?  
 A. Yes, sir.  
 Q. Well, where did you go?  
 A. I didn't stay there any longer after they told me I couldn't vote. I never done anything in my life, and I didn't want no trouble.  
 Q. You heard these men say they couldn't vote there?  
 A. Yes, sir; they said, "None of you niggers can't vote here."

Jacob Asbury Richards:

Q. Well, go on; what occurred?  
 A. I met the people. I went down there and Mr. Pumphrey told us that we better not vote. Mr. Pumphrey told them that they had better not vote there that day, because they might get hurt, or something or other; that a man had guns down there, and said that they were not going to let any of them vote; they had some few colored people voted down there that day. I never went to the polls; me and another fellow was together.

Thomas Stewart:

Q. Do you know Mr. Edward Pumphrey?  
 A. Yes, sir; I do.  
 Q. Did you hear him say anything there that day?  
 A. Yes, sir.

Q. What did he say?

A. He told us that it was best for us to get away as quick as we could; that there was going to be trouble; of course I didn't see anything at all myself like that; but he told us that there might be trouble if we staid around there.

Q. What did he say was there?

A. He said there was a couple of loaded guns there for us.

Henry Spriggs:

Q. Did you vote?  
 A. No, sir.  
 Q. Why not?  
 A. I understand that it was so said that they shouldn't none of the colored people vote.  
 Q. What time did you get there?  
 A. I got there between 8 and 9 o'clock in the morning, as near as I can get at it.

Q. Who told you this?

A. Several of the colored ones told me so, and I waited for that purpose for awhile. I thought after while I might get my ticket in, and there was a gentleman from town—a gentleman with a red badge on his breast—and he said he was there for to protect these polls, and I said to him "There is no protection here for a man," and he said "There is no use for you to go there and fight all these men for to try to get your ticket in, and if I had my own way about it, you should put that ticket in there, but I wouldn't advise you to go there and vote because you might get hurt;" and then I said, "I don't see any use putting a man here; you are here to protect these polls, and you can see that they are keeping us from voting; 'taint no use to put a man to protect them unless he can do it;" and then I walked up past the window and stood there. I didn't undertake to put my ticket in; I carried it home, and I have got it in my pocket now.

Jarrett Edward Stewart:

Q. You say you didn't vote?  
 A. No, sir.  
 Q. Why not?  
 A. Well, sir, they was saying that colored people shouldn't vote.  
 Q. What time did you get there?  
 A. About 8 o'clock.  
 Q. About the time the polls were opened?  
 A. Yes, sir.  
 Q. Did you see Andrew Sampson there that day?  
 A. I seen him there, but I didn't see nothing.  
 Q. Did you see Mr. Hall there that day?  
 A. Yes, sir.  
 Q. Did you see him when he went up to vote?  
 A. Yes, sir.  
 Q. Did he vote?  
 A. No, sir.  
 Q. Why not?  
 A. Because they took his ticket away from him.  
 Q. Who were the men that took the ticket away from him?  
 A. I didn't know the men that took his ticket away.  
 Q. They were strangers?  
 A. Yes, sir.

John Wesley Warren:

Q. Did you vote?  
 A. I did not.  
 Q. Well, why didn't you vote?  
 A. Because I got up to the fire there where the majority of the men were standing and I heard them say that there had been a riot up there, and I was afraid to go up there by myself, knowing that I wasn't a better man than anybody else.

Alexander Bruce:

Q. Did you get near the polls; how near did you get to the polls?  
 A. I was a half a mile off.  
 Q. Why didn't you vote?  
 A. Because the crowd was broke when I started, and they said I couldn't vote, and I didn't go down any further.

Richard Brady:

Q. How near did you get to the polls?  
 A. I got about three yards from the window.  
 Q. Within three yards of the window?  
 A. About three yards; yes, sir.  
 Q. Did you vote?  
 A. No, sir.  
 Q. Why not?  
 A. Well, sir, there was a little disturbance there, and I didn't try to vote afterwards.  
 Q. What was the disturbance?  
 A. Well, they said I shouldn't vote, and they shoved some of them away, and I guessed it was time to stop then; 'cause I didn't care about getting into any difficulties.  
 Q. Who said you shouldn't vote?  
 A. I didn't know the man.  
 Q. Was he a white or a colored man?  
 A. He was a white man, sir.

James Emery Cephas:

Q. Did you vote?  
 A. No, sir.  
 Q. Why didn't you vote?  
 A. Well, the objection was, I was right near the polls and had my ticket in my hand, and I seen that Mr. Hall was objected—Mr. William Hall that was—they said he couldn't vote there, and I stopped awhile then, and I thought to myself it's better for old Cephas to get away from there, but I didn't see no danger or anything, gentlemen; that's just natural feelings, and Will Hall said he didn't think the votes would be anything if we did vote; I walked up the road a considerable ways for to get out of the way of this excitement, for I thought maybe we could all vote in peace and quiet after while, but then I seen that it was advisable for me to go away, for a wise man sees evil, and therefore he shuns it, and I thought I would get out of the way; I was an old man, you know, sir, and I thought I ought to get out of the way; I didn't see no threatnings and no guns or anything of that kind.  
 Q. You say Mr. Hall said that you couldn't vote, and if you did vote your vote wouldn't amount to anything?  
 A. After they taken Mr. Hall by the hand and said, "You can't vote here," and I was standing about that distance from here to you, and they said to him, "You can't vote here," I thought if Mr. Hall can't vote I can't vote there neither.

George Carter:

Q. Did you vote?  
 A. No, sir.



Q. Why not?  
 A. Well, sir, a gentleman met me and told me that I couldn't vote there that day.  
 Q. Who told you that?  
 A. I didn't know the gentleman's name; I didn't know him.  
 Q. Was he a white man?  
 A. Yes, sir.  
 Q. A white man told you?  
 A. After some of the colored people told me, I said I'm going to see, and a white man met me about as far as from here outside and said, "Look here, old man, you can't vote here this day; no nigger can vote here this day, and it is the best plan for you to go home," and I never made any more talk, I just turned around and went home.

William Henry Crowner:

Q. Did you vote?  
 A. No, sir; I didn't.  
 Q. Why not?  
 A. Because these men that was down there said that none of us colored men shouldn't vote there to-day; one of them had an oath to it; no colored men shouldn't vote there to-day.  
 Q. Who said that?  
 A. Some men that was there; they was strangers to me; I didn't know them.  
 Q. Were they white men?  
 A. Yes, sir.

James H. Cook:

Q. Did you go to vote last fall?  
 A. Yes, sir.  
 Q. How near did you get to polls?  
 A. I got within about 20 yards of the house.  
 Q. Why didn't you go nearer?  
 A. Well, sir, from what I learnt that we couldn't go any nearer.  
 Q. Who told you you couldn't go any nearer?  
 A. Well, I seen some of the boys that had been there before me, and I met some on the road, and they said their votes was rejected, and they couldn't get to the window; everybody seemed to be afraid to venture their lives there; afraid to go any further.  
 Q. You went away with the rest?  
 A. Yes, sir; I was afraid to venture up by myself; yes, sir.  
 Q. Did you see any strange people there?  
 A. Yes, sir.  
 Q. Were they white men or colored men?  
 A. They was white men, sir.

Frank Cager:

Q. Did you vote?  
 A. No, sir.  
 Q. Why not?  
 A. Because they was pulling and hauling as I went up to the polls and they all rushed back just as I was going up and I went back, too.  
 Q. Who were they pulling and hauling, did you see?  
 A. Mr. Hall.  
 Q. Did you hear the men that were pulling and hauling Mr. Hall say anything?  
 A. Yes, sir; I heard them say that he shouldn't vote there; that he didn't belong there.  
 Q. Did you see Mr. Osmond Pumphrey there that day?  
 A. Yes, sir; I saw him there.  
 Q. Did you have any talk with him?  
 A. No, sir.  
 Q. Did you see Mr. Edward Pumphrey there?  
 A. Yes, sir.  
 Q. Did he say anything?  
 A. Yes, sir; he came past us and says—some of the fellows said something to him, and he says that all of you better go home; that he didn't think we could vote that day.

Thomas G. Cook:

Q. Why not?  
 A. They told us our votes was objected and we couldn't vote; told me I couldn't vote.  
 Q. Who told you you couldn't vote?  
 A. Mr. Pumphrey; Mr. Ed. Pumphrey.  
 Q. What did he say to you?  
 A. I asked him how it was we couldn't vote, and he said we couldn't vote there to-day; he says: "You better not go there, you might get hurt."  
 Q. How near did you get to the polls?  
 A. I got about a half a mile from the polls; I met the—  
 Q. Why didn't you go nearer to the polls?  
 A. Well, sir, I met the boys coming back and they said that they would not let anybody vote, and so I came back.

Samuel Dorsey:

Q. How near to the polls did you get?  
 A. I reckon I got within 30 yards of the place?  
 Q. Did you vote?  
 A. No, sir.  
 Q. Why not?  
 A. Because our votes was rejected.  
 Q. What time of day did you get there?  
 A. About 9 o'clock in the morning.  
 Q. Who told you your votes were rejected?  
 A. A man by the name of Banus Matthews. He was at the window at the present time; at the polls.  
 Q. What did he tell you, Dorsey?  
 A. He said our votes was rejected, and we couldn't vote.

Columbus Franklin:

Q. Did you see Rod Kees go up to vote?  
 A. I did so.  
 Q. Did he get his vote in?  
 A. Yes, sir.  
 Q. Well, what happened?  
 A. Well, some of them snatched him away from the window.  
 Q. Who were the men that snatched him away from the window?  
 A. I didn't know them, sir.  
 Q. You never saw them before?  
 A. No, sir; only Mr. Tip Wells.  
 Q. Did you hear any of the white men say anything?  
 A. Yes, sir; I heard Mr. Tip Wells say, "Not a damn nigger should vote."

Hezekiah Fisher:

Q. Did you vote?  
 A. I did not, sir.  
 Q. Why not?  
 A. Well, sir, there was several gentlemen there that appeared to be interested there, and they was pulling and hauling and raising a disturbance there, and of course that made the men stand back some time; and then I heard them say—I heard the fuss, and two or three said that they rejected to our voting.

Jacob Franklin:

Q. Did you vote?  
 A. No, sir.  
 Q. Why not?  
 A. Well, I understood they said you shouldn't vote, and I never went exactly right to the window, and then Mr. Pumphrey said, it was best to go home, and I took his advice; I staid around there for a little while, and then I went home.  
 Q. You took his advice and went home?  
 A. Yes, sir.

Thomas Fisher:

Q. Do you know whether he voted or not?  
 A. No, sir; I do not, sir.  
 Q. You heard that your vote was objected to; what did the men say?  
 A. When we went up to the window to vote, Mr. Tipp Wells, and some other gentlemen, I don't know who they were, they said that there was no voting, and no person should vote there to-day unless they voted for Mr. Cleveland; and they couldn't vote our ticket. Some of them said our votes is objected to, and they said yes, they were, and that was the reason, unless they voted their ticket, and every person, and I and a great many others left the polls.  
 Q. Did you see Mr. Edward Pumphrey that day?  
 A. Yes, sir; I talked with him.  
 Q. Did he say anything?  
 A. Yes, sir.  
 Q. What did he say?  
 A. I asked him what was the reason that we couldn't vote there, and he said that we better go home; he said our tickets, our votes, was objected, and he said it was not safe for us to stay there, because a crowd of ruffians had come from Baltimore, and it was best for us to get away from there as soon as we could, and that is all I had to say to him.

Lloyd Faulkner:

Q. Did you vote?  
 A. No, sir.  
 Q. Why not?  
 A. Because I couldn't vote, sir.  
 Q. Why?  
 A. The men was there to keep us from voting, it appeared like, sir; standing there and shoving us away from there, and they took and pulled a man named Andy Sampson, and said he shouldn't vote there, and they snatched the tickets out of two or three men's hands and said that our votes was not rejected, and others came away from there, and I came away from there too.

Henry Franklin:

Q. Who said that?  
 A. Well, sir, a man named Edward Pumphrey told me that I better not go to the polls, and better take his advice, else I would get hurt, and I thought rather than get hurt that I would not vote.  
 Q. Did he meet you?  
 A. He came to me.  
 Q. He knew you?  
 A. Yes, sir.  
 Q. You were then going up to the polls?  
 A. Yes, sir; I went up about ten yards from the polls and stopped, and I suppose he saw that I was getting near the polls and he told me.  
 Q. Was it then that Mr. Pumphrey came to you?  
 A. Yes, sir.  
 Q. He came up to you and told you that if you didn't want to get hurt you had better get back and not vote?  
 A. He told me I better take his advice than to get hurt.

Samuel Gaither:

Q. You were going to vote?  
 A. Yes, sir.  
 Q. Did they take hold of you?  
 A. Yes, sir; they took hold of me and shoved me back; told me to stand back, I shouldn't vote.

William Howard:

Q. Did you vote?  
 A. No, sir.  
 Q. Why not?  
 A. Because they rejected to our votes.  
 Q. Who rejected your votes?  
 A. I didn't know, sir; I jest hearn it spoken in the crowd; I don't know who spoke it, that there was no niggers to vote there that day.  
 Q. Was it white men that said that?  
 A. Yes, sir; so I understood.

Benjamin Howard:

Q. Did you vote?  
 A. No, sir.  
 Q. Why not?  
 A. Well, there were some gentlemen there, and I didn't vote; there was a crowd of people there, strangers, that hadn't usually been there, and we were a little kind of shy of them.  
 Q. Did they say anything?  
 A. Yes, sir; they talked amongst themselves and said the colored people shouldn't vote.  
 Q. They said the colored people shouldn't vote?  
 A. Yes, sir.  
 Q. Did you see any scrimmage or any pulling and hauling?  
 A. Yes, sir; I saw them pushing.  
 Q. Who did you see them push?  
 A. They shoved a fellow down by the name of Sampson.  
 Q. You saw them shove him?  
 A. Yes, sir.

Charles Edward Henson:

Q. Did you go to vote last fall?  
 A. I started there, sir.  
 Q. How near did you get to the polls?  
 A. I got about half way there, sir.  
 Q. Why didn't you go further?

A. Well, I intended to go further, gentlemen but I heard such a bad report, and I had a sick mother at home, so I turned around and went back.

John Wesley Hayes:

Q. But you didn't vote?

A. No, sir.

Q. Why didn't you vote?

A. Well, after I started up there, and there was so many around there, and after the disorder was started up, why I didn't care about venturing myself to vote.

Q. You saw the disorder; what do you mean by that; what did you see?

A. Well, sir, I seen one man go up there and they grabbed him and snatched him away from the polls.

Q. Who was that that you saw grabbed and snatched away from the polls?

A. Andy Sampson; I seen two young men grab him and snatch him away, and they said he couldn't vote, and Mr. Hall walked up and he wanted know whether his vote was objected to, and they said that it was, and then we all started away.

Q. Did you see anything more at all after all that?

A. No, sir; I never stayed there very long after that.

Q. Were you there when Rod Kess came up to vote?

A. Yes, sir.

Q. Did you see him before he came up to vote?

A. Yes, sir.

Q. Did you see him as he went up to vote?

A. No, sir.

Q. Do you know Mr. Edward Pumphrey?

A. Yes, sir.

Q. Did he say anything in your presence that day?

A. Yes, sir; I heard him say it was not worth while for us to stand around there, that there was a great deal of ruffians around there, that we were not going to vote, and if a row occurred that he would not be any use toward protecting us, and he was there for peace; that it would be best for us to go home.

Jesse Hogan:

Q. Did you vote?

A. I did not, sir.

Q. Why didn't you vote?

A. I seen them pull away Andrew Sampson from the polls, from the door, and Mr. Hall, they pulled him away, too, and he asked the question, "Was the ticket rejected?" and they said at the polls, "Yes," and I came away from there, and went right straight on home, sir.

James Hammond:

Q. How near did you get to the polling place?

A. I got right near, but they came up a furse while I was standing, and I couldn't vote; they said they was rejecting votes, and I came away.

Q. What sort of fuss was it they got up?

A. Well, sir, there was a man going around there pulling and hauling some of the boys standing around there.

Q. Who did they pull and haul?

A. I couldn't say what identical person it was, but it was a man that I didn't know; I didn't know him exactly; they took hold of him and pulled him, and got him away from where I was standing; I saw Mr. Hall come up and they taken hold of him, and they taken his ticket and tore it up.

Eli Jackson:

Q. How near did you get to the polls?

A. I got right up to the polls.

Q. Did you vote?

A. No, sir; I didn't vote.

Q. Why not?

A. Well, sir, at the time I was there; I got down there between 7 and 8 o'clock, and when the polls opened I was right on the spot, and at the time I was there keeping up to the polls, the rest of the crowd found out that the tickets was objected and walks off; when I found out that they couldn't vote, I came away with the crowd; just as the crowd come away I came away too.

Q. Whose votes were they that were rejected?

A. Mr. Hall's vote was one.

Q. What did they do to Mr. Hall; did you see them do anything?

A. No, sir; I didn't know any more than they took his ticket out of his hand and tore it up, gentlemen; I don't know any more.

Q. You don't know the man that did that?

A. No, sir.

Q. Was it a white man?

A. Yes, sir; it was a white gentleman.

Q. Did you see Andrew Sampson that day?

A. Yes, sir; he was the second; he was the first, the second was Mr. Hall.

Q. What did they do to Andrew Sampson?

A. I don't know what they did, any more than they told him "you can't vote here; you don't vote here in this district."

Q. What did they say to Mr. Hall?

A. Well, sir, nothing more than told him that he didn't vote in this district; just the same as Mr. Sampson.

Q. Did they halloo out anything to the rest of you?

A. No, sir; I didn't hear anything.

Q. Where did you go when you left the immediate vicinity of the polls?

A. I just went a little ways from the polls and stood around there for awhile.

Q. Do you know Mr. Edward Pumphrey?

A. Oh yes, sir.

Q. Did you hear him say anything that day?

A. At the time I was standing off from the polls he came by us and went up to the election house, but I don't know whether he went in or not, but when he came back to the road he stopped amongst the men and told us we better not stop there, and better go home; he said we better go home. He said that he was deputized by the sheriff to be a deputy sheriff around there that day, and he said there might be trouble, and we all better go home.

Q. He said there might be trouble, and you better go home?

A. Yes, sir; and we better go on home.

Nathan Lowndes:

Q. How near did you get to it?

A. Well, sir, I got about 300 or 400 yards off from it.

Q. Why didn't you go closer to the voting place?

A. Well, sir, I heard as I was going up that all the colored men's votes was rejected, and they was fighting, and I said I wouldn't go no further; it wasn't necessary to go any further.

Thomas Henry Matthews:

Q. Do you know Mr. Edward Pumphrey?

A. Yes, sir.

Q. Did you hear him say anything that day?

A. Well, sir, I seen Mr. Ed. Pumphrey, and he said to me and another man—a man by the name of Frank Williams or Frank Cager—"Both you men better go home, because it will keep you out of trouble. I was deputized yesterday

to be deputy sheriff;" and he says, says he, "You men can't vote here to-day, and it will not be worth the time for you to stay here; there will be a hell of a time here to-day, and if I was you men I would go home, because you can't vote here to-day, you colored men;" then, after I heard him say that, I knew there was going to be trouble, and I didn't stay around there.

Richard McDonald:

Q. Who told you you couldn't vote; who stopped you?

A. I don't know who stopped me; but I know I couldn't vote.

Q. Was it some white man?

A. Yes, sir.

Q. What did you see there?

A. Well, sir, I seen a crowd of ruffians; I don't know who they were, but they was ruffians, and I couldn't vote there.

Q. Did you see them trouble anybody?

A. Oh, yes, sir; they stopped them from voting.

Q. Who did they stop?

A. I don't know exactly who they stopped, but they stopped them from voting; they stopped some men.

Q. You saw them stop some men, did you?

A. Yes, sir.

John Parran:

Q. Did you vote?

A. No, sir; I didn't.

Q. Why didn't you?

A. I couldn't go up there, sir; I was afraid to go.

Q. Afraid to go where?

A. I was afraid to go up there. At the time I got up there I met them coming away from there, and they could not vote, and I stopped as close as I could to the polls, and I was afraid to go any closer.

Q. What did you see?

A. Well, sir, I seen something there that I couldn't stand, and that was guns; I never can stand guns.

Q. Where did you see the guns?

A. I seen them on the wagon, and a gentleman had them; I didn't know who he was, but he had the gun in his arm.

Q. You saw them in the wagon?

A. He was on the wagon; yes, sir.

Q. With a gun in his arm?

A. Yes, sir; and he was out of the wagon, too, walking up there.

John Jackson:

DIRECT EXAMINATION.

Q. State your name, age, residence, and occupation.

A. I don't know my age exactly, sir; I am about thirty-eight years old; I live in Marley Neck, in the third district, Anne Arundel County; I do general farm work.

Mr. ROSE:

Q. How long have you lived in Anne Arundel County?

A. Well, sir, I suppose about nine years; eight or nine years.

Q. Did you go up to vote last fall?

A. Yes, sir.

Q. Did you get your vote in?

A. Yes, sir.

Mr. ROSE. Then you are not the man; you have not been summoned?

Witness. Yes; I have, sir. I have my summons in my pocket. Here it is. [Produces summons.]

Mr. ROSE. Then it is a mistake. Mr. Stenographer, I wish to give notice that I decline to examine this witness any further, as it is manifestly a mistake.

CROSS-EXAMINATION.

By Mr. STANLEY:

Q. You say you voted, Jackson?

A. Yes, sir.

Q. About what time in the morning did you vote?

A. I suppose half past 9 or 9 o'clock.

Q. What time did you get there to the polls?

A. I suppose about 8 o'clock in the morning; betwixt 7 and 8 o'clock I got there.

Q. Did anybody else vote while you were there?

A. Yes, sir.

Q. Did you see anybody stopped from voting while you were there?

A. I didn't see no one 'hibited from voting, only one man, a fellow I didn't know in that district, and he ketched Hall and pull him away from the ranks. He went up to the polls and pulled him away, and the feller asked him "What do you mean?" or something like that, and I did not understand anything more than that, and I turned my back on the box at the time and I walked away from the place. When this fellow ketched hold of him and pulled him away from the ranks I turned my back around and walked away.

Q. Did anybody stop your vote?

A. No, sir.

Q. You were not afraid to vote, were you?

A. Well, no, sir; I did vote.

Q. Was there anything there to scare anybody from voting?

A. No, sir.

Mr. STANLEY. Well, I am glad to come across a man who did vote.

REDIRECT EXAMINATION.

By Mr. ROSE:

Q. John, who did you vote for that day?

A. I voted for Mr. Cleveland, sir.

Q. I thought so: who gave you your ticket?

A. A gentleman that came out there gave me the ticket, and I had it in my hand at the time.

Charles Howard:

Q. Did you vote?

A. No, sir.

Q. Why not?

A. Because I didn't vote in the time I was going up to the window; it seemed that several of them was going to kick up a disturbance, and our votes was objected to, and everybody else went away from the window, and I went away too.

Q. Why did you go away?

A. I didn't care to stay there; I thought perhaps if I stayed there I might get hurt, or something of that kind, so rather than do that I thought it was best to get away, and so I came away.

Joseph Miller:

Q. How near did you get to the polls?

A. I couldn't tell you exactly; I guess about a couple of hundred yards maybe.



Q. And you met some colored people, and they told you that it was no use to go up there?

A. They told me that they couldn't vote; it was no use for me to go up, and I took them at their word and went back; I went home.

Thomas Miller:

Q. Did you go to vote last fall?

A. I started down there, but I didn't get quite down there; I didn't get quite there; I heard it was not worth while for to go down there, so I came home.

Q. Why wasn't it worth while to go down there?

A. Well, I met some of my friends and they told me it was not worth while to go down; they said it was some men down there and they were rejecting us of our votes, and that I couldn't vote if I went down there.

William Brown:

Q. Did you vote?

A. No, sir.

Q. Why not?

A. Well, I got started to go up there and a parcel of them were coming back and they said that there was a riot going on up there, and I thought that I was an old man, but I was safe and sound and I thought I would go home and keep out of harm's way.

Henston R. Hall:

Q. How did you learn it?

A. Well, sir, there was two or three men about there, two or three young roughs that I didn't know; they were pulling and hauling one man from the window, and said they would arrest us, the very first thing that occurred; so I thought best for me to get away. I seen them pull one man, and the next man they pulled away was William Hall; they snatched his ticket out of his hand and tore it up, and shoved him off; and I don't think more than three or four men voted at the time, and so I was behind the congregation, and I seen that I couldn't vote, and I thought I wouldn't risk any further; I wouldn't take any further risk, so I thought I wouldn't go up any closer, and I came away.

Q. What risk was there, did you think?

A. It happened that there was some difficulty there; they snatched Andy Sampson away; they first took hold of Andy Sampson and they said they would arrest us, and I seen one of these men raise his hand and put it behind him, and started to draw a revolver; he didn't draw it out, but I seen it.

Q. You saw the pistol?

A. Yes, sir; I seen it, but whether he was going to use it or not I couldn't tell; only I seen it. There appeared to be some difficulty there, and I didn't want to get in it, and I got away; I thought it was better for me to go away.

Isaiah Spencer:

Q. Did you vote?

A. No, sir; I did not.

Q. Why not?

A. They said they objected to the votes, and then they all came away and so I thought I ought to come away, too, because I was alone and I couldn't do anything by myself if I stayed there.

Elijah Brown:

Q. Did you vote?

A. No, sir; I did not.

Q. Why not?

A. Well, they said there had been a kind of confusion there, sir, and I was going up to vote, and I seen the crowd coming back; the crowd was kind of split up, and they said the votes was objected to, or something of the kind, and we couldn't vote.

Q. What kind of confusion did they state had been there?

A. They said something about—they said that there had been some kind of roughs or ruffians, or some men of that kind; that's what they said, and that they objected to our votes; I didn't see anybody myself; I didn't see no one.

Q. And you turned around and left when they told you what they did?

A. Yes, sir; I left. After they stated that we couldn't vote, then I left.

Garrison Spencer:

Q. Who told you that?

A. I heard some of the boys, I don't remember the names now, but it was the boys in the neighborhood, say that we couldn't vote there; and then I heard a man say that no nigger should vote here to-day.

Q. Was he a white man?

A. Yes, sir.

James A. Brown:

Q. Did you get your vote in?

A. No, sir.

Q. Why not, James?

A. Well, they objected to us voting, I believe, sir.

Q. How near to the polls did you get?

A. I got right to the window, near about.

Q. What hour of the day was that?

A. That was about 10 o'clock in the morning, I think it was, sir.

Q. Did you come down from Baltimore that morning?

A. No, sir; I didn't come down in the morning, I came down from Baltimore the night before.

Q. Well, who told you that they objected to your voting?

A. I didn't know who they was that said so, sir.

Q. You don't know who said so?

A. I don't know who they was, sir.

Q. Were they white men?

A. Yes, sir.

Q. Did you see any confusion while you were there?

A. Yes, sir; I seen one man; while I was there I seen them knock one man down.

Q. Did you know him?

A. Yes, sir.

Q. Who was it?

A. It was Rod. Kess, sir.

The SPEAKER. The gentleman's time has expired.

Mr. LACEY. I ask the gentleman from Ohio to give me five minutes more.

Mr. COOPER, of Ohio. I will yield to the gentleman for five minutes longer.

Mr. LACEY. Now, Mr. Speaker, I will simply call attention of the House to this fact. In Smalls against Elliott, my friend from Georgia [Mr. CRISP] made the report and reported inasmuch as some colored women appeared at the polls with clubs that not only should that fact be regarded as intimidation, but the entire poll should be thrown out,

although the intimidation was not effective and the colored Democratic club cast their votes. They voted, and yet this Democratic House, because a number of colored women appeared at the polls, threw that vote out.

Mr. CRISP. That did not stand alone.

Mr. LACEY. Of course it did not stand alone. It stood with other things. But a few colored women appearing at the scene of election was held to be sufficient intimidation to throw out the poll, although the colored Democratic men voted. That certainly should be authority to throw out the poll when white men appear on the scene, armed with guns and pistols, and deprive colored men of their votes.

In the one case the intimidation was entirely ineffectual. The colored men voted. They were not afraid of their colored sisters. They knew their bark was worse than their bite and made it up with the colored ladies further on. But these parties, intimidating colored voters in this case, were white men, were strangers to the black men; they were men who were armed with pistols and guns and were making threats and assailing the colored men, and making such demonstrations as to prevent them from exercising the right of suffrage to which they were entitled.

Now, Mr. Speaker, one thing is clear, either these excluded votes should be counted or the precinct should be thrown out. But by throwing out the precinct less injury is inflicted upon the sitting member than by counting the intimidated voters' ballots. One hundred and seventy-five votes were lost to Mudd as effectually as though no election were held in that precinct at all. One hundred and thirty-six majority was returned for the sitting member in a strong Republican precinct, and it was the fruit of this intimidation which achieved that result. We say, therefore, that the precinct ought to be thrown out and not counted, which if done increases the contestant's majority to 154. The contestant is clearly elected and should have his seat.

Mr. COOPER, of Ohio. How much time has been consumed by the gentleman from Iowa?

The SPEAKER *pro tempore* (Mr. ALLEN, of Michigan). The gentleman from Iowa has occupied one hour and four minutes.

Mr. COOPER, of Ohio. The gentleman from Texas controls the time on the other side.

Mr. MOORE, of Texas. Mr. Speaker, I desire, before beginning the particulars of this discussion, as it may relate to the contest of Mudd vs. Compton, to call the attention of the House, and in that I shall be very brief, to some matters to which neither the attention of the House nor the country has been attracted and which neither can well afford to shut its eyes upon. At the outset of my remarks, permit me to state that I have not been at all well for some days past, and trust there will be order in the House during the time I shall occupy the floor, as my strength will not permit any great exercise.

It is a remarkable fact, Mr. Speaker, never before exhibited in the history of this country, I believe, that there are pending or have been pending seventeen election cases before this committee. In looking at these contests this phenomenal exhibit is made: The seventeen cases pending before the Committee on Elections are all Republicans against Democrats. In four other cases notice had been served of similar nature, but they were withdrawn, making an aggregate of twenty-one cases in all. We might ask very properly? What does this mean? If it means and points out that the Democratic party of this country is so corrupt that, as relates to elections, their conduct is of that character as to invite exclusively against them contests, indeed it would be alarming; for, Mr. Speaker, however much we may be in the habit of charging corruption upon the one political organization or the other, this danger is always present: That political party never existed in the country, never can exist, itself corrupt, without possibly, not in the same degree, but certainly in a very great degree, imposing corruption upon the other political party.

If we learn anything from history, that great pregnant fact is absolutely emphasized and established. There is some other reason for it, and it is not creditable to the majority of this House, and I do not aver you deserve it, but there sprang up all over the country immediately upon notice that a meager majority existed on the part of the Republicans in this body an unusually marked desire to contest seats on this floor, and I am informed that within the last few days one of the contestants who early abandoned his contest, after observing the course of this committee, together with the action of the House upon its reports, came at once and deliberately proposed, in the last few days, the commencement of his contest, hoping that he might receive such consideration and arrive at the same results as those who had preceded him.

Whenever we reach that point, Mr. Speaker, when the elections shall not exist in districts of the several States, but that Congress is looked to to re-enforce the political strength of any party and establish representation for the people on this floor, we will be confronted with a danger that our Republic has not so far met.

It may not be remiss, Mr. Speaker, to review for a moment the extreme jealousy of our forefathers as to the power they created and lodged in this Government. Careful as they were to establish this Government of co-ordinate powers, its executive, its legislative and judicial, the most remarkable fact existed—and from it we ought to derive

information—that the very first Congress of the United States prepared and presented to the American people for their ratification eleven amendments, nine of which were restrictive upon the powers that they feared they had already granted or at least acknowledged, and enlarged and protected the right of the individual as well as of the States.

I say that was a remarkable fact. I will not stop to read the various amendments, but the States were not satisfied until they had reached and incorporated an express provision that the powers not expressly delegated by the Constitution to the United States nor inhibited by it to the States were reserved to the States or to the people. That is the language of the tenth amendment of the Constitution, and that was incorporated as one of its provisions. What does it mean? What is the import of the language? Why are we unwilling to look back to that date and learn from our forefathers the effect and intent of the language they incorporated and its meaning to the people of this country?

But it means this, what it means now and what it has always meant. Power is aggressive in its conceptions, always gathering to itself. They then understood that nowhere in the world was there a Congress with limited powers except in a monarchy. England recognized this principle long ago, and in her unwritten constitution declared Parliament supreme. This great contest is forever waging. No power has ever been lodged in any department of government but it has availed itself of all opportunities to increase its power by political accretion. The most dangerous, because it is the most inviting, is the power of Congress. Every Department would perish to-morrow if it did not clothe and feed them. I am not astonished, therefore, at the doctrine announced in this case.

I am not astonished, therefore, at the doctrine announced in this report; and with me it is not so much a question whether this contestant shall be seated or Mr. Compton remain as what are the limitations and what ought to be the limitations placed upon Congress in executing that trust reposed by the Constitution on it to judge of the election and qualifications of its members. If they are unlimited, as intimated by the gentleman from Iowa [Mr. LACEY] when, referring to the law of Maryland, he said: "Whatever might be that law, the precedents in Congress establish the right of Congress to judge of these elections," is there such a law? Is there such a precedent? Who made it? When was it made? When did this Congress—and I ask those gentlemen to refer me to the precedent where any member of Congress or any committee or any report has announced that the statute laws of the States do not control the elections absolutely; that the only duty of Congress is to undertake to discover the result of the election as understood and interpreted by the laws of the State.

I desire, therefore, to devote some moments to this question. The gentleman says that I clearly in haste overlooked the act of 1870 and the acts of 1874 and 1878. Why, Mr. Speaker, the majority quote the act of 1870, and I desire to read from their report. In giving their defense of permitting people to vote when, under the law of Maryland they can not, they use this language:

The class of cases about which we have been speaking, together with another class represented by a vote on each side in which the voter was improperly refused registration, are the very sort of cases to provide clearly for which the third section of the act of Congress of May 31, 1870, was enacted, which section read as follows:

"That whenever, by or under the authority of the constitution or laws of any State or the laws of any Territory, any act is, or shall be, required to be done by any citizen as a prerequisite to qualify or entitle him to vote, the offer of any such citizen to perform the act required to be done as aforesaid shall, if it fail to be carried into execution by reason of the wrongful act or omission of the person or officer charged with the duty of receiving or permitting such performance or offer to perform or acting thereon, be deemed and held as a performance in law of such act, and the person so offering and failing as aforesaid, and being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had performed such act."

Now, Mr. Speaker, it is not I who have changed my front. It is that majority who, not willing to stand on the act of 1870 that they cite, now fall back on the act of 1879 and say that act was unconstitutional and the act of 1878 is not. There has been no review of the act of 1874 or 1878 by our supreme court. But in that review that they gave of this act no room for doubt is left for construction as to what is the meaning and effect and unconstitutionality of this act. And the act of 1878 is exactly the language, the very language, quoted in the act of 1870. The court decided in the Reese case much more than has been referred to by the gentleman from Iowa. It is true in that case as in the cases he read, based upon the act of 1878—a criminal offense proceeding against by the Government—but it became necessary to look into these acts called the enabling acts of the fifteenth amendment to the Constitution. The whole court, while two did dissent on some propositions, confronted as a court this proposition and announced it in the opinion of 1874, and that is:

Congress has no power, never had, and none can be discovered with reference to the qualifications of the voter.

I will read a mere line from that opinion:

The statute contemplates a most important change in the election laws. Previous to its adoption the States, as a general rule, regulated in their own way all the details of all elections. They prescribed the qualifications of voters and the manner in which those offering to vote at an election should make known their qualifications to the officers in charge. This act interferes with this practice, and it prescribes rules not provided by the laws of the States. It substi-

tutes, under certain circumstances, performance wrongfully prevented for performance itself. If the elector makes and presents his affidavit in the form and to the effect prescribed, the inspectors are to treat this as the equivalent of the specified requirement of the State law. This is a radical change in the practice, and the statute which creates it should be explicit in its terms. Nothing should be left to construction if it can be avoided.

Then referring to the act—

We are not able to reject a part which is unconstitutional and retain the remainder, because it is not possible to separate that which is unconstitutional, if there be any such, from that which is not. The proposed effect is not to be attained by striking out or disregarding words that are in the section, but by inserting those that are not now there. Each of the sections must stand as a whole or fall together. The language is plain. There is no room for construction, unless it be as to the effect of the constitution. The question, then, to be determined is, whether we can introduce words of limitation into a penal statute so as to make it specific, when, as expressed, it is general only.

The court say, and in that they are unanimous, that the acts of Congress undertaking to control the State in so far as the States undertake legislation based upon the color and previous condition of the voter—the act of Congress would stand.

It is remarkable in looking at the Constitution of the United States—and the court themselves in this decision say so, and properly—that the fourteenth amendment itself provided in its own womb for States to disfranchise anybody, whether for color or what not, as it might relate to voting, and it was not until the fifteenth amendment, which expressly provided that the States should not disfranchise any citizen on account of his color, that that power was inhibited in the States. Who charges now that the statute of Maryland in any way infringes the fifteenth amendment? Who charges that these unregistered voters were unregistered because they were black men? For such is not the fact. What power will any man assert for Congress to indicate to the State of Maryland who are its suffragans and who are its electors? The Constitution in its first line answers that question in providing for the organization of Congress. It says that the qualifications of the electors for members of Congress shall be such qualifications as those electors have for voting for the most popular branch of their State government.

There is the qualification of the elector; there is the citizen, the voter, the suffragan. Who in Maryland can vote for a member of the lower house of the Legislature? They, and they only, can vote for members of Congress. How do you ascertain how they vote for their Legislature? You go to their organic law and to their State acts. What says the law of Maryland? In this it is peculiar. I will read from the constitution of that State; and if a like provision exists in the constitution of any other State in the Union I am not aware of it. The peculiarity is that the constitution of Maryland not only provides for a registration of voters, but makes registration a necessary qualification of a voter, and inhibits anybody from voting or any judges of election from receiving the vote of any one who is not a registered voter:

The General Assembly shall provide by law for uniform registration of the names of all the voters of the State who possess the qualifications described in this article: which registration shall be conclusive evidence to the judges of election of the right of every person thus registered to vote at any election thereafter held in this State. But no person shall vote at any election, Federal or State, hereafter to be held in this State, or at any municipal election in the city of Baltimore, unless his name appears in the list of registered voters.

Then comes the act of the Legislature, which absolutely requires the judges of election to take an oath, first, that every man who is upon this registration list may vote and, second, that no man shall vote whose name is not upon the registration list. Now, therefore, in looking at this contest it is important that this House shall determine, not merely as it relates to Mr. Compton or to Mr. Mudd, but upon principle, so that it will stand for all time to come to regulate the political parties of this country, how they are to proceed in an election in that State. The language of the majority is remarkable. They absolutely say in their report that although the judges of election could not receive these unregistered votes Congress can. The reason they give is that you have reduced the power of these election judges to a minimum, and that you must extend this power sufficiently so that Congress can do what the judges of election in Maryland can not do. What law! What authority! What reasoning! Yet that is exactly what this majority report says, and must say, in order to reach the conclusion that it does reach.

These remarks are made now, Mr. Speaker, as the foundation, the touchstone, rather, to test the class of voters that I shall presently investigate. The majority, in their report, by a strange and wonderful arithmetic have absolutely figured out, on the face of the returns, Mr. Mudd elected by a plurality of 2. How do they do it? I ought not to give much attention to that matter, because I do not think it is a matter of any importance; but I wish to give the House the exact figures as they appear from these returns. The only mode the majority of the committee could possibly pursue to reach the conclusion that *prima facie*, on the returns, Mudd has a plurality of 2, is by confounding ballots with returns. Where it suits them they examine ballots; where it suits them they examine returns; and by confounding and adding the two they finally reach their conclusions, as I shall show.

The vote, as returned to the governor, for Compton was 16,000. Both parties concede that there should be added to that two precincts from Charles County, the fifth and the ninth, which were omitted, not sent forward. For Compton there were 191 votes in the fifth precinct



and 89 in the ninth, making Compton's entire vote 16,280. Mudd's returned vote was 15,819. Add to that the votes from the fifth and the ninth precincts of Charles County, and you have for Mudd 16,251 votes. Deduct 1 vote counted through mistake in one of the returns, and you have 16,250 votes for Mudd. Deduct that from the 16,280 for Compton, and you have a plurality of 30 in favor of Compton on the face of the returns.

But the majority of the committee take the returns as subsequently modified in Calvert County, where they say there was an error of 23 votes, and subtracting that from the plurality of 30 leaves Compton a net majority of 7. Then they take individual votes for Mudd, not counted, but which both sides of the committee subsequently agree to count, and by that system of adding votes to returns they finally figure out a plurality of 2 in favor of Mudd. There was a recount had in some of the precincts in the city of Baltimore and in Baltimore County and at one place in Charles County, but I will not stop now to give the numbers. The majority admit the votes, but they engage in quite a discussion about it. They admit a change by which Mudd loses 20 votes.

Mr. DALZELL. A net loss of 19 for Mudd.

Mr. MOORE, of Texas. Well, a net loss of 19 is admitted. Now, as to this recount, if you look at the reports, both of the majority and the minority, you will discover that nothing could be fairer or more conclusive. The change is to be accounted for by the fact that portions of the district in which Mr. STOCKBRIDGE was a candidate adjoined these precincts, and persons voting for STOCKBRIDGE innocently voted in the district in which Compton and Mudd were running, and the tickets not being scratched the attention of the judges of election was not called to it. The ticket was a plain, straight ticket, either Republican or Democratic. In that way Mudd got 19 or 20 more votes than he should have had, as the majority of the committee admit. Now, in completing the returns, these 19 votes should be deducted from Mr. Mudd, which the committee admit, and this would leave Compton elected by 22 votes upon the face of the returns.

Are they not returned? They are returned as much as these others. So that taking from the 23 votes these 20 there would be but 3 votes gained by Mudd; then subtracting from the 30 you would have, not a plurality of 2 for Mudd by any means, but you would have 22 plurality for Compton; and it is unavoidable.

I wish to look now for a moment at the Calvert County returns. There may be doubt about this matter; but what the House is to do if you proceed upon a legal principle ought not to be a question for a moment. These officers in that county were all Republicans; the entire county was under Republican administration. These judges of election made their returns in due form to the governor; three months afterward they testified that a certain poll-book, now before them, was the poll-book then before them; and by that poll it appeared that Mr. Mudd had 28 more votes than had been counted.

Now, under the law of Maryland, these poll-books are duplicate; there can not be less than two. Each clerk is required to have one. That requirement applies to every voting precinct in the State. The clerk has not certified these poll-books; and all that is presented to this House is what purports to be a copy of one of them. And when you examine that copy you find that it is not certified by any clerk, and this is required by the statute of Maryland. It fails to conform to the law in that the number of votes is expressed in figures only, when the statute of Maryland requires that it should be given in full in writing.

There is another circumstance that is rather remarkable. Referring to the record containing this exhibit I call your attention to the fact that there is no writing about it; but these numbers are all figures. Take the vote for Presidential electors; take the entire Republican vote; take the Democratic vote; and you will find that the Democratic electors received 174 votes—in figures; the Republican electors received 391 votes in figures. Take the vote for Congressman and you will find that the vote of Compton is 153 and that of Mudd 407. It will be seen that Mr. Mudd's vote was 47 greater than that received by any other Republican candidate at that particular polling-place.

I say that this poll-list comes to you under grave suspicion. It is not certified by any clerk. Its verification rests solely upon the memory of the judges of election who made three months before an official return; and they undertake to contradict the official returns by this unofficial, irregular, unlawful paper—if it is a poll-book at all. The law uniformly is that where any fact requires to be established by evidence in two parts, a portion only of that evidence is insufficient.

I will, however, pass from this branch of the case with this remark: If the House should conclude to accept this additional and new return of these judges, Compton is still elected by 22 plurality, so far as we have proceeded.

I now come to an investigation of these individual voters whose votes were rejected. It is charged by the other side that the minority have dealt so fairly with this class of voters that absolutely we have admitted voters who under our rules ought not to be admitted and have rejected voters who under our rules ought not to have been rejected. Two instances are cited—David R. Brooks and John Henry Thomas. Now, as to David R. Brooks, the discrepancy of the middle name is not what determines us in disallowing this vote. Let us see what Brooks him-

self says about this matter. My attention has only been called to it this morning; but I will refer you to what Mr. Brooks himself says, because I want to be accurate and just. I say he ought not to have voted, and upon fair and proper principle. I read from his evidence on page 267:

Int. 7. What were you doing in Washington and how long had you been there?

A. I had just been up there to work some little in the summer.

Int. 8. Did you go there with the intention of returning and living here in the county?

A. I did.

Int. 9. When you applied to be registered did the registration officer tell you that he would register you?

A. He told me he would put my name on the book, but not as a voter. The next question was, he asked me the post-office to send to get my transfer; he said he would send the next day; I told him my post-office was Eadsville, Kent County, Maryland.

Int. 10. Had you been voting in Kent County, Maryland?

A. Never in my life.

Int. 11. Then what did you want with a transfer?

A. He told me that I could not vote here except with a transfer.

That is the reason Mr. Brooks was not allowed to vote, not because the middle letter of his name was different from that in the registration list. Now turn to the case of John Henry Thomas. The minority of the committee in their report follow the law of Maryland, which requires that the given name, the first Christian name, at least—such is the language of the law—shall be given in full, as well as the surname. Now, when William Thomas undertook to vote, a name is found on the registration list as James Thomas. How could he have voted? Suppose he was not properly registered, does he not make the mistake himself? It is before the registration officer that the law requires the first name to be given, and it is this name that was upon the registration list as "James." Therefore, the minority of the committee hold that he could not vote.

Only in these two cases, and in the case of a man named Reed—in no other case—do we reject any voter where there was *idem sonans*, without reference to the spelling and without reference to middle names. Mr. Reed had registered, if at all, the fall before. The age he now gives differs by four years from that given at the time of the registration and the place of residence is entirely different as to the street. The judges of election held that he was not the man; that there was a want of identity; and they held correctly.

Now, when we come to look at the matter of those 37 other voters, what do we find? Without undertaking to make an examination as to each name, I will give a very brief statement on this question.

Take, for instance, as a mere sample of those who were not registered, John Vitz. There was a man who appeared as Burts, which is a distinct name. Then there was the name Aquila Fishbaugh, while the registered name is Aquila Fisher, a distinct name. The judges rejected him as not being registered. We found the greater proportion were Democratic rather than Republican.

As to those six names claimed by contestant as improperly rejected, the judges found persons by those names had voted; voted in the same name. What did the judges do? What ought they to have done? There was nothing to indicate they did not vote rightfully. The majority say, because these men wanted to vote, and vote the Republican ticket, although men had properly voted in these names, they hold they should also vote.

But suppose the other fellows voted the Republican ticket. There is some doubt of it. The majority did not think they did. There is no one who knows about it. What is the result? It is a defect in the law. Who is going to remedy it? Is this House to say because those six men have voted we shall now permit six other men to vote on the same names?

So the House will with care go through the list, and they ought to do it, and the majority can not seat Mr. Mudd without deducting from the list as they prepared it. It is not possible for the House otherwise to reach the conclusion that Mr. Compton was not elected.

What has the law of Maryland to do with this matter? If it stands in the way of the law of Congress, we are told, then let the law of Maryland get out of the way, as Congress is above that law and can better attend to it than the people of Maryland. That is the politics, that is the law we are to have in this House. To my mind it is fearful. To my mind the assertion of such power is little less than the destruction of the sovereignty of the State. To my mind the dearest thing is local government. The great love I have for my Government consists in the fact I am a unit in society; that my neighborhood, that my county, that my State can manage these things confided to them by the Constitution and the laws better than Congress can.

Sir, if I have to make my election between the people at home attending to their own business and the virtue and wisdom of Congress attending to it I will take the virtue and wisdom of the people at home.

Jefferson, in that manner peculiar to him, boldly avows his philosophy which shines out because of its simplicity. He said when Virginia looked to Washington to know when to sow and when to reap Virginia would be without bread.

It is true. It applies not only to its physical effects, but as it relates to local government in the State of Virginia.

Sir, there is something behind this more than this election. It is to

tutor the people to prepare for Federal election laws. It is to prepare the people to set aside their own local management and submit to Congress. We are rapidly coming to it.

Mr. Speaker, without spending more time upon these particulars, I will look now briefly to the most important feature of this case, and that is the suppression of the vote of a precinct—an entire precinct—in Anne Arundel County, as recommended by the majority of committee. This Committee on Elections changes its policy and its opinions of law according to the particular emergency presented by the case they are called upon to consider and decide. The chameleon never took its coloring more perfectly from its object than does this committee from the object of its political purposes and the needs of its party on this floor.

In the Cate case they did not throw out a whole precinct for like purposes, but they counted, to meet an emergency, all those they said ought to be counted, because they told who they would have voted for if they had been permitted to vote at all, but did not permit Cate to have a single vote. In this case they say, "We just won't let anybody vote at all, neither the whites nor the blacks; but will throw out the whole precinct!"

I will read briefly on that point a clear and succinct statement of law, upon which I am willing to stand and by which I will abide. I read from McCrary on Elections. The House doubtless is familiar with the principle, and I ask your attention to the language:

§ 483. The question under what circumstances the entire poll of an election division may be rejected has been much discussed, and conflicting views have been expressed by the courts. The power to reject an entire poll is certainly a dangerous power, and though it belongs to whatever tribunal has jurisdiction to pass upon the merits of a contested-election case, it should be exercised only in an extreme case; that is to say, a case where it is impossible to ascertain with reasonable certainty the true vote.

1. Ex parte Murphy, 7 Cowan, 153.

2. The People ex rel., etc., vs. Vail, 20 Wend., 12.

3. Power to throw out the vote of an entire precinct should be exercised only under circumstances which demonstrate beyond reasonable doubt that there has been such disregard of law or such fraud that it is impossible to distinguish what votes were lawful and what were unlawful, or to arrive at any certain result whatever, or where the great body of voters have been prevented from exercising their rights by violence or intimidation. (Daily vs. Petroff, 10 Phila., 339; Re School Directors, 12 Id., 693.)

It must appear that the conduct of the election officers has been such as to destroy the integrity of their returns and to avoid the *prima facie* character which they ought to bear as evidence before they can be set aside and other proof demanded of the true state of the vote.

Now, Mr. Speaker, the report of the majority of the committee comes to you with a great flourish. You would think from reading that report that an advancing army—imaginary, it is true—but an army with banners and bayonets and guns, with all the display of obstructive force, was formed around the polls to deprive men of their right of suffrage. They tell you of guns and pistols and threats and violence at the polls, and when I say to you that not one word or tittle in this whole testimony, except such as I shall presently show and give the House in full, tends to establish this, you will find that I am not going beyond the fairest statement of fact derived from the fullest investigation of the evidence. But if they can in any of these Southern cases get "the nigger in the wood-pile," if they can turn loose this machinery and all these charges of intimidation, why that is the end of the contest—that settles the case.

Now, what are the facts? Two years before that time a white man had been brained at that poll. These negroes at 8 o'clock in the morning of the election fired a gun, assembled by the signal, formed in company, and marched to the polls, where there were but fifteen white men present. Was that intimidation? And yet that is a fact undisputed; it is in the record. They marched under a man, a colored man, named Hall—Captain Hall.

They call him captain, and the proof here shows that Captain Hall is a man of some wealth. He pays in taxes some two or three hundred dollars. Mr. Hall himself testifies. He says he had got up to the front of this crowd, had a ticket in his hand, and some one not a citizen there, a man, a stranger to him (who he was the record does not show), jerked the ticket out of his hand and pushed him aside, saying, "You don't vote here." He says the same man jerked another man out of the ranks, not striking him or knocking him down, but pushed him out of the ranks. That was all.

There are two witnesses who testify on this point. One hundred and sixty-one of these people were examined as witnesses, but not a man of all of them, except the two I have referred to, saw anything of the kind. They did not see any weapons; not a man of them heard a pistol or gun fired but one, and he was a man named Jubb—an apostate Democrat—and you all know something of them in this House. He says he heard a pistol fired. Fifty colored people testify that there was firing by them and by white people at a mark down at the mill, a hundred yards off. That is the firing they heard. That is the testimony. No gun was seen about the polls except such as I will explain presently. What were they?

The testimony shows that a hunting party of gentlemen with guns in their wagon, and with their dogs, stopped there; that it was a neighborhood fond of hunting, and that white and colored people were

out hunting at that time. Here are the guns, here is the parade, here are the banners, and here is the army. That is all of it.

Numbers of these colored people have testified that, as it related to them, they never saw a particle of trouble. But their leader said they must vote. Captain Hill said they must not vote, and then they will throw out the returns. Captain Hill said "We will take them to the Government of the United States"—meaning Congress.

Here is the place and the power where this dirty linen can be washed as white as snow.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. MOORE, of Texas. Mr. Speaker, I will occupy some time longer. Mr. COOPER, of Ohio. The gentleman controls the time himself.

Mr. MOORE, of Texas. If you will examine the testimony you will find that Mr. Hines presided as judge of the election. Another, Mr. Jubb, who did not vote for Mr. Compton, and got on there as a Democrat, and Mr. Williams. These were the judges. Mr. Williams testifies it was a perfectly correct election. Mr. Hines, two days after this election, announced to an honorable a gentleman as exists that it was a perfectly fair and free election. It was not yet time for him to find otherwise.

This contest was not then known to be close. The margins of this House had not yet been figured out. He further testifies that he never presided at an election before as an excuse for not making arrests; and one of his neighbors gets up and testifies that he had served with him as judge of election twice; and that upon one occasion Mr. Hines had refused to sign the certificate because he did not think the election was fair. There was no trouble about it then, two days afterwards as he declared at Annapolis, as shown by a witness in this record, and I have not time to read all his testimony.

Now, when you examine the characters of Jubb, Hines, and Mr. Williams, one of the witnesses says, "As between Mr. Williams and Jubb and Hines when it comes to a conflict, I would believe Williams much quicker than I would believe either Jubb or Hines."

Mr. COMPTON. And that is their witness.

Mr. MOORE, of Texas. And that is their witness. That is the character of evidence to begin with. Now, as I said before, these 161 people who have testified; and a very great number of them testified that so far as they were concerned nobody said a word to them. Nobody ordered them away. They never heard of any threats; some did, but many did not. But that it was on order of Hall—some called him Brother Hall and some called him Captain Hall—that the colored people would not vote; and the testimony I am discussing is the testimony of the contestant exclusively.

When you come to the testimony and the array of men that were there, they say, with the exception of some incident that occurred about half past 8 o'clock in the morning, that there never was any further trouble whatever, and it was a perfectly peaceable and quiet election, and that the negroes came there an hour after this—some in the afternoon—fourteen of them. They came there and could have voted, but they turned back, and when there they said they would not vote because this negro leader had instructed them not to vote, and one of them said: "Captain Hall said he would take them up to the United States and throw out this election," and by this he meant "the big Congress." I will add that for him, for that is what he meant.

You take, therefore, the great mass of testimony of citizens that live there, of the men who pay their taxes, who live there, of the honor and virtue of that district, and not a man of them but testifies that it was an orderly and peaceable election. There was a little drinking.

So that, Mr. Speaker, as ready as some are to accept charges against their neighbor, however ready they may be to accept such testimony as this, I think this House ought to call a halt. We have done enough; we have elected enough members of Congress. Let the people have a chance.

Sir, I turn from this record and face the American Congress and say to them, if you turn Mr. Compton out and put in Mr. Mudd, you will write upon the brow of Maryland, in lines that all men can see, a dishonor and outrage put upon that sister Commonwealth. Why do we want to do it? Is this not majority enough? Are we not moving in haste quite fast? What more do you ask of us? Look at the other end of this street. A few months ago there was a Treasury that stood as a pyramid inverted, top-heavy; wasting, wasting, until it is the profound judgment of the best men of this House on both sides that if Congress is not called upon to supply a deficiency we may feel ourselves as fortunate.

What does the country expect and what does it demand? Instead of a continuation of these election cases and of flirting and coquetting with these gentlemen who are contesting elections from the various districts we would better be giving attention to that which presses the people of the country. The taxes are becoming enormous. Relief is being demanded.

Why, I ask, is it necessary to build up these majorities to aid in this great matter of reform, as they call it in the country? Why, your Government is rich. By the system of public spoliation and public plunder you have built a Government unquestionably the richest in the world and the richest that ever existed. More taxes are taken from this peo-



ple than are taken from its people by any government on the face of the earth—I mean the Federal, State, county, and municipal taxes—and the statistics show it—without standing armies, without a navy, without fortifications, profoundly at peace and in quiet. What does it mean?

We are asked to turn from these facts and look into this record to see whether or not 175 colored people were bulldozed and intimidated by three or four men in Anne Arundel County.

The highest testimony does not put the number above 5. None of the citizens had anything to do with it. There were some strangers there. And yet you gentlemen of the majority ask that this entire precinct shall be set aside! Mark you, there had been several Republican votes polled at that precinct that day. There were 32 polled altogether. A number of those negroes had already voted there without any trouble, yet you throw out the whole poll in order to seat a Republican and add one more to your majority. Now if this precinct is thrown out, I say absolutely that Mr. Compton should not hold the seat. This is the battle-ground. Here is the point of contention. These others are mere little videttes thrown out by the majority to divert the attention of the House from the main issue.

Before I conclude my remarks I must do the gentleman from Ohio [Mr. COOPER] the justice of saying that I am sure he was selected to draw this remarkable majority report on account of his great reputation as a good lawyer and a fair gentleman, and my honorable friend from Iowa [Mr. LACEY], with his pleasing address, was chosen to use the lancet. It is remarkable, Mr. Speaker, to see how courteously they are. They discuss a proposition and come to a conclusion in a most obliging manner. For instance, with reference to these 19 votes lost by Mudd on recount, they say that they are very doubtful about the legal precedent, but they will waive all the doubts in favor of the Democrats. Again, when they come down to a vote which was scratched, they say, "Well, we will let that in." Then they come to another one claimed by Mr. Compton and they say, "We will let that in, too." They make so many concessions all the way through their report!

Mr. Speaker, Maryland is not here to ask favors. Maryland is here to demand justice. If Compton is not here by virtue of the authority of the law of Maryland, let the law of Maryland put him out and put her Representative in his place. I am reminded, by the course of the majority, of the story in *Aesop* about the wolf and the lamb. The wolf complained that the lamb was muddying the stream. The lamb suggested that that could not possibly be true, because he had drank from the stream below the point where the wolf was. "Well," says the wolf, "I will just devour you, anyhow." The fact is these concessions and this gracious manner of disposing of these side issues have been adopted to prepare the minds of the House for the great issue which is presented when they ask you to throw out 175 votes or more in Anne Arundel County. That is the real issue in this case. If Congress is willing to establish this precedent, if that is the sense of Congress, then I have naught to say.

The gentleman from Iowa speaks of a single vote which we claimed should be thrown out, and says that we asked to have it thrown out because the name of the candidate appeared twice on the ticket. He says the voter was so anxious to vote for Mr. Mudd that he put his name on the ticket twice, and that for that reason we asked to have it thrown out. Sir, that is not the position of any man who has any sense. If there is any man in the minority of this committee who takes that view, it certainly does not appear in the report. What we say is that that vote can not be counted under the law of Maryland, because the name of the office is obliterated.

Under the law of Maryland the office to be voted for must appear on the ticket, and I think the same requirement is found in the statutes of most of the States. My friend asks if an act of Maryland which is merely declaratory is to control Congress? Declaratory! Why, sir, I presume that you can find no precedent for the position taken by the majority of the committee. I know of none. My information is very limited in relation to contested-election cases as well as to other matters, but I know of no such precedent, while I know of many to the contrary. Indeed, I think the decisions are uniform that wherever the name of the office is obliterated the ballot, as it relates to that office, is to be rejected.

Now, Mr. Speaker, I have already occupied the attention of the House longer than my allotted time, and I feel that I must apologize for having pursued this investigation to such length. In conclusion, let me say that I think we have about reached a point when the reflecting men of this House should themselves look into these contested-election cases, and not let the vacant seats of our Republican friends decide these contests.

Mr. DALZELL rose.

Mr. COOPER, of Ohio. Mr. Speaker, I yield thirty minutes to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, a decent respect for the evidence in this case and even a qualified regard for the rules of law applicable thereto can result only in sustaining the case of the contestant. There is not a single doubtful question of fact that may not be solved in favor of the contestee, not a single debatable question of law that may not be adjudicated in his favor, and still he can reap from this record nothing but defeat. There are not involved in this case any grave ques-

tions of constitutional law or questions affecting the rights of States, nor questions of any kind but questions of figures; and I am prepared to yield all doubtful things to the contestee and yet to demonstrate to any gentleman who will impartially follow me, as a simple arithmetical proposition, that by no possibility can the contestee be counted into this contested seat.

In this Fifth Congressional district of Maryland there are eight election precincts. The returns to the governor, upon which the certificate was issued, gave to the contestee 16,000 votes, and one "for Compton," making 16,001 for the contestee, and gave to the contestant 15,820. As a consequence, according to those returns, the contestee appears to have been elected by a plurality of 181 votes. It is conceded, however, upon both sides that the governor's count is incorrect. With respect to four counties, to wit, Charles County, Calvert County, St. Mary's County, and Prince George's County, the contestant disputes the governor's figures; and with respect to certain districts in the city of Baltimore and one in the county of Charles the contestee disputes those figures. So that we start with the concession upon both sides that the governor's figures are wrong, and we are charged here now with the ascertainment of what the proper figures are.

Now, as to some matters materially bearing upon those figures both parties are agreed; as, for example, it is conceded that in Charles County, at two election precincts out of the nine no returns were made to the governor for the reason that the ballots were locked up in a ballot-box, were not accessible to the election judges, and consequently the returns to the governor upon which he based his certificate did not include these two election precincts. Both sides agree that the returns subsequently ascertained shall be counted, and both sides agree as to what they are, and this is the starting point from which I now ask you to follow me.

We must add for these omitted precincts 280 votes to the vote of the contestee and 432 votes to the vote of the contestant. Commencing thus with the contestee's plurality and making the addition about which we are agreed, the vote will then stand, 181 + 280, or 461, for contestee and 432 votes for contestant.

In another district of Charles County it appeared from the certificate of the return judges and upon the face of that certificate that one ticket had the name of Sydney E. Mudd twice and that this vote was not included in the return. I say (and I do not stop to discuss the question, because in a subsequent portion of my remarks I throw this out) that under the recognized rules of law, both in text-books and in the reports of this House, that vote should be counted; and the vote would then be 433 for the contestant, 461 for the contestee.

In Calvert County the governor's count was, for contestant, 1,138 votes; for contestee, 899 votes. Subsequently it appeared that this count of the governor's did not correspond with the original precinct returns. Under the laws of Maryland the three election judges who conduct an election at a precinct make their returns and deliver them into the custody of the president judge. Upon a subsequent day the president judges of all the election districts in a county meet and cast up the returns; that is to say, they do a simple sum in addition; they add together the various returns of the various precincts. The aggregate constitutes the county return, and that is sent to the governor.

Now, I need hardly say to any lawyer, or indeed to any layman, that the primary evidence in a case of that kind must be the precinct returns. They are the returns from which the certificate to the governor is made, and if the figures of the governor's certificate differ from the aggregate of the precinct returns it is not only law, but it is the commonest kind of common sense that the certificate of the governor shall be corrected by the original precinct returns. And to talk about counting ballots and to refer to ballots as the best evidence in any given case in this connection is simply to confound the listener with something that has here no application.

This is not a question of an error in the counting of ballots; it is not a question of an error in the process of an election; it is simply a question as to whether the clerical act of the clerk of the court in adding together the precinct returns has resulted in a mathematical truth.

Can we, then, correct the returns of the governor by these precinct returns? That depends on whether they are accessible and whether they are in the condition they were in when the original return was made. We have in this record the certified transcript of the clerk of the circuit court of the various precincts of this county, giving the exact figures. We have the testimony of the deputy clerk who added them up, that the result sent to the governor, when it differed from the result on the poll-books, as it did, was incorrect. We have the testimony of the clerk himself that immediately after the certificate had been sent to the governor he discovered the defect and wrote to the governor, asking if the election returns could not be corrected. The governor replied that they could not.

But outside of all that, independent of all that, we have the evidence of the editor of a Democratic newspaper, who says that he voted for Mr. Compton, that he copied the returns from the clerk's office on the night of election day, when they had just been made, and published them in his newspaper, and that the returns so published are the returns as we now claim them and have now proven them to be.

The result of this correction—and upon what ground the correction

can be denied I am at a loss to understand—the result of this correction is to add 28 votes to the contestant and to leave the contestee's figures as before. We have, then, for the contestant 461 votes and for the contestee 433 votes plus 28, or 461 votes also; in other words, they are exactly even.

In St. Mary's County there were two votes cast, one for S. E. Mudd and one for Mudd. Neither of them, as will be observed, is in the correct name—Sydney E. Mudd—and it is conceded by the minority of the committee, following well recognized rules of law, that these votes are to be counted. I need not, therefore, stop to make any argument upon that subject. Compton's vote, then, is 461 and Mudd's vote 463, or a plurality of two votes for the contestant upon the face of the returns as corrected.

The governor's count, upon which he based his certificate, included one vote for "Compton." There is no such vote to be found in the precinct returns. No person knows where that vote came from or how the governor got it. True, a clerk puts in evidence his certificate that upon a certain tally-sheet such a vote appears; but I need not argue that a clerk's certificate, not of the record, but of something in a public record, is the very commonest kind of hearsay testimony, and that the precinct returns and the returns of the governor of the Commonwealth can not be corrected or verified by any such evidence. Taking that vote, now, as improperly given to contestee, we deduct one from his vote and we have Compton 460 votes and Mudd 463.

Now it is admitted—and when I say admitted I mean it not denied—that there were 6 qualified registered voters in this election district who tendered their votes at the polls and whose votes were refused because the election officers said that somebody had already voted on their names. I ask my friends on the other side—I appeal to them as lawyers—do you stand upon the proposition that I may be disfranchised if the election officers mistakenly or fraudulently allow another man to vote in my name?

If these men were qualified voters, and the proof is they were; if these men were registered voters, and the proof is they were; if the names of these men as registered were on the poll-books, and the proof is they were, in the name, not of law or of equity, but of common sense and common honesty, tell me upon what principle either the election officers or a committee of this House, or this House itself, shall strip those six American citizens of the right guaranteed to them by the Constitution and the laws?

If, then, you add these 6 votes, you have 469 for the contestant and 460 for the contestee.

Now, the contestant contended that there were 40 qualified voters whose names did not appear, through fraud or negligence or for any reason you may see fit to assign, on the poll-books; that they tendered their votes; that those votes were refused, and that they are now entitled to be counted.

I beg you to mark that the minority of the committee concede that of these 40 voters 19 are entitled to be counted, and I demand to know upon what basis you admit 19 and exclude 21? Because I affirm, and I affirm it after careful personal examination of this record, that with the exception of 2 voters—Gamble and Brooks—the testimony of the 21 is precisely of the same character and to the same effect as is the testimony in respect to the 19 you have admitted.

But I go a step further and say if this were not so it is a proven fact that these men registered; that they did everything under the sun that they could do to qualify themselves to vote at their respective election precincts on that day. And such being the case, the act of Congress, which is but an enactment of the common law on the subject, says that their attempt to do what the law required them to do, even though unsuccessful, puts them in the same situation as if they had been successful. And without stopping to discuss it, let me only restate the legal proposition, to which I invite the attention of our friends on the other side for an answer, with respect to the claim that the case of Reese against The United States (in 90 United States Reports) has declared the act of May 31, 1870, unconstitutional.

The act of May 31, 1870, was passed under the provisions of the fifteenth amendment of the Constitution. The fifteenth amendment of the Constitution relates only so far as voters are concerned to color, race, and previous condition of servitude. The question involved in Reese against The United States was a question arising out of a municipal election and the Supreme Court of the United States held that it was not competent for Congress under the provisions of the fifteenth amendment to make regulations with respect to municipal elections on any subject except that which related to race, color, or previous condition of servitude. And thereupon Congress re-passed the act of 1870 under the provisions of Article IV, section 1, of the Constitution, which gives to this House authority to legislate with respect to Federal elections as to times, places, and manner of holding the same. And, as my friend who preceded me in opening this case showed, so high an authority as the circuit court of the eastern district of Virginia has held that there is nothing in the case of Reese that contravenes the right of Congress to legislate with respect to Federal elections, as it has done, by a substantial re-enactment in 1874 of the act of 1870, confirming the provisions of the act to Federal elections.

I say, then, count the 19 votes conceded by the other side and you

have Compton 460 votes and Mudd 488, or a majority of 28. And if now, pursuant to what seems to me the true law on the subject, you add the additional 19 votes (for I exclude 2, those of Gamble and Brooks), you then have for contestant 507 votes, and for the contestee 460, or a majority of 47.

There were four voters, Thomas Bell, Samuel H. Booth, Gustavus Elzear Cooper, and William Chapman Weems, whose votes were refused because their names could not be found on the voters' list. As to 3 of these the minority concede they should be counted. But, as I said in respect to the votes I have just left, the testimony relating to the rejected vote now in question is precisely of the same character, to the same effect and purpose, as that relating to the 3 admitted votes, and the whole 4 then should be added, so that you have 511 for the contestant and 460 for the contestee.

The proof is clear that there was counted for the contestee in Calvert County a torn and scratched vote, and I take this away, and the figures are 459 for the contestee and 511 for the contestant, or a majority for the contestant of 52 votes.

Now, Mr. Speaker, as I stated at the outset, this is a case in which every doubtful question of fact may be resolved in favor of the contestee. Every vote claimed by him and many of those not allowed him by the minority of the committee as illegally rejected votes may be given to him, and still by no process of calculation can you arrive at a majority for him. Suppose now that, the contestant having a majority, as I have shown, of 52, we should give to the contestee the 19 votes that accrued to him from what I claim to be the illegal recount in the Baltimore precincts; suppose that we give to him the torn and scratched vote that ought to have been thrown out; suppose that we give to him the vote that was not returned, but was counted by the governor; suppose we take from the contestant the vote where his name appears twice on the ticket; and suppose that we give to the contestee first the ten votes allowed him by the minority of the committee, and then on top of that the 13 votes he claims and that the minority of the committee refuse to give him, in all 45 votes; the net result of all of these concessions so made—and what other concessions may be demanded I have yet to hear—puts up a vote of 466 for contestant and 459 for the contestee, or a clear majority in any event of 7 votes in his favor. And so, beyond possible question, the contestant was elected.

Now, Mr. Speaker, if personal associations are to weigh in this case, if regard for the character of the gentleman who has so long occupied a seat on the other side of the House is to have any weight, if the desire of his friends, their personal affection for him, is to guide their consciences in the decision of this case, then I concede that he may have some claim to a seat on this floor. But if the decisive reason for coming to a conclusion in this case is to be a regard for the rights and the voice of the voters of the Fifth Congressional district of the State of Maryland, there is no justifiable mental process, there is no known arithmetical rule, there is no legal method by which the contestant can be refused his place on this floor.

OKLAHOMA.

Mr. STRUBLE. Mr. Speaker, I ask the gentleman from Ohio to yield to me for a moment to make a request of the House.

Mr. COOPER, of Ohio. How long does the gentleman want?

Mr. STRUBLE. Only a moment.

I want to ask, Mr. Speaker, that the Senate bill No. 985, on the Speaker's table, be laid before the House; and I move that the House insist on its amendments disagreed to by the Senate and agree to the committee of conference asked on the said bill.

The SPEAKER. The gentleman refers to what is commonly known as the Oklahoma bill?

Mr. STRUBLE. Yes, sir.

The SPEAKER. That has been presented to the House, the Senate disagreeing to the House amendments and asking a committee of conference.

Mr. STRUBLE. I move to insist on the amendments and agree to the conference.

The SPEAKER. This can only be done by unanimous consent at this time.

Mr. STRUBLE. I ask unanimous consent.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER. The question is, Shall the House insist on its amendments and agree to the conference asked by the Senate?

The motion was agreed to.

The SPEAKER announced the following conferees on the part of the House: Mr. STRUBLE, Mr. PERKINS, and Mr. SPRINGER.

CONTENDED ELECTION—MUDD VS. COMPTON.

Mr. MOORE, of Texas. I now yield to the gentleman from Maryland [Mr. GIBSON] thirty minutes of the time allotted to this side in the debate.

Mr. GIBSON. Mr. Speaker, referring to the language of the gentleman from Iowa [Mr. LACEY] who first addressed this House in behalf of the contestant, that the report of the minority in this case was hurriedly and loosely drawn, I am reminded that if such be true—and it is un-



important whether it is or not—the report of the majority of this committee was not hurriedly drawn, but was carefully drawn, skillfully drawn, and erroneously drawn—I will not say carefully-erroneously. If the majority of this committee, headed as it is by a gentleman who deserves the distinction which has been accorded to him, could have had in view the language of the lamented Judge Black when, addressing the Supreme Court of the United States, he said to that court that the highest “prerogative of a lawyer was to advise the court in any argument which he might make to the court”—if he had in view that suggestion of the great jurist, he has skillfully failed to measure up to that suggestion, but has departed from that great requisite and duty of a lawyer in presenting this case to this court, in that, instead of advising the House, he has mystified and misled the House in his report. This House as now constituted, with reference to the inquiry before it, is a court, and the highest court which can pronounce upon such questions as are now presented.

When with uplifted hand this House and the learned gentleman who is chairman of that committee in common with us all—when every member present took upon himself the solemn obligation that he would support and defend the Constitution of the United States against all enemies, foreign and domestic, that he would bear true allegiance to the same, and that he would well and faithfully discharge the obligations of the high office upon which he was about to enter, he took upon himself in the latter clause of this obligation the further obligation—one with which he is now confronted, no less solemn and important because implied rather than expressed—that under such circumstances as now surround us he would well and truly try the issues joined between the House of Representatives and the contestee, and a true verdict render according to the evidence, so help him God.

As jurors is the character of the duties which we are now entering upon, Mr. Speaker. It is not legislation in which we are now engaged, but higher and greater duties engage us. Upward and outward and beyond a question of legislation is our prerogative now, the highest prerogative which sworn members of this House can exercise, and these our functions and prerogatives are judicial, not legislative. We are judges of the law and triers of the facts. The principles of law which should control us are fixed and immutable; the facts in such cases are as varied as the cases may be out of which the facts arise. The law is fixed; it is our duty to ascertain whether the facts measure up to the law, not that the law shall descend to measure the facts.

So much for these prefatory but important observations, Mr. Speaker. I pass now to another view of the case.

When this contestant, Mr. Mudd, came to this House it was with a gratified majority of 3; which he felt was all the votes which the broadest latitude of his claim could furnish him, and on which he felt he was entitled to ask to be seated in this House; and yet it is said by this committee: “Sir, you have not begun to count; you do not understand and appreciate the full measure of what you are entitled to. Three majority doesn’t begin to measure it.” And from Mr. Mudd’s majority of 3 to commence with, this committee has jumped to 154, as they report.

I can not, however, successfully—other gentlemen might—in the short time permitted me, discuss many of the features important in this case, and I must as rapidly as possible proceed. I can not with patience or with any degree of complacency consider the matter of the wholesale outrage upon the contestee and the dignity and honor of my State, with reference to fraud and violence in Anne Arundel County, sufficient, as this committee claims, to warrant the throwing out of the precinct referred to.

The 28 votes in Calvert claimed as due Mudd and the 50 votes elsewhere not counted in Maryland, because not before the judges of election, determine this case in my judgment. Give to contestant, if you please the 3 votes claimed by him as voted for S. N. Mudd, S. E. Mudd, and — Mudd; he is not entitled to them on any principle of sound reasoning in law, but give them to him; but do not give him the 28 votes in the second precinct of the first election district of Calvert County, nor the 50 votes elsewhere referred to. He is not entitled to any of these under the law of Maryland, and it is under the law of Maryland your judgment is to be directed and governed in this investigation. These 28 votes in Calvert County and these 50 rejected votes would not elect contestant, if counted for him. This House of course, under the Constitution, is the sole judge of the election and qualifications of its members, but the individuals who on the day of election, in the several districts of a State, do the voting, must be qualified to so vote under the constitution and laws of the particular State where they reside or rather are citizens.

Maryland has a registry law and has had for years, which registration of voters under the constitution of Maryland is presented as a prerequisite, with other qualifications, for voting. Our laws in my State provide that every male citizen of the age of twenty-one years, etc., not white male citizens, as before the fifteenth amendment, shall vote, etc., but not unless his name appears on the list of voters; which means, of course, on the list of voters which the judges are required to have on the day of election. The registrar is required by law to register the exact name of any person qualifying before him. He requires the applicant to be thus precise; but as registered by name he must vote by

name. Here is where this difficulty has arisen in this case with reference to these rejected 50 votes. But there is no “difficulty” really about it. Those rejected votes were those of individuals who were not on the registry list even, many of them, and those who were registered offered to vote under some other name than appeared on the poll-book, etc.

But it is of the 28 votes in Calvert County I wish now to speak; but preliminary to which let us inquire how did this contestee get here anyhow? By what right is he here? Why, by the only right recognized in Maryland, and that is by this right [holding up the certificate of the governor]. Here is the certificate of Elihu E. Jackson, the governor of Maryland:

THE STATE OF MARYLAND, EXECUTIVE DEPARTMENT.

I, Elihu E. Jackson, governor of Maryland, do hereby certify that it appears from the official returns, now on file in this department, of an election held in this State on Tuesday, the 6th day of November instant, for six Representatives from the State of Maryland in the Fifty-first Congress of the United States, that the honorable Barnes Compton was regularly and duly elected, in accordance with the laws of this State, a Representative from the Fifth Congressional district of the State of Maryland in the Fifty-first Congress of the United States.

Given under my hand and the great seal of Maryland, at the city of Annapolis, on the 23rd day of November, A. D. 1888.

[SEAL.]  
By the governor:

ELIHU E. JACKSON,

E. W. LE COMPTE, *Secretary of State.*

This is a certificate made, not by a fraudulent governor, as you have insisted in the case of West Virginia, two of whose legally elected Representatives you made to walk the plank because the title of their governor’s seat was uncertain, but it is a certificate from the governor of Maryland, who holds his title by the same tenure as governors of Maryland have who have been elected ever since the Democrats could vote in Maryland, by twenty to forty thousand majority; and that is the certificate of the governor of that State. Upon what warrant and authority is this certificate issued by the governor of Maryland?

The distinguished gentleman from Pennsylvania [Mr. DALZELL] has suggested that the figures that went into the hands of the governor are not the correct figures; that the governor’s figures are not correct. The governor’s figures, Mr. Speaker, are not wrong so far as pertains to this case. As considered for the present purpose they only required correction in the case of those two precincts in Charles County which had been inadvertently sealed up in the ballot box, and were not before him. The correction of the official returns to the extent of embracing these Charles County returns has been conceded, and there is now no controversy upon that point. The governor of the State of Maryland, from the returns as made to him as required by the laws of Maryland, has issued his certificate to the contestee. Upon what authority and under what sanction does he issue such certificate as to Calvert County? Mark well, gentlemen, in this connection:

We, the subscribers and judges at the close of an election held on the 6th day of November, 1888, in the election districts of Calvert County, distinguished by numbers 1, 2, and 3, for the purpose of choosing a Representative for the Fifth district of this State to serve in the Congress of the United States, have this day assembled at the usual places of sitting, the circuit court of said county, with the books of the polls, which are indorsed and certified agreeably to law, and having cast up the whole number of votes given in the said district, according to the respective certificates made out by the judges on the day of the election, do return that Barnes Compton had 996 votes and that Sydney E. Mudd had 1,138 votes.

Given under our hands this 8th day of November, 1888.

J. G. MARSH,

Return Judge, First Precinct, First District,

JAMES BROOME,

Return Judge, Second Precinct, First District,

T. W. SPARKLIN,

Return Judge, Second District,

H. F. LANE,

Return Judge, Third District,

Return Judges of Calvert County.

Thus we have, Mr. Speaker, the deliberate, careful, and presumably accurate “casting up” by the return judges of Calvert County of the full vote in the county, which they ascertain to be 1,138 votes for Mudd. Here is where the alleged “mistake” occurs. It is at this point the controversy is made. This action of these judges doing just what the law required of them is the basis of Governor Jackson’s certificate to Barnes Compton. The governor made no “mistake,” the secretary of state made no “mistake” in his certifying, and the sworn officers of the law, the judges of the election, two days after the election going over again and carefully reviewing what each one of these very same judges in their respective precincts had on the night of the election passed upon, certify that they made no “mistake.” They certify that they had the “poll-books” for the whole county before them, “on which are indorsed the several certificates agreeably to law, and having cast up the whole number of votes given in the said districts according to the respective certificates made out by the judges on the day of election,” do return, etc.

69. The said judges so assembled shall cast up the whole vote of all the districts or precincts, and shall make out two plain, fair, and distinct statements and certificates of the number of votes which shall have been given for each candidate, for each of the officers voted for at said election, one of which certificates shall be delivered to the clerk of the court to which they are directed to make their returns, and the other, except in elections for governor and State’s attorneys, shall be transmitted by mail to the governor.

Can anything be stronger than this? Could the governor make any “mistake” in issuing his certificate to Barnes Compton on such an

"official return" as that? Here are the returns from the three districts in Calvert County—for there were only three—one district being divided into two precincts, thus requiring that there should be a very short column and a very simple combination of figures to aggregate 1,138. The first district, Calvert County, as shown by the precinct returns, as insisted upon by the contestant, shows the following:

First precinct, first district.....	144
Second precinct, first district.....	407
Second district.....	330
Third district.....	285
	1,166

This is the combination giving the result Mudd relied upon; but, unfortunately for him, nobody ever saw it until after the official returns had long been made and when the judges of the election in each precinct, attested by the two clerks in each precinct, had certified to another combination of figures in these several districts, giving another result, 1,138, as the vote of the county.

We discover that this combination, leading to this result of 1,138, corresponds exactly with the other statement, save in one precinct, the second precinct of the first district:

First precinct, first district, 144, as before.
Second precinct, first district, 379.
Second district, 330, as before.
Third district, 285, as before.

Making just what the judges on election night, and return judges two days afterwards, found to be 1,138.

And now for the startling circumstantial evidence in this case! A difference of 28 votes is claimed to exist between the "official returns" and the contestant's demand. Twenty-eight is the difference between "1,138 official" and 1,166 claimed. Whence comes it?

Upon this certificate, Mr. Speaker, hinges absolutely, or hangs rather, the question in issue before this House as between Barnes Compton and the House of Representatives. The poll-books have been relegated, in the face of this certificate, to the rear; they are nothing and of no effect. Now, this certificate is the cream of the poll-books, if I may so express it, and is the muniment of the title by which the holder of the governor's certificate is entitled to his place on this floor. These 28 votes in Calvert County and the 54 rejected votes elsewhere are the only two points which I will have time to discuss. I shall not read from the record except to quote a few of the inconsistencies in the report of the committee.

What your committee calls the face of the returns, as presented by the contestant, are not the "returns" at all in this case, but are simply a tabulated statement prepared by the contestant, including 28 votes he claims to have received in Calvert County, as against the official return made to the governor from that county, in which he is excluded from these 28 votes.

Mr. Speaker, fraud, intimidation, and violence at elections within her borders have been charged by this committee upon that great sovereign State of Maryland. Look well to it, gentlemen, that you take the beam out of your eye in order that you may see clearly to take the mote out of your brother's eye. The fraud which you have charged lies not at our door, but at yours. I proclaim that the record in this case discloses no "mistake" in Calvert County, but a bold, glaring, naked fraud upon the ballot-box, and the return from that county a fraud, a forgery of the returns in the second precinct, perpetrated by this contestant's adherents in that county, and I will proceed to demonstrate it.

The gentleman from Pennsylvania [Mr. DALZELL] has referred to the primary evidence as established by the precinct returns. I thank him for that word "primary" evidence. As a lawyer he has appealed to this House. I repeat his invocation and the appeal which he has made. Does he not know, does not the distinguished chairman of this committee know that evidence and proof are not synonymous? Evidence is not proof. And does he not know that the best evidence is always required; that the first rules of evidence require the best evidence of which a case is in its nature susceptible to be offered? This rule was adopted for the prevention of fraud. For when it is apparent that better evidence is withheld, it is fair to presume a sinister motive in not presenting it.

Meet that suggestion. Meet the legal proposition, my learned friend from Ohio, in the light of what I shall now suggest. Eight or nine different men have scrutinized and passed upon the certificate which I hold in my hand giving 1,138, and not 1,166, as belonging to the contestant in this case. I make the specific charge against you of a forgery of the returns from the second precinct of the first district of Calvert County, a forgery perpetrated after the returns had been made to the governor, made after the return judges had made their return, and so certified. Who made it, when and where, it is not necessary to inquire. It was certainly not made by us. There was no reason for us to do it. Can you say as much?

Why have we three judges of election rather than two; why two clerks instead of one? The reason is obvious. Because, in the stringent and carefully guarded election laws of Maryland, a majority of the judges must determine questions before them, and, more important still, the number of votes cast; two clerks rather than one, in order that

both of the tally-sheets may be in accord. What says the law of Maryland right here? Mark well, gentlemen of the committee:

64. When the poll shall be closed the box wherein the ballots are deposited shall immediately thereafter be opened by the judges of election; and the said judges, in the presence of one selected representative of each and every political party whose candidates are voted for at such election, to be designated in writing by said candidates, shall publicly take out the said ballots and read distinctly and aloud the name or names written or printed thereon respectively; and the clerks of said election shall carefully enter and keep an account of the same on the books of the polls, so that the number of votes for each candidate tallied thereon may be readily cast up and known; when all the ballots have been canvassed the poll clerks shall compare their tallies together and ascertain the total number of votes received by each candidate, and when they agree upon the numbers one of them shall announce, in a loud voice, to the judges and those present, the number of votes received by each candidate. In the several counties the sheriff, or such person as the judges shall name in the absence of the sheriff, or one of his deputies, and in Baltimore City the board of police-commissioners, shall have power, and it shall be their duty, to preserve order during the counting of the votes and see that the duly accredited representative of each party shall be admitted into the polling-rooms to witness the count.

Can anything be more carefully guarded? In a loud voice the clerks are to announce the result to the judges. In a loud voice, therefore, did Messrs. W. S. Peterson and I. S. Thomas announce to the judges and all those assembled that on the 6th of November in the second precinct of the first district of Calvert County, Sydney E. Mudd had received 379 votes. Here is where we get the evidence of the 379. If this is not so, where are these gentlemen to contradict it?

Nine men have sworn that they carefully added up the figures. I say "sworn," because they are sworn officers and act under their oath. Nine men have sworn that the combination of 379, the only figures possible, with 144, 330, and 285, foot up 1,138, and not 1,166! Nine men have sworn to these facts; and yet when you talk of primary evidence the only primary evidence which has been offered to rebut, not this presumption, but this startling fact, is the evidence of one man that what the other eight have said is not the truth and the "primary" evidence of the precinct returns. Why, Mr. Speaker, the precinct returns are out of the case; they are not primary, but secondary. Return judges' certificate is the primary evidence now. Meet that proposition if you can. I defy you gentlemen on the otherside to show me in the record where there is one scintilla of evidence to show the contrary of what these nine men have sworn to.

Mr. ROWELL. Would it interrupt the gentleman to answer a question?

Mr. GIBSON. No, sir.

Mr. ROWELL. Suppose you had the column of figures before you, with the footing, and you ran up the figures yourself and found that there was in the result a mistake of 28?

Mr. GIBSON. I will answer the gentleman's question. He has come to a point that I wanted to bring him to. I will not call him a galled jade wincing when his withers are wrung, but I will show in this very column which he speaks of that if you take 28 votes from 407 in the first election district of Calvert County, the only precinct where a forgery was possible, you get 379, which is one element in the combination of figures which nine men added up and which gave 1,138 as the total vote for Mr. Mudd. Where did you get the 407? Tell us, Mr. Contestant. Show this House, in your own behalf, familiar as you are with all the surroundings of this case, how you came to get 407, when nine men have said that you got but 379 votes there.

The laws of Maryland require that the return of the judges of election shall not be written in figures, but shall be written in words at length. If the number is 379, you are not to put the figures out in that column as you have done there, but you are to write "three hundred and seventy-nine." Twenty-six characters are required to write "three hundred and seventy-nine" in that way, when it takes only three characters to put down the figures 379; easier to alter two figures only and substitute two than to alter twenty-six letters and substitute twenty-six others, don't you see?

Mr. McCOMAS. Will my colleague permit an interruption?

Mr. GIBSON. Yes, sir.

Mr. McCOMAS. If my colleague will take to-night the total of all the returns signed by all of the judges in every precinct and every district of that county and add them up and if he does not find that they foot up 1,166, I will yield to-morrow in my time for him to make the correction.

Mr. GIBSON. Why, of course they will.

Mr. McCOMAS. Of course they will!

Mr. GIBSON. But do you not understand that the precinct judges are thus certifying each for his own precinct, and not for any other?

Mr. McCOMAS. Then Mudd had the votes.

Mr. GIBSON. I will answer my friend. Of course "407" in the third precinct of Calvert County added to the other combinations of figures will make 1,166, but the judges, return judges, could not have had 407 before them, for they added up 1,138. Ah, my friend [addressing Mr. Houk], he laughs best who laughs last. The gentleman from Tennessee finds material, it seems, in this case, as in the Arkansas case, where he characterized the unseating of Mr. Cate as "turning the horse out to grass," for "incredulous glee."

This is not a case for laughing. This is not a case in which members of the House of Representatives, under the solemn sanctity of their oath which links them to the foot-stool of their Creator, are to regard



their duties as gleeful. When we are talking, not about legislating, but about exercising the highest prerogative which belongs to us assembled men from sixty-five millions of the American people—this is no place and no occasion to talk about "turning a horse out to grass" when you are referring to a member of Congress being denied his seat. Ah, no; it is not a case of "turning a horse out to grass!" It is not a laughing matter. As jurors, as judges of the law and the facts, you should have honor, dignity, justice, and fair dealing as the rule and the guide of your faith and your action!

Mr. HOUK. Will the gentleman permit me a word?

Mr. GIBSON, of Maryland. Yes, sir; I will.

Mr. HOUK. I am a good-natured individual, and I wish to ask the gentleman's pardon if a smile frightened him, as his remarks seem to indicate. My smile had no reference to the gentleman. However much he may have so regarded it, I assure him I was not laughing at him.

Mr. GIBSON. Very well.

Mr. Speaker, the "407" which my colleague [Mr. McCOMAS] refers to, with the other combinations of figures, does add up 1,166. The combinations of figures are 144, 407, 330, and 285. That is what Mr. Mudd calls the "returns." He interpolates 407 as a part of these "returns," and then the figures foot up 1,166; but the judges of election the night of the 6th of November found the figures in the second precinct of Calvert County to be, not "407," but 379, and they swore that that was correct, and eight men besides have sworn to the same array of figures. That array of figures can not be obtained in any other way than by taking 28 from "407," which leaves exactly 379.

Listen, gentlemen on the other side; listen, my colleague from Maryland, who inspired this suggestion. Clerks W. S. Peterson and John S. Thomas, on election night in that precinct where the election was held, swear that the figures were 379. Broome, Ross, and Ludwick, the judges of the election on that night of the election, swear that those figures were 379. And two days after that when the great telegraphic arteries of the State were pulsating throughout the length and breadth of Maryland with the news of the election, when dismay was carried to the hearts of some Democrats and when gratulation and pride were borne to the gratified appreciation of others, we find that in Calvert County, with full opportunity to canvass these returns, two days after that, four other men, J. T. Marsh, James Broome, T. W. Sparklin, and H. F. Lane, the return judges of the election, swore that in the second precinct of the first district of Calvert County those figures were 379, because no other figures could they have had before them to make 1,138.

Mr. ROWELL. Will the gentleman tell me where that is in the record?

Mr. GIBSON. Yes, I will make this matter so plain that he who runs may read.

Mr. McCOMAS. Give the page.

Mr. GIBSON. If I have only the time, every word I say I will verify.

Mr. ROWELL. I wish you would.

Mr. GIBSON. I will do it, every word of it, if you will only give me time.

Mr. McCOMAS. At page 747 you will find the return of the judges you have just named.

Mr. GIBSON. Yes, I have it.

Here is every precinct of Calvert County. Calvert County, precinct No. 1, signed by the judges of the election, and certified to subsequently by the return judges, "correct." The return in the first district of Calvert County was "correct." Those judges have complied with the law; they have written out the returns in words at length.

STATE OF MARYLAND, Calvert County, to wit:

We, the undersigned, duly appointed by the county commissioners of said county, in due form of law, judges of election, in this first precinct, district No. 1, do hereby certify and return that we did attend, on the 6th day of November, 1888, at precinct No. 1, the place appointed by law for holding the election within said district, and did then and there appoint M. M. Davis and Thomas P. Evans clerks of the election, who severally qualified as directed by law.

We further certify that we did then and there, before a justice of the peace of said county (or before each other), qualify as judges of election as by law directed, and did then and there, at the hour of 8 o'clock in the morning, open the polls for an election for President and Vice-President, one person to represent the Fifth Congressional district in the Fifty-first Congress of the United States, and one road commissioner for the first district for Calvert County; that we continued the polls open until 6 o'clock in the evening of the same day, when they were closed, the ballot-box opened, and the ballots publicly counted, when it appeared that Clinton B. Fisk, President for the United States, and John A. Brooks, for the Vice-President of the United States, each of the said electors had forty-one (41) votes, and William H. Hillen, for Congress for the Fifth Congressional district of Maryland, had forty-seven (47); Grover Cleveland, for President, Allen G. Thurman, for Vice-President of the United States, and their electors, had each ninety-four (94) votes; Barnes Compton, for Congress, had ninety (90) votes; and A. T. Leathering, for road commissioner, had one hundred and six (106) votes; Benjamin Harrison, for President, Levi P. Morton, for Vice-President, and their electors, had each one hundred and forty-seven (147) votes; Sidney E. Mudd, for Congress, had one hundred and forty-four (144) votes; and William T. Lusby, for road commissioner, had one hundred and sixty (160) votes; Thomas W. McCready, for road commissioner, had five (5) votes.

Given under our hands at the place of said election this 6th day of November 1888.

J. T. MARSH, Judge.  
J. G. IRELAND, Judge.  
JOHN J. SAUNDERS, Judge.

Attested by—  
M. M. DAVIS, Clerk.  
THOS. P. EVANS, Clerk.

STATE OF MARYLAND, Calvert County, to wit:

I hereby certify that the foregoing is a true copy taken from the certificate and statement made out by the judges of election on the books of the polls of the 1st precinct of 1st district of said county, which book of the polls is now deposited among the records of the office of the clerk of the circuit court of Calvert County.

In testimony whereof I hereto set my hand and affix the seal of the circuit court for Calvert County this 7th of February, A. D. 1889.

[SEAL.]

JOHN SEDWICK, Clerk.

Here is the second district of Calvert County, where the same thing is the case. District No. 2—here it is; it is correct. The returns of the judges of the election have been written out as the law requires in words at length.

STATE OF MARYLAND, Calvert County, to wit:

I hereby certify that the foregoing is a true copy, taken from the certificate and statement made out by the judges of election on the book of the polls of the second precinct, first district of said county, which book of the polls is now deposited among the records of the office of the clerk of the circuit court for Calvert County.

In testimony whereof I hereto set my hand and affix the seal of the circuit court of Calvert County this 7th day of February, A. D. 1889.

[SEAL.]

JOHN SEDWICK, Clerk.

STATE OF MARYLAND, Calvert County, to wit:

We, the undersigned, duly appointed by the county commissioners of said county, in due form of law, judges of election in this —, district No. 2, do hereby certify and return that we did attend on the 6th day of November, 1888, at Prince Frederick, the place appointed by law for holding the election within said district, and did then and there appoint R. A. Buckmaster and Thomas H. Harrison clerks of said election, who severally qualified as directed by law.

We further certify that we did then and there, before a justice of the peace of said county (before each other), qualify as judges of election as by law directed, and did then and there, at the hour of 8 o'clock in the morning, open the polls for an election for electors for President and Vice-President of the United States; a Representative in Congress from the Fifth Congressional district, and a road commissioner for the second election district of Calvert County; that we continued the polls open until 6 o'clock in the evening of the same day, when they were closed, the ballot-box opened, and the ballots publicly counted, when it appeared that James Hodges had three hundred and thirty-nine votes for Presidential elector; that Henry Page had three hundred and thirty-nine votes for Presidential elector; that William Scott Roberts had three hundred and thirty-nine votes for Presidential elector; that James G. Berret had three hundred and thirty-nine votes for Presidential elector; that Willoughby N. Smith had three hundred and thirty-nine votes for Presidential elector; that Isaac Gorman Moale had three hundred and thirty-nine votes for Presidential elector; that Robert C. Combs had three hundred and thirty-nine votes for Presidential elector; that Hattersly W. Talbott had three hundred and thirty-nine votes for Presidential elector; that Francis S. Hill had three hundred and forty-five votes for Presidential elector; that John B. Bond had three hundred and forty-five votes for Presidential elector; that James W. Waddell had three hundred and forty-five votes for Presidential elector; that Samuel Roop had three hundred and forty-five votes for Presidential elector; that William Coath had three hundred and forty-five votes for Presidential elector; that Joseph M. Cushing had three hundred and forty-five votes for Presidential elector; that Thos. Parran, Jr., had three hundred and forty-five votes for Presidential elector; that Daniel Chisholm had three hundred and forty-five votes for Presidential elector; that Eugene Levering had no votes for Presidential elector; that Charles W. Jefferson had no votes for Presidential elector; that Esaw L. D. Insley had no votes for Presidential elector; that Richard M. J. Harker had no votes for Presidential elector; that Frank V. Rhodes had no votes for Presidential elector; that De Witt C. Ingle had no votes for Presidential elector; that Francis B. Sappington had no votes for Presidential elector; that Barnes Compton had three hundred and forty-one votes for Representative in Congress from the Fifth Congressional district; that Sydney E. Mudd had three hundred and thirty votes for Representative in Congress from the Fifth Congressional district; that William H. Hellen had four votes for Representative in Congress from the Fifth Congressional district; that John W. Shemwell had three hundred and forty-eight votes for road commissioner for the second election district of Calvert County; that Benjamin Rawlins had three hundred and twenty-five votes for road commissioner for the second election district of Calvert County.

Given under our hands at the place of said election, this 6th day of November, 1888.

Q. W. SPARKLIN, Return Judge.  
ED. H. WELAND, Judge.  
E. S. HUMPHREYS, Judge.

Attested by—

R. A. BUCKMASTER, Clerk.  
THOS. H. HARRISON, Clerk.

Here is district No. 3 of Calvert County. The returns have been written out as the law requires, in words at length:

STATE OF MARYLAND, Calvert County, to wit:

I hereby certify that the foregoing is a true copy taken from the certificate and statement made out by the judges of election on the book of the polls of the second district of said county, which book of the polls is now deposited among the records of the office of the clerk of circuit court for Calvert County.

In testimony whereof I hereto set my hand and affix the seal of the circuit court for Calvert County this 7 day of February, A. D. 1889.

[SEAL.]

JOHN SEDWICK, Clerk.

STATE OF MARYLAND, Calvert County, to wit:

We, the undersigned, duly appointed by the county commissioners of said county, in due form of law, judges of election in this —, district No. 3, do hereby certify and return that we did attend on the sixth day of November, eighteen hundred and eight-eight, at Lower Marlborough, the place appointed by law for holding the election within said district, and did then and there appoint Benja. A. Sunderland and Joseph R. Griffin clerks of the election, who severally qualified as directed by law.

We further certify that we did then and there, before a justice of the peace of said county (or before each other), qualify as judges of election as by law directed, and did then and there, at the hour of 8 o'clock in the morning, open the polls for an election for President and Vice-President of the United States, for Representative in the Fifty-first Congress of United States, and for road commissioner in the third election district of said county; that we continued the polls open until 6 o'clock in the evening of the same day, when they were closed, the ballot-box opened, and the ballots publicly counted, when it appeared that Grover Cleveland and Allen G. Thurman, among the following electors, James Hodges, Henry Page, William Roberts, James G. Herbert, Willoughby N. Smith, Isaac G. Moale, Robert C. Combs, and Hattersly W. Talbott, had three hundred and twenty-six votes for their respective offices, Barnes Compton had three hundred and eleven votes for Representative in the aforesaid Congress, and

Isaac S. Watson had three hundred and seventeen votes for road commissioner in the aforesaid district. Benjamin Harrison, Levi P. Morton, and the following-named electors, Francis S. Hill, John R. Bond, James W. Waddell, Samuel Roop, William Couth, Joseph M. Cushing, Thomas Parran, jr., and Daniel Christolm, had two hundred and eighty for their respective offices, except Thomas Parran, jr., who had two hundred and seventy-nine votes. Sydney E. Mudd had two hundred and eighty-five votes for Representative in the aforesaid Congress, and Richard S. Ward had two hundred and ninety votes for road commissioner in the third district of said county.

Given under our hands at the place of said election this sixth day of November, eighteen hundred and eighty-eight.

HENRY F. LANE.  
J. F. IRELAND.  
P. H. JONES.

Attested by—  
JOSEPH R. GRIFFIN, Clerk.  
B. A. SUNDERLAND.

STATE OF MARYLAND, Calvert County, *act.*:

I hereby certify that the foregoing is a true copy taken from the certificate and statement made out by the judges of election on the books of the polls of the third district of said county, which book of the polls is now deposited among the records of the office of the clerk of circuit court for Calvert County.

In testimony whereof I hereto set my hand and affix the seal of the circuit court for Calvert County, this 7 day of February, A. D. 1889.

[SEAL.] JOHN SEDWICK, *Clerk.*

And here is district number 2, first precinct, of Calvert County, the only precinct and the only district in Calvert County where the law has not been complied with, where the result has not been written out in words at length; but the figures have been put down, and instead of writing 379, or 407, as the case may be, three characters have been employed to represent what the law says it shall take twenty-six to represent, and not attested by the clerks, as in each of the other districts:

STATE OF MARYLAND, Calvert County, *to wit:*

We, the undersigned, duly appointed by the county commissioners of Calvert County judges of election for the second precinct of the first election district of said county, do hereby certify and return that we did meet at St. Leonard's, the usual place of holding elections, and after qualifying by taking the following oath as prescribed by law:

*Judges' oath.*

"We and each of us do swear that we will permit all persons to vote who shall offer to vote at the election now to be held for Calvert County whose names shall be found on the registry list of qualified voters furnished to us according to law as qualified voters under the constitution and laws of the State, and that we will not permit any person to vote at the same election whose name shall not appear on said registry of qualified voters, and we will in all things execute the office of judges of election according to the best of our knowledge, without favor or partiality, so help us God;" and after appointing W. S. Peterson and J. S. Thomas as clerks, who were duly qualified by taking the following oath: "We do swear that we will well and faithfully, without favor or affection or partiality, execute the office of clerks of election now to be held, according to the best of our knowledge, so help us God," did then and there proceed to open the polls, and continued them open from 8 o'clock a. m. until 6 o'clock p. m. of the same day, when the polls were closed, ballot-box opened, and ballots publicly counted, when it appeared that—

Grover Cleveland, for President of the United States, had received 174.  
Allen G. Thurman had received 174.

For electors for President and Vice-President:

James Hodges, 174.  
Henry Page, 174.  
William Scott Roberts, 174.  
James G. Berrett, 174.  
Willoughby M. Smith, 174.  
Isaac Gorham Mould, 174.  
Robert C. Combs, 174.  
Hathersby W. Talbot, 174.

For Congress:

Barnes Compton, 153.  
For road commissioner:  
A. S. Leathering, 151.

For President:

Benjamin Harrison, 391.

For Vice-President:

Levi P. Morton, 391.

For electors:

Francis S. Hill, 391.  
John R. Bond, 391.  
James W. Waddell, 391.  
Samuel Roop, 391.  
William Couth, 391.  
James M. Cushing, 391.  
Thomas Parran, jr., 391.  
Daniel Christolm, 391.

For Congress:

Sidney E. Mudd, 407.

For road commissioner:

William T. Lusby, 393.

For President:

Clinton B. Fisk, 2.

For Vice-President:

John A. Brooks, 2.

Electors at large:

Eugene Lovering, 2.  
Charles W. Jefferson, 2.  
Esom S. D. Insley, 2.  
Pheneas F. Ball, 2.  
Richard M. J. Harper, 2.  
Frank V. Rhodes, 2.  
DeWitt C. Ingle, 2.  
Francis B. Sappington, 2.

For Congress:

W. N. Hillen, 2.

For Congress:

Benjamin J. Bowen, 2.

For road commissioner:

Thomas W. McCready, 7.

As witness thereof we have hereunto set our hands and affix our seals this 6th day of November, 1888.

JAMES BROOME, R. J. [SEAL]  
JAS. T. ROSS, [SEAL]  
J. A. LUDWICK, JR. [SEAL]

Mr. ROWELL. Is that what you call the record of what you were saying about the 379 votes?

Mr. GIBSON. Yes, sir.

Mr. COOPER, of Ohio. On what page of the record does it appear that those judges on the night of the election swore that there were 379, instead of 407?

Mr. GIBSON. There are certain things which, with all due respect to my learned friend from Ohio, it is not necessary to prove by evidence, because the law takes notice of them. It is not necessary in a court of justice to prove by a witness that the sun shines, that the grass is green, that water runs. It is not necessary to prove things which have happened according to the ordinary course of nature; it is not necessary to prove the course of time. The law takes judicial notice of these things, and the law takes judicial notice of the fact, while not expressed in the record as I have put it, that it is only by the combination of the figures 379, and not 407, that nine men are enabled to swear to the governor of a State that the return is 1,138, and not 1,166.

Mr. ROWELL. Will the gentleman permit me a question?

Mr. GIBSON. I will.

Mr. ROWELL. Then I understand that what you mean when you speak of this matter being in the record is that taking the returns as they went to the governor and footing up all the precinct returns, and deducting 28, it would prove that in one precinct they announced 28 less than appeared on the returns.

Mr. GIBSON. I do not say that. I have not taken the 28 votes from the 1,166, making 1,138, but I have taken the 28 votes from 407 votes in the second precinct of the first district, the only precinct in Calvert County where a fraud was possible, and it makes 379.

Mr. LACEY. Is it not true that there is not one word of evidence anywhere to indicate that the return you speak of has been altered in any way? Is it not true that no testimony was taken to show that those figures have been altered?

Mr. GIBSON. Why should there have been testimony taken on that point when all the muniments of our title on which we relied were what the law contemplates? Why should we seek to prove a negative? Nine men have testified to our title. Every man of them, except three in Calvert County, has sworn on the night of the election that those figures were correct, and two days afterward they have sworn it, and you have brought but one man here to testify to the contrary.

Now, I want to make good my word with reference to the remarkable report of the gentleman from Ohio, to which I have referred. Mr. Mudd, he says, called the return judges of every precinct in the county and proved by them that the returns on file in the clerk's office were the very returns which they made, and were in no way altered. Is that the fact as disclosed by the record, gentlemen of the committee? On the contrary, it is apparent from this record that but one of these return judges has certified where you say four have certified, and that one return judge is Broome, in the second precinct of the first election district, when he says that the figures are correct because he sees them before him, without reference to what the figures were when he certified to them three months before, while the return judges in the other three districts only certify that the return in their districts is correct, making no certificates as to the returns in the district known as precinct No. 1.

There is the answer to that proposition. I now come to the further one in regard to what the gentleman from Ohio has said in his report with reference to the clerk of the court. He "proves by the clerk of the court," he says. Proves what? That immediately upon seeing it stated in the newspapers that the return of the governor gave the contestant only 1,138 votes he wrote to the governor stating that a mistake had been made and asking permission to correct it. Is that so? What newspaper? Where published?

[Here the hammer fell.]

Mr. GIBSON. I ask but a few moments more.

Mr. MOORE, of Texas. I yield ten minutes additional to the gentleman from Maryland.

Mr. GIBSON. I am very much obliged to the gentleman, though I do not know that I can get through in that time. Are you gentlemen of the House, sworn to do even-handed justice between the contestant and the contestee, going to permit the Committee on Elections to be the keeper of your consciences? If you do, require of that committee the strictest accountability in presenting the facts as they exist.

This committee has conceded as part of the proof before that committee that the clerk of the county court of Calvert has certified that he saw it stated in the newspaper, proving by the clerk that the returns gave the contestant 1,116 votes. He stated he wrote to the governor that a mistake had been made and asked leave to correct it. The clerk of the court did no such thing, and it is not a part of the record. The clerk of the court, John Sedwick, asserts that his attention was called not immediately after the election, as the chairman of the committee would have you believe, but was called, as he says, last fall, after the election, after the official returns had gone to Governor Jackson. Weeks had elapsed, and the return had been made to the governor. He then wrote the governor and asked whether there was any way to correct it, and the governor told him it could not be corrected. So much for this.

Therefore no reliance can be placed on the suggestions of the clerk of



the court. What business had the clerk to do with the returns? That is the province of the judges. It is not for the House or the committee to pass upon what the judges did on the night of the election, but generally to inquire whether the return judges in making up the returns of the whole county had correctly certified the figures to the governor so as to enable him to certify to this House one of these gentlemen had been elected.

I repeat, although I do not reiterate, that nine men have made this statement, nine men computed these figures, nine men certified to them, and that certificate is the basis of the judgment you are to pronounce in this connection.

The learned chairman said the contestee might have offered some testimony to show it, but he did not do it. Was it the province of the contestee? Why has not the contestant taken the best evidence in his power to show that the return of 1,166 was correct. Where are these clerks, Thomas and Peterson, who on the night of the election, on the 6th of November, 1898, compared their tally-sheets, which were bound to agree, who certified, Thomas with Peterson and Peterson with Thomas, that but 379 votes had been polled in that precinct? They certified to it. They swore to it; not being content to certify to it, they swore it was correct. They are not dead nor beyond the reach of the contestant. Why did you not call the other two judges, Ross and Ludwick? Why did you not recount these ballots?

The law of Maryland which is the rule and guide of your course of conduct in this case provides that not only the judges, but the clerks of elections as soon as the last man has deposited his ballot in the glass ballot-box provided by the State, not the spurious tin box with a double shoot, but a glass box through which the sun-light shines—the law of Maryland provides when it is discovered the last voter, in the time prescribed by law, has deposited his ballot, then the clerks are sworn under the law to call out in a loud voice the result of the election. Thomas and Peterson compared their tally-lists and found that Mudd had received 379 votes. They called out that fact in a loud voice. The three judges, Broome, Ludwick, and Ross, swore to those 379 votes as well as the four return judges.

These gentlemen were all Republicans and had no purpose or desire to falsify the returns. It was after that this Democratic newspaper—three months after this event, on that night it was stated that Mudd received 1,166 votes instead of 1,138. He says on the night of the election he went to the precinct to get returns for his paper and published them the next day. If that was his only object and he obtained what he went for, where is the newspaper with these returns in it, the published programme of the facts upon which this committee relies and asks this House to say 407 rather than 379 was the vote for the contestant at that precinct; why was not that fact produced?

I pass from this view of the case and now come to another feature. We had relied upon this decision of the Supreme Court of the United States. The Committee on Elections, not content with hoisting the black flag upon which are inscribed the death's-head and cross-bones of their colors, and boldly pirating from the vote of Calvert County 28 votes to give the contestant, which he himself did not claim he was entitled to as a part of the return—I say, not content with that, they fly to another position which is to be impregnable, in that 54 votes are to be accorded to them in votes improperly rejected because improperly registered.

Preposterous, Mr. Speaker, I say to the gentleman representing that committee, absolutely preposterous. Six voters of the 64 have already voted in the county in which they claimed the right to vote, and yet you demand on the judgment of this House that these 6 votes are to be counted over again for the contestant, when the truth is that they have already voted once for the contestant, and you add to these 6 votes more cast by some persons voting in other names than their own. Take the 46 votes in the other column, and those show that under the law of Maryland, which is to be your chart and guide and to control your judgment and consciences in this investigation—the law of Maryland has prescribed that no man shall be entitled to his vote unless his name appears on the poll-book on the day of election.

Will you now in bold strides take away the grandest prerogative which belongs to a sovereign State of this Union, and say that it shall no more exercise the right to regulate the qualifications of its own electors? I challenge the gentleman, the chairman of the Committee on Elections, to show this House in any Federal statute or by the decision of the highest court of the land, or, for that matter, by the decision of any court of Christendom, that votes which have never gone into the ballot-box can ever be counted for anybody. It is absurd to claim it. Here is the Hamlet of the play. The fraud you have charged has recoiled upon you.

In conclusion, I will say in regard to what was said by my learned friend on the other side about my colleague—I have a word to add in that connection. This is not a West Virginia case.

The SPEAKER *pro tempore* (Mr. ALLEN, of Michigan). The time of the gentleman from Maryland has expired.

Mr. GIBSON. I ask the indulgence of the House for five minutes longer.

The SPEAKER *pro tempore*. The time is under the control of the gentleman from Texas.

Mr. McCOMAS. I ask unanimous consent that five minutes additional be added to each side.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GIBSON. I am very much obliged to my colleague. I would not waste the time of the House or take any longer time than I have occupied, but, Mr. Speaker, in view of my absence of familiarity with making speeches on this floor I trust I may be permitted to trespass a moment, as I rarely trouble the House.

In conclusion, I can not forbear to institute a comparison between the *circumstantia*, the surroundings, the standing around, so to speak, of this case.

The gentleman from Pennsylvania [Mr. DALZELL] has argued that "personal considerations" should not weigh in this case. And if not, why not?

After the selection of the Representative, this House might sit in judgment upon his fitness to become a member of it. If he came to its doors with a fraudulent claim and the fraud could be clearly shown, then the House might and ought always to reject him as unfit to enter. But inasmuch as the solemn act of the State, by its highest official, is by such a proceeding to be declared hasty and ill-considered or fraudulent, out and out, and inasmuch as the declared choice of the district is to be reversed, it behooves this House, for its own honor, dignity, and self-respect, and for the sake of the reputation that will come of it, to take heed that such proceeding on its part shall be well sustained by unquestionable facts and in conformity with the rules of honor and justice.

It was never meant by the makers of the Constitution that this House should sit in judgment upon the elections held in any part of this country. It was no part of this purpose, when the right to exclude improper characters was given this House, to grant an inquisitorial power to nose about the several precincts and by taking advantage of technicalities and casual omissions, or by worse means, to make and unmake Representatives and secure majorities at their will. If such is to be the practice of parties in the majority freedom is a farce and the pretense of self-government a delusion and a snare.

No, sir; the right of the district to have the Representative of its choice seated is a precious right. Whoever assails it threatens the destruction of the whole fabric of government; whoever disobeys it will bring down upon himself and us the temple of liberty, and the hopes of its lovers will perish with it.

All are equally interested in the protection of this right. The same wrong may at any time threaten the constituency of any member within the sound of my voice, and it behooves all to take solemn heed that the habit of contesting elections when the sitting member is not of the dominant party does not grow and become the—

\* \* \* Little rift within the lute  
That by and by will make the music mute  
And ever widening slowly silence all.

Sir, republican institutions have already once been sorely tried, but they have not been hardly hurt. The body corporate has lost no limb; it stands up straight and beautiful and strong, its bosom still heaving slightly with the effort of the struggle, but healthy, hearty, and giving promise for an endless life of peace and use and happiness. So may it ever be.

But if meddling by the General Government with the affairs of the separate States be carried so far as to violate the bounds set by the makers of the Constitution, if under any form of law or cover or pretense the free will of the people be thwarted here, mistrust will take the place of confidence in our form of government, dependence will be less upon right than might, the scenes of the last days of the Roman Empire will be re-enacted, and chaos will ensue.

Mr. Speaker, I have said this nation has had one trial already and passed through it without loss of power or prestige. There is another coming worse than the first, whose mutterings are faint, far off, yet distinctly audible to him who knows how to listen. Meet it we must. There is and can be no escape, but if at the time the struggle comes all wise and good men have reason to know that the Government is administered as it was meant to be, that the Stoic philosophy is the rule of administrative conduct, if nowhere those in power make use of that power for partisan rather than for national purposes, that broad earnest views prevail, then all will be well, at least in the end.

But, Mr. Speaker, if the contrary is the case, if everywhere, or at least if in high places, expediency takes the place of justice; if "to can" is better than "to ought," then they who understand the rule of might, and who have not been taught the restraints of right, will rise and work their will.

How important, therefore, in this connection, are these very "personal considerations" the gentleman from Pennsylvania ignores.

You know well, Mr. Speaker, the character of the man whose seat is contested here. You have already seen "the mettle of his pasture," but knowing him as you do, as well as you do, not a tithe of such knowledge is possessed as belongs to me, who have known him for many years. I have known him, sir, in all the relations of life, public and private, social and political, as a legislator, as a senator of our

honored State of Maryland, as president of that senate, for twelve years the treasurer of that State, dispensing the revenues of that State. Going from the high offices he held, declining a renomination for a fourth term, he retired to receive at the hands of his people the deserved plaudit of "Well done, thou good and faithful servant." You know how he has been rewarded with still higher honors in the councils of the nation as your peer upon this floor.

You have known his actions upon this floor, his incomings and outgoings. Not a pulsation of his heart in his intercourse with you on this floor but what has been responsive to the honor and glory of his whole country. Not for his own district, not for his own State alone, but for the welfare of the whole country has he fearlessly sought such legislation as would result in the blessings of good government which should fall like the dew of heaven as well upon the poor man as upon the rich man. You know full well not only that, but you know the State from which he comes. Maryland is not Arkansas. None of the conditions surround my State that you have charged so causelessly, for purposes of your own, as existing within the borders of Arkansas, as proud and glorious a State as any in the American Union and undeserving of the conditions of blood and murder and the rape of the ballot-box you have put upon her.

I heard the gentleman from Iowa, General HENDERSON, say the other day, in reference to election cases, that, whenever he found black-handed fraud and red-handed murder in connection with contested-election cases, that wherever he found anything of that character or any such surroundings, he would vote to unseat any man claiming to hold a seat under any such circumstances; but Maryland occupies no such position. Law and order reign supreme within our borders. She was a State honored in the Union when the States represented by many of the gentlemen on this floor were yet unborn. Maryland has watched with pride the stars in our political firmament march on to glory and greatness, and has herself guided the "course of empire westward on its way."

Maryland rocked the cradle of your Constitution, she nurtured it in its growth and she defended and upheld it when assailed. When the wild storm of war surged around us, a war in which "the very names of affection and kindred were but new incentives to hatred and rage," Maryland stood true to her post, like the pilot at the helm with the storm shrieking in his ear, and sent fifty thousand of the best and bravest of her sons to fight for the flag and for the Union. Maryland has never been bought. Maryland has never been scared; never did she—

\* crook the pregnant hinges of the knee  
Where thrift may follow fawning.

But, gentlemen, whether you will heed or whether you will forbear, the clouds are in the heavens for you just the same. Let me tell you that it needs no "second Daniel come to judgment" to interpret the handwriting on the wall. Let me tell you that in your next loud shout of triumph with which you will hail your effected purpose, in the wrong done my colleague and my State, there will come to you in that shout an undertone of warning which will proclaim that the vengeance of an outraged people, though it cometh slowly cometh surely, and will be as inexorable as the grave. Let me tell you that if you persist in such a course the setting sun on the election day in next November will hide in ignominious shadow your discomfited myrmidons of wrongdoing, misrule, and injustice. [Loud applause on the Democratic side.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. COOPER, of Ohio. I will inquire of the gentleman from Texas if he can not occupy some of his time now.

Mr. MOORE, of Texas. The balance of the time, so far as this side is concerned, will be given to the gentleman from Maryland [Mr. Compton]. We are entitled to one hour, and it is the opinion of members of the committee that time should be given to Mr. Compton to address the House, and I trust he may be allowed that privilege.

Mr. CRISP. I would suggest to the gentlemen on the other side to use all their time but an hour, and leave one hour to be used to-morrow.

Mr. COOPER, of Ohio. I do not accept that as an agreement, but we will substantially do that. If the House has gotten down out of the clouds, I will now yield twenty minutes to the gentleman from Massachusetts [Mr. GREENHALGE].

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced agreement to the amendments of the House to the bill (S. 140) to prevent the introduction of contagious diseases from one State to another, and for the punishment of certain offenses.

It also announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 417) for the erection of a public building at Houlton, Me.;

A bill (H. R. 3592) granting a pension to Mrs. Anna Butterfield; and  
A bill (H. R. 5751) to increase the pension of Isaac Endaly.

It also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. 856) to amend section 1 and section 9 of an act entitled "An act to authorize the Denison and Washita Valley Railway Company to construct and

operate a railway through the Indian Territory, and for other purposes," approved July 1, 1889.

It also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 188) to provide for the purchase of a site and the erection of a public building thereon at Dover, in the State of New Hampshire;

A bill (S. 189) to provide for the purchase of a site and the erection of a public building thereon at Nashua, in the State of New Hampshire;

A bill (S. 314) for the relief of Mary B. Le Roy;

A bill (S. 640) granting a pension to Annie D. Rundlett;

A bill (S. 916) granting a pension to Mary E. Harney;

A bill (S. 1029) to provide for the purchase of a site for a public building at Spokane Falls, in the State of Washington;

A bill (S. 1030) to provide for the purchase of a site for a public building at Tacoma, in the State of Washington;

A bill (S. 1031) to provide for the purchase of a site for a public building at Seattle, in the State of Washington;

A bill (S. 1075) to provide for the purchase of a site for a public building at Walla Walla, in the State of Washington;

A bill (S. 1136) for the relief of William De Ford, trustee for C. D. De Ford & Co.;

A bill (S. 1319) to provide for the purchase of a site and the erection of a public building thereon at Deadwood, in the State of South Dakota;

A bill (S. 1354) to provide for the purchase of a site and the erection of a public building thereon at Sioux Falls, in the State of South Dakota;

A bill (S. 1453) to provide for the purchase of a site and the erection of a public building thereon at Saginaw, in the State of Michigan;

A bill (S. 2692) to establish certain ports of delivery in Alaska Territory;

A bill (S. 3060) to carry out the provisions of section 15 of an act entitled "An act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union," approved February 22, 1889; and

A bill (S. 3089) to authorize the Secretary of the Interior to survey and mark the seventh standard parallel between the States of North and South Dakota.

#### ELECTION CONTEST—MUDD VS. COMPTON.

Mr. GREENHALGE. Mr. Speaker, I was very glad to see that the House was inclined to grant indulgence to the gentleman from Maryland [Mr. GIBSON] who has just taken his seat; and I should be willing even to go further and to ask that five minutes be allowed from each side to enable that gentleman to recover his customary and constitutional equanimity after the attack of hysterics under which he has evidently labored and which has aroused the anxious solicitude of both sides of the House. [Laughter.] Nothing pleases me more, Mr. Speaker, than to witness the fervor manifested by gentlemen upon the other side towards the Constitution; and I do not suppose that, in the ecstasy of their feelings, it makes much difference what constitution it is towards which their devotion or their expression of devotion is directed [laughter]; whether the constitution of man, the "Constitutions of Clarendon," the constitution of Maryland, or the Constitution of the United States of America. When I hear their expressions of devotion to the latter instrument, a problem occurs to my mind as to how in the world it was possible for that instrument to subsist for a number of years without the active support of some of the gentlemen upon the other side. [Laughter upon the Republican side.]

Somebody told me, I think some newspaper correspondent—I speak it with fear and trembling, and hope I shall not receive a shot from anybody—that devotion to the Constitution was carried so far that during the vicissitudes of some great battle of the late rebellion, when one gentleman upon the other side was ordered to advance upon the Federal troops, he argued the question against his commander, and proved, at least to his own satisfaction, that the movement would be "unconstitutional." [Renewed laughter.] In my opinion that gallant leader was correct. [Laughter.]

I do not know what views are entertained upon these subjects at the present time by gentlemen upon the other side, but nothing gives me greater pleasure than to hear the eulogies passed upon that immortal instrument—the Constitution of the United States—by my friends on the other side. I am very glad when I see my calm and judicial friend from Texas [Mr. MOORE] rising and imploring that the Constitution shall be saved. Now, I assure you, Mr. Speaker, that there is not the least danger to the Constitution at the present time, certainly not from the Committee on Elections, so long as the gentleman from Texas remains as a member of that body, and I hope it will be manifest to this House and to the public opinion of the country when the record of the Committee on Elections is made up at the close of its work that not merely have the Constitution and the laws been safe in their hands, but that the rights of the humblest citizen and the sacred rights of a meritorious man elected to his seat in this House, as well as those of the people who elected him, have been preserved sacredly and intact.



I am glad to see, Mr. Speaker, that when we eliminate the question from this case upon which we agree—when we eliminate from this case the questions of the 3 votes cast for "S. N. Mudd," "S. E. Mudd," and "Mudd" upon the one side and "Compton" upon the other; when we apply to them the elementary rules of the law applicable to contested-election cases, and allow them to each party respectively, I think it will be clear from the questions which remain that the facts and the policy and the principles upon the one side and upon the other as between the majority and minority of the committee are separated by a line of demarkation as vivid and clear as a line of fire, which shows precisely the difference between the mental constitution, the policy, and principle of the majority, and the mental constitution, and policy, and principle of the minority.

Now, there are only two great questions left in this case for discussion aside from the questions of individual votes, which I have not time to take up and which the elaborate analyses of the gentleman from Pennsylvania [Mr. DALZELL] and the gentleman from Iowa [Mr. LARCKY] have made entirely clear to the House, so that any discussion by me would be simply superfluous.

I say we have simply a question of the 28 votes in Calvert County and a question of conduct of the election in that third district of Anne Arundel County to which reference has been made. I say, Mr. Speaker, that here in the matter of inquiry into the question of allowing 28 votes the difference in the mental constitution—as I put it—on the one side and on the other of this House becomes apparent. I say that we, sitting here as a high court, as an august tribunal, as the grandest tribunal in some respects, I think, upon the earth, we have the right to ascertain, not merely what are the rules of procedure, not merely what are the directory laws and mandatory laws and technical regulations upon this point and upon the other, but the real facts, the true essence of the case; what are the true, real, and genuine rights of all parties. If we find that, by some error, a mistake is made in the returns sent to the governor in the first instance; if we show by the testimony of the judges of election that there was such a mistake; if we show by adding up the columns of figures that the true result is what we claim it to be, that there were not merely 1,138 votes cast for the contestant in that case, but 1,166, then I say that we have every confidence in appealing to this House to say that, no matter what the technical rule may be, no matter what the forms of the law were, strictly speaking, if the facts, upon the sworn testimony, upon the certificate of the judges, are as we claim they are, I say that this House is bound as a highest court in the land upon questions of this character, as the court of last resort, to give these 28 votes to the contestant.

I have here the testimony of half a dozen witnesses. I will leave out most of them because they may be objected to as Republicans. I refer to the testimony of Augustus Wilson (page 272), of John Sedwick (page 273), of James Broome (page 274), of T. W. Sparklin (page 275). These witnesses, I say, may be objected to on the ground that they are Republicans, so I will take the testimony of Charles S. Parran (page 273), who testifies that the returns as corrected are 1,166 votes for Mudd, for Compton 866; that these are the correct returns according to the papers and documents in the office of the constituted authorities of elections in Calvert County. His testimony ought to be accepted even by my friend the gentleman from Maryland, the final questions to the witness Parran being:

- Q. What are your politics?  
A. I am a Democrat.  
Q. Did you vote for Mr. Compton?  
A. I did.

We have the returns from the different election districts in that county, and they carry out, figure by figure, the theory presented in this able and elaborate report drawn by the gentleman from Ohio [Mr. COOPER] on behalf of the majority of the committee. I therefore say that there is no question that this House, disdaining these minor forms, throwing aside technicalities which no man ought to stand upon in seeking a place upon this floor—a seat in this House—will decide that these 28 votes belong to the contestant as matter of right and justice.

Now we come to the only other question which is allotted to me for discussion, and that comprehends the occurrences in the third precinct of Anne Arundel County, and I congratulate the gentleman from Texas [Mr. MOORE] upon the beautiful picture which he has drawn of affairs in that election district of that county. I have always supposed that my friend from Texas [Mr. MOORE] had a strain of poetry in his composition; I think most men have; but I think it comes out vividly in this minority report, even through the harsh, chilly, and apparently uncongenial element of cold figures and tabulated statements. My friend's observations upon the occurrences in this district I commend to the attention of the House and to members upon both sides. He puts his propositions in numerical order. He says:

1. That the only guns on the ground that day were some guns which had been brought there by persons, some colored and some white, who were on their way gunning.

He does not say "gunning" for what, whether for squirrels or "coons." [Laughter.] He adds:

That the only pistol-shots fired were by some young men, nowhere near the polls, who were shooting at a mark.

2. That, instead of it being true that there were any such acts of violence as were calculated to intimidate persons of ordinary firmness, the true state of the

case is just this: 1. Not long after the polls were opened (they were opened at 8 a. m.) and after some few white men had voted, a body of colored men, numbering about one hundred men, who has assembled at a place called the "Mill Pond," about 100 yards from the polls, marched in a body to the polling place, and after some fifteen of them had voted, two of their number, Hall and Andrew Sampson, who were in the line, were by some young man standing there pushed or shoved out of the line, and told they had no right to vote there, and thereupon Hall, whom the evidence shows had taken an active part in distributing tickets among the colored voters, and was looked up to as a leader among them, after addressing certain remarks to those around, ordered, according to a large number of the witnesses, and advised, according to others, the whole line of negroes away from the polls, which order or advice was at once obeyed, and in consequence of this order or advice, which was subsequently given to others already at the polling places or on their way thereto, nearly every one, if not every one, of the 175 colored people referred to in contestant's allegation abstained from voting.

3. That according to some of the witnesses it was the same young man who pushed or threw out of line both Hall and Sampson; but at all events, according to the evidence of a number of the contestant's own witnesses, the whole number of the class of persons described by some of the witnesses as "strangers," and by others "roughs," and who are alleged to have caused the intimidation of the 175 negro voters, was but three.

4. That according to the contestant's own proof there were from 50 to 100 colored voters in line when the two men, Hall and Sampson, were shoved or pushed out of line: and this number was further increased shortly after, as most did not leave the grounds till after 12 o'clock, and there were 161 on the grounds during that time.

5. That according to the overwhelming mass of evidence, as given by the contestant's own witnesses, no blows were struck at any time, no fire-arms used or shown, no threats of personal violence made, not even the hunting guns had then been brought to the grounds when the trouble with Hall and Sampson took place.

6. According to the contestant's own evidence none of the 175 votes were ever tendered to the judges; on the contrary, the voters admit that they refused to tender their votes.

That is the picture of sylvan peace, of order and quietness and beauty, which my friend from Texas draws. It is a "peace that passes understanding"—especially the understanding of this House. They say of Warsaw that "Peace reigns in Warsaw," and then we find that in that unhappy city they have "made a solitude and called it peace," and I think when you turn to some of the evidence in this record you will find that it was a peace of similar character which prevailed in this third election district of Anne Arundel County.

I cite the testimony of Arthur C. Whittemore; of James Ellison, a witness for the contestee, and of John Ellison, another Democrat (pages 60 and 61, and 370 and 371 of the record), to show that there were guns in the wagon there, at this polling place, and the testimony of A. K. Young and a number of other witnesses that several of these gentlemanly visitors from Baltimore, to whom reference has been made, carried revolvers. That appears on page 63 of the record. There was no violation of the peace, my friend from Texas says; nobody was hit, no actual violence was used. I say that, from the testimony on pages 59 and 62 and 63 of the record, the contrary appears. I refer to the testimony of A. K. Young and of Mr. Jubb, to whom objection is made because he is a Democrat who was not in favor of Mr. Compton.

Well, though he was not in favor of Mr. Compton, he voted for Cleveland, and I trust that is a redeeming circumstance in the eyes of my friends on the other side. I cite that testimony to show that one man was struck. His name was Roderick Kess. He was struck close behind the ear. This occurrence appears upon page 62 of the record. The whole crowd of these 175 men, admitted to be in line ready to vote, was pushed back, as appears on page 59, in the testimony, page 64, of Osmond S. Pumphrey, a Democrat; and one William H. Hall, page 65 of the record of testimony, was forbidden to vote. He was a colored man of intelligence, of high character, of property, whose influence upon this line of 175 men was strong, and who, after he had been threatened and shamefully assaulted, and after two men, and three men, and four men had been pushed out of the line, and the whole crowd of colored voters had been pushed back, said to them: "Boys, if we can not vote peaceably let us have no disturbance. We had better go home. This wrong will be righted some time."

Our constitutional friends on the other side argue that although "Tip" Wells, "Hatch" Williams, and their illustrious friends were there with guns and revolvers, although actual violence had been used and worse had been threatened, these facts were not sufficient to justify men of "ordinary firmness" in leaving the polls, and that the order of William Hall—his "advice"—was simply a device to enable the colored men to come to this House and obtain a larger allowance of votes than they could actually have polled!

There was no safety for Mr. Hall and his friends unless they retired at that time.

We claim, Mr. Speaker, that there were badges worn by some of this gang from Baltimore, making them out to be deputy marshals; and the testimony of D. H. Williams, on pages 366 and 367 of the record, will give you some idea of what Mr. "Hatch" Williams was in these affairs. He has already been referred to as a leader in these election operations. We have a list of several of the gentlemen from Baltimore who are referred to in various places, both by Democrats and Republicans, as the "roughs from Baltimore," and their euphonious names are as follows: Bill Chairs, Frank Chairs, Tip Wells (who was the leader), Tong Wales, George Cromwell (a name which has a sound of terror to some people), and Ed. Pumphrey. These were the leaders of the gang.

Mr. COMPTON. Will the gentlemen allow me a moment, for I know he does not want to do injustice—

[Here the hammer fell.]

Mr. COOPER, of Ohio. I yield the gentleman from Massachusetts five minutes more.

Mr. GREENHALGE. What is the question of the gentleman from Maryland?

Mr. COMPTON. The gentleman from Massachusetts has read seven names of persons whom he describes as the choice spirits, "Plug Uglies," or what else he may choose to denominate them, from Baltimore City, as the men who were guilty of the intimidation here charged. I want to say to the gentleman—I am sure he does not mean to do injustice or to state anything that is not true—that six of those seven men, in my opinion—and I am satisfied I am right about this matter—are registered voters in the third precinct of the first election district of Anne Arundel County; and one of the seven—Tip Wells—upon whose name the gentleman lays special stress, as do the committee, has voted in that district for twenty years.

Mr. GREENHALGE. It make a very slight difference—

Mr. COMPTON. But you said they were the choice spirits from Baltimore.

Mr. GREENHALGE. The number of roughs from Baltimore was much more than eight. I only name some of the gentlemen who were acting as leaders of the choice spirits from Baltimore. I do not say that they themselves came from that city. I am not sure about that. "Tip" Wells probably did, although he had formerly been a resident of this district in Anne Arundel County. He came down to this precinct to earn promotion or reward in the public service, and very shortly afterward was made a deputy collector of internal revenue under the last administration; and I think his duty took him to the city of Baltimore.

Now, as to "Hatch" Williams, I do not know whether he was indigenous to the soil of Anne Arundel County or to the city of Baltimore. I do not think either place, like the seven cities that contended for the honor of having given birth to Homer, would make much of a contest about Mr. "Tip" Wells or Mr. "Hatch" Williams.

Now, "Hatch" Williams says in reply to a question:

Q. You have a nickname—"Hatch" Williams?

A. My name is Doran Hatch Williams.

Q. But they call you "Hatch," don't they?

A. Yes, sir; my familiar friends do; yes, sir.

Q. Were you appointed a deputy sheriff that day?

A. No, sir.

Q. It has been testified that you had a badge on?

A. Yes, sir; let me explain that to you.

Q. What were you doing with a badge on?

A. I will tell you all about that badge business. There was a badge sent there for a man and I put it on for fun; I just wanted to see how I would look with a badge on; it didn't remain on my coat but only a minute; the man's name that the badge was sent for was Hiram Sappington; I don't know whether he was appointed by any one to be deputy sheriff or not; I heard he was, and I heard the badge was sent there for him. I suppose Mr. Crane knew what he was doing. Just hold on a minute, just wait a minute, Mr. Rose; I have made a mistake. He was appointed deputy sheriff and received the badge and I took it away from him; he didn't give it to me; I took it away from him just through a joke and I pinned it on my coat and went around there with it on for a few moments and then I went to him and I said, "Hiram, here is your badge." I was not appointed and had no right with it.

Q. Did Mr. Pumphrey have a badge on?

A. He did.

Q. Did you see him interfere with anybody?

A. Not the least bit in the world. I have been voting there for twenty years, and I never saw a more peaceable election in my life. It was the quietest and calmest election I ever saw or witnessed, and I think our friend over there [indicating Mr. Rose], if he will get his man Hall to attend to the niggers, we will continue to have peaceable elections.

Recross-examination:

Q. That is to say, if the negroes don't vote down there you will have peaceable elections; is that what I understand you?

A. I don't say anything about that, but I just say Mister Hall was objected to, as you term him; I call him Bill Hall; I don't honor him enough to call him Mister Hall; I don't call no niggers "Mister." He was the marshal of these niggers and marshaled them right up in a body, I suppose seventy-five or eighty head of them, and when he was objected to he just turned calmly around to his little company and said, "Boys, do you see that? Our votes are objected to; go away." Now, if I had been the marshal of the white men, as he was the marshal of the niggers, I would have said, "Boys"—that is, if my vote had been objected to—I would have said, "Boys, my vote is objected to; try your hand," and let them take the same chances that I took.

Q. Is Mr. Hall a property owner down there?

A. Of course he is.

Q. He is considerable of a tax-payer, isn't he?

A. I suppose he is, from the property he owns.

Q. Have you any reason, Mr. Williams, to say that he is not a gentleman worthy of honor?

A. I don't say anything about that, but I just say I owned half of this country I would not mister him; and, furthermore, my judgment in this case is, simply because Bill Hall is considerable of a tax-payer I don't see what right he has down there any more than any nigger that don't pay any taxes.

Q. (Mr. STANLEY.) In other words, you don't consider him any better because he happens to own a little land?

A. Not a bit, sir; he is a nigger; I consider him a nigger, and I don't consider him better than any of the rest of them.

Now, Isay, Mr. Speaker, whether "Hatch" Williams was born in Baltimore or in Anne Arundel County I can not say; I leave those localities to struggle for that honor as they please.

I say that the 175 votes in line were a tender which in law would be adjudged good even in the mere matter of a transaction relating to personal property, as in the case of a tender of greenbacks or legal currency in the payment of a debt. Those men stood there ready to put their votes into that ballot-box. They were registered; they had done all the law required of them, and they were thrown back by force, by violence; they were subjected to strong intimidation with guns and

revolvers in the hands of such men as "Tip" Wells and "Hatch" Williams and their friends. These men bring to my mind the Baltimore roughs of a former day.

I say this case, this evidence, brings to my recollection the time when men from Massachusetts walked through the streets of this same city of Baltimore almost twenty-nine years ago. That grand event is clothed with greater importance now. The blood shed then in the streets of Baltimore should be as the blood of redemption of that city and of Maryland and the whole country as much to-day as it was in that day, nearly twenty-nine years ago, when the Sixth Massachusetts Regiment rushed from their homes to save Baltimore and Washington and the Republic. [Applause.] I feel bound to stand here to do what I can to complete the work begun by men from my own State, from my own county, from my own city of Lowell. [Renewed applause.]

[Here the hammer fell.]

Mr. CRISP. I should like to know how the time stands between the two sides.

The SPEAKER *pro tempore* (Mr. ALLEN, of Michigan, in the chair). The time has been extended by unanimous consent. There remains on this side an hour and ten minutes, and on that side an hour and five minutes.

Mr. CRISP. The contestee prefers not to speak until the morning. Mr. COOPER, of Ohio. If the motion to adjourn is made I will not antagonize it.

Mr. CRISP. I move the House adjourn.

WORLD'S FAIR.

Mr. CANDLER. I ask by unanimous consent that the bill and report on the world's fair be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The bill and report are as follows:

Mr. CANDLER, of Massachusetts, from the Select Committee on World's Fair, reported the following bill as a substitute for H. R. 6883:

A bill (H. R. 8233) to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus by holding an international exhibition of arts, industries, manufactures, and the product of the soil, mine, and sea in the city of Chicago, in the State of Illinois.

Whereas it is fit and appropriate that the four hundredth anniversary of the discovery of America be commemorated by an exhibition of the resources of the United States of America, their development, and of the progress of civilization in the New World; and

Whereas such an exhibition should be of a national and international character, so that not only the people of our Union and this continent, but those of all nations as well, can participate, and should therefore have the sanction of the Congress of the United States: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an exhibition of arts, industries, manufactures, and products of the soil, mine, and sea shall be inaugurated in the year 1892, in the city of Chicago, in the State of Illinois, as hereinafter provided.

SEC. 2. That a commission, to consist of two commissioners from each State and Territory of the United States and from the District of Columbia and eight commissioners at large, is hereby constituted, to be designated as the World's Columbian Commission.

SEC. 3. That said commissioners, two from each State and Territory, shall be appointed within thirty days from the passage of this act by the President of the United States, on the nomination of the governors of the States and Territories, respectively, and by the President eight commissioners at large and two from the District of Columbia; and in the same manner and within the same time there shall be appointed two alternate commissioners from each State and Territory of the United States and the District of Columbia and eight alternate commissioners at large, who shall assume and perform the duties of such commissioner or commissioners as may be unable to attend the meetings of the said commission; and in such nominations and appointments each of the two leading political parties shall be equally represented. Vacancies in the commission nominated by the governors of the several States and Territories, respectively, and also vacancies in the commission at large and from the District of Columbia, may be filled in the same manner and under the same conditions as provided herein for their original appointment.

SEC. 4. That the Secretary of State of the United States shall, immediately after the passage of this act, notify the governors of the several States and Territories, respectively, thereof and request such nominations to be made. The commissioners so appointed shall be called together by the Secretary of State of the United States in the city of Chicago, by notice to the commissioners, as soon as convenient after the appointment of said commissioners, and within thirty days thereafter. The said commissioners, at said first meeting, shall organize by the election of such officers and the appointment of such committees as they may deem expedient, and for this purpose the commissioners present at said meeting shall constitute a quorum.

SEC. 5. That said commission be empowered in its discretion to accept for the purposes of the World's Columbian Exposition such site as may be selected and offered and such plans and specifications of buildings to be erected for such purpose at the expense of and tendered by the corporation organized under the laws of the State of Illinois, known as "The World's Exposition of 1892." Provided, That said site so tendered and the buildings proposed to be erected thereon shall be deemed by said commission adequate to the purposes of said exposition: And provided, That said commission shall be satisfied that the said corporation has an actual bona fide and valid subscription to its capital stock of at least \$5,000,000, of which not less than \$300,000 shall have been paid in, and that the further sum of \$5,000,000, making in all \$10,000,000, will be provided by said corporation in ample time for its useful use during the prosecution of the work for the complete preparation for said exposition.

SEC. 6. That the said commission shall allot space for exhibitors, prepare a classification of exhibits, determine the plan and scope of the exposition, and shall appoint all judges and examiners for the exposition, award all premiums, if any, and generally have charge of all intercourse with the exhibitors and the representatives of foreign nations.

SEC. 7. That after the plans for said exposition shall be prepared by said corporation and approved by said commission, the rules and regulations of said corporation governing rates for entrance and admission fees, or otherwise affecting the rights, privilege, or interests of the exhibitors or of the public, shall be fixed or established by said corporation, subject, however, to such modification, if any, as may be imposed by a majority of said commissioners.

SEC. 8. That the said commission shall provide for the dedication of the buildings of the World's Columbian Exposition in said city of Chicago on the 30th



day of April, 1892, the one hundred and third anniversary of the inauguration of George Washington as first President of the United States, with appropriate ceremonies, and that the said exposition shall close on the 20th day of October, 1892.

SEC. 9. That whenever the President of the United States shall be notified by the commission that provision has been made for grounds and buildings for the uses herein provided for and there has also been filed with him by the said corporation, known as "The World's Exposition of 1892," satisfactory proof that a sum not less than \$10,000,000, to be used and expended for the purposes of the exposition herein authorized, has in fact been raised or provided for by subscription or other legally binding means, he shall be authorized, through the Department of State, to make proclamation of the same, setting forth the time at which the exposition will open and close, and the place at which it will be held; and he shall communicate to the diplomatic representatives of foreign nations copies of the same, together with such regulations as may be adopted by the commission, for publication in their respective countries, and he shall, in behalf of the Government and people, invite foreign nations to take part in the said exposition and appoint representatives thereto.

SEC. 10. That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition, upon which there shall be a tariff or customs duty, shall be admitted free of payment of duty, customs fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exhibition to sell for delivery at the close of the exposition any goods or property imported for and actually on exhibition in the exposition buildings or on its grounds, subject to such regulations for the security of the revenue and for the collection of the import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles when sold or withdrawn for consumption in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of importation, and all penalties prescribed by law shall be applied and enforced against such articles and against the persons who may be guilty of any illegal sale or withdrawal.

SEC. 11. That the sum of \$20,000, or as much thereof as may be necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the remainder of the present fiscal year and for the fiscal year ending June 30, 1891, to be expended under the direction of the Secretary of the Treasury for purposes connected with the admission of foreign goods to said exhibition.

SEC. 12. That it shall be the duty of the commission to make report, from time to time, to the President of the United States of the progress of the work, and, in a final report, present a full exhibit of the results of the exposition.

SEC. 13. That the commission hereby authorized shall exist no longer than until the 1st day of January, 1893.

SEC. 14. That the United States shall not in any manner, nor under any circumstances, be liable for any of the acts, doings, proceedings, or representations of the said corporation organized under the laws of the State of Illinois, its officers, agents, servants, or employees, or any of them, or for the service, salaries, labor, or wages of said officers, agents, servants, or employees, or any of them, or for any subscriptions to the capital stock, or for any certificates of stock, bonds, mortgages, or obligations of any kind issued by said corporation, or for any debts, liabilities, or expenses of any kind whatever attending such corporation or accruing by reason of the same.

SEC. 15. That there shall be exhibited at said exposition by the Government of the United States, from its Executive Departments, the Smithsonian Institution, the United States Fish Commission, and the National Museum, such articles and materials as illustrate the function and administrative faculty of the Government in time of peace and its resources as a war power, tending to demonstrate the nature of our institutions and their adaptation to the wants of the people; and to secure a complete and harmonious arrangement of such a Government exhibit a board shall be created to be charged with the selection, preparation, arrangement, safe-keeping, and exhibition of such articles and materials as the heads of the several departments and the directors of the Smithsonian Institution and National Museum may respectively decide shall be embraced in said Government exhibit. The President may also designate additional articles for exhibition. Such board shall be composed of one person to be named by the head of each Executive Department and one by the directors of the Smithsonian Institution and National Museum, such selections to be approved by the President of the United States. The President shall name the chairman of said board, and the board itself shall select such other officers as it may deem necessary.

That the Secretary of the Treasury is hereby authorized and directed to place on exhibition, upon such grounds as shall be allotted for the purpose, one of the life-saving stations authorized to be constructed on the coast of the United States by existing law, and to cause the same to be fully equipped with all apparatus, furniture, and appliances now in use in all life-saving stations in the United States, said building and apparatus to be removed at the close of the exhibition and re-erected at the place now authorized by law.

SEC. 16. That the Secretary of the Treasury shall cause a suitable building or buildings to be erected on the site selected for the World's Columbian Exposition for the Government exhibits, as provided in this act, and he is hereby authorized and directed to contract therefor, in the same manner and under the same regulations as for other public buildings of the United States; but the contracts for said building or buildings shall not exceed the sum of \$400,000, and for the remainder of the fiscal year and for the fiscal year ending June 30, 1891, there is hereby appropriated for said building or buildings, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000.

SEC. 17. That for the purpose of paying the expenses of transportation, care, and custody of exhibits by the Government, and the maintenance of the building or buildings hereinbefore provided for, and the safe return of articles belonging to the said Government exhibit, and for the expenses of the commission created by this act, and other contingent expenses, to be approved by the Secretary of the Treasury, upon itemized accounts and vouchers, there is hereby appropriated for the remainder of this fiscal year and for the fiscal year ending June 30, 1891, out of any money in the Treasury not otherwise appropriated, the sum of \$200,000, or so much thereof as may be necessary: *Provided*, That the United States shall not be liable, on account of the erection of buildings, expenses of the commission or any of its officers or employees, or on account of any expenses incident to or growing out of said exposition for a sum exceeding in the aggregate \$1,500,000.

SEC. 18. That the commissioners and alternate commissioners appointed under this act shall not be entitled to any compensation for their services out of the Treasury of the United States, except their actual expenses for transportation and the sum of \$5 per day for subsistence for each day they are necessarily absent from their homes on the business of said commission. The officers of said commission shall receive such compensation as may be fixed by said commission, subject to the approval of the Secretary of the Treasury, which shall be paid out of the sums appropriated by Congress in aid of such exposition.

SEC. 19. That nothing in this act shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred, nor for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debt or obligations created by said commission in excess of appropriations made by Congress therefor.

SEC. 20. That nothing in this act shall be so construed as to override or interfere with the laws of any State, and all contracts made in any State for the purposes of the exhibition shall be subject to the laws thereof.

SEC. 21. That no member of said commission, whether an officer or otherwise, shall be personally liable for any debt or obligation which may be created or incurred by the said commission.

Mr. CANNON, of Massachusetts, from the Select Committee on the World's Fair, submitted the following report (to accompany H. R. 6383):

The Select Committee on the World's Fair, to whom was referred the bill (H. R. 6383) to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, and sea, in the city of — in the year 1892, having had the same under consideration, have instructed me to report back a substitute therefor, entitled, "A bill to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus by holding an international exhibition of arts, industries, manufactures, and the product of the soil, mine, and sea in the city of Chicago, in the State of Illinois," with a recommendation that the original bill lie upon the table and that the substitute therefor do pass.

The bill H. R. 6383 was intended to comprehend all that was required to successfully organize a world's fair in either one of the three cities of New York, Chicago, or St. Louis, but to which such amendments were to be made as the city selected might require.

By the vote of the House the city of Chicago was selected as the place for holding the fair of 1892, and under the instructions given by the action of the House the committee has inserted the name of the city of Chicago in the bill, and has consulted with the representatives of that city for the purpose of perfecting and improving it, making, after careful consideration, such amendments as it deemed necessary and of importance.

The bill submitted differs in some essential features from bill H. R. 6383. In the second section the representation of the Territories and the District of Columbia has been increased from one to two commissioners from each, and provision is also made for the appointment of eight commissioners at large. A name is also given the commission, the designation applied being "The World's Columbian Commission."

The third section dispenses with the United States corporation which it was proposed to create by the Congress of the United States. It is also stipulated that the commissioners to be appointed from each State and Territory and the District of Columbia, together with the eight commissioners to be appointed at large, shall be selected equally from the two leading political parties.

In the fourth section there is no essential change, excepting as to the question of quorum for the first meeting, it being limited to the number present thereat. Provision is here made for the notification of the governors of the passage of the bill.

In the fifth section the commission, in place of acting as a corporation under the United States law, as in the previous bill, is authorized to accept for the World's Columbian Exposition the site, plans, and specifications of the buildings to be erected and tendered by the corporation created under the laws of the State of Illinois known as the "World's Exposition of 1892." The committee, in presenting this section, recognize the objections which have been made against a United States corporation and have altered themselves of one created under the laws of the State of Illinois.

This suggestion was made by the representatives of the city of Chicago; it is in accord with the action taken in the formation of their corporation; it is simple and practicable, and relieves the Government from any obligation or connection with it. It insures that everything connected with the site and erection of the buildings shall be conducted by a corporation with ample means, which will deliver it, for the uses of the exposition, without any obligations on the part of the United States Government, implied or otherwise, beyond that which the Government appropriates for its own commission and for its own exhibit. And the commission, acting independently of the corporation, and without power to incur any obligations, is instructed by this act to accept the buildings only when they shall be deemed by said commission to be adequate to the purposes for which they are intended.

In the original which was submitted to the House the eleventh section stated that not less than the sum of \$5,000,000 should be subscribed and pledged, and not less than 10 per cent. thereof should be actually paid in cash, before the commission should do any corporate act other than those necessary to its organization. The bill now reported is still more conservative, protecting the Government's interests, so far as its connection with it is concerned, and insuring the financial success of the fair beyond a reasonable contingency by providing that the commission shall not only be satisfied that the actual bona fide subscription to the capital stock of at least \$5,000,000 has been made, of which not less than \$500,000 has been paid in, but also declares that the further sum of \$5,000,000, making \$10,000,000 in all, shall be provided by the corporation in ample time or as needed for the successful prosecution of the work.

The committee has given careful consideration to the statements of the representatives of the finance committee of the city of Chicago as to the subscriptions to the stock of \$5,000,000, and believes the subscriptions to be bona fide, that they are made in good faith, and that they will be paid. Some of the statements made by the chairman of that committee are appended to this report. The committee also accept the statements and representations made by the citizens of the city of Chicago, through their committee, as to their ability to raise an additional five millions, and are of the opinion that they are made in good faith, and will not be repudiated.

While it is the judgment of the committee that the city of Chicago will meet the obligations and promises of their representatives, it would call attention to the fact that the judgment of this committee is not taken alone, but that the commission, on the spot in Chicago, will have a more favorable opportunity to satisfy themselves in regard to the site, the plans of the buildings, and the certainty of the \$10,000,000 than it would be possible for a committee of this House to do without taking more time and entering into the details of the exposition more fully than would be wise and practicable during a session of Congress.

The representatives of the city of Chicago, who have appeared before your committee were ready to meet every requirement indicated by the bill previously considered or in the discussion while the location of the site was pending, and your committee desires to recognize the fact that it is due to the city of Chicago that it should be assured by the action of this House that the fair is to be held in the city of Chicago, without further delay, as the business arrangements connected with the provisions of this act can be better adjusted when they are assured of the action of Congress. The committee claim that the Government of the United States does not assume any risk, but is asked to enact such legislation as to demonstrate that it is in sympathy with and desires to encourage the patriotic efforts of the citizens of Chicago in this great national and international exposition that will mark this important epoch in the history of the world and commemorate the life and services of Christopher Columbus in a manner worthy the continent which he discovered.

Section 6 does not appear in the bill previously reported. It defines the duties of the commission and gives them the necessary power to allot space for the exhibitors, classify exhibits, determine the plan and scope of the exposition, appoint judges and examiners, award premiums, and to have general charge of all intercourse with the exhibitors and representatives of foreign nations.

Section 7 authorizes the corporation of "The World's Exposition of 1892" to make any modification in the plans, subject to the approval of a majority of the commissioners; to make rules governing the rates for entrance and admission fees, or otherwise affecting the rights, privileges, or interests of the exhibitors or the public.

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Section 8 provides for the dedication of the buildings of the World's Columbian Exposition on the 30th day of April, 1892. Upon the question of time for holding the exposition there was a difference of opinion among the members of the committee, and each member reserved the right to vote for such time for opening and closing the exposition as might be deemed best after further discussion.

Section 9 provides that, in addition to the approval of the commission, the President of the United States shall receive satisfactory evidence that \$10,000,000 have been raised or provided for to successfully carry on this fair before proclamation is made and invitations extended to foreign nations.

Section 11 appropriates \$20,000 to be expended during the fiscal year ending June 30, 1891, in the place of \$100,000 which was named in the original bill, as it is estimated that that amount is all that will be required during that period for the expense of admission of foreign goods for exhibition.

Section 16 limits the cost of the Government buildings to the sum of \$400,000 and appropriates \$100,000 of that amount for the remainder of this fiscal year and for the fiscal year ending June 30, 1891.

Section 17 appropriates \$200,000 for the purpose of paying the expenses of the Government exhibit, maintenance of its buildings, and for the expenses of the commission and other contingent expenses, all subject to the approval of the Secretary of the Treasury of the United States, for the remainder of this fiscal year and for the fiscal year ending June 30, 1891, and limits the expenditure of the Government hereafter for all purposes connected with the exposition to the sum of \$1,500,000.

Section 18 provides for the payment of the actual expenses of the commissioners while necessarily absent from their homes on the business of the commission and for the compensation of the officers of the commission, subject to the Secretary of the Treasury.

In submitting the letter of Lyman J. Gage, esq., chairman of the finance committee, of Chicago, which will be published in the appendix to this report, this committee would call attention to the fact that the city of Chicago and the State of Illinois have, for an extended period, indicated their desire that there should be a world's fair held in the United States to commemorate the four hundredth anniversary of the discovery of America by Christopher Columbus, and that the city of Chicago should be selected as the site.

In September, 1889, they organized a committee and selected a number of experienced gentlemen, together with an engineer, to visit Paris for the purpose of studying the plans and operation of the Paris Universal Exposition of that year, in order to be thoroughly prepared to inaugurate, without delay, a national exposition by availing themselves of the experience of those connected with that of Paris. The investigations there made enable the city of Chicago to more intelligently comprehend the magnitude of the undertaking, and to estimate the cost, the scope, and the requirements for the successful conduct of it, and to commence their active preparation for the site and the buildings more promptly than could have been possible excepting for their enterprise and forethought.

The committee would call attention to the fact that the citizens of Chicago offer a larger and more generous contribution to this nation for the inauguration of a national and international exposition than was ever proffered by private citizens before, and larger than any ever offered by any foreign government or city in the great international exhibitions previously held. In the financial plan of the great Paris exposition, which is now claimed to have been the most successful in the world, an agreement was made between the French minister of commerce, the prefect of the Seine, representing the city of Paris, and the governor-general of the Crédit Foncier in behalf of the guaranty association, stipulating that the contributions should aggregate \$8,600,000. The city of Chicago guarantees to satisfy the commission that it will provide, without the aid of the National Government, the sum of \$10,000,000.

The committee would also call attention to the fact that the estimated cost, for all purposes, for the Paris exposition was \$8,000,000, with a reserve fund of \$600,000 to provide for contingencies and for possible modifications in the original plans, and it believes that the \$10,000,000, with the site to be provided by the city of Chicago, is ample for all purposes for a fair in this country. Appended is a detailed statement from the report of Mr. Jeffrey, one of the gentlemen sent to France to investigate and obtain information concerning the Paris exposition, as showing the cost and receipts of that exposition, from which calculations may be made and estimates based for the exposition at Chicago.

In addition to the buildings erected by the Government of the United States and the city of Chicago for the exposition, we may reasonably anticipate that many of the States of the Union, the Dominion of Canada, Mexico, the Central and South American Republics, and the Governments of Europe will erect commodious buildings for their exhibits.

About fifty countries were represented at the Paris exposition, and we may confidently expect an increased interest and larger representation in the Columbian exposition. The Argentine Republic appropriated \$1,000,000 and the Republic of Mexico \$1,200,000 for the buildings and exhibits of their respective countries.

The committee would call attention to the interesting and important communications and estimates, appended hereto, received from the different Departments and bureaus of the Government, indicating their great interest in the exposition, and that it is most important that they should have an opportunity to exhibit the valuable collections of the Government of the United States, not only that millions of people may enjoy the privilege, but because it will cultivate the taste, increase their knowledge, and inform them as to the great resources of the nation, and impress them with its wonderful progress and the possibilities of the future.

The bill offered as a substitute for the bill H. R. 6883 makes an appropriation amounting to only \$330,000 until the close of the fiscal year ending June 30, 1891, as more than this amount, in their judgment, will not be required up to that time, and limits the expenditures to be made by the Government of the United States to the amount originally suggested in the former bill, namely, \$1,500,000. Under some of the plans considered, that the buildings should be constructed of iron and glass, a large percentage of the cost will be reimbursed by the sale of the buildings at the close of the exhibition, and the plan presented by the different Departments will enable the Government to add to its permanent collections in Washington the interesting and valuable exhibit made by them at the World's Columbian Exposition at Chicago, it also being stated that the present is the most favorable time to secure some important additions that it may be impossible to obtain at a later period.

The continued interest manifested by the people of the country and foreign nations in this celebration and the more careful consideration of the subject since the first report of this committee have more deeply impressed the committee with the grandeur and importance of the undertaking and confirmed them in the opinion that it will prove to be of great national advantage, stimulating the patriotism and promoting the material prosperity of the people.

#### VIEWS OF THE MINORITY.

The undersigned members of the Select Committee on the World's Fair respectfully dissent from the foregoing report and its conclusions. We believe that the following resolution, which we voted in favor of in committee, should have been adopted:

"Resolved, That when a guaranty fund of \$10,000,000 shall be secured by the citizens of Chicago, the sufficiency and legality of which shall be satisfactory to this committee, we report the pending bill with such amendments as the committee may agree upon."

J. J. BELDEN,  
WM. H. HATCH,  
R. P. FLOWER.

#### APPENDIX I.

WASHINGTON, D. C., March 10, 1890.

Hon. J. W. Candler,

Chairman of the World's Fair Committee, House of Representatives.

DEAR SIR: Before returning to Chicago it may be advisable to put into written form the substance of the pledges made by me on behalf of a special committee appointed to wait upon your honorable committee in the matter of Chicago's interest in the proposed world's fair.

You kindly gave us audience on the evening of March 6. On that occasion speaking for our committee, I explained that the "World's Exposition of 1892" is a corporation authorized by the laws of Illinois; that its capital stock is \$5,000,000, and that its object is to provide means for and promote a world's fair or exposition in the city of Chicago in celebration of the four hundredth anniversary of the discovery of America by Columbus; that commissioners appointed according to law had opened books of subscription, and that \$5,000,000 in bona fide subscriptions had been made. In fact, that \$250,000 in subscriptions more than could be received had been tendered.

I further stated that the subscribers to this stock and the people of Chicago understood fully that their Representatives in Congress had declared that Chicago stood ready to provide \$10,000,000 for the purpose of the proposed exposition if Congress should select Chicago as the place for such exposition.

I stated that with my associates, Messrs. Edwin Walker, Thomas B. Bryan, W. J. Onahan, and Otto Young, we represented the executive committee by whom we were appointed to confer with you. The executive committee is a large body embracing prominent men, subscribers to the stock, and has for its chairman Hon. D. C. Cregier, the mayor of Chicago.

I pledged to your committee that in addition to the \$5,000,000 stock the further sum of \$5,000,000 would be duly provided by the citizens of Chicago, and explained that our board of directors would increase the capital stock of the company to at least \$7,000,000. I declared that in the light of what had been done it was entirely reasonable to believe that one million of the two millions of stock could be readily placed; that if it should then appear inexpedient to make further effort in that direction that \$1,000,000 in bonds secured by a pledge of the corporation's assets and not receipts could be readily sold at par.

This I asked you to believe and act upon as a reasonable proposition, such a one as business men act upon in even the largest and most important affairs, and as to its entire feasibility the business judgment of my associates and myself stands pledged.

I have now the great satisfaction of knowing that pledges made by your committee have been fully indorsed by many representative citizens of our city.

The following is a copy of a telegram received on the day succeeding our interview:

"CHICAGO, March 7, 1890.

"LYMAN J. GAGE,

"Willard's Hotel, Washington, D. C.:

"We wish you continued success in Washington; we will stand by you and the committee in every way. Chicago will now, as in the past, prove equal to every emergency. You can count on our hearty support.

"S. W. Allerton, capitalist; John B. Drake, proprietor Grand Pacific Hotel; G. B. Shaw, president Merchant Loan and Trust Company; C. L. Hutchinson, president Corn Exchange National Bank; John C. Black, president Continental National Bank; J. W. Ellsworth; W. B. Hale, president Hale Elevator Company; Potter Palmer, proprietor Palmer House; R. T. Crane, president Crane Brothers Manufacturing Company; E. G. Keith, president Metropolitan National Bank; H. F. Eames, president Commercial National Bank; A. L. Patterson, Chicago Globe; W. J. Huiskamp; Chicago Times; J. J. P. O'Dell, president Union National Bank; Victor F. Lawson, Chicago News; E. St. John, vice-president Rock Island Railroad Company; Samuel M. Nickerson, president First National Bank; William T. Baker, president Chicago Board of Trade; William Penn Nixon, Chicago Inter-Ocean; John N. Clark, collector of customs; N. B. Ream, capitalist; O. W. Potter, president Illinois Steel Company; James W. Scott, Chicago Herald; H. H. Kohlsatt, capitalist; E. S. Pike, capitalist; C. R. Crane, Joseph Medill, Chicago Tribune; George Schneider, president National Bank of Illinois; Geo. R. Davis, county treasurer; A. F. Seeberger, wholesale hardware; Stuyvesant Fish, president Illinois Central Railroad Company; J. W. Doane, president Merchants' Loan and Trust Company; The Hibbard, Spencer & Bartlett Company."

It is proper to explain that a fairly full report of my statements and pledges were immediately wired by press correspondents and were published in the Chicago papers the morning of March 7. It is in the light of these facts and the information thus conveyed to the signers thereof that the telegram in question is to be construed as an indorsement of our proposition.

Inquired of as to our ability to provide for the exposition by May 1, 1892, our committee was a unit in declaring that we should meet the conditions of any bill which Congress should adopt on this point. We declared that our buildings could be built in a shorter period than would be required by the Government, should it construct a building of its own, or by the several States or by other nations in the preparation of their own special exhibits.

With this I beg to hand you a copy of the subscription list to the stock of the "World's Exposition of 1892," duly certified by Otto Young, chairman of the Chicago sub-finance committee, showing an aggregate of 2,556 names, and a total subscription of \$4,361,000. To this would be added, if its voluminous character did not forbid, the names of about 27,000 other subscribers, aggregating in their subscriptions \$860,670, or a total in all of \$5,221,670.

LYMAN J. GAGE,

Chairman of Finance and of Special Committee.

WASHINGTON, D. C., March 11, 1890.

#### APPENDIX II.

WASHINGTON, D. C., March 10, 1890.

DEAR SIR: At your request I have compiled a list of subscribers to the capital stock of the "World's Exposition of 1892," and have given you the individual names of such as have subscribed the sum of \$200 and over.

These amount to (see Exhibits A and B) \$4,361,000  
In addition to the above we have subscriptions of less than \$200 each to the amount of \$860,670

Total amount subscribed 5,221,670

For all the above subscriptions the signatures are in the rooms of the sub-finance committee. I know of many other subscriptions which have not been reported to me officially, and therefore can not be taken into consideration in this report.

Respectfully submitted,

OTTO YOUNG,

Chairman Sub-Finance Committee, World's Exposition of 1892.

Approved and submitted,

L. J. GAGE,

L. J. GAGE, Chairman Finance Committee, Chairman Finance Committee the World's Exposition of 1892.



## APPENDIX 1.

UNITED STATES SENATE, Washington, D. C., March 19, 1890.

DEAR SIR: I have examined the list of the subscriptions to the world's fair fund for Chicago, and desire to say to you that they are bona fide and will be paid.

Yours, very truly,  
Hon. J. W. Candler,  
Chairman World's Fair Committee.

C. B. FARWELL.

## APPENDIX 2.

## PARIS EXPOSITION.

[From Mr. Jeffery's report to the Chicago committee.]  
Legislation and official decrees.

November 8, 1884.—President Grévy issued a decree for a universal exposition to be held in 1889. This remained in abeyance by the Government until 1885.

July 6, 1885.—Act was passed by the Senate and Chamber of Deputies authorizing the exposition.

July 23, 1886.—President Grévy issued decree regulating the organization of the departments of the exposition.

August 25, 1886.—President Grévy issued decree making the exposition grounds a customs warehouse; articles for exhibition to be shipped direct to the grounds without custom-house examination.

August 26, 1886.—Decree issued fixing May 5 and October 31, 1889, as the opening and closing of the exposition.

January 6, 1888.—The minister of public works issued decree of general regulations affecting shipments to the exposition.

Early in 1887 foreign nations were invited to participate in the exposition.

## Construction of buildings, etc.

1886.—Invitations were extended to the French engineers and architects to submit competitive designs for general arrangement of buildings and grounds. Eighteen days only were allowed in which to prepare them. One hundred and seven designs were submitted.

August 2, 1886.—The engineering and architectural bureaux were organized and put to work.

Time occupied in preparing ground, laying the foundations, and constructing the buildings complete as follows: Machinery hall, fifteen months; central transept and grand dome, seven and one-half months.

Miscellaneous industries buildings, seven months; liberal arts palace, twenty months; fine arts palace, twenty months; total area of inclosed grounds, 238 acres; total area under roof, 7,530 acres.

Buildings all complete in November, 1888.

Cost exclusive of salaries of architects and draughtsmen of the three main structures, as follows:

Machinery hall.....	\$1,426,208.90
Miscellaneous industries buildings.....	1,027,295.97
Palaces of the fine and liberal arts.....	1,504,209.61

Total..... 3,957,714.48

The Eiffel tower was built as a private enterprise.

## Financial.

March 29, 1886.—Agreement made between representatives of the Government of France, the city of Paris, and the Guaranty Association for Contributions, as follows:

By the national Government.....	\$3,400,000
By the city of Paris.....	1,600,000
By the Guaranty Association.....	3,000,000

Total..... 8,000,000

This on the assumption that total expenses would not exceed \$8,000,000.

The Guaranty Association was composed of persons who within a specified time should subscribe to one or more shares of its capital stock. Par value of shares \$300, first payment \$10. No subscription received for less than \$200. Stockholders to share in the profits, if any, and be responsible only for amount of subscription.

March 29, 1886.—The foregoing agreement was modified by agreement (ratified by the Chambers) between the commissioner-general and the governor of the Crédit Foncier of France, the latter representing the trust companies, banking houses, and members of the Guaranty Association, providing that the Crédit Foncier should issue 1,200,000 bonds of \$5 each, with twenty-five coupon admission tickets attached.

The bonds to mature in 1964 without interest, and to participate in eighty-one lottery drawings, prizes of which were from \$5 each to one of \$100,000.

Within a few hours the whole loan was taken and \$5,000,000 became available at once.

Conferring [conformably?] to the agreement, this sum was disposed of as follows:

To refund to the Guaranty Association.....	\$3,800,000
For supplementary expenses of the exposition.....	700,000
For payment of lottery prizes.....	800,000
For redemption of bonds in 1964.....	900,000

Total..... 6,000,000

This increased the available cash resources of the exposition to \$9,300,000, and procured the sale at once of 30,000,000 admission tickets before the opening of the exposition.

## Resources.

By national Government.....	\$3,400,000
By city of Paris.....	1,600,000
From sale of bonds.....	4,300,000
From sale of concessions.....	400,000
From national exhibits.....	1,119,000
For two buildings and exhibits by city of Paris.....	177,440

Total from all sources..... 11,069,562

Estimated profit in national treasury to be divided between the nation and the city of Paris, \$1,600,000 to \$1,930,000.

## Miscellaneous.

Total admissions (estimated).....	28,000,000
Greatest admissions in one day.....	387,877
Smallest admissions in one day.....	36,322
Number of exhibits.....	36,000
Number of exhibit awards or prizes.....	34,800

About fifty countries were represented officially or semi-officially. The Argentine Republic had 32,292 square feet of space, had a special building, and appropriated \$1,000,000.

The Government of Mexico had 23,239 square feet of space, a special building, and appropriated \$1,200,000.

The United States had 113,000 square feet of space, no building, and appropriated \$250,000.

Estimated increase of receipts by railroads during the year, \$12,000,000.

## APPENDIX 3.

STATE DEPARTMENT, March 18, 1890.

Respectfully referred to Hon. J. W. Candler. His attention is especially asked to the details of Mr. Curtis's communication.

JAMES G. BLAINE.

WASHINGTON, D. C., March 18, 1890.

SIR: I have the honor to submit herewith a brief sketch of a plan for a historical collection to be exhibited at the proposed Columbian Exposition of 1892, and to respectfully request that you would forward the same to Hon. J. W. Candler, chairman of the special committee of the House of Representatives in charge of that subject.

As it is intended to commemorate the discovery of America and the noble purpose of such exhibitions is the education of the people, this fair should be distinctly American and display, so far as possible, objects of interest associated with the discovery and the results of his achievements.

It is proposed, through the good offices of the Department of State, to secure from Europe and South America a historical collection which shall be one of the chief features of the exposition and afterward be placed in the National Museum at Washington for the permanent benefit of the public. This collection is to illustrate the epoch of the discovery and the condition of the continent at the time Columbus first placed his foot upon American soil; and the plan is to secure:

1. A model of the house in which Columbus was born, with a collection of portraits of himself, his family, and as many as possible of the men who were associated with him and his discoveries, both his patrons and companions.

2. An illustration of the court of Ferdinand and Isabella, with life-sized figures properly costumed, portraits, and fac-similes of state papers relating to the first voyage and subsequent events in the life of the great discoverer.

3. A perfect reproduction of the caravel in which Columbus sailed, manned by Genoese sailors in the costume of the time, to be moored in or near the grounds of the exposition, the caravel to be equipped as nearly as possible as it was during the voyage, with originals or fac-similes of the compasses and other nautical instruments used by navigators at that age, together with the actual charts used by Columbus, if those can be obtained, and, if not, accurate reproductions.

4. A model in relief of the West India Islands and the north coast of South America, showing the routes of several voyages made by Columbus and the other early discoverers, with historical illustrations, models, relics, etc., of Amerigo Vesputi, Alonso de Ojeda, Nuñez de Balboa, and others.

5. Life-sized models of the natives of America at the time of the discovery, with a collection of objects showing their costumes, habits, customs, and manner of life.

6. The last days of Columbus, illustrated with models, portraits, a collection of the original of his papers, his last will and testament, his death and burial, and a model of his coffin and tomb.

7. The epoch of the Conquest, illustrated by models of the palace of Montezuma and his temples, with other objects, either original or accurate reproductions, showing the condition of the semi-civilized portions of the continent, their social, religious, and political organization; costumed figures of the Conquistadors, their armors, weapons, etc.

8. A similar illustration of the civilization of the Incas of Peru, with models of their palaces and temples, costumed figures, implements of household and military service, showing the social, religious, and political life, with costumed figures of Pizarro and his men.

9. Collections showing the development of the resources of the southern continent for four hundred years, and giving by object lessons the history of the Central and South American republics and their progress in civilization.

10. The epoch of the Revolution, illustrated by portraits, historical papers, and other objects, tracing the history of the struggle that resulted in the separation of the American colonies from the crown of Spain.

There are very large collections in Spain, Mexico, Peru, Chili, Colombia, and other countries, a great portion of which could easily be obtained, either in the original or accurate reproductions, at a moderate cost, and the whole arranged in chronological order would make a display of historic interest whose value can scarcely be overestimated. Many of these relics are held by the several governments in libraries and museums, and some in private collections. No attempt has ever been made to bring them together, but every American nation would appreciate the value of the collection and enter with enthusiasm into the effort to secure a complete and accurate display illustrative of the history of America. The papers of Columbus alone, if nothing else, should be collected for the National Museum of the United States. The originals of many and fac-similes of the remainder can easily be secured, and in Peru and Mexico priceless relics of prehistoric civilization can now be obtained which a few years hence will be beyond the reach of collectors.

This historical collection should be supplemented by a display showing the present condition of society and civilization in the other American republics: the manner of life and customs of the people, their style of living, their methods of agriculture and progress in the mechanical arts and the sciences, their distinctive national costumes, etc., to be illustrated by accurate types, from the ranchero of Mexico to the gaucho of the Argentine Republic. This would of itself be a most valuable and interesting collection, as each republic has its peculiarities and the native races furnish material of the most picturesque character, of which none but those who have traveled in Spanish America and Brazil have the slightest idea.

Thanking you for the kind invitation to submit my plans, I have the honor to be, your obedient servant,

WILLIAM E. CURTIS.

Hon. JAMES G. BLAINE,  
Secretary of State, Washington, D. C.

## APPENDIX 4.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington, D. C., March 13, 1890.

SIR: In reply to your communication of the 26th ultimo, requesting to be furnished with estimates of amounts required under House bill 6583 for the purpose of erecting buildings for the Government exhibits and the placing of such exhibits therein at the World's Fair at Chicago in 1892, and for their care and safe return, I have the honor to transmit herewith such estimates as have already been received from the various Departments and bureaus of the Government, as follows:

Department of State.....	\$30,000
Department of Justice.....	3,000
Commissioner of Fisheries.....	150,000
Life-Saving Service, including cost of life-saving station.....	15,000
Coast Survey.....	12,500
Bureau of Engraving and Printing.....	3,000
Smithsonian Institution.....	565,000

Respectfully, yours,

W. WINDOM, Secretary.

Hon. JOHN W. Candler,  
Chairman World's Fair Committee, House of Representatives.

## APPENDIX 5.

DEPARTMENT OF JUSTICE, Washington, D. C., March 7, 1890.

SIR: I have the honor to acknowledge the receipt of your request of the 1st instant for an estimate of the cost, including all expenses of preparation, transportation, etc., in connection therewith, of such an exhibit as should be made by the Department of Justice at the World's Fair in Chicago in 1892, and the amount of floor and wall space required for such an exhibit, and to say in reply thereto that a proper exhibit can be made for \$3,000, and that, subject to such modification as might be necessary on account of the shape of the space assigned to this Department or the construction of the building, this Department should have not less than 900 feet of floor space and 1,500 feet of wall space.

Very respectfully,

W. H. H. MILLER, Attorney-General.

The SECRETARY OF THE TREASURY.

## APPENDIX 6.

DEPARTMENT OF AGRICULTURE, OFFICE OF THE SECRETARY,  
Washington, D. C., March 13, 1890.

SIR: In connection with your reference of the letter of Hon. JOHN W. CANDLER, chairman of the World's Fair Committee of the House of Representatives, and in which reference you request me to furnish an estimate of the cost of placing, caring for, and returning such an exhibit as should be made by the Department of Agriculture at the forthcoming World's Fair, I have the honor to suggest that the sum of \$250,000 be estimated for the purposes of this Department, including cost of collecting, preparing, caring for, and returning said exhibit. The estimated space required by the several divisions of the Department for the proposed exhibit is 25,700 square feet of floor space. In addition to this I would estimate an outdoor space of some 3,000 square feet for the use of the horticultural and botanical divisions.

In this connection I will add that, while it is desirable that this Department shall co-operate with the other Executive Departments, as contemplated by the framers of the bill in the general plans of the exposition, it will, without doubt, be admitted by those who consider the magnitude of the contemplated agricultural display and its diversified character that a special building should be devoted to at least a portion of it, the grounds surrounding which may be utilized for the horticultural and botanical "outdoor" purposes. It is in view of the probability of such a conclusion and it is with a due appreciation of the magnitude of the undertaking that the above estimates for money and space are submitted.

Very respectfully,

J. M. RUSK, Secretary.

The SECRETARY OF THE TREASURY.

## APPENDIX 7.

[S. P. Langley, secretary; G. Brown Goode, assistant secretary, in charge of United States National Museum.]

SMITHSONIAN INSTITUTION,  
UNITED STATES NATIONAL MUSEUM,  
Washington, March 12, 1890.

SIR: I have before me the letter of Hon. J. W. CANDLER, chairman of the World's Fair Committee of the House of Representatives, dated February 26, with your indorsement of March 1, requesting me to furnish an estimate of the cost of placing, caring for, and return of such an exhibit as should in my judgment be made by the Smithsonian Institution and National Museum at the World's Fair at Chicago in 1892.

I wish to preface what I have to say with the remark that the estimates for space and cost have been carefully made by experts who have participated in all of the great expositions of the past sixteen years. The Smithsonian museum is the one bureau of the Government whose special function is that of exhibition, and its officers are prepared to say with great exactness what can be done with any specified sum. The estimates have not been made with a view to possible reduction, but represent the minimum sum with which a display suitable for the place and occasion can be prepared within the time of opening.

I wish also to call attention to the fact that in the fourteen years which have elapsed since the Philadelphia exhibition the standards of exhibition work have completely changed, and the display of the Government Departments at Philadelphia, which was admirable for the time and thoroughly satisfactory to all visitors, would fall far below the expectations of the present.

As a more specific illustration of my meaning, I will cite the Fisheries Exposition in 1890, which excited so much admiration abroad as to form a kind of epoch in the history of such undertakings. I am assured by the gentleman in charge of that display, and to whom its exceptional success was mainly due, that in the London exhibition of 1883, after a lapse of only three years, the standard of what was expected to be reached had been so raised that had the United States repeated the display (which was so unrivaled in Berlin) it would not have stood higher than tenth among the competing national exhibits on that occasion.

The standard of excellence has recently been still further advanced by the Paris exposition of 1889, for which the resources of the French Government and the ingenuity and talent of the people were severely taxed during a five-years period of preparation.

Past experience seems, therefore, inapplicable to present circumstances, and I can only say that in view of the limited time and the great expectations which are entertained in connection with the Chicago exhibition the expense must necessarily be greater than on similar occasions in the past.

In 1876 there was practically no National Museum, and the display made at that time by the Smithsonian Institution, covering about 25,000 square feet of floor space, was of a kind which most of the visitors had never seen. In 1892, when the national collections in Washington cover about 125,000 square feet, and are sufficiently extensive to require the immediate addition of at least 105,000 additional square feet, it would seem that the area required in a great international exhibition should be at least three times as much as in 1876, and that the cost of preparation would be proportionately greater in relation to the floor space occupied.

That this must necessarily be so is indicated by our experience at the Cincinnati exhibition, where the proportionate cost was \$6.25 per foot, while at Philadelphia it was approximately \$3.75.

Keeping these things in mind, and also the undoubted fact that the time for preparation will be, at most, inadequately brief, I feel that I must name a sum out of proportion to previous expenditures in earlier and smaller Government expositions. The insuring of a successful exhibit on the part of the Smithsonian Institution has not been considered in making our estimates so much as the desire for a reasonable guaranty against failure.

I note with much satisfaction that the resolution of the House committee does not by its wording indicate a disposition to prevent the acquisition of new specimens by purchase and otherwise. In 1876 a large amount of material was obtained which after exhibition in Philadelphia was returned to Washington, becoming the permanent property of the people and the nucleus of the great collections now in the Museum building, and the same usage prevailed at the New Orleans exposition in 1885.

In 1888, however, on the occasion of the Cincinnati exposition, the rulings of the Treasury were quite at variance with those on previous occasions, and it was decided by the special auditor in charge of the accounts that no new objects could be obtained except such as might be necessary to "complete series" already in the Museum. This ruling was far from being in the interest of economy, and its enforcement interfered sadly with the success of our participation in the Cincinnati exhibition.

If the Smithsonian Institution should be instructed to participate in the exhibition at Chicago, it will undoubtedly be necessary to obtain large quantities of new material, which must be either purchased, collected in the field, or in the case of the models and other similar preparations, which are most effective on such occasions, made in the workshops of the Museum.

The exhibition of such new material will be more essential on this occasion than hitherto for two principal reasons:

1. That at a time when the Capital will be an especial object of interest for foreign visitors it will be undesirable to denude its walls of any large number of the objects now on exhibition.

2. That many of the most attractive objects have already been shown at expositions in Philadelphia, Cincinnati, Louisville, and elsewhere, and the public visiting the Chicago exhibition would not be satisfied to look at them again.

In planning for the proposed exhibition, those departments would be selected in which it would seem possible, within the brief time available, to make the most imposing and instructive displays, and in which it is believed that results can be produced which would not be discreditably even in comparison with the Paris exposition. I will mention some of the directions in which satisfactory results may undoubtedly be secured.

1. The Smithsonian Institution should exhibit its own history, condition, and functions, and the general results of its operations during its forty-six years of existence, including its publications, explorations, and researches, twenty-five year period of meteorological observations, etc. It may also, with propriety undertake to set forth the history of American science and exploration from the time of the discovery of the Continent to the present day, and the activities of the numerous scientific institutions and societies of the United States, the progress of scientific exploration by the Government of the United States, and by individuals and foreign governments in all parts of the American Continent, together with a collection of portraits of representative scientific men of the world, so far as they have been associated with the development of scientific thought in America.

2. The National Museum, as on previous occasions, would undertake to illustrate the natural resources of the United States and their utilization, so far as this subject was not undertaken by other departments.

In this connection especial attention should be given to the animal resources of the continent. It would be desirable to show large groups, mounted by the best methods of modern taxidermy, of the various quadrupeds of America which are fast approaching extermination: buffalo, elk, moose, musk ox, caribou, mountain goat, mountain sheep, the five species of deer and beaver, the walrus, the fur seal, the sea elephant, and others equally interesting and equally liable to extinction, though not so large, indeed, every species of American animal, bird, reptile, or invertebrates which is of sufficient importance to man, at least so far as they are of sufficient interest to mankind to have been designated by popular names.

In this connection may be represented also all methods of hunting employed in America, especially by uncivilized man. Supplementing the whole, a display of the various products of the animal kingdom used by man in his arts and industries. This is a subject which has not yet been adequately worked out in this country, but to which the Bethnal Green Museum in London, one of the most interesting places of public instruction in the world, is very largely devoted.

The industrial resources derived from the vegetable and mineral kingdoms may also with propriety be shown, except so far as these subjects may be taken up respectively by the Department of Agriculture and the Geological Survey.

In connection with the anthropological departments of the Museum, an attempt should be made to show the physical and other characteristics of the principal races of man, and the early stages of the history of civilization as shown by the evolution of certain selected primitive arts and industries. Here might properly be presented a considerable number of models of habitations and of costumed figures. Nothing was so popular and effective in the recent Paris exposition as displays of this character, and the resources of the National Museum workshops for doing work of this kind are probably better than are to be found elsewhere in America. In the case of certain selected arts and industries, it might be well to show quite a large group of specimens and to show their development from their beginning to the most advanced stages of the present time.

Among those best suited for this treatment would be the history of transportation by land and water. A floor-space of 5,000 feet might well be occupied by this subject, which forms so important a part of the history of civilization. Every mode of transportation known to man may be shown by originals, drawings, and models. A large amount of material in this direction is already in our possession, and much more is easily accessible. The economical industries, including an exhibition of the chemical elements and all their principal combinations; the methods of manufacture of all substances produced by the applications of chemistry and their utilization in the arts and industries. The history of music and musical instruments. The history and methods of printing and book-making. The history of the development of instruments of precision. The history and methods of photography and the graphic arts; the fine arts and the application of the arts of design to industrial arts and manufacture.

3. As a special subject, the archaeology of America, to constitute the exhibit of the Bureau of Ethnology. This will include illustrations of the mounds and ruins of the ancient Pueblos, the cliff ruins of the cave lodgers of the Pueblo regions, the shell mounds of the Pacific, and also the archaeology of the Atlantic Slope and the culture of the Alaskan Indians; all these subjects to be shown by means of models, photographs, drawings, and maps, and collections of the objects of art characteristic of each of these types of civilization, together with a representation of the work and methods of the bureau by means of its publications.

A portion of the material for such an exhibit has already been collected and is now in possession of the bureau or of the National Museum, but a portion to illustrate special features is still to be gathered.

For the proper exhibition of the material, it is estimated that 15,000 square feet of floor surface will be required and 5,000 square feet of wall and window space. The estimate for floor surface includes all necessary allowance for aisles and passages.

To make such supplementary collections as are necessary, to make maps, charts, models, photographs, and transparencies, to transport the material and install it in Chicago, including cost of cases and expense of mounting and labeling specimens, to prepare a catalogue, to care for the exhibit while in Chicago, and finally to transport it to the National Museum at Washington, it is estimated that \$160,000 will be required.

I have prepared a detailed estimate of the exhibits under each of these heads, as to space and cost. These are at your disposition, but are not given here. From these estimates the following more general ones have been derived:

The amount of space required will not be less than 80,000 square feet, which would be equivalent to 60,000 square feet exclusive of the space reserved for main passage aisles through the building. This is in addition to the 15,000 feet for the Bureau of Ethnology, and is less than three times what was assigned to the



Smithsonian Institution and the National Museum at the Philadelphia and New Orleans exhibitions. At the fishery exhibition in 1883 nearly half this amount of space was occupied by the display of the American fisheries alone, and the success of the installation on this occasion was largely due to the fact that the exhibits were not unduly crowded together.

The total amount of money required for the Smithsonian and the Museum exhibits, but exclusive of the special display of the Bureau of Ethnology, I estimate at \$425,000, and in making this estimate I have taken into consideration the probable cost of each department of the work, and have arrived at the total by adding these amounts together. I do not know that a detailed statement is desired, but one can be supplied as soon as it is called for.

These estimates are based not only on the experience of the Museum at Philadelphia, New Orleans, Cincinnati, Minneapolis, and other American fairs, but also at the fishery exhibitions in Berlin and London, which, though not nominally connected with the Smithsonian Institution, were practically so, the Commissioner of Fisheries being at that time the Secretary of this Institution and the officer in immediate charge of its present assistant secretary, while very many of the workers were temporarily transferred from the Museum staff.

As I have already indicated, the cost of the earlier exhibitions was \$3.50 to \$5 per foot of floor space, but there are two important considerations which forbid us to expect that equally satisfactory results can now be accomplished at a proportionate cost. The first of these is the very obvious one of an enhanced scale of general prices in all directions, especially in that of labor. The second, that most of these exhibitions had been looked for long in advance and prepared with deliberate economy; while in the present case, if preparation could be begun to-morrow, the time would still be too short, and it will consequently be impossible to avoid such partial waste as always accompanies hurried action.

In conclusion, I desire to say that participation in such exhibitions is one of the greatest obstacles to the development of the National Museum, and inflicts immediate injury to its collections far greater than the mere damage of transportation to and fro. It is to be hoped, then, that Congress in estimating the cost will keep in mind the importance of replacing the collections in Washington in as favorable condition as if the interruption to the work had not occurred. On such occasions the mere absence of a large number of the responsible employees and the necessary temporary suspension of most of the ordinary activities of the museum would be nearly as grave an injury as the closing of its doors during the whole period.

For this there is no compensation, except in the increase in the collections which may result, and this is by no means an unmixed benefit since many of the objects added to the collection at such a time, however effective they may be in a temporary exhibition, seem crude and incongruous in a permanent museum.

Such considerations as these may, it seems to me, be kept prominently in mind in making an estimate of the amount required for such a participation in a great exhibition as may leave the permanent progress of the National Museum unimpaired.

I am, sir, your obedient servant,

S. P. LANGLEY, Secretary.

The SECRETARY OF THE TREASURY.

#### APPENDIX 8.

UNITED STATES COMMISSION OF FISH AND FISHERIES,  
Washington, D. C., March 11, 1890.

SIR: In compliance with your request, I have the honor to transmit herewith an estimate of the cost of preparing, placing, caring for, and returning such an exhibit of the fisheries and fishery resources of the United States as should, in my judgment, be made at the World's Fair at Chicago in 1892.

Such an exhibit should not only be an exposition of our fishery resources and of the present conditions, methods, and results of the fisheries, but should also show the origin, progress, present conditions, methods, and results of the inquiry in regard to food-fishes and the fishing-grounds, an inquiry which has been most fruitful in results, economical as well as scientific, and which has served as a model, a stimulus, and an inspiration to other nations seeking the best means for the utilization of the resources of their waters.

The exhibit should show also the beginning and progress, as well as the present conditions, of the commercial fisheries, the development of methods, apparatus, vessels, and boats to meet the exigencies arising from time to time.

It should show the origin and development of public fish-culture in the United States and the present conditions, methods, and results of the work of the United States Fish Commission.

The exhibit in its essential features would illustrate an industrial and economic evolution probably as distinctively characteristic of the genius of our people as is the evolution of our social and political institutions.

An adequate exhibit, worthy of the occasion and of this great nation, would require the expenditure of not less than \$150,000 and would require for effective display a floor space of 40,000 square feet, distributed as follows:

	Square feet.
Objects of the fisheries.....	6,000
The fishing grounds, the vessels, apparatus, methods and results of the inquiry in regard to food-fishes.....	5,000
History, development, methods, apparatus, vessels, production, and statistics of the fisheries.....	20,000
Fish-culture, propagation, distribution, methods, apparatus, vessels, hatcheries, and statistics.....	5,000
Aquaria; salt and fresh water.....	4,000
Total.....	40,000

I regret that I have been delayed in furnishing the information asked for, but before making even approximate estimates I have found it necessary to consider the scope and arrangement of such an exhibit as would be required, and this has taken some time and labor.

Very respectfully,

M. McDONALD, Commissioner.

The SECRETARY OF THE TREASURY.

#### APPENDIX 9.

UNITED STATES COAST AND GEODETIC SURVEY OFFICE,  
Washington, March 4, 1890.

SIR: I have the honor to acknowledge the receipt of a copy of a letter of February 26, addressed to you by Hon. JOHN W. CANDLEY, M. C., chairman of the World's Fair Committee, House of Representatives, requesting you to transmit estimates to cover expenses from all branches of the Government which may take part in the exhibition at Chicago in 1892, and referred to this office with your indorsement of March 1 instant, requesting an estimate of the cost of placing, caring for, and return, and also an estimate of floor space required by such an exhibit as it may be deemed advisable to make on the part of the Coast and Geodetic Survey at that exhibition.

In conformity with your request, I beg to state that it is estimated that the amount of \$12,500 will be required to cover the cost of preparing, transporting, and caring for an adequate exhibit of the instruments, apparatus, publications,

etc., of the Coast and Geodetic Survey at the Chicago exposition, and that such exhibit will require a floor space of 100 by 50 feet, or 5,000 square feet.

Very respectfully,

J. C. MENDENHALL, Superintendent.

The SECRETARY OF THE TREASURY.

#### APPENDIX 10.

TREASURY DEPARTMENT,  
BUREAU OF ENGRAVING AND PRINTING, March 8, 1890.

SIR: I am in receipt of a copy of a letter of Hon. JOHN W. CANDLEY, chairman World's Fair Committee, House of Representatives, referred by you to me under date of the 1st instant, with the request that the Department be furnished with an estimate of the cost of placing, caring for, and return of such an exhibit as should be made by the Bureau of Engraving and Printing at the World's Fair in Chicago in 1892, and also an estimate of the floor and wall space required for said exhibit.

In reply I have the honor to state that in my judgment this bureau should make as complete and beautiful an exhibit of the engravings and securities executed by it as possible, and to do this will require the sum of \$3,000. This amount will include the cost of preparing, placing, caring for, forwarding, and return of the exhibit. The exhibit which it is proposed to prepare will not need any wall space, but a floor space of 18 by 40 feet will be required.

Respectfully, yours,

WM. M. MEREDITH, Chief of Bureau.

The SECRETARY OF THE TREASURY.

#### APPENDIX 11.

TREASURY DEPARTMENT,  
OFFICE OF GENERAL SUPERINTENDENT  
UNITED STATES LIFE-SAVING SERVICE,  
Washington, D. C., March 11, 1890.

SIR: In reply to your request of the 1st instant for an estimate of the cost of placing, caring for, and returning such an exhibit of the Life-Saving Service at the World's Fair in Chicago in 1892 as in my judgment should be made, I have the honor to state that, according to the best estimate I can make, \$18,500 will be required for the purpose. This amount includes the sum of \$6,000 for the erection of a life-saving station building after the plans and specifications of one of our most approved stations and \$5,000 for pay of a keeper and crew, both of which items are necessary to make a satisfactory exhibit. I have omitted an estimate of floor and wall space, as the building would afford all that is necessary.

Respectfully, yours,

S. J. KIMBALL, General Superintendent.

The SECRETARY OF THE TREASURY.

#### WOMAN'S NATIONAL ASSOCIATION.

Mr. KERR, of Pennsylvania. I ask, by unanimous consent, that a letter which I have received from the president of the Woman's National Indian Association be printed in the RECORD, and referred to the Committee on Indian Affairs.

There was no objection, and it was ordered accordingly.

The letter is as follows:

249 NORTH EIGHTEENTH STREET, PHILADELPHIA, March 13, 1890.

DEAR SIR: Will you kindly permit me to say a word from my position as president of the Woman's National Indian Association, regarding the proposed removal of the Utes? I beg for the aid which I know you can bring to bear against that, as it seems to me, unjust and unwise measure. The worded argument pleads for the Utes' own good that they be removed to a mountain desert, where their home will not be coveted, where they will be at peace, and where they will have game for food, and thus be under no necessity of plowing. This is precisely what the friends of humanity do not want for any people, since it means simply continued barbarism, ignorance, helplessness, the utter absence of all progress, and thus a menace to their white neighbors wherever they are. In their present home there is enough good farming land on which to settle them all, leaving some surplus to be sold to white men, and Government competes faithfully carried out will lift them into civilization and citizenship, as has been done with other tribes.

So at least it seems to us women, who have for ten years done all we can for thus solving the Indian problem by civilizing and rendering self-supporting Indian savages.

May we not look to you, as a member from our State, as our ally and champion for this, as it seems to us, righteous object?

Believe me, yours most respectfully,

Mrs. AMELIA S. QUINTERS.

Hon. JAMES KERR.

#### MESSAGE FROM THE SENATE—URGENT DEFICIENCY BILL.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage of a bill (H. R. 7496) "to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1890," with amendments in which the concurrence of the House was requested.

Mr. HENDERSON, of Iowa. Mr. Speaker, I ask unanimous consent that the bill and amendments be ordered to be printed, and referred to the Committee on Appropriations.

There was no objection, and it was so ordered.

#### ENROLLED BILL SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. 1332) granting to the city of Colorado Springs, in the State of Colorado, certain lands therein described, for water reservoirs; when the Speaker signed the same.

And then, on motion of Mr. CRISP (at 4 o'clock and 24 minutes p. m.), the House adjourned.

#### EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred, as follows:

##### ZUNI INDIAN AGENCY, NEW MEXICO.

Letter from the Secretary of the Treasury, transmitting estimates of appropriations from the Secretary of the Interior for support of In-

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dians and pay of agent at the Zuni agency, New Mexico—to the Committee on Indian Affairs.

#### INDIAN SCHOOL, CARLISLE, PA.

Letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior for buildings for the Indian school, Carlisle, Pa.—to the Committee on Indian Affairs.

#### SURVEYING SIOUX RESERVATIONS.

Letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior for expenses of surveying the Sioux reservations—to the Committee on Indian Affairs.

#### COMMISSION TO NEGOTIATE WITH UTE OF SOUTHERN COLORADO.

Letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior to supply a deficiency in the appropriation for the Southern Ute Commission—to the Committee on Appropriations.

#### WASHINGTON AQUEDUCT TUNNEL.

Letter from the Secretary of War, replying to the resolution of the House of the 10th instant, relative to the Washington Aqueduct tunnel, the liabilities of certain contractors engaged in the construction thereof, and the action of the Department in relation thereto—to the Committee on Appropriations.

#### FLOODS IN THE MISSISSIPPI RIVER.

Letter from the Secretary of War, transmitting in response to so much of the resolution of the House of the 15th instant in regard to floods on the Mississippi as requests the Secretary to report "if there is reason to apprehend unusual danger to human life," a report from the Chief Signal Officer, and in regard to other matters contained in the resolution promising further report—to the Committee on Rivers and Harbors.

#### OLIVER W. THURMAN VS. UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Oliver W. Thurman against The United States—to the Committee on War Claims.

#### REPORT OF TREASURER WASHINGTON AND GEORGETOWN RAILWAY.

Letter from the president of the Washington and Georgetown Railroad Company, transmitting the treasurer's annual report of the receipts and disbursements of said company for the fiscal year ending December 31, 1889; also, a statement in detail of the expenditures made on account of the construction of the Seventh street cable road to the 31st day of December, 1889, and balance sheet January 1, 1890—to the Committee on the District of Columbia.

#### REPAIRS UPON GOVERNMENT BUILDING AT SITKA.

Letter from the Attorney-General of the United States, transmitting a copy of a letter from the United States marshal for Alaska, making estimate of the cost of repairs upon the Government building at Sitka, with accompanying papers—to the Committee on Appropriations.

#### SALARIES OF CLERKS ADJUSTING ACCOUNTS OF SOLDIERS' HOME.

Letter from the Secretary of the Treasury, transmitting a letter from the Second Comptroller recommending an increase in the salaries of clerks in his office engaged in adjusting accounts of the Soldiers' Home—to the Committee on Appropriations.

#### GOVERNMENT OWNERSHIP OF SECURITIES OF PACIFIC RAILROADS.

Letter from the Secretary of the Treasury, transmitting a reply to the resolution of the House of the 15th instant inquiring whether the Government is the owner of any of the first-mortgage securities of any of the Pacific railroads that were aided by the Government, etc.—to the Committee on the Pacific Railroads.

#### EXPENSES OF THE COLLECTION OF REVENUE.

Letter from the Secretary of the Treasury, transmitting an estimate of the expenses of collecting the revenue from customs for the fiscal year ending June 30, 1891, showing the number of employes and the salaries required for each collection district—to the Committee on Appropriations.

#### MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following memorials and resolutions were delivered to the Speaker and referred as follows:

By Mr. WILSON, of Washington: Memorial from the Legislature of the State of Washington, relative to light-house on San Juan Passage—to the Committee on Commerce.

Also, memorial from the Legislature of the State of Washington, relative to a light-house and fog-signal at Clallam Head—to the Committee on Commerce.

Also, memorial from the Legislature of the State of Washington, requesting that the surviving soldiers of the Indian war be granted lands in the State of Washington—to the Committee on the Public Lands.

Also, memorial from the Legislature of the State of Washington, relative to the improvement of the Columbia River—to the Committee on Rivers and Harbors.

Also, memorial from the Legislature of the State of Washington, relative to the improvement of the Upper Columbia—to the Committee on Rivers and Harbors.

Also, memorial from the Legislature of the State of Washington, relative to an appropriation for public surveys—to the Committee on Appropriations.

Also, memorial from the Legislature of the State of Washington, relative to the improvement of the Cowlitz River—to the Committee on Rivers and Harbors.

#### RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was delivered to the Speaker and referred as follows:

By Mr. CANDLER, of Massachusetts:

Resolved, That Tuesday, March 25, immediately after the approval of the Journal, be set apart for the consideration in the House of the bill (H. R. 8393) "to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus by holding an international exhibition of arts, industries, manufactures, and the product of the soil, mine, and sea in the city of Chicago, in the State of Illinois;" and that, unless previously ordered by the House, the previous question shall be deemed ordered on the engrossment, third reading, and final passage of the bill at 4 o'clock p.m. of that day;

to the Committee on Rules.

By Mr. SPRINGER:

Resolved, That Wednesday, March 25 next, after sixty minutes of the morning hour shall have passed, the House will take up and consider in the House the several bills providing for the admission of Wyoming, Idaho, New Mexico, and Arizona as States into the Union in the order named, and that this order shall continue from day to day thereafter until all such bills shall have consideration and final action. This order, however, shall not interfere with revenue or appropriation bills, but when entered upon it shall not be interfered with by other business until all of such bills are finally disposed of by the House, and at least one day shall be allowed for the consideration of each bill;

to the Committee on Rules.

#### REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, the following reports were filed, and, with accompanying bills, ordered to be printed, and referred as follows:

Mr. TAYLOR, of Tennessee, from the Committee on War Claims, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 6599) for the relief of George Turner;

A bill (H. R. 2373) for the relief of Eva Moore, Henry Carlton, and Maud Carlton, children of General James H. Carlton;

A bill (H. R. 6019) for the relief of Luther M. Blockman;

A bill (S. 150) for the relief of William Clift; and

A bill (S. 292) for the relief of C. M. Shaffer.

Mr. TAYLOR, of Tennessee, also, from the Committee on War Claims, reported with amendment the bill (H. R. 6018) for the relief of Thomas B. McElwee—to the Committee of the Whole House.

Mr. SIMONDS, from the Committee on War Claims, reported favorably the bill (S. 181) for the relief of the estate of Thomas Niles, deceased—to the Committee of the Whole House.

Mr. THOMAS, from the Committee on War Claims, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 7472) for the relief of Robert Travila, for the loss of carbine in late war; and

A bill (S. 862) for the relief of John W. Gummo.

Mr. THOMAS also, from the Committee on War Claims, reported favorably the following bills; which were severally referred to the Committee of the Whole House on the state of the Union:

A bill (S. 288) to refund to the State of West Virginia the money paid to officers of the One hundred and thirty-third Regiment West Virginia Militia for services rendered during the rebellion; and

A bill (S. 84) to authorize the Secretary of War to issue ordnance and ordnance stores to the State of Washington in payment for ordnance and ordnance stores borrowed by the State of Oregon of said State whilst a Territory, during the Nez Percé Indian war of 1877 and 1878, and for other purposes.

Mr. THOMAS also, from the Committee on War Claims, reported, as a substitute for the bill (H. R. 7242) for the relief of William D. Matthews, a bill (H. R. 8392) for the relief of William D. Matthews; which substitute was read twice, and referred to the Committee of the Whole House.

Mr. CANDLER, of Massachusetts, from the Select Committee on the World's Fair, reported, as a substitute for the bill (H. R. 6883) to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus by holding an international exhibition of arts, industries, manufactures, and the product of the soil, mine, and sea in the city of — in the year 1893, a bill (H. R. 8393) to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus by holding an international exhibition of arts, industries, manufactures, and the product of the soil, mine, and sea in the city of Chicago, in the State of Illinois; which substitute was read twice, and referred to the Committee of the Whole House on the state of the Union.



Mr. TURNER, of Georgia, from the Committee on Commerce, reported with amendment the bill (H. R. 5729) to authorize the construction of a bridge across the Oconee River, in the State of Georgia—to the House Calendar.

Mr. OSBORNE, from the Committee on Military Affairs, reported favorably the bill (H. R. 5323) to authorize the President to restore Tenedor Ten Eyck to his former rank in the Army, and to place him on the retired-list of Army officers—to the Committee of the Whole House.

Mr. ENLOE, from the Committee on War Claims, reported favorably the bill (H. R. 2150) for the relief of W. B. Morrow—to the Committee of the Whole House.

Mr. BURTON, from the Committee on War Claims, reported with amendment the bill (H. R. 2238) for the relief of Robert Woodbridge—to the Committee of the Whole House.

Mr. LIND, from the Committee on Commerce, reported with amendment the bill (H. R. 7164) to amend and continue in force "An act to authorize the construction of a bridge across the Missouri River at Forest City, S. Dak., by the Forest City and Watertown Railway Company," approved August 6, 1888—to the House Calendar.

Mr. ROBERTSON, from the Committee on Military Affairs, reported favorably the bill (H. R. 2322) to amend and correct the military record of Frank M. Vowels and readjust his accounts for pay—to the Committee of the Whole House.

Mr. OSBORNE, from the Committee on Military Affairs, reported with amendment the joint resolution (H. Res. 55) directing the names of sharpshooters and Military Service Institution medalists shall be inscribed in the Army Register, and authorizing the wearing of their decorations by such medalists—to the Committee of the Whole House.

Mr. BURTON, from the Committee on Claims, reported favorably the bill (S. 237) for the relief of Maj. William M. Maynadier, a paymaster in the United States Army—to the Committee of the Whole House.

Mr. WHEELER, of Alabama, from the Committee on Military Affairs, reported with amendment the bill (H. R. 7990) to amend Rules and Articles of War 79 and 90, and to improve the administration of justice in the Army—to the House Calendar.

Mr. QUACKENBUSH, from the Committee on Public Buildings and Grounds, reported with amendment the bill (S. 1306) for the erection of a public building at Hudson, N. Y.—to the Committee of the Whole House on the state of the Union.

#### BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a joint resolution of the following titles were delivered to the Speaker, severally read twice, and referred as follows:

By Mr. CUTCHEON: A bill (H. R. 8394) to amend chapter 67, volume 23, of the Statutes at Large of the United States—to the Committee on Military Affairs.

By Mr. RAY: A bill (H. R. 8395) for the improvement of the Youghiogney River between McKeesport and Connellsville, Pa.—to the Committee on Rivers and Harbors.

By Mr. O'NEILL, of Pennsylvania: A bill (H. R. 8396) to fix the compensation of the supervising special agent of the Treasury Department—to the Committee on Expenditures in the Treasury Department.

By Mr. VANDEVER: A bill (H. R. 8397) to authorize an investigation of insect and other pests and diseases that assail fruits and vines, to ascertain remedies, and for other purposes—to the Committee on Agriculture.

By Mr. DAVIDSON: A bill (H. R. 8398) to provide an American register for the wrecking and towing steamer Scythian, of Pensacola, Fla.—to the Committee on Merchant Marine and Fisheries.

By Mr. WHEELER, of Alabama: A bill (H. R. 8399) to increase the efficiency of the Army and militia—to the Committee on Military Affairs.

By Mr. BURTON: A bill (H. R. 8400) to provide for the lighting of St. Mary's River—to the Committee on Commerce.

By Mr. HOUK: A joint resolution (H. Res. 129) to arbitrate and settle the questions at issue between the District of Columbia and Samuel Strong—to the Committee on the District of Columbia.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were delivered to the Clerk and referred as follows:

By Mr. BOUTELLE (by request of Mr. REED, of Maine): A bill (H. R. 8401) to relieve James E. Traffen from the charge of desertion—to the Committee on Naval Affairs.

By Mr. BRECKINRIDGE, of Kentucky: A bill (H. R. 8402) for the relief of William Millican—to the Committee on Military Affairs.

By Mr. THOMAS M. BROWNE: A bill (H. R. 8403) granting a pension to Elvira Macy—to the Committee on Invalid Pensions.

By Mr. BUTTERWORTH: A bill (H. R. 8404) for the relief of Barbara Berger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8405) to relieve George Easton from the charge of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 8406) for the relief of Peter Eichels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8407) to compensate Enoch Jacobs for services rendered to the Department of State—to the Committee on Claims.

Also, a bill (H. R. 8408) granting a pension to Eleanor Junkin Francis, child of Capt. John Junkin—to the Committee on Pensions. Also, a bill (H. R. 8409) granting a pension to Andrew Kummer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8410) granting a pension to Jacob Wittenback—to the Committee on Invalid Pensions.

By Mr. CARUTH: A bill (H. R. 8411) to pension Margaret Figg—to the Committee on Invalid Pensions.

By Mr. CATCHINGS: A bill (H. R. 8412) for the relief of Alfred Smith—to the Committee on War Claims.

By Mr. CUMMINGS: A bill (H. R. 8413) authorizing the President to appoint and retire Edward W. Serrell with the rank and grade of colonel—to the Committee on Military Affairs.

By Mr. ELLIS: A bill (H. R. 8414) for the relief of Margaret J. Bailey—to the Committee on War Claims.

By Mr. FITHIAN: A bill (H. R. 8415) placing Joseph B. Berry on the pension-rolls as a second lieutenant—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 8416) granting a pension to Ellen Breen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8417) granting a pension to Peter Devlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8418) granting a pension to Huldah A. Dow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8419) granting a pension to Hannah English—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8420) granting a pension to Thomas Fagan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8421) granting a pension to William H. Terry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8422) granting a pension to Rudolph Morand—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8423) granting a pension to Ernst Mueller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8424) granting a pension to Patrick O'Keefe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8425) granting a pension to John Schebler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8426) granting a pension to George R. Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8427) granting a pension to John W. Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8428) granting a pension to Joseph H. Welty—to the Committee on Invalid Pensions.

By Mr. LAWS (by request): A bill (H. R. 8429) to increase the pension of William P. Squire—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 8430) granting an increase of pension to Julia H. Totten, widow of James Totten, late a brigadier-general United States Volunteers—to the Committee on Invalid Pensions.

By Mr. MILES: A bill (H. R. 8431) granting a pension to Sarah Ann Noe—to the Committee on Invalid Pensions.

By Mr. RAY: A bill (H. R. 8432) granting a pension to Mary Henderson—to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 8433) granting a pension to Ebenezer Beebe—to the Committee on Invalid Pensions.

By Mr. SHIVELY: A bill (H. R. 8434) granting a pension to Charity A. Carey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8435) for the relief of the heirs of Dr. John H. Long—to the Committee on Claims.

Also, a bill (H. R. 8436) granting a pension to James M. Wallace—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 8437) for the relief of J. B. Groom—to the Committee on War Claims.

By Mr. STRUBLE: A bill (H. R. 8438) granting a pension to Esther Walker, formerly Esther Dayton, a nurse in the late war—to the Committee on Invalid Pensions.

By Mr. WHITING: A bill (H. R. 8439) for the relief of the minor children of the late Charles R. Clements—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8440) granting a pension to Mrs. Henrietta M. Gregg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8441) for the relief of John B. Hinks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8442) granting a pension to Joseph Wilt, of Yale, Mich.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8443) for the relief of Jesse C. Myers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8444) granting muster and pay and allowance of captain of cavalry to Michael Sheehy from June 13, 1864, to March 25, 1866—to the Committee on Military Affairs.

Also, a bill (H. R. 8445) granting a pension to Solomon Smith—to the Committee on Invalid Pensions.

By Mr. YODER: A bill (H. R. 8446) to increase the pension of Edward Healy—to the Committee on Invalid Pensions.

By Mr. LA FOLLETTE: A joint resolution (H. Res. 130) authorizing George H. Scidmore, vice-consul-general of the United States at Kanagawa, Japan, to accept and wear a medal conferred upon him by the Emperor of Japan—to the Committee on Foreign Affairs.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following change of reference was made:

A bill (H. R. 4782) for the relief of the legal representatives of Samuel Noble—Committee on the Judiciary discharged, and referred to the Committee on War Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were delivered to the Clerk and referred as follows:

By Mr. BLISS: Petition of C. C. Ellsworth and 237 others, citizens of Greenville, Mich., praying passage of the per diem pension bill—to the Committee on Invalid Pensions.

Also, petition of Caroline Schmelyer, for pension—to the Committee on Invalid Pensions.

By Mr. BROSIUS (by request): Petition of Bricklayers and Masons' International Union of America, relating to the employment of citizens of the United States in the erection of public buildings—to the Committee on Public Buildings and Grounds.

By Mr. CALDWELL: Petition of Subordinate Union No. 1, Cincinnati, Ohio, of the Bricklayers and Masons' International Union of America, for the passage of laws securing to citizens of the United States the right to labor on public works in preference to aliens—to the Committee on Public Buildings and Grounds.

By Mr. CLARK, of Wisconsin: Petition of the officers of the Appleton Turnverein and of 900 citizens of the city of Appleton, Wis., protesting against any material change in immigration and naturalization laws—to the Committee on Immigration and Naturalization.

By Mr. CONGER: Concurrent resolution of the Iowa Legislature for the passage of a pure-lard bill—to the Committee on Agriculture.

Also, protest of 150 citizens of the Seventh Congressional district of Iowa, members of Des Moines Turner Society, against any material change in our present national immigration laws—to the Committee on Immigration and Naturalization.

By Mr. DORSEY: Memorial from Congregational churches in Nebraska, for appointment of additional chaplains in United States Army—to the Committee on Naval Affairs.

Also, resolutions of Society of Friends, of Sheldon County, against increased appropriations for the Navy—to the Committee on Naval Affairs.

By Mr. FORNEY: Petitions of William Ballenger, administrator; John S. Miller, Martha M. Wood, and Abraham W. Weaver, of Alabama, praying for the reference of their respective claims to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. HARE: Memorial of the Chickasaws, relating to lands of the Choctaw and Chickasaw Nations—to the Committee on Indian Affairs.

By Mr. HAYES: Joint resolution of the Legislature of Iowa, praying for the repeal of the limitations contained in pension act of 1879—to the Committee on Invalid Pensions.

Also, joint resolution of same body, for immediate construction of Hennepin Canal—to the Committee on Rivers and Harbors.

By Mr. JOSEPH: Petition from citizens of Farmington, N. Mex., praying for the restoration of silver to its constitutional place as a money metal—to the Committee on Coinage, Weights, and Measures.

By Mr. KINSEY: Petitions of 55 citizens of the State of Missouri, against any material change or alteration of present naturalization laws—to the Select Committee on Immigration and Naturalization.

By Mr. LANE: Petition of B. F. Kirk and others, for free coinage of silver and other relief—to the Committee on Coinage, Weights, and Measures.

Also, petition of Willy Garline and others, for same relief—to the Committee on Coinage, Weights, and Measures.

By Mr. LAWS: Seven petitions, containing 392 names, of citizens of Nebraska, against any material alteration of existing immigration and naturalization laws—to the Select Committee on Immigration and Naturalization.

Also, memorial of Nebraska Congregational Church Association, protesting against doing away with army chaplains and asking appointment of one for each army post—to the Committee on Military Affairs.

By Mr. McCORD: A remonstrance of Frank Steiskul and 55 others, citizens of Kewaunee, Wis., against any material change in the naturalization and immigration laws—to the Select Committee on Immigration and Naturalization.

Also, remonstrance of Messrs. Schofield & Co., of Sturgeon Bay, Wis., against increasing the duty on tin-plate—to the Committee on Ways and Means.

Also, remonstrance of Levi Martin, J. R. Sharp, and Webb & Stans-

bury, of Chippewa Falls, Wis., for same purpose—to the Committee on Ways and Means.

By Mr. MASON: Petition of 200 citizens of Illinois, asking for a Sunday-rest law—to the Committee on Labor.

By Mr. OUTHWAITE: Petition of Union No. 21 of the Bricklayers and Masons' International Union of America against alien labor on Government works—to the Committee on Labor.

By Mr. PAYNE: Petition of Sons of Veterans, Port Byron, N. Y., for increase of pensions—to the Committee on Invalid Pensions.

Also, petition of citizens of Wayne County, New York, for increase of pensions—to the Committee on Invalid Pensions.

By Mr. PETERS: Petition of citizens of Liberal, Kans., for an appropriation for improving grades of sorghum cane—to the Committee on Agriculture.

By Mr. PICKLER: Petition of Black Hills (South Dakota) Woman's Christian Temperance Union, asking that the large expenditure of Naval Committee, recommending large appropriations for Navy and so-called coast defenses, be not allowed—to the Committee on Naval Affairs.

By Mr. RAY: Petition of 600 citizens of Westmoreland County, Pennsylvania, for the improvement of the Youghiogheny River—to the Committee on Rivers and Harbors.

By Mr. ROCKWELL: Petition of Bricklayers' Union, North Adams, Mass., for employment of native-born Americans only upon public works—to the Committee on Labor.

By Mr. ROGERS: Petition of M. W. Gibbs, of Arkansas, against taxing cotton-seed oil—to the Committee on Ways and Means.

By Mr. SHIVELY: Resolutions of London Post, No. 290, Grand Army of the Republic, of Knox County, Indiana, and of Hon. George W. Beamon and 300 others, citizens of Stark County, Indiana, asking for the early passage of the service and arrears pension bills—to the Committee on Invalid Pensions.

Also, petition of O. B. Rockwell and 60 others, citizens of Stark County, Indiana, praying for the passage of the service and arrears pension bills—to the Committee on Invalid Pensions.

Also, petition of Isaac Bascom and 50 others, citizens of same place, for same measures—to the Committee on Invalid Pensions.

Also, petition of Charity A. Carey, of Michigan City, Ind., asking the passage of a special pension bill for her relief—to the Committee on Invalid Pensions.

By Mr. STAHLNECKER: Petition of the New York Board of Trade and Transportation for the establishment of a telegraph service as part of the United States postal service—to the Committee on the Post-Office and Post-Roads.

By Mr. STRUBLE: Resolutions from Hartly Post, No. 451, Grand Army of the Republic, Iowa, urging the passage of the service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions from Rock Forest Alliance, No. 1188, of Patterson, Clay County, Iowa, urging the passage of House bill 5353 to prohibit option gambling, futures, etc.—to the Committee on Agriculture.

Also, resolutions from Smithland (Iowa) Alliance, for same purpose—to the Committee on Agriculture.

By Mr. SWENEY: Petition of H. H. Hassler and 7 others, letter-carriers at Findlay, Ohio, for the passage of House bill 3863—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMPSON: Petition of 594 soldiers and citizens of Gervais, Scioto County, Ohio, for passage of per diem pension bill—to the Committee on Invalid Pensions.

Also, petition of T. Lewis Post, No. 560, Grand Army of the Republic, of Ohio, for same relief—to the Committee on Invalid Pensions.

By Mr. WALLACE, of Massachusetts: Petition of Subordinate Union, No. 2, of Holyoke, Mass., of the Bricklayers and Masons' International Union of America, protesting against the employment of aliens on Government works—to the Committee on Labor.

#### SENATE.

THURSDAY, March 20, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.  
The Journal of yesterday's proceedings was read and approved.

#### EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the commissioners of the District of Columbia submitting an estimate of appropriation for incorporation in the District of Columbia appropriation bill for the pavement of Florida avenue between Tenth and Eleventh streets, northwest, with sheet asphalt; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of March 11, 1890, correspondence between Lieutenant-General P. H. Sheridan and Brig. Gen. George Crook in regard to the Apache Indians, between March 26 and April 5, 1886, inclusive; which, with accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.



Mr. HAWLEY subsequently said: Certain papers from the War Department relative to the Apache Indians were by mistake referred to the Military Committee. I ask that they be referred to the Committee on Indian Affairs.

The VICE-PRESIDENT. That order will be made, in the absence of objection.

#### COURT OF CLAIMS REPORT.

The VICE-PRESIDENT laid before the Senate a communication from the clerk of the Court of Claims, transmitting the conclusions of fact and of law filed by that court in the spoliation claim of the brig *Experience*; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial and protest of the chief and delegates of the Cherokee Nation, remonstrating against the passage of the Oklahoma bill; which was referred to the Committee on Indian Affairs.

Mr. PLATT subsequently said: Before I came into the Senate this morning I understand that there was a memorial presented from the Cherokee Nation, or perhaps from Chief Mayes in their behalf—

The VICE-PRESIDENT. It was a memorial of the chief and delegates of the Cherokee Nation.

Mr. PLATT. Relating to their land and what is proposed to be done in the creating of the Territory of Oklahoma. The memorial was referred to the Committee on Indian Affairs. As that matter is now before a conference, I move that the memorial be referred to the Committee on Territories.

The VICE-PRESIDENT. That order will be made, if there be no objection.

Mr. PLATT. I supposed that the memorial had been ordered to be printed, but I find that it has not been. I move that an order be made that it be printed.

The motion was agreed to.

Mr. VOORHEES presented a petition of Subordinate Lodge No. 5 of the Bricklayers and Masons' International Union of America, of Terre Haute, Ind., praying for legislation whereby none but citizens of the United States shall be employed in the construction of public works; which was referred to the Committee on the Judiciary.

Mr. COCKRELL. I present a memorial of the Merchants' Exchange of St. Louis, Mo., remonstrating against the passage of what is known as the Edmunds inspection bill for hog products intended for export.

I also present the memorial of the Pork-Packers' Association of St. Louis, Mo., protesting against the passage of this bill, for the following reasons:

We think the bill unnecessary and in some of its features decidedly injurious to the business of stock-raising and curing of hog products, more injurious even than the German and French prohibition.

It is virtually a public acknowledgment that our product is not good or put up properly, which is not a fact, and is calculated to cast a shadow of doubt over one of the most important productions of the United States.

It says, "No meat should pass inspection that is not sixty days in salt or pickle," making it totally unfit for the English trade, and would cut us off and close the most valuable market we now have.

It forces the packers and exporters to have all their meats intended for export inspected on the Atlantic coast, making the great packing points of the West pay tribute in place of shipping by through bill of lading direct to European points, causing delay, injury to the property, vexation, and expense.

We think it unwise for the United States at this particular time to pass any law on this subject. We are now having the best export demand for hog products that we have had for three years, and any legislation at this moment would be a serious check and possibly a fatal mistake.

The time may arrive when our Government can make reciprocal commercial treaties with European governments that will open the ports of Europe to our hog products and bring about an exchange of the products of the world on a fair basis. When that time comes it may be necessary to make such general regulations for inspection, etc., as may suit all.

The following resolution was also adopted, to wit:

That the chairman of this meeting appoint a committee of five to consult and act in harmony on the above subject with committees that may be appointed by other bodies in the West.

I move that the memorials be referred to the Committee on Foreign Relations.

The VICE-PRESIDENT. The memorials will be referred to the Committee on Foreign Relations, if there be no objection.

Mr. MORGAN. It is due to the Committee on Foreign Relations to state that yesterday they heard a very extended argument and presentation of the facts and propositions from what purported to be a representative selection from all of the packers and a number of the exporters of the United States, and I think that that subject will have due consideration by the committee.

Mr. SHERMAN. I should like to make a correction. From the statements made of these petitions, some of which have been sent to me, it is evident that they contain a misrepresentation of the bill, representing it to be exactly the reverse of what it is. The bill provides that meats which have been salted for sixty days need not be re-inspected; and the only modification which is proposed by the gentlemen interested in the trade from all parts of the United States, after a week's notice, in order to enable them to come here—the only change they wish to make is in a single section of the bill, and that change is that the section be so limited that the requisition for an inspection shall only

apply to a country that objects to our meat on account of its not being inspected before exportation. All they wanted and the only change they proposed—I say this in defense of the committee—was to confine the application of the first section to countries which require, as a matter of law and custom, an inspection at the place of exportation.

Mr. COCKRELL. As I understand, this protest is against the passage of any law upon this subject, and I understand that the presentations before the committee yesterday were also against the propriety of any law, but that if a law was enacted it ought to be restricted to those countries that require an inspection before exportation.

Mr. SHERMAN. They have no objection to the law at all. They say they inspect themselves. What I wish to correct is that the petitioners, no doubt honestly, have been misled by the statements in the public prints, which have entirely misrepresented the bill. The provisions of it are exactly the opposite to what they state and what has been stated in petitions sent to me. The bill relieves of inspection in all cases where the meat has been salted sixty days before exportation, and these petitions say just the reverse, that it requires that all meats shall be inspected.

Mr. COCKRELL. I do not think so. I should like to ask the Senator if the hearing before the Committee on Foreign Relations yesterday will be printed, so that we may have it.

Mr. SHERMAN. The testimony of all the gentlemen who were before the committee will be printed, probably to-day or to-morrow.

The VICE-PRESIDENT. The memorials will be referred to the Committee on Foreign Relations.

Mr. McPHERSON. I present a petition of Subordinate Lodge No. 17, of the Bricklayers and Masons' International Union of America, at Trenton, N. J., praying that the laws be so amended as to provide that none but citizens of the United States be employed on all Government work, whether let by contract or otherwise. I also present a like petition from another subordinate union, No. 9, of that place; also, a like petition of Subordinate Union No. 12, of Passaic, N. J.; also, one from Subordinate Union No. 20, of Atlantic City, N. J., of like import.

I move that these petitions be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. COKE presented a petition of citizens of Texas, praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. TURPIE presented a petition of Subordinate Union No. 5, of the Bricklayers and Masons' International Union of America, of Terre Haute, Ind., praying for the passage of such laws as will secure to citizens the right to labor on Government works in preference to aliens; which was referred to the Committee on Education and Labor.

Mr. BLODGETT. I present a petition of Subordinate Union No. 17, of Trenton, N. J., of the Bricklayers and Masons' International Union, praying for the enactment of laws that will secure to citizens of the United States the right to labor on Government work in preference to aliens. I also present two other petitions from subordinate unions of the same association located in Orange and Passaic, N. J., making the same request. I move that these petitions be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. VEST. I present a memorial of the Carpenters' Council of St. Louis, Mo., remonstrating against the ratification of the treaty with Russia, if such a treaty is now pending, of which I say nothing. I move that the memorial be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. PAYNE presented a petition of Subordinate Union No. 21 of the Bricklayers and Masons' Union, of Columbus, Ohio; a petition of Subordinate Union No. 24 of the Bricklayers and Masons' Union, of Findlay, Ohio; a petition of Subordinate Union No. 12 of the Bricklayers and Masons' Union of East Liverpool, Ohio, praying for legislation to exclude aliens from employment on Government works; which were referred to the Committee on the Judiciary.

Mr. CULLOM presented a memorial of the North American Turnbund of Danville, Ill., remonstrating against the passage of any measure designed to change materially the present laws on immigration and naturalization; which was referred to the Committee on Immigration.

Mr. SHERMAN presented a memorial of Subordinate Union No. 15, of Cincinnati, Ohio, of the Masons' International Union of America; a memorial of Subordinate Union No. 18, of Cincinnati, Ohio, of the Masons' International Union of America; a memorial of Subordinate Union No. 7, of Akron, Ohio, of the Masons' International Union of America; a memorial of Subordinate Union No. 12, of East Liverpool, Ohio, of the Bricklayers and Masons' International Union of America; a memorial of Subordinate Union No. 21, of Columbus, Ohio, of the Bricklayers and Masons' International Union of America, and a memorial of Subordinate Union No. 24, of Findlay, Ohio, of the Bricklayers and Masons' International Union of America, remonstrating against the employment of aliens on Government works; which were referred to the Committee on Education and Labor.

He also presented a memorial of Dan Brown Post, No. 380, Department of Ohio, Grand Army of the Republic, remonstrating against the passage of the dependent-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Mahoning County, Ohio, praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. ALLEN presented a memorial of the Legislature of Washington; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF WASHINGTON,  
Office of the Secretary of State.

I, Allen Weir, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the attached instrument of writing, i. e., senate joint memorial No. 16, relative to light-house and fog-signal at Clallam Head, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof, I have hereunto set my hand and affixed the seal of said State, at Olympia, this 17th day of February, A. D. 1890.

ALLEN WEIR, Secretary of State.

Senate joint memorial No. 16.

To the honorable Senate and House of Representatives  
of the United States in Congress assembled:

We, your memorialists, the Legislature of the State of Washington, would respectfully urge upon your honorable body the necessity of an appropriation from the national Treasury, for the purpose of erecting a light-house and fog-signal at Clallam Head, a promontory on the shore of Fuca Strait, about 30 miles eastward, and inland from Tatoosh light-house, at the entrance of said Fuca Strait.

In support of the urgent proposition herein contained, your memorialists would respectfully cite the following facts:

First. On entering Fuca Strait ships and tow-steamers soon lose sight of the Tatoosh light, and, if the wind happens to be unfavorable, soon pass out of hearing of the fog-signal on Tatoosh Island. The next lights to be sighted or fog-signals to be heard are those at Port Angeles, on the American shore, and Race Rocks, on the British shore, a distance of 60 miles or more. In stormy or foggy weather or on dark nights, it is often perilous to attempt the "run" between these given points as at present without any aid to navigation.

Second. A light-house and fog-signal at Clallam Head would not only be seen and heard by vessels passing either out of or into said Strait of Fuca, but would be a guide to a reasonably safe harbor of refuge in almost all kinds of stormy weather. Clallam Bay, formed by the shore-line curving inland from Clallam Head, is frequently sought by storm-bound vessels in cases where daylight serves to reveal its location.

Third. The dangers to shipping herein recited are dangers that affect all the shipping of Puget Sound in its communication with the outer world, and its magnitude, in some respects being second only to that of New York, renders the subject one of national importance.

And your memorialists will ever pray.

Passed the senate January 10, 1890.

CHAS. E. LAUGHTON,  
President of the Senate.

Passed the house January 13, 1890.

J. W. FEIGHAN,  
Speaker of the House.

Mr. ALLEN presented a petition of the Chamber of Commerce of Port Townsend, Wash., praying that that city may be designated as a place for holding the United States district court in the State of Washington; which was referred to the Committee on the Judiciary.

He also presented two petitions of citizens of Sehome and Whatcom, Wash., praying for the passage of an act making Sehome a suburb of entry; which were referred to the Committee on Commerce.

Mr. CASEY presented a petition of 31 citizens of North Dakota, praying that Congress will appropriate money for the development of irrigation in that State; which was referred to the Select Committee on Irrigation and Reclamation of Arid Lands.

Mr. PADDOCK. I present nine memorials signed by over 300 members of the Farmers' Alliance of Nebraska, remonstrating against the passage of the Union Pacific funding bill, demanding that the Attorney-General shall take steps to enforce laws violated by the company, and stating that the extension of time for payment of the debt of the company is in the nature of an additional subsidy and ought not to be granted.

As the bill is on the Calendar, I move that the memorial lie on the table.

The motion was agreed to.

Mr. EVARTS presented a petition of 55 citizens of Rome, N. Y., praying for the passage of the Blair educational bill; which was ordered to lie on the table.

He also presented a memorial of the Collins Monthly Meeting of Friends, numbering 79 persons, of Erie County, New York, remonstrating against increased expenditures in the Navy and so-called coast defenses, etc.; which was referred to the Committee on Naval Affairs.

He also presented a petition of Subordinate Union No. 23 of the Bricklayers and Masons' International Union of America, of Elmira, N. Y.; a petition of Subordinate Union No. 43 of the Bricklayers and Masons' International Union of America, of Binghamton, N. Y.; a petition of Subordinate Union No. 6 of the Bricklayers and Masons' International Union of America, of Albany, N. Y.; a petition of Subordinate Union No. 37 (1,050 members) of the Bricklayers and Masons' International Union of America, of New York City, N. Y.; a petition of Subordinate Union No. 9 of the Bricklayers and Masons' International Union of America, of Brooklyn, N. Y., and a petition of Subordinate Union No. 1 of the Bricklayers and Masons' International Union of America, of Brooklyn, N. Y., praying for such an amendment of the laws as will require the employment of citizens of the United States only on all Government works; which were referred to the Committee on Education and Labor.

Mr. EDMUNDS. I present petitions from sundry citizens of Vermont, praying for legislation requiring transatlantic vessels to furnish cold-storage accommodations for American products that require it. I move that the petitions be referred to the Committee on Commerce.

The motion was agreed to.

Mr. MITCHELL. I present a petition signed by 105 citizens of Lane County, Oregon, in which they represent that, in their judgment, the demonetization of silver, by which the money standard of the country was changed from gold and silver to gold alone, was an act uncalled for by the people, and one which has worked great wrong to the producing and industrial interests of the country by restricting the money supply and increasing the value of gold, thus forcing down, they say, prices of all commodities to the detriment of the great body of the people, and they pray Congress for the restoration of silver to its constitutional place as a money metal, with the same rights of coinage and legal tender as are now accorded to gold and as existed from the foundation of the Government down to 1873, and they say if this is done "they will ever pray."

I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. MITCHELL. I present a memorial of the Chamber of Commerce of the city of Port Townsend, in the State of Washington, praying Congress for such legislation as will cause the United States district court for the district of Washington to be held in the city of Port Townsend. I think a bill on this subject has passed, and I therefore move that the petition lie on the table.

The motion was agreed to.

Mr. DAWES presented a petition of citizens of Salem, county of Essex, Massachusetts, praying that labor performed on public works shall be done by American citizens, and not by aliens; which was referred to the Committee on the Judiciary.

Mr. PASCO presented a petition of the veteran soldiers of Chatfield Post, No. 11, Department of Florida, Grand Army of the Republic, now holding their meetings in one of the casemates of Fort Marion, praying for a grant of the lot of ground in the city of St. Augustine on which the old building known as the "King's Forge" stands, so that they may have a permanent location upon which they may erect a building wherein to hold the meetings of the post; which was referred to the Committee on Public Lands.

Mr. TELLER presented a petition of ex-soldiers of the Union Army and members of Abraham Lincoln Post, No. 4, Department of Colorado and Wyoming, Grand Army of the Republic, praying for the passage of the service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the county commissioners of Montrose County, Colorado, praying that an appropriation be made for a deep-water harbor at Galveston, Tex.; which was ordered to lie on the table.

Mr. STEWART presented 32 petitions, signed by 1,100 members of the Farmers' Alliance and citizens of Nebraska, praying for the free coinage of silver; which were referred to the Committee on Finance.

Mr. PLUMB presented a petition adopted at a mass convention of citizens of Sumner County, held at Wood's Opera-House, in Wellington, Kans., praying for the passage of the service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition adopted at a regular meeting of the Low, Wallace Post, No. 50, Department of Nebraska, Grand Army of the Republic, praying for the passage of the service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the Pioneer Farmers' Alliance, No. 14, of Patterson, Kans., praying for the passage of what is known as the Vance bill, to establish agricultural depositories for the storage of grain and other produce; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of citizens of Badger Creek, Lyon County, Kansas, praying for the free coinage of silver; which was referred to the Committee on Finance.

He also presented a resolution adopted by the Prairie View Farmers' Alliance, No. 590, of Glasgow, Kans., praying that an appropriation be made for a deep-water harbor at Galveston, Tex.; which was ordered to lie on the table.

He also presented resolutions adopted by the Saline County Farmers' and Industrial Union of Kansas, praying for certain financial and other legislation; which was referred to the Committee on Finance.

He also presented a petition of old soldiers of Gray County, Kansas, praying for the repeal of the limitation in the arrears-of-pension act, and that the service and disability pension bills be passed; which was ordered to lie on the table.

He also presented a memorial of the Monthly Meeting of Friends, held at Emporia, Lyon County, Kansas, remonstrating against appropriations for the Navy and coast defenses; which was referred to the Committee on Naval Affairs.

He also presented a memorial of the stockmen's convention, held at Sedalia, Mo., praying for certain legislation to prevent the spread of Texas or splenic fever among cattle; which was referred to the Committee on Agriculture and Forestry.



Mr. HOAR presented a petition of Subordinate Union No. 25 of the Bricklayers and Masons' International Union of America, of Salem, Mass., and a petition of Subordinate Union No. 13 of the Bricklayers and Masons' International Union of America, of Lowell, Mass., praying for an amendment of the law so as to secure to citizens of the United States the right to labor on Government works in preference to aliens; which were referred to the Committee on Education and Labor.

Mr. HOAR. I also present a petition of sundry dealers in canned lobster, doing business in Boston, Mass., being, as I am informed, some forty or fifty very important firms, and engaged in the importation of fish and other products, praying that no legislation may be had to affect the tariff on these articles. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. WILSON, of Maryland, presented a petition of John Kane, president, and William B. Nolan, secretary, for and in behalf of Subordinate Union No. 3, of Baltimore, Md., of the Bricklayers and Masons' International Union of America, praying for the employment of citizens of the United States in preference to aliens on Government works; which was referred to the Committee on the Judiciary.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. 954) authorizing the construction of a public building at Burlington, Iowa, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 749) for the erection of a public building at York, Pa., in which it requested the concurrence of the Senate.

#### REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2960) to authorize the building of a bridge at Pine Bluff, Ark., across the Arkansas River, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 2965) to amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.," approved April 24, 1888, reported adversely thereon.

Mr. HARRIS. Let that bill go upon the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2303) to amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.," approved April 24, 1888, reported adversely thereon; and the bill was postponed indefinitely.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (S. 629) making an appropriation for the establishment of a life-saving station and providing for a life-saving crew at Port Orford, in the State of Oregon, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 467) to establish additional life-saving stations, reported adversely thereon; and the bill was postponed indefinitely.

Mr. DOLPH. As a substitute for the bills just reported adversely, I report from the same committee a bill which I ask may be placed on the Calendar.

The bill (S. 3190) to establish additional life-saving stations was read twice by its title.

Mr. DOLPH. By direction of the same committee, I report back adversely the bill (S. 927) making an appropriation for the removal of the hull of the wrecked Silvia de Gras from the channel of the Columbia River, opposite Upper Astoria, Oregon. I report this bill adversely because the Chief of Engineers and the Secretary of War have reported that there is a section in the river and harbor appropriation bill of 1880 authorizing that to be done and making an appropriation for it.

The VICE-PRESIDENT. The bill will be postponed indefinitely, unless objection be made.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 3080) providing for the construction of a military store-house and offices for Army purposes at the Omaha Military Depot, Nebraska, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1406) making appropriation for extending and repairing the military quarters at Fort Abraham Lincoln, North Dakota, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred resolutions of the Legislative Assembly of North Dakota, praying for the maintenance of Fort Abraham Lincoln as a military post, asked to be discharged from their further consideration; which was agreed to.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 1762) to change the boundaries of the Uncompahgre reservation, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 7754) granting right of way to Little Falls, Mille Lacs and Lake

Superior Railroad across Mille Lacs Indian reservation, reported it with amendments.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 3064) to establish a fog-signal at or near the Cuckolds Island, at the entrance to Booth Bay Harbor, otherwise known as Townsend Harbor, Maine, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (H. Res. 119) requesting the Secretary of War to cause a further report to be made as to the practicability and approximate cost of tunneling the Detroit River at or near Detroit, Mich., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 3131) for the registry or enrollment of the barges Herdis and Agostinoc, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 460) making an appropriation for the purchase of a site and the construction of a first-order light-house at the mouth of the Coquille River, on the Pacific Ocean, reported it with amendments.

Mr. SAWYER, from the Committee on Commerce, to whom was referred the bill (S. 2844) providing for the erection of range-lights and steam fog-whistle on Plum Island in Lake Michigan, reported it without amendment.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 1395) to amend sections 2275 and 2276 of the Revised Statutes of the United States, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3040) to establish a public park to be called and known as the Royal Arch Park, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 2845) to establish a public park at Pagosa Springs, in the State of Colorado, reported it with amendments.

Mr. HAWLEY. The bill (S. 2941) granting the buildings and four sections of land at Fort Sisseton to the State of South Dakota for the use of the militia of the State was referred to the Committee on Military Affairs. That property has been abandoned as a military post and the lands have been turned over to the Interior Department. I therefore ask that the Committee on Military Affairs be discharged from the further consideration of the bill, and that it be referred to the Committee on Public Lands.

The VICE-PRESIDENT. That order will be made in the absence of objection.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 1171) to incorporate the East Washington Street Railway Company, reported adversely thereon; and the bill was postponed indefinitely.

Mr. PADDOCK, from the Committee on Public Lands, to whom was referred the bill (S. 1846) restoring the timber-culture right of Armor H. Worthington, reported adversely thereon; and the bill was postponed indefinitely.

Mr. JONES, of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (S. 2580) to vacate the location of the right of way made by the Choctaw Coal and Railway Company through the southeast quarter of section 33, township 12, range 3 west, in the Indian Territory, reported adversely thereon.

Mr. PLUMB. I ask unanimous consent that that bill may go to the Calendar notwithstanding the adverse report.

The VICE-PRESIDENT. The bill will go to the Calendar with the adverse report.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1528) for the removal of the charge of desertion standing against Alfred Shell, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, submitted a report accompanied by a bill (S. 3191) for the relief of Albert Shell; which was read twice by its title.

Mr. PLUMB, from the Committee on Public Lands, to whom the subject was referred, submitted a report, accompanied by a bill (S. 3192) for the relief of John R. Blankenship; which was read twice by its title.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 139) for the erection of a public building in the city of San José, State of California, reported it without amendment.

#### RECOMMITTAL OF A BILL.

Mr. PLUMB. The Committee on Public Lands instruct me to request that the bill (S. 2907) to grant the Mesilla Valley Irrigation and Land Company the right of way for an irrigating ditch across the Fort Selden military reservation, in New Mexico, be recommitted to the Committee on Public Lands.

The VICE-PRESIDENT. That order will be made.

#### CHIEF-JUSTICE FULLER'S ADDRESS.

Mr. MANDERSON. I am directed by the Committee on Printing to report back favorably a House concurrent resolution and ask for its present consideration.

The resolution was considered by unanimous consent, and concurred in, as follows:

*Resolved by the House of Representatives (the Senate concurring), That there be printed 25,000 copies of the address of Chief-Justice Fuller, delivered December 11, 1886, on the occasion of the commemoration of the inauguration of George Washington, the first President of the United States, of which 16,000 copies shall be for the use of the House, 8,000 for the use of the Senate, and 1,000 for the use of the Chief-Justice.*

Mr. MANDERSON. I am also directed by the Committee on Printing to report back adversely the concurrent resolution submitted by the Senator from Florida [Mr. CALL] December 16, 1889, and ask that it be indefinitely postponed, the object having been reached by the last resolution, which was adopted.

The following resolution, submitted by Mr. CALL December 16, 1889, was postponed indefinitely:

*Resolved, That 10,000 copies of the address of the Chief-Justice of the United States on the centennial of the inauguration of George Washington as the first President of the United States be printed, of which 3,000 shall be for the Senate and 7,000 for the House of Representatives.*

#### MELBOURNE INTERNATIONAL EXHIBITION REPORTS.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by myself January 6, 1890, in relation to the Melbourne International Exhibition reports, to report the same back favorably and ask for its present consideration. I will say that this is a resolution authorizing the printing of the reports of the United States commissioners to the Melbourne Industrial Exhibition of 1883. They have been printed under the order of the Senate, and I have here a communication from the Secretary of State in which he calls attention to the important subject-matter involved, and ask that extra copies be printed for distribution, including some for the State Department. I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of State be, and he is hereby, authorized to have the reports of the United States commissioners to the centennial international exhibition at Melbourne, 1883, or such of them as may be accepted by him for publication, printed and bound at the Congressional Printing Office, and that, in addition to the usual number, there shall be 600 extra copies for the use of the Senate, 1,200 for the use of the House of Representatives, and 1,200 for the use of the Department of State.*

#### BILLS INTRODUCED.

Mr. VOORHEES introduced a bill (S. 3193) to amend the record of William H. Hamlet; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3194) granting a pension to Joseph H. Scopmire; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3195) granting increase of pension to Henry Reiter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 3196) granting an increase of pension to Michael McGarvey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL. In connection with that bill I present the petition of Michael McGarvey, and also the affidavits of Nicholas Mathias, S. D. Barlow, jr., J. T. Gifford, Thomas J. Scott, William C. Evans, Benjamin Lea, Thomas Bass, sr., and T. J. Scott, and ask that they all be received, and referred to the Committee on Pensions.

The VICE-PRESIDENT. They will be so referred.

Mr. COCKRELL introduced a bill (S. 3197) granting a pension to Virginia A. Owen, widow of John Owen, deceased; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL. In connection with that bill I present the petition of M. W. Thompson, Henry Ratliff, J. R. Gladden, and 8 other neighbors, and the affidavits of John C. Culley, Aug. Crumbaugh, Alonzo Gitting, and W. P. Pollock, and ask that they be received and referred to the Committee on Pensions with the bill.

The VICE-PRESIDENT. The papers will be so referred.

Mr. STEWART introduced a bill (S. 3198) to provide for the disposal of the abandoned military reservations in Wyoming Territory; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3199) to authorize entry of the public lands by incorporated towns for cemetery and park purposes; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3200) to authorize the purchase of certain public lands by the city of Buffalo, Wyo., and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SHERMAN (by request) introduced a bill (S. 3201) for the relief of the estate of John H. Piatt, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McMILLAN (by request) introduced a bill (S. 3202) extending the criminal jurisdiction of the circuit and district courts to the Great

Lakes and their connecting waters; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MOODY introduced a bill (S. 3203) to fix the rank and pay of veterinary surgeons, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLUMB introduced a bill (S. 3204) granting a pension to Frank B. Weed; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3205) for the relief of Harrison Flora; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. STEWART introduced a bill (S. 3206) for the relief of the estate of James T. Sanford, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. VEST, by request, introduced a bill (S. 3207) granting a pension to Jesse G. King; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 3208) to amend section 4787 of the Revised Statutes of the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

#### GOVERNMENT LOANS ON REAL ESTATE.

Mr. STANFORD. On the 10th of this month I introduced a resolution, Miscellaneous Document 104, which was laid on the table by request. I now desire that that resolution shall be referred to the Committee on Finance.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Finance if there be no objection. The Chair hears none, and it is so ordered.

#### HORATIO PHILLIPS VAN CLEVE.

Mr. WASHBURN. If there be no further morning business, I ask unanimous consent for the present consideration of the bill (S. 826) for the relief of Horatio Phillips Van Cleve.

The VICE-PRESIDENT. Is there objection to the request?

Mr. HARRIS. Let the bill be read for information, subject to objection.

The Chief Clerk read the amendment of the Committee on Military Affairs, which was to strike out all after the enacting clause of the bill and insert:

That the laws regulating appointments in the Army be, and they are hereby suspended, and suspended only for the purposes of this act; and the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, appoint Horatio Phillips Van Cleve, late a major-general of volunteers in the Army of the United States, a second lieutenant, and thereupon to place him, the said Horatio Phillips Van Cleve, upon the retired-list of the Army, with the rank and grade of second lieutenant, without regard and in addition to the number now authorized by law of said retired-list: *Provided*, That from and after such nomination and appointment no pension shall be paid to the said Horatio Phillips Van Cleve, but this proviso shall be no bar to any claim for pension that the widow or children or heirs of the said Horatio Phillips Van Cleve may have after his decease.

Mr. HARRIS. Is the bill reported by the Committee on Military Affairs?

The VICE-PRESIDENT. It has been reported by the Committee on Military Affairs with the amendment which has been read. Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### AID TO COMMON SCHOOLS.

Mr. INGALLS. Understanding that the Senator from Tennessee who is entitled to the floor [Mr. BATE] is ready to proceed, I move that the Senate at this time proceed to the consideration of the unfinished business.

The VICE-PRESIDENT. The Senator from Kansas moves that the Senate proceed to the consideration of the bill (S. 185) to aid in the establishment and temporary support of common schools.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. The pending question is on the amendment offered by the Senator from South Dakota [Mr. MOODY], and the Senator from Tennessee [Mr. BATE] is entitled to the floor.

[Mr. BATE withholds his remarks for revision. See Appendix.]

Mr. HARRIS. Mr. President—

The PRESIDING OFFICER (Mr. FAULKNER). The Chair will lay before the Senate and have read the order made at a former day's session.

Mr. HARRIS. Let it be read.

The PRESIDING OFFICER. The unanimous order then made will be read.



The Secretary read as follows from the proceedings of Wednesday, March 12, 1890, as published in the RECORD of March 13:

The PRESIDING OFFICER. The Chair will restate the proposition. The Senator from New Hampshire asks unanimous consent that on Thursday of next week, at 2 o'clock in the afternoon, all debate shall cease upon the bill and the amendments pending, except such remarks as the Senator from New Hampshire shall desire to make himself, not to exceed one hour, and that, at the conclusion of his speech, the vote shall be taken upon the pending amendments, and all amendments that may be thereafter offered to be subject to debate under the five-minute rule. Is that the proposition?

Mr. BLAIR. That is the way I mean to be understood.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BLAIR. It is the understanding that it applies to one week from to-morrow.

The PRESIDING OFFICER. Thursday of next week.

The PRESIDING OFFICER. Under the unanimous order adopted at that session of the Senate the Chair will recognize the Senator from New Hampshire as now entitled to the floor.

Mr. HARRIS. I request the Senator from New Hampshire and the Chair to allow me to ask the unanimous consent of the Senate to modify that order in this respect: My colleague [Mr. BATE] has consumed ten or more minutes of the time under that order which belonged to the Senator from New Hampshire. I ask unanimous consent that the Senator from New Hampshire shall have the full hour, notwithstanding the consent heretofore agreed to.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Tennessee to make the request?

Mr. BLAIR. Does the Senator desire to repeat it or consider that he has made it?

Mr. HARRIS. I have made the request of the Senator from New Hampshire to yield to me for the purpose of making it.

Mr. BLAIR. I appreciate very highly the courtesy of the Senator, and, if I desired to speak, would be glad to avail myself of such unanimous consent for the extension of the time by the Senate, if the Senate should see fit to give it, but I do not propose to take the time of the Senate, and I shall not have occasion to ask for any extension of the order made by unanimous consent some days ago.

Mr. President, I do not desire to occupy and I shall not take the time of the Senate in any further talk upon this bill. I have done what I could to place the facts before the country and to submit this cause to the Senate, and I leave it there.

I will simply say, in reference to the remarks of the Senator who has just concluded [Mr. BATE], to which I have not been able, owing to the nature of other exactions upon my time, to listen any further than to perceive that he made a strong, eloquent, and able defense of his State against any intimations or any assertions and facts which may have been produced in this debate bearing upon the condition of education there, that I find, comparing his State with the State of Michigan, which is in population almost the same or was so by the last census, that Tennessee has a population of 1,542,359 and Michigan has a population of 1,636,937, and that during the year 1887-'88, in the two States, as shown by the same table and taking into consideration the same conditions, the expenditure in the State of Tennessee was \$1,023,893 and in the State of Michigan the expenditure was \$4,730,665, a proportion of a little less than between four and five dollars in the State of Michigan to an expenditure of one dollar in the State of Tennessee. I do not wish to say—

Mr. BATE. Will the Senator allow me a word in that connection?

Mr. BLAIR. Will the Senator excuse me a moment?

Mr. BATE. Will the Senator state in that connection how much public land Michigan had? How many million acres did she have out of which to gain that fund?

Mr. BLAIR. I am not dealing with the question who is to blame, but simply the fact as to the actual expenditure for education in the two States, for that is the only fact that to my mind, so far as expenditure is concerned, is at all pertinent to the merits of this bill. And it is no question between grown folks at all, but it is a question whether the children of the country are receiving the necessary education in the various States and Territories where they may reside. That is the only question that there is in this bill. All the matter that I have placed before the Senate, and that others have placed before the Senate, to my mind, in the last resort has application simply to that one issue, whether this generation in all portions of the country is doing its duty to the coming generation?

Mr. President, I have no desire to say anything further. I have no desire to talk when there is no necessity for it. I simply desire now that this question between the children of this country and the country itself may be decided upon its merits. I ask for a vote on the bill and the amendments.

Mr. HAWLEY. I am a little surprised by that request. I happen to know, and we all know, that Senators expected the debate would not close until 3 o'clock; that the Senator from New Hampshire was to have an hour, from 2 to 3 o'clock, and there are Senators who, on that account, are not here.

Mr. BLAIR. I can go on until 3 o'clock if it is necessary.

Mr. HAWLEY. Of course, I did not intimate that. I thought in the mean time we could take up some other bill.

Mr. BLAIR. I prefer to go on.

Mr. HAWLEY. Very well.

Mr. BLAIR. Mr. President, the Book which is the written source of our sacred religion and accepted as of unquestioned verity in all its declarations informs us that "God made of one blood all the nations of the earth." And, although this proposition does not imply that in personal, family, and general social intercourse there may not and must not be both antipathies and affinities, yet it does imply that in natural powers there is so much of likeness, not to say equality, among all races of men that with the fair equalization of the conditions of action—equality before the law and equality in fact between individuals and communities in the practical administration of the law—all men are capable of high development and progress in all directions and in all things in which any are thus capable; that the soul is a unit, and that it always embraces in its sum the same parts, however differently developed and combined in the persons of individuals; that, however it may vary in degree, whatever in kind may be predicated of one race or person may be predicated or hoped for in another individual or race.

What the colored race has accomplished within twenty-five years last past is simply wonderful, and, in my belief, no race of men which ever inhabited the planet could have done more under the same circumstances. As a Northern man and a member of a race more numerous, and one dominant, but now co-ordinate with them before the law, I cheerfully accord to the colored people of our country this high tribute to their industry, capacity, and achievement. And I may also, with justice, here and now say for the seven millions of colored American citizens, that during the last quarter of a century they have abundantly demonstrated the wisdom of that Divine Power which ordained their freedom as the most precious fruit of the terrible struggle in which the North and the South expiated a common crime in fraternal blood.

But while I would do full justice to the patience, devotion, and enterprise of our colored fellow-citizens, as exhibited in the past and as prophesied for the future, I should neglect a great opportunity if I were to fail to present a few suggestions, which are not offered by me as one claiming to be their peculiar friend, to the exclusion of others, whether of their own race or of their white fellow-citizens, among whom, as now, by the decrees of a fortunate fate they must continue to live.

Our best friends should be those with whom our interests are immediately identified, and, although emigration may sometimes be a relief from evil, yet in a free country, where the resources of nature abound on every hand, as they do everywhere in our wonderful Southern land, unexhausted and even untouched, the best place for a man is that where he was born. If he suffers under adverse conditions he will do better to seek, and, if need be, demand by proper means their amelioration, rather than venture the loss of all by expatriation or removal to new and strange parts even of the same country. Too often it is, "distance lends enchantment to the view," and to transfer vast populations from one part of the country to another is almost impossible. It never should be necessary; and, if in any case it may seem to be so, yet in the end more immediate and substantial relief will generally be found in a patient but manly and determined effort to better one's condition where he already is.

The hard, naked truth is that this is a world of toil, and that whatever we get we must pay for in solid work.

The real difference between slavery and freedom is this: Slavery is work without pay; freedom is work with pay. Wherever we go we shall find this to be inexorably true. In our present free condition under the law, to receive a man's work and not to pay him is to rob him; to pay him less than a fair price is to rob him proportionately. When a man is paid only in part for his toil he is a slave to just the degree that he is unpaid. Before slavery was abolished by law the slave was paid the necessities of life for his labor, and the employer or the master fixed the amount himself, controlled, however, by the unavoidable cost of keeping the laborer in good condition as a producing power. The right to fix or rather to agree with the employer upon the price of his labor, or to work for one's self as the alternative, is the substantial advantage which the freeman possesses over the slave.

Now, a moment's thought will show us that in order to exercise this right so that it will be of any value to the freeman he must possess two things:

1. He must have knowledge of the value of his work, in order to fix a fair price upon it.
2. He must be able to get work elsewhere when it is refused by the employer, and to do this without fail he must own land.

The first qualification, then, of a freeman is knowledge, intelligence, for knowledge is power. The second qualification is the ownership of land and skill to earn a living upon it. If I could fix these two thoughts in the minds of my countrymen forever, I should be their greatest benefactor.

Get education! And get land! Get the best possible of both, and always remember that a little of the best is worth more than much of an inferior quality. But at all events get some, and get as much as you can of education and of land; and if you can not get the best of either, then endeavor to make that which you do get still better by your own exertions, for often, as the old North Carolina song has it—

It is more in the man than it is in the land.

There can never be any real liberty and permanent happiness in this world unless the masses of the people have intelligence and land. With these two great possessions the people are independent and are their own kings. Whoever possesses the knowledge will come to possess the land of any country, and thus it is that in the last analysis knowledge itself is liberty, because knowledge is power.

I have been trying to specify land as the great "property qualification and immunity of freemen," and so bring home to the mind as clearly as possible the two indispensable objects for which we must labor if we would become and continue free, which are, knowledge and land. These we must have or be slaves. These possessions we must transmit to our children or they will become a race of slaves. Knowledge and land the masses of the people in our nation must have, or they will become the bondmen of superior classes at home or of more powerful nations abroad. The attainment of these should be the great earthly object of us all.

Not only should the attainment of knowledge and land be the great earthly object, but without them there is no development of individual spiritual power, no true liberty of the soul in the realm of eternal things, none of that higher and sublimer freedom wherewith the Great Author of our religious faith shall make us "free indeed."

I conceive the whole problem of the future of our country and of mankind to depend upon the question whether the masses of the people shall have knowledge and land—not necessarily every individual, but the great majority—so that their favorable condition may determine favorably the condition of all; for where, under the operation of equal laws, the majority are prosperous and happy, there will be the minority also. Therefore it is that I dwell upon the thought, knowledge and land!

But what is knowledge? What is land? Both these terms are used in a very comprehensive sense, the former as embracing all that we come to know or which may be known, whether from books, from science and liberal culture, or without them; the latter term, land, embraces air and water as well as the soil, so far, at least, as they may become property and the means of production by individual appropriation and ownership.

But I desire to speak within the limits of the practical, and endeavor to suggest what to me seem to be the great tangible objects to which the efforts of those who daily toil for existence and for liberty should be directed, regardless of color or race; for color is of the skin merely, and not of the soul, and we are all one, the human race.

Therefore, when I speak of education to-day I refer to that common knowledge in books and in affairs which is necessary in order that its possessor shall make headway, or at least hold his own in the competitions of life with those by whom he is surrounded and with the positive resistances of nature herself. Whether the great law of human development be the survival of the fittest—a doctrine to which I am unwilling to subscribe if its true construction be that the strong, by reason of their strength, have the right or are placed under the necessity of growing stronger and of surviving longer at the expense of the lessening strength and earlier decay of the weak—still this is certainly true, that survival and progress depend upon the possession of a certain inherent and also an acquired force on the part of those who advance at all. And that education or knowledge of which I now speak is what individuals and communities must possess in order to hold their own and get on against and in connection with their own surroundings, their neighbors and friends, or their several environments, to speak more exactly as I mean.

The college and higher institutions of learning are indispensable to every civilized people, because they already have them; and they alone can give those higher forms and orders of knowledge which society must have and constantly apply or retrograde. But the cultivation and pursuit thereof is of itself an occupation and is impracticable to the masses of men. They, however, must possess a certain degree of knowledge and training of both head and hand in order to exist in a state of society where these advantages are generally possessed; and all progress is conditioned upon an increase of this common culture of the common people, such as is acquired in the common school and in the mastery of some common occupation, whereby work can be directed to the production of useful things. There are no higher ends than the performance of the common duties and the attainment of the common objects of life.

The whole purpose of human existence seems to be to transmit that life which God has given in and through succeeding and constantly improving generations. Human life is not merely a struggle to exist, but to climb; not merely to hold, but to acquire; to develop the grand and noble, the pure and the godlike, not in one nor in a few, but in all; and the proper discharge of the common duties of existence has these lofty purposes directly in view. Therefore it is that the post of honor is the private station; therefore it is that the occupations of every-day life are not inferior in dignity, as they are superior in importance, to those of a more select and exacting character. The farmer and the school-master can exist without the mathematician and the king, while the humblest soul may find its way even more surely to the high places of the eternal heavens than the philosopher or the sage. The essential dignity and elevation of human nature are manifest in

common life. To be fitted for it, then, every individual must possess the education and training to which I have referred.

A free people must also know more than simply how to live. They must govern themselves in order to become or continue free. They must possess and exercise the attributes of kings. What the king does for the whole people, a free people must do for themselves. If intelligence and wisdom are necessary in the king, even so must the people possess the same or fail in the performance of the functions of self-government. No people can govern themselves unless they know how to do it. If they attempt self-government without knowledge of the principles upon which society is founded and in ignorance of the great issues controlling their own interests and destiny, which from time to time they are called upon to decide, the result must be either anarchy, which is the destruction of society, or a despotism in which liberty and progress are crushed under the foot of some all-conquering czar.

The ballot, which is self-government, is but a knife in the hand of the ignorant man wherewith he may destroy society, however innocent or even praiseworthy his intentions. What then? Shall he be deprived of this great defense of freemen? Nay, verily! But rather educate him and qualify him for its exercise. And let whoever possesses this great right, this weapon wherewith other rights of person and of property are to be preserved, see to it that he wields it under the direction of knowledge and virtue, which alone will enable him to defend and bless rather than to curse and destroy.

But of what avail to educate the head and the hand without there be the opportunity to apply that knowledge in the work of life? Men must have not only the power to work intelligently and skillfully, but the opportunity also. If the granting of that opportunity to work depends upon the will of another, then of what advantage are knowledge and skill? Plainly, the trained and intelligent worker is none the better off, for the amount of his wages will be dictated by the man who can condemn him to idleness and want unless he accepts that pay which the employer may see fit to give. He is still a slave. But if he have land he can work for himself. Now, then, we see that land and liberty are the same.

Hear this, O ye farmers of the South, of the North, of the West, of the whole earth! Land and liberty are the same!

Whoever has land is free, for he can root himself in his own heritage, and, combining his toil with light and heat and all fructifying influences, he can win from the bosom of the common mother of us all a generous support for himself and for the dear ones who depend upon him for life. When refused employment in every other occupation or offered but the scanty wage of oppression and avarice, the owner of his own land is free indeed. And being thus sure of a final resource from want, whoever seeks employment in any other trade or occupation, if so be he possesses the intelligence which common-school education will give, can demand and will receive all that his labor is reasonably worth. But without this ultimate resource in the land itself, no man, no community, is free. All over the world and through all human history the people are poor unless they own the land. Only as they own land are they free. The land is the source of all production, and whoever controls it controls all those who produce, all those who toil, in every avocation among men.

I do not mean that every individual must own land in order to be reasonably sure of work and of fair pay, but I do mean that only thus can he be absolutely sure of a resource when other employments suspend and other avocations fail; and always a majority of the people must be rooted, as it were, in the soil. No other occupation yields the necessities of life direct. These come primarily from the land, and their annual reproduction is indispensable to the life and therefore to the freedom and happiness of man. All other occupations may be crowded, but not so the intelligent cultivation of the land. And it is only where the mass of men pursue the primary work of tillers of the soil that artisans and operatives and mechanics find a remunerative demand for their skill.

So, viewed in whatever way you please, it comes down to this plain truth at last, that only the owner and cultivator of the soil is sure of a livelihood. He alone is sure forever to be free.

He does not require much. In our broad and blessed country there are homes for all who will build them, there are fertile farms for all who will till them. A little land, worked with intelligence and thrift, will suffice for the support of a family; and a few years of industry and economy will enable any man to pay for the acres which will make him independent, and therefore really free.

We are told by those who have studied the subject that a community educated thoroughly in the common branches of knowledge will, by reason of that superior intelligence, produce at least twice as much by its labor as the same community could produce without education. An educated man will, therefore, as a rule, get at least double the wages which he could otherwise earn. This is generally true, and the first condition of all improvement is education.

But I hardly need dwell upon this primary and acknowledged truth. The important practical questions for every one are these: How shall I obtain education? How shall I obtain land?

Each one is chiefly the maker of his own fortunes. Education and the acquirement of property—that is, liberty—must be our own work.



All that the nation, the State, or parents and friends can do is to provide the opportunity. That is done when we have the school, the workshop, and the land. We must ourselves do all the rest. No community has done justice to itself until every child and every inhabitant has been provided with the opportunity for education in the common branches of knowledge, to acquire some useful occupation, and with the work itself; which, as we have already seen, when it can be had nowhere else, may always be found in land.

It is of no use to bid a child be educated and yet provide no school or to work when he has no trade and no training for the farm. In selecting a home or a country wherein to live, every sensible person will then, if possible, find schools and land. If they are scarce and can not be supplied where he is, then he must seek his fortunes elsewhere or get but little good out of this life. As wealth increases and new industries spring up, employment may be found outside of the land, but, all the same, these occupations will fail as the culture of the soil disappears; so that ever the great demand is for education and for land.

If I were to select any part of this world as the natural home of a great people, I should choose the Southern States.

In ten years' time the Southern States of this nation could be made the paradise of the workingman. And here in this great arena, whether it be for better or for worse, swarming and increasing millions of the sons of toil must continue for all time to dwell and to have their homes. What shall their future be?

The relations of the Government, both State and national, to the great problems of the future condition of our people I do not propose at any length to discuss. A great work and solemn responsibility attach to them both. But we are dealing chiefly with ourselves, with our own powers and duties to-day.

Our great work is the personal practice of the virtues of industry, economy, temperance, and justice in our daily lives. Only the industrious man can earn money; only the economical man will save it; only the temperate man can preserve his own time and his own powers of body and of mind, and only the just and honest man will have the respect of the community wherein he dwells or even long avoid the meshes of the law. No man who does not possess these simple but all-important virtues will often acquire education, land or other forms of property, or true freedom for himself or his child.

The cultivation of these virtues is our own work; no one can perform it for us. Without this is done by ourselves, all help from the wealth or services of others, all aid from the nation or from the State, is of no avail. With the practice of honesty, industry, temperance, and economy on the part of the individual, all other things from the nation and from the State will soon be added thereto. And whoever, by the practice of these virtues, can save the smallest surplus from the proceeds of his daily toil beyond his daily need, let him invest it in his head or in land. And if so be he have others dependent upon himself, let him even suffer all things, that he may give to them likewise education and land, that they in their turn may confer these great benefits upon the generations to come.

It is not possible for one part of a community to be segregated from the remainder and to live alone. Of every race and color, we are to stand or fall together, and nothing in the end is for the good of one which is not for the general good. No class or individual can live at the expense of others without ultimate injury to all, and I should consider any man a common enemy who would advocate a measure or a policy which could foster discontent or alienation among the people in any part of our country. No portion of our great land is more in need of honest, industrious, skillful, and contented labor than the great region known as the Southern States, and nowhere is there a more hopeful or inviting field for intelligent and thrifty workers in every vocation than here. True that conditions here, as everywhere else, may be greatly improved; and especially important everywhere in the South is the more rapid development of the common school. Without this, progress will never come, wealth will never accumulate, and free government will not long survive. But the schools will come.

The nation should help. So industrial training will come. All forms of diversified industry, every trade, manufacture, and vocation known to civilization and every production possible to a varied climate and fertile soil will spring up and dwell there forever. The future is full of promise, and to the colored man and his children who will get education and get land there will be ample compensation during all the long ages to come for the wrong and suffering to which the past may have subjected his race.

Nor should it ever be forgotten that the colored man of to-day is civilized and free, the equal of every other man in American citizenship and before American law, because of the wise decrees of the Great Author of all that has been and is and is to be, which ordained his forcible emigration from a still savage continent and his education during two hundred and fifty years of bondage up through ever-increasing degrees of civilization until the final hour when God saw that he was qualified for the full measure of liberty. White and colored, North and South, we have lived and suffered and atoned together, and who shall say that it is not well?

It is impossible to disconnect in any way the fate of men who live in the same community and under the same laws by distinctions no

more substantial than color and race. Education produces the same effect upon all; ignorance always oppresses and enslaves. Honest, intelligent toil will thrive, and it matters not who says nay. Social distinctions and prejudices may last forever. Probably they will always exist. Properly regulated and restrained within their true sphere, as they are the manifestations of instinct and innate tendencies, no doubt they are indispensable to the happiness of society. But these distinctions in social relations can not change the rights or add to or take from the dignity of any citizen before the law.

Could I address them personally I should pray our colored friends to remember that it is an evil thing to cultivate the sentiment that they are in any way a distinct people; that they have any less or greater claim to consideration because of their race or of their past; that there is any hope of better conditions of life for them through direct or indirect influences than for other American citizens among whom they live. And, on the other hand, it is a high crime in the eye of the law of the nation and of the States if by reason of their race or previous condition their advantages in the practical administration of the law be the less.

But let them remember whenever, if ever, they are sorely tried, that the saints have come up through great tribulation; and, if their journey to the promised land has been through a wilderness, that they are now where the milk and honey begin to flow and the fruit trees of their earthly paradise are blossoming all around.

Yes, colored men, stick to your homes in the "sunny South." Labor will yet conquer all things. Labor will give you land; labor will give you schools. Land and schools will redress every grievance; will bring you wealth and all the comforts and luxuries of life; will banish all inequalities and hardships from which you suffer in the practical administrations of the law, and will protect you in the exercise of the suffrage by demonstrating to those who surround you your full capacity intelligently and safely to share in the great responsibility of self-government and in control of the property and lives of your fellow-men.

Education and the skill which results from it will increase the rewards of your toil. Now, the labor of the North is better paid than yours, because it is more intelligent and more skilled. Thousands of industries there abound, demanding the disciplined thought and the well-trained hand, while you have as yet comparatively few. But your good time is coming. Everywhere capital is seeking investment in your forests, your mines, your plantations and farms, and your waterfalls, and in the natural centers of affairs. Diversified industries, by which a people produce most things which they themselves consume, and thus cease to depend upon other nations and other climes, are coming to you. Demand for labor of every kind will spring up on every hand. Your wages will increase, and with economy will come the power to purchase all the manifold comforts and finally all the reasonable refinements and luxuries of life.

Producing everything, increasing wealth will enable you to buy and to consume. Farms will multiply and farmers grow rich. Houses will be erected which will greatly surpass the old in all the conditions of health, convenience, and protection from the elements. Domestic animals will improve, and chattels in ten thousand forms will multiply on every hand. Labor-saving tools and machinery will come to relieve you from the severity of your toil. Schools will give discipline and culture to your sons and your daughters alike. Newspapers, those great educators of the people, will everywhere abound. Every intellectual and moral power will be quickened and every want of the body and of the soul supplied from the abundant harvests of the stimulated productive forces of new-born industrial life.

In this regeneration, this new industrial creation, the colored man will bear a most important part. But it is not his field alone. The whole people own this great land, and work, honest, intelligent, productive toil, is the universal God-given privilege. Its rewards and blessings and honors belong to all.

Schools and land! Intelligence and the skill and opportunity to work for fair pay are the right of every son and daughter of man; and throughout this land of ours, if nowhere else on earth, that right shall be the possession of all.

More and more the prejudices and limitations of other days are passing away. Patriotism embraces the whole country, and rejoices in the good of every class and condition in our national life. Adversity and war have taught us at least mutual respect, and sectional hate is giving place to the love of a citizenship which has continental proportions and which, let us hope, will be as enduring as time.

American history must forever record that the earliest martyr to American liberty was the gigantic Attucks, who fell under the British bullet on Massachusetts soil. Jackson summoned free negroes to the defense of New Orleans. At the head of a regiment of the sons of New Hampshire, I myself was in that charge upon the bloody walls of Port Hudson, when Southern valor destroyed the gallant columns of the North, and among the dying and the dead along the whole seven miles of slaughter none were nearer to the foe than the colored soldiers who there first fell in the uniform of their country.

Regiments of colored soldiers are now conceded to be among the best troops in the regular and permanent Army of the United States. In peace and in war the colored man has well discharged all the high

duties of the American citizen and soldier. By his good conduct he has erased the color line; and, while all agree that it may remain in society relations, those who would restore it in civil affairs do fight against the stars in their courses and the irreversible decrees of God. The highest statesmanship and patriotism throughout the country recognize this great fact, and both North and South, accepting the situation, rejoice together in the removal of a fell institution which was established and fostered by the capital of both, and the pangs of whose extinction almost destroyed our national life.

I believe fully in the perpetuity of our institutions and of our Federal Union. I could not entertain this high confidence if I doubted the broad and national patriotism of any section of the country or of any class of our people. If Jefferson were alive he would no longer tremble for his country when he remembered that God is just, for he would see that God is now determined that the last vestiges of slavery shall be destroyed. There is now no great institution warring among our members, threatening destruction to the body politic or the subversion of free principles and free government. The Declaration of Independence is no longer an American theory only, but is an American fact. True there is terrible pain in the great redemption process, but it is being wrought out in the nation and in every State. The forces of human nature have free play everywhere, and are fast transmuting free thought into free action, which will soon disintegrate and destroy whatever remains over of the laws and customs of the past which conflict with the general improvement and happiness of all.

There is much cause for gratitude to the Supreme Ruler that He has ordained that human life, which flows on age after age in the race, shall be so brief in generations and individuals. Were we to live on century after century like Methuselah, the progress of the world would be like the journeyings of the sloth, and hope would falter because of the Bourbonism of both North and South manifest in petrified but still breathing men. But, fortunately, those who do not change for the better soon die, and the new blood of youth and souls fresh from the Divinity and free from the shackles of custom, prejudice, and tradition spring forth upon the forever shifting arena of human action to work out their manifest destiny in the full light of liberty and under laws which stimulate the ambition, ennoble the aspirations, purify the purposes, protect the rights, and defend the lives and fortunes of all. Educate the people universally, and the violence of savagery, which sometimes breaks out like the sudden spring of a wild beast, will disappear forever.

It does not yet appear what this already supreme nation shall be; but we do know that we are the advance guard of mankind. Whatever of hope there may be for the fifteen hundred millions of the race will fail if our sixty millions shall desert the banner of humanity and destroy our free and holy institutions by faithlessness to the principles of universal liberty or the demands of personal duty in private life. We do know that we have the greatest opportunity before us ever yet given to any people in the annals of time. We know, too, that as is our opportunity so is our responsibility. We know that upon our own generation in this present time God has placed the burdens of a great emergency, of a peculiar trust. In the presence of the mighty problems which confront us and the solemn responsibilities which press now upon men of action everywhere in our great land, the prejudice of parties and the clamor of hunters for place should cease. Let us approach our future as one people, full of a patriotism as large as the whole country, yet regardless of the fortunes of the humblest child, caring equally and fully for all sections, and beholding in all one great unity, in which every citizen is an equal and a king.

So shall it be that the memories of the first Revolution shall revive in all their tenderness and glory, and our last estate shall be better than the first.

There is one particular aspect of this proposition to give equalization and universality of common-school education to the people of the whole country which I think well might be practically dwelt upon, and during the few moments which still remain to me I will advert once more to this. I refer now to the great importance of this measure as an educational measure, operative chiefly at the South, to the conditions and civilization of the North. We all understand how it was that we were two nations until the civil war.

Conditions as different prevailed in the South, as compared with those of the North, as prevail at the present time between our own civilization in the North and the average civilization in Europe or in any other foreign countries.

Labor had its rights in the North; labor was intelligent and therefore it was free, and because it was free it was intelligent, and therefore possessed the power of combination, and it was able to exact in the market its proportion of the amount received for the productions of which labor was the creator.

But for that intelligence the labor of the North would have been as cheap labor in all this vast period of time as at the South; but intelligence and education made that difference. The war came and swept away the merely nominal slavery, but did not change the condition of vast masses of men. They were the same after the war that they were before the war, but if there be nothing done to change the condition in which childhood finds itself in the environment of the coming generation they will remain for the future the same as they were in the

past. Nothing can change the condition of the great mass of the people of the South but intelligence, the power which comes of knowledge and of general education. That gives the force which leads to combination; and in that is the true secret of higher wages and better compensation to the ordinary artisan, to the ordinary toiler in the common walks of life. That alone can put the masses of the Southern people upon the same plane of civilization, developing the same wants, developing the same amount of wages, and when a man labors for wages and the same price or share in the product of his commodity, when he is a farmer or producer in any other sense than that of a mere laborer with his hands, that done, the ordinary production of the South will stand upon the same plane of cost as the ordinary production of the North, and it will, therefore, be unable to seek the Northern market and take from Northern citizens the market which they deserve by reason of their own toil, and in the possession of which home market alone is there any guaranty that the condition of the laborer at the North, the common capital of the mass of the citizenship, capital and labor combined, shall continue as at present.

As I before expressed it, nothing can constitute a tariff for the protection of the civilization of the North as against the cheap production of the South, which is coming with the introduction of numerous and diversified industries there as at the North, but producing among the masses of the people of the South homogeneous intellectual conditions with those of the people of the North. When that is done, the result, the article produced, will be distributed among the masses of the people at the South rather than that the price, the result, will pass into the pocket of the capitalist alone. When their wants, the result of increasing education, demand the necessary wages wherewith to purchase that which will supply those wants, so that they may consume like the masses of the people of the North, then the South will produce double what she now does with the same numerical working population, because with intelligence her power to produce will increase correspondingly; and the increase of the cost of the articles produced at the South together with the means of purchasing and of consuming them on the spot will confine to the South the wealth which she produces; and in due time the labor of her people will have brought about homogeneous conditions and like civilization abounding throughout the whole country, and thus we shall be able to perpetuate the conditions of the North in the South and throughout the whole country and for all time.

In my brief remarks in the earlier part of this brief address, I directed my thoughts principally to the colored population of the country. I believe that in their education lies the solution of the race problem. It is treated as the master problem with which we have to contend at the present time. Doubtless it is so; at all events, it is one of the great problems, but I have never looked upon the condition of the negro as the only cause of solicitude on the part of American patriotism. The white people of this country comprise its great mass of the population, and they must constitute the nation now and hereafter. Upon their condition must depend the future of the United States, and upon the future of the United States the future of the world. I think it has been demonstrated in the progress of this debate that the white population of this country is in need of increased facilities of education; that there is as large a mass of white children at the South who require education and increased facilities for education as of the colored race. There is probably a much larger mass, and the object of this bill is as much to carry relief to them as to the colored children.

Mr. President, this bill recognizes no color line. It distributes by virtue of its provisions the larger portion of the amount appropriated at the South, because there is the illiteracy and there is the poverty, and therein is the greater need; just as we pour the appropriations of the river and harbor bill into those regions where are the rivers and harbors, and improve them there; and if they were all located on a single coast it would have the advantage of the whole. But when the money is in a State it is combined with the fund of the State itself, at least three times as much as that which the nation gives; and the whole by the express provisions of the bill is to be distributed for the education of the children of school age, irrespective of race or color or of previous condition in life.

So if this bill becomes a law and there be a necessity, so far as its provisions go that necessity will be supplied, but it will give the white child the black child's chance; it will give the black child the white child's chance. It will recognize no color line, but will go in one vast, munificent, and beneficent stream to all the citizenship and the childhood of the country irrespective of any distinctions of race or color or previous condition in life.

Mr. President, I have occupied my time; I have done my duty, and I submit this bill with the amendments to the action of the Senate.

The VICE-PRESIDENT (at 3 o'clock p. m.). The question is on the amendments proposed by the Senator from South Dakota [Mr. MOODY], the first of which will be stated.

Mr. HARRIS. Have the committee amendments been acted upon as in Committee of the Whole?

The VICE-PRESIDENT. They have been acted upon.

Mr. HARRIS. I did not remember as to the fact.

The VICE-PRESIDENT. The first amendment proposed by the Senator from South Dakota will be stated.



The SECRETARY. In section 14, line 7, after the word "authorized," it is proposed to insert the words "and required;" so as to read:

The Secretary of the Interior is authorized and required to receive and consider, etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. GEORGE. I do not exactly understand that amendment. Who offered it?

The VICE-PRESIDENT. It was offered by the Senator from South Dakota [Mr. MOODY].

Mr. GEORGE. Let it be again read.

The VICE-PRESIDENT. The amendment will be again stated.

The SECRETARY. In section 14, line 7, after the word "authorized," it is proposed to insert the words "and required."

Mr. GEORGE. Now let the whole sentence in which it occurs be read.

The SECRETARY. So as to read:

But in determining the number of illiterates therein, and also in the States of South Dakota, North Dakota, Montana, and Washington, the Secretary of the Interior—

Mr. GEORGE. That is enough. I understand it now.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. BLAIR. I hope the amendments submitted by the Senator from South Dakota will be adopted. They seem to be perfectly just. The amendment was agreed to.

The VICE-PRESIDENT. The next amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. In section 14, line 11, after the word "section," it is proposed to insert:

Including the illiterates of the Indian population resident therein.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment submitted by the Senator from South Dakota will be stated.

The SECRETARY. It is proposed at the end of section 14 to add the following words:

And in any subsequent apportionment in said States and Territories, and in any of said Territories after they shall be admitted as States, the illiterate Indians living therein shall be included in the basis of such apportionment.

Mr. EDMUNDS. Mr. President, I rise to the support of this amendment. I believe under the understanding I am entitled to five minutes.

The VICE-PRESIDENT. The Senator is entitled to five minutes.

Mr. BERRY. I think, according to the understanding, that applies only to amendments offered afterwards. This amendment was offered before.

The VICE-PRESIDENT. The Secretary will read the understanding reached on a previous day bearing upon the question.

Mr. EDMUNDS. I hope this will not come out of my five minutes, Mr. President.

The Chief Clerk read as follows from the RECORD of the 13th instant:

The PRESIDING OFFICER. The Chair will restate the proposition. The Senator from New Hampshire asks unanimous consent that on Thursday of next week, at 2 o'clock in the afternoon, all debate shall cease upon the bill and the amendments pending, except such remarks as the Senator from New Hampshire shall desire to make himself, not to exceed one hour, and that, at the conclusion of his speech, the vote shall be taken upon the pending amendments, and all amendments that may be thereafter offered to be subject to debate under the five-minute rule. Is that the proposition?

Mr. BLAIR. That is the way I mean to be understood.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BLAIR. It is the understanding that it applies to one week from to-morrow.

The PRESIDING OFFICER. Thursday of next week.

The VICE-PRESIDENT. The Senator from Vermont will proceed.

Mr. EDMUNDS. Do I understand that my friend from Arkansas thinks I am not entitled to speak to the pending amendment?

Mr. BERRY. I understood the unanimous consent that was given to be that at 3 o'clock to-day the vote should be taken without debate upon the amendments then pending, and that all amendments thereafter offered should be subject to debate under the five-minute rule in the order reached.

Mr. EDMUNDS. I will not violate the understanding if that is the way the Senator understands it. When we get through with the pending amendment I think I can move one that will enable me to say what I desire.

Mr. GEORGE. My understanding is—and I will state it to know if I am correct—that all the amendments proposed by the committee to the bill have been adopted as in Committee of the Whole. Is that the fact or not?

The VICE-PRESIDENT. All the amendments of the committee have been agreed to, the Chair is informed.

Mr. GEORGE. In Committee of the Whole?

The VICE-PRESIDENT. In Committee of the Whole. The Chair desires to call the attention of Senators to the understanding reached

at a previous session, wherein it is stated by the Chair that "the vote shall be taken upon the pending amendments, and all amendments that may be thereafter offered to be subject to debate under the five-minute rule."

Mr. BERRY. The understanding was that all amendments offered after 3 o'clock to-day are to be subject to debate under the five-minute rule, and all debate must cease upon the bill and amendments then pending at 3 o'clock. Thereafter such amendments as might be offered should be subject to debate under the five-minute rule.

The VICE-PRESIDENT. The amendments which have just been reported, which were offered by the Senator from South Dakota, were offered since that time.

Mr. BERRY. I understood that they were offered yesterday and, therefore, before 3 o'clock to-day.

The VICE-PRESIDENT. They were offered since the understanding was reached.

Mr. BERRY. But before 3 o'clock to-day?

The VICE-PRESIDENT. The Chair is of the opinion that the Senator from Vermont is entitled to the floor under the five-minute rule.

Mr. EDMUNDS. Mr. President, in support of the amendment, which is in the line of the objects of the bill, as everybody will agree, I have to say, in the first place, that the argument which doubters, secret opponents, etc., have made against the constitutionality of this bill is denied by the plain letter of the Constitution, which in respect of the taxing power declares that Congress shall have power to lay and collect taxes, duties, imposts, excises, etc., in order to promote the general welfare. In addition to that, Congress is given certain specific powers to do things that they might do without a dollar of money, if they could get a volunteer to the Army or whatever; and add that the constant practice of Congress and of every Department of the Government for a hundred years, beginning with the First Congress, has demonstrated that that is the way the men who made the Constitution and who have administered it since understood it. One of the very first acts passed, I believe, in the very first Congress, was to give a certain amount of money to refugees from somewhere (I can not take the time in five minutes to say where), and so on down to this day, going latterly to seeds for the farmers of Texas, Congress has appropriated money out of the Treasury to pay for such objects.

Mr. SHERMAN. The latter bill was vetoed?

Mr. EDMUNDS. It was vetoed, but I take it that does not change the judgment of Congress or the nature of the Constitution.

So, in my opinion, with great respect to everybody, the profession that is put up here that there is any moral even, not to say legal, obstacle in a constitutional way of Congress appropriating public funds to promote the general welfare by beginning at the fundamental point of general welfare everywhere, in every country and in every place since history began, is entirely baseless. There is no nation the prosperity of whose people and whose happiness and safety are not measured exactly by the amount of education that the body of that people have.

Now we come to the expediency of the measure. It has been objected that these States, Vermont and Mississippi, South Carolina and New Hampshire, and so on, will steal this money, will squander it, and that the light of life and liberty will not go to the people because the officers of the States will steal the money.

That is a short and brief way of putting it. I do not believe so at all. If it were possible, there is the safeguard which this bill contains everywhere in all its provisions of the oversight of the United States and that the stoppage of any further appropriation is to come if the money is not properly accounted for.

What do we do it for then? I do it in respect of the morning stars of the Northwest that have just come into the Union, in order that they may in the quickest way be aided, augmented in their exertion to make their people intelligent in those simple ranges of intelligence that make citizens capable of defending themselves and of electing wise rulers. I do it for the Southern States, for the aristocracy that now governs them, in order that the friction between ignorance and the intelligence of the aristocracy may be diminished, and that when the poor white and colored man come to know a little more they will see that the landowner and the man of education, the man of property, is their friend and that it is better to intrust him with the administration of local affairs than it is to put it into the hands of any ignorant candidate whatever.

To my brother Republicans I say by just the measure that you increase the intelligence where there is friction, South or North, of the common people, by that measure you enable them to defend their rights in a just and honorable and constitutional way.

I believe my five minutes are up.

The VICE-PRESIDENT. The Senator's five minutes have expired. Mr. HAWLEY. Mr. President, I had marked a passage in the speech of the Senator from New York [Mr. EVARTS] to comment upon, but had made up my mind that I would not refer to it, and I should not do so except for the speech of the Senator from Vermont. The Senator from New York said:

This bill, as the Senator from Connecticut would have us think, for the first time undertakes to distribute the wealth of this country (for I have got by the question of distinction between money and land and wealth and duty) in aid of strengthening a system of education in the States.

I had but five minutes before said with great respect and with permission of the Senator:

I believe nobody has ever denied that the National Government might properly dedicate public lands to education, especially when it founded new States, and that it might give the proceeds of taxes in general or of the sales of public lands to certain great national purposes.

That is as reported here. It should be "educational purposes."

But we are discussing something else here to-day. We are discussing the first measure—

This is what I said was the first measure—

that ever was in Congress that followed this dedication to the close details of State administration and attempted to control minor State officers.

The Senator from New York then called attention to what is known, to the great honor of the senior Senator from Vermont, as the Morrill act, that which established agricultural colleges. There is no analogy or very slight analogy between the two measures. The Morrill act did not attempt to enter into the established system of common schools at all. It established an entirely distinct institution in each State, an agricultural college, and dedicated to that certain public lands, and then said that afterwards it should be continued in accordance with the legislation of the State. There was no inspection whatever provided for. In this bill here before me the governor of the State is to certify to nine distinct points before his State can receive any money.

In the form of specifications in section 11 there are sixteen points upon which there shall be every year a statement to the Interior Department. There is a board of inspection appointed, because it is declared that it shall be the duty of the Secretary of the Interior to promptly investigate all complaints lodged with him of any misappropriation or discrimination, etc., and in case it be ruled against the governor, upon an investigation, the money shall not be given. It is expressly provided that all complaints shall be investigated.

Now, I call attention to that point especially. All over the country, unless in the South it is different from what it ever has been or different from any other part of the world, there will arise constant complaints of partiality and maladministration. It is the duty of an inferior officer of the Government under the direction of the Secretary of the Interior, it is the duty of the Commissioner of Education to go down or send down into every one of the States and inquire as to whether the governor has truly certified to the Commissioner as to whether the subordinate officers of the State have honestly executed the law. Compare this with the Morrill act, that gave the money forever to the States, dedicated it, and said it must be kept a separate and distinct fund forever, to be expended and honestly governed according to the laws of the Legislature, and put only the indispensable condition into it for the safe conduct of the money. It did not provide for inspection.

The odious feature of this proposed law, and that which in spirit is altogether unconstitutional, is that it sends your Federal subordinates, your men who do not rise to the dignity of whisky gaugers, to investigate the conduct of governors, and I say every subordinate officer would give rise to ten octavo volumes of complaints of unfairness and bad judgment relating to the governor, that the people have been false to their trust and can not have the money for the next year.

Now, I do not say that there is any one point in this bill which upon being carried to the Supreme Court would be ruled as unconstitutional, but there are things beyond the reach of the Supreme Court that are plainly against the spirit of the Constitution and things nominally within the discretion of Congress where the Supreme Court is jealous about crossing the line.

I prophesy, if this bill passes, not eight years and \$77,000,000, but fifty years and a hundred million dollars. Unless the bill shall become so odious that we shall come here early and ask for an extra session to repeal it, I prophesy volume upon volume of incessant complaints that will redouble and quadruple those which followed reconstruction.

The bill is full of that. It is a measure that will breed future controversy everywhere. It is against the spirit of our Government, against our traditions, against our State rights.

I do not want those inspectors. Keep out of my State your secretary of the board of education here. The governor and the people, the town committees, all the school boards, are capable of educating our children, but, whether we are or not, we mean to make the experiment, because we have been a hundred years at it. Keep your hands off and let us do these things. It is better for us—

The VICE-PRESIDENT. The Senator's five minutes have expired.

Mr. BLAIR. I wish simply to say to the Senator that he helped put those features into the bill.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from South Dakota [Mr. MOODY].

The amendment was agreed to.

Mr. HAWLEY. I move to strike out the word "seven" where the bill says "seventy-seven million dollars," and I do that for the sake of putting an item into the debate which I intended to put in day before yesterday, and I am sorry that I omitted it. It is a mere statement of figures.

Mr. BLAIR. Ought there not be action upon the pending amendment first?

Mr. HAWLEY. It has been agreed to.

Mr. BLAIR. Very well.

The VICE-PRESIDENT. The amendment has been agreed to.

Mr. HAWLEY. I am not going to prolong this debate.

Mr. BLAIR. Let me understand distinctly. Was the amendment moved by the Senator from South Dakota adopted?

The VICE-PRESIDENT. It has been adopted.

Mr. HAWLEY. I move a *pro forma* amendment in order that I may put in the estimate of the probable expenditures and appropriations for the next fiscal year. I have it from the best accessible authorities about this building, and having sent it out for a revision I now present it. This is it:

Estimated revenues \$450,400,000. That includes post-office revenues. *Per contra*, probable appropriations, exclusive of deficiencies, \$323,000,000; permanent appropriations, including sinking fund, \$101,600,000; probable deficiency—a guess, but a guess from the best judges of what it will be—\$31,000,000. That makes on the other side \$455,600,000. But add proposed appropriations reported to the Senate and not included in probable deficiency, return of direct tax, \$17,500,000, which we have passed and sent to the other House; Blair bill, \$7,000,000; French spoliation claims, which the courts have adjudged that we owe, and we owe as truly as we owe our board bills, \$1,742,000.

Mr. BLAIR. Will the Senator—

Mr. HAWLEY. No, I will not stop in reading a column of figures when I have only five minutes.

Naval ships, \$7,000,000; increased pensions, \$35,000,000, as the committee has told you here. This aggregate makes \$68,242,000, and added to \$455,600,000 it makes proposed appropriations \$523,842,000. The estimated revenues being \$450,400,000, there is in view a probable deficit, if that be anything like truth, of \$73,442,000.

Now, that will appear in the RECORD and you can study upon it. You have got to repeal some things and defeat some things and reorganize some things, and stop your reformation of the tariff and stop your reduction if you pass the bill now before you.

Mr. EDMUNDS. Mr. President, I rise to speak to the amendment proposed by the Senator from Connecticut, simply to say that according to my view of these understandings that we have about voting I am not at liberty in moving formal amendments to speak to the general subject, and therefore I make no reply to my honorable friend from Connecticut.

Mr. HAWLEY. I will not be misrepresented by the Senator. With his permission I will state that I moved what I may call a financial amendment, pertaining to the millions to be expended, and the money to be expended next year; and I did not say a word about anything except finances.

Mr. EDMUNDS. I have nothing to say, Mr. President.

Mr. BLAIR. I wish to state—

Mr. HAWLEY. I withdraw my amendment. The Senator can move any other he chooses.

Mr. BLAIR. This is a matter—

Mr. EDMUNDS (to Mr. BLAIR). Let it go, and do not violate the understanding. Let it go.

Mr. BLAIR. I am not violating any understanding. I have not spoken on the pending amendment.

The VICE-PRESIDENT. The amendment has been withdrawn.

Mr. BLAIR. It could not be withdrawn when I was speaking upon it. The Senator can not jump up after I got the floor and withdraw it.

Mr. HAWLEY. Then I will let it stand.

Mr. PLUMB. I rise to a parliamentary inquiry. I should like to ask what was the understanding as to the proceedings to-day upon this bill, and if it embraces the opportunity to indefinitely debate amendments. If it does, then of course there would have to be some order taken about voting, because there might be a good many amendments offered and a good deal of debate.

Mr. BLAIR. Mr. President, it is not probable, it is not possible, that during this session of Congress there can be any appropriation under this bill, because it is provided that the assent of the States through their Legislatures shall be first obtained. It will consequently be impossible that the bill shall go into operation or that there should be any appropriation under it during the present session of Congress.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment proposed the bill will be reported to the Senate.

Mr. HAWLEY. My amendment is withdrawn? That is the understanding?

The VICE-PRESIDENT. It is withdrawn.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The VICE-PRESIDENT. The question now is, Shall the bill be ordered to be engrossed and read the third time?

Mr. INGALLS. On that question I ask for the yeas and nays.

Mr. PLUMB. I wish to offer an amendment. I move to strike out all of section 2 down to and including the word "census," in line 11, and to insert what I send to the desk.

The VICE-PRESIDENT. The amendment of the Senator from Kansas [Mr. PLUMB] will be stated.



The CHIEF CLERK. In section 2, it is proposed to strike out all down to and including the word "census," in line 11, as follows:

That such money shall annually be divided among and paid out in the several States and Territories, and in the District of Columbia, in that proportion which the whole number of persons in each who, being of the age of ten years and over, can not write bears to the whole number of such persons in the United States, except as provided in the fifteenth section; such computation shall be made according to the census of 1890, until the illiteracy returns of the census of 1890 shall be received, and then upon the basis of that census.

And to insert in lieu thereof:

That such money shall annually be divided among and paid out in the several States and Territories and in the District of Columbia in proportion to their population respectively between the ages of ten and twenty-one years, according to the census of 1890: *Provided*, That all of said money remaining undistributed at the date of the publication of the returns of population according to the census of 1890 shall be divided as aforesaid in proportion to the population between the ages of ten and twenty-one years according to said census.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Kansas.

Mr. PLATT. Will the Senator from Kansas explain just what his amendment proposes?

Mr. PLUMB. The difference between my amendment and the distribution provided for by the bill is this: Under the bill it is to be distributed to the States upon the basis of illiteracy. Under my amendment it is to be distributed to the States upon the basis of population between the ages of ten and twenty-one years. In other words, the people who pay their money would get their aliquot proportion of it back.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The VICE-PRESIDENT. The question is on the engrossment and third reading of the bill.

Mr. INGALLS. Upon that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HAMPTON (when Mr. BUTLER's name was called). My colleague [Mr. BUTLER], who is absent, asked me to pair with him; but by an arrangement with the Senator from West Virginia [Mr. FAULKNER] the pair has been transferred, so as to authorize the Senator from West Virginia and myself to vote.

Mr. FAULKNER. My pair with the Senator from Pennsylvania [Mr. QUAY] has been transferred to the Senator from South Carolina [Mr. BUTLER].

Mr. MCPHERSON (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. If he were present, he would vote "yea" and I should vote "nay."

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS], who was unexpectedly called away from the city. If he were present, he would vote "nay" and I should vote "yea."

Mr. STOCKBRIDGE (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM], but I transfer that pair to the Senator from North Dakota [Mr. CASEY]. I vote "yea."

Mr. WASHBURN (when his name was called). I am paired with the senior Senator from Louisiana [Mr. GIBSON], who I understand would vote "yea." If he were present, I should vote "nay."

The roll-call was concluded.

Mr. BECK. I am paired upon the bill and all the amendments, as I understand, with the Senator from Georgia [Mr. BROWN]. I would vote "nay" against the bill in every form, if I were allowed.

Mr. PASCO. My colleague [Mr. CALL] is paired with the Senator from Pennsylvania [Mr. CAMERON]. If my colleague were present, he would vote "yea."

The VICE-PRESIDENT. The vote on the question of engrossment—

Mr. BLAIR (after having voted in the affirmative). I desire to change my vote. I vote "nay."

The result was announced—yeas 31, nays 37; as follows:

YEAS—31.			
Allen,	Dolph,	McMillan,	Pugh,
Allison,	Edmunds,	Manderson,	Squire,
Barbour,	Evarts,	Mitchell,	Stanford,
Chandler,	George,	Moody,	Stewart,
Colquitt,	Hampton,	Morrill,	Stockbridge,
Cullom,	Hearst,	Pasco,	Teller,
Daniel,	Higgins,	Pettigrew,	Wilson of Iowa.
Dawes,	Hoar,	Platt,	
NAYS—37.			
Aldrich,	Farwell,	Jones of Arkansas,	Spooner,
Bate,	Faulkner,	Jones of Nevada,	Turpie,
Berry,	Frye,	Kenna,	Vest,
Blackburn,	Gorman,	Morgan,	Voorhees,
Blair,	Gray,	Payne,	Walthall,
Blodgett,	Hale,	Pierce,	Wilson of Md.
Cockrell,	Harris,	Plumb,	Wolcott.
Coke,	Hawley,	Reagan,	
Davis,	Hiscock,	Sawyer,	
Dixon,	Ingalls,	Sherman,	
ABSENT—14.			
Beck,	Cameron,	McPherson,	Vance,
Brown,	Casey,	Padlock,	Washburn.
Butler,	Eustis,	Quay,	
Call,	Gibson,	Ransom,	

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

Mr. BLAIR. I desire under the rule to enter a motion to reconsider the vote just taken, which I now do.

Mr. EDMUNDS. The Senator is entitled to do that within two days. I insist on my motion.

#### EXECUTIVE SESSION.

The VICE-PRESIDENT. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and fifteen minutes spent in executive session the doors were reopened.

#### PUBLIC BUILDING AT BURLINGTON, IOWA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 954) authorizing the construction of a public building at Burlington, Iowa, and it was referred to the Committee on Public Buildings and Grounds.

#### J. F. BAILEY & CO.

Mr. CULLOM. I move that a bill reported adversely this morning by the Senator from Maryland [Mr. WILSON], being Senate bill 2931, be placed upon the Calendar. I understand that the Senator from Maryland has no objection to this, as he reported the bill from the committee.

The VICE-PRESIDENT. The Senator from Illinois requests unanimous consent that the action of the Senate by which the bill (S. 2931) granting jurisdiction to the Court of Claims, notwithstanding any statutory bar, of the claims of J. F. Bailey & Co. and others, reported adversely from the Committee on Claims, was indefinitely postponed, may be reconsidered, and that the bill be placed on the Calendar. Is there objection? The Chair hears none, and it is so ordered.

#### HOUSE BILL REFERRED.

The bill (H. R. 749) for the erection of a public building at York, Pa., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

#### TRUSTS AND COMBINATIONS.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the bill (S. 1) to declare unlawful trusts and combinations in restraint of trade and production.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. INGALLS. I move that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 21, 1890, at 12 o'clock m.

#### NOMINATIONS.

*Executive nominations received by the Senate the 20th day of March, 1890.*

#### SECRETARY OF LEGATION.

Francis MacNutt, of the District of Columbia, to be secretary of the legation of the United States at Constantinople, vice Pendleton King, recalled.

#### UNITED STATES CONSUL.

James F. Ellis, of Wisconsin, to be consul of the United States at Brockville, Canada, vice John O. Bridges, recalled.

#### RECEIVER OF PUBLIC MONIES.

Edmond W. Eakin, of Blunt, S. Dak., to be receiver of public monies at Pierre, S. Dak. (a newly established office). A nomination was sent to the Senate February 12, 1890, in which the name of said Eakin was erroneously stated as Edwin.

#### REGISTER OF LAND OFFICE.

Harlan P. Wolcott, of Garfield, Kans., to be register of the land office at Larned, Kans., vice Henry W. Scott, to be removed.

Reuben N. Kratz, of Mitchell, S. Dak., to be register of the land office at Mitchell, S. Dak., vice Myron H. Rowley, to be removed.

#### POSTMASTERS.

James B. Miles, to be postmaster at Helena, in the county of Phillips and State of Arkansas, in the place of Henry P. Grant, whose commission expired March 3, 1890.

John W. Archibald, to be postmaster at Prescott, in the county of Yavapai and Territory of Arizona, in the place of Adoniram J. Head, resigned.

J. Knox Corbett, to be postmaster at Tucson, in the county of Pima and Territory of Arizona, in the place of Calvin A. Elliott, removed.

Frederick G. Diefenbach, to be postmaster at Blue Island, in the county of Cook and State of Illinois; the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1890.

Joseph H. Weeks, to be postmaster at Upper Alton, in the county of Madison and State of Illinois; the appointment of a postmaster for the

said office having, by law, become vested in the President on and after April 1, 1890.

George Woodruff, to be postmaster at Farmington, in the county of Fulton and State of Illinois, in the place of William Marshall, removed.

William C. Adams, to be postmaster at Petersburg, in the county of Pike and State of Indiana; the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1890.

William H. Breeding, to be postmaster at Edinburgh, in the county of Johnson and State of Indiana, in the place of Edwin K. Hosford, resigned; Mr. Breeding having been nominated and confirmed as William Breeding.

Mark L. De Motte, to be postmaster at Valparaiso, in the county of Porter and State of Indiana, in the place of Engelbert Zimmerman, whose commission expires April 6, 1890.

Jonas Myers, to be postmaster at Rochester, in the county of Fulton and State of Indiana, in the place of Andrew T. Bitters, whose commission expired March 12, 1890.

William P. Moulton, to be postmaster at Stuart, in the county of Guthrie and State of Iowa, in the place of Charles H. Berner, resigned.

John Lovejoy, to be postmaster at Rockland, in the county of Knox and State of Maine, in the place of William P. Hurley, whose commission expired February 10, 1890.

Michael Keating, to be postmaster at Centreville, in the county of Queen Anne's and State of Maryland, in the place of Daniel C. Hopper, whose commission expired January 13, 1890.

Charles W. L. Hayward, to be postmaster at East Weymouth, in the county of Norfolk and State of Massachusetts, in the place of Zechariah T. Bicknell, whose commission expires March 29, 1890.

Samuel A. Whitehead, to be postmaster at Eaton Rapids, in the county of Eaton and State of Michigan, in the place of John H. Hamlin, whose commission expired February 8, 1890.

William Cochran, jr., to be postmaster at Milan, in the county of Sullivan and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1890.

Mark L. Doughty, to be postmaster at Farmington, in the county of St. Francois and State of Missouri; the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1890.

Samuel L. Andrews, to be postmaster at Crete, in the county of Saline and State of Nebraska, in the place of Theodore A. C. Baker, whose commission expires April 6, 1890.

James B. Hartwell, to be postmaster at Hastings, in the county of Adams and State of Nebraska, in the place of Griffith J. Evans, whose commission expires April 14, 1890.

Frank E. Helvey, to be postmaster at Nebraska City, in the county of Otoe and State of Nebraska, in the place of Donald MacCuaig, removed.

Henry C. Hammond, to be postmaster at Brockport, in the county of Monroe and State of New York, in the place of John C. Collins, whose commission expired March 18, 1890.

John A. Place, to be postmaster at Oswego, in the county of Oswego and State of New York, in the place of John A. Barry, whose commission expires April 6, 1890.

Jacob Weltner, to be postmaster at Santa Fé, in the county of Santa Fé and Territory of New Mexico, in the place of Adolph Seligman, whose commission expires April 6, 1890.

Hallam G. Williamson, to be postmaster at Albuquerque, in the county of Bernalillo and Territory of New Mexico, in the place of William A. Walker, whose commission expired January 13, 1890.

Milton B. De Shong, to be postmaster at Ashland, in the county of Ashland and State of Ohio, in the place of Robert W. Cowan, whose commission expired March 1, 1890.

John C. Reid, to be postmaster at Cuyahoga Falls, in the county of Summit and State of Ohio, in the place of Thomas J. Francisco, whose commission expired March 12, 1890.

Maggie L. Carson, to be postmaster at Aiken, in the county of Aiken and State of South Carolina, in the place of James E. Crosland, whose commission expired February 10, 1890.

Joshua E. Wilson, to be postmaster at Florence, in the county of Florence and State of South Carolina, in the place of Edward H. Lucas, whose commission expired March 9, 1890.

Newman C. Nash, to be postmaster at Canton, in the county of Lincoln and State of South Dakota, in the place of John B. Bertrand, jr., removed.

William C. Baquet, to be postmaster at Gonzales, in the county of Gonzales and State of Texas, in the place of Wiley V. Collins, whose commission expires April 6, 1890.

George W. Cotter, to be postmaster at Alvarado, in the county of Johnson and State of Texas, in the place of William B. Norman, removed.

Justin M. Moody, to be postmaster at Waterbury, in the county of Washington and State of Vermont, in the place of George W. Morse, whose commission expired March 9, 1890, and who has resigned.

George S. Smith, to be postmaster at Marion, in the county of Smyth and State of Virginia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October

1, 1888. Richard J. Haller was appointed and commissioned by the President, but his term expired by limitation of the law.

Noyce B. Smith, to be postmaster at Kilbourn City, in the county of Columbia and State of Wisconsin, in the place of Thomas B. Coon, removed.

#### PROMOTIONS IN THE NAVY.

Commander Frederick Rodgers, to be a captain in the Navy, from the 28th of February, 1890, *vice* Capt. George B. White, deceased.

Lieut. Commander Charles M. Thomas, to be a commander in the Navy, from the 28th of February, 1890, *vice* Commander F. Rodgers, promoted.

Lieut. Robert E. Carmody, to be a lieutenant-commander in the Navy, from the 28th of February, 1890, *vice* Lieut. Commander C. M. Thomas, promoted.

Lieut. Henry C. Gearing, junior grade, to be a lieutenant in the Navy, from the 28th of February, 1890, *vice* Lieut. Robert E. Carmody, promoted.

Ensign George H. Stafford, to be a lieutenant, junior grade, in the Navy, from the 28th of February, 1890, *vice* Lieut. H. C. Gearing, promoted (subject to the examinations required by law).

Ensign George R. Clark, to be a lieutenant, junior grade, in the Navy, from the 16th of February, 1890, *vice* Lieut. H. C. Wakenshaw, junior grade, deceased.

Commodore Andrew E. K. Benham, to be a rear-admiral in the Navy, from the 28th of February, 1890, *vice* Rear-Admiral James E. Jouett, retired.

Capt. Joseph Fyffe, to be a commodore in the Navy, from the 28th of February, 1890, *vice* Commodore A. E. K. Benham, promoted.

Commander John F. McGlensey, to be a captain in the Navy, from the 28th of February, 1890, *vice* Capt. Joseph Fyffe, promoted.

Lieut. Commander Albert S. Snow, to be a commander in the Navy, from the 28th of February, 1890, *vice* Commander J. F. McGlensey, promoted.

Lieut. Eugene D. F. Heald, to be a lieutenant-commander in the Navy, from the 28th of February, 1890, *vice* Lieut. Commander A. S. Snow, promoted.

Lieut. Templin M. Potts, junior grade, to be a lieutenant in the Navy, from the 28th of February, 1890, *vice* Lieut. E. D. F. Heald, promoted.

Ensign Allen G. Rogers, to be a lieutenant, junior grade, in the Navy, from the 28th of February, 1890, *vice* Lieut. T. M. Potts, junior grade, promoted (subject to the examinations required by law).

Lieut. William H. Allen, junior grade, to be a lieutenant in the Navy, from the 5th of March, 1890, *vice* Lieut. M. F. Wright, deceased.

Ensign William P. White, to be a lieutenant, junior grade, in the Navy, from the 5th of March, 1890, *vice* Lieut. W. H. Allen, junior grade, promoted (subject to the examinations required by law).

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 20, 1890.*

#### UNITED STATES CONSULS.

Samuel B. Zeigler, of Iowa, to be consul of the United States at Aix-la-Chapelle.

James R. Danforth, of Pennsylvania, to be consul of the United States at Verviers and Liege.

#### SURVEYOR-GENERAL OF LOUISIANA.

Charles B. Wilson, of New Orleans, La., to be surveyor-general of Louisiana.

#### DISTRICT JUSTICE OF THE PEACE.

Joseph W. Davis, of the District of Columbia, to be justice of the peace for the District of Columbia (to be assigned to the city of Georgetown).

#### UNITED STATES MARSHAL.

Alexander Ramsey Nininger, of Alabama, to be marshal of the United States for the northern district of Alabama.

#### SUPERVISING INSPECTOR OF STEAM-VESSELS.

Frank Burnett, of Missouri, to be supervising inspector of steam-vessels for the fourth district.

#### RECEIVER OF PUBLIC MONEYS.

Joseph H. Hughes, of Cheney, Wash., to be receiver of public moneys at Spokane Falls, Wash.

#### ATTORNEY FOR NEW MEXICO.

Eugene A. Fiske, of New Mexico, to be attorney of the United States for the Territory of New Mexico.

#### REGISTERS OF LAND OFFICE.

Reuben N. Kratz, to be register of the land office at Mitchell, S. Dak. Winfield S. Cobean, of Fort Stanton, N. Mex., to be register of the land office at Roswell, N. Mex.

#### NAVAL OFFICER OF CUSTOMS.

John F. Patty, of Louisiana, to be naval officer of customs in the district of New Orleans, in the State of Louisiana.



## PROMOTION IN THE ARMY.

*Fifth Regiment of Artillery.*

Additional Second Lieut. William Lassiter, of the Fourth Artillery, to be second lieutenant, February 10, 1890.

## POSTMASTERS.

Asias Willison, to be postmaster at Creston, in the county of Union and State of Iowa.

Lewis P. Summers, to be postmaster at Abingdon, in the county of Washington and State of Virginia.

John A. Reynolds, to be postmaster at Rochester, in the county of Monroe and State of New York.

John Pittenger, to be postmaster at Washington, in the county of Warren and State of New Jersey.

Miss Ovie Smedley, to be postmaster at Harrodsburgh, in the county of Mercer and State of Kentucky.

William H. Overby, to be postmaster at Henderson, in the county of Henderson and State of Kentucky.

Charles S. Moss, to be postmaster at Franklin, in the county of Williamson and State of Tennessee.

John E. Catlett, to be postmaster at Hannibal, in the county of Marion and State of Missouri.

George G. Briggs, to be postmaster at Grand Rapids, in the county of Kent and State of Michigan.

Elias S. Bedford, to be postmaster at Huntsville, in the county of Randolph and State of Missouri.

John H. Hutchinson, to be postmaster at Taylor, in the county of Williamson and State of Texas.

W. Walker Russell, to be postmaster at Anderson Court-House, in the county of Anderson and State of South Carolina.

Joseph Harris, jr., to be postmaster at Sturgeon Bay, in the county of Door and State of Wisconsin.

Thomas Reed, to be postmaster at Fairmont, in the county of Marion and State of West Virginia.

James A. Davis, to be postmaster at Morgantown, in the county of Monongalia and State of West Virginia.

Richard E. Griffith, to be postmaster at Winchester, in the county of Frederick and State of Virginia.

Eugene W. Davies, to be postmaster at Athens, in the county of Bradford and State of Pennsylvania.

Andrew N. Brice, to be postmaster at Sunbury, in the county of Northumberland and State of Pennsylvania.

Henry H. Williams, to be postmaster at Urbana, in the county of Champaign and State of Ohio.

Jeremiah Kerr, to be postmaster at Greenfield, in the county of Highland and State of Ohio.

Daniel H. Hensley, to be postmaster at Hamilton, in the county of Butler and State of Ohio.

Alfred H. Breese, to be postmaster at Mount Gilead, in the county of Morrow and State of Ohio.

John Waller, to be postmaster at Monticello, in the county of Sullivan and State of New York.

George G. Roe, to be postmaster at Clyde, in the county of Wayne and State of New York.

Gottlieb Schmidt, to be postmaster at New Ulm, in the county of Brown and State of Minnesota.

Clark Conkling, to be postmaster at Lyons, in the county of Rice and State of Kansas.

Solomon R. Washer, to be postmaster at Atchison, in the county of Atchison and State of Kansas.

Frederick W. Childs, to be postmaster at Brattleborough, in the county of Windham and State of Vermont.

Charles T. Drake, to be postmaster at Stoughton, in the county of Norfolk and State of Massachusetts.

Charles W. Seyde, to be postmaster at Miles City, in the county of Custer and State of Montana.

Thomas Kelley, to be postmaster at San José, in the county of Santa Clara and State of California.

John G. Joy, to be postmaster at Salinas, in the county of Monterey and State of California.

John Calder, to be postmaster at Willow, in the county of Colusa and State of California.

John Sherman Cady, to be postmaster at Sonora, in the county of Tuolumne and State of California.

Thomas J. Whiteman, to be postmaster at Carrollton, in the county of Carroll and State of Missouri.

Martin K. Barkley, to be postmaster at Nevada, in the county of Vernon and State of Missouri.

Charles H. Talmadge, to be postmaster at West Union, in the county of Fayette and State of Iowa.

Edward B. Cousins, to be postmaster at Audubon, in the county of Audubon and State of Iowa.

William H. Ward, to be postmaster at Salem, in the county of Washington and State of Indiana.

Henry C. Webb, to be postmaster at Bedford, in the county of Taylor and State of Iowa.

## HOUSE OF REPRESENTATIVES.

THURSDAY, March 20, 1890.

The House met at 12 o'clock m. Prayer by Rev. GEORGE ELLIOTT, of Washington, D. C.

## ORDER OF BUSINESS.

The SPEAKER. The Clerk will cause the Journal of the proceedings of yesterday to be read.

Mr. OUTHWAITE. Mr. Speaker, there is evidently no quorum present, and I ask a call of the roll.

The SPEAKER (having counted the House) announced the presence of 75 members.

Mr. OUTHWAITE. I move a call of the House.

Mr. ATKINSON, of Pennsylvania. On that I demand a division.

The House divided; and there were—ayes 53, noes 8.

So a call of the House was ordered.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Abbott,	Carlisle,	Geissenhainer,	Peel,
Alderson,	Carlton,	Gibson,	Phelan,
Allen, Mich.	Carter,	Gifford,	Randall, Pa.
Allen, Miss.	Caswell,	Goodnight,	Reyburn,
Anderson, Kans.	Catchings,	Grimes,	Seney,
Andrew,	Cheatham,	Grosvenor,	Simonds,
Arnold,	Clancy,	Grout,	Skinner,
Atkinson, W. Va.	Clarke, Ala.	Hall,	Smith, Ill.
Baker,	Clark, Wis.	Harner,	Smith, W. Va.
Banks,	Clunie,	Hayes,	Smyser,
Barnes,	Cobb,	Hemphill,	Spooner,
Bayne,	Cogswell,	Herbert,	Stahlsacker,
Belknap,	Compton,	Hopkins,	Stephenson,
Bergen,	Connell,	Kelley,	Stewart, Ga.
Biggs,	Cooper, Ind.	Kilgore,	Stockbridge,
Bingham,	Cothran,	Knapp,	Stockdale,
Blanchard,	Covert,	Lacey,	Struble,
Bliss,	Cowles,	Lanham,	Sweeney,
Blount,	Craig,	Lansing,	Tarsney,
Boatner,	Crain,	Lehlbach,	Taylor, Joseph D.
Boutelle,	Crisp,	Lewis,	Tillman,
Bowden,	Culbertson, Tex.	Mansur,	Turner, Kans.
Breckinridge, Ark.	Cutcheon,	McAdoo,	Turnpin,
Brewer,	Dargan,	McCarthy,	Walker, Mass.
Brown,	De Haven,	McClammy,	Wallace, N. Y.
Brown, J. B.	De Lano,	McClellan,	Washington,
Browne, T. M.	Dingley,	McCord,	Watson,
Browne, Va.	Dockery,	McKenna,	Wheeler, Mich.
Buckalew,	Dorsey,	McRae,	Whitthorne,
Bullock,	Dunphy,	Milliken,	Wickham,
Bunn,	Ellis,	Morey,	Wilber,
Burrows,	Enloe,	Niedringhaus,	Wiley,
Burton,	Ewart,	Norton,	Wilkinson,
Caldwell,	Farquhar,	Nute,	Williams, Ohio
Campbell,	Featherston,	O'Neil, Mass.	Wilson, Ky.
Candler, Ga.	Fowler,	Owen, Ind.	Wilson, Mo.
Cannon,	Frank,	Payson,	

During the roll-call the following members appeared and were noted as present in accordance with the provision of the rules:

ABBOTT, ALDERSON, ALLEN of Michigan, ANDREW, BAKER, BANKS, BAYNE, BELKNAP, BERGEN, BLANCHARD, BOUTELLE, BOWDEN, BRECKINRIDGE of Arkansas, BREWER, JASON B. BROWN, BURROWS, BURTON, CALDWELL, CARLISLE, CARTER, CHEATHAM, COBB, COGSWELL, COOPER of Indiana, COVERT, CUTCHERON, DINGLEY, DOCKERY, DORSEY, ELLIS, GROSVENOR, HERBERT, LACEY, LANHAM, LEHLBACH, MCKENNA, JOSEPH D. TAYLOR, WALLACE of New York, and WILLIAMS of Ohio.

Mr. OUTHWAITE. I ask unanimous consent to dispense with further proceedings under the call.

Mr. KELLEY. I shall object, Mr. Speaker, unless I can ascertain whether my name has been recorded as present.

The SPEAKER. The gentleman can make the motion.

Mr. OUTHWAITE. I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. BOUTELLE. I desire to inquire whether the proceedings, having been dispensed with, will be made a matter of record?

The SPEAKER. They will be necessarily a matter of record, but the gentleman, if present during the call, can cause his name to be entered by the Clerk, under the rule.

Mr. MILLIKEN. Mr. Speaker, I desire to know if my name is recorded as present.

The SPEAKER. The Clerk will read the Journal of the proceedings of yesterday.

Mr. McMILLIN. My colleague [Mr. ENLOE] is detained from the House on account of sickness in his family.

The SPEAKER. Such announcements are not in order, the proceedings having been dispensed with under the rule.

The Journal of the proceedings of yesterday was read and approved.

## REPRINT OF A BILL.

On motion of Mr. BUTTERWORTH, by unanimous consent, 300 additional copies of the bill (H. R. 3353) for the prevention of a trust on stock cattle, beef cattle on foot, and the shipping and sale of dressed beef, except on certain conditions, were ordered to be printed.

## PUBLIC BUILDING, BURLINGTON, IOWA.

Mr. GEAR. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 302) and consider the same, with an amendment reported by the Committee on Public Buildings and Grounds.

The SPEAKER. The Clerk will read the amendment proposed by the committee.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office, and other Government offices, in the city of Burlington and State of Iowa, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$100,000, which said sum of \$100,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses; *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Iowa shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The SPEAKER. The Chair desires to explain to the House that the Senate bill No. 954 on the Speaker's table, as it actually passed, is the same as the amendment which has been read to the House bill.

Mr. GEAR. I ask the adoption of the Senate bill.

Mr. HOLMAN. I think the report should be read.

The report (by Mr. KERR, of Iowa) was read, as follows:

[To accompany bill S. 954.]

The Committee on Public Buildings and Grounds have had under consideration the bill (S. 954) authorizing the construction of a public building at Burlington. They find it to be identical with House bill 302.

Your committee recommend that House bill 302 do lie on the table and that Senate bill 954 do pass.

[House Report No. 417, Fifty-first Congress, first session.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 302) for a public building at Burlington, Iowa, report as follows, and recommend the passage of the bill:

Burlington is a city of 30,000 population, situated on the west bank of the Mississippi River, its local business covering a large district in Illinois on the east and Iowa on the west. It is an important railroad center.

During the year 1889, 267,335 cars of freight entered and departed from Burlington, being a daily average of 733 cars. During the year 1889 there was received for distribution at Burlington 283,000 tons of merchandise, and of this there was shipped to the interior 262,000 tons. Over 100 passenger cars arrive at and depart daily from Burlington. The railroad lines running into the city are the Chicago, Burlington and Quincy, the Chicago, Burlington and Kansas City, the Burlington and Northwestern, the Burlington and Western, the Burlington and Cedar Rapids and Northern, the Burlington and Keithsburg, and the Burlington and Quincy.

The manufacturing interests of this city employ over 3,000 hands, and the sales by wholesale houses and manufacturers for 1889 were over \$20,000,000. The gross receipts of the post-office for the year ending June 30, 1889, were \$41,830.05; expenses, \$23,765.62; net revenue, \$18,064.43; percentage of net earnings to expenses, 57 per cent; salary paid to postmaster, \$5,000; clerk mail, \$1,315.717; money-order business, \$324,008.94; registered mail, pieces handled, 4,230; special delivery, 1,361; number of employees, 11 regular carriers and 3 subcarriers, and 10 office clerks. One hundred and eight postal clerks are employed on lines centering in Burlington, 60 of whom are paid at this city, not including 35 employed on Chicago, Burlington and Quincy Railroad postal service.

The city being the headquarters of the chief clerk for the territory covering the south half of Iowa and parts of Illinois and Missouri, the office of the collector of internal revenue for the fourth Iowa district is located in Burlington. Two deputies, three clerks, and one gauger are employed. The receipts from internal revenue are \$75,900. One surveyor and one deputy surveyor of the customs office are located at Burlington. Fifty-three boats are registered at the port.

The present post-office facilities are inadequate to the business, being one floor 36 by 87 and one storage-room in basement 25 by 49. The internal-revenue office, including vault, is now confined to a space 20 by 53, with storage-room 20 by 60. The customs office has now a room only 20 by 29. In view of the inadequate facilities for transacting the Government business at Burlington, and the importance thereof, your committee are of the opinion that a public building should be erected at that city, and they recommend its passage.

Mr. BRECKINRIDGE, of Kentucky. I ask the gentleman in charge of this bill whether the appropriation is embodied in the bill?

Mr. GEAR. Yes, sir.

Mr. CANNON. I move to strike out the appropriation.

Mr. KERR, of Iowa. I will accept the amendment.

The SPEAKER. The first question is, Is there objection to the present consideration of the bill?

There was no objection.

Mr. CANNON. Now, Mr. Speaker, I move to amend the Senate bill by striking out, in lines 13 to 16, the words—

Which said sum of \$100,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

The amendment was adopted.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. GEAR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. In the absence of objection, the bill (H. R. 302) will be laid upon the table.

There was no objection, and it was so ordered.

## PUBLIC BUILDING AT YORK, PA.

Mr. MAISH. Mr. Speaker, I ask permission to call up for immediate consideration the bill (H. R. 749) for the erection of a public building at York, Pa.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise procure a suitable site, which shall leave the building unexposed to danger from fire in adjacent buildings, and cause to be erected thereon, at York, in the State of Pennsylvania, a substantial and commodious public building, with fire-proof vaults, for the use of the post-office and internal-revenue and other Government offices there located, the plans and estimates for said building having first been prepared, examined, and approved as required in section 3734 of the Revised Statutes of the United States, and based upon calculations and specifications that will insure the completion of the building and the purchase of the ground at a cost not to exceed the sum of \$150,000; *Provided,* That no money to be appropriated for said building shall be used until a valid title to the site selected shall be vested in the United States, nor until the State of Pennsylvania shall have ceded to the United States jurisdiction over the same for all purposes, during the time the United States retains the ownership thereof, except for the enforcement of the criminal laws of the State and the service of civil process therein.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I ask that the report be read first.

The SPEAKER. The gentleman from Indiana asks for the reading of the report, subject to objection.

The report was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 749) for the erection of a public building at York, Pa., having had the same under consideration, submit the following report:

The city of York contains 21,000 inhabitants, and adjoining towns, separated only by the city lines, contain about 4,000 more. It is the center of one of the finest and richest agricultural sections of the Union. In the city are seven national banks, two large car-shops, an immense agricultural implement manufactory, and numerous minor manufactories. There are seventy cigar manufactories in the city and eight hundred in the county, the product of which in 1887 was over 200,000,000 cigars. York is the point where the Northern Central Railroad is crossed by the Frederick Division of the Pennsylvania Central. An independent road is also in operation between York and Baltimore by way of the famous slate quarries, in the southern part of the county.

The amount of internal revenue collected at York from 1883 to 1889 is as follows, namely:

1883	\$429,626.70
1884	441,393.54
1885	452,857.22
1886	555,170.18
1887	614,851.44
1888	628,996.69
1889	682,625.18

The place in which this vast business is transacted is a second-story back room, wholly inadequate for the purpose. There is no vault for the safe-keeping of books, papers, stamps, and other public property.

The accommodations of the post-office are equally unsatisfactory. The office is the dining-room and kitchen of an old dwelling-house, and is entered at an angle of the public square of the city. The office is separated from a store on the one side and rear yards on the other by thin board partitions with cracks that may be seen through. It is an entirely unsafe depository for the public property necessarily accumulated there, and for the valuable correspondence of the people.

The gross receipts of the post-office for the fiscal year ending June 30, 1887, were \$25,327.73; total expenses, \$12,875.56; net revenue to the Government, \$12,452.17; gross receipts for the year 1888, \$26,533.26; total expenses, \$13,377.10; net revenue to the Government, \$13,156.16; gross receipts for the year 1889, \$28,851.21; total expenses, \$13,449.87; net revenue to the Government, \$15,401.34.

In the public square of York, in history commonly called Yorktown, in a building known as the State House, at the Continental Congress during the



gloomy years of 1777-'78. It was there that the articles of confederation were completed and adopted by Congress. There the Conway cabal exploded; there La Fayette came to support the commander-in-chief, and there the board of war guided the Revolutionary struggle under the presidency of John Adams and the secretaryship of Thomas Paine. These important historic events can be appropriately commemorated upon a public building at that city.

Your committee, in consideration of the foregoing facts, recommend the passage of the accompanying substitute for bill H. R. 743, with the following amendment:

Strike out the words "one hundred and fifty," in line 16, and insert instead the word "eighty."

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The amendment reported by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MAISH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARYLAND CONTESTED-ELECTION CASE—MUDD VS. COMPTON.

Mr. COOPER, of Ohio. I understand there is an hour and five minutes remaining on that side and an hour and ten minutes upon this. Am I correct, sir?

The SPEAKER. The Chair understands that that is the fact?

Mr. COOPER, of Ohio. We will hear from the gentlemen on the other side.

The SPEAKER. The gentleman from Maryland [Mr. COMPTON] has the floor for an hour.

Mr. COMPTON. Have I the privilege of controlling that time, Mr. Speaker?

The SPEAKER. The gentleman has that privilege.

Mr. COMPTON. Have I the privilege to control the time? Suppose, for instance, I do not use the whole hour, will I have the right to give the privilege to another gentleman to speak?

The SPEAKER. The Chair understands that is the custom. The Chair understands that there is an hour and five minutes on the right and an hour and ten minutes on the left.

Mr. MILLS. Mr. Speaker, I hope we will have order at the beginning, at any rate.

The SPEAKER. The House will be in order.

Mr. COMPTON. Mr. Speaker, I respectfully ask the attention of this House while I, in a plain, unvarnished way, present for its consideration, as best I can, the facts in this case as developed by the testimony. I shall endeavor, Mr. Speaker, in treating the case to work absolutely within the record, so far, sir, as what I may have to say shall affect the facts in this case. It may be, sir, that I shall ask for some latitude of debate in treating one feature of the case, but only one.

Now, Mr. Speaker, I desire to say to you, and to this House, in the outset that I have but one appeal to make. "Hear me for my cause, and be silent, that you may hear; believe me for mine honor, and have respect to mine honor that you may believe; censure me in your wisdom, and awake your senses that you may the better judge."

Before I proceed, Mr. Speaker, to a discussion of the facts and figures and testimony in the case, I desire to briefly allude to the addresses made on yesterday by three distinguished gentlemen upon the other side. My acquaintance, sir, has been very limited with the distinguished gentleman from Iowa [Mr. LACEY] who opened this debate, but that acquaintance has made a most favorable impression on me. I recognize in him, sir, an accomplished lawyer and gentleman in his manner and in his treatment of his fellows, and I believe a fair and honorable man. But, sir, in justice to myself and to this case I am bound to say that in one statement which that gentleman presented to this House he wandered as far from the truth as he could well have gone—unintentionally, I know.

He stated, sir, that Ed. Pumphreys was a Democratic deputy marshal. The testimony in this case shows that Ed. Pumphreys was a Republican deputy sheriff. Only so much to show, sir, the gentleman, no matter how carefully and critically he may have read the testimony and no matter how fair and honorable was his purpose, he has made a mistake. It is true, sir, that Mr. Pumphreys claimed to be a Democrat, but on the election day, in the first precinct of the third election district of Anne Arundel County, he bore the commission of a deputy sheriff from the Republican sheriff; and, as I shall undertake to show when I come to that branch of the case, he was one of those who sought to give to the Congress of the United States and the Republican committee of this House an opportunity, of which they have availed themselves, to throw out the election in that district.

And now, sir, in reference to the distinguished gentleman from Pennsylvania [Mr. DALZELL], in whom I recognize an accomplished man, a trained orator, and a high-toned, chivalrous gentleman, I want to say that hardly does it become a man occupying the exalted position which he occupies, in the closing remarks of his speech to this House, to call to the attention of his brethren upon that side of the Chamber the fact that I had so borne myself during my service as to win the respect and confidence and good will of many of them, and that that should not be allowed in a controversy like this, where the truth alone is sought to be established, to weigh with fair-minded men in my favor.

Now, Mr. Speaker, with reference to the gentleman from Massachusetts [Mr. GREENHALGE]. I heard that speech, and I regret that I did not hear it. I believe from what I have heard of that gentleman that he will live to see the day when he will regret that he made it. Mr. Speaker, the speech of the gentleman is the third one I have heard him make in this House, filled with wit and humor and anecdote. It brought to my mind an anecdote. I heard a story once of a guest at a country inn. When he heard the bell ring, and seeing a servant pass, he called out: "Jim, what bell is that? Is that the first bell?" "No, boss; dat is not de first bell." "Is that the second bell, Jim?" "No, boss; dat is not de second bell." "Well, Jim, if it is not the first bell and if it is not the second bell, what bell is it?" "Well, boss, dat is de second ringing of de first bell." [Laughter.] I have heard three ringings of the first bell from the distinguished gentleman from Massachusetts. [Applause on the Democratic side.]

Now, Mr. Speaker, it might and may be allowable for one to overdo a thing; and it may be, as it was said when he and I were boys, allowable to play to the pit, and here to the gallery; but never, sir, in my poor judgment, is any man ever justified in seeking to arouse the passions of a war long gone past, and which has been forgotten, by appeals to those prejudices and those passions which the memory of that war might inflame.

I have nothing to say, sir, in reply to the gentleman with reference to the provisions of the constitution of Maryland which he so lightly derided. I have nothing to say in defense or justification of the unfortunate occurrence twenty-nine years ago, in the streets of Baltimore, to which that gentleman saw fit to allude. But, Mr. Speaker, I appeal to the old State from which he hails. Has Massachusetts—probably the grandest of all the old Commonwealths, save and except the mother of States across the Potomac—has she at last lowered the standard of her ideas of right and her ideas of what is great and worthy in the estimation of men? What think you, sir, would the shades of Story and of Choate and of Webster say, could they move among the living, and express their opinions of the standard which that gentleman [Mr. GREENHALGE] has sought to set up for the glorious old Commonwealth? [Applause on the Democratic side.]

Sir, she has commanded, and deservedly commanded and received at the hands of the free American people from the day of her colonial birth to the present time, the meed of praise for having furnished some of the noblest specimens of mortality who have ever graced American history. And to-day, sir, her own John Sullivan wears the belt as the chief representative of the manly art in the physical world. [Laughter.] And has it come to this, that Massachusetts has lowered her standard so far as to seek upon this floor to grasp and gain the belt for the fun-making statesman of this House? for, if she has, sir, she has failed. Call him back and send another, for he is a failure. [Applause on the Democratic side.]

Mr. GREENHALGE. I will ask the gentleman if Mr. Sullivan is not a member of the Democratic party.

Mr. COMPTON. I do not know and I do not care. [Laughter.] That has just about as much to do with this controversy as has the suggestion of the gentleman from Massachusetts [Mr. GREENHALGE] yesterday with reference to the riot in Baltimore, and the suggestion that a man ought not to be believed because he would not "mister" a negro.

So much, Mr. Speaker, for what has been said by gentlemen who have spoken upon the other side. Now, sir, I come to the consideration of the facts in this case. Let me say, sir—and if I have lived to this time of life and am not able to establish among those who know me credit for my declaration I had better leave it unsaid—let me say with reference to this seat that if I did not believe, in the court of my conscience and in my judgment and best conviction, that I was elected to it, I would resign it and leave this House without a contest.

And now, Mr. Speaker and gentlemen, I must ask you to pardon me if I read from the record. But first let me say, and gentlemen will recognize the truth of what I say, that I have discovered, very much to my regret and, I am sorry to add, to the discredit of this House, that, as a rule, when an election contest is being considered by the House, a question of the highest privilege, then and there more seats are vacant in this Hall than upon any other occasion. Let me say another thing. As it strikes me, in the discussion of these cases, gentlemen who have addressed the House have assumed that their fellow-members upon the floor were as familiar with the incidents and facts in the case as they were themselves, and have therefore made assumptions and proceeded to statements of the testimony and to conclusions which the vast majority of the House did not apprehend because they had not studied the case. Now, if you will allow me and bear with me while I do it, I will endeavor to lay the foundation for the statements which I shall make before I proceed to make such statements or demonstrations.

Now, Mr. Speaker, what is this case? We claim, and the other side must concede it, that upon the official returns as made to the governor of Maryland, even granting that the votes locked up in two boxes in Charles County are to be counted and added to the result and admitting that it is proper that the votes for "Sidney E." and "S. N." and "Mudd" should be credited to my opponent, and the vote "For Comp-

tion" to me, they must concede to me, I say, on the face of the returns, a clear and undisputed plurality.

Gentlemen may do as they please, and say what they please, and turn and twist this subject as they please until they come to the investigation and production of other evidence, but upon the face of the official returns I am elected to this House and they can not but know it.

Mr. Speaker, what is the first question which arises in this case? It is a question as to the admissibility of the claim that 28 votes not returned in the official return from Calvert County to the governor shall be credited to the contestant in this case.

Now, Mr. Speaker and gentlemen, what does the record say upon that subject? I know I shall probably weary you, but it is your duty to listen and it is my duty to myself and my case to make the statement. Two days after the election in Calvert County the return judges of that county, every individual man of them a Republican, appointed by a Republican board of county commissioners, no friends of mine politically, assembled, as required by law, at the county town of Calvert County, Prince Frederick, and there and then summarized, under their supervision, by the hands of another man, the returns. (I will come back to that presently and show how this testimony has been misrepresented, because this individual who they claim made up this return swears that he never saw the book.) They made up their official return, as I have said, two days after the election and returned it to the governor, showing 1,138 votes for Mr. Mudd.

Now, sir, upon that return we stand and are entitled to stand until the contestant demonstrates that it is defective. Can this proposition be denied by any man who has capacity enough to add a column of four figures?

Now, as to the testimony that is to break down this return—for it will not do, Mr. Speaker, before an audience like this to undertake to break down the official return by newspaper squibs and newspaper almanacs, and the gentleman from Iowa [Mr. LACEY] knows it. On the 6th or the 26th day of February, I do not remember exactly which, but about three months after the election, Mr. Mudd repaired to Calvert County court-house to summon witnesses to show and demonstrate that he had been improperly cut out of 28 votes.

Now, how does he proceed to destroy those official returns? First he calls the return judge of elections in each district, the man who had made the return and sworn to it; and holding one book of the poll, remember (or, observe, gentlemen, there are two books of the poll in every election district in Maryland)—holding one book of the poll he calls the attention of the judge to the figures therein and asks him if those were the figures therein when he made the return two days after the election. His reply is, "Yes." What is that, gentlemen, but an attempt to break down a certificate under oath by the mere memory of the man, which, as you and I know, is as fallible as any attribute of humanity? He does not even ask him what the figures were; he does not produce the other book of the poll; but he relies upon one book of the poll and the memory of the man, without asking him to note the figures.

But, Mr. Speaker, *falsus in uno falsus in omnibus*, and fraud vitiates everything. The law of the State of Maryland is mandatory and must be complied with, or the defect is incurable. In one of the precincts in which he undertakes to show the return on one of the poll-books, you will find, as was so elaborately shown yesterday by my colleague [Mr. GIBSON], that, instead of obeying the law of the State of Maryland and writing out those returns in letters, not in figures, the return is made in figures alone, and not certified by the clerks of election. What was the purpose and the object of the law of Maryland when it said that the returns shall be made in words, and not in figures? To avoid the very possibility of what seems to appear upon the face of this very case, the altering of the figures and the changing of the returns. Yet, upon such flimsy testimony as this, the contestant comes here and asks this House of Representatives to pronounce here and now that those Republican judges, when, two nights after the election, they made this return and swore to it, deliberately perjured themselves.

But, Mr. Speaker, gentlemen on the other side ask me why we did not verify the thing. There was no obligation upon us to do so. We stood upon the certificate, and it was their business to destroy it. We could not be called upon to prove a negative.

Now, I have shown you how they attempted to break down this sworn certificate; let me show you how they might have broken it down had it been possible to do so. In the first place, the very fact that they called for only one book of the polls throws suspicion upon the whole case, suspicion which they can not get rid of.

But, Mr. Speaker, what does the law of Maryland provide? It provides that as soon as the election shall be over the judges and the clerks of election shall make a tabulated return of all the votes cast and they shall deposit one of those returns in the ballot-box; that they shall give to the Democratic watcher and the Republican watcher a copy of those returns, and that the ballot-box shall be delivered to the return judge, with the key in the pocket of the minority judge, a plaster having been placed over the key-hole of the box. This ballot-box and these returns were in the hands of the friends of the contestant, the Republican clerk of Calvert County. Why did not the contestant by a judicial order open that box and show the returns therein in order to prove his claim? Why did he not call upon his Republican

watcher or the Democratic watcher to come to the front and present the return made on the night of the election? But, best of all, with that ballot-box and those votes in charge of his own political friends, why did he not recount the ballots?

Sir, we stand, as I believe, upon absolutely unassailable and impregnable ground, and the contestant has failed to move us from our position. He had the means and opportunity, ample and abundant, had he seen fit to avail himself of it. But he did not do so, and there is but one conclusion and one fair presumption, and that is that he could not have done it.

Gentlemen on the other side talk about the testimony delivered by a Democratic editor of a Democratic paper in the county of Calvert and town of Prince Frederick. My friend said something about "God save the mark" and "Deliver me from such Democrats."

I do not undertake, and will not—because I have no justification and it would be wrong in me to do so—to question the veracity of Mr. Parman; but I do not believe in his Democracy, though he voted for me, he says. As I have always understood, he runs the independent paper, whereas the Journal is the Democratic paper. And some of you gentlemen on the other side know whether there is any difference between "Independent" and "Mugwump;" some of us on this side think the difference is between tweedledum and tweedledee.

But, Mr. Speaker, as to the testimony of other gentlemen in this case upon which the contestant relies so firmly for the destruction of this certificate, pardon me while I briefly allude to some of it.

Now, gentlemen, you will find that in the brief of the contestant and in the report of the committee special stress is laid upon what they claim as a fact, that Mr. Augustus Sollers Wilson, the Democratic deputy clerk, footed up the returns for the Republican judges two nights after the election. Now, I ask the attention of my friends on the other side to the testimony of Mr. Wilson, on page 272:

Augustus Sollers Wilson, a witness of lawful age, produced on behalf of the plaintiff, being first by me duly sworn, deposes and says:

Q. 1. Mr. Wilson, it has been stated here that you made the addition for the return judges of the vote for the several districts of this county and made up the returns for the county as a whole therefrom to be forwarded to Annapolis; is or is not that the case?

A. I did.

Q. 2. Will you state how it happened that the returns thus sent by you to Annapolis gave me 28 votes less than the returns filed by the several return judges in the clerk's office of this county?

A. I can't tell how it happened.

Q. 3. Do you know whether or not it did happen?

A. No; I can not say I do know exactly; I never saw the returns after they left here for Annapolis.

Q. 4. Do you know what figures you sent to Annapolis?

A. No; I don't remember.

Q. 5. Do you know what number I am entitled to from the returns from the various districts filed in the clerk's office?

A. I do not know.

Q. 6. Have you ever made an examination of the returns from the various districts?

A. I have made an examination.

Q. 7. Do you know therefrom what is my correct plurality over Mr. Compton in this county?

A. No; I can not say exactly.

This is the witness upon whom more especially than upon any other the committee rely, because they claim he footed up the returns two nights after the election.

Cross-examination by attorney for contestee:

Q. 1. Did you enter in making such returns such figures as were given you by return judges of election?

Now listen, if you please, my friends.

A. I did.

Q. 2. Did not you enter upon the certificate which the law requires the clerk to forward to the secretary of state only such figures and facts as you were directed by the return judges to forward and enter thereon?

A. I did.

Now, mark!

I put only those they told me; I did not see the books at all.

Gentlemen, I pause for a reply, and I hope you will find it; for, unless you do, on that testimony your case is gone in the estimation of any fair-minded man living on God's habitable globe.

But this is not all. I do not propose and would not for any consideration knowingly do any man any injustice; and I will read his testimony to the end:

Q. 1. Did you send on to Annapolis any certificate purporting to be the clerk of the court's certificate to the returns from this county?

A. I do not think I did the clerk's certificate; I sent on the returns of the judges of this county.

Q. 2. Mr. Wilson, didn't you tell me down-stairs to-day, in the presence of Mr. Dowell or Mr. Dowell standing near, that the returns sent on by you to Annapolis were a mistake and that those in the clerk's office were correct?

(Objection entered to the question.)

A. I did say so, and they are not correct unless they correspond with the books in the clerk's office—

which he had sworn three minutes before he had never seen. It will not do for my friend from Pennsylvania to shake his head, for that is the record.

Mr. DALZELL. If my friend will allow me, He simply testified—and he should be fair enough to state it—that at the time of making the returns he did not have the book and had not seen the book, but he took those returns as read off to him by the judge. There is nothing in the testimony to warrant the inference he had not seen the book since



that time. The testimony proves and confirms the accuracy of the returns on the books.

Mr. COMPTON. Let us see.

Int. 3. Do you mean to say, then, that the books in the clerk's office, as they are to-day, are the correct returns for this county?

A. I certainly do think they are correct, sir.

Does he swear to it?

I think they are correct.

Here is a witness whom you claim to have made an unequivocal asseveration as to the truth of the returns, and he tells you he thinks so.

And listen to this:

Recross-examination:

Q. 1. In answer to interrogatory No. 3 you stated that the books now in the clerk's office contained the correct returns. Do you know this of your own knowledge or did you mean to state that the books of to-day contain the same entries as they did on the day they were returned by the judges of election?

A. To the best of my knowledge they contained the same entries.

Mr. GREENHALGE. What else could he say?

Mr. COMPTON. What else could he say! If he had knowledge he could have sworn to it.

Mr. GREENHALGE. He does, to the best of his knowledge.

Mr. COMPTON. Now listen to the clerk who had these returns in his actual physical possession, in his hands and under his eyes, all the time. This is the testimony by which these gentlemen seek to break down certificates signed under oath by four judges of election:

Q. 5. Do the returns now in your office contain the same figures as to my vote and that of Mr. Compton that they did when filed by the return judges in your office?

A. I feel sure they do.

Did he not know? What is he talking about feeling sure? I feel very sure the sun is shining, but I am not out of doors and can not swear to it. He was in possession of positive knowledge, and could have sworn to it; but he says, "I feel sure" of it. It is an evasive answer. It was his duty to know.

I can not go fully into the subject, as I would like to. There is much that might be said on this point, but I will only take the salient points and make as best I can a statement to bring them to your attention.

Now, I deny that any testimony sufficient in the estimation of any man who knows how to weigh testimony, although he be as I am, no lawyer, has been adduced to invalidate or destroy the original certificate made by the Republican judges in this case.

Gentlemen, the feature in this case is that of the recount, and the attorney, the astute, suspicious attorney upon the other side, who personally, I know, plays under the mask of a civil-service reformer and is an uncompromising and a most violently prejudiced Republican, sought in vain to throw suspicion upon it. I say it within the hearing of my colleague, his representative, and I do not believe he will question the loyalty, the true, uncompromising Republicanism of Mr. Rose.

Mr. GREENHALGE. Is not the chief reason for your attack upon Mr. Bonaparte the fact that he is not here?

Mr. COMPTON. I have not made an attack upon Mr. Bonaparte. What has come over the spirit of the genius of the gentleman from Massachusetts? [Laughter.]

What does the gentleman mean? He seems to be astray on every point. I have not mentioned Mr. Bonaparte's name. He was only counsel to appear before the committee for the purpose of making a little speech. Mr. Rose was the counsel in the case. Has not the gentleman read the record?

Mr. GREENHALGE. Then I will put the same question in regard to Mr. Rose. Is not the chief reason that you make an attack upon him because of the fact that he is absent?

Mr. COMPTON. Is it an attack on a man to say that he is a pronounced Republican? [Applause on the Democratic side.] I do not say that I do not respect the man who is a pronounced Republican.

Mr. GREENHALGE. Then it is the first declaration of fact you have made during the discussion of the case. [Derisive laughter on the Democratic side.]

Mr. COMPTON. Well, the House can take your word for it. I am content.

Now, as I have said, the next feature is the recount, and I was about to say that Mr. Rose, who prepared the brief of the contestant, and I repeat it now, that Mr. Rose masks in the guise of a civil-service reformer when he is a Republican. (I do not quarrel with him for his Republicanism, but I quarrel with him for his civil servicism. [Laughter.] Can the gentleman distinguish?) Mr. Rose drew the brief of the contestant in the case, and lay special stress upon certain queries which he injects there, and the gentlemen representing the majority of the committee have followed to a certain extent his illustrations example as to why the recount was made in certain precincts and not made in others.

Now, I will tell you. First, because an honest Republican clerk of election in the gentleman's—the contestant's—own county said on the day after the election that in the ninth district of Charles County a vote had been counted for contestant to which he was not entitled. Was I not justified in recounting that box? I recounted the box in the first precinct of the first district of Baltimore County, because a Repub-

lican friend who was in the room on the night of the election with a Democratic friend by his side said to me that as the count progressed that night "we counted a vote for the Prohibition candidate for Mudd, by mistake, and it was tallied, but agreed when the count was concluded that it should be corrected." In the hurry, however, and confusion of the count the correction was forgotten and was not made. Was I not justified in recounting that box?

I was told by a Democratic friend that a gentleman in the sixth precinct of the fifteenth ward had given him the word of a man whose word he never questioned that he and others had cast their votes for Harrison and the Republican electors and for me for Congress, and, more than that, I was put upon my guard with reference to those who counted the votes in that and in the other precincts. Was that not justification and reason sufficient for recounting those districts? And in every single case but one, Mr. Speaker, in every single instance but one the result was verified by the recount.

And now, gentlemen of the committee, I ask your attention; I appeal to your candor; I appeal to your sense of right and justice. In a precinct in the sixteenth ward there were two poll-books of return. There they are in the record. One of them showed 223 votes for Mr. Mudd and the other showed 222 votes for him. Now, as candid men, tell me, if you please, when the recount confirmed the 222 votes, why you persist in counting 223 for Mr. Mudd.

Mr. Speaker, may I ask how much time I have remaining?

The SPEAKER. The gentleman has thirteen minutes of his time remaining.

Mr. LACEY. Before the gentleman from Maryland proceeds, let me say that the committee simply followed the recount as it appeared, and allowed whatever it might have.

Mr. DALZELL. The committee allowed the whole recount.

Mr. COMPTON. But your mistake is in counting the other column—223 votes—for Mr. Mudd.

Mr. DALZELL. We allowed the recount.

Mr. COMPTON. Oh, that is all plain, my friend. He knows that if he gives me 1 vote on the recount and still gives to my opponent the 223 votes that it is an act of injustice to me, and that the vote which he does allow me does no good.

Mr. LACEY. If it was so, it was a mere clerical mistake.

Mr. DALZELL. In the summing up of the case that I made before the House on yesterday I gave the gentleman the benefit of every single solitary vote claimed by the minority of the committee and by his counsel before the committee in connection with the recounts.

Mr. COMPTON. That was the basis of the recount, and, though they endeavored, they sought in vain to break it down, both counsel for contestant and the Committee on Elections, and justice has forced them to confess that the recount is absolutely unassailable and impregnable, and they did it, I am sorry to say, reluctantly.

Now, then, there is no dispute about the 19 votes given to me by the recount. The next condition of things to which I would ask your attention is as to a number of votes claimed to have been improperly registered on both sides of this controversy and a number allowed by that side—or the committee on that side—and the number denied to him by the committee, as well as the number claimed by the contestee and refused by the committee. Now, this is a question of law, and, as I have already said and as I presume is well known to the House and my fellow-members on this floor, I am no lawyer.

The SPEAKER. The Chair begs to interrupt the gentleman from Maryland to say that in the estimate of time remaining to the gentleman the Chair did not include the five minutes beyond the hour allowed by unanimous consent.

Mr. COMPTON. Then how much time have I now remaining?

The SPEAKER. The gentleman now has fifteen minutes.

Mr. COMPTON. I must hasten on. This, I say, is a question of law, a question of Maryland constitutional law, which the great successor of Webster deals with slightly and of which he thinks so little. But the constitution of the State of Maryland, which is the organic law of the State and can not be abrogated or broken down at will, thank God, so long as there presides in the center of this Capitol an honest, fearless Federal Chief Judiciary, even by the sophisms of the distinguished lawyer from Massachusetts—the constitution of the State of Maryland makes registration a qualification for a voter—not only a qualification, but a prerequisite—and provides that the Legislature of the State shall pass a registration law in conformity with the provisions of the constitution. That the Legislature has done; and I respectfully submit to any lawyer that, in view of the constitutional and local provisions of the statute-book of the State of Maryland, this honorable House of Representatives can find no authority under the Constitution or decisions of the Federal courts in this country to justify them in going behind the State statutes. But, Mr. Speaker, I know that our friends inject a vast amount of India rubber into that instrument. And I fancy I see plodding through their minds and their consciences the declaration which they deem an unanswerable reply to the declaration which I have made, that this House is the absolute judge of the qualifications and returns of its members.

Mr. Speaker, while it is, it is so under the limitations of constitutional provision. No man, no lawyer or man who professes to be a

lawyer, and no layman of ordinary capacity would undertake to read and construe one provision of the Constitution except in the light of adjacent and other provisions of that Constitution. Now, sir, I come (and I am sorry to say that I have no further time) to what I know my friends upon the other side construe as the turning-point and the conclusion of the whole question in controversy in this case, and that is the reported condition of things in the first precinct of the third district of Anne Arundel County.

Now, Mr. Speaker, the gentlemen upon the other side understand this question as well as I do. They know they are upon thin ice in the Calvert County matter; they know they are on thinner ice in regard to improperly registered voters; and therefore they are reduced to the desperate expedient of taking out 200 votes in the election district in Anne Arundel County, or they can not stand before an intelligent people and ask that the seat to which I was elected be given to the contestant in this case. Now, Mr. Speaker, I wish I had time. As I said in the outset of my remarks I propose to deal with the facts in this case and abide and stand on the record, but upon one general proposition connected with it I wish to take a little latitude. It was upon this question of intimidation of colored voters and the general proposition that I desire to address myself earnestly to my friends on the other side of this House, but I fear the time will be denied me.

I could a tale unfold, gentlemen of the Republican party, in connection with this question, keeping justly and rigidly within the pale of truth, as I have endeavored to do within the pale of this record, and open the eyes of any man from your section who is, as you must be, personally unacquainted with the true condition of things in the section of Maryland from which I come; but, as I said, the time is denied me.

Mr. WASHINGTON. Take the time.

Mr. COMPTON. Now, Mr. Speaker, I wish I could take the time, but I am not the master of the time. Upon what testimony and upon what kind of testimony do our friends upon the other side rely for this claim of intimidation of 175 colored voters, and the justification which they find therefor in throwing out this election precinct? First, sir, they produce the Republican return judge, and I undertake to say here, and I would say it if he stood there, because the record justifies me in saying it, that a swifter witness to perjure himself never stood on any stand. I say it deliberately, and I appeal to the record.

What did he say and what did he do? He was there during the entire day. He remained in the room with his associates and the clerks during the entire day. He had the power under the law of Maryland to summon the posse comitatus and command the peace. What did he do? He did not allude to the fact of anything wrong outside of the room, because he had no knowledge of any wrong, though he had two eyes and two ears and an open window between him and where the said wrong was done. And after the poll was closed the ballot-box was opened, and that return judge there and then with his associates counted the ballots, next day took them to Annapolis, and there in the presence of Major Howard and his clerk announced to him that the election the day previous was a perfectly fair and quiet one, and no trouble about it.

What does he say on cross-examination? When asked if he did not know that as judge of election he had the power under the law to command the peace, he said no; he knew nothing about that. When asked if he had ever served as judge of election before, he said he had never served as a judge of election before; and out of the mouth of his own associates in the room, and a crowd of responsible and respectable witnesses outside of it, it is proved that the man had served three times as judge of election, and on one occasion he had refused to sign the returns.

And as to Jubb, the other judge of election. His animosity to me and his character were enough to break his testimony.

And now let me call your attention to the testimony of one of the contestant's own witnesses in this case. He called Mr. John Williams and asked Mr. Williams if he would believe Mr. Hines and Mr. Jubb upon their oath. Mr. Williams said:

I do not know why I should not.

Then he was asked:

Then, Mr. Williams, if these gentlemen made a statement under oath to a certain set of facts and other named gentlemen made a statement of a different set of facts, what would you believe?

He answered:

I would believe the others as against Hines and Jubb.

Now, as to Mr. Hall. I have nothing to say against Hall except that he was a man whose dignity was easily offended.

Mr. Speaker, our friends on the other side talk about intimidation. The record brings out the fact which we in Maryland, and especially in my district, all had knowledge of, that only two years before the election in question these poor, "timid" colored men who, gentlemen tell us, obey the lash and the dictates of their former masters—one of these "timid" colored men brained a white man and killed him in his tracks right at the very window where this election was held. The testimony in this case shows that but one single man, and Hall himself swears he was a small man, interfered with any voter there, and

Hall does not say the man pulled him out of the line; he simply says that he tore his ticket in halves.

Now, what do we find in this record? Numbers of these colored men—and I ask the privilege of putting the testimony upon this point into the record—numbers of these very colored men unqualifiedly swear that they saw nothing to stop them from voting except that Brother Hall told them not to vote. But, Mr. Speaker, there is one feature of this case that I want to present and to drive home to the minds of gentlemen upon the other side, and it is this: I charge right here and now that the testimony in this case shows, and it is demonstrable from the record, that there was a conspiracy there between the colored people and the Republicans to have that district thrown out. Four or five men who had repaired from the election to Mr. Armijener's store, when asked by him if they had voted, innocently answered, "No, we have not voted; Brother Hall told us not to vote; we are going to throw the district out;" and the testimony to that effect comes out from the mouths of more than one witness on the stand.

Now, as to Ed. Pamphrey; my friend from Iowa [Mr. LACEY] describes him as a Democratic deputy marshal, and they ask why we did not summon him. Mr. Speaker, we did summon him and he declined to appear. We summoned him the second time and he came in such a condition that we could not put him on the stand. We then asked the other side to summon him; they dared not do it, because he was the go-between between the shrewd Republican sheriff of the county and the leaders there who, in connection with Hall and under instructions, sought to prevent the colored men from casting their votes in order to have a pretext for throwing out the district. We believed that we could drive him to the wall and prove the fact from his own lips, and we tried to get him, but he would not come, and the other side did not dare to summon him.

And Jubb (the judge), after saying there were about one hundred colored people at the window when the two men were pulled out (he says two or three), testified (page 60) as follows:

Q. How long after the colored men had been pulled away was it that Bill Hall told all the rest of the colored men, you say maybe a hundred, to go away?

A. The darkies seemed disposed to go to the window until Bill Hall said that, and then they left.

Q. The other colored people were disposed to go up and vote, and Bill Hall said that they had better go away, and they took Bill Hall's advice?

A. They were disposed to hold their ground.

Q. Until Bill Hall told them that?

A. Yes, sir; and then they went home.

Q. They appeared to take his advice?

A. Yes, sir; they moved off.

Elijah Richards (page 207), contestant's witness:

Q. How near to the polls did you get?

A. I suppose I got within about 5 feet of the window or door or whatsoever it is.

Q. Why didn't you vote?

A. The reason I didn't vote the time that I tried to get upon the window there was a little scrimmage made and they all came away from the window and I followed the crowd out.

Q. What sort of a scrimmage was it?

A. There was one young man got hold of another colored man there and threw him away from the door and told him he didn't vote there; he didn't belong in that precinct at all.

I. E. Cephas (page 119), contestant's witness:

He was asked why he did not vote, and he said in reply that he saw the vote of Hall was objected to, and they saw Hall could not vote there; he thought he would get away, and Hall said he did not think the votes would be anything if he did vote. Cephas then added: "Gentlemen, I did not see no danger; I didn't see no threatnings and no guns or anything of that kind."

J. J. Tankard (pages 106, 107), witness for contestant.

After giving the distance he was from the polls, he was asked:

Q. Why did you not go closer?

A. Well, sir, I started, and William H. Hall was ahead of me, and I saw they tore his ticket in two in his hand, and he said: "Men, leave the polls!" and with that all turned off and left the polls.

Q. And you heard Hall say, "Leave the poll, leave the poll?"

A. Yes, sir; after the men tore his ticket, and he said, "Men, leave the poll, leave the poll."

Testimony of Samuel Henson, colored:

Q. Who objected to your voting?

A. I don't know the man's name; I don't know the names now about the Neck much; but the man objected to our vote, and our head captain said he thought it would be best for us not to vote.

Q. What time did you get there in the morning?

A. I guess about 7 o'clock.

Q. Did you see Andrew Sampson when he went up to vote?

A. I did, sir.

Q. What happened to him?

A. Some man called him away, and said he couldn't vote in that district.

Q. Did you see Hall go up to vote?

A. Yes, sir.

Q. What happened to him?

A. Some of them pulled him away; I can't say his name.

Q. Then you left?

A. Yes, sir.

Q. Did anybody interfere with you or say anything to you?

A. They did not, sir.

Q. Did anybody trouble you?

A. No, sir.

Q. Did anybody threaten you?

A. No, sir.

Q. You say he, the head captain. Who is that?

A. Yes, sir; our head captain is Mr. Hall.

Q. Which Hall?

A. William H. Hall—old man Bill Hall.



Q. And he is the head captain?  
A. Yes, sir.

Testimony of J. E. Wright, colored:

Q. How near to the polling place did you get?

A. I got up to the polls.

Q. Did you vote?

A. Yes, sir.

Q. You voted, then?

A. Yes, sir.

Q. What hour was it that you voted, do you know?

A. I do not know, sir; I am hardly prepared to tell you what hour it was, but it was in the forenoon.

Q. When the polls first opened?

A. Pretty much when they first opened; yes, sir.

Q. Were you there when Mr. Hall was pulled away?

A. Yes, sir.

Q. Had you voted before that?

A. No, sir; I just came up behind him after he was pulled away.

Q. And you got your vote in?

A. Yes, sir.

Cross-examination.

By Mr. STANLEY:

Q. You say you voted there after Hall was pulled away?

A. Yes, sir.

Q. Did anybody try to stop you from voting?

A. No, sir; not me.

Q. And they did not interfere with you at all, then?

A. No, sir; they didn't say any word to me at all.

Q. And you went there and voted?

A. Yes, sir.

Q. Could other people have voted there if they had wanted to?

A. Yes, sir; there was an objection made at the same time I voted; but still I ventured it.

Q. You were determined to vote and you voted?

A. Yes, sir.

Q. What sort of a confusion was there?

A. Well, there was a good deal of them talking, I don't know what they were talking about, right at the window where they handed the tickets in.

Q. Some one told you something?

A. They never told me nothing, and I asked no questions any more than what I seen; an interruption and the talking of them men, and some of them said there was a confusion, and some said they were rejecting the votes, and would not take tickets.

Q. So you went away?

A. Yes, sir; I went away and went home. I came down there about 8 o'clock and at half past 9 I left the polls.

Q. You didn't offer to vote?

A. No, sir; I had a ticket in my pocket.

Q. You saw no fighting?

A. No, sir; I didn't see no fighting.

And now, Mr. Speaker, what conclusion do the gentlemen upon the other side reach in reference to this district? Why, sir, they reach the very logical conclusion that because 175 colored men failed or refused to vote, made no effort to vote, did not try to vote, therefore 200 other men who did try to vote and who did vote should have their votes thrown out and not counted. I want to put one simple question to these gentlemen. I do not mean any reflection, I do not mean anything unkindly, but I ask you gentlemen, honestly and squarely, to come around a corner here with me and tell me whether, if there had been 168 votes for Mudd and 32 votes for me instead of 168 for me and 32 for Mudd, you would ever have thrown out that district. [Laughter.] Now, answer that question—just a whisper between you and me. [Laughter.]

Is not that the milk in that cocoanut? Is it not because you know that unless you do throw out that district this seat, to which I was honestly elected, is mine and can not be taken from me?

The SPEAKER. The time of the gentleman has expired.

Mr. COMPTON. I appeal to the House to indulge me for three minutes longer.

Mr. MCCOMAS. Mr. Speaker, I ask unanimous consent that the gentleman be allowed the time he desires.

Mr. STOCKBRIDGE. I make the same request, Mr. Speaker.

There was no objection, and it was so ordered.

Mr. COMPTON. I only want to say, after thanking my colleagues [Mr. MCCOMAS and Mr. STOCKBRIDGE] for the request which they have made in my behalf, that I suppose the guillotine is ready and the ax is sharpened. If that is so, sir, the victim is ready, and while he will fall with the hot breath of an earnest protest upon his lips, he will fall without a quiver. I am made, I hope to God, of that kind of stuff which does not know how to—

\* crook the pregnant hinges of the knee  
Where thrift may follow fawning.

[Great applause on the Democratic side.] I would not flatter Neptune for his trident or Jove for his power to thunder.

Thank God, sir, I will resign and leave this office, as I have every other that I have ever filled, with clean hands and a conscience void of offense towards any one. [Applause.] I have sought, and if, as my friend from Pennsylvania [Mr. DALZELL] said, I have won, the respect and esteem of gentlemen on the other side, I am proud of it; I have a right to be proud of it, for I have won it at no cost of principle.

But, Mr. Speaker and gentlemen, make no mistake. I am a Democrat of the strictest sect. [Applause on the Democratic side.] I believe, and I know that every honest and fearless and honorable man will give me credit for it, and for the others I care nothing—I believe, in my cool judgment and on my conscience, that the preservation of American liberty, of the rights of the American people—all of them, not black

only, but white, too—depends upon the enforcement of those principles which are inscribed upon the platform and record of the Democratic party. [Applause.] The motto on that flag as I see it borne aloft and always in the front, high, advanced, inscribed thereon, "Justice to all and special privileges to none," is the shibboleth under which I propose to live and die. [Applause.]

Now, Mr. Speaker and gentlemen of the House, I take my seat, believing and knowing that my account here, as best my poor abilities have enabled me to perform my duties, is settled, square and correct, here and yonder. I ask naught of man but what as an honest man I am entitled to. Justice is all I ask. And what I say to you in conclusion is simply this: *Fiat justitia, ruat cælum.* If I am entitled to the seat, be men enough to give it to me; if I am not, on your consciences, I have no fault to find.

I return, sir, to a people whose confidence and affection, thank God! those of them whose good will is worth having. I feel in my heart of hearts I have and hold to-day; to a humble and unpretentious home where, thank God! happiness prevails. I go, if go I must, without a regret, because I have no self-reproach; and I tell you here and now, "exiled, more joy" I shall feel than any tin Caesar, with a whole House of Representatives at his heels. [Loud applause on the Democratic side.]

Mr. COOPER, of Ohio (after a pause, during which members on the Democratic side were crowding around Mr. Compton to extend their congratulations). Mr. Speaker, if the exercise of passing by and viewing the remains at this funeral is over, I would like to yield thirty minutes to my friend from Maryland [Mr. MCCOMAS].

Mr. MCCOMAS. Mr. Speaker, this is, as my colleague [Mr. Compton] has admonished the House, an important and serious question, but not to be decided by the eloquence with which my colleague has argued his own cause. Possessed of a warm heart and an intrepid spirit, he has urged that view which I am sure he honestly and wholly believes, that he was elected to the seat he fills. And if it be otherwise, Mr. Speaker, every generous-minded man must concede to him sincerity of spirit behind the fervor and the fire of his deliverance with respect to this controversy. But, upon this record and upon the reports and briefs which I have read and carefully considered I believe that my colleague was not elected on the face of all the precinct returns.

I find that Mr. Mudd was elected. I believe he was elected on the face of the returns by a plurality of 2 votes; that he is therefore entitled to the seat held by my colleague Mr. Compton.

If we go behind the returns after rejecting votes improperly counted and count votes improperly refused, Mr. Mudd was elected by a strong plurality.

The clear plurality on the face of the returns and upon the revision of the ballots is swelled to a plurality of more than 150 when we consider the transactions at the election in the first precinct of the third district of Anne Arundel County, justly thrown out by the majority of the committee because of the intimidation there practiced, intimidation which my colleague, the sitting member, is in no way responsible for and had, I am sure, no knowledge of, but which no longer should deprive Mr. Mudd of the seat to which he was elected.

I say that Mr. Mudd was elected on the face of these returns because the tabulations of all the precinct returns of all the Congressional district show that fact.

The only answer made to this tabulation is that from Calvert County, the returns sent to the governor only allowed Mr. Mudd 1,134 votes instead of 1,166 votes actually received by him. That Mr. Mudd did receive 1,166 votes in Calvert County is not only sworn to by the return judges from every precinct in that county, but proved by due certification by the clerk of court of the very returns signed by them and filed in the clerk's office of Calvert County two days after the election.

It is significantly affirmed by two newspapers, whose editors, standing by when the official count was made by the return judges, printed the returns in the two papers, one of them, at least, Democratic—the papers I now hold in my hand—one of them, as I understand, being edited by the counsel of the contestee; printed in the daily papers of Baltimore at the time, and promptly reported by the clerk to the governor when he wrote to the governor that the correct vote was 1,166, and asked the leave of the governor to correct this clerical error.

I have not found in the record a particle of proof denying that Mr. Mudd received these 28 votes taken from him by a clerical error. The minority report does not pretend that Mr. Mudd did not receive these 28 votes. This House will not deny him these votes as set out in the returns of the precinct judges here in this record. Thus, when we vote on the face of the returns, Mr. Mudd is the elected member, and the burden of proof is upon the contestee, Mr. Compton, to oust Mr. Mudd, under a familiar rule adopted by Congress.

I know that my colleague [Mr. GIBSON], in his speech yesterday, talked about the figures 379. If my friend has found anywhere in the returns the figures 379, as a correction of any of the precinct returns I hold in my hand, he can have thirty seconds of my time to show what page of the record it is on.

Mr. GIBSON. I made the statement then, and I make it to-day, that there was a forgery of the figures in the second precinct of the first election district of Calvert County—

Mr. McCOMAS. What part of the record proves your charge?

Mr. GIBSON. A forgery which is apparent from the record itself, because of the fact that it is only by the combination of the figures 379 and the other figures to which my colleague has alluded that there was a possibility of those five judges and two clerks adding up 1,138.

Mr. McCOMAS. Very well; then my friend finds 1,138, and because the figures on the precinct returns do not correspond with the 1,138, he goes back and says that some combination of figures (I am not talking of combinations; I shall talk of conspiracies presently)—that the combination of figures which he makes must squeeze the actual, true figures so as to correspond to the clerical error—

Mr. GIBSON rose.

Mr. McCOMAS. I can not yield further. My friend, in his endeavor to force down the majority, hits arbitrarily upon that precinct in that election district, and says, "These figures should be 379 instead of 407."

Mr. Speaker, there it stands. The President received 391 votes. Mr. Mudd ran a few votes ahead of that and received 407 votes.

But my friend says you must press and crush these figures into a smaller compass. My friend is an imaginative man. He has been led astray in this matter by visions. He has been dreaming. If he had gone on a summer trip instead of being engaged in this case he might have seen the sea serpent. [Laughter and applause.] If he had gone to the mountains he would have fancied faces and forms on every cliff. In every storm my eloquent friend would find a banner in the sky. It is this high imagination which causes these fancies and peoples for my friend the universe with strange but non-existent things. [Renewed laughter.] And thus my friend imagines these 379 votes. They are not in the record. They are not in the case, nor anywhere save in the perturbed and distorted fancy of my colleague [Mr. GIBSON]. Adding the votes of S. N. Mudd, S. E. Mudd, and Mudd, adding the vote wrongfully taken from Mudd, they make up 1,166; and no living witness has been brought to assail the verity of those official returns. Take the official count, take the official returns as filed by the proper officers; there they are, as they stood on the night of the election, as they stood on the day the return judges made them, as they stood when the proof was taken. They prove themselves and they make up 1,166 votes. When you add the three votes for S. N. Mudd and S. E. Mudd and Mudd there is a plurality of two on the face of the precinct returns upon which the contestant was in truth entitled to his seat upon this floor one year ago.

Mr. GIBSON rose.

Mr. McCOMAS. I have not the time to yield.

Mr. GIBSON. I will take but ten seconds. Explain why it is in this precinct, where I charge forgery, it is the only precinct in Talbot County where the two attesting clerks do not certify.

Mr. McCOMAS. Where does my colleague find that?

Mr. GIBSON. Do you understand that?

Mr. McCOMAS. I have not time to yield further. But if my friend wants an answer he shall have it.

Mr. GIBSON. Explain it if you can.

Mr. McCOMAS. There were three judges, and all the judges called swore the returns were correct. The clerks were then living. Living men could have been called. If that return was fraudulent living men could have been called to prove it. But no man was called to prove it. The minority report does not show it. Yet upon that shred Mr. Mudd, the contestant in this case, has been deprived of a seat upon this floor when he was entitled to it by having a majority of the votes on the precinct returns.

Mr. CRISP. Does the gentleman say those returns show the correct vote?

Mr. McCOMAS. I do.

Mr. CRISP. Does not the gentleman know that Compton was deprived unjustly of 19 votes, and if they had been included in the returns, conceding everything you say, Compton would have had a majority.

Mr. McCOMAS. I deny that there was a recount of that box.

Mr. CRISP. I mean of the whole district. You are attacking the face of the returns.

Mr. McCOMAS. I am.

Mr. CRISP. I say the votes making the return do not show the true vote.

Mr. McCOMAS. Does the gentleman say there is a scintilla of proof on the part of any living man that the total vote in that county was not 1,166 votes?

Mr. CRISP. I am talking now about another thing. The gentleman is talking—

Mr. McCOMAS. But that is my question, and I have been talking of the vote in Calvert County.

Mr. CRISP. But you say that on the face of the returns the contestant ought to have had the certificate of election. Now, I ask you if you do not know that these returns do not show the true state of the vote as admitted by the committee?

Mr. McCOMAS. Now, the gentleman does not answer my question, and I will give him 10 seconds of the brief time I have to do so.

Mr. CRISP. But the gentleman has switched off from his question, and so I have asked him one which I would like to have answered.

Mr. McCOMAS. My question was a very simple one, but it seems hard for the gentleman to answer. I say that the total face of the precinct returns in this county as footed up in this table showed 1,166 as the true actual vote. I asked the gentleman to show the error in that.

Mr. GIBSON. I will answer the gentleman's question, if he will permit me.

Mr. CRISP. If my friend will allow me a moment, I want to get him back to the point.

Mr. McCOMAS. I must decline to be interrupted unless the gentleman can put his question in a very few seconds.

Mr. CRISP. I will do so. I can not of course, without turning to the record, give the exact figures, but you are talking about the whole certificate. Now, you stated that the contestant ought to have had the certificate on the face of the returns, and I ask you if you do not admit what the committee admits, that the face of the returns does not show the true vote?

Mr. McCOMAS. Now the distinguished gentleman from Georgia is harping on the recount, and he can not give the figures, as he says, without taking time to examine the record and looking up the points which will enable him to make an answer to my challenge.

Mr. CRISP. Oh, that is immaterial.

Mr. McCOMAS. It is entirely material. It is the point. I am not talking of the official count as the governor had it, but of the official precinct returns, of the aggregate returns in Calvert County and adding to them the votes given for S. E. Mudd, S. N. Mudd, and Mudd combined, give him a plurality on the face of the official precinct returns throughout the Congressional district, without any question of error or mathematical correction or without any assault upon the figures which would entitle the contestee to the certificate.

Mr. CRISP. But the point is that you do not claim that they represent the true vote.

Mr. GIBSON. And the living witness that my colleague has asked for—

Mr. McCOMAS. Well, I can not yield any further to my colleague. My friend is certainly not that living witness.

Mr. GIBSON. I will state that there were three witnesses living who have certified to the vote as 1,138, and not 1,166.

Mr. McCOMAS. And I answer from the record that there is not a living witness to so testify, and when I challenged my friend last night to lay his hand upon the fact he did not do it, and he comes in to-day without an instance in the whole record to substantiate his assertion that the contestant's vote was 1,166.

Now, if the majority on the precinct returns approaches the disputed votes—and I must hasten on, as my time is rapidly drawing to a close—and the minority allow Mr. Mudd 22 votes and the majority allow him 54, while the minority allow Mr. Compton 10 and the majority allow him 17, taking the addition of these disputed votes and the division made by the minority and the majority of the committee and adding them to the precinct returns, instead of benefiting the contestee in this case you merely add to the plurality of the contestant in the total vote. Any fair determination of these disputed votes overwhelms the alleged gain by this recount.

This class of votes in a Maryland court would be allowed without contention. I speak of registered, qualified voters, who presented themselves for registration at the proper time, who were duly registered as qualified voters, who went to the polls on election day and proffered their lawful votes and were refused merely because of the deliberate fraud or ministerial neglect of the registrar of voters to put their names on the poll-book in the hands of the judges of election, a neglect which the diligent voter could not possibly know until he applied at the election window; for he has a right to rely on the registration, "which registration," says the State constitution (section 5, article 1), "shall be conclusive evidence to the judges of election of the right of every person thus registered to vote at any election."

It is the common practice in Maryland for those voters convenient to the clerk's office, where the registrar's lists are deposited, to go from the polls to the clerks of the court to get the certificates of the clerk when the poll-books omit the names, but I have never before heard it contended that a citizen more remote from the court-house could be disfranchised by the criminal or ignorant neglect varying with the miles of distance or facilities of travel in any contest wherein it was proved he was a duly qualified registered voter and in person had proffered his ballot at his polling place.

For twenty-odd years I have observed the registration law in our politics. I know too well there is something in our climate causing the partisan registrar, whose perquisite it is in Maryland to tamper with our suffrage, to omit or misspell Republican names on the poll-books; but I have never yet known any court in that State, where our judiciary is impartial, to hesitate a moment in counting the votes such as are counted here, in part by the minority, and to the number of 54 for the contestant and 17 for the contestee by the majority of the committee in this report. Nearly all of these votes are of this character and are justly allowed Mr. Mudd. I shall not pause to discuss an isolated vote contested on the ground of identity, nor to insist upon six of these votes rejected because six other persons had illegally voted on the true voters' names.



In passing I remark that, with our Democratic election machinery, whenever you are told that six persons voted illegally on Republican names you may safely assume that the six illegal voters have cast six Democratic ballots. Political knaves in Maryland are not idiots. When they repeat at elections they repeat to count for their side.

The minority report in this case itself shows the weakness of the case of my colleague, the sitting member. It claims his plurality to be 30 votes. And this plurality of 30 votes includes the 28 votes in the second precinct of the first election district of Calvert County, to which Mr. Mudd is entitled, because his total vote in Calvert County was 1,166 instead of 1,138. Although on the third page the minority endeavor by argument too technical and too unsound to reject these 28 votes when properly certified by the clerk of the court of Calvert County from the precinct returns on the poll-books deposited in his office by law, nevertheless the minority adopts the same method of proof to give the sitting member 1 vote in the first precinct of the sixteenth ward of Baltimore.

When from the plurality of 30 in the minority report (on page 12) we deduct the 28 votes which in truth and in fact, as approved by the certified precinct returns, Mr. Mudd is entitled to, the plurality of my colleague is but 2 votes, which becomes a majority for Mr. Mudd when the 3 votes for "Mudd," "S. N. Mudd," and "S. E. Mudd" are given to the contestant, for whom they were polled.

On their report, therefore, the minority really start with a majority for the contestant, a majority on the face of the returns for Mr. Mudd. The recount of a few boxes in the district, boxes in certain precincts of certain wards of Baltimore City, boxes in the custody of a Democratic return judge, in the custody of the Democratic police board of Baltimore City and its Democratic employes, of the Democratic clerk of the circuit court of Baltimore County and his Democratic employes—such a recount does not import verity in Baltimore.

It will not satisfy an earnest seeker after the truth who knows the juggling with ballot-boxes there performed. Strong locks have not hitherto barred some of these partisans from changing ballots at will. Pasting a paper over the office and locking the ballot-box are not sure guards of the ballots. We in Maryland know this too well. Like Rob Roy's purse, these boxes are guarded at the top, but easily opened at the bottom. Such a recount has here been liberally allowed to Mr. Compton, giving 19 more votes than were counted for him in those few precincts, when he failed to recount all the precincts of the Congressional district.

On page 18 of the report is the final table of the minority. I show it to you. It gives a scant plurality for contestee of 37. Deduct the 20 votes therein of Mr. Mudd's assumed loss on this partial recount and the plurality dwindles to 17; but these 17 are included in the 28 votes belonging to Mr. Mudd in the Calvert County total of 1,166. These 17 votes are a plurality in the teeth of 28 votes which no member of the minority signing this report can deny Mr. Mudd actually received.

Such, Mr. Speaker, is the weakness of this case that the minority, with the face of the returns against their report and apart from the question of intimidation in the third district of Anne Arundel County, hang the whole case of the sitting member on again of 20 by a recount in a few precincts, chosen capriciously.

The intimidation of colored voters in the first precinct of the third district of Anne Arundel County was very effective. Of 475 registered voters, 252 are white and 223 are colored. When the polls opened 4 white men voted, then 15 colored men voted, then 187 white men followed, but 175 qualified registered voters with black skins swear that they left their homes to vote, but did not deposit their ballots. One hundred and sixty-one of these went to the polling-place, but did not cast a vote. The contestee's claim is these black men did not vote because they shrewdly suspected there would be a contest for this seat in Congress and that by abstaining this precinct would be thrown out. Surely an amazing compliment to these black voters! How skilled were they in the election law! Yet, practically, how stupid; for these 175 black votes would have carried the box for Mudd. There is a better reason why the colored vote was not polled; a better explanation why, after 15 black votes were rapidly polled, 175 failed to reach the box.

Five or six Baltimore roughs, strangers in that community, invaders of its peace, with "Tip" Wells, for five years a registered voter in Baltimore, as their guide, with Edward Pumphrey, and William Chairs, Democratic district manager, as their allies, were early on the ground. Some of them, with badges as United States marshals on the lapels of their coats, had stolen the livery of the nation to serve the Democratic party in. These Baltimore roughs early in the morning began to press Democratic tickets upon black voters. One, Samuel Gaither, was hindered, and when "Tip" Wells and Chairs gave the signal these roughs dragged Andrew Sampson from the line and snatched from the hand of William Hall, an excellent colored man seventy years of age, the leader of his race, one of the richest men of his community—snatched his ticket from his hand and tore it in pieces, denouncing them both, saying, "they did not belong there."

White Democrats quietly suffered this. "Tip" Wells and several roughs shouted, "Not a damn one of you shall vote unless you vote for Cleveland," and Hall was pulled away, and no "damned negro" did

vote except the Democrat black man who did vote for Cleveland. [Laughter and applause on the Republican side.]

They kept their faith, their oath, and their profanity together, and when White came up, and he was at the head of a line of 30 or 40, he was driven back.

In the wagons at that time were guns; some say that guns were loaded behind the house; and pistols were seen on the persons of these roughs. The black people were wholly unarmed, and Hall, with others about him, turned away, because, as Hall said, "If we can not vote, if our votes are rejected, we had better go away." One, John Emery White, tried to vote, and his ticket was grabbed away and he was told he could not vote unless he voted for Cleveland; and it appears that Frank Chairs, a Democratic internal-revenue storekeeper, and Wells agreed, "we have got them in check;" and when the blacks in a body again started for the window, the Democratic leader, William Chairs, called out, "Boys, don't go any closer; no damn nigger can vote here to-day;" and about 10 o'clock Rhoderick Kess, a black voter, tried again to vote and was struck in the face by one of the roughs, while Pumphrey went about the crowd of black voters and assured them that more roughs and marshals were coming that would shoot them if they tried to vote.

The minority say that these men ought to have done more to secure their votes. They say that this was a pretext to get them to throw out the box. If those 175 had been allowed to vote, besides the 33 that Mudd did get, it would have given that box to him by a clear majority. One hundred and seventy-five swear that they were not allowed to vote, and if they had been allowed to vote it would have given Mudd a clear majority.

The gentleman from Texas who signs the minority report may say it was not much of a storm. [Laughter.] Perhaps down in Texas it might not be. The gentleman from Georgia [Mr. CRISP] whose name is next thereon may say that this is very slight intimidation, and only a small matter which ought not to be considered. It might in Georgia be a small matter; but, Mr. Speaker, it seems to me that when these men stood there and tried to reach the place to deposit their ballots and were hurled away, that certainly was intimidation grave and monstrous.

The minority assert that the old man Hill had stated that these people would get the box thrown out; that they might as well give it up; that the box would be thrown out, and that they could make an appeal. He is an American citizen and he concluded that he had a right to make an appeal to this Congress. And why could not he make an appeal? If you can not reach so far as Arkansas or as Mississippi to correct fraud on the ballot-box, if you can not secure a fair election free from intimidation and have the ballot-box easy of access and unattended by intimidation there, here under the shadow of the Capitol, here near the very seat of Government itself, he may have hoped that the national Congress would do justice, and not condone this accused intimidation of black citizens. Every fair-minded man in the State of Maryland will applaud you in the justice you will do. [Applause on the Republican side.]

Mr. COOPER, of Ohio. Mr. Speaker, I shall occupy none of the brief time remaining to me either in answering the eulogy which the contestee has so feelingly and eloquently pronounced upon himself or in discussing the merits of the contestee or of the State of Maryland. I honor and respect them both, and, if it be true, as was roaringly announced here yesterday, that that State has covered the contestee with honors, I congratulate him. If he has "sounded all the depths of honor and all the shallows of fame" he can better afford to enjoy a season of rest in honorable retirement than to remain here occupying a seat to which he was certainly not elected and which is as certainly the property of another. [Laughter.]

Mr. Speaker, I can only glance at the salient features of this case. The first to which I call attention is the statement of the eloquent gentleman from Maryland [Mr. GIBSON] who addressed the House yesterday, that the important and decisive question in this case was whether the contestant was entitled to have counted for him 1,166 votes in Calvert County instead of 1,133. I do not agree with the gentleman that that question is decisive of this case, because, eliminating the 28 votes in dispute there, still the contestant is clearly elected. But if the gentleman's proposition be true, then what becomes of the claim of the contestee in this case? For, sir, I undertake to say that if anything in this case be proven beyond a reasonable doubt it is that in the county of Calvert 1,166 votes were cast for the contestant. The gentleman [Mr. GIBSON] loudly proclaimed upon yesterday that on the night of the election the judges of election in the second precinct of that county swore that there were 379 votes cast for the contestant, instead of 407, as we claim, and he has loudly announced that the judges upon that night proclaimed to all the bystanders that there were 379 votes cast for the contestant, and not 407.

Mr. GIBSON. The clerks.

Mr. COOPER, of Ohio. Very well; the clerks. Say the clerks, then. Now, I want to say here, Mr. Speaker, that a careful scrutiny of the record in this case justifies me in stating that neither the clerks nor the judges did either of those things, and I stand here to challenge the naming of a witness or the specification of an exhibit or a paper that even tends to prove any such statement as that made by the gentleman from Maryland. Sir, it is unquestionably proved that the judges and

clerks upon that night did count in the precinct in question 407 votes for the contestant, and so announced and so returned. The gentleman also declared that the second day after the election eight men swore that there were 1,138 and not 1,166 votes cast for the contestant in Calvert County. I again say that careful examination of this record shows that statement to be wholly unfounded in fact.

All the justification there is for the statement is that upon the second day after the election these judges came together, when a hiring deputy clerk who was doing the clerical work figured up, or attempted to make a tabulation of, the precinct returns, and in so doing, instead of correctly stating them to be 1,166, he erroneously made the number 1,138, and that summing up went to the governor. That is all there is of it, and that is all the justification there is for saying that there were any men there who "swore" to these figures, 1,138. Because these men were sworn officers and signed that return supposing it to be correct—there being no evidence that they ever examined the figures or ever tried to prove or scrutinize or verify them—because they signed that return as made out by the clerk, supposing it to be correct, the returns forsooth are to be taken to be intallible.

Who ever heard of such a doctrine? Upon the contrary, to demonstrate there were 1,166 votes, we have the testimony of bystanders who were there when the count was made, among them a Democrat who voted for Cleveland and for the contestee, the editor of a Democratic paper, who was there for the double purpose of ascertaining as a politician what the vote was and of getting the figures of the true vote so that he might publish them in his paper. He swears that, sitting there, he ascertained the fact to be, and that it was understood and known generally, that the contestant had 1,166 votes, and he so published in his paper. And the Baltimore Sun, too, which, although unlike its New York namesake, does not shine for all, does at least shine for all Maryland Democrats, proclaimed that there were 1,166 votes cast there for the contestant. And, finally, as the primary evidence, the best evidence, the unanswerable evidence, I produce the returns themselves, certified copies of which are in the record, which show as certainly as two and two make four that 1,166 votes were cast in that precinct for the contestant. And yet, because this deputy clerk made this error, an error which he himself acknowledged and which he says as soon as he ascertained it he wrote to the governor for the privilege of correcting—because that clerk made this error we are told that no correction is to be made, but this Congressional district is to be disfranchised and the man elected as its Representative is to be deprived of his seat upon that technical ground, at the instance of a gentleman who thanks God with uplifted hands that he is right both here and hereafter. [Laughter and applause on the Republican side.]

I suppose that according to the theory of the gentleman who appeals to us as lawyers, if he were trying before a jury an issue as to what was the amount of three promissory notes and he produced the deposition of a man who swore that he had examined the notes and computed the amount and had found the aggregate to be \$1,000, and rested his case, and then the other side produced the three promissory notes themselves, which read, as plainly as writing could, that each note called for \$500, and also produced the man who had made the computation, and he said that after looking at the notes again he was satisfied he made a mistake and the true amount was \$1,500, still my friend would insist that the deposition was correct and that the amount must still be \$1,000, for that is the theory upon which the gentleman bases his claim as to the point which he says is to be decisive of this case. If so, sir, then is not the claim of the contestee the thinnest and baldest of pretenses? Enough upon this question. Now, sir, as to our right to have counted the votes of duly registered and qualified legal voters of this district who, being entitled to vote, having done all in their power to qualify themselves to vote, and, being duly qualified, presented their votes, which were rejected, I have only to say that if the plain letter of the statutes of the United States is to be regarded and followed there is no question in this case; and that is conceded, and the only answer made by contestee upon this point is that the law is unconstitutional. Sir, the law has never been declared unconstitutional. On the contrary, whatever courts have had occasion to review it have affirmed its constitutionality, and it was enacted expressly to meet a decision of the highest tribunal of the Republic, and is clearly constitutional under that decision. But I have always observed, sir, that whenever our friends upon the other side are driven from every other defense and compelled to abandon every other argument, they make a final grand rally, call up their reserve forces, and cry aloud that the proposition they object to is "unconstitutional." Their wondrous reverence and idolatry for that sacred document are only equalled by their vigilance and zeal in apologizing for or justifying the nullification and violation of the Constitution when they incur to the benefit of the Democratic party.

But, sir, leaving these points, by which the case of the contestant is most clearly established, I pass to the consideration of the first precinct in the third district of Anne Arundel County. There are several undisputed and unchallenged facts in that case. First, that there were 207 duly registered, legally qualified Republican voters in that district entitled to vote, and 174 Democrats entitled to vote there, and of these 174 the eloquent gentleman who has just pronounced his valedictory

was scratched from 6, leaving 168 votes for the contestee. It is also in proof, by testimony undenied—indeed, admitted—that there were but 32 votes cast for the contestant, and that by the count upon that night and as allowed by the governor the contestee received 136 majority in that Republican precinct.

It is not denied that there were 175 colored Republicans there at the polls for the purpose of voting. Many of these poor men had walked weary miles for the purpose of exercising the privilege of casting their votes. They were there with tickets in their hands. They marched up to the polls to vote; they tried to vote, but did not vote because they were (whether there was reason for it or not) frightened away, and in consequence of their fright and terror the contestant lost 175 votes which, if they had been cast for him, would have left this contestee more than 100 in a minority, giving him everything he claims and eliminating from the contestant's claim everything to which the contestee objects.

I say these things are all conceded; and the only answer that is made by the contestee is that these men were frightened away without sufficient reason; that the conditions environing them were not such as to frighten away men of ordinary courage. Let us see. It is conceded that there had been trouble at these polls before and there had been rumors in the air in this precinct that it would be perilous for colored men to vote. Accordingly, as they arrived they did not venture to go at once to the polls, but gathered around an old mill near the polls until there had collected about 80 or 100 colored Republicans. They then concluded to venture up, in the hope that the assurance given by their numbers and the formidable array which they made would protect them from assault.

And right here, Mr. Speaker, may I not stop to inquire whether it is not a withering reproach, a blistering shame in this fair, free land of ours that upon election day, that day of days to the American citizen, a portion of the citizens of this Republic are compelled either to wait and collect in numbers sufficient to repel assault before they dare approach the polls or to skulk around in hiding-places watching for an opportunity to steal forth, noiselessly and silently, to the polls and then noiselessly and silently flee away like fugitive criminals or hunted beasts? I pray God, sir, that you and I and all of us may yet live to see the day when every American citizen can upon election day, in peace, in assured safety, go to the polls, the palladium of American freedom [applause], and there with his ticket enfolding his judgment, his conscience, his convictions, and wishes, deposit that ticket and walk away in peace and safety, knowing that his vote will be counted as he left it, knowing further that the thus expressed conviction, conscience, and judgment of a majority of his fellow-men shall dominate in the councils and policy of the nation. [Applause.]

Sir, until that happy day comes we are living under a continual menace. Until that day comes there can not be that peace, that quiet, that confidence, upon the part of all citizens which is the essential prerequisite to permanent prosperity. Until that day comes, great, proud, powerful, and rich as our Republic is, it can never arrive at the full measure of its majestic stature. Until that day comes the reasonable hope of the men who more than a century ago founded our institutions in their sacrifice and blood, and the reasonable hope of the heroic men who within our own memory poured out their blood in crimson currents on more than a hundred battle-fields, will never have been justified. [Applause.]

In the presence of this question, involving the integrity of the Republic, the supremacy of the Constitution, obedience to the law, and the enjoyment of the dearest and most valuable rights incident to American citizenship, all other issues dwindle into comparative insignificance.

But when these colored men marched up to the polls, who else were there? There were many Democratic white men; and there were a few Republican white men, who were so timid and cowed that they were of no assistance to their colored friends; and, over and above all, there were two wagon loads of Baltimore "toughs," a name which has been a synonym of lawlessness and outrage for more than a generation in our land. Why were they there? They did not live in the precinct; they had no right to vote there. But you can read the answer to the question in the conduct which followed. They were there early; they remained until every colored Republican had left the polls, abandoning in despair the effort to vote. Although these toughs lived twelve or thirteen miles away, they were there before the polls opened.

In this body of eighty or one hundred colored men there was one old patriarch more than seventy-two years of age. By his age, his intelligence, his education, his wealth (for it is in proof that he was one of the largest tax-payers in the precinct), and his conservative views, he had become a leader, a banner man among his race. He marched up well in front. As he approached the polls these "toughs" seized him; they dragged him from the ranks; they tore his ticket from him; they thrust him back and said to him, "You can not vote here." The poor old man asks, "Why are not our votes to be taken?" The response, in the hoarse voice of the "tough," is, "No d—d nigger shall vote here unless he votes for Cleveland." And it is in proof that no negro was permitted to vote but one; and he, lifted upon the exulting



arms of these "toughs," inflicted upon himself the disgrace of voting the Democratic ticket.

That is not all. This old colored man turns to the leader, the captain of the Democratic forces, and says, "Look here; how is this? Can't we vote?" And the man thus addressed is solemn and silent as a sepulcher. Turning to the judges, this old colored man says, "See here! they have torn my ticket; can't we be allowed to vote? Can't we boys vote to-day?" And no man answered. No Republican there had the courage, no Democrat there had the manhood, to give one word of encouragement to these poor men.

What was this old patriarch to do? He might have advised a conflict. He might have said, "Boys, we will fight it out; we will insist on voting, let the consequences come;" but would it not have been a fearful responsibility on his part? These colored men were there in numbers, it is true, but they were black men whose inheritance of centuries of subjugation and degradation unfitted them for conflict with the race to which their ancient masters had belonged. [Applause.] They were there fully conscious that in every conflict with the white race, no matter how begun nor how thrust upon them, it was the black man that always bit the dust and it was always the black man's blood which reddened the grass. [Applause.]

Yes, he might have invited a conflict between the whites and the blacks, but the result of that conflict he could well read in the dust which had been reddened with the blood of the black man in a hundred such contests. He could read the result of such contests in the lurid glare of multitudes of burning cabins, burning because their owners were "bad negroes," which in the South meant negroes who dared assert their rights, who dared defend themselves against the violence of white men.

He dared not do that. He exercised that better part of valor. He said, "If we can't vote, let us go home." I have no doubt if my friend from Texas had been there, if the old man had asked whether they should fight it out or go home, he would have advised him to go home and not make a fuss. The old patriarch did advise his friends to go home. He did advise them to go home and make no fuss.

Yet, sir, these men are to be disfranchised because they did not fight.

But that was not all; most of the colored men still lingered around, reluctant to leave without voting, and finally a man named Kess attempted to vote, but as he approached the polls he was seized by the roughs, pushed backwards violently some distance, the length of the building, was struck a crushing blow in the face, and was told to go home, that "no damned negro votes here to-day."

After a while another man makes the same attempt and meets with the same fate.

The vigilant leader of the Democratic forces, Mr. Chairs, whenever he saw one or two colored men going up to the polls, artfully intercepts them and tells them, according to the testimony, "If you go there there will be a fuss; you had better keep away," and they stopped and went away.

Then there is Ed. Pumphrey, who, it is said, was a Republican. I stand here to pronounce that to be untrue. Pumphrey never claimed the honor of being a Republican, and he never deserved that honor. He has been an unwashed Democrat all his life, and is likely to die one. [Laughter.]

He was there as a deputy marshal, and according to the testimony, whenever he saw any of these negroes going up to vote he would go to them and say, "Do not go up to vote; if you do there will be a riot, and I can not be responsible. You had better give it up and go home; although I am a deputy sheriff I can not protect you."

Then, to enliven the monotony of the day, we find these men from Baltimore shooting off their guns and revolvers, pretending to shoot at a mark. Their real mark was to frighten these colored men away, and they hit the mark in the center. These men stood there until the last colored man was intimidated and driven away.

But we are told they did not exercise ordinary courage and are told there was a peaceful election there. Yes, there was a peaceful election there after all the colored men had been driven away. As my friend from Massachusetts has said, there was peace in Warsaw after Kosciuszko fell. There was peace in Jerusalem after the triumphant Roman had run the plowshare over its ruins. Sir, a peace which is the result of the entire surrender by the majority of their dearest and most valuable rights at the behest of the minority is a peace which is antagonistic to our institutions and is not healthful or desirable in this land of ours. [Applause.]

There was such peace at this precinct, and as a result when the vote was counted there was 136 majority for the contestee, and, sir, great, honest, and honorable as he says he is, it is beyond all contention that the contestee has for more than a year occupied the position and enjoyed the emoluments of a Representative in Congress by virtue of the terrorism which took place at that election precinct that day.

The pretense that the negroes refrained from voting was the result of a conspiracy on the part of the Republicans to secure the throwing out of the vote of this precinct is supremely absurd in the face of the undisputed fact that if they had voted the contestant would have had

39 majority in this precinct, and so would have been 39 votes better off than if the precinct was thrown out.

I do not charge the contestee with the outrageous conduct at this precinct. I do not say that he encouraged it or was a party to it, but I do charge, for it is beyond gainsaying, that he has enjoyed the usufruct thereof and is disposed to continue to do so.

Now, what shall this House do? As I said, Mr. Speaker, it is not necessary for the purposes of this contest that this precinct shall be considered; but, for one, as the Representative of an American constituency, I regret that this is not the decisive question in the case and the crucial test thereof, for I would be glad to put it to the manhood of this House to say whether such practices as that which I have referred to, and the truth of which can not be controverted, are to prevail.

Sir, the Constitution of this land guaranties to every citizen the right to approach the polls and there express his own convictions and conscience according to his own desires; and it is the demand of the people, of those that have placed us in control, especially is it the demand of the great, progressive Republican party which gave to the colored man his freedom, gave him equality before the law and in the courts, and invested him with the priceless and peerless rights and unfathomable responsibilities of American citizenship—the party would not be content until the guaranty of perpetual enjoyment of those rights so granted was stamped deep into the sacred face of the Constitution itself, and that we see to it, whenever a case comes up here presenting features like these, that we do all in our power to rebuke and stamp out such outrages as the thrifty husbandman would stamp out the rinderpest in his herd or on his farm. [Applause on the Republican side.] And I trust and believe we will do it. And yet the contestee appeals to this House upon this state of facts, because he has been an honest man, an honorable man, a courteous man, that we shall forget the law, that we shall forget the Constitution, that we shall forget the rights of the people of this district, and the rights of the poor black man throughout the country, and retain him in his seat.

Sir, under the circumstances I can not but regard such an appeal as an invitation to the House to do itself dishonor, and against the acceptance of that invitation I most earnestly protest, having no apprehension that it will be accepted by the majority of those around me.

I ask a vote on the pending question. [Applause.]

The SPEAKER. Does the gentleman from Ohio [Mr. OUTHWAITE] desire to offer a substitute for the resolutions of the committee?

Mr. OUTHWAITE. The gentleman from Texas has charge of this case.

Mr. MOORE, of Texas. Mr. Speaker, I move to substitute for the resolutions of the majority the resolutions presented by the minority of the committee.

The SPEAKER. The resolutions will be read.

The Clerk read as follows:

Resolved, That S. E. Mudd was not elected as a Representative to the Fifty-first Congress from the Fifth Congressional district of Maryland.

Resolved, That Barnes Compton was duly elected, and is entitled to retain his seat.

The SPEAKER. Does the gentleman demand a division.

Mr. MOORE, of Texas. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 145, nays 155, not voting 29; as follows:

#### YEAS—145.

Abbott,	Crain,	Lester, Ga.	Rowland,
Alderson,	Crisp,	Lester, Va.	Rusk,
Allen, Miss.	Culbertson, Tex.	Lewis,	Sayers,
Anderson, Miss.	Cummings,	Magner,	Seney,
Andrew,	Davidson,	Maish,	Shively,
Bankhead,	Dibble,	Mansur,	Spinola,
Barnes,	Dockery,	Martin, Ind.	Springer,
Barwig,	Dunphy,	Martin, Tex.	Stahnecker,
Blanchard,	Edmunds,	McAdoo,	Stewart, Ga.
Bland,	Elliott,	McCarthy,	Stewart, Tex.
Blount,	Ellis,	McClellan,	Stockdale,
Boatner,	Enloe,	McCreary,	Stone, Ky.
Breckinridge, Ark.	Fitch,	McMillin,	Stone, Mo.
Breckinridge, Ky.	Pithian,	McRae,	Stump,
Brickner,	Flower,	Mills,	Tarsney,
Brookshire,	Forman,	Montgomery,	Tiltman,
Brown, J. B.	Forney,	Moore, Tex.	Tracey,
Brunner,	Fowler,	Morgan,	Tucker,
Buchanan, Va.	Gelsenhainer,	Mutcher,	Turner, Ga.
Bullock,	Gibson,	Norton,	Turner, N. Y.
Bynum,	Grimes,	Oates,	Venable,
Campbell,	Hare,	O'Ferrall,	Walker, Mo.
Candler, Ga.	Hatch,	O'Neill, Ind.	Washington,
Carlisle,	Hayes,	O'Neill, Mass.	Wheeler, Ala.
Carlton,	Haynes,	Outhwaite,	Whiting,
Catchings,	Heard,	Owens, Ohio	Wike,
Chipman,	Hemphill,	Parrett,	Wiley,
Clancy,	Henderson, N. C.	Peel,	Wilkinson,
Clarke, Ala.	Herbert,	Penington,	Willcox,
Clements,	Holman,	Perry,	Williams, Ill.
Clunie,	Hooker,	Pierce,	Wilson, Mo.
Cobb,	Kerr, Pa.	Price,	Wilson, W. Va.
Cooper, Ind.	Kilgore,	Quinn,	Wise,
Cottman,	Lane,	Reilly,	Yoder,
Covert,	Lanham,	Richardson,	
Cowles,	Lawler,	Robertson,	
	Lée,	Rogers,	

## NAYS—155.

Adams,	Culbertson, Pa.	Knapp,	Rife,
Allen, Mich.	Cutcheon,	Lacey,	Rockwell,
Anderson, Kans.	Daizell,	La Follette,	Rowell,
Arnold,	Darlington,	Laidlaw,	Russell,
Atkinson, Pa.	De Haven,	Laws,	Sanford,
Atkinson, W. Va.	De Lano,	Lehlbach,	Sawyer,
Baker,	Dingley,	Lind,	Scranton,
Banks,	Dolliver,	Lodge,	Scull,
Bartine,	Dorsey,	Mason,	Sherman,
Bayne,	Dunnell,	McComas,	Simonds,
Beckwith,	Evans,	McCord,	Smith, W. Va.
Belden,	Ewart,	McCormick,	Snider,
Belknap,	Farquhar,	McKenna,	Spooner,
Bergen,	Featherston,	McKinley,	Stewart, Vt.
Bliss,	Finley,	Miles,	Stivers,
Boothman,	Flick,	Milliken,	Stockbridge,
Boutelle,	Flood,	Moffitt,	Struble,
Bowden,	Frank,	Moore, N. H.	Sweeney,
Brewer,	Funston,	Morey,	Taylor, Ill.
Browne, Va.	Gear,	Morrill,	Taylor, Tenn.
Buchanan, N. J.	Gest,	Morrow,	Taylor, E. B.
Burrows,	Greenhalge,	Morse,	Thomas,
Burton,	Grosvenor,	Niedringhaus,	Thompson,
Butterworth,	Groat,	Nute,	Townsend, Colo.
Caldwell,	Hall,	O'Donnell,	Townsend, Pa.
Candler, Mass.	Hansbrough,	O'Neill, Pa.	Vandever,
Cannon,	Harner,	Osborne,	Van Schaick,
Carter,	Haugen,	Owen, Ind.	Vade,
Caswell,	Henderson, Ill.	Payne,	Walker, Mass.
Cheadle,	Henderson, Iowa	Perkins,	Wallace, Mass.
Cheatam,	Hermann,	Peters,	Wallace, N. Y.
Clark, Wis.	Hill,	Pickler,	Watson,
Clegg,	Hitt,	Post,	Wickham,
Coleman,	Houk,	Pugsley,	Williams, Ohio
Comstock,	Kelley,	Quackenbush,	Wright,
Conger,	Kennedy,	Raines,	Yardley.
Connell,	Kerr, Iowa	Randall, Mass.	
Cooper, Ohio	Ketcham,	Ray,	
Craig,	Kinsey,	Reed, Iowa	

## NOT VOTING—29.

Biggs,	Dargan,	Phelan,	Turpin,
Bingham,	Gifford,	Randall, Pa.	Wheeler, Mich.
Brosius,	Goodnight,	Reyburn,	Whithorne,
Brower,	Hopkins,	Skinner,	Wilber,
Browne, T. M.	Lansing,	Smith, Ill.	Wilson, Ky.
Buckalew,	McClammy,	Stephenson,	
Bunn,	Paynter,	Taylor, J. D.	
Compton,	Payson,	Turner, Kans.	

So the substitute was rejected.

Mr. MAISH. I would like to inquire, Mr. Speaker, whether my name is recorded.

The SPEAKER. The Clerk will recapitulate the vote.

The Clerk recapitulated the names of those voting.

The following pairs were announced until further notice:

Mr. GIFFORD with Mr. TURPIN.

Mr. STEPHENSON with Mr. GOODNIGHT.

Mr. WHEELER, of Michigan, with Mr. BUNN.

Mr. REYBURN with Mr. McCLAMMY.

Mr. WILSON, of Kentucky, with Mr. PAYNTER.

Mr. WILBER with Mr. RANDALL, of Pennsylvania.

Mr. SMITH, of Illinois, with Mr. SKINNER.

Mr. LANSING with Mr. DARGAN, for one week.

Mr. HOPKINS with Mr. BUCKALEW, from Tuesday, for five days.

Mr. JOSEPH D. TAYLOR with Mr. WHITHORNE, on this question.

Mr. BINGHAM with Mr. BIGGS, on this vote.

Mr. BROWER with Mr. PHELAN, on this question.

Mr. MAISH. Mr. Speaker, I desire to record my vote. I was standing on the other side of the Hall listening for my name but did not hear it called.

The SPEAKER. Was the gentleman listening at the time the roll was being called for his name?

Mr. MAISH. I was listening attentively.

The SPEAKER. The gentleman's name will be called.

Mr. MAISH's name was called and recorded as above.

The result of the vote was then announced as above recorded.

The SPEAKER. The question recurs on the resolutions presented by the committee.

Mr. COOPER, of Ohio. I ask that the resolutions be read.

The Clerk read as follows:

*Resolved*, That Barnes Compton was not elected as a Representative to the Fifty-first Congress from the Fifth district of Maryland, and is not entitled to the seat.

*Resolved*, That Sydney E. Mudd was duly elected as a Representative for the Fifth Congressional district of Maryland to the Fifty-first Congress, and is entitled to his seat as such.

Mr. CRISP. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 159, nays 145, not voting 25; as follows:

## YEAS—159.

Adams,	Bayne,	Bowden,	Candler, Mass.
Allen, Mich.	Beckwith,	Brewer,	Cannon,
Anderson, Kans.	Belden,	Brosius,	Carter,
Arnold,	Belknap,	Browne, Va.	Caswell,
Atkinson, Pa.	Bergen,	Buchanan, N. J.	Cheadle,
Atkinson, W. Va.	Bingham,	Burrows,	Cheatam,
Baker,	Bliss,	Burton,	Clark, Wis.
Banks,	Boothman,	Butterworth,	Clegg,
Bartine,	Boutelle,	Caldwell,	Coleman,

Comstock,	Harmer,	Morey,	Simonds,
Conger,	Haugen,	Morrill,	Smith, W. Va.
Connell,	Henderson, Ill.	Morrow,	Smyser,
Cooper, Ohio	Henderson, Iowa	Morse,	Snider,
Craig,	Hermann,	Niedringhaus,	Spooner,
Culbertson, Pa.	Hill,	Nute,	Stewart, Vt.
Cutcheon,	Hitt,	O'Donnell,	Stivers,
Daizell,	Houk,	O'Neill, Pa.	Stockbridge,
Darlington,	Kelley,	Osborne,	Struble,
De Haven,	Kennedy,	Owen, Ind.	Sweeney,
De Lano,	Kerr, Iowa	Payne,	Taylor, Ill.
Dingley,	Ketcham,	Payson,	Taylor, Tenn.
Dolliver,	Kinsey,	Perkins,	Taylor, E. B.
Dorsey,	Knapp,	Peters,	Thomas,
Dunnell,	Lacey,	Pickler,	Thompson,
Evans,	La Follette,	Post,	Townsend, Colo.
Ewart,	Laidlaw,	Pugsley,	Townsend, Pa.
Farquhar,	Laws,	Quackenbush,	Turner, Kans.
Featherston,	Lehlbach,	Raines,	Vandever,
Finley,	Lind,	Randall, Mass.	Van Schaick,
Flick,	Lodge,	Ray,	Wade,
Flood,	Mason,	Reed, Iowa	Walker, Mass.
Frank,	McComas,	Rife,	Wallace, Mass.
Funston,	McCord,	Rockwell,	Wallace, N. Y.
Gear,	McCormick,	Rowell,	Watson,
Gest,	McKenna,	Russell,	Wickham,
Greenhalge,	McKinley,	Sanford,	Williams, Ohio
Grosvenor,	Miles,	Sawyer,	Wilson, Wash.
Groat,	Milliken,	Scranton,	Wright,
Hall,	Moffitt,	Scull,	Yardley.
Hansbrough,	Moore, N. H.	Sherman,	

## NAYS—145.

Abbott,	Crain,	Lester, Ga.	Rowland,
Aikerson,	Crisp,	Lester, Va.	Rusk,
Allen, Miss.	Culbertson, Tex.	Lewis,	Sayers,
Anderson, Miss.	Cummings,	Magner,	Seney,
Andrew,	Davidson,	Maish,	Shively,
Bankhead,	Dibble,	Mansur,	Spicola,
Barnes,	Dockery,	Martin, Ind.	Springer,
Barwig,	Dumphy,	Martin, Tex.	Stahlnecker,
Blanchard,	Edmunds,	McAdoo,	Stewart, Ga.
Bland,	Elliott,	McCarthy,	Stewart, Tex.
Blount,	Ellis,	McClellan,	Stockdale,
Boatner,	Enloe,	McCreary,	Stone, Ky.
Breckinridge, Ark.	Fitch,	McMillin,	Stone, Mo.
Breckinridge, Ky.	Fithian,	McRae,	Stump,
Brickner,	Flower,	Mills,	Tarsney,
Brookshire,	Forman,	Montgomery,	Tillman,
Brown, J. B.	Forney,	Moore, Tex.	Tracey,
Brunner,	Fowler,	Morgan,	Tucker,
Buchanan, Va.	Geissenhainer,	Mutchler,	Turner, Ga.
Bullock,	Gibson,	Norton,	Turner, N. Y.
Bynum,	Grimes,	Oates,	Venable,
Campbell,	Hare,	O'Fallon,	Walker, Mo.
Candler, Ga.	Hatch,	O'Neill, Ind.	Washington,
Carlisle,	Hayes,	O'Neil, Mass.	Wheeler, Ala.
Carlton,	Haynes,	Outwaite,	Whiting,
Caruth,	Heard,	Owens, Ohio	Wike,
Catchings,	Hemphill,	Parrett,	Wiley,
Chipman,	Henderson, N. C.	Peel,	Wilkinson,
Clancy,	Herbert,	Pennington,	Willcox,
Clarke, Ala.	Holman,	Perry,	Williams, Ill.
Clements,	Hooker,	Pierce,	Wilson, Mo.
Clunie,	Kerr, Pa.	Price,	Wilson, W. Va.
Cobb,	Kilgore,	Quinn,	Wise,
Cooper, Ind.	Lane,	Reilly,	Yoder.
Cothran,	Lanham,	Richardson,	
Covert,	Lawler,	Robertson,	
Cowles,	Lee,	Rogers,	

## NOT VOTING—25.

Biggs,	Gifford,	Randall, Pa.	Wheeler, Mich.
Brower,	Goodnight,	Reyburn,	Whithorne,
Browne, T. M.	Hopkins,	Skinner,	Wilber,
Buckalew,	Lansing,	Smith, Ill.	Wilson, Ky.
Bunn,	McClammy,	Stephenson,	
Compton,	Paynter,	Taylor, J. D.	
Dargan,	Phelan,	Turpin,	

So the resolutions were adopted.

The following additional pair was announced:

Mr. THOMAS M. BROWNE with Mr. BIGGS, on this vote.

The vote was recapitulated.

The result of the vote was then announced as above recorded.

Mr. Sydney E. Mudd (being conducted to the area in front of the Speaker by Mr. COOPER, of Ohio) was duly qualified by taking the oath of office prescribed by law. [Applause on the Republican side and in the galleries.]

The SPEAKER. Order! Order!

## ORDER OF BUSINESS.

Mr. MORROW. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the pension appropriation bill.

Mr. BRECKINRIDGE, of Kentucky. I would like the gentleman from California to give me his attention for a moment.

The SPEAKER. The question is not debatable.

Mr. SPRINGER. I would move that we suspend business until the galleries are cleared, as they ought to have been before.

Mr. BRECKINRIDGE, of Kentucky. I simply desire to suggest to the gentleman from California that we can not complete that bill this afternoon. It is now after 4 o'clock, and the House is not in a condition to take up a business matter; and I would suggest that we adjourn, and then we can complete this bill in a single sitting. The time for general debate is two hours and five minutes, which would run after 6 o'clock. So I would ask the gentleman to agree that the House do now adjourn.



Mr. MORROW. We can, at least, have an hour's debate before the House adjourns, and that time will be well disposed of, I think.

Mr. HOOKER. I move that the House do now adjourn.

The question was put; and the Speaker announced that the "noes" seemed to have it.

Several MEMBERS on the Democratic side. Division.

The House divided; and there were—ayes 132, noes 131.

Mr. MORROW. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 122, nays 154, not voting 53; as follows:

## YEAS—122.

Abbott,	Cowles,	Lawler,	Richardson,
Alderson,	Crisp,	Lee,	Rogers,
Allen, Miss.	Culbertson, Tex.	Lester, Ga.	Rowland,
Anderson, Miss.	Cummings,	Lester, Va.	Sayers,
Andrew,	Davidson,	Lewis,	Seney,
Bankhead,	Dibble,	Magner,	Spinola,
Barnes,	Flockery,	Malish,	Springer,
Barwig,	Dunphy,	Mansur,	Stahlnecker,
Blanchard,	Edmunds,	Martin, Tex.	Stewart, Ga.
Bland,	Elliott,	McAdoo,	Stewart, Tex.
Blount,	Ellis,	McClellan,	Stockdale,
Breckinridge, Ark.	Enloe,	McCreary,	Stone, Ky.
Breckinridge, Ky.	Fitch,	McMillin,	Stone, Mo.
Brickner,	Flower,	McRae,	Stump,
Brown, J. B.	Forney,	Mills,	Tarnsey,
Brunner,	Geissenhainer,	Montgomery,	Tillman,
Buchanan, Va.	Gibson,	Moore, Tex.	Tracey,
Bullock,	Grimes,	Morgan,	Turner, Ga.
Campbell,	Hare,	Mitchler,	Turner, N. Y.
Candler, Ga.	Hatch,	Norton,	Walker, Mo.
Carlisle,	Hayes,	O'Ferrall,	Washington,
Carlton,	Haynes,	O'Neill, Ind.	Wheeler, Ala.
Caruth,	Hemphill,	O'Neill, Mass.	Wilke,
Chipman,	Henderson, N. C.	Owens, Ohio	Wiley,
Clancy,	Herbert,	Peel,	Wilkinson,
Clarke, Ala.	Holman,	Pennington,	Wilson, W. Va.
Clements,	Hooker,	Perry,	Wise,
Clunie,	Kerr, Pa.	Pierce,	Yoder.
Cobb,	Kilgore,	Price,	
Cothran,	Lane,	Quinn,	
Covert,	Lanham,		

## NAYS—154.

Adams,	Daizell,	Laws,	Sanford,
Allen, Mich.	Darlington,	Lehibach,	Sawyer,
Arnold,	De Lano,	Lodge,	Scranton,
Atkinson, W. Va.	Dingley,	Martin, Ind.	Scull,
Baker,	Dolliver,	Mason,	Sherman,
Banks,	Dorsey,	McComas,	Shively,
Bartine,	Dunnell,	McCord,	Simonds,
Bayne,	Evas,	McKenna,	Smith, W. Va.
Beckwith,	Farquhar,	McKinley,	Smyser,
Belden,	Featherston,	Moffitt,	Snider,
Belknap,	Finley,	Moore, N. H.	Spooner,
Bergen,	Fithian,	Morey,	Stivers,
Bliss,	Flick,	Morrill,	Stockbridge,
Boothman,	Flood,	Morrow,	Struble,
Boutelle,	Forman,	Morse,	Sweeney,
Bowden,	Funston,	Mudd,	Taylor, Ill.
Brewer,	Gear,	Niedringhaus,	Taylor, Tenn.
Brookshire,	Gest,	Nute,	Taylor, E. B.
Browne, Va.	Greenhalge,	O'Donnell,	Thomas,
Buchanan, N. J.	Grout,	O'Neill, Pa.	Thompson,
Burrows,	Hall,	Owen, Ind.	Townsend, Colo.
Burton,	Hansbrough,	Parrett,	Townsend, Pa.
Butterworth,	Harmer,	Payne,	Tucker,
Bynum,	Haugen,	Payson,	Turner, Kans.
Caldwell,	Henderson, Ill.	Perkins,	Vandever,
Candler, Mass.	Hermann, Iowa	Venable,	Walker, Mass.
Cannon,	Hill,	Wade,	Wallace, Mass.
Carter,	Hill,	Post,	Wallace, N. Y.
Caswell,	Houk,	Pugsley,	Watson,
Chandle,	Kelley,	Raines,	Wickham,
Cheatham,	Kennedy,	Randall, Mass.	Willcox,
Clark, Wis.	Kerr, Iowa	Ray,	Williams, Ill.
Cogswell,	Ketcham,	Reed, Iowa	Williams, Ohio
Coleman,	Kinsey,	Reilly,	Wilson, Mo.
Comstock,	Knapp,	Rife,	Wright,
Connell,	Lacey,	Rockwell,	Yardley.
Cooper, Ind.	La Follette,	Russell,	
Cooper, Ohio	Laidlaw,		
Culbertson, Pa.			

## NOT VOTING—53.

Anderson, Kans.	Cutcheon,	McClammy,	Stephenson,
Atkinson, Pa.	Dargan,	McCormick,	Stewart, Va.
Biggs,	De Haven,	Miles,	Taylor, J. D.
Bingham,	Ewart,	Milliken,	Turpin,
Boatner,	Fowler,	Oates,	Van Schaick,
Brosius,	Frank,	Paynter,	Wheeler, Mich.
Brower,	Gifford,	Phelan,	Whitins,
Browne, T. M.	Goodnight,	Quackenbush,	Whitthorne,
Buckalew,	Grosvenor,	Randall, Pa.	Wilber,
Bunn,	Heard,	Reyburn,	Wilson, Ky.
Catchings,	Hopkins,	Robertson,	Wilson, Mo.
Conger,	Lansing,	Rusk,	
Craig,	Lind,	Skinner,	
Crain,	McCarthy,	Smith, Ill.	

So the House refused to adjourn.

Mr. MORROW. I ask unanimous consent to omit the recapitulation.

Mr. HOOKER. I object.

The vote was recapitulated.

The result of the vote was then announced as above recorded.

The SPEAKER. The question recurs upon the motion of the gentleman from California that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the pension appropriation bill.

The question was put, and the Speaker announced that the "ayes" seemed to have it.

Mr. HOOKER. Division.

The House divided; and there were—ayes 93, noes 60.

Mr. HOOKER. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 168, nays 59, not voting 102; as follows:

## YEAS—168.

Adams,	Cooper, Ohio.	Lacey,	Rowell,
Allen, Mich.	Covert,	Laidlaw,	Russell,
Andrew,	Craig,	Lane,	Scranton,
Arnold,	Culbertson, Pa.	Lehibach,	Scull,
Atkinson, Pa.	Cummings,	Lind,	Shenman,
Atkinson, W. Va.	Cutcheon,	Lodge,	Shively,
Baker,	Daizell,	Magner,	Smith, W. Va.
Barnes,	De Lano,	Malish,	Smyser,
Barwig,	Dorsey,	Martin, Ind.	Snider,
Bayne,	Dunnell,	Mason,	Spooner,
Beckwith,	Dunphy,	McCarthy,	Springer,
Belden,	Evas,	McClellan,	Stahlnecker,
Bergen,	Farquhar,	McComas,	Struble,
Bingham,	Featherston,	McCord,	Sweeney,
Bliss,	Finley,	Moffitt,	Tarnsey,
Boothman,	Fitch,	Moore, N. H.	Taylor, Ill.
Boutelle,	Fithian,	Morey,	Taylor, Tenn.
Bowden,	Flick,	Morrill,	Taylor, E. B.
Brewer,	Flood,	Morrow,	Thomas,
Brickner,	Forman,	Morse,	Townsend, Colo.
Brookshire,	Fowler,	Mudd,	Townsend, Pa.
Brosius,	Gear,	Mitchler,	Tracey,
Browne, Va.	Geissenhainer,	Niedringhaus,	Tucker,
Brunner,	Greenhalge,	Nute,	Turner, Kans.
Buchanan, N. J.	Grout,	O'Donnell,	Vandever,
Burrows,	Hall,	O'Neill, Pa.	Venable,
Burton,	Hansbrough,	Osborne,	Wade,
Butterworth,	Harmer,	Outhwaite,	Walker, Mass.
Caldwell,	Hatch,	Owens, Ohio	Walker, Mo.
Candler, Mass.	Haugen,	Parrett,	Wallace, Mass.
Cannon,	Hayes,	Pennington,	Wallace, N. Y.
Caswell,	Henderson, Iowa	Perkins,	Watson,
Cheadle,	Hermann,	Peters,	Wickham,
Cheatham,	Hill,	Pickler,	Willcox,
Clancy,	Hitt,	Post,	Williams, Ill.
Clark, Wis.	Holman,	Pugsley,	Williams, Ohio
Clunie,	Houk,	Quinn,	Wilson, Mo.
Cogswell,	Kennedy,	Raines,	Wilson, Wash.
Coleman,	Kerr, Iowa	Ray,	Wise,
Conger,	Ketcham,	Reed, Iowa	Wright,
Connell,	Kilgore,	Reilly,	Yardley.
Cooper, Ind.	Knapp,	Rife,	Yoder.

## NAYS—59.

Alderson,	Cowles,	Lester, Va.	Price,
Allen, Miss.	Dockery,	Lewis,	Richardson,
Anderson, Miss.	Edmunds,	Mansur,	Rowland,
Banks,	Elliott,	Martin, Tex.	Sayers,
Blanchard,	Ellis,	McMillin,	Stewart, Ga.
Blount,	Enloe,	McRae,	Stockdale,
Breckinridge, Ark.	Flower,	Mills,	Stone, Ky.
Breckinridge, Ky.	Forney,	Montgomery,	Stone, Mo.
Buchanan, Va.	Grimes,	Moore, Tex.	Stump,
Bullock,	Hare,	Morgan,	Turner, Ga.
Bynum,	Hemphill,	Norton,	Turner, N. Y.
Carlisle,	Henderson, N. C.	Oates,	Washington,
Caruth,	Herbert,	O'Ferrall,	Wheeler, Ala.
Clements,	Hooker,	Peel,	Wilson, W. Va.
Cobb,	Kerr, Pa.	Pierce,	

## NOT VOTING—102.

Abbott,	Darlington,	Lester, Ga.	Sawyer,
Anderson, Kans.	Davidson,	McAdoo,	Seney,
Bankhead,	De Haven,	McClammy,	Simonds,
Bartine,	Dibble,	McCormick,	Skinner,
Belknap,	Dingley,	McCreary,	Smith, Ill.
Biggs,	Dolliver,	McKenna,	Spinola,
Bland,	Ewart,	McKinley,	Stephenson,
Boatner,	Frank,	Miles,	Stewart, Tex.
Brower,	Funston,	Milliken,	Stewart, Va.
Brown, J. B.	Gest,	O'Neill, Ind.	Stivers,
Browne, T. M.	Gibson,	O'Neill, Mass.	Stockbridge,
Buckalew,	Gifford,	Owen, Ind.	Taylor, J. D.
Bunn,	Goodnight,	Payne,	Thompson,
Campbell,	Grosvenor,	Paynter,	Tillman,
Carlton,	Haynes,	Payson,	Turpin,
Carter,	Heard,	Perry,	Van Schaick,
Catchings,	Henderson, Ill.	Phelan,	Wheeler, Mich.
Chipman,	Hopkins,	Quackenbush,	Whitting,
Clarke, Ala.	Kelley,	Randall, Mass.	Whitthorne,
Comstock,	Kinsey,	Randall, Pa.	Wilke,
Cothran,	La Follette,	Reyburn,	Wilber,
Craig,	Lanham,	Robertson,	Wiley,
Crisp,	Lansing,	Rockwell,	Wilkinson,
Culbertson, Tex.	Lawler,	Rogers,	Wilson, Ky.
Dargan,	Laws,	Rusk,	
	Lee,	Sanford,	

So the motion was agreed to.

The following additional pairs were announced for the rest of this day:

Mr. T. M. BROWNE with Mr. STEWART.

Mr. THOMPSON with Mr. DAVIDSON.

On motion of Mr. MORROW, the recapitulation of the names of members voting was dispensed with.

The result of the vote was then announced as above recorded.

#### PENSION APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole, Mr. BURROWS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering the annual pension appropriation bill.

Mr. MORROW. Mr. Chairman, I yield the floor to the gentleman from Indiana [Mr. CHEADLE].

Mr. CHEADLE. Mr. Chairman, I desire to reserve my time, and I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURROWS, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 7160) making appropriation for the payment of invalid and other pensions and had come to no resolution thereon.

#### ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 5751) to increase the pension of Isaac Endaly;

A bill (S. 140) to prevent the introduction of contagious diseases from one State to another and for the punishment of certain offenses;

A bill (H. R. 3592) granting a pension to Mrs. Anna Butterfield; and

A bill (H. R. 417) for the erection of a public building at Houlton, Me.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CHEATHAM, until next Tuesday, on account of important business.

To the Select Committee on Immigration and Naturalization, for three days, in order to make an investigation under the concurrent resolution providing for an immigration investigation.

#### THE LATE REPRESENTATIVE GAY.

On motion of Mr. WILKINSON, by unanimous consent, the special order designating Saturday, March 22, for the delivery of eulogies on the late Representative Gay, of Louisiana, was modified so as to provide that the exercises shall begin at 2 o'clock p. m.

#### ORDER OF BUSINESS.

Mr. MORROW. I move that the House do now adjourn.

The motion to adjourn was agreed to; and the House accordingly (at 5 o'clock and 17 minutes p. m.) adjourned.

#### EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

##### INITIAL MONUMENTS, MINERAL SURVEYS.

Letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior for an appropriation for initial monuments for mineral surveys—to the Committee on Appropriations.

##### FLOODS UPON THE MISSISSIPPI RIVER.

Letter from the Secretary of War, transmitting a letter from the Chief of Engineers with a report from the president of the Mississippi River Commission, in further response to the House resolution of the 15th instant, relating to the floods upon the Mississippi River—to the Committee on Rivers and Harbors.

##### REGULAR SUPPLIES, QUARTERMASTER'S DEPARTMENT.

Letter from the Secretary of War, transmitting a letter from the Quartermaster-General, inclosing a proviso relative to certain equipments for the enlisted men of the Army, which he recommends to be inserted under the head of "Regular supplies, Quartermaster's Department," in the Army appropriation bill—to the Committee on Military Affairs.

##### MATTER OF THE BRIG EXPERIENCE.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and of law filed by said court under the act approved January 20, 1885, in the following spoliation claim, to wit: In the matter of brig Experience, James Houston, master; Mary B. Scott, administratrix *de bonis non* of Jacob Clement, deceased—to the Committee on War Claims.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 189) to provide for the purchase of a site and the erection of a public building thereon at Dover, in the State of New Hampshire—to the Committee on Public Buildings and Grounds.

A bill (S. 189) to provide for the purchase of a site and the erection of a public building thereon at Nashua, in the State of New Hampshire—to the Committee on Public Buildings and Grounds.

A bill (S. 314) for the relief of Mary B. Le Roy—to the Committee on Invalid Pensions.

A bill (S. 640) granting a pension to Annie D. Rundlett—to the Committee on Invalid Pensions.

A bill (S. 916) granting a pension to Mary E. Harney—to the Committee on Invalid Pensions.

A bill (S. 1029) to provide for the purchase of a site for a public building at Spokane Falls, in the State of Washington—to the Committee on Public Buildings and Grounds.

A bill (S. 1030) to provide for the purchase of a site for a public building at Tacoma, in the State of Washington—to the Committee on Public Buildings and Grounds.

A bill (S. 1031) to provide for the purchase of a site for a public building at Seattle, in the State of Washington—to the Committee on Public Buildings and Grounds.

A bill (S. 1075) to provide for the purchase of a site for a public building at Walla Walla, in the State of Washington—to the Committee on Public Buildings and Grounds.

A bill (S. 1136) for the relief of William De Ford, trustee for C. D. De Ford & Co.—to the Committee on Claims.

A bill (S. 1319) to provide for the purchase of a site and the erection of a public building thereon at Deadwood, in the State of South Dakota—to the Committee on Public Buildings and Grounds.

A bill (S. 1354) to provide for the purchase of a site and the erection of a public building thereon at Sioux Falls, in the State of South Dakota—to the Committee on Public Buildings and Grounds.

A bill (S. 1453) to provide for the purchase of a site and the erection of a public building thereon at Saginaw, in the State of Michigan—to the Committee on Public Buildings and Grounds.

A bill (S. 2692) to establish certain ports of delivery in Alaska Territory—to the Committee on Commerce.

A bill (S. 3060) to carry out the provisions of section 15 of an act entitled "An act to provide for the division of Dakota into two States, and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union," approved February 22, 1889—to the Committee on Public Buildings and Grounds.

A bill (S. 3089) to authorize the Secretary of the Interior to survey and mark the seventh standard parallel between the States of North and South Dakota—to the Committee on the Public Lands.

#### RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was delivered to the Speaker and referred as follows:

By Mr. HITT:

*Resolved*, That Thursday, April 3, after sixty minutes of the morning hour have passed, be set apart for the consideration of bills reported from the Committee on Foreign Affairs;

to the Committee on Rules.

#### REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees on bills of the following titles were filed, and, with accompanying bills, ordered to be printed, and referred as follows:

Mr. PERKINS, from the Committee on Indian Affairs, reported with amendment the bill (H. R. 344) to grant the right of way to the Pittsburgh, Columbus and Fort Smith Railway Company through the Indian Territory, and for other purposes—to the House Calendar.

Mr. COLEMAN, from the Committee on Foreign Affairs, reported favorably the resolution of the House requesting the President of the United States, if not inconsistent with the public interests, to send to the House copies of all correspondence between the United States and Mexico relating to the seizure at port of Tampico of the schooner Rebecca in February, 1884, etc.—to the House Calendar.

Mr. MCCREARY, from the Committee on Foreign Affairs, reported favorably the bill (H. R. 2211) for the relief of R. F. Harrison—to the Committee of the Whole House.

Mr. HERMANN, from the Committee on Rivers and Harbors, reported favorably the bill (H. R. 4809) for the cancellation of contract with United States engineer for delivery of stone for the improvement of the mouth of the Columbia River in Oregon and Washington—to the House Calendar.

Mr. LEHLBACH, from the Committee on Public Buildings and Grounds, reported with amendment the bill (S. 1230) for the erection of a public building in the city of Pawtucket, R. I.—to the Committee of the Whole House on the state of the Union.

Mr. MONTGOMERY, from the Committee on the Post-Office and Post-Roads, reported favorably the bill (H. R. 7817) for the relief of Phillip N. Fox—to the Committee of the Whole House.



## BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a joint resolution of the following titles were delivered to the Speaker, severally read twice, and referred as follows:

By Mr. ROWELL: A bill (H. R. 8447) to fix the salaries of certain employes of the House of Representatives—to the Committee on Accounts.

By Mr. TOWNSEND, of Pennsylvania (by request): A bill (H. R. 8443) to authorize the payment of pensions to certain persons—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: A bill (H. R. 8449) to repeal chapter 418 of the acts passed at the second session of the Fiftieth Congress—to the Committee on the Judiciary.

By Mr. WHEELER, of Alabama: A bill (H. R. 8450) for the erection of a public building at Decatur, Ala.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8451) for the erection of a public building at Florence, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. TOWNSEND, of Pennsylvania: A bill (H. R. 8452) to correct the record of certain soldiers of the late war and pay the amounts that may be due to them—to the Committee on Military Affairs.

By Mr. LEE (by request): A bill (H. R. 8453) to authorize the construction of the Potomac Railroad in the District of Columbia and to define the route of the same—to the Committee on the District of Columbia.

By Mr. GRIMES: A bill (H. R. 8454) to authorize the Secretary of War to cause an examination and survey to be made and the cost of improvement to be estimated of the Chattahoochee River between West Point, Ga., and Franklin, Ga.—to the Committee on Rivers and Harbors.

By Mr. TOWNSEND, of Colorado: A bill (H. R. 8455) for the erection of a public building at Leadville, Colo.—to the Committee on Public Buildings and Grounds.

By Mr. McCORD: A bill (H. R. 8456) providing for the erection of range lights and steam fog-whistles on Plum Island, in Lake Michigan—to the Committee on Commerce.

By Mr. SNIDER: A bill (H. R. 8457) to amend an act entitled "An act to authorize foot and carriage or railroad bridges across the Mississippi River at St. Paul, in the State of Minnesota, approved July 5, 1884—to the Committee on Commerce.

By Mr. BOATNER: A bill (H. R. 8458) authorizing the purchase of tents by the Secretary of War, and for other purposes—to the Committee on Military Affairs.

By Mr. CLUNIE: A bill (H. R. 8459) for the protection of watersheds and irrigation systems, and for the establishment of a forest administration on the western mountains and plains—to the Select Committee on Irrigation of Arid Lands in the United States.

By Mr. SPINOLA: A bill (H. R. 8460) to provide for the retirement of disabled and wounded general officers of the United States volunteers—to the Committee on Military Affairs.

By Mr. WADE: A bill (H. R. 8490) to enforce the eight-hour law on Government premises—to the Committee on Labor.

By Mr. BOATNER: A joint resolution (H. Res. 131) authorizing the Mississippi River Commission to use funds and plant under their control for certain purposes—to the Committee on Rivers and Harbors.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ABBOTT: A bill (H. R. 8461) to quiet the title of certain lands in the State of Mississippi, and for the relief of Eli Ayers—to the Committee on Indian Affairs.

By Mr. BECKWITH: A bill (H. R. 8462) to remove limitation from claims of Henry L. Potter—to the Committee on War Claims.

By Mr. BOWDEN: A bill (H. R. 8463) giving the Court of Claims jurisdiction of the claims on account of property of the Chesapeake Female College possessed and used by the United States military authorities—to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 8464) for the relief of the estate of F. Z. Tucker—to the Committee on War Claims.

By Mr. COOPER, of Indiana: A bill (H. R. 8465) to increase the pension of Daniel King—to the Committee on Pensions.

By Mr. CRAIG: A bill (H. R. 8466) granting a pension to Eli G. Flemming—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 8467) for the relief of Alexander Van Loon, late private in Company B, Fourth New York Heavy Artillery—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 8468) for the relief of the heirs of J. S. Stull—to the Committee on War Claims.

By Mr. FINLEY: A bill (H. R. 8469) for the relief of Hart County, Kentucky—to the Committee on Claims.

By Mr. HAYES: A bill (H. R. 8470) granting a pension to Adam Mueller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8471) granting a pension to Fritz Roddewig—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 8472) granting a pension to Mary B. Clammer, daughter of David Clammer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8473) granting a pension to Thompson Riley—to the Committee on Pensions.

By Mr. MARTIN, of Indiana: A bill (H. R. 8474) to restore the name of Belinda Lloyd to the pension-roll and pay her a pension—to the Committee on Invalid Pensions.

By Mr. MOREY: A bill (H. R. 8475) granting a pension to Sarah W. Beckett—to the Committee on Invalid Pensions.

By Mr. O'FERRALL (by request): A bill (H. R. 8476) for the relief of the estate of Benjamin F. Gibbs—to the Committee on Claims.

By Mr. PUGSLEY: A bill (H. R. 8477) granting a pension to William Pfister—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8478) to increase the pension of Sarah Rains, the oldest pensioner on the rolls of the war of 1812, she being ninety-nine years of age—to the Committee on Pensions.

Also, a bill (H. R. 8479) granting a pension to George W. Weaver—to the Committee on Invalid Pensions.

By Mr. SIMONDS: A bill (H. R. 8480) to correct the military record of Patrick Mackin—to the Committee on Military Affairs.

By Mr. SNIDER: A bill (H. R. 8481) for the relief of Benjamin F. Hartley—to the Committee on Claims.

Also, a bill (H. R. 8482) for the relief of O. M. Laraway—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 8483) for the relief of Horatio Phillips Van Cleave—to the Committee on Military Affairs.

Also, a bill (H. R. 8484) granting a pension to Jared D. Wheelock—to the Committee on Pensions.

By Mr. STEWART, of Texas: A bill (H. R. 8485) granting an increase of pension to Owen C. Powell—to the Committee on Pensions.

By Mr. TARSNEY: A bill (H. R. 8486) for the relief of Samuel Mason—to the Committee on War Claims.

By Mr. TOWNSEND, of Pennsylvania: A bill (H. R. 8487) for the relief of Timothy McCarty—to the Committee on Military Affairs.

By Mr. WALKER, of Massachusetts: A bill (H. R. 8488) to correct the military history of Owen Smith—to the Committee on Military Affairs.

By Mr. WRIGHT: A bill (H. R. 8489) removing disabilities from charge of desertion and decision of court-martial from George W. Morgan, of Company E, Eightieth Regiment, New York Volunteers—to the Committee on Military Affairs.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (H. R. 4714) for the relief of Sampson P. Boyly—Committee on Elections discharged, and referred to the Committee on Claims.

A bill (H. R. 5348) to place the name of Sarah A. Smail upon the pension-roll and grant her a pension of \$25 per month—Committee on Military Affairs discharged, and referred to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. BROOKSHIRE: Petition of George W. Murphy, president, and Thomas Moran, secretary, of Subordinate Union No. 5 of the Bricklayers and Masons' International Union of America, of Terre Haute, Ind., praying the amendment of the law so that citizens of the United States shall be preferred as laborers to do public work controlled by the United States Government—to the Committee on Labor.

By Mr. BUCHANAN, of New Jersey: Petition of Union No. 17, Bricklayers' Union, Trenton, N. J., against the employment of alien labor on Government works—to the Committee on Labor.

By Mr. BULLOCK: Memorial of Dental Association of Florida, asking that dentists be appointed for the Army and Navy—to the Committee on Naval Affairs.

By Mr. CANDLER, of Massachusetts: Petition from 50 firms of grocers' packers, in regard to tariff on canned lobsters—to the Committee on Ways and Means.

By Mr. CANNON: Petition of F. H. Hacker, Henry Brand, and others, of Danville, Ill., of North American Turnerbund, protesting against proposed system of emigrant inquisition through consular representation abroad—to the Select Committee on Immigration and Naturalization.

By Mr. CARUTH: Paper to accompany H. R. 6676, to pension John J. Tulley—to the Committee on Pensions.

By Mr. CATCHINGS: Claim of Alfred Smith for quartermaster supplies—to the Committee on War Claims.

By Mr. CHEADLE: Petitions of various Grand Army of the Republic posts, in favor of a service pension—to the Committee on Invalid Pensions.

By Mr. COGSWELL: Petition of Arthur A. Mack and other citizens of Salem, Mass., members of the Bricklayers and Masons' International

Union of America, asking that aliens may be excluded from employment on Government works—to the Committee on Labor.

By Mr. CONGER: Concurrent resolutions of the Iowa Legislature, for the passage of a pure-lard bill—to the Committee on Agriculture.

By Mr. COVERT: Petition of S. T. Preston and others, for a breakwater at Mattituck Bay, Long Island—to the Committee on Rivers and Harbors.

By Mr. CRAIG: Petition of citizens of Madison, Westmoreland County, Pennsylvania, favoring bill to prevent manufacture of adulterated lard—to the Committee on Agriculture.

Also, petition of ex-soldiers of Indiana County, for passage of service-pension, prisoners' pension, widows' pension law, and for repeal of limitation to the granting of arrears of pensions—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: Petition of stenographers and others, on behalf of the Lawler resolution as to the short-hand method of spelling—to the Committee on Education.

By Mr. CUTCHEON: Petition of farmers of Muskegon County, Michigan, favoring a bounty on American flour shipped in American vessels—to the Committee on Merchant Marine and Fisheries.

By Mr. EVANS: Petition of Benjamin F. Johnson, asking Congress to refer his quartermaster claim to the Court of Claims under so-called Bowman act—to the Committee on War Claims.

By Mr. GEST: Petition and proof in the pension claim of Margaret Hawkins—to the Committee on Invalid Pensions.

By Mr. HAYES: Joint resolution of the Iowa Legislature, praying for the repeal of the limitation contained in pension act of 1879—to the Committee on Invalid Pensions.

Also, joint resolution of same body, for immediate construction of Hennepin Canal—to the Committee on Rivers and Harbors.

By Mr. HAYNES: Memorial and petition of D. Carter and 71 others, citizens of Detroit, Mich., praying for the erection of a monument at Put-in Bay, Ohio, commemorative of Commodore Oliver Hazard Perry and others who participated in the battle of Lake Erie on September 10, 1813—to the Committee on the Library.

By Mr. HEARD: Petition of citizens of Missouri, relative to improvement of the Missouri River—to the Committee on Rivers and Harbors.

By Mr. HENDERSON, of Iowa: Joint resolution of the General Assembly of Iowa, favoring the construction of a canal from the Mississippi River to the Illinois River at Hennepin, Ill.—to the Committee on Rivers and Harbors.

Also, joint resolution of same body, favoring the repeal of the limitation in the arrears act of 1879—to the Committee on Invalid Pensions.

Also, joint resolution of same body, urging legislation to prevent adulteration of lard—to the Committee on Agriculture.

Also, petition of Honey Creek Monthly Meeting of the Friends Church, of Hardin County, Iowa, numbering 788 members, earnestly protesting against the Senate proposition for a large increase of the Navy and other coast defenses—to the Committee on Naval Affairs.

Also, resolutions of Chester Alliance of Farmers from Union, Hardin County, Iowa, favoring the Butterworth bill against gambling in farm produce—to the Committee on Agriculture.

By Mr. KELLEY: Petition of Thirty-third Judicial District Veteran Association, asking for the passage of service-pension bill and protesting against the dependent or pauper provisions in any bill; headquarters of association, Dighton, Kans.—to the Committee on Invalid Pensions.

Also, petition of A. B. Jetman and 83 others, citizens of Topeka, Kans., asking for increase of pay of letter-carriers, and asking for passage of House bill 3963 introduced by J. LOGAN CHIPMAN—to the Committee on the Post-Office and Post-Roads.

Also, petition of Mt. Joy Lodge Farmers' Mutual Benefit Association, No. 2049, State of Kansas, asking for abolition of national banks, for free coinage of silver, for a chance to elect United States Senators by the people by direct vote, for liberal pensions to discharged soldiers, for an increase in the volume of the currency—to the Committee on Banking and Currency.

By Mr. LACEY: Petition of Elden Post, Grand Army of the Republic, Iowa, for service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions of Grand Army of the Republic post at Monroe, Iowa, for the same purpose—to the Committee on Invalid Pensions.

Also, resolutions favoring the Butterworth bill against dealing in farm products—to the Committee on Agriculture.

By Mr. LANE: Petition of citizens of Illinois, for the suppression of corrupt literature—to the Committee on Education.

By Mr. MCKINLEY: Petition of citizens of Ohio, in favor of the employment of home labor on Government works—to the Committee on Labor.

By Mr. MILLIKEN: Petition of H. M. Savage, for relief—to the Committee on Claims.

Also, petition of D. S. Moore and others, for pure lard—to the Committee on Agriculture.

By Mr. MOREY: Petition by soldiers of Gray County, Kansas, for passage of law repealing limitation of arrears of pension, service-pension, and dependent-pension laws—to the Committee on Invalid Pensions.

By Mr. MORRILL: Resolutions of the ex-soldiers of Gray County, Kansas, asking for pension legislation by passage of the Ingalls service bill and repeal of limitation to arrears act—to the Committee on Invalid Pensions.

By Mr. O'DONNELL: Protest of G. F. Bock & Son and four other dealers in hardware at Battle Creek, Mich., against an increase in duty on tin—to the Committee on Ways and Means.

Also, protest of A. R. Barrett, Union City, Mich., for same purpose—to the Committee on Ways and Means.

Also, petition from 89 farmers of Branch County, Michigan, asking the passage of a law directing the Secretary of the Treasury to pay a bounty for the export of flour by the barrel in American vessels—to the Committee on Agriculture.

By Mr. PERKINS: Petition of Jasper J. Stone and 25 other ex-Union soldiers, residents of Coney Township, Montgomery County, Kansas, asking for the passage of the service-pension bill—to the Committee on Invalid Pensions.

Also, petition of S. Slater and 50 others, asking for legislation providing for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. PERRY: Petition of citizens of Fairfield County, South Carolina, against the passage of the bills taxing cotton-seed-oil products—to the Committee on Ways and Means.

By Mr. PUGSLEY: Petition of Mary M. Shock, for pension—to the Committee on Invalid Pensions.

By Mr. RANDALL, of Massachusetts: Petition of citizens of Massachusetts, relative to the iron and steel industries—to the Committee on Ways and Means.

By Mr. RAY: Petition of Subordinate Union No. 6, city of Uniontown, Pa., of the Bricklayers and Masons' International Union of America, against the employment of alien labor on Government works—to the Committee on Labor.

Also, petition of 600 citizens of Western Pennsylvania, for the improvement of Youghiogheny River—to the Committee on Rivers and Harbors.

By Mr. SCULL: Petition of Subordinate Union, No. 13, city of Altoona, Pa., of the Bricklayers and Masons' International Union of America, praying for such an amendment to the laws as will secure to citizens of the United States preference in work on the construction of public buildings and other Government structures—to the Committee on Labor.

By Mr. SENEY: Petition of Bricklayers and Masons' Union, of Findlay, Ohio, against the employment of aliens instead of citizens on Government works—to the Committee on Labor.

By Mr. SPRINGER: Petition of Chicago Paint and Oil Club, for a simple and inexpensive system of bankruptcy—to the Committee on the Judiciary.

By Mr. STRUBLE: Resolutions passed by Lumbermen's Alliance No. 1299, Smithland, Iowa, urging the passage of H. R. bill 5353, defining options and futures and imposing penalties to lessen and prevent gambling in farm products—to the Committee on Agriculture.

By Mr. TOWNSEND, of Pennsylvania (by request): Two petitions of bricklayers' and masons' unions against alien labor on Government buildings and works—to the Committee on Labor.

By Mr. TURNER, of Georgia: Petition of W. B. McDaniel and 14 others, of Faceville, Decatur County, Ga., in favor of the bill to prevent the adulteration of lard—to the Committee on Agriculture.

By Mr. WICKHAM: Petition of Huntington Brown and 64 others, citizens of Richland County, Ohio, for the erection of monument to mark burial place of those who were killed in the battle of Perry's victory—to the Committee on the Library.

By Mr. WILLCOX: Petition for harbor at Duck Island—to the Committee on Rivers and Harbors.

Also, petition for breakwater, Duck Island harbor, Connecticut, signed by leading merchants, masters, and owners of vessels of Calais, Me., Newport, R. I., New London, Conn., Norwich, Conn., Mystic River, Conn., Mystic Bridge, Conn., New York City, Jersey City, N. J., and Brooklyn, N. Y., River Head, Long Island, Stonington, Conn., Fair Haven, Conn.—to the Committee on Rivers and Harbors.

By Mr. WILSON, of Washington: Memorial from the Legislature of the State of Washington, relating to light-house on San Juan Island—to the Committee on Commerce.

Also, same from same body, relating to a light-house and fog-signal at Callam Head—to the Committee on Commerce.

Also, same from same body, requesting that the surviving soldiers of the Indian war be granted lands in the State of Washington—to the Committee on the Public Lands.

Also, same from same body, relative to the improvement of the Columbia River—to the Committee on Rivers and Harbors.

Also, same from same body, relative to the improvement of the Upper Columbia—to the Committee on Rivers and Harbors.

Also, same from same body, relative to an appropriation for public surveys—to the Committee on Appropriations.

Also, same from same body, relative to the improvement of the Cowitz River—to the Committee on Rivers and Harbors.



## SENATE.

FRIDAY, March 21, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.  
The Journal of yesterday's proceedings was read and approved.

## AID TO COMMON SCHOOLS—PERSONAL EXPLANATION.

Mr. RANSOM. I notice from the papers this morning that there is some confusion with reference to my pair on what is known as the Blair educational bill, which was voted upon yesterday. I desire to state that I should have voted for the bill and the Senator from North Dakota [Mr. CASEY], with whom I paired, would have voted against the bill, if we had been present.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Journeymen Bakers and Confectioners' International Union of America, remonstrating against the ratification of the extradition treaty with Russia; which was referred to the Committee on Foreign Relations.

He also presented a petition of Right Reverend John J. Keane, rector of the Catholic University of America, praying for the passage of the bill to extend the line of the Eckington and Soldiers' Home Railroad; which was ordered to lie on the table.

Mr. VEST presented a petition of citizens and residents of the city of St. Louis, Mo., praying that the right to labor on public Government works and Government buildings be confined to citizens of the United States; which was referred to the Committee on Education and Labor.

Mr. SPOONER. I present resolutions adopted by William Evans Post, No. 53, Grand Army of the Republic, of Menominee, Wis., declaring that the Grand Army of the Republic in that State is in favor of the dependent-pension bill, and praying that it be passed. I move that the resolutions be referred to the Committee on Pensions.

The motion was agreed to.

Mr. DAVIS presented a memorial of members of the North American Turnerbund residing in Minnesota, remonstrating against any alterations of the immigration and naturalization laws; which was referred to the Committee on Immigration.

He also presented a resolution adopted by the Board of Trade of St. Paul, Minn., favoring the establishment of a navy-yard at New Orleans, La.; which was referred to the Committee on Naval Affairs.

He also presented resolutions adopted by Baxter Post, No. 158, Grand Army of the Republic, Department of Minnesota, favoring the passage of the service-pension bill; which were referred to the Committee on Pensions.

He also presented resolutions adopted by Wilkins Post, No. 19, Grand Army of the Republic, Department of Minnesota, favoring the legislation recommended by the pension committee of the Grand Army of the Republic in regard to pensions; which were referred to the Committee on Pensions.

He also presented a petition of the Bar Association of Polk County, Minnesota, praying for the passage of the bill dividing the district of Minnesota into two divisions, with terms of court to be held in each; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Minnesota, praying for legislation to prohibit fictitious transactions in farm products; which was referred to the Committee on Agriculture and Forestry.

Mr. FARWELL. I present a petition of citizens of Belleville, Ill., praying for such amendment of the laws in regard to the erection and construction of United States public buildings that aliens shall not be employed thereon; and I move that it be referred to the Committee on Education and Labor.

The VICE-PRESIDENT. The Chair will state for the information of the Senate that petitions of a character similar to the one presented by the Senator from Illinois have been referred to three different committees, as the Chair is advised, the Committee on Foreign Relations, the Committee on Education and Labor, and the Committee on the Judiciary. What is the pleasure of the Senate?

Mr. EDMUNDS. For the object the petitioners have in view I think that is a very wise course to take, because, speaking as a fisherman, if I fish in three different streams I am more apt to catch something than if I fish in only one. [Laughter.] But I think, really, leaving the amusement of it apart, that the Committee on Education and Labor is the best one to consider those petitions; and when I get time I shall ask the Committee on the Judiciary to report back for reference to that committee the petitions that have gone to the Judiciary Committee.

The VICE-PRESIDENT. The petition will be referred to the Committee on Education and Labor.

Mr. COLQUITT presented a petition of 23 granges of Patrons of Husbandry in the State of California, praying for the removal of the duty on jute and jute bagging and grain bags; which was referred to the Committee on Finance.

Mr. HARRIS presented a memorial of the Farmers' Exchange of Memphis, Tenn., remonstrating against the levying of a tax on compound lard, because it is practically a tax upon cotton-seed; which was referred to the Committee on Agriculture and Forestry.

Mr. WASHBURN presented memorials of the Single Tax League of Minneapolis, Minn., remonstrating against the passage of Senate bill No. 2, providing for the making and altering of regulations as to the times, places, and manner of holding elections for Representatives in Congress; which were referred to the Committee on Privileges and Elections.

He also presented a memorial of the Society of Friends, of Minneapolis, Minn., remonstrating against the expenditure of money for the Navy and so-called coast defenses; which was referred to the Committee on Naval Affairs.

Mr. SHERMAN presented a petition of Subordinate Union No. 23, Warren, Ohio, Masons' International Union of America; a petition of Subordinate Union No. 20, of Tiffin, Ohio, Masons' International Union of America; a petition of Subordinate Union No. 3, of Toledo, Ohio, Masons' International Union of America, and a petition of Subordinate Union No. 25, of Springfield, Ohio, Masons' International Union of America, praying that none but citizens of the United States be employed on Government works; which were referred to the Committee on Education and Labor.

He also presented a memorial of the Monthly Meeting of Friends, of Clinton County, Ohio, remonstrating against large expenditures for the Navy and coast defenses; which was referred to the Committee on Naval Affairs.

Mr. ALLISON presented a petition of 94 citizens of Woodward and vicinity, in the State of Iowa, praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. STOCKBRIDGE presented a resolution adopted by the Farmers and Bee-keepers' Association of Newaygo County, Michigan, praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. TURPIE presented a petition, purporting to contain 500 names of individual signers, citizens of Indiana, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 1 of the Bricklayers and Masons' International Union of America, of Evansville, Ind., praying for the consideration of legislation discriminating in favor of Americans against aliens as employees on the public works of the Government; which was referred to the Committee on Education and Labor.

Mr. MANDERSON. I present a large number of petitions from different sections of the State of Nebraska, very numerous signed, praying for the free and unlimited coinage of silver. I move that the petitions be referred to the Committee on Finance.

The motion was agreed to; and the petitions were referred to the Committee on Finance, as follows:

- A petition of 32 citizens of Nebraska;
- A petition of 3 citizens of Saunders County, Nebraska;
- A petition of 10 citizens of Nebraska;
- A petition of 68 citizens of Nebraska;
- A petition of 7 citizens of Nebraska;
- A petition of 16 citizens of Nebraska;
- A petition of 26 citizens of Nebraska;
- A petition of 53 citizens of Nebraska;
- A petition of 67 citizens of Nebraska;
- A petition of 47 citizens of Nebraska; and
- A petition of 28 citizens of Nebraska.

Mr. MANDERSON presented a petition of McConibie Post, No. 45, Grand Army of the Republic, of Nebraska, praying for the passage of the service-pension bill; which was referred to the Committee on Pensions.

He also presented a memorial of citizens of Nebraska, remonstrating against an extension of time within which the Pacific railways shall pay their indebtedness to the Government; which was ordered to lie on the table.

Mr. TELLER presented two petitions of citizens of Boulder, Colo., praying for the free coinage of silver; which were referred to the Committee on Finance.

Mr. HOAR presented a petition of citizens of Waltham, Mass., praying for the amendment of certain laws of the United States in regard to work on public buildings; which was referred to the Committee on Education and Labor.

He also presented a petition of citizens of Massachusetts, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. CULLOM presented sundry petitions of citizens of Macoupin, Moultrie, and Montgomery Counties, in the State of Illinois, praying that the law of the State of Illinois and the United States law in relation to the transmission through the mails of obscene matter be harmonized; which were referred to the Committee on Post-Offices and Post-Roads.

## REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15) to pension Julia Fleming; and

A bill (H. R. 16) to pension Hiram Wilbur.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 3180) for the relief of John M. Robinson, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 1988) to establish a hospital and home for inebriates and dipsomaniacs in the District of Columbia, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 3115) to punish the unlawful appropriation of the use of the property of another in the District of Columbia, reported it without amendment.

Mr. PLUMB. I am instructed by the Committee on Appropriations, to whom was referred the joint resolution (H. Res. 117) authorizing the appointment of thirty medical examiners for the Bureau of Pensions, fixing their salaries, and appropriating money to pay the same to June 30, 1890, to report it without amendment.

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar.

Mr. PLUMB. I give notice that to-morrow, at the conclusion of the formal morning business, I shall ask the Senate to proceed to the consideration of the joint resolution which I have just reported.

Mr. COCKRELL. I desire to state that that is not a unanimous report by any means, and that a motion will be made when the joint resolution comes up to strike out the words providing that the examination for the appointment of these medical examiners shall be in the discretion and under the direction of the Secretary of the Interior. I give notice that I shall move to strike that out and subject these gentlemen to examination and appointment under the civil-service law and regulations to which the Republican party is solemnly pledged.

Mr. PASCO, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 249) providing for the completion of the public building in the city of Pensacola, Fla., as originally designed, reported it with an amendment, and submitted a report thereon.

FORT ABRAHAM LINCOLN, NORTH DAKOTA.

Mr. PIERCE. I ask that the action by which the bill (S. 1406) making appropriation for extending and repairing the military quarters at Fort Abraham Lincoln, North Dakota, was indefinitely postponed yesterday be reconsidered, and the bill placed on the Calendar.

The VICE-PRESIDENT. That order will be made if there be no objection. The Chair hears none and it is so ordered.

#### BILLS INTRODUCED.

Mr. MANDERSON introduced a bill (S. 3209) providing for the extension of the coal laws of the United States to the district of Alaska; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FARWELL introduced a bill (S. 3210) granting an increase of pension to George W. Shears; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 3211) for the relief of Carl F. Kolbe; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3212) for the relief of Jacob Barr; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PADDOCK introduced a bill (S. 3213) to make the Commissioner of Fish and Fisheries an officer of the Department of Agriculture, and for other purposes; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 3214) granting a pension to Mary S. Miller; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3215) to remove the charge of desertion from the military record of De Witt C. Hood; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MOODY. My colleague [Mr. PETTIGREW] has prepared two bills, but he is necessarily absent now on account of his position as a member of the Committee on Immigration. At his request I introduce the bills for proper reference.

The bill (S. 3216) to ratify and confirm an agreement with the Sisseton and Wahpeton bands of Dakota or Sioux Indians, and for other purposes was read twice by its title, and referred to the Committee on Indian Affairs; and

The bill (S. 3217) to authorize the Pierre and Fort Pierre Ponton Bridge Company to construct a ponton bridge across the Missouri River at Pierre, S. Dak., was read twice by its title, and referred to the Committee on Commerce.

Mr. COKE introduced a bill (S. 3218) for the relief of Adams & Wickes; which was read twice by its title, and referred to the Committee on Claims.

Mr. BARBOUR (by request) introduced a bill (S. 3219) to authorize the Washington and Western Railroad Company of Virginia to extend its line into and within the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TELLER introduced a bill (S. 3220) increasing the pension of Isaiah Mitchell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 3221) granting a pension to Kate M. Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3222) granting a pension to Jared D. Wheelock; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3223) for the relief of C. T. Trowbridge, George D. Walker, and John A. Trowbridge; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 3224) granting a pension to Robert A. Stuart; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 3225) to amend an act relating to the importing and landing of mackerel, etc., approved February 28, 1887; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Fisheries.

#### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 5751) to increase the pension of Isaac Endaly;

A bill (S. 140) to prevent the introduction of contagious diseases from one State to another and for the punishment of certain offenses;

A bill (H. R. 3592) granting a pension to Mrs. Anna Butterfield;

A bill (H. R. 417) for the erection of a public building at Houlton, Me.; and

A bill (S. 1332) granting to the city of Colorado Springs, in the State of Colorado, certain lands therein described for water reservoirs.

#### TRUSTS AND COMBINATIONS.

The VICE-PRESIDENT. Is there further morning business?

Mr. SHERMAN. If there is no further morning business, I move that the Senate proceed to the consideration of the bill (S. 1) to declare unlawful trusts and combinations in restraint of trade and production. It is really the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SHERMAN. I ask that the bill be read.

The VICE-PRESIDENT. The bill will be read at length.

The Chief Clerk read the bill.

Mr. SHERMAN. I will state that upon further consideration the Committee on Finance have reported a substitute for the bill, which I ask to have read.

The VICE-PRESIDENT. The substitute proposed by the Committee on Finance will be read.

The CHIEF CLERK. The Committee on Finance report to strike out all after the enacting clause of the bill and to insert:

That all arrangements, contracts, agreements, trusts, or combinations between two or more citizens or corporations, or both, of different States, or between two or more citizens or corporations, or both, of the United States and foreign states, or citizens or corporations thereof, made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States, or with a view or which tend to prevent full and free competition in articles of growth, production, or manufacture of any State or Territory of the United States with similar articles of the growth, production, or manufacture of any other State or Territory, or in the transportation or sale of like articles, the production of any State or Territory of the United States into or within any other State or Territory of the United States; and all arrangements, trusts, or combinations between such citizens or corporations, made with a view or which tend to advance the cost to the consumer of any such articles, are hereby declared to be against public policy, unlawful, and void. And the circuit court of the United States shall have original jurisdiction of all suits of a civil nature at common law or in equity arising under this section, and to issue all remedial process, orders, or writs proper and necessary to enforce its provisions. And the Attorney-General and the several district attorneys are hereby directed, in the name of the United States, to commence and prosecute all such cases to final judgment and execution.

Sec. 2. That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination defined in the first section of this act may sue for and recover, in any court of the United States of competent jurisdiction, without respect to the amount involved, of any person or corporation a party to a combination described in the first section of this act, twice the amount of damages sustained and the costs of the suit, together with a reasonable attorney's fee.

Mr. REAGAN. If the Senator from Ohio will permit me and if it is the proper time now, I wish to present for consideration the amendment that I submitted on a former day.

Mr. SHERMAN. It would not now be in order. An amendment is pending.

Mr. REAGAN. It is an amendment in the second degree, and I believe that is allowable under the rules.

Mr. SHERMAN. If the Senator prefers to offer it now, very well.

Mr. REAGAN. I desire to do so now because I do not wish to be cut out by some other amendment coming in ahead.

Mr. SHERMAN. Very well; offer it now and let it be pending.

Mr. REAGAN. I offer it now, not to interfere with the Senator from Ohio at all.



Mr. PLATT and Mr. ALLISON. Let it be read.

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas [Mr. REAGAN] will be read.

The CHIEF CLERK. It is proposed to substitute for the amendment reported by the Committee on Finance the following:

That all persons engaged in the creation of any trust, or as owner or part owner, agent, or manager of any trust, employed in any business carried on with any foreign country, or between the States, or between any State and the District of Columbia, or between any State and any Territory of the United States, or any owner or part owner, agent, or manager of any corporation using its powers for either of the purposes specified in the second section of this act, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding \$10,000, or imprisonment at hard labor in the penitentiary not exceeding five years, or by both of said penalties, in the discretion of the court trying the same.

SEC. 2. That a trust is a combination of capital, skill, or acts by two or more persons, firms, corporations, or associations of persons, or of any two or more of them for either, any, or all of the following purposes:

First. To create or carry out any restrictions in trade.

Second. To limit or reduce the production or to increase or reduce the price of merchandise or commodities.

Third. To prevent competition in the manufacture, making, purchase, sale, or transportation of merchandise, produce, or commodities.

Fourth. To fix a standard or figure whereby the price to the public shall be in any manner controlled or established of any article, commodity, merchandise, produce, or commerce intended for sale, use, or consumption.

Fifth. To create a monopoly in the making, manufacture, purchase, sale, or transportation of any merchandise, article, produce, or commodity.

Sixth. To make or enter into or execute or carry out any contract, obligation, or agreement of any kind or description by which they shall bind or shall have bound themselves not to manufacture, sell, dispose of, or transport any article or commodity or article of trade, use, merchandise, or consumption below a common standard figure, or by which they shall agree, in any manner, to keep the price of such article, commodity, or transportation at a fixed or graduated figure, or by which they shall, in any manner, establish or settle the price of any article, commodity, or transportation between themselves or between themselves and others, so as to preclude free and unrestricted competition among themselves and others in the sale and transportation of any such article or commodity, or by which they shall agree to pool, combine, or unite in any interest they may have in connection with the sale or transportation of any such article or commodity that its price may, in any manner, be so affected.

SEC. 3. That each day any of the persons, associations, or corporations aforesaid shall be engaged in violating the provisions of this act shall be held to be a separate offense.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Texas to the amendment reported from the Committee on Finance.

Mr. SHERMAN. Mr. President, I did not originally intend to make any extended argument on this trust bill, because I supposed that the public facts upon which it is founded and the general necessity of some legislation were so manifest that no debate was necessary to bring those facts to the attention of the Senate.

But the different views taken by Senators in regard to the legal questions involved in the bill and the very able speech made by the Senator from Mississippi [Mr. GEORGE] relative to the details of the bill led me to the conclusion that it was my duty, having reported the bill from the Committee on Finance, to present in as clear and logical a way as I can the legal and practical questions involved in the bill.

Mr. President, the object of this bill, as shown by the title, is "to declare unlawful trusts and combinations in restraint of trade and production." It declares that certain contracts are against public policy, null and void. It does not announce a new principle of law, but applies old and well recognized principles of the common law to the complicated jurisdiction of our State and Federal Government. Similar contracts in any State in the Union are now, by common or statute law, null and void. Each State can and does prevent and control combinations within the limit of the State. This we do not propose to interfere with. The power of the State courts has been repeatedly exercised to set aside such combinations as I shall hereafter show, but these courts are limited in their jurisdiction to the State, and, in our complex system of government, are admitted to be unable to deal with the great evil that now threatens us.

Unlawful combinations, unlawful at common law, now extend to all the States and interfere with our foreign and domestic commerce and with the importation and sale of goods subject to duty under the laws of the United States, against which only the General Government can secure relief. They not only affect our commerce with foreign nations, but trade and transportation among the several States. The purpose of this bill is to enable the courts of the United States to apply the same remedies against combinations which injuriously affect the interests of the United States that have been applied in the several States to protect local interests.

The first section declares:

That all arrangements, contracts, agreements, trusts, or combinations between two or more citizens or corporations, or both, of different States, or between two or more citizens or corporations, or both, of the United States and foreign States or citizens or corporations thereof, made with a view, or which tend, to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States; or with a view or which tend to prevent full and free competition in articles of growth, production, or manufacture of any State or Territory of the United States with similar articles of the growth, production, or manufacture of other State or Territory, or in the transportation or sale of like articles, the production of any State or Territory of the United States, into or within any other State or Territory of the United States; and all arrangements, trusts, or combinations between such citizens or corporations, made with a view or which tend to advance the cost to the consumer of any such article, are hereby declared to be against public policy, unlawful, and void. And the circuit courts of the United States shall have original jurisdiction in all suits of a civil nature at common law or in equity arising under this

section, and to issue all remedial process, orders, or writs, proper and necessary to enforce its provisions, and the Attorney-General and the several district attorneys are hereby directed, in the name of the United States, to commence and prosecute all such cases to final judgment and execution.

This section will enable the courts of the United States to restrain, limit, and control such combinations as interfere injuriously with our foreign and interstate commerce, to the same extent that the State courts habitually control such combinations as interfere with the commerce of a State.

The question has arisen whether express jurisdiction should be conferred on the circuit courts of the United States to enforce this section, with authority to issue the ordinary remedial process of courts of law and equity, or whether such power is already sufficiently contained in the several acts organizing the courts of the United States. The third article of the Constitution vests the judicial power of the United States in one Supreme Court and in such inferior courts as Congress may ordain and establish.

The judiciary act of 1789 defines the jurisdiction of the several courts, and, by separate acts, this jurisdiction has been, from time to time, extended to new subjects of legislation. The committee therefore deemed it proper by express legislation to confer on the circuit courts of the United States original jurisdiction of all suits of a civil nature at common law or in equity arising under this section, with authority to issue all remedial process or writs proper and necessary to enforce its provisions, and to require the Attorney-General and the several district attorneys, in the name of the United States, to commence and prosecute all such suits to final judgment and execution.

The second section of the bill provides that any person or corporation injured or damaged by such a combination may sue for and recover in any court of the United States of competent jurisdiction, of any person or corporation a party to such a combination, all damages sustained by him. The measure of damages, whether merely compensatory, putative, or vindictive, is a matter of detail depending upon the judgment of Congress. My own opinion is that the damages should be commensurate with the difficulty of maintaining a private suit against a combination such as is described.

These two sections are distinct and different in their scope and object. The first invokes the power of the National Government, in proper cases, to restrain such a combination, by mandatory proceedings, from interfering with the trade and commerce of the country, and the second section is to give to private parties a remedy for personal injury caused by such a combination.

A third section was added when the bill was first reported by the Committee on Finance which declares that all persons entering into such a combination, either on his own account or as an attorney for another or as an officer, attorney, or as a trustee or in any capacity whatever, shall be guilty of a misdemeanor, and on conviction shall be punished by fine or imprisonment, in the discretion of the court.

The amendments, then, proposed by the Committee on Finance to the first section would be proper amendments to the third section, but not to the first, where they have no proper place. The first section, being a remedial statute, would be construed liberally, with a view to promote its object. It defines a civil remedy, and the courts will construe it liberally; they will prescribe the precise limits of the constitutional power of the Government; they will distinguish between lawful combinations in aid of production and unlawful combinations to prevent competition and in restraint of trade; they can operate on corporations by restraining orders and rules; they can declare the particular combination null and void and deal with it according to the nature and extent of the injuries.

In providing a remedy the intention of the combination is immaterial. The intention of a corporation can not be proven. If the natural effects of its acts are injurious, if they tend to produce evil results, if their policy is denounced by the law as against the common good, it may be restrained, be punished with a penalty or with damages, and in a proper case it may be deprived of its corporate powers and franchises. It is the tendency of a corporation, and not its intention, that the courts can deal with. Therefore the amendments first reported to the first section are not in the substitute.

The third section is a criminal statute, which would be construed strictly and is difficult to be enforced. In the present state of the law it is impossible to describe, in precise language, the nature and limits of the offense in terms specific enough for an indictment. This section is applicable only to individuals.

A corporation can not be indicted or punished except through civil process. The criminal law can only reach officers or agents employed by the corporation. Whether this law should extend to mere clerks, as was proposed in the third section, is a matter of grave doubt. The business conducted by them may be innocent and lawful, and they should not be punished or threatened for the offenses of others. I am, therefore, clearly of the opinion that at present at least it is not wise to include this section in this bill. Such penalties may come later when the limits of the power of Congress over the subject-matter shall be defined by the courts.

It is sometimes said that without this section the law would be nugatory. I do not think so. The powers granted by the first section are ample to check and prevent the great body of illegal combinations that

may be made; but, if not, it is easy enough hereafter to provide a suitable punishment for a violation of this statute. But if the criminal section is retained the amendments first proposed by the Committee on Finance should apply only to that section, and not to the civil section. Every corporation engaged in business must be responsible for the tendency of its business, whether lawful or unlawful, but individuals can only be punished for criminal intentions. To require the intentions of a corporation to be proven is to impose an impossible condition and would defeat the object of the law. To restrain and prevent the illegal tendency of a corporation is the proper duty of a court of equity. To punish the criminal intention of an officer is a much more difficult process and might be well left to the future.

This bill, as I would have it, has for its single object to invoke the aid of the courts of the United States to deal with the combinations described in the first section when they affect injuriously our foreign and interstate commerce and our revenue laws, and in this way to supplement the enforcement of the established rules of the common and statute law by the courts of the several States in dealing with combinations that affect injuriously the industrial liberty of the citizens of these States. It is to arm the Federal courts within the limits of their constitutional power that they may co-operate with the State courts in checking, curbing, and controlling the most dangerous combinations that now threaten the business, property, and trade of the people of the United States. And for one I do not intend to be turned from this course by fine-spun constitutional quibbles or by the plausible pretexts of associated or corporate wealth and power.

It is said that this bill will interfere with lawful trade, with the customary business of life. I deny it. It aims only at unlawful combinations. It does not in the least affect combinations in aid of production where there is free and fair competition. It is the right of every man to work, labor, and produce in any lawful vocation and to transport his production on equal terms and conditions and under like circumstances. This is industrial liberty and lies at the foundation of the equality of all rights and privileges.

The right to combine the capital and labor of two or more persons in a given pursuit with a community of profit and loss under the name of a partnership is open to all and is not an infringement of industrial liberty, but is an aid to production. The law of partnership clearly defines what is a lawful and what is an unlawful partnership. The same business is open to every other partnership, and, while it is a combination, it does not in the slightest degree prevent competition.

The combination of labor and capital in the form of a corporation to carry on any lawful business is a proper and useful expedient, especially for great enterprises of a quasi public character, and ought to be encouraged and protected as tending to cheapen the cost of production, but these corporate rights should be open to all upon the same terms and conditions. Such corporations, being mere creatures of law, can only exercise the powers specially granted and defined. Experience has shown that they are the most useful agencies of modern civilization. They have enabled individuals to unite to undertake great enterprises only attempted in former times by powerful governments. The good results of corporate power are shown in the vast development of our railroads and the enormous increase of business and production of all kinds.

When corporations unite merely to extend their business, as connecting lines of railway without interfering with competing lines, they are proper and lawful. Corporations tend to cheapen transportation, lessen the cost of production, and bring within the reach of millions comforts and luxuries formerly enjoyed by thousands. Formerly corporations were special grants to favored companies, but now the principle is generally adopted that no private corporation shall be created with exclusive rights or privileges. The corporate rights granted to one are open to all. In this way more than three thousand national banks have been formed with the same rights and privileges, and the business is open to all competitors. In most of the States general railroad laws provide the terms on which all railroads may be built, with like rights and privileges. Corporate rights open to all are not in any sense a monopoly, but tend to promote free competition of all on the same conditions. They are mere creatures of the law, to exercise only well defined powers, and are not in any way interfered with by this bill.

This bill does not seek to cripple combinations of capital and labor, the formation of partnerships or of corporations, but only to prevent and control combinations made with a view to prevent competition, or for the restraint of trade, or to increase the profits of the producer at the cost of the consumer. It is the unlawful combination, tested by the rules of common law and human experience, that is aimed at by this bill, and not the lawful and useful combination. Unlawful combinations made by individuals are declared by the several States to be against public policy and void, and in proper cases they may be punished as criminals. If their business is lawful they can combine in any way and enjoy the advantage of their united skill and capital, provided they do not combine to prevent competition. A limited monopoly secured by a patent right is an admitted exception, for this is the only way by which an inventor can be paid for his invention.

Any other attempt by individuals to secure a monopoly should be subject to the same law of restraint applied to partnerships and cor-

porations. A partnership is unlawful when its business tends to restrain trade, to deal in forbidden productions, or to encourage immoral and injurious pursuits, such as lotteries and the like; but if its business is lawful and open to competition with others with like skill and capital, it can not be dangerous. A corporation may be, and usually is, a more powerful and useful combination than a partnership. It is an artificial person without fear of death, without a soul to save or body to punish; but if other corporations can be formed on equal terms a monopoly is impossible. If it becomes powerful enough to exercise an undue influence in one State it is met by free competition with producers in all the other States in the Union and by importation from all the world, subject only to such duties as the public necessities demand.

Mr. President, I have thus far confined my argument to the statement of what this bill does not do; that is, it does not interfere with any lawful business in the United States, whether conducted by a corporation, or a partnership, or an individual. It deals only with unlawful combinations, unlawful by the code of any law of any civilized nation of ancient or modern times.

But associated enterprise and capital are not satisfied with partnerships and corporations competing with each other, and have invented a new form of combination commonly called trusts, that seeks to avoid competition by combining the controlling corporations, partnerships, and individuals engaged in the same business, and placing the power and property of the combination under the government of a few individuals, and often under the control of a single man called a trustee, a chairman, or a president.

The sole object of such a combination is to make competition impossible. It can control the market, raise or lower prices, as will best promote its selfish interests, reduce prices in a particular locality and break down competition and advance prices at will where competition does not exist. Its governing motive is to increase the profits of the parties composing it. The law of selfishness, uncontrolled by competition, compels it to disregard the interest of the consumer. It dictates terms to transportation companies, it commands the price of labor without fear of strikes, for in its field it allows no competitors. Such a combination is far more dangerous than any heretofore invented, and, when it embraces the great body of all the corporations engaged in a particular industry in all of the States of the Union, it tends to advance the price to the consumer of any article produced, it is a substantial monopoly injurious to the public, and, by the rule of both the common and the civil law, is null and void and the just subject of restraint by the courts, of forfeiture of corporate rights and privileges, and in some cases should be denounced as a crime, and the individuals engaged in it should be punished as criminals. It is this kind of a combination we have to deal with now.

If the concentrated powers of this combination are intrusted to a single man, it is a kingly prerogative, inconsistent with our form of government, and should be subject to the strong resistance of the State and national authorities. If anything is wrong this is wrong. If we will not endure a king as a political power we should not endure a king over the production, transportation, and sale of any of the necessities of life. If we would not submit to an emperor we should not submit to an autocrat of trade, with power to prevent competition and to fix the price of any commodity. If the combination is confined to a State the State should apply the remedy; if it is interstate and controls any production in many States, Congress must apply the remedy. If the combination is aided by our tariff laws they should be promptly changed, and, if necessary, equal competition with all the world should be invited in the monopolized article. If the combination affects interstate transportation or is aided in any way by a transportation company, it falls clearly within the power of Congress, and the remedy should be aimed at the corporations embraced in it, and should be swift and sure.

Do I exaggerate the evil we have to deal with? I do not think so. I do not wish to single out any particular trust or combination. It is not a particular trust, but the system I am at. I will only cite a very few instances of combinations that have been the subject of judicial or legislative inquiry, to show what has been and what can be done by them.

I quote from the opinion of Judge Baxter, in the case of *Handy et al., trustees, vs. Cleveland and Marietta Railroad Company*, Federal Reporter, volume 31, pages 689 to 693, inclusive, where it appears, to quote the exact language of the learned judge:

That the Standard Oil Company and George Rice were competitors in the business of refining oil; that each obtained supplies in the neighborhood of Macksburgh, a station of said railroad, from whence the same was carried to Marietta or Cleveland, and that for this service both were equally dependent upon the railroad, then in the hands of the receiver.

It further appears that the Standard Oil Company desired to "crush" Rice and his business, and that under a threat of building a pipe for the conveyance of its oil and withdrawing its patronage from the receiver, O'Day, one of its agents, "compelled" Terry, who was acting for and on behalf of the receiver, to carry its oil at 10 cents per barrel and charge Rice 35 cents per barrel for a like service, and pay the Standard Oil Company 25 cents out of the 35 cents thus exacted from Rice, "making," in the judgment of the receiver, "\$25 per day clear money" for it (the Standard Oil Company) "on Rice's oil alone."

It also appears in an equity suit in which the Commonwealth of Pennsylvania was complainant and the Pennsylvania Railroad Company was



defendant, filed in the supreme court of Pennsylvania for the western district, in the year 1879, and where A. J. Cassatt, then third vice-president in charge of the transportation department of the Pennsylvania Railroad Company, testified that the Standard Oil Company were receiving over and above current drawbacks the following rebates and allowances, namely:

Forty-nine cents per barrel on crude oil from the Bradford oil region to tide water; 51½ cents per barrel on crude oil from the lower oil region to tide water; and 64½ cents on refined oil from Cleveland to tide water.

In the year 1878 the railroad shipments of oil had reached 13,700,000 barrels. Assuming 20 per cent. of this to be the traffic of the Standard Oil Company and that but 50 cents per barrel rebate was paid by the railroad companies, the annual illegal receipts by the Standard Oil Company would have been \$5,480,000, not including the receipts of the American Transfer Company from such traffics was not embraced within the 80 per cent. of the Standard Oil Company.

Another case of unlawful combination was the case of David M. Richardson vs. Russell A. Alger *et al.*, recently decided in the supreme court of the State of Michigan. I have the opinion by the chief-justice which sufficiently states the nature of the combination and the view taken of it by that court. This is quite a leading case. In order that I may not do injustice to any one I will lay before the Senate the judgment of the court in full, as expressed by the judges of the supreme court of Michigan:

Supreme court of the State of Michigan.

[David M. Richardson vs. Russell A. Alger *et al.* Filed November 15, 1889.]

SHERWOOD, C. J. I think no one can read the contract in question and fail to discover that considerations of public policy are largely involved. The intention of the agreement is to aid in securing the objects sought to be attained in the formation and organization of the Diamond Match Company. This object is openly and boldly avowed. Not only does this appear in its organization and in the business it proposes to conduct and in the modes and manner of carrying it on, but the testimony of General Alger himself avers it and settles its character beyond question. The organization is a manufacturing company. The business in which it is engaged is making friction matches. Its articles provide for the aggregation of an enormous amount of capital, sufficient to buy up and absorb all of that kind of business done in the United States and Canada, and to prevent any other person or corporation from engaging in or carrying on the same, thereby preventing all competition in the sale of the articles manufactured.

This is the mode of conducting the business and the manner of carrying it on. The sole object of the corporation is to make money by having it in its power to raise the price of the article or diminish the quantity to be made and used at its pleasure.

Thus, both the supply of the article and the price thereof are made to depend upon the action of a half-dozen individuals, more or less, to satisfy their cupidity and avarice, who may happen to have the controlling interest in this corporation—an artificial person—governed by a single motive or purpose, which is to accumulate money, regardless of the wants and necessities of over sixty millions of people.

The article thus completely under their control has, for the last fifty years, come to be regarded as one of necessity, not only in every household in the land, but one of daily use by almost every individual in the country. It is difficult to conceive of a monopoly which can affect a greater number of people, or one more extensive in its effect in the country, than that of the Diamond Match Company. It was to aid that company in its purposes, and in carrying out its object that the contract in this suit was made between these parties, and which we are now asked to aid in enforcing it.

Monopoly in trade, or in any kind of business in this country, is odious to our form of government. It is sometimes permitted to aid the Government in carrying on a great public enterprise or public work under governmental control in the interest of the public. This tendency is, however, destructive of free institutions and repugnant to the instincts of a free people, and contrary to the whole scope and spirit of the Federal Constitution, and is not allowed to exist, under express provision in several of our State constitutions.

Indeed, it is doubtful if free government can long exist in a country where such enormous amounts of money are allowed to be accumulated in the vaults of corporations, to be used at discretion in controlling the property and business of the country against the interests of the public and that of the people for the personal gain and aggrandizement of a few individuals.

It is always destructive of individual rights and of that free competition which is the life of business, and it revives and perpetuates one of the great evils which it was the object of the framers of our form of government to eradicate and prevent. It is alike destructive to both individual enterprise and individual prosperity, and therefore public policy is, and ought to be, as well as public sentiment, against it.

All combinations among persons or corporations for the purpose of raising or controlling the prices of merchandise or any of the necessities of life are monopolies and intolerable, and ought to receive the condemnation of all courts. In my judgment, not only is the enterprise in which the Diamond Match Company is engaged an unlawful one, but the contract in question in this case, being made to further its objects and purposes, is void, upon the ground that it is against public policy.

CHAMPLIN, J. I concur with the chief-justice in dismissing the bill of complaint for reasons which render it unnecessary to discuss the merits of the controversy between the parties.

It appears from the testimony that the Diamond Match Company was organized for the purpose of controlling the manufacture and trade in matches in the United States and Canada. The object was to get all the manufacturers of matches in the United States to enter into a combination and agreement, by which the manufacture and output of all the match factories should be controlled by the Diamond Match Company. Those manufacturers who would not enter into the scheme were to be bought out, those who proposed to engage in the business were to be bought off, and a strict watch was to be exercised to discover any person who proposed to engage in such business and he be prevented if possible.

All who entered into the combination and all who were bought off were required to enter into bonds to the Diamond Match Company that they would not, directly or indirectly, engage in the manufacture or sale of friction matches, nor aid nor assist nor encourage any one else in said business anywhere by doing it, so it might conflict with the business interest or diminish the sales or lessen the profits of the Diamond Match Company. These restrictions varied in individual cases as to the time it was to continue, from ten to twenty years. Thirty-one manufacturers, being substantially all the factories where matches

were made in the United States, either went into the combination or were purchased by the Diamond Match Company, and out of this number all were closed except about thirteen.

General Alger was a witness in the case, and was asked by his counsel the following question:

"Q. It appears that during the years 1881 and 1882 large sums of money were expended to keep men out of the match business, remove competition, buy machinery and patents, and in some instances purchase other match factories. I will ask you to state the reasons, if any there are, why those sums should not be treated as an expense of the business and charged off from this account."

To which he replied: "Because the prices of matches were kept up to correspond so as to pay these expenses and make large dividends above what could have been made had those factories been in the market to compete with the business."

It also appears from the testimony of General Alger that the organization of the Diamond Match Company was in a measure due to his exertions. There is no doubt that all the parties to this suit were active participants in perfecting the combination called the Diamond Match Company, and that the present dispute grows out of that transaction, and is the fruit of the scheme by which all competition in the manufacture of matches was stifled, opposition in the business crushed, and the whole business of the country in that line engrossed by the Diamond Match Company.

Such a vast combination as has been entered into under the above name is a menace to the public; its object and direct tendency is to prevent free and fair competition and control prices throughout the national domain. It is no answer to say that this monopoly has in fact reduced the price of friction matches. That policy may have been necessary to crush competition. The fact exists that it rests in the discretion of this company at any time to raise the price to an exorbitant degree. Such combinations have frequently been condemned by courts as unlawful and against public policy:

Hooker vs. Vandewater, 4 Denio, 349.

Stanton vs. Allen, 5 Denio, 434.

Marice Run Coal Company vs. Barclay Coal Company, 68 Pa., 185.

Central Ohio Salt Company vs. Guthrie, 35 Ohio St., 672.

Craft vs. McConoughy, 79 Ill., 346.

Hoffman vs. Brooks, 11 Week. Lw. Bl., 358.

Hannah vs. Fife, 27 Mich., 172.

Alger vs. Thatcher, 19 Pick., 59.

It is also well settled that if a contract be void as against public policy the court will neither enforce it while executory, nor relieve a party from loss by having performed it in part:

Foot vs. Emerson, 10 Vt., 44; and see Hannah vs. Power, 8 Dana, 91.

Pratt vs. Adams, 7 Paige, 616.

Pratt vs. Oliver, 1 McLain, 300.

Pratt vs. Oliver, 2 McLain, 277.

Stanton vs. Allen, 5 Denio, 434.

It is not necessary that the parties, or either of them, should rely upon the fact that the contract is one which it is against the policy of the law to enforce. Courts will take notice of their own motion of illegal contracts which come before them for adjudication, and will leave the parties where they have placed themselves.

Campbell, J., concurred with Mr. Justice Champlin.

Mr. PLATT. What was the conclusion of the court?

Mr. SHERMAN. They declared the combination null and void, against public policy, and refused to entertain jurisdiction to settle the accounts between the parties, because this case arose on a dispute between two of the parties, Mr. Richardson and General Alger. They declared it unlawful and void and set aside the contract.

Mr. PLATT. If the Senator will permit me, the object of my inquiry was to make it appear clearly that the court as at present constituted has so decided.

Mr. SHERMAN. That was a State matter between parties living within the State, and therefore did not involve any of the questions which are requisite to impart jurisdiction to United States courts under this bill.

Mr. CULLOM. Where was this?

Mr. SHERMAN. It was in Michigan. The supreme court of Michigan made the decision. I have here the case of Craft *et al.* vs. McConoughy, in the supreme court of Illinois, reported in the seventy-ninth volume of Illinois Reports. I am showing that the State courts in different States have declared this thing, when it exists in a State, to be unlawful and void.

Mr. CULLOM. Everywhere.

Mr. SHERMAN. In every case, everywhere, and all I wish is to have the courts of the United States do by these greater combinations what has been done already by the courts of the States.

In the case of Richard C. Craft *et al.* vs. James O. McConoughy, in the supreme court of Illinois, reported in the seventy-ninth volume of Illinois Reports, it was decided that—

A contract entered into by the grain dealers of a town which, on its face, indicates that they have formed a partnership for the purpose of dealing in grain, but the true object of which is to form a secret combination which would stifle all competition and enable the parties, by secret and fraudulent means, to control the price of grain, costs of storage, and expense of shipment at such town, is in restraint of trade, and consequently void on the ground of public policy.

I will insert in my remarks the decision of Mr. Justice Craig without reading it at this time.

Mr. GEORGE. Will the Senator state what was the decision of the court in that case?

Mr. SHERMAN. They set aside the contract.

Mr. GEORGE. The suit was to annul the contract?

Mr. SHERMAN. To annul the contract, and they said they would treat it as illegal. This is the decision:

While these parties were in business, in competition, they had the undoubted right to establish their own rates for grain stored and commissions for shipment and sale. They would pay as high or low a price for grain as they saw proper and as they could make contracts with the producer. So long as competition was free the interest of the public was safe. The laws of trade, in connection with the rigor of competition, was all the guaranty the public required, but the secret combination created by the contract destroyed all competition and created a monopoly, against which the public interest had no protection.

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I find another case, that of the Chicago Gas-Light and Coke Company vs. The People's Gas-Light and Coke Company, on page 531, 121 Illinois Reports, in which it appears that the Chicago Gas-Light and Coke Company was incorporated in 1849 with the exclusive privilege of supplying Chicago and its inhabitants with gas for a period of ten years. Subsequently another company, under the name of the People's Gas-Light and Coke Company, was chartered, with power to manufacture and sell gas in the city of Chicago and to erect the necessary apparatus for that purpose, with the usual provisions as to laying their pipes in the streets of the city. Subsequently the two companies divided the city between them, allowing each the exclusive right of supplying gas therein for one hundred years and stipulating that neither would interfere with the business of the other in its own territory.

Here is the judgment of the court setting aside that contract as preventing competition, as null and void by the rules of the common law. I have only now been able to get this, but I will see that it is correctly quoted from the regular report, and will read the brief statement I have:

The defendant company, claiming as the assignee of the exclusive privilege in the territory set off to it, filed a bill against the other for a specific performance of the contract of assignment. The court refused the relief sought, holding "that by the grant of the second charter the Legislature intended to do away with the monopoly" granted under the first; "that, although the contract involved a partial restraint of trade, and therefore might not, by the general rule of law, be invalid, yet that the general rule does not apply to corporations engaged in a public business in which the public have an interest," and that the contract was void.

In a recent case, that of the People of Illinois vs. The Chicago Gas Trust Company, which I find reported in a late paper—

the trust combination consisted of a new corporation holding a separate charter under the general incorporation law of Illinois. In applying for its charter the Gas Trust Company stated the objects of its incorporation to be "the erection and operation of works in Chicago and other places in Illinois for the manufacture, sale, and distribution of gas and electricity, and to purchase and hold or sell the capital stock of any gas or electric company or companies in Chicago or elsewhere in Illinois." Having received its charter the company purchased a majority of the capital stock of each of the gas companies doing business in Chicago, four in number.

The information charges that, by so purchasing and holding a majority of the shares of the capital stock of each of the four companies, the appellee usurps and exercises "powers, liberties, privileges, and franchises not conferred by law."

"That by purchasing and holding such stock it secured the control of each of the companies; that such control 'by the appellee, an outside and independent corporation, suppresses outside competition between them and destroys their diversity of interest and all motive for competition. There is thus built up a virtual monopoly in the manufacture and sale of gas.' It also held that 'a corporation thus formed for the purpose of manufacturing and selling gas \* \* \* has no power to purchase and hold or sell shares of stock in other gas companies as an incident to the purpose of its formation, even though such power is specified in its articles of incorporation.'"

Mr. CULLOM. That is a recent decision.

Mr. SHERMAN. Yes, a very recent decision, and it has not yet gone into the reports. There is a still more recent case, and I am reminded of it by the remark of the Senator from Connecticut [Mr. PLATT], that of The People of New York vs. The North River Sugar-Refining Company, a trust which was investigated by a committee of the House of Representatives, of which Mr. Bacon was chairman, and which came before the supreme court of New York at circuit in January, 1889, was carried to the general term in November last, and is reported in volume 2, Abbott's New Cases, page 164, both decisions being against the defendant, a member of the so-called trust company. This is a statement of the case together with the decision of Mr. Justice Daniels in rendering judgment:

The case was that seventeen corporations, in at least six different States, all engaged in the sugar-refining business, arranged to transfer their stock to a board of eleven members and were to receive in return from the association shares of stock to be issued by it and to be distributed among the several corporations in proportion to the amounts of stock held by them. The profits of the business were to be divided among the holders of certificates for shares issued by the board. No limit for the duration of the association was fixed, and its capital stock was fixed at \$50,000,000. A suit was brought by the attorney-general in the name of the people of New York against one of the associate corporations to vacate and annul its charter for "abuse of its powers" and for exercising "privileges or franchises not conferred upon it by law" by participating "in a combination with certain sugar refineries." Upon both grounds the court found against the defendant.

Daniels, Justice, in rendering his judgment, said:  
"The defendant has disabled itself from exercising its functions and employing its franchises, as it was intended it should by the act under which it was incorporated, and had by the action which was taken placed itself in complete subordination to another and different organization, to be used for an unlawful purpose detrimental and injurious to the public. \* \* \* This was a subversion of the object for which the company was created, and it authorized the attorney-general to maintain and prosecute this action to vacate and annul its charter."

This case may be said to be a leading case and was thoroughly discussed and considered. The opinion of the court at the general term pronounced by Mr. Justice Barrett covers the whole ground upon which the great body of the trusts in the United States rests. The suit presented the distinct question raised by many of the contracts which are the bases of these combinations. To use the language of that judge:

Any combination the tendency of which is to prevent competition in its broad and general sense, and to control, and thus at will enhance, prices to the detriment of the public, is a legal monopoly. And this rule is applicable to every monopoly whether the supply be restricted by nature or susceptible of indefinite production. The difficulty of effecting the unlawful purpose may be

greater in the one case than in the other, but it is never impossible. Nor need it be permanent or complete. It is enough that it may be even temporarily and partially successful. The question in the end is, does it inevitably tend to public injury?

Then follows a long and elaborate decision, and I think it is the unanimous judgment of the court—at least I see no dissent marked, and I presume it is the unanimous judgment of that high court of the State of New York—in a case which occurred only last year when it had before it this sugar company. That being a corporation of New York, it could deal with that corporation alone, but the combination was between that company and sixteen others, if I remember aright—perhaps the number was greater. In the courts of the United States all of them might have been parties, but as a matter of course the supreme court of New York could not extend its jurisdiction beyond the limits of its own territory.

I might add to the cases cited innumerable cases in nearly all the States and in England, and in all of them it will appear that while the law in respect to contracts in restraint of trade and combinations to prevent competition and to advance the price of necessities of life has varied somewhat, but in all of them, whether the combinations are by individuals, partnerships, or corporations, when the purpose of the combination or its plain tendency is to prevent competition, the courts have enforced the rule of the common law and have vigorously used the judicial power in subverting them.

And now it is for Congress to say, when the devices of able lawyers and the cupidity of powerful corporations have united to spread these combinations over all the States of the Union, embracing in their folds nearly every necessary of life, whether it is not time to invoke the judicial power conferred upon the courts of the United States to deal with these combinations; when lawful to support them and when unlawful to suppress them.

I might state the case of all the combinations which now control the transportation and sale of nearly all the leading productions of the country that have recently been made familiar by the public press, such as the cotton trust, the whisky trust, the sugar-refiners' trust, the cotton-bagging trust, the copper trust, the salt trust, and many others, some of which have been the subjects of legislative inquiry and others of judicial process; but it is scarcely necessary to do so, as they are all modeled upon the same plan and involve the same principles. They are all combinations of corporations and individuals of many States forming a league and covenant, under the control of trustees with power to suspend the production of some and enlarge the production of others, and absolutely control the supply of the article which they produce, and with a uniform design to prevent competition, to break it down wherever it appears to threaten their interest.

I have seen within a few days in the public prints a notice of a combination intended to affect the price of silver bullion, as follows:

WITH A CAPITAL OF TWENTY-FIVE MILLION DOLLARS.

CHICAGO, March 2.

The Herald to-day says that, with the exception of five companies, all the refining and smelting companies of the United States have formed a trust, with a capital of \$25,000,000, of which \$15,000,000 is to be common stock and the remaining preferred.

If such a combination is formed it will enable a few corporations in different States to corner the Government of the United States in its proposed effort, by a bill pending in the Senate, to purchase silver bullion as the basis and security for paper money. Can any one doubt that such a combination is unlawful, against public policy, with power enough to control the operation of your laws, and destructive to all competition which you invite? It is scarcely necessary on this point to quote further from the law books. Every decision or treatise on the law of contracts agrees in denouncing such a combination.

Judge Gibson, in the case of the Commonwealth of Pennsylvania vs. Carlisle, states the general principle in terse and vigorous language:

A combination is criminal whenever the act to be done has a necessary tendency to prejudice the public or to oppress individuals by unjustly subjecting them to the power of the confederates, and giving effect to the purpose of the latter, whether of extortion or of mischief.

The solicitor of the Standard Oil Trust, Mr. Dodd, in an argument which I have before me, admits that certain combinations are null and void. He says:

When I speak of unrestricted combinations I do not mean that combinations should be allowed under all circumstances and for all purposes. While combination is not, *per se*, evil its purposes may be. The law is possibly our best guide on this subject. It has progressed as experience and the necessities of business required it to progress, from the idea that all combinations were wrong to the idea that all persons should be left free to combine for all legitimate purposes. To this day, however, the law is properly very jealous of certain classes of combinations, such as—

First. Where the parties combining exercise a public employment or possess exclusive privileges, and are to that extent monopolies.

Second. Where the purpose and effect of the combination is to "corner" any article necessary to the public.

Third. Where the purpose and effect of the combination is to limit production, and thereby to unduly enhance prices.

These things are just as unlawful without combination as with it. In other words, the evil is not in the combination, but in its purposes and results.

The law condemns any arrangement the purpose or necessary tendency of which is to destroy all competition and thus to prejudice the public.



I accept the law as stated by Mr. Dodd, that all combinations are not void, a proposition which no one doubts, but I assert that the tendency of all combinations of corporations, such as those commonly called trusts, and the inevitable effect of them, is to prevent competition and to restrain trade. This must be manifest to every intelligent mind. Still this can not be assumed as against any combination unless upon a fair hearing it should appear to a court of competent jurisdiction that the agreement composing such combination is necessarily injurious to the public and destructive to fair trade. These modern combinations are uniformly composed of citizens and corporations of many States, and therefore they can only be dealt with by a jurisdiction as broad as their combination. The State courts have held in many cases that they can not interfere in controlling the action of corporations of other States. If corporations from other States do business within a State, the courts may control their action within the limits of the State, but when a trust is created by a combination of many corporations from many States, there are no courts with jurisdiction broad enough to deal with them except the courts of the United States.

I admit that it is difficult to define in legal language the precise line between lawful and unlawful combinations. This must be left for the courts to determine in each particular case. All that we, as lawmakers, can do is to declare general principles, and we can be assured that the courts will apply them so as to carry out the meaning of the law, as the courts of England and the United States have done for centuries. This bill is only an honest effort to declare a rule of action, and if it is imperfect it is for the wisdom of the Senate to perfect it. Although this body is always conservative, yet, whatever may be said of it, it has always been ready to preserve, not only popular rights in their broad sense, but the rights of individuals as against associated and corporate wealth and power.

It is sometimes said of these combinations that they reduce prices to the consumer by better methods of production, but all experience shows that this saving of cost goes to the pockets of the producer. The price to the consumer depends upon the supply, which can be reduced at pleasure by the combination. It will vary in time and place by the extent of competition, and when that ceases it will depend upon the urgency of the demand for the article. The aim is always for the highest price that will not check the demand, and, for the most of the necessities of life, that is perennial and perpetual.

But, they say, competition is open to all; if you do not like our prices, establish another combination or trust. As was said by the supreme court of New York, when the combination already includes all or nearly all the producers, what room is there for another? And if another is formed and is legal, what is to prevent another combination? Sir, now the people of the United States as well as of other countries are feeling the power and grasp of these combinations, and are demanding of every Legislature and of Congress a remedy for this evil, only grown into huge proportions in recent times. They had monopolies and mortuaries of old, but never before such giants as in our day. You must heed their appeal or be ready for the socialist, the communist, and the nihilist. Society is now disturbed by forces never felt before.

The popular mind is agitated with problems that may disturb social order, and among them all none is more threatening than the inequality of condition, of wealth, and opportunity that has grown within a single generation out of the concentration of capital into vast combinations to control production and trade and to break down competition. These combinations already defy or control powerful transportation corporations and reach State authorities. They reach out their Briarean arms to every part of our country. They are imported from abroad. Congress alone can deal with them, and if we are unwilling or unable there will soon be a trust for every production and a master to fix the price for every necessity of life.

But it is said by the Senator from Mississippi [Mr. GEORGE], who honors me with his attention, that this bill is unconstitutional, that Congress can not confer jurisdiction on the courts of the United States in this class of cases. I respectfully submit that, in his subtle argument, he has entirely overlooked the broad jurisdiction conferred by the Constitution upon courts of the United States in ordinary cases of law and equity between certain parties, as well as cases arising under the Constitution, laws, and treaties of the United States. Much the greater proportion of the cases decided in these courts have no relation to the Constitution, laws, or treaties. They embrace admiralty and maritime law, all controversies in which the United States are a party, controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

This jurisdiction embraces the whole field of the common law and of commercial law, especially of the law of contracts, in all cases where the United States is a party and in all cases between citizens of different States. The jurisdiction is as broad as the earth, except only it does not extend to controversies within a State between citizens of a State. All the combinations at which this bill aims are combinations embracing persons and corporations of several States. Each State can

deal with a combination within the State, but only the General Government can deal with combinations reaching not only the several States, but the commercial world. This bill does not include combinations within a State, but if the Senator from Mississippi can make this clearer any proposition he will make to that effect will certainly be accepted and I will cheerfully vote for his proposition. Can any one doubt the jurisdiction of the courts of the United States in all cases in which the United States is a party and in all cases between citizens, including corporations, of different States? I will read a note from Story on the Constitution:

It has been very correctly remarked by Mr. Justice Iredell that "the judicial power of the United States is of a peculiar kind. It is, indeed, commensurate with the ordinary legislative and executive government and the powers which concern treaties. But it also goes further. When certain parties are concerned, although the subject in controversy does not relate to any special objects of authority of the General Government, wherein the separate sovereignties of the separate States are blended in one common mass of supremacy, yet the General Government has a judicial authority in regard to such subjects of controversy; and the Legislature of the United States may pass all laws necessary to give such judicial authority its proper effect."

The judicial power of the United States extends to all questions of law and equity which arise between citizens of different States or between the other classes named. The jurisdiction of the courts of the United States may depend either upon the nature of the cause arising under the Constitution, laws, or treaties of the United States, or upon the parties to the case.

Chief-Justice Marshall, in the case of *Cohens vs. Virginia*, 6 Wheaton, page 378, says:

The second section of the third article of the Constitution defines the extent of the judicial power of the United States. Jurisdiction is given to the courts of the Union in two classes of cases. In the first, their jurisdiction depends on the character of the cause, whoever may be the parties. This class comprehends "all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority." This clause extends the jurisdiction of the court to all the cases described, without making in its terms any exceptions whatever, and without any regard to the condition of the party. If there be any exception, it is to be implied against the express words of the article.

In the second class the jurisdiction depends entirely on the character of the parties. In this are comprehended "controversies between two or more States, between a State and citizens of another State, and between a State and foreign states, citizens, or subjects." If these be the parties, it is entirely unimportant what may be the subject of controversy. Be it what it may, these parties have a constitutional right to come into the courts of the Union.

The same question was involved in the celebrated case of *Osborn vs. Bank of the United States* (9 Wheaton, page 738), in which it was contended that the courts of the United States could not exercise jurisdiction because several questions might arise in such suits, which might depend upon the general principles of law, and not upon any act of Congress. It was held that Congress did constitutionally possess the power and had rightfully conferred it in that charter. Chief-Justice Marshall said there, in one of the most famous of his opinions involving grave constitutional questions:

A cause may depend upon several questions of fact and law. Some of these may depend on the construction of a law of the United States; others, on principles unconnected with that law.

It was held in that case that the Bank of the United States being created by Congress the right might be conferred upon it by Congress to sue in the courts of the United States without respect to the nature or character of the controversy.

The clause giving the bank a right to sue in the circuit courts of the United States stands on the same principle with the acts authorizing officers of the United States who sue in their own names to sue in the courts of the United States.

If it be said that a suit brought by the bank may depend in fact altogether on questions unconnected with any law of the United States, it is equally true with respect to suits brought by the Postmaster-General.

Cases may also arise under laws of the United States by implication as well as by express enactment, so that due redress may be administered by the judicial power of the United States.

This goes to show that, the jurisdiction once acquired by having the parties before the court, it extends to any kind of remedial jurisdiction, any kind of a case.

It has also been asked, and may again be asked—

Chief-Justice Marshall says—

why the words "cases in equity" are found in this clause. What equitable causes can grow out of the Constitution, laws, and treaties of the United States? To this the general answer of the Federalist seems at once clear and satisfactory. There is hardly a subject of litigation between individuals which would not involve those ingredients of fraud, accident, trust, or hardship which would render the matter an object of equitable rather than of legal jurisdiction, as the distinction is known and established in several of the States. It is the peculiar province, for instance, of a court of equity to relieve against what are called hard bargains. These are contracts in which, though there may have been no direct fraud or deceit sufficient to invalidate them in a court of law, yet there may have been some undue and unconscionable advantage taken of the necessities or misfortunes of one of the parties which a court of equity would not tolerate.

By the Constitution of the United States this jurisdiction of the courts of the United States extends to all cases in law and equity between certain parties. What is meant by the words of "cases in law and equity?" Does this include only cases growing out of the Constitution, statutes, and treaties of the United States? It has been held over and over again that, by these words, the Constitution has adopted

as a rule of remedial justice the common law of England as administered by courts of law and equity.

Judge Story, in his work on the Constitution, volume 2, page 485, says:

What is to be understood by "cases in law and equity" in this clause? Plainly, cases at the common law, as contradistinguished from cases in equity, according to the known distinctions in the jurisprudence of England, which our ancestors brought with them upon their emigration, and with which all the American States were familiarly acquainted. Here, then, at least, the Constitution of the United States appeals to and adopts the common law to the extent of making it a rule in the pursuit of remedial justice in the courts of the Union. If the remedy must be in law or in equity, according to the course of proceedings at the common law, in cases arising under the Constitution, laws, and treaties of the United States, it would seem irresistibly to follow that the principles of decision by which these remedies must be administered must be derived from the same source. Hitherto such has been the uniform interpretation and mode of administering justice in all civil cases in the courts of the United States in this class of cases.

But I need not pursue the matter further. The question of the character and nature of the controversy when the proper legal parties are before the court is never entered into. In some cases, where the rules of law and equity have been modified by legislation, the courts of the United States have followed the local law as construed and administered by the courts of the State where the controversy arose, but it is clearly within the power of Congress to prescribe the rule as well as to define the methods of procedure in the courts of law and equity of the United States; so I submit that this bill as it stands, without any reference to the specific powers granted to Congress by the Constitution, is clearly authorized under the judicial article of the Constitution. This bill declares a rule of public policy in accordance with the rule of the common law. It limits its operation to certain important functions of the Government, among which are the importation, transportation, and sale of articles imported into the United States, the production, manufacture, or sale of articles of domestic growth or production, and domestic raw materials competing with a similar article upon which a duty is levied by the United States.

If this bill were broader than it is and declared unlawful all trusts and combinations in restraint of trade and production null and void, there could be no question that in suits brought by the United States to enforce it, or suits between individuals or corporations of different States for injuries done in violation of it, it would be clearly within the power of Congress and the jurisdiction of the court. The mere limitation of this jurisdiction to certain classes of combinations does not affect in the slightest degree the power of Congress to pass a much broader and more comprehensive bill.

Nor is it necessary to limit the jurisdiction of the courts of the United States to suits between citizens of different States. It extends also to suits by the United States when authorized by law. It is eminently proper that when a combination of persons or corporations of different States tends to affect injuriously the interests or powers of the United States, as well as of citizens of the United States, the proceeding should be in the courts of the United States and in the name of the United States. The legal process of quo warranto or mandamus ought, in such cases, to be issued at the suit of the United States. A citizen would appear in such a suit at every disadvantage, and even the United States is scarcely the equal of a powerful corporation in a suit where a single officer with insufficient pay is required to compete with the ablest lawyers encouraged with compensation far beyond the limits allowed to the highest government officer. It is in such proceedings that the battle with these great combinations is to be fought.

But, aside from the power drawn from the third article of the Constitution, I believe this bill is clearly within the power conferred expressly upon Congress to regulate commerce with foreign nations and among the several States and its power to levy and collect taxes, duties, imposts, and excises.

And here, Mr. President, I wish to again call attention to the argument of the Senator from Mississippi [Mr. GEORGE]. He treats this bill as a criminal statute from beginning to end, and not as a remedial statute with civil remedies. He says:

The first thing which attracts our attention, therefore, is that if the agreement or combination, which is the crime, be made outside of the jurisdiction of the United States it is also without the terms of the law and can not be punished in the United States.

It is true that if a crime is committed outside of the United States it can not be punished in the United States. But if an unlawful combination is made outside of the United States and in pursuance of it property is brought within the United States such property is subject to our laws. It may be seized. A civil remedy by attachment could be had. Any person interested in the United States could be made a party.

Either a foreigner or a native may escape "the criminal part of the law," as he says, by staying out of our jurisdiction, as very many do, but if they have property here it is subject to civil process. I do not see what harm a foreigner can do us if neither his person nor his property is here. He may combine or conspire to his heart's content if none of his co-conspirators are here or his property is not here.

Again he says:

But suppose, what I think, however, is highly improbable, some of these great combinations should be made in the United States. Will the case be any better for the people in whose interest we profess to legislate? The combination, agreement, or trusts, etc., must, under the bill, be made "with the intention to

prevent full and free competition in the importation, transportation, or sale of articles imported into the United States."

The word "intention" is not in the bill. It was proposed as an amendment.

Mr. GEORGE. It was in the bill as reported.

Mr. SHERMAN. Ah, it was proposed as an amendment.

Mr. GEORGE. By the Committee on Finance?

Mr. SHERMAN. Yes, but the Senator treated it as being a part of the bill. It was a proposed amendment to the bill and was never adopted.

Mr. GEORGE. The original bill was proposed by the Senator from Ohio.

Mr. SHERMAN. That had no such word in it.

Mr. GEORGE. That had no such word in it, but when the bill came back from the committee it did have the word in it.

Mr. SHERMAN. But the bill as it comes from the committee now has certainly no such word in it. It was proposed as an amendment, but has no place in the first section. The language is: "made with a view or which tend." The "intention" can not be proved, though "tendency" can. The tendency is the test of legality. The intention is the test of a crime.

And so all through his speech he quotes the phrases of a "certain specified intent," "specific intent," "penal legislation," "reasonable doubt," "indicted must be acquitted." He treats this bill very much as he does the Constitution of the United States, something to be evaded, to be strictly construed, instead of being what it is, a remedial statute, a bill of rights, a charter of liberty. He no doubt is partly justified in this by the amendments proposed but not adopted, and by the third section, which would be subject to his criticism, and which I will join him in striking out.

Mr. GEORGE. It was an amendment proposed by the committee?

Mr. SHERMAN. Yes. Now, Mr. President, what is this bill? A remedial statute to enforce by civil process in the courts of the United States the common law against monopolies. How is such a law to be construed? Liberally with a view to promote its objects. What are the evils complained of? They are well depicted by the Senator from Mississippi in this language, and I will read it as my own with quotation marks.

Mr. GEORGE. I am very much obliged for the compliment.

Mr. SHERMAN. "These trusts and combinations are great wrongs to the people. They have invaded many of the most important branches of business. They operate with a double-edged sword. They increase beyond reason the cost of the necessities of life and business, and they decrease the cost of the raw material, the farm products of the country. They regulate prices at their will, depress the price of what they buy and increase the price of what they sell. They aggregate to themselves great, enormous wealth by extortion which makes the people poor. Then, making this extorted wealth the means of further extortion from their unfortunate victims, the people of the United States, they pursue unmolested, unrestrained by law, their ceaseless round of speculation under the law, till they are fast producing that condition in our people in which the great mass of them are the servitors of those who have this aggregated wealth at their command."

One would think that with this conception of the evil to be dealt with he would for once turn his telescope upon the Constitution to find out power to deal with so great a wrong, and not, as usual, to reverse it, to turn the little end of the telescope to the Constitution, and then, with subtle reasoning, to dissipate the powers of the Government into thin air. He overlooks the judicial power of the courts of the United States extending to all cases where the United States is a party, or where a State may sue in the courts of the United States, or where citizens of different States are contesting parties with full power to apply a remedy by quo warranto, mandamus, judgment, and execution. He treats the question as depending alone upon the power to regulate foreign and domestic commerce and of taxation. I submit that, without reference to the judicial power, they are amply sufficient to justify this bill. What are they?

Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes.

The want of this power was one of the leading defects of the Confederation, and probably as much as any one cause conducing to the establishment of a Constitution. It is a power vital to the prosperity of the Union; and without it the Government could scarcely deserve the name of a National Government and would soon sink into discredit and imbecility. It would stand as a mere shadow of sovereignty to mock our hopes and involve us in a common ruin. (Story on the Constitution, volume 2, page 2.)

What is the extent of this power? What is the meaning of the word "commerce?" It means the exchange of all commodities between different places or communities. It includes all trade and traffic, all modes of transportation by land or by sea, all kinds of navigation, every species of ship or sail, every mode of transit, from the dog-cart to the Pullman car, every kind of motive power, from the mule or horse to the most recent application of steam or electricity applied on every road, from the trail over the mountain or the plain to the perfected railway or the steel bridges over great rivers or arms of the sea. The power



of Congress extends to all this commerce, except only that limited within the bounds of a State.

Under this power no bridge can be built over a navigable stream except by the consent of Congress. All the network of railroads crossing from State to State, from ocean to ocean, from east to west, and from north to south are now curbed, regulated, and controlled by the power of Congress over commerce. Most of the combinations aimed at by this bill are directly engaged in this commerce. They command and control in many cases and even own some of the agencies of this commerce. They have invented or own new modes of transportation, such as pipelines for petroleum or gas, reaching from State to State, crossing farms and highways and public property.

Can it be that with this vast power Congress can not protect the people from combinations in restraint of trade that are unlawful by every code of civil law adopted by civilized nations? It may "regulate commerce;" can it not protect commerce, nullify contracts that restrain commerce, turn it from its natural courses, increase the price of articles, and therefore diminish the amount of commerce?

It is said that commerce does not commence until production ends and the voyage commences. This may be true as far as the actual ownership or sale of articles within a State is subject to State authorities. I do not question the decision of the Supreme Court in the case of *Coe vs. Errol*, quoted by the Senator from Mississippi, that property within a State is subject to taxation though intended to be transported into another State. This bill does not propose to deal with property within a State or with combinations within the State, but only when the combination extends to two or more States or engages in either State or foreign commerce. It is said that these combinations can and will evade this bill. I have no doubt they will do so in many cases, but they can do so only by ceasing to interfere with foreign and interstate commerce.

Their power for mischief will be greatly crippled by this bill. Their present plan of organization was adopted only to evade the jurisdiction of State courts. They still maintain their workshops, their mode of production, by means of partnerships or corporations in a State. If their productions competed with those of similar partnerships or corporations in other States it would be all right. But to prevent such competition they unite the interests of all these partnerships and corporations into a combination, sometimes called a trust, sometimes a new corporation located in a city remote from the places of production, and then regulate and control the sale and transportation of all the products of many States, discontinuing one at their will, some running at half time, others pressed at their full capacity, fixing the price at pleasure in every part of the United States, dictating terms to transportation companies, controlling your commerce; and yet it is said that Congress, armed with full power to regulate commerce, is helpless and unable to deal with this monster.

Sir, the object aimed at by this bill is to secure competition of the productions of different States which necessarily enter into interstate and foreign commerce. These combinations strike directly at the commerce over which Congress alone has jurisdiction. "Congress may regulate interstate and foreign commerce," and it is absurd to contend that Congress may not prohibit contracts and arrangements that are hostile to such commerce.

Congress also has power "to lay and collect taxes, duties, imposts, and excises." It may exercise its own discretion in acting upon this power, and is only responsible to the people for the abuse of the power. All parties, from the foundation of the Government, have held that Congress may discriminate in selecting the objects and rates of taxation. Some of these taxes are levied for the direct and some for the incidental encouragement and increase of home industries. The people pay high taxes on the foreign article to induce competition at home, in the hope that the price may be reduced by competition, and with the benefit of diversifying our industries and increasing the common wealth.

Suppose one of these combinations should unite all, or nearly all, the domestic producers of an article of prime necessity with a view to prevent competition and to keep the price up to the foreign cost and duty added, would not this be in restraint of trade and commerce and affect injuriously the operation of our revenue laws? Can Congress prescribe no remedy except to repeal its taxes? Surely it may authorize the executive authorities to appeal to the courts of the United States for such a remedy, as courts habitually apply in the States for the forfeiture of charters thus abused and the punishment of officers who practice such wrongs to the public. It may also give to our citizens the right to sue for such damages as they have suffered.

In no respect does the work of our fathers in framing the Constitution of the United States appear more like the work of the Almighty Ruler of the Universe rather than the conception of human minds than by the gradual development and application of the powers conferred by it upon different branches of the Federal Government. Many of these powers have remained dormant, unused, but plainly there, awaiting the growth and progress of our country, and when the time comes and the occasion demands we find in that instrument, provided for thirteen States, a thread along the Atlantic and containing four millions of people, without manufactures, without commerce, bankrupt with debt, without credit or wealth, all the powers necessary to govern a conti-

mental empire of forty-two States, with sixty-five millions of people, the largest in manufactures, the second in wealth, and the happiest in its institutions of all the nations of the world.

While we should not stretch the powers granted to Congress by strained construction, we can not surrender any of them; they are not ours to surrender, but whenever occasion calls we should exercise them for the benefit and protection of the people of the United States. And, sir, while I have no doubt that every word of this bill is within the powers granted to Congress, I feel that its defects are in its moderation, and that its best effect will be a warning that all trade and commerce, all agreements and arrangements, all struggles for money or property, must be governed by the universal law that the public good must be the test of all.

Mr. INGALLS and Mr. VEST addressed the Chair.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). Does the Senator from Kansas rise to speak to this bill?

Mr. INGALLS. I rose to inquire if an amendment in the second degree is now pending.

Mr. REAGAN. There is.

The PRESIDING OFFICER. The amendment of the Senator from Texas to the amendment reported from the Committee on Finance is pending.

Mr. INGALLS. I give notice, then, of my intention, when it shall be in order, to offer the amendment which I send to the desk, and which I ask may be now read, and ordered to be printed.

The PRESIDING OFFICER. The amendment will be read for the information of the Senate, and ordered to be printed.

The CHIEF CLERK. It is proposed to substitute the following:

That for the purposes of this act the words "options" shall be understood to mean any contract or agreement whereby a party thereto, or any person, corporation, partnership, or association for whom or in whose behalf such contract or agreement is made acquires the right or privilege, but is not thereby obligated, to deliver to another at a future time or period any of the articles mentioned in section 3 of this act.

Sec. 2. That for the purposes of this act the word "futures" shall be understood to mean any contract or agreement whereby a party agrees to sell and deliver at a future time to another any of the articles mentioned in section 3 of this act, when at the time of making such contract or agreement the party so agreeing to make such delivery, or the party for whom he acts as agent, broker, or employee in making such contract or agreement, is not at the time of making the same the owner of the article so contracted and agreed to be delivered.

Sec. 3. That the articles of which the foregoing sections relate are wheat, corn, oats, rye, barley, cotton, and all other farm products; also, beef, pork, lard, and all other hog and cattle products.

Sec. 4. That special taxes are imposed as follows: Dealers in "options" or "futures" shall pay annually the sum of \$1,000, and shall also pay the further sum of 5 cents per pound for each and every pound of cotton, or of beef, pork, lard, or other hog and cattle products, and the sum of 20 cents per bushel for each and every bushel of any of the other articles mentioned in section 3 of this act, the right or privilege of delivering which may be acquired under any "options" contract or agreement, as defined by section 1 of this act, or which may be sold to be delivered at a future time or period under any "futures" contract or agreement as defined in section 2 of this act, which said amounts shall be paid to the collector of internal revenue, as hereinafter provided, and by him accounted for, as required in respect to other special taxes collected by him. Every person, association, copartnership, or corporation who shall, in their own behalf, or as broker, agent, or employee of another, deal in "options," or make any "options" contract or agreement, as hereinbefore defined, shall be deemed a dealer in "options," and every person, association, copartnership, or corporation who shall, in their own behalf or as broker, agent, or employee of another, deal in "futures," or make any "futures" contract or agreement, as hereinbefore defined, shall be deemed a dealer in "futures."

Sec. 5. That every person, association, copartnership, or corporation engaged in or proposing to engage in the business of dealer in "options" or of dealer in "futures" as hereinbefore defined shall, before commencing such business or making any such "options" or "futures" contract or agreement, make application in writing to the collector of internal revenue for the district in which he proposes to engage in such business or make such contract or agreement, setting forth the name of the person, association, partnership, or corporation, place of residence of the applicant, the business engaged in, and where such business is to be carried on, and in case of partnership, association, or corporation the names and places of residence of the several persons constituting the same, and shall thereupon pay to such collector the sum aforesaid of \$1,000, and shall also execute and deliver to such collector a bond in the penal sum of \$50,000, with two or more sureties satisfactory to the collector, conditioned upon the full and faithful compliance by the obligor therein with all the requirements of this act; and thereupon the collector shall issue to such applicant a certificate in such form as the Commissioner of Internal Revenue shall prescribe that such applicant is authorized for the period of one year from the date of such certificate to be a dealer in "options" or "futures" and to make "options" or "futures" contracts or agreements as hereinbefore defined, and for the period specified in such certificate the party to whom it is issued may conduct the business of dealer as aforesaid. Such certificate may be renewed annually upon the compliance with the provisions of this act, and any "options" or "futures" contract or agreement as defined by this act shall be absolutely void as between the parties thereto and their respective assigns unless the party making such contract or agreement shall have at the time of making the same a certificate as aforesaid authorizing the making thereof.

Sec. 6. That it shall be the duty of the collector to keep in his office a register containing a copy of each and every application made to him under the foregoing section and a statement in connection therewith as to whether a certificate had been issued thereon and for what period, which book or register shall be public record and be subject to inspection of any and all persons desiring to examine the same.

Sec. 7. That every "option" or "futures" contract or agreement as hereinbefore defined shall be in writing and signed in duplicate by the parties making the same; and any such contract or agreement not so made and signed shall, as between the parties thereto and their assigns, be absolutely void.

Sec. 8. That it shall be the duty of every person, copartnership, association, or corporation, on the first day of the week next succeeding the date of the certificate issued to them, and on the first day of each and every week thereafter, to make to the collector of the district in which any "options" or "futures" contract or agreement has been made full and complete return and report, under oath, of any and all such contracts and agreements made or entered into by

such person, copartnership, association, or corporation during the previous week, together with a statement of the articles or articles embraced in or covered by such contracts or agreements, and the amounts, respectively, of each, and the name of the party or parties with whom such contracts or agreements have been made, and at the same time to pay to such collector the amount of the tax herebefore required of 5 cents per pound on each and every pound of cotton, and of pork, lard, or other hog products, and of 20 cents per bushel on each and every bushel of any of the other articles mentioned in section 3 of this act, which are the subject of or covered by such contracts or agreements, or any of them, for which sums such collector shall give his receipt to the party so paying, and the sums so collected shall be accounted for by the collector as provided by law in respect to other taxes collected by him.

SEC. 9. That every person who shall, in his own behalf or in behalf of any other person, association, partnership, or corporation, enter into any "options" or "futures" contract or agreement, as defined by this act, without having a certificate of authority from the collector, as hereinbefore provided, and covering the time at which such contract or agreement shall be made, shall, besides being liable for the amounts prescribed in section 4 of this act, be fined not less than \$5,000 and not more than \$10,000 for each and every such offense. And every person who shall make to the collector a false or fraudulent return or report required by section 8 of this act shall be subject to a fine of not less than \$5,000 nor more than \$10,000, or to imprisonment for not less than six months or more than two years, or to both such fine and imprisonment.

SEC. 10. That neither the payment of the taxes required nor the certificate issued by the collector under this act shall be held to legalize dealing in options and futures, nor to exempt any person, association, copartnership, or corporation from any penalty or punishment, now or hereafter provided by the laws of any State for making contracts or agreements such as are hereinbefore defined as "options" or "futures" contracts or agreements, or in any manner to authorize the making of such contracts or agreements within any State or locality contrary to the laws of such State or locality; nor shall the payment of the taxes imposed by this act be held to prohibit any State or municipality from placing a tax or duty on the same trade, transaction, or business for State, municipal, or other purposes.

SEC. 11. That section 3209 of the Revised Statutes of the United States is, so far as applicable, made to extend and apply to the taxes imposed by this act and to the persons upon whom they are imposed.

Amend the title so as to read: "A bill to suppress and punish unlawful trusts and combinations, to prevent dealing in options and futures, and for other purposes."

Mr. VEST. Mr. President—

Mr. SHERMAN. Will the Senator from Missouri allow me to make a suggestion?

Mr. VEST. Certainly.

Mr. SHERMAN. I ask unanimous consent that the substitute reported from the Committee on Finance and read this morning may be considered as the text of the bill. It will be more convenient in offering amendments.

Mr. INGALLS. Then the amendment I have just submitted will be an amendment in the second degree and in order.

Mr. SHERMAN. It will be in order.

Mr. INGALLS. And the pending question?

The PRESIDING OFFICER. The pending question would then be on the amendment proposed by the Senator from Kansas. The Chair understands this to be the position of the question—

Mr. REAGAN. I understand the amendment offered by the Senator from Ohio—

Mr. SHERMAN. That is the amendment reported from the Committee on Finance.

Mr. REAGAN. I have offered an amendment to that in the nature of a substitute, which is pending. That is an amendment in the second degree.

The PRESIDING OFFICER. The Chair will state the parliamentary condition of the bill. The substitute reported by the committee upon the 18th day of March is considered as the original bill for the consideration of the Senate. The amendment proposed by the Senator from Texas [Mr. REAGAN] is an amendment in the first degree, and that proposed by the Senator from Kansas [Mr. INGALLS] an amendment in the second degree. The question now is on the amendment proposed as a substitute by the Senator from Kansas, on which the Senator from Missouri is entitled to the floor.

Mr. VEST. Mr. President, no one can exaggerate the importance of the question pending before the Senate or the intensity of feeling which exists, especially in the agricultural portions of the country in regard to it. I take it that there will be no controversy with the Senator from Ohio as to the enormity of the abuses that have grown up under the system of trusts and combinations which now prevail in every portion of the Union. What we desire is one thing; what we can accomplish under the autonomy of our Government is another.

We live, very fortunately, in my judgment, under a written Constitution, and we are governed by the decisions of the Supreme Court in regard to the legislative powers vested in us. Acts of Congress and treaties are the supreme law of the land, in accordance with the Constitution. I deprecate as much as the Senator from Ohio can possibly do that spirit of hypercriticism which would consider the Constitution of the United States as a bill of indictment. I believe that it is a great bill of human rights, conservative, liberty-preserving, liberty-administering; and it is conservative, it preserves and administers liberty because it is a written Constitution and not because it is given to Congress to legislate as it sees proper, under the general and nebulous presumption of the general welfare, without regard to the grants that are made by the people to them as their legislative servants.

The grants of power to the courts of the United States are limited also by this written Constitution, and the grants of power in the judicial clause of the Constitution consist of two sorts: first, the jurisdiction

which comes from the character of the litigants and, secondly, the jurisdiction that comes from the subject-matter involved. This is elementary law, and I simply announce it as one of the necessary premises in any discussion such as that in which we are now engaged.

As I understand the provisions of the original bill reported by the Senator from Ohio and the amendment which he offers now as a substitute, the attempt is made under one or the other of these two classes of jurisdiction, and then, permit me to say respectfully, by an uncertain and nebulous commingling of the two to give the power to Congress to pass this proposed act.

I know how ungrateful and dangerous it is now for a public man to object to this kind of legislation against this terrible evil, this enormous abuse of trusts and combines which the whole country is properly denouncing. I appreciate fully the significance of the remark of the Senator from Ohio when he says that unless relief is given, to use the language of Mr. Jefferson, "worse will ensue."

But, sir, even in the face of the popular indignation which may be visited upon any one who criticises any measure that looks to the destruction of this evil, I can not violate my oath to support the Constitution and all the habitudes of thought which have come to me as a lawyer educated and trained in my profession.

As I said, what we want is one thing, what we can do is another; and for Congress to pass a law which will be thrown out of the Supreme Court under the terrible criticism that any such law must invoke is simply to subject ourselves to ridicule and to say to our constituents that we are powerless to enact laws which will give them relief.

This bill, if it becomes a law, must go through the crucible of a legal criticism which will avail itself of the highest legal talent throughout the entire Union. It will go through a furnace not seven times but seventy-seven times heated, because the ablest lawyers in this country, it goes without saying, are on the side of the corporations and of aggregated wealth.

Without invoking this spirit of hypercriticism, which the Senator from Ohio deprecates, let us look at the provisions of the original bill and then of the amendment which he proposes shall take its place. In the original bill the Senator from Ohio undertakes to derive jurisdiction in Congress, not from the character of the litigants, but from the subject-matter in litigation, and this is evident from a cursory reading even of the first section of the original bill.

That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations—

Not between corporations or persons residing in different States, not between corporations whose stockholders are citizens of different States, but between "persons or corporations"—

made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States, or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that competes with any similar article upon which a duty is levied by the United States, or which shall be transported from one State or Territory to another, etc.

Here the Senator from Ohio puts the legislative jurisdiction of Congress, which he invokes, not upon the fact that persons living in different States compose these corporations, but the subject-matter is invoked. It must be as to productions going from one State to another or coming from a foreign country into the area of territory composing the United States.

For the able argument of the Senator from Mississippi [Mr. GEORGE], I have no words to express my admiration as a lawyer. I was exceedingly glad that it was made, because it is just through that species of argumentation that this legislation must pass.

It must be subjected to the crucible which was brought here by the Senator from Mississippi in that admirable dissertation upon constitutional power. After that argument was made the Senator from Ohio found it necessary to amend this original bill, and he did so by putting into it another element of jurisdiction; and that was the character of the litigants, in addition to the jurisdiction he had already invoked as to the subject-matter. This is evident from the first clause of the substitute.

That all arrangements, contracts, agreements, trusts, or combinations between two or more citizens or corporations—

Now, there is the original bill, and if it had stopped there the substitute would have agreed with it, but mark the addition—

or both, of different States, or between two or more citizens or corporations, or both, of the United States and foreign states, or citizens or corporations thereof, made with a view, etc.

It is plain that the Senator from Ohio, recognizing the weakness of the original bill, then determined or attempted to invoke that idea which is found in the Constitution of the United States and the judiciary act of 1789, that citizenship in different States conferred Federal jurisdiction.

Now, let us see if the Senator by any such process as that can evade the argument made by the Senator from Mississippi. Sir, I shall not attempt to make any elaborate argument, but will simply read the Constitution and then inquire under what clause the legislative jurisdiction to enact this bill can be found. The Constitution of the United States provides as to the judicial power as follows:

The judicial power shall extend to all cases, in law and equity.



If it had stopped there much of the argument of the Senator from Ohio would have been pertinent; but it goes further:

All cases, in law and equity, arising under this Constitution.

That is to say, you must find the jurisdiction within the limits of this instrument.

Mr. SHERMAN. I do not want to interrupt the Senator, but he reads the clause relating to cases in law and equity when there is an independent clause relating to controversies between citizens of different States.

Mr. VEST. I will come to that.

Mr. SHERMAN. The decisions of Chief-Justice Marshall set forth the power distinctly.

Mr. VEST. I do not think there will be any disagreement among lawyers as to the meaning of this clause. I am simply analyzing the grants of the Constitution.

Mr. SHERMAN. I think Chief-Justice Marshall was a pretty good lawyer.

Mr. VEST. I am taking the clauses as they come. The first is:

All cases in law and equity arising under this Constitution—

Under this particular instrument, coming from the Constitution itself—

the laws of the United States—

There is another grant—

and treaties made, or which shall be made, under their authority.

Now, there are three distinct clauses of jurisdiction: first, under the Constitution; next, under the laws made in pursuance thereof; next, under the treaties made with foreign countries. It proceeds:

To all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States;—between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

Mr. President, let us take these clauses separately and see whether the power to pass this bill can be found under all or any of them. I shall reserve until the last my comments upon the first clause, which is, "To all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority," because I think it can be established beyond any doubt that the jurisdiction is not found in the other clauses that follow. If this bill can be sustained at all, it is because there is a clause in the Constitution which authorizes it outside of the other clauses, which I shall proceed to enumerate. For instance, the next clause is:

To all cases affecting ambassadors, other public ministers, and consuls.

Unquestionably the power is not there. No minister, no consul is involved in this legislation.

To all cases of admiralty and maritime jurisdiction.

Unquestionably it is not found there, because the bill proposes only to affect contracts made upon land, not upon the ocean, and there is no admiralty or maritime question involved. Next:

To controversies in which the United States shall be a party.

Unquestionably it does not affect that unless it be in that uncertain and unsatisfactory statement of the Senator from Ohio that he means in one clause of his amendment to give to the United States the power to proceed by *quo warranto*, injunction, or otherwise. In his original bill he had a direct criminal proceeding on the part of the Government of the United States against these trusts and he struck it out in the substitute. He has eliminated from this discussion the direct criminal proceeding in the name of the United States against the parties composing this trust and against the trust itself. There is no machinery provided for any proceeding by the United States in his amendment; but only the uncertain statement that the United States may proceed by remedial process. There is nothing else to lead us to believe that he intends that the United States shall do anything else except proceed in some fashion by information against the persons composing these trusts or the trusts themselves.

To controversies between two or more States.

Unquestionably the bill is not under that clause.

Between a State and citizens of another State.

There is nothing in this amendment which gives jurisdiction under that clause.

Between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

Of course there will be no contention that the jurisdiction is found under that clause. It must be then found under the clause—

Mr. SHERMAN. I have stated that the jurisdiction is sufficiently conferred in the ordinary language of the judiciary act of 1789, in all controversies in which the United States is a party and in controversies between citizens of different States.

Mr. VEST. Unquestionably.

Mr. SHERMAN. Those are the two clauses to which I referred. I did not claim any other power.

Mr. VEST. Unquestionably where there is any litigation between citizens of different States the Federal courts have jurisdiction, no matter what is the subject-matter. That is elementary law known to every student. But here is a bill which is put upon no such ground. The bill says:

All arrangements, contracts, agreements, trusts, or combinations between two or more citizens or corporations, or both, of different States, or between two or more citizens or corporations, or both, of the United States and foreign States.

Not where there are litigants, not where one is plaintiff and the other is defendant. There is where the Constitution gives Federal jurisdiction. If the corporation itself is composed of citizens of different States then this jurisdiction attaches. Any citizen can sue although he lives in the same State with the corporation. There is the distinction.

Let me say that it excludes all the remedy that can be given to any citizen of the United States against the enormous evils depicted by the Senator from Ohio, because if this bill be passed and the Supreme Court of the United States decides it constitutional, you will never hear of the corporation which proposes to create or manipulate a trust that does not have the personnel of its stockholders all in the same State. That goes without saying, and it is to impute idiocy to the men whose schemes and machinations we are now attacking to suppose that they would do anything else. The idea that they, with the best counsel in the United States and even in the world, with the highest legal talent upon their side, will not immediately construct their corporations so as to nullify such a law is to impute to them a degree of mental imbecility that is simply ludicrous.

The Senator makes no distinction between the parties to the suit and the composition of the corporation which is itself a plaintiff or a defendant. He puts this jurisdiction upon something unknown to the Constitution, and the result would be (and it can be read between the lines) that if we enacted this into law the Supreme Court of the United States would immediately confront us with that clause of the Constitution and the judiciary act of 1789 and throw the case out of court.

It is very obvious that this attempt to invoke the web and wool of the judiciary act of 1789, which was made in pursuance of the clause of the Constitution that I have read, is an uncertain commingling of two elements utterly incongruous and utterly inconsistent.

Mr. SHERMAN. Does the Senator from Missouri say that there is anything in the bill that confers jurisdiction when they are citizens or members of a corporation of different States? There is nothing of that. The language of the bill is plain. I have read it. I do not see what the Senator is driving at.

Between two or more citizens or corporations—

The corporation is considered as a unit and the citizen as a unit— or both, of different States.

This must be some persons and some corporations, distinct and separate personalities, not citizens who are members of the corporation. There is no such provision—

Mr. VEST. I am very unfortunate in my expressions if I have not made the Senator understand me.

Mr. SHERMAN. I think the Senator is unfortunate, although he is not very often so.

Mr. VEST. Here is what I mean, and I think the Senator must agree with me: The Constitution of the United States makes one basis of jurisdiction to be the diverse citizenship of the litigants.

Mr. SHERMAN. Very well.

Mr. VEST. Nothing can be plainer than that.

Mr. SHERMAN. This points that out. They must be citizens of different States or corporations of different States, or both.

Mr. VEST. Of course. Although it is so simple a matter that it hardly needs elucidation, I may put it thus: If Mr. Brown lives in the State of Missouri and Mr. Smith lives in Ohio they can sue each other without regard to the subject-matter, provided it comes within the limits which was fixed in the judiciary act as to the jurisdiction of a Federal tribunal. The Senator does not put his bill upon that ground at all. He undertakes to put it upon the composition of one of the litigants alone. He does not say, if one of these citizens lives in one State and one in another, which we would all admit to confer Federal jurisdiction, but he gives Federal jurisdiction because the corporation which makes the trust is composed of citizens of different States. If it does not mean that, then the English language has lost all its flavor and I have lost my power to understand it.

Here is what he says; I will read it again *ad nauseam*:

All arrangements, contracts, agreements, trusts, or combinations between two or more citizens or corporations, or both, of different States.

And that gives jurisdiction, provided they go on and undertake to do the other things enumerated in the other part of the section as to goods brought from foreign countries or goods carried from one State to another.

The Senator does not follow the Constitution, which says that when a suit shall be brought by a citizen of one State against a citizen of another State for doing the thing which he enumerates afterwards, which is another matter of argument, but he says if the corporation offending is composed of people living in different States, then the Federal courts have jurisdiction, which I submit is an unheard-of proposition and no lawyer ever advanced it before. As I undertook to show,

how easy is it for these corporations to evade any such provision by simply having their stockholders all living in the limits of any particular State? It affords no remedy, even if the argument of the Senator from Ohio could stand for a moment, which it can not.

But, Mr. President, I proceed now, for it is not my disposition to make any elaborate argument, to the latter clause of the amendment, disregarding entirely the original bill, which for the purposes of discussion has been removed. If a corporation is composed of two or more persons living in different States or if it is composed of citizens or corporations, or both, in the United States and a foreign country, and they make a combination to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States, then this proposed law takes effect, and they become subject to the jurisdiction we invoke legislatively.

I do not propose to make any hypercritical argument, but I do insist that unless we adhere to the opinions of the Supreme Court, especially in the great case of *Brown vs. The State of Maryland*, we are at sea without rudder or compass in this whole discussion.

The Senator invokes the commerce clause of the Constitution, that clause which gives to Congress the power to regulate commerce with foreign countries, among the States, and with the Indian tribes. The first question that meets us *in limine*, which any lawyer would be ashamed to confess that he did not invoke at the very beginning of his argument on this commerce clause, is the material question, what is commerce? What is commerce with a foreign country? There is the point in this whole legislation, the point that has given me the most trouble after long and exhaustive thought to the extent of my ability.

I will confess now, parenthetically but honestly, that in all my experience as a lawyer I have never encountered a subject so full of difficulty as that now before the Senate. I can very well understand how it is full of difficulty. Notwithstanding the eulogium in which I cordially unite with the Senator from Ohio upon the framers of the Constitution, it is simply impossible, unless we attribute to the framers of this instrument the intellect of gods, that they in the thirteen original colonies, poor, struggling for existence, limited in their territorial area to the Atlantic sea-board, should ever have contemplated the immense country for which we are now legislating, and the enormous aggregation of wealth which startles and amazes the world. They undertook in the Constitution to meet contingencies, but here is one which beggars Aladdin's lamp in the reality that is before us and with us to-day. It is no reflection, then, upon their intellect or their patriotism to say that they could not have contemplated an emergency such as that which now rests upon the people of the United States.

Mr. President, I come back to the question, What is commerce? We have the power to regulate it, but we must first find what commerce is in order to exercise our legislative power. I shall not undertake to read the decisions of the Supreme Court of the United States, which are elementary law upon this subject. In the great case of *Brown against The State of Maryland*, which leads upon this subject, and to which every lawyer goes first, decided by the most eminent men who ever sat upon the bench in this country, and the equals of any in the world, the regulation of foreign commerce was declared to be the regulation of the importation and sale of articles brought from a foreign country before they had left the hands of the importer and been broken as to the original package. I state crudely, but I think accurately.

The Supreme Court in that case settled the question of foreign commerce by declaring, as to the power of a State to tax foreign importations, that so long as the original package remained in the hands of the importer unbroken it was the subject of foreign commerce. When it left his hands and the package was broken, and the goods went into the common mass of the property of the people of the State, then the commercial clause of the Constitution as to foreign commerce ceased to operate.

Mr. President, apply that decision to the provisions of this bill. Here is one clause of the amendment which provides that if a corporation composed of citizens of different States does any act "with a view or which tends to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States," this proposed law shall take effect.

Does the Senator from Ohio pretend that, after the importer has brought in the goods and the package has been broken and the merchandise has been mingled or commingled with the other goods of the people of the State into which the importation is made, under this clause of the Constitution we can enact such a law as is proposed? I take it that the statement of the case is sufficient to answer the proposition. But it is undertaken to get this jurisdiction under another clause of the Constitution. The bill proceeds:

Or with a view or which tends to prevent full and free competition in articles of growth, production, or manufacture of any State or Territory of the United States with similar articles of the growth, production, or manufacture of any other State or Territory, or in the transportation or sale of like articles, the production of any State or Territory of the United States into or within any other State or Territory of the United States.

I shall not repeat the argument made by the Senator from Mississippi as lucidly and conclusively as any argument could have been made, that we have no power under any clause of the Federal Constitution to legislate as to any article simply because it is manufactured in any State of

the Union and may be at some time carried to another State. That clause in the Constitution of the United States which affects interstate commerce, or, to speak more accurately, commerce among the States, has been defined by the Supreme Court in three leading cases to mean the power to regulate commerce in articles, whether manufactured in the State or not, after they have gone into commerce and are *in transitu* from one State to another.

The Supreme Court of the United States has decided that it is not for the manufacturer or the owner to say, "I intend these goods to go into another State." They must actually be *in transitu*; they must be in the hands of the common carrier, or in his depot or warehouse, with the impression distinctively made upon them that, to use the expression of one judge, they are dedicated to commerce among the States.

The Senator from Ohio makes the fatal mistake as a lawyer that, because goods manufactured in one State may be at some time or other taken into another, which as a matter of course is possible in every contingency, therefore he can invoke the general interstate commerce clause of the Constitution. He can not do it. If we pass this bill upon any such assumption and it goes to the Supreme Court of the United States, we shall simply be told that all we have done here is *vox et præterea nihil*, sound and fury, signifying nothing.

Mr. President, one year ago the Senator from Ohio struck the keynote as to all these trusts and combinations in the United States. It was in the expression made in this Chamber that whenever he was satisfied that any trust or combination was protected by a high tariff duty he would be in favor of reducing that duty. This is the remedy; and any other remedy, without an amendment of the Constitution of the United States, any remedy such as is proposed in this bill, will be absolutely nugatory and ineffectual.

The Senator from Ohio has drawn an eloquent picture of the operations of trusts in the United States. Sir, these trusts—and every intelligent man knows it, whether a legislator or a citizen—are protected by your high tariff, and are enabled to work their iniquitous purposes under that buttress which the tariff law erects around them.

Mr. ALLISON. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. VEST. Of course.

Mr. ALLISON. Am I to understand the Senator as saying that the only remedy as respects trusts is that which enables us to reduce tariff duties upon particular articles, and therefore if a trust or combination is made which is not in any way influenced by duties there is no remedy without an amendment to the Constitution?

Mr. VEST. Mr. President, if I stated it that strongly perhaps I went beyond my exact meaning. I believe there is a remedy if you take the jurisdiction of the State and also the jurisdiction of Congress and put them together, but I do not believe there is any complete remedy in the action of either separately and of itself. What I meant to say was that as to nearly all the trusts which have been denounced here to-day the most apparent remedy is to take away the protection which these trusts have from the high tariff that is now upon our statute-books and in operation.

Mr. PLATT. May I ask the Senator a question?

Mr. VEST. Certainly.

Mr. PLATT. What is the difficulty of the States dealing with this matter? What prevents any State from dealing with the matter of trusts?

Mr. VEST. I do not think there is any difficulty whatever as to that class of cases in which the products, or the transactions, to speak more accurately, take place entirely within the limits of a State; but we know that these trusts evade the State statutes even when they are made, and if we desire to apply a remedy we must remove the cause or else we are legislative empirics. If it is true that the tariff permits these trusts and protects them and we do not seek to remove the cause, all the remedies we attempt to apply are simply surface and skin, expedients that amount to nothing, and the real cause of the difficulty still remains.

Mr. INGALLS. Will the Senator inform me upon what ground the Missouri anti-trust bill was declared unconstitutional in his own State?

Mr. VEST. The circuit court at St. Louis, Mo., decided the act of the Legislature to be unconstitutional upon the ground that the forfeiture of the charter of a corporation was a judicial act, and could not be done by the act of the secretary of state. It was decided in the court at St. Louis by Judge Dillon, but it has not yet been decided in the supreme court, that the forfeiture of the charter of a corporation was a judicial act, and that the act of the Legislature which gave to the secretary of state the power of himself to declare the forfeiture of the charter was therefore unconstitutional. That was the ground.

But, Mr. President, whether it was on one ground or another, these corporations, with the amount of legal talent they are enabled to employ and invoke, will be able in almost every instance to avoid these statutes, and I solemnly assert here that in my judgment the only real remedy is to be found in taking away the protection and origin of these trusts, which is in the high tariff taxes which stand like a wall and enable these trusts to exist.

The Senator from Ohio has spoken of these trusts. Now, Mr. Pres-



ident, I happen to have here a list of them, and these are only a few. The first is the steel-rail trust, buttressed by a tariff tax of \$17 per ton.

Mr. GEORGE. What per cent. is that?

Mr. VEST. I do not recollect the per cent. We discussed it in the last Congress. Seventeen dollars is the taxation per ton; steel rails are protected that much. As my friend from Iowa very well knows, I tried to reduce it, and he resisted the attempt.

Mr. ALLISON. I beg to put an interrogatory to the Senator, if he will allow me, right there upon the question of steel rails.

Mr. VEST. I do not want an argument upon every one of these items.

Mr. ALLISON. I will not say a word by way of argument.

Mr. VEST. I yield to the Senator.

Mr. ALLISON. I ask the Senator if it is not true that at this moment the price of steel rails in England is practically the same as it is in the United States, or within a dollar or two? If that be so, how is it that the \$17 duty upon steel rails at this moment is injuring the great body of the rail purchasers in this country?

Mr. VEST. Why, Mr. President, if we were told anything in the discussion in which my friend and myself participated rather largely in the last Congress—and I know it was urged by the Senator from New York [Mr. HISSOCK] now in my sight—it was that whenever you reduce the price in any one country you reduce it all over the world, and necessarily in every other country. We know very well that competition always reduces prices. It is no argument to say that steel rails are as cheap, even if it were true, in England to-day as they are in the United States; that will not do. I say if you let these two manufacturing interests compete together and create competition, you then secure lower prices to the consumer. That is the law of trade and that is the law of manufactures the world over.

Mr. TELLER. I should like to ask the Senator a question, if he will allow me.

Mr. VEST. Certainly.

Mr. TELLER. Is not the Senator from Missouri aware that there is a steel trust in Great Britain that includes every steel establishment in Great Britain except one, and includes the German and Belgian establishments also?

Mr. VEST. I know that statement was made, but I never took the trouble to investigate it. Now, I make this statement to supplement it, and it is as absolutely true as that I am standing in this Senate Chamber. I know that there are trusts in Great Britain, and I have no doubt there will be trusts in any country under the present conditions of manufactures and of commerce; but here is the difference between trusts in Great Britain and the United States:

When you make a trust or attempt to make a trust in Great Britain, you must corner the products of all the world and you must have enough capital to do this, because you compete with every part of the civilized globe and you have no tariff to protect you and prevent competition, and therefore the capital necessary to effect the purposes of the combine must be at hand; but when you come to the United States the combine is helped by the tariff because the tariff tax shuts out the foreign producer and foreign importer, and limits necessarily the amount of capital necessary to achieve the purpose.

Mr. FRYE. If that is true, will the Senator from Missouri please account for the fact that 25,000 tons of steel rails manufactured in the United States were last week sold in Mexico, where all the nations of the earth have free competition one with the other?

Mr. VEST. Mr. President, I am obliged to my friend from Maine. That shows the blessings and the equities of the high protective tariff! These very people making steel rails in the United States, who must be protected in order to live by a subsidy of \$17 per ton, are able to go into Mexico and in a free-trade market to undersell the English, the Belgians, or anybody else!

Mr. FRYE. But the Senator does not reply to the question which I asked him.

Mr. VEST. I was attempting to do so.

Mr. FRYE. The Senator was asserting that a protective tariff prevented competition and created the trusts. I say there is no protective tariff which prevents competition in Mexico, because there is the same tariff against the products of England as against the products of the United States, and yet the United States sells 25,000 tons of steel rails to Mexico.

Mr. VEST. As a matter of course, Mr. Disston, of Philadelphia, who is protected on his saws, it was testified before the committees of the Senate and the House of Representatives, can sell his saws in England and undersell the English manufacturers, and yet Mr. Disston gets his protection in the United States. How will the Senator answer my proposition when he says that we sell 25,000 tons of steel rails in Mexico?

I have a letter in my possession from a gentleman who lives at Piedras Negras on the Rio Grande, which I believe is translated Black Rock, upon the Mexican side, and opposite to it is a small American village, and there are two stores belonging to the same party, one on American soil and one in Mexico, and in Mexico the same goods are sold one-third cheaper than in the United States, because on the Mexican side this man is bound to compete with the whole world, whilst on the

American side he is protected by the tariff and competition does not exist.

Is it any argument to tell me that we sell our saws, our watches, our machinery, our cutlery, all over the world, and do it successfully? I say it is an argument against the high protective tariff because it shows that the subsidy we are paying inside of the United States to enrich these manufacturers is a sham and fraud. They do not need it.

That is what is the matter with the people of the West to-day; that is why the complaint is made of combines and trusts; that is why the farmers are combining or attempting to do so in order to protect themselves against the aggregation of capital, which by this legislation is enabled to compete outside of the United States successfully, and yet to shut out the competition after they reach our own shores. Let me give the facts:

THE TARIFFS AND THE TRUSTS.  
[From Justice, Philadelphia.]

1. The Steel Rail Trust, buttressed by a tariff tax of \$17 per ton.
2. The Nail Trust, by a tariff tax of \$1.25 per 100 pounds.
3. The Iron Nut and Washer Trust, by a tax of \$2 per 100 pounds.
4. The Barbed Fence-Wire Trust, by a tax of 63 cents per 100 pounds.
5. The Copper Trust, by a tax of \$2.50 per 100 pounds.
6. The Lead Trust, by a tax of \$1.50 per 100 pounds.
7. The Slate-Pencil Trust, by a tax of 30 per cent.

I should like to hear my friend from North Carolina [Mr. VANCE] on that.

8. The Nickel Trust, by a tax of \$15 per one hundred pounds.
9. The Zinc Trust, by a tax of \$2.50 per one hundred pounds.
10. The Sugar Trust, by a tax of \$2 per one hundred pounds.
11. The Oilcloth Trust, by a tax of 40 per cent.
12. The Jute Bag Trust, by a tax of 40 per cent.
13. The Cordage Trust, by a tax of 30 per cent.
14. The Paper Envelope Trust, by a tax of 25 per cent.
15. The Gutta Percha Trust, by a tax of 35 per cent.
16. The Castor Oil Trust, by a tax of 80 cents per gallon.
17. The Linseed Oil Trust, by a tax of 25 cents per gallon.
18. The Cottonseed Oil Trust, by a tax of 25 cents per gallon.
19. The Borax Trust, by a tax of \$5 per one hundred pounds.
20. The Ultramarine Trust, by a tax of \$5 per one hundred pounds.

And so on, and they are adding to them day by day. Now, Mr. President, the favorite argument of our friends who sustain the high protective tariff is that high duties lower the cost of products to the consumer by reason of the competition between the manufacturers inside of the United States. If that be so, why are these trusts created? They are created because when foreign competition has been shut out and competition becomes acute and severe between American manufacturers they come together and create these combines at the expense of the consumer in order to enhance their own profits. If the high protective tariff were removed the foreign competition would furnish, if not an absolute, certainly a most beneficial remedy to remove this evil.

We have been told in some directions that the trusts and combines have nothing to do with the tariff. Mr. President, that reminds me of a very suspicious old gentleman who when the Siamese twins were in this country thought he would invest twenty-five cents in looking at this great natural curiosity. He paid the tax, went into the exhibition room, and there found two grown young men posing before the audience in the most approved style. He was very suspicious and he examined them critically, and finally examined the ligament that bound them together in that world-renowned connection which scientists, even, were not able to explain, and he found in this ligament the pulsation which indicated animal life to the fullest extent. He stepped back, still suspicious, and said to them, "Now, boys, tell me the truth; are you brothers?" [Laughter.] So with the connection between the trusts and the tariff.

Mr. DAWES. Would it interfere with the Senator if I put a question?

Mr. VEST. Oh, no.

Mr. DAWES. I appreciate the difficulties of this subject as well as the Senator does. I understand him to say that the remedy, the method of putting down the trusts in this country is to open these trusts to the competition of the foreign trusts. Now, the query I want to put to him is this: What is to hinder taking one more into a trust and taking the foreign trust into the American trust or the American trust into the foreign trust and then having it beyond all control?

Mr. VEST. Mr. President, I am against all trusts, and the Senator—

Mr. DAWES. The Senator does not get my point. I asked him what remedy he would get by erecting free trade so as to cause active competition between the two trusts. Would there not be just the same motive and just the same opportunity and just the same facility to put these two trusts together when they were competing as there would be to have two competing with each other here at home?

Mr. VEST. Mr. President, any sort of assumption could be made as to what parties would come in as competitors from a foreign country. With that I have nothing to do so far as the purposes of my arguments are concerned. I take it that in the natural course of trade the foreign importer would come in and compete with the American manufacturer. I know absolutely that the purpose of the friends of a high protective tariff is to shut out foreign competition. If I had any doubts about that, they were removed in the last Congress when my friend from Iowa [Mr. ALLISON] and my friend from Rhode Island [Mr. AL-

RICH] and my friend from New York [Mr. HISCOCK] applied in every case as to every item in the tariff bill that they reported, not the test whether protection was needed for the manufacturer in this country or for the consumer, but how much of the competing article was brought in during the last year.

Mr. ALLISON. Mr. President, will the Senator yield to me for a moment?

Mr. VEST. Certainly.

Mr. ALLISON. Did we not in that bill provide for a reduction of 50 per cent. upon the sugar duty as against 18 per cent. in the House bill, cutting down the profits of the refiners of sugars one-sixth of a cent as compared with the House bill in addition?

Mr. VEST. Oh, yes; they did all that. I understand there was a reduction upon sugar. I do not propose to go into the sugar question just at this time, but in my judgment that reduction was in the interest of the refiner. The raw sugar was permitted to come in, which is their raw material.

Mr. ALLISON. I will say to the Senator that if he will take half an hour to examine the details of that bill he will see that the reduction made by the Senate bill was not only not in the interest of the refiners, but was against their interest as compared with the bill that came to us from the House of Representatives, and against their protest.

Mr. VEST. We discussed all that, and so far from taking a half hour I took something like two months on that bill and examined every provision in it and every item in it, and without wanting to go into that argument and thrash over old straw I say now that the Senator and his colleagues took pains to increase the duties on all the necessities of life that were imported in competition with American manufactures.

Mr. DAWES. To wit, duties on what?

Mr. VEST. On hardware, on woolen goods, on a dozen other articles that are absolutely necessities of life, and refused to take them off lumber and salt and other things that enter into the daily consumption of the American people. That is the fact, and the Senators know it.

As a matter of course they reduced the duties upon coarse cotton cloths, because they are made in the South, but they took care to put the duties up on fine cotton cloths, that are made in New England; and now the Senator from Iowa says they reduced the duties on sugar. That was because sugar was raised in Louisiana. It was for a climatic reason, and that only. If the sugar had been raised in the North, all of them, I think, would have "taken sugar in theirs," and if the Senate wanted to reduce the duties upon necessities why was it not done? It was not done because the Republican party could not afford to do it and did not do it.

Sir, I have spoken longer than I intended. I hope that some member of the majority, because it will be useless for me to do so, will move to refer this question to the Judiciary Committee. The amendment of the Senator from Texas is now pending before a subcommittee of that committee, together with other proposed legislation on this subject, which has been introduced into the Senate. This is a subject so elaborate, so important, so overwhelming, that it should be approached with the greatest caution and treated with the greatest care.

I sympathize with the objects of the Senator from Ohio. I am willing to vote for any bill which I think as a law will stand judicial criticism and construction, but in my judgment to pass a law which the Supreme Court would declare to be unconstitutional is simply to invite additional disaster.

Mr. HISCOCK. Mr. President, I sympathize with a great deal that has been said by the Senator from Ohio [Mr. SHERMAN] and agree to all that he has said against trusts and combinations, and I am willing to join hands with him in every effort that promises success to defeat them. I do not, however, sympathize with the expression which has been made here that a public legislator can not afford to resist efforts in the direction of unwise, illegal, and unconstitutional legislation because his action may be misconstrued. One is always safe in predicating his action upon the intelligence of the people, and they will understand that the bill or the amendment to the bill now offered by the Senator from Ohio is absolutely ineffectual to remedy the evils which he has so elaborately and ably commented upon.

In reference to interstate and foreign commerce, I understand that he states the proposition to be that the initial point with us in respect of foreign and interstate commerce is when the merchandise is launched on its way to its destination, or at least is in the hands or possession of the common carrier who transports it there. There is no doubt that is the law of the land. Bearing that in mind, let us briefly take this amendment and see precisely what it means and what it proposes. What merchandise it covers and what transactions it declares void. It provides—

that all arrangements, contracts, agreements, trusts, or combinations between two or more citizens or corporations, or both, of different States, or between two or more citizens or corporations, or both, of the United States and foreign States, or citizens or corporations thereof, made with a view or which tend to prevent full and free competition in the importation—

It prohibits a contract and arrangement preceding the very act which gives Congress jurisdiction over it—

importation, transportation, or sale of articles imported into the United States,

The provision on the face of it applies to contracts which are made before importation has commenced, before the article is within the purview of the Constitution, and they are declared to be void. It is in the purchase of the goods, Mr. President, within the language of the provision, that the combination may not be made to prevent importation into this country, and "with a view or which tend to prevent full and free competition," is the preceding language. Goods may be purchased and diverted from the United States, and that may be the object of the combination, to send them elsewhere, divert them from coming here and flooding our markets, and the amendment proposed takes jurisdiction of that.

I hope that the Senator from Ohio will point out the clause of the Constitution that gives us the power and the right to take jurisdiction of goods which may never be imported here; never come within the jurisdiction of the Federal Constitution or of the laws which have been passed under it. But an article reaches here, and, as has been well said, it has passed beyond the hands of the importer.

It is then subject to State law, State taxation; and yet this amendment follows it, and under this provision if it becomes a law penalties are imposed. At both ends it legislates with reference to commerce before the merchandise has been dispatched on its way to this country, and after it has reached here and after it has been taken out of the volume of commerce. Let us take the next clause of this amendment:

Or with a view or which tend to prevent full and free competition in articles of growth, production, or manufacture of any other State or Territory of the United States, with similar articles of the growth, production, or manufacture of any other State or Territory, or in the transportation or sale of like articles, the production of any State or Territory of the United States into or within any other State or Territory of the United States.

That clause provides that if the trust may prevent competition of property which is grown in one State or Territory and merchandise which is manufactured in one State or Territory with that produced in another, then it is illegal and void; it need not be transported. I call the Senator's attention to the effect. There may never have been an intention of transporting it into another State, and yet the provision of this section of the bill applies to it.

It takes control of the manufacturing, of the mining, and of the agricultural industries of the whole country wherever there may be competition as between the people of one State and the people of another. The language is explicit. As I remarked, the article may never have been produced for the purpose of transportation or delivery from one State into another, still this amendment reaches out and takes jurisdiction of it.

The damages which may have resulted from the trust may have been incurred by the individual before it has entered upon transit from one State to another, and yet, under the provisions of this bill a plaintiff can recover. What follows?

And all arrangements, trusts, or combinations between such citizens or corporations, made with a view or which tend to advance the cost to the consumer of any such articles, are hereby declared to be against public policy, unlawful, and void.

There is no limitation upon the language. It does not pretend to regulate interstate commerce. Let us go back again to the first lines of the bill, "made with a view or which tend" to do this; and these arrangements are void, under the provisions of the bill, as against public policy. It takes the control of every manufacturing industry; it takes the control of every mine; it takes the control of all the merchants, because, as I have said, it does not limit its operations and effects to goods in interstate commerce.

And the circuit court of the United States shall have original jurisdiction of all suits of a civil nature at common law or in equity arising under this section, and to issue all remedial process, orders, or writs proper and necessary to enforce its provisions. And the Attorney-General and the several district attorneys are hereby directed, in the name of the United States, to commence and prosecute all such cases to final judgment and execution.

Inquisitorial power is given to the officers of the General Government to reach into the management of every industry in the United States, and I repeat it does not depend upon the fact that the merchandise is to be involved in interstate commerce. Not at all. If by its production a certain effect may be had, if it may compete in any way, the penalties follow. Now, with the interchange of commodities we have in this country, it is fair to say that wheat raised in Dakota competes with wheat raised in New York if not a bushel of that wheat is transported to the State of New York. Competition is now in the markets of the world, and it is not confined to States or the markets of States between themselves.

If this bill shall be carried into effect I shall expect the Senator from Ohio to present here next year an amendment to it that manufacturers are to be licensed and their business carried on under the restrictions of that license and under the inquisitorial power of the Attorney-General, the district attorneys, or some other officials.

It seems to me, Mr. President, that I have commented enough on the enormities, the far-reaching effect of this bill if it shall become a law and be declared by the courts to be constitutional. The logic of the decision will be for Congress to take control of every producing interest in the respective States of the Union.

The Senator from Ohio has read several decisions here upon the subject of the power of the courts over this question and the illegality of



these trusts. In each case that he cited the court established its jurisdiction and its power to afford a remedy, and the Senate would have been under great obligation to the Senator from Ohio if he had pointed to a single case as to which there is not a complete remedy or may not be a complete remedy under State laws. I should be obliged to him if, in the progress of this discussion, before its close, he would point out and describe the cases in which there is not ample jurisdiction in the Legislatures and courts of the States, respectively, in respect to all these trusts and combines.

As I have already said, interstate commerce commences when the goods are entered for transportation from one State to another. Up to that point of time every contract made in reference to them, the control of the goods themselves, is within the jurisdiction of the State courts and of the Legislatures of the States, respectively.

I think something has been said here that the framers of the Constitution neglected to put something in the Constitution that might properly have been placed there giving Congress the proper authority in respect to this subject.

Why did they need to put it there? I ask, Mr. President, bearing in mind what I have stated, that up to the point when an article of production is delivered to the common carrier every contract in reference to it and the custody of the goods is within the jurisdiction of the Legislature of the State in which it starts, and when it reaches another State it is subject to the jurisdiction of the courts and of the laws of that State.

It is with reference to interstate commerce that Congress has the right to take jurisdiction; that is the act of exchange from one State to another; and we all know why that provision was placed in the Constitution. One of the chief reasons was that the General Government might prevent States from practically prohibiting commerce between each other, for the purpose of regulating taxation upon property which was to go from one State to another. The purpose was obvious; but it was not the intention of the framers of the Constitution to take the jurisdiction of the property until it had passed beyond the point when it was subject to State taxation and State control.

The Senator from Ohio has seemed to think, and has argued here, that we might take control of this subject on account of that provision of the Constitution which gives jurisdiction to the courts of persons, forms of action, and all that. I hope in the progress of this discussion the Senator will tell us if he believes that our courts can create a cause of action. That is the question involved here as he presents it. They may have jurisdiction of the litigants and of the cause of action in actions of law and in equity, but it should be borne in mind they have no power to create a cause of action. They have ample and full jurisdiction over the remedies, but the creation of the cause of action rests with the law-making power, and not with the court, and Congress, the law-making power, looks to the Constitution for its authority to create a cause of action, and nowhere else.

Mr. President, criticisms have been made upon this bill that in my judgment may be obviated by amendments to it. I have devoted no time to defects of that kind. The objections that I make to the bill are fundamental; they can not be obviated by any amendments that possibly can be proposed.

What I maintain is that whenever property, either in process of manufacture or completely manufactured, has not already been put on its course of transit either into this country or from one State to another, whatever the intention may have been in its production, up to the point of time when it is started to its destination, absolute and complete control of that property is within the legislative power, the law-making power, and the jurisdiction of the courts, of the States and countries respectively in which it is situated.

If the Senator from Ohio will point to a single case in which the Legislature and the courts have not the one the power to give the other jurisdiction, and the latter to administer it, I will join hands with him in an effort to perfect a bill by Congress that shall give to the Federal courts jurisdiction with reference to that subject. But it must be borne in mind that this is not a jurisdiction that can be abdicated by the States. It is not a jurisdiction that can be possessed by a State and the General Government at the same time. There is no partnership in respect to it, and there can be none. If the States have jurisdiction the National Government can not have it, and if the National Government has jurisdiction, or can take it, it can not be possessed by the States.

As I said some time since, my objections to the bill are fundamental; they can not be reached by Congressional legislation. According to the cases that have been read here, there is full and ample power on the part of each State Legislature in respect to this very subject. Why not then leave it there as a matter of right and wrong between the States? Local and State sentiment will take care of these questions. It does not depend upon one State alone. The State from which the goods are started has jurisdiction and the States to which they are consigned has it also.

Mr. President, I have not gone through with this bill to elaborate the different subjects, all the matters of which it proposes to take jurisdiction. The language is remarkable in it:

Made with a view or which tend to prevent full and free competition.

I can summon here to answer those who would be injured by the bill whose voice would be as potential to put up or down the supporter of it as all those who can be invoked by popular clamor against trusts; and I hope we shall be told in the progress of this discussion if there is a labor organization in the United States that is not affected by it. Every organization which attempts to take the control of the labor that it puts into the market to advance its price is interdicted by this bill.

Sir, I am one of those who believe in labor organizations. I believe the only safety to labor rests in the power to combine as against capital and assert its rights and defend itself.

The criminal section of this proposed law has been eliminated from it. Perhaps it was wise to do that, because under that section these organizations and their promoters might have been reached. Possibly under the damage provisions in the bill they never would be pursued; but it strikes at them as viciously as it is possible to conceive of. Will it be said that their combinations are not made with a view of advancing costs and regulating the sale of property? Will it be argued that they do not directly do it? If we have entered upon a race to outstrip each other in the denunciation of capital, the manufacturing industries, the combinations of capital, and it is to be on the line of the support of this bill, I announce that there are two sides to it. If Senators are to be deterred from their opposition to it by this clamor, I call their attention to the fact that the bill takes within its embrace those affected by its provisions and injured by its provisions who are very potential in asserting their rights and respect for their wishes.

In my judgment, Mr. President, neither this bill nor any like it should be enacted into law unless it is within the warrant of our charter, unless we are satisfied that it is legal and constitutional. No attempt should be made to reach into the States and take from the jurisdiction of the State Legislatures the subjects of which they have full and ample control.

#### AID TO COMMON SCHOOLS.

During the remarks of Mr. HISCOCK,

Mr. BLAIR. By the courtesy of the Senator from New York I ask the floor to enter a motion to reconsider the vote by which the Senate refused to order to a third reading Senate bill No. 185, the educational bill.

Mr. INGALLS. What is the motion, Mr. President?

The VICE-PRESIDENT. A motion to reconsider the vote upon the educational bill.

Mr. INGALLS. Will the Senator from New York yield to me a moment?

Mr. BLAIR. Mr. President—

Mr. INGALLS. I move to lay the motion to reconsider on the table.

Mr. BLAIR. I have the floor. My motion is pending.

The VICE-PRESIDENT. Does the Chair understand that the Senator from Kansas wishes present consideration of the motion which he has just made? [A pause.] The Senator from New York will proceed.

#### PROPOSED ADJOURNMENT TO MONDAY.

After the remarks of Mr. HISCOCK—

Mr. JONES, of Arkansas. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. SHERMAN. I hope not. I hope the Senate will meet to-morrow.

Mr. JONES, of Arkansas. I did not suppose there would be any objection to the motion.

Mr. SHERMAN. I hope the Senate will meet to-morrow for the purpose of disposing of business on the Calendar.

Mr. JONES, of Arkansas. As far as I am concerned, I have no desire to interfere with the wish of the Senate. I find that I can dispose of a good deal more work by having one day in the week that I can devote to work outside of the Senate Chamber, and I was in hopes that the Senate would adjourn over.

The VICE-PRESIDENT. Does the Senator from Arkansas withdraw his motion?

Mr. SHERMAN. I hope the Senator will withdraw the motion.

Mr. JONES, of Arkansas. I am willing to let the Senate determine the question. I prefer to have a vote upon it.

The VICE-PRESIDENT. The question is on the motion of the Senator from Arkansas, that when the Senate adjourn to-day it be to meet on Monday next.

The question being put, a division was called for, and the yeas were 16—

Mr. CULLOM. I hope the Senator from Arkansas will withdraw his motion.

Mr. SHERMAN. To save time I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BATE (when Mr. FAULKNER's name was called). The Senator from West Virginia [Mr. FAULKNER] requested me to state that he is paired with the Senator from Pennsylvania [Mr. QUAY]. The Senator from West Virginia is necessarily absent.

The roll-call was concluded.

Mr. CULLOM. I am paired with the Senator from Delaware [Mr. GRAY], but I take the liberty to transfer my pair to my colleague

[Mr. FARWELL], so that both the Senator from Florida [Mr. PASCO], with whom my colleague is paired, and myself can vote. I vote "nay."

Mr. PASCO. I vote "yea."

Mr. WASHBURN (after having voted in the negative). I have a general pair with the Senator from Louisiana [Mr. EUSTIS] and I withdraw my vote.

Mr. HIGGINS (after having voted in the negative). I am paired generally with the Senator from New Jersey [Mr. MCPHERSON]. I did not observe that he was out of the Chamber when I voted, and I therefore withdraw my vote.

Mr. GEORGE (after having voted in the affirmative). Has the Senator from New Hampshire [Mr. BLAIR] voted?

The VICE-PRESIDENT. He has not.

Mr. GEORGE. I withdraw my vote.

Mr. MORGAN (after having voted in the affirmative). I am paired with the Senator from New York [Mr. EVARTS]. I thought he was in the Chamber when I voted. I withdraw my vote.

The result was announced—yeas 17, nays 25; as follows:

#### YEAS—17.

Barbour,	Gorman,	Pasco,	Walthall,
Bate,	Hampton,	Pugh,	Wilson of Md.
Berry,	Harris,	Reagan,	
Coke,	Hearst,	Turpie,	
Colquitt,	Jones of Arkansas,	Vest,	

#### NAYS—25.

Aldrich,	Edmunds,	Pierce,	Stewart,
Allison,	Frye,	Platt,	Teller,
Cullom,	Hawley,	Plumb,	Wilson of Iowa,
Davis,	Hiscock,	Sawyer,	Wolcott.
Dawes,	Hoar,	Sherman,	
Dixon,	Morrill,	Spooner,	
Dolph,	Paddock,	Stanford,	

#### ABSENT—40.

Allen,	Chandler,	Hale,	Morgan,
Beck,	Cockrell,	Higgins,	Payne,
Blackburn,	Daniel,	Ingalls,	Pettigrew,
Blair,	Eustis,	Jones of Nevada,	Quay,
Blodgett,	Everts,	Kenna,	Ransom,
Brown,	Farwell,	McMillan,	Squire,
Butler,	Faulkner,	MCPHERSON,	Stockbridge,
Call,	George,	Manderson,	Vance,
Cameron,	Gibson,	Michell,	Voorehes,
Casey,	Gray,	Moody,	Washburn.

So the motion was not agreed to.

#### EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of February 28, 1890, a statement in regard to expenses of a three-years' cruise around the world of one line-of-battle ship of 10,000 tons displacement, etc.

The Secretary proceeded to read the communication.

Mr. FRYE. Why should not that be printed and referred to the Committee on Naval Affairs without being read?

The VICE-PRESIDENT. If there be no objection, the communication will be referred to the Committee on Naval Affairs, and printed.

#### TRUSTS AND COMBINATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1) to declare unlawful trusts and combinations in restraint of trade and production, the pending question being on the amendment proposed by Mr. INGALLS to the amendment of Mr. REAGAN.

Mr. REAGAN. Mr. President, with some of the criticisms made upon the bill reported by the Senator from Ohio I agree. I think the country is debtor to that distinguished Senator for his efforts to furnish a remedy for a great and dangerous evil. I know the difficulty of preparing a bill to be enacted by Congress to meet this evil. I have presented an amendment by way of substitute for the bill reported by the Senator from Ohio. I do not know but that when it becomes subject to criticism it may fare as badly as his bill has done, and yet I have tried to formulate a measure which would obviate the objections that have been urged to his. Whatever authority we have here over this subject is derived from the provision in the Constitution which confers upon Congress the power to regulate commerce with foreign nations and between the States. Keeping that in view, I will read the first section of the amendment which I have offered:

That all persons engaged in the creation of any trust, or as owner or part owner, agent, or manager of any trust, employed in any business carried on with any foreign country, or between the States, or between any State and the District of Columbia, or between any State and any Territory of the United States, or any owner or part owner, agent, or manager of any corporation using its powers for either of the purposes specified in the second section of this act, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding \$10,000, or imprisonment at hard labor in the penitentiary not exceeding five years, or by both of said penalties, in the discretion of the court trying the same.

I concede that the penalty provided here is a very strong one, but it is designed to meet a very great evil perpetrated by powerful and wealthy parties. It is designed to arrest and prevent an evil which can only be met, in my judgment, by strong, coercive measures. Now, I desire to call attention to the second section of my amendment, which

is simply intended as a definition of the things prohibited in the first section. The second section is:

That a trust is a combination of capital, skill, or acts by two or more persons, firms, corporations, or associations of persons, or of any two or more of them for either, any, or all of the following purposes:

It will be understood that it is for these purposes when performed under the influence of the first section of this proposed act, that is, by persons engaged in commerce with foreign countries or between the States:

First. To create or carry out any restrictions in trade.

Second. To limit or reduce the production or to increase or reduce the price of merchandise or commodities.

Third. To prevent competition in the manufacture, making, purchase, sale, or transportation of merchandise, produce, or commodities.

Fourth. To fix a standard or figure whereby the price to the public shall be in any manner controlled or established of any article, commodity, merchandise, produce, or commerce intended for sale, use, or consumption.

Fifth. To create a monopoly in the making, manufacture, purchase, sale, or transportation of any merchandise, article, produce, or commodity.

Sixth. To make, or enter into, or execute, or carry out any contract, obligation, or agreement of any kind or description by which they shall bind or shall have bound themselves not to manufacture sell, dispose of, or transport any article or commodity, or article of trade, use, merchandise, or consumption below a common standard figure, or by which they shall agree, in any manner, to keep the price of such article, commodity, or transportation at a fixed or graduated figure or by which they shall, in any manner, establish or settle the price of any article, commodity, or transportation between themselves, or between themselves and others, so as to preclude free and unrestricted competition among themselves and others in the sale and transportation of any such article or commodity, or by which they shall agree to pool, combine, or unite in any interest they may have in connection with the sale or transportation of any such article or commodity that its price may, in any manner, be so affected.

SEC. 3. That each day any of the persons, associations, or corporations aforesaid shall be engaged in violating the provisions of this act shall be held to be a separate offense.

I am advised that some criticisms have been made upon the second section; that it relates to things which it is said Congress has no jurisdiction of. I apprehend that those who make that criticism read the second section of the bill without considering that everything in the second section is controlled by the provision of the first section, which makes the things referred to in the second section those which are involved in commerce with foreign nations or among the several States.

As to the authority of Congress to act upon the subject, that is all I now care to say upon that point. I deem it proper to say that, though I was present when the Senator from Ohio gave notice yesterday evening that he would call the subject up to-day, other duties prevented any consideration of it which might prepare me to discuss it now as its importance and merits deserve.

It will be seen that, as between the bill reported by the Senator from Ohio and my amendment, his provides for civil suits only for damages by persons who conceive themselves to be injured, damaged by these unlawful combinations, while the amendment which I have presented does not make provision for civil suits, but provides for a criminal prosecution and severe penalties against those who may be engaged in these unlawful occupations. After what has been said by other Senators this morning on the subject, if we were better prepared to discuss these points it is not necessary that I should go over the evils which it is intended to prevent by this character of legislation. I am inclined, however, to think that if the amendment which I present should be adopted as a substitute for the bill of the Senator from Ohio, it would be well to incorporate in it after its adoption, or at some time, a provision of that measure authorizing civil suits. I am inclined to think that it would be well that whatever law should be adopted on this subject should embrace both jurisdiction of civil and criminal proceedings to prevent and punish these evils.

In speaking of this subject and in looking at its difficulties, I feel sure, notwithstanding the great demand for action by Congress, that the people interested, the people oppressed and distressed by operation of these trusts, look too much to the Congress of the United States for the desired relief. Congress can go no further, as I understand its authority under the Constitution, than to provide a remedy with reference to those things which come into the category of commerce with foreign nations and commerce between the States. That is as far as it may rightfully go; and it seems to me that it is one of the highest and most important duties under the circumstances that it should go that far. But if the people of this country expect salutary relief on this subject they must look to their State governments, for they have jurisdiction over the great mass of transactions out of which these troubles grow. If the Federal Government will act upon those things which relate to international and interstate commerce, and the States, responding to the necessity of the country and the complaints of the people, will act upon the branch of subjects of which the States have jurisdiction, we may, it seems to me, arrest the evil of trusts and combinations to augment prices or to depress prices in the interest of monopoly and for the oppression and wrong of the people.

I am inclined to say right here, Mr. President, that it seems to me unfortunate that of late years the people of this country, whenever a grievance arises, feel that they must appeal to Congress for the redress of that grievance without considering whether it is one that Congress can redress or not. The idea seems to have become prevalent all over the country that anything which is wrong, anything which oppresses or depresses the people, must be remedied by Congress. I think it most



unfortunate that the people forget that their own local governments at home, controlled by their immediate representatives, are able to furnish the remedies for most of the grievances of which they complain, and for many of which they complain over which Congress has no power whatever. On this subject, however, Congress does have a limited power; but the exercise of its power under the Constitution and the doing of what it may do rightfully under the Constitution will not give relief to the people of the country unless the Legislatures of the several States take hold of the subject and make provisions there which will cover the larger number and the greater amount of the wrongs complained of by the people.

I had intended to make a criticism upon the bill of the Senator from Ohio which has in part been made by the Senator from Missouri [Mr. VEST] and in part by the Senator from New York [Mr. HISCOCK]; and inasmuch as those criticisms have been made I do not feel disposed to occupy the attention of the Senate by going over them again. I simply say in conclusion that I think the bill presented by the committee is objectionable on account of its not being within the provisions of the Constitution for the most part of it. The first clause of the first section is within the provisions of the Constitution, that which relates to commerce with foreign nations. A good deal of it, I think, is not within the provisions of the Constitution; and if the Senate should agree with me upon that point and should then agree with me that the provisions of the amendment which I have presented are within the purview of the Constitution, I shall hope they will adopt the amendment which I have presented.

Mr. ALLISON. Mr. President, I do not desire at this hour of the day, or at any time indeed, to discuss the merits of the bill presented by the Committee on Finance. I only rise now to occupy a few moments somewhat in response to the suggestions made by the Senator from Missouri [Mr. VEST], who has discussed the question so fully.

I must say that his argument as a lawyer discourages me somewhat as respects a remedy for these so-called trusts or combinations. If I understood the Senator correctly, he says that without an amendment of the Constitution the only practical remedy there is at this time is either an abolition or a great reduction of tariff duties or concurrent legislation of the States and of the United States, I suppose as respects interstate commerce; that beyond this narrow limit we have no power here to legislate upon this subject.

To fortify his argument as respects the tariff, he stated, as I understood him, that the tariff is the fruitful source of these combinations. If that be true, it is a curious thing to me that all these great combinations in our country are practically outside of and independent of the tariff.

The Senator read a number of trusts from a statement which he held in his hand, showing that the articles in the combinations alluded to by him were also articles that were included in the tariff schedules. But the complaint of the people, as I understand it, is not in respect mainly to the articles embraced within the tariff. I know it is true as respects the great article of sugar. Those whom I represent upon this floor in part, living in the State of Iowa, and those represented I have no doubt in part by the Senator from Missouri, are in favor practically of no tariff duty upon sugar. They believe that sugar is a necessary of life, and they believe that because of the fact that our entire production of sugar in this country amounts to but one-tenth of the consumption, the duty upon sugar is a tax upon that consumption, and therefore they are for its abolition or practical abolition if we can spare the revenue from that source.

With the exception of sugar and with the exception perhaps of steel rails, I know of no product in this country to-day (and in this I shall be glad to be corrected if I am mistaken) of any great magnitude that is affected by the tariff.

Nor will I admit that the tariff duty in and of itself produces even the sugar trust. I am not sure but that if sugar was to-day free, as it is in Great Britain, there would still be a combination among the sugar-refiners of our country to hold the market of our country. Whilst I have no doubt the present high rate of duty upon sugar has to some extent the effect to enable refiners and others more thoroughly to complete this combination, as fewer men can engage in sugar refining because of the high duty, yet I believe that if there was no duty upon sugar it would still be possible for a combination to exist here as respects the refining of sugar.

So it is practically with steel rails. The price of steel rails in England is substantially the price of steel rails in the United States to-day. Therefore the combination, if there be a combination, has not at this time any effect upon the price of steel rails in the United States. I will join the Senator from Missouri in making a proper and fair reduction of the duty on steel rails when we reach the question of the tariff, but the tariff on steel rails to-day has practically no effect upon the price, because, as I have stated, the price abroad is nearly equal to the price at home.

The Senator from Missouri illustrated his argument by reference to the copper trust. It is well known to every man who has studied the copper question that we can put copper upon the free-list any moment we choose to do so. We reduced the duty one-half upon copper in the proposed act of 1888, and it might just as well have been put upon the

free-list. There has been a trust in copper. I do not know whether it exists now, but I presume it does. But that trust has not even an existence in the United States. It is a combination in a foreign jurisdiction which comes here and buys all the copper we produce and all the copper produced in the world. We are the largest producers of copper in the world. We are large exporters of copper to foreign countries. Therefore the duty upon copper has no more effect as respects trusts than if copper was upon the free-list.

The Senator from Missouri read one or two little instances or illustrations of trusts as respects our tariff, but I waited for him to show illustrations from the great tariff schedules as respects trusts and combinations resulting from the tariff. What are the great schedules that we deem important to protect American manufactures against similar manufactures and products of foreign countries? They are the great staples of woolen and cotton and leather and iron and steel.

The Senator from Missouri, with a production of steel of perhaps one thousand five hundred million dollars per annum, only illustrated by his statement as respects steel rails and nails. Those two items as compared with the great production of steel and iron in our country are infinitesimal and mere "leather and prunella." The manufactures of iron extend throughout the length and breadth of our country. Although there may be a few instances where iron production or steel production is under these trust combinations, I maintain that they are not there, because there is a tariff duty upon the articles.

Who has ever heard of a trust in woolen goods and woolen manufactures? The Senator from Missouri said the Committee on Finance of last year failed to reduce the duties upon woolen goods, and upon wool, and thereby oppressed the consumers of the country. Those consumers, whatever may be their conditions and relations to the tariff duties, which I will not discuss now, are not oppressed by reason of trust combinations. I state without fear of successful contradiction that in the two or three hundred millions of woolen goods manufactured in the United States there is no trust combination as respects those manufactures, and if I am mistaken in this I should be glad to be corrected now by any Senator.

Take the great manufacture of cotton, which the Senator from Missouri says in our tariff bill last year we reduced as respects the lower grades of cotton, and not upon the higher, and he undertook to criticize the committee by saying that that was done because the coarser cottons were manufactured in the Southern States and the finer products in the North. Mr. President, for myself, and for myself alone, I want to say to the Senator from Missouri that in dealing with the tariff I know no section of the Union, whether it be North or South. The reason why the duties upon cotton fabrics of a coarser character were proposed to be reduced was because those who produced those fabrics said they could produce them in competition with the world upon the rate we fixed. Yet with all these millions of cotton manufactures in the United States there is not a trust in any one of them of which I have ever heard.

Take another great article which is protected by the tariff, the article of leather and its productions. Boots and shoes and all the products of leather are produced in the United States, and are produced relatively at as cheap a rate as they are produced abroad, notwithstanding our tariff duties. They amount to hundreds of millions of dollars per annum. There is not within the range of all the States of this Union a trust or combination in the manufacture of boots and shoes.

So we are developing in this country a great silk industry. I have not heard, I do not know, how many millions of production we have, certainly up to the fifties, being nearly one-half of the silk consumed in the United States, and protected by a heavy duty upon silk manufactures. If there is now or ever has been a trust or combination as respects the silk manufactures of the United States, I have not heard of it.

So, Mr. President, agreeing to what the Senator says as respects trusts and combinations, I differ with him absolutely in the statement that they originate wholly in our tariff legislation. If we shall put wool and woollens upon the free-list, if we shall put cotton and manufactures of cotton upon the free-list, if we shall put leather and all its products upon the free-list, there will be no more and no less combinations in this country. If we should put practically all the iron upon the free-list, it would not change the trust relations and combinations except as to a few articles which were named by the Senator from Missouri.

These combinations exist, I admit, under the tariff in some of its relations, but the mass of these great combinations exist outside of it and beyond it. The Senator from Missouri himself is chairman of an important committee looking into a very important industry in our Western States, as respects the slaughtering of beef. He has been engaged in taking testimony upon that question. It is the common and the current belief among the farmers of the State in which I reside and of all the West that there is a combination in the city of Chicago which not only keeps down the price of cattle upon the hoof, but also has such relations and situations as respects the internal commerce of this country that its members are enabled to make the consumers of beef pay a high price for that article. Does anybody for a moment say that this great combination, involving the price of cattle perhaps in all the

Northwestern States and Territories, has in the slightest degree its origin in the tariff? Certainly not.

So I might illustrate by going into other great trusts in our country, like the whisky trust. Is that controlled in any way by the tariff? Yet it is perfectly well known that the production of distilled spirits is and has been under a close trust for a good many years.

Take the Standard Oil Trust, another great and ramifying corporation, not only in this country, but throughout the world. That combination, whatever it is, not only controls practically the price of the raw material in our country, but it controls the price of the refined oil throughout the civilized world. Year by year as we go on we not only produce more of this raw material in our own country, but we add year by year to the exports of refined oil in competition with the rest of the globe, and without any relation or without any respect whatever to the tariff.

Mr. President, there has been in our Western country for four years a combination as respects the production of oatmeal. Is that affected in any way by the tariff? Yet the producers of oatmeal have had a local combination whereby they have been enabled to keep up the price of oatmeal, not only to the cost of production, but to a point of reasonable profit, and sometimes beyond it, as I have heard.

So, when I heard the declamation of the Senator from Indiana [Mr. VOORHEES] the other day, and again repeated in substance by the Senator from Missouri [Mr. VEST] to-day, that our tariff system is the fruitful source of all our woes, I can not forbear for a single moment to show, not by going into debate, but by mere illustration, that although I agreed with those gentlemen who are in favor of remodeling and revising the tariff, if we are to correct the great evils which arise from combinations and trusts in this country, we shall fall far short of our duty and far short of accomplishing what we propose if we undertake to do it simply by a change and modification of tariff rates.

Therefore, Mr. President, I welcome this discussion as respects the measure of our duty here and as respects the means whereby we can accomplish the desired result. I undertake to say that it is our duty to the extent of our power, whatever that power may be, to put upon our statute-books such national legislation as we can put there inhibiting these combinations and trusts, and I merely call attention to the fact that that is our duty in connection with the fact, that we can not do it by merely modifying or changing existing tariff rates.

Mr. TELLER. Mr. President, the Senator from Kansas [Mr. INGALLS] has offered a very important amendment. I suppose this debate will not be closed to-day, and I do not propose now to discuss the bill before the Senate particularly, unless there is a disposition to vote upon it to-night. It will not be voted upon to-day, I understand.

I rose to call the attention of the Senate a little more in detail to a question I asked the Senator from Missouri [Mr. VEST], who on several occasions I have heard express the opinion that these trusts, which have become very prevalent in this country, were the result of the tariff, and that, too, in the face of what the Senator from Iowa [Mr. ALLISON] has so well just said, that the principal trusts in this country and against which there is the greatest complaint, and under which the people are suffering the most, have no relation whatever to the tariff. There is not a civilized country anywhere in the world now that is not more or less cursed with trusts. A trust may not be always an evil. A trust for certain purposes, which may mean simply a combination of capital, may be a valuable thing to the community and the country. There have been trusts in this country that have not been injurious. But the general complaint against trusts is that they prevent competition.

I have before me, and I propose to read, testimony taken in 1886 before the British Commission to inquire into the cause of the depression of trade. If I had known that this discussion was coming up to-day (and it is only by accident that I have this book with me) I could have read other testimony showing that there are other trusts besides the one I am going to mention.

Mr. I. T. Smith was called before the commission on the 17th day of December, 1885, and interrogated with reference to a trust that I suppose the Senator from Missouri must have heard about, whether he has ever read this report or not, because I think everybody who has studied the industrial question in this country has known that that trust existed—a trust composed, as will be seen by reading here, of all the steel manufacturers of Great Britain with one single exception, of all of the manufacturers of steel rails in Germany with the exception of two, and of all the Belgian manufacturers. I need not observe that it was composed of the great free-trade country, Great Britain, on the one hand; Germany, a protective country, on the other; and Belgium, the country of free trade *par excellence*, where they have free trade with all its beauties, including the yoking of women and dogs together to do the common work. This Mr. Smith said (I shall read the questions and the answers):

Can you give us any information with regard to the association which we understand has been formed for the purpose of distributing the orders received for the manufacture of rails?

I had something to do with the origin of that association, and the conduct of it since. It was formed two years ago—

That would be in 1883—  
at which time steel rails were being sold at less than 4l. per ton at the works,

that price, I believe, being a loss to the parties selling them varying from 5s. to 10s. a ton. The quantity of rails that were required then had fallen off to only about one-third of what it had been in previous years; we were all of us working nothing like half time, and when orders came in it became a question, Is it better to take these orders at a known loss or let the works stand and have an indirect loss in that way? The competition became so keen that we got down to less than 4l. a ton at the works. After some time the makers in England, all except one firm, agreed to join the association, and it was decided to endeavor to associate the Belgians and Germans with us as being the only two countries that exported rails.

You will see later that when other countries attempted it they interfered with their exportations.

It ended, after taking the figures of three years of the exports from the three countries, that Great Britain kept 66 per cent. of the entire export trade—

Now, this is in the trust—

Belgium had 7 per cent., and Germany 27 per cent. We have since modified the division a very little, and given Germany 1 or 2 per cent. more and Belgium 1½ per cent.; but in effect this country has reserved two-thirds of the export trade. The next thing that we had to do, having agreed upon what proportion each country was to have of the orders of the world, was to agree amongst ourselves how we should divide those orders, and we thereupon assessed the capabilities of each work, each company representing a certain number of parts out of one hundred parts. The effect of this has been that we have gone on for two years dividing the orders in something like a proper proportion, and we have maintained a price of 4l. 13s. a ton at the works, it having been when we began 4l.

In this last distribution he is speaking of the distribution among the English manufacturers, and not the manufacturers of the world. He continues at some length, but as the hour is late I will not read it all. The chairman said:

Who regulates the prices, the council?

A. Yes; we have never altered the price, but once raised 2s. 6d. a ton four months after we commenced, and we have continued that since. Personally, I should prefer to reduce it again, but in an association of this kind you are obliged to deal very carefully with the opinions of those you are working with, and it is only recently that we have all come to the conclusion that to avoid the competition of firms outside the union we must reduce the price considerably.

Evidently they were making rails at a good round profit or they would not voluntarily reduce the price. Mr. Dale, one of the board, asks this question:

Mr. DALE. Your association is charging more than they really need to charge for profit?

A. We are not charging much profit.

Mr. DRUMMOND. What proportion of the firms in England are in the union?

A. All except one; in Germany all except two, and in Belgium all the firms are in the union.

The CHAIRMAN. What would be the position of a man opening a new firm?

A. The position of a man opening a new firm would be that if he would not join the union we should have to put our price to the point that would prevent other people coming into it. The point to which we regulate our price is to minimize competition as much as we can.

Mr. HOULDSWORTH. When you say all the firms you mean steel-making firms?

A. Yes; steel-rail makers.

Does the association extend to anything except rails?

A. No.

Mr. DALE. Does the firm that stood out at first come in?

A. No; they still stand out.

Have the prices since you established the association been such as were calculated to insure an inordinate profit or such as were calculated rather to insure against loss by undue competition?

A. The price was fixed at very much what we considered the cost price would be at the least favored works, and any amount of profit upon the prices we fixed is due to the better position and better plant of the various works.

There is no competition at all. They took the lowest as they always do in such cases, the price of the least favored works, and made that the standard price, which gave, of course, to the more favored works a great advantage.

And any amount of profit upon the prices we fixed is due to the better position and better plant of the various works.

Did your least favored works agree to that?

A. The least favored works are in a minority.

Mr. PALMER. Could you say how much you advanced the price under the arrangement?

A. I should say that we advanced the price certainly by from 12s. 6d. to 13s. a ton.

Upon what price?

A. Upon the price that was current when the association started; but it is not quite fair to consider it in that way, because it was impossible for the prices that existed when the association started to be maintained for any length of time; it was absolute ruin to almost everybody to go on.

The price would have been about 4l. then, according to the figure you have given?

A. Under the extreme competition that was going on just at the time we started it was about 4l., and we put the price up to 4l. 15s., but we have only realized about 4l. 13s., because there have been a good many cases in which we have had to compete with France, and one or two cases in which we have had to compete with Austria, and when any firm supplies rails under the standard price the price is made up out of the funds of the association.

I hope the Senator from Missouri understands that system of executing a trust. That simply means that when France undertook to export rails and Austria undertook to export rails, some member of the association put down the price of rails to such an extent that he lost by it, and the association made up the difference in order to ruin the export of France and Austria.

This contains very interesting reading, but I will not detain the Senate with the entire volume. After asking as to the amount of rails they had produced, the examination proceeded thus:

Then we may take it that the result of the combination has not assisted at all the quantity, although it has given the iron-masters a somewhat better price?

A. As far as we can make out the combination has not interfered with the volume of trade at all; we can not make out that we have lost a single order that would have been placed if the combination had not existed.

But then you still have the fact before you that you have willingly surrendered to Germany, during the period I have named, 246,000 tons?



A. We have willingly surrendered, that is true; but we should have had probably to surrender an equal quantity if we had gone on competing and to have surrendered it at a less price. The share of work given to the Germans and Belgians in the last two years is based upon giving them the share that they took in 1881, 1882, and 1883, in competition with us.

Mr. PALMER. May I ask why you gave 2 per cent. recently, more to Germany?

A. Because the Germans alleged that there had been an error in the figure upon which our calculation was made two years ago.

Then the witness went on to say that by the terms of this combination they were nearly ready to close, but they were considering the propriety of continuing this trust.

The Senator from Missouri has on several occasions complained of the tariff, especially with reference to steel rails, as I understood he did today, and as to steel generally, notwithstanding, as stated by the Senator from Iowa, practically steel rails and steel have been at the same price in Great Britain and in this country for a number of years. In December, 1885, steel rails were sold in Great Britain, according to the testimony to be found in this book, for more money than they were selling for in New York, and I want to call the attention of the Senator from Missouri and the Senate to a statement made here as to the manufacture of steel generally.

This is the testimony of Mr. Vickers, who is a steel manufacturer, and I want to say that the commission which took this testimony did not call before it Tom, Dick, and Harry, but it called men who stood at the front in the industrial enterprises in Great Britain. It took the masters of the question and brought them before it, and there never has been in the history of the world such a collection of important facts connected with the history of the industries of a country as was collected before that commission; and it is important both on account of the industry of the men who took it and on account of the great character and learning of the men who were in business who appeared before the commission. If this book could be put before the American people, if they could read the whole of it, the Senator from Missouri and those who think like him would have very little to say, I imagine, about the benefits of free trade to the industrial enterprises of any country.

Mr. VEST. I should like to ask the Senator from Colorado a question, which it seems to me concerns the people of this country a great deal more than the evidence taken before that commission. Does he not know that it is a fact that the steel-makers, including the steel-rail men, in this country entered into a trust a few years ago; that they made a trust here in the United States in order to put up the price and keep up the price of steel rails and other steel products?

Mr. TELLER. I understand they did, but they made it just exactly as it was made in Great Britain, and they will make it without any tariff; and if we had been exporters of rails, which we are now to some extent, but not largely, our American rail manufacturers would have entered into that trust with the British. I have no doubt about it at all. I am not saying that the men who manage these great industries will not get all they can out of the people. I am not defending trusts. I intend to vote for any measure that is constitutional and legal to break up these trusts, and I propose to say something about the bill which I do not care to say to-night, because I want to examine more carefully the amendment offered by the Senator from Kansas. I wish, however, to read from this volume about the price of steel.

Mr. Vickers went on then to tell about a pool, which is another name for a trust, that existed among the manufacturers of other steel besides steel rails. Let me read the questions put to him and his answers:

Mr. AIRD. Upon that I would ask you whether you do not believe that these pools or arrangements amongst individuals or companies tend to discourage individual enterprise.

A. I do not think they do; if manufacturers combine together and agree to sell at the same price, of course their great aim is to try to manufacture as cheaply as possible, in order to try to get a larger profit than other manufacturers at equal prices.

But surely it has the effect of discouraging an individual who may be an energetic, business-like man in pushing his own individual works to the front.

A. A man can always retire from the pool if he wishes to do so.

But that retiring from the pool would be very likely to bring upon him—

A. The favor of the buyers.

And the opposition of the manufacturers?

A. The opposition of the manufacturers would do him no harm, but the favor of the buyer would do him a great deal of good.

That is proof positive, if he would have the favor of the buyer, that there is an opinion among the buyers in that country that these pools do put up unduly the price of the product.

You are aware that the manufacturers inside the ring contribute to assist each other to the prejudice of those outside the ring when orders are given under certain circumstances.

A. I am not aware of that.

Where the pool is used in that way, do you not think it is to the detriment of the trade?

A. I do not think that a pool is at all to the detriment of the trade in the country in which it exists, but it is a subject I have not thought much of.

The CHAIRMAN. Are you aware whether there are any similar pools in America?

A. I am not.

Mr. ECKOYD. In reference to an answer you gave to Professor Bonamy Price just now, do you know whether the price of steel in America is just so much higher than the price here as represents the duty?

A. The price of steel in America now is so low that we can hardly send steel at all to America. I have here some prices which were reported by our agents in April, 1885. American steel sold, in competition with our best cast steel, at 7½ cents a pound, without duty. This price would net us 15½ 17s. per ton in Sheffield. If the raw materials—that is to say, the iron—were given to us we could not manufacture it at the price.

That is a Sheffield iron manufacturer, and everything is free there. Then the examination proceeds:

That is not quite what I wanted to elicit. If the price of a certain quality of steel at Sheffield is 40s. a ton and if the price of the same manufacturer in America were 42s. a ton, you could not, of course, export?

A. It would be impossible to compete with them.

Because the duty would bring yours up to 53s. 16s. a ton, while theirs would be 42s.?

A. Yes.

That shows who pays the duty.

Therefore, it does not follow that the consumers pay the extra price represented by the duty?

A. Certainly not. They do not pay anything like the amount that is represented by the duty, because the works have been established and their proprietors must now manufacture at a low price in order to keep the works going; they do not manufacture at a large profit.

The effect of the American tariff is to keep your goods out without raising the price in America to the consumer to anything like the amount represented by the duty?

A. That is so now; it was not so in the past.

Professor BONAMY PRICE. But do you believe that the word "now" is to go on?

A. I believe the duty in the past has fostered the building of these works; these works are there and must be kept going.

At a profit?

A. At a profit or no profit, they must keep them going.

What I wanted to know was this: Whether, supposing the tariff not acting, the works are in the state that they would have been in if they had no duty as far as the steel goes?

A. I believe at the present time they are paying no more for their steel than they would be if they had no duty. When I say "at present" I should say three months ago. I believe prices have risen considerably in the last three months in America. I am informed that trade has very much improved there.

With that improved trade, is the price of steel increasing?

A. The price of steel is still too low to enable us to compete.

That was on the 21st of January, 1886. Now, Mr. President, at the risk of worrying the Senate I want to read one or two other things that I have got here, which I think may prove to be of interest. Several of these witnesses were asked the question directly who paid the duty, and so far as I have been able to find in this testimony—and I think I have read everything in it, and it is pretty voluminous—not a single witness ever suggested that we paid the duty, but they all declared that the duty came out of them, and witness after witness declared over and over again in every department of industry in Great Britain in this volume, and in the other to which I have referred, that it was the hostile legislation of France, of Germany, of the United States, and of Russia that was ruining the business of England so that the English could not compete, that manufactures were being built up in these countries to such an extent that they could manufacture as cheaply as the British manufacturers could, and that they had to pay the tariff duties and they could not do it.

Now, Mr. President, speaking of Germany, Mr. I. T. Smith said:

Then you do not look to the development of the steel and iron industry in England in supplying countries like Germany, America, France, and Belgium, who make so largely for themselves and who have hostile tariffs against us to-day?

A. To those three countries which you have named I do not anticipate that we shall send any material quality of iron or steel, but to other countries we shall, although there are hostile tariffs there also; but in Germany they are making their iron and steel nearly as cheap as we do, and we, having to pay import duty, are necessarily barred from that country.

That is Germany. He said they had been selling some rails to the United States which he thought they sold because theirs were superior; at all events, they had got a higher price than the ranging price in the United States.

Then it is owing to the inferiority of their rails and to your having a better article that the Americans will pay you 6 guineas a ton more for rails manufactured by you than for rails manufactured in their own country?

A. Two pounds ten shillings a ton.

And 3s. 16s. for duty?

A. No, we pay the extra price; they pay us 2s. 10s., and we pay the duty.

Mr. GORMAN. Will the Senator from Colorado permit me to ask a question?

Mr. TELLER. Certainly.

Mr. GORMAN. I understand that the Senator in what he is reading is dealing alone with the question of steel rails.

Mr. TELLER. The Senator is mistaken. I am reading now because I happen to have this volume here; but the Senator will find that same statement running through the testimony of all the men who testified before the commission, all the manufacturers of woolen goods, of Sheffield hardware, and of everything else.

Mr. GORMAN. Take the item of tin-plate, which is not manufactured in this country, on which the duty is three-fourths of a cent a pound. I ask the Senator whether it is not the fact that the consumer pays that entire amount, and if the duty were removed would not the consumer have tin-plate three-fourths of a cent a pound cheaper than he is compelled to pay for it to-day?

Mr. TELLER. No, Mr. President; tin-plate is a high manufacture of iron. That is all there is of it. The Senator from Massachusetts [Mr. DAWES] says he would like to answer the question, and I yield to him for that purpose.

Mr. DAWES. When the Mills tariff bill was reported, which put tin-plate on the free-list, tin-plate went up in the British market just exactly the amount of the duty. If anybody indulges in the delusion that when the foreigner can secure the control of our market he will put down the price to accommodate us, it is not I.

Mr. VEST. I want to call the attention of the Senator from Massachusetts to another startling fact. We took the duty off quinine a few years ago and immediately quinine went up, but it did not stay up, for it is down now.

Mr. TELLER. The Senator from Missouri is not serious in saying or pretending that the fall in the price of quinine had anything to do with our taking the duty off that article. The Senator knows very well that quinine went up for a little while—

Mr. VEST. A little! It went up for a year, and it was pointed to by the protectionists of this country as a horrible example of the fact that taking off duty did not diminish the cost to the consumer.

Mr. TELLER. It would have staid up but for the fact that the production of quinine exceeded anything that had ever before been heard of. The British Government and other Governments had fostered and encouraged the raising of the shrub from which quinine comes, and just about that time they had arrived at the stage when they could begin to realize upon it, and quinine went down, the world over, in its raw state. That is why it went down, and our tariff had nothing to do with it. But I am not to be diverted on the quinine business just now. I am on the steel business.

I continue to read the questions put to Mr. Smith and his answers:

Would you explain a little further your statement to Mr. Pearce about you paying duties on steel rails which went to America?

A. When we deliver steel rails at New York we can not land those rails in New York without paying a duty of \$17 a ton.

You do not mean to say that the exporters pay the duty?

A. We do.

You mean that the duty is paid, not by the importing people, but by the exporting people?

A. The price is fixed free to New York, and you can not put the rails into railway trucks for inland transport until the duty is paid.

Mr. JACKSON. That is one of the conditions of the bargain?

A. That is it.

EARL OF DUNRAVEN. Do you mean that you sell the article cheaper per ton to the American importer to the extent of the duty?

A. Yes.

There is not a Senator on the other side of the Chamber who has ever made a speech on free trade or the tariff who has not over and over again reiterated that we paid the duty, not only on steel rails, but on everything else.

Mr. VEST. I suggest to the Senator from Colorado that I wish the Senator from Rhode Island [Mr. ALDRICH] was in the Chamber, who stated in the last Congress that the tariff was put on in order to put up the price. That was said in debate.

Mr. TELLER. The tariff is put on to protect our people from just what these trusts did with reference to France and Austria, so that when we want to export or when we want to trade with our own people these trusts shall not come in and break down our enterprises. That is what he said.

Mr. VEST. No, sir.

Mr. TELLER. And it compels them to do just what he said it was for their interest to do, to sell at a loss rather than to shut up their establishments.

Now, let me read a little further what this witness said:

Then the exporter has to pay the duty?

A. Yes; if no duty had to be levied it would make a difference of \$17 less per ton.

There was one other part I intended to read, but I do not remember the page it is on and I shall not stop to find it now.

Mr. President, I suggest that the Senators who are so certain that the tariff always raises the prices of all articles and that the consumer pays the tariff duty under all circumstances should get a copy of this work and give some attention to this testimony. We published the testimony taken by the Commission on the Precious Metals, and I think the Committee on Printing will do a great service to this country if they will cause this volume to be published for free distribution, because the cost of the total publication is, I think, about \$15, or something in that neighborhood, and beyond the reach of the great mass of our people. There could be no public document sent out that would give the people so much information and instruction as can be obtained from these volumes. If it was the farmer complaining, he would find that the people of Great Britain have suffered immeasurably greater evils than the farmers of this country have suffered, and he would find a statement of affairs there that would be frightful. I shall take occasion before long, probably when some other question is pending, to present some of the testimony in this report in detail. I can say that the testimony before this commission shows that the income of the farmers of Great Britain for the year before the testimony was taken had been reduced by the depreciation of farm products in round numbers \$42,000,000 in one single year; that the farmers, as a rule, had sunk from 40 to 60 per cent. of their capital, and that the landlords had lost from 30 to 40 per cent. of their rents.

Mr. President, I do not attribute this depreciation to free trade. The people of Great Britain attribute it to free trade largely, and the men who appeared before the commission testified that in their opinion very largely it was the effect of free trade, though some of them were so decidedly free trade in their proclivities and in their notions that they declared there was not any reason for it and there could not be any given, that nobody could tell. Some said it was occasioned by bad

seasons, but they said with bad seasons or with good seasons the farmer was growing poorer and poorer and losing more every year and had been doing it for twelve straight years. I can demonstrate, and I intend to do so some day on this floor, that the trouble with Great Britain, as with us, is not because of the tariff duties, but it is owing to a lack of money, and that is what the whole world is suffering from to-day.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. COKE. I should like, before that motion is put, to submit an amendment, which I intend to propose as a substitute for the trust bill at the proper time. I ask that it be printed and lie on the table.

The VICE-PRESIDENT. The proposed amendment will be ordered to be printed.

Mr. DAWES. I ask the Senator from Illinois to withhold his motion for a moment.

Mr. CULLOM. The Senator from Massachusetts desires to say a word, and I will yield to him.

Mr. DAWES. Mr. President, the Senator from Maryland [Mr. GORMAN] made an inquiry in reference to tin-plate and I made such answer as I was able to make at the time from memory in reference to that. He wanted to know what would be the effect upon the price of tin-plate in this country if those who have now the monopoly of its production abroad should have permission to introduce it free of duty here, and I spoke from memory. I should like now to read from the Pall Mall Gazette of July 25, 1888, this extract:

#### A RISE IN THE PRICE OF TIN.

The passing by the United States House of Representatives of the Mills tariff bill, which places tin-plates on the free-list, has led to a sharp rise in the price of tin. Yesterday Straits touched 89. 7 1/2 cask and 89. 15 1/2, three months. This is an advance of from 14. to 15c on the figures quoted recently. If the Senate passes the bill in its present form tin will command higher prices than have ruled of late, and a great impetus will be given to an important branch of manufacture in this country.

The Ironmonger, a paper published about the same time, further speaks of this matter in a manner which will be highly instructive to those of our friends who are teaching those workmen employed on tin-plate that they are taxed because of an effort to furnish them with the raw material in this country. This is what The Ironmonger says:

The promoters of the home-made plan are exceedingly pertinacious and are leaving no effort untried in order to achieve success, and through the Pittsburgh exhibition the way will be made easier for pushing a bill through Congress next session, having for its object the imposition of much heavier duties upon imported tin-plates. Should this scheme succeed, there is no doubt that a great deal of American capital will be promptly embarked in the business and sooner or later the tin-plate will cease to be a monopoly of South Wales and Monmouthshire. Nevertheless, we see no reason why the manufacturers of tin-plate in this country need grow disheartened or despondent.

I hope the Senator from Missouri will listen to this.

Mr. VEST. I suppose that extract is from The Economist.

Mr. DAWES. This is from the London Ironmonger:

They have the advantages of possession, position for shipment, trained labor, and all materials on the spot. These are very important points, but, in addition, the Welsh makers have strong allies in the United States, and if the alliance is made the most of, we should have very considerable doubts of the success of any application to Congress to increase the present duties. But to insure that result the Welsh makers and their business connections must not only watch, but work, and work hard, to checkmate the advance of the American ultra-protectionists.

Mr. CULLOM. I yield to the Senator from Mississippi [Mr. GEORGE] to make an announcement.

Mr. GEORGE. I call the attention of Senators to what I am going to say. With the consent of the Senator from Ohio [Mr. SHERMAN] and one or two others over there, for my personal convenience, I ask that the bill now before the Senate be passed over until the conclusion of the morning business on Monday morning, and be then the unfinished business. I suppose it will require unanimous consent to make that arrangement.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Mississippi?

Mr. VEST. Will the Senator from Ohio agree to that?

Mr. SHERMAN. I have no personal objection to letting the bill go over if it can be considered as the unfinished business for Monday.

Mr. VEST. I have not the slightest objection. Then, if that is the agreement, I renew the motion that we adjourn over until Monday. I am on two committees which meet to-morrow.

Mr. CULLOM. I think it is pretty generally understood that there is to be a session to-morrow to consider the Calendar of unobjected cases.

Mr. HARRIS. Will not the Senator from Illinois ask unanimous consent that to-morrow shall be devoted to the Calendar under Rule VIII?

Mr. CULLOM. While upon the floor and before insisting upon my motion to proceed to the consideration of executive business, I ask that to-morrow's session be devoted to the consideration of the Calendar of unobjected cases under Rule VIII.

Mr. GEORGE. Now I should like to have my request acted upon.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Mississippi?

Mr. PLATT. Of course there is no objection to allowing this bill to go over, but if unanimous consent is required that this bill is to be pro-



ceeded with on Monday, whatever may come up at that time and no matter what other business may come up at that time, I do not want to agree to that. I do not want to bind ourselves that this business shall proceed on Monday as against all other business.

Mr. HARRIS. There can be no objection to letting this bill remain as the unfinished business.

Mr. PLATT. I have no objection to letting it remain the unfinished business.

Mr. HARRIS. That is all that was implied.

Mr. PLATT. If that is all that was implied, I have no objection to that.

Mr. CULLOM. I ask unanimous consent that to-morrow's session be devoted to the Calendar under Rule VIII.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Illinois?

Mr. INGALLS. Does that include the entire day, from the conclusion of the formal morning business until the adjournment?

Mr. HARRIS. Unless an executive session is interposed, I should think.

Mr. CULLOM. I do not suppose it would preclude an executive session later in the day.

Mr. INGALLS. Everything but that?

Mr. CULLOM. Everything but that.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Illinois? The Chair hears none.

Mr. CULLOM. Now I insist on my motion for an executive session.

Mr. GEORGE. Will the Senator yield to me to offer an amendment?

Mr. CULLOM. I yield for that purpose.

Mr. GEORGE. I offer an amendment which I intend to propose to the pending bill, and I ask that it be printed.

The VICE-PRESIDENT. The amendment will be received and ordered to be printed.

Mr. SHERMAN. I hope Senators will all understand that on Monday we shall proceed with this bill and try to finish it before the adjournment on that day.

The VICE-PRESIDENT. That is the understanding of the Chair.

Mr. PLATT. What is that?

The VICE-PRESIDENT. That the bill under consideration at the present time shall go over until Monday next and be considered as the unfinished business, to be disposed of on that day.

Mr. ALLISON. The unanimous consent does not go to the point of finishing the bill on Monday.

Mr. HARRIS. Oh, no; not to that extent. We do not know how long the bill may take.

Mr. PLATT. No, and it does not go to the point of considering it on Monday either.

Mr. CULLOM. A majority can settle that on Monday. I now insist on my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Saturday, March 22, 1890, at 12 o'clock m.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 21, 1890.*

#### UNITED STATES CONSULS.

James F. Ellis, of Wisconsin, to be consul of the United States at Brockville, Canada.

James C. Kellogg, of Louisiana, to be consul of the United States at Stettin.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, March 21, 1890.

The House met at 12 o'clock m. Prayer by Rev. GEORGE ELLIOTT, of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

#### ORDER OF BUSINESS.

Mr. MORROW. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House for the purpose of considering the annual pension appropriation bill.

Mr. RICHARDSON. Mr. Speaker, is not this day set apart under the rules for the consideration of the Private Calendar?

The SPEAKER. Under the rules the Committee on Appropriations has the right to make this motion at any time after the reading of the Journal on any day.

Mr. RICHARDSON. Without a formal motion to dispense with the Private Calendar?

The SPEAKER. Without that.

The question was taken on the motion of Mr. MORROW, and the Speaker declared that the ayes seemed to have it.

Mr. RICHARDSON. I ask for a division.

The House divided; and there were—ayes 93, noes 25; so the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. BURROWS in the chair.

#### PENSION APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of considering the annual pension appropriation bill. The gentleman from Indiana [Mr. CHEADLE] is entitled to the floor.

Mr. CHEADLE. Mr. Chairman, the bill under discussion is the largest annual appropriation for pensions ever made, and I would not attempt to underestimate its cost to the country. I know that pension expense is heavy and must be heavier for several years to come. The Government these pensioners saved from destruction solemnly promised its citizen heroes that if they would volunteer in its defense those who were wounded or broken in health, and the widows and children of those who died should be properly cared for. The patriotic soldiers performed their part of the contract; they volunteered and saved the nation's life, and it remains to be seen whether those who are charged with the administration of the Government now will fulfill its promises and redeem its pledges made to the soldiers of the war of 1861-1865.

I wish to call the attention of the House and the country in the time given me to the duty of providing a service pension for life to our citizen heroes and to the duty of providing a pension for the widow of every deceased Union veteran and of properly caring for all who are now broken in health.

I had the honor of introducing House bill No. 235, a bill which authorizes and directs the payment of a service pension to every honorably discharged Union soldier, sailor, and marine who served sixty days in the war of 1861-1865 and who has now arrived or shall hereafter arrive at the age of fifty years.

This bill also authorizes the granting of a pension to the widow of every deceased veteran at the rate of \$12 a month. If I could I would make the rate of pension for every widow \$20 a month, and then repeal all laws in conflict with this provision, and thus end at once and forever all forms of class legislation upon the disability of widowhood, a disability in which there can be no degrees and yet one for which in this land of constitutional equality of citizenship Congress has dared to grant to one widow \$3,500 a year and to another \$144 a year.

This bill authorizes the granting of a pension to every disabled veteran and simplifies the ratings for invalid pensions below the specific rates granted for the loss of limbs, eyes, and for deafness, or their equivalents, thus giving practical effect to the statement of our honored President, who in one of his public speeches said, "In granting pensions to our Union veterans they ought not to be weighed in apothecary balances," meaning thereby, I have no doubt, that there never should be such fine distinctions in ratings that it would require these pensions to be divided into the fractional part of a cent per month, as they now are under existing laws. The bill also meets the demand for the repeal of the arrears act by providing that all invalid pensioners whose pensions do not carry arrears shall be granted a pension of \$5 a month from the date of the incurrance of the disability to the date of the issuing of the existing pension.

A bill so just and patriotic as this one is, a measure which is in nearly every one of its provisions so thoroughly in harmony with the legislative precedents of the Government from its organization, merits, in my opinion, the most careful consideration and study by every member of this House and by the people of the whole country. I think it is conceded by every fair-minded and patriotic citizen of the Republic that it was the Union soldiers, sailors, and marines who, by their valor, their sacrifices, and their sufferings, suppressed the gigantic rebellion against the life of the nation, conquered an honorable and lasting peace, and thereby secured and re-established this temple of constitutional liberty with all its manifold blessings to the present and coming generations who shall follow us.

If, then, it is to them that we are indebted for all the blessings of this peerless citizenship of ours; if, having suffered so much and risked life itself to secure for us these inestimable blessings, what are the just and legal rights of those who still live, who were of that grandest and noblest of all armies in that greatest of all conflicts? I repeat, Mr. Chairman, what are the just and legal rights of these veterans?

I hold, as I am quite sure the great mass of our people hold and as the solemn pledges of the Government made to these men when they left their homes and enlisted imperatively demand, that it is their right to claim, yes, Mr. Chairman, their right to demand and receive, the same benefits and honors which have heretofore been conferred by the Government upon their fathers who participated in other wars and rendered heroic service to their country in the earlier days of the Republic. If it be true that the Government did recognize and honor its heroes in its earlier history, when its people were poor and its Treasury was hard pressed to meet the current demands of Government, surely a patriotic Congress and people can not consistently refuse to grant a patient hearing to these claims and will not deny so just a demand at this time, when the wealth of the nation has quadrupled since that

war began, and at a time when the national Treasury can promptly meet every pension demand that may be made upon it without increasing the tax burden upon the country one cent.

The language of the bill and existing laws will give to every honorably discharged veteran who now draws a pension of less than \$8 a month, or who is not pensioned at all, who served sixty days in the war of 1861-1865, and who shall have arrived at fifty years of age, a service pension for life. The term of service demanded of those who fought in the early wars of the Republic were by no means as hard. If they served for a period of fourteen days in the Army or if they had been one day in battle, they were entitled to the pension. The language of this bill calls for sixty days' service, and is therefore more than four times the term of service required of the Revolutionary patriots. Surely no one can find fault with this provision of the bill.

I do not ask the enactment of this bill into law, as I am sure the great mass of our people do not ask its enactment, for the purpose merely of providing for the maintenance and support of these patriots and their loved ones, and to keep the wolf of hunger and want from their homes. I want it enacted, as I know the people do, and the service pension for life granted and conferred upon these veterans, as a badge of distinction for patriotic service rendered the Government, and as a token of gratitude to the heroes who so loved that flag, Mr. Chairman, and this Government of the people, for the people, and by the people, that they laid aside their vocations of peace, left home with all its endearments and hallowed associations, and, taking their lives in their hands, went down to war, tendered their services to those charged with the duty of defending the honor and life of the nation, and through campaign and battle so marched and fought that they suppressed the rebellion against the life of the Government, conquered an honorable peace, saved the union of States and with it this temple of constitutional liberty, the benefits of which we now enjoy.

It was, Mr. Chairman, their bravery upon land and sea, their sacrifices, and theirs alone, that made it possible for this nation to exist and enables us to meet as Representatives of the people, and to rejoice to-day over the fact that the flag above your head is the emblem of freedom and national unity, and that this Government by the people still lives. We owe these men, Mr. Chairman, a debt of gratitude which we can never repay. The liberties protected by law which we now enjoy, the blessings of constitutional liberty vouchsafed to those who shall come after us, all that we have, all that we are as a nation, all that we can ever hope to be, we owe to their heroic efforts upon land and sea as they fought and struggled for all these blessings from Belmont to Appomattox.

I think, Mr. Chairman, that pensions should be the evidence of acknowledged devotion to duty, granted by a grateful and patriotic nation. Perish forever the thought that to secure and entitle one to receive a pension he must claim it as a person in need of food and clothing, the absolute necessities of life. I would demand this service pension for the defenders of the life of my country as an absolute and completed right. Devotion to country in its hour of peril is the highest evidence of patriotism, and I would make the granting of pensions the highest evidence of the gratitude of the Republic to those who risked their lives in its defense.

#### PROMISES MADE VETERANS.

When hostilities began in 1861, the Government was without an army and without money. Congress was at once convened in special session and the authorities set resolutely at work to suppress the rebellion and restore peace. Promises were made by the Government. Promises to the men who loaned it money and promises to those who volunteered in its defense. The Government, through its proper officers, made pledges to the money-lenders, and every promise made to every person who loaned it money has been kept.

The citizen who invested his money in its bonds has been paid, fully paid, in gold. When the war cloud lowered and the hearts of the people were full of sorrow, and hope hung trembling in the balance, and when the credit of the Government was partially destroyed, men bought Government bonds at 50 cents on the dollar. How have those bonds been paid? They have been paid at their face value in gold, and to-day, when the end of a quarter of a fiscal year is reached, sufficient clerical force has been at work to promptly remit every cent of interest at maturity to every holder of our bonds.

It will not be denied that the most solemn promises were made by the Government to induce men to enlist. Promises were made by the authorities, by the press, by the orators, by the people. These promises were universal. Every man who had the courage to volunteer was to be pensioned for life, if he should be fortunate enough to return to his home when the war was over. Each one of us was to receive, in addition thereto, 160 acres of land. From the orator, the press, and even from the sacred desk, came the most solemn promise, that, if we fell in battle, died fighting under that flag for freedom and the right, our loved ones should become the wards of the nation; that the widow and children of the hero who died for his country should never come to want.

We are all familiar with what followed. The brave men of the North responded to the call for help and created the grandest army ever marshaled in battle. The official rolls show that there were 2,778,304 enlistments. The army opposed to us was composed of men of the same

ancestry, of the same nationality, of the same religion. They were flesh of our flesh and bone of our bone. Even the leaders of the contending hosts had been classmates in the same military school, had studied the same tactics, and were educated in the same theories of war, had fought side by side under the same flag; hence the contest was the most terrific. In that war more battles were fought and more men killed and wounded than in any conflict of which reliable history gives account. At last, thank God, at last the war was ended, and peace came to bless our beloved land, and the great armies were disbanded, and the Union veterans returned to their homes and resumed the peaceful pursuits of life.

How have we as a nation kept the promises and fulfilled the pledges made these heroes? Have we made the widow and children of our heroic dead the wards of the nation? Have we properly cared for him who lost his health in that fearful contest and has since realized the fact that he can not successfully fight the battle of life for food and raiment? Let the presence of a full army corps, 25,000 of these heroes, who live upon the charity of their local government or in the almshouses of the States, make answer. How have we kept our promises to these heroes? Capital paid in full. The bondholders' claim fully adjudicated, and I honor my Government for paying these claims in full, dollar for dollar, cent for cent; and yet the men whose bravery upon land and sea was the only guarantor capital ever had or could have for the payment of its interest and principle have not been paid at all.

A part of those who lost limb or health have been, it is true, partially pensioned, and I present you, from the last annual report of the Commissioner of Pensions, a bill of particulars, where the ratings are so technical that in some instances fractions of a cent per month are necessary to differentiate the disabilities. Read them:

Rate per month.	No. of pensioners.	Rate per month.	No. of pensioners.
\$1.00 .....	35	\$2.50 .....	1
2.00 .....	26,875	2.66 .....	5
2.25 .....	4	2.66½ .....	8
2.33½ .....	1		

I would like to gaze upon the photograph of a medical referee who could give a reason for the two-thirds of a cent per month of those eight pensioners:

Rate per month.	No. of pensioners.	Rate per month.	No. of pensioners.
\$3.00 .....	1,556	\$6.00 .....	50,397
3.75 .....	331	6.25 .....	77
4.00 .....	69,048	6.37 .....	3
4.25 .....	345	6.66½ .....	2
5.00 .....	1,073	6.75 .....	1
5.25 .....	2	7.00 .....	165
5.33 .....	3	7.25 .....	2
5.33½ .....	18	7.50 .....	844
5.75 .....	17	7.75 .....	16

Mr. Chairman, it is true that some of the men who risked their lives for their country have been partially recompensed. The foregoing facts, taken from the last official report of the Pension Office, are conclusive upon that point. The technical and trivial distinctions in ratings establish, however, one fact beyond question and that is that the ridiculous modes of procedure and distinctions in ratings for physical disabilities in our Pension Office need a radical revision, and need it at once. The farcical distinctions have existed long enough.

I have heard it said that these veterans ought to be satisfied and thankful for the invalid pensions already granted their comrades. Thankful for what? Thankful that while every man who invested his money in that war issue has been fully and promptly paid there now remain unadjudicated (after the lapse of twenty-five years) more than 450,000 invalid pension claims in our Pension Office, while the Treasury is fully prepared to meet any pension demand that may be made upon it and thoroughly competent men are anxious for a chance to go to work in adjudicating those claims? Thankful, indeed, that, in the face of the most solemn pledges to tenderly care for all who were broken in health, 25,000 of their comrades who are broken in health are now inmates of the poor-asylums of the States?

Thankful can they be while scores upon scores of thousands of the widows of their dead comrades are not pensioned at all, and are to-day bending over wash-tubs or at other hard work striving to keep soul and body together, and when the little children of these heroes are crying for bread, while the money in our national Treasury is being used to buy up our war bonds at a premium of 25 cents on the dollar? Thankful, do you say—thankful that the nation they fought so bravely to save from destruction should fail, either through neglect, or avarice, or cowardice, to keep its promises to any one of the millions of brave men who risked their own lives in its defense? These heroes will be thankful when their Government shall have redeemed its pledges to all who dared or died in that great contest; when it shall be able to present as clear a balance-sheet upon the pension question as it can upon the war debt.



The veterans believe that the claims of those who risked life should be held to be as precious and as sacred in the estimation of the Government as the claims of those who risked the mighty dollar in that contest for the life of the nation, and every patriotic citizen of the Republic must admit that their faith and belief is well founded. These veterans know that their claims are the most sacred ones pending before Congress to-day, and they demand as of right justice for all who risked life in that contest, and until every claim shall be granted they can not in honor be thankful to the Government their valor saved from destruction.

#### COST OF PENSIONS.

The claim is frequently made that the service-pension bill ought not to pass because it would cost too much money. I shall not pause to argue at length the question of cost. We all know by experience the full force of the saying, "All that a man hath will he give for his life," and I hold that this is as true of nations as of men. The men whose claims I this day present for your consideration did not stop to consider the cost of their gift to their country. They heard the cry for help, and went as only proud and brave men could go to the rescue. It cost them an inestimable loss in money, a sum far greater than all the pensions they will ever receive, and who would dare here and now to undertake to estimate the losses they sustained by reason of exposure on marches, in hospitals, on battle-fields, or in prisons by torture?

Did the man who objects to a service-pension law because it will cost too much ever stop and investigate the facts? If he will pause and learn the truth he will find that the total cost of all pensions growing out of the late war to June 30, 1889, is less than one-half of the cost for interest on the war debt to June 30, 1889. There has been paid out by the Government in interest alone upon the war debt to June 30, 1889, the sum of \$2,407,807,989.45; and yet who would stand here and object to the payment of interest upon the war debt because it has cost so much money? During the same period there has been paid out on account of pensions \$1,059,847,826.04 only, or just \$144,056,163.68 less than one-half the sum of money paid out as interest upon the war debt, and yet we hear gentlemen object to a service-pension bill on account of its cost. It seems to me, Mr. Chairman, that this comparison of the actual cost of interest and pensions must be a complete answer to and should end at once every objection against the passage of a service-pension bill upon the question of its cost.

When the Government shall have paid to pensioners a sum of money equal to the amount it has paid upon interest, it will, in my judgment, be quite soon enough for Congress to raise the question of its cost as a reason why the measure should not be enacted into law. Pensions vs. interest; which one of these claims should be held to be the most sacred by those who are charged with the duty of representing the Government which the persons who make claim for pensions saved from destruction?

During the war the loyal, patriotic people of the Union submitted without a murmur to the most burdensome taxation in order to raise the required sum of money necessary to maintain the nationality of the Union, and the patriotic citizens of the country will never object to the payment of pensions on account of the cost. They can not in good conscience object, because they are now enjoying the blessings procured by the heroic efforts of the veterans whose claims I this day present.

Congress has removed from time to time since the close of the war taxes which aggregate the enormous sum of \$397,000,000 a year, and there yet remain two items of war taxes which bring annually into the Treasury more than \$129,000,000 a year—I refer to the revenue tax upon tobacco and alcohol in all of its forms—so that I am justified by the facts and repeat that a service-pension bill can be enacted into law and a service pension can be granted to every Union veteran over fifty years of age, the invalid pensions can be continued, and the total cost thereof can be paid out of the Treasury without levying one cent of additional taxes upon the country.

Mr. Chairman, I want the House and country to keep in mind this fact: The long delay on the part of the Government in adjudicating pending pension claims, and the consequent increased sum of money required to make the first payment to pensioners whose claims are now being allowed, does not in any sense belong to the annual pension expense and ought not to be considered as an item of the annual cost of pensions should this or some other service-pension bill become a law. These first payments are past-due obligations, and should have been paid years ago, and during the last fiscal year amounted to between 24 and 25 per cent. of the total cost of pensions.

I have made a careful estimate of the additional annual expense should a service-pension law be enacted and all invalid pensioners who now receive less than \$8 a month elect to take a service pension in lieu of their invalid pension. This would increase the cost between six and one-half and seven millions of dollars a year. Thus far in this investigation there can be no serious differences, because we have reliable data from which to make estimates. At this point there will be a divergence of views, because there are no official or reliable data by which we can estimate the number of veterans who are now living. It is all guess work, guess work at the War Department, guess work here in Congress.

No man in his logic and reasoning was ever nearer correct than Abraham Lincoln, and he reasoned about the questions of greatest importance by and from his knowledge of the smaller ones that came under his own personal observation. He reasoned and unerringly from the smaller to the greater. We know the total number of enlistments. They were 2,773,304. There were so many men, however, who enlisted twice and three times, and in thousands of cases four times, that it is impossible to know how many different men did actually enlist. The figures vary half a million nearly, from 2,035,000 to 2,500,000; so do the estimates vary as to the number now living. One man who has given the question careful study places the number at 1,500,000. Captain Ainsworth, of the War Department, fixes the number at 1,285,471, July 1, 1890. Another gentleman who has prepared at great cost a list of every military and naval organization of the war, and has secured the names and addresses of 400,000 veterans, tells me that he was astonished to learn the proportion of those who served two, three, and even four enlistments. He does not believe there are over 900,000 living.

During the last nine years the Pension Office has been procuring the names and post-office address of these veterans. It has been aided by the thousands of the Grand Army of the Republic posts, by the hundreds of soldier associations, by its corps of special examiners, by requests repeated over and over to the postmasters in the United States, and by the hundreds of thousands of pensions claimants, and yet with all these aids it has been unable to secure 850,000 names. I find that in the Ninth Indiana district just about 48 per cent. of the veterans are pensioned; and that if the ratio of 40 per cent. was extended to the total number of pensioners the total number of living veterans would be 943,000. From a careful study of all the data I have been able to find, I do not think the census will show that one million of us survive the 1st of July of this year.

Three hundred and sixty-four thousand one hundred and sixteen died in the service; this statement is accurate and made from official reports. The annual reports of the Adjutant-General of the Army show that only 979,722 men of the volunteer army were mustered out of service from November 1, 1864, to January 20, 1866, the date of the last muster-out. If we accept the War Department figures as correct we will be confronted with this fact, that after deducting from their total number of enlistments those who died in the service, and then from the remainder their estimate of the number now living, we shall learn that all of the deaths out of the service since the war began, twenty-nine years ago, is only 25 per cent., or less than 1 per cent. a year; when we who served any length of time know that almost one-fourth of our comrades were mustered out during the war on account of breaking down in the service, and that of these nearly all of them are gone.

To emphasize the death rate, I will name three widely different commands from my own State:

Last fall at their annual reunion the Eleventh Indiana Battery had left 30 men only.

An infantry company that only served a short term went into service with 86 men; they lost four in the service, came back 82 strong. Of this number 31 have since died and 51 are now living. This death rate is 50 per cent higher than Captain Ainsworth's estimate.

Take the company I served in: It was in the service three years and had on its rolls 147 men. I only wish that I could say to this House that only so few of my comrades had laid aside life's burden; but, alas! I can not. The death angel has come again and again into our company until the greater portion are now at rest. I do not believe there is a veteran in this House who can find three-fourths of his comrades who returned home with him who are still alive. Therefore I place the number of survivors at one million. If a service-pension law shall pass, and we pension all who shall be entitled to its benefits at fifty years of age, then the average length of time they will receive pensions will not be to exceed eight years.

On the 1st of March, 1890, there were, in round numbers, on the pension-rolls 377,000 invalid pensioners. This would leave not to exceed 633,000 veterans to pension for an average of eight years; and then what? We find that the total cost under the most liberal construction that can be placed upon the service and per diem bill can not exceed \$648,000,000.

I do not think that the increased cost for the next fiscal year, if a service-pension law shall pass, including the cost to pension all the widows of our comrades, will exceed \$41,000,000. I wish to call attention to the fact that the appropriation bill now under consideration includes first payments upon claims that the Government has neglected to allow to the amount of about \$25,000,000, and that the total annual expense of invalid pensions and the service pensions, exclusive of first payments on invalid claims, will be about \$110,000,000 for the next fiscal year. The present Commissioner of Pensions is pushing the work in that office, and in my opinion the amount required to make first payments for the next fiscal year will be the largest in our pension history.

Suppose that the high-water mark of pensions should reach \$150,000,000 a year, and that this sum should be required for seven years, what then? I wish to remind the House and country that should this sum be required, great as its cost would be, yet at the expiration of the seven years pensions will not have cost the country as much money by

\$300,000,000 as the interest upon the war debt will have cost at that time.

I admit that a service-pension law will cost a vast sum of money. I want it to cost money. I want this generation and the country to know and feel the cost of that war. I want the world to know that nothing is too good or expensive for the brave men who in that great contest saved, at the cost of so much blood and sacrifice, this Government by the people. And, Mr. Chairman, I want a service-pension granted as an object lesson for our children; I would impress upon their minds the honor and gratitude of the Government to its citizen soldiers who in that war saved its life.

What reasonable excuse can therefore be urged against such a measure, in the light of the pledges made these veterans and of the absolute justice of their demands, upon the mere question of its cost. Will this House decide that the claims of men who loaned the Government money in that crisis in its history are more sacred and entitled to greater consideration than the claims of the men whose heroic services upon land and sea saved the life of that Government and made it possible for this House to meet and legislate for the welfare, the honor, and glory of the Republic? I honor my Government for keeping all of its pledges to the men who risked their money in that contest, and so does every veteran; but I do not stop there; I go further, and demand that it shall redeem every pledge and keep every promise to every man who risked his life in that great war; every promise, Mr. Chairman, to every veteran and to his widow and to his children; and to fail to keep these solemn promises would be, in my opinion, an inexcusable crime.

I have heard it said you must not ask for a service-pension law, because it will not pass this House; that such a law can not pass this House. I ask why? Is it not a just bill? The Treasury can meet the expense without increasing the taxes one cent. An army corps of these veterans are dying every year, and if aid is ever to come to them it must come to them now.

The men who quailed not in the supreme hour of the nation's peril are now demanding it. They have petitioned for it by scores, yes, by hundreds of thousands. The great mass of what the martyr President, Mr. Lincoln, called the common people favor it. Their claim is a just one. The nation is amply able to pay them, besides every principle of justice, honor, and gratitude demands their payment. Then, I repeat, why not enact the bill into law, and thus redeem the pledges we made these heroes as we have already redeemed the pledges made those who then loaned the Government money?

Can it be true, Mr. Chairman, that we, the representatives of the people, are wanting in patriotism ourselves? Are we afraid that some men or papers will condemn us if we shall keep the promises made by those charged with the administration of the Government from 1861 to 1865? I trust not, sir. I hope that we shall possess the courage to do right. Speaking for myself I shall do all I can to bring this plain and patriotic question before the House. I want an opportunity to record my vote in favor of it, and if that privilege is given me I would leave as a heritage to my children the knowledge of the fact that as a Representative of the people I voted in favor of a bill which granted a service pension for life to every honorably discharged Union soldier, sailor, and marine who served sixty days in the war of the rebellion of 1861-1865, thus discharging my full duty as a representative in compelling the Government to do justice to and fulfill its promises made to the heroes who saved it from destruction.

Speaking in behalf of and for these veterans to the gentlemen charged with the leadership of this side of the Chamber and of this Congress, I desire to impress upon their minds the fact that what these veterans ask and demand is the enactment of a measure which shall afford to them ample and just relief in compliance with the promises made them. They do not want any more promises. Promises are cheap and easily broken. They will not longer be content with mere promises, they and their friends, and be it said to the great credit of the masses of the people of the North and West, they are united and in favor of service pensions, and, Mr. Chairman, they have sent us here to execute their will. Every other interest has had its day in Congress.

The veterans whose valor made it possible for Congress to exist now ask and demand their day in Congress, and, Mr. Chairman, they will have it.

I respectfully suggest to those charged with the leadership of this House that a pension bill which will require a veteran to file in the Pension Office evidence of the fact of his poverty, of his absolute need of the necessities of life, before he can receive a pension, will not meet the expectations of the veterans, nor will it satisfy their demands. Shame upon any man or party claiming to be patriotic that would ask a man who was brave enough to risk his own life for the preservation of the life of this Republic to so humble himself and family as to compel him to make oath to the fact that he was a pauper before he can receive from the Government the aid that was solemnly promised him when he went to war.

I have read of a State noted for the bravery of its men where prior to the war the children who availed themselves of the benefits of the public schools could only do so after their parents had made oath to the facts, first, that they were not freeholders and, second, that they

were not financially able to maintain their children in select schools. It is said that thoughtless children, and even grown persons, would chide those children with the fact of the poverty of their parents, and in many instances the pride of the parents and the pride of the children would not permit them to bear these insults, and rather than bear them the children grew to manhood and womanhood in ignorance, because their parents were poor. There were, however, some parents and children who were brave enough not to be deterred by their jeers and sneers, and so the few heroic souls had broken to them the bread of knowledge, even though their parents had to make oath to their poverty.

Will this House of Representatives, servants of the people, ay, the servants of the veterans themselves, go back to the barbarous past and enact here in this tribunal of the people a law which will compel a man who was proud enough and brave enough to risk his life in defense of this nation to so humble and debase himself as to make oath that he is a pauper, as a condition precedent to his right to receive the pension which was gratuitously promised him ere he made the tender of his services to his country? God forbid that such a law shall ever disgrace our national statute-books. I will not vote for such a law, because it would be an insult to every comrade of mine who is to-day, by reason of exposures in camp, on the march, and on the field of battle, made sole heir to poverty and want.

Old comrades of mine, One who is mighty to save hath said, "The poor ye always have with you," but, as your Representative, you will excuse me, please, if I decline to vote for a measure which will compel you to make oath to your poverty ere you can receive the relief which was so solemnly pledged you in the long-ago. Some tenderfoot on the subject of pensions and of doing justice to the Union veteran says: "Hold on, you advocates of a service pension; you must wait longer; you are entirely too previous. To enact such a law now would cost too much money, because so many of you veterans are still living." Why wait any longer, Mr. Chairman? More than half of the men who stood in line of battle under that flag have laid aside the burdens of life and are sleeping the sleep of death, and annually whole divisions of their surviving comrades are joining the host beyond the river.

Recently I read the report of a speech upon this subject, made by one of the bravest soldiers of that war, a man who bears with him at all times the evidence of having been in the thickest of the fray and where death held high carnival, a speech which, though brief, was long enough to chill my blood to the heart. In speaking upon service pensions for the common soldiers the paper made him utter these hateful words, "Wait until 1915, and then the Government can grant life pensions." This man would make my comrades wait fifty years from the close of the war, twenty-five years from now, before they shall have the right to ask for that recognition to which they are entitled by precedent and by the most solemn promises of those charged with the high duty of preserving the nation's life from 1861 to 1865.

The man who uttered those words is a Regular Army officer, at this time a major-general, who receives, and is paid, \$7,500 a year as a salary, and, when age shall have dimmed his eye and broken his energies, the Government that educated him has provided that he can retire and live at his ease and continue to draw \$5,625 a year so long as he lives; and yet this man, who rode to the fame and position he now enjoys over the dead and dying men of the line, the musket-carriers, whose patriotism, bravery, and devotion to duty, even at the cost of their own lives, made him what he is, insults the patriotism of the nation by demanding that the men who did all of the fighting and most of the dying shall wait in poverty half a century for recognition. Words so cruel, Mr. Chairman, have rarely ever been uttered. The very incarnation of heartlessness is the cry, "Wait a quarter of a century longer, Union veterans, for the recognition so long promised you."

I desire to be just and conservative in every statement made upon this question of pensions, and I am sure that no one will question the truth of my statement that now is the accepted time to enact a service-pension law if one is ever to be enacted for those who saved the life of the nation. We are now considering a measure to reduce the revenues of the Government, to revise the tariff and internal-revenue schedules, and if we shall reduce the revenues before we enact the service-pension bill, then, in that event, there will be no money with which to pay these pensions, and if we who are now charged with the duty of providing just and proper relief for these heroes shall fail to pension them when the revenues from existing laws will furnish an ample sum of money without the levy of an additional cent of taxes upon the country, how can we expect those who are to succeed us here to do it, when it will be necessary for them to levy additional taxes upon the country?

Mr. Chairman, we ought to meet this issue here and now and settle it. Every consideration demands that it be done. It seems to me that our line of action is plain. This Government, in its hour of peril, through its legally constituted officers, pledged its honor to keep every promise to these veterans. That pledge has not been redeemed. They were promised so many dollars per month as pay. The currency they were paid in was not worth the number of dollars it purported to represent. They have never been paid the difference, although every promise to pay dollars to the men who invested their money in that contest has been paid in dollars worth one hundred cents in gold to the dollar.



Every one of those obligations has been so paid. Then it was said the Government could not fulfill its promises because the revenues were not sufficient to meet the demands. Now they are, and we have the money to pay them.

We of the North, Republicans and Democrats, have pledged ourselves in our county, State, and national platforms to be in favor of doing justice to our Union veterans. A quarter of a century has elapsed since the war closed and these promises have not been fulfilled, and now we are face to face with a golden opportunity to redeem them. Will we do it? I shall have but one policy upon this question, one and only one line of action: standing here in my place as a representative of the people I shall favor the enactment into law of a service-pension bill as an act of justice, a recognition of the patriotism of the men who so loved this Union that they risked life in its defense.

To me this is my first, my highest duty, because it will be the fulfillment of the most solemn promises ever made by a Government to its citizen heroes, and because gratitude, honor, and every other consideration demand it. I shall at the same time oppose every material reduction of the revenues of the Government except upon sugar and every material revision of the tariff schedule until my comrades shall have received the pensions which have been promised them, for the reason that experience teaches me that if we shall reduce the revenues of the Government we shall put the Government in a position where it can not keep these promises, and I repeat, in my opinion, to do that would be an act of basest ingratitude.

I would remind my colleagues upon this side of the Chamber that it has been the boast of the Republican party that it always has been, and now is, *par excellence* the friend of the Union soldier. To-day the Republican party is in possession of every branch of the National Government, the legislative, the executive, the judicial. A great responsibility rests upon it. The Republicans can not escape it. I would not escape it if I could. I am in favor of keeping every pledge, of fulfilling every promise my Government has made.

Mr. KERR, of Iowa. Can the gentleman point to any pledges of the Government to the soldiers that have not been kept?

Mr. CHEADLE. I am trying to point out the pledges which the Government made; and the facts will show what part of those pledges and promises have been kept.

Mr. KERR, of Iowa. Will you point out any specific case in which the Government has failed to redeem its pledge to the soldiers?

Mr. SPRINGER. I wish to ask the gentleman from Indiana [Mr. CHEADLE] one question on this point. I understood him to say that the Government could pass a service-pension bill without increasing taxation. Now I understand that according to the estimates a service-pension bill would involve an expenditure of \$144,000,000 a year. How can we pass such legislation without increasing taxation, instead of taking the tax off sugar or making any other reduction which is proposed?

Mr. CHEADLE. Mr. Chairman, I stated as clearly as I could my estimate of the additional expense which would be incurred should a service-pension law be enacted. I want to say, and I say it in all charity, that any man, I care not where or who he may be, who says that the enactment of a bill giving a service pension for life to every Union veteran who has attained to the age of fifty, would amount to \$150,000,000 a year, is not well posted as to the number of Union veterans now surviving.

Mr. MORSE. In answer to the question where and in what place the Government made pledges and promises to these men who periled their lives in its defense, may I read a quotation from Abraham Lincoln?

Let us strive to finish the work we are in; to bind up the nation's wounds, to care for him who shall have borne the battle, and for his widow and orphan; to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

In my own State such representative men as John A. Andrew, "war governor," Judge Russell, and Henry Wilson repeatedly stated in war meetings to promote enlistments that the wounded survivors of the war and the widows, orphans, and dependent relatives of those that fell in battle should be cared for by a grateful people. The gentleman from Indiana [Mr. CHEADLE] is asking this great, rich, powerful nation, of boundless resources and with an overflowing Treasury, to redeem that promise here and now. Shall we falter? Shall we refuse?

Mr. CHEADLE. Mr. Chairman, national honor is a priceless jewel. We are charged with the high duty of preserving it, and I want it kept sacredly with every one of its citizens. The fact that it will cost money to maintain national honor has no weight with me. Honor is above all cost. I would maintain the national honor regardless of expense. When I contemplate the magnitude of the victories won in behalf of liberty protected by law by our Union veterans, the manifold blessings they have conferred upon us and those who shall come after us, and then pause and reflect upon the sacrifices they made, the dangers they braved, the privations and suffering they endured, I stand uncovered and amazed that any patriotic citizen of the Republic, that any member of this House, should even think of the cost of doing justice to and keeping the solemn pledges made them by the nation we now represent.

The history of pension legislation began with its first administration, and the soldiers and sailors of every war, from the Revolution of 1776 to the rebellion of 1861-1865, have been the recipients of service-pension recognition. Washington, the patriot soldier and statesman, both before and after he became President, was an earnest and persistent advocate of pensions. It will be well to pause a moment in the midst of the rush and whirl of this money age and revert to the early and patriotic era of our national history and commune for a time with the patriot Washington. Replying to a committee of the Army who visited him in 1778 and made known the sufferings and demands of our soldiers, he replied as follows:

It is not indeed consistent with reason or justice to expect that one set of men should make a sacrifice of property, domestic ease, and happiness, encounter the rigors of the field, the perils and vicissitudes of war, to obtain those blessings which every citizen will enjoy in common with them, without some adequate compensation. It must also be a comfortless reflection to any man that after he may have contributed to securing the rights of his country, at the risk of life and the ruin of his fortune, there would be no provision made to prevent himself and family from sinking into indigence and wretchedness.—*Journal of Congress*, volume 4, page 211.

In March, 1783, in a communication to the President of the Continental Congress, asking for just recognition for the officers and soldiers who had fought under him in the war of the Revolution, he wrote as follows:

If the whole Army have not merited whatever a grateful people can bestow, then I have been beguiled by prejudice and built opinion on the basis of error. If this country should not in the event perform everything which has been requested in the late memorial to Congress, then will my belief become vain and the hope that has been excited void of foundation. And if, as has been suggested for the purpose of influencing their passions, "the officers of the Army are to be the only sufferers in the Revolution;" if, retiring from the field, they are to grow old in poverty, wretchedness, and contempt; if they are to wade through the vile mire of despondency and owe the miserable remnants of their life to charity, which has hitherto been spent in honor, then shall I have learned what ingratitude is; then shall I have realized a tale which will embitter every moment of my future life. But I am under no such apprehensions. A country rescued by their arms from impending ruin will never leave unpaid the debt of gratitude.—*Spark's Writings of Washington*, volume 3, page 397; 4 *Journal of Congress*, pages 210, 211.

With what marvelous force the closing sentence, "A country rescued by their arms from impending ruin will never leave unpaid the debt of gratitude," appeals to the members of the Fifty-first Congress to-day as we stand face to face with the opportunity of paying the debt of gratitude this nation now owes to the Union soldiers, sailors, and marines, who, in the greatest and most stubbornly contested war of any age, not only preserved the life of the Government, but gave it permanent stability among the nations of earth. In 1783 the Republic was an experiment. The Federal Treasury was then almost bankrupt, and yet neither poverty, high rate of taxation, nor any other condition was a sufficient answer to the just demands urged by Washington for the heroes who had under him by force of arms established the Republic.

What wonderful changes have taken place among the nations of earth since then. Empires have perished; thrones and dynasties have crumbled into dust; kingdoms that were ruled by iron hands have disappeared from the maps of the world forever, while this Republic, whose foundations Washington and his compatriots laid, wherein the sovereign right to rule was reserved to the people, has increased its population and wealth, extended its territorial limits, developed its resources, and forced its way to the front, until it is to-day the accepted leading nation of the earth. The patriotic and golden words Washington wrote more than one hundred years ago to the Continental Congress are as true and applicable to us to-day as they were to that Congress when he wrote them, and I repeat them again. Washington, the patriot and statesman, in an address to the Continental Congress in 1783, in presenting the claims of his soldiers for pension recognition said: "A country rescued by their arms from impending ruin will never leave unpaid the debt of gratitude."

Mr. Chairman, can we not well afford at this time to heed his patriotic advice? Every consideration demands that it be done. Then our Government was weak in its resources and its Treasury was well-nigh bankrupt; now it has grown to be a giant in its proportions and its Treasury receipts are amply sufficient to meet any and all demands that may be made upon it. The great mass of the common people want the law enacted. The veterans unanimously demand it. National honor requires it. National gratitude calls for it; and if we, Mr. Chairman, who are sent here to formulate into law the will of those we represent, shall do our duty faithfully and well, we will promptly enact a service-pension bill into law, and thus prove our gratitude and that of the Republic by doing an act of justice, though long deferred, to the brave men to whose heroic efforts upon land and sea we are this day indebted for all the blessings of American citizenship.

Mr. BRECKINRIDGE, of Kentucky. I yield ten minutes of the time allotted to our side of the House to my colleague on the committee, the gentleman from Georgia [Mr. CLEMENTS].

Mr. CLEMENTS. Mr. Speaker, I have listened with deep interest to the arguments on this bill begun by the gentleman from California [Mr. MORROW] in charge of the measure, and continued subsequently by the gentleman from Kansas [Mr. PETERS], the gentleman from Michigan [Mr. CUTCHEON], and to-day by the gentleman from Indiana [Mr. CHEADLE]. After listening to their arguments on this bill, I am

inclined to ask for information why it was that Mr. Tanner was invited to resign the office of Commissioner of Pensions.

The gentleman from Kansas [Mr. PETERS] has justified on this floor the action of Mr. Tanner in putting on the pension-roll those who had not been honorably discharged, upon the idea that they had rendered good service before they left the service without permission, or, in other words, deserted. He has also justified the increase of the two-dollar pensions to higher rates, which was done in the brief period of a few months, according to his statement, in cases to the number of over five thousand, as I understand it. He has put in an argument to justify that, supplemented by a suggestion from the gentleman from Massachusetts [Mr. MORSE].

I read from his remarks appearing in the speech of the gentleman from Kansas [Mr. PETERS] made last Tuesday, as follows:

Mr. MORSE. If the gentleman will permit me, I will remark at this point in justification of Commissioner Tanner. It has been stated here that he ordered all the pensions that were at the rate of \$2 a month to be increased to \$4 a month. If I understood Commissioner Tanner's position correctly it was that a man who was receiving \$2 per month ought either to be taken off the pension-roll altogether, because he was not entitled to any sort of a pension, or else that his pension should be increased.

The gentleman from Kansas also said:

During the year ending June 30, 1887, there were 32,107 pensions increased. During the year 1888 there were 45,716 pensions increased. During the year 1889 there were 71,198 pensions increased. The very fact to which I have called attention will, to some extent, account for the number of increases during the year 1889 over prior years.

He also says, in relation to desertion:

I want to call attention also to the decision which it is claimed was made by the Assistant Secretary of the Interior in regard to soldiers dishonorably discharged. It is a ruling of the Pension Department (and it is right) that a pension is not based upon an honorable discharge, but is based on the service the man has given to his country and upon his disability. I may have fought valiantly for two years and may have lost an arm or a leg during that time in the service, and then for some reason may have left my command and gone home. Yet the mere fact that I fought for two years and lost an arm or a leg entitles me to a pension, though I may have been dishonorably discharged for leaving my command.

As a gentleman suggests to me, the punishment for desertion is one thing and the granting of a pension for a disability received in the line of duty is another; and there should be in law and equity no connection between the two.

The late Commissioner has also been justified by the gentleman in the increase and rerating of pensions of employes of that office. Let me read the language of the gentleman from Kansas [Mr. PETERS] referring to this increase of pensions:

Of course gentlemen can pick out individual and exceptional cases and comment upon them; but I am speaking of the aggregate; and I say that so far as the aggregate of increase is concerned the result is such as to reflect credit upon the Pension Department, rather than discredit.

Now, that is the line of vindication or justification set up here by gentlemen on the other side for rerating and increasing pensions and the new rulings in the Pension Office under the late Commissioner Tanner. I again ask those gentlemen—and I will pause for an answer—why it was that this Administration invited him summarily to resign that office. I am not justifying him; but if, as you seem to insist, he did right, why did he have to resign?

Mr. MORROW. Does the gentleman desire that we shall occupy his time in making the answer?

Mr. CLEMENTS. I only have thirty minutes, and I do not desire that you shall take very much of that time.

Mr. MORROW. I appreciated that fact, and that was the reason I did not respond earlier to the gentleman's invitation. But I do say there is a reply to the gentleman that can be easily and quickly afforded. But we have exhausted our time on this side, and, of course, I have no right to trespass on the gentleman's time.

Mr. CLEMENTS. If you want two or three minutes to give the answer on that point I will yield and be glad to hear it.

Mr. MORROW. I do not think it would be just to our position in this matter to attempt a reply in two or three minutes.

Mr. CLEMENTS. Very well; the gentleman has more time on that side.

Mr. MORROW. No; we have exhausted the time on this side.

Mr. CLEMENTS. You have control of the time and can no doubt procure further time, and we will agree to that; but I do not wish to yield now for any considerable length of time.

Mr. MORROW. It would be necessary of course to enter into some details in regard to that matter.

Mr. CLEMENTS. We will consent that this debate be extended long enough to give time for that explanation. I would be glad to hear the answer.

Mr. MORROW. You prefer, I presume, to proceed now.

Mr. CLEMENTS. Now, Mr. Chairman, I want to talk a little about the figures that have been presented and commented on in regard to this bill, and I will ask the Clerk to read in this connection again what was read by the gentleman from California [Mr. MORROW] two or three days ago when this debate was begun, being a portion of the report of the Secretary of the Interior.

The Clerk read as follows:

The estimates for pensions made for the fiscal year beginning July 1, 1889, were not only inadequate, but must have been known to be so when recommended to Congress. The estimate for the previous year was \$80,000,000. But before this estimate for the present year was completed it was apparent that a

deficiency would be incurred, as it was incurred, for the previous year, to the amount of at least \$8,000,000, and that this added to the original eighty millions would not be enough to meet the obligations accruing before the end of even that fiscal year.

It was known also that the pension-list was increasing, and if the payments of 1888-'89 could not be met with \$80,000,000, but a deficiency bill had to be passed for \$8,000,000 more, it must have been anticipated that the former Commissioner's successor would be run into a deficiency. Yet the estimate for pensions was confined to \$80,000,000 for 1889-'90. The result, if the cause were not so easily detected, might produce an unfair comparison between the previous administration and the present as to the amount to be expended in this branch of the service. I do not hesitate, however, to assume the responsibility, as I have done in the estimates for the next fiscal year, of recommending an increase in the appropriation for pensions, so that a liberal and legal payment may be made to all the deserving pensioners of the Republic. This sum will reach \$97,210,252.

Mr. CLEMENTS. Mr. Chairman, it will be seen by the extract just read from the Report of the Secretary of the Interior that he not only assumes, as he says, with some degree of consciousness, the responsibility of making the increased estimates for the coming fiscal year for this purpose, but at the same time criticises rather harshly the estimates made by his predecessor in that office under the last Administration for the present fiscal year, saying that it was inadequate and must have been known to be so at the time it was submitted to Congress, thereby implying that the Department at that time did not act in good faith either towards the country or towards Congress in making the estimates as to what was necessary for this year.

It is unnecessary for me to go at any length into the details of this question, in justification of the action of the Commissioner of Pensions under the last Administration on this point, but I want to put before the committee in connection with this statement a fact which was brought out before the subcommittee on appropriations in the consideration of the urgent deficiency bill, in which was embodied an item of twenty-one and a half millions of dollars for the balance of this fiscal year to make up the deficiency which has occurred.

The fact was there developed that the estimate for the next fiscal year, ninety-eight and a half millions of dollars, carried by this bill, was first made by his predecessor, the late Commissioner of Pensions, Mr. Tanner, or under his supervision, and sent up to his superiors for one hundred and fourteen millions instead of ninety-eight and a half millions, as it is now, and that the estimate so made was sent back to the present Commissioner of Pensions to be recast and re-estimated, and in that way it was brought down from one hundred and fourteen millions, as originally made up in that office under this Administration and submitted to the Secretary of the Interior and to the approval of this Administration to send to Congress, to ninety-eight and a half millions of dollars. And I want to say right here—

Mr. MORROW. If the gentleman will permit me, I wish to recall to his attention the fact that the Commissioner of Pensions who made the statement that was presented before the committee and referred to in my remarks, informed us that the present estimate was based upon calculations made in the office, and that these calculations disclosed the fact that the amount would be about \$98,000,000.

Mr. CLEMENTS. That I understand to be the general statement of the present Commissioner, that it is an estimate made in the office. But that does not dispose of the fact that another estimate was made in the office also, which carried a much larger sum, and which made it necessary in the opinion of the then Commissioner to appropriate, not ninety-eight and a half millions, but one hundred and fourteen millions.

Mr. MORROW. But which estimate was not supported by any calculation or method of making the estimate which was deemed sufficiently accurate by the Commissioner.

Mr. CLEMENTS. Well, I can only say in reply that it was made up in the same Pension Office, under the same Administration, by the same experts and accountants, and there is nothing to show that it was not deemed accurate by the Commissioner who made it.

Mr. MORROW. I do not so recollect it.

Mr. CUTCHEON. Will the gentleman permit me to ask—

Mr. CLEMENTS. And, Mr. Chairman, if the estimates of the experts are not reliable in one case, how are we to depend upon them in another?

Mr. CUTCHEON. The question I desired to ask the gentleman has been partly met in his response to the gentleman from California, as to whether the details for this estimate of 114,000,000 were submitted to the committee; that is, the number of claims to be allowed on which the estimate was based. I suppose that Commissioner Tanner estimated for the allowance of a larger number of claims, and therefore a larger amount was necessary for the first payments.

Mr. CLEMENTS. In reply, I will say that the Commissioner of Pensions did not state to us that the former estimate of one hundred and fourteen millions was made upon a detailed estimate showing the number of cases to be adjudicated. The simple statement, so far as I remember it, was to the effect that it was an estimate of the office sent up and then returned to be recast and was brought down, and that the powers that be were gratified exceedingly when it was brought within a hundred millions of dollars.

Mr. MORROW. The estimate of Commissioner Tanner, however, was not supported by any calculation, as I remember.

Mr. CLEMENTS. In response to the gentleman's remark I can only



state that it was prepared by the same experts and indorsed by the same office. I do not know what different method of calculation was adopted to arrive at such a different result. I suspect that somebody was alarmed at the figures, and I would like to ask the gentleman, in this connection, if he really believes that the ninety-eight and a half millions of dollars carried by the bill will be sufficient on his investigation for the next fiscal year?

Mr. MORROW. It will be sufficient to pay all the pensions under the laws existing at this time or at the time the appropriation is made. But, of course, if there are additions to the pension-roll by special acts of Congress or if the pensions are increased by reason of the action of Congress, there will be deficiencies to that extent.

Mr. BRECKINRIDGE, of Kentucky. And in another way there will be also deficiencies: if the force of the Pension Office is increased by the 30 medical examiners and by other means, there will be doubtless more claims considered and allowed.

Mr. MORROW. The gentleman is quite correct in that. For the adjudication of the claims will be more rapid by an increase of the force, and there will be, undoubtedly, many additions to the pension-roll.

Mr. CUTCHEON. And another increase may arise from the fact that by withdrawing the large force of clerks heretofore employed in answering Congressional inquiries and answering them by circulars this force may also be utilized.

Mr. CLEMENTS. I was just going to say, in answer to that suggestion, that without any new laws upon this subject of increasing pensions or of the number of pensioners on the rolls, the Commissioner of Pensions has recently issued a circular in which he says that the time that will be saved by taking the time of the employees of that office from answering Congressional inquiries and others as to the status of claims will be utilized in working up claims for final adjudication; and that there will therefore be a large increase in the cases adjudicated this year under that new system.

Mr. MORROW. And which will require additional appropriations.

Mr. CLEMENTS. It will be so year after year, and will require a greater appropriation.

Mr. MORROW. I agree with the gentleman as to that.

Mr. CLEMENTS. I make this prediction: that without new laws passed by this Congress increasing pensions or the rate of pensions this appropriation of ninety-eight and a half millions will be inadequate to fulfill existing laws; and you will have a large deficiency, which will come up, for the next fiscal year, to the one hundred and fourteen millions estimated by Commissioner Tanner.

Mr. PETERS. The gentleman will remember, if he will allow me, that since this bill was formulated and presented to the House we have passed a bill which will increase the appropriation \$450,000.

Mr. CLEMENTS. That is true; and in addition to that, further legislation has passed giving an increase of thirty medical examiners to hasten the cases forward. And so, under existing laws, under the present mode in the Pension Office, the bill you now offer will appropriate an inadequate amount; and we will have a deficiency which will be as great as the one we have now.

Mr. PETERS. But I do not understand that the gentleman from Georgia is criticising the deficiency that would arise by reason of the expenditures.

Mr. CLEMENTS. What I am talking about is the strictures of the present Secretary of the Interior, in which he seems to question the good faith of the last one in making his estimate, in which he says that, in his opinion, the former Secretary must have known it to be inadequate, while he seems to be doing the same thing, and that, too, in the face of the fact that the estimates made to him were \$114,000,000, which, in my judgment, will be necessary to carry out existing law, but which he seems to have arbitrarily cut down so as to bring it down to about ninety-eight and a half millions.

Mr. MORROW. The point of the Secretary's criticism is that it does not appear that under the former administration, by reason of the acts of President Cleveland on pensions, there was a large increase of the pensions during that time.

Mr. CLEMENTS. But the figures show that there was a large increase of pensioners under the administration of General Black from year to year.

Mr. CUTCHEON. The natural increase.

Mr. FLOWER. Why not make a full charge now?

Mr. CLEMENTS. I am dealing with the bill that the present Secretary of the Interior and Commissioner of Pensions favor and they were charged to look into. And when we have evidence that it does not carry the amount actually required for the next year they submit it in this shape, and come in here with a report criticising the last administration for doing what I say they are now doing themselves. The figures and the facts will show it and time will prove it.

Mr. FLOWER. Why not do it now?

Mr. CLEMENTS. I listened with a great deal of interest to the remarks made by the gentleman from Indiana, a distinguished soldier, in behalf of soldiers and service pension and dependent soldiers.

Now, I want to say that unquestionably there is not a considerable minority of the people in any community of the United States that begrudges to the genuine, true soldiers of the Union adequate pensions

under the policy of this Government to take care of those who are needy and disabled and who served their Government. But there is great discontent at the looseness of the pension laws and their administration, whereby great injustice has been done not only to the taxpayers of the Government but also to the true soldiers themselves. By such legislation and such administration of the laws unworthy ones have been pensioned. The records show that unworthy cases are discovered and dropped from the rolls from time to time; doubtless many are never discovered.

These are the causes of complaint. When the gentleman says that the Government is not dealing fairly with the soldiers I want to call attention to the statement of a distinguished soldier, and certainly a soldiers' friend, Hon. James A. Garfield, when on the Committee on Appropriations of this House in 1876, when he said, in a congratulatory statement to the country, that the maximum of pension expenditures had, in his judgment, then been reached upon a bill which carried \$28,500,000.

Mr. MORROW. That is fourteen years ago.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRECKINRIDGE, of Kentucky. I yield five minutes more to the gentleman from Georgia [Mr. CLEMENTS].

Mr. CLEMENTS. That has been fourteen years ago. This House has been Democratic from that time to this, except for the two years of the Forty-seventh Congress, and now the pension-roll is \$100,000,000 a year in round numbers, which is more than three times the amount that General Garfield said was the maximum, and the expenditures have been going on increasing and increasing all the time.

Again, reference has been made to the policy of the Government in regard to the other wars.

This Government has never passed a general service-pension bill for the survivors of any war earlier than thirty-five years from the end of that war. It was more than thirty-five years after the end of the Revolutionary war before the men who called this Government into existence and caused its recognition by the nations of the world received a service pension. It was over thirty-five years before the survivors of the Mexican war received a service pension, and over fifty years after the war of 1812 before the survivors of that war received a service pension. Now, it has only been twenty-five years since the close of our last war—

Mr. RAINES. Will the gentleman permit a question?

Mr. CLEMENTS. I have little time, but I will listen to a brief question.

Mr. RAINES. Is not the gentleman aware of the fact that the country is better able now to pay a service pension than it was in the other cases when it did pay it?

Mr. CLEMENTS. I do not know that to be a fact. There were a great many soldiers in the late war, a much larger number than any preceding war, and there are a great many of the people of this country who do not think they are able to pay for extravagant expenditures. For instance, the farmers of Kansas have been talking aloud lately, and, according to the newspapers, the Farmers' Alliance there does not feel that they are able to pay very heavy and unnecessary taxes.

Mr. PETERS. I want to say to the gentleman that that statement of the newspapers is inaccurate. That communication does not come from the Farmers' Alliance, but it is an open letter from the editor of a paper addressed to the Congressional delegation. The Farmers' Alliance has nothing to do with it.

Mr. CLEMENTS. It purports to come from the Farmers' Alliance, but the gentleman from Kansas [Mr. PETERS] is no doubt well informed as to what he states.

But, however that may be, Mr. Chairman, this publication discusses matters that are being agitated not only in Kansas, but elsewhere also. It says:

Many of the questions that are receiving the attention of Congress are far less urgent than those upon which the safety of the home and the welfare of the family depend. The people believe that the white citizens of Kansas have some rights as well as the colored citizens in the South. They believe that fallen heroes, both white and black, in the past struggles for liberty and the perpetuity of our institutions, can afford to wait for one moment until the rights of living heroes in the present struggle for American homes receive some recognition by the men who have been chosen to represent them in Congress. Behind these demands are more than 100,000 ballots in the State of Kansas, and the time is coming and is not far distant when the legislators will heed the voice of their constituents.

Mr. KELLEY. If the gentleman can suggest what those fallen heroes are expected to wait for, I shall be glad to hear it.

Mr. CLEMENTS. I am not objecting to proper pension appropriations, and gentlemen will bear me out that I do not oppose just pensions. I say of this bill that it appropriates less, I believe, than your own Administration knows will be necessary to provide for pensions for the next year under existing law.

In my remarks just before I read this extract I was speaking in reply to the gentleman from Indiana [Mr. CHEADLE], who had arraigned the Government on a charge of illiberality to the soldiers of the late war and compared what has been done for them with what was done for the survivors of former wars, and I was interrupted by a statement that the country was now better able to make these great expenditures than it was in the cases of former wars. Now, it is all right and proper

to take care of the soldiers. Nobody questions that—nobody in any section of this country. But there are some other things we ought to take into account; some other conditions and some other people that ought to be considered occasionally.

I do not know whether or not this newspaper (the Post, of this city) is accurate in its editorial comments on this communication I have read when it says:

Representative FURSTON inclines to the opinion that more liberal pension laws would put more money in circulation, and hence have a tendency to boom prices and materially assist the farmers. This view is coincided in by Congressmen PETERS and PERKINS.

[Laughter.]

Now, Mr. Chairman, that is a new idea in favor of pension legislation, that it is to "boom" Kansas or to "boom" any other section of the country. My idea was that pensions were granted to the soldiers for their services, sacrifices, and necessities, not that they were to be given to "boom" prices in any particular locality, a thing which can not be done without depressing prices in some other locality. But the "booming" idea is a new one in connection with pensions.

Mr. PETERS. The gentleman from Georgia will understand that the word "boom" was used not by the Representatives named in the article, but by the newspaper.

Mr. CLEMENTS. But the gentleman only disowns the word "boom," and not the idea expressed in the quotation I have read. I do not desire an increase of the amount carried in this bill, nor do I believe it will be wise to enact additional legislation which will make greater appropriations necessary hereafter. It is proper, however, that there should be no concealment of the actual expenditure for the next fiscal year, for that expenditure will be made regardless of any arbitrary scaling of estimates by which this bill is brought within a hundred millions. The deficiency is sure to follow. These facts ought not to be lost sight of at this time when there are so many pending measures looking to still greater increase by new legislation.

I repeat that there are other subjects and interests that demand the patriotic attention of Congress besides this. When the indebted and distressed condition of a portion of this country is such as to cause that condition to enter into the consideration of pension legislation for the purpose of alleviating that condition by the distribution in a particular locality of the revenues of the Government, which have been taken from the hard earnings of the people of the whole country, there is something radically wrong.

It is not the agricultural interests of Kansas alone that are depressed, but the same is true in other sections. There are many widows and orphans and poor men throughout the country who pay a daily tax on the necessities of life, thereby contributing to make up the great sum annually collected and expended by the Government. They have a right to demand that these expenditures shall not be unreasonable or extravagant. They have a right to demand that they shall be taxed only for public purposes.

The agricultural and business interests of the entire country are suffering for want of an adequate circulating medium necessary to prosperity. When shall this question, as well as that of removing unnecessary burdens of taxation, engage the attention of Congress?

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I yield ten minutes to the gentleman from Indiana [Mr. BYNUM].

Mr. BYNUM. Mr. Chairman, I avail myself of this opportunity, not to say anything on the merits of this bill, because I presume if there is any objection that could be urged to its passage it would be that it is too small instead of too large. It would certainly be best to so increase the amount as that the sum appropriated would equal the sum required to pay the pensions now provided for by law for the next fiscal year.

I desire at this time to call the attention of soldiers of the country to the fact that the other side is quite derelict in carrying out the promises they made during the last campaign. During that period Republican candidates and Republican speakers, from the highest to the lowest, made the most liberal promises that if they succeeded to power they would enact the most liberal pension laws. They were not slow to denounce a Democratic House for failing to pass a general service-pension bill, and also a bill to repeal the limitation clause of the arrears act. It is now practically determined by the Republican side of the House and by the soldiers of the country that neither of these bills is to be passed by this Congress.

As late as the 11th day of last February, the gentleman from Ohio [Mr. GROSVENOR], in his speech in favor of the change of the rules, gave as a reason that under the old rules it was impossible for any one on his side of the House to secure recognition to move to pass some one of the general pension bills upon the Calendar. General Alger, commander of the Grand Army, visited this Capital recently, and then started out, it is generally believed, at the instigation of the Administration, to prepare the soldiers for disappointment. Members upon that side have been called upon to fulfill their promises, but instead of doing so they are framing excuses and dodging in every conceivable manner.

I desire to have the Clerk read a letter which has been published

throughout the State of Kansas, a letter emanating from the gentleman from Kansas [Mr. PETERS].

The Clerk read as follows:

The following is a letter from Congressman PETERS in answer to some resolutions of the Grand Army of the Republic men, adopted at Sterling, on the 15th of February, when Captain Powers, of Terre Haute, Ind., addressed them on the service-pension bill:

"HOUSE OF REPRESENTATIVES, UNITED STATES,

"Washington, February 19, 1890.

"MY DEAR SIR: I have the resolutions adopted at a mass meeting of the old veterans and citizens in Sterling. There is no trouble about the Kansas delegation. If Mr. Powers would spend his time and money in traveling East into the New England States and New York and Pennsylvania, and bring influence to bear upon the Representatives from that section of the country, he would accomplish much more good. Every member of the Kansas delegation is an old soldier.

"I hope the old soldiers of Kansas will not allow themselves to be imposed upon by any interloper from other States, who claims to be a friend of the service-pension bill and endeavors to make use of it for the purpose of bleeding our soldiers. There has been a little too much of that and it should be put a stop to. If these parties wish to work for the cause let them go and travel where the work is needed. The Indiana men had better stay at home and labor with their own Representatives. I think the soldiers of Kansas are able to take care of themselves; and I know the Kansas delegation would think a good deal more of the Indiana fellows if they would stay at home and try to secure at least half of their delegation in Congress that could be relied upon to support pension measures. The State of Indiana has thirteen members in the House of Representatives, and only three of the thirteen can be relied upon to vote for a service pension. Don't you think it is about time for the Indiana fellows to stay at home and look after their own men? It looks very much that way to me, at least.

"Yours, truly,

"S. R. PETERS.

"THOMAS L. POWERS, Secretary, etc."

The gentleman does not state the names of those that can be relied upon to support the measure, but it is evident, as the delegation stands, ten Democrats to three Republicans, that he counts as reliable those upon his own side of the House and as unreliable those upon this side of the House. I am perfectly conscious of the dilemma in which gentlemen upon the other side have placed themselves. I am aware that their professions of a great desire to pass a service-pension bill and to repeal the limitation clause in the arrears act in the last Congress were not sincere, and that their declarations to this effect during the last campaign were not to be carried out, but I did not suppose that any of them would attempt to shirk the fulfillment of their pledges by misrepresenting the attitude of other members upon this floor.

Upon what authority did the gentleman from Kansas assume to speak for the Democratic Representatives from Indiana? Certainly not from their records in this House and in the Departments, because none can be found from any State which gives greater satisfaction to their constituents. I venture to say that the amount of labor performed by the Democratic Representatives from Indiana for the soldiers is not exceeded, if equaled, by any other ten Representatives upon this floor. The records of the Pension Office will bear testimony to this fact. I have prepared a table showing the per cent. of pensioners in Indiana of the number of soldiers enlisted from that State in comparison with Ohio upon one side and Illinois upon the other.

*Per cent. of pensions to the number of soldiers in the war of the rebellion.*

States.	Soldiers.	Pensioners.	Per cent.
Illinois.....	259,147	36,595	17+
Ohio.....	319,659	50,981	15+
Indiana.....	197,147	42,553	20+

The above showing is certainly proof that there has been no lack of industry upon the part of the friends of the soldiers in Indiana; no other State similarly situated can show such a favorable record. Upon the passage of the dependent pension bill in the Forty-ninth Congress, every Democratic Representative from that State voted for the bill, and upon the vote to pass the same over the veto of the President, 6 voted for the bill and only 2 against, while 1 was absent.

Now, what is the situation to-day? The rules which gentlemen upon the other side pretended prevented them from accomplishing anything in the last Congress have been changed. No filibustering can be indulged in; even the gentleman from Illinois [Mr. CANNON] failed in the attempt, although his motives were both patriotic and economical. The Committee on Invalid Pensions have been given leave to report at any time, and yet nearly four months of the session have passed and not a single measure promised to the soldier has been brought into the House and placed upon the Calendar. Let us compare for a moment the work of this committee with the labors of other committees of the House.

The Committee on Territories has prepared a measure of great intricacy for the organization of a Territory in Oklahoma and the government of the same, and reported bills for the admission of Wyoming and Idaho as States. The Committee on the Judiciary has canvassed the constitutionality of the direct-tax bill and reported the same favorably, and about completed the difficult task of framing a national bankrupt law, besides accomplishing many minor tasks. The Committee on Public Buildings and Grounds has considered and reported about seventy public-building bills, and had passed more than a dozen of them.

The Committee on Ways and Means prepared, reported, and had con-



sidered and passed a bill for the better or worse administration of the custom laws, and since then a majority of the members of that committee, rumor says, in some dark corner in the subbasement of the Capitol have attended the birth of some kind of a revenue measure, the parentage of which has not as yet been acknowledged, but no doubt the gentleman from Michigan will inform the country in due time that it is of legitimate origin. [Laughter on the Democratic side.]

The Committee on Elections, none of whose members are overly able-bodied and healthy, have considered some ten or a dozen contests, maturely digested something like 20,000 pages of testimony, read several hundred pages of arguments, reported upon more than a half dozen cases, had considered five of them, and turned out four Democrats and seated four Republicans; and yet the Committee on Invalid Pensions has not been able to consider a single measure for a service pension or for the repeal of the limitation of the arrears act, although the measures were submitted to them in perfect form three months ago.

Why did not the gentleman from Kansas [Mr. PETERS], instead of heaping his indignation upon the members upon this side from Indiana, inform his constituent that his colleague [Mr. MORRILL], chairman of the Committee on Invalid Pensions, had failed to report any service-pension bill to the House, and until that was done every member upon the floor was powerless to do anything. The silence of members upon the other side of the House upon the subject of pension legislation, permit me to suggest, has become painful. The mild appeal from my colleague [Mr. CHADLE] is all that we have heard.

True, we have had an occasional wave of the ensanguined garment, and I have no doubt but what several gentlemen over there are now ready and eager to give it a shake, but the soldiers of Indiana held an encampment in the district I represent, a few days ago, and somewhat forcibly said that that exercise was no longer entertaining.

It is apparent that the decree has gone forth that there must be no service-pension bill, that there must be no attempt to repeal the limitation clause of the arrears act. Columns of figures cooked up for the purpose of startling the country and stampeding the soldier organizations are paraded almost daily; the commander of the Grand Army has been sent out to try to appease the wrath and allay the indignation that are sure to arise when the soldiers realize that they have been duped.

I wish to assure the gentleman from Kansas of one thing, the Democratic Representatives from Indiana are not pledged to the support of any particular measure. They are here, however, as the soldiers' friends, and the confidence reposed in them by their soldier constituencies has not been misplaced. They are here to see that deception is no longer to be practiced, and so far as lies within their power the service-pension bill and the bill repealing the limitation clause of the arrears act shall come before this House and shall be voted up or voted down, as a majority of the Representatives may decide. [Applause on Democratic side.]

There can be no excuse for any further delay by the Committee on Invalid Pensions. The power has been given to the committee to report at any time. Their bills are privileged in the House, and they must redeem their pledges or stand convicted before the soldiers and before the country of obtaining the suffrages of the veterans under false pretenses. [Great applause on the Democratic side.]

Mr. LANE. The gentleman will allow me to interrupt him for a moment. Does he know that the Democratic members of the Committee on Invalid Pensions have voted in favor of an arrearage bill to be reported to the House?

Mr. BYNUM. I do not know it. I am not advised as to what has been done in the committee-room. I only know that a majority of the committee are Republicans, and that no bill has, as yet, been brought into the House.

Mr. LANE. Mr. MARTIN, of Indiana, has called up that bill at every meeting of the committee and pressed every day that it be reported to the House.

Mr. BYNUM. I know of none of my colleagues being opposed to the measure; and while I had no positive knowledge upon the subject I was satisfied that it was not the fault of my colleague [Mr. MARTIN], who as a member has labored assiduously and industriously for the soldiers and the soldiers' widows of Indiana since he became a member, that this bill was not reported.

Mr. CUTCHEON. Will the gentleman permit me to ask him a question?

Mr. BYNUM. Certainly.

Mr. CUTCHEON. I understood my friend from Georgia [Mr. CLEMENTS] to say a moment ago that this House had been in the hands of the Democratic party since 1876, which is strictly true, but for a period of two years in the Forty-seventh Congress, when it was in the hands of the Republican party. And now I wish to know from the gentleman from Indiana whether when you had control of the House you ever reported a service-pension bill. [Applause on the Republican side.]

Mr. BYNUM. The Democratic party never pledged itself to pass a service-pension bill. Democratic Representatives never pledged to the soldiers that if they were elected the legislation demanded by them would be passed. [Laughter and applause on the Democratic side.] They never falsely pretended upon this floor that they favored the measure,

but they now and here serve notice that you of the Republican side of the House, who have made such pledges, shall bring the measures into the House or go home and confess to the soldiers that you deceived them. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman's time has expired.

Mr. CUTCHEON. I want to know when and where the Republican party pledged itself to a general service pension.

Mr. SPRINGER. Everywhere.

The CHAIRMAN. The gentleman from Kentucky is entitled to the floor.

Mr. BRECKINRIDGE, of Kentucky. I will yield for ten minutes to the gentleman from New York [Mr. SPINOLA].

Mr. SPINOLA. Mr. Chairman, it is to be regretted when a question shall arise affecting the interests of the men who served their country in preserving our Government it is to be injected with politics, but inasmuch as it has been done the men on this side of the House, who claim to be as good friends to the soldier as any one in the country, do not intend any longer to sit here and quietly submit to utterances which have come from the dominant party on the other side for a number of years, and especially during this session of Congress. [Applause on the Democratic side.] For, as the gentleman from Indiana [Mr. BYNUM] has indicated, you have to face the music, and we intend to force you to it. We intend to draw the line of battle on the service-pension bill. [Applause on the Democratic side.] You have got to march up to it, because we no longer intend you shall mask yourselves before the country as the special friends of the veterans when up to this time you have done but little to alleviate their sufferings.

Why, sir, the Democratic party has forced the pension-roll from \$28,000,000 up to about \$100,000,000.

Mr. KERR, of Iowa, rose.

Mr. SPINOLA. Be quiet, my friend, and keep your seat, for I have only ten minutes and have no time to spare.

The Democratic party, I say, Mr. Chairman, forced the pension-roll up from \$28,000,000 in round numbers to \$100,000,000. Yet our friends on the other side go home, and on the stump tell the people what great friends they have been to the men of the Union Army. It will not do any longer, comrades on that side.

Mr. BOUTELLE. Did not the Democrats furnish the opposition to pension legislation on every occasion? [Laughter on the Republican side.]

Mr. SPINOLA. The record does not sustain it. [Applause on the Democratic side.]

Mr. BOUTELLE. It does absolutely.

Mr. SPINOLA. No, sir; and we will not have it any longer; and you have got to face the music. [Laughter and applause on the Democratic side.] At the time the Republican party was appealing to the people for renewal of power, after we had elected Grover Cleveland President of the United States, they spent nearly four years in cultivating the vote of the veterans. The battle was to have been fought in Indiana. That State was to have been the battle-field.

Mr. KERR, of Iowa. And did not your President veto the bill for those veterans? [Applause on the Republican side.]

Mr. SPINOLA. What was done in that campaign? My old friend, Corporal Tanner, the long-roll was beaten for him and he marched out like a veteran. He took off his coat and took off his neck-tie and stripped himself almost to the skin in advocating the doctrines President Harrison put in his mouth; the pledges to the veterans of Indiana were made at the suggestion of President Harrison and the Republican committee in that State. What was the result? Why, after those pledges had been made, after Indiana had been carried by Corporal Tanner visiting every Grand Army post, when he came to carry out his promises, after having made innumerable pledges to veterans and other citizens, when he was called upon to do what in the name of the Republican party he had promised, and he was placed in a responsible position to do it, what was the result? Let us read what he says himself:

I want to say to you, I did not resign until the President and Secretary said to me in the same minute that the completed report of the investigating committee, which lay before them, had not one word which would impeach the honesty of my action in the slightest degree.

But, nevertheless, he had to go.

I haven't the slightest doubt that I would have been removed if I had not resigned.

Here was a gallant soldier, a man who lost both legs on the battle-field, who was rewarded by the Republican party—nay, by the President of the United States—for the gallant services he had rendered to the party in the campaign of 1888, and yet he had to resign or, as he was aware, his head would roll into the basket.

In fact, I knew it—

He says—

Noble had pronounced his ultimatum to be my head or his resignation.

His head for what? Why, because he had done that which he promised the veterans of the North he would do—promises that he had made with the advice and under the suggestion of President Harrison and the Republican party, to carry that State. That is the way you reward the veterans.

Now, sir, I care not what it may cost. Corporal Tanner in his estimate for the expense of the Pension Office for the coming year has made a calculation which is much nearer accurate than the bill now before the House. He says it will require one hundred and fourteen millions, and I believe he is correct. And I believe you will find a deficiency next year, when you come to consider your appropriation bills, greater than, or at least equal to, the difference between the bills and my amendment. Now, what should be done, and done for the veterans who saved the nation? Let us make provision for their care for all time to come. [Cries of "That's it!"] Let us make it in such a way that there can be no quibbling about it in the future. Let us pledge the internal-revenue taxes as they stand to-day to the credit of the pension fund of this country. The internal-revenue taxes of to-day are all that remain of the war taxes of the country. That tax was an absolute necessity as a war tax. The pension-roll as it exists to-day is a result of the war; it grew out of the war, and for myself I do not care if it takes the last dollar in the coffers of the United States. If it is necessary to extract the last dollar from your Treasury, I say take it and meet that obligation. And there is where the American people stand, in my judgment; the overwhelming majority of them, as well as the majority of the men on this side of the House, will be found occupying the same position.

Now, a service-pension bill is for all purposes the correct thing, for the reasons assigned by the gentleman from Indiana [Mr. CHADLE] this morning. Do not place any man who has forfeited his health, or who lost a limb, or who suffered in many other ways in defense of this Union, under the necessity of taking the oath that he is a pauper, which is repulsive to every veteran as well as their friends.

Now, sir, there were 33,000 men on the pension-roll when Corporal Tanner took the office, that had been accumulating there for 24 years—33,000 who were receiving a less rate of pension than \$4 per month. Corporal Tanner says less than \$4 a month pension for a man who served the country on the field of battle, amid privations and dangers and the other things incident to the life of a soldier, is not adequate, and hence issued an order to put them on the roll at \$4 a month. What did the Republican Administration do with it? How did they serve the veterans? Why they said that order must be revoked, and revoked it was. They did not commence by recalling the sums paid to the rerated men of the Pension Office; not one of them was changed or reduced. They carried off their swag, one of them to the extent of \$8,000, I believe. To be sure, they removed a few, but they did not revoke the order rerating them. But when the order came rerating the poor soldiers from \$1 to \$4 a month, the Republican Administration was alive to the occasion, and then and at once struck the blow and placed them upon the pittance that had been previously accorded to them.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Kentucky. I now yield ten minutes to the gentleman from Tennessee [Mr. ENLOE].

Mr. ENLOE. Mr. Chairman, following in the same line of thought with the gentleman from Indiana and the gentleman from New York, who has just taken his seat, I desire to call the attention of the committee to the fact that the commander-in-chief of the Grand Army of the Republic has been reported in the papers of the day as going through the country and making speeches at the Grand Army camp-fires in all directions to the soldiers, in which he states that they must abandon all hope of getting a service pension through this Congress, because of the hostility of Eastern and Southern Representatives to the bill or because the Representatives from those sections are opposed to the measure.

Now, I want to call further attention to the fact that the Republican party has a Committee on Pensions which could report the arrears bill at any time, a committee which could report a service-pension bill at any time, a committee which could report the prison-pension bill any day they saw proper, but, notwithstanding this, they have not yet reported any one of these bills; but its Committee on Elections finds plenty of time to consider the voluminous records in contested-election cases and bring them before the House. And there is no lack on the part of the Republican party of power or time to consider these election cases and to elect a Republican who was defeated at the polls every day that they set for that purpose and to unseat a Democrat who was elected by the people to represent them on this floor.

Mr. KERR, of Iowa. Will you allow a question?

Mr. ENLOE. No, sir; I don't want any of your questions now, as my time is limited and I have other business in hand.

Mr. KERR, of Iowa. I only want to know if you would vote for either of these bills if reported.

Mr. ENLOE. I don't propose to discuss the bill now before the committee as I would like to do if time permitted. I suppose it will pass the House without objection. But I do propose to emphasize the point that an investigation of the Pension Office is needed. I have been working on this line for some time, and I have already called the attention of the House to a state of facts in connection with the administration of the Pension Office which calls for investigation at the hands of Congress.

Now, Mr. Chairman, since I made my speech the other day in refer-

ence to the resolution of inquiry I introduced early in the session, I have received additional evidence that it is necessary that an investigation should be made. I received a letter this morning which I will have read from the Clerk's desk, marked "personal." It is from a man who is credited with having written the many objectionable decisions promulgated by Mr. Bussey.

The Clerk will read.

The Clerk read as follows:

WASHINGTON, D. C., March 20, 1890.

DEAR SIR: In your speech in the House the 11th instant, on the Tanner investigation and pensions, you referred to the ruling of Assistant Secretary Bussey in relation of a "dishonorable discharge" to a claim for pension, and your remarks demonstrated your total lack of information on the subject. The Assistant Secretary's ruling is in strict harmony with the precedents set by every Secretary of the Interior since and including Alexander H. H. Stuart—including each of the Democratic Secretaries since that time—and never disputed until General Black issued an order, written by a well known ignoramus in the Pension Office, upsetting an unbroken line of legal precedents. I inclose a copy of Bussey's ruling, which has been pronounced by several of the ablest lawyers in the land an unanswerable statement of the law. General Black set all of Tanner's bad rulings, and his administration, if investigated will make his record exceedingly disreputable.

Secretary Noble displayed the highest courage in bringing the irregularities of Black and Tanner to grief with promptitude and effectually.

Yours truly,

GEORGE BABER.

Hon. B. N. ENLOE,  
House of Representatives.

Mr. ENLOE. I maintain, Mr. Chairman, that the author of this letter who volunteers to address me is not entitled to any protection on account of his effort to screen himself from criticism while he indulges in offensive criticism of my utterances on the floor of this House. It relates to a public and not to a personal matter, and if he was smarting under the criticism which fell from his superior and rested on him he should have either submitted in silence or he should have come out like an honorable man and made his offensive criticism in a public manner. He says my remarks demonstrated my "total lack of information on the subject" of Mr. Bussey's decision in relation of a dishonorable discharge to a claim for pension.

Now, if he had read my remarks before he assumed to criticize them he would have seen that I did not question the decision as a naked proposition of law, and so stated, but that I criticized his action in reversing a ruling which was intended to make the pension-roll a roll of honor, and not a record of dishonor. If he had been honest in his criticism he would have chosen some other ground, and if he had been as anxious to keep in harmony with the truth as he is to keep in harmony with this Administration he would have read my speech before he volunteered to criticize it.

I understand that he is or was a Democrat [laughter on the Republican side]—so represented or believed to be when he was serving under Commissioner Black, whose record he now assails. He says:

General Black set all Tanner's bad rulings and his administration, if investigated, will make his record exceedingly disreputable.

His statement, if it can be believed, only confirms what I have said as to the necessity for this investigation.

If an investigation would make General Black's administration appear disreputable, so be it; but if it is ordered, as I contend the facts demand, I hope the scope of it will be broad enough to show what part this bird, which befools its own nest, contributed to make that record disreputable. [Applause on the Democratic side.]

There are evidences all along the line that this investigation ought to be made. Some of the rulings in widows' cases deserve public attention. The widow of a New York colonel who was in the Pension Office drawing a salary of \$1,200 a year applied for an increase under Commissioner Tanner. The facts were that the widow was drawing a small pension and had been since her husband's death, which occurred several years ago—disability, a headache resulting from his army service. One morning he was found floating in the Hudson River, his skull broken, and his pockets rifled, and upon that showing of facts his death or murder was attributed to his headache, and she was rerated and given \$30 a month for life and \$4,000 arrearages. I suppose she is still drawing the salary of \$1,200 a year in the Pension Office.

Then there is the cart-wheel case, where a man was pensioned for a slight trouble of the heart, at \$4 a month. He was found one day in his field with a cart-wheel standing upon his neck, and they called up his case, or rather his widow's case, and decided that the cart-wheel did not kill him, but that what he died of was heart disease, and so his widow was put on the roll.

Now, Mr. Chairman, I want to call attention to some decisions of a medical character down there. In one case it was decided that pneumonia was a pathological sequence of amputation of the arm. In another that a gunshot wound received in the big toe resulted in cerebral congestion fifteen years afterward; and so it was decided that was a pensionable case.

Mr. Chairman, I could go on and cite a number of these cases, but I have not time. I want to call attention to the statement made here by the gentleman from Kansas [Mr. PETERS] the other day about the railroad cases. He said that Commissioner Black set the precedent. I suppose that a full investigation would show that he was mistaken about that; but be that as it may, I asked him then, and ask him now,



if under any former administration there was ever a case where any clerk of the Pension Office was allowed to pass on the medical and legal questions and to make up cases and pass them under the forty-eight-hour rule, as Thomas D. Yeager, of Pennsylvania, did in 110 cases?

Thomas D. Yeager was a \$2,000 clerk in the Pension Office, and I am reliably informed that he took two hundred cases from the files, cases of George E. Lemon and Blocks-of-five Dudley, wrote the legal and medical opinions himself, though he was neither lawyer nor doctor, railroaded one hundred and ten of them through under the forty-eight-hour schedule, and would have passed the other ninety if he had not been detected by Dr. McMillan, who was appointed by Secretary of the Interior to check the robbery. Dr. McMillan wanted to meet the extraordinary doctor who prepared the medical opinions, and he found him in Yeager, the clerk, who to-day wears the belt as the champion railroad of pension cases under all administrations.

I would like to know where Thomas D. Yeager is to-day and whether he is still drawing his pay in the Pension Office.

There is not a farmer in this country who if he found the dogs set to guard the flocks killing his sheep, would have the breed on his place. He would kill the dogs and get a new breed.

No firm or individual or corporation would keep clerks or employes who had been caught increasing their salaries without the consent of their employer.

I maintain, sir, that the Government should apply the same principle, and not retain in its employ persons who took advantage of their positions in the Pension Office to renege and grant arrearsages to themselves.

When it is known that chiefs of division, clerks, members of the legal and medical boards, and all those who are appointed to protect the Treasury against unworthy and dishonest claimants have been engaged in renegeing themselves and each other, is it not time to order an investigation?

Let it be made. The honest soldiers of the country demand it. Let it be made. The tax-payers of the country demand it. Let it be made. Honesty, justice, and the facts demand it. Let it embrace the administration of the present Commissioner; and, if bad precedents and bad practices prevail, let it be known, so that they may be corrected, and not longer permit private jobbery and corruption to prey upon the Treasury under the protection and guise of generosity to the soldier. Let it embrace the administration of Commissioner Tanner, who was permitted to resign, by request, for trusting in the promises of princes.

Let it embrace Commissioner Black, who was charged by the gentleman from Kansas with being the wicked man who misled the unsophisticated Tanner. Let it embrace the administration of Blocks-of-five Dudley, who was distributing in Indiana the proceeds of contracts for the future delivery of Cabinet places, while Tanner was on the stump promising pensions to everybody, by the authority and at the request, as he alleges, of his Presidential candidate.

The country will demand this investigation into the methods of disbursing these immense appropriations which are growing and will continue to grow larger annually; and if this House refuses to order it a Democratic House will order it in the Fifty-second Congress.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRECKINRIDGE, of Kentucky. I yield ten minutes to the gentleman from Mississippi [Mr. ALLEN].

Mr. ALLEN, of Mississippi. Mr. Chairman, we once had a lawyer in Mississippi by the name of Joe Mullins who usually began his speeches in defending criminal cases by saying: "Gentlemen of the jury, I do not wish to militate against the majesty of the law, nor contravene the due avoirdupois of the testimony." [Laughter.] Now, Mr. Chairman, I wish to say in the outset that it is not my purpose to "militate" against the majesty of the achievements of the men who fought to save the Union, nor to "contravene the due avoirdupois" of the obligation of the Government to them.

No, sir; I am the last man to depreciate the efforts and achievements of the Union soldiery; to do so would belittle my own work, for, sir, involved in the task of putting down the Southern Confederacy was the task of putting me down [laughter], and that was a big contract of itself. [Laughter.] Of course, Mr. Chairman, I am sorry it was necessary to put me down, but I do take some pride in the fact that it required a great effort to do it. [Laughter.]

Sir, when I have listened to the figures that have been brought out in this debate, that there were 2,859,132 enlistments in the late war on the side of the Union (and I hold in my hand the estimate from the War Department that, excluding re-enlistments, there were 2,213,365 individuals who served in the war as enlisted men, and that that war cost \$8,189,929,009); when I see that on the 1st day of January last there were 474,991 pensioners on the rolls growing out of the late war, besides those who have died and been dropped from the roll; and that there has been paid out in pensions \$1,094,253,552.63 from July 1, 1861, to January 1, 1890, and that there are 460,370 more claims pending—when I see all this, and remember the untold resources and advantages this Government had in that war, with open communication with the rest of the world, and the valor and intrepid courage of those 2,213,365 enlisted men that must be conceded by all, and when I remember that the Confederates, cut off from the balance of the world,

without the munitions of war, without a navy, without factories, with only 600,000 enlisted men all told, with no money except such as we could print, and with great difficulty to get printing-presses and paper on which to print it—considering all these things, Mr. Chairman, it occurs to me, as it must occur to you, that if we had had a "fair shake" in a clear field and a good cause we would have been a "mighty on-proper" crowd to "monkey with." [Great laughter and applause.]

Mr. Chairman, I believe it was the present Executive of this great nation who said that "in measuring out pensions to the soldiers of the late war no apothecary's scruples should be used." It is conceded, sir, that more than \$100,000,000 will be paid out in pensions this fiscal year, more than \$53,000,000 having been paid out the first half of the year. I do not think, sir, that any apothecary's scales are being used in this matter, but, sir, we are using the standard Fairbanks railroad-car scales [laughter], and yet we are told that we are not doing half enough; and some of my Democratic friends are vying with our Republican friends in insisting that measures shall be enacted here that shall increase this expenditure hundreds of millions of dollars.

In fact, the schemes now on foot and being urged on this Congress would involve expenditures almost without limit. It makes your head ache to calculate it. I want to say that I have no fault to find with the Republicans for any want of liberality to the soldiers. [Laughter.]

I know, Mr. Chairman, this is a great Government. It would be impossible to compute its worth in dollars and cents. Of course, sir, I feel mighty bad about having tried to destroy it [laughter]; but, sir, when I listen to the demands as made in the name of the soldiers for saving it and see the disposition to comply with those demands on the part of members on this floor, I think sometimes we had best stop and have an accounting, and see if we had best try to pay the thing out or let the Grand Army of the Republic take it. [Laughter.]

I listened with interest to-day to my friend from Indiana [Mr. CHEADLE] in his appeal in behalf of the soldiers. There is a bond of sympathy between brother CHEADLE and me: we were both private. [Laughter.] I believe he is honest and believes in what he says. I do not doubt that he was a good soldier, and I know something of how close a real soldier feels to his comrades; but I noticed in the morning paper that the S. x o'Clock Club met in this city last night and the distinguished personages present were required to confess on what subjects they were cranks. Now, if my friend CHEADLE had been there and had made an honest confession he would have said he was a crank on the subject of pensions. [Laughter.]

I am not going to take issue with him about our obligations to the soldiers. He and I agree perfectly about that; the difference between us is in how the obligations are to be discharged. It probably grows out of a difference in temperament. I am very sentimental, while he seems to be quite practical. I believe in paying off these obligations partly in honor, while he wants it all in cold cash. [Great laughter and applause.] I have taken occasion once before to warn you gentlemen who saved the Union, and I now repeat the warning, that if you do not hold up on this business of paying yourselves for your expenditure of patriotism during the war the first thing you know the country will not owe you anything. [Laughter.] I do not want this done; I want to reserve up some of this debt of gratitude to talk about on Fourth of July occasions. [Laughter.]

The gentleman from California [Mr. MORROW], in charge of this bill, informs us that he thinks we will reach the limit in 1894; that we may expect increases until then, but that by that time the increases will stop. Mr. Chairman, I must confess to being somewhat skeptical about these predictions. To show how unreliable they are, and how wild some of our friends have gone on this subject, I will call your attention again to the speech of the late President, General James A. Garfield, to which the gentleman from Georgia [Mr. CLEMENTS] made reference in his remarks to-day. On this floor, on the 7th day of December, 1876, General Garfield, in discussing the pension appropriation bill for that session, which carried \$28,533,000 said:

My idea is, if gentlemen will allow me, that we have reached and perhaps passed the summit of appropriations for this object; that it took a number of years to develop and get through with regular form of laws to admit to the rolls the persons entitled to pensions, and that the time must necessarily come when we shall pass the climax and begin to go downward. I suppose we have already reached the maximum.

Now, sir, this was the statement of a gallant Union general, high in the councils of his party; a man thoroughly conversant with the performances of the Union soldiery. You can see that at that time it had never entered into the mind of any one that this pension business would ever go to the extent to which it has already gone, and yet the clamor is louder for increases to-day than ever before.

I want to submit one suggestion just here about pensions, and that is that, aside from the hardship it imposes on those who have to pay them, and who do not receive them in return, I do not believe that indiscriminate pensions are a good thing, even for those who receive them. I have been a soldier myself, and I have gone home with my comrades, all of whom were necessarily thrown on their own resources, and I have seen them go to work—men with wounds, one arm or one leg gone—and they have made good citizens, have made a living and reared and educated their families; they are not in the poorhouses, nor have I ever seen or known of one of them begging his bread.

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[Here Mr. BRECKINRIDGE remains in Mississippi.]

Mr. ALLEN

[Mr. BRECKINRIDGE remains in Mississippi.]

Mr. CLEMENTS

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Gentlemen tell us that there are 20,000 Union soldiers of the late war in the poor-houses. I have no criticisms to make and I do not censure them for being poor; it is no disgrace. Nor do I mention the case of the Confederate soldiers as an argument against any pension, but I do believe that the pensioning business can be carried to an excess, and to where it will not be best even for the beneficiaries of the system. We all know that self-reliance is a great thing to develop and sustain human character.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Kentucky. I believe I have thirteen minutes remaining. I yield five minutes more to the gentleman from Mississippi.

Mr. ALLEN, of Mississippi. I thank the gentleman from Kentucky [Mr. BRECKINRIDGE]. The main object I had in addressing the committee to-day was to make some suggestions in reference to the position of my Kansas friends, Messrs. PERKINS, PETERS, and FUNSTON. Mr. CLEMENTS has already read you from the Washington Post what those gentlemen have had to say in reference to the wail of woe that comes up from the oppressed farmers of Kansas. It seems there is great distress among them. I give some extracts from an open letter addressed to the Congressional delegation from that State.

WILL CONGRESS HEARKEN?—KANSAS FARMERS ASK TO BE DELIVERED FROM MORTGAGE SHARKS.

TOPEKA, KANS., March 17.

The Farmers' Alliance has addressed an open letter to the Kansas delegation in Congress demanding legislation for the relief of the agricultural interests of the State. The letter says:

"We call attention to the fact that a single law firm in one city in Southern Kansas now has the contract for the foreclosure of 1,800 mortgages. This means 1,800 homesteads transferred from the hands of so many industrious families to the hands of capitalists, either domestic or foreign. The foreclosure of the mortgages is in accordance with a preconceived purpose to gain possession of these farms and people them with a more servile tenantry imported from foreign lands for this especial purpose. Foreclosure and evictions are taking place in very many parts of the State, and we need not go all the way to Europe to witness scenes of cruelty in matters of this kind. All over the State the homes of our people are imperiled. They are struggling against adverse circumstances, and almost against hope, to sustain themselves until relief shall come.

And again:

"The distress of the people is crying aloud for relief. They believe that very many of the questions that are receiving the attention of Congress are far less urgent than those upon which the safety of their homes and welfare of their families depend. They believe that the white citizens have some rights as well as colored citizens of the South. They believe that the valiant heroes, both white and black, who fought for liberty and perpetuating our institutions, can afford to wait for one moment until the rights of our live heroes in the present struggle for American homes receive some recognition by the men who have been chosen to represent them in Congress."

I wish I could give the whole letter, but this will suffice to show that all is not lovely in Kansas. It is indeed, Mr. Chairman, a distressing condition of affairs with these people who are to-day burning their corn for fuel, and I am sorry to say these alarming conditions do not exist in Kansas alone, but they pertain to a distressing extent to almost every agricultural community in this country, and I want to say a few words for the farmers.

Now, what is the remedy prescribed by these three gentlemen named? They say the remedy is more liberal pensions. Now, sir, who ever heard of such a proposition—that pensions are to be voted to relieve distress among the farmers?

Let me ask the gentlemen what those farmers are going to do who get no pensions, but who have to help to pay them? Take the farmers in my district, where, by no fault of theirs, they had a failure of crops last year. They are taxed to pay pensions, but do not get any. Take many hard-working and deserving people, as are to be found anywhere, who did not last year make enough to pay rent and taxes, and, as I say, by no fault of theirs; what would the gentlemen do for their relief? The gentleman from Kansas should remember that we are a part of this great country, and if other sections ignore us they ought not to do so, for our people are among their best customers for their products. We buy their corn, their meat, hay, and mules.

Mr. Chairman, I took occasion in my great tariff speech [laughter] in the Fiftieth Congress to call attention to the rights of the cotton producers of the South by reason of their contributions to the wealth of this country. I can furnish the statistics to show that, besides the cotton they have furnished our own manufacturers in the United States, they have exported more than 100,000,000 bales since the war that has brought back money enough to pay the whole cost of the war. This has kept the balance of trade in our favor, filled our Treasury with gold, and enabled this Government in a most critical period of its financial history to resume specie payment. I insist that their rights are not to be ignored.

Then, Mr. Chairman, there are many poor people of Kansas and other portions of the North who will get no pensions, but will be taxed to pay them. What relief do gentlemen propose for them? I do want this Congress, if it can take the time from the other schemes before it, to give some attention to relieving agriculture of its burdens, and I warn you that the farming and laboring classes are organizing all over the country, and I do hope they will have the courage and judgment to demand their rights and then to make it warm for those who refuse to heed their demands.

I have here some extracts from the speeches of those three gentlemen

[Messrs. PERKINS, PETERS, and FUNSTON], made during the discussion of the Mills bill in the Fiftieth Congress. We were then demanding relief for the farmer, were insisting on a reduction of taxation. We wanted the money left with the people; but what did these gentlemen then tell us? Mr. PERKINS, in speaking of agricultural depression, charged it to Cleveland's Administration, and of course led us to believe that a change would remedy the evil.

Here is what he said:

We know that from Mr. Cleveland's inauguration until the present time agricultural products have declined until, as the gentleman from Minnesota [Mr. Wilson] said the other day, there is no profit to-day to the farmer in the cultivation of the field, and, in order that this condition of affairs may continue, we now are asked to strike down a system of legislation which in the past gave the country its wonderful prosperity. We believe in contributing to the happiness and prosperity of the people rather than see the industries and trade of the country prostrated and its people made poor and miserable.

Mr. PETERS read with some pardonable pride the following resolution of a county convention in his district to show us the farmers were prosperous and happy. The same was greeted with loud applause on the Republican side:

Sixth. We look with pride upon the tariff laws of our country which have made us the greatest nation on earth; which has furnished us an industrial system which pays better wages to labor than is paid anywhere else; which furnishes a better market for the product of our farms, forests, and mines, and which are to-day the foundation of so much prosperity and happiness, and we demand such just protective laws as shall insure to our whole people a continuance of a stable and settled financial condition, and we endorse the able efforts of the Hon. S. R. PETERS who is laboring so manfully in behalf of the people to prevent the majority in the present Congress from opening the doors of commerce and forcing our laborers to compete with the poorly paid labor of Europe.

[Loud applause on the Republican side.]

Mr. PETERS said:

The idea that has been croaked from the White House and echoed by almost every Democratic throat that we have too much revenue is a false pretense and a fraud.

And these are the remarks of Mr. FUNSTON:

Why all these tears for the farmer?

Again:

I want to say to you, gentlemen, the farmers are asking none of your sympathy.

This is good reading in the light of present conditions. Here it is again:

The farmer is not dead to his interests. He knows better perhaps where they lie than the men who are assuming to champion his cause; but little, if any, complaint comes from him of the high prices alleged to have arisen by reason of the tariff. Of all the petitions that have reached my table in the last four years not one has come from a farmer asking a reduction of the tariff on wool or any other article.

Here it is again:

Thanks, gentlemen. Restrain your sympathy; bestow it where it will be more appropriate and better appreciated.

He ever denies us the privilege of sympathizing with the Kansas farmer.

Hear him again:

The farmers of my district believe that under our system they are getting a good market for their products which fully compensates them for every extra cent they may possibly have to pay for their lumber.

It seems to me this will be at this time very interesting reading for the "Kansas corn-burner" as he sits by his corn fire. I hope he will not refuse us the right to sympathize with him, for I do from the bottom of my heart. But I should think he would wonder where those compensating markets are when he can not sell his corn at 10 cents per bushel. The gentleman can no longer say the farmers are not complaining; they are not prosperous and happy as they deserve to be. They are waking up to a realization of their condition and to the tricks that have been played on them.

I hope their Representatives will wake up also. If they do not, I intend to champion the cause of the Kansas farmers as well as the rest of the farmers in this country. My platform is: Lower taxes for the farmer; more money for his use, both greenback and silver, and cheaper money to pay his debts with; and a graduated income tax, so that the rich of the country who have been the beneficiaries of so much of the legislation of Congress shall bear some of the burdens of the Government. We live under a system of Federal taxation where the rich get the benefits and the poor pay the taxes.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I believe I have eight minutes remaining.

The CHAIRMAN. Seven.

Mr. BRECKINRIDGE, of Kentucky. I yield five minutes to the gentleman from Indiana [Mr. HOLMAN].

The CHAIRMAN (after a pause). To whom does the gentleman from Kentucky yield?

Mr. BRECKINRIDGE, of Kentucky. I meant to yield to the gentleman from Indiana; but I understand he prefers to speak in the five-minute debate.

Mr. Chairman, I desire to publish in the RECORD a letter which I received from the present Commissioner of Pensions.

I have nothing to add to the general debate; I did not intend to take part in it. I am in favor, as I had occasion to say on this floor four years ago, of a liberal pension system; but I am opposed to the abuses of that system, and I am opposed to making it a great political ma-



chine. I am in favor of treating the subject of pensions as a business matter, giving to the soldier a fair pension based upon the logical ground that his service to the Republic entitles him to have made up to him or his family a money equivalent which may take the place of that which was lost in the service; that is, if the soldier was killed, his widow and children should have a sum of money which shall be somewhat an equivalent for what he would have earned for them if he had survived; that if he is disabled he shall have a fair money equivalent for the difference between the earning power if he had come out of the Army undischarged and the earning power he has under the casualties of war. All else seems to me, saying it with great respect, to be either sentimentality, which uses other people's money for its gratification, or political legislation for the purpose of buying political power with the public Treasury. And to that I am opposed.

I believe this enormous annual appropriation must increase. I believe my friend from California [Mr. MORROW] is mistaken. I do not see how it is to reach its maximum in 1894. According to my calculation it will not reach it during this century, and at the end of the half century of 1950 we will have a pension-roll of large proportions.

Mr. MORROW. Can I say a word?

Mr. BRECKINRIDGE, of Kentucky. Certainly.

Mr. MORROW. The gentleman's statement was quite correct, but he will bear in mind that my reply was as to the effect under existing law.

Mr. BRECKINRIDGE, of Kentucky. Then under existing law, if we do not pass any other law, we would have a pension-roll lasting for sixty years, for it will be remembered the widow takes the place of the pensioner, and it is demonstrated by the fact that on the present pension-roll are widows of the war of the Revolution and survivors and widows of the war of 1812; that the widows' pension-roll lasts much longer than the pensioners' pension-roll.

The letter from General Raum hereto appended shows that there have been granted pensions on account of the late war up to January 1, 1890, 730,474, and that there were then pending applications 258,325, and there had been rejected 146,752, making an aggregate of applications 1,135,751, or about one application for every two soldiers actually enlisted during that war.

We may well expect that at least 600,000 more applications will be filed, and that of those pending (258,325), those rejected (146,752) but entitled to be reopened, and when reopened adjudicated under the principles set out in the fantastic and grotesque decisions of the Assistant Secretary of the Interior (General Bussey), and of those to be filed (600,000), an aggregate of 1,005,272, perhaps 80 percent, will be granted; that is, 804,221, or more than has been issued up to January 1, 1890. So that, without any new legislation, increased rates, or giving service-pensions, we may reasonably expect the pension-roll to be augmented every year for many years.

The pension-roll is and for a half century will continue to be a mortgage on the industries of the country. We can borrow money at 3 per cent. If we were to fund the principal that at 3 per cent. would realize a hundred millions it would be \$3,300,000,000; this is practically our funded "war debt" for the next quarter of a century. We will need more than one hundred millions every year for that quarter of a century. Let us look it squarely in the face. It must be borne by those who were not of the generation which fought the war and be paid by those who toil for a living.

I have nothing to say about the issue between the Administration and Corporal Tanner. Nor do I intend to say anything unkind of him or harsh of his conduct in the Pension Office. The gallantry of his service and the sad and pathetic evidence of that gallantry render it impossible for one who served on the other side to say an unkind word. Nor is there any evidence that he did not discharge his duty as best he knew how. That he did discharge it extravagantly and unwisely is probably true. It may be that he was a victim to his misplaced confidence in the professions of his own party. But I have no attack to make on him nor any criticism to offer on the management of his successor.

What has been done as to the rating of employes or others, or what favoritism may have been shown to certain pension agents, is not known with sufficient accuracy to justify any statement. And it is due to fairness to say that as to the present Commissioner, I have not heard or seen anything that is not proper. He is evidently a man of unusual administrative ability, and, I shall assume, desires to do his duty.

There ought to be a full and complete annual investigation of all its action. That there have been many fraudulent pensions all know; that there have been scandals is freely charged.

So, too, we ought to eliminate politics from our discussions of pension bills. This day may never come. If not, there will come a day of revolt.

But I do say as a representative of the people that there ought to be a stricter supervision over and more critical reviews of the Pension Office; that the sensitiveness which keeps us from investigating it, which has made it sacred, which has every time it has been under discussion made persons avoid any criticism of it, is unwise, timid, and unpatriotic. Where \$100,000,000 passes under the control of a bureau,

when it has examiners in every part of the country, when it is capable of being used as an immense and powerful political machine, when every dollar that is spent comes out of the labor of the productive classes who do not receive pensions nor adequate reward for their labor and are seeking relief, when every widow who receives a pension is paid out of the earnings of the widows who receive no pension, it is our bounden duty to see that the Pension Office is conducted with a clear regard to the business matters committed to it, that it is frequently examined, and that all its acts be performed in open daylight.

The following is the letter referred to in Mr. BRECKINRIDGE'S remarks:

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE COMMISSIONER, BUREAU OF PENSIONS,  
Washington, D. C., March 17, 1890.

SIR: I have the honor to acknowledge the receipt of your communication of the 15th instant, asking for certain statistical information from the records of this bureau, and in response I have to state as follows:

Your first question asks for the entire number of pensions on account of the war of 1861 granted up to January 1, 1890, and the number of such pensioners on the rolls on that day. The total number of pensions granted from 1861 to June 30, 1889, growing out of causes which originated in the war of 1861, was 703,489. Between July 1, 1889, and December 31, 1889, 26,985 of such pensions were granted, making a total to January 1, 1890, of 730,474 allowances of all classes of late war pensions.

On the last day of January, 1890, there was a total of 474,991 late war pensioners of all classes on the pension-rolls.

Your second question asks for the aggregate sum paid to such (late war) pensioners up to January 1, 1890. Up to a comparatively recent date the amount disbursed for pensions and the cost of such disbursement were not separated in the reports made on this subject, so that it is difficult to determine the exact amount paid to pensioners as distinguished from the total amount expended out of the different pension appropriations. Up to June 30, 1889, it appears that \$1,052,218,413.17 were expended from the pension appropriations from 1861 up to that date. Between July 1, 1889, and January 1, 1890, \$53,063,130.73 were expended in payment of all classes of pensions. Both of these amounts, however, included the disbursements to pensioners of the war of 1812 and the war with Mexico, \$38,459,593.39 having been paid between 1871 and January 1, 1890, to the war of 1812 pensioners, and \$6,217,833.42 to Mexican war pensioners from January, 1887, to January 1, 1890. Eliminating the sum of these two factors, or \$44,677,426.81, from the grand total of expenditures up to January 1, 1890, it will be found that as nearly as can now be determined there has been expended since July 1, 1861, for late war pensions, \$1,060,694,117.09.

Your third question asks for the number of persons now on the pension-roll on account of the war of the Revolution, on account of the war of 1812, and on account of the Mexican war. On the last day of January, 1890, there were 27 persons on the pension-roll on account of the war of the Revolution; there were 9,860 pensioners on account of the war of 1812, and 23,568 Mexican war pensioners.

The number (27) of the Revolutionary war pensioners is so small that no separate accounting is kept of them. They are, however, included in the 474,991 late war pensioners reported in this letter because they are paid from the same appropriation. The grand total of pensioners on the rolls January 1, 1890, was 508,419.

Your fourth question asks for the present number of pending applications. I presume you refer to late war applications. By an actual count made December 28, 1889, it appeared that there were on that date pending in this office of late war claims, invalids, 182,955; widows and others, 75,370; total, 258,325. It is also proper to state that on the same date there were upon the rejected files of this bureau the following cases: Invalids, 99,878; widows and others, 47,074; total, 146,952.

#### RECAPITULATION.

Number of late war pensions granted up to January 1, 1890.....	730,474
Number of late war pensioners on the rolls January 1, 1890.....	474,991
Approximate aggregate amount paid to late war pensioners from 1861 to January 1, 1890.....	\$1,060,694,117.09
Number of persons on the pension-rolls on account of the war of the Revolution.....	27
Number of pensioners of the war of 1812, January 1, 1890.....	9,860
Number of Mexican war pensioners January 1, 1890.....	23,568
Grand total of pensioners, January 1, 1890.....	508,419
Number of applications for late war pensions pending January 1, 1890.....	258,325
Number of late war claims on rejected files January 1, 1890.....	146,952

Very respectfully,

GREEN B. RAUM,  
Commissioner of Pensions.

HON. W. C. P. BRECKINRIDGE,  
House of Representatives.

The CHAIRMAN. The gentleman's time has expired.

Mr. BRECKINRIDGE, of Kentucky. By agreement five minutes was to be given to my friend from California [Mr. MORROW] to close the debate.

Mr. MORROW. Mr. Chairman, I will briefly reply to one or more suggestions made on the other side of the House.

In the first place, as to the removal of Corporal Tanner from the position of Commissioner of Pensions. When he went into that office he found a great Government machine in full operation under the law. It was impossible for him to examine into all the details of pension business and ascertain whether or not every case which was passed upon was determined exactly according to law.

He found, if he made an examination—or, whether he did or not, it was a fact—that there had been established the practice of rating employes of the office as well as others. Whether it was correct or not, the fact existed that the rating of the employes of the Pension Office was going on; and we have here a statement or list of ten names for the six months ending March 27, the date when Commissioner Black left the office and Tanner became Commissioner.

Now, how much rating went on during the preceding three and a half years of Commissioner Black's control of the office we do not know. We have not asked to know. We simply ask that there

should be a report that should furnish a comparison between the six months of Mr. Tanner's administration of the office and a like time during the administration of Mr. Black.

This statement shows that during Mr. Black's tenure of office and during the six months to which reference is made there were 1,118 cases of rerating, and of this number ten were employes of the Pension Office. This statement further shows that the value of the pensions so rerated was \$150,288.70, that the value of the reratings after such rerating was \$191,423, and that the total amount of such rerating paid by the office at that time was \$548,140.36. Against that we find that under Commissioner Tanner there were rerated 1,396 cases, of which 46 were employes of the office, a larger number, it is true, than were rerated during the previous six months; but if it was wrong at all it was wrong during General Black's term and the offense in Tanner was a question of degree. We do not say it was right. We do say that the matter was brought to the attention of the Secretary of the Interior, who sent word to Commissioner Tanner that he must call a halt; that the practice of adjudicating such claims must proceed in regular order, and the fault was that he did not obey the direction of his superior, the Secretary of the Interior.

Mr. SAYERS. Will the gentleman from California inform the committee how it was brought to the attention of the Secretary of the Interior and the President?

Mr. MORROW. How what was brought to the attention of the Secretary?

Mr. SAYERS. The rerating. How was this rerating of the men employed in the Pension Bureau brought to the attention of the Secretary of the Interior and the President?

Mr. MORROW. It does not appear and I do not know. I am not sure that I can answer the gentleman's question. But an appeal lies from the Commissioner of Pensions to the Secretary of the Interior, and I suppose that probably in the course of official business it reached his attention.

Mr. SAYERS. Would not the supposition be more probable that it was originally brought to the attention of the President and the Secretary of the Interior by the press of the country?

Mr. MORROW. Oh, I do not know; but I think not.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MORROW. Mr. Chairman, I have had, of course, the five-minute extension by the courtesy of the committee, but trust that I will have an opportunity to extend my remarks on this point in the RECORD.

Mr. McMILLIN. The gentleman can make a *pro forma* amendment if he desires to do so at this time and continue his remarks.

Mr. MORROW. Five minutes additional would scarcely serve my purpose.

The CHAIRMAN. The Clerk will read the first section of the bill. The Clerk read as follows:

*Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June 30, 1891, and for other purposes, namely:*

For Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, survivors, and widows of the war of 1812 and with Mexico, \$97,090,761: *Provided, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same may be sufficient for that purpose: And provided further, That the amount expended under each of the above items shall be accounted for separately: And provided further, That hereafter a check or checks drawn by a pension agent in payment of pension due, and mailed by him to the address of a pensioner, shall constitute payment within the meaning of section 4765, Revised Statutes, in the event of the death of a pensioner subsequent to the mailing and before the receipt of said check; and the amount which may have accrued on the pension of any pensioner subsequent to the last quarterly payment on account thereof and prior to the death of such pensioner shall in the case of a husband be paid to his widow, or if there be no widow to his surviving minor children or the guardian thereof, and in the case of a widow to her minor children: *Provided further, That hereafter whenever a pension certificate shall have been issued and the pensioner mentioned therein dies before payment shall have been made, leaving no widow and no surviving minor children, the accrued pension due on said certificate to the date of the death of said pensioner may, in the discretion of the Secretary of the Interior, be paid to the legal representatives of said pensioner.**

Mr. SAYERS. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

At the end of line 36 insert:

*"And provided further, The Commissioner of Pensions in his report for the fiscal year ending June 30, 1891, shall show separately the total disbursements from July 1, 1861, to June 30, 1891, to pensioners of the war of the Revolution, of the war of 1812 with Great Britain, and of the war with Mexico, and the late civil war and of the Indian wars; and also the number of pensions granted between said dates because of said wars; and also the number of pensioners of said wars respectively whose names have been stricken out from the rolls between and including the said dates because of their having fraudulently and improperly obtained pensions, together with the amounts disbursed to them during the time their names were upon the roll; and also the number of persons to whom arrears will have been paid under the acts of January 23 and March 3, 1873, to the said 20th day of June, 1891, from their dates of passage, together with the sum total of the arrears so paid."*

Mr. HOLMAN. I reserve the point of order upon that amendment.

Mr. SAYERS. Mr. Chairman, I desire to state briefly the effect of the amendment, which is that it will tend only to furnish information

to Congress which is desirable in the preparation of these bills. I have purposely required that this report shall only be made for the fiscal year ending June 30, 1891, so as not to impede the current operations of the Pension Office and to give the office ample time to furnish information called for in the amendment. I think it will be beneficial to Congress and to the country.

The CHAIRMAN. The gentleman from Indiana reserves the point of order.

Mr. BROSIUS. Mr. Chairman, to one untrained in the modes of procedure here this discussion has a strange and somewhat unique appearance. The first purpose of debate is the elucidation of the question. But I have listened in vain for some sign, some hint, however remote, of a connection between this discussion and the bill before us. The link seems to be missing and I am not Darwinian enough to find it. It is an appropriation bill and it carries the flag with it. Now, I do not know anybody that is opposed to the appropriation, and I can not explain the apparent opposition on the other side unless it is to the flag part of it. It seems very like the debate the slave had with his master, of which he said to his friend, "Massa say sunshine good for punkins, and I say so too, an' we 'sputed about it for one hour." We say this bill ought to pass, and our friends on the other side say so too, and we have "sputed about it" two days. It seems a sort of a field occasion with no enemy in sight, discipline lax, the whole army at rout step, and every man privileged to aim his musket where he pleases. My honorable friend from Texas drew from the strings the true note of the occasion when he said he had an opportunity to make a speech and he was going to embrace it. And he made a good one, an exceedingly good one. On a proper occasion it would have been grandly effective. Had there been an enemy before him and his cartridges not been mostly blank he would have produced enormous havoc. The field would have resembled that described in heroic verse:

With copious slaughter all the field was red,  
Piled with growing mountains of the dead.

Still, I desire to pay my distinguished friend the tribute of my sincere admiration of the extreme pains he has taken to inform our minds upon the secrets (open ones) of the administration of the Pension Department. He has made the House his debtor for the information he has brought, which, but for the fact of its previous publication in various reports and documents, we would not have been able to obtain without his aid. He seems to be charged with the duty of finding some defects in the present administration of the Pension Department and some delinquencies in those connected therewith. He was in a measure successful. Whether the game was worth the powder he must decide, but I submit with great deference that the caliber of the gun was hardly justified by the smallness of the object shot. It is a waste to train a 30-pounder Parrott gun on a woodchuck.

Since he entered the field like a knight-errant in quest of adventures, he ought to have been more successful in finding them. Don Quixote, the valiant knight of La Mancha, greatly excelled him in this interesting and exciting field of employment. I would naturally expect in view of the magnitude of the pension business of this country, the fabulous number of applicants, the colossal piles of papers, and the legion of clerks required to handle them that some serious delinquencies might be discovered by a man with a keen eye looking close enough to the ground, due to the infirmities of human nature, which might have cropped out here and there among so large an aggregation of people, selected without the aid of the "fairy's mirror" to test their moral qualities.

I think my honorable friend from Texas ought to be chastised a little for not finding more subjects of complaint. He will excuse me for being reminded of an incident a friend told me of in military life. A soldier took offense at some act of his captain, and drawing a revolver and pointing it at the face of the officer pulled the trigger. The pistol missed fire, whereupon the superior officer, who was also a superior disciplinarian, ordered the mutinous soldier under arrest for one month for not keeping his arms in better condition. Now, my distinguished friend will pardon me for saying that his pistol missed fire. He ought to have had it in better condition.

But the greatness of his exertions and the smallness of their results make it demonstrably clear that there is not much to complain of in the pension administration. And when the little was discovered we did not cover it up and leave it to be unearthed by a succeeding administration, but we summoned it with commendable promptitude to the test of investigation and administered a prompt and effective corrective. My honorable friend has made us again his debtor for this contribution to the credit of the administration.

But now, directing attention to a portion of the remarks of my friend from Texas, I beg to suggest that no comparison of the cost of the several wars in which we have unhappily been engaged, and the number of soldiers mustered in each, and the length of the pension-rolls consequent upon each, though presented with all the effectiveness which comes with fine address and elaborate and eloquent statement, could help an argument in support of any proposition which subjects our pension system to a test as to its methods, its rectitude, or the integrity of those upon its rolls. The conditions were too dissimilar to ena-



ble a just comparison to be made. We have a large pension-roll because our friends, the Confederates, shot a great many of us. They were better marksmen than we ever thought they were, and we could not keep out of the way of their bullets. Somebody shot a great many of us several times. They were not content with making one hole apiece in us, but they made many in some of us, and we would have to be pensioned many times to keep even.

Of course they did not hit us every time and sometimes they hit us where they missed us before. It cost them a great deal of lead to kill one Yankee. It used to be said that in war it took a man's weight in lead to kill him. Only a few out of the whole number of shots fired in the heat of battle take effect.

Marshal Saxe, says an exchange, first made the assertion which forms the base of the above, when he said it would take 125 pounds of lead and 33 pounds of powder to put each of the enemy in the long trench. Wild and visionary as this may seem, it appears that there was more truth than poetry in the remark. With all the improvements which have been made in the art of war since the days of Saxe, Cassendi, the French savant, proves that the great marshal's philosophical remark still holds good.

At the battle of Solferino, according to Cassendi's carefully deduced calculations, a comparison of the number of shots fired on the Austrian side with the number of killed and wounded on the part of the enemy shows that 700 bullets were expended for each man wounded and 4,200 for each man killed. The average weight of the ball used was 30 grains; therefore it must have taken at least 126 kilograms or 227 pounds of lead for each man killed.

Yet Solferino was a most important and bloody battle. In the Franco-Prussian war the slaughter caused by the needle-gun among the French soldiers shows how much superior that gun is to the Austrian carbine; yet with that deadly weapon 1,300 shots were fired for every soldier destroyed in the enemy's ranks. Verily there was good foundation for Bogert's ungrammatical remark: "War is awful, but the noise of war is awfuller." I may say, parenthetically, that I consent to the use of this interesting data by my honorable friend from Texas in his next speech to show that there can not be so many honest pensioners when it took so much lead to make one.

I may add, I hope without offense, that the noise of the Confederate soldier was exceedingly awful. When we heard that appalling yell it caused such dismay in our ranks that we ran pell-mell onto their lines and routed them.

But our friends the enemy never missed us when they could hit us. The waste of lead was wholly unintentional on their part. They meant to kill; that was their function, and it turned out to be almost their only solace. I have heard somewhere of a Confederate soldier who derived much comfort from that consolation. He said one day to a friend that he admitted that he was whipped, but he had the consolation of knowing that he had killed as many of the Yankees as they had killed of him. Now, they ought not to complain that we are on the pension-roll, for they put us there. I stoutly maintain that there are two classes of people in this country who ought not to complain of the number of our pensioners: 1. Those who made them. 2. Those in whose service they were made. South and North should give their united assent to a liberal pension system.

There is one thing my honorable friend in his zeal for knightly adventure overlooks. He would have done himself the justice to withhold his comparison of the losses of our earlier wars with those of the last one, had he thought how much more destructive military and naval armaments are now than in former years, and how much larger a per cent. of those engaged are killed or wounded. Our losses in the late war were greater than in any other war of modern times and we have a correspondingly large pension-list.

The greatest loss of killed in battle of any one regiment during the late war fell to the lot of the First Maine Heavy Artillery, in which 423 were killed or died of wounds. In their assault on Petersburg June 18, 1864, they lost 604 in killed and wounded in twenty minutes, out of 900 engaged. The next largest number of killed is found in the Eighth New York Heavy Artillery, which lost 361 killed and died of wounds.

The infantry regiment that sustained the greatest loss in battle was the Fifth New Hampshire, which lost in killed and died of wounds 295.

The second infantry regiment in numerical loss was the Eighty-third Pennsylvania Volunteers. Its loss was 282 killed and died of wounds.

The Fifth Wisconsin Infantry lost 753 killed and wounded.

The One hundred and fortieth Pennsylvania Volunteers lost 732 killed and wounded.

If we consider the losses in certain engagements the per cent. is appalling.

The Sixty-ninth Pennsylvania Volunteers at Gettysburgh lost 55 killed out of 258 present at morning roll-call.

The Fifth New York Duryea Zouaves at Manassas lost 117 killed out of 490 present for duty, and had 221 wounded besides.

The Sixth United States Colored Troops at New Market Heights lost 61 killed and 142 wounded out of 367.

The Twenty-fourth Michigan Volunteers went into the first day's

fight at Gettysburgh with 496 men, and lost 79 killed and 237 wounded. But the most remarkable instance of all is that of the First Minnesota Infantry at Gettysburgh. Two hundred and fifty-two men all told went into action, and when they retired from the encounter only 47 were clustered around their colors, while 205 lay dead or wounded on the field.

These figures will be better appreciated if compared with some of the greatest losses cited in the histories of other wars. The Light Brigade at Balaklava lost 36 per cent. The heaviest loss in the Franco-Prussian war was 49 per cent. The One hundred and forty-first Pennsylvania Volunteers at Gettysburgh lost 76 per cent., while 60 per cent. was quite common both in the Union and Confederate armies.

With the energetic destructiveness of Confederate weapons of war they had that other kind of energy which Motley so finely describes "as never losing its value and which remains the same in every age, the machinery by which stout hearts act directly upon willing hands." And those hands I may add, and I do so with pleasure, were quite willing to put us on the pension-roll, if not above it. Then it must be remembered that in war death and injury sweep upon us with two wings: disease is one, the casualties of the field the other. The Union Army was composed largely of young men, many of them mere boys.

Soft and susceptible to the conditions which invite disease, subjected to every form of exposure and hardship, employed in every kind of work in every possible situation—they were wood-choppers on the southern coast, lumbermen on the St. Mary's, dock-builders at Port Royal, bridge-builders wherever water flowed, sappers on Morris Island, engineers at Hilton Head, miners at Petersburg, and soldiers everywhere—they were the constant prey of "the pestilence that walketh in the darkness," fevers generated in the malarial districts, rheumatism caused by exposure to damp and cold, and a myriad of ailments, all invited by exhaustion and exposure.

In some sections of the South there were times when one-fourth of the entire commands were under treatment. Disease killed twice as many as the bullet and the bayonet. Similarly, it may be said, it wounded a hundred times as many; wounds unseen, perhaps unfelt, for years; insidious, subtle, hiding away in nerve, muscle, brain, heart, tissue, and bone; seeds of decay planted in the constitution weakened by the stress and strain of the service, germs of infirmity sown in the system in the swamps of the Carolinas, the sands of Florida, the mud of Virginia, or in the heat and flame of the deadly encounter, when nerve and brain and heart were subjected to strains from which they never entirely recovered. And these seeds and germs, like grains of wheat preserved in an Egyptian mummy, after many years bloom and fruit in ailments, as varied as the flowers of a garden, which disable and disqualify for any of the bread-winning pursuits of life.

When that stage in the progress of growing infirmity is reached there are but three ways for the soldier to go: One leads to the bosom of private charity, one to the public almshouse or a soldiers' home, the other to a pension-roll. Which way shall he take? Let a saved nation answer.

To show how greatly disease exceeds the bullet in the destructive functions of war and to give a hint at the cost of preserving this Union, I append the following statement.

#### A part of the cost of preserving the Federal Union.

UNION LOSSES.			
Casualties.	Officers.	Men.	Aggregate.
Killed or died of wounds.....	6,365	103,673	110,038
Died of disease.....	2,795	221,791	224,586
Drowned.....	106	4,838	4,944
Other accidental deaths.....	142	3,972	4,114
Killed after capture.....	14	85	99
Committed suicide.....	26	365	391
Executed.....		267	267
Executed by enemy.....	4	60	64
Died from sunstroke.....	6	308	314
Other known causes.....	62	1,972	2,034
Causes not stated.....	25	12,093	12,118
Total.....	9,584	349,912	359,496

This you will agree was an awful cost, yet the outcome was worth it all. It established the nationality of the Union. It made us a nation of freemen, and started us on a career of development and prosperity that enabled us to fling off our war debt, as a bird molts its feathers, without being conscious of a struggle in doing so, and to build up our resources, increase our wealth, and provide the means of extending a liberal hand to those who made it possible for the Republic to win the plaudits of the world for the incomparable splendor of its achievements.

Why do gentlemen despairingly inquire "Where is the money to come from to pay these pensions?" It seems to me like crying fire in the midst of a Noachian flood.

I submit the following picture of the health, wealth, and greatness of this nation for the comfort of the desponding souls whose fears make

cowards of them when they think of the pension-roll. Here are the figures for a quarter of a century:

*National debt.*

Date.	President.	Principal.	Interest.
August 31, 1865.....		\$2,755,995,275	\$151,832,051
March 4, 1869.....	Johnson.....	2,525,463,250	126,389,550
March 4, 1877.....	Grant.....	2,088,781,142	94,408,645
March 4, 1881.....	Hayes.....	1,879,956,497	76,845,037
March 4, 1885.....	Arthur.....	1,406,923,350	47,013,949
March 4, 1889.....	Cleveland.....	865,106,020	41,000,000
January 1, 1890.....	Harrison.....	765,273,750	36,000,000
Reduction.....		1,990,721,525	125,832,051

We have done this and paid our pensioners besides.

An exchange puts it in strong and graphic terms thus: Europe, with about five times our population, about four times our wealth, and not twice our natural resources, has added to its national debts in the last twenty years \$8,200,000,000, or over three times our total original debt, and their interest charge to-day is thirtyfold our own. In 1865, when our figures began, Europe owed \$15,000,000,000. It owes to-day over \$23,000,000,000; it pays \$1,068,000,000 a year as interest, and it is loaded besides with \$887,000,000 for military, war, and naval expenditures, including pensions, where our own are \$130,000,000.

This is the lesson of liberty! These are the fruits of freedom; and the great Republic, without debt, without an army, without a navy, goes on in the great race of prosperity and industrial supremacy, distancing all competitors. Think on these things, my friends, and then vote cheerfully for the pension appropriation. Another pen has presented the situation so persuasively that I beg to further trespass upon your time by reading it:

In the question of pensions there is a great principle of equity which is not necessarily disturbed by the increase of pension expenses during eleven years. The survivors of the war are rapidly decreasing in numbers, it is true, but they are as rapidly advancing in age and increasing in decrepitude. Ten years ago pension expenses amounted to only \$27,137,019; but since then hundreds of men who would not ask permanent aid as long as they were able to earn their own support have become helpless and dependent, and the laws have been more charitable in the recognition of cases deserving of national assistance. It may seem formidable to many that the annual pension expenses have grown to be \$64,246,562. No harm is done by an intelligent discussion of the causes of this increase, even though it be demonstrated that every dollar paid out is equitably and deservedly disbursed. But harm is done when the attempt is made to cast discredit upon the Government for honoring and succoring the soldiers to whom that Government owes its very existence.

The soldier pensioners are a very slight burden upon this wonderfully rich and resourceful country. The millions that go to them are fewer than the principal countries of Europe pay for the maintenance of their standing armies; and yet these millions are an annual, yes, a constant assurance to the citizens of the United States that the Government will deal justly and liberally by them if in the hour of need they shall fling down the ax, loose the plow, or quit the desk to take up arms in defense of their country. We keep no standing army, but we know not at what hour we may need a million soldiers, and what we pay to invalid and maimed men who served us in a great crisis is cheap as a guaranty of future service from their sons or grandsons or great-grandsons.

The cheapest standing army among the powers is that of Austria-Hungary, which costs \$55,116,248 per year; Italy comes next, with \$62,340,900, while Germany expends \$185,614,665, England \$168,461,640, Russia \$131,649,250, and France \$111,689,400. Against these figures, extent of territory and population considered, the pension-roll of the United States, which is a bonus to the future volunteers, is a small sum to make all this bother about which gives rise to the cry of "pension-grabbers" on the one side, and the retort of "soldier-haters" on the other. The curse of the whole matter is that the pension question has been made a political issue, when in truth it is a patriotic principle, a matter of equity, or at the very worst a matter of wise provision for future safety on the part of a country that does not maintain a standing army.

These considerations present us in the light of a nation able to pay our soldiers liberal pensions, and I am fully assured that sound public policy, supported by every man's sense of justice, ratified by the patriotic instincts of the human race and applauded by the generous sentiments of mankind, requires it to do so. No duty presses with greater urgency upon this Government this hour than that of seeing that those who defended and saved it with fire and sword shall not suffer for the lack of the necessities of life because of disability.

If he is unable to maintain himself he must be maintained. If his inability is partial that part which is lacking must be supplied. The example of the Government in this matter must declare to future generations whose service may be needed in defense of their country that the patriot who volunteers to leap into the deadly breach or mount the blood-crested wave of battle in defense of the flag shall never be permitted by that nation to suffer from inability to earn his bread.

Mirabeau, writing to Frederick of Prussia, said he objected to compulsory service in the army because it seemed like forcing men to go to war like driving cattle to the slaughter-house, when it was so easy to render the public service such an object of emulation and glory to them that they would need no compulsion. What we do for the old soldiers now may largely determine the willingness and cheerfulness with which the new soldiers for the new exigencies of the future will rally to the defense of their country, inspired by the recollection of that country's gratitude to the soldiers of a previous war.

The time has come, in my judgment, when two classes of soldiers should be provided for, the actually disabled and the presumably dis-

abled. For the actually disabled a pension rated according to the degree of their disability should be granted. The presumably disabled should consist of all soldiers over sixty years of age, on the assumption that by that time the infirmities of age have disabled them. In case of the former class, proof that their disability was contracted in the military service should no longer be required. After twenty-five years there are many soldiers who are mere wrecks of their former selves, due, doubtless, to their service, but proof of it can not be obtained. Sick-lists are destroyed, hospital records have gone the way of the hospitals themselves, witnesses are dead, evidence is impossible, unless we summon comrades from the grave or rake memory from its ashes.

These debilitated, infirm old soldiers in their declining years ought not to be suffered to linger, languish, and die in almshouses for lack of means of support. No darker reproach perhaps rests upon the country to-day than that, notwithstanding the soldier organizations are disbursing \$300,000 a year in charity to needy soldiers and their dependent families, there are near 14,000 old soldiers in the charitable institutions of the country, exclusive of the 13,000 who enjoy the beneficent shelter of the soldiers' homes.

More liberal provision must now be made also for the soldier's widow and his helpless orphans. And no humane citizen could object to extending the bounty of the nation to the female nurses who wore out their strength at the bedsides of wounded and dying soldiers. These women are worthy beyond the power of language to describe. From Miss Clara Barton, whose self-sacrificing services have given her a well deserved fame, down to the humblest nurse who touched with moist finger the parched lips of death, all should be remembered now in the day of our strength and glory.

The gentle sway of their womanly scepters, their self-sacrificing devotion and care, followed the battle like the sunshine the storm, alleviating pain, assuaging the distresses of sickness, and smoothing the wrinkles on the brow of war. May some son of genius yet arise whose divinely gifted soul, kindled at the altars of patriotism and poetry, shall inspire the noblest epic of the age, which will carry on wings of immortal song to the hearts of the generations to come the story of the services and sacrifices of our "women of the war."

I am proud and happy to say that this nation has shown a generosity toward the soldier commendable in the highest degree. We have bestowed our bounty with lavish prodigality compared with any other nation on the globe. No exhibition of the nation's benevolence and gratitude, among the many which have shed unfading luster upon our history, will shine down the corridors of time with a more supernal splendor than the supreme liberality with which we have treated our loyal defenders. Let us see to it now that we do not mar the beauty of our record or dim the glory of our past by a future policy of stunted gratitude, crippled generosity, and false economy.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. HOLMAN. I reserve the point of order on the amendment.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. The point of order is that it is new legislation; and I wish to say a word in that connection.

Mr. SAYERS. Does the gentleman from Indiana raise the point of order upon that amendment?

Mr. HOLMAN. Yes, sir.

Mr. SAYERS. Let me ask the gentleman one question.

Mr. HOLMAN. Yes, sir.

Mr. SAYERS. Is not the gentleman willing that the House and country shall have the information asked for in that amendment?

Mr. HOLMAN. All the information called for that applies to the pending bill. Whatever information concerns the subject-matter of the bill I will not object to. But the ground upon which I make objection is that it is new legislation, applicable to matters outside of this pending appropriation bill.

Mr. SAYERS. Does the gentleman's objection extend to the entire provision?

Mr. HOLMAN. No, but if any part of it is subject to the point of order that affects the whole.

The CHAIRMAN. The Chair understands that the gentleman's objection is to that portion of the amendment which pertains to obtaining information except as to pensions resulting from the late war.

Mr. HOLMAN. Yes, that portion pertaining to the foreign wars is objected to.

Mr. SAYERS. That is not in this resolution; and I ask that the amendment be again read.

The CHAIRMAN. The Clerk will again report the proposition.

The amendment was again reported.

Mr. HOLMAN. I should have modified my objection somewhat. I have no objection to the proposition so far as it applies to the late war; but I shall make my point of order on getting statistics in relation to former wars.

Mr. SAYERS. Let me call the attention of the gentleman from Indiana to one thing which he has probably overlooked, and it is this: That from 1861 down to the present time we have been steadily paying pensions, not only for the late war, but also for the war of 1812, the war with Mexico, and the Indian wars.

Mr. BRECKINRIDGE, of Kentucky. And the Revolutionary war.



Mr. SAYERS. And the Revolutionary war, and they are carried in this bill. My object, Mr. Chairman, was just simply to segregate these matters, so that the country might know how much was being paid to the pensioners of the different wars. That is all.

Mr. HOLMAN. I have no objection to the information so far as it affects the late war, but I object to the information respecting the old wars. I will say to my friend from Texas that the additional information called for is not with a view to legislation touching the war of 1812 or the war with Mexico. Of course my friend's purpose is to obtain information which may concern legislation touching the late war, and not former wars, and I must insist upon the point of order.

Mr. BRECKINRIDGE, of Kentucky. This bill carries appropriations for the pensions of all these wars.

Mr. HOLMAN. Of course, I understand that. I say that it is obvious that this proposition intends to obtain information to affect the pension system growing out of the late war, and that the other information sought has no important bearing upon that war. Whatever information is sought for that relates to the late war I do not object to.

Mr. SAYERS. Let me relieve the apprehension of the gentleman from Indiana. I had no such intention in offering that amendment; and his construction of the provisions of that amendment is far-fetched.

Mr. HOLMAN. Well, if the gentleman, then, will strike out the Mexican war and the war of 1812 and Indian wars, I will waive the point of order.

Mr. SAYERS. Mr. Chairman, I accept that. Of course I do this under pressure, for I do not believe it is right. I withdraw so much of that amendment as refers to obtaining information in regard to the payment of pensioners of other wars than the late civil war.

The CHAIRMAN. The Chair understands that the point of order is withdrawn, and the amendment will be so modified.

Mr. MORROW. I just want to say a word. The amendment proposed by the gentleman from Texas was submitted to the majority of the committee and they saw no objection to it.

Mr. HOLMAN. Mr. Chairman, I wish to be recognized one moment. I understood that the gentleman from California having charge of this bill does not object to this provision, and I believe that his remark was that the provision of the gentleman from Texas was submitted to the committee.

I objected to it for the reason I have stated, that the country will understand that the information called for by that provision in this bill would be of value only as bearing upon pension legislation touching the late war, and not by reason of the proposition affecting pension legislation concerning preceding wars. In its present form I have no objection to it.

[Mr. HOLMAN withholds his remarks for revision. See Appendix.]

Mr. GROSVENOR. Mr. Chairman, I move to strike out the last word of the first paragraph, the word "pension."

Mr. Chairman, the minority on this floor have suddenly become wonderfully patriotic, and if they could only destroy the unpatriotic record which they have always made upon this floor they would be wonderfully benefited by the result. My distinguished friend from New York [Mr. SPINOLA], with great self-satisfaction, says that the Democratic party in Congress—

Mr. SPINOLA. In the field, during the war.

Mr. GROSVENOR. My distinguished friend says that the Democratic party have run up the pension appropriation bills from something like \$28,000,000 to something like \$100,000,000 per annum.

Mr. SPINOLA. Yes, sir.

Mr. GROSVENOR. Let me tell the gentleman that there is not one dollar of that money that is appropriated and will be paid under any general appropriation bill ever passed by the Democratic party, or by its majority on the floor of either branch of Congress, or ever signed by its President, excepting the bill to extend the amount of the pensions to the widows of dead soldiers.

Otherwise than that, every dollar of that appropriation is due to the Republican party's patriotism and love of the soldier, and nearly all of it has been put there as the result of the hardest-fought battles we have ever experienced here against filibustering and all sorts of opposition by the Democratic party.

Not only is that true, Mr. Chairman, but in the Forty-ninth Congress we passed a bill to increase the pensions of the men who had lost arms and legs in the service of the country, a handful of men, and 63 Democrats in this House and no Republicans voted against it.

Let me tell you another thing, my friend from New York: There never was recorded on the Journal of this House the vote of a single Republican (with but one exception) against any pension bill that was ever passed in this House—a general pension bill; and that was simply the protest of a distinguished gentleman from Indiana against the passage of the Mexican pension bill for a single and special reason.

Let me tell the gentleman another thing. In the Forty-ninth Congress we passed a bill, which was the best we could do. We stood here day after day and week after week appealing to gentlemen on the other side to perfect and improve that legislation, and then we passed what has been called sneeringly by the Democratic press of this country almost unanimously the "pauper pension bill." It went to Mr.

Cleveland, the President of the United States, and he vetoed it with language all redolent of insult against the Union soldier of the country. When it came back here, under the provision of the Constitution, we called it up and demanded the right to rebuke that sort of treatment of the Union soldier; and how many Democrats voted to override the veto of the President? Not many that I recollect. If they did so they are not here to-day to answer to their names on this floor.

Mr. BYNUM. Will you permit a question? You have reference to the dependent pension bill.

Mr. GROSVENOR. I have—the veto of that bill.

Mr. BYNUM. There were six Democrats from Indiana—and I am one of them—who voted to pass that bill over the veto.

Mr. GROSVENOR. Six Democrats out of 170!

Mr. BYNUM. Six Democrats from Indiana alone—from that one State.

Mr. GROSVENOR. Let us see. There were enough of them from the doubtful districts who voted that way to save themselves from destruction at home. But let me tell the gentleman from Indiana that he can not escape the result of that veto. Grover Cleveland hurled that veto into the faces of the Union soldiers of this country. Afterward he was nominated for President, and no man shouted louder in his behalf than the distinguished gentleman from Indiana, who has suddenly become converted to the support of a service-pension bill that he will never vote for in a Democratic House while God allows him to live—never.

[Here the hammer fell.]

Mr. MORROW obtained the floor and yielded his time to Mr. GROSVENOR.

Mr. GROSVENOR. Now, will the gentleman stand up and tell me when it was that they passed a law under which, and pursuant to the terms of which, this \$100,000,000 is to be appropriated? When did you do it? Your President vetoed, refused to sign, more than three hundred pension bills, and he is to-day the most popular Democrat in the United States and will drag you at his car-wheels three years hence. [Applause on the Democratic side.] That is right. I shall be glad to see you supporting him, and I shall be glad to see the distinguished Democrat from Indiana standing up in his district and protesting to the Union soldiers that he has always been in favor of every pension bill, and yet proclaiming his loyalty and allegiance to the man who vetoed, directly and indirectly, more than three hundred pension bills.

Mr. HOLMAN rose.

Mr. GROSVENOR. I cannot be interrupted in the very short time I have.

Let me tell you, you are not to be credited with any of the pension legislation which we call general pension legislation; but I will tell you what you are to be credited with. You and your Administration ought to be credited with the fact that to-day, by the report of the Grand Army of the Republic, more than 20,000 Union soldiers are in the poor-houses of this country who would have been taken out and made comfortable under the bill that your President vetoed and the veto of which you indorsed. [Applause on the Republican side.] And every night when those men go to bed they understand perfectly well that they lie there smitten by the action of the Democratic party, degraded to pauperism by your policy, placed in their present attitude because you never favor pension legislation except when the Democratic party is out of power.

You talk about having enacted this pension legislation. Gentlemen on the other side say they have increased the pension legislation. Who increased it?

Mr. SPINOLA. The Democrats.

Mr. GROSVENOR. Never. I challenge the gentleman to the proof; and it is time my distinguished friend got one fact into some speech of his and a little less of "glittering generalities." We had in the Forty-ninth Congress a gentleman who could glitter much more enthusiastically and effectively than my friend from New York, but when the pinch came he was never there. I will not refer to the personal record of my friend here upon the question of the veto by the President of the bills of which I am talking.

You will find that all the wrongs which have been done to the Union soldier you have done; and you will find that every right thing that has been done for the Union soldier has been done by the Republican side of this House. Furthermore, when we were in the minority we were able to force this question upon you; in the minority we were able to pick out in the doubtful and close Northern States the men who dare not vote against Republican legislation; but it was the body of the Democrats on the other side who always stood in the way. And now you come and say, "We have reached the 21st of March, and the pension bill has not been reported."

Not very long ago you were complaining because we had not any rules; you were complaining and wanting to know when the rules were going to come. They came at last; and you found it out [applause and laughter on the Republican side]; and among the changes which we incorporated in the rules was a provision permitting pension legislation to be reported at any time. And, my Democratic friends, you will have a chance to make good the blustering promises and protestations you have made to-day.

We have not got to have a two-thirds vote to get up pension bills; a majority can do it. Let me tell you what you are doing in addition to that. Your distinguished statesmen are pointing the country to the terrible appropriations we are going to make for the benefit of the Union soldiers. What does it mean? Your greatest leader on that side points out to the country, in a dispatch which went into the Associated Press everywhere, that we were about to bankrupt the Treasury by passing a service-pension bill; and in the name and on behalf of the Democracy of the United States elevated his potential voice against the extravagance of the Republican party in Congress on that point.

The time has not quite come, but it will come, and the gentleman from Indiana will have an opportunity to vote for a bill, a Republican bill. [Applause.] We will redeem the promises that his party made and violated, and the promises which now, for the first time, this party has had the opportunity to redeem on the floor of Congress with both branches of the national legislature in our hands. [Applause.]

[Here the hammer fell.]

Mr. LAWLER. Give us that bill right away and we are with you. [Applause on the Democratic side.]

Mr. TARSNEY. Mr. Chairman, I have risen for the purpose of asking the gentleman from Ohio a question. Now that the Republican party is in control of the Executive Department and both branches of Congress, do they propose to re-enact that dependent-pension bill and take those twenty thousand out of the pauper-house?

Mr. GROSVENOR. By no means. We will enact a Republican bill, a patriotic bill, that shall not have a dependent-pauper feature in it.

Mr. TARSNEY. Was not that a good reason for vetoing it?

Mr. GROSVENOR. If it was vetoed on that ground, yes. But it was not vetoed on that ground, and no man knows it better than the gentleman from Missouri.

Mr. TARSNEY. If you will leave one minute of my time I will be obliged to you.

Mr. GROSVENOR. I thought the gentleman was putting a question to me. And he did put the question to me, and now he objects to me answering it.

The CHAIRMAN. The gentleman from Missouri is recognized.

#### MESSAGE FROM THE SENATE.

Here the committee informally rose; and Mr. BUCHANAN, of New Jersey, having taken the chair as Speaker *pro tempore* a message was received from the Senate, by Mr. MCCOOK, its Secretary, announcing the passage of the following resolution; in which concurrence was requested:

*Resolved by the Senate (the House of Representatives concurring). That the Secretary of State be, and he is hereby, authorized to have the reports of the United States commissioners to the centennial international exhibition at Melbourne, 1890, or such of them as may be accepted by him for publication, printed and bound at the Congressional Printing Office, and that, in addition to the usual number, there shall be 600 extra copies for the use of the Senate, 1,200 for the use of the House of Representatives, and 1,200 for the use of the Department of State.*

It further announced the concurrence in the following resolution of the House:

*Resolved by the Senate and House of Representatives, etc., That there be printed 25,000 copies of the address of Chief-Justice Fuller, delivered December 11, 1889, on the occasion of the commemoration of the inauguration of George Washington, the first President of the United States; 16,000 for the use of the House; 8,000 for the use of the Senate, and 1,000 for the use of the Chief-Justice.*

It further announced the passage of a bill (S. 826) for the relief of Horatio Phillips Van Cleve; in which concurrence was requested.

#### PENSION APPROPRIATION BILL.

The committee resumed its session, Mr. BURROWS in the chair.

Mr. SPINOLA. I ask that the pending amendment be read.

The Clerk read as follows:

After the word "Mexico," in line 11, strike out "97,000,000" and insert "114,000,000."

Mr. SPINOLA. Mr. Chairman, the purpose of the amendment is to meet the requirements of the Pension Bureau for the next fiscal year, as provided for in the bill now under consideration.

Now, my dear friend from Ohio [General GROSVENOR] has made certain suggestions or attempted to inform Congress to the effect that the Democratic party had done nothing towards providing pensions for the soldiers of this country. Let me ask him if it was not a Democratic Congress which passed the pension arrearages bill? Let me ask him how many millions of dollars that bill put into the pockets of the veteran soldiers of this country? A Democratic Congress increased the pensions of widows from \$8 to \$12 per month. Is that not doing something for the veterans, their widows, and the survivors of the war?

Now, the gentleman must recollect that there is a record of these facts, and that record is presumed to tell the truth, and from that record I speak to-day.

The bill to which the gentleman from Ohio referred as having been vetoed by the President of the United States, President Cleveland, was an insult to the veterans of this country. It was looked at in that light by the Democratic party. It called upon the gallant and brave soldiers of the Union Army to go forth and acknowledge publicly that they were paupers; and I tell you, sir, that a brave, gallant man will suffer death before consenting to so degrading an insult as that. And I tell you

that if you undertake to do that again, during this session of Congress, and bring in a similar bill before us, we will stand here like a wall of iron against you.

A MEMBER. And go down before it.

Mr. SPINOLA. Yes, sir; we will go down, just as the Democratic soldiers went down before the fire of the Confederates.

Why, my friend from Massachusetts over there laughs. The gentleman looks as if he was too young to have known anything that went on during the war or to know much about the Army. But I will tell him that the great bulk of the Union Army was made up of the Democratic legions of the North. [Derisive laughter on the Republican side.] And I am prepared to prove that statement on the floor of the House, and gentlemen on the other side can not laugh it down.

Mr. COLEMAN. May I correct the gentleman? I want to tell him that they are not all Confederates on this side now.

Mr. SPINOLA. Well, God knows they have been trying a long time to get out of their predicament, and I hope they will persevere until they do it.

Mr. WILSON, of Washington. Will the gentleman from New York allow me to correct him in one statement, in reference, as I believe, to myself?

Mr. SPINOLA. Well, I guess not just now. I made no statement in reference to the gentleman.

Mr. WILSON, of Washington. The gentleman said—

Mr. SPINOLA. Well, I will hear you. What did you say? I will hear your question.

Mr. WILSON, of Washington. I do not desire to ask the gentleman any question; but I was smiling when he made a remark a few moments ago, and the gentleman, alluding, as I believe, to myself, said that I was too young to be in the Army.

Mr. SPINOLA. I beg your pardon, my son; I did not refer to you at all. [Great laughter and applause.] It was my friend from Massachusetts to whom I was referring, who has the Shakespearean forehead, who sits just over there. [Laughter.]

Mr. MORSE. Will the gentleman from New York give me a moment?

Mr. SPINOLA. Well, I did not know that my shot was so scattering when I fired it. [Laughter and applause.] What is the matter with my friend?

Mr. MORSE. I want to say in response to what the gentleman has just said—

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MORSE. I move to strike out the last word.

Mr. FLOWER. Mr. Chairman, I will take the floor and yield to my colleague from New York, if I can be recognized.

Mr. MORSE. The gentleman from New York has seen fit to refer to me in connection with service in the Army.

Mr. FLOWER. Can I not yield to my colleague?

Mr. SPINOLA. My time was all taken up by the young man standing yonder. [Laughter.]

Mr. WILSON, of Washington. I did not desire to take the time of the gentleman from New York, but simply to correct a misstatement.

The CHAIRMAN. The Chair will state that the position is this:

The gentleman from New York had exhausted his time. The gentleman from New York yielded, as the Chair supposed, to interruptions, and the time was thus occupied. Afterwards the Chair recognized the gentleman from Massachusetts [Mr. MORSE], who moved a *pro forma* amendment, and after he has concluded his five minutes' time, which is at his disposal under the rules, the Chair will be at liberty to recognize other gentlemen.

Mr. MORSE. The distinguished gentleman from New York referred to me as smiling at his remarks.

Mr. SPINOLA. I beg your pardon; it was not you, sir. [Great laughter.] I did not suppose there were so many members of the House who imagined they resembled Shakespeare in looks. I do not blame him for supposing that I referred to him when I said a few moments ago, "I refer to the gentleman with the Shakespearean forehead."

Mr. FUNSTON. I rise to a question of order. I desire to know who did the "smiling" at the gentleman. [Laughter.]

Mr. MORROW. Mr. Chairman, I desire to say a word in reference to the amendment of the gentleman from New York, if we have disposed of the smiling question.

The CHAIRMAN. The gentleman from Massachusetts has the floor.

Mr. MORSE. Mr. Chairman, the distinguished gentleman from New York pointed to me and charged me, "the gentleman from Massachusetts" (and I was the only man from Massachusetts in this part of the House at that time)—I say he charged me with smiling at his remarks, which he avers I never would have done had I been old enough and had I served my country as a soldier. Now, I plead guilty to the charge of the gentleman from New York of smiling at the remarks of my friend on the other side, as we all did, and pray how could we help it when the Democratic party on the other side enacts upon this floor the stupendous, roaring farce of claiming, as the gentleman from New York does, that the Democratic party in Congress have enacted and the soldiers are indebted to them for every favor in the way of pension legis-



lation that they have received at the hands of the Government, when he knows we know and the country knows that the Democratic party in Congress as a party has constantly, persistently, and consistently opposed all pension legislation, which culminated in numerous vetoes by Grover Cleveland, and his final veto of the soldiers' dependent pension bill, a bill that decreed that no Union soldier should die in the poor-house? Away with this nonsense! It will deceive nobody.

In regard to the gentleman's apology for me, that I was too young to be a soldier, I beg to assure him that I am no spring chicken, and that on the 23d of May, 1861, at the age of nineteen, I enlisted in Company A, Fourth Massachusetts Regiment, and served with General Butler in Virginia, and later I re-enlisted in the same regiment, and shoulder to shoulder with ninety-five men from my little town, under the shadow of Blue Hill, in the valley of the Neponset, under the command of Captain Hall, Lieutenants Drake and Morse, I marched away to the burning sands and the tropical sun of Louisiana.

Of those ninety-five men, who were the flower of the town in which I lived, most of them young men, a score died in the swamps of Louisiana, and were buried unknelted, unshrouded, uncoffined, and unknown, and they are sleeping there now. They are sleeping their long, last sleep. They died for the Union; the roar of no cannon, the boom of no siege gun can awaken them; and, Mr. Chairman, the object of the appropriation now under consideration is to make provision for pensioning and to redeem the pledges made to these men in the hour of the nation's deadly peril, and I shall vote for the bill now under consideration as recommended by the committee.

Mr. MORROW. Mr. Chairman, I wish to say a word upon the amendment proposed by the gentleman from New York increasing the appropriations here some fifteen millions of dollars. I desire to say to the committee that the bill was framed upon the requirements of the existing laws.

There was a careful examination made by the Commissioner of Pensions and the experts in his office and they determined that the amount provided in this bill was sufficient to pay the pensions under existing law. Now, of course, we can not anticipate the action of Congress.

Mr. BYNUM. Will the gentleman answer me a question on that point?

Mr. MORROW. Certainly.

Mr. BYNUM. Do not the two quarterly payments already made in this fiscal year amount to \$53,000,000?

Mr. MORROW. Yes.

Mr. BYNUM. Then will it not require \$106,000,000 this year in order to pay these pensions?

Mr. MORROW. By no means. The Democratic Congress, if the gentleman will allow me, in providing for the pensions for 1889 appropriated \$81,758,700. That was the amount carried in the appropriation bill of 1888. That was soon discovered to be too small an appropriation; and thereupon, when Congress convened, there was an appropriation made of \$8,000,000 as a deficiency, making the total \$89,758,700; but that also was found to be too small at the end of the fiscal year.

Mr. BYNUM. The gentleman has not answered my question.

Mr. MORROW. Oh, yes; I will. I am coming to it.

Mr. BYNUM. I am glad you are getting at it.

Mr. MORROW. When we come to the end of the fiscal year 1889 we find a still further deficiency of \$8,000,000; instead, therefore, of the appropriation being an eight-million deficiency it should have been for a deficiency of \$16,000,000. So, when the present administration took hold of the Pension Office it had about \$8,000,000 deficiency, for pensions due and unsettled, that should have been provided for before the 1st of July, 1889. Now, the result of that excessive deficiency was that we have been compelled to appropriate for the present fiscal year the sum of \$103,371,709, eight millions more than necessary for the current pensions by reason of the fact that the Pension Office was compelled to take \$8,000,000 out of the funds for the present fiscal year and appropriate it for the payments due in the fiscal year ending in June, 1889.

Mr. SAYERS. Will the gentleman allow me to ask him a question right there?

Mr. MORROW. Yes, sir.

Mr. SAYERS. Do you believe that the amount appropriated by this bill will be sufficient for the expenditures of 1891?

Mr. MORROW. I have said repeatedly that it will not be.

Mr. SAYERS. Well, that is all right.

Mr. MORROW. I have said that there will be an increase in the adjudication of claims, that there will be bills passed by Congress providing for further pensions. We have in the last few days passed a bill increasing the working force of the Pension Office, and there will be additional pensions allowed. It will be proper for Congress in the coming year to determine how much this increase has been, and then appropriate for a deficiency, as has been done heretofore. Therefore there is no necessity for this amendment.

Mr. SAYERS. You have not answered my question yet. Do you believe that, with the present legislation only, the amount carried by this bill will be sufficient to pay all the pensions growing out of legislation now upon the statute-books during the fiscal year 1891?

Mr. MORROW. No, sir.

Mr. SAYERS. Very well. Then your proposition is to leave it to the Democratic Congress to make up the deficiency? [Laughter.]

Mr. MORROW. Oh, no. The Democratic Congress, if there is to be one, will not come in by next December; it will not be until after the election, any way, and probably not then. All the requirements of the law as it now stands are \$98,427,461 for the year 1891.

Mr. FLOWER. Will the gentleman allow me to ask him a question?

Mr. MORROW. The requirements of the Pension Office in 1890 by this proper classification of appropriations are \$96,371,709.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. TAYLOR, of Illinois. Mr. Chairman, if I can be recognized I will yield my time to the gentleman from California.

Mr. FLOWER. I would like to ask the gentleman a question, and I would like to ask unanimous consent that he may have time to answer it. I have had my attention called to a case of a soldier who had been waiting for eight years in order to get his pension adjudicated by the office. Now, have they not enough help in the Pension Office to adjudicate the claims of the soldiers?

Mr. MORROW. Application has been made for additional help.

Mr. FLOWER. Do they lack help now?

Mr. MORROW. We have provided for the examination of these cases by the appointment of thirty additional medical examiners. As I understand from the report of the Commissioner what they most require is medical examiners. We have provided those thirty additional examiners; and I understand they will expedite the adjudication of these claims.

Mr. FLOWER. This man has been waiting for eight years.

Mr. MORROW. It does not necessarily follow because he has been waiting eight years that it is the fault of the Pension Office; because it may be his own fault in not completing his evidence. When I first came here I had called to my attention a case that had been pending for fifteen years. I went to the Pension Office, overhauled the papers, and found what evidence was necessary and advised the applicant of the fact. It was presented, and his case adjudicated. It is probable in these cases that have been pending so long that the fault is in the pensioner himself not providing the proof.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. FLOWER. I move to strike out the last word.

The CHAIRMAN. The Chair will state the proposition.

Mr. CUTCHEON. I have an amendment to the amendment.

Mr. SPINOLA. Mr. Chairman, I withdraw the amendment and offer another.

The Clerk read as follows:

Strike out "pensioner" in line 30 in the first section of the bill.

Mr. SPINOLA. I desire to say that there is no necessity for any other bill in regard to passing pension claims through the Pension Bureau, for the reason that in this very bill we make provision to increase the clerical aid. We passed a bill a short time ago that makes provision for that particular purpose, and therefore it has nothing to do with clerical hire. It is a separate item.

Now, sir, my friend from Kansas away back yonder wished to have a hand dealt to him during the *mélée*. [Laughter.] I did not hear exactly what he said, but as part of my remarks upon the amendment now before the House I will ask the Clerk to read the following letter which I have received within the last twenty minutes. I ask careful attention of the House to it, and especially that of my friend from Kansas.

The CHAIRMAN. The gentleman from New York takes the floor and asks that this letter be read as part of his remarks.

The Clerk read as follows:

HEADQUARTERS REPUBLICAN RESUBMISSION CLUB,  
SOUTHERN DISTRICT, Wichita, Kans., March 17, 1890.

DEAR SIR: We noticed with much pleasure your reply to Representative FETTER relative to prohibition in Kansas, and if at any future time our delegation make a statement that prohibition in our State is a success you can denounce it in the strongest terms without the least fear of an honest contradiction. With nine long years of trial, backed by courts with juries selected to convict, by legislatures neglecting all the material interests of the State to invent new and questionable methods to enforce it, it is a confessed failure and farce, oppressing our people with burdensome taxes and driving capital and immigration from us, and building a wall around our fair and otherwise magnificent State, with a notice to the world that individual rights can not be tolerated here.

A few months ago the Republican business men of Kansas took hold of the matter and now Republican clubs are being organized all over the State and at present writing not less than 50,000 Republicans are favoring a resubmission of the prohibitory clause of our Constitution, and the work has scarcely commenced. In ninety days the representatives of Kansas, who go about shouting what a great success prohibition is in Kansas, will wake up and find a Western cyclone has struck them.

With resubmission and the Farmers' Alliances spreading like a mighty prairie fire over our State, revolutionizing old political methods of riding into office, it is enough to wake up even INGALLS, who is busy studying the race question of the South, instead of looking after the material interests of his constituents, and who opposes wiping out this accursed law, which is blighting and paralyzing the business interests of the people of the whole State.

Yours, very truly,

THE EXECUTIVE COMMITTEE,  
By WM. D. McCORMICK, Secretary.

General FRANCIS B. SPINOLA,  
House of Representatives.

Mr. FUNSTON. Now, will the gentleman allow me to say that that is an old blow-hard who was kicked out of the Republican party four years ago, and he is hunting around now for a new party?

Mr. SPINOLA. But the fifty thousand Republican followers he speaks of can not all be blow-hards. [Laughter.]

Mr. FUNSTON. They would not be if what he said about their existence was true.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORROW. Mr. Chairman, I move that debate upon this amendment be closed.

The motion was agreed to.

Mr. CUTCHEON. I move to strike out the last paragraph of the bill.

The CHAIRMAN. That is not in order. That paragraph has not been reached. The Clerk will read the next paragraph.

Mr. MCCARTHY. Mr. Chairman, I desire to offer some amendments to the first paragraph.

Mr. MORROW. Mr. Chairman, we have passed the first paragraph.

The CHAIRMAN. But amendments are in order, although they are not debatable. The Clerk will read the amendment.

The Clerk read as follows:

Page 2, line 29, add the following words after the word "children:" "And in case there be no widow or children, then to the legal representatives of said pensioner."

Mr. MORROW. I make the point of order upon that amendment that it is new legislation.

Mr. HOLMAN. That is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read the next amendment.

The Clerk read as follows:

In line 39 strike out the word "hereafter."

The question was taken on the amendment; and on a division it was rejected—ayes 32, noes 77.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk read as follows:

In line 34, after the word "pensioner," strike out the following: "may, in the discretion of the Secretary of the Interior," and insert in lieu thereof the word "shall," making the provision read as follows:

"The accrued pension due on said certificate to the date of the death of said pensioner shall be paid to the legal representatives of said pensioner."

Mr. CANNON. Mr. Chairman, I understood the gentleman from California to make a point of order upon that amendment.

The CHAIRMAN. This is an amendment to strike out a portion of the paragraph and insert the word "shall."

Mr. CANNON. Precisely; but it involves a change of the existing law.

Mr. MORROW. Mr. Chairman, the provision in the bill is precisely the existing law, copied from the statutes; so that if you strike out one word, or more than one word, or any number of words, you make a change of existing law.

The CHAIRMAN. The Chair did not understand the gentleman from California to make the point of order against this amendment.

Mr. MORROW. I do make it.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For fees and expenses of examining surgeons for services rendered within the fiscal year 1891, \$1,000,000. And each member of each examining board shall, as now authorized by law, receive the sum of \$2 for the examination of each applicant whenever five or a less number shall be examined on any one day, and \$1 for the examination of each additional applicant on such day: *Provided*, That if twenty or more applicants appear on one day, no fewer than twenty shall, if practicable, be examined on said day, and that if fewer examinations be then made, twenty or more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of \$1 only until twenty examinations shall have been made.

Mr. OUTHWAITE. Mr. Chairman, I desire to offer an amendment which I send to the desk.

The amendment was read, as follows:

Insert at the end of line 50 the following:

"*Provided further*, That not more than two of the members of each of said examining boards shall belong to the same political party in any county where it is practicable to appoint examining surgeons from different political parties."

Mr. MORROW. Mr. Chairman, I raise the point of order upon that amendment, that it changes existing law.

Mr. OUTHWAITE. I hope the gentleman will reserve the point of order. I shall not discuss it, but I trust that when I have submitted a few remarks upon the merits of the amendment the point of order will be withdrawn.

The chairman of the committee, in alluding to the subject of rerating, stated that Commissioner Tanner found when he came into office a great machine in operation. Five years ago it was rumored and suspected in this country that the Pension Bureau itself was a great political machine. Whether that rumor or suspicion was well or ill founded matters little to the purpose, but it is a fact that at that time all these examining boards, all of the examining surgeons, and ninety-nine-one-hundredths of the officers in the Pension Bureau were of one political party, although the soldiers they had to deal with were or had been nearly evenly divided in politics. When Commissioner Black took possession of the office he immediately made an order that each of these

examining boards before whom the private soldiers came for examination as to their disabilities should contain a representative of both parties. He made that order and maintained that rule throughout the whole of his administration, and wherever it was practicable there was a Republican on the examining board. In my own district, in the three examining boards there, there was retained a Republican wounded soldier, and when one of them died another of like character was put upon the board. Within sixty days after the present Administration came in those boards were all reorganized.

The board in the county that I live in not only suffered the removal of the Democrats, but suffered also the removal of a wounded Republican soldier because it was suspected that possibly he might have voted for me by reason of his being on that board, a suspicion that was not well founded. In another county in the same district the board was reorganized by removing the Democratic soldier and leaving the Democrat who was not a soldier. In another county in the district the board was reorganized by sweeping out all of the incumbents, and in another county a new board was organized consisting entirely of Republicans. Now, these veterans come in there—

Mr. MORROW. Mr. Chairman, I dislike to interrupt the gentleman, but he is not talking to the point of order.

Mr. OUTHWAITE. I trust the gentleman will withdraw his point of order.

Mr. MORROW. I am not at liberty to do that.

Mr. WILSON, of Washington. I will ask the gentleman from Ohio [Mr. OUTHWAITE] if it is not a fact that in the appointments made now to these boards the minority party is represented.

Mr. OUTHWAITE. In the appointments made under the present Commissioner I believe that is the case to some extent.

Mr. WILSON, of Washington. I know that I have made requests of the Commissioner of Pensions for appointments and he has stated that he desired to have these boards consist of two Republicans and one Democrat; so that he appears to be pursuing the very policy which the gentleman advocates.

Mr. OUTHWAITE. Very well. If that be so, it seems to me there can be no objection to a provision of law which will establish that rule. I say it is in the interest of good government and in the interest of fair play. The soldiers that come before these boards come with no political purpose, and they should not be met with any political purpose.

[Here the hammer fell.]

The CHAIRMAN. The Chair would be glad to hear the gentleman from Ohio [Mr. OUTHWAITE] on the point of order.

Mr. OUTHWAITE. I have not heard on what theory the point of order is based. I suppose it is based on the proposition that the amendment is a change of existing law.

Mr. MORROW. Yes, sir.

Mr. OUTHWAITE. There is nothing in the existing law providing whether the members of these boards of surgeons shall be of different political parties or of the same political party. I consider this amendment not so much a change of existing law as a limitation upon the expenditure of this sum of \$1,000,000, just as much a limitation as the proviso already in the bill.

The CHAIRMAN. The Chair would inquire, if the proposed amendment is not a change of existing law, why insert it?

Mr. OUTHWAITE. As I have said, it is no more a change of existing law than the proviso already in the bill, and which is not found in any existing law.

Mr. MORROW. Oh, yes; it is.

Mr. OUTHWAITE. It is only found in the appropriation act of last year.

Mr. MORROW. And that is existing law, is it not?

Mr. OUTHWAITE. I do not agree with the decisions rendered heretofore on that point. I want to call the attention of the Chair to the proviso now embraced in this bill as to this expenditure:

*Provided*, That if twenty or more applicants appear on one day, no fewer than twenty shall, if practicable, be examined on said day, and that if fewer examinations be then made, twenty or more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of \$1 only until twenty examinations shall have been made.

That is a limitation on the manner in which this money is to be expended, and the amendment I propose is also a limitation on the expenditure; it is a limitation as to the persons to whom the money shall be paid.

Mr. PETERS. But, Mr. Chairman, the provision in the bill to which the gentleman refers is existing law.

The CHAIRMAN. The Chair thinks the point of order well taken, and sustains it.

Mr. KERR, of Iowa. Mr. Chairman, I move to amend by striking out the last word. I have listened to the gentleman from New York while he has made his extravagant claims as to the number of Democratic soldiers in the Army. I do not think any man who looks into this matter will claim that over one-fourth of the soldiers of the Union Army were members of the Democratic party before they enlisted. I think that is perfectly clear; but I do not care to occupy time in discussing that question now.



The point is made against contemplated pension legislation that we should not throw any odium upon the soldiers by the passage of a "pauper" pension bill.

Mr. SPINOLA. I rise to a point of order, that the discussion which the gentleman is now pursuing is not germane to the bill.

Mr. KERR, of Iowa. I will come to the point in a moment.

Mr. SPINOLA. Never mind that. I object, unless you are willing to give me the same amount of time that you occupy. If so I am perfectly willing you shall go on.

Mr. KERR, of Iowa. The gentleman has had the floor to-day five times as much as I have.

The CHAIRMAN. The Chair hopes that the gentleman from Iowa will confine himself to the amendment.

Mr. SPINOLA. What is the amendment?

Mr. KERR, of Iowa. To strike out the last word.

Now, Mr. Chairman, in regard to this matter of "pauper" pension legislation I think there is a great deal of abuse of language. Will the gentleman from New York claim that it is any disgrace for a man to be poor?

Mr. SPINOLA. I will answer the gentleman—

Mr. KERR, of Iowa. I can not yield except for a categorical answer—yes or no. Will the gentleman say it is any disgrace to a man to be poor?

Mr. SPINOLA. Now, I propose to answer that question, and if my friend—

Mr. KERR, of Iowa. I yield only for a direct answer.

Mr. SPINOLA. I will give you an answer if you will permit me.

Mr. KERR, of Iowa. I will not yield any further time.

Mr. Chairman, if a man has been in the service of his country, and on account of that service has been made poor, has been rendered unable to obtain a livelihood, the fact is to his credit. There is no patriotic man in this country who will not honor him for such service; and that he is poor is not a disgrace, if his poverty is the result of his unselfishness and his patriotic service.

Mr. SPINOLA. That is a good way for the gentleman to get out.

Mr. KERR, of Iowa. Something has been said about the pledges made by the Republican party. I make the statement, Mr. Chairman, that the Republican party has redeemed all of its pledges to the soldier, in so far as it has the power. I want to read from the platform adopted in the last national convention of the Republican party, to show the pledges that it made. They are not to be enlarged by bare assertions. They declare that they are in favor of "the payment of just pensions to our soldiers." Then in another place they say:

The legislation of Congress should conform to the pledge made by a loyal people, and be so enlarged and extended as to provide against the possibility that any man who honorably wore the Federal uniform shall become an inmate of an almshouse or dependent upon private charity. In the presence of an overflowing Treasury it would be a public scandal to do less for those whose valorous services preserved the Government.

This is the extent of the pledge the Republican party has made.

I listened with a great deal of surprise to the speech of the gentleman from Indiana [Mr. CHEADLE]. His speech was, by implication, an attack on the Government with reference to the treatment of Union soldiers. By implication it is a charge of the basest ingratitude on the part of the Government in view of the fact that the bill under consideration appropriates \$98,587,252 for pensions, for payment to soldiers for pensions alone—a larger sum than any other nation in the world has ever paid for the support of its Army, including pensions, in time of peace in a single year.

The charge of the gentleman from Indiana seems to be without justification. He also finds fault with the Government because it paid its soldiers in currency. There was no other money in circulation at the time they were paid. They did not expect their pay in any other money at the time they enlisted. Those of them who were able to retain their pay, or to loan it, or to invest it, had it made as good as gold by the policy of the Government, just the same as other creditors of the Government, and that policy was resisted at every step by the Democratic party. The Government at the close of the war, in addition to the pay they had promised, gave an extra bounty of \$100 to every soldier who had served over two years, and three months' extra pay was also granted above the contract. I feel impelled to make this statement as a soldier who served from 1862 to the close of the war, in justification of the Government against the charge made by the gentleman from Indiana.

The gentleman demands that the promises of the Government to the soldiers should be redeemed. He fails to point out any promises it has failed to redeem. The other gentleman from Indiana [Mr. BYNUM] calls attention to the fact that a larger proportion of the soldiers of Indiana have been granted pensions than in any other State. I am glad to hear the gentleman make that statement. He does not explain what exigencies of the Democratic party in Indiana during the last administration contributed to this result, showing how important to a soldier it is in a Democratic administration to reside in a doubtful State. He asks why we do not redeem our pledges.

It might be answered that if the Democratic President had not vetoed the bill which was passed for the relief of soldiers who were dis-

abled and the widows and orphans of deceased soldiers the Republican party would have no pledges to redeem. They are pledged to pass the dependent-pension bill for the relief of the disabled soldiers and of widows of deceased soldiers, and they will pass it. This is the only pledge they have made, as I have shown by the quotation from their platform. The party is not pledged to any bounties or any gratuities. It is not pledged to make good the losses sustained by the Union soldiers in their heroic devotion to the Union.

These it can never repay. The nation should allow no soldier to become a charge on any community as the result of his service to the Government. It should see that no widow whose husband shortened his life in the service should be left to private or local charity in her old age; further than this the Republican party is not pledged, and, considering the burdens of taxation and the necessity for its reduction, I am of the opinion that further than this it should not go, and certainly not further than following the precedent set by a Democrat in Congress in regard to Mexican soldiers to provide that every soldier who has arrived at the age of sixty-two years shall be placed on the pension-roll and allowed enough to secure him against want in his old age.

Mr. MORROW. I move that debate on this paragraph and all amendments thereto be now closed.

Mr. FLOWER addressed the Chair.

The CHAIRMAN. If the gentleman from California [Mr. MORROW] will withhold that motion for a moment, the Chair will recognize the gentleman from New York [Mr. FLOWER], and will afterward put the motion of the gentleman from California.

Mr. MORROW. Very well.

Mr. FLOWER. Mr. Chairman, the gentleman from Iowa [Mr. KERR] has been reading, I presume, from Mr. Greeley's Almanac when he states that only one-fourth of the men who fought the battles of the Union were Democrats.

A MEMBER. Is not that good authority?

Mr. FLOWER. Yes; and I want to quote from that authority on another point. You will find it stated that Abraham Lincoln in 1860 received 1,853,000 votes—all or nearly all from the Northern States. The next year he went to war; and from that time until 1864 2,500,000 soldiers were enlisted to fight in that battle line of 3,000 miles, 1,000,000 more than there were Republicans all told in 1860. Now, I say to the gentleman from Iowa that the Republican party carried every Northern State, including New Jersey—

Mr. KERR, of Iowa. Does not the gentleman know that 60 per cent. of those who enlisted were under the voting age?

Mr. FLOWER. I say that every Northern State, including New Jersey, went Republican as long as the Democratic soldiers were at the front. [Applause on the Democratic side.]

And never, Mr. Chairman, until those soldiers got back did those Democrats have a chance to carry a Northern State, and then they made a clean sweep. [Laughter and applause.]

I say the majority of the soldiers who fought in the last war were Democrats. The men who wore the epaulets were Republicans. The men who carried knapsacks were Democrats. That is one of the reasons why we on this side favor liberal pensions to the soldiers. [Laughter on the Republican side and applause on the Democratic side.] We believe, with three surgeons in every Congressional district throughout the United States, that these pensions should be honestly awarded to the soldiers. We believe in these pension laws, and are willing to make this bill \$114,000,000, instead of ninety-eight millions. [Applause.]

[Here the hammer fell.]

On motion of Mr. MORROW, all further debate on the pending paragraph was closed.

The next section was read, as follows:

For the salaries of eighteen agents for the payment of pensions, at \$4,000 each, \$72,000. In case of the sickness or unavoidable absence of any pension agent from his office he may, with the approval of the Secretary of the Interior, authorize the chief clerk, or some other clerk employed therein, to act in his place, to sign official checks, and to discharge all the other duties required by law of such pension agent. And, with like approval, any pension agent may designate and authorize a clerk to sign the name of the pension agent to official checks. The official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases. Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct, in like cases, of the pension agent for whom he acts.

Mr. OUTHWAITE. I make the point of order that this is a change of existing law.

The CHAIRMAN. What portion of the paragraph?

Mr. OUTHWAITE. Commencing in line 58:

And, with like approval, any pension agent may designate and authorize a clerk to sign the name of the pension agent to official checks. The official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases. Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct, in like cases, of the pension agent for whom he acts.

Of course it is impossible for me to prove to the Chairman by the production of the existing law, unless I would produce the laws on pension subjects; this is not even in the general law. I assume the Chairman is acquainted with the fact it is not in the existing law.

Mr. MORROW. We can shorten this by admitting this is a new provision.

Mr. OUTHWAITE. Then it goes out?

Mr. MORROW. No.

Mr. OUTHWAITE. It is obnoxious to the point I have made.

Mr. MORROW. We found on investigation that in the gentleman's own district in Ohio, where there is a large number of pensioners, the pension agent could not conveniently pay and sign checks.

Mr. OUTHWAITE. I will vote for a law to correct that.

Mr. MORROW. The result was, we put in this provision authorizing the clerk to act as pension agent, and I trust the gentleman will not insist on his point of order.

Mr. McMILLIN. The law does not authorize it now.

Mr. MORROW. No, it is not in the existing law.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. OUTHWAITE. I think the point of order is well taken.

The CHAIRMAN. Does the gentleman insist on it?

Mr. MORROW. I hope the gentleman will not insist on it.

Mr. OUTHWAITE. Allow me then to move my amendment against which the point was insisted upon.

Mr. CANNON. This is to relieve your pension agent in your own town.

Mr. OUTHWAITE. Not at all; not more than the examining physicians; in fact, not so much, for they come immediately in contact with the pensioners themselves. These do not.

Mr. CANNON. I hope the gentleman will not insist upon the point of order.

Mr. OUTHWAITE. The point of order was insisted upon in regard to the amendment I offered and which was equally as important.

Mr. CANNON. This merely delays, if the gentleman gets this provision stricken out on the point of order, the quarterly payment of the pensions of the soldiers. In other words, if this clause remains in the bill, the pension agent may authorize another person to sign his name for him, after giving a bond. So there is no danger of loss of money. It enables the soldier in the large agencies like Columbus, Ohio, to get his pittance from the Government every three months, some days earlier than if this clause was not in the bill.

I am sure my friend from Ohio, with this explanation, will not insist upon the point of order.

Mr. OUTHWAITE. The gentleman is so seductive that it is hard to resist his appeal.

The CHAIRMAN. Does the gentleman from Ohio insist upon the point of order?

Mr. OUTHWAITE. I will withdraw it.

Mr. CUTCHEON. Mr. Chairman, I offer a formal amendment in line No. 52. Strike out "two" and insert "three."

I desire in the first place to reply in a few words, and in a few words only, to the remarks of the gentleman from New York [Mr. FLOWER] when he was on the floor a few moments ago, as to the composition politically of the armies of the Republic in the late war. I do not consider this at all as an essential question. It makes no difference to me whatever whether the men who composed that army during the war of the rebellion were men who voted the Democratic or the Republican ticket. They are alike entitled to the gratitude of the nation, they are alike entitled to our honor, and they are alike entitled to the pensions which the bill now before us is designed to give to them. But in view of the debate that has occurred, and inasmuch as that question can be settled upon authority, and very briefly, I desire to call the attention of the committee to the fact that various Northern States had enacted laws which permitted their soldiers in the field to vote. At the Presidential election of 1864 the soldiers of the following States voted under such State regulations, namely, the soldiers from the States of Maine, New Hampshire, Vermont, Pennsylvania, Maryland, Kentucky, Ohio, Michigan, Iowa, Wisconsin, Kansas, and California.

The soldiers who voted, those who could be found by the commissioners of the several States in the field, cast their votes as follows at that election: For Abraham Lincoln, the Republican candidate, 119,763, and for George B. McClellan, the Democratic candidate, 34,291, or almost 4 to 1. Of course this is a very small proportion of the soldiers that were actually in the field; but it is enough to determine the ratio between the two parties; and what is true of the voters we may also assume to be true of the non-voters.

Now a word in reply to my excellent and venerable friend from New York [Mr. SPINOLA] who occupied the floor a few minutes ago, in regard to the increase of the annual pension bills from 1876 up to the present time. It is true that pension bills have increased since then and that they have been increased by virtue of new legislation adding to the pensionable classes from time to time. All this is true.

Among other things he claims that the repeal of the arrearages act, which the gentleman from Illinois [Mr. SPRINGER] said cost the country nearly \$400,000,000, was a piece of Democratic legislation. I deny it. I desire to call the attention of the committee to the facts. The act repealing the arrears limitation was introduced by a member of Congress from Kansas, Mr. Cummings, a Republican. On the 19th day of June, 1873, under a suspension of the rules, it was put on its passage on motion of Mr. Haskell, a Republican from Kansas, and the vote

was taken. That vote, as shown by the RECORD, is as follows: Democratic votes for the bill 43, Democratic votes against the bill 61; Republican votes for the bill 116, Republicans against the bill, not one.

If that record of the vote for the bill makes it a Democratic measure, a bill which was introduced by a Republican, the passage of which was moved by a Republican, which was carried by the votes of the Republican side, a majority of the Democrats voting against it and every Republican voting for it, then the Democrats are entitled to the credit claimed by the gentleman that it is a Democratic measure, and I am willing that you shall have all that the record entitles you to have. But I confront you with the record in the case.

Again, sir, in regard to the manner in which our pension legislation has risen from year to year. In the Fiftieth Congress I took occasion to submit some remarks on the subject, and called attention to the votes by which the various general pension measures had been passed in the House, and I found in the examination of this question that the Mexican pension bill was passed by the vote of every member of the House, Democrat and Republican, except two, no party line being drawn upon it. Upon the passage of the widows' increase bill in the Forty-ninth Congress, 80 Democrats voted in favor of the bill and 66 against it, while 118 Republicans voted for it and not one against it.

In that case, in the case of the Mexican pension bill only, the majority of the Democrats voted in favor of a general pension measure; and I challenge any man upon this floor or in this country, now and here or at any time hereafter, to show any other general pension measure since the Forty-ninth Congress in which a majority of the Democrats voted in favor of it; and I extend the challenge to show a single instance where the Republican party did not in solid phalanx cast its vote in favor of such measures. Except one case, where Mr. Bisbee, of Florida, voted against the Senate amendment to the Mexican pension bill, I challenge the production of any instance in which the majority of Republicans have not voted in favor of such legislation. When I say general pension legislation I mean legislation affecting large and general classes.

[Here the hammer fell.]

Mr. BYNUM rose.

Mr. ALLEN, of Michigan. If I can be recognized I will yield the time to my colleague.

Mr. CUTCHEON. I trust, Mr. Chairman, I shall not need the whole of the time yielded to me by my colleague.

I wish now to pay my compliments for a moment to my friend from Indiana who just rose and whom I interrupted with a question while he was on the floor a few moments ago in regard to the matter of the service-pension bill. He says that the Republican party stands here committed to the passage of the service-pension bill. I suppose he means by that a general service-pension bill, a universal or uniform service pension. Now, I challenge the gentleman from Indiana to point to a word or line in the record of the Republican party in any national or State convention in which the Republican party pledged itself at this Congress or in any other to the passage of a general service-pension bill.

We have pledged ourselves to more liberal pensions for the soldiers. The gentleman from New York [Mr. SPINOLA] a few moments since rose to move an increase of the amount to be carried by this bill to \$114,000,000. I tried to get the floor then in order that I might say that I believed that the whole amount, \$114,000,000, will be required to pay the pensions for the year 1891, because I believe and trust that before this session ends, through the Republican party of this House, there will be placed upon the statute-book, with the aid of the Republican Senate, liberal pension laws which will take every poor man who is unable to support himself by manual labor out of the almshouses of this country, if any are there, and permit him to make himself respectable among his fellow-men.

Another word, Mr. Chairman. I want here and now to denounce this characterization of the dependent-pension bill as a "pauper bill" as an outrage. These men are poor, and it is no disgrace to be poor. Most of them are poor to-day because of their service to the country; they are poor because they are broken down in health; they are poor because they are unable to help themselves by the labor of their hands; they are poor because bowed down by disease contracted in the line of their duty and in the service of their country.

It is no disgrace to be poor. It is an honor that they were soldiers and wore the uniform of the Republic, and did good service to their country. I denounce the stigmatizing of these honorable men as paupers. They are not paupers. They do not come here as paupers to ask for an alms, but they come to ask that this great, rich, prosperous American Republic will make good to them the strength and the losses which they suffered by their service. I hope we shall be ready to do it. I am in favor of a pension bill that will be broad enough to cover every man who was honorably discharged and who is so disabled that he is not able to support himself honorably.

Now, Mr. Chairman, having said this much, if I have any time remaining I yield it back to the gentleman from California.

Mr. MORROW. I will now yield two minutes to the gentleman from Kansas [Mr. KELLEY].

Mr. STOCKDALE. Mr. Chairman, I addressed the Chair to make a motion before the gentleman was recognized.



Mr. KELLEY. I yield to the gentleman from Mississippi.

The CHAIRMAN. The Chair will recognize the gentleman from Indiana [Mr. BYNUM] to reply.

Mr. BYNUM. I had no doubt when I called attention of the other side to the fact that they were derelict in performing their promises to the soldiers that several gentlemen would at once rise, and, as usual, flaunt the ensanguined garment, as they always do when the question of pensions comes. The gentleman from Ohio [Mr. GROSVENOR] says that the Democratic party was not the author of any general pension legislation. It was a Democratic House that passed the bill granting arrears of pension.

In the Forty-ninth Congress, under the leadership of one of my former colleagues from Indiana [Mr. Matson], there were three or four general pension bills passed. The bill increasing the pension of widows from \$8 to \$12 a month; and no more meritorious bill ever did pass. The only fault I found with it was that it did not increase the pensions enough. The bill increasing the pension of another meritorious class, that of deaf soldiers, from \$17 to \$30 a month.

Another bill increased the pension of the one-legged and one-armed soldiers; and if my recollection serves me aright there was another general pension bill granting a hundred dollars a month to those who had lost both arms. So that, under Democratic Congresses within the last ten years bills have been passed of a general character increasing pensions of the classes that were entitled to consideration over and above any other. If the Republicans were so anxious to pass bills, why was it they did not pass something in the Forty-seventh Congress? Why was it they did not pass a bill during that Congress when they had the power, when they had control of both branches of Congress and the executive department of the Government?

Now, the gentleman from Michigan [Mr. CUTCHER] speaks of the number of soldiers—the number of Democratic soldiers—that were in the Army, and he cites them from the votes cast in the field for Lincoln as Republicans. Why, there was no Republican candidate for President in 1864. There was a Union candidate and a Union ticket in the field, but there was no Republican candidate.

Mr. MORROW. On what ticket was General McClellan running?

Mr. BYNUM. On both. [Laughter.]

Now, the State of Indiana, following out the line of argument made by the gentleman from New York [Mr. FLOWER], furnished 197,000 soldiers between 1861 and 1865. While the men were all in the field, in 1864, the Republicans carried the State by 20,000 majority; but in 1863, when they had returned, it became necessary to change the tally-sheets in order to count in a Republican governor by a slender majority. [Applause on the Democratic side.] So you may take other States, as the gentleman well said, that gave extraordinarily large Republican majorities in 1864, but gave Democratic majorities as soon as the soldiers returned home.

Now, I speak with candor; what I have said has been spoken in earnest and in good faith. I want the policy that is to be carried out by the Government and by Congress determined and settled before this House finally adjourns. If we are to grant a service pension, let the soldiers know it now. [Applause on the Democratic side.]

If we are not to pursue that policy, let it be understood now. The soldiers of the country, permit me to say, are getting tired of having "the bloody shirt" waved and pension legislation deferred.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McMILLIN was recognized and yielded to Mr. BYNUM.

Mr. BYNUM. I thank the gentleman, but I shall not trespass much longer upon the time of the committee. In my own district, a few days ago, the Grand Army of the State held their encampment and denounced the Republican party for its failure to keep its promises. Whether those promises were made by the Republican party or not, the soldiers so understood, and it was Republican papers and Republicans that denounced the dependent-pension bill as a "pauper bill," and not Democrats or Democratic papers. When the Grand Army held their encampment a few days ago in the city of Indianapolis they denounced the Republican Administration for failing to redeem its pledges, and served notice that in the future their votes would not be cast for members of that party unless this legislation was carried out.

Now, as I have already said, bills have not only been brought in here appropriating for different purposes all the money that will probably be in the Treasury during the next year, but the Committee on Ways and Means is reputed to have ready a bill to strike off some twenty-five millions of the tax on sugar, which is almost wholly a revenue tax, and to strike off the tax on tobacco, which is wholly a revenue tax. Mr. Chairman, if sixty millions of revenue is to be stricken down, where do you expect to get the money to pension the soldiers, as you have promised? You voted down the proposition which I offered to the rules making it in order to put upon general pension bills a provision to raise the revenue to meet its requirements, which would have enabled us to adopt an income tax so as to take from the wealth of the country the money to pay the soldiers the amounts justly due to them. Now is your opportunity to prove your fidelity to your pretensions.

Under the rules you can bring in a bill at any moment; under the rules you can take it up and pass it any moment; and if you do not do it you are not only failing, but you are refusing to carry out your

promises, and I intend, so far as lies in my power, that you shall either bring in these measures or you shall go home and be branded by the soldiers of the country as unfaithful to your pledges. [Applause on the Democratic side.]

The Clerk read as follows:

For clerk-hire, \$220,000: *Provided*, That the amount of clerk-hire for each agency shall be apportioned as nearly as practicable in proportion to the number of pensioners paid at each agency.

Mr. STOCKDALE. Mr. Chairman, I move to strike out the words "two hundred and" in the sixty-seventh line. I do not propose to enter at all into this political discussion that has sprung up over this appropriation bill. I want to vote for this bill, if I can conscientiously do so, upon its merits, and it is always a sorrowful thing to me to find angry discussion over an appropriation bill for pensions. I believe that the Union soldiers who deserve pensions should have them, and I am willing to vote for a bill of that sort. But, Mr. Chairman, I make this motion in good faith to elicit an opinion from the Chair and from the committee who report this bill upon the legal effect of its provisions, and I get at my point by offering this amendment, because the \$20,000 that will be left is an ample amount for clerk-hire, if I am correct in my legal construction of the bill. In the first section it makes an appropriation, out of any money in the Treasury not otherwise appropriated, "for Army and Navy pensions as follows," and as this bill was drawn by lawyers and is to be passed into a law I say only as follows. I read from the bill:

For invalids, widows, minor children, and dependent relatives, survivors and widows of the war of 1812 and with Mexico, \$97,090,761.

Mr. MORROW. If the gentleman will permit a suggestion, perhaps I can meet his point. There is defective punctuation there. There should be a semicolon after the word "relatives."

Mr. STOCKDALE. If the punctuation is defective it ought to be amended, because the punctuation is as much a part of a bill as its words. Now I insist that you shall not appropriate \$98,000,000 to the soldiers of the Mexican war and the war of 1812; I insist that you shall include the soldiers of the late war between the States. [Laughter.]

Mr. MORROW. Let them be included then. I move to amend by placing a semicolon after the word "relatives."

Mr. STOCKDALE. You can alter the meaning of a paragraph by a change of punctuation as well as by a change of language, I admit, but that amendment will hardly accomplish the purpose.

A MEMBER. You can not do it so fully, though.

Mr. STOCKDALE. Not so fully.

Mr. CANNON. But my friend [Mr. STOCKDALE] will understand that this bill is in the exact form in which the pension appropriation bill has passed for many years and under which these pensions have been paid, and I suggest that it is perhaps better to follow the usual form.

Mr. STOCKDALE. Why?

Mr. CANNON. For the simple reason that it has always been found sufficient.

Mr. MORGAN. And it has received its construction.

Mr. STOCKDALE. I do not think the question has ever been raised.

Mr. MORGAN. It has received its construction in practice.

Mr. STOCKDALE. I doubt whether the question has ever been considered.

Mr. CANNON. Oh, yes; because all these accounts where money has to be paid out are passed upon by the officers of the Treasury.

Mr. STOCKDALE. Probably it was just taken for granted.

Mr. CANNON. Oh, no; these payments are all passed upon by the accounting officers of the Treasury, and accounts for many hundreds of millions of dollars have been passed upon where the disbursements were made under appropriations worded in just this way.

Mr. PETERS. Let me suggest to the gentleman that any court, in construing a statute, will consider the intention of the legislature, and there can be no doubt about the intention in this case.

Mr. STOCKDALE. It is true that courts construe a statute according to the intention of the legislators; but, that being so, I do not see why this Congress should impose upon the courts the labor of construing a meaning into a law which they could make plain now by the change of a few words.

Mr. MORROW. Inserting a semicolon, instead of a comma, after the word "relatives" on line 9, page 1, will meet the point. I move that amendment.

The amendment was agreed to.

Mr. BOOTHMAN. Mr. Chairman, I wish to answer one or two observations that have fallen from gentlemen upon the other side in the course of this discussion; and, first, I want to say to my friend from Indiana [Mr. BYNUM] that the Republican party have not yet deputed him to construe their policy upon the question of pensions.

Nor is he in a position to criticize the action of the Republican party on this question. He inquires why it was that in the Forty-seventh Congress the Republican party did not pass some general pension bills. The answer is very plain: simply because the soldiers of the nation at that time were not themselves demanding that it should be done. Eight years have gone by since then; and they feel that the time has come

when the American nation should begin to pay attention to their just demands. And I have no doubt that, notwithstanding the action of the gentleman with regard to that question, notwithstanding the guardian care he is going to throw around the Republican party, the Republicans of this House, backed by a Republican Senate and a Republican President, will give the country some adequate legislation on this subject that will furnish proper and needed relief to the soldiers of this nation.

Gentlemen on the other side are not in a position to voice the sentiment of the soldiers; at least the gentleman from Indiana has not been deputed as their spokesman.

Mr. BYNUM. I have been deputed by them as their spokesman.

Mr. BOOTHMAN. Then why did the gentleman sit here silent during the Fiftieth Congress and, when men on this side of the House were clamoring for recognition to consider general pension legislation favorably reported and standing on the Calendar, constitute one of those who were objecting to that consideration?

Mr. BYNUM. I never stood here objecting to the consideration of pension legislation.

Mr. BOOTHMAN. The gentleman's zeal for pension legislation seems to have come into being since the opening of the Fifty-first Congress.

Mr. BYNUM. I never stood here objecting to pension legislation; and the gentleman from Ohio can not show it.

Mr. BOOTHMAN. I can show the gentleman the day and date when he and others objected when we were asking on this side of the House that consideration should be had for pension legislation—

Mr. BYNUM. No, sir.

Mr. BOOTHMAN. And I will do so in a very few minutes.

Mr. BYNUM. I have never objected to pension legislation.

Mr. BOOTHMAN. If I find I have done the gentleman injustice, I will be honest enough to say so; but it does seem to me that this zeal for pensions on the part of the gentleman from Indiana is certainly new born.

Now, a word to my friend from Ohio, who has seen fit to criticize Commissioner Tanner's method of dealing with the board of examining surgeons in his district. Let me state a little personal experience in regard to this matter. When I came here as a member of the Fiftieth Congress there were in the district which I represent two examining boards. I was intrusted with a petition signed by over five hundred soldiers of the county of Fulton, in my district, asking that an examining board should be appointed by Commissioner Black at Wauseon; for in that county, where a large number of Union soldiers resided, many of them were obliged to travel from 40 to 75 miles to be examined. With that petition in my hand, I called on General Black personally, and asked him to give us an examining board at that place.

Mr. OUTHWAITE. I did the same with regard to a county in my district; and I met a similar repulse.

Mr. BOOTHMAN. That request was refused, and refused, as I believe, because I was a Republican representing that district, the district being normally Democratic. As soon as Commissioner Tanner came into office, I made application to him for three boards in that district, one of them at Wauseon, and in each case the application was granted; not only that, but he recommended that a Democrat be appointed with two Republicans on each of those boards, and that was done.

[Here the hammer fell.]

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. OUTHWAITE. I have an amendment which I desire to offer.

The Clerk read as follows:

After the word "cases," in line 63, insert "and a new bond shall be required from all pension agents."

The CHAIRMAN. The paragraph to which that amendment relates has been passed.

Mr. OUTHWAITE. I ask unanimous consent that we go back in order to adopt this amendment. I think the gentleman in charge of the bill will see that the amendment is pertinent and valuable.

Mr. MORROW. Let the amendment be read again.

The Clerk again read the amendment.

Mr. OUTHWAITE. Mr. Chairman, I have offered this amendment because I believe it necessary to perfect the bill. Turning to line 58, we find in this bill authority given to any pension agent now in office to place an additional duty upon one of the clerks of his office—a duty of a financial character—the authority to sign official checks. The sureties on the bond heretofore given would not be liable for action taken in pursuance of this new authority; and hence I think it is necessary to require a new bond.

Mr. MORROW. I do not object to the amendment.

There being no objection, the amendment was considered and adopted.

The Clerk read as follows:

For stationery and other necessary expenses, to be approved by the Secretary of the Interior, \$25,000.

Mr. STRUBLE. Mr. Chairman, I move to amend by striking out the last word. My purpose is to reply further than has my friend from Ohio [Mr. BOOTHMAN] to the gentleman from Indiana [Mr. BYNUM], who has to-day assured the committee that he is an honest man. [Laughter.]

There is no doubt in my mind of the proposition that the gentleman is an honest man; and, for that matter, I have no doubt the gentleman is honest in whatever he proposes, whether here or elsewhere. But when he voices before this committee the attitude of the Democratic party in reference to the basis of the payment of pensions to be paid the soldiers of the country, all doubt is eliminated from the case, and I am altogether satisfied of his honesty.

What is that attitude? The Democratic party would base the payment of pensions of soldiers of the country on the liquor and tobacco tax; and, as the gentleman said, they would add to that the income tax in order to make the entire basis of these pensions as odious as possible to the people. When the gentleman talks about an income tax, however, he is simply favoring a proposition as the member of the minority party which, when in power, his party never had the candor and courage to attempt to enact into law, a proposition, in short, never favored by that party when in power.

If the payment of pensions depended on the tobacco, liquor, and income taxes what would be the result? It would arouse a sentiment throughout the country against the whole pension system which the Republican party has established and maintained. I, for one, will never consent while a member of this House to a proposition of this kind. On the contrary I would say that after the payment of the legitimate annual expenses of the Government the payment of pensions should be made with the most sacred money coming into the Treasury from whatever source of revenue, whether from the sale of public lands or customs duties or any other source, and that nothing is too sacred in the way of revenue out of which this country should pay its most binding and exalted obligations to the men who defended and preserved its life.

We should not lower the standard of pensions to tobacco, liquor, and income taxes as has been suggested by the gentleman from Indiana. I have no objection to this class of taxation, and if it is necessary to again resort to an income tax, well and good, but I do for one object with all the emphasis I possess to the Democratic theory of making the payment of these high obligations of Government depend on collections of money from the amount of tobacco chewed and smoked, and the quantity of whisky consumed by the American people. I do object most strenuously to a policy that will tend to dishonor our pension system by yoking it with filth, debauchery, and crime.

I do object to such an association of payment of pensions with disgusting practices among certain of our people as would, in the not remote future, lead to a sentiment among a new and early generation of absolute disgust with the pension system because its maintenance may depend on the taxation of such articles. I do not wish the time ever to come when any man, woman, or child in the American Republic can point the finger at the unfortunate and filthy habits of any of our people and say, "But for such as these your soldiers, their widows and orphans, would go to the poor-house or suffer want." Think of such a thing for a moment!

The noblest services of patriotism, the purest offerings of love and devotion to country, the loss of health, of limb, and of life, to be rewarded primarily and necessarily by proceeds of money from a tax on articles most disgusting to every pure mother, wife, and sister, as well as every man in the land who has not allowed himself to yield to the unfortunate vices of tobacco eating and smoking and that greater and damming evil, the use of intoxicating liquors. And yet this is the Democratic proposition, not alone of heated debate here, but of solemn party declaration made deliberately to the country.

Mr. Chairman, I hope this monstrous attempt, although it is not a new one, to degrade our noblest offerings of gratitude and justice may be fully appreciated by the soldiers of the land, as I believe it will be, and that our soldier voters will not fail to remember that a restoration of the Democratic party to complete power, legislative and executive, would mean the exact disgrace I have foreshadowed.

[Here the hammer fell.]

Mr. ALLEN, of Mississippi. I regret, Mr. Chairman, that the gentleman from Iowa [Mr. STRUBLE] should be of the opinion that the income tax is odious. It may be odious to the gentleman from Iowa [Mr. STRUBLE], but it is not odious to others. It is not odious to me. These pensions are to be paid. My friend from Indiana [Mr. CHEADLE] told us to-day of the enormous interest paid on the public debt since the war, a debt incurred when the soldiers were out fighting. I say, sir, it is time the incomes of those gentlemen who reaped such fortunes in speculation should be used to repay some of the expenses of the war. [Applause.]

The gentleman may say that the income tax is odious. I know it is odious to you and your party. But I say in behalf of those agriculturists whom I stand here to talk for to-day it is not odious to them. They think it is time the wealth of the country was bearing some part of the burden of taxation. [Applause.]

I warn gentlemen on this floor that the people will not pay tribute to the rich always without exacting something in return. I commend to you the great speech of Senator VOORHEES made in the Senate a day or two ago in the interest of the farmer. I may print it, or a part of it, in my remarks [laughter and applause], for he said it almost as well as I could myself. [Laughter.]



No, Mr. Chairman, I do not know but what the whisky and tobacco and income taxes should bear some part of the burdens of this Government and let some relief be afforded to the agricultural and laboring people of the country who are bearing the most of them now.

Gentlemen rise here and denounce the tax on incomes as odious. I am sorry it is odious, but it ought not to be. It is not odious to me; I do not mind it. [Laughter.] It is not odious to the people clamoring for some relief from the burdens imposed upon them. I, for one, sir, would be willing to see the expenditures of this Government drawn from the incomes. The trouble with gentlemen and the trouble with the party they represent is that they represent the incomes and they do not represent the honest toilers of the country. [Applause.]

[Here the hammer fell.]

Mr. BELDEN. Mr. Chairman, the history of this gray old earth of ours is full of epochs, and of these none has been of more startling import or has impressed itself upon the history of the human race and of its civilization more deeply, or with results which will continue with ever-widening circles down the ages yet to come, than that memorable spring morning, April 12, 1861, when the first shot fired by the besieging host of rebels upon the beleaguered Union garrison at Fort Sumter aroused the loyal North and East and West to arms. The echoes of that gun had scarcely died away before the loyal States became transformed, as if by magic, into one vast recruiting ground.

Since the days of 1812 the sentiment of loyalty, although still present in every breast, was, in a measure, slumbering; but as the reverberating thunder from the Stevens rebel battery in Charleston Harbor rolled sullenly away it called to life a living flame of patriotism like the flaming tongues that descended upon the disciples in the olden time. Every city, town, and village, nay, every hamlet and group of houses by the wayside, became a center of intense excitement, a recruiting ground whence issued the hardy son of toil who dropped the handles of the plow, the artisan who left his tools and trade, the clerk who swung outward the counting-house door, never again to re-enter it; and all these, cheered upon their Southern journey toward the dread unknown of pangs and wounds and death by tears and blessings, by garlands and kisses and hand-shakings, went forth by tens and hundreds of thousands, to return no more forever.

As the weary months and years rolled on fathers, mothers, sisters, the principals of schools and colleges, constituted themselves as earnest but unpaid recruiting officers to fill the depleted rosters of the regiments at the front; nay, the very pastors, neglecting for the nonce the spiritual necessities of their flocks, enrolled themselves as members of the church militant, and, making a rostrum of the pulpit, opened wide the church doors for soldiers of their own recruitment, who in darker hours were carried through those doors again to fill the sick bed or the burial vault beneath the sacred roof.

But the footsteps of the trampling hosts who went forth eager for the fray had more substantial cheer than the speech, the blessing, or the farewell kiss of fond, approving kindred, for the farmer was promised, with all the sad solemnity of that awful time, the place once more behind the plow, to the artisan his anvil or his loom, to the clerk his ledger or his counter. To every one of these it was told that they should lose nothing by reason of their patriotism; their places should be kept sacred and inviolable, subject to their occupancy on their return home. Nay; for these young men, who went forth to save our country as true patriots, there was a far grander, and, in fact, an all-powerful sponsor.

For them the great Government which they sought to save stood forward promising many wonderful things in their behalf. Nor was this all; for the separate States which formed integral parts of the loyal portion of this great Union each severally for itself stood committed and pledged, not only by the general law, but in its own behoof, to cherish, care for, and reward its sons who left its boundaries in the sacred cause of truth and right.

In September, 1861, the great war governor of Pennsylvania in addressing the celebrated Pennsylvania Reserve Corps used the following language, which was in substance echoed throughout the loyal States:

All our material wealth and the life of every man in Pennsylvania stand pledged to vindicate the right, to sustain the Government, and to restore the ascendancy of law and order. Should the wrong prevail, should treason and rebellion succeed, we have no government. Progress is stopped, civilization stands still, and Christianity in the world, for the time, must cease—cease forever. Liberty, civilization, and Christianity hang upon the result of this great contest. God is for the truth and right. Stand by your colors, my friends, and the right will prevail. Thousands of your fellow-citizens at home look to you to vindicate the honor of your great State. If you fail, hearts and homes will be made desolate. If you succeed, on your return you will be hailed as heroes who have gone forth to battle for the right.

As the war progressed and its cruel maw seemed still to demand a larger number of victims, the population of the loyal States began to stagger under the stupendous burden, and the filling up of the depleted regiments in the front and the constant formation of new ones began to drain the human resources of the time, but still the patriotism of the American freeman rose equal to the occasion. As the women of despairing Carthage in the olden time brought their gold, silver, and jewels to fill the empty treasury—nay, even cut off their flowing tresses

to make bow-strings for the legionaries—so the General Government, the State, the county, and the towns contributed without stint and gave many pledges for the future.

It seems to me that it would be well at this time to recall some of the sufferings we propose to recompense by this bill and the nature of the services rendered and the terrible character of the sufferings undergone by the patriots who thus went forth to save from destruction the Government, nay, the very homes which they left.

In a letter published in the New York Tribune, and written by an accomplished and eminent physician of the West, whose opportunities for observation in this country and Europe entitle him to speak with authority, occurs the following concerning the military hospitals of Missouri in January, 1862:

Eighteen thousand men in camp at Otterville and 300 sick scattered in thirteen small, miserable hovels. They were in a most pitiable condition. Everything wanting—food, raiment, beds, medicines.

It would be impossible to describe the wretchedness of that place and of our poor soldiers. The mail train took us to Syracuse; eight houses, among them two hotels, filled with sick. I thought Otterville exhibited an unrivaled picture of misery, but it was greatly surpassed by Syracuse. The houses, the beds, the patients, filthy in the extreme, the stench in the rooms absolutely intolerable. No pig-sty I ever saw looked more disorderly and filthy. No healthy nurse visible, but the hardly convalescent—with difficulty unambulating—invaluable, the only nurse, unacquainted with his duty and wholly unable to perform it when he learns it.

It sickens me as I recall it to my recollection; it will nauseate you as you read this. Is it necessary that our soldiers should suffer thus? A large number of those I saw are men well-to-do in this world, men of means and position, but in camp and in these hospitals merged and lost in a mire of filth.

Another letter in the same paper states that—

One of the medical officers of the Fort Royal expedition urged the necessity of suitable hospital accommodations, at least the legal amount of hospital tent room, and was replied to that hospital tents were scarce and must be given out farther north; that in the warm climate of South Carolina hospital accommodations would not be needed.

The letter further stated that "the thermometer at that time would rise to 85° in the day-time and ice would form at night." The editor in commenting on this condition of our sick soldiers said:

Is the nation willing that its volunteer soldiers, its elect who came forward in this hour of national peril to give their lives for the life of the country, should perish at Hilton Head for want of such shelter from the weather as humanity would give a sick dog; and should be rotting in Missouri hospitals like the jailbirds of Newgate before Howard came to their rescue? Any civil hospital or almshouse or county jail thus murderously mismanaged would be indicted as a nuisance and the managers punished as criminals.

But there is a sterner and darker side to the picture than even the foregoing. In an interesting and graphic volume entitled *Battle-Field and Prison Pen*, the author of which wrote from his own experience, occurs the following:

Comparatively little is known of the terrible sufferings of the inmates of these Southern hell-holes, the Southern prisons; and with all you may glean from those who endured their horrors and relate their sufferings, yet will it be far short of the whole truth, for no human tongue or pen can describe the agony, wretchedness, and misery the poor soldier endured who fell into the hands of the rebels. In Andersonville alone 13,269 Union prisoners, who were in the prime of life, strong, robust, and healthy, perished. In all the Southern prisons, as nearly as could be ascertained, about 65,000 men fell victims to rebel brutality.

Nor must it be forgotten that a far larger number of those imprisoned escaped death only to linger, for the rest of their lives, the miserable victims of loathsome and horrible maladies begotten of their cruel and barbarous treatment in these same Southern prison pens. Of the vast "grand army" of patriots who went forth conquering and to conquer, quite a large percentage sleep "the sleep that knows no breaking" upon Southern battle-fields or in unknown graves, while a larger percentage returned home maimed for life or disabled by wounds or disease. As a fact but very few, if any, who survived returned home in perfect health.

Does it appear to the dispassionate mind that we have wholly kept our promises to these heroes who for their part most nobly fulfilled their pledge to save the Union? Let us see. Upon their return to their homes in city, town, and village, the ablest oratorical talent was employed to welcome them. They were received as heroes, with bands of music and processions. The streets were decorated for the occasion and the civic dignitaries wine, dined, and feted them. They were conveyed in carriages drawn by white horses from the railroad depot to the banquet hall through streets filled with men, women, and children who had come forth to welcome the veterans who had saved their country, their homes, their firesides. We then realized most thoroughly that these self-same patriots had saved the nation for us. But I wonder, as the years grow on, whether our gratitude is still as great and heartfelt, whether the knowledge of their services is still as much before us, or if perchance the lapse of years has left us measurably lukewarm.

The first general pension law which fixed the ratings for disabled survivors of the late war was adopted in 1862 at a time when the Treasury was depleted and when no man was able to tell what would be required of it before peace should once more reign within our borders. The measure in question was necessarily a somewhat meager one, but even at that period a feeling was abroad in the national Legislature that we should still more thoroughly redeem the pledges which we had already made to our gallant soldiers. On the occasion of the discussion of the

measure ref of this House

I want to see country, where majors or captains had enough to apply to the country, the land defense of their country, of war, you would have no of the nation, be no President, flag at Norfolk of victories by the flag of the one extremity, our citizen soldiers

You talk about ferings and pr would have n of the nation, be no President, flag at Norfolk of victories by the flag of the one extremity, our citizen soldiers

From time isolation which ratings for a left dependence of Pensions, his superior system pursu and hinders by the pensi his way; he establish, no his witness; criminals with

Over one h should, as a immediately the Pension advertise for giving of inf claim.

Indeed, I tice prevails ever the king a decision or whole medic fixing the ra that comes a them off jus ings; while, of affairs mos

While the Bureau may the promises the widows, a no better tha may be broad should its ch pledges given

When the sion in 1879 the measure of fact, the p the commerce

These paym money so p ders; and, wi countless th which to-day The long a who wore th fast

Never has any people a With granar can surely be more wise t promises wh bounties we holder was a preciated car paid, paid bo As for mys promises, co Mr. MORE to the House The motion The commi chair, Mr. B

measure referred to a prominent Representative who is now a member of this House said:

I want to see the men who have left their homes to fight the battles of their country, whether they be citizen soldiers in the ranks or generals or colonels or majors or captains, placed on the same common level. The discrimination is had enough in time of war as the result of necessity, but it is intolerable when applied to the bounty of the nation. And when the gentleman tells me that the country can not bear the expense of this bounty toward the brave and gallant defenders of the Union, I reply to him that had they not rallied at the call of their country in the hour of impending danger, and met the deadly perils of war, you would have had no country to-day.

You talk about not being able to remunerate your people for their toils and sufferings and provide for their widows and children. Sir, but for them, I repeat, you would have no country, no Capitol standing here to-day to gladden the hearts of the nation, no ships now moored in your magnificent river; there would be no President of the United States to gladden his eye with the fall of the rebel flag at Norfolk; there would be no great people rejoicing this day at the tidings of victories by which the rebellion is being crushed and rebellion falling before the flag of the Republic, with the just hope that that flag shall soon wave from one extremity of the land to the other. It is to those brave soldiers alone—to our citizen soldiers—that we are indebted for all this.

From time to time this act has been supplemented by additional legislation which has mostly been in the direction of increased and specific ratings for specific conditions. Still, however, the soldier is largely left dependent upon the sweet will and pleasure of the Commissioner of Pensions, who administers the law subject only to the review of his superior officer, the Secretary of the Interior. In fact, the whole system pursued by the Pension Office seems to be one which prevents and hinders the soldier from availing himself of the benefits conferred by the pension laws. It seems as though every obstacle is thrown in his way; he is required, in order to obtain a status in the office, to establish, not only his own honesty and truthfulness, but that also of his witness; he is treated *per se* as a fraud and his agent as *particeps criminis* with him in the perpetration of a fraud.

Over one hundred thousand certificates of disability, the facts in which should, as a mere act of common honesty, be conveyed to the soldiers immediately interested, are carefully guarded in the secret archives of the Pension Bureau. Unlike our English cousins across the water, who advertise for such claimants as have not come forward, we forbid the giving of information which may lead to the filing or prosecution of a claim.

Indeed, I understand that in the Pension Office that common practice prevails which is so aptly illustrated by the old adage that "Whenever the king takes snuff the court sneezes," for if the Secretary makes a decision or the Commissioner a ruling unfavorable to a claimant the whole medical branch, which has charge of the important question of fixing the rates, immediately proceeds to reject or reduce everything that comes along until a decision or ruling in favor of a claimant sets them off just as irrationally in the opposite direction of generous ratings; while, unfortunately for our gallant soldiers, the former condition of affairs most frequently prevails.

While the late Commissioner Tanner's administration of the Pension Bureau may possibly have erred in degree, it was at least in the line of the promises made to the soldiers from 1861 to 1865. As a matter of fact, the widows, orphans, and dependent relatives of the soldier have fared no better than himself. As regards the future of the pension system, it may be broadly and succinctly stated that at no time since April, 1861, should its chances for improvement or for the fullest redemption of all pledges given be better than at present.

When the question of the payment of arrears was under discussion in 1879 the claim was made here and throughout the country that the measure would bankrupt the United States Treasury. As a matter of fact, the payment of the arrears proved to be a powerful factor in the commercial prosperity of the year 1880 and several successive years. These payments, indeed, averted a threatened financial panic. The money so paid, instead of going abroad, was spent within our own borders; and, widely distributed, after bestowing relief and blessings upon countless thousands, found its way back into the national Treasury, which to-day is gorged to repletion.

The long and wavering line of these maimed and scarred veterans, who wore the blue that we might continue to be a nation, is narrowing fast.

Never has a kind and bounteous Providence so benignly smiled upon any people as He has done upon our own during the past few years. With granaries well filled and with an overflowing Treasury there can surely be no time more suitable, no act more graceful, no policy more wise than to keep to the spirit as well as to the letter those promises which we made to the saviors of the nation whose pay and bounties we gave them in sorely depreciated currency, while the bondholder was allowed to purchase, at a heavy discount, in the same depreciated currency, those national obligations which we subsequently paid, paid both principal and interest, in minted gold.

As for myself I am in favor of redeeming the letter and spirit of our promises, cost what it may.

Mr. MORROW. I move that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. BURROWS reported that the Committee of the Whole House

on the state of the Union had had under consideration the bill (H. R. 7160) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1891, and for other purposes, and had directed him to report the same back to the House with sundry amendments.

The amendments of the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MORROW moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### QUESTION OF PRIVILEGE.

Mr. WISE. I rise to a question of privilege. On yesterday I offered two petitions or memorials of my constituents with my name and reference to the Committee on Claims indorsed on their back. They were handed by myself to the clerk now in front of the Chair. There is no mention of it in the RECORD. I wish to say in addition that after the most diligent search to-day I have been unable to find them. I wish to have them appear in the RECORD. They were offered by me in accordance with the rules of the House.

The petitions, I will say, Mr. Speaker, are from Messrs. A. S. Lee and Yale & Co., of Richmond, Va., and relate to the renting of quarters from these gentlemen subsequent to the war by the Army of the United States.

The SPEAKER. The Chair is informed that the petitions to which the gentleman refers were placed in the petition-box.

Mr. WISE. They were, sir, placed in the box by the gentleman who stands immediately to the left of the Chair. I have no censure whatever to pass upon him or complaint. I saw him put them in the box, where they belong, myself. I only desired to call attention to the fact, so that they may be traced.

#### ORDER OF BUSINESS.

Mr. SPINOLA. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the unfinished business coming over from the last private-bill day, this day being set apart under the rules for the consideration of business on the Private Calendar. The Clerk will report the first bill reported from the Committee of the Whole.

#### ALBERT H. EMERY.

The bill (H. R. 3538) for the relief of Albert H. Emery, reported from the Committee of the Whole with an amendment, to strike out "\$200,000" and insert "\$50,000," was considered, the amendment concurred in, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

#### GENERAL JOHN C. FRÉMONT.

The next business reported from the Committee of the Whole was the bill (H. R. 2849) authorizing the President to appoint and retire John C. Frémont as a major-general in the United States Army.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

#### BRITISH BARK CHANCE.

The next business reported from the Committee of the Whole was the bill (S. 1296) for the relief of the owners, officers, and crew of the British bark Chance.

The bill was ordered to a third reading; and being read the third time, was passed.

#### DENISON AND WASHITA VALLEY RAILROAD COMPANY.

The SPEAKER. If there be no objection, the Chair will also lay before the House the Senate amendments to the bill (H. R. 856) to amend section 1 and section 9 of an act entitled "An act to authorize the Denison and Washita Valley Railroad Company to construct and operate a railway through the Indian Territory, and for other purposes."

The amendments of the Senate were read at length.

Mr. PERKINS. I move that the House non-concur in the Senate amendments and ask for a conference on the disagreeing votes thereon. The motion was agreed to.

#### TENTS FOR OVERFLOWED DISTRICT, MISSISSIPPI RIVER.

Mr. ROBERTSON. Mr. Speaker, I am directed by the Committee on Military Affairs to report back the following bill (H. R. 8458) authorizing the purchase of tents by the Secretary of War, and for other purposes, and ask unanimous consent for its present consideration.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to purchase twenty-five hundred tents, or so many thereof as may be necessary, for the use of the people driven from their homes in the States of Arkansas, Mississippi, and Louisiana by the present floods prevailing in said States.

Sec. 2. That said tents shall be loaned to the authorities of said States for the purposes aforesaid, at the discretion of the Secretary of War.

Sec. 3. That \$25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appro-



printed, to pay for the said tents herein authorized to be purchased; and this appropriation shall be available upon the passage of this act.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time.

Mr. CANNON. Mr. Speaker, I think some explanation ought to be made about this bill.

Mr. BOATNER. Mr. Speaker, I will state for the information of the gentleman from Illinois and for the House that this bill has been introduced at the urgent request of and on consultation with a large number of planters and persons affected by the present floods of the Mississippi River at or near Vicksburg, Miss.

The bill has been submitted to the Secretary of War and is approved by him. On application to him several days ago for the loan of certain tents to protect the people who had been driven from their homes in that region by the floods, he informed us that they could not be furnished because there were not enough tents in the War Department or any tents whatever at their disposal; and therefore it would be necessary, before the tents could be furnished by the Department, for Congress to pass an appropriation bill authorizing their purchase.

The people to be protected are poor colored people generally, who have recently gone into that portion of the country from North Carolina and the other Atlantic States. They have been driven from their humble homes—the homes they have occupied—by the high waters, and large numbers of them are at present in the open air, with neither protection nor shelter. It is impossible to find house room for the large number of people who have thus been driven from their homes by the high water, and as a measure of humanity I hope there will be no objection to the passage of this bill. It is in the interest of very poor people who are unable to provide for themselves.

Mr. CUTCHEON. I would like to ask the gentleman from Louisiana what information has he—I mean what official information—as to the number of persons who are thus destitute?

Mr. BOATNER. I have no official information, except a dispatch received from the sheriff of Madison Parish on the day before yesterday, who stated that at that time five hundred of these people were needing protection.

The bill has been drawn for a much larger number of tents than is required to provide for this particular case, because we anticipated that there might be needs of the same kind at other points on the Mississippi, in the State of Arkansas, and at other places. It was not expected, however, that the Secretary of War would purchase more tents with the appropriation proposed than would be actually necessary to meet the difficulties of the present situation, but that he should have enough funds to meet any demand that might be made upon him to supply these homeless people.

Mr. CANNON. If the gentleman will allow me, I would like to ask him if there is a report from the Committee on Military Affairs accompanying this bill?

Mr. BOATNER. Yes, sir.

Mr. CANNON. The gentleman says that the Secretary of War recommends the enactment of this legislation?

Mr. BOATNER. Yes, sir.

Mr. CANNON. Does he make that recommendation in a communication?

Mr. BOATNER. Yes, sir.

Mr. ROBERTSON. Yes, it is here.

Mr. CANNON. I think the House should be placed in possession of all the facts.

Mr. BOATNER. I will send it to the Clerk's desk and have it read. The Clerk read as follows:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,  
Washington, D. C., March 20, 1890.

SIR: I have the honor to state that should the inclosed bill become a law it is believed that in ten days or two weeks' time the number of tents named therein, or tents of equal accommodating power, can be purchased for delivery where needed.

These tents, when no longer required, if preserved and returned to the Department, would be useful in similar future emergencies. Not having any tents on hand available in the Quartermaster's Department, the appropriation is recommended.

Very respectfully,

S. B. HOLABIRD,  
Quartermaster-General, United States Army.

The Hon. SECRETARY OF WAR,  
Washington, D. C.

WAR DEPARTMENT, Washington City, March 20, 1890.

SIR: At the request of Hon. Mr. BOATNER, I transmit herewith a draught of a bill "authorizing the purchase of tents for certain purposes and making appropriations therefor," left with me by him, and inclose a report of the Quartermaster-General of this date upon the subject. I concur in his recommendation.

Very respectfully,

REDFIELD PROCTOR, Secretary of War.

Hon. THOMAS B. REED,  
Speaker of the House of Representatives.

Mr. BOATNER. I will state for the information of the House that it is not intended that these tents should be donated or given to the

authorities of these States or to these people, but only a temporary loan, only for this emergency.

Mr. CUTCHEON. I would like to say that I was not present when this bill was considered, and from the reading of it I do not understand whether any bond or other requirement is to be given for the return of the tents.

Mr. MORGAN. The colored people could not give bond.

Mr. CANNON. I will state to my friend that I do not object to the consideration of the bill, nor do I want to object to its passage, provided the House be in possession of information that this flood or misfortune is so great in the localities mentioned that it is not practicable for the local authorities of the township, county, or State to afford the necessary relief; in other words, that the misfortune of the flood is so great that unless the General Government intervenes there is to be suffering among the people there.

If that is the case, following the precedents, not so frequent, maybe, in late years as in former years, but following the precedents, and from a standpoint of humanity, I think that it might be, and indeed would be, in such a case proper that the relief be afforded.

Mr. BOATNER. I will state, in reply to the remarks of the gentleman and for the information of the House and the gentleman, that during the last four or five years a very large area of country has been opened up to cultivation in the back portion of the river parishes—those portions of Madison and East Carroll which ever since the war have been abandoned as being so subject to overflow as to be unfit for cultivation until the construction of levees of the Mississippi.

Within the last few years a large number of plantations have been opened and the people there employed are where the country is overflowed and the water up to the eaves of the houses. Of course the people who have been living in those houses had to get out. They have had to come out to the front plantations.

There is an immense mass of people crowded on the front plantations. The planters have no house room for them and the authorities have been strained to the last point in protecting the overflowed country.

Mr. CANNON. Does the gentleman also state that the States of Arkansas, Mississippi, and Louisiana are, under existing conditions, unable to relieve that distress? If they are, it ought to be relieved.

Mr. BOATNER. I am satisfied, Mr. Speaker, so far as the State of Louisiana is concerned, they can not be relieved by the State authorities, because the governor of the State has sent telegrams here asking for this legislation. I have telegrams from the local authorities asking us to obtain this relief, and a telegram from the planters that they are willing and able to feed these people, but that it is impossible for them to shelter them.

Mr. CUTCHEON. What is the probable duration of the overflow, judging from past experience?

Mr. BOATNER. Probably from one month to six weeks; but anywhere from one to two months.

Mr. CUTCHEON. I suppose it would be at least two weeks or fifteen days before the tents could get down there.

Mr. BOATNER. We think they should get down there in ten days.

Mr. COLEMAN. I hope that this bill will pass. I hold in my hand a telegram from my people, which reads as follows:

CONVENT, LA., March 21, 1890.

H. D. COLEMAN, Representative, Washington, D. C.:  
Crevasse in our parish 500 feet wide. People in distress. Could you not get a part of the \$100,000 appropriation for us? Act at once.

F. WAGNER SPACK,  
President Police Jury, St. James Parish, Louisiana.

Now, gentlemen, you do not know what that means until you see part of the Mississippi River rolling through a gap 500 feet wide and about 8 feet deep.

A letter from J. L. Gaudet, dated Convent Post-Office, March 18, contains the following information:

This community has lately been visited by a terrible calamity, which you have no doubt seen by the New Orleans papers. The Nita crevasse, which occurred on the property of Mr. Amant Bourgeois, has already spread ruin and desolation throughout a large portion of this parish, the people of which will soon be in great distress. The water has already invaded the Grand Point, a settlement of Perique tobacco growers, situated in the interior about 4 miles from the river, and the inhabitants have to abandon house and home to seek a place of safety from the floods. The first, second, and third wards of this parish and portions of Ascension and St. John the Baptist will also suffer.

Now, Mr. Speaker, when people are living on the roofs of their houses they have not much time to stand upon the order of how they are to get protection from the elements. This bill provides for \$25,000 to be paid for tents if they are called for by the authorities of the States. If they are not needed they will not call for them; and as my colleague has stated, it is simply to be a loan, and not a donation. They will be loaned on such conditions as will secure their return. I hope the bill will pass and pass quickly.

Mr. ROGERS. Mr. Speaker, very briefly I wish to say that so far as Arkansas is concerned I am not a representative of that portion of the State which is subject to overflow, and I am not therefore in a position to give any advice with reference to this matter. But I do know that during the past six or eight months it is represented that 8,000 colored people have gone into the eastern portion of the State, along the Mississippi River front, from the two Carolinas, Georgia, and perhaps other States.

I know all these people and when they are without food they are in a wretched condition who represent recently sea-tlemen from formation in any district State and p

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I know also from representations in the public press that many of these people were induced to go there perhaps on misrepresentations, and when they reached their destination they were without bread, without food, without shelter, and without clothes. What condition they are in in case of an overflow no one can estimate or form any idea of unless we get some explanation from that quarter. The gentleman who represents the great Mississippi River front is the gentleman recently seated by the House in the place from which we think the gentleman from Arkansas [Mr. Cate] was improperly removed. What information he may have I do not know; but it seems to me that if there is any distress there he ought to know it, as he is recently from the State and perhaps in possession of information on that subject.

Mr. BOATNER. I will state for the information of the gentleman, Arkansas was included only in anticipation that demands might be made from there and in order to obviate the necessity of another bill. The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed. Mr. COLEMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### REPORT OF COAST AND GEODETIC SURVEY.

Mr. RUSSELL, from the Committee on Printing, reported back the following resolution with the recommendation that it be adopted:

*Resolved by the Senate (the House of Representatives concurring),* That there be printed and bound in cloth 5,000 extra copies of the report of the United States Coast and Geodetic Survey for the fiscal year ending June 30, 1889, together with the usual necessary progress sketches and illustrations, 1,000 copies of which shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the United States Coast and Geodetic Survey.

The resolution was adopted.

Mr. RUSSELL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### WYOMING.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to have printed and referred to the Committee of the Whole House on the state of the Union, together with the report heretofore made on that subject by the Committee on Territories, the views of the minority of the committee with reference to the admission of Wyoming into the Union. I will state that at the time the report of the committee was made I did not know it was to be submitted and had no opportunity to present the views of the minority.

The SPEAKER. Has the gentleman permission from the committee?

Mr. SPRINGER. Yes, sir; it was stated in the committee that the views of the minority would be submitted.

There was no objection, and it was so ordered.

#### ADMINISTRATION OF THE PENSION OFFICE.

Mr. MORRILL. Mr. Speaker, the Committee on Invalid Pensions instruct me to report back the resolution which I send to the desk (Miscellaneous Document No. 51) and to recommend the adoption of the accompanying substitute.

The resolution and substitute as reported from the committee were read, as follows:

*Resolved,* That the Secretary of the Interior be, and he is hereby, requested to furnish the House of Representatives the evidence taken and the report submitted to him by the committee which he appointed to investigate the management of the Pension Office under the late Commissioner Tanner. That he also be requested to inform the House of Representatives what steps, if any, have been taken to recover the money paid to persons who were illegally and improperly rated; that he also be requested to furnish a list of the names of the employees of the Pension Office who were engaged in rating themselves and each other, and to inform the House of Representatives who of those on said list are still in the Government employ, and who have been discharged, if any, on account of their participation in such frauds on the Government.

The committee report the following as a substitute:

*Resolved,* That the Secretary of the Interior be, and he is hereby, requested to furnish to the House of Representatives the evidence taken and the report submitted by him to the committee which he appointed to investigate the management of the Pension Office under the late Commissioner Tanner; and that he also be requested to inform the House what cases have been rated in the Pension Office during the past two years, and what, if any, have been illegally or improperly so rated; and, if any cases have been rated illegally, whether action has been taken to recover the money wrongfully paid; that he also be requested to inform the House of Representatives whether any employees of the Pension Office were directly or indirectly engaged in rating themselves, and, if so, to give the names of such persons, and also to inform the House who of those thus engaged are still continued in Government employ, and the reasons why, and who, if any, have been discharged on account of their participation in said rating.

The substitute was agreed to.

The resolution as amended was adopted.

Mr. MORRILL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### DENISON AND WASHITA VALLEY.

The SPEAKER announced the appointment of Mr. PERKINS, Mr. McCORD, and Mr. HARE as conferees on the part of the House upon the bill (H. R. 856) to amend section 1 and section 9 of an act entitled "An act to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July 1, 1889.

#### BRIDGE OVER BAYOU BERNARD, MISSISSIPPI.

Mr. STOCKDALE. Mr. Speaker, I ask unanimous consent for the consideration of the joint resolution which I send to the Clerk's desk, being the joint resolution (H. Res. 105) "to continue in force an act authorizing the construction of a bridge over Bayou Bernard, in the State of Mississippi."

The joint resolution was read, as follows:

*Resolved, etc.,* That the act entitled "An act to authorize the construction of a bridge over Bayou Bernard, in the State of Mississippi," approved February 23, 1887, be, and the same is hereby, revived and continued in force and effect; and that the time for the completion of the bridge therein provided for be extended three years from February 23, 1890, and that said act be so revived and extended with all its provisions in full force the same as though the time in the original bill for the completion of said bridge had been six years instead of three years.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STOCKDALE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted, as follows:

To Mr. HENDERSON, of North Carolina, indefinitely, from and after the 22d instant, on account of sickness in his family.

To Mr. COWLES, for ten days from and after Saturday the 22d, on account of important business.

To Mr. BROSIUS, indefinitely, on account of important business.

To Mr. CANDLER, of Georgia, for ten days, on account of important business.

#### ORDER OF BUSINESS.

The hour of 5 o'clock having arrived, the House, under the rule, took a recess until 8 p. m.

#### EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., resumed its session, and was called to order by Mr. MORROW, as Speaker *pro tempore*.

The Clerk read the following:

SPEAKER'S ROOM, Washington, March 21, 1890.

Mr. MORROW, of California, is hereby appointed Speaker *pro tempore* for this evening.

T. B. REED, Speaker.

#### ORDER OF BUSINESS.

Mr. MORRILL. I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar under the special order for Friday evening.

Mr. STONE, of Missouri. I rise to a parliamentary inquiry. There were two bills reported from the Committee of the Whole last Friday evening and pending at the adjournment. I wish to ask whether those bills ought not to be disposed of now.

The SPEAKER *pro tempore*. They can be disposed of now or after the Committee of the Whole rises this evening.

Mr. STONE, of Missouri. It is immaterial to me.

The question being taken on the motion of Mr. MORRILL, it was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. ALLEN, of Michigan, in the chair.

#### EDWARD HAYNES.

The first business on the Private Calendar was the bill (H. R. 4694) for the relief of Edward Haynes.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edward Haynes, late a private of Company K, One hundred and forty-first Regiment New York Volunteers.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4694) granting a pension to Edward Haynes, submit the following report:

This claim was rejected by the Department on the ground that there was no record in the War Department showing origin of rheumatism or resulting disability from measles and exposure, and from claimant's inability to furnish such evidence.

The records of the War Department show that claimant enlisted August 22, 1862, and served until June, 1865, showing a service of two years nine months and seventeen days as a member of Company K, One hundred and forty-first New York Infantry, and that while on duty with his regiment near Kingston, Ga., contracted measles and rheumatism, and on account of exposure in field and camp hospitals, from which he has never recovered. The records also show that he was sent to hospital at Chattanooga; from there to Nashville, Tenn., and later to Jeffersonville, Ind.



The evidence of several witnesses shows that he was a sound man when he enlisted. It is also shown that claimant participated in several battles. Also that he was present and treated in the hospitals above noted for measles and rheumatism, and that he was returned to his regiment August 30, 1864.

It is also shown that he was first made sick with the measles while on picket duty, and was carried in the morning from said picket line sick and thoroughly wet by a heavy rain that had fallen during the night, and was moved to Chattanooga while so sick in a common box-car.

The claimant makes the following statement: After release from hospital started for the front to join regiment at Chattanooga; was placed on detached duty at Chattanooga; later was sent with other troops to Nashville, where he was engaged in the battle with Hood and in the pursuit of his defeated army, where many streams had to be forded and where all the forces were very much exposed, and again he was troubled with rheumatism. It seems that much of this sickness was while he was absent from his company and with strangers, who could not be found after his discharge. Claim was filed for pension in 1883, not until he was so completely disabled that he could no longer earn a living for himself and wife, and since that time he has been in an almost dependent position, and is now utterly destitute and an object of charity.

There is plenty of evidence to show him a good and faithful soldier; to show that he was in several hospitals for treatment and that he has been treated for these troubles since 1867. The report of medical board at Grand Rapids, Mich., February 3, 1890, gives a three-fourths rating of total disability. The testimony of Dr. O. A. Jakway, of Breeseport, N. Y., who treated claimant from January, 1867, to November, 1879, is conclusive and very full as to claimant's condition during that period. The only missing links in the testimony is between the periods June, 1865, and January, 1867, and between 1879 and 1883. The death of physicians and others knowing to these periods of his life seems to be the main reason for insufficient proof.

The claimant is now in a very destitute condition and totally disabled, and I therefore recommend that his name be placed on the pension-roll, subject to the rules and regulations of the Department.

Mr. STONE, of Missouri. Mr. Chairman, I have looked over the papers in this case, and will state some facts as I have gathered them from the investigation I have made.

In 1887 C. J. Darling, a special examiner, examined this case at Howard City, Mich., where the claimant resides. He took depositions, among others that of the claimant himself. From the claimant's affidavit it appears that he was employed in what he designated as a "temperate restaurant," receiving an irregular and uncertain compensation. The testimony of the claimant shows that he is in bad health and unable to do much work. The cause of his ill health he attributes to rheumatism contracted in the service; and the question before the Department was whether that claim was well founded. I quote from the claimant's affidavit:

I claim a pension for rheumatism and its results. I make no claim for anything else. I never contracted any other disease in the Army that I know of. The results of rheumatism in my case are pain in my breast, difficulty of breathing, disease of heart, disease of the spine, disease of kidneys, and disease of stomach.

Again:

Of course I had pains; but the first I ever had what I call rheumatism was the summer when I was discharged, after I got home.

Again:

I do not think I ever had any medical treatment in the service for rheumatism.

This is the testimony of the claimant himself at an examination before an officer of the Pension Department.

In his report the special examiner says:

He (claimant) was present in person and represented by an attorney throughout my examination of the case. It is quite clear that what he terms the results of rheumatism are diseases of recent origin and in no way due to rheumatism nor to his military service.

That is what the examiner says.

Much is said in the report made by the Committee on Invalid Pensions about claimant having had measles during his service; but it is clear from evidence in the case that he entirely recovered from that disease after it had run the usual course. Special Examiner Darling, in his report, from which I have already quoted, says:

Nor can any connection between measles and his present disability be traced. To my mind the fact that he had entirely recovered from measles before resuming his duties as a soldier and undergoing the exposures incident thereto, effectually disposes of that disease.

Besides, Mr. Chairman, the claimant himself states that he does not predicate his claim upon the results of measles or any other disease than that of rheumatism itself.

The conclusion of the Department is thus expressed:

Rejected on the ground that there is no record at the War Department of rheumatism, and the inability of claimant to furnish evidence to show the origin of same in service, although afforded the facilities of a special examination. He does not claim any disability from measles.

E. BURTWELL, Legal Reviewer.  
CURTIS, Re-reviewer.

Now, Mr. Darling is not the only special examiner who has had this case in charge and reported on it. It was also specially examined by two or three others, and its rejection was recommended in each instance.

There was exposure in the Army, no doubt, but that was incident to the service of all soldiers. The point I make in this case is that there is an absence of proof to show that the disease from which the soldier is suffering was the result of his military service. He is poor and he is diseased. If we are purposing to allow him a pension for these reasons, why, let it be done, but let us not do it under the pretense that it is allowed for disability incurred while in the service of the United States.

Now, sir, I am through. I wish to say only this, that I have no dis-

position to consume the time—I have not consumed more than four or five minutes on this—but simply desire to put upon the record what I regard as some of the facts of the case, and then leave it to the committee.

Mr. CHIPMAN. Let me ask the gentleman on what grounds was the claim rejected at the Pension Office; what ground was officially set forth on the wrapper?

Mr. STONE, of Missouri. I have already stated that fully, but I can repeat it if desired.

Mr. CHIPMAN. I did not know that the gentleman was reading it. I thought he was reading the conclusion of the examiner.

Mr. STONE, of Missouri. I quote from the report:

Rejected on the ground that there is no record at the War Department of rheumatism, and the inability of claimant to furnish evidence to show the origin of the same in the service, although afforded facilities by special examinations. He does not claim any disability from measles.

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with favorable recommendation.

The motion was agreed to.

The bill was accordingly laid aside to be reported to the House with the recommendation that it do pass.

MARY WELCH.

The next business on the Private Calendar was the bill (H. R. 5309) to place the name of Mary Welch upon the pension-roll.

The bill is as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, at the rate of \$12 per month, the name of Mary Welch, widow of Andrew E. Welch, late of Company F, Eleventh Michigan Infantry Volunteers.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5309) to place the name of Mary Welch upon the pension-roll, submit the following report:

Mary Welch is the widow of Andrew J. Welch, who served as private and corporal in Company F, Eleventh Regiment Michigan Volunteers, from September 11, 1861, to September 30, 1864, and died of disease of the heart March 24, 1883. The soldier applied for pension on account of injury of head from concussion of a shell, causing impaired vision and nearly total deafness of left ear. This application was allowed after soldier's death, and pension from discharge paid to the widow. Her claim for pension has been rejected because the evidence is not deemed sufficient to connect the fatal disease with the service.

Claimant states that soldier suffered from disease of heart at time of her marriage to him in February, 1865; that he had frequent fainting spells, and as early as May, 1866, came under treatment of Dr. Ayers, now dead.

O. S. Barrett, late lieutenant of Company B, Fourth Michigan Volunteers, testifies that he saw the soldier at time of his return from the Army in 1864, and was intimately acquainted with him until his death. When he first saw the soldier he was badly broken down physically from disease of heart and impaired vision and hearing. From that time until death he was gradually failing, and much of the time under treatment of Dr. Ayers. Remembers that soldier on many occasions had to quit work on account of fainting spells.

During the last few years of his life he was almost entirely disabled by rashes of the head and heart troubles. Others also testify to soldier's fainting spells from discharge to death. Dr. D. Todd, late president board of examining surgeons, Adrian, Mich., who had considerable knowledge of soldier's condition and who was the attending physician during last illness, gives it as his opinion that the concussion from shell in service may have been the exciting cause of the fatal disease.

Soldier was sound at enlistment, as it is clearly shown by the evidence on file. He served faithfully three years, during some of the most arduous campaigns of the war, and came home with a broken-down constitution, and suffered from disease of heart and an affection of the head until he died of the former.

By the certificate of the adjutant of the Woodbury Post, Grand Army of the Republic, of Adrian, Mich., it is shown that the widow is in destitute circumstances.

Your committee are of opinion that the evidence clearly establishes a connection between the soldier's death cause and his service, and therefore report favorably on the accompanying bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRIETTA JUDD.

The next business on the Private Calendar was the bill (H. R. 4808) granting a pension to Henrietta Judd.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be placed on the pension-roll of the United States the name of Henrietta Judd, foster-mother of Willard B. Judd, late adjutant Company F, Ninety-seventh New York Volunteers, at the rate prescribed by existing provisions of law.

The report (by Mr. BELKNAP) was read, as follows:

The application in this claim was rejected by the Pension Bureau on the ground that she was not the mother of the soldier. The evidence shows that the soldier died from the effects of wounds on the 20th of February, 1865. He served as lieutenant in the Ninety-seventh New York Volunteers. The mother of the soldier died May 27, 1843, and the claimant married the father June 6, 1844; she raised the boy and cared for him through childhood, and was a mother to the child. The evidence shows that the boy aided in the support of the family before the war. Letters are on file from the soldier addressed to the claimant, including money for her support, these letters being written from the Army. The father died March 17, 1874. The soldier never married and the soldier left no widow.

In view of these facts, well established, the passage of the bill is recommended.

Mr. STONE, of Missouri. Mr. Chairman, I simply desire to say in reference to this case that I have not been able to examine the papers in connection with it. They are not at the Pension Office. I learned on inquiry there that they had been sent over to the Committee on Invalid Pensions and not returned. I have made inquiry and some effort to get them from that committee, but have not been able to do so.

This bill proposes to grant a pension to a stepmother. I would have been very glad if I could have had the opportunity to examine the facts as they appear on the record, but I have not been able.

Mr. LANE. This is the case of a foster-mother, I think, and there are no papers.

Mr. BELKNAP. Mr. Chairman, this bill was introduced by the gentleman from Michigan [Mr. O'DONNELL]. On yesterday the gentleman from Missouri [Mr. STONE] called at my desk and said he wanted to see the papers. I supposed at that time they had been returned to the Department, but he assured me that they had not. I told him he would then find them in the room of the Committee on Invalid Pensions this morning. I went to the secretary of the committee, who told me the papers would be there and at Mr. STONE's disposal.

Since the report was written by Mr. O'DONNELL I called for the papers, knowing that Mr. STONE intended to look into them. I have examined them carefully myself. I find that the claimant married the soldier's father in 1844, when this soldier was four years of age, the soldier's mother having died in 1841, I believe. The soldier died in 1865, while in the service, from wounds in action.

The evidence shows that the soldier contributed to and did support his mother before his enlistment. Two letters written by the soldier in 1862 and 1863, respectively, and addressed "Dear Mother," show that he remitted to her the sums of \$10 and \$25 on these occasions. The husband died in 1874. As shown, his property did not exceed \$100 in value.

The CHAIRMAN. The Chair does not understand that there is objection to the bill.

The bill was laid aside to be reported to the House with the recommendation that it be passed.

ALLEN COONS.

The next business on the Private Calendar was the bill (H. R. 5328) granting a pension to Allen Coons.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Allen Coons, late private Company F, Fifty-seventh Regiment New York Volunteer Infantry.

The report (by Mr. BELKNAP) was read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5328) granting a pension to Allen Coons, submit the following report:

This claim was rejected by the Pension Office for the reason that claimant was unable to prove origin of disability.

According to claimant's affidavit he was run over by a wagon or ambulance on the night of July 2, 1862, on the retreat from Malvern Hill. He was captured the next day, and never saw his regiment again, being paroled and sent to hospital at Lookout, Md., and discharged March 1, 1863, for rheumatism in hip-joints and injury to back.

The records of the War Department show the fact of capture and surgeon's certificate of discharge. From the nature of the case, claimant was unable to secure evidence or origin of disability. Evidence of friends and neighbors and attending physicians is filed to show that the soldier was a strong, healthy man prior to enlistment, but unable to do full duty since discharge from the Army. The case appears to be meritorious, and your committee recommend that the bill pass, subject to the rate prescribed for such cases.

Mr. STONE, of Missouri. Mr. Chairman, I desire to be heard briefly on this bill. I have examined the papers in this case and am satisfied this is a bill which ought not to be passed. I find this claimant has a long hospital record, unusually long. From the examination of the papers this hospital record is discovered as coming from the Surgeon-General. The claimant had been in and out of the hospital at different times running through a period of months; but that record shows that in every instance but one he was in there for a disgusting disease, which I can not name in the presence of the galleries; that one exception was diarrhea. This man has been several times examined by medical boards. On July 11, 1863, the board at Saginaw, Mich., reported:

Claimant is a healthy looking man; muscles firm and well developed. Hands show hard labor. He claims pain on pressure of sacroiliac junction, most marked on left side. There are at this point no signs of injury or disease. He stoops easily and recovers quickly. The heart, lungs, and abdominal viscera are all healthy. After careful examination, we fail to find any physical signs of injury or disease.

On October 20, 1866, the medical board at Bay City, Mich., examined the claimant and reported that the skin on his back had the appearance of having been blistered; that the muscles were sensitive to pressure, and they concluded there was some trouble with his back.

Now, here is testimony I desire to call attention to—that of a comrade of the claimant by the name of Charles Reed, whose good character is vouched for by Special Examiner Hanback, who took his deposition. I have Mr. Reed's statement—

Mr. BELKNAP. The report presented to the committee by myself was prepared by a gentleman who stated that he had not fully examined it. That case was fully examined by myself. It was made by Colonel BLISS, who is not present, and I ask now that the case may be referred back to the Committee on Invalid Pensions for further investigation. I ask unanimous consent that that order be made.

Mr. STONE, of Missouri. If the case is to go back that is all I ask for, and I have no desire to oppose it, for I should have blushed to read the affidavits before the House.

The bill was laid aside with the recommendation that it be referred back to the Committee on Invalid Pensions for further investigation.

ASHER POST.

The next business on the Private Calendar was the bill (H. R. 6350) for the relief of Asher Post.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Asher Post, late a private in Company G, Fifteenth Regiment Ohio Infantry Volunteers, upon the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6350) granting a pension to Asher Post, submit the following report:

Claimant was a member of Company G, Fifteenth Ohio Infantry, in which company he served three years, and bases claim for a pension on the ground of dislocation of knee, which has caused a disability. The facts are amply proven; there is ample evidence that such disability was incurred, but claim was rejected on the ground that claimant was injured while on furlough, and therefore not in line of duty.

The evidence on file in this claim shows that the claimant's regiment, the Fifteenth Ohio Infantry, when near the end of their first three years' service, re-enlisted and received a veteran's furlough; claimant did not re-enlist, but in view of his long service was given a furlough, and went home to his State with his regiment. While on his way to the railway station, returning to the front from his home, his horse became frightened and ran away, he was thrown from the carriage, and his knee dislocated, an injury from which he has never recovered.

Your committee are of the opinion that claimant was in line of duty while returning to his regiment for duty, that he was acting under orders of the proper authorities, and therefore recommend the claimant be placed on the pension-roll, subject to the provisions and limitations of the law.

Mr. STONE, of Missouri. Mr. Chairman, I feel that inasmuch as I have opposed some of these bills I ought to say in justification of what I have done that I have examined the papers in this case carefully, and I fully agree with the gentleman who makes this report that this man has not only a good case here, but in my judgment a case which ought to have been allowed by the Pension Office.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH MEADER.

The next business on the Private Calendar was the bill (H. R. 1871) granting a pension to Sarah Meader.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Meader, widow of Gilderoy Meader, late of Company M, Fourth Regiment Illinois Cavalry.

The report (by Mr. FLICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1871) granting a pension to Sarah Meader, widow of Gilderoy Meader, late of Company M, Fourth Regiment Illinois Cavalry, having examined and considered the same, report it back to the House with a recommendation that it do pass.

In this case there has been quite considerable testimony taken by two different examiners, and in shape of affidavits; and while the claim was rejected because it was not shown that death resulted from disabilities incurred in the Army in the line of service, it is reported by these examiners that this is the only question standing in the way of the granting of the pension. The claim is that he died in 1866, at Memphis, Tenn., from lung trouble contracted in army service, and the testimony shows that the examiners were able to find but very little testimony in regard to the actual cause of his death, and it is further shown that upon behalf of his widow very thorough examinations were made as to evidence in this regard, but, from deaths and other reasons which are fully explained, it was, and is, impossible to obtain any such testimony.

It is shown very conclusively that this soldier was a strong, healthy man up to the time of his enlistment, and that while in the Army he contracted lung troubles, and that he was in the hospital suffering therewith at Benton Barracks, St. Louis, for twenty-seven days in April, 1863, and there is also a certificate of disability for discharge dated April 27, 1863, showing that he had not been fit for service since February 10, 1863, and that he had been troubled with heart and back ailments, and that his lungs were also affected, and that this was caused by exposure at Fort Donaldson, Tenn.

It is also shown by various witnesses, and very conclusively, that when he returned from the Army after his discharge he was in a very bad physical condition, looking like a consumptive, coughing and spitting blood, and was in this condition when he went South, and was not seen again by his friends before his death, the time elapsing being some two years.

He was found by the keeper of a boarding-house at Memphis, who took him to his house, finding him sick upon the street, and where he died within a few days.

Meader himself had at the time of his death an application for pension pending, in which he alleged that he had disease of the lungs, contracted at Fort Donelson, Tennessee, in 1862, and that one lung was almost entirely destroyed, and the records of the Surgeon-General's Office show that following this he had pleuro-pneumonia at Benton Barracks, as above stated.

As before stated, the report of the special examiners shows that the only question in the case is cause of death, and when his previous robustness and good health are considered and taken in connection with the fact, which is clearly established, that he did acquire lung trouble in the Army, which was followed by pneumonia, spitting of blood, and consumptive appearance, and that it was so stated by one witness that he looked like a walking skeleton, and that he was taken in from the street by his boarding-house-keeper in such a condition that he died within a few days, would seem to justify the reasonable conclusion that his death was the direct result of this lung trouble, so contracted as above said.

The committee therefore conclude that there is no evidence adduced in this case contradicting the reasonable and logical conclusion that death resulted to said soldier from lung trouble contracted in his country's service and in line of duty, and therefore recommend that this bill do pass.

Mr. STONE, of Missouri. The papers in this case are in the hands of the gentleman who reported the bill, and I have not been able to get them. I have no objection to it, but I know nothing about it.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.



JOSEPH K. HAMILTON.

The next business on the Private Calendar was the bill (H. R. 5452) granting a pension to Joseph K. Hamilton, dependent father of John E. Hamilton, late private Company D, One hundred and third Pennsylvania Volunteers.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph K. Hamilton, dependent father of John E. Hamilton, late private Company D, One hundred and third Regiment Pennsylvania Volunteers.

Sec. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joseph K. Hamilton, dependent father of John E. Hamilton, late private Company D, One hundred and third Regiment Pennsylvania Volunteers, the pension granted to said John E. Hamilton by certificate No. 201299.

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5452) granting a pension to Joseph K. Hamilton, dependent father of John E. Hamilton, Company D, One hundred and third Pennsylvania Volunteers, submit the following report:

The records of the War Department and evidence before your committee show that Joseph K. Hamilton, the father, was captain of Company D, One hundred and third Pennsylvania Volunteers, in which company he had two sons; that the father served until, broken down in health, he was compelled to resign; that his son, Samuel S. Hamilton, died in the service, June 1, 1862. The father took him home and buried him.

About June 23, 1862, John E. Hamilton contracted disease in the service; was discharged from Mount Pleasant Hospital a physical wreck. His father had to procure medical care and treatment for his son before he was able to travel; that he took him, after some several weeks, when he recovered somewhat, to Philadelphia for medical treatment, where he remained for a year; that he was removed to his home in Putneyville, Armstrong County, Pennsylvania, where he lingered on until August 17, 1881, when he died; that a pension was granted this son, John E. Hamilton, January 23, 1882, by certificate No. 201299, at \$6 per month from June 24, 1862, amounting to \$1,378.80, which reverted to the Government; that said John E. Hamilton never was married, leaving no widow or minor child; that the father, Joseph K. Hamilton, expended in caring for his sons in their sickness and burial over \$1,500, the greater part of his means; that he is seventy-three years old, not able to perform any manual labor, and is in very needy circumstances.

Your committee under the circumstances think it best to recommend the passage of this bill, amended by striking out the second section.

Mr. STONE, of Missouri. Mr. Chairman, I desire simply to say about this bill that there is no theory in accord with our system of pension laws upon which this bill can be passed. The father was not dependent upon the son. If it is passed at all, as I suppose it will be, it will be out of deference to the sentiment expressed in the last clause of the report, that he is seventy-three years of age, not able to perform any manual labor, and is in very needy circumstances.

Now, Mr. Chairman, if that is a good cause for granting pensions I imagine that a vast number of people in this country would be entitled to receive them. It seems to me that it is bad policy to allow pensions in special instances by special legislation or which are not covered by the general pension laws, and which do not come within the scope and purview of our pension system. It is an enlargement in a special case of the general policy which is unjust to those who do not receive the benefits of it and creates a demand from those who do not receive the benefits of it for larger legislation in this behalf.

Mr. LANE. Will the gentleman permit me to ask him a question?

Mr. STONE, of Missouri. Yes, sir.

Mr. LANE. We passed a general law on this question in the House about three weeks ago, but it has not yet gone through the Senate, that everybody in similar circumstances should be entitled to a pension.

Mr. STONE, of Missouri. That may be, but it is not the general law to-day.

Mr. LANE. But it will be in a few days.

Mr. STONE, of Missouri. If that is going to be the law in a few days there is no necessity for passing this bill if this man will come under its provisions. I am simply opposing allowing special legislation for the benefit of particular individuals no more deserving than thousands and tens of thousands of others situated in like circumstances. I am opposed to the bill.

Mr. CHIPMAN. I wish to say a word about this bill.

Mr. MORRILL. In reply to what the gentleman from Missouri has said—

The CHAIRMAN. The gentleman from Michigan has the floor.

Mr. CHIPMAN. I hardly like to sit here and vote upon these cases and have our action criticised and have the RECORD show what I believe is erroneous; for if any class of cases is meritorious it is the class to which this special case belongs. It is true that we have no general law upon the subject, but it is equally true that we ought to have a general law.

Mr. WILLIAMS, of Ohio. Mr. Chairman, I understand that the decision in the Pension Office applicable to such cases will cover this case entirely on the question of dependency.

Mr. CHIPMAN. You are mistaken.

Mr. WILLIAMS, of Ohio. I read the decision a few days ago.

Mr. CHIPMAN. Yes; I think I am familiar with it. These cases are not novel here at all, and this is the first time during my experience in the House—and I was formerly a member of the Committee on Pensions, and therefore had my attention attracted to this class of cases—this, I say, is the first time that I have ever heard a case of this character objected to.

The case is founded upon a principle which is recognized in the law everywhere else, or at least is recognized by the statutes of most of the States, the principle that a parent has an interest in the life of his child; that the presumption is that that life is of value to him, and that the child will be a comfort and support to him in his old age and in his poverty. There can be no reason why a rule of this kind should be applied to a railroad accident, or to other accidents, as it is applied by the laws of those States with which I am familiar—there can be, I say, no reason why it should be applied in those cases and why it should not be applied by a general law to the pension system.

It is true that the parent in this case—and here is where the Pension Department makes a distinction—the parent in this case was not dependent upon the child while the child was living. If he had been so dependent for support there would have been no difficulty about allowing the claim in the Pension Office. But his poverty has fallen upon him, as his old age has fallen upon him, since the death of the child. He is now without that child to appeal to, as he reasonably might have expected to do in the course of nature, and although he does not come within the strict rule of the Pension Office of having been dependent upon the child while the child was living he is in exactly the same position practically he would have been in if the child had supported him while living and had died and left him without support.

Now, it seems to me that there ought to be no difficulty whatever about a case of this kind. The fact that such cases are not provided for in the general law appeals to us to pass every case of the kind which comes before us. Instead of being a reason why we should not pass this bill, it is a reason why we should pass it. It is true that the other day, in answer to a demand from all parts of the country and to the recognition by the common conscience of all men of the propriety of such legislation, we attempted to pass a law of this kind and the bill went to the Senate some time ago. Why it lingers there so long I do not know. What its fate will be there I do not know. It may never become a law, but it ought to become one. This House has declared that it ought to be placed on the statute-book, but it may never be so fortunate.

At any rate, it is not the law now and this man comes to us with his claim in his old age and his poverty, stripped of the natural support of his declining years and of his hours of trouble and affliction, asking us to grant him a pension. I can not for the life of me see what is the objection to it. I can not see what there is special in providing in such case for a man, nearly eighty years of age, in his poverty and childlessness, and I can see no danger to this great Republic and no danger to any proper principle, in any precedent which will be set by doing a kindly thing, and what I think is a just thing, for this poor old man who is tottering into the grave. [Applause.]

Mr. MORRILL. Mr. Chairman, I feel very unwilling to take up the time of the House, because I realize that every five minutes expended in talking is depriving some poor widow or some poor soldier of a pension; but I want to say in regard to this matter that three years ago both Houses of Congress by a large majority passed a bill providing for cases of this kind. It was the first section of what is known as the dependent pension bill. Mr. Cleveland vetoed that bill, not on account of that section, because he declared plainly his hearty approval of it, but on account of the other provisions of the bill.

For six years this House has made it a rule to grant pensions in cases of this kind. In the committee no question is ever made when these facts are shown: First, death in the Army and, second, present dependence. In all such cases the bill is passed by the committee and by the House. That has been the rule for six years.

Mr. TRACEY. If the gentleman will permit me to interrupt him, I will say that in the Fifth Congress I introduced a bill covering a case almost identical with this and the bill was passed and Mr. Cleveland signed it without hesitation.

Mr. MORRILL. I think that he signed ninety-seven such bills in the Fifth Congress.

Now, Mr. Chairman, while I have the floor I want to say a word in defense of the Committee on Invalid Pensions, as it has apparently been attacked in the remarks that have been made by the gentleman from Missouri [Mr. STONE]. As gentlemen all know, we have nearly three thousand private bills before us which have been referred to that committee since the opening of this session of Congress.

It is utterly impossible for the whole committee to examine all of those cases, so we have continued the arrangement which began in the Forty-eighth Congress, of having each member of the committee act as a subcommittee to examine cases, and all bills introduced by Members or Senators from certain States are referred to certain members of the committee for examination. The members of the committee are expected to examine the cases and make reports upon them, which are submitted to the full committee, and the full committee pass upon them without examining the papers. Of course weak cases will sometimes go through. The committee is crowded with work. Members are pressing us all the time to make reports in their particular cases, and, to aid the committee, members of the House sometimes offer them reports ready made. It is inevitable, therefore, as I have said, that some weak cases shall go through, but I am confident that the committee at this session have been as careful and as thorough in their investigations as any committee that has ever sat in this House.

Mr. WILLIAMS, of Ohio. Mr. Chairman, I desire to say that, while my friend from Michigan [Mr. CHIPMAN] undoubtedly states the law correctly, I know from personal experience in the Pension Office that they are now construing the law quite liberally, and in fact within the last twelve months I have obtained a pension for an old man in my district under circumstances almost identical with those of the beneficiary of the bill under consideration.

In fact, Mr. Chairman, it does seem to me that when an old man has taken his boy home from the camp a physical wreck and has spent what little money he had in attempting to restore his boy's health, and that boy dies from disease incurred in the Army—it seems to me it is straining at a gnat when a gentleman attempts to criticize the Pension Committee for reporting favorably a bill under those circumstances.

I venture to say, in defense of the committee, that this bill would be approved, as has been stated by a Democratic colleague of the gentleman from Missouri, by President Cleveland, and what he would approve it seems to me the gentleman from Missouri ought not to question. I hope, Mr. Chairman, this bill will be reported favorably to the House.

Mr. LAWLER. Mr. Chairman, I do not understand that in regard to these bills the gentleman from Missouri is doing anything further than presenting the facts of the cases as they come to his notice. A week ago to-night we took up the whole evening in general discussion. I suggest to our friends here to-night that they allow the gentleman from Missouri to exercise what is the right of any gentleman in presenting opposition to the passage of these bills; but let us pass some of them. We can not do it by talking the bills to death every night. [Laughter.] Let us put through some of these bills.

Mr. WILLIAMS, of Ohio. The gentleman from Illinois is right in his suggestions; but the gentleman from Michigan [Mr. CHIPMAN] was correct in the position he took in defense of the committee.

Mr. LAWLER. The committee is all right.

Mr. STONE, of Missouri. Mr. Chairman—

The CHAIRMAN. The gentleman from Missouri has already addressed the committee once on this bill.

Mr. STONE, of Missouri. Under the rule I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri desires unanimous consent to address the committee again. The Chair hears no objection.

Mr. STONE, of Missouri. I supposed, Mr. Chairman, that I had the right to address the committee; and I propose to make an amendment, at any rate.

The CHAIRMAN. The amendment of the gentleman will be in order at the proper time; we have not yet reached that stage.

Mr. STONE, of Missouri. I am not disposed to quibble about a matter of that kind. I make no pretension to a familiarity with parliamentary law.

Mr. Chairman, the gentleman from Ohio [Mr. WILLIAMS] says that under the law as it now exists and as it is construed at the Pension Office this application would be allowed there. If that be true there is absolutely no reason for bringing it here. I supposed it was brought here either because it had been rejected by the Commissioner of Pensions or because it presented a case which was not authorized in the first instance by the general law.

The gentleman from Michigan [Mr. CHIPMAN], the gentleman from Ohio [Mr. WILLIAMS], and the gentleman from Kansas [Mr. MORRILL] have talked about this case after the fashion that is always adopted when pension legislation of a private character is before the House. They address themselves exclusively to the tender and sympathetic side of our natures. Here is a man who is old, seventy-three years of age, who is poor, whose son, it is claimed, contracted disease in the service and died from its effects; and now, years afterward, the father comes and asks to be pensioned, not because he was dependent upon that son for a living, not because the son had contributed during his lifetime to his support, but because possibly if that boy had not entered the Army he might be alive to-day and stand between his father and want.

It is upon suppositions of this kind that we are asked to pension men who are not entitled to receive these public bounties under the provisions of existing law. The laws as they stand to-day are ample. We have the most generous system of pension laws ever known to the history of the world. Yet thousands and tens of thousands of private pension bills are brought here in the course of every year. My friend from Kansas—and there is no man in this House or outside of it for whom I feel a higher regard—has stated that the committee over which he presides are so burdened with this work that they have not time to give attention to the business brought before them; that their labors, onerous and exhaustive as they are, are not sufficient to compass more than a small fraction of the vast work imposed upon them.

The cause of all this, Mr. Chairman, in my judgment, is that we are carrying this system of special legislation to an unnecessary extreme. If the general laws are insufficient, amend them, make them what they ought to be. But special legislation has become an odious thing in this House, not only as it refers to pensions, but with regard to claims of almost every character. Their number and their nature are simply indescribable. The Calendars are burdened with business of that character, and the committees as well.

As to what President Cleveland did or might do or did not do or would not do, it is neither here nor there. I take it that gentlemen on the floor of the American House of Representatives are not expected to gauge their judgments or their conduct by that of any other man living, however high or exalted.

I believe that this system is wrong. I am as open to appeals of a sympathetic character as any other gentleman on this floor, but I ask my friend from Kansas and others, when they are appealing to the House and to the country in behalf of old men and poor men, old women and poor women—such cases as I called attention to in the remarks I had the honor to make here on last Friday night, in illustrating the character of the legislation passed here night after night at these Friday evening sessions—while my friend from Kansas and others appeal to the House and the country in behalf of these old men and old women I ask them to remember that there are other poor people in this country. Out in the great State of Kansas, from which the gentleman hails, there are to-day many thousands of men, old and poor and wretched, men with mortgages piled mountain high upon their homes, men who are burning their corn for lack of a market and for want of the means with which to purchase other fuel.

I think, sir, it is time for the American Congress to take into consideration somewhat the great industrial classes of the country who bear the enormous burdens imposed upon them by our legislation.

Mr. Chairman, I have nothing more to urge touching this bill. I have no doubt it will pass. I have no doubt that every bill brought before this committee will pass. I am only astonished that the gentleman from New York withdrew one bill when the case was about to be confronted with the evidence. I have no doubt that bill would have passed notwithstanding the character of the testimony I had in my hand ready to present. You may pass any of them; nevertheless I feel it to be my duty to enter my humble protest.

Mr. TRACEY. The gentleman referred to by my friend from Missouri was not from New York, but from Michigan.

The question being taken on the amendment proposed by the committee, it was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

MARGARET STEWART.

The next business on the Private Calendar was the bill (H. R. 4134) granting a pension to Margaret Stewart.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-rolls the name of Margaret Stewart, dependent daughter of William Stewart, deceased, late a private in Company E, One hundred and nineteenth Regiment Pennsylvania Volunteers, and pay her a pension at the rate of \$18 per month.

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4134) granting a pension to Margaret Stewart, submit the following report:

The beneficiary named in the bill is the daughter of William Stewart, who died of wounds received in the battle of Rappahannock Station, November 7, 1863, while serving as private in Company E, One hundred and nineteenth Regiment Pennsylvania Volunteers. His widow drew a pension until her remarriage, and finally died November 7, 1877, since which time no pension has been paid to any one on account of the death of said soldier.

Margaret Stewart was born August 1, 1848, and has been a confirmed cripple since early childhood, having incurred paralysis of the left side of the body, rendering her left arm totally useless. At the age of six years she was placed in the Foster Home at Philadelphia, Pa., where she has been ever since, as testified by the attending physicians. The soldier, although always poor, contributed regularly to her support at said institution, and after his death his widow aided the child to the best of her ability. Since the death of her parents she has been entirely dependent upon the charity of the Home, as she is unable to earn anything by labor and has no one living who is legally bound in her support.

Congress having at all times liberally responded to the calls of the helpless and dependent children of those who lost their lives in the defense of the country, your committee, being fully impressed with the merits of the case under consideration, return the accompanying bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HELEN A. MOORE.

The next business on the Private Calendar was the bill (H. R. 5081) to pension Helen A. Moore and minor children of John S. Moore.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Helen A. Moore, widow of John S. Moore, formerly Lieutenant of Company E, Second Regiment Michigan Volunteer Infantry, war of 1861.

Sec. 2. That the minor children of the said John S. Moore shall also be placed on the pension-roll by the Secretary of the Interior, subject to the provisions and limitations of the pension laws.

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5081) granting a pension to Helen A. Moore and minor children of John S. Moore, submit the following report:

Helen A. Moore is the widow of John S. Moore, who served as corporal, second lieutenant, first lieutenant, and captain, respectively, of Company E, Second Regiment Michigan Volunteers, from May 23, 1861, to September 20, 1864. He was allowed pension for gunshot wound of left shoulder and right thigh, and died December 2, 1885. The widow's claim has been rejected by the Pension Office on the ground that in the opinion of the medical referee the soldier's fatal disease of liver and kidneys was not a result of the wounds for which he was



pensioned, nor is the same otherwise shown to have been due to his military service.

In addition to the wounds heretofore mentioned, it is shown by the records of the War Department that the soldier received a wound of breast in action at Petersburg July 30, 1864. It is claimed that this wound was the principal factor in the fatal disease. In support of this allegation the affidavits of the attending physicians have been filed, as follows:

Dr. William W. Ives testifies that he knew Moore during the last five years of his life and in conjunction with his partner, Dr. Leet, attending him professionally. When first called to render treatment an examination revealed a well marked cicatrix in the right breast, to which he referred a great part of his trouble.

There was a decidedly yellow tinge to the countenance and conjunctive, attended with depression of the circulation and high-colored urine. The history of the case showed that he had been wounded in the breast while in the military service, and that the bullet was lodged in the liver. About three months before death the kidneys became involved and the icterus became more decided. In affiant's opinion the immediate cause of death was liver and kidney disease caused by the long-continued presence and irritation of a bullet in the substance of the liver.

Dr. Leet testifies in corroboration of the above.

The several medical examinations show that soldier suffered much from neuralgia caused by his wounds.

The above-named physicians are gentlemen of the highest character and eminent in their profession.

Their opinions are of value in the consideration of this claim, in particular when it is based upon facts shown by the records of the War Department, and should govern in determining the merits of the case.

There being children of the soldier by a former marriage not in the care and custody of the widow, the same are provided for by the second section of the bill.

Your committee report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out the word "lieutenant" in line 7 and inserting therein instead the word "captain."

Mr. STONE, of Missouri. Mr. Chairman, I have examined the papers in this case. The report of the Adjutant-General on file in the Pension Office shows that this soldier was wounded in the right leg at the battle of Bethesda Church on June 3, 1864, and that he was wounded in the left shoulder at an engagement in front of Petersburg on the 30th of July, 1864, the second wound having been received something like two months after the receipt of the first.

The report of the Surgeon-General shows that the soldier received a flesh wound in the left breast or shoulder at Petersburg, July 30, 1864. The Surgeon-General says in the report that the name of this soldier does not appear on the lists in his office of those wounded before Bethesda Church at any time between June 1 and June 10, 1864.

The original application made by the soldier in 1870 was predicated alone on the ground that he was disabled from a wound in the left shoulder. That was the basis of his application—a gunshot wound in the left shoulder. That claim was allowed in 1871, I believe, at \$15 per month. In 1877 this was reduced to \$10 per month on the usual biennial examination made before the medical board.

In January, 1885, he filed an application for an increase of pension, first, on account of the wound in the shoulder, and, second, because of an additional disability resulting from a gunshot wound in his right leg. No increase was allowed on account of the shoulder wounds. He died December 9, 1885, the same year during which he had filed this application for increase for a new disability. The claim for the wound in the leg was allowed and paid to the widow after the decease of the soldier.

When the original claim made by the soldier was pending the examining surgeons in 1871 reported:

That the soldier was disabled by a ball entering near the sternum extremity of the left clavicle—

I understand that is somewhere in front—

passing underneath the skin outwardly and through the shoulder-joint. The coracoid process of the scapula appears to have been fractured and the deltoid muscles seriously deranged. The consequences are a stiffening of the joint and a great functional derangement of the left arm.

In 1877 a similar report was made by the medical examining board. The board in that report state that the ball did not enter the thorax or cavity, but passed out at the shoulder; and on this report the pension was reduced from \$15 to \$10 per month. The medical board of Scranton, Pa., reported as follows in 1875; and perhaps my friend from Ohio, Mr. YODER, can interpret the medical terms used, if he is disposed to do so:

The ball entered near the articulation of sternum with clavicle, right side, passed to the left, and came out in front of the left shoulder joint—

And the point I wish to impress upon the House and call your attention to is the fact that the ball came out.

Fracture and loss of portion of the sternum, sloughing of soft parts, and loss of power in left arm; pain in rotating the left limb and in moving head from side to side.

In 1879 he was again examined, and the report shows that the soldier—

was wounded by a ball which entered just left of the sternum and below the clavicle, passing in a lateral direction, made its exit at the shoulder 4 inches from the point of entrance. The wound is well healed, with but trifling loss of soft parts and no tenderness. He is a large and muscular man, the muscles of the left being about as well developed as of the right arm. He claims that he has not much strength in the arm, especially to raise anything directly up, and that using the arm gives him constant pain. He had a wound of the thigh and ankle, from which he claims no disability. He is rated equal to one-half, entitling him to \$10 per month.

It seems from the last report, from which I have just quoted, that the soldier had been three times wounded, once in the shoulder, once

in the thigh, and once in the ankle. Only one wound was considered serious, that in the shoulder. There is no hospital record of the wounds in the thigh and ankle. I find a letter of the soldier on file, of date July 18, 1879, in which he says that he was wounded three times during the war, but that he claimed pension only for the wound in his shoulder. He was complaining that his pension had been reduced from \$15 to \$10 per month.

He did not state upon what part of his body the other two wounds were, but they are evidently the thigh and ankle referred to in the medical report made in 1879. He claims nothing on account of the thigh wound until 1885, and has never claimed anything on account of the ankle wound. Now, after the application for pension was made on the ground of this thigh wound, he was examined by a medical board at Scranton, Pa., on the 22d of April, 1885, and the report then made describes the shoulder wound about as in the previous reports to which I have referred. As to the thigh wound it is stated that—

The ball struck the upper third right thigh directly in front, was embedded in the muscles of the leg, and was removed from the point of entrance.

The report concludes with this language:

There is no atrophy of muscle of thigh or leg, no injury of bone, disability from this cause may be one-fourth degree.

As stated, the pension for this thigh wound was allowed after the soldier's death, and paid to his widow. Now, this is how the case stood at the death of the soldier. He had been allowed a pension for the shoulder wound at the rate of \$15 per month, which was reduced in 1877 to \$10 per month.

The application for an increase of pension made in 1885 on this account was denied the same year. In 1885 he made his first claim for a thigh wound, which was pending at his death. He never claimed any disability on account of the ankle wound; and it was evidently very slight. These are the only wounds shown anywhere or by any one during the life-time of the soldier so far as I can find in the record as made out in the Pension Office.

Now, afterwards, on April 15, 1887, a year and a half after the soldier's death, the widow files her claim, alleging that the soldier's death was caused by a long-continued pressure or irritation of a bullet received while in the service in the substance of the liver. Mrs. Moore married her husband February 22, 1885, about ten months before his death.

The claim was rejected on the ground that the disease of the liver and kidneys of which the soldier died was not the result of his wounds or connected with his service. After it was denied by the Commissioner of Pensions it was appealed to the Secretary of the Interior, and the finding and judgment of the Pension Office was there approved after full consideration. There was no *post mortem* examination of the soldier: The theory of the widow depended upon the statement of Drs. Ives and Leet, as set forth in the report of this committee, who attended the soldier in his last sickness.

These doctors expressed an opinion that he died of liver and kidney disease superinduced by a foreign substance—they supposed a bullet—lodged in the liver. It was an opinion of these doctors who did not profess to know the facts about the case; a mere opinion, expressed without a physical examination after the death of the soldier, that there was a bullet or some foreign substance lodged in his liver, which had brought about diseases resulting in his death.

Now, Mr. Chairman and gentlemen, this soldier was repeatedly examined, while his own claim was pending and after it had been allowed, by half a dozen medical boards. Not one of them ever heard a word of any wound he had received except the one in the ankle, that in the thigh, and that in the shoulder, but this claim, presented by the widow, was predicated upon the theory that the soldier had been shot in the right breast, that the bullet had entered the cavity and lodged in his liver. This would be a fourth wound, another and different one. The soldier himself made no such claim during his life. He predicated his claim for pension in 1871 upon the wound he had received in his left shoulder, entering somewhere near the front and making its exit at the shoulder.

In 1885 he filed an application alleging an entirely new disability, namely, a wound in his right thigh; but never once did he refer to the fact that he had received a wound in his right breast; that the bullet had entered his cavity and lodged in his liver, and that he was suffering on account of it. The only question before the Department was (as it ought to be here) whether in fact the death of this man was due to his military service. He lived for more than twenty years after the war had closed, and never through all these years had he been heard or had it been alleged in the Department as the basis of any claim for other wounds or been urged that a bullet had been received in his right breast in battle and was still in his body.

It seems to me indisputable that if that were the fact the soldier would have known it, and, knowing it, would have included that and made it the basis for a pension claim when he was alleging other wounds, that in the shoulder or that in the thigh, as the reason for granting him a pension on two different occasions. There is no proof that the soldier was wounded as claimed upon the theory of the widow's application. It is a vague opinion of men who had known him for a short time, had attended him during his last sickness, that he had been

wounded in the right breast, that the bullet making that wound was still lodged in his body, and his death was traceable to it. It is contradicted by a judgment on the facts. No proof of it was made during both of his applications; and it is contradicted by the fact that he never urged it himself, and contradicted by the logic of necessity.

Mr. OWENS, of Ohio. Mr. Chairman, I sincerely sympathize with my Brother STONE's anxiety to protect the national Treasury, but I do not understand exactly by what "apothecary's scales" he measures the number of bullets which a man can hold without their interfering with his natural existence. [Laughter.] I am like him; I am no doctor, but I noticed awhile ago that he said something about this man having his deltoid muscle, or something of that kind, seriously damaged. [Laughter.] Now, I fear that my friend from Missouri [Mr. STONE] has some muscle, the deltoid or some other, seriously damaged and extra-sensitive about this whole matter, and I would like to find out from Brother STONE about how many bullets he thinks a man ought to hold before he is entitled to die by reason of them. [Laughter.]

I see that he was too young to be in the last war, but I hope he will get into the next one, as some of us were in the last, and will find out how many bullets he can hold before his widow or his children will be entitled to have a pension. [Laughter.] I do not know, Mr. Chairman, but it seems to me that there is too much of the apothecary's scale business about this. I do not think myself that a man ought to hold more than five or six or seven bullets, no matter what part of him they went into, without raising a reasonable supposition that he died on account of them, and it seems to me that this method of reasoning on the subject which my friend adopts is drawing it a little too fine. [Laughter.]

Mr. STONE, of Missouri. I will state to the gentleman that this man did not have a bullet at all in him.

Mr. OWENS, of Ohio. Why, you admitted three or four yourself. [Laughter.]

Mr. STONE, of Missouri. I did not, sir.

Mr. OWENS, of Ohio. You admitted all except the one in the liver. [Renewed laughter.]

Mr. STONE, of Missouri. With all due respect to the gentleman, I never admitted that this man had a bullet in him at all at the time of his death.

Mr. OWENS, of Ohio. Well, they went through him, and that will do just as well.

Mr. STONE, of Missouri. On the contrary, I stated that two bullets evidently had wounded him: one in the shoulder, which had made its exit at the time, while the other one struck him in the right side and was taken out at the time by the surgeon.

Mr. OWENS, of Ohio. Well, how many more do you want to go through one man? [Laughter.]

Mr. STONE, of Missouri. Of course this levity means nothing. How many bullets do I want in a man! I do not want any in a man.

Mr. OWENS, of Ohio. I just wanted to find out how many you thought was the proper allowance.

Mr. STONE, of Missouri. I hope my friend from Ohio will never have occasion to have one in his valuable anatomy.

Mr. OWENS, of Ohio. I have been where I have had a chance to get them, and I hope you will get there if we have another war. [Laughter.]

Mr. STONE, of Missouri. I hope not; of course I am frank to admit that. [Laughter.]

Mr. OWENS, of Ohio. When you get three or four in you, you will want your widow to have a pension. [Renewed laughter.]

Mr. STONE, of Missouri. But, Mr. Chairman, this is not a question as to how many bullets this man had in him or did not have in him, how many struck him or did not strike him. The Pension Department, organized by this Government to consider these claims and to pass upon them, liberally construing the laws, as has been admitted, denied this claim, after full investigation, upon the ground that the fact alleged as the basis of the application, namely, that this man had a bullet in him, was not sustained by the evidence, and upon an appeal to the Secretary of the Interior that finding was approved.

Mr. OWENS, of Ohio. Will the gentleman permit me to ask him a question?

Mr. STONE, of Missouri. Yes, sir.

Mr. COOPER, of Indiana. I make the point of order that one member can not make more than one speech under the rule of general debate.

Mr. STONE, of Missouri. Well, sir, I have made my speech. I am through.

Mr. OWENS, of Ohio. I would like to ask the gentleman whether any claim can come here until it has been rejected by the Department?

Mr. STONE, of Missouri. Claims do come here that have not been rejected by the Department.

Mr. OWENS, of Ohio. I think not.

Mr. STONE, of Missouri. And I am simply seeking in a proper case to sustain the finding of the Department.

Mr. YODER. Mr. Chairman, it is evident that our time this evening is to be consumed in discussion, and if nobody else talks it will be all on one side. Now, we have heard a splendid lecture on the anatomy

of the thorax, and the shoulder joint, and the ankle joint, and the thigh, and the gentleman from Missouri [Mr. STONE] says that the bullet did not penetrate the thorax, and consequently did not penetrate the liver, as though the liver was in the thorax! [Laughter.] Why, sir, the liver is away below the thorax. I want to call attention to another statement which the gentleman makes, that the sternum was sloughed from a bullet wound.

The doctor said the bullet went this way [illustrating]; but there is no evidence that it did not go down that way [illustrating]. Now, the sternum and the liver are not 3 inches apart, and who knows that that bullet did not go into the liver? President Garfield was shot, and the doctors thought the bullet had gone down, and while he lived no one made any claim to the contrary; but afterward it was found away back in the spinal column.

Mr. STONE, of Missouri. Will the gentleman permit a question?

Mr. YODER. Certainly.

Mr. STONE, of Missouri. As a physician, if you saw a wound, saw where the bullet had entered and saw where it had gone out, if it had struck at one place here upon the breast [indicating] and had gone out at the shoulder, would you still suppose that that bullet was in the liver?

Mr. YODER. That would depend upon whether I knew, and it depends in this case upon whether the doctors knew which course the bullet had taken. The bullet was gone.

They supposed it went in one direction, but it might easily have gone in another. Why, sir, if a man were on trial in the police court for shooting another we could not have had the evidence described with more minuteness than has been done in the dissertation we have heard on these wounds. This man was shot in the thigh; he was shot in the ankle; he was shot in the shoulder; the sternum was sloughed off; the muscles were torn. Why, great God, it would be an honor to be the widow of such a hero as that! Any woman might be proud to be the widow of such a man.

Mr. O'DONNELL. Mr. Chairman, let us pass this bill giving the widow and children a pension; let it not be said, they "asked for bread" and we "gave them a Stone."

Mr. KILGORE. I would like to hear read again the section of the bill which provides for pensioning the minor children.

The Clerk read the second section of the bill.

Mr. KILGORE. Now, Mr. Chairman, I do not know what the rule is on this subject or what practice has been followed heretofore; but I know what common sense dictates in this connection, that the names of these minor children and their ages ought to be inserted in the bill.

A MEMBER. That is a matter of proof.

Mr. KILGORE. I know it is a matter of proof; but they might prove that half the children in the neighborhood were the children of this soldier.

Mr. BOOTHMAN. May I ask the gentleman a question?

Mr. KILGORE. I have no objection if it relates to this argument.

Mr. BOOTHMAN. Does not the gentleman really think that according to the proof this soldier underwent enough to warrant this House in giving to his widow and his children (no matter how many) under the age of sixteen years the ordinary pension?

Mr. KILGORE. I am not raising any question about the facts. I am not going to undertake to enter into the history of these wounds; for perhaps I would locate the thorax and the liver as far apart as my friend from Missouri did. I do not want any doctor to get at me.

But assuming that I answer the gentleman's question in the affirmative, I say that the names and ages of the minor children ought to be given in the bill.

Mr. YODER. That is a matter the evidence of which is on file in the Pension Office, sworn to, a matter of record, absolute, positive, and definite, so that there can be no question about it.

Mr. KILGORE. Could they not supplement that with another statement putting in other children?

Several MEMBERS. Oh, no.

Mr. KILGORE. Well, I say it is common sense that a bill of this character should at least recite the names of the minor children.

Mr. SHIVELY. Mr. Chairman, I want to interrupt the gentleman [Mr. KILGORE] to observe that his argument might with some reason be made before the Bureau of Pensions on an application, were there no law requiring express proof of identity. But this bill provides a pension for minor children, subject to the provisions and limitations of the pension laws. These laws require proof of identity, and under this bill these parties are put upon proof.

Mr. KILGORE. That may be true; but it is so easy to prevent fraud or irregularity by giving the names of the children and their ages. I shall be inclined to prevent the passage of this bill unless that is done or unless the section be struck out.

Mr. BOOTHMAN. The gentleman will allow me to suggest that it might require some search among the papers to ascertain those names, and that possibly we might not be able to do it to-night.

Mr. KILGORE. Then let the bill go over; let it be amended and come up another evening.

Mr. BOOTHMAN. The question as to minor children is a matter of proof, just as in any other case.

Mr. STONE, of Missouri. Let me say to my friend from Texas so



this point that there is a minor child; according to my recollection her name is Helen—at any rate, a girl, born, if I remember correctly, shortly after the death of the father. There is but one minor child, and, according to my remembrance, the name is either Henrietta or Helen.

A MEMBER. That is a matter of proof at the Department.

Mr. KILGORE. I know it is a matter of proof, but it is so easy to make the matter specific now by inserting the name in the bill and saving any trouble or irregularity that might otherwise arise.

Mr. LANE. The effect would be the same if that section were not in the bill at all.

Mr. KILGORE. Would the children be entitled in that case to a pension?

Mr. LANE. Certainly they would.

Mr. KILGORE. Then why not strike out the section?

Mr. LANE. We might just as well do so.

Mr. MORRILL. I understand—perhaps the gentleman from Missouri [Mr. STONE] can tell us whether it is a fact—that this child was the child of Helen A. Moore.

Mr. STONE, of Missouri. Yes, sir; the child of Helen A. Moore; and that child has a guardian, and the application of the child through the guardian is on file among these papers.

Mr. MORRILL. The gentleman from Illinois [Mr. LANE] is correct. It is entirely unnecessary to name the children in the bill, because the pension is paid to the mother. There is no pension paid to the minor children; the pension is paid to the mother for the support of the children.

Mr. KILGORE. If the minor children will be provided for under the law, without any special provision in the bill, then I insist that the section ought to be stricken out.

Mr. SWENEY. I can hardly realize that the children will be placed on the pension-roll under a special act unless they are named or in some other way specially provided for.

Mr. MORRILL. If the bill provides for the widow, all the children who are under sixteen years of age are provided for without any express language in the bill.

Mr. PERKINS. That is the effect of the clause "subject to the provisions and limitations of the pension laws."

Mr. KILGORE. Let that section be stricken out.

Mr. STONE, of Missouri. I move to amend by striking out the second section.

Mr. BLISS. I hope that motion will not prevail. As my friend from Missouri [Mr. STONE] has stated that this child was born after the soldier died, the child must be less than four years old; and there is so much the more need why the widow should receive the extra \$3 to assist her in taking care of her child.

The CHAIRMAN. The question is on the motion to strike out the second section.

Mr. STONE, of Missouri. She will get it, anyway.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. STONE, of Missouri. On that motion, Mr. Chairman, I wish to be heard for a few moments.

My friend from Ohio [Mr. YODER] has taken me a little to task on my knowledge of anatomy being very limited. I did not undertake on my own judgment to determine the distance between the liver and the thorax.

Mr. COOPER, of Indiana. I rise to a point of order.

Mr. STONE, of Missouri. I am speaking to a motion I have made.

The CHAIRMAN. The gentleman will state his point of order.

Mr. STONE, of Missouri. I propose to take but a moment or two, Mr. Chairman.

I say I did not undertake to measure the distance from the throat to the liver. I simply read the reports made by this medical board, which show that the wound, the only one received by this soldier which could possibly have resulted in injury to the liver, was from the bullet which struck him in the breast, making the wound in his shoulder.

Now, I ask my friend from Ohio, who is a surgeon, if he does not think he would be a poor surgeon indeed who could not tell upon examining a wound inflicted by a musket ball what was the point of entrance and the point of exit, particularly when the soldier had stated the point of entrance and exit himself.

But, sir, I desired simply that it should be made known to the House that this man was shot with one ball and that that passed out through the shoulder. Hence the claim that he was wounded at another time—and he must have been if there was a ball in his liver—was not well founded. There is a discrepancy in the testimony to that extent. I desired simply that these facts should go on record, in order that they may be known when this bill is passed.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Missouri to strike out the second section.

The question was taken; and the Chairman decided that the motion was rejected.

Mr. KILGORE. I demand a division. I will say to the gentleman that it will facilitate the passage of this bill to accept the amendment.

Mr. MORRILL. I see no objection to the section going out.

Mr. STONE, of Missouri. I am asked to withdraw the motion. I made it on the statement that it made no difference in the bill. I will withdraw it.

Mr. KILGORE. I renew the motion. If it does not make any difference to the bill it ought not to go in at all.

The motion of Mr. KILGORE was agreed to.

The amendment of the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

POLLY ROBINSON.

The next business on the Private Calendar was the bill (H. R. 5082) to pension Polly Robinson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Polly Robinson, mother of Hamilton W. Robinson, late a sergeant in Company B, Fifty-second Regiment of Pennsylvania Volunteers.

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5082) to pension Polly Robinson, submit the following report:

Polly Robinson is the mother of Hamilton W. Robinson, who served in Company B, Fifty-second Regiment Pennsylvania Volunteers, from September 25, 1861, to July 12, 1865, and died October 22, 1873, of disease of lungs contracted in the service.

These facts are established by the evidence in the case. The claim of the mother has been rejected, however, on the ground that soldier left surviving him a widow. The widow died in August, 1878, and there is no one now drawing pension on account of said soldier's services and death.

It further appears in evidence that claimant was a widow at time of the son's enlistment and has so remained ever since. She is not possessed of any property, never owned any from which she could derive an income, and is now supported by a married daughter. Letters on file written by the soldier during his army service show contributions towards claimant's support.

Although not admissible under the general law, the claim is meritorious and of a class in which Congress has often afforded relief. Your committee, therefore, report favorably on the accompanying bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SOPHIA SCHIMMELFENNIG.

The next business on the Private Calendar was the bill (H. R. 5739) increasing pension of Sophia Schimmelfennig, widow of Alexander Schimmelfennig, late brigadier-general and major-general by brevet.

The bill was read, as follows:

*Be it enacted, etc.,* That the pension of Sophia Schimmelfennig, widow of Alexander Schimmelfennig, deceased, late brigadier-general of the Army of the United States and major-general by brevet, be, and the same is hereby, increased to \$50 a month.

The Clerk proceeded to read the report (by Mr. CRAIG).

The CHAIRMAN. The Chair would inquire if the gentleman from Texas proposes to make the same objection to this bill that he has made to other bills carrying the same amount? If so, it would seem hardly necessary to take up the time of the committee in reading the report to-night.

Mr. KILGORE. I think it would be a proper course for the bill to take to be reported for consideration in a full House, although I have no objection to the report being read.

The CHAIRMAN. The Chair thought, if the bill went to the House on the objection of the gentleman from Texas, that the report would have to be read there, and that it would be a saving of time to dispense with the reading now.

Mr. KILGORE. I have no objection to that. Let the bill go over to a full House.

The CHAIRMAN. What day would the gentleman suggest? Monday?

Mr. MORROW. There is an objection to laying bills aside and having them called up any day except the following morning or the Friday following.

The CHAIRMAN. If the gentleman from Texas desires to do so, this bill can come up to-morrow morning, at 1 o'clock, the previous question to be considered as ordered, with fifteen minutes' debate on each side.

Mr. KILGORE. And the right of amendment.

Mr. O'DONNELL. There is a special order at 2 o'clock to-morrow.

The CHAIRMAN. The order proposed here is for 1 o'clock.

Mr. MORROW. If the bill is laid aside with the previous question ordered upon it, it will come up immediately after the reading of the Journal to-morrow. That will be the effect of the previous question.

The CHAIRMAN. Then, without objection, the order will be made that this bill shall be reported to the House with the recommendation that the previous question be ordered upon its passage; that it go over until to-morrow morning immediately after the reading of the Journal, with the right of fifteen minutes' debate on each side and the right of amendment. Is there objection?

There was no objection, and it was so ordered.

NAPOLÉON B. M'KAY.

The next business on the Private Calendar was the bill (H. R. 6871) for the relief of Napoleon B. McKay.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, au-

thorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Napoleon B. McKay, formerly a member of unassigned company, Thirteenth Regiment Kansas State Infantry Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6871) granting a pension to Napoleon B. McKay, submit the following report:

Dr. McKay claims a pension for sunstroke received in line of duty as second lieutenant in the Thirteenth Kansas Infantry.

The claim was rejected at the Pension Office on the ground that claimant had not been mustered into the service at the time he alleges the disability occurred.

The claimant alleges that he was mustered into the United States service at Leavenworth, Kans., as second lieutenant in the Thirteenth Infantry of that State, and on or about the 16th of August, 1862, he started to Nemaha County with Lieut. Levi Hensel and John N. Cline, who were both officers of the same regiment, for the purpose of enlisting men for said regiment, and while en route at or near a place called Grasshopper Falls, now called Valley Falls, on or about August 16, 1862, he was overcome with heat and received a sunstroke and has suffered therefrom ever since, and that prior to that time he was a sound and able-bodied man.

That he was confined to his bed for about one month after incurring said sunstroke. His occupation prior to enlisting was that of a physician, and he treated himself for said disability. That during the summer months he is afflicted so severely as to be unable to attend to his profession. That he can not furnish the testimony of regimental surgeon because he was not with the regiment and was never treated by regimental doctors.

J. W. Cline, second lieutenant of Thirteenth Kansas Infantry, and a recruiting officer for the regiment, testifies that he was well acquainted with claimant. He went with him and with Lieutenant Hensel at the urgent request of Judge A. H. Horton and James H. Lane, and when they reached Grasshopper Falls the claimant received a sunstroke, became overheated, and was prostrated by the heat. They took him home and left him in care of his family. That he was very much prostrated when they left him, and did not again join the regiment. That claimant sent seven recruits to and turned them over to Lieutenant Hensel and himself at Seneca, Nemaha County, Kansas.

Claimant can not furnish evidence of treatment since his discharge, because he was never treated. That he has consulted with Dr. Hidden, and as soon as he was able to leave the house Dr. Hidden knew of his condition, while he lived in the neighborhood.

Dr. Isaac S. Hidden testifies to having known claimant in October, 1858; that he was a strong and healthy man prior to engaging in the service of the United States in the summer of 1862; that claimant came to him and said he had received a sunstroke; that his diagnosis of the case indicated that such was the case. I agreed with him in his statement of the treatment he had given himself. That he has seen him on an average of once a month, except about six years, from 1872 to 1878; that he was and has been unfitted for labor, and he (Dr. H.) thinks his disability is chronic and incurable.

Joseph Harman, a neighbor of claimant, says under oath that he has been personally acquainted with him ever since 1860, and lived near neighbor to him, except from 1872 to 1878; that prior to about August 15, 1862, when he enlisted, he was a stout, able-bodied man; that about August 20, 1862, he called to see claimant on business, and found him sick in bed and prostrated. Claimant was confined to his house several months, and has suffered ever since.

This witness is corroborated by Sally and Luella Chapin, who say that they are personally acquainted with claimant.

Your committee believe that he was in the service of the United States as second lieutenant Kansas Infantry, and that he received his injury in the line of duty, and ought to receive a pension.

That the regimental records, though they do not show that claimant was mustered into the service, the muster-out is shown by the testimony of D. R. Anthony, who swears to the publication of a notice of the muster-out of one M. B. McKay in a paper published in Leavenworth, and your committee believe that the claimant was the person intended, although the name was M. B. McKay instead of N. B. McKay, and therefore recommend the passage of the bill.

Mr. STONE, of Missouri. Mr. Chairman, this report is made by my friend from Kansas [Mr. MORRILL], the chairman of the Committee on Invalid Pensions, generally a very safe, conservative, and prudent legislator. I have not been able to understand how a man of his caliber and general conservatism could have reported this bill. To start in with I find this letter among the files of the Pension Office:

AMERICAN CITY, KANS., June 20, 1864.

SIR: By direction of Hon. W. W. Dudley, I hereby apply for certificate of discharge as second lieutenant, appointed at Fort Leavenworth, Kans., in July or August, 1862, to assist in recruiting for the Thirteenth Regiment, Kansas Volunteers, but was soon after prevented by sunstroke from joining the regiment or going farther in the service. I never received a certificate, but had notice by publication in a Leavenworth paper the following autumn of an honorable discharge.

Respectfully,

N. B. MCKAY.

ADJUTANT-GENERAL, Washington, D. C.

There he states in this letter to the Adjutant-General that he was enlisted as a recruiting officer for the Thirteenth Kansas Volunteers. The reply of the Adjutant-General is as follows:

Respectfully returned. The name of N. B. McKay is not borne as a commissioned officer of the Thirteenth Kansas Infantry during the late war.

Now, as I understand the testimony in this case, and there is not much of it, this man claims to have been mustered in as second lieutenant of the Thirteenth Kansas Infantry, on the 16th day of August, 1862, at Fort Leavenworth, and on the same day while returning to his home he had sunstroke, which twenty-five years afterwards he makes the basis for this pension claim. Lieutenant Cline, the most important witness, testifies:

Claimant, Lieutenant Hensel, and myself had been to Fort Leavenworth at the urgent request of Judge Horton and James H. Lane, and were returning, and when we reached a place called Grasshopper Falls the claimant received a sunstroke, or became overheated, or became prostrated by the heat.

Now, here is a man who does not appear on the rolls of the company, who was enlisted simply as a recruiting officer, as appears from his own letter to the Adjutant-General. He had been to Fort Leavenworth at the urgent request of Judge Horton and James H. Lane, on what business does not appear, and while returning home on the very day of his enlistment was overcome by excessive heat, and thereafter did no serv-

ice. He was enlisted as a recruiting officer while at Fort Leavenworth, having gone there on a visit, and while returning to his home, before he had rendered an hour's service, even as a recruiting officer, he was overcome by the intense heat shining down upon him as he rode across the prairies of Kansas—was prostrated and taken home, and says that he has been suffering from year to year since that time. Now, that is the whole case. I shall oppose the passage of this bill.

Mr. SWENEY. Mr. Chairman, I am not one disposed to object to the passage of any legitimate pension bill; but it appears to me from the record in this case that it is not a legitimate one. I must say that, differing from the statement that my friend from Missouri [Mr. STONE] makes, I understand that there never was such a case as enlistment as a recruiting officer—that there never was such a thing as enlistment as a recruiting officer, as this gentleman has stated in his letter. There never was such a thing as a recruiting officer enlisted.

Mr. STONE, of Missouri. That is what he stated in his letter.

Mr. MORRILL. If the gentleman will allow me a moment I will explain the whole thing. President Lincoln authorized General James H. Lane to raise a brigade. He went to Kansas and appointed these recruiting officers and they went to Fort Leavenworth and were mustered in. Judge Horton, who is now the chief-justice of our State, was very active in the matter, and that is why his name appears. Under the authority of President Lincoln General James H. Lane, then a brigadier-general in the service, appointed these men to recruit, and they went to Fort Leavenworth and mustered in and then they were discharged by a general order afterwards.

The whole thing was abandoned and a general order was issued discharging them from service. I do not imagine that it makes any difference whether the injury was received or disease contracted in twelve months after a man was in the service or on the first day. There is no question whatever about the incurrance of the disability. There is no question about the high character of the man. No man in Missouri or Kansas either stands any higher than Dr. N. B. McKay.

The witnesses Cline and Hensel I am both acquainted with, and I know they are of a very intelligent character. The reason why it does not appear of record in the office that these men were mustered is because the regiment was abandoned; the efforts to get up a brigade were abandoned; but they were mustered into the service.

Mr. SWENEY. Was he mustered in?

Mr. MORRILL. He was mustered in at Fort Leavenworth in the United States service by the United States mustering officer.

Mr. STONE, of Missouri. Where does the gentleman get evidence for that statement?

Mr. MORRILL. The evidence is on file there in Kansas. The report states it, and I was familiar with all the men and the facts; so that I know the facts are as stated.

Mr. SWENEY. I do not understand that from the report.

Mr. HILL. I would ask the gentleman from Kansas whether or not an application has been made in the Pension Office.

Mr. MORRILL. There was, and it was rejected.

Mr. TARSNEY. What rank did he hold?

Mr. MORRILL. Lieutenant.

Mr. TARSNEY. Would not the War Office records show that fact?

Mr. MORRILL. For the reason I have explained they do not show it.

Mr. TARSNEY. Let me ask the chairman of the Committee on Invalid Pensions if this was not the case: in those days commissions were often promised to men provided they would enlist so many men; and was it not the fact that he was appointed without any commission until afterwards?

Mr. MORRILL. He was appointed by General Lane, under the authority of President Lincoln. A full appointment was given to him, and he was discharged by a general order afterwards.

Mr. TARSNEY. Was he mustered in?

Mr. MORRILL. He was mustered in.

Mr. KILGORE. But he did no service, I understand.

Mr. MORRILL. He did no service, because on his way back to recruit he was prostrated by sunstroke.

Mr. KILGORE. Was he discharged at the time, on the same day?

Mr. MORRILL. No; some time afterwards.

Mr. STONE, of Kentucky. He was on his way back home?

Mr. MORRILL. He was on his way going up to recruit.

Mr. KERR, of Iowa. And this case was before the Pension Office and rejected, I understand?

Mr. MORRILL. Yes; it was rejected on the ground that the records of the War Office did not show that the regiment was ever organized.

The CHAIRMAN. The question is upon laying this bill aside to be reported to the House with a recommendation that it do pass.

The question was taken; and the Chairman declared that the ayes seemed to have it.

Mr. STONE, of Missouri. I ask for a division.

The CHAIRMAN. The Chair will state that if the committee finds itself without a quorum it will be the duty of the Chair to order a call of the roll.

Mr. STONE, of Missouri. Not unless the point of no quorum is made,



The question was taken; and there were—ayes 30, noes 7.  
The bill was laid aside to be reported to the House with the recommendation that it do pass.

HELEN E. DEWEY.

The next business on the Private Calendar was the bill (H. R. 2861) for the relief of Helen E. Dewey.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Helen E. Dewey, formerly Helen E. Converse, and the widow of Maj. Joseph H. Converse, late of the Eleventh Connecticut Volunteers, who was killed in action at Cold Harbor, Virginia, June 3, 1864.

The report (by Mr. NUTE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2861) for the relief of Helen E. Dewey, submit the following report:

A bill for the relief of this claimant was favorably reported by the Committee on Invalid Pensions, House of Representatives, Fiftieth Congress, but was not reached for action in the House.

The grounds upon which the claim is based are set forth in the following report of said committee:

"Helen E. Converse was the widow of Maj. Joseph Converse, of the Eleventh Regiment Connecticut Volunteers, who was killed in battle of Cold Harbor, Virginia, in June, 1864. She drew a pension until September 16, 1884, when she married one Charles B. Dewey. This marriage was not a happy one, and at the January (1886) term of the superior court in and for Hartford County, Conn., she obtained a divorce from said Dewey on the ground of adultery.

"Since the granting of the divorce information has reached the proposed beneficiary tending to show that Dewey at the time of his marriage with her had a wife living from whom he had not been divorced. The claimant has no means to make a thorough investigation of the matter, and even should this information prove correct it would not aid her in obtaining relief at the Pension Office, because of the divorce already obtained. Had the same not been granted, and the nullity of the marriage with Dewey fully established, her name could be restored to the pension-roll without the interference of Congress. But as it is she is compelled to seek legislative aid.

"This as well as former Congresses has liberally responded to the call for relief of widows whose husbands were killed in battle and who after having forfeited their pension by reason of remarriage have again become widows and dependent.

"The case under consideration comes clearly within established precedents, and therefore your committee recommend the passage of the accompanying bill."

Your committee fully concur in the conclusions reached in said report, and likewise recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### ORDER OF BUSINESS.

Mr. MORRILL. Mr. Chairman, I move that the committee now rise. The motion was agreed to.

The committee accordingly rose; and Mr. MORROW having resumed the chair as Speaker *pro tempore*, Mr. ALLEN, of Michigan, from the Committee of the Whole, reported that they had had under consideration business upon the Private Calendar, and had directed him to report back sundry bills with the recommendation that they do pass; also that they had had under consideration a bill (H. R. 5278) and had directed him to report it back with the recommendation that it be recommitted to the Committee on Invalid Pensions; also that they had had under consideration a bill (H. R. 5739) and had directed him to report the same back with the recommendation that it be made a special order for to-morrow immediately after the reading of the Journal, the previous question being considered as ordered, with debate limited to fifteen minutes on each side and with the right of amendment.

#### HOUSE BILLS PASSED.

The SPEAKER *pro tempore*. The Clerk will report first the bills that were pending at the time of the adjournment of the House on last Friday evening.

The Clerk read as follows:

A bill (H. R. 552) granting a pension to Frank Deming, Company F, Ninth Michigan Infantry.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The Clerk read as follows:

A bill (H. R. 5617) granting a pension to Henry Bloomfield.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

House bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

A bill (H. R. 4694) for the relief of Edward Haynes;

A bill (H. R. 5309) to place the name of Mary Welch upon the pension-roll;

A bill (H. R. 4868) granting a pension to Henrietta Judd;

A bill (H. R. 6350) for the relief of Asher Post;

A bill (H. R. 1871) for the relief of Sarah Mender;

A bill (H. R. 4134) granting a pension to Margaret Stewart;

A bill (H. R. 5082) to pension Polly Robinson;

A bill (H. R. 6371) for the relief of Napoleon B. McKay; and

A bill (H. R. 2861) for the relief of Helen E. Dewey.

The bill (H. R. 5452) granting a pension to Joseph K. Hamilton, dependent father of John E. Hamilton, late private Company D, One hundred and third Pennsylvania Volunteers, reported from the Com-

mittee of the Whole with an amendment, was taken up, the amendment agreed to, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

HELEN A. MOORE.

The next bill reported from the Committee of the Whole House was the bill (H. R. 5081) to pension Helen A. Moore and the minor children of John S. Moore.

The question was on agreeing to the amendment to strike out the second section, as follows:

Sec. 2. That the minor children of the said John S. Moore shall also be placed on the pension-roll by the Secretary of the Interior, subject to the provisions and limitations of the pension laws.

Mr. KILGORE. I think there should be an amendment of the title so as to conform to the change made in the bill by this amendment.

The SPEAKER *pro tempore*. The title may be amended after the bill has passed.

Mr. ALLEN, of Michigan. I understand that there are children of this soldier by another wife. Will not the effect of this amendment be to cut them out entirely? If so, I think the amendment ought not to be adopted.

Mr. OWENS, of Ohio. I think that under the terms of the bill all minor children will be provided for.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. KILGORE. I move to amend the title by striking out the words "and minor children of John S. Moore."

The motion was agreed to.

ALLEN COONS.

The next business was the bill (H. R. 5238) granting a pension to Allen Coons, reported from the Committee of the Whole House with the recommendation that it be recommitted to the Committee on Invalid Pensions.

The bill was recommitted.

SOPHIA SCHIMMELFENNING.

The next bill reported from the Committee of the Whole House was the bill (H. R. 5739) increasing pension of Sophia Schimmelfenning, widow of Alexander Schimmelfenning, late brigadier-general and major-general by brevet.

The SPEAKER *pro tempore*. This bill has been reported from the Committee of the Whole House with the recommendation that the previous question be considered as ordered, by force of which action it will come up to-morrow morning after the reading of the Journal. If there be no objection, that order will be made.

Mr. PETERS. I object to that order. All bills going over in this manner should be fixed to come up on the next private-bill day. Objection is made by a number of members to the making of these orders so as to take effect on other days than private-bill day. I ask that the order reported from the Committee of the Whole be modified so that this bill go over until next Friday.

The SPEAKER *pro tempore*. The gentleman from Kansas [Mr. PETERS] asks unanimous consent that this bill go over until Friday next, after the reading of the Journal, the previous question to be considered as ordered. If there be no objection, that order will be made. The Chair hears no objection.

SAMUEL STERLING.

Mr. BOOTHMAN. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 3983) granting a pension to Samuel Sterling, and that the same be considered now.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Samuel Sterling, son of David Sterling, late private in Company F, Thirty-first Regiment Ohio Volunteer Infantry, now deceased, upon the pension-roll of the United States, and to pay to said Samuel Sterling a pension from and after the approval of this act, at the rate of \$18 per month.

The report (by Mr. YODER) is as follows:

This claimant, and the beneficiary of this bill (H. R. 3983), is the physically helpless son of David Sterling, who was a private in Company F, Thirty-first Regiment Ohio Volunteers, war of 1861-1865. Claimant was born December 8, 1868. His father died in 1874, leaving a widow and four young children (of which claimant is the eldest), and no estate of any consequence for their support. The soldier's death, it is believed, was occasioned by disability contracted in the service.

The records of the War Department show that he served from September 23, 1861, to July 20, 1865. That during his service he was treated for phthisis pulmonalis in hospital at Nashville, Tenn., from May 23, 1863, to June 23, 1863, and at Chattanooga, Tenn., for chronic rheumatism from May 13, 1864, to May 25, 1864. It appears that he applied for pension, but died before it was granted. After his death his widow, the mother of claimant, also applied for pension, but before the completion of the claim she remarried, and the claim, as to the children or widow has not been completed. However, in the affidavit filed in the widow's claim the following evidence as to the cause of the soldier's death appears, viz:

"The widow swears that—  
"David Sterling (the father) was discharged July 20, 1865, and died on account of heart disease and blind staggers on the 8th day of October, 1874."

C. P. Clark, a neighbor, swears that—

"He was acquainted with David Sterling from 1855 up to the time he died, and that he was afflicted with heart disease from 1865; that said disease caused blind staggers, which nearly disabled said David Sterling from any manual labor whatever."

Harrison Sargeant swears that—

"I worked for David Sterling . . . about the year 1868 or 1869. I drove his team, and knew him to be afflicted at that time with heart disease and blind staggers, and have seen him frequently when he was at work have attacks of heart trouble, and he would have to sit down, and would almost smother; that he told me at the time that he contracted his disease in the service."

In the soldier's claim for pension appears the following evidence:

John Turner, a comrade, swears that—

"I was a comrade in the same regiment and company with claimant, David Sterling, and recollect that in the spring or summer of 1864 that said claimant was troubled with dizziness and blindness, which I understood at the time from the regimental surgeon to be heart disease; knew claimant a short time after discharge from Army, and knew him to be an unsound man."

Again, in the widow's claim for pension appears the following evidence:

John J. Darling swears:

"I was a private of Company E, Thirty-first Regiment. . . . Said David Sterling was a member also. On the march from Ringgold to Rosaca, Ga., we stopped a few moments to rest; he was complaining of blind spells, and he was so bad at times that he had to be helped to bear his burden. He very often attended sick call, and on one occasion he asked me to put my hand on his breast, and I think I never felt anything beat so in my life."

The evidence of the widow in her claim for pension is also to the effect that medical evidence of cause of death is not to be had, because of the death of the attending physician. This is corroborated by the affidavit of the family doctor's administrator. The beneficiary of this bill is shown to be permanently helpless. His limbs from the hips down are perfectly paralyzed and the size of those of a child of eight or ten years, while the rest of his person is of normal size. He has lived on charity ever since his father's death, a portion of the time in the county poor-house.

His mother's remarriage was to a man too poor to support the children, and they were placed with such charitably disposed persons as would take them. But Samuel being so helpless, his only means of locomotion being on his outstretched palms, such a place was hard to find for him, and he had to go to the poor-house until some of the comrades of the father made up a small fund for him and placed him in school. He is of a bright, intelligent mind, and of good character.

Your committee deem this a case which appeals most strongly to a sense of right and of duty on the part of the nation toward the helpless orphan of a worthy deceased Union soldier. We therefore report the bill favorably.

Mr. BOOTHMAN. Mr. Speaker, the report in this case is somewhat long; I think I can state the circumstances briefly so that they may be understood by the House.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There being no objection, the House proceeded to the consideration of the bill.

Mr. BOOTHMAN. Mr. Speaker, the beneficiary in this case is the son of a deceased soldier. The testimony filed in the case of the father shows that he died from disease contracted in the service. This son is helpless. I have seen him myself. His lower limbs are the size of those of a child six or seven years old, while the rest of his person is that of a man. The only way in which he can walk is by swinging his body along by the aid of his outstretched hands placed upon the ground. For a number of years after his father's death he was an inmate of the poorhouse.

This bill proposes to place him on the pension-roll at the rate of \$18 a month. He is entirely helpless. Some soldiers in his neighborhood who knew him, men of poor circumstances themselves, contributed for a number of months to the support of the child and sent him to school; and any one meeting him could not help being impressed with the intelligence of this youth, showing the fact that he has a brain in healthy condition, although his body is deformed. And in time I believe and hope that he will be an ornament to society on account of his intelligence and learning.

In his present condition, however, he is absolutely helpless. He has no means, and it is utterly impossible that he can receive an education unless he depends upon charity, and charitable contributions of men who are themselves unable to aid him very much, and upon whom he has no legal claim for support.

Mr. KILGORE. How old is he?

Mr. BOOTHMAN. He is now about twenty-one years of age. He has been going to school on the charity of his father's comrades. This is a case that appeals to everybody here.

Mr. STONE, of Missouri. I want to say just this much, Mr. Speaker, that in a town in my district there is a duplicate of the young man referred to by my friend from Ohio in so far as his physical deformity is concerned. This is another instance where we are about to pension a man who is deformed and crippled purely out of sentiment.

I shall vote against it.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PETERS. I ask leave to have the report printed in the RECORD.

The SPEAKER *pro tempore*. That will be done.

The report is printed above.

#### AGNES VETTER.

Mr. CARUTH. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 4028) granting a pension to Agnes Vetter, and put it upon its passage.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Agnes Vetter, dependent mother of John M. Vetter, captain of Company F, Ninth Kentucky Infantry.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. KILGORE. I insist upon the reading of the report.

The report (by Mr. WILSON, of Kentucky) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4028) granting a pension to Agnes Vetter, submit the following report:

The records of the War Department show that John M. Vetter served as first lieutenant and also as captain of Company F, Ninth Kentucky Volunteers, from November 26, 1861, to June 1, 1862, when his resignation was accepted, tendered by reason of his inability to discharge his duties ever since the battle of Shiloh and the fatigues and exposures incident thereto.

His mother, Agnes Vetter, filed a claim in the Pension Office on August 30, 1895, based upon her dependence upon the soldier, who was her only son and sole support, her husband having died in 1844, and, in support of her claim, filed testimony showing that while in the service the soldier was attacked with typhoid fever and chronic diarrhea, upon which pulmonary consumption supervened, causing the soldier's death on September 11, 1870. Her dependence upon the soldier is fully shown, and her own patriotic feeling was exhibited by going with the Louisville, Ky., sanitary boat, as a volunteer nurse, to the battle-field of Shiloh.

Her claim would have to be admitted by the Pension Office were it not for the fact that the soldier left a widow surviving him, who, however, it is shown, remarried a year subsequent to the soldier's death.

As here indicated, her claim was rejected by the Pension Office in November, 1887, on the ground that the soldier left a widow surviving him.

Mrs. Vetter is now seventy-eight years of age. Her case is one which certainly deserves relief at the hands of Congress, and there being no one now drawing pension on account of the death of said soldier your committee return the bill with the recommendation that it pass.

There being no objection, the bill was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CARUTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ORDER OF BUSINESS.

Mr. STONE, of Missouri. I move that the House do now adjourn.

Mr. BAKER. I ask my friend from Missouri to withhold that motion a moment and allow me to pass a pension bill here.

Mr. LANE. I demand the regular order. I am getting tired of this thing. Let us go on regularly if we are to go any further to-night.

Mr. BAKER. Let me get this bill through.

Mr. LANE. The Committee on Pensions have agreed that this should not be done. I shall insist upon the regular order in future.

Mr. STONE, of Missouri. I made a motion to adjourn, but the Speaker did not put it.

The SPEAKER *pro tempore*. The Chair did not understand the gentleman as pressing the motion, but thought it was withdrawn.

Pending that motion, the Chair thinks it would be well for a motion to be entered to reconsider the various bills passed to-night.

Mr. O'DONNELL. I move to reconsider the votes by which the several bills were passed to-night, and also move to lay that motion on the table.

The latter motion was agreed to.

The question being taken on the motion of Mr. STONE, of Missouri, it was rejected.

So the House refused to adjourn.

Mr. LANE. I demand the regular order.

Mr. BAKER. Let me call up this bill now.

Mr. LANE. You can not take up a bill in the House without unanimous consent.

Mr. BAKER. Will you object?

Mr. LANE. I will. The Committee on Invalid Pensions have again and again agreed that the Calendar shall be regularly called. I ask the regular order.

Mr. YODER. We have violated it to-night.

Mr. LANE. You did this evening, and I was loath to object. I thought it likely that some objection would be made, and I did not like to seem to obstruct pension matters; but I feel under obligations to carry out the agreement of the committee.

Mr. BAKER. I ask that this bill be stated, and then if the gentleman objects—

Mr. LANE. I do object.

Mr. PETERS. Then I move that the House now adjourn.

Mr. ALLEN, of Michigan. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ALLEN, of Michigan. Did the two bills which passed the committee last week pass to-night?

The SPEAKER *pro tempore*. They did.

The question being taken on the motion of Mr. PETERS, the House divided; and there were—ayes 10, noes 11.

So the House refused to adjourn.

And then (the hour of 10.30 p. m. having arrived) the House adjourned.



## EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communication was taken from the Speaker's table and referred as follows:

## PURCHASE OF TENTS.

Letter from the Secretary of War, transmitting the draught of a bill "authorizing the purchase of tents for certain purposes and making appropriations therefor," with report of the Quartermaster-General of the Army in relation thereto—to the Committee on Military Affairs.

## RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. RICHARDSON:

*Resolved*, That the third paragraph of clause 1 of Rule XIII be amended by adding thereto the following proviso:

"Provided, That reports from the Court of Claims, transmitted to Congress by the Court of Claims under the acts of March 3, 1893, and March 3, 1897, shall have precedence on the Private Calendar when reported by a committee of the House."

to the Committee on Rules.

## REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees on bills of the following titles were delivered to the Clerk, ordered to be printed, and referred as follows:

Mr. MANSUR, from the Committee on Claims, reported favorably the bill (H. R. 2978) granting jurisdiction and authority to the Court of Claims in the case of scow Rowena—to the Committee of the Whole House.

Mr. LAWS, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

- A bill (H. R. 6905) granting a pension to Byron R. McIntyre;
- A bill (H. R. 7586) granting a pension to James O'Donnell; and
- A bill (S. 218) granting a pension to George W. Padgett.

Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

- A bill (H. R. 7193) for removal of charge of desertion from Alfred Lane; and
- A bill (H. R. 1271) for the relief of Sanford A. Pingan.

Mr. WILLIAMS also, from the Committee on Military Affairs, reported favorably the bill (H. R. 887) authorizing the erection of a hotel upon the Government reservation at Fortress Monroe—to the House Calendar.

Mr. WALKER, of Missouri, from the Committee on Commerce, reported favorably the bill (S. 2026) authorizing the construction of a free bridge across the Arkansas River, connecting Little Rock and Argenta, Ark.—to the House Calendar.

Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, reported with amendment the bill (H. R. 4635) granting certain privileges to the Union Railway Company of Chattanooga, Tenn.—to the House Calendar.

Mr. LAWS, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

- A bill (H. R. 7914) granting a pension to Jay Marvin; and
- A bill (H. R. 7588) granting a pension to David Rose.

Mr. BAKER, from the Committee on Commerce, reported with amendment the bill (H. R. 3886) to authorize the construction of a bridge and approaches at New York City, across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road—to the House Calendar.

Mr. O'NEILL, of Pennsylvania, from the Committee on the Library, reported favorably the joint resolution (H. Res. 112) appropriating \$3,000 to inclose and beautify monument at Moore's Creek, North Carolina—to the Committee of the Whole House on the state of the Union.

Mr. CARLTON, from the Committee on Claims, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

- A bill (S. 242) for the relief of Mrs. Sarah Elizabeth Halroyd, widow and administratrix of the estate of John Halroyd, deceased; and
- A bill (S. 680) for the relief of Alice E. Robertson.

Mr. YODER, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

- A bill (H. R. 5050) granting a pension to Dolly Blazer;
- A bill (H. R. 6280) granting a pension to Lawrence Dougherty;
- A bill (H. R. 4968) granting a pension to Elizabeth A. Jones;
- A bill (H. R. 5709) granting a pension to Sarah A. Harrison;
- A bill (H. R. 4967) granting a pension to Mrs. Catherine Reed;
- A bill (H. R. 3218) to place the name of Pauline Bichweiler on the pension-roll;

A bill (H. R. 1783) granting a pension to Mrs. Alice A. Cunningham;

- A bill (H. R. 3261) granting a pension to Sarah Connally;
- A bill (H. R. 3259) granting a pension to Simon Beakler;
- A bill (H. R. 6153) granting a pension to Elizabeth Bennett;
- A bill (H. R. 1110) granting a pension to William J. Bryan;
- A bill (H. R. 2318) granting a pension to Malinda Foreman;
- A bill (H. R. 2317) granting a pension to Anna McCreary;
- A bill (H. R. 4355) for the relief of Emeline Beam, mother of Isaac W. Beam;

- A bill (H. R. 3065) granting a pension to Mary Donohue;
- A bill (S. 511) granting a pension to Anna A. Probert; and
- A bill (S. 2064) placing the name of Bridget White on the pension-roll.

Mr. YODER also, from the Committee on Invalid Pensions, reported with amendment the bill (H. R. 3034) granting a pension to George W. Pitner—to the Committee of the Whole House.

Mr. LANE, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

- A bill (H. R. 4522) granting a pension to J. N. Jordan;
- A bill (H. R. 3242) granting a pension to Sarah Devine, mother of Jesse Chapman;
- A bill (H. R. 7816) granting a pension to Harriet E. Cooper;
- A bill (H. R. 7829) granting arrears of pension to Hermann F. A. Rovelle;

- A bill (H. R. 6388) granting a pension to Peter Peterson;
- A bill (H. R. 4246) granting a pension to Bridget Lynch;
- A bill (H. R. 3224) granting a pension to Sally Powell;
- A bill (H. R. 7076) to increase the pension of Cornelius J. Wiley;
- A bill (H. R. 4306) to pension Rebecca Bolerjack;
- A bill (H. R. 6606) granting a pension to William F. Reed;
- A bill (H. R. 7958) granting a pension to Christopher C. Funk;
- A bill (H. R. 7659) granting a pension to Warner M. Ellis;
- A bill (H. R. 5719) for the relief of Harrison Tryson;
- A bill (H. R. 7959) granting a pension to Frederick B. Sells;
- A bill (H. R. 5434) granting a pension to William Edwards;
- A bill (H. R. 7953) granting a pension to Barbara Langstaff;
- A bill (S. 1371) granting a pension to John C. Abbott; and
- A bill (S. 333) granting a pension to Sarah E. Stewart.

Mr. LANE also, from the Committee on Invalid Pensions, reported with amendment the following bills; which were severally referred to the Committee of the Whole House:

- A bill (H. R. 7330) granting a pension to William R. Avery; and
- A bill (H. R. 6622) granting a pension to Ella Harrison.

Mr. BROSIUS, from the Committee on Agriculture, reported with amendment the bill (H. R. 283) defining "lard," also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of compound lard—to the House Calendar.

Mr. TURNER, of Georgia, from the Committee on Commerce, reported favorably the bill (S. 1873) authorizing the Brazos Terminal Railway Company to construct a bridge across the Brazos River, in the State of Texas—to the House Calendar.

Mr. TURNER, of New York, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

- A bill (H. R. 2503) for the relief of Sarah D. Duke; and
- A bill (H. R. 6391) granting a pension to Mrs. Margaret A. Jacoby.

Mr. TURNER, of New York, also, from the Committee on Invalid Pensions, reported with amendment the following bills; which were severally referred to the Committee of the Whole House:

- A bill (H. R. 4372) granting a pension to John Dean; and
- A bill (H. R. 6078) granting an increase of pension to Frank Traynor.

Mr. MARTIN, of Indiana, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

- A bill (H. R. 6211) granting a pension to John S. Lozier;
- A bill (H. R. 4167) granting a pension to Lorenzo D. Whiteford;
- A bill (H. R. 7367) for the relief of Sarah M. Williams;
- A bill (H. R. 6913) granting a pension to Alexander G. Davis;
- A bill (H. R. 5014) for the relief of Ernest Barth;
- A bill (H. R. 2481) granting a pension to Bridget Tole;
- A bill (H. R. 4851) granting a pension to Eliza J. Glass;
- A bill (H. R. 7529) granting a pension to Belle Morrison, of Dillsborough, Ind.;

- A bill (H. R. 1155) granting a pension to Francis M. Hull; and
- A bill (H. R. 2469) increasing the pension of Thomas Ward.

Mr. MARTIN, of Indiana, also, from the Committee on Invalid Pensions, reported with amendment the following bills; which were severally referred to the Committee of the Whole House:

- A bill (H. R. 5108) for the relief of George W. Hutchinson;
- A bill (H. R. 2864) for the relief of Elizabeth Earp;
- A bill (H. R. 5107) for the relief of David L. Truex;
- A bill (H. R. 6089) granting an increase of pension to George Uhl;
- A bill (H. R. 5098) for the relief of William A. Bange; and
- A bill (H. R. 4190) granting a pension to Mrs. Susan Clark.

Mr. SPRINGER, on behalf of the minority of the Committee on the Territories, to which was recommitted the bill (H. R. 982) to provide for the admission of the State of Wyoming into the Union, and for other purposes, submitted their views in writing; and it was ordered that said views be printed and referred to the said Committee on the Territories.

## ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports on bills of the following titles were delivered to the Clerk and laid on the table:

By Mr. GEST, from the Committee on Claims, on the bill (H. R. 3233) for the relief of Michael A. Dace.

Also, from the same committee, on a petition of William H. Blade, relative to claim for services rendered by him in the capture of steamer W. B. Terry, in 1861.

By Mr. BELKNAP, from the Committee on Invalid Pensions, the bill (H. R. 7065) granting an increase of pension to Ira C. Alger, jr.

By Mr. KELLEY, from the Committee on Accounts, on a resolution to appoint Thomas G. Ingram, assistant janitor.

By Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, on the bill (H. R. 1918) for the relief of F. W. Zickendrach.

Also, from the same committee, on the bill (H. R. 2836) to remove the charge of desertion from the military record of John J. Schmidt.

Also, from the same committee, on the bill (H. R. 1261) for the relief of William T. Edwards.

Also, from the same committee, on the joint resolution (H. Res. 92) authorizing the Secretary of War to grant a permit to Harry Libby and Philip T. Woodfin to erect a hotel upon the lands of the United States at Old Point Comfort, Va.

By Mr. BELKNAP, from the Committee on Invalid Pensions, on the bill (H. R. 6247) granting a pension to James Shaw.

By Mr. MASON, from the Committee on Commerce, on the bill (S. 89) to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-road.

## BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were introduced, severally read twice, and referred as follows:

By Mr. CARTER: A bill (H. R. 8491) to provide for the examination and classification of certain mineral lands, and for other purposes—to the Committee on Mines and Mining.

Also, a bill (H. R. 8492) to provide for the construction of a public building at Butte City, Mont.—to the Committee on Public Buildings and Grounds.

By Mr. O'NEILL, of Pennsylvania: A bill (H. R. 8493) authorizing a sale of part of a certain lot in the city of Washington—to the Committee on the District of Columbia.

By Mr. BROWNE, of Virginia: A bill (H. R. 8494) authorizing the Secretary of War to grant a permit to Harry Libby to erect a hotel upon the lands of the United States at Old Point Comfort, Virginia—to the Committee on Military Affairs.

By Mr. CONNELL: A bill (H. R. 8495) providing for the extension of the coal laws of the United States to the district of Alaska—to the Committee on the Public Lands.

By Mr. CARUTH: A bill (H. R. 8496) providing for the purchase of a portrait of General James Wilkinson—to the Committee on the Library.

By Mr. LEE: A bill (H. R. 8497) to authorize the Washington and Western Railroad Company to extend its line into and within the District of Columbia—to the Committee on the District of Columbia.

By Mr. O'NEILL, of Massachusetts: A bill (H. R. 8498) for the relief of captains, pilots, engineers, and mates of steam-vessels—to the Committee on Commerce.

By Mr. PICKLER: A bill (H. R. 8520) for an act to authorize the Pierre and Fort Pierre Ponton Bridge Company to construct a ponton bridge across the Missouri River at Pierre, S. Dak.—to the Committee on Commerce.

By Mr. RUSSELL: A joint resolution (H. Res. 132) to print 10,000 copies of a compilation of the inaugural addresses of the Presidents of the United States, from George Washington to Benjamin Harrison, for the first century of Presidential inaugurations, with authenticated incidents connected therewith, biographical sketches of the Presidents from official sources, together with steel-plate portraits of the Presidents and steel-plate illustrations of the Capitol and White House—to the Committee on Printing.

By Mr. LODGE: A joint resolution (H. Res. 133) providing for the distribution of certain publications of the Government to depositories of public documents—to the Committee on the Library.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BELDEN: A bill (H. R. 8499) for the removal of a charge

of desertion from record of Frank A. R. Gray—to the Committee on Military Affairs.

By Mr. BLISS: A bill (H. R. 8500) to correct the military record of Erastus Confer—to the Committee on Military Affairs.

Also, a bill (H. R. 8501) granting a pension to Joshua Dodge—to the Committee on Invalid Pensions.

By Mr. BUTTERWORTH: A bill (H. R. 8502) for the relief of the estate of John H. Piatt, deceased—to the Committee on Claims.

By Mr. CRAIN: A bill (H. R. 8503) for the relief of Adams & Wickes—to the Committee on Claims.

By Mr. DORSEY: A bill (H. R. 8504) granting a pension to Oscar S. Crabtree—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8505) granting an increase of pension to Chris. Steiger—to the Committee on Invalid Pensions.

By Mr. DUNNELL: A bill (H. R. 8506) for the relief of John W. McCaun—to the Committee on Military Affairs.

By Mr. HATCH: A bill (H. R. 8507) for the relief of John H. Morgan—to the Committee on Military Affairs.

By Mr. HOLMAN: A bill (H. R. 8508) granting a pension to Ann Carr, of Vevay, Ind.—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 8509) to relieve Daniel E. Thompson of the charge of desertion—to the Committee on Military Affairs.

By Mr. MCCARTHY: A bill (H. R. 8510) for the payment of arrears of pension to Thomas Snowden Hamblin, late a first lieutenant in Thirty-eighth Regiment of New York Volunteers—to the Committee on Invalid Pensions.

By Mr. MCCREARY: A bill (H. R. 8511) for the relief of S. S. Deering, dependent father of George Deering, late adjutant Seventeenth Kentucky Infantry—to the Committee on Invalid Pensions.

By Mr. MCRAE: A bill (H. R. 8512) making an appropriation for the benefit of the estate of William Moss, deceased—to the Committee on Claims.

By Mr. MOORE, of New Hampshire (by request): A bill (H. R. 8513) granting a pension to Thomas F. Leahey—to the Committee on Invalid Pensions.

By Mr. PRICE: A bill (H. R. 8514) for the relief of Pierre Breaux, of Terre Bonne Parish, Louisiana—to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 8515) granting a pension to Louisa Bailey—to the Committee on Invalid Pensions.

By Mr. SIMONDS: A bill (H. R. 8516) for the relief of James B. McCubbin—to the Committee on War Claims.

By Mr. STEWART, of Georgia: A bill (H. R. 8517) for the relief of the heirs or legal representatives of David L. Duffley, deceased—to the Committee on War Claims.

By Mr. WHEELER, of Alabama: A bill (H. R. 8518) to grant a pension to Thomas Stewart—to the Committee on Pensions.

By Mr. WICKHAM: A bill (H. R. 8519) granting a pension to John Frohlin—to the Committee on Invalid Pensions.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (S. 1362) for the relief of Mary B. Hook—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (S. 1545) for the relief of Edwin De Leon—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 2258) granting a pension to Hannah Cummins—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5106) for the relief of Squire West—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. BAKER: Petition of Rev. B. T. Roberts and others, of Chili, Monroe County, New York, in favor of the repeal of all duties on sugar, refined and raw—to the Committee on Ways and Means.

By Mr. BARNES: Petition of Subordinate Union, No. 2, of the city of Augusta, Ga., of the Bricklayers and Masons' International Union of America—to the Committee on Labor.

By Mr. BECKWITH: Four petitions of citizens of New Jersey, against alien labor on public works—to the Committee on Labor.

By Mr. CAMPBELL: Petition of citizens of Brooklyn, N. Y., against the employment of aliens upon public works of the Government—to the Committee on Labor.

By Mr. CARTER: Resolution and protest of the Helena (Mont.) Board of Trade, relating to H. R. 304, entitled "A bill for raising revenues from the use of public lands," etc.—to the Committee on Agriculture.

By Mr. CARUTH: Resolutions of the Trades and Labor Assembly of Louisville, Ky., favoring the enforcement of the eight-hour law—to the Committee on Labor.

By Mr. CHEADLE: Petition of Merriman Thompson, for reimbursement for property worth \$405.80—to the Committee on War Claims.



By Mr. CONGER: Petition of Ellsworth Post, Grand Army of the Republic, Ames, Iowa, in favor of pensions for widows and children of all late soldiers—to the Committee on Invalid Pensions.

Also, petition of J. W. Lundy and others, of the Seventh district of Iowa, in favor of remonetization of silver—to the Committee on Coinage, Weights, and Measures.

Also, memorial of Farmers' Alliance, Ellwell, Iowa, in favor of Butterworth bill—to the Committee on Agriculture.

Also, memorial of Wareland Monthly Meeting of Friends, Warren County, Iowa, against proposed expenditures for Navy and coast defenses—to the Committee on Naval Affairs.

Also, joint resolution of the Iowa Legislature, asking for the passage of a pure-lard bill—to the Committee on Agriculture.

By Mr. CULBERTSON, of Pennsylvania: Petition of citizens of Pennsylvania, in reference to duty on hops—to the Committee on Ways and Means.

By Mr. CUMMINGS: Petition of stenographers and others on behalf of the Lawler resolution, as to the short-hand method of spelling—to the Committee on Education.

By Mr. CUTCHEON: Petition of 471 citizens of Michigan, asking for a national Sunday-rest law—to the Committee on Labor.

By Mr. DINGLEY: Memorial of officers of Woman's Christian Temperance Union of the District of Columbia, for passage of House bill 6971 to prohibit manufacture and sale of intoxicating liquors in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. DORSEY: Memorial from Congregational churches in Nebraska, for appointment of additional chaplains in the United States Army—to the Committee on Military Affairs.

By Mr. FEATHERSTON: Petition of Jeremiah Pascull, of Phillips County, Arkansas, for reference of his claim to the Court of Claims under provisions of the Bowman act—to the Committee on War Claims.

By Mr. FLOWER: Petition of Robert Englander, president, and John Ruff, secretary of Subordinate Union No. 35 of New York Bricklayers and Masons' Union, against employing aliens on public works of the United States—to the Committee on Labor.

By Mr. GEISENHAINER: Petition for improvement of the South Shrewsbury River in Monmouth County, New Jersey—to the Committee on Rivers and Harbors.

By Mr. GREENHALGE: Petition of Subordinate Union No. 13, city of Lowell, Mass., of the Bricklayers and Masons' International Union of America, for the amendment of the laws of the United States so as to prevent the employment of any other than citizens of the United States upon Government works, etc.—to the Committee on Labor.

By Mr. GROUT: Petition of Emeline M. Butler, widow of Andrew J. Butler, Company C, Sixth Regiment Vermont Volunteers—to the Committee on Invalid Pensions.

Also, petition of clerks in second-class post-offices of Vermont—to the Committee on the Post-Office and Post-Roads.

By Mr. HANSBROUGH: Poetic appeal in behalf of the survivors of the war—to the Committee on Invalid Pensions.

By Mr. HATCH: Petition of 155 citizens of Knox County, Missouri, in favor of the remonetization of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition and papers to accompany a bill for the relief of John H. Morgan—to the Committee on Military Affairs.

By Mr. HAYES: Petition of John J. Rohlf and 84 others, members of Turner Society, at Davenport, Iowa, protesting against the passage of any law materially changing the present naturalization or immigration laws—to the Select Committee on Immigration and Naturalization.

Also, joint resolution of Iowa Legislature, praying for the repeal of the limitation contained in pension act of 1879—to the Committee on Invalid Pensions.

Also, joint resolution of same body, praying for the immediate construction of the Hennepin Canal—to the Committee on Rivers and Harbors.

By Mr. HAYNES: Petition of Bricklayers and Masons' Union, Subordinate Union No. 3, city of Toledo, Ohio, against the employment of aliens instead of citizens on Government works—to the Committee on Labor.

By Mr. HENDERSON, of Iowa: Resolutions by the postal force in the post-office at Dubuque, Iowa, in favor of House bills 6448 and 6449—to the Committee on the Post-Office and Post-Roads.

Also, resolutions by James Butler Post, No. 220, Grand Army of the Republic, Iowa, Clarksville, Iowa, and Charles Payne Post, Grand Army of the Republic, Iowa, No. 141, Iowa Falls, Iowa, urging the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. HERMANN: Petition from citizens of Oregon, for forfeiture of Northern Pacific Railroad land grant between Walla Walla and Portland, Oregon—to the Committee on the Pacific Railroads.

Also, of citizens of Wasco County, Oregon, for same purpose—to the Committee on the Pacific Railroads.

By Mr. HOLMAN: Affidavits in support of bill granting a pension to Ann Carr, of Vevay, Ind.—to the Committee on Invalid Pensions.

By Mr. KELLEY: Petition of Farmers' Mutual Benefit Association, No. 2564, membership 287, State of Kansas, asking for free coinage of silver, for abolition of national banks, and election of United States Senators by a direct vote of the people—to the Committee on Banking and Currency.

Also, petition of Lydia Harris, representing 250 of the Society of Friends, and signed by her as clerk of said organization, Emporia, Kans., protesting against the passage of the Senate Naval Committee measure and all other measures which propose large expenditures for the Navy and so-called coast defenses, all of which is a menace to the peace of the nation in the judgment of said society—to the Committee on Naval Affairs.

By Mr. LACEY: Resolutions favoring service-pension bill, from Lynnville (Iowa) Post, Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. McRAE: Petition of farmers of Tennessee, against compound lard—to the Committee on Agriculture.

By Mr. MORRILL: Resolutions of the Farmers and Industrial Union of Saline County, Kansas, asking for legislation—to the Committee on Agriculture.

By Mr. NORTON: Petition of E. D. Shea and others, citizens of Anderson County, Missouri, praying for a service pension—to the Committee on Invalid Pensions.

Also, petition of W. H. Cameron and 76 others, praying that pensions may be granted all soldiers and marines who served in the Federal Army in the war of the rebellion who are in any respect or any degree unable to perform manual labor—to the Committee on Invalid Pensions.

By Mr. O'DONNELL: Petition of Nelson B. Gardner, for increase of pension—to the Committee on Invalid Pensions.

By Mr. O'NEIL, of Massachusetts: Remonstrance of W. K. Lewis & Brother and many others, against imposing any duty on canned lobsters—to the Committee on Ways and Means.

By Mr. O'NEILL, of Pennsylvania: Resolutions of the Philadelphia Board of Trade urging Congress to pass without delay Senate bill 3971, to pension Mrs. Caroline Huddell White, widow of Commodore George B. White, United States Navy—to the Committee on Invalid Pensions.

By Mr. PUGSLEY: Petition from 394 Friends of Newburgh, Clinton County, Ohio, against expenditures for warlike purposes—to the Committee on Naval Affairs.

By Mr. RAY: Petitions of Subordinate Lodge No. 8, of Connellsville, Pa., Bricklayers and Masons' International Union, and of Subordinate Lodge No. 26, Washington, Pa., of same organization, praying that the laws be so amended that none but citizens of the United States shall be employed on Government works—to the Committee on Labor.

By Mr. RICHARDSON: Petition of Miss Musadora Wasson, Ella Wasson, and Frank Wasson, praying for payment of their claim of \$30,237, or its reference to the Court of Claims—to the Committee on War Claims.

Also, petition of S. C. Hampton, administrator, for reference of claim to the Court of Claims under provisions of the Bowman act—to the Committee on War Claims.

By Mr. RUSSELL: Petition of Louisa Bailey, for pension—to the Committee on Invalid Pensions.

By Mr. SENEY: Petition of Bricklayers and Masons' Union at Tiffin, Ohio, against the employment of aliens instead of citizens on Government works—to the Committee on Labor.

By Mr. SNIDER: Petition of Board of Trade of Minneapolis, Minn., favoring the improvement of the Mississippi River between St. Paul and Minneapolis—to the Committee on Rivers and Harbors.

Also, petition of the Society of Friends of Minneapolis, Minn., against expenditures for coast defenses and for naval affairs—to the Committee on Naval Affairs.

Also, petition of the Nationalist Club of Minneapolis, Minn., against proposed settlement of the Pacific railway debt to the Government—to the Committee on Pacific Railroads.

By Mr. STEPHENSON: Petition of the citizens of Menominee, Mich., relative to the position of the North American Turnerbund on immigration and naturalization laws—to the Select Committee on Immigration and Naturalization.

By Mr. STRUBLE: Resolutions of Farmers' Alliance No. 1281, Maple Landing, Iowa, Sac City, Iowa; Washington Alliance, Storm Lake, Iowa; Leonic, Iowa, urging the passage of House bill 5353, defining "options," "futures," and imposing penalties to lessen and prevent gambling in farm products—to the Committee on Agriculture.

By Mr. SWENEY: Protest of George Muegge and 23 others, members of the North American Turnerbund, protesting against the enactment of laws restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. VAN SCHAICK: Petition of members of North Side Turners' Society of Milwaukee, Wis., protesting against proposed changes of immigration and naturalization laws—to the Committee on Labor.

By Mr. VENABLE: Petition of Farmers' Alliance, Greensville County, Virginia, asking that national banks be allowed to loan money on real estate—to the Committee on Banking and Currency.

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By Mr. WHEELER, of Alabama: Petition of William Hamaker, of Madison County, Alabama, praying for reference of his claim to Court of Claims under act of March 3, 1883—to the Committee on War Claims.

By Mr. WILLIAMS, of Illinois: Additional evidence in support of claim of Thomas Ridenour—to the Committee on Invalid Pensions.

Also, affidavits for relief of Allen Anderson, Harrison Thurmond, and John Garrett—to the Committee on Military Affairs.

## SENATE.

SATURDAY, March 22, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.  
The Journal of yesterday's proceedings was read and approved.

## PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa, presented a petition of the Bricklayers and Masons' Union No. 2, of Des Moines, Iowa, praying for the passage of a law prohibiting the employment of aliens on Government works; which was referred to the Committee on Education and Labor.

Mr. CULLOM presented a petition of Subordinate Union No. 2, of Belleville, Ill., of the Bricklayers and Masons' Union of America, praying that none but American citizens be employed on all Government work; which was referred to the Committee on Education and Labor.

Mr. SAWYER presented a petition of the Bricklayers and Masons' Union of La Crosse, Wis., praying that Americans be employed in preference to aliens on Government works; which was referred to the Committee on Education and Labor.

Mr. PADDOCK presented a petition of the Bricklayers and Masons' International Union of America, of Omaha, Nebr., praying that none but American citizens be employed upon Government works; which was referred to the Committee on Education and Labor.

Mr. STOCKBRIDGE presented a petition of the Bricklayers and Masons' International Union of America, of Detroit, Mich., and a petition of the Bricklayers and Masons' International Union of America, of Saginaw, Mich., praying for such amendment of the laws as will favor citizens of the United States as employés on Government works and exclude aliens therefrom; which were referred to the Committee on Education and Labor.

Mr. HISCOCK presented six petitions of citizens of the State of New York, praying that the time for making application for arrears of pension be extended; which were referred to the Committee on Pensions.

He also presented a memorial of 238 members of the Society of Friends, citizens of the State of New York, remonstrating against increased expenditures for the Navy and other warlike preparations as a menace to the peace and security of the nation; which was referred to the Committee on Naval Affairs.

He also presented sundry petitions signed by numerous citizens of the State of New York, representing ten subordinate unions of the Masons' International Union of America, praying that the present laws be so amended that only citizens of the United States shall be employed on Government works; which were referred to the Committee on Education and Labor.

He also presented a petition of 74 citizens of the State of New York, praying for the passage of House bill 3863, providing for an increase of compensation to letter-carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN presented a memorial of Subordinate Union No. 10, of East Liverpool, Ohio, of the Bricklayers and Masons' International Union of America, and a memorial of Subordinate Union No. 5, of Cleveland, Ohio, of the Bricklayers and Masons' International Union of America, remonstrating against the employment of aliens on Government works; which were referred to the Committee on Education and Labor.

Mr. TURPIE presented a petition of Subordinate Union, No. 3, of the Bricklayers and Masons' International Union of America, of Indianapolis, Ind., praying for legislation making a discrimination against aliens and in favor of citizens of the United States as employés on public works; which was referred to the Committee on Education and Labor.

Mr. INGALLS presented a petition of 39 citizens of Dennis, Kans., and the petition of Eugene B. Bisbee, of New York City, N. Y., praying for the free coinage of silver; which were referred to the Committee on Finance.

He also presented a petition of Anderson Post, No. 45, Grand Army of the Republic, of Smith Center, Kans., praying for the passage of the service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of Grand Army of the Republic Post, No. 89, of Nebraska; a petition of Grand Army of the Republic Post, No. 66, of Nebraska; a petition of Grand Army of the Republic Post, No. 17, of Nebraska, and a petition of Grand Army of the Republic Post, No. 95, of Nebraska, praying for the passage of Senate bill 496, to remove the limitation in the payment of arrears of pensions; which were referred to the Committee on Pensions.

Mr. PIERCE presented a petition of 136 residents of Titusville, Pa., praying for the passage of Senate bill 2607, providing for the appointment of a commission to investigate the causes of agricultural depression; which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Farmers' Alliance of Hunter, N. Dak., praying for the passage of Senate bill 2607, creating a commission to investigate the causes of agricultural depression, and also praying for the passage of a bill authorizing the Government to loan money to the people at a low rate of interest; which were referred to the Committee on Agriculture and Forestry.

Mr. REAGAN presented resolutions adopted by the Galveston (Tex.) Cotton Exchange in favor of an appropriation to secure a deep-water harbor at Galveston; which were ordered to lie on the table.

Mr. ALLISON presented a petition of 110 citizens of the Seventh Congressional district of Iowa, and a petition of 140 citizens of Winnechick County, Iowa, praying for the free coinage of silver; which were referred to the Committee on Finance.

He also presented resolutions adopted by the John Dillon Post, No. 233, Department of Iowa, Grand Army of the Republic, of Marengo, Iowa, and a resolution adopted by the W. A. Morse Post, No. 190, Department of Iowa, Grand Army of the Republic, of Manchester, Iowa, praying for the passage of the service-pension bill; which were referred to the Committee on Pensions.

He also presented the petition of W. A. Elliott and other citizens of Grundy Centre, Iowa, praying for legislation to prohibit boards of trade, bucket-shops, and mercantile bodies and individuals from fixing the value on the raw or manufactured produce of American farms by sales of promises of future deliveries; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of W. A. Elliott and other citizens of Grundy Centre, Iowa, praying for the passage of such laws as will prohibit the selling of promises of future deliveries of farm produce or stock products by those who are not the owners thereof, thereby depressing their value; which was referred to the Committee on Agriculture and Forestry.

Mr. ALLEN presented a memorial of the Legislature of Washington; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF WASHINGTON,  
Office of the Secretary of State.

I, Allen Weir, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the attached instrument of writing, *i. e.*, Senate joint memorial No. 23, asking that surviving soldiers of the Indian war be granted lands in the State of Washington, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, at Olympia, this 17th day of February, A. D. 1890.  
[SEAL.] ALLEN WEIR, Secretary of State.

[Senate joint memorial No. 23.]

To the Senate and House of Representatives in Congress assembled:

Your memorialist, the Legislature of the State of Washington, respectfully represents:

Whereas it has ever been the custom of governments, from time immemorial, to reward those who served their country in times of peril and danger and risking their lives for the common welfare; and

Whereas in the year of 1855 an Indian war broke out in the Territory of Washington, and participated in by all the Indian tribes of the Territory; and

Whereas it was imperatively necessary that all able-bodied men of the settlers then in the Territory enroll themselves in military companies and go out and meet, fight, and put the Indians to rout, in order that this grand Territory be saved to the United States and to the millions that will yet find here happy and prosperous homes; and

Whereas the early pioneer soldiers, who ventured their all in the putting down of said war, were out of their pay for many years, and when paid it was only the pay of regulars, and this in a depreciated currency worth 40 cents on the dollar;

Resolved, That our Senators and Representatives in Congress are requested to secure the passage of a bill that will give to every man who served in the aforementioned war, and who has an honorable discharge, and to their families, if the soldier be dead, a land warrant for 160 acres of land in the State of Washington.

Hoping and trusting that the subject will commend itself to the favorable consideration of Congress, we pray that this act of justice be done these pioneer soldiers, and as in duty bound, we will ever pray.

Passed the senate January 21, 1890.

CHAS. E. LAUGHTON,  
President of the Senate.

Passed the house January 22, 1890.

J. W. FEIGHAN,  
Speaker of the House.

Mr. ALLEN presented a memorial of the Legislature of Washington; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF WASHINGTON,  
Office of the Secretary of State.

I, Allen Weir, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the attached instrument of writing, *i. e.*, House memorial No. 14, for the relief of settlers under the timber-culture law, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, at Olympia, this 17th day of February, A. D. 1890.  
[SEAL.] ALLEN WEIR, Secretary of State.



[House memorial No. 14.]

To the Senate and House of Representatives of the  
United States in Congress assembled:

Your memorialists, the Legislature of the State of Washington, would respectfully represent: That there are many settlers in the eastern part of the State of Washington who have made entry of Government lands under the provisions of an act of Congress entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the Western prairies,'" approved June 14, 1878, and the acts of which said act is amendatory. That in many localities in Eastern Washington the summer months are very dry and hot; that the rainfall is insufficient to supply the necessary moisture for the growth of trees; that the country is so broken and rolling that it is impossible to irrigate the land in any way; that on account of the extreme heat and dryness of the summers the trees planted on such timber-culture claims have failed to grow; that in many cases where the trees have withstood the drought of summer they have succumbed to the frosts and cold weather of the winters; that many settlers have expended from \$500 to \$1,000 in the attempt to make timber grow on their timber-culture claims, and they are now no nearer securing title to their claims than they were five or six years ago; that many settlers have made valuable improvements on their timber-culture claims, and that on account of the failure of their trees to grow on such claims they are frequently subjected to tedious and expensive contests on account of alleged failure to comply with the provisions of the timber-culture law; that the money and labor expended in the attempt to comply with the timber-culture law have been absolutely lost to the settler on land under the timber-culture law in a great majority of the cases where entries have been made thereunder. That but little of the prairie land of Eastern Washington is adapted to the growth of timber; that the varieties of timber that can be grown on the land in that portion of this State are such as have but little value for domestic or manufacturing purposes. Therefore your memorialists pray that such laws be enacted by the Congress of the United States as will provide for the settlers on lands under the provisions of the timber-culture law to acquire title to their land by paying to the United States the sum of \$1.25 per acre for the land included in their entries under this law, and upon proof that they have complied with the provisions of law as to breaking the land and planting and cultivating trees thereon from the time of making entry thereof up to the time of offering to make final payment therefor, as prayed for in this memorial; and your memorialists will ever pray.

Passed the house January 22, 1890.

J. W. FEIGHAN, *Speaker*.

Passed the senate January 31, 1890.

CHARLES E. LAUGHTON, *President*.

Mr. VEST presented a memorial of the Commercial Exchange and the packers of Kansas City, Mo., remonstrating against the passage of the so-called Edmunds inspection bill; which was referred to the Committee on Foreign Relations.

He also presented a petition of 31 citizens of Hannibal, Mo., and a petition of 21 citizens of Polk County, Missouri, praying for the free coinage of silver; which were referred to the Committee on Finance.

He also presented a petition of the National Woman's Christian Temperance Union, Department of Sabbath Observance, signed by 104 citizens of Missouri, praying for legislation in regard to the observance of the Sabbath; which was referred to the Committee on Education and Labor.

Mr. PAYNE presented a petition of Subordinate Union No. 3, of Toledo, Ohio, of the Bricklayers and Masons' International Union; a petition of Subordinate Union No. 20, of Tiffin, Ohio, of the Bricklayers and Masons' International Union; a petition of Subordinate Union No. 23, of Warren, Ohio, of the Bricklayers and Masons' International Union; a petition of Subordinate Union No. 5, of Cleveland, Ohio, of the Bricklayers and Masons' International Union; and petitions of Subordinate Unions Nos. 15 and 18, of Cincinnati, Ohio, of the Bricklayers and Masons' International Union, praying for the enactment of laws that will secure to citizens of the United States the right to labor on Government works in preference to aliens; which were referred to the Committee on Education and Labor.

Mr. PLATT presented a petition of Bricklayers and Masons' Union No. 9, of Meriden, Conn., praying that none but citizens of the United States be employed in the erection of United States public buildings, navy-yards, fortifications, etc.; which was referred to the Committee on Education and Labor.

Mr. JONES, of Arkansas, presented a memorial of the Pine Bluff (Ark.) Board of Trade, remonstrating against the passage of certain bills relating to compound lard; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial signed by the president and secretary of Subordinate Union No. 2 of Bricklayers and Masons' International Union of America, of Little Rock, Ark., remonstrating against the employment of foreign labor in the construction of public buildings; which was referred to the Committee on Education and Labor.

Mr. PASCO presented a petition of Subordinate Union No. 1 of the Bricklayers and Masons' International Union of America, of Pensacola, Fla., praying that the law be so amended that none but American citizens shall be employed on Government works, and that such law be enforced by appropriate penalties; which was referred to the Committee on Education and Labor.

Mr. PLUMB presented a petition of the Farmers' Union, of Saline County, Kansas, praying for such legislation as will protect the farming portion of the people against the beef combines and other trust companies; which was referred to the Committee on Finance.

He also presented a memorial of the Board of Trade of Fort Scott, Kans., remonstrating against any changes in the duties on lead and silver ores from Old Mexico which will increase the impediments now met with in the transportation of said ores; which was referred to the Committee on Finance.

He also presented a petition of Post No. 464, Grand Army of the

Republic, of Emporia, Kans., praying for the passage of the service-pension bill; which was referred to the Committee on Pensions.

He also presented the petition of John Sargent Alliance, No. 626, of Sylvia, Reno County, Kansas, praying for the accomplishment of the subtreasury plan for the free circulation of money; which was referred to the Committee on Finance.

He also presented a petition of certain citizens of Cass County, Kansas, praying for an appropriation by Congress for the purpose of continuing the experiment in the manufacture of sugar from sorghum and beets; which was referred to the Committee on Agriculture and Forestry.

Mr. PLATT presented a petition of the North American Turnerbund (Gymnastic Union), of Meriden, Conn., protesting against the passage of any and all of the measures designed to materially change the present national laws on immigration and naturalization; which was referred to the Committee on Immigration.

#### REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 3331) to amend an act entitled "An act to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pa.," approved July 27, 1882, reported it without amendment.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 2163) for the relief of the heirs and legal representatives of Gerard Wood, deceased, asked to be discharged from its further consideration, and that it be referred to the Committee on Revolutionary Claims; which was agreed to.

He also, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 4652) for a public building at Ashland, Wis., reported it with an amendment.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 751) to promote the storage of water in the Gila River, Arizona Territory, for the purpose of reclamation and cultivation of desert lands, milling, mining, mechanical, domestic, or for any other purpose that water is or can be used, asked to be discharged from its further consideration, and that it be referred to the Select Committee on Irrigation and Reclamation of Arid Lands; which was agreed to.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (S. 3025) to enable the Secretary of the Treasury to gather full and authentic information as to the present condition and preservation of the fur-seal interests of the Government in the region of Alaska, as compared with its condition in 1870; also full information as to the impending extinction of the sea-otter industry, and kindred lines of inquiry, etc., to report it with an amendment.

Mr. HOAR. I would like to inquire from what committee that bill came, what Senator reported it.

The VICE-PRESIDENT. The bill was reported from the Committee on Finance.

Mr. HOAR. I should like to ask the chairman of the committee whether that would not be a case where the Senate might be asked to pass the bill at once. I understand that it is necessary that the information should be obtained quite early in April.

Mr. MORRILL. It is important that it should be considered early.

Mr. INGALLS. Let the bill be read for information.

Mr. HOAR. I think there can be no objection to considering it now.

The VICE-PRESIDENT. Is there objection?

Mr. COCKRELL. There was a unanimous agreement yesterday, and I shall insist upon its enforcement.

Mr. MORRILL. Perhaps the bill had better be printed and lie over till Monday.

The VICE-PRESIDENT. It will be printed and placed on the Calendar.

Mr. PADDOCK. I am directed by the Committee on Agriculture and Forestry, to whom were referred the bill (S. 941) for the encouragement of the cultivation of the sugar-beet and the manufacture of sugar therefrom, and for other purposes and the bill (S. 942) providing for an appropriation for the purchase of sugar-beet seed from abroad, and to exempt the importation of beet-sugar machinery and such seed from duty, and for other purposes, to report them back with a recommendation that they be indefinitely postponed, and I report a substitute for both bills embracing the subject contained in both bills. I also submit a written report.

Senate bills Nos. 941 and 942 were postponed indefinitely. The bill (S. 3242) for the encouragement of the cultivation of the sugar-beet and the manufacture of sugar therefrom, and for other purposes was read twice by its title.

Mr. PADDOCK. As there is a question of tariff involved in this bill, I move the reference of it, with the report, to the Committee on Finance for its consideration.

Mr. MANDERSON. I should like to ask my colleague, the chairman of the Committee on Agriculture and Forestry, whether the two bills indefinitely postponed by the action of the committee have been considered by the committee with a view of framing the idea in the new bill.

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Mr. PADDOCK. Exactly. The provisions of the two bills which have been postponed are embraced in the new bill reported.

Mr. MANDERSON. Then I have no objection to the indefinite postponement of the bills.

Mr. PADDOCK. I am requested to state by the Senator from Arkansas [Mr. JONES] that this report from the Committee on Agriculture and Forestry is not a unanimous report. It is a majority report.

The VICE-PRESIDENT. The bill will be referred to the Committee on Finance.

#### BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3226) to increase the appropriation for the erection of a public building at Dayton, Ohio; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. INGALLS introduced a bill (S. 3227) granting a pension to Herbert L. Grigsby; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 3228) to grant additional bounty to the soldiers and sailors of the late war; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HISCOCK introduced a bill (S. 3229) granting a pension to Annie Draine; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 3230) for the relief of Margaret M. Goddard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (S. 3231) for the relief of the legal representatives of George K. Otis; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. BLAIR introduced a bill (S. 3232) granting a pension to Abbie R. Reddington; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3233) granting a pension to John Chamberlin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3234) granting a pension to Harriet B. Hamilton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 3235) granting a pension to Johanna Sheld; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. JONES, of Arkansas, introduced a bill (S. 3236) granting a pension to Christiana Schneider; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BATE introduced a bill (S. 3237) increasing the pension of Mrs. Dorothea D. Yates; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3238) for the erection of a public building in the city of Clarksville, Tenn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. TELLER introduced a bill (S. 3239) granting a pension to John Klatt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 3240) to reduce the pay proper of minors enlisting in the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLAIR introduced a bill (S. 3241) to aid in the establishment and temporary support of common schools; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. GEORGE introduced a bill (S. 3243) appropriating \$8,000 to St. Andrew's Church, Jackson, Miss.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 5620) granting a pension to Frank Deming, Company F, Ninth Michigan Infantry;

A bill (H. R. 1871) granting a pension to Sarah Meader;

A bill (H. R. 2861) for the relief of Helen E. Dewey;

A bill (H. R. 3538) for the relief of Albert H. Emery;

A bill (H. R. 3983) granting a pension to Samuel Sterling;

A bill (H. R. 4028) granting a pension to Agnes Vetter;

A bill (H. R. 4134) granting a pension to Margaret Stewart;

A bill (H. R. 4694) for the relief of Edward Haynes;

A bill (H. R. 4868) granting a pension to Henrietta Judd;

A bill (H. R. 5081) to pension Helen A. Moore;

A bill (H. R. 5082) to pension Polly Robinson;

A bill (H. R. 5309) to place the name of Mary Welch upon the pension-roll;

A bill (H. R. 5452) granting a pension to Joseph K. Hamilton, dependent father of John E. Hamilton, late private Company D, One hundred and third Pennsylvania Volunteers;

A bill (H. R. 5617) granting a pension to Henry Bloomfield;

A bill (H. R. 6350) for the relief of Asher Post;

A bill (H. R. 6871) for the relief of Napoleon B. McKay;

A bill (H. R. 2849) authorizing the President to appoint and retire John C. Frémont as a major-general in the United States Army;

A bill (H. R. 7160) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1891, and for other purposes;

A bill (H. R. 8458) authorizing the purchase of tents by the Secretary of War, and for other purposes; and

Joint resolution (H. Res. 105) to continue in force an act authorizing the construction of a bridge over Bayou Bernard, in the State of Mississippi.

The message also announced that the House had passed the bill (S. 1296) for the relief of the owners, officers, and crew of the British bark Chance.

The message further announced that the House had passed the concurrent resolution of the Senate of the 12th instant for the printing and binding of 5,000 extra copies of the report of the United States Coast and Geodetic Survey for the fiscal year ending June 30, 1889.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 856) to amend section 1 and section 9 of an act entitled "An act to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July 1, 1889, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. PERKINS, Mr. McCORD, and Mr. HARE the managers at the conference on the part of the House.

#### RAILWAY MAIL SERVICE.

Mr. SAWYER. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 4975) providing for the appointment of an assistant general superintendent and a chief clerk, railway mail service, now on the table.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. INGALLS. Let it be read at length for information.

The VICE-PRESIDENT. The bill will be read at length.

The Chief Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Postmaster-General may appoint, and assign to duty, one assistant general superintendent, railway mail service, who shall be paid a salary of \$3,000 per year, and one chief clerk of railway mail service, to be employed in the Post-Office Department, who shall be paid \$2,000 per year, said assistant general superintendent and chief clerk to be also paid their necessary and actual expenses while traveling on the business of the Department. The salaries and expenses of these officers shall be paid out of the appropriation for the transportation of mail on railways.

Mr. SAWYER. I will state to the Senate that the Committee on Post-Offices and Post-Roads have reported a bill *verbatim* with this, which is on the Calendar, and is Calendar No. 600.

Mr. INGALLS. Is there any report?

The VICE-PRESIDENT. There is no written report.

Mr. SAWYER. The railway mail service has really become outgrown. There has been no enlargement of the force since 1892, and it is really necessary to have this additional assistance to make the service efficient.

Mr. INGALLS. Is there any estimate from the head of the Post-Office Department?

Mr. SAWYER. Yes, sir; there is an estimate here.

Mr. INGALLS. I should like to hear it read.

Mr. SAWYER. It will cost \$5,000.

The VICE-PRESIDENT. There is no estimate among the papers with the bill.

Mr. SAWYER. The estimate is with Senate bill 2424, which is Order of Business No. 600. It should be in the report of the committee on that bill.

Mr. INGALLS. I ask that the communication may be read.

The VICE-PRESIDENT. It will be read as soon as the clerks can obtain it.

Mr. SAWYER. The Calendar number of the bill is 600 and the estimate is with the report from the committee on that bill.

Mr. SHERMAN. The bill does not seem to have any report accompanying it.

Mr. SAWYER. There was a letter from the Department.

Mr. SHERMAN. Without displacing this bill at all, and I do not wish to interfere with it, I hope the Calendar will be proceeded with, and when the papers come in this can be called up.

Mr. SAWYER. Very well; I have no objection to that course.

Mr. SHERMAN. I ask that the Calendar be proceeded with in regular order under the eighth rule.

#### PUBLIC BUILDING AT SAN DIEGO, CAL.

The VICE-PRESIDENT. The first bill on the Calendar will be stated.

The CHIEF CLERK. A bill (S. 1264) to provide for the erection of a public building at San Diego, Cal.

The Senate, as in Committee of the Whole, proceeded to consider the



bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States custom-house, post-office, and other Government offices, in the city of San Diego and State of California, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$300,000, which said sum of \$300,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plans, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plans, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States nor until the State of California shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

**THE VICE-PRESIDENT.** The question is on agreeing to the amendment offered by the committee.

**MR. INGALLS.** What is the amount appropriated in the amendment?

**THE VICE-PRESIDENT.** Three hundred thousand dollars.

The amendment was agreed to.

**MR. SHERMAN.** It seems to me that San Diego, when I was there, was quite a small place. I suppose it has grown somewhat since then, but I think that that amount is rather out of proportion to the sums allowed for such buildings in most of the cities in which they have been appropriated for.

**MR. SPOONER.** If the Senator from Ohio will permit me a moment, I call the attention of the Senator from California [Mr. STANFORD] to the fact that the Senator from Ohio is submitting some observations concerning the public-building bill for San Diego, Cal., which perhaps he ought to hear.

**MR. SHERMAN.** I call for an explanation of the necessity for so large an appropriation as \$300,000 for San Diego. As I said, I was in San Diego at one time, and while it is an important port it did not appear to me to be a place where a very large and expensive public building would necessarily be required to be constructed. However, the circumstances may have changed. The usual appropriation for the modern class of public buildings where post-offices, etc., are provided for is \$100,000. If there is any special reason why the amount in this case should be \$300,000, I should like to know it.

**MR. STANFORD.** San Diego is a rapidly growing place, with now, I think, about 40,000 inhabitants. It is a port of entry; and this building is designed to accommodate not only the post-office, but the custom-house and internal-revenue offices. The appropriation, I think, is no larger, in fact hardly as large as is generally made to accommodate that amount of business. I think it is entirely in harmony with the general appropriations for this purpose.

**MR. INGALLS.** Can the Senator from California inform us how many other public buildings have been provided for in California at this session of Congress and the amount appropriated?

**MR. STANFORD.** No, sir; I do not know that I can. None have been provided for except where they were needed.

**MR. INGALLS.** I should like to be able to ascertain myself whether they are needed in my judgment; and if the Senator can inform us what appropriations have been made and for what towns, we should then be able to ascertain whether they were needed or not, and vote intelligently.

**MR. STANFORD.** I suppose that in each particular case the reports show the business to be accommodated, and from that the Senator and the Senate can judge the appropriation that is required.

**MR. INGALLS.** The Senator is chairman, as I understand, of the Committee on Public Buildings and Grounds. There is a general complaint in the press of the country that the appropriations provided by that committee have been exorbitant, that they have been extravagant, that buildings have been provided for where they were not needed. We are here to-day for the purpose of considering the bills upon the Calendar. I address an interrogatory to the Senator, who is the chairman of that committee, and he very curtly replies that by consulting the reports I shall be able to satisfy myself. I respectfully submit that as the chairman of the committee we are entitled to have him give information upon matters of public importance before we are called upon to vote so large a sum as \$300,000 for a place no larger than San Diego. I therefore repeat my request for information as to the number of places in California for which public buildings have been provided at this session of Congress and the amount appropriated for each.

**MR. STANFORD.** I have given the Senator the best information in my power. I am not able to carry in my mind what appropriations have been made, and therefore I referred him to the reports. If he wants a detailed statement, I can get it in a little time by calling on the clerk of the committee; but I can not give it from my recollection.

**MR. BATE.** Will the Senator talk a little louder? We can not hear him on this side.

**MR. STANFORD.** I have nothing further to say.

**MR. SHERMAN.** All I desired was to have some general rule applied to these cases. We are erecting three or four public buildings in the State of Ohio, but I believe \$100,000 is the largest sum allowed in those cases, and for towns of greater population than San Diego. It may be that local reasons can be given why a larger building ought to be erected at San Diego than in the city of Dayton, the city of Springfield, and many large cities in the State of Ohio, with fifty, sixty, or seventy thousand inhabitants. All I want is that there should be what would be called in common parlance a fair divide, the same consideration under the same circumstances, and that the same rule should be applied by the committee to other towns. I do not want to interfere with local matters in California.

**THE VICE-PRESIDENT.** What is the pleasure of the Senate?

**MR. STANFORD.** I suggest that the bill lie over until Monday, when I shall be prepared to give general information on the subject.

**MR. HOAR.** Before it goes over I should like to put an interrogatory to the Senator from California, which is suggested by the last remark of the Senator from Ohio.

**MR. PLATT.** I should like to say a word on the bill before it goes over.

**MR. HOAR.** I ask whether the committee do not proceed in all these matters upon a general rule, having regard to the kind of business done at the place, the amount of that business, and the population of the town, and whether there has been any favoritism in that committee to one section over another or one place over another, so far as the Senator knows.

**MR. STANFORD.** None at all, to my knowledge.

**MR. SPOONER.** Mr. President, as a member of the Committee on Public Buildings and Grounds, I desire to say a few words in regard to this matter. Whether the appropriation proposed for San Diego is too large or not, it is manifestly not affected by the amount which has been appropriated for other public buildings in California. The Senator from California, who is entirely familiar with the situation, brought to the attention of the committee facts which, in detail, I do not now recall, which satisfied the committee, in connection with the report of the Treasury Department, that this appropriation was none too large. The place is one of consequence, rapidly growing in importance. The price which would necessarily be paid for a site there, we were told by the Senator from California, who is chairman of the committee, and we had reason to believe from the present prices of real estate, would absorb a considerable portion of this appropriation. There is there not only the post-office business, but there is the business of the collector of customs, and I believe of internal revenue also, and land offices. San Diego is within 15 miles of the Mexican border, and is a place in its relation to the customs collection of considerable importance.

We were also informed by the chairman of the committee that the cost of construction of a building in that region, built of the material necessary to be used in the construction of a building like this, is greater than in most other parts of the country.

The committee endeavored to make the appropriation only adequate to the necessities of the Government, having reference to the situation, and whatever may be said of the appropriations recommended by the committee generally (and we have not left Kansas out) it will be found that in no case have we recommended a larger sum than the Treasury Department estimated to be necessary in order to construct a proper

building for the necessities of the Government, present and prospective.

It may be that the newspapers have called attention to the fact that many appropriations were being made for public buildings, and have expressed the opinion that some of them were somewhat extravagant; but we have, I think, in no event reported any larger appropriation than the Senators from the State urgently asked the committee to appropriate, and where their judgment coincided with the judgment of the Treasury Department and with the general information which the committee could obtain upon the subject we have felt that it was proper to report the appropriations. We have given to each case careful examination and have reduced the sum in many cases. It is a hard committee to serve on.

Mr. PLATT. Mr. President, having been in San Diego within the past four or five months, I think it perhaps not entirely inappropriate that I should say a few words upon this subject.

One of the difficulties which we meet with in doing justice by places in the matter of public buildings is that this country is getting so large that no man can comprehend it or the needs of its various sections. When we speak of San Diego or Los Angeles it has little more significance as being a part of the country to people who live upon the Atlantic coast than if we talked about the Cape of Good Hope or Panama; we scarcely realize that it is in our country. A very remarkable and somewhat suggestive illustration of that came to my notice within the past week. A gentleman from Brunswick, Ga., came to see me with reference to the great needs of that place in respect to river and harbor improvements, and made out a very strong case. I suggested to him that other portions of the country made out as good cases as he did, and asked him if he knew anything about the Sault Ste. Marie and the Hay Lake Channel. "Why," said he, "Sault Ste. Marie! Where is that?" I suppose the citizens living in the section of the country about Sault Ste. Marie and tributary to that would have asked the same question about Brunswick. We may as well understand that we have got a great country and that it has great needs.

With reference to San Diego it has been said that it is a very important place. It is an important harbor. The business there is rapidly increasing and is going rapidly to increase. The place is growing rapidly. The universal experience has been that when public buildings have been appropriated for in the rapidly growing Western towns before they are completed it is found that the amount appropriated is entirely inadequate. We went from San Diego up to Los Angeles, and we found there a building partially constructed for a post-office and I do not know what other uses of the Government, and the work upon it had been stopped because it was so utterly inadequate for the city as it then was that it was better not to complete the construction of it than to complete it.

The southern district of California, since the last apportionment of Representatives in Congress, has so increased in population that General VANDEVER represents now a population of about 500,000, possibly exceeding 500,000 people. While it may seem that \$300,000 is quite a sum to appropriate for a city the size of San Diego, with 35,000 or 40,000 inhabitants, if the past is to be repeated during the next ten years the appropriation will not be large enough by the time the building is completed.

I felt perhaps that as an Eastern man, having been in that section recently, it was only right that I should speak of this as it struck my observation at the time.

Mr. HAWLEY. I should like to be informed by the chairman of the committee whether I am correct in supposing that this building is to be for the use of the custom-house, the collector of internal revenue, and the land office as well.

Mr. SPOONER. If the Senator from California will permit me to answer that question, I should like to say in regard to this bill that it was first introduced appropriating \$200,000 for a public building at San Diego. As I said, there are there a land office, a custom-house, also a collector of internal revenue, and the committee sent in this case, as it does in all others, the bill to the Supervising Architect of the Treasury Department for his report first as to the necessity for the erection of a public building at San Diego, and next his estimate as to the cost of it. I hold in my hand his letter.

TREASURY DEPARTMENT OFFICE OF THE SECRETARY,  
Washington, D. C., February 5, 1890.

Sir: In response to letter dated December 24, from your committee, which requested such information as I may have and my opinion in regard to the advisability of Senate bill 1264, introduced December 16, 1889, by you, to provide for the acquisition of a site and the erection thereon of a public building for the accommodation of the "post-office, custom-house, internal-revenue office, and other Government offices" in San Diego, Cal., at a cost not to exceed \$200,000, I have the honor to submit the following:

Copy of a report dated January 4, 1890, addressed to this office by the honorable Postmaster-General.

Copy of a report dated January 16, 1890, addressed to this office by the postmaster at San Diego, Cal.

Copy of a report dated December 24, 1889, addressed to this office by the Commissioner of Customs.

Copy of a report, with inclosure, dated January 8, 1890, addressed to this office by the collector of customs of San Diego, Cal.

Copy of a statement dated December 26, 1889, made to this office by the Deputy Commissioner of Internal Revenue.

Copy of a report dated December 26, 1889, addressed to this office by the deputy

collector of internal revenue at San Francisco, Cal., in regard to the internal-revenue business in San Diego, Cal.

Copies of all these reports were sent to and considered by the committee.

After considering the statements contained in the papers above cited, in connection with computations made in this office based upon the data received, I am of the opinion that a suitable site can be procured and a public building about 100 feet by 150 feet in dimensions, three stories high, with basement, of fire-proof construction, with heating apparatus, elevator service, vaults, and approaches, can be erected thereon for \$500,000, or \$300,000 in excess of the limit of cost of site and building proposed by said bill, namely, \$200,000, and that such a building is required to afford proper accommodations for the present and prospective needs of the Government offices to be located therein, and that said bill should become a law after being modified so as to fix the limit of cost at \$500,000 instead of \$200,000.

By reference to office letter dated March 22, 1888, addressed to you in connection with Senate bill 1264, introduced during the last session of Congress, it will be observed that the question of the necessity for a public building at San Diego, Cal., has heretofore received the consideration of Congress and the attention of this office.

Respectfully, yours,

JAS. H. WINDRIM, Supervising Architect.

So that the Treasury Department recommended that the appropriation be increased from \$200,000 to \$500,000, and the committee, looking the ground all over, concluded to add only \$100,000 to the bill, so that it falls \$200,000 short of the recommendation of the Treasury Department.

Mr. WILSON, of Iowa. Mr. President, it is entirely unnecessary to add anything to what we have heard from the reading of the letter just presented by the Senator from Wisconsin, but I desire to add a word in behalf of this committee, of which I am not a member. I am not a member of the Committee on Public Buildings and Grounds, but I have had occasion now and then to represent to the members of that committee the necessity of bills providing for the erection of public buildings in the State of Iowa. I never have been able to get favorable action on those bills from that committee without showing them good reasons for a report in favor of the building proposed. In all my intercourse with the committee in respect to such bills I have found them particularly careful not to exceed the demands of the public service in recommending appropriations, and therefore I am quite content as a member of the Senate to take their recommendation in this case, and give San Diego \$300,000, being \$200,000 less than the Treasury Department seems to think will be necessary for a proper building for the accommodation of the public business there.

I hope the request of the Senator from California that the bill may go over until Monday may be withdrawn and that we may have action on it now, being satisfied, as I have already intimated, that the recommendation of the committee is not in excess of the demands of the public service.

Mr. MORGAN. I unfortunately have heard but very little of the debate about this bill, and I may restate something that some other Senator has already laid before the body; but it occurs to me that if there is any criticism to be made upon this appropriation at all it is that it is not adequate.

San Diego about six years ago had probably 3,000 inhabitants, or perhaps not exceeding 4,000. It is estimated now that it has 35,000 or 40,000 inhabitants. Whoever goes there and observes the amount of money invested in San Diego within this limited period will be utterly surprised at the extension of American enterprise and industry. The houses are built on a magnificent scale. The city surrounding that beautiful harbor is something to excite the pride of an American citizen.

It is the southwestern outpost of the United States. The harbor itself is one not only of great convenience and sufficient depth of water to admit, I think, the very largest draught of steamers or ships that are in the Pacific Ocean freely, but it is perfectly landlocked. The promontory lying just north of the entrance of that bay is the highest and has upon it the highest light-house, except one, in the world, and navigators of the Pacific Ocean are more indebted to the United States for keeping a light there than perhaps at any other point on that long trend of coast, about 900 miles in length, that belongs to the State of California.

I have observed it very recently. A company have brought a large tide I may say of water from the mountains along to the southeast of San Diego about 30 or 35 miles in what are called flumes in California, and some of the structures over which they bring that water are 700 or 800 feet long and 80 feet high on trestles, and they are irrigating the country as they go and making it to have a degree of fertility and productive power which is almost inconceivable.

The country in the vicinity of San Diego when irrigated as it is being irrigated by the unparalleled enterprise of the people of California—for their enterprise is really unparalleled—will be one of the finest wine-growing regions in the United States and one of the finest regions for the production of all the tropical and semi-tropical fruits.

Besides, there are large mining industries in that vicinity in gold and silver. But beyond and above and better than all there is being manufactured in San Diego a large amount of very excellent iron and iron products wrought up into various articles of commerce; and not more than 7 or 8 miles below San Diego, lying upon the Pacific coast and within our territory, there are vast bluffs of real Bessemer ore that are waiting there to be developed, and I received a letter from a



friend of mine in San Diego within a few days, informing me of the establishment of a large iron industry in connection with these ores.

I say it is our southwestern outpost. It lies at the head of the Gulf of California, and the relations between the people of Southwestern California and those of Mexico in the peninsula of Lower California and along down the Gulf of California are to be not only intimate, but extremely profitable.

It is a wonderful country from the head of the Gulf of California down to Guaymas, on the eastern side of that coast, and we can not be too alert or too active in making preparation for the accommodation of a large amount of commerce and a great population in that region.

As a Southern man, I feel a very decided interest in it because that is the true Pacific port of the Southern States. From Arizona clear on to the east railroads already run there, and there are two large systems of railroads centering at San Diego. To my mind it is one of the most promising of all the American situations for future enterprise and strength, and we do not know how soon we may need it in a good many particulars. It is a mighty good place at which to put up fortifications, a good place to look to, and we ought not to neglect it. It is quite as important upon that southwestern border, perhaps, as the great State of Washington on the northwest and its sea-port towns in that direction, which we have so joyfully welcomed into the United States within a recent date.

Mr. DOLPH. Mr. President—

Mr. SPOONER. If the Senator will allow me a moment, I wish to state the growth of the customs business at San Diego in ten years. In 1878 there was collected in customs there \$16,913.25, and in 1888, \$311,937.

Mr. STANFORD. I ask the Senator from Oregon to yield to me for a moment.

Mr. DOLPH. Very well.

Mr. STANFORD. I only wish to withdraw the suggestion I made to have the bill lie over. The explanations which have been made seem to be so full and complete that I do not think it necessary that the bill should lie over, and I hope it will be acted upon now.

Mr. DOLPH. Mr. President, it ought to be understood by the Senate and by the people of the United States that the Pacific coast is becoming an important part of the United States, an important factor in our prosperity. If you will look at the map you will see that the State of California has a coast-line on the Pacific Ocean of over 1,000 miles. It contains an area of over 158,000 square miles. Aside from the Bay of San Francisco, San Pedro Harbor and San Diego Harbor are the principal harbors on the California coast.

Mr. FRYE. Let me call the attention of the Senator to this: The only two natural harbors on the whole Pacific coast are San Diego and San Francisco.

Mr. DOLPH. That is correct.

Mr. FRYE. They are the only two natural harbors.

Mr. DOLPH. San Pedro is an open roadstead and unprotected. The commerce of the Pacific coast, or I should say of California, will be mainly carried on through San Francisco Harbor and the harbor at San Diego.

As has been said, this bill provides for a building for the accommodation of a custom-house as well as a post-office and an office for the collector of internal revenue. I can not speak from my own knowledge as to the number of inhabitants, but I do know, from the location of the city and the nature of the country and from what I have learned from others, that San Diego is a place of great prospective commercial importance.

Now, it seems to me that it is a bad time to call a halt in regard to these public-building bills upon this measure. A number have been passed here without opposition upon the recommendation of the committee, and others are to follow. The money is in the Treasury, and there is no way in which it can be better expended in the interest of the public than for necessary public buildings; nor ought that question of necessity for a public building to be determined by the population of the town. If this matter of appropriating money for public buildings is a mere process of dividing the surplus in the Treasury among the States and the towns, then it would be; but the question ought to be what is the present and prospective public business of the place where it is proposed to erect a public building.

We seem to be as sensitive to newspaper criticism about what we are to do as the mercury is to the changes of the weather. The newspapers have never undertaken to discuss, so far as I know, any particular public building, and, if they did, perhaps they could give us no better information in regard to it than the Secretary of the Treasury or the Supervising Architect. Take the case of Portland, where a public building is needed. At four different Congresses the Senate has passed a bill providing for an additional public building at Portland, and in other quarters the same objection has been made as to the population of that city. The city of Portland is the principal port of entry between San Francisco and Puget Sound, a distance of nearly a thousand miles. To-day the United States are paying \$12,000 annual rent for public offices outside of the present public building; and the business of the post-office and the business of the custom-house are crowded into insufficient space, which has been a matter of complaint

for years. Before the new public building can possibly be erected the Government will be compelled to pay annually more for office rent than the interest would amount to upon the sum asked for the construction of a building.

Then, as a matter of economy, in the interest of the public welfare, wherever these buildings are needed they should be erected. In some towns where only a post-office is needed it may be cheaper to rent, but even there, in my judgment, it would be better for the United States to own its own building. I know of cases where the United States is offered—

The VICE-PRESIDENT. The time of the Senator from Oregon has expired.

Mr. DOLPH. I hope I may be allowed to finish my remarks. I shall conclude in a moment.

Mr. MANDERSON. I ask unanimous consent that the Senator's time may be extended.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. DOLPH. I know of cases on the Pacific coast where the Government ought to erect buildings to-day, where the Department can secure one rent free for a post-office, but how? To satisfy some faction of the patrons the post-office is dragged away from the center of the town to some inconvenient location to create a boom in real estate or in business, and there is often a controversy when a postmaster is to be appointed, before the Department and before the committees of the Senate, which is over the location of the office rather than the candidates, and the postmaster is appointed sometimes with reference to the site where the post-office is to be located rather than in regard to his fitness for the position.

I am glad that this subject has come up. I think this matter in regard to public buildings ought to be discussed, and it ought to be understood by the American people that the appropriations which are being proposed by the two Houses of Congress are proposed in the interest of economy, in the interest of the public welfare. It is proposed to construct the buildings now when there is money in the Treasury, but only where they are needed; at least, so far I know, on the Pacific coast none have been authorized except where they are absolutely needed.

Mr. TELLER. A few days since I sent to the Supervising Architect for a list of the various towns which have been favored with public buildings, with the population of each and the cost of the respective buildings. In the few minutes allotted to me, I shall not go into that statement except to say that I have discovered by going over the list that the section of the country called the West has been very largely neglected.

Mr. INGALLS. That is a very important document, and I hope that the Senator from Colorado will be allowed sufficient time to have it properly presented.

Mr. TELLER. I could not analyze it in a few minutes, but if Senators desire I will have it printed when I get through with my remarks.

Mr. COCKRELL. Let it be printed as a separate document.

Mr. INGALLS. Why not print it in the RECORD?

Mr. TELLER. It might be printed as a separate document, if that be proper.

Mr. COCKRELL. That is the better way.

The VICE-PRESIDENT. The order to print will be made. The paper will be printed as a separate document, if there be no objection.

Mr. TELLER. I wish to remark, Mr. President, in regard to what the Senator from Connecticut [Mr. PLATT] said about the growth of this country that we do not realize its rapid growth. For instance, in the statement before me, I find the population of Minneapolis put down in 1890 at 46,887, and I am assured by the Senator from Minnesota who sits nearest me [Mr. WASHBURN] that it is practically now 200,000. I take the population of Denver, which in 1870 was 4,759, and in 1880 35,629, and the people there claim that they now have 150,000 population. I do not know whether that is accurate or not, but it is probably a large estimate. Certain it is, however, that the population of Denver largely exceeds 100,000, and probably it will reach to the neighborhood of what is claimed.

Now, I just want to detail to the Senate our experience with the public building in that city. The first bill limited the cost of the building to \$300,000. Subsequently I obtained on two different occasions increased appropriations, until the whole amount stands now \$635,000. Recently the Post-Office Department was compelled to abandon the building they were occupying and to get another. A few days before I left home to attend this session of Congress the postmaster took me through this building, which contained an area on the floor, if I recollect aright, of some 10,000 square feet, and showed me the crowded condition of the post-office, so that it was impossible to do business, all portions of it cluttered up with a crowd of men and mail matter, etc.

On examination, I find that the area in the new building, which is not yet completed and will not be for a year or two, is a trifle less than the present office; so that by the time the public are able to get in to the new building it will be so small that it will be of no value for post-office purposes. It is not wise for us to erect public buildings of that

class in growing communities. I introduced a bill a few years ago to erect a public building in a town called Pueblo in my State, which then had a population of about five thousand or perhaps six or seven thousand. There was also a court held there, as well as a United States land office and an internal revenue office. It was necessary to have a public building there, and a bill has passed the Senate twice and gone to the other House and failed. The limit was then put at \$200,000. I find the Architect says it will take \$450,000. Instead of there being five or six thousand people there, the population now is about twenty or twenty-five thousand, and the town is rapidly growing, so that in a few years there will be 50,000 people there. If we proceed upon the idea that we are appropriating for towns of 25,000 now and get a building ample for them, in five years in that Western country you will need double the amount of room. Probably in Denver when the new public building shall be accepted, we shall be looking for other buildings, and the actual condition of affairs will necessitate eventually and very soon an appropriation for a post-office separate and distinct from the public buildings we have provided for.

That is all I desire to say now. I submit the statement to which I have alluded, so that it may be printed.

Mr. HEARST. Mr. President, I am sorry that any one objects to this bill.

No doubt it appears a little strange to some to see Senators standing up here and claiming something for California.

I desire to inform the Senate that my State has been sadly neglected in the past, perhaps more on account of the neglect of our representatives in making known our wants than from any intention on the part of the General Government to do us an injustice.

I say this because in my conversation with the representatives from the various States of this nation I find a disposition on their part to grant us anything we may ask within reason. This is not strange, for our State is made up in part from every State and Territory of this Union, and is destined to be the health and pleasure-seeking resort of America.

Mr. President, we have been a State for nearly forty years, and we have only one post-office building and that is in San Francisco. It has to be propped up to keep it from falling. It is built on piles near the water front, is entirely outside the center of population, totally unfit and wholly inadequate to the wants of our present population, which is now about 400,000.

Mr. President, I feel this is a disgrace to the Government and to the city of San Francisco, where I have the honor to reside. You can pardon me for feeling thus when you reflect or call to mind the fact that California has contributed to the national Treasury from its various sources of revenue from twelve to fourteen million dollars annually during our existence as a State. We have done more than all this. We have dug out of the earth by our energy and enterprise twelve hundred millions of gold, thereby creating that much additional wealth that went into circulation as money, increasing property values from 100 to 300 per cent., and, further, we enabled the Government to pay its balances in gold by furnishing them forty or fifty millions a year at a time when it was most needed.

Mr. President, I am very glad indeed to know that so many distinguished Senators have visited my State within the last year, which in part accounts for their friendly assistance to this bill.

All the Senators who have spoken have visited California within the last year, except the distinguished Senator from Wisconsin, Senator SPOONER. He is a member of the Committee on Public Buildings and Grounds, and is well informed on this bill, as he is upon all subjects he discusses in the Senate.

I traveled with these distinguished Senators all over my State. We rode together on the beautiful bay of San Diego, and were thus afforded an opportunity of seeing its magnificent harbor, also the beautiful and growing city of San Diego, with its population of 30,000.

I found upon examination that the postal receipts of San Diego, within the last ten years, had grown from practically nothing to the handsome sum of \$60,000 annually, the customs receipts reaching up into hundreds of thousands yearly, and the population steadily increasing. It is also rapidly becoming a great railroad center.

Mr. President, the Senate will remember that there are but two harbors where ships can be safely loaded in bad weather in Central and Lower California, San Francisco and San Diego, San Francisco being 500 or 600 miles north. Of course you can unload ships along the coast in many places if the weather is pleasant and the water calm.

This beautiful harbor from which at least 500,000 people get their coal and supplies—

Mr. MORGAN. Where does this coal come from?

Mr. HEARST. From Australia, and is landed there in great quantities.

It is on the border near Mexico, and it therefore becomes important as a military post.

Mr. President, we only ask the modest sum of \$300,000 to purchase a site and erect a building for a post-office, custom-house, and other public uses for a city destined to become one of the largest cities on the Pacific coast.

Mr. President, the Senator from Alabama [Mr. PUGH] said the other

day that he was the silent man of the Senate. Sir, I am the silent man, and I do not intend that he shall take my place. [Laughter.] While I am up I want to say that we intend to present our claims to the Senate for public buildings at this session, and to present them for cities all over my State that are justly entitled to them. We intend to do it honestly. We do not intend to ask for \$300,000 and expect but \$100,000. We expect to get every dollar we ask. We will show in every case that we are entitled to it.

We shall prove the amount asked for in every instance is not exorbitant by every Senator who honored our State by his presence, and thank goodness there are a goodly number, among whom are several of the oldest and ablest men in this body.

Mr. President, I shall ask for a post-office building for San Francisco, to take the place of the dilapidated old rookery you have there now. I expect a good one, and want a large sum of money for it.

I shall ask one for the beautiful city of San José, called the Garden City, situated in the heart of the magnificent Santa Clara Valley.

I have asked you to increase the appropriation heretofore made for Los Angeles, the metropolis of Southern California, a city we are all proud of.

I have asked that a public building be given to the city of Oakland, the Brooklyn of California.

I have asked an increase in the appropriation for a public building in Sacramento, the capital of our State, a railroad center, situated in the heart of the Sacramento Valley.

I have asked that Stockton, situated in the midst of as fine an agricultural country as you will find in the world, be given a public building.

I ask that these appropriations be made because of the importance of these cities, and because their receipts to the Government and their rapidly increasing business and population justly entitle them to it.

We have other cities that may claim your attention hereafter.

Mr. MITCHELL. If the Senator from California will allow me to interrupt him.

Mr. HEARST. Certainly.

Mr. MITCHELL. I can vouch for everything he says in relation to the San Francisco post-office. I think that post-office is a disgrace to the city.

Mr. HEARST. I thank the Senator from Oregon for his interruption and for his very truthful remarks; everybody who has seen it will agree with us.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. SHERMAN. I hope the Senator from California will be allowed to proceed by unanimous consent.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from California has unanimous consent to proceed.

Mr. HEARST. Never mind. Let us pass the bill. I will have ample opportunity to speak on other appropriations that I shall ask for California.

Mr. DAWES. Mr. President, it is quite unfortunate that this debate has sprung up over this particular bill—

Mr. TELLER. Will the Senator yield to me a moment? The Senator from Ohio has called to my attention the fact that the list I submitted has been already published in another document, and therefore I ask consent to withdraw the statement.

The VICE-PRESIDENT. The order to print will be withdrawn.

Mr. DAWES. If the debate were confined to the propriety of a public building at this place, I do not think any Senator who has any knowledge of the locality and of the present condition of the city of San Diego would have a moment's doubt. I think of all the appropriations for public buildings that have come before the Senate there is hardly one that is more justified than this one. San Diego is one of three most important, if not the only, harbors upon the Pacific coast. There may be others, smaller ones of minor importance, but there are three great points on the Pacific coast, one at the extreme southwest, which is San Diego, one at San Francisco, and the third on Puget Sound.

Mr. MITCHELL. And Portland, Oregon.

Mr. DAWES. Portland, Oregon, unfortunately, is not on the coast, although it is quite important. Our justification for a public building at that place will be readily seen by any one who has been there. But the debate has taken a wider range and I think that there is occasion for us to consider more carefully how far we shall extend these public buildings; that they have got to go more largely West and less to the East. Those of us who live in the East are compelled to admit that nothing so amazes an Eastern man as traveling West and seeing the immense development there which carries along with it all these appropriations. But the difficulty of action on public-building bills is that they appear to go more largely upon the idea of partition than anything else. I am not chiding this committee. It is like all the committees that have preceded it and all committees of appropriations of every kind. It is a most difficult thing for a committee of appropriations to lose sight of the idea of partition and confine itself to the absolute merits of each item submitted, without regard to anything else.

I remember when I was upon the Committee on Appropriations in the other House I met an appropriation of \$300,000 put upon a bill by



the Senate, by a Senator whose only support of it was that that was his share, that he had not had anything during the session, and if he could have that he would consider it his share. I do not speak of that as anything particular, anything special as to that Senator, but that idea seems to run through all our appropriations and is the element of all others the most difficult to deal with.

If a certain amount, considering the receipts and expenditures of this Government, should be set apart for public buildings as the proper amount to be appropriated, and then this committee, understanding that they could not go beyond that limit, must determine the merits of particular cases, rather than a distribution in the light of a partition, they would accomplish a great good, they would do what no other committee before them have every been able to do; but it is what the country needs and it is what we must have or else there will be just ground for criticism upon our appropriations.

The same remark applies to the river and harbor bill, and it applies to the sundry civil appropriation bill, and especially to these appropriations for public buildings, more than all others. Every member in the House and every Senator feels as if he has not done his duty to those whom he specially represents unless he has had his share. I have that feeling as much as any other Senator or any Member perhaps, and I do not speak with any view of undertaking to lecture the committee upon which I have been a member myself, and on other committees of like duties where I have experienced the difficulty as well as the temptation. I wish it were possible for us to distribute so much of the receipts of this Government as can be appropriated to public buildings just where they are most needed. I think of all the localities that have this session been brought before us for a public building, that is as much needed as any other one.

Mr. STANFORD. Mr. President, as the good faith of the committee, I think, has been brought in question, I want to say that so far as my knowledge goes I have never seen or heard a single member attempt to obtain anything for his locality, excepting he based it upon the public needs. The committee always makes that the prominent and controlling consideration in determining what they shall appropriate, and not whether the location is in this State or in that, and the history of the committee will bear me out in this statement.

Mr. INGALLS. Mr. President, I believe I have forfeited my right to speak, but for the purpose of saying one additional word I will move to indefinitely postpone the bill, and I will subsequently withdraw that motion.

In what I said about this appropriation there was no question of the good faith of the committee, nor of its industry or its devotion to the public welfare, but there is a vague impression in the public mind—the Senator from Massachusetts [Mr. DAWES] says “not very vague, either,” and I will accept that amended suggestion—there is a very decided impression in the public mind, and one that I have derived, notwithstanding the anathemas of the Senator from Oregon, by reading the newspapers, that appropriations in the river and harbor bill and appropriations for public buildings, like osculation, go by favor, and that in various instances large appropriations have been made for which there was no apparent reason or justification. Public attention has been repeatedly called to the fact that after the formal business of our sessions has been accomplished, when there was far less than a quorum of Senators present on this floor, bills have been taken up *sem. con.*, read informally, hastily considered without reports being read or without the slightest discussion, which piled up millions upon millions without any explanation or without any reason being given why they should have been passed. Therefore, Mr. President, I say that this debate has been instructive, it has been advantageous. It justifies the action of the committee upon this particular bill that is now before us, and that without the explanations which have been vouchsafed would have gone into the same category as those that have preceded it.

I say without hesitation that there has been no public-building bill passed at this or any other session for which greater reason has been shown or where the public necessity has been more thoroughly established; and I am also one of those who believe that the Government of the United States ought never to be a tenant. The Government of the United States never ought to pay rent for the premises it occupies. Wherever there is necessity for Government occupation there should be Government ownership; and it would be an object-lesson in patriotism if in every town and village in this Republic, from ocean to ocean, there were a place, large or small, from which every day the flag of the Republic should float as an indication that there was the visible presence and majesty and power of the Government. Therefore, sir, I have always been in favor of liberal appropriations for public buildings, and should be glad to support a measure which would provide for the erection of a post-office wherever the Government has occasion to hire a building.

But there is one other suggestion which ought to be made in this connection, and that is that the appropriations for these buildings have been largely in the direction of extravagance. There has been a tendency to costliness, to imported stone, to architectural decoration, to hammered brass, to Turkey carpets, to plate glass, and to all the ostentation and splendor of architectural decoration. That is one of the grounds of public complaint.

Take the Bureau of Printing and Engraving over on the Mall, a great structure, affording ample accommodations for any public building in any city in this Union. That was erected at an expense, I believe, of about \$300,000. The same accommodations put into any one of our large cities under the methods which now obtain would have cost a million and a half. Take the Army and Navy Museum—

Mr. SHERMAN. Or the Agricultural Department.

Mr. INGALLS. Take the Agricultural Department; take the new Smithsonian building where the National Museum is held; take the much derided and decried Pension Bureau building, which it is the fashion of the alleged wits of the press and elsewhere to decry as if it were a factory or a brewery, a building that accommodates amply 2,000 people, with the most magnificent interior room that there is on this continent. That was erected, I am told, at an expense short of \$600,000.

Mr. TELLER. Eight hundred thousand dollars.

Mr. INGALLS. Eight hundred thousand dollars, and with that same space and that same accommodation, if the present scheme of the Supervising Architect of the Treasury is carried out, we should have been called upon to expend two million or two million and a half. Therefore, I say, Mr. President, that while the people justify and demand and expect liberal appropriations for the accommodation of the Government and believe that it ought never to be a tenant, and while we do not complain of the action of the Committee on Public Buildings and Grounds *per se*, we claim that there ought to be a revival of public sentiment in favor of economy in this direction, and have space and shelter and security obtained at a vastly less expense than that which has been the policy for the last few years in this connection.

Brick, iron, plain stone, are susceptible of all necessary decoration, and if we can depart from this idea of ostentation and the splendor of oriental luxury there will be money enough in the annual appropriations made for this purpose within the next twenty years to make the Government owner of every place where governmental functions are required to be carried on within the confines of the Republic.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### RECOMMITTAL OF A BILL.

Mr. HAMPTON. I ask unanimous consent that the bill (S. 1805) for the relief of William W. Webb be recommitted to the Committee on Military Affairs.

The VICE-PRESIDENT. That order will be made, if there be no objection.

Mr. SHERMAN. As the order was made by unanimous consent to take up bills on the Calendar in their order to-day, I shall feel bound to resist any motion to take up any bill out of order. I do not know what the Senator from South Carolina desired.

The VICE-PRESIDENT. The request of the Senator from South Carolina was to recommit a bill.

Mr. SHERMAN. All right.

The VICE-PRESIDENT. The Calendar will be proceeded with.

#### ADMINISTRATION OF OATHS.

The bill (S. 2542) further to provide for the administration of oaths was considered as in Committee of the Whole. It provides that, in addition to the persons now authorized by law, the Chief Justice and associate justices of the Supreme Court of the United States, the circuit and district judges of the United States, and the clerks of the United States courts, and the commissioners of the circuit courts of the United States shall be respectively authorized to administer all oaths authorized or required by the laws of the United States, excepting in cases in which any such oaths are required to be taken before a particular officer.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. McPHERSON, its Clerk, announced that the House requested the Senate to return to the House the bill (H. R. 2239) for the relief of the heirs of John H. Jones and of the heirs of Thomas D. Harris.

The message also announced that the House had passed the bill (S. 977) for the erection of a public building at New London, Conn., with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 526) to authorize the Secretary of the Interior to procure and submit to Congress a proposal for the sale to the United States of the western part of the Crow Indian reservation in Montana;

A bill (H. R. 571) extending the limit of cost for public building at Hoboken, N. J., to meet the requirements of site;

A bill (H. R. 2041) for the relief of C. C. Roberts;

A bill (H. R. 935) to amend section 2238 of the Revised Statutes of the United States, relating to fees of registers and receivers;

A bill (H. R. 6034) for the relief of Mary Alice White Ogden; and

A bill (H. R. 7254) to repeal timber-culture laws, and for other purposes.

#### GENERAL LAND OFFICE.

The bill (S. 2543) to promote the efficiency of the General Land Office was considered as in Committee of the Whole.

The first section proposes to make the salary of the Commissioner of the General Land Office \$5,000 per annum and the salary of the Assistant Commissioner \$3,500 per annum.

The Committee on Public Lands proposed to amend the bill by striking out section 2 and inserting:

Sec. 2. That there shall be in the General Land Office eleven chiefs of divisions, who shall receive a salary of \$2,000 each per annum. The several chiefs of divisions herein mentioned shall be appointed by the Secretary of the Interior, except those whose manner of appointment is provided for by existing law.

Mr. PADDOCK. On behalf of the committee I propose the amendment which I send to the desk as a substitute for the amended section 2, reported by the Committee on Public Lands.

Mr. WILSON, of Iowa. I desire to offer an amendment to section 1. The VICE-PRESIDENT. The amendment of the Senator from Nebraska will first be stated.

The SECRETARY. It is proposed to strike out section 2 and in lieu thereof to insert:

Sec. 2. That there shall be in the General Land Office eleven chiefs of divisions, who shall receive a salary of \$2,000 each per annum. The several chiefs of divisions herein mentioned shall be appointed by the Secretary of the Interior, except those whose manner of appointment is provided for by existing law: Provided, That the Secretary of the Interior is hereby authorized, in his discretion, to consolidate two or more such divisions into one; but this shall not apply to divisions the chiefs of which are appointed by the President.

Mr. INGALLS. Is there a report?

Mr. PADDOCK. There is a printed report, which I shall be glad to have read.

Mr. INGALLS. Let us hear it read.

Mr. PADDOCK. I send the report to the desk.

Mr. COCKRELL. When was that report made?

The VICE-PRESIDENT. The report was made February 21, 1890.

Mr. COCKRELL. What is the number of it?

The VICE-PRESIDENT. Report No. 346.

The Secretary read the following report, submitted by Mr. PADDOCK, from the Committee on Public Lands, February 21, 1890:

Your committee, to whom were referred Senate bills 1606, 1328, and 2220, report the same back with the recommendation that they be indefinitely postponed, and present an amendment in the nature of a substitute.

The committee are of the opinion that the bills herewith reported will greatly promote the efficiency of the General Land Office.

In the opinion of your committee the salary of the Commissioner of the General Land Office is disproportionate to the great importance and responsibility of the position and the difficult and laborious character of the duties imposed upon that officer. This salary is smaller than that of the heads of bureaus of like importance in the several Executive Departments. It is an absolute prerequisite to efficient service that the head of the General Land Office shall be learned in the law and possess as well a high order of administrative ability. Five thousand dollars per annum would be a very moderate remuneration for the services of such a man. Your committee therefore recommend that the salary, which is now \$4,000 for such officer, be increased to \$5,000.

The position of Assistant Commissioner is only second in importance to that of the Commissioner. He has, in the absence of the Commissioner, to perform the duties of that officer as well as his own. He should therefore be equally well equipped as to his knowledge of the law and otherwise, and should receive a larger salary than is at present paid. Your committee therefore recommend that the salary of such officer, which is now \$3,500, be increased to \$4,000.

#### AS TO ITS CHIEFS OF DIVISIONS.

The judgment of the committee is that this bureau should be placed upon the same footing as to organization that all the other bureaus in the various Departments of the Government are at present.

The law as it now stands, after providing for a corps of clerks for the proper equipment of the Land Office, has a very peculiar method of supplying chiefs of divisions in that office. In all other bureaus the law provides for a corps of clerks and then provides for a definite number of chiefs of divisions and their salary, while in the Land Office the only method of getting chiefs for divisions is by taking clerks of class 4 from under the civil-service regulations and detailing them as chiefs of divisions. This method reduces the number of clerks in the Land Office of class 4 by just such a number as there are chiefs of divisions to provide. And there have been instances where a division was without a chief, and none could be supplied until a vacancy might occur among the clerks of class 4 within the civil-service regulations; so that while the men now occupying the positions of chiefs of divisions of the Land Office are not within the civil-service rules, yet the manner by which they are procured not only depends upon vacancies to occur among the clerks of class 4, but constantly keeps that class of clerks below the number contemplated by law.

The bill reported by the committee provides for chiefs of divisions as is done in other bureaus. This will require an addition to the force of clerks within the civil service regulations of class 4 of just the number that there will be chiefs provided for by this act and which are withheld from the effective force of the Land Office by the existing law.

#### AS TO SALARY.

The number of divisions in the Land Office is a matter left by Congress to the discretion of the Secretary of the Interior, as he shall find the exigencies of the service require. That the Land Office should be an exception as to the method of supplying chiefs of divisions is not founded on any reason, but appears to have arisen from the fact that the Land Office has grown in importance and the recommendations of the various Commissioners and Secretaries have not resulted in legal enactments.

Recommendations upon the salary of the chiefs of the Land Office have been made from time to time as the different Commissioners have attempted to remedy the defects in the law upon this subject. Between the years 1850 and 1887 the following recommendations upon this subject have been made: Hon. J. A. Williamson, Commissioner in 1880, recommended that there should be created three chiefs of divisions at \$3,000, five chiefs at \$2,400, and three assistant chiefs at \$2,000. In 1881 Commissioner McFarland recommended three principal clerks and six chiefs of divisions at \$2,000 per annum. In 1882 the same Commissioner

recommended three principal clerks and seven chiefs of divisions at \$2,400 per annum. In 1884 the same Commissioner recommended eleven chiefs of divisions at \$2,250 per annum. In 1885 Commissioner Sparks recommended two chiefs of divisions at \$2,250 and nine chiefs of divisions at \$2,000 per annum, and in his recommendation to Congress used this language:

"In all other bureaus of the Government chiefs of divisions are paid from \$2,000 to \$3,500 per year. The magnitude and importance of the public business for which the chiefs in the Land Office are responsible is exceptional in the Department service."

An examination shows that all other bureaus are provided by law with chiefs of divisions whose pay ranges from \$2,000 to \$3,500 per annum, while in the Land Office the duties of chief of divisions are performed by detailed \$1,800 clerks. This is a discrimination without justification, and a discrimination against the Land Office which, in the language of Commissioner McFarland, seems "unreasonable and unjust."

Eleven chiefs of divisions have been provided for by the committee bill in accordance with the recommendations above referred to, but the salary of each of these is placed at \$2,000 per annum only.

Your committee recommend the passage of the bill.

Mr. WILSON, of Iowa. I desire to move an amendment in section 1 of this bill by striking out, in line 5, after the word "be," the words "thirty-five hundred," and inserting "four thousand;" so that it will then read:

And the salary of the Assistant Commissioner shall be \$4,000 per annum.

I will state, in connection with the amendment, that I concur in the opinion of the committee that these salaries should be increased. For the reason stated by the committee in the report which has just been read, I think that the difference now existing between the salary of the Commissioner of the General Land Office and of the Assistant Commissioner should not be enlarged, but should remain at the one thousand dollars, because, as the committee say, we must have a person competent for the discharge of all the duties of the head of that bureau in the position of assistant. The difference now between the salaries of these two officers is \$1,000. My amendment will preserve that difference, giving to the Commissioner, as the bill proposes, \$5,000, and to the Assistant Commissioner \$4,000.

The PRESIDING OFFICER (Mr. BLAIR in the chair). The first question is on the amendment, submitted by the Senator from Nebraska, from the Committee on Public Lands.

Mr. BERRY. Mr. President, I wish to say that as a member of the Committee on Public Lands I did not agree to the report in favor of this bill. It proposes to increase the salary of the Commissioner of Public Lands and various chiefs of divisions. There are other heads of bureaus who are receiving a less salary than that which it is proposed now to give this Commissioner. If I remember correctly the Assistant Secretary of the Interior receives only \$4,000 a year.

This bill also proposes to increase the salary of certain chiefs of divisions over that which they receive at present. I think I was the only member of the committee, however, who was not in favor of the bill. I stand upon the platform where I have always stood since I have been here, that the salaries of these officers are already sufficient; that there is no reason why they should be increased; that these places are sought for by individuals all over the country who are eminently qualified to fill them, and it is not pretended that the salaries are not sufficient to procure such talent as will do the work efficiently.

There can be no reason why these particular individuals should be selected out, save and except that it is favoritism to those who happen to occupy the offices they do. I can see no reason why the salaries should be increased. I think they are already sufficient, and I think that they are enough to obtain the talent which is required, and not only that, but the salaries paid now cause thousands to seek offices who are unable to procure them.

I am opposed to this continual cry for more money for the officers of this Government, whose salaries are already, in my opinion, beyond what they should be.

Mr. REAGAN. Mr. President, I wish to make an additional suggestion to that made by the Senator from Arkansas [Mr. BERRY] why I think this bill ought not to pass.

The salaries of officers of the United States are, as a rule, greatly disproportioned to the salaries of the officers of the State governments who perform as important service. Very many of the States give their governors less salary than the Commissioner of the General Land Office now receives. The governor of the State which I have the honor in part to represent gets \$4,000 a year, and many other States, prominent and important States, give even less salary than this.

The judges of our supreme court get \$4,000 apiece. Their duties certainly are much more important and much more onerous than those of any bureau officer here.

Is it because we are so far removed from the people here that we do not feel responsible to them as the Legislatures feel responsible to their constituents in providing the salaries of their State officers? What can be the reason of it? Is it that we are to build up a more splendid fabric here upon the idea of European splendor, a great central, overshadowing Government? I think, sir, it would be much more appropriate if a bill were brought forward to reduce a great many salaries. What do we witness now all over the country? At every change of Administration the Executive is overburdened with the tens of thousands of applications for every sort of Government office. Why is it? It is because they are made to pay more and better than employments in the State Governments or in private life, except it may be with a



few of the great railroads and other corporations. The ordinary business of private life does not pay as much, and therefore persons seek employment under the Government. The States do not pay so much, and therefore these applicants come here, and it seems to me now that hardly any one thinks he is in office unless he is in an office under the Government of the United States and getting an extravagant salary.

Furthermore, Mr. President, while I am speaking on this subject I desire to say that there is not, as far as I know, a single class of public officers as a class but what is now organized and making efforts to induce the Government to increase their pay; postmasters, railway postal clerks, and every class of officers, as a class, organize, pass resolutions and send them here to manifest to Senators and Representatives the political influence which they intend to exercise against members who have the temerity to protect the Government against their exorbitant demands for pay.

Mr. PADDOCK. Mr. President, the aim of this bill is simply to place one of the most important if not the most important bureau of the Government upon the same footing as the other great bureaus in respect to the salary paid its chief and other subordinate officers. The Commissioner of Pensions receives a salary of \$5,000 a year; the Commissioner of Patents receives \$5,000, and the Commissioner of Fish and Fisheries also receives the same. The Commissioner of the General Land Office has most onerous, important, and responsible duties to perform, where legal attainments of a high order are required. And these attainments are possessed in an eminent degree by the present incumbent.

Mr. PLATT. Will the Senator allow me to make one slight correction?

Mr. PADDOCK. Certainly.

Mr. PLATT. The Commissioner of Patents does receive \$5,000 a year, but the Revised Statutes give him but \$4,500. The Committee on Appropriations, recognizing the character and services of a man who is fit to fill the position, has been in the habit of appropriating \$5,000, although the statute only makes the salary \$4,500.

Mr. PADDOCK. I get my information from the Blue Book, and that is the amount of salary stated in that record for the present year.

Mr. PLATT. By the appropriation bill it is \$5,000.

Mr. MANDERSON. The statement of my colleague is correct as to the amount of salary received.

Mr. PADDOCK. The present head of the General Land Office, if he were at home in the practice of his profession, would have no difficulty in making a revenue therefrom of from \$7,000 to \$10,000 a year. He is an able lawyer, a man of the highest proficiency and competency for this service. He was not an applicant for the office at all. He did not seek it nor want it. He was prevailed upon to accept it finally, weeks after it had been tendered him. And he did so because he believed that he could render important service to the great country of the West, the public-land country, which had suffered badly under the last administration of that office during the last administration.

As to the remainder of the bill, I will say that the Bureau of Public Lands is the only bureau in the Government in which there are no chiefs of divisions provided for by law. The chiefs of divisions are detailed from clerks of class 4 for that service, and it is to the interest of the public service that this change should be made. The bill was originally draughted upon the theory that there was to be a classification of these chiefs of divisions, commencing with the highest class, and I think \$2,700 a year was to be paid the chiefs of that class, and the others were to be graduated down through three classes to \$2,000. The committee refused to recommend such classification and such salaries as it would require, but concluded to put the chiefs of division upon the same footing and to pay them \$2,000, the lowest salary paid to chiefs of divisions in any Department.

I desire to say that the amendment which I have offered is a substitute for section 2 of the bill.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Nebraska [Mr. PADDOCK] from the Committee on Public Lands.

Mr. INGALLS. I should like to hear that read again.

The Chief Clerk read the amendment.

Mr. INGALLS. Mr. President, this is a very bad time to be increasing salaries. In the midst of profound peace and plenty a fatal blight seems to have fallen upon the industries of the country. The prices of all agricultural products are low to a degree seldom known in our economic history.

There is want, distress, discontent; thousands of men are out of employment; depreciated values exist, and there is a sentiment of apprehension about the future.

Mr. President, recognizing these facts, I again say it is a very bad time to be increasing salaries. I notice that in the report of the committee the latest recommendation for the increase suggested was in 1885, and I should be very glad indeed to know if in the latest reports of the Secretary of the Interior or of the President of the United States there is any suggestion that there is any want of efficiency in the Land Department on account of deficient appropriations for salaries. Until something is shown which indicates that unless this appropriation is made the interests of those who have business before that Department are to suffer, I shall protest against it.

The statement of the Senator from Nebraska [Mr. PADDOCK] is incorrect with regard to the equalization of the salaries by the proposal of this bill. Officers of the Government of equal and, in many instances, of greatly larger duties and responsibilities are receiving a salary less than that which is now received by the Commissioner of the General Land Office.

Mr. PADDOCK. The Senator from Nebraska is not incorrect as to those he named.

Mr. INGALLS. I think the Senator from Nebraska is incorrect with regard to those that he named. The appropriation for the additional salary to the Commissioner of Patents was in violation of the established provisions of law. I think I can not be mistaken in that. If I am, I shall be glad to have the eminent authority of the chairman of the Committee on Appropriations, who sits at my left, assure me of my error. He does not respond, Mr. President. Therefore I assume that when the Senator from Nebraska states that the recognized salary of the Commissioner of Patents by law is \$5,000, he is in error.

Mr. PADDOCK. The Senator from Nebraska is not in error in this, that the Commissioner of Patents receives a salary of \$5,000 a year, payable quarterly.

Mr. INGALLS. By law the salary of the Commissioner of Patents is \$4,500 per annum, and if the Committee on Appropriations from time to time have violated the provisions of existing law by appropriating an increased amount, that does not change the fact I have stated that the salary to which he is entitled, in the absence of a special provision inserted in the appropriation bill, is \$4,500 per annum.

Now, Mr. President, it is not claimed in any quarter, it has never been suggested by indirection, that there was the slightest difficulty in obtaining ample talent, experience, and qualifications for the discharge of these duties for the compensation allowed by law; and in the absence of complaints, in the absence of failure to discharge the duties of the place, in the absence of any necessity for this addition to the amounts now appropriated for salaries that come from the people, who are already overburdened, I say again that it is a very bad time to increase salaries.

Mr. STEWART. Mr. President, I think that it might be economy to increase this salary of the Commissioner to \$5,000, and perhaps to double that and make it \$10,000, or even \$20,000, if we could curtail some of the notoriously unnecessary expenses in the administration of the General Land Office. Between \$200,000 and \$300,000 is annually appropriated for special agents of that Department. They are sent from distant sections of the country into the West, they get up large numbers of lawsuits, involving the Government in vast expense, and most of them are failures because they ought to fail. They must do something to keep up the system. When they fail, the Law Department, claiming to be attorneys of the Land Department, collects the fees. Many honest people are worn out with litigation and there is great suffering throughout the country on account of the lavish appropriations for this special-agent system.

I should be perfectly willing to increase this salary to \$5,000, but I should hope, if that were done, that the Commissioner would look into this matter of the extravagance in making appropriations for these special agents and devise some method whereby the expense in that direction or a portion of it, at least, may be avoided. If that were done we could afford to pay the Commissioner a large sum of money for accomplishing such a reform. The \$500 extra added to his salary is a mere bagatelle compared to the two or three hundred thousand dollars annually expended over which there is very little control and with regard to which there is no investigation. The Commissioner of the General Land Office in his own auditor and comptroller. He audits the accounts himself.

There is a secret division, called Division B, in that department, which directs and manages the whole thing, and the litigation and investigation are so extensive that the head of the bureau can not know what is going on, much less the Secretary of the Interior. When called upon to investigate a particular case where there is litigation pending, with a view of determining whether litigation should proceed, the Secretary of the Interior is unable even to give it partial attention. It is impossible to get the opinion of the Attorney-General whether these cases shall be prosecuted or not. They are turned over to the Land Department, of which he is the attorney, and the clerks in the Land Department determine the whole question. This has grown into a great abuse, and it needs reform.

Mr. BERRY. The salary of the Commissioner of Pensions is fixed by the Revised Statutes at \$4,000 a year. My recollection is that there was a bill passed by the Senate increasing that to \$4,500, but I do not know that there is any such law.

Mr. TELLER. I should like to say to the Senator that while General Black was Commissioner of Pensions we increased the salary to \$5,000.

Mr. BERRY. My recollection is that it was \$4,500, and I will continue in that belief until I see the statute to the contrary. It may be that the Committee on Appropriations gave him \$5,000, but the statute, as I remember it now, is \$4,500, and, as I stated awhile ago, the Assistant Secretary of the Interior only receives \$4,500 as salary.

The Senator from Nevada [Mr. STEWART], as I understood him, said

that \$5,000 a year was a very small sum. The governor of the State in which I reside receives \$3,000 a year only, and the chief-justice and the other justices of the supreme court receive the same amount, \$3,000.

The Senator from Nebraska [Mr. PADOCK] said this Commissioner could make more money if engaged in some other business. It seems, however, that he was anxious to receive this particular office at the salary fixed, knowing what the salary was at the time. As the Senator from Kansas [Mr. INGALLS] so well said, unless it can come from some official authority that men can not be obtained with sufficient talent to occupy these offices for the salaries now provided by law, I can see no reason, when there are thousands of people all over the country suffering for the absolute necessities of life, why we should continue to appropriate money simply to gratify a man who is already in office, who knew what the salary attached to it was at the time he was appointed to it.

Mr. TELLER. Mr. President, I myself do not believe in extravagant salaries, but I believe in salaries for public offices sufficient to induce men who are not capitalists to become public officers. It is notorious now that no poor man can afford to accept very many of the public places. No poor man can afford to be a member of the Cabinet any more, and there is no man who is fit to be a member of the Cabinet but what can earn more money outside than he gets as a member of the Cabinet.

Mr. BERRY. I suggest to the Senator from Colorado that no poor man has any chance under this Administration.

Mr. TELLER. Well, Mr. President, the suggestion that no poor man under this Administration has any chance is simply a gratuitous suggestion of the Senator from Arkansas. I will not make any contrast between the millionaires in the last Cabinet under the last Administration of public affairs and the gentlemen who are in public life to-day. I think myself there is a great disposition for rich men to shove themselves forward and to be shoved forward into public places. I recognize that as one of the growing evils in this Republic, that there is a tendency to fill places with men of wealth to the exclusion of a class of men in many instances much better qualified than they.

There is not a man, as I was saying, who is a member of the Cabinet in any Department of this Government but who could earn more money outside of it than he can in it, to say nothing about the great expense which attaches to holding such a position.

I do not know whether the present Commissioner of the General Land Office sought the position which he holds or not and I do not mean to intimate that he is not entirely competent to fill it. I do know, however, in my own experience under this Administration, that I applied to a gentleman who I thought was eminently fitted, just before this appointment was made, a man of position and character as a lawyer, and asked him to allow me to present his name to the President for the place, telling him the salary was \$5,000 a year, which I thought it was at the time, and he stated to me frankly and freely that he could not afford to leave his practice to take such an office. Why, Mr. President, the man who is Commissioner of the General Land Office ought to be an eminent lawyer. He ought not only to be a good lawyer, but he ought to be a good executive officer; and so it should be with other officers in that Department.

To the men who are now getting \$1,800 a year it is proposed to give \$2,000 as chiefs of divisions. Some are now getting \$2,000 and some \$1,800, and it is proposed to put them all on the same plane. These men pass upon questions of the utmost importance to the people of the United States; they adjudicate and determine the rights between the Government and the people who are making applications to secure homes on the public lands; they settle controversies between contestants for public lands; they do what the courts do. The Senator from Arkansas talks about the judges in his State. Why, there are \$1,800 clerks in the Interior Department, nay, \$1,600 clerks, who pass upon more values every year than the entire supreme court of the State of Arkansas. I am not mistaken when I say that, and there is one man in the Interior Department, the Secretary of it, who passes either actually or nominally upon more values, from which there is no appeal, than the Supreme Court of the United States adjudicates in twelve months. A Senator near me says ten times in value. I speak advisedly when I say that the interests intrusted to the Secretary of the Interior, upon which he passes judicially and from which there is no appeal and no revision, are greater than all the interests passed on by the Supreme Court, with its nine judges, and yet he gets a less salary than any member of that court.

Mr. President, the United States ought to pay salaries commensurate with the talent that they employ. What do the great railroad companies pay? They pay three times as much. Twenty-five thousand dollars a year is not an unusual salary for the president of a great railroad corporation. I know that men who have occupied important Cabinet positions under the Government at \$3,000 a year have had offers of more than twice that amount made to them if they would decline those positions and act as private attorneys to some of these great corporations. We ought to be able to call to our assistance the best talent in the country and we ought to pay for it, so that we can get it irrespective of a man's bank account. The people of the United States are not complaining of salaries, provided the men who fill the offices are earning

the money we pay them. The dearest salaries we pay are those we pay to the incompetent men and the cheap men we employ. Millions and millions of dollars are paid every year to men who receive not more than \$1,200 a year, who are totally incompetent to pass upon these questions, and no better men can be had, because we do not pay a sufficient salary. We can not employ a good lawyer at \$1,200 a year, when in every section of the country any kind of a lawyer who attends to his business can make that amount of money.

The Senator from Texas [Mr. REAGAN] says that there is a rush for these offices. No doubt that is true, but the better class of men, the men who ought to be in these offices, are not the men who are especially rushing after them.

The PRESIDING OFFICER. The Senator's time has expired. The question is on the amendment reported by the committee.

Mr. REAGAN. Mr. President, I dislike to detain the Senate a moment, but I do want to say another word.

The PRESIDING OFFICER. The Senator from Texas has already spoken once upon this question.

Mr. REAGAN. The Senator from Colorado—

Mr. CULLOM. I hope by unanimous consent the Senator from Texas may be allowed to say a few words further.

The PRESIDING OFFICER. Is unanimous consent given that the Senator from Texas may again speak? The Chair hears no objection, and the Senator will proceed.

Mr. REAGAN. I am obliged to the Senate.

Mr. President, the Senator from Colorado suggests that men can not afford to hold the offices here in Washington. Why is it? Is it the fault of the salaries or is it because a condition of things has been produced by custom that we are required to appropriate money to enable officials to live as gentlemen instead of public officers? Is it that we must appropriate money enough to enable them to give costly entertainments, buy fine carriages and horses, and live in splendor and extravagance? Is that not the reason why gentlemen can not afford to hold the offices here?

I heard something said the other day by two or three Senators about persons having to preserve their rank and position in society by high pay. It is a new doctrine, and it is rather a new practice, that we are to recognize the rank and habits in life of people in fixing their pay or that we are to recognize the customs of society in its extravagances in the expenditure of money.

The salaries allowed by law are respectable. They are sufficient to pay men who come here to perform their duties properly. They may not be sufficient to pay men to come here and give costly entertainments and furnish splendid equipages. There, it seems to me, the fault lies, and if the customs here were so reformed as that the public officers came to perform their duties, and not to illustrate their wealth, the salaries would do very well.

The Senator from Colorado contrasts the salaries of the Government officers with the salaries paid by the railroad corporations. Instead of raising the salaries of Government officers up to twenty-five and fifty thousand dollars a year, as the lawyers and presidents of railroads get, let us make such honest regulations of railroads as will limit them to honest and fair earnings, and then they will pay the salaries that will pay for their work without the enormous salaries that are now paid to beat the Government and to enable one railroad to beat another and to beat the people.

The better way to get at what should be paid here would be to contrast the salaries of Government officers with the condition of the people who are taxed to pay those salaries, and to look at the shrinkage of the value of all property and of all production from 1873 to now of 33 per cent. without change of salaries; the shrinkage of the volume of the currency; the fact that the farming interests of this country, which are its great support, are going into bankruptcy and distress; the fact that there are thousands and millions of people who are hardly able in this country to meet by honest industry the yearly expenses of their families. That is the class that we had better contrast the salaries of officers with, rather than to contrast them with the salaries of railroad magnates who only have to raise the tax upon transportation a fraction of a cent to pay men \$50,000 or \$100,000 if they want to, not out of the pockets of the stockholders, but out of the earnings derived from the people who produce the merchandise which is transported over the roads.

Mr. TELLER. I move the indefinite postponement of the bill that I may say a word.

Mr. GEORGE. I desire to make one remark.

The PRESIDING OFFICER. The Senator from Colorado has moved the indefinite postponement of the bill.

Mr. TELLER. I will withdraw the motion when I get through, if the Senator will just wait a moment.

Mr. President, I will join the Senator from Texas in any legitimate effort to control railroads and keep them within their proper province. I will join him in any measure that promises relief to the suffering industries of this country. I am quite as anxious to see prosperity in this country as he is, and I do not know that he and I would disagree as to some things needed to be done; very likely we would not. That has nothing to do with the question whether the Government of the



United States shall call to its aid the best talent in the country or whether it shall employ inferior talent. I admit that in this body there will always be found men, irrespective of their ability to live on the salary, who will accept a seat. The great honor of sitting in this body is sufficient, and it ought to be, to make any man willing to accept the place, although he may be compelled to economize in order to live on his salary. Yet I suppose it is a notorious fact that very few men filling this place live on their salaries and very few can do so.

The Senator complains that we have taught the people to live like gentlemen. Mr. President, everybody holding a public office ought to be a gentleman and ought to live with decency.

Mr. REAGAN. At his own expense.

Mr. TELLER. While he is not bound, of course, and ought not, to live in an ostentatious way and to display his wealth, and all that, he has to live in a manner befitting his station, and nobody can expect that he will not do that. We do not expect men who are justices of the Supreme Court of the United States and members of the Cabinet to live as the village lawyer lives or as the farmer lives or as we ourselves have lived when we were occupying other positions. If we have the means beyond our salaries we put it into the cost of living, and if we have not we manage by economy to live on our salaries.

I am not complaining of this body, but I say that the Government of the United States has suffered in the past because it was not able to employ the highest talent in this country at the salary paid. When Mr. Chandler came into the Interior Department as Secretary he could not find to suit him a man of sufficient ability, as he supposed, to occupy the position of Assistant Attorney-General to his Department without paying an extra salary. The Government allowed \$5,000, and he employed an eminent attorney and gave him \$5,000 more. It is not every man who becomes Secretary of the Interior who can afford to do that, yet that was done to secure an efficient and valuable officer, and I think any man who will look over the records of that period upon the questions of law submitted will say that the money was well earned by that officer.

The PRESIDING OFFICER. Does the Senator from Colorado withdraw the motion to indefinitely postpone the bill?

Mr. TELLER. I withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn. The question is on the amendment reported by the committee.

Mr. GEORGE. Mr. President, I desire the attention of the Senator from Texas [Mr. REAGAN] to what I am going to say.

I approve very much the remarks made by that Senator. They are exactly in the line on which I have been acting all the time. I think the salaries are too high, and I have been voting all along against increasing them. Some two or three weeks ago we had a bill up here by which all the little, inferior district judges of the United States had their salaries raised from \$3,500 to \$5,000, and I noticed on that occasion that the Senator from Texas did not go with us. He seems to have these economical fits by starts. I just want to call his attention to that lapse he made from the general tone of virtue which he maintains in the Senate.

Mr. FRYE. It is entirely evident that this bill will occupy, if allowed to remain where it is, the rest of the day and that a vote will be demanded when it is time for demanding a vote. Therefore I will tender an objection to its further consideration, not meaning that it shall lose its place on the Calendar.

Mr. WILSON, of Iowa. Let us try a vote on it.

Mr. FRYE. I propose to pass it over informally.

Mr. PADDOCK. I hope the Senator will withdraw his objection and let us have a division on the question.

Mr. FRYE. We can not get a vote on it. If we do, we shall not do anything else to-day.

Mr. PADDOCK. If the yeas and nays shall be demanded, I will consent that it may go over.

Mr. FRYE. Of course if Senators who have been speaking are in earnest the yeas and nays will be demanded. If it is simply a display of economy, they may not be.

Mr. COCKRELL. It had better be passed over.

Mr. BERRY. The yeas and nays will be asked for upon the question.

The PRESIDING OFFICER. The Senator from Maine objects to the further consideration of the bill. The next bill on the Calendar will be stated.

#### FUNDING ACT OF ARIZONA.

The next bill on the Calendar was the bill (S. 1372) approving, with amendments, the funding act of Arizona.

Mr. JONES, of Arkansas. I ask that the bill be passed over informally.

The PRESIDING OFFICER. The Senator from Arkansas objects.

Mr. JONES, of Arkansas. I object by reason of the fact that there was a mistake made in the printing of the bill, which was my fault, on account of some erroneous instructions given to the printing clerk by me, and I ask that a reprint of the bill be had.

The PRESIDING OFFICER. The Senator from Arkansas asks that a reprint of the bill be had, which will be ordered, if there be no objection.

#### AVERY D. BABCOCK AND WIFE.

The bill (S. 73) for the relief of Avery D. Babcock and wife, of Oregon, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 7, before the word "dollars," to strike out "three thousand" and insert "two thousand;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Avery D. Babcock, of Polk County, Oregon, and to Margaret I. Babcock, his wife, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000, to be equally divided between them, in full payment of their claim against the Government of the United States for the use and military occupation by the United States of their donation claim numbered 58, in section 8, township 6 south, range 7 west of the Willamette meridian, in the State of Oregon.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### NAPOLEON B. GIDDINGS.

The bill (S. 2492) for the relief of Napoleon B. Giddings was announced as the next bill on the Calendar.

Mr. ALLISON. I ask that that bill may be passed over.

The PRESIDING OFFICER. Shall the bill be passed over to the Calendar under Rule IX or informally?

Mr. ALLISON. Informally.

The PRESIDING OFFICER. The bill will be passed over, retaining its place on the Calendar.

#### JOHN S. NEET, JR.

The bill (S. 2262) for the relief of John S. Neet, jr., was considered as in Committee of the Whole. It proposes to pay to John S. Neet, jr., late a private in Company C, Third Regiment Missouri State Militia Cavalry, afterwards Company L, Sixth Missouri State Militia Cavalry, \$100, in full payment of the sum allowed him in October, 1878, by the Third Auditor of the Treasury Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### JOSEPH W. CARMACK.

The bill (S. 2412) for the relief of Joseph W. Carmack was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 6, after the words "allowances of a," to strike out "second lieutenant" and insert "first sergeant," and in line 9, at the end of the bill, to insert "less any pay received by him during such period;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he hereby is, directed to pay to Joseph W. Carmack, late of Company A, Sixth Missouri Cavalry, out of any money in the Treasury not otherwise appropriated, the pay and allowances of a first sergeant of cavalry from the 1st day of May, 1862, to the 30th day of September, 1862, less any pay received by him during such period.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT TAUNTON, MASS.

Mr. HOAR. I desire to withdraw a motion I entered several days ago to reconsider the vote of the Senate whereby Senate bill 1548, for the erection of a public building at Taunton, Mass., was passed.

The PRESIDING OFFICER. The Senator from Massachusetts withdraws the motion to reconsider, and the bill stands passed.

#### AQUILLA JONES.

The bill (S. 393) for the relief of Aquilla Jones, late postmaster at Indianapolis, Ind., was considered as in Committee of the Whole. It directs the Postmaster-General to credit Aquilla Jones, postmaster at Indianapolis, Ind., in the settlement of his accounts as such postmaster, with \$2,438, being the amount stolen from the money-order department of that office on the 31st of December, 1888.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### DR. A. SIDNEY TEBBS.

The bill (S. 877) for the relief of Dr. A. Sidney Tebbs was considered as in Committee of the Whole. It proposes to relieve Dr. A. Sidney Tebbs, of Leesburgh, Va., from the operation of section 1218 of the Revised Statutes of the United States, being in chapter 1, Title XIV, of the Revised Statutes.

Mr. DAWES. What is the statute from which this gentleman is to be relieved?

Mr. COCKRELL. It is the statute which prohibits the appointment of any one who was in the Confederate army.

The PRESIDING OFFICER. There is a report, which will be read.

The Secretary read the following report, submitted by Mr. BATE, February 11, 1890:

The Committee on Military Affairs, to whom was referred the bill (S. 877) for the relief of Dr. A. Sidney Tebbis, having considered the same, report as follows: Dr. Tebbis has been an applicant for several years past for appointment in the Army, but by reason of the restriction contained in section 1218, Revised Statutes, against the appointment in the Army of persons who were in the Confederate service, his application can not be considered. He entered the Confederate service at the age of fifteen, and is a native of Virginia. Your committee are of the opinion that it would be unwise to longer enforce the above section of the statutes against worthy citizens who are now loyal, and recommend the passage of the bill.

Mr. HOAR. I should like to inquire whether there have been any other instances of relief from that disability? We had a case which was very much discussed, that of the grandson of President Monroe, whose name I have now forgotten.

Mr. COCKRELL. I think probably there have been two other cases. There was the case of the gentleman to whom the Senator refers, the grandson of President Monroe, Monroe Heiskell, and very probably there was another case, that of a gentleman who is now a surgeon in the Army. It was done by special act.

Mr. HOAR. Those acts were passed and became laws?

Mr. COCKRELL. Yes. Those are the only cases that I remember anything of.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK KIDWILER.

The bill (S. 1082) granting a pension to Frederick Kidwiler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frederick Kidwiler.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY J. DORR.

The PRESIDING OFFICER (Mr. FRYE in the chair). The two next bills in order on the Calendar, being the bill (S. 958) for the relief of Mary J. Dorr and the bill (S. 1295) for the relief of Mary J. Dorr, widow of Joseph B. Dorr, deceased, late colonel of the Eighth Regiment, Iowa Cavalry Volunteers, are adverse reports, and therefore will be passed over.

Mr. COCKRELL. Let them take their places under Rule IX.

The PRESIDING OFFICER. They will go over under Rule IX.

JOHN E. WALTON.

The bill (S. 2076) granting an increase of pension to John E. Walton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John E. Walton, late of Company C, One hundredth Pennsylvania Volunteers, at the rate of \$50 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

KING THEOLOGICAL HALL.

The bill (S. 884) to incorporate the King Theological Hall was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 10, after the word "competent," to insert the words "for the purposes of this act only," so as to read:

That Thomas Underwood Dudley, William Paret, J. Houston Eccleston, John A. King, Henry E. Fellow, and J. C. Bancroft Davis be, and they are hereby, declared to be a body politic and corporate, with perpetual succession in deed or in law to all intents and purposes whatsoever by the name, style, and title of The King Theological Hall, by which name and title said body politic and corporate shall be competent, for the purposes of this act only, at law and in equity, to take to itself any estate whatsoever in any messuage, lands, tenements, hereditaments, goods, etc.

The amendment was agreed to.

The next amendment was to strike out section 4, in the following words:

SEC. 4. That the trustees may contract with the said Howard University (and for that purpose the requisite power is hereby also conferred upon the said university) for the enjoyment by the students in the hall of the educational advantages afforded by the university, and, *et cetera*, for the enjoyment by the students in the university of the educational advantages afforded by the hall, in each case under such regulations by the university or by the hall as may be agreed upon; and, further, that the university shall, upon the request of said trustees, and upon certificates of qualification signed by the warden, confer the degrees upon graduating students and grant the diplomas to them hereinbefore provided for.

The amendment was agreed to.

The next amendment was to strike out section 5, in the following words:

SEC. 5. That so long as the agreements hereinbefore provided for shall remain in force The King Theological Hall shall become an annex to Howard University, but with the independent corporate existence and powers conferred by these acts. During that time the power of the trustees of the hall to confer degrees and diplomas upon graduating students shall be suspended. The board of trustees of the hall shall publish an annual report; and the board of trustees of the university shall incorporate into the annual report which they are required to make by section 8 of the act of March 2, 1887, entitled "An act to incorporate the Howard University in the District of Columbia," similar facts connected with the hall.

The amendment was agreed to.

The next amendment was to strike out section 6, in the following words:

SEC. 6. That no misnomer of the said corporation of The King Theological Hall shall defeat or annul any donation, gift, grant, devise, or bequest to or from the said corporation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA F. WEBSTER.

The bill (S. 763) granting a pension to Martha F. Webster was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martha F. Webster, widow of Lewis Webster, late lieutenant of Company K, Sixteenth Regiment Michigan Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JEREMIAH WHITE.

The bill (S. 762) granting a pension to Jeremiah White was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jeremiah White, late private Capt. Hart Fellow's company, Second Regiment Illinois Cavalry, Black Hawk war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEVI MOSER.

The bill (S. 840) granting an increase of pension to Levi Moser was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Levi Moser, late sergeant Company I, One hundred and fifty-third Regiment Pennsylvania Volunteers, and pay him a pension of \$24 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELMER A. SNOW.

The bill (S. 2391) granting an increase of pension to Elmer A. Snow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 3, after the words "Secretary of the," to strike out "Treasury" and insert "Interior," and in line 7, after the word "month," to strike out "said pension to be allowed from February 12, 1889, which was the date increasing the pension to \$100 per month for the loss of both hands," and insert "in lieu of the pension he is now receiving;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Elmer A. Snow, late a trumpeter in M Troop, Third United States Cavalry, and pay him a pension of \$100 per month, in lieu of the pension he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES A. MYERS.

The bill (S. 1256) granting a pension to James A. Myers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James A. Myers, late of Company F, One hundred and forty-ninth Regiment of Pennsylvania Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. MCKINNEY.

The bill (S. 1269) granting a pension to James M. McKinney was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James M. McKinney, late second lieutenant of Company A, North Cumberland Battery, Kentucky State Militia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT H. MILROY.

The bill (S. 2389) granting an increase of pension to Robert H. Milroy, major-general United States Volunteers, was considered as in Committee of the Whole. It proposes to place upon the pension-rolls the name of Robert H. Milroy, late a major-general United States Volunteers and a soldier in the Mexican war, at the rate of \$100 per month, in lieu of his present pension of \$30 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.



## SCHOOL LANDS IN BUFFALO, WYO.

The bill (S. 2618) to confirm to the city of Buffalo, Wyo., certain lands occupied for school purposes was considered as in Committee of the Whole.

Mr. MORGAN. I offer an amendment which I have submitted to the Senator from Colorado [Mr. TELLER], and I believe he agrees to it. I move to add to the bill the following proviso:

*Provided, That this act shall not be construed to convey to the city of Buffalo any right to so much of the land herein granted as is occupied by any canal or water ditch heretofore constructed on the banks thereof, nor to any coal beneath the surface of said land, nor any tunnel or shaft for raising such coal that is now constructed or may be necessary for that purpose.*

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## ORDER OF BUSINESS.

Mr. SAWYER. I ask unanimous consent that we now go through the Calendar and take up private pension bills subject to objection.

Mr. COCKRELL. Oh, no; we must enforce the unanimous agreement.

Mr. HOAR. It would be a departure from another unanimous consent to do what is now suggested.

Mr. COCKRELL. There was unanimous consent given to a certain order. We must follow that; we must enforce it or do nothing, I think.

Mr. SAWYER. I withdraw the request.

The PRESIDING OFFICER. The next bill on the Calendar will be stated.

## JAMES E. KABLER.

The bill (S. 773) granting a pension to James E. Kabler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James E. Kabler, late a private in Company I, Tenth Regiment Kentucky Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## ROBERT FOSS.

The bill (S. 1151) granting a pension to Robert Foss was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert Foss, late a private in Company A, First Battalion Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## MICHAEL SHONG.

The bill (S. 1247) granting a pension to Michael Shong was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Michael Shong, late of Company I, Fourteenth New York Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## MARY MURPHY.

The bill (S. 1047) granting a pension to Mary Murphy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Murphy, widow of Jeremiah Murphy, late of Company D, One hundred and fifty-fifth New York Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## CHARLES ADAMS.

The bill (S. 1616) for the relief of Charles Adams was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and is hereby, authorized and instructed to pay Charles Adams, late Indian agent at the Los Pinos Indian agency, Colorado, \$237.30, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The Committee on Claims report to strike out the preamble. Without objection, the preamble will be stricken out.

## JAMES W. HARVEY.

The bill (S. 555) for the relief of James W. Harvey as assignee of Joseph Parkins was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That there be, and is hereby, appropriated to James W. Harvey and the legal representative of Samuel Klauber, deceased, sureties upon bond executed by Joseph Parkins to the United States to secure performance of contract entered into by the Government with said Parkins November 19, 1863, out of any money

in the Treasury not otherwise appropriated, the sum of \$4,925, the said sum having been expended by said Harvey and Klauber in performing said contract and in furnishing material thereunder, and never having been paid either to the contractor or said sureties.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## PHILIP C. JOHNSON.

The bill (S. 727) to provide for the issue of the commission of Philip C. Johnson as a rear-admiral of the United States Navy was announced as next in order on the Calendar.

Mr. GORMAN. Let that be passed over.

The PRESIDING OFFICER. Informally?

Mr. GORMAN. Informally.

The PRESIDING OFFICER. The bill will be informally passed over. UNITED STATES STEAMER TALLAPOOSA.

The bill (S. 724) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## EUNICE TRIPLER.

The bill (S. 562) for the relief of Eunice Tripler, widow of Charles S. Tripler, was announced as next in order on the Calendar.

Mr. GORMAN. Let that go over without prejudice.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

## CHARLES B. NEWTON.

The bill (S. 229) for the relief of Charles B. Newton was announced as next in order on the Calendar.

Mr. GORMAN. I should like to inquire of the Senator from Missouri what that bill is.

Mr. COCKRELL. The bill was before the Committee on Military Affairs, was very fully considered, and was reported favorably by the Senator from Nebraska [Mr. MANDERSON]. The illegal arrest and confinement of Newton was outrageous treatment on the part of the officers of the Army. There is no question about that; it is almost inexcusable. I was opposed to the bill on account of the principle involved, as making the Government liable for wrongful acts of officers. The military officers treated the man very badly: arrested him and detained him and put him under guard, when they had sufficient proof to show that he was not the deserter they supposed he was. It was a question of identity. His parents were put to a good deal of expense, and the committee finally decided to report the bill favorably.

Mr. MORGAN. Let the bill go over. I object to its further consideration.

The PRESIDING OFFICER. Formally or informally?

Mr. MORGAN. Informally.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

## COMMISSIONER OF FISH AND FISHERIES.

The bill (S. 718) to make the Commissioner of Fish and Fisheries an officer of the Navy Department was announced as next in order on the Calendar.

Mr. STOCKBRIDGE. That bill had better go over.

The PRESIDING OFFICER. The bill will go over at any rate, it having been reported adversely.

Mr. HARRIS. Let it go over under Rule IX.

The PRESIDING OFFICER. It will be so ordered.

## PROTECTION OF FISH IN THE POTOMAC RIVER.

The bill (S. 682) to continue in force the provisions of an act approved March 2, 1885, and entitled "An act to protect the fish in the Potomac River, in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River" was announced as the next bill in order on the Calendar.

Mr. GORMAN. I trust that will go over to the Calendar under Rule IX. I object to its consideration.

The PRESIDING OFFICER. The Senator from Maryland asks that the bill may go over to the Calendar under Rule IX.

Mr. STOCKBRIDGE. I have no objection.

The PRESIDING OFFICER. If there be no objection, it will be so ordered.

## INDIAN INDUSTRIAL SCHOOL IN MICHIGAN.

The bill (S. 2435) to provide for the establishment and maintenance of an Indian industrial school in the State of Michigan was announced as next in order on the Calendar.

Mr. GORMAN. I think we had better let the bill go over without prejudice. The Senate is too thin to consider it.

The PRESIDING OFFICER. Objection being made, the bill will be passed over informally.

## LIGHT-HOUSE ON ST. MARY'S ISLAND, ALASKA.

The bill (S. 463) making an appropriation for the construction of a

light-house on St. Mary's Island, Alaska, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments, in line 3, before the word "thousand," to strike out "fifty" and insert "eighty;" in the same line, after the word "dollars," to insert "or so much thereof as may be necessary;" in line 7, after the word "light-house," to insert "and steam fog-signal;" and in line 8, after the word "light-house," to insert "and steam fog-signal;" so as to make the bill read:

That the sum of \$80,000, or so much thereof as may be necessary, be, and the same is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purchase of a site and the construction of a light-house and steam fog-signal on St. Mary's Island, in the Territory of Alaska, said light-house and steam fog-signal to be erected under the direction of the Secretary of the Treasury.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill (S. 462) making an appropriation for the construction of a light-house and steam fog-signals on St. Mary's Island, Alaska."

#### INDIAN INDUSTRIAL SCHOOL IN SOUTH DAKOTA.

The bill (S. 2167) to provide for building and maintaining an Indian industrial school at Flandreau, in the State of South Dakota, was announced as next in order on the Calendar.

Mr. COCKRELL. I rather think that bill had better lie over until we can have some report upon it. I see there is no committee report accompanying it.

The PRESIDING OFFICER. The Senator from Missouri objects, and the bill goes over.

Mr. COCKRELL. Let it retain its place on the Calendar.

The PRESIDING OFFICER. The bill will be informally passed over.

Mr. COCKRELL. Yes, without prejudice.

#### EDWIN R. PARKS.

The bill (S. 1020) to authorize the President to restore Edwin R. Parks to his former rank in the Army, and place him on the retired-list was announced as next in order on the Calendar.

Mr. COCKRELL. Let that bill take its place under Rule IX, as it is adversely reported.

The PRESIDING OFFICER. It will be so ordered.

#### LIEUT. COL. CHARLES G. SAWTELLE.

The bill (S. 1350) for the relief of Lieut. Col. Charles G. Sawtelle, deputy quartermaster-general, United States Army, was considered as in Committee of the Whole. It directs the proper accounting officers, in settling and adjusting the accounts of Lieut. Col. Charles G. Sawtelle, deputy quartermaster-general, United States Army, to credit him with \$126.40, being the amount of internal-revenue tax due from employees of the United States, employed by Maj. Gen. E. R. S. Canby, at the city of New Orleans, La., in the secret service, in the year 1865, and paid by Lieutenant-Colonel Sawtelle, the same amount appearing to have been withheld from the employees, but no receipt of the Commissioner of Internal Revenue being presented for the amount as required by law, and which amount is now suspended against Sawtelle by the accounting officers of the Treasury in the settlement of his accounts.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ROBERT H. MONTGOMERY.

The bill (S. 231) for the relief of Robert H. Montgomery was considered as in Committee of the Whole. It proposes to credit Robert H. Montgomery, captain in the Fifth Regiment of Cavalry, for all purposes of pay and allowances, for the period of time from the 19th of November, 1863, to the 16th of February, 1865, during which time he was a prisoner of war in the hands of the enemy, the same as though he had actually been in the military service of the United States as a second lieutenant of cavalry during that period.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### OSCAR S. COLLINS.

The bill (S. 2369) granting an increase of pension to Oscar S. Collins was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Oscar S. Collins, late of Company F, First Regiment of Rhode Island Light Artillery Volunteers, at \$36 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MARY O. HALL.

The bill (S. 1152) granting a pension to Mary O. Hall was considered as in Committee of the Whole. It proposes to place the name of Mary O. Hall, widow of Augustus J. Hall, late of Company D, Twelfth Maine Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### T. A. KENDIG.

The bill (S. 2634) for the relief of T. A. Kendig was considered as in Committee of the Whole. It proposes to pay \$3,538.59 to Theodore A. Kendig, surviving partner of T. A. Kendig and J. C. McManus, for one month's extra pay on mail routes numbered 8166 and 8167, on which the service of carrying the mail was discontinued by order of the Postmaster-General on May 31, 1861.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PLATT. What is the title of that bill as it stands?

The PRESIDING OFFICER. A bill for the relief of T. A. Kendig.

Mr. PLATT. As it caught my ear it was a bill for the relief of some other person, and the title ought to be amended.

Mr. COCKRELL. The body of the bill says Theodore A. Kendig. That is the only difference. He is the surviving partner and he is the only one named.

Mr. PLATT. I supposed the bill was in favor of some heirs or something of that kind.

Mr. COCKRELL. No; Theodore A. Kendig, surviving partner.

Mr. PLATT. I make no further question.

#### PORT OF TAMPA, FLA.

The bill (S. 2447) to extend to Tampa, Fla., the privilege of immediate transportation of unappraised merchandise was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments, in line 7, after the word "the," to strike out "ports" and insert "port," and in the same line, after the word "Tampa," to strike out "and St. Augustine;" so as to make the bill read:

That the provisions of the first section of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1890, be, and the same are hereby, extended to the port of Tampa, Fla.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### RETIRED-LIST FOR PRIVATES, ETC.

The bill (S. 83) to amend the act approved February 25, 1885, entitled "An act to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years or upward" was announced as next in order.

Mr. COCKRELL. That I object to. Let that go over under Rule IX. It is an adverse report.

The PRESIDING OFFICER. It will be so ordered.

Mr. PADDOCK. What is the order made?

Mr. COCKRELL. The bill goes over to the Calendar under Rule IX, where all adverse reports go. The bill is reported adversely.

Mr. PADDOCK. My colleague [Mr. MANDERSON] is not present, and I was about to suggest that the bill be passed over.

Mr. COCKRELL. The Senator's colleague reported it adversely, and it has been placed on the adverse Calendar.

Mr. PADDOCK. All right.

#### TRANSFER OF REVENUE MARINE.

The bill (S. 305) to transfer the revenue marine to the naval establishment was announced as next in order.

Mr. COCKRELL. I ask that that may be passed over without losing its place on the Calendar. I object to it now.

The PRESIDING OFFICER. It will be so ordered.

#### MRS. ADELAIDE H. WOODALL.

The bill (S. 2245) granting increase of pension to Mrs. Adelaide H. Woodall was considered as in Committee of the Whole. It proposes to increase to \$50 per month the pension of Adelaide H. Woodall, widow of French B. Woodall, late colonel of the One hundred and fifty-first Regiment of Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### COAST DEFENSE LANDS.

The bill (S. 2673) to acquire title to lands for purposes of public defense was announced as next in order.

Mr. GORMAN. That had better go over without prejudice.

The PRESIDING OFFICER. It will be so ordered.

#### INDEBTEDNESS OF PACIFIC RAILROADS.

The bill (S. 2680) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of the railroads, and to secure to the United States payment of all indebtedness of certain of the companies therein mentioned was announced as next in order.



The PRESIDING OFFICER. This bill may go over informally.  
Mr. COCKRELL. Yes, that is right.

#### ARIZONA SCHOOL LANDS.

The bill (S. 2678) to authorize the leasing of the school and university lands in the Territory of Arizona, and for other purposes was announced as next in order on the Calendar.

Mr. PLATT. With the consent of the Senator from Colorado [Mr. TELLER], who reported the bill, it may lie over until I can have an opportunity to examine it, and I shall call it up the next day when the Calendar is under consideration.

The PRESIDING OFFICER. The bill will be passed over informally.

#### LAND OFFICES IN MONTANA.

The bill (H. R. 525) to establish two additional land offices in the State of Montana was considered as in Committee of the Whole.

Mr. COCKRELL. There ought to be a word inserted in the last line of section 2. There is evidently a word left out—either a misprint in the bill or it was not in the original bill. I move to insert, after the word "the," in line 15, the word "town;" so as to read: "shall be located at the town of Lewistown."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### PRISON BUREAU.

The bill (S. 1491) to establish a prison bureau was announced as next in order.

Mr. COCKRELL. I object to the consideration of that bill and ask that it be placed on the Calendar under Rule IX. I think we can get along without a prison bureau for awhile.

The PRESIDING OFFICER. It is so ordered, if there be no objection.

Mr. WILSON, of Iowa, subsequently said: When the bill (S. 1491) to establish a prison bureau was reached on the Calendar, I was absent from the Chamber, attending a session of a committee of the Senate. An objection was made and the bill was carried to the Calendar under Rule IX. I ask that that order may be revoked, and that the bill be passed over, preserving its place on the Calendar.

Mr. COCKRELL. I have no objection to that, except that I want to enter my protest against the bill, as it increases the number of offices and would build up an independent bureau in the Government whose province would be simply to overlook the penitentiaries.

Mr. WILSON, of Iowa. I now ask merely that the bill be placed on the Calendar as having been passed over without prejudice.

The PRESIDING OFFICER. If there be no objection, the former order will be reconsidered, and the bill will be passed over without prejudice.

#### HARBOR AT GALVESTON.

The bill (S. 2716) to provide for the completion of the improvement of the entrance to Galveston Harbor, Texas, was announced as the next in order on the Calendar.

Mr. COKE. I wish that the bill be passed over informally, without prejudice.

The PRESIDING OFFICER. It is so ordered, if there be no objection.

#### HANNAH LEO.

The bill (S. 2285) granting a pension to the widow of John Leary, deceased, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, to strike out the word "the" and insert "Hannah Leo," and in line 7, before the word "dollars," to strike out the word "twenty" and insert "twelve;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Hannah Leo, widow of John Leary, late a first sergeant in Battery F, Third Artillery, United States Army, in the war of the rebellion, and pay her at the rate of \$12 per month from and after the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL. I move to amend the title of that bill, so that it will be more consonant with the body of the bill.

The PRESIDING OFFICER. The committee reports to amend the title.

The title was amended so as to read: "A bill granting a pension to Hannah Leo."

#### SARAH A. WOODBRIDGE.

The bill (S. 1665) granting restoration of pension to Sarah A. Woodbridge was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Sarah A. Woodbridge, widow of

Anson L. Brewer, major and paymaster, United States Army, her pension having been suspended by reason of her remarriage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MISSISSIPPI RIVER BRIDGE AT NATCHEZ.

The bill (S. 2415) to amend an act entitled "An act authorizing the Mississippi and Louisiana Bridge and Railroad Company of Natchez, Miss., to construct a bridge over the Mississippi at or near Natchez, Miss.," was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 6, before the word "years," to strike out "five" and insert "three;" so as to make the bill read:

That section 12 of the above-recited act be amended so as to read, "That if the construction of said bridge is not commenced by the 1st day of January, 1892, and completed in three years thereafter, all rights hereby conferred shall cease and determine."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title of the bill was amended so as to read: "A bill to amend an act entitled 'An act authorizing the Mississippi and Louisiana Bridge and Railroad Company, of Natchez, Miss., to construct a bridge over the Mississippi River at or near Natchez, Miss.,' approved July 19, 1888."

#### PORT OF DELIVERY AT SIOUX CITY, IOWA.

The bill (S. 897) to establish a port of delivery at Sioux City, Iowa, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in section 1, line 7, after the word "States," to strike out the following:

And all the privileges and facilities afforded by the act approved March 2, 1891, entitled "An act allowing the duties on foreign merchandise imported into Pittsburgh, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez to be secured and paid at those places;"

So as to make the section read:

That the city of Sioux City, in the State of Iowa, shall be, and is hereby, constituted a port of delivery, annexed to and made a part of the collection district of New Orleans, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MARINE HOSPITAL AT VINEYARD HAVEN, MASS.

The bill (S. 2481) to improve the marine hospital at Vineyard Haven, Mass., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 7, after the word "hospital," to insert the words "and its approaches;" so as to make the bill read:

That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$25,000, which shall be expended by the Secretary of the Treasury for the purpose of alterations and improvements to the marine hospital and its approaches at Vineyard Haven, Mass. The sum herein appropriated shall be made immediately available from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### E. S. TYNER.

The next bill on the Calendar was the bill (S. 1764) for the relief of E. S. Tyner, of Plant City, Fla.

The PRESIDING OFFICER. This is an adverse report.

Mr. PASCO. The bill was placed upon the Calendar at my request. I know no reason why the recommendation of the Committee on Post-Offices and Post-Roads should not be carried out, and I suggest that the bill be indefinitely postponed.

The PRESIDING OFFICER. If there be no objection, the bill will be indefinitely postponed. It is so ordered.

#### MRS. CAROLINE G. SEYFFORTH.

The bill (S. 2103) granting a pension to Mrs. Caroline G. Seyfforth was considered as in Committee of the Whole. It proposes to place on the pension-rolls the name of Caroline G. Seyfforth, widow of the late Edmund Seyfforth, a contract surgeon in the United States Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ELIZABETH DOMM.

The bill (S. 2066) placing the name Elizabeth Domm on the pension-rolls was considered as in Committee of the Whole. It proposes to place upon the pension-rolls the name of Elizabeth Domm, widow of John L. Domm, deceased, late member of the Eleventh Ohio Battery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY ELLEN FITZGERALD.

The bill (S. 1502) granting a pension to Mary Ellen Fitzgerald was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Ellen Fitzgerald, invalid daughter of Michael Fitzgerald, late a soldier in Company G, Sixth United States Infantry, at the rate of \$30 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES JOHNSTON.

The bill (S. 1154) to increase the pension of James Johnston was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Johnston, late first sergeant of Company C, Fifteenth Maine Volunteers, at the rate of \$30 per month, in lieu of the present pension which he now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT GRAND FORKS, N. DAK.

The bill (S. 1571) to provide for the erection of a public building in the city of Grand Forks, N. Dak., was announced as the next in order.

Mr. SPOONER. I ask that the bill may go over without losing its place on the Calendar.

The PRESIDING OFFICER. It will be so ordered. The bill will be informally passed over.

JULIET OPIE H. AYERS.

The bill (S. 2451) granting a pension to Juliet Opie H. Ayers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments: In line 7, before the word "dollars," to strike out "fifty" and insert "seventy-five," and in the same line, after the word "month," to insert "in lieu of that which she is now receiving;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay Juliet Opie H. Ayers, widow of Romeyn Beck Ayres, late colonel of the Second Regiment Artillery, United States Army, a pension, subject to the provisions and limitations of the pension laws, at the rate of \$75 per month, in lieu of that which she is now receiving.

The amendments were agreed to.

Mr. COCKRELL. In line 6, after the word "Army," I move to insert "and brigadier-general of United States Volunteers;" so as to read: Late colonel of the Second Regiment Artillery, United States Army, and brigadier-general of United States volunteers, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. CULLOM. What is the amount of the pension granted?

The PRESIDING OFFICER. Seventy-five dollars per month.

Mr. CULLOM. That is a pretty good pension. I would inquire who knows anything about this case.

Mr. GORMAN. It is all right.

Mr. CULLOM. I inquire of the Senator from Missouri [Mr. COCKRELL] if he knows about it.

Mr. COCKRELL. I am going entirely by the record in the case. It has not been usual to increase the pension of any officer below the rank of brigadier-general above \$50. I discover from the report that General Ayers was a brigadier-general of volunteers and brevet brigadier-general and brevet major-general in the Regular Army. I therefore moved to insert the words "and brigadier-general of United States volunteers" as a part justification at least for the increase of this pension above \$50.

Mr. CULLOM. The question of amount is what I was inquiring about.

Mr. COCKRELL. The bill as introduced provided for only \$50.

Mr. MORGAN. The amount ought to be \$100 a month.

Mr. CULLOM. I merely wanted to know something about the case.

Mr. MORGAN. General Ayers was one of the most accomplished and one of the most heroic of all the generals in the Federal Army during the war.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WALTER P. HARRISON.

The bill (S. 2598) increasing the pension of Walter P. Harrison was considered as in Committee of the Whole. It proposes to increase the pension of \$8 per month now received by Walter P. Harrison, late private Company B, First Regiment Louisiana Volunteers, Mexican war, to \$72 per month.

Mr. CULLOM. What about this case?

Mr. COCKRELL. I should like to know upon what principle the bill is based.

Mr. CULLOM. I think these bills providing pensions of \$50 and \$75 and \$100 a month, or anything above the ordinary rates of pension, ought to have a report with them so as to show what the facts are upon which they are based.

The PRESIDING OFFICER. There is a report upon this bill.

Mr. CULLOM. Let us have it read.

The PRESIDING OFFICER. The Secretary will read the report. The Secretary read the report submitted by Mr. DAVIS February 18, 1890, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2598) granting increase of pension to Walter P. Harrison, have examined the same, and report:

A favorable report in this case was made by the Committee on Invalid Pensions in the House of Representatives in the last Congress which fully sets forth the facts as appears by the evidence. The said report is herewith adopted and the passage of the bill is recommended.

#### HOUSE REPORT.

The Committee on Pensions, to whom was referred the bill (H. R. 10477) granting an increase of pension to Walter P. Harrison, have considered the same, and report as follows:

Walter P. Harrison was a private in Company B, First Louisiana Volunteers, Mexican war, and is now a pensioner at the rate of \$8 per month under the Mexican pension act of January 29, 1887. He also served as midshipman in the United States Navy from October 19, 1841, until June 10, 1843, when he resigned. In 1886 he applied for pension for total blindness, declaring that while in the Mexican war he contracted measles, which settled in his eyes, and caused disease of the same, resulting in total blindness about the year 1860. He was unable in his pension claim to furnish the evidence of comrades to show the incurrence of his disability in his military service, and hence his claim for pension for his disability has never been adjudicated. As above stated, he has been allowed a service pension of \$8 per month.

Notwithstanding his infirmity, the claimant has for twenty-five years earned his subsistence by acting as a traveling agent, being always attended by another person. He is now sixty-five years of age, his health has failed him, he has no property to afford him a living, and being no longer able to continue business he is entirely dependent upon his small pension.

Dr. Flavel B. Tiffany, a leading physician of Kansas City, Mo., certifies that the claimant is totally blind from the disease known as choroid retinitis pigmentosa, with secondary cataract following in each eye. There is no history of any disease, other than measles, which might be the cause of Mr. Harrison's blindness.

Many prominent citizens of Kansas City, Mo., certify to his helpless condition.

A prominent citizen, Henry N. Ess, esq., of Kansas City, Mo., states:

"I have known W. P. Harrison seven or eight years. He desires an act passed for a pension to him. He served in the Mexican war. He took measles, from which he has wholly lost his eyesight. There are no records of the disease of the men in service then. The physician, although now living, does not personally recollect this particular disease of Mr. Harrison. Without such outside testimony he can not get any increase of pension under the law as it stands. He is now totally blind and has been blind for more than twenty-five years. There is just a little failure of evidence that defeats him before the Department. I know Mr. Harrison well and his character is beyond dispute."

J. V. C. Karnes, of Kansas City, Mo., a prominent lawyer, and late United States attorney, states:

Mr. Harrison is a very remarkable man, and, although entirely blind, makes a brave fight to do business as far as he can. He is a man of excellent character, honorable in every respect and entitled to the fullest confidence and consideration. Of course I know nothing of the cause of his blindness, but among those who know him his own statement is all that is required on this or any other subject.

Morrison Munford, editor Kansas City Times, Charles E. Hosbrook, Sanford B. Ladd, and James S. Botsford, all leading citizens of Kansas City, certify to the same effect.

Other testimony before your committee shows the claimant's present condition and that the eye disease existed for many years before he became blind.

In several similar cases, where pensioners of the Mexican war were totally blind, notably the cases of Titus Wilder and Martin Kellogg, Congress has increased the pension to \$72 per month.

Your committee believe the bill one of merit, and therefore recommend its passage, amended by inserting after the word "volunteers," in line 5, the words "Mexican war."

Mr. CULLOM. The disclosure of the fact that this soldier is entirely blind, and has been for some time, it seems to me is sufficient to justify the allowance of a pension of \$72 a month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCES McNEIL POTTER.

The bill (S. 2505) for the relief of Frances McNeil Potter was considered as in Committee of the Whole. It proposes to increase the pension of Frances McNeil Potter, dependent daughter of the late General John McNeil, United States Army, from \$30 to \$50 per month.

Mr. ALLISON. Let the report in that case be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. BLAIR, from the Committee on Pensions, February 18, 1890:

The Committee on Pensions, to whom was referred the bill (S. 2505) granting a pension to Frances McNeil Potter, have examined the same, and report: The appended report, made by your committee in the Fiftyeth Congress, is adopted and the bill is reported with a favorable recommendation.

#### REPORT.

The facts of this case were fairly stated in the report of the Committee on Invalid Pensions of the House of Representatives during the Forty-ninth Congress, and which is herewith submitted.

Frances McNeil Potter is a daughter of General John McNeil, United States Army; that John McNeil, of New Hampshire, was appointed a captain of infantry March 12, 1812, and had charge of the troops at Concord, and subsequently at Plattsburgh, where he was charged also with the supervision of the drilling of the new soldiers. In August, 1813, he was promoted to the rank of major and marched to Burlington in command of a regiment.

In July, 1814, he served in Brown's division, at Sackett's Harbor, until he was ordered with his regiment, in July, to the frontier at Niagara. During an attack by the enemy Colonel Campbell, of the Eleventh Regiment, fell, and the command of the regiment devolved upon Major McNeil.

The action of this officer at this battle, known in history as the battle of Chippewa, was supposed by his superior officers to have had a determining influence in securing the success of the American Army.



General Scott, in his report, said, "The self-possession of Major McNeill under fire was unequalled," and "the flank movement of the gallant McNeill in this important battle turned the fortunes of the day and gave victory to the American troops."

General Jesup declares: "I followed the Eleventh Regiment with my command over the bridge. I had ample opportunity of witnessing the conduct of Major McNeill. He formed his regiment under fire of the enemy with the accuracy of a parade. He promptly availed himself of every advantage presented, and he wielded his force with great coolness and judgment, and on his own responsibility and without orders made the decisive movement at Chippewa."

General Scott, in his report to General Brown, said: "Major McNeill deserves everything which conspicuous skill and gallantry can win from a grateful country."

He subsequently commanded the Eleventh Regiment at the battle of Lundy's Lane, and in this engagement he exhibited not only the military tact, judgment, and bravery that had been exhibited at the battle of Chippewa, but was severely wounded and rendered a cripple for life. He subsequently served in 1824 on the Indian frontier.

His death, which occurred in Washington, February, 1850, was commemorated appropriately by the action of both Houses of Congress, which were then in session, eulogies being delivered upon him by Mr. Hibbard, of the House, and Mr. Hale, in the Senate.

This officer was, for merit and gallantry in the service, promoted from a captaincy to the rank of brevet brigadier-general, and not only devoted his time to the service of the country through a long series of years, but finally succumbed to the effect of wounds received and diseases contracted in the service. And your committee are of the opinion that the gallant service of the father to his country entitles his daughter to consideration from his grateful countrymen.

Mr. CULLOM. What is the amount of the pension proposed?

The PRESIDING OFFICER. Fifty dollars a month.

Mr. COCKRELL. Is this a daughter of a Revolutionary soldier, or a granddaughter, or great granddaughter? I have not the report before me and I could not exactly make out which was the case. Was General McNeill a soldier of the Revolutionary war?

Mr. MORGAN. He was a soldier of the war of 1812.

Mr. COCKRELL. Is she a daughter of the soldier?

The PRESIDING OFFICER. She is a daughter of the soldier.

Mr. COCKRELL. Is the widow dead, and are all the other children dead?

Mr. CULLOM. She is getting a pension of \$30 a month now.

Mr. COCKRELL. I am inclined to believe that we had better let the bill be passed over for the present.

The PRESIDING OFFICER. Objection being made, the bill will be passed over informally.

BENJAMIN T. BAKER.

The bill (S. 2531) granting an increase of pension to Benjamin T. Baker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Benjamin T. Baker, late a quartermaster on the United States steamer Spuyten Duyvil, in the Navy, at the rate of \$50 per month, in lieu of that which he is now receiving.

Mr. ALLISON. Let us hear the report read.

The PRESIDING OFFICER. The reading of the report is called for. The Secretary will read the report.

The Secretary read the following report, submitted by Mr. BLAIR, from the Committee on Pensions, February 18, 1890:

The Committee on Pensions, to whom was referred the bill (S. 2531) granting a pension to Benjamin T. Baker, have examined the same and report:

The appended report, made by your committee in the last Congress, is adopted, and the bill is reported with a favorable recommendation.

#### REPORT.

The distressing facts in this case are fully set forth in the sworn evidence filed with your committee. The statement by Mrs. Saville is especially full and made so at the request of the member of the committee to whom the case was referred for special examination. It is indeed seldom that the tragic records of suffering occasioned by patriotic service have so strongly appealed to the justice and sympathy of the country.

We append the evidence in the case supporting the application for increase of pension.

WASHINGTON, D. C.

Benjamin T. Baker, being sworn according to law, certifies as follows: I enlisted in Colonel Sewell's First New York Volunteer Engineers, Company H, Capt. F. Crusoe, January 22, 1862; served one year and six months; was honorably discharged for paralysis of the legs and other disabilities.

In June, 1864, I enlisted in the Navy as quartermaster; was with Capt. John Lay at Dutch Gap, on board the torpedo-boat Spuyten Duyvil. During the winter of 1864 and 1865 we lived on board the torpedo-boat, the Government failing to send the tender for us to sleep on, as they had promised to do. I was in charge of the boat during Captain Lay's absence, and for five long weary months had no berth to lie in. To keep the iron under water we filled bags of sand and put on the deck, being obliged to keep them wet all the time. From these and the donkey-pumps the water was constantly dripping below on the torpedo-box on which I was obliged to lie. We could not stand on the top of the torpedo-boat for many minutes at a time, the weather being bitterly cold, and the frost and ice preventing our keeping a foot-hold. We were obliged to crouch down or stand the best we could, between the wet bags. Our clothing was constantly saturated with water, and we had no place to go to in order to change, as everything we had was below and wet before we put it on. We took our meals on the Onondaga, a double-turreted monitor, which lay about 50 yards from us; we had no further privileges on the monitor. Our lives at this time were in great peril and we suffered more than words can describe.

During this winter I contracted bronchitis and was very ill for two months, my only resting place being the wet sand-bags and the torpedo-box below, with no spot to crawl into to escape the dripping water from above. In the spring I was sent to the hospital, at this time entirely helpless; I was two months in the hospital when the surgeon brought me my discharge, and my health was entirely broken, and at that time they did not think I would live to reach New York City, my home.

I have suffered ever since with chronic bronchitis, and my life has been one long period of suffering. I have been unable to support myself or family for long years, and have been dependent upon my daughter, who is now a widow,

and is obliged to provide for us all by her own exertions. My family have to attend to me personally, my constitution has become so weakened by frequent paroxysms of coughing which completely prostrates me. I desire to secure the highest grade of pension, \$72 per month, as my sufferings have been severe, and I am unable to care for myself financially or physically, but a pensioner on others.

BENJAMIN T. BAKER.

Subscribed and sworn to before me this 17th day of April, A. D. 1888.

[SEAL.] M. M. ROHRER, Notary Public.

This certifies that I am the daughter of Benjamin T. Baker, and personally cognizant of his condition in the past and at the present time. He has been an invalid since the war, having contracted chronic bronchitis while in the service of the United States Navy, through neglect of the Government to provide proper accommodations while on board the torpedo-boat Spuyten Duyvil (Capt. John Lay) at Dutch Gap. No sleeping accommodation was provided him, and he was constantly saturated with the water which dripped from the deck above. He is a great sufferer; reduced to a skeleton from years of pain and torture, of which to give a copious account would make the heart of adamant turn in pity.

He has had very severe hemorrhages from the lungs, in every instance leaving him near death. He can not bear the least atmospheric change without a violent fit of coughing, which lasts many minutes or an hour, as the case may be; in the latter event he becomes so exhausted he faints away, and lies unconscious until restoratives are administered, then he is unable to leave his couch for hours after. At such times we have to give him stimulants frequently, and by this artificial means keep him alive. He has not been able to bathe himself for several years.

He never lies down at night or rises in the morning without a long paroxysm of coughing, usually lasting an hour, and often longer. His medicine and a stimulant are always brought to his room and prepared for use, to relieve him if possible. These spells must be endured; he expects them upon rising and retiring, and the anticipation is such agony he often wishes himself dead. A poor, weak, emaciated body seems but to imprison a soul to torture and harass. The unseen particles floating in the air irritate his throat so constantly that an incessant hacking and expectoration is kept up night and day.

No interval from pain marks the day, no respite of a few moments for the lungs in their efforts to clear the air passages. These convulsions are incessant, in a greater or less degree, month in and month out, while these drag long years, for his life is one long period of pain and suffering and fighting with disease. Four or five of these fearful paroxysms of coughing have to be gone through every day; hence his strength is gone and he is rendered entirely helpless.

He is now past seventy years old, with no hope of ever again being able to know a month's freedom from suffering. He served a double record during the late rebellion, having been in both the Army and the Navy, remaining in the Army until totally unfit for duty by sickness from exposure, only giving up when he could no longer stand on his feet, and then by order of the surgeon, who absolutely drove him from duty to the hospital, he being a friend and fearing he would die on his feet. He left the hospital for his home, accompanied by two friends from New York, who went to fetch him, the surgeon quietly telling these friends he would die on the way home. This was the belief of every one. But he recovered sufficiently to go out, and immediately entered the Navy and again took up the cause of his country's honor. Surely his record as a soldier deserves some recognition, and his present condition a great deal of sympathy and the proper reward.

His wife is sixty-two years of age; entirely broken down in health, and terribly emaciated by constant anxiety and attendance upon her invalid husband. Her sight is so very defective from a cataract, and her other physical weakness, that she is no longer able to attend to his personal wants, as it is dangerous, even if her health would permit, for her to do so. In a moment of fright, when the said Benjamin T. Baker was in a violent paroxysm of coughing, she was hastening to him with a restorative, and supposing she had reached his room, she stepped off the stairs, falling down nineteen winding steps, escaping death by a miracle, but injuring herself very seriously. She was terribly bruised and ill for three weeks; from this shock she probably never will recover.

The care of both parents now devolves upon me, which I am quite inadequate to, both financially and physically. I struggle through, but am fearful with the constant strain I shall give out completely. I am not able to employ a nurse; thus every little detail which makes up so much of an invalid's life depends on me. I must be in constant attendance. The proper care of one alone would be deemed sufficient for one person.

Aside from this my young sister is in a very precarious state of health. She is the only other living child of my parents, and her condition is another sorrow added to my life. She can not endure the severity of our Northern winters. Hitherto she has gone South, accompanied by mother or myself. Having met with severe financial losses two years ago, I could not go away with her or send her away with another. My means would not permit me to move my family, and I could not leave two invalids to preserve the life of another. My physician constantly warns me of my sister's danger, and I am saddened by the thought that I am chained by poverty, unable to raise my hand to save her. The money which I now employ to render my parents comfortable would permit me to make a provision for her, but at the present time we must keep together to live.

A consultation with our physician, Dr. T. H. Yarrow, of Philadelphia, a few days since, resulted in the same warning words: "Your sister should go South in the early fall and remain until the late spring." This is ominous for me, and I can simply clasp my hands in despair.

My parents and sister as well, are dependent upon me for everything—home, clothing, food, etc. Having no other income than the \$24 a month awarded Benjamin T. Baker a few months ago, this amount hardly pays for the medicines and tonics which are constantly required, and as often changed in the hope of some new drug which may bring relief. The physician's bill is also another of the cares which rest entirely upon me, and this expenditure is not trifling.

My sister being obliged from my inability to go away with her or send her away has caused me more expense in this direction for several years, as her condition is very much aggravated by the severity of this winter. She, too, is so weak I have to give her great care and be very watchful. It is a very distressing state of affairs for me to see her becoming more frail every day, and to feel that she is fading away like a flower simply because I can not give her the proper attention.

This case is all the more sad from the fact that in his enthusiasm Benjamin T. Baker, to preserve the honor and glory of his country, closed out a flourishing business, leaving his wife and young family a small competency to answer their wants during his absence, thereby changing their living from one of luxury and happiness to that of extreme economy, loneliness, and sorrow. He can only sit now and dwell upon the impoverishment of his family—everything gone and he a dependent upon a widowed daughter. I am obliged to earn my living by my pen, which is often very embarrassing and in my case not remunerative. I barely make enough to provide for my dependent ones and myself. I am sadly retarded by the incessant care demanded of me, and I find my strength weakening.

I therefore make this statement of the true facts and the infirm and helpless condition of the said Benjamin T. Baker, hoping Congress will give him an increase of pension from \$24 to \$72 a month, his dependent and painful condition making his case worthy of this reward.

WILHELMINA A. SAVILLE.

Subscribed and sworn to before me 26th day of April, A. D. 1888.

[SEAL.]

M. M. ROHRER, Notary Public.

This certifies that I have known Benjamin T. Baker personally and am thoroughly cognizant of his condition. He has long been a sufferer from chronic bronchitis and hemorrhages. To my personal knowledge he is totally unable to aid himself, being a confirmed invalid, and being in such an enfeebled condition he requires the attendance of his wife or daughter constantly. He has severe coughing spells, which render him insensible and prostrate him for hours at a time. He is reduced to a skeleton through disease contracted while in the Navy during the rebellion.

He is entirely dependent upon his daughter (a widow), who is also dependent upon her own exertions for a livelihood, and who also has others dependent upon her. His wife is now in failing health, her sight being very defective and her physical condition generally giving way, rendering her unable to give personal attention to her invalid husband, thereby throwing the entire care upon her daughter, who can not afford to hire an attendant to relieve her.

O. S. DAVIS.

Subscribed and sworn to before me this 17th day of April, A. D. 1888, at Washington City, District of Columbia.

[SEAL.]

JOHN T. C. CLARK, Notary Public.

This certifies that I have known Benjamin T. Baker, formerly residing in Philadelphia, for several years. His physical condition renders him unable to support himself and family, he having suffered with chronic bronchitis very severely, at times having severe hemorrhages. I attended him for several years during his residence in this city.

THOMAS J. YARROW, M. D.

PHILADELPHIA, April 14, 1888.

Sworn and subscribed to before me the 14th day of April, A. D. 1888. Witness my hand and notarial seal.

[SEAL.]

F. T. CLARK, Notary Public.

#### STATE OF PENNSYLVANIA.

City and county of Philadelphia, ss:

Personally came B. T. Fisher, residing in the city of Philadelphia, who, being duly affirmed according to law, affirms and says that he is acquainted with Benjamin T. Baker, formerly residing in the city of Philadelphia, now a resident of Washington City. From my knowledge of him and his family he has been for some time past wholly dependent upon the love and care of his daughter, Mrs. Wilhelmina Saville, herself a widow dependent upon her own exertions to provide for herself and her father and mother. The said Benjamin T. Baker is in infirm health, now over seventy years of age, very deaf, and in my judgment will, during all his future years, be dependent upon others and not able to earn anything, by reason of his general physical debility; and I understand he requires an attendant nearly all the time to perform the ordinary things of life, such as washing himself, etc.

B. F. FISHER.

Affirmed and subscribed to before me, a notary public, this 13th day of April, 1888.

[SEAL.]

WILLIAM E. KNOWLES, Notary Public.

#### STATE OF PENNSYLVANIA.

City and county of Philadelphia, ss:

Personally came Seth W. Wilson, residing in the city of Philadelphia, who, being duly sworn according to law, says that he is and has long been acquainted with Benjamin T. Baker, formerly residing in the city of Philadelphia, now a resident of Washington City. From my knowledge of him he has been for some time past wholly dependent upon his daughter, Mrs. W. A. Saville, herself a widow, supporting her father and mother by her own labor.

Mr. Baker, now over seventy years old, is, and has long been, in infirm health, is very deaf, and in my opinion will never be able to exercise any care or provision for himself, as he now requires a personal attendant in the ordinary exercise of daily life.

SETH W. WILSON.

Subscribed and sworn to this 13th day of April, A. D. 1888, before me,

[SEAL.]

H. F. REARDON, Notary Public.

#### STATE OF PENNSYLVANIA.

City and county of Philadelphia, ss:

Personally came A. L. Farrand, residing at Ardmore, Pa., who, being duly sworn according to law, says that he has been long acquainted with Benjamin T. Baker, formerly of Philadelphia, but now residing in Washington, D. C.; that the said Benjamin T. Baker, now past seventy years of age, is now, and has for several years past been, totally unfit to perform either mental or physical labor. The sole dependence of himself and wife rests upon his daughter, Mrs. W. A. Saville (widow), who is obliged to labor for their support.

A. L. FARRAND.

Sworn and subscribed to the 14th of April, A. D. 1888, before me,

[SEAL.]

ISRAEL HECHT, Notary Public.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES ANDERSON.

The bill (S. 2611) granting a pension to James Anderson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Anderson, late a private in Company B, Fourth Regiment New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BETSEY A. MOWER.

The bill (S. 1468) granting a pension to Betsey A. Mower was announced as next in order on the Calendar.

Mr. COCKRELL. I have read over the report in that case, which states that she was pensioned at \$30 per month; that this was increased to \$50 per month by special act of Congress; and subsequently by act of the Fiftieth Congress her pension was again increased to \$75 per month. Judging from the report, the only merit the case has is the persistent application of the claimant to have special legislation in her

behalf. I therefore object to the consideration of the bill and ask that it be placed on the Calendar under Rule IX.

Mr. CULLOM. This is the third time the case has come before Congress. I think we ought to have a rest for at least one term of Congress.

The PRESIDING OFFICER. If there be no objection, the bill will be placed on the Calendar under Rule IX.

#### ADMISSION OF IDAHO.

The next business on the Calendar was the bill (S. 658) to provide for the admission of the State of Idaho into the Union.

Mr. PLATT. With regard to that bill I should be very glad to have it passed this afternoon.

Mr. COCKRELL. It can not be passed this afternoon.

Mr. PLATT. I apprehend some Senator will feel it is a bill that ought not to be passed this afternoon, and under the five-minute rule; I therefore ask that it be passed over, retaining its place on the Calendar.

The PRESIDING OFFICER. It will be so ordered, without objection.

#### THE CAPRON COLLECTION OF JAPANESE ART.

The bill (S. 321) providing for the purchase of "The Capron collection of Japanese works of art" was announced as next in order on the Calendar.

Mr. COCKRELL. I do not think, in view of everything in the country, the condition of the agricultural interests, and everything of the kind, that there is any pressing necessity for spending \$14,000 to buy that collection. So we will let the bill pass over.

The PRESIDING OFFICER. The Senator from Missouri objects, and the bill will be passed over informally.

#### NANCY E. DAY.

The bill (S. 1034) for the relief of Nancy E. Day, administratrix of the estate of James L. Day, deceased, was considered as in Committee of the Whole. It proposes to pay Nancy E. Day, administratrix of the estate of James L. Day, deceased, late of Norwich, Conn., \$3,041.66, in payment and satisfaction of the amount found due from the United States to her by the Court of Claims, upon a reference of her claim to that court by the Postmaster-General, under the provisions of an act of Congress approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ORDER OF BUSINESS.

Mr. INGALLS. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Will the Senator postpone that motion for a few moments while the Chair lays before the Senate certain House bills?

Mr. INGALLS. With pleasure.

The PRESIDING OFFICER. The Chair lays before the Senate bills from the House of Representatives for reference.

#### HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 5620) granting a pension to Frank Deming, Company F, Ninth Michigan Infantry;

A bill (H. R. 1871) granting a pension to Sarah Meader;

A bill (H. R. 2861) for the relief of Helen E. Dewey;

A bill (H. R. 4028) granting a pension to Agnes Vetter;

A bill (H. R. 4134) granting a pension to Margaret Stewart;

A bill (H. R. 4694) for the relief of Edward Haynes;

A bill (H. R. 4868) granting a pension to Henrietta Judd;

A bill (H. R. 5081) to pension Helen A. Moore and the minor children of John S. Moore;

A bill (H. R. 5082) to pension Polly Robinson;

A bill (H. R. 5309) to place the name of Mary Welch upon the pension-roll;

A bill (H. R. 5452) granting a pension to Joseph K. Hamilton, dependent father of John E. Hamilton, late private Company D, One hundred and third Pennsylvania Volunteers;

A bill (H. R. 5617) granting a pension to Henry Bloomfield;

A bill (H. R. 6350) for the relief of Asher Post; and

A bill (H. R. 6871) for the relief of Napoleon B. McKay.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 2849) authorizing the President to appoint and retire John C. Frémont as a major-general in the United States Army;

A bill (H. R. 8458) authorizing the purchase of tents by the Secretary of War, and for other purposes; and

A bill (H. R. 2041) for the relief of C. C. Roberts.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 935) to amend section 2238 of the Revised Statutes of the United States, relating to fees of registers and receivers;



A bill (H. R. 6034) for the relief of Mary Alice White Ogden; and  
A bill (H. R. 7254) to repeal timber-culture laws, and for other purposes.

The bill (H. R. 526) to authorize the Secretary of the Interior to procure and submit to Congress a proposal for the sale to the United States of the western part of the Crow Indian reservation in Montana was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 571) extending the limit of cost for public building at Hoboken, N. J., to meet requirements of site, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The bill (H. R. 7160) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1891, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The joint resolution (H. Res. 105) "to continue in force an act authorizing the construction of a bridge over Bayou Bernard, in the State of Mississippi," was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 3538) for the relief of Albert H. Emery was read twice by its title.

The PRESIDING OFFICER. The bill will lie on the table at the request of the Senator from Wisconsin [Mr. SPOONER].

#### PUBLIC BUILDING AT NEW LONDON, CONN.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 977) for the erection of a public building at New London, Conn.; which were referred to the Committee on Public Buildings and Grounds.

#### HEIRS OF JOHN H. JONES AND THOMAS D. HARRIS.

The PRESIDING OFFICER laid before the Senate the message of the House of Representatives requesting the return of the bill (H. R. 2239) for the relief of the heirs of John H. Jones and of the heirs of Thomas D. Harris, which was read.

The PRESIDING OFFICER. Without objection, the request will be agreed to.

Mr. PASCO. My impression is that the bill is now before the Committee on Claims.

Mr. COCKRELL. It will be returned any way, wherever it is.

The PRESIDING OFFICER. Without objection, the order will be made, and the Committee on Claims will be discharged from further consideration of the bill.

#### DENISON AND WASHITA VALLEY RAILWAY.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate to the bill (H. R. 856) to amend section 1 and section 9 of an act entitled "An act to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July 1, 1886, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BERRY. I move that the Senate insist upon its amendments to the bill and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. JONES, of Arkansas, Mr. DAWES, and Mr. STOCKBRIDGE were appointed.

#### ESTATE OF JAMES W. SCHAUMBURG.

Mr. COCKRELL. I ask that Order of Business 161 on the Calendar, being the bill (S. 986) for the relief of the legal representatives and devisees of James W. Schaumburg, may be placed back on the Calendar in the position it had when I objected to it. It is now under Rule IX.

The PRESIDING OFFICER. That order will be made, if there be no objection.

#### EMMA S. CAMERON.

Mr. SPOONER. I ask the Senator from Kansas to yield to me for a moment that I may ask unanimous consent to proceed to the consideration of Order of Business 670, being Senate bill 1127.

The PRESIDING OFFICER. The Secretary will state the bill for which the Senator from Wisconsin asks present consideration.

The SECRETARY. A bill (S. 1127) to pay Emma S. Cameron, widow of James Cameron, for property taken and used by the Army during the late war.

Mr. PASCO. I think the Senator from Arkansas [Mr. JONES] desires to be heard on that bill when it comes up.

Mr. SPOONER. If that is so, I withdraw the request for its consideration.

The PRESIDING OFFICER. The request for immediate consideration is withdrawn, and the bill takes its place on the Calendar.

Mr. REAGAN. I request the Senator from Kansas to withhold his motion and allow me to call up for present consideration Senate bill 2860. It is a bill making a small appropriation to complete a public

building which is in progress, and which is recommended as necessary by the Supervising Architect.

Mr. HARRIS. I did not understand the Senator from Florida as objecting to the consideration of the bill the Senator from Wisconsin asked to have considered. Did the Senator intend to be so understood?

Mr. PASCO. I merely stated that the Senator from Arkansas [Mr. JONES] desired to be heard when the bill was brought up, and upon that suggestion the Senator from Wisconsin withdrew his request.

Mr. SPOONER. The Senator from Arkansas is a member of the Committee on Claims, and I could not think of asking the Senate to take up the bill if he desires to be heard against it.

Mr. JONES, of Arkansas, entered the Chamber.

Mr. HARRIS. The Senator from Arkansas is now here.

Mr. SPOONER. Then I would like to call up the bill, if there be no objection.

The PRESIDING OFFICER. The Senator from Texas [Mr. REAGAN] has since been recognized to ask unanimous consent of the Senate for the consideration of a bill.

Mr. HARRIS. Inasmuch as the bill was not objected to and the Chair had recognized another Senator, I think the Senator from Wisconsin is entitled to have his bill considered at this time, and the Senator from Texas may be heard afterwards.

Mr. REAGAN. Mr. President—

The PRESIDING OFFICER. The Chair will state that the Senator from Wisconsin withdrew his request, and the Chair announced that the bill took its place again on the Calendar.

Mr. SPOONER. I think—

Mr. GORMAN. I suggest that we pass the bill the Senator from Texas wishes to call up, and then proceed to the consideration of the bill moved by the Senator from Wisconsin.

Mr. SPOONER. All right.

#### ADDITION TO PUBLIC BUILDING AT HOUSTON, TEX.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent that the bill (S. 2860) to authorize the construction of an addition to the public building in Houston, Tex., and to provide a cistern, heating apparatus, etc., for said building may be now considered. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### HARTFORD COLLECTION DISTRICT.

Mr. DAWES. I ask unanimous consent to call up a bill to transfer—

Mr. COCKRELL. I think we have been here long enough.

Mr. DAWES. It is simply to transfer several towns to another collection district.

Mr. COCKRELL. Then I give notice that after this bill is disposed of, if the Senator from Kansas does not renew his motion for an executive session, I shall move an adjournment.

Mr. DAWES. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 2837) to amend an act approved March 3, 1887, entitled "An act to amend sections 2533 and 2534 of the Revised Statutes, and making Hartford, in the State of Connecticut, a port of entry in place of Middletown."

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. INGALLS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, March 24, 1890, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

SATURDAY, March 22, 1890.

The House met at 12 o'clock m. Prayer by Rev. GEORGE ELLIOTT, of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

#### COTTON-SEED OIL.

Mr. MORGAN. I have a communication from the farmers of three States that I will be glad to have read and printed in the RECORD.

The Clerk read as follows:

FARMERS' EXCHANGE,  
Memphis, Tenn., March 11, 1890.

At a meeting of the Farmers' Exchange, held this day, the following resolutions were unanimously adopted:

Whereas the Agricultural Committee of Congress have under consideration a bill to tax compound lard; and

Whereas cotton-seed oil, pressed from cotton seed, an important and a valuable product of the soil, is largely used in the making up of compound lard, and a tax on compound lard is an indirect tax on cotton seed, and is well calculated to reduce the price of the same in the hands of the producer; and

Whereas the price of farm products, not only of the South, but of the whole country, is now barely above the cost of production: Therefore,

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*Be it resolved*, That we consider a tax on compound lard equivalent to a tax on cotton seed, and, as producers, we are opposed to said tax; but we do not object, but consider it fair and just to all parties in interest, that compound lard be branded as such, and that pure lard be branded as such, so that each can be sold upon its own merits.

*Be it further resolved*, That a copy of these resolutions be forwarded to the members of Congress and of the Senate, from Tennessee, Mississippi, and Arkansas, this exchange having members in each one of these States, and that a copy be also sent to the Hon. J. M. Rusk, Commissioner of Agriculture, and they be requested to use all fair and legitimate means to defeat said bill.

R. D. GOODWYN, President.  
J. H. ALLEN, Secretary.

The SPEAKER. Is there objection to the printing of the memorial in the RECORD. The Chair hears none, and it will be printed in the RECORD and referred to the Committee on Agriculture.

#### FEDERAL ELECTIONS BILL.

Mr. LODGE. Mr. Speaker, I am directed by the Committee on Election of President, Vice-President, and Representatives in Congress to offer the following resolution and ask for its consideration at the present time.

The Clerk read as follows:

*Resolved*, That 2,500 copies additional of the bill (H. R. 8242) be printed for the use of the House of Representatives.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none. The resolution was adopted.

C. C. ROBERTS.

Mr. LAWLER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2041) for the relief of C. C. Roberts. The bill was read, as follows:

*Be it enacted, etc.*, that the Secretary of War be, and is hereby, directed to cause to be paid to C. C. Roberts the pay and emoluments of a first lieutenant of volunteers, from the 4th day of April, 1863, to the 1st day of November, 1863, for services rendered as first lieutenant in what was then designated as the Fourth Regiment of Ullman's Brigade, Colored United States Volunteers, as first lieutenant in the company commanded by Capt. Thomas S. Cates, with interest at 4 per cent. on the amount due from November 1, 1863, to the day when this act shall be in force and become approved, and that he be granted muster-in and muster-out rolls in accordance with provisions of this act.

Sec. 2. That the amount of money necessary to pay for the services of the above-named claimant be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

The following amendments were reported by the committee:

In line 5, after the word "volunteers" insert the word "infantry."

Strike out, commencing in line 11, the following words:

"With interest at 4 per cent. on the amount due from November 1, 1863, to the day when this act shall be in force and become approved."

The SPEAKER. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. LAWLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### QUESTION OF PRIVILEGE.

Mr. BOOTHMAN. Mr. Speaker, I rise to a question of personal privilege. In the course of discussion on yesterday on the pension appropriation bill I stated that the gentleman from Indiana [Mr. BYNUM] had, with others, objected to the consideration of pension legislation during the Fiftieth Congress. I find upon examination of the RECORD that Mr. BYNUM was not one of those who objected; but that while it is true that others did so he did not, although I was under the impression at the time that he had objected. I would not misstate the position of any gentleman upon the floor of the House, and I, therefore, make this statement in justice to him.

#### IMMIGRATION AND NATURALIZATION LAWS.

Mr. OUTHWAITE. I ask unanimous consent that the memorial of the North American Turnerbund and citizens of Columbus, Ohio, against material restrictive changes in the national laws on immigration and naturalization be printed in the RECORD without the names.

The memorial is as follows:

NORTH AMERICAN TURNERBUND (GYMNASTIC UNION),  
OFFICE NATIONAL EXECUTIVE COMMITTEE,  
St. Louis, Mo., February 23, 1890.

To the honorable Senate and House of Representatives of the United States:

The "North American Turnerbund" (Gymnastic Union), an organization comprising some 40,000 citizens of this country, both native and naturalized, does hereby respectfully, but most earnestly, protest against the passage of any and all of the measures now before your honorable body designed to materially change the present national laws on immigration and naturalization.

As some of the reasons (among many) for our protest we mention the following:

First. These proposed measures are fraught with the same mischief and breathe the same spirit which caused the founders of this Republic to rise in rebellion against a British tyrant and to hurl at him the following indictment: "He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands."

All such legislation is therefore directly opposed to the very spirit of our institutions, and can not be defended upon any mere plea of expediency or self-interest.

Second. The industry, thrift, and honest intelligence of the immigrant has, for more than a hundred years past, been a chief factor in developing the mineral, agricultural, commercial, and industrial resources of this country and in raising it to its present proud position among the nations of the world.

There is room in this broad land for many millions more of human beings. By maintaining the liberal policy of our forefathers, who extended to every new-comer the warm hand of welcome, we may and will continue to multiply our national wealth and the comforts and happiness of our people. By surrounding ourselves with a Chinese wall of intolerance we will as surely invite stagnation and retrogression.

Third. The patriotic devotion of those who have in the last century emigrated to our land and acquired a right of citizenship among us has been such as to win a proud place in its history, and not least among them are the members of our own organization. What right have we to assume that the character of those to come under a continued liberal policy of immigration will be one particle lower than of those who came before? In truth, the very proposal of these liberal measures is an affront to the hearer of every non-English name, no matter how long the line of his ancestry that helped to build up this nation!

Fourth. Any material change of our present naturalization laws, looking to the discouragement of naturalization, must be regarded as uncalled for and mischievous. Not merely should we encourage those who have cast their fortunes among us to soon become loyal members of our body politic, but the very existence of large bodies of unnaturalized residents would seem to constitute a menace to our institutions. Love of a free country can best be bred in men by securing to them the full and early enjoyment of its privileges and blessings.

Fifth. The scheme proposed, of emigrant inquisition through our consular and governmental representatives abroad, is impracticable and unjust. It will aid the wicked merely and deter the good. No European government will assist in retaining its bad elements and in forwarding the desirable. Besides, a system of espionage like this is odious and degrading to all concerned.

Sixth. Our existing laws, if rigidly and justly enforced, afford ample protection against all undesirable and criminal immigration; but no such system of laws as now proposed can be enacted without violating the fundamental principles of our national compact and darkening the brightest pages of our national history.

In the sentiments of this protest the mighty host of men who sought this land for the freedom and enlightenment which it promised, we feel assured, will heartily join. They must regret, as they will resent, the apparent spirit of race prejudice and nativism which these proposed laws so liberally display, and for them all, as well as the members of our own particular organization, we do most earnestly petition you not to lend your voice and vote to their enactment.

The SPEAKER. The memorial will be referred to the Committee on Immigration.

#### PUBLIC BUILDING AT NEW LONDON, CONN.

Mr. RUSSELL. I ask unanimous consent for the present consideration of the bill (S. 977) for the erection of a public building at New London, Conn.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators and approaches, for the use and accommodation of the United States post-office, custom-house, and other Government offices, in the city of New London and State of Connecticut, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$100,000, which said sum of \$100,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Connecticut shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.



The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BRECKINRIDGE, of Kentucky. I could not hear what change was recommended by the committee.

The amendments were read, as follows:

The committee recommends to strike out the words "one hundred thousand" and insert in lieu thereof the words "seventy-five thousand."

Mr. BRECKINRIDGE, of Kentucky. Is there an appropriation clause?

Mr. KERR, of Iowa. I believe it is understood that the appropriation clauses should be stricken out of all these bills; and I therefore move that it be stricken out of this bill.

Mr. HOLMAN. I think that the report ought to be read.

The report of the House Committee was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 159) for the erection of a public building at New London, Conn., submit the following report:

The erection of a public building at New London, Conn., for the uses of the post-office, custom-house, naval station, signal station, and United States steamboat inspection office for Connecticut and Rhode Island, was considered in the Fifteenth Congress. A bill for such a public building was favorably reported from the committees of the Senate and the House and passed in the Senate.

The harbor of New London, Conn., is one of the finest in the world, and is the most important port of refuge on the New England coast. The number of registered and enrolled vessels entered at the custom-house is 182, with a net tonnage of 51,073.60 tons. The customs receipts for the fiscal year ending June 30, 1887, were \$15,468.66, an increase of about \$5,000 over the preceding year. The total value of imports of merchandise for year ending June 30, 1888, was \$112,445. The population, according to the census of 1880, was 10,537, and the present population is estimated to be not less than 15,000.

Since 1880 new manufacturing enterprises, employing in the aggregate over 1,500 hands, have been established. Among the most important of these are two silk-mills, the product of one of which, in 1877, was \$1,214,000; manufacturing of printing presses, gray iron castings, hot-water heaters, marine engines and boilers, electric machinery, and bushings.

There are eleven passenger trains daily between New London and New York during the summer season, and eight in the winter, and about the same number between New London and Boston.

The number of summer residents, not included in above estimate, is not less than twenty-five hundred, and is steadily increasing every year.

The present post-office is entirely inadequate in proper accommodation for the transaction of the postal business. The inside dimensions of the office are 34 by 32 feet, and the lobby for the use of the public is only 6 feet in width. The city has a free delivery, which is embarrassed by the limited post-office accommodations.

During the past year there were on file at one time with the postmaster three hundred applications for lock-boxes and one hundred for call-boxes that could not be filled. The office is the supply office for all points on the New London Northern Railroad as far north as Palmer, Mass., all points on the Shore Line east of New Haven, all points on the New York, Providence and Boston west of Providence. It also supplies Eastern Connecticut and the entire State of Rhode Island, excepting only the city of Providence, with registered mail. There are daily made up at the office ninety-six mails. The gross receipts of the office for the last fiscal year were \$24,140.02, and the net receipts \$13,889.50. The rent paid by the Government for the present post-office accommodations is \$2,437.50.

It is reported from official sources that the space required for the present needs of the office is three times as great as can be had in the present quarters.

Your committee recommend that the bill be amended as follows: In line 13, strike out the words "one hundred" and insert in lieu thereof the words "seventy-five"; in line 14, strike out the word "one" and insert in lieu thereof the word "seventy"; also, in line 15, strike out the word "hundred" and insert the word "five."

Your committee recommend that the bill as amended do pass.

The SPEAKER. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The SPEAKER. The question is now on the amendment presented by the gentleman from Iowa, to strike out the appropriation clause.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RUSSELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. Without objection the bill (H. R. 159) relating to the same subject will be considered as laid upon the table.

There was no objection.

#### PUBLIC BUILDING AT HOBOKEN, N. J.

Mr. MCADOO. I ask to take from the Calendar and place upon its passage the bill (H. R. 571) extending the limit of cost for public building at Hoboken, N. J., to meet requirements of site.

The bill was read, as follows:

*Be it enacted, etc.,* That the additional sum of \$15,000 is hereby appropriated for the securing a proper foundation, building, and completing the post-office building at Hoboken, N. J., to be expended by the Secretary of the Treasury, subject to the requirements of an act for that purpose approved June 15, 1888. The limit of cost prescribed in said act is hereby extended as aforesaid, and no plan shall be approved which will involve an expenditure for site and building complete, including approaches, greater than the limit herein fixed.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. HOLMAN. I ask that the report be read, though, Mr. Speaker.

The report was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 571) providing for the erection of a public building for the use of the United States post-office and other Government offices in the city of Hoboken, N. J., submit the following report:

Hoboken, Hudson County, New Jersey, is situated on the west bank of the

Hudson River, directly opposite the center of the city of New York. It has been an incorporated city for many years. In area it is about 2 miles long by about 1½ miles wide.

It has a population of about 50,000, 25 per cent. of which has been added within ten years. Four lines of transatlantic steamers have their American termini at Hoboken. They are well known European lines. It is a great coaling depot and the home place of one of the leading express companies. It has numerous great manufacturing industries, such as paper, silk, machines, iron, steel, lead pencils, scientific instruments, and very many others.

At the first session of the last Congress the sum of \$60,000 was appropriated to buy a site and erect a post-office building at this place. After careful investigation an eligible site was selected. This site cost \$30,000, leaving only \$30,000 to pay for a building. The building contemplated, an exceedingly small and plain affair for a city of this size and importance, can not be built for that sum. The Supervising Architect of the Treasury has communicated with the committee on this subject, stating that the sum of \$15,000 additional is necessary to construct this building.

The committee recommend that the bill do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCADOO moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### SALE OF WESTERN PART OF CROW RESERVATION.

Mr. CARTER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 526) to authorize the Secretary of the Interior to procure and submit to Congress a proposal for the sale to the United States of the western part of the Crow Indian reservation, in Montana.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to proceed forthwith, by such agents or commissioners as he may appoint, not to exceed three in number, at a reasonable compensation to be fixed by him, to negotiate with the Crow tribe of Indians, in the State of Montana, for the purchase from them by the United States of all that portion of their reservation lying south of the Yellowstone River and west of the Clarke's Fork River, in said State, and to procure the most favorable proposition at which the said Crow Indians will sell the lands aforesaid to the United States, and to submit the same to Congress at the earliest practicable moment in the form of an agreement, subject to ratification by Congress.

Sec. 2. That such sum of money as may be necessary to carry out the provisions of this act, not to exceed \$5,000, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, and the same shall be disbursed upon the order of the Secretary of the Interior for the purposes aforesaid.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BRECKINRIDGE, of Kentucky. Has that bill been reported by a committee?

Mr. CARTER. It has been reported favorably.

Mr. BRECKINRIDGE, of Kentucky. Subject to the right to object, I would like to have the report read in explanation of the necessity for the bill.

Mr. HOLMAN. I would like to have the report read.

The report was read, as follows:

The Crow Indian reservation in Montana embraces an area of about 6,000,000 acres.

That upon this vast tract of land about 2,500 Indians are located, according to the best testimony we have been able to procure, including the statement of Colonel Howard, who has spent considerable time in surveying lands on the reservation and making allotments to the Indians in severalty. The tribe is located entirely east of the divide between the Clarke's Fork River and Pryor's Creek. These streams run nearly parallel from the south into the Yellowstone River. West of this divide the approximate area is about 670,000 acres. Within that area no lands have been allotted to Indians, nor are the Indians now settled upon or in the habit of camping upon or traveling over any portion of this ground.

That heretofore allotments have been made to the Crow Indians to the extent of 234,080 acres, and the acreage yet to be allotted will aggregate about 500,000 acres. All these allotments have been made east of the divide between Clarke's Fork River and Pryor's Creek, and east of that divide there will still remain over three and a half million acres of land after all allotments shall have been made to all the Indians in the tribe. It is therefore evident to your committee that the Indians have no use whatever for the unoccupied portion of the reservation lying west of the divide, between Pryor's Creek and Clarke's Fork.

That portion of the reservation thus unoccupied is composed of rich valley lands, well watered and suited for agriculture, together with certain mountainous portions, in which minerals have been discovered and developed to a considerable extent by prospectors. It is known that in the easterly part of said strip, along the banks of Clarke's Fork River, there are splendid deposits of bituminous coal, while on the westerly edge of the reservation the deposit of copper, gold, lead, and silver ores is known to be extensive. The Northern Pacific Railroad extends along and to some extent through this westerly portion of the reservation along the Yellowstone River, and prosperous settlements have grown up along the line of that road. The same is true as to the westerly end of the reservation, while on the south of this westerly portion of the reservation the mining camp of Cooke City has been developed to a very considerable extent and with great promise of future prosperity.

There is likewise developed just south of this strip, west of the divide aforesaid, the flourishing town of Red Lodge, containing a population of about 1,000 souls, and dependent upon the development of the vast coal deposit upon what is known as the Rocky Fork River, a stream running parallel to and west of Clarke's Fork.

It will thus be seen that on the north, the west, and the south, this unoccupied portion of the Crow reservation is surrounded by thrifty settlements of people devoted to the development of the resources of the contiguous country. This portion of the reservation constitutes a barrier, separating the people of the Yellowstone Valley from the settlements south of the reservation, and is, therefore, not only unproductive, but in its present condition, under the jurisdiction of the General Government and not subject to settlement, under the jurisdiction of the Crow reservation is a positive detriment to the people of Montana, while of no value whatever to the Crow Indian tribe.

Your committee therefore recommends that the bill providing for the opening of negotiations with the Crow Indians looking to the purchase of the westerly portion of the said reservation by the United States be passed, with an

amendment fixing the summit of the divide between Pryor's Creek and Clarke's Fork River as the westerly limit to the Crow reservation, and that the Secretary of the Interior be authorized to appoint three commissioners instead of five; that the word "five" be stricken out of line 5 of said bill and "three" inserted in lieu thereof.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. PEEL. I hope there will be no objection to its consideration, but I wish to offer an amendment.

Mr. HOLMAN. Do I understand that this body of land proposed to be acquired is 675,000 acres?

Mr. CARTER. That is about the acreage.

Mr. HOLMAN. Along east of Cooke City.

Mr. CARTER. It is to the north and east of Cooke City.

Mr. HOLMAN. And it comprises about 675,000 acres.

Mr. CARTER. About 675,000 acres.

Mr. HOLMAN. And embraces, in the main, the better portion of the Crow reservation.

Mr. CARTER. That is the understanding. The mineral contained there is iron, and gold and silver as well, I believe.

Mr. HOLMAN. And this is the land through which the right of way has heretofore been granted to two railroad companies.

Mr. CARTER. I think the Rocky Fork Railway Company has heretofore secured the right of way through this portion of the reservation. That road is now being operated across the reservation.

Mr. HOLMAN. I wish to suggest an amendment, but I will not suggest it at this moment.

Mr. PEEL. Mr. Speaker, I discover from the reading of the bill that it provides for five commissioners. I desire to move to strike out "five" and substitute "three."

Mr. CARTER. The committee suggest that amendment.

The SPEAKER. The amendments reported by the committee will be read.

The amendments were read, as follows:

Amend by striking out, in line 5 the word "five" and inserting in lieu thereof the word "three;" also, in line 10, after the word "the," insert the following: "summit of the divide between Pryor's Creek and."

The amendments were agreed to.

Mr. HOLMAN. I suggest to the gentleman from Montana [Mr. CARTER] that there is no limit fixed in the bill to the amount of compensation that may be paid by the Secretary of the Interior to these commissioners, and I think the bill ought to be amended by fixing a limit, not to exceed \$7 or \$8 a day.

Mr. CARTER. There is no objection to that.

Mr. HOLMAN. I move to amend by inserting, in line 6, after the word "him," the words "not to exceed \$7 per day."

Mr. CARTER. I move to amend the amendment by adding the words "and necessary traveling expenses."

The SPEAKER. Does the gentleman from Indiana accept the amendment?

Mr. HOLMAN. I shall not object to it, but I thought that perhaps \$7 a day was enough to cover all.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CARTER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### THE LATE REPRESENTATIVE NUTTING.

Mr. PAYNE, by unanimous consent, submitted the following resolution; which was considered, and adopted:

*Resolved*, That Saturday, April 5, beginning at 3 o'clock p. m., be set apart for paying tribute to the memory of Hon. Newton W. Nutting, late a member of the House of Representatives from the Twenty-seventh district of the State of New York.

#### ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at 12 o'clock and 45 minutes, and the call rests with the Committee on Public Lands. The pending question is on the engrossment and third reading of the bill (H. R. 7254) to repeal timber-culture laws, and for other purposes.

Mr. PAYSON. Mr. Speaker, how much time remains to me?

The SPEAKER. Fifteen minutes.

Mr. DUNNELL. Mr. Speaker, when this bill was up for consideration a few days ago I submitted some remarks in opposition to its passage. I stated that my objection was chiefly based upon the fact that there was pending in this House a bill for the reservation and preservation of public lands in the interest of forestry, and I insisted that this bill should rest with the committee until they had taken some action upon the bill upon that subject that I had had the honor to introduce.

That bill was prepared in the Department of Agriculture, under the more especial care of the chief of the division of forestry. So far the Committee on Public Lands has not indicated any time for the consideration of that bill. We have asked for the appointment of a subcommittee for its consideration. The chairman of the committee the other day stated very frankly, and I accepted the statement, that the Committee on Public Lands was not averse to legislation upon the subject

of forestry. The American Forestry Association, whose principal offices are in the city of Philadelphia, has taken a good deal of interest in the bill that was introduced by me upon that subject, and which is now in the Committee on Public Lands.

I have not purposed at any time to prolong debate upon the pending bill, and I do not desire now to consume any considerable time, because the Committee on Public Lands has its rights and its privileges. I desire to submit as a part of my remarks a memorial which has been prepared in Philadelphia upon the question of forestry and which is reflected in the bill which I introduced upon that subject. Under the existing law one quarter-section in each section of the public lands may be taken up for cultivation and the culture of trees.

I regret to have to confess that the original bill, which I had the honor to have passed in the Forty-second Congress, was defective, and also that the amendments which have been made to it since then have not wholly removed the defects in the original bill. My objection to the passage of this bill has been largely that it turns back into the public domain, to be entered upon under the pre-emption and homestead laws, this large volume of land that was sacredly set apart for the encouragement of the cultivation of timber. But for the desire of men in Dakota, Kansas, and Nebraska who have been anxious to get hold of the largest possible amount of public land at the lowest possible expense, I believe that we should now see that treeless country studded with well grown or growing forests.

The gentleman from Illinois [Mr. PAYSON], the chairman of the Committee on Public Lands, stated the other day that those quarter-sections had fallen into the hands of "land-sharks," or speculators in public lands. Now, if it be true, Mr. Speaker, that all these lands are now thus held, this legislation only goes to the extent of confirming those lands in their possession. If any man of that character is now on a quarter-section of this land, faithlessly holding it against the public weal, this legislation will allow him to perfect his seizure of this much of the public land. It says to him that, although the quarter-section may be worth \$10 an acre and although he has been holding it under mere color of law, he shall be allowed to perfect the wrong, the bad faith with which he entered upon that land, and obtain the land now for \$1.25 an acre.

I respectfully insist, Mr. Speaker, that this bill ought to be recommended to the Committee on Public Lands with instructions to report it back in connection with pending bills on the subject of forestry. I do not claim that I have been recognized for the purpose of entering the motion to recommit.

My opposition to this measure has been a natural one. I took a great deal of interest in the question of tree-culture some years ago. My interest has not abated, and under the influence of the legislation of 1873 there are forestry associations now in almost every State of the Union, and the forestry department of Massachusetts, Pennsylvania, and many of the older States date their birth from the action in this House on the matter of tree-culture. The repeal of that law at the present time and under present circumstances will be hostile to the legislation which we desire upon this very important subject.

I ask that this memorial from the American Forestry Association may be printed as part of my remarks.

The SPEAKER. The Chair hears no objection.

The memorial is as follows:

#### Memorial of the American Forestry Association.

To the Senate and House of Representatives of the United States of America: At the eighth annual meeting of this association, held in Philadelphia October 15 to 18, 1889, the following resolutions were adopted:

"*Resolved*, That we respectfully petition the Senate and House of Representatives of the United States to pass an act withdrawing temporarily from sale all distinctively forest lands belonging to the Government of the United States, as recommended by the Secretaries of the Interior during the past three Administrations, and providing for their protection, and authorizing the employment of the Army, if necessary, for this purpose, until a commission, to be appointed by the President, shall have made such examination of the forests on the public domain as shall be necessary for determining what regions should be kept permanently in forest, and shall have presented a plan for a national forest administration.

"*Resolved*, That we also petition the Senate and House of Representatives to authorize the President of the United States to appoint a commission for the purpose of examining the forests on the public domain and reporting to Congress a plan for their permanent management, and that Congress make the necessary appropriations for such commission."

The reasons for our urgent petition for the passage of these measures is briefly this: that, in the opinion of all those who have investigated and considered the matter, these measures, or others equally radical, can alone secure the magnificent forests upon these lands from destruction by ax and flame within a comparatively short period.

What the result of such destruction would be may in some measure be realized by considering these forests from three points of view.

First. They are valuable parts of the property of the nation. Though far less extensive than formerly, they still cover from 50,000,000 to 70,000,000 acres. They are too valuable, merely as present property, to be neglected, left to the timber thief to carry off or the chance fire to burn down.

Second. They will be needed as an important source of timber supply for the Western States for all time to come. If the population of this country is to continue what it is now, to say nothing of its probable great increase, these forests must always be looked to to supply the people of a vast region with timber for buildings, railroads, mining, and many manufacturing industries. Any serious diminution of this supply, owing to deforestation on a large scale, would prove a serious check to the prosperity of the Western States.

Third. The greatest value of these forests to the present and future inhabitants of the Western States is in the assistance they render to agriculture through their influences on the water supply and the climate. The mere loss of national property, though measured by millions, can be endured; the absence of a tim-



ber supply at home can in a measure be made up for by purchases from more prudent foreigners and by the substitution of other materials in the place of wood products; but there is absolutely nothing, natural or artificial, that will take the place of the mountain forest as a regulator of rain-fall and water supply. Every inland region without forests is a region of long droughts, varied by destructive storms. Every mountain region without forests is a region whose streams, instead of watering the valleys below with a constant and adequate flow, alternately dwindle into insignificance and swell into raging torrents, not only flooding the country, but covering it with rocks and sand from the mountain sides. Great as is the damage caused by the loss of mountain forests to a region naturally well watered, it would render agriculture impossible in that extensive district which has so recently begun to be rendered fertile by the use of irrigation. No system of reservoirs, even the most costly and ingenious, can take the place of the forests on any large scale. The most that it can do is to co-operate with them.

It is respectfully suggested that the true value and use of these mountain forests has never been properly considered by this Government. It has apparently never realized that mountain forest land differs from all other land in this important respect, that its condition can not substantially be changed without disastrous results; that it must, for the sake of the properly agricultural land, always remain in forest. On the contrary, it has been sold and given away like other land without any restrictions whatever upon its use in private hands, although the experience of every nation shows that the National Government alone has the power and the means for the best forest management, and that its power must be exerted even over private forest property in order to prevent disaster to the community from the action of individuals.

Timber cutting has been permitted on the lands yet unsold, but under impractical restrictions as to use, without any regard to proper methods, and with no compensation to the Government. The necessity of timber as an article of merchandise and the impossibility of obtaining it legally from the public lands for that purpose have inevitably led to enormous thefts of timber and fraudulent acquisition by a few individuals and corporations of large tracts of land to which actual settlers only were legally entitled. While millions upon millions of dollars' worth of timber have been stolen, both for home and export trade, the pitiful sum recovered barely covers the cost of prosecution. Lastly, the utter absence of protection from fire has led to the destruction of enormous tracts which will very slowly, if ever, be covered again by a forest growth of any value.

The time has come when a change in these methods is absolutely necessary, and it is urgently called for by thousands of people whose future depends on a regular water supply.

While the immediate withdrawal of the public forest lands from sale and entry is absolutely essential as a first step to their preservation as forests, it will not of itself secure this end. The destructive fires and extensive thefts will go on as before. Still less will the mere reservation of the land enable the timber to be properly utilized. These lands must be administered—protected from fire, and the timber cut only when ripe and with a view to a constant new growth. Temporarily some portion of the Army can be employed to guard these lands until a practical system of administration, a common-sense application of scientific knowledge and the experience of other progressive nations to the needs of the place and the time, can be successfully inaugurated. The organization of such an administration can best and soonest be effected by a commission of competent men appointed for the purpose.

That the evils above referred to are not imaginary, but real, present, and constantly increasing, the memorials from the Pacific Slope and the investigation of the Senate Committee on Irrigation abundantly prove. It is impossible to overestimate the importance of right action and prompt action in this matter, and that the Congress of the United States will permanently close its ears to the ever louder and louder cry of the people for forest preservation this association refuses to believe. With all hope, as well as earnestness, it prays your honorable body to enact such laws as the practical needs of the hour and a wise foresight of the future may dictate.

All of which is respectfully submitted.

JAMES A. BEAVER,

*President of the Association,*

WILLIAM ALVORD, of California,

ABBOT KINNEY, of California,

EDGAR T. ENSIGN, of Colorado,

JAMES E. HOBBS, of Maine,

J. STERLING MORTON, of Nebraska,

WARREN HIGLEY, of New York,

CHARLES C. BINNEY, of Pennsylvania,

HERBERT WELSH, of Pennsylvania,

*Committee.*

PHILADELPHIA, January, 1890.

Mr. PAYSON. I yield five minutes to the gentleman from Washington [Mr. WILSON.]

Mr. WILSON, of Washington. Mr. Speaker, I desire to say but a single word in support of the pending bill. I have had some considerable experience in reference to the operation of the timber-culture act; and in my judgment it is, in the portion of the country I have the honor to represent, a most colossal failure. In the Spokane Falls land district there had been up to June 30, 1888, two thousand eight hundred timber-culture entries and twenty-six final proofs; and but three of those final proofs have been passed to patent.

In my judgment, the act in question, instead of being regarded as an act for encouraging the growth of timber upon the plains of the West, ought more properly to be called "An act to encourage contests and litigations of every kind and character to harass, worry, and bedevil the men who are building signal stations of civilization upon the plains of the great West." You can ride for three days in the great agricultural basin of Eastern Washington and not see a single timber-culture entry of any value whatever. Men have expended large sums of money—in single instances \$200, \$300, \$500, or \$1,000—in efforts to secure the growth of timber, those efforts being frustrated by reason of climatic conditions.

In my judgment, the bill now pending should be passed, and men who have expended their time, their labor, and their scanty means in the endeavor to encourage the growth of timber should now be allowed an opportunity to acquire title to the lands on which such expenditures have been made.

As part of my remarks, I desire that a memorial adopted by the Legislature of the State of Washington be read from the Clerk's desk. I hope that the pending measure, which is just to the people whom I have the honor to represent, will pass.

The Clerk read as follows:

House memorial.

To the Senate and House of Representatives of the United States in Congress assembled: Your memorialists, the Legislature of the State of Washington, would respectfully represent—

That there are many settlers in the eastern part of the State of Washington who have made entry of Government lands under the provisions of an act of Congress entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the Western prairies,'" approved June 14, 1878, and the acts of which said act is amendatory; that in many localities in Eastern Washington the summer months are very dry and hot; that the rainfall is insufficient to supply the necessary moisture for the growth of trees; that the country is so broken and rolling that it is impossible to irrigate the land in any way; that on account of the extreme heat and dryness of the summers the trees planted on such timber-culture claims have failed to grow; that in many cases where the trees have withstood the drought of summer they have succumbed to the frosts and cold weather of the winters; that many settlers have expended from \$500 to \$1,000 in the attempt to make timber grow on their timber-culture claims, and they are now no nearer securing title to their claims than they were five or six years ago; that many settlers have made valuable improvements on their timber-culture claims, and that on account of the failure of their trees to grow on such claims they are frequently subjected to tedious and expensive contests on account of alleged failure to comply with the provisions of the timber-culture law; that the money and labor expended in the attempt to comply with the timber-culture law has been absolutely lost to the settler on land under the timber-culture law in a great majority of the cases where entries have been made thereunder; that but little of the prairie land of Eastern Washington is adapted to the growth of timber; that the varieties of timber that can be grown on the land in that portion of this State are such as have but little value for domestic or manufacturing purposes. Therefore your memorialists pray that such laws be enacted by the Congress of the United States as will provide for the settler on lands under the provisions of the timber-culture law to acquire title to his land by paying to the United States the sum of \$1.25 per acre for the land included in their entries under this law, and upon proof that they have complied with the provisions of law as to breaking the land and planting and cultivating trees thereon from the time of making entry thereof up to the time of offering to make final payment therefor, as prayed for in this memorial. And your memorialists will ever pray.

Passed the House January 22, 1890.

J. W. FEIGHAN, *Speaker.*

Passed the Senate January 31, 1890.

CHAS. E. LAUGHTON, *President.*

Mr. PAYSON. Mr. Speaker, as no member of the House seems desirous to continue this debate—

Mr. DUNNELL. I would like to call the attention of the House—

Mr. PAYSON. How much time does the gentleman desire? The hour is passing pretty rapidly. I will yield the gentleman two minutes.

Mr. DUNNELL. I desire, Mr. Speaker, to call the attention of the House to the argument of the memorial just read. It is a plea on the part of the men who have made these entries to come in and buy up these lands at \$1.25 an acre. The gentleman from Washington [Mr. WILSON] concedes and the memorial concedes just what I have said.

Mr. PAYSON. If the statement made in that memorial is true, that owing to climatic conditions it is impossible to comply with the provisions of the timber-culture law, what objection can the gentleman from Minnesota urge against allowing citizens to buy that land at \$1.25 an acre?

Mr. DUNNELL. I am not willing to accept the statement as true. Washington is notorious as a forest State. The climatic plea is not a good one. Trees may be grown, too, in South Dakota and North Dakota, if properly planted and cultivated. I am sorry that a Representative from the Dakotas should admit here on the floor of this House that henceforth and forever those States are to remain treeless. It is the hardest argument that a Representative can make against the State he represents. When you admit that the Dakotas are henceforth to be treeless you take from them the honor they have to-day and the great prospect which is held out as within their grasp. I am unwilling to admit that those States are to be treeless henceforth and forever. If their Representatives are willing to admit it I will not.

Mr. PAYSON. I yield to the gentleman from South Dakota [Mr. PICKLER] such time, not exceeding five minutes, as he may require.

Mr. PICKLER. Mr. Speaker, the gentleman from Minnesota seems to be jealous of his bill before the Committee on Forestry. That seems to be the burden of his song.

Mr. DUNNELL. Oh, no.

Mr. PICKLER. Why, you talk more about that than anything else.

Now, the fact is that it is altogether possible the Legislature of the State of Washington knows about as much of what they want out there as the gentleman from Minnesota does. The Representatives from the two Dakotas, from Washington, and Montana have not claimed and do not claim that trees will not grow in their States. But what they do claim, and the gentleman from Minnesota knows it, if he knows anything about the matter at all, is that under the timber-culture act, with a man's land 5, 10, or 30 miles, as is the case in some instances, away from where he lives, it makes it difficult if not impossible for him to attend to the tree-culture.

Looking after the matter of cultivating his lands, he can not and does not and never will, under this law, raise timber. Now, that is the practical statement of this whole question; and why the gentleman should object, why there should be any objection from any quarter where this timber-culture law, that has been discussed here universally and as to which there have been efforts made year after year to repeal, and as has been recommended by Commissioner after Commissioner of the Land Department to be repealed—why now the objection should come to its

repeal on the part of the gentleman from Minnesota, whose State it does not concern in the least, is a matter beyond my comprehension.

I hope, Mr. Speaker, that in behalf of the settlers of the West and of the Northwest this bill will come to a vote and will pass. Our people very earnestly desire it, and, I submit, in a few years, by planting trees around their houses and barns where they live, we will have a good growth of timber in that region.

Mr. PAYSON. I now move the previous question upon the engrossment and third reading of the bill.

The previous question was ordered; under the operation of which the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### FEES OF REGISTERS AND RECEIVERS.

Mr. PAYSON. I now yield to the gentleman from Iowa to present a bill.

Mr. LACEY. I call up for consideration the bill (H. R. 935) to amend section 2238 of the Revised Statutes of the United States, relating to fees of registers and receivers.

The bill is as follows:

*Be it enacted, etc.,* That paragraph 12 of section 2238 of the Revised Statutes of the United States be, and the same is hereby, amended by striking out the word "Washington."

Mr. LACEY. Mr. Speaker, I wish to say by way of explanation simply that in certain of the States and Territories the rates of fees of registers and receivers are 50 per cent. higher than in other parts of the United States. This becomes necessary by reason of the large expense of some of the offices, as well as because of the small amount of business done in them. Neither of these reasons any longer exists in the State of Washington, but on the contrary the fees in each of the offices there are largely in excess of the amount required for their ordinary expenses. This bill has been presented by the gentleman from Washington because of the unnecessary cost that is entailed upon the homesteaders and pre-emptors in that State.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LACEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MARY ALICE WHITE OGDEN.

Mr. PAYSON. I now ask consideration of the bill (H. R. 6034) for the relief of Mary Alice White Ogden.

The bill was read, as follows:

Whereas Mary Alice White having made a settlement as a pre-emptor on the northeast quarter of section 2, in township 2 south, of range 16 east, in the district of lands subject to sale at The Dalles, in the State of Oregon, and acting upon the advice of the local officers that her marriage before final proof, payment, and entry would not affect or invalidate her right to make such final proof, payment, and entry, became the wife of ——— Ogden prior to such final proof, payment, and entry; and

Whereas the Commissioner of the General Land Office and the Secretary of the Interior have decided that by such marriage the said pre-emption settler placed herself under legal disability to make such final proof, payment, and entry; Therefore,

*Be it enacted, etc.,* That the said Mary Alice White Ogden be, and she is hereby, relieved from any disability to make final proof, payment, and entry for said northeast quarter of section 2, in township 2 south, of range 16 east, The Dalles land district, Oregon, growing out of or ensuing from her said marriage; and that if the said Commissioner of the General Land Office and the said Secretary of the Interior shall find the final proofs submitted as to said land by her to be otherwise satisfactory, the entry shall be approved and the patent of the United States issued to the said Mary Alice White Ogden therefor, notwithstanding her marriage aforesaid.

The committee recommended the adoption of the following amendments:

Strike out the preamble, and also substitute the word "the" for the word "said" in line 5 of the bill.

Mr. McMILLIN. This bill is improperly on this Calendar, Mr. Speaker. It seems, however, to be a meritorious claim, and I shall not make the point if the report accompanying it sustains the allegations of the bill.

Mr. PAYSON. There is no question as to the fact. It involves only the right to perfect an entry.

Mr. McMILLIN. Nevertheless it is not cognizable in this hour.

Mr. HERMANN. The Department reports it favorably.

The SPEAKER. The report will be read.

The report (by Mr. DE HAVEN) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 6034) for the relief of Mary Alice White Ogden, have considered the same and report as follows:

The legislation herein proposed received consideration by this committee at the last session of Congress and was favorably reported. The reasons for the passage of this bill were thus stated by the committee in House Report No. 3373, Fifty-third Congress, first session, and we adopt the same as part of this report:

"We find that Mary Alice White, a single woman and qualified pre-emptor, made settlement on the land described, filed her declaratory statement, made residence on, improved, and cultivated the land during the full period required by law, making the land her exclusive and bona fide home. That being about to marry, she consulted the local land officers as to whether it would affect her

pre-emption claim, and they informed her that, having complied with the law by her residence and improvement for the period prescribed by the law, her marriage would not affect her right.

"She thereupon married ——— Ogden, and shortly after appeared before the same United States officials and then made her final proof and payment for the land, after the usual published notice, and received her certificate. The Interior Department suspends her entry on the ground that under the pre-emption law a married woman is not a qualified pre-emptor, and that she, having married before making her final proof, became disqualified to acquire title under the law. In view of the peculiar circumstances of the case, of the equities so apparent, of the assurances relied on, and the continuous good faith of the settler, we recommend the passage of the bill and confirmation of title to her."

We recommend that the bill be amended by striking therefrom the preamble, and also by substituting the word "the" for the word "said" in line 5, page 2, of printed bill, and, as so amended, that it be passed.

Mr. McMILLIN. I shall not make the point of order against the bill.

The amendments recommended by the committee were adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### CONVEYANCE OF CERTAIN LANDS TO KANSAS.

Mr. PAYSON. I now yield the remainder of the time to my colleague, the gentleman from Kansas [Mr. TURNER].

Mr. TURNER, of Kansas. I ask immediate consideration of the bill (H. R. 3760) to authorize the Secretary of the Interior to convey to the State of Kansas certain lands therein.

The bill was read at length.

The SPEAKER. This bill is not on the House Calendar and is not in order in this hour.

Mr. TURNER, of Kansas. I ask unanimous consent for its present consideration.

The SPEAKER. The Chair can not recognize the gentleman for that purpose at this time.

Mr. PAYSON. That, Mr. Speaker, is all the business we have to present from our committee at this time.

#### PITTSBURGH, COLUMBUS AND FORT SMITH RAILWAY COMPANY.

The Committee on Indian Affairs was called.

Mr. PERKINS. I am instructed by the Committee on Indian Affairs to ask consideration of the bill (H. R. 344) to grant the right of way to the Pittsburgh, Columbus and Fort Smith Railway Company through the Indian Territory, and for other purposes.

The bill was read, as follows:

*Be it enacted, etc.,* That the Pittsburgh, Columbus and Fort Smith Railway Company, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian Territory, beginning at a point at or near the southwest corner of lot No. 4 of section No. 14, township No. 35, range 23 east, on the south line of the State of Kansas, in the county of Cherokee, and running thence by the most practicable route through the Indian Territory, by way of a point at or near Afton and Table-qual, to a point on the Arkansas River near Fort Smith, Ark., with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem to their interest to construct along and upon the right of way and depot grounds herein provided for.

Sec. 2. That said corporation is authorized to take and use, for all purposes of a railway and for no other purposes, a right of way 150 feet in width through said Indian Territory, and to take and use a strip of land 250 feet in width, with a length of 3,000 feet in addition to right of way, for stations, for every 10 miles of road, with the right to use additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *And provided further*, That no parts of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purpose only as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone line, and when any portion thereof shall cease to be used, such portion shall revert to said nation, or tribe of Indians from which the same shall have been taken.

Sec. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisal of three disinterested referees, to be appointed, one (who shall act as chairman) by the President of the United States, one by the chief of the nation to which said occupant belongs, and one by said railway company, who, before entering upon the duties of their appointments, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointments, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof, and a majority of said referees shall be competent to act in the case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court for the western district of Arkansas or the district court of Kansas, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which said occupants belong. Each of said referees shall receive for his services the sum of \$4 per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at 5 cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nation. Costs, including compensation of the referees, shall be made a part of the award and be paid by said railway company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the



reference shall have the right, within ninety days after making of the award and notice of the same, to appeal by the original petition to the district court of the western district of Arkansas or the district court of Kansas, which court shall have jurisdiction to hear and determine the subject-matter of said petition according to the laws of the State in which the same shall be heard provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the cost of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the cost shall be adjudged against the appellant. When proceedings have been commenced in court the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with construction of the railroad.

SEC. 4. That said railway company shall not charge the inhabitants of said Territory a greater rate of freight than the rates authorized by the laws of the State of Kansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed 3 cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government shall be authorized to fix and regulate the cost of transportation of persons and freight within its respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another or shall extend into more than one State: *Provided, however*, That the rates of such transportation of passengers, local or interstate, shall not exceed the rates above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide, and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of \$50 in addition to compensation provided for in this act, for property taken and damages done to individual occupants by the construction of the railway for each mile of railway that it may construct in said Territory, said payment to be made in installments of \$1,250 as each working section of 25 miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose land said railroad may be located shall, within four months after the filing of the maps of definite location, as set forth in section 6 of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section 3 for the determination of the compensation to be paid to the individual occupants of lands, with the right of appeal to the courts upon the same conditions, terms, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned or occupied by the Indians, to the Secretary of the Interior the sum of \$15 per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him in accordance with the laws and treaties now in force among the different nations and tribes according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, as long as said lands are occupied and possessed by said nation or tribe, to impose such additional taxes upon said railway as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may be within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

SEC. 6. That said company shall cause maps showing the route of its located line through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located, and after filing said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within one year thereafter, or said location shall be void; and said location shall be approved by the Secretary of the Interior, in sections of 25 miles, before construction of any such section shall be begun.

SEC. 7. That the officers, servants, and employees of said company, necessary to the construction and management of said road, shall be allowed to reside, while so engaged, upon said right of way, but subject to the provisions of the Indian Intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

SEC. 8. That the United States circuit and district courts for the western district of Arkansas and the district of Kansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Pittsburgh, Columbus and Fort Smith Railway Company and the nations or tribes through whose territory said railway company shall construct their lines; said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nation or tribe and said railway company, and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

SEC. 9. That the said railway shall build at least 100 miles of its railway in said Territory within three years after the passage of this act and complete main line of the same within one year thereafter, or the rights herein granted shall be forfeited as to that portion not built. That said railway company shall construct and maintain continually all fences, roads, and highways crossings, and necessary bridges over said railway whenever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same.

SEC. 10. That the said Pittsburgh, Columbus and Fort Smith Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors, and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian nations any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the conditions mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railway, with the franchises, that may be constructed in said Indian Territory shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

SEC. 12. That Congress may at any time amend, alter, or repeal this act, and

the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgage or other liens that may be given or secured thereon to aid in the construction thereof.

The committee recommend the adoption of the following amendments, namely:

In line 39, section 3, before the word "district," insert "United States." Strike out, in lines 40 and 41 of section 3, the words "of the western district of Arkansas, or the district court of Kansas" and insert "at Muscogee, Indian Territory."

Strike out, in lines 43 and 44, same section, the words "in which the same shall be heard" and insert "of Kansas." Also, strike out all after the word "purposes," in the forty-sixth line, down to and including the word "appellant," in line 51.

Mr. HOOKER. Mr. Speaker, I would like to inquire of the gentleman who introduced this bill whether that additional right of way through the Indian Territory is over and above the two roads which were agreed upon between the Indians and the Government north and south of east and west.

Mr. PERKINS. It is no grant of land, but it is an entirely new line.

Mr. HOOKER. It is a new grant of right of way. I ask whether this is to be done with the consent and approbation of the Indians through whose territory it runs.

Mr. PERKINS. There is no provision of the bill which requires or provides either that the consent or assent of the Indians shall be secured. The bill has the usual provisions and conforms with the bills we have heretofore passed granting to railroad companies rights of way through the Indian Territory. It provides for condemnation procedure, for the appointment of a commissioner, appraisement, damages, appeals, etc., substantially the same as is done in the States.

The amendments reported by the committee were agreed to.

Mr. HOOKER. Does this bill carry any appropriation?

Mr. PERKINS. It carries no appropriation whatever.

Mr. CHEADLE. Mr. Speaker, I desire to offer an amendment.

Mr. PERKINS. I do not see my colleague [Mr. ANDERSON, of Kansas] present. I presume he would desire to offer an amendment striking out the word "owning" in the seventh line of the first section. Anticipating what he would do, I move to strike that word out.

The amendment was agreed to.

Mr. CHEADLE. I offer the following amendment.

The Clerk read as follows:

Amend by striking out, in line 3 of section 2, the words "and fifty," reducing the right of way from 150 to 100 feet.

Mr. CHEADLE. It does seem to me that in a grant through that valuable Territory a right of way of 100 feet wide is sufficient for the construction of a railway; and for that reason I have offered this amendment.

Mr. HOOKER. In addition to the reasons suggested by the gentleman from Indiana for diminishing the amount of land granted for the construction of this railroad, I would call his attention to the further fact that it provides in the second section that the—

corporation is authorized to take and use, for all purposes of a railway and for no other purposes, a right of way 150 feet in width through said Indian Territory, and to take and use a strip of land 250 feet in width, with a length of 3,000 feet, in addition to right of way, for stations for every ten miles of the road, with the right to use additional ground where there are heavy cuts or fills, as may be necessary for the construction and maintenance of the road-bed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill.

There is no necessity for granting these roads any more than necessary for the purposes of the road, and I shall move as an amendment to that section that it shall only be with the consent of the Indian tribes through whose territory it passes.

Mr. PERKINS. Mr. Speaker, I have no objection to the amendment of the gentleman from Indiana.

The amendment was agreed to.

Mr. CHEADLE. I desire to offer an amendment, striking out the word "two" in line 4 and inserting the word "one." This proposition is for 250 feet additional width for the stations. It does seem to me that is entirely too much. I think 150 feet width in every ten miles of the right of way would be sufficient for the stations.

Mr. PERKINS. In answer to that suggestion, I would state that the bill that was before the House for consideration a few days since granted to the company a right of way of 300 feet each ten miles for depot purposes. So it has been with every bill granting rights of way through the Indian Territory. They provide that each ten miles they shall have, in addition to the right of way, a strip of country not exceeding 300 feet in width and 3,000 feet in length for depot, station, and other purposes. In this bill they are restricted to 250 feet in width, which is less than we have granted to other companies; and I think upon reflection the gentleman from Indiana will see that his amendment ought not to prevail.

The Clerk read the amendment of Mr. CHEADLE, as follows:

In line 4, section 2, strike out the word "two" and insert "one."

The question was put; and the Speaker announced that the yeas seemed to have it.

Mr. CHEADLE. Division.

Mr. H. it will be The a Mr. H. The F Mr. C. The bers were Mr. P. The n The n their na

Allen, Mr. Andrew, Atkinson, Baker, Bankhead, Banks, Barnes, Bartine, Beckwith, Belknap, Bergen, Biggs, Bingham, Blanchard, Bland, Blount, Boatner, Boothman, Bowden, Brewer, Brickner, Broslus, Brower, Brown, Browne, Browne, Buchanan, Buckalew, Bunn, Burrows, Bynum, Caldwell, Campbell, Candier, Candier

The and we Mr. BANKS ginia, Mr. D. MAN, I of Iowa MARTIN Alabama

Mr. glad if present The can be present Mr. dispen

The The tleman The ing— Mr. I send The

Add or tribe

Mr. the a five s there and s roads dersta propo it see dians, Terr to any simila which doma The kind

Mr. HOLMAN. The amendment was not heard here, and I hope it will be reported again.

The amendment was again reported.

Mr. HOLMAN. That is right.

The House divided; and there were—ayes 32, noes 33.

Mr. CHEADLE. I make the point of no quorum.

Mr. HOLMAN. I ask for tellers, Mr. Speaker.

The SPEAKER counted the House, and announced that 139 members were present—not a quorum.

Mr. PERKINS. I move a call of the House.

The motion was agreed to.

The roll was called, and the following members failed to answer to their names:

Allen, Miss.	Carter,	Grimes,	Post,
Andrew,	Catchings,	Hall,	Randall, Pa.
Atkinson, W. Va.	Cheatham,	Hansbrough,	Ray,
Baker,	Clements,	Harmer,	Reilly,
Bankhead,	Clunie,	Hayes,	Reyburn,
Banks,	Comstock,	Henderson, Ill.	Richardson,
Barnes,	Conger,	Henderson, Iowa	Sanford,
Bartine,	Connell,	Henderson, N. C.	Skinner,
Beckwith,	Cooper, Ohio	Hopkins,	Smith, Ill.
Belknap,	Cottrill,	Kelley,	Stephenson,
Bergen,	Covert,	Kerr, Pa.	Stump,
Biggs,	Cowles,	Lansing,	Taylor, Tenn.
Bingham,	Crain,	Lawler,	Taylor, J. D.
Blanchard,	Culbertson, Pa.	Lehlbach,	Thomas,
Bland,	Cutcheon,	Lewis,	Thompson,
Blount,	Dalzell,	Magner,	Townsend, Pa.
Boatner,	Dargan,	Mason,	Tucker,
Boothman,	Davidson,	McCarthy,	Turpin,
Bowden,	De Haven,	McClammy,	Washington,
Brewer,	De Lano,	McCord,	Wheeler, Ala.
Brickner,	Dibble,	McCormick,	Wheeler, Mich.
Brosius,	Dingley,	McKenna,	Whiting,
Brower,	Dolliver,	McKinley,	Whitthorne,
Brown, J. B.	Dorsey,	Milliken,	Wickham,
Browne, T. M.	Dunphy,	Mudd,	Wike,
Browne, Va.	Enloe,	Niedringhaus,	Wilber,
Buchanan, Va.	Ewart,	Oates,	Wilson, Ky.
Buckalew,	Finley,	O'Neill, Pa.	Wilson, Mo.
Bunn,	Fitch,	Owen, Ind.	Wise,
Burrows,	Flood,	Paynter,	Wright,
Bynum,	Forman,	Payson,	Yoder,
Caldwell,	Gibson,	Phelan,	
Campbell,	Gifford,	Pickler,	
Candler, Ga.	Goodnight,		
Candler, Mass.			

The following named members appeared after their names were called and were noted by the Clerk, under the rule, as present:

Mr. ANDREW, Mr. ATKINSON of West Virginia, Mr. BAKER, Mr. BANKHEAD, Mr. BOOTHMAN, Mr. BRICKNER, Mr. BUCHANAN of Virginia, Mr. BYNUM, Mr. COMSTOCK, Mr. COOPER of Ohio, Mr. CRAIN, Mr. DIBBLE, Mr. DORSEY, Mr. ENLOE, Mr. FARQUHAR, Mr. FORMAN, Mr. GROUT, Mr. HANSBROUGH, Mr. HEARD, Mr. HENDERSON of Iowa, Mr. KERR of Pennsylvania, Mr. LAWLER, Mr. LIND, Mr. MARTIN of Indiana, Mr. PICKLER, Mr. TUCKER, Mr. WHEELER of Alabama.

Mr. COOPER, of Ohio (after the roll-call). Mr. Speaker, I would be glad if the records could show in some proper way that I have been present during this roll-call.

The SPEAKER. The rules prescribe the method. The gentleman can leave his name with the Clerk. The Clerk reports 192 members present.

Mr. PERKINS. I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The question recurs on the amendment of the gentleman from Indiana.

The question being taken, the amendment was agreed to; there being—ayes 90, noes 83.

Mr. HOOKER. Mr. Speaker, I desire to offer an amendment which I send to the desk.

The amendment was read, as follows:

Add to section 2 the following: "Provided, That the consent of the Indian tribe or tribes through which the railroads shall pass shall first be had and obtained."

Mr. HOOKER. Mr. Speaker, I desire to say a word in relation to the amendment. As I have always understood, the treaties with the five semi-civilized tribes provide, especially the treaty of 1866, that there shall be two railways run through that Territory, one north and south and the other east and west, and that those are the only roads that are provided for by the treaties with those tribes. As I understand the gentleman in charge of this bill [Mr. PERKINS], the proposition now is to run another railway through this Territory, and it seems to me that inasmuch as it required the consent of the Indians, by treaty or agreement, to run the original roads through the Territory, the same principle ought to apply to giving the right of way to any other railway. This bill proposes a system of condemnation similar to that which we would exercise with regard to territory over which the Government of the United States had the right of eminent domain.

The SPEAKER. Will the gentleman from Mississippi [Mr. HOOKER] kindly suspend? This matter must go over to another day.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CALDWELL, for one week, on account of important business.

To Mr. THOMPSON, for one week, on account of important business.

To Mr. TAYLOR, of Tennessee, until April 13, on account of important business.

To Mr. O'NEALL, of Indiana, until April 13, on account of important business.

To Mr. TUCKER, for the 24th and 25th of March, on account of important business.

#### PETITION OF CITIZENS OF THE CHICKASAW NATION.

Mr. MANSUR, by unanimous consent, presented the following petition; which was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD:

To the Senate and House of Representatives of the United States of America:

The petition of citizens of the Chickasaw Nation, being white men who have intermarried with native Chickasaw women, would respectfully present that by the unbroken custom and usage (until as hereinafter set forth) of the Chickasaw Nation, by their constitution and laws, and by the treaties between the said Chickasaw Nation and the United States of America, and by the laws of the United States applicable to said Chickasaw Nation, white men who have intermarried with native Chickasaw women have been recognized, treated, and held by said Chickasaw Nation, as well as by the United States, as incorporated into said nation as members and citizens thereof, and that as such members and citizens of said nation they have, until the acts hereinafter complained of, enjoyed the right and privilege of voting in all national elections, and of holding office in said nation, and have been held amenable like other citizens to their laws; that their relations with native Chickasaws were in all respects peaceable, friendly, and harmonious, and so continued until the 13th day of November, A. D. 1888, and again on the 6th day of April, 1889, the Legislature of the Chickasaw Nation passed the following proposed amendment to the constitution of the Chickasaw Nation, to wit:

"Be it resolved by both branches of the Legislature of the Chickasaw Nation, That the seventh section of the general provisions of the constitution of the Chickasaw Nation be amended so as to read, 'That every person who having married a Chickasaw Indian, or who has been adopted by the legislative authorities of said nation, shall be entitled to all the rights, privileges, and immunities guaranteed to them only by the thirty-eighth article of the treaty of 1866, with the Choctaw and Chickasaw Indians.'"

This resolution was passed first, as stated, on the 13th day of November, 1888, and next on the 6th day of April, 1889, and was then declared to be part of the organic law, the object and intent of said amendment being to deprive the citizens of said nation by adoption or marriage of the elective franchise or of any participation of the making, execution, or enforcement of the laws by which they were to be governed, specifically guaranteed by said article 7, general provisions, proposed to be amended.

This amendment was subsequently adjudged by a majority of the members of the supreme court a valid amendment; the chief-justice, Hon. Samuel Love, the only member of the court who could speak the English, dissenting. Your petitioners declare said amendment null and void, and the decision of the court thereon a nullity, for the following among other reasons:

First, said amendment divests rights vested by the said article 7 of the constitution, which provides that "all persons, other than Chickasaws, who have become citizens of this nation, by marriage or adoption, and have been confirmed in all their rights as such by former conventions, and all such persons as aforesaid who have become citizens by adoption by the Legislature or by intermarriage with the Chickasaws since the adoption of the constitution of August 18, A. D. 1856, shall be entitled to all the rights, privileges, and immunities of native citizens. All who may hereafter become citizens, either by marriage or adoption, shall be entitled to all the privileges of native-born citizens, without being eligible to the office of governor," which above article is proposed to be amended; and in that it is violative of the fourteenth section of article 1 of the same constitution, which declares that "the Legislature shall pass no retrospective law or any law impairing the obligation of contracts."

Second, It violates section 11 of the same constitution, which declares that "whenever two-thirds of both branches of the Legislature deem it necessary, they may propose amendments to this constitution; and if two-thirds of both branches of the succeeding Legislature approve such amendments, they shall be engrated to, and form part of, this constitution." Your petitioners aver the fact to be, and the records of the Legislature so disclose, that the Legislature which passed the proposed amendment on the 13th day of November, A. D. 1888, was called to hold a special session, and the same Legislature which passed the act approved it as an amendment on the 6th day of April, A. D. 1889. It was, therefore, not a succeeding, but the same Legislature which passed the proposed amendment that approved it, in palpable violation of both the spirit and letter of section 11 of General Provisions.

Third, The action of the court was *coram non jure*, for no case was presented to that tribunal in such manner as by the constitution and laws of the Chickasaw Nation gave that court jurisdiction.

Fourth, The aggrieved parties were not allowed a hearing, nor were they in such manner before the court as that their rights could be passed upon by that tribunal.

Fifth, Said decision was in violation of the twenty-sixth and thirty-eighth articles of the treaty of April 23, A. D. 1866, between the United States and Choctaw and Chickasaw nations of Indians; and in direct violation of section 2079 Revised Statutes of the United States, which declares, among other things, that "no treaties with such [Indian] nations made prior to March 3, A. D. 1871, shall be hereby invalidated or impaired."

Sixth, Said act of the Legislature sweeps away rights which have existed since white men first began to marry with native Chickasaw women, and, whilst your petitioners who have intermarried with Chickasaw women are citizens of said nation by the constitution of the Chickasaw Nation and by special provisions of the treaty of 1866, they are none the less citizens of the United States of America, and are, as such, entitled to the protection of the act of March 3, 1871, found in section 2079, above referred to, and to the protection of the Constitution and laws in pursuance thereof pertinent to their case, and to the protection of existing treaties.

Your petitioners state that if a hearing be granted them they will state more specifically and in detail all the laws, treaties, customs, and usages upon which they rely and which can not well be embodied in this petition.

Your petitioners would state that, owing to the large number of white men resident in the Chickasaw Nation and intermarried with Chickasaw women, whose rights have been grievously wrested from them by the action complained of, a meeting was held at Purcell, in the Chickasaw Nation, on the 1st day of March, A. D. 1890, at which S. L. Williams, W. C. Randolph, C. L. Campbell, and J. F. Myers were appointed a committee to act for and in behalf of all the complainants, and said S. L. Williams was selected chairman, all of which committee, in common with those who met, were disfranchised by the acts complained of.



In view of the premises we respectfully ask the President, who by law is intrusted with general superintendence and care of Indian affairs, the Secretary of the Interior, and the Commissioner of Indian Affairs to hear their petition and complaint. They state that they are without redress if it is not granted by the proper authorities of the United States of America; that, unlike a State a citizen whereof can appeal to the Supreme Court of the United States when his rights have been violated by disregard of the Constitution or of laws in pursuance thereof or of treaties made under the authority of the United States, there is no appeal from the action of the supreme court of the Chickasaw Nation to said court, although in violation of existing laws and treaties.

They ask upon hearing that they be restored to the rights enjoyed by them prior to the action complained of, and that all proper rules and orders be issued for their enforcement; and as in duty bound, etc.

S. L. WILLIAMS,  
Chairman.  
J. F. MYERS,  
C. L. CAMPBELL,  
W. C. RANDOLPH.

UNITED STATES OF AMERICA, Eastern District of Texas, ss:

Before me, James W. Hocker, a commissioner of the circuit court of the United States for the eastern district of Texas, duly appointed, commissioned, and qualified as such on this day personally appeared S. L. Williams, J. F. Myers, C. L. Campbell, and W. C. Randolph, who, after being by me duly sworn according to the form of law, upon their oaths depose and say that they are each and every one of them citizens of the Chickasaw Nation by marriage with Chickasaw women, and are well acquainted with the facts as set forth in the foregoing petition, and know from their personal knowledge that the same are true.

In witness whereof I have set my hand at office in the city of Purcell, Chickasaw Nation, Indian Territory, in the said eastern district of Texas, this 4th day of March, A. D. 1890.

JAMES W. HOCKER,  
Commissioner of United States Circuit Court for said District.  
RETURN OF A BILL.

The SPEAKER. The Chair desires to lay before the House the resolution which the Clerk will read.

The resolution was read, as follows:

Resolved, That the Clerk request the Senate to return the bill of the House (H. R. 2239) for the relief of the heirs of John H. Jones and of the heirs of Thomas D. Harris.

The resolution was adopted.

PITTSBURGH, COLUMBUS AND FORT SMITH RAILWAY COMPANY.

Mr. ROGERS. Mr. Speaker, I desire to enter a motion to reconsider the vote by which the last amendment was adopted to the bill granting the right of way to the Pittsburgh, Columbus and Fort Smith Railway Company through the Indian Territory. I voted in the affirmative, under a misapprehension of fact.

The SPEAKER. The motion will be entered.

THE LATE REPRESENTATIVE GAY, OF LOUISIANA.

The SPEAKER. The hour has arrived which has been fixed by order of the House for the delivery of eulogies upon Hon. Edward J. Gay, late a Representative from the State of Louisiana.

Mr. WILKINSON. Mr. Speaker this being the hour set apart for paying tribute to the memory of my deceased colleague, on behalf of the delegation from Louisiana, I send to the desk a series of resolutions to be read by the Clerk.

The resolutions were read, as follows:

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. Edward J. Gay, late a Representative from the State of Louisiana.

Resolved, That, as a further mark of respect to the memory of the deceased and in recognition of his eminent abilities as a distinguished public servant, the House at the conclusion of these memorial proceedings shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to communicate a copy of these resolutions to the family of the deceased.

Mr. WILKINSON. Mr. Speaker, it would be ordinarily appropriate for the successor of Hon. Edward J. Gay [Mr. PRICE] to make the opening address on this occasion. That successor was Mr. Gay's devoted companion and friend, notwithstanding the disparity that existed in their ages, and would need no prompting to lead us all in expressions of regard and esteem for his distinguished predecessor. But as the husband of his daughter, holding for Mr. Gay the affection of one of his own sons, associated with him as he was by the closest ties, the public utterance of these feelings would be the exercise of a privilege so painful that silence seemed to him more appropriate than eulogy on his part during these solemn ceremonies. It has devolved on me to take the place which under other circumstances he would fill, and give voice to the opening tribute among those which we are here to offer now.

Hon. Edward J. Gay was born at Liberty, in Bedford County, Virginia, seventy-four years ago. He was taken by his parents at the age of four to Southern Illinois. Four years afterwards his father, with his face still turned to the west, crossed the Mississippi River and settled at St. Louis, then a little town of 3,000 inhabitants, which the wildest enthusiast could hardly have foreseen would become, during Mr. Gay's lifetime, a splendid city of nearly half a million people.

Young Gay obtained the best education which the time and place afforded at St. Louis, at Belleville, Ill., and finally at Augusta College, Kentucky.

Naturally bright and industrious he improved his opportunities, and at the age of eighteen started with his father in commercial life. He showed great aptness, enterprise, and ability as a merchant, even at that early age, and began a career which was marked as much by success as it was noted for strict probity and integrity.

The record that he made as a merchant then was a source of satisfaction and even of just pride to him ever afterwards. I well recollect how much gratified he was on one occasion in this Hall when the distinguished gentleman from Iowa [Mr. GEAR] said in debate that Mr. Gay's career as a merchant of St. Louis before the war had made his name a synonym of honesty, integrity, and honorable dealing throughout the whole Mississippi Valley.

Mr. Gay was married in 1840 to Miss Lavinia, the daughter of Colonel Hynes, of Nashville, Tenn., who had large planting interests in Louisiana.

His marriage was a happy one. In the dear companionship of her he chose so well nearly fifty years were spent. The wife of his early and constant affection, two sons, two daughters, and a number of grandchildren survive him.

Colonel Hynes had large planting interests in Louisiana, and, in the management of this property, nearly fifteen years after his marriage, Mr. Gay first became a resident of the State which three times in succession gave him the commission of one of her Representatives here, and in whose industrial history he was destined so often for thirty-four years to occupy so conspicuous and commanding a position.

His life as a planter had begun but a few years before war's wild notes were heard and Sumter's guns woke the echoes which Manassas and Gettysburg and a hundred fields reverberated and which Appomattox only hushed.

An opponent of secession until opposition was unavailing, when the die was cast he sided with his people. His eldest son entered the field in defense of the South. Detained himself at home by reason of injuries received years before, he saw around him the ruin and destruction that followed in the wake of that appeal to arms.

When peace came at last Mr. Gay wasted no time in vain regrets, but gave his best energies to repair the ravages that war had made and to help others to do the same. Under the influence of his pluck and energy and of that of those like him, barriers to the floods were rebuilt, fields replanted, factories rose from their ashes, the land regained the beauty that had gone, and peace and plenty smiled where want and desolation stalked in many a home before.

As a planter and manufacturer he evinced the same thoroughness, diligence, and capacity which marked his mercantile life. He was foremost in all matters affecting the welfare of the agricultural community and was closely identified with the progress and enterprise of the great Southern city, New Orleans, the larger portion of which I have the honor to represent upon this floor.

Of all the avocations that he ever followed I believe Mr. Gay was fondest of agriculture, or of that combination of agriculture and manufactures which prevails on every large sugar plantation in Louisiana. He loved that calling in all its phases. He loved to see the mellow earth turn from the shining share. He loved to see the tender shoots of cane mark the long brown rows with tints of early spring and then grow on until they hid the earth with a continuous canopy of green. He loved to view the fields when under summer suns they lay like a sea at calm or were stirred by the breeze into emerald waves of loveliness and grace. And when the autumn was well along and the harvest came, to him whose life had always been an active one, there was a certain excitement in the busy grinding time, when he saw the skillful cutters stretched in line, with rapid blow and gleaming knife strip and top and fell the standing canes and cast the purple stalks in even rows and piles ready for the wagon's load, when above the sounds of rustling leaves and ringing steel, of rumbling carts and teamsters' urgent words, there came the cheery voices of contented labor, which burst at times into a work-song, weird and wild, but full of melody. He loved to see without his factory walls the ruddy glare of furnace-fires and within the engines go on and on by night and day, the massive rolls crush out the liquid sweets, the amber juices foam and dance with heat and steam, the machines revolve with lightning speed, from which at last emerge the pure and sparkling crystals, the finished product of twelve long months of cost and toil.

And thus, Mr. Speaker, in 1884, amid these rural scenes, the future appeared to him as quiet and serene as the placid calm of evening after storms have ceased and clouds have passed away.

But the merchant, who had laid aside the cares of his calling, the planter, who at almost the allotted three score years and ten looked forward to spending his declining years at peace in the society of his loved ones and amid the comforts of his home, received an urgent summons to bear his people's standard in one of the most hotly contested political conflicts of the time.

Mr. Gay was averse to accepting the nomination unanimously tendered him and to entering political life in his declining years, but the summons that came to him with such insistence he would not and did not disregard. Elected in that campaign to the Forty-ninth Congress against an opponent of great ability and with great patronage at his back, he was re-elected to the Fiftieth and Fifty-first Congresses, each time against a different competitor—for no man was found to enter the lists against him a second time—and each time with increased majorities, because each time he not only held the friends he had, but won others who had opposed him before.

He was particularly averse to accepting a third nomination on ac-

count of my party.

The Secretary never to the May 30, 1890, peaceful.

Mr. C. usefully Those who with him matters, which would not push.

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count of ill-health and need of rest; but, saying "I am willing to do my part," did that part—a noble one indeed!—unto death itself.

The seat to which he was elected the last time he was destined, alas! never to fill. Nearly three months after his second term was over, on May 30, 1889, at home and surrounded by those he loved, he passed peacefully away.

Mr. Gay's career as a legislator crowned a long life of honor and usefulness. He had the respect and esteem of both sides of this Chamber. Those who served on committees with him and were most in contact with him found a kindliness of feeling, a sound judgment on public matters, and the capacity to deal intelligently with these questions, which were hidden to many by his modest demeanor and the habit of not pushing himself or his opinions needlessly forward.

Among his associates on the Committee on Appropriations of the Fifty-third Congress was a congenial spirit, who, like Mr. Gay, was an apt student of the great problems of governmental finance. Missouri's gifted son, big in intellect and in frame, the lamented Burnes, was his intimate and his friend. Among them also was he whose deeds and name will be held in honor while good government exists and the love of liberty survives, I mean the illustrious son of Pennsylvania [Mr. RANDALL], whose presence sickness and suffering have withheld for months from this floor. Mr. Gay's closest associates, his most numerous intimates, were naturally on this side, but yonder aisle did not mark the outer boundary of his friendships. He found here that those who differed most in political faith could be closely alike in kindly feeling, in honorable service, and in unsullied career. They are alike also, Mr. Speaker, in readiness to pay the last tribute, as some of them soon will do, of regard and esteem to his memory.

Mr. Gay seldom took part in debate; but when he did he commanded the attention of this House, and I have seen members gather around him anxious to hear every word that fell from his lips.

His manner in debate was simple and he did not strain after effect. He did not call to his aid the arts of rhetoric and indulge in studied phrase or glittering trope, but he had the faculty of expressing what he desired to say in words that were simple, clear, and full of force and thought.

The occasion gave at times a loftiness and a dignity to his speech. When he was engaged in the attempt—successful in the end—to secure justice for the settlers upon the Houmas lands and strove to prevent them from being deprived of their homes and their little all, his voice was lifted in the cause of the weak against the strong, a cause as noble as any which ever had an advocate in its behalf.

When, upon questions of far greater moment, he protested against any radical change in the fiscal system of a century, which the fathers had instituted and patriots and sages had maintained and under which the pursuits of his people had grown and prospered, when he pictured the injustice and wrong of legislation which, if enacted, would carry desolation and ruin to that people, the magnitude of the issues involved found him equal to the place and the occasion.

At such a time he not only followed as legislator the example of the wisest statesmanship of the past, but also proved an able and an earnest champion of the dearest interests of those he served so well.

Implicitly did his people trust in him and well was that trust bestowed, for if ever Representative filled the measure of faithfulness to his people it was he.

I well recollect the long and trying summer days of that session two years ago, when he staid so long here after sickness had left its pallor and weakness on him. Even then members on this floor noticed in his look the faint shadows of the end. Away from here, outside the close air of this Chamber, restoration and health seemed possible. He was far from the home where blew breezes from the river and came fresh odors from the groves and the fields; but westward, close at hand, beyond those hills, were mountain resorts with crystal springs and reviving airs, and eastward, almost as close, was the sea, where Atlantic breezes brought often strength and color back to wasted frame and pallid cheek again; but he would not stay away, even when life and health were at stake. He considered his duty to be here, and here, until the need was past, here he remained, like a faithful soldier at his post.

But, Mr. Speaker, if Edward J. Gay's record here were blotted out, if no word of his were left upon our statutes, if his life as a legislator had never been lived, he would be remembered still far beyond the circle of family and of friends, for, as private citizen, as christian gentleman, he made his mark upon his time.

He was a man of simple tastes and sturdy virtues. Gifted in mind he had the brain to plan, the will to execute. Exact in the performance of his own obligations, he expected others to be the same; but to those to whom misfortunes came through no fault of theirs he often gave a helping hand, and with his counsel and his means retrieved their failing fortunes.

He abhorred pretense, had little patience with conceit. He had a scorn for idleness and brooked not him who did not use the talent which the Lord had given.

He was kind and sympathetic to those in his employ. Associated as he ever was with the first and highest in every worthy calling, the humblest laborer had ever ready access to him for justice or advice or for assistance in a time of need.

Mr. Gay was most respected and esteemed by those who knew him best. With his life and character no "distance lent enchantment," but intimacy—the closer view—disclosed the qualities and charms which the distance hid.

His charities, Mr. Speaker, were extensive, but rarely published to the world. He gave to learning without ostentation, to church without parade, to poverty and distress with kindly hand and sympathetic word.

He forgave as he hoped to be forgiven, and kept no malice in his heart for any man on earth.

Edward J. Gay had no dread of death nor fear to lose the christian's crown of immortality hereafter. He has gone indeed; and, although since then the months have flown and spring has come again with bud and bloom, at the mention of his name affection's tears will still gush forth and sorrow heave its sighs. Here friendship brings in memory now its tribute to the record of his deeds performed, of want relieved, of laurels won, of devotion to his people's cause, of standard held aloft for them, which never met with shame!

Mr. HEARD. Mr. Speaker, as one of the Representatives of the State of Missouri I come in its name to pay brief tribute to a memory which all its citizens delight to honor, and I can but regret that the circumstances under which I approach the discharge of that duty have left me so little of time and opportunity for preparation therefor. It was my good fortune to enjoy more than a passing acquaintance with Mr. Gay, and I am therefore qualified in some measure to speak as one having personal knowledge of his worth. Not until he and I entered, together, the Forty-ninth Congress had I ever enjoyed a personal acquaintance with him; but from my boyhood his name and fame as one of the leading commercial and financial characters of our State and of the Southwest had been familiar to me.

In the beginning of his service in Congress Mr. Gay was assigned to duty on the Committee on the District of Columbia, where I had the honor to serve with him, and in that association I had opportunities for observing his course, which soon won from me a high admiration for his ability and an affectionate regard for his personal character. He was one of the most modest and at the same time one of the best informed men I have ever known. He brought to the discharge of his duties here a strong mind, enriched with much learning, and an experience in the conduct of various and extensive business enterprises, public and private, that made him one of the wisest of counselors, as he was one of the safest and most conservative of legislators.

From his long and intimate connection with the conduct of municipal affairs in the cities of St. Louis and New Orleans and his perfect familiarity with the needs of a large metropolitan population, his services in connection with the legislation proposed for this city and District were of great value to his committee, and his influence and character lent much weight to its recommendations when they were considered on this floor. He was devoted to duty, and, though not enjoying robust health whilst a member of this body, he never missed a meeting of his committee or a session of the House, unless his attendance was prevented by sickness. As in the concerns of private life he was diligent, energetic, and successful to a remarkable degree, so in the discharge of his public duties his habits were the same; and that fidelity to his duty which won for him the respect and approval of his associates here secured for him also the gratitude and affection of his people at home.

Few lives better illustrate the possibilities of success that lie before the young men of this country than does that of Mr. Gay and fewer still are those more worthy of imitation.

Having first qualified himself for achieving success by acquiring a practical education and the establishment of a good moral character, he had a well grounded faith in himself, as those who knew him also had an unwavering faith in him. Of good habits, clear head, and honest purposes, his actions always proceeded upon plans well thought out and which were closely adhered to. While possessing rare prudence as a young merchant, his courage in entering upon new fields of business enterprise was no less distinguishing among his prominent characteristics. When only twenty-two years of age and possessed of financial means which in this day would be regarded as inconsiderable, he was the first to engage in the direct importation of coffee by the cargo into St. Louis; and that venture, from which older and richer merchants shrank in fear and counseled him against, became from the first a pronounced success, and the bold young merchant's reputation and fortune were assured.

It will be remembered, Mr. Speaker, that this important incident in the life of Mr. Gay occurred more than half a century ago, when the city which is to-day the great metropolis of the Mississippi valley was but a struggling town on the very frontiers of commerce, and at that time this act of intelligent enterprise on the part of the bold young pioneer in that line of commercial activity was regarded by his fellows as reckless in its conception and only accidental in its success. The enterprise, energy, and honesty of Edward J. Gay, applied to commercial pursuits in St. Louis, brought him abundant fortune, the accumulation of which was made without leaving a blot upon his character. Although for many years before his death he made Louisiana his home,



the State of Missouri never ceased to regard him as one of her sons, and at the close of his illustrious life the city of St. Louis, where he had won his earliest triumphs, claimed the honor of giving sepulture to his remains.

But, Mr. Speaker, it is the just pride of his friends in that great city, with many of whose enterprises he was so long and so conspicuously connected, that, while he rests within her borders beneath an epitaph which duly records his honors, not alone in this way is his memory perpetuated among her people; for his name is commemorated by association with her institutions of commerce, education, and charity, of which he was ever the steadfast and generous friend.

Of the work accomplished by Mr. Gay as a citizen of Louisiana I will leave others, better qualified than I, to speak in detail; and with reference thereto I shall only say that, throughout a long and eventful career in that State, he was distinguished by the intelligent and successful application to private and public affairs of those high principles of business integrity and fair dealing which had made his name influential and honored in Missouri; and the rank assigned him by his just selection by the people of that State to fill high and responsible positions in commercial and political service fitly attests the appreciation and esteem in which he was there held.

It may not be inappropriate in this connection to refer to the fact that, though Mr. Gay had enjoyed, in a marked degree, the honors of his people, he never filled a position of public trust which came as the result of his seeking. Always modest and free from that sort of ambition which leads men to seek popular applause, he was ever content to fill a private station in life, though never shrinking when called by his fellow-citizens to take on the burden of great responsibilities. He was sent to Congress as a Representative of that district in Louisiana in whose service he died, without having sought or even desired that distinguished honor; and, although when he became the candidate of his party in said district his political opponents held control therein by an immense majority, such was the personal popularity of Mr. Gay and such the confidence reposed in his ability and fidelity to fitly represent the interests of his district and State that he was not only triumphantly elected for that term, but until death closed his honorable career no one was thought of by his people as a competitor for the position he so worthily held.

As may be inferred from what I have stated about the high commercial and financial standing of Mr. Gay, he was a man of great wealth; indeed, he was one of the wealthiest members of the American Congress, but none of his associates here would have ever suspected this from the bearing of the man. Always free from every approach to ostentation in his style of living, quiet and unpretending in his manner towards all his fellows, he exemplified in the highest degree the truth of that maxim that "rarely is the man who has been able to honestly acquire great wealth spoiled by its possession." I refer to his wealth only to emphasize with his associates here, who knew little of his possessions, and nothing from Mr. Gay himself—for no man ever heard from him an allusion to his affairs or to himself that savored of boasting—the virtue of modesty so strongly marked in this admirable character.

Wealth is not always the mark of honor; but when acquired in the honorable pursuit of legitimate business, the conduct of which benefits the whole world and takes nothing from any citizen, and when its possession stimulates and quickens the impulse to do good, instead of moving its possessor only to strive for greater acquisition regardless of effects upon others, then it is a badge of distinction which the best of men may be proud to wear. Such a possessor of wealth was Mr. Gay; and it may be truthfully said of him that in the wise, patriotic, and generous use which he made of his fortune, more than to the circumstance of his immense possessions, was the secret of his great influence.

Mr. GEAR. Mr. Speaker, I am glad to join my fellow-members in paying my tribute to the worth of our departed friend. It is an old adage, "*De mortuis nil nisi bonum.*"

Sir, there are few men whom I have ever met who more truly illustrated in his life the truth of the quotation.

My acquaintance with Mr. Gay probably antedates that of any person here to-day. The first time I met him was in June, 1846. He was then engaged in business as a wholesale grocery merchant. St. Louis at that time commanded not only the trade of the Northwest, but extended also to Mexico on the southwest. Mr. Gay possessed in an eminent degree the essential qualities which make the successful business man, and was at the head of a firm whose trade extended throughout that country from New Orleans to the sources of the Mississippi and Missouri Rivers. By the fair and honest methods with which he transacted business his firm soon came to the front as the leading business concern of the Mississippi Valley, the reputation of which is to-day a pleasant remembrance to the old merchants of that section.

During a long and active business career great and wonderful changes have come over the country, to much of which he contributed both by his enterprise and his purse.

During his career as a merchant in St. Louis two great financial crises swept over the country, which involved the merchants and traders alike in bankruptcy. By his sagacity he foresaw the portent of the times and by his ability he carried his firm safely through those great finan-

cial storms and emerged therefrom with enhanced credit. His spoken word was not only his bond, but when once given was scrupulously kept.

His mind was equitable in the largest degree. This quality may be illustrated by a remark he once made to one of his clerks, who himself is now one of the leading business men of the West. He said: "John, always make it a rule when you are trusted to act for another to exercise your judgment in his behalf."

Thus, he honestly believed and put into practice in his every-day business the golden rule, "Do unto others as you would have others do unto you."

As you, his fellow-members, knew and appreciated him as you met him here day by day, so he was known and appreciated by all who transacted business with him during his long and active business life. Honest and upright in his daily walk and in his dealings, he especially impressed all with his kind and gentle manners. He was a manly man and a gentleman in the fullest meaning of the word. His character in this regard is idealized in the language of England's sweet poet:

There are some spirits truly just,  
Unwarped by pelf or pride;  
Great in the calm, but greater still  
When pressed by adverse tide.  
These hold the rank no king can give,  
No station can disgrace,  
Nature puts forth her gentlemen  
And monarchs must give place.

Sir, the reputation he enjoyed for honesty of purpose, integrity in his business transactions, and as a conscientious christian gentleman is to his children a legacy more precious by far than the ample fortune he bequeathed them.

Mr. McMILLIN. Mr. Speaker, across yon majestic river, in sight of this Capitol, lies a land remarkable not alone for the beauty of its scenery and fertility of its soil, but a wonderland, renowned and revered wherever the truth and beauty of glorious womanhood are respected and the strength and grandeur of a splendid manhood treasured. It can boast generation after generation of strong statesmen who had wisdom without conceit and learning without pedantry; of warriors who were valorous, but not oppressive—grand as Achilles in war and humble as Cincinnatus in peace. There the magnificent and fiery spirit of her sons is surpassed only by the beauty and loveliness of her daughters. From Virginia's hills and Virginia's vales, following the star of empire westward, her sons and daughters have wended their way. Wherever they have gone they have carried with them a hospitality which knew no stint and a love of orderly, constitutional government which knew no limit. In every State, from the Chesapeake to the Golden Gate, the sturdy sons of the mother of States and statesmen are found in the forum, in the field, in the factory, everywhere illustrating the integrity of man, advocating the rights of man, and advancing the material interests of man.

From such a stock and such a State sprang Edward J. Gay. Born in 1816, he was taken from Virginia to Illinois in 1820, and removed thence to St. Louis, Mo., in 1824. This city, now one of the wonders of the century and the country, was then but a small town. He may be said to have grown with its growth and strengthened with its strength.

It is not my purpose, nor would this occasion permit me, to detail all the important events in the life of this distinguished citizen and statesman. He was fortunate in youth in being placed under an educator of fine ability, under whom he made not only satisfactory but rapid progress.

Reaching manhood his tastes turned strongly to business rather than professional pursuits, and he entered upon a mercantile life. His chief characteristics were untiring assiduity, unswerving integrity, and boldness. After calm deliberation he reached his own conclusions and stood by them and defended them. He struck boldly out in his mercantile pursuits and went to orient or occident for what his trade demanded. Moved by this spirit, Mr. HEARD has told you he was the first to import coffee from the West Indies to St. Louis.

He married a fair daughter of Tennessee, Miss Lavinia Hynes, in 1840, who survives him.

In 1856 he moved to Louisiana, where most of his latter life was spent and from which he was sent as a Representative in Congress.

Mr. Speaker, in this busy age and progressive land, fortunate is that man who can leave a lasting impression on any State of this Union. But such was the power of this man that you may blot out either his record here or his life in St. Louis or his life in Louisiana, or any two of them, and there remains enough of fame for him to allow posterity to rank him a distinguished American citizen.

It was not my good fortune to meet Mr. Gay till he came here as a member of the Forty-ninth Congress. From that time on I knew him well. In the Fiftieth Congress we occupied seats so near each other that I saw him daily and hourly when the House was in session. I had thereby an opportunity to become thoroughly acquainted with him and observe his actions.

As a man he was calm, self-possessed, and meditative. He reached conclusions, as I have stated, after thoughtful consideration, and adhered to them with great tenacity. He was modest but firm, courteous but bold.

As a legislator he was ever vigilant in looking to the interests of the great State he represented and the grand country of which it was a part. Those acquainted with his business affairs knew how exacting were the demands of his private interests. But while here he made these subservient to his public duties, as he should, and never allowed private affairs, however important, to take the time which he had agreed by the acceptance of his high office to dedicate to the public. Placed on account of his recognized ability on the Committee on Appropriations, the latter years of his life were devoted to the study of those economic questions involved in the appropriation of hundreds of millions of money in the government of sixty millions of people. How well this duty was discharged his vigilant attendance here and the records of his country attest.

But the end came after more than three score and ten years. He had found the valley of that great river a wilderness and a canebrake. He had helped to clear away its forests, to spread the wings of commerce over its waste of waters, and to people its valleys.

He had seen the blighting hand of civil war fall upon the blooming land and seen it wither. He had seen misgovernment, worse than war, hover over the land long after the smoke of battle had been lifted. But instead of being discouraged by calamity he was nerved by it. Disaster after disaster was succeeded by struggle after struggle till the land that was in tears smiled again.

Looking back to the past and remembering what a potent factor he had been, not only in building up the country originally, but in rehabilitating it, Mr. Gay could say with gladness what Othello said in sadness: "I have done the state some service."

Looking to the future and remembering that he had years before professed faith in the blessed Redeemer, he could triumphantly exclaim:

I have fought a good fight; I have finished my course; I have kept the faith.

Four States boasted being the place of his residence. More than forty States mourn his death.

Mr. BLANCHARD. Mr. Speaker, Edward J. Gay lived a long, useful, and honorable life. Could more be said of any man than this?

His career was one of eminent success in all he undertook.

When he died one of the chief pillars supporting the social, industrial, and political institutions of Louisiana gave way. His life and character afford a most instructive lesson to the youth and manhood of the country.

Those who have preceded me in this discussion have told you that he was born of Virginia parentage, on the soil of the Old Dominion, in the early part of the present century; how his father, even then recognizing that "Westward the course of empire takes its way," had removed with his family first to Illinois and then to St. Louis, settling permanently at the latter place when it was but a frontier post and a town of 3,000 people; and how first his father and then himself became successful merchants and laid the foundation of the colossal fortune which was his at the time of his death and for many years prior thereto.

I shall not dwell upon this portion of Mr. Gay's life, fruitful as it was of the results of well directed energies, wise forethought, and sound business judgment. I prefer to speak of his life after he came to Louisiana. While he acquired large interests in Louisiana as early as in the forties, it was not until 1856 that he came to reside permanently there. He immediately took position as one of the most sagacious, far-seeing, progressive citizens of the State. He made his home upon one of his plantations, and settled down to the alluring life of a sugar-planter. His possessions were very large, embracing some of the best sugar properties in the most fertile portions of the State.

He became the largest sugar-planter and perhaps the wealthiest man in the State. He gave to his great interests his personal attention and supervision. No man in the State was ever more actively or intimately identified with sugar-production in Louisiana, and no one had a better understanding of its needs or had more thoroughly mastered its details. He was a thorough business man, with an extensive and liberal knowledge of industrial and political economy.

Mr. Gay's absorption in commercial and agricultural pursuits left him but small time for politics. Still, he recognized the duty incumbent on all citizens to give thought and attention to the concerns of government, and it was his habit throughout life to co-operate in local politics for the advancement of the best interests of the country.

He was opposed to secession and was active in his efforts to check the growth of that sentiment in Louisiana.

His grandfather had been a soldier of the Revolutionary war and the grandson's love for the Union sprang from the early teaching and example of the ancestor. He always showed his confidence in the stability of the National Union by large holdings of landed property in various sections of the country.

He was a friend to the laboring classes. In his section and wherever he was known, he possessed their confidence and esteem. He always gave liberally to enterprises toward the advancement of the colored people, and enjoyed great popularity among them, as was evidenced by the many thousands of colored votes he received at the several elections when he was a candidate for Congress. Indeed, so popular was he with this class of citizens that when he was nominated for Congress

the first time by the Democratic convention one branch of the Republican party of the district met in convention and indorsed his nomination, notwithstanding his Democracy, and most of the leading colored Republicans took the stump for him.

But little of Mr. Gay's long and active life was spent in politics, and it was only in his last years that he yielded to the solicitations of his own friends and those of the State and of his party, and undertook the arduous duties incident to the high station to which he was repeatedly called by the suffrages of his countrymen.

When he was first nominated for Congress, he was an elderly gentleman enjoying the seclusion and ease of private life on the peaceful banks of the mighty Mississippi, surrounded by all the comforts that wealth affords and all the attractions of a beautiful and refined home.

He liked not the contention for office, and preferred the quiet of home life and the peaceful pursuit of business.

The pressure, however, upon him was so great in 1884 that he yielded and became the nominee of the Democratic party of the Third district of Louisiana for Congress.

When apprised by telegram of his nomination he wired in response that he could not accept. Other telegrams were sent urging his acceptance. Then it was he yielded. He looked upon the acceptance of the nomination in the light of a duty, and did not feel at liberty to decline it, though its acceptance entailed great personal inconvenience and sacrifice. As he himself said in his letter of final acceptance, "Nothing could have been more unexpected or more at variance with my inclination than to embark in a political canvass."

An index of the character of the man is had in the following extract from his letter of acceptance, dated September 15, 1884:

I regard the present as a period of critical importance to my district as well as to the entire State of Louisiana, and I recognize the obligation of every good citizen to be ready to sacrifice personal considerations where the public welfare may be subserved.

His opponent for Congress at that election was W. P. Kellogg, wily, shrewd, and experienced, with a hitherto unbeaten Republican majority back of him. Mr. Gay undertook the seemingly hopeless task of his overthrow. It was not his custom to go into anything to lose, and after one of the hardest fought political battles ever had in Louisiana he was elected by a handsome majority. This was to the Forty-ninth Congress.

In 1886, when the time came around for the nomination of a candidate for the Fiftieth Congress, the delegates to the convention met at Franklin, La. Mr. Gay had not sought a renomination. He was not even present at the convention. On the day the convention met he telegraphed one of the delegates as follows:

I have thought it proper to abstain from personal influence over the deliberations of the convention. I approve full and free discussion, and have no desire to be made the standard-bearer of the Third district unless so demanded by a united and harmonious constituency.

That day he was unanimously renominated, and the same delegate to whom he had sent the dispatch replied as follows:

The Democratic convention, thoroughly united and harmonious, has renominated you for Congress by acclamation amid great enthusiasm.

At his second election Mr. Gay increased his majority more than three times the majority attained over Kellogg in 1884.

He declined a third nomination for Congress on account of failing health. The parishes, however, instructed their delegates for him anyhow, and the convention renominated him in spite of his declination.

He finally consented to accept the nomination—his health had somewhat improved—and in his letter of acceptance said:

I accept your nomination because there is much to be done and I am willing to try to do my part.

Simple, strong words, a declaration of duty by an old man in feeble health, who recognized the obligation upon him as a citizen of the Commonwealth and evinced his determination to essay its performance as far as his physical strength would permit. A third time he was elected and became the accredited Representative to the present Congress. But in the providence of God he was not to be permitted to be sworn in as a member. He died on May 30, 1889, at his beautiful home on the St. Louis plantation, in Iberville Parish, Louisiana, where he had spent many happy years of his life. He died quietly and easily, without a struggle, and was conscious to within an hour of his death.

His wife, the ideal of his youthful love, survives him, as do his two sons and two daughters, one of whom is the charming wife of Hon. ANDREW PRICE, the present accomplished Representative in Congress from the district so ably represented by his distinguished father-in-law.

Mr. Gay lived out a period of more than three score years. His life was filled with works of usefulness and duty. He gave to public duty the same devotion, zeal, and activity with which he had worked for his own and himself.

His useful career in the National Legislature was a fitting termination to a life that had been spent in vigorously stimulating to prosperous proportions the interests and industries of the two States in which all the years of his manhood were spent.

In his death the State lost a public-spirited citizen, the sugar industry a progressive leader, and commercial circles a man honorable and successful in all his business pursuits.

His commercial connections throughout the country and his wide-



spread reputation as a business man gave great weight to his opinions in legislative matters affecting the business interests of the country, and his large experience and accurate and mature judgment were of great value to his colleagues. In Congress he was, as in every other station of life, able, devoted, and conscientious. His life here was full of earnest and valuable exertion.

During his four years of service in the House he was never known to shirk any of the arduous duties incident to the position of Congressman. In spite of his age and infirmities, except when confined to his house by serious illness, he always was to be found at his post of duty. He was neither an orator nor a parliamentarian, but he was a worker and a thinker. Systematic, methodical, and painstaking in all he did, his whole course as a member of this House was marked with the same close application, persistent industry, and constant carefulness that were the distinguishing features of a long life devoted to varied and extensive business relations.

Added to a large and comprehensive knowledge of men and affairs, he possessed a mind remarkably well balanced, calm and just in its judgments, with rapid powers of observation, and a capacity to get the pith and substance of a proposition. To every subject which came before him he gave sound and practical examination.

His mind was analytical, his grasp of a subject rapid and comprehensive, his power of discrimination great. He mastered details and was pre-eminently a man of affairs.

He was earnest and honest in all he did, and kept in his heart always a large place for the affections of family and friendship. He was unostentatious and democratic in all things, singularly devoid of pretense, simple in character, of gentle disposition, greatly beloved in the family circle. While possessed of great energy, he was singularly tempered with moderation. He was unpretending and exemplary in all his personal habits and intercourse with his neighbors.

He was a domestic man; enjoyed his home, his family, the society of his wife and children and friends.

He was a man of profound religious conviction and fine religious sensibilities. The reverend gentleman who officiated at his obsequies, and who knew him well, declared that while he was a man of busy life and active affairs he yet held to his course heavenward. On his death-bed, speaking of the Savior, he said to his pastor: "He has done so much for me, and I have done so little in return for Him."

Mr. Speaker, the deceased was my friend, and with reverent hand I lay on his tomb the garland of this humble tribute to his memory.

Mr. HEMPHILL. Mr. Speaker, my acquaintance with the distinguished citizen whose death we now mourn began with the meeting of the Forty-ninth Congress. As members of that body we were both appointed by the Speaker on the Committee on the District of Columbia, and, though the disparity in our years was great, the relations which had their beginning then, and which subsisted unbroken during his entire service in this House, were most kindly and agreeable and a source of constant pleasure to me.

As a member of the committee charged with the consideration of the numberless measures affecting for good or ill the Capital of the nation and the people of this District, he was wise and prudent, and withal just and liberal.

Mr. Gay was impressed with the belief that as the population of the country multiplied and its wealth increased the Capital must necessarily grow and become more and more the center of culture, wealth, and influence; and his great good sense made him realize that in dealing with the affairs of the District it was wise and just to lay plans that would enable the Capital to keep pace with the general growth and expansion of the country. The characteristics, it seemed to me, that most distinctly marked our late friend and colleague were his earnestness of purpose and simplicity of life, together with great practical wisdom, coupled with independence.

Every one who came in contact with Mr. Gay must have been impressed with that unassuming simplicity of manner which characterized his social and official intercourse with others and which made him easily approachable both to the old and the young alike.

I remember well how much I was struck with this most agreeable characteristic, when, after becoming more intimately acquainted with him, I learned what large enterprises he had inaugurated and controlled, what success had been achieved by him and the good he had accomplished both for himself and his country.

That Mr. Gay was a man of earnest purposes is evidenced by the splendid results of his life's work.

Few men in all our Southern land have accomplished so much through their individual exertions, and surely no one could have done so many things and all so well unless controlled by that fixedness of purpose that so distinctly marked this distinguished citizen of Louisiana.

Those who were associated with him in the consideration and perfecting of measures in the committee-room or in their passage through this House will easily remember how self-reliant he was and how tenacious of his opinions when once formed. Such men are valuable in any place and at all times, and probably there is no characteristic more needed in public than that they have some fixed opinions, some ear-

nest convictions, and that they have the courage to stand by them and contend for them.

The practical wisdom that had served Mr. Gay in all his private affairs and had given him such prominence among the successful business men of the country found ready and constant application when he left his home to assume the responsible functions of a law-maker for the American people. As the country grows in wealth and population its industries and enterprises become more varied and complex, and the duties devolving on the National Legislature naturally increase and multiply. The result is that the committees of Congress are charged more and more with the responsibility of considering and maturing all measures before they come to either House for its judgment. So that those men who quietly and unobtrusively consult, suggest, amend, and perfect in committee the various measures submitted to them often become the most useful legislators.

The new member, after he has fully entered upon the responsible duties of his office, early realizes that it is impossible for him to inform himself by personal investigation as to the merits of each of the numerous measures upon which he is called to vote, and soon learns that as to many of these he must rely upon the faithful research of his colleagues who as members of the several committees have been charged with the investigation, and it requires not many months of service in the House for every new member to learn that certain of his colleagues of longer service than himself have acquired the reputation as honest and thorough investigators, and that the statements of such men and the reports they submit can be safely relied on and acted upon. Mr. Gay enjoyed this enviable reputation. He was honest and thorough in his examination of facts and sound in his conclusions. These characteristics largely contributed to make him the valuable legislator that he was.

Another characteristic quite marked in the service of Mr. Gay in this House was his independence of judgment and action. Not that foolish independence that often leads erratic minds to illogical and unwise conclusions and that makes men cling to the wrong for consistency's sake, but that better sort which leads one charged with great responsibilities to assume without flinching the full measure of his duties and to rely on and act on his own judgment and convictions when they have once been honestly formed.

He was not a politician. He did not run for office. He was sent to this House by his friends and neighbors. They knew him and had confidence in him. They selected him as their Representative because they had faith in his wisdom and patriotism; and the ever-swelling majorities by which he was returned at each recurring election testify to the faithfulness with which he performed the duties intrusted to him.

But, Mr. Speaker, while the life and character and worldly achievements of our departed friend may be the just source of pride to all who knew him and may furnish, as they do, at once an inspiration and an example to the honest and aspiring youth of our land, the great consolation, now that he is gone, lies in the conviction that he was an earnest and honest Christian.

As early as 1843 he became a member of the Methodist Episcopal Church.

He remembered his Creator in the days of his youth. At the early age of twenty-seven he took his stand on the right side of life and started on his journey to a better land. From the day he assumed the grave duties of church membership until the end of his long and useful career, he was an efficient and earnest worker in the great enterprises and labors which have made the Methodist Church such an immense power for good in this country. For, without disparagement of others, it may be truthfully asserted that this branch of the Christian church has wrought wonders in good works and has done its full share in carrying to the ends of the earth the everlasting word of the living God.

As in temporal affairs he was eminently practical, so was he in spiritual. He believed that faith without works is dead, and that true Christianity consists not only in believing, but also in doing. It was obedience to this conviction that led him to seek the wayward, to encourage the friendless, to lend a hand to the fallen, and to help the poor and unfortunate; and many there are yet living who testify to his kindness in all these ways.

An honest and successful private citizen, a faithful and wise public servant, a true and humble Christian—all of these was Edward J. Gay, of Louisiana. No higher encomium could any man ask.

Mr. BUTTERWORTH. Mr. Speaker, it is a pleasure to pay a just tribute of praise to the splendid qualities that adorned the character of our late associate, Edward J. Gay. First and best of all, it could be truthfully said of him that he was a Christian.

His life was useful, while it was quiet and unobtrusive. While he did not busy himself in searching out new friends, he was always ready to recognize the obligations the relation of friendship imposes, and willing and glad to assume them when the object was worthy.

I was in no wise intimate with him; but sitting by his side in committee during two sessions of Congress I came to know him well and note the strong attributes of his character. He was a thoughtful man. He was an utterly sincere man. The faculty of appearing to be what

he was not he never acquired. He never put on a mere outward seeming. The outward was the true reflection of the inner man. What he was became manifest to every one who was brought in contact with and studied to know him. His reserve was not born of coldness. He abounded in charity, but that charity was free from ostentation. He gave alms without sounding a trumpet. He uttered no prayers upon street corners that he might be seen of men.

With Edward J. Gay the one supreme word in our language was duty. To him it was a word of imperial command, from which there was no appeal; and he yielded true obedience to its dictates. He did not seek to participate in the gaudies and much less the frivolities of fashionable social life. He was one of those of whom it was written:

Far from the madding crowd's ignoble strife,  
Their sober wishes never learned to stray;  
Along the cool, sequestered vale of life  
They kept the noiseless tenor of their way.

Such lives are stronger for the preservation of this Republic than are the arms of mailed warriors. They impart to the national life a tone of harmony, and a sense of security, and a spirit of rest. They give to society a moral fiber, an integrity of purpose, which has a consistency and toughness that wears and endures.

Edward J. Gay was very wealthy, but he possessed no trace of that vain conceit and pretentious arrogance that are in some measure characteristic of those grown suddenly rich in our day. He did not become wealthy by virtue of advantage conferred by partial laws, nor by the accidental favor of some mere speculative venture, entered upon without wisdom and prosecuted without judgment. His fortune was the reward of a long life of patient, persistent, and honorable endeavor in the field of useful and legitimate business enterprise.

Independent so far as material wealth can confer that condition, he yet bore himself with an air of humility that was conclusive evidence that he realized in the largest and best sense how dependent upon each other all are in this life for that self-sacrificing friendship and kindly sympathy, without which, to noble minds, life would be a barren waste. Such was the man whose loss we mourn. Such men as he fulfill the law of compensation. They compensate in some measure for that assortment of worthless mortals, flung upon the surface of the sea of life, seemingly to furnish us evidence of God's power, but leaving us unable to reconcile such creations to an economy that is beneficent.

Some time the secrets of this mystery called death we shall know. But now it is enough that in faith we trust that whether this be given or that withheld, yet are all things done in wisdom and justice, as in love, to the sons of men.

Mr. BYNUM. Mr. Speaker, it was not my fortune to be intimately associated with Mr. Gay in the preparation and consideration of matters of legislation while he was a member of this House or to enjoy, during the time, close personal relations with him, and therefore I can not speak of those tender qualities of head and heart which become more visible when the watchful business man is absent and the genial, warm-hearted friend and associate alone is present.

Mr. Gay was not a politician. His entrance as a member of Congress was at the advanced age of sixty-eight years. Had he become a member in his younger days he certainly would have enjoyed a successful and marked career; but his training, and no doubt his taste, were in a different line and there he won rewards and honors no less imperishable. Mr. Gay was not a man of words, but of actions. His terms in Congress were marked by an earnest and attentive, but quiet effort to secure wise and wholesome legislation. In the Forty-ninth Congress he served as a member of the Committee on Manufactures and that on the affairs of the District of Columbia.

In the Fiftieth Congress his eminent qualifications for the position won for him a place upon the Committee on Appropriations. As a member of Congress he was watchful of the interests of his people. Every attempt to encroach upon what he believed to be their rights met his resistance. He seldom yielded his convictions to the judgments of others; he thought for himself, made up his mind after careful investigation and mature reflection, and when he arrived at his conclusions he was irrevocably set in his opinions.

He was not a vacillating character, driven hither and thither by the currents of sentiment, that are as changeable as the winds, but whatever plans were formed were carried forward to a successful termination. He was not only a man of strong convictions, but was able to master the details of his various avocations as well as comprehend them in the aggregate, and was therefore successful in all and a failure in none. From his life and character valuable instructions may be derived and valuable lessons be learned. It is said that 90 per cent. of those who engage in commercial pursuits at some period of their lives fail.

This is not strange when the manner in which most men engage in and carry on various enterprises is considered. We often hear it remarked of some industrious and apparently prosperous person that he is possessed of great energy, and yet how often have we seen such men in the very zenith of their success fall to ruin.

We can find, in a lesser degree, young Napoleons of Wall street in every town. Such men possess energy, but lack judgment; they have the motive power, but are without head-lights.

Mr. Gay was not of this class; he was a perfect type of the successful man. Possessing great modesty, there was no dash about his manner. With a mind trained for the comprehension of both great and small things, he was able to master the particulars of whatever he undertook. He could not be lured into hazardous investments and undertakings by mere promises of large returns, but looked behind them to see if they were well founded. By a careful survey of the past and a clear comprehension of the present, he was able to calculate results with accuracy in the future.

An old, respected, and successful business man of Vincennes, Ind., a few years ago told me that when he first engaged in merchandising in that historical town he wholesaled to the merchants of St. Louis, who transported their goods across the prairies of Illinois by wagon. Said he, "I could have gone to St. Louis and become its greatest merchant, but I thought Vincennes was the point where the great central city of the country was to grow up."

Not so with the father of Mr. Gay. Starting from Virginia in 1820 with his youthful son, he passed by Vincennes—where George Rogers Clark had won imperishable renown in Revolutionary times, where stood the home of General William Henry Harrison, and near which, beneath the spreading oak, he held his famous council with Tecumseh—and entered the beautiful prairies beyond the Wabash, where they halted four years and then settled in St. Louis, on the banks of the Mississippi, the great highway of commerce, as the point where the great central city of the New World was to be built. And here it was built; and here grew up to manhood, to honor, to success, and to fortune Edward J. Gay.

The great talents and ability possessed by Mr. Gay were no doubt in some degree natural, but to these were added a rich scholastic education and a careful business training which made him the successful man that he was and would have crowned his labors with success in any calling. He was the first to import coffee by cargo from Cuba, which was considered by most merchants as a hazardous venture. By his talents and capabilities he soon built up a trade and became one of the most extensive wholesale dealers in the West, and was one of the prime movers in the enterprise of the erection of the present Merchants' Exchange building in St. Louis.

In 1855 Mr. Gay changed his residence and later his business, engaging in the production of sugar in the State of Louisiana. In this new field his abilities were more conspicuously displayed than in merchandising. He was not long in mastering every detail of his new vocation, and soon became more proficient than those who had spent their lives in the business; his recognized ability caused his selection as the first president of the Louisiana Sugar Exchange of New Orleans.

Mr. Gay's success, however, was not alone due to his abilities as a careful and cautious, but self-reliant business man.

With these qualifications he possessed sterling integrity and honesty. Those who dealt with him soon acquired confidence in him. He was not a designing speculator, bent on gain at all hazards, but the honorable, high-minded, upright dealer who wronged no one, but was trusted by all.

Besides his great capabilities nothing could have contributed more to his success in business and his standing among commercial men than his unquestioned and unquestionable integrity.

This monument of character which he built so symmetrically, adorned as it was with noble traits and successful deeds, would not be finished without the crowning virtues of morality and christian charity, and it is a pleasing remembrance to his friends and a consolation to his family that he not only possessed but practiced these to the close of his eventful life.

The world is better by his having lived, and the example of his life may well be taken as a model by those that may follow him.

Mr. CLEMENTS. There is a propriety in recounting, on occasions like this, the virtues and achievements of those of whom we pause to speak. This is proper, not alone for the purpose of paying tribute to their memories, but of utilizing their good examples of life in rendering better the lives of those who survive them and follow them.

In a country like this and under a government like ours, where it is possible for the child of humblest birth to attain the highest position of honor in official station, the aspirations of the young are naturally, in a great measure, turned towards the political arena. While ambition in this direction is not to be condemned, it should not be forgotten that there are other fields of useful labor in which great good to humanity can be accomplished, and as high and as true honor realized.

In the life and character of Mr. Gay there is much to be commended to the emulation of those engaged in or entering upon the struggle of life. It was in the duties of private, domestic, and business life that the sterling qualities of head and heart ennobled the career of this good and wise man. He was not a politician by profession or choice. He did not seek office. The people called him by nomination and election, unsought on his part, into their service. Prompted by a sense of duty, he responded. His political and official career is well known. He was three times unanimously, and by acclamation, nominated by the Democratic convention of his district, and successively elected by increasing majorities each time.

In this House he did his duty ably, fearlessly, and faithfully. When



he addressed this body he commanded the hearing of all, and on each mind left an indelible impression. He was a member of the Committee on Appropriations in the Fiftieth Congress, and was a faithful, painstaking, just, and liberal participant in the arduous work of that committee.

But of his private life I wish to speak further. He was blessed with the greatest of all earthly blessings, that of a christian mother, who realized her duties and responsibilities and who lived to see her son a blessing to mankind. Napoleon has said that "the future good or bad conduct of a child depends entirely upon its mother," and a greater than he has uttered these words of wisdom: "Train up a child in the way he should go, and when he is old he will not depart from it." Both his father and mother were devout christians, and their lives abounded in deeds of charity.

Mr. Gay's early career at school and in college was marked with success, the result of energy and close application in the development of a naturally gifted mind. Here, as well as under the benign influences of a christian home, was laid the foundation of that success in accomplishments and that true type of manhood developed in his life.

When he left school and went forth to grapple with the stubborn affairs of life he was equipped with a clear and accurate judgment, and pressed onward with a courage and energy that made failure impossible to him. He, without ostentation, soon displayed a degree of capacity that caused him to be regarded as almost a "business prodigy." One who was many years in his employ and knew him intimately says of him:

He was a just man, always giving full weights and measures. He was a temperate man, not given to excessive indulgence of any kind. He was a christian man, as his many acts of charity and christian benevolence show.

His long and successful business career abounds in instances of the practical observance of honesty, both toward employé and customer. His pastor, Rev. Felix R. Hill, has said of him:

He was a scrupulously honest man. He kept his contracts and his word was his bond.

He was one of whom it could have been said that he "swearth to his own hurt and changeth not."

Bishop Keener has said of him:

With great energy, he was singularly tempered with moderation. He was unpretending and exemplary in all his personal habits and intercourse with his neighbors. For breadth of view and intelligence upon all subjects he had few equals. In an acquaintance of forty years I have known no one more uniform, a man uniformly reliable in all departments and conditions of life. He was a pure and blameless man, a faithful husband, an affectionate father, and a helpful friend.

He died in the christian faith. Duty in all the relations of life was the standard to which he endeavored to raise his conduct. He was true to himself; he could not be false to others. Subject, as all men are, to the imperfections of human nature, it would be too much to say that he in all particulars attained this standard to which he aspired, but that he did so in a degree to leave a noble example, worthy to be followed, no one will question.

Mr. KINSEY. Mr. Speaker, I am sure that the good people of the city of St. Louis, especially those who were the pioneers in her great commercial development, would not willingly allow this occasion to pass without having uttered, in their behalf, some word of tribute to the memory of Edward J. Gay. For more than half a century he was identified with our growth. He saw a trading-post on the frontier become the metropolis of the Mississippi Valley.

The great arteries of commerce that in later years bore this wealth of half a continent to and from our doors derived much of their energy from him, and dying he has left an indelible impress of his strong and rugged character upon the beautiful city which witnessed the achievements of his early and middle life.

The old-time merchant, who weathered every financial storm; whose word was his bond; whose credit was never tarnished or questioned; who, by the slow and conservative methods less in vogue now than then, built up a colossal fortune and at the same time wisely dispensed charity upon every hand, was no ordinary man. Such were the characteristics of Mr. Gay's business career.

It may well be doubted if any pursuit in these days has developed greater men in the things that really make men great than the successful management of the vast industrial and commercial enterprises of this country. In this line our late colleague and friend was pre-eminent.

The great steel bridge that spans the Father of Waters at St. Louis, her palatial Chamber of Commerce, and a score of other stately and noble structures are witnesses of his foresight, energy, and public spirit as a citizen.

He will be long remembered by our people as among the foremost citizens of his time.

I will not dwell longer upon this phase of his life, nor will I venture to speak of his public career as a member of this House. Others have done that more fittingly than I am able to.

In private life Mr. Gay was a christian gentleman, unostentatious, generous, kind, and helpful. His memory will be revered by many a weary soul whose burdens were made lighter by his generous hand.

His associates in all the walks of life will not soon forget him. His ashes now sleep in Bellefontaine, our beautiful city of the dead, where loving hands have erected a stately monument to mark his last resting place, in sight of which the commerce of the mighty West, which he helped to create, floats by, unheeded now, to the sea.

Mr. COLEMAN. Mr. Speaker, just recognition of the merits of the dead is among the noblest of our impulses.

Cherishing the virtues of friends who have passed into "the great beyond," is to be commended.

Edward J. Gay, of Louisiana, the subject of our present sorrowful and most respectful consideration, surrounded by saddened hearts of the loved home circle, watched by the tenderest care of a devoted wife, peacefully passed beyond the skies to that brighter home May 30, 1889. That ending of a beautiful spring, which was succeeded by a glorious summer, typical of the closing of a successful life and the transformation into that life of glorious radiance of our Father's love.

Edward J. Gay was born at Liberty, Bedford County, Virginia, February 3, 1816. His father, John H. Gay, and family removed in 1830 to Illinois, and thence to St. Louis, Mo., in 1824, where he settled. He spent several years under the tuition of John H. Dennis, an accomplished teacher residing in Belleville, Ill.; and in 1833-'34 at Augusta College, Kentucky. He became familiar with business affairs in early life from being intrusted by his father with transactions of importance and responsibility. He was extensively engaged in commercial affairs at St. Louis, Mo., from 1838 to 1860; since 1855 he resided in Louisiana, and was largely engaged in commercial, manufacturing, and agricultural pursuits. He was prominently instrumental in the enterprise of the erection of the first and the present Merchants' Exchange building in St. Louis, and was the first president of the Louisiana Sugar Exchange of New Orleans. He was elected to Congress three consecutive times, thus proving his popularity with those whom he served so faithfully to his death.

Mr. Speaker, while we miss the companionship of our colleague, while we shall never more feel that cordial grasp of his friendly salutation, while we bow in meek submission to the will of "Him who doeth all things well," let us strive to follow the example set for us by our friend, hoping that when we sleep our last sleep we will have made as fair a record of good and faithful service as he has done.

"Love one another" was taught ages ago. How can we better follow this divine precept than to record the virtues of our dead companion?

'Tis of his virtues I would speak and say that with his head and hand and heart he profited my State, my home, and my people.

Mr. Speaker, monuments are reared commemorating deeds of valor, daring, and bravery, to illustrate respect, love, or veneration for the heroic dead, but in time these will pass away, while the good deeds of the silent worker, imbued with honest, noble purpose, will survive long after monuments shall have crumbled into dust. No monument of bronze or chiseled stone will rear its prominence aloft to mark the battle-deeds or war-famed glory of Edward J. Gay, but fervid smoke from towering chimneys of industrial plants established as his work will prove his record as a benefactor. I can not chant or loudly acclaim his victories of "broil and battle," but I can tell you of his love for home, where quiet and contentment were; where the loved wife in peace and pleasure reigned; where children dwelt, happy and gladdened by a father's presence and a parent's love; where nature smiled and happiness prevailed.

The tear-filled eyes and hearts so full, now mute in anguish round the hearthstone of that Southern home, are far more eloquent than spoken words (howe'er well phrased) to show the grief wrought by this "king of terrors."

Grateful hearts remember acts of kindness by our lamented friend, and know that penury and want could not prevail where industry and application joined with favor from our colleague's hand.

I know of those who but for help and aid from Mr. Gay would now be weary and disheartened with this world of care; I know of men who, now quite prominent in life, admit their obligations to that noble friend. Shall I, with this advantage to relate, let slip this chance to tell of my dead friend? Shall I do that which I am called to do and speak of him as he is entitled to? Or shall I let some gossips prate of what they think they know, and scratch the record he's entitled to? By industry and use of knowledge gained from books and men, he ventured out in enterprises new, that brought him profit, which, reinvested with progressive skill, brought more gain and success, until some called him "stilted;" but when he saw more plainly than some others could, it was but natural that his vision soared above that of his critics.

I knew him as a customer; so versed was he in my industrial line of business that I got ideas from his views which served me in my factory. And yet he passed not as a mechanic, but, fixed in notions of his own, he forced success, and, with success, reward.

His life was gentle, and the elements  
So mix'd in him, that Nature might stand up  
And say to all the world, This was a man!

Your cause of sorrow  
Must not be measured by his worth, for then  
It hath no end.

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We speak what we do feel,  
Not what we ought to say.

Good angels guard thee,  
Sleep, sleep in peace  
And wake in joy.

Mr. ROBERTSON. Mr. Speaker, again the business of this House is suspended that proper tribute may be paid to the memory of an esteemed colleague who has passed beyond the river of life unto the shores of eternal rest. Within less than half a decade the Louisiana delegation in Congress has been thrice invaded by the insatiable hand of death. Three of Louisiana's statesmen, in almost as many years, in the midst of useful service, have been called to answer a summons from the throne of immortality. They have quietly, all of them, traversed the narrow but fearful limits of the abyss which separates the living from the dead, and have reached the mysterious land wherein dwell the spirits, the statesmen gone before.

The pendulum of unfolding destiny has described another arc, and the implacable decree of fate has terminated the useful career of Edward J. Gay. Born of a parentage whose sturdy arms carved out the path of civilization in the rugged forests of the West, he inherited the traits of unflinching moral courage and indomitable will which, in the long career of a successful life, were his prominent characteristics. This manifested itself in a greater part of his after-life, when, in the vigor of manhood, he met with an accident which paralyzed his arms and hands and rendered him almost helpless physically. Notwithstanding the excruciating pain to which he was subjected through a long series of years, in consequence of his injury, he continued with little interruption the pursuits of his great interests in commercial life and sugar-planting.

His hands were fettered, but his will and mental energy seemed to increase with his physical weakness, and his wonderful activity over a large field of operation in nearly every variety of business marked him as a man of extraordinary resources, possessing remarkable perseverance, great foresight, and unbending purpose. As a result of these attributes he amassed a great fortune and took rank as an able financier, whose peer does not exist in the Southern States. There was nothing of austerity in his private life; nothing of ostentation in his social intercourse. He was plain and hospitable in his home and strong in his paternal and conjugal affection. His home was a model of domestic happiness and tranquillity.

As a merchant, he reached the highest plane of success; as a sugar-planter, he developed the industry to its fullest limit; as a statesman, having entered political life in his maturer years, he was careful, correct, courageous, carrying his business habits and principles into his official labors. As a man, he was upright, just, truthful, sincere, true to his convictions and brave in his advocacy of what he considered to be right.

As a christian, he served his God humbly, with no display of hollow show, but with a contrition inspired by "a heavenly spirit of all grace vouchsafed to man through the sacrifice of the Son of God, which stands ready to enter the hearts of all men who serve God with a willing mind and perfect heart." In charity he followed the injunction of Christ given in the Sermon on the Mount:

But when thou doest alms, let not thy left hand know what thy right hand doeth.

Thus we have his character; a type worthy of emulation and worthy of record in the history of this House.

Mr. Speaker, it was my good fortune in entering upon the duties as a member of the Fiftieth Congress to occupy a seat near Mr. Gay and to enjoy the benefit of his kind advice. It was here that I learned his true worth as a Representative of his people. I have often wondered at his activity and strict attention to the smallest detail of his official duties. In the discussion of the great questions involving seriously the interests of his people he took an active part, and with unswerving determination avowed the purpose of his course with a courage only possessed by a man of his strong characteristics. Mr. Gay will long be remembered by his constituents for the good work he accomplished as their Representative, and his death has caused a void which many years of patient waiting and earnest endeavor will find unfilled.

I need not be missed, if another succeed me  
To reap down those fields which in spring I have sown.  
He who plowed and who sowed is not missed by the reaper,  
He is only remembered by what he has done.

Needs there be praise of the love-written record,  
The name and the epitaph graved on the stone?  
The things we have lived for, let them be our story,  
We, ourselves, but remembered by what we have done.

Mr. WILKINSON. Mr. Speaker, three gentlemen, the gentleman from Ohio [Mr. MCKINLEY], the gentleman from Kansas [Mr. PETERS], and my colleague from Louisiana [Mr. BOATNER], all desired to speak on this occasion. They have been unavoidably detained, and I ask unanimous consent that they have leave to print their remarks in the RECORD.

The SPEAKER *pro tempore* (Mr. MCCREARY). In the absence of objection, leave will be granted.

There was no objection.

Mr. WILKINSON. I now move the adoption of the resolutions already submitted.

The question being taken, the resolutions were unanimously adopted; and in accordance therewith (at 4 o'clock p. m.) the House adjourned.

#### EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communication was taken from the Speaker's table and referred as follows:

##### NON-COMMISSIONED OFFICERS OF THE STAFF.

Letter from the Secretary of War, transmitting petitions and recommendations submitted by the adjutant-general of the commissary sergeants and post quartermaster sergeants stationed at Benicia Barracks and San Diego Barracks, California, for an increase in the pay of non-commissioned officers of the staff—to the Committee on Military Affairs.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, a Senate bill of the following title was taken from the Speaker's table and referred as follows:

A bill (S. 826) for the relief of Horatio Phillips Van Cleve—to the Committee on Military Affairs.

#### SENATE RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following resolution was taken from the Speaker's table and referred as follows:

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of State be, and he is hereby, authorized to have the reports of the United States commissioners to the Centennial International Exhibition at Melbourne, 1888, or such of them as may be accepted by him for publication, printed and bound at the Congressional Printing Office, and that, in addition to the usual number, there shall be 600 extra copies for the use of the Senate, 1,200 for the use of the House of Representatives, and 1,200 for the use of the Department of State;*

to the Committee on Printing.

#### REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees on bills of the following titles were delivered to the Clerk, ordered to be printed, and referred as follows:

Mr. GEST, from the Committee on War Claims, reported favorably the bill (H. R. 7469) for the relief of George Stodd—to the Committee of the Whole House.

Mr. LANE, from the Committee on Invalid Pensions, reported with amendment the bill (S. 1207) granting a pension to Lydia K. White, a volunteer army nurse—to the Committee of the Whole House.

Mr. GROSVENOR, from the Committee on War Claims, reported favorably the bill (H. R. 1786) for the relief of D. M. Sprague and William Tilton—to the Committee of the Whole House.

Mr. ATKINSON, of Pennsylvania, from the Committee on the District of Columbia, reported with amendment the bill (H. R. 5496) to incorporate the Georgetown and Arlington Railway Company of the District of Columbia—to the House Calendar.

Mr. POST, from the Committee on Public Buildings and Grounds, reported favorably the bill (H. R. 720) for the erection of a public building at Hamilton, Ohio—to the Committee of the Whole House on the state of the Union.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported favorably the bill (H. R. 7630) to increase the limit of cost of the public building at Charleston, S. C.—to the Committee of the Whole House on the state of the Union.

Mr. KERR, of Iowa, from the Committee on Public Buildings and Grounds, reported favorably the bill (S. 2349) to provide for the purchase of a site and the erection of a public building thereon at Kansas City, in the State of Missouri—to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH, from the Committee on Public Buildings and Grounds, reported with amendment the bill (S. 233) for the erection of a public building at Danbury, Conn.—to the Committee of the Whole House on the state of the Union.

Mr. BANKHEAD, from the Committee on Public Buildings and Grounds, reported with amendment the bill (H. R. 178) to provide for enlarging the proposed public building at Savannah, Ga.; the purchase of another site, if practicable, and for the sale of the present site—to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH, from the Committee on Public Buildings and Grounds, reported with amendment the bill (S. 1027) for the erection of a public building for the use of the custom-house and post-office at Newport News, Va., and making an appropriation therefor—to the Committee of the Whole House on the state of the Union.

Mr. BANKHEAD, from the Committee on Public Buildings and Grounds, reported with amendment the bill (H. R. 3279) for the erection of a public building at Rome, Ga.—to the Committee of the Whole House on the state of the Union.

Mr. CLUNIE, from the Committee on Public Buildings and Grounds,



reported with amendment the following bills; which were severally referred to the Committee of the Whole House on the state of the Union:

A bill (S. 1266) for an extension of appropriation for the erection of a public building at Los Angeles, Cal.; and

A bill (H. R. 953) for a public building at Sheboygan, Wis.\*

Mr. VAN SCHAICK, from the Committee on Public Buildings and Grounds, reported with amendment the bill (H. R. 467) for the erection of a public building at Saginaw, Mich.—to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH, from the Committee on Public Buildings and Grounds, reported with amendment the bill (S. 878) for the improvement and enlargement of the public building at Petersburg, Va.—to the Committee of the Whole House on the state of the Union.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported favorably the bill (H. R. 3827) for the erection of a public building for the use and accommodation of the United States Geological Survey upon the Government reservation in the city of Washington, D. C.—to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH, from the Committee on Public Buildings and Grounds, reported with amendment the bill (H. R. 445) for the erection of a shop at the National Armory, Springfield, Mass.—to the Committee of the Whole House on the state of the Union.

Mr. CARLTON, from the Committee on Claims, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 7388) for the benefit of John T. Leavell; and

A bill (H. R. 7086) for the relief of Merrill Denham.

Mr. ENLOE, from the Committee on War Claims, submitted proposed amendments to the bill (H. R. 7616) for the allowance of certain claims for stores and supplies, etc.; which were ordered printed as part 2 of Report No. 491.

#### BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were introduced, severally read twice, and referred as follows:

By Mr. MANSUR: A bill (H. R. 8521) to regulate, define, establish, and secure the civil, political, and property rights of such American citizens as have intermarried with the Chickasaw Indians, and for other purposes—to the Committee on Indian Affairs.

By Mr. TURNER, of Kansas: A bill (H. R. 8522) defining lager beer, also imposing a special tax upon and regulating the manufacture, sale, and importation of adulterated lager beer—to the Committee on Ways and Means.

By Mr. HOUK: A bill (H. R. 8523) to authorize the construction of a bridge across the Little Tennessee River, at or near Niles Ferry, Tennessee—to the Committee on Commerce.

By Mr. STOCKBRIDGE: A bill (H. R. 8524) for the rebuilding of the United States revenue steamer Thomas Ewing with an iron hull—to the Committee on Appropriations.

By Mr. BRECKINRIDGE, of Kentucky: A bill (H. R. 8525) to regulate the pay of minors enlisted in the Army—to the Committee on Military Affairs.

Also, a bill (H. R. 8526) to provide for the industrial development of the United States, and to reduce the revenue—to the Committee on Ways and Means.

By Mr. BROSIUS: A bill (H. R. 8527) for an appropriation for the printing of bulletins of information for Agricultural Department—to the Committee on Printing.

By Mr. ANDERSON, of Mississippi: A bill (H. R. 8539) relinquishing the title of the United States to certain tracts or parcels of the public lands situated in the State of Mississippi to the purchasers thereof from said State—to the Committee on the Public Lands.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented, and referred as indicated below:

By Mr. CANNON: A bill (H. R. 8528) granting a pension to O. C. Carpenter—to the Committee on Invalid Pensions.

By Mr. CRAIN: A bill (H. R. 8529) for the relief of Vidal Hernandez—to the Committee on War Claims.

By Mr. FITCH: A bill (H. R. 8530) for the relief of Henry Sibo—to the Committee on Claims.

By Mr. GEST: A bill (H. R. 8531) to increase the pension of Elizabeth Malarky—to the Committee on Invalid Pensions.

By Mr. HAYNES: A bill (H. R. 8532) granting a pension to Mary Webster—to the Committee on Invalid Pensions.

By Mr. HEARD: A bill (H. R. 8533) for the relief of Miller Thompson—to the Committee on Claims.

By Mr. KELLEY: A bill (H. R. 8534) granting an increase of pension to James W. McMillan, late brevet major-general volunteers—to the Committee on Invalid Pensions.

By Mr. LAWLER: A bill (H. R. 8535) granting a pension to Catharine Quigley—to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 8536) for the relief of Benjamin S. Fox—to the Committee on Claims.

By Mr. RUSK: A bill (H. R. 8537) granting a pension to Peter Smith—to the Committee on Invalid Pensions.

By Mr. WALLACE, of New York: A bill (H. R. 8538) for the relief of James C. Slaght—to the Committee on War Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXI, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. ALLEN, of Michigan: Petition of the Michigan State Board of Agriculture, for the transfer of the Signal Service to the Department of Agriculture—to the Committee on Agriculture.

By Mr. BELDEN: Petition against employment of aliens on public works—to the Committee on Labor.

By Mr. BELKNAP: Petition of the Michigan State Board of Agriculture, to transfer the national weather service to the Department of Agriculture—to the Committee on Agriculture.

By Mr. BLISS: Petition praying that none but citizens of the United States be employed in the construction of Government buildings—to the Committee on Labor.

Also, petition of Michigan Agricultural College to transfer the national weather service to Agricultural Department from the War Department—to the Committee on Agriculture.

By Mr. BRECKINRIDGE, of Kentucky: Petition of citizens of the District of Columbia, for a national Sunday-rest law—to the Committee on the District of Columbia.

By Mr. BREWEK: Petition of Agricultural College of Michigan—to the Committee on Agriculture.

By Mr. CANNON: Papers to accompany House bill granting a pension to O. C. Carpenter—to the Committee on Invalid Pensions.

By Mr. CARUTH: Papers to accompany H. R. 1295, granting an increase of pension to Margaret J. Lovell—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: Petition of Michigan State Board of Agriculture, praying that the Weather Bureau shall be transferred to the Agricultural Department—to the Committee on Agriculture.

Also, petition of Union No. 2 of the city of Detroit, Mich., of the Bricklayers and Masons' Union of America, against the employment of aliens by the Federal Government in the construction of the public works—to the Committee on Labor.

By Mr. CONGER: Memorial of Robert Henderson post, Grand Army of the Republic, Bayard, Iowa, in favor of service-pension bill—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: Memorial of the State Board of Agriculture for the reorganization of the Signal Corps and the transfer of the weather service from the War Department to the Department of Agriculture—to the Committee on Military Affairs.

Also, memorial of farmers' and beekeepers' associations of Newaygo County, Michigan, in favor of free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. DE LANO: Petition of bricklayers and masons of the International Union of America, No. 46, protesting against aliens being employed on Government works, etc.—to the Committee on Labor.

By Mr. FINLEY: Petition of citizens of Green, Hart, and Edmonson Counties, in Kentucky, asking that appropriation of money be made to extend slack-water navigation as high up Green River as Greensburg—to the Committee on Rivers and Harbors.

By Mr. FITCH: Petition of Union No. 37, city of New York, Bricklayers and Masons' International Union of America, protesting against employment of alien labor on public buildings and other Government works—to the Committee on Labor.

By Mr. GEST: Petition and proof upon the bill to pension Elizabeth Mulosky—to the Committee on Invalid Pensions.

By Mr. GROUT: Petition of 30 clerks in second-class post-offices of Vermont—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of Robert Krounz and 104 others, members of German societies, Davenport, Iowa, protesting against the passage of any law materially changing present naturalization and immigration laws—to the Select Committee on Immigration and Naturalization.

By Mr. HAYNES: Petition of Capt. George P. McKay, of Cleveland, Ohio, and 54 others, owners and masters of vessels at Cleveland, Ohio, for the early completion of the Toledo, Ohio, harbor improvement—to the Committee on Rivers and Harbors.

By Mr. HENDERSON, of Iowa: Resolutions passed by E. C. Little Post, No. 54, Grand Army of the Republic, Independence, Iowa, Department of Iowa, urging the passage of the service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions of Buckeye Alliance, No. 1371, Alden, Iowa; Vernon Township Alliance of Farmers, No. 835, Dows, Iowa, and Union Alliance of Farmers, No. 1203, Cedar Falls, Iowa, favoring the Butterworth bill against gambling in farm produce—to the Committee on Agriculture.

By Mr. LAWLER: Petition of Chicago Leather Association, against duty on hides—to the Committee on Ways and Means.

Also, petition of book publishers, in favor of the passage of the resolution in favor of introducing short-hand method of spelling in the Government Printing Office—to the Committee on Printing.

By Mr. LEE: Petition of Charles A. Day, for pension—to the Committee on Pensions.

By Mr. MORGAN: Petition of J. M. Calhoun and 69 others, against the Conger bill taxing compound lard—to the Committee on Ways and Means.

By Mr. O'DONNELL: Petition of the Michigan State Board of Agriculture, praying that the Weather Bureau be transferred to the control of the Department of Agriculture—to the Committee on Agriculture.

By Mr. PETERS: Petition of citizens of Ness County, Kansas, for aid in developing the sugar industry in Kansas—to the Committee on Agriculture.

By Mr. PRICE: Petition of Pierre Breaux, of Terre Bonne Parish, Louisiana, for reference of his claim to the Court of Claims under the provisions of the Tucker act and Bowman act—to the Committee on War Claims.

By Mr. QUINN: Petition of the United States Brewers' Association—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. RAY: Petition of Subordinate Union No. 11, city of Washington, Pa., of the Bricklayers and Masons' International Union of America, praying that the laws be so amended that none but citizens of the United States shall be employed on Government works—to the Committee on Labor.

By Mr. ROGERS: Resolutions of Memphis Cotton Exchange, against taxing cotton-seed oil—to the Committee on Agriculture.

Also, memorial of Chamber of Commerce of Fort Smith, Ark., in relation to a deep-water harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, memorial of the International Union of the Masons and Bricklayers of America, against the employment of foreign labor—to the Committee on Labor.

Also, resolutions of Merchants' Exchange, Memphis, Tenn., against taxing cotton-seed oil—to the Committee on Agriculture.

By Mr. RUSK: Papers and petition relating to bill for a pension for Peter Smith—to the Committee on Invalid Pensions.

By Mr. RUSSELL: Resolutions of the New Haven (Conn.) Typotheta, in favor of copyright bill—to the Committee on the Judiciary.

By Mr. STONE, of Missouri: Resolutions of the board of directors of the Merchants' Exchange of St. Louis, with regard to the Edmunds inspection bill, for hog products intended for export—to the Committee on Agriculture.

Also, petition of Peter R. Johnson, praying that his claim be referred to the Court of Claims—to the Committee on Military Affairs.

By Mr. STRUBLE: Resolutions passed by Alliance No. 1204, Spirit Lake, Iowa, urging the passage of H. R. 5353—to the Committee on Agriculture.

Also, resolutions passed by Pleasant Valley Farmers' Alliance, No. 775, Iowa, urging passage of same measure—to the Committee on Agriculture.

By Mr. TOWNSEND, of Pennsylvania: Petition of citizens of Pennsylvania, against employment of aliens on public works—to the Committee on Labor.

By Mr. WASHINGTON: Resolution of Huron Union, Pleasant View, Tenn., regarding election of President, Vice-President, and United States Senators by direct vote of the people—to the Select Committee on the Election of President, Vice-President, and Representatives in Congress.

Also, resolutions of Farmers' Exchange, Memphis, Tenn., regarding compound lard—to the Committee on Agriculture.

By Mr. WHEELER, of Michigan: Petition of Spencer M. Hill and 11 other vessel-owners and masters of the Great Lakes, praying for an appropriation for breakwater at Petoskey, Mich.—to the Committee on Rivers and Harbors.

## SENATE.

MONDAY, March 24, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of Subordinate Union No. 3 of the Bricklayers and Masons' International Union of America, of Atlanta, Ga., praying for the passage of laws providing for the employment of only citizens of the United States on Government works; which was referred to the Committee on Education and Labor.

He also presented the petition of Mrs. J. Ellen Foster, Mrs. Mary S. Logan, Clara Barton, Susan B. Anthony, Clara Bewick Colby, Mrs. J. H. Spofford, Olivia M. Ford, Mrs. J. F. Macfarland, Mrs. Dr. Reiley,

A. M. Chamberlain, and many others, prominent ladies of Washington, D. C., and Lavinia H. Chase and Mrs. Mary H. Hunt, of Massachusetts, and many others, praying for the establishment of an inebriate asylum in the District of Columbia for the treatment of males or females; which was ordered to lie on the table.

He also presented a letter from C. A. Power, secretary of the Indiana State Service-Pension Association, transmitting a copy of resolutions adopted by that association favoring certain pension legislation; which, with the accompanying resolutions, was referred to the Committee on Pensions.

Mr. WASHBURN presented a petition of citizens of St. Paul, Minn., praying Congress to amend the laws so that none but citizens of the United States shall be permitted to work on any public buildings, etc.; which was referred to the Committee on Education and Labor.

Mr. MANDERSON presented a preamble and resolutions adopted by the board of supervisors of York County, Nebraska, favoring an appropriation for a deep-water harbor at Galveston, Tex.; which were ordered to lie on the table.

He also presented petitions of subordinate lodges of the Bricklayers and Masons' International Union of America, of Lincoln, Omaha, and Kearney, in the State of Nebraska, praying for legislation against the employment of aliens on Government works; which were referred to the Committee on Education and Labor.

Mr. MANDERSON. I present a memorial of 205 citizens of Lancaster County, Nebraska, remonstrating against the reduction of the duty on sugar, and praying for aid to encourage the production of sugar from beets and sorghum. As this is a matter that pertains to the question of the tariff on sugar, I presume the memorial should go to the Committee on Finance.

Mr. PADDOCK. A bill on that subject has been referred by the Committee on Agriculture and Forestry to the Committee on Finance.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Finance.

Mr. HOAR. I present sundry petitions from the Bricklayers' Union, citizens of Worcester, Springfield, Lowell, and Fitchburg, all populous cities in the Commonwealth of Massachusetts, to the same effect as those presented by the Senator from Nebraska [Mr. MANDERSON], in favor of legislation prohibiting the employment of aliens on Government works. I move that the petitions be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. HOAR. I present the memorial of H. J. Skeffington, on behalf of the Boot and Shoe Makers' International Union, remonstrating against the ratification of a certain extradition treaty with Russia. I suppose the memorial should be presented in executive session, as the question of its reference might be debated and might be determined upon considerations which could not now be made public.

The VICE-PRESIDENT. The Senate has already agreed to receive petitions of that character in open session. They have been received and referred on previous occasions to the Committee on Foreign Relations.

Mr. HOAR. I present the memorial in open session, but it is contrary to my judgment of the proper course.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Foreign Relations.

Mr. WILSON, of Iowa, presented a petition of 580 citizens of Pueblo and Maniton Springs, Colo., praying for the passage of an act opening to settlement the abandoned military reservation at Pike's Peak, Colorado; which was referred to the Committee on Public Lands.

He also presented resolutions adopted by McMillan Post, No. 463, Grand Army of the Republic, of Baxter, Iowa, in favor of the passage of the service-pension bill; which were referred to the Committee on Pensions.

Mr. PADDOCK. I present a petition of the Bricklayers and Masons' International Union of America, of Grand Island, Nebr., praying for an amendment to the law so that none but citizens of the United States shall be employed on Government works. I also present a similar petition from the Bricklayers and Masons' International Union of America, of Lincoln, Nebr.; also, a similar one from the same organization at Kearney, Nebr. I move that the petitions be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. PADDOCK presented resolutions adopted by the board of supervisors of York County, Nebraska, praying for an appropriation by Congress to complete the improvement of the harbor at Galveston, Tex.; which were ordered to lie on the table.

Mr. STEWART presented twenty-nine petitions signed by 1,003 members of the Farmers' Alliance, citizens of Nebraska, praying for the free coinage of silver; which were referred to the Committee on Finance.

Mr. STOCKBRIDGE presented petitions of the Bricklayers and Masons' International Union of America, of Muskegon and Manistee, in the State of Michigan, praying for legislation against the employment of aliens upon any and all Government works; which were referred to the Committee on Education and Labor.

He also presented a petition of farmers, citizens of Portage, Mich.,



praying for legislation to prevent speculation in grain; which was referred to the Committee on Agriculture and Forestry.

Mr. SHERMAN presented a memorial of the Springfield (Ohio) Monthly Meeting of Friends, remonstrating against large expenditures for the Navy and coast defenses; which was referred to the Committee on Naval Affairs.

He also presented a petition of 32 citizens of Ted post-office, Bloom Township, Wood County, Ohio, praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. PIERCE presented a memorial of the Legislature of North Dakota, which was referred to the Select Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed in the RECORD, as follows:

Joint memorial.

Whereas it is desirable to make a thorough test of artesian-well water for irrigation purposes; and

Whereas, owing to the facility for getting a good flow of water, the vicinity of the city of Edgely, La Moure County, North Dakota, would be a good location for making such test: Therefore,

Be it resolved by the house of representatives of the State of North Dakota (the senate concurring), That our Senators in Congress be instructed and our Representatives requested to use their best endeavors to secure through Congress the passage of an act appropriating \$15,000 per annum for sinking artesian wells on an experiment farm near the city of Edgely for the purpose of testing the utility of the water from such wells for irrigation, and that certified copies of the foregoing memorial, signed by the presiding officers and chief clerks of the Legislative Assembly, be forwarded to our Senators and Representatives in Congress.

D. B. WELLMAN, Speaker of the House.

Attest:

J. G. HAMILTON, Chief Clerk.

ALFRED DICKEY, President of the Senate.

Attest:

C. C. BOWSFIELD, Secretary.

Mr. PIERCE presented a petition of 45 farmers of Stutsman County, North Dakota, praying for the passage of Senate bill 2607, creating a commission to investigate the causes of agricultural depression; which was referred to the Committee on Agriculture and Forestry.

Mr. VEST presented a memorial of the Bricklayers and Masons' International Union of America, of St. Louis, Mo., and a memorial of the Cigar-Makers' Union No. 444, of St. Louis, Mo., remonstrating against the ratification of the proposed extradition treaty with Russia; which were referred to the Committee on Foreign Relations.

Mr. BLACKBURN presented a petition of certain citizens of Covington, Ky., praying for legislation in the interest of the Bricklayers and Masons' International Union of America; which was referred to the Committee on Education and Labor.

Mr. DAWES presented a memorial of the New England Ship-Owners' Association, remonstrating against free ships; which was referred to the Committee on Commerce.

He also presented petitions of subordinate unions of the Bricklayers and Masons' International Union of America, of Lowell, Worcester, Lawrence, Springfield, and Fitchburg, in the State of Massachusetts, praying for such an amendment of the laws as will prevent the employment of aliens on public works; which were referred to the Committee on Education and Labor.

Mr. DAWES. I present a memorial of the Boot and Shoe Workers' International Union, remonstrating against the ratification of a treaty. I should like to inquire whether these memorials are received in open session?

The VICE-PRESIDENT. Memorials relating to the ratification of the proposed treaty with Russia have been received in legislative session.

Mr. HOAR. I desire to raise the point of order upon that question once more.

Mr. VEST. The question was decided the other day by a vote of the Senate. My colleague [Mr. COCKRELL] raised the question.

Mr. HOAR. I know that; but very few members of the Senate, I think, were present. I understand that the members of the Committee on Foreign Relations were not present. I think every Senator will see that as the matter of the reference of such a petition or memorial is open for debate it may involve questions not disclosed, and the mere fact that there is such a treaty pending may be assumed in a petition and yet not have been properly disclosed by the Senate. I think the previous decision ought to be reversed at once.

Mr. DAWES. I suppose that until the vote the other day there never was any question about it that such petitions should be presented in executive session. I was aware of the vote the other day, but it seemed to me a departure from the custom. I have no choice myself. I am not so strong a believer in everything being done in secret session as some.

Mr. VEST. Of course it makes no material difference. I presented a large number of these petitions in executive session. I suppose I can state that.

Mr. DAWES. I have one more of these memorials.

Mr. HOAR. I will withdraw the point of order for the time being, because the Senate does not want to be delayed with the matter now.

Mr. COCKRELL. I should like to have a full Senate when the question is discussed, because I think the Senate did exactly right.

Mr. HOAR. Of course this a departure—

The VICE-PRESIDENT. If there be no objection, the memorial presented by the gentleman from Massachusetts [Mr. DAWES] will be referred to the Committee on Foreign Relations.

Mr. MORGAN presented a petition of 94 voters, citizens of Dallas County, Alabama, praying for the free coinage of silver; which was referred to the Committee on Finance.

He also presented a petition of Subordinate Union No. 2 of the Bricklayers and Masons' International Union of America, of Mobile, Ala., praying that the employment of labor on Government works be limited to citizens of the United States; which was referred to the Committee on Education and Labor.

Mr. COCKRELL. I present a petition of the Bricklayers and Masons' International Union of America, in St. Louis, Mo., dated March 19, 1890, and signed by the president and secretary, calling attention to certain laws of the United States in regard to the erection and construction of public buildings and the employment of aliens to work upon such buildings, and protesting that it is not right, and that preference should be given to citizens of the United States.

I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. PUGH. I present a petition upon the same subject from the same organization in the city of Mobile, Ala., and I move that it be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. WALTHALL presented a memorial of the Board of Trade of Columbus, Miss., and a memorial of the Natchez (Miss.) Cotton and Merchants' Exchange, remonstrating against legislation having for its object the taxation of compound lard, etc.; which were referred to the Committee on Agriculture and Forestry.

Mr. BATE presented a memorial embodying a resolution adopted by the Chamber of Commerce of Chattanooga, Tenn., favoring an appropriation for the protection of Chattanooga and the low lands near the Tennessee River in front of Chattanooga, likewise the national cemetery at that place, from overflow; which was referred to the Committee on Commerce.

Mr. BERRY presented a petition of Subordinate Union, No. 2, of the Bricklayers and Masons' International Union of America of Little Rock, Ark., praying for the employment of none but American citizens on the public works; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Farmers' Exchange of Memphis, Tenn., remonstrating against the bill to tax compound lard; which was referred to the Committee on Agriculture and Forestry.

Mr. MITCHELL presented memorials, numerous signed by citizens of Oregon, remonstrating against the passage of the bill known as the Pacific Railroad refunding bill, or any law by which the time shall be extended in which payment shall be made of the amounts due or to become due the Government from the Union Pacific and Central Pacific Railroads; which were ordered to lie on the table.

He also presented a petition signed by many citizens, letter-carriers, and others, of Portland, Oregon, praying for the passage of House bill No. 3863, fixing the maximum pay of letter-carriers at \$1,200 per annum and providing for substitute letter-carriers at \$200 per annum; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of 600 citizens of Idaho Territory, a petition of the governor, secretary of state, attorney-general, and members of the Legislature of Montana, also of citizens and residents of Helena, Mont.; a petition of B. F. Waite, ex-governor of Montana, and 86 other prominent citizens of Dillon, Mont.; a petition of merchants, miners, manufacturers, and other prominent citizens of Anaconda, Mont.; a petition of 56 citizens of Deer Lodge, Mont., and a petition of citizens of Butte, Mont., praying for the passage of the Union Pacific funding bill; which were ordered to lie on the table.

Mr. INGALLS presented a petition of citizens of Sumner, Marion, and Labette Counties, Kansas; a petition of citizens of Montgomery County, Kansas, and a petition of citizens of Kansas, praying for the passage of the service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of Grand Army of the Republic Post No. 32, Nebraska, and a petition of Grand Army of the Republic Post No. 82, Nebraska, in favor of Senate bill No. 496, removing the limitation in the arrears-of-pension act; which were referred to the Committee on Pensions.

He also presented a petition of sundry owners and tenants of property in Washington, D. C., praying for the improvement of certain streets in that city; which was referred to the Committee on Appropriations.

Mr. BLAIR presented a memorial of Mrs. E. E. Faulkner, and 32 other leading citizens of Keene, N. H., remonstrating against the removal of the Southern Utes from their present reservation; which was referred to the Committee on Indian Affairs.

He also presented a petition of 85 citizens of the District of Columbia and a petition of citizens of Idaho, praying for the passage of a Sunday-rest law; which were referred to the Committee on Education and Labor.

Mr. PLUMB presented a petition of the Greeley County (Kansas)

Veterans' Association, praying for the passage of the service-pension bill; which was referred to the Committee on Pensions.

He also presented a memorial of the Farmers' Alliance and Industrial Union of Atchison County, Kansas, remonstrating against the passage of the bill authorizing the issuing of United States bonds as a basis for the national-banking system; which was referred to the Committee on Finance.

He also presented a memorial of the Board of Trade of Topeka, Kans., remonstrating against the imposition of a duty upon ores imported from Mexico; which was referred to the Committee on Finance.

He also presented a petition of E. B. Cowgill and other citizens of Kansas, praying for certain legislation in regard to the beet and sorghum sugar industry; which was referred to the Committee on Appropriations.

Mr. TELLER presented a petition of the board of county commissioners of Fremont County, Colorado, and a petition of the city council of Pueblo, Colo., praying for an appropriation by Congress for a deep-water harbor at Galveston, Tex.; which were ordered to lie on the table.

Mr. FARWELL presented the petition of the Rockford Typographical Union, No. 213, of Rockford, Ill., praying that Senate bill 232, relating to copyrights, be made a law; which was ordered to lie on the table.

Mr. JONES, of Arkansas, presented the memorial of Joseph Scott and other citizens of Arkansas, remonstrating against the passage of the bills pending relating to compound lard; which was referred to the Committee on Agriculture and Forestry.

#### REPORTS OF COMMITTEES.

Mr. WALTHALL, from the Committee on Military Affairs, to whom were referred the bill (S. 1214) for the relief of Thomas J. Spencer and the bill (S. 1215) for the relief of Thomas J. Spencer, submitted an adverse report thereon, which was agreed to; and the bills were postponed indefinitely.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 2197) to increase the pension of Ziba Yarnell, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 956) to amend section 25 of the act of March 3, 1879, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes," reported it without amendment.

Mr. STANFORD, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1512) to erect a public building at Lima, Ohio, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 407) to authorize the acquisition of certain parcels of real estate embraced in square No. 380 of the city of Washington, to provide an eligible site for a city post-office, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the bill (S. 298) to increase the accommodations at the marine hospital at Detroit, Mich., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3062) making appropriations for continuing the erection of the public building at Worcester, Mass., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 848) to authorize the construction of an addition to the public building in Dallas, Tex., reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Territories, to whom was referred the bill (S. 2109) to insure the purity of elections in the Territory of Arizona, reported it without amendment.

Mr. PLATT, from the Committee on Territories, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1590) to ratify an act entitled "An act to provide for a wagon-road between Mount Idaho, in Idaho County, and Little Salmon Meadows, in Washington County," in Idaho Territory;

A bill (H. R. 6474) to submit the location of the county seat of Shoshone County, Idaho Territory, to a vote of the people of said county; and

A bill (H. R. 7170) to authorize the city of Ogden, Utah, to assume an increased indebtedness.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 326) ceding, upon condition, public lands to the State of California and other existing States, and to the eventual States to be formed out of the existing Territories, in aid of the irrigation of dry and arid lands, reported adversely thereon; and the bill was postponed indefinitely.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 455) to reimburse settlers and purchasers on even-numbered sections of public lands within the limits of Congressional grants in cases of forfeiture of odd-numbered sections, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 3027) to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase-money, and commissions paid on void entries of public lands," reported it with amendments.

#### ZOOLOGICAL PARK COMMISSION REPORT.

Mr. MANDERSON. I am directed by the Committee on Printing to report back favorably a House concurrent resolution to print the report of the Zoological Park Commission. I ascertain that the cost of printing the report, which is of local importance, will be \$38.02. I ask that the resolution may be considered at this time.

The concurrent resolution was considered by unanimous consent, and agreed to, as follows:

*Resolved by the House of Representatives (the Senate concurring therein), That there be printed of the report of the Zoological Park Commission, and its accompanying maps, 1,000 extra copies, of which 250 copies shall be for the use of the Senate, 500 copies for the use of the House of Representatives, and 250 copies for the use of the Zoological Park Commission.*

#### SENATORS FROM MONTANA.

Mr. HOAR. I am directed by the Committee on Privileges and Elections, to whom were referred the papers purporting to be the credentials of Messrs. Sanders, Power, Clark, and Maginnis, severally claiming seats from the State of Montana, to submit a report and to report the accompanying resolutions.

I wish to state that the minority of the committee desire to submit a minority report, and I ask that this report be not printed until to-morrow morning, when the views of the minority will be presented. I also ask that sundry papers and documents which accompany the report may be printed as an appendix. I wish to have the resolutions read. The resolutions in the cases of Clark and Maginnis should be first read and then in the cases of Sanders and Power. That is the usual course.

The VICE-PRESIDENT. The resolutions reported by the committee will be read.

The Chief Clerk read as follows:

*Resolved, That William A. Clark is not entitled to be admitted to a seat in the Senate from the State of Montana.*

*Resolved, That Martin Maginnis is not entitled to be admitted to a seat in the Senate from the State of Montana.*

*Resolved, That Wilbur F. Sanders is entitled, upon the merits of the case, to be admitted to a seat in the Senate from the State of Montana.*

*Resolved, That Thomas C. Power is entitled, upon the merits of the case, to be admitted to a seat in the Senate from the State of Montana.*

Mr. GRAY. I am directed in behalf of the minority of the Committee on Privileges and Elections to submit to the Senate resolutions declaring that Messrs. Sanders and Power are not entitled to be admitted to seats in the Senate and that Messrs. Clark and Maginnis are so entitled. I have in my hand a report in behalf of the minority of the committee, expressing their views upon the contested election, but inasmuch as one of the members of the minority has been absent from the city for some days there has been no opportunity for a conference, and I ask leave on behalf of the minority to withhold the minority views until to-morrow, in order that such conference may be had.

The VICE-PRESIDENT. Leave will be granted, if there be no objection.

Mr. GRAY. I ask, as the delay will not be long, that the report of the majority be not printed until to-morrow, when our report will follow it.

Mr. HOAR. I have already made that request. I desire the report of the majority to be withheld until to-morrow, and I give notice that on the return of the report from the printer, which I suppose will be by Wednesday morning, I shall ask the Senate to proceed as early as may be with the consideration of the case. As Senators may like to have an opportunity to read the reports, I shall not call up the matter before Thursday, but on Thursday morning, if there be no objection, I shall ask the Senate to take up these cases for consideration.

The VICE-PRESIDENT. The resolutions will be placed on the Calendar.

#### PUBLIC BUILDING AT FREMONT, NEBR.

Mr. SPOONER. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 533) for the erection of a public building at Fremont, Nebr., to report it with an amendment.

I ask unanimous consent that the bill may be acted upon at this time for the reason which I shall state. The Senate Committee on Public Buildings and Grounds have at this session adopted a new form of public-building bills. The other House is using the old form. The Senate has also been in the habit of incorporating an appropriation clause in such bills. The other House sends bills here without such a clause. It is important that there should be some conference and agreement between the two Houses on both of these questions. A number of House bills are being held up to await the result of the conference. In order that we may have an immediate conference upon the subject between the committees of the two Houses I should like to have the amendment put on the House bill that we may insist on the amendment and ask for a conference.



Mr. HARRIS. Is it a House amendment to a bill of the Senate that the Senator asks us to consider?

Mr. SPOONER. No; it is a Senate committee amendment to a House bill.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Wisconsin?

Mr. INGALLS. Can the Senator from Wisconsin inform us what action has been taken in connection with the Senate bills that have already passed the other House with an amendment, perhaps six or eight in number?

Mr. SPOONER. They are in the Committee on Public Buildings and Grounds awaiting the result of a conference on the bill now reported.

Mr. INGALLS. Why should not they all be put into conference?

Mr. SPOONER. They will be reported after a little while.

Mr. INGALLS. It seems to me that the discrimination against the bills that have already passed both Houses is indefensible; that is to say, having been sent to the other House and having been returned with an amendment they should be entitled to prior consideration. I speak of this because I am interested personally in one of them which happens to provide for a public building at the town where I reside. There ought, it seems to me, to be such disposition of those bills as would put them all on the same footing, and not let this one go to a conference and let the others remain in committee subject to such action as may be taken hereafter.

Mr. SPOONER. If the committee of conference shall agree to the position of the House of Representatives upon the subject, we shall require no conference on the other bills, but the Senate will be asked to accede to the House amendments.

Mr. INGALLS. But the Senator is mistaken about that from the fact that the bills as they come from the other House are unintelligible and insensible. The appropriating clause is stricken out of the bills as they passed the Senate, but there are still clauses remaining in the bills which provide that certain expenses shall be paid out of the appropriation therein made. Therefore it is absolutely impossible that the bills should be passed as they came from the House of Representatives. There must necessarily be an agreement upon the necessary amendments to make them intelligible.

Mr. SPOONER. I have not looked over the bills to which the Senator from Kansas refers, but I will say to him that they will be very promptly reported from the Committee on Public Buildings and Grounds.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the Senate proceed to the consideration of the bill (H. R. 533) for the erection of a public building at Fremont, Nebr.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PADDOCK. I do not understand the proceeding exactly.

Mr. SPOONER. I asked unanimous consent that the Senate proceed to the consideration of the House bill providing for the erection of a public building at Fremont, Nebr., in order that we may put to it a Senate amendment, so as to get it speedily into conference.

Mr. PADDOCK. That is satisfactory to me. I desired the information; that was all.

The VICE-PRESIDENT. The bill will be read at length as in Committee of the Whole.

The Chief Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, secure by condemnation, or otherwise acquire, a proper site for, and cause to be constructed at Fremont, Nebr., a suitable building for the use and accommodation of the post-office and other Government offices, at a cost not exceeding \$60,000, to be expended under the direction of the Secretary of the Treasury, who shall cause plans and estimates to be made so that no expenditure shall be made or authorized for a full completion of said building beyond the sum hereby appropriated; and the said building herein provided for shall be at least 50 feet removed from any other building: *Provided,* That no money be used or applied for the purposes mentioned until a valid title for the site shall be vested in the United States, nor until the State of Nebraska shall cede to the General Government of the United States jurisdiction over the property and exempt the same from taxation.

The VICE-PRESIDENT. The amendment reported by the Committee on Public Buildings and Grounds will be read.

The CHIEF CLERK. The Committee on Public Buildings and Grounds report to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office, and other Government offices, in the city of Fremont and State of Nebraska, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$60,000, which said sum of \$60,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommen-

dation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plans, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plans, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Nebraska shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon, at Fremont, in the State of Nebraska."

Mr. SPOONER. I move that the Senate insist upon its amendment, and request a conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. MORRILL, and Mr. VEST were appointed.

#### BILLS INTRODUCED.

Mr. BLACKBURN (by request) introduced a bill (S. 3244) granting a pension to Jacob Leiber; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORRILL (by request) introduced a bill (S. 3245) for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ALLEN introduced a bill (S. 3246) for the examination and survey of certain rivers in the State of Washington, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MANDERSON introduced a bill (S. 3247) granting a pension to Jacob Berg; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BATE (by request) introduced a bill (S. 3248) granting a pension to Eli G. Fleming; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3249) to establish a port of delivery at Nashville, Tenn.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. INGALLS (by request) introduced a bill (S. 3250) to reduce the pay proper of minors enlisting in the Army; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. SPOONER introduced a bill (S. 3251) granting an increase of pension to Joseph C. Fosnot; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 3252) granting a pension to Charles A. Sargent; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 3253) for the relief of Myron S. Piper; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MORGAN introduced a bill (S. 3254) to authorize the purchase

of the copyrights and stereotype plates of Hickey's Constitution of the United States; which was read twice by its title, and referred to the Committee on the Library.

Mr. DAWES introduced a bill (S. 3255) for the erection of a shop at the National Armory, Springfield, Mass.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

#### AMENDMENTS TO BILLS.

Mr. HOAR submitted an amendment intended to be proposed by him to the bill (H. R. 4970) to simplify the laws in relation to the collection of the revenues; which was referred to the Committee on Finance, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

#### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

An act (S. 280) to amend "An act to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia," which became a law August 10, A. D. 1883;

An act (S. 1083) to amend the "act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia;" and

An act (S. 1272) to increase the limit of cost of the public building authorized by act of Congress, approved June 30, 1886, to be erected at El Paso, Tex.

#### WITHDRAWAL OF PAPERS.

On motion of Mr. BLAIR, it was

Ordered, That the papers now on file in the Secretary's office in the case of Patrick Larkin, late a private in Company K, Fourth Vermont Volunteers, be returned to the Adjutant-General of the Army.

#### TESTS OF NITRO-GLYCERINE SHELLS.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate, as soon as may be, a copy of the report to the Chief of Ordnance, United States Army, dated on or about November 11, 1887, by the ordnance board, of certain tests at Sandy Hook of a new method of firing shells charged with nitro-glycerine from ordinary guns, and also a copy of that part of the report, dated September 30, 1889, of Maj. Gen. O. O. Howard, to the Adjutant-General, United States Army, relating to the same subject.

Mr. COCKRELL also submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to transmit to the Senate, as soon as may be, a copy of the reports to the Chief of Ordnance, United States Navy, dated on or about November 1, 1887, and July 6, 1889, by the ordnance board, of the tests made at Newport and Annapolis of a new method of firing shells charged with nitro-glycerine from ordinary guns.

#### COLUMBIA RIVER IMPROVEMENT.

Mr. ALLEN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to report to the Senate any information in his possession concerning any interruption to navigation by reason of a bar in the Columbia River between the city of Vancouver and the mouth of the Willamette River, and of the character thereof, and approximate cost of removing said bar, together with such facts and considerations as he may deem important respecting the same.

#### ELMER A. SNOW.

Mr. BLAIR. On Saturday, Order of Business No. 393, being the bill (S. 2391) granting an increase of pension to Elmer A. Snow, was passed. There is in possession of the Senate the same bill passed by the other House. I desire to move to reconsider the vote by which the Senate bill was passed and then to call up the House bill and have it passed. The bills are identical in their provision. I move to reconsider the vote by which the bill (S. 2391) granting an increase of pension to Elmer A. Snow was passed. The bill is still in the possession of the Senate.

The VICE-PRESIDENT. The House bill is not on the Calendar, and must be in the hands of the Committee on Pensions, the Chair is advised.

Mr. BLAIR. The Senate bill was on the Calendar and was passed on Saturday. It is still in the possession of the Senate, and I move to reconsider the vote by which it was passed.

The VICE-PRESIDENT. The question is on agreeing to the motion to reconsider.

Mr. HARRIS. What is the motion? I did not hear it.

Mr. BLAIR. We passed a Senate pension bill on Saturday which is identical with a House pension bill now in the possession of the Senate.

Mr. HARRIS. The Senator wants to reconsider the vote by which the bill was passed?

Mr. BLAIR. Yes, sir.

The motion to reconsider was agreed to.

Mr. BLAIR. I now move to proceed to the consideration of the bill (H. R. 6099) granting an increase of pension to Elmer A. Snow.

Mr. SHERMAN. The committee will have to be discharged from its further consideration, I suppose?

Mr. BLAIR. Just as soon as this bill is disposed of, I shall move the indefinite postponement of the Senate bill.

Mr. SHERMAN. I say the committee will have to be discharged from the further consideration of the House bill in order to get it on the Calendar.

Mr. HARRIS. Has the House bill been reported to the Senate?

Mr. BLAIR. I do not understand that it has been referred to the Committee on Pensions. Is it not in the possession of the Secretary?

The VICE-PRESIDENT. It has not been reported to the Senate.

Mr. HARRIS. Has it been referred to the committee?

Mr. BLAIR. I will move that the Committee on Pensions be discharged from the further consideration of the House bill.

Mr. HARRIS. It has not been referred to the committee, I understand. If not, the Senator from New Hampshire simply desires to ask for the consideration of the House bill.

Mr. BLAIR. I understand that the bill has been referred to the Committee on Pensions. The clerk of the committee informs me that it has been referred to the committee. So I now move to discharge the Committee on Pensions from the further consideration of the bill.

The motion was agreed to.

Mr. BLAIR. I now move that the Senate proceed to its consideration.

Mr. SHERMAN. Let it be read first.

The CHIEF CLERK. A bill (H. R. 6099) granting an increase of pension to Elmer A. Snow.

Mr. SHERMAN. Did that pass the other House at the present session?

Mr. BLAIR. The bill has passed the other House.

The VICE-PRESIDENT. The Senator from New Hampshire asks for the present consideration of the bill.

Mr. EDMUNDS. Where is the bill now? Is it on the Calendar?

Mr. BLAIR. It was not placed on the Calendar. It comes from the other House.

The VICE-PRESIDENT. The Committee on Pensions has been discharged from the further consideration of the bill and it now is before the Senate. It is not on the Calendar.

Mr. EDMUNDS. Let the bill be read for information.

The Chief Clerk read the bill, as follows:

Whereas a pension of \$100 per month is allowed by act of Congress approved February 12, 1889, to those who lost both hands, and loss of use of both hands is just as severe a disability, requiring the same aid and attention, and said Elmer A. Snow was then totally disabled in both hands from gunshot wounds received in line of duty: Therefore,

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Elmer A. Snow, late a trumpeter in M Troop, Third United States Cavalry, and pay him a pension of \$100 per month in lieu of the pension now received by him.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

Mr. EDMUNDS. Now, let us hear the report read.

The VICE-PRESIDENT. There is no report, the bill never having been reported from any committee, the Chair understands.

Mr. BLAIR. It is a House bill.

Mr. EDMUNDS. There must be a report accompanying the bill, or a Senate report on the Senate bill. I understand that there was a Senate bill.

Mr. FRYE. The Senate passed a bill on Saturday exactly like this.

Mr. EDMUNDS. We want to hear the Senate report then.

Mr. BLAIR. It can undoubtedly be sent for. It is the one the Senate acted upon on Saturday and is not now in possession of the Senate. It has been sent for.

Mr. EDMUNDS. Was the report read on Saturday?

Mr. BLAIR. I was not present; I do not know.

Mr. EDMUNDS. I was not present.

The VICE-PRESIDENT. The report has been sent for.

Mr. EDMUNDS. We shall get it in a minute, I suppose.

The VICE-PRESIDENT. The Senate bill was reported from the Committee on Pensions on the 11th of February.

Mr. EDMUNDS. I presume the papers are in the committee-room, and perhaps it may take some little time to find the report.

Mr. BLAIR. I do not apprehend that it will. I should be glad to get through with the bill now. A similar bill has been passed by both the Senate and the House. This is only an effort to get the man his pension without any unnecessary or unusual delay, and it is a common procedure in such cases.

Mr. EDMUNDS. I see it is. We only want to know what we are voting upon. I was about to suggest that we have unanimous consent to lay this bill aside informally to be taken up the moment the report can be found, to save time; that was all. I do not wish to postpone it.

Mr. BLAIR. The report will be here in quicker time than it would take to lay the bill aside informally.

Mr. EDMUNDS. Very well; I have no objection to waiting.

Mr. SHERMAN. I do not think we ought to wait. This bill has had its day; it has been passed, and no doubt it will pass again at any moment when it is reached. If the morning business is through, I will submit a motion to proceed to the consideration of the unfinished business of Friday.



The VICE-PRESIDENT. Is there further morning business? If not, the Calendar is in order.

Mr. SHERMAN. Pending the Calendar, I move that the Senate proceed to the consideration of the unfinished business of Friday.

Mr. HARRIS. I ask the Senator from Ohio if it would not be well for us to devote the hour between now and 2 o'clock to the regular order, which is the Calendar under Rule VIII, and take up the unfinished business promptly at 2 o'clock. We are making very slow progress upon the Calendar, and I think it important that we should proceed with it.

The VICE-PRESIDENT. The report upon the bill under consideration is now in the possession of the Senate.

Mr. SHERMAN. Very well.

Mr. EDMUNDS. Let it be read. It is short.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the report submitted by Mr. BLAIR February 11, 1890, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2391) granting an increase of pension to Elmer A. Snow, have examined the same, and report: Elmer A. Snow was discharged as a trumpeter of M. Troop, Third United States Cavalry, March 19, 1877, on surgeon's certificate of disability, a copy of which, from the files of the Pension Office, says:

"Gunshot wounds of right elbow and both wrists and all the joints of both hands; unable to dress or feed himself. Disability total."

And from the Adjutant-General's Office:

"Gunshot wound left wrist and right arm; fractures of bones of wrist and arm."

And Examining Surgeon T. B. Hood says:

"Gunshot wound of left wrist. The ball entered near the head of radius and passed through, fracturing the bones and injuring the joint, also cutting of the radial artery; the motion of the wrist is limited, flexed on the forearm, the palm stiff, the fingers extended and impossible of but limited and feeble flexion; can not grasp a fork or knife in this hand, and can certainly not use it in any kind of labor. Equal to the loss of hand and permanent. Gunshot wound near the right elbow-joint, injuring the nerves supplying forearm and hand, which are paralyzed and useless; fingers stiff and unmovable by the will; can grasp nothing in this hand; equal to the loss of a hand. We believe this man's disability is permanent and he requires, and always will require, aid and attendance."

James H. C. Gaskins, an attendant, says on oath:

"I have undressed and dressed him, cut up his food and buttered his bread, brushed his clothes, and undressed him in the water-closet sufficient for him to obey the calls of nature, and other minor aid."

Patrick H. Briscoe, another attendant, on oath says:

"I have undressed him, cut up his food, buttered his bread, put on his overcoat, buttoned his shoes, and rendered much other aid; said aid being necessary, as said E. A. Snow has lost the use of both his hands."

Samuel G. Wooding, on oath, says:

"I have undressed and dressed him and washed him at the bath-rooms in the House of Representatives at different times."

All the above were sworn to March 20, A. D. 1879. He now receives a pension of \$72 per month under act of Congress approved June 16, 1880.

He was before your committee with his supporters off, and it was apparent to us that he was as utterly helpless and as totally disabled as if his hands were amputated; and he is constantly obliged to wear a supporter on his left forearm and hand to hold his left wrist-joint together, and also one on his right arm from above his elbow to his hand to support his right elbow-joint, arm, and hand.

The act of Congress approved February 12, 1889, contained a clause for the loss of use of both hands. The House committee, in striking out that clause, said:

"While it is probable there are some soldiers whose hands were not amputated who suffer as great a disability as though amputation had been performed, most of that class have some use of their hands; to include this class necessarily will complicate the matter. There are twenty-one soldiers whose hands have been amputated. When they are cared for, other classes, if suffering as great a disability, can urge their claims."

It is very clear to your committee that Mr. Snow is suffering from as great a disability, and has been since the 12th day of February, 1889, and has been as great a sufferer, requiring the same aid and attention, and is one of the cases contemplated in the report.

Your committee recommend the passage of the bill with the following amendments: Strike out the word "Treasury," in third line, and insert the word "Interior." Strike out all after the word "month," in the seventh line, and insert the following words: "in lieu of the pension he is now receiving."

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. SHERMAN. Now, I insist on my motion.

Mr. BLAIR. I move that the bill (S. 2391) granting an increase of pension to Elmer A. Snow be indefinitely postponed.

The motion was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. 7496) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1890, and for other purposes; that it had agreed to the fifty-fifth amendment of the Senate with an amendment; and that it asked a conference with the Senate on the disagreeing votes of the two Houses, and had appointed Mr. HENDERSON of Iowa, Mr. CANNON, and Mr. BRECKINRIDGE of Kentucky managers at the conference on the part of the House.

#### DEATH OF REPRESENTATIVE GAY.

The message also announced that the House had passed resolutions commemorative of the life and services of Hon. Edward J. Gay, late a Representative from the State of Louisiana.

#### TRUSTS AND COMBINATIONS.

Mr. SHERMAN. I insist now on my motion to proceed to the con-

sideration of the unfinished business of Friday, being the bill (S. 1) to declare unlawful trusts and combinations in restraint of trade and production.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1) to declare unlawful trusts and combinations in restraint of trade and production.

Mr. TURPIE. Mr. President, I do not believe that the clause of the Constitution concerning controversies in which the United States shall be a party, controversies between two or more States, between a State and citizens of another State, between citizens of different States, has any relation except to the named controversies and to suits in equity and at law known and recognized to be such at the time of the adoption of the Constitution and now known and recognized to be such. I do not think such personal or mutual relations as are named in the clause have any connection with that large domain, the jurisdiction conferred in the beginning of the section arising "under the Constitution and laws of the United States." On the contrary, while the laws of the United States have granted special rights, remedies, or recoveries, those rights, remedies, and recoveries are to be entertained by the Federal courts without reference to the personal condition of the parties who may be interested in them. Such, I think, has been the invariable interpretation and practice under the first grant of power in this section, as far as we have gone into the domain characterized as "arising under the Constitution and laws of the United States."

I apprehend there are very few of us of this generation who have the slightest conception what this domain, very extensive in its character, shall yet include or embrace. Congress has seen fit heretofore to enter this domain very partially, only upon one or two or at the most three lines, and then to go no very great distance. The progress made in it has been always and must be dual. The jurisdiction conferred on the United States courts, arising under the Constitution and laws of the United States, is not self-operative. It always requires the act of Congress in the first place and the judgment of the court in the second place to make any progress at all in that domain. Congress must take the initiative. We must take action upon the subject-matter, and if our own jurisdiction in respect to such subject-matter is sustained by the courts the judicial jurisdiction in the courts is then sustained in respect to such subject-matter and the methods by which it is to be adjudicated.

The Senator from Missouri [Mr. VEST] spoke the other day about the difficulty of defining the word "commerce," especially as contained in the phrase "interstate commerce." I recollect one judicial decision upon this subject very definitely. The Supreme Court has decided that insurance is not commerce, and I suppose by following the circle of negotiations long enough and excluding all the things not commerce we should come at last to the residuum, which must be commerce or interstate commerce, because it can be nothing else. *A fortiori*, judging from this principle, I should myself have decided that transportation is not commerce nor interstate commerce either. It can not be. It is only a means of conducting commerce, notwithstanding the courts and Congress have decided and have judicially determined that transportation is a matter so nearly related to interstate commerce that both Congress and the Federal courts have jurisdiction in relation to it under the clause giving us the power to regulate interstate commerce.

Now, sir, we have created a special tribunal to try cases under the interstate-commerce act. We have legislated very fully and very elaborately upon the incident to interstate commerce called transportation by railway. We need not have created a special tribunal. We could have referred the whole matter to the Federal courts in the first instance. But whether this matter of interstate transportation by railway be dealt with by Congress or the courts, by special tribunals or by the regular tribunals, the law with regard to it provides for a special class of cases arising under the law of Congress, affording special remedies and relief, affording special rights for recovery, and it is not therefore necessary that litigants in this subject-matter should occupy to each other the personal relations mentioned in the latter clause of the section, and no inquiry has been made by the commission upon interstate commerce, upon transportation, or by a court trying a cause in relation to such measure, as to whether litigants were residents of different States or whether the suit was between a citizen of one State and a citizen of another State, or what might be their personal or official relations. It is only required to give jurisdiction in such matter that the party shall be interested in the subject-matter which Congress has taken under its jurisdiction; that is, railway transportation in interstate commerce.

Take another instance. I should myself have determined, reasoning in the same manner as before stated, that if there were any subject necessarily committed solely and exclusively to State action, it would be the relation between debtor and creditor. Had it not been for a long precedent history of determination upon the subject, I should say that it was clear Congress had no power to deal with such relations; yet the history of the general bankruptcy law in this country has been so long settled, so well known, that our authority to deal herein is no longer questioned, it is *res adjudicata*, and the only inquiry now made with respect to the passage of a general bankrupt law, with all its special rights and remedies and its utter indifference to parties, would be

whether it is expedient to do so. Congress having taken jurisdiction of the subject and having created special writs, processes, rights, remedies, recoveries, and defenses in this matter, it is never inquired in any case in a Federal court as to whether the parties in such cases were citizens of different States, were litigating with their own State or another, or whether they were representing any of the peculiar relations named and alluded to in the closing clause of the jurisdictional section which I first read.

I have known, and so has every attorney here known, litigants in the Federal courts under this special act of Congress, under both the acts of Congress in relation to bankruptcy, to be residents of the same State, of the same town in the same State, next-door neighbors, so absolute is the usage upon that subject-matter and so absolutely does the special provision of rights and remedies under an act of Congress confer unquestioned jurisdiction without any inquiry in respect to peculiar personal relations or official relations between the litigants.

I feel inclined to make the prediction, as one of the things to come in this vast domain, scarcely touched, of cases arising under the Constitution and laws of Congress, that the whole mass of merchantable paper known as negotiable by the law merchant, made at one place, negotiable at another, payable at another, transcending in its negotiation State lines, will be remitted to Congressional action, and with respect to its creation, its formation, its negotiation, with respect to all the rights and liabilities which may arise under it, the people, stunned with the eternal dissonance of conflicting decisions and judgments of forty-eight or fifty tribunals of last resort in the States upon the subject of interstate negotiable paper, will require Congress to act therein, and that, unconstitutional as I now deem it or think it, it will as a matter of necessity be done, and in any such legislation with respect to that paper, the whole bulk of it, the personal and peculiar conditions of litigants will not be inquired about, but simply whether the one party or the other is entitled to relief or liable to recovery against him by reason of being a party to interstate commercial paper, negotiable and payable and suable under the action of Congress which may finally take place upon that subject.

I go now, though, to another department of the domain which has been partially entered. I think we have only three times entered it since the existence of the Government.

Mr. MITCHELL. Will the Senator allow me to ask a question on that interesting subject?

Mr. TURPIE. Yes, sir.

Mr. MITCHELL. In discussing this negotiable paper business—

Mr. TURPIE. That was a mere suggestion.

Mr. MITCHELL. I understand the law is now that where the parties to negotiable paper are citizens of different States the Federal courts have jurisdiction.

Mr. TURPIE. Certainly.

Mr. MITCHELL. Does the Senator hold that Congress could go further and give parties a remedy in the Federal courts irrespective of the question as to whether the real parties to the paper were citizens of different States at the time?

Mr. TURPIE. I have stated what I have to say on that subject. The RECORD will show it, and I do not wish to be asked except as to what I have said.

Congress passed a law concerning the creation and existence of national banks, one entering upon this same domain of formerly disputed, and in fact now disputed, questions. One of the sections of that bill provided that the national banks should have the right to sue in the Federal courts and conferred jurisdiction upon the Federal courts, and suits were brought under that section in the Federal courts. No question was ever made as to what the relation of the parties was to each other in respect to residence—none whatever. It was simply necessary, Congress having conferred jurisdiction, that one of the parties should be a national bank to avail itself of this special remedy, and that the other should be liable or claimed to be liable as a debtor in some way to such national bank.

The legislation respecting transportation, the legislation respecting bankruptcy, and the other partial legislation respecting national banks are perhaps the only three instances in which we have entered upon this great domain of cases arising under the laws of Congress.

From the interpretation and practice under all three of these instances, I should think that when we assume special legislative jurisdiction and create causes of action by special enactment and confer the judicial jurisdiction upon Federal courts, it is not necessary to define further any relations, personal or official, as between the litigants in these courts. No inquiry will ever be made, should Congress assume this jurisdiction, create the rights and remedies, and give to the courts the power to pass upon them, where the parties live, whether they are private citizens or otherwise, what the corporations may be, except that they shall be both related as plaintiff and defendant, adversely or favorably, to some question connected with this subject-matter, the prevention of trusts in interstate commerce.

I do not feel like entering into any strictures upon the phraseology of the bill of the honorable Senator from Ohio. I am too favorably inclined to the main purpose of this measure to indulge in any criticism of any effort made in good faith to prevent or avert these evils. There

are some of them with which I think it is necessary to deal; but there is nothing in the bill which is not amendable. I am very far from saying with the Senator from New York [Mr. HISCOCK] that the objections to the bill of the Senator from Ohio are fundamental and that the scope of the measure lies beyond our power.

On the contrary, I believe that Congress has the same power to regulate interstate commerce that the States have to regulate commerce within their own lines, and that, as a matter of public policy, we have the same right to make this regulation affording civil remedies for those injured by the trusts, denouncing the trusts penally and all the others which are contemplated, as a State has under similar circumstances. Nor do I think with the Senator from New York that we are discharged from duty or released from our obligation to legislate upon the subject of trusts because the States have a right to do so.

They unquestionably have a right to do so, but there comes a time when the States have not that right. There comes a time, sometimes it may be a few hours, sometimes a few days, it is always a brief time, but it is a time of transit, in which the goods are moving from one State to another. It is a creating, formative, procreative, profit-bearing time. If at that time, by reason of the condition imposed by it, we may at that very moment strike a blow at these mischiefs, it will be more effective and more remedial in its character than any amount of State legislation upon the subject; and although with reference to a single transaction it is admitted it may be very brief, yet with reference to the whole of the transactions of trusts in interstate commerce there is not an hour of the day or night whose moments are not filled by violations of the law here proposed, whose moments are not filled with the perpetration of that crime against the people which this bill denounces and which these measures aim to punish.

The purpose of the bill of the Senator from Ohio is to nullify civilly the agreements and obligations of the trusts of these fraudulent combinations; I favor it. There is another purpose: to give to parties injured a civil remedy in damages for injury inflicted; I am in favor of that.

Those are the two principal measures embraced in that bill. I am willing to go much further, and I think the Senators generally will also. There is a bill introduced by the Senator from Texas [Mr. REAGAN]. It is a most carefully and elaborately prepared bill as far as the penal section is concerned. It has been introduced into the Senate, but I am sorry that the Senator himself speaks of it as a substitute for the bill of the Senator from Ohio. It is in no sense a substitute. Allow me to suggest that it be made an additional section in the one bill which is to receive our sanction.

There can be no objection to the proposition to nullify civilly trust-contracts, the contracts of fraudulent trusts described here. There can be no objection to giving a civil remedy for those injured thereby. And there ought to be still less objection to punishing penally those who are guilty of these fraudulent combinations. This much will be accomplished by a bill embracing such sections as those proposed by the Senator from Ohio and the Senator from Texas, not using either as a substitute, but all as additional, incidental, and closely connected with the main object and purposes of the whole body of legislation upon the matter about which and over which we are about to assume jurisdiction.

There is another bill here having very great merit. I allude now to the bill of the Senator from Mississippi, [Mr. GEORGE] upon the same subject. I have not heard that Senator say that it was offered as a substitute, but I suggest that it ought to go into the same bill as auxiliary thereto. I am perfectly willing to authorize the President to suspend the collection of duty with respect to commodities which have become the subject of fraudulent trusts, so that we shall have the action of Congress, the action of the courts, and the action of the Executive all directed to the same purpose.

Sir, a good deal has been said about the difficulties which are involved in this kind of legislation and the difficulties of administering a law or passing a law of this nature. We should have all these sections put into the same bill, making an act of only six or seven sections, upon the subject of trusts, and I think that would be a very brief enactment upon that subject. I do not think it would be a perfect enactment. No first legislation is ever perfect. I would rather favor imperfect legislation upon this subject than to be silent. It is only by commencing and prosecuting these different projects to the form of law, entering this domain, and asking the opinions of the Federal tribunals as to our own jurisdictional power, first, that we shall ever be able to lay hands upon these conspiracies which have done so much to injure the commercial credit and prosperity of interstate trade. It is our duty to do that first.

After all, these difficulties may be greatly overrated. It is a very difficult thing to convict a man under the numerous penal statutes in all the States of fraudulent conveyance. I have known a great many prosecutions of that kind in my life and not a single conviction; yet I would not vote for the repeal of such a statute. It is a valuable law, and has prevented much fraud. It is in *terrorem* over offenders, and whether prosecutions have been sustained or not it has exercised a valuable moral influence in the business of the country.

In the same respect we have it as part of the statute of frauds that



such conveyances shall be void; also a very useful enactment. Now, I would add as a part of the Congressional statute of frauds exactly the provision in the bill of the Senator from Ohio that all agreements, notes, bonds, securities, and contracts of any nature made by a trust for trust purposes, or made by one of these fraudulent combinations, shall be null and void. The civil nullification of all the paper creatures of these combinations is a thing we have certainly in our power.

Again, sir, there may be some difficulty in defining this offense. To describe it is impossible. It is like the penal offense of fraud. The courts have never attempted to define it. In the statute the definition of it is very brief, "a conveyance with intent to hinder or delay creditors." Notwithstanding, the definition has been made practical, it has been made useful, and it has become a measure of the first importance in the conduct of the business of the country; and notwithstanding this definition may be imperfect and there may be no description and can be none altogether applicable to fraudulent commercial trusts, they vary so much and are so multiform in their character, yet the definition here attempted will, if it do nothing else, lead us to a better form and a more explicit definition or description of the offense here meant to be denounced.

Notwithstanding the difficulty which courts and juries have had in punishing men, or in investigating cases brought upon complaints of fraudulent conveyance or of procuring goods upon false pretenses, yet this jurisdiction has been of extreme worth and is still of great utility. We know that in the revenue acts there are very great difficulties accompanying sometimes the conviction of a smuggler, at other times of parties who are charged with making false invoices and false inventories, and there are many of the definitions or attempted descriptions of offenses in the customs acts which are even now, after years of adjudication, more vague and more indefinite than anything contained in the bill of the Senator from Mississippi, and the Senator from Ohio, or the Senator from Texas upon this subject; and yet they have not practically failed to prevent those frauds and to punish offenders.

We need not conceive, and I do not think any of us have, that Congress takes upon itself the entire charge of the administration of justice in the country. We have only one branch of it. We make the laws which are to be civilly and penally administered. The moment we denounce these trusts penally, the moment we declare these fraudulent trust combinations to be conspiracies, to be felonies or misdemeanors, that moment, under their own maxim, the courts are bound to carry out the intention and purpose of the legislation, and even to favor that purpose and intention, that the will of the people may prevail and not perish. This is one of the fundamental maxims. I have no doubt that when this law goes into practical operation it will receive a construction and a definition very useful to us; it will be aided by courts and juries; it will be aided by advocates upon both sides in stating different views of construction, and above all it will be supported and upheld by a public opinion expressed in a denunciation of those evils which this kind of legislation would avert and avoid.

Mr. PUGH. Mr. President, it will take me but a short time to give my views to the Senate upon the important bill now before us. I have listened with interest and instruction to the speech of the Senator from Indiana [Mr. TURPIE], and in the main I fully indorse it.

Mr. President, the existence of trusts and combinations to limit the production of articles of consumption entering into interstate and foreign commerce for the purpose of destroying competition in production and thereby increasing prices to consumers has become a matter of public history, and the magnitude and oppressive and merciless character of the evils resulting directly to consumers and to our interstate and foreign commerce from such organizations are known and admitted everywhere, and the universal inquiry is, What shall be done that can be done by Congress to prevent or mitigate these evils and intolerable exactions?

Congress may declare these trusts and combinations to be unlawful, if they are against the public policy of the United States, and without any act of Congress prohibiting their creation or existence they could not now be enforced in any court, because they are manifestly contrary to the public policy of the United States. Such trusts and combinations could not be enforced even as against the parties to them, for the reason that the wrongdoing of any party to them can not be visited upon him by the courts on account of his conduct when to do so would be detrimental to the public policy of the United States, and in such cases the courts relieve the wrongdoer to protect the public policy, which is paramount.

Why are such trusts and combinations contrary to the public policy of the United States? For the plain reason that they hinder, interrupt, and impair the freedom and fairness of commerce with foreign nations and among the States.

To use the language of the bill before the Senate, are "arrangements, contracts, agreements, trusts, or combinations between two or more citizens or corporations, or both, of different States, or between two or more citizens or corporations, or both, of the United States and foreign States, or citizens or corporations thereof, made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States; or with a view or which tend to prevent full and free competition in articles of growth,

production, or manufacture of any State or Territory of the United States, with similar articles of the growth, production, or manufacture of any other State or Territory, or in the transportation or sale of like articles the production of any other State or Territory of the United States; and all arrangements, trusts, or combinations between such citizens or corporations made with a view or which tend to advance the cost to the consumer of any such articles," against the public policy of the United States?

Can any Senator doubt that the recitals of the first section of the bill are true, and that they amount to a violation of the public policy of the United States, and, if so, that Congress can declare such transactions to be unlawful and void for that reason? What public policy of the United States is violated by the acts recited in the bill? Manifestly the public policy founded on and to be encouraged and promoted by the freedom and fairness of our commerce with foreign nations and among the States and the unrestricted interchange of their productions. Has Congress no power to protect the public policy? If no such power exists in Congress, then our public policy is at the mercy of conspirators against it, and, although clothed with an express grant of power to regulate commerce, no power exists by implication which Congress decides to be "necessary and proper" to execute the express grant.

But it may be conceded that Congress has the power under the commerce clause of the Constitution to define what acts are detrimental to our commercial policy and to prohibit them. What is the value of such a power if it is limited to mere declaration and prohibition? If the acts denounced in the bill are unlawful or become so by declaration and prohibition by Congress because they have the effect or tend to violate our commercial policy, why should Congress be powerless to enact penalties and provide remedies? I have heard no answer to this inquiry except that the Federal courts have no jurisdiction and Congress can confer upon them no jurisdiction to enforce any remedies for the evils recited in the bill.

Let us see if this opinion is well founded. In *Cohens vs. Virginia*, 6 Wheaton, page 378, many times cited, Chief-Justice Marshall delivered the opinion of the court in these words:

The second section of the third article of the Constitution defines the extent of the judicial power of the United States. Jurisdiction is given to the courts of the Union in two classes of cases. In the first their jurisdiction depends on the character of the cause, whoever may be the parties. This class comprehends "all cases in law and equity arising under the Constitution, the laws of the United States, and treaties," etc. This clause extends the jurisdiction of the court to all the cases described, without making in its terms any exceptions whatever and without any regard to the condition of the party. If there be any exception it is to be implied against the express words of the article.

It is solely from the subject-matter, "the character of the cause," that I desire the power of Congress to pass the bill under consideration and to confer jurisdiction to the Federal courts to execute the law. The subject-matter is commerce with foreign nations and among the States, and the public policy founded on its encouragement and promotion. In my humble judgment it was unnecessary for the bill to make the parties to the trust and combination citizens or corporations of different States, and it should be amended so as to include citizens of the same State or Territory. It matters not where the parties reside if their acts or combinations hinder, delay, interrupt, or prejudice the freedom and fairness of our commerce or violate our commercial policy in the manner specified in the bill. I have no doubt Congress has the power to make such trusts and combinations criminal and punishable by fine and imprisonment.

Whenever the bill before the Senate becomes a law of the United States, the Constitution declares, in the language of Chief-Justice Marshall, that "the judicial power of the United States extends the jurisdiction of the court to all cases in law and equity arising under the laws of the United States, without any exceptions whatever and without any regard to the condition of the party." Make the bill before the Senate a law of the United States. I know of no law Congress has the constitutional power to enact that Congress can not authorize and require the courts of its own creation to execute.

Where did Congress get the power to enact into a law the fifth section of the act "to regulate commerce," known as the interstate-commerce law, which declares—

That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense?

I know it will be at once claimed that these common carriers are engaged in interstate transportation on public highways, and that it is their pursuit there that subjects them to the jurisdiction of Congress and the Federal courts. This is true; but what I wish to show is that the crucial test urged by Senators opposed to the proposed legislation for want of constitutional power in Congress is the judicial definition of commerce with foreign nations and between the States.

It is claimed that the Supreme Court in the leading case of *Brown vs. The State of Maryland* crystallized the law as to the meaning of foreign commerce by saying that it was "imports in the original package remaining in the hands of the importer unbroken; and when and so long as the original package was in that condition it was the sub-

ject of foreign commerce, and if it was broken, it was not the subject of foreign commerce."

Again, cases have been decided by the State courts, and for some subject to the "common law."

It is in fact, of commerce, and for some subject to the "common law."

The only way to prevent health, and that Congress state-commerce by fine and arrest, and of freight, and any or any regulate bines the State roads the transits different rates.

Again, "act for the exposure and among cases of their own State and Territory are in the

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ject of foreign commerce. When it left his hands and the package was broken, and the goods went into the common mass of the property of the people of the State, then the commercial clause of the Constitution as to foreign commerce ceased to operate."

Again, it is correctly stated that the Supreme Court in three leading cases has also defined the constitutional meaning of "commerce among the States" to be in "articles, commodities, productions that become the subject of sale or barter and are in the custody of the carrier and *in transitu*, actually moving from one State to another to purchasers and consumers." When these articles, commodities, or productions of one State are in the condition of being moved and are labeled for carriage and for sale or other disposition in another State, then they become subject to the operation of the commerce clause of the Constitution as to "commerce among the States."

It is important that Senators should understand that the definitions of commerce with foreign nations and among the States relate exclusively to the *corpus* of foreign and interstate commerce. The physical body, the articles, the productions, the goods, wares, and merchandise, the freight—when these become the subject of "regulations" by Congress they can be reached only when in the original unbroken package in the hands of the importer and when *in transitu* from one State to another. But there is a wide difference, in my humble judgment, between the power of regulating the *corpus* of foreign and interstate commerce in its transition state between the producer and the consumer, and the power of reaching and regulating individuals, companies, and corporations who enter into agreements, trusts, and combines to hinder, delay, interrupt, or in any way to prevent the full, free, and fair transit and interchange of the *corpus* of commerce with foreign nations and among the States.

The one jurisdiction is over the physical body, the other jurisdiction is over persons and corporations who conspire against the freedom, the health, and well-being of the physical body. It is the latter power that Congress exercised in the passage of the fifth section of the interstate-commerce act. There the power is exercised to reach and punish by fine and imprisonment individual carriers who "enter into any contract, agreement, or combination with any other carrier for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads or any portion thereof." The law of the fifth section of the act "to regulate commerce" is aimed at the persons and their trusts and combines that interfere with the freedom and fairness of commerce among the States. It embraces carriers who never handle the freight and railroads that have never had or carried a pound of the freight while *in transitu* or otherwise, the earnings for carrying which by other and different railroads are to be equally divided.

Again, from what source did Congress derive the power of passing the "act for the establishment of a Bureau of Animal Industry, to prevent the exportation of diseased cattle, and provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals?" Here is an act of Congress embracing diseased cattle that are not *in transitu* from one State to another, and also their owners who are not common carriers, but citizens of the same State engaged in raising cattle for shipment and sale in another State or Territory, and the cattle, the *corpus* of commerce among the States, are in the range, not even penned for transportation.

Read the beginning of the fourth section:

That in order to promote the exportation of live-stock from the United States, etc.

Read the fifth section:

That to prevent the exportation from any port of the United States of live-stock affected with any contagious disease, etc.

Read the sixth section:

That no railroad company within the United States, or the owners or masters of any steam or sailing or other vessel or boat, shall receive for transportation from one State to another any live-stock affected with any contagious disease, etc.

And I call special attention to the following:

Nor shall any person, company, or corporation deliver for such transportation to any railroad or any vessel or boat any live-stock knowing them to be diseased; nor shall any person, company, or corporation drive on foot or transport in private conveyance from one State or Territory to another any live-stock knowing them to be diseased.

Any of the persons or corporations thus prohibited "who shall knowingly violate the provisions of section 6 shall be guilty of a misdemeanor" and punished by fine and imprisonment, and the district attorneys of the United States are required to prosecute, and the district and circuit courts are given jurisdiction to execute the law.

Thus we discover that power was found in the commerce clause of the Constitution to protect commerce with foreign nations and among the States against diseased cattle, but it is denied by the same Senators who voted for the cattle bill that any power exists to protect our commerce against the greater evil of trusts and combines.

The commerce clause of the Constitution has also furnished power to Congress to prevent the spread of cholera and yellow fever and small-pox by prohibiting and punishing the transportation of goods infected or that have been exposed to the infection of these epidemic diseases.

There is no epidemic disease that is as destructive to human health and life as trusts and combines are destructive to the health and happiness and well-being of industrial pursuits, and the freedom, growth, and prosperity of our foreign and domestic commerce.

Mr. President, I am thankful that I have no capacity to indulge in hair splitting so I can see how many hairs I can make out of one, neither have I any ambition to excel in ciphering to show into how many decimal fractions I can reduce the constitutional grants of power to Congress. The framers of the Constitution were practical men with a large stock of common sense and not enough uncommon sense to interfere with the wisdom, safety, and perfection of their great work. The grants of power to Congress are defined in plain language, and, although specific, the grants are comprehensive in their scope, to be exercised by Congress within the common-sense limitations of the Constitution.

Mr. PLUMB. I ask unanimous consent that the present order of business be laid aside in order that I may move to take up House joint resolution 117, Calendar No. 704, being a resolution reported from the Committee on Appropriations.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Kansas asks unanimous consent of the Senate that the unfinished business be informally laid aside, in order that the Senate may proceed to the consideration of the joint resolution (H. Res. 117) authorizing the appointment of thirty medical examiners for the Bureau of Pensions, fixing their salaries, and appropriating money to pay the same to June 30, 1890. Is there objection to the request of the Senator from Kansas?

Mr. PLUMB. It is suggested by Senators that I allow the Senate to vote on the bill now pending. I supposed other debate would ensue, but I do not care to intrude this into the proceedings if the bill of the Senator from Ohio can be disposed of at once.

Mr. VEST. No; it can not be.

Mr. PLUMB. I will request the Senate, then, to do as I have heretofore indicated.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent of the Senate that the unfinished business may be informally laid aside in order that the Senate may proceed to the consideration of the resolution indicated by him. Is there objection?

Mr. SHERMAN. I should like to hear what it is.

The PRESIDING OFFICER. The Secretary will report the title of the resolution.

Mr. SHERMAN. If this is a mere temporary matter I shall not object to the bill being laid aside informally.

Mr. PLUMB. I just asked to have it laid aside informally.

Mr. SHERMAN. If the resolution leads to debate, I shall object to its being taken up now.

Mr. COCKRELL. It is due to say that there will be some discussion of it; I do not know how long it will last.

Mr. SHERMAN. Then I must object.

The PRESIDING OFFICER. There is objection.

Mr. PLATT. I make the point under Rule V, section 2, that there is no quorum of the Senate present.

The PRESIDING OFFICER. The Secretary will read the second section of Rule V.

The Secretary read Rule V, section 2, as follows:

If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

The PRESIDING OFFICER. The Secretary will call the roll of the Senate.

The Secretary proceeded to call the roll, and the following Senators answered to their names:

Aldrich,	Edmunds,	Manderson,	Sawyer,
Allen,	Farwell,	Mitchell,	Sherman,
Allison,	Frye,	Morgan,	Spooner,
Bate,	George,	Morrill,	Stewart,
Blackburn,	Gibson,	Paddock,	Stockbridge,
Blair,	Harris,	Payne,	Teller,
Cockrell,	Hawley,	Pierce,	Vest,
Coke,	Higgins,	Platt,	Walthall,
Cullom,	Hoar,	Plumb,	Washington,
Davis,	Ingalls,	Pugh,	Wilson of Iowa,
Dixon,	Jones of Nevada,	Ransom,	Wolcott,
Dolph,	Kenna,	Reagan,	

The PRESIDING OFFICER. There being a quorum present, forty-seven Senators having answered to their names, the Senate will proceed with the consideration of the unfinished business. The pending question is on the amendment of the Senator from Kansas [Mr. INGALLS]. Is the Senate ready for the question?

Mr. SHERMAN. I have no objection to so much of this amendment as seeks to make illegal the class of contracts described in the first and second sections of the bill, but the amendment also creates a tax and is therefore not within the originating power of the Senate. I think we ought not to violate the Constitution by voting for an amendment which we have no right to pass as a bill. I shall, therefore, content myself by simply voting against the amendment. I do not know that any question of order can be raised, but it is a question of constitutional law. We have no power in the Senate to originate tax bills,



and I hope, therefore, the amendment will be voted down on this ground, although I am in favor of the general proposition of making these contracts null and void.

Mr. REAGAN. Mr. President, I wish to suggest also in that connection—I do not see the Senator from Kansas present—that the amendment proposed by the Senator from Kansas is not germane to the subject-matter of the original bill. It is on an entirely different subject and has no reference to the bill. It proposes to deal with the question of futures and subjects of that kind, not the subject of trusts.

The PRESIDING OFFICER. The question is upon the amendment proposed by the Senator from Kansas. Does the Chair understand the Senator from Texas as presenting a question of order?

Mr. REAGAN. Yes, sir.

The PRESIDING OFFICER. There is no rule in the Senate of relevancy or requiring that an amendment shall be germane. The Chair overrules the point of order.

Mr. REAGAN. All right.

The PRESIDING OFFICER. The question is upon the amendment of the Senator from Kansas.

Mr. REAGAN. Is it not proper, under the rule, to perfect the original bill before voting on the question of a substitute for it?

The PRESIDING OFFICER. The amendment of the Senator from Kansas is in the nature of perfecting the original bill, as it is offered as an addition to the original bill, and not as a substitute.

Mr. REAGAN. Is that to be voted on before a prior amendment offered to the original bill?

The PRESIDING OFFICER. It, being the first amendment in the nature of an amendment to the original bill, and not offered as a substitute for it, is first in order. The amendment proposed by the Senator from Texas is in the nature of a substitute for the original bill.

Mr. REAGAN. I tried to ask unanimous consent of the Senate to modify that so as to make the measure which I offered an amendment to the bill, striking out all after the third line of section 1 and inserting—

The PRESIDING OFFICER. The Chair holds that the Senator from Texas has a right to modify his amendment.

Mr. REAGAN. And numbering the sections 3, 4, and 5, beginning with the third line of the first section.

Mr. EDMUNDS. The amendment of the Senator from Kansas, as printed, is to strike out all after the enacting clause and insert.

The PRESIDING OFFICER. So the Chair understands, but the original shows it is an addition, and not a substitute.

Mr. SHERMAN. The Senator from Kansas changed it.

Mr. EDMUNDS. It appears, then, that the print is incorrect; it has been changed since, so that the Chair is quite right in holding that the pending question is on the addition proposed by the Senator from Kansas.

Mr. REAGAN. I cannot afford to differ with the occupant of the chair on a question of rules, but my understanding has always been, both of the rules of the Senate and of the rules of the House of Representatives, that when amendments were pending to an original bill it was in order to perfect the original bill before a substitute was offered for it.

The PRESIDING OFFICER. In that the Senator is unquestionably right.

Mr. REAGAN. Then I ask for a vote on my amendment to the bill of the Senator from Ohio.

The PRESIDING OFFICER. Is the amendment of the Senator in the nature of a substitute or an addition to the original bill?

Mr. REAGAN. It is an addition to the original bill.

The PRESIDING OFFICER. Then the Senator's amendment is first in order, having been first introduced; and the question is upon the amendment of the Senator from Texas [Mr. REAGAN]. Is the Senate ready for the question?

Mr. CULLOM and Mr. EDMUNDS. Let it be read.

Mr. INGALLS. Before the point of order is finally passed upon, allow me to suggest that my impression is that the Chair may have been misled. I see that the print of my amendment is that it is "intended to be proposed," to wit: "Strike out all after the enacting clause and insert the following."

The PRESIDING OFFICER. The Chair will say to the Senator from Kansas that the original manuscript shows that his amendment was intended as an addition, not as a substitute.

Mr. INGALLS. That is right. Then, that being the case, the amendment of the Senator from Texas was to strike out and insert.

Mr. REAGAN. That I have modified by the consent of the Senate.

The PRESIDING OFFICER. The Senator from Texas has modified it so as to make it an addition, and, it having been first introduced, the Chair holds that it is first in order.

Mr. INGALLS. The Chair is right.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. At the end of the bill it is proposed to insert the following—

Mr. GEORGE. Before commencing the reading I should like to inquire, Is that the amendment of the Senator from Kansas [Mr. INGALLS]?

The PRESIDING OFFICER. It is the amendment of the Senator from Texas [Mr. REAGAN].

Mr. GEORGE. Is it offered as a substitute?

The PRESIDING OFFICER. It is offered as an addition to the original bill.

The SECRETARY. At the end of the bill it is proposed to insert the following additional sections:

Sec. 3. That all persons engaged in the creation of any trust, or as owner or part owner, agent, or manager of any trust, employed in any business carried on with any foreign country, or between the States, or between any State and the District of Columbia, or between any State and any Territory of the United States, or any owner or part owner, agent, or manager of any corporation using its powers for either of the purposes specified in the second section of this act, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding \$10,000 or imprisonment at hard labor in the penitentiary not exceeding five years, or by both of said penalties, in the discretion of the court trying the same.

Sec. 4. That a trust is a combination of capital, skill, or acts by two or more persons, firms, or associations of persons, or of any two or more of them, for either, any, or all of the following purposes:

First. To create or carry out any restrictions in trade.

Second. To limit or reduce the production or to increase or reduce the price of merchandise or commodities.

Third. To prevent competition in the manufacture, making, purchase, sale, or transportation of merchandise, produce, or commodities.

Fourth. To fix a standard or figure whereby the price to the public shall be in any manner controlled or established of any article, commodity, merchandise, produce, or commerce intended for sale, use, or consumption.

Fifth. To create a monopoly in the making, manufacture, purchase, sale, or transportation of any merchandise, article, produce, or commodity.

Sixth. To make, or enter into, or execute, or carry out any contract, obligation, or agreement of any kind or description by which they shall bind, or shall have bound themselves not to manufacture, sell, dispose of, or transport any article or commodity or article of trade, use, merchandise, or consumption below a common standard figure, or by which they shall agree in any manner to keep the price of such article, commodity, or transportation at a fixed or graduated figure, or by which they shall in any manner establish or settle the price of any article, commodity, or transportation between themselves, or between themselves and others so as to preclude free and unrestricted competition among themselves and others in the sale and transportation of any such article or commodity, or by which they shall agree to pool, combine, or unite in any interest they may have in connection with the sale or transportation of any such article or commodity that its price may in any manner be so affected.

Sec. 5. That each day any of the persons, associations, or corporations aforesaid shall be engaged in violating the provisions of this act shall be held to be a separate offense.

The PRESIDING OFFICER. Is the Senate ready for the question on the amendment of the Senator from Texas?

Mr. GEORGE. Mr. President, I regard that amendment as I do the bill, as utterly without warrant in the Constitution, by which Congress is bound, but I regard it as more efficient, if an unconstitutional bill can be efficient, than the original bill, and at this stage of the proceedings, as we are perfecting the bill, and if the bill is passed at all in my opinion the Constitution will be violated, I think it is well, if we are to have a violation of the Constitution, that we shall have a bill that will do the people some good, if it is to operate at all, and for that reason I shall at this stage of the proceedings vote for the proposition of the Senator from Texas as an amendment to the bill of the Senator from Ohio.

Mr. TELLER. Mr. President, I am in full sympathy with the efforts on the part of the Senator who introduced this bill and the several amendments to it to control the trusts, of which we hear so much complaint. The only question seems to be just how the trusts can be controlled. My own judgment on that point is that the States are the most competent to control trusts and to control them efficiently. It is suggested by a Senator near by, "Suppose the trusts control the State." I do not know that they are any more likely to control a State than they are to control this body or any other legislative body. These combinations have, of course, become very powerful; they have vast sums of money at command and generally a vast army of people engaged in connection with them whose interests are with them, and of course they have become powerful, but still not so powerful, I think, but that the States can and ought to control them.

So far as the General Government can control them, I am in favor of the General Government undertaking to control them. I am inclined to vote for this bill because it seems to me that it is possible to do something in that direction. I want to say, however, that I am not so sanguine of its accomplishing the purpose for which the bill is intended as some who have spoken upon the subject. I doubt whether very much benefit will be derived from this bill, and unless the States take hold of the question and devise appropriate legislation for suppressing these trusts or limiting the amount of capital that can be aggregated in one corporation this trouble will continue, in my judgment.

I understand that some of these trusts have been disturbed by the recent decisions of the courts of the country, which, as the Senator from Ohio [Mr. SHERMAN] showed the other day, have been all in one line, and I suppose no lawyer needs to have any argument made to him that these combinations and trusts are illegal without statute. But frightened somewhat by the decisions of the courts they have gone to work and have united what were many corporations into one with all the characteristics of a corporation and none of a trust as we now speak of and treat trusts. When that is done, it is beyond the power of this body to deal with them unless they impede or impair or hinder or delay interstate commerce. When they do that, of course they bring themselves within the jurisdiction of the General Government. But the

great evil against which the people are complaining, these corporations perpetrate at home in the respective States, untouched by any legislation of ours.

I do not know whether this bill will be used for the benefit of the people or whether it will be used against them, especially the amendment which is now proposed to be voted on. I realize that the Senator from Texas [Mr. REAGAN] is an honest enemy to these combinations, and that he intends as far as possible to control them by the legislation proposed. But take the fourth paragraph of section 2 of the Senator's amendment. Among the things that are spoken of and made illegal is this:

Fourth. To fix a standard or figure whereby the price to the public shall be in any manner controlled or established of any article, commodity, merchandise, produce, or commerce intended for sale, use, or consumption.

The second is:

Second. To limit or reduce the production or to increase or reduce the price of merchandise or commodities.

There are legitimate and proper efforts that can be made for the advancement of prices. This refers to reduction in price as well as to advance in price. If there is a combination to put down the price of an article or to put it up, it is equally punishable under this provision by a criminal prosecution. There may be a condition of things where it is perfectly proper to put down the price of an article and on the other hand there may be a condition of affairs where it would be perfectly proper and legitimate to put up the price of an article.

I know it will be said in answer that these things should be left to the natural course of affairs, of commerce, and trade. But there has been recently organized all over this country what is called the Farmers' Alliance. What is the object and what is the purpose of it? The very purpose of it is to increase the price of farm products, and that I regard as a thing most desirable to be done, and I regard it as absolutely essential to the prosperity of this country. There has recently been organized, in the Northern States more particularly, and I suppose it will spread all over the country, what is called a National League amongst the farmers for the same identical purpose that the Farmers' Alliance has been organized for. Shall it be said that these organizations are forbidden by law? Is it possible that we are putting it in the power of some men to coerce and force the farmers to abandon these organizations? Does anybody believe that these organizations are inimical and hostile to the public welfare? On the contrary, does not everybody know that unless we can by some method increase the price of farm products in this country a great many farmers in the United States will be in bankruptcy and turned out of their homes?

Mr. GEORGE. Will the Senator allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. GEORGE. I think that is a very good point that the Senator has made against the amendment offered by the Senator from Texas, but can not the same point be made against the original bill as introduced by the Senator from Ohio and amended by the Committee on Finance?

Mr. TELLER. The same point can be made with this difference, that one is a civil proceeding and the other is criminal. That is all the difference. I was going to say the same of the original bill.

Mr. GEORGE. But still, if I understand the Senator, he admits that under the bill as last reported by the Committee on Finance the Farmers' Alliance, being composed of citizens of different States, is an organization which is condemned by the bill.

Mr. TELLER. I think so, by the bill itself. I think it is objectionable to that criticism, although, of course, it is not so objectionable, because the one is a civil and the other is a criminal proceeding.

Mr. GEORGE. Will the Senator allow me further?

Mr. TELLER. Certainly.

Mr. GEORGE. Under the original bill as reported by the Committee on Finance, every farmer belonging to one of these alliances would be liable to a civil action and to the recovery of double damages against him for being a member of that organization, the tendency of which is to increase the price of his farm products.

Mr. TELLER. That is what I was saying. It seems to me that is the fact. While I am extremely anxious to take hold of and control these great trusts, these combinations of capital which are disturbing the commerce of the country and are disturbing legitimate trade, I do not want to go to the extent of interfering with organizations which I think are absolutely justifiable by the remarkable condition of things now existing in this country.

I believe this bill will go further than that. I believe it will interfere with the Knights of Labor as an organization. While I have never been very much in love with the Knights of Labor, because of some of their methods, yet their right to combine for their mutual protection and for their advancement can not be denied. While in many instances I think they have gone beyond what they should have done, beyond what was legitimate and proper, yet on the whole we can not deny to the laborers of the country the opportunity to combine either for the purpose of putting up the price of their labor or securing to themselves a better position in the world, provided always, of course, that they use lawful means. I do not believe the mere fact of combining to secure to themselves a half-dollar a day more wages or greater influence and power in the country can be said to be an unlawful combination.

Mr. GEORGE. Will the Senator allow me to interrupt him there?

Mr. TELLER. Certainly.

Mr. GEORGE. The Knights of Labor, as I understand, are an organization composed of citizens of the different States of the Union, probably of every State of the Union. The object of that organization, as I understand furthermore, is to increase the price of their wages. Now, increasing the price of wages has a tendency, in the language of this bill, to increase the price of the product of their labor. Are they not also included, then, in the bill of the Senator from Ohio?

Mr. TELLER. When I said that the Knights of Labor were included I meant that they were included both in the civil provisions and in the criminal provisions. In my judgment they are in both. I do not believe that anybody in the Senate proposes to go to that extent. It is suggested to me by a Senator near me that the Typographical Union would come in in the same way.

Mr. HISCOCK. And it would practically include all the trades unions.

Mr. TELLER. It would practically include perhaps all the trades unions in this country. Many of these organizations are corporations. If they are not, at least they will be termed "combinations" under this bill.

Mr. President I admit as a general rule the principle should be to let trade and commerce go on in the natural way, and yet we can not object to men putting up the price of certain things or under some circumstances putting down the price of certain things when the great mass of the people are benefited by that movement. I have not learned the doctrine that cheapness is the only thing in the world that we are to go for. I do not believe that the great object of life is to make everything cheap. I have before me now, in the morning papers, a statement of the condition of tailors in London. It is headed:

PATHETIC PLEA FOR AID—EAST END TAILORS OF LONDON PETITION THE QUEEN FOR HELP—A HOPELESS SET OF WORKMEN.

It is dated yesterday, London, March 23:

LONDON, March 23.

The East End tailors held an enormous mass meeting to-day, at which their wretched condition was mournfully discussed. A more hopeless set of men perhaps never existed. All the spirit is crushed out of them by the remorseless "sweating" system, into the miseries of which they have fallen. Even the wild eloquence of the socialist Lions, who has devoted much time to the attempt to organize and energize these poor creatures, failed to arouse them to any confidence in their own powers of self-salvation or any hope of relief except from what seems to them the all-powerful arm of the governing class. Accordingly the outcome of the meeting was the adoption of a resolution to petition the Queen for help; and also to send an appeal to the international labor conference at Berlin to consider their case and if possible take some action on their behalf.

If a condition of that kind existed in this country and a class of laborers should combine to raise the price of their labor, and thus have a tendency to increase the price of the product, whether it was in a mill or in a shop or on a farm, would it not fall within the inhibition of this bill, both the original bill and the amendment of the Senator from Texas?

Mr. REAGAN. Will the Senator allow me to make an explanation so that he can reply to it if he will?

Mr. TELLER. Certainly.

Mr. EDMUNDS. Will both the Senators allow me to say a word in explanation before they go on?

Mr. President, the amendment proposed by the Senator from Texas [Mr. REAGAN] is the substance and for aught I know now literally the body of the bill that he introduced, I see by the top of it, on the 4th day of December last, I think about the first day of the session, and which was referred to the Committee on the Judiciary. I think it due to the Senator and to the Senate to state that according to our course the chairman very soon, almost immediately, referred that bill to a subcommittee of three among the most eminent and earnest of the members of that committee, but the committee has not yet been able to act upon it, owing, I have no doubt, to other important business in the committee, our time having been almost exclusively and necessarily devoted to the consideration of executive business. I think it is due to the Senator from Texas and to the Senate, he having introduced the bill so early, to say that.

Mr. REAGAN. I am not surprised that there should have been some delay, for the subject is certainly one that I have found it very difficult to get any remedy for; and I am not surprised that there should be some delay in preparing a bill.

In reference to the point made by the Senator from Colorado [Mr. TELLER], I wish to remark that he is doubtless misled as to the effect of the fourth clause of the second section of my amendment, to which he has referred, by considering it isolated from the provisions of the first section. He will see that the first section, as introduced by me, limits its operation to matters involved in commerce with foreign nations and between the States, in this language:

That all persons engaged in the creation of any trust, or as owner or part owner, agent, or manager of any trust, employed in any business carried on with any foreign country, or between the States, or between any State and the District of Columbia, or between any State and any Territory of the United States, or any owner or part owner, agent, or manager of any corporation using its powers for either of the purposes specified in the second section of this act—

The second section of the bill as I introduced it, but the fourth section of this amendment—

shall be deemed guilty of a high misdemeanor, etc.



The second section in each of these clauses relates back as to the question of authority to the first section, so that whatever view may be taken as to the constitutional question presented by the Senator from Indiana [Mr. TURPIE] and the Senator from Alabama [Mr. PUGH], that point can not arise on this, which relates to the criminal part of the proceeding because it is limited to business in international or interstate commerce, and I suggest that the Farmers' Alliance and the Knights of Labor would not come under that clause; but, if they did, the way to prevent all such organizations is to strike down first the organizations which give rise and necessity to this local labor association.

Mr. PLATT. If the Senator from Colorado will permit me, and if the Senator from Texas will give me his attention, I desire to say a word.

I had supposed it to be true that the first part of the section, that is, down to line 6, referred to trusts employed in any business carried on with any foreign country or between the States, or between the States and the District of Columbia, or between the States and Territories, but from line 6 down I supposed, as the language reads "or any owner or part owner, agent, or manager of any corporation using its powers for either of the purposes specified in the second section of this act," had no reference whatever to a business carried on which might be called foreign commerce or interstate commerce, but was intended to punish a stockholder in any corporation who should do any of the things included in the several heads of the second section. That is the way I have understood it.

Mr. REAGAN. The object was as I have stated.

Mr. TELLER. The Senator from Connecticut has explained that provision exactly as I understood it. Of course I may be all wrong about it and it may be entirely different. It may not be objectionable but it would be well to put this in form so that there can be no question about it.

Mr. President, I had not quite concluded reading the newspaper extract which I wanted to read. It continues:

The petition sets forth in vivid and pathetic terms the condition of the tailors, who [which], since the days when Kingsley selected them for portrayal in *Alton Locke* as types of industrial misery, which led to the Chartist uprising, has been, if possible, growing more wretched, until now their life is merely a short and bitter struggle with starvation. They pray the Queen to interfere and save their families, who are dying of consumption and inanition in their filthy dens.

The Queen will hardly be able to do anything for these unfortunate subjects of hers, as she has but recently received the report of a royal commission on the subject, the gist of which is that nothing can be done but to trust in the operation of the Malthusian law of population.

The boot and shoe makers are also dissatisfied with their condition, and a strike in that trade is imminent. The employers are trying to conciliate them, but have thus far failed, and a mass meeting of the men will be held to-morrow, at which it will be decided whether or not to quit work.

I know that nobody here proposes to interfere with the class of men I have mentioned. Nobody here intends that by any of these provisions, either in the original bill or in any amendment; and I have only called attention to it to see if the efforts of those who have undertaken to manage this subject can not in some way confine the bill to dealing with trusts which we all admit are offensive to good morals.

I do not myself desire to interfere with the management of this bill which has been reported from the Committee on Finance and is in the hands of such able gentlemen as those who proposed it originally, or those who have attempted to interfere with it and to aid in its perfection.

Mr. President, I was greatly struck with the amendment offered by the Senator from Kansas [Mr. INGALLS], and I believe if that can be enacted into law it will greatly relieve the agricultural interests of this country. I was, however, somewhat disturbed in my idea of supporting that proposition by the suggestion made by the Senator from Ohio that it was beyond the jurisdiction of this body to pass it. That is the only objection I can see to it. It seems to me that the measure is well intended and very desirable; and it strikes me that if it could be carried out it would go far to relieve the people of this country. I do not know what the Senator who introduced it would say upon the constitutional question, but I shall listen when he takes the floor on that point.

I want to repeat that I am exceedingly anxious myself to join in anything that shall break up and destroy these unholy combinations, but I want to be careful that in doing that we do not do more damage than we do good. I know how these great trusts, these great corporations, these large moneyed institutions can escape the provisions of a penal statute, and I know how much more likely they are to escape than the men who have less influence and less money. Therefore, I suggest that the Senators who have this subject in charge give it special attention, and by a little modification it may be possible to relieve the bill of any doubt on that point.

Mr. SHERMAN. Mr. President, all I desire is that this bill, the object of which I believe is approved of by more than three-fourths of the Senate, should be treated like all other bills that have been carefully considered by a committee of this body and reported to the Senate. To attempt to defeat this bill by offering various other bills from other committees or from the other House on different branches of the same subject or on entirely different subjects, is not the proper way to deal with the work of a committee.

Now, let us look at it. The bill as reported contains three or four simple propositions which relate only to contracts, combinations, agree-

ments made with a view and designed to carry out a certain purpose, which the laws of all the States and of every civilized community declare to be unlawful. It does not interfere in the slightest degree with voluntary associations made to affect public opinion to advance the interests of a particular trade or occupation. It does not interfere with the Farmers' Alliance at all, because that is an association of farmers to advance their interests and to improve the growth and manner of production of their crops and to secure intelligent growth and to introduce new methods. No organizations in this country can be more beneficial in their character than Farmers' Alliances and farmers' associations. They are not business combinations. They do not deal with contracts, agreements, etc. They have no connection with them. And so the combinations of workmen to promote their interests, promote their welfare, and increase their pay if you please, to get their fair share in the division of production, are not affected in the slightest degree, nor can they be included in the words or intent of the bill as now reported.

On the other hand, the Senator from Kansas [Mr. INGALLS] offers a bill which was framed by one of my colleagues in the House of Representatives, and the fact that it is pending there is a matter known and shown by the record, and it is still being considered by a committee of that body. It proposes to deal with a class of contracts that do not have to do with production, that are based upon the idea that there is no production at all. They are options on property that does not exist. They are what are called mere contracts without regard to production, based upon nothing, upon empty air. They are gambling contracts. If the Senator from Kansas wishes to introduce a proposition to prevent gambling in property which does not exist, to prevent agreements to deliver property without any intention to deliver it, that is one question and an entirely different matter from the one covered by the bill. That is a question to be considered by itself, and it ought not to be attached or annexed to this bill.

But there is another fatal objection to that measure, it seems to me. We can not vote for it without violating our obligations under the Constitution of the United States. The Senate has no power to originate any form of taxation, and yet here is a proposition to tax in various ways these illegal contracts, with a view to deter them from being made, just as we imposed the tax upon the issue of State bank paper, in order to drive it out of existence, but still we levied it in the form of a tax; it was part of a tax bill, and the proper place for this proposition, so far as it attempts to levy a tax, is upon a tax bill. It would be proper upon the tariff bill when it comes to us, but it has no relation to the subject-matter of the pending bill.

The original bill deals with a combination, agreement, or contract to advance the price of productions on hand; it relates to actual commerce in things tangible passing from State to State; while the proposition of the Senator from Kansas is to deal with things intangible, with contracts in the nature of gambling, and it has no relation to this matter, and to put it on as an amendment to this bill, it seems to me, is not treating the subject fairly unless the Senate wants to defeat the original proposition. It seems to me it is a great deal better for us to have a fair vote on the original proposition, disconnected with any other measure pending at this time.

Take the proposition of the Senator from Texas. It does contain some matter germane to or connected with the original proposition, but it introduces into this debate a criminal law, and that was one of the objections made to the original bill as first reported by the Committee on Finance. When we undertook to amend it and put on a criminal clause, and after full reconsideration of the subject, it was thought best to omit the criminal clause and to leave that for future consideration, because we were dealing with a new subject-matter and it was deemed a great deal better to declare the general principle of law, without any criminal section, leaving Congress to provide hereafter criminal penalties, as I have no doubt it will do if they shall be found to be necessary.

The objection I have to the proposition of the Senator from Texas is, first, that it is a proposition pending in another committee of this body, and there it is being considered. The Senator from Vermont says it has been referred to a subcommittee and they have not reported upon it. Now, is it wise to ingraft here that proposition which has not yet been considered by the committee in charge of it, relating to a different subject-matter? I think it is not fair; it is not right. In this way, by antagonizing friendly propositions, you may defeat any bill.

Suppose, for instance, the amendment of the Senator from Kansas should be ingrafted on the bill; a Senator might say, "I can not vote for that because it undertakes to do what the Constitution plainly declares the Senate can not do," and that would result in defeating the original proposition. So with the proposition of the Senator from Texas. He offers here a criminal statute defining various kinds and various forms of combinations; it has not yet been subject to scrutiny, and it is now pending before a committee of this body which has not yet considered it. Suppose that is ingrafted on this bill. Some member of the Senate might with great propriety say, "Why, this is a new proposition; it has never been fully considered; it does not come to us perfected by the judgment of a committee; it is drawn out, wrested, taken from the jurisdiction of the Judiciary Committee, and put upon a bill which has already been considered and fully considered by another committee."

I am actuated by no desire to have this bill and nothing else, because I would accept any amendment that met my judgment, and I will vote for any proposition that will make it clear and confine it to its proper objects; but I do think the Senate of the United States in dealing with a question which at this time commands the attention of the people of the United States as much as any other should deal with it in a fair way. In other words, there should be fair play on all these various propositions, and we should not combine incongruous elements in order to defeat the original proposition. If you do not like the bill, vote it down. If you can propose any amendments to carry out the object of the bill, to limit its operation, or in any way to improve it, they are proper and ought to be offered; but do not put on different propositions. I might with the same propriety take the pension bill which is now pending here, giving a pension to dependent relatives of soldiers, and a thousand other bills on the Calendar and offer them as amendments. That is sometimes a way of trying to defeat an original bill. I think, however, it is better for Senators of the United States to defeat it squarely by a fair vote, and say that the original bill ought not to pass rather than to encumber it with propositions that lead to endless argument.

I shall vote against all these amendments which do not seem to carry out the object defined in the original bill, not because I disapprove of them, for I approve of all attempts to destroy and to declare illegal, null, and void all those gambling contracts which now pester the business of the country. I shall at the proper time be perfectly willing to denounce criminal penalties upon any man who violates the principles of this bill; but I do not think at this time it is wise for us to introduce criminal legislation upon a remedial bill of this character. As I said in my argument—and I do not want to repeat it over again—this bill is simply an attempt to extend the jurisdiction of the courts of the United States, to declare unlawful contracts which have been held unlawful in every State of the Union where the subject has been brought before the courts; nothing more, nothing less.

The only ground of objection to this is that we can not extend the jurisdiction of the courts of the United States thus far. That argument has been fully answered by Senators on the other side. I attempted to answer it myself by showing a great number of authorities. The honorable Senator from Alabama [Mr. PUGH] and the honorable Senator from Indiana [Mr. TURPIE] have shown that this bill as it now stands is not only constitutional, but that it is the duty and right of the United States to aid the States in declaring null and void these combinations and agreements in restraint of trade. I hope, therefore, we shall have a fair vote on these different measures as they come up and as they are reported by committees, and that when the bill of the Senator from Texas is reported from the Judiciary Committee we shall have the judgment of that committee upon that bill. When the proposition which is now made by the Senator from Kansas comes up to us it is to go first to the Committee on Finance, because it is a part of a scheme for raising revenue and can only be treated as a revenue measure. The other provisions of that bill are simply incidental to the main point.

I say it is better and fairer in dealing with this great subject to take the bill which has been reported by the Committee on Finance, reject it if you will, improve it if you can, and confine the attention and intelligence of the Senate to the provisions and objects of this bill, and go no further until the other bills are reported and have gone through the same scrutiny, and then we shall have time enough to do it. So far as I can see, there are no provisions in the bill offered by the Senator from Kansas but what meet my judgment in a general way. I have only had time to read it this morning. The first two sections I am entirely agreed to, but they have never been matured, never have been reported by any committee, never have been considered by a committee. When they are so considered, we shall have time enough to act upon them.

Mr. HOAR. I should like to ask the Senator from Ohio to explain one or two provisions of this bill or amendment, as it is reported to the Senate, before he leaves the floor.

Mr. REAGAN. I should like to reply to the Senator from Ohio.

Mr. HOAR. I wish to ask the Senator from Ohio one or two practical questions about the details of the bill, which will take but a moment. The bill provides that—

The circuit court of the United States shall have original jurisdiction of all suits of a civil nature at common law or in equity.

I suppose it is the purpose of the Senator from Ohio to give private citizens who are injured by these combinations or monopolies for the advancement of cost or preventing men from freely competing, a civil remedy in the courts, is it not?

Mr. SHERMAN. Certainly.

Mr. HOAR. I suppose that is the object, and I suppose any citizen of the United States might bring a suit in the courts if he had been wronged or claimed that he had been wronged in this way. Now the bill goes on and says:

And the Attorney-General and the several district attorneys are hereby directed, in the name of the United States, to commence and prosecute all such cases to final judgment and execution.

Mr. SHERMAN. That is confined to the first section of the bill.

Mr. HOAR. I understand that, and my question is confined to the first section of the bill.

Mr. SHERMAN. The first section of the bill does not give a civil remedy at all; it is the second section that gives a civil remedy.

Mr. HOAR. The first section says that—

The circuit court of the United States shall have original jurisdiction of all suits of a civil nature at common law or in equity arising under this section.

Now the Senator says the first section does not give the civil suit at all.

Mr. SHERMAN. It does give a suit in the name of the United States:

And the Attorney-General and the several district attorneys are hereby directed, in the name of the United States, to commence and prosecute all such cases to final judgment and execution.

Mr. HOAR. Then the Senator avoids my first question and does not mean to answer it.

Mr. SHERMAN. I do.

Mr. HOAR. Let me put the question again. The first section of the bill declares:

The circuit court of the United States shall have original jurisdiction of all suits of a civil nature at common law or in equity arising under this section, and to issue all remedial process, orders, or writs proper and necessary to enforce its provisions.

Now, this section has declared that all these arrangements are wrongful and unlawful, and that is the only declaration which gives any private citizen any right to sue under them. That is the declaration of the first section. It seems to me that as the Senator has got this bill so drawn that any citizen of the United States can invoke the civil remedy and the civil jurisdiction provided in the first section under the bill—it seems to me there is no doubt of it whatever—and when he has done it the bill makes it the duty of a United States officer, the Attorney-General or the district attorney, not merely to commence and prosecute the suit, but to prosecute it without compromise or abandonment, because he is expressly commanded to prosecute it "to final judgment and execution."

Mr. SHERMAN. Well, Mr. President, the Senator has confounded the two sections together. They are absolutely distinct and independent, each conveying the proper authority and jurisdiction to the courts of the United States. The first deals only with combinations made in restraint of trade or to prevent free competition in the importation, transportation, etc., of articles. They are in the nature of public offenses against public policy. In regard to those in the first section it is declared that—

The Attorney-General and the several district attorneys are hereby directed in the name of the United States to commence and prosecute all such cases to final judgment and execution.

And before that it is provided—

The circuit court of the United States shall have original jurisdiction of all suits of a civil nature.

Mr. HOAR. Are they of a civil nature? The Senator has just said that these are public offenses and the statute says that they are suits of a civil nature.

Mr. SHERMAN. Can not the United States commence a suit of a civil nature?

Mr. HOAR. For a crime?

Mr. SHERMAN. Not for a crime, but for a remedial proceeding. It is a proceeding such as is known in every State of the Union, as in the Commonwealth of Massachusetts and in other States. There are suits by the people of New York against these combinations. We have a suit of the people of Ohio and the people of Missouri; I quoted here a decision in a suit of the people of Illinois—just such things as are contemplated by this bill. If the Senator from Massachusetts will read the second section of the bill he will find that that alone deals with private suits.

SEC. 2. That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination defined in the first section of this act may sue for and recover, in any court of the United States of competent jurisdiction, without respect to the amount involved, of any person or corporation a party to a combination described in the first section of this act, twice the amount of damages sustained and the costs of the suit, together with a reasonable attorney's fee.

It is the second section that gives the civil suit, and that is not to be prosecuted at all by the United States or by the officers of the United States. The first section deals with the public injury to the people of the United States and there the suit is brought in the name of the United States to restrain, limit, and control such arrangements so far as they are illegal. The second section gives a private remedy to every person injured. It seems to me the two sections are as distinct from each other as possible.

Mr. HOAR. The Senator from Ohio states, in my very humble judgment, two entirely different and conflicting and inconsistent propositions. I agree and thoroughly understand that the second section of the bill gives individuals the right to private suits. I leave that out as settled. I am looking at the first section alone. The Senator says that the first section provides nothing but suits for public offenses, which are criminal suits and to be tried in the name of the United States, as for an offense against the United States. The language of the section is:

And the circuit court of the United States shall have original jurisdiction of all suits of a civil nature at common law or in equity arising under this section.



I should like to ask the Senator again, does he understand that the United States is to enforce this proposed statute by a civil suit, and not by a criminal proceeding?

Mr. SHERMAN. I say that in a civil suit brought in the name of the United States the United States may sue on a contract; they may sue for a neglect; they may sue for a great many things. Those are civil suits. The distinction between a civil suit and a criminal suit, I need not tell the Senator from Massachusetts.

Mr. HOAR. I understand that. What will be the judgment?

Mr. SHERMAN. It may be a judgment of ouster of the corporation; it may be a judgment for damages. Civil suits and criminal suits are easily distinguished.

Mr. HOAR. There is no difficulty in that.

Mr. SHERMAN. Very well. This is a civil proceeding commenced by the people of the United States against these corporations, and a judgment may be, as in ordinary cases, an ouster of the power of a corporation; it may be for damages; there may be an injunction; there may be proceedings in *quo warranto*, and so of the other ordinary civil proceedings which are fixed by the judiciary act of the United States.

But the second section provides purely a personal remedy, a civil suit also by citizens of the United States. The Senator from Texas wishes to add to it a criminal remedy. In that I differ from him. I think it is better not to put a criminal section in this bill. Still, if it is adopted by the Senate, that would not deter me from voting for the measure, because that at least is in harmony with the bill and seeks to carry out the same object. However, in my judgment, his measure ought to undergo the same scrutiny that this bill has undergone. Let it be reported from the Judiciary Committee, and then we can consider it and probably vote for it, if so reported after full scrutiny.

Mr. REAGAN. I ask unanimous consent, if it is necessary, to modify my amendment by inserting after the word "corporation," in line 9 of section 3 (in the first section of the amendment), the words "company or person employed in any such business." I make this modification because I think there was force in the objection made by the Senator from Connecticut [Mr. PLATT], and I think these words cure that difficulty. That puts it all under the interstate and international commerce clause.

The VICE-PRESIDENT. Without objection that modification will be considered as agreed to. The Chair hears no objection, and the amendment of the Senator from Texas is so modified.

Mr. REAGAN. Mr. President, I confess to a little surprise at the suggestions of the Senator from Ohio that the amendment which I have submitted is different in character from the measure which he has reported, and that they ought to be separately acted upon by the Senate. What is the object of the bill reported by the Senator from Ohio? It is to prevent and to punish persons engaged in trusts and combinations for unlawful purposes. What is his remedy? It is a civil suit, and a civil suit to be brought in the circuit court of the United States. Who can avail themselves of that remedy? Rich corporations and rich men may, but the great mass of the people are not able to employ counsel and go with witnesses to the circuit court for the vindication of their rights.

So the remedy as presented (and I intend at the proper time to offer an amendment to meet that) is inadequate; it is insufficient. I propose to aid the Senator in the prevention and punishment of trusts and combinations for unlawful purposes by providing that their formation, and the action under them when in connection with the international and interstate trade, shall be unlawful and shall be punished as provided in my bill. That certainly gives an efficient remedy, and a much more efficient remedy than that proposed by him for the very evil which he seeks to prevent.

The Senator suggests that my amendment ought to undergo the revision of a committee. I may say to the Senator that much of it is copied out of a law, not a law of Congress but of one of the States, which underwent very thorough and searching discussion. So all I had to do in this case (and that is the purpose I had) was to make the provisions of the State law applicable to international and interstate commerce. That is as far as it has seemed to me our powers go.

When first discussing this bill I suggested that I thought it proper that a clause giving a civil remedy should be inserted, but that the most efficient means of preventing the very evil which the Senator from Ohio is driving at is to make these offenses penal and provide for their prosecution in the courts of the country. I suggest that if the purpose is to prevent these things it is much more efficient than the remedy proposed by the Senator and exactly in the same line and for the same purpose.

I call again the attention of the Senator to the fact that his bill gives this jurisdiction to the circuit court of the United States, and that only the corporations and the rich men will be able to go into that court to assert the remedy which he proposes; and that the great mass of the people who are the sufferers from these combinations and trusts will not have the means to employ counsel and to take witnesses to the Federal courts, often at a great distance from them, to vindicate and enforce their rights.

We need a law upon this subject that will punish every man engaged in this business and that will give an adequate remedy in a con-

venient jurisdiction to every person who is damaged by these associations. I trust that the Senate will sustain the amendment which I have offered to the bill for the purpose of giving it efficiency, for the purpose of affording to the people that protection which he desires to secure.

Mr. STEWART. Mr. President, this whole subject is surrounded by difficulties of the gravest character. Men must unite their efforts to have any civilization at all. An individual by himself can be but a savage. Combination, co-operation, is the foundation of all civilized society. When you permit that at all, the question is where you are to stop and say there shall be no more combinations.

These combinations seem almost like a necessary evil resulting from civilization. Our ancestors have tried to check them in England for hundreds of years. They had their common-law rules, they had their statutory regulations, and finally they came to the conclusion in that country that legislation would not reach the subject, but that it simply retards trade and embarrasses those whom they do not desire to embarrass. If we attempt it in this country, we shall have a similar history. Besides, the Congress of the United States is laboring under special difficulties on account of its limited jurisdiction.

To show the experience in England in dealing with this particular question, I have here a statute passed in 1844 which wiped out all that had preceded it, and left trade and commerce free, and I think it is so instructive a lesson that it ought to be incorporated in the RECORD. I send it to the desk and ask that the statute be read. The statute itself is its own commentary.

The VICE-PRESIDENT. The Chief Clerk will read, as requested.

The Chief Clerk read as follows:

An act for abolishing the offenses of forestalling, regrating, and engrossing, and for repealing certain statutes passed in restraint of trade.

Whereas divers statutes have been from time to time made in the Parliaments of England, Scotland, Great Britain and Ireland, respectively, prohibiting certain dealings in wares, victuals, merchandise, and various commodities by the names of badgering, forestalling, regrating, and engrossing, and subjecting to divers punishments, penalties, and forfeitures persons so dealing; and

Whereas it is expedient that such statutes, as well as certain other statutes made in hindrance and in restraint of trade, be repealed; and

Whereas an act of the Parliament of Great Britain was passed in the twelfth year of the reign of King George the Third, intitled an act for repealing several laws therein mentioned against badgers, engrossers, forestallers, and regraters, and for indemnifying persons against prosecutions for offenses committed against the said acts, whereby, after reciting that it had been found by experience that the restraint laid by several statutes upon the dealing in corn, meal, flour, cattle, and sundry other sorts of victuals, by preventing a freetrade in the said commodities, have a tendency to discourage the growth and to enhance the price of the same, which statutes, if put in execution, would bring great distress upon the inhabitants of many parts of this kingdom, and in particular upon those of the cities of London and Westminster, sundry acts therein mentioned, and all the acts made for the better enforcement of the same, were repealed, as being detrimental to the supply of the laboring and manufacturing poor of this kingdom; and

Whereas, notwithstanding the making of the first-recited act, persons are still liable to be prosecuted for badgering, engrossing, forestalling, and regrating, as being offenses at common law, and also forbidden by divers statutes made before the earliest of the statutes thereby repealed: For remedy thereof, and for the extension of the same remedy to Scotland and to Ireland,

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That after the passing of this act the several offences of badgering, engrossing, forestalling, and regrating be utterly taken away and abolished, and that no information, indictment, suit, or prosecution shall lie either at common law or by virtue of any statute, or be commenced or prosecuted against any person for or by reason of any of the said offenses or supposed offenses.

II. And be it enacted, That the several acts and parts of acts made in the Parliaments of England and Scotland, Great Britain and Ireland, hereinafter mentioned, shall be repealed, but not so as to revive any act repealed by any of the acts hereby repealed; (that is to say.)

The following acts and parts of acts of the Parliament of England, to wit: So much of an act passed in the fifty-first year of the reign of King Henry the Third, intitled

A statute of the Pillory and Tumbrel, and of the assize of bread and ale, as is now in force:

So much of an act passed in the 12th year of the reign of King Edward the Second, intitled No officer of a city or borough shall sell wine or victual during his office, as is now in force:

So much of an act passed in the reign of King Henry the Third, King Henry the First, or King Edward the Second, intitled The punishment of a butcher selling unwholesome flesh, as provides punishment for a butcher or cook that buyeth flesh of Jews and selleth the same unto Christians:

The whole of an act passed in one of the three last-mentioned reigns intitled No forestaller shall be suffered to dwell in any town:

The whole of an act passed in the 23d year of the reign of King Edward the Third, intitled Victuals shall be sold at reasonable prices:

The whole of an act passed in the 25th year of the same reign, intitled The penalty of him that doth forestall wares, merchandise, or victual:

So much of an act passed in the 27th of the same reign intitled A statute of priors, as provides that commissions shall be granted to inquire of offenders contrary to the statute of 23 Edw., 3 c. 6, and enacts, "The penalty for forestalling of merchandises before they come to the staple:"

The whole of two acts passed in the 31st year of the same reign, respectively intitled The statute of herrings, and another Statute of salt fish:

The whole of an act passed in the 35th year of the same reign, intitled An ordinance of herring:

So much of an act passed in the 37th year of the same reign, intitled Merchants shall not ingross merchandises to enhance the prices of them, nor use but one sort of merchandise, as is now in force:

The whole of an act passed in the same year, intitled Clothiers shall make cloths sufficient for the foresaid prices, so that this statute for default of such cloths be in no wise infringed:

The whole of an act passed in the second year of the reign of King Richard the Second, intitled A confirmation of the statutes of 23 Edw. 3, St. 4, c. 2, against forestallers:

So much of an act passed in the 13th year of the same reign, intitled The

rates of laborers' wages shall be assessed and proclaimed by the justices of the peace, and they shall assess the gains of victualiers who shall make home-made bread, and the weight and price thereof, as is now in force:

So much of an act passed in the 4th year of the reign of King Henry the Fourth, intitled An hostler shall not make horse-bread; how much he may take for oats, as is now in force:

So much of an act passed in the 25th year of the reign of King Henry the Eighth, intitled Proclamations for the prices of victuals, namely, the pricing of them and proclaiming the prices, as is now in force:

So much of an act passed in the 28th year of the same reign, intitled For prices of wines, as is now in force, not relating to the gauging and measuring of wine, oils, honey, or other liquors or things:

So much of two acts passed in the session of Parliament holden in the third and fourth years of the reign of King Edward the Sixth, respectively, intitled An act for buying and selling of rother beasts and cattle, and An act for the buying and selling of butter and cheese, as is now in force:

The whole of an act passed in the session of Parliament holden in the fifth and sixth years of the same reign, intitled An act against regraters and ingrossers of tanned leather, except the prohibition of currying or dressing tanned leather within the city of London and the suburbs thereof, as provided by the last-mentioned act:

Also the following acts of the Parliament of Scotland, to wit:

An act passed in the year one thousand five hundred and three, intitled Of malt Makaris in burrow towns:

An act passed in the year one thousand five hundred and thirty-five, intitled Off Forstallaris:

An act passed in the year one thousand five hundred and forty, intitled For eschewing of derth of wittalis, fische, and fysche:

Also an act of the same year, intitled For stanching of derth and prices of wyne, salt, an tymmer:

Also an act of the same year, intitled Anentis forstallaris:

An act passed in the year one thousand five hundred and fifty-five, intitled Anent the disposition of wyne, salt, and tymmer brocht into the realme:

An act passed in the year one thousand five hundred and seventy-nine, intitled For punishment of regtratis and forstallaris:

An act passed in the year one thousand five hundred and ninety-two, intitled Aganis foirstallaris and regratitatis:

An act passed in the year one thousand six hundred and sixty-one, intitled An act for erecting of manufactories:

Also the following acts and parts of acts of the Parliament of Ireland, to wit:

The whole of an act passed in the fourth year of the reign of King Edward the Fourth, intitled An act against engrossers and regraters of corn:

The whole of an act passed in the thirty-third year of the reign of King Henry the Eighth, intitled an act for grey merchants, as revived and perpetuated by a subsequent act passed in the eleventh year of the reign of Queen Elizabeth intitled an act for reviving the statute against grey merchants, the statute for servants' wages and the statute of Jeofails:

So much of an act passed in the second year of the reign of Queen Anne, intitled an act to prohibit butchers from being graziers, and to redress several abuses in buying and selling of cattle, which act is perpetuated by another act made in the ninth year of the reign of Queen Anne, as prohibits any butcher from being a grazier, or keeping in his possession, or in trust for him, above 20 acres of land, or from selling any cattle to any other butcher in Dublin, or within 5 miles thereof, or from keeping at hay or feed oxen or other cattle for above ten days, or from exposing for sale any oxen or other cattle within 20 miles of the place where bought, and which prohibits any person from selling or exposing for sale any cattle or sheep on the same day when bought:

So much of an act passed in the tenth year of the reign of King George the First, intitled an act for regulating abuses committed in buying and selling cattle and sheep in the several markets of this kingdom, as prohibits cattle from being bought within six miles of any market:

The whole of an act passed in the fifteenth year of the reign of King George the Second, intitled an act to explain and amend a clause in an act passed in the second year of the reign of Queen Anne intitled, "An act to prohibit butchers from being graziers, and to redress several abuses in buying and selling of cattle, and in slaughtering, and packing of beef, tallow, and hides:"

The whole of an act passed in the thirty-first year of the reign of King George the Second, intitled an act to prohibit salesmen from being graziers, and to redress several abuses in buying and selling cattle or meat:

So much of an act passed in the session of Parliament holden in the thirteenth and fourteenth years of the reign of King George the Third, intitled an act for paving streets within the city and county of the city of Dublin, as authorizes a market jury to seize provisions or victuals in the hands of any forestaller, regrater, or engrosser:

So much of an act passed in the twenty-seventh year of the reign of King George the Third, intitled an act for establishing market juries in cities as authorizes and empowers certain market juries to seize provisions or victuals found in the hands of forestallers, regraters, and engrossers.

III. And be it enacted, That the several acts and parts of acts which were repealed, as to Great Britain, by the first recited act of the twelfth year of the reign of King George the Third, shall be taken, after the passing of this act, to be repealed as to the United Kingdom of Great Britain and Ireland.

IV. Provided, always, and be it enacted, That nothing in this act contained shall be construed to apply to the offence of knowingly and fraudulently spreading or conspiring to spread any false rumor, with intent to enhance or deery the price of any goods or merchandise, or to the offence of preventing or endeavoring to prevent by force or threats any goods, wares, or merchandise being brought to any fair or market, but that every such offence may be inquired of, tried, and punished as if this act had not been made.

V. And be it enacted, That this act may be amended or repealed by any act to be passed in this session of Parliament.

Mr. STEWART. The difficulty in dealing with this question is well illustrated by hundreds of years of experience in Great Britain, where Parliament was supreme, where they could pass and enforce any law they pleased on this subject. They found after all this experience that such laws were simply hurtful, and so they passed an act repealing the law, changing the common law with regard to it, and leaving trade and commerce free.

The difficulty in the whole subject is in reaching any precise evil or defining the offense. If you say there shall be no combination the tendency of which shall put up prices, how far would that reach? It would reach to nearly every transaction in life and would be particularly oppressive upon the struggling masses who are making combinations to resist accumulated wealth. Accumulated wealth has the power to prosecute, and if the laborers combine in any form to protect themselves there will be means found of prosecuting them.

If small traders combine together to meet some great trust so as to enable them to carry on their business, the power will be in the hands

of the great trust and the opposition will be trusts. This scheme seems to me to put in the hands of accumulated capital the power to have all associations that can possibly be rivals prosecuted, because the associations that seek to resist trusts are not organized so artfully. Their purpose has to be avowed; they must state what their purpose is in order to get the inexperienced masses to go with them. It must be for the purpose of protecting themselves, whereas the experienced few who handle accumulated capital can do this in such a manner as to preclude all the possibility of proof.

So I believe the practical working of this bill, if it were constitutional and we had a right to pass it, would be to crush out competition where the people are trying to protect themselves against oppressive monopolies. I think that it is the way it would work practically.

Besides, I do not find any warrant in the Constitution for this particular class of legislation. It is stated in the first section of the bill that when combinations between citizens of different States and citizens of the United States combine with aliens to do certain things they shall be amenable to the law and shall be prosecuted in certain ways. I suppose that is the jurisdictional provision.

Mr. GEORGE. That is the jurisdictional provision.

Mr. STEWART. Now, that jurisdictional provision is referred to citizenship, and the provision in the Constitution gives the United States courts jurisdiction when and of what? First, it gives them jurisdiction in cases of equity and actions at law, and nothing else. This is given in certain cases on account of citizenship. Where citizens reside in different States they can have their controversies settled in the United States courts. But this is not a controversy. On the contrary, it is a combination; it is an agreement.

There is no dispute between these citizens resident in different States, but it is a partnership formed of citizens of different States that confers no jurisdiction upon the Federal courts. There is a difference between a partnership where all the parties agree and a litigation where the two parties disagree. The fact that they reside in different States and agree to do something does not add to the jurisdiction one particle. That part of it may be eliminated from the bill as having nothing to do with it.

Then the bill provides in a separate clause by itself:

And all arrangements, trusts, or combinations between such citizens or corporations—

Meaning combinations between citizens of different States or between citizens of the United States and aliens—

made with a view or which tends to advance the cost to the consumer of any such articles, are hereby declared to be against public policy, unlawful, and void.

It might just as well read, and it would be just as constitutional if it had said, that "all combinations having that tendency should be unconstitutional and void."

Now, it is the struggle of every community, it is the struggle of all the people who are attempting to better themselves, to get a good price for their commodities. Why might not the citizens of Iowa and Kansas unite and say, "We will hold back our corn; we will not sell it at these ruinous prices; we will combine and hold it until prices are better; we will put up the prices; they are robbing us. There is an organization in Chicago that is bearing this article, that is selling it short, that is putting it down; they are robbing us and we will not sell; we will combine?"

Suppose all the people of the different States should combine together and say, "We will stand against this Chicago combine that is attempting to get our produce for nothing," why would not they be liable to prosecution, the whole of them, if it were a constitutional law? But have they not a natural right to hold their products back until they can get a better price?

This is only one of a thousand instances in which this measure would be abused if it were passed. It is not the intention of anybody here to make that construction of it; we are trying to remedy the evil; but it is very probable that if this bill were passed the very first prosecution would be against combinations of producers and laborers whose combination tend to put up the cost of commodities to consumers. It would be a weapon in the hands of the rich against the poor, and if you will trace the history of such legislation you will find that the experience of Great Britain was that such laws have always been turned against the people. After several hundred years of experience Parliament wiped them all out.

I believe that the true remedy against such trusts is that of counter combinations among the people. I believe in co-operation. Take, for instance, the most notorious trust in the West that there has been so much said about—the beef trust in Chicago. You can not reach that by such legislation as this. But suppose that you had a general law on your statute-books passed by the United States, that has the power to regulate interstate commerce, or suppose there was such a law in Illinois allowing the consumers to combine and have a co-operative organization, and suppose five thousand consumers in Chicago would form an association and supply themselves?

The trouble is, these combinations monopolize the market. Suppose those who are oppressed should do that? They might unite and get beef in for enough people, so that under this law they, too, would unite



together. They could so co-operate that they can supply themselves with beef. It is because they do not take that means that the beef combine has control. This law would prevent them from combining against the other combine. If they did co-operate, however, they would be certain to get enough inhabitants who consume beef to meet together and say "We will buy of nobody else." That would break up your trust. If you pass this proposed law, however, and such a combination were attempted in Chicago, it would be prosecuted the next day.

These evils of combination, of course, are great, but the question is, do they not grow out of civilization itself, the foundation of which is organization, and without organization men would be savages? Should we not rather encourage organizations among the people to meet the grasping disposition of the favored few? The great trouble from the beginning of civilization has been that the few have combined against the many, being more competent, and that the few in various ways secure to themselves special privileges against the masses. I say let the masses combine.

One of the worst combines that have ever been inaugurated on earth from the beginning has been the combine on money, which has been an organization sanctioned by law to put up prices and put them down at the option of the speculator; to make it scarce or dear whenever they desired. That is the great trust that is pressing upon the country today. The labor organizations in this land are beginning to wake up to what is hurting them, and they are demanding legislation whereby the amount of money in the country shall be kept stationary in proportion and business, so that they shall not be robbed by low wages or half pay. They are getting waked up to that.

Let the people organize, I say, to get proper legislation for the whole country, but do not strike at civilization and say that you will abandon the idea of co-operation, which is absolutely necessary, without which we could not exist as a nation or remain in any civilized state.

I think that this bill is on the wrong basis and it will cut in the wrong direction if it passes, inasmuch as I find no warrant in the Constitution for Congress to pass this kind of a law and no warrant in the exigencies of our condition.

The amendment of the Senator from Kansas [Mr. INGALLS] has a good feature in it. It aims at a particular thing. It strikes at these options, where men are selling something they do not have, where they are selling other people's property short. That is one of the few things in the list that might be selected, and dealing in options, selling other people's property short, might be remedied or stopped.

There is some difficulty about that, because there must be limited agreements to deliver property in the future which has not yet been produced; but the mere dealing in other people's property without any intention of furnishing the property, simply to destroy its market value, is a dangerous thing. If that could be properly guarded there might be something gained. It is dangerous also to attempt that. It has been attempted and has thus far failed. I would not advise any legislator to vote to sanction any dealing of that kind, but when you say that all combinations of the people to protect themselves against monopoly shall be criminally prosecuted in the United States courts, you go too far; you attack the wrong people.

Then, the bill provides for another thing which will be very vexatious. It makes it the duty of the district attorney and of the Attorney-General, all the law portion of the Government, to prosecute these actions, and you will have the whole country converted into a most vexatious lawsuit. It will be against people who are illy prepared to defend themselves. Those who are cunning will work by their secret organizations. The power of those who understand this will not be touched; but if it is carried out you will fill the whole country with litigation and retard business and development. You will do the very thing which you would regret the most of all.

If this question is to be dealt with, I say it is within the jurisdiction of the States. What jurisdiction has the United States to go into the States? These combinations and organizations are in the States. Bring suits in the States to abolish them or to punish them for having formed trusts and partnerships in the States! What authority have you? The attempt in the first section to acquire jurisdiction by citizenship in different States will not reach the point. What is the difference? A partnership is not a case presented at all. United States courts have jurisdiction of controversies, not partnerships. Stripped of that, it authorizes the law officers of the United States to sue persons for making business combinations in the States, making it their duty, of course, to bring suits. The law would either be a dead letter or it would be a weapon of injury to the people who want redress in some substantial way.

I think the best way to legislate is to legislate upon those subjects which Congress has the confessed jurisdiction of, and to relieve the present depression in business as rapidly as possible.

THE VICE-PRESIDENT. The question is on the amendment of the Senator from Texas [Mr. REAGAN], as modified, to the bill reported by the Committee on Finance.

Mr. BLAIR. Mr. President, I am a little troubled by the amendment of the Senator from Kansas [Mr. INGALLS], which, to be sure, seems to aim at the destruction of the business of gambling, dealing in

futures and options, by imposing so heavy a tax upon the articles to be dealt in as to amount to a prohibition. Nevertheless, the amendment does legalize such transactions. It expressly legalizes gambling in options and in futures. It licenses the practice, fixes the conditions and terms under which this gambling, universally denounced to be a crime, is to be conducted, under and by authority of the laws of the United States. It is not business, like the dealing in oleomargarine, which is understood to be useful food, but there being abuses connected with it likely to become serious it was thought worth while, by a very slight tax, so that there could be a regulation of the subject, to guard the public against evils resulting from unrestrained traffic.

Mr. INGALLS. Did the Senator do me the honor to examine section 10 of my proposed amendment before making that remark?

Mr. BLAIR. Section 10 of the Senator's amendment provides—

That neither the payment of the taxes required nor the certificate issued by the collector under this act shall be held to legalize dealing in options and futures, nor to exempt any person, association, copartnership, or corporation, etc.

Certainly I had read that; but the Senator, I suppose, understands very well (at least I understand) that, although there might be a provision of that kind, nevertheless the enactment of conditions under which the business may be conducted is a license; and that the acceptance of a tax on the part of the United States from the party who exercises that business is a practical exemption of the party from all penalties and is a legalization of the practice itself. It is not sufficient to insert these nugatory words in the proposed statute and yet say to the party, "You can do this business if you pay us so much." It is not in the power of the lawgiver to authorize a thing to be done upon condition that a certain amount of money be paid, and then by words which are practically nugatory prohibit the exercise of the privilege a license to do which is given.

The Senator from Nevada [Mr. STEWART] said that dealing in options and futures, or at least in futures, under certain circumstances, is sometimes necessary. Very likely that may be true in some conceivable cases. I do not find fault with the Senator's statement, but the point I wish to make is this: If that be true, a measure like this, which does not except those cases wherein the practice is a right one, a measure like this, which in general terms by this tremendous imposition of taxes upon the exercise of the right renders the exercise of that legitimate and proper right impossible, certainly should not be adopted by the Senate. The amendment contains no exceptions reaching a case such as may have been referred to by the Senator from Nevada. It is an intended prohibition of just those cases, as well as of the abuse of actual gambling, which constitutes the great abuse under which the country suffers.

It is no reply to say that this is an important thing and will prohibit generally the hurtful practices which are ruining the farmers of Kansas and Nebraska, as they understand, and throughout the West generally. It is no remedy for the difficulty under which they are laboring to enact the proposed amendment presented into law. First, it legalizes the practice, and, in the second place, it proposes to put upon the statute book a law which, in the next session—it may be at this very session—may be so amended and modified by the reduction of the taxes as to become practically inoperative as a prohibition of the practice itself. It seems to me that the amendment, if it is to accomplish anything as a remedy to the farmers in the West or elsewhere, should be pretty thoroughly examined.

I think if the sharp and critical Senator from Kansas looks his amendment over he will find that he can correct it grammatically in quite a number of important particulars. I call his attention, for instance, to the fifth line of section 2, where it has the words "when at the time of making such contract or agreement." Then in the eighth and ninth lines he has a repetition of precisely the same phraseology. There are a good many other things in the amendment which I have glanced at which I think would be worthy the attention of the Senator somewhat if he wants to put it upon the statute-book, so far as grammatical construction is concerned. But that is not of so much importance. I call his attention to the possible evil operation of the amendment in the regards I have pointed out of a more substantial character.

I suggest to the Senator from Ohio, in order to meet the difficulties he seems to be laboring under, and which are inevitably to destroy his bill if one may judge from the criticisms of the Senate, that in the fifth line of the first section he strike out the words, "to prevent full and free competition" and insert instead the words "to permit a monopoly." Everybody knows what a monopoly is, and nobody will object to prohibiting a monopoly. In the seventh line I suggest to insert after the word "or" the words "a monopoly;" and again in the eleventh line, where the words "intended for and which" occur, it would be necessary, in order to have good grammar, to insert the word "transportation" after the word "for." Likewise, if he will look a little farther along, in the fourteenth and fifteenth lines I suggest that it would at least make the bill better in the direction which he evidently intends the bill to operate, to strike out the words "intended to advance" before "the cost" and to insert the words "primarily intended to enhance," so as to read: "primarily intended to enhance the cost to the consumer of any such articles;" and after the word "articles" to insert "and

for the promotion of a monopoly." I give notice that I shall move these amendments. Let them be taken down, with the idea that they may be moved when the proper time comes.

The VICE-PRESIDENT. The Chair desires to call the attention of the Senator from New Hampshire to the fact that the original bill is not now before the Senate for amendment.

Mr. BLAIR. I say I give notice of the amendments and ask that they be taken down for examination. If they do not prove to be of any consequence I shall not trouble the Senate with offering them formally.

Mr. ALLISON. The original bill has been disposed of by a general amendment, so that the lines to which the Senator alludes will not apply to the amendment reported from the Committee on Finance, which is now treated as the original bill.

Mr. BLAIR. They will not apply, I see.

Mr. SHERMAN. The Senator from New Hampshire has a copy of the reported amendment before him, I think.

Mr. BLAIR. I have the amendment. The other phraseology which I thought might be worthy of consideration comes in the fourteenth and fifteenth lines in section 1, striking out, as I indicated, and inserting the words "primarily intended to enhance;" so as to read: "primarily intended to enhance the cost to the consumer of any such articles;" and then to insert after the word "articles" the words "and for the promotion of a monopoly." I shall have these amendments ready to go in a different arrangement, applying the same phraseology to different lines.

Mr. HOAR. Mr. President, I do not understand why the Senator from Ohio has inserted in the bill the language of the first few lines, confining his penalty to citizens or corporations of different States or citizens or corporations of the United States and foreign States. I suppose it was prepared with some idea on the part of the draughtsman of the bill that contracts between citizens of foreign States and our citizens or between citizens of different States were necessarily commerce between those States, and that that was essential to bring the proposed statute within the constitutional power of Congress to regulate commerce between the different States or with foreign States. But that, as it seems to me, is very clearly a mistake. It is not commerce between the States for a citizen of Massachusetts to go into Ohio and buy a farm there, or buy a barrel of flour there, or even make an unlawful contract there.

This bill must stand, if at all, upon the fact that it is a bill to protect what is described alone, and that is the importation, transportation, or sale of articles imported into the United States or transported from one State to another or from a State to a Territory or the District of Columbia.

The Senator, it seems to me, would make his bill much more comprehensive if he struck out, after the word "combinations" in the fourth line, down to the word "thereof" in the seventh line, and it would stand within the Constitution as a measure for the protection of foreign or interstate commerce. I suppose we could punish a single person who did not combine with anybody else in another State who committed an act which was clearly to the injury of foreign commerce or commerce between the States, as, for instance, if he should adulterate some article which was to be exported or taken from one State to another, and perhaps we could punish him even for putting obstructions on the track of a railroad engaged in interstate commerce itself. There are a great many illustrations that could be put.

So it seems to me that the Senator has aimed his shot at a very small portion of the offenders when he has a perfect right to include them all. That is the first criticism of the bill that I have to make.

Mr. SHERMAN. In the bill as originally draughted by myself I did not insert the words "between two or more citizens or corporations."

Mr. HOAR. I do not lose the floor by yielding to the Senator. The Chair will understand that he is merely making an explanation.

Mr. SHERMAN. I have the original bill before me, and it reads precisely as the Senator proposes:

That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with the intention to prevent full and free competition, etc.

But these very words were inserted with a view to confine the operation of the bill to contracts made between citizens or corporations of different States, so as not to invade, by possibility, the jurisdiction of the courts of the States. I prefer a great deal the original draught, but to avoid somewhat the criticism of the Senator from Mississippi [Mr. GEORGE] I put in those words so as to describe contracts made between citizens and corporations of different States dealing in interstate commerce. As a matter of course I have no objection if the Senator should propose to strike out the words "two or more citizens or corporations, or both, of different States," but then it would only lead again to the objection. I do not want to fight both Senators, however.

Mr. HOAR. Of course, if the Senator does not want to interfere with the State jurisdiction and the State does what he would consider its duty in the premises, the State can equally punish as far as the bill is concerned any act which it has the power to make unlawful, whether it is done by two citizens of its own State or a citizen of its own and a citizen of another State, an act done within its borders, if the act be

unlawful. The only jurisdiction over this subject is the jurisdiction to protect foreign and interstate commerce. That we have; that we can regulate; that the States can not regulate under the recent railroad decisions of the Supreme Court overruling a case from Illinois and that class of decisions where it was held that the jurisdiction was concurrent.

I suppose that, so far as this is a regulation of the commerce between this country and a foreign country or between two different States of this country, the jurisdiction of Congress is conclusive over it; the States can not touch it. A State can no more touch it when two of its own citizens do the act than it can when two citizens, one of its own State and another of another State, do the act, because it is a regulation of foreign or interstate commerce with which a State does not undertake to deal. If that be true, it seems to me, with great respect to the learned and able Senator, that he was right in his original judgment, and that the error of the amendment is in yielding to an untenable attack which was made on the bill as he originally drew it. I should hope that before the bill is voted upon that amendment will be made, because otherwise it will be easy to avoid its operation altogether by the offenders taking up their residence or citizenship in the same State, and this bill does not touch them.

Mr. HISCOCK. Do I understand that the Senator from Massachusetts is arguing the jurisdiction in reference to this subject on account of residence?

Mr. HOAR. That is the very thing I am attacking.

Mr. HISCOCK. That is, the Senator thinks that no jurisdiction is given on account of residence?

Mr. HOAR. Certainly; that is the proposition I am endeavoring to maintain, and I hope I have the concurrence of my honorable friend from New York.

Mr. HISCOCK. You have.

Mr. HOAR. In the next place, I want to come to the subject which was the matter of a colloquy between the honorable Senator from Ohio and myself when he was addressing the Senate in his own right, in his own time, and that is, that this bill fails to afford any considerable remedy to anybody, either to the public or to any private citizen, except so far as it may give a power to private citizens to bring their suits. It provides, in the first place, only for jurisdiction in the courts of the United States in suits of a civil nature to enforce the provisions of the bill. There is no remedy by penal suit; there is no remedy by indictment or by any other criminal process, if there be any other criminal process known.

The Senator says the suit of a civil nature gives, as against these corporations or partnerships, all the remedy which could exist for individuals when brought on the part of the United States. But what will it amount to? You can not prove in any court that the United States will suffer damages, though you can say why, in a civil suit brought by the Attorney-General or district attorney, the United States shall recover \$100,000, or \$200,000, or \$500,000. It is an injury to the public, but there is no injury to the United States as a Government in respect of any of its property, or ownership, or function.

But the honorable Senator says they can get judgment against the corporation by ouster or *quo warranto*. I respectfully submit to the Senate and to the careful reflection of my honorable friend from Ohio that that is not a sound legal proposition.

A *quo warranto*, as I understand it, is a process by which a corporation is deprived of its corporate power by a judgment in a proceeding instituted in behalf of the authority which created it, because it has exceeded its functions or disobeyed the law in a matter which, by the law of its being, makes that disobedience a forfeiture of its franchise.

Mr. SPOONER. Or by non-user.

Mr. HOAR. Or by non-user, which is another basis of proceeding by *quo warranto*, as the Senator from Wisconsin suggests. But it is perfectly clear to my humble judgment as a legal proposition that an offense by a corporation created by the State of Ohio or the State of Massachusetts against a law of the United States can not, even if it were expressly declared by the law of the United States to accomplish that result (which this proposed law does not at all declare), constitutionally operate as a deprivation of a State corporation of its State charter and function.

Mr. HISCOCK. If the Senator from Massachusetts will allow me to interrupt him again, I will make this suggestion: The purpose of that provision, if it has any purpose, is, first, to make these contracts void. No one, then, has suffered any damages. If the first section has any purpose it is to reach out and commence actions to set aside contracts of that kind that have been made, to institute, so far as you can by suit, investigations into all of the business affairs of the people who may be engaged in interstate commerce possibly. Before there has been any sale of the property, if you please, the contract has been made; before any manufacturing has been done you commence then and there to start a sort of bureau of protection against this sort of thing.

Mr. HOAR. I will answer that presently. I am at present dealing with the suggestion of my honorable friend from Ohio. I submit to the lawyers of the Senate, including my honorable friend from Ohio, who is one of the ablest members of this body, as we all know, that it



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is growing greater and greater, and stronger and stronger. If you are impotent and unable to deal with the question and can not prescribe any remedy but quack medicine, then you are utterly unfit to perform your duties as the representatives of the people of the United States.

There are classes of contracts springing up here and being enforced day by day which have tended more than all else combined to bring these complaints upon us, complaints from the workingmen all over our land, from the farmers in their alliances and in their other organizations. They can not see the cause or source of this evil, but they demand a remedy and that demand will be heard. Nor will it be turned aside by any combination here or anywhere else. It must be met openly, and if you are unable to do anything with it let it be so and announce your inability.

Look at our dealing with interstate commerce. Some years ago it came up here on the bill of my honorable friend from Illinois [Mr. CULLOM], and it was hooted and jeered at; and when the Senator from Texas [Mr. REAGAN] started out on that road in the other House he was met with constitutional objections without number. The railroads were then too powerful to be dealt with. They combined together. There was one striking case which I introduced in my argument the other day where they gave a single other corporation in the combine the advantage of \$5,400,000 a year in one transportation contract. But fortunately my honorable friend from Illinois here and the Senator from Texas and others elsewhere took hold of the matter and they prescribed a remedy, and now do you say that is a quack remedy, that it is an ineffective remedy? Yet their proposition was met by the same class of arguments that this bill is met with.

No, sir; the power of Congress is the only power that can deal with these corporations. The power of Congress is the only one that can regulate the internal commerce of this country. The power of Congress is the only one that can bring all the parties to combinations before a tribunal, and have that tribunal pronounce judgment, not in a criminal suit, but in a civil suit.

These corporations do not care about your criminal statutes aimed at their servants. They could give up at once one or two or three of their servants to bear this penalty for them. But when you strike at their powers, at their franchises, at their corporate existence, when you deal with them directly, then they begin to feel the power of the Government. So in regard to interstate commerce by rail. All those corporations and organizations opposed that law, but when it went into force it produced enormously good effects, and everybody appreciates it, and nobody proposes to dispense with the Interstate Commerce Commission, which was organized to enforce the interstate-commerce law.

Sir, I have that confidence in the courts of the United States that I believe if you even give them a single grip, if you give them jurisdiction of this class of cases by law—because this jurisdiction can only be conferred by the law—they will administer the law. The Senator from Massachusetts says we are providing here only for cases of a civil nature. Strike it out, if you please. I would say "all cases at law or in equity arising under this statute;" or, better yet, I would use the broader terms, "all controversies between citizens of different States," the language used by the Constitution. Strike out the words "of a civil nature." Those words are properly in the bill, because the remedies pointed out in this measure are of a civil nature, and therefore they are properly defined as cases at law or in equity of a civil nature. Strike out the words and then the jurisdiction will be broader. That would be an amendment I should favor.

But the Senator says that I have crippled this measure by inserting words of limitation, so that these combinations must be between citizens and corporations of different States. Only the other day I met with a different kind of objection. It was said here that we were reaching out so as to bring citizens of the same State into court as defendants; that I was reaching out after a jurisdiction that ought to be limited to the State itself; and to avoid that objection I propose to provide that the combinations must extend beyond the State.

I think that is a wise provision. I think it is well to do it. Why? Because these combinations are always in many States and, as the Senator from Missouri says, it will be very easy for them to make a corporation within a State. So they can; but that is only one corporation of the combination. The combination is always of two or more, and in one case of forty-odd corporations, all bound together by a link which holds them under the name of trustees, who are themselves incorporated under the laws of one of the States. You can not make a combination such as is described by this bill unless it embraces the members of many corporations of many States.

Gentlemen say you must show when the commerce commenced and when it ended; you must distinguish between production and commerce. The agreements point out and mean transportation from place to place. What do these great combinations—take for instance the Standard Oil Company—do when they transport oil to Ohio, or Chicago, or Indiana, east and west? They transfer oil from Pennsylvania to every part of the country. It is necessarily a part of their business to do so; it is an incident of their business. If you could confine their business to a single State or if their contracts could only reach commerce within a State, their profits would dwindle into the air; but they are able to make these combinations embracing corporations without

number, extending their operations not only through every State of the Union, as the Standard Oil Company does, but throughout the civilized world, competing as they do—and I am glad they do compete—with all foreign nations and all foreign productions. If they conducted their business lawfully, without any attempt by these combinations to raise the price of an article consumed by the people of the United States, I would say let them pursue that business.

I am not opposed to combinations in and of themselves; I do not care how much men combine for proper objects; but when they combine with a purpose to prevent competition, so that if a humble man starts a business in opposition to them, solitary and alone, in Ohio or anywhere else, they will crowd him down and they will sell their product at a loss or give it away in order to prevent competition, and when that is established by evidence that can not be questioned, then it is the duty of the courts to intervene and prevent it by injunction and by the ordinary remedial rights afforded by the courts.

Not only that, but this provision allowing any party to sue is of vital importance. Why, sir, I know of one case where a man in good circumstances, a thrifty, strong, healthy American, was engaged in this kind of competition. He was met in just the way I have mentioned. If he had had the right to sue this company in the courts of the United States under this section he would have been able to indemnify himself for the losses that he suffered. I have known of other cases of the kind. Sometimes the damages would be too slight to give the courts of the United States jurisdiction. In the case of a single individual whose bread has been advanced in price or whose small expenditures have been somewhat increased, there is no remedy for him. The remedy is only for those who are largely enough interested to sue in the courts of the United States.

This bill does only two things. It authorizes the Government officers in a proper case where these combinations are plainly made with a view that is declared by the law of every civilized country to be unlawful and void and destructive to trade—when such a combination does exist the United States may come in and as a suitor in the name of the people of the United States may sue for and prevent and, if possible, enjoin, restrain, or tie up these combinations. That is authorized to be done by the first section.

The first section only provides for that wrong a general remedy, and if any injustice be done a suit is brought in the name of the people of the United States by the Attorney-General, and the courts of the United States must decide. Will they be governed by wild and arrogant feelings, like the Communists or Nihilists? No; the United States, the power of the country, sues these corporations, calls upon them for information, proves, if possible, the extent of the evil, and then administers the remedy.

It is said that damages are not given. Well, sir, it is not so much the object of the first section to give damages as it is to provide restraint, limitation, regulation, and the exertion of the power of the Government over these corporations.

In the other section there is a civil remedy provided. When a man is injured by an unlawful combination why should he not have the power to sue in the courts of the United States? It would not answer to send him to a State court. It would not answer at all to send him to a court of limited jurisdiction. Then, besides, it is a court of the United States that alone has jurisdiction over all parts of the United States. The United States can send its writs into every part of a State and make parties in different States submit to its process. The States can not do that.

Now, sir, under these circumstances it is important to citizens that they should have some remedy in a court of general jurisdiction in the United States to sue for and recover the damages they have suffered. I think myself the rule of damages is too small. It provides double the damages and reasonable attorneys' fees. Very few actions will probably be brought, but the cases that will be brought will be by men of spirit, who will contest against these combinations.

Mr. HOAR. May I ask the Senator a question?

Mr. SHERMAN. Certainly.

Mr. HOAR. Is the Senator quite right in saying that without making some change in the law the United States court would have the right to send out its writs at large into the States?

Mr. SHERMAN. To what extent I do not know, but I think so. I suppose myself the writs of the United States courts would go to the several States. How far they may go is regulated by the law, and can be ascertained by an examination of the statutes.

Mr. SPOONER. If the Senator will permit me, I think the statutory rule is that no man can be sued except in the jurisdiction where he resides, with one exception. There is a general exception, as I recollect the statute, and that is where the suit is to enforce a lien upon real estate or remove a cloud from title to real estate, in which case leave can be obtained from the court to serve process in another district and by publication.

Mr. SHERMAN. Then, clearly, here is a matter in which the honorable gentlemen of the Judiciary Committee can give us some relief. Let them frame a provision that will allow the process of the United States courts to go all over the United States. Why not, if that is necessary? I supposed that was provided for in existing law. It is in some cases.



Mr. GEORGE. I should like to ask the Senator from Ohio a question.

Mr. SHERMAN. Certainly.

Mr. GEORGE. The Senator has alluded to the Standard Oil Company as one of the evils which are to be suppressed by this bill. I should like to ask him whether the Standard Oil Company is not a corporation created by the laws of the State of Ohio, and is that not all there is in it? As a combination, who else is to combine with it except its own stockholders in the corporation?

Mr. SHERMAN. The Senator is greatly mistaken. I can show him by the papers—the Standard Oil Company was no doubt the original company—that it was organized in the modest sum, I think, of \$200,000 capital, and it is running now an ordinary refining business, but other corporations all over this country—

Mr. GEORGE. What other corporation now besides the Standard Oil Company, located at Cleveland, Ohio, is in that Standard Oil combination?

Mr. SHERMAN. I am not prepared to say, but an examination was made into this matter by a committee of the other House, of which Mr. Bacon was chairman, and, I think, in the report which was made he gave a list of the corporations, and, if I am not mistaken, there are forty or fifty, all interlaced with each other, having different interests nominally, different incorporators, different charters. I think there are forty or fifty great combinations. I do not know the exact number, but perhaps some gentleman who has gone into the reading of that report may be able to answer.

So with the other combinations. I do not wish to single out the Standard Oil Company, which is a great and powerful corporation, composed in great part of citizens of my own State, and some of the very best men I know of. Still, they are controlling and can control the market as absolutely as they choose to do it; it is a question of their will. The point for us to consider is whether, on the whole, it is safe in this country to leave the production of property, the transportation of our whole country, to depend upon the will of a few men sitting at their council board in the city of New York, for there the whole machine is operated? I do not say anything against these men. Many of them are my personal friends and acquaintances. I only refer to them because they are the oldest of these combinations founded upon contracts which have been copied by the other combinations.

That is all I wish to say. If Senators find any difficulty in this bill, if they want to strengthen it in any way, in the name of Heaven let them offer their amendments. If they think it goes too far in any particular, let them strike out the objectionable clauses. If it does not go far enough, do not call it a quack medicine, because it is honestly gotten up, even if it is nothing but paregoric. If it is not strong enough, put some stronger element into it. That is the business of the Senate. What I have done is to aid it step by step. I was in favor of the broad declaration that certain contracts should be null and void, and invoking the jurisdiction of the courts of the United States, but I have modified it to meet the fears and the timidity of others who were afraid we were going too far, and now, as I said the other day, the objection to the bill is its weakness, but it is weakness drawn into the bill because of the objections made in the Senate.

Mr. HOAR. I called the attention of the Senator from Ohio to certain propositions in his bill showing, in the first place, that it did not include a tenth part, and perhaps not a hundredth part, of the cases that would arise in the country; second, that it did not contain all the remedies which he supposed it did, and that it was defective in sundry other particulars; and if I have not misunderstood my honorable friend he has agreed with every one of these criticisms. He says in regard to the first one that he had the bill as I think it ought to have been; but changed that to please some one. Then he says in regard to the next one he thought there ought to have been a provision declaring unlawful contracts criminal and so punishable, but that he did not put it in because of somebody else. Then, he meets all the objections by conceding them, and he says in another place he thinks the bill is very admirable because the process will run all over the United States, and on asking him if he is sure of that he replies that on the whole he is not—

Mr. SHERMAN. I will take your word for it.

Mr. HOAR. And that he thinks some committee will propose a law which he does not provide himself. Then he answers, having agreed to all the objections, which, so far as I now remember, establish the fact that the bill ought to be strengthened, by an impassioned statement of the great evil which he wants to reach. We all agree with that, and we have trusted to him to give us a vigorous remedy. That is what we expect of him. Now, if a member of my family is suffering with an incipient cancer and a doctor comes in who proposes a piece of court-plaster as a remedy, and I ask him if he thinks court-plaster will cure that cancer and save that valuable life, and he says, "No, it will not," and then turns around on me with an impassioned and an eloquent statement of the horrors of the disease called cancer and how much it is going to ruin the lives of my family threatened with it, I am obliged to say—I do not know whether the phrase "quack medicine" would be a proper phrase to use—but I would rather call in another doctor, and if he were a doctor that I had thorough confi-

dence in, like my friend from Ohio, I should ask him to substitute some other prescription for his court-plaster.

#### URGENT DEFICIENCY APPROPRIATION BILL.

Mr. VEST. Mr. President—

Mr. HALE. Will the Senator yield to me to call up an appropriation bill and have a conference ordered upon it?

Mr. VEST. Certainly.

Mr. HALE. The urgent deficiency bill lies upon the table, and I ask that the Senate agree to the conference asked by the House of Representatives and appoint conferees on the part of the Senate.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 7496) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1890, and for other purposes.

Mr. HALE. I move that the Senate insist on its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a concurrent resolution for the printing of 500 copies of the Digest of Claims referred by Congress to the Court of Claims for a finding of facts under the provisions of the act approved March 3, 1883, known as the "Bowman act," now in manuscript, prepared under resolution of the House of Representatives of March 7, 1888, the same when printed to be placed in the hands of the Clerk of the House for use of Senators and Members of the House.

#### TRUSTS AND COMBINATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1) to declare unlawful trusts and combinations in restraint of trade and production, the pending question being on the amendment of Mr. REAGAN.

Mr. VEST. Mr. President, I deny the right of the Senator from Ohio to assume that there is no other way to reach this great evil of combines and trusts in this country except through his intellectual effort and through the bill that he has reported to this body. Illustrations as has been the career of that Senator, there is nothing in it which gives him the right to assume that he has discovered the only remedy and the only road to success in a contest against these combinations.

I object to his bill because, in my judgment, it will effect nothing; because, as a lawyer, I believe that the courts will not entertain it for one moment when it is brought before them. I object to it because it destroys all my ideas of the limitations of the Constitution. I object to it because it is against the spirit and letter of the judiciary act of 1789. I object to it because it is "sound and fury, signifying nothing." If I believed that the bill of the Senator from Ohio, coming from him or any other Senator here, would effect what he claims for it, I should vote and speak for it until my strength was exhausted in this Chamber. I am not here to claim that I have any pre-eminence as an enemy of combines and trusts, but I think, although my career has not been as long or as illustrious as that of the Senator from Ohio, but limited and slight as it has been, I have shown in my legislative labors that I am as much opposed to these combines as he can possibly be.

Sir, I object to the bill because I am certain, as a lawyer, that the Supreme Court of the United States will never declare it to be constitutional, and for the Senator to assume that he, and he alone, has found the remedy in this case, is, to say the least, transcending the limits of parliamentary modesty.

Now, Mr. President, I will ask the Secretary to read a bill that I think, although I am not the author of it (and I have been for over six months attempting to find some legislation that would meet this evil)—I freely accord to another gentleman the merit of having framed a bill that, in my judgment, comes nearer to furnishing a remedy than that presented by any other person, and I ask the Secretary to read the fifth, sixth, and seventh sections of the amendment proposed by the Senator from Texas [Mr. COKE]. That is a bill that has been offered in the House of Representatives, and was offered here as an amendment by the Senator, and I ask the attention of the Senate to it.

The Secretary read as follows:

SEC. 5. That when any State shall declare, or heretofore has declared by law, trusts as defined by the true intent and meaning of this act to be unlawful and against public policy, it shall not be lawful thereafter for any person, firm, or corporation to cause to be transported into any product or article covered or embraced by such trust from such State to or into any other State or Territory or the District of Columbia.

SEC. 6. That any common carrier or agent of any common carrier who shall knowingly receive such product or commodity for transportation from such State into another State or Territory or the District of Columbia shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred nor more than ten thousand dollars or shall be imprisoned for any period of time not less than one year and not more than five years, or by both such fine and imprisonment, in the discretion of the court. And any person who shall knowingly deliver to any common carrier, or agent thereof, any such product or commodity to be transported into another State or Territory

tory or the District of Columbia shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five hundred nor more than ten thousand dollars or by imprisonment for any period of time not less than one year nor more than five years, or by both such fine and imprisonment, in the discretion of the court.

Sec. 7. That whenever the President of the United States shall be advised that a trust has been or is about to be organized for either of the purposes named in the first section of this act, and that a like product or commodity covered or proposed to be covered or handled by such trust, when produced out of the United States, is liable to an import duty when imported into the United States, he shall be, and is hereby, authorized and directed to suspend the operation of so much of the laws as impose a duty upon such product, commodity, or merchandise for such time as he may deem proper.

Mr. VEST. Now, Mr. President, there is a measure much more radical than that of the Senator from Ohio, far more effective, and not subject to any constitutional objection. Not even the most hair-splitting constitutional casuist, such as to-day has been denounced by the Senator from Alabama [Mr. PUGH], can find any objection to that measure; and if my friends on the opposite side of the Chamber object to the seventh section because it deals with the question of import duties, if they do not want to give the President of the United States discretion to take off import duties when they protect a trust, let them strike it out.

If my friend from Illinois [Mr. CULLOM] or my friend from Texas [Mr. REAGAN] objects to the sixth section because it interferes in any way indirectly with the interstate-commerce law, let him strike it out; but in the fifth section is the gist of all legislation upon the subject in the line indicated by the Senator from Ohio. We must rely, as I said on Friday last, in two jurisdictions: in the States and in the Federal Government; and, sir, when the States declare any article to be the product of a trust, when they declare any trust itself to be unlawful, or any combination or corporation or individuals to be unlawful, then let the Congress of the United States supplement that with the declaration, under the interstate-commerce clause of the Constitution, that the products of that trust, so put under the ban of State legislation, shall not be carried from one State or Territory to another.

That bill, more than any other bill introduced into Congress or ever invented, obviates constitutional objections and scruples and at the same time reaches, in my judgment, this great evil, if it ever can be reached by one act upon the part of Congress.

Mr. HISCOCK. Mr. President, I do not believe that by impassioned eloquence the defects of this bill are to be obscured. We have been told that if this bill should be passed into law the Federal courts might take jurisdiction of all the parties to one of these combinations and that the defect in the State law was that the State courts could only take jurisdiction of the subjects of the State, or whoever might be domiciled in the State; and before we get through with the discussion we are told that the process which is to be issued in a suit of that kind can not go out of the district in which the party is found. Where, then, is the difference between the jurisdiction and power of the State courts and of the Federal courts? The State courts take jurisdiction in the State.

In the State of New York we have three Federal judicial districts. Suppose the process can reach a party in the entire circuit; grant that it does extend to him; go as far as that; and are we to be asked on this bill inconsiderately to put in it a provision that process may reach the offending parties in the United States wherever they are, and disregard the settled practice in the United States since the foundation of the Government? An amendment of that kind would be too far-reaching to be adopted in this bill with the consideration that it would receive in this debate. So, then, under the bill we can go no further and we have no more power, it seems to be conceded, than the State courts have.

Now, then, let us look at the only remedy that the bill affords to an oppressed people.

Sec. 2. That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination defined in the first section of this act may sue for and recover, in any court of the United States of competent jurisdiction, without respect to the amount involved, of any person or corporation a party to a combination described in the first section of this act, twice the amount of damages sustained, and the costs of the suit, together with a reasonable attorney's fee.

A person sues the corporation or the combination or party to the combination. The combination is in twine, we will say, but the man who is injured is in Minnesota, and he is invited by this bill to travel to New York, where the combination, we will say, was created, or to St. Louis, where I think the last one was created, and commence his action in the circuit court of the United States and recover twice the damages that he has sustained. The middlemen will never commence these actions. I mean the parties who in the first instance purchase of the combination. That will be guarded against, and the people who are to suffer the damages are those who are distributed all over this broad land, the consumers of the article, the consumers of the merchandise, buying perhaps a hundred dollars' worth and damaged possibly \$10, and they have the right to follow this combination or a party to it wherever he is domiciled and recover twice the amount of damages they have sustained!

Seriously, Mr. President, it is a fearful attack upon trusts! I am not going over the argument that I have made heretofore against the constitutionality of the bill. I am one of those who believe that because

we have parties named in this bill that reside in the different States that gives us jurisdiction. It is only when the property is in commerce and in the course of commerce that we can take jurisdiction, and I say for myself, if I had made up my mind to vote for an unconstitutional measure and one which I believed to be unconstitutional, I should vote for the amendment of the Senator from Texas [Mr. REAGAN], because, unconstitutional as it is, in my judgment it would upon its face afford some remedy.

This bill, however, does not promise any relief, even if it is valid. But I shall not follow the example of the Senator who said that possibly he might vote for the Reagan amendment in some stage of our deliberations, although he believed it was unconstitutional, because I most heartily indorse the sentiment of the Senator from Massachusetts that it is always safe to predicate your action, here or elsewhere, upon the intelligence of your people, and not upon their ignorance.

Mr. TELLER. Mr. President, I do not propose to allow the Senator from Ohio to presume that everybody who does not agree with him on this bill and what it will do is against the relief that he seeks. My real objection to this bill is that it is delusive. I do not know but that it may be of some benefit; possibly it may. As I said before, I do not know but that I may vote for it; but I want it distinctly understood, as far as I am concerned, that I am not very much moved by it.

Now, how does the bill reach the great evil against which it is aimed? The Standard Oil Trust has been spoken of. What is the Standard Oil Trust? A corporation in Ohio, a corporation in Pennsylvania, a corporation in Colorado, and so on through all the States. Each corporation is a creature by itself. Ohio can deal with the corporation in Ohio.

Mr. SHERMAN. But they have combinations in other States.

Mr. TELLER. And the Ohio Legislature can say that any corporation created by that State, which combines with any corporation in another State for this purpose, shall be dissolved. What can we do about it? If Ohio declines to do that, some other State may do that. But what can we do about it? We do not dissolve the corporation. What do we do? Anybody who is damaged can sue them. When they interfere with somebody who has sunk a well in Ohio and they run down the price of oil until they shut him up, he may have his remedy against them. But that is not what we are complaining of. We are complaining that that Standard Oil Company has a tendency to reduce and destroy competition, and thereby, by destroying competition, to put up improperly the price of oil. Who suffers by that? The sixty-five millions of people in the United States who use oil; and how do they suffer? How much damage have they sustained? It is inconsequential individually, but great to the whole mass of the people.

What remedy does this bill give the people for any such misconduct on the part of that corporation? None whatever, because it does not destroy the corporation, it does not attempt to destroy the corporation, and could not if it did. It will not dissolve it. It will remain, although a judgment may be rendered against it. On the contrary, in my judgment, it is a bill that may be seized upon to prevent just what everybody admits ought to be done in this country. It may seize, as I said before, the organizations of labor, the organizations of farmers; it may take hold of them, and while it will not dissolve them they are not the class of men that can afford to be brought into court once or twice even, while these great corporations do not care how frequently they are brought into court where the damages that the parties get are just simply twice what the individual who makes the complaint has sustained.

Mr. President, in France, up to 1884, there was no such thing as co-operation or association amongst the agriculturists of that country and very little among the laborers of that country. In the spring of 1884 there was a law passed in France that enabled the laborers to form associations something like our Knights of Labor, what are called in Great Britain the United Workmen, or associations of that character. It went further. It authorized and encouraged the agriculturists of that country to unite together and form an association for the express purpose of taking care of their interests, and I believe it is not disputed by anybody that that has been done all over France, and done for the benefit of agriculture in that country, and, of course, when it is for the benefit of agriculture it is for the benefit of the whole community.

I do not know—I am not absolutely certain—that under this bill the Knights of Labor, the Alliance, the Wheel, the National League, could be attacked, but it strikes me there is a great deal more probability of their being attacked than there is of these great, strong corporations being. They are the men who, if they keep on, will destroy these combinations in Chicago, these dealers in futures; they are the people who will take hold eventually of the interstate-commerce question in such a way as to make the railroads feel their power, because, after all, the farmers are the moving and the influential body of this country whenever they unite; they have the intelligence and the virtue and the control when they say so.

Mr. President, all other industries are nothing compared with the agricultural interests in numbers and in influence when they take hold, and if you give those who are opposed to their combination the slightest opportunity to interfere with them they will do it. I have not much faith in any national control over these associations. I do not believe it is possible, because, as I have said, we can not dissolve the



corporation; we can not reach it; but the States can. Every corporation that is created is created at the will of a State, and the State can put upon it just such conditions as it sees fit. The State can say, "If you combine with anybody in this State, or out of this State, and do certain acts which we declare improper and unlawful, then your charter shall be taken away by a proper proceeding in court." We can not do that, and therefore it is not possible that we should meet the difficulty by any bill that may pass this body.

It is not to be said to me, because I do not agree with the Senator from Ohio that here is the remedy and here only, that I am not in favor of taking hold of this evil with a strong hand where it can be done. The Senator says if we can not do this then there is no remedy at all. Not so; even if we had the power, the bill, in my judgment, is not well drawn, though I might vote for it as the best thing that could be had. I was glad to hear from a Senator on this floor that the Judiciary Committee was dealing with this subject, and I think it would be well now to refer this bill to the Judiciary Committee and wait until we can hear what they propose, something that would be within the constitutional limits of Congress and at the same time would be vigorous and effective; that would take hold with a strong hand and do what I have no doubt the Senator from Ohio wants to do, but which he does not want to do any more than a majority of this Senate on both sides of this Chamber want to do.

Mr. INGALLS. I move that the Senate do now proceed to the consideration of executive business.

Mr. SHERMAN. Mr. President, can not we have the vote now? I hope we may have a vote on this bill. We might as well have the vote now as at any other time.

Mr. INGALLS. If the Senator from Ohio desires to ascertain whether the Senate is ready to vote on the amendment of the Senator from Texas, I certainly have no objection; otherwise I shall insist on the motion.

Mr. GEORGE. There will be more debate on this matter.

Mr. VEST. I understand the Senator from Mississippi desires to address the Senate.

Mr. INGALLS. I insist on my motion.

The VICE-PRESIDENT. The Senator from Kansas moves that the Senate do now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 5 o'clock and 16 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 25, 1890, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate the 24th day of March, 1890.*

##### UNITED STATES ATTORNEY.

John F. Selby, of North Dakota, to be attorney of the United States for the district of North Dakota, as provided by section 21, chapter 180, laws 1889, volume 25, United States Statutes at Large.

##### PROMOTION IN THE ARMY.

##### Pay Department.

Maj. Thaddeus H. Stanton, paymaster, to be deputy paymaster-general with the rank of lieutenant-colonel, March 15, 1890, *vice* Smith, appointed Paymaster-General.

##### POSTMASTER.

Calvin L. Spaulding, to be postmaster at Brainerd, in the county of Crow Wing and State of Minnesota, who was commissioned during the recess of the Senate, August 2, 1889, in the place of John H. Koop, resigned.

#### HOUSE OF REPRESENTATIVES.

MONDAY, March 24, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

##### WORLD'S FAIR IN 1892.

Mr. CANNON. Mr. Speaker, I desire to make a privileged report. I report back from the Committee on Rules, with a favorable recommendation, the resolution which I send to the desk.

The Clerk read as follows:

*Resolved*, That Tuesday, March 25, immediately after the approval of the Journal, be set apart for the consideration in the House of the bill (H. R. 8393) to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus by holding an international exhibition of arts, industries, manufactures, and the product of the soil, mine, and sea in the city of Chicago, in the State of Illinois. And that, unless previously ordered by the House, the previous question shall be deemed ordered on the engrossment, third reading, and final passage of the bill at 4 o'clock p. m. of that day.

The SPEAKER. The question is upon the adoption of this resolution.

Mr. BAKER. One word, if you please. It was the understanding on the part of the Committee on Territories that the Wyoming bill—

Mr. CANNON. I move the previous question upon this report. The Wyoming matter can come afterward.

Mr. BAKER. In connection with this matter I wish to state it was the understanding that the Wyoming bill should be called up to-morrow morning. It was deferred in order to give last week to the World's Fair Committee. I now desire to give notice that immediately after the conclusion of this world's fair bill I shall ask the House to consider the bill for the admission of Wyoming.

Mr. CANNON. I ask a vote on the adoption of the resolution I have reported.

The resolution was adopted.

Mr. CANNON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

##### URGENT DEFICIENCY BILL.

Mr. HENDERSON, of Iowa. I desire to make a privileged report from the Committee on Appropriations. I report back the amendments of the Senate to the bill (H. R. 7496) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1890, and for other purposes. I ask unanimous consent that these amendments be considered in the House as in Committee of the Whole. The Committee on Appropriations recommend non-concurrence in nearly all the amendments.

The SPEAKER. The gentleman from Iowa [Mr. HENDERSON] asks unanimous consent that the amendments of the Senate to the bill which he has indicated be considered in the House as in Committee of the Whole. Is there objection? The Chair hears none.

Mr. HENDERSON, of Iowa. I ask that the report of the Committee on Appropriations be read.

The Clerk read as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. 7496) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1890, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows:

They recommend concurrence in the amendments of the Senate numbered 5, 6, 8, 9, 10, 12, 18, 24, 27, 28, 29, 30, 31, 32, 33, 34, and 35.

They recommend non-concurrence in the amendments numbered 1, 2, 3, 4, 7, 11, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 25, 26, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, and 68.

They recommend concurrence in the amendment numbered 55 with an amendment as follows:

Insert after the amended paragraph the following:

"For plastering and finishing committee-rooms on the House side of the Capitol terrace, including steam heating of said rooms, \$7,500."

The SPEAKER. The question is first upon concurring in those amendments of the Senate in which the Committee on Appropriations recommend concurrence.

Mr. BLOUNT. I should like to have some idea of what the amendments are.

Mr. ADAMS. So should I.

Mr. HENDERSON, of Iowa. Mr. Speaker, the amendments made by the Senate to this bill aggregate \$658,563.77. The Committee on Appropriations has unanimously agreed to recommend concurrence in amendments amounting to \$37,201.62 and non-concurrence in the remainder. I will state the items in which we recommend concurrence: We ask the House to concur in the amendment for refuge station at Point Barrow, \$3,000; for repairs to Treasury building, \$9,450. I will state that the reason why the latter item was not put on the bill by the House was because we thought it might wait for the general deficiency bill; there is really no issue as to the necessity for the appropriation. We also recommend concurrence in the amendment appropriating \$7,946.62 for completing public building at Leavenworth; for rent of extra room for Bureau of Statistics, \$180; salary of Assistant Secretary of War (the office having been created by this Congress) for balance of the fiscal year, \$1,125; for salaries of judicial officers in the new States, \$500; for House contingent fund, \$10,000. The amount originally appropriated for this fund was \$10,000.

Subsequent to the passage of the bill in this House we found that at least \$10,000 more would be made necessary by reason of certain orders adopted by the House to be paid out of this fund, and the Committee on Appropriations asked the Senate to so amend the bill, making it \$20,000, and hence this \$10,000 is put on at the request of the Committee on Appropriations of the House. In addition to this the amendment of \$7,500 to complete certain rooms in the new part of the building is recommended to be adopted by the Senate. The Senate amendment was really a House amendment and will save an expenditure we are now paying for rent for committee-rooms outside of this building amounting to about \$3,900 annually, besides giving to us additional committee-rooms without delay.

Mr. BLOUNT. Let me ask the gentleman where these rooms are located.

Mr. HENDERSON, of Iowa. In the new part of the building now being prepared.

Mr. ROGERS. Before the gentleman from Iowa leaves this part of

the discussion, I desire to ask a question for information, as to what judicial officers he refers to for whom provision is sought to be made in the Territories and in regard to whom this amendment of the Senate has been incorporated in the bill. In other words, to be more specific, I would like to ask the gentleman if the Federal judges have been appointed for the new States?

Mr. HENDERSON, of Iowa. This appropriation is for the salaries of the judges in the new States provided for by law.

Mr. ROGERS. Have they been appointed?

Mr. HENDERSON, of Iowa. They have been.

Mr. ROGERS. District judges?

Mr. HENDERSON, of Iowa. Yes, sir; and this is to provide for the salaries they are to receive by the law.

Mr. ROGERS. That was the information I desired to obtain.

Mr. HENDERSON, of Iowa. I will state, Mr. Speaker, for the information of the House, because I think it ought to be known at this time, in view of the fact that there has been some criticism on this subject outside, that in this bill which carries an aggregate of \$24,720,777.49, with all the Senate amendments added, the following amounts are given for the benefit of the soldiers of the late war, namely: For artificial limbs, \$60,000; for the payment of pensions, \$21,598,834; for soldiers' homes, \$81,609.69; for clerks and new roll-books of pension agents, \$14,175; for back pay and bounty, commutation of rations, and horses, etc., lost in military service, \$1,123,629.75, making a total of this bill for the soldiers of the late war of \$22,878,248.44.

Now, if there are no other questions that gentlemen desire to ask in regard to this matter, I shall move that the report of the committee be adopted and the conference appointed as suggested.

Mr. ADAMS. Before that is done, I should like to be heard for a few minutes.

Mr. HENDERSON, of Iowa. How long will the gentleman require?

Mr. ADAMS. Not exceeding five minutes.

Mr. HENDERSON, of Iowa. I will yield to the gentleman from Illinois for five minutes.

Mr. ADAMS. Mr. Speaker, during the last Congress there frequently came to us reports from the Committee on Appropriations in regard to Senate amendments to the appropriation bills, which reports gave no information whatever to the House as to the nature of the Senate amendments. All we could possibly gather was a rapidly read list of amendments, in which the Appropriations Committee agreed to recommend concurrence or non-concurrence. I do not think that is a proper course for the Appropriations Committee to pursue in regard to this matter. I have great regard for the chairman and members of that committee, but it seems to me that Senate amendments to appropriation bills are just as much within the jurisdiction of the House as is the appropriation bill itself when it is before the House for consideration.

Mr. SAYERS. Let me suggest to the gentleman from Illinois, if he was not satisfied with the method of dealing with Senate amendments to appropriation bills, why he did not ask for information.

Mr. ADAMS. I am asking for information now. The gentleman from Iowa has announced that he was about to move the adoption of the report. The committee have given no information except as to the particular amendments in which they recommend concurrence. The explanation of the gentleman from Iowa was entirely satisfactory to my mind in regard to the amendments to which he has referred; but, as a member of this House, I would like to understand, and think it my duty to understand, when I come to vote to non-concur in a Senate amendment, what I am doing.

Mr. SAYERS. But the gentleman referred to the action of the Appropriations Committee in the last Congress.

Mr. ADAMS. I will say that I complained of that in the last Congress, and the result was, I may say also, that the next report which came in was admirable in shape and satisfactory in its explanations. It was a little longer than ordinary; it took a little longer for the Clerk to read it and it took the House a little longer to listen to it; but when the Clerk had read it and the House had listened to it, any member who had performed his duty in listening to it might form an intelligent opinion with the bill before him as to whether he should vote to concur or non-concur in the amendments; and I respectfully submit to the Appropriations Committee that that course ought to be pursued in the future. It takes only a little time and enables us to perform our duties properly.

With the greatest respect for the Appropriations Committee, I do not believe when a bill passes the House and is amended by the Senate that the consideration of such added legislation should be delegated by the House to the Committee on Appropriations or to any committee of conference from that body. The gentleman will, of course, understand that, if the House is called to vote on a conference report without some such guide before us, it is utterly impossible to get the deliberate judgment of the House on such report. The report of the committee on the amendments of the Senate ought to be brought in and read, not only by the number of the amendments, but by their character also. That was done in the last House; it is an orderly practice, and I respectfully submit that it should be always pursued in dealing with these great questions.

As to the present bill, in regard to the Senate amendments in which

the gentleman from Iowa recommends concurrence, his explanation is entirely satisfactory to me; but as to those in which he moves non-concurrence, I know nothing, and have simply to vote on the statements of the conference committee, without knowing anything whatever about the amendments.

Mr. SAYERS. I would suggest that the gentleman might have required this bill to go to the Committee of the Whole House on the state of the Union, and then he could have had every amendment read and debated.

Mr. BLOUNT. Why not have the amendments read, if the gentleman so desires. That is his right.

Mr. HENDERSON, of Iowa. I desire to say, in reply to the gentleman from Illinois [Mr. ADAMS], than whom no member of this House is more faithful in the discharge of his public duties and from whom we can always gather good counsel in the performance of our duties faithfully, that no such report as the gentleman refers to was made in the last Congress in advance of the committee of conference making their report—not one.

Mr. ADAMS. I think it was a District of Columbia bill, prepared by Mr. Hemphill; for I remember thanking him for making that report.

Mr. HENDERSON, of Iowa. There was none from the Committee on Appropriations. When the report of the committee of conference comes in these matters are given in detail.

Now, in order that the gentleman from Illinois [Mr. ADAMS] and the House may understand that the committee is not seeking to pass anything through without the fullest knowledge on the part of the House, I would like to call attention to the fact that on the 9th instant, when the Senate reported back the urgency deficiency bill with their amendments, I asked that the bill be printed with the amendments numbered. On the 19th that bill was ordered printed and the amendments numbered, and it has been within the reach of every member of this House who desired to inform himself touching the character of these amendments. My only object in taking the course I have done, and it is the usual course, was not to unnecessarily encroach upon the time of the Committee on the District of Columbia, in considering the business reported by that committee. Any other information desired I will cheerfully give; and if this House desires to have these amendments separately read, in advance of action, I am perfectly willing that they shall be read.

Mr. ADAMS. I would be content with a statement of the gentleman from Iowa as to the amendments in regard to which he desired non-concurrence. How many of them have involved in them a principle in regard to which this House would desire to have information before action?

Mr. HENDERSON, of Iowa. I will take pleasure in giving all the leading ones.

Mr. ADAMS. The leading ones will be sufficient.

Mr. HENDERSON, of Iowa. I will say, first, that the action of the Committee on Appropriations was, in respect to all amendments touching which we have no executive documents giving full information, to non-concur in order that we might ascertain the reasons which operated in the minds of the Senate in adopting their amendments. It is no indication that our final recommendation will be unfavorable; but the fact is that we felt it to be our duty to know the facts and data upon which the Senate acted before we recommended favorable action in the House.

Now, I will state briefly the leading items in the amendments of the Senate.

First, the paragraphs 1 and 2 are for the International Marine Conference, \$35,000; paragraphs 3 and 4 for the Coast Survey, \$9,000; for the Fish Commission an increase of \$10,000; Manchester, N. H., public building, \$5,000; publishing a list of overdue taxes in the District of Columbia, \$5,000; publishing the Records of the War of the Rebellion, \$50,000.

Mr. ADAMS. Why not agree to that?

Mr. HENDERSON, of Iowa. Well, we did not have sufficient evidence in regard to it to know whether it should be put upon an urgency deficiency bill.

Mr. GROSVENOR. I did not hear the gentleman's statement sufficiently in regard to that appropriation asked for the publication of the War of the Rebellion matter, in which I feel some interest, and I would like to know whether a vote to approve the report now will be action of this House in opposition to that?

Mr. HENDERSON, of Iowa. That does not follow at all.

Mr. ADAMS. Of course it does. It moves that the House non-concur.

Mr. HENDERSON, of Iowa. Yes; we move to non-concur for the purpose of getting the desired information for the House. We feel it to be our duty to do so, that when we make a recommendation to concur in any of these amendments we can answer any gentleman on this floor by giving the reasons why it is so recommended; and our present motion is no indication that we may not finally favor these amendments.

And I give you the other items: For stores, etc., for new cruisers San Francisco and Philadelphia and the new gunboats Concord and



Bennington, \$50,000; for the public-land service, \$44,462.15; for the protection and improvement of Hot Springs, Ark., \$3,200; for the Department of Agriculture, several different items aggregating \$72,000; for Senate expenses, \$124,200. It is usual to recognize the wishes of each House in respect to its own expenditures; but as this seems so great a sum, almost equal to the amount of the original appropriation, we felt it to be our duty to ask the Senate for the reasons for this increase, for the information of this body. For public printing, \$211,000. While we are clear that this sum will probably be needed, we wanted the data submitted by the Public Printer upon which the Senate has inserted that amendment.

Those are about all the amendments. If there is any other question which gentlemen desire to ask, I will be glad to answer; if not, I will renew my motion on the adoption of the report and the appointment of the conferees.

Mr. ROGERS. Mr. Speaker, I should like to ask the gentleman a question as to what the appropriation in relation to the Hot Springs of Arkansas is for.

Mr. HENDERSON, of Iowa. It is an item, being amendment 25, found on page 15 of the bill as printed, to improve the Hot Springs of Arkansas, providing for the building and improvement of a free-bath house and bathing pool, \$3,200. This is a new item in respect to which this House has not one particle of information, and we move to non-concur simply because we had no information in regard to it.

Mr. ROGERS. I want to make a single observation to my friend from Iowa, for I am without information upon this subject myself, and that is that some two or three years ago, probably two years ago, an appropriation was made for the construction of a free-bath house at Hot Springs, and so far as I am advised no progress has been made in the construction of that building. I should be very glad myself if the gentleman from Iowa could ascertain in some way from the Secretary of the Interior, not only the necessity for the appropriation which is now called for in that direction, but the reason for the unusual delay in the construction of that most important building to which I have referred.

Mr. HENDERSON, of Iowa. I am very much obliged to the gentleman from Arkansas for the suggestion, and I will endeavor to get the fullest information for the House in respect to it.

The SPEAKER. The question is upon agreeing to the amendments of the Senate recommended to be concurred in by the committee.

The amendments were concurred in.

The SPEAKER. The question now is on the amendments in which the committee ask non-concurrence.

The numbers of the amendments were again reported.

Mr. HOLMAN. I move that the House concur in amendments 60, 61, 62, and 63.

The SPEAKER. Those can be considered separately.

The amendments recommended by the committee to be non-concurred in, excepting the amendments 60, 61, 62, and 63, were non-concurred in.

The SPEAKER. The question now is on concurring in the amendments 60, 61, 62, and 63.

Mr. HOLMAN. I ask that the amendment be reported to the House. The amendment was read, as follows:

Page 14, line 8, after the word "ninety," insert "the sum of two hundred thousand dollars or;" so that the section will read:

"SEC. 2. That for payment of amounts for arrears of pay of two and three year volunteers certified to be due by the accounting officers of the Treasury, as set forth in House Executive Document numbered 144, Fifty-first Congress, first session, \$284,000.25, and for the payment of such amounts additional thereto as may be certified to be due by said accounting officers on this account during the fiscal year 1890, the sum of \$200,000, or so much thereof as may be necessary, is hereby appropriated."

Mr. HOLMAN. Mr. Speaker, I wish to say a word in regard to that amendment. It will be remembered that there are in this bill four or five of these provisions of indefinite appropriations, involving \$400,000 or \$500,000; that the House bill made an indefinite appropriation for all the items of this character, and the Senate has fixed the sum at the amount of the estimate of the Treasury Department. That is to say, as to the pending item, instead of it being an indefinite appropriation, the amount is fixed by the Senate at \$200,000 or so much thereof as may be necessary. The objections to indefinite appropriations have always been well understood, and were well pointed out when the subject was discussed when the bill was in the House, and I trust that this amendment will be adopted. If \$200,000 is not sufficient let it be enlarged. All I insist on is that Congress shall make the appropriation and not turn over this power of appropriation of public money, which the Constitution has invested in Congress, to one of the Executive Departments.

Mr. CANNON. Mr. Speaker, this matter was fully discussed by the Committee of the Whole when this bill was passed. As the House passed the bill it did provide for the payment of these claims for bounty and back pay that might be allowed during the remainder of this fiscal year a sum sufficient. The Senate strikes out "a sum sufficient" and puts in a definite sum, namely, \$200,000 or so much thereof as may be necessary. Now there is just this much difference between the two propositions: Up to the sum of \$200,000 payments would be made between this and the 1st day of July, and if no more than \$200,000 of

these claims are allowed they would all be paid; but if \$1, or \$50,000, or any sum more should be allowed, they would not be paid.

Now, I believe that the House was right and that the Senate is wrong. These claims have been waited for already twenty-five years, and it is as little as we can do to provide sufficient money to pay them as they are audited; and, of all men in this House, the gentleman from Indiana [Mr. HOLMAN] is the last one that I would suppose would move concurrence upon this point, for the reason that it was his boast the other day, when talking about pensions, that the Indiana Democratic delegation were always ready to do everything they could for the soldier. Yet now, in the face of that declaration, when a proposition comes which may keep the soldier from getting his bounty and back pay, which has been due him for twenty-five years, the gentleman from Indiana gets up and moves to concur in that proposition. I wanted to say just that, and that is all I wanted to say.

Mr. BLOUNT. I wish to ask the gentleman from Illinois if the Senate amendment to which he objects does not provide all that is estimated for by the Department.

Mr. CANNON. The House committee—

Mr. BLOUNT. I am not asking about the House committee.

Mr. CANNON. I answer the gentleman, yes. As I understand it, yes. But if this appropriation is to be definite the House committee wants to inquire whether that estimate is high enough. That is one thing we want to go to conference for. Another thing we want to go to conference for is to provide a sum sufficient for all these claims that shall be allowed.

Mr. BLOUNT. I will ask the gentleman another question. If he can not get from the Department a proper estimate, how is he going to get better information in the conference committee?

Mr. CANNON. We propose to inquire in the conference committee, and if I have my way about it when this report is made the House will appropriate a sum sufficient to pay every back-pay and bounty claim that will pass between this and the 1st of July.

Mr. BLOUNT. I would like to ask the gentleman if his real object is not to avoid specifying any given amount and to put the appropriation in general terms.

Mr. CANNON. Not at all.

Mr. SAYERS. Will the gentleman allow me a question?

Mr. CANNON. Yes, sir.

Mr. SAYERS. Was it not the understanding that this should be a formal non-concurrence, in order to go into conference and ascertain what definite amount would be required for this purpose?

Mr. CANNON. Yes, that was one understanding. But while the members of the committee are unanimous in recommending non-concurrence the self-constituted soldiers' friend, the gentleman from Indiana [Mr. HOLMAN], who sometimes, I think, "thunders in the index," gets up here and moves non-concurrence, not being content with the action of his political brethren upon the committee.

Mr. HOLMAN. Mr. Speaker, the last gentleman in the House that I would expect to go back upon his long-established position of insisting on definite appropriations is the gentleman from Illinois [Mr. CANNON], especially in view of the fact that I do not think he is quite as candid in this instance as usual. I think the gentleman from Illinois is entitled generally to the credit of being open and frank in his dealings with the House, but I really must question my friend's earnestness in this matter, and I think that his criticism of my course is hardly consistent with his own record.

What is the fact? Here is an estimate of \$200,000 made by the Secretary of the Treasury, and the Committee on Appropriations has generally assumed that the amount of the estimate for any given purpose is proper and sufficient. The gentleman from Illinois [Mr. CANNON] has always resisted every attempt on the part of Congress to create indefinite appropriations by which the Departments of the Government would be left unrestricted in their expenditure of the public money and money expended without the direct sanction of Congress; and he has been just as earnest in the matter when the question affected soldiers of the Union Army as with reference to any other branch of the service. For the first time in the gentleman's history in this House he is now seeking to make a series of indefinite appropriations, where the amount would not appear, instead of a definite appropriation of a specific sum of money in conformity with the views of the Secretary of the Treasury.

Now, the gentleman may name any sum he pleases—\$200,000, \$300,000, \$400,000—and I will support the measure. I wish the appropriation to be ample, but I insist that his own policy and the policy of the Committee on Appropriations in the past shall be adhered to; in other words, that there shall be a definite appropriation of a given sum of money for the service intended.

Now, this particular appropriation is to cover the period from the passage of this bill up to the 1st day of July next. It covers no other period. The appropriation proposed by the Senate is in conformity with the recommendation of the Secretary of the Treasury. As I have said, if the gentleman wants to appropriate a larger sum, let him offer any amendment as to the amount he may think proper and I will cordially support him. I want a sufficient sum appropriated, but I want the amount to be named; that is all.

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Mr. HENDERSON, of Iowa. Mr. Speaker, it will be remembered that when this bill was under consideration in the House a motion was made to strike out the indefinite appropriation for back pay, bounty, lost horses, etc. In the bill as it came from the Committee on Appropriations we recommended a provision in substance that "whatever amount is necessary is hereby appropriated for this class of cases." Heretofore claimants have had to wait until their claims have been allowed by the Department and reported through the Secretary of the Treasury to the House, upon which report an appropriation would be made. That practice prevailed for a long time, as gentlemen may remember. The Senate has amended this provision in two ways. As to claims for back pay, bounty, rations, etc., the Senate has inserted a special appropriation of the amount estimated for, or so much thereof as may be necessary, aggregating \$412,000, and has struck out entirely the appropriation for claims for lost horses.

We have thought it to be best to non-concur in this action of the Senate until we can confer with that body, for two reasons: First, we want to be sure that if this appropriation is to be made specific it shall be amply sufficient to meet these allowances and, secondly, if such a rule is applied, we want to avoid this difficulty: a large number of soldiers under this specific appropriation will get their pay the moment the announcement is made that their claims are allowed; but suppose the appropriation should be \$200,000 or \$300,000 short of the amount of the allowances (as according to my theory it will prove to be), then gentlemen will find in their districts that A, B, and C will be notified of the allowance of their claims and will at the same time receive Treasury warrants for their payment, while D, E, and F will get notice of the allowance of their claims, but with no Treasury warrant. Under these circumstances the "boys" will say: "What in thunder are those numskulls in Congress about? Why can't we all get our pay when it is allowed?" Why should not D, E, and F be treated the same way as A, B, and C? If we are to proceed on this principle of making a definite appropriation, we want to proceed in the right way; we want to know that the sum specifically appropriated is amply sufficient.

The committee had desired to avoid any further discussion on this question at the present time. It was understood by the members of the committee on both sides of the House that no further discussion would be had on this matter, so far as we were concerned (of course we could not speak for other gentlemen and did not desire to shut them off), until we could investigate these matters and make sure that if a specific sum is to be named it shall be sufficient to meet the necessities of the case. This is all I wish to say; I simply desired that the House should understand the question.

Mr. ROGERS. Mr. Speaker, I have no disposition whatever to debate any question as to the amount that should properly be appropriated for this purpose or to discuss the pension question at all. My object is to call attention to another question, to which I desire the attention of the Committee on Appropriations for a moment—a question underlying any question as to the propriety of these claims or the amount to be appropriated for them.

In looking at the Constitution of the United States we find it provided that—

No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Just what provision is made for publication when appropriations, such as can be properly called appropriations, technically speaking, are made, so that Congress and the country may be advised of what is done by the Departments in the expenditure of such appropriations, I am not advised, for I am not, and never have been, a member of any committee having jurisdiction of the appropriations of the public money. But I want to invite the attention of the gentleman from Iowa to the language of this provision of our Constitution, that—

No money shall be drawn from the Treasury but in consequence of appropriations made by law.

Now, what is an "appropriation made by law?" Is it such an appropriation when we say that all of a certain class of claims which shall be audited by one of the Departments shall be paid out of any public money in the Treasury? Fairly construing the Constitution, I do not think that can be a proper construction of it. When I look at the word "appropriation," as defined by Webster—for he not only defines the general term, but gives us also the technical application or use of the word—I find this word defined as "the act of setting apart or assigning to a particular use or person, in exclusion of all others."

Now, the language of this bill, as I remember it, is that a sum of money sufficient to pay a certain class of claims is hereby appropriated. I do not know that I use the exact language; perhaps I employ a stronger expression than is used in the bill. If the gentleman from Iowa [Mr. HENDERSON] has the bill before him, I shall be glad to have him quote the language of this particular clause.

Mr. HENDERSON, of Iowa. After describing the nature of the claims to be met, the language of the bill is this:

And for the payment of such amounts additional thereto as may be certified to be due by said accounting officers on this account during the fiscal year 1890, so much therefor as may be necessary is hereby appropriated.

Mr. ROGERS. So that we do not even use the word "sum." We

set separate and apart for this given purpose no given sum. It is left discretionary, without designation, except when audited these claimants shall be paid. And the definition of the word "appropriation," as I have shown, is the "act of setting apart or assigning to a particular use or person, in exclusion of all others; application to a special use or purpose, as of a piece of ground, for a park, etc."

I will submit to my friend in all candor if we are to give this question the most latitudinarian consideration it is an unwise, impolitic, unsafe way to deal with public money. If we desire to conform to what I understand to be the uniform practice on that subject we ought to designate some sum. How much it may be is a matter on which I have no opinion, and upon which I desire to express none.

The legal definition is also given of "appropriation":

The application of the payment of a sum of money, by a debtor to his creditor, to one of the several debts which are due from the former to the latter.

So we find in the two definitions given one not legal, and the definition ordinarily given for "appropriation" involves the setting apart or separation of a certain sum of money from the balance of the money in the Treasury for the given purpose for which it is appropriated. And if we apply the technical definition it is a sum to be given for whatever is to be done. I suggest, if we wish to follow the letter or the spirit of the Constitution or desire to adopt the ordinary practical, business method which you apply not only to private but to public funds, equally so but perhaps stronger to public than to private funds, we ought to specify a sum, or so much thereof as may be necessary to do so; so our constituents, the country, the House, the Treasury of the United States may be advised what sum we have carved out of whatever funds are in the Treasury of a specific sum. If it is thought the sum you select is too large then let it be considered so much thereof as may be necessary, so appropriation bills shall carry to the country absolute verity as to the sum we appropriate.

Mr. CLEMENTS. I should like to be heard on this question, while I propose to delay the House but a moment. This was up before, and the House will remember the question involved. This is a class of claims coming to Congress from the auditing department at the beginning of each session, and I will read the existing law on the subject:

That the Secretary of the Treasury shall at the commencement of each session of Congress report the amount due each claimant whose claim has been allowed in whole or in part to the Speaker of the House of Representatives and the Presiding Officer of the Senate, who shall lay the same before their respective Houses for consideration.

The provision of this bill as it left the House is a departure from the permanent rule, and provides for the payment of these claims as they may be audited by the Treasury Department, before they are sent to Congress for consideration. While the Committee on Appropriations was not disposed to raise any question, I desire to say now, as I have said before, as I said in committee, that I believe these appropriations ought to be specific.

These several items involve altogether \$412,000 for the payment of such claims as may be audited between this time and the end of the fiscal year and paid without further consideration by Congress. I do not believe this is a wise measure, but the House has adopted it and the Senate has concurred in that idea and placed in the bill a specific sum, or so much thereof as may be necessary, to do this. The Treasury Department has said this is sufficient. The Senate, too, have given assent by saying they believe it is sufficient.

If we are to depart from the old plan of considering this matter in Congress and these claims are to be paid without consideration there ought to be a limit, and how can we do better than to take the figures of the Treasury Department after they are audited and sent for payment before Congress? Inasmuch as the question is up again, I believe the better policy would seem to be to close it out.

Mr. PETERS. You would close out the matter without investigation?

Mr. CLEMENTS. I would not.

Mr. PETERS. How would Congress ever consider the matter at all?

Mr. CLEMENTS. The Committee on Appropriations and the House and the Senate have given the entire amount which the Treasury Department asks and recommends as the sum requisite for the payment of these claims for the period specified.

Mr. DOCKERY. I would like to ask the gentleman a question.

Mr. HENDERSON, of Iowa. Mr. Speaker, I would like to close this debate if possible.

Mr. CLEMENTS. I do not wish to consume any further time.

Mr. DOCKERY. Before the gentleman from Georgia resumes his seat I would like to ask a single question. For some reason I failed this morning to get notice to attend the meeting of the Committee on Appropriations, and hence was not present when this matter was considered. The question I desired to ask is whether the specific amounts named by the Senate here are the amounts estimated by the Treasury Department as necessary to meet these payments.

Mr. CLEMENTS. They are the exact amounts asked for by the Treasury Department in the estimates.

Mr. DOCKERY. And the Senate proposes to give the exact estimates?

Mr. CLEMENTS. The entire amount.

Mr. BLOUNT. Mr. Speaker—



Mr. HENDERSON, of Iowa. I do not want to take up much more time with this matter if we can avoid it.

Mr. BLOUNT. Of course it is in the control of the gentleman from Iowa.

Mr. HENDERSON, of Iowa. How much time does the gentleman desire?

Mr. BLOUNT. Only five or six minutes.

Mr. HENDERSON, of Iowa. I yield six minutes to the gentleman from Georgia.

Mr. BLOUNT. Mr. Speaker, the tendency of the times in this country and in all countries toward the improvement of the public service has been in the line of the most minute details of public expenditures as far as is practicable. You may recur to the early history of this country and these indefinite appropriations were common. But the experience of our public men has caused an enlargement in this direction in the matter of the specific designation of the items of appropriation and sums of money required to meet the expenditures of the Government. In Great Britain the detail of expenditures of appropriation is enlarged far beyond anything that obtains in this country. I think it need only be said that the specifying of the objects of expenditure and the amounts to be appropriated therefor are helpful to a careful scrutiny by legislative bodies in the preparation of necessary legislation on such subjects, and that it ought to be maintained in all cases wherever it is possible to do so.

An act of Congress directs a Secretary of the Treasury to send in his estimates to Congress—this amongst others—and for what purpose? Manifestly for the purpose of review and examination. And now, sir, we propose in haste to depart from the salutary policy indicated by that legislation of Congress, to depart from the policy indicated by the rules of this House in referring the estimates of the Secretary of the Treasury to the Committee on Appropriations for consideration and report thereon to the House, and it is proposed to let the Committee on Appropriations take entire charge of the subject, ignore the statute to which I have referred, ignore the estimates of the Secretary of the Treasury absolutely, and declare that these are insufficient, and they propose to deal with the subject in the committee-room or in conference according to their own judgment. Sir, I believe in the necessity for conference committees, but I do not believe in transferring the powers and duties of this House in the matter of public expenditures blindly to a committee of conference or to any other committee.

The Senate has wisely, I think, taken the correct view of the matter by inserting in the appropriation bill the actual amount indicated by the Treasury Department as necessary. There is no indisposition to provide properly for it, but simply the desire to state distinctly and definitely what the sum shall be; and it comes back in that shape to the House—in the shape of a protest on the part of the Senate against this loose method of appropriating the public moneys. And in that shape it deserves the attention of the House. These sums should be concurred in by the House, if regarded as sufficient; and, if not, then the total should be reduced, and we should not refuse to exercise the powers belonging to the House of examining the matter by transmitting it blindly to a committee of conference.

Mr. MCADOO. Will the gentleman allow me to ask him a question?

Mr. BLOUNT. Certainly.

Mr. MCADOO. I wish to ask the gentleman what, in his opinion, would be the effect of the House loosening its hold on the public purse by making indefinite appropriations.

Mr. BLOUNT. Naturally there is no such careful examination of the sums and items necessary, and naturally it follows that there would be careless consideration and hasty legislation.

Mr. MCADOO. The tendency would be to take from the House legislation on these subjects, in their consideration, and give it to the Department?

Mr. BLOUNT. That would be the tendency. And the only justification for this change is because it relates to matters connected with the pay of soldiers. If it related to anything else, the impropriety of this practice would not be questioned; but when it comes to an appropriation looking to the compensation of soldiers or the payment of any sums due them, a different rule prevails. Hitherto an appropriation of specific amount has obtained for this purpose and the necessary amounts have been appropriated to satisfy this expenditure. And the soldiers of the country are just as much interested in correct, methodical, and orderly legislation as any other part of the people of the country; and I trust that the feeling of gratitude and devotion to them will not induce us to depart from our salutary practices of legislation which we have hitherto regarded as important to protect the interests of the people.

I trust, therefore, that the House will concur in this Senate amendment, and not send back to the Senate a message that we are distrustful of the Secretary of the Treasury, that we are distrustful of your judgment in relation to these amounts, or that we intend to part with all power of review of these questions, and leave it entirely to the Department hereafter.

Mr. HENDERSON, of Iowa. I now yield three minutes to my colleague on the committee [Mr. BRECKINRIDGE, of Kentucky].

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, it was the under-

standing in the Committee on Appropriations that we should not have a debate now, but as the motion has been made by the gentleman from Indiana [Mr. HOLMAN] it is perhaps proper that I should say that the view I have is more extreme than the motion of the gentleman from Indiana indicates.

There are three distinct propositions as to the provisions of the bill. One is the proposition of the gentleman in charge of the bill, the gentleman from Iowa [Mr. HENDERSON], and the chairman of the committee [Mr. CANNON], that there should be an indefinite and future appropriation out of which these claims should be paid without any limitation as to amount and without any power in Congress to revise the payments. The second is that contained in the Senate amendment, in which the gentleman from Indiana moves to concur, that there shall be this indefinite appropriation for claims to be hereafter audited, but that a limit shall be fixed to the amount to be thus used. The third is that which I approve, and it is indicated in the sixty-eighth amendment of the Senate, and that is that there shall be no further future indefinite permanent appropriations, where it strikes out the words:

And for the payment of such amounts additional thereto as may be certified to be due by said accounting officers on this account during the fiscal year 1900, so much therefor as may be necessary is hereby appropriated.

That is, I am opposed to the proposition of the gentleman from Iowa, even as modified by the gentleman from Indiana. I am opposed to giving to the accounting officers of the Treasury the power to pay any claims prior to their being examined and passed under the supervision and revisory power of Congress. No matter what that claim may be, that we ought to hold the final control over the expenditure of the public money. And while I think the proposition that the Senate has put in is a better one than the House adopted, I do not think it goes far enough. I am opposed to the whole principle of giving to the Executive Departments of the Government the power to spend money not previously appropriated by enumeration and distinct authorization by the Congress of the United States. I do not, therefore, want to seem to approve the proposition of the gentleman from Indiana except as being the lesser of two evils. I think that it is bad policy in the Congress of the United States to let go a single inch of the hold that it has over the purse-strings of the Treasury.

Mr. HENDERSON, of Iowa. Mr. Speaker, the general range of discussion, outside of what was offered by my friend from Arkansas, was fully gone over in the former debate, and I will not recur to those points further. My friend from Arkansas raises the question of definition of an appropriation, claiming that this kind of appropriation is in violation of the Constitution. I only want to say in reply that we have now indefinite appropriations amounting annually to about \$106,000,000; that every Congress has interpreted the meaning of the word and acted upon it. Indefinite appropriations are made for many things. We make indefinite appropriations for paying the interest on the public debt and for the sinking fund. We make an indefinite appropriation in connection with the customs service, and about their fees, forfeitures, etc. And not only that, but in the case of paying the bonds and the sinking fund and interest there are permanent indefinite appropriations. So that we have some more offensive than this could possibly be. But more than that. The Congress of the United States has given the definition of the word "appropriation" in connection with this class of cases; for in the Forty-sixth and Forty-seventh Congresses we made indefinite appropriations for this very class of cases.

Now, Mr. Speaker, I ask the previous question.

Mr. BLOUNT. Let us have a separate vote on these, Mr. Speaker. I hope we may have a separate vote on these amendments.

Mr. HENDERSON, of Iowa. I would say to the gentleman from Georgia I do not think we need a separate vote on these amendments. We concurred in a number of amendments. These items are among the amendments we ask to non-concur in.

Mr. BLOUNT. On this proposition I ask a separate vote.

The SPEAKER. The gentleman from Iowa demands the previous question upon the motion to concur in the amendments 60, 61, 62, and 63.

Mr. BLOUNT. I did not understand the motion was made to concur.

The SPEAKER. The motion to concur was made by the gentleman from Indiana. The first question is on ordering the previous question.

Mr. BLOUNT. Mr. Speaker, I simply want to ask that one of these paragraphs be read.

Mr. HENDERSON, of Iowa. They are of the same general class.

Mr. BLOUNT. I ask that the first paragraph of the gentleman's amendment be read.

The SPEAKER. It has been read.

Mr. BLOUNT. I ask that it be read again.

The SPEAKER. The Chair will first put the motion for ordering the previous question.

Mr. BLOUNT. Does the Chair decline to entertain the request?

The SPEAKER. The Chair will first put the question on ordering the previous question.

Mr. BLOUNT. All right.

The SPEAKER. The Chair supposed the wish of the gentleman from Georgia was being carried out.

The previous question was ordered.

The SPEAKER. Without objection, the Clerk will read the first amendment.

The Clerk read as follows:

On page 14, line 8, after the word "ninety," insert: "The sum of \$200,000 for;" so that the amendment will read as follows:

"For the payment of such amount additional as may be certified to be due by said accounting officer on this account during the fiscal year 1890, the sum of \$200,000, or so much thereof as may be necessary, is hereby appropriated."

The SPEAKER. Is a separate vote demanded?

Mr. HENDERSON, of Iowa. I would like to have it taken altogether.

Mr. HOLMAN. They all involve the same question.

The SPEAKER. The question is on concurring in the Senate amendments numbered 60, 61, 62, and 63.

The question was put; and the Speaker announced that the yeas seemed to have it.

Mr. HOLMAN. Division.

The House divided; and there were—yeas 69, yeas 83.

Accordingly the House refused to concur in the Senate amendments.

The SPEAKER. The Clerk will now report an amendment which the committee wish to have adopted.

The Clerk read as follows:

The committee recommend concurrence in amendment 55 with an amendment as follows:

Insert after the amended paragraph the following: "For plastering and finishing committee-rooms on the House side of the Capitol terrace, including steam heating of said rooms, \$7,500."

The amendment was agreed to.

The report of the committee was then agreed to, and the Speaker announced as conferees on the part of the House Mr. HENDERSON of Iowa, Mr. CANNON, and Mr. BRECKINRIDGE of Kentucky.

#### DIGEST OF CLAIMS REFERRED TO THE COURT OF CLAIMS.

Mr. RICHARDSON. Mr. Speaker, I desire to make a privileged report from the Committee on Printing and ask for its present consideration.

The Clerk read as follows:

Joint resolution (H. Res. 70) authorizing the printing of the digest of claims referred by Congress to the Court of Claims for a finding of facts under the provisions of the act of March 3, 1883, known as the Bowman act.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed copies of the digest of claims referred by Congress to the Court of Claims for a finding of facts under the provisions of the act approved March 3, 1883, known as the Bowman act, now in manuscript, prepared under resolution of the House of Representatives of March 7, 1888.

The Committee on Printing report the following concurrent resolution in lieu thereof:

Resolved by the House of Representatives (the Senate concurring), That there be printed 500 copies of the digest of claims referred by Congress to the Court of Claims for a finding of facts under the provisions of the act approved March 3, 1883, known as the Bowman act, now in manuscript, prepared under resolution of the House of Representatives on March 7, 1888, the same when printed to be placed in hands of the Clerk of the House for the use of the Senate and members of the House.

The SPEAKER. Without objection, the joint resolution will be laid on the table and the question will be taken on the concurrent resolution.

The concurrent resolution was adopted.

Mr. RICHARDSON. Mr. Speaker, I ask that the report of the committee accompanying the resolution be printed in the RECORD.

The report is as follows:

The committee have considered the joint resolution (No. 70) authorizing the printing of the digest referred by Congress to the Court of Claims for finding of facts under the provisions of the act of March 3, 1883, known as the Bowman act, and direct me to report the same back with recommendation that it do lie on the table, and that a substitute therefor be adopted in the form of a concurrent resolution which is herewith submitted. The concurrent resolution will accomplish the object desired, and there is no reason why a joint resolution should be passed. The estimated cost of printing 500 copies of this digest of claims is the sum of \$1.184.

Mr. RICHARDSON also, from the Committee on Printing, reported back the following concurrent resolution; which was read, considered, and adopted:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and is hereby, authorized to print 2,500 extra copies of the annual report of the health officer of the District of Columbia, 100 for the use of the Senate, 500 for the use of the House of Representatives, and 2,050 for the use of the said health officer of the District.

Mr. RICHARDSON moved to reconsider the vote by which the concurrent resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was granted to Mr. KNAPP, on account of sickness in his family.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had concurred in the resolution of the House providing for printing the report of the Zoological Park Commission.

The message also returned, in accordance with the request of the House of Representatives, the bill (H. R. 2239) for the relief of the heirs of John H. Jones and of the heirs of Thomas D. Harris.

The message also announced that the Senate had passed without amendment the bill (H. R. 6099) granting an increase of pension to Elmer A. Snow.

The message further announced that the Senate had passed, with an amendment in which the concurrence of the House was requested, the bill (H. R. 525) to establish two additional land offices in the State of Montana.

The message also announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. 856) to amend section 1 and section 9 of an act entitled "An act to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July 1, 1886, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed Mr. JONES of Arkansas, Mr. DAWES, and Mr. STOCKBRIDGE as conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 73) for the relief of Avery D. Babcock and wife, of Oregon;

A bill (S. 231) for the relief of Robert H. Montgomery;

A bill (S. 393) for the relief of Aquilla Jones, late postmaster at Indianapolis, Ind.;

A bill (S. 462) making an appropriation for the construction of a light-house and steam fog-signal on St. Mary's Island, Alaska;

A bill (S. 555) for the relief of James W. Harvey, as assignee of Joseph Parkins;

A bill (S. 724) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa;

A bill (S. 877) for the relief of Dr. A. Sidney Tebbs;

A bill (S. 884) to incorporate the King Theological Hall;

A bill (S. 897) to establish a port of delivery at Sioux City, Iowa;

A bill (S. 1034) for the relief of Nancy E. Day, administratrix of the estate of James L. Day, deceased;

A bill (S. 1264) to provide for the erection of a public building at San Diego, Cal.;

A bill (S. 1350) for the relief of Lieut. Col. Charles G. Sawtelle, deputy quartermaster-general, United States Army;

A bill (S. 1548) to provide for the purchase of a site and the erection of a public building thereon at Taunton, in the State of Massachusetts;

A bill (S. 1616) for the relief of Charles Adams;

A bill (S. 2262) for the relief of John S. Neet, jr.;

A bill (S. 2412) for the relief of Joseph W. Carmack;

A bill (S. 2415) to amend an act entitled "An act authorizing the Mississippi and Louisiana Bridge and Railroad Company of Natchez, Miss., to construct a bridge over the Mississippi River at or near Natchez, Miss.," approved July 19, 1888;

A bill (S. 2447) to extend to Tampa, Fla., the privilege of immediate transportation of unappraised merchandise;

A bill (S. 2481) to improve the marine hospital at Vineyard Haven, Mass.;

A bill (S. 2542) further to provide for the administration of oaths;

A bill (S. 2618) to confirm to the city of Buffalo, Wyo., certain lands occupied for school purposes;

A bill (S. 2634) for the relief of T. A. Kendig;

A bill (S. 2835) to amend an act approved March 3, 1883, entitled "An act to amend sections 2533 and 2534 of the Revised Statutes, and making Hartford, in the State of Connecticut, a port of entry in place of Middletown;

A bill (S. 762) granting a pension to Jeremiah White;

A bill (S. 763) granting a pension to Martha F. Webster;

A bill (S. 778) granting a pension to James E. Kabler;

A bill (S. 840) granting an increase of pension to Levi Moser;

A bill (S. 1047) granting a pension to Mary Murphy;

A bill (S. 1092) granting a pension to Frederick Kidwiler;

A bill (S. 1151) granting a pension to Robert Foss;

A bill (S. 1152) granting a pension to Mary O. Hall;

A bill (S. 1154) to increase the pension of James Johnston;

A bill (S. 1247) granting a pension to Michael Shong;

A bill (S. 1256) granting a pension to James A. Myers;

A bill (S. 1269) granting a pension to James M. McKinney;

A bill (S. 1502) granting a pension to Mary Ellen Fitzgerald;

A bill (S. 1665) granting a restoration of pension to Sarah A. Woodbridge;

A bill (S. 2066) placing the name of Elizabeth Domm on the pension-rolls;

A bill (S. 2076) granting an increase of pension to John E. Walton;

A bill (S. 2103) granting a pension to Mrs. Caroline G. Seyforth;

A bill (S. 2245) granting increase of pension to Mrs. Adelaide H. Woodall;

A bill (S. 2285) granting a pension to Hannah Leo;

A bill (S. 2369) granting an increase of pension to Oscar S. Collins;



A bill (S. 2389) granting an increase of pension to Robert H. Milroy, major-general, United States Volunteers;  
 A bill (S. 2451) granting a pension to Juliet Opie H. Ayers;  
 A bill (S. 2531) granting an increase of pension to Benjamin T. Baker;  
 A bill (S. 2598) increasing the pension of Walter P. Harrison; and  
 A bill (S. 2611) granting a pension to James Anderson.

#### ORDER OF BUSINESS.

Mr. GROUT. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill S. 4, being an act authorizing the establishing of a public park in the District of Columbia.

The motion was agreed to.

#### PUBLIC PARK IN DISTRICT OF COLUMBIA.

The House accordingly resolved itself into Committee of the Whole, Mr. BURBOWS in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (S. 4) authorizing the establishing of a public park in the District of Columbia.

The bill was read, as follows:

An act (S. 4) authorizing the establishing of a public park in the District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a tract of land lying on both sides of Rock Creek, beginning at Klinge Ford Bridge and running northwardly, following the course of said creek, of a width not less at any point than 400 feet, including the bed of the creek, of which not less than 50 feet shall be on either side of said creek, or more than for 500 feet on either side of said creek south of Broad Branch road and Blagden Mill road, and of such greater width north of said roads as the commissioners designated in this act may select, shall be secured, as hereinafter set out, and is perpetually dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States: *Provided, however,* That the whole tract so to be selected and condemned under the provisions of this act shall not exceed 2,000 acres.

Sec. 2. That the Chief of Engineers of the United States Army, the president of the board of commissioners of the District of Columbia, and the engineer commissioner of the District of Columbia be, and they are hereby, appointed a commission to select the land for said park, of the quantity and within the limits aforesaid, and to have the same surveyed by the assistant to the said engineer commissioner in charge of public highways, which said assistant shall also act as executive officer to the said commission.

Sec. 3. That the said commission, immediately after making the selection of said tract, shall make application to the supreme court of the District of Columbia, at a general or special term, by petition containing a particular description of the property required, with the name of the owner or owners thereof, and his, her, or their residence, as far as the same can be ascertained, and said court is hereby authorized and required, upon such application and without delay, to ascertain and assess the damages occasioned by the taking of said land to each owner thereof or to any person having a legal claim to said damages, in the manner provided with reference to the taking of land for highways in the District of Columbia.

Sec. 4. That the fee-simple of all premises so appropriated for public use, of which an appraisement shall have been made under the order and direction of said court, shall, upon payment of the appraised value to the owner or owners, respectively, or to such persons as shall be authorized to receive the same for any such owners, be vested in the United States; and if, in any case, the owner or owners of any portion of said land shall refuse or neglect, after the appraisement of the cash value of said lands and improvements by said court, to demand the same from the said commission, upon depositing the appraised value in said court to the credit of such owner or owners, respectively, the fee-simple of all such lands shall be in like manner vested in the United States. And the said commission is hereby authorized and required to pay to the several owners, respectively, or to such persons authorized as aforesaid, the appraised value of the several premises as specified in the appraisement by said court, or to pay into court by deposit as hereinbefore provided the said appraised value.

Sec. 5. That said court may direct the time and manner in which possession of the property condemned shall be taken or delivered, and may, if necessary, enforce any order or issue any process for giving possession.

Sec. 6. That no delay in making an assessment of compensation, or in taking possession, shall be occasioned by any doubt which may arise as to the ownership of the property or any part thereof, or as to the interests of the respective owners. In such cases the court shall require a deposit of the money allowed as compensation for the whole property or the part in dispute. In all cases as soon as the said commission shall have paid the compensation assessed, or secured its payment by a deposit of money under the order of the court, possession of the property may be taken.

Sec. 7. That to defray all expenses of inquiry, survey, assessment, payment for lands taken, and all other necessary expenses incidental thereto, the sum of \$1,200,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided,* That one-half of the sum which shall be annually appropriated and expended for the maintenance and improvement of said lands as a public park shall be charged against and paid out of the revenues of the District of Columbia, in the manner now provided by law in respect to other appropriations for the District of Columbia.

Sec. 8. That the public park authorized and established by this act shall be under the joint control of the commissioners of the District of Columbia and the Chief of Engineers of the United States Army, whose duty it shall be as soon as practicable to lay out and prepare roadways and bridle paths, to be used for driving and for horseback riding, respectively, and footways for pedestrians; and whose duty it shall also be to make and publish such regulations as they deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, animals, or curiosities within said park, and their retention in their natural condition, as nearly as possible.

Mr. GROUT. Mr. Chairman, the proposition to form a public park out of lands lying along Rock Creek, north of the city, is one with which the members of the House are so familiar in a general way that it does not seem to me necessary to enter into any extended remarks upon the subject at this time. I therefore content myself with submitting the bill upon the views of the committee as expressed in their report, and I now call for the reading of that report.

The report (by Mr. GROUT) was read, as follows:

The Committee on the District of Columbia, to whom was referred Senate bill (act) No. 4, authorizing the establishment of a public park in the District of Columbia, respectfully submit the following:

The proposition to lay out a public park along Rock Creek is not new. It came up for the first time in the Thirty-ninth Congress in the form of a resolution adopted by the Senate, under which N. Michler, major of engineers, brevet brigadier-general, United States Army, prepared a very interesting and very full report (S. Mis. Doc. No. 21, Thirty-ninth Congress, second session), portions of which are herewith given and made a part of this report. Among other things he said:

"Where so much has been written on so interesting a feature to any large city as that of a park, and where the necessity of public grounds, either for the sake of healthful recreation and exercise for all classes of society or for the gratification of their tastes, whether for pleasure or curiosity, has become apparent to every enlightened community, it would seem to be unnecessary for me to dilate further upon the matter, to say nothing of the natural or artificial beauties which adorn a park, and so cultivate an appreciative and refined taste in those who seek its shades for the purpose of breathing the free air of heaven and admiring nature. It certainly is the most economical and practical means of providing all, old and young, rich and poor, with that greatest of all needs, healthy exercise in the open country.

"In no place has nature been more bountiful of her charms than in the vicinity of this city, and all can be found so near and accessible: the valley of the Rock Creek and its tributaries, the Broad and Piny branches and the several minor rivulets, with the adjoining hills overlooking these beautiful streams, present to the Capital of the nation advantages not to be lightly disregarded in providing a park worthy a great people. All the elements which constitute a public resort of the kind can be found in this wild and romantic tract of country. With its charming drives and walks, its hills and dales, its pleasant valleys and deep ravines, its primeval forests and cultivated fields, its running waters, its rocks clothed with rich ferns and mosses, its repose and tranquillity, its light and shade, its ever-varying shrubbery, its beautiful and extensive views, the locality is already possessed with all the features necessary for the object in view. There you can find nature diversified in almost every hue and form, needing but the taste of the artist and the skill of the engineer to enhance its beauty and usefulness; gentle pruning and removing what may be distasteful, improving the roads and paths and the construction of new ones, and increasing the already large growth of trees and shrubs, deciduous and evergreen, by adding to them those of other climes and countries.

"The valley of Rock Creek occupies a central position to both, as it lies between the Tenuallytown road on the west, one of the most prominent thoroughfares leading out of the one city, and the Fourteenth street road and Seventh street turnpike on the east, two of the finest communications, running in a northerly direction from the other. From these main highways many branches cross the valleys or follow along the banks of the stream. These transverse roads already form beautiful drives.

"Rock Creek winds along for more than 4 miles through the center of the proposed grounds, receiving at convenient points the waters of the Broad and Piny branches and several smaller tributaries. For a short distance it courses through a narrow but beautiful valley, then wildly dashes for a mile over a succession of falls and rapids with a descent of some 8 feet, the banks on both sides being bold, rocky, and picturesque; then passes again through narrow valleys or between high, bluff banks. At many points the creek is capable of being dammed, thus forming a series of lakes and ponds for useful and ornamental purposes. The many deep ravines setting in towards it can furnish romantic walks and quiet retreats for the pedestrian. The larger part of the ground is thickly wooded and capable of great adornment."

Major Michler, in giving a detailed list of the vegetable growth within the limits of the proposed park, names more than one hundred plants, shrubs, and vines, and thirty-six varieties of trees. He also estimates the expense of 1,800 acres to be at an average of \$200 per acre, or \$360,000, and closes his report with the following language:

"In concluding this report I would respectfully suggest to your honorable committee the necessity of commencing the construction of the national park as soon as practicable. It is a grand and beautiful undertaking, and should be prosecuted with the greatest energy. A sufficient appropriation for inclosing the grounds purchased, for improving and keeping in repair the drives and walks already constructed, and for the laying out of others should be made. For this purpose \$100,000 would be sufficient for present expenditures."

This report was made in 1866, soon after the close of the war, and at a time when the country was just beginning to realize the enormous debt incurred in its prosecution, and when all our energies were directed to the work of providing for it, and naturally enough Congress hesitated to make the expenditure, and this first park measure was lost.

The proposition, however, was renewed in the Forty-ninth Congress by a bill which was reported favorably, but was not acted upon in the House.

The same proposition reappeared in the Fiftieth Congress, and a bill was reported favorably by Mr. Hemphill, then chairman of the House Committee on the District of Columbia; and the reasons for immediate action are so well stated in his report (No. 3866, Fiftieth Congress, second session) that we make it a part of this report.

"It seems unfortunate that the earlier endeavors to secure these lands at their then trifling value did not result in their purchase. It appears to be universally agreed that such public parks are necessary in or near large cities, and the result has been that practically all cities of consequence, both in Europe and in this country, and especially all capitals, are in the enjoyment of such pleasure grounds.

"The foresight indicated by the founders of this Capital city in laying out broad avenues and reservations has been already amply justified by the harmonious development of these advantages by persons from all sections of the country.

"The present condition of the District of Columbia and its evident future admonish us that provision should at once be made for such a park as the population of a large and prosperous Capital city demands.

"There are several persuasive reasons why the pending bill should pass, and which will be adverted to briefly.

"The present owners of the bulk of the lands proposed to be taken have held them for a generation or more. Several fortunate results follow from this condition of things:

1. These owners can afford to sell the property at its intrinsic value, and without adding the profits of intermediate speculative purchasers, but each passing year must increase their intrinsic value.

2. There having been but few sales there have been but few trees destroyed to make room for lawns and building sites, and there are practically no costly improvements to be now paid for.

3. The extraordinary natural beauty of the proposed park has thus far been preserved, but its subdivision and the subdivision of portions of it would undoubtedly result in great injury in this direction. The proposed legislation expressly secures the protection of the trees and other natural attractions in the park.

"4. Rock Creek drains a large section of the country practically, and flows through the city of Washington. If residences should be placed along its banks the sewerage would be emptied into that stream and necessarily endanger the health of this city. The consequence would be either that this continuous risk must exist or that this picturesque creek must be covered in and used exclusively as a sewer.

"That portion of the creek along which dwelling-houses have already been built is now an open sewer flowing through the city, from which disagreeable and noxious odors constantly rise, greatly to the detriment of the health of the people along its banks and to the injury of property in that section; and, in the opinion of your committee, the time is near at hand when this portion of the creek must be covered over or some other mode of protection adopted, at a cost of many thousand dollars.

"The preservation of both banks of Rock Creek, as proposed in the pending bill, will at once avoid this danger and cost, and preserve the existing beauty of a large territory. Looking at this measure merely as a practical business matter it seems to be wise. Such a preservation of the natural beauties of a section so near the city will conduce greatly to the physical as well as the moral improvement of the people.

"It is certainly the most economical and practicable means of providing all, old and young, rich and poor, with the greatest of all needs, healthy exercise in the open country." In the passage of this bill by Congress nothing more will be done and in fact not as much as has already been done in many other cities of this and other countries.

"In the report of the park commissioners of the city of Boston for 1885 it is stated:

"Twenty years ago there were but two well advanced rural parks in America; now there are more than twenty. Every city that was then at a parallel stage in the discussion of a park project with Boston now has the project in a large degree realized, and is enjoying the profits of it. \* \* \* London and Paris, Brussels and Liverpool, have each in a generation twice doubled the area of their rural recreation grounds. All the cities of the British Islands thirty years ago possessed but four parks adapted to rural recreation; they now hold thirty, as large in acreage as Franklin Park in Boston."

"There is an impression with some that the civilized world has been swept by a ruinous rage for parks, but not an instance is known of a park adapted to provide for rural recreation that is not regarded by those who are paying for it as well worth all it has cost. No city possessed of a rural park regrets its purchase. During the last year New York City, which has the largest and costliest experience of park-making of any city in the world, has been purchasing land for six additional parks, averaging 600 acres each in area. Chicago has six rural parks, in each of which large works of construction have been completed, and are found valuable beyond expectation.

"Even smaller cities than Boston, such as New Haven, Bridgeport, Albany, Buffalo, and Montreal, have been provided with rural parks. The city of Baltimore paid for Druid Hill Park \$693,000, and it has, besides, four other smaller parks.

"Fairmount Park, Philadelphia, was secured at a cost, in round numbers, of \$2,300,000.

"Central Park, New York City, was purchased for the sum of \$6,253,033.55. The city has, in addition, thirty-eight other parks.

"In Brooklyn, Prospect Park was acquired at a cost of \$3,919,370.70. St. Louis has a number of parks, the largest of which was purchased for the sum of \$919,958.61. The total acreage of parks in this city is 1,788.59 acres; and, though much of the land was donated, the cost of same amounts to \$1,309,944.06 actually paid.

"The ground for the use of a national park in this city can now be condemned at a reasonable cost, and prompt action will not only save many thousands of dollars, but prevent the destruction of the natural beauties of the country along Rock Creek, which are second to those of no other locality adjacent to any city in the world.

"The pending bill seems to provide an extremely satisfactory mode of acquiring title to the land. The process by which the condemnation is effected is the same as that adopted by Congress in respect to the land recently secured as a Library site near the Capitol. Whatever questions may have arisen in respect to proceedings under the latter bill have been settled by the general term of the supreme court of the District of Columbia. It is hoped and believed that the same satisfactory result will be reached in the proceedings under the bill now under consideration."

Your committee have given this bill careful consideration, and in view of the public expectation and desire concerning this park, and the belief of your committee that it will some time be established, and the certainty that it can never be done at less cost than now, and in view of the fact also that while creating it we shall be contributing to the comfort and health and happiness of the present and coming generations, we can at the same time, by giving it the name of that great benefactor of the race, whose discoveries have grown into a solid hemisphere of republics, show our appreciation of the grandeur of his genius and the far-reaching results of his work, and leave this testimonial as a heritage to future ages, we recommend the passage of the bill when amended as follows:

Amend section 1 by striking out in line 5, after the word "creek," the word "or" and insert the word "nor."

Strike out in the same line the word "for."

Insert in line 11, after the words "United States," the words "to be known by the name of Columbus Memorial Park."

Amend section 7 by inserting after the word "the," in line 3, the words "half of the," and inserting, after the word "appropriation," in line 5, the words "and the other half is hereby appropriated out of the revenues of the District of Columbia."

Also strike out in lines 5 and 6 the word "provided" and insert the word "and."

Add to section 7 the words "and the other half shall be appropriated out of the Treasury of the United States."

The CHAIRMAN. If there be no general debate desired, the Clerk will proceed to read the bill by paragraphs.

Mr. SPINOLA. Mr. Chairman, I would like to inquire of the gentleman in charge of the bill whether he proposes to fix any time for general debate. This certainly is a bill calling for the expenditure of a large amount of money, and it should be freely and liberally discussed. I therefore ask that he agree to two hours on each side if so much time shall be required.

The CHAIRMAN. The Chair understood the gentleman from Vermont [Mr. GROUT] to state that he submitted the bill to the committee upon the report, and the Chair inquired if there was a demand for general debate, stating that otherwise the bill would be read by paragraphs.

Mr. SPINOLA. I did not understand at the time that general debate was to be cut off. I ask now that two hours upon each side be allowed for general debate.

Mr. GROUT. If there are gentlemen upon the floor who wish to speak to this bill I certainly have no objection. I did suppose, however, that sufficient opportunity would be given to gentlemen to free their minds as the bill was considered by paragraphs. The paragraphs of the bill as read will suggest various questions upon which remarks may be made and I thought that would be sufficient, but if members desire general debate upon this bill I will not object. How much time does the gentleman want?

Mr. SPINOLA. Let us have a couple of hours on each side. Mr. GROUT. Mr. Chairman, I want to say in behalf of the committee having this bill in charge that they do not require any two hours for general discussion. Now, if the gentleman from New York [Mr. SPINOLA] wants time I am quite willing that he shall take all the time he chooses.

Mr. SPINOLA. I am only one man. Mr. McCREARY. Mr. Chairman, this bill provides for the condemnation of about 2,000 acres of land, at an expense, as I understand, that will be very heavy, and I think there ought to be a reasonable time allowed for general debate. While I am in favor of parks under proper circumstances, I am not in favor of a public park in this city unless good reasons are shown for the same, and I am not in favor of condemning as much as 2,000 acres of land at a heavy cost unless it can be fairly shown that it will be a great public advantage. Therefore, I think that if this bill is a good one it will be benefited by general debate.

Mr. GROUT. How much time do the gentlemen on the other side want?

Mr. SPINOLA. Two hours on this side will satisfy us.

Mr. McCREARY. I suggest to the gentleman in charge of the bill that no limit be fixed at present. Let us go on with the general debate, and if members desire to speak they can be heard, and, on the other hand, if they are satisfied, the debate will soon come to an end.

Mr. GROUT. The committee do not desire any time for general debate. Their report upon the bill, which covers the subject, has been read and is sufficient to make the matter understood by the House; nevertheless, if gentlemen upon the other side will name the time which they desire I think we can come to an understanding.

Mr. HERBERT. Mr. Speaker, I desire to ask the gentleman in charge of this bill for some information which may enable us to fix upon a limit for the general debate. I observe that this report does not give us any information at all about the probable cost of this land. The only estimate that is offered is one thirty years old. Eighteen hundred acres of this land at that time would probably have cost \$360,000. The committee have contented themselves with submitting an estimate made thirty years ago. Now, the House would like to know, or at least I as one member would like to know, what would be the cost of that 2,000 acres of land to-day, and then I would like to know further what would be the probable cost per annum of maintaining the park hereafter. I hope the gentleman will give the Committee of the Whole some information upon these points.

Mr. GROUT. If the gentleman had read the bill he would have seen that it makes an appropriation of a certain sum beyond which the commissioners can not go. That sum is \$1,200,000, which is supposed to cover the expenses, incidental and otherwise, of purchasing and laying out the park. So much as to the amount.

Mr. HERBERT. But we would like to know the reason the gentleman has for supposing that the estimate is correct.

Mr. GROUT. Well, the commissioners can not go beyond the amount appropriated in the bill, whether the estimate be correct or not.

Mr. HERBERT. But of course the gentleman knows that when we once embark in this project, although we may put in only a million or so of dollars at the beginning, we must go on with it; and I would like to know what his reasons are for making that estimate.

The CHAIRMAN. The Chair did not understand the proposition of the gentleman from Vermont touching general debate.

Mr. GROUT. I have asked gentlemen to indicate what time they desire for general debate.

Mr. McCREARY. I suggest that we go on with the general debate for awhile. It is possible that the mere statement of the case may be satisfactory to the House.

Mr. GROUT. Very well; we will let it go on that way for a time. Does the gentleman from Kentucky desire to be heard now?

Mr. McCREARY. No, sir; I desire to hear you. I was about to say to the gentleman from Vermont that I would like him, as chairman of the Committee on the District of Columbia, to state what the cost will probably be of condemning these two thousand acres of land, who makes the estimates, what they are based upon, and also what will probably be the cost of maintaining the park after it is laid out.

Mr. GROUT. That is a matter of conjecture wholly. In reference to that last question I will say, so far as my own views are concerned, but little money should be appropriated for laying out and developing that park. That land is now opened and will not be developed for many years. It is a work to be attended to by future generations. By buying the land now it is believed it can be purchased at a lower cost than it ever can be again. The longer the delay, therefore, the greater will be the cost. As stated by the gentleman from Georgia [Mr.



BLOUNT] it was estimated twenty-five years ago this land could be purchased for \$360,000; now it will cost much more.

Mr. Speaker, beyond the inclosure of these grounds when the title is in the United States, beyond that and the erection of an arch over the entrance to the park, whose corner-stone might be laid on the date of Columbus's sailing from Palos in Andalusia some four hundred years ago, I do not think any expenditure should be made there at present. I think the United States should possess themselves of this land, which I believe they can never get at a less cost than now. Let future generations, and as opportunities arise, develop this park into a thing of beauty, when there will be a million of souls here, at the end of the next century.

Mr. McMILLIN. Does not the gentleman from Vermont know that when you embark in an enterprise of this kind you are never able to stop?

Mr. GROUT. I know there is something in the gentleman's interrogatory; I know people will desire to develop this park, but I will say, so long as I remain here, I shall vote against any heavy appropriations for the development of it as a park. Of course drives might be laid out through it.

Mr. McMILLIN. If it is not to be developed, what then is the use of expending a million of dollars if you are not going to make a park out of it?

Mr. GROUT. I did not say we are not to make a park out of it, but I said that so far as I am concerned I would not vote an appropriation for developing it into a park at present.

Mr. McMILLIN. Would the gentleman indicate what he believes to be heavy appropriations? He deals in very general terms in reference to a matter of this importance.

Mr. GROUT. I believe twenty or twenty-five thousand dollars for the first few years would be all that would be required to open drives through this park.

A MEMBER. To make roads.

Mr. GROUT. To make roads in addition to those which are now there.

Mr. McMILLIN. The land is already there, the creek is there, and the sky is over it just as it will be after the gentleman's appropriation. If this does not mean the opening up and developing of this land as a park, I do not know then what it does mean.

Mr. GROUT. It does mean the developing of the park, but not the development of the park in this day and generation.

Mr. McMILLIN. After we have spent \$1,200,000 it seems we are not to get any return from that expenditure. It will not be denied the Government has been liberal in laying out parks in this city. Parks add to the health of the city, but here we are going out to take in a part of the country, and a part to which the city may never go.

Mr. CANNON. I ask the gentleman to yield to me.

Mr. GROUT. I yield to the gentleman for five minutes.

Mr. CANNON. I do not want more than three. I have listened to the gentleman's answers and read his bill and report, and I merely wish to say this: For some years I have been somewhat familiar with that section of country, and you may take it from the Klinge Ford bridge on the Klinge road up to the boundary and Rock Creek, and for most of the way I know of no country so well adapted for parking purposes, by hills, ravines, timber, and other surroundings, as that country. And I have got my consent, after reading the report of the gentleman and from my familiarity with that section of the country, to vote for the bill.

Mr. PAYSON. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. PAYSON. The first is that the rules of the House require that gentlemen addressing the House shall address themselves to the Chair. Doubtless the dialogue now progressing is the transaction of the public business, but as a matter of fact, in order to understand what is going on, I would like at least to hear that.

The CHAIRMAN. The Chair will request gentlemen to resume their seats and preserve order on the floor.

Mr. CANNON. I say, Mr. Chairman, that I have obtained my consent to vote for the procurement of this site for a public park. I believe that it ought to be secured at once, if practicable, for that purpose.

Now, I heard the question of the gentleman from Tennessee [Mr. McMILLIN]. Once obtained I believe the expenditure ought to be very inconsiderable for many years to come. In fact, my own belief is that so far as I shall be called upon to vote for appropriations for this park, if the site is obtained, there never will be many improvements placed upon it. I do not think that you can improve very much upon nature as it is along this Rock Creek valley from Klinge's road to the boundary, and it seems to me that the site for this park, with a city growing as this is growing, ought to be obtained now. When once obtained, I repeat, I would be perfectly content to let the future generations take care of its development.

Mr. SAYERS. I would like to ask the gentleman from Illinois a question. I was not in when the bill was read, and I would like to know if it carries an appropriation?

Mr. CANNON. I believe it does. There is an appropriation of a certain amount, one-half from the treasury of the District of Colum-

bia and one-half from the general Treasury, out of which fund payment is to be made for this property, which may be obtained by purchase or condemnation.

Mr. SAYERS. Then another question. Is the gentleman satisfied that the revenues of the District of Columbia for the fiscal year in which this appropriation is to apply are sufficient to meet this demand upon them?

Mr. CANNON. I am not.

Mr. SAYERS. Then, how does the gentleman propose that the District of Columbia shall raise the amount necessary to pay its share of this indebtedness?

Mr. CANNON. The gentleman from Pennsylvania [Mr. ATKINSON] informs me that there was a surplus of \$900,000 at the end of the last fiscal year from the District revenues. I have not examined that question as closely as would enable me to give an answer to the gentleman; but I am willing to say to him that I believe so much in the desirability of obtaining now, in the Government, the title to this proposed park that I am content to make provision for its purchase.

Mr. SAYERS. Even if it shall require the issuance of bonds to raise the money?

Mr. CANNON. So far as the District is concerned, yes. I believe it is of sufficient importance to justify it.

The CHAIRMAN. Does the gentleman from Vermont yield the floor?

Mr. GROUT. I do not. I yield ten minutes to the gentleman from Illinois [Mr. ADAMS].

Mr. BLOUNT. Before the gentleman gives way, I wish to ask him a question so far as the proposed expenditure here is concerned. I understand that the estimate for this land amounts to about \$360,000.

Mr. GROUT. Oh, no; that estimate was made twenty-three years ago.

Mr. BLOUNT. Well, is there any other estimate made?

Mr. GROUT. You mean at the present time?

Mr. BLOUNT. Yes, sir.

Mr. GROUT. I am not aware that there has been any particular estimate made. It has been calculated, I will state to the gentleman, that the probable value under condemnation proceedings would aggregate \$1,000,000. That is the only estimate that could be made.

Mr. BLOUNT. Is it on that basis that the land is assumed to cost \$1,000,000, and for the purpose of which you propose the issuance of \$1,200,000 in bonds?

Mr. GROUT. We do not propose to issue any bonds at all. The bill provides for the payment from the revenues of the District of one-half of the necessary amount and from the Treasury the other half.

Mr. BLOUNT. It does not so appear upon the bill.

Mr. GROUT. The gentleman has probably the bill which was introduced in the Senate, and not the bill which passed the Senate.

Mr. BLOUNT. Ah, that is correct; I have been furnished with the wrong bill.

Mr. GROUT. I will hand the gentleman a copy of the bill as reported by the committee.

Mr. BLOUNT. I was misled by the bill.

Mr. PAYSON. Will the gentleman from Vermont yield for a question?

Mr. GROUT. Certainly.

Mr. PAYSON. I desire to inquire whether the Committee on the District of Columbia have considered this question:

This park at the outset is estimated to cost, in round numbers, \$1,200,000. Now, why should not the real estate which is adjacent to the proposed park in locality, and which will be specially benefited by reason of the proposed improvement—why should not this land have a special assessment levied upon it to pay substantially the cost of this improvement, rather than have it pay one-half from the Treasury of the United States and one-half by the District of Columbia generally? Has the committee considered that proposition, and what has the committee to say against it?

Mr. GROUT. If that can be done constitutionally, as the lawyers say, for one I have no objection whatever. I would be very glad to have it done. The committee did consider that question, but felt that possibly it would step upon ground of doubtful constitutionality, and so they declined to base their report upon that feature. Mark you, I do not say the proposition would be unconstitutional, but is one in which that question might be raised.

I will say in reply to the gentleman from Illinois that if he sees fit to propose such an amendment it will have no opposition from me, and I believe from no other member of the committee, and the question can be carefully examined. The committee did not, in the light of what decided cases might exist, examine it with a view of recommending it to the House. There is a clause in the Constitution which declares it should not be done; a section, as the gentleman will remember, the language of which is to the effect that, "nor shall private property be taken for public use without just compensation."

Now, while the committee have reported a bill in such way that no portion of the land adjacent to the park and immediately benefited is made to bear more than equal portion of the cost, yet in regard to land not taken belonging to the same owner, the enhancement of its

value may be considered in deciding as to the damages; in other words, that the enhancement of the value may be taken into account in estimating the damages. But they thought it best not to incorporate the other feature in the bill.

But if the gentleman from Illinois and other good lawyers on the floor think it can be prudently done, the committee will not stand in the way; because, so far as I am concerned, I do not want any job in this measure by the land-owners on either side of this park. I am conscious it will enhance the value of the outlying lands, no portion of which land will be taken in the condemnation proceedings. There is no doubt of that. It is illustrated by the judgment of the land-owners outside of the city limits, who desired the committee to amend the bill so that the commissioners, laying out the park, would be compelled to go on Rock Creek to the outer line of the District, so as to bring the park nearer to their land lying outside. But the committee thought best not to put such a proposition in the bill.

There were also other propositions. There was one to widen the park as much as possible, and so leave quantities of land inside the District of Columbia unoccupied, which would, it was calculated, enhance this land. But the committee did not think well to make these amendments. They concluded to report the bill as it was, and leave it under the law governing condemnation of lands for highways in the District of Columbia, which allowed the benefits to be considered in estimating the damages.

Mr. PAYSON. I desire to say to the gentleman from Vermont in charge of the bill that at the proper time I shall take pleasure in offering an amendment precisely in that line, and having no doubt whatever as to the legality, and in doing so will give good reasons for my course in doing so.

Mr. BUCHANAN, of New Jersey. Will the gentleman yield to me for a question which will not be so long as the question of the gentleman from Illinois?

Mr. GROUT. The question may be short, but the reply required may be a long one, and I have promised to yield to my friend from Illinois.

Mr. BUCHANAN, of New Jersey. But the length of the reply would depend upon the gentleman from Vermont, and not upon myself. Has the committee made any investigation as to the present rate of taxes imposed upon the citizens of the District of Columbia—the percentage to the valuation of their property?

Mr. GROUT. Of what this would cost?

Mr. BUCHANAN, of New Jersey. No, sir. The question I want to ask is the percentage of the tax now imposed by present expenditures upon the tax-payers of the District of Columbia.

Mr. GROUT. Does the gentleman mean to ask if I know?

Mr. BUCHANAN, of New Jersey. Precisely so. Has the committee any information in that respect?

Mr. GROUT. I am not able to give the percentage.

Mr. HEMPHILL. It is \$1.50 per \$100.

Mr. GROUT. I am told it is a dollar and a half per \$100.

Mr. McMILLIN. In the same direction I will ask the gentleman in charge of the bill whether there has been an expression on the part of the people of the District of Columbia of a desire to expend for this purpose from their revenues the amount of money that this bill carries.

Mr. GROUT. Yes, sir; there has. Many gentlemen have expressed themselves to the committee as desirous of having this park opened and willing to share in the burdens of it, although they hoped that the General Government would assume the whole expense, as the bill passed the Senate; but it will be noticed that the House committee in reporting it back have put one-half of the expense of the purchase upon the District, and it seems eminently just that it should be.

Mr. KERR, of Iowa. Have you heard from the citizens since that change was made?

Mr. GROUT. Yes, sir.

Mr. Chairman, the Committee on the District of Columbia has heard frequently from the citizens, and from no one adversely except one letter which was received by the chairman of the committee and submitted to the committee, and that was before the proposition was made to place any burden upon the District of Columbia for this expense, and it was apparent to the committee, I may say, that interest of only a narrow character prompted the letter.

Mr. PAYSON. One other question I will ask of the gentleman from Vermont. When this project was before the Forty-ninth Congress, as well as the Fiftieth, the House was told by gentlemen having it in charge at that time that many gentlemen of wealth, having large investments in real estate in this locality, were willing and desirous to contribute to the expense of the location of this park. I would like to ask the chairman of the committee whether any such propositions have been made to the committee in this case; and, if so, what information the gentleman can give the House in regard to it.

Mr. GROUT. No such propositions have been made to the committee, and I think these people expect pay for their land; and they expect much more than a jury will award them under the condemnation process. I now yield to the gentleman from Illinois.

The CHAIRMAN. How much time does the gentleman yield?

Mr. GROUT. I yield ten minutes.

Mr. ADAMS. Mr. Chairman, I am in favor of establishing the park;

but I am strongly in favor of two amendments to this bill. In section 1 an amendment is proposed by the House committee fixing the name of the park. It is to be the "Columbus Memorial Park." I think the word "Memorial" should be stricken out. It is a mere question of taste. I think it ought to be the "Columbus Park." It may be a "memorial" park; but that may be left to the imagination of the auditor. In Chicago we name our parks after great men. Lincoln Park was doubtless a Lincoln memorial park, from the fact that it was established soon after his death; but it is known as Lincoln Park. We have a Garfield Park, a Douglas Park, a Jackson Park, a Humboldt Park, and a Washington Park; and this ought to be Columbus Park, and not Columbus Memorial Park. But, as I said, that is a matter of taste.

Then again, I think the bill ought to be amended, and my colleague from Illinois will propose to amend it, providing that a proper proportion of the expense of establishing the park shall fall upon the real estate especially benefited by the establishment of the park. In Chicago we have established six or seven parks, and we have established them always in that way. They have not been paid for out of the general taxes; and if they were to have been bought in that way they would never have been established at all. The property especially benefited was assessed for the benefit according to the proportion of the benefit, and every one acquiesced in that plan. As I am occupying the time of the House by the courtesy of the chairman of the committee—and I do not care to take more than is absolutely necessary, as I may discuss the matter under the five-minute rule—I will simply say that I believe that a certain proportion of this expense ought to be paid out of the national Treasury, another proportion from the general revenues of the District, and a third proportion, a large proportion, perhaps the whole, should be paid by the owners of the real estate which is especially benefited by the creation of the park. It is perfectly practicable, and I think that plan should be adopted.

Mr. GROUT. I would like to inquire of the gentlemen who are opposed to this bill, and who want time for its discussion generally, to intimate what length of time they want.

Mr. SPINOLA. Suppose we proceed for an hour or so without limiting debate, because there are a number of gentlemen on this side who may wish to speak.

Mr. STOCKDALE. Mr. Speaker, I want to say that in the determination of the amount of time that shall be consumed in this discussion I think it is hardly fair—

Mr. GROUT. I can not yield to the gentleman unless he will make some proposition as to time.

Mr. STOCKDALE. How does the gentleman know that I will not make some proposition?

Mr. GROUT. Very well, if the gentleman has any proposition let him make it.

Mr. STOCKDALE. I propose four hours.

Mr. GROUT. I move that the committee rise for the purpose of limiting debate.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURROWS, from the Committee of the Whole, reported that they had had under consideration a bill (S. 4) authorizing the establishing of a public park in the District of Columbia, and had come to no resolution thereon.

Mr. GROUT. Mr. Speaker, I would like to inquire of gentlemen who are opposed to this bill what length of time they desire now for general debate.

Mr. SPINOLA. Two hours on each side. That will be short enough, and if we can not close the debate by the usual hour of adjournment we can take a recess and finish the bill to-night.

Mr. GROUT. Mr. Speaker, it seems to me that the time proposed is unnecessarily long. If gentlemen will suggest a reasonable time for general debate I shall not object, but the debate so far as it has progressed has related to the substance of the bill and has been of a character which might very well have taken place upon the consideration of the bill by paragraphs. I can not accede to the gentleman's proposition, and I now move that general debate be limited to one hour on each side.

Mr. STOCKDALE. Mr. Speaker, I would like to say a word upon this.

The SPEAKER. This question is not debatable.

Mr. GROUT. Mr. Speaker, it has been suggested that my proposition is too liberal, so I withdraw it and move that debate be limited to thirty minutes.

Mr. SPINOLA. I move to amend that by making the time two hours on each side.

Mr. GROUT. I move that the House resolve itself into Committee of the Whole for the purpose of considering the bill (S. 4) authorizing the establishing of a public park in the District of Columbia, and pending that, I move that general debate be limited to thirty minutes.

Mr. KERR, of Iowa. I move to amend that by making the time two hours on each side.

The question was taken on the amendment of Mr. KERR, of Iowa, and it was rejected—ayes 55, noes 65.



Mr. BLOUNT. I move to amend the proposition of the gentleman from Vermont so as to make the time three hours.

Mr. MCCREARY. I move to amend the amendment so as to make the time one hour on each side, two hours in all.

The question was taken on the amendment of Mr. MCCREARY.

The SPEAKER. On this question the ayes are 60 and the noes are 60. The Chair votes in the affirmative, and the amendment is adopted.

Mr. HOLMAN. I call for tellers.

Tellers were ordered.

The House divided; and the tellers reported—ayes 80, noes 58.

So the amendment was agreed to.

The motion of Mr. GROUT as amended was then adopted.

The SPEAKER. The question is now upon the motion that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering Senate bill No. 4.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. BUEBOWS in the chair) and resumed the consideration of the bill (S. 4) authorizing and establishing a public park in the District of Columbia.

The CHAIRMAN. By order of the House, all debate on this bill is limited to two hours.

Mr. GROUT. The friends of the bill are ready to hear from those in opposition to it.

Mr. SPINOLA. Mr. Chairman, I am not particularly opposed to ornamenting and beautifying the Capital of our country; but I wish to admonish the House of one fact: that the surplus in the Treasury is beautifully passing away, and by the time this Congress expires by limitation of law there will be from present appearances no surplus left.

The bill under consideration provides for taking out of the Treasury one-half of \$1,250,000. It provides for the appropriation of that much money now in the Treasury not otherwise appropriated. The other half of the \$1,250,000 is to be taken from the revenues of the District of Columbia. Now, my experience in regard to public parks in cities where I have resided during all my life has taught me this lesson: that the first appropriation asked for such a purpose is only the entering wedge of what will come afterward. The expenditure of \$1,250,000 provided for in this bill is only the beginning of an expenditure of \$10,000,000 which will be called for before we get through with it. That, sir, is not an overestimate, taking the experience of the past as our guide.

The great Central Park in New York City has cost us about \$14,000,000 or \$15,000,000, though the original proposition was to expend \$1,000,000. The great park in Brooklyn, Prospect Park, was, according to the original contemplation, to cost about \$400,000 or \$500,000; yet up to to-day the expenditure has been over \$5,000,000.

The bill as prepared by the committee of the House made an appropriation for the issuing of bonds for a million and a quarter of dollars, to pay for these lands when they shall be condemned, and provided for an annual appropriation of \$50,000 as a sinking fund. That provision the Senate has wiped out; and in the bill before us there is no provision for the issuing of bonds and the carrying along of the expense of creating this park so that those who may come after us may bear a portion of the burden. The bill as now under consideration calls for an appropriation of \$650,000 or \$675,000 in one gross sum of the unappropriated money now in the Treasury.

Why, sir, do you not suppose that the people of the country are looking at us? Do you not suppose that they have a ledger account against us, and are making estimates and calculations of the amount of money we are appropriating? Sir, it is thirty years in round numbers since this project was conceived. Since gentlemen in this city began to look forward to the time when Congress should be induced to purchase this land almost a decade has come and gone. Then it was estimated that the whole cost of these 2,000 acres would be about \$300,000. That in those days was an enormous price for property worth practically nothing lying along the line of this creek, this beautiful stream, as the report describes it, bubbling and gurgling along, while a little further on in the same report we are told of the vile odors and foul airs that come up from it.

There is a beautiful consistency in this report! One portion speaks of flowers and ornamentation, of the odor of beautiful flowers which we are to inhale, while a little further on we are told of the vile smells which are to be encountered along the line of this creek. [Laughter.] Now, I do not know which side my friend from Vermont [Mr. GROUT] will be on in reference to this question; that will depend entirely upon his own taste.

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. SPINOLA. I have only a little time and I can not yield; though I am disposed to do anything in the world to accommodate my friend.

Mr. GROSVENOR. Just one question.

Mr. SPINOLA. Not now. If we had been allowed a couple of hours on each side I would have been glad to answer all questions that might be put.

The CHAIRMAN. The gentleman from New York [Mr. SPINOLA] is entitled to proceed without interruption.

Mr. SPINOLA. Mr. Speaker, I have heard no gentleman yet explain upon what basis the conclusion has been arrived at that this land can

be purchased for \$1,250,000. There is no evidence on that question before us; no statement has been made in reference to that matter by the gentleman who has this bill in charge. This is simply guess-work; it is a jumped-at conclusion.

The gentlemen who own this land are shrewd, cunning real-estate operators, the greater portion of them; and I do not blame them for their activity in this matter. If they can get the United States to purchase and ornament this park for their benefit, they are simply doing what I, perhaps, if I were in the same position, might do. But I am not here for any such purpose as that. I am here to protect the Treasury of the country against just such invasions as this bill proposes. I am here to try to save, if possible, to posterity some small portion of the surplus which has been in the Treasury during the last few years.

Our friends who favor this bill should bear in mind another thing. We had here a day or two ago a debate in which it was stated that twenty thousand of the comrades of my friend from Ohio [Mr. GROSVENOR] and myself are now in the poor-houses of the land. Assuming that to be the fact, then, instead of taking \$625,000 out of the Treasury and applying it to the purchase and ornamentation of a great park, let us appropriate it for the erection of soldiers' homes, so that we may take those veterans that saved our Government out of the poor-houses and place them in comfortable homes for the rest of their lives. That would be a laudable thing. Such an appropriation would be one upon which we could meet our people at home and say, "Yes; we did appropriate \$625,000, but it was to take care of the men who took care of you during the struggles of the war." Yes, sir; one-half of a million and a quarter of dollars—

Mr. KERR, of Iowa. One million two hundred thousand dollars.

Mr. SPINOLA. I believe the gentleman is correct; the Senate in their generosity have cut the amount down \$50,000.

Now, sir, there are a great many peculiar rumors afloat in regard to our Senators. They are all honorable men, I admit; nevertheless they are human, if rumors can be believed; and their humanity is like that which we find in most other men. They are fond of finding the tender spots upon the surface of the earth where they can invest their surplus capital; and the amount invested in this city, if rumor can be relied on, will run up into millions.

Now, I know of no reason myself why one-half of the expense of this park, if it is to be created at all, should not be borne by the property immediately surrounding it, and which will derive the great benefit to accrue from the establishment of this park.

When Central Park was laid out in New York City you could buy lots for from \$500 to \$1,000, but since then some lots have been sold at from \$50,000 to \$100,000 apiece. Is there any reason why these lands, if they are all they claim them to be, should not stand part of the burden of the taxation to pay for this purchase? Why should not the citizens of the State of my friend from Vermont, why should not the thrifty and industrious farming people he represents, be called upon to pay for a park in the city of Washington—I will not say for the benefit of those who own the land in it, but for the benefit of the speculators who own the land adjoining the park. For, sir, those are the men who are to derive all the benefit and who bought all the land they wanted for speculation at a few cents a foot and which to-day is held at a very high price.

Mr. CUMMINGS. The gentleman has referred to speculators who are interested. Let me ask him this question: Are any members of Congress included amongst these speculators, so far as he knows?

Mr. SPINOLA. I do not mean to give myself away. [Laughter.] If there were I would not tell you. [Renewed laughter.] I do not tell secrets out of school. I do not know; but there are rumors, and rumors sometimes tell the truth. [Laughter.]

A MEMBER. And sometimes they do not.

Mr. SPINOLA. And sometimes they do not, as my friend from Virginia says.

Mr. BLOUNT. My friend says the Senate reduced the amount of the House bill. Is it not true, while the sum of money is appropriated—is it not also provided it is for the purchase of land not exceeding 2,000 acres, which may cost a much larger sum than is here appropriated?

Mr. SPINOLA. If it costs more to carry out the idea we will have to pay for it, for it is provided we are to purchase not exceeding 2,000 acres.

Mr. BLOUNT. And when it purchases 2,000 Congress may find it is bound to appropriate \$1,000,000 more.

Mr. SPINOLA. When they condemn not exceeding 2,000 acres, and the commissioners appraise it and they say it is worth \$3,000,000, the Government is committed and we can not get out of it. When they come here with the appraisement we will be compelled to make an appropriation to meet it, and we will find it will be absolutely necessary to carry out what Congress has done in this regard.

As I said at the commencement, Mr. Chairman, my actions are based on the experience of the past, and it is just this, that the amount provided will only be the corner-stone of what will be the future expense.

The gentleman from Vermont [Mr. GROUT] says they will make drives through this park for \$20,000. You can not commence to do it for that. Why, it would take that much to make surveys. If you lay

out a park along that stream the surveyor's fees would be more than that. It will be nearly \$100,000 or \$125,000.

It is all a sham to say that this will be enough to commence this thing with. Next year you will have to pay half a million of dollars to carry it on.

I have no objection to making Washington the handsomest city on the earth. I do not know but I would vote to-day to take every inch of land on the south side of the avenue and put public buildings on it. But this scheme, and that is the only thing I can call it, is for the benefit of the men who own the land around it. It will not be made available for park purposes during my life, and I expect to live a long time to come; I do not purpose to turn in my chips for a long time. [Laughter.]

Mr. MILLIKEN. Let me ask the gentleman from New York, what is this park to cost?

Mr. SPINOLA. The first provision is \$1,200,000.

Mr. BLOUNT. The gentleman in charge of the bill says there has been no estimate made at all.

Mr. ATKINSON, of Pennsylvania. The gentleman from New York says this is for the benefit of the adjoining owners. Does the gentleman not know every newspaper to-day of this city favors the taking of this land for this park; that the popular sentiment favors the establishment of this park?

Mr. SPINOLA. Undoubtedly the newspapers are in favor of it; certainly they are; they expect to get "some of the pork" themselves. [Laughter.]

Mr. ATKINSON, of Pennsylvania. Are they adjoining owners?

Mr. SPINOLA. The hog has got to be cut up, and the two or three newspapers here expect to get a piece.

Mr. ATKINSON, of Pennsylvania. Have you any authority for that statement?

Mr. SPINOLA. No, sir; only my own opinion.

Mr. ATKINSON, of Pennsylvania. And is that based upon any knowledge of the facts?

Mr. SPINOLA. It is based upon common sense.

Mr. ATKINSON, of Pennsylvania. That is a poor kind of common sense.

Mr. SPINOLA. That is my common sense. It has never failed up to this time, anyhow.

Mr. MILLIKEN. Will the gentleman yield for another question?

Mr. SPINOLA. Certainly.

Mr. MILLIKEN. How far is it from the center of this city to this proposed park? How far from here?

Mr. SPINOLA. I can not tell you.

Mr. ATKINSON, of Pennsylvania, was recognized.

Mr. MILLIKEN. I simply wanted to know how far the children would have to go in order to get out there and play.

Mr. O'NEILL, of Pennsylvania. I would like to ask the gentleman from New York a question.

Mr. SPINOLA. If I can be permitted to answer I will.

Mr. O'NEILL, of Pennsylvania. I would like to find out whether I misunderstood the gentleman or not. Did I understand him to say that he opposed the creation of the Central Park in New York?

Mr. SPINOLA. Oh, no, sir; you did not understand me to say anything of the kind. I simply said this—

Mr. STOCKDALE. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. STOCKDALE. Perhaps I should put my point more in the shape of a question. As I understand the rule, after a gentleman has spoken and yielded the floor, he can not resume it to answer a question. Now, can other members, by exercising a privilege of asking questions, also exercise the right of calling him to the floor again?

The CHAIRMAN. The Chair is of the opinion that the gentleman from New York had yielded the floor.

Mr. SPINOLA. I was only answering the gentleman through courtesy, I supposed.

Mr. O'NEILL, of Pennsylvania. The gentleman had not yielded the floor when I interrogated him. I wanted him to explain to the House this point: Suppose even that the men in New York had made hundreds of thousands of dollars on account of the location of Central Park where it was established, does the gentleman think that would be any reason for refusing to establish a public park in this city?

Mr. SPINOLA. Oh, no; but we paid for our park ourselves.

Mr. O'NEILL, of Pennsylvania. What objection have you to the people here having a park?

Mr. SPINOLA. I have no objection to them having a park if they do as we did in New York, pay for it themselves. But you want to take the public money to pay for it. New York has paid for her own park, and now you want us to help to pay for yours.

Mr. O'NEILL, of Pennsylvania. But that does not answer the question. The proposition here is to create a park in this great city. Now, it can only be done by Congress. The people here have no voice of their own in the matter, and the city can not do it for itself.

Mr. SPINOLA. I know it can not.

Mr. CUTCHEON. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. CUTCHEON. It is impossible in this confusion to hear a word that is going on in the House.

The CHAIRMAN (Mr. ALLEN, of Michigan). The Chair will state that when gentlemen refuse to obey the Chair when they are called to order, the Chair is not to blame for the noise. He hopes hereafter that when the committee is called to order there will be at least quietness on the floor until the decision on the point of order is made.

Mr. ATKINSON, of Pennsylvania. One of the reasons why I have favored this park project, or scheme as my friend from New York [Mr. SPINOLA] characterizes it, is because of one of the things he pointed out as an inconsistency in the report of the committee. He says that the committee's report declares that pure water flows down Rock Creek; and it also states that because of the "vile smells" of that creek it has become a common nuisance. The explanation of this seeming inconsistency is my principal reason for supporting this park project.

Wherever Rock Creek flows through the built-up portions of the city, there its waters are polluted; there it becomes a source of disease and danger to the people who reside in its neighborhood in the cities of Washington and Georgetown. But when you approach Rock Creek at that portion where there are no buildings, you there find a pure and beautiful stream, which should be preserved in all of its beauty. The only way to secure the preservation of the purity and beauty of that stream is to take it and this valley as a public park, and keep buildings away from it so that it may not be polluted by the sewage of a dense population.

It is true as this creek passes through Georgetown it gives forth noisome smells, and only last year a proposition was before this House to arch the creek over in order to preserve the health of the cities of Washington and Georgetown, through which it passes. If this project of arching the stream had been adopted, the amount of money necessarily expended for that purpose would have almost equaled the proposed cost of this park. For the benefit of those who are to come after us, for the benefit even of the present citizens of these two cities, it is necessary that no more buildings shall be erected upon that creek.

How solicitous gentlemen appear to be about the surplus in the Treasury! They are apprehending that if we expend \$600,000 of the money belonging to the United States to buy this park, then some dire calamity shall occur or it will be an evidence of gross extravagance on the part of this Congress. Why, this rapidly disappearing surplus that you speak of has been, during this session, almost untouched; only a single appropriation bill, I believe, has yet become a law; and I suggest that apprehensions of gentlemen on this point are entirely without foundation. Their solicitude is unnecessary.

This city is not well supplied with parks compared with the other great cities of this continent; and its park facilities should be increased.

The city of Paris, it is said, has 170,000 acres of parks.

Mr. PAYSON. One hundred and seventy thousand acres! Oh, no.

Mr. ATKINSON, of Pennsylvania. One hundred and seventy thousand acres of parks within its environs and in easy reach of the city; and I refer you to the American Encyclopedia as my authority for the statement.

All the other great cities of this continent have great parks. The city of Philadelphia has the great Fairmount Park, containing 2,740 acres. The city of St. Louis has 2,100 acres of parks; the city of Chicago has 1,900 acres; the city of San Francisco has 1,100 acres; the cities of New York and Brooklyn have 1,600 acres, and the parks of London, England, including the commons, are said to contain 13,000 acres of land.

Now, in comparison with the park facilities of these other cities, I hold, sir, that Washington is but illy supplied with parks, and for that reason, if for no other, we should now make this appropriation in order to secure Rock Creek Park. I shall not enlarge upon its beauties; other gentlemen may do that if they choose, but that it is the most desirable location for a park to be found anywhere is conceded alike by the friends and enemies of this bill.

My friend from New York [Mr. SPINOLA] draws a touching picture of the 20,000 soldiers in the almshouses and suggests an appropriation of \$600,000 for them instead of for this park. I surely do not understand him as saying that if we make this appropriation for the park therefore these soldiers can not be relieved. We know that if this park bill passes, as I hope and believe it will, none will be quicker to vote for and support an appropriation for these old soldiers than my friend from New York. It may be more meritorious to relieve them than to establish a park here, but both measures are meritorious, and both can be adopted, and still there will be a surplus, as the gentleman seems so much to desire, in the Treasury of the United States.

Mr. MILLIKEN. If my friend would allow me a question, I do not know whether he has stated the fact, as I did not catch the first of his remarks; but I would like him to state how many acres of parks there are in the city of Washington.

Mr. ATKINSON, of Pennsylvania. I can not state that accurately.

Mr. MILLIKEN. But the gentleman has stated what they are in other cities.

Mr. ATKINSON, of Pennsylvania. I should think that perhaps the best source to which I can apply for information would be to call upon my friend from Maine, the chairman of the Committee on Public Build-



ings and Grounds. I believe, however, that the Mall contains a couple of hundred acres of land in the original reservation that is open to the public. Then we have the grounds of the Soldiers' Home, which have not cost the Government of the United States anything out of the Treasury. I call the attention of my friend from Maine to the fact that while there are reasonably fair park facilities for the old part of the city of Washington, yet there are almost no parks at all in the great and growing northwest of the city.

Mr. MILLIKEN. I would like to state—

Mr. PAYSON. Will the gentleman from Pennsylvania state what the urgent necessity for it is?

Mr. ATKINSON, of Pennsylvania. Yes; I will. I have tried to impress that on the mind of my friend from Illinois.

Mr. PAYSON. I should like to hear you state what the necessity is.

Mr. ATKINSON, of Pennsylvania. It is to prevent men from building in the valley of Rock Creek. If buildings are put there for men and for animals the water coming through that creek will be polluted by the sewage and the result will be that the health of the District will suffer. In recent years more attention has been given to the rules of sanitary science than ever before; and I desire to bring to the attention of the House a brief extract which I clipped from a newspaper a day or two ago in relation to what has been done in that direction in the State of Michigan. Public health is the most profitable of all investments for public money.

Dr. Henry B. Baker, secretary of the Michigan health board, recently showed in an address that the sanitary regulations of the State had shown a decrease in the mortality from preventable diseases; that the saving now amounted to 100 lives per year from small-pox; 400 from scarlet fever; and 600 from diphtheria; in all, 1,100 lives from the improved sanitary condition in the State of Michigan. It will not do for us here, empowered as we are to legislate for the District of Columbia and having under the Constitution the exclusive power of legislation, to neglect the health of this District. We are its legal guardians, uninfluenced almost by public sentiment, because, no matter what the sentiment of the District of Columbia is, it can not reach the ears of members of Congress, whose time is absorbed in attending to the affairs of their own districts and of the nation; and with this trust imposed upon us, Mr. Chairman, I conceive it to be our duty to legislate as carefully for this District as we would for our own State or for the nation at large.

We can not disregard the sanitary condition of this District. Congress has not disregarded it. If you will look to the Potomac River you will see the dredgers at work engaged in filling up the Potomac flats. More than half a million dollars has been expended in that work already, and it is not yet completed. What is the purpose of it but to preserve the health of this District? For the same reason, I insist, that we should take possession of this part of Rock Creek and reclaim it; so that its pure waters may flow unpolluted to the Potomac. I relinquish the balance of my time to the chairman of the committee.

[Mr. STOCKDALE addressed the Committee of the Whole, and withholds his remarks for revision. See Appendix.]

Mr. GROUT. I yield fifteen minutes to the gentleman from New Hampshire [Mr. MOORE].

Mr. MOORE, of New Hampshire. Mr. Chairman, when this bill was first brought before the Committee on the District of Columbia it struck me very unfavorably. The proposition, as it came from the Senate, was that the entire expense of this public park should be imposed upon the United States, and the declaration was made specifically in the first section of the bill that it was wholly for the people of the United States. Now, here were two propositions that seemed to me quite untenable. The first was that a public park in the city of Washington could possibly be paid for out of the Treasury of the United States on the assumption that it was not to be for the special benefit of the people of the city of Washington.

It struck me as a very extraordinary, not to say absurd, proposition; and when the matter came up I had the honor of proposing that one-half of the cost of this park should be imposed on the real estate and personal property of the District of Columbia. A little discussion convinced the committee unanimously that if this proposition was to be carried through one-half of the cost should be imposed on the real estate and personal property of the city of Washington, which was to receive the greatest benefit from it.

Now, is this park wholly for the people of the United States, as set out in this proposition? I admit that it will be in a degree for the benefit of the people of the United States and I agree that the people of this country, as they come to this national park in future years, after the park shall have been developed, will find there one of the attractive points of interest. To them, then, it is a matter of value and a matter of attraction. But, gentlemen, it will be of more attraction and more value to the people of the city of Washington. It is to be their breathing place; a place for their summer recreation; they are to receive, in the first place, the greatest and most direct benefit from it.

We now have the bill in a shape that we can reasonably consider, and the question meets us, Has the time come when the Congress of the United States should provide a great public park for the national Capital? The question whether public parks are a desirable accessory for

national capitals is a question of the past in this country and in the world. There is no mistake on that point. There is not a capital city in the United States, not a capital city in Europe to-day, but has spent its hundreds of thousands or its millions for the development of great parks for the benefit of the people.

The gentleman from New York [Mr. SPINOLA] warned us against the expense that will attend the establishment of a great public park at the national Capital. He said he had had experience in New York City in observing the development of the great Central Park, and he warned us that this park, if established, would be a perpetual expense to Congress and the people of the United States.

The inference that the gentleman would have us draw is that in the purchase and development of the Central Park the great city of New York has made a mistake, has taken "an elephant" upon itself. Why, sir, does not that gentleman know that within two years the Legislature of his State has permitted the city of New York to purchase in addition to the Central Park 3,600 acres of land for six central parks, at an expense of \$12,000,000? New York City, the great commercial metropolis of this country, has found Central Park so advantageous to its prestige, so profitable to its material interests, that it proposes to go into the business by the wholesale.

Yet the gentleman would have us believe that New York has not found Central Park a profitable institution. Why, sir, there is no place in New York City which for attractiveness, for value to the city, can be mentioned in comparison with the great Central Park. There is no gentleman on this floor who has visited New York who has not sought, as the first point of interest, that great park, the beauty and attractiveness of which are now conceded by all. The question before us simply is whether here this afternoon in providing for the future of this great Capital city we shall make timely provision for a similar institution at the Capital of the country.

A gentleman on my left has told us that this will be the first time when this Government will have gone into partnership with the District of Columbia in the purchase of a park. I do not know whether that gentleman is as green as I am as a member of this House; but I am not green enough to be ignorant of the fact that at the very last session of Congress a park of 160 acres was purchased in this city, and the United States Government went into partnership with the District of Columbia in its purchase. This is no new proposition; it is a just and proper proposition that this Government, which has this city of Washington, this District of Columbia, under paternal care, shall, in the great improvements that are made here, when it decides they are proper and necessary and wise, put its hand in its pocket like a generous guardian and say that it will pay one-half the expense. That is a wise and a just policy; we have ingrafted it upon this bill and ask the other branch of Congress to meet us on that proposition.

Mr. Chairman, I have only one word further to say. The gentleman from New York has characterized this as a scheme, a private scheme, a speculator's scheme. Who owns this Rock Creek property out here? Is there any speculator in the city of Washington that owns one foot of it? If so, what is his name? The property in question is owned exclusively and absolutely by families that have resided here for a hundred years; and they can be counted on my fingers' ends. There is not a real-estate speculator in the whole number. The gentlemen who are specially interesting themselves in this project are gentlemen who simply represent the best interests of the city of Washington and have no other motive than to provide this city, the Capital of the nation, with a great breathing-place for the thousands who are to reside here. Not one of these gentlemen, I am satisfied, has a dollar's worth of interest in this real estate, and not one of them will receive a dollar's worth of pecuniary benefit from this project.

Our friend from Mississippi has plaintively alluded to the "ancestral homes" that will be desecrated by the purchase of this park and its condemnation by the Government. Sir, I took pains the other day to go out and look over the ground contemplated for this park and to view the "ancestral homes" there. I found just one. It was a log cabin, or the next thing to it, and its residents were two old colored people. So far as I know, they are the only residents in that portion of Rock Creek that will be incorporated in this park if it is purchased by the United States. That is the "ancestral home" that you and I are asked here this afternoon to preserve and shield from the desecrating hands of the United States. I am not afraid of that "ancestral home." But I look to see in coming years a home for the people of this city in this Columbus park—a place like Fairmount Park in Philadelphia, Lincoln Park in Chicago, that glorious old "Common" in Boston, Mass., and that Central Park in New York—where the people of this entire country will find comfort and joy in this unobtrusive retreat.

Mr. SPINOLA. I yield now for ten minutes to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Chairman, I do not know whether it should be a matter of any concern to the Committee of the Whole House on the state of the Union as to what amount of money this bill will require from the Treasury of the United States. Certainly there is nothing in the report of the committee, there is nothing in this bill which reckons that as a matter of any consequence. The only reference to the prob-

able cost of these grounds with which we are furnished by the committee is an old estimate made in 1866, nearly a quarter of a century ago, but there is not an intimation in the report of the value of that property to-day. The city of forty or fifty thousand population has run up to a population of 300,000. The value of that period can not be contrasted with that of to-day.

Now, is there anything in the bill to help the House in this matter? Not in the least, as will be seen by reference to the language of the bill. What is the limit of the expenditure? I ask your attention to the first section of the bill.

It is provided, Mr. Chairman, as follows:

That a tract of land lying on both sides of Rock Creek, beginning at Klinge Ford Bridge, and running northwardly, following the course of said creek, of a width not less at any point than 400 feet, including the bed of the creek, of which not less than 50 feet shall be on either side of said creek nor more than 500 feet on either side of said creek south of Broad Branch road and Blagden Mill road, and of such greater width north of said roads as the commissioners designated in this act may select, shall be secured, as hereinafter set out, and is perpetually dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States, to be known by the name of Columbus Memorial Park: *Provided, however,* That the whole tract so to be selected and condemned under the provisions of this act shall not exceed 2,000 acres.

If it is competent, therefore, for these commissioners, without reference to cost, to go out and select 2,000 acres at this point when they are selected, what follows?

It is then provided—

That the Chief of Engineers of the United States Army, the president of the board of commissioners of the District of Columbia, and the engineer commissioner of the District of Columbia be, and they are hereby, appointed a commission to select the land for said park, of the quantity and within the limits aforesaid, and to have the same surveyed by the assistant to the said engineer commissioners in charge of public highways, which said assistant shall also act as executive officer to the said commission.

Again—

The commission, immediately after making the selection of said tract—

There is nothing said about the cost—

shall make application to the supreme court of the District of Columbia, at a general or special term, by petition containing a particular description of the property required, with the name of the owner or owners thereof, and his, her, or their residence, as far as the same can be ascertained, and said court is hereby authorized and required, upon such application and without delay, to ascertain and assess the damages occasioned by the taking of said land to each owner thereof or to any person having a legal claim to said damages, in the manner provided with reference to the taking of land for highways in the District of Columbia.

Instead of reading this bill, as I would like to do, I am compelled, in the brief time allotted to me, to confine myself to merely reading extracts.

It is then provided:

SEC. 4. That the fee-simple of all premises so appropriated for public use, of which an appraisalment shall have been made under the order and direction of said court, shall, upon payment of the appraised value to the owner or owners, respectively, or to such persons as shall be appointed to receive the same for any such owners, be vested in the United States.

There is not a word here about the cost. Not exceeding 2,000 acres are to be selected. When condemned by the commission and the fee-simple vested in the United States, are you to be led into the belief that, because a million of dollars is after this to be appropriated for payment of lands taken and other incidental expenses, one-half to come out of the District of Columbia and one-half out of the United States, that means any limitation? Not so.

The first and second paragraphs are conclusive as to damages. The property is to be condemned and their rights vested at once. The appropriation of \$1,000,000 has nothing to do with the size of the park or the cost of it. When you have your bill what is your guaranty? At the next session of Congress it will be alleged the property has been condemned and the amount of money appropriated does not appear to be sufficient to pay for the property which has been condemned.

I say, sir, I would like to know whether in the face of this bill this House, reckless of the cost of this park, is going to shut its eyes to the possibility of the enormous expenditure which may flow from it.

A good deal has been said about the necessity of a park for this Capital and of parks for all the great cities throughout the world, and hence this bill must pass. Is that a fair inference as to the necessities of Washington? From this Capitol down to the river lie over 200 acres of land, a beautiful drive along the banks of the river, and adjoining that the flats are being reclaimed, the estimates of the engineers being that we will have 700 additional acres there, making 900 acres of land in one body constituting this park. Few other cities in the land have such parks as that.

In addition to that we have little parks all over the city in every direction you may turn. So far as the northwest portion of the city is concerned what more beautiful ground can there be than that out towards the Soldiers' Home? What a resort it is to-day, not only for Washingtonians, but for the people of the United States from all parts of this country who visit the Capital. Does it render it the less attractive or beautiful or any less inviting because, forsooth, it does not take any money out of the Treasury of the United States? Is that the beautiful part of the park, the money part of it, the large portion of money for the purchase of ground in the northwest portion of the city?

Mr. GROUT. I yield ten minutes to the gentleman from Mississippi [Mr. Hooker].

Mr. HOOKER. Mr. Chairman, the proposition for the creation of a public park in the immediate vicinity of Washington is not now for the first time submitted to the attention of the Congress of the United States. On the contrary, this proposition was made many years ago. The earliest date regarding this matter refers to what was known as Senate bill No. 549, introduced in the Thirty-ninth Congress. Upon this bill Major Michler, of the United States Army, made a full and elaborate report to the Senate on the 29th day of January, 1867. Again, on the 12th day of February following, Senator B. Gratz Brown called up the Senate bill, as will be seen by reference to the Congressional Globe, part 3, second session of the Thirty-ninth Congress, 1866-'67, page 1577, and made an elaborate speech upon it.

At various times afterwards the same proposition was submitted for the consideration of the Congress of the United States, and in 1883 a memorial signed by three prominent citizens of Washington, Messrs. W. W. Corcoran, W. Strong, and Josiah Dent, was presented to Congress praying for the establishment of such a park, and in the House of Representatives on the 23d day of July, 1886, a bill was introduced, read twice, and referred to the Committee on the District of Columbia, and on January 31, 1887, this bill was reported from the committee, was referred to the House Calendar, and, with its accompanying report, ordered to be printed.

At a subsequent time, in the Senate of the United States, namely, on the 23d day of April, 1888, Mr. Beck, of Kentucky, introduced a bill for the purpose of establishing what was considered a part of this park at that time; and at a subsequent period, in the House of Representatives, on January 9, 1888, a similar bill was introduced and referred to the Committee on the District of Columbia and ordered to be printed; and on July 20, 1888, the bill was reported with amendments, referred to the House Calendar, and ordered to be printed. A similar bill was presented in the Senate on the 21st day of December, 1888, and again in the House of Representatives on January 24, 1889; which bill was read three separate times, referred to the Committee on the District of Columbia, and ordered to be printed. On January 26, 1889, the bill was reported with amendments, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

In the last Congress of the United States, the Fiftieth Congress, a similar bill was introduced providing for the purchase of similar ground for the establishment of the park near Washington; and in the able report which was made by the chairman of the committee in the last Congress, the gentleman from South Carolina [Mr. HEMPHILL], he gives some data as to what had been the cost of parks in various other cities of the United States, and I will only read a small portion of that very able report, where he says:

Even smaller cities than Boston, such as New Haven, Bridgeport, Albany, Buffalo, Montreal, and others, have been provided with rural parks.

I call the attention of the committee especially to the cost of procuring and laying out these parks as set forth in the able report of the learned gentleman from South Carolina, who was chairman of the committee at that time. From this report it will be gathered that the city of Baltimore paid for Druid Hill Park \$693,000, and it has besides several smaller parks. Fairmount Park, in the city of Philadelphia, was secured at a cost, in round numbers, of \$6,300,000. Central Park, in New York City, was purchased for the sum of \$6,323,033.55; and the city from which my eloquent friend, General SPINOLA, comes has, in addition to that, other parks costing large sums of money. Prospect Park, in Brooklyn, was secured at a cost of \$3,919,370. St. Louis has several large parks, the largest of which cost \$849,058.61, and the total acreage of the parks in that city is 1,788.59. Although much of the land was donated, the cost of the same amounted to \$1,309,944.06.

Now, Mr. Chairman, at present ground suitable for a national park here in this city can be obtained by condemnation or otherwise at a reasonable cost. We can see by the instances cited by the chairman of the committee for how small a sum, comparatively, this ground could have been purchased twenty years ago. It is to-day, of course, much higher; but every day grounds are growing more and more valuable; and if a park is to be established in the vicinity of Washington similar to those which are established in every other great city of the country, it seems to me that every day and every hour and every Congress it is delayed and postponed enhances the value of the ground and makes the purchase of that which could be had comparatively cheap now a subject of considerable enhanced expenditure in the future.

Besides that, the proposed park does not lie at a distance of 6 miles from the city of Washington, but only 3, and perhaps less. The ground may be purchased at a small sum, comparatively speaking, while it is increasing every year in value. It is also stipulated in the bill that the District of Columbia shall pay its one-half proportion for the purchase of the ground to be condemned. And in answer to the proposition of the gentleman from Illinois [Mr. PAYSON] with reference to taxing, for the purpose of this bill, the lands adjacent to the park, I believe that measure would be in a degree impracticable, but the ground adjacent to the park, when it is created, will be greatly increased in value, and in proportion to that increase they all bear their burden of taxation imposed for the creation of the park.



Sir, in the great parks adjacent to the large cities of this country, New York, Philadelphia, Boston, St. Louis, Chicago, and even in the great National Yellowstone Park, on which the Government has spent so large an amount of money for its creation and preservation, we have samples of what has been done by the Government and what has been done by the great cities of the country. Is it, therefore, improper that this city shall have a park when it is the seat of the National Government, the place of all others where the citizens of the United States do congregate to enjoy the objects of national interest? Shall it be said that this city alone ought not to have a park? Why, sir, what is the great object of interest to the visitor who goes to the great commercial metropolis of this country—New York? His first drive is to the great Central Park of New York, which cost, as I have said, over \$6,000,000.

It has been said that this expenditure was designed and intended to benefit the wealthy and the rich, and not the poor. Why, sir, it has been the design of every city of this country in establishing parks that they should be for the poor as well as the rich. They are open to all. The pure air and sunshine are breathed there alike by the poorest as well as the wealthiest. I shall never forget that a few years ago when I visited the great city of New York and went, like other strangers, to its great Central Park, in taking my seat in one of the boats on one of the magnificent artificial lakes which adorn that park I saw a plainly dressed woman take her seat in the same boat with me, and heard the expression of gratification: "Thank God! Here the air and the sunshine are free alike to the poor as well as the rich."

This is one instance where all are benefited alike and proved that there is a place of recreation in the city of New York where the poor, as well as the rich, can go, "without money and without price," when they go to the great Central Park. So in Fairmount Park, Philadelphia; so with the two great parks I have driven through in St. Louis, and so in the magnificent parks of that great city that sits upon the banks of the glittering lake—Chicago, where you have determined to hold the centennial of 1892. They are the lungs of the city. They are the avenues where all classes of people mingle; they belong to nobody, but are especially designed for the benefit of those who can not make a place of recreation for themselves.

I submit, therefore, sir, that it is a proper time now to adopt a suitable bill, if this is a suitable bill—and I have not had time to examine it in its details—but I say that its purpose and object ought to commend it to the Committee of the Whole and to the Congress of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYSON. Mr. Chairman, I do not propose at this time to discuss the matter that I specially have in mind in connection with this bill. I rise now more for the purpose of calling attention to the amendment which I shall offer when the bill shall be under consideration by sections for the purpose of amendment, rather than to discuss the general features of this bill.

I have heretofore opposed the passage of this bill and in its present form shall oppose it now. I shall endeavor to be brief in what I have to say here. In the main, as to many things that are desirable, which we propose in legislation, they are not always a necessity; and for the public park in this locality, as to the necessity for it, Mr. Chairman, I insist that the burdens that it imposes ought to be borne by others than those contemplated by this bill. The gentleman from New Hampshire [Mr. MOORE], a member of the committee, is pleased to say that he had the honor of proposing, in the bill which is now under consideration, that one-half of the expense should be borne by the people of this District. That is not a discovery. That has always been upon the proposition since it first came before Congress, so far as I am advised.

I have in my hand, Mr. Chairman, a bill reported to the Fiftieth Congress by the gentleman from South Carolina [Mr. HEMPHILL], whom I now see before me. The proposition was the same then as now: that one-half of this expenditure should be paid by the people of this District and the other half out of the general Treasury. One phase of this question has not been presented here in argument by the gentleman from Vermont [Mr. GROUT], the chairman of the committee. He says that the proportion of cost which the District of Columbia will be expected to pay under this bill can be paid out of the funds that are now in the treasury of the District. From that it would appear that there is a plethora of money in the treasury of the District in the hands of the District authorities now. Will the gentleman remember that the funded debt of this District to-day is \$20,000,000 and that the annual taxation of the District is \$1.50 on each \$100 of assessment? And I bear in mind another point. It is proposed that the District be liable for one-half of the public expenditure.

I remember an observation that I made in the Forty-ninth Congress from the seat now occupied by the gentleman from Massachusetts [Mr. BANKS] adjoining me, when it was proposed in that bill, as it is in this, to spend \$1,500,000 for this park, which is so far in the country that it can not be seen from this Capitol, that in the great northeastern portion of this city there was not a paved street connecting it with the southeast portion of the District. There was not a paved street there then, and I believe there is only one there now. Then, sir, one of the public schools in this District was in such a condition that its furniture and appliances would be a disgrace to a country district in the

State of Illinois. One door in a school-house in the northeast quarter of this city was only held closed by being propped by a fire-shovel. [Laughter.] Yet we have money enough to enter upon this expenditure for this breathing-place, as it is called.

Let me say in this connection to the gentleman from Pennsylvania, [Mr. ATKINSON], whom I do not see in his seat, but whom I see beyond the rail, when he undertakes to say that this city is more deficient in breathing-places for the poor than any other city in this country or in the known world, I meet that statement with this assertion: that no city is better provided in that regard than Washington is to-day. Those gentlemen who are in favor of this bill point to us the great cities of this country and institute a comparison between the city of Washington and the great cities of New York, Philadelphia, Boston, and Chicago on this continent, and to London, Liverpool, and Paris. Mr. Chairman, I wish to say that there is not what is known in a metropolitan sense in the city of Washington a single tenement house, such as there is in the city of New York for tenement purposes, of four, five, and six stories high.

Mr. O'NEILL, of Pennsylvania. Nor is there in Philadelphia.

Mr. PAYSON. Possibly they are not in Philadelphia, but in these other cities I know they are from personal observation.

I say there may be a necessity for breathing spaces in such cities, but will the gentleman bear in mind that there is not one such house in the whole city of Washington, and never will be? Mark the prediction: This city will never be a manufacturing city. There will never be that crowded population here, block upon block of poor laboring people, who from necessity are compelled to herd in such localities.

Mr. ATKINSON, of Pennsylvania. Does the gentleman deem it desirable that there should be tenement houses here?

Mr. PAYSON. No, sir, I do not; but I am talking about the actual fact. And now, Mr. Chairman, coming to what I rose to say, if this park is deemed to be desirable that phase of the question I do not propose to debate further, provided those whom in the first instance it specially and specifically benefits shall pay their proportion of the cost of it. I propose, at the proper time in the consideration of this bill, to offer as an amendment a proposition which finds itself in the statute laws of the State of Illinois and which, I am advised, is to be found in the statutes of nearly every State in this Union, a provision that where public improvements of this kind are projected and consummated a special assessment shall be laid first upon the property which is to be specifically and directly benefited by reason of the improvement, and *pro tanto* that that shall be paid first, and if, after that, the cost of the improvement shall exceed the direct benefit conferred upon the adjacent property, then it may be paid for, one-half by the District of Columbia and the other half from the general Treasury. That proposition not only commends itself to the good sense and the good judgment of the people everywhere, as I think, but it is the result of the experience of legislators in all localities this Union over.

The great South Park that we have in Chicago was paid for substantially in that way; the extension of Lincoln Park, on the North Side, was made substantially in that way; the great string of parks on the West Side was made substantially in the same way; and I am told by gentlemen from the city of New York that one-half the cost of Central Park was paid in the same way. Now, knowing, as we all do know, that this park has for its promoters and instigators gentlemen who have made large investments in country property for speculative purposes—and I do not criticise them for that—it seems to me that this proposition should commend itself with special force to our acceptance in this case. That property in the northwest is held for speculative purposes and this great improvement, which will run ultimately into an expenditure of four, five, or six millions of dollars, will greatly benefit that property. This bill innocently says that "\$1,200,000 is hereby appropriated," but that is only a starter.

This scheme began a few years ago with \$500,000 as a "rider" upon the District appropriation bill. Then a little more was added, and more specific terms were used in the bill, until here we have a proposition for a park to which there is no limit on the north, for there is no limit in this bill as to the distance these commissioners may go in that direction. They are restricted, it is true, to 2,000 acres of land, but the width is narrow, and nobody can tell or can predict what will be the northern limit of the park. There certainly is no limitation of it in the bill, nor is there any limit to the cost.

The report which comes with this bill from the Committee on the District of Columbia is more remarkable for what it does not contain than for what it does contain. No estimate is given as to the cost of this project, no statement of the basis upon which it shall be made—

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYSON. I reserve the remainder of my time.

The CHAIRMAN. The gentleman owes the committee about a minute. [Laughter.]

Mr. GROUT. I now yield one minute to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. Mr. Chairman, I have asked the gentleman to yield me one minute more to add a word which I had not time to say while I was on the floor before. The amount of land proposed to be taken for this park is only 2,000 acres. In comparison with the acreage allotted

to parks in our great cities or even in some of the smaller cities of our own country, this is quite small, but when you come to contrast it with the amount of acreage embraced in the parks of the great cities of the Old World it sinks into insignificance. In London alone the acreage in parks is 22,000 acres. In Paris the acreage in parks is 58,000 acres. In Vienna the acreage is 8,000; in Berlin it is 5,000 acres, and in Dublin it is 1,900 acres. This is a proposition to create a park of only 2,000 acres, with a provision that full compensation shall be paid to the owners of the property under the processes by which property is usually taken for public purposes.

As to the question of the power of the District to bear its portion of these taxes, if it be true, as suggested by the gentleman from Illinois [Mr. PAYSON], that there will be an increase in the value of the lands adjacent to this park, then they will have to bear their ratable portion of the District's share of the cost of this enterprise.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KERR, of Iowa. Mr. Chairman, following what has been said by the gentleman from Illinois [Mr. PAYSON], I will state that in the last Congress a good deal of complaint was justly made that the money which we were appropriating here for the District was used for the purpose of advancing the interests of men living or owning property in the suburbs, while at the same time the public streets of the city were neglected. And I remember it was said very generally that this came to pass on account of the large social influence of the men who were projecting these enterprises and favoring these projects because they had so much money invested in the suburbs. Now, within the last few days we have had an illustration of that. We have been told, and I have no doubt that it is correct, that the late President of the United States has sold a tract of land, which was aided in the improvement of its value by the appropriations of Congress, for \$100,000 more than it cost him two or three years ago.

Now, this kind of improvement is in the same direction. Common justice would have required, if the principle could have been applied, that this large increase of value in property adjacent to the Zoological Park should be paid for by the men who have reaped such large sums of money from the advance in price; and such a measure is very properly suggested by the amendment proposed by the gentleman from Illinois.

Mr. Chairman, I undertake to say that the city of Washington is today better provided with parks than any city of its size in the country. The gentleman from Pennsylvania has mentioned the fact that Chicago has 2,100 acres devoted to public parks. What has Washington? There is the reservation down here south of the Avenue, embracing 200 acres or more. There is Soldiers' Home, with 640 acres. There is Arlington, with 300 or 400 acres. There is the Rock Creek Zoological Park, with 200 acres. The land appropriated in this city to public parks far exceeds the amount appropriated for such purposes in St. Louis or Chicago.

We have been told what space is appropriated for public parks by European cities. One gentleman tells us that Paris has 58,000 acres appropriated to such purposes; another gentleman makes the amount 170,000 acres. I rather think the gentlemen do not know how many acres that city has. But at any rate I believe there is no necessity in this city at the present time for any additional ground for parks.

The city of St. Louis found, as it grew, a necessity arising for parks; and public-spirited citizens gave the necessary ground for that purpose. One St. Louis gentleman, Mr. Shaw, has made his name immortal by giving to St. Louis that large park which is now talked of as having been paid for by the city. I say that as this city enlarges, if it does as much as is claimed—

Mr. HEARD. Will the gentleman allow a correction?

Mr. KERR, of Iowa. Yes, sir.

Mr. HEARD. The park to which allusion was made as having been purchased by the city of St. Louis was not the Shaw Park, but the Forest Park, a very large body of land in the northwestern part of that city.

Mr. KERR, of Iowa. I knew that the Tower Grove Park had been given to the city by Mr. Shaw. But as I was saying, this city will no doubt be provided with additional parks by public-spirited citizens when the time calls for such gifts. To-day large sums of money are being expended to improve the flats down here by the river; and we all know that, as they are rescued from overflow, they will be beautified and made places of resort for the people, who will be able to go there without expense, as they frequent now the various reservations of the city.

Mr. HOOKER. Will it not take two hundred years to make a park upon the reclaimed ground of the flats, at the rate at which the work has been proceeding?

Mr. KERR, of Iowa. I understand that in a few years the bed of that river will be lowered some 15 or 16 feet; and then all that ground will be reclaimed, affording a breathing-place for the people.

Mr. Chairman, this city of Washington is growing to be a very expensive necessity to the people of the United States. We are beginning to think, out West, that if the people here want breathing-places they should provide them by taxing themselves, just as Chicago, St. Louis, and other places have done. We are voting large sums of money

for expenditures in this Capital. At the last session we voted \$6,000,000 for a public building here; and other necessary public buildings are being provided for at this session. People from other parts of the country who come here are thinking it is about time that the people of Washington, if they want these expensive luxuries—matters which are not necessary for the support of the Government—should pay for them themselves.

Mr. HEARD. Does not the gentleman understand the fact that the people of this District, if they were willing to pay the entire expense of this or any similar project which they might think desirable for the interests of their city, are nevertheless utterly powerless to do so unless express authority be given by Congress? In other words, while Congress has the power to spend all the money which may be gathered by taxation from the people of the District and placed in the Treasury of the United States, the people themselves without the authority of Congress can not spend one cent of the money so collected.

Mr. KERR, of Iowa. In answer to the gentleman, I will say that if he will introduce a bill to authorize the people of this District by popular vote to tax themselves for public parks the proposition will have my earnest support.

[Here the hammer fell.]

The CHAIRMAN. The gentleman from Vermont has twenty-four minutes remaining; the time of the other side is exhausted.

Mr. GROUT. I yield two minutes to the gentleman from Missouri [Mr. HEARD].

Mr. HEARD. Mr. Chairman, without committing myself to the support of this bill in its present form or in any other form which it may probably assume, I want to impress on the House this fact: I believe it is the conviction of the majority of this body that the property which it is contemplated by this bill shall be purchased for park purposes ought to be so secured and reserved. I believe that is the common opinion of this House. Now, I want to suggest further that the proportion of taxation for the expense of public improvements in this District which by existing law is apportioned to the Federal Government is one half; in other words, the District pays one half of such expenses and the General Government the other half. If that basis is wrong as applicable to this measure, it is perfectly competent for Congress to modify the rule and require this District to pay more or less than one half, as may be deemed proper.

But if this House believes that the District should pay more than half, or even the whole, of this expense, while it also believes that this ground should be reserved, that the power should be vested somewhere to purchase it for the purpose of reserving it, let us at least enact such a law as may authorize the securing of the ground, though the District may have to pay the entire expense. We do not want to lose sight of the fact that it is necessary to have express authority from Congress for this purpose, since the District can not spend one dollar of its own money for any purpose until authorized by Congress, although Congress can spend the money of those people without their consent.

It is competent for the gentleman from Iowa [Mr. KERR] to offer an amendment of that character to this bill, as it is for the gentleman from Illinois [Mr. PAYSON] to propose that the expense to be incurred in the purchase of this ground shall fall largely upon the property in the immediate neighborhood, or property which, in the judgment of the commissioners, will be largely increased in value.

Mr. KERR, of Iowa. Would it be proper to compel the citizens to bear this expense without submitting the question to a vote?

Mr. HEARD. I had not considered that Congress would probably compel this District to pay the whole of this expense, though it may so decide. As to the suggestion of suffrage in this District to settle any question, the gentleman from Iowa is as competent to decide such a matter as I am.

[Here the hammer fell.]

Mr. HEARD. I do not understand how my time is curtailed.

The CHAIRMAN. The gentleman from Vermont [Mr. GROUT] yielded to the gentleman two minutes.

Mr. HEARD. Well, I have said about all I care to say. I simply wanted to impress on the House the fact that the District is powerless to buy this ground or do anything else with the money collected by taxation of its people without the authority of Congress; and if this House believes that ground ought to be purchased and set apart as a park, even though it wants to make the District pay the whole expense, we ought to pass a law which will authorize the acquisition of the property by the District; otherwise the District can not take any step in the matter.

Mr. GROUT. I yield to the gentleman from South Carolina [Mr. HEMPHILL] the remainder of the time.

Mr. HEMPHILL. Mr. Chairman, it is not my purpose to detain the House with any very lengthy discussion of this measure. Some points which have been made against it by gentlemen who I have no doubt are earnest in their opposition seem to me to be rather unfair, and therefore I desire in defense of the committee to make a statement which will set us right before the House and the country.

It is stated there is no limit either to the amount of land to be acquired or the amount of money to be paid for it. The gentleman from Georgia [Mr. BLOUNT] read the first section of the bill, but failed to



read a part of the fourth section, which I think puts a limit on the amount of money.

Mr. BLOUNT. I referred to it.

Mr. HEMPHILL. But you did not read that which I think puts a limit on the amount of land to be acquired and the amount of money to be paid.

Mr. BLOUNT. I did not have time to read the whole of it.

Mr. HEMPHILL. After limiting the acreage to 2,000 acres, the bill provides that the land—

shall, upon payment of the appraised value to the owner or owners, respectively, or to such persons as shall be authorized to receive the same for any such owners, be vested in the United States.

So that when these commissioners condemn this land and go to court and the value of the property is assessed and the money paid for it, then it becomes the property of the United States, but until that time it is the property of the individual.

So before the United States can acquire the property the commissioners must condemn it, and they can not condemn it unless they pay for it. They can not pay for it, of course, unless the money is appropriated, and this bill appropriates only \$1,200,000. So there is an absolute limit as to the amount of land to be taken and the amount of money to be paid for it.

Mr. BLOUNT. Has the gentleman time to allow me to submit a question?

Mr. HEMPHILL. Yes.

Mr. BLOUNT. Is it not true the commissioners are authorized to go on and lay off as much as 2,000 acres of land, no valuation being made at the time?

Mr. HEMPHILL. Yes, sir.

Mr. BLOUNT. Are they not authorized to go into court and have it condemned?

Mr. HEMPHILL. Yes, sir.

Mr. BLOUNT. Without reference to valuation up to that point?

Mr. HEMPHILL. Yes, sir.

Mr. BLOUNT. Suppose the valuation of 2,000 acres shall exceed by double the amount of bonds authorized to be issued in this bill in money, what will be the probable action of the commission?

Mr. HEMPHILL. The proposed action has not—

Mr. BLOUNT. It is proper for us to understand that when we are legislating. They would go into court, and if they have money enough they would pay for it. Is it not inevitable we would be compelled to pay for the balance of the tract?

Mr. HEMPHILL. Oh, no. There is but one way to limit this amount, and that is to say there shall not be more than 2,000 acres of land taken, and to say it shall not cost more than \$1,200,000. You can not say what it is to cost unless you go into court and the jury pass upon it. If the commissioners have laid their hands on more than they can pay for, the owner does not cease to be the owner and the property does not vest in the United States until the money is paid. If the money is not paid, the land does not come to us.

Mr. PAYSON. Will the gentleman yield to a question?

Mr. HEMPHILL. Yes, sir.

Mr. PAYSON. Is there such a limit in the bill?

Mr. HEMPHILL. Yes; in section 4, page 3.

Mr. PAYSON. Read it.

Mr. HEMPHILL. I have read it to the House.

SEC. 4. That the fee-simple of all premises so appropriated for public use, of which an appraisal shall have been made under the order and direction of said court, shall, upon payment of the appraised value to the owner or owners, respectively, or to such persons as shall be authorized to receive the same for any such owners, be vested in the United States.

And until the money is paid the title does not vest.

Mr. PAYSON. Where is the gentleman reading?

Mr. HEMPHILL. From the fourth section, third page. I suppose the gentleman has the wrong bill.

Mr. PAYSON. I have the Senate bill.

Mr. HEMPHILL. Is it the Senate bill reported by the committee?

Mr. PAYSON. Does not that refer to the specific tract?

Mr. HEMPHILL. It refers to the condemnation of the land the commissioners may select.

And another thing, Mr. Chairman; this \$1,200,000 is not the only money to be used for this purpose, though it is the limit fixed for the expenditure; because it is expressly provided that when a portion of a tract of land is taken for the purpose of this park the benefits which are to arise from the laying out of the park by the enhancement of property values shall be assessed against the remainder of such property. So if a man has a hundred acres of land adjacent to the park and it is decided by the commissioners that they will take one-half of the land, and the remaining half is enhanced in value so as to become equal to the value of the whole before the establishment of the park, in that event we do not pay the holder of the land a cent. That, however, we can not compute for ourselves.

It is a subject to be ascertained by the jury. The jury must first pass upon that question. And now the gentleman from Illinois [Mr. PAYSON] proposes to further amend the bill by inserting an additional pro-

viso that if lands adjacent to the park are enhanced in value by the laying out of the park, although no part of such tracts are taken, but if there be a substantial enhancement in value, such lands shall also pay a portion of the assessment.

Mr. STONE, of Kentucky. But who is to determine the question of enhanced value?

Mr. HEMPHILL. That is to be determined by the jury drawn under the regular forms of law prescribed in the District, the law that is in operation for the settlement of all such questions relating to the condemnation and appraisal of lands for public purposes. It is further provided that if either side is not satisfied with the decision of the jury, express provision is made for an appeal to a second jury, so that justice can be done to all.

Mr. STONE, of Kentucky. But I mean in reference to the increased value?

Mr. HEMPHILL. The jury decides as to the increase in values.

Now, in addition to that, so far as the Committee on the District of Columbia has been enabled to ascertain by a most thorough, diligent, and honest investigation of the question, this proposition is as free from the taint of speculation as any scheme or project, as gentlemen have called it, that has ever been proposed to this or to any other legislative assembly. Further, I will say that the property proposed to be taken for the purpose of this park is owned, as has been said by the gentleman from New Hampshire, by a set of people who have not petitioned Congress to take it for any purpose. Not a single owner of land has appeared before the committee in this Congress, with one exception. One owner appeared and stated his position in regard to the matter, but we refused to amend the bill as he asked that it should be amended.

There can be no objection to the expenditure of this money, therefore, for the establishment of this park and the taking of this land, upon the mere assumption that somebody or other is to be benefited by it. In the consideration of a proposition of this character, where the transaction is plain and open, it is not a question whether somebody is going to be benefited by it or whether somebody's property is to be injured by it. The true question and the only question, if the propriety of the work commends itself, is whether it is a reasonable and proper expenditure for the benefit of the people and all the people. That is the question, and if somebody makes money or if somebody loses money by it that is a matter which should not influence a single vote in this House.

Now, Mr. Chairman, it is hardly worth while to take up a great deal of the time of the committee in discussing the question as to whether or not this park is needed. I have listened with a great deal of interest to the objections of various gentlemen, who have founded their arguments upon different phases of the question; but I have not found one which addresses itself to my mind as likely to influence any man who wants to do justice to the people of the District. Some gentlemen say that we ought not to vote money from the public Treasury to lay out a public park in this city. But gentlemen must remember that the Congress of the United States has taken upon itself the decision of all questions relating to this District. It has deprived the people of the District of the right to determine what shall be done with their money or whether they might appropriate that money for a public park or for any other purpose. Practically they have no control of the matter. They are not permitted to say whether they will vote their own money to purchase this park or not.

Mr. BLOUNT. And they are not very anxious to do it, I understand.

Mr. HEMPHILL. That may be, and if I were a property-owner in this District, which I am not, I would be in favor of the present system of Government as opposed to the old system. But when Congress takes upon itself the power and authority to appropriate the money of this people without their say-so, it does not lie in the mouth of Congress to say that that which is done in every other city in the land, where the people are permitted to control their own affairs, shall not be done for the people of this city and this District. Congress has taken to itself the right to decide how the money shall be spent. Shall we refuse to spend it according to the wishes of the people or in that manner which seems to be dictated by common sense? The experience of the world is that what is proposed here is done in all other cities which control their own affairs.

Now, what is the park for? What is the use of it? The gentleman from Mississippi [Mr. STOCKDALE] consumed much time in talking of "pleasure drives." I am a poor man myself and I represent a poor people; but I never have yet, and I hope I never will in the future, be moved by that spirit which objects to a man riding in a park or on good streets, provided he is able to pay for the privilege. If I can not ride I can walk; and I am as much entitled to the free air of heaven and the benefits of a public park as the man who is able to drive in his carriage. But the principal object of the park is to meet the needs of this rapidly growing city; and unless gentlemen are going to pass a statute to prevent the increase of the population of the city of Washington some provision must be made for a public park when this city becomes much larger than it is to-day.

Mr. STOCKDALE. Will the gentleman permit me to ask him a question?

Mr. HEMPHILL. Certainly.

Mr. STOCKDALE. In that view of the case, and to which I assent—that the gentleman has a right to ride in a park if he is able to pay—do you believe that the Government of the United States has the constitutional power to take from a man, or from the people, their property for the purpose of establishing a pleasure park, and not for necessary public purposes?

Mr. HEMPHILL. Oh, it has been decided over and over again, and every city in the Union takes private property for such purposes. If that is what troubles the gentleman, it need not concern him in the least.

Mr. STOCKDALE. That is the gentleman's answer?

Mr. HEMPHILL. Yes, sir; that is the answer.

Mr. STOCKDALE. That is hardly a fair answer. The gentleman seems to evade the question.

Mr. HEMPHILL. And further, Mr. Chairman, the poor people are as much interested in this as the rich people. There can be no better investment of public money to a reasonable and just extent than to provide some place where the poor people shall have an opportunity to go and where they may reap the benefits which come from communing with nature.

We know that the rich people of this city, as well as any other place, can go to the seashore in the summer or they can go to the mountains when diphtheria or any other complaint of that kind appears in the city; but the poor people of the city are not able to get away from it. I say that there is not a poor man or a rich man of this city who has come to the District Committee and protested against the appropriation of this money for the purposes for which it has been asked. This measure, as has been suggested, has been before Congress in various ways for a number of years, and not a single man, woman, or child has protested against it so far as I know.

In addition to that, I want to ask any gentleman if he knows of the citizens of any city of this Union who have ever petitioned that a park once laid out should be taken and devoted to private use? The city of New York, that has spent \$15,000,000 on the great Central Park, does not ask that that park shall be reappropriated to private uses and that the people shall give up their claim to it. The city of Philadelphia does not ask, sir, as far as Fairmount Park is concerned, that it should be again devoted to private use.

There is not a gentleman on this floor who does not realize that it was a wise thing in the original design of this city that provision was made for public parks, circles, and squares; and as the city is spreading out to-day we are doing exactly the same thing. If we are going to be governed by the utilitarian sense of this, let us sell these magnificent grounds around the building where we are now. They are utterly useless so far as any practical purpose is concerned. No crops are produced on them. But no man here would stand up and go in the face of civilization by asking that the ground which surrounds this Capitol of the nation should be sold out and private buildings put upon it; and if this bill is passed and this park appropriated to a public use I will guarantee that no man will come to this House in any future year who will be willing to introduce a bill here to ask that this property shall become private property and be devoted to private uses.

But in addition to that, Mr. Chairman, I believe that the land on this creek must either be made a public park or the creek will become a common sewer for all that part of the city. These two things I know, that the land on Rock Creek can be either made a beautiful, health-giving park or the creek will be a sewer which would stink in the nostrils of this District and breed disease among the people who live in proximity to it.

I do not know, Mr. Chairman, that there is anything more that need be said in advocacy of this measure. I think it is one that ought to pass, and I think that this measure is as free from private gain as any that will ever be introduced on this floor.

The CHAIRMAN. The time fixed for general debate has expired. The Clerk will now report the amendments recommended by the committee.

The Clerk read as follows:

In line 8, after the word "creek," strike out the word "or" and insert "nor."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

In the same line strike out "for."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

In line 15, after the word "States," insert the following: "To be known by the name of 'Columbus Memorial Park.'"

Mr. ADAMS. I move to amend the committee amendment by striking out the word "Memorial," so as to leave it "Columbus Park."

Mr. GROUT. The committee makes no objection to that amendment. The amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the committee as amended.

Mr. BLOUNT. I move to strike out the last word.

The CHAIRMAN. The question is on the amendment proposed by the committee. Does the gentleman desire to be heard?

Mr. BLOUNT. Oh, no.

The amendment was agreed to.

The CHAIRMAN. The Clerk will now read the first section of the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That a tract of land lying on both sides of Rock Creek, beginning at Kingle Ford bridge and running northwardly, following the course of said creek, of a width not less at any point than 400 feet, including the bed of the creek, of which not less than 50 feet shall be on either side of said creek, nor more than 500 feet on either side of said creek south of Broad Branch road and Blagden Mill road, and of such greater width north of said roads as the commissioners designated in this act may select, shall be secured, as hereinafter set out, and is perpetually dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States, to be known by the name of Columbus Park: *Provided, however,* That the whole tract so to be selected and condemned under the provisions of this act shall not exceed 2,000 acres.

Mr. PAYSON. I offer an amendment to come in at the end of the section.

The Clerk read as follows:

Add to the first section the following:

"Nor the total cost thereof exceed the amount of money herein appropriated."

The amendment was agreed to.

Mr. STOCKDALE. I offer the following amendment.

The Clerk read as follows:

Add to section 1 the following:

*Provided further,* That after the survey shall have been made and the boundaries of the park proper designated, the commission shall then cause to be surveyed a tract of land of 600 acres contiguous to said park proper, the title of which shall be vested in the United States as herein provided for the park proper. That 300 acres thereof shall be divided into squares and lots and sold, the profits thereof to be applied to reimburse the United States and the District of Columbia for the outlay in the purchase of the park. That the other 300 acres shall be divided into squares and lots and held by the United States, and buildings erected thereon and leased for a perpetual income to defray the expenses of keeping up the park, which said property shall be so sold and leased as Congress shall hereafter provide."

Mr. GROUT. Mr. Chairman, is not that amendment subject to a point of order?

The CHAIRMAN. The Chair thinks not.

Mr. GROUT. It is not germane.

The CHAIRMAN. The Chair does not think it subject to the point of order.

Mr. STOCKDALE. I desire to say—

Mr. GROUT. I withdraw the point of order. I will waste no time on that.

Mr. STOCKDALE. I desire to say of this amendment, if the Government has power to condemn people's property for a pleasure park, it has the same power to condemn 2,600 acres that it has to condemn 2,000 acres. It will be no greater hardship upon the owners who shall be deprived of the 600 acres than it will upon those who will be deprived of the 2,000 acres; and if the Government is to adopt this high-handed measure I can not see why it may not avail itself of the same power and create a fund that will perpetually support and keep up the park without expense to the Government. The greater the city becomes and the greater the expense of the park the greater will become the income.

Therefore, if this additional 600 acres shall be condemned the property outside of that again will be enhanced in value and these 600 acres can be so utilized by the Government as to defray the expense of this park and refund the purchase-money, while the other 300 acres can be so used as to yield a perpetual income to defray the current expenses of the park. So that, according to the argument of the gentlemen who favor this bill, particularly the gentleman from South Carolina [Mr. HEMPHILL], who says that it is not a question as to whether anybody will lose by it or will make by it, but is a simple question of benefiting the people of this District—in that view, I say, it is entirely proper to take this additional land and make a perpetual pleasure ground without costing the Government a cent. Doubtless gentlemen who favor this bill will well say that the Government has no right to forcibly take people's property to maintain a pleasure park. So I think; but if no power exists to take property to maintain it no power exists to take property to make it. I will oppose the bill even if amended, because I think it wrong in principle and a usurpation of power, and one object of offering this amendment is to emphasize that feature of the bill; but if the House is determined to fasten this everlasting expense on the people I say this relief measure ought to go with it.

The question was taken on the amendment of Mr. STOCKDALE, and it was rejected.

Mr. BLOUNT. Mr. Chairman, I move to strike out the last word. The amendment of the gentleman from Illinois [Mr. PAYSON] has removed, in a measure, the objectionable character of this bill, but not entirely. Under the provisions of the bill it is the absolute duty of these commissioners, not limited by this appropriation, to go on "to lay out and prepare roadways and bridle-paths, to be used for driving and for horseback riding, respectively, and footways for pedestrians," etc. I do not know what amount that will add to the appropriation. It is not, however, that which concerns me.

The gentleman from South Carolina [Mr. HEMPHILL] has attempted to classify the friends of this bill as the men who appreciate what is



just to this District and the opponents of it as utilitarians who by their position would be logically compelled to go on and propose to sell the public grounds now owned by the Government in the District of Columbia. Sir, I do not belong to either class, but as a portion of the money proposed to be expended by this bill is to be taken, not from the District of Columbia, but from the people of the United States, I must bear in mind that my constituents and the constituents of other gentlemen upon this floor are interested in determining the question as to how far the public treasure shall be expended in this city.

Mr. Chairman, this is a beautiful city. Its elegant homes, its beautiful streets, its parks, its drives, its wealthy population, its many attractions, are all very fascinating. But there are communities elsewhere, sir, in my own State, in the Northwest, and in various parts of this country, which are less beautiful, where the property of the people is mortgaged for millions upon millions of dollars, and where they are interested not entirely in the question of beautifying this city, but rather in the question of relieving their own situation and improving their own conditions, so that they may be relieved from the oppression of the creditor and be animated again with hope for the comfort of their homes and of the little ones about them.

The CHAIRMAN. The time of the gentleman has expired. The question is on the motion of the gentleman from Georgia to strike out the last word.

Mr. BLOUNT. I withdraw that, and I now move to strike out the last two words.

Mr. GROUT. I hope the gentleman will let us come to a vote.

Mr. BLOUNT. Mr. Chairman, this is a good large sum which is proposed to be appropriated by this bill, and I do not see why my friend wants to rush it through in this way. I suppose it will not bear investigation and therefore debate had better be omitted. The committee has not given us any information about the probable cost of this property. Perhaps they did not think it necessary.

Gentlemen may think that there is no trouble about making these expenditures. There are always those upon this floor who animadvert upon gentlemen who seek to retrench public expenditures. I do not mind being designated as in favor of economy in public expenditures. I know that that is the only road by which taxation is to be reduced. I know also that those who are interested in these expenditures are always quite ready to criticize the lack of a liberal spirit and of broad-mindedness on the part of those who interfere with their schemes.

I care not, sir, for criticisms like that. Only a few days ago there passed here without objection a bill appropriating \$1,000,000 taken from the farmers all over this land to obtain information as to the mortgage indebtedness of the country for the purpose of disclosing to the American people that expenditures are too high, that taxation is too high. Gentlemen may ridicule retrenchment now, but the time is coming when the voice of the people will be heard. You may think it humble now, but then it will be dignified, potent, and terrible. The spirit which is abroad in this land may be laughed down here now in the interest of parks and drives and such things, but the hour is coming sooner or later when it will execute its will in this House.

The CHAIRMAN. The time of the gentleman has expired.

The amendment of Mr. BLOUNT was rejected.

The Clerk read as follows:

SEC. 2. That the Chief of Engineers of the United States Army, the president of the board of commissioners of the District of Columbia, and the engineer commissioner of the District of Columbia be, and they are hereby, appointed a commission to select the land for said park, of the quantity and within the limits aforesaid, and to have the same surveyed by the assistant to the said engineer commissioner in charge of public highways, which said assistant shall also act as executive officer to the said commission.

During the reading of section 2 the following took place:

Mr. ANDERSON, of Kansas. I move that the committee rise.

The CHAIRMAN. The gentleman is not in order.

Mr. ANDERSON, of Kansas. I wish to be heard a moment upon that.

The CHAIRMAN. Will the gentleman please wait until the Clerk has completed the reading of the section? and then he will be recognized.

Mr. SPINOLA. I move to strike out the last word of the section just read.

The CHAIRMAN. Does the gentleman from Kansas [Mr. ANDERSON] withdraw his motion that the committee rise?

Mr. ANDERSON, of Kansas. I made such a motion.

Mr. SPINOLA. I believe I have the floor.

Mr. ANDERSON, of Kansas. I beg the gentleman's pardon.

The CHAIRMAN. The gentleman from Kansas made a motion in the midst of the reading of a paragraph, which the Chair will now recognize if he insists upon it.

Mr. ANDERSON, of Kansas. I move that the committee rise.

The motion was agreed to; there being—ayes 100, noes not counted.

The committee accordingly arose; and the Speaker having resumed the chair, Mr. BURROWS reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (S. 4) to establish a public park in the District of Columbia, had come to no resolution thereon.

Mr. GROUT. I move that the House do now adjourn.

Pending the motion to adjourn, the following business was transacted by unanimous consent:

#### ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1296) for the relief of the owners, officers, and crew of the British bark Chance; and

A bill (H. R. 6099) granting an increase of pension to Elmer A. Snow.

#### MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President, by Mr. PARDEN, one of his secretaries, who also announced that the President had approved and signed acts of the following titles:

An act (H. R. 5682) to amend an act entitled "An act to constitute Columbus, Ohio, a port of delivery, and to extend the provisions of the act of June 10, 1880, entitled 'An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes, to said port of Columbus, Ohio,' approved February 9, 1889;"

An act (H. R. 5825) prescribing the times for sales and notices of sales of property in the District of Columbia for overdue taxes;

An act (H. R. 4130) to authorize the construction of a bridge across the Missouri River between the city of Pierre, in Hughes County, and Stanley County, in the State of South Dakota; and

An act (H. R. 7617) to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington and to establish it as a post-road.

#### CHANGE OF REFERENCE.

On motion of Mr. CANNON, from the Committee on Appropriations, it was ordered that the Committee on Appropriations be discharged from further consideration of the following executive documents, and that they be referred to the Committee on Commerce, namely:

House Executive Document No. 257, letter from the Secretary of the Treasury, recommending establishment of proper lights at Doller's Point and on Hog Island Wharf, James River, Virginia.

House Executive Document No. 270, letter from the Secretary of the Treasury, recommending establishment of light station at or near mouth of the new cut-off channel, Baltimore Harbor, Maryland.

House Executive Document No. 272, letter from the Secretary of the Treasury, recommending establishment of a fog-signal at or near the Cuckold's Island, in Townsend Harbor, Booth Bay, Maine.

#### WORLD'S FAIR OF 1892.

On motion of Mr. CANDLER, of Massachusetts, by unanimous consent, it was ordered that House bill 8393, in reference to the world's fair of 1892, be reprinted with the report and appendix.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PENNINGTON, for Tuesday, the 25th instant, on account of important business.

To Mr. COTHRAN, for ten days, on account of important business.

To Mr. PERRY, indefinitely, on account of important business.

#### ALIENS IN GOVERNMENT EMPLOY.

Mr. SMYSER. I ask unanimous consent that the petition which I send to the desk be printed in the RECORD.

There was no objection.

The petition is as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

We, the undersigned, citizens and residents of the city of Akron, county of Summit, and State of Ohio, respectfully represent that certain laws of the United States, to wit, those which have reference to the erection and construction of United States public buildings, navy-yards, fortifications, or other structures or works which require the services of skilled or unskilled labor in their erection, are, in their opinion, inadequate for their protection as citizens and taxpayers, inasmuch as it appears there is no provision in said laws which secures to citizens of the United States the right to labor on such Government works in preference to aliens, and especially so when such works or structures are let by contract from the Government to firms or individuals.

Cases of this nature have come before the notice and observation of your petitioners in various sections of the country, who, as the representatives of a skilled craft, feel aggrieved that such Government work would be performed by aliens who render nothing in return for the opportunities and benefits so given them, to the detriment of citizens and tax-payers who support and uphold the Government by their means and ballots.

This is particularly the case wherein the works in question require the services of skilled labor in the construction of brick and stone masonry, of which craft we, your petitioners, are representatives, and we therefore respectfully pray that your honorable body will amend the laws so that in all Government works, whether let by contract or otherwise, none but citizens of the United States shall be employed thereon, and that proper penalties for the enforcement of the same be imposed upon such contracting firm or individual for each and every violation of the law.

Witness our hands and seal, and in behalf of the members of Subordinate Union No. 7, city of Akron and State of Ohio, of the Bricklayers and Masons' International Union of America, this 18th day of March, 1890.

[SEAL.]

H. N. JASPER, President.

A. G. WILSON, Recording Secretary.

The motion of Mr. GROUT that the House adjourn was agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned.

## EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

## SURVEY OF WATER WAY FROM LAKE MICHIGAN TO ILLINOIS RIVER.

Letter from the Secretary of War, transmitting a letter of the Chief of Engineers, accompanied by twenty-six sheets of maps, which he recommends be printed to accompany the published report of Captain Marshall, as contained in House Executive Document No. 264, present Congress, on the survey of a water way from Lake Michigan to the Illinois River at La Salle, Ill.—to the Committee on Rivers and Harbors.

## TRANSFER OF BUREAU OF PENSIONS.

Letter from the Secretary of the Interior, replying to the resolution of the House of Representatives requesting the Secretary of War and the Secretary of the Interior to inform the House what saving, if any, of public expenditure can be made by transferring the Bureau of Pensions from the Interior Department to the War Department—to the Committee on Invalid Pensions.

## EXPENSES OF MILITARY COURTS.

Letter from the Secretary of War, transmitting a communication of the Acting Judge-Advocate General of the Army, relative to the item in the Army appropriation bill making provision for expenses of court-martial and courts of inquiry—to the Committee on Military Affairs.

## MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following memorials were introduced and referred as follows:

By Mr. HANSBROUGH: Memorial from the Legislature of the State of North Dakota, asking that an appropriation be granted for the purpose of testing the utility of sinking artesian wells for irrigation—to the Select Committee on Irrigation of Arid Lands in the United States.

By Mr. WILSON, of Washington: Memorial from the Legislature of the State of Washington, asking that subsidies be granted for the purpose of establishing lines of steamers to foreign ports of the Pacific Ocean—to the Committee on Commerce.

## RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. BAKER:

*Resolved:* That the Secretary of War be, and he is hereby, authorized and requested to report to the House whether in his opinion the project to open a channel between Lake Ontario and Irondequoit Bay may be inaugurated, as demanded in justice to the commerce of the lakes, and whether the increased and growing commerce now centered at the port of Genesee will not, by such improvement and new project, be afforded necessary additional facilities, and whether the facilities now afforded to shipping and commerce in the present harbor at Charlotte are not now restricted and rapidly becoming insufficient for the purpose of a harbor of refuge. And, further, that the Secretary of War report whether said Irondequoit Bay will, if utilized for the purposes of a harbor, better subserve the uses of commerce and afford largely increased facilities for shipping, as well as for purposes of refuge in case of storms and during the winter, and whether such additional project will afford desirable supplemental facilities to those now existing at the present harbor in the river at Charlotte; to the Committee on Rivers and Harbors.

## REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. VAN SCHAIK, from the Committee on Public Buildings and Grounds, reported with amendment the bill (S. 634) for the erection of a public building at St. Paul, Minn.—to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH, from the Committee on Public Buildings and Grounds, reported with amendment the bill (S. 874) for the erection of a public building in the city of Roanoke, Roanoke County, Virginia—to the Committee of the Whole House on the state of the Union.

Mr. VAN SCHAIK, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 493) to appropriate money for a court-house, custom-house, and post-office at Duluth, Minn., reported, as a substitute therefor, a bill (H. R. 8544) to increase limit of cost of site and public building at Duluth, Minn.; which was read twice, and referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON, from the Committee on Claims, reported favorably the bill (H. R. 7965) for the relief of George W. Wayson, jr.—to the Committee of the Whole House.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 4081) for the relief of Francis M. Nisbet;

A bill (H. R. 6006) for the benefit of A. W. Harper;

A bill (H. R. 4082) for the relief of the Christian Church of Henderson, Ky.;

A bill (H. R. 2875) for the relief of Miss Jane Linn;

A bill (H. R. 1693) for the relief of Thomas T. Owen;

A bill (H. R. 5225) for the relief of A. W. Pollard; and

A bill (H. R. 8336) for the relief of J. H. Eugg and others.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported with amendment the bill (H. R. 7655) for the relief of Hugh McNairy, executor of A. C. Thomson, deceased—to the Committee of the Whole House.

Mr. RICHARDSON, from the Committee on Printing, reported favorably the concurrent resolution of the Senate to print 2,500 extra copies of the report of the health officer of the District of Columbia—to the Committee of the Whole House on the state of the Union.

Mr. CATCHINGS, from the Committee on Rivers and Harbors, to which was referred the bill (H. R. 373) authorizing the use of the Louisville and Portland Canal Basin on certain conditions, reported, as a substitute therefor, a bill (H. R. 8549) authorizing the use of the Louisville and Portland Canal Basin on certain conditions; which was read twice and referred to the Committee of the Whole House on the state of the Union.

Mr. CUTCHEON, from the Committee on Railways and Canals, reported with amendment the bill (H. R. 463) to provide for the purchase of the two canals known as the Portage Lake and River Improvement Company Canal and the Lake Superior Ship Canal Railway and Iron Company Canal, being the water communication across Keweenaw Point, Lake Superior, from Keweenaw Bay to Lake Superior, by way of Portage River and Lake, in the State of Michigan—to the Committee of the Whole House on the state of the Union.

Mr. DE LANO, from the Committee on Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 2385) granting a pension to Barney McArdle;

A bill (H. R. 7369) to restore the pension of Jane M. McCrabb; and

A bill (S. 1372) for the relief of Mary Hook.

Mr. DE LANO also, from the Committee on Pensions, reported with amendment the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 4895) to increase the pension of Everhard Welter;

A bill (H. R. 6992) to pension Susan E. Freeman;

A bill (H. R. 2139) for the relief of Valeria B. Elliott;

A bill (H. R. 4415) for the relief of John S. Dill; and

A bill (H. R. 4185) to increase the pension of Mrs. Antonia B. Lynch.

Mr. CAREY, from the Committee on Military Affairs, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 8363) to relieve Enoch Venter from the charge of desertion;

A bill (H. R. 6143) for the relief of Albert McConnell, late of Company G, Fourteenth Illinois Cavalry Volunteers;

A bill (H. R. 4745) directing the Secretary of War to issue an honorable discharge to John Reilly; and

A bill (H. R. 4909) for the relief of Henry East.

Mr. CAREY also, from the Committee on Military Affairs, reported with amendment the bill (H. R. 1883) directing the Secretary of War to amend the record of William DeFreest—to the Committee of the Whole House.

Mr. HALL, from the Committee on the Public Lands, to which was referred the bill (H. R. 4646) to authorize the President of the United States to cause certain lands heretofore withdrawn from market for reservoir purposes to be restored to the public domain, subject to entry under the homestead law, with certain restrictions, reported, as a substitute therefor, a bill (H. R. 8555) to authorize the President of the United States to cause certain lands heretofore withdrawn from market for reservoir purposes to be restored to the public domain, subject to entry under the homestead law with certain restrictions; which was read twice, and referred to the House Calendar.

Mr. PARRETT, from the Committee on Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 7675) for the relief of Stephen A. Kennedy; and

A bill (H. R. 5111) for the relief of William Allen.

Mr. SNIDER, from the Committee on Pensions, reported with amendment the bill (H. R. 2418) granting a pension to Jonathan Dean, sr.—to the Committee of the Whole House.

## BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. ELLIS: A bill (H. R. 8540) to provide for the purchase of a site and the erection thereon of a public building at Henderson, in the State of Kentucky—to the Committee on Public Buildings and Grounds.

By Mr. FRANK (by request): A bill (H. R. 8541) to remove the limitation in the payment of the arrears of pensions—to the Committee on Invalid Pensions.

By Mr. WILSON, of Washington: A bill (H. R. 8542) making an ap-



proprietorship for establishing a first-order light-house and fog-signal at Gray's Harbor, Washington—to the Committee on Commerce.

By Mr. ROCKWELL: A bill (H. R. 8543) to incorporate the National American Woman Suffrage Association—to the Committee on the Judiciary.

By Mr. MAISH: A bill (H. R. 8545) to incorporate the Columbia Electric Company—to the Committee on the District of Columbia.

By Mr. CARUTH: A bill (H. R. 8546) to amend section 22 of an act entitled "An act to regulate commerce," approved February 4, A. D. 1887—to the Committee on Commerce.

By Mr. LIND: A bill (H. R. 8547) to repeal an act entitled, "An act making a grant of land to the State of Minnesota to aid in the improvement of the navigation of the Mississippi River," approved July 23, 1868—to the Committee on the Public Lands.

By Mr. O'NEILL, of Pennsylvania: A bill (H. R. 8548) concerning the rank and pay of certain officers of the Navy having served a full term as chief of a bureau in the Navy Department—to the Committee on Naval Affairs.

By Mr. GEISSENHAINER: A bill (H. R. 8550) to provide for the purchase of a site and the erection of a public building thereon in the city of Elizabeth, N. J.—to the Committee on Public Buildings and Grounds.

By Mr. COOPER, of Indiana: A bill (H. R. 8551) for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto—to the Committee on the District of Columbia.

By Mr. LEE (by request): A bill (H. R. 8552) for the relief of the trustees of the Mount Olivet Methodist Protestant Church, Alexandria County, Virginia, near Ball's Cross-Roads—to the Committee on War Claims.

By Mr. ATKINSON, of West Virginia: A bill (H. R. 8553) to amend and re-enact section 1974, Revised Statutes, relating to the unorganized Territory of Alaska—to the Committee on the Territories.

By Mr. SWENEY (by request): A bill (H. R. 8554) to provide for the payment of employes of the Sixth Auditor's Office for extra services rendered from July 1, 1877, to September 30, 1888—to the Committee on Appropriations.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ADAMS: A bill (H. R. 8556) for the relief of Louisa Kearney—to the Committee on War Claims.

By Mr. BYNUM: A bill (H. R. 8557) granting a pension to John McGregor—to the Committee on Invalid Pensions.

By Mr. BRECKINRIDGE, of Kentucky: A bill (H. R. 8558) for the relief of John Gore—to the Committee on Claims.

Also, a bill (H. R. 8559) for the relief of Maj. G. C. Goodloe, paymaster, of the United States Marine Corps—to the Committee on Claims.

By Mr. CANNON: A bill (H. R. 8560) granting a pension to Mrs. Sallie H. Wilson—to the Committee on Invalid Pensions.

By Mr. CHEADLE: A bill (H. R. 8561) granting a pension to Martha Torrence—to the Committee on Invalid Pensions.

By Mr. CLUNIE: A bill (H. R. 8562) granting an increase of pension to Mrs. S. J. Rayner—to the Committee on Pensions.

By Mr. EDMUNDS: A bill (H. R. 8563) for the relief of J. Henry Rives—to the Committee on Claims.

By Mr. ELLIS: A bill (H. R. 8564) for the relief of T. L. Lackey and G. W. Lackey, surviving partners of the late firm of Lackey & Sons—to the Committee on War Claims.

By Mr. FLOWER: A bill (H. R. 8565) granting an additional pension to Hugh Donnelly—to the Committee on Invalid Pensions.

By Mr. FORMAN: A bill (H. R. 8566) for an act to give Charles W. Thomas two James rifled cannon—to the Committee on Military Affairs.

By Mr. FRANK: A bill (H. R. 8567) granting a pension to Mrs. Mary A. Thomas—to the Committee on Invalid Pensions.

By Mr. HOLMAN: A bill (H. R. 8568) granting a pension to Nancy Altizer, of Ripley County, Indiana—to the Committee on Invalid Pensions.

By Mr. HOUK: A bill (H. R. 8569) for the relief of Horace Bradley, Knoxville, Tenn.—to the Committee on War Claims.

By Mr. MORRILL: A bill (H. R. 8570) for relief of Maj. John M. Laing—to the Committee on Military Affairs.

By Mr. MORROW: A bill (H. R. 8571) for the relief of L. A. Boynton—to the Committee on Claims.

By Mr. RUSK: A bill (H. R. 8572) for the relief of Ellen Boswell—to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 8573) granting a pension to Ellen Connor, widow of Patrick Connor, deceased—to the Committee on Invalid Pensions.

By Mr. SNIDER: A bill (H. R. 8574) granting a pension to John Houston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8575) for the relief of A. A. Kelly—to the Committee on Claims.

By Mr. STONE, of Missouri: A bill (H. R. 8576) for the relief of Henry L. Mitchell—to the Committee on War Claims.

By Mr. TOWNSEND, of Colorado: A bill (H. R. 8577) for the relief of H. M. Teachout—to the Select Committee on Indian Depredation Claims.

By Mr. WALKER, of Massachusetts: A bill (H. R. 8578) for the relief of Ella E. Gibson—to the Committee on Military Affairs.

By Mr. WALKER, of Missouri: A bill (H. R. 8579) for the relief of Jackson Fleetwood—to the Committee on War Claims.

By Mr. WHEELER, of Alabama: A bill (H. R. 8580) granting a pension to Mrs. Mima Brewer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8581) for the relief of Mrs. M. S. Logan—to the Committee on War Claims.

By Mr. WILLIAMS, of Illinois: A bill (H. R. 8582) for the relief of the heirs of James Deford—to the Committee on War Claims.

By Mr. YARDLEY: A bill (H. R. 8583) granting a pension to Albert A. Heston—to the Committee on Invalid Pensions.

By Mr. YODER: A bill (H. R. 8584) to increase the pension of Edward Healy—to the Committee on Invalid Pensions.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (S. 1545) for the relief of Edwin De Leon—Committee on War Claims discharged, and referred to the Committee on Foreign Affairs.

A bill (H. R. 7682) granting an increase of pension to Caroline D. Morris—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. ALDERSON: Petition of Subordinate Union No 3 of Bricklayers and Masons' International Union of America, of Charleston, W. Va., praying that the laws be so amended that none but citizens of the United States be employed upon Government works, whether let by contract or otherwise, such amendments to be enforced by suitable penalties—to the Committee on Labor.

By Mr. ALLEN, of Mississippi: Petition of W. D. Phillips and 450 others, against the bills to tax compound lard—to the Committee on Agriculture.

Also, resolutions of Natchez Cotton and Merchants' Exchange, against bills to tax compound lard—to the Committee on Agriculture.

By Mr. BOOTHMAN: Resolution of General Richardson Command, Union Veterans' Union, St. Clair, Mich., against the dependent pension bill—to the Committee on Invalid Pensions.

By Mr. BYNUM: Petition of Subordinate Union No. 3 of Bricklayers and Masons' International Union of America, of Indianapolis, Ind., against employment of alien laborers on public works—to the Committee on Labor.

By Mr. CANNON: Papers to accompany bill granting a pension to Mrs. Sallie H. Wilson—to the Committee on Invalid Pensions.

By Mr. CHEADLE: Petition of 500 persons of Richmond, Ind., against Sunday labor—to the Committee on Labor.

Also petition of Henry C. Harris, John Speis, and others, ex-Union soldiers, against the dependent pension bill—to the Committee on Invalid Pensions.

By Mr. CRAIN: Memorial of the Galveston Cotton Exchange, requesting an appropriation of \$6,200,000 for the improvement of the harbor of Galveston—to the Committee on Rivers and Harbors.

Also, memorial of New England Ship-Owners' Association, asking Congress to appropriate \$6,200,000 for the improvement of Galveston Harbor, in the State of Texas—to the Committee on Rivers and Harbors.

By Mr. FLICK: Joint resolution of the Ohio Legislature, urging the repeal of limitation contained in the arrears act of 1879—to the Committee on Invalid Pensions.

Also, resolution of same body, urging legislation to prevent lard adulteration—to the Committee on Agriculture.

Also, memorial of same body, praying for early construction of Hennepin Canal—to the Committee on Railways and Canals.

By Mr. FLOWER: Petition of the Subordinate Union No. 6, Bricklayers and Masons' International Union, against employment of aliens on public works—to the Committee on Labor.

By Mr. FUNSTON: Petition for reciprocal relations with Mexico—to the Committee on Ways and Means.

By Mr. GEAR: Resolution of John L. Jordan Post, No. 246, Hillsborough, Iowa, for service pension—to the Committee on Invalid Pensions.

By Mr. GEISSENHAINER: Petition to restrict use of foreign labor on public works and buildings—to the Committee on Labor.

Also, petition asking for the recommended appropriation to complete improvements to the channel of Matawan Creek, in Monmouth County, New Jersey—to the Committee on Rivers and Harbors.

By Mr. GREENHALGE: Petition of Subordinate Union No. 7, city of Lowell, Mass., of Bricklayers and Masons' International Union of America, for legislation prohibiting the employment of any but citizens

of the United States upon Government works—to the Committee on Labor.

Also, petition from Subordinate Union No. 10, Lawrence, Mass., for same purpose—to the Committee on Labor.

By Mr. HALL: Petition for the passage of H. R. 3863, relating to letter-carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition from teachers of Renville, Minn., favoring international copyright—to the Committee on Education.

Also, petition of William R. Baxter Post, Minnesota, for the service-pension bill—to the Committee on Invalid Pensions.

By Mr. HATCH: Petition of 43 citizens of Schuyler County, Missouri, praying Congress to enact a law remonetizing silver—to the Committee on Coinage, Weights, and Measures.

By Mr. HAUGEN: Remonstrance of citizens of Superior, Wis., against central canal across Minnesota Point—to the Committee on Rivers and Harbors.

By Mr. HAYES: Petition of Henry Vollmer, jr., and 43 others, miners at Davenport, Iowa, protesting against the passage of any law materially changing present naturalization and immigration laws—to the Select Committee on Immigration and Naturalization.

By Mr. HITT: Resolution of Typographical Union 213, Rockford, Ill., in favor of Senate bill 232, amending copyright law—to the Committee on Patents.

By Mr. HOLMAN: The petition of Professor John W. Short and 18 others, superintendents and teachers of public schools in Union County, Indiana, for the passage of the international copyright bill—to the Committee on Patents.

Also, petition for granting of a pension to Mrs. Nancy Altizer, of Ripley County, Indiana—to the Committee on Invalid Pensions.

By Mr. KELLEY: Petition of the Republican Club of New York City, asking for the enactment of a Federal election law regulating the election of Representatives so that the will of the voters may be fairly expressed and honestly counted—to the Committee on Elections.

Also, petition of Neosho Rapids Farmers' Alliance and Industrial Union, asking for certain legislation in reference to payment of farm mortgages, and asking for an increase of legal-tender currency to the extent of \$50 per capita—to the Committee on Banking and Currency.

Also, petition of 400 old soldiers in mass meeting at Olathe, Kans., for passage of Ingalls pension bill—to the Committee on Invalid Pensions.

By Mr. LACEY: Resolutions of Delta (Iowa) Farmers' Alliance, favoring the Butterworth bill—to the Committee on Agriculture.

By Mr. LANE: Petition of citizens of Illinois, for the suppression of obscene literature—to the Committee on Education.

By Mr. LAWLER: Petition of professors in college, in favor of short method of spelling to be applied to Government Printing Office—to the Committee on Printing.

By Mr. LAWS: Resolution of board of supervisors, York County, Nebraska, favoring an appropriation of \$6,200,000 for a deep-water harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. MCKINLEY: Petition of citizens of Stark County, Ohio, favoring employment of home labor as against aliens—to the Committee on Labor.

By Mr. MCRAE: Petition of citizens of Hempstead County, Arkansas, for free silver—to the Committee on Coinage, Weights, and Measures.

By Mr. MORGAN: Memorial of the Cotton Merchants' Exchange of Natchez, Miss., asking that compound lard and lard, if taxed at all, be taxed alike—to the Committee on Ways and Means.

By Mr. O'NEILL, of Pennsylvania: Petition for the relief of William Wray—to the Committee on Invalid Pensions.

By Mr. PARRETT: Petition of Jesse T. Battle, for a pension (see H. R. 5335), signed by the officers and other citizens of Pike County, Indiana—to the Committee on Invalid Pensions.

Also, petition of Benjamin A. Bertram for pension under H. R. 6543, signed by the officers and other citizens of Pike County, Indiana—to the Committee on Invalid Pensions.

Also, petition of James C. Babbitt, president, and Andrew Wing, secretary, of Union No. 1 of the Bricklayers and Masons' International Union of America, of Evansville, Ind., praying the amendment of the law so that citizens of the United States shall be preferred as laborers to do public work controlled by the Government—to the Committee on Labor.

Also, petition of S. C. Stirling and others, to accompany H. R. 4229—to the Committee on War Claims.

By Mr. PAYNE: Resolution of Grand Army of the Republic Post No. 609, Department of New York, March 19, 1890, and of Kuslor Post, Grand Army of the Republic—to the Committee on Invalid Pensions.

Also, petition of farmers of Fleming, N. Y., for increase of duties on farm products—to the Committee on Ways and Means.

By Mr. PEEL: Joint resolution requiring the Secretary of the Interior to report on distribution of tribal funds of Citizens' band of Pottawatomie Indians—to the Committee on Indian Affairs.

Also, memorial of Citizens' band of Pottawatomie Indians to have the Secretary of the Interior to report on distribution of certain tribal funds—to the Committee on Indian Affairs.

By Mr. PERKINS: Resolutions of a mass convention of citizens of Sumner County, Kansas, asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of T. C. Nusman, H. W. Sandusky, and 65 others, citizens of Cherokee County, Kansas, asking for the passage of legislation that will restore silver to its constitutional place as a money metal the same as now accorded to gold—to the Committee on Coinage, Weights, and Measures.

By Mr. PETERS: Petitions of ex-soldiers of Pratt County, Kansas, favoring a service pension—to the Committee on Invalid Pensions.

Also, resolution of ex-soldiers of Gray County, Kansas, for the same purpose—to the Committee on Invalid Pensions.

Also, protest of citizens of Ness County, Kansas, against any reduction of the tariff on sugar—to the Committee on Ways and Means.

By Mr. PUGSLEY: Memorial of 250 Friends, of Clinton County, Ohio, against warlike expenditures—to the Committee on Naval Affairs.

By Mr. ROCKWELL: Petition of Subordinate Union, No. —, of Springfield, Mass., against alien labor on public buildings—to the Committee on Labor.

By Mr. RUSSELL: Petition of citizens of Connecticut, in favor of short method of spelling—to the Committee on Printing.

Also, petition of Ellen Connor, widow of Patrick Connor, for a pension—to the Committee on Invalid Pensions.

By Mr. SANFORD: Petition of Emery Rinehart, president, and W. O'Brien, recording secretary, of Subordinate Union No. 13 of the Bricklayers and Masons' International Union of America, Johnstown, Fulton County, New York, for enactment of laws securing to citizens of the United States the preference over aliens for employment on Government works, whether let by contract or otherwise, and providing penalties for enforcement of the same—to the Committee on Labor.

By Mr. SMITH, of Arizona: Remonstrance of the Society of Arizona Pioneers against the removal of Geronimo and his band of Indians to Fort Sill—to the Committee on Indian Affairs.

By Mr. SNIDER: Petition of the S. C. Cady Post, Grand Army of the Republic, of Anoka, Minn., favoring a service pension—to the Committee on Invalid Pensions.

Also, petition of the subordinate union of the Bricklayers and Masons' International Union, of St. Paul, Minn., against the employment of aliens on United States public works—to the Committee on Labor.

By Mr. STAHLNECKER: Petition of the Society of Friends, against expenditures of money for warlike preparations—to the Committee on Naval Affairs.

By Mr. STONE, of Missouri: Petition of Henry L. Mitchell, praying that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. STRUBLE: Petition of Meadow Alliance, Spencer, Iowa, urging the passage of H. R. 5353, defining "options" and "futures" and imposing penalties to prevent gambling in farm products—to the Committee on Agriculture.

By Mr. SWENEY: Resolution of Tom Howard Post, Grand Army of the Republic, Iowa, asking for enactment of law granting service pensions—to the Committee on Invalid Pensions.

Also, petition of Henry Howard Post, Grand Army of the Republic, Iowa, asking for same legislation—to the Committee on Invalid Pensions.

Also, resolutions adopted by Farmers' Alliance, 1335, of Elgin, Iowa, in favor of passage of House bill 5353, relating to options on gambling contracts—to the Committee on Agriculture.

By Mr. TARSNEY: Memorial of the North American Turnbund (Gymnastic Union) of Kansas City, Mo., protesting against the passage of pending measures designed to change the present laws relating to immigration and naturalization—to the Select Committee on Immigration and Naturalization.

By Mr. EZRA B. TAYLOR: Petition of citizens of Ohio, against employment of aliens on public works—to the Committee on Labor.

By Mr. TOWNSEND, of Colorado: Resolutions of the Denver Chamber of Commerce and Board of Trade of Denver, board of commissioners of Fremont County, Colorado, and city council of Pueblo, Colo., in favor of appropriation for deep harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. TRACEY: Petition of Subordinate Union No. 6, Albany, N. Y., Bricklayers and Masons' International Union of America—to the Committee on Public Buildings and Grounds.

By Mr. WALKER, of Massachusetts: Petition of Subordinate Union No. 6, city of Worcester, Mass., of the Bricklayers and Masons' International Union of America, praying for such an amendment to the laws as will secure to citizens of the United States preference of work on the construction of public buildings and other Government structures—to the Committee on Labor.

Also, papers in the case of Owen Smith, to accompany H. R. 8488—to the Committee on Military Affairs.

By Mr. WALKER, of Missouri: Petition of Jackson Fleetwood, asking that his claim be transferred to Court of Claims—to the Committee on War Claims.

By Mr. WASHINGTON: Resolution of Memphis Cotton Exchange,



asking increase in salaries of United States district judges—to the Committee on the Judiciary.

By Mr. WHEELER, of Alabama: Petition of citizens of Alabama, praying that Congress will not enact a bill taxing lard which contains cotton-seed oil—to the Committee on Agriculture.

Also, petition of Mobile Chamber of Commerce, for same purpose—to the Committee on Agriculture.

Also, petition of Hiram N. Roberts, for reference of his claim to Court of Claims—to the Committee on War Claims.

By Mr. WILSON, of Washington: Petition from residents of the State of Washington, relative to industrial lands—to the Committee on the Public Lands.

## SENATE.

TUESDAY, March 25, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

### DIGEST OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a concurrent resolution from the House of Representatives; which was read, and referred to the Committee on Printing, as follows:

*Resolved by the House of Representatives (the Senate concurring), That there be printed 500 copies of the digest of claims referred by Congress to the Court of Claims for a finding of facts under the provisions of the act approved March 3, 1883, known as the Bowman act, now in manuscript, prepared under resolution of the House of Representatives on March 7, 1888, the same when printed to be placed in hands of the Clerk of the House for the use of Senators and members of the House.*

### PETITIONS AND MEMORIALS.

Mr. CULLOM presented a resolution of the Rockford (Ill.) Typographical Union, No. 213, in favor of the passage of Senate bill 232, in relation to copyrights; which was ordered to lie on the table.

He also presented the petition of Alfred B. Collister, of Patterson, Ill., praying for an honorable discharge from Company E, Twenty-eighth Illinois Volunteers; which was referred to the Committee on Military Affairs.

He also presented a petition of citizens of Macoupin County, Illinois, praying that the law of the State of Illinois and the national law in relation to the transmission through the mails of obscene literature be harmonized; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WILSON, of Iowa, presented a petition of Wisner Post, No. 187, Department of Iowa, Grand Army of the Republic, of Montezuma, Iowa, praying for the passage of the service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of 29 citizens of Ogden, Iowa, praying for the passage of an act prohibiting speculation in raw and manufactured farm produce; which was referred to the Committee on Agriculture and Forestry.

Mr. FAULKNER presented a petition of the Bricklayers and Masons' International Union, No. 4, of Wellsburgh, W. Va., signed by J. W. Jacobs, president, and W. H. Chuks, recording secretary, praying Congress to enact such laws as will secure to skilled and unskilled laborers who are citizens of the United States preference over aliens in the erection and construction by the Government or by contract of public buildings, navy-yards, fortifications, and other structures and works; which was referred to the Committee on Education and Labor.

Mr. PLATT presented a petition of Subordinate Union No. 11 of the Bricklayers and Masons' International Union of America, of Middletown, Conn., praying that on public works employment be given to citizens of the United States in preference to aliens; which was referred to the Committee on Education and Labor.

Mr. DAVIS presented a memorial of the Board of Trade of Mankato, Minn.; resolutions of the bar of Polk County, Minnesota; resolutions of the bar of Becker County, Minnesota; resolutions of the bar of Clay County, Minnesota; resolutions of the bar of Norman County, Minnesota, and resolutions of the bar of Marshall County, Minnesota, in favor of the passage of House bill 4587, providing for the terms and places of holding the courts of the United States in the district of Minnesota; which were referred to the Committee on the Judiciary.

He also presented a petition of 51 citizens of La Crescent, Houston County, Minnesota, praying for the free coinage of silver; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Winona, Minn., praying for the passage of the bill to establish an Indian industrial school at Pipestone, Minn.; which was referred to the Committee on Indian Affairs.

Mr. ALLEN presented a memorial of the Legislature of the State of Washington; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF WASHINGTON,  
Office of the Secretary of State.

I, Allen Weir, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the attached

instrument of writing, *i. e.*, House memorial No. 17, for removing obstructions to navigation in the Upper Columbia River, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed the seal of said State at Olympia, this 17th day of February, A. D. 1890.  
[SEAL.] ALLEN WEIR, Secretary of State.

[House memorial No. 17.]

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Washington, respectfully represent that the Columbia River, one of the great water ways of the world, can, with slight expense, be made navigable from Kettle Falls, in Stevens County, State of Washington, to a point in British Columbia more than 280 miles distant; that said river above said falls traverses a country of unequalled fertility, rich in the precious minerals, in coal, iron, marble, and limestone, and in vast forests of pine, fir, and cedar trees; that Northeastern Washington, in the center of which lies the great and thriving city of Spokane Falls, needs to be brought into connection with said country by means of said river in order that there may be a mutual interchange of products; that the said Columbia River is navigable in British Columbia to and above the crossing of the Canadian Pacific Railway, and the said country will be greatly benefited by the competition for its freights of that great transcontinental line; that Kettle Falls, on said Columbia River is the natural and only point at which it is practicable for lines of railway and other highways to approach said Columbia River from Northeastern Washington, and that a line of railway from Spokane Falls to said point is now completed to within a few miles of said Kettle Falls, namely, the Spokane and Northern Railroad; that the only obstructions in said river above said Kettle Falls for more than 280 miles are at a place called the Little Dalles, in said Stevens County; that said obstructions are inconsiderable and can be removed and the river rendered navigable at all stages of water at an expenditure of not to exceed \$50,000, as is shown by the report of Lieut. Thomas W. Symonds, Engineer Corps, United States Army, made in the year 1881, Senate Executive Document 186; that considerable traffic between Northeastern Washington and said British Columbia has existed and been carried on by means of a line of steam-boats above said Little Dalles, but all freights to and from said boats has been required to be freighted by teams for a long distance over difficult and dangerous roads, and for that reason the said traffic has languished and nearly died away, but that the said traffic will be revived and immeasurably increased with the completion of the line of the said Spokane and Northern Railway Company to said Kettle Falls, and with the removal of the obstructions in the said river at the Little Dalles.

Wherefore your memorialists respectfully pray that an appropriation of a sum not to exceed \$50,000 be made by your honorable bodies for the removal of the obstructions in said river at the Little Dalles, said appropriation to be expended under the direction of the General Government as in other similar cases. And as in duty bound your memorialists will ever pray.

Passed the house January 29, 1890.

J. W. FEIGHAN, Speaker.

Passed the senate January 31, 1890.

CHAS. E. LAUGHTON, President.

Mr. SPOONER presented a petition of the Bricklayers and Masons' International Union, of La Crosse, Wis., praying for an amendment of the laws so that none but citizens of the United States shall be employed upon Government works; which was referred to the Committee on Education and Labor.

He also presented resolutions adopted by the Grand Army of the Republic, Department of Wisconsin, urging the passage of Senate bill 1020, to authorize the President to restore Edwin R. Parks to his former place in the Army; which were ordered to lie on the table.

He also presented a petition of John E. Perkins Post, Grand Army of the Republic, Department of Wisconsin, of Augusta, Wis., praying for the passage of the dependent pension bill; which was ordered to lie on the table.

Mr. HISCOCK presented a petition of the Soldiers and Sailors' Association of Courtland County, New York, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. HOAR presented the petition of Michael Collins and others, members of the Bricklayers and Masons' International Union of America, praying for the amendment of certain laws of the United States relating to the erection of public buildings; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Boot and Shoe Workers' International Union, remonstrating against any treaty being made with Russia of a certain character; which was referred to the Committee on Foreign Relations.

Mr. INGALLS presented a petition of ex-soldiers of Ingalls, Gray County, Kansas, praying for the passage of the bill to remove the limitations in the act granting arrears of pension; which was referred to the Committee on Pensions.

### REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 843) granting a pension to Thomas Todd, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5488) to increase the pension of Mary M. Gibson, widow of Commander William Gibson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2555) to increase the pension of Mary M. Gibson, widow of Commander William Gibson, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 766) granting a pension to William Leslie and wife;

A bill (S. 574) granting a pension to Mrs. Elizabeth M. Newman; and  
 A bill (S. 851) granting a pension to James H. Preston.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the bill (S. 1365) granting a pension to Annie E. Dixon, reported it without amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1672) granting a pension to Joseph Inboden; and

A bill (S. 1680) granting a pension to Catherine Kennedy, widow of Brian Kennedy, late private Company D, Tenth Regiment Ohio Volunteers.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3177) granting a pension to Ursula Lucretia Haight;

A bill (S. 1546) granting an increase of pension to Mrs. Sallie M. Michler, widow of the late Bvt. Brig. Gen. Nathaniel Michler, United States Army; and

A bill (H. R. 3636) granting a pension to William H. Brimmer.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 2320) granting a pension to William H. Haight, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 2861) for the relief of Helen E. Dewey, reported it with amendments, and submitted a report thereon.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 164) to refund moneys collected from William Schaus at the port of New York on an oil painting not subject to duty, reported it without amendment, and submitted a report thereon.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 1303) granting a pension to Mrs. Amanda L. Wisner, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1302) granting a pension to John Bechen, sr., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 995) to increase the pension of Zachariah T. Crawford, reported it without amendment, and submitted a report thereon.

Mr. PADDOCK, from the Committee on Agriculture and Forestry I report back sundry petitions signed by numerous citizens of Nebraska and Kansas, praying for legislation to encourage the sugar industry. These petitions were referred to the Committee on Agriculture and Forestry, and from that committee recently I reported to the Senate a bill on this subject, which was referred to the Committee on Finance. I ask that the Committee on Agriculture and Forestry be discharged from the further consideration of these petitions, and that they be referred to the Committee on Finance, to accompany the bill.

The report was agreed to.

Mr. MOODY, from the Committee on Pensions, to whom was referred the bill (S. 2976) granting a pension to Mary L. Bradley, formerly Mary L. Smith, who served as a nurse in the war of the rebellion, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2508) to reclassify and fix the salaries of persons in the railway mail service, known as railway postal clerks, reported it without amendment, and submitted a report thereon.

#### BILLS INTRODUCED.

Mr. MORRILL introduced a bill (S. 3256) to establish an educational fund, and apply the proceeds of the public lands and a portion of the receipts of certain land-grant railroad companies to public education and the more complete endowment and support of colleges for the advancement of scientific and industrial education; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. FARWELL introduced a bill (S. 3257) granting a pension to Mary Crook, widow of George Crook, late a major-general United States Army; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3258) granting a pension to Adaline L. Miller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FAULKNER introduced a bill (S. 3259) granting a pension to Joseph Depoy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TURPIE (by request) introduced a bill (S. 3260) for the relief of the heirs of Dr. John H. Long; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 3261) for the relief of Maj. G. C. Goodloe, paymaster of the United States Marine Corps; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HOAR introduced a bill (S. 3262) to amend an act approved February 28, 1887, entitled "An act relating to the importing and landing of mackerel, etc.;" which was read twice by its title.

Mr. HOAR. I will state that this is a substitute for the bill which I introduced a day or two ago, containing a little better description of the territory to which it relates. I move that the bill be referred to the Committee on Fisheries.

The motion was agreed to.

Mr. PLATT introduced a bill (S. 3263) for the relief of Lewis G. La Tour; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3264) granting a pension to Sarah Ann Noe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS (by request) introduced a bill (S. 3265) to authorize the extension of the Columbia Railway Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 3266) for the relief of Eliza J. Bell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON, of Iowa, introduced a bill (S. 3267) granting a pension to Thomas H. Hart; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 3268) to amend sections 4783 and 5486 of the Revised Statutes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 3269) for the relief of the administratrix of the estate of George W. Lawrence; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3270) for the relief of the administratrix of the estate of George W. Lawrence; which was read twice by its title, and referred to the Committee on Claims.

Mr. GORMAN introduced a joint resolution (S. R. 66) authorizing Commander Dennis W. Mullan, United States Navy, to accept a medal presented to him by the Chilean Government; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. GORMAN. In this connection I present the correspondence in relation to this affair, as well as a copy of a joint resolution passed by the General Assembly of Maryland, in which they have taken action for the purpose of getting this man a testimonial of their appreciation; and I move that the papers may be printed in the usual form as a document for the use of the Senate, and referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. GEORGE introduced a joint resolution (S. R. 67) proposing an amendment to the Constitution of the United States; which was read the first time by its title.

Mr. GEORGE. I ask that the joint resolution be read at length and referred to the Committee on the Judiciary.

The joint resolution was read the second time at length, and referred to the Committee on the Judiciary, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of the said Legislatures, shall be valid as a part of said Constitution, namely:*

#### ARTICLE XVI.

The Congress shall have power concurrent with the several States to make all laws which shall be necessary and proper to suppress combinations in restraint of trade and production, and to prevent transactions which create a monopoly or increase or depress the price of commodities which are or may become subjects of commerce among the States or with foreign nations.

#### WITHDRAWAL OF PAPERS.

On motion of Mr. SPOONER, it was

*Ordered*, That Nicholas T. Lawrence have leave to withdraw his papers from the files of the Senate.

#### DISTRICT SCHOOL BUILDINGS.

Mr. FAULKNER submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the commissioners of the District of Columbia are requested to inform the Senate whether the new eight-room school buildings, which have been constructed, or now in process of construction, under the last appropriation for that purpose, have been or are being so constructed as to render them as nearly fire-proof as possible, and, if not, what additional appropriation would be required to render said buildings already constructed or in process of construction fire-proof.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 525) to establish two additional land offices in the State of Montana.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1296) for the relief of the owners, officers, and crew of the British bark Chance; and

A bill (H. R. 6099) granting an increase of pension to Elmer A. Snow.



## ALASKA SEAL FISHERIES.

Mr. MORRILL. I ask unanimous consent to call up Order of Business 709, being Senate bill 3025, as it is rather important that the bill should be passed at once. I will send to the desk to have read a communication from the Secretary of the Treasury showing the necessity for immediate action on the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3025) to enable the Secretary of the Treasury to gather full and authentic information as to the present condition and preservation of the fur-seal interests of the Government in the region of Alaska, as compared with its condition in 1870; also, full information as to the impending extinction of the sea-otter industry, and kindred lines of inquiry, etc.

The bill was reported from the Committee on Finance with an amendment, in line 18, before the word "dollars," to strike out "twelve" and insert "ten;" so as to read:

Such agent to receive as compensation the sum of \$10 per day while actually thus employed.

The amendment was agreed to.

Mr. MORRILL. I have a letter from the Secretary of the Treasury, directed to the Committee on Ways and Means, and as this letter is quite full I ask to have it read.

The VICE-PRESIDENT. The letter will be read.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., March 13, 1890.

SIR: I have to acknowledge the receipt of your letter of the 11th instant, inclosing House bill 7903, "to enable the Secretary of the Treasury to gather full and authentic information as to the present condition of the fur-seal and sea-otter interests of the Government in Alaska," etc., for such suggestions as I deem appropriate.

Under the provisions of a similar act (approved April 22, 1874) the Secretary of the Treasury was enabled to procure a detailed and authoritative statement and survey of the real condition of those valuable fur-seal preserves of our Government as they then existed. This monograph, prepared and published by the Treasury Department under these auspices, has been the unquestioned authority and basis for all estimates and comparisons touching the conduct of affairs in the seal islands ever since, and has been extensively republished by the United States Fish Commission and the Tenth Census, United States of America.

But since then, and especially during the last four years, an unlooked-for and positive danger to these interests has arisen and seriously threatens their well-being and perpetuation. I refer to the great injury which the illegal killing of fur-seals in the open waters of Behring Sea has inflicted upon the "breeding" and "hauling" herds of fur-seals that annually repair to the Fribylov Islands. I deem it of the utmost importance that the Treasury Department shall have at the earliest hour an authoritative survey and statement, prepared from field observations by one who is fully qualified, of the exact condition and number of our fur-seal herds as they shall appear next summer on their accustomed breeding grounds in Behring Sea. Such a survey, contrasted with the survey made under the act of 1874, will show clearly the full extent of that damage done to these interests by pelagic poachers, and throw more light on the very important question as to the number of fur-seals that can be safely killed on the seal islands next year and thereafter; also, an investigation made personally in these waters into the methods of the poachers will furnish additional data upon which the Secretary of the Treasury can devise an efficient and economical means of suppressing this illegal and destructive business of pelagic sealing.

Also, in this connection arises the query as to what can be done to prevent the impending swift extinction of the sea-otter; for, upon the successful chase of this animal, some 5,000 civilized Aleuts and creoles of Alaska are wholly dependent for their means of support in a state above abject poverty and barbarism. I desire very much the fullest information touching this important question at the earliest moment, so that if any remedy can be applied it may be done promptly, and thus save an interesting people from untold hardship and probably the public Treasury from humane demand in the way of feeding and clothing an impoverished community that would have continued self-supporting if properly protected.

To secure this information a fully qualified expert can be employed under the terms of the inclosed bill; he can, by its provisions, travel so as to cover the whole field of inquiry. The Treasury agents now stationed on the seal islands are confined by law to a daily supervision of the operations of the lessees and a personal attendance on the killing grounds during the sealing season; they can not be spared from this duty, nor should they be, even if they were competent to make this special investigation. For these reasons I am in favor of the passage of this bill.

Respectfully, yours,

GEO. S. BATCHELLER,  
Acting Secretary.

Hon. N. DINGLEY,  
Chairman Subcommittee Ways and Means, House of Representatives.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The VICE-PRESIDENT. Shall the bill pass?

Mr. GORMAN. I only desire to say, sir, that I take it there is no use in making any opposition to this bill, but it does seem to me that it is simply creating more useless offices with the officers of the revenue marine, who are directly under the Secretary of the Treasury, and with the special agents who have been sent to Alaska for the purpose of making examination and reporting all the facts to the Secretary. Such reports have been made and a new lease has just been made; and I had hoped that we should pass along without further expenditure for additional officials. I simply want to say that I shall content myself by voting against the bill.

Mr. DAWES. Mr. President, I wish to say in reply to the Senator from Maryland that when the first lease was made precisely this bill passed Congress for the very purpose of ascertaining the condition of things on those islands, so as to enable the Secretary of the Treasury to regulate the lessees themselves and control them. It seems highly

proper that when a new lease is made the condition in which the old lessees leave the islands should be ascertained clearly, and that the needs of the people there should be made known in such a way as to enable the Secretary of the Treasury to regulate the conduct of the lessees. That can not be done by those particular agents who are sent out there to watch the operations of the lessees, because they are required to be on the ground and see every seal skin that is taken off and take account of them, and they can do nothing about locating these islands. It is said that they have changed their position and changed their character and changed their boundaries. Under the former act, twenty years ago, those boundaries were all marked out and the survey which was made under the act of which this is a copy has been the guide for the last twenty years. It is impossible for the agent to do this who is sent out there to keep account of the work of the lessees.

The idea that when we are about to receive a million dollars a year from these seals we can not expend, say, \$1,200 for the payment of a man who will go out there and have nothing else to do in the next six or eight months but to bring back here reliable information as to the topography, as to the climate, as to the condition the late lessees have left the people and the islands and the seals in, it seems to me could hardly bear an argument.

Mr. MORRILL. Mr. President, this is a very small appropriation considering the vast amount of revenue that is to be derived by the Government. We have recently leased the seal islands at a greatly enlarged rental from that paid heretofore under the lease, and it is supposed by many that the number of seals annually frequenting those islands is less now by at least two million a year. It is very important that the Secretary of the Treasury should know how to limit the amount, and the survey which is to be made by this agent will give that information to the Secretary of the Treasury.

Mr. REAGAN. Mr. President, I understand a contract has been recently made with a company which proposes to give a much larger price for the privilege of the seal fisheries than the former company. They propose to give \$10 apiece for the seals caught, and the former company gave only \$3 heretofore. Is that correct?

Mr. MORRILL. Not quite. It was a little over \$3.

Mr. REAGAN. Mr. President, a contract was made, but somehow or other, notwithstanding the discussion we have had here, I do not understand that it was ever questioned how it was kept after the Secretary of the Treasury relieved the contractors from what are considered the burdens of their contract. Now, a more onerous contract is made. Will the result of the passage of this bill and the investigation thereunder be a recommendation to the Secretary of the Treasury that on account of the reduction of profits in the seal fishery the contract must be modified, its terms reduced as to the lessees? The contract fixes the terms by which they are to be governed. The agents, as suggested by the Senator from Maryland, who are on the ground there are looking out for the seal fisheries. The Government furnishes its revenue-cutters for the purpose of general inspection and general observation, as I understand, at these fisheries, and it seems to me a matter of very questionable propriety to provide for the appointment of a new commissioner or agent for the purpose of making these investigations.

I have further to say that I do not know how far I ought to go in suggesting that possibly this new commissioner or agent might be subject to temptation. I doubt the propriety of leaving such a report to the discretion of an individual man. If a commission is necessary to be appointed at all let it consist of more than one person. We know that where great corporations are concerned, where their interests are involved, they not infrequently manage to use influences over the minds of persons with whom they deal. I should rather risk the chances with two commissioners, where so much responsibility exists, than with one, if there is to be a commission at all.

Mr. GORMAN. Mr. President, I objected to this bill for the reason that I supposed that under the general law the Secretary of the Treasury had at his command, not only the officers of the revenue marine, capable men who have been stationed there and have been examining and looking into this question, but he has unquestionably in the Treasury Department a corps of men whom he can increase at his will and pleasure, known as the special agents, whom he can detail for this very duty. It is well known to everybody that during past years the Secretary of the Treasury has detailed gentlemen from the special service to make this examination, and it is as well known as we know anything that possibly the best, the most astute, the most intelligent man who has been sent to that region to examine it made a report to the Secretary of the Treasury; since when a new contract has been made with another firm or company at more favorable rates to the Government. We are informed by the newspapers that one of the Treasury agents has since become an officer or an agent of the new company. I know personally nothing of this affair, nothing except what I gather from the public prints. I do not intend to reflect on the conduct of any such officer. I do suggest that if there is to be an inquiry made under special legislation, it ought to be, in view of what has just occurred, made by a commission higher than the one that is proposed here, one whose report will meet with approval by the country. To simply send out another agent, creating an office specially for this purpose, when the Secretary has power to send such an officer already in the service, is, I think, unwise. This constant multiplication of officers is objectionable, and it does seem

to me (I make the suggestion with all deference) that if the question is to be again looked into it ought to be by a commission.

Mr. DAWES. I do not know what the intention of the Secretary of the Treasury may be under this bill. I do not know exactly whether the Senator from Maryland intends by his remarks to reflect upon the agent who went out under the old bill twenty years ago, nor do I know who this particular agent is who has gone into the employ of this new company. If any agent of the Treasury has done that thing, of course it unfits him for this service. The agent who went out under the other law, which was a bill introduced by myself twenty years ago, made a report which has been the guide for twenty years of the whole Treasury Department. His report has gone into the census as a monograph upon the subject of the seal fishery. I have never heard until this moment—and I do not know that the Senator intended to reflect upon that report or upon that gentleman; I agree with the Senator—

Mr. SHERMAN. The person alluded to by the Senator from Maryland is not the one the Senator from Massachusetts refers to. The one is Mr. Elliott and the other is Mr. McIntyre.

Mr. GORMAN. I had no reference to the gentleman who made the original report. What I stated was what I have seen in the newspapers, for I have no access to the Departments, that an agent of the Treasury Department who has been there within the last four or five years, perhaps sent there by the last Administration, or, at all events, who has been there within the last three or four years watching the interests of the Government and making reports upon the conduct of the old company, immediately after the new contract was made became an officer of the new company.

Now, as I understand it, he was simply one of the special agents of the Treasury Department. I suggest that, if we are to legislate at all, we ought to appoint a commission with higher authority than a mere agent such as is provided for by this bill.

Mr. DAWES. That shows the impropriety of relegating this service to the agents sent out under the existing law, which was the Senator's first suggestion when he took the floor the first time. I agree with the Senator that it is the duty of the Secretary of the Treasury to employ the best possible talent for this service. The importance of the revenue justifies it, the importance of the whole work justifies it, but, more than all that, I failed to make the slightest impression upon anybody else in respect to it the other day when we discussed the seal matter; but what impresses me all the time is the effect upon the future of Alaska. For forty years, taking the twenty years that are passed and the twenty years that are to come, the whole fate and development of all Alaska is put under the control of private enterprise. That control has been exercised in the past as well as it could possibly be, for aught I know, and I have no reason to suspect that it will not be in the future. But it is a serious question with reference to what seem to me to be the possibilities of Alaska in the future, whether it should be entirely under the control of a private enterprise, however well conducted that enterprise may be. Now, here is possibly some means of alleviating that which seems at present to be a necessary evil, some means of bringing to the knowledge of the administrator of this great work information on the subject-matter, if he can get it in no other way. Are we to presume that he will not employ the best possible talent for the end? If so, he will not have done his duty. I have no doubt he will do that. If he does not do it, he does not do his duty.

Mr. FAULKNER. In reference to the allusion made by the Senator from Maryland [Mr. GORMAN] to the gentleman to whom I understand he has referred, Mr. George Tingle, I desire to state that he was formerly a citizen of my State and subsequently a citizen of Montana. I know him well. The Senator is laboring under a misapprehension as to the facts when he connects Mr. Tingle, while in the Government service, with a subsequent employment by the company which has the lease of these islands. He was employed in the Government service for some time. He subsequently left that service and became a citizen of Montana, and during the present winter, after his entire connection with the Government service had ceased, he was employed by gentlemen who compose the company and who had leased these islands as one of their employes. I am satisfied from my knowledge of that gentleman's character that nothing could have occurred by reason of his conduct in connection with this subject to justify any criticism as to his employment. I think it is but just to him that this should be stated to the Senate.

Mr. MORRILL. I desire to state that I happen to know the person who will probably be selected. He is an employe of the Smithsonian Institution, and there is no man in this country who is better qualified to discharge the duties that will be imposed upon him than the selection which will be made by the Secretary of the Treasury, and he is as much above being bought off by any company as any member of the Senate on this floor.

The VICE-PRESIDENT. The question is, Shall the bill pass?

The bill was passed; there being on a division—ayes 25, noes 17.

#### LA ABRA SILVER MINING COMPANY.

Mr. VEST submitted the following resolution, and asked for its present consideration:

Resolved, That the President be requested to communicate to the Senate, if not in his opinion incompatible with the interests of the public service, copies of all correspondence between the La Abra Silver Mining Company or its officers,

attorneys, or counsel, or any of them, and the Department of State or President of the United States, and also between the said Department and the Mexican Government since the publication of the last executive document touching the award rendered in favor of the said company by the United States and Mexican Claims Commission or the distribution of the moneys paid on account of the said award by the Mexican Government.

By unanimous consent, the Senate proceeded to consider the resolution.

The VICE-PRESIDENT. The question is on the passage of the resolution.

Mr. DOLPH. Who offered the resolution?

The VICE-PRESIDENT. It was offered by the Senator from Missouri [Mr. VEST].

Mr. DOLPH. I should like to have it read again.

The VICE-PRESIDENT. The resolution will be read again.

The Chief Clerk read the resolution.

Mr. DOLPH. I have no objection to the resolution now. As I understand, it calls for all documents since the last publication.

The resolution was agreed to.

#### LAND IN SEVERALTY TO INDIANS.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to communicate to the Senate the number of patents issued up to date to Indians under the severalty act, and on what reservations, in detail, and what number of allotments, if any, now await patent.

#### SENATORS FROM MONTANA.

Mr. HOAR. I desire to give a notice which it may be convenient to the Senate to have given now. I gave notice yesterday that I should call up the Montana election case for action on Thursday, the day after to-morrow; but I have been informed by the Senator from Alabama [Mr. PUGH], who is a member of the committee, that it will be more convenient to him and some other members of the minority to have a short postponement of the case. Therefore I shall defer calling it up until next Monday.

#### TRUSTS AND COMBINATIONS.

The VICE-PRESIDENT. If there be no further morning business, the Calendar under Rule VIII is in order.

Mr. SHERMAN. I believe it is necessary to submit a motion in order to take up the unfinished business now, it being before 2 o'clock, and I therefore move that the Senate proceed to the consideration of the trust bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1) to declare unlawful trusts and combinations in restraint of trade and production.

The VICE-PRESIDENT. The pending question is on the amendment submitted by the Senator from Texas [Mr. REAGAN].

Mr. STEWART. Let the amendment be read.

The CHIEF CLERK. It is proposed to add as additional sections the following:

SEC. 3. That all persons engaged in the creation of any trust, or as owner or part owner, agent, or manager of any trust, employed in any business carried on with any foreign country, or between the States, or between any State and the District of Columbia, or between any State and any Territory of the United States, or any owner or part owner, agent, or manager of any corporation, company, or person employed in any such business, using its powers for either of the purposes specified in the second section of this act, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding \$10,000 or imprisonment at hard labor in the penitentiary not exceeding five years, or by both of said penalties, in the discretion of the court trying the same.

SEC. 4. That a trust is a combination of capital, skill, or acts by two or more persons, firms, or associations of persons, or of any two or more of them, for either, any, or all of the following purposes:

First. To create or carry out any restrictions in trade.

Second. To limit or reduce the production or to increase or reduce the price of merchandise or commodities.

Third. To prevent competition in the manufacture, making, purchase, sale, or transportation of merchandise, produce, or commodities.

Fourth. To fix a standard or figure whereby the price to the public shall be in any manner controlled or established of any article, commodity, merchandise, produce, or commerce intended for sale, use, or consumption.

Fifth. To create a monopoly in the making, manufacture, purchase, sale, or transportation of any merchandise, article, produce, or commodity.

Sixth. To make, or enter into, or execute, or carry out any contract, obligation, or agreement of any kind or description by which they shall bind, or shall have bound themselves not to manufacture, sell, dispose of, or transport any article or commodity or article of trade, use, merchandise, or consumption below a common standard figure, or by which they shall agree in any manner to keep the price of such article, commodity, or transportation at a fixed or graduated figure, or by which they shall in any manner establish or settle the price of any article, commodity, or transportation between themselves, or between themselves and others so as to preclude free and unrestricted competition among themselves and others in the sale and transportation of any such article or commodity, or by which they shall agree to pool, combine, or unite in any interest they may have in connection with the sale or transportation of any such article or commodity that its price may in any manner be so affected.

SEC. 5. That each day any of the persons, associations, or corporations aforesaid shall be engaged in violating the provisions of this act shall be held to be a separate offense.

Mr. GEORGE. Mr. President, the wish has been expressed in my hearing by several Senators that this bill and the various amendments which have been offered to it and which are proposed to be offered shall be referred to the Committee on the Judiciary. I concur in the propriety of that course. I shall make that motion and do now make it, and on that I ask the indulgence of the Senate to state some reasons why that course should be pursued.



Certainly there is no subject likely to engage the attention of the present Congress in which the people of this country are more deeply interested than in the subject of trusts and combinations. These evils have grown within the last few years to an enormous magnitude; enormous also in their numbers. They cover nearly all the great branches of trade and of production in which our country is interested. They grow out of the present tendency of economic affairs throughout the world. It is a sad thought to the philanthropist that the present system of production and of exchange is having that tendency which is sure at some not very distant day to crush out all small men, all small capitalists, all small enterprises. This is being done now. We find everywhere over our land the wrecks of small, independent enterprises thrown in our pathway. So now the American Congress and the American people are brought face to face with this sad, this great problem: Is production, is trade, to be taken away from the great mass of the people and concentrated in the hands of a few men who, I am obliged to add, by the policies pursued by our Government, have been enabled to aggregate to themselves large, enormous fortunes?

This is the evil before us. Any time within the last nine years since I have had the honor to be a member of this body I would have introduced a bill to prevent these evils, to suppress these combinations and these trusts if I could have found the constitutional power to enact the bill. I find myself to-day, with every wish to exercise every power conferred by the Constitution upon Congress to suppress these trusts, unable to find in that instrument a power under which the Senate can originate a measure that in my opinion will be efficient.

The people complain; the people suffer; the people in many parts of our country, especially the agricultural people, are in greater distress than they have ever been before. They look with longing eyes, they turn their faces to us with pleading hands asking us to do something to relieve them from their trouble. I believe the sentiment that something ought to be done pervades this body almost universally. The question for us and the problem for us is how, consistently with the limited powers which the Constitution has conferred upon us, we can deal with these great evils.

There is a power, a power which the learned and distinguished Senator from Ohio [Mr. SHERMAN] on the 14th day of September, 1888, declared in this body was the only power which could be efficiently used. That is the taxing power. But by the forms of our Constitution no tax law, no bill to raise revenue can originate in this body. But for that the amendment offered to this bill by the Senator from Kansas [Mr. INGALLS] would receive and ought to receive the vote of every member of this body. We can go further. In that amendment the taxing power is applied to options and to futures. There is no reason why this same power could not be applied as it was applied for the purpose of suppressing the circulation of State bank notes, to the suppression of these trusts, the suppression of these combinations which are eating up the substance of our people. But, sir, we can not originate that in this body; a revenue bill must be first sent to us from the other House before we can enter into that business. The Senate, however, seems determined, leaving out the taxing power, to pass some measure on this very intricate and very difficult subject.

I say it is difficult and intricate, and if the Senate will bear with me while I call attention to the several bills which have been introduced by the Senator from Ohio partly on his own account and partly as the organ of the Committee on Finance, the Senate will see what difficulties that Senator and the great committee of which he is the organ have encountered in the pursuit of this subject.

On the 14th day of August, 1888, the Senator from Ohio introduced a bill. I desire all these bills to be printed as a part of my remarks. I do not wish to read them all, and I shall ask that the Reporter will note at this point the bill to be inserted.

The bill referred to is as follows:

A bill to declare unlawful trusts and combinations in restraint of trade and production.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view or which tend to prevent full and free competition in the production, manufacture, or sale of articles of domestic growth or production, or of the sale of articles imported into the United States, and all arrangements, contracts, agreements, trusts, or combinations between persons or corporations designed or which tend to advance the cost to the consumer of any such articles are hereby declared to be against public policy, unlawful, and void; and any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination may sue for and recover in any court of the United States of competent jurisdiction double the amount of damages suffered by such person or corporation. And any corporation doing business within the United States that acquires or takes part in any such arrangement, contract, agreement, trust, or combination shall forfeit its corporate franchise; and it shall be the duty of the district attorney of the United States of the district in which such corporation exists or does business to institute the proper proceedings to enforce such forfeiture.*

Mr. GEORGE. This was the first bill that was introduced in the Senate on this subject. In that the Senator from Ohio assumed, as the Senator from Alabama [Mr. PUGH] did yesterday, that Congress had full, complete jurisdiction over the subject of trusts and combinations, whether they affect interstate or foreign commerce or not. It will be seen by reading the bill that it denounced all arrangements, contracts, agreements, and trusts made by anybody about anything which is an

article of commerce, whether in domestic, interstate, or foreign commerce.

Mr. REAGAN. Is the Senator from Mississippi sure that is the first bill introduced on that subject?

Mr. GEORGE. That is the first one introduced here that I know of. Mr. REAGAN. I introduced one the same day, or previously to that time, on the same subject.

Mr. GEORGE. I stand corrected upon that. I have been pursuing in most of my investigations the action of the Senator from Ohio and the committee of which he is the organ.

That bill had no reference to transactions in interstate or foreign commerce, but assuming that the Congress of the United States had throughout the Union, as a separate State has within its own borders, full and complete jurisdiction over the subject of trusts it legislated in that way. It applied to contracts made by anybody; it applied to all subjects of commerce, interstate, foreign, and domestic; and it contained the remarkable provision that Congress could enact a law declaring the ground of forfeiture for a State corporation of its charter and directing proceedings in a Federal court by a Federal officer against a State corporation for the purpose of declaring the forfeiture of its charter. That was the first bill introduced by the Senator. That was introduced August 14, 1888.

The Committee on Finance kept the bill under consideration until September 11, nearly one month, and then we have bill No. 2, which the Reporter will note.

The bill reported September 11, 1888, is as follows:

*That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view, or which tend, to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States, or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that competes with any similar article upon which a duty is levied by the United States, or which shall be transported from one State or Territory to another, and all arrangements, contracts, agreements, trusts, or combinations between persons or corporations designed, or which tend, to advance the cost to the consumer of any such articles, are hereby declared to be against public policy, unlawful, and void.*

Sec. 2. That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination may sue for and recover in any court of the United States of competent jurisdiction, of any person or corporation a party to a combination described in the first section of this act, the full consideration or sum paid by him for any goods, wares, and merchandise included in or advanced in price by said combination.

Sec. 3. That all persons entering into any such arrangement, contract, agreement, trust, or combination described in section 1 of this act, either on his own account or as agent or attorney for another, or as an officer, agent, or stockholder of any corporation, or as a trustee, committee, or in any capacity whatever, shall be guilty of a high misdemeanor, and on conviction thereof in any district or circuit court of the United States shall be subject to a fine of not more than \$10,000 or to imprisonment in the penitentiary for a term of not more than five years, or to both such fine and imprisonment, in the discretion of the court. And it shall be the duty of the district attorney of the United States of the district in which such persons reside to institute the proper proceedings to enforce the provisions of this act.

Mr. GEORGE. By that bill all of the first bill was stricken out and the committee sought to get jurisdiction upon a ground which I will now proceed to state. The committee began to discover that this subject of trusts and combinations in restraint of trade was not a matter of Federal jurisdiction in its full extent. They began to discover that they must look to some particular power granted by the Constitution to Congress under which they could pass this bill. So they undertook and so they provided that these arrangements and contracts should be in reference to preventing "full and free competition in the importation, transportation, or sale of articles imported into the United States, or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that competes with any similar article" introduced into the United States "or which shall be transported from one State or Territory to another."

The committee sought jurisdiction upon the ground that these trusts were interfering with full and free competition with articles imported which were dutiable articles. The idea of the committee seemed to be this: If Congress can impose a duty upon a foreign article, Congress may prevent an arrangement or a trust which interferes with the sale of that imported article. That was the first ground. The second ground was that if these arrangements were made about articles which were afterwards transported in interstate commerce that would bring them within Federal jurisdiction.

At this stage there was some discussion in this body, in which cases were cited and principles of constitutional law well known were introduced and brought to the attention of the Senate, which showed the utter fallacy of the grounds upon which the committee had placed the jurisdiction of Congress to enact the bill. Some discussion followed and some amendments were made, so that on the 25th of January, 1889, there was another bill reported from the committee. That is bill No. 3.

The bill referred to is as follows:

A bill to declare unlawful trusts and combinations in restraint of trade and production.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States, or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that in due course of trade shall be transported from one State or Territory to another, or to the District of Columbia, or from the District of Co-*

lumbia to any State or Territory, and all arrangements, contracts, agreements, trusts or combinations between persons or corporations designed or which tend to advance the cost to the consumer of any of such articles are hereby declared to be against public policy, unlawful, and void.

SEC. 2. That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination may sue for and recover in any court of the United States of competent jurisdiction, of any person or corporation a party to a combination described in the first section of this act, the full consideration or sum paid by him for any goods, wares, and merchandise included in or advanced in price by said combination.

SEC. 3. That if one of the purposes of any such arrangement, contract, agreement, trust, or combination shall be to compel any person, partnership, or corporation to become a party thereto, or to cease from doing any lawful business, or to sell and dispose of any lawful business, or if acts shall be done under any such arrangement, contract, agreement, trust, or combination, which have for their purpose, or which shall tend to compel the giving up or sale of any lawful business, the person, partnership, or corporation injured thereby may sue for and recover in any court of the United States of competent jurisdiction the damages sustained thereby of any person or corporation a party to any such arrangement, contract, agreement, trust, or combination, or of all or any number less than all of such parties. And if any purchaser of articles specified in the preceding section shall be put to additional cost by the advancing of the price of such articles by means or because of any such arrangement, contract, agreement, trust, or combination, he may, in like manner, sue for and recover the damages sustained, which shall in such case be estimated at the full consideration or sum paid by him for the articles so advanced in price as aforesaid.

SEC. 4. That all persons entering into any such arrangement, contract, agreement, trust, or combination described in section 1 of this act, either on his own account or as agent or attorney for another, or as an officer, agent, or stockholder of any corporation, or as a trustee, committee, or in any capacity whatever, shall be guilty of a high misdemeanor, and, on conviction thereof in any district or circuit court of the United States, shall be subject to a fine of not more than \$10,000 or to imprisonment in the penitentiary for a term of not more than five years, or to both such fine and imprisonment, in the discretion of the court. And it shall be the duty of the district attorney of the United States of the district in which such persons reside to institute the proper proceedings to enforce the provisions of this act.

SEC. 5. That any person who, ninety days after the passage of this law, shall act as a manager, officer, trustee, or agent of any arrangement, contract, agreement, trust, or combination as described in the first section, shall be liable to the penalties prescribed in the fourth section.

Mr. GEORGE. In that bill, either by the acceptance of the Senator from Ohio or by the vote of the Senate—and I do not remember which—section 3 and section 5 were introduced for the first time in this legislation.

Mr. SHERMAN. What bill is that?

Mr. GEORGE. This is Senate bill 3445, ordered to be printed January 25, 1889. I will read section 3 so that the Senator can catch my idea more perfectly. I believe this section was offered by the Senator from Massachusetts [Mr. HOAR]. At all events it appears to be ordered reprinted as amended. In section 3 of this bill it was proposed—

That if one of the purposes of any such arrangement, contract, agreement, trust, or combination shall be to compel any person, partnership, or corporation to become a party thereto, or to cease from doing any lawful business, or to sell and dispose of any lawful business, or if acts shall be done under any such arrangement, contract, agreement, trust, or combination, which have for their purpose or which shall tend to compel the giving up or sale of any lawful business, the person, partnership, or corporation injured thereby may sue for and recover in any court of the United States of competent jurisdiction the damages sustained thereby of any person or corporation a party to any such arrangement, contract, agreement, trust, or combination, or of all or any number less than all of such parties.

And then there was a provision in that same section for recovering further damages. The fifth section was intended to have operation upon trusts and combinations already formed, and is in the following words:

That any person who, ninety days after the passage of this law, shall act as manager, officer, trustee, or agent of any arrangement, contract, agreement, trust, or combination as described in the first section, shall be liable to the penalties prescribed in the fourth section.

In that connection there was also some discussion. It was shown in that debate very fully that under the power to regulate foreign and interstate commerce the provisions of the bill could not stand. It was also shown that the bill covered very innocent combinations and transactions, such as the alliances among farmers and grangers and combinations among laborers to advance their wages, etc. That bill submitted on the 25th day of January, 1889, after that debate was closed, was never called up for action during the last Congress.

That disposes, Mr. President, of the history of this legislation or attempted legislation in the Fiftieth Congress. But the Senator from Ohio was not disposed, as he understood his duty, to let the matter rest there; so that on the first day or the next day after we met at this session, at least on December 4—I believe we met on the 2d—the Senator from Ohio introduced this bill:

Be it enacted, etc., That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States, or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that competes with any similar article upon which a duty is levied by the United States, or which shall be transported from one State or Territory to another, and all arrangements, contracts, agreements, trusts, or combinations between persons or corporations designed or which tend to advance the cost to the consumer of any such articles, are hereby declared to be against public policy, unlawful, and void.

SEC. 2. That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination may sue for and recover, in any court of the United States of competent jurisdiction, of any person or corporation a party to a combination described in the first section of this act, the full consideration or sum paid by him for any goods, wares, and merchandise included in or advanced in price by said combination.

SEC. 3. That all persons entering into any such arrangement, contract, agreement, trust, or combination described in section 1 of this act, either on his own

account or as agent or attorney for another, or as an officer, agent, or stockholder of any corporation, or as a trustee, committee, or in any capacity whatever, shall be guilty of a high misdemeanor, and on conviction thereof in any district or circuit court of the United States shall be subject to a fine of not more than \$10,000 or to imprisonment in the penitentiary for a term of not more than five years, or to both such fine and imprisonment, in the discretion of the court. And it shall be the duty of the district attorney of the United States of the district in which such persons reside to institute the proper proceedings to enforce the provisions of this act.

In this the effort was made to evade—I suppose I ought not to use the word “evade,” as that is sometimes used in a sinister sense, and I do not use it in that sense—but an effort was made to get rid of the constitutional objections which had been urged in the last Congress; so that we have here some provisions which had been left out of No. 3.

The committee seem to have been uncertain about the ground upon which they had placed it. In No. 2, the second bill introduced, one of the grounds of jurisdiction was stated in these words: The article must “compete with any similar article upon which a duty is levied by the United States.” That was left out of the next bill. The committee thought they could get along with the jurisdiction without this competing clause, and so with that omission the Senator from Ohio, in the original bill introduced at this session, presented the bill in other respects substantially like the last bill that had been reported in the last Congress, except that section 3 and section 5 which I have read were omitted.

That went to the committee, and on the 14th of January, 1890, it was reported back to the Senate with some changes with the view of getting at jurisdiction. It had been shown in the debate, and conclusively shown by citations from the decisions of the Supreme Court of the United States, that articles which might become subjects of interstate commerce did not so become until they were actually delivered at the depot of the common carrier for transportation. Several cases were cited which settled that doctrine beyond dispute. So when the Committee on Finance, able and learned as it, came to consider the bill introduced by the Senator from Ohio on the second day of the session, they discovered that the bill would not stand the constitutional test, and so they changed the bill in the particulars to which I will now call the attention of the Senate.

The bill reported January 14, 1890, is as follows:

Be it enacted, etc., That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with the intention to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States, or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that competes with any similar article upon which a duty is levied by the United States, intended for and which shall be transported from one State or Territory to another for sale, and all such arrangements, contracts, agreements, trusts, or combinations between persons or corporations intended to advance the cost to the consumer of any such articles are hereby declared to be against public policy, unlawful, and void.

SEC. 2. That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination may sue for and recover, in any court of the United States of competent jurisdiction, of any person or corporation a party to a combination described in the first section of this act, twice the amount of the damages sustained, and the costs of suit.

SEC. 3. That all persons entering into any such arrangement, contract, agreement, trust, or combination described in section 1 of this act, either on his own account or as agent or attorney for another, or as an officer, agent, or stockholder of any corporation, or as a trustee, committee, or in any capacity whatever, shall be guilty of a high misdemeanor, and on conviction thereof in any district or circuit court of the United States shall be subject to a fine of not more than \$10,000 or to imprisonment in the penitentiary for a term of not more than five years, or to both such fine and imprisonment, in the discretion of the court. And it shall be the duty of the district attorney of the United States of the district in which such persons reside to institute the proper proceedings to enforce the provisions of this act.

As the bill originally read it stood as follows:

That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view or which tend to prevent full and free competition.

The committee struck out the words “a view or which tend” and inserted the words “the intention;” so that the bill read in this way:

That all such arrangements, etc., made with the intention to prevent full and free competition.

And then in order to meet the objection which has been made, based upon the decision in *Coe vs. Errol*, in 116 United States Reports, the committee inserted in that part of the bill which referred to the transportation of these goods the words “intended for;” so that that part of the bill read in this way: That these arrangements and contracts made “to prevent full and free competition in the” goods above described, which goods are “intended for and which shall be transported from one State or Territory to another for sale,” and then in the general clause which condemns all sorts of arrangements and trusts between persons or corporations to advance the cost to the consumer, the committee again struck out the words “designed, or which tend” and inserted the word “intended.” So the effort of the committee in this bill was to get jurisdiction under the commercial clause upon the ground that the articles about which the arrangement was made, about which the trust was formed, were intended for and afterwards transported in interstate commerce.

In that condition the bill stood on the 17th day of last month when it was called up for discussion in this Chamber, and was discussed by myself. I claim that the debate showed, not by force of the argument of the speaker, but by the citation of cases decided by the Supreme Court, that the words “intended for transportation in interstate com-



merce" gave no additional power to Congress. That argument has never been answered. I believe I might say it has never been attempted to be answered. I feel authorized to say that it can not be answered because every position taken was based upon a decision of the Supreme Court of the United States.

With that array of authority it was supposed by some that this controversy was at an end, and yet in that we were mistaken, for on the 18th day of March, 1890, we had the bill in its present shape, as thus reported by the Senator from Ohio:

That all arrangements, contracts, agreements, trusts, or combinations between two or more citizens or corporations, or both, of different States, or between two or more citizens or corporations, or both, of the United States and foreign States, or citizens or corporations thereof, made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States; or with a view or which tend to prevent full and free competition in articles of growth, production, or manufacture of any State or Territory of the United States with similar articles of the growth, production, or manufacture of any other State or Territory, or in the transportation or sale of like articles the production of any State or Territory of the United States into or within any other State or Territory of the United States; and all arrangements, trusts, or combinations between such citizens or corporations, made with a view or which tend to advance the cost to the consumer of any such articles, are hereby declared to be against public policy, unlawful, and void. And the circuit court of the United States shall have original jurisdiction of all suits of a civil nature at common law or in equity arising under this section, and to issue all remedial process, orders, or writs proper and necessary to enforce its provisions. And the Attorney-General and the several district attorneys are hereby directed, in the name of the United States, to commence and prosecute all such cases to final judgment and execution.

SEC. 2. That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination defined in the first section of this act may sue for and recover, in any court of the United States of competent jurisdiction, without respect to the amount involved, of any person or corporation a party to a combination described in the first section of this act, twice the amount of damages sustained and the costs of the suit, together with a reasonable attorney's fee.

In the first bill the jurisdiction was claimed to be absolute, plenary, and original, not dependent upon the commerce clause of the Constitution. In the four subsequent ones the committee undertook to get jurisdiction from the commerce clause of the Constitution. In all these efforts the committee have been defeated, and now we have this bill based upon the extraordinary proposition, the unparalleled proposition that, because the Constitution has granted to the courts of the United States jurisdiction in controversies between citizens of different States and between citizens of the United States and of foreign countries, therefore the Constitution has granted to Congress legislative power to regulate the transactions between citizens of different States and between citizens of the United States and of foreign countries.

A judicial power, it is unnecessary for me to state, I hope, in this body, is a power *jus dicere*, a power to say what the law is. A legislative power is a power *jus dare*, a power to say what the law shall be. The judicial power ascertains the existing law and applies it to transactions occurring; the legislative power makes new rules, new regulations for transactions thereafter to occur. Yet strange as it may seem, because the Constitution gave a judicial power to settle controversies between citizens of different States and between citizens of the United States and of foreign countries, the bill is formulated to legislate to make rules and regulations concerning these transactions.

I am not going into that argument any further at present. I shall do it, though, unless my motion prevails. I have only gone thus far to show to the Senate the difficulty which the Committee on Finance have encountered in framing this bill. I have pointed out the differences between the various bills to show that all along for now more than a year the committee have not been able to find a single solid stone in the Constitution upon which it could place this bill, but as often as it has been discussed, as often as the fallacies upon which one of these bills rests have been exposed, the committee, uncertain, doubtful, have sought refuge in another pretense. That is the meaning of the history which I have given this morning. The committee in no part of all these six bills which they have presented for the consideration of the Senate have ever been able to place the jurisdiction of Congress to enact them twice upon the same proposition. When beaten from one rampart behind which they have fortified themselves, they have fallen back and made another. Beaten out of that they have retreated to a third; beaten out of that they have retreated to a fourth, and so again to a fifth, and so again to this last ditch in which they place the jurisdiction of Congress on the extraordinary proposition to which I have called the attention of the Senate.

Mr. President, under these circumstances of doubt and difficulty, this changing attitude of the Committee on Finance, the immense importance of this question to the people of the United States, our grave and solemn duty which we owe to the people of the United States to do something, and something effectual, it becomes us to stop, to think, to deliberate. Are Senators willing, in face of this great demand of the people of the United States for redress against these enormous evils, to give to these crying and supplicating sufferers a mere sham? The people call to us for redress. They ask us for security against wrong and evil. Shall we, upon any idea that we will do something, that we will throw some sop to the dog Cerberus, pass a bill which will accomplish nothing, unless it be to demonstrate the inability or the unwillingness of the American Congress to pass an efficient measure?

In view of these things, Mr. President, I think I do a duty, I think I discharge a proper duty to the people of the United States when I ask the Senate to refer all these various propositions to that committee which by the rules of the Senate has charge of these great questions.

Mr. REAGAN. Mr. President—

Mr. MORGAN. Before the Senator from Texas proceeds, if he will allow me just a moment, I wish to ask the Senator from Mississippi whether he does not also desire to put some limitations upon the time within which the Committee on the Judiciary shall report a bill.

Mr. GEORGE. I do not know. That is usual, but this is a grave matter and I should be willing, so far as I am concerned, that the committee be required to report in any reasonable time, say in two or three weeks.

Mr. MORGAN. Well, twenty days, say?

Mr. GEORGE. Yes, twenty days, if that is proper. I dislike to make a proposition of that sort in the motion to commit.

Mr. MORGAN. In view of the pressure of business here, I will move an amendment to that effect, that the committee be required to report a bill within twenty days.

Mr. GEORGE. Very well; I do not object to that.

The PRESIDING OFFICER (Mr. MOODY in the chair). The question is on the motion of the Senator from Mississippi to refer the bill and amendments to the Committee on the Judiciary.

Mr. INGALLS. What was the motion of the Senator from Alabama? To amend?

The PRESIDING OFFICER. The Chair understands the amendment to the motion has been accepted by the Senator from Mississippi.

Mr. GEORGE. No; the Senator from Alabama moves the amendment himself. I do not accept it, because I doubt the propriety of it.

Mr. INGALLS. What is the amendment to the motion?

The PRESIDING OFFICER. The Senator from Mississippi moves that the bill and pending amendments be referred to the Committee on the Judiciary. The Senator from Alabama moves to amend by instructing the committee to report within twenty days. The question is upon the amendment of the Senator from Alabama, to limit the time within which the committee shall report. The Senator from Texas [Mr. REAGAN] has the floor.

Mr. REAGAN. Mr. President, the honorable Senator who makes the motion to refer these bills to the Judiciary Committee is a member of that committee. He told us in his opening remarks this morning that for several years he had been endeavoring to formulate in his mind some bill that would give relief against the great evil to which he has referred growing out of unlawful trusts and combinations. He favored us a few weeks ago with a very learned and able argument to demonstrate that the bill reported by the Committee on Finance was not warranted by the Constitution. He is a member of a committee which has had a bill before it from the first day of this session of the Senate until now and has never acted upon it. I confess that it seems to me not very encouraging to refer bills of this description to that committee.

Mr. GEORGE. If the Senator will allow me, I will state (I am not sure I am right about it, but I think I am) that one reason of the delay in the action of the Judiciary Committee upon the matter was that the subject was before the Committee on Finance.

Mr. REAGAN. But the honorable Senator has just told us that the Judiciary Committee is the right committee for this subject to be before, and it had a bill referred to it. I think that is an answer to his suggestion.

Mr. VEST. Will the Senator allow me? I do not know that it is a matter which is very material, but the reason why the Judiciary Committee did not act upon this matter was on account of the sickness of the chairman of that committee. I am not a very experienced parliamentarian and never took much interest in that sort of business, but if it is within the rules for me to state what happened in committee, I wish to say that more than six weeks ago, two months ago, I moved myself, as a member of the Judiciary Committee, for the appointment of a subcommittee to take under consideration the subject of trusts, there being then pending before us the bill of the Senator from Texas and one other measure. I collated all the bills that had been offered in Congress, together with a large number that had been before the State Legislatures; but the sickness of the chairman of the committee delayed the matter until a few days ago. That subcommittee has now been appointed, and about the time that we commenced the consideration of this matter the bill coming from the Committee on Finance of which the Senator from Ohio has charge was called up in the Senate. Those are the facts, and it is but justice to the Judiciary Committee to state them.

Mr. HOAR. Will the Senator from Texas allow me to make a little additional statement? I suppose it is not a breach of any rule of this body to say that a very large number of nominations for important offices have been before that committee during the few months of the present session, marshals, district attorneys, judges for various States and Territories; and also, I suppose, it is matter of public notoriety that in regard to nearly all of those officials, from the importance of the offices and in some cases from questions of fact which were raised by Senators or by the public elsewhere, inquiries have had to be made into facts transpiring at a distance from the seat of Government, and the time at

the command of that committee has been very much occupied and engrossed by that class of its duties.

Mr. REAGAN. I have no doubt that the Judiciary Committee has had a great deal of such labor before it, as is suggested by the Senator from Massachusetts. In connection with these explanations, I desire to read what the Senator from Vermont [Mr. EDMUNDS], the chairman of the Judiciary Committee, said on that very point yesterday:

The amendment proposed by the Senator from Texas [Mr. REAGAN] is the substance and for aught I know now literally the body of the bill that he introduced, I see by the top of it, on the 4th day of December last, I think about the first day of the session, and which was referred to the Committee on the Judiciary. I think it due to the Senator and to the Senate to state that according to our course the chairman very soon, almost immediately, referred that bill to a subcommittee of three among the most eminent and earnest of the members of that committee, but the committee has not yet been able to act upon it, owing, I have no doubt, to other important business in the committee, our time having been almost exclusively and necessarily devoted to the consideration of executive business. I think it is due to the Senator from Texas and to the Senate, he having introduced the bill so early, to say that.

I can understand very well, with the multiplied duties of the Judiciary Committee and with the difficulties which attend the formulation of a bill on this subject, that there may have been delay; and I do not complain of the delay, because the members of that committee were the better judges of what they were able to do than I can be, who was less informed as to what was before them. The point I made was this: The motion to refer comes from a member of the committee who confesses his inability to formulate a bill upon the subject and who combats, as far as I know, all the bills presented.

I can not state in as strong terms as the Senator from Mississippi has done the great need for legislation upon this subject, the demand of the public for legislation upon this subject, the importance and necessity of legislation upon this subject; and is it possible that the Senate of the United States, having this subject before it in the last Congress and the present, has not been able to reach a conclusion that it could act or that it could not act, and to state the reasons why it could act or why it could not act? I think the country has a right to expect the Senate of the United States, if it can, to say that it has the power to act and the extent and character of that power, or to say that it has not power to act and that the people must rely exclusively upon the action of the State governments.

Mr. President, I have stated from the beginning that the power of Congress over this subject comes from the commerce clause of the Constitution. If there is any other power for legislation by us upon this subject I do not know where it comes from. I know when I say this that the oleomargarine bill, which became a law a few years ago, was passed under the revenue power. I have no disposition to discuss that. At the time, it was almost a confessed fact in the House of Representatives, of which I was then a member, that the revenue provision was simply inserted to give jurisdiction, because there was a surplus of money and no cause for increased revenue. However that may be, my judgment is that where taxes are involved, whether a necessity or as an expedient, the courts would be likely to sustain as constitutional a law based upon that idea.

I have examined with a good deal of care, and certainly with no disposition to be hypercritical, the bill reported by the Finance Committee, to which I shall refer for one moment. I think, as I stated on a former occasion, that the country owes to the distinguished Senator from Ohio a debt of gratitude for his efforts to bring this subject before the Senate and to secure action, whether he has been successful in bringing it before the Senate in a proper form or not. The bill, as I understand it, which is reported by the committee, is not wholly unconstitutional. The first clause of the first section, it seems to me, is clearly within the Constitution.

That all arrangements, contracts, agreements, trusts, or combinations between two or more citizens or corporations, or both, of different States, or between two or more citizens or corporations, or both, of the United States and foreign states, or citizens or corporations thereof, made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States.

What is here described is made unlawful. The words "or sale of articles" ought to have added to them, "while the original packages remain unbroken," to have brought it within the constitutional clause. Then, it does not seem to me to have been necessary to say that these individuals or corporations should be citizens of different States, when it refers to the importation of articles under the Constitution. That brings it under the commerce clause. The other part of the paragraph was unnecessary to give Congress jurisdiction, in my judgment. So, while I would not employ the words used in this bill, because it assigns for jurisdiction some things not necessary to give jurisdiction, it is, within the purview of the Constitution, a regulation of foreign commerce.

Then the second provision pointing out the ground of jurisdiction, which I shall not go over, beginning on line 10, and the third provision giving jurisdiction, which I shall not read, beginning on line 3, on the second page, and ending at line 21, while well intended, it seems to me can not be sustained by the courts of the country, for they do not lay any known predicate for jurisdiction; that is, any predicate that I have learned from the Constitution or from the reading of the commentaries upon it.

The Senator from Mississippi spoke of the various bills introduced by the Senator from Ohio and reported from the Finance Committee in his argument in favor of a reference of all these bills to the Judiciary Committee. I listened to see whether he would not take up the bill now under consideration as an amendment, and give his reasons why that ought to be referred to the Judiciary Committee. I allude to the bill which I have offered as an amendment to the Finance Committee's bill. My amendment has been read two or three times, but I will venture to tax the Senate to read it again, prefacing what I have to say by the statement that it is based alone upon the commerce clause of the Constitution of the United States, and that in my judgment, though we may seek as many sources of power as we choose, we shall find none outside of that and outside of the taxing power, which can not be applied to bills originating in the Senate.

Besides what Congress can do under the commerce clause of the Constitution, the rest, as I took occasion to say a few days ago, must be done by the State Legislatures. One of the great mistakes that seem to me to be made by the people of the country—and it appears to some extent to permeate the Halls of Congress—is that all grievances must be dealt with by Congress, without reference to the question of the source of power enabling us to deal with the subject. When we have exhausted our power under the commerce clause of the Constitution, which must be a confessed power for this purpose, then the people must rely upon the Legislatures of the several States for the rest of the legislation on the subject. I do not mean by this to be understood that no legislation ought to be adopted by Congress. I believe that it is the duty of Congress to pass such legislation as is within its constitutional power in order that it may be supplemented by appropriate legislation of a much larger scope in the several States.

With these preliminary remarks I desire again to call attention (and I am sorry the Senator from Mississippi is not in his seat) to the provisions of the amendment pending before the Senate:

That all persons engaged in the creation of any trust, or as owner or part owner, agent, or manager of any trust, employed in any business carried on with any foreign country, or between the States, or between any State and the District of Columbia, or between any State and any Territory of the United States, or any owner or part owner, agent, or manager of any corporation, company, or person, employed in any such business, using its powers for either of the purposes specified in the second section of this act, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding \$10,000 or imprisonment at hard labor in the penitentiary not exceeding five years, or by both of said penalties, in the discretion of the court trying the same.

It has been suggested to me that the penalty is pretty high. It will be observed that simply the maximum penalties are given, and they are given the same as in the committee's bill. The courts have all the way from nothing up to the maximum given here in their discretion in trying these cases, so that the judgment of the court will determine how much of this penalty shall be applied in each case, according to the special circumstances of the case. I would have no objection if it was thought necessary to reduce the maximum; but when we remember that these penalties have relation to great and powerful corporations as well as to less important combinations, it will be seen that strong measures will be necessary to control and repress the mischievous action.

The second section of my amendment, which would be the fourth section of the bill, if adopted, is:

That a trust is a combination of capital, skill, or acts by two or more persons, firms, corporations, or associations of persons, or of any two or more of them, for either, any, or all of the following purposes—

These are trusts under the power of the first section, resting upon the commerce clause of the Constitution—

First. To create or carry out any restrictions in trade.  
Second. To limit or reduce the production or to increase or reduce the price of merchandise or commodities.

That is for the purpose and under the authority mentioned in the first section.

Third. To prevent competition in the manufacture, making, purchase, sale, or transportation of merchandise, produce, or commodities.

Fourth. To fix a standard or figure whereby the price to the public shall be in any manner controlled or established of any article, commodity, merchandise, produce, or commerce intended for sale, use, or consumption.

Fifth. To create a monopoly in the making, manufacture, purchase, sale, or transportation of any merchandise, article, produce, or commodity.

Sixth. To make, or enter into, or execute, or carry out any contract, obligation, or agreement of any kind or description by which they shall bind or shall have bound themselves not to manufacture, sell, dispose of, or transport any article or commodity, or article of trade, use, merchandise, or consumption below a common standard figure, or by which they shall agree, in any manner, to keep the price of such article, commodity, or transportation at a fixed or graduated figure, or by which they shall, in any manner, establish or settle the price of any article, commodity, or transportation between themselves or between themselves and others, so as to preclude free and unrestricted competition among themselves and others in the sale and transportation of any such article or commodity, or by which they shall agree to pool, combine, or unite in any interest they may have in connection with the sale or transportation of any such article or commodity that its price may, in any manner, be so affected.

The third section, which will be the fifth of the bill if it shall be adopted, provides that each day's violation of the law shall be a separate offense.

I apprehend that those who have looked at my amendment and taken up the clauses in the second section have considered them as independent, and assumed that they were questions to be dealt with by the



State authority, and so they would be if the first section was out of the amendment, but that limits them, as I will read again for emphasis:

That all persons engaged in the creation of any trust, or as owner or part owner, agent, or manager of any trust, employed in any business carried on with any foreign country, or between the States, or between any State and the District of Columbia, or between any State and any Territory of the United States, or any owner or part owner, agent, or manager of any corporation, company, or person employed in any such business, using its powers for either of the purposes specified in the second section of this act—

That is, all those things that I have just enumerated—shall be deemed guilty of a high misdemeanor.

So I beg of those who come to criticize this amendment that they will look to see that it is all brought distinctly and clearly under the commerce clause of the Constitution, and I should like to see some of the constitutional lawyers who are discussing this subject place themselves in opposition to that—if they choose to risk their reputations there as lawyers, I mean.

It was said yesterday by the distinguished Senator from Missouri [Mr. VEST] that a clause of a bill which he read, which made the power to act rest upon the idea that the subject was declared to be contrary to the policy of a State, was the foundation for Federal jurisdiction to enact a law. For safety I will read the clause:

That when any State shall declare, or heretofore has declared by law, trusts as defined by the true intent and meaning of this act to be unlawful and against public policy, it shall not be lawful thereafter for any person, firm, or corporation to cause to be transported any product or article covered or embraced by such trust from such State to or into any State or Territory or the District of Columbia.

That section is the one the Senator from Missouri alluded to as the only oasis in this great desert of unconstitutionality, and he made it to rest upon the fact that the State has passed a law declaring certain things to be against public policy. I am inclined to think my friend, the Senator from Iowa [Mr. WILSON] who sits farthest from me, would accept that for a very different reason from the one which the Senator from Missouri asserts it for. The State of Iowa thinks that the manufacture or sale of intoxicating liquors and wines and beer is against public policy. The State of Missouri and the Senator from Missouri do not so think, but his constitutional argument would enable Congress to determine, not as a constitutional question, but as a question of expediency and morality and policy, that if that State chooses to forbid those things the United States may forbid them also. If the United States can forbid a thing, it must be upon another authority, and not because the State of Iowa has adopted such a provision of law. At least I suggest that; and I suggest further that, if this be a source of constitutional power, it is a new source of power just discovered, not heretofore invoked.

Mr. President, I am inclined to think, in view of the fact that but one member of the Committee on the Judiciary has given any expression that indicates a purpose to mature a law to repress the evil effects of trusts and to punish those engaged in them, that it is not best to refer these measures to that committee. I would rather trust them to the action of the Senate, unless we can have some assurance that that committee will take the subject up and act upon it. If we can have the judgment of that committee, with its reputation for legal and constitutional ability, put to the test, I should be willing to accept it. I do feel that in the multiplied number of bills before us there is danger that we may get provisions adopted which will not be constitutional.

I confess that in offering the measure which I offered as an amendment to the bill reported by the Senator from Ohio, I presented it with the full belief that two of the sources of power invoked by the bill reported by that Senator are not within the Constitution, but I believed if this one is it covers the whole case so far as the criminal part of the law is concerned, and if the other part of it failed the country would not be much at a loss. So I was willing to accept, because I did not well see how to avoid it, that which I did not think strictly conformable to the Constitution, in order to get enough in the law to give it vigor and efficiency, and to protect the people of this country against longer being plundered by the corporations and trusts that are driving the people of the country to despair while other bills are now being acted upon here; and what is the use of sending them to a wet nurse that does not seem to favor them much?

Mr. WILSON, of Iowa, obtained the floor.

Mr. PLATT. The Senator from Iowa yields to me to ask a question of the Senator from Texas.

Mr. WILSON, of Iowa. I only yield for a question.

Mr. PLATT. That is all. I wish to know from the Senator from Texas how far these words in his amendment reach in his construction: "Any business carried on \* \* \* between the States." Let me direct the Senator's attention to what is in my mind—

Mr. REAGAN. In what line are those words found?

Mr. PLATT. In the third and fourth lines of the first section of the Senator's amendment.

The PRESIDING OFFICER. Does the Senator from Iowa yield for an answer?

Mr. WILSON, of Iowa. Provided it does not consume too much time.

Mr. PLATT. It will only take a moment. The Senator's amendment contemplates—

Mr. REAGAN. In the first place it would punish persons engaged in the transportation of things by virtue of trusts, and it is possible that it would go beyond that to some extent, but I am not prepared to say exactly the extent to which it would go.

Mr. PLATT. Then the particular purpose in the use of those words, which are the important words, is to reach the transportation which is carried on between the States?

Mr. REAGAN. That is one of the reasons. I need not repeat to the Senator, as I have stated over and over, that I have given the formulation of what seems to me to meet the question under the commerce clause of the Constitution, and I trust that to the Senate and to the country.

Mr. WILSON, of Iowa. Mr. President, the Senator from Texas [Mr. REAGAN] referred to the State of Iowa in connection with the subject now before this body, and stated that he presumed I might be willing to compromise upon the basis of the doctrine stated by the Senator from Missouri [Mr. VEST] in his remarks made to the Senate yesterday. I suppose the particular subject to which the Senator from Texas referred was that which was embodied in a bill introduced by the Senator from Maine [Mr. FRYE] originally in the Fiftieth Congress and referred to the Committee on the Judiciary, and which related to the subjection of imported spirituous liquors to the operation of the laws of the several States. That bill was considered by the Committee on the Judiciary and an adverse report was made, there being five members of the committee opposed to the bill and four in favor of it. The minority submitted in connection with their report an amendment to the bill in the form of a substitute, which I will read. It is as follows:

That the payment of any tax, duty, impost, or excise upon or in respect of the importation into the United States of any fermented, distilled, or other intoxicating liquids or liquors shall not be held to exempt the importer thereof, or any other person, or any such property from any penalty, forfeiture, or proceeding that now is or hereafter may be provided for by the laws of any State applicable equally to all property of the same nature, respecting the manufacture, sale, furnishing, or possession of liquids or liquors; nor shall the payment of any such tax, duty, impost, or excise be held to prohibit or preclude any State from imposing a tax or duty on any such liquids or liquors or from making regulations in respect of the same, in common with and in respect of other such liquids or liquors not imported, or from enforcing its laws, operating equally in respect of property imported and property not imported, against any such importer or person or against any such property, whether the same be in the original package of importation or not.

That was simply an effort to induce Congress to enable the States to give full force and effect to their efforts to enforce their police power. The Supreme Court of the United States, by a decision referred to in the report which I hold in my hand, seems to have interposed some obstacle in the way of the enforcement of the police power of the State, and this bill was intended to aid the State to get around that judicial obstacle which never should have been interposed. The Senator from Missouri was a member of the committee and signed the majority report, or the report, properly speaking, of the committee, and in that report it is stated:

It should not be overlooked that the province of State control over what concerns the police regulation of domestic health, peace, and general good order and well-being within each State is, under the Constitution, as secure against intrusion from Federal authority as the regulation of foreign commerce by the General Government is from encroachment upon that province by State authority. It is not desirable that Federal legislation should seem, by inference even, necessary to impart or maintain aid or protection to the State's exercise of its authority within the province of State domestic control. The State and the Federal control in the premises are divided by the Constitution, and neither for its vigor depends upon the other. The experience of the wise administration hitherto of this judicial question, in defining these respective provinces, in the opinion of the committee, makes it best to leave this, as it now is, a judicial question, in the highest interest of both the Federal regulation of commerce and the State control of its police authority.

In other words, the Senator and those who concurred with him did not deem it proper to say anything about the constitutional question involved, to even recognize by legislation of that kind the propriety of enabling the States to give full force to those powers which by all have been admitted from the foundation to the present time never to have been surrendered to the General Government. Inasmuch as persons in the State of Iowa were hiding behind these special revenue taxes, protecting themselves against the operation and movements of the State officers and violating the law of the State by the importation of liquors, an appeal was made by the State for that aid, but it was met with such statements as I have just read, and was denied.

Mr. President, I am glad that as time goes on opinions change. It took ten years of agitation to bring about the enactment of the law for the regulation of interstate commerce, but it came at last. Through the processes inducing its final enactment changes of opinion were frequent, and I am glad to see in the RECORD of this morning, as I heard yesterday when the Senator from Missouri was speaking, that a change has come over the spirit of his dream since that report was made in the last Congress. I find that in his remarks upon this bill, referring to an amendment introduced by the Senator from Texas [Mr. COKE], he said as follows:

Sir, I object to the bill—

That is, the one reported from the Committee on Finance—

I object to the bill because I am certain, as a lawyer, that the Supreme Court of the United States will never declare it to be constitutional, and for the Senator to assume that he, and he alone, has found the remedy in this case, is, to say the least, transcending the limits of parliamentary modesty.

Now, Mr. President, I will ask the Secretary to read a bill that I think, although I am not the author of it—and I have been for over six months attempting to find some legislation that would meet this evil—I freely accord to another gentleman the merit of having framed a bill that, in my judgment, comes nearer to furnishing a remedy than that presented by any other person, and I ask the Secretary to read the fifth, sixth, and seventh sections of the amendment proposed by the Senator from Texas [Mr. COKE]. That is a bill that has been offered in the House of Representatives, and was offered here as an amendment by the Senator, and I ask the attention of the Senate to it.

The Secretary read as follows:

"SEC. 5. That when any State shall declare, or heretofore has declared by law, trusts as defined by the true intent and meaning of this act to be unlawful and against public policy, it shall not be lawful thereafter for any person, firm, or corporation to cause to be transported any product or article covered or embraced by such trust from such State to or into any other State or Territory or the District of Columbia.

"SEC. 6. That any common carrier, or agent of any common carrier, who shall knowingly receive such product or commodity for transportation from such State into another State or Territory or the District of Columbia shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred or more than ten thousand dollars or shall be imprisoned for any period of time not less than one year and not more than five years, or by both such fine and imprisonment, in the discretion of the court. And any person who shall knowingly deliver to any common carrier, or agent thereof, any such product or commodity to be transported into another State or Territory or the District of Columbia shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five hundred nor more than ten thousand dollars, or by imprisonment for any period of time not less than one year nor more than five years, or by both such fine and imprisonment, in the discretion of the court.

"SEC. 7. That whenever the President of the United States shall be advised that a trust has been or is about to be organized for either of the purposes named in the first section of this act, and that a like product or commodity covered or proposed to be covered or handled by such trust, when produced out of the United States, is liable to an import duty when imported into the United States, he shall be, and is hereby, authorized and directed to suspend the operation of so much of the laws as impose a duty upon such product, commodity, or merchandise for such time as he may deem proper."

After the reading of these sections by the Secretary the Senator from Missouri proceeded as follows:

Mr. VEST. Now, Mr. President, there is a measure much more radical than that of the Senator from Ohio, far more effective, and not subject to any constitutional objection. Not even the most hair-splitting constitutional casuist, such as to-day has been denounced by the Senator from Alabama [Mr. FURN], can find any objection to that measure; and if my friends on the opposite side of the Chamber object to the seventh section because it deals with the question of import duties, if they do not want to give the President of the United States discretion to take off import duties when they protect a trust, let them strike it out.

But the broad ground is assumed and occupied by the Senator that the provisions embraced in the three sections of the bill offered as an amendment by the Senator from Texas [Mr. COKE] are wholly beyond constitutional objection. If that be so, I should like to know why that bill of the Fiftieth Congress relating to the importation of foreign intoxicating liquors was obnoxious to constitutional objection. And is it possible that we are to be driven to the extreme of saying that the State is entitled to that remedy provided first (leaving its police power wholly out of the case) it shall declare that a trust exists within its borders in respect of the manufacture and sale of intoxicating liquors; and yet if that should be done what protection would that give to the State of Iowa, or any other State which in the exercise of its police powers should enact legislation similar to that now in force in Iowa?

This only provides that in case the States declare a trust in accordance with the provisions of the first section of the bill, then it shall be operative. But suppose there were no trust for the manufacture and sale of liquor in the State of Iowa, still this flood can be poured on; and yet if in the State of Illinois or the State of Missouri, or any other of the surrounding States, there should be a statutory declaration against a trust or alleging the existence of a trust for the manufacture of these liquors within that State, then the provision of this bill would be effective and remedy might be had under its provisions.

Mr. President, you may debate the question as to where the line of constitutional power to enact legislation of this kind will go, and support it, because it is seemingly a new field where by your Congressional legislation you first ask the State to define the object upon which your national legislation may act, overlooking that more substantial field which has been recognized from the foundation of the Government down to the present time, in which it is affirmed that the police powers of the States were retained by them at the formation of the Government, and not surrendered to the United States, but that in regard to those things not surrendered no Congressional action can be had to aid the States in the enforcement of their laws or in protecting them against the infractions which are practiced under color of the United States laws.

What then? States that do not care to exercise their police powers for the protection of the health and morals of their people may be protected by Congressional legislation against a combination to reduce the price of anything as well as to raise it, and yet I think that Senators who engage in this discussion would find it difficult to induce all the people who have been asking for legislation of this character to approve of a measure which should put up a stone wall against the reduction of price. People are generally willing to accept the advantages of reduction, while they may be crying out against the disadvantages of a sudden rise.

So, Mr. President, it is well enough, in the discussion of these great public questions, to be certain, at least reasonably so, that in our endeavor to answer a widespread public demand such as has induced the

introduction of these trust bills, we do not overlook and trample into the dust the recognized powers of the States in other fields.

I do not care to prolong this discussion, for I know the Senate is weary of it and desires to vote, but I can not resist the temptation to call the attention of the Senate to the strange contrast existing between the position assumed in connection with the bill in the last Congress upon the subject of imported liquors and that assumed in the present with respect to trusts.

Now, Mr. President, I am in favor of legislation upon this subject. I desire to reach it at the earliest practicable moment. I remember well, and I have already stated, that through the long lines of ten years the agitation moved before it brought the result of the enactment of the law for the regulation of interstate commerce. I do not want this agitation to run through ten years of time, and yet I do not expect a perfect remedy from any act which this Congress may pass. These things are of gradual growth, and it is well for us and all the people who are looking for a remedy to keep in mind one prominent fact, and that is that no act of Congress, no act of any legislative body will enforce itself, so that not only officers of the United States entrusted with the administration of the law and the officers of the States entrusted with the administration of the laws must take care to see that it is enforced, but the citizen who may be injured by infractions also must give his attention and aid in order to make the remedy effective and perfect.

Now, in order that we may reach action as early as practicable, I am inclined to, and at present believe I shall, vote against the reference of this bill to the Committee on the Judiciary; not that I fear that it would not have conservative and forceful consideration and reasonably early action there, but for the very different reason that I want some bill passed by this body that may go to the other House for action, and where doubtless there may be disagreement; and if that disagreement should bring us to the position of a conference between the two bodies, from it may be evolved a start at least towards legislation in this very important field. For that reason I shall so vote as to bring us to as early a resolution in the Senate as possible, so that we may put ourselves in the same attitude we were in in connection with the bill for the regulation of interstate commerce, a conference between the two Houses, and the result, at least to a considerable degree, effective legislation looking to the accomplishment of the ends so generally desired.

Mr. VEST. Mr. President, I do not know that, if it were, the fact that I occupied a position inconsistent with that which I occupy in regard to the bills now before the Senate during the last Congress, as to the bill referred to by the Senator from Iowa, would practically affect the question now pending at all. I am unable, however, to see that there is anything inconsistent in the position or the vote which I gave in the Judiciary Committee in regard to the bill to which the Senator has referred with that occupied by me to-day. But whether the inconsistency exists or not is really an immaterial question.

The report to which the Senator from Iowa has referred was concurred in by me, but without a concurrence in the argument then used in its support. I gave my vote against the bill which he introduced in regard to the transportation of liquors from one State to another, but I did not give that vote on the argument which was used in that report and which I did not write. I stated in the committee, if I did not state in the Senate, that my opposition to that legislation was based upon the single fact that the Government of the United States recognized the traffic in liquor as legitimate, that it was an article of merchandise both as to foreign and internal commerce, that we collected a large amount of money as excise duties upon the manufacture of ardent spirits in the United States, and that the legislation proposed by the Senator from Iowa was absolutely inconsistent with the position assumed by the General Government upon that subject.

Now, Mr. President, it is absolutely within the power of the Congress of the United States, under the interstate-commerce clause of the Constitution, in its power to regulate commerce, to prohibit the carrying of any article from one State to another. That is absolutely and exclusively within the power of the General Government and of Congressional action. The police power of the State is an entirely different jurisdiction, as distinct and separate from the interstate-commerce clause in the Federal Constitution as any two subjects can possibly be. What analogy can be drawn between the traffic in ardent spirits and the subject of trusts in regard to which we are legislating now? Is there any State in this Union that can ever be expected to legislate in favor of these unlawful combines and trusts as defined in the first amendment submitted by the Senator from Texas [Mr. COKE]? That section reads as follows:

That a trust is a combination of capital or skill by two or more persons, firms, or corporations for the purpose of creating or employing restrictions on trade, or limiting the production, increasing or reducing the price of merchandise or commodities, or preventing competition in the making, manufacture, sale, or purchase of merchandise or commodities, or creating a monopoly in the manufacture, making, sale, or purchase of any merchandise or commodity with intent to forestall the market value of any merchandise or commodity.

There is a trust unlawful under the common law. There is no common law of the United States, but the common law prevails in all the States of the Union. They have in the State of Louisiana a mixed jurisdiction or a mixed system of laws composed of the common law of



England and the Code Napoléon, or the civil law of France, but in all the other States the common law prevails, and that law without statutory enactment makes all such combinations as are prescribed or defined in the States of the Union and this amendment to be unlawful. The section which I condemned reads as follows:

SEC. 5. That when any State shall declare, or heretofore has declared by law, trusts as defined by the true intent and meaning of this act to be unlawful and against public policy.

That is surplusage, because by the common law, which obtains in all the States, the combination, as defined in the first section, which I have read, is unlawful and void; and is it pretended that there is anything in the Constitution of the United States that militates against the idea that under the interstate-commerce clause of the Federal Constitution Congress can treat as unlawful and void and prohibit the transportation of the products of any such combinations as are here defined from one State to another?

The Senator from Iowa speaks of a police law which is enacted against a commodity that is unlawful under the common law, an article of merchandise. Alcoholic stimulants are as much an article of merchandise under the common law and under the laws of a majority of the States of this Union as corn or wheat or pork; and because the Senator from Iowa or the Senator from Texas believes that traffic to be unlawful, the law is not changed as it is in the common law or as it is upon the statute-books of the respective States. What analogy is there between the two? In the one case there is an unlawful combination by the laws of all the States, and if there were a common law of the United States it would be unlawful under that. In the other case there is simply a police regulation as to an article of drink which many intelligent and worthy men believe to be absolutely necessary to human life and human comfort.

I must confess, sir, that I am unable to see even in the exigencies of debate a justification for the assumption made by the Senator from Iowa that the two cases are parallel, and that my inconsistency is therefore apparent.

Mr. WILSON, of Iowa. Mr. President, I do not see the inconsistency on this side of the line that the Senator from Missouri has referred to. Now, the remedy that he proposes by giving his indorsement and support to the amendment presented by the Senator from Texas [Mr. COKE] amounts to this, so far as the question that he addressed his attention to is concerned, that if the State of Iowa or the State of Missouri should find within its borders a combination to put down or put up the price of intoxicating liquors it might pass an act declaring that to be an unlawful combination, and then if this amendment should become a law the State would get the help of the United States and its power to prevent the exportation from that State of the products of that trust, but it would not get the aid of the United States to protect the State that had thus declared a trust existing within its borders from the intrusion of the same article from other States where that trust had not been declared. So then, instead of aiding the States in the enforcement of their police powers, it would simply be an additional means for overriding those powers, notwithstanding the desire of the State.

Mr. VEST. If the Senator from Iowa will permit me—

Mr. WILSON, of Iowa. Certainly.

Mr. VEST. He makes his argument from one standpoint and I make mine from another. He is now going upon the assumption that the General Government exercises this power under the interstate-commerce clause of the Constitution to aid the police powers of the State. That is not my idea. I hold and claim that the General Government, under the interstate-commerce clause, has a right to prohibit an article from going from one State into another, without regard to any police regulation by any State in the Union. It is a very broad, comprehensive, general power that is vested in Congress alone.

Mr. WILSON, of Iowa. That is to say, Congress may enact a law which shall declare that certain articles recognized as belonging to the field of interstate commerce may be taken into Missouri from Iowa and taken into Illinois from Minnesota, but they shall not be returned from those States into the States from which they were shipped, nor shall they go there from any other State. That is, there shall be a kind of checker-board enacted by Congress, so that the States may jump from one to another and pick up one another as you do in playing a game of checkers. That is not constitutional law, Mr. President. You must recognize a principle which will apply to all alike, and when you have applied it to one it will allow the application to others. So that, as has always been recognized in regard to the police powers of the State, belonging as they do wholly to the State, recognized as they were in all the early decisions of the Supreme Court as belonging there, you have got to give your aid so that the States will possess them all, and not obtrude obstacles in the way of their enforcement.

Mr. President, as I said when I was on the floor first to-day, the conditions existing in the country seem to change the opinions of men with regard to the same character of question, and I have no doubt that there are supporters of this amendment of the Senator from Texas and other amendments which have been offered here, that if they had been prepared with equal vigor in some other line of action as clearly constitutional as this would have expressed quite a different judgment in respect to them, just as we see in the case of the bill of the last Con-

gress to which I have referred and the bill we are now discussing. But there must be that consistency which will give each State the same rights in the enforcement of its powers and the enjoyment of its privileges under the Constitution and which shall impose the same kind of conditions upon others. The State which I in part represent asks no departure from that line. Her Senators and Representatives are ready to aid in the enactment of proper legislation for the protection and for the indorsement of the rights of the other States as well as hers, and in regard to the illustration which I used in connection with the bill of the last Congress, all that we ask is that there shall be that proper recognition of the doctrine of State rights that will protect the State of Iowa or any other State and recognize her police powers within her own borders without asking any other State to follow her example except by her own voluntary election.

Mr. SHERMAN. I ask the Chair to state the pending question.

The VICE-PRESIDENT. The pending question is the amendment moved by the Senator from Alabama [Mr. MORGAN] to the motion made by the Senator from Mississippi [Mr. GEORGE] to commit the bill to the Committee on the Judiciary.

Mr. SHERMAN. What was the amendment of the Senator from Alabama?

The VICE-PRESIDENT. To commit with instructions that the Committee on the Judiciary should report within twenty days.

Mr. SHERMAN. Mr. President, it is a very unusual proceeding in the Senate of the United States, very rarely resorted to, to refer the action of one committee to another. It is not a wise proceeding to take at any time. Although there have been cases of the kind, they are very rare. Such a course would create controversies and contention and rivalry between committees, each of which is supposed to understand the duty that is enjoined upon it. As a general rule, such a proposition ought not to be made; but in this particular case I appeal to every Senator to say whether it would be wise to do it. One of these propositions is now pending before the Judiciary Committee, and it has been there for two, three, or four months—I do not know how long. When did the Senator from Texas introduce his proposition?

Mr. REAGAN. I introduced it on the first day of the session, I think, as a bill.

Mr. SHERMAN. On the first day of the session. It has been in that committee almost four months, and nothing has been done. Now, the Committee on Finance was charged with somewhat the same subject-matter. It has been deliberated upon carefully; the committee revised its decision once or twice. Perhaps the criticism of the Senator from Mississippi [Mr. GEORGE] in that respect is correct. It made changes and withdrew from them. But we have considered the subject and very carefully considered it, and opinions have been expressed to the Senate and they are here. Now to send that work to a committee which has already had charge of the subject-matter for four months and has not acted upon it, is rather a damaging proposition. If it is proposed to kill this measure, let it be done in a fair and legitimate way.

The fact that the two members of the Judiciary Committee, both eminent and distinguished lawyers, have given their opinion in favor of the idea that Congress has no constitutional power to pass such a bill, or any of these bills, it seems to me should show us that we ought to have a better nursing mother than that to send the bill to. Under all the circumstances is it right to do that? Is there any probability if this bill is referred now to the Judiciary Committee that they will be able to come to any satisfactory conclusion in two or three weeks and report a bill back to us? Shall we be one bit advanced in regard to it? Not at all. It will only create new debates and long contention. I think that Senators have had every phase of this question presented to them.

As to the pending amendment, I have no sensibility about it. I am perfectly willing to accept any amendment that may be adopted by the Senate. If the Senate by a vote should adopt the amendment proposed by the Senator from Texas, well and good. As I stated, I do not believe in it; that is, I think it is better not now to put upon this proposed law a criminal proceeding, although I originally voted for such a proposition. Still, if the Senate chooses to put it on, well and good. It will probably, in the opinion of some, strengthen the bill, and in the opinion of others it will probably weaken it. Let the judgment of the Senate be carried out when expressed.

Then as to the proposition made by the Senator from Wisconsin [Mr. SPOONER] that some distinct proposition of law should be inserted in this bill giving the court in proper cases the power to send its process, its summons, or notice to parties in other States, there is no objection to such a provision. Indeed, as I lost the suit of my first client some thirty-five years ago, when I entered public life, I am not very familiar with the practice of the courts; but I find, on examination, that the law already provides, in certain cases, that just that thing may be done. Such a statute has existed for many years, and here is a decision of the Supreme Court of the United States upon the subject regulating and pointing out the necessity of having parties from other States and from all over the jurisdiction of the United States in certain cases. The case decided was a case where the suit was to quiet title to land, a suit in equity, and notice was sent under the law of 1875, I think it was, to different parties in different States. So there is no trouble in meeting

that difficulty. The court may, in the exercise of its discretion, serve notice of the pendency of this proceeding upon all the parties wherever they may live, and it goes broadcast wherever they may live, and even from foreign countries it may summon them to take their part in the trial of the case. The Senator from Wisconsin, who is a practicing lawyer and engaged now in cases in the United States courts, is thoroughly familiar with that matter, and he has prepared a section that will cover it entirely. I have not only no objection to it, but I shall be very glad indeed to have it provided for.

The language which was inserted by the Committee on Finance required these combinations to be made between persons or corporations in different States in order to come within the jurisdiction thereby created. That language was inserted by the Committee on Finance. I did not think it was necessary on the first draughting of the bill, but that was deemed necessary, and now the Senator from Massachusetts [Mr. HOAR] thinks those words ought to be stricken out. I do not care whether they are in or out. It does not make any difference in my judgment as to the effect of this bill. I shall be glad to have it either way in order to satisfy Senators, but I can not satisfy them all.

The Senator from Massachusetts objects to the words "in a civil suit." I have no objection to their being stricken out. I would say, using the language of the Constitution of the United States, "all cases in law or equity," or, which is better, "all controversies between persons living in different States."

Mr. HOAR. The Senator will pardon me.

Mr. SHERMAN. I would have it either way. The second section refers to controversies between parties.

Mr. HOAR. The Senator will allow me to call his attention to one thing. That first section being criticised yesterday, he stated that it was intended to apply to suits brought by the United States. Now, as I understand him, he is willing to substitute the phrase in the first section, "controversies between citizens of different States." That clearly would exclude the United States altogether.

Mr. SHERMAN. The Senator does not correctly state my case.

Mr. HOAR. If the Senator would make that amendment he would have a section which provided that controversies between citizens of different States should be taken possession of by the district attorney or the Attorney-General and conducted to final judgment and execution.

Mr. SHERMAN. I will explain to the Senator from Massachusetts in regard to the bill. It is strange he can not distinguish between the first and second sections. He dislikes the bill so much that he can not state the case fairly. I refer to all actions at law or in equity in the first section of the bill. I use the language of the Constitution of the United States in defining the cases that arise under the Constitution and laws of the United States, and so "all cases at law or in equity of a civil nature." These words he objects to, and I am willing to strike them out. These words are there because they are used in the Constitution of the United States.

When I come to describe these things in the second section, there the words "controversies between citizens of different States" are used, so that there can be no misunderstanding.

The first section deals with suits brought by the United States in the name of the United States to check, and control, and enjoin, and regulate these corporations. The second section provides for suits between parties, and there, I think, they ought to be classed as controversies between parties of different States; and that is the distinction laid down.

Now, Mr. President, all I desire is that this bill shall be voted upon. I believe that in a half-hour we can take the vote on the proposition of the Senator from Texas [Mr. REAGAN]. If that is adopted, well and good. We can vote then upon the proposition of the Senator from Kansas [Mr. INGALLS] and then adopt the amendments that are suggested on either side. Correct this bill as you will, and we can have a bill which, while it may not be perfect, while it may not go far enough to suit me or may in some respects go further than I think is wise, yet we shall have a tangible proposition that we can send to the House of Representatives for their consideration, and in that way we can dismiss from the Senate of the United States, for this session at least, this question and controversy about trusts and combinations. If we send this bill to the Judiciary Committee and await their report to come back to us, we shall have to go over all this ground again and we shall be simply wasting time that is valuable to the people of the United States.

It must be remembered that we have been in session for nearly four months and we have not dealt with any of the great questions which we have to deal with within the next three or four months; and if we now palter with the question, send it to another committee and go over another long debate of three or four days on another report, what is to become of other questions which are pending, the tariff question, the silver question—involving grave consequences and upon which honest men may disagree—the dependent pension bill, and many other like bills? We had better dispose of this bill, and I hope we shall dispose of it before we go to dinner to-day, and end it.

Mr. HOAR. I wish only to say a word. I have a strange incapacity to understand my honorable friend from Ohio. It is entirely owing to my dullness, of course.

Mr. SHERMAN. And mine.

Mr. HOAR. But I think if the Senator from Ohio will look at the Reporter's notes of his speech he will find that he said just now that he had put into this bill the words "all suits of a civil nature at common law or in equity," and that he put them in because they were the words of the Constitution.

Mr. SHERMAN. Substantially.

Mr. HOAR. But he said he thought he would like to substitute for them, as on the whole better, "controversies between citizens of different States." That is exactly what he said. I think that will be found in the Senator's remarks, and I think it will be found in the memory of every Senator who listened to him. Then I called his attention to the fact that he said yesterday the first section was intended to provide for suits by the United States, and that the substitution of the words "between citizens of different States" cut off suits by the United States altogether. He says in reply to that that I misunderstood him, and that he was talking about the second section; but if he will look at the second section he will find that there is no place in that section where those words belong; that there is nothing appropriate to them; that there is nothing to be stricken out for which they are to be substituted. The second section provides—

That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination \* \* \* may sue for and recover, in any court of the United States, \* \* \* twice the amount of damages sustained.

Does the Senator mean to limit the second section to cases of controversies between citizens of different States? Of course not. If the combination against which the bill is leveled has injured me through foreign or interstate commerce, does he mean to say that his purpose in the bill is to provide that I can only have a remedy when I am damaged by citizens of different States from my own? The second section has nothing at all to do with residence in different States.

My honorable friend says that I dislike his bill. I do not. I like his bill very much; and I like it as he had it; but he has proposed this amendment. He has answered to every single criticism I have made upon it, if I recollect aright—there may be possibly one exception—that he was of that way of thinking himself in the first place, but that he yielded his judgment to the opinion of others in order to make the bill go through. What I want is to have the great authority of the Senator in his original judgment, not in his yielding to other people, in favor of a bill which I should like to vote for.

That is the difference between the Senator and me. I want him to strike out these words which make the bill apply to only one-one-hundredth part of the cases that it ought to apply to, and to have it as the Senator first reported it. Then I want a penal provision put in and have it as the Senator originally designed it, and with one or two other little amendments in which I shall have the Senator's entire concurrence, if I understand him, I propose heartily to support his bill.

My honorable friend seems to me, owing to my great dullness of expression and failure of clearness, to have understood a concurrence with his opinion somehow or other as a criticism upon his bill. I say again that in making those amendments I do not see where he can put in the words "controversies between citizens of different States" in the second section. There is nothing to be stricken out for which they can be properly a substitute. The second section is not drawn on the theory that makes it proper, and if he does he will do in the second section what, contrary to his judgment, if put in the first, will make the bill apply to but a very small proportion or fraction of the cases it ought to reach.

Mr. SHERMAN. The whole idea is that the Senator differs as to my statement of the case; but when he comes to offer the amendments he will find them not very important and probably those I shall cheerfully accede to. I hope we shall have a vote on the question of reference.

Mr. STEWART. Mr. President—

Mr. GEORGE. Will the Senator from Nevada allow me to make a personal explanation? It will not take a minute.

Mr. STEWART. Certainly.

Mr. GEORGE. The Senator from Ohio in speaking of the Judiciary Committee as being rather an unfriendly body to send this bill to referred to two Senators upon that committee, by which, I suppose, he alluded to myself and the Senator from Missouri, as having already prejudged the case and having decided in our own minds that there is no constitutional power on the subject. I desire to say that, whilst that is my opinion with regard to the Senator's bill, I think the amendment offered by the Senator from Texas [Mr. COKE] is a valid and constitutional bill, and I certainly think that the one which I prepared and which I shall offer is a valid and constitutional bill.

Mr. STEWART. Mr. President, while this debate has been proceeding I have been thinking about the practical operation of the bill reported from the Committee on Finance if it should be passed and could be enforced as a constitutional law. I call particular attention to the clause commencing in the seventeenth line:

And all arrangements, trusts, or combinations between such citizens or corporations, made with a view or which tend to advance the cost to the consumer of any such articles, are hereby declared to be against public policy, unlawful, and void.

Now, it is a well known fact that since the money power abandoned



the old automatic system of allowing the quantity of money to be governed by the product of the mines or by the quantity of gold and silver obtainable, and provided that only one metal should be manufactured and both should enter into production, there has been a decline in prices and that it has now reached a point where there is great distress in the country. There is now great distress on account of falling prices, which necessarily follow contraction. There are many manufacturing establishments that find they can not make any money; they are losing money and see that they will have to go into bankruptcy if something is not done. Men agree, for instance, that they will manufacture only a certain amount, no more than the market will take, in order to keep up the prices, so as to avoid bankruptcy. Those arrangements are common; they are of every-day occurrence. But under this bill would they not be subject to the pains and penalties prescribed? If producers did not have the power to make such an agreement in times like these, when prices are declining, when they are putting their money in one year and can not get it out the next year because prices have declined—if they could not make an agreement to check production and wait for better times to bridge over the trouble, they would be ruined; and this bill would probably, if carried out literally, in times of depression, break up half the manufacturing establishments in the country. That is one of the ordinary effects, one of the ordinary arrangements which are necessary in times like these, that would be in violation of the bill.

Then again we will take, for example, the beef trust in Chicago. There is a trust which has put up the price of beef, a trust that we have been investigating and want to remedy. There is a plain remedy for that trust, not in legislation perhaps, but in the action of the parties interested. Farmers who are producing beef have to sell it at an enormous sacrifice, at starvation prices. Cattle are cheap all through the country. Still beef is high in Chicago. Suppose the farmers in the West should unite and say, "We will not sell our beef except at a certain price." Suppose they should unite to beat this combination; they would all be criminals under this bill; they could not combine to beat it at all.

Suppose, again, a combination is formed in Chicago by citizens of Chicago, not citizens of different States, but all citizens of Chicago, to bear the prices. The farmers of different States would have no right to combine and say, "We will not sell any wheat; we will help each other; we will advance money to each other; we will not sell any wheat until this combination is broken up; we will not allow them to sell our wheat short, to sell something they have not got and bear the market, and we will not take our wheat to market to be robbed." That they could not do under this proposed law. They would be liable to all the pains and penalties of the law if they did.

Again, suppose that the employers, railroad companies, and manufacturing establishments should say that labor shall be put down to two bits a day. Suppose that capital should combine against labor, as it is very much inclined to do, and there should be a combination among the laborers which would increase the cost of production and increase the cost of all articles consumed. Suppose there should be a combination among the laborers to protect themselves from grasping monopolies; they would all be criminals for doing it.

This measure strikes at the very root of competition. It strikes at the very root of self-preservation. It strikes at the very root of organization. It strikes at the very root of co-operation.

The time was in England when everything was parceled out to some particular favorite. Men who sold beef were not allowed to raise it; they were not allowed to bring it into market in certain ways. It had to pass through certain channels. All were trammelled; there was no liberty, no competition; but after having tried that thing for a hundred years, England wiped it all out and said, "We will have competition."

Co-operation is necessary; but co-operation has its evils. When capital is combined and strong, it will for a time produce evils, but if you take away the right of co-operation you take away the power to redress those evils; it gives rise to monopolies that are protected by law, against which the people can not combine. They can not have other monopolies equal to them. It is that which depresses the people.

For instance, the patent laws of the United States create monopolies, and there is more money made by speculators under the patent laws, because they have monopolies. There is no way for the people to combine and form co-operation against the patent laws. While in England every privilege was parceled out to corporations and to private individuals, favorites of the Crown, there was no way for the people to compete with them; but now, in the march of progress, we find everything has been changed and there is freedom of action, freedom of combination, and when one combination is formed, if it is not beneficial, if it puts up the price, others will be formed that will put the price down, and there will be competition. But if you deny the right to combine in order to compete with the capitalists, in order to compete with strong establishments, you go back hundreds of years.

This bill is a step in the wrong direction. It is a step back towards the dark ages. It is a declaration against the freedom of man, against freedom of action. If one corporation is making too much money there will be other corporations, and that is the remedy which modern civilization has invented. That is the remedy which has brought about

the present development of the civilized world. All the States, instead of having corporations dealt out to private individuals by private statutes, have passed general incorporation laws, and there is as much freedom of competition between corporations now as there is between individuals.

The great harmfulness of corporations was that they were monopolies; that others could not form them. It required special acts or special favors to create them; the people could not form them. If you take away the right to form combinations to meet combination, you will have monopoly in this country to your heart's content. It would be the accumulated capital that would prosecute the new concerns that are starting. This bill would be an engine of oppression to break down all competition, because as soon as one was forming those in existence would bring suit immediately. They would have the power and the money, and the poor people struggling to meet the combinations in existence would not have the power to resist them. What could a labor organization do when its individual members were sued by the Government for belonging to a labor organization, a combination which has a tendency to put up the price of labor or its products? It would be helpless against the power of these great corporations, which have abundance of money to prosecute these suits.

Why take away the right of the laborers of America to compete in production with these great corporations? Why take away from the people the power to resist corporations, the power to organize for the purpose of bettering themselves? Organization is everything; individuals literally nothing. No great enterprises are conducted now without organization. As I said yesterday, the individual man by himself can be but little above a savage. He can not supply himself with the wants, let alone the luxuries of life. He must be as a savage if he is alone. He must avail himself of the labor of others. Inter-association (and in my judgment this bill strikes at the principle of association) is necessary to afford competition; it is necessary to provide means for the development of the country; it is necessary for the laboring men and the producers of the country. If they will develop its resources they will benefit themselves, and if they will resist oppression they must have this right. The bill takes away the sacred right of co-operation, and it ought not to be passed into a law.

Mr. PUGH. Mr. President, as a member of the Committee on the Judiciary I simply desire to say that in my opinion a reference of this bill to that committee will be the last of it for this session. I think I have knowledge enough to enable me to say that the enemies of the bill can not adopt more efficient action to destroy it than to send it to that committee.

I am a friend of this bill and of many of the amendments that have been offered to it. The Senate is in just as good condition, is just as well informed and prepared to pass upon the amendments now as it will be hereafter, or as the Judiciary Committee are. I have no idea that the Judiciary Committee can formulate a bill, that will meet with the concurrence of a majority of that committee, that has any life in it, and I insist that we should dispose of the bill and the amendments, and vote down the proposition to refer to the Judiciary Committee.

Mr. HISCOCK. I should like to make an inquiry of the Senator before he takes his seat. Do I understand from him that he thinks a majority of the very able lawyers constituting the Judiciary Committee would come to the conclusion that the bill is unconstitutional and void?

Mr. PUGH. On that subject I am not prepared to speak; I am not sufficiently familiar with the constitutional opinions of the members of that committee, except as to those who have expressed them in this debate.

Mr. HISCOCK. I suppose if the bill and the amendments should be referred to the Judiciary Committee, it would be for the purpose of having the opinion of that committee upon the constitutional objections that have been urged against the bill, and my inquiry pointed to the fact whether the Senator knows that a majority of the eminent gentlemen who constitute that committee believe that this scheme of legislation would be unconstitutional and void.

Mr. PUGH. We have had the opinion of two very able members of that committee, learned and able lawyers, that there is no power under the Constitution to pass the bill or any amendment now pending or proposed except the one offered by the Senator from Texas [Mr. COKE]. While I am ready to vote for that amendment, I have no idea that a majority of the Judiciary Committee will favor it. The difficulty in that committee is with the variety of opinion that it has both as to constitutional power and as to the provisions of a bill to reach this evil. My opinion is that the variety of that opinion will prevent any concurrence in favor of a bill that has any vitality in it, and we are more apt to give it by voting in the Senate on the amendments as they are presented and will be in order than by letting that committee deal with this question and make a report to the Senate. I have no idea but what any report that it may make of any bill would be subjected to the same number of amendments, if not more, than the bill now pending before the Senate.

Mr. HISCOCK. I will say to the Senator upon the same question and upon the same line that if the bill with the amendments is to be referred to the Committee on the Judiciary I would like the motion to

be modified so as to call for a report from that committee upon the constitutional and legal questions involved, not upon the framework of a bill especially, for that we could take care of here. I could have my opinion as to what the provisions ought to be, as well as any one else. I hope that the Senator who made the motion to refer the bill to the Committee on the Judiciary will amend his motion in that they shall be called upon to express themselves as to the constitutional power of enacting this legislation.

Mr. PLATT obtained the floor.

Mr. GEORGE. Mr. President—

Mr. PLATT. I will yield to the Senator from Mississippi.

Mr. GEORGE. The remark made by the Senator from Alabama calls for some response from me. The Senator said if the bill should be referred to the Judiciary Committee, he had no idea it would be heard from during the remainder of this session. The Senator from Alabama has no warrant for making any such statements, I think.

Mr. PUGH. It is merely my opinion, of course.

Mr. GEORGE. The Judiciary Committee, I believe, have been as diligent in performing the duties which the Senate have imposed upon them as any other committee of this body. There is the motion now pending, made by the Senator's colleague [Mr. MORGAN], requiring that committee to report within twenty days, and then there is the parliamentary power in this body, which the Senator seems to have overlooked, that when a matter is referred to a committee and that committee fails and neglects for an unreasonable time to report, to discharge the committee and bring the matter before the Senate directly.

Taking these things into consideration, I think the Senator's remark is wholly unwarranted. It is not the intention of the Senator, that is, myself, who made the motion to refer, to dispose of the bill in that way. My object in making the motion is to give us a bill, if one be possible—and I believe one is possible—which will be a real remedy for the ills and the evils which afflict the people of the United States, instead of the sham which the pending bill will turn out to be.

Mr. PLATT. Mr. President, I shall, notwithstanding the embarrassment which a motion of this sort creates, vote to refer the bill and the various amendments to the Judiciary Committee, and I do it not as an enemy of some bill which may be properly framed to meet the evil complained of, but I do it because I believe there is in the bill nothing at all which will meet the evil complained of. The people who are suffering from the unlawful acts of associated corporations are asking relief, and when they ask for bread the Senator from Ohio proposes to give them a stone; when they ask for fish he proposes to give them a serpent. As the author of this bill he has been, first and last, something over a year in bringing forward his experiments to meet the evil, and constantly revising his own impressions as to the method in which it could be done, until I venture to say the last proposition is the least effective of any one that he has made.

I allude to this, as I do to the fact that five amendments have been presented, and I believe presented in good faith, to this bill, to show the very great difficulty which surrounds the subject. There is not a single member of the Senate who has thought upon this subject who does not recognize that it is one full of difficulty, of legal difficulty, of constitutional difficulty. The very fact that these amendments have been offered proves the difficulty of the situation, and proves, not that Senators are opposed to granting relief from the ills which are complained of, but that they desire to grant efficient relief if they attempt to grant relief at all.

It is no answer to the criticisms which are made on this bill to decalaim against the enormities of trusts and combinations. It is no answer to the objection which is made to this bill, that it will not touch any single trust or combination in this country, to denounce the operations of trusts. It will not do to say that a person who is not ready to vote for this bill wants to perpetuate the illegal and injurious acts of combinations and associations and trusts. We are very often as legislators placed in this dilemma: An evil exists, an evil which ought to be remedied, which ought to be remedied in an efficient, legal, and constitutional way, and some measure is proposed which either does not remedy it at all or runs against every constitutional method of reaching it; and then the persons who are not ready to take that measure are held up as being opposed to rendering any relief whatever.

My objection to this bill, which I have already stated, is that it will not touch or reach the unlawful or injurious acts of any trust, association, or combination, whether of individuals or corporations, in this country. The fact that it is confined to arrangements between persons or corporations residing in different States of the Union or residing in this country and in foreign countries, is an admission on the face of it that the author of the bill or the amendment admits his inability to do anything else in this direction. It is an admission on the part of the author of the bill that all trusts, all combinations, all agreements, all associations existing between people of the same State, between corporations of the same State, for the unlawful purposes which we all understand, are beyond the reach of Congressional action.

That is the admission in this bill. It is an admission which I do not make, but it is an admission of this bill, because it is confined simply to those arrangements, associations, combinations, and trusts existing between persons of different States or corporations of different States

or persons of this country and another country or corporations of this country and another country. So having eliminated from the effect of the bill all the great combinations which have been formed and may be formed within States it proposes to deal with them where the parties composing them reside in different States; that, and that only.

If we could do that we should simply transfer the parties who compose these corporations from different States to a single State. The great sugar trust, if it is now a combination existing between corporations in different States, would organize as a single corporation of a single State, and then would be beyond the reach of this bill.

But that is not the real difficulty. The real difficulty is that under the Constitution of the United States you can not reach an agreement made between parties residing in different States, no matter for what purpose. It is the controversies arising between persons residing in different States, between corporations residing in different States, which can be reached in the courts of the United States.

The Senator from Ohio seems entirely unable to comprehend this distinction—but it is a distinction which, as it seems to me, every lawyer ought to comprehend—that he is not providing for controversies between persons residing in different States and corporations of different States, but he is trying to stop agreements between persons of different States and corporations of different States, under that clause of the Constitution which gives the courts of the United States jurisdiction of controversies arising between persons so residing. I believe that I can understand the difference between a controversy and an agreement. It is not claimed (at least I have not heard it claimed by the honorable and able Senator from Ohio) that he reaches these combinations under any provision of the Constitution except that which confers jurisdiction upon the United States courts in controversies arising between citizens of different States. If that be true, then every particle of meat, every particle of efficiency, every particle of force in this bill disappears.

I am not to be told that because I am not willing to stand here and vote for a bill which is a snare and a delusion I am not therefore willing to do all in my power to put down these unlawful acts which are ruining the business and injuring the people of the country.

I think it highly appropriate that the bill should be referred to the Judiciary Committee, and it is no answer to that proposition to suggest, as the Senator from Alabama has done, that it is to be referred to a committee several of whose members are enemies of the bill. Any lawyer ought to be, not an enemy of the bill, but opposed to the bill, if he desires to do anything to remedy the evils which have been complained of.

How far the bill may represent the matured judgment of the Finance Committee we are not informed. Certainly one Senator upon the Finance Committee, and an able lawyer, has expressed his dissent from the bill. The other members of the Finance Committee, with the exception of the Senator from Ohio, have not spoken; but I apprehend that when they come to speak by their vote on the bill it will be seen that the bill represents, not a majority, but a decided minority of the Finance Committee.

I do not vote to refer the bill in any spirit of criticism of the Finance Committee, but I vote to refer it by reason of the difficulty of the subject, by reason of the honest doubts of Senators as to the method of relief proposed in the bill and the power of Congress to exercise such relief, because of the earnest desire on the part of members of the Senate to enact some legislation which shall be effectual. I think it ought to be referred to that committee which by common consent embraces the largest amount of judicial ability in the Senate; and to say that it is to be smothered there is to attack and impugn the motives of the honorable gentlemen who compose that committee. I have every confidence that that committee will deal with the subject; that if there is a constitutional way of reaching this difficulty, of remedying these evils, of punishing the men and the corporations who are engaged in these unlawful conspiracies and acts, it will be found out by that committee, and a bill framed along that line; and if there is none that they will say in their opinion there is none; and if that be true we had better face that proposition now than to deal in what in my judgment will be found, if this bill shall pass, to be nothing more nor less than a humbugging of the people of the United States.

I do not use that language imputing to the author of the bill or to any one who may vote for it a desire to humbug the people of the United States, but in my judgment, after having given this matter careful attention and careful thought for two or three years' time, if we pass this bill we shall show the people of the United States who desire to have these evils remedied that we have passed a bill which is utterly powerless and inefficient to reach the evils, and then they will say that they have been humbugged, and they will say more than that, which will not be true, however, that they have been intentionally humbugged by the Congress of the United States.

Mr. WASHBURN. I should like to ask the Senator from Connecticut if he thinks it is possible for him or anybody else to draw a bill that will be efficient in this respect.

Mr. PLATT. That is precisely the question which I desire to refer to the Judiciary Committee.

Mr. WASHBURN. I ask what the Senator's opinion is.



Mr. PLATT. I believe that a bill can be framed along certain lines which may partially reach this evil, but I am not prepared to indicate precisely the extent and the scope of the bill. There may be in some of these amendments valuable suggestions in that line.

Mr. WASHBURN. I should like to ask the Senator also if any special harm would come to the country or anybody else by the passage of the bill if it should be afterwards held to be unconstitutional by the Supreme Court of the United States. Would any damage be done to anybody?

Mr. PLATT. I pointed out one damage. Whenever Congress passes a bill which the concurrent sentiment of Congress believes to be unconstitutional it does a greater damage to the people of this country than is well to be calculated.

Mr. WASHBURN. I do not see how we are ever going to know whether this bill is constitutional or not until it has been referred to the Supreme Court. The most eminent lawyers in this Chamber differ in opinion, and it seems to me that we shall never reach any definite result until some law goes to the Supreme Court.

So far as I am concerned I know the sentiment of the country with regard to the question of monopolies and trusts, and I believe the people expect the Congress of the United States to make an attempt to secure some valid and satisfactory legislation. While the bill of the Senator from Ohio may not be perfect, while it may not reach every point, and may finally be declared unconstitutional, yet it is a move in the right direction, and for one I should dislike very much to have it sent to the Committee on the Judiciary, which would be sending it to "the tomb of the Capulets," I believe. I believe it would be sent there for that purpose, and I believe, furthermore, that when all other means fail to defeat a bill the constitutionality of it is usually invoked for that purpose. I hope that will not be done in this case.

Mr. DOLPH. I move that the Senate proceed to the consideration of executive business.

Mr. SHERMAN and others. Oh, no.

Mr. DOLPH. We are not ready for a vote. There is no prospect of reaching a vote for a week.

Mr. GRAY. Will the Senator from Oregon withdraw that motion for a moment while I submit a report?

Mr. DOLPH. I will.

Mr. SHERMAN. I shall ask for the yeas and nays upon the question whenever it is put.

#### SENATORS FROM MONTANA.

Mr. GRAY. The Senator from Oregon yields to me while I submit a report, of which I gave notice yesterday, on behalf of the minority of the Committee on Privileges and Elections in the Montana case.

The VICE-PRESIDENT. The views of the minority will be printed with the report of the committee.

#### PROPOSED EXECUTIVE SESSION.

Mr. DOLPH. I renew my motion to proceed to the consideration of executive business.

Mr. SHERMAN. I call for the yeas and nays on the motion of the Senator from Oregon.

The VICE-PRESIDENT. The question is on the motion of the Senator from Oregon that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. On that question I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. In his absence I withhold my vote.

Mr. PLATT (when his name was called). I am paired on all subjects with the Senator from Virginia [Mr. BARBOUR]. As he is not in the Chamber, I withhold my vote.

Mr. RANSOM (when his name was called). I am paired with the Senator from Michigan [Mr. STOCKBRIDGE].

Mr. SAWYER (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

The roll-call was concluded.

Mr. ALLISON (after having voted in the negative). I am paired with the Senator from Missouri [Mr. COCKRELL] and therefore withhold my vote.

Mr. PLATT. I desire to add to the announcement of my pair that if permitted to vote I should vote "yea."

The result was announced—yeas 20, nays 29; as follows:

#### YEAS—20.

Bate,  
Blackburn,  
Blair,  
Coke,  
Dolph,

Frye,  
Gibson,  
Gray,  
Hampton,  
Harris,

Higgins,  
Ingalls,  
Jones of Arkansas,  
Mitchell,  
Payne,

Turpie,  
Vance,  
Vest,  
Walthall,  
Wilson of Iowa.

#### NAYS—29.

Aldrich,  
Allen,  
Berry,  
Chandler,  
Cullom,  
Davis,  
Dawes,  
Dixon,

George,  
Gorman,  
Hale,  
Hawley,  
Hiscock,  
Hoar,  
McPherson,  
Manderson,

Moody,  
Morrill,  
Paddock,  
Pierce,  
Pugh,  
Reagan,  
Sawyer,  
Sherman,

Spooner,  
Stewart,  
Washburn,  
Wilson of Md.,  
Wolcott.

#### ABSENT—33.

Allison,  
Barbour,  
Beck,  
Blodgett,  
Brown,  
Butler,  
Call,  
Cameron,  
Casey,

Cockrell,  
Colquitt,  
Daniel,  
Edmunds,  
Eustis,  
Evarts,  
Farwell,  
Faulkner,  
Hearst,

Jones of Nevada,  
Kenna,  
McMillan,  
Morgan,  
Pasco,  
Pettigrew,  
Platt,  
Plumb,  
Quay,

Ransom,  
Squire,  
Stanford,  
Stockbridge,  
Teller,  
Voorhees.

So the motion was not agreed to.

#### TRUSTS AND COMBINATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1) to declare unlawful trusts and combinations in restraint of trade and production.

Mr. MORGAN. Mr. President, when I offered the amendment to the motion of the Senator from Mississippi [Mr. GEORGE], limiting the time within which the Judiciary Committee should report back some measure, I had no idea of imputing in the slightest degree to that committee any want of activity or energy or purpose in the discharge of their public duties. I have heard it said by some Senators here that it would be impossible to get a report from that committee on this bill simply because they were not in a condition to agree about it, on account of the great diversity of opinion among them as to the proper means to accomplish the end the Senator from Ohio and the rest of us desire to accomplish. So I thought if that committee could be required to report back in twenty days it would meet the demand for urgent action, which has been postponed now for about a hundred years in the United States, as well as I understand it, on this question of monopolies and engrossing and all the other offenses against free and proper markets in our country.

The Senator from Ohio says he wants to put at rest this question. He wants to get a bill through here that will put at rest the debate and the discussion about monopolies and about trusts and the like. Well, Mr. President, if we are to have a debate here, as I suppose we are likely to have, upon the protective tariff, which is the great nursery and breeding-ground of monopolies and trusts and combinations and conspiracies, it is not likely that there will be much bating of breath upon this question, even though the Senator may get the shell of a bill through here.

This bill, offered by the Senator from Ohio and reported by the Finance Committee, is nothing but a *brutum fulmen*. It is a shell. It is a tub to the whale. It is not expected, I hope and believe, too, that it will ever yield any fruit in the way of checking conspiracies or combinations or forestallings or regrating or any other of the crimes against the market which the old common law furnished us with rules for defining and punishing also.

Sir, we have now a bill reported by the Committee on Finance, a substitute for a bill that the Committee on Finance had previously reported, which came within range of the batteries of the Senator from Mississippi [Mr. GEORGE], and the bill went to pieces. Its friends had to take it back into the Committee on Finance and bring out another one; and I think from what I hear around on the different sides of the Chamber, without reference to any political divisions at all, but in reference to the opinions of men who profess to understand the Constitution and laws of the country, that the bill of the committee, as reported now, is just as likely to go down as the one that was brought in before. Including that second effort, here are six bills now before the Senate, each of them drawn by gentlemen of experience, and an account of the laborious efforts they have been making here for months, and some of them for years, in the maturing and bringing forth of these bills, is enough to startle one with the intricacy of the question.

It is an intricate question. It taxed the powers of the British Parliament with all of its omnipotence about two centuries to meet these combinations and conspiracies in trade and about trade, relating chiefly, however, to the material subsistence of the people, articles of grain and provisions and the like; and every once in awhile we find the brush of oblivion drawn by the English Parliament across all these enactments; they are all swept from the statute-books. Why? Because of the vain, futile effort on the part of legislators after all to do very much in controlling men, as the Senator from Connecticut [Mr. PLATT] said, in making their agreements. The common law of England has been resorted to time and again, at the end of different long periods of experiment, for the purpose of furnishing remedies for all the complaints we are now hearing about, which complaints were identical in their nature and substance with those that now come forward in vast array to tax the ingenuity of legislators to repress them. It is very certain that no Senator here, no matter what his wisdom or ability may be, can assure himself absolutely that he has a remedy which is in all respects

or in many general respects a solvent and a cure for the difficulties we are now encountering.

We hear the argument made here, and I think it is a perfectly sound one, that the way to get rid of troubles in trade in the nature of conspiracies and combinations is to remove the temptation. We probably could not reach the Standard Oil conspiracy or combination, and several other various important trusts, as they are called, in the United States by a modification of our protective tariff, but it is very certain that we should reach 90 per cent. of them. We would take the underpinning entirely away from 90 per cent. of the trusts and combinations and conspiracies that are forming all over the land if we should so modify the tariff as to remove the temptation to make them; but as long as we enact these temptations in the statute-book we can hardly denounce that as immoral or criminal which men do under our invitation.

There is a great deal of danger. I think I can see it in almost every direction in legislating upon questions of this kind. The Senator from Nevada [Mr. STEWART] has called attention to a very important topic in this connection. I do not know of anything that has a greater or a more direct impression upon our foreign commerce and our interstate commerce than the price of labor. There are combinations among our laboring men of various different fraternities continually being made for the purpose of raising the price of labor. The price of labor when raised by combination—or, if you please so to call it, by a conspiracy, or in the nature of a trust confided to the hands of some managing committee, some steering arrangement—combinations of that kind to raise the price of labor must necessarily increase the price of commodities in interstate commerce and international commerce, at least to the extent of the exports that we send abroad.

Now, while we are legislating against all such combinations and conspiracies that affect the price of commodities interchanged between the States of this Union, what are we to say to the men who, in their Knights of Labor and in their Wheels and in all of their various organizations, meet together for the very purpose of raising the price of labor in the particular industry in which they are concerned or the price of labor generally? Labor is a commodity bought and sold every hour in the day. It is so much a commodity as that we forbid its importation here when it comes under contract; we treat it just as we would spurious medicines, or base coin, or something of that sort; we tax it as we do oleomargarine. We treat labor precisely as if it were a commodity, and it is a commodity that is imported into this country.

If we pass a law here to punish men for entering into combination and conspiracy to raise the price of labor, what is the reason why we are not within the purview of the powers of Congress in respect to international commerce? Who can answer the proposition as a matter of law?

There is great danger in any direction you look in respect of such a measure as this, and I am afraid to take ground on it until that committee of this body which is charged with the consideration of judicial questions have had an opportunity to report a bill, or, if it can not agree upon a bill, to report that it can not agree. But it can agree upon certain principles that ought to control our legislation, and let us agree upon the bill, and in that way we shall be apt to come to some sedate and profitable conclusion about this great controversy, for it is a great controversy.

I think there has been as much ingenious argumentation upon this question as I have ever heard in the same length of time in the Senate of the United States, and it has taxed the abilities of almost every gentleman on this floor to find out exactly what is the extent and boundary of our power and what are the lawful methods by which we can put it into exercise in the Federal courts. It is a very intricate subject, and, in my judgment, we are going entirely too fast if we do not get the opinion of our Judiciary Committee upon it.

There is a feature in this case that nobody has ever suggested, so far as I have heard, that has always struck me with a good deal of force. I think a proceeding *in rem* can be had under a libel for condemnation of goods, wares, and merchandise carried between the States, to seize, condemn, and confiscate goods that may have been manufactured under a conspiracy or bought and collected together under a conspiracy to control the markets. That subject seems not to have had any attention from Senators here. I never have proposed to myself to interfere in any way to try to make the legislation one thing or the other except so far as my mere vote would go, but it seems to me there is a field here for the enterprise of Senators.

Here is a sugar trust in New York. They say it consists of a number of corporations that are banded together, who have their local habitation in various different States; but they refine sugar under a combination that puts the price up to a certain figure and does not allow it to go any lower than that. Now, when their sugar is in transit from New York to Chicago, what is the reason why some person may not seize it under a proceeding *in rem*, and in that way touch the very chord that would run to the heart of the whole establishment? Why could not that be done? It seems to me that it is as easy a way to get at it as any you could mention, certainly far better than the declaration of nullity of the contract or referring some poor fellow who bought ten pounds to a Federal court somewhere to recover double damages according to the percentage of loss he sustained in the amount taxed upon him through the conspiracy.

The subject is not exhausted by any means. There is a great deal to it yet. Senators need not be in a hurry to get something on the statute-book to see if some court will not reverse what we are doing here. I trust the Senate of the United States on great questions of constitutional law affecting the jurisprudence of the United States will always be able to confine itself at least to that period of time when it has a sound and sedate judgment upon the proposition that it puts forward, especially when it is a new and a great one like this one. Unbecoming haste in a matter of this kind will recoil upon us, not merely in the laws set aside by the judgments of our tribunals, but it will recoil upon us, I am fearful, in the contempt that public opinion will have for this body. We ought to be able to interpret the Constitution of the United States or else give place to men who can do it. It is our business to do it; and I am opposed to seeing any measure go out of this body as an enactment merely as a tentative proposition or one that is experimental upon a question of constitutional law.

Here are gentlemen on both sides of this Chamber, some called State-rights men and others called Federalists; whether rightfully so denominated makes no difference. Here are gentlemen who have very strict opinions upon constitutional construction and others who are more liberal in their views. But gentlemen of both classes are objecting to this bill. They find difficulty in it. It strikes those who, like my colleague, say they are not hair-splitters, end foremost sometimes, and knocks them entirely out of position. Others it disturbs with technicalities and refinements and the like so as to disturb the pleasure of their dreams at night. There is difficulty in every direction. The unsettled opinion of Senators as expressed in this debate shows that there is difficulty in every direction; and we ought to appeal to the best organization which we have in this body to try to compose those difficulties, and get a bill back before us upon which we can agree at least on the principles of legislation, and after due effort conform our conduct to those principles.

Mr. President, I belong to what is called the State-rights school of politicians, and in season and out of season, I suppose, year after year, I stand here for the purpose of trying to protect the States of this Union against encroachment on the part of the Federal Government, because I believe that is one of the greatest duties of a Senator, and especially of a Democrat. I think it is a life-long task a man takes upon himself when he joins the Democratic party to try to protect the States in their autonomy and in their rights secured under the Constitution against Congressional encroachment. But, sir, in respect of this matter concerning trusts and combinations and conspiracies, I must say that I think the States are utterly derelict. They have the unquestioned power to handle and to punish every one of these conspiracies and combinations.

Why they do not do it is more than I can understand, unless I am prepared to accept the unpleasant allusion frequently made here that the Legislatures and the authorities of the State governments have not the virtue to withstand the power of the great corporations. My judgment is that to average them they are just as honest as Congress is, and as little likely to be corrupted as Congress is, and I think it is the mere lethargy of the different State governments, inspired by a too confident reliance upon the powers of Congress to remedy public evils, that is leading us to-day into this effort to do what the States themselves ought to do.

Take the cotton-seed-oil trust and take the action of the State authorities of Alabama upon that, the State in which cotton-seed oil was first produced and made an article of commerce. I remember a case in Montgomery where the great New York cotton-seed-oil trust, chartered under a New York law, I suppose, with \$30,000,000 capital or alleged capital, came there and offered a certain price to a young gentleman who had himself, much by his own labor, certainly out of his own resources, built a cotton-seed-oil factory. They could not agree about the price of it. He said he did not want to sell it; that it was a business he wanted to bring his children up to; that it was a nice business; he had gotten it together and completed it himself. He had already made 10,000 barrels of oil and he shipped it down to Savannah, and thence to New York, and thence to Italy, for the purpose of having it made into a first-class article of olive oil.

When this New York combine found that his ship had arrived in New York and found the ship upon which he had freighted his 10,000 barrels of oil, they bought 10,000 barrels and put it upon the same ship and consigned it to the same city. What was the result? When they got there they sold their oil at a dollar a barrel less than he could afford to take for his. They took the market away from him and convinced him that he had no market in the business of trying to make cotton-seed oil in Alabama; that he must surrender his possessions into the hands of these men; and they bought him out and turned him adrift. Now, the State of Alabama ought to have punished that. It should have made a condign example of the men who did that thing, who came there and threatened that they would destroy his business unless he would sell to them.

Mr. SHERMAN. How could the authorities of Alabama punish the combination in New York?

Mr. MORGAN. When they came to Alabama and made a proposition to him that unless he sold out they would establish their business



and break him up they committed an offense against the laws of Alabama.

Mr. SHERMAN. They probably sent some poor clerk down there to make that declaration.

Mr. MORGAN. Suppose they did. Probably he would have better sense the next time if he served a short term in the penitentiary for it.

Mr. SHERMAN. Yes; all that Alabama could do would be to take the clerk and send him to the penitentiary.

Mr. MORGAN. It may be so, and we shall not get anybody but clerks practically out of this measure that the Senator from Ohio has put in here. All the big fish will escape. The little fish are the men who will have the trouble. There will not be a suit brought in twenty-five years to come under the bill of the Senator from Ohio, if it becomes a law. What does a man get? Double damages. For what? The enhanced price that he has to pay for a commodity in the market. You would never trace it back to them in the world. You have got to identify the sugar, or the molasses, or whatever it is, and run it back to the manufacturer or to the refiner and prove the conspiracy. There would not be a recovery in twenty-five years, and it is not expected that there would be. This bill does not contemplate such a thing. This bill is a good preface to an argument upon the protective tariff when that comes up: "We have sunk the trust question out of sight by a bill that has smothered it for the present."

Mr. SHERMAN. Why could not the Senator's friend in Alabama sue the combination in the courts of the United States and make them pay for all the damages he suffered?

Mr. MORGAN. In the courts of the United States?

Mr. SHERMAN. Certainly, why not? Why could not your citizens, whom you describe so pathetically, sue in the Federal court under this bill?

Mr. MORGAN. He would find, as everybody else would find under the bill of the Senator, that it is cheaper not to sue. It is not a pleasant thing to have a lawsuit.

The Legislature of Alabama ought to have a law upon her statute-book now punishing that particular sort of conspiracy with imprisonment in the penitentiary. Whenever they reform their laws and put their machinery in operation to do justice to their own people, their people will not be here clamoring for Congress to stretch its powers inordinately to give them relief. That is what I am talking about, and as a State-rights man I say that the States are not doing their duty in this particular, and we ought to so inform them. Let them strike out on that line and protect their people, as they have a perfect right to do, and we shall hear no more about trusts and combinations and conspiracies.

Mr. VANCE. Mr. President, I never have a bill in which I feel any interest referred to this grand mausoleum of Senatorial literature, the Judiciary Committee, without feeling that I have attended a funeral. This occasion is no exception to that feeling. The grand air of magisterial dominion which surrounds those gentlemen who constitute that committee, the awful profundity and gravity with which they are enveloped, naturally tend to produce a funereal impression upon a serious mind, and the whole atmosphere seems to me resonant with the strains of that familiar old hymn:

Hark! from the tombs a doleful sound;  
Mine ears attend the cry.  
Come, living men, and view the ground  
Where your bills must shortly lie.

[Laughter.]

I recollect very well when a bill was passed through this body forbidding the employment of any Senator or Representative as counsel for any railroad which had been subsidized by the Government. We all thought it was a mighty good bill and a mighty proper one, and so thought the Senate; but a motion to reconsider was made. The question was discussed, and it was finally proposed to refer it to the Judiciary Committee. On that occasion I bade my friend farewell. I was promised, however, that it should come back. It did come back, but, alas, it did not come back in the same body in which it went. It was Greece, but living Greece no more. It came back mangled and mutilated until its parent knew it not and disclaimed its paternity. [Laughter.]

Mr. President, I feel an interest in this bill. I feel that one class of the community in this American country of ours has not partaken of the general prosperity which the country has enjoyed for the last twenty years. A step has been taken to remove some of the obstructions to this prosperity which a portion of our fellow-citizens fail to enjoy. It may not be the proper step; there may be a better step, but it is a beginning, at all events.

Mr. President, I think if it were not so late in the evening and the Senate would give me its patient attention that I could demonstrate the fact that if a man desired to go to any given point he must start, and that he never would get there until after he did start, and my opinion is that we never shall get a bill for the suppression of the trusts and combinations which oppress a large portion of the American people so long as we consign all of our bantlings to the fostering care of the Judiciary Committee. I say it with all due respect to that great commit-

tee, of course. I am a man too cautious of my personal safety to desire to do anything that would bring upon me the enmity or the disregard of that august body. [Laughter.]

So, if it is the determination of the Senate to send this bill to the Judiciary Committee, to deliver the child for nurture to the persons having most interest in its death, I shall have sorrowfully to submit myself to that state of things, but I hope I may be pardoned for saying that I feel a good deal as we are given to understand the Apostle Paul felt when he took leave of the elders at Ephesus. Having told them that he should depart from them never more to return, the record says:

They all wept sore and fell on Paul's neck, sorrowing most of all for the words which he spake, that they should see his face no more.

I am satisfied, sir, that when this bill does come back it will be so mutilated, that it will have everything that can possibly be of any benefit to the people of this country so entirely eliminated and eradicated, that it will for practical purposes not be worth the paper that it is written upon, and the country will so accept it. The country knows the receptacles where we deposit our dead by this time. We can no longer hope to conceal them.

I heard of a Senator who once occupied a seat in this body who boasted that he was no milk-and-cider man, that he was a man of decision on all subjects. Said he, "When a question comes up before me I either vote for it or I vote against it, or I squat like a man." [Laughter.] Mr. President, the country has found out that when we desire the death of a bill and are not particularly anxious to put ourselves on record as having directly struck the blow which caused the demise, we refer it to the Judiciary Committee [laughter], where it sleeps the last sleep known to the literature of this Senate.

The VICE-PRESIDENT. Is the Senate ready for the question? The question is on the amendment offered by the Senator from Alabama [Mr. MORGAN] to the motion made by the Senator from Mississippi [Mr. GEORGE] to commit the bill to the Judiciary Committee.

Mr. GEORGE. I will accept the amendment if I have a right to do so.

The VICE-PRESIDENT. Is the Senate ready for the question?

Mr. SHERMAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. REAGAN. What is the question?

The VICE-PRESIDENT. The motion made by the Senator from Mississippi to commit the bill to the Committee on the Judiciary with instructions.

Mr. REAGAN. I believe the Senator from Mississippi accepted the amendment of the Senator from Alabama.

The VICE-PRESIDENT. He did.

Mr. INGALLS. Let the pending question be now stated.

The VICE-PRESIDENT. The Chair omitted to state that the amendment was instructing the committee to report within twenty days. The roll will be called.

The Secretary proceeded to call the roll.

Mr. DIXON (when his name was called). I am paired generally with the Senator from South Carolina [Mr. HAMPTON], who was unavoidably called from the Chamber this afternoon. He said he would vote in favor of referring this bill to the Committee on the Judiciary. I am of the same opinion, and therefore I shall vote "yea."

Mr. DOLPH (when his name was called). I am paired generally with the senior Senator from Georgia [Mr. BROWN]. I do not know how he would vote on this subject, and I withhold my vote. I should vote against the motion to refer if I was at liberty to vote.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

Mr. PADDOCK (when his name was called). I am paired generally with the Senator from Louisiana [Mr. EUSTIS]. If agreeable to the Senator from West Virginia [Mr. FAULKNER] I suggest that he and I transfer our pairs, so as to pair the Senator from Louisiana [Mr. EUSTIS] with the Senator from Pennsylvania [Mr. QUAY], and then the Senator from West Virginia and I can both vote.

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL] and therefore withhold my vote.

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR]. If he were present, I should vote "yea."

Mr. RANSOM (when his name was called). I am paired with the Senator from Michigan [Mr. STOCKBRIDGE]. I do not know how he would vote on this question. I should vote "yea," if he were present.

Mr. VANCE (when his name was called). I am paired generally with the Senator from Michigan [Mr. McMILLAN], who is not here. I should vote "nay," if he were present.

The roll-call was concluded.

Mr. PADDOCK. I desire to say that if the Senator from Louisiana [Mr. EUSTIS], with whom I am paired, were present, I should vote "nay" upon the proposition.

Mr. KENNA. I am paired on all questions, except the Blair bill, with the Senator from North Dakota [Mr. CASEY].

The result was announced—yeas 15, nays 23; as follows:

## YEAS—15.

Bate, Blackburn, Dixon, George,	Gray, Hawley, Higgins, Hiscock,	Jones of Arkansas, Payne, Stewart, Teller,	Vest, Walthall, Wilson of Md.
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## NAYS—23.

Allen, Allison, Berry, Blair, Cockrell, Coke, Cullom,	Davis, Dawes, Frye, Gorman, Hale, Harris, Hoar,	Ingalls, McPherson, Manderson, Mitchell, Moody, Morrill, Pierce,	Plumb, Pugh, Reagan, Sherman, Turpie, Washburn, Wilson of Iowa.
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## ABSENT—30.

Aldrich, Barbour, Beck, Blodgett, Brown, Butler, Call, Cameron, Casey, Chandler,	Colquitt, Daniel, Dolph, Edmunds, Eustis, Evarts, Farwell, Faulkner, Gibson, Hampton,	Hearst, Jones of Nevada, Kenna, McMillan, Morgan, Paddock, Pasco, Pettigrew, Platt, Quay,	Ransom, Sawyer, Spooner, Squire, Stanford, Stockbridge, Vance, Voorhees, Wolcott.
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So the motion to refer was not agreed to.

Mr. HOAR. What is now the pending question?

The VICE-PRESIDENT. The question now is on agreeing to the amendment submitted by the Senator from Texas [Mr. REAGAN].

Mr. HOAR. I inquire if that be an amendment to the entire bill, a substitute.

The VICE-PRESIDENT. It is not.

Mr. HOAR. I do not care about having it read at length, but I wished to know whether it was a substitute or not.

The VICE-PRESIDENT. It is an amendment adding new sections to the original bill or to the substitute for the original bill. Is the Senate ready for the question?

Mr. SHERMAN. We had better have the yeas and nays.

Mr. REAGAN. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. GEORGE. I desire to ask the state of the question. Is the amendment of the Senator from Texas offered as a substitute for the bill?

The VICE-PRESIDENT. The amendment offered by the Senator from Texas, as the Chair understands, is an amendment to the so-called substitute of the Committee on Finance for the original bill.

Mr. GEORGE. And not a substitute for it?

The VICE-PRESIDENT. Not a substitute for the bill.

Mr. SHERMAN. It is an addition to the bill.

The VICE-PRESIDENT. Is the Chair correct in that understanding?

Mr. FRYE. Yes, that was so stated.

Mr. SPOONER. I rise to a parliamentary inquiry which I rather wish to address to the Senator from Texas. Is it not the intention of his amendment to take the place of the substitute reported by the Committee on Finance?

Mr. REAGAN. It is an amendment in addition to the amendment of the Committee on Finance.

Mr. BLAIR. I should like to hear the question stated. There is so much confusion that I do not know what the question is.

The VICE-PRESIDENT. The Chair will again state his understanding of the question before the Senate. It is on the amendment offered by the Senator from Texas [Mr. REAGAN] to the substitute agreed upon for the original bill, adding new sections to the substitute accepted for the original bill.

It is not in any sense a substitute for the original bill, but an amendment to the substitute which was accepted in place of the original bill.

The Secretary proceeded to call the roll.

Mr. DIXON (when his name was called). I am paired generally with the Senator from South Carolina [Mr. HAMPTON], who is unavoidably absent from the Chamber.

Mr. DOLPH (when his name was called). I again announce my pair with the senior Senator from Georgia [Mr. BROWN]. As I do not know how he would vote if present, I withhold my vote. If at liberty to vote, I should vote in the affirmative.

Mr. FAULKNER (when his name was called). I transfer the pair I have with the junior Senator from Pennsylvania [Mr. QUAY] to the senior Senator from Florida [Mr. CALL] and vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "yea."

Mr. PASCO (when his name was called). I again announce my pair with the Senator from Illinois [Mr. FARWELL]. If he were present, I should vote "yea."

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR]. If he were present, I should vote "nay."

Mr. SAWYER (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. VANCE (when his name was called). I withhold my vote in consequence of the pair which I have already announced.

The roll-call was concluded.

Mr. RANSOM. I am paired with the Senator from Michigan [Mr. STOCKBRIDGE]. If he were present, I should vote "yea."

Mr. VANCE. I transfer the pair which I have with the Senator from Michigan [Mr. McMILLAN] to the Senator from Louisiana [Mr. EUSTIS], and I desire to vote. I vote "yea."

Mr. PADDOCK. In accordance with the arrangement for the transfer of the pair of the Senator from Louisiana [Mr. EUSTIS] announced by the Senator from North Carolina [Mr. VANCE], I vote "yea."

The result was announced—yeas 34, nays 12; as follows:

## YEAS—34.

Allen, Allison, Bate, Berry, Blackburn, Cockrell, Coke, Cullom, Davis,	Faulkner, George, Gorman, Gray, Harris, Hawley, Higgins, Ingalls, Jones of Arkansas, Teller,	Manderson, Moody, Paddock, Payne, Pierce, Pugh, Reagan, Spooner, Teller,	Turpie, Vance, Vest, Walthall, Washburn, Wilson of Iowa, Wilson of Md.
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## NAYS—12.

Aldrich, Blair, Dawes,	Frye, Hiscock, Hoar,	McPherson, Mitchell, Morrill,	Plumb, Sherman, Stewart.
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## ABSENT—30.

Barbour, Beck, Blodgett, Brown, Butler, Call, Cameron, Casey, Chandler,	Colquitt, Daniel, Dixon, Dolph, Edmunds, Eustis, Evarts, Farwell, Gibson,	Hale, Hampton, Hearst, Jones of Nevada, Kenna, McMillan, Morgan, Pasco, Pettigrew,	Platt, Quay, Ransom, Sawyer, Squire, Stanford, Stockbridge, Voorhees, Wolcott.
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So the amendment was agreed to.

Mr. SHERMAN. Mr. President, I offer a proviso at the end of the first section of the bill reported by the Committee on Finance. I take this proviso from the amendment proposed by the Senator from Mississippi [Mr. GEORGE]. I do not think it necessary, but, at the same time to avoid any confusion, I submit it to come in at the end of the first section.

The CHIEF CLERK. It is proposed to add the following proviso to section 1:

*Provided, That this act shall not be construed to apply to any arrangements, agreements, or combinations between laborers made with the view of lessening the number of hours of labor or of increasing their wages; nor to any arrangements, agreements, or combinations among persons engaged in horticulture or agriculture made with the view of enhancing the price of agricultural or horticultural products.*

Mr. PLUMB. Let me suggest to the Senator from Ohio that the word "their" should come in there, so that the limitation should be upon the exercise of the combination concerning their own products and nobody else's. The point is, if that is carried out, the provisions of the bill would not apply to a person who happened to own a ten-acre tract of land who is engaged in horticulture or agriculture.

Mr. SHERMAN. Let the Senator look at the amendment and see where he will insert his modification. I took the proposition from the amendment of the Senator from Mississippi.

Mr. INGALLS. Let it be read again.

The VICE-PRESIDENT. The amendment will be again read.

The Chief Clerk read Mr. SHERMAN'S amendment.

Mr. PLUMB. Insert the word "their" before "agricultural."

Mr. SHERMAN. The word "their" ought to be inserted before "labor" and also before "agricultural."

Mr. TELLER. I should like to suggest to the Senator from Ohio that he add there something about associations as well as combinations.

Mr. SHERMAN. I do not think those words describe the arrangement.

Mr. TURPIE. I think the amendment would be still clearer by inserting the word "own" after "their;" so as to read "their own."

Mr. SHERMAN. Yes, and inserting "associations," because that is what they are.

Mr. BLAIR. Would the Senator have any objection, also, to inserting words which would include those engaged in the cod-fisheries and the manufacture of boots and shoes? There is a good deal of that done up in New England. We do not raise a great deal of wheat and corn, but we do catch cod-fish; and there is a good deal done in my State in the boot and shoe business, and I am afraid, if we except those engaged in production out West, and I vote for that and do not include in the exception those manufacturing boots and shoes in New Hampshire, I shall get beaten next fall and never come back to the Senate again. [Laughter.] Down in Massachusetts they are in the cod-fish business, and I think the Senator from Massachusetts ought to look after that.



Mr. COKE. If in order, I will now offer the amendment I had proposed, which has been printed.

Mr. REAGAN. Before my colleague offers his amendment let us dispose of amendments to perfect the text. Is my colleague's amendment offered as an addition to the bill?

Mr. COKE. I offer mine as a substitute.

Mr. REAGAN. Before that is offered I desire to move an amendment to the second section of the original bill.

Mr. SHERMAN. There is a pending amendment.

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from Ohio [Mr. SHERMAN], which will be read again as modified:

The Chief Clerk read as follows:

*Provided, That this act shall not be construed to apply to any arrangements, agreements, or combinations between laborers, made with the view of lessening the number of hours of their labor or of increasing their wages; nor to any arrangements, agreements, associations, or combinations among persons engaged in horticulture or agriculture, made with a view of enhancing the price of their own agricultural or horticultural products.*

Mr. PLATT. I should like to inquire of the Senator from Ohio whether he understands by this language agricultural products would include wool. They have, I believe, a wool-growing association—

Mr. BLAIR. There are not many sheep in Connecticut.

Mr. SHERMAN. I think it would include their own wool. [Laughter.]

Mr. PLATT. They have a wool-growers' association in Ohio which we have heard at times a great deal of, and I would suggest to the Senator from Ohio that when we are excepting certain classes of people from the effect of this bill it may be that when the bill comes to be enforced the wool-growers' association of Ohio will inquire why they were not included within the exception.

The VICE-PRESIDENT. Is the Senate ready for the question on the amendment of the Senator from Ohio? ["Vote!" "Vote!"]

The amendment was agreed to.

Mr. REAGAN. I desire to offer an amendment in line 4 of section 2 of the committee's bill. After "United States" I wish to add the words "or any State," and then in the next line to strike out the words "without respect to the amount involved;" so as to make the section read:

SEC. 2. That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination defined in the first section of this act may sue for and recover, in any court of the United States or any State of competent jurisdiction, of any person or corporation a party to a combination described in the first section of this act, twice the amount of damages sustained and the costs of the suit, together with a reasonable attorney's fee.

The object is, in the first place, to give concurrent jurisdiction to the State courts in civil suits; of course in criminal prosecutions that could not be done; and to that end it would be proper to strike out the words "without respect to the amount involved," because the law of the United States and of the States would fix the jurisdictional amount, and those words would not be necessary.

Mr. HARRIS. Let the amendment be read from the desk.

The VICE-PRESIDENT. The amendment of the Senator from Texas will be read.

The CHIEF CLERK. In section 2, line 4, after "United States," it is proposed to insert the words "or any State," and, in line 5, to strike out the words "without respect to the amount involved;" so as to make the section read:

SEC. 2. That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination defined in the first section of this act may sue for and recover, in any court of the United States or any State of competent jurisdiction, of any person or corporation a party to a combination described in the first section of this act, twice the amount of damages sustained and the costs of the suit, together with a reasonable attorney's fee.

Mr. SHERMAN. Those words were inserted with a view to giving a remedy to persons who had suffered in a minor degree. The jurisdictional amount in the courts of the United States is a pretty large sum; I understand \$2,000 is the minimum, and it seemed to the Committee on Finance when this was inserted that to limit the jurisdiction to cases of \$2,000 or over that amount would be to close the courts to most suitors. However, it is for the Senate to decide.

The VICE-PRESIDENT. Is there objection to the amendment?

Mr. REAGAN. I could not hear what the Senator from Ohio said.

The VICE-PRESIDENT. Will the Senate agree to the amendment of the Senator from Texas [Mr. REAGAN]?

Mr. SAWYER. What is the amendment?

Mr. TELLER. Let it be again reported.

The VICE-PRESIDENT. The amendment of the Senator from Texas will be again read.

The Chief Clerk read the amendment of Mr. REAGAN.

Mr. TELLER. It strikes me that the words proposed to be stricken out are most desirable to be retained. We want to give the United States courts jurisdiction without reference to the amount involved. It is the subject-matter simply that we want the court to have jurisdiction of, and not the amount, and if we limit the amount there is not one man out of a hundred who are damaged who will ever have an opportunity of getting redress. It may be that there will not be a case prosecuted where there is a large amount of damage. It is to be presumed that there may be cases gotten up for the purpose of trying to

abate what appears to be a sort of public nuisance. I think we had better let the parties go into court on any amount. If they are damaged by these proceedings which we are about to declare illegal, they ought to be allowed to sue, no matter what the amount of damage may be. I am opposed to the amendment.

Mr. PLATT. Mr. President, this is the old question which has been so frequently before Congress and before the Senate, where it is attempted to give State courts of all descriptions concurrent jurisdiction with the United States courts over remedies provided by United States statutes. It has, I think, never been done in Congress, though it has been often attempted. The result of it is to give every court in the United States, certainly every court that is a court of record, and justices of the peace, if they are courts of record, jurisdiction over remedies prescribed by United States statutes. I am opposed to it, as I have been in every case in which it has been attempted before Congress.

Mr. DAVIS. I suppose the amendment would amount to this: That the statute creates a cause of action under certain circumstances, and, that being the case, it gives the right to assert that cause of action in any court of competent jurisdiction. It is not a question of whether the amount involved or the person suing is the jurisdictional test, but the creation by statute of the universal right of action under certain circumstances, which can be enforced in any court of competent jurisdiction, State or national, especially if the jurisdiction of the national court is not made exclusive by the terms of the bill.

Mr. REAGAN. There are a number of statutes which I can not refer to now, but I have referred to them heretofore, saying, in effect, that there are a number of subjects in which civil suits under United States authority may be maintained in the State courts.

Mr. HOAR. Cases of suits against national banks, for example.

Mr. REAGAN. Yes, sir, and a number of other subjects; so that I do not think there is any question about that. My reason for presenting this amendment is that under the original bill persons of moderate means would not be able to go into the Federal courts and employ lawyers and take witnesses there and prosecute suits, so that, while the bill would nominally afford a remedy for the evils, it would really be no remedy at all for the great class of persons who might be injured by the sort of things we are legislating against.

If the law is to be efficient to give a remedy, it seems to me it ought to be put in courts that will be accessible to litigants and as cheaply accessible to the litigants as we can make them. If, as suggested by the Senator from Colorado [Mr. TELLER], there is objection to striking out the words in the fifth line, I have no particular choice about that. I thought, perhaps, it would be safest to let the laws of the United States and of the States fix the jurisdictional amount, but if it is thought better that that part should stand as it is in the committee's bill, I have no objection. If any one objects, I will limit the amendment to the first part which I have proposed.

Mr. SPOONER. Let the amendment be again reported.

The VICE-PRESIDENT. The amendment will be again read.

The CHIEF CLERK. In line 4 of section 2, after "United States," it is proposed to insert "or any State;" so as to make the section read:

SEC. 2. That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination defined in the first section of this act may sue for and recover in any court of the United States or any State of competent jurisdiction without respect to the amount involved.

Mr. TELLER. I have no objection to the attempt to confer upon the State courts authority to hear these cases. Of course, that will depend upon what the State says about it. What I objected to was the provision striking out the words "without respect to the amount involved," in line 5.

Mr. SHERMAN. That part of the amendment is withdrawn.

Mr. TELLER. I was under the impression that the present statutes which require that there shall be a certain amount involved to give jurisdiction might be invoked against these claimants, and I think it would; but, if that is withdrawn, I have no objection to the rest of the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Texas [Mr. REAGAN] as modified. The amendment was agreed to.

Mr. HOAR. I move now to strike out, beginning in line 4 of section 1 of the committee's substitute, from the word "corporations," at the end of that line, down to the word "thereof," in line 7, so that the bill will then punish these illegal combinations whether they are in the same State or in different States.

The VICE-PRESIDENT. The amendment will be reported.

The CHIEF CLERK. In line 4 of section 1, after the word "corporations," it is proposed to strike out all down to and including the word "thereof," in line 7, as follows:

Or both, of different States, or between two or more citizens or corporations, or both, of the United States and foreign states, or citizens or corporations thereof.

So as to read—

Mr. HOAR. Before the Secretary proceeds to read, I wish to say that the words "or both" should not be included in the language to be stricken out. The amendment should begin with the words "of different States," in the fifth line.

The CHIEF CLERK. So as to read:

That all arrangements, contracts, agreements, trusts, or combinations between two or more citizens or corporations, or both, made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States, etc.

The amendment was agreed to.

Mr. INGALLS. What became of the amendment I offered some time since?

The VICE-PRESIDENT. The amendment next in order is the amendment of the Senator from Kansas [Mr. INGALLS], which will be read.

The CHIEF CLERK. It is proposed to add to the bill as new sections the following:

That for the purposes of this act the word "options" shall be understood to mean any contract or agreement whereby a party thereto, or any person, corporation, partnership, or association, for whom or in whose behalf such contract or agreement is made, acquires the right or privilege, but is not thereby obligated, to deliver to another at a future time or period any of the articles mentioned in section 3 of this act.

Sec. — That for the purposes of this act the word "futures" shall be understood to mean any contract or agreement whereby a party agrees to sell and deliver at a future time to another any of the articles mentioned in section 3 of this act, when at the time of making such contract or agreement the party so agreeing to make such delivery, or the party for whom he acts as agent, broker, or employé in making such contract or agreement, is not at the time of making the same the owner of the article so contracted and agreed to be delivered.

Sec. — That the articles to which the foregoing sections relate are wheat, corn, oats, rye, barley, cotton, and all other farm products; also, beef, pork, lard, and all other hog and cattle products.

Mr. INGALLS. In section 4, after the first word "That," I ask leave to modify the amendment by inserting the following words:

For the purpose of preventing and suppressing, as far as may be, the dealing in options and futures as herein defined.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The section will be read as modified by the Senator from Kansas.

The Chief Clerk read section 4 as modified, as follows:

Sec. — That, for the purpose of preventing and suppressing, as far as may be, the dealing in options and futures as herein defined, special taxes are imposed as follows: Dealers in "options" or "futures" shall pay annually the sum of \$1,000, and shall also pay the further sum of 5 cents per pound for each and every pound of cotton, or of beef, pork, lard, or other hog and cattle products, and the sum of 30 cents per bushel for each and every bushel of any of the articles mentioned in section 3 of this act, the right or privilege of delivering which may be acquired under any "options" contract or agreement, as defined by section 1 of this act, or which may be sold to be delivered at a future time or period under any "futures" contract or agreement as defined in section 2 of this act, which said amounts shall be paid to the collector of internal revenue, as hereinafter provided, and by him accounted for, as required in respect to other special taxes collected by him. Every person, association, copartnership, or corporation who shall, in their own behalf or as broker, agent, or employé of another, deal in "options," or make any "options" contract or agreement, as hereinafter defined, shall be deemed a dealer in "options," and every person, association, copartnership, or corporation who shall, in their own behalf or as broker, agent, or employé of another, deal in "futures" or make any "futures" contract or agreement, as hereinafter defined, shall be deemed a dealer in "futures."

Mr. HOAR. I desire to inquire whether any Senator asked for the reading of this amendment in full. As it has been read more than once, I do not believe that it is necessary to read it through again.

The PRESIDING OFFICER. The present occupant of the chair is not aware whether it has been heretofore read.

Mr. PADDOCK. It has been read at length before.

Mr. HOAR. I suggest that the Chair ask for unanimous consent that its further reading may be dispensed with.

The PRESIDING OFFICER. If no further reading of the amendment be called for it will be dispensed with.

The remaining sections of the amendment are as follows:

Sec. — That every person, association, copartnership, or corporation engaged in, or proposing to engage in, the business of dealer in "options" or of dealer in "futures," as hereinafter defined, shall, before commencing such business or making any such "options" or "futures" contract or agreement, make application in writing to the collector of internal revenue for the district in which he proposes to engage in such business or make such contract or agreement, setting forth the name of the person, association, partnership, or corporation, place of residence of the applicant, the business engaged in, and where such business is to be carried on, and, in case of partnership, association, or corporation, the names and places or residence of the several persons constituting the same, and shall thereupon pay to such collector the sum aforesaid of \$1,000, and shall also execute and deliver to such collector a bond in the penal sum of \$50,000 with two or more sureties satisfactory to the collector, conditioned upon the full and faithful compliance by the obligor therein with all the requirements of this act. And thereupon the collector shall issue to such applicant a certificate in such form as the Commissioner of Internal Revenue shall prescribe, that such applicant is authorized for the period of one year from the date of such certificate to be a dealer in "options" or "futures" and to make "options" or "futures" contracts or agreements as hereinafter defined; and for the period specified in such certificate the party to whom it is issued may conduct the business of dealer as aforesaid. Such certificate may be renewed annually upon the compliance with the provisions of this act, and any "options" or "futures" contract or agreement as defined by this act shall be absolutely void as between the parties thereto and their respective assigns unless the party making such contract or agreement shall have at the time of making the same a certificate as aforesaid authorizing the making thereof.

Sec. — That it shall be the duty of the collector to keep in his office a register containing a copy of each and every application made to him under the foregoing section and a statement in connection therewith as to whether a certificate has been issued thereon and for what period, which book or register shall be a public record and be subject to inspection of any and all persons desiring to examine the same.

Sec. — That every "option" or "futures" contract or agreement as hereinafter defined shall be in writing and signed in duplicate by the parties making the same; and any such contract or agreement not so made and signed shall, as between the parties thereto and their assigns, be absolutely void.

Sec. — That it shall be the duty of every person, copartnership, associa-

tion, or corporation, on the first day of the week next succeeding the date of the certificate issued to them, and on the first day of each and every week thereafter, to make to the collector of the district in which any "options" or "futures" contract or agreement has been made full and complete return and report under oath of any and all such contracts or agreements made or entered into by such person, copartnership, association, or corporation during the previous week, together with a statement of the article or articles embraced in or covered by such contracts or agreements, and the amounts, respectively, of each, and the name of the party or parties with whom such contracts or agreements have been made, and at the same time to pay to such collector the amount of the tax hereinafter required of 5 cents per pound on each and every pound of cotton and of beef, pork, lard, or other hog and cattle products, and of 30 cents per bushel on each and every bushel of any of the other articles mentioned in section 3 of this act, which are the subject of or covered by such contracts or agreements, or any of them, for which sums such collector shall give his receipt to the party so paying, and the sums so collected shall be accounted for by the collector as provided by law in respect to other taxes collected by him.

Sec. — That every person who shall in his own behalf, or in behalf of any other person, association, partnership, or corporation, enter into any "options" or "futures" contract or agreement as defined by this act without having a certificate of authority from the collector as hereinafter provided, and covering the time at which such contract or agreement shall be made, shall, besides being liable for the amounts prescribed in section 4 of this act, be fined not less than \$5,000 and not more than \$10,000 for each and every such offense. And every person who shall make to the collector a false or fraudulent return or report required by section 8 of this act shall be subject to a fine of not less than \$5,000 nor more than \$10,000, or to imprisonment for not less than six months or more than two years, or to both such fine and imprisonment.

Sec. — That neither the payment of the taxes required nor the certificate issued by the collector under this act shall be held to legalize dealing in options and futures, nor to exempt any person, association, copartnership, or corporation from any penalty or punishment now or hereafter provided by the laws of any State for making contracts or agreements such as are hereinafter defined as "options" or "futures" contracts or agreements, or in any manner to authorize the making of such contracts or agreements within any State or locality contrary to the laws of such State or locality; nor shall the payment of the taxes imposed by this act be held to prohibit any State or municipality from placing a tax or duty on the same trade, transaction, or business for State, municipal, or other purposes.

Sec. — That section 3309 of the Revised Statutes of the United States is, so far as applicable, made to extend and apply to the taxes imposed by this act and to the persons upon whom they are imposed.

Mr. HOAR. I should like to ask the Senator from Kansas whether it would not be best to insert in the second section:

Provided, That this shall not apply to contracts or agreements for articles less than \$50 in value to be delivered at one time.

Literally construed, this section would prohibit a man's grocer from engaging to deliver any farm product or articles in common family use. It seems to me there should be some limit in amount. I will suggest an amendment in these words:

Provided, That this act shall not apply to contracts for the delivery at any one time of articles less than \$50 in value.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. It is proposed to add to section 2 the following proviso:

Provided, That this act shall not apply to contracts for the delivery at any one time of articles less than \$50 in value.

The PRESIDING OFFICER. This amendment to the amendment will be considered adopted unless objection is made. The Chair hears no objection. The question now is on the adoption of the amendment offered by the Senator from Kansas as amended.

The amendment as amended was agreed to.

Mr. HARRIS. Mr. President, I am inclined to ask that the bill as amended may be printed and that the Senate either go into executive session or adjourn, and let us see in the morning exactly what form the bill is in. I ask that it be printed in bill form with the amendments.

Mr. FRYE. If we do that the debate will last three days longer.

The PRESIDING OFFICER. Does the Senator make any motion?

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. I trust not. I hope we shall remain and pass the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee.

The motion was not agreed to.

The PRESIDING OFFICER. Are there further amendments to the bill as in Committee on the Whole?

Mr. GEORGE. What became of the amendment of the Senator from Kansas [Mr. INGALLS]?

The PRESIDING OFFICER. The amendment was adopted.

Mr. COKE. I desire, if I can get it in the proper shape, to offer what I send to the desk as additional sections to the bill.

The PRESIDING OFFICER. The amendment of the Senator from Texas [Mr. COKE] will be read.

The CHIEF CLERK. It is proposed to add to the bill the following:

That a trust is a combination of capital or skill by two or more persons, firms, or corporations for the purpose of creating or employing restrictions on trades or limiting the production, increasing or reducing the price of merchandise or commodities, or preventing competition in the making, manufacture, sale, or purchase of merchandise or commodities, or creating a monopoly in the manufacture, making, sale, or purchase of any merchandise or commodity with intent to forestall the market value of any merchandise or commodity.

Sec. — That the formation or organization of a trust within the Territories of the United States or the District of Columbia is hereby declared to be against public policy and unlawful.

Sec. — That any person acting in his own behalf or as the agent, attorney, or representative of any firm, copartnership, corporation, or any association whatsoever, who shall in any Territory or the District of Columbia aid in the organ-



ization of a trust, or who shall be a party thereto or in any manner interested therein, or who shall, after the passage of this act, knowingly aid in the business of a trust heretofore organized, or be in any way interested therein, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred nor more than ten thousand dollars.

SEC. —. That all contracts made in either of the Territories of the United States or District of Columbia by a trust, or by any person, firm, or corporation acting for a trust in furtherance of the object of such trust, or in respect of the price or sum to be paid for any commodity or merchandise controlled or handled by such trust, are hereby declared to be illegal and against public policy.

SEC. —. That when any State shall declare, or heretofore has declared by law, trusts as defined by the true intent and meaning of this act to be unlawful and against public policy, it shall not be lawful thereafter for any person, firm, or corporation to cause to be transported any product or article covered or embraced by such trust from such State to or into any other State or Territory or the District of Columbia.

SEC. —. That any common carrier or agent of any common carrier who shall knowingly receive such product or commodity for transportation from such State into another State or Territory or the District of Columbia shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred nor more than ten thousand dollars or shall be imprisoned for any period of time not less than one year or not more than five years, or by both such fine and imprisonment, in the discretion of the court. And any person who shall knowingly deliver to any common carrier, or agent thereof, any such product or commodity to be transported into another State or Territory or the District of Columbia shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five hundred nor more than ten thousand dollars or by imprisonment for any period of time not less than one year nor more than five years, or by both such fine and imprisonment, in the discretion of the court.

SEC. —. That whenever the President of the United States shall be advised that a trust has been or is about to be organized for either of the purposes named in the first section of this act, and that a like product or commodity covered or proposed to be covered or handled by such trust, when produced out of the United States, is liable to an import duty when imported into the United States, he shall be, and is hereby, authorized and directed to suspend the operation of so much of the laws as impose a duty upon such product, commodity, or merchandise for such time as he may deem proper.

SEC. —. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. SHERMAN. I move that the amendment lie upon the table. This amendment is entirely inconsistent with the bill as it has already been acted upon.

The PRESIDING OFFICER. The Senator from Ohio moves that the amendment be laid on the table.

Mr. COKE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COKE. Mr. President, it was my purpose—

The PRESIDING OFFICER. Debate is not in order.

Mr. SHERMAN. I do not wish to cut off the Senator from Texas from speaking on his own amendment. I will withdraw the motion for the present, but after he gets through I will renew the motion.

The PRESIDING OFFICER. By unanimous consent, the Senator from Texas will proceed.

Mr. HARRIS. The Senator from Ohio withdraws the motion until the Senator from Texas can be heard.

The PRESIDING OFFICER. The Senator from Texas will proceed.

Mr. COKE. My proposed substitute was printed several days ago and laid upon the table. I desire to say a word or two in explanation of my reasons for offering it. It was my purpose to introduce it, if I could have done so, prior to the introduction of the amendment of the Senator from Kansas [Mr. INGALLS], because I did not wish to antagonize that amendment. This was intended as a substitute for the original bill and for any amendment which might be made to it, and I propose, if I can do so in accordance with parliamentary law, to so shape my action with reference to it as to seek to have this amendment, which I now propose, put in the place of the original bill and its amendments, except the amendment of the Senator from Kansas. As I said, I favor the amendment of the Senator from Kansas. I desire to put this measure in the place of the original bill as amended by the amendment of my colleague from Texas. How I shall do that, I am not now fully advised, but I will attempt to do it in proper parliamentary form.

This amendment contains in its first clause a definition of trusts and combinations. It contains in its second clause a declaration that such trusts and combinations are contrary to public policy and unlawful. The third clause denounces the action of persons acting in their own behalf or as agents, attorneys, or representatives of any firm, copartnership, corporation, or any association whatsoever, who shall in any Territory or the District of Columbia aid in the organization of a trust, etc., and declares that such persons shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$500 nor more than \$10,000.

In theory the amendment is operative only in the Territories and the District of Columbia until it gets to the fifth section, and that section declares:

SEC. 5. That when any State shall declare, or heretofore has declared by law, trusts as defined by the true intent and meaning of this act to be unlawful and against public policy, it shall not be lawful thereafter for any person, firm, or corporation to cause to be transported any product or article covered or embraced by such trust from such State to or into any other State or Territory or the District of Columbia.

Section 6 provides penalties for the breach of the other sections, making it a misdemeanor punishable by fine and by imprisonment in the penitentiary.

Section 7 is the section which requires the President of the United States, when advised that a trust has been or is about to be organized

for either of the purposes named in the first section, to suspend the collection of import duties on articles the subject-matter of such trust.

There is no bill, there has been none before the Senate—and the bill which has already been adopted in the amended form now before the Senate is like all the others—that is not seriously doubted as to its constitutionality by the legal talent of this body.

It is demonstrable that the bill of my colleague, as well as that of the Senator from Ohio, being the original bill amended by that of my colleague, is as liable to all of the objections made by the Senator from Mississippi [Mr. GEORGE] in his argument on this subject a few days ago as was the bill then before the Senate. A brief reference to the bill of my colleague will show this. Bearing in mind that interstate commerce commences only when the product gets into the hands of the common carrier for transportation to another State and ends as soon as it reaches its destination there, I call attention to some of the provisions of the amendment submitted by my colleague. The first thing denounced is:

First. To create or carry out any restrictions in trade.

Restrictions in trade is a very general proposition. There may possibly be found some restrictions in commerce after the product has gotten into the interstate channel, but it will be extremely rare that such will be the case. Restrictions, if any, will occur almost universally before the product goes into commerce at all and when under State jurisdiction, out of the reach of Congressional legislation.

Second. To limit or reduce the production or to increase or reduce the price of merchandise or commodities.

These things must result from the production of the commodities or the suppression of their production in the States. They must occur before interstate commerce commences in the commodities, and therefore outside of and beyond the jurisdiction of Congress, and wholly under State jurisdiction.

Third. To prevent competition in the manufacture, making, purchase, sale, or transportation of merchandise, produce, or commodities.

How is competition to be prevented? Every combination must have a local habitation and a name. It must be in a State, and of course under the local jurisdiction. All the conditions denounced in that clause are things that must necessarily occur before the product gets into the channel of interstate commerce where the jurisdiction of Congress can take hold of it.

Fourth. To fix a standard or figure whereby the price to the public shall be in any manner controlled or established of any article, commodity, merchandise, produce, or commerce intended for sale, use, or consumption.

All the things forbidden in this bill are acts. They are acts which are done in a State, under State, not Congressional, jurisdiction, and are acts which are done before the products get into interstate commerce, and therefore before they come under the jurisdiction of Congress. The intention to do these things contravenes no law. The intention amounts to nothing. Although there may be goods manufactured on one bank of the Mississippi River, in St. Louis, intended to be transported for consumption across into Illinois, that intention cuts no figure whatever in the consideration of the transaction until the goods are actually put into the hands of the common carrier to be taken over the Mississippi River, and as soon as they land in the State of Illinois are again outside of Congressional jurisdiction, and under the State jurisdiction of Illinois.

You may take the bill of my colleague, you may take the bill of the Senator from Ohio, examine them and test them under the rulings of the Supreme Court which we have heard cited here, and they are clearly and, as it seems to me, grossly unconstitutional. I want a bill that will stand. I want a bill that shall not be a promise to be broken, that shall not be a delusion and a sham.

Mr. President, the bill of my colleague is infinitely better and stronger than that of the Senator from Ohio. There is greatly more force and vitality in it, and yet I challenge any man to answer the arguments which can be made against its constitutionality. If you read the different propositions contained in the first, second, third, fourth, and fifth clauses they are plausible, but will not bear analysis or close inspection.

We are all working for the same end. We are all desiring the same purpose. We all want a bill that will accomplish some good, that will relieve the people of the robbery being perpetrated on them, one that the Supreme Court will sustain; and hence we have been offering amendments and suggestions with reference to the subject.

The measure which I have offered I believe to be clear of any constitutional objection. I believe it would be sustained by the Supreme Court. It co-operates with the States, it invokes the power and authority of the States in their own behalf, and does not act upon a State except in aid of her own action.

If there is a State that has not acted, the people of that State will see that they should act in order to get the benefit of the protection of this law if it shall be passed by Congress. If they want the protection they will enact statutes on this subject.

We have all seen that Congress has not the power to deal fully with this subject. My amendment exhausts the power of Congress, and then uses all the aid the States can give in order to carry out its purpose.

Mr. BLAIR. May I ask the Senator a question?

Mr. COKE. Certainly.

Mr. BLAIR. The Senator claims that his bill, or amendment, is stronger than that of his colleague. I understood him to say so.

Mr. COKE. I think so.

Mr. BLAIR. The suggestion I make is that, if the Senator says his colleague's bill is infinitely stronger than that of the Senator from Ohio, I should like to know how his can be any stronger than his colleague's.

There is another question. I should like to know whether in striking out it strikes out all but the amendment of the Senator from Kansas. If so, what, then, will become of the proviso of the Senator from Ohio, exempting the farmers from prosecution for combinations and trusts and the like?

Mr. COKE. We will not strike that out. I did not propose to strike that out.

Mr. BLAIR. I thought the line was very strictly drawn.

Mr. COKE. I say my colleague's bill is stronger than that of the Senator from Ohio. I regard the bill of the Senator from Ohio as being almost without a clause for its enforcement.

The last section of his bill reads thus:

SEC. 2. That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination defined in the first section of this act may sue for and recover, in any court of the United States of competent jurisdiction, without respect to the amount involved, of any person or corporation a party to a combination described in the first section of this act, twice the amount of damages sustained and the costs of the suit, together with a reasonable attorney's fee.

How would a citizen who has been plundered in his family consumption of sugar by the sugar trust, or in his consumption of cotton-bagging under the trust covering that indispensable article, or in his consumption of iron or steel by the iron and steel trust recover his damages under that clause? It is simply an impossible remedy offered him. The bill is as vague as the world.

Mr. BLAIR. Without form and void?

Mr. COKE. I do not believe that a recovery can be had under it. It is a wasp without a sting; it is a law without a clause for its enforcement. If the party damaged, as has been said heretofore in this debate, were a great corporation, a wealthy association, it could employ lawyers and perhaps be able to show some direct damage, but how could the consumers of the articles produced by these trusts, the great mass of our people—the individuals—go about showing the damages they had suffered?

How would they establish the damage which they had sustained so as to get a judgment under this bill? I do not believe they could do it. I do not believe it is possible to do it. I think the constituents of all of us, the consumers of products which are raised and manufactured in this country, would be absolutely without a remedy under the bill of the Senator from Ohio. The bill of my colleague is more specific and contains clauses under which it can be strictly and fully enforced if the courts should hold it constitutional. But, as I remarked before, I do not think that either of these bills is constitutional and I have offered this amendment hoping that it may be adopted. If it shall be adopted, I shall move to strike out—

The PRESIDING OFFICER. The Chair will suggest to the Senator that if he desires to move to strike out all of the bill after the enacting clause down to a particular line of a particular clause, and in lieu thereof to insert his amendment, the Chair thinks that would be in order.

Mr. COKE. Then I make the motion to strike out as indicated in the beginning of my remarks.

Mr. HOAR. What is the question?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas [Mr. COKE] to strike out all of the original bill after the enacting clause and the amendments heretofore adopted, except that offered by the Senator from Kansas [Mr. INGALLS], and insert the amendment last read in lieu thereof.

Mr. COKE. I do not mean to strike out the proviso adopted on the motion of the Senator from Ohio [Mr. SHERMAN].

Mr. SHERMAN. I move that the amendment lie on the table.

Mr. REAGAN. I should be glad if the Senator from Ohio would allow me to say a few words. I do not want to tax the Senate, but I should like a minute or two, and then I will yield to the Senator to renew his motion.

Mr. SHERMAN. I should like a minute or two myself to say something on the amendment, but if I yield to the Senator from Texas I shall be compelled to yield to others. So I must insist on the motion.

The PRESIDING OFFICER. The Senator from Ohio declines to yield. The question is on the motion of the Senator from Ohio to lay on the table the amendment of the Senator from Texas [Mr. COKE], which is to strike out all of the original bill and the amendments heretofore adopted, except that offered by the Senator from Kansas [Mr. INGALLS] and the amendment offered by the Senator from Ohio [Mr. SHERMAN], and insert the amendment of the Senator from Texas.

Mr. HARRIS. I ask for the yeas and nays.

Mr. COKE. I ask the Senator from Ohio to give us a square vote on my proposition.

Mr. SHERMAN. A square vote can be had on the motion to lay on the table.

Mr. COKE. Very well.

The PRESIDING OFFICER. The Chair would suggest that it is impossible to take a vote including the amendment in reference to arrangements, combinations, etc., because it comes in the middle of the original bill in such a way that it can not be touched.

Mr. HARRIS. The suggestion of the Chair is quite right, but I desire to suggest that the Senator from Texas can not exclude if he moves to strike out all of the original bill, but he may afterwards amend, if his amendment is agreed to, in the Senate, so as to insert that language.

Mr. COKE. Very well, then; I accept the suggestion of the gentleman from Tennessee, and if my motion prevails I shall move in the Senate to restore the proviso offered by the Senator from Ohio.

The PRESIDING OFFICER. The motion is to strike out all of the bill down to the amendment of the Senator from Kansas [Mr. INGALLS] and insert the following—

Mr. FRYE. That has been read.

Mr. GORMAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SHERMAN. The motion is to lay the amendment on the table.

The PRESIDING OFFICER. The Senator is correct. The motion is to lay the amendment on the table. The Secretary will call the roll on that motion.

The Secretary proceeded to call the roll.

Mr. DIXON (when his name was called). I am paired generally with the Senator from South Carolina [Mr. HAMPTON].

Mr. DOLPH (when his name was called). I again announce my pair with the senior Senator from Georgia [Mr. BROWN]. I should vote in favor of the motion if he were present.

Mr. FAULKNER (when his name was called). I transfer my pair with the junior Senator from Pennsylvania [Mr. QUAY] to the senior Senator from Florida [Mr. CALL], and vote "nay."

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES], or I should vote "yea."

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). As stated by the Senator from New York [Mr. HISCOCK], my colleague [Mr. JONES] is paired with that Senator. My colleague would vote "nay" if present.

Mr. PASCO (when his name was called). I again announce my pair with the Senator from Illinois [Mr. FARWELL]. If he were present, I should vote "nay."

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR]. If he were present, I should vote "yea."

Mr. RANSOM (when his name was called). I am paired with the Senator from Michigan [Mr. STOCKBRIDGE]. If he were present, I should vote "nay."

Mr. SAWYER (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. PADDOCK. The Senator from Michigan [Mr. McMILLAN] is paired with the Senator from Louisiana [Mr. EUSTIS] by the transfer of pairs.

Mr. FRYE. My colleague [Mr. HALE] is necessarily detained from the Chamber, and is paired with the Senator from Kentucky [Mr. BECK].

Mr. SAWYER. I reserved the right to vote to make a quorum. I understand a quorum has not yet voted, and I therefore vote "yea."

Mr. HISCOCK. I suggest to the Senator from Arkansas [Mr. BERRY] that the pair between his colleague and myself be transferred, if there is no objection.

Mr. BERRY. I have no objection to the transfer.

Mr. HISCOCK. I transfer my pair with the Senator from Arkansas [Mr. JONES] to—with whom is the Senator from Florida [Mr. PASCO] paired?

Mr. PASCO. I am paired with the Senator from Illinois [Mr. FARWELL].

Mr. HISCOCK. I transfer my pair with the Senator from Arkansas [Mr. JONES] to the Senator from Illinois [Mr. FARWELL] and vote "yea."

Mr. PASCO. Under that arrangement I am at liberty to vote. I vote "nay."

The PRESIDING OFFICER, Mr. CULLOM (after having voted in the affirmative). The present occupant of the chair was paired with the Senator from Delaware [Mr. GRAY] whom he does not see present, and he will therefore withdraw his vote.

The result was announced—yeas 26, nays 16; as follows:

#### YEAS—26.

Aldrich,  
Allen,  
Allison,  
Blair,  
Chandler,  
Davis,  
Frye,

Hawley,  
Higgins,  
Hiscock,  
Hoar,  
McPherson,  
Manderson,  
Mitchell,

Moody,  
Morrill,  
Paddock,  
Pierce,  
Reagan,  
Sawyer,  
Sherman,

Spooner,  
Stewart,  
Teller,  
Washburn,  
Wilson of Iowa,



Date, Berry, Blackburn, Cockrell,	Coke, Faulkner, George, Gorman,	NAYS—16.	
		Harris, Pasco, Pugh, Turpie,	Vance, Vest, Walthall, Wilson of Md.
Barbour, Beck, Blodgett, Brown, Butler, Call, Cameron, Casey, Colquitt, Cullum,	Daniel, Dawson, Dixon, Dolph, Edmunds, Eustis, Everts, Farwell, Gibson, Gray,	ABSENT—40.	
		Hale, Hampton, Hearst, Ingalls, Jones of Arkansas, Jones of Nevada, Kenna, McMillan, Morgan, Payne,	Pettigrew, Platt, Plumb, Quay, Ransom, Squire, Stanford, Stockbridge, Voorhees, Wolcott.

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments in Committee of the Whole?

Mr. GEORGE. Mr. President, I gave notice of an amendment and had it printed, which I intended to offer, but substantially the proposition of that amendment is contained in the amendment of the Senator from Texas [Mr. COKE], and as that has been voted down I do not wish to detain the Senate by offering the amendment of which I gave notice.

Mr. STEWART. I offer an amendment to come in in section 1, line 20, after the word "articles," by inserting "or of the value of money by which such cost may be advanced or reduced."

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. In section 1, line 20, after the word "articles," it is proposed to insert:

Or of the value of money by which such cost may be advanced or reduced.

Mr. HOAR. I move to amend, and give notice of a motion to amend, after the word "money," by inserting "or of gold or silver."

The PRESIDING OFFICER. If there be no objection, the amendment will be considered as agreed to.

Mr. PLATT. What is the question?

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Nevada [Mr. STEWART]. The Secretary will again report the amendment.

Mr. PLATT. An amendment has been offered to that amendment.

Mr. HOAR. Has the Chair stated the question on my amendment to the amendment of the Senator from Nevada?

Mr. STEWART. I wish to make a remark in regard to my amendment. It is offered in as good faith as anything in this bill. Every time there is a scheme to affect the price of products, the first thing that is done is for the operators to form a combination to borrow the money from the banks, lock it up, and so make money tight, and they make it a regular business in every gambling center in the United States by forming combinations of that character.

The PRESIDING OFFICER. The amendment to the amendment offered by the Senator from Massachusetts [Mr. HOAR] will be stated.

The CHIEF CLERK. In the proposed amendment, after the word "money," it is moved to insert "or of gold or silver."

Mr. HARRIS. Let the whole amendment be read, as it will be if amended as proposed by the Senator from Massachusetts.

The PRESIDING OFFICER. The amendment as proposed to be amended will be read.

The CHIEF CLERK. In the proposed amendment, after the word "money," it is proposed to insert the words "or of gold or silver;" so that the amendment as amended will read:

Or of the value of money or of gold or silver by which such cost may be advanced or reduced.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts to the amendment.

Mr. STEWART. I think that confuses it. My amendment is simply directed against combinations in money for the purpose of affecting prices as part of a gambling scheme.

Mr. HOAR. Will the Senator from Nevada inform the Senate why an unlawful combination of this kind to raise the price of gold or silver is not as reprehensible as anything in this bill?

Mr. PLATT. That is already in the bill.

Mr. STEWART. But it appears that the Government by law is engaged in raising the price of gold and depressing the price of silver. You will have to make it unlawful for the United States to do that.

The PRESIDING OFFICER. The first question is on the amendment offered by the Senator from Massachusetts.

Mr. ALLISON. I do not think there is any serious objection to advancing the price of silver, if we can. I should like to see both gold and silver at par with each other. I think, perhaps, that the Senator from Massachusetts would strike out silver and let it stand upon the advance of gold.

Mr. ALDRICH. A combination to decrease the price of silver, it may be.

Mr. ALLISON. Not the amendment as proposed.

Mr. ALDRICH. As I understand the proposition—

Mr. INGALLS. Let us hear it read again.

The PRESIDING OFFICER. The reading of the amendment offered by the Senator from Massachusetts is again called for.

The CHIEF CLERK. In the proposed amendment, after the word "money," it is proposed to insert "or of gold or silver," so as to read: Of the value of money or of gold or silver by which such cost may be advanced or reduced.

Mr. TELLER. Mr. President, it is quite evident that we can not finish this bill to-night, and I move that the Senate do now adjourn.

Mr. SPOONER. I ask the Senator to yield to me to have an order made that this bill and the amendments may be printed.

Mr. TELLER. I will yield for anything of that kind.

Mr. SHERMAN. Before the motion to adjourn is put, I ask unanimous consent to fix an hour to-morrow when the final vote shall be taken on this bill.

The PRESIDING OFFICER. The Senator from Ohio, who has the bill in charge, asks that an hour may be fixed to-morrow when the vote shall be taken.

Mr. INGALLS and others. Say 3 o'clock.

Mr. HARRIS. I do not think it probable that the Senate is going to agree to take the final vote at any particular hour, but I was thinking of appealing to the Senator from Ohio to consent that this bill may be printed as amended, so that on to-morrow we can see exactly what we have done and how the bill stands as amended.

Mr. SHERMAN. The order to print has already been made, as I understand.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. SPOONER] has asked that the bill may be printed with the amendments. That order will be made, if there be no objection.

Mr. SHERMAN. I have no objection to having the bill and amendments printed, but I hope the Senate will be ready to say that at a certain hour to-morrow the debate shall close and the vote be taken.

Mr. HARRIS. So far as I am personally concerned, I shall be ready to vote at any hour to-morrow or any other day, but there are various Senators who may perhaps desire to make suggestions, and the suggestions I have heard made I have found profitable, and I am not unwilling to listen to them.

Mr. SHERMAN. I give notice, then, as I can not do anything more now, that after the morning business to-morrow I shall appeal to the Senate to finish this bill as soon as possible.

Mr. TELLER. I insist on my motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Colorado that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 4 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 26, 1890, at 12 o'clock m.

## HOUSE OF REPRESENTATIVES.

TUESDAY, March 25, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

### PURSUIT OF HOSTILE INDIANS, ETC.

The SPEAKER laid before the House the following message of the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 8th instant, in relation to the employment by the regular Army of the United States of Indian scouts for the purpose of pursuing hostile Indians in their raids in the territory of the United States and Mexico, and in regard to the proposed transfer of the Apache Chiricahua Indians from Mount Vernon Barracks, Alabama, to Fort Sill, Indian Territory, I transmit herewith a communication from the Secretary of State on the subject, together with the accompanying papers.

BENJ. HARRISON.

EXECUTIVE MANSION, March 24, 1890.

### ADDITIONAL LAND OFFICES IN MONTANA.

The SPEAKER also laid before the House the following amendment of the Senate to the bill (H. R. 525) to establish two additional land offices in the State of Montana:

On page 2, line 18, after "the," insert "town."

Mr. CARTER. I move that the House concur in this amendment. The amendment was concurred in.

### LEAVE OF ABSENCE.

Mr. WADE, by unanimous consent, obtained leave of absence for ten days, on account of sickness in his family.

### HEIRS OF JOHN JONES AND OTHERS.

The SPEAKER. The Chair desires to lay before the House a bill which was sent for by resolution of the House, having been erroneously sent to the Senate without having been passed by the House. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 2239) for the relief of the heirs of John H. Jones and of the heirs of Thomas D. Harris.

The SPEAKER. The engrossed bill will now be destroyed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed, with amendments in which concurrence was requested, the bill (H. R. 533) for the erection of a public building at Fremont, Nebr., asked a conference with the House thereon, and had appointed Mr. SPOONER, Mr. MORRILL, and Mr. VEST as conferees on the part of the Senate.

It also announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. 7496) to provide for certain of the most urgent deficiencies of the Government for the fiscal year ending June 30, 1890, and for other purposes, disagreed to the amendment of the House to the amendment of the Senate numbered 55, and asked a conference with the House on said bill, and had appointed Messrs. HALE, ALLISON, and COCKRELL managers at such conference on the part of the Senate.

PROPOSED WORLD'S EXPOSITION.

Mr. CANDLER, of Massachusetts. Mr. Speaker, I call up the special order fixed for this day.

The SPEAKER. The Clerk will read the special order.

The Clerk read as follows:

*Resolved, That Tuesday, March 25, immediately after the approval of the Journal, be set apart for the consideration in the House of the bill (H. R. 8393) to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus by holding an international exhibition of arts, industries, manufactures, and the product of the soil, mine, and sea in the city of Chicago, in the State of Illinois. And that, unless previously ordered by the House, the previous question shall be deemed ordered on the engrossment, third reading, and final passage of the bill at 4 o'clock p. m. of that day.*

Mr. CANDLER, of Massachusetts. As will be seen, Mr. Speaker, the resolution suggests that the previous question shall be considered as ordered at 4 o'clock, unless the House shall take action at an earlier hour thereon, and the committee have concluded that they would suggest a division of the time—about three and a half hours that remain of the discussion to-day—to be divided equally, one half under the control of the chairman of the committee and the other under the control of the gentleman from New York [Mr. FLOWER], there being about an hour and three-quarters on either side.

The SPEAKER. The Chair desires to ask the gentleman from Massachusetts if the bill which is now presented for consideration has yet been read in the House.

Mr. CANDLER, of Massachusetts. I call for the reading of the bill.

The SPEAKER. The bill should be read.

The bill was read, as follows:

Whereas it is fit and appropriate that the four hundredth anniversary of the discovery of America be commemorated by an exhibition of the resources of the United States of America, their development, and of the progress of civilization in the New World; and

Whereas such an exhibition should be of a national and international character, so that not only the people of our Union and this continent, but those of all nations as well, can participate, and should therefore have the sanction of the Congress of the United States: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an exhibition of arts, industries, manufactures, and products of the soil, mine, and sea shall be inaugurated in the year 1892 in the city of Chicago, in the State of Illinois, as hereinafter provided.*

SEC. 2. That a commission, to consist of two commissioners from each State and Territory of the United States and from the District of Columbia and eight commissioners at large, is hereby constituted to be designated as the World's Columbian Commission.

SEC. 3. That said commissioners, two from each State and Territory, shall be appointed within thirty days from the passage of this act by the President of the United States, on the nomination of the governors of the States and Territories, respectively, and by the President eight commissioners at large and two from the District of Columbia; and in the same manner and within the same time there shall be appointed two alternate commissioners from each State and Territory of the United States and the District of Columbia and eight alternate commissioners at large, who shall assume and perform the duties of such commissioners or commissioners as may be unable to attend the meetings of the said commission; and in such nominations and appointments each of the two leading political parties shall be equally represented. Vacancies in the commission nominated by the governors of the several States and Territories, respectively, and also vacancies in the commission at large and from the District of Columbia may be filled in the same manner and under the same conditions as provided herein for their original appointment.

SEC. 4. That the Secretary of State of the United States shall, immediately after the passage of this act, notify the governors of the several States and Territories, respectively, thereof and request such nominations to be made. The commissioners so appointed shall be called together by the Secretary of State of the United States in the city of Chicago, by notice to the commissioners, as soon as convenient after the appointment of said commissioners, and within thirty days thereafter. The said commissioners, at said first meeting, shall organize by the election of such officers and the appointment of such committees as they may deem expedient, and for this purpose the commissioners present at said meeting shall constitute a quorum.

SEC. 5. That said commission be empowered in its discretion to accept for the purposes of the World's Columbian Exposition such sites as may be selected and offered and such plans and specifications of buildings to be erected for such purpose at the expense of and tendered by the corporation organized under the laws of the State of Illinois, known as "The World's Exposition of 1892." *Provided, That said site so tendered and the buildings proposed to be erected thereon shall be deemed by said commission adequate to the purposes of said exposition: And provided, That said commission shall be satisfied that the said corporation has an actual bona fide and valid subscription to its capital stock of at least \$5,000,000, of which not less than \$500,000 shall have been paid in, and that the further sum of \$5,000,000, making in all \$10,000,000, will be provided by said corporation in ample time for its needful use during the prosecution of the work for the complete preparation for said exposition.*

SEC. 6. That the said commission shall allot space for exhibitors, prepare a classification of exhibits, determine the plan and scope of the exposition, and

shall appoint all judges and examiners for the exposition, award all premiums, if any, and generally have charge of all intercourse with the exhibitors and the representatives of foreign nations.

SEC. 7. That after the plans for said exposition shall be prepared by said corporation and approved by said commission, the rules and regulations of said corporation governing rates for entrance and admission fees, or otherwise affecting the rights, privileges, or interests of the exhibitors or of the public, shall be fixed or established by said corporation, subject, however, to such modification, if any, as may be imposed by a majority of said commissioners.

SEC. 8. That the said commission shall provide for the dedication of the buildings of the World's Columbian Exposition in said city of Chicago on the 30th day of April, 1892, the one hundred and third anniversary of the inauguration of George Washington as first President of the United States, with appropriate ceremonies, and that the said exposition shall close on the 20th day of October, 1892.

SEC. 9. That whenever the President of the United States shall be notified by the commission that provision has been made for grounds and buildings for the uses herein provided for and there has also been filed with him by the said corporation known as "The World's Exposition of 1892" satisfactory proof that a sum not less than \$10,000,000, to be used and expended for the purposes of the exposition herein authorized, has in fact been raised or provided for by subscription or other legally binding means, he shall be authorized, through the Department of State, to make proclamation of the same, setting forth the time at which the exposition will open and close, and the place at which it will be held; and he shall communicate to the diplomatic representatives of foreign nations copies of the same, together with such regulations as may be adopted by the commission, for publication in their respective countries, and he shall, in behalf of the Government and people, invite foreign nations to take part in the said exposition and appoint representatives thereto.

SEC. 10. That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition, upon which there shall be a tariff or customs duty, shall be admitted free of payment of duty, customs fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exhibition to sell for delivery at the close of the exposition any goods or property imported for and actually on exhibition in the exposition buildings or on its grounds, subject to such regulations for the security of the revenue and for the collection of the import duties as the Secretary of the Treasury shall prescribe: *Provided, That all such articles when sold or withdrawn for consumption in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of importation, and all penalties prescribed by law shall be applied and enforced against such articles, and against the persons who may be guilty of any illegal sale or withdrawal.*

SEC. 11. That the sum of \$20,000, or as much thereof as may be necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the remainder of the present fiscal year and for the fiscal year ending June 30, 1891, to be expended under the direction of the Secretary of the Treasury for purposes connected with the admission of foreign goods to said exhibition.

SEC. 12. That it shall be the duty of the commission to make report, from time to time, to the President of the United States of the progress of the work, and, in final report, present a full exhibit of the results of the exposition.

SEC. 13. That the commission hereby authorized shall exist no longer than until the 1st day of January, 1893.

SEC. 14. That the United States shall not in any manner, nor under any circumstances, be liable for any of the acts, doings, proceedings, or representations of the said corporation organized under the laws of the State of Illinois, its officers, agents, servants, or employees, or any of them, or for the service, salaries, labor, or wages of said officers, agents, servants, or employees, or any of them, or for any subscriptions to the capital stock, or for any certificates of stock, bonds, mortgages, or obligations of any kind issued by said corporation, or for any debts, liabilities, or expenses of any kind whatever attending such corporation or accruing by reason of the same.

SEC. 15. That there shall be exhibited at said exposition by the Government of the United States from its Executive Departments, the Smithsonian Institution, the United States Fish Commission, and the National Museum, such articles and materials as illustrate the function and administrative faculty of the Government in time of peace and its resources as a war power, tending to demonstrate the nature of our institutions and their adaptation to the wants of the people; and to secure a complete and harmonious arrangement of such a Government exhibit, a board shall be created to be charged with the selection, preparation, arrangement, safe-keeping, and exhibition of such articles and materials as the heads of the several Departments and the directors of the Smithsonian Institution and National Museum may respectively decide shall be embraced in said Government exhibit. The President may also designate additional articles for exhibition. Such board shall be composed of one person to be named by the head of each Executive Department and one by the directors of the Smithsonian Institution and National Museum, such selections to be approved by the President of the United States. The President shall name the chairman of said board, and the board itself shall select such other officers as it may deem necessary.

That the Secretary of the Treasury is hereby authorized and directed to place on exhibition, upon such grounds as shall be allotted for the purpose, one of the life-saving stations authorized to be constructed on the coast of the United States by existing law, and to cause the same to be fully equipped with all apparatus, furniture, and appliances now in use in all life-saving stations in the United States, said building and apparatus to be removed at the close of the exhibition and re-erected at the place now authorized by law.

SEC. 16. That the Secretary of the Treasury shall cause a suitable building or buildings to be erected on the site selected for the World's Columbian Exposition for the Government exhibits, as provided in this act, and he is hereby authorized and directed to contract therefor, in the same manner and under the same regulations as for other public buildings of the United States; but the contracts for said building or buildings shall not exceed the sum of \$400,000. And for the remainder of the fiscal year and for the fiscal year ending June 13, 1891, there is hereby appropriated for said building or buildings, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000.

SEC. 17. That for the purpose of paying the expenses of transportation, care, and custody of exhibits by the Government, and the maintenance of the building or buildings herebefore provided for, and the safe return of articles belonging to the said Government exhibit, and for the expenses of the commission created by this act, and other contingent expenses, to be approved by the Secretary of the Treasury, upon itemized accounts and vouchers, there is hereby appropriated for the remainder of this fiscal year and for the fiscal year ending June 30, 1891, out of any money in the Treasury not otherwise appropriated, the sum of \$200,000, or so much thereof as may be necessary: *Provided, That the United States shall not be liable, on account of the erection of buildings, expenses of the commission or any of its officers or employees, or on account of any expenses incident to or growing out of said exposition, for a sum exceeding in the aggregate \$1,500,000.*

SEC. 18. That the commissioners and alternate commissioners appointed under this act shall not be entitled to any compensation for their services out of the Treasury of the United States, except their actual expenses for transportation and the sum of \$5 per day for subsistence for each day they are necessarily absent from their homes on the business of said commission. The officers of said



commission shall receive such compensation as may be fixed by said commission, subject to the approval of the Secretary of the Treasury, which shall be paid out of the sums appropriated by Congress in aid of such exposition.

SEC. 19. That nothing in this act shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred, nor for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debt or obligations created by said commission in excess of appropriations made by Congress therefor.

SEC. 20. That nothing in this act shall be so construed as to override or interfere with the laws of any State, and all contracts made in any State for the purposes of the exhibition shall be subject to the laws thereof.

SEC. 21. That no member of said commission, whether an officer or otherwise, shall be personally liable for any debt or obligation which may be created or incurred by the said commission.

Mr. CANDLER, of Massachusetts. Mr. Speaker, I have two amendments to submit, amendments which have been unanimously recommended by the committee, and to which I think there will be no objection in the House. The first amendment is to add to section 6 of the bill what I send to the desk.

The Clerk read as follows:

And said commission is authorized and required to appoint a board of lady managers of such number and to perform such duties as may be prescribed by said commission. Said board may appoint one or more members of all committees authorized to award prizes for exhibits which may be produced in whole or in part by female labor.

The amendment was adopted.

Mr. CANDLER, of Massachusetts. I now move to amend section 15 by inserting, after the word "Museum," in line 20, the words "and one by the Fish Commission."

The amendment was adopted.

Mr. CANDLER, of Massachusetts. Mr. Speaker, when the Committee on the proposed World's Fair opened the debate upon this important subject, in the discussion of the original resolution that the House should select a site to hold the great exposition of 1892, I said substantially that it seemed to the committee that the rivalry between the three competing cities was an honor to the country.

I did not regard it as a rivalry between these cities for the privileges that might accrue to them in the local or material advancements of property or the increase of their material interests which would follow, although I believed that was a matter of great consequence to them. I believed that underlying their rivalry there was a spirit of patriotism, a public spirit, which implied a determination, not only to celebrate this commemoration of the four hundredth anniversary of the discovery of America, not only to celebrate that, but to win honor and distinction for their city and the country in giving to us and to the world at large a celebration that would be worthy of the great discovery and of that great discoverer and his name, Christopher Columbus, and also worthy of the continent which he gave to us and to all future time.

And, Mr. Speaker, I was not influenced in the judgment and statement, believing that I had the gift of prophecy. My opinion was founded upon their record in the past when I stated that I believed either one of the cities competing for this distinction that should be selected would prove equal to the great undertaking and would feel bound in honor to discharge every promise that had been made or implied in the debate on the general discussion of the question.

Now, as this committee comes before the House to-day to ask a final vote upon this important measure, it is a great satisfaction to open the debate by the statement that the city of Chicago, which was selected by the House as the place in which the fair should be held, has proved before the committee equal to all that was implied or expected of them or any other city that should be selected for this purpose. We have found in the hearing that we have had in the investigation before the committee that Chicago not only comprehended the importance and magnitude of the enterprise, but that she entered into it with a determined spirit, and impressed this committee that she would be successful in carrying out the undertaking.

Mr. Speaker, the bill which we submit to-day is the bill (H. R. 8393) presented as a substitute for House bill No. 6883. The bill is somewhat changed by consultations which we have had with the gentlemen from the city that was selected. The original bill was intended to cover the requirements of either one of the three cities; but it was stated at that time that we believed it would be necessary to insert some details after consultation with the representatives of the city that should be finally chosen. In this bill No. 8393 we do present some changes for your consideration. And, Mr. Speaker, we believe that the changes thus made are in the line of good legislation, and that we present a better bill for the consideration of the House, meeting some of the objections which have been presented before the House, and which objections have been covered by the provisions of the bill.

This bill which we now present increases the commissioners to be appointed from the different States from one to two from each State and Territory and eight at large. This is embodied in the second section of the bill.

In the third section we dispense with the proposed United States corporation, which it was suggested should be created and given power under the law; and it is stipulated also that the commissioners that are appointed shall be chosen equally from the two leading political parties of the country.

As we proceed, in the fourth section there is no essential change, ex-

cept as to the question of a quorum after the first meeting, it being limited to the number present at that time. Provision is here made for the notification of the governors of the passage of the bill.

In the fifth section the commission, in place of acting as a corporation under the United States law, as in the previous bill, is authorized to accept for the World's Columbian Exposition the site, plans, and specifications of the buildings to be erected and tendered by the corporation created under the laws of the State of Illinois, known as the "World's Exposition of 1892."

The committee, in presenting this section, recognize the objections which have been made upon the floor of the House to a corporation under the United States laws. It is due to the city of Chicago to say at this time that the spirit of the Representatives from that city was to meet every objection from all sections of the country in the most liberal spirit that they could possibly meet by any action of theirs.

This suggestion to utilize a corporation of the State of Illinois, in place of calling upon this House to enact a law for a national corporation, came from the city of Chicago and was accepted by this committee as a wise suggestion. I will state to the House that this city has offered not only a generous contribution, but that it has desired to meet the views of the most conservative Representatives of the Fifty-first Congress.

Mr. Speaker, I believe that we have inaugurated possibly a plan of operation that in the future will be of advantage to this country, for I consider that great national and international exhibitions will be one of the eventful features of the development of the future of different nations. It is not a new thing; it is not an experiment with us, to give the indorsement of this House to national expositions. For a hundred years these expositions have been held in the old country and in this at different times. In 1798 France held her first exposition in Paris. And to show how the indorsement of it has been made year after year, or decade after decade, by different countries, to show how the spirit and the development of great expositions are exemplifying the fact that they must have been of public benefit, I will state there were 110 exhibitors in the first exposition in 1798 and there were 60,000 in the exposition in Philadelphia in 1876. From the earliest time in the different States and countries, they have called their people together to meet at their fairs and expositions, that they might show each their wares and become better acquainted with each other.

Mr. HERBERT. Will the gentleman allow me a question?

Mr. CANDLER. Yes, sir.

Mr. HERBERT. When did this Government first make an appropriation for a world's fair?

Mr. CANDLER. I think the first appropriation was made in 1876; but I will answer the gentleman's question, and I will call attention to the fact that it has been the policy of the Government in the North and the South to make appropriations for national and international expositions.

In 1876 they made a contribution to the city of Philadelphia to celebrate a great national event. Later they made a contribution for the city of New Orleans and the city of Atlanta; and, Mr. Speaker, I am glad the gentleman asks me the question. It has been suggested outside and on the floor of this House that we had the right to call upon our friends from the other side of the House and from the Southern section of the country to recognize the generosity of the other sections of the nation in contributing \$1,650,000 to the fair held in the State of Louisiana.

Mr. Speaker, I shall not make any appeal to the gentlemen who represent the Southern States of this country to support this bill because this House and this nation has at a preceding time generously contributed to them.

I shall advocate the passage of this bill on its merits, because it is a wise and patriotic thing to do. I will say further that had I been in this House then I should have voted to give to the State of Louisiana and the city of New Orleans for the fair the contribution which was made. I believed then, and I believe now, that it was constitutional, and in the bill which we originally presented we believed we presented a constitutional bill. I shall not make an argument on that. I will say I believe for one that was a wise and patriotic contribution. Though I differ with the gentlemen from the South on questions of public policy and politics, I admire the spirit that prompted them to endeavor to have a great national fair to attract attention in this country and the world to their struggles for prosperity and for the development of the resources of their section.

I go further than that, Mr. Speaker. I am not one of those who believe that the brightest pages in the history of the past thirty years will be found recorded in their battle-roll or in their records of the war, with all its strife and cruelty. However brave, however glorious, however much to be admired may have been their bravery on the battlefield, there will be brighter pages in the history of this past thirty years than those that tell of victories in the war of the rebellion. It will be illustrated by the struggles you have made and the indomitable spirit which the Southern people have shown when they in their sorrow and desolation turned their faces to the coming day from the darkness of the night and entered in the struggle for the prosperity which was due to them. I believe that will be the brightest period in that history, and

will show the fortitude and courage that they developed. It is a credit to them and it is an honor to us as a part of the common history of the country. I shall not, I say, appeal to the gentlemen from that section of this country in the House to vote for this bill because they have had a generous contribution. I shall ask them to vote for it upon its merits.

Mr. KILGORE. I would like to ask the gentleman from Massachusetts a question. He talks about a contribution having been made to Philadelphia for the celebration in 1876. Now, is not the fact that that was a loan to Philadelphia and that it has been paid back?

Mr. CANDLER, of Massachusetts. Part of it.

Mr. KILGORE. Was it not all paid back?

Mr. CANDLER, of Massachusetts. No, sir.

Mr. KILGORE. Did they not have the use of it and were they not then required to return it?

Mr. CANDLER, of Massachusetts. A loan of \$2,250,000 was made to Philadelphia, and \$1,600,000 was paid back.

Mr. KILGORE. Well, now, is it not the fact that it was not intended to be a contribution to New Orleans? Was it not intended to be nothing but a loan, but by reason of the loose manner in which the loan was contracted New Orleans beat the Government of the United States out of the money?

Mr. CANDLER, of Massachusetts. Mr. Speaker, I do not wish to enter into a discussion as to whether New Orleans beat the United States out of money or not. I am calling attention to the fact that a contribution was made. I admire the enterprise of the South for asking for it and trying, when her people had been so heavily burdened, to have an exposition made before the country of what her resources were.

Mr. KILGORE. It was a loan. That is what I am getting at.

Mr. CANDLER, of Massachusetts. I do not care whether it was a loan or not. I believe that if it was a loan and if they had come successfully out of the struggles which they have had to undergo and were as rich as Chicago is, they would have paid the loan. At all events, it was money well invested for the benefit of the whole country. Not only is this bill conservatively drawn; not only are the committee satisfied that there is a bona fide subscription, a subscription of \$5,000,000 that will be paid, but they are satisfied that the city of Chicago has done more than we expected, when we brought in our original bill, from either of the cities, in agreeing that her contribution shall be \$10,000,000. And, Mr. Speaker, in reply to the gentleman from Texas I wish to accent that statement. I wish to call the attention of the House to the fact that no fair has ever been proposed in this country or any other for which was provided so large a sum to insure success and to insure the meeting of every obligation as this fair which we now propose.

We have learned something from the experience of the past. I honor the city of Philadelphia for the effort which she made to have the great fair of 1876, but there was not enough money provided for that great undertaking. Only \$3,000,000 was originally in sight as a fund with which to pay the expenses of that great fair. In New Orleans they subscribed less than \$1,000,000, and we have learned the lesson, and the city of Chicago, comprehending the magnitude of this great undertaking, has realized that to make it a success, not only before the people of the United States, but before the people of the world, she should have \$10,000,000, a sum more than a million and a half larger than the fund for the French fair. And once more I repeat, the difficulty with the fairs that have preceded this has been that their promoters did not originally supply a sufficient amount of money to place the enterprise beyond question as to financial results.

In regard to the fifth section, I will call attention to another conservative element in this bill. We have examined on the part of the committee everything bearing upon the subscription of \$5,000,000 and the guaranty of \$5,000,000 more, and we feel that every reasonable assurance has been given that the money will be raised. We would call attention also to the fact that, as a business proposition, \$5,000,000 is sufficient to guaranty the success of the fair, and that the receipts will almost certainly be sufficient to discharge every obligation without calling upon the Government or any one else. The assurance has been given to us by citizens of Chicago who are entitled to the confidence of this House and of the country that they will raise \$10,000,000. The case can be clearly comprehended from the report which we have submitted, and it does not seem to me to be my duty at this time to anticipate the discussion of that report which will be made in this debate.

In this bill we have not only endeavored to meet the objection of gentlemen who are opposed to a national corporation, we have not only examined and assured ourselves that this contribution is a bona fide one, but we have provided that this commission shall review the action of the committee, and shall go to Chicago to satisfy themselves that the contribution is bona fide and will be paid. And, Mr. Speaker, we go further than that, so as to meet the most conservative element in this House, and we provide that the President of the United States shall not issue his proclamation to invite other nations to take part in the fair, thus involving our national dignity and self-respect in this great undertaking, until he is satisfied that this contribution is a bona fide one and will be paid.

Under these circumstances it seems to me that it is due to the people

of the great city which has been chosen that we should not delay the indorsement which the Government of the United States is bound to give them, and that we should give them that assurance without delay, so that they may know on what basis to lay their plans for the future. I do not feel that it is my duty to enter into longer or wider discussion of the sentiment which underlies the question of holding the fair at all. I think this House can not forget the debate which we listened to here when the first report of the committee was made, because it was so national and patriotic and the question was so ably discussed that it must have left a marked impression upon this House and upon the country.

I believe that the gentlemen who made speeches here in favor of holding the fair, when we were selecting a site, were sincere and honest in what they said, and if that is the fact this bill must be passed not only by the votes of those who favored the selection of the city of Chicago, but by the votes of Representatives from every section of the country, including those from the different States which sought to have the fair located within their own borders. The committee feel that there is no longer any question about holding the fair, and that the only subject which we are bound to devote much time to in the discussion of this bill is the question of the proper conservative enactments and safeguards to be embodied in it.

And now, Mr. Speaker, I wish to offer another amendment, to be acted upon when the vote on the main question is taken. I will read the amendment now, because later I may not have an opportunity to explain it as I should like to do. The amendment is to strike out section 8 of the bill and to substitute therefor the following:

That said commission shall provide for the dedication of the buildings of the World's Columbian Exposition in said city of Chicago on the 12th day of April, 1892, with proper ceremonies, and that said exposition shall be opened to visitors not later than the 1st day of May, 1893, and shall be closed at such time as the commission may determine, but not later than the 30th day of October thereafter.

I do not offer this amendment from the committee; I offer it as a member of the committee. But, Mr. Speaker, I may say that it was discussed before we presented our original resolution. I believe that the duty of the committee is not only to present to the House a conservative bill which will command the confidence of the House, is not only to meet the wishes of the city of Chicago, but also to incorporate into this bill everything that it is believed will prove to the advantage of this great enterprise.

I believe that this amendment is an important one, not for the city of Chicago—she does not ask it—but for the exhibitors who may wish to take part in the exposition. I believed originally that it would be wiser to hold the opening ceremonies on the 12th day of October, 1892, so that we might fitly recognize the great commemorative event, but not to open the exhibition until the spring of 1893, and I believe that when gentlemen consider this amendment they will see the wisdom of it and will adopt it in the bill. I will send the amendment to the desk, to be acted upon at the proper time.

We have made, Mr. Speaker, some other changes in this bill—

Mr. ANDERSON, of Kansas. In connection with the remark of the gentleman in regard to amendments, I wish to say that I have an amendment to section 7; and I wish to inquire whether we are to be allowed to offer amendments.

Mr. CANDLER, of Massachusetts. Yes, sir; but I prefer the gentleman should offer the amendment in the time allotted for that purpose.

Mr. ANDERSON, of Kansas. Certainly. I simply wished to inquire whether opportunity will be afforded to offer amendments before the previous question operates.

Mr. CANDLER, of Massachusetts. Yes, sir; that is the intention of the committee.

Mr. Speaker, I will call attention again to the desire of this committee not only to present a bill that shall satisfy the most conservative judgment of the House in regard to a national corporation, the desire of the committee not only to feel an assurance on their own part of the genuineness of the contributions which are offered, but that there shall be checks upon their opinion by the action of the commissioners. I would like also to call attention to the fact that we limit the entire appropriation of the Government to the original sum of \$1,500,000, which is to pay the expenses of the Government exhibit, of the commission, of the part the Government takes in this great celebration in giving it recognition. As we studied the bill to put it in practical operation, we found it was not necessary that the whole amount of \$1,500,000 should be appropriated at this time.

After careful calculation we found that \$320,000 was, in our judgment, all that would be required until the close of the fiscal year of 1891. The appropriation that will be called for from this House will only amount until July, 1891, to \$320,000; and we continue to advocate as the limit of our appropriation the original sum, \$1,500,000.

Referring again, Mr. Speaker, to the contributions which have been made, referring again to the generosity and the magnitude of what Chicago has undertaken to present, it seems to me that \$1,500,000 on the part of the Government is not an extravagant appropriation. I believe the return of this expenditure will be in greater fold than that estimated by President Walker as the return from the exposition of



1876. He claimed that in thirteen years the Philadelphia exposition had returned a hundred-fold to the people of this country.

And, Mr. Speaker, I believe to-day, with the great advance in population, with the wonderful growth of the inventive genius of the country, with the enormous development of the resources of the United States, with your Birminghams and your Chattanoogaes to send up their contribution as an indication of what there is hidden beneath the rich soil of that as yet undeveloped section of our country—I believe that the return, as compared with the return from the Exposition of 1876, will be more than a hundred-fold.

Mr. O'NEILL, of Pennsylvania. I would like to interrupt the gentleman just one moment to ask a question.

Mr. CANDLER, of Massachusetts. Very well.

Mr. O'NEILL, of Pennsylvania. I ask the gentleman from Massachusetts, the chairman of this committee, to inform the House how much the Government appropriated for its own purposes to the Centennial of 1876. It seems to me that a million and a half of dollars is a very large sum; but perhaps after the lapse of sixteen years it is not too large a sum to make this exposition at Chicago a great success, a result which I want to see accomplished. But I would like the gentleman to state to the House how meager the appropriation of the Government was to the Centennial at Philadelphia.

I think a million and a half of dollars is not a very lucky amount, because some gentlemen from Illinois—Mr. SPRINGER, for instance—may perhaps after awhile endeavor to get this gift to the Chicago exposition paid back to the Government, just as Philadelphia was required to pay back the million and a half of dollars contributed at that time by the Government. The amount proposed for this appropriation, I repeat, is not a very lucky sum [laughter]; but I would like the gentleman to give to the House the information I have indicated.

Mr. CANDLER, of Massachusetts. Mr. Speaker, I have already referred to Philadelphia, giving her, I think, sufficient credit for her patriotism. I do believe that the contribution to Philadelphia was less than it should have been. At the same time, desiring to meet the conservative element in this House, we took the basis of population, not the increase of wealth, and doubled it in arriving at the sum to be contributed toward this great fair, which in my judgment will exceed any fair that has ever been held in the world. A contribution of a million and a half of dollars from the Government of the United States to-day is not in proportion to the development which the United States Government has to show in her National Museum, in her Fish Commission, and in the display of the mineral wealth of the country.

Now, Mr. Speaker—and I thank the gentleman from Philadelphia for his suggestion—I wish to call attention to the Government's treasures in Washington. I know of no way to educate the people of these United States to a higher standard of enlightenment than by giving the millions of our population an opportunity to see the treasures of the Government. I do not believe in hiding those treasures even in the museum here, when this vast country has so many millions of people who can not come to the city of Washington. I believe in sending these treasures to the different sections of the country, and not only giving the people an opportunity to see them, but giving the intelligent press of the United States an opportunity to record a description of them; for even when the people do not see these treasures the impetus which this fair will give to the literature and the newspapers of the country will be a means of education to the people which can scarcely be estimated.

I will not enter into any further comparison between this fair and those that have been held in other countries. It is enough to repeat that the city of Chicago and the United States propose to devote more money to this fair than any country has heretofore devoted to such an enterprise. It is enough to say that no city has ever professed honestly, or in any way, the amount which the city of Chicago offers to-day as its contribution to the fair. And, Mr. Speaker, I can not but believe that the American people will sustain the action of this House. We all believe in fair play; and when we see a city that commences as wisely and with as much enterprise as did the city of Chicago—beginning in September, 1889, the study of what was required and following it up by an intelligent commission, so that to-day she knows well what are the requirements of this great exposition—when we see a city beginning early and investigating the matter patiently and intelligently, and when she comes forward with this generosity to meet all the requirements of the fair, I can not but believe that this patriotic and intelligent House, the Representative of the people, will indorse those efforts, and will, without delay, give the people of Chicago an opportunity to go on with this great work.

Mr. Speaker, one thing more. I do believe in this fair as a great advantage to every section of the country. I do not think that one section will be more benefited than another. I believe that it will be a means of education to the people. I believe it will be the means of developing and encouraging the inventive and industrial interests of the country. I believe it is in the right direction. I believe, as some one has well said, that in this country the "price of liberty" is not only "eternal vigilance," but constant progress; and this enterprise is in the line of progress.

I believe while we encourage the prosperity and elevate and instruct

and educate the people, every decade brings us nearer to a wise settlement of problems which are before us and which we have to meet. I believe this will give an impetus to the business prosperity of the country.

I believe that the millions that will be brought in here to be expended in this country will be of advantage to the people. I believe these contributions of the rich to pay the expenses of this great national exposition in the city of Chicago will not only prove of advantage to all the business and industrial interests of the country, but it will give employment to the toiling masses, and it will prove a blessing to the men who give from their abundant means for the purpose.

Mr. Speaker, I do believe each decade we can legislate for the prosperity of the country, every wise measure that passes this House that improves the condition of commerce and trade, that promotes prosperity, that fosters the varied interests of the country, is leading to higher and more enlightened position, is instructing us and improving the minds of the people to be qualified better to legislate on the great problems that confront us, of race and the struggle between capital and labor. And if we can succeed in keeping our country always marching onward to higher and better things we shall find the problems that look so difficult to-day will be settled for the country wisely and peacefully. [Applause.]

The SPEAKER. To whom does the gentleman yield?

Mr. CANDLER, of Massachusetts. I yield to my colleague [Mr. BELDEN] whatever time he desires.

Mr. BELDEN. Mr. Speaker, I wish to say New York accepted the decision of this House in regard to the location of the world's fair in good faith. She has since said not a word or performed an act to reverse that decision. But that does not prevent her Representatives upon this floor from insisting that there shall be incorporated in this bill such safeguards as will secure the success they expected to secure had the fair been located at New York instead of Chicago.

The vote of February 24 located the fair in Chicago; the next day the committee met and assigned the bill referred to them that day to a subcommittee consisting of the chairman, who has just spoken, and two members of the committee representing the city of Chicago, with instructions to make such amendments to the bill as the Chicago people desired and report it back to the full committee, with the proviso that they should offer such guaranties before reporting the bill as New York had offered when a candidate for the fair.

After nearly three weeks of herculean efforts on the part of Chicago, after telegraphing backwards and forwards, they called us together to read the bill to us. When it was presented we said, "We care not for particulars if they satisfy Chicago. What we want is the guaranty they promised us." Then we called upon them to show what they were to do; how they were to guaranty there should be no default of subscription; to produce the guaranty.

Lo and behold! they produce a paper marked Exhibit A, with some names on it, with no heading, with no subscription, with no statement in regard to it, but they said that represented the money that had been subscribed.

That purported subscription paper was in the hands of the gentleman from Illinois [Mr. SPRINGER]. We could have the privilege of seeing it. The committee was called together to look at it, but it was not for the public. There was no subscription for the public. There was a copy there. There was some one who brought it. I looked at that subscription, and the first name was E. St. John, \$395,000. I called upon the chairman to know what that meant, as I had heard only \$100,000 had been given in one subscription. He did not know, although he had prepared this wonderful report. He said that Chicago had done everything, but he did not know how the first subscription was there.

When I called upon Mr. SPRINGER for information in respect to the matter, he tells me that some railroad men had a meeting, at which meeting they resolved or said that they would raise \$395,000. They had not subscribed it and have not yet as far as I know; that is, there is no evidence of it, and I take it that it has not been done, because as a matter of fact I believe there was a dispute about it when they broke up. That is the way the subscription starts out.

But the next paper is Exhibit B, with another subscription, in which the number of subscribers is put at 1,778 and the amount subscribed \$614,770, in sums ranging from \$200 to \$1,000. On the back of this subscription is a memorandum that some one else has subscribed \$864,000, but who is not stated. We inquired who it was or what it was or how it was subscribed, and were informed that it was a subscription containing some 27,000 names, and it was too large and bulky to bring here to Washington. Not a name given, not a place of business mentioned, not a place where the subscriber lives, what he is worth, or anything whatever about it.

Now, that is a wonderful subscription and a remarkable evidence of the liberality on the part of Chicago, of which the chairman of the committee tells us so much—not a dollar of money subscribed or shown to the committee in any manner or shape. We have asked them to show it, and now I challenge them to show it.

It is easy enough, Mr. Speaker, to talk and say "We expect to be able to raise that sum," and telegrams are shown as to what they are doing out there, that "Chicago never fails," that she will be always

found up "square to the mark," that "we are with you," and so on. But is that what the House wants to frame a bill upon or make an appropriation upon? That is all you are presented with, however, nothing more nor less, and upon that you are asked to take action. To-day the gentleman from Illinois [Mr. SPRINGER] has in his possession that list of names, which, he says, is not for the public. Now, how are we to frame our bill or base our action unless we know the facts? How are we to know that they have made a subscription at all? Upon what basis are we to act?

But when New York was a candidate for this business she selected from her midst one hundred and three of the best names to be found in that State, men of wealth, men of distinction, men that all of you know. They subscribed over \$5,000,000 and gave their places of business, their residences, and brought their subscriptions before the Senate, and at that time the chairman asked Mr. Jefferys, who appeared for Chicago, if he would file their subscription? He says, "Oh, yes; if required." But he forgot, and three, no, four weeks ago yesterday the vote was taken on the bill, and yet not a dollar has been subscribed or a single dollar presented before the committee. Mr. HATCH and myself, as members of the committee, urged them to produce their subscription. We did not want to stand in the way of the fair, but to do all that Chicago wanted. But we must have something to go on. We wanted something to go back to the House with and show that we had protected the interests of the Government.

We asked them to have some proof exhibited of what they were doing, to give us the names of some of their prominent men; and we named some of their prominent men ourselves, men that we knew, being satisfied that if they would pledge their indorsements they could succeed in doing what we required and expected, and asked them to get these parties to telegraph to us if it was all right. But no, the chairman says, "We have got everything we want;" and they have nothing.

When New York came and asked the establishment of this fair in that city she brought a list of names; she came with the site selected; with the plans prepared. She came with fifty or sixty of the most respectable and reputable men, men of means, who pledged themselves before you to make this a success; told what their plans were; showed you their list of subscriptions; showed you their means; showed you their maps of the buildings and their subscription lists, and you considered it in the committee.

New York said that she did not want the fair unless it was to be the best and most complete that was ever held. She was determined that it should be so; and when she had over \$5,000,000 subscription guaranteed and brought here, we gave notice to the committee and to the House and to the world that unless we could have \$10,000,000 more we would not want the fair or ask it. And yet Chicago only brings this paper and nothing more. They telegraph you—

Mr. LAWLER. Would the gentleman allow an interruption at this point?

Mr. BELDEN. I will.

Mr. LAWLER. There are several gentlemen here now listening in compliment to Mr. BELDEN, and it is perfectly right and proper that they should, who will not be present perhaps when the various assertions he makes might be corrected. I wish to ask the gentleman if it is not a fact that some gentlemen of standing, financially and otherwise, came before that committee and satisfied a majority of the committee, at least, of the financial standing of the proposition to take and do what was right by the fair in Chicago? Secondly, I would like to ask—

Mr. BELDEN. Let me answer one question at a time. I say in answer to the gentleman that but three members of the committee, the chairman and the two Illinois members, had these people before them, and the other gentleman on the committee knew nothing about what they said. I am telling what was produced to the committee and nothing more.

Mr. LAWLER. Did you happen to be present and meet a gentleman named Lyman J. Gage and others from Chicago?

Mr. BELDEN. No, sir; I did not have that pleasure nor did the committee. It was only the members of the subcommittee.

Mr. ADAMS. But you might have had the opportunity if you had been here. Were you in the city at the time that these gentlemen were here?

Mr. BELDEN. They did not call the committee together at all.

Mr. ADAMS. But the gentleman from New York was in fact absent for ten days in New York when these gentlemen were here.

Mr. BELDEN. Was the committee called together at all, I ask the gentleman?

Mr. ADAMS. I am not finding fault with the gentleman, of course; but what I do say is that the gentleman was in fact absent from the city for ten days while Mr. Gage was here, and was ready to answer any questions that might have been propounded to him.

Mr. BELDEN. Was it my business as a committeeman to go to Mr. Gage to find out what he had to say? I say that he did not go to any member of this committee except these three, and that the committee was not called together.

Mr. ADAMS. But still the gentleman being absent could not have had an opportunity of meeting Mr. Gage.

Mr. BELDEN. It was not my place to hunt him up.

Mr. CUMMINGS. Who were the three members of the committee the gentleman refers to?

Mr. BELDEN. Mr. HITT, Mr. SPRINGER, and the chairman.

Mr. CUMMINGS. Were they the subcommittee?

Mr. BELDEN. They were the subcommittee.

Mr. GROSVENOR. Mr. Speaker, I rise to a question of order. This is an important subject, and members would like very well to know what is going on. The House is not able to hear whether this a baseball club arguing with the umpire or what is going on, as nobody can hear anything. Being able to see is one thing and able to hear is another. [Laughter.]

The SPEAKER. The Chair thinks it understands the point of order.

Mr. HENDERSON, of Iowa. This looks more like a club than a base-ball club.

The SPEAKER. Gentlemen will please take their seats.

Mr. BELDEN. I think there would be no trouble about the gentleman from Illinois asking a question.

Mr. LAWLER. I think it is right that a mark of courtesy might be shown Mr. BELDEN.

The SPEAKER. If the gentleman from Illinois will speak from his seat it would be better.

Mr. LAWLER. Mr. Speaker, I am not a very loud orator myself, like Mr. BELDEN. [Laughter.]

Mr. BELDEN. I ask unanimous consent that the gentleman from Illinois [Mr. LAWLER] be allowed to proceed.

Mr. LAWLER. I merely wanted to ask Mr. BELDEN—

Mr. MASON. I can not hear either gentleman.

Mr. BELDEN. You will hear me.

Mr. LAWLER. I wanted to ask Mr. BELDEN this question—

The SPEAKER. The gentleman from Illinois must not call members by name.

Mr. LAWLER. There are so many from New York. [Laughter.]

Mr. BELDEN. The gentleman has his eye on me. [Laughter.]

Mr. LAWLER. I will now ask the gentleman from New York this question, if he has any doubt in his mind—

Mr. MCCREARY. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. MCCREARY. It is impossible to hear on this side of the Chamber what gentlemen are saying. I would suggest to the gentleman from Illinois and my friend from New York that they go to the center aisle. This is a very interesting subject.

Mr. LAWLER. There is a very evident intention not to allow me to ask the gentleman from New York a question. [Laughter.]

The SPEAKER. The House will be in order.

Mr. FLOWER. I want to know whether this is to be taken out of the time of the gentleman from New York [Mr. BELDEN].

Mr. BELDEN. I yield to Mr. LAWLER, of Illinois, for a question.

Mr. LAWLER. I simply want to ask Mr. BELDEN this question, and I will not trouble him with any further interruptions: in his knowledge of the business men of Chicago has he any question or doubt in his mind that they will carry out what they say in regard to making this world's fair a grand success, financially and otherwise?

Mr. BELDEN. I will answer that by saying that if talk will do it they will. [Laughter and applause.] But if it requires money they do not put it up, or at least they have not. [Renewed laughter.]

Mr. LAWLER. Mr. BELDEN—I mean the gentleman from New York—I would like to ask you this question: If you want to announce to this House that New York was able to take hold of so large a fair as this world's fair is intended to be and make it a success in the face of the fact that the Grant monument to-day has not been completed? [Renewed laughter and applause.] Chicago has carried out everything to the present time contemplated by it.

Mr. BELDEN. In talk. [Laughter.]

Mr. LAWLER. I make this statement, and I will verify it again, that if \$5,000,000 or \$10,000,000 or \$25,000,000 are necessary to make the world's fair a success in Chicago, it will be raised within the next six months. [Applause.]

Mr. BELDEN. I did not yield to the gentleman to make a speech.

Mr. LAWLER. One word more and I am done.

Mr. BELDEN. I did not yield to the gentleman for a speech.

The SPEAKER. The gentleman from New York declines to yield.

Mr. LAWLER. Just this, and I am done.

The SPEAKER. Does the gentleman from New York yield?

Mr. BELDEN. I yield for a question.

Mr. LAWLER. As to the railroad men. Mr. St. John is the general agent of the Chicago, Rock Island and—

Mr. BELDEN. I decline to yield further.

The SPEAKER. The gentleman from New York declines to yield, and he is entitled to the floor.

Mr. LAWLER. I understood that he would allow that question to be made as a correction. Well, I will get at it later.

Mr. BELDEN. Now, Mr. Speaker, as I was saying, when New York came to this House she came with a subscription of over \$5,000,000, with the names of the different gentlemen, with their places of business



and residence and the amount subscribed opposite to each. We brought to the city of Washington fifty-eight of our most distinguished and wealthy men to see you in person and assure you that every dollar of it should be paid. We brought to you plans of a building. We brought to you a site selected. We brought to you authority for a promise of \$10,000,000 more. We had secured a site and we had secured what was asked for the fair. I say that we showed her position and her interest in this matter; that we should secure a fair, and such a fair as we intended to give you had the fair been held in New York. I say that our Representatives here will join with Chicago, and use as much zeal and work as hard, and even talk as much as the chairman about Chicago's having done well as any other person. But they want, before making this appropriation, before passing this bill and authorizing the appointment of two commissioners from each State and Territory and eight alternate commissioners at large, that Chicago, before that, shall give us some assurance of \$10,000,000 or show her ability to do it. I desire to quote from the speech of the gentleman from Illinois [Mr. LAWLER]. On page 1561 of the RECORD I find he said:

I want the New York people to come beyond the Alleghany Mountains once and see what we have got in the great West. I say that Chicago stands ready to make this a successful enterprise. Chicago does not ask a dollar to bear the expenses; but our business men will subscribe, if necessary, \$25,000,000 to make this exhibition what it ought to be in this country.

Mr. LAWLER. I know they will do it; I know them so well. [Laughter.]

Mr. BELDEN. Mr. SPRINGER said in the same day:

But Chicago's proposition is ample to secure success. It is this: \$10,000,000 in money and a site; while New York's proposition, when reduced to the real purposes of the fair, means only \$5,000,000 and the site.

Mr. LAWLER. Now you want us to put up ten millions.

Mr. BELDEN. No, sir; but you should put up something that is satisfactory.

Now, I would like the House to look at that paper. I looked for it. I understand it is in Mr. SPRINGER's desk. I would like you to see what the chairman of the committee calls now the nobility of this enterprise.

Look at it for yourselves. After the general committee got together, and when pressed to state what evidence there was that this subscription would be paid, or that Chicago proposed to furnish anything, the Chicago men said: "We will telegraph to Chicago and find out." They then produced this answer, which they received at that time, or which perhaps they had before:

We wish you continued success in Washington. We will stand by you and the committee in every way. Chicago will now, as in the past, prove equal to every emergency. You can count on our support.

There it is—words again.

Mr. CANNON. Will the gentleman allow me a question?

Mr. BELDEN. I will.

Mr. CANNON. Section 9 of this bill provides that the fair shall not be recognized by the President nor placed on its feet until the President is satisfied that \$10,000,000 is secured.

Mr. BELDEN. I am coming to that very soon.

Mr. CANNON. It seems to me that provision is an answer to the gentleman's argument.

Mr. BELDEN. In reply to what the gentleman from Illinois [Mr. CANNON] has suggested, I have this to say: If this House is ready to pass this bill, to provide for a commission consisting of two members from each State and Territory and eight members at large, if they are prepared to pass the bill providing for this commission and to appropriate money, and to do all the other things that are to be done by way of preparation, and to have this commission assemble at Chicago and come to a decision, and then to have the President decide whether Chicago has furnished or will furnish the \$10,000,000 or not, that is all well.

If that is satisfactory to the House, the bill is all right. Of course you have got the promise of the representatives of Chicago that they will furnish the \$10,000,000, and, after you have gone through all these proceedings, passed this bill and appointed your commission, and they have met in Chicago, and the President has decided, if, after all that is done, the \$10,000,000 is not furnished, you will have the blessed privilege of declaring the project a failure and throwing it up. But is that the way to do? Why didn't they raise this money in the thirty days they have had since the House located the fair? Why didn't they do it before? Why don't they do it now? Why don't they get some new subscriptions? Why don't they show us something that is satisfactory? The gentleman from Illinois [Mr. ADAMS] in his speech when the bill was under consideration said this:

We have thus an available fund of \$10,000,000. Not a dollar of this will have to be paid to buy or to condemn lands; not a dollar will be used for the permanent improvement of Chicago or the park system of Chicago.

Now, where is the money? That is what I am inquiring about. That is what I am looking for. I repeat, the whole question may be summed up in the question whether this House, after it has selected the site and has given Chicago nearly a month and during which she has not raised a dollar or presented a dollar of guaranty fund of any kind, is willing to go on and pass this bill, appoint this commission, prepare for the fair, and take as collateral the privilege of declaring the

fair a failure if Chicago does not keep her promises. Why appropriate the money until you know whether you are going to have the fair? Why make all these preparations in advance? Why does not Chicago do as New York has done?

Mr. ADAMS. Will the gentleman yield for a question?

Mr. BELDEN. Yes, sir.

Mr. ADAMS. Is it the understanding of the gentleman that no subscriptions have been made in Chicago?

Mr. BELDEN. I do not know whether any have been made or not. There have been none produced. I make that statement. We have been told that subscriptions have been made, but none have been produced.

Mr. ADAMS. Has the gentleman any belief or any suspicion that no subscriptions have been made in Chicago?

Mr. BELDEN. I have seen a paper which I have been told is a copy of the subscription paper, but I have found errors in it to the amount of \$395,000 which they admit never was subscribed. There is another error of \$884,000, and the subscription paper is not to be made public, and I have a right to assume that there is something wrong about it.

Mr. ADAMS. Does the gentleman in fact assume that no subscriptions have been made?

Mr. BELDEN. I do not. But I assume the right of this House to know whether subscriptions have been made and what subscriptions have been made, and to know in such a manner that there can be no mistake about it, so that the House may be secure and may know what they are doing when they pass this bill.

Mr. ADAMS. If the gentleman will allow me I will state that I, of course, know personally nothing about these subscriptions except my own, but I will say that the original subscriptions are in Chicago, where they have to be in order to the organization of the corporation under the laws of the State of Illinois. I received notice the day before yesterday to send forward a proxy in order that my share might be voted upon, and I forwarded the proxy and I have no doubt whatever that the corporation will be organized under the laws of Illinois.

Mr. BELDEN. Well, I do not think that is essential one way or the other.

Mr. ADAMS. If the gentleman will pardon me, I have made this statement only because the gentleman intimated that he had seen no evidence and that there was no reason to believe that one dollar had been subscribed.

Mr. BELDEN. I did not mean to say that I did not believe that one dollar had been subscribed. What I say is that I know nothing about it, nor does any one else here. I venture to say that there is no man in this House or in the city of Washington who has ever seen subscriptions amounting to the sum they claim.

Mr. ADAMS. I have seen mine.

Mr. BELDEN. Oh yes, you have seen yours, but that does not go far towards carrying out this enterprise. I have no doubt you will see it again. Somebody had to pay the 2 per cent., and you were probably called upon to pay that amount of yours.

Mr. CANNON. Will the gentleman allow me to make a suggestion?

Mr. BELDEN. I will.

Mr. CANNON. As this fair has been located by a formal vote at Chicago and as the present bill is well drawn, I suggest that we now compromise by conceding that New York shall have the fair one hundred years from now. [Laughter.]

Mr. BELDEN. I will answer that by saying that New York has all she wants. Had she secured the fair it would not be a "white elephant;" she would not back and fill, cut and shuffle the cards as Chicago is doing in regard to this fair.

Mr. MASON. Did you say you want Chicago to have the fair?

Mr. BELDEN. I did, sir.

Mr. MASON. Is this the way to help us?

Mr. BELDEN. Yes, sir.

Mr. MASON. Thank you. [Laughter.]

Mr. BELDEN. I am a better friend of a successful fair by standing here and insisting that provision shall be made to make it successful than a man who stands here and says, "Oh, never mind; we will fix that by and by; after you have appropriated the money, after you have appointed the commissioners from every State and Territory and asked them to meet at Chicago, then we will fix the matter up, or if we do not you may declare the thing to be a failure." I am a better friend to the fair than to take any such position. I am speaking now because I want this fair to be a success, and I want it to be at Chicago. I do not want it in New York; New York does not ask for it; but she will not submit to be misrepresented and humiliated in regard to this matter. She came here manfully, boldly, and squarely presenting her subscription, her plan, her site, her \$15,000,000. She brought the evidence here to show that the money was secured. Chicago claims to have raised \$5,000,000, but she does not present evidence that this amount has been raised. She asks us to agree to accept \$5,000,000 and get along with that, and if she does not produce the other \$5,000,000 she agrees that we may declare the matter a failure. I am sorry for the position that Chicago has taken in this matter. It is a pity that there can not be some money assured.

Mr. MASON. Do not waste your pity on us.

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Mr. TAYLOR, of Illinois (to Mr. BELDEN). Were you not invited to go to Chicago, where you would have had opportunity to inform yourself on all these questions?

Mr. BELDEN. I was. Now let me answer that question a little more fully. I was invited to go with a party on a special train, to be dined and wined, and to be shown what the people would do. It was the same old story. But when I touched on the subject of the subscription, when I asked, "Will they show us one if we go there?" the answer was silence.

Mr. TAYLOR, of Illinois. Why did you not go and give yourself the opportunity to get information?

Mr. BELDEN. I have no doubt that if I had gone to Chicago I would have been treated handsomely. But I did not want to go there simply to hear this matter talked about. I did not want to hear any more talk. The fair has been located at Chicago, and I wanted to hear about her contribution in money. That is what I want now.

Mr. TAYLOR, of Illinois. If the \$10,000,000 were brought here now, would you not want to take it to the Treasury to see whether it was counterfeit?

Mr. BELDEN. Let the gentleman go over and get that subscription and show it to the House.

Mr. TAYLOR, of Illinois. Mr. Gage's name is signed to that subscription—

Mr. BELDEN. I desire to offer the motion which I send to the desk. The Clerk read as follows:

That the bill be recommitted to the Committee on the World's Fair, with instructions to report the same back with a favorable recommendation when a guaranty fund of \$10,000,000 shall be secured by citizens of Chicago, the sufficiency and legality of which shall be satisfactory to said committee.

Mr. FLOWER. I yield two minutes to the gentleman from Tennessee [Mr. McMILLIN].

Mr. McMILLIN. I desire to offer an amendment and have it pending for action at the proper time, or it may be acted on now, if that be preferred. I ask the Clerk to read my amendment.

The Clerk read as follows:

Strike out section 16.

Mr. McMILLIN. Section 16 is in this language:

SEC. 16. That the Secretary of the Treasury shall cause a suitable building or buildings to be erected on the site selected for the World's Columbian Exposition for the Government exhibits, as provided in this act, and he is hereby authorized and directed to contract therefor, in the same manner and under the same regulations as for other public buildings of the United States; but the contracts for said building or buildings shall not exceed the sum of \$400,000, and for the remainder of the fiscal year, and for the fiscal year ending June 30, 1891, there is hereby appropriated for said building or buildings, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000.

Mr. Speaker, in the bill providing for the Centennial Exhibition of 1876 there was no provision for the erection of a building by the Government of the United States; in the bill providing for the exposition at New Orleans there was no such provision. After this fair at Chicago is ended the Government will have no use whatever for the building which this bill proposes to erect at a cost of \$400,000. In the interest, therefore, of good government and looking to that which I deem to be correct legislation, I have offered this amendment to strike out the section I have read, which provides for the construction of a building by the Government of the United States for its exhibits. The world's fair commission will be called upon to provide space, free, for the other nations of the world; at least I suppose that will be the case with many of the nations; and I see no reason why the Government of the United States should, at an expense of nearly half a million dollars, erect a building which it does not need.

If I have any further time I yield it to the gentleman from Indiana [Mr. HOLMAN], who desires to offer an amendment.

Mr. HOLMAN. I wish to offer the following amendment, to be pending—

The SPEAKER. Is the amendment of the gentleman from Indiana [Mr. HOLMAN] an amendment to the amendment of the gentleman from Tennessee [Mr. McMILLIN]?

Mr. HOLMAN. No, sir; it is an amendment to the next section.

The SPEAKER. The Chair thinks it can not be pending now.

Mr. McMILLIN. Then I reserve the residue of my five minutes—

The SPEAKER. The Chair does not see how two amendments can be pending at the same time, unless one is an amendment to an amendment.

Mr. SPRINGER. I object to the reading; they should be taken up in their regular order.

The SPEAKER. The first is the amendment offered by the gentleman from Tennessee [Mr. McMILLIN].

Mr. FLOWER. I do not hear what is going on.

The SPEAKER. The amendment of the gentleman from Tennessee [Mr. McMILLIN] can now be voted on.

Mr. MILLS. I rise to a parliamentary inquiry. Will there be any opportunity given to members to offer amendments and vote on their adoption?

The SPEAKER. There is one amendment now pending, offered by the gentleman from Tennessee; and when that is voted on another amendment will be in order.

Mr. SPRINGER. One amendment was offered by the chairman before that.

The SPEAKER. If there is an amendment offered by the chairman, then that is the pending amendment, and the amendment of the gentleman from Tennessee is not.

Mr. MILLS. After the debate has closed will there be opportunity to offer amendments?

The SPEAKER. The Chair does not see how there can be.

Mr. FLOWER. That is the reason I yielded to gentlemen in order to get their amendments in.

The SPEAKER. The first amendment is that offered by the gentleman from Massachusetts [Mr. CANDLER], chairman of the committee. [Cries of "Vote!" "Vote!"] The Clerk will read that amendment.

The Clerk read as follows:

Strike out section 8 and insert the following:

"SEC. 8. That said commission shall provide for the dedication of the buildings in the World's Columbian Exposition in said city of Chicago on the 12th day of October, 1892, with appropriate ceremonies, and said exposition shall be open to visitors not later than the 1st day of May, 1893, and shall be closed at such time as the commission may determine, but not later than the 30th day of October thereafter."

The SPEAKER. The Clerk will report the section to be stricken out.

The Clerk read as follows:

SEC. 8. That the said commission shall provide for the dedication of the buildings of the World's Columbian Exposition in said city of Chicago on the 30th day of April, 1892, the one hundred and third anniversary of the inauguration of George Washington as first President of the United States, with appropriate ceremonies, and that the said exposition shall close on the 20th day of October, 1892.

The SPEAKER. The question is on striking out and inserting.

Mr. SPRINGER. Is it the desire to take the vote on this immediately?

Mr. HOLMAN. Yes; let us have a vote.

The amendment of Mr. CANDLER, of Massachusetts, was agreed to.

Mr. McMILLIN. Now my amendment comes in.

The SPEAKER. The amendment of the gentleman from Tennessee [Mr. McMILLIN] is now pending, which the Clerk will read.

The Clerk read as follows:

Strike out section 16.

The SPEAKER. The Clerk will read the section to be stricken out.

The Clerk read as follows:

SEC. 16. That the Secretary of the Treasury shall cause a suitable building or buildings to be erected on the site selected for the World's Columbian Exposition for the Government exhibits, as provided in this act, and he is hereby authorized and directed to contract therefor, in the same manner and under the same regulations as for other public buildings of the United States; but the contracts for said building or buildings shall not exceed the sum of \$400,000, and for the remainder of the fiscal year and for the fiscal year ending June 30, 1891, there is hereby appropriated for said building or buildings, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000.

The SPEAKER. The question is on striking out the section just read. [Cries of "Vote!"]

Mr. CANDLER, of Massachusetts. I hope the amendment will not be adopted. One reason I have is that the Government appropriates only one million and a half of dollars for this purpose. The gentleman stated the Government did not erect buildings at Philadelphia for their own exhibits. I think he is mistaken in that statement. The gentleman from Pennsylvania can correct me if I am wrong.

Mr. O'NEILL, of Pennsylvania. I desire to have a few minutes to explain.

Mr. CANDLER, of Massachusetts. I will yield for five minutes to the gentleman from Pennsylvania to make his explanation.

Mr. O'NEILL, of Pennsylvania. The Government of the United States expended, all told, on the exposition of 1876, \$535,000, and in my opinion that was a meager sum. That sum will not be sufficient for the expenses of the Government exposition at Chicago in view of the advance in years and increase in population and industrial affairs generally throughout the country. I think the gentleman from Massachusetts who has reported the bill this morning is right when he says the Government should appropriate one million and a half of dollars.

Again, I will state here, because I wish it to go into the RECORD, that the Government of the United States expended only, at the Philadelphia exposition, the amount I have mentioned. The Government had no expense to meet for entertaining the commissioners appointed by governors of States and Territories, which, in my opinion, was a great neglect in the legislation for the Centennial, but that expense, amounting to many, many thousands of dollars, was paid out of the money which should have gone to the stockholders.

I see in this bill a provision that the expenses of the commissioners are to be paid by the Government, and that I believe to be right. I was placed in a very remarkable position here as between New York and Chicago on the question of the location of this world's fair. The Philadelphia exposition owed neither the State of New York nor the State of Illinois anything in the necessary legislation required, for both of those States, as far as Congress was concerned, were against the proposition. But to-day I stand here hoping that at this session of Congress the United States, so far as she is concerned, will make ample, liberal, adequate appropriations so that at Chicago there will be a great



success commensurate with the importance of the occasion and the greatness of our country. [Applause.]

Mr. BELDEN. I rise to a question of order.

Mr. O'NEILL, of Pennsylvania. I want to say this, that there were not—

Mr. BELDEN. Mr. Speaker, in whose time is the gentleman speaking?

The SPEAKER. The Chair understands the gentleman from Massachusetts [Mr. CANDLER] has yielded to the gentleman from Pennsylvania from his time.

Mr. CANDLER, of Massachusetts. That is correct.

Mr. O'NEILL, of Pennsylvania. I want to state this, that I do not know what kind of friendship may exist in the minds of members from New York towards the Chicago exposition, but I know how the members from Pennsylvania feel, especially those from the districts embraced in the city of Philadelphia. We feel that our people expect us to aid this great enterprise as much as we can to a successful consummation. [Applause on the floor and in the galleries.]

The SPEAKER. Applause in the galleries can not be permitted.

Mr. O'NEILL, of Pennsylvania. I feel very sincerely on this question, and for good reasons. I am glad that at the expiration of sixteen years we have risen to a greater eminence, that our country is larger in population and resources, our views more comprehensive; that we are abler financially and otherwise, and that the Congress of the United States can help an enterprise to a greater degree than it did in the years past and gone. At the same time I want to say that Pennsylvania did much for the success of that Centennial Exposition. She contributed \$1,000,000 towards the exposition.

The city of Philadelphia contributed a million and a half more, and the stock subscriptions amounted to two and a half millions of dollars, while the Government allowed us to use one and a half millions in addition. And let me say here to the Chicago gentlemen and to the Illinois Representatives, in order that they may not be laboring under a wrong impression as to the difficulty of procuring the necessary means, that it was not until four years after the Centennial was decreed to be held in Philadelphia that the board of finance, which was created also by Congress, came here and asked the help of the Government to the extent of a million and a half of dollars. I beg them to be earnest and constant in getting subscriptions.

For four years the board of finance had made all efforts; the best men in Philadelphia and in the State of Pennsylvania were in its membership, and yet they found at last how difficult it was to get together the large amount of money necessary to meet the vast expenses staring them in the face, the whole cost being nearly \$9,000,000; and after all, when Congress saw fit to require that the board of finance should pay back the million and a half of dollars advanced by the Government, the stockholders who subscribed for one share, for ten shares, or fifty shares or more, in all sincerity, for the success of the Centennial, only received a dividend of about 22 per cent. on their subscription. If the Government had allowed the one and a half million of dollars to remain, the stockholders would have been paid in full, probably, out of the receipts of the exposition, the largest receipts, sir, ever derived from any of these great expositions in any country up to 1876. The people of Chicago are undertaking a great work and they must be untiring in their efforts, for the cost will be many millions.

I mention this, Mr. Speaker, because I have said I want success for the sake of my country, and I must say that I was rather pleased that my vote did not, though against it, prevent the selection of the city of Chicago for this exposition. [Applause.] I believe in these people; I believe they are and will be in earnest; I believe they are ready and willing and that they are alive to the situation, and I am sure that if \$10,000,000 or more are required it will be forthcoming in proper time. [Applause.] That is my idea and I think the times are such that there can be no doubt of Chicago giving, if necessary, every dollar over and above what is given by the United States Government at the outset to make it a success.

Now, the board of finance of the Philadelphia exposition did present some Congresses ago a memorial to Congress for the repayment to them of this million and one-half of dollars, less the 22 per cent. paid to the stockholders. Perhaps some day justice may be done that board, for we must recollect that New Orleans for her exposition received one million of dollars. When I voted for it I knew they would never be called upon to pay back that million-dollar loan made to them; still I voted for that appropriation, and I repeat the hope that some day justice may be done to the men who made a great success in the city of Philadelphia of the Centennial in 1876.

Mr. Speaker, I should not have voted for the extension of time at Chicago unless I had understood that that was satisfactory to the people there. But I am glad they have extended the time; we learn by experience. There were over two hundred buildings erected in the Centennial grounds at Philadelphia for the purpose of that exposition, magnificent buildings, some of them immense in size, 1,876 feet long, 1,400 feet, 800, 600, and so on; many, many buildings; some erected by the States who sent their commissioners there, and some by foreign Governments. But, sir, this undertaking is a great one, and however many millions it may cost, Chicago, I believe, is good for the amount. [Applause.]

Mr. HERBERT. Mr. Speaker, the scramble we have had over this bill shows very clearly that so far as the competing cities are concerned it is a simple effort to get and to keep trade—a mere business transaction. And look at it as we may, in any aspect whatever, it resolves itself into a business proposition.

A great industrial exposition is to be held. Government is expected to appropriate for it at least \$1,500,000. Three cities enter the lists for the prize, subscribe their millions of dollars, send their lobbyists not only throughout America, but even into foreign countries. They bring to bear upon Congress the influence of literary bureaus and boards of trade. What for? Why, sir, of course with the expectation of pecuniary profit to themselves.

Sir, this exposition is as purely business as is the bargain counter of an enterprising dry-goods firm who advertised recently in this city a great sale of dry goods, cheap for cash, on the tenth anniversary of the partnership. If it were proposed to celebrate this anniversary in a different manner, though I confess it would be going a long way back into history in search of something to stir our hearts, but still, if the scheme were purely patriotic and did not mean taxation, I, for one, would not object; but, sir, it does look like assuming the garb of patriotism to cover up the fact that we are spending money that belongs to all the people in a manner that can benefit only a portion of them.

We are still in the threshold of the second century of our existence. Let us pause and reflect a moment before taking another step in the new career upon which we have started. The Government has only in recent years begun making such appropriations as this. Possibly it is not too late even now to retrace the steps we have taken. Our achievements in the century that is gone were without parallel in human history. During the first eighty-seven years after the adoption of our Constitution not a dollar was expended by our Government for an exposition of this kind. No combination was ever powerful enough in all that time to filch from the Treasury an appropriation to aid an exhibition intended for private benefit.

We had our celebrations: the landing of the Pilgrims, the birthday of Washington, the battle of New Orleans, and, above all, the Declaration of Independence. We celebrated all these—not by elaborate preparations to add to our wealth, for in those days wealth was not the first and last and only consideration—but by music, and fireworks, and poems, and orations. Our anniversary celebrations during these seventy years were, as they professed to be, patriotic.

The farmer left his plow, the blacksmith laid aside his hammer, the merchant shut up his shop, all gave over for a time the pursuit of gain and devoted themselves to the memories of the past, to recalling the valor, the wisdom, the self-denying spirit of those who had sacrificed for the right in the brave old days of the past. If there was a feast at one of these anniversaries no one thought of asking the Government to pay for it. It was furnished by the rich and the well-to-do. The poor came and were welcome.

It was during that period, sir, that we laid the foundations of the greatness of our country. Music, poetry, and oratory were the educators, the vehicles that carried to mind and heart the noblest thoughts that can animate the breast of man. Thus was nursed the patriotism, thus was developed the splendid courage that inspired both the Northern and the Southern armies during the late war, when the soldiers on both sides, all conceiving they were fighting for the Constitution and laws of the fathers, poured out their blood like water and made the great civil war in America a revelation, not only to the world abroad, but to ourselves.

During the first three-quarters of a century of our existence the pet theories of to-day were not in control of the Government, those theories under which monopolies now rule the land. Extravagance in the expenditure of public moneys was not then called liberality; economy was not then denominated parsimony.

The prevailing theory then was that the Government should extend to every citizen the benefit of just and equal laws and that no man should have a bounty at the expense of his brother. In the men reared under such a system the world saw that sturdy independence and that bold and enterprising spirit that have made the American freeman the admiration of mankind.

It was an unfortunate day, sir, when we began to pass away from those old-fashioned celebrations. It was in 1876, the hundredth year from the Declaration of Independence. We had begun to grow rich, and then it occurred to us to take advantage of Independence Day to make to the world a great display of our wealth. It is true that at the Philadelphia Exposition we had an oration and a poem. But these did not constitute the celebration. They were simply opening ceremonies. We devoted three hours to poet and orator and six months to contemplating our present riches and planning schemes for the future.

Instead of worshipping at the shrine of Liberty, the exposition meant worshipping at the shrine of Mammon. Instead of shutting up shop for the whole country opened up shop, displayed the wares we had for sale, established a great national bargain counter. The money loaned by the Government to the city of Philadelphia was afterwards repaid, but we expended there in making an exhibit of the costly collections of the Government \$535,803.25. All this expenditure was defended in Congress at the time on the plea that the centennial year was an epoch in our history. We could afford to make an exception, it was

said, on the happening of such an event as the hundredth anniversary of American Independence.

Now mark the sequel. Eight years after the centennial a world's industrial exposition was to be held in New Orleans. Money had been appropriated to show the people of the North what costly collections the Government had, and now, on the plea that the turn of the South had come, \$299,756.35 were expended to exhibit to the Southern people the grandeur of our Government.

Mr. CARLISLE. One million six hundred and fifty thousand dollars.

Mr. HERBERT. The gentleman from Kentucky says \$1,600,000. The figures I have given were those furnished to me by the Treasury Department, and if the Treasury officials have overlooked the fact that the real expense to which the Government was put amounted to \$1,600,000—

Mr. CARLISLE. One million six hundred and fifty thousand dollars.

Mr. HERBERT. Then that was a serious mistake. They probably overlooked the surety debt the Government was compelled to pay. That makes my argument all the stronger. As we had a surety debt to pay for New Orleans, we are the more apt to have such a debt to pay for Chicago when we stand sponsor for her by this bill. And then, after this New Orleans experience in 1888, to give the people of the West, who were to visit the centennial exposition of the Ohio Valley at Cincinnati a due and proper conception of the riches of the Government by exhibiting to their astonished eyes the wonderful things it has accumulated, we expended the further sum of \$147,750.

Now comes this proposition to celebrate the anniversary of the discovery of America by Columbus. As the gentleman from Massachusetts who reported the bill said a few moments ago, this is to be upon a much larger and upon a much more liberal scale than any of those exhibitions which have preceded it. The Government contemplates spending much more money than it did on either of these former occasions.

Gentlemen in control here are getting more and more lavish year by year in expending the money of the people. In spite of the experience of the past the committee report a bill that contemplates a Government expenditure of one million and a half, and no one can tell how much more may result. But the report of the committee this time is not unanimous. Three of the committee, gentlemen of as much business standing as any in this House, gentlemen who are entitled to as much credit as any upon this floor, tell us that this guaranty that the city of Chicago has raised a bona fide subscription of \$10,000,000, which seems to be satisfactory to the remainder of the committee, is not satisfactory to them.

Mr. CANDLER, of Massachusetts. Mr. Speaker, I would like to ask the gentleman if he has read the appendix to the report of the committee?

Mr. HERBERT. I have not.

Mr. CANDLER, of Massachusetts. I think that, if he would read it and would read the report, and if the House would read it, they would realize how good is the authority the chairman and the committee have for making the statement they do make. I would like—

Mr. HERBERT. The gentleman can explain that in his own time, as he has the closing of the debate.

We appointed a committee on this matter, and we look to them for advice and information as to details. Here they come in with a divided opinion as to whether or not the guaranty of ten millions is sufficient. On a plain business proposition like that it ought to be an easy matter to satisfy reasonable business men. Where are there two better business men in the United States than the two gentlemen from New York [Mr. BELDEN and Mr. FLOWER]? Where is there any more reliable gentleman than the gentleman from Missouri [Mr. HATCH]? Will the gentleman from Massachusetts [Mr. CANDLER] tell me that it was impossible for Chicago, if the subscription had been good, if the paper had been gilt-edged, to satisfy these gentlemen? And yet it has not been done. How, then, shall gentlemen expect this House to be satisfied?

What a revelation all this, Mr. Speaker, would have been to the simple-minded men who framed our Constitution. Their dream was a free government and a great people. But that theory is now turned upside down. Everything tends now towards a great and splendid Government and a dependent people. Year by year the Government grows in splendor, while the people, many of them, who support the Government are growing poorer and poorer. The Government is to be sponsor for this exposition. If Chicago does not properly sustain it, gentlemen on this floor who have advocated the scheme will feel bound to uphold it with the public moneys. We are being committed to a show that may cost the people many millions of dollars over and even above the direct, unconditional expenditure of a million and a half.

Mr. Speaker, gentlemen can no longer justify a vote for such a measure as this on the ground that it presents an exceptional case. When once you pass this bill you may put it down as the settled policy of this Government, so far as gentlemen here may have power to settle a policy, that it will aid with direct appropriations every great fair or exposition held in this country and claiming to be international.

At no time in the future will there be any less reason for a Government contribution than now. Even at this moment the disappointed

aspirants for this appropriation are looking far into the future for some excuse upon which they can found a claim to a similar appropriation of Government money. An enterprising St. Louis editor has fixed upon 1903 the centennial of the purchase of the Louisiana territory by Jefferson. That is to be St. Louis's opportunity. Then she is to have her international show and her Government appropriation. God help the surplus, and God help the people, if we are to give away their substance in this manner!

Mr. Speaker, pomp and show are natural to aristocratic and monarchical governments. The French people forgot that they had lost their liberty in the splendors of the empire of Napoleon I. They forgot freedom again when they saw Napoleon III and Eugénie ride with their retinue of nobles along the Champs Elysées in their magnificent capital. Where are we going? A republican government is popularly supposed to be noted for its simplicity. Why should we be imitating the splendors of royalty? There was a time when under the Roman republic the people cried out to their rulers for bread and the circus as loudly as they cry out now for Government here to give or help on a show, but that was in its degenerate days, when that great republic was already tottering to its fall.

The remarkable feature is that in Rome it was the mob that cried out *Panem et circenses*—Bread and the circus. In America it is the rich who cry loudest for Government to appropriate for a celebration that shall eclipse in its magnificence even the Paris Exposition. Gentlemen may say that France is a Republic, but she furnishes no example that we can imitate. France has never yet been able to throw off the trappings of royalty. She has stopped at the half-way station. She still has her nobility, her Orleanists, and her Imperialists; she still has her state-church establishment; she still supports with the people's money the theater and the opera.

Mr. Speaker, I rejoice in whatever adds to the prosperity of the American people or any portion of them, but I have never yet given my consent to the proposition that it is either right or expedient to tax one man for the benefit of another.

What part or lot in this exposition have the farmers of this country, East or West, North or South? They will be expected to make their exhibits, but for what purpose? Why invite the people of foreign countries to see the wonderful products of our soil if the Governments of those foreign countries forbid their people to buy of these products?

France, taught by the example of your Government, interdicts your pork. Germany, following in your footsteps, excludes your food products, and other countries are tending in the same direction. Republican leaders never tire of proclaiming on this floor that American markets must be reserved for Americans. Germany retaliates with, "German markets for Germans." France echoes, "French markets for Frenchmen."

We have been holding here at great expense for months a Pan-American Congress. We invited all these other American Governments to send to Washington delegates empowered to confer with delegates from our Government. The purpose is to see how we can extend our trade. It may result in a proposition for a Government subsidy to steamship lines, in a scheme to take more of the people's money to give to some monopoly, but it will all come to nothing else. If you lock up our markets against the foreigner you must expect him to lock up his markets against you. These South American countries have already caught the inspiration of North American statesmanship and are beginning to impose higher duties on imports.

America, under the rule of the Republican party, is leading in the policy that is shutting up the markets that once were open to whatever products of our farms other countries can produce within their borders, and so it comes to pass that the American farmer is impoverished by the very superabundance of his crops. In the midst of plenty he is becoming poorer every day. He must still sell his surplus abroad—sell for low prices in the restricted markets of the world, sell in competition with all the pauper labor of the world—and yet he is not allowed to buy where he sells. He must buy at home at higher rates. No wonder the prices of agricultural lands are tending downwards.

In New Hampshire recently the commissioner of immigration advertised that 1,422 farms had been abandoned by their owners. The promise was that the system of exclusion was to give our farmers a better and still better home market year by year has proven a delusion and a sham. Take cotton as an example. In the cotton year ending with August, 1869, we exported after supplying the home market 1,465,880 bales of cotton.

In 1879, ten years afterwards, we exported 3,481,004 bales. At the end of another decade we sold abroad 4,742,347 bales. This cotton in the markets of the world must compete with the labor of the world. Year by year we are sending more and more of it abroad, and yet gentlemen seek to delude the men who produce it with the idea that the Government of the United States can give them relief by furnishing them with a home market. That home market, as the figures show, is more insufficient now than it was twenty years ago.

There never was so much complaint among the farmers of the country as there is to-day. And they have cause to complain. They are now feeling in its full force the effect of the unjust and partial, the un-



fair and extravagant legislation for which the Republican party is responsible. Stop this extravagance. Reduce custom-house taxations. Allow him who is obliged to sell in the markets of the world some of the benefits to be derived from buying in those same markets. This way is open and plain if we can only unite the farmers of the country to rise up as one man and break the bonds in which the Republican party has bound and delivered them into the hands of the monopolists. But instead of giving him this poor privilege the great Ways and Means Committee of this House is now busy devising new schemes to increase taxation. That committee is expected to report a bill that will raise taxes on article after article of common necessity.

Not even the tin cup of the laborer is to escape; at least, that is the present programme. A monopoly has been formed beforehand, although not a pound of tin-plate is now manufactured in America. A combination has already been made; the lobbyists who compose it call themselves the American Tin-Plate Association. They have associated themselves together first to get the tax imposed, and secondly to manufacture and control the product afterwards. Thus the tin that goes into every cup and bucket and pan in the United States, every pound of it, is to pay tribute to this monopoly by anticipation that is here at our doors demanding this increased tax; and this is only a sample.

This same expected tariff bill, the newspapers say, is to lay a tax on hides. That is undoubtedly the programme now. Whether the committee will be able to stand by such a monstrous provision nobody can tell. There is a protest going up against it all over the land. I add my protest now. Look at the facts. No industry in this country has prospered more in the last fourteen years than the leather industry. It is finding its way south. Under the provision for free hides there is a flourishing shoe factory in the district I have the honor to represent. Other factories are contemplated. Shall these be crushed by high-priced leather? We are now making in the United States more than we consume of leather goods, exporting more than we import. Leather goods are the one manufactured article to be bought as cheaply in America as in Europe; but it is proposed to tax hides, and that will raise the price of boots and shoes, a necessity to everybody.

No wonder there is a spirit of unrest among the farmers. No wonder they are coming together to find out the causes of their distress. I do hope, sir, they will look at this legislation. They are taxed for the benefit of everybody else. This is legislation for the classes and against the masses; so is your legislation for a world's fair, and for a grand national park in Wyoming, and for a great zoological garden in the city of Washington, and for the great Memorial Columbus park, up here yesterday.

These things, sir, and all kindred schemes, though they may gratify national vanity, though they may seem to add to the splendor of your Government, are heaping taxation on the people and teaching the citizen to look to the Government instead of himself. The doctrines that are being taught by the American capitalist to-day and by the Republicans in this Congress are tending directly, as surely as cause leads to effect, towards socialism and its twin brother, communism.

If the Government can help the people by giving or aiding great expositions; if it can help science by taking geology and paleontology under its wing, or by researches into electricity and magnetism, as it is doing; or if it can add to the price of the labor of one class of people by enacting that other people shall pay higher prices for their goods, all of which I deny; if beneficial results follow all these laws, as is contended, why not, as Edward Bellamy and his socialist friends contend, go further? Why not have Government take full control—regulate your farming, your mining, your manufacturing, your cooking, and your washing?

How shall you stop, sir, when once you have started in that direction? Socialism, the telegraph tells us, is rapidly spreading in Germany. It may be that this is the cause of the downfall of Bismarck; that the Emperor was dissatisfied with his great chancellor because he has failed to check the socialist party. The successes of that party in the recent elections for the Reichstag have startled the world.

But they are perfectly natural, sir. German statesmen have taught the doctrine that, instead of relying on individual enterprise and energy, the government, to secure the happiness of Germany, must control and build up the industries of the country. Its hand must be everywhere felt. In Bavaria government even brews the beer. The socialists are simply carrying out the teachings of German statesmen to their logical conclusion. So in France.

From the days of Louis XIV down to the present government there has controlled everything, sustaining by taxation the church and the theater, regulating in the minutest details the butcher and the baker. If the Government can do everything the few may wish, why shall it not do everything a hungry mob in a city can demand? And France has furnished the most frightful examples of communism, anarchy, and bloodshed that history has recorded; and, sir, socialism is manifesting itself in many parts of our own country.

If we would check this tendency, if we would maintain and preserve inviolate the homes that are at once the pride and the blessing of a free people, let us turn our faces towards the ways in which our fathers trod; let us give to every man the benefit of just and equal laws; let us teach the citizen the true spirit of independence, and that the pre-

tended benefactions of the Government are simply robbing him of the right to do as he may please with that which is his own.

I would not, sir, strike down any interest in this country. I would favor no radical or revolutionary measures; but, sir, I would turn the face of this Government in a different direction. I would have legislation hereafter look towards lower taxes, towards the lightening of the onerous customs duties that now weigh down our people, not to the adding of new burdens. Let us have justice for all, exclusive privileges for none.

Mr. TAYLOR, of Illinois. What became of the cattle industry when they took off the tariff?

Mr. HERBERT. It was just where it is now. It got into the hands of the big operators in Chicago. Are you doing anything to get it out of their hands?

Mr. TAYLOR, of Illinois. Yes.

Mr. STRUBLE. Mr. Speaker, is it the world's fair bill that we are discussing or the tariff? [Laughter.]

Mr. McMILLIN. Mr. Speaker, I believe that the question is on the amendment which I offered.

The SPEAKER. The question is on the amendment of the gentleman from Tennessee [Mr. McMILLIN].

The question was taken, and the amendment of Mr. McMILLIN was rejected.

Mr. CARLISLE. I ask the gentleman [Mr. FLOWER] to yield to me to offer an amendment to the sixteenth section, which the gentleman from Tennessee proposed to strike out.

Mr. HOLMAN. I have sent up an amendment which I suppose is entitled to priority.

The SPEAKER. The amendment of the gentleman from Indiana [Mr. HOLMAN] will be first in order.

Mr. HOLMAN. I have modified the amendment so as to limit the amount for which the Government shall be liable to \$1,000,000, instead of \$1,500,000, as proposed by the bill.

The SPEAKER. The Clerk will report the amendment of the gentleman from Indiana.

The Clerk read as follows:

Strike out all of section 17 after the word "aggregate" in line 17 and insert in lieu thereof the words "one million dollars."

The amendment was not agreed to, there being—ayes 36, noes 56.

Mr. CARLISLE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to section 16 the following:

"The Secretary of the Treasury shall cause the said building or buildings to be constructed as far as possible of iron, steel, and glass, or of such other material as may be taken out and sold to the best advantage; and he is authorized and required to dispose of such building and buildings or the material composing the same, at the close of the exposition, giving preference to the city of Chicago or to the said World's Exposition of 1892 to purchase the same at an appraised value, to be ascertained in such a manner as he may determine."

Several MEMBERS. All right.

Mr. CARLISLE. I desire to say but a single word—

Mr. CANDLER, of Massachusetts. We are willing to accept that amendment.

The amendment was agreed to.

Mr. STEWART, of Georgia. I offer an amendment which I ask the Clerk to read.

The Clerk read as follows:

At the end of section 17 add the following:

"And provided further, That if in the conduct of said World's Fair a dividend should be declared, the amount contributed by the United States Government shall receive its pro rata share thereof."

Mr. SPRINGER. The gentleman from Georgia [Mr. STEWART] mistakes the provisions of this bill. It does not contemplate any partnership of the Government in the financial operations of the exposition. This appropriation by Congress is entirely for the Government's own building; and there is nothing out of which a dividend could be paid to the Government.

The question being taken on the amendment of Mr. STEWART, of Georgia, it was rejected.

Mr. FLOWER. Mr. Speaker, as I have computed the time, I believe I have used sixty-nine minutes.

The SPEAKER. The Chair thinks that is very nearly right.

Mr. FLOWER. I reserve the rest of my time.

Mr. CANDLER, of Massachusetts. I yield five minutes to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Speaker, some weeks ago I appealed upon this floor for fair play for New York. To-day I appeal to this House for fair play to Chicago. [Applause.] New York had fair play on this floor. She lost this fight through treachery in her own ranks. There was a Benedict Arnold in her army. No "Jockey of Norfolk" received a warning before her natural geographical allies in New England and Pennsylvania were led into the ranks of the enemy. But she had fair play upon this floor.

When I was a school-boy I saw two boys fighting. It was a stiff quarrel and a good fight. One boy whipped the other. The boy that was whipped picked up a stone and hit his opponent in the neck, after his back was turned. Now, I do not know what kind of boys you have in this House; but I am not that kind of a boy. [Applause.]

I say there was a fair fight on this floor. We met the enemy, and we are theirs. We were handsomely whipped.

Now, what are we going to do about it? Why, sir, we ought to act a manly part. What is a manly part? Let us see. After selecting Chicago as a site for the fair, we referred this matter to a committee for adjustment. The subcommittee of that committee have voted unanimously in favor of this bill. They are satisfied with the pledges given by Chicago. The large majority of the committee are satisfied with those pledges. If that committee are satisfied with the pledges they have received, we ought to be satisfied. They know more about it than I do. I am satisfied.

I stand by that committee. I stand by them because I believe it is manly to do so. I stand by them because I believe it is my duty as a member of Congress from the city of New York to do so. I stand by them because I believe I am right in doing so. And I may add, Mr. Speaker, that I stand by that committee because I believe it is politic to do so.

We are not the only branch of the National Legislature to consider this project. The Senate is to have its "innings." The Senate must express its opinion and pass upon this measure. The action of the Senate may be unfavorable to Chicago. If so, then New York can again enter the lists with honor. If that time ever comes the battle may again be fought. Then we may say with Dessau at Marengo, "The battle is completely lost; but there is time and opportunity to win another."

[Here the hammer fell.]

Mr. CANDLER, of Massachusetts. I yield the gentleman a minute longer.

Mr. CUMMINGS. If that time does not come I consider that I honor myself, honor my city, honor my State, and honor my country by standing by Chicago and doing all that can be done to aid her in making this fair a success. [Applause.] I shall vote against the amendment because I think it unjust to Chicago to postpone the measure longer. She needs every minute for preparation. Even the seconds are golden. Give the fair fair play.

Mr. LAWLER. That is the spirit that will make it a grand success.

Mr. FARQUHAR. Mr. Speaker, I think it would have been well if the gentleman who has just taken his seat had withheld somewhat at least of his animadversion in respect to the struggles of New York for gaining this fair. Whatever the troubles were in New York or in Albany, there is one thing to be said in vindication of the honor of the Representatives of that State: that on the floor of Congress New York's Representatives stood solidly together and fought till the last; and when we are conquered we are generous enough to walk into the enemy's camp and share their rations. [Laughter and applause.]

Mr. CANDLER, of Massachusetts. I yield five minutes to the gentleman from St. Louis [Mr. FRANK].

Mr. FRANK. Nothing, in my judgment, Mr. Speaker, should be done to retard the progress or imperil the success of the commemoration of this great historic event in the city of Chicago. The pride of the State of Illinois, the integrity of the city of Chicago and her people, as well as the honor of this entire country, are involved in this affair.

I did not stop to inquire what consideration prompted this House in declaring in favor of Chicago as the proper site for the holding of this fair. It was sufficient for me this House had declared in favor of that city as against all other competitors. I then said, as a member of this committee and as a member of this House, I should do all in my power to aid Chicago in making this fair a complete success; that all my efforts would be zealously exerted in that direction.

And I intend, gentlemen, to stand by that promise. All I asked of Chicago or demanded of her people was that she should accept the provisions of the bill and carry out its requirements in good faith, as I pledged the people of St. Louis would do if she had been the successful competitor for its location.

It is quite true it would not have strained my people as it seems to strain the people of Chicago, because my people are accustomed to observe the terms of an agreement by a standard of honor than which there is none higher anywhere the sun shines.

Chicago has recorded her promises. To violate them would be her everlasting disgrace, and in this matter would be humiliating to the whole country. She does not intend to do it. She is now prompted by what she has heard on this floor, by patriotic impulse, to make this fair a grand and colossal success. [Applause.] All the provisions of the bill are surrounded by proper safeguards.

I trust this measure will now pass, so we can say to Chicago: "On with the work!" [Renewed applause.]

Mr. CANDLER, of Massachusetts. I yield for five minutes to the gentleman from Kentucky.

Mr. MCCREARY. Mr. Speaker, after the eloquent speech of my friend from New York [Mr. CUMMINGS] and the appropriate remarks of my friend from St. Louis [Mr. FRANK] there is not much for me to say, and I wish 4 o'clock, the time fixed for closing the debate, had come, so that we might vote on the bill. [Applause.]

I am one of those who advocated Chicago at the beginning as a proper place to locate the world's fair. I have had no cause since I first cast my vote for Chicago to lessen my ardor or to lose confidence in the Queen City of the Lakes.

For nearly three months we have considered in committee and in the House of Representatives the holding of a world's fair to commemorate the greatest event of modern times, and we must not now halt or hesitate, but go forward with the good work. In a fair contest and in an honorable struggle Chicago was victorious. Friends of New York or St. Louis or Washington are now estopped in interposing unnecessary and improper obstacles.

I believe all who are in favor of a world's fair are now honorably bound to stand by Chicago and do all that is proper to have the most attractive, the most conspicuous, and the grandest international exhibition of arts, industries, products, minerals, and manufactures ever held in the world.

The people of Chicago, with an unanimity unparalleled and an enthusiasm unequalled, are ready to do their duty. They offered a larger and more generous contribution to the world's fair than was ever proffered before by private citizens or by any foreign government for the great international exhibitions previously held. In the financial plan for the great Paris exposition, which was perhaps the most successful world's fair ever held, the contributions aggregated \$8,600,000.

The city of Chicago has now \$5,000,000 available for present use, and guaranties to satisfy the commission that it will provide, without the aid of the United States Government, \$5,000,000 more, making \$10,000,000, which is in every respect abundant, for I believe that our world's fair will pay its own expenses and be a good investment.

No person who knows the enterprising, progressive, and earnest people of Chicago can doubt that the fair, if held at that city, will be a grand success, and when we are assured by the distinguished Senator from Illinois [Mr. FARWELL] that he has examined the subscriptions to the world's fair fund for Chicago and that they are bona fide and will be paid, and when such men as Lyman J. Gage, president of the First National Bank of Chicago; John B. Drake, proprietor Grand Pacific Hotel; G. B. Shaw, president Merchant Loan and Trust Company; C. L. Hutchinson, president Corn Exchange National Bank; John C. Black, president Continental National Bank; W. E. Hale, president Hale Elevator Company; Potter Palmer, proprietor Palmer House; E. G. Keith, president Metropolitan National Bank; H. F. Eames, president Commercial National Bank; A. L. Patterson, Chicago Globe; W. J. Huiskamp, Chicago Times; William T. Baker, president Chicago Board of Trade; William Penn Nixon, Chicago Inter-Ocean; John N. Clark, collector of customs; O. W. Potter, president Illinois Steel Company; James W. Scott, Chicago Herald; Joseph Medill, Chicago Tribune; Stuyvesant Fish, president Illinois Central Railroad Company; J. W. Doane, president Merchants' Loan and Trust Company, and others pledge their hearty support and declare that Chicago will be equal to every demand, I feel satisfied that there is no longer any ground for cavil or complaint and that Chicago can be fully trusted in the grand commemoration of the four hundredth anniversary of the discovery of America.

Mr. Speaker, I am in favor of the passage of the bill reported by the committee with the amendment offered by the gentleman from Kentucky [Mr. CARLISLE]. I was opposed to a United States corporation to manage the world's fair, but an Illinois corporation, with a commission consisting of two persons appointed by the governors of the respective States, is the best. I am heartily in favor of the amendment offered by the gentleman from Massachusetts [Mr. CANDLER].

The pluck and promptness of Chicago in preparing to hold the fair in 1892 is very commendable, but we should look at this question from a business as well as from a patriotic standpoint.

Columbus discovered America on the 12th of October, 1492. If we are to celebrate the four hundredth anniversary of the discovery of America we should not commence before that time, and that will be too late for an international exposition to be held in the year 1892. Therefore, I am in favor of inaugurating the world's fair on the 12th of October, 1892, and at that time we should dedicate the buildings with proper ceremonies, but the great exposition of our arts, industries, manufactures, and the products of the mine, the soil, and sea should commence in the spring of 1893.

Thus will our world's fair become a greater success, thus it will be of greater national and international advantage, thus it will stimulate the patriotism and promote the material prosperity of our people, and thus, too, our country will be crowned with the wreath which represents progress and pre-eminence, individual achievements, and national success. [Applause.]

Mr. CANDLER, of Massachusetts. I reserve the balance of my time and yield the floor to the gentleman from New York [Mr. FLOWER].

The SPEAKER. The gentleman from Massachusetts has occupied one hour and seventeen minutes on that side.

Mr. FLOWER. How much belongs to the opposition to the bill?

The SPEAKER. About forty minutes.

Mr. FLOWER. I yield five minutes to the gentleman from Missouri [Mr. HATCH].

Mr. HATCH. Mr. Speaker, I do not know that I will use even as much as the five minutes accorded to me by the gentleman from New York. I was not present at the committee meeting this morning and was not aware of this division of time.

I simply desire to state to the House now that when the contest was



presented for the location of this fair I was an earnest supporter of the claims of the city of St. Louis. I gave then at length my reasons for supporting St. Louis to the House and to the country. When the bill was sent back to the committee to be perfected and reported to the House under the resolution the contest, as far as the site was concerned, was settled. The question was then as to the best means of protecting the country and to see that Chicago, having secured the location of the fair, would comply in good faith with every proposition made by its advocates on this floor pending the discussion of that measure.

I took the position before the committee that Chicago had not complied in good faith with the promises made by its advocates in this House in regard to the subscription and guaranty fund. I insisted that Chicago should present to that committee unquestioned evidence of the soundness and legality of that subscription. I was in a minority. The majority of the committee decided that upon the evidence presented to the committee they were satisfied with the guaranty fund, and especially when they had adopted an amendment offered by the gentleman from West Virginia [Mr. WILSON], which is now a part of the bill, that before the fair should be inaugurated or notice thereof given to foreign countries by the President of the United States, by his proclamation, he should be satisfied of the good faith and absolute soundness of the guaranty fund of \$10,000,000. With that I am today content and satisfied.

While it was not the plan I proposed, I accepted gracefully and in good faith the action of the majority of the committee; and there is nothing left for us or for Congress to do at this time but to extend to the city of Chicago every fair and reasonable legislative facility for making the fair what it should be, a grand national success. [Applause.] And to that end I will go as far as any gentleman on the floor of this House.

Mr. FLOWER. Mr. Speaker, I am one of that unfortunate minority of the Committee on the World's Fair who believe that Chicago did not put up the necessary subscription before our committee; and I agree fully in everything that my colleague from New York, Mr. BELDEN, has said in regard to the subscription list from that city. I will say further that there is no heading to that subscription list; and I will go still further and say that the mayor of Chicago did not know how to head it in a telegram to a member of the committee or to make it fit the lists we have in the committee.

Mr. TAYLOR, of Illinois. Oh, well, he is a Democrat. [Laughter.] Mr. FLOWER. But I will not say that they can not raise \$5,000,000, because I believe that Chicago can raise \$5,000,000 or \$10,000,000. But I do not believe that on that subscription list they furnished to the committee they have raised it. I believe that on the subscription list there is more than one and one-half million dollars subscribed by corporations; and the gentlemen ought to know, if they do not, that under the decisions of the supreme court of the State of Illinois the corporations who subscribed are likely to forfeit their charters by subscribing for stock in any corporation.

Now, I do not say but that Chicago can get around that, because she is a smart city. But I do say, suppose that she does not get around it, what are we to do when the President finds out that Chicago can not raise the necessary funds?

Mr. TAYLOR, of Illinois. Then we will send it to New York.

Mr. FLOWER. We do not want it then. We believe in playing fair. We made a fair and square fight with you and you won it. As my colleague from New York stated, the committee generally was not called to meet these Chicago people; but I say that outside of the committee-room they were asked to get that subscription list and show that they had the \$5,000,000 fund. They were asked to get a certified copy of it, because we told them that if they should get their bill through the House they might have trouble in the Senate. I said that to them in all kindness myself—in kindness to the city of Chicago—and I say to you now that that is essential.

I shall vote for the amendment of my colleague [Mr. BELDEN], therefore, to recommit this bill with instructions to the committee to show a subscription list; and, failing in that motion, I shall vote for the fair, because I believe in it, and I believe that Chicago can raise the \$10,000,000 and satisfy the country.

There has never been a time since the debate began that I have had a doubt that Chicago, when she leveled herself right down to the work, could get the money and make the fair a success, and I believe so now. But I think she has got a hard road to travel; and I would like to have her show first that she is able to do what she undertakes. That is what I am after, and that is all. I am fearful—yet I may be mistaken—I am fearful that at the other end of the Capitol when they call upon Chicago to furnish the subscription list they may take the same view of it; and therefore I wanted that subscription list left with our committee. That would have been conclusive of their ability to do what they undertook. But it was not left.

I yield three minutes now to the gentleman from Texas [Mr. KILGORE].

Mr. KILGORE. Mr. Speaker, I have very little to say on the pending bill and very little time in which to say it. The proviso at the end of the seventeenth section should be stricken out entirely. It recites that the Government shall not be liable for more than a million five

hundred thousand dollars, to be used to pay the world's fair commissioners, to erect buildings for the Government exhibits, and to pay the expenses of transporting and caring for such exhibits.

The gentleman from Indiana [Mr. HOLMAN] undertook to amend the section by reducing the amount to \$1,000,000, but the amendment was rejected.

This proviso is a delusion and a snare. It is an imposition on the House and the country and ought to be eliminated from the bill. If the friends of the measure, the patriotic advocates of a world's fair to be held under the direction of the United States Government, were disposed to deal fairly and candidly with the people, they would amend the proviso by striking out \$1,500,000 and insert \$5,000,000; because it will cost the Government every cent of five millions of the people's money to discharge the obligations which the Government will incur if this bill becomes a law. I will not offer such an amendment for the reason that I am unwilling that Congress should appropriate a single dollar of public money to pay for this Chicago show, this picnic.

But the House seems determined to bind the Government to participate in this exposition, a scheme to promote the business interests of the people of a great city at the expense of the tax-payers of the country, and it ought to be honest enough and courageous enough to let the country know the amount of money likely to be used in that scheme. There is a pretense in this bill to limit the amount to a million and a half dollars. At the same time every member of this House knows that no such limitation can be imposed by Congress. The next Congress, or this Congress at its next session, or during this session, can disregard this pretended limitation and appropriate five millions or any other sum of money to carry out the purposes of the bill if it should become a law.

Mr. MASON. Mr. Speaker—

Mr. KILGORE. I can not yield to the gentleman from Illinois. I have very little time.

Mr. MASON. I want to ask the gentleman from Texas one question.

Mr. KILGORE. Well, sir, I will yield for just one question.

Mr. MASON. Do you want to fix this bill or any other bill so that any future Congress shall not extend the limit of the appropriation?

Mr. KILGORE. You propose in this bill to fix a limit on Congress. You say the Government shall not be liable for more than a million and a half dollars, and that is what I am now objecting to. You are not acting in good faith with the people. You know that no such limitation can be imposed on future Congresses by the proviso which I have recited. It is so much waste paper, and ought to be stricken out.

The bill *prima facie* affords conclusive reasons why such limit does not fix the maximum amount of the money necessary to pay the expenses incurred by the Government. The bill authorizes the appointment of 106 commissioners and 106 alternate commissioners to be named in thirty days after the law is passed, and to continue in office till the 1st of January, 1898, a period of seven years and six months about. Their pay is \$6 per day and transportation. Their per diem amounts to \$636. Then there are other, and indeed necessary, expenses of that august commission. It will be compelled to have stationery, fuel, rooms, clerks innumerable, and type-writers, and I am actually informed that a type-writer is a very expensive luxury. I have never been able to afford one myself. [Great laughter.]

I hope the House will not consume too much of my limited time with laughter and applause. [Renewed laughter.] Taking everything into consideration, the expenses of this commission will not be less than \$700 or \$800 per day, and this to continue in existence about seven and one-half years; and they will always be on hand to draw pay. If one dies, or resigns, or fails to act, an alternate is provided for in the bill; hence there will never be a vacancy in the commission when it comes to drawing pay. We may reasonably conclude that this commission alone will cost the Government two million and a half of dollars. Then the bill appropriates besides \$400,000 for buildings in which the Government is expected to place its exhibits and \$200,000 for the transportation and care of the Government exhibits—all ostensibly for a patriotic purpose, really in fact in the interest of private speculation.

I want, in conclusion, to repeat and emphasize the declaration that if this bill becomes a law and the exposition is held at Chicago, as contemplated by the bill, the people of the United States will be out \$5,000,000 before it is done with, possibly much more. But, indeed, this is not the worst feature of the measure.

The SPEAKER. The gentleman's time has expired.

Mr. KILGORE. I would like to have just one minute more—

Mr. FLOWER. I now yield ten minutes to the gentleman from New York [Mr. SPINOLA].

Mr. SPINOLA. Mr. Speaker, I wish I could agree with all that my friends from New York have stated on this question to-day. This is a peculiar position we find ourselves in. The leading gentleman from Illinois, when this question was before the House to fix the location where the fair should be held, told the House that under no circumstances would Chicago ask for more than \$650,000. They now ask to put the limit in the bill at a million and a half. Gentlemen forget that the surplus is melting away. I am going to keep calling your attention to it from day to day.

Mr. KERR, of Iowa. Why did you not do so when the Frémont bill was under consideration?

Mr. SPINOLA. Why, will you cast one single slur at the character of the old soldier and great American explorer, General Frémont, in this way?

Mr. KERR, of Iowa. No, sir.

Mr. SPINOLA. You have done so by your question, and I hurl it back with contempt. [Laughter.]

Mr. HENDERSON, of Iowa. From the foot of the throne.

Mr. SPINOLA. Now, sir, when before this House asking to locate this fair at the city of New York, I will repeat briefly what I stated then:

New York will erect all the buildings for the fair, including the Government buildings provided for in the bill as reported by the committee. The imperial city of New York will do all that may be necessary without any Government aid of any kind, either in money or Government guaranties. Therefore, no Government help is necessary for the organization or management of the fair in the city of New York.

That was the position New York occupied. We asked you to accept it. The majority vote of this House decided otherwise. And how did they decide it? Based upon the assertions of the gentlemen from Illinois that they had already secured a bona fide and absolute subscription of \$5,000,000. Now it turns out, when asked to produce their subscription list, that they failed to do it. There is a doubt about your list, and it leaves it without any certainty that the \$5,000,000 even will be subscribed by the city of Chicago. Five million dollars will not be sufficient to hold the fair. You will have to have at least \$15,000,000 before it is sure and certain.

Suppose the subscription is bona fide and every man were to pay up his subscription, where does the other \$10,000,000 come from? You are asking us now to give you an entering-wedge in getting the million and a half. In my judgment, if it goes on and we give authority to establish this fair at Chicago as it stands in this bill, if it passes, then you will come back to us and say in the most bland and fascinating way, "Gentlemen, you must give us a few millions more, just to grease the thing along with." That will be the application made to this House. If this subscription is a genuine one why have they failed to show it? New York had one and made it up of her very best citizens and her wealthiest people, engaged in the greatest industries within her limits, and then again the city itself said, "We will furnish you ten millions additional in hard money."

What we want from Chicago now is hard cash. Unlock your strong box and let us look at the money; if you have got it, then I will say amen to you, and will not put my vote in the way of the passage of this bill. But I want to see some proof of the fact, and up to this time you have failed to furnish us any proof that you have got the spelter. Now, I agree with all that has been said in a complimentary way about Chicago. I know they are a nimble people out there, active and pushing. They have almost all of them got rich, and, from what I learn, a great many of them who have got their wealth in their pockets intend to keep it there and do not propose to waste any of it on this fair. [Laughter.] That is the information that comes to us. To be sure a few distinguished gentlemen have been mentioned by my friend from Kentucky, but that does not represent one-tenth of Chicago. One bank there, we are informed, has got \$20,000,000 on deposit. That bank is not going to open its doors for the benefit of this fair. Not much. That bank and its twenty millions belong to the people who have put the money there, and they will not consent to have it taken out to be wasted upon this enterprise.

The gentleman has got a list of a few bankers. I do not deny that; but those bankers have not subscribed \$5,000,000, or if they have the Representatives of Chicago have failed to produce the subscription list. It is like going to buy a bill of goods. You go to the largest merchant in America and represent you are worth \$10,000,000, and he sells you goods to the amount of \$5,000,000, and finally it turns out that you are not worth \$1,000,000; that is a case of getting goods under false pretenses, and this looks to me very much like that.

Mr. LAWLER. We will accept this bill and live up to it.

Mr. SPINOLA. My friend says they will accept this bill and live up to it. I know he will, so far as he is concerned, because he is sincere; he is a friend of Chicago; he lives there, and the people have been kind to him, and he has been kind and true to them, and I hope they will both continue their relations for many long years. [Laughter and applause.] Mr. Speaker, I have no fault to find with any of the gentlemen from Illinois. They are doing what I would probably try to do if I lived there. I do not find fault with what they say about Chicago, but I do find fault with their coming here and making statements which they can not verify. Up to this time they have failed to prove that they have got even \$2,000,000 of actual subscriptions. There is no written proof of it, no written evidence of it, and I am waiting for my smiling friend from Illinois [Mr. SPRINGER] to produce the proof.

Mr. SPRINGER. When my time comes I will produce it.

Mr. SPINOLA. Will you go back to your original proposition of \$850,000?

Mr. SPRINGER. I have nothing to do with the Government exhibit. You can do what you like about that.

Mr. SPINOLA. My dear friend, that was not your statement. Your

statement, standing here in this aisle, was that the Government would not be asked to appropriate more than \$650,000 for Government exhibits and everything connected therewith.

Mr. LAWLER. He was looking for votes then. [Laughter.]

Mr. SPINOLA. I know he was looking for votes, and that comes under the principle which I illustrated awhile ago of buying goods under false pretenses. That is another argument in the same line and I am sorry it comes from so honest a gentleman as my friend in front of me [Mr. LAWLER]. They must not make such statements. [Laughter.] Let us have the proofs and let us stand by the proofs and the facts. My friend says further that if Chicago fails to get the money they will give the fair to New York. Sir, New York does not want it. Now we have had our day in court and now quit.

Mr. MASON (laughing). My friend must excuse me for smiling.

Mr. SPINOLA. Certainly; and I may some day smile with you. [Laughter.]

I say that under the circumstances New York does not want it. We gave you a gallant battle for it, and if you had not represented that you had \$5,000,000 when you did not have over one million in reality, we would have beaten you.

Mr. MASON. We have got the five million.

Mr. RAINES. Will my friend yield for a question?

Mr. SPINOLA. Yes, sir.

Mr. RAINES. Does not my friend consider it fortunate that we were beaten, from the fact that if things go on in New York as they are going now, by the time we were ready to go to work we should have lost a good part of the Tammany managers of the fair, as they would have been inside of Ludlow street jail or some other such place?

Mr. SPINOLA. My dear sir, try to keep yourself out of jail if you can. You will be lucky if you succeed. [Laughter and applause.] The gentleman's question is another feeble attempt to inject politics into this matter. [Laughter.] I thought the gentleman from New York knew me better. He seems to have lost sight of me since other days.

Mr. RAINES. Oh, no; I remember you very well.

Mr. SPINOLA. Yes, sir; and I think after to-day your memory will be refreshed, and many others of your kind remember me, too.

The SPEAKER. The time of the gentleman has expired.

Mr. FLOWER. I reserve the balance of my time.

Mr. CANDLER, of Massachusetts. I yield five minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, the gentleman from New York has insisted that Chicago has not given any proof of the fact that a bona fide subscription has been made to the corporation to erect buildings for the world's fair. If the gentleman will look on page 9 of the report of the committee on this bill he will find that that subscription list was verified to the satisfaction of the committee by the signatures of Mr. Lyman J. Gage, who is vice-president and general manager of the First National Bank, the largest banking-house west of the Alleghany Mountains, and of Mr. Otto Young, one of the most prominent business men and merchants in the city of Chicago, and also by Senator FARWELL, of that State, who addressed the following note to the chairman of this committee:

UNITED STATES SENATE, Washington, D. C., March 19, 1890.

DEAR SIR: I have examined the list of the subscriptions to the world's fair-fund for Chicago, and desire to say to you that they are bona fide and will be paid.

Yours, very truly,

C. B. FARWELL.

Hon. J. W. CANDLER,  
Chairman World's Fair Committee.

Mr. BELDEN. Did Mr. FARWELL ever see the subscription?

Mr. SPRINGER. He did.

Mr. BELDEN. Did he ever see the twenty-seven hundred names?

Mr. SPRINGER. No, sir, he did not; and it is not necessary that he should have seen them.

Mr. BELDEN. How much did they represent?

Mr. SPRINGER. I will tell you how much they represent by reference to this report; you will find it in these two exhibits which I now hold in my hand—Exhibits A and B. Here are the names of gentlemen who have subscribed \$4,361,000 to this corporation, and if members desire to look at these names they will find among them those of the most prominent gentlemen in Chicago, including such names as Marshall Field & Co., John V. Farwell & Co., and George M. Pullman, of the Pullman Palace Car Company. These subscriptions show how much these gentlemen have pledged themselves for in money, and Mr. Gage has certified that the original papers of the subscription are in the vaults of the committee in Chicago.

How much more proof do you want? If we were dealing with men whom we suspected of "salting" mines or selling bogus silver bricks, if we were dealing with persons whom we regarded as confidence men, not to be trusted, we would have asked them to bring in some affidavit, some sworn statement, with the seal of a court. But that is not the kind of gentlemen we were dealing with. These are gentlemen who stand in the very foremost rank among the financiers and capitalists of this country, gentlemen whose word is good for millions, and whose checks would be honored for any amount for which they might be given.



These honorable, responsible gentlemen have said—and they know what this subscription is—that it is ample for the amount each man has subscribed.

Mr. BELDEN. Will the gentleman allow me a moment?

Mr. SPRINGER. No, sir; I can not yield now.

In addition to that these gentlemen state that they will furnish \$5,000,000 more than the capital stock of this company, making in all \$10,000,000; and the bill provides that this fair shall not be announced to be held until this commission to be appointed by the President, two members from each State and Territory, two from the District of Columbia, and eight from the country at large (only two commissioners coming from the State of Illinois) shall be satisfied of the sufficiency of this fund.

Not only that, but the President of the United States himself is to pass upon the same question before inviting the nations of the earth to participate in this fair, before giving it any recognition whatever.

What more do you want? Do you suppose that the city of Chicago, which desires this fair so much, which has made so honorable and stupendous an effort to secure it, is going to allow the enterprise to lapse into desuetude? Not at all. It will be a success; the gentlemen whose names are subscribed to this paper will make it the grandest fair that ever was held in this country or in any other. Their honor is pledged, their money is pledged; they are able to carry out their promises. Does any gentleman on this floor believe that these honorable and responsible gentlemen have been playing with Congress; that they have come here as confidence men to deceive us; that they came before our committee and submitted these papers for the purpose of committing a fraud upon a committee of this House and upon members here? To doubt the genuineness of this subscription is to impute dishonesty to this committee and to the honorable gentlemen of Chicago who came here and gave us their personal assurances and their written statements that these subscriptions are bona fide and will be paid.

[Here the hammer fell.]

Mr. BELDEN. I desire to make an inquiry of the gentleman from Illinois.

Mr. SPRINGER. Certainly.

Mr. BELDEN. I see that the first name on Exhibit A is "E. St. John, \$395,000." Will the gentleman tell us whether Mr. St. John subscribed that amount?

Mr. SPRINGER. He subscribed that amount in behalf of those whom he represents.

Mr. BELDEN. Did he sign any subscription for \$395,000?

Mr. SPRINGER. He is responsible; he put his name there for that sum.

Mr. BELDEN. Is his name signed to any subscription for that amount?

Mr. SPRINGER. His name has been signed for that much of the sum.

Mr. BELDEN. Did he sign that subscription for \$395,000?

Mr. SPRINGER. You see it there.

Mr. BELDEN. I do not; I see a copy or what purports to be a copy.

You have seen the subscription, and I ask you if he signed it.

Mr. MASON (to Mr. BELDEN). Let me ask you a question. Do you think the people of Chicago are confidence men? You speak of a paper which you say "purports to be a copy." Do you pretend to stand before the people of the country and doubt the honor and responsibility of these gentlemen from Chicago? Do you mean to intimate that we are furnishing you a "copy" the original of which does not exist? Do you pretend—

Mr. BELDEN. I say a representative of Chicago in the person of Mr. SPRINGER told me he had not subscribed it.

Mr. MASON. Who had not?

Mr. BELDEN. E. St. John.

Mr. SPRINGER. The fact is that Mr. St. John is president of the Chicago and Rock Island Railroad Company, and was chairman of a committee to call upon certain railroad companies to ascertain how much they would give. He reported to the finance committee that he had raised this sum of money, and he put his name down as responsible for it. He will be responsible; do not be at all concerned about that.

Mr. MASON. I want just one minute, if I can have it.

Mr. CANDLER, of Massachusetts. I yield two minutes to the gentleman, and only two minutes.

Mr. MASON. Mr. Speaker, I only desire to say one word in reply to the general tone of debate this afternoon on the part of the gentleman from New York [Mr. BELDEN]. We did expect you were sorry and sore when you were defeated, but when you said you would try to help to make this world's fair a success at Chicago, we thought you meant it. [Laughter.] But we do not think it this afternoon. [Laughter and applause.]

"Fair play is a jewel," and the gentleman is very hard pushed when he attempts to throw discredit and dishonor upon the people of Chicago by holding up before the House a paper saying, "It is not the original; it is a mere copy," as though we were sending a forged or fraudulent paper, as though we were tramps. [Laughter and applause.]

The honor of Chicago, the national honor, is at stake.

If this fair is not a success by reason of this proceeding, New York will be as much disgraced as we are. [Applause.] We have as much as we can do to make it a success; but we will do it. [Applause.] All we ask is that this House will give us the bill which the committee have reported. We will comply with the terms on the part of Congress and endeavor to make it a success. When it is a success it will redound to the honor, not only of Chicago, not only to the honor of the Northwest, but to the honor of every man who voted to give us the opportunity and reposed trust and confidence in the city of Chicago. [Applause.]

Do what the committee has reported in favor of Chicago. You have no right to hold up papers here and say they are "mere copies," as though there was some foul play intended. If you are going to help us, show it by your acts, but do not rise up here before the people and attempt to throw odium upon this whole matter by alleging this is merely a copy of a paper, as though the original did not exist.

For myself, Mr. Speaker, standing before the country, if Chicago is to get that fair, I want it to get it in a way that would be satisfactory and honorable. There is something more valuable than a world's fair, and that is the honor of that city. If we have the world's fair at Chicago under the provisions of the bill reported by the committee, it will be a success. We intend to make it a success. [Applause.] If, however, the business men of Chicago, in order to secure this fair, are to be placed on a level with tramps and mendicants, we do not want the fair at that price, and you can place it somewhere else. If you are men, be fair; if school-boys, continue as you now are going.

Mr. BELDEN. I desire to say to the gentleman from Illinois that what New York promised to do, she did.

Mr. MASON. Still sticking about New York, I see. [Laughter and applause.]

Mr. BELDEN. In the list of subscriptions on the part of New York the names were given and the amounts subscribed.

Mr. MASON. You have it in your hands, I suppose.

Mr. BELDEN. No.

The SPEAKER. The gentleman from Illinois has not the right to interrupt the gentleman from New York.

Mr. BELDEN. On the list of the city of New York there were twenty-seven thousand names given, with the amounts, but on this paper, presented in behalf of Chicago, you do not give a name. If I had my way I should not give you any of it.

Mr. MASON rose.

The SPEAKER. The gentleman from Illinois will not interrupt. Gentlemen will take their seats.

Mr. MASON. I will take my seat.

Mr. FLOWER. I will yield now for three minutes to the gentleman from New York [Mr. SPINOLA].

Mr. SPINOLA rose.

Mr. FLOWER. How much time has the gentleman from Massachusetts left?

The SPEAKER. Ten minutes.

Mr. CANDLER, of Massachusetts. I will take the floor, and yield four minutes, Mr. Speaker, to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. Mr. Speaker, it has been said by some gentlemen, discussing this measure this morning, that this bill proposes to pledge the Government of the United States to the extent of at least \$1,500,000 towards the success of this exposition. When the House took a vote on this some weeks ago, for the purpose of determining where the fair should be held, the bill then reported by the committee contained precisely the same provision and embraced the same amount of appropriation. If the vote of the House had indicated the great metropolitan city of New York as the proper place to hold the world's fair, I take it for granted that New York would not have declined the million and a half of dollars embraced in the original bill. If the choice had fallen upon St. Louis, it is fair to assume that she would have availed herself of the same appropriation, and had it come to the city of Washington, which was my own preference, because I thought, as the seat of the Government, it was the proper place, I presume Washington City would not have declined the money feature of the bill.

I should have preferred that the bill had some of the amendments which have been offered embodied in it; for instance, the amendment of my friend from Tennessee [Mr. McMILLIN] I should have been glad to see incorporated in the bill. I am glad that the amendment of the gentleman from Kentucky [Mr. CARLISLE] has been adopted. But, sir, when we recall the fact that the committee's bill as originally presented contained the appropriation of the same amount carried by this bill, and on a fair contest on the floor of the House for the site Chicago was selected as the proper place, and having been selected by a vote of the House, the subsequent bill of the committee, the one now under consideration, proposing to pledge the Government to the same extent, namely, one and a half millions of dollars precisely—the same as the original bill—I can not conceive that to be a reason for declining to accept the committee's present proposition. And what city, I ask, would have declined it? There was strong competition for it. It is not fair, therefore—it is not fair play, which is a jewel, and a jewel of the first water, to attack the bill now on the ground of the sum ap-

appropriated, when we voted on the original bill containing the same appropriation.

Mr. COBB. I would like to ask the gentleman from Mississippi this question: whether he regards voting to fix the place as committing the House to the proposition.

Mr. HOOKER. Yes, I think it did; it certainly did to a certain extent. You voted to fix the place, and in the very bill fixing the place was embodied an appropriation of a million and a half of dollars for the Government exhibits, and the Government was pledged for that amount so far as the success of the exposition was concerned, whether the vote of the House decided in favor of one place or another. Now, as Chicago is fixed upon, I repeat that fair play requires that we should give to Chicago what we would have given had the site been chosen elsewhere; and, while it is not the place that I originally favored myself, it is the place where a great many people who live in the valley of the Mississippi favor, people who are linked together with bands of iron with Chicago, the great Illinois Central Railroad, as well as by the great streams which flow through that region bearing upon their bosoms the manufactures and the products of that whole region of country down to the golden bowl of the West Indies, the Gulf of Mexico; and many of my people prefer Chicago, and as she has been selected as the site I say that even-handed justice demands that we should do precisely in her case what we would have done or what many of us would have favored had New York been preferred or St. Louis or Washington.

If proper safeguards are thrown around the bill, as I believe they are, we should not interpose factious objections simply because it has gone to Chicago rather than another place. The bill does not propose to appropriate any more than the other bill, and I hope it will pass.

Mr. CANDLER, of Massachusetts. I now yield three minutes to the gentleman from New Jersey [Mr. McADOO].

The SPEAKER. The Chair would state that since the gentleman from Massachusetts inquired what time was remaining a few moments ago the Chair has examined and found that the gentleman was entitled to fifteen minutes instead of ten.

Mr. McADOO. Mr. Speaker, my colleagues and myself, from the State of New Jersey, believe that we voiced the unanimous opinion of the people we represent when we voted for New York as the proper place for this exposition. But Chicago, after a splendid fight and a fair and a manly one on her part, secured the majority of the House in favor of that city as the selected site. The people of my State, who have never exhibited sectionalism on any question and who never will, who know no geographical distinction of North, South, East, or West among the people of this country, will heartily second the people of Chicago in making this fair a splendid success. [Applause.] Chicago is an American city, and the honor of all our people is bound up in showing to the world such an exposition as will even surpass that lately held in the Republic of France.

Now, as to the question of finances. The people of Chicago have induced the American Congress, on certain statements, to give them the world's fair. Chicago can not afford to make this fair anything but a grand success. She has everything at stake and all to lose. If she has obtained this fair upon false pretenses, upon fraudulent lists, upon bogus subscriptions, then it would have been better for Chicago that she had never secured the site; her temporary victory would then end in disastrous defeat. She has, therefore, more at stake than New York or any other portion of the country.

But, Mr. Speaker, I know that the people of Chicago will redeem their promises. They are bustling, active, manly, energetic, typical American people. They know what they have at stake, and I believe that this great Western metropolis will prove itself equal to the emergency, and that her public-spirited people will produce all the money necessary to make it a success. Honor, self-interest, and the future of their great city will be imperiled by anything short of unquestioned success.

While the debate was in progress as to the site or what city should be selected for that purpose, it was said somewhat facetiously, I must believe, that we of the East are complacently provincial in the sense in which an average Englishman is spoken of as insularly bigoted; and it was claimed that it would do foreigners good to have them land on our Eastern shores and go through this splendid country to see the progress and improvements which had been developed in the West. But it is not true that we are provincial. We are not provincial. We are beyond that. Why, my friend from the Trenton district [Mr. Buchanan] here has been all over the country. [Laughter.] If it were true at all it would do our Eastern people good to go up and rub against our Western brethren and catch the contagion of this tremendous enterprise, this muscular development, as it were, which has been developed so plentifully in that region, and whether true or not I, as a humble citizen of this country, will do my best to make the great fair at Chicago successful and one of which we all can be proud in all sections of the country. [Applause.]

Mr. SPINOLA. Mr. Speaker, a few minutes have been assigned me by the gentleman from New York [Mr. FLOWER], or what time I require. My first ten minutes expired before I had concluded what I desired to say. I shall first make this statement: I shall vote for the amendment which is before the House; nevertheless, if that amendment

fail, I shall vote for the bill; but before doing so I shall be compelled, owing to the extreme modesty of my friend from Illinois [Mr. CANNON], whom I respect as highly as any man can respect another—I shall ask whether this bill calls for an appropriation.

Mr. SPRINGER. Three hundred and twenty thousand dollars only.

Mr. SPINOLA. Then, if it calls for an appropriation, I shall ask that it take the same course that all bills calling for appropriations for public buildings during this session have taken; that is, that it be referred to the Committee on Appropriations.

Mr. COLEMAN. With one exception, on your side of the House.

Mr. SPINOLA. What was that exception?

Mr. CUMMINGS. San José.

Mr. COLEMAN. The bill called up by Mr. CLUNIE, on your side.

Mr. SPINOLA. I shall be compelled to ask for that reference in deference to my friend from Illinois, who I know is too modest to call for it, as it calls for an appropriation; and, as it does, I think that it ought to go to the Committee on Appropriations. I ask that it may be referred to that committee under the general rule of the House; and if necessary I will make the point of order.

Mr. FLOWER. I ask—

Mr. WILSON, of Washington. Will the gentleman yield to me for a question before he takes his seat?

Mr. SPINOLA. Undoubtedly; any man who had nine relatives in the Army can ask me a question. [Laughter.]

Mr. WILSON, of Washington. I understand that the gentleman said that he intended to vote for this bill?

Mr. SPINOLA. I certainly say I shall if that is the best thing we can do.

Mr. WILSON, of Washington. Then all you could state in your ten minutes was just for home consumption?

Mr. SPINOLA. That is, as looked at through your distorted, innocent vision. [Laughter.]

Mr. BELDEN. I desire to call the attention of the House to the fact that New York's delegation have not said a word against any appropriation. On the contrary, they have held themselves in abeyance, expecting that we would eventually have to make an appropriation from the United States Treasury, and we believe we will. We expect to vote for this bill, and we expect to vote to make the fair a success; but we have a right, and we propose to exercise it, as we have done, to show that Chicago has not fulfilled promises made, and express our belief that large appropriations will have to be made by the Government in order to secure the success that New York offered to secure and pay for. We do not come here with a sore thumb to show, and are not jealous or envious of Chicago's securing the fair. We do not want the fair, nor will we take it, but we expect to vote the Government's money because of our failure to make Chicago fulfill promises made while soliciting votes locating the fair. [Cries of "Vote!" "Vote!"]

Mr. FLOWER. I have two minutes remaining, and, while I do not wish to seem to oppose Chicago in any way, yet there is a ludicrous side of this matter which is amusing to me. In the first place, the gentleman from Illinois [Mr. SPRINGER] the last time we had a bout here in regard to the fair made his farewell statement to this audience by saying that Chicago would certainly put up \$10,000,000. He showed in his report, or in his minutes, a dispatch from three men saying Chicago had a subscription for \$5,000,000 and they were sure of getting \$5,000,000 more. In answer to my speech, in which I claimed that New York was the only city that could hold this fair in 1892, he said that Chicago could do so. So I suppose that inadvertently '93 has slipped into this bill. I do not object to it; I hope you will have a splendid fair; and I know you will. I have not voted against a single part of the bill, and I shall not vote against the million and a half, or the three millions that you will want to make this fair a success on the part of the Government exhibit. But he spoke of this subscription list. I know the parties that he spoke of well.

Mr. SPRINGER. Do you know Mr. Gage?

Mr. FLOWER. I know Mr. Gage.

Mr. SPRINGER. Do you believe he would state falsely what he would give?

Mr. FLOWER. No, sir; I do not.

Mr. SPRINGER. Is not his statement in writing opposite his subscription?

Mr. FLOWER. I asked him to send a certified copy, as that would avoid all talk about it; but it has not come.

Mr. SPRINGER. You did not ask him to do it?

Mr. FLOWER. I did ask him to do it.

Mr. SPRINGER. Mr. Gage?

Mr. FLOWER. I did; and Mr. Young, too; the one and only time I saw them in the room of the Committee on Ways and Means.

Mr. SPRINGER. I was not present?

Mr. FLOWER. You were not. The two men there talked about it with me and I told them just what I have said here. I said that the absence of this subscription list would cause talk at the other end of the Capitol, and told them to get a certified copy of it and file with our committee.

Mr. HATCH. I would just like to make one suggestion to the gentlemen from New York. My colleague on the committee has changed



front on this matter so often that I would just like him now to desist and let him alone. [Laughter.]

Mr. FLOWER. If the gentleman from West Virginia will ask me to do so I will. [Laughter.] I will now yield the balance of my time to the chairman of the committee.

Mr. CANDLER, of Massachusetts. Mr. Speaker, as I have spoken so many times and as it is not required of me to speak again, I will yield two minutes of my time to the gentleman from Missouri [Mr. MANSUR].

Mr. FLOWER. I do not yield my time to the chairman of the committee so that he may yield to another.

Mr. CANDLER, of Massachusetts. I will yield it out of the time I have remaining.

Mr. MANSUR. When the voice of the people of America decreed that there was to be a celebration of the four hundredth anniversary of the discovery of this country and when Congress in obedience to that voice opened its doors for competitors, four trained athletes entered. It was but a little while until I, in common with many others, discovered that the great athlete of the Northwest, Chicago, stood alone against the other three; and while it is known that I stood by St. Louis and went down with her colors, as I did with many another, it was with pride and admiration at the strength of Chicago and of the great Northwest as developed in her victory. I felt that when she had thus won by common consent the location it was the duty of every member to aid in all reasonable ways to make her success the success of the nation. I believe that the people of that great city are enlisted in this matter. I believe that the development of the next three years will prove to the larger part of our country as well as to the whole world that the power and strength of the great American people lies west of the Alleghenies.

Chicago has a stake in the success of this exposition that will not let her fail. For her to fail now would be a tenfold disgrace on her part. Better tenfold for Chicago that she had never risen, Phoenix-like, from the great conflagration of 1873 than that she should trail the honor of the American nation, to be exemplified in this exhibition, in the dust. I know she will not do it. The energy and the spirit, the capital, the enterprise, and the pluck which characterize that great city of the West will make this exposition what it is predestined to-day to become, in my opinion, not only the grandest exhibition this country has ever seen, but the grandest the world has ever seen.

The SPEAKER. The time of the gentleman has expired.

Mr. CANDLER, of Massachusetts. Mr. Speaker, I trust that the members of the House who have not read the committee's report will read it, even after the vote is taken. They will find that the same fairness and justice which have been exercised throughout by this committee in the committee-room and in the House were extended to every member of the committee, and the facts upon which the report is based are therein set forth, and will be found, I think, so substantial that every man will indorse the wisdom of the committee and the fairness of the committee in accepting the statements of the gentlemen from Chicago.

I shall not explain the reference of the gentlemen from New York to the fact that they were not present at some of the meetings further than to say that they were invited to be present; but the gentleman who makes the complaint [Mr. BELDEN] was absent from the city, and another member of the committee, from West Virginia [Mr. WILSON], was absent at Atlanta. And Mr. Bowden, of Virginia, a member of the committee, but not of the subcommittee, was present. The gentleman from New York [Mr. FLOWER] was invited to be present with the committee, and I think that in the earnestness of the debate—

Mr. FLOWER. When was I invited?

The CHAIRMAN. I invited you to be present at the meeting with the Chicago gentlemen and you declined.

Mr. FLOWER. Whereabouts?

Mr. CANDLER, of Massachusetts. When they were here.

Mr. FLOWER. You invited me to meet Mr. Gage when he came in on the train.

Mr. CANDLER, of Massachusetts. Mr. Speaker, I wish to claim for the committee that they investigated this matter with all the fairness which was possible for them to command, with the desire to give every one a fair hearing, both upon this floor and in the committee-room, and I say that the indorsements which they had from the city of Chicago ought to have satisfied the Representatives of this House and the Representatives of other cities, because the honor of the city of Chicago was at stake and is at stake, and the statements made to the committee deserved to be accepted as they were accepted. But what is more important they will find in the appendix the proposed plans and suggestions of the departments and bureaus of the United States Government that indicate the scope of the exposition, and I think will increase the interest of this House and the people and impress them with the high standard which it is expected to attain.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. Does the gentleman from New York [Mr. BELDEN] desire to insist upon the motion to recommit?

Mr. BELDEN. I do.

The SPEAKER. The Clerk will read the motion of the gentleman from New York.

The Clerk read as follows:

Mr. BELDEN moved that the bill be recommitted to the Committee on the World's Fair with instructions to report the same back with a favorable recommendation when a guaranty fund of \$10,000,000 shall be secured by the citizens of Chicago, the sufficiency and legality of which shall be satisfactory to said committee.

The amendment was rejected.

The bill was ordered to be engrossed and read a third time.

The SPEAKER. The question now is on the passage of the bill.

Mr. BLAND. Upon the passage of the bill I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 202, nays 48, not voting 79; as follows:

#### YEAS—202.

Adams,	Connell,	Kinsey,	Robertson,
Alderson,	Cooper, Ind.	Lacey,	Rockwell,
Allen, Mich.	Cooper, Ohio	La Follette,	Roswell,
Anderson, Kans.	Craig,	Laidlaw,	Russell,
Andrew,	Crain,	Lane,	Sanford,
Arnold,	Cummings,	Lawler,	Sawyer,
Atkinson, Pa.	Cutcheon,	Laws,	Seull,
Atkinson, W. Va.	Davidson,	Lee,	Seney,
Baker,	De Lano,	Lewis,	Sherman,
Banks,	Dibble,	Lind,	Shively,
Bartine,	Dingley,	Lodge,	Simonds,
Barwig,	Dolliver,	Maish,	Smith, W. Va.
Bayne,	Dorsey,	Mansur,	Smyster,
Belden,	Dunnell,	Mason,	Spinoia,
Belknap,	Ellis,	McAdoo,	Spooner,
Bergen,	Ewart,	McClellan,	Springer,
Bingham,	Farquhar,	McComas,	Stewart, Vt.
Blanchard,	Finley,	McCord,	Stivers,
Boatner,	Fithian,	McCreary,	Stockbridge,
Boothman,	Flick,	McKenna,	Stockdale,
Boutelle,	Flower,	McKinley,	Stone, Ky.
Bowden,	Forman,	Miles,	Struble,
Brewer,	Fowler,	Milliken,	Sweeney,
Brickner,	Frank,	Moffitt,	Tarsney,
Bookshire,	Funston,	Moore, N. H.	Taylor, E. B.
Browne, Va.	Gear,	Morey,	Taylor, Ill.
Brunner,	Geissenhainer,	Morgan,	Thomas,
Buchanan, N. J.	Gest,	Morrill,	Tillman,
Buckalew,	Gibson,	Morrow,	Townsend, Colo.
Bullock,	Greenhalge,	Mutchler,	Townsend, Pa.
Bunn,	Grosvenor,	Niedringhaus,	Tracey,
Burrows,	Grout,	O'Donnell,	Turner, Kans.
Burton,	Hall,	O'Neil, Mass.	Vandever,
Bynum,	Hansbrough,	O'Neil, Pa.	Van Schaick,
Candler, Mass.	Harmer,	Osborne,	Walker, Mass.
Cannon,	Hatch,	Outhwaite,	Wallace, Mass.
Carlisle,	Haugen,	Owens, Ohio	Wallace, N. Y.
Carter,	Hayes,	Parrett,	Whiting,
Caruth,	Haynes,	Payne,	Wike,
Caswell,	Henderson, Ill.	Payson,	Wilkinson,
Catchings,	Henderson, Iowa	Perkins,	Willcox,
Cheddie,	Hermann,	Peters,	Williams, Ill.
Chipman,	Hill,	Pickler,	Williams, Ohio
Clancy,	Hitt,	Post,	Wilson, Wash.
Clarke, Ala.	Hooker,	Price,	Wilson, W. Va.
Clark, Wis.	Houk,	Pugsley,	Wise,
Clunie,	Kelley,	Quinn,	Yardley,
Cogswell,	Kennedy,	Raines,	Yoder,
Coleman,	Kerr, Iowa	Ray,	
Cumstock,	Kerr, Pa.	Reed, Iowa	
Conger,	Ketcham,	Rife,	

#### NAYS—48.

Abbott,	Crisp,	Latham,	O'Ferrall,
Allen, Miss.	Culberson, Tex.	Lester, Ga.	Peel,
Anderson, Miss.	Dockery,	Lester, Va.	Pierce,
Bankhead,	Edmunds,	Martin, Ind.	Richardson,
Bland,	Elliott,	Martin, Tex.	Rogers,
Breckinridge, Ark.	Forney,	McMillin,	Rowland,
Breckinridge, Ky.	Grimes,	McRae,	Sayers,
Brown, J. B.	Hare,	Mills,	Stewart, Ga.
Buchanan, Va.	Heard,	Montgomery,	Stewart, Tex.
Carlton,	Herbert,	Morse,	Stone, Mo.
Clements,	Holman,	Norton,	Walker, Mo.
Cobb,	Kilgore,	Oates,	Wheeler, Ala.

#### NOT VOTING—79.

Barnes,	De Haven,	Mudd,	Taylor, Tenn.
Beckwith,	Dunphy,	Nute,	Taylor, J. D.
Biggs,	Enloe,	O'Neill, Ind.	Thompson,
Bliss,	Evans,	Owen, Ind.	Tucker,
Blount,	Featherston,	Paynter,	Turner, Ga.
Brouss,	Fitch,	Pennington,	Turner, N. Y.
Brower,	Flood,	Perry,	Turpin,
Browne, T. M.	Gifford,	Phelan,	Venable,
Butterworth,	Goodnight,	Quackenbush,	Wade,
Caldwell,	Hemphill,	Randall, Mass.	Washington,
Campbell,	Henderson, N. C.	Randall, Pa.	Watson,
Candler, Ga.	Hopkins,	Reilly,	Wheeler, Mich.
Cheatham,	Knapp,	Reyburn,	Whitthorne,
Cothran,	Lansing,	Rusk,	Wickham,
Covert,	Lehibach,	Scranton,	Wilber,
Cowles,	Magner,	Skinner,	Wiley,
Culbertson, Pa.	McCarthy,	Smith, Ill.	Wilson, Ky.
Dalzell,	McClammy,	Stahneck,	Wilson, Mo.
Dargan,	McCormick,	Stephenson,	Wright,
Darlington,	Moore, Tex.	Stump,	

So the bill was passed.

The following-named members were announced as paired on all political questions until further notice:

Mr. WADE with Mr. NORTON.

Mr. BLISS with Mr. CHIPMAN.  
 Mr. SCRANTON with Mr. HEMPHILL.  
 Mr. MUDD with Mr. RUSK.  
 Mr. BROWER with Mr. BUNN.  
 Mr. THOMPSON with Mr. TURNER, of Georgia.  
 Mr. EVANS with Mr. PERRY.  
 Mr. BROSIUS with Mr. REILLY.  
 Mr. CALDWELL with Mr. MCCARTHY.  
 Mr. WICKHAM with Mr. COTHRAN.  
 Mr. KNAPP with Mr. STAHLNECKER.  
 Mr. HOPKINS with Mr. BLOUNT.  
 Mr. BREWER with Mr. COVERT.  
 Mr. WILSON, of Kentucky, with Mr. PAYNTER.  
 Mr. REYBURN with Mr. MCCLAMMY.  
 Mr. LEHLBACH with Mr. OATES.  
 Mr. FLOOD with Mr. HENDERSON, of North Carolina.  
 Mr. FINLEY with Mr. CANDLER, of Georgia.  
 Mr. SMITH, of Illinois, with Mr. SKINNER.  
 Mr. WILBER with Mr. RANDALL, of Pennsylvania.  
 Mr. GIFFORD with Mr. TURPIN.  
 Mr. STEPHENSON with Mr. GOODNIGHT.  
 Mr. COWLES with Mr. ALLEN, of Michigan, until April 1.  
 Mr. TAYLOR, of Tennessee, with Mr. O'NEALL, of Indiana, until April 13.

For this day:

Mr. OWEN, of Indiana, with Mr. TUCKER.

Mr. CRAIG with Mr. BARNES.

Mr. WRIGHT with Mr. DARGAN.

For the rest of this day:

Mr. JOSEPH D. TAYLOR with Mr. ENLOE.

Mr. HARMER with Mr. MOORE, of Texas.

Mr. TURNER, of Kansas, with Mr. DUNPHY.

Mr. LANSING with Mr. WILEY.

Mr. WATSON with Mr. WASHINGTON, on this bill. If present, Mr. WATSON would vote for and Mr. WASHINGTON against it.

Mr. DARLINGTON with Mr. PENINGTON, on this bill. Mr. DARLINGTON would vote for it.

Mr. BLISS. Mr. Speaker, I desire to have my vote recorded.

The SPEAKER. Was the gentleman in his seat and listening at the time his name was called?

Mr. BLISS. Having just returned to the city, I did not get into the Hall until a moment or two after my name was called. I ask unanimous consent that my vote may be recorded.

The SPEAKER. The Chair is not allowed under the rules to entertain the request.

Mr. BLISS. If permitted to vote, I should vote "ay."

The SPEAKER. The gentleman can have the benefit of that statement in the RECORD.

Mr. ROGERS. During the first roll-call I was temporarily absent from the Hall and did not answer to my name, though I understand the Clerk, by mistake, recorded me as voting. On the second roll-call I was in my seat, but my name was not called. I desire to be recorded as voting "no."

The SPEAKER. The gentleman's vote is so recorded.

Mr. CHIPMAN. I was announced as paired with my colleague, Mr. BLISS; but that pair applies only to political questions. On this question we both vote the same way.

Mr. OATES. I am paired on political questions with the gentleman from New Jersey [Mr. LEHLBACH], but not on this bill. Therefore I have voted.

Mr. HOUK. My colleague, Mr. EVANS, is absent on account of sickness. If present, he would vote "ay."

Mr. BREWER. It has been announced from the Clerk's desk that I am paired with the gentleman from New York [Mr. COVERT]. We were paired until last evening upon all political questions. I presume that on this question the gentleman from New York would vote "ay," as I have voted. Therefore I allow my vote to stand.

Mr. MASON. I ask unanimous consent that the recapitulation of the names be dispensed with.

There was no objection, and it was ordered accordingly.

The result of the vote was announced as above stated.

Mr. SPRINGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ADMISSION OF WYOMING.

Mr. BAKER. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill for the admission of Wyoming; and pending that motion I ask unanimous consent for the adoption of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Wednesday, March 26, immediately after the approval of the Journal, be set apart for the consideration in the House of the bill for the admission of Wyoming, and that unless previously ordered by the House the

previous question shall be deemed ordered on the engrossment, third reading, and final passage of the bill at 4 o'clock p. m. of that day.

Mr. SPRINGER. I object to this resolution.

Mr. BAKER. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill in relation to the admission of Wyoming.

Mr. SPRINGER. I move that the House adjourn.

The question was put.

Several MEMBERS. The ayes seem to have it.

The SPEAKER. The Chair is in doubt. [Laughter.]

The House was counted; and there were—ayes 91, noes 94.

Mr. SPRINGER. I demand tellers.

Tellers were ordered; and Mr. SPRINGER and Mr. BAKER were appointed.

The House again divided; and the tellers reported—ayes 96, noes 101.

Mr. SPRINGER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 94, nays 113, not voting 122; as follows:

#### YEAS—94.

Abbott,	Crain,	Lane,	Peel,
Alderson,	Crisp,	Lanham,	Pierce,
Andrew,	Culbertson, Tex.	Lee,	Price,
Bankhead,	Cummings,	Lester, Ga.	Richardson,
Barnes,	Dockery,	Lester, Va.	Rogers,
Barwig,	Edmunds,	Lewis,	Rowland,
Bland,	Elliot,	Maish,	Sayers,
Breckinridge, Ark.	Ellis,	Mansur,	Seney,
Breckinridge, Ky.	Fithian,	Martin, Ind.	Spinola,
Brickner,	Flower,	Martin, Tex.	Springer,
Brookshire,	Forney,	McAdoo,	Stewart, Ga.
Brunner,	Geissenhainer,	McCallan,	Stone, Mo.
Buchanan, Va.	Gibson,	McMillin,	Tarnsey,
Buckalew,	Grimes,	McRae,	Tillman,
Bullock,	Hare,	Mills,	Tracey,
Bynum,	Hatch,	Montgomery,	Walker, Mo.
Carlisle,	Hayes,	Morgan,	Wheeler, Ala.
Catchings,	Haynes,	Mitchler,	Whiting,
Chipman,	Heard,	Norton,	Wike,
Clarke, Ala.	Herbert,	O'Ferrall,	Wilkinson,
Clements,	Holman,	O'Neil, Mass.	Williams, Ill.
Clunie,	Hooker,	Outhwaite,	Wilson, W. Va.
Cobb,	Kerr, Pa.	Owens, Ohio	
Cooper, Ind.	Kilgore,	Parrett,	

#### NAYS—113.

Adams,	Comstock,	Kennedy,	Raines,
Allen, Mich.	Conger,	Kerr, Iowa	Ray,
Anderson, Kans.	Connell,	Ketcham,	Reed, Iowa
Arnold,	Cooper, Ohio	Kinsey,	Rowell,
Atkinson, Pa.	Craig,	Lacey,	Russell,
Atkinson, W. Va.	Cutcheon,	La Follette,	Sanford,
Baker,	De Haven,	Laws,	Seull,
Banks,	De Lano,	Lind,	Sherman,
Bayne,	Dolliver,	Lodge,	Simonds,
Belden,	Dorsey,	Mason,	Smith, W. Va.
Belknap,	Dunnell,	McComas,	Snider,
Bergen,	Ewart,	McCord,	Spooner,
Bingham,	Farquhar,	McKenna,	Stewart, Vt.
Bliss,	Finley,	McKinley,	Stivers,
Boothman,	Flick,	Miles,	Stockbridge,
Boutelle,	Frank,	Milliken,	Struble,
Bowden,	Gear,	Moffitt,	Taylor, E. B.
Brewer,	Gest,	Moore, N. H.	Townsend, Colo.
Browne, Va.	Grosvenor,	Morey,	Townsend, Pa.
Buchanan, N. J.	Hall,	Morrill,	Turner, Kans.
Burrows,	Hansbrough,	Morrow,	Vandever,
Burton,	Harmar,	Morse,	Van Schaick,
Cannon,	Haugen,	O'Donnell,	Wallace, Mass.
Carter,	Henderson, Ill.	Osborne,	Williams, Ohio
Caswell,	Henderson, Iowa	Payne,	Wilson, Wash.
Cheadle,	Hermann,	Peters,	Yardley.
Clark, Wis.	Hitt,	Pickler,	
Cogswell,	Houk,	Post,	
Coleman,	Kelley,	Pugsley,	

#### NOT VOTING—122.

Allen, Miss.	Dingley,	Nute,	Stone, Ky.
Anderson, Miss.	Dunphy,	Oates,	Stump,
Bartine,	Enloe,	O'Neill, Ind.	Sweney,
Beckwith,	Evans,	O'Neill, Pa.	Taylor, Ill.
Biggs,	Featherston,	Owen, Ind.	Taylor, J. D.
Blanchard,	Fitch,	Paynter,	Taylor, Tenn.
Blount,	Flood,	Payson,	Thomas,
Bostner,	Forman,	Pennington,	Thompson,
Brosius,	Fowler,	Perkins,	Tucker,
Brower,	Funston,	Perry,	Turner, Ga.
Brown, J. B.	Gifford,	Phelan,	Turner, N. Y.
Browne, T. M.	Goodnight,	Quackenbush,	Turpin,
Bunn,	Greenhaige,	Quinn,	Venable,
Butterworth,	Grout,	Randall, Mass.	Wade,
Caldwell,	Hemphill,	Randall, Pa.	Walker, Mass.
Campbell,	Henderson, N. C.	Reilly,	Wallace, N. Y.
Candler, Ga.	Hill,	Reyburn,	Washington,
Candler, Mass.	Hopkins,	Rife,	Watson,
Carlton,	Knapp,	Robertson,	Wheeler, Mich.
Caruth,	Laidlaw,	Rockwell,	Whitthorne,
Cheatham,	Lansing,	Rusk,	Wickham,
Clancy,	Lawler,	Savory,	Wiley,
Cottrhan,	Lehlbach,	Scranton,	Willcox,
Covert,	Magner,	Shively,	Wilson, Ky.
Cowles,	McCarthy,	Skinner,	Wilson, Mo.
Culbertson, Pa.	McClammy,	Smith, Ill.	Wise,
Dalzell,	McCormick,	Smyser,	Wright,
Dargan,	McCreary,	Stahlnecker,	Yoder.
Darlington,	Moore, Tex.	Stephenson,	
Davidson,	Mudd,	Stewart, Tex.	
Dibble,	Niedringhaus,	Stockdale,	



So the House refused to adjourn.  
During the roll-call the following additional pairs were announced until further notice:

Mr. THOMAS M. BROWNE with Mr. BRIGGS.

On this vote:

Mr. WALLACE, of New York, with Mr. STONE, of Kentucky.

Mr. ROCKWELL with Mr. MCCREARY.

For the rest of the day:

Mr. DARLINGTON with Mr. PENINGTON.

Mr. CRAIG with Mr. WASHINGTON.

Mr. O'NEILL, of Pennsylvania, with Mr. DAVIDSON.

Mr. WATSON with Mr. SHIVELY.

Mr. DORSEY. I move, by unanimous consent, the reading of the names be dispensed with.

Mr. SPRINGER. I object.

Mr. HILL. I withdraw my vote, being paired with Mr. TUCKER on all political questions.

The vote was then announced as above recorded.

The SPEAKER. The question recurs on the motion of the gentleman from New York [Mr. BAKER] that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill for the admission of Wyoming.

The question was put to the House.

The SPEAKER. The yeas seem to have it.

Mr. SPRINGER. Division.

The House divided; and there were—yeas 87, noes 76.

Mr. SPRINGER. I demand tellers.

Tellers were ordered; and Mr. SPRINGER and Mr. BAKER were appointed.

The House again divided; and the tellers reported—yeas 74, noes 45.

Mr. SPRINGER. I make the point of order that no quorum has voted.

The SPEAKER. The Chair overrules the point of order.

Mr. BAKER. I move a call of the House.

The SPEAKER. The only point is that no quorum has voted.

Mr. BLAND. I make the point that there is no quorum present, as shown by the vote.

The SPEAKER. The Chair overrules the point of order.

Mr. WILLIAMS, of Illinois. I make the point of order that there is no quorum present.

The SPEAKER. That point the Chair will investigate.

The SPEAKER, having counted the House, announced the presence of 121 members, less than a quorum.

Mr. BAKER. I move a call of the House.

The question was taken; and on a division there were—yeas 78, noes 55.

So a call of the House was ordered.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Abbott,	Darlington,	Magner,	Skinner,
Allen, Miss.	Davidson,	Mason,	Smith, Ill.
Anderson, Miss.	De Haven,	McCarthy,	Smyser,
Bartine,	Dibble,	McClammy,	Spinola,
Beckwith,	Dunphy,	McComas,	Stahlnecker,
Belknap,	Edmunds,	McCormick,	Stephenson,
Biggs,	Ellis,	McRae,	Stewart, Ga.
Bingham,	Enloe,	Miles,	Stewart, Tex.
Blanchard,	Evans,	Milliken,	Stewart, Vt.
Boatner,	Ewart,	Mills,	Stockdale,
Bowden,	Featherston,	Montgomery,	Stump,
Breckinridge, Ark.	Fitch,	Moore, Tex.	Taylor, Ill.
Brewer,	Flood,	Niedringhaus,	Taylor, Joseph D.
Brosius,	Forman,	Norton,	Taylor, Tenn.
Brower,	Fowler,	Nute,	Thomas,
Brown, J. B.	Frank,	O'Neill, Ind.	Thompson,
Brown, T. M.	Gibson,	Owen, Ind.	Tillman,
Butterworth,	Gifford,	Payson,	Tracey,
Caldwell,	Goodnight,	Pennington,	Tucker,
Campbell,	Greenhalge,	Perkins,	Turner, Ga.
Candler, Ga.	Grout,	Perry,	Turner, N. Y.
Candler, Mass.	Hall,	Phelan,	Venable,
Carlisle,	Harmer,	Quackenbush,	Wade,
Carlton,	Hatch,	Quinn,	Wallace, Mass.
Catchings,	Haynes,	Raines,	Wallace, N. Y.
Cheatham,	Hemphill,	Randall, Mass.	Watson,
Clancy,	Henderson, Iowa,	Randall, Pa.	Wheeler, Mich.
Clark, Wis.	Herbert,	Ray,	Whithorne,
Conger,	Hopkins,	Reilly,	Wickham,
Connell,	Kilgore,	Reyburn,	Wiley,
Cooper, Ohio,	Knapp,	Richardson,	Wilkinson,
Cottrane,	Laidlaw,	Rife,	Willcox,
Covert,	Lane,	Robertson,	Wilson, Ky.
Cowles,	Lanham,	Rockwell,	Wilson, W. Va.
Crain,	Lansing,	Rusk,	Wise,
Culbertson, Tex.	Lawler,	Sawyer,	Wright,
Culbertson, Pa.	Lehlbach,	Senanton,	Yoder.
Dalzell,	Lodge,	Shively,	
Dargan,			

The SPEAKER. The roll-call discloses the presence of 167 members, being more than a quorum.

Mr. BAKER. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from New York that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill for the admission of the Territory of Wyoming; and the tellers will resume their places.

Mr. BAKER. I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 93, nays 64, not voting 172; as follows:

YEAS—93.			
Adams,	Craig,	Kerr, Iowa	Russell,
Allen, Mich.	Cutcheon,	Kinsey,	Sanford,
Anderson, Kans.	De Haven,	Lacey,	Scull,
Arnold,	De Lano,	La Follette,	Sherman,
Atkinson, Pa.	Dingley,	Laws,	Simonds,
Atkinson, W. Va.	Dolliver,	Lind,	Smith, W. Va.
Baker,	Dorsey,	McComas,	Snider,
Banks,	Dunnell,	McCord,	Spooner,
Bayne,	Farquhar,	McKenna,	Stockbridge,
Belden,	Finley,	McKinley,	Struble,
Bergen,	Flick,	Moffitt,	Sweeney,
Bliss,	Funston,	Moore, N. H.	Taylor, E. B.
Boothman,	Gear,	Morey,	Townsend, Colo.
Boutelle,	Gest,	Morrill,	Townsend, Pa.
Buchanan, N. J.	Grosvenor,	Morrow,	Turner, Kans.
Burrows,	Hall,	Morse,	Vandever,
Burton,	Hansbrough,	Osborne,	Van Schaick,
Cannon,	Hayes,	Peters,	Walker, Mass.
Carter,	Henderson, Ill.	Pickler,	Williams, Ohio
Caswell,	Hitt,	Post,	Wilson, Wash.
Cheadle,	Houk,	Pugsley,	Yardley.
Cogswell,	Kelley,	Reed, Iowa	
Coleman,	Kennedy,	Rockwell,	
Comstock,			

NAYS—64.			
Alderson,	Cobb,	Lester, Va.	Peel,
Andrew,	Cooper, Ind.	Lewis,	Pierce,
Barnes,	Cummings,	Malsh,	Price,
Band,	Dockery,	Martin, Ind.	Rowland,
Breckinridge, Ark.	Enloe,	Martin, Tex.	Sayers,
Breckinridge, Ky.	Fithian,	McAdoo,	Springer,
Brickner,	Flower,	McClellan,	Stone, Ky.
Brookshire,	Forney,	McCreary,	Stone, Mo.
Brunner,	Gellessenhainer,	McMillin,	Tarney,
Buchanan, Va.	Grimes,	Morgan,	Walker, Mo.
Buckalew,	Hare,	Mutcher,	Washington,
Bullock,	Heard,	O'Ferrall,	Wheeler, Ala.
Chipman,	Holman,	O'Neill, Mass.	Whiting,
Clarke, Ala.	Hooker,	Outhwaite,	Wike,
Clements,	Kerr, Pa.	Owens, Ohio	Williams, Ill.
Clunie,	Lester, Ga.	Parrett,	Wilson, Mo.

NOT VOTING—172.			
Abbott,	Culbertson, Pa.	Lodge,	Senanton,
Allen, Miss.	Dalzell,	Magner,	Seney,
Anderson, Miss.	Dargan,	Mansur,	Shively,
Bankhead,	Darlington,	Mason,	Skinner,
Bartine,	Davidson,	McCarthy,	Smith, Ill.
Barwig,	Dibble,	McClammy,	Smsyer,
Beckwith,	Dunphy,	McCormick,	Spinola,
Belknap,	Edmunds,	McRae,	Stahlnecker,
Biggs,	Ellis,	Miles,	Stephenson,
Bingham,	Elliott,	Milliken,	Stewart, Ga.
Blanchard,	Evans,	Mills,	Stewart, Tex.
Blount,	Ewart,	Montgomery,	Stewart, Vt.
Boatner,	Featherston,	Moore, Tex.	Stivers,
Bowden,	Fitch,	Mudd,	Stockdale,
Brewer,	Flood,	Niedringhaus,	Stump,
Brosius,	Forman,	Norton,	Taylor, Ill.
Brower,	Fowler,	Nute,	Taylor, J. D.
Brown, J. B.	Frank,	Oates,	Taylor, Tenn.
Brown, T. M.	Gibson,	O'Donnell,	Thomas,
Butterworth,	Gifford,	O'Neill, Ind.	Thompson,
Caldwell,	Goodnight,	O'Neill, Pa.	Tillman,
Campbell,	Greenhalge,	Owen, Ind.	Tracey,
Candler, Ga.	Grout,	Paynter,	Tucker,
Candler, Mass.	Harmer,	Payson,	Turner, Ga.
Carlisle,	Hatch,	Pennington,	Turner, N. Y.
Carlton,	Haynes,	Perkins,	Turpin,
Catchings,	Hemphill,	Perry,	Venable,
Cheatham,	Henderson, Iowa	Phelan,	Wade,
Clancy,	Henderson, N. C.	Quackenbush,	Wallace, Mass.
Clark, Wis.	Herbert,	Quinn,	Wallace, N. Y.
Conger,	Hermann,	Raines,	Watson,
Connell,	Hill,	Randall, Mass.	Wheeler, Mich.
Cooper, Ohio,	Hopkins,	Randall, Pa.	Whithorne,
Cottrane,	Ketcham,	Ray,	Wickham,
Covert,	Kilgore,	Reilly,	Wiley,
Cowles,	Knapp,	Reyburn,	Wilcox,
Crain,	Laidlaw,	Richardson,	Wilkinson,
Culbertson, Tex.	Lane,	Rife,	Willcox,
Culbertson, Pa.	Lanham,	Robertson,	Wilson, Ky.
Dalzell,	Lansing,	Rogers,	Wilson, W. Va.
Dargan,	Lawler,	Rowell,	Wise,
	Lee,	Rusk,	Wright,
	Lehlbach,	Sawyer,	Yoder.

No quorum voting.

The following additional pairs were announced for the rest of the day:

Mr. BROWNE, of Virginia, with Mr. LEE.

Mr. COGSWELL with Mr. ANDREW.

Mr. HERMANN with Mr. LANHAM.

Mr. LODGE with Mr. CULBERTSON, of Pennsylvania.

Mr. STEWART, of Vermont, with Mr. KILGORE.

Mr. MASON with Mr. MCRAE.

The following were announced as being paired on this vote:

Mr. ANDERSON, of Mississippi, with Mr. ROBERTSON.

Mr. CARUTH with Mr. BLANCHARD.

Mr. CARLTON with Mr. YODER.

On motion of Mr. BAKER, by unanimous consent, the recapitulation of the vote was dispensed with.

The result of the vote was then announced as above recorded.

Mr. SPRINGER. I make the point that there is no quorum present.

Mr. BAKER. I move that the House adjourn.

#### ENROLLED BILLS SIGNED.

Pending the motion to adjourn,

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 525) to establish two additional land offices in the State of Montana; when the Speaker signed the same.

And then the motion of Mr. BAKER was agreed to; and accordingly (at 5 o'clock and 42 minutes p. m.) the House adjourned.

#### EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

##### TRANSFER OF PENSION BUREAU TO WAR DEPARTMENT.

Letter from the Secretary of War, replying to the resolution of the House of Representatives requesting that the Secretary of War and the Secretary of the Interior inform the House what saving of public expenditure, if any, can be made by transferring the Bureau of Pensions to the War Department—to the Committee on Invalid Pensions.

##### RELIEF OF CERTAIN INDIAN AGENTS.

Letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs setting forth the claims of certain Indian agents for pay for a part of their terms of service, heretofore suspended by the accounting officers of the Treasury Department in the settlement of their accounts, together with a draught of a bill for their relief—to the Committee on Indian Affairs.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 73) for the relief of Avery D. Babcock and wife, of Oregon—to the Committee on Military Affairs.

A bill (S. 231) for the relief of Robert H. Montgomery—to the Committee on War Claims.

A bill (S. 393) for the relief of Aquilla Jones, late postmaster at Indianapolis, Ind.—to the Committee on Claims.

A bill (S. 462) making an appropriation for the construction of a lighthouse and steam fog-signal on St. Mary's Island, Alaska—to the Committee on Commerce.

A bill (S. 555) for the relief of James W. Harvey as assignee of Joseph Parkins—to the Committee on Claims.

A bill (S. 724) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa—to the Committee on Claims.

A bill (S. 762) granting a pension to Jeremiah White—to the Committee on Pensions.

A bill (S. 763) granting a pension to Martha F. Webster—to the Committee on Invalid Pensions.

A bill (S. 773) granting a pension to James E. Kabler—to the Committee on Invalid Pensions.

A bill (S. 840) granting an increase of pension to Levi Moser—to the Committee on Invalid Pensions.

A bill (S. 877) for the relief of Dr. A. Sidney Tebbes—to the Committee on Military Affairs.

A bill (S. 884) to incorporate the King Theological Hall—to the Committee on the District of Columbia.

A bill (S. 897) to establish a port of delivery at Sioux City, Iowa—to the Committee on Commerce.

A bill (S. 1034) for the relief of Nancy E. Day, administratrix of the estate of James L. Day, deceased—to the Committee on Claims.

A bill (S. 1047) granting a pension to Mary Murphy—to the Committee on Invalid Pensions.

A bill (S. 1082) granting a pension to Frederick Kidwiler—to the Committee on Invalid Pensions.

A bill (S. 1151) granting a pension to Robert Foss—to the Committee on Invalid Pensions.

A bill (S. 1152) granting a pension to Mary O. Hall—to the Committee on Invalid Pensions.

A bill (S. 1154) to increase the pension of James Johnson—to the Committee on Invalid Pensions.

A bill (S. 1247) granting a pension to Michael Shong—to the Committee on Invalid Pensions.

A bill (S. 1256) granting a pension to James A. Myers—to the Committee on Invalid Pensions.

A bill (S. 1264) to provide for the erection of a public building at San Diego, Cal.—to the Committee on Public Buildings and Grounds.

A bill (S. 1269) granting a pension to James M. McKinney—to the Committee on Invalid Pensions.

A bill (S. 1350) for the relief of Lieut. Col. Charles G. Sawtelle, deputy quartermaster-general United States Army—to the Committee on Claims.

A bill (S. 1502) granting a pension to Mary Ellen Fitzgerald—to the Committee on Invalid Pensions.

A bill (S. 1548) to provide for the purchase of a site and the erection of a public building thereon at Taunton, in the State of Massachusetts—to the Committee on Public Buildings and Grounds.

A bill (S. 1616) for the relief of Charles Adams—to the Committee on Claims.

A bill (S. 1665) granting restoration of pension to Sarah A. Woodbridge—to the Committee on Invalid Pensions.

A bill (S. 2066) placing the name of Elizabeth Domm on the pension-rolls—to the Committee on Invalid Pensions.

A bill (S. 2076) granting an increase of pension to John E. Walton—to the Committee on Invalid Pensions.

A bill (S. 2103) granting a pension to Mrs. Caroline G. Seyforth—to the Committee on Invalid Pensions.

A bill (S. 2245) granting increase of pension to Mrs. Adelaide H. Woodall—to the Committee on Invalid Pensions.

A bill (S. 2262) for the relief of John S. Neet, jr.—to the Committee on War Claims.

A bill (S. 2285) granting a pension to Hannah Leo—to the Committee on Invalid Pensions.

A bill (S. 2369) granting an increase of pension to Oscar S. Collins—to the Committee on Invalid Pensions.

A bill (S. 2389) granting an increase of pension to Robert H. Milroy, major-general, United States Volunteers—to the Committee on Pensions.

A bill (S. 2412) for the relief of Joseph W. Carmack—to the Committee on War Claims.

A bill (S. 2415) to amend an act entitled "An act authorizing the Mississippi and Louisiana Bridge and Railroad Company, of Natchez, Miss., to construct a bridge over the Mississippi River at or near Natchez, Miss.," approved July 19, 1888—to the Committee on Commerce.

A bill (S. 2451) granting a pension to Juliet Opie H. Ayers—to the Committee on Invalid Pensions.

A bill (S. 2481) to improve the marine hospital at Vineyard Haven, Mass.—to the Committee on Naval Affairs.

A bill (S. 2531) granting an increase of pension to Benjamin T. Baker—to the Committee on Invalid Pensions.

A bill (S. 2598) increasing the pension of Walter P. Harrison—to the Committee on Pensions.

A bill (S. 2611) granting a pension to James Anderson—to the Committee on Invalid Pensions.

A bill (S. 2618) to confirm to the city of Buffalo, Wyo., certain lands occupied for school purposes—to the Committee on the Public Lands.

A bill (S. 2634) for the relief of T. A. Kendig—to the Committee on Claims.

A bill (S. 2835) to amend an act approved March 3, 1887, entitled "An act to amend sections 2533 and 2534 of the Revised Statutes, and making Hartford, in the State of Connecticut, a port of entry, in place of Middletown—to the Committee on Commerce.

#### RESOLUTIONS.

Under clause 2 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. RUSSELL:

*Resolved by the House of Representatives (the Senate concurring), That the Report of the Commissioner of Fish and Fisheries for the year 1888 be printed, and that there be printed 12,500 extra copies, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, 2,500 for the use of the Commissioner of Fish and Fisheries, and 1,000 for sale by the Public Printer, the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Printing;*

*to the Committee on Printing.*

By Mr. BAKER:

*Resolved, That Wednesday, March 23, immediately after the approval of the Journal, be set apart for the consideration in the House of the bill for the admission of Wyoming, and that unless previously ordered by the House the previous question shall be deemed ordered on the engrossment, third reading, and final passage of the bill at 4 o'clock p. m. of that day;*

*to the Committee on Rules.*

#### REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. ALLEN, of Michigan, from the Committee on Agriculture, reported with amendment the bill (H. R. 282) transferring the weather service of the United States Signal Service Bureau to the Department of Agriculture—to the Committee of the Whole House on the state of the Union.

Mr. SWENEY, from the Committee on Commerce, reported favorably the bill (S. 1738) to authorize the construction of a railroad bridge across the Missouri River, in the county of Monona, in the State of Iowa, and in the county of Burt, in the State of Nebraska—to the House Calendar.



Mr. BUCHANAN, of New Jersey, from the Committee on the Judiciary, reported with amendment the bill (H. R. 5966) to provide for an additional associate justice of the supreme court of the Territory of New Mexico—to the Committee of the Whole House on the state of the Union.

Mr. ROGERS, from the Committee on the Judiciary, reported with amendment the bill (H. R. 3936) to amend section 9 of "An act making appropriations for expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes," approved March 3, 1885—to the Committee of the Whole House on the state of the Union.

Mr. WALKER, of Missouri, from the Committee on Commerce, reported favorably the following bills; which were severally referred to the House Calendar:

A bill (S. 2323) to authorize the construction of a bridge across the Arkansas River at or near Pendleton, Desha County, Arkansas; and

A bill (S. 2324) to authorize the building of a bridge across the White River, Arkansas, by the Mississippi and Little Rock Railway Company.

Mr. BROWNE, of Virginia, from the Committee on Pensions, reported with amendment the bill (H. R. 823) granting pensions to the survivors of the Indian wars—to the Committee of the Whole House on the state of the Union.

Mr. CUTCHEON, from the Committee on Military Affairs, reported with amendment the bill (H. R. 7989) to promote the administration of justice in the Army—to the House Calendar.

He also, from the same committee, reported favorably the bill (H. R. 8201) to amend the Articles of War relative to the punishment on conviction by courts-martial—to the House Calendar.

Mr. DAVIDSON, from the Committee on Commerce, reported favorably the bill (H. R. 6421) to extend to Tampa, Fla., the privilege of immediate transportation of unappraised merchandise—to the House Calendar.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, reported favorably the joint resolution (H. Res. 128) construing part of act of March 2, 1889, making appropriations for the office of Second Assistant Postmaster-General—to the House Calendar.

Mr. CAREY, from the Committee on Military Affairs, reported favorably the bill (H. R. 1335) for the relief of Robert H. Montgomery—to the Committee of the Whole House.

Mr. BINGHAM, from the Committee on Merchant Marine and Fisheries, reported favorably the bill (S. 2501) to provide for an American register for a steamer to be named San Benito, owned by a corporation of the State of California—to the House Calendar.

Mr. BROWNE, of Virginia, from the Committee on Commerce, reported favorably the bill (S. 2483) increasing the salary of the Super-vising Surgeon-General of the Marine-Hospital Service—to the Committee of the Whole House on the state of the Union.

Mr. NORTON, from the Committee on Pensions, to which was referred the bill (H. R. 8194) to amend section 1 of an act granting pensions to the soldiers and sailors of the Mexican war, reported, as a substitute therefor, a bill (H. R. 8593) to amend section 1 of an act granting pensions to the soldiers and sailors of the Mexican war; which was read twice, and referred to the Committee of the Whole House on the state of the Union.

Mr. DE LANO, from the Committee on Pensions, reported favorably the bill (S. 760) granting a pension to Jonathan Hayes—to the Committee of the Whole House.

Mr. SPOONER, from the Committee on Military Affairs, reported with amendment the bill (H. R. 1324) to clear the military record of J. George Ruckstuhl—to the Committee of the Whole House.

Mr. CUTCHEON, from the Committee on Military Affairs, reported favorably the bill (H. R. 8394) to amend chapter 67, volume 23, of the Statutes at Large of the United States—to the House Calendar.

Mr. ROCKWELL, from the Committee on Military Affairs, reported favorably the bill (H. R. 8235) to prevent desertions from the Army, and for other purposes—to the House Calendar.

Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, reported with amendment the joint resolution (H. Res. 14) authorizing the use and improvement of Castle Island, in Boston Harbor—to the House Calendar.

He also, from the same committee, reported with amendment the bill (H. R. 644) for the construction of a macadam road from the city of Salisbury, N. C., to the national cemetery near that place—to the Committee of the Whole House on the state of the Union.

#### BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were introduced, severally read twice, and referred as follows:

By Mr. FRANK (by request): A bill (H. R. 8585) for the relief of soldiers and sailors of the late war who have so far received no bounty—to the Committee on Invalid Pensions.

Also (by request): A bill (H. R. 8586) for the relief of soldiers and sailors of the late war dependent for their support upon others—to the Committee on Invalid Pensions.

By Mr. PAYSON: A bill (H. R. 8587) to regulate the granting of leases and the distribution of hot water and collection of rents for the same at Hot Springs, Ark.—to the Committee on the Public Lands.

By Mr. FARQUHAR: A bill (H. R. 8588) to amend section 4178, Revised Statutes, providing for the marking of vessels' names at bow and stern—to the Committee on Merchant Marine and Fisheries.

By Mr. LANE: A bill (H. R. 8589) to amend sections 4783 and 5456 of the Revised Statutes—to the Committee on Invalid Pensions.

By Mr. BOUTELLE (by request of Mr. REED, of Maine): A bill (H. R. 8590) to authorize the Secretary of War to convey to school district No. 12, of Kittery, Me., a certain portion of the military reservation of Fort McClary, Me., for school purposes, in exchange for other lands within the limits of said reservation—to the Committee on Military Affairs.

By Mr. MUTCHLER: A bill (H. R. 8591) to extend the jurisdiction of the Court of Claims to all claims for the use by the Government of patents granted by the United States—to the Committee on the Judiciary.

By Mr. McCLELLAN: A bill (H. R. 8592) to equalize taxation and impose a graduated income tax—to the Committee on Ways and Means.

By Mr. ATKINSON, of Pennsylvania (by request): A bill (H. R. 8594) to authorize the extension of the Columbia Railway Company of the District of Columbia—to the Committee on the District of Columbia.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. CANNON: A bill (H. R. 8595) for the relief of William Bishop—to the Committee on Invalid Pensions.

By Mr. CHEADLE: A bill (H. R. 8596) granting a pension to Charles L. Crick—to the Committee on Invalid Pensions.

By Mr. COOPER, of Indiana: A bill (H. R. 8597) for the relief of Squire West—to the Committee on Invalid Pensions.

By Mr. DORSEY: A bill (H. R. 8598) to increase the pension of Louisa A. Phillips—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 8599) for the relief of William F. Hunter—to the Committee on War Claims.

Also, a bill (H. R. 8600) increasing the pension of William T. Rhodes, late of Company K, Twelfth Regiment United States Infantry, in war with Mexico—to the Committee on Pensions.

Also, a bill (H. R. 8601) for the relief of R. M. Sanderson—to the Committee on War Claims.

Also, a bill (H. R. 8602) granting a pension to John M. Sims—to the Committee on Invalid Pensions.

By Mr. FLOWER: A bill (H. R. 8603) granting a pension to Catherine Sattle—to the Committee on Invalid Pensions.

By Mr. LANE: A bill (H. R. 8604) granting a pension to Maria Brooks—to the Committee on Invalid Pensions.

By Mr. LANSING: A bill (H. R. 8605) to amend the military record of James P. Kirby, Company D, Ninety-fourth Regiment New York Volunteers—to the Committee on Military Affairs.

By Mr. LEE (by request): A bill (H. R. 8606) making appropriation for payment of a claim found by the Court of Claims to be due to the estate of Anthony R. Fraser, deceased, late of Virginia—to the Committee on War Claims.

By Mr. NORTON: A bill (H. R. 8607) for the relief of Annie E. Bird—to the Committee on Invalid Pensions.

By Mr. O'NEIL, of Massachusetts: A bill (H. R. 8608) granting a pension to Edwin T. Warner—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 8609) for the relief of Eli Bailey—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 8610) granting a pension to Mattie M. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8611) for the relief of Hugh S. McCormack—to the Committee on Invalid Pensions.

By Mr. ROBERTSON: A bill (H. R. 8612) for the relief of Christian Mornhinveg, sr., of Opelousas, St. Landry Parish, State of Louisiana—to the Committee on War Claims.

By Mr. RUSK: A bill (H. R. 8613) for the relief of the Reformed Church, of Sharpsburgh, Washington County, and State of Maryland—to the Committee on War Claims.

By Mr. SANFORD: A bill (H. R. 8614) for the relief of John Thompson alias Dennis Stockwell—to the Committee on Military Affairs.

By Mr. SNIDER: A bill (H. R. 8615) for the relief of John Schurch—to the Committee on Claims.

Also, a bill (H. R. 8616) for the relief of Eli Small, late assistant surgeon One hundred and fifty-second New York Volunteers—to the Committee on Military Affairs.

By Mr. SPINOLA: A bill (H. R. 8617) granting an increase of pension to Jonas Carlson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8618) granting an increase of pension to Nehemiah Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8619) granting an increase of pension to Andrew A. Rhobottom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8620) granting a pension to Thaddeus H. Wilcox—to the Committee on Invalid Pensions.

By Mr. STIVERS: A bill (H. R. 8621) to reimburse John Waller, former postmaster at Monticello, N. Y., for moneys expended in carrying the mail—to the Committee on Claims.

By Mr. WHEELER, of Alabama: A bill (H. R. 8622) granting a pension to Mrs. Tabitha Hankins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8623) for the relief of James Henry Mastin and Mrs. Mary E. Mastin—to the Committee on War Claims.

By Mr. WILSON, of West Virginia: A bill (H. R. 8624) for the relief of the estate of George Phoenix, deceased—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 8625) granting a pension to Mary G. Walker—to the Committee on Invalid Pensions.

By Mr. McCORD: A bill (H. R. 8626) granting a pension to R. H. Ackerman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8627) granting a pension to Frank Sherrin, jr.—to the Committee on Invalid Pensions.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (H. R. 4174) for the relief of D. W. Boutwell—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 5587) for the relief of James A. Rice—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 7784) for the relief of Agnes and Maria De Leon—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 8091) for the relief of A. J. Sampson—Committee on Claims discharged, and referred to the Committee on War Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ATKINSON, of West Virginia: Petition of citizens of Wellsburg, W. Va., relating to employment only of American citizens on Government works—to the Select Committee on Immigration and Naturalization.

By Mr. BURTON: Petition of the Bricklayers' Union of Cleveland, Ohio—to the Committee on Labor.

By Mr. CANNON: Papers to accompany bill for the relief of William Bishop—to the Committee on Invalid Pensions.

By Mr. CAREY: Memorial of the Eleventh Legislative Assembly of Wyoming Territory, praying that certain lands in Wyoming Territory be sold to the settlers thereon—to the Committee on Public Lands.

By Mr. CHIPMAN: Petition of Bricklayers and Masons' Union No. 9, Detroit, Mich., against alien labor on public works—to the Committee on Labor.

By Mr. COLEMAN: Petition of John C. Londreau, on claim—to the Committee on Foreign Affairs.

By Mr. CONGER: Petition of Bricklayers and Masons' Union of Des Moines, Iowa, in favor of the employment of citizens in preference to aliens in the construction of public works—to the Committee on Labor.

Also, joint resolution of Iowa Legislature, asking for pension legislation—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: Petitions of Muskegon, Mich., No. 5, and Manistee, Mich., No. 8, subordinate unions, Bricklayers and Masons' International Union, with reference to the employment of aliens upon Government works—to the Committee on Labor.

By Mr. DE LANO: Petition of the farmers of Broome County, State of New York, asking protection to barley, potatoes, and numerous other farm products—to the Committee on Ways and Means.

By Mr. DORSEY: Petition from citizens of Kearney, Nebr., asking that only citizens of the United States be employed on public works—to the Committee on the Judiciary.

Also, petition from citizens of Nebraska, against Windom bill, against issuing bonds as a basis for banking, for free coinage of silver supplemented by United States notes, for Government supervision of banks—to the Committee on Coinage, Weights, and Measures.

Also, petition of citizens of Nebraska, protesting against passage of Union Pacific Railway funding bill—to the Committee on Pacific Railroads.

Also, remonstrance of citizens of Nebraska, against passage of Windom silver bill—to the Committee on Coinage, Weights, and Measures.

By Mr. FLOWER: Petition of board of aldermen of New York, in regard to Bedloe's Island and Harlem River improvement—to the Committee on Rivers and Harbors.

By Mr. GEISSENHAINER: Petition for improvement of South Shrewsbury River, Monmouth County, New Jersey—to the Committee on Rivers and Harbors.

Also, petition asking a survey of Shark River, New Jersey—to the Committee on Rivers and Harbors.

By Mr. HARE: Petition of J. N. Deal and 104 others, farmers of Collin County, Texas, against taxing compound lard, as proposed in Conger bill, H. R. No. 283—to the Committee on Agriculture.

By Mr. HEARD: Petition of citizens of the Sixth district of Missouri, in favor of the passage of bill H. R. 3863, proposing an increase in pay of letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDERSON, of Iowa: Resolutions of Widewake Alliance of Farmers, Butler County, Iowa, favoring the Butterworth bill against gambling in farm produce—to the Committee on Agriculture.

Also, petition of C. A. Jones and others, of Black Hawk County, Iowa, and vicinity, praying for the reduction of duties on certain articles therein named—to the Committee on Ways and Means.

By Mr. HERMANN: Petition of citizens of Oregon, for passage of the bill increasing the maximum pay of letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. KELLEY: Petition of Colona Lodge, F. M. B. A., of Woodson County, Kansas, asking for the passage of a service-pension bill and for free coinage of silver—to the Committee on Invalid Pensions.

Also, petition of Saline County Farmers' Alliance, State of Kansas, asking for abolition of national banks, issuing of more paper currency, free coinage of silver, for the issuing of fractional currency, for a law preventing the dealing in futures of agricultural products—to the Committee on Banking and Currency.

Also, petition of 114 soldiers and citizens of Woodson County, Kansas, asking for the passage of the Ingalls-Cheadle service-pension bill—to the Committee on Invalid Pensions.

By Mr. LACEY: Resolutions of Montezuma Post, Grand Army of the Republic, favoring a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of John Graham and 33 others, of Davis County, Iowa, asking that twine binding and the material thereof be put on the free-list—to the Committee on Ways and Means.

By Mr. LANSING: Petition of citizens of Ogdensburg, in relation to foreigners working upon public works—to the Committee on Labor.

By Mr. MCRAE: Resolutions of the city council of Little Rock, Ark., relative to the deep harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. MORRILL: Resolutions of Farmers' Alliance, Atchison County, Kansas—to the Committee on Banking and Currency.

Also, petition of George W. Chase and 142 others, asking for service pension—to the Committee on Invalid Pensions.

By Mr. MORROW: Petition of citizens of San Diego County, California, praying for the repayment to entrymen of the excess of \$1.25 per acre on cash entries and 3 per cent. commission on a like amount paid by them on homestead entries—to the Committee on the Public Lands.

Also, resolution from the Board of Trade of San Francisco, in opposition to the passage of the Torrey bankrupt bill—to the Committee on the Judiciary.

Also, petition of the California Fruit Union, praying for an increased duty on prunes and protesting against a reduction of the duties on raisins, nuts, and olive products—to the Committee on Ways and Means.

Also, petition of sundry postal clerks employed on railroad lines centering in San Francisco, Cal., favoring the passage of H. R. 6459, relative to the reclassification and fixing of their salaries, and protesting against what is known as the Bingham bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution from the North American Turnerbund of San Francisco, Cal., protesting against the passage of any bill designed to materially change the present national laws on immigration and naturalization—to the Select Committee on Immigration and Naturalization.

By Mr. O'DONNELL: Petition from 89 farmers of Branch County, Michigan, asking the passage of a law directing the Secretary of the Treasury to pay a bounty for the export of flour by the barrel in American vessels—to the Committee on Merchant Marine and Fisheries.

By Mr. PAYNTER: Petition of Mary Lewis, formerly widow of J. H. Meadows, Company E, Fortieth Kentucky Volunteers, for pension—to the Committee on Invalid Pensions.

By Mr. SHIVELY: Preamble and resolutions from the Cigar-Makers' Union No. 134, of La Porte, Ind., in favor of legislation extending the eight-hour system to all forms of Government contracts, as well as per diem work—to the Committee on Labor.

By Mr. SMYSER: Petition of citizens of Ohio, against alien labor on public works—to the Committee on Labor.

By Mr. STRUBLE: Resolutions passed by Maple Grove Alliance, Monona County, Iowa, urging the passage of the bill H. R. No. 5383, defining options and futures, etc.—to the Committee on Agriculture.

Also, resolutions of West Silver Alliance, Cherokee County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions by Meadow Alliance, 833, Spencer, Iowa, for same measure—to the Committee on Agriculture.

Also (by request), memorial of William C. Hazeldine and others, citizens of the Territory of New Mexico, praying the admission of said



Territory, and constitution submitted with the memorial—to the Committee on the Territories.

By Mr. SWINNEY: Resolutions of Charles J. Pixley Post, Grand Army of the Republic, of Rockford, Iowa, favoring a service pension—to the Committee on Invalid Pensions.

Also, resolutions of Reynolds Post, Grand Army of the Republic, of Maynard, Iowa, in favor of a service pension—to the Committee on Invalid Pensions.

Also, resolution of Brush Creek Post, Grand Army of the Republic, Iowa, in favor of a service pension—to the Committee on Invalid Pensions.

By Mr. TOWNSEND, of Colorado: Petitions of Subordinate Union No. 4, of Colorado Springs, Colo., of the Bricklayers and Masons' International Union of America, and of Subordinate Union No. 3, Pueblo, Colo., same international union, for the employment of citizens of the United States on Government works whether let by contract or otherwise—to the Committee on Labor.

By Mr. TOWNSEND, of Pennsylvania (by request): Petition of citizens of Pennsylvania, against alien labor—to the Committee on Labor.

By Mr. TRACEY: Petition of the Subordinate Union No. 8, Cohoes, N. Y., Bricklayers and Masons' International Union of America—to the Committee on Labor.

Mr. WHEELER, of Alabama: Petition of Mobile Cotton Exchange, praying that Congress will not enact a bill taxing lard which contains cotton-seed oil—to the Committee on Agriculture.

Also, petition of Memphis Cotton Exchange, for same purpose—to the Committee on Agriculture.

By Mr. WILSON, of Missouri: Papers in case of T. J. Rice, for relief—to the Committee on Invalid Pensions.

By Mr. WILSON, of Washington: Memorial from Legislature of State of Washington, in relation to Puyallup Indian reservation—to the Committee on Indian Affairs.

## SENATE.

WEDNESDAY, March 26, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

### VISITORS TO WEST POINT.

The VICE-PRESIDENT. Under the provisions of existing law, the Chair appoints the Senator from Connecticut [Mr. HAWLEY] and the Senator from Delaware [Mr. GRAY] as members of the Board of Visitors to attend the annual examination of cadets at West Point.

### PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a memorial of the Monthly Meeting of Friends, of Dover, Ohio, numbering 352 adult persons, remonstrating against large expenditures for the Navy and coast defenses; which was referred to the Committee on Naval Affairs.

Mr. McMILLAN presented a petition of the Farmers and Bee-Keepers' Association of Hesperia, Newaygo County, Michigan, praying for the free coinage of silver; which was referred to the Committee on Finance.

He also presented a petition of Subordinate Union No. 5 of the Bricklayers and Masons' International Union of America, of Muskegon, Mich.; a petition of Subordinate Union No. 9 of the Bricklayers and Masons' International Union of America, of Detroit, Mich.; a petition of Subordinate Union No. 8 of the Bricklayers and Masons' International Union of America, of Manistee, Mich.; a petition of Subordinate Union No. 2 of the Bricklayers and Masons' International Union of America, of Detroit, Mich.; and a petition of Subordinate Union No. 6 of the Bricklayers and Masons' International Union of America, of Saginaw, Mich., praying for the employment of none but citizens of the United States on Government buildings, etc.; which were referred to the Committee on Education and Labor.

He also presented a petition of 474 citizens of the State of Michigan, praying for a national Sunday-rest law, etc.; which was referred to the Committee on Education and Labor.

Mr. VANCE presented a memorial of the Holly Spring Monthly Meeting of Friends, in Randolph County, North Carolina, remonstrating against appropriations of money for the Navy and coast defenses; which was referred to the Committee on Naval Affairs.

Mr. VEST presented a petition of George Elston, of Elston, Mo., praying for the repeal of the tax on sugar of all grades above and below No. 13, Dutch standard; which was referred to the Committee on Finance.

Mr. REAGAN presented a petition of 36 citizens of Wheeler County, Texas, praying for the free coinage of silver, like gold; which was referred to the Committee on Finance.

Mr. STEWART presented a petition of 30 members of the Farmers and Laborers' Union No. 714, of Shelby County, Missouri, praying for the free coinage of silver; which was referred to the Committee on Finance.

He also presented 34 petitions signed by 1,038 members of the Farm-

ers' Alliance, citizens of Nebraska, praying for the free coinage of silver; which were referred to the Committee on Finance.

### REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 1258) for the relief of Charles Murphy, reported it with an amendment, and submitted a report thereon.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (S. 1028) for the relief of William Bushby, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 405) for the relief of James A. Terrell, reported it with an amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 2017) to increase the pension of Henry H. Penrod, reported it with an amendment, and submitted a report thereon.

Mr. SPOONER. I am instructed by the Committee on Claims, to whom was referred the bill (H. R. 5965) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, to report it without amendment. This is the bill commonly known as the Fourth of July claims bill.

The VICE-PRESIDENT. The bill will be placed on the Calendar. Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 1618) for the relief of Margaret Kennedy, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PASCO, from the Committee on Claims, to whom was referred the petition of Frederick A. Schmidt, administrator of Thomas H. Yeaman, late of Cincinnati, Ohio, deceased, praying payment of claim for war supplies, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 4965) granting a pension to Carrie B. Wirtz, reported it without amendment, and submitted a report thereon.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (H. R. 2832) granting a pension to Sarah McTavey, reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (S. 2695) in relation to a farm for the Indian training school at Pierre, S. Dak., reported it without amendment.

### MEAT EXPORTATION AND INSPECTION, ETC.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations to report an amendment to an amendment of what is commonly called the meat-inspection bill, being the bill (S. 2594) providing for the inspection of meats, etc. I ask that the amendment to the amendment be printed.

Mr. ALLISON. I ask that the amendment to the amendment may be read, so that it will go into the RECORD.

The VICE-PRESIDENT. The proposed amendment will be read. Mr. SHERMAN. It is a substitute for the first section and is made to conform to the desires and requests of a committee that appeared before the Committee on Foreign Relations.

The CHIEF CLERK. It is proposed to substitute for section 1 of the amended bill:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Agriculture may cause to be made a careful inspection of salted pork and bacon intended for exportation with a view to determining whether the same is wholesome, sound, and fit for human food whenever the laws, regulations, or orders of the government of any foreign country to which such pork or bacon is to be exported shall require inspection thereof relating to the importation thereof into such country; and also whenever any buyer, seller, or exporter of such meats intended for exportation shall request the inspection thereof.

Such inspection shall be made at the place where such meats are packed or boxed, and each package of such meats so inspected shall bear the marks, stamps, or other device for identification provided for in the last clause of this section: *Provided,* That an inspection of such meats may also be made at the place of exportation if an inspection has not been made at the place of packing, or if, in the opinion of the Secretary of Agriculture, a reinspection becomes necessary. One copy of any certificate issued by any such inspector shall be filed in the Department of Agriculture; another copy shall be attached to the invoice of each separate shipment of such meat, and a third copy shall be delivered to the consignor or shipper of such meat as evidence that packages of salted pork and bacon have been inspected in accordance with the provisions of this act and found to be wholesome, sound, and fit for human food; and for the identification of the same such marks, stamps, or other devices as the Secretary of Agriculture may by regulation prescribe shall be affixed to each of such packages.

Any person who shall forge, counterfeit, or knowingly and wrongfully alter, deface, or destroy any of the marks, stamps, or other devices provided for in this section on any package of any such meats, or who shall forge, counterfeit, or knowingly and wrongfully alter, deface, or destroy any certificate in reference to meats provided for in this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$1,000 or imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Mr. SHERMAN. This amendment is intended to meet the objections made by the packers and dealers in pork, and I believe covers substantially the objections they made. At least, so the committee intended.

The VICE-PRESIDENT. The amendment will be printed and placed upon the Calendar to accompany the bill.

## PRINTING OF DOCUMENTS.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations to ask for an order to print certain documents from the Department of State in relation to certain Mexican territory.

The VICE-PRESIDENT. That order will be made if there be no objection. The Chair hears none, and it is so ordered.

## ELLIS ISLAND, NEW YORK HARBOR.

Mr. McPHERSON. I am instructed by the Committee on Naval Affairs, to whom was referred the joint resolution (S. R. 46) authorizing the Secretary of the Navy to remove the naval magazine from Ellis Island, in New York Harbor, and to purchase a site and erect a naval magazine at some other point, to report it with amendments. I am directed by the Committee on Naval Affairs to ask for the immediate consideration of the joint resolution.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The VICE-PRESIDENT. The first amendment reported by the Committee on Naval Affairs will be read.

The CHIEF CLERK. In section 2, line 1, the committee report to fill the blank by inserting the words "seventy-five thousand;" so as to make the section read:

That the sum of \$75,000, or so much thereof as may be found necessary, be, and the same is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to purchase, or to obtain by condemnation, a site for, and for the erection of, a naval magazine; and that the Secretary of the Navy shall select a site at a safe distance from populous cities and from the shipping of the harbor of New York.

The amendment was agreed to.

The VICE-PRESIDENT. The committee also report an amendment to strike out the preamble, which will be considered at a later stage.

Mr. HISCOCK. I move to add to section 2 the following:

And the further sum of \$75,000, or so much thereof as may be necessary, is hereby appropriated to enable the Secretary of the Treasury to improve said Ellis Island for immigration purposes.

Mr. McPHERSON. I have no objection to the amendment.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing the Secretary of the Navy to remove the naval magazine from Ellis Island, in New York Harbor, and to purchase a site and erect a naval magazine at some other point, and for other purposes."

The VICE-PRESIDENT. The Committee on Naval Affairs report as an amendment to strike out the preamble.

The amendment was agreed to.

## HOUR OF MEETING.

Mr. EDMUNDS. I offer a resolution as a matter of privilege, and ask for its present consideration if there is no objection.

The resolution was read, as follows:

Ordered, That on and after Monday next, March 31, the daily sessions of the Senate shall commence at 11 o'clock a. m. until otherwise ordered.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. MORGAN. Let it go over, Mr. President.

The VICE-PRESIDENT. Objection being made, the resolution will lie over.

## BILLS INTRODUCED.

Mr. DAWES introduced a bill (S. 3271) to enable the Secretary of the Interior to carry out in part the provisions of "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, and making appropriations for the same, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. INGALLS (by request) introduced a bill (S. 3272) for removal of charge of desertion from Alfred Lane; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MOODY introduced a bill (S. 3273) for the relief of Frank M. Allen; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3274) for the relief of James Ballard; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3275) for the relief of John William Cable; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3276) for the relief of Thomas W. Thompson; which was read twice by its title, and referred to the Select Committee on Indian Depredations.

Mr. CHANDLER introduced a bill (S. 3277) to define the route of the Baltimore and Ohio Railroad in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3278) to amend section 416 of the Revised Statutes of the United States, relative to the establishment of the Department of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

## REPRINT OF SUNDAY-REST BILL.

On motion of Mr. BLAIR, it was

Ordered, That the bill (S. 946) to secure to the people the privileges of rest and of religious worship free from disturbance by others on the first day of the week be reprinted for the use of the Senate.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the concurrent resolution of the Senate for the printing of the annual report of the health officer of the District of Columbia.

The message also announced that the House had passed a bill (H. R. 8393) to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, and sea in the city of Chicago, in the State of Illinois; in which it requested the concurrence of the Senate.

## ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 525) to establish two additional land offices in the State of Montana; and it was thereupon signed by the Vice-President.

## TRUSTS AND COMBINATIONS.

The VICE-PRESIDENT. Is there further morning business? If not, the Calendar will be taken up.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the unfinished business, being the bill (S. 1) to declare unlawful trusts and combinations in restraint of trade and production.

The motion was agreed to.

## AID TO COMMON SCHOOLS.

Mr. HARRIS. Before proceeding with the unfinished business, I should be glad, if it suits the convenience of the Senator from New Hampshire, that we could fix some hour of such day as may be convenient to him to dispose of his motion to reconsider the vote by which the educational bill failed of a third reading. Would it suit the convenience of the Senator to name a day?

Mr. BLAIR. I am not now able to indicate a time to the Senator, but I shall conveniently call up that motion.

Mr. HARRIS. I think the Senate ought to know in advance the time at which it will come up.

Mr. BLAIR. I will say to the Senator that it will not be called up without ample notice to the Senate.

Mr. INGALLS. I call the attention of the Senator from Tennessee to the fact that the pending question is on the motion that I made to lay the motion to reconsider on the table.

Mr. HARRIS. So I understand.

Mr. INGALLS. Therefore, I suppose that properly speaking the interrogatory should be addressed to me and I should be inquired of when it would suit my convenience to call up the motion to lay on the table.

Mr. HARRIS. It affords me a great deal of pleasure, then, to ask the Senator from Kansas what hour of what early day will suit his convenience.

Mr. INGALLS. I should be very glad to have the motion taken up now.

Mr. HARRIS. I should be very glad to have it taken up now or at the earliest day possible.

## TRUSTS AND COMBINATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1) to declare unlawful trusts and combinations in restraint of trade and production.

Mr. SHERMAN. There are one or two verbal amendments that I should like to have made. They are made necessary by the amendments agreed to yesterday. In line 4 of the first section of the reprinted bill I move to strike out the word "citizens" and insert the word "persons."

The amendment was agreed to.

Mr. SHERMAN. In line 15 of the first section I move to strike out the word "citizens" and insert the word "persons."

The amendment was agreed to.

Mr. SHERMAN. There is an amendment prepared by the Senator from Wisconsin [Mr. SPOONER] to come in on line 26. If he is ready to offer it now, I should be very glad to have it presented.

Mr. SPOONER. I offer the amendment which I send to the desk to come in after the word "execution" in line 26 of section 1.

Mr. INGALLS. Is that an amendment of substance?

Mr. SPOONER. I think it is.

Mr. INGALLS. If the Senator will allow me a few moments, I wish to offer certain amendments which are rendered necessary by the change in the enumeration of the sections. On page 5 of the reprinted



bill, in line 7 of section 6, I move to strike out the word "three" and insert the word "eight;" so as to read:

In section 8 of this act.

The amendment was agreed to.

Mr. INGALLS. In section 7, line 4, I move to strike out the word "three" and insert the word "eight;" so as to read:

In section 8 of this act.

The amendment was agreed to.

Mr. INGALLS. In section 9, line 9, I move to strike out the word "three" and insert the word "eight;" so as to read:

In section 8 of this act.

The amendment was agreed to.

Mr. INGALLS. In section 9, line 12, I move to strike out the word "one" and insert the word "six;" so as to read:

As defined by section 6 of this act.

The amendment was agreed to.

Mr. INGALLS. In section 9, line 14, I move to strike out the word "two" and insert the word "seven;" so as to read:

As defined in section 7 of this act.

The amendment was agreed to.

Mr. INGALLS. In section 13, line 19, I move to strike out the word "three" and to insert the word "eight;" so as to read:

Any of the other articles mentioned in section 8 of this act.

The amendment was agreed to.

Mr. INGALLS. In section 14, line 8, I move to strike out the word "four," after "section," and insert the word "nine;" so as to read:

Being liable for the amounts prescribed in section 9 of this act.

The amendment was agreed to.

Mr. INGALLS. In section 14, line 12, after the word "section," I move to strike out the word "eight" and insert the word "thirteen;" so as to read:

A false or fraudulent return or report required by section 13 of this act.

The amendment was agreed to.

Mr. REAGAN. I desire to have two verbal amendments made. In section 3, line 3, I move to change the word "employed" to the word "engaged." I think that is a more appropriate word.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 3, line 3, it is proposed to strike out the word "employed" and to insert the word "engaged;" so as to read: Manager of any trust engaged in any business carried on with any foreign country.

The amendment was agreed to.

Mr. REAGAN. In section 3, line 7, I move to strike out the word "employed" and to insert the word "engaged;" so as to read:

Corporation, company, or person engaged in any such business, etc.

The amendment was agreed to.

Mr. VEST. Does that conclude the amendments?

Mr. SHERMAN. No; there is another amendment to be offered by the Senator from Wisconsin [Mr. SPOONER].

The VICE-PRESIDENT. There is an amendment, and there is also an amendment to an amendment pending now. Yesterday the Senator from Nevada [Mr. STEWART] offered an amendment, to which the Senator from Massachusetts [Mr. HOAR] proposed an amendment. The amendment and the amendment to the amendment will be read.

Mr. HOAR. I will withdraw the amendment to the amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts to the amendment offered by the Senator from Nevada is withdrawn.

Mr. HARRIS. Let the amendment offered by the Senator from Nevada be read.

The VICE-PRESIDENT. The pending amendment, offered by the Senator from Nevada, will be read.

The CHIEF CLERK. On page 2, section 1, line 17, of the reprinted bill, after the word "articles," insert the words "or of the value of money by which such cost may be advanced or reduced;" so as to read:

And all arrangements, trusts, or combinations between such persons or corporations made with a view or which tend to advance the cost to the consumer of any such articles, or of the value of money by which such cost may be advanced or reduced, are hereby declared to be against public policy, unlawful, and void.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. STEWART].

The amendment was agreed to.

Mr. SHERMAN. Now the Senator from Wisconsin can offer his amendment.

Mr. SPOONER. I offer now the amendment which I send to the desk, to come in after the word "execution," in the twenty-sixth line of section one of the reprint.

The VICE-PRESIDENT. The amendment will be read.

The CHIEF CLERK. In section one, line 26, of the reprinted bill, after the word "execution," insert:

And whenever in any action commenced under the provisions of this act in the name of the United States any arrangement, trust, or combination herein declared void is found by any such court to exist, the court may, in addition to other remedies, issue its writ of injunction, temporary or final, running and to

be served anywhere within the jurisdiction of the United States, prohibiting and restraining the defendants or any thereof, or their or any of their servants, agents, or attorneys, from proceeding further in the business of said arrangement, trust, or combination, except to wind up its affairs; and in case of any disobedience of any such writ of injunction or other proper process, mandatory or otherwise, issued in any such cause, it shall be lawful for said court to issue writs of attachment, running and to be served anywhere within the United States, against the defendants or any thereof, and against their or any of their agents, attorneys, or servants, of whatever name or office, disobeying said injunction or other process; and the court may, if it shall think fit, in addition to fine or imprisonment for contempt, make an order directing any such defendants disobeying such writ of injunction or other process to pay such sum of money, not exceeding \$1,000, for every day after a date to be named in such order that such defendant or defendants or their or any of their agents, attorneys, or servants as aforesaid shall refuse or neglect to obey such injunction or other process; and such money shall be paid into court, and may be paid in whole or in part to the party or parties upon whose complaint said action was instituted, or into the Treasury of the United States, as the court shall direct. And in any action brought by the United States under the provisions of this act the Attorney-General may bring the action in any district in which any one of the parties defendant resides or transacts business, and any other parties, corporate or otherwise, may, regardless of residence or location of business, be brought into court in said action, in the manner provided by section 738 of the Revised Statutes, and the court shall thereupon have jurisdiction of the defendant or defendants so brought in, as fully to all intents and purposes as if they had appeared in said action.

Mr. SPOONER. Mr. President, I offer this amendment to cure what seems to me to be a very great defect in the bill. Most if not all of the combinations, however they may be called, aimed at by the bill, are detrimental to the public interest. I think of them all it will be agreed that two of them, whose ramifications extend throughout the whole country and who directly affect the people generally in the country, the sugar trust and what is called the beef combine, are infamous in their oppression, the sugar trust dealing with an article which goes into the daily consumption of the people, which goes into every house, to every family. I believe 52 pounds per year per capita are used by the people of the United States. The object of this trust is to keep up to consumers the price of sugar. The beef combine, with which the Senator from Missouri [Mr. VEST] has been endeavoring to deal, has been so successful as to maintain at the war rate the price of beef to consumers throughout the United States, and to depress it among those, the farmers and others, who raise cattle, so as to render that industry no longer a profitable one.

The sugar trust is made up, as I understand it, of seventeen different corporations, some of them citizens of different States. Manifestly to deal efficiently with a trust or combination of that character it must be possible to bring into one action, into one court, the essential parties defendant. One of the arguments made by the Senator from Ohio in favor of this bill was that there might be under its provisions such a concentration of defendants; but as the law stands to-day there could be none, and I desire to call the attention of the Senate for a moment to the sections of the Revised Statutes bearing upon the subject. Section 737 provides:

SEC. 737. When there are several defendants in any suit at law or in equity, and one or more of them are neither inhabitants of nor found within the district in which the suit is brought, and do not voluntarily appear, the court may entertain jurisdiction, and proceed to the trial and adjudication of the suit between the parties who are properly before it; but the judgment or decree rendered therein shall not conclude or prejudice other parties not regularly served with process nor voluntarily appearing to answer; and non-joiner of parties who are not inhabitants of nor found within the district, as aforesaid, shall not constitute matter of abatement or objection to the suit.

Whoever may be parties defendant in the action, under that section the court might proceed as to those within the jurisdiction; but its judgment could have no effect whatever upon those not served or not voluntarily appearing.

Section 738 provides:

SEC. 738. When any defendant in a suit in equity to enforce any legal or equitable lien or claim against real or personal property within the district where the suit is brought—

And it was amended so as to include suits brought to remove a cloud upon title to land in a district—

is not an inhabitant of nor found within the said district, and does not voluntarily appear thereto, it shall be lawful for the court to make an order directing such absent defendant to appear, plead, answer, or demur to the complainant's bill at a certain day, therein to be designated.

Then follows a provision for obtaining jurisdiction in a mode to be pointed out by the order of publication or otherwise:

But the said adjudication shall, as regards such absent defendant without appearance, affect his property within such district only.

Then comes this section, to which I call the attention of the Senator from Ohio:

SEC. 739. Except in the cases provided in the next three sections, no person shall be arrested in one district for trial in another, in any civil action before a circuit or district court; and except in the said cases and the cases provided by the preceding section, no civil suit shall be brought before either of said courts against an inhabitant of the United States, by any original process, in any other district than that of which he is an inhabitant or in which he is found at the time of serving the writ.

One object of the amendment is to provide that the court may bring in these parties wherever they reside or wherever they are doing business and have as full and complete jurisdiction over them upon publication as if they voluntarily appeared in the action. This provision I regard as absolutely essential to the efficiency of the bill.

Another matter which is covered by the amendment is this. For myself, I think the efficacious remedy will be found to be, not the crim-

final prosecution provided for by the Senator from Texas [Mr. REAGAN], but the vigorous and drastic use of the writ of injunction. Under the law as it stands to-day that writ can only be served and punishment for its disobedience enforced within the district over which the court has jurisdiction. By the amendment which I have sent to the desk, this writ of injunction may be served anywhere within the United States, and if it is disobeyed the attachment for contempt may be served anywhere within the United States. I think the amendment ought to be adopted.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

Mr. HOAR. I ask that it be read once more.

The VICE-PRESIDENT. The amendment will be read.

The Chief Clerk read the amendment proposed by Mr. SPOONER.

Mr. GRAY. Mr. President, I did not have the pleasure of hearing the remarks of the Senator from Wisconsin, explanatory, I suppose, of this amendment, owing to the confusion in the Chamber; but so far as I can understand the amendment proposed by him as just read at the desk, it is that when jurisdiction once is obtained by a court there shall be attached also those additional remedies, a general power to issue remedial process by injunction and otherwise, which are recited in the amendment of the Senator, process and remedies which I agree with him in thinking would be exceedingly important to effect any proper object under this bill. But I should like to ask the Senator from Wisconsin, who has no doubt studied carefully the provisions to which he has offered the amendment, as to the clause he seeks to amend, commencing at line 18 of the first section of the bill and reading as follows:

And the circuit court of the United States shall have original jurisdiction of all suits of a civil nature at common law or in equity arising under this section, and to issue all remedial process, orders, or writs proper and necessary to enforce its provisions. And the Attorney-General and the several district attorneys are hereby directed, in the name of the United States, to commence and prosecute all such cases to final judgment and execution.

I should like to ask him how under that language, taken in connection with what precedes it in the prior part of the first section, the court is in the first place to obtain any jurisdiction of any matter or thing or parties with reference to the subject of this first section. The Senator will remember the previous part of the first section declares:

That all arrangements, contracts, agreements, trusts, or combinations between two or more citizens or corporations, or both, made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States.

And so on; I do not read further. These arrangements, etc., are declared to be against public policy, unlawful, and void; and then the section goes on to declare in the language that I have just read that the circuit courts of the United States shall have original jurisdiction of all suits of a civil nature at common law and in equity. I ask the Senator how that jurisdiction is to be invoked? What is to be the *lis mota* in any circuit court of the United States whereby the provisions of this first section shall be brought into activity? I grant you that when jurisdiction has attached the amendment offered by the Senator from Wisconsin would be exceedingly important in rendering thorough and effectual that jurisdiction; but I do not understand how or under what circumstances the circuit court of the United States is to obtain the jurisdiction spoken of in the language which the Senator seeks to amend.

Mr. SPOONER. Mr. President, the observations submitted by the Senator from Delaware are aimed really not at the amendment which I have offered, as it seems to me—

Mr. GRAY. Not at all. I was asking for information.

Mr. SPOONER. But at the bill. I have some doubts about the efficacy of the section. I should have been glad, for I want the best bill that can be drawn, if this bill had been in the first instance—and I say that with all due respect to the Senator from Ohio and the Committee on Finance—referred to the Committee on the Judiciary, in order that it might receive from that committee careful examination and study. I think it will be agreed that no subject has been brought before the Senate involving questions of law of a more complicated character and more difficult of solution than the propositions involved in this bill.

The Senate saw fit yesterday to reject the proposition to refer the bill to the Committee on the Judiciary, and in view of the protest made by the Senator from Ohio on behalf of the Committee on Finance I voted against the reference. I am assuming that the bill will be a constitutional enactment and that it will give to the circuit courts of the United States jurisdiction at the suit of the United States to dissolve, suppress, and enjoin these combinations which are declared by this bill to be void, as against public policy.

Mr. GRAY. If the Senator from Wisconsin will allow me to interrupt him with a question at this point—

Mr. SPOONER. Always.

Mr. GRAY. The remarks that I made in regard to the amendment and the clause that was sought to be amended were not directed to any question of the constitutionality of the bill, but were merely an inquiry as to how under the mechanism of this first section the court was to obtain in the first instance the jurisdiction which the Senator from Wisconsin seeks to enlarge by his amendment.

Mr. SPOONER. The bill attempts to give it; but that is not a question which I care to discuss at any length now.

Mr. PUGH. Will the Senator from Wisconsin allow me to ask him a question?

Mr. SPOONER. Certainly.

Mr. PUGH. Would not the court under the general jurisdiction already conferred by the bill have the power to issue any remedial process?

Mr. SPOONER. Of course, in any case in which the court would have jurisdiction, the suit being in equity, the court would have the power to issue remedial writs within its territorial jurisdiction.

Mr. PUGH. Then what is the necessity for the amendment of the Senator from Wisconsin?

Mr. SPOONER. I will explain again to the Senator from Alabama. How far this bill will give jurisdiction in any case in which the United States courts are not now possessed of it, I do not undertake now to say.

The bill declares certain trusts, combinations, and agreements void. It gives the circuit courts of the United States original jurisdiction of all suits of a civil nature at common law or in equity arising under this section. That would include, of course, controversies between citizens of different States.

Mr. GRAY. That is just the point if the Senator will allow me: How shall a suit at common law or in equity, arising under this section, be brought?

Mr. SPOONER. It is not my province to attempt now to satisfy the Senator on that question, for I am only discussing my amendment. I am only, on the assumption that there is something of substance in this bill, endeavoring to incorporate in it a provision without which, to my mind, it will be in any event utterly without strength or efficiency.

Mr. HOAR. I should like to ask the Senator a question if he has got through his answer to the Senator from Delaware.

Mr. SPOONER. Certainly, I yield.

Mr. HOAR. I rise to ask the Senator from Wisconsin a question in reference to his amendment. I understand that the amendment assumes that somehow or other the court has obtained jurisdiction, and that it has found that somewhere in the United States this offense or injury has been committed. Then it issues an injunction. The court may be held in Maine and the party against whom the injunction is to issue, or the transaction which it strikes at, the business which it strikes at, may have been carried on or performed in California in whole or in part. Now, the amendment of the Senator, as I heard it read and as I read it, provides that the court shall have jurisdiction and shall have power to punish by fine and imprisonment for contempt for the disobedience of its orders. For the purposes of my question we may concede legality, constitutionality, and the wisdom of the section up to that point, without going into any such question. Now, the Senator, in addition to that, if I understand his amendment, says that the court shall have power to order a penalty for the carrying on of the business of \$1,000 a day.

Now, that is a clear penalty and nothing but a penalty for an offense. It is a part of the civil remedy of the individual who suffers; it is not the sum which is to be recovered by the United States if it has suffered in any of its properties or functions which would make it a suitor for it to assert its own rights, but it is a clear, sheer penalty. The contempt of court has been satisfied previously by the assumption of the amendment. The injury to the United States or to anybody else in the way of property or business or any other material necessity is satisfied in another way. Then is this anything more than asserting the principle that you may enforce the penal or criminal laws of the United States by getting an injunction against a man in advance against offending against those criminal or penal laws and having judgment without a jury and punish him by a fine of \$1,000 for every day? You are not trying that offense; or rather I put that question to the Senate at this point. You are not trying that offense in the vicinity where it happened, in the district where it was committed previously ascertained by law. You are not trying it by a jury; you are not trying it in the presence of the party accused, where he has met the witnesses against him face to face. Now, is it the constitutional right of the law-making power to say that, in addition to all civil remedies, including the remedy for contempt of court, you may suppress offenses against public order by getting an injunction in advance against permitting the act, and then having so acted the judge in his discretion may fine the party?

Mr. SPOONER. Mr. President, the bill as it now stands, if I may continue what I was saying, declares that certain trusts, combinations, and agreements are void. I repeat it gives to the circuit courts—

jurisdiction of all suits of a civil nature at common law or in equity arising under this section, and to issue all remedial process, orders, or writs proper and necessary to enforce its provisions. And the Attorney-General and the several district attorneys are hereby directed, in the name of the United States, to commence and prosecute all such cases to final judgment and execution.

The amendment which I have sent to the desk does not apply to any suit which is a controversy between citizens of different States to recover damages because of such unlawful arrangement. It is limited in its operation to suits commenced by the Attorney-General and the several district attorneys in the name of the United States, and to be prosecuted to final judgment, to suppress, dissolve, and destroy the combinations found to exist detrimental to the public interests and declared void by this act.



As I said in explaining this amendment at the outset, all of these trusts, or nearly all of them, are made up of different firms, of corporations, and of citizens of different States. The Senator from Ohio argued that in the suits brought by the United States under the provisions of this act all of the parties to the trust might be made defendants, and the court having acquired jurisdiction of the subject-matter and of the defendants could deal with them. I brought to the attention of the Senate the fact that that assumption by the Senator from Ohio is a mistaken one as the law now stands, and that the statutory rule is that no man shall, with a single exception or so, be sued in the United States courts except in the district where he happens to reside or where he happens to be found. So, then, in prosecuting the sugar trust under the provisions of this act, made up of seventeen distinct corporations, as I understand it, only one of which, if you please, is a citizen of the State of New York, there would be no power to obtain jurisdiction in a single suit except over one. Seventeen different suits would be necessary, possibly. That, it seemed to me, was a weakness in this bill which ought to be remedied.

It seems to me that in dealing with it we ought to deal with it, although a civil suit brought in the name of the United States, just as we would deal with it if it were a criminal case involving as defendants half a dozen citizens of different States, because the combination aimed at is criminal, is a crime against the people, and it requires strong measures to afford any remedy for it.

To remedy this defect I provide in the pending amendment that the action may be brought in any district where any one of the defendants resides or is doing business, and that if there be other defendants, other members of the combine or trust, located in other districts in the same State or in other States, they may be brought into court and made defendants in that action, in order that the parties to the trust may be consolidated and dealt with at the suit of the United States by one of its courts in one case, under the provisions of section 738 of the Revised Statutes, with which I suppose every Senator is familiar. That is a section which provides—

SEC. 738. When any defendant in a suit in equity to enforce any legal or equitable lien or claim against real or personal property within the district where the suit is brought—

There has been since added to it, as I stated, a suit brought in equity to remove a cloud from title—

is not an inhabitant of nor found within the said district, and does not voluntarily appear thereto, it shall be lawful for the court to make an order directing such absent defendant to appear, plead, answer, or demur to the complainant's bill at a certain day, therein to be designated; and the said order shall be served on such absent defendant, if practicable, wherever found, or, where such personal service is not practicable, shall be published in such manner as the court shall direct. If such absent defendant does not appear, plead, answer, or demur within the time so limited or within some further time to be allowed by the court in its discretion, it shall be lawful for the court, upon proof of the service or publication of the said order, and of the performance of the directions contained therein, to entertain jurisdiction and proceed to the hearing and adjudication of such suit, in the same manner as if such absent defendant had been served with process within the said district. But the said adjudication shall, as regards such absent defendant without appearance, affect his property within such district only.

The next section I again read, as some Senators who now are present did not hear it read before:

SEC. 739. Except in the cases provided in the next three sections, no person shall be arrested in one district for trial in another, in any civil action before a circuit or district court; and, except in the said cases and the cases provided by the preceding section, no civil suit shall be brought before either of said courts against an inhabitant of the United States, by any original process, in any other district than that of which he is an inhabitant or in which he is found at the time of serving the writ.

Now, the object of one branch of the amendment is to enable the United States court, when the suit is brought in the name of the United States to suppress one of these combinations or trusts made up of citizens or corporations of different States, to bring them all into that suit, wherever they may happen to reside. I have no doubt it is within the constitutional power of Congress to do this, because I think the entire power to regulate the procedure is under the Constitution in Congress.

So much for that. I stated, although I did not get the attention of some, that I thought the only efficient remedy in this bill, if it shall become a law, is not in the penal clause introduced by the amendment of the Senator from Texas, but is in the merit of injunction.

As the law stands to-day that writ can not be made effective except where it is served within the jurisdiction of the court; it can have no effect whatever beyond the jurisdiction of the court; and so I have provided (which I think is also clearly within the constitutional power of Congress) that in addition to other remedial process the court shall have the power to issue its writ of injunction running anywhere and to be served anywhere within the United States. I would not agree to that in any ordinary case; I would not agree to it in controversies between citizens of different States; but it has seemed to me, as it was necessary to make this an efficient bill in view of the fact that we were dealing with a set of combinations of great power whose oppressions are criminal, that we ought to make these writs of injunction run throughout the country and to be served anywhere.

Now, Mr. President, I come to the suggestion made by the Senator from Massachusetts [Mr. HOAR]. The amendment provides—and of course the proposition to make the writ of injunction servable any-

where must carry with it, to make it forceful, the proposition to make the writ of attachment run anywhere—that the writ of attachment also for disobedience to the writ of injunction, it having been so served, may go anywhere within the United States. And it provides—I am not particular about this provision—that the court may, in addition to the imprisonment for contempt, direct the payment of a thousand dollars a day for every day after a date to be fixed in the order that the defendants or any one of the defendants shall neglect or refuse to obey the injunction.

I took that from the interstate-commerce law. I had doubt when that bill was under discussion, and the same doubt, I think, which the Senator from Massachusetts indicates now, not perhaps as to the legality of the provision, but as to its expediency. I never was absolutely certain that it was valid. It was drawn, I think, by the Senator from Vermont [Mr. EDMUNDS]. It provides, after giving power to restrain common carriers from continuing such violation or disobedience—

to restrain such common carrier from further continuing such violation or disobedience of such order or requirement of said commission, and enjoining obedience to the same; and in case of any disobedience of any such writ of injunction or other proper process, mandatory or otherwise, it shall be lawful for such court to issue writs of attachment, or any other process of said court incident or applicable to writs of injunction or other proper process, mandatory or otherwise, against such common carrier, and, if a corporation, against one or more of the directors, officers, or agents of the same, or against any owner, lessee, trustee, receiver, or other person failing to obey such writ of injunction or other proper process, mandatory or otherwise; and said court may, if it shall think fit, make an order directing such common carrier or other person so disobeying such writ of injunction or other proper process, mandatory or otherwise, to pay such sum of money not exceeding for each carrier or person in default the sum of \$500 for every day after a day to be named in the order that such carrier or other person shall fail to obey such injunction or other proper process, mandatory or otherwise; and such moneys shall be payable as the court shall direct, either to the party complaining, or into court to abide the ultimate decision of the court, or into the Treasury; and payment thereof may, without prejudice, etc.

Mr. HOAR. The Senator will pardon me. My attention was not called to that when that law passed as a particular item of the bill; but without going into any discussion as to whether that is valid or not, my question to the Senator was whether it would be valid, in his judgment, having fully exhausted the punishment by fine for contempt, then to make an additional penalty which should be in the nature of the case only something in the nature of a penalty, not for contempt, but for the offense against public order. If that be true, if that be the difference between that and the Senator's amendment, is it within the constitutional power of Congress, in authorizing the courts to punish for contempt, to provide that any offense against the law shall be reached by a judge imposing a fine, by way of penalty, trying him in a different district from the one in which he lives? In other words, what is the thousand dollars' fine for which the Senator provides? It is not a fine for contempt. You have got that in addition. Is it anything else than a penal punishment?

Mr. SPOONER. I think it can not fairly be regarded otherwise than an additional penalty. I am not strenuous about that feature of the amendment at all. It might be so amended as to make it in the disjunctive, so that the court might punish by fine or imprisonment, or by requiring payment of a sum of money for each day's disobedience.

Mr. HOAR. The Senator can remove my objection, which is a very narrow one in one sense, but at the same time it is a constitutional one.

Mr. SPOONER. I think there is force in the objection.

Mr. HOAR. I suggest that the Senator say "in addition to fine or imprisonment for contempt make an order punishing for contempt."

Mr. SPOONER. I am quite willing to accept that amendment. It seemed to me that there ought to be something more than an ordinary fine for contempt. These corporations and trusts, which make tremendous profits, can very well afford to pay such a fine; but I think that in such cases, just as in the operation of the interstate-commerce law, it would have an excellent deterrent effect if every day's indulgence in the luxury of disobeying the injunction of the court is made to be a costly one. I am quite willing to accept the amendment proposed by the Senator from Massachusetts.

Mr. GRAY. I should like to ask the Senator what is the amendment he accepts?

Mr. HOAR. I suggest to the Senator from Wisconsin where he says "in addition to the fine or imprisonment for contempt" to say "in addition to other lawful punishment for contempt make an order" directing so and so.

Mr. SPOONER. I accept the amendment.

Mr. HOAR. Let the amendment be read from the desk so that it may be understood by the Senate.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 8 of the amendment of the Senator from Wisconsin [Mr. SPOONER], on the second page, after the word "to," it is proposed to strike out the words "fine or imprisonment" and insert the words "lawful punishment;" so as to read:

And the court may, if it shall think fit, in addition to other lawful punishment for contempt, make an order directing any such defendant disobeying such order of injunction, etc.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Massachusetts to the amendment of the Senator from Wisconsin.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Wisconsin as amended.

Mr. GRAY. Before the amendment is adopted, I want to ask the Senator from Wisconsin another question, because, if there is to be a jurisdiction provided for in the courts that is to be effectual, it might as well be in the line indicated by the Senator.

The jurisdiction given in the first section, in the clause which the Senator from Wisconsin seeks to amend, is in "all suits of a civil nature at common law or in equity." That embraces the whole judicial power of the United States. Now, in all suits at common law, Article VII of the amendments to the Constitution of the United States provides:

In suits at common law, where the value in controversy shall exceed \$20, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

I ask the Senator from Wisconsin if his amendment goes to the extent of providing by way of execution of a judgment at common law that the court may issue this writ of injunction for which he provides.

Mr. SPOONER. My intention was that in any action in which it would be appropriate to issue the writ of injunction it might be issued.

Mr. GRAY. If the Senator will allow me, I will make my question a little broader. He knows very well that the Supreme Court of the United States has decided that in the conferring of jurisdiction by the Constitution of suits at common law and in equity where equity jurisdiction is obtained it must be according to the interpretation of that word in the law of England at the time of the adoption of the Constitution; that is, it must be the general equitable or chancery jurisdiction as known then by lawyers to exist in English jurisprudence, and in suits in equity in which juries are not required the process by injunction is appropriate and ancillary to the main process, and I know no reason why it should not be to the minor process; that is, the amendment would be appropriate. But does the Senator from Wisconsin undertake by his amendment to make the remedy by injunction as by way of execution appropriate to a common-law suit?

Mr. SPOONER. I did not intend to change the cases in which the writ of injunction is within the jurisdiction of the Federal court as a proper writ. I think the Federal courts sometimes in actions at law issue a writ of injunction. It is in those cases where the proceedings in the cause conform to the laws of the State in actions at law, and in many of the States it is provided as one of the remedies that the writ of injunction may issue. In an action of ejectment sometimes a writ of injunction is issued pending the determination of the cause. I did not intend by the amendment to work any revolution in the law on that subject as it now stands.

Mr. GRAY. Of course the Senator from Wisconsin did not intend to work any revolution, but in order that his amendment might accomplish what he really intends I wanted to bring his attention to the point I have suggested.

Mr. SPOONER. It was intended to have reference to what preceded: And the circuit court of the United States shall have original jurisdiction of all suits of a civil nature at common law or in equity arising under this section, and to issue all remedial process, orders, or writs proper and necessary to enforce its provisions.

I thought that left it where it is now, and my amendment was intended to have reference to that general language which preceded it; and I think, taking the section together, there can be no doubt as to that construction. In other words, I have not intended by the amendment, nor will it have that effect, to impart to or to ingraft upon an ordinary action at law commenced in a Federal court the remedy by injunction where, under the general jurisdiction of the country, it does not now exist.

Mr. GRAY. Inasmuch as the remedy by injunction and the power to issue injunction is a peculiar feature and power of an equitable court exercising equitable jurisdiction, I suggest to the Senator from Wisconsin that it might be well to confine the scope of his amendment to a suit so arising.

Mr. SPOONER. I have no objection to that, although I think it quite plain, taking the section as it will read, that the writ of injunction would under this amendment be only authorized to issue where under the law now it would be authorized to issue. This bill does confer upon the court the right in any action to issue a writ which it would not be at liberty in an action of the same nature to issue now, as I understand it, and the amendment, I think, would have no larger scope or effect.

Mr. STEWART. Mr. President, the original bill has been very much improved, and one of the great objections has been removed from it by the amendment offered by the Senator from Ohio [Mr. SHERMAN], which relieves the class of persons who would have been the first prosecuted under the original bill without the amendment. I am very much gratified that the Senator offered the amendment, and that the Senate adopted it, which reads as follows:

Provided, That this act shall not be construed to apply to any arrangements, agreements, or combinations between laborers made with the view of lessening the number of hours of their labor or of increasing their wages; nor to any arrangements, agreements, associations, or combinations among persons engaged in horticulture or agriculture, made with a view of enhancing the price of their own agricultural or horticultural products.

Those were the points to which I called the attention of the Senate yesterday. I am glad that much is granted, and I am glad of other additions which have been made. The bill ought now in some respects to be satisfactory to every person who is opposed to the oppression of labor and desires to see it properly rewarded.

I beg leave of the Senate, however, to call attention to the way, if this should become a law, in which everybody might be put in the penitentiary who attempted to carry on any kind of business, provided the bill becomes a law and can be enforced. The third section of the bill as amended provides that certain things which are enumerated in that section shall be high crimes and misdemeanors and punished by a fine—not exceeding \$10,000 or imprisonment at hard labor in the penitentiary not exceeding five years, or by both of said penalties, in the discretion of the court trying the same.

It then, in order to warn people so that they may not fall into the penitentiary inadvertently, defines what a trust is. The fourth section commences with the definition of a trust, as follows:

That a trust is a combination of capital, skill, or acts by two or more persons, firms, corporations, or associations of persons, or of any two or more of them, for either, any, or all of the following purposes:

First. To create or carry out any restrictions in trade.

Well, just what would be a restriction in trade it would be difficult to define, but we will not comment upon that particular provision now. It is vague, and a man might be liable under it without knowing exactly what he had done. The second provision reads:

Second. To limit or reduce the production or to increase or reduce the price of merchandise or commodities.

That would make pretty nearly everybody criminal. It says "to limit or reduce the production." That would apply to a case where, if in one line of industry there was overproduction and the volume of money was being rapidly contracted and those engaged in that industry were on the eve of bankruptcy and they should attempt to make an agreement to limit their production until they could bridge over the particular difficulties, they would all have to go to the penitentiary. The alternative would be the penitentiary or bankruptcy.

Then, "to increase or reduce the price of merchandise or commodities." If a person should make an invention which would have a tendency to reduce the price of any article he would, if he formed a combination to carry that invention into execution—if two or more persons united to push that invention (and that is the usual means by which inventions have been brought into use), all who united themselves together would certainly be engaged in an effort to reduce the price of a commodity or of the merchandise which the improved method would produce. So the inventors would all pretty much have to go to the penitentiary, because all useful inventions have a tendency to reduce the price of articles to the consumer; and if two or more of them unite together they are criminals. That, I think, would put a very great damper upon all enterprise if it were carried out according to the terms of this bill.

The third clause of the same section reads:

Third. To prevent competition in the manufacture, making, purchase, sale, or transportation of merchandise, produce, or commodities.

I suppose that trade-marks are a legitimate thing, and we have many laws on our statute-book protecting trade-marks so that one man shall not have the advantage of another in the use of his credit or standing as a business man or as an inventor. I thought a trade-mark was a right which parties could be protected in, so that they might have their goods distinguished from other people's goods. I know most of the States have criminal laws to protect trade-marks, so that each individual may have the benefit of his own enterprise and industry in the conduct of his business.

Mr. REAGAN. Will the Senator from Nevada allow me to make an explanation? I think his reasoning upon the subject is utterly wrong. The Senator will see that what gives the court jurisdiction is the third section. That fixes what is the offense. The fourth section simply enumerates certain things which being done are made, in pursuance of the first section, unlawful. If the Senator supposes that the paragraphs to which he refers are meant to give power to Congress to regulate and do these things independent of the first section, he will see that is not my purpose, for it would be confessedly what Congress can not do. But I will put it so that he will understand it by a transposition of the sentence:

"That all persons engaged in the creation of any trust, or as owner or part owner, agent, or manager of any trust engaged in any business carried on, first, with a foreign country; second, between the States; third, or between any State and the District of Columbia; fourth, or between any State or any Territory of the United States."

That is, as between foreign countries and States and Territories, using its powers for either of the purposes specified in the fourth section of this act. That is what the provision is. Now, look at the first paragraph: "Using its powers to create or carry out any restrictions in trade." That is, in dealing with the commerce between this country and others, or between the States and Territories, or the States and the District of Columbia; those who create restrictions in trade become subject to the penal clause. Then that clause operates. You have to read each one of these separate paragraphs, not that Congress may undertake to do these things independently of the first section, but it is one



of the definitions of the class of things that would come within the province and purview of the first section.

Mr. STEWART. I think I comprehend it. The business made unlawful, as I understand it, is business that is carried on with any foreign country, or between any of the States, or between a State and a Territory, or between a State and the District of Columbia. Any business of that kind that extends throughout the States is the business referred to. The trust defined in the fourth section is to be composed of "two or more persons, firms, corporations, or associations of persons." Any two or more persons engaged in the business of manufacturing any article vended in different States or in any foreign country who attempt to have an exclusive trade mark would have to go to the penitentiary, as I understand the bill.

We ought to know who is to go to the penitentiary, and whether a man would be liable to go to the penitentiary if he confines the products of his manufactures to his own State. I admit this bill would not apply if he did not send his goods out of the State; and some of the Eastern States are so small that they would have a very small custom if they were compelled to keep their goods within their own State. When the goods are sent into other States, of course they are liable to go to the penitentiary under this bill.

The next clause is:

Fourth. To fix a standard or figure whereby the price to the public shall be in any manner controlled or established of any article, commodity, merchandise, produce, or commerce intended for sale, use, or consumption.

If two or more persons fix the price at which they will sell any article they have got to go to the penitentiary. Well, I think they ought to. [Laughter.]

The next clause is:

Fifth. To create a monopoly in the making, manufacture, purchase, sale, or transportation of any merchandise, article, produce, or commodity.

If two or more persons combine to create a monopoly they are to go to the penitentiary. "Monopoly" is a very difficult word to define. It has several significations. Its legal signification is something created by law which gives a special privilege. Of course it can not apply when all the world can go into the manufacture. It is not then, legally speaking, a monopoly. Popularly speaking, where a man has accumulated a large amount of money and carries on a large business, he is called a monopolist. Whether this is to abolish all the laws of all the States which have organized corporations, and the patent laws of the United States, which create the greatest monopolies of the country, will be left for the courts to construe, and they will have some difficulty, I think, in doing it. Next:

Sixth. To make, or enter into, or execute, or carry out any contract, obligation, or agreement of any kind or description by which they shall bind or shall have bound themselves not to manufacture, sell, dispose of, or transport any article or commodity, or article of trade, use, merchandise, or consumption below a common standard figure, or by which they shall agree, in any manner, to keep the price of such article, commodity, or transportation at a fixed or graduated figure or by which they shall in any manner establish or settle the price of any article, commodity, or transportation between themselves, or between themselves and others, so as to preclude free and unrestricted competition among themselves and others in the sale and transportation of any such article or commodity, or by which they shall agree to pool, combine, or unite in any interest they may have in connection with the sale or transportation of any such article or commodity that its price may in any manner be so affected.

That would absolutely preclude the possibility of those engaged in any kind of business fixing any price upon their goods which they are going to sell in other States. If two or more persons or firms should agree not to dispose of their goods unless a certain price should be obtained, which goods were to be transported to another State, that would be criminal under this clause; and the multiplicity of crimes that business men would be likely to commit every day would be beyond conception if that were the law.

I think that as the bill now stands it will answer every purpose that anybody may desire in the embarrassment of trade and business.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment proposed by the Senator from Wisconsin [Mr. SPOONER]. The Chair would suggest that the Senator from Wisconsin desires to modify his amendment. The modification will be stated.

The SECRETARY. In line 12 of the amendment, after the word "within," strike out the words "the jurisdiction of;" so as to read: Running and to be served anywhere within the United States.

The PRESIDING OFFICER. The question is on the amendment as modified.

Mr. VEST. Mr. President, it is not my purpose to offer the slightest obstacle to the passage of this measure. I have expressed my doubts in regard to this bill, and have said all I propose to say as to its provisions, but I find in the RECORD of this morning a statement by the Senator from Texas [Mr. REAGAN] that I feel called upon to notice. I find this statement made by him which I did not hear, or I should have answered it at the time:

Mr. President, I am inclined to think, in view of the fact that but one member of the Committee on the Judiciary has given any expression that indicates a purpose to mature a law to repress the evil effects of trusts and to punish those engaged in them, that it is not best to refer these measures to that committee.

Now, there are but three members of the Judiciary Committee who

have spoken at all upon this question—the Senator from Mississippi [Mr. GEORGE], the Senator from Alabama [Mr. PUGH]—and he is entirely in accord with every portion of the bill—and myself; but, as only two of us criticised the bill, it is fair to assume, and I take it for granted, that the remarks of the Senator from Texas were intended for the Senator from Mississippi and myself.

Mr. President, the statement is unjust and it is not based upon the facts. I stated emphatically, and as distinctly as my power of language would permit, that for six months I had been endeavoring to find a measure which I thought would be effective as against this great evil of trusts, and which would at the same time stand the legal criticism to which it must eventually be subjected; and, if I were disposed to speak of my personal history in connection with this matter of trusts I could refer to the fact alluded to to-day by the Senator from Wisconsin [Mr. SPOONER], that for eighteen months I have been engaged in a conflict with one of the greatest of the trusts, the most destructive in the entire country, and have received more abuse on account of my attacking it than from any other act of my public life.

The Senator from Mississippi in the early part of the session introduced a bill looking to the destruction of these trusts, and in the Judiciary Committee more than two months ago I asked for the appointment of a subcommittee in order, if possible, to have my doubts solved as a lawyer in regard to the measures on this subject pending before the Senate and House of Representatives. I undertook to say the other day, as plainly as I could, that I was willing to go just as far as I considered my oath as a Senator to support the Constitution would permit me to go in the direction indicated by the Senator from Ohio.

I am not here as the special advocate of, nor do I feel myself called upon to defend, the Judiciary Committee from the assaults made by the Senator from North Carolina [Mr. VANCE]. I am, unfortunately, in the minority in that committee, and there are many measures reported by it which I do not approve of, but so far as this general question is concerned I can stand here with a clear conscience in regard to all I have done or said upon the subject.

Mr. President, we have had a remarkable winter. The warm breezes of summer have kissed the flowers during all the winter months, and we have now in public affairs a phenomenon equally as startling: a combination in loving embrace between the Senator from North Carolina [Mr. VANCE] and the Senator from Ohio [Mr. SHERMAN], while my venerable friend from Texas [Mr. REAGAN], in a patriarchal and benedictory mood, stands by and blesses the alliance, and says, "Love each other, my children, and be happy." Why, I remember a very few years ago, when the oleomargarine bill was before the Senate, the columbian eloquence of every Senator on this side of the Chamber—if I mistake not, including the Senator from North Carolina—was heard denouncing the use of the revenue power of the Government as a police power. The oleomargarine bill pretended to be a revenue bill, although it was an open secret that the Government needed no revenue, and it was simply intended as a police regulation.

But what have we here to-day? Here is a bill that upon its very face says, as it stands now before the Senate, that it proposed to use the revenue power for the undisguised purpose of effecting police purposes, in language so distinct and plain that a wayfaring man, although he could not read, would be able to understand it.

That for the purpose of preventing as far as may be the dealing in options and futures as herein defined special taxes are imposed.

No pretense that it is to collect revenue, no pretense that it is anything else but the bald, naked use of the revenue power of the Government for police regulation; and yet, sir, it will be supported with a unanimity utterly unparalleled in this Chamber.

For myself I shall say nothing more about the Constitution. I am prepared to join the procession. I heard once of a hunting party who went into camp and made an agreement that the first man who complained of any dish set before him at the camp table should cook for a week. One happened to kill an old and very tough crow, and, as he was acting as cook for the mess, he prepared it for the table, and every man swore it was the most delicious morsel that ever went into his mouth. The Farmers' Alliance are cooking now, and there is no dish that can be put on this Senatorial table which will not go down with a gusto that will astonish any gourmand from the restaurants of Paris.

Mr. President, I simply rise, not to make an argument, but to suggest that I should like before the debate closes to hear from the Senator from Ohio whether he believes the clauses now incorporated in this bill which propose to originate in the Senate of the United States a revenue measure are constitutional or not. This bill does not come from the House of Representatives. It has not even the poor excuse that it was originated in the House, and that we have struck out the whole and put in a substitute by way of amendment. This is an original bill to raise revenue, providing revenue, putting on a tax, and it performs the most remarkable act of legislative legerdemain ever known since the foundation of the world. It licenses an illegal combination which it denounces as opposed to the laws of the United States and all the States. In other words, we say to the option dealers, "You are a lot of criminals, thieves, and robbers, but if you will give us a thousand dollars we will let you go on robbing." I shall be obliged to the Senator from Ohio if he will explain what is his opinion of those clauses of

this bill, to say nothing about the feature which we have discussed before, that propose to levy taxes under the revenue power of the Government exercised by the Senate of the United States without any originating act upon the part of the House of Representatives.

Mr. REAGAN. Mr. President, it was certainly the furthest from my desire to do any wrong to any Senator by any statement I may have made. The Senator from Missouri [Mr. VEST] was in his place when I made the remark to which he has called attention this morning. I knew when I made that remark what the Senator had stated here upon the floor. I knew when I made that remark what the Senator from Mississippi [Mr. GEORGE] had said and done on that subject.

The idea which I intended to convey—perhaps I may not have been happy in the choice of the words I employed—was that but one member of the Judiciary Committee had expressed himself favorable to legislation on this subject, and that in the discussion the Senator from Missouri and the Senator from Mississippi had furnished us with many criticisms upon the propositions before the Senate. No doubt there was ground for a good deal of the criticism which they made; but it occurred to me that the criticisms were so general, so sweeping, as to cover everything which had been presented or could be presented to the Senate on this subject.

I called attention to the fact that the Senator from Mississippi said that he had been five years trying to formulate something on this subject and the Senator from Missouri has just told us that he has been five months trying to formulate something on this subject.

Now, Mr. President, is it true that the Constitution of the United States gives Congress no power over this subject? Will either of the distinguished Senators affirm that that is true? Are they not compelled to concede that we have certainly some power over the subject. If we have some power over the subject, has it taken that long for these Senators to discover that they can not find where that power exists nor how it is to be exercised?

Mr. President, I have made my share of criticism on the provisions of the bill, and I have had an ample amount of criticism on the portion which I have participated in making. However, I have not been hunting for criticisms and speculations that would defeat this bill or any bill with this object in view; but I have been trying to see if it were not possible for this Senate to mature a measure which would arrest and punish combinations and trusts that are robbing and plundering the people of this country. That is what I am hunting for.

I stated, when giving my consent to place my bill as an amendment to the bill of the Senator from Ohio, that while I doubted whether the provisions of that bill were sufficient, except so far as the general purpose of the first part of the first section was declared, I believed that the part which I added to it had actual virtue in it and would do good, and I felt under the circumstances that it was better to put it there, if possible, and get all we could of good in order to meet the great evils which the Senator from Missouri concedes, and which all other Senators here concede, and which are notorious to the country.

The Senator has alluded to the great cattle trust which he has been combating; he has seen and known of evils growing out of that; and the great sugar trust has been referred to, which the whole country feels the effects of; and so of the cotton-seed-oil trust, by which a combination has crushed the cotton-seed-oil manufacturers throughout the South and stopped the mills wherever it was to their interest to do so by paying interest upon the investment rather than let the establishments run in competition, and thus they fix the price of oil and cotton-seed as they please and by their monopoly they put down the price of cotton seed about one-third and put up the price of oil to whatever they please by a monopoly.

The people that I in part represent feel the effects of these trusts both in cattle and cotton-seed oil. They feel their effects in many other things. So I have felt and so I have tried, during this and the last Congress, by the best efforts I was able to make, to see if we could not devise a law that would arrest and prevent these trusts as far as the jurisdiction of Congress would go. I have said from the beginning, and I repeat again, that the power which we have over this question comes from the commerce clause of the Constitution. If it comes from any other source, I do not know where to trace it. I have limited the bill which I presented to an execution of the commerce power of the Constitution and to preventing the evils complained of as far as it seemed to me they might be prevented by Congress. It would be assuming a great deal for me to say that I know I have succeeded in doing it, but I say I believe I have presented a proposition to the Senate under which the owners and managers of trusts and persons connected with them may be indicted and convicted.

Mr. President, it is very easy for gentlemen to assume that everybody is wrong but themselves. I heard the Senator from Missouri upbraid the Senator from Ohio yesterday for his broad assumption of knowledge that others had not. I shall not retort upon the Senator from Missouri, but he should remember that there are others who have tried to read the Constitution as well as himself, who have tried to understand the Constitution as well as himself, who stand responsible upon their oaths of office to their God and to the people who sent them here to discharge their duties, and who, it is to be presumed, intend to conscientiously perform their duty. I intend to do so, whether it hap-

pens that I agree with the Senator from Missouri or not. I shall do what I can do in my view of the Constitution to arrest and punish these trusts, and if I err on either side I mean to err on the side of trying to do something rather than to err on the side of hypercritical criticisms which look, it seems to me, to the defeat of any possible proposition which may come before the Senate.

Mr. VEST. Mr. President, I have introduced no bill here upon this subject, although I have prepared one and propose to submit it for what it is worth at the time when the committee of which I am chairman makes its report. I have not stood here in this Senate and, because a pet measure of my own was not supported by other Senators, taunted them with a disposition to do nothing.

Mr. REAGAN. The Senator ought not to make that statement. I have done no such thing.

Mr. VEST. The Senator from Texas says that it looks to him very much as if those of us who are throwing obstacles in the way of this legislation are indulging in hypercriticism and attempting to do nothing. If his language did not mean that, then I can not hear and I can not interpret when I do hear.

I do not propose to interfere between the Senator from Texas and his Creator. That is a delicate relation. I have nothing whatever to do with his conscience. It is all I can do to keep my own quiet. I have nothing to do with his construction of the Constitution. I know that the Constitution has been the source of a great deal of contention, criticism, and debate. I am trying in my own feeble way to preserve my oath to support the Constitution as I can best do it.

The Senator speaks of the interstate-commerce clause of the Constitution. I agree with him as to that, but I confess at the beginning under the decisions of the Supreme Court of the United States the remedy that was in us to exercise under that clause of the Constitution was not at all commensurate with the enormous evils which we propose to remedy. That is the trouble. Because I am not able to say honestly that I believe these bills presented here are full and complete and in accordance with the Constitution, I am to be told that I am trying to do nothing, and we have here *par excellence* the friends of the people, who are struggling and worrying to preserve them, while some of us are sitting here spectators and worse than spectators, attempting to throw obstacles in the way of this gigantic reform!

Now, sir, I only claim that I am endeavoring to do my duty as I see it, and I do not interfere with anybody else's conscientious convictions upon that subject. If I am not able to see that these bills are in accordance with the Constitution, if I am not able to see that they will not stand the crucible of the criticism through which they must go in the Supreme Court of the United States, I do not propose to have it said to me that I am in the way of the judicial or legal ability of my colleagues. That is all, sir.

Mr. EUSTIS. Mr. President, I was not present yesterday when the amendments to this bill were adopted. In looking over the RECORD of the last sitting, and considering the amendments which have been adopted, I ask myself whether the Senate of the United States is seriously engaged in the attempt to impair or destroy what are known as trusts, or whether it is simply engaged in a sham battle, playing the rôle of Don Quixotes.

When this bill came up at the last session, I rose and asked the Senator from Ohio whether it was his intention by this bill to deal with existing trusts or future trusts; that is to say, we know that all the great trusts have been already formed, they could be easily enumerated, and their enumeration would include all the great products and industries known to our country. Strange to say, the Senator could not then state distinctly whether the bill referred to actually existing trusts—that is, trusts in esse, such as the sugar trust, the lead trust, and other trusts—or whether it applied to the shadowy and non-existent trusts to be formed in the future. Under the law which was then proposed and under this bill—for, of course, when the Congress of the United States enacts a penal statute it can only operate in the future—I take it that there will be very few trusts created in defiance of the law. Therefore, if the bill did not apply to the existing trusts, you would have a statute which did not reach any existing evil, and you would have a statute which would operate in the future, which would be entirely inoperative and nugatory.

I have the colloquy which took place between the Senator from Ohio and myself at that time, and I will read it:

Mr. EUSTIS. I would ask the Senator from Ohio whether this proposed law is to apply, as I understand it, only to future trusts, or whether he desires that it shall be applied to existing trusts? The reason I ask the question is this: A great many of these trusts are already in existence. That is the evil which, as I understand, is to be reached by this new legislation.

The Senator from Ohio replied to my question as follows:

Mr. SHERMAN. As far as I can perceive I think that the continuing agreement, arrangement, combination, etc., such as described in the first section will become illegal on the passage of this act, and not before. Our laws can not be made retroactive.

Then I offered the following amendment in order to reach existing trusts:

SEC. —. That any person who, ninety days after the passage of this law, shall act as a manager, officer, trustee, or agent of any arrangement, contract, agreement, trust, or combination as described in the first section, shall be liable to the penalties prescribed in the fourth section.



The language of the bill which we are discussing is the same as the language which is used in the bill that I criticize; that is to say:

That all arrangements and contracts made with a view or which tend to prevent full and free competition, etc.

So that if the Senate of the United States had adopted my amendment, which provided a penalty and which struck at existing trusts, the effect of the legislation under my amendment would have been to destroy the existing trusts. Yet, in the face of that, we have a bill reported by the Senator from Ohio, which, under his own interpretation at the last session, does not in the remotest degree affect any existing trust.

Mr. GRAY. Will the Senator allow me?

Mr. EUSTIS. Certainly.

Mr. GRAY. I should like to ask the Senator from Louisiana on this point what construction he puts upon section 3 of the bill in regard to its efficiency.

Mr. SHERMAN. Will the Senator from Louisiana be kind enough to read again the words he quotes as to my declaration? I do not remember to have made a declaration as broad as that. If I did it could not have any weight.

Mr. EUSTIS. The Senator from Ohio, in answer to the question which I propounded whether this proposed law was to apply to future trusts or whether he desires that it should be applied to existing trusts, said:

Mr. SHERMAN. As far as I can perceive, I think that the continuing agreement, arrangement, combination, etc., such as described in the first section will become illegal on the passage of this act, and not before. Our laws can not be made retroactive. But I do not see myself any objection to making the continuance of a combination like this after proper days' notice an offense. I think, however, thirty days' notice is too short, because a law of this kind ought to have a broad circulation before it becomes operative.

Mr. SHERMAN. I think it does apply to existing trusts where they continue to do the acts complained of after the passage of the law.

Mr. EUSTIS. They are simply declared null and void. Now, the proposition of the Senator from Texas [Mr. REAGAN] is that all persons engaged in the creation of any trust commit a misdemeanor. Of course, that only applies to the future.

Mr. REAGAN. I hope the Senator will not stop reading there.

Mr. EUSTIS. I will read the whole of it:

That all persons engaged in the creation of any trust—

Mr. REAGAN. It goes on:

or as owner or part owner, agent, or manager of any trust.

Mr. EUSTIS. Yes, "employed." Does not that refer to the creation, I ask the Senator from Texas?

That all persons engaged in the creation of any trust, or as owner or part owner, agent, or manager of any trust employed in any business carried on with any foreign country.

Does the Senator construe that to apply immediately after the passage of this act?

Mr. REAGAN. That is the way I understand it.

Mr. EUSTIS. Immediately after the passage of this act?

Mr. REAGAN. It commences to take trusts as they are and make them unlawful.

Mr. EUSTIS. But immediately after the passage of this act?

Mr. REAGAN. It can not operate until after its passage.

Mr. EUSTIS. Of course; I understand that.

Mr. REAGAN. And at common law they are unlawful already.

Mr. EUSTIS. Then do I understand the Senator's amendment to mean that the manager or agent of any trust company existing at the time of the passage of this act commits a misdemeanor the day after its passage?

Mr. REAGAN. Yes, sir.

Mr. EUSTIS. I ask the Senator whether he does not think that is too harsh, and whether it would not be better to provide that the act shall not take effect for ninety days?

Mr. REAGAN. I have no objection, if it is thought best, to give them reasonable notice. I would accept an amendment, if it is thought advisable to do so, which would give notice and give time for people to abandon these combinations, though they are not entitled to much mercy.

Mr. BUTLER (to Mr. REAGAN). The Reporter can not hear you.

Mr. REAGAN. These combinations have robbed the people without mercy themselves, and they are doing about what is unlawful at common law. I do not know; I think probably I shall not accept the amendment suggested.

I was notified that I could not be heard by the Reporters. I want to say in their presence and to the Senate that I shall not hereafter hold myself responsible, and I hope nobody else will hold me responsible, for the reports of my remarks in our debates here. I find that in what I said yesterday what I thought was very emphatic and very clear, and in close hearing of the Reporters, some of it was so reported that I do not know how to revise it.

Mr. EUSTIS. If the provisions of the bill, beginning at the first section, apply to existing trusts, and if the penal provision applies to the managers or agents of an existing trust immediately after the passage of the law—

Mr. HOAR. It also, I will suggest to the Senator from Louisiana, includes the owner of stock in a corporation so employed.

Mr. EUSTIS. It is to cover the case of existing trusts; and I am perfectly willing to strain a point to vote for such a bill as that. I have had some very serious difficulty in reaching that conclusion, but very able lawyers think that it is constitutional, and I am willing to acquiesce in their judgment so far; but I can not vote for this measure for the reason that upon many propositions I have no sort of doubt whatever as to its unconstitutionality. I refer to contracts in what are known as "futures." I should like to know what the Congress of the United States has to do with the Cotton Exchange, for instance, in New Orleans dealing in futures. I notice that nearly all the articles which are referred to with regard to future contracts are things that people consume: wheat, corn, oats, rye, barley; but the authors of the measure have included cotton. If we are going to include cotton why do we not include steel rails? People are as liable to eat steel rails as they are to eat cotton.

Why do we not include lead or salt? Why do we not include everything? Why do we not include manufactured cotton goods, a subject with reference to which there are very large operations in futures in Boston and in New York, Philadelphia, and elsewhere? If the broad proposition be that Congress should declare its policy upon the question of gambling, of which I confess I know very little; if the States have become so debilitated and emasculated and if the people of the States have become so demoralized that we are to surrender the whole question of police, of policy, and of public morality to the Congress of the United States, for one it will not be done by my vote.

Where are we going to stop? If the State of Louisiana, for its own interest and from its own motives, owing no apology to any other State or to the Government of the United States, chooses to legalize contracts in futures with reference to cotton, by which a large and most respectable portion of our population make a living, which many and many a time have enabled the planter to get a much higher price for his product than he would get in the absence of a cotton exchange, when the planter many and many a time has been able to protect himself against flood and unfavorable seasons by making a future contract in cotton—if the State of Louisiana chooses to consider that a perfectly proper and legitimate business, a business that should exist and should be sustained by the State, from which the State derives a revenue, and legalizes that business, where is the authority of Congress to step in and tell the State of Louisiana or any other State that those contracts are illegal and immoral and shall be suppressed by the power of Congressional legislation?

Mr. President, I am not surprised that a Republican Senator should have introduced such an amendment as this. I am not surprised that it should receive votes from Republican Senators, who believe that what they call nationality has been substituted for the Constitution of the United States, who believe that we have nothing in fact but a parliamentary government whose powers are supreme and indisputable, a government of the majority which can control the minority, that there are no balances, no adjustments, no limitations in our system of government; but it would be amazing to me to find that a Democratic Senator should vote for it, who believes that the police powers, ever since the foundation of this Government, belong exclusively to the State; that each State government is responsible to the people inhabiting that State for the exercise of that police power; and that whenever the Congress of the United States undertakes to regulate that State power, that police power, in defiance of the sovereign will of the State, then you attempt the grossest usurpation that has ever been attempted in the history of our Government. Then it will be that the people will be ready to lay down their liberties and their rights on the footstool that you create by your legislation, and surrender every principle of local and self government. It will then be that our Federal Government will become not only central, but overshadowing. It will be the only voice that can speak to the people of the United States. To this source alone will they look for their rights and for their liberties, if any they have left. Strike down once the police power of the State, which is the supreme attribute of its sovereignty, invade that sacred domain by this bill, declare what is immoral, what is illegal, what is proper, what is reprehensible with reference to a purely domestic, local, and State question, and then you will have statehood stand as nothing but a mockery and a sham, an emblem of what was great in the past, but has disappeared for the future.

Mr. VANCE. Mr. President, I simply rise to say that in charging an alliance between myself and the Senator from Ohio [Mr. SHERMAN] I think the Senator from Missouri [Mr. VEST] did not act in a christian spirit. We are told, sir, that there should be more rejoicing over one sinner that repenteth than over ninety and nine just persons, like the Senator from Missouri and myself, who need no repentance. [Laughter.] As the Senator from Missouri and the Senator from Ohio had just dissolved a very successful alliance for defeating the proposition to extend aid to educate the poor, illiterate children of the South, it seemed to me that the Senator from Missouri ought to have congratulated the Senator and myself that we had come together at last on a platform attempting to do something for the good of the people.

I do not suppose that there is a stump in the United States of America which ever contained an orator on either side, of any shade of political opinion, even including that neuter gender called a Mugwump, but has

made the circumambient atmosphere resound with denunciations of trusts and combinations. We put it in our platforms; we put it on the headlines of our campaign papers and circulating campaign documents; we talk at the fire-side and everywhere in denunciation of trusts and combinations.

We are all the friends of the people. We are all enemies to these illegal combinations of capital which devour the substance of the people and grind the faces of the poor. But when it comes to putting that friendship to the test we find that every proposition which human Senatorial ingenuity can suggest bristles with legal and constitutional objections. "We are your friend, farmer; we are your friend, little fish who are being swallowed up by the big ones; would to God we could help you, but we can not."

Now, Mr. President, my profession of regard for the people and their interests, as contradistinguished from those of the combinations of capital in this country, is a sincere one, and those expressions have characterized me ever since I was in political life. So far as my recollection extends, there is not a single vote that I have ever given in this or other legislative bodies which was not as I believed in the interests of the people.

It may be, sir, that these constitutional objections are valid, but at all events there is certainly ingenuity and legal learning enough in this body to devise some measure to correct these evils of which every one complains, these trusts that have even extended to the bagging that envelops the cotton of the planter in the South, to the plow with which the Western and Southern farmers stir the soil. There is scarcely any article of prime necessity in this country as to which the people do not complain that its price has been enhanced by these combinations.

Now, we ought either to do something or we ought to say to the people "It is not worth while to talk about the subject; the Constitution of the United States gives no power whatsoever to Congress to redress these evils, and you must look to the States alone." As honest men we must tell them that, if it be the truth, and let them endeavor to find redress in their State Legislatures.

For one, sir, I am willing to make an effort to do something. So far as the amendment which was proposed by the Senator from Kansas [Mr. INGALLS], which has been adopted and has now become a part of the bill, is concerned, I did not vote for it. I was not in the Chamber when it was adopted. It was agreed to without a yea-and-nay vote, in the confusion which was in the Senate yesterday in regard to the various amendments and propositions submitted upon the bill. I acknowledge that is an unconstitutional amendment. I believe it to be so, so far as a layman has any right to express a constitutional view.

Mr. GEORGE. Which amendment is that?

Mr. VANCE. The amendment of the Senator from Kansas [Mr. INGALLS], which is undoubtedly a revenue bill, and such a bill can not under the Constitution originate in this body. I admit that. I expect to vote to strike it out of the bill, but should it be adopted I believe that I shall still continue in support of the bill, believing that the courts can decide that portion of the law as it will then be, unconstitutional, without interfering with or disturbing the remainder, for it is not at all dependent upon the remainder of the bill, nor is the remainder of the bill dependent upon it.

I am determined, so far as it is in my power, to do something to repress the operation of these trusts and combinations, and having done my endeavor so far as I am able to do it, then the results rest not with me. I make no imputations upon other Senators. If I ever have done it, I have not been correct in doing so, because it is not the thing to do here. We are all responsible to our own consciences for our actions and for our views of the Constitution. But I say that it is our duty either to do something to repress these trusts and combinations or stop talking to the people about them. So far as the imputation is made that my action or that of any other Senator is influenced by the Farmers' Alliance, I say that the demagoguery of the whole proposition consists in continuing to talk to the people as though we could do something when we know that we can not do anything.

Mr. GEORGE. Will the Senator allow me to ask a question?

Mr. VANCE. Certainly.

Mr. GEORGE. Does the Senator know any gentleman on this side of the Chamber who denies that Congress has the constitutional power to do something?

Mr. VANCE. Yes.

Mr. GEORGE. Who is it?

Mr. VANCE. I am one of the Senators myself who believe that Congress can do something to remedy these evils.

Mr. GEORGE. Who denies that Congress can do something, I ask?

Mr. VANCE. Oh, I did not understand the question. I do not deny it, but it so happens that every proposition ever made so far meets with a constitutional objection.

Mr. GEORGE. Now, I will ask the Senator another question, if he will allow me.

Mr. VANCE. Certainly.

Mr. GEORGE. Does he not believe that the great mother of these trusts lies in a protective tariff?

Mr. VANCE. I do.

Mr. GEORGE. Then if the duty were taken off the articles which

are manufactured by the trusts, would not that be a constitutional remedy?

Mr. VANCE. It would, so far as those performances are concerned which are enacted behind the wall of the protective tariff; but there are others which are not behind that wall, and I want to strike at them all, every one of them. As a matter of course, the great bulk of the articles the purchase price of which is enhanced by combinations are protected by the tariff law which excludes the competition of foreign articles, and it would break down their combination if those articles were admitted freely into this country or upon the payment of a reasonable duty. There is no doubt about that; but there are many other articles which would be unaffected by any action we might take in regard to the tariff, and for that reason I am in favor of doing what is before us to be done, rather than waiting for the trusts to be broken down by a reduction of tariff duties.

The Senator from Mississippi knows as well as I do and as well as any other Senator that there is no earthly prospect of reducing tariff duties for the purpose of suppressing trusts. Yesterday, upon the vote on the amendment of the Senator from Texas [Mr. COKE], which authorized the President of the United States to suspend the tariff duties whenever he may be satisfied that trusts are formed under their protection, the Senator saw at once how promptly every Senator on the other side rallied to the rescue of the tariff.

Mr. GEORGE. Including the Senator from Texas [Mr. REAGAN], who voted against the amendment offered by his colleague.

Mr. REAGAN. What is that?

Mr. GEORGE. The Senator from North Carolina, in alluding to the vote yesterday upon the amendment offered by the Senator from Texas [Mr. COKE], which struck down tariff duties when they were fostering these trusts, said that every Senator on the other side of the Chamber very promptly voted against it. I called his attention to the fact—I thought it was a fact, and, if it is not, the Senator from Texas [Mr. REAGAN] can correct me—that the Senator from Texas [Mr. REAGAN] voted with the other side on that proposition.

Mr. REAGAN. I voted against the adoption of my colleague's amendment as a substitute for the entire bill. I understand that the provision which the Senator from Mississippi and the Senator from North Carolina refer to is in that substitute, but it had not been mentioned in the debate, and I doubt if many members knew it was there. I did not vote against it on that ground, but for the reason that I had a better provision to substitute for it, in my judgment, than that was, because I relied on the commerce clause of the Constitution for my authority and because that relied for its constitutional authority upon an act of a State Legislature to create Federal jurisdiction, and I did not choose to vote for a substitute which I did not believe derived its power from the right source to supplant another which I did believe was derived from the right source. I hope the Senator from Mississippi will not set me down as a high-tariff man because of that vote.

Mr. GEORGE. Oh, no. I only made that suggestion to relieve my friends on the other side of the Chamber from the charge made against them by the Senator from North Carolina. If the excuse given by the Senator from Texas is good for him, it is good for the Senators on the other side; that is all.

Mr. REAGAN. If the Senator from Mississippi thinks he can deter me from the discharge of my duty according to my convictions by telling me that I am voting with the wrong side, he misapprehends the man. When I believe I am right, if I stood alone in front of all the world I would do it. If I believe I am right, I care not what party it takes me to, I will go with it. So the Senator need not think that he can twit me by saying that I have been voting with the Republican side of the Chamber. Let him assume to champion a measure which I have said in my judgment had no authority under the Constitution to defeat one which rested upon the commerce clause of the Constitution. That is where I stood.

It is immaterial to me what side I stand on in standing for what I believe to be my duty, and the Senator will not intimidate me from the discharge of duty by any statement that I vote with the opposite side.

Mr. GEORGE. Mr. President—

The VICE-PRESIDENT. The Senator from North Carolina [Mr. VANCE] has the floor.

Mr. GEORGE. I beg leave to say a word.

Mr. VANCE. I yield once more.

Mr. GEORGE. I think I ought to answer the charge of attempted intimidation. I can assure my distinguished friend from Texas that I meant no harm; that I did not intend to intimidate him or to deter him. The Senator from North Carolina in his speech assailed my friends on the other side (whom I assail sometimes, but I do not like to see them assailed unjustly) upon the ground that they had voted against a proposition to suspend the operations of the tariff as a means of suppressing trusts. His condemnation was directed entirely to our friends upon the other side, and I merely called his attention to the fact that he was unjust in confining his denunciation to the other side; that in that vote was included the distinguished Senator from Texas [Mr. REAGAN], who is *par excellence* a Democrat and a friend of the people.

Mr. REAGAN. Will the Senator from North Carolina allow me a moment?



Mr. VANCE. If I can get permission I will take my seat, for I am about through, anyhow.

Mr. REAGAN. I want to say just one word.

Mr. VANCE. I now yield the floor for all intents and purposes.

The VICE-PRESIDENT. The Senator from Texas will proceed.

Mr. REAGAN. I do not want to take the Senator off the floor.

Mr. VANCE. I was about done. Go ahead.

Mr. REAGAN. I would not do injustice to the motives of the Senator from Mississippi, but the Senator took occasion a few days ago, when I had no opportunity to reply, to call attention to my inconsistency about something. If I had had occasion to reply then, I should have said that a Senator who could make as able a constitutional argument as he could make for a strict construction of the Constitution and then vote for the Blair bill ought to understand the full force of the word "inconsistency."

Mr. GEORGE. Well, Mr. President, I do not care to quarrel with my friend because he could not see in the Constitution of the United States the power to give money from an overflowing Treasury to educate the poor people of this country who had lost their property by the results of the war. I acquit him of anything wrong on that subject. My constitutional views have been expressed here, and if the Senator does not like them, either upon this subject or upon any other, he has the liberty which every American citizen has to try to show that I am wrong.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Wisconsin [Mr. SPOONER], which has been read.

Mr. PUGH. Mr. President, I desire to say that there seems to be a very great misconception of the character of the amendment of the Senator from Kansas [Mr. INGALLS]. I think myself that that amendment is not germane to the subject of the bill introduced by the Senator from Ohio [Mr. SHERMAN], and I believe it is totally out of place and ought never to have been connected at all with the bill for the suppression of trusts and combinations. The amendment of the Senator from Kansas, it seems to be understood by my friend from Louisiana [Mr. EUSTIS], operates against dealing in futures by cotton exchanges in the South. There is nothing whatever in the bill that prevents a cotton exchange, or any farmer, any cotton-owner, in the South or anywhere else, from selling his cotton to be delivered at any time in the future. It only aims at dealing in these commodities when they are not owned, and when it is a part of the contract of sale that they are not to be delivered. I understand that to be the express provision of the bill.

Mr. EUSTIS. Will the Senator allow me to ask him a question?

Mr. PUGH. Certainly.

Mr. EUSTIS. Does not the amendment aim to prevent what is known as dealing in futures?

Mr. PUGH. In the way specified in the bill—that is, by making contracts to deliver commodities not owned by the parties to the contract at the time and never intended to be delivered.

I will state further that, as a lawyer engaged in the trial of a case involving the character of this business, I examined the best-informed men in the city of New York upon that subject, and every one of the witnesses testified that in that system established in New York by which they dealt in futures there was not a single transaction in which any party to it would say it was no part of the agreement that there was not to be an actual delivery of the commodity. Every one of them will testify to-day, I have no doubt, as they have done in the past within my knowledge, every member of these cotton exchanges, every man who is engaged in this business of selling for future delivery, will swear that it is no part of the contract between the parties that there is not to be a delivery of the article sold for future delivery.

I say that under this bill there will be no license issued to any man who wants to engage in the business as it is going on to-day in the country, and I look upon the amendment as being utterly useless and harmless in its operation. I state these facts from personal knowledge and from the express provisions of the bill.

Mr. EUSTIS. Mr. President, I desire to correct my friend from Alabama. What is known as a contract in futures is this: A person buys or sells a thousand bales of cotton deliverable at a fixed date. There is nothing whatsoever in the contract to show whether he intends to deliver the thousand bales or not. When the contract matures he can do one of two things, at his option: He can either deliver actually the thousand bales of cotton according to the grade called for by the contract, and the seller is bound to receive the thousand bales of cotton, or he can pay the difference in the market between the time that the contract was made and the time of the delivery. That is the way the business is conducted in New Orleans; that is the way the business is conducted in Liverpool. Not quite a year ago there was a man by the name of Steiner, who made a corner in cotton at Liverpool, and every ship that he could get all over the world was loaded with cotton by those people who had made contracts in order to tender him the actual cotton, which they did, and that prevented him from reaping the enormous profit which he otherwise would have secured.

There is no question whatever that in New Orleans and in Liverpool, and I take it in New York, and Mobile, and Memphis, and every other city they have only one system of business, and that regulated by what

is known as the National Exchange, composed of all these cotton exchanges in the various cities, and that is one of their rules. I know that is the way they conduct their business; there is nothing in the contract to show what the intention of the parties is except that it is understood generally that they will settle the difference when the contract matures; but if a man chooses to go and sell one hundred thousand bales of cotton and tender them to the purchaser he has the right to do that, and the purchaser is obliged to take them under what is known as a future contract. That is the business that is conducted in New Orleans.

Mr. PUGH. Mr. President, I understood the Senator to state that this bill prevented cotton-growers in the South from selling their cotton for future delivery. I deny that that can be the effect of the bill. In the next place, I would ask that Senator what there is in the bill which would prevent the Cotton Exchange in New Orleans from selling to a manufacturer at Lowell a thousand bales of cotton for delivery, selling them in the spring or summer for delivery to a manufacturer in Lowell? What is there in the bill to prevent that transaction?

Then again, if it is no part of the contract, as he admits, that this commodity, whatever it may be, provisions, food, or cotton, is not to be delivered at the time when the contract is to be performed by delivery, what is there in the bill to prevent the parties from arranging to settle upon the actual value of the cotton in the market at the time of the delivery and accepting the money in the place of cotton? What is there in the bill to prevent a man from selling 10,000 bushels of wheat for future delivery, and at the time when the contract requires the actual delivery, can not the parties under that contract agree upon the value of the wheat and settle the difference? I do not see anything whatever in the bill to prevent that transaction, to prevent dealings of that character.

Mr. BUTLER. Mr. President, I have no desire whatever to enter into this debate at this stage of it, but I think my friend from Alabama has clearly overlooked the whole object and purport of the bill. If I understand the text, the first thing that a man must do before he can carry out the agreement to which the Senator refers, he must pay a tax under the internal-revenue system.

Mr. PUGH. There is no tax necessary to enable parties, any number of them, members of the Cotton Exchange or producers, to deal in these commodities when they are to be actually delivered. There is the bill to speak for itself.

Mr. BUTLER. Then I have misunderstood the entire purport of it; that is very certain.

Mr. PUGH. I call on the author of the bill, the Senator from Kansas [Mr. INGALLS], to know if I am not correct in my construction.

Mr. INGALLS. Mr. President, the statement of the Senator from Alabama who sits farthest from me [Mr. PUGH] correctly indicates the purpose of the amendment which I had the honor to submit and which has been adopted by a practically unanimous vote of the Senate. It is not intended in any manner whatever to interfere with the bargain, purchase, sale, or exchange of any product of which the parties may be possessed, or of which they may be the producers, or which they intend actually to deliver, provided they are the owners of it. It is directed against that gigantic modern invention known as dealing in futures, conspiracies artificially to raise the prices of products, to change the value of products, to create artificial scarcity of products, to juggle with values irrespective of ownership by processes that are just as nefarious and just as reprehensible as those of the poker-table or the faro-bank, in which there is no pretense of ownership, in which there is often an agreement to sell ten or fifty times more than the annual product of what is offered in the market, the sole purpose being to enable those "who neither toil nor spin," but who are clad in purple and fare sumptuously every day, to settle up on the 1st day of October, or the 1st day of November, if it may be, the difference between the price that they had bet a certain product would bear on that date and the price at which the producer is compelled to sell it on that day.

If my amendment is susceptible of any other interpretation than that, if it can be tortured by any ingenuity into any other effect and operation than that, it is not what I intended; it is not what the Senate believed it to be when they voted for it; and all the ingenuity, all the casuistry, all the hair-splitting of those who for one reason or another are opposed to it, can not deceive anybody who does not desire to be deluded. There is not in this country, from the Atlantic to the Pacific, a man so humble or so obscure outside of this Chamber who does not know exactly against what practice this amendment is directed. It is reserved for these great doctors of finance, these learned pundits who stand here, by one means and another to interfere between the law-making power and the rights of the people, to declare that there is something mysterious, something that is vague and undetermined about this amendment of mine.

I must complain, Mr. President, among other things, that the Senator from New Hampshire [Mr. BLAIR], like Mrs. Malaprop in the celebrated comedy of Sheridan, cast aspersions upon my parts of speech, and declared that the orthography, or the orthoepy, or the syntax, or the prosody of the amendment might possibly be improved. In exculpation I have to say that it was drawn and prepared by an eminent member of the House of Representatives. It seemed to me to carry

out more clearly and more accurately and more thoroughly than anything I had seen the purposes I had in view, and I offered it as an amendment to the pending bill. At every stage of the proceeding it has been met by the interposition of some question of order; some question of etiquette, that it ought to have proceeded from some other committee; some question of the Constitution, that it infringed the great reserved rights of the States; some question of locality, that it ought to have appeared in some other place in the bill.

Like those who were bidden in the Scriptures to attend the wedding feast, those who are invited to vote for this amendment, which they all admit is directed against a pernicious, nefarious, and most reprehensible practice, with one consent begin to make excuses. The Senator from Louisiana [Mr. EUSTIS] and others question the sincerity, question the good faith, question the intelligence of those who offer and adhere to this amendment. The Senator from Louisiana desires to know if this is a sham battle. Another Senator rises and inquires if those who support this amendment are not playing the part of Don Quixote and fighting a windmill. Still another rises and intimates that this is being done at the dictation of the Farmers' Alliance, as if "the isle" had been frightened "from her propriety," and that we were trembling in a state of trepidation in this endeavor to do a great act of justice.

Mr. President, the people of the United States have a reasonable degree of respect for the Constitution, but they are not afraid of it. A constitution is a growth, and not a manufacture, and the Constitution of 1890, by reason of the operation of the will of the people who made it, is a vastly different instrument from the Constitution of 1789. Its authors would not know it. They made it for specific purposes, not for the object of enabling country lawyers to devise definitions, not for the purpose of interposing obstacles and barriers to the will of the people.

Let us refresh our recollection for an instant to see what the Constitution was made for—not by the States, either.

We the people of the United States—

And for what?—

In order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Therefore, Mr. President, we are instructed what the purpose and object of "the people of the United States" was in the formation of the Constitution under which we live and which is perpetually invoked by the narrow and rigid and illiberal constructionists to interpose an insuperable barrier against every effort to better the condition of the people. Sir, the people of the United States do not regard the Constitution with superstition or awe. They know that there are some things more venerable than charters, more sacred than constitutions, and those are the rights and the privileges which charters and constitutions were ordained to establish and to maintain. At every stage of national growth and progress we have been met by the interposition of these minute and insectivorous propositions that the Constitution was a barrier against the determined and resolute will of the people, and we are taunted with bad faith, with false chivalry, with fighting sham battles when we attempt here to carry into effect a provision which I shall show before I get through with my statement is entirely within the limits and purview of the Constitution itself.

Mr. President, I can not conceive of anything that is more humorous, more grotesque, more qualified and competent to make the sides of the nation shake with derisive laughter, than for the Senator from Louisiana, and the Senator from Mississippi, and the Senator from Missouri, and their associates, to rise with terror upon every occasion and plead the Constitution with a simulation of terror as if the minutest abrasion of that sacred instrument would, as we are told at the death of Kosciuszko, make "freedom shriek." If I recollect aright, those gentlemen spent a considerable portion of time in endeavoring to destroy the Constitution. What is the secret of this new-found reverence for the Constitution? Did they bear it away in the ark of the covenant for four years and then bring it back to us as its chosen guardians, and be permitted in that same instant to taunt those who endeavor to carry out the ideas of national growth and progress with being the violators of the Constitution? There is a constant pleading of the oath that was taken to support the Constitution, as if those who differed with them in their interpretation of the Constitution were perjured and oblivious of their moral obligations.

It seems to me it will be a little more becoming for those men who are scourging us, who hold us up to public castigation, if they possess the modesty of opinion to recollect that their views of the Constitution have not been maintained by the people of this country. There has been no step in the national progress in the last thirty-five years against which the Senator from Louisiana and the Senator from Mississippi and the Senator from Missouri have not arisen and declared that it was against the Constitution. I recollect there was a great demonstration that there was no power in the Constitution to coerce a State which saw fit to go out of the Union. But we found it, Mr. President; we found it somewhere in its latent recesses, "public welfare," "blessings of liberty," wherever it might be, we found it. We were told that

the abolition of slavery was without warrant in the Constitution, but we found it, and when it could not be found in the letter it was amended by the sword. It is a fair warning to those who attempt to insist upon verbal and lingual interpretations against the will of the people, that whenever the elasticity, the capacity to carry out the wishes and the will of the people is not sufficient there will always be found a way to amend it.

So we were told when reconstruction came that there was no constitutional power to reconstruct the rebellious States. We were told there was no power in the Constitution to make a paper a legal tender. We were told, by the same men who are now declaiming against this bill and against those who support it as being pretenders and insincere and uncandid, that there was no power under the Constitution to make legal tender out of paper; and later on that there was no constitutional power to resume specie payments.

The other day, when there was a little resolution offered here to inquire into some violation of law in Mississippi, the whole organization rose up and said, "It is a violation of the Constitution. You have a right to go to England, to Germany, to Austria, to Spain, wherever the rights of an American citizen have been assailed, but there is no power in the Constitution to take care of the rights of an American citizen that have been assailed and overthrown in Mississippi." And later than that, upon a little petty question of convenience here in the Senate, when there was an order proposed for the election of a President *pro tempore* who should hold during the pleasure of the Senate, up rose the guardians of the Constitution and said there was no power to elect a President of this body except in the absence of the Vice-President.

I commend, Mr. President, to these construers of the Constitution the contemplation of the results of their criticisms for the last thirty years, and suggest whether it is not barely possible that they may be mistaken in invoking against this effort to relieve the people, for whom the Constitution was made, of one of the great, monstrous, crying evils of any century.

The Senator from North Carolina, prematurely, I think, the Senator from Alabama, improvidently, I think, said that the amendment proposed by me was outside the limits and purview of the Constitution in this, that it was a violation of the privilege and prerogative of the House of Representatives. To the two operating clauses of the Constitution I will call the attention of the Senate. Article I, section 7, says:

All bills for raising revenue shall originate in the House of Representatives.

That is plain; that is explicit; that is unmistakable. If this is a bill for raising revenue, I admit that it is improperly introduced into this body.

Section 8 says:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises—

For what?

to pay the debts and provide for the common defense and general welfare of the United States.

I go further and I admit that if this measure which proposes to lay a tax is a bill for raising revenue then it is not properly in this body. I accept logically all the consequences of those declarations. There is the major premise; there is the minor premise; there is the conclusion. It is a syllogism. Bills for raising revenue must originate in the House of Representatives; this is a bill for raising revenue; therefore it can not properly originate in the Senate. But are the power to tax and the raising of revenue the same thing? Are they identical under the Constitution? Under section 8 is the exercise of the power to tax for the purpose of paying debts, providing for the common defense and general welfare of the United States, a bill for raising revenue? I deny it. I affirm that this is in no sense whatever a bill for raising revenue. It is not intended as a bill for raising revenue any more than the bill for the taxation of oleomargarine was intended for raising revenue. Everybody who voted for that bill or against it knew that it was not a bill for raising revenue. It was a bill that was introduced and passed for the purpose of suppressing the production of an article that was believed to be injurious to the general welfare of the United States, whether that belief was right or wrong. I did not believe in it myself.

Mr. GRAY. Will the Senator from Kansas allow me to ask him a question?

Mr. INGALLS. Certainly.

Mr. GRAY. The Senator from Kansas has just said, and I think said truly, that every one knew that the real object of the oleomargarine bill was not to raise revenue, that it was for some other purpose, to wit, to suppress the manufacture and sale of a counterfeit article of food. I ask the Senator, if the real object of the bill had been expressed in its title and it had been entitled "A bill to prevent the manufacture and sale of counterfeit butter," whether he believes that the Supreme Court of the United States would have sustained its constitutionality.

Mr. INGALLS. I do not know whether the Supreme Court of the United States decides upon the constitutionality of acts by their titles or not. I never heard that it did. I never heard that the title was anything more than descriptive, and I should be very much surprised, indeed, to learn that as a matter of legislative declaration of intent and



purpose the Supreme Court of the United States had ever minutely and critically examined the title of an act. I read from Story on the Constitution, volume 1, page 687 of the edition that I hold in my hand, section 965:

The language of the Constitution is: "Congress shall have power to lay and collect taxes, duties, imposts, and excises." If the clause had stopped here and remained in this absolute form (as it was, in fact, when reported in the first draught in the convention) there could not have been the slightest doubt on the subject.

Now the material part comes in.

The absolute power to lay taxes includes the power in every form in which it may be used, and for every purpose to which the Legislature may choose to apply it. This results from the very nature of such an unrestricted power. *A fortiori* it might be applied by Congress to purposes for which nations have been accustomed to apply it. Now, nothing is more clear, from the history of commercial nations, than the fact that the taxing power is often, very often, applied for other purposes than revenue. It is often applied as a regulation of commerce. It is often applied—

And this becomes more interesting as I proceed—

It is often applied as a virtual prohibition upon the importation of particular articles, for the encouragement and protection of domestic products and industry; for the support of agriculture, commerce, and manufactures; for retaliation upon foreign monopolies and injurious restrictions; for mere purposes of State policy and domestic economy; sometimes to banish a noxious article of consumption—

Like oleomargarine—

sometimes as a bounty upon an infant manufacture or agricultural product; sometimes as a temporary restraint of trade; sometimes—

I call the attention of the doubting Thomases to this declaration:

sometimes as a suppression of particular employments; sometimes as a prerogative power to destroy competition and secure a monopoly to the Government.

Section 970:

If the common defense or general welfare—

The phrase employed in the eighth section of the first article of the Constitution—

can be promoted by laying taxes in any other manner than for revenue, who is at liberty to say that Congress can not constitutionally exercise the power for such a purpose? No one has a right to say that the common defense and general welfare can never be promoted by laying taxes, except for revenue.

Those, therefore, who hold the opinion above stated must unavoidably maintain that the power to lay taxes is not confined to revenue, but extends to all cases where it is proper to be used for the common defense and general welfare.

Section 973:

So that, whichever construction of the power to lay taxes is adopted, the same conclusion is sustained, that the power to lay taxes is not by the Constitution confined to purposes of revenue. In point of fact it has never been limited to such purposes by Congress; and all the great functionaries of the Government have certainly maintained the doctrine that it was not constitutionally so limited.

If the authority of this great writer on constitutional law is worth anything, the power to raise revenue and the power to levy a tax are absolutely different. They are capable of being exercised by entirely different functions. We may tax irrespective of the question of revenue, and that is what is intended to be done in the amendment I proposed to the bill reported by the Senator from Ohio. That is the reason why the language in the ninth section, in the first and second lines, upon which the Senator from Louisiana animadverted, was inserted, not with any idea of leaving it doubtful whether this was a tax bill for the purpose of revenue or a bill for the suppression of a nefarious and reprehensible practice. I do not desire to be misunderstood, or mistaken, or misapprehended. Those words were inserted for a purpose, for the purpose of asserting affirmatively that under the Constitution, the power to tax being admitted to exist in order to suppress a traffic believed to be injurious, this was the intention and the design of the amendment.

But, sir, we are not without witnesses so far as the validity of the interpretation of the Constitution by Mr. Justice Story is concerned. I refer to the well known case in 8 Wallace, of *Veazie Bank vs. Fenno*, in which the power of the United States to levy a 10 per cent. tax upon the circulating medium of State banks, not for the purpose of raising a revenue, but for the purpose of destroying their circulation, was directly brought within the purview of the Supreme Court itself. The holding of the court was:

The tax of 10 per cent. imposed by the act of July 13, 1866, on the notes of State banks paid out after the 1st of August, 1866, is warranted by the Constitution—although it was admitted in the argument that the object and purpose of that tax was not to raise a revenue, but to suppress the circulation of the State banks and practically destroy it. I read the closing sentence of the opinion of the dissenting judges, who reached the same conclusion by a different route, disagreeing with some of the precepts laid down by the majority of the court in the decision, which was delivered by Chief-Justice Chase:

We say nothing as to the purpose of this heavy tax of some 16 per cent. upon the banks, 10 of which we can not but regard as imposed upon the power of the States to create them. Indeed, the purpose is scarcely concealed, in the opinion of the court, namely, to encourage the national banks. It is sufficient to add that the burden of the tax, while it has encouraged these banks, has proved fatal to those of the States; and if we are at liberty to judge of the purpose of an act from the consequences that have followed, it is not perhaps going too far to say that these consequences were intended.

Mr. BUTLER. How did the court stand, if I may ask the Senator? How many dissented?

Mr. INGALLS. Two dissented. Justices Nelson and Davis dissented. In further support of the same proposition I refer to the case in 101 United States Reports, of *The National Bank vs. United States*, in error to the circuit court of the United States for the eastern district of Arkansas. In this case the opinion was delivered by Mr. Chief-Justice Waite in October, 1879, and he alludes to the power of taxation and expounds it, and shows wherein it differs from the revenue power, and the fact that it can be used otherwise than for revenue purposes. This is his language:

The tax thus laid is not on the obligation, but on its use in a particular way. As against the United States, a State municipality has no right to put its notes in circulation as money. It may execute its obligations, but can not, against the will of Congress, make them money. The tax is on the notes paid out; that is, made use of as a circulating medium. Such a use is against the policy of the United States. Therefore, the banker who helps to keep up the use by paying them out, that is, employing them as the equivalent of money in discharging his obligations, is taxed for what he does.

The closing paragraph is as follows:

The taxation was no doubt intended to destroy the use; but that, as has just been seen, Congress had the power to do.

I think, unless some decisions or some argument or some evidence or the authority of some great writer can be adduced to the contrary, that those who have pronounced against the validity, the legality, the constitutionality of this amendment will see fit to revise their opinion. Unless this amendment which proposes to tax is intended to raise revenue it need not originate in the House of Representatives, because only those measures which are for raising revenue must originate in that place. I have shown by authority, by the express declaration of purpose, that this is not intended for the purpose of raising revenue, but for another purpose, in itself constitutional and expressed in the body of the bill itself; and therefore I contend that it is not obnoxious to the objections which have been urged.

Mr. HOAR. I desire to ask the attention of the Senator from Kansas to a little matter of detail, which I may forget if I do not call his attention to it now. I wish to propose an amendment which I believe he will accede to. At the bottom of the fifth page, after the proviso at the end of section 7, I wish to add the words:

Or of articles to be consumed by the person to whom they are delivered or in his establishment.

The Senator will observe that the bill as it is now drawn, especially section 8, will be open to the criticism that it prohibits contracts for the delivery to large establishments like hotels of beef, or lard, or milk for the daily use of their customers, and that class of contracts which have no sort of connection with those aimed at; but it is better, I suppose, to have the phraseology of the bill clearly exclude that intention, and I ask him, therefore, if he sees any objection to the amendment which I propose.

Mr. INGALLS. I see none. I ask that it be adopted.

The VICE-PRESIDENT. Will the Senator from Massachusetts repeat the amendment?

Mr. HOAR. There will be unanimous consent, I presume, to make it now. I desire to add after the proviso at the bottom of the fifth page, in section 7, the words:

Or of articles to be consumed by the person to whom they are delivered or in his establishment.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to add at the end of the proviso in section 7 "or of articles to be consumed by the person to whom they are delivered or in his establishment;" so as to make the proviso read:

Provided, That this act shall not apply to contracts for the delivery at any one time of articles of not more than \$50 in value or of articles to be consumed by the person to whom they are delivered or in his establishment.

The VICE-PRESIDENT. If there be no objection, the amendment proposed by the Senator from Massachusetts will be agreed to. The Chair hears none, and it is agreed to. The question recurs on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. SPOONER].

Mr. VEST. Mr. President, I do not propose to detain the Senate at this time in the afternoon by making even a brief reply to what was said by the Senator from Kansas [Mr. INGALLS] in regard to the impropriety of those of us who, as he says, tried to destroy the Constitution during the late war in now having the immodesty and hardihood to ask that the provisions of the Constitution be honestly and faithfully carried out. If the result of the war, as claimed by the Senator from Kansas—for it is the legitimate consequence of his argument—was to put the entire Southern people outside of the pale of constitutional obligations and to put upon them the ban that they should never hereafter be permitted to question the violation of that instrument, then his conclusions are correct and we are liable to his criticisms. That great struggle, as I understand it and as the world understands it, was in regard to the construction of the Constitution, and when force of arms brought about a result, when the arbitrament of battle decided against the Southern people, there has never been with any honorable man since but one single question, and that was whether the South accepted honestly that result and intended to abide by it.

Mr. INGALLS. Will the Senator allow me a question?

Mr. VEST. Certainly.

Mr. INGALLS. Does the Senator believe that the constitutional construction for which the South contended was right or wrong?

Mr. VEST. I believed at the time it was right.

Mr. INGALLS. Well, but now?

Mr. VEST. I believed that it was right, but I accepted the result, and I accepted that result to be that I was honestly to abide by the construction of the Constitution of the United States put upon it by the Supreme Court, the highest judicial tribunal in this country, and made the arbiter as to what the meaning of the Constitution was.

I did not accept as the result of that struggle all the constructions put upon the Constitution by the Republican party or by the Senator from Kansas. I deny that the war put me in a position where I was bound to take for all time to come what he or his associates might say this instrument meant. Sir, if I came to the Senate representing a sovereign State in this Union under the proscription which the Senator from Kansas has announced here to-day, my State might as well, for all intents and purposes, be out of the Union with the rights and guarantees of the Constitution nullified as to it and its people. I am here, as I understand my obligation, to obey the Constitution of the United States as the result of the war, and not to take the construction put upon it by the Senator from Kansas.

No question can come into the Senate, from the highest to the lowest, but what the Senator from Kansas invokes the war, and he brings it here now as a means of constitutional construction. He tells us that this portion of the bill which I have before me is not intended for revenue purposes, but is intended to legislate out of existence these unlawful combinations and trusts. If that is so, why is a license issued to them? Why are they given the right under the authority of the United States to continue their unlawful and wicked machinations and evils?

Mr. INGALLS. They will not continue, if this proposed law goes into effect.

Mr. VEST. I shall propose an amendment to this portion of the bill. I shall propose to strike out the words "one thousand dollars" wherever they occur and to insert "ten thousand dollars." If the object of the bill is to make these combinations impossible, if it is to use the taxing power to tax them out of existence, why put upon those immense and wealthy combinations the paltry tax of \$1,000 in order to allow them to continue their nefarious business?

Mr. President, my only object in rising was to move that in section 10 wherever the words "one thousand dollars" occur they be stricken out and there be inserted the words "ten thousand dollars."

Mr. EUSTIS. Mr. President, the Senator from Kansas would have us understand that we know nothing about the Constitution of the United States.

Mr. INGALLS. I beg pardon, Mr. President.

Mr. EUSTIS. I say the Senator from Kansas would intimate that we are not able to understand the Constitution of the United States.

Mr. INGALLS. Oh, no; not exactly. You have been on both sides of it; you ought to understand it.

Mr. EUSTIS. Therefore I will limit my endeavor to the understanding of this bill. I ask the Senator from Kansas, suppose I agree to sell a thousand bales of cotton to A, deliverable on the 1st of May. I make that contract to-day. Suppose that on the morning of the 1st of May the purchaser A actually gets the thousand bales of cotton, that I actually deliver the thousand bales of cotton, is that a future contract under this proposed law which is to be suppressed?

Mr. INGALLS. Not if I correctly understand the statement of the Senator from Louisiana.

Mr. EUSTIS. I will repeat it so that there can be no misunderstanding.

Mr. INGALLS. And I will go further and say that if a contract based upon the actual delivery of property that is in the possession of the person agreeing to sell is covered by this bill, it ought not to be. I am entirely candid about it.

Mr. EUSTIS. That does not answer my question. My question is this, if the Senator will give me his attention—

Mr. INGALLS. Yes, I am attending.

Mr. EUSTIS. Suppose that to-day I make a contract selling a thousand bales of cotton to A, deliverable on the 1st of May.

Mr. INGALLS. Which cotton you do not now possess?

Mr. EUSTIS. Yes. On the 1st of May I get that cotton and deliver it. I ask whether in the contemplation of this proposed law that is a future contract to be suppressed.

Mr. INGALLS. If on the 1st of May the contracting party has the cotton actually in his possession and delivers it, the transaction ought not to be obnoxious to the provisions of the bill.

Mr. EUSTIS. Then I understand that if I do not own it at the date of the contract, but I do at the date of the execution of the contract, it is not amenable to this bill?

Mr. INGALLS. It ought not to be.

Mr. EUSTIS. It ought not to be! I assume that the Senator knows what amendment he has offered to the bill.

Mr. INGALLS. It is not intended to be.

Mr. EUSTIS. Section 7 covers exactly the case which I stated, be-

cause it requires that the person shall own the property at the date of the contract. It provides:

That for the purposes of this act the word "futures" shall be understood to mean any contract or agreement whereby a party agrees to sell and deliver at a future time to another any of the articles mentioned in section 8 of this act when at the time of making such contract or agreement the party so agreeing to make such delivery, or the party for whom he acts as agent, broker, or employé in making such contract or agreement, is not at the time of making the same the owner of the article so contracted and agreed to be delivered.

So this amendment does prohibit and suppress the making of a contract for future delivery unless the party making the contract is the actual owner of the thing sold and to be delivered.

Mr. President, as I said, if you have a right to apply this to wheat and to cotton, of course there is no limitation to your power. How would the Senator from Massachusetts like to have inserted in the bill a provision that contracts for future delivery under the provisions of the bill shall include cotton prints, of which there are ten or twenty millions of dollars' worth made every year in the city of Boston. I understand in fact that nearly 90 per cent. of the cotton prints manufactured in this country are sold under future contracts. Yet here we have a proposition before Congress that under the pretense of the taxing power—I will recall that expression; it is not under the pretense of the taxing power, because the bill itself says that it is for the purpose of suppressing and preventing these contracts—the Congress of the United States is called upon to regulate these private contracts and dealings between individuals.

To-day we are acting with regard to contracts for future delivery because these contracts are considered obnoxious and objectionable. Admitting that they are, where are we to stop? If the taxing power has no limit and if we believe that the taxing power should not be exercised to absolutely control the police power of the States, we incur the criticism of the Senator from Kansas and are to admit that we are to stand here in disgrace.

My friend from New Hampshire [Mr. BLAIR], whose views of the Constitution are as broad as the ocean and as high as the blue heavens, felt it his duty to offer a constitutional amendment to change the Constitution in order to regulate the question of marriage contracts. The Senator from Kansas has discovered a new way of dealing with questions of contract. It is not necessary to amend the Constitution of the United States to deal with any civil contract, either the making of the contract or the dissolving of the contract, or the regulation of any of its civil consequences whatever. You are not called upon any longer to amend the Constitution of the United States when the power of Congress is to be invoked to regulate a contract between A and B in the State of Louisiana, when a Congressional law is to determine how that contract is to be performed, what shall be the consideration of that contract, when that contract shall be dissolved, because we have this new light which has been shed to-day coming from the State of Kansas, which informs us that under the taxing power every detail of the police power can be absolutely controlled by the Congress of the United States, every law that every State has can be abolished, every provision existing in every State constitution can be expunged, not an iota of State authority, or State law, or State constitution can ever have any operation in this country because, forsooth, under the taxing power the Congress of the United States can regulate any contract that is made between individuals in any State! Because we doubt the correctness of that doctrine, because we do not bow in humble submission to that mandate, because we do not worship such authority as that which tells us that he is able to revolutionize this Government, that he has made a discovery by which every vestige of State right, statehood, State sovereignty can be expunged, we are, forsooth, to be chided, and this hall is to resound with the amplified phraseology and the grandiloquent declamation for which the Senator from Kansas is so pre-eminently distinguished.

Yet, Mr. President, when I come to the practical question of asking him what does he mean by his bill, I absolutely demonstrate that he does not know what it means, and that he thought it meant directly contrary to what it does mean. I say that the bill does provide that, if any man in Kansas, in Massachusetts, or in Louisiana makes a contract with another man for the delivery of cotton, or wheat, or cotton print goods (that will come afterwards, not in this bill), at the time he makes that contract he must be the owner of the property which he sells and which he proposes to deliver. The Senator from Kansas did not know that that was in the amendment. He thought it was just the opposite. I wish to inform him that whenever the Congress of the United States undertakes to legislate in that direction, whether it be unconstitutional or constitutional, it will be a sorry day for the citizens of Kansas as well as the citizens of Louisiana. The people of the States have not been accustomed to come to Washington to ask the privilege of anybody of a license from Congress as to what contracts they shall and what contracts they shall not make.

Talk of centralization, talk of the Blair bill, talk of the oleomargarine bill! Why, Mr. President, any comparison to this bill of those bills might be considered under the shelter and shield of the Constitution of the United States. No such gap has ever before been attempted as is attempted by this bill, no such stride has been made in the direction of centralization, absolutism, tyranny, as has been made by this bill as



amended to regulate the private contracts of individuals in the States. I wish for one, Mr. President, to declare to the Senator from Kansas that the State of Louisiana is able to manage that detail of human affairs without any assistance from him or from any other Senator. We are able in the State of Louisiana to regulate contracts with regard to property, contracts with regard to money. We are able to regulate our own marriage contracts, to regulate our own succession. And we are not willing and not ready yet to surrender our police power to Congress.

If the people of Kansas dislike contracts in futures, if they think they are obnoxious and odious, if they think these contracts are injurious to morals and against public policy, let them appeal to the Legislature of the State of Kansas to remove that evil, if it exists; and if this blow is aimed at Chicago—that city which has stolen the world's fair from New York and Washington, I will not say under false pretenses, for I believe they are incapable of resorting to such means—Chicago, which is said to be the great center of gambling in wheat, and corn, and barley, and oats, and bacon, and cattle—if the Senator from Kansas seeks to correct the morals of the State of Illinois, that overlooks his border, and is ashamed of that people because they countenance that species of gambling, if he is to assume the rôle of *censor morum*, instructor of the youth, guardian of public morals, the archangel that looks down and weeps for the depravity of his fellows living in the State of Illinois, I ask him, in the name of Heaven, to leave out Louisiana, and let us, if we choose, engage in future contracts.

Mr. INGALLS. We may need to take hold of your lottery by and by.

Mr. BLAIR. I should like to ask a question of the Senator from Kansas purely for information, for I had not supposed the bill went quite to the extent now alleged. The cotton manufactured in New England is nearly all of it purchased from brokers or farmers and institutions at the South, prior to its growth oftentimes, and nearly always before it is in the possession of the parties with whom the corporations, the mill-owners at the North, make their contracts for future delivery. So, then, the manufacture of cotton in New England is based upon contracts for the future delivery of cotton which is not in the possession of the other contracting party at the time the contract is made. I should like to know if the Senator means or understands this amendment of his to render illegal that practice, the regular business practice between New England and the South, between the manufacturers at the North and the cotton producers and middle-men at the South?

Mr. INGALLS. It is not aimed at any legitimate business. It is aimed at gambling in agricultural products, dealings between men who own none of the products they purport to sell and buy, and only intend to settle up the margin between the price at the time when they are to adjust their differences and the market price.

Mr. BLAIR. Should not the Senator, then, amend the second section of his amendment by inserting language tantamount to that which he has just used on the floor of the Senate, which is a declaration of the true intention; for certainly the second section as it now reads and the third section, which includes cotton, would absolutely destroy the existing basis of the cotton-manufacturing business in New England, and also, I doubt not, of the woolen manufacture, because the system of purchase and collection of cotton and of wool is precisely the same as that which I have stated. The manufacturing business is based upon contracts which are agreed upon as matters of certainty, frequently made long before the planting or the growing of the cotton, so that it is impossible that the cotton can be at the time of the contract in the possession of the party who contracts to deliver it in the future, and of course, however anxious a man might be to do something for the "blessed people" and get their votes, never could any New England man vote for the bill in that form. The language of the second section is very different from the explanation of what the Senator meant to do, as given by the Senator from Kansas. I will read it, so that there can be no doubt that he certainly will have this language called to his attention:

That for the purposes of this act the word "futures" shall be understood to mean any contract or agreement whereby a party agrees to sell and deliver at a future time to another any of the articles mentioned in section 3 of this act when at the time of making such contract or agreement the party so agreeing to make such delivery, or the party for whom he acts as agent, broker, or employé in making such contract or agreement, is not at the time of making the same the owner of the article so contracted and agreed to be delivered.

Now, the Senator's explanation of what he means to do if it should be embodied in an amendment to this section would exclude the legitimate business of the country in the cotton manufacture and the woolen manufacture from the operation of the bill, but, as it now is, the cotton business has got to stop in New England. A Senator asks, "How about corn?" That is a Kansas affair. I am not so much interested in corn and wheat personally. The election in New Hampshire does not turn on the corn and wheat business [laughter], but if we get by the ears on the cotton business I remind my colleagues and I remind the Senator from Massachusetts that here is something to look after. The election comes off next November in New Hampshire. [Laughter.]

Now, the third section of the amendment as offered runs in this way:

That the articles to which the foregoing sections relate are wheat, corn, oats, rye, barley, cotton.

I live in a city that manufactures more cotton, at least that has one

corporation that does a larger business in that line, than any other corporation on the face of the earth. If I voted for a bill like this, what could I do? Manchester would go against us by a four-fifths majority, and we have hard work to hold her as it is. [Laughter.] The Democrats are getting ahead rapidly. To pass a bill like this loses us the next House of Representatives inevitably. [Laughter.] I fear the Senator is only calculating with reference to the result in Kansas that grows so much corn, oats, rye, barley, and some wheat. If the Senator would insert here something to the effect that the business of Manchester should not be affected by the operations of this bill, I might, perhaps, consider whether I could not vote for it, because I am exceedingly anxious to be understood to be a particular friend of the people. [Laughter.]

Mr. SHERMAN. I call for a vote on the pending amendment.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Wisconsin [Mr. SPOONER].

Mr. BUTLER. Mr. President—

Mr. SHERMAN. I should like to have the pending amendment disposed of.

Mr. BUTLER. I merely want to ask the Senator from Kansas a question.

Mr. INGALLS. I would say to the Senator from South Carolina that my amendment is not pending now.

Mr. BUTLER. I understand that, but I wanted to put a question. The phraseology of the bill, it seems to me, is a little confusing. However, I will wait until this vote is taken.

Mr. INGALLS. I will hear the Senator.

Mr. BUTLER. I observe that reference is made to articles specified in section 3 of the bill.

Mr. INGALLS. That has been changed. That was an error of the clerk in the enumeration. The numbering of the sections has been changed. That amendment has been made.

Mr. BUTLER. To what section does that refer?

Mr. INGALLS. Section 8. Quite a large number of these amendments were made this morning.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Wisconsin [Mr. SPOONER].

The amendment was agreed to.

Mr. BLAIR. My attention was diverted for a moment. I should like to know what amendment that was.

Mr. SHERMAN. The amendment offered by the Senator from Wisconsin [Mr. SPOONER]; it has been so long pending that we have forgotten all about it.

Mr. GEORGE. Let me ask a question. Does the Senator from Ohio expect to have a vote on the bill this evening?

Mr. SHERMAN. I do. I hope for mercy's sake we shall finish it.

Mr. GEORGE. The amendment of the Senator from Wisconsin was so long that I could not understand it by the reading of it at the desk, and I was going to say that if the Senator from Ohio did not expect to have a vote this evening I should like to have the amendment printed.

Mr. SHERMAN. I have no objection to having it printed, but I hope we shall have this bill closed to-night.

Mr. GEORGE. I will not make the request, then, if the Senator desires to proceed.

Mr. SHERMAN. Mr. President, the plain purpose and meaning of the Senator from Kansas and the meaning of section 7 is to prevent gambling contracts, to prohibit what is done in all the boards, especially where wheat and corn not in existence are sold in immense quantities, to prevent such contracts and I think the sentiment of every member of the Senate would be against such contracts. They are very injurious. They enable persons without any property whatever, and sometimes without any money, to combine and put up the price of corn, wheat, etc. I am more familiar with the combinations in regard to corn and wheat than to cotton, but I can see that the same rule applies to that great staple. The language I think is too strong in the seventh section, and I would suggest to the Senator from Kansas to add to it in describing the contracts words which will indicate that there was no intention on the part of either party to deliver the actual article.

I can imagine many cases where men could go into the market and buy wheat, expecting the wheat to be delivered and to be sold again to the miller or somebody else. There are transactions of that kind occurring constantly, and it certainly is not the desire or intention of the Senator from Kansas to interfere with that kind of a contract.

Mr. MITCHELL. Will the Senator allow me to make a suggestion at that point?

Mr. SHERMAN. Certainly.

Mr. MITCHELL. Why would not this fix the matter? Insert after the word "same," in line 9, something like this, "or does not in good faith expect to be the owner thereof at the date fixed for the delivery of the same?"

Mr. EDMUNDS. Will the Senator from Oregon repeat that, for it is impossible to hear him?

Mr. MITCHELL. In section 7, insert after the word "same," in line 9, the words "or does not in good faith expect to be the owner thereof at the date fixed for the delivery of the same."

Mr. SHERMAN. I think the words in the preceding section if car-

ried into section 7 will cover the whole thing, that is to say, "the seller is not hereby obligated to deliver to another (that is the purchaser) at a future time or period any of the articles mentioned in the contract."

Mr. MITCHELL. A man may have a thousand acres of land sown in wheat; it may be growing, and if at any time before that wheat ripens or is harvested he makes a contract, based on the expectation that he is going to have a crop, to deliver a thousand bushels of wheat on the 1st day of October to A, that is declared an unlawful contract by this section plainly. Now, I want that amended.

Mr. SHERMAN. I do not care what words are used, but it is one of those cases certainly where words ought to be found to define exactly the difference between a gambling contract and a contract made by a broker.

Mr. BLAIR. The dictionary is right over in the corner. [Laughter.]

Mr. ALLISON. I had made a note of an amendment to the section covering the suggestions made by the Senator from Oregon [Mr. MITCHELL], and that is, to add after the word "owner," in line 9, the words "or producer."

Mr. GORMAN. Where is that?

Mr. ALLISON. On page 5, section 7, line 9; so as to read:

Is not at the time of making the same the owner or producer of the articles so contracted and agreed to be delivered.

There is a very common practice in every agricultural State of the Union to contract for farm products in advance of their actual existence. That is the case referred to by the Senator from Oregon [Mr. MITCHELL] and as indicated by the Senator from Louisiana [Mr. EUSTIS], I take it, in respect to cotton. A cotton producer in one of the States makes some arrangements with what is called a factor in New Orleans to secure advances on his crop and agrees to sell him that crop, I suppose, at the market price at the time of the delivery. Certainly, there should be no law to prevent a transaction of that character.

Mr. BLAIR. That factor is the same that the New England corporation or manufacturer contracts with and they make their contracts as early as, or earlier than, the factor contracts with the producer. Now, unless this language enables the manufacturers of New England to contract seasonably with this factor, not the producer, but the factor, the man who gathers in from the producer and who relies upon his contract with the producer as the basis for his contract with the manufacturer, unless the language reaches the New Englander, you see my difficulty. [Laughter.]

Mr. ALLISON. I see the difficulty under which the Senator from New Hampshire labors, and I think that if under the conditions I have named a New England manufacturer, under the provisions of this bill with the words which I suggest added, were to contract with a factor or agent in New Orleans, if that agent at the time was an agent of the producer, and not otherwise, for the future delivery of cotton, it would be entirely proper.

Mr. BLAIR. But the factor is not necessarily the agent of the producer, and he often is not so. He makes his contract with the New Englander a long time before he has begun to gather in from the producer.

Mr. ALLISON. I ask if there is any amendment now pending?

The VICE-PRESIDENT. There is not.

Mr. ALLISON. Then I move—because whatever else should be added to this section, I am clear that the words I suggest should be added—

Mr. MITCHELL. The word "producer" would cover the case I stated.

Mr. ALLISON. That is exactly what I want to do. In line 9 of section 7, on page 5, after the word "owner," I move to insert the words "or producer."

Mr. GRAY. I ask the Senator from Iowa, understanding as I think I do the object he has in view in his amendment, whether he thinks that the two words "or producer" will effectuate that object, for this reason: The language employed in the section is "is not at the time of making the same the owner or producer of the article"—that is, at the time of making the contract. The corn or cotton is to grow hereafter and is not in existence, and he can not be said in any proper sense to be the producer of that which is not yet produced; and so I suggest that the Senator had better add, in addition to the words "or producer," the words "at the time of making the same the owner, or, unless he expects to be in good faith, the producer," or some equivalent language.

Mr. ALLISON. I see the difficulty in using precise phraseology that will cover the condition of a growing field of corn or wheat; but I can conceive of no better word to use than the word "producer." In the State in which I live it is the practice for farmers in some portions of our State to contract for what would be called seed wheat or seed flax, if you please, or the seed they put into the ground, and they agree with the person who furnishes them the seed to sell the product of that seed to him at the market price within a given time. I have no doubt that is substantially what is done in the matter of cotton. The cotton producer—and he is the producer in the language of this section as I propose to amend it—agrees to sell to the agent or factor or purchaser

the product of his crop at the end of the season, or at a time which may be agreed upon, or which may be indefinite.

So I think the language I have employed here will cover that situation. It will not cover, however, the situation where a broker in New Orleans steps out upon 'change and sells 10,000 bales of cotton, to be delivered at a future time, without having a bale of cotton or the expectation or hope of having a bale, but is selling that cotton with a view of purchasing it, if necessary, to make the delivery on the 1st of May, or whatever the time may be, as the Senator from Louisiana said. This bill, I agree, does not cover that situation. Not only does it not cover it, but I think the language employed here is intended to prohibit it, and it does seem to me that it will be difficult to frame language here that will cover the entire situation and will break up this gambling in futures without breaking up the power of any man to sell that which he does not have or to buy that which he does not expect to receive.

Mr. HOAR. Will the Senator from Iowa allow me to make a suggestion?

Mr. ALLISON. Certainly.

Mr. HOAR. Why would it not do to insert after the word "deliver," in line 10, the words "or does not at the time of such contract intend in good faith to deliver?"

Mr. MITCHELL. That is substantially what I suggested a few moments ago.

Mr. HOAR. It is a little different in phraseology, but it is in substance the Senator's idea. That, of course, puts upon the Government, if you are undertaking to indict, the *onus* of proving the intent; but that runs through all the great class of crimes. You know you have to prove the illegal intent and the surroundings and circumstances in general.

Mr. ALLISON. Mr. President, I do not object to the language suggested by the Senator from Massachusetts, but I submit that after this measure becomes a law with that language inserted every man who makes a contract to deliver an article in the future will have it inserted in the contract that the sale is made for the purpose of delivery, because these provisions require that these contracts shall be in writing.

Now, then, the intent is an intent at the time that the contract is made. The man who makes that sale will have the intent to make the delivery at the time the sale is made, but it may happen that at the time of the delivery, which is a future time, it will not be possible for him to deliver the actual thing which he intended to deliver under that condition of selling, because occasions have arisen in Chicago and New York when it was physically impossible to deliver upon a given day the amount sold to be delivered on that day. So the man's intent will be, as the Senator from Massachusetts suggests it will be, an intent to deliver, but when the time comes it is impracticable to deliver, and then the two parties who make the contract will be compelled to make a new one or adjust their differences as they do now.

Mr. President, I want to say, as respects the modifications of this seventh section, that the complaint in the region of country in which I live is that this gambling in futures, this selling what people do not have to sell in quantities fifty times that which is in existence at the time, has a tendency to greatly depress the price of agricultural products. What our people want to do is to break up that habit, and that is the reason why they are in favor of some legislation such as is proposed by the Senator from Kansas; and I submit to the Senator from Louisiana that any serious modification of this provision which will enable the cotton brokers in New Orleans or in Chicago to do what he suggests they ought to be permitted to do, will have the effect of absolutely rendering nugatory the provisions of this bill as proposed by its author. Therefore it is that, if we are undertaking to deal with this question in the sense that the people who are opposed to these trusts want us to deal with it, we must, in essence at least, prohibit what the Senator from Louisiana says we ought not to prohibit.

I am not at this moment arguing whether or not the seventh section will do what the people who are opposed to these transactions think ought to be done; but I am very clear that the suggestions made by the Senator from Louisiana, if they are carried out, will make this seventh section absolutely a nugatory section.

Mr. BUTLER. May I suggest a practical question to the Senator from Iowa on the line of what he has just been saying? He states that it is a practice in Iowa and in the Western States, the agricultural States—and it certainly is the practice in my part of the country, where large crops of cotton are made—that the farmer or producer, whom it is intended by this bill to protect against gambling combinations, makes a contract with the factor, with the broker, the merchant, "If you will lend me \$1,000, \$2,000, or \$5,000, I will agree to deliver in the fall, after the product is made, 1,000 bales of cotton, or 100 bales of cotton, or 5,000 bushels of wheat, or 2,000 bushels of corn," as the case may be. These articles are not then *in esse*. They are not in existence. They are necessarily intended for future delivery. The question I want to get at is, and it is a practical one, whether or not that factor or broker or merchant, or whatever you may please to call him, would not be compelled under this bill in making a contract of that kind to take out a license and pay the tax imposed.



Mr. ALLISON. Under this bill as I propose to amend it I do not understand that such a broker would be obliged to take out a license.

Mr. BUTLER. It seems to me, unless some such modification as that suggested by the Senator from Iowa is adopted, that a factor or merchant would be compelled to take out a license under the provisions of the bill before he could take an option or contract for the delivery of any farmer's crop in the West or South.

Mr. MORRILL. I desire to suggest an amendment to the Senator from Iowa. A person making a sale of iron, of cotton, of cotton goods, or of woolen goods may not own a single dollar's worth, and may not be a producer thereof, and I suggest to the Senator to add, after the word "producer," the words "or the agent of such owner or producer."

The VICE-PRESIDENT. The Chair desires to call the attention of the Senator from Iowa to the fact that the amendment which he proposes is an amendment to the amendment offered by the Senator from Kansas [Mr. INGALLS], which was agreed to in Committee of the Whole, and an amendment to that amendment is therefore not now in order except by unanimous consent. The amendment will be in order when the bill is reported to the Senate.

Mr. BUTLER. One word further. I want to say to the Senator from Kansas and the Senator from Iowa that I am strongly in sympathy with the general line of this legislation if it can be properly enacted, but there is always a danger of going a little too far and interfering with matters which Congress, and nobody else, has any right to interfere with, unless it be the parties themselves. If the language of the bill can be so framed as to come within what I believe to be the constitutional powers of Congress, I shall be very glad to vote for it; but this practical difficulty suggests itself and it may lead to inextricable confusion and great injustice and wrong unless we are careful with the language of the bill. Let me read the section:

That for the purpose of preventing and suppressing, as far as may be, the dealing in options and futures as herein defined, special taxes are imposed as follows: Dealers in "options" or "futures"—

Merchants and factors are dealers in options or futures under the view that I have just presented—

shall pay annually the sum of \$1,000, and shall also pay the further sum of 5 cents per pound for each and every pound of cotton or of beef, pork, lard, or other hog and cattle products, and the sum of 20 cents per bushel for each and every bushel of any of the articles mentioned in section 3—

Now section 8—

of this act, the right or privilege of delivering which may be acquired under any "options" contract or agreement, as defined by section 1 of this act, or which may be sold to be delivered at a future time or period under any "futures" contract or agreement as defined in section 2 of this act, which said amounts shall be paid to the collector of internal revenue.

I submit that under a fair construction of that language the merchant in New York, or in Baltimore, or in any of the commercial centers of Iowa, or in Illinois, or the South will be compelled, before he can enter into a contract with a farmer, to take out this license and pay that \$1,000 and so much per pound for every pound of cotton, pork, lard, etc., that he deals in. Well, what will be the practical effect of it?

It will be that that merchant will charge the license-tax to the farmer. The merchant is not going to pay it. He will say, "Congress has passed an act which requires me to take out a license and pay a tax of 5 cents on every pound of cotton. Now, I shall compel you to hold me harmless against that tax before I will make any agreement with you for advances on account of the delivery of your cotton;" and at last the very class of people whom this legislation is intended to protect become the victims of the factor, the merchant, the broker, or whatever you may choose to call him. It seems to me that is a fair construction of the clause. If it is not, I should be very glad to have it explained.

Mr. HISCOCK. I desire to have the attention of the Senator from Kansas a moment. All over the State of New York there are located depots for the collection of milk, extending 300 miles from the city of New York, in regard to which the collector from the farmer or the middleman makes his contract with the dealer in New York City to furnish him with so much milk per day, amounting, say, to not more than \$50 a year in value. He makes the contract with the farmers in the neighborhood where his depot is located for them to furnish him with milk from day to day. Now, is there any doubt that such a middle-man would be compelled to take out a license?

Mr. INGALLS. Mr. President, I will answer the suggestion of the Senator from New York by reading the amendment that I shall propose to this section, in order to exclude any such possible definition. I propose, in line 9 of section 7, after the word "owner," to insert "or producer, or the lawful agent of such owner or producer." At the end of the proviso, after the word "value," I propose to strike out the period and insert a comma, and add, "nor to bona fide contracts for the actual delivery of the property contracted for."

Mr. HOAR. That should come after the word "establishment."

Mr. INGALLS. After the amendment as amended on the suggestion of the Senator from Massachusetts, whatever that may be.

The VICE-PRESIDENT. Will the Senator restate the last amendment?

Mr. INGALLS—

Nor to bona fide contracts for the actual delivery of the property contracted for.

Mr. BUTLER. Where does that come in?

Mr. INGALLS. At the end of section 7, after the last word in the present proviso, and I should like to have the Clerk read the section then as it will stand when amended as proposed.

The VICE-PRESIDENT. The amendment will be read.

The CHIEF CLERK. Section 7, line 9, after the word "owner," it is proposed to insert the words "or producer or the lawful agent of such owner or producer;" and after the amendment already agreed to at the end of the proviso, it is proposed to add the words "nor to bona fide contracts for the actual delivery of the property contracted for;" so as to read:

SEC. 7. That for the purposes of this act the word "futures" shall be understood to mean any contract or agreement whereby a party agrees to sell and deliver at a future time to another any of the articles mentioned in section 3 of this act when at the time of making such contract or agreement the party so agreeing to make such delivery, or the party for whom he acts as agent, broker, or employé in making such contract or agreement, is not at the time of making the same the owner or producer or the lawful agent of such owner or producer of the article so contracted and agreed to be delivered: *Provided*, That this act shall not apply to contracts for the delivery at any one time of articles of not more than \$50 in value, or of articles to be consumed by the person to whom they are to be delivered or in his establishment, nor to bona fide contracts for the actual delivery of the property contracted for.

Mr. DOLPH. It appears to me that there might be an easier way of getting rid of the section than by the amendment proposed to the proviso by the Senator from Kansas.

The sixth section provides—

That for the purposes of this act the word "options" shall be understood to mean any contract or agreement whereby a party thereto, or any person, corporation, partnership, or association for whom or in whose behalf such contract or agreement is made acquires the right or privilege, but is not thereby obligated, to deliver to another at a future time or period any of the articles mentioned in section 3 of this act.

A man who makes a contract with regard to personal property is obligated to deliver the property. If he fails to deliver it he pays damages. There is no law to enforce the specific performance of a contract to deliver farm produce, so that there is no real practical difference between options and futures. The provision of this bill which is to be effective is contained in the seventh section, which prevents dealing in futures. Now, to say that it shall not apply to any one who makes a bona fide contract for the delivery of these articles, in the first place complicates the matter by bringing in the question of bona fides. The contract may be bona fide; it may be the intention of the party to make the delivery; he may expect to do it, and he may prove that he did make such a contract; but if he does not make the delivery all that can be done is to get damages against him and make him pay the difference between the price at the time of delivery, if it is greater than at the time of sale. That is all there is of it. Therefore, these words will make both sections entirely inoperative.

I suppose that the real intention of the amendment of the Senator from Kansas was to prevent dealing in options. That is what we are striking at. How are you going to distinguish between a gambling contract and a contract made in good faith? There is the same facility in gambling, in speculating in futures, in a contract which is made in good faith, as in a contract made without any intention of actual delivery of the article.

Now, in regard to the purchase of articles from the producer, if there is no prohibition against this, there is nothing to prevent forestalling the market by securing control of the farm products of the West. A purchaser may buy the entire wheat crop, and so determine and fix the price for the consumer; and I say that nothing would be gained by providing that a farmer may sell, if everybody has the right to buy, and to forestall the market.

Then, again, if you prevent the purchaser of the crop, at least where it is intended for exportation, from making a contract for the sale of the article before he has purchased it, unless he buys it for speculation in advance of the time of delivery, he will not buy it at all.

It appears to me that the bill, while it deals with the producer and with articles that are imported, omits to deal with articles which are purchased and combinations formed to advance the price of articles which are purchased for export.

The VICE-PRESIDENT. The amendment now proposed, being an amendment to the part of the bill inserted in Committee of the Whole, it may be received and reported by unanimous consent. The Chair hears no objection.

The CHIEF CLERK. In section 7, line 9, after the word "owner," it is proposed to insert:

Or producer or the lawful agent of such owner or producer.

And after the proviso in section 7 it is proposed to add:

Nor to bona fide contracts for the actual delivery of the property contracted for.

The amendment was agreed to.

Mr. SHERMAN. Now I hope the bill may be reported to the Senate. Mr. ALDRICH. I offer an amendment, which I think there will be no objection to, in section 1, after line 23.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to add to section 1 an additional proviso, as follows:

*Provided further*, That this act shall not be construed to apply to or to declare

unlawful combinations or associations made with a view or which tend, by means other than by a reduction of the wages of labor, to lessen the cost of production or reduce the price of any of the necessities of life, nor to the combinations or associations made with a view or which tend to increase the earnings of persons engaged in any useful employment.

The amendment was agreed to.

Mr. BUTLER. I move to add, after the word "products," in line 4, at the end of section 8, the words "and also stocks and bonds."

The VICE-PRESIDENT. If there be no objection to receiving the amendment offered by the Senator from South Carolina, it will be stated.

The CHIEF CLERK. At the end of section 8 it is proposed to add "and also stocks and bonds;" so as to read:

SEC. 8. That the articles to which the foregoing sections relate are wheat, corn, oats, rye, barley, cotton, and all other farm products; also beef, pork, lard, and all other hog and cattle products; and also stocks and bonds.

Mr. REAGAN. Why, Mr. President, more harm is done by dealing in stocks and bonds than in nearly all other things put together. If we are going to adopt that amendment, we had better say the bill shall not apply to anything.

Mr. BUTLER. I was in hopes my friend would favor my amendment. If harm results from gambling in stocks and bonds, it is exactly what I want to get at. I want to suppress that evil as well as others. It is perfectly germane to the bill, and I think there is more gambling in stocks and bonds than in oats, rye, barley, cotton, and other things.

Mr. REAGAN. I must have misunderstood the portion of the bill to which the Senator proposed his amendment.

Mr. BUTLER. It is to be added to the articles named in section 8. The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from South Carolina [Mr. BUTLER].

The amendment was agreed to.

Mr. EUSTIS. I move to add "cotton prints, steel rails, salt, boots and shoes, lumber, and lead," and anything else I can think of. [Laughter.]

The VICE-PRESIDENT. The amendment offered by the Senator from Louisiana will be read.

The CHIEF CLERK. At the end of section 8 it is proposed to add:

Also cotton prints, steel rails, salt, boots and shoes, lumber, and lead.

Mr. FRYE. I hope the Senator will not put in "lumber." I understood him to say "rubber." I would rather it would go in "rubber."

Mr. BLAIR. You did not hear right.

Mr. INGALLS. I forgot to ask the Senator from South Carolina when his amendment was pending whether stocks and bonds were to be taxed by the pound or by the bushel. [Laughter.]

Mr. BUTLER. I think by the bushel, Mr. President, or the ton, if the Senator would prefer it. [Laughter.]

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Louisiana [Mr. EUSTIS].

The amendment was agreed to.

Mr. BLAIR. I move to add "whisky and all manner of intoxicating drinks."

Mr. SHERMAN. This would be very funny if the hour was not so late, but I hope we may be able to pass this bill in half an hour or so; and as all these amendments have to be reported to the Senate, I ask Senators to let the bill be reported with the pending amendments, and then, of course, we can have a vote on these various propositions.

Mr. GORMAN. Mr. President—

Mr. EDMUNDS. Let the amendment of the Senator from New Hampshire be reported.

Mr. BLAIR. I wish the amendment to read in this way:

Woolen goods, also whisky and all kinds of intoxicating liquors.

I mention whisky because I know that some of the Senators would understand what the rest of the amendment meant. [Laughter.]

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to add to section 8:

Also woolen goods, whisky, and all manner of intoxicating drinks.

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from New Hampshire [Mr. BLAIR].

The amendment was agreed to.

Mr. GORMAN. Mr. President, I have not taken any part in the consideration of this measure except to give my votes very cheerfully in favor of the bill, which I think the entire country has been looking forward to the passage of in some shape that would correct the great evil which has been complained of, and properly complained of.

When the motion was made yesterday to refer this bill to the Committee on the Judiciary I voted against that proposition, hoping and believing that the bill would be so phrased and shaped that some practical good would come of the effort of the Senator from Ohio and those in charge of the bill. It is very evident, however, from what occurred late yesterday and from what has occurred to day that we have so amended the present proposition as to make it inoperative and ineffectual. It will be worse than a sham and a delusion.

Being heartily in favor of the general proposition and with a desire to accomplish something for the people of this country, who have com-

plained long of the evil which we are seeking to deal with, I now move that this measure be committed to the Committee on the Judiciary, with the suggestion of the Senator from Alabama [Mr. MORGAN] that that committee be requested to report the measure within twenty days; and on that motion I ask for the yeas and nays.

Mr. SHERMAN. About that I have something to say. I give notice to the Senate that there are features of this bill that I do not intend shall be defeated by indirection and by the mode which has been adopted here within the last hour. I give fair notice, so far as I am concerned, that this bill shall have fair play, I do not care who opposes it.

Mr. President, the amendments which have been put upon this bill in the last few minutes are such as simply bring it into contempt, and the manner in which this has been done tends to bring the whole bill into contempt. But the bill is worth preserving. There are three propositions in the bill, one the original bill amended, and I think very much strengthened and a better bill than it was at first, because it is a better bill than probably the committee would report. The first two or three or four sections of the bill there can be now no reasonable objection to. Most of the difficulties have been overcome. The proposition made by the Senator from Texas [Mr. REAGAN] is also in the right direction, and, after careful consideration of that proposition, there can be no objection to it so far as any one who is in favor of the principle of the bill is concerned. It adds a criminal clause and defines somewhat the meaning of words in the original bill. So far so good.

The attempt now to belittle the proposition of the Senator from Kansas seems to me an attempt to destroy and defeat this bill. I am to old a stager here not to understand the meaning of these various amendments. I know it perfectly well. But I say now that, for one, I do not care how long it takes, I do not propose that this bill shall be defeated in that way without at least a pretty fair chance to vote upon it.

There is some question as to the amendment proposed by the Senator from Kansas. Although it is wise in its purpose and in the main its provisions are wise, yet, as it has not been considered by a committee, it may very well possibly be postponed and be treated of in another and separate measure.

The fact that gambling contracts, made under the names given by brokers as "options" and "futures," are illegal contracts which tend to depreciate the value of agricultural products and tend to do a great deal of injury to the country is admitted on all hands. The men engaged in them know that they are unlawful. They are conducted in immense amounts.

I do not think that the sixth and seventh sections of the bill are framed with sufficient caution to prevent interference with ordinary legal and proper contracts between parties. It seems to me it would be very wise to mark out the line between a regular business transaction and a gambling contract where neither party contemplates the delivery of the article, where it is a mere bet on the value of the article. These bets tend to depreciate the value of agricultural products of the country at the time when they are offered for sale and tend to advance the price of articles at the time when men want to realize on their bets, their puts, and futures, and options.

I hope the Senator from Kansas will allow us to take a vote. This bill must be reported to the Senate. There are two propositions in it of great importance. The amendment of the Senator from Texas [Mr. REAGAN], which is now a distinct and separate amendment, and the vote upon that amendment will carry with it the amendments which have been made, and so with the proposition offered by the Senator from Kansas. As a matter of course, if that amendment is agreed to, it should be stripped of the various amendments which have been proposed here in humor and joke, or if it should be disagreed to—because it is not now in a fit condition to be made a part of this bill—it might be disagreed to by a single vote.

But I appeal to the Senate, now that we have this question of trusts and combinations before us, now that we have got a reasonable definition of trusts so as to meet the opinion of all Senators, when we have the machinery of law to carry the bill into effect and we have the additional sanction of a criminal provision to it, that we ought not to allow this bill to be defeated under these circumstances. If we do, the people of the United States will feel that the Senate of the United States is playing with a question which affects nearly and dearly the vital interests of our country.

That is all I have to say. I intend, so far as I can, to try to strip this bill of anything that is objectionable to a majority of the Senate and then to pass what there is of virtual good in it.

Mr. INGALLS. Mr. President, so far as the suggestion of the Senator from Ohio about the abandonment of my amendment is concerned, I beg leave to say to him, with great deference and profound respect, that my amendment is the best thing there is about his bill. It is the only substantial proposition that offers definite, palpable, and tangible relief against what is acknowledged to be one of the gigantic evils of this century. This criticism and censure is idle and frivolous. There is not a man in this country who will read these proceedings to-morrow morning, if this provision is defeated, who will not know what it means. There is no farmer so remote or so obscure that he will not understand what these various amendments that have been offered



mean. Nobody will be deluded by them. This is not the first time, Mr. President, that Nero has fiddled while Rome has burned.

The nefarious operations that this amendment is aimed at have done more to paralyze industry, to reduce prices, to bring about the condition of affairs that exists to-day than all other influences combined. The penalties against them are not half severe enough in this bill. Instead of being fined and imprisoned their perpetrators ought to be hanged. It was the nefarious corners that were operated in Chicago and elsewhere up to the year 1892 that broke the price of wheat in the market, by gambling operations in products which did not exist and were known not to exist, that have destroyed the supremacy of the American wheat-grower on the Continent. It was those operations that forced foreign consumers to fill the demand for the deficit on account of their failing crops at those enormous prices which induced Great Britain in the last year or two to make enormous appropriations for extending her railroad system into the great wheat-growing regions of India, at the base of the Himalaya Mountains, where labor is 10 cents a day, with which American labor can never compete.

If the price of wheat and other agricultural products had been left to the natural laws of demand and supply, if artificial scarcity had not been produced, if inordinate prices had not been brought about by the operations against which this amendment has been aimed, we should not hear of the desolation and blight that to-day has fallen upon the agriculture of America.

Sir, although the farmers of this country have been sneered at to-day, although we have heard disparaging allusions to the Farmers' Alliances and associations, and suggestions that this legislation was being brought about at their dictation, they are intelligent, they know what the purpose of this amendment is, they know the cause of the evils under which they labor and of which they complain. There is no one thing which they have more imperatively and more unanimously demanded than the enactment of some law which will put a stop to the gambling in the products of their labor.

Mr. President, I have discharged my duty. I have, according to the light that was in me, with the limited time at my disposal, with the short period for examination that I could command, offered this amendment for the purpose of curing those evils which all admit, which all deplore, and of which all complain.

I ask that the bill may be reported to the Senate, and I shall demand a yea-and-nay vote in the Senate upon agreeing to these amendments that have been humorously inserted while the bill has been in Committee of the Whole. I know that sometimes the Senate has to unbend itself; the bow can not be always stretched. These amendments, I am confident, have been put on in a spirit of jocularity and recreation and refreshment. There has been a little time of recreation from labor. I feel confident that when the bill is reported to the Senate and such amendments are reserved they will, upon a yea-and-nay vote, be voted down.

Although I am a member of the Committee on the Judiciary and ought to have risen and protested against the exquisite humor and badinage of the speech of the Senator from North Carolina [Mr. VANCE] yesterday, and although a similar matter has been referred to that committee, I venture to express the hope that after having had four days of debate, four days deliberated and matured, with the light at last dawning, some progress made, something done, we are not to be told that all this is to go for naught, and that the bill is to be committed for further incubation to the Committee on the Judiciary. I ask that that motion may not prevail, and give notice that when the bill is reported to the Senate I shall ask for a yea-and-nay vote upon concurring in the amendments that were made, beginning with that of the Senator from South Carolina and proceeding to those subsequently offered by other Senators.

Mr. EDMUNDS. Mr. President—

Mr. VEST. Will the Senator from Vermont permit me to say just one word?

Mr. EDMUNDS. I hope the Senator will let me say a word for a single moment.

Mr. VEST. With the greatest pleasure.

Mr. EDMUNDS. The Chair has recognized me. I merely wish to mention confidentially here, as it is perhaps out of order, that the chairman of the subcommittee on the bill introduced upon this subject by the Senator from Texas [Mr. COKE] on the 4th of December is my honorable friend from Kansas [Mr. INGALLS], who has had the matter in charge.

Mr. INGALLS. Will the Senator from Vermont vouchsafe the information what that has to do with this subject?

Mr. EDMUNDS. No, I have not any information to give, only my friend from Kansas stated that the matter had been referred to the Committee on the Judiciary, the bill of the Senator from Texas, and it having been so referred, the chairman of that committee, according to its course (if I may speak a little out of order), put it into the hands of three gentlemen of the highest experience and capacity, of whom the chief was my honorable friend from Kansas; and the reason why the Committee on the Judiciary have not before reported is simply owing to the fact I stated the other day, that executive matters had apparently taken up all our time.

Mr. INGALLS. Very well. The Senator from Vermont made that remark yesterday afternoon, that the reason why the committee had not reported was because duties in connection with executive business had prevented it. He now rises and remarks in violation of order, as he himself admits, that it was referred to a subcommittee of which I am chairman. If that observation is intended to be offensive or incalculatory, I resent it. If it is not, I pass it by.

Mr. VEST. Mr. President, I want to adopt that language in regard to the remark of the Senator from Kansas. I alluded here this afternoon in a pleasant way, and in replying to the Senator from North Carolina, who had taunted the committee of which I was a member with dilatory action and indifference towards the great agricultural interests of this country, that the Farmers' Alliance was prescribing to certain gentlemen here, and they were unwilling to make any discrimination, and now the Senator from Kansas makes me the point—

Mr. INGALLS. I beg the Senator's pardon.

Mr. VEST. To his declaration here by saying—

Mr. INGALLS. I have not referred to the Senator, directly or indirectly.

Mr. VEST. I was the Senator, and the only one, who alluded to the Farmers' Alliance, and he says now that the Farmers' Alliance has been alluded to in disparaging terms upon this floor and in a sneering allusion. I resent it.

Mr. President, I have no objection to the Senator's declamatory eloquence. I have no objection to listening here to his rounded periods. We all know that he would sacrifice anything, from the Constitution down, to round a period or to point an epigram; but I most distinctly protest against his using me as an object upon which to electrify the country, and especially the farmers.

Mr. EDMUNDS. Mr. President, I should not have alluded to this matter at all except that the Senator from North Carolina [Mr. VANCE] yesterday, when I was not able to be present, as I saw from the RECORD to-day, had spoken of the Committee on the Judiciary as the tomb to which all things Senators wished to dodge were sent. If that be so, it is because the Senate wished to dodge something. But I desire to tell the Senator from North Carolina and the Senate and the country, if that is what we are for (and I rather suppose from what has taken place here for a few days that it is what we are for), that the Committee on the Judiciary has never failed, so far as I know, since I have been a member of it, to report any measure that any Senator had sent to it that that Senator desired to have reported; and the only instance I know of when we were complained of was some years ago when a Senator complained that a measure of his had not been reported upon either way, and he was told on the floor of the Senate by the chairman of the committee that it should be reported within six days or five days or a very short time if he wanted it; and all the members of his party immediately afterwards, in the committee, and himself, asked that the committee should not report it, notwithstanding the complaint that the committee had not reported it, and so it was not reported.

I should not have referred to this matter at all if the Senator from Kansas, to whom I meant no offense of course, had not alluded to the fact that the substance of this measure, the best arrangement that had been proposed, in the first instance, that I know of, the bill of the Senator from Texas, was referred to that committee and had not been reported. That seemed to imply a reproach upon the committee, a neglect of public interests. Therefore I did take my life in my hand and did state, out of order, that if there was any fault, as there was not, if there was any fault in the committee, as there was not, because matters that were immediately pressing had to be attended to, it was not the fault of the whole body of the committee, but of the gentlemen to whom that committee had committed the consideration of this special thing, of whom my honorable and distinguished friend from Kansas was the chairman. I did not certainly mean to give any offense and had not the slightest thought of doing so; but it is right to fairness here to understand just how the thing is.

Mr. BUTLER. Mr. President, I do not think it is altogether fair to those of us who have not been within the charmed circle of the Judiciary Committee or the Committee on Finance to be told, as we have been by one Senator on one hand and another on another, that this bill must go through *volens volens*, and that there will be no trifling with it, when they themselves admit, the Senator from Ohio himself admits, that there is some doubt about the constitutionality or form of the amendment of the Senator from Kansas, and therefore there ought to be some modifications in that; whereupon the Senator from Kansas rises with great indignation and assures the Senator from Ohio that his amendment is all there is in the bill that is worth anything.

Now, I want to say for one that my sympathies are with this bill. I should be very glad indeed to vote for it. But I have a little more respect for the Constitution than the Senator from Kansas appears to have, and I must be allowed to consult my own conscience and my own judgment as to what I think is constitutional and what is unconstitutional. If this bill can be put in such shape as to relieve it from the difficulties which have been suggested, I shall be most happy to vote for it. The Senator from Ohio says that he scarcely recognizes his own bill as it came from the Committee on Finance.

Mr. President, I think that this question will stand a little further

delay. It is a very important one, involving very complicated questions, so admitted by all parties, by the most distinguished lawyers of this body and by the laymen of the body. It has been discussed for four days, and the more we discuss it the more those complications and difficulties appear to increase. I want to vote for the bill. I want to vote for the amendment of the Senator from Kansas if I can. The amendments I offered were not offered for the purpose of depreciating the measure or in any spirit of humor or jocularity, as he says; but I was in earnest, and it so happened that the last amendment I suggested was adopted by his motion.

So there can be no proper charge of an attempt to ridicule or bring contempt upon the bill so far as I am concerned. I know the evils are very great which the bill is designed to correct. I know the Farmers' Alliance is a very large, a very distinguished, a very influential body in this country, and I think furthermore that a good deal of the dissatisfaction that has arisen has been the result of demagogism—that is my judgment—deliberate demagogism, in pandering to all sorts of suggestions from everywhere, and the Senate is supposed to yield to outside clamor before we can arrive at a sensible conclusion upon any subject.

So far as I am concerned I propose to be governed by what I believe is proper, right, legal, and constitutional, and I shall vote for nothing else. I believe that we can get a bill under that provision of the Constitution which gives Congress the power to regulate commerce; and perhaps under that power which the Senator from Kansas invokes to sustain his amendment, the taxing power, we might do it.

But this measure as it now stands is in such a crude condition that I do not think anybody here, not even the authors of the bill or the amendments, can vote for it intelligently, and yet they object to its going to a committee where it can be formulated, improved, and corrected. I have no preference about its going to the Committee on the Judiciary, but it seems to me that out of respect to the differences of opinion which exist here it ought to be recommitted to the Committee on Finance, who can improve and perfect it in accordance with the suggestions that have been made here.

Mr. SHERMAN. We can finish it in half an hour by reporting it to the Senate and taking a vote by yeas and nays upon every proposition.

Mr. BUTLER. The Senator says we can finish it in half an hour. Possibly it might not be finished in such a way that everybody could vote for it who would like to vote for it.

Mr. GORMAN. Mr. President, from the discussion which has occurred since my motion to commit the bill to the Committee on the Judiciary was made, and the motion was only made for the purpose of perfecting the bill, as the Senator from Ohio who has charge of it insists upon going on with it in its present shape and letting it be reported to the Senate, I withdraw the motion.

Mr. SHERMAN, Mr. INGALLS, and others. Let the bill be reported to the Senate.

The VICE-PRESIDENT. Are there further amendments to the bill as in Committee of the Whole? If not, the bill will be reported to the Senate.

Mr. GRAY. Mr. President, I can not vote for the bill in its present shape. Notwithstanding the lecture which the Senator from Kansas gave us upon our duty in regard to questions of constitutional law, I still conceive it to have been the intention of those who sent us here that we should exercise the powers conferred by the Constitution on the legislative department of the Government, and not attempt to exercise those which were not conferred.

It is not necessary for me at this time, after the exhaustive arguments which have been made by the Senator from Mississippi, and the Senator from Texas, and others upon the bill, and which have demonstrated the features in which it is obnoxious to the Constitution and where it is without constitutional warrant, to detain the Senate by any remarks of my own upon that head.

I should be very glad if there were some way by which the evils aimed at, which all acknowledge, could be met and could be effectually remedied. I should be glad to see that done in regard to many of those contrivances which have resulted in the advance of our civilization and the increase of our wealth, by which combinations of capital have been enabled to secure to themselves undue advantages over those who were not the possessors of capital in the same degree. But, sir, I am compelled to recognize the fact that there are many things desirable to be accomplished in the abstract or in the concrete which the Government of the United States as a Government of limited and special powers is not competent to accomplish. I do not think it wise statesmanship that we should burn the house in order to get rid of the rats, nor that we should overthrow our constitutional form of government in order to get rid of some of the evils of society.

We are not altogether without remedy. The States have the power to deal with many phases of this subject, in fact with all phases of it.

The only way in which they can fall short of a complete remedy is the territorial limit of their powers, but so far as they go the States which compose this Union can in a large measure apply a remedy that will meet the evil complained of.

I should be quite willing just so far as I can find constitutional war-

rant for such legislation, to aid the States in suppressing these combinations and trusts which have undoubtedly produced many of the evils complained of. I would so reform the tariff as to take out of these combines the most important factor in them, eliminate from them the most important member, and that is the Government of the United States. By the provisions of our monstrous war tariff the Government of the United States has become a partner in these combines. It stands guard while the individual members of the partnership work their designs and carry out their purposes in regard to the objects of these combinations. I should be glad to unite in legislation that would reform this altogether.

But, sir, I have been very much struck in the course of this argument at the present session and also at the last Congress, more than a year ago, by the amendment introduced by the Senator from Mississippi [Mr. GEORGE] to the bill of the Senator from Ohio when it was first presented to this body and referred to a committee, and which seemed to me to present for our consideration a proposition for Congressional action entirely within the powers conferred by the Constitution upon Congress, and which would go a long way, much further in my opinion even than the bill now before the Senate, towards correcting these evils. That was the amendment which the Senator from Mississippi has declined to offer to the bill at the present time, and which I have his permission to make my own. I therefore offer as an amendment to the bill the amendment which I send to the desk, and ask that it may be considered as in the nature of a substitute for the bill now before the Senate.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chief Clerk will read the amendment proposed by the Senator from Delaware.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and to insert:

That all contracts, arrangements, agreements, trusts, or combinations between two or more persons or corporations, or between a corporation and a natural person engaged in selling, importing, manufacturing, or transporting articles of merchandise, made with a view of preventing or which tend to prevent, and all acts done by any person with a view of preventing or which tend to prevent, full and free competition in the importation, transportation, manufacturing, or sale of any article of merchandise, or which shall have the effect of advancing the cost of any such article to the consumer, are hereby declared to be unlawful to the extent herein provided, and subject to the provisions of the following section of this act: *Provided*, That this act shall not be construed to apply to any arrangements, agreements, or combinations between laborers made with the view of lessening the number of hours of labor or of increasing their wages; nor to any arrangements, agreements, or combinations among persons engaged in horticulture or agriculture made with the view of enhancing the price of agricultural or horticultural products.

SEC. 2. That when any action or suit in law or equity shall be commenced or shall be pending in any court of the United States, it shall be lawful for any defendant therein to except to the jurisdiction of such court upon the ground that the cause of action or suit is for the enforcement of a right of a person or corporation violating any of the provisions of the first section of this act based on a contract for the sale, exchange, or transportation, or based on any damage arising from any wrong committed in respect to any article of merchandise manufactured, transported, imported, bought, or sold in violation of the provisions of said first section; and if such ground of exception shall be proven to the satisfaction of the court, judgment of dismissal shall be entered, with double costs to the defendant and with such reasonable sum for the attorney's fees for the defense thereof as may be allowed by the court.

SEC. 3. That when the President of the United States shall be satisfied that any arrangement, trust, contract, agreement, or combination, as described in the first section of this act, has been formed, and that in consequence thereof there has been an enhancement of the price of any article of merchandise, he shall have power, and it is hereby made his duty, to issue his proclamation suspending the collection of all customs duties or import taxes on similar articles when imported into the United States from any foreign country. Such suspension shall continue for ninety days after the President, upon being satisfied that such enhancement in price no longer exists, shall issue his proclamation withdrawing his former proclamation of suspension. And the President of the United States may, from time to time, as may in his judgment be proper, reissue, modify, or withdraw any proclamation he may have issued.

Mr. GRAY. Mr. President—

Mr. WILSON, of Iowa. Before the question is taken on that amendment I wish to offer an amendment to perfect the text of the original bill. The proposition of the Senator from Delaware is to strike out all after the enacting clause and insert a substitute. I desire to offer an amendment to the original bill.

The PRESIDING OFFICER. Such amendment will be in order, but the Senator from Delaware is entitled to the floor at this time.

Mr. WILSON, of Iowa. I understand that.

Mr. GRAY. Mr. President, I desire to say only a few words in regard to this amendment which I have offered. It seems to me to have very carefully considered the question of what legislative power conferred by the Constitution upon Congress is appropriately applicable to this subject. It attempts in its second section, by invoking the judicial power of the Government, to provide, as it may do, that whenever the judicial power of the United States is appealed to by a citizen of any State, if it shall appear that the subject-matter of the suit between the parties is a contract which is based upon an arrangement, combination, or trust that is declared unlawful by the bill which is now before the Senate, or when either of the parties to the suit or proposed suit shall have violated any of the provisions in regard to unlawful combinations, trusts, and arrangements, then that fact may be pleaded by the party sought to be affected by the suit, and the United States court in which the suit is brought shall dismiss for want of jurisdiction any such cause of action before it, thus withholding from all



who attempt to use the courts of the United States as a means of enforcing any matter or right claimed or growing out of such unlawful combinations, refusing the aid of the court to enforce such right or allowing that department of the Federal Government to be in any way ancillary to the cause of such arrangement or combination.

That goes a great way. The courts of the United States are the favorite resort for litigation between parties who are residents of different States, and where these large interests are concerned, stretching over the whole country, the parties generally being powerful corporations, the United States courts in ninety-nine cases out of a hundred would be the resort of litigants in matters growing out of such combinations or trusts. Then by this proposed legislation we absolutely forbid this class of suits being entertained, and thus disarm in a most important matter the power for evil of these combinations and illegal trusts.

That is one point of this proposed amendment. Another is that we shall attempt to do what I alluded to awhile ago, and that is measurably to dis sever this great Government of the United States from its unworthy association with these combines and trusts which are now formed under the operation of our high protective tariff, and to allow the President of the United States whenever he is satisfied that the price of any article is raised to the consumer by means of these combinations or trusts, and such articles are imported into the United States under the provisions of the protective tariff, to suspend the operation of that law imposing customs duties for a period not exceeding ninety days, and to exercise that power in such a manner and with such discretion as will enable him to accomplish the result sought.

Here is a practicable, constitutional, and effective remedy that, if applied, will be sustained by the courts; will strike a deadly blow at the existence of this complaint of combinations, associations, and trusts; will not be mere *brutum fulmen*, if passed; will not be an act merely of show. We shall not be merely prancing like a hobby-horse and making no advancement on the enemy, but we shall have directly, constitutionally, and effectually disabled and disarmed these impolitic organizations of the power for evil that they now possess.

Mr. President, if we are in earnest, as I profess to be about this matter, let us adopt a measure of legislation which is within the admitted powers of Congress, and not merely content ourselves by declarations as to the immorality and impolicy of these trusts, declaring, as this bill does in its first section, that these impolitic and illegal combinations may be attacked in some unprovided-for way by the Attorney-General of the United States; not contenting ourselves merely with providing that the circuit court of the United States shall have original jurisdiction of all suits of a civil nature at law or in equity arising under this section, and to issue by remedial process the orders or writs proper and necessary to enforce its provisions, when there is not from beginning to end of that section any provision or any clause that makes it possible for a circuit court of the United States to obtain jurisdiction over any of the matters arising out of these trusts or combinations. It is all well enough to provide that the Attorney-General shall appear for the United States, but no process, no form of suit, no means by which a *lis mota* can be created on behalf of the United States is found from beginning to end in that section.

I am opposed to what has been already called here a sham battle. I am opposed to merely parading before the country and denouncing in eloquent and declamatory terms these trusts and at the same time committing ourselves to measures which are so absolutely futile, so absolutely powerless to effect any result; but I shall be glad to unite, in the absence of any other suggestion that I have heard which seems to be feasible or constitutional, in making this substitute which I offer the law of the land, by which I believe that most if not all the evils that are complained of in regard to these combinations and trusts will be effectually dealt with.

Mr. WILSON, of Iowa. I desire to offer an amendment to come in at the end of section 1 of the bill, and as an addition to the proviso contained in that section.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Iowa.

The CHIEF CLERK. It is proposed to add at the end of the second proviso to section 1:

Nor to any arrangements, agreements, associations, or combinations among persons for the enforcement and execution of the laws of any State enacted in pursuance of its police powers; nor shall this act be held to control or abridge such powers of the States.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Iowa.

Mr. WILSON, of Iowa. Mr. President, I do not care to occupy the attention of the Senate at any length.

Mr. EUSTIS. Where does the Senator propose his amendment to come in?

Mr. WILSON, of Iowa. I propose it as an addition to the proviso of section 1, and it is simply for the purpose of avoiding an effect which is likely to flow from the earlier provisions of that section. That section provides as follows:

That all arrangements, contracts, agreements, trusts, or combinations between two or more persons or corporations, or both, made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States, or with a view or which tend to pre-

vent full and free competition in articles of growth, production, or manufacture of any State or Territory of the United States with similar articles of the growth, production, or manufacture of any other State or Territory, or in the transportation or sale of like articles, the production of any State or Territory of the United States, into or within any other State or Territory of the United States; and all arrangements, trusts, or combinations between such persons or corporations made with a view or which tend to advance the cost to the consumer of any such articles are hereby declared to be against public policy, unlawful, and void.

I will state frankly my purpose in offering the amendment. Under the provisions of this section, should it become a law, every organization in such a State as Iowa, for instance, of the character of the Woman's Christian Temperance Union, the Temperance Alliance, and other organizations intended to promote the execution of the laws of that State in respect of the manufacture and sale of intoxicating liquors would become illegal bodies and their movements subject to the terms and provisions of this bill. I know that was not intended, and yet the language, without being stripped of its power by the amendment I propose, would include all organizations of that kind. All I ask is that the subjects within the police power of the States as embraced within that legislation, of Iowa and any other State which may desire similar legislation, shall not be embraced within this provision, but that the States shall be left free in the execution of their police powers.

Mr. SHERMAN. I ask for the reading of the amendment again. The PRESIDING OFFICER. The amendment will be again stated. The CHIEF CLERK. It is proposed to add to the second proviso already agreed to at the end of section 1:

Nor to any arrangements, agreements, associations, or combinations among persons for the enforcement and execution of the laws of any State enacted in pursuance of its police powers; nor shall this act be held to control or abridge such powers of the States.

Mr. WILSON, of Iowa. I will just add to what I have said that the proviso to which I offered this as an amendment excepts from the operations of this section of the bill arrangements, agreements, or combinations between laborers, made with a view of lessening the number of hours of their labor or of increasing their wages, and it also excepts arrangements, agreements, associations, or combinations among persons engaged in horticulture or agriculture, made with a view of enhancing the price of their own agricultural or horticultural products. I think that the exception which I ask to have made by this amendment is quite as worthy of the support of the Senate as either of these.

Mr. HOAR. Allow me to ask the Senator if his amendment accomplishes his object. I understand his object is to protect combinations of persons intended to discourage the use and manufacture of intoxicating liquors.

Mr. WILSON, of Iowa. My object is to exclude them from the operation of the bill.

Mr. HOAR. I understand, to protect them from being affected by it. But the only description in his amendment is of such associations as are in aid of the execution of the laws of a State in pursuance of its police power. Now, if this bill without his amendment would render the class of persons he has described subject to the penal provision, all temperance societies whose object is to persuade mankind not to use intoxicating liquors would still remain in spite of his amendment within the purview of the bill. It seems to me he should extend his amendment a little further, because, as far as my State goes, this class of associations which he has described do not confine their efforts to the execution of the law, but their efforts are a great deal more extensive and extend to discouraging the use or manufacture of intoxicating liquors altogether. This is what he means, and we would all vote for it.

Mr. WILSON, of Iowa. I am satisfied that my amendment will cover the purpose I have in view concerning my State. If other Senators desire something further in regard to their States, they can move it.

Mr. HOAR. I move to amend the Senator's amendment by adding to it:

Or to discourage the use or manufacture of intoxicating liquors.

And we will take a vote on that.

The PRESIDING OFFICER. The Chief Clerk will read the amendment proposed by the Senator from Massachusetts to the amendment of the Senator from Iowa.

The CHIEF CLERK. It is proposed to add to the amendment of the Senator from Iowa:

Or to discourage the use or manufacture of intoxicating liquors.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. SHERMAN. The Senator from Iowa showed me his amendment. As these organizations in Iowa are associated and organized something in the nature of a corporation, there might be some reason for believing that they possibly might fall within the meaning of the clauses of the bill. Therefore, I have no objection to his amendment, but I do not see any reason for putting in temperance societies any more than churches or school-houses or any other kind of moral or educational associations that may be organized. Such an association is not in any sense a combination or arrangement made to interfere with interstate commerce; but under the peculiar circumstances, upon the facts stated by the Senator from Iowa, I think it is very proper to make an exception of those organizations in Iowa which are really in aid of the

execution of State law. I would apply it to all organizations which are using either moral or any other kind of means for the enforcement of local laws; but I do not think it is worth while to adopt the amendment of the Senator from Massachusetts, because that would include temperance societies. You might as well include churches and Sunday schools.

Mr. CULLOM. Mr. President, I have been quietly sitting here listening to this debate and voting on numerous amendments now for three or four days, and have said nothing. I am very anxious to vote for some proper bill that will abolish and uproot the trusts that are interfering with the legitimate business of the country, and I had hoped when we commenced this discussion that we should confine our work to that subject alone. But we have been proceeding now for several days, numerous amendments have been offered, and almost every conceivable subject has been dragged in and attached to the bill that was for the purpose of uprooting and prohibiting trusts. I do not think there has been a single amendment offered to which there have not been very serious objections made on the ground of its unconstitutionality. It is utterly useless for us to pass a bill just for the fun of it, or to pass a bill that is unconstitutional, or to undertake to pass a bill that covers every subject in which the people are interested.

While I am very anxious to pass a proper bill that will prohibit trusts and break them up and protect the people of this country I should much prefer having a bill carefully considered by a committee in order that we may intelligently vote upon it.

While I do not know whether the honorable Senator from Ohio will consent to it or not, yet I very much hope he will consent to a recommitment of the bill, with all the amendments, to the Committee on Finance.

Mr. SHERMAN. It would take two weeks longer.

Mr. CULLOM. I do not care if it does. I want to get something out of this measure that will do some good and not do any harm. In my judgment we are liable to pass something here that will destroy business instead of protecting the legitimate business of the country. Everybody who knows me, in the Senate and elsewhere, I think, knows me well enough to be assured that I am for the interest of the people. If I can find out what that is and if we can do it constitutionally and legitimately. But I am not willing to vote for a bill about which there is very serious doubt as to whether we will not injure the interests of the people, instead of protecting and benefiting them.

I hope, as there has seemed to be an indisposition to refer this bill to the Committee on the Judiciary, that the Committee on Finance will consent that the bill shall be recommitment to them, and I believe, in the light of the discussion which has been had of the original bill and of the several amendments that have been offered to it, that committee in a very few days' time will be able to perfect a bill for which we all can vote, and which we can pass without three or four days' discussion, as we have had on this bill as it is.

Sir, I do not want to delay this subject, neither do I desire that the business of the Senate shall be interfered with, but this is as important a question as can come before us, and it is important that we should get the bill in proper shape before we pass it. I know that the Senator from Ohio is anxious to pass a proper bill on this subject, and I trust he will consent that the Senate shall recommit the bill to the Committee on Finance in order that they may report it to the Senate again after they have maturely considered the different amendments before them.

I hope the Senate will vote upon a motion and vote in favor of a motion, whether the Senator from Ohio desires the bill to go back to that committee or not, to send it back to the Finance Committee, with all of the amendments that have been offered, the most of which have been adopted, and let them consider the various propositions in their committee-room carefully, and then bring in here a measure which they think ought to be passed, and I have no doubt the Senate will pass it. I make that motion, Mr. President.

The PRESIDING OFFICER. The Senator from Illinois moves that the bill be recommitment to the Committee on Finance. Is the Senate ready for the question?

Mr. SHERMAN. After four days' debate, all that is required is for us to have a vote upon these amendments. The Senate have now got all the information that can be communicated by the committee. There is no use in a reference of the bill; and if we go on in that way transacting the business of the country we shall never close this session.

Mr. CULLOM. The Senator knows better than anybody else in the Senate that it is a difficult matter for a body of eighty men to consider a bill maturely and carefully and be as nearly right in its consideration as a committee of eight or ten men in their room, where they can read it section by section and line by line and determine upon its constitutionality and upon its effect on the business of the country.

Mr. SHERMAN. I know that every sentence and every line of the bill has been read to the Senate over and over again. It has been printed three times and the only point of difference now (and but for that point I believe the bill would have passed before this time) is whether the seventh section sufficiently defines what are called "futures." That doubt has arrested the passage of the bill, and but for that it would have passed before this time. Now that doubt has practically been removed by the amendment proposed by the Senator from Kansas.

Mr. CULLOM. The amendment of the Senator from Kansas has been criticised here, and has been amended hurriedly. The Senate does not know now, in my opinion, what the amendment to that amendment is which has been adopted by the Senate.

Mr. SHERMAN. Upon my word, it has been read many times.

Mr. EUSTIS. I appeal to the Senator from Ohio. I do not think that he is fairly treating the friends of the trust bill properly by insisting upon a vote in regard to these amendments. For instance, take my case. I am in favor of the bill reported by the Senator from Ohio and of the amendment of the Senator from Texas. I will vote for that bill. I think it is a proper bill, and I think it is a bill that ought to be passed by Congress; but by refusing to have this bill recommitment to the committee I am forced into the position of voting against the bill, because I can not vote for the amendment offered by the Senator from Kansas.

Mr. SHERMAN. Let me ask the Senator from Louisiana how much better off he would be. Suppose we take the bill back to the committee, go over it again, and bring it in here. It will have lost its place on the Calendar or anywhere else, we shall have lost time, and it may be a long while before it can be taken up, and then we shall have the same questions presented. If a majority of the Senate are in favor of attaching the amendment of the Senator from Kansas to the bill, let them say so now. Now is the time. If a majority of the Senate reject the bill on any account whatever, let it be so. I do not see what help it will be to send it to the Committee on Finance.

Mr. EUSTIS. I think the Senator from Ohio probably may discover that there may be a change of views in this body.

Mr. SHERMAN. I do not much conceive it.

Mr. EUSTIS. The bill can be reported in a few days.

Mr. INGALLS. If the Committee on Finance should see fit to report the bill without the amendment that has been offered by me, I pledge myself distinctly to offer it again when the bill comes to the Senate.

Mr. DOLPH. I wish to say that I believe the amendment of the Senator from Kansas to be the important part of this bill. If any portion of the bill will accomplish the purpose designed this will, and if any part of the bill, in my judgment, is within the constitutional power of Congress the amendment offered by the Senator from Kansas is. But I think the Senator from Kansas has inadvertently, not having given the matter his usual careful consideration, taken the life out of his entire amendment. He has destroyed by the amendment to the proviso sections 6 and 7, and if those sections are destroyed there is nothing left of his proposition, because it now provides that the whole act shall not apply to bona fide contracts for the actual delivery of the property contracted for.

If there is such a contract it is not necessary for the party to deliver the article. If the contract is made in good faith and the seller does not choose to deliver the article he simply pays the damages, he pays the difference in the price; but if you were to go further and had the power, which you have not, to provide that it shall be delivered, it would not stop gambling in futures at all, because if there were half a million bushels of corn in the elevators in Chicago the warehouse receipts of that grain would be floating around the city; they would pass from hand to hand like checks upon money deposited in a bank, and you could every day in the year deliver, because the delivery of the receipt for the corn in the warehouse would be a delivery of the corn, and you could actually deliver and contract every day in the year for ten or twenty million bushels of corn.

Mr. HAWLEY. Mr. President, every Senator who speaks discloses to me the hopelessness of this situation. It is quite impossible to specify what propositions will receive the approval of a majority of the Senate, and yet the combinations of all the propositions may be such that nobody will vote for the bill, and that is just about where we stand now. I think the bill as it stands now literally has not a friend in the Senate. The Senator from Ohio indicates practically that it is an impossibility for anybody to vote for it as it stands.

Mr. SHERMAN. Oh, no.

Mr. HAWLEY. I understood the Senator to say that the bill as it is just now ought not to pass.

Mr. SHERMAN. Oh, no.

Mr. HAWLEY. Very well; I think that nine-tenths of the Senate would say so. That is my opinion of it.

Mr. INGALLS. A majority of the amendments have been offered subsequently to the last amendment adopted to section 7.

Mr. HAWLEY. Yet that was adopted by the Senate. There are half a dozen amendments there bunched together that received the approval of the Senate apparently.

Mr. President, I have a few words more to say. Nobody from the Committee on Finance has advocated this bill except its distinguished reporter and perhaps author. I do not remember that any one else has spoken for it from that committee. But we have a committee in the Senate chosen for the express purpose of considering great general laws, statutes that are intended to remain and do great work. A bill like this is not intended for the Military or Naval Committee or the Appropriations Committee, or in my judgment for the Finance Committee or the Committee on the Library or any one of the forty committees. There is just one committee that ought to take a subject of this magnitude under consideration and give us legal advice.



Most of us are lawyers, but few of us can give this question the study and consideration we feel it ought to have. However, we have chosen a body of veteran teachers and practitioners of law for the express purpose of getting the best advice possible, and we have not used our own machinery.

I can not vote for the bill as it stands now. You may shear off any one of half a dozen things that remain and yet I could not vote for it. But there is a broad, general purpose of the bill as originally reported that I approve.

Now, I move sincerely, and with a desire to get at the truth, to amend the motion of the Senator from Illinois by inserting the Judiciary Committee, so as to refer the bill to the Judiciary Committee.

Mr. SHERMAN. The vote must be taken separately on that question.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR] to the amendment of the Senator from Iowa [Mr. WILSON].

Mr. INGALLS. What was the motion of the Senator from Connecticut?

Mr. HAWLEY. The question is on the motion for reference.

The PRESIDING OFFICER. The Chair did not hear the motion of the Senator from Connecticut.

Mr. HAWLEY. The Senator from Illinois had moved to recommit.

The PRESIDING OFFICER. The motion of the Senator from Illinois to recommit takes precedence of the amendment.

Mr. HAWLEY. I move to amend so as to refer the bill to the Committee on the Judiciary.

Mr. INGALLS. A motion to commit can only be amended by adding instructions, not by moving to refer to another committee.

The PRESIDING OFFICER. The Senator from Kansas is clearly right.

Mr. HAWLEY. I move to refer, with instructions to report within a fortnight.

Mr. EDMUNDS. The motion to recommit to the Committee on Finance can not be amended, I think, under the rules, by a change to another committee.

The PRESIDING OFFICER. The Chair has so decided, but instructions to the committee it is competent for the Senate to give, if it chooses.

Mr. CULLOM. I desire to say one word further. I wish to distinctly state that I am earnestly in favor of a proper and well matured anti-trust bill, and I want one passed just as soon as it can be done. The only reason why I desired that the bill should go back to the Finance Committee was because there seemed to be an objection to its going to the Judiciary Committee. The impression seemed to prevail in some minds that that was in the interest of killing the bill.

Now, I have made the motion to recommit, in the interest of passing the bill just as quickly as possible.

Mr. HAWLEY. I think the Senator's intimation is not quite courteous to any committee of this body. When a proposition is made to refer a bill to a committee, I do not know of any committee that has ever said, "We do not care to consider it; it is none of our business; somebody else ought to have it;" or, "We do not want to be vexed about it." We have no such condition here.

Mr. CULLOM. I am making no suggestion of that kind myself. I am simply stating that expressions have been made that referring the bill to the Judiciary Committee was in the interest of strangling the bill entirely. The reason why I make the motion to refer it to the Finance Committee is because I do not want it strangled. I want to refer it to its friends. I want to refer it to the committee that brought it here. So far as their ability is concerned, everybody knows that many if not all the members of that committee are as eminent lawyers as are the members of the Judiciary Committee. In my judgment if it can go back to that committee, that committee can bring it here inside of three days perfected, and by unanimous consent, in my opinion, the Senate would allow it to be taken up and acted upon without delay.

Mr. EDMUNDS. I only wish to say, without referring to the merits of this case, that the Senator from Illinois is entirely mistaken, so far as I know, in supposing that any single member of the Committee on the Judiciary wishes to strangle this bill, the great purposes of which I believe every member of the committee is in favor of. I am not in favor of referring it to the Committee on the Judiciary. I wish the committee which chose to take possession of the subject shall work it out; but I think it due to the members of the Committee on the Judiciary to say that, so far as I know, there is not a single member of that committee who does not agree with the Senator from Illinois in desiring to suppress these evils.

Mr. CULLOM. I am still misunderstood. I do not intimate that in my opinion the Judiciary Committee is against this bill at all, but there seemed to be a disinclination to refer it there, and I want the bill referred to its friends, who can bring it back here as quickly as possible.

Mr. BUTLER. Every time the proposition is made to refer the bill to the Committee on the Judiciary I am reminded of shaking a red flag at a bull; the members of that committee appear to get in a very high state of indignation. I was going to suggest, in view of what the Senator from Vermont said some time ago, that he had taken his

life in his hand when he made some proposition to his colleague on that committee, that each member of that committee be disarmed before we go any further with this discussion, if there is any danger of that sort.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Connecticut [Mr. HAWLEY] to the motion of the Senator from Illinois [Mr. CULLOM].

Mr. PLATT. The motion of the Senator from Illinois can not be amended in that way.

Mr. CULLOM. I think the amendment was declared out of order, Mr. BLAIR. I should like before this matter goes any further to inquire of the Senator from Ohio if he will be so good as to inform the Senate when we are to have a vote upon this proposition?

Mr. SHERMAN. In the course of an hour.

Mr. BLAIR. In the course of an hour? Very well; I am satisfied with that.

The PRESIDING OFFICER. Is the Senate ready for the question on the amendment of the Senator from Connecticut to the motion of the Senator from Illinois?

Mr. EDMUNDS. What is that amendment?

The PRESIDING OFFICER. It is that the committee shall be instructed to report within two weeks.

Mr. INGALLS. The Committee on Finance?

The PRESIDING OFFICER. The Committee on Finance.

Mr. HAWLEY. No, I beg pardon; I made no such motion.

The PRESIDING OFFICER. The Chair did not hear the amendment, but was so informed at the Clerk's desk.

Mr. HAWLEY. In what way I can parliamentarily, I wish to get this bill to the Committee on the Judiciary. That is my motion.

The PRESIDING OFFICER. The Chair ruled that motion out of order, and understood the Senator to propose to amend by adding instructions.

Mr. HAWLEY. No. Of course I submit to the ruling of the Chair. I shall vote against the motion to refer to the Committee on Finance, and I shall make a motion to refer to the Committee on the Judiciary if I can get an opportunity.

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois to recommit the bill to the Committee on Finance.

The motion was not agreed to, there being on a division—ayes 17, noes 31.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Massachusetts [Mr. HOAR] to the amendment of the Senator from Iowa [Mr. WILSON].

Mr. HAWLEY. I move to refer the bill and all amendments to the Committee on the Judiciary, and if it be proper I would add, with instructions to report within a fortnight.

The PRESIDING OFFICER. The Chair holds that that motion is in order. The Senator from Connecticut moves that the bill and amendments be referred to the Committee on the Judiciary, with instructions that that committee shall report back to the Senate within two weeks. The question is on agreeing to the motion of the Senator from Connecticut.

The motion was not agreed to, there being on a division—ayes 24, noes 29.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Massachusetts to the amendment of the Senator from Iowa.

Mr. VANCE (at 6 o'clock and 15 minutes p. m.). I move that the Senate do now adjourn.

Mr. SHERMAN and others. Oh, no.

Mr. COCKRELL. I hope that motion will not be made until an order is made to reprint the bill.

Mr. SHERMAN. On that motion to adjourn I call for the yeas and nays.

Mr. EDMUNDS (to Mr. SHERMAN). You do not need them, I think. Do not call for them until it becomes necessary.

Mr. SHERMAN. Very well; I withdraw the demand.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Carolina that the Senate do now adjourn.

The motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Massachusetts to the amendment of the Senator from Iowa.

Mr. HOAR. I will withdraw my amendment, solely in the interest of saving time.

The PRESIDING OFFICER. The question then recurs on the amendment of the Senator from Iowa [Mr. WILSON].

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment in the nature of a substitute proposed by the Senator from Delaware [Mr. GRAY]. Is the Senate ready for the question?

Mr. BUTLER. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired generally with the Senator from Pennsylvania [Mr. CAMERON]. As I do not

know how he would vote on this question, I withhold my vote. If he were present, I should vote "yea."

Mr. COKE (when his name was called). I am paired with the Senator from Colorado [Mr. TELLER], who is absent. I do not know how he would vote, and I therefore withhold my vote.

Mr. DAVIS (when his name was called). I am paired upon this question with the Senator from Nevada [Mr. STEWART]. If he were present, I should vote "nay."

Mr. DOLPH (when his name was called). I am paired with the senior Senator from Georgia [Mr. BROWN]. If he were here, I should vote "nay."

Mr. FAULKNER (when his name was called). I transfer the pair I have with the junior Senator from Pennsylvania [Mr. QUAY] to the senior Senator from Florida [Mr. CALL], and vote "yea."

Mr. HAMPTON (when his name was called). I have a pair with the junior Senator from Rhode Island [Mr. DIXON]. Not knowing how he would vote, I shall withhold my vote, though I should vote "yea" if he were present.

Mr. HEARST (when his name was called). I am paired with my colleague [Mr. STANFORD].

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES].

Mr. FAULKNER (when Mr. KENNA's name was called). My colleague [Mr. KENNA] requested me to say that he is necessarily detained from the Senate. He is paired with the Senator from North Dakota [Mr. CASEY].

Mr. PLATT (when his name was called). I am paired with the junior Senator from Virginia [Mr. BARBOUR].

Mr. SQUIRE (when his name was called). I am paired with the Senator from Virginia [Mr. DANIEL] on political questions. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. BLACKBURN. My colleague [Mr. BECK] is absent necessarily on account of the condition of his health. If he were here he would vote "yea," unless his pair should prevent it.

I am paired with the Senator from Nebraska [Mr. MANDERSON], who is absent. If he were here I should vote "yea."

Mr. SAWYER. I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. PUGH. I desire to announce the pair of my colleague [Mr. MORGAN] with the Senator from New York [Mr. EVARTS].

Mr. HALE (after having voted in the negative). I withdraw my vote.

The PRESIDING OFFICER. The Senator from Maine withdraws his vote.

Mr. RANSOM. I am paired with the Senator from Michigan [Mr. STOCKBRIDGE]. If he were here I should vote "yea."

The result was announced—yeas 18, nays 26; as follows:

## YEAS—18.

Bate, Berry, Eustis, Faulkner, George,	Gibson, Gorman, Gray, Harris, McPherson,	Pasco, Pugh, Turpie, Vance, Vest,	Voorhees, Walthall, Wilson of Md.
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## NAYS—26.

Aldrich, Allen, Allison, Blair, Chandler, Cockrell, Cullom,	Dawes, Farwell, Hawley, Higgins, Hoar, Ingalls, Jones of Nevada,	McMillan, Mitchell, Moody, Morrill, Paddock, Pierce, Plumb,	Reagan, Sherman, Spooner, Washburn, Wilson of Iowa.
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## ABSENT—33.

Barbour, Beck, Blackburn, Blodgett, Brown, Butler, Call, Cameron, Casey, Coke,	Colquitt, Daniel, Davis, Dixon, Dolph, Edmunds, Evarts, Frye, Hale, Hampton,	Hearst, Hiscock, Jones of Arkansas, Kenna, Manderson, Morgan, Payne, Pettigrew, Platt, Quay,	Ransom, Sawyer, Stanford, Stewart, Teller, Wolcott.
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So the amendment was rejected.

Mr. GRAY. I offer the amendment which I send to the desk, to the bill, and ask that it be read. Is the bill in the Senate or in Committee of the Whole?

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to amendment.

Mr. GRAY. I move to add after section 5 the section which I have sent to the desk.

The PRESIDING OFFICER. The Secretary will report the amendment proposed.

The CHIEF CLERK. After section 5 it is proposed to insert the following new section:

Sect.—That when the President of the United States shall be satisfied that any arrangement, trust, contract, agreement, or combination, as described in the first section of this act, has been formed, and that in consequence thereof there has been an enhancement of the price of any article of merchandise, he shall have power, and it is hereby made his duty, to issue his proclamation suspending the collection of all customs duties or import taxes on similar articles

when imported into the United States from any foreign country. Such suspension shall continue for ninety days after the President, upon being satisfied that such enhancement in price no longer exists, shall issue his proclamation withdrawing his former proclamation of suspension. And the President of the United States may, from time to time, as may in his judgment be proper, revise, modify, or withdraw any proclamation he may have issued.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment?

Mr. VEST. I call for the yeas and nays on that amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I repeat the announcement of my pair with the Senator from Nebraska [Mr. MANDERSON] and the necessary absence of my colleague [Mr. BECK]. He would vote "yea" if present, and so would I.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. COKE (when his name was called). I am paired with the Senator from Colorado [Mr. TELLER]. If he were here, I should vote "yea."

Mr. DAVIS (when his name was called). I am paired with the Senator from Nevada [Mr. STEWART] on this bill. I do not know how he would vote on this amendment and therefore withhold my vote.

Mr. DOLPH (when his name was called). I am paired with the Senator from Georgia [Mr. BROWN].

Mr. HAMPTON (when his name was called). I am paired with the Senator from Rhode Island [Mr. DIXON].

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES]; otherwise I should vote "nay."

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES], if present, would vote "yea."

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR] and I make this announcement once for all this evening, unless the bill should come to a final vote.

Mr. RANSOM (when his name was called). I am paired with the Senator from Michigan [Mr. STOCKBRIDGE]. If he were present I should vote "yea."

Mr. SAWYER (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. SQUIRE (when his name was called). I am paired with the Senator from Virginia [Mr. DANIEL]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. HALE. I am paired with the Senator from Kentucky [Mr. BECK].

Mr. BLACKBURN. Mr. President, after conference with the Senator from Maine [Mr. HALE] and with the Senator from Nebraska [Mr. PADDOCK], I will on this vote transfer my pair from the Senator from Nebraska [Mr. MANDERSON], who is detained by illness from the Chamber, to my colleague [Mr. BECK]. I will ask to vote. I vote "yea."

Mr. HALE. I vote "nay."

The result was announced—yeas 21, nays 25; as follows:

## YEAS—21.

Bate, Berry, Blackburn, Cockrell, Edmunds, Eustis,	Faulkner, George, Gibson, Gorman, Gray, Harris,	McPherson, Pasco, Pugh, Reagan, Turpie, Vance,	Vest, Voorhees, Walthall.
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## NAYS—25.

Aldrich, Allen, Allison, Blair, Chandler, Cullom, Dawes,	Farwell, Hale, Hawley, Higgins, Hoar, Ingalls, Jones of Nevada,	McMillan, Moody, Morrill, Paddock, Payne, Pierce, Plumb,	Sherman, Spooner, Washburn, Wilson of Iowa.
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## ABSENT—36.

Barbour, Beck, Blodgett, Brown, Butler, Call, Cameron, Casey, Coke,	Colquitt, Daniel, Davis, Dixon, Dolph, Evarts, Frye, Hampton, Hearst,	Hiscock, Jones of Arkansas, Kenna, Manderson, Mitchell, Morgan, Pettigrew, Platt, Quay,	Ransom, Sawyer, Stanford, Stewart, Stockbridge, Teller, Wilson of Md. Wolcott.
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So the amendment was rejected.

Mr. VEST. I move to amend the bill, in section 9, line 5, by striking out the word "one," before the word "thousand," and inserting "ten."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 9, line 5, before the word "thousand," it is proposed to strike out "one" and insert "ten," so as to read:

Dealers in "options" or "futures" shall pay annually the sum of \$10,000.

The amendment was agreed to—ayes 28, noes not counted.

Mr. COKE. I voted on the division inadvertently. I forgot for the moment that I was paired with the Senator from Colorado [Mr. TELLER].

Mr. TURPIE. I move that the Senate do now adjourn.

The question being put, there were on a division—ayes 22, noes 30.



Mr. VANCE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. INGALLS. Mr. President, I ask unanimous consent to submit a request that some hour may be designated to-morrow when the vote shall be taken on this bill.

The PRESIDING OFFICER. Is there objection to the Senator submitting a request, a motion to adjourn being pending?

Mr. EDMUNDS. I object.

The PRESIDING OFFICER. The Senator from Vermont objects.

Mr. VANCE. I withdraw the call for the yeas and nays on the motion to adjourn at the request of Senators around me.

The PRESIDING OFFICER. Is there objection to the Senator withdrawing the call for the yeas and nays. The Chair hears none, and the call is withdrawn. The motion to adjourn has been disagreed to.

Mr. VEST. In line 15 of section 10, before the word "thousand," I move to strike out "one" and insert "ten;" so as to conform to the former amendment made on my motion.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 10, line 15, before the word "thousand," it is proposed to strike out "one" and insert "ten;" so as to read:

And shall thereupon pay to such collector the sum aforesaid of \$10,000.

Mr. SHERMAN. I raise the point of order on the amendment.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. SHERMAN. These amounts have been inserted by an amendment made as in Committee of the Whole, and consequently they are not now amendable. Most of these amendments have been out of order. I feel bound to raise the point.

The PRESIDING OFFICER. The amendment, being an amendment already agreed to as in Committee of the Whole, is not now amendable by the change proposed by the Senator from Missouri, and his amendment is not in order.

Mr. VEST. I suppose I can offer the amendment in the Senate.

The PRESIDING OFFICER. It will be in order in the Senate. The bill is still in Committee of the Whole and open to amendment. If there are no further amendments, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The Senate has made sundry amendments to the bill.

Mr. VEST. Now I submit my amendment.

Mr. INGALLS. The first question is on the amendments made as in Committee of the Whole.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole; and then the Chair asks whether the question shall be put in gross or whether certain amendments shall be reserved.

Mr. INGALLS. I wish to reserve all the amendments made to section 7, I think it is, beginning with that offered by the Senator from South Carolina [Mr. BUTLER].

Mr. EDMUNDS. Reserve all the amendments; take them all one by one.

The PRESIDING OFFICER. All the amendments are reserved. The question will be put on each amendment separately, and the Secretary will report for information the first amendment made as in Committee of the Whole.

Mr. VANCE. Mr. President, it is very evident now that we can not vote intelligently to-night upon the bill with all these amendments unprinted unless we extend this session very late indeed. It is a most important bill and we have done a long day's work. I hope now that some proposition will be entertained to fix an hour when we shall vote to-morrow, and that we shall adjourn and have the bill printed in the mean time for the information of the Senate.

Mr. INGALLS. I ask unanimous consent that the vote be taken on the bill and amendments without further discussion at 4 o'clock in the afternoon to-morrow.

Mr. EDMUNDS. To that I object, for the reason that I have some observations to make when the bill shall have been perfected, and so I object to any arrangement of that kind. We had better finish the bill to-night. We understand what the propositions are.

The PRESIDING OFFICER. The Secretary will report the first amendment made as in Committee of the Whole.

Mr. BUTLER (at 6 o'clock and 36 minutes p. m.). I move that the Senate do now adjourn.

The question being put, there were, on a division—yeas 25, noes 26.

Mr. BUTLER. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired generally with the Senator from Pennsylvania [Mr. CAMERON], but, believing that he would vote "yea" on this proposition if present, I vote "yea."

Mr. COKE (when his name was called). I am paired with the Senator from Colorado [Mr. TELLER], and therefore withhold my vote.

Mr. RANSOM (when his name was called). I am paired with the Senator from Michigan [Mr. STOCKBRIDGE]. If he were present, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 23, nays 26; as follows:

YEAS—23.			
Bate,	Faulkner,	Harris,	Turpie,
Berry,	George,	McPherson,	Vance,
Blackburn,	Gibson,	Pasco,	Vest,
Butler,	Gorman,	Payne,	Voorhees,
Cockrell,	Gray,	Pugh,	Walthall.
Eustis,	Hampton,	Reagan,	
NAYS—25.			
Aldrich,	Dolph,	Ingalls,	Plumb,
Allen,	Edmunds,	McMillan,	Sherman,
Allison,	Farwell,	Mitchell,	Spooner,
Chandler,	Hale,	Moody,	Washburn,
Cullom,	Hawley,	Morrill,	Wilson of Iowa,
Davis,	Higgins,	Paddock,	
Dawes,	Hoar,	Pierce,	
ABSENT—33.			
Barbour,	Colquitt,	Kenna,	Stanford,
Beck,	Daniel,	Manderson,	Stewart,
Blair,	Dixon,	Morgan,	Stockbridge,
Blodgett,	Evarts,	Pettigrew,	Teller,
Brown,	Frye,	Platt,	Wilson of Md.
Call,	Hearst,	Quay,	Wolcott.
Cameron,	Hiscock,	Ransom,	
Casey,	Jones of Arkansas,	Sawyer,	
Coke,	Jones of Nevada,	Squire,	

So the Senate refused to adjourn.

Mr. BUTLER. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from South Carolina moves that the Senate proceed to the consideration of executive business.

The motion was agreed to, there being on a division—yeas 24, noes 22.

The PRESIDING OFFICER. The Sergeant-at-Arms will clear the galleries and close the doors.

Mr. SHERMAN. Before that is done I ask for an order to reprint the bill with the amendments which have been made to it.

The PRESIDING OFFICER. That order will be made, in the absence of objection.

#### HOUSE BILL REFERRED.

The bill (H. R. 8393) to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus by holding an international exhibition of arts, industries, manufactures, and the product of the soil, mine, and sea in the city of Chicago, in the State of Illinois, was read twice by its title, and referred to the Select Committee on the Quadro Centennial.

#### EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 27, 1890, at 13 o'clock m.

#### NOMINATIONS.

*Executive nominations received by the Senate the 26th day of March, 1890.*

##### POSTMASTER.

Thomas W. Thurman, to be postmaster at Griffin, in the county of Spalding and State of Georgia, in the place of M. O. Bowdoin, whose commission expired March 12, 1890.

##### PROMOTION IN THE NAVY.

Paymaster Thomas H. Looker, to be chief of the Bureau of Provisions and Clothing and Paymaster-General in the Department of the Navy, with the relative rank of commodore, to fill a vacancy.

Medical Inspector Walker K. Scofield, to be a medical director in the Navy, from the 8th of February, 1890, vice Medical Director Adrian Hudson, deceased.

Surg. Daniel McMurtrie, to be a medical inspector in the Navy, from the 8th of February, 1890, vice Medical Inspector W. K. Scofield, promoted.

Passed Assistant Engineer Henry Schuyler Ross, to be a chief engineer in the Navy, from January 28, 1890, vice Chief Engineer John P. Kelly, deceased.

Assistant Engineer George W. McElroy, to be a passed assistant engineer in the Navy, from January 28, 1890, vice Passed Assistant Engineer Arthur Price, resigned, and H. S. Ross, promoted, subject to the examination required by law.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 24, 1890.*

##### UNITED STATES CONSULS.

William S. Preston, of New York, to be consul of the United States at Cognac.

Alfred W. Street, of New York, to be consul of the United States at Coaticook.

##### SURVEYOR OF CUSTOMS.

Armor Smith, jr., of Ohio, to be surveyor of customs for the port of Cincinnati, in the State of Ohio.

## POSTMASTERS.

J. Knox Corbett, to be postmaster at Tucson, in the county of Pima and Territory of Arizona.

John W. Archibald, to be postmaster at Prescott, in the county of Yavapai and Territory of Arizona.

Hallum G. Williamson, to be postmaster at Albuquerque, in the county of Bernalillo and Territory of New Mexico.

Jacob Weltmer, to be postmaster at Santa Fé, in the county of Santa Fé and Territory of New Mexico.

John A. Place, to be postmaster at Oswego, in the county of Oswego and State of New York.

Henry C. Hammond, to be postmaster at Brockport, in the county of Monroe and State of New York.

Justin M. Moody, to be postmaster at Waterbury, in the county of Washington and State of Vermont.

Charles W. L. Hayward, to be postmaster at East Weymouth, in the county of Norfolk and State of Massachusetts.

John Lovejoy, to be postmaster at Rockland, in the county of Knox and State of Maine.

Frank E. Helvey, to be postmaster at Nebraska City, in the county of Otoe and State of Nebraska.

James B. Hartwell, to be postmaster at Hastings, in the county of Adams and State of Nebraska.

Samuel L. Andrews, to be postmaster at Crete, in the county of Saline and State of Nebraska.

William Cochran, jr., to be postmaster at Milan, in the county of Sullivan and State of Missouri.

Sumner A. Whitehead, to be postmaster at Eaton Rapids, in the county of Eaton and State of Michigan.

William P. Moulton, to be postmaster at Stuart, in the county of Guthrie and State of Iowa.

Noyce B. Smith, to be postmaster at Kilbourn City, in the county of Columbia and State of Wisconsin.

Newman C. Nash, to be postmaster at Canton, in the county of Lincoln and State of South Dakota.

Joshua E. Wilson, to be postmaster at Florence, in the county of Florence and State of South Carolina.

John C. Reid, to be postmaster at Cuyahoga Falls, in the county of Summit and State of Ohio.

Milton B. De Shong, to be postmaster at Ashland, in the county of Ashland and State of Ohio.

John H. Fellows, to be postmaster at Richmond, in the county of Sagadahoc and State of Maine.

Jonas Myers, to be postmaster at Rochester, in the county of Fulton and State of Indiana.

Mark L. De Motte, to be postmaster at Valparaiso, in the county of Porter and State of Indiana.

William H. Breeding, to be postmaster at Edinburgh, in the county of Johnson and State of Indiana.

Frederick G. Diefenbach, to be postmaster at Blue Island, in the county of Cook and State of Illinois.

Mark L. Doughty, to be postmaster at Farmington, in the county of St. François and State of Missouri.

William C. Adams, to be postmaster at Petersburg, in the county of Pike and State of Indiana.

George Woodruff, to be postmaster at Farmington, in the county of Fulton and State of Illinois.

Joseph H. Weeks, to be postmaster at Upper Alton, in the county of Madison and State of Illinois.

*Executive nomination confirmed by the Senate March 26, 1890.*

## PROMOTION IN THE NAVY.

*Bureau of Provisions and Clothing.*

Pay Director Thomas H. Looker, to be Chief of the Bureau of Provisions and Clothing, and Paymaster-General in the Department of the Navy.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 26, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read.

## CORRECTIONS.

Mr. RICHARDSON. Mr. Speaker, on page 2673 of the RECORD, under reports filed, it appears that as a member of the Committee on Printing I reported a concurrent resolution of the Senate to print 2,500 extra copies of the report of the health officer of the District of Columbia, which was referred to the Committee of the Whole House on the state of the Union. As a fact the concurrent resolution was passed by the House of Representatives and was not referred to the Committee of the Whole House on the state of the Union.

The SPEAKER. The Journal so shows.

Mr. CARLISLE. Mr. Speaker, I desire to call the attention of the

House to a clerical error in an amendment offered by myself on yesterday and agreed to by the House when the world's fair bill was under consideration. In the preparation of the amendment the word "said" is written instead of the word "such." I ask unanimous consent that the Clerk be directed, in engrossing the bill, to substitute the word "such" for the word "said." The meaning is plain in the amendment, and it is a mere clerical error.

The SPEAKER. Without objection, the correction will be made as requested.

There was no objection.

## ENROLLED BILL SIGNED.

The SPEAKER. An enrolled bill was submitted to the House on yesterday evening in such condition that the Chair thinks it should be again submitted.

The Clerk read as follows:

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 525) to establish two additional land offices in the State of Montana.

## SPECIAL ORDER.

Mr. CANNON. As a privileged report from the Committee on Rules, I report back the following resolution with a substitute, the adoption of which is recommended by the committee.

The Clerk read as follows:

*Resolved, That Wednesday, March 26, immediately after the approval of the Journal, be set apart for the consideration in the House of the bill for the admission of Wyoming, and that, unless previously ordered by the House, the previous question shall be deemed ordered on the engrossment, third reading, and final passage of the bill at 4 o'clock p. m. of that day.*

The committee offer the following as a substitute:

*Resolved, That to-day, immediately after the passage of this resolution, the House enter upon the consideration of the bill for the admission of Wyoming, and at 6 o'clock and 30 minutes take a recess until 11 o'clock Thursday next; and at 1 o'clock of that day the previous question be considered as ordered on the three amendments proposed by the minority and on the bill to its passage.*

The substitute was agreed to; and the resolution as amended was agreed to.

Mr. CANNON moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## REMONSTRANCES AGAINST EXPENDITURES FOR WAR-LIKE PURPOSES.

Mr. MARTIN, of Indiana, obtained unanimous consent to have printed in the RECORD the following memorial; which was referred to the Committee on Naval Affairs:

Remonstrance of Back Creek, Fairmount, Deer Creek, and Marion Monthly Meetings of Friends of Grant County, Indiana, against proposed large expenditures of public money for naval, coast defense, and other warlike measures.

*To the Senate and House of Representatives of the United States in Congress assembled:*

We, your petitioners of Deer Creek Monthly Meeting of Friends, Grant County, State of Indiana, numbering 225 adult persons, respectfully, but earnestly, entreat your honorable bodies to reject the recommendations of the Senate Naval Committee, and other measures which propose a large expenditure for the Navy and so-called coast defenses and other warlike preparations, all of which we believe are a menace to the peace and security of the nation.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage of bills and a joint resolution of the following titles; in which concurrence was requested:

A bill (S. 3025) to enable the Secretary of the Treasury to gather full and authentic information as to the present condition and preservation of the fur-seal interests of the Government in the region of Alaska, as compared with its condition in 1870; also full information as to the impending extinction of the sea-otter industry, and kindred lines of inquiry, etc.;

A bill (S. 2860) to authorize the construction of an addition to the public building in Houston, Tex., and to provide a cistern, heating apparatus, etc., for said building; and

Joint resolution (S. R. 46) authorizing the Secretary of the Navy to remove the naval magazine from Ellis Island, in New York Harbor, and to purchase a site and erect a naval magazine at some other point, and for other purposes.

## ADMISSION OF WYOMING.

Mr. BAKER. I call up the bill for the admission of Wyoming. The bill has been read in Committee of the Whole, and I do not suppose it is necessary to read it again.

The SPEAKER. The gentleman from New York asks unanimous consent to dispense with the reading of the bill. Is there objection?

Mr. ROGERS. Mr. Speaker, I have not heard that bill read, and I think it should be read.

The bill was read, as follows:

Whereas the people of the Territory of Wyoming did, on the 30th day of September, 1889, by a convention of delegates called and assembled for that purpose, form for themselves a constitution, which constitution was ratified and adopted by the people of said Territory at the election held therefor on the first Tuesday in November, 1889, which constitution is republican in form and is in conformity with the Constitution of the United States; and

Whereas said convention and the people of the said Territory have asked the



admission of said Territory into the Union of States on an equal footing with the original States in all respects whatever: Therefore,

*Be it enacted, etc.,* That the State of Wyoming is hereby declared to be a State of the United States of America, and is hereby declared admitted into the Union on an equal footing with the original States in all respects whatever; and that the constitution which the people of Wyoming have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed.

SEC. 2. That the said State shall consist of all the territory included within the following boundaries, to wit: Commencing at the intersection of the twenty-seventh meridian of longitude west from Washington with the forty-fifth degree of north latitude and running thence west to the thirty-fourth meridian of west longitude; thence south to the forty-first degree of north latitude; thence east to the twenty-seventh meridian of west longitude, and thence north to the place of beginning.

SEC. 3. That until the next general census, or until otherwise provided by law, said State shall be entitled to one Representative in the House of Representatives of the United States, and the election of the Representative to the Fifty-first Congress and the Representative to the Fifty-second Congress shall take place at the time and be conducted and certified in the same manner as is provided in the constitution of the State for the election of State, district, and other officers.

SEC. 4. That sections numbered 16 and 36 in every township of said proposed State, and, where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one quarter-section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said State for the support of common schools, such indemnity lands to be selected within said State in such manner as the Legislature may provide, with the approval of the Secretary of the Interior: *Provided*, That section 6 of the act of Congress of August 9, 1888, entitled "An act to authorize the leasing of the school and university lands in the Territory of Wyoming, and for other purposes," shall apply to the school and university indemnity lands of the said State of Wyoming so far as applicable.

SEC. 5. That all lands herein granted for educational purposes shall be disposed of only at public sale, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the Legislature shall prescribe, be leased for periods of not more than five years, in quantities not exceeding one section to any one person or company; and such land shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

SEC. 6. That fifty sections of the unappropriated public lands within said State, to be selected and located in legal subdivisions as provided in section 4 of this act, shall be, and are hereby, granted to said State for the purpose of erecting public buildings at the capital of said State.

SEC. 7. That 5 per cent. of the proceeds of the sales of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said State.

SEC. 8. That the lands granted to the Territory of Wyoming by the act of February 18, 1881, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes," are hereby vested in the State of Wyoming, to the extent of the full quantity of 72 sections to said State, and any portion of said lands that may not have been selected by said Territory of Wyoming may be selected by the said State; but said act of February 18, 1881, shall be so amended as to provide that none of said lands shall be sold for less than \$10 per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said State and the income thereof be used exclusively for university purposes. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said State, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university. The section of land granted by the act of May 28, 1884, to the Territory of Wyoming for a fish hatchery and other public purposes shall, upon the admission of said State of Wyoming into the Union, become the property of said State.

SEC. 9. That the penitentiary at Laramie City, Wyo., and all lands connected therewith and set apart and reserved therefor, and unexpended appropriations of money therefor, are hereby granted to the State of Wyoming.

SEC. 10. That 90,000 acres of land, to be selected and located as provided in section 4 of this act, are hereby granted to said State for the use and support of an agricultural college in said State, as provided in the acts of Congress making donations of lands for such purpose.

SEC. 11. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September 4, 1841, which section is hereby repealed as to the State of Wyoming, and in lieu of any claim or demand by the said State under the act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the State of Wyoming, and in lieu of any grant of saline lands to said State, the following grants of land are hereby made, to wit:

To the State of Wyoming: For the establishment and maintenance and support in the said State of the insane asylum in Uinta County, 30,000 acres; for the penal, reform, or educational institution in Carbon County, 30,000 acres; for the penitentiary in Albany County, 30,000 acres; for the fish hatchery in Albany County, 10,000 acres; for the deaf, dumb, and blind asylum in Laramie County, 30,000 acres; for the poor farm in Fremont County, 30,000 acres; for a miners' hospital, 30,000 acres; for normal schools, 100,000 acres; for State charitable, educational, penal, and reformatory institutions, 210,000 acres; making a total of 500,000 acres.

SEC. 12. That the State of Wyoming shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act; and the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purposes herein mentioned, in such manner as the Legislature of the State may provide.

SEC. 13. That all mineral lands shall be exempted from the grants made by this act. But if sections 16 and 36, or any subdivision or portion of any smallest subdivision thereof in any township, shall be found by the Department of the Interior to be mineral lands, said State is hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said State in lieu thereof, for the use and the benefit of the common schools of said State.

SEC. 14. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the surveyed, unreserved, and unappropriated public lands of the United States within the limits of the State entitled thereto. And there shall be deducted from the number of acres of land donated by this act for specific objects to said State the number of acres heretofore donated by Congress to said Territory for similar objects.

SEC. 15. That the sum of \$30,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to said Territory for defraying the expenses of the said convention and for the payment of the members thereof, under the same rules and regulations

and at the same rates as are now provided by law for the payment of the Territorial Legislatures, and for the elections held therefor and thereunder. Any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

SEC. 16. That the said State, when admitted as aforesaid, shall constitute a judicial district, the name thereof to be the same as the name of the State; and the circuit and district courts therefor shall be held at the capital of the State for the time being, and the said district shall, for judicial purposes, until otherwise provided, be attached to the eighth judicial circuit. There shall be appointed for said district one district judge, one United States attorney, and one United States marshal. The judge of said district shall receive a yearly salary of \$3,500, payable in four equal installments, on the 1st days of January, April, July, and October of each year, and shall reside in the district. There shall be appointed clerks of said courts in the said district, who shall keep their offices at the capital of said State. The regular terms of said courts shall be held in said district at the place aforesaid on the first Monday in April and the first Monday in November of each year, and only one grand jury and one petit jury shall be summoned in both said circuit and district courts. The circuit and district courts for said district, and the judges thereof, respectively, shall possess the same powers and jurisdiction, and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerks of the circuit and district courts of said district, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States; and shall, for the services they may perform, receive the fees and compensation allowed by law to other similar officers and persons performing similar duties in the State of Oregon.

SEC. 17. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of said Territory, or that may hereafter lawfully be prosecuted upon any record from said courts, may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court hereby established within the said State from or to the supreme court of such State, as the nature of the case may require. And the circuit, district, and State courts herein named shall, respectively, be the successors of the supreme court of the Territory, as to all such cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same, and award mesne or final process therein; and that from all judgments and decrees of the supreme court of the Territory mentioned in this act, in any case arising within the limits of the proposed State prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States as they shall have had by law prior to the admission of said State into the Union.

SEC. 18. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of the said Territory at the time of the admission into the Union of the State of Wyoming and arising within the limits of such State, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory; and in respect to all other cases, proceedings, and matters pending in the supreme or district courts of the said Territory at the time of the admission of such Territory into the Union, arising within the limits of said State, the courts established by such State shall, respectively, be the successors of said supreme and district Territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and State courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of the State shall be pending, in any Territorial court in said Territory shall abate by the admission of such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district, or State court, as the case may be: *Provided*, however, That in all civil actions, causes, and proceedings in which the United States is not a party, transfers shall not be made to the circuit and district courts of the United States except upon written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper State courts.

SEC. 19. That the Legislature of the said State may elect two Senators of the United States as is provided by the constitution of said State, and the Senators and Representatives of said State shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

SEC. 20. That until the State officers are elected and qualified under the provisions of the constitution of said State, the officers of the Territory of Wyoming shall discharge the duties of their respective offices under the constitution of the State, in the manner and form as therein provided.

SEC. 21. That from and after the admission of said State into the Union, in pursuance of this act, the laws of the United States, not locally inapplicable, shall have the same force and effect within the said State as elsewhere within the United States; and all laws in force made by said Territory, at the time of its admission into the Union, until amended or repealed, shall be in force in said State, except as modified or changed by this act or by the constitution of the State, and all acts or parts of acts in conflict with the provisions of this act, whether passed by a legislature of said Territory or by Congress, are hereby repealed.

Mr. ROGERS. Mr. Speaker, I rise to a parliamentary inquiry. I did not hear the order made for the consideration of this bill read, and I desire to know whether the bill is to be considered in the House regularly or in the House as in Committee of the Whole.

The SPEAKER. In the House.

Mr. ROGERS. By the order?

The SPEAKER. By the order.

Mr. ROGERS. I ask to have the order read again. I desire to make a point of order.

The SPEAKER. It will require unanimous consent to have the order again read.

Mr. ROGERS. I ask unanimous consent.

There was no objection.

The Clerk again read the order, as above.

Mr. ROGERS. Mr. Speaker, I make the point of order that this bill ought to receive its first consideration in Committee of the Whole, as it carries an appropriation.

The SPEAKER. The Chair overrules the point of order.

Mr. BAKER. Mr. Speaker, Congress and the country may contemplate with pride and satisfaction the fact that the time is not far distant

when the last of our Territories will cease to exist as such, and the new relation of "State" will be assumed by membership in a Union which has stood the tests of more than a century the most eventful in the world's history.

Wyoming will, if admitted under the pending bill, be the forty-third State to come into the Union, and the thirtieth to enter since the original federation, following which are to come Idaho, New Mexico, Arizona, Oklahoma (which give promise of early preparation for statehood), Utah, and perhaps Alaska. There is every assurance that the last of our Territorial dependencies will become a State in the Union ere another decade shall pass, and when the calendar shall mark "A. D. 1900" we shall be a great Republic of half a hundred States, mighty in the achievements of war, to be sure, but far greater in the conquests of peace.

So the second century of our national existence will, in its first decade, give promise of growth in population, success in the pursuits of peace, prosperity to our vast industrial interests, progress in science and art, greater far than that of any preceding century of any nation in the world's history. Before the next half century passes we shall see the annexation, by natural attraction, of our neighbor on the north, with several ready-made States, abundantly equipped in all those elements which combine to insure strength and secure to all men equality and liberty in the highest and best sense.

Instead of a mere "commercial union" will come a political union, the conditions of, and considerations for, which will be mutual. Moreover, the invincible power and aggressiveness of our advanced civilization will extend southward until our "Union" will reach from the North Star to the Southern Cross! Then the Republic of North America will greet her sister Republics of South America across the Nicaragua canal. This may seem like an attempt on my part to assume the rôle of a prophet, but the conditions which have obtained in the great Northwest were all foretold by the founders of the Republic.

Immediately after the close of the Revolution, when several of the States were laying claim to the great outlying territory east of the Mississippi River, and north as well as south of the Ohio River, the patriotic State of Virginia, which seemed to have the stronger claim to the largest portion, yielded her claim for the benefit of all the States, imposing conditions that such territory should not be kept for any considerable time in a colonial condition, but stipulated in the contract under which the region northwest of the Ohio was ceded that when in any portion thereof 60,000 free inhabitants should assemble and become permanent citizens they should have absolute right to form for themselves a constitution and State government republican in form and should be admitted into the Union on an equal footing with the original States.

The further condition was imposed that such territory should, in forming into States, comprise not less than three nor more than five. So we find that, in following the provisions of such contract, the great States of Ohio, Indiana, Michigan, and Illinois have come into the Union. Similar conditions have governed in the creation of the territory west of the Mississippi River, which was acquired from France, into States, and so we have the States of Missouri, Arkansas, Iowa, Wisconsin, Kansas, Minnesota, Nebraska, and the two Dakotas.

The creation and advent into the Union of the twenty-nine States which have come in since the original federation are but the fulfillment of the predictions, the realization of the prophetic utterances of our fathers when they laid the foundation of this Republic, a Republic which, as I have said, has successfully withstood the tests of more than a century, and grown stronger with each decade and mightier with the admission of each new State.

Our history from the beginning is, in its earliest chapters, replete with the utterances of the framers and defenders of our Constitution showing how clearly they were able to foresee the great future of our growth.

Territorial governments are a necessity, and in this very Congress we are earnestly desired to create such a government for Oklahoma, not because it is a desirable thing, but because the people are too few in number and too scant in resources to maintain a State government. "A Territory," Chief-Justice Taney said, "is required to become a State, and not to be held as a colony and governed by Congress with absolute authority." They are given rules and regulations by Congress in order that the people thereof may be protected in their persons and property and the sooner fit themselves for statehood. Yet it has been said, and all our past experience has demonstrated, that Territorial governments are contrary to the spirit of our American Constitution and are to be tolerated and continued only so long as the necessity exists.

There are now over a hundred thousand intelligent, law-abiding citizens in the Indian Territory and Oklahoma for whom we are going to create a Territorial government as a matter of necessity only. In a very few years they will be prepared for statehood, if encouraged as they deserve, and she will make one of the fairest in the Union.

The Territorial is a preparatory or probationary condition, out of which the people should at the earliest moment emerge into statehood.

Wyoming and Idaho have endured this condition of vassalage, the former since 1863; the latter was organized nearly five years earlier; both have borne a long probation; each has come and is here asking to be clothed with the habiliments of statehood in the Union; each is

fully prepared to assume all the duties and obligations of such and presents the most satisfactory credentials. To me has been delegated the pleasant duty of presenting upon this floor the offering of Wyoming. It would seem almost unnecessary to occupy the attention of the House at any length, because I believe there is no substantial opposition to the immediate admission of the State from any source.

Within her own borders both the great political parties and all interests, public and private, seem to have united in the memorial which has been presented to Congress. Wyoming, is here asking for her constitutional right of admission to the Union and for representation upon this floor on an equality with her sister States, and her request has received the unanimous approval of your Committee on the Territories.

I have said there is no substantial opposition to the immediate admission of Wyoming from any source and that her request for admission has received the unanimous approval of your Committee on the Territories. Perhaps such assertions are too strongly stated. It will be conceded, however, that no negative vote was heard upon the proposition to report the bill with favorable recommendation, and I will not contend that individual objection to or criticism of any of the provisions in their constitution should subject a Representative to the charge of making substantial opposition to the admission of the State.

The suffrage article, being the sixth, as will be seen by reference to the report, provides that "the rights of citizens of the State of Wyoming to vote and hold office shall not be denied or abridged on account of sex" and "that both male and female citizens of this State shall equally enjoy all civil, political, and religious rights and privileges." It provides further that "no person shall have the right to vote who shall not be able to read the constitution of this State."

These are constitutional provisions not to be found in the fundamental law of any other State. They are novel and not yet new. As a Territory woman suffrage has obtained and existed for twenty years in their government. The people of the new State, men, women, and children, all, irrespective of political affiliations or religious prejudices, so far as we are informed, want the same principle ingrafted into their fundamental law. I honor them for it. He may not be a "bold, bad man" who will deny them statehood or argue against their capacity for self-government because they want to continue in statehood the principles under which, as a Territory, they have prospered and builded for themselves a State, but he does assume to battle against a sentiment which steadily through four decades or more has grown in our land until it has become a mighty power.

It will not be contended that any State now in the Union may not in legal manner amend its constitution by ingrafting thereon the same identical provisions quoted from the Wyoming constitution. Shall it be said, then, that in their organization they shall be denied the right to begin their career as a State by according to women the equal rights before the law granted and enjoyed by them during all their existence as a Territory? Will any man dare to stand up here before the people of this country, talking as we do to sixty millions or more of our equals, and assert that a constitution containing such a principle is unrepugnant in form? If yea, let him so declare, and then go hence and be no more forever, but politically of doubtful sanity.

I shall listen with interest, if not with shame, to the argument of any colleague upon this floor who will contend against the State which has, as a Territory, honored itself in sending as a Representative, term after term, my honored friend, Judge CAREY, to whom I will yield the easy task of answering any objection which may be urged upon that line.

Wyoming comes with the ripe experience of over twenty-one years of Territorial rule; her domain embraces 98,000 square miles—62,000,000 acres; she will be the eighth State in the Union in respect of area, an area equal to New York, New Jersey, Kentucky, and Delaware; her national resources are vast and varied; her actual wealth is not less than \$125,000,000; her railroad property is shown to be not less than \$25,000,000; while she has expended in irrigation works and improvements full ten millions; \$40,000,000 is the estimated value of the live stock grazing upon improved farms and ranches aggregating more than fifteen millions in value. We are convinced that her developed mines represent fully fifteen millions more.

Two and a half millions represent less than the value of the churches, schools, city, county, and Territorial property. She boasts a better capitol building than can be found in fifteen of the older States, erected at a cost of \$375,000. She will doubtless have several Government buildings conveniently located soon after her admission, certainly so if the present Delegate comes back as her representative in the Senate, as is likely to be the case if the fitness of things is to be observed. The present total indebtedness of Wyoming is only \$320,000, which is nearly equalled by the funds in the treasury. Her national banks, nine in number, in 1888 employed an aggregate of \$1,175,000, with a surplus of \$213,000. The mining resources of this new State are wonderful. They embrace gold, silver, lead, tin, asbestos, mica, magnesium, sulphur, graphite, kaolin, fire-clay, marble, salt, and it is shown that coal, petroleum, iron, and soda exist in almost inexhaustible quantities.

The oil-bearing area is said to be 300 miles in length, while its coal area is known to cover 30,000 square miles. Her population is not less than 110,000. The population of each of ten of the great States, which I will name, at the time of admission was much less: Ohio when



admitted had 45,000; Indiana, 63,000; Mississippi, 35,000; Illinois, 35,000; Alabama, 40,000; Missouri, 66,000; Oregon, 45,000; and Kansas, Nebraska, and Colorado each had but 100,000.

The vote cast in 1888 at the election for her present Delegate was 18,210. The increase of vote year by year has been marked. A comparison with the votes cast at Presidential elections at various periods in the history of several of the States will prove interesting. I quote from the remarks of Wyoming's Delegate made before the Committee on Territories:

States.	Years after admission.	Votes cast.	Members of Congress.
Tennessee .....	28	20,725	9
Indiana .....	8	15,725	3
Illinois .....	10	8,344	1
Do. ....	14	19,576	3
Missouri .....	15	5,192	2
Do. ....	19	19,332	2
Mississippi .....	15	5,007	2
Do. ....	19	19,667	2
Arkansas .....	3	6,638	1
Do. ....	4	11,209	1
Do. ....	12	16,888	1
Do. ....	16	19,357	2
Michigan .....	11	11,360	1
Louisiana .....	28	18,914	4
Florida .....	3	4,963	1
Do. ....	7	7,193	1
Do. ....	15	14,345	1
Texas .....	3	15,177	2
Do. ....	7	18,647	2
Iowa .....	3	24,303	3
Wisconsin .....	39	39,166	3
Oregon .....	2	12,410	1
Do. ....	14	14,649	1
Nebraska .....	2	15,168	1
Do. ....	6	26,141	1

Wisconsin Territory at election preceding admission cast 20,318 votes, admitted with two Representatives, and she cast first Congressional election 24,600. Iowa admitted with two Representatives, who were elected with total vote of 20,964.

Kansas cast at second Congressional election after admission 15,272. Nebraska cast first Congressional election subsequent to admission 14,710. Colorado cast at election previous to admission 17,100.

California at her first State election, after a most bitter political fight when the selection of governor, judiciary, and other State officers, including United States Senators, was dependent upon the result, cast only 12,875 votes.

In the great debate over the admission of Oregon and Kansas it was not claimed that more than 10,121 votes had ever been cast in the former and 13,289 votes in the latter Territory. The votes rejected as well as those counted were included in these totals.

At almost every Presidential election up to and including that of 1872 there were from three to five States that did not have as many male voters as there were in Wyoming in 1888.

The new State also makes a most favorable exhibit in her postal affairs.

I am tempted to quote briefly from the report of Professor Meade, the Territorial engineer, to illustrate the wonderful push and industry of the people in the matter of reclaiming and developing her agricultural resources, resulting, as is shown, in reclaiming fully 2,500,000 acres, making it to bear abundant fruit. Professor Meade says:

Wyoming stands third in extent of irrigated lands and in number and mileage of irrigation canals. More than \$10,000,000 are invested in irrigation ditches and canals, and over \$15,000,000 have been expended in the reclamation of desert lands. The irrigated districts, as to extent, are equal to two-thirds of Italy and are greater than those of France and Spain combined. The lands now reclaimed would, if divided, make 30,000 80-acre farms and, if provided with transportation facilities, would furnish employment and support for more than one-quarter of a million of people. Fully 10,000,000 acres can be reclaimed by irrigation if proper measures are taken for storing and distributing the water. These lands are not only enormously productive, but their agricultural value is enhanced by contiguity of over 30,000,000 acres of valuable grazing lands. The irrigable land of this Territory equals in extent the combined irrigation of Egypt and Italy, the agricultural area of which supports over 10,000,000 people. Taken in connection with the grazing land, its area and productive value are above the States in the Mississippi Valley.

In the volume and distribution of her water supply Wyoming takes the first place among the States and Territories of the arid belt. Within her boundaries are the sources of three of the great rivers of the continent—the Missouri, Colorado, and Columbia—streams crossing the continent in three directions and emptying into the Gulf of Mexico, Gulf of California, and the Pacific Ocean. These three great water courses have their origin within a circle of which the radius is less than 10 miles. Six hundred natural water ways have their water diverted in irrigation. Four great rivers cross her borders: the Platte on the east, the Big Horn on the north, the Snake on the west, and the Greene on the south. Their tributaries penetrate all parts of her vast extent and are fed from the melting snows of a mountain area which covers over 20,000,000 acres. There are over 3,000 irrigation ditches, with a total length, not counting laterals, of nearly 5,000 miles. The record ditches cover 2,106,180 acres of land.

I have hastily referred to these things in passing, not in the belief that any gentleman is in doubt or needs convincing, for I believe that with one voice the people of the United States, through their Representatives on this floor, are ready to say amen to the prayer of Wyoming for admission. They have in an orderly and authoritative manner expressed their desire to be clothed with the power and charged with the duties of statehood. They have proceeded in a justifiable and regular way to place themselves in condition for admission.

Their constitution and State government, duly adopted and organized, are republican in form, and all the conditions as to area, population, production, resources, morals, and lawful and orderly practices assure the existence and continuance of a permanent State government.

Upon such a showing, clothed as she is in all that lies at the foundation of every prosperous State, I am proud to bid Wyoming welcome to the sisterhood of States! We are engaged in a great transaction when we admit a new State to the Union. By our act we tie a knot that, as our experience has illustrated, can never be cut by the sword! We pin a star upon our flag that the torch of war can never obliterate! We are erecting a defense stronger than all the projected coast defenses combined can ever be made, more invincible than armies and navies. France has within a few years expended over \$775,000,000 in fortifying Paris, and yet all engineers confess or claim their fortifications are worthless because of later improvements in engines of destruction. We will expend our millions in internal improvements, in encouraging our own industries, and in enlarging our own commerce, and so command and supply the markets of the world with the products of our own industries.

Germany expends over \$202,000,000 annually on her army, while her Kaisers and Bismarcks, in chorus with Czars and Emperors, for a decade have assured the world that the peace of Europe is secured; yet Germany has for the past eight years increased her army expenses at an average rate of nearly forty-three millions per year. We employ our army in the pursuits of peace, and in two decades have, through our industrial campaigns, increased our aggregate wealth by more than \$40,000,000,000. European nations take three millions of the most robust and capable of their sons from farm and shop, where they would be self-supporting and help to bear the legitimate burdens of state, and place them in barracks, where they become not only non-producers, but where they consume, waste, and destroy the productions of those who toil. We encourage our sons to build for themselves new States, to advancement in education, arts, science, invention, and agriculture, and in all the pursuits of peace.

European powers have manufactured wars at the behest of toppling monarchies, in order that their dynasties might be bolstered up through the sacrifices of blind, patriotic impulse and love for national prestige, while our institutions have, year by year, grown stronger because they are founded upon "right," not power, upon the doctrine that "right makes might" rather than the hateful sentiment that "might makes right." This Administration will be illustrious in history because in its outset four new members were added to the family of States, with promise that two and perhaps four others may soon follow. Under its wise direction will be inaugurated commercial relations with our sister Republics of South America, the re-establishment of our merchant marine, with probable direct railway communication to the very heart of the new Republic of Brazil.

Were ever the conquests of war to be compared with the achievements of peace such as these? The policy of all the foreign powers means wasteful war, while ours means peace and plenty. We need no standing army. The world knows that since we were able to achieve independence for 3,000,000 in the struggle against British tyranny and King George III, a hundred years ago, and to maintain the Union and constitutional liberty against British sympathy and a gigantic civil war, unparalleled in history, seventy years later, coming out from the later struggle, as we did, with a Union and a people stronger and more united than ever before in our own history, we have nothing to fear from foes without or foes within.

It has been well said that "no foreign power, even in its nightmares, dreams of waging war upon our country. On the contrary, every nation on earth is on its knees every morning praying that our Government will not attack it. Our resources in men and money establish this as a fair conclusion that no European nation could float a flag five years if it made war on one of our forts. None but France is brave enough and the French are too friendly. In case of an attack by any, a European war would at once result and millions of American soldiers would swarm over the little territory of any European power like the locusts of Egypt. Our prestige in this comes not from our rank as a military power, but rather from the fact that we have been and are progressive people, engaged in building States rather than maintaining armies and navies.

Let us then encourage the new States to come into the Union as soon and as fast as they may come under proper conditions, for with every new State comes new strength, an aggregate of homes, wherein abide peace and industry, virtue and temperance, in which rests the absolute security of our Republic. [Applause.]

Mr. Speaker, I reserve the balance of my time.

The SPEAKER *pro tempore* (Mr. ALLEN, of Michigan). The gentleman has twenty-five minutes of his hour remaining.

Mr. BARNES. Mr. Speaker, I am opposed to the passage of the bill reported by the majority of the Committee on Territories in favor of the admission of Wyoming into the Union. I propose to give the reasons which control my judgment. I believe, in the first place, that there have been gross irregularities attending the preliminary proceedings under which this constitution was formed and under which the admission is sought. I believe, secondly, that no evidence has been furnished to the committee, nor can be to the House, that the Territory of Wyoming has the population requisite for admission into the Union. I believe, in the third place, that there have been incorporated into the constitution of Wyoming features relating to the subject of female suffrage and the right of females to hold office under the government which, in my judgment, are antagonistic to republican institutions and were never contemplated

plated by the fathers in the formation of this Government. I hope that I may be able reasonably to demonstrate the truth of these propositions. In what I shall say I am actuated by no feeling of opposition to the people of the Territory, nor to their admission into the Union when they are sufficiently qualified for it.

It may be well, Mr. Speaker, at the outset to recur to some of the principles set forth in the Constitution of the United States which have been supposed to govern and to some which do govern and control the administration of the affairs of those areas of country which we usually describe under the name of Territories, and at the same time those principles which are to regulate and control our conduct as Representatives of the people in properly admitting them as members of the Federal Union. The Constitution of the United States, Mr. Speaker, is remarkably silent upon this subject. For many years it was supposed that the provision in the Constitution which had reference to the disposal of the territory and other property of the United States and the regulation of its affairs had respect to the "Territories" of the United States. That clause is found in the second paragraph of the third section and fourth article of the Constitution, and is in these words:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

But when we examine that provision in connection with that other provision of the Constitution which gives to the Federal Government exclusive jurisdiction in the territory which we know as the District of Columbia and in the forts, dock-yards, and arsenals of the Government, we see that the difference in the language shows that the framers of the Constitution never contemplated that that clause should be regarded as conferring the exercise of governmental authority over the Territories. The provision concerning the District of Columbia and concerning forts and arsenals is found in the seventeenth paragraph of the eighth section of the first article of the Constitution. The language is:

Congress shall have power to exercise exclusive legislation over such District, and like authority over such forts, arsenals, etc.

The last clause cited refers to legislation and confers the power of exclusive legislation. The former provision quoted uses language applicable to the territory and other property of the United States as property.

This subject came before the Supreme Court of the United States in the case of *Scott vs. Sanford* (19 How., 393). The court in that case gave a history of this clause and showed in that history that it was intended to refer only to the territory of the United States belonging to the United States at the time of the adoption of the Constitution, and to that territory simply under its character of property. In that case the court traced the power of the General Government over the Territories to the inevitable consequence of the right to acquire territory; and the right to acquire territory, it was held, was conferred by the right given to admit new States.

Chief-Justice Taney in his review of this subject shows that the whole control which we exercise over what are known as the Territories of the United States is merely implied power, implied as a matter of necessity, and derived from the clause in the Constitution which provides that—

New States may be admitted by the Congress into this Union.

We have a right, then, to acquire territory—not to be held, to use the language of the Supreme Court, as a colony, and governed by Congress with absolute authority, but to be held by the United States until it is in a suitable condition to become a State, on an equal footing with the other States.

The Chief-Justice in this opinion shows—and with the views therein expressed I am in full accord—that the Constitution intended that these Territories, as long as they remained Territories, should be governed in such a way as ultimately to fit them to become States; and I believe, Mr. Speaker, that as long as they are in that Territorial condition, however small the number of people who may dwell within the fixed area which we may prescribe for a Territory, those people should be allowed the very largest share of self-government compatible with their subordination to the Constitution of the United States.

But, sir, I believe at the same time that the right of admitting them as States of this Union is a matter of sound discretion on the part of Congress, and inasmuch as the Constitution has been perfectly silent as to the regulations which should precede their admission, I think that when we come to exercise that discretion it should not be exercised in a spirit of caprice, but should be exercised with wisdom, caution, and deliberation.

I have said this much, Mr. Speaker, because we have before us not merely the bill now under consideration for the admission of Wyoming, but we have also upon the Calendar a bill for the admission of Idaho, and there are two or three other similar bills which have been introduced which may or may not receive favorable consideration at the hands of the committee and may or may not come before the House. It is well that when we have to consider the question of the admission of so many States we should understand clearly and carefully the limitations which the Constitution prescribes on that subject, and the regulations which precedent and the experience of the past suggest to us.

When the Union was formed there were but thirteen States entering that Union. Twenty-nine have since been admitted. The great ma-

jority of these States were admitted after Congress had passed enabling acts authorizing the people to assemble in convention to form State constitutions and apply for admission. This is unquestionably the regular method.

Mr. BAKER. If the gentleman desires to be exactly accurate as to the number, I can assist him in that respect.

Mr. BARNES. I do not desire any assistance whatever; when I need it I will call for it.

Mr. BAKER. The fact is that only ten States came in without enabling acts, and ten in the regular way—

Mr. BARNES. I know—

Mr. BAKER. So do I.

Mr. BARNES. I do not desire any assistance on this subject; when I need it from the gentleman I will call for it.

Mr. BAKER. I think you need it now.

Mr. BARNES. Well, there is a difference of opinion on that subject. As I occupy the floor, I propose to exercise my privilege of expressing my own opinion upon the question.

I say—and I repeat it—I have looked into this question with some degree of care and caution; and if there is one thing about which I am careful it is never to misstate a historical fact. I say that in the majority of cases, so far as my reading goes, enabling acts were passed. In other cases, where the people of the Territories assembled in convention they assembled under Territorial acts, not under enabling acts of Congress; and when they met under Territorial acts they framed their constitutions in accordance with the acts that had been passed by the Territorial Legislature.

There are some few special cases, such as the case, for example, of Maine, which was carved out of Massachusetts, where this was not necessary. There was the special case of Kentucky, which was organized and formed under an act of the Legislature of Virginia. There have been a few cases of that kind; but I say that the general rule has been that Congress has in the first instance passed an act authorizing and enabling the people of the Territory to meet in a convention and form a constitution, and when that has not been done the general rule in the other cases has been that Territorial Legislatures have passed acts providing for constitutional conventions. That is my reading of history.

But where Congress failed to pass enabling acts, why, sir, in every such case, except in a few isolated instances such as I have mentioned, the Territorial Legislature passed an act under which an election was held for delegates to a convention to form a constitution; and when those delegates had assembled in convention they formed a constitution and submitted it usually to a vote of ratification by the people. All such constitutions were formed in accordance with the forms of law.

In my judgment nothing but the most extraordinary circumstances would justify a departure from this rule. In the case before us the governor of Wyoming issued a proclamation under which delegates were selected and assembled in convention and formed a constitution. So far as I have been enabled to study this question, there is but one other instance in American history clearly and distinctly made where this was done, and that was in the case of California. In that case, it must be recollected, however, that the territory had just been acquired by conquest. It was in 1848. We had just terminated the war with Mexico. Gold had been discovered in California. Vast hordes of people were rushing in there. The country there was under the control of a military governor.

Our whole country was disturbed and agitated—rocked from center to circumference, as it were—by the discussion of the slavery question. Under the military proclamation of General Riley a government was formed in California; the people assembled in convention and formed a State government. Mr. Clay, when he came to Washington in 1850, came as the great pacificator of the country. This government in California had been organized for a year. Mr. Clay proposed, in that period of agitation and disturbance, when the country was threatened with civil war, as a measure of peace, as a measure of compromise, with the hope of adjusting the differences between the North and the South, that California be admitted; and under these extraordinary circumstances it was done—as an extraordinary measure, as a peace measure, as a measure of compromise; and the precedent which was set in the case of California can not control until you find a case presenting like circumstances.

Why, Mr. Speaker, necessity may justify anything; but in the case of Wyoming there is no necessity justifying any extraordinary measure. How different the situation of the country now from what it was when California was admitted. There is no turmoil; there is no strife; there is no confusion. Profound peace reigns throughout the land, from the Atlantic to the Pacific and from Canada to the Gulf of Mexico. Yet with this solitary precedent, constituting one case alone out of twenty-nine—a case surrounded by extraordinary circumstances which never before existed and I trust will never exist again—it is sought to admit this State of Wyoming into the Union.

Upon this question, in regard to assemblies of the people held in this informal way, without the sanction of law, for the purpose of establishing governments, I desire to read for a few moments from the argument submitted by Daniel Webster in the celebrated case of *Luther vs. Borden*, the case growing out of the Dorr rebellion. Said Mr. Webster:

It has been said by the opposing counsel that the people can get together, call



themselves so many thousands, and establish whatever government they please; but others must have the same right. We have, then, a stormy South American liberty, supported by arms to-day and crushed by arms to-morrow. Our theory places a beautiful face on liberty and makes it powerful for good, producing no tumults. When it is necessary to ascertain the will of the people the Legislature must provide the means of ascertaining it.

The Constitution of the United States was established in this way: It was recommended to the States to send delegates to a convention. They did so. Then it was recommended that the States should ascertain the will of the people. Nobody suggested any other mode. The opposite counsel have cited the examples of the different States in which constitutions have been altered. Only two provided for conventions, and yet conventions have been held in many of them. But how? Always these conventions were called together by the Legislature, and no single constitution has ever been altered by means of a convention gotten up by mass meetings.

There must be—

Says Mr. Webster, and there is the germ of all he said—there must be an authentic mode of ascertaining the public will somehow and somewhere.

When these conventions are called for the purpose of forming a constitution they must do so under that mode by which the public will is shown somewhere or somehow. That will is expressed by Congress in an enabling act and by the people expressed through the Territorial Legislature. When you do not do it in this mode you violate the Constitution. You call the people together in a tumultuous assemblage. That is the case in Wyoming.

Mr. HILL. What is the gentleman reading from?

Mr. BARNES. I am reading from 7 Howard, in the case of Luther vs. Borden.

Mr. HILL. Mr. Webster is speaking there of a convention called to set up a constitution where there is another government in the State. Does the gentleman think that is a parallel case?

Mr. BARNES. I do, and I will tell you why. There was a government in Wyoming set up by the United States in accordance with the Constitution of the United States—a government legal and constitutional, just as much so as the government in Rhode Island. The cases are perfectly parallel, and the argument of Mr. Webster applies here in the case of Wyoming just as much as it did in the case of Rhode Island, which he was then arguing. When this governor of Wyoming attempted, under his proclamation, to call the convention together it was without form of law. It was in the absence of the authentic mode which Mr. Webster said was necessary, which was the only mode known to American law and American liberty.

If I had time to cite that brief in full I would show the position taken by Mr. Webster in that argument was a position in accordance with English history by which every change had been made in the British Government.

Now, what was the way in which it was done in Wyoming? I have the proceedings here contained in the memorial in this case. Why, certain commissioners of the several counties, upon whose suggestion I do not know, because it is not disclosed in the memorial, asked the governor to issue a proclamation for a convention of the people. The governor thereupon issued a call for a convention for the purpose of forming a constitution. Upon this bare suggestion he issues his proclamation, and there are some extraordinary features in that proclamation to which I desire to call attention.

He recites in the preamble his authority, and what is his authority? His authority is simply that of the board of commissioners. It is not done under the law. It is not in pursuance of any act of the Legislature or of the Congress of the United States, but merely at the suggestion of these boards of county commissioners. Why, sir, they had no more right to suggest than you or I had. I could have suggested, or Mr. CAREY, the Delegate from Wyoming, could have suggested. He shakes his head, I see, and says, "No." You are too modest, but you were behind the scenes while the governor suggested it. [Laughter.]

But the governor, in his proclamation, says:

I suggest that in organizing a State government preparatory to admission the provision of the Senate bill—

Which had been introduced, but which had never become a law—should be followed, as nearly as may be possible, and in pursuance thereof the following recommendations are hereby made.

Then he proposes and recommends there shall be fifty-five delegates, and they shall be divided among the several districts which he has located by his own act throughout this Territory. When they assemble it is not provided these delegates shall be qualified under any existing law, under any constitution, under any form of government, but the character and fitness of the delegates to be chosen, it is stated in the proclamation, are, in fact, of greater importance than the manner of their selection. I have always understood the manner of election was a question of law, and as to character and fitness the legally qualified electors were to decide.

But here was this governor, with the aid of the chief-justice and the secretary of the Territory, who divided this Territory without law, without authority—no more authority than the Committee on the Territories would have had, nor I would have had, nor any member of this House would have had; not one whit more—assigning the number of delegates to the districts, and providing, they say, for their assembling to form a State government. Such a case is without precedent in American history.

He says in this proclamation:

The character and fitness of the delegates to be chosen are in fact of greater im-

portance than the manner of their selection, and if the citizens of any county generally prefer to elect their delegates by some equitable method other than that hereinbefore prescribed, it is believed that the delegates so chosen will be recognized and admitted to seats in the convention.

It is without any authority of law. It does not even have the form of law. They were not governed by any particular manner; but if they had character and fitness it was believed they would be admitted. Who is to judge of the character and fitness of the delegates? Who is to judge between the mode of selection recommended in the proclamation or some other mode or modes which citizens in different counties may prefer?

Mr. CAREY. Will the gentleman from Georgia permit a question?

Mr. BARNES. Certainly.

Mr. CAREY. I would like to ask the gentleman, since he is arguing now on constitutional grounds, by what authority the convention framed the Constitution under which we are now living.

Mr. BARNES. Why, Mr. Speaker, Daniel Webster answers that, and if the gentleman had listened to the quotation I have just made he would not have needed to ask the question.

Mr. CAREY. I was unable to hear what the gentleman read.

Mr. BARNES. I refer the gentleman to the argument of Daniel Webster in that case. He answered that question fully in the brief to which I have referred.

Mr. STRUBLE. I would like to interrupt the gentleman from Georgia on another point, and that is as to the division of this Territory into districts, to make a suggestion which my friend will recognize to be true, that these officers to whom he refers were just such as were suggested by a bill reported by the Senate and placed upon its Calendar in the Fiftieth Congress; and, while I do not claim that that is authority of law, yet I think it is only due that that much should be said in explanation of the action to which the gentleman has adverted.

Mr. SPRINGER. Let me suggest in that connection that the failure to pass that bill would argue that they were not authorized to do what they did.

Mr. BARNES. A sufficient answer to the suggestion of the gentleman from Iowa is the objection I am making, that this was done without any authority of law whatever. I do not care for the suggestions which may have been embodied in a bill which did not pass. They do not afford warrant of law for such action. I do not care for suggestions which entered into the minds of men, even if recognized as the ablest in any section of the country. They come without the sanctity of law, and that is the only point I am making, and the gentleman can not deny it. The whole thing, Mr. Speaker, according to the language of Daniel Webster, was nothing more nor less than a "tumultuous assemblage of the people" combined together at the suggestion of the governor, who sees fit to say that it does not matter how the delegates are selected provided that they have the requisite character and fitness.

Mr. SPRINGER. If the gentleman from Georgia will permit me to suggest in this connection, it should be said that some of these delegates were elected at county boards, some by joint action of the two political parties in the counties contesting, and the gentleman from Wyoming can inform the House as to the correctness of the statement.

Mr. BARNES. Mr. Speaker, I must now decline to be interrupted any further. I have yielded as far as the limited time at my disposal will allow, and I have attempted to dispose of the questions which have been suggested in their order. This brief of Mr. Webster, to which I have already referred, contains a good many old things which would be of value to gentlemen if they would consider them in this discussion.

Mr. STRUBLE. Perhaps their age would not improve them when referred to a subject of this kind.

Mr. BARNES. The difficulty with my friend here is that he wants new things, and it does not matter how the new things are brought about, whether they plainly violate the law or not, provided they are new. I prefer to go to a higher source for my authorities. Let me remind the gentleman of an old saying that is very true, and it is well for him and some of my colleagues also to recall that saying, "that change is not always reform;" and when gentlemen are disposed to change from principles of law which were laid down by Daniel Webster in an argument like this which I have cited, they are very apt to go greatly astray.

Now, the difficulty in the case of this Wyoming election and the assembling of this convention is, as Daniel Webster said, that under the American method there must be an authentic mode of ascertaining the popular will somewhere or somehow. But in this case there was no such authentic mode of determining it. It is wanting in all of the elements, in the very foundation of the convention itself, which is without warrant or authority. What followed? What could follow as a natural consequence?

Why, Mr. Speaker, we were told that there were eighteen thousand and odd votes cast at the last election for my friend Mr. CAREY, in November, 1888; we were told also that the population of that country was rapidly increasing; that it was a growing region; population pouring into it from all parts of the country. And yet when this convention, for which these people are represented to be crying like a hungry infant for its mother's milk—when this convention was to be voted for they could turn out but 8,000 votes, of men and women combined, for that bill at that time; and when they did turn out there were over 1,923

votes against it. The people regarded the whole performance as a mere farce at the time.

But let me call your attention for a moment to some of the literature on this subject. Let me direct your attention to an article headed, "The banner town of Crook County," taken from the Sundance Gazette, published in Crook County, Wyoming, immediately after the election:

One of the arguments used before the Legislature in favor of Weston County is that Newcastle is the banner town of Crook County, and the three hundred-odd votes credited to Newcastle at the constitutional election are pointed to with great pride as proof of the assertion. We should think that that particular election would be given a wide berth, especially by Newcastlers. There was no election there on that day, but three persons, each of whom we could name, went into a back room and conducted a cigar-box election. No one else was present, and these men marked the tickets and dropped them into the slot of the cigar-box.

How 7 votes came to be cast against the constitution arose from the fact that one of the parties, after nearly all the tickets had been cast, exclaimed, "I'm d—n tired of voting for the same man all the time; I'm going to vote for the other fellow." And he accordingly dropped in 7 votes with "Yes" scratched out. The cigar-box, the ballots, and the tally-sheet giving the result were sent here, the same canvassed at this point, and with the other but bona-fide returns forwarded to Cheyenne, where they were duly recorded. And that is how Newcastle came to be the "banner town" of Crook County. The above particulars were related to us by one of the trio who conducted the cigar-box election, and a gentleman whose word is as good as gold. As there was no color of legality about the election in Crook County, the scheme was devised and carried out more in a spirit of levity than otherwise, and it was not thought the returns would be forwarded to Cheyenne and made a part of the record.

Mr. HILL. Is that the kind of political matter you introduce into a report?

Mr. BARNES. There is a sample of the votes cast at this election. Is it a wonder that any such consequences follow?

Mr. STRUBLE. Let me suggest—

Mr. BARNES. I decline to be interrupted any further. My time is too limited.

Mr. STRUBLE. It is unfortunate that the gentleman should undertake to make that statement in regard to this election, and refuse to allow a single suggestion.

Mr. BARNES. I am at liberty to state my thoughts in my own way, and I have said that I could not, in my limited time, permit further interruption.

Mr. STRUBLE. Undoubtedly.

Mr. CAREY. I know the gentleman from Georgia is fair, for I have had many conversations with him; but before he proceeds further I would like to ask him to state to the House where he obtained that evidence.

Mr. BARNES. Why, from this newspaper, of course.

Mr. CAREY. From the newspaper?

Mr. BARNES. Yes.

Mr. CAREY. Newspaper of one town fighting about the relative size of the town as compared with another; and the gentleman puts that in as evidence.

Mr. BARNES. I do. There is the evidence. It could have readily occurred at such an election. I will add what Webster said in his argument already quoted, that there is no chance of punishing anybody at such an election for bribery, for perjury, or for a repetition of his vote. There is no law which could reach a man guilty of such an offense at such an election. And what is cited there is but a fair sample, as I believe, of what took place in other parts of the Territory.

It is a fair sample of what is in evidence as to this election. And what was done at this point could have been done anywhere else in the Territory, at any other precinct in Wyoming. It is pretty strong evidence that the whole thing must have been a fixed-up job, for it so appears on its face.

This convention, it should be remembered, was held, bear in mind, and closed its labors on the 30th day of September, and the pretended constitution under this pretended election was submitted to the people, a great many of whom must have regarded it as a farce, thirty-five days thereafter. Not a soul could be punished for bribery, for perjury, for corruption, or for repetition of votes at the election, and yet in the face of all that, in the face of the fact that here was a rapidly growing Territory, and although they had 18,000 votes at the preceding election for Delegate to Congress, the best that could be done here was 8,000 votes of men and women together, and drawn out under the most extraordinary inducements to vote, of whom 1,923 were opposed to it.

This election had not merely no form of law, but it is an absurd and ridiculous farce, and if it could be subjected to judicial investigation it would never stand the investigation of legal scrutiny or legal trial.

Mr. Speaker, I would like to know how much time I have.

The SPEAKER *pro tempore* (Mr. GROSVENOR in the chair). The gentleman has twenty-three minutes, according to the information of the Chair.

Mr. BARNES. There are two other points to which I desire to devote some attention, and I will therefore hasten on. One bears on the subject of population.

Now, I admit, Mr. Speaker, that there is no fixed rule which has ever been prescribed by law as to the population which a State should have before admission into the Union. There is no provision to be found in the Constitution of the United States as to what is the requisite number of people who shall be found as inhabitants of a Territory preparatory to its admission into the Union. But Mr. Douglas said, in the course of the debate on the Kansas question (and he was probably more familiar with this Territorial subject than any other of our American statesmen), that while we had never adhered to any fixed rule it was a good rule to say that we should require that the people requisite to entitle a Territory to admission into the Union as a State should be the number which would entitle it to one Representative on the floor of this House.

In the ordinance of 1787 there was a compact entered into between Virginia and the Congress of the Confederate States, and under that it was provided that, while Congress might, if it saw fit, admit a State with less than 60,000 inhabitants, if the proposed State carved out of the ceded territory had 60,000 it should be considered as entitled to admission into the Union. Now, the unit of representation at that time was about 30,000, and yet our fathers in 1787, in this compact in the days of their weakness, provided that in the absence of other provisions the requisite number should be 60,000.

Now, my friend from New York [Mr. BAKER] has referred to what were the facts in the different States. I have here a table showing what was the representative ratio prior to the admission of each State into the Union, with the exception of the four last admitted, and what was its population at the time of its admission, from Vermont, admitted 1791, to Colorado, admitted 1876.

State.	Date of admission.	Representative ratio on previous census.	Population by previous census.			Population when admitted.			Population by following census.	Rate per cent. of increase during decade of admission.
			Free.	Slave.	Total.	Free.	Slave.	Total.		
Vermont.....	1791	33,000	85,425		85,425	85,425		85,425	154,446	80
Kentucky.....	1792	33,000	61,247	12,430	73,677	61,247	12,430	73,677	220,355	200
Tennessee.....	1796	33,000	32,274	3,417	35,691	*60,000	*7,000	*67,000	105,602	195
Ohio.....	1802	33,000	45,365		45,365	45,365		45,365	230,760	408
Louisiana.....	1812	35,000	41,896	34,660	76,556	41,896	34,660	76,556	152,923	100
Indiana.....	1816	35,000	24,520		24,520	63,897		63,897	147,178	500
Mississippi.....	1817	35,000							75,448	
Alabama.....	1819	35,000	23,264	17,088	40,352	45,441	30,061	75,502	127,901	403
Illinois.....	1818	35,000	12,282		12,282	34,620		34,620	55,162	350
Maine.....	1820	35,000	228,705		228,705	298,269		298,269	399,445	33
Missouri.....	1821	40,000	56,335	10,222	66,557	56,335	10,222	66,557	140,445	111
Arkansas.....	1836	47,700	25,812	4,576	30,388	*33,000	*9,240	*42,240	97,574	221
Michigan.....	1837	47,700	31,639		31,639	*65,000		*65,000	212,267	570
Florida.....	1845	70,680	28,760	23,717	52,477	*34,000	*30,000	*64,000	87,445	60
Texas.....	1845	70,680				*105,000	*38,000	*143,000	212,592	
Iowa.....	1846	70,680	43,112		43,112	78,819		78,819	192,214	345
Wisconsin.....	1848	70,680	30,945		30,945	*180,000		*180,000	305,391	886
California.....	1850	93,423	92,597		92,597	92,597		92,597	379,994	310
Minnesota.....	1858	93,423	6,077		6,077	*120,000		*120,000	172,023	2,730
Oregon.....	1859	93,423	13,294		13,294	*50,000		*50,000	52,465	294
Kansas.....	1861	127,381	107,206		107,206	107,206		107,206	364,399	240
West Virginia.....	1863	127,381							442,914	
Nevada.....	1864	127,381	6,857		6,857	*40,000		*40,000	42,491	520
Nebraska.....	1867	127,381	28,841		28,841	*100,000		*100,000	122,993	322
Colorado.....	1876	131,425	39,864		39,864	*100,000		*100,000	194,640	388

\* Estimated.



I find on running through a few of these cases that Vermont, which was the first State admitted into the Union, in 1791, when the requisite population at that time under the unit of representation was 33,000, had at the time of admission 85,425 people. I find that Kentucky, which was admitted in 1792, when the unit of representation was still 33,000, had a population of 73,677. I find that Ohio, then a new State just emerging into existence, which was admitted in 1802, when the requisite population was still 33,000, had a population of 45,365. I find that Mississippi, which was admitted in 1817, when the requisite population was 35,000, had a population of 75,512. I find, as I run down the list, that California in 1850, when the requisite population was 93,423, had a population of 120,000.

I find that in all these cases down the list the requisite population always was very near to the unit of representation—frequently it was double; always approximate—and that in these cases it seems to have acquired the force of rule and regulation which accompanies legal enactment. In our own time since 1876 we have still adhered to this rule. Why, the last Congress admitted North and South Dakota, Montana, and Washington. Montana and Washington had a population, as I understand and believe, of 175,000. When we came to North and South Dakota it was claimed by the gentlemen who are now the majority of the Committee on the Territories that all Dakota had a population of 600,000, of which there were about 200,000 in North Dakota and about 400,000 in South Dakota. In admitting those States we required the requisite unit of population. That unit was 151,912 under the census of 1880.

Now, we are told in reference to Wyoming that she is in a fit condition to come into the Union. A fit condition to come into the Union, when at this vote for this convention only 8,000 people could be summoned and dragged to the polls? A fit condition, when that vote, it is to be borne in mind, counted both females and males? A fit condition, when, according to the vote that was cast for General CAREY in November, 1888, when the total was 18,010, we bear in mind that both men and women were counted? If we could estimate the population in proportion of five to one, it would be about 90,000. But both men and women voted, and if one-third were women, leaving 12,000 male voters, according to the usual rate the population would not exceed sixty to seventy thousand people. Now, we have seen that by the last census the unit of representation was fixed at 151,912. Apply the general rule, under the ordinance of 1787, she ought to have at least 300,000 people; but adopting the most favorable rule she ought to have at the time of admission 150,000 inhabitants. This is a small number, considering the present population of the Union, to give reasonable assurance of a State; but we have no reliable information whatever. It is all mere matter of opinion, and there is nothing on which opinion is so loose as concerning the number of a large assemblage of people, even when we look at them face to face; how much worse when scattered over a vast area like Wyoming, containing 98,000 square miles. It is true that Mr. CAREY said, in his opinion, they had a population of 110,000 inhabitants; but this was an extravagant estimate, having existence in a fervid imagination. It is the population which he hopes to expect to see in the future. I have heard these gentlemen, Delegates from the different Territories, before the Territorial Committee.

When I listen to one of them separately describing in glowing terms the vast resources and the wonderful growth of population of his Territory, I have almost felt tempted to emigrate, but when I have heard them all I am left in so much doubt that I conclude after all there is no place like home.

Mr. MCCORMICK. Will the gentleman permit me to ask him a question?

Mr. BARNES. Certainly.

Mr. MCCORMICK. I notice by the vote given the present Delegate in Congress from Wyoming that the entire vote was 18,010.

Mr. BARNES. Yes, sir.

Mr. MCCORMICK. Has the gentleman, as a member of the Committee on Territories, any information he can give to this House as to what proportion of female votes are contained in that 18,000?

Mr. BARNES. No, sir. I must say that is one of the great disadvantages under which the Committee on Territories labored. There never has been any definite information in that regard. There have been estimates submitted and guess-work, but we have not been able by any rule to get at the substantial facts.

In most of these other cases, when these other Territories were admitted, we had something with reference to population which had been ascertained by census and upon which we could rely, but when we come to Wyoming we find it is all guess-work, and, in the absence of information, the Committee on Territories are called upon to make the best guess they can, and as I have been far removed from Yankee-land and have not the faculty of guessing, I find it impossible to obtain the desired information. [Laughter.] We say "reckon" in our country, and therefore we calculate.

Mr. WILSON, of Washington. The reckoning was all right in reference to Washington, was it not?

Mr. BARNES. No; I don't think it was altogether right. I think there was some guessing there, too.

Mr. WILSON, of Washington. We had 60,000 votes in the last elec-

tion for one member, while you in Georgia get in three members on a far less number of votes.

Mr. BARNES. Well, we get them on the requisite number, and we will not go into an argument of that question now.

Mr. WILSON, of Washington. You do not cast the votes at the polls.

Mr. BARNES. There is no use in talking about that now. I have always learned when I have any business before me to go on and attend to that, and not to be drawn off into other matters. As to Georgia votes and Georgia population, I will discuss that when a proper time arrives.

Mr. WILSON, of Washington. I do not suppose you will be drawn off on that subject.

Mr. BARNES. No, sir; I will not.

Mr. WILSON, of Washington. You did not admit us until, like Paul on his way to Damascus, you were struck by lightning.

Mr. BARNES. Well, I do not expect to be struck by lightning now, and if I am I know it will not come from the gentleman. [Laughter.] Just let me go on with my argument. I have certain business before me and I want to attend to it.

Mr. WILSON, of Washington. I will listen to you with a great deal of pleasure.

Mr. BARNES. I hope you will. But we do not want any "lightning" in this matter; we do not want to be diverted from the question at issue.

Mr. WILSON, of Washington. Well, you had referred to Washington, and I wanted to reply.

Mr. BARNES. Well, I had referred to it in very pleasant terms. Before passing let me say the gentleman and myself misunderstood each other some moments ago. I had given Washington full credit for having more than the requisite unit population at the time of admission.

The gentleman certainly did not hear me or he would not have interrupted me on this point, and I did not understand his inquiry when he asked whether the reckoning was all right concerning Washington. In fact I did not, in the midst of the interruption, understand fully the nature and scope of his inquiry. Had I understood him I would have promptly answered, what I had previously stated and what I again repeat, that I believe Washington had more than the requisite population at the time of her admission.

Now, Mr. Speaker, there is another feature, aside from the question of population, to which I object. I object to that provision in the constitution of Wyoming which bears on the subject of female suffrage. My time is getting short and it is cut especially short by these interruptions.

Mr. WILSON, of Washington. I will move to extend it.

Mr. BARNES. You are not the House.

Mr. WILSON, of Washington. Well, I can make the motion.

Mr. BARNES. I do not know that it would be carried. [Laughter.]

But, Mr. Speaker, on the subject of suffrage, sections 1 and 2, article 6, of this constitution provide as follows:

The rights of citizens of the State of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this State shall equally enjoy all civil, political, and religious rights and privileges. Every citizen of the United States of the age of twenty-one years and upwards who has resided in the State or Territory one year and in the county wherein such residence is located sixty days next preceding any election shall be entitled to vote at such election, except as herein otherwise provided.

In a previous part of the constitution we are furnished with two clauses which I suppose are intended to form the logical precedent of the conclusions which are embodied in the two provisions I have read. In the declaration of rights, section 2, article 1, we are told that—

In their inherent right to life, liberty, and the pursuit of happiness all members of the human race are equal. Since equality in the enjoyment of natural and civil rights is made sure only through political equality, the laws of the State affecting the political rights or privileges of its citizens shall be without distinction of race, color, sex, or any circumstance or condition whatsoever other than individual incompetency or unworthiness, duly ascertained by a court of competent jurisdiction.

I do not believe, Mr. Speaker, that the right of suffrage is an inherent right. I believe that the inherent rights are those which are set forth in the Declaration of Independence: life, liberty, and the pursuit of happiness; and wherever a right is an inherent right I am entitled, and everybody else is entitled, to an equal share in that right. But when it comes to the exercise of suffrage, suffrage is a method, a means, by which we exercise political power, by which we confer political power; and, as a means and a method of exercising political power, it is conferred by the State upon those individuals (at least in theory) who are presumed to be best fitted for the general welfare of the State to exercise it.

But to say that suffrage is an inherent right, like life, liberty, and the pursuit of happiness, would be to say that all political powers, like those inherent rights, belong equally to each individual, to man and woman equally without regard to sex, to men and children equally without regard to age except where infancy imposes a natural disability for the time being. So far as inherent rights are concerned, we are entitled to share them equally, but when it comes to political rights it is impossible that we can share them equally.

The Speaker must necessarily exercise more political power than the

individual member upon the floor. The governor of a State must necessarily exercise more political power than the citizen who merely casts his vote. Each exercises a share of political power, but if the right were inherent each would be entitled to share it equally. That is the law of nature. That is the law which the God of nature has imposed upon us.

But, Mr. Speaker, I do not propose at this time to go at any length into this subject of female suffrage. I have no time to draw fancy pictures about the beauty of home and about "woman's sphere" and "man's sphere." Suffice it to say that I believe God has made the two sexes each the complement of the other, and that each in acting as the complement of the other performs the highest duties which God intended it should perform.

But I have this to say further, in a political point of view, upon this question: In the convention which framed the Constitution which gave to Congress the power to admit new States they did not define what States were. It is not necessary to go to the authority of a dictionary or to a publicist to ascertain what a State is. States were in political existence before that Constitution was framed, and the framers of the Constitution understood what States were.

Now, what were those States which they must have had in mind? They were bodies of people united together politically under a form of government which was free, where the rulers were held responsible to the ruled through the exercise of the suffrage of adult males. That was the universal law of the country, and that was what the framers of the Constitution understood by States. And when the Constitution provided for the admission of new States into the Union it provided for the admission of those States under the same form as the States which already existed.

The new States which Congress was to have the power to admit were to be States as Connecticut was, the same as Massachusetts was, the same as Pennsylvania was, the same as Virginia was, the same as South Carolina was. That was the character and kind of State which was contemplated by the framers of the Constitution in that clause which provided that Congress might admit new States, which should become part and parcel and members of the Federal Union of which the old thirteen States was composed. They never contemplated for a moment the idea of a State in which women would share equally in political power with men. Suppose Wyoming had come here to-day with a constitution excluding men from the right of holding office, from the right of voting, confining the right of suffrage and the privilege of holding office to women entirely, would you say a State organized in that way was such a State as was contemplated by the Constitution?

Again, suppose—for it is possible and it would not be violative of the letter of the Constitution, though it would be of its spirit—suppose Wyoming had adopted a constitution providing that the right of suffrage should be vested in all persons from the age of twelve years up to forty-five, would you say that a State with such a constitution was such a State as Washington, and Jefferson, and Madison, and John Adams, and Alexander Hamilton had contemplated? No, Mr. Speaker, such a thing never was intended.

It is a very easy matter to say you will confer female suffrage in the selection of boards of school trustees or in the administration of public charities; but to say that women shall elect members of Congress and United States Senators, may be elected as Representatives in Congress or as United States Senators—that they shall join in shaping the national legislation which is to affect the rights and interests of the whole people throughout our vast domain—I say that a constitution and such a form of government was never contemplated. I recognize the right of each State to the fullest extent to prescribe the qualifications for the exercise of the right of suffrage, subject only to the changes in the recent amendments to the Constitution; but while I recognize this right I claim still that in the exercise of a sound discretion I have a right to vote against the admission of any new State which prescribes qualifications of suffrage which I believe to be injurious to the best interest of the country. I believe suffrage to be a great political right, not to be conferred indiscriminately on all alike, without regard to sex, age, or condition. Upon its proper exercise depends, in my judgment, the preservation of free constitutional government. It is an organism which lies at its very base.

Upon this point I would like to read a few words from Mr. Calhoun's essay on government, a work worthy of the study of every student of politics and which will be more and more esteemed in the future than it has been in the past:

Now government, then, must be constructed, in order to counteract, through its organism, this tendency on the part of those who make and execute the laws to oppress those subject to their operation, is the next question which claims attention.

There is but one way in which this can possibly be done; and that is, by such an organism as will furnish the ruled with the means of resisting successfully this tendency on the part of the rulers to oppression and abuse. Power can only be resisted by power, and tendency by tendency. Those who exercise power and those subject to its exercise—the rulers and the ruled—stand in antagonistic relations to each other.

The same constitution of our nature which leads rulers to oppress the ruled—regardless of the object for which government is ordained—will, with equal

strength, lead the ruled to resist when possessed of the means of making peaceable and effective resistance. Such an organism, then, as will furnish the means by which resistance may be systematically and peaceably made on the part of the ruled to oppression and abuse of power on the part of the rulers, is the first and indispensable step towards forming a constitutional government. And as this can only be effected by or through the right of suffrage (the right on the part of the ruled to choose their rulers at proper intervals and to hold them thereby responsible for their conduct)—the responsibility of the rulers to the ruled through the right of suffrage is the indispensable and primary principle in the foundation of a constitutional government.

That is what the right of suffrage meant. It was an organism lying at the basis of constitutional government; and it was not intended for females and children, but men.

Mr. HILL. Will the gentleman yield for a question?

Mr. BARNES. No, sir; I can not.

Mr. HILL. Just a short question.

Mr. BARNES. Well, sir, if I may be allowed the time I will do so.

Mr. HILL. Thus far you have not discussed this question upon principle—

Mr. BARNES. No, sir; and I have not time to do it. Please take your seat, sir. If I had unlimited time to argue this question I might go into an abstract discussion with the gentleman about the right of home, of solitude, of exile, and a thousand other things [laughter], but, sir, I am arguing this question on high political principles. I say that the right of suffrage is an organism, the means by which the State has provided for lodging a certain share of political power in the hands of electors.

When we come to exercise political power we enact it in the form of law. Law is worthless without the exercise of force to carry it into effect; it is only by the aid of that portion of the community intrusted with suffrage that the force of law can be accomplished and carried into practical execution. It is on the force which resides alone in the male sex that the State must rely for the execution of law, whether she executes it through her officers, her *posse comitatus*, or her armies or fleets, and it is to that sex, representing that force, which should be committed the political power for enacting opinion into law.

Whatever may be the views of gentlemen on the abstract question in regard to the right of women to vote, I think I have demonstrated at least that it was never contemplated by the fathers of the Republic; it was never part and parcel of the principles ingrained in the American constitutions from New Hampshire to Georgia when the thirteen States entered the Union. And when the convention which formed the Constitution of the United States gave to Congress power to admit new States into the Union they meant to admit such States as were then formed, as were then in existence, of which they had practical knowledge and practical experience.

I could argue this question at much greater length; but the hands of the clock warn me that my time has nearly expired. Suffice it to say now that there were three propositions with which I set out. First, that there have been gross irregularities in the formation of this constitution sent here by Wyoming; that the convention which framed the Constitution was held without authority of law; that the election for delegates to that convention was in fact void; that there was no mode of punishment prescribed, and none could possibly have been prescribed, for fraudulent voting at that election; that there is no evidence that the people themselves gave this constitution their approval. Next, I have held that the population proper to entitle a Territory to admission as a State is here wanting—wanting according to all precedents, according to all forms, according to all our history in reference to the admission of States. Thirdly, I have held that this question of female suffrage, which is introduced as a most extraordinary feature in this constitution, has never been fairly submitted to a vote of the people of that Territory, and we have no knowledge whether they favor it or not. I repeat that this is a new feature in American constitutions, is contrary to the experience and history of the country, not conformable to the constitutions of the different States, and in my judgment it is fraught with great danger to the free institutions under which we live, and to the harmony, welfare, and good order of society. [Applause.]

[Here the hammer fell.]

Mr. STRUBLE. Mr. Speaker, I desire at this time to ask unanimous consent that all gentlemen may extend their remarks on this subject in the RECORD.

The SPEAKER *pro tempore*. The gentleman asks unanimous consent that members may extend their remarks on this subject in the RECORD. The Chair hears no objection.

Mr. CAREY obtained the floor and said: I yield five minutes to the gentleman from California (Mr. VANDEVER.)

Mr. VANDEVER. Mr. Speaker, the gentleman from Georgia [Mr. BARNES] made a reference in the course of his speech to the act for the admission of California as a State. He remarked that that act was a compromise measure; and so it was. But what was the nature of the compromise? California came to the Congress of the United States with a constitution framed without the preliminary of an enabling act by Congress. In that constitution was incorporated a clause from the ordinance of 1787, providing that slavery and involuntary servitude, except as a penalty for crime, should be forever prohibited within that State.



Almost without exception, every Democratic member of the two branches of Congress rose in hostility to the incorporation of that provision into the constitution of California. They forced a compromise. What was it? What were the so-called compromise measures of 1850 that the friends of California were compelled to consent to to procure the admission of the State into the Union?

In the first place they were compelled to consent to the passage of an odious fugitive-slave law. In the second place, that in the passage of the Territorial laws for New Mexico and Utah we should forego the insertion of an anti-slavery clause similar to that contained in the ordinance of 1787. There was no possibility at that time of obtaining the admission of California into the Union except by agreeing to those terms dictated by the Democratic members of both Houses of Congress; and we had also to consent to payment of a bonus of \$10,000,000 from the public Treasury to the State of Texas.

There was no Republican party in existence at that time, but the foundation of the Republican party was laid upon this issue. It dug the grave of the Democratic party and led to the election of Abraham Lincoln in 1860. [Applause.] It led to the total extinction of slavery in this country by the war of the rebellion. [Renewed applause.]

The gentleman from Georgia [Mr. BARNES] refers to it as the compromise measure of 1850. They held to that compromise principle until 1854, when the question came up in regard to the formation of a State government in Kansas.

The Democratic party forced the passage of the Kansas-Nebraska act through Congress in 1854 as their pet measure in the hope and with the purpose of organizing one or both of these Territories into slave States. They claimed that the so-called compromise legislation of 1850, by which California gained admission to the Union as a free State, was inconsistent with the anti-slavery provisions of the ordinance of 1787 and with a similar provision in the Missouri compromise act of 1820; in other words, it was claimed by the Democratic party in 1854 that they had consented to the admission of California with her free State constitution upon condition that the policy of excluding slavery from Territories as inaugurated by the ordinance of 1787 should be abandoned by Congress in its future action. This is the kind of compromise the gentleman from Georgia refers to, approvingly, in his objections to the suffrage features of the Wyoming constitution.

The gentleman from Georgia [Mr. BARNES] says that he has respect for precedents of the past. He has called up memories connected with the compromise measures of 1850 which secured the admission of California as a State. She did not come into the Union with the consent of the Democratic party. The friends of California had to pay for her admission by a reluctant consent to the passage of the fugitive-slave law. The friends of suffrage and freedom were compelled at that time at the dictation of the Democratic party to consent to this compromise. [Applause.]

[Here the hammer fell.]

Mr. CAREY. Mr. Speaker, since my first entrance into the Hall of the House of Representatives as a Delegate of the people of Wyoming Territory it has been my first thought to do that which seemed best to be done to promote the measures which to them were of the greatest concern. During the five sessions of Congress that I have had the privileges of this floor, whether here or performing the duties incumbent upon me elsewhere in this Capital, I have not for a moment forgotten that I am not a Representative of a State, and that I am here not because my people had any constitutional right to send me, and that whatever of privileges are accorded me are derived solely through the sufferance of the legislative branch of the Government.

The treatment received at your hands has been most cordial. If my rights had been measured by your high standard of welcome I should have been more than convinced ere now that the privileges of a Delegate were in all respects equal to those of a Representative of a State. For the reason that I have been a Delegate only, I have occupied the time of the House always with reluctance. If to-day I should be more generous in the use of your time than has been my custom my excuse shall be that the question under consideration is of importance beyond measure to my people. If your decision should be favorable it will mean to them those rights of citizenship not heretofore enjoyed. It will give them all the political rights of American freemen. It will elevate them from the condition of a province to the enjoyment of the privileges of the grandest of all political divisions, those afforded by an American State. You will therefore to-day pardon my boldness. Who would not be courageous under the same circumstances? Two thousand miles away I can see the outlines of a new star that is about to take its place in the constellation of States. You will forgive my enthusiasm, for I behold in your countenance, which is but the index of the soul, a warm welcome to the new State. I know that you, the Representatives of the greatest people that live, are ready to extend the hand of fellowship and admit a young, a proud, and noble people, the offspring of your own homes, with their new Commonwealth, into the very heart of the Union of States.

In 1850, in the House of Representatives, Mr. Winthrop, of Massachusetts said:

I see in the Territorial possessions of this Union the seats of new States,

the cradles of new Commonwealths, the nurseries, it may be, of new Republics, an empire. I see in them the future abodes of our brethren, our children, and our children's children, for a thousand generations.

Seventeen States had then been admitted into the original Union. Since the utterance of the prophecy twelve great States have been admitted, eleven of which were organized from the then territory of the United States and are inhabited by millions of progressive and patriotic people. To-day five more Territories have the requisite number of people and the necessary wealth to be admitted as States and to enter upon careers of growth and prosperity not excelled by any of the States heretofore admitted into the Union.

The Territory of Wyoming, except a small area on the western part of its southern boundary, obtained under the treaty of peace with Mexico in 1848, was included in the Louisiana purchase.

Though the Territory, with the exception named, had belonged to France and was then ceded to Spain, and by Spain back to France, and had, from the organization of Missouri in 1812, in part been included within the boundaries of several organized Territories, it was virtually without government until the organization of the Territory of Wyoming in May, 1869, under the provisions of the act of Congress of July 25, 1868, entitled "An act to provide a temporary government for the Territory of Wyoming."

Note the word "temporary." The act could have been as properly entitled "An act to govern the child Wyoming until she is of age to enter the sisterhood of States." Not unlike many Territories that have preceded her; not unlike many of her sisters who have not yet formed a Union, she has been required to serve a full term of pupillage. Before Wyoming, under the provisions of this bill, can consummate her union she will have turned the twenty-first milestone in her history.

#### THE ORDINANCE OF 1787.

In the twelfth year of the Independence of the United States, and whilst the Constitutional Convention was in session in Philadelphia, and nearly two years before the Constitution of the United States went into full operation, "The ordinance for the government of the territory of the United States northwest of the Ohio River" was ordained by the Confederate Congress.

Few laws have been enacted that have exerted a greater influence for the happiness of mankind, for its disenfranchisement, for the cause of republican government. Under the provisions of this ordinance Territories have been organized and great States builded. Read by the light of a subsequent century, it must be pronounced second to none of those remarkable instruments produced during the infant days of the Republic. To go back to the time of its enactment and look over the important events that followed it, it must be admitted that the lawgivers who made it were gifted with a power most extraordinary to look into the future and open the way for great States whose foundations should be freedom, equality before the law, freedom of conscience, education of the masses, and an indestructible union of States.

All Territorial governments since created and organized have been founded on this historic document. Every new State admitted has been upon the plan proposed by its wise provisions. Its sentiment and its most important principles were incorporated in the Constitution itself. It has afforded the framework for the bills of right and State constitution that have since been adopted. It guarantied to the people of the Northwestern Territory those principles of government which have ever been dear to the American people.

It provided that the people at the earliest possible moment should be permitted, through their representatives, to frame their own laws. To the people were insured the benefits of the writs of habeas corpus and the trial by jury.

It declared all persons shall be bailable, unless for capital offenses, when the proof shall be evident or the presumption great. It forbade unusual punishments.

It provided that no man should be deprived of his liberty or property but by the judgment of his peers or the law of the land, and should the public exigencies make it necessary for the common preservation to take any person's property or to demand his particular services full compensation should be made for the same.

It provided that no law should be made to affect private contracts or engagements made in good faith. It declared that religion, morality, and knowledge—being necessary for good government and the happiness of mankind—schools and the means of education should be forever encouraged.

It is not necessary to ask the question why was this government instituted. The reason of the ordinance is best answered by its own provisions:

And for extending the fundamental principles of civil and religious liberty which form the basis whereon these republics, their laws, and constitution are erected. To fix and establish those principles as the basis of all laws, constitutions, and governments which forever hereafter shall be formed in the said Territory. To provide also for the establishment of State and permanent governments therein, and for their admission to a share in the Federal councils on an equal footing with the original States at as early periods as may be consistent with the general interests.

The purpose, then, of the ordinance was to prepare the people to be-

come States. Article V defines when the people of any one of the States formed may be admitted into the Confederacy:

And whenever any of the said States shall have 60,000 free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States on an equal footing with the original States in all respects whatever; and shall be at liberty to form a permanent constitution and State government: *Provided*, The constitution and government so formed shall be republican and in conformity to the principles contained in these articles, and, so far as it can be consistent with the general interest of the Confederacy such admission shall be allowed at an earlier period and when there may be a less number of free inhabitants in the State than 60,000.

I particularly desire to call your attention to the part of the proviso where it says "And so far as it can be consistent with the general interest of the Confederacy such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than 60,000."

The States of Ohio, Indiana, Illinois, Michigan, and Wisconsin were formed out of the Northwest Territory, and each in turn was admitted into the Union. With the exception of Wisconsin, it is not probable that any one of the States named had a population of 60,000 free inhabitants at the date of admission. It was estimated that Ohio had 45,000 of population, Illinois 35,000, Indiana 63,000, and Michigan 65,000. It may be safely asserted, however, that it was found consistent with the interests of the older States to admit four out of five States created in the Northwest Territory with a less number than 60,000 free inhabitants.

This ordinance, either by direct act, by implication, or by inheritance, if it may be permitted to use the word, was from time to time extended to every Territory since organized. The Louisiana purchase of 1803 was the following year divided into two great Territories, the northern portion being known as the Territory of Louisiana. The ordinance of 1787 was made applicable by act of Congress to that great Territory. Subsequently the Territory of Missouri was organized. This Territory included nearly all the area now constituting the Territory of Wyoming. The rights of this ordinance were retained for Missouri.

Time will not permit me to follow all the changes that occurred in the creation of Territories and States from the organization of the Territory of Missouri, which the maps show extended from the Mississippi River to the Pacific Ocean, to the date of the organization of Wyoming. The changes have been many. It is sufficient for my present purpose to state that all of the Territory except a small strip on the western southern border purchased from the Republic of Mexico was included in the Territory of Missouri, all except a strip on the western border has since formed a part of the Territory of Nebraska, while at a subsequent period the major portion of Wyoming became a part of the Territory of Dakota.

It was shown in the discussion that took place over the admission of the Dakotas that by implication the people of Dakota were entitled to the rights, privileges, and immunities that were granted to the inhabitants of the Northwestern Territory. It is safe to say that the people of Wyoming through the Territories from which their Territory was organized are now entitled to admission under the provisions of the ordinance of 1787.

Perhaps no questions have been more thoroughly discussed than those that affect the acquisition of new territory, the organization of temporary government therein, and the admission of new States. These great discussions have been participated in by the ablest men of the Republic.

I believe an investigation of the whole subject will convince any impartial mind that this Government has acquired new territory for but one purpose, to admit the people thereof at the earliest possible moment as a State or States; that all the legislation of Congress in the establishment of temporary governments and the admission of new States, while often tardy in the exercise of its power, has been to afford to the people of a new country at the earliest possible moment "all the rights, privileges, and immunities of citizens of the United States," which can only be secured under the provisions of the constitution of a State admitted "on an equal footing with the original States in all respects whatever."

Though the right to acquire territory is not expressly given by the Constitution, it is no longer denied that the United States as a nation possesses this power. The practice of nearly a century establishes the further fact that until the people of such territory are prepared to be incorporated into the Union Congress may establish temporary governments over such acquired territory. The highest court of the land has also decided that territory can be acquired, but not to be held permanently in a provincial condition. The Supreme Court in 19 Howard, 448, said:

There is certainly no power given by the Constitution to the Federal Government to establish and maintain colonies bordering on the United States, or at a distance, to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States. That power is plainly given, and if a new State is admitted it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers and duties of the State, and the citizens of the State, and the Federal Government. But no power is given to acquire a territory to be acquired and held permanently in that character.

We do not mean, however, to question the power of Congress in this respect. The power to expand the United States by the admission of new States is plainly given; and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of territory, not fit for admission at the time, but to be admitted as soon as its population and situation entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in a suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion.

The Constitution framed in 1787 had been in actual operation for a period of fourteen years when, under Mr. Jefferson's administration, the Louisiana purchase was effected. This great territory was acquired for one purpose only, to be admitted as States into the Union on an equal footing with the original States. The parties to the treaty were then, as they are now, the two greatest living republics. The third article of this treaty says:

The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States.

The States of Louisiana, Arkansas, Missouri, Iowa, a part of Minnesota, Kansas, Nebraska, and North and South Dakota, the Indian Territory, and all but a small portion of Wyoming have been carved from the country obtained by the cession. In this treaty, though the same language is not used, the same guaranty is made to the inhabitants in the territory acquired as was given to the people of the Northwestern Territory. The same privileges and rights, namely, to become States of the Republic, have been guaranteed by solemn treaties to the people of each and every Territory acquired.

Note the language of article 6 of the treaty with Spain by which we acquired the Floridas:

The inhabitants of the territories which His Catholic Majesty cedes the United States by this treaty shall be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution and admitted to the enjoyment of all privileges, rights, and immunities of the citizens of the United States.

The United States next acquired the territory of the Lone Star Republic. In this case it was found consistent with the principles of the Federal Constitution to admit Texas immediately as a State and her people to the enjoyment of all the privileges, rights, and immunities of citizens of the United States.

But let us proceed further.

By the treaty of Guadalupe Hidalgo of 1848 we acquired a very large territory from the Republic of Mexico. The ninth article of this treaty provides that—

Mexicans who in the territories aforesaid shall not preserve the character of citizens of the Mexican Republic \* \* \* shall be incorporated into the Union of the United States and be admitted at the proper time (to be judged by the Congress of the United States) to the enjoyment of all the rights of the citizens of the United States according to the principles of the Constitution.—*United States Statutes at Large*, volume 9.

Before this treaty was ratified the words "to be judged by the Congress of the United States" were inserted by the Senate. The Mexican Government then refused to ratify lest the words inserted might preclude the people of the ceded territory of the rights of American citizens.

To a communication received from the Mexican Government, Mr. Buchanan, then Secretary of State, replied as follows, which secured the ratification of the treaty by the Mexican Government:

Congress, under all the circumstances and under the treaties, are the sole judges of this proper time, because they, and they only, under the Federal Constitution, have power to admit new States into the Union. That they will always exercise this power as soon as the condition of the inhabitants of any acquired territory may render it proper, can not be doubted. By this means the Federal Treasury can alone be relieved from the expense of supporting Territorial governments. Besides, Congress will never turn a deaf ear to a people anxious to enjoy the privilege of self-government. Their desire to become one of the States of this Union will be granted the moment it can be done with safety.

It will be seen that Mr. Buchanan's interpretation of the treaty leaves the principle under discussion in exactly the same condition as the treaties with other powers antecedent to it.

We think, therefore, it is plain that the people of Wyoming may rightfully now ask to be measured by the provisions of the ordinance of 1787, as well as by the articles of the treaties under which their Territory and the jurisdiction over the same were acquired for incorporation into the Union.

No question arising under the Constitution of the United States has created wider discussion in both branches of Congress than the section which provides that "Congress may admit new States into the Union." The more deeply we investigate the principles which have governed Congress acting under this provision of the Constitution the more firmly are we convinced that no inflexible rule, no plan, no mode has ever been prescribed, much less followed, for the admission of new States. In all ways have people come and asked to be taken into the Union. In some instances compliance with the request has for the time being been delayed, but the past proves that no people properly equipped and presenting themselves in the right spirit will ever appeal in vain for admission as a State.

The question when or how new States should be admitted was dis-



cussed very fully in the convention which formed the Constitution. The acquiring of the territory out of which so many States have been carved does not appear to have been contemplated; yet there was even then a fear expressed at the power that might be wielded by the new States of the West. Some of the members of that great and illustrious body, though noted for their broad and liberal views, contended that restrictions and limitations should be placed upon the powers of Congress to extend the number of new States, and that if new States were admitted they should not be admitted on an equal footing with the original States.

Fortunately, such men as Mr. Madison took the ground that no such restrictions should be imposed, he insisting that the Western States neither would nor ought to submit to a union which degraded them from an equal rank with the other States. The provision incorporated in the Constitution has proven to be a wise and a far-reaching one. It has depth; it has breadth; it has length. The Constitution provides:

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

Under this provision of the Constitution there are but two restrictions on the discretion of Congress in the exercise of its power in the admission of new States:

First, no new State shall be formed or erected within the jurisdiction of another State "without the consent of the Legislature of the State concerned as well as of the Congress;" and, second, "Nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress."

State pride, similarity of interest, the same history, the worshiping of the same heroes, form an all-powerful protection to a State. For these reasons no State willingly surrenders its territory or a part of its people. Congress has only been called upon once in seventy years to consent to the creation of a State within the jurisdiction of another State. This exception would not have taken place in a time of peace. It was one of the results of the civil war.

Territory has been acquired by purchase and by discovery. The United States have erected in some instances Territorial governments; in other cases the acquired territory has been admitted directly as a State. The discretion vested in Congress has been wisely exercised. In what other line of legislation have so few mistakes been made? But little in this direction would Congress recall were it in its power to do so. As the people in a given area have presented themselves, their case has been considered and generally the decision has been in the affirmative. Each has adopted its own plan and the questions affecting the admission of the new State have been discussed with reference to that particular case.

Since the Constitution requires that the United States shall guarantee to every State in this Union a republican form of government Congress has always required the community that asks to be intrusted with the powers of a State, before admission to present itself with a constitution republican in form. This, with a people confident of their strength, with a territory of adequate area sufficiently developed to indicate resources to make an important State, affirmatively shown, has been the only test required. The policy pursued has resulted in increasing the number of the thirteen original States, whose people by their courage and love of self-government and whose patriotic and unselfish statesmen made the confederacy possible, to the forty-two States now composing the Republic.

We now come to the other questions involved: "Is the applicant prepared to be a State? Are the boundaries defined and is the Territory of suitable area? Do the number of inhabitants, the conduct of the people during the probationary period of twenty-one years, the accumulated wealth, the developed and undeveloped resources, justify Congress in the exercise of its discretion in an affirmative manner in admitting Wyoming now as a State?" If so, the only remaining question will be, Do the people present themselves with a constitution republican in form? I believe, following all the precedents of the past, every unbiased mind will, after an examination of these questions, answer each and every proposition contained therein in the affirmative.

Fortunately for Wyoming, and unlike in this respect several of the Territories that have preceded her, there are no questions of boundaries or divisions to be determined antecedent to admission.

The boundaries defined for the temporary government in 1868 have remained unchanged. They have been surveyed and marked. None of the people within these boundaries ask for a division and attachment to an adjoining State or Territory, nor do any wish to encroach upon a neighbor to the extent of one foot of territory.

The country you gave them as a Territory they now desire as a State. From the beginning they have labored to this end. The law made them one people. In their association in overcoming the same obstacles, enduring the same hardships, and managing the same affairs they have become the same people in sentiment and feeling, and are bound together more strongly than any law could ever make them.

Wyoming and Colorado are the only political divisions of the United

States that are inclosed by four straight lines. The boundaries form a rectangle approaching a square, and scarcely could a State containing an area of nearly 100 square miles be made more compact. The State of Wyoming will be the eighth in point of size; more than one-third as large as Texas, two-thirds as large as California or Montana, approximating in area Colorado, nearly as large as New York and Pennsylvania combined, more than twelve times as large as New Jersey, twenty times as large as Connecticut, and nearly eighty times as large as Rhode Island.

These comparisons do not show that the State of Wyoming will be too large; nor can it be claimed that Wyoming will be too small to make a great State.

Summary of areas of States, Territories, etc., in square miles.

	Gross areas.	Coast waters (bays, gulfs, sounds, etc.).	Rivers and smaller streams.	Lakes and ponds.	Total water surface.	Total land surface.
Alaska.....	577,390					
Alabama.....	52,250	440	280	10	710	51,540
Arizona.....	112,020		80	20	100	112,020
Arkansas.....	53,850		540	265	805	53,045
California.....	158,360	540	240	1,600	2,380	155,980
Colorado.....	103,925		270	10	280	103,645
Connecticut.....	4,990	25	80	40	145	4,845
Dakota.....	149,100		610	790	1,400	147,700
Delaware.....	2,050	30	60		90	1,960
Dist. of Columbia.....	70		10		10	60
Florida.....	58,680	1,900	390	2,250	4,440	54,240
Georgia.....	59,475	150	300	45	495	58,980
Idaho.....	84,800		200	310	510	84,290
Illinois.....	56,650		515	135	650	56,000
Indiana.....	36,350		330	110	440	35,910
Indian Territory.....	64,600		600		600	64,000
Iowa.....	56,025		450	100	550	55,475
Kansas.....	82,080		380		380	81,700
Kentucky.....	40,400		375	25	400	40,000
Louisiana.....	45,720	1,060	540	1,700	3,300	42,420
Maine.....	33,040	545	300	2,300	3,145	29,895
Maryland.....	12,210	1,850	500		2,350	9,860
Massachusetts.....	8,315	125	60		275	8,040
Michigan.....	58,915		290	1,225	1,515	57,400
Minnesota.....	83,365		360	8,800	9,160	74,205
Mississippi.....	46,810	30	340	100	470	46,340
Missouri.....	69,415		630	90	720	68,695
Montana.....	146,080		410	360	770	145,310
Nebraska.....	76,855		630	40	670	76,185
Nevada.....	110,700		35	925	960	109,740
New Hampshire.....	9,305		80	220	300	9,005
New Jersey.....	7,815	205	120	35	360	7,455
New Mexico.....	122,580		115	5	120	122,460
New York.....	49,170	350	300	900	1,550	47,620
North Carolina.....	52,250	3,200	250	160	3,670	48,580
North Dakota.....						
Ohio.....	41,060		140	160	300	40,760
Oregon.....	56,030	80	560	920	1,470	54,560
Pennsylvania.....	45,215		200	30	230	44,985
Rhode Island.....	1,250	135	10	20	165	1,085
South Carolina.....	30,570	215	180	5	400	30,170
South Dakota.....						
Tennessee.....	42,050		300	100	400	41,650
Texas.....	267,780	2,510	800	180	3,490	264,290
Utah.....	84,970		80	2,700	2,780	82,090
Vermont.....	9,655		50	380	430	9,225
Virginia.....	42,450	1,780	520	25	2,325	40,125
Washington.....	69,180	1,390	580	360	2,300	66,880
West Virginia.....	24,780		135		135	24,645
Wisconsin.....	56,040		420	1,170	1,590	54,450
Wyoming.....	97,890		85	230	315	97,575

It is doubtful whether any State has been admitted unless the question of population has been raised. From the admission of Kentucky in 1792 to the present time, it has been urged by those opposed to new States that the applicant was not entitled to admission because of the insufficiency of population. As a fact, however, whether a new State should be taken into the Union has been determined by other questions. The number of the population has had but little effect in the matter. Before the civil war the real question was that of the extension or restriction of slavery, which resolved itself into a question of political or party expediency. An examination of this question becomes most interesting.

Three States (Illinois, Arkansas, and Florida) were admitted, each with less than 33,000 free inhabitants, while the people of Dakota were deprived of the blessings of State government until the population of their Territory had reached quite a half a million of people.

If we omit Maine and West Virginia, which had shared the governments of mother States, and the States admitted under the omnibus bill of 1890, which States should have been recognized from five to ten years before they were, of the twenty-three remaining legislative States only five can it be claimed (Texas, Wisconsin, Minnesota, Kansas, Nebraska, and Colorado) had at the respective dates of admission as much as 100,000 inhabitants. Of the remaining seventeen, only five as much as 75,000 people, while the remaining thirteen States had from 33,000 to 70,000 population. The average population of the twenty-three States will scarcely exceed 70,000 inhabitants.

The following ten great States had an average of about 60,000 popu-

lation at date of admission, the population being determined in each instance by estimates of the people themselves or by an imperfect census.

State.	Population when admitted.	State.	Population when admitted.
Ohio.....	45,000	Missouri.....	66,000
Indiana.....	63,000	Oregon.....	45,000
Mississippi.....	35,000	Kansas.....	100,000
Illinois.....	35,000	Nebraska.....	100,000
Alabama.....	40,000	Colorado.....	100,000

The growth of the population of Wyoming has been steady. There have been no booms or immigration societies to create an ephemeral growth or bring together a heterogeneous mass of people. Consequently there has been no retrogression in population since the Territory was organized. By the time the State government is fully in operation, under the provisions of this bill, I have no doubt that the population will approximate that required for a member of Congress under the present ratio of apportionment. There is nothing in a Territory to call out a full vote. There is but little party feeling, and every election may be said to occur in an off year.

The settlements are widely separated. The distances are great. The polling-places are far removed from each other. In Wyoming the population is scattered over a territory of nearly 100,000 square miles, an area nearly equal to that of the States of Illinois, Indiana, and Connecticut combined. The increase of the vote each two years since the Territory was organized can leave but little doubt that if the same percentage of the total vote should go to the polls at the next election as were gotten out at the Delegate election in 1888, when the vote was 18,210, there will be polled about 23,000 votes. With State government the vote will be several thousand larger.

To secure as full a vote as can be obtained in a well settled country is an impossibility. A governor who was much opposed to State government estimated the population of the Territory in 1887 at 85,000. The vote in 1888 showed an increase of 23 per cent. in two years. A larger increase will be shown this year. Very few States have been admitted with a larger population than Wyoming now has.

The following table of figures, compiled from official sources, of the votes cast at Presidential elections in the States named best illustrate my statement:

States.	Years after admission.	Votes cast.	Members of Congress.
Tennessee.....	28	20,725	9
Indiana.....	8	15,725	3
Illinois.....	10	8,344	1
Do.....	14	19,576	3
Missouri.....	15	5,192	2
Do.....	19	19,332	2
Mississippi.....	15	5,007	2
Do.....	19	19,667	2
Arkansas.....	3	3,638	1
Do.....	4	11,209	1
Do.....	12	16,888	1
Do.....	16	19,387	2
Michigan.....	1	11,360	1
Louisiana.....	29	18,914	4
Florida.....	3	4,963	1
Do.....	7	7,193	1
Do.....	15	14,345	1
Texas.....	3	15,177	2
Do.....	7	18,647	2
Iowa.....	3	24,303	2
Wisconsin.....	39	39,166	3
Oregon.....	2	12,410	1
Do.....	14	14,649	1
Nebraska.....	2	15,168	1
Do.....	6	25,141	1

was that a very large portion of the voters were aliens. Yet the whole vote at the first State election, when the governor, judiciary, and other State officers and Legislature to choose United States Senators were selected, was only 14,232; Oregon, under the same circumstances, cast 10,121 votes.

In the great debate arising over the admission of Kansas it was not claimed that over 13,289 votes had ever been cast, and this State, at the second Congressional election after admission, showed a vote of 15,272. Colorado, at the election next preceding admission, cast 17,100 votes. The State increased this vote nearly 50 per cent. at the first State election.

The case of Nebraska, though one of the young States, is perhaps the most marked. In the discussion that took place at the time of its admission it was disclosed that at the election immediately preceding that which had given a doubtful majority for the constitution of scarcely 100, and which had resulted in the election of State officers, a member of Congress, and the selection of two United States Senators, the total vote cast was 9,120. Nebraska, at the first Congressional election thereafter, cast 14,170 votes, a gain of more than 50 per cent.

I will not continue these comparisons, but let each draw his own conclusions. If California, Nebraska, and Kansas with the votes cast had 100,000 people at the dates of their admission, is it not safe to conclude that the vote that Wyoming will cast at her first State election will more than justify Congress in admitting her as a State?

Mr. Speaker, no particular number of inhabitants is prescribed by the Constitution, nor have the precedents fixed any number necessary for a State. The Constitution says the Representatives shall be apportioned among the several States according to their respective numbers, and that each State shall have at least one Representative. Any law which might be enacted would not necessarily govern or control Congress in the exercise of its discretion. Each case as a people presents itself must be left to the wisdom of the legislative department of the Government.

Congress has passed no general law on the subject and never will. The policy of the Government has been to admit the new States as soon as the people of such States had confidence in themselves to maintain a State government. Representation under our system of government has always been unequal, and it could not be otherwise. The want of equality is usually most felt in the Western growing States. To make the matter clear I will repeat what I said on the subject before the Committee on Territories:

As I have said on another occasion, equal representation as a theory is good enough; in practice it is an impossibility. There are Congressional districts represented in the House by one member that under the present basis of apportionment are entitled to three and perhaps four Representatives. Men are sent to Congress to represent ideas and questions of public policy. The influence of a State in the national legislature depends not so much upon the number of its delegation as upon the character, integrity, and ability of its Representatives. As a rule the new States are the ones that do not have their full representation. Whatever deficiency there may be in population at the date of admission of a State is more than compensated for before the second decade in the State's history has passed.

The admission of Kansas, Nebraska, and Colorado, each in turn, was opposed for the want of sufficient population to entitle them to a Representative. Note the fact that a Congressional district of Nebraska bordering on the eastern boundary of Wyoming, represented by a worthy member of this committee (Mr. Downey), cast in 1888 nearly 78,000 votes, more votes than Nebraska had population at the date of her admission. Judge PETERS, of Kansas, represents probably as many voters as Kansas had population when admitted. But the most marked case is Wyoming's neighbor on the south, Colorado. Loud protests were made against her admission for the want of sufficient population, yet there were 92,000 votes cast for her one Representative at the last election. Unless an apportionment is made before the next Congressional election, I have no doubt the smallest of these three districts will cast at least 100,000 votes.

Population of certain States at the time of admission into the Union.

States.	Date of admission.	Representative ratio on previous census.	Estimated population when admitted.	Population by following census.
Vermont.....	1791	33,000	85,425	154,446
Kentucky.....	1792	33,000	73,677	220,955
Tennessee.....	1796	33,000	67,000	105,602
Ohio.....	1802	33,000	45,365	230,760
Louisiana.....	1812	35,000	76,556	152,923
Indiana.....	1816	35,000	63,897	147,178
Mississippi.....	1817	35,000	35,512	75,448
Illinois.....	1818	35,000	34,629	55,162
Alabama.....	1819	35,000	40,000	127,901
Missouri.....	1821	40,000	66,557	140,444
Arkansas.....	1835	47,700	52,240	97,574
Michigan.....	1837	47,700	65,000	212,267
Florida.....	1845	70,680	64,000	87,455
Iowa.....	1846	70,680	78,819	192,214
Wisconsin.....	1848	70,680	180,000	305,391
California.....	1850	93,423	92,597	379,994
Minnesota.....	1858	93,423	120,000	172,023
Oregon.....	1859	93,423	50,000	62,405
Kansas.....	1861	127,381	107,295	364,399
Nevada.....	1864	127,381	40,000	42,491
Nebraska.....	1867	127,381	100,000	122,993
Colorado.....	1876	131,425	100,000	194,640

I might continue to fortify the case of Wyoming by calling attention to the vote in many of the States subsequent to their admission into the Union, but I shall only instance four or five other cases, which I believe will be sufficient to convince the most skeptical. Wisconsin at the election next preceding her admission as a State cast 20,318 votes. This State was admitted and accorded three members of Congress. At the first Congressional election in the State there were 24,600 voters. Louisiana, admitted in 1812, at an election for governor in 1822, with four candidates, polled 4,748 votes. Illinois was admitted in 1818. At an election held in 1822 for the election of a governor and a Representative in Congress 8,075 votes were cast. Arkansas and Michigan were admitted in 1836. The former cast at the Presidential election that year 3,638 and the latter 11,360 votes.

Florida, admitted in 1845, cast at one of her first Congressional elections 5,301; Iowa, admitted in 1846, cast at her first election 13,271 and was given two members of Congress. At the time of the admission of California as a State the population consisted almost exclusively of men, and one of the chief objections to California becoming a State



Again, quoting Mr. Winthrop's California speech:

It is said she has not population enough. The best accounts that we can obtain estimate her population at more than 100,000 souls. \* \* \* And what, after all, are any estimates of population worth in such a case? The British orator, Burke, said of the American colonies in 1775, "Such is the strength with which population shoots in that part of the world, that, state the numbers as high as we will, whilst the dispute continues the exaggeration ends."

While we are discussing any given magnitude they are grown to it.

#### RESOURCES OF WYOMING.

The resources of Wyoming are varied and of that character that are in constant demand to supply the wants of the civilized world. These resources developed are sure to make Wyoming a wealthy and prosperous State.

General Powell, the Chief of the United States Geological Survey, and Mr. Elwood Mead, the hydraulic engineer of Wyoming, estimate that there are from ten to twelve millions of acres of lands in the Territory so situated with reference to the water supply that they may be successfully cultivated by irrigation. The moisture precipitated on the mountains and plains gathered in the great water arteries is sufficient to permanently reclaim such an acreage as will make Wyoming an important agricultural State.

To the ten to twelve million acres that may be irrigated, there should be added from four to five millions of acres that will ultimately be brought into bearing without the aid of irrigation. But no agriculturist who has tried both systems will ever abandon the former, where water is accessible, to conduct what is known on the plains as dry farming. Farming with the aid of artificial irrigation while the oldest is also the best.

It is the only system under which the crops may be improved by a drought. Where it is necessarily resorted to, the rains do not come in any season in such quantities as to discourage the farmer or to destroy the husbandman's well deserved harvest.

Wyoming is rich in agricultural possibilities. In the valleys and on the benches and plateaus the soil is very productive. Before it is touched by the hand of man it is in appearance barren and unsightly. With water and the skill of the farmer it becomes, in many cases, of twice the productive capacity of lands in the most favored of the agricultural States. Irrigation does not impoverish, but the distribution of the mountain sediment becomes a perennial fertilizer to the soil.

The tame grasses, timothy, alfalfa, and clover, and wheat, oats, barley, rye, potatoes, melons, garden vegetables, berries, and other small fruits and hardy varieties of apples are being successfully and generally grown. For the want of transportation facilities there is a large surplus of agricultural products in the farming districts; especially is this the case in the northern part of the Territory. In the districts devoted exclusively to the mining and grazing industries, with the necessary transportation this surplus would find a good and ready market. One of the most profitable of the agricultural crops is that of the cultivated grasses. This is fed to live stock, and the cattle and sheep are driven to the railroads for transportation. The large herds furnish a certain demand for the entire product.

East of the Big Horn Mountains, north of the center of the Territory, extending over an area of 5,000 square miles, are sufficient lands of rich soil with an abundance of available water to supply agricultural products for a large population.

I can not better show the present condition of the agricultural interests of Wyoming, and what may be expected of this great Territory in this direction, than by calling attention to the following facts, gleaned from the official reports of Elwood Mead, the hydraulic engineer of Wyoming:

First. In the volume and distribution of her water supply Wyoming takes first place among the States and the Territories of the arid belt.

Second. Within her boundaries and in a circle of which the radius is less than 10 miles are the sources of three of the great rivers of North America, the Missouri, Colorado, and Columbia, crossing the continent in three directions, and emptying respectively into the Gulf of Mexico, the Gulf of California, and the Pacific Ocean.

Third. Four great rivers cross the border of Wyoming: the Big Horn on the north, the Platte in the east, the Green on the south, and the Snake on the west. The tributaries of these streams penetrate all parts of her vast extent, and are fed by the rains and melting snows of a mountain area of Wyoming and Colorado of over 20,000,000 of acres.

Fourth. Wyoming's situation is such that before these waters are diverted elsewhere her farmers will always have the first opportunity to be supplied.

Fifth. Six hundred natural water ways have their waters diverted wholly or in part by irrigation in Wyoming.

Sixth. Wyoming stands third in extent of irrigated lands, which amounts to an area of nearly 2,500,000 acres, equal to two-thirds of the irrigated district of Italy, and equal to the irrigated districts of France and Spain combined. This great irrigation area can be more than doubled without the aid of storage basins.

Seventh. Wyoming has 3,000 irrigation ditches and canals, with a total length of nearly 5,000 miles, exclusive of the laterals.

Eighth. That more than \$10,000,000 are invested in irrigation canals and works, and over \$15,000,000 have been expended in the reclamation of desert lands.

Ninth. That the lands now reclaimed, if divided into small farms, with the means of transportation which would furnish markets, would employ and support more than a quarter of a million of people.

Tenth. That the great area of irrigable lands in Wyoming, which become enormously productive, is equal in extent to the combined irrigated area of Egypt and Italy, which support 10,000,000 of people.

Before leaving this branch of my remarks I wish to call the attention of the committee to the amount of improved lands in several of the States. The census of 1880 shows the area of improved farms in the following States to be:

	Acres.
Colorado.....	616,169
Connecticut.....	1,642,000
Delaware.....	746,000
Florida.....	947,640
Louisiana.....	2,739,000
Massachusetts.....	2,128,000
New Hampshire.....	2,308,000
New Jersey.....	2,996,000
Rhode Island.....	298,485
Vermont.....	3,265,000
West Virginia.....	3,792,327

Closely allied to the farming industry are the grazing or pastoral interests. Contiguous to the valleys and plateaus susceptible of irrigation are lands aggregating 30,000,000 acres well adapted for grazing purposes. Indeed, there are no finer grazing fields in the world than are found in this Territory. The soil each year returns its crop of grass upon which all kinds of domestic farm animals may be kept each month in the year. Such is the quality of the grass that if these ranges are not overstocked the percentage of loss is not greater than on a well conducted farm.

In the last five years the manner of conducting this business has been greatly changed. The herds have been improved; great crops of cultivated grasses are harvested. In this wise the capacity of a given section to carry stock is increased and the liability of the business to losses during the winter months greatly lessened. In Wyoming there are at least 3,000 Angora goats (a new business), 175,000 horses, 1,250,000 sheep, and 1,500,000 neat cattle. These great herds of domestic animals of civilized man have entirely supplanted the buffalo, which furnished to the Indian his choicest meat, a roof for his wigwam, and coverlet and mattress for his bed.

There are from eight to ten million of acres of forests in Wyoming. Probably two-thirds of this area is covered with a good quality of pine and spruce. These lands, with the exception of small areas included in the grant to the Union Pacific Railroad Company, are still owned by the General Government. With the proper protection these forests will build up an important commerce and always afford to the inhabitants of Wyoming an abundant supply of lumber to meet the demands of the city and the agricultural and mining interests, besides being the means of regulating and holding up the annual water supply derived from the melting snows of the mountains until required by the farmer in the irrigation of his crops.

These forests have scarcely been disturbed. Indeed those acquainted with the forest area say that the value of these forests has greatly increased since the organization of the Territory, through the protection given by the laws, not of the United States, but of the Territory, enacted to prevent the spread of fires.

Mr. Speaker, in a most cursory manner I have referred to three of the great resources of Wyoming, the agricultural, pastoral, and lumber interests. These within themselves are sufficient to make a populous and wealthy State. They pertain to the soil—those vegetable products grown solely by nature's laws, controlled and directed in part by the planting, cultivating, and harvesting of the skilled husbandman.

In passing to those resources which have already been formed, which lie embedded wholly or in part under the surface of the ground, known as mineral resources, I believe I may say without fear of successful contradiction that nowhere else in this broad land where nature has been so beneficent have the great upheavals of the past ages disclosed and brought to light minerals more diversified, in greater abundance, and by their peculiar characteristics better adapted to satisfy the wants and skill of man than have been discovered in this Territory. In minerals Wyoming is one of nature's great store-houses. It would take the learning of the skilled mineralogist to enumerate and classify all these discoveries. They include gold, silver, lead, tin, asbestos, mica, graphite, kaolin, fire-clay, salt, and inexhaustible quantities of marble, petroleum, iron, soda, and coal. In the last-named products lies untold wealth for Wyoming.

The oil-bearing area extends over a country more than 300 miles long and averaging from 50 to 75 miles wide, but little developed. There are great flowing wells that have not yet been reached by the transportation companies.

The country has been examined by experts. Actual tests and discovery confirm the statement that as soon as the product can be utilized

Wyoming will become one of the great oil-producing sections of the globe.

The deposits and lakes of sulphate and carbonate of sodium are the most extensive yet discovered on the continent. The iron does not have to be discovered. The ore is found in great quantities of superior quality in many different portions of the Territory. Coal is found in every county of good quality for generating steam and for domestic purposes. In the northeastern portion of the Territory within the past few months great veins of excellent coking coal have been developed. The coal area is known to underlie not less than 30,000 of square miles.

These great resources have scarcely been touched, yet the production of coal last year amounted to 2,000,000 of tons, which, at the doors of the consumers, brought to the miners and transportation companies \$13,000,000.

This production is certain; it is not the result of speculation; it is not affected by drought or flood.

The production at the dump is equal in value to 20,000,000 of bushels of grain in the neighboring State of Nebraska. It requires as much labor, as many engines and cars to distribute it as it requires to transport 70,000,000 bushels of grain.

The production has only been limited by the facilities for its transportation.

The demand is double the present output. Should the production increase in the same ratio for the next five years that it has in the past, it will reach 5,000,000 tons. This coal has a widespread reputation from the Missouri to the Pacific Ocean. It furnishes the greater portion of the State of Nebraska with fuel. It provides the power for the engines over thousands of miles of railroads. Without it the Union and Central Pacific Railroads could scarcely be operated. It is the chief fuel of many of the smelters in Montana. It finds a ready market in seven States and Territories.

Unlike in the prairie States, is found in Wyoming in abundance almost every kind of material required to supply the wants of man. Here are marbles of every hue and variety, granite of various colors and qualities, and lime and sand rocks. These, with the lumber procured from the forests, afford the material for the building of towns and cities, the construction of irrigation works, the improvement of farms, for the opening of mines.

The material is at hand for inexpensive structures or for monuments and buildings of the most costly character. These products have already made a considerable commerce between Wyoming and the States east of her that nature has not so abundantly supplied with such material. This commerce, with increased means of transportation, must become very important.

Manufacturing establishments come with capital and a considerable population. Yet Wyoming has already made progress in this direction. In the Territory there is a rolling-mill, large machine and railway repair shops, flouring mills, a glass factory, tanneries, planing-mills, foundries, harness and saddle factories. No country offers better facilities for manufacturing. The raw materials are in abundance for the creation of trade and industrial establishments. Within 10 miles of a large glass factory at Laramie City are all the products that enter into the manufacture of glass, of the best quality and in abundance.

The greatest nations are those that have a great variety of resources. The same is true of States. The rolling-mill, the furnace, and factory give employment for the masses.

If for any reason there is a loss in one branch of industry this year it is compensated by the profits of some other industrial establishment; consequently the depression and suffering incident to the failure of crops in a State strictly agricultural are scarcely ever heard of in a country with numerous developed industries.

Mines of precious minerals become exhausted. The iron and coal of Wyoming will not be exhausted in thousands of years. These base materials are of more value to make a wealthy and populous State than all the precious materials yet discovered on the continent. They enter into the wants and comforts of every-day life. They provide the basis of power and the strength to control it. They furnish the important factor for the road-bed and the steam to propel the carriages and vehicles for the transportation of man in comfort and safety and the articles of trade with celerity. They overcome distance and make us one people, one nation, in sentiment and feeling. Their combined power could not be supplied by all the animal life of the globe.

Wyoming early in her history took an exalted stand in educational matters. The people have willingly taxed themselves for the maintenance of public schools. With a compulsory system the opportunity has been offered and enforced for the education of all the children that have been accessible.

Notwithstanding the immigration, it is believed that the illiterate class over ten years of age has not increased the 2.6 per cent. of the population as shown by the census of 1880.

I do not know of a man or woman who lived a portion of his or her childhood in Wyoming that is unable to read and write. Good public schools are supported in every settlement where enough children can be gotten together to justify the employment of a teacher. The teachers

are carefully examined. In all the towns of any size, good graded schools are maintained. A university is supported at public expense, offering a higher education for all children of the Territory that desire to avail themselves of its advantages.

In addition to the public schools well patronized private schools and educational institutions are established. The Territory has not derived a cent from donations of public lands.

The Territory has not asked nor has it received one dollar of aid for the purposes stated from the General Government.

The people last year expended for educational purposes nearly \$250,000. They have raised and expended during the past ten years for this purpose over \$1,000,000.

#### INSTITUTIONS.

The public buildings erected and the institutions maintained characterize an intelligent and progressive people. To accomplish what they have done, they have provided the necessary money largely by taxation.

They adopted the plan to meet the greater part of the principal of their obligations as soon as the liability occurred, and thereby avoid an ever-increasing debt. You have not been generous enough to give them one public building. What they have done has been without your aid or encouragement. Few new countries have done better, and in comparison with her accumulated wealth few States can make a better showing.

Of the Territorial institutions maintained I will call your attention to the following:

A water department, at the head of which is a skilled hydraulic engineer, for the purpose of investigating the questions pertaining to the reclamation and irrigation of the arid lands and the distribution and division of the waters of the Territory.

A department of mineralogy, at the head of which is an experienced geologist, to investigate and give free information as to the mining resources of the Territory.

A veterinary department, to prevent the introduction and spread of disease among the live-stock of the Territory.

A fish hatchery, for the propagation of fish and the stocking of the streams of the Territory.

A university, the building and grounds of which have cost \$100,000.

A deaf and dumb and blind asylum, erected at a cost of \$10,000.

An insane asylum, erected at a cost of \$75,000.

A poor-farm for a home for those who, by reason of age and misfortune, are unable to labor, the cost of which when completed will be \$25,000.

A capitol building has been erected at a cost of \$275,000, a better building than that possessed by fifteen of the States.

A penitentiary is in course of construction which will cost \$100,000.

The counties of the Territory almost without exception are well provided with substantial court-houses and jails, and in some instances with good hospitals.

Public sentiment has been in favor of making but few new counties, believing that the benefit to be derived is more than offset by the expenses of extra sets of county officers. The cities, towns, and villages of the Territory are well built and are well provided with good business blocks and are full of comfortable homes. The cities and towns are well governed. There are eight of the incorporated cities that are provided with water-works and five are lighted with electricity. The cities and towns are well provided with elegant churches and good school-houses.

The banking interests, which represent in a measure the integrity of a people, also speak well for our business affairs. Permit me to call your attention to the following data. It is a better showing than has heretofore been made by any new State except those admitted under the omnibus bill in 1889.

#### BANKING INTEREST.

There are nine national and eleven private banks in Wyoming.

A recent report of the Comptroller of the Currency shows:

That no national bank has ever suspended or gone into liquidation in that Territory. Four private banks have failed only.

That the first institution under the national-banking law was organized in 1871.

That there was not in banking capital in the Territory at that time \$150,000.

That the total of the items of resources of the nine national banks of that Territory is now nearly \$1,000,000.

Add to this total the items of resources of the private banks, and the aggregate is over \$5,000,000. This is as much or in excess of the banking resources of either of four States, all of which have been in the Union for twenty-five years or more.

These States have, respectively, one, two, five, and seven Representatives in Congress.

This table shows the steady increase each year in the banking resources and business of the Territory. It will be noted that at no time has there been any retrogression:



Summary of national banks, the important items of resources and liabilities, and the totals, etc., Wyoming Territory.

Date.	No. of banks.	Loans and discounts.	U. S. bonds.	Cash and cash items.	Capital.	Surplus.	Undivided profits.	Outstanding circulation.	Individual deposits.	Totals.
1871	1	\$77,000	\$30,000	\$15,000	\$75,000		\$3,000	\$27,000	\$55,000	\$161,000
1872	1	99,000	30,000	25,000	75,000		5,000	27,000	81,000	188,000
1873	2	203,000	60,000	34,000	125,000		23,000	51,000	162,000	363,000
1874	2	199,000	60,000	58,000	125,000		10,000	54,000	190,000	412,000
1875	2	245,000	60,000	62,000	125,000		16,000	49,000	297,000	530,000
1876	2	198,000	60,000	96,000	125,000		21,000	29,000	265,000	498,000
1877	2	303,000	60,000	89,000	125,000		25,000	62,000	311,000	590,000
1878	2	285,000	60,000	129,000	125,000		25,000	42,000	369,000	657,000
1879	2	385,000	60,000	79,000	125,000		50,000	53,000	444,000	753,000
1880	2	492,000	64,000	109,000	150,000		50,000	39,000	535,000	841,000
1881	3	730,000	94,000	201,000	225,000		50,000	48,000	856,000	1,306,000
1882	4	961,000	194,000	219,000	425,000		78,000	127,000	1,185,000	1,928,000
1883	4	1,313,000	219,000	242,000	425,000		103,000	123,000	1,604,000	2,436,000
1884	4	1,604,000	235,000	209,000	525,000		78,000	107,000	1,418,000	2,509,000
1885	5	1,861,000	155,000	309,000	800,000		140,000	152,000	1,744,000	3,067,000
1886	6	2,335,000	180,000	401,000	900,000		167,000	198,000	1,768,000	3,398,000
1887	8	2,527,000	224,000	305,000	1,075,000		210,000	180,000	1,697,000	3,568,000
1888	9	2,419,000	249,000	298,000	1,175,000		213,000	115,000	1,731,000	3,640,000
1889										3,725,000

I desire to make some comparisons, as follows:

State.	Date.	National banks.	Total revenues.	Average.
Mississippi.....	Sept. 30, 1889	12	\$1,200,000	\$350,000
Florida.....	do.	13	4,278,000	328,000
West Virginia.....	do.	20	7,588,000	379,000
Arkansas.....	do.	8	4,764,000	599,500
Wyoming.....	do.	9	3,272,600	414,000

I should add that two more national banks are in process of organization.

#### FINANCIAL MATTERS.

The people have managed their affairs well.

They have the best credit at home and abroad. They have guarded their credit at every stage with jealous care. Neither the Territory nor any county, city, or school district has ever defaulted in the payment of any obligation or any accruing interest thereon at maturity. The Territory has not at any time had a floating indebtedness. An auditor's warrant only floats the time it takes it to go to the office of the treasurer. The total indebtedness of the Territory is \$320,000. No bonds of the Territory bear over 6 per cent. interest.

No bonds have ever been sold by the Territory for less than 5 per cent. above par and some as high as 12 per cent. premium.

These bonds can not be bought for less than 18 per cent. premium in New England, where they are held.

On January 10, 1890, after every obligation had been paid, there was in the treasury \$230,000.

The result of a levy of 8 mills on the actual wealth of the Territory on the 1st day of January, 1890, would, with the cash on hand, have paid every obligation of the Territory, and of the counties, cities, towns, and school districts therein, and have left public property of the value of more than \$2,000,000.

During the entire history of the Territory, not one defalcation of a Territorial officer has occurred.

During the past five years the Territory has expended hundreds of thousands of dollars in the erection of her public buildings and not a whisper or scandal has been heard with reference to those who have had control of these matters.

Open the books of some of the States and make a better showing.

#### WEALTH.

Wyoming is well prepared to take care of a State government. Commencing with an assessable wealth of \$6,924,000 in 1870, an increase of \$4,333,000 was made by 1880. The property of the Territory was assessed at \$31,500,000 in 1889, and this after a reduction was made on the live-stock of the Territory, owing to a depreciation of values, to the amount of \$5,000,000. The actual wealth of the Territory is four times greater than the amount returned as the assessable wealth, as shown by the following table:

Items.	Actual value.	Assessed value.
Railroad property.....	\$35,000,000	\$6,163,000
Live-stock.....	40,000,000	9,000,000
Improved farms and ranches.....	15,000,000	3,000,000
Developed mines.....	15,000,000	Not assessed.
Churches and schools, county, city, and Territorial property.....	2,500,000	Do.
Irrigation works and improvements.....	10,000,000	Do.

For the purposes of the argument I desire to call your attention to the following facts by way of comparison. To be absolutely within bounds let us call the actual wealth of Wyoming \$100,000,000. Since

no effort was made before the census of 1860 to collect data of the assessable wealth of the several States, I have assumed that the assessable wealth of the several States was 60 per cent. of the actual wealth.

The following table shows the amount of assessable and true wealth of several of the States at the date of admission or at periods subsequent thereto:

	Years after admission.	Actual wealth.	Assessable wealth.
Wisconsin.....	2	\$42,000,000	\$31,200,000
Arkansas.....	14	39,000,000	23,400,000
Florida.....	5	23,000,000	13,800,000
Iowa.....	5	24,000,000	13,200,000
Oregon.....	2	19,000,000	11,400,000
Minnesota.....	2	52,294,000	32,087,720
California.....		22,161,000	13,296,000
Kansas.....		31,327,000	22,500,000
Wyoming, in 1889.....		100,000,000	31,500,000

#### POSTAL STATISTICS.

One of the surest indications of the prosperity in a community is found in the statistics of the postal service. The receipts in Wyoming during 1888 were as follows:

Total postal receipts in Wyoming during the last year amounted to.....	\$79,235.12
Receipts from the sale of postage-stamps, stamped envelopes, and postal cards were.....	63,974.18
From box-rents.....	6,253.05
Paid to postmasters for compensation.....	53,027.21
For clerks in post-offices, fuel, and rent.....	4,836.57
Clerks.....	477.25

There are nearly two hundred post-offices in the Territory, of which six are Presidential offices.

#### WYOMING MAKING RAPID STRIDES IN RAILROAD BUILDING.

There are about 900 miles of operated railroads in the Territory.

The principal railroad companies of the central west are locating lines and securing rights of way in Wyoming.

The Chicago and Burlington Railway Company operates a through line from Cheyenne, the capital of the Territory, to Chicago.

The Northwestern Railroad Company has built and is operating a line of road in the central portion of the Territory, connecting with its eastern system. This company has located from its present terminus a road to Ogden, Utah, which will make another through line to the Pacific.

The Cheyenne and Northern Railroad has completed 125 miles of road north from the capital of the Territory.

The Union Pacific Railroad traverses the Territory through its entire length from east to west.

The Union Pacific Railway Company built, during the year 1889, a road to the newly opened coal-mines in Carbon County.

The Burlington system constructed last year a road from Central Nebraska to the fields of coking coal in Northeastern Wyoming. Additional railroad mileage is now under contract that will cost over \$1,000,000. Even in the dead of winter engineers are in the field surveying and locating new lines. No less than four transcontinental lines are located across her borders. That Wyoming will soon double her railroad mileage there can be no doubt.

The best constitutions made are those that emanate directly from the people.

The inhabitants of a new State should always be left untrammelled by law or precedents when making the fundamental law.

A constitution should be the result of deliberation and thought.

I do not believe under any conditions the people of Wyoming, not even if granted half a hundred of constitutional conventions, could obtain a better result for themselves than the constitution with which they ask to be incorporated into the Union.

It will bear a critical examination, and an honest comparison of its provisions with those of any one of the State constitutions will not result to its discredit.

The time will not permit me to review it in detail, and sufficient for the present will be to call attention to a few of its provisions.

The people selected from their best men to make it. These were selected without much regard to their party affiliations. They had the best guide to govern them, the experience of the people for a period of twenty years. A young people, without the prejudices of old communities to influence them, they incorporated in the constitution the results of the best thought of those who in this progressive age have made constitutional law life's study.

The constitution is progressive, yet conservative enough to keep the managers of public affairs in the beaten paths which will afford to the people the best form of republican government.

The constitution presented is republican in form and makes no distinction in civil and political rights on account of sex, race, or color, and it is not repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

The constitution will give an economical government; indeed, less expensive to the people than that under the Territorial system. It creates no unnecessary or ornamental officers.

The Legislature, in the first instance, is small, the two houses being comprised of 16 and 33 members, respectively. The first session may be extended to sixty days only; subsequent sessions, to forty days only.

Special legislation of every character is prohibited. Every safeguard is thrown around a bill from its introduction in either house to its final passage or defeat.

The constitution, in addition to the usual veto power, authorizes the governor to withhold his approval to individual items in appropriation bills. The constitution limits the indebtedness of the State and all political divisions of the State and the expenditures of any one year to the amount of the annual revenues, unless expressly authorized by a vote of the people.

It inhibits the voting of aid or loaning of credit to any railroad company or corporation by the State or any subdivision thereof.

It abolishes the fee system except in a few limited cases.

The constitution protects the rights of the people against trusts and corporations and combinations.

It makes ample provision for public schools. It places every protection around the school funds of the State.

It throws every safeguard around the land donated by the Government to aid in the support of public schools and the building up of State institutions.

The provision most to be commended is that clause that makes no discrimination on account of sex, so far as political rights are concerned. The people of Wyoming after a practice and experience during their entire Territorial life hesitated not one moment on this subject. They were substantially of one mind. The manner in which woman has exercised her right of elective franchise has left few men indeed who would deprive her of the privilege if it were in their power to do so.

The entire article relating to suffrage and elections is worthy of consideration. If a pure ballot and an honest election are obtainable by law, it is provided for in the constitution adopted by the people of Wyoming.

All criticisms of this constitution by the press and people have been in words of commendation.

The Senate Committee on Territories says of the constitution:

Your committee find much to praise and nothing to condemn in the constitution which has been adopted, and believe that the highest and best interests of its people as well as the strength and glory of the Republic will be subserved by its immediate admission as a State. The bill referred to the committee conforms to the bill recommended at the last session of Congress for an enabling act, except as to the method of admission; and with some verbal and unimportant amendments in the text the committee recommend that it do pass.

The people of Wyoming had a high precedent for their action. An act was passed by the Confederate Congress—or the Congress of the thirteen original States—providing for a convention, not to frame a constitution, but a convention to submit amendments to the Articles of Confederation. When that convention met they disregarded the instructions that they had received from Congress, and proceeded to form a constitution for the States, not as an amendment to the Articles of Confederation, but as an original document.

This action of the convention was urged as a reason why the Constitution should not be accepted by the States. The Constitution was a good one, and you are here to-day because of its adoption and wise provisions. The convention that framed it was composed of fifty-five members, and thirty-nine of its members signed it. The Wyoming constitutional convention was composed of fifty-five members, of which forty signed the constitution.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BAKER. I ask unanimous consent that the gentleman from Wyoming may be permitted to conclude his remarks.

The SPEAKER *pro tempore*. General leave has already been granted to gentlemen who desire to extend their remarks.

Mr. SPRINGER. But the request of the gentleman from New York

is that the gentleman from Wyoming may have the privilege of concluding his remarks. There is no objection, of course, if the time is taken out of the time allotted to that side.

Mr. BAKER. I move that the gentleman be permitted to finish his remarks.

Mr. SPRINGER. To be taken out of the time on that side?

Mr. BAKER. Certainly.

The SPEAKER *pro tempore*. Is there objection?

There was no objection.

Mr. HENDERSON of Iowa. I may not have been present when the gentleman referred to it, but from his large familiarity with that Territory I should be glad to have his judgment as to the population.

Mr. CAREY. I think our population will run anywhere from 110,000 to 125,000.

The constitution in the case of Wyoming was framed by a convention which emanated directly from the people; and as my time is limited I shall briefly call the attention of the House, especially of gentlemen on the opposite side of it, to the case of Oregon.

Forty years ago Oregon applied for admission to the Union with a constitution which was formed by that people without any authority of Congress. The people of Oregon live under that constitution to-day. In the discussion that took place in the Senate and the House of Representatives, it was declared to be among the best constitutions that had been presented by any people up to that time asking for admission as a State.

I wish also to call your attention to the fact that Oregon stood with two Senators and a Representative ready to be admitted the very moment the bill for the admission of the State was passed. They had elected State officers. Mr. William H. Seward, who was then one of the ablest of those composing the Senate of the United States, stood up and declared in favor of the people of Oregon, notwithstanding that they were here with two Senators and a Representative directly opposed to him politically, championed the cause of the people of Oregon, and Oregon was admitted as a State.

I would like to call the attention of the gentleman of Georgia to the case of Michigan. The people of Michigan were not admitted under an act of Congress, but on a constitution framed by a convention having its origin in a Democratic county convention of Wayne County, in that State.

Mr. SPRINGER. Will the gentleman from Wyoming allow me a moment in that connection?

Mr. CAREY. With pleasure.

Mr. SPRINGER. If the gentleman will refer to part 2 of the Charters and Constitutions of the United States, under the head of Oregon, page 1492, he will find that the constitution of Oregon when admitted to the Union was framed by a convention chosen under the act of the Territorial Legislature of Oregon, no enabling act having been passed by Congress.

Mr. CAREY. I shall refer to that presently. Now, will the gentleman be kind enough to read what were the preliminaries in the Michigan case?

Mr. SPRINGER. I was not referring to Michigan, but to Oregon. The gentleman said that Oregon was admitted to the Union under a constitution framed without authority of law.

Mr. CAREY. What I referred to was that there was no previous act of Congress. I am glad to hear the gentleman now admit, since he made such a strong fight against South Dakota, that the Territorial Legislature has such power as he states was exercised in the case of Oregon.

Mr. SPRINGER. I never denied it.

Mr. CAREY. I am glad to hear it.

Mr. SPRINGER. In the case of Oregon a convention was held under the act of the Legislative Assembly.

Mr. CAREY. Then you claim that they have a right to pass such an act?

Mr. SPRINGER. They have not done that in this case.

Mr. CAREY. The inhabitants of the new States should always be left untrammelled by law or precedents when they are making their fundamental law. The constitution should be the result of deliberation. The only questions for Congress to determine are whether it represents the wishes of the people and is in form republican.

I want to say to my Democratic friends that from the very commencement of the State movement in Wyoming there has been no written agreement, but an implied agreement, that no political questions in a partisan sense should be discussed in the organization of the State government; and for that reason they did not elect State officers and did not send Senators and a member of Congress here with the constitution. The convention was composed of able men.

No better body of men ever assembled in the Western country than the men who composed the convention; and I want to say to my Democratic friends that from the organization of the convention until its close it never divided on a political question.

I want to say further to the gentleman from Illinois [Mr. SPRINGER] that the convention was composed of fifty-five delegates. Fifty-one delegates, I think, qualified by taking the oath; forty delegates signed the constitution; nearly all the other delegates requested that their



names be signed to the constitution. Some of the delegates had to leave before the final revision was agreed to in the constitutional convention. I do not know of a man of the fifty-five members elected who was opposed to the constitution. I believe every man would have signed it if he could have remained until the final revision.

Mr. BAKER. Will the gentleman allow me in that connection to call attention to the fact that only thirty-nine signed the original Constitution of the United States?

Mr. CAREY. Well, forty signed the Wyoming constitution.

Mr. HENDERSON, of Iowa. Would another election change the result of that particularly?

Mr. CAREY. No, sir. The people have presented the constitution under which they desire to live.

Mr. STRUBLE. You say that that was a unanimous report of the Senate committee?

Mr. CAREY. It was a unanimous report of the Senate committee. Senator PLATT has been over the bill time and again, and this is the result: That is the bill upon which the members of this House will be asked to vote without regard to the three amendments. The bill fits the constitution and the constitution will be put in full operation by the bill under consideration.

The minority report says:

There is no State in the Union which contains such provisions in its constitution; nor is there a State or nation in the civilized world where women are permitted to hold office and vote, except in a few instances relating to school officers.

Woman suffrage is not a new question. It is not repugnant to the Constitution of the United States. It is not unrepugnant.

In New Jersey, under the Articles of Confederation, women had the right of suffrage. New Jersey became a State of the Union with woman suffrage. Women were not deprived of the right until 1807. The other States of the Union did not object to her exercising the elective franchise in the State of New Jersey. In England she votes in municipal matters; in Scotland and Wales and in the Isle of Wight; and in Ontario, on the northern portion of our boundary, a province which is as large as the States of New York and Michigan combined, she votes for everything except member of Parliament.

In British Columbia she votes in all matters except for members of Parliament. A law has been passed in Australia giving her suffrage; the same also in New Zealand. I should say that suffrage in some of these instances is limited to unmarried women. But it is not even new in our own country. Women exercise the right to vote and to hold office in the State of Kansas; in municipal affairs, I think in all cases in cities of a certain class.

Mr. KELLEY. In all cities.

Mr. CAREY. In all cities; I thank you.

I want to say further to the gentleman from Illinois that women to-day have the right in seventeen States to vote on school matters.

This minority report is a most remarkable production; notwithstanding my friend had nearly six weeks after the bill was reported to this House, after it had been considered in this House, on almost the very last day he filed the minority report. He gave as his excuse that he had not the time in which to prepare it.

This minority report consists in a magazine article by Goldwin Smith, an extreme conservative educated in England, a man who resides, I believe, in a British province. It consists also in an article of Mrs. Leonard, a most estimable woman, a woman who, I think, has been successful in a political way in Massachusetts. She has been prominent as a member of the board having in charge certain reform institutions in that State. It is said that she is one of the best officers they have in the State of Massachusetts. She has been the peer of the ablest men in this regard. She is a living example that woman has the ability to vote and hold office.

Then comes an article on which the gentleman from Illinois depends, written by Miss Whitney, which is full of beautiful sentiment and full of poetry. He has used woman's argument against woman. If his theory is correct woman's argument should have no weight one way or the other. If she has not the capacity to vote, has she the ability to discuss the question? I desire to call attention to a Supreme Court decision bearing upon this question (*Minor vs. Hoppersett*, 21 Wall., 162):

The court said:

The United States has no voters in the States of its own creation. The elective officers of the United States are all elected, directly or indirectly, by State votes. \* \* \* It is not necessary to inquire whether this power of supervision thus given Congress is sufficient to authorize any interference with the State laws prescribing the qualifications of voters, for no such interference has ever been attempted. The power of the State in this particular is certainly supreme until Congress acts.

On the adoption of the Constitution, in no State were all citizens permitted to vote, but various and sometimes stringent restrictions were imposed upon the suffrage in the State constitutions:

The right of suffrage when granted will be protected. He who has it can only be deprived of it by due process of law, but in order to claim protection he must first show that he has the right.

No new State has ever been admitted to the Union which has conferred the right of suffrage upon women, and this has never been considered a valid objection to her admission.

After stating in many ways that the right of suffrage is not conferred by the Constitution of the United States and in every way giving the

idea, not expressed directly in words, that the question of suffrage is one for each State to settle for itself, subject to certain enumerated restrictions, in which, however, the question of sex does not enter, the court says:

If the law is wrong it ought to be changed; but the power for that is not with us. The arguments addressed to us bearing upon such a view of the subject may perhaps be sufficient to induce those having the power to make the alteration, but they ought not to be permitted to influence our judgment in determining the present rights of the parties now litigating before us.

Being unanimous of the opinion that the Constitution of the United States does not confer the right of suffrage upon any one and that the constitutions and laws of the several States which commit that important trust to men alone are not necessarily void, we affirm the judgment.

United States vs. Cruikshank, 92 United States, page 555, it was cited from *Minor vs. Hoppersett* with approval:

The Constitution of the United States has not conferred the right of suffrage upon any one, and that the United States have no voters of their own creation in the States.

It was also cited from *United States vs. Reese et al.*, 92 United States, page 214, with approval:

The right of suffrage is not a necessary attribute of national citizenship. \* \* \* The right to vote in the States comes from the States, but the right of prohibited discrimination comes from the United States. The first has not been granted by the Constitution of the United States, but the last has been.

The minority report lays stress on the fact that the vote was small on the adoption of the constitution. Those who vote control those who do not vote. There was no contention about the constitution; no effort was made to get out the vote. The universal exclamation in Wyoming was that day, "Everybody favors the constitution, and what is the use of voting." I have seen important measures pass this House by one vote, and the Speaker would strain his ear to catch that one vote.

Why? Because there was no objection to the proposition. Voters are gotten out to vote for men; rarely will they turn out to vote except in small numbers for or against a constitution or for an amendment to a constitution.

There was no election for officers on the day the constitution was submitted to the people of Wyoming. The Democrats and Republicans in the start said, "Let us have a constitution under which we will be willing to live. We will not elect State officers until Congress says we may."

I have hastily looked up some figures. They are interesting. In 1835 the question was submitted to the people of Pennsylvania to vote for or against a constitutional convention. On the same day, at the same election, a governor was elected. The total vote for governor was within a few votes of 200,000; the total vote on the other question was 86,570. A constitution was submitted in 1838. On the same day a governor was elected. The total vote on the constitution was less than half that cast for the candidate for governor. The question was submitted to the people of New York in 1867 whether there should be a constitutional convention. The total vote cast on this question was 287,947; for secretary of state, same election, 698,128.

Same year, question of prohibition or no prohibition submitted to the people of Maine. Total vote on question, 24,893; same election, vote cast for governor, 103,684.

In Wisconsin in 1871 people voted on certain constitutional amendments. The total vote was 57,750; total on State officers, 147,000. Again, in 1882 certain constitutional amendments were voted upon. The total vote on these questions was less than one-fourth of that cast for State officers at the same time.

These are not exceptional cases. The people do not turn out to vote for or against constitutions. In Illinois a new constitution was submitted to the people in 1870. The constitution made radical changes in the stereotyped State constitution. It was widely discussed, yet at the election the total vote for and against the constitution was about 50 per cent. only of that cast for State treasurer and a Congressman at large.

I think the gentleman from Illinois was the secretary of the convention that made the constitution which was submitted to the people in 1870. Is that true?

Mr. SPRINGER nodded assent.

Mr. CAREY. I am sorry that my friend from Georgia [Mr. BARNES] has left. I merely call attention to his own case to fortify my theory "that unless there is opposition the vote is always small."

The gentleman from Georgia came to Congress in the Forty-ninth the first time. His district gave 9,166 votes; 1,277; 161 votes—altogether 10,604 votes. He came back to the Fiftieth Congress. It is noted in the record at that time that there were for BARNES 1,944. He has written out against that, "no opposition." [Laughter.]

Mr. BARNES. I did not write it, but it was so.

Mr. CAREY. In the Fifty-first Congress he must have had some opposition. There were 6,577 for Mr. BARNES; for Lyon 797. I merely call attention to this to show that where there is no opposition the vote will always be small.

The minority report calls attention to the vote given at the election for Delegate of 1888 and then to the vote cast for and against the constitution. I was elected to the Forty-ninth Congress, and I had a good deal of opposition. In the Fiftieth Congress the Democratic party announced in their papers that they would not nominate anybody against me. The result was that only about half of the vote of the Territory

was polled. In other words, I only received about half of the vote of the Territory. There was no opposition.

I desire further to call attention to the fact that the gentleman from Illinois in the last Congress reported a bill which included the Territory of Wyoming.

When did my friend from Illinois [Mr. SPRINGER] have the change of heart? In the last Congress he reported a bill for the admission of Wyoming, Idaho, and Arizona. Permit me to read some extracts from section 2 of that bill (H. R. 12411):

SEC. 2. That all persons who shall have resided within the limits of said proposed States for sixty days, and are otherwise qualified by the laws of said Territories to vote for representatives to the Legislative Assemblies thereof, are hereby authorized to vote for and choose delegates to form conventions in said Territories; and the qualifications for delegates to such conventions shall be such as by the laws of said Territories, respectively, persons are required to possess to be eligible to the Legislative Assemblies thereof. \* \* \* And all persons resident in said proposed States who are qualified voters of said Territories, as herein provided, shall be entitled to vote upon the election of delegates, and upon the ratification or rejection of the constitutions, under such rules and regulations as said conventions may prescribe, not in conflict with this act.

If the bill had become a law the women would have voted for delegates to the constitutional convention and for or against any constitution that might have been submitted.

He can not claim that he was ignorant of the fact that women enjoyed full political rights, for I was called upon to give my views on the matter in the Forty-ninth Congress before the Committee on Territories, at a meeting at which Mr. SPRINGER was present. I think he presided over this particular meeting, owing to the absence of Mr. HITT, the chairman.

Every county was represented in the convention. There was no contested seat; no complications; everybody was entirely satisfied. The result that was obtained by this action has not only been ratified by the people and fully accepted by the people, but it has another indorsement. It has been acknowledged by the gentleman from Illinois that the Legislative Assembly has some authority in these matters. The Legislature adjourned on the 14th of this month, the upper branch of which was Democratic and the lower branch Republican. They have presented a memorial to this House, and that, too, by a unanimous vote, asking that the Territory may be admitted under the constitution that has been adopted and presented by the people.

If there ever was unanimity in the presentation of a case by a people it is in the case of Wyoming Territory. The Democratic central committee met at the capitol and by a unanimous vote asked Congress for admission. Of the thirty-three newspapers, Democratic and Republican, published in the Territory, all except one weekly paper have indorsed admission under this constitution. If there has been any protest I have not heard of it. Indeed, the great protest is a clipping from a newspaper in Crook County where the rival towns, Sundance and Newcastle, were making a fight on the division of the county. That is quoted as evidence to defeat the admission of the people of Wyoming under this constitution which they have presented.

The early statesmen of our country, actuated by their power of forecast and ambition for the Union which had been cemented by the trials, hardships, and blood of the soldiers of the Revolution, saw the necessity of adding new territory and preparing the same at the earliest possible time to become States of the Union. Their action, as well as that of those who have followed them in the management of the public affairs, has resulted in the making of precedents to guide a people when taking the initial steps to become a State of the Union. Forms have been discarded, and each case has been decided on its merits.

Some States have been admitted under enabling acts; and others with constitutions framed and ratified by the people previous to the passage of any act of Congress on the subject. In all ways have the new States offered themselves. They have been received, and whatever defect of form has appeared in their application has been cured by the acts of admission.

Of the States admitted, Vermont, Kentucky, Tennessee, Maine, Michigan, Arkansas, Florida, Iowa, California, and Oregon were not authorized to form the constitution presented by previous acts of Congress. The same was true of Wisconsin and Nebraska, as these failed to follow the acts provided by Congress. Kentucky became a State with a constitution that was not ratified by the people; Florida, with a constitution that was stored away with the dusty and moldy papers that accumulate at the capitol and was almost forgotten for a period of seven years; California, with a constitution made by a convention called into existence by an unauthorized order of a military governor; and Nebraska, with a constitution framed by the Territorial Legislature.

I defy any one to find a precedent among the twenty-nine legislative States where a people have presented themselves in a form more regular than do now the good people of Wyoming. This people had not a written law, yet they followed that unwritten law which the American only can follow, and obtained better results than could have been possible had they been governed by a solemn legislative act.

Place the true American anywhere, and amid the confusion he will anticipate the statutes that will follow his acts, and will evolve law and government not inconsistent with the republican form instituted by his fathers. The manner in which the people of Wyoming present themselves is to them a high compliment.

#### HISTORY OF THE STATE MOVEMENT.

The plan followed by the people is best told by the report of the committee. In 1888 the Legislative Assembly of Wyoming memorialized Congress for an enabling act. Bills were introduced in both branches of the last Congress to enable the people of Wyoming to form a State constitution and for the admission of the State. During the last days of that Congress a bill was unanimously reported to the Senate, and an omnibus bill including Wyoming was unanimously reported to the House. There was no further action on these bills.

After the adjournment of Congress the board of county commissioners of nearly all of the counties in the Territory by resolutions asked the governor, chief-justice, and secretary to apportion the Territory into delegate districts, and the governor to call an election for a constitutional convention in the manner provided by the bill unanimously reported to the Senate. The action was taken and the provisions of the bill were followed, the result being the constitution framed and adopted under which the people now ask to be admitted as a State.

The Legislative Assembly of the Territory which adjourned *sine die* on the 14th of March instant, by a memorial to Congress praying for the admission of Wyoming as a State with the constitution framed, unanimously approved the action of the people in the making and ratification of the constitution. All the people are agreed; there are no contending factions growing out of the proposed admission of the State.

Can we do better than to take the opinions of some of the ablest men that the nation has produced? We may go back to the builders of the Union. Mr. Madison said in the case of Tennessee:

The inhabitants of that district of country were at present in a degraded situation; they were deprived of a right essential to freemen, the right of being represented in Congress. Laws were made without their consent or by their consent in part only. An exterior power had authority over their laws; an exterior power appointed their executive, which was not analogous to the other parts of the United States, and not justified by anything but an obvious and imperious necessity. He did not mean by this to censure the regulations of this provisional government, but he thought where there was doubt Congress ought to lean towards a decision which should give equal rights to every part of the American people.

To Mr. Madison a Territorial government was unsatisfactory. It did not give the people residing therein equal right with those living in the States. His opinion was concurred in by his contemporaries, and Tennessee was admitted with the constitution which had originated with the people and without a previous enabling act by Congress.

The debate over the admission of Missouri was a protracted one. In that debate Mr. Hardin, of Kentucky, said:

The Constitution, when it says "New States may be admitted by Congress into the Union," is silent upon the subject of numbers or boundary, but leaves that subject to the sound discretion of Congress. The manner in which that discretion has been exercised has been so uniform and invariable that it amounts to a law. It is, Mr. Chairman, a proclamation to the inhabitants of all the Territories that whenever their numbers approach to fifty or sixty thousand they shall be at liberty to burst from around them the bonds and chains of Territorial servitude and vassalage and assume and exercise the rights of self-government as the inalienable rights of mankind.

Mr. Barbour, a United States Representative from Virginia, afterwards one of the judges of the Supreme Court, said:

On my part it is contended that the power of Congress is limited to the simple alternative of admitting or not admitting; that even this power is subject to modifications; that they have not a moral right to refuse admission to a Territory whose situation and circumstances suit it for admission.

Mr. Holmes, a Representative from Massachusetts, in this great debate said:

The authority is to admit or not to admit, but not to prescribe conditions. What would be a fair construction of this? Surely not that Congress might hold a Territory in a colonial condition as long as they choose; nor that they might admit a new State with less political rights than another, but that the admission should be as soon as the people needed and were capable of supporting a State government.

In Michigan's case the rule laid down was not less explicit. Mr. Benton declared:

Conventions were ordinary acts of the people. They depended upon the inherent and inalienable rights. The people in any State may at any time meet in convention without a law of their Legislature and without any provision of Congress, any provision in their constitution, and may alter or abolish the whole frame of government as they please. The sovereign power to govern themselves was in the majority, and they could not be divested of it.

Mr. Buchanan, on the same question, said:

The precedent in the case of Tennessee has completely silenced all opposition in regard to the necessity of the previous acts of Congress to enable the people of Michigan to form a State constitution. It now seems to be conceded that our subsequent approbation is equivalent to our protest. This can no longer be doubted. They have the unquestionable power of waiving any irregularities in the mode of forming the constitution, had any such existed.

California presented herself for admission as a State without having lived a day under a Territorial system. The debate that took place was prolonged. The discussion that grew out of this question and Mr. Clay's compromise resolutions was participated in by the intellectual giants of that period. Mr. Calhoun, South Carolina's greatest son; Mr. Clay, Kentucky's greatest orator and the country's greatest commoner; Mr. Benton, the most illustrious man yet produced by Missouri; Mr. Cass, the great soldier, diplomat, and statesman of the northwest, and Mr. Webster, the greatest of all American constitutional lawyers, were just about to close their public careers. But one of them was living ten years later, at the breaking out of the civil war.

These great men had in their youth and during their early public



life received inspiration from the actual participants of the Revolutionary struggle. They had been prominent in public affairs for more than a quarter of a century. They were of that generation who had received the infant Republic from its father as a glorious heritage, to be protected and transmitted to posterity. This great debate is memorable also for the reason that Seward, Hamlin, Douglas, and Chase, men destined within a few years to play most exalted parts in the history of their country, had but just entered upon their illustrious careers in the Senate of the United States.

The result of this debate was significant. It settled two questions: first, that there was no fixed number of people required for a new State and, second, that it was the right of the inhabitants living in a Territory of the United States, without previous authority by Congress, to form a constitution and present themselves for admission as a State of the Union.

Mr. Calhoun, in a speech delivered in the Senate in February, 1849, used these words:

I hold it to be a fundamental principle of our political system that the people have a right to establish what government they may think proper for themselves; that every State about to become a member of this Union has a right to form its own government as it pleases, and that in order to be admitted there is but one qualification, and that is that the government shall be republican. There is no express provision to that effect, but it results from that important section which guarantees to every State in this Union a republican form of government.

In the course of a report made by Mr. Clay, from the compromise committee of thirteen, we take the following extract in relation to the admission of California:

There are various instances prior to the case of California of the admission of new States into the Union without any previous authorization by Congress. The sole condition required by the Constitution of the United States in respect to the admission of a new State is that its constitution shall be republican in form.

Mr. Cass, in the great debate on the subject of Territorial government (see Appendix to volume 22, *Globe*, page 59, 1850), said:

Are not the people of the Territories competent to manage their own internal affairs? Are they not of us and with us? bone of our bone, and flesh of our flesh? the same people, with the same views, habits, and intelligence; all, indeed, which constitutes national identity? Ay, sir, and exhibiting by the very act of emigration a spirit of enterprise which commends them the more to our respect. Can not such a people administer their own government safely and wisely? Experience says they can. They have in every instance proved their capacity for self-government, and life, liberty, and property have been as well protected by their laws as by the laws of the States.

And the late proceedings in California to organize a government and the constitution which has been the result, are the best proofs that could be offered of the capacity of the people to lay the foundations of their political institutions wisely and justly. \* \* \* I know of no constitution in this broad Union where the principles of rational and progressive liberty are better secured than in this first great political offering from the shores of the Pacific.

Mr. Benton, in the Senate of the United States, in reference to the objections urged against the admission of California for the reason that Congress had not authorized the people to form a constitution, said:

The fact is admitted, but its consequence is denied. Congress has full power over the admission of new States, and may dispense with all preliminary forms when it pleases and come direct to the question of admission. It has admitted more new States without than with the previous authority of an act of Congress to form a constitution. Eight have been so admitted: Vermont, in 1791; Kentucky, 1792; Tennessee, 1796; Maine, 1820; Arkansas, 1836; Michigan, 1837; Florida, 1845; and Iowa, 1846—eight in all, a majority of the whole number ever admitted, and stretching over a period of sixty years and reaching back to the venerable times of our early history when Washington was President and the fathers of our political church were still at the altar.

Speaking of the constitution, a fair American republican constitution, and one of the best, if not the very best, that has been made \* \* \* and being thus good in itself, it is not to be met by the question, Who made you? It is well made, and that is all the business that anybody has with it. It is a republican constitution, and that is the only test to which all can subject it.

Of the population he said:

Insufficient numbers, not people enough, is another of the objections. And how many are enough? I speak of men who exercise political rights and constitute the States. How many are enough according to the practice of Congress in admitting new States? About ten or twelve thousand, for that is the number of men which the usually required population of a new State would give.

One man to six souls is the usual proportion in civilized communities, and sixty thousand souls would give ten thousand men, and upon that number or thereabouts have most of our States been admitted. \* \* \* We look to the population which sustains a State, which constitutes political power, which pays taxes, gives votes, and fights battles. \* \* \* Let us vote her in. \* \* \* The people who have gone there have done honor to the American name. Starting from a thousand points and meeting as strangers far removed from law and government, they have conducted themselves with the order, decorum, and justice which would have done honor to the oldest established and best regulated community.

The principles involved in the admission of a new State were also fully discussed in the case of Oregon and the case of Kansas, now famous in our history. The Representatives of the great States were very explicit in their declarations on this subject. The committee have called attention to several of these declarations in their report. Mr. Seward, it must be admitted, was one of the greatest of the statesmen of the last generation. In the Oregon debate he said:

I can conceive of a State with a million of people that I would not consent to admit into the Union; and I can conceive of a State that I would admit with a population of forty, fifty, or sixty thousand. She—alluding to Oregon—is to be admitted some time, and inasmuch as she is to be admitted, it is only a question of time whether you will admit her here to-day or admit her in six months hence or seven years. Now, what objection is there to her being admitted

now? You say she has not 100,000 people. What of that? She will have 100,000 in a very short time.

Now, what earthly difference can it make to this Republic collectively, these States collectively, or to one State in the Union, whether Oregon is admitted now or admitted next December? The State of Oregon is here of her own free will—is here ready to be admitted. I think there is nobody who doubts that the people are ready, desirous, and willing to come in. They have made a constitution which is acceptable to themselves; a constitution which, however it may be criticized here, after all complies substantially with every requirement which the Congress of the United States or any considerable portion of either House of Congress has ever insisted on in regard to any State. For one, sir, I think that the sooner a Territory emerges from its "provincial condition" the better, the sooner the people are left to manage their own affairs and are admitted to participation in the responsibilities of this Government the stronger and more vigorous the States which those people form will be.

The Constitution of the United States does, in a great many cases, adopt that principle of generalization; that is, fixing certain rules and measurements, all of which must be conformed to before a great public transaction can be achieved; but it has always struck me that it was certainly a mark of wisdom in the framers of the Constitution that, in regard to the admission of new States into the Union, new members of the Confederacy, the Constitution avoided altogether everything like form, everything like particularity, and submitted the transaction always to the uncircumscribed discretion of the Congress of the United States.

Congress may admit a new State which has been organized by the Congress on the part of the people with certain prescribed forms set for them by the Congress of the United States or on the compliance with certain customs which the other Territories seeking admission in the Union may have adopted; so, on the other hand, Congress may admit a new State, as it has on more than one occasion admitted a new State, which had complied with no forms, but which had proceeded at once to the matter of organizing itself without any preliminary application to Congress or any preliminary investigation of it by the people themselves. I think it is important that this should be kept up, that the question should always come before Congress in the case of every new State which is disembarrassed by form, disembarrassed by measurement, and disembarrassed by precedents.

Mr. Douglas and Mr. Dawes were not less explicit in their declarations as to the rights of a people seeking admission as a State. Mr. SHERMAN, in the Nebraska case, said:

It is sometimes said that these new States have too much preponderance in the legislative power of the Government. It is thought that if they have not sufficient population for one member it gives them an undue advantage in the House of Representatives, and that with a small population they ought not to be admitted into this Senate on an equal footing with the great States of New York, Ohio, Pennsylvania, Massachusetts, and other States. Perhaps that is so, but in the practice of our Government there never has been any difference of interest between the small and the larger States. These Western States will be governed by the same impulses and the same feelings that govern us.

I never yet have seen the line of distinction drawn between the small and the large States. There has been no question presented since I have been a member of this body which divided the large from the small States. There is no danger therefore of an undue representation. These small States are increasing rapidly in population. I have no doubt that in a very short time Nebraska will contain more population than several of the existing States. By the time the next census is taken this young State, admitted I hope by your action, will have passed in the race of population and great progress many of the old States of the Union. It requires but very little time for the American people to fill up one of these new Territories. We must not treat them as if their rights were any different from ours.

We might proceed indefinitely to read extracts of the opinions of the men who have left their stamp upon this country's history from the time of Washington until the present, and we will find that they are nearly all of one opinion with reference to this important question.

I will call attention to the opinion of one more of the great men whose names are familiar to every household of this great land, that of Mr. Sumner, one celebrated for his learning, for his ability as a great international and constitutional lawyer.

Mr. Sumner, in the Kansas debate, said:

Kansas may be admitted by Congress into the Union without regard to population or preliminary forms.

To the objection that Kansas had not a sufficient population he said:

In the absence of any recent census, it is impossible to do more than approximate to the actual population, but from careful inquiry of the best sources I am led to place it now at 50,000.

In speaking of it being urged by some that a population sufficient for one member of Congress should be required before a new State was admitted, he said:

But in making this number the condition of the admission of Kansas you set up an extraordinary standard. There is nothing out of which it can be derived from the beginning to the end of the precedents. Going back to the days of the Continental Congress you find in 1781 it was declared that 20,000 free inhabitants in a Territory might establish a permanent constitution and government for themselves. Though this number was afterward, in an ordinance of 1787, Northwestern Territory, raised to 60,000, yet the power was left in Congress and subsequently exercised in more than one instance to constitute a State with a similar number.

He took the ground that Kansas should not be required to have 93,420 people, that required for a Representative, before being admitted. He said:

Out of all the new States only Maine, Wisconsin, and Texas contained so large a population as is proposed to be required for Kansas.

He said that—

Fifteen new States have been admitted with a similar population. \* \* \* But this is not all; at the adoption of the national Constitution there were three of the old thirteen whose respective populations had not reached the amount now required of Kansas.

That the practice of Congress had not been on the basis of requiring the existing ratio of representation for a member of the House of Representatives in the proposed new State.

He said:

The rule might be a reasonable one and might not be a question in ordinary cases, but that it can not be drawn or implied from the Constitution.

He also said:

This ratio is in itself a sliding scale. At first it was 30,000; it increased in 1793 to 33,000, and thus continued until 1813, when it was put up to 35,000. \* \* \* Now it is 93,430.

If any ratio is to be made the foundation, the binding rule, it should be that which prevailed at the adoption of the Constitution, or at least that which prevailed when Kansas as a part of Louisiana was acquired from France in a solemn stipulation that it should be incorporated into the Union of the United States and admitted as soon as possible according to the principles of the Federal Constitution.

Mr. Sumner proceeded to show that in the case of Florida the rule that had governed in her admission was the treaty stipulation under which the Territory contained in her boundaries was acquired.

The admission of new States detracts not from the dignity of the older States, while it magnifies the importance of the Union of States. In the performance of this duty Congress has increased the strength and glory of the Republic. The growth of the nation's power has not been by the sword or through the conquests of battle, but by the building of new States.

There have been victories which have done more for the human race than all that have been accomplished during the same period by the military powers of the world. Without standing armies this nation, through the courage and labor of her men and women in the broad and great West, has reared monuments more lasting than any erected to perpetuate the victories of battle-fields. The American youth are skilled and cultivated in the arts of peace, which prepares them to be invincible in war.

You ask why are the people of the Territories so anxious to become States? If you had ever lived in a Territory it would not require a reply. Your every-day experiences would have answered it a hundred times. Population and wealth avoid a Territory until forced across its borders. The world believes a Territory is without law and order; the term is treated as if synonymous with being the home of refugees from justice and the abode of desperate characters; and more, a true American when living in America wants to enjoy all the privileges of American citizens. These things amount to a constant restraint to immigration and the investment of capital, consequently retarding growth and development.

You who are so fortunate as to live in a great and worthy State, ask yourselves this question: How would you like to have your State become a province of the Union of States, with your governor, secretary, and judges appointed and controlled by influences entirely outside of the Territory, and these appointments often being wholly disqualified by experience and habits of life to perform the duties intrusted to them, yet clothed with power to approve or disapprove your laws, administer your justice, disburse the moneys raised by the taxation of your people?

I will note here, however, that President Harrison has followed the letter and the spirit of the platform on which he became President, and has appointed the officers of the Territory from actual residents, and has in this respect endeared himself to the people of the Territories as no President who ever preceded him. He has said no to the Eastern aspiring politicians, which his predecessor had not the manhood to do.

How would you like always to see your wants the last heeded and attended to, and laws enacted to which you were not accorded the right in their passage to say ay or nay; your demands not complied with, because you are without representation, consequently without power?

Aided in nothing, pushed aside until the last, consequently your time never arriving; your people in the mean time meeting their share of the public burdens, and paying millions of dollars into an overflowing treasury for lands made valuable only by the industry and settlement of your people; restrictive and inapplicable laws enforced against cutting of lumber to improve the farms, mine, and build the town, while the law made free gift to corporations building railroads of timber and other material, and to your people wrongs irreparable being done for a period of years in destroying their only evidences of title to their homes derived from the Government.

Would you be happy? If you were not restless, full of discontent under such circumstances, would you be worthy of the name of American? I now ask you, do you approve of colonial government under the jurisdiction of the United States, except in cases of extreme necessity?

Will you now say to a people, your own sons and daughters, men and women conscious of their strength and ability, you shall longer remain in a colonial condition? What have you done for the people of Wyoming? You have permitted them to breathe the air. You vote an average of \$26,000 per annum for the support of a government not of their making, while they expend ten times as much in the maintenance of public schools.

The people of Wyoming are prepared for admission. Of their Territorial childhood they render you to-day an account. What they have accomplished is the best evidence of their true worth. They have made an exhibit of their mines, of their agricultural development, of the growth of their industrial establishments, of their flocks and herds, of their educational and financial institutions. All these are the best and highest pledge that they are prepared to be a State of the Union.

I have said her people are entitled to admission under the beneficent provisions of the ordinance of 1787. They are entitled to admission

now under the provisions of the treaties with France and Mexico, which provide that the people shall be incorporated and admitted into the Union of the United States as soon as possible, according to the principle of the Federal Constitution. They are entitled to admission because of the implied pledge you gave them when you organized a temporary government over them. The people, irrespective of party, have presented a constitution republican in form, alike creditable to themselves and the Union of States they seek to enter.

No stories of dissatisfaction with that constitution have followed them in their petition. The question of boundaries, the serving of strange gods, the restriction of rights belonging to American freemen, the upholding of institutions repugnant to our system of government, and inhabitants within her borders who refuse to assimilate and to accept our institutions, do not stand in her way. Neither political party can make a point by now obstructing her admission.

But, Mr. Speaker, there is another reason, stronger than any written law could be, more overwhelming in its influence, all powerful in their behalf.

The people, from the very foundation of the Government, have been opposed to the provincial system; it is obnoxious to their sense of justice and fair play. They believe in "home rule," local self-government. The wrongs of omission and commission to the Northwest have intensified public sentiment against it. No true American ever defended it a day beyond its absolute necessity; he has only apologized for its existence. It is not a part of our Federal system. It has nothing to do with our Union of States. The American people are overwhelmingly against it and stand ever ready to destroy it.

May not the people of Wyoming to-day turn with confidence to the Representatives of the thirteen original States who emerged from the provincial condition and made the American Union possible—may they not look also to the Representatives of the twenty-nine legislative States and feel assured that you will deal with them as a great and generous Republic dealt with your people when they were seeking admission as States?

Many of yours are old and powerful States. Wyoming, young and enterprising, rich in resources, with Western ambition and strength, will hasten to overtake you, and at your side bear a State's share of the burdens and responsibilities of the Republic. Wyoming, full of energy, full of hope, patient until well prepared with the constitution of her own making, now asks of you, the Representatives of the American people, the choicest gift and blessing in your power to bestow, to be forever incorporated into the Union of States. [Loud applause.]

[Mr. DOCKERY withholds his remarks for revision. See Appendix.]

Mr. OATES. Mr. Speaker, in the very able presentation of the case of his Territory by the Delegate from Wyoming [Mr. CAREY] he stated one great truth which, if fully recognized and understood, as that gentleman understands it, by members generally on the other side of this Chamber, would probably cause them to have less difficulty in arriving at correct conclusions in the matter of elections in many of the districts in Southern States. It would deprive them of the major part of their capital for bloody-shirt arguments in contested-election cases from the South.

It is a fact, known of all men who have ever given any study or attention to the subject, that wherever the people in a State, Territory, or district are practically unanimous in favor of a proposition the vote will be small, whether the question be the election of an officer or the adoption of a constitution; and the fact that the vote was small in the case in hand is, to my mind, an argument in favor of the popularity of this constitution with the people of Wyoming.

It is now the chief argument of certain gentlemen in both branches of Congress and the radical Republican newspapers that the small vote polled in many of the Congressional districts of the Southern States is due to the intimidation of colored voters or to throwing out and fraudulently refusing to count those cast for the Republican candidate.

In many districts in the South a competent and suitable candidate of honest character and of Republican faith can not be found, and a majority of the colored people have sense enough to know it; they have not forgotten the conduct of the gang of thieves and incapables who led them in reconstruction times, and hence do not care to vote.

When the Republicans have no candidate or one who does not command their respect and confidence, they do not vote; and when such a state of things in a district is apparent less than half the Democrats (mostly white men) do not care to leave their business to go to the polling places to vote. And in such districts there is no disturbance and perhaps not a single challenge of the vote of any man offering to vote anywhere within the district.

It is frequently the case that large numbers of voters of both races remain at home busy at honest toil upon their farms and do not know when election day for members of Congress arrives. When the election of State and county officers is held on a different day, as in my State, the election of a member of Congress is an exceedingly quiet and tame affair; yet it is a regular stock argument with many Republicans that intimidation has stalked forth on stilts through these districts and done this work. Nothing is more absurd. Such arguments are attributable either to ignorance or malice.



In the district I have the honor to represent there are about 30,000 voters, as shown by the last census, nearly equally divided between the two races, the colored having, by actual count at the Census Office, in round numbers 1,100 majority. The two races stand politically divided about as follows: Of the whites, 1 per cent. is Republican; of the colored, about 15 per cent. is Democratic. At the election to the Fiftieth Congress I received 6,666 votes and had no opposition; yet it was charged by some of the Republican newspapers that my election was secured by intimidation. Why, sir, the Republicans had no candidate. Were they prevented from making a nomination? Where is the evidence of it? I will pay a reward of \$1,000 to any one who will produce proof of a single instance where any voter within the Third district of Alabama was intimidated and prevented from voting as he pleased at any Congressional election during the nine years I have had the honor to be a Representative here. And I have no doubt that the same may truly be said of a large majority, if not of all, of the districts throughout the Southern States.

I have not investigated the elections in Wyoming as to the convention or ratification of their constitution. I am loath to believe that the Democrats of the Territory approve this constitution. The gentleman from Georgia [Mr. BARNES] presented, by clear and unmistakable statements of fact, the irregularity with which the convention was elected or claimed to be elected and this constitution framed, but the fact, if it be a fact, of the unanimity of the people in indorsing the constitution is, to a great extent, a waiver so far as they are concerned of any such irregularity.

I find that the constitutional provisions for the admission of new States are quite limited and practically leave the whole matter to the discretion of Congress. Section 3, Article IV, provides that—

New States may be admitted by the Congress into this Union.

And the next paragraph provides that—

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

And the fourth section provides that—

The United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion, etc.

These are all the provisions which can be construed as bearing upon the question of the powers of Congress or the limitations imposed by the Constitution in respect to the admission of new States. It is therefore left to the sound discretion of Congress to determine when and in what cases new States shall be admitted.

The principle of allowing the people within a State to determine the question of the elective franchise is one that has always been recognized in the United States, with one notable exception. When eleven States which had tried to get out of the Union never were out according to the Supreme Court, and yet were not in according to the Congress of the United States, their suffrage was regulated for them by Congress and the Army. Their people, though among the most intelligent in the world, were not allowed to determine who should exercise the suffrage within their respective jurisdictions, and I believe that is the only exception.

It does not follow, however, that where the people of a Territory have exercised this right in framing a constitution they should be admitted as a State of this Union. Other questions are to be considered.

The constitution which Wyoming presents did not originate in the usual or regular way. The convention which framed it was not elected and did not convene in pursuance of an enabling act passed by Congress. There was no law to regulate that election, and hence no means of preventing fraud or bribery, and hence good men who may have been opposed to the convention and to the constitution may have regarded the whole thing as a farce and thought that Congress would so regard it.

The suffrage clause in the constitution presented for our action is an innovation—a new departure—as no State has ever been admitted into the Union with woman suffrage provided for in its constitution. The Delegate from Wyoming cited New Jersey as an instance. I do not know whether it was by statute or constitutional provision, nor does it matter. If not unfortunate for the gentleman's cause, it is, to say the least, not a very strong argument in favor of the proposition, for he says that that State abandoned it less than twenty years thereafter.

Now, this case goes further than the mere securing to women of the right to vote in this Territory. The first clause relating to suffrage is as follows:

The right of the citizens of the State of Wyoming to vote and hold office shall not be denied or abridged on account of sex.

I am opposed to that. I am opposed to the admission of this Territory as a State, first, on account of this provision in its constitution. If this were not in the constitution, then so far as that question is concerned, if the State when admitted thought proper to regulate the suffrage by statute and allow women to vote and hold office, it would be no concern of Congress, as the people would then have the right to regulate their internal affairs to suit themselves, subject only to the Constitution of the United States.

But this is a new departure. No new State, so far as I have been able to learn, has ever come into this Union with such a provision in

its constitution, insuring the right to vote and hold office to its female population above the age of twenty-one years, the same as the males.

Now, Mr. Speaker, a very erroneous idea prevails in the minds of many people of this country in respect to suffrage. It seems to be to some a startling proposition that all people have not the right to vote. Some claim that this is a natural right. No claim that ever was presented is more absurd. The right to vote in all countries where it has ever been exercised is a matter of mere municipal regulation. It is not a natural right in any sense. It is a right bestowed or conferred by law.

Some claim that citizenship and the right to vote should be identical, and that the denial of the right to vote is a denial of citizenship. That is not true. The fourteenth amendment of the Constitution defines very clearly who are citizens of the United States. All who are born within the United States and all aliens who become naturalized are citizens of the United States. The child but one year old is as much a citizen of the United States as the man of ninety, both being born here. A woman is as much a citizen of the United States as the President himself. Citizenship therefore has never been recognized as bestowing upon any person or class of persons the right of suffrage.

I believe that a people's government—a constitutional, representative democracy—is the best government on earth. But, sir, it is a delicate and difficult task to maintain such a government. It will not do to make suffrage coextensive with citizenship. The idiot and the child of tender years are citizens, and yet no one, I presume, will contend that either should exercise to any extent the governing power. No republican government worthy of the name can long subsist unless a decided majority of those in whom is lodged the voice or sovereignty of the state are endowed by nature with governing power and prepared by culture to exercise it.

The acquiescence of nations for thousands of years in the assertion of the divine right of kings to rule over them, and ever since that dogma has been exploded a base submission to the rule of one man assisted only by a select aristocracy, show how limited are the capacities of peoples for self-government. A people's government in France, which has cost an ocean of blood and a mountain of treasure, is but a half-way republic, still at the experimental stage, as are those of Mexico and the South American republics.

Our own is the grandest success of any thus far, and yet the United States are but one century old, which is not of sufficient duration in the lives of nations to put us entirely beyond the experimental stage; nevertheless we are so assured of undoubted success that we extend the right of suffrage to a million and a half of newly emancipated slaves of the African race, totally ignorant of the matters of government and never distinguished in the history of the world for capacity to govern themselves in a single instance, and newly arrived foreigners, totally ignorant of both our language and our laws. Under these circumstances, ought any one to be surprised at the corrupt practices prevalent in our elections throughout the country? The wonder is that there is so little corruption. The tree which is tainted with unsoundness and infested by insects in its roots can not bear sound fruit.

Education expels superstition and stupidity; it makes men and women shrewder, more inventive, cautious, and wary, but it does not make them honest, nor of itself make them safe custodians of governing power. It quickens thought and gives subtlety to the reasoning powers; it civilizes and humanizes individuals, but it does not and never can bestow upon any race or nation the capacity to govern. That depends more upon natural gifts than culture. An inborn love of liberty, integrity, superior courage, steadiness and fixedness of purpose, and a high sense of honor are the characteristics which must exist in those or at least a majority of those members of the community, states, or nation in which the governing power should be vested, in order to secure wise, steady, and beneficent republican government. These qualities may be heightened, sharpened, and made more active in the school-room, but they are not acquired there; they are god-given. All of these qualities are found in women only in rare instances. All of these qualities are not at all essential to woman to enable her to fill the sphere assigned to her by a wise Creator.

The high courage and masculine qualities of Joan of Arc, Elizabeth of England, and Catherine of Russia command the applause of men, but it is the timid, affectionate, effeminate, and confiding womanhood which commands our love, makes our hearts and homes happy, produces and matures the best and wisest of men. I like a woman who is a woman and appreciates the sphere to which God and the Bible have assigned her. I do not like a man-woman. She may be intelligent and full of learning, but when she assumes the performance of the rough duties and functions assigned by nature to man she becomes rough and tough and can no longer be the object of affection.

The assertion by the advocates of woman suffrage that giving her the right to vote will purify elections and make them more honest than if men alone exercised the franchise, is but a bald assertion, without any facts to support it. My information, derived from private sources, is that in this very Territory of Wyoming elections are quite as corrupt as in any other place or section of country in the United States. I am told that the buying and selling of votes among the women who vote is a common practice.

That women are better than men in some respects I am proud to

concede and assert, but when thrown into the arena of business, its conflicting interests and contentions, and matters of government, they are no more honest than men; and I do not believe that they could ever bring themselves to regard the full measure and gravity of responsibility which the right of suffrage should impose.

In my judgment, woman has a higher sphere, and by nature is not adapted to the business of government. This is no denial to her of the rights of citizenship. Are not all of her rights as well protected by courts and juries, by the law of the land everywhere, as though she had the elective franchise? However intelligent women may be, however virtuous and good, they are not, in my judgment, proper custodians of political sovereignty. In the few cases where a limited franchise has been bestowed upon them it has been simply an experiment. Throughout all the ages it has never been considered a safe step to take in the affairs of government to make women the repositories of the governing power.

In a neighboring Territory to Wyoming, now the State of Washington, woman suffrage was given a fair trial for many years; yet when the people of that Territory formed their State constitution they wisely rejected it, thereby lifting their women out of the slough of politics and restoring them to their own god-given arena.

The Delegate from Wyoming in his enthusiastic advocacy of woman suffrage was not very happy in his citation of her right of suffrage in Great Britain. It is quite true that she votes in all elections except for members of Parliament, but, sir, it is only when she owns the requisite amount of property in England. In other than Parliamentary elections neither manhood nor womanhood votes. It is property that votes; there suffrage and property are yoked together, which is not the rule in any of the States of America.

Mr. Speaker, I do not hesitate to say that in my judgment the franchise has been too liberally extended, too liberally, inconsiderately, and hastily extended. Should we ever reach universal suffrage this Government will become practically a pure democracy, and then the days of its existence are numbered.

Under this clause of the Wyoming constitution making women eligible to all offices in this proposed State, how long may it be before a woman may be sent here to sit in this body or in the Senate? And then you would have the State of Wyoming performing the unparalleled act of sending here a representative on this floor who is not a gentleman. [Laughter.] And you will have to change your code or change the language to be employed by the Speaker; otherwise he would very erroneously recognize "the gentleman from Wyoming." Her presence here would at once suggest the inconvenience of pairing as announced in the RECORD.

Mr. CAREY. I will ask the gentleman whether anybody ever sat on this floor who was not a gentleman?

Mr. OATES. I did not assume that. I hope that it is not the case. But in the case I have supposed, if you should send a woman here from Wyoming, you would have at least one member here who was not a gentleman.

Mr. BRECKINRIDGE, of Kentucky. May I ask the gentleman from Alabama a question? His line of remark suggests possibly a difference of opinion upon a constitutional question. Can the constitution or statute of Wyoming determine the qualifications for membership in this House? In other words, can any provision in the constitution of Wyoming confer upon a woman the right to sit as a member of this House if she has not already that right under the Constitution of the United States?

Mr. OATES. If the Constitution of the United States—I do not remember the exact language—if the Constitution, in prescribing the qualifications for membership here, uses the term "male citizen," then, indeed, no clause in the constitution of Wyoming could confer upon a woman the right to sit as a Representative in this House. The language of the Constitution, if I recollect it, is that a Representative must be a person eligible to the most numerous branch of the General Assembly, be twenty-five years old and seven years a citizen.

Mr. BRECKINRIDGE of Kentucky. No; the gentleman is mistaken; the language which he cites is the qualification prescribed by the Constitution of the United States for the electors of Representatives; but the Representatives themselves must have certain constitutional qualifications, and those qualifications are prescribed by the Constitution of the United States. If it were otherwise, if the qualification of Representatives were within the control of any State, then there might be as many different rules of qualification as there are States.

Mr. OATES. I will read the clause of the Constitution. It is as follows:

No person shall be a Representative who shall not have attained to the age of twenty-five years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Mr. BRECKINRIDGE, of Kentucky. I was familiar with the provision, but what I want to do is to call attention of the gentleman from Alabama to this question. The Constitution of the United States prescribes the qualification of the Representatives in Congress, and no provision of the constitution of Wyoming and no statute of Wyoming

can add to or subtract from those qualifications. And if under the constitution of Wyoming a woman would be qualified to become a Representative in Congress she is qualified to become a Representative under the Constitution of the United States now.

Mr. OATES. There is no provision of the Constitution of the United States which prevents a woman, on account of her sex, from becoming a member of Congress.

Mr. BRECKINRIDGE, of Kentucky. Wyoming can not confer it upon her if she does not have it under the Constitution of the United States. All Wyoming can do is to elect a Representative who at the time of the election has the prescribed qualification.

Mr. OATES. I admit that, and am fully aware that there is nothing in the qualifications prescribed by the Constitution of the United States to prohibit a woman, if she is eligible under the constitution of Wyoming. There is nothing in the Constitution of the United States to exclude her.

Mr. BRECKINRIDGE, of Kentucky. I hope my friend from Alabama will not commit himself to that doctrine, because if Wyoming is admitted that exact state of the case may arise. My friend may choose to leave the matter open for him to decide hereafter whether the Constitution of the United States admits ladies or not as Representatives in Congress. He should not commit himself on that question.

Mr. OATES. I will tell the gentleman from Kentucky that I am not hedging against the future. [Laughter.]

Mr. CAREY. Is there anything in the constitution of Alabama which prevents conferring upon women the right of suffrage?

Mr. OATES. There is. The State constitution limits suffrage to certain of its male citizens over twenty-one years of age, but the State has the right to change her constitution and enfranchise the women, but that will never be done.

Mr. CAREY. Your State, then, is left to decide the matter for itself.

Mr. OATES. I have already stated that.

Mr. Speaker, my line of argument is that women have not been regarded as safe depositaries of the governing power, and, notwithstanding the respect I have for the ladies, in my judgment they ought not to be invested with it. This Territory should not be admitted as a State with such a provision in its fundamental law.

Furthermore, we find in the second paragraph of this section of the constitution the following:

Both male and female citizens of this State shall equally enjoy all civil, political, and religious rights and privileges.

This not only secures to women the right to vote and hold office, but the right to sit on juries, and unless these rights are equally enjoyed the proceeding, whatever it may be, will be unconstitutional.

It seems to me that this clause will bring trouble in their administration of the government. Lord Coke said: "These three things the law loveth: life, liberty, and dower." The right of dower in the deceased husband's lands will be stricken down by this provision. It completely destroys the marital rights of husband and wife in and to each other's property, and the right to contract in respect thereto is completely severed. For all business it completely divorces husband and wife. It is a most radical innovation upon both English and American common law. The wife can contract debts, sell and convey her goods and lands without the husband's sanction, and *vice versa*.

What is there in the society of Wyoming to require such a wide departure from rules which have prevailed for centuries in other States and communities more populous and quite as intelligent? I believe, sir, that it had its origin with certain strong-minded women who overcame a lot of weak-minded men.

But this is a matter for the people of the Territory to settle for themselves. It does not matter to Congress how they do it. It pertains to their domestic affairs.

My next objection to the admission of this Territory is on account of an unusual provision in its constitution in respect to education. It is also a new departure. I do not think any State has ever been admitted into the Union with such a provision in its constitution. The ninth section of it provides:

The Legislature shall make such further provision, by taxation or otherwise, as with the income arising from the general school fund will create and maintain a thorough and efficient system of public schools adequate to the proper instruction of all the youth of the State between the ages of six and twenty-one years free of charge; and in view of such provision so made, the Legislature shall require that every child of sufficient physical and mental ability shall attend a public school during the period between six and eighteen years for a time equivalent to three years, unless educated by other means.

This is the first instance in this country of compulsory education. That does not accord with the spirit of free institutions, and I am opposed to this constitution for that reason. I am in favor of offering fair educational facilities to the people of every section of this country. I believe it to be the duty and the interest of the State to educate the mind of the State to the extent of the primary branches, but I do not believe in the principle of compulsory education. It seems to answer very well for the Empire of Germany, but I do not wish to see it planted in free America.

Sir, I am not an iconoclast. I believe in conservatism. I would offer to the parents of children the inducement of free education for



their children, and leave the responsibility on them for a failure to give their children the advantages afforded by this great benefaction; but I would never present to the son or the daughter the spectacle of the father or mother, one or both, arraigned before a court to be tried for the offense of failing to send their children to school and to have the children dragged into court and sworn as witnesses against their parents.

Such a thing is revolting, harsh, and unnatural, and utterly un-American in principle. It is a long stride in the direction of paternal government. The truly democratic and American principle of government is, as applied to both State and nation, to govern the people no further by law than is essential to the maintenance of good order and the administration of justice.

Let American institutions remain as free as the air we breathe. The State should never invade the household and undertake to regulate its domestic affairs. But there is no counting for the radical invention and innovations of the people who compose the Republican party. Compulsory education is an importation from the Empire of Germany or China. Our protective-tariff advocates should long ago have put a duty on it which would totally exclude it from our shores.

Section 29 of the bill of rights of the Wyoming constitution declares that—

No distinction shall ever be made by law between resident aliens and citizens as to the possession, taxation, enjoyment, and descent of property.

This is in direct contravention of the public policy of the United States. It is an invitation to the lords and capitalists of Europe to buy large tracts of land in Wyoming, as they have done in some other of the States and Territories. Such persons now own more than 25,000,000 of acres in large bodies of lands in the United States.

But a few years ago Congress passed a law prohibiting any alien from acquiring title to any land in any of the Territories or the District of Columbia, and did not extend the act to the States because some of the members of the House doubted the constitutional power of Congress to extend the provisions of the bill so far. I had the honor to introduce into this House the first bill of this character, and have introduced one at the present session, which I intend to press to consideration if possible, because I believe in the necessity for it and that Congress has full constitutional power to pass an act prohibiting aliens from acquiring title to lands in any of the States of the Union. But Wyoming declares against such policy in her fundamental law.

All the provisions in this constitution I have read with great care, many of which I commend, but these three are the most objectionable, and are of themselves sufficient to require me to vote against the bill to admit this Territory into the Union of States.

Now, I ask the attention of the House to another point. This bill makes exceedingly liberal grants of the public lands to the State, to be selected by the State. I was not surprised when I heard the Delegate from that Territory say that the people under this constitution could run their State government much more cheaply than almost any other State in the Union, or certainly with less expense than any other of the new States. One reason of that is manifestly the exceedingly liberal provisions made in the bill, which exempt the people from any taxation whatever for the erection of the public buildings, or for the erection of any of the buildings for public institutions of the State, or for the maintenance of a magnificent system of schools.

The fourth section of the bill grants sections numbered 16 and 36 in every township of the State for public schools, which is the usual grant in the new States and is entirely free from objection. The seventh section of the bill, in concord with the other and in accord with the precedents heretofore established, grants 5 per cent. of the sales of the public lands to the State for educational purposes. The sixth section of the bill grants fifty sections of the public lands within the State for the purpose of the erection of public buildings at the capital of the State. There is another grant further on in the bill for the same purpose, to which I shall presently refer. Section 8 grants seventy-two sections of land for a State university and one section for a fish hatchery. The ninth section of the bill reads as follows:

SEC. 9. That the penitentiary at Laramie City, Wyo., and all lands connected therewith and set apart and reserved therefor, and the personal property of the United States now being in the Territory of Wyoming and which has been in use in the said Territory in the administration of the Territorial government, including books and records, and the property used at the constitutional convention which convened at Cheyenne in the month of September, 1899, are hereby granted and donated and unexpended appropriations of money therefor are hereby granted and donated to the State of Wyoming.

That is comparatively free from objection, but I cite it to show the extent of the grant. As to the number of acres covered by the words "all lands connected therewith" we are not informed. Section 10 donates 90,000 acres of the public land for an agricultural college. The first paragraph of section 11 grants 30,000 acres in lieu of swamp and overflowed lands. I do not suppose that there is an acre of swamp or overflowed land, properly belonging to that classification, in that Territory.

Mr. MCADOO. Will the gentleman allow me a question just here?

Mr. OATES. Let me get through with the land-grant question first, unless it pertains to this part of the subject.

Mr. MCADOO. It does. I wish to inquire if there is any limit fixed

in the bill as to the purchase of these lands—the quantity that may be purchased by any one person.

Mr. OATES. There is a limit as to the price. None of it is to be sold for less than \$10 per acre.

Mr. MCADOO. But can the purchaser buy a thousand acres or more if he sees fit?

Mr. OATES. One purchaser can buy the whole of it under this bill. It may be bought by a syndicate of foreign capitalists.

Mr. MCADOO. That is it. There is no limit, then?

Mr. OATES. No, sir; only in price.

Then by the same section there is a further grant for the insane asylum, 30,000 acres; for penal, reform, or educational institutions in course of construction in Carbon County, 30,000 acres; for the penitentiary in Albany County, 30,000 acres; for the fish-hatchery in Albany County, 5,000 acres; for the deaf, dumb, and blind asylum in Laramie County, 30,000 acres; for the poor-farm in Fremont County, 10,000 acres; for a hospital for miners who shall become disabled or incapacitated to labor while working in the mines of the State, 30,000.

I never knew before that miners were to receive any kind of pension from the State. That is a new departure. They are to be provided with a home out of the bounty of the United States. Why should they be thus provided for while hundreds of thousands of old, tired, worn-out farmers, broken down by honest toil on the surface instead of under the ground, are not provided for? For public buildings at the capital of the State, in addition to those hereinbefore granted for that purpose, 75,000 acres; for State charitable, educational, penal, and reformatory institutions, 260,000 acres, making a total of 500,000 acres; provided that none of the lands granted by this act shall be sold for less than \$10 per acre.

These grants under this bill aggregate a total, according to my calculation, of 663,090 acres. None of this is to be sold for less than \$10 per acre, making a contribution to this new State of \$6,630,900 in land. All of it may be sold to a single individual, even though a foreigner; there is no restriction as to the quantity that may be purchased or as to the purchaser; but only as to the price. I think that is a very objectionable feature of the bill. The grant is enormous in extent and without restriction except as to price.

Mr. McMILLIN. Will the gentleman permit me a question just there?

Mr. OATES. Certainly.

Mr. McMILLIN. Do I understand the gentleman to mean six hundred and odd thousand acres in addition to the sixteenth and thirty-sixth sections granted for school purposes?

Mr. OATES. Yes.

Mr. McMILLIN. It is in addition to that?

Mr. OATES. Yes, sir, and in addition to the 5 per cent. to be paid the State on sales of lands made by the United States.

Mr. STOCKDALE. What is to become of the remainder of the land, if there is any left?

Mr. OATES. I suppose the remainder, if there is any left fit for cultivation, will be bought by the Grangers and Alliance people.

According to the report of the committee the Territory contains about 62,000,000 acres. Of this about 4,000,000 are arable and sufficiently watered to be capable of cultivation.

The State, having the selection, of course would take the lands granted by this bill from these, the choicest and best, and, while the grant restricts the State to sell for not less than \$10 per acre, the bill does not fix any maximum, and the State may sell for \$50 or \$100 per acre these valuable agricultural lands, which would give her an enormous, a princely amount for her schools, penitentiaries, state-house, poor-farm, miners' home, and fish hatcheries.

Of the remaining 58,000,000 acres, about ten or twelve million more are susceptible of cultivation when provision is made for their proper irrigation, but this will require a vast expenditure of money, which, no doubt, the United States will be called upon to make from their Treasury. And it may be that this object has had a potential influence in silencing within the Territory opposition to statehood under this constitution, bad as it is.

Forty-six millions of acres within this Territory are arid and unfit for cultivation, adapted only to grazing and stock-raising. I do not know whether the Yellowstone National Park is included or excluded from the computation.

Now, one other point, Mr. Speaker, and I am done—I do not intend to elaborate this argument—and that is, in respect to the political aspect of this measure. I find on an examination of the report of the committee no information as to the population, and I am utterly unable to learn what the present population of the Territory is. There is no official data upon which to determine positively. It is only set forth as a matter of opinion based on the number of votes polled, which is a very uncertain, indefinite, and unreliable method of determining the population. I find in all of the nine Territories at the date of the last census the population of this was the smallest. It amounted in the total to 20,789 souls, and was divided as follows, namely: Males, 14,153; females, 6,637; natives, 14,939; foreign, 5,850; white, 19,437; colored, 295; and about 140 Indians. And just here I will remark in passing that this grant of land under the constitution for the university and for pub-

lie schools is to be used equally for students of both sexes, irrespective of race or color.

Now, while I do not object to offering equal facilities for people of the colored race with those granted to the white people, I do not know how it is in Wyoming, but down in my country both races would prefer having the benefits of public education in separate schools. But that is a matter of taste, and it is for the people out there to determine. Mixing promiscuously seems to please them. If they so prefer and desire mixed schools, I have no objection. And I presume, in view of the provision of the constitution conferring suffrage on women, that they have also stricken down any restriction or difference on account of race, color, previous or present condition.

In this same connection, in respect to the population, I find that the next bill to be considered for the admission of a Territory as a State is that of the next smallest, Idaho, which, according to the census of 1880, contained but 32,610 of population.

I find at the same time that the Territory of Utah contained 143,963, and New Mexico 119,565, and Arizona 40,440. To my mind it is passing strange (but we all know how much party politics creeps into these things) that a Territory with the smallest population should be presented for admission first. The policy of our friends on the other side of this Chamber evidently is to admit the Territories which are surely Republican first, and then, as to the admission of the others, which are probably Democratic, why they will just go and sit down and think about it, and see whether they will let them in or not. This is a most unfair political advantage, which gentlemen may think it is right to take, but I can not see the justice of it. Patriotism requires the true interests of the country at large to be considered rather than mere party ascendancy.

I believe in the principle of admitting Territories whenever they present themselves for admission with a proper constitution and have a sufficient population. I do not believe in keeping people in a Territorial condition after they have a sufficient population to entitle them to a Representative upon the basis of representation adopted by the Congress.

Now, our past experience does not guaranty such a basis as present in this Territory. We have no official information that they have any such number. In fact, it is not claimed by the Delegate in his able presentation of the case of his Territory that they have a sufficient population now to entitle them to a member of this House. I believe the gentleman claimed that they have only about 100,000, and 155,000 is the present basis for representation. It is quite certain that Wyoming has less than the requisite number, on which it is proposed, merely for partisan advantages, to give her one member of this House and two Senators.

The census is now being taken. If that Territory has sufficient population to give it representation in Congress, why is it any hardship to postpone action upon it for a short time only, until the census shall be taken, which will be an official ascertainment of its population? It seems to me it is not. It has occurred to me that the haste which is now being made for its admission is suspicious and perhaps fraudulent; and the same remark would apply to other Territories which are striving for statehood and are not shown by the last census to have sufficient population. Nor is it any guaranty that this Territory will have sufficient population induced and encouraged to immigrate to it from the fact of admission; such has not been the history of States admitted with a small population heretofore in all cases.

I refer to the State of Nevada, which I believe to-day has a smaller population than it had when admitted into the Union. The census shows that there are but 62,260 persons within that State. This Territory is in close proximity to Nevada. Its lands are similar to those of Nevada, and we all know are mountainous and arid plains and incapable of occupancy to any great extent. Had we not better have the satisfaction which the census now being taken would afford?

Ah! but the friends of the measure fear the revelation which that census will make. The Republicans might lose their opportunity of further packing the Senate. They are now hedging against tariff revision and other necessary and reformatory legislation which the people of this country will demand and have at an early day.

The new census would give us certain, unerring, and unmistakable proof of the sufficiency of the population of this Territory if they have it. Why, then, urge its admission to-day? Why not postpone it until next session of this Congress, if you want it admitted only on its merits? The same voting power will be here, with perhaps a slight increase over what it is now. There is no likelihood of the Committee on Elections breaking down, judging from the work they have done in the past two months.

I am in favor, Mr. Speaker, as I have said, of the admission of every Territory, when it comes with a proper constitution and a sufficient population, without regard to its political complexion. I am not in favor of that policy which on account of the politics of their voting population leaves out of the Union and refuses admission to Territories that have a sufficient population to entitle them to a Representative here. It is not only unwise, but absolutely unjust to deny admission to Territories which have sufficient population, because they are Democratic, and to make haste to admit those containing the very smallest population, because they are surely Republican.

Mr. Speaker, how much time have I remaining?

THE SPEAKER. The gentleman has fifteen minutes remaining.

Mr. OATES. I yield that to the gentleman from Tennessee [Mr. WASHINGTON].

Mr. DUNNELL. Before the gentleman takes his seat I would be glad to ask him a single question, if his time can be extended.

Mr. OATES. If you do not take up too much time, I will answer a question.

Mr. DUNNELL. Mr. Speaker, I sympathize very much with the argument made by the gentleman from Alabama. I do not like the suffrage clause of this constitution.

Mr. OATES. I am glad to hear it.

Mr. DUNNELL. I would not vote for it in a constitution of my own or any other State. I do not know how I shall vote to-morrow, but my inclination is to vote against the bill.

Mr. McADOO. Good.

Mr. DUNNELL. But the gentleman let drop one remark that I did not quite understand. He said in regard to suffrage that "when we became a pure democracy the days of the Republic were ended." What did the gentleman mean?

Mr. OATES. I meant to say that, if the time comes, as I fear it may, in the course of events, that universal suffrage, unlimited suffrage, shall be given to all people inhabitants of this country, our Government will break to pieces of its own weight, will become corrupt and go to pieces. I have as deep an interest in the preservation of the Government of the United States as any man and for the perpetuation of the blessings it has bestowed upon our people, and I hope for it, above everything else in political life, perpetuation in its purity as the fathers made it, for the dissemination of blessings to the people.

Mr. DUNNELL. The gentleman gave no reason why he entertained the opinion that the days of the Republic were ended when we had a pure democracy. In the universality of democracy I confess for myself I have no fears of the Republic because of universal suffrage. I have more fear of it in the line of corruption than of universal suffrage.

Mr. OATES. The two are inseparable.

Mr. DUNNELL. Not necessarily.

Mr. OATES. In my opinion they are. We have more trouble from a too extended suffrage now than from any other cause. There is complaint of corruption in elections from one end of our country to the other, and the more the suffrage is extended the more corruption will there be in our elections. I do not believe that every inhabitant of the country ought to be enfranchised and allowed to vote.

Mr. WASHINGTON. Mr. Speaker, I shall not consume the time of the House in discussing the propriety of the admission of Wyoming as a State on the basis of its population or on the amount of the wealth which it may be able to show by statistics which have been prepared with the greatest care by those who are interested in making the best showing possible for that Territory.

At the outset I will grant that heretofore there has not been, either by statutory provision or by precedent, any rule established which governs or fixes the number of people that must be in a Territory before it can properly apply for admission into the Union or which fixes the resources and the wealth of such a Territory beyond the presumed and implied ability of the people to bear the expense and burden of a State government. In support of this statement I publish the following table, showing the population of several of the States at the date of admission, to wit:

State.	Population when admitted.	State.	Population when admitted.
Ohio.....	45,000	Missouri.....	66,000
Indiana.....	63,000	Oregon.....	45,000
Mississippi.....	35,000	Kansas.....	100,000
Illinois.....	35,000	Nebraska.....	100,000
Alabama.....	40,000	Colorado.....	100,000

This will show in each an average population of about 60,000. The Delegate from Wyoming [Mr. CAREY] and others who appeared before the Committee on Territories state that they believe the population of Wyoming to be about 125,000 at this time. From other sources considered reliable, I am told that the population will not exceed 75,000, less than half the number required to elect a member of Congress under the present apportionment.

There has been a great fluctuation in the votes cast at different times. In 1888 there were cast 18,210 votes, in 1886 only 9,377, while in 1884 the returns showed 12,820. I am unable to explain these facts unless the population is constantly shifting.

In the matter of actual and assessable wealth I will quote the table and showing of the Delegate, who says:

The assessable property of the Territory increased from \$6,924,357 in 1870 to \$11,257,344 in 1880 and to \$31,500,000 in 1889, and this, too, with a reduction in the live-stock assessment of \$5,000,000 in 1888-'89. The actual wealth of the Territory is not less than four times the assessable wealth.



By way of illustration I need but call attention to the difference between the assessed and actual value of three or four kinds of property in the Territory:

	Actual value.	Assessed value.
The railroad property .....	\$35,000,000	\$6,163,000
Irrigation works and improvements .....	10,000,000	Not assessed.
Live-stock .....	40,000,000	9,000,000
Improved farms and ranches .....	15,000,000	3,000,000
Developed mines .....	15,000,000	Not assessed.
Churches and schools, county, city, and Territorial property .....	2,500,000	Do.

But to be certain let us call the actual wealth of Wyoming \$100,000,000. From this it will be seen, if the estimates are correct, how tenderly they treat the great land grant railroad corporations, whose property of \$35,000,000 is only assessed at \$6,163,000, and how exceedingly liberal they are with the millionaire mine-owners, many of whom no doubt are the rich and titled nabobs of Europe, whose mines, estimated at \$15,000,000, are not assessed at all. But, sir, this is a Republican Territory! It is to be hoped that if it shall be admitted as a State the people will inaugurate a new system and transfer some of the burdens of taxation from the backs of the farmers and laborers to railroads and mines.

I do not believe in holding rich and populous Territories in a state of tutelage or dependence. I believe firmly in the right of local self-government. I believe, as was announced by Chief-Justice Taney (in 19 Howard, 446) that all territory acquired by the United States was "acquired to become a State, and not to be held as a colony and governed by Congress by absolute authority;" that "Territorial governments are organized as matters of necessity, because the people are too few in number and scant in resources to maintain a State government," "are contrary to the spirit of our American Constitution," and "are to be tolerated and continued only so long as that necessity exists."

When a Territory reaches this point it should be admitted to all the rights of statehood in the Union of States without regard to the politics or party affiliation of its people. Any other view than this is narrow, partisan, and unpatriotic. I am ready now to vote for the admission of all the remaining Territories, including Utah, provided such constitutional and legal provisions are made as will forever settle the questions arising out of Mormonism and the practice of bigamy and polygamy in conformity with the laws of the United States.

The majority comprising the Republican members of the Committee on Territories appear to be acting on a different theory. Of the four Territories, Wyoming, Idaho, New Mexico, and Arizona, asking admission, they have taken up and are pressing Wyoming, which in point of population and resources is least worthy of them all. They have favorably reported and placed on the Calendar a bill for the admission of Idaho. Both of these are considered by them to be safely Republican. New Mexico, with far greater wealth and nearly four times the population, and Arizona, equally worthy with Wyoming and Idaho, appeal in vain for recognition. They have each a Democratic Delegate representing them on this floor. Further comment is unnecessary.

With a population of from 70,000 to 125,000; with estimated tax values of \$100,000,000; with a good showing for schools and colleges; with railroad, banking, and other business facilities, the people of Wyoming believe they are able to assume statehood, and I, for one, am unwilling to deny it to them on the ground that they vote the Republican ticket. The chief requirement is that they come with a constitution guaranteeing a government republican in form and one which has been framed, promulgated, and adopted in a regular manner.

Sir, the convention which framed the constitution on which it is proposed to admit this Territory was not called in accordance with any law of Congress or the Territorial Legislature and had no legal sanction whatever. As the memorial which I hold in my hand states, the boards of county commissioners of seven-tenths of the counties in the Territory of Wyoming adopted resolutions requesting the governor, chief-justice, and secretary to divide the Territory into delegate districts and call an election for delegates to a constitutional convention. Only seven out of the ten counties took this action. The governor issued his proclamation on the 3d day of June. The election was held on the second Monday of July, and the convention assembled at Cheyenne, the capital of the Territory, on the first Monday in September. The convention should have consisted of 55 delegates. Several counties were never represented at all. Many of those who attended the opening afterward absented themselves, and on the 30th of September the convention adjourned *sine die*. Only 39 of the delegates out of 55 signed and promulgated this abortive constitution.

On the 5th day of November, just thirty-five days after it was promulgated, the people were called upon to vote for the adoption of this constitution. The Territory of Wyoming is equal in area to the States of Delaware, New Jersey, Kentucky, and New York combined. In many parts the settlements are widely scattered and communication exceedingly difficult.

Several days must have elapsed after the convention adjourned before any authenticated copy of the proposed constitution could be put in circulation. In the limited time, therefore, between the submission

and the vote it was impossible for the people to obtain any correct idea of its provisions. No wonder the voters failed to materialize on the day of the election.

The whole number of votes cast on the question of ratifying the constitution was 8,195, of which 6,272 were cast in favor of the constitution and 1,923 were cast against it. At the election for Delegate in Congress, November, 1888, just one year prior to this election, there were cast in the aggregate for Delegate in Congress 18,010 votes. This was the largest vote ever cast in the Territory. In 1886 the total vote for Delegate was only 9,377; but in 1884 a larger vote was polled, namely, 12,820. The increase in the vote between 1884 and 1888 was 5,190. This increase shows about 1,297 votes each year on the average. Assuming a like gain between 1888 and 1889, there should have been 19,307 votes cast if all the voters in the Territory had voted at the time the constitution was submitted. Thus it will be seen that less than one-third of the voters of the State went to the polls November last and voted for this constitution.

There is nothing here or elsewhere to show how many of these votes were cast by women. It is said there are a large number of Mormons in Wyoming; that the women largely outnumber the men. If that be so, no doubt more women than men voted for my friend Mr. CAREY, when he was elected. [Laughter.]

Just here I would like to ask the gentlemen on the other side, why they do not put into this constitution the clause disfranchising every Mormon voter who can not take an oath that he neither believes in nor practices polygamy. They have put it in the constitution of Idaho and are trying to force it into the constitution for New Mexico. Why not treat all Mormons alike? For the very evident reason that the Mormons in Wyoming are supposed to vote the Republican ticket. His politics will determine the amount of toleration which the other side will extend to the religion and practices of the Mormon. But to return to the subject.

This election was irregular. It was not called in compliance with, nor held by, authority of law. No person who voted illegally could have been prosecuted and no election officer was liable in case of making fraudulent returns. It has been reported to us that in many places the election was looked upon as a farce. I have information that in one town in Crook County 300 votes were cast for the constitution in the back room of a saloon and were put into a cigar-box by three men, and that one of them, after casting nearly 300 ballots marked "Yes," for the constitution, said, "Boys, I am d—d tired of voting for the same man all the time. I am going to vote for the other fellow," and accordingly dropped in 7 votes "No."

Mr. CAREY. Will the gentleman permit me to interrupt him?

Mr. WASHINGTON. Yes, sir.

Mr. CAREY. I wish the gentleman would tell us what evidence he has to sustain his statements. I should think his side of the House would be the last to talk about cigar-boxes and ballot-boxes; but I desire to say that I think the election with reference to the adoption of this constitution was absolutely pure. Now, if the gentleman has any evidence to the contrary he ought to produce it.

Mr. WASHINGTON. I make the assertion on a newspaper article, which, I presume, is entitled to as much credibility and conveys fully as much truth and justice as do those newspaper articles that are quoted on this floor from the partisan press from time to time concerning affairs in certain portions of this Union, especially in relation to occurrences in the section whence I come. I will read the article to which I referred. It appeared in the editorial columns of the *Sundance Gazette*, published in Crook County, Wyoming, immediately after the election:

#### THE "BANNER TOWN" OF CROOK COUNTY.

One of the arguments used before the Legislature in favor of Weston County is that Newcastle is the banner town of Crook County, and the three hundred-odd votes credited to Newcastle at the constitutional election are pointed to with great pride as proof of the assertion. We should think that that particular election would be given a wide berth, especially by Newcastle. There was no election there on that day, but three persons, each of whom we could name, went into a back room and conducted a cigar-box election. No one else was present, and these men marked the tickets and dropped them into the slot of the cigar-box. How 7 votes came to be cast against the constitution arose from the fact that one of the parties, after nearly all the tickets had been cast, exclaimed, "I'm d—d tired of voting for the same man all the time; I'm going to vote for the other fellow." And he accordingly dropped in 7 votes with "Yes" scratched out.

The cigar-box, the ballots, and a tally-sheet giving the result were sent here, the same canvassed at this point, and with the other, but bona-fide returns forwarded to Cheyenne, where they were duly recorded. And that is how Newcastle came to be the "banner town" of Crook County. The above particulars were related to us by one of the trio who conducted the cigar-box election, and a gentleman whose word is as good as gold. As there was no color of legality about the election in Crook County, the scheme was devised and carried out more in a spirit of levity than otherwise, and it was not thought the returns would be forwarded to Cheyenne and made a part of the record.

I consider that pretty good reading, coming from a Wyoming paper. But to return; the Delegate from Wyoming in his statement before the committee claimed that the vote at the election next November (1890) would be at least 23,000. Assuming that to be true, knowing that 18,272 votes were cast in 1888, it seems manifestly unjust that a minority of 6,272 votes should force a constitution containing so many objectionable features on this people.

The reason assigned for the light vote is that the day preceding the

election a blinding snow-storm raged and the next day was exceedingly cold. To what vain subterfuges, alas, will men resort when in desperate straits! The Signal Service weather reports show that on the 4th and 5th of November, 1889, the day preceding and the day of the election, the mercury ranged from 1° or 2° to 25° or 30° above zero and the rain and snow fall amounted to a fraction of an inch. Such was the inclemency of the weather which kept 12,000 voters, male and female, from the polls when the very charter and guaranty of their rights, privileges, and immunities was being voted upon. Why, sir, not even the danger and rigor of a Dakota blizzard would have kept these people from the polls had they known and understood the provisions of this constitution or had they looked upon it as other than a farce and a fraud? I can not make myself believe that they ever dreamed that the schemers after statehood could induce even the reckless Republican majority in this House to breathe the breath of life into this bastard instrument.

What the Democratic minority of the Committee on Territories ask is that the bill under consideration be amended so as to send this constitution back to the people of Wyoming with certain amendments proposed and submit the constitution with these amendments to a vote of the qualified male voters of the Territory at the regular election next November. This will do no injustice to the people; it will not delay the admission beyond the assembling of Congress next December. It will give an opportunity for a full and free discussion and for intelligent action, and will enable the people of Wyoming to say whether they wish to come into the Union with the right guaranteed to women to vote and to hold office.

My chief objection to the hasty admission of Wyoming at this time and under this bill is based on my opposition to Article VI, sections 1 and 2, of the proposed constitution, which are as follows:

ARTICLE NO. VI.  
SUFFRAGE.

SECTION 1. The rights of citizens of the State of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this State shall equally enjoy all civil, political, and religious rights and privileges.

SEC. 2. Every citizen of the United States of the age of twenty-one years and upwards, who has resided in the State or Territory one year and in the county wherein such residence is located sixty days next preceding any election, shall be entitled to vote at such election, except as herein otherwise provided.

These sections grant and confirm to women the right to vote at all elections and to be eligible to and to hold any office within the gift of the people of that Territory or State, as it may be. In no State in the Union to-day does woman have the unrestricted right to vote and hold office. Several States have conferred the right to hold offices up to a certain grade and to vote in certain elections. I shall not discuss the advisability of such a course further than to say that I am unalterably opposed to female suffrage in any form. It can only result in the end in unsexing and degrading the womanhood of America. It is emphatically a reform against nature.

In the case of Wyoming, I maintain that the Legislature of that Territory never had the constitutional right or authority to confer suffrage on women. The law granting it was passed by the Territorial Legislature several years ago and has never been tested in the courts, but, being in conflict with the law of Congress creating the Territory, it is, in my judgment, to-day clearly unconstitutional. The act passed by Congress creating a Territory and establishing over it a Territorial form of government is to that Territory what the constitution is to the State, and the Territorial Legislature in its enactments can not transcend the power granted by Congress in the organic act.

The act passed July 25, 1868, entitled "An act to provide a temporary government for the Territory of Wyoming," reads as follows:

SEC. 5. And be it further enacted, That every male citizen of the United States above the age of twenty-one years and [including] persons who shall have declared their intention to become citizens of the United States, who shall have been a resident of the said Territory at the time of the passage of this act, shall be entitled to vote at the first and all subsequent elections in the Territory, and shall be eligible to hold any office in said Territory; and the Legislative Assembly shall not at any time abridge the right of suffrage or to hold office on account of the race, color, or previous condition of servitude of any resident of the Territory: Provided, That the right of suffrage and of holding office shall be exercised only by citizens of the United States and those who shall have declared on oath before a competent court of record their intention to become such and shall have taken an oath to support the Constitution and Government of the United States.

From this section it will be seen that Congress limited suffrage to "every male citizen," as it had a right to do.

By turning to the Statutes at Large for 1853, we find that section 5 of the act passed March 2, 1853, entitled "An act to establish the Territorial government of Washington," reads as follows:

SEC. 5. That every white male inhabitant above the age of twenty-one years who shall have been a resident of said Territory at the time of the passage of this act and shall possess the qualifications hereinafter prescribed shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the Legislative Assembly: Provided, That the right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years and those above that age who shall have declared on oath their intention to become such and shall have taken an oath to support the Constitution of the United States and the provisions of this act, etc.

This section is almost identical, word for word, with section 5 of the act organizing the Territory of Wyoming, except that in the latter the

word "white" male citizen was omitted, owing to the adoption in the mean time of the thirteenth and fourteenth amendments.

Mr. MOREY. Will the gentleman allow me—

Mr. WASHINGTON. I would rather not be interrupted just now, as my time is limited.

Mr. MOREY. I only wished to call the gentleman's attention to a section of the Revised Statutes.

Mr. WASHINGTON. Now, Mr. Speaker, the Territory of Washington enacted a law similar to that of Wyoming, authorizing female suffrage. That law was finally submitted to the adjudication of the supreme court of the Territory of Washington; and the supreme judge of that Territory declared that it was contrary to the act creating the Territory and therefore unconstitutional. He held that no Territorial Legislature can go beyond the powers conferred or the grants contained in the act forming the Territory, and I think he held correctly. Therefore, female suffrage disappeared in the Territory of Washington; and in my humble judgment it has no more right to exist in the Territory of Wyoming than it had in Washington.

Now, I presume the gentleman from Ohio [Mr. MOREY] was going to cite section 610 of the Revised Statutes.

Mr. MOREY. No, sir; I desired to call the gentleman's attention to section 1860 of the Revised Statutes.

Mr. WASHINGTON. Yes, sir; I have examined that section. In the very case to which I have referred the argument was made that section 1860 conferred upon the Territorial Legislature of Washington authority to pass an act giving women the right to vote, and the judge overruled the point. It has been expressly declared by the highest tribunal of Washington Territory that female suffrage was contrary to the organic act; and I insist that it is equally contrary to the organic act of Wyoming Territory. I will read you what the court said, all three judges assenting. I quote from Washington Territory Reports, volume 3, page 617, *Bloomer vs. Todd et al.*:

The organic act of the Territory, in this respect, furnishes a constitutional limitation beyond which the Legislature of the Territory can not rightly proceed. Congress created Territorial governments, and furnished the rule of conduct by which the government is to exist, and provided the limitations to each branch thereof. Legislation, of course, must not be in conflict with the laws of Congress, under and by which it is organized and the power to legislate is granted, and the rules enacted by Congress limit the power of the Legislature to make laws. \* \* \* The privilege of voting is not a natural right, but a privilege conferred by law. It may be limited or enlarged by the Legislature within its own constitutional limitation of power.

Section 5, quoted above, provided, first, that at the first election held in this Territory every white male inhabitant above the age of twenty-one, etc. \* \* \* and it is manifest that but for this act of Congress the right to vote at such election would not have existed at all. It is, therefore, a privilege conferred upon the class named by that act. It is to be noted also that it is conferred expressly upon "every white male inhabitant above the age of twenty-one years." Had it been the pleasure of Congress, the act might have limited it simply to male inhabitants or have extended it to persons under twenty-one years of age and not have limited it to males.

The same section provides further that the qualification of voters and of office-holders at all subsequent elections shall be such as shall be prescribed by the Legislative Assembly. "Provided, That the right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years and those above that age who shall have declared on oath their intention to become such and shall have taken an oath to support the Constitution of the United States and the provisions of this act." These latter provisions in the act of Congress might have been omitted entirely and the privilege of voting remain vested in the white male inhabitant, without reference to citizenship or other qualification whatever, the words "white male inhabitant" being words of limitation as well as words granting the privilege of suffrage and of holding office.

I think this decision is a full answer to the gentleman. I grant that if Wyoming was a State she could in her constitution extend suffrage to all of her citizens without regard to sex. All the States have that right. A case involving this point has been decided by the Supreme Court of the United States. It is found in 21 Wallace, page 162, *Minor vs. Happersett*. Chief-Justice Waite rendered the decision. He held that it was competent for the State of Missouri in its constitution to restrict suffrage to "male citizens;" that women were citizens of the United States to sue and be sued, to hold property, etc., but that suffrage did not belong to them as a right. The possession of that privilege in one State did not confer it on women in those States where the constitution of the State denied it or was silent on the subject. At the time of the adoption of the Constitution by the original thirteen States female suffrage existed in only one of them, and that was New Jersey.

Female suffrage has been much lauded of late as the only means left to purify the ballot and to elevate politics. No man has a higher regard or a greater respect for woman in her proper and natural sphere than I have; but, sir, I maintain that, when she assumes to exercise the elective franchise, throws herself into the whirlpool of politics, takes part in ward meetings and partisan conventions, is pulled and hauled about the polls by "heelers" and "bummers," and becomes a campaign orator, instead of refining and elevating politics, she will be dragged from her high estate and sink to the general level of what some choose to call political infamy.

Mr. STRUBLE. I suppose the infamy is with the male sex.

Mr. WASHINGTON. Not entirely; else why did New Jersey give up female suffrage? I will read you the act passed November 16, 1807, by her Legislature. The preamble of that act recites:

Whereas doubts have been raised and great diversities in practice obtained throughout the State in regard to the admission of aliens, females, and persons



of color, or negroes, to vote in elections, as also in regard to the mode of ascertaining the qualifications of voters in respect to estate; and

Whereas it is highly necessary to the safety, quiet, good order, and dignity of the State to clear up the said doubts by an act of the representatives of the people, declaratory to the true sense and meaning of the constitution, and to insure its just execution in these particulars according to the intent of the framers thereof: Therefore,

Be it enacted by the council and General Assembly of this State, and it is hereby enacted by the authority of the same, That from and after the passage of this act no person shall vote in any State or county election for officers in the Government of the United States or of this State unless such person be a free, white, male citizen of this State, of the age of twenty-one years, worth \$50 proclamation money, clear estate, and have resided in the county where he claims a vote for at least twelve months immediately preceding the election.

New Jersey abolished female suffrage, as the preamble states, for the "safety, quiet, good order, and dignity of the State." I find it stated in the old histories of that time that the women of New Jersey on election day, by changing their dress and bonnet, could and did vote in every ward of a town. I have no doubt it is so in Wyoming to-day, and that they do vote in as many precincts out there as they can reach on horseback or on foot after changing their frocks and bustles. [Laughter.]

If Wyoming should be admitted with Article VI, sections 1 and 2, of this proposed constitution in force, it is not impossible or improbable that in the future some woman will sit in the chair now occupied by the Delegate; she will come with frills and flounces, with bonnet and bustle. [Laughter.] And when she rises and addresses the Chair, how will the Speaker recognize her? Sir, will it be the gentleman from Wyoming or the lady from Wyoming? [Renewed laughter.] Will the rules have to be amended again so as to furnish the proper term of recognition, or will you, Mr. Speaker, recognize her under general parliamentary law? [Laughter.]

It is not beyond the pale of possibility that a woman may be sent to represent this new State in the other branch of Congress. In that event, Mr. Speaker, will it be "Mrs. Senator So-and-So," or "Senator Miss Jones?" How will the presiding officer of the Senate address her ladyship? I say and repeat that it is a dangerous innovation.

I know my friend from Kentucky [Mr. BRECKINRIDGE] a few moments ago asked my friend from Alabama [Mr. OATES] whether the Constitution of the United States would not prevent this. The Constitution of the United States says, Article I, section 2:

No person shall be a Representative who shall not have attained to the age of twenty-five years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

The Supreme Court has declared a woman to be a citizen, a person, an inhabitant, with such rights and privileges as each State by constitution or statute may confer. I confess to the presumption that she would be eligible to a seat here or in the Senate.

Mr. EZRA B. TAYLOR. Will the gentleman allow a question here?

Mr. WASHINGTON. Yes, sir.

Mr. EZRA B. TAYLOR. Do you not think to put a good woman into the Senate might help it some? [Laughter.]

Mr. WASHINGTON. Well, if the gentleman himself were in the Senate I would immediately admit his proposition. [Laughter.] It might be a good thing to supply his place on this floor even with some first-class lady from Ohio.

Mr. KERR, of Iowa. And so of yourself.

Mr. WASHINGTON. Oh, Tennessee has not yet adopted any of these "new-fangled" ideas. She has no disposition to take any such new departure or follow any of these progressive follies. Not that we are lacking in respect for true and exalted womanhood in my State. We hold, Mr. Speaker, that the home and not the forum is the place God intended woman to fill. With her gentle voice and her tender hand she smooths the troubled brow and lulls to rest the weary limbs of him who labors for her comfort. Her refining influence, her watchful care at the fireside, molds the mind and forms the character of her sons and of her daughters.

In the home she controls the man of to-day; she rears the pride and dependence of the State in the future; she directs the energy and shapes the legislation of the country with a thousand-fold more potency than she could exercise by the ballot or in the Senate. Brought into rude contact with the coarse world she is either roughened or crushed. As mother and wife in her own realm her hand wields more power than any monarch. Let us not for any party or political purpose drag her from that lofty pinnacle, higher than that which she occupies anywhere in the civilized world, on which American chivalry has enthroned her. [Applause.]

Mr. BAKER. Mr. Speaker, if I may be recognized for the purpose of allotting the time belonging to this side of the House, I would assign ten minutes to the gentleman from Iowa [Mr. KERR].

Mr. KERR, of Iowa. Mr. Speaker, I am not surprised that the best argument the gentleman from Tennessee [Mr. WASHINGTON] has been able to produce against the suffrage feature of the Wyoming constitution is his apprehension of danger that some lady might occupy a seat on this floor dressed in a particular fashion. It seems to me that a case must be devoid of argument when this point is the only reason assigned against such a proposition. The gentleman who wrote the report of the minority of the committee also makes this suffrage provision about the only argument against the constitution of Wyoming.

Now, I would call the attention of the gentleman from Tennessee and other gentlemen on this floor to the Constitution of the United States, section 1, Article XIV, which defines the word "citizen:"

All persons born or naturalized in the United States—

Mark the words, "all persons"—

and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside.

The next clause of the same section of the Constitution says:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

Mr. GROSVENOR. Will the gentleman allow an interruption?

Mr. KERR, of Iowa. Certainly.

Mr. GROSVENOR. This amendment may not possibly be recognized by all of our friends on the other side, as it is one of the modern innovations.

Mr. KERR, of Iowa. They are modern amendments, I admit, and I recognize the force of the gentleman's suggestion. They do not seem to weigh so heavily on the consciences of some members as the older provisions of the Constitution. But I will say further they substantially follow the old provisions of the Constitution and were adopted to cure false judicial interpretations.

The instrument as it came from the fathers provides—

That citizens of each of the States shall be entitled to all of the privileges and immunities of the citizens of the several States.

And, according to that very provision, at the time the Constitution was adopted a woman of New Jersey could under it have voted in every State in this Union, for women were allowed to vote in New Jersey at the time of its adoption. I know that this argument has been sought to be avoided by some men, but I have always thought it was a legitimate deduction from that provision of the Constitution.

Mr. OATES. But some of these men who thought otherwise are on the Supreme Bench of the United States.

Mr. KERR, of Iowa. I know that.

Now, I desire to call attention to the argument of the gentleman from Georgia [Mr. BARNES]. He alluded to the views of Thomas Jefferson and James Madison in regard to suffrage. I wish to call attention to the views of Thomas Jefferson on the question of suffrage, and I think they ought to have weight with the gentleman. He says we ought to guaranty a republican constitution to this State, in the sense in which the men who framed the Constitution understood republicanism. Jefferson says, in his letter to John Taylor, May 28, 1816, defining republicanism:

Witness the self-styled republicanism of Holland, Switzerland, Genoa, Venice, and Poland. Were I to assign to this term a precise and definite idea I would say purely and simply it means a government by its citizens in mass, acting directly and personally according to rules established by the majority; and that every other government is more or less republican in proportion as it has in its composition more or less of this ingredient of the direct action of the citizens.

The further the departure from the direct and constant control by the citizens the less has the government of the ingredient of republicanism.

The gentleman from Alabama [Mr. OATES] indulges in gloomy apprehensions if suffrage should become universal. I do not share that apprehension. I believe with Macaulay that the remedy for darkness is light, and I call the gentleman's attention and that of the gentleman from Georgia [Mr. BARNES] again to the views of Mr. Jefferson. I hope that statesman has still some influence with his professed disciples. Said he in the same letter:

If, then, the control of the people over the organs of their government be the measure of its republicanism, and I confess I know no other measure, it must be agreed that our governments have much less of republicanism than ought to have been expected; in other words, that the people have less regular control over their agents than their rights and their interests require, and this I ascribe, not to any want of republican dispositions in those who form these constitutions, but to a submission of true principle to European authorities, to speculators on government whose fears of the people have been inspired by the populace of their own great cities and were unjustly entertained against the independent, the happy, and therefore orderly citizens of the United States.

Further on, defining the term "republican," he says:

On this view of the import of the term "republic" instead of saying, as has been said, that it may mean anything or nothing, we may say with truth and meaning that governments are more or less republican as they have more or less of the elements of popular election and control in their composition; and, believing, as I do, that the mass of the citizens is the safest depository of their own rights, and especially that the evils flowing from the avarices of the people are less injurious than those from the egotism of their agents, I am a friend of that composition of government that has most of these ingredients.

The gentleman from Alabama evidently has less faith in popular government than the great apostle of Democracy who wrote the Declaration of Independence.

That is the view of Mr. Jefferson. That is his enunciation of republicanism, and in that he simply followed out the idea which he laid down in the Declaration of Independence which has become world wide, "that governments are founded on the consent of the governed."

In regard to this question of suffrage in the Territories. It is not a question involved in this case. The question here is whether, the people in any particular locality having adopted a certain form of government and embraced in it a certain rule in reference to suffrage, we are to leave it to them to say who shall be voters in that community. It is the very essence of the principle of local self-government of which gentle-

men on the other side have claimed to be such strong friends; and it is republicanism in its very spirit.

Its denial would be a denial of the right of local self-government. One gentleman has said that States should not be allowed to come into the Union until they have a certain number of population, enough population to entitle them to one Representative in Congress. I say, Mr. Speaker, that this theory of Mr. Douglas was never enunciated until he laid it down as a means of retaining the sympathy of the Democratic party of the South. He did not want to break with them entirely; and then he said, for the first time, that it was desirable not to let the State of Kansas come into the Union until she had population enough for one Representative.

But he voted for the admission of Iowa with less than the requisite number; and he never enunciated that doctrine up to the Senatorial campaign of 1858, but he failed to retain the sympathy of the South, notwithstanding this.

The question to be determined in this case is whether the community about to be admitted is one that is likely to maintain in perpetuity a suitable constitutional government, and secure to the people therein the various liberties and rights pertaining to American citizens. Jefferson said this should not be denied in the Northwest Territories to over 60,000 people, and there is more than twice that number in Wyoming. There is no man on that side of the House who has produced any argument to show any defect in Wyoming in this regard. There is not a member of the committee who denies that the Territory of Wyoming has everything that is essential to self-government or who says that it has not organized a system that will secure to the people a permanent system of good government that will protect and preserve the rights of citizens, and unless that can be shown I do not care what may be the number of votes in the Territory.

It ought to be admitted into the Union of States if they have territory sufficient ultimately to make one of the great States of the Union; and on the question of whether Wyoming has that population and those elements of power and prosperity and progress there has not been one single argument presented that would raise a doubt in any one's mind.

Who shall prescribe who shall be voters in Wyoming if not the citizens themselves, and that they have admitted the women to vote is to me a guaranty that a very greatly needed element to secure purity, humanity, and justice in government as well as true republicanism has been introduced and secured in the fundamental law.

Mr. BAKER. I yield five minutes to the gentleman from Kansas [Mr. KELLEY].

Mr. KELLEY. The question that has been under discussion this afternoon seems to involve questions that have not been under discussion in this House before recently; at any rate, I so apprehend from the remarks that have been made. I am glad that it is under discussion, because the discussion of this question I have reference to in regard to the question of suffrage will perhaps enlighten some gentleman upon the floor of this House as to the progress that has been made in that direction in different parts of this country.

From the remarks of the gentleman from Tennessee [Mr. WASHINGTON] who recently occupied the floor on that side of the House, he seems overawed with astonishment and wonder and even horror at the idea that some day—no far-distant day, perhaps—a lady or two or three might occupy seats upon this floor as members of this House, having the same rights as other members. Now, Mr. Speaker, I see ladies almost every day in this House. Ladies are in the galleries. And I sometimes notice that gentlemen on the other side cast sly glances in that direction; and while I do not see any of them with poke bonnets on—that bonnet that seems so much to disturb the gentleman from Tennessee—I have observed gentlemen from both sides of this House on several occasions “poking” out of the side door, soon to appear smiling in the gallery, seated between two ladies.

I wish to assure my Democratic friends that ladies are no more dangerous on the floor of this House than they are in the galleries; and as my friend from Tennessee is quite young yet he no doubt will live long enough to see ladies occupying seats on this floor, and having votes, and representing districts and constituencies, perhaps even from Tennessee, and doing it with credit to themselves and their constituents.

Again, Mr. Speaker, he seems to have worried himself somewhat in reference to whether a great number of ladies voted for the gentleman from Wyoming or not. He seemed to talk as though that was one of the questions involved in the admission of that Territory: whether many ladies voted for the gentleman from Wyoming. I have not troubled my mind about that. I have no doubt about that; in my judgment it did not make any difference whether they did or not. If the ladies of Wyoming voted for the gentleman representing Wyoming I admire their judgment in the selection of their man. They certainly made no mistake. [Laughter and applause.]

Mr. McCOMAS. Would not the ladies if they were here vote, and not refuse to vote so as to break a quorum?

Mr. KELLEY. I would not wonder.

Again, Mr. Speaker, in illustrating the evil results that may follow from the admission of women on this floor as members he seems to

have lost sight entirely of the fact that the greatest nation on the face of the earth, save and except the United States of America, is presided over by a woman, and has been for the last twenty-five or thirty years.

Mr. McCOMAS and other MEMBERS. For fifty years.

Mr. KELLEY. For fifty years, I am reminded. And again, Mr. Speaker, in the State of Kansas this is no new question, and I am free to say that I have been astounded at some of the remarks made here to-day in reference to this matter. Now, women are occupying to-day and have for years occupied public offices and have been eligible to office in that State. Many of them are county officers to-day—the county court clerks, registers of deeds, county superintendents of public instruction—and have been for years; and they make the best officers we have.

Mr. PICKLER. Has it unsexed them?

Mr. KELLEY. No, sir.

They are councilmen, mayors, police judges, and they vote for all these officers. It does not hurt their looks; if such a thing were possible, I think it makes them better looking. They attend strictly to business, and when one of the constituents of the gentleman from Missouri came over the line with his bottle of Kansas City whisky and got only a little intoxicated in the city of Cottonwood Falls, and was arraigned before the police judge, who is a lady, and fined \$15, and she threw in a fifteen-minute lecture, the gentleman immediately swore off on drinking and the court threw off the fine. This is supposed to be one of the reasons why the gentleman [Mr. TARSNEY] from that district thinks prohibition in Kansas is a failure.

Again, Mr. Speaker, I want to say for the information of those gentlemen that the assistant attorney-general of the State of Kansas to-day is a woman, and she has entire control of the legal department of the State of Kansas, because the attorney-general of the State of Kansas, who, if present, would have that control, is absent from the State, and has been for some time; and in his absence the assistant attorney-general takes charge. Nobody ever complained that she, as a lawyer, did not conduct the legal part of that State properly.

In fact it is universally understood that the assistant attorney-general of the State of Kansas is a much better lawyer than the attorney-general himself. [Laughter.] And I have no doubt, Mr. Speaker, that if this proposition should become more popular and should extend from some of those progressive States of the West and Northwest even as far as the State of Tennessee, and if it should become necessary for the women of that State to vote in making a selection of Representatives in Congress, they would be just as wise in their selection as were the women in Wyoming, and I have no doubt that the State of Tennessee would be represented upon this floor by gentlemen or ladies just as fit to represent it as the State of Wyoming will be when she is represented here by our worthy friend, Judge CAREY.

Now, Mr. Speaker, I am reminded that just opposite me are three or four good-looking gentlemen from Georgia, and if the State of Georgia should ever determine to send two or three good-looking women here to occupy those seats, sitting as I do right opposite to them, I would not be at all frightened. [Laughter.] I would be perfectly willing to stand it, and I have no doubt the Speaker could stand it, and I have no doubt the gentlemen themselves could stand it.

Mr. CLEMENTS. The question is whether the ladies could stand it. [Laughter.]

Mr. KELLEY. Well, there is no law in Georgia, I hope, which would compel people, men or women, to come to Congress unless they desired to. We do not have any such laws in Kansas, at any rate.

Now, Mr. Speaker, another objection raised on the other side—I believe it was raised by our friend from Alabama [Mr. OATES], but, if not by him, it was raised by some other gentleman on that side—is that this is a party question, and that it seems to be the determination of the Representatives on this side of the House to force this issue and to admit just as many States as possible because we have the power and because it is a Republican Territory. If that be the case, I want to ask the gentleman how he can reconcile it with the statement and the fact, for it is a fact, that the Democratic central committee of Wyoming send a petition here asking unanimously for the admission of the State.

Mr. MANSUR. If the gentleman will permit me to interrupt him I think I can answer the question when I say that by a strict party vote in the Committee on Territories you picked out the two Republican Territories and refused to take up the Democratic Territories, which have decidedly larger populations.

Mr. KELLEY. Well, I am not posted with regard to that. I do not belong to that committee, and I presume the gentleman's statement is correct; but, even if it is correct, I do not see that there is any harm to result to any of them, because we shall soon get to the admission of those Territories also.

The SPEAKER. The time of the gentleman has expired.

Mr. BAKER. I yield the floor to my colleague on the committee, the gentleman from Ohio [Mr. MOREY].

Mr. BOUTELLE. Before the gentleman from Missouri [Mr. MANSUR] takes his seat I would like, with the permission of the gentleman from Ohio [Mr. MOREY], to have him answer whether his objection is to admitting Wyoming before the other Territories or to admitting them at all because it is proposed to take Wyoming first.



Mr. MANSUR. We proposed in committee solidly to tack the four together, and, failing in that, we proposed to tack all four in a resolution and ask the House to take them all up.

Mr. BOUTELLE. All or none?

Mr. MANSUR. No, sir; we recommended taking all four.

Mr. BOUTELLE. Then why do you not take Wyoming now?

Mr. MANSUR. We are taking it now. [Laughter.]

Mr. STRUBLE. And we propose that my friend shall take more of it. [Laughter.]

The SPEAKER. The gentleman from Ohio [Mr. MOREY] has the floor.

Mr. MOREY. Mr. Speaker, I will begin my remarks by answering the suggestion that has been made by my colleague on the Committee on Territories [Mr. MANSUR], that the majority of that committee singled out for admission the two Territories with the least population, postponing the Territories which had the larger populations. It is just that the committee should be set right in this matter. The various bills which were introduced into this House and referred to the Committee on Territories providing for the admission of these Territories as States or providing for the passage of enabling acts authorizing their admission were taken up in the order in which they were presented by the gentlemen who had introduced them into this House and had requested hearings upon them, and your Committee on Territories from day to day, from an early period in this session, patiently and considerately heard every man and every delegation who sought to be heard in advocacy of those measures or any of them.

These bills have been reported to this House in that orderly way, after the fullest and most careful consideration. The gentlemen representing the Territories of New Mexico and Arizona, to which my colleague [Mr. MANSUR] has referred, were heard immediately upon their application to be heard. Every argument that they saw fit to advance has been patiently and diligently considered by the committee, and those bills are under consideration to-day and are pending upon hearings of parties who are interested in the admission of those Territories as States into the Union. I take it, sir, that the charge which has been made against the committee that it has, for partisan purposes, singled out the Territories having the smaller population, is not well founded in the history of that committee in this Congress.

Mr. Speaker, the State of Wyoming, when admitted, will constitute the forty-third State in the American Union. The organization and the establishment of governments invested with power over the persons, the liberties, and the properties of the people are matters of the highest interest to the human race. The establishment of our National Government and the admission of new States to participation in the privileges and the duties of the National Government from one of the most instructive and interesting pages in the annals of human achievement and progress. The problem of constitutional government based on the free will of the governed was not solved by the struggle which secured our independence of the British crown. It was not until the adoption and ratification by the States of the Federal Constitution, that great American charter of human liberty, that republican government was firmly established.

The character of this great charter is declared in the words of its preamble, glowing with patriotism and philanthropy:

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

This Constitution became the supreme compact of Government of the people for themselves and for their posterity forever, subject to amendment by themselves alone, in the solemn manner provided in the Constitution itself.

#### ARTICLE VI.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.

The admission of new States is a power conferred on Congress by the Constitution, subject, however, to certain limitations preservative of the rights of the people of the existing States.

#### ARTICLE IV.

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

The Constitution imposes on the National Government, among other things, the duty of guarantying to each State a republican form of government.

#### ARTICLE IV.

SEC. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the executive (when the Legislature can not be convened) against domestic violence.

In this way twenty-seven Territorial governments have been erected in the territory acquired by the United States by treaty and by purchase. The Indian Territory, although organized in 1834, has never had

Territorial government. In this Territory the Indian tribes or nations have furnished their own governments through their tribal councils and legislatures. As these Territories grew in population and wealth and complied with the provisions of the Constitution they have been admitted to statehood, until now there are but six of these inferior governments within the limits of the Republic: New Mexico, Utah, Arizona, Idaho, Wyoming, and Alaska.

The people of Wyoming are knocking at our doors and asking to enjoy the privileges and assume the duties of a great State in the American Union. Has Wyoming population sufficient to organize a State government and furnish the protection of law to her people, their liberties, and their property, and does she come with a constitution republican in form? The Delegate from that Territory estimates the population to be 110,000; the minority report in this case puts it at 72,000. Taking a medium, say 90,000, the population of Wyoming is far above the average of the population of the other States when admitted into the Union. It is not claimed that the limits of the new State interfere in any way with the Territorial limits of any other State. She has wealth, public buildings, schools, churches, railroads, banks, cities, towns, all that is necessary to sustain and prosper the people of a great State. Her people are industrious, intelligent, patriotic, devoted to the Government, and no one has ever claimed that her constitution does not establish a "republican form of government."

The minority members of the Committee on Territories have filed an elaborate report against the admission of Wyoming as a State into the Union. They present two objections to the admission of this Territory—one that the constitution was not legally adopted, so lacking in foundation that it is abandoned by the ablest debaters on the other side—but I shall discuss only one, that which is made the burden of the minority report. They object because the constitution of Wyoming prohibits the denial or abridgment of the right of suffrage on account of sex and requires that ability to read the constitution shall be a qualification for voting. The question is not on the justice or expediency of woman suffrage; the question is, shall the people of Wyoming be permitted to settle that matter for themselves and in their own way? The views of members on the suffrage are not necessarily involved in this case.

Wyoming was made a Territory by act of Congress approved July 25, 1868. On December 10, 1869, the Territorial Legislature conferred the right to vote on the women of the Territory who were otherwise qualified by age and citizenship to vote. This extension of the suffrage was done by a Legislature elected by male voters only.

The same provision of law was re-enacted in 1879 and again in 1886, and has continued until this day; so that for a period of nearly twenty years there has been perfect political and civil equality of men and women in Wyoming.

It is claimed by gentlemen on the other side that this is in violation of the original Territorial act, which restricted the suffrage to male citizens. The gentlemen seem to have overlooked the provisions of the general law subsequently enacted which authorized the Territorial Legislatures to fix the qualifications of their voters.

Section 1860, Revised Statutes of the United States, reads:

At all subsequent elections, however, in any Territory heretofore organized by Congress, as well as at all elections in Territories already organized, the qualifications of voters and of holding office shall be such as may be prescribed by the Legislative Assembly of each Territory.

But it is claimed that this proposition has been settled against the Territory by the Territorial courts of Washington Territory.

We are aware that there was such a case decided adversely to the power of the Territory to remove all discriminations on account of sex in the election laws. But, sir, within the past thirty days the Supreme Court of the United States in the Idaho test-oath case have decided the question in favor of the legality of the Territorial law, maintaining the equality of the sexes in their civil and political rights. I refer to the case of *Davis vs. Beason*. The proposition is stated in these words:

That at all elections in any Territory subsequently organized by Congress, as well as at all elections in Territories already organized, the qualifications of voters and for holding office shall be such as may be prescribed by the Legislative Assembly of each Territory, subject, nevertheless, to the following restrictions:

First. That the right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one or persons above that age who have declared their intention to become such citizens;

Second. That the elective franchise or the right of holding office shall not be denied to any citizen on account of race, color, or previous condition of servitude;

Third. That no soldier or sailor or other person in the Army or Navy, or attached to troops in the service of the United States, shall be allowed to vote unless he has made his permanent domicile in the Territory for six months; and

Fourth. That no person belonging to the Army or Navy shall be elected to hold a civil office or appointment in the Territory.

These limitations are the only ones placed upon the authority of Territorial Legislatures against granting the right of suffrage or of holding office.

The opinion was delivered by Mr. Justice Field, and there was no dissenting opinion.

That woman is a citizen, both of the nation and the State where she resides, and eligible to be a voter, is a proposition too plain to admit of serious denial.

She is a part of the body politic, a part of "the whole body of peo-

ple" who constitute the nation and the several States. When the framers of the Constitution began the preamble to that great instrument by the words "We the people of the United States," they meant all the people, without regard to sex.

In the case of *Minor vs. Happersett*, 21 Wallace U. S., page 162, we find the following syllabus:

The word "citizen" is often used to convey the idea of membership in a nation. In that sense, women, if born of citizen parents within the jurisdiction of the United States, have always been considered citizens of the United States.

Discussing the question fully and with great clearness, the court say:

Whoever, then, was one of the people of either of these States when the Constitution of the United States was adopted became *ipso facto* a citizen, a member of the nation created by its adoption. He was one of the persons associating together to form the nation, and was, consequently, one of its original citizens. As to this there has never been a doubt. Disputes have arisen as to whether or not certain persons or certain classes of persons were part of the people at the time, but never as to their citizenship if they were.

Other proof of like character might be found, but certainly more can not be necessary to establish the fact that sex has never been made one of the elements of citizenship in the United States. In this respect men have never had an advantage over women. The same laws precisely apply to both.

This political truth, as to women, is restated in the fourteenth amendment, which reads as follows:

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The enfranchisement of women, then, by the Wyoming Legislature rested upon unquestioned authority on the part of the Legislature to extend the right and upon the unquestioned legal capacity of woman to exercise the same.

After twenty years' experience with woman suffrage the people of that Territory have deliberately formed a constitution to be the supreme organic law of the new State and have placed in that constitution a solemn inhibition of the denial or abridgment of that right on account of sex.

The Territorial Legislature have asked by resolution for the admission of their State under the constitution. The political organizations of the State, without regard to party, make the same prayer. No protest against it has been heard, no remonstrance, no petition against it has been presented to your committee nor to this body.

No one dares to claim that it has not been beneficial to Wyoming and to her people. I quote the following words from a distinguished citizen of the Territory:

It has been stated that the best women in the Territory do not avail themselves of the privilege of the elective franchise. This statement is maliciously false. The women of Wyoming vote with as much universality as men, and no State or Territory can boast nobler and purer women. The foolish claim has also been made that the influence of the ballot upon women is bad. This is not true. It is impossible that a woman's character can be contaminated in associating with men for a few moments in going to the polls any more than it would be in going to the church or to places of amusement. On the other hand women are benefited and improved by the ballot. Most women in Wyoming accumulate more or less property, and under our laws manage their property, though married, as if single. The management of the control and conduct of business necessarily gives them new ideas and brings a knowledge of affairs that none of us get but by experience. This makes them more intelligent, gives them enlarged ideas of life and its duties, instills higher aims and makes them better wives and mothers. The fact is, Wyoming has the noblest and best women in the world, because they have more privileges and know better how to use them.

To conclude this very long letter I will say, woman suffrage is a settled fact in Wyoming and will endure as long as the State. It has accomplished much good. It has harmed no one. We are therefore all in favor of it, and none can be found to raise a voice against it.

The provisions of the Wyoming constitution on this question are found in Article VI, and are as follows:

SEC. 1. The rights of the citizens of the State of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this State shall equally enjoy all civil, political, and religious rights and privileges.

SEC. 2. Every citizen of the United States of the age of twenty-one years and upwards, who has resided in the State or Territory one year and in the county wherein such residence is located sixty days next preceding any election, shall be entitled to vote at such election except as herein otherwise provided.

Section 9 of the same article provides:

SEC. 9. No person shall have the right to vote who shall not be able to read the constitution of this State. The provisions of this section shall not apply to any person prevented by physical disability from complying with its requirements.

Shall these provisions stand as the work of the people of Wyoming? The members of the minority say no. In their report they demand that another convention shall be held by the people of Wyoming Territory; and the reason they give for this demand is that "all" may participate in the election of delegates and also in the ratification of the constitution which may be submitted. They recommend that sections 1 and 2 of the bill, erecting a State and fixing its boundaries, be stricken out, and that in lieu thereof a provision be inserted in the nature of an enabling act. As showing the idea of the minority as to the participation of "all" in this election of delegates and the ratification of the constitution which they may propose, I cite the following from the proposed amendment:

SEC. 2. That all male persons who shall have resided within the limits of said proposed State for sixty days, and are otherwise qualified by the laws of said Territory to vote for representatives to the Legislative Assembly thereof, are

hereby authorized to vote for and choose delegates to form a convention in said Territory.

Our friends of the minority claim that a new convention should be held in order that "all" who are to be affected by its provisions may have an opportunity to vote for delegates to the convention which is to form a constitution, and that "all" may have an opportunity to vote upon the ratification of that constitution when it has been formed. Yet they provide that in the election for these delegates "male" citizens only shall be entitled to vote. While claiming in this report that they are in favor of "all" being heard upon the ratification of the constitution, they yet provide that only "male" citizens of the Territory shall be permitted to vote upon the ratification or rejection of that constitution.

Here we have the Democratic idea of fair play expressed in legislation. That idea is to disfranchise half the qualified voters of a great Territory who have by their suffrages for twenty years, as well as by their fortitude, their virtue, and their sacrifices in frontier life, helped to build up the institutions and the wealth of this new State. They propose to submit to one-half the voting population of the Territory the power to fix for all time the supreme law of the new State for all her people.

We are asked by the Democratic minority of this committee to undo what "all" the people of the Territory of Wyoming have done; we are asked to set aside the solemn constitution which has been formed by delegates chosen by "all" the voters of that Territory, voters who have been legal electors there for more than twenty years; we are asked to undo that work and send back, not to the people of Wyoming Territory, not to the legal voters of that Territory, but to "one-half" of the legal voters, the question of the framing of a constitution for "all" the people in that Territory. We are asked to take away from half the legal voters there the power to speak for themselves in forming the supreme law of that State for all time to come; and we are told by the minority of this committee that they ask this in the interest of submitting this to "all" the people!

But, Mr. Speaker, that is not all. The minority propose that—

All male persons resident in said proposed State, who are qualified voters of said Territory as herein provided, shall be entitled to vote upon the election of delegates, and upon the ratification or rejection of the constitution, under such rules and regulations as said convention may prescribe, not in conflict with this act, but no educational qualification shall be required of voters at either of said elections.

This minority, this Democratic wing of the Committee on Territories, proposes not only to disfranchise the intelligent women of Wyoming Territory, but to enfranchise those who can not even read the constitution that they are to vote to establish and confirm as the supreme law for these disfranchised women.

The constitution presented to this House was formed by the legal voters of that Territory, without regard to sex. Its provisions guarantee this sacred right against all encroachment for all time to come. More than that, it is provided that no man and no woman hereafter in the State of Wyoming shall be entitled to vote at any election who is not able to read the constitution of the State. There is a proviso, however, that excepts from this requirement those who from any physical defect are unable to read. This clause, Mr. Speaker, encounters the objection of the minority of this committee. They ask this Congress to undo this work that has been done by the intelligence and the virtue of the people of that Territory, and to send back to the male citizens, to the ignorant and the vicious, the power to establish the fundamental law of that State for generations to come.

Not only this, Mr. Speaker; the Democratic minority not only proposed to disfranchise one-half of the present voters of Wyoming, but they propose to break down the barriers which have been erected for the protection in all future years of the exercise of this sacred right. They propose that the constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. Under the proposition of this minority report, all male voters in Wyoming when it becomes a State, whatever their race or their color, are protected by the constitution against invasion of their political or civil rights. Not so with woman. Because she is a woman this minority propose to abandon both her political and her civil rights to the caprice or whim or prejudice of others over whom she can exercise no political influence and to withdraw from her all protection in the rights guaranteed to other citizens of the State.

But the members of this minority do not propose to relieve women from the obligations which they owe as citizens to their State and to the General Government. They provide:

The people inhabiting such proposed State—

That is, all the people, men and women alike—

do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, etc.

The women of that Territory, without having any voice in the framing of this constitution, are made to make this sacred covenant with the Government of the United States.

Not only this; this minority report proposes that if this House should reject this proposition to send back to the people of Wyoming the form-



ing of this constitution, there shall be added to section 1 of this bill a provision that there shall be an election in the Territory of Wyoming on the Tuesday next after the first Monday in November, 1890, for a Representative in Congress to the Fifty-second Congress, and for State, judicial, and legislative officers. They also propose that—

At said election every male citizen of the United States, who is otherwise qualified under the laws of the Territory of Wyoming to vote, may vote for such officers and on the constitution and separate propositions submitted, and no others, and said election shall be conducted and returns made and canvassed in the manner provided in the laws of said Territory for the election of the Delegate to Congress.

It is not provided that the citizens of the Territory "shall" vote, but simply that every male elector "may" vote at this election. It is further provided that—

At said election each qualified elector may have written or printed upon his ballot the words "For the constitution" or "Against the constitution," and also the words "For female suffrage" or "Against female suffrage;" also the words "For eligibility of women to hold offices and sit on juries" or the words "Against the eligibility of women to hold offices and sit on juries."

But there is no requirement that any such vote shall ever be had. This minority simply propose as a trick that the male electors at this election "may" vote upon these propositions, and then go on and provide—

If at said election the majority of the legal votes cast shall be "for the constitution," the governor shall certify the result to the President of the United States, together with the votes cast thereon, and upon separate articles or propositions, and a copy of said constitution, articles, and propositions.

Mr. Speaker, here is a transparent and palpable trick for the purpose of defeating the steps that have been taken by the people of that Territory to become a State of this Union. They provide that at this election the electors "may" vote upon the question of the constitution and upon these special questions of suffrage and the right to hold office and they then provide that if a majority of all the legal votes cast shall be in favor of the constitution the result shall be certified to the President of the United States and the Territory be admitted as a State. The manifest purpose of this absence of a requirement that a vote shall be had on these propositions and on the constitution was that there might be a default in that election. And in case of such default the constitution would be defeated and woman suffrage with it.

Mr. Speaker, there is still another wonderful proposition made by this minority. In case the two propositions to which I have adverted are rejected by this House, they propose to add to section 1 of the bill a provision that the State of Wyoming shall not be admitted into the Union until the proposed constitution shall be amended by limiting the suffrage to the male voters of that Territory. And they provide that the male citizens of the United States alone, of voting age, in that Territory shall vote in any of the elections provided in this proposition:

At said elections electors who may be qualified to vote under article 7 of said constitution as amended by this act shall be permitted to vote, and no other.

And, now, Mr. Speaker, here is the most remarkable proposition of this most remarkable report:

And if a majority of the legal votes cast on the question shall be for the amended constitution then the governor of the Territory shall certify the result to the President of the United States.

But what if the majority of the legal votes are not in favor of the amended constitution? Why, sir, here is a proposition in this minority report to submit this question to the male voters of that Territory, and if by a majority of their votes they vote to strike out woman suffrage from the constitution then it is to be reported to the President of the United States, and the State is to be admitted. But if a majority, even of men, do not vote to strike out woman suffrage, then it is not to be reported to the President of the United States, and Wyoming still stays out.

And this, Mr. Speaker, is the proposition made by the minority of this committee, who bring it forward in the interest of full and fair consideration by the people of Wyoming Territory. This is in order, as they say, that this question may be submitted to the people of the Territory of Wyoming.

Then they flatter themselves with the idea they have done a generous thing by this people. They say:

It will be seen these proposed amendments will provide for an election for delegates to the constitutional convention, for the holding of a State convention, and for the submission of the constitution when framed to a vote of the people.

That is not true; the proposition is not to submit this new constitution to a vote of the people, but it is to submit it to a vote of half of the people.

Again they say:

If, after full discussion, the people of the proposed State are determined to retain the provision in reference to female suffrage and the eligibility of females to hold office, it will be for them to determine that proposition.

But it is an unfair statement. There is no proposed submission, after full discussion, to the people, as is stated by the minority in this report. It is unfair. It is disingenuous. It is not honest; that is, the report is not.

Not only this; they disclaim in the report any discussion of the merits of the proposition of female suffrage, and yet they adopt as their own language the words of Professor Goldwin Smith, that English-American, in an article entitled "Woman's place in the state." The minority use these words: "His article is hereto appended and made a

part of the views which the undersigned desire to submit." They adopt all he says and make it a part of their report.

It is peculiarly like in character to the arguments made on the other side to-day in opposition to the provisions of this constitution in relation to female suffrage.

Our friends on the other side seem to get into a panic when anything is said about the extension or enlargement of the right of suffrage.

Our friends on the other side seem to think if this constitution of Wyoming is to stand as the supreme law of that State that at once the offices of Senators and Representatives from that State will be filled by women, and the great revolution will spread over the land and we will have a Congress here, using the language of debate on the other side, which is not composed of gentlemen. And one distinguished member, my friend from Tennessee [Mr. WASHINGTON], seems to be stamped by the idea that some Representative from the State of Wyoming may take a seat beside him clothed in a poke bonnet and bustle. [Laughter.] That is the kind of argument advanced here on this floor in support of the propositions of the Democratic minority of this committee.

And the minority of the committee take up the same train of thought, which culminates in this grand suggestion:

Some—

Speaking of those who fear and deprecate this agitation of the question of suffrage—

Some are sanguine enough to think that America will have rest when a black woman has been elected President of the United States.

That is the sentiment of the minority of this committee. I can imagine the fine frenzy of my distinguished friend from Illinois, the author of this report, when he contemplates the idea that he may some day see sitting in the Presidential chair of the nation a woman with a black skin. And then our friends on the other side say:

The abolition of subordination in the family, of the authority of its head, and of everything that tends to merge the civil personality of the wife in that of the husband, is the prime object at least of the extreme wing of the party, which would be achieved if man and wife could be seen fighting against each other at elections.

What a fearful prospect it was that came up before the view of the robust minority of this committee. What a horrible thing, that there should be a tendency to the abolition of the legal subordination of woman to man. What a horrible thought, that anything could be done by an American Congress which would tend to do away with the principle of law and the practice which for generations has merged the civil being of the wife into that of the husband. I pray God that the progress that has been made may go on until we have a legal enfranchisement of woman in all the States of this Union, that her legal identity as a member of the human family may be established and forever preserved. I have no sympathy with the fears that are expressed by my friends on the minority of the committee.

Then they say—

That there will be a revolution of the relations between the sexes.

Mr. MANSUR. I raise the point of order that the hour has been exhausted, and if any further time is consumed it will be out of the time allowed for to-morrow on that side.

The SPEAKER. The gentleman has exhausted the hour.

Mr. BAKER. We have ten minutes that are to be divided, and I suggest that the gentleman from Ohio occupy five and my friend from Missouri the remainder.

Mr. MANSUR. No; the whole of the ten minutes is ours.

The SPEAKER. The time of the gentleman from Ohio has expired. Mr. MOREY. Then I will avail myself of the privilege of extending my remarks in the RECORD.

A fear is expressed that women, if permitted to vote, will seek the enactment of laws "in their own interest and against that of man."

It is assumed, sir, that the exercise of the right of suffrage by woman will change the relations of the sexes. There never was a greater mistake.

The race is homogeneous and will never be divided in its aims and desires. It is assumed that woman desires the ballot to legislate for woman. This, too, is a grievous mistake. She desires the ballot that she may legislate for the race, for her sons and her daughters, for her husband and herself.

Then the minority grow warlike and shake their gory locks at the peaceful female suffragists. Let me read from their report:

But the fact is that muscle has a great deal to do with the matter. Why has the male sex alone made the laws? Because law, with whatever majesty we may invest it, is will, which, to give it effect, must be backed by force, and the force of the community is male. As Gail Hamilton quaintly but forcibly expressed it, "every ballot is a bullet." Muscle is the coarse foundation on which the most intellectual and august fabric of legislation rests. Divorce the law from the force of the community and the law will become ineffectual. If the case of the Queen regnant is cited, the answer is that a Queen regnant has the public force at her back. Suppose the women, when invested with political power, were to make the laws which they threaten to make in their own interest and against that of the man, would the men execute the law against themselves?

Sir, these suggestions are as untrue as they are coarse. In the United States the law is our sovereign and to it the patriotism of our people yields an unhesitating obedience.

Out of 60,000,000 people only about 12,000,000 vote, and still the other 48,000,000, a great majority of whom are able to make physical re-

sistance, if so inclined, stand ready to vindicate by their lives if need be the majesty of the laws which they have had no voice in making.

A simple answer, however, to the question of the minority, "Why has the male sex alone made the laws?" is that the female sex have forever been denied the right to help make the laws by which they are governed.

To attribute this to their lack of physical courage is neither just nor manly. I have read in the CONGRESSIONAL RECORD the autobiography of my friend from Illinois [Mr. SPRINGER] and from that I learn that while the great war for the Union was testing the patriotism and valor of the American people my friend was taking lessons in statesmanship at home. What were the women of the country doing then? Anna Ella Carroll, moved by the loftiest patriotism, her genius quickened by her love of country, was the friend and counselor of the great Lincoln and lighted his way in the gloom of that awful period.

Who has not read of Dorothea Dix and the army of noble nurses; of Elizabeth Blackwell and the Sanitary Commission? Who has not read of Clara Barton, whose chosen work was on the field of battle, caring for the wounded, burying the dead? For four years she endured the rigors and was exposed to the dangers of soldier life. Shrinkling from no danger, she stood side by side with the surgeons on the field of battle, exposed to shot and shell, her clothing pierced by balls and torn by shot. There was Mother Bickerdyke, who was a strong woman in her prime during the dark hour of the nation. She gave her entire time for four years to the service of the country, laboring in hospitals, going out on the battle-field after the contest was over and viewing those scenes of carnage that make the heart grow sick, lifting wounded soldiers in her brave arms to bear them to places of safety at the risk of her life. And there were thousands of other brave and loyal women who, in camp and hospitals, at home and at the front, and even on the field of battle, did a noble and heroic part in the prosecution of the great war for union and free government.

By what right does my friend [Mr. SPRINGER], who prepared this minority report, challenge the right of the women of the country to enjoy the highest and dearest right that can be exercised under the Government which they sacrificed so much to save?

The minority have called witnesses to repeat stale arguments against woman suffrage in order to defeat the will of the people of this new State, which seeks to be admitted to an equality with the other States, under a constitution framed by delegates of her own choosing and ratified by the suffrages of her people.

In answer to these arguments I will here give opportunity to speak, not for themselves alone, but for all mankind, two citizens of the Republic who, in their lives and characters and in their noble works, have not only honored their sex, but have dignified the human race.

Against the sentiments of the minority, borrowed from Goldwin Smith, I place the words of Mary A. Livermore:

A new day has dawned, and humanity has moved forward to an era where wrong and slavery are being displaced and reason and justice are being recognized as the rule of life. Science is extending immeasurably the bounds of knowledge and power. Art is refining life, giving to it beauty and grace. Literature bears in her hands whole ages of comfort and sympathy. Industry, aided by the hundred-handed elements of nature, is increasing the world's wealth, and invention is economizing its labor. The age looks steadily to the redressing of wrong, to the righting of every form of error and injustice. And a tireless and prying philanthropy, which is almost omniscient, is one of the most hopeful characteristics of the time. Notwithstanding deplorable corruption in politics, dishonesty in business, and immorality in social life, there is so humane a spirit dominating the age in which we live that even the brute creation share in it, and we have hundreds of societies organized to prevent cruelty to animals.

It could not be possible in such an era but that women should share in the justice and kindness with which the time is fraught, and the last quarter of a century has lifted them to higher levels.

The doors of colleges, professional schools, and universities, closed against them for ages, are opening to them. They are invited to pursue the same course of study as their brothers, and are graduated with the same diplomas, and the question of woman's collegiate education is practically settled.

Trades, businesses, remunerative industries, and the liberal professions seek women; and their capacity for public affairs receives large recognition in the United States. They are elected or appointed to such offices as those of county clerk, register of deeds, pension agent, prison commissioner, State librarian, overseer of the poor, school supervisor, school superintendent, executors and administrators of estates, trustees, guardians, engraving clerks of State Legislatures, superintendents of women's State prisons, college principals and professors, and members of boards of State charities, lunacy, and correction. And in all these positions women serve with men, who acknowledge most graciously the practical wisdom and virtue they bring to their duties.

Women are occupying positions as accountants and book-keepers, physicians and surgeons, painters, sculptors, and architects, authors and journalists, clergywomen and lawyers, and when admitted to practice law at the bar of their own States they have the right to practice at the bar of the Supreme Court of the United States. President Grant appointed over five thousand women to the office of postmistress. Even the laws relating to women, which are the last to feel the change in public opinion, usually dragging a whole generation behind—even these are being annually revised and amended, and their fall to keep abreast of the advancing civilization. For the gradual evolution of women during the last half century has led them to protest against the injustice of the laws that concern them.

Lord Brougham pronounced the common law of England "a disgrace to any heathen nation," so far as it related to women. And this law prevailed almost everywhere in the United States until the woman-suffrage movement was inaugurated some thirty of forty years ago. Then began changes in the laws for women, and, legitimately following this gain in their favor, the right to vote has been given them on questions connected with the public schools in fourteen States, New Hampshire, Vermont, Massachusetts, New York, Michigan, Minnesota, Nebraska, Kansas, Colorado, Kentucky, Wisconsin, Oregon, Indiana, and New Jersey have given women school suffrage on terms and for purposes more

or less restricted. So, also, have the Territories of Idaho, Dakota, and Wyoming.

In Utah and Washington Territories women have exercised the right of suffrage until recently. In Utah they lost it by the passage of the Edmunds bill, aimed at the abolition of Mormon polygamy, and in Washington by a decision of the Territorial supreme court on a technicality. In the States of Illinois, Iowa, Louisiana, Pennsylvania, and Rhode Island women are allowed to hold school offices, but not to vote on school matters. In California women are eligible to all educational offices except those from which the State constitution excludes them, and in Wisconsin they are eligible to any office connected with the schools but that of State superintendent. In Maine, Connecticut, and Tennessee women can hold "certain" school offices.

In Massachusetts women are limited to a vote for school committee. In Michigan, Vermont, and in New York until recently, only tax-paying women could vote. In Oregon only widows having taxable property and children to educate. In Indiana only women not married, nor minors, who pay taxes, and are listed as guardians, parents, or heads of families. Women have full suffrage in one Territory, Wyoming. There they have exercised it on the same terms as men since 1869, and they habitually vote in somewhat larger proportion to their numbers than do men. Women have a right to vote "by petition" on the granting of liquor licenses in Arkansas and Mississippi. In Kansas women have been given municipal suffrage in all cities of first, second, and third class, which last includes incorporated towns and villages containing only 500 inhabitants.

Something like nineteen years ago England gave municipal suffrage to unmarried women on the same terms as men. It accomplished such admirable results, especially in the management of public schools and the care of the poor, that Parliament granted the same right to the women of Scotland. In 1880, the women of the Isle of Man who owned real estate equal in value to \$20 a year were given the parliamentary franchise. When they voted for the first time in 1881 the local press announced that "the new political element acted in the most admirable manner." In Canada five provinces give a restricted municipal suffrage to women, and the concurrent testimony of all parties and of the minister of finance, Hon. George Foster, is that the result is altogether in the interest of temperance and high morality.

It is evident, therefore, to all who watch the movements of the times that the experiment of full woman suffrage will be made at no very remote day, not only in America, but among all civilized peoples. Women are throbbing with the same general unrest against a government to which they have never consented as men have manifested in their long struggle for liberty against kings, emperors, popes, and czars. "The ultimate form of government for the world is republican," says Matthew Arnold, "and America easily leads the future."

Public opinion, in our country, long ago decided that "Universal suffrage is the first truth and only basis of a genuine republic," and that "no just government can be formed without the consent of the governed." Our fathers enunciated and defended these doctrines by a generation of dispute with the British crown, and at last won their case in the arbitrament of a seven-year war. They probably did not think of women at the time. They used the word "people," which includes women, and what they struggled for and won was a principle of universal application. For if the ballot is given man to protect him in "his life, liberty, and property," for the same reasons should it be given to woman, as she has the same "life, liberty, and property" to protect. And this is to-day very largely conceded, for no valid argument can be made against it.

During the last fifty years the evolution of woman has lifted her out of a legal relation to man which was that of a servant to a master or a ward to a guardian. To-day she stands by his side a disfranchised citizen. Every step of her advance from slavery to her present partial freedom has been hotly contested by men, and sometimes by women, who in selfish luxury and unthinking ignorance have been subsidized by demagogues and used as flails to beat back their struggling sisters from the attainment of their aims. The bitter conflict still goes on. There is no lack of vulgar innuendo or ignominious political dodge among the weapons of woman's opponents. Every rag of prejudice and every threadbare scrap of objection are brought into requisition when women demand their rights, although they have been shriveled a hundred times in the scorching fires of the last forty years' debate.

Also the words of Elizabeth Cady Stanton, addressed to the Judiciary Committee of the United States Senate:

And yet here we stand, after half a century of persistent effort, still wholly unrepresented in the Government, while having done all in our power, alike in peace and war, to maintain the grand institutions bequeathed us by the fathers.

Have you ever thought, gentlemen, that the vast possessions within our national boundaries, with all their future wealth and grandeur, belong to women as well as to men? We are the natural heirs to one-half this magnificent estate. What would you think of the sons of a family who should seize the whole of a private estate and dole out to the sisters a pittance in charity when asked to restore their legal share of the inheritance? And what should we think of the women who in such circumstances failed to assert their rights and assume their duties to guard and wisely use the wealth their fathers had accumulated for them as well as their brothers?

Those who enjoy the blessings of wealth should share in its responsibilities. Those who ask for rights under the Government should be prepared to assume its duties.

We do not question man's ability to manage our affairs, but we need the development of learning to manage our own. There is nothing more enervating than continual dependence.

We are here to-day, honorable gentlemen, to ask you to take the necessary steps for the speedy enfranchisement of woman for the three following reasons:

1. For the benefit that self-government will be to herself.
2. For the immense advantage it will be to the family to have liberally educated wives and mothers at the fireside.
3. For the benefit of the State in having woman's interest in the public good legally recognized.

In considering the first proposition we must view woman as a woman, to be educated for the whole round of human duties. In prescribing her rights we must not limit her sphere as wife, mother, housekeeper, teacher, or seamstress, as she may never fill one of these positions or may fill all. In deciding her rights, consider her simply as a citizen of the United States. The capacities or attractions of each individual must settle the question of education and sphere, of rights and duties. In conferring the right of suffrage on men we do not ask whether they are husbands, fathers, or blacksmiths.

In addressing those who already enjoy the right of suffrage one would naturally suppose that it would not be necessary to enlarge on the advantages of having a voice in deciding the laws and the rulers under which one lives.

And neither would it if each member of this committee understood that woman's wants and needs are similar to his own; that the cardinal virtues belong to her as well as to him; that personal dignity, the power of self-protection, are as important for her as for him; that woman loves justice, equality, liberty, and wishes the right to give her consent to the Government under which she lives as well as man does. Matthew Arnold says: "The first desire of every cultured mind is to take part in the great work of government."

The virtue of patriotism would be far greater among men, their devotion to the public good more earnest, if the influences of home life were not continually drawing them into a narrow selfishness.



Women naturally take no interest in questions where their opinions have no weight, in a sphere of action from which they are excluded. They are not supposed to know what is necessary for the public good, hence how could they influence their husbands to make that their first duty when in public life?

But when women are enfranchised their interest in the State will deepen. They will see that the good of their own children depends as much on the conditions of the outside world as on the environments of their own homes. Just as the diseases generated in the filthy lanes and narrow courts of our great cities are wafted to our palace homes, declaiming the ranks of the young and beautiful, so if the moral atmosphere of society is corrupt the pure and innocent are the readiest victims. Our fragrant hedges and high stone walls are no protection against the insidious poison of vices permitted by laws in which woman has no voice. When the interest mothers feel for the welfare of their sons finds expression in the laws, the morals of the street will be elevated and a purer code of virtue govern our homes.

LEAVE TO PRINT.

Mr. BAKER. Mr. Speaker, I ask unanimous consent in this connection, if it has not heretofore been granted, that all gentlemen who desire may print remarks in the RECORD on this bill.

There was no objection, and it was so ordered.

LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. HEMPHILL, for the remainder of the week, on account of important business.

To Mr. CARUTH, indefinitely.

To Mr. NORTON, indefinitely, on account of important business.

To Mr. QUACKENBUSH, for one week, on account of important business.

ADMISSION OF WYOMING.

Mr. BAKER. Does the gentleman from Missouri desire to take the floor now?

Mr. MANSUR. Under ordinary circumstances, Mr. Speaker, I would not take the floor at this time; but, sir, the character of the debate and the character of the attendance at this hour are so wonderful that I desire to emphasize the point by exercising the highest character of right that belongs to a Representative in addressing myself to the country, for surely I am not addressing myself to Congress. When I recognize by an actual count there are not exceeding twelve members present, it reminds me of the fact that we are attempting, as it were, to bring a State into this Union by a Caesarean operation rather than by those methods of careful preparation and all the ceremonies that surround a proper *accouchement* of an honored member of an honored family.

But, Mr. Speaker, it is not my purpose to emphasize that so much as to say that on this occasion we emphasize the fact that there are times when we must often ignore the evidence of our own senses, and in this I do not want to act upon the suggestion I am now throwing out by any manner of means; but simply addressing the country, I would say that certainly Hon. THOMAS B. REED, the Speaker of this House, can evidently see that there is no quorum here now by the exercise of his own senses, and that we are not doing business very rapidly in the way of educating the members of this House who are to vote on this question to-morrow.

I was talking to a gentleman who is now present, a member of Congress recently, and who knows little of what the bill proposes. He has not considered it himself; he admits, most frankly, that he does not know anything about it; but yet to-morrow the members of this House will act upon this measure, and without that deliberation and investigation they at least might obtain by hearing the discussion; but each will vote as the committee has, so to speak, instructed him. When we consider further that there are only certain amendments adopted and that the position assumed at least by the minority of the committee is not one of open hostility against the admission of Wyoming—

Mr. KERR, of Iowa. Let me suggest to the gentleman before he leaves the point he was making that there are four times as many on this side as on the other. [Laughter.]

Mr. MANSUR. No, sir; I see one, two, three—

The SPEAKER. The gentleman will confine himself to the question under consideration.

Mr. MANSUR. I desire to state here, then, so that it may go on record for the benefit of those who may possibly glance over the RECORD in the morning, what I understand to be the position of the minority. We state in this report that we are not absolutely fighting against the admission of Wyoming. But we have said, as we believe, that in the organic act by which Wyoming was made a Territory the right to vote was confined alone to the male people of that Territory; that in violation of that, with out even authority of a Territorial act of the Legislature calling the people to assemble in their respective voting places, but under a mere proclamation of the governor, they met at a certain time, and there were some 8,000 people represented, passed upon a constitution that had previously been submitted to the delegates who assembled under this call of the governor of the Territory.

Now, sir, the minority have even been willing, in view of what they understood to be a possibly fair sentiment in that Territory, to overlook that. But when we come to consider the question of female suffrage here it was so great an innovation on all the past, it was so wide a departure from the doctrines of our fathers who established the Constitution, that we did desire that the voice of the people should be taken under the sanction of law; and if the people voted without authority of law

there might be some punishment for the offense. That should be submitted separately and apart, and being so submitted, if it were adopted by the people of that Territory, that it could be certified here; and if the constitution itself, in a separate election to which it was to be ordered, was sustained by the people, that then they could come in under a proclamation by the President.

I repeat, sir, that the worst that could occur if Democratic ideas should prevail in this would be to submit this under the forms of law and have it adopted by the people, as we have every reason to expect that in all probability it would be, and that they would come here regularly by authority of law and be entitled to their representation in this Hall next winter at the assembling of Congress. That is admission, then, that the position the minority of this committee have recommended and the suggestions submitted by them are, as it were, not even accorded a hearing.

I will give way now to those gentlemen who desire to introduce matters by unanimous consent.

COTTON-SEED OIL.

Mr. McCLAMMY. I ask unanimous consent to print in the RECORD two telegrams which I hold in my hand, one coming from the business agent of the Alliance of the State of North Carolina and the other from the secretary, representing a membership of 90,000. The committee have ceased taking testimony and I just ask permission to have the telegrams printed in the RECORD.

There was no objection.

The telegrams are as follows:

RALEIGH, N. C., March 15, 1890.

Hon. C. W. McCLAMMY,

House of Representatives:

We know the Conger bill, No. 283, and the Butterworth bill, No. 679, if passed by Congress, will greatly damage if not destroy the cotton-seed-oil industry of the South, and thereby do great damage to the interest of the farmers and laborers of the South. We do most earnestly protest against its passage and recommend that it do not pass.

W. H. WORTH,  
State Business Agent, North Carolina Farmers' Alliance.

RALEIGH, N. C., March 15, 1890.

Hon. C. W. McCLAMMY,

House of Representatives, Washington:

I am most decidedly opposed to bills Nos. 283 and 679, known respectively as the Conger and the Butterworth bills. I think I can safely say every cotton farmer in North Carolina is also opposed to them. If these bills become laws the entire cotton-seed industry in the South will be destroyed.

E. C. BEDDINGFIELD,  
Secretary North Carolina Farmers' State Alliance.

REVIVAL OF AMERICAN SHIPPING TRADE.

Mr. CUMMINGS obtained unanimous consent to have printed in the RECORD the following memorial:

Resolutions passed unanimously at the fourth national convention of the American Shipping and Industrial League, Washington, D. C., February 5, 6, and 7, 1890.

The American Shipping and Industrial League, zealously pursuing its object, the promotion of the development of American labor and distribution of the products thereof by the enlargement and extension of the merchant marine of the United States, at its session in Washington City, February 5, 6, and 7, 1890, reaffirms the declaration made at its last annual meeting.

Whereas our best foreign markets naturally are those of Central and South America, the West Indies, Eastern Asia, and Australia, but from which we are now practically excluded by inadequate transportation facilities of our own; and

Whereas the distribution of American products could be better effected through the instrumentality of American merchants and their own ships, which would earn the freight that always has to be paid in cash, whether there be profit or loss on the cargo; and

Whereas the nationality of a ship in which goods are transported generally carries with it, to a great extent, the command of the market to which the goods are consigned, and also controls the exchanges by which payments are effected; and

Whereas the decay of American shipping has had and must naturally have an injurious effect upon all industries, because it forces the country to pay enormous sums in cash for foreign transportation, which sums might and should be returned to our country through our own merchants owning their own shipping; and

Whereas a merchant marine is absolutely essential to the maritime defense of the nation, since without it we will not have seamen to man the Navy in time of war; and

Whereas the rapidly developing industrial power of the South makes it certain that, with the aid of that section, the time is at hand when the United States will be able, with proper protection of the shipping interests, to defy the open and fair competition of the world in the foreign export trade: Therefore,

Be it resolved, That this convention urge upon the Congress of the United States proper measures for the revival and extension of the merchant marine and declare that among such measures we recognize as timely and effective the bill known as the "tonnage bill," which provides that every vessel, sail or steam, built and owned in the United States, and engaged in the foreign trade, plying between the ports of the United States and foreign ports or between foreign ports and other foreign ports, shall be allowed the sum of 30 cents per gross registered ton for each 1,000 miles sailed, outward and inward, and pro rata for any distance traveled less than 1,000, on any voyage or voyages. "The payments at the rate of 30 cents per ton for each 1,000 miles traveled as herein provided shall continue for the term of ten years at that rate, and thereafter for another term of nine years at a reduction of 3 cents per ton each year upon each 1,000 miles traveled, and pro rata for any less distance." And in recommending this bill for immediate passage we do it upon the ground that it will place the merchant marine engaged in the foreign trade upon an equality with that of other nations.

Resolved, That this convention further urge upon Congress the immediate provision for the defense of the coast and seaport cities of the United States, on the lakes as well as the seaboard.

Resolved, That we hail with gratification the acts of Congress providing for the rebuilding and equipment of a strong and efficient Navy, so necessary for

maritime defense and for the security of our commerce and carrying trade on the high seas.

*Resolved*, That this convention further urges upon Congress the great importance of adequate provision for the improvement of the harbors and rivers of the whole country concurrently with the restoration and development of our ocean commerce, so that all sections and States of the Republic shall participate in and enjoy the benefits of restored and enlarged commerce with each other and the outside world through their natural water ways and harbors, developed by the fostering hand of the nation.

*Resolved*, That the United States mails ought to be carried between this and foreign countries in American ships, under our own flag, as soon as practicable, consistently with certainty and celerity of the service and that for such service this Government ought to pay a just compensation, regardless of the price at which other nations are willing to provide similar service.

*Resolved*, That the vast present and prospective manufacturing and commercial interests of this country entitle them to a foreign mail service the promptness, celerity, and certainty of which shall be insured, in peace and in war, by national patriotism, national pride, and national ambition to extend our influence, our commerce, and our markets throughout the world.

*Resolved*, That such service can only be relied upon, in peace and war, when performed by American hands, warmed by American hearts, under the American flag.

*Resolved*, That this convention heartily indorses the naval reserve bill, providing for the enrollment of a naval militia, etc., and recommends to Congress the immediate passage of said bill.

[SEAL.]

CHAS. S. HILL,

Secretary and Commissioner.

JOSEPH WHEELER, President.

On motion, it was unanimously resolved and directed that a copy of the above should be presented to the President and Vice-President of the United States, to each member of the Cabinet, to both Houses of Congress, and also to the governor and Legislature of each State of the Union.

The SPEAKER. The time has arrived under the special order when it becomes necessary to declare that the House is in recess until 11 o'clock to-morrow morning.

#### AFTER THE RECESS.

The recess having expired, the House was called to order by the Speaker at 11 o'clock a. m. (Thursday, March 27, 1890).

#### REMONSTRANCES AGAINST EXPENDITURES FOR WAR LIKE PURPOSES.

Mr. MARTIN, of Indiana, obtained unanimous consent to have printed in the RECORD the following memorials; which were referred to the Committee on Naval Affairs:

Remonstrances of Back Creek, Fairmount, Deer Creek, and Marion Monthly Meetings of Friends, of Grant County, Indiana, against proposed large expenditures of public money for naval, coast defense, and other warlike measures.

*To the Senate and House of Representatives of the United States in Congress assembled:*  
We, your petitioners, of Deer Creek Monthly Meeting of Friends, Grant County, State of Indiana, numbering 225 adult persons, respectfully, but earnestly, entreat your honorable bodies to reject the recommendations of the Senate Naval Committee, and other measures which propose a large expenditure for the Navy and so-called coast defenses, and other warlike preparations, all of which we believe are a menace to the peace and security of the nation.

ARTHUR W. JAY,  
MIRA SMALL,  
Clerks.

*To the Senate and House of Representatives of the United States in Congress assembled:*  
We, your petitioners, of Back Creek Monthly Meeting of Friends, Grant County, State of Indiana, numbering 135 adult persons, respectfully, but earnestly, entreat your honorable bodies to reject the recommendations of the Senate Naval Committee, and other measures which propose a large expenditure for the Navy and so-called coast defenses, and other warlike preparations, all of which we believe are a menace to the peace and security of the nation.

SAMUEL C. WILSON,  
A. J. ROOK,  
Clerks.  
N. HILL, Correspondent.

*To the Senate and House of Representatives of the United States in Congress assembled:*  
We, your petitioners, of Fairmount Monthly Meeting of Friends, Grant County, State of Indiana, numbering 424 adult persons, respectfully, but earnestly, entreat your honorable bodies to reject the recommendations of the Senate Naval Committee, and other measures which propose a large expenditure for the Navy and so-called coast defenses, and other warlike preparations, all of which we believe are a menace to the peace and security of the nation.

ENOS HARVEY, Clerk.

*To the Senate and House of Representatives of the United States in Congress assembled:*  
We, your petitioners, of Marion Monthly Meeting of Friends, Grant County, State of Indiana, numbering 437 adult persons, respectfully, but earnestly, entreat your honorable bodies to reject the recommendations of the Senate Naval Committee, and other measures which propose a large expenditure for the Navy and so-called coast defenses, and other warlike preparations, all of which we believe are a menace to the peace and security of the nation.

Signed by direction and on behalf of the aforesaid meeting, held at Marion, Grant County, Indiana, third month, 5th, 1890.

SARAH ANN SMALL, Clerk.  
ISAAC ELLIOTT, Clerk for the Day.  
JOEL OVERMAN, Corresponding Secretary.

#### ADMISSION OF WYOMING.

Mr. BAKER. Mr. Speaker, the remaining two hours of this debate, I believe, are to be equally divided.

Mr. SPRINGER. How is that?

Mr. BAKER. The remaining two hours are to be divided, I believe, between the friends and the opponents of the bill.

The SPEAKER. The gentleman from New York is mistaken. The side represented by the gentleman from New York has occupied three hours and thirty-one minutes.

Mr. BAKER. What portion of the time—

The SPEAKER. The other side has occupied two hours and eighteen minutes.

Mr. BAKER. Then the other side can have the floor. How much time will remain to this side.

The SPEAKER. The Chair will examine that. It will require something in the nature of a mathematical calculation to determine. [Laughter.] The Chair will recognize some gentleman in opposition to the bill.

Mr. OUTHWAITE. Mr. Speaker, it is with some reluctance that I make any objection to the passage of this bill to admit Wyoming into the Union. The cause of the State is so earnestly championed by the Delegate who has represented its interests so faithfully and so ably in this House since the day I entered it that I sympathize with him in the enthusiasm he has manifested in favor of the immediate creation of this Territory into a State of the Union. I may say personally that it would gratify me to congratulate him hereafter as the Senator from the new State of Wyoming. But, Mr. Speaker, there are to my mind some objections to the admission of this Territory at this time, and I must urge them here and vote my convictions against the passage of the bill.

The manner in which the proceedings have been conducted up to this instant to make this new State have been rather rapid, rather rushing; too inconsiderate, it seems to me, to be applied to the creation of a new State in this Union.

The movement was set on foot by the county commissioners of the Territory, at whose instance does not appear. The county commissioners of my State are elected to manage the financial affairs of the county to some extent; to levy certain taxes; to determine the amount to be expended generally in the county; to build bridges; to construct certain public buildings; control the county road system, and matters of that kind. It would not be regarded as absurd and ridiculous were they to petition the governor of the State to call a convention to adopt amendments to the constitution; but if they were to attempt to invest the governor and other officers of the State with powers for that purpose, such as these boards requested them to exercise, wholly without the authority of law, their course would be regarded as extremely presumptuous.

These commissioners asked the governor of the State with two or three other officials to proceed to district the State and apportion the number of delegates to the several districts, and do such other acts as may be necessary to call together delegates for the purpose of passing upon the fundamental law that should rest upon the people of that Territory for an interminable period, and might be fixed in such a way that it would be next to impossible to amend it in its objectionable features. Reading from the report (part second, the views of the minority) will show how rapidly this whole business was rushed in that Territory. The proclamation for this convention was issued on the 3d day of June, 1889, the election was held on the second Monday of July, and the convention assembled at Cheyenne, the capital of the Territory, on the first Monday in September, and proceeded to formulate a constitution. The convention adjourned on the 31st day of September, and the election for the ratification of the constitution was held on the 5th day of November thereafter. Only thirty-five days intervened between the time when the convention adjourned and the holding of the election on the constitution.

To us living in the older States where communication is rapid, where it is easy for the people to get together, this may not seem like very rushing work; but if gentlemen will look at the map of the Territory of Wyoming and consider for a moment the conditions of that Territory, they will find that it is larger than several States of the Union, as is mentioned in the report. There is but one line of railway running through that Territory, and that line of railroad is within 50 or 60 miles of the southern border of the Territory, and there is one other line of railway merely entering the Territory. The notice of any one of these transactions of which I read but a moment ago could not have been properly given in five weeks' time. There were many citizens of the Territory who knew nothing about them, when they should have been fully informed.

Mr. Speaker, I venture to say that there are tracts of territory in Wyoming as large as the State of Ohio in which no election was held at any time upon the Territorial question or upon this constitution. I venture to say that there are tracts of country there as large as the State of Connecticut, as large as the State of New Jersey, in which a hundred families do not reside.

Mr. CAREY. Will the gentleman allow me a single suggestion?

Mr. OUTHWAITE. I have no objection.

Mr. CAREY. I know the gentleman would not willingly make a misstatement—

Mr. OUTHWAITE. No, sir.

Mr. CAREY. The gentleman has said that there is one railroad in our Territory and another entering it. I wish to say that we have one railroad running entirely through the Territory from east to west; another coming from the east runs nearly to the center of the Territory; and there is another line running north and south. We have also the Burlington and Quincy road running 30 or 40 miles in the northwest corner.



Mr. OUTHWAITE. I am glad to be corrected. I said that looking at the map—and I have taken a very recent one.

Mr. CAREY. We grow so rapidly out there that the maps do not keep up with us.

Mr. OUTHWAITE. The maps keep up as rapidly as the population grows; and I have just said I have no doubt there are portions of that Territory as large as several of the minor States of this Union in which a hundred families do not reside.

Mr. Speaker, this rapidity of movement, this method of election, is illustrated in the remarks of the gentleman from Wyoming himself. Speaking upon the vote on the ratification of the constitution, he says:

There were cast 8,195 votes, 1,923 votes being against the constitution only. There was not an election throughout the Territory for any other purpose; everybody appeared for the constitution.

In the vote cast nearly 20 per cent. were against the constitution. What becomes of the assertion "Everybody appeared for the constitution."

That is a mere opinion of the gentleman. Then reading again from page 15 I find the gentleman using this language:

The vote in 1888 was 18,210. The population can not be properly based on the vote. But there is but little of politics in Wyoming.

The population, as I have shown by the maps exhibited, is scattered over 100,000 square miles of territory; and taking the best estimate of the population given by the gentleman himself there is in that Territory just one person to a square mile. Within thirty days after notice each one of these elections takes place among a people scattered over 100,000 square miles of territory. Under such circumstances, Mr. Speaker, it was utterly impossible that there could have been held a fair, just, and proper election upon the ratification of this constitution. It contains provisions of a peculiar character. It contains a provision which in its present form would disfranchise every person coming into Wyoming hereafter, except those who can read the English language.

This provision should certainly be modified or corrected so that our German-speaking citizens, our Scandinavian citizens, our citizens of other non-English-speaking nationalities—Dutch, French, Austrian, Russian—who may wish to go into that Territory and become citizens may not be disfranchised. This is not a matter of construction. The language of the provision, taken with the fact that this is generally an English-speaking people, would preclude any persons from being citizens unless they could read the constitution of the State in English.

Then there is this provision as to woman suffrage. As was shown yesterday, female suffrage exists in that Territory in contravention of the law which constituted the Territory. Yet female suffrage was permitted to be an element in constituting this constitution, which is to disfranchise the male citizens of other parts of the Union, which is to disfranchise all who do not read the English language.

Section 9, Article VI, of that instrument is as follows:

No person shall have the right to vote who shall not be able to read the constitution of this State. The provisions of this section shall not apply to any person prevented by physical disability from complying with its requirements.

Here is an invitation to immigration! Plainly this new-born State says to all men who can not read, "Stay out of my borders." In addition to those of foreign birth, the native of this land who, surrounded by poverty in childhood, obtained no education is disfranchised the day he settles here. The veteran of the Union armies, who seeks a home upon the public domain in Wyoming, if he can not read, must yield up one of the priceless rights of citizenship. Four times as many acres as there are in the farms of Ohio, of public lands subject to entry under our homestead laws, are thus withdrawn from that privilege to these men and all others similarly situated.

Illiteracy is to be punished. The negroes of the South, unfortunate in this respect, are virtually forbidden to come to Wyoming in search of homes. With this discouragement to immigration, this practical exclusion of the men who constitute a large portion of the human labor, the predictions of the gentleman from Wyoming of a rapid increase in the population resulting from statehood are not likely to be realized. An educational qualification such as this, if to become effective some years hence, might not be so objectionable. Let this House send this constitution back to the people of that Territory with such instructions as may awaken them to a sense of the unwisdom and undesirable features of its provisions upon suffrage and eligibility to office, and let the whole of the people have an opportunity to consider and vote upon them. Delay long enough for this purpose can do no harm and may do very much good.

Mr. Speaker, we have been, by the action of the Committee on Rules, precluded from offering amendments to this bill. There are three amendments, however, of the minority of the committee that we are permitted to vote upon. One of these provides for referring this constitution back to the people and permitting them to vote upon these vital questions. What objection can there be to that? Do gentlemen fear that if this question be referred back to the people and they be permitted to vote on it these provisions will be stricken out? Then they ought to be stricken out.

Mr. CAREY. Will the gentlemen permit me another question?

Mr. OUTHWAITE. If it is not to be taken out of my time.

Mr. CAREY. What do you mean by "the people" of the Territory—the voters in the Territory to-day or only the men?

Mr. OUTHWAITE. If I could determine the matter myself, I should refer the question only to the male citizens. But as the provision is in the laws of your Territorial government—

Mr. CAREY. You would take the right away from those people to say whether they want to continue in the exercise of suffrage.

Mr. OUTHWAITE. I would permit those who generally throughout the United States are recognized as citizens entitled to vote—I would permit them only to determine this question. But that is not possible. All that I propose now is, following the amendment offered by the minority of the committee, to submit the whole question to the whole people—not to one-third of them, not to one-fourth of them, but to give all of them a fair opportunity to vote upon the question. Let the fact of this election be published abroad. Let the counties that do not lie on the railroads, that lie out in the rural districts—let those counties have an opportunity to pass on these questions.

But I was asking what objection can there be to the proceeding proposed by the minority of the committee? Has any objection been offered? None has been offered in my hearing during this debate, except that the resubmission of this question might involve some trouble and inconvenience to the people of that Territory. Sir, the fundamental rights of the people of the Territory are worth tenfold the amount of trouble and inconvenience to which they would be put in order to pass upon these questions in a proper manner.

Do you object because you fear some political mischance? The chairman of this committee [Mr. BAKER] in his opening remarks alluded to the conduct of what is now the minority side of this House in the preceding Congress with regard to the bill which admitted the two Dakotas, Montana, and Washington. I could heartily congratulate that gentleman if he and his colleagues had manifested as much fairness as many of the Democrats did on that occasion, if he had presented to us at this time a bill embracing four Territories, giving us, so far as the political aspect is concerned, a chance for one to three. You have brought in here a bill to admit the Territory which has the smallest population of the four seeking admission; and you have refused to report up to this time a bill for the admission of the Territory of New Mexico, which has three times the population of the Territory of Wyoming, which has greater wealth, which has more railroads and everything else which indicates material prosperity in greater abundance than Wyoming.

You propose to admit to a seat in this House and to seats upon the floor of the Senate a Representative and two Senators representing a smaller number of people than live in the county in which I have the honor to reside, less than half as many people as there are in the district I represent. The city of Columbus—my home—has a larger tax duplicate, more banking capital, greater manufactories, larger commerce, more valuable public buildings, more school facilities, and contains more school-children, and more men and women than this Territory which you now propose to invest with statehood; yet it is but a very small portion of the great State of Ohio, whose two Senators are hereafter to be counterbalanced by the two Senators from Wyoming.

I should think that gentlemen on the other side of the House would pause and consider, even in their haste to win unfairly political advantages, whether they are willing to admit a Territory into the Union of States and give it this great power in Congress with so few people as it has, in the face of the lesson of Nevada, which to-day, after over a quarter of a century of statehood, has a smaller number of votes, yes, about one-third as many votes as the number of voters in the district electing each of them to Congress.

Mr. CAREY. How does the case of Nevada compare with that of Florida, which was given 13,000,000 acres of land, and which, on account of its position on the seacoast has had abundant opportunities of access?

Mr. OUTHWAITE. If there is objection to that which was done in the case of Florida forty-five years ago, it ought to be a lamp to light the feet of this House at this time, not an encouragement to us to perpetrate another wrong of like character. But I do not admit that there was any such mistake in that case. Twenty-five years after admission Florida had nearly 200,000 people.

The gentleman has introduced tables here to show that certain States in days gone by, after their admission, did not cast many votes. Yet at the time they were admitted they had about the requisite number to entitle them to a member of this House. The ordinance which permitted the formation of five States from the territory northwest of the Ohio River proposed over a century ago the rule that the number of people to constitute any of those States should be 60,000.

Mr. CAREY. But two of them were admitted with 33,000.

Mr. OUTHWAITE. I do not think the gentleman's figures are exact. They were, however, admitted with a smaller number than 60,000. The basis of representation also was much smaller at that time than it is now. A national census will soon be taken. A census of this

Territory can be taken before the meeting of this Congress at the next session; and this census would show whether Wyoming has half as many people as will be required in the next apportionment for a Representative in Congress. If it comes here with one-half as many people and if its constitution is so amended as to be, in my estimation, truly and purely republican in form, I will vote for its admission. But I regard that feature which provides for disfranchising all citizens unless they can read the Constitution in the English language as utterly unrepugnant, undemocratic, un-American, and unworthy the indorsement of this House.

[Here the hammer fell.]

Mr. SPRINGER. I yield ten minutes to the gentleman from Pennsylvania [Mr. BUCKALEW].

Mr. BUCKALEW. Mr. Speaker, over twenty years ago I assisted in creating the Territory of Wyoming; also in assigning to it a Pennsylvania name. I should now be perfectly willing to change that Territory into a State, to admit it among our sisterhood of States as an honored member, if, in my judgment, the conditions proper to such transition now existed.

We are told by this committee that this Territory contains 62,000,000 acres of land, of which from four to five millions are arable without resort to artificial means of irrigation; and according to the estimates which are made by the geologist of the Territory the amount of land that can be made arable by resorting to artificial irrigation is 12,000,000 acres. Here, then, is a Territory of 62,000,000 acres, of which sixteen or seventeen million acres only are capable of being made suitable for the purposes of agriculture, and consequently of supporting a dense population. And these are the estimates that we are to accept with some considerable degree of allowance, because they are made merely upon conjecture; they are vague or general estimates, which may not be realized when they come to be tested in the future by time and trial.

Now, as to the mineral resources of that Territory, which are painted in such grand colors, I find in the end we are told that the whole of the mineral production of that Territory is coal, of which the insignificant amount at present is 2,000,000 tons per year. Sir, when this Territory shall have yielded mineral products to any considerable extent and of course have acquired population along with production, it will be time, and not until then, to present to Congress this question of admission.

But, sir, what I propose is to say a few words in behalf of the one-fourth of the voters of that Territory who voted against this application to Congress at a voluntary election, when there was no legal obligation upon the election officers or upon anybody else to participate in the proceedings or to conform to, law or fairness in what was done. These persons—a very considerable proportion, one-fourth of the whole number reported as voting—said "No."

Now take this question of irrigation. We are told in this committee report that about two million and a half of acres are now artificially provided with water; but there is no supply from what are called supply basins, no extensive or great works by which large quantities of land can be made fertile. It is only by tapping the streams and some small sources, at comparatively light expense, that this proportionately small quantity of land has been assisted into a condition of fertility. We have established already by act of Congress a scheme or plan of assisting our new Territories that have waste and arid lands to obtain large and permanent supplies of water for the purposes of irrigation.

This policy was established at the last session of Congress; and we have a bureau organized with scientific experts for the examination of our Western and Southwestern region, where this question of irrigation is so important and where some system of irrigation is so indispensable to the future prosperity of the country. If matters are allowed to take their natural course, this Government will appropriate money to that object; for we know that in those Territories there is not the ability among the inhabitants to do the work. Those Territories are yet small in population, limited in resources, and it requires the powerful arm of the Government to be stretched out to accomplish any large and permanent results for the future.

The Government has undertaken that, and in this very Territory of Wyoming, where no supply basins have been erected and where at several points a large outlay would be necessary, the Government will come to the assistance of the people of the Territory and will give to them by generous appropriations of money that which is of tenfold more importance and value to them than any possible political organization in the form of a new and weak State government could be. And I take it, Mr. Speaker, that the intelligent, sagacious inhabitants of that Territory, as well as of two or three others that might be named, have already taken into account this important and vital question to their own prosperity and that they believe it wise policy to defer State organizations and allow the General Government, while it controls the lands and holds political jurisdiction in those sections, to carry out this system of beneficent Government patronage and assistance. They were wise in voting against a premature entrance into the Union, establishing a State jurisdiction over their lands, ousting the United States from all local concern in their affairs except as an owner of undisposed-of lands.

Now, for one I am perfectly willing to give to this Territory of Wyoming, and to the Territories of Arizona and of New Mexico, partially perhaps to Idaho also, reasonable contributions of the public moneys while they remain in the Territorial condition, in order to enable them to establish and maintain a condition of things indispensable to their future prosperity and welfare. But if they slip out from under our hand and assume positions in the Union as sovereign States they will take along with them into that changed condition necessarily all of the responsibilities for their own future. Then what will become of this great work of irrigation? What will happen in regard to it? Why, sir, the enterprises necessary to supply water will fall into the hands of corporations in every one of the new States where irrigation is required. This will be the practical result, for necessarily to the large outlays for the great basins and works, corporate capital, and corporate capital alone, will be adequate.

Such works can only be accomplished through the agency of associated capital, and the inhabitants of the Territories, then new States, will be subject to corporate control over this vital question of their water supply. I would have the Government of the United States, as far as reasonable and proper, undertake the work while these Territories remain under our control, in a Territorial condition, and establish such works, holding the necessary lands adjoining, as was provided in the House bill of last session, until the works are perfected, then pass the title to individual owners upon an increased price, which will reimburse a large part of the outlay; and ultimately I would turn the works over to the States when organized and allow them to hold the title in trust for the benefit of the people. So that in future times they will not be ground down by corporate greed, and the waters of heaven will not be doled out to them under corporate charters, but be obtainable under beneficent and wise arrangements adopted in the interests of all the people.

One point further—I have not time to speak at length on this question—and I will close. I can well understand how this movement for a new State was gotten up. The governor of the Territory and the chief-justice of the Territory obtained petitions, not from the people, but from certain little office-holders of the Territory, doubtless invited and inspired by them; and then, without law and in contempt of the United States, those officials divided the State into districts, and the governor's proclamation to the people directed them what they should do. Thus they get up a bogus convention in contempt of law, and upon a meager vote of perhaps 5,000 male inhabitants of that Territory the constitution was adopted and sent here for our acceptance.

What is the consideration for this? Seats in the Senate and in this House; a State governorship, State judgeships and other State offices to be portioned around as far as they will go, to be imposed upon the people of the Territory for support; and the bribe held out to the political majority in Congress was to be two Senators and a Representative on this floor from the new State. That is the bribe to pass this bill through Congress. That is the bribe which the local office-seeking interest in the Territory hold out to the political majority in Congress. The temptation is strong, I admit it; but is it too strong to be resisted? Why, sir, there is no necessity at this time, nor will there be within some years, for adding to the political majority in the Senate of the United States. I would ask gentlemen, in conclusion, would it not be well to allow a few of the Territories in political accord with them to remain in the Territorial condition for a few years longer, and bring them in hereafter when they will need votes in the other House? That would be sensible. That would be political wisdom. At present there is no political necessity for this measure. It remains to be seen whether that unwise appeal made to the majority in this House is to be listened to and prevail in this body. [Applause.]

Mr. SPRINGER. I now yield ten minutes to the gentleman from New Jersey [Mr. McADOO].

Mr. McADOO. Mr. Speaker, the principle of home rule is a most sacred one, and one which it would ill become me to question here or elsewhere. But home rule presumes that there are a sufficient number of rulers. A State is not constituted by acres, by minerals, by trees, by steers, or horses, or donkeys; a State is constituted of men, and in the case of Wyoming, presumably, of women; and there should be a sufficient population within the borders of the Territory before it can be admitted or shall be admitted as a State into the Union. Again, Mr. Speaker, while the principle of home rule is a sacred one and an important one, the right of admission into the Union is also a sacred one. Now, the gentlemen on the other side with great alacrity apply this principle of home rule to the sparse population of Wyoming, while they deny it arrogantly to the larger population of New Mexico.

We are asked by gentlemen on the other side to hasten by our votes the granting of home rule to the womanhood of Wyoming while persistently denying it to the manhood of Arizona. We are told by gentlemen on the other side that we must not, in the light of the principles of home rule, question what they have put into the constitution of Wyoming. On the other hand, gentlemen on the other side state that we shall question that which they put into the constitution of another State. I am asked by my vote to accept the principle of woman suffrage in Wyoming and I am asked to reject the polygamous feature



in suffrage in Utah. If you are going to enforce the principle of home rule do it justly, applying it even-handedly to all the Territories which ask to become States of the Union.

I am in favor of the most liberal laws to enable every Territory in the Union to become a State. I am in favor of the cardinal principle of home rule, but I can not under the cry of home rule close my eyes to the injustice of admitting the present Territory of Wyoming while you exclude other Territories from admission. Now, I believe that you have the same right to exclude Wyoming because of its constitution that you have to exclude the constitution of Utah. This constitution of Wyoming was formulated by thirty-nine men, possibly assembled in a back room, and ratified by a little over 6,000 people, men and women. If not the worst constitution which has ever been adopted, it is to my mind certainly abreast of the worst. There is in this constitution almost everything to which I am opposed as sound in politics, in morals, or in economics. You usher this State into the Union by wholesale spoliation of the public domain. A distinguished gentleman on the other side said that the same thing was done in Florida. I do not care if it was done in every State in the Union; and as the gentleman from Ohio [Mr. OUTHWAITE] so well replied, if they have wasted the public lands which belonged, not to the people of Wyoming or of Florida, but to the whole people of the United States, in former times, the greater reason exists why we should not do it in this case.

These grants of land of the people of the United States are for penitentiaries, for educational buildings, for all sorts of institutions, for fish hatcheries; and, as the gentleman from Alabama, in reply to my interrogatory yesterday, said, there is no restriction as to who may purchase these thousands and thousands of acres. They may be all bought by one syndicate; they may be all bought by one man; they may be all bought, as the gentleman suggested, by foreigners. Yes, and you have placed in this constitution a provision in order to enable foreigners to buy these lands with which you are to purchase your penitentiaries and with which you are to experiment in your fish hatcheries.

Here is one provision in the constitution with reference to the purchase of land that I will call the attention of my friend from Alabama to. They have incorporated in the organic law of this proposed State that foreigners shall hold land, instead of conforming to the act we have passed in the Forty-ninth Congress that they shall not hold land. "No distinction," say these thirty-nine gentlemen in the back room in formulating the constitution which was indorsed by a little over 6,000 votes of the people of Wyoming, and which the gentleman from Wyoming says they went through a blinding snow-storm to deposit—"No distinction shall ever be made by law between resident aliens and citizens as to the possession, taxation, and enjoyment and descent of property."

Let me say to my friend from Wyoming that if this constitution had been made by three hundred delegates chosen at an open, fair election in an open convention it never would have had that provision in it, and if it had been voted upon at an election of 200,000 people instead of 6,000 it would have been rejected three to one in any American State or community.

Now, then, gentlemen, you take from the fast-receding public domain, which should be the safety-valve of republican institutions in America, thousands and thousands of acres of land and give it to this feeble and sparse community to make it a State, and you put in the constitution of that new State that foreign syndicates and the landlords of Europe, who are finding that the laws of that country in reference to land are becoming obnoxious to the growing democracy there, and who are hastening hither to get hold of the fertile acres of America, that they and their odious system shall find lodgment here. You have placed in the constitution and laws of the new State in distinct and radical terms a new law which would never be indorsed by the people of the United States. You have invited the ostracised, odious, and exiled landlords, forced by the indignant population in Europe to seek other lands for investment, to come here; you have advertised in that constitution of Wyoming that here is the Mecca to which these land-hungry, selfish robber barons may hasten their steps and invest in lands. They can buy from the State of Wyoming millions of acres of these lands to be held by one vast syndicate. The next step in such a constitution should have been a provision reviving the feudal system.

Mr. MORGAN. May they not have had something to do with putting it in there?

Mr. MCADOO. My friend suggests, may they not have had something to do with putting that provision in the constitution? These people are in every part of our land, and they are nowhere more alert and more anxious to acquire property than in the new Territories about to become States. We have seen—

Mr. CAREY. What is the law in your own State?

Mr. MCADOO. The constitution of New Jersey has no such prohibitive provision as this and there are no public lands in the State of New Jersey.

Now, I state that this constitution contains to my mind almost every vicious principle in government, and the only good clause I find in it is the one that allows it to be amended. To my mind the only and

proper way to amend it would be to obliterate and begin it over again. [Laughter and applause.]

These thirty-nine men in the back room formed a constitution which is ratified by 6,000 votes, by which we are to grant millions of acres, and the American people are to have their rights abridged in that land which the blood and the brains and the patriotism of the whole American people, and not the people of Wyoming, acquired.

Now, on the question of woman suffrage, reference has been made to the State of New Jersey. It was said on this floor that that was the only State in the Union which ever had woman suffrage. Well, they did not have it long, and they did not get it regularly, any more than they did in Wyoming in the enabling act which created that Territory; but at any rate so far as the State of New Jersey is concerned this was away back almost in the colonial period. There never was, I am informed by the gentleman from Georgia [Mr. BARNES], who has made a very exhaustive search of that question, a decision of the court, either State or Federal, to uphold the construction given and under which women voted. They voted in New Jersey by a sort of unanimous consent of a small population.

It never arrested public attention in that State; and there has never been a whisper of reviving it from the day the new constitution of 1844 was formed until the present time; and there never will be, in my opinion.

The question of woman suffrage is so vast a one that I could not hope to discuss it in the limited period now allowed me. The literature of that subject is very great. The discussion has been conducted with signal ability on both sides. It goes without saying that every man who respects himself respects woman. The noblest, the gentlest, the most chivalrous of men have idealized woman in all ages. Now, a small faction of the sex—an insignificant faction (do not mistake the noise about this question)—ask that in this day we shall cease to idealize woman, shall no longer consider her as the fairest and best, if the fairest portion of humanity; that, in the language of the old ranters on the stage, we shall "have at it" in a competitive combat to the death. "Go to! Have at thee, villain!" [Laughter.] It is proposed that we shall no longer consider woman as fair and pure and gentle, but shall consider her as robust and manly, and at times, in political contests, probably vulgar.

No proposition was ever made in the United States which, in my opinion, would do more to destroy our institutions than the enforcement or allowance of female suffrage. The state very properly keeps away from religious questions. The state has no right to infringe the domain of religion. The Acts of the Apostles, if made into acts of Congress, would lose all their force and efficacy. [Laughter.] But the most skeptical of rulers and of men have found out that religion is a potent factor in controlling the human mind, so far as government is concerned—I care not what religion it is. He would be a daring man who would undertake to govern and a brave man who would venture to live in a faithless state. Now, it is probably a lamentable fact, but in our day it is true that women are the mainstay of religion—

[Here the hammer fell.]

Mr. SPRINGER. I yield the gentleman two minutes longer.

Mr. MCADOO. Go to any of your churches in the United States or England, or more particularly in France, on a Sunday morning; look around you and you will realize that women are the mainstay of the church, the leaven of faith in a materialistic age, the very pillars of active religious life. Force them into the political arena, in contact with all the baser phases of humanity, the gross selfishness and duplicity of intense political contests, and you have taken the main prop from faith in every country where it prevails.

Why, sir, one wing of this army have attacked the Christian religion, because they say that St. Paul is the greatest enemy that woman has. Well, speaking simply as a man of the world, St. Paul was one of the greatest men that ever lived, a man of giant intellect and most noble and godlike character. Throughout the ages he looms up like a great towering mountain crowned with beacon fires to light the dullness of night. He did not declare any new law with reference to woman; he did not give any dogmatic opinion of his. St. Paul simply declared what the law of God and nature was with reference to sex. He saw written, as it were in letters of fire, the truth as to the true sphere of woman.

Woman does not belong to a class or a clique; she represents a sex with elemental and mental characteristics entirely different from those of men. Her sphere under our advanced civilization is enlarging. With advanced education, with the new needs of society, her sphere of usefulness will everywhere extend. The law with reference to her in this and other lands has very properly made great advancement. In my own and other States the statutory law has enlarged her privileges to the very verge of destroying the unity of the family relation. No one will be readier than I to advance her rights and privileges and to aid her in her struggles under the changed conditions of life that mark our age. New avenues of employment and usefulness are opening up to her, and in them she is entitled to find consideration and fair play. God and nature have designed her for nobler pursuits than those con-

nected with ballot or bullet. Her temperament unfits her for using the one and her muscle has not been developed for the other. Great lawgivers and savage Amazons are exceptions in the sex.

It was only yesterday I learned that several of the graduates of our highest female colleges, admirable and talented young women, have taken their culture and their learning down into the very slums of New York, are spending their lives among the poor there, helping them—not talking woman suffrage or politics to them, but preaching the gospel of baths, clean morals, and good food, and in that way doing more for those poor people than woman suffrage can ever do. [Applause.] God bless woman in a mission like that!

But whenever in the great communities of America you adopt this principle of woman suffrage, whenever you take her from her pedestal as an ideal of all that is pure and good, you undermine morals and religion and corrupt our politics even beyond what they are at the present day. If there were nothing else in this constitution of Wyoming as a ground of objection save this clause allowing female suffrage I could not give it my approval. [Applause.]

Mr. SPRINGER. Mr. Speaker, I regret very much that the orders of this House, under the direction of the Committee on Rules, have so arranged the debate on this bill that the greater portion of it must of necessity be addressed to a beggarly account of empty benches. This discussion was continued last evening until half past 6 o'clock, when there were but a dozen members present, and this morning was resumed at 11 o'clock, when not more than twenty-five members were in attendance.

It seems to me that the question of the admission of a new State into this Union is of sufficient importance to be afforded equal consideration with that which is given in this House to a private claim or to the question of turning out a Democratic Representative and putting a Republican in the seat. For some reason or other, however, not known to me, but perhaps to the majority, it has been determined to "railroad" this bill through without proper consideration—without opportunity on the part of members to consider the various provisions of the constitution which comes here without any sanction of law, and is of no validity unless Congress shall breathe into it the breath of legislative life.

The position I have taken in regard to the admission of Territories as States is an advanced one. In the last Congress I favored, and so did the Democratic party on this floor, the admission of the four new States which came into the Union last fall. During the term of that Congress the committee of which I had the honor to be chairman reported bills looking to the admission of Wyoming, Idaho, New Mexico, and Arizona into the Union as States. The precedent in some respects of those bills has been cited here by gentlemen on the other side. I only regret that they have not followed the precedent of the last Congress, which was to treat all these Territories fairly and equally, and to furnish equal facilities for each of them to come into the Union.

The gentleman from New York stated that I was only awaiting an opportunity to present an "omnibus bill," in order that four new States might be brought into the Union at this Congress, as four were brought in at the last. Mr. Speaker, I have introduced in this Congress another "omnibus bill" providing for the admission of Wyoming, Idaho, New Mexico, and Arizona, treating all of them alike, as was done last Congress. This course seems to be objectionable to gentlemen on the other side. They assert that we must deal with each of these proposed States separately and by a distinct measure. I suppose this proceeding finds its origin in one of the passages in the Mikado; they want to "make the punishment fit the crime."

This proposed State of Wyoming presents here a constitution which enfranchises women. We are next to take up the bill to provide for the admission into the Union of the proposed State of Idaho, the constitution of which contains a provision disfranchising Mormons, both male and female. I could not quite understand at first the reason for this discrimination, but a friend of mine writing from Wyoming says that in that Territory the Mormons vote the Republican ticket, while in Idaho they are suspected of a desire to vote the Democratic ticket. Hence the gentlemen on the other side want separate bills to treat these two cases according to the different conditions existing. In Idaho they deprive the Mormons, both male and female, of the right to vote; in Wyoming, where the Mormons vote the Republican ticket, not only the Mormon himself, but his polygamous wife, is allowed to vote.

Mr. CARLISLE. And all his wives.

Mr. SPRINGER. Yes, all his wives and his polygamous daughters are allowed to vote.

So it appears that Mormonism is objectionable only when the person entertaining that belief is suspected of a desire to vote the Democratic ticket. I am of opinion, Mr. Speaker, that if the Mormons in Utah would give an indication of their willingness to vote the Republican ticket gentlemen on the other side would bring in a bill here, and "railroad it" through with even more rapidity than we see in the case of this bill, to make a State out of the Territory of Utah. They would then see in the beautiful valley of the Jordan more pictures of beauty and grandeur than were ever before opened to mortal view; they would discover in the Mormon temple at Salt Lake a second temple of Solo-

mon, reared in all its grandeur by an industrious and brave people, who are entitled, it would be claimed, by every consideration of justice to be admitted into the Union, in order to send two Republican Senators to the other branch of Congress and a Republican Representative to this House.

But, Mr. Speaker, I do not believe in dealing with each of these Territories by a separate bill according to the party exigencies of gentlemen on the other side. I believe that the question of admitting a State into the Union should be dis severed from party considerations; that all Territories applying for admission should be treated alike. Therefore I have not opposed the admission of Wyoming; but I have opposed the manner in which this Territory—the smallest in population and resources of all our Territories—is to be admitted first into the Union because it is the most certain to vote the Republican ticket and send to Congress two Republican Senators and a Republican Representative.

The Territory of New Mexico has been organized for over forty years. By a solemn treaty with Mexico when this Territory was brought into the Union we guaranteed to her people at the earliest practicable time all the privileges and immunities of citizens of the United States. For forty years that Territory has been knocking for admission into the Union. At the beginning of this session her Delegate [Mr. JOSEPH] introduced a bill to admit the Territory. That bill is still in the Committee on Territories; and I read in this morning's paper that it had been referred to a subcommittee with the view of taking into consideration the propriety of bringing in an act to provide for admission under the constitution already made, against the wishes of the Delegate, whose bill provides for an enabling act under a proper apportionment.

But gentlemen on the other side seem to be of opinion that the apportionment in the proposed constitution, formulated by a Republican partisan convention last summer, will insure the election of a Republican Legislature and of two Republican United States Senators, by disfranchising, practically, the Democratic voters of that Territory; and if they can invent some plan by which to bring in New Mexico as a Republican State under an iniquitous apportionment bill, disfranchising the Democratic citizens of the Territory, New Mexico will be ushered in as a full-fledged State; otherwise it must be kept in tutelage until it can bring forth "fruits meet for repentance," the assurance that it will vote the Republican ticket!

The convention which framed the proposed constitution of New Mexico was wholly partisan. Democrats did not participate in the election of the delegates. Ex-Governor Edmund G. Ross, of New Mexico, in a letter to the gentleman from Missouri [Mr. MANSUR], dated January 5, 1890, thus exposes the partisan character of the proposed constitution:

Primarily, that refusal was based on the exceeding unfairness of the apportionment fixed in the act of the Legislature authorizing the election of the delegates to the convention. That apportionment made it impossible for the Democrats to elect anything approaching a proportionate representation in that convention. It was so fixed with the avowed purpose, by the reputed author of the convention bill, of preventing such a representation.

Including and since the election of 1882 the popular vote of the Territory for Delegate in Congress has been Democratic by more than 1,500 majority at every election, though by reason of an equally unfair apportionment for the election of members of the Legislature (which was made the basis of the apportionment for the election of the convention), the several Legislatures have uniformly been Republican.

To illustrate that unfairness a few examples will suffice. The counties of Colfax and Mora are contiguous northern counties. At the last general election they cast, respectively, 1,680 and 2,212 votes, or an aggregate of 3,892—Democratic by majorities of 168 and 700 respectively. They were each allowed four delegates in the convention, making eight. The county of Bernalillo is Republican by 430 majority. It has a voting population of 3,564, 328 less than Colfax and Mora, yet was given ten delegates, two more than was allowed the larger number of voters in Colfax and Mora.

The Democratic county of Doña Ana, with 2,015 voters, was allowed three delegates, while the Republican county of Valencia, with 2,064 voters, was allowed six.

The Democratic county of Grant, with 2,297 voters, had three delegates, while the Republican county of Socorro, with 2,524 voters, had six.

These data were before the convention and there can be no justification of these inequalities.

These constitute one-half of the counties and more than one-half the population of the Territory, and fairly illustrate the character of the system of apportionment that has prevailed in the election of our Legislatures and of delegates to this constitutional convention.

To have gone into that election under such conditions would have been folly and suicidal.

The Democrats were practically and intentionally disfranchised, but, unwilling to be placed in the attitude of obstructionists until all efforts for a compromise should have failed, it was determined to seek an arrangement whereby this unjust disparity could be at least partially remedied, and they were permitted, without an absolute sacrifice of self-respect, to contest the election of delegates to the convention.

Accordingly a conference between the central committees of the two political parties was asked and had.

The whole number of delegates to the convention was 73. Though in a large majority on the popular vote and believing themselves entitled to and could elect, with a fair apportionment, a corresponding majority of the delegates, the Democratic committee proposed to concede to the Republicans, as the basis of an arrangement under which they would consent to go into the election, a majority of 5 in the convention.

That more than fair proposition was rejected by the Republican committee, and it was then determined to take no part in the election.

It is now proposed by the partisan majority in this House to disregard the fair and just enabling act introduced by the gentleman from New Mexico [Mr. JOSEPH] and to foist this partisan constitution on



the people of that Territory. The apportionment for the members of the Legislature is based upon substantially the same unequal representation which was adopted for the election of the constitutional convention. Hence it seems that New Mexico, which has more population than Wyoming and Idaho combined, is to be either kept out of the Union or brought in under a constitution which will effectually suppress the Democratic majority in the Territory.

Now, Mr. Speaker, I have desired, as I have said, that these four Territories, New Mexico, Arizona, Idaho, and Wyoming, should be treated alike; that conventions should be held just as was done in the case of the four States which were brought into the Union by the action of the last Congress—conventions in pursuance of law, the election of delegates and the vote upon the ratification or rejection of the constitution being conducted with proper solemnity of law and under due penalties. In the present case of Wyoming we do not find these conditions met. This movement for the statehood of Wyoming is not based upon any legal enactment either by Congress or of the Territorial Legislature.

The gentlemen on the other side—the gentleman from New York [Mr. BAKER] in opening this case and the Delegate from Wyoming [Mr. CAREY]—have stated that the convention was held in pursuance of—what? Of an act of Congress or of the Territorial Legislature? Not at all; but in pursuance of the provisions of a bill which was pending in the Senate of the United States in the last Congress, and which did not pass that body, although the majority there was Republican. And if it was pending in that body during the last Congress and did not pass, I have the right to assume it was the judgment of the Republican majority in that body they did not want to pass it.

The House had already recommended a bill for the admission of Wyoming into the Union, and the Republican Senate had recommended one, and if that Republican majority desired to pass it they would have done so; and gentlemen assign as an excuse for inaugurating the statehood convention without any enactment that there was pending a bill in Congress for that purpose. Why not wait until Congress passes the bill or until the Legislature of the Territory could call a convention and authorize a legal election?

But gentlemen claim there was precedent for this unauthorized calling of the convention. There is no precedent for the movement which has brought this constitution here. In the State of California there was a constitution formed without an enabling act of Congress and without any act of the Territorial Legislature because there was no Territorial government in California. When California was admitted into the Union there was a government there which was a part of the Government of Mexico, and that government came into the Union on the cession of that Territory to the United States.

The SPEAKER. The hour has expired. Does the gentleman desire to continue?

Mr. SPRINGER. I will occupy the remainder of the time allowed to this side of the House.

There was, therefore, established a military government in California, unauthorized, except by the orders of the President of the United States, to supersede the Government of that conquered territory. That military commander, acting on the necessities of the case, called an election for delegates to a constitutional convention. It was called under the sanction of the military power. It was the best and only course that could be pursued. It was warranted by the necessities of the case, that where no government exists some must be instituted. The convention was held, a constitution was formulated, submitted to popular vote, ratified, and a government was set in motion.

A State government in California was running, with both branches of the Legislature, with judges of the circuit and districts courts, and with all the minor officers executing the functions of the law for nearly one year before California was admitted into the Union. That was no precedent for this case. Wyoming had a government authorized by Congress having all the functions of a political entity, of a body politic. It was a government instituted in pursuance of a law of Congress, and there was no pretext or excuse for any portion of the citizens to institute a government hostile to that, and which could have had no validity unless it could supersede the existing government.

The governor, in the case of Wyoming, without any authority of the Legislature, without any authority of Congress, issued a proclamation calling for an election of delegates, and divided the Territory into election districts and prescribed the number of persons to be elected as delegates. That convention was held, a convention which should have been composed of fifty-five members according to the call of the governor, but when the constitution, on the 30th of September last, was signed, there were only thirty-nine members present to affix their names to that instrument.

Gentlemen on the other side have given an excuse for that not quite satisfactory. The delegates wanted to go home, and could not remain to sign their names. I suppose they did want to go home and did not want to remain to sign this constitution.

This constitution was promulgated on the 30th day of September last and submitted to a popular vote without any law authorizing it. There were only thirty-five days after this constitution was submitted

to a vote until it was voted on, namely, on November 5; and at that election but 6,000 people, men and women both voting, came to the polls and voted for the constitution, while 1,900 or nearly 2,000 voted against it. Eight thousand voters participated in the adoption of that constitution. As many illegal votes could have been polled as any one might have chosen to put into the ballot-boxes. It is claimed that one place 300 votes were cast for this constitution in a back room of a drug-store where only three persons participated; and these 300 fraudulent votes are a part of these 6,000 which gave this constitution validity. This fraud was perpetrated in the town of Newcastle, in Crook County, and a cigar-box was used for a ballot-box.

In this way this constitution has come into existence. And I assert again it has no validity, no binding force, no authority whatever, except what may be given to it by Congress. And I want to know whether this House is ready to give it that validity which the law has not given to it up to this time.

I insist this Territory should come into the Union in an orderly way, in pursuance of an act of Congress or of the Territorial Legislature. And in order to secure its admission in an orderly way the minority of the Committee on Territories have proposed some amendments to this bill which ought to be voted on and adopted to-day. I ask gentlemen who are going to vote on these amendments to give them careful consideration by reading the "Views of the minority," where they are set forth at length. The amendments are just in themselves, and I commend them to the favorable action of the House to be adopted in connection with this bill.

The first amendment, Mr. Speaker, is to the effect that instead of the immediate admission of Wyoming under this constitution a convention should be held in pursuance of the law of Congress, an election for members of which shall be held in June next, the convention to assemble in July, and the constitution so framed to be submitted to a vote of the people to be ratified by a majority of the male voters of the Territory over twenty-one years of age, who are otherwise qualified; and that when the constitution as so made is adopted then the same procedure shall take place as was had in regard to the two Dakotas, to Montana, and Washington: that the President of the United States shall issue his proclamation, as in the case of the four States mentioned, and thus bring Wyoming into the Union. This is treating that Territory just as the other four were treated, and certainly Wyoming has no right to claim any other advantage.

Now, I want to ask gentlemen whether any injustice could possibly be done by this arrangement? Under this amendment the Territory of Wyoming can be here as a State when Congress assembles in December next. Is that not time enough for a Territory with not over 70,000 population to be admitted? Is that not time enough when it is the least of the four in population and resources now seeking admission? Why, New Mexico, as I have already stated, has a larger population to-day than both Wyoming and Idaho combined.

I have stated that, in submitting the question of the election of delegates and the ratifying of the constitution by the people, the suffrage should be confined to the male citizens over twenty-one years of age. Why? Because the Congress of the United States has never authorized Wyoming to adopt female suffrage in that Territory. On the contrary, it has been expressly prohibited, and I call the attention of the House to the act passed by Congress for the organization of the Territory, approved on the 25th day of July, 1868. I respectfully request gentlemen to give their attention to the reading of this statute. This is entitled "An act to provide a temporary government for the Territory of Wyoming," and section 5 is as follows:

That every male citizen of the United States, above the age of twenty-one years, including persons who shall have declared their intention to become citizens of the United States, and shall be residents of said Territory at the time of the passage of this act, shall be entitled to vote at the first and all subsequent elections in the Territory, and shall be eligible to hold any office in said Territory, etc.

And it is further provided—

That the right of suffrage and the right to hold office shall be exercised only by citizens of the United States, etc.

That is the enabling act, or rather the act of Congress organizing that Territory. Similar provisions were embodied in the organization of the Territory of Washington, and in that Territory a few years ago a case arose which settles this question as far as precedents are concerned.

The Legislature of the Territory passed a bill authorizing female suffrage. A case arising under that act went to the supreme court of the Territory, and will be found reported in the third volume of Washington Territory Reports, wherein the court held that the word "citizen," in the act establishing the Territory of Washington, which is the same in Wyoming, meant male citizen, and declared the act allowing female suffrage to be unconstitutional.

The gentleman from Tennessee [Mr. WASHINGTON], in his remarks on this bill on yesterday, referred to this case, and clearly and forcibly demonstrated that the Territory of Wyoming had violated the law of Congress by allowing female suffrage. I desire to call the attention of the House further to that case.

The case was very fully argued, and a very able and elaborate decision

is reported in the volume to which I have referred, beginning on page 599. The plaintiff in the case was named Nevada M. Bloomer, and the suit was against John Todd, J. E. Gandy, and H. A. Clarke, judges of election. The plaintiff sued the judges of election who had conducted the municipal election at Spokane Falls for refusing to receive her ballot.

In that case the supreme court of Washington held that under the colonial laws, under the English law, and under the law existing when the Constitution was established, as well as under the laws prevailing at the time of the passage of the act organizing the Territory of Washington, it was the universally accepted doctrine that suffrage was confined to male citizens.

In the opinion the court say:

In the State courts a long line of decisions upon the same subject-matter continues to be followed, even though the general sense thus given to the words are not satisfactory to the courts of a later date. The doctrine of *stare decisis* is applicable in its full force within the territorial jurisdiction of the courts making such decisions, and this rule is usually followed because it is deemed better to follow that which is already established rather than reopen a question and thereby disturb rights once adjusted. The construction of statutes and constitutions should be uniform and unvarying. They should not be made to mean to-day one thing and another thing to-morrow or at any subsequent time. If the interpretation or construction put upon it by the court is unsatisfactory, it is, in this country, in the power of the people to obviate the difficulty by a new constitution, or an amendment thereto, or by changing a statute.

It is for this purpose that constitutions are made; that there may be stability in the government which thus furnishes the fundamental law; that varying moods of public opinion, clamors of the populace, or even public sentiment, shall not affect the public law of the land, and thus leave us without any stable and unchanged guide—when the public passions or resentment of the populace might carry the state out upon a sea of revolution, with only passion for a guide.—*Bloomer vs. Todd et al.*, 3 Washington Territory Reports, page 614.

And again, referring to the Robinson case, 131 Massachusetts Reports, decided by Chief-Justice Gray, the learned counsel for the election judges in their argument state the law as follows, and this view was fully sustained by the court:

The word "citizen" arose for consideration in that case. The same rule of construction which should be applied here was applied there. The history of the common and statute law is carefully and elaborately stated, showing the relation borne the government by females, both under our own and the English systems, and the conclusion is there reached, as we insist it must be here reached, that, while the law is fully broad enough to include females in its provision, yet it was not so intended, and, therefore, must be limited by judicial construction.—*Id.*, page 607.

The opinion of the supreme court of Washington Territory in the Bloomer case is one of the ablest and most conclusive I have ever read. It is supported by an unbroken line of authorities, in this country and in England, and to every unprejudiced mind it must be regarded as unassailable from any legal or constitutional standpoint.

That decision is supported by other decisions in similar cases; and I call the attention of gentlemen to the case referred to by the counsel in the Bloomer case of Lelia J. Robinson, decided by the supreme court of Massachusetts Mr. Justice Gray, then chief-justice of the supreme court of Massachusetts and now a justice of the Supreme Court of the United States, rendering the decision. The court held in that case that an unmarried woman is not entitled to be examined for admission as an attorney and counselor of the court. And why? Because, said Mr. Chief-Justice Gray:

The word "citizen," when used in its most common and most comprehensive sense, doubtless includes women; but a woman is not by virtue of her citizenship vested by the Constitution of the United States or by the constitution of the Commonwealth with any absolute right, independent of legislation, to take part in the government, either as a voter or an officer, or to be admitted to practice as an attorney. (*Minor vs. Happersett*, 21 Wall., 162; *Brodwell vs. Illinois*, 16 Wall., 130.)

And numerous other cases are cited and references given in support of that position.

Again:

By the law of England, which was our law from the first settlement of the country until the American Revolution, the Crown, with all its inherent rights and prerogatives, might indeed descend to a woman or to an infant; but under the degree of a Queen, no woman, married or unmarried, could take part in the government of a state. Women could not sit in the House of Commons or the House of Lords, nor vote for members of Parliament. They could not take part in the administration of justice, either as judges or as jurors, etc.

Mr. STRUBLE. The gentleman thinks that that goes further than the mere question of admission to the bar?

Mr. SPRINGER. That was the question involved, but the court held in its opinion that it applied to voting as well as admission to the bar, and that the language of the Constitution, properly construed, meant male citizens only.

Mr. STRUBLE. And you are satisfied? You rely upon the dictum of the court?

Mr. SPRINGER. Well, the dictum of Mr. Justice Gray in a case properly before the court is, in my opinion, higher authority and better worthy of consideration than the unauthorized action of an unauthorized convention in the Territory of Wyoming.

Mr. STRUBLE. The gentleman means to say that the dictum of a court is more potent than the voice of 100,000 people voting.

Mr. SPRINGER. The gentleman desires to appeal from the su-

preme court of Massachusetts in a case where it gave a unanimous opinion to a town meeting.

Mr. STRUBLE. The voice of 100,000 people in the Territory of Wyoming would have more weight.

Mr. SPRINGER. But 100,000 people did not vote. Only thirty-nine delegates signed the constitution, and only 6,000 voters, male and female, voted for the constitution, and they never considered for a moment the legal or constitutional question involved. The law granting female suffrage was passed by the Territorial Legislature, and the infallibility of such Legislatures has never been claimed.

Mr. Speaker, it has been asserted time and again that there was a severe snow-storm prevailing in that Territory on the day before the election and that this prevented the people from turning out on the day of the election. One would have supposed from the statements made that the elements had broken loose as never before known at that season of the year.

Mr. ALLEN, of Michigan. Will the gentleman allow me a question?

Mr. SPRINGER. Not now.

Mr. ALLEN, of Michigan. I want to—

The SPEAKER. The gentleman from Illinois declines to yield.

Mr. SPRINGER. I have in my hand the report of the majority of the committee in this case, and on page 3 I find this statement given by the committee as the reason why there was so small a vote in this Territory on the ratification of this constitution:

The small vote is satisfactorily explained by the memorial accompanying the constitution (Appendix F) and the argument of the Delegate.

First, I will call attention to the memorial which is given as the basis of this statement. The memorial says:

The constitution so framed was submitted as directed, according to the provisions of section 7 of Article XXI thereof, and was ratified by nearly five-sixths of the citizens voting thereon, by a vote small in itself, and yet large in view of the little opposition felt by the people, and of the facts that no other issue was presented, and that the day of the election followed one of the severest snow-storms ever known at that season and was also marked by extreme cold, rendering it practically impossible for the people of many precincts to reach the polls.

That is the statement, gentlemen, of this memorializing committee, indorsed by the majority of the Committee on Territories, and by the Delegate [Mr. CAREY] in his statement to the committee, and published in this report, wherein he stated:

The day being very inclement, a severe snow storm having prevailed the day before the election, no effort was made to get out the vote.

It occurred to me that our friends on the other side had emphasized this snow-storm rather "severely," and I concluded I would call upon the proper officer of the Weather Bureau to find out just what kind of weather they had in Wyoming on the day of election. [Laughter.] I, however, subsequently remembered that the day before election was the day on which this storm is alleged to have taken place.

I wrote to General Greely to get a statement of the weather on the day of the election. In reply General Greely sent me a statement of the weather in Wyoming on the 5th day of November, the day of election. I discovered on a careful examination that the allegation was that it was not the day of the election when the severe snow storm was, but the day before the election, and I wrote another note and asked him to send me the state of the weather on that day, and he has done so, and I will print in the RECORD the two notes I received from General Greely on that subject, and call the attention of the House to the condition of the weather in the Territory of Wyoming as revealed by the officials of the Signal Service Corps, not gotten up for political effect to railroad a constitution through this House. I desired to obtain the cold facts. (I use the word "cold" advisedly, in reference to cold facts.) There were only three stations in Wyoming at which observations could be taken, and I asked for stations in Montana, Salt Lake City, at Rapid City, S. Dak., and at Denver, Colo., and I have both of these statements here. That which is written in the first line of the table is the condition of the weather the day before the election and that which is written in the second line is the weather on the day of the election.

The letters of General Greely are as follows:

OFFICE OF THE CHIEF SIGNAL OFFICER,  
Washington, D. C., March 18, 1890.

MY DEAR SIR: I beg to transmit herewith, as requested in your communication of the 17th instant, a statement of the weather in Wyoming Territory on November 5, 1889.

Sincerely yours,

A. W. GREELY, Chief Signal Officer.

HON. WILLIAM M. SPRINGER,  
House of Representatives, Washington City.

OFFICE OF THE CHIEF SIGNAL OFFICER,  
Washington, D. C., March 19, 1890.

MY DEAR MR. SPRINGER: I take pleasure in handing you herewith, as requested in your communication of the 18th instant, the additional data from November 4, 1889, for certain stations in Wyoming and contiguous territory.

Very respectfully,

A. W. GREELY, Chief Signal Officer.

HON. WILLIAM M. SPRINGER,  
House of Representatives, Washington City.

The statement of the state of the weather in Wyoming Territory, etc., is as follows:



Table showing the observed maximum and minimum temperature; velocity, in miles, and direction of the wind; precipitation, in inches, and character of the weather at 8 a. m. and 8 p. m. (seventy-fifth meridian time) on November 4 and 5, 1889, at the stations specified.

[NOTE.—The figures and words in the first line in each brace are for the day before the election.]

Stations.	Temperature.				Wind.				Precipitation in inches.			Character of weather.	
	8 a. m.		Maximum.	Minimum.	8 a. m.		8 p. m.		8 a. m.	8 p. m.	Total.	8 a. m.	8 p. m.
	°	°			Velocity.	Direction.	Velocity.	Direction.					
Cheyenne, Wyo.....	1.6	7.2	25	1	5	N. W.	3	N. E.	0	0	0	Cloudless .....	Cloudless.
Fort McKinney, Wyo.....	7.5	16.0	30	5	8	W.	4	W.	0	0	0	.....do .....	Do.
	14.0	20.0	22	10	6	W.	3	S.	.06	0	.06	.....do .....	Do.
	30.0	36.0	47	15	3	W.	4	W.	0	0	0	Cloudy .....	Do.
Fort Washakie, Wyo.....	9.0	17.0	28	6	2	S. W.	4	S. W.	0	0	0	Partly cloudy	Do.
	21.0	26.0	35	7	0	0	2	S. W.	0	0	0	Cloudy .....	Do.
Fort Custer, Mont.....	14.0	30.0	36	12	4	S. E.	11	S. W.	†T.	0	†T.	Cloudless.....	Do.
	31.5	41.0	54	22	3	S. W.	11	S. W.	0	0	0	.....do .....	Do.
Salt Lake City, Utah.....	33.0	37.0	44	30	8	E.	5	S. E.	0	0	0	.....do .....	Do.
	32.0	39.0	45	27	1	S. E.	7	S. E.	0	0	0	.....do .....	Do.
Rapid City, S. Dak.....	17.6	20.2	30	16	8	N. E.	7	S. W.	*.01	†T.	*.01	Light snow....	Do.
	28.2	36.4	55	11	8	W.	0	0	0	0	0	Cloudless.....	Do.
Denver, Colo.....	21.6	22.1	30	20	5	N.	3	W.	*.01	†T.	*.01	Light snow....	Do.
	4.2	17.1	32	3	5	S.	7	S.	0	0	0	Cloudless.....	Do.

\* Melted snow.

† T. indicates trace of precipitation.

SIGNAL OFFICE, WAR DEPARTMENT, WASHINGTON CITY, March 18, 1890; March 19, 1890.

Hon. WILLIAM M. SPRINGER, House of Representatives, Washington City.

A MEMBER. What was the state of the weather?

Mr. SPRINGER. At Cheyenne, Wyo., the capital of the Territory, the day before the election the maximum temperature was 25° above zero; at 8 p. m. it was 7.2° above zero. The maximum temperature on the day of the election was 30°.

Mr. CAREY. Where was that?

Mr. SPRINGER. At Cheyenne.

Mr. CAREY. I want to state that in the southern part of the Territory this has been the worst winter ever known.

Mr. SPRINGER. I prefer to take the report of the Weather Bureau to your statement, because I am going to discredit your statement about the weather at that time.

Mr. CAREY. That was in the southeast corner of the Territory.

Mr. COVERT. That was "the winter of their discontent."

Mr. SPRINGER. Yes, it seems to have been "the winter of their discontent," but you will see before I get through that it was made "glorious summer" by the official reports of the Signal Service Corps. The temperature went up to 25° by noon on the day before the election and on the day of the election the temperature was 30° above, which would not be considered very cold in a dry atmosphere. In other parts of the Territory the thermometer indicated 46° above zero on the day of the election.

Now, as to the storm of wind blowing. At 8 o'clock in the morning at Cheyenne it was blowing at 5 miles an hour and at 8 o'clock in the evening it was blowing at 3 miles an hour. At other stations in the Territory there was a dead calm or a velocity of 2 miles an hour. [Laughter.]

At 8 o'clock in the morning the weather at Cheyenne was "cloudless" and at 8 o'clock in the evening there was a "cloudless" sky. On the day of the election it was even warmer than this, and even more cloudless and if possible a less velocity of wind. At Fort McKinney, in the northern part of the Territory, there was snow at 8 a. m. on the day before the election to the extent of six-one-hundredths of an inch. [Laughter.]

Mr. CAREY. Fort McKinney is the lowest part of—

Mr. SPRINGER. I will show you what your statement is worth. At Fort McKinney the precipitation was .06 of an inch, and the weather was cloudless the whole of the day before the election. [Laughter.] At Fort Washakie the thermometer went up in the course of the day to 28° above zero. The weather at Washakie was cloudless on the day of the election, and no precipitation whatever. [Renewed laughter.] It was cloudless nearly all the way through, as you will see by this statement, till we get down to Rapid City, in South Dakota, where the thermometer at 8 o'clock a. m. on the day before election registered 17.6, and at 8 o'clock p. m. 20.2, and where we found by meteorological observation a trace of snow—one-hundredth part of an inch of snow had fallen. [Laughter.]

There was a fierce gale blowing at the rate of 1 mile an hour at 8 p. m. the day before the election. [Renewed laughter.] The thermometer went up to 55° on the day of the election.

Mr. CUTCHEON. Has not the snow melted since it came into the hands of the gentleman from Illinois?

Mr. SPRINGER. No; but your facts have melted away in view of the official reports. [Laughter.]

So that this great, severe snow-storm that kept all these people from the polls, this tremendous breeze that kept the people in their homes the day of the election and prevented them from voting, has dwindled down, when confronted with the official reports on the weather, to a gale blowing at the rate of 1 mile an hour, and the severe snow-storm to a trace of melted snow. [Renewed laughter.] These are the facts in the case.

Mr. CUTCHEON. Will the gentleman state the extent of that Territory in miles from one extreme to the other.

Mr. SPRINGER. These observations were taken at Cheyenne, at Fort McKinney, at Fort Washakie, in the Territory, and at Fort Custer, in Montana, at Salt Lake City, at Rapid City, at Denver, at all the stations in the Territory and all those around it. So that Wyoming was not only not in the midst of a snow-storm, but the surrounding country, as appears from these figures, was free from storms or severe cold. In Idaho, the Territory immediately west and northwest of Wyoming, there were 14,000 votes polled on November 5. There was as severe a storm there as there was in Wyoming.

The storm was not so severe as to keep the people of Idaho from the polls. Nothing of the kind. Now, Mr. Speaker, I assert that all this talk about a snow-storm keeping the people of Wyoming away from the polls has been exploded by these facts, and this shows the false pretenses that have been resorted to to get this House to give vitality to a constitution which the people of Wyoming refused to indorse. The people regarded that election as a farce and did not attend the polls. They were kept away from the polls, not by storms, but by their own disinclination to attend.

Mr. KELLEY. Will the gentleman yield for a question?

Mr. SPRINGER. Not now; my time is too limited. The gentleman will excuse me. Now, we are asked to accept this constitution, which received but 6,000 votes, although the Delegate from Wyoming insists that there are 20,000 voters in the Territory and 100,000 people. Are those 100,000 people and those 20,000 voters in the Territory to have a constitution forced upon them by Congress, which received the sanction of only 6,000 votes, men and women both voting, and which can have no legal sanction whatever except what is given to it by this House and by the other House of Congress? I want to know whether we are prepared to accept a constitution which is so radical in its provisions and which has been gotten up in the manner I have pointed out.

Now, I desire to call the attention of the House to some of the provisions of this constitution briefly, because my time is short. The article on the question of suffrage, to which I take exception and which has been incorporated into this constitution, is as follows:

The rights of the citizens of the State of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this State shall equally enjoy all civil, political, and religious rights and privileges.

And in the bill of rights it is declared that suffrage is an inherent and inalienable right. I have shown, I think, already that the Territory of Wyoming had no right to admit women to the franchise in that Territory. They had no right to admit them, and hence the amendment which I propose. We do not deny the right of a State, properly constituted, to change its constitution and adopt female suffrage, but it must be done by the male voters, who are alone author-

ized to vote in all the States of the Union and who are alone authorized by the law of Congress to vote in the Territory of Wyoming. We insist, therefore, that this Territory must come into the Union in the regular way.

The first amendment we propose provides for the election of a convention to be composed of delegates elected in the usual way, just as was done in the cases of the two Dakotas and of Montana and Washington, and the submission of the constitution to the people. Then, if in this way, through the action of the male voters, they choose to have female suffrage, it will be their business and not ours. But I deny your right to force it upon them, just as you threaten to do by the passage of this bill.

There is no State in the Union whose constitution contains such a provision as this. No gentleman upon either side can predict the consequences which will come to this country if this principle is admitted into the constitution of one of the States of this Union, and I ask you to move slowly and deliberately before you take this radical departure from the policy of the fathers, from the policy which prevails in all the enlightened governments of the world. Before you depart from the settled convictions of the civilized governments of the world and plunge into a new and untried system of suffrage, I ask you at least to pause and give the subject that fair and deliberate consideration to which it is entitled.

We also offer another amendment, in case the first is voted down, to resubmit this constitution to the people at an election to be held under authority of law, where illegal voting can be prevented, an election to be held next November, at which the people shall vote for State officers, and at the same time shall vote "for female suffrage" or "against female suffrage," "for the eligibility of women to hold office and to sit on juries" or "against the eligibility of women to hold office and to sit on juries." If the majority of the people vote for the constitution, then the State is to be admitted upon that vote, as in the cases of the two Dakotas and Washington and Montana; and if they vote against female suffrage or against the eligibility of women to hold office and to sit on juries, then and in that event the constitution is to be amended in accordance with the vote and the will of the people so expressed. Can anything be more fair and reasonable than that?

If this amendment is rejected, we submit a third amendment, by which it is proposed to strike out the provision in the constitution granting female suffrage and confine the suffrage to males, and submit the amended constitution to the people, and if they vote "for the amended constitution," then and in that event the State shall come into the Union under that constitution without further action of Congress.

These are the amendments which we propose, and I assure you, gentlemen, that we have not delay in view. We have simply in view the orderly method of procedure in matters of this kind. Surely the question of admitting a State into this Union is one worthy of the careful and mature thought of this House and of the country. We ask you to proceed in this case in the careful, deliberate, orderly way in which we proceeded to the admission of States which came into the Union in the last Congress. We ask you to treat Wyoming now and Idaho afterwards just as we treated the four States which came in last year, and which were very glad to come in under that method. We ask you to deal justly with the people of Wyoming, and not force the constitution upon them.

Now, Mr. Speaker, I am in favor of the admission of all these Territories into the Union. I do not agree with some of my colleagues who are opposed to admitting them now. I believe the time has come in the march of events when the power of this Union should move westward. These new States are coming here to vote for unlimited coinage of the silver dollar and I welcome them for that purpose. They are coming here to vote for an honest revision of the tariff, in the interest of the people of the whole country, and I welcome them here for that purpose. They are coming here to vote down the trusts and the great monopolies that are grinding the life-blood out of the people of the West, and I welcome them here for that purpose.

They are coming here in the near future, Mr. Speaker, however much you may count upon their votes now, to take their places with the other Democratic States of the Union, and I do not want to retard them a moment. Let them come. The sooner they come here the better it will be for the country, and I welcome them to an equality with the other States of the Union. But, Mr. Speaker, I insist that they must come in in a regular, fair, and orderly way, in a way which will voice the sentiment of the people, and not come in to meet a partisan exigency. We should not tie the hands of the people and prevent the legal expression of their will—

Mr. MOREY. Will the gentleman yield for a question?

The SPEAKER. The time of the gentleman has expired.

Mr. MOREY. I would like to ask the gentleman a question before he sits down. I desire to ask him as a member of the committee this question: The minority has made three several recommendations of amendments to this bill. Now, I desire to ask the gentleman if the minority propose any amendment except those which look to the striking out of the clause in this constitution granting female suffrage and the clause making ability to read the Constitution a condition of voting. Do you make any other recommendations than those?

Mr. SPRINGER. We do. We recommend the submission of the whole question to the people, at an election to be held in pursuance of an act of Congress, at which delegates will be elected to a constitutional convention, which will frame an entirely new constitution, and this whole instrument now before Congress be swept away, as it ought to be, in my judgment, in order to give the people a chance to make their own constitution, instead of having one forced upon them.

Mr. MOREY. But is there any single amendment proposed by the minority to strike out anything else except what I have stated?

Mr. SPRINGER. Yes!

Mr. MOREY. I say there is not.

Mr. SPRINGER. We propose to wipe it all out, and failing in that we propose to resubmit the constitution already framed to the people, apart from the question of female suffrage, which is to be submitted separately. If this amendment should fail we propose to strike female suffrage from the constitution and resubmit the amended constitution to the people for ratification or rejection.

Mr. Speaker, there were some other matters to which I desired to call attention, but my time having expired I can not do so. I thank the House for the kind attention I have received.

Mr. STRUBLE. Mr. Speaker, I had hoped to be able to occupy nearly all of the time remaining to this side, but I understand there are several gentlemen who wish a few minutes each, and I therefore, ask the Chair to call time on me when I shall have spoken twelve minutes.

Mr. Speaker, no one can say much on a great question like this in so short a time, but I wish, first, to direct attention briefly to the point made by the distinguished gentleman from Georgia [Mr. BARNES], my colleague on the Committee on Territories, who has cited the only authority presented here, according to my present recollection, going in the direction of a condemnation of the movement and action of the people of Wyoming in the steps they have taken looking to the admission of that Territory into the Union, and hereafter will, if time permits, consider one or more other points of interest.

The gentleman cited an authority found in 7 Howard, the Rhode Island case (Luther, plaintiff in error, vs. Borden *et al.*), and he read from the argument of Mr. Webster, who was one of the attorneys for the defendant in error. He did not read from Mr. Webster, the great constitutional lawyer and statesman, speaking in the Senate of the United States or delivering an opinion as a jurist, but from Daniel Webster speaking as the paid attorney of one of the parties to the suit.

I admit, sir, that the language of Mr. Webster, speaking only as a paid attorney, is entitled to great respect and consideration at our hands; but when we consider the facts in that noted trial, to which I will briefly advert, it will be seen that the opinion of Mr. Webster can not be properly claimed to be in conflict with the principles that are applicable to the case before the House.

Now, what were the facts in that case? They were that, in opposition to the old chartered government, in opposition to the steps taken by that government to have a new constitution framed, in opposition to the resolution passed by the legal authorities and constituted government of Rhode Island, certain citizens of that State, for their own reasons and clearly in violation of established government, undertook to have a constitution framed and adopted. They proceeded, in violence and in clear revolution, to overthrow the established authority of the State government which, in earlier and later form, ran back to 1663.

In other words, by a violent movement, assuming they had the authority, against the established government and law of their State, they sought to erect a constitution in opposition to, and in overthrow of, the legally existing one. Mr. Webster was on the side of the State government, and of course took the position which the State authorities maintained in opposition to the purpose of those citizens who, without sanction of law and against law, proposed to establish a new constitution.

Is there any parallel, I ask members of this House, I ask the gentleman from Georgia, between the Rhode Island case and the peaceable, orderly movement of one hundred thousand people in Wyoming in the direction, not of revolution, Mr. Speaker, but of evolution, from Territorial bondage toward the flag and the Constitution of the Federal Government, toward a rightful and equal participation in governmental affairs, the highest aim and the dearest political right of American freemen?

Is there an analogy between this case cited by my distinguished friend from Georgia [Mr. BARNES] and this community out upon the plains with a population of 100,000 people gathered from all sections, from colleges, from farms, from ranches, from all of the avocations of life, enterprising, intelligent, loyal? Yet here this community which, in the spirit of patriotism, in the spirit of honest desire, seeks to become one of the States of this Union, must be characterized by such gentlemen as my colleague on the committee, Mr. SPRINGER, of Illinois, as proceeding in violation of law and of the Constitution, as guilty of violent and revolutionary conduct. Such a position as this can not be too strongly condemned.

If these people were acting in opposition to the law of Congress, if there were in the statute-book a single sentence in condemnation of



this manner of proceeding, if Congress had ever pronounced against woman suffrage, if Congress had ever pronounced against compulsory education, if Congress had ever inveighed against educational qualifications of electors, if Congress had put in the way of this peaceable proceeding any section of law, I would have felt it my duty to act otherwise than I have; but nowhere in the statute-book, nowhere in the Constitution or laws can be found anything which says to that people or any other of similar situation, "You shall not put yourselves in harmonious relations with the States of the Union. You shall not by public, peaceable, and orderly methods, such as the people of Wyoming adopted, be permitted respectful and successful hearing at the hands of the Congress of the United States in an honorable attempt to gain admission as a State.

Now, we are told that woman suffrage is not to be allowed in Wyoming, and I wish to speak briefly to this point. It is conceded by gentlemen on the other side that not a line is to be found in the Constitution denying to Wyoming the right to establish woman suffrage. It is conceded a State admitted into the Union may properly provide for woman suffrage. If it is constitutional, then, for a State already admitted to provide for female suffrage, as a legal proposition it is competent here and now for Congress to permit this community of 100,000 people, acting peaceably and deliberately, to form their constitution admitting women in that new State to the elective franchise. There is no escape from this legal proposition.

What then have we to do? Shall we, as the gentleman from Illinois would have us do, send this constitution back with the condemnation of the House of Representatives, with the condemnation of the Congress of the United States, and say to Wyoming, "You shall not come into the Union until you take care that no innovation is made in reference to the right of suffrage; you shall not come in until you condemn the right of women to vote; you shall not come in until you have first condemned that which for years you have allowed and approved?"

Mr. Speaker, for nearly a quarter of a century the people of this Territory have had woman suffrage within their borders. It has been demonstrated to their satisfaction. The women of Wyoming have for about twenty years exercised the right of suffrage; have gone to the polls and deposited their ballots. They have served on juries. They have answered all reasonable demands of citizenship in their experience as electors under Territorial law, and because of these facts the men of the Territory, uniting without reference to party, have consented to the provisions continuing to them the right of suffrage.

It is now properly in their constitution for future State government, and placed there by the deliberate act of a constitutional convention composed of men only, Democrats and Republicans, and with but one dissenting voice. They ask that it may remain in and continue a part of their constitution, and I maintain it is our duty to permit the people of Wyoming, irrespective of our individual views, to settle this question for themselves now and hereafter. Congress has not in all these twenty years pronounced against the right of female suffrage in Wyoming; has never by statute expressed disapproval of the legislation of that Territory conferring this privilege, and shall we now, after so long a time, after full knowledge of what the people of that Territory have done in allowing women to participate in the suffrage—shall we now, when this constitution of State government is presented, deny this right granted in that constitution? I insist it comes with bad grace from gentlemen on that side of the Chamber, after this long acquiescence, to say, "We will not have you as a member of this Union of States unless you will go back on your record, unless you will repeal your laws, unless you will change your constitution, unless you will narrow down the scope of republicanism, of true democracy, and limit the right of suffrage in Wyoming, in opposition to the will of the people, to men alone."

Are we then willing to record here and now that we deny the constitutional right of a loyal, intelligent body of American citizens, living under Territorial form, to frame a constitution in accordance with their highest and best judgment, that instrument containing not a single proposition which can rightly be condemned as unrepugnant? I am unwilling to assume this attitude. I am unwilling to make such a record. I am unwilling thus to condemn the highest principle of local self-government.

To sustain this constitution, to recognize this right of the people in the Territories to decide for themselves these local questions, in no manner commits any of us to the abstract principle of female suffrage. We do not by affirmative action on this measure assert that we favor the extension of this suffrage to other States.

We do no more than affirm our allegiance to the Constitution of our country, which contemplates that the people of each State, old or new, may ordain their own constitutional forms, they being republican in character. We declare that we will not, because we may differ as to the wisdom of a policy clearly admissible and proper in a constitutional sense, force upon the people of a new State our individual views; and while we may disapprove certain propositions in this instrument, this disapproval may not and should not lead us in the least to hesitate when passing on a question of highest privilege to the citizens of a State or Territory.

As a member of this House and as a member of the Committee on

the Territories, the majority of whom are responsible for the favorable recommendation on this bill, it affords me more than ordinary gratification to believe there will be no hesitation with members on this side the Chamber in voting for the admission of the Territory of Wyoming on this constitution.

Her people have been long in Territorial condition; they have proven their capacity for intelligent and successful State government; they have made satisfactory exhibit of material conditions assuring us that within her borders are inexhaustible resources to sustain a large permanent population; they have given abundant evidence of their progressive Americanism, of their devotion to our forms of Government, and now they stand in dignified but respectful manliness and womanliness at the doors of our great American Union and pray that exalted but constitutional boon, the right to be of us and with us in all the further great and grand development awaiting the mightiest Republic on which the sun ever shone. Let us answer them as becomes their equals. [Applause.]

Mr. BAKER. I now yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, the question of the introduction of new States into the Union has always been a question of political power and political action. It has so happened that from the very beginning of this Government, at least as far back as the memory of men now living extends, the Democratic party, since the downfall of slavery, since it attempted to use the introduction of States to keep up the political power of slavery on this continent, has always opposed the admission of new States into the Union. And especially has the Democratic party had its eye of unqualified vengeance and opposition upon the introduction of every State that has been carved out of that magnificent territory over which the ægis of the great declaration of liberty, the ordinance of 1787, was cast. Hostility, either open and declared, as now, or covert and insinuating, as in the Fiftieth Congress, has always been the policy of the Democratic party.

The gentleman from Illinois [Mr. SPRINGER], a member of the Committee on Territories, who has succeeded, by some process of which I am not acquainted, in having himself embalmed in a great publication as having achieved the most remarkable feat of parliamentary work ever accomplished on this continent, in securing the admission of the Dakotas, Washington, and Montana, was one of the most insidious, persistent, and unrelenting enemies of the admission of either of these magnificent States into the Union; and he was driven ultimately, by the breaking down of the solid front of his own side under the leadership of the gallant gentleman from New York, whose vacancy here I so much regret, to change front.

Mr. SPRINGER. The gentleman is entirely mistaken in his statement.

Mr. GROSVENOR. I was here myself, and I know exactly what was done.

Mr. SPRINGER. Then the gentleman does not state what was done.

Mr. GROSVENOR. The scheme under which one of the Dakotas was passed in this House was a scheme to defeat ultimately the result that we worked out; and when the bill came back from the Senate with all four of the States in it, which proposition had been offered as a Republican measure, the break that was made by the distinguished gentleman from New York [Mr. COX] alone made such a break on that side as enabled us to concur in the action of the Senate, and thus we admitted the four new States.

Now, it is said that by this action, proposed here to-day, we are to commit ourselves to the doctrine of female suffrage now existing by law in the Territory of Wyoming. In that connection, Mr. Speaker, I wish to supplement what has been so well said by the gentleman from Iowa [Mr. STUBBLE], by referring to this legal proposition: Nowhere in the Constitution of the United States is there any condition made in regard to the qualification of an elector, except that we forbid any State in the Union to deprive any person of the right to vote because of race, color, or previous condition of servitude. Beyond that, every question of the qualification of the voter is left to the State itself.

Now, then, what do we do in the case of Wyoming that is practically different from the case of the two Dakotas and Montana? In the case of these States we admitted them with constitutions that conferred suffrage solely upon males, and not females, but to-day either one of these States may change its constitution, without any consent by or consultation with the General Government, and confer suffrage upon the women of those States. So that we have never undertaken to put up a barrier against the power of the State to confer suffrage upon anybody, but have simply forbidden them to withdraw suffrage from the colored people or refuse to confer suffrage upon any man, otherwise qualified, by reason of race or color. So the State of Wyoming, when it comes into the Union under that constitution allowing female suffrage, a provision recognized in the Constitution, would have power to change it the next day, without notice to the General Government and without its consent.

The other States that have come in with exclusive male suffrage in their constitutions have the power to change these provisions to-day or to-morrow or any day that they see proper. A vote here, therefore, for the admission of Wyoming can not be construed by any possi-

ble logic into a vote in favor of the doctrine of female suffrage, a doctrine which, I wish to say in this connection, I am not at all alarmed about, so far as I am personally concerned. But my vote here can never fairly or justly be considered or understood to mean that in accepting this constitution I voted in favor of female suffrage. But the admission of Wyoming is a political question, and the Republican party on this floor is not afraid of it and ought not to be afraid to meet and dispose of it. [Applause.]

[Here the hammer fell.]

Mr. BAKER. Mr. Speaker, in the few minutes remaining for the debate, I wish to call the attention of the House to the situation as to the proposed State of Wyoming. Wyoming asks admission under the constitution which is presented here and is before this House, desiring no other privileges than have been conferred upon each of the other States on their admission to the Union. She comes asking to be admitted upon an equality with the other States, under a bill and with a constitution which fit each other; the constitution fits the bill and the bill fits the constitution completely and in all particulars.

It has been said by gentlemen on the other side, so many of whom have been agonizing in spasms about this matter for the last twenty-four hours—by my honored friend from Alabama [Mr. OATES]—that it is going to result in breaking down this great Republic; that we are going to abdicate in favor of women in the government of this land. My friend from Missouri [Mr. DOCKERY] says that it is an innovation on things; that it is a purely Republican measure; that this bill had better be changed in its title and made to read, "A bill to increase the electoral vote in favor of the Republican candidate for President in 1892." My good friend from New Jersey [Mr. MCADOO] seems to think it is to overturn and overthrow the whole system of land laws of the United States.

Mr. Speaker, I wish to say to all of these gentlemen and to this House that the bill is exactly, in its land provisions, like all the bills, in respect of those things providing for the admission of the other States, that have been passed by Congress heretofore. Suppose we defeat the bill—this Republican measure, as my friend from Missouri [Mr. DOCKERY] calls it—what is the result? Why, the result is a Democratic victory, according to my friend. If the bill prevails and Wyoming comes into the Union, as she has a constitutional right to do, then, according to my friend, it is a Republican triumph, and Republicanism is guaranteed, under a republican constitution, to a great State, which is now ready to perform the full functions of statehood and enter upon its duties as a member of the Union in conjunction with all her sister States.

My good friend from Illinois [Mr. SPRINGER] in his minority report says that they do not care to put in the way of Wyoming any obstructions to immediate admission; and yet he has fought the bill from its introduction up to this time with all the power at his command.

He did the same thing during the Forty-ninth and Fiftieth Congresses as to the Dakotas. During both those Congresses he stood here upon this floor insisting with great earnestness at one time that Dakota was entitled to admission into the Union only as a whole, and then he turned square around and insisted that it should be divided upon the Missouri River line and that line extended to the Canadian frontier.

Mr. SPRINGER. The gentleman is mistaken.

Mr. BAKER. I am not mistaken. For thirteen years the Democratic party stood solidly against the admission of the two Dakotas, until, forsooth, they could hook on Montana and Washington, under the expectation that two Democratic States would be secured to offset the two Dakotas, which it was thought would be Republican. But they did not get the two Democratic States. Of course our Democratic friends think they may still secure the Democratic Senators from Montana. [Laughter.]

Mr. WASHINGTON. You beat us.

Mr. BAKER. Yes, in spite of all unrighteous opposition the Republicans have prevailed in the State of Montana, and have secured their Senators, very much to the regret of my friend from Illinois, notwithstanding his opposition to the Dakotas. Following the record made during ten years of consistent opposition to the Dakotas, he has had himself written up as being their firmest friend. In the Magazine of Poetry he is already embalmed in history as the one person entitled to all credit for the admission of the four States last admitted. Hear what he has procured to be said of himself. I read from the July number of the Magazine of Poetry, page 331:

The Hon. WILLIAM M. SPRINGER, of Illinois, the distinguished member of Congress who for many years has ably represented the district which once sent Abraham Lincoln to the National House, and whose name will go to the future crowned with honor, as he was author and manager of the bill by which the two Dakotas, Montana, and Washington were admitted to statehood—a parliamentary triumph without a precedent.

[Cries of "Hear!" "Hear!" and laughter.]

The Magazine of Poetry, Mr. Speaker. It is wonderful.

Mr. MOREY. I desire to know whether that is accompanied with a chromo. [Laughter.]

Mr. BAKER. Mr. Speaker, I say that the position of my friend from Illinois has not been inconsistent. Emerson says that "consistency is a bugbear to men of small minds;" but consistency is not a bugbear to my friend from Illinois. He stands here now and wants the Democratic party to be solid with him against the admission of Wy-

oming when not a voice is heard from Wyoming from the Democratic party, from the Republican party, or from anybody in opposition to the admission of that State to-day.

In a little while the Magazine of Poetry will no doubt record him as the faithful advocate of Wyoming.

Such is the attitude of my friend from Illinois, which I firmly believe is not dictated or supported by the solid Democratic party in this country or in this House. Mr. Speaker, we owe it to Wyoming, we owe it to ourselves that she shall be admitted upon the constitution which they have adopted, and that we shall not undertake to dictate to them what they shall have in their constitution or what they shall not have. They have the right to frame a constitution which shall be republican in form. This they have done. We do not propose to vote it up nor do we propose to vote it down, but we simply vote in favor of Wyoming's right of local self-government, a right guaranteed by the Constitution to every community and to every State. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired, and the Clerk will read the special order.

Mr. SPRINGER. Mr. Speaker, I send to the Clerk's desk an amendment.

Mr. BAKER. Mr. Speaker, I make the point of order that the previous question is considered as ordered.

The SPEAKER. The previous question is now ordered, and the House is pursuing the order.

Mr. SPRINGER. I am not surprised that the gentleman desires to cut off amendment.

The SPEAKER. The gentleman from Illinois is not in order.

Mr. SPRINGER. I am aware of that. But I now send to the Clerk's desk and move the adoption of the first amendment recommended by the minority of the Committee on the Territories.

The Clerk read as follows:

Strike out sections 1 and 2 of the bill and insert in lieu thereof the following, and number the other sections accordingly:

"Sec. 1. That the inhabitants of all that part of the area of the United States now constituting the Territory of Wyoming, as at present described, may become the State of Wyoming, as hereinafter provided.

"Sec. 2. That all male persons who shall have resided within the limits of said proposed State for sixty days, and are otherwise qualified by the laws of said Territory to vote for representatives to the Legislative Assembly thereof, are hereby authorized to vote for and choose delegates to form a convention in said Territory; and the qualifications for delegates to such convention shall be such as, by the laws of said Territory, persons are required to possess to be eligible to the Legislative Assembly thereof; and the aforesaid delegates to form said convention shall be apportioned among the several counties within the limits of the proposed State, in proportion to the aggregate number of votes in each of said counties for Delegate in Congress at the election held in said Territory on the Tuesday next after the first Monday in November, 1888. One delegate shall be allowed for every 300 votes cast in each county and one delegate for any fraction of 150 votes cast in each county. That said apportionment shall be made by the governor, the chief justice, and the United States attorney of said Territory; and the governor of said Territory shall, by proclamation, order an election of the delegates aforesaid in said Territory to be held on the Tuesday after the first Monday in June, 1890, which proclamation shall be issued within thirty days after the passage of this act; and such election shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such convention issued in the same manner as is prescribed by the laws of the said Territory regulating elections therein for Delegate to Congress. All male persons resident in said proposed State, who are qualified voters of said Territory, as herein provided, shall be entitled to vote upon the election of delegates, and upon the ratification or rejection of the constitution, under such rules and regulation as said convention may prescribe, not in conflict with this act, but no educational qualification shall be required of voters at either of said elections.

"Sec. 3. That the delegates to the convention thus elected shall meet at the seat of government of said Territory on the 1st day of July, 1890, and after organization shall declare, on behalf of the people of said proposed State, that they adopt the Constitution of the United States; whereupon the said convention shall be, and is hereby, authorized to form a constitution and State government for said proposed State. The constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide, by ordinance irrevocable without the consent of the United States and the people of said State:

"First, that perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested, in person or property, on account of his or her mode of religious worship;

"Second, that the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the State shall never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use; but nothing herein, or in the ordinance herein provided for, shall preclude the said State from taxing, as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation; but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress may prescribe;

"Third, that the debts and liabilities of said Territory shall be assumed and paid by the said State; and

"Fourth, that provision shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control.



"Sec. 4. That in case a constitution and State government shall be formed in compliance with the provisions of this act, the convention forming the same shall provide by ordinance for submitting said constitution to the people of said State for their ratification or rejection, at an election to be held in said Territory on the Tuesday after the first Monday of November, 1890, at which election the qualified voters of said proposed State shall vote directly for or against the proposed constitution, and for or against any provisions separately submitted. The returns of said election shall be made to the secretary of said Territory, who, with the governor and chief-justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast on that question shall be for the constitution, the governor shall certify the result to the President of the United States, together with a statement of the votes cast thereon and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitution and government of said proposed State are republican in form and if all the provisions of this act have been complied with in the formation thereof, it shall be the duty of the President of the United States to issue his proclamation announcing the result of said election, and thereupon the proposed State of Wyoming shall be deemed admitted by Congress into the Union under and by virtue of this act on an equal footing with the original States from and after the date of said proclamation: *Provided*, That nothing contained in this act shall, in any wise, interfere with the right and ownership of the United States to the Yellowstone National Park reservation and the exclusive control over the same by the United States."

The SPEAKER. The question is on agreeing to the amendment.

The question was put; and the Speaker announced that the "noes" seemed to have it.

Mr. SPRINGER. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 131, nays 138, not voting 60; as follows:

## YEAS—131.

Abbott,	Crain,	Lane,	Rogers,
Alderson,	Crisp,	Lanham,	Rowland,
Allen, Miss.	Culbertson, Tex.	Lawler,	Rusk,
Anderson, Miss.	Cummings,	Lee,	Sayers,
Andrew,	Dargan,	Lester, Ga.	Seney,
Bankhead,	Davidson,	Lester, Va.	Sherman,
Barnes,	Dibble,	Lewis,	Shively,
Barwig,	Dockery,	Maish,	Spinola,
Biggs,	Dunnell,	Martin, Ind.	Springer,
Blanchard,	Dunphy,	Martin, Tex.	Stewart, Ga.
Bland,	Edmunds,	McAdoo,	Stewart, Tex.
Breckinridge, Ark.	Elliott,	McClammy,	Stockdale,
Breckinridge, Ky.	Ellis,	McClellan,	Stone, Ky.
Brickner,	Enloe,	McCreary,	Stone, Mo.
Brookshire,	Fitch,	McRae,	Stump,
Brown, J. B.	Fithian,	Mills,	Tarsney,
Brunner,	Flower,	Montgomery,	Tillman,
Buchanan, Va.	Forman,	Moore, Tex.	Tracey,
Buckalew,	Forney,	Morgan,	Tucker,
Bullock,	Fowler,	Mutcher,	Venable,
Bynum,	Geismenhainer,	Ontes,	Walker, Mo.
Campbell,	Gibson,	O'Ferrall,	Washington,
Carlisle,	Goodnight,	O'Neil, Mass.	Wheeler, Ala.
Carlton,	Grimes,	Outwalte,	Whiting,
Catchings,	Hare,	Owens, Ohio	Wike,
Chipman,	Hatch,	Parrett,	Wilkinson,
Clancy,	Hayes,	Peel,	Willcox,
Clarke, Ala.	Haynes,	Pennington,	Williams, Ill.
Clements,	Heard,	Pierce,	Wilson, Mo.
Clunie,	Herbert,	Price,	Wilson, W. Va.
Cobb,	Holman,	Reilly,	Wise,
Cooper, Ind.	Hooker,	Richardson,	Yoder.
Covert,	Kilgore,	Robertson,	

## NAYS—138.

Adams,	Connell,	Laidlaw,	Reed, Iowa
Anderson, Kans.	Cooper, Ohio	Laws,	Reynolds,
Arnold,	Craig,	Leibach,	Rie,
Atkinson, Pa.	Culbertson, Pa.	Lodge,	Rockwell,
Atkinson, W. Va.	Datcheon,	Mason,	Rowell,
Baker,	Datzell,	McComas,	Russell,
Banks,	Darlington,	McCord,	Sawyer,
Bartino,	Dingley,	McCormick,	Scull,
Bayne,	Dolliver,	McKenna,	Simonds,
Beckwith,	Dorsey,	McKinley,	Smith, Ill.
Belden,	Ewart,	Milliken,	Smith, W. Va.
Belknap,	Farquhar,	Moffitt,	Smyser,
Bergen,	Featherston,	Moore, N. H.	Snider,
Bingham,	Flick,	Morey,	Stewart, Vt.
Bliss,	Frank,	Morrill,	Stivers,
Boothman,	Funston,	Morrow,	Stockbridge,
Boutelle,	Gear,	Morse,	Struble,
Bowden,	Gest,	Mudd,	Taylor, E. B.
Brewer,	Greenhalge,	Niedringhaus,	Taylor, Ill.
Brower,	Grosvenor,	Nule,	Thomas,
Browne, Va.	Groat,	O'Donnell,	Townsend, Colo.
Buchanan, N. J.	Hall,	O'Neill, Pa.	Townsend, Pa.
Burton,	Hansbrough,	Osborne,	Turner, Kans.
Butterworth,	Harmer,	Owen, Ind.	Vandever,
Candler, Mass.	Henderson, Iowa	Payne,	Walker, Mass.
Caunton,	Hermann,	Payson,	Wallace, Mass.
Carter,	Hill,	Perkins,	Wallace, N. Y.
Caswell,	Hitt,	Peters,	Watson,
Cheadle,	Kelley,	Pickler,	Wheeler, Mich.
Cheatham,	Kennedy,	Post,	Williams, Ohio
Clark, Wis.	Kerr, Iowa	Pugsley,	Wilson, Wash.
Cogswell,	Ketcham,	Quackenbush,	Wright,
Coleman,	Kinsey,	Raines,	Yardley.
Comstock,	Lacey,	Randall, Mass.	
Conner,	La Follette,	Ray,	

## NOT VOTING—60.

Allen, Mich.	Candler, Ga.	Flood,	Kerr, Pa.
Blount,	Caruth,	Gifford,	Knapp,
Boatner,	Cothran,	Haugen,	Lansing,
Brosius,	Cowles,	Hemphill,	Lind,
Brown, T. M.	De Haven,	Henderson, Ill.	Magner,
Bunn,	De Lano,	Henderson, N. C.	Mansur,
Burrows,	Evans,	Hopkins,	McCarthy,
Caldwell,	Finley,	Houk,	McMillin,

Miles,	Randall, Pa.	Sweeney,	Van Schaick,
Norton,	Sanford,	Taylor, J. D.	Wade,
O'Neill, Ind.	Scranton,	Taylor, Tenn.	Whithorne,
Paynter,	Skinner,	Thompson,	Wickham,
Perry,	Spooner,	Turner, Ga.	Wiley,
Phelan,	Stahnecker,	Turner, N. Y.	Wilson, Ky.
Quinn,	Stephenson,	Turpin,	

So the amendment was rejected.

The following-named members were announced as paired until further notice:

Mr. FLOOD with Mr. HENDERSON, of North Carolina.

Mr. FINLEY with Mr. CANDLER, of Georgia.

Mr. STEPHENSON with Mr. SKINNER.

Mr. KNAPP with Mr. STAHLNECKER.

Mr. GIFFORD with Mr. TURPIN.

Mr. WILSON, of Kentucky, with Mr. PAYNTER.

Mr. CALDWELL with Mr. MCCARTHY.

Mr. SCRANTON with Mr. HEMPHILL.

Mr. JOSEPH D. TAYLOR with Mr. CARUTH.

Mr. WADE with Mr. NORTON.

Mr. MILES with Mr. BUNN.

Mr. DE LANO with Mr. TURNER, of New York.

Mr. WICKHAM with Mr. COTHRAN.

Mr. EVANS with Mr. PERRY.

Mr. THOMPSON with Mr. TURNER, of Georgia.

Mr. HOPKINS with Mr. BLOUNT.

Mr. THOMAS M. BROWNE with Mr. KERR, of Pennsylvania.

Mr. LANSING with Mr. WILEY.

Mr. WILBER with Mr. RANDALL, of Pennsylvania.

The following-named members were announced as paired on this vote:

Mr. BROSIUS with Mr. QUINN.

Mr. SPOONER with Mr. PHELAN.

Mr. DE HAVEN with Mr. MANSUR.

Mr. COWLES was announced as paired with Mr. ALLEN, of Michigan, on all political questions, from March 22 until April 1.

Mr. TAYLOR, of Tennessee, with Mr. O'NEALL, of Indiana, for this day.

Mr. LIND with Mr. BOATNER, for this day.

Mr. BAKER. I ask unanimous consent that the recapitulation of the names of members voting be dispensed with.

Mr. SPRINGER. I object. I think we had better have the names read, not for delay, but to verify the vote, as it is a very important one.

The Clerk recapitulated the names.

Mr. SPRINGER. Mr. Speaker, I observed that the name of the gentleman from Missouri [Mr. TARSNEY] was read in the list of those who voted in the negative. I understand that he voted in the affirmative.

Mr. BAKER. We do not want to go back on the returns. [Laughter.]

Mr. SPRINGER. The returns are not correct.

Mr. TARSNEY. I answered distinctly in the affirmative.

The SPEAKER. The mistake was made in recording. The mark was placed opposite the name of the gentleman from Missouri [Mr. TARSNEY] instead of opposite the name of the gentleman from Ohio [Mr. EZRA B. TAYLOR]. The gentleman from Missouri will be recorded in the affirmative.

The result of the vote was then announced as above recorded.

Mr. SPRINGER. Now, Mr. Speaker, I send to the Clerk's desk the second amendment.

The amendment was read, as follows:

Add to section 1 the following:

"*Provided*, That there shall be an election in the Territory of Wyoming on the Tuesday next after the first Monday in November, 1890, for a Representative in Congress to the Fifty-first and Fifty-second Congresses, and for the State, judicial, and legislative officers, whose terms of office are created by the proposed constitution of the State of Wyoming, and such county, precinct, and municipal officers as may be provided for under such constitution and under the laws of the Territory of Wyoming; but no county or township officers shall be elected unless their terms are about to expire under the laws of the Territory creating such offices. At said election every male citizen of the United States who is otherwise qualified under the laws of the Territory of Wyoming to vote, may vote for such officer and on the constitution and separate propositions submitted, and no others, and said election shall be conducted and returns made and canvassed in the manner provided in the laws of said Territory for the election of the Delegate to Congress. At said election each qualified elector may have written or printed upon his ballot the words 'For the constitution' or 'Against the constitution,' and also the words 'For female suffrage' or 'Against female suffrage.' Also the words 'For eligibility of women to hold offices and sit on juries' or the words 'Against the eligibility of women to hold offices and sit on juries.' If at said election the majority of the legal votes cast shall be 'for the constitution,' the governor shall certify the result to the President of the United States, together with the votes cast thereon and upon separate articles or propositions, and a copy of said constitution, articles, and propositions. It shall be the duty of the President of the United States, if it shall appear that a majority of all the votes cast at said election were in favor of the constitution, to issue his proclamation announcing the result of such election, and thereupon said State of Wyoming shall be deemed admitted by Congress into the Union under and by virtue of this act, on an equal footing with the original States from and after the date of said proclamation: *And provided further*, That if it shall appear that a majority of the legal votes cast at said election were against female suffrage or against the eligibility of women to hold offices and sit on juries, then, in that event, the constitution of the said State of Wyoming shall be amended accordingly by virtue of such vote."

The question was taken on the adoption of the amendment; and the Speaker declared that the noes seemed to have it.

Mr. SPRINGER. I call for the yeas and nays.  
The yeas and nays were ordered.  
The question was taken; and it was decided in the negative—yeas 133, nays 139, not voting 57; as follows:

## YEAS—133.

Abbott,	Crisp,	Lawler,	Rogers,
Alderson,	Culbertson, Tex.	Lee,	Rowland,
Allen, Miss.	Cummings,	Leibach,	Rusk,
Anderson, Miss.	Dargan,	Lester, Ga.	Sayers,
Bankhead,	Davidson,	Lester, Va.	Seney,
Barnes,	Dibble,	Lewis,	Shively,
Barwig,	Dockery,	Maish,	Spinola,
Biggs,	Dunnell,	Mansur,	Springer,
Blanchard,	Dunphy,	Martin, Ind.	Stewart, Ga.
Bland,	Edmunds,	Martin, Tex.	Stewart, Tex.
Breckinridge, Ark.	Elliot,	McAdoo,	Stockdale,
Breckinridge, Ky.	Ellis,	McClammy,	Stone, Ky.
Brickner,	Enloe,	McClellan,	Stone, Mo.
Brookshire,	Fitch,	McCreary,	Stump,
Brown, J. B.	Fithian,	McMillin,	Tarsney,
Brunner,	Flower,	McRae,	Tillman,
Buchanan, Va.	Forman,	Mills,	Tracey,
Buckalew,	Forney,	Montgomery,	Tucker,
Bullock,	Fowler,	Moore, Tex.	Van Schaick,
Bunn,	Geissenhainer,	Morgan,	Venable,
Bynum,	Gibson,	Mutchler,	Walker, Mo.
Campbell,	Goodnight,	Oates,	Washington,
Carlisle,	Grimes,	O'Ferrall,	Wheeler, Ala.
Carlton,	Hare,	O'Neil, Mass.	Whiting,
Catchings,	Hatch,	Outwaite,	Wilkinson,
Chipman,	Hayes,	Owens, Ohio	Willcox,
Clancy,	Haynes,	Parrett,	Williams, Ill.
Clarke, Ala.	Heard,	Peel,	Wilson, Mo.
Clements,	Herbert,	Pennington,	Wilson, W. Va.
Clunie,	Holman,	Pierce,	Wise,
Cobb,	Hooker,	Quinn,	Yoder,
Cooper, Ind.	Kilgore,	Reilly,	
Covert,	Lane,	Richardson,	
Crain,	Lanham,	Robertson,	

## NAYS—139.

Adams,	Connell,	Lacey,	Reed, Iowa
Anderson, Kans.	Cooper, Ohio	La Follette,	Reynolds,
Arnold,	Craig,	Laidlaw,	Rife,
Atkinson, Pa.	Culbertson, Pa.	Laws,	Rockwell,
Atkinson, W. Va.	Cutcheon,	Lodge,	Rowell,
Baker,	Dalzell,	Mason,	Russell,
Banks,	Darlington,	McComas,	Sawyer,
Bartine,	De Haven,	McCord,	Scull,
Bayne,	Dingley,	McCormick,	Simonds,
Beckwith,	Dolliver,	McKenna,	Smith, Ill.
Belden,	Dorsey,	McKinley,	Smith, W. Va.
Belknap,	Ewart,	Milliken,	Smyser,
Bergen,	Farquhar,	Moffitt,	Snider,
Bingham,	Featherston,	Moore, N. H.	Spooner,
Bliss,	Flick,	Morey,	Stewart, Vt.
Boothman,	Funston,	Morrill,	Stivers,
Boutelle,	Gear,	Morrow,	Stockbridge,
Brewer,	Geist,	Morse,	Struble,
Browne, Va.	Greenhalge,	Mudd,	Sweeney,
Buchanan, N. J.	Grosvener,	Niedringhaus,	Taylor, E. B.
Burrows,	Groat,	Nute,	Taylor, Ill.
Burton,	Hall,	O'Donnell,	Thomas,
Butterworth,	Hansbrough,	O'Neill, Pa.	Townsend, Colo.
Candler, Mass.	Harner,	Osborne,	Townsend, Pa.
Cannon,	Henderson, Ill.	Owen, Ind.	Turner, Kans.
Carr,	Henderson, Iowa	Payne,	Vandever,
Caswell,	Hermann,	Payson,	Walker, Mass.
Cheadle,	Hill,	Perkins,	Wallace, N. Y.
Cheatham,	Hitt,	Peters,	Watson,
Clark, Wis.	Houk,	Pickler,	Wheeler, Mich.
Cogswell,	Kelley,	Pugsley,	Williams, Ohio
Coleman,	Kennedy,	Quackenbush,	Wilson, Wash.
Comstock,	Kerr, Iowa	Raines,	Wright,
Conger,	Ketcham,	Randall, Mass.	Yardley,
	Kinsey,	Ray,	

## NOT VOTING—57.

Allen, Mich.	Flood,	O'Neill, Ind.	Thompson,
Andrew,	Frank,	Paynter,	Turner, Ga.
Blount,	Gifford,	Perry,	Turner, N. Y.
Boatner,	Haugen,	Phelan,	Turpin,
Bowden,	Hemphill,	Post,	Wade,
Brosius,	Henderson, N. C.	Price,	Wallace, Mass.
Browne, T. M.	Hopkins,	Randall, Pa.	Whitthorne,
Caldwell,	Kerr, Pa.	Sanford,	Wickham,
Candler, Ga.	Knapp,	Seranton,	Wike,
Caruth,	Lansing,	Sherman,	Wilber,
Cochran,	Lind,	Skinner,	Wiley,
Cowles,	Magner,	Stahlnecker,	Wilson, Ky.
De Lano,	McCarthy,	Stephenson,	
Evans,	Miles,	Taylor, J. D.	
Finley,	Norton,	Taylor, Tenn.	

So the amendment was rejected.

The following additional pair was announced:

Mr. WALLACE, of Massachusetts, with Mr. ANDREW, for the rest of this day.

Pending the announcement of the vote,

Mr. POST said: Mr. Speaker, am I recorded as voting?

The SPEAKER. The gentleman is not recorded.

Mr. POST. I wish to vote "no."

Mr. SPINOLA. I object.

The SPEAKER. There is no need for objection. Under the rule the Chair is not permitted to entertain the gentleman's request.

Mr. BAKER. I ask unanimous consent that the recapitulation of the names of members voting be dispensed with.

Mr. SPRINGER. I object.

The Clerk recapitulated the names.

The result of the vote was then announced as above recorded.

Mr. SPRINGER. I send the other amendment to the desk.

The Clerk proceeded to read the amendment.

The SPEAKER. The Chair observes that this amendment is not the one which was presented in print in the "Views of the minority."

Mr. SPRINGER. After consultation with the minority of the committee I have struck out one sentence.

The SPEAKER. That requires unanimous consent.

Several MEMBERS on the Republican side. I object.

Mr. SPRINGER. Well, Mr. Speaker, there is a typographical error there in the number of a section, which I wish to have corrected.

Mr. BAKER. This is on a par with the rest of the opposition to the bill. I object to any change in the amendment.

The SPEAKER. The gentleman desires to change "section 7" to "section 6."

Several MEMBERS. I object.

The SPEAKER. Objection is made. The Clerk will read the amendment as it stands in the "Views of the minority."

Mr. SPRINGER. Well, I insist that that is a typographical error. The amendment should read "section 6," instead of "section 7," and I wish to have it corrected.

The SPEAKER. The Chair has asked unanimous consent.

Mr. SPRINGER. It does not require unanimous consent to make it as it was written.

Mr. STRUBLE. I do not think that can be admitted, Mr. Speaker. For one, I object to it. Let the print stand as it is.

Mr. SPRINGER. The gentleman can not object to the fact that in the printing of this amendment either the printer or some one else made a mistake and referred to the wrong section. I simply desire that the text shall be made to refer to the section which was actually proposed to be amended.

Mr. STRUBLE. I would have no objection to that, Mr. Speaker, if I had time to examine the amendment, but this has not been called to our attention, and I object.

Mr. SPRINGER. Well, I call it to the gentleman's attention now.

The SPEAKER. If the amendment is adopted, and upon examination this is found to be a mistake, it can be corrected. To correct it now would require unanimous consent, and objection is made. The Clerk will read the amendment as it stands in print.

The Clerk read the amendment, as follows:

Add to section 1 the following:

"Provided, That the State of Wyoming shall not be admitted into the Union until the proposed constitution thereof shall be amended as follows:

"First amendment: Strike out the first section of article 6, entitled 'Suffrage,' which section is in these words: 'The right of the citizens of the State of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this State shall equally enjoy all civil, political, and religious rights and privileges,' and insert in lieu thereof the following: 'SECTION 1. The rights of the citizens of the State of Wyoming to vote or hold office shall not be denied or abridged on account of race, color, or previous condition of servitude. Both male and female citizens of this State shall equally enjoy all civil and religious rights and privileges.'

"Second amendment: Insert the word 'male' after the word 'every' and before the word 'citizen' in the first line of section 2, of article 6, so that the section will read:

"SEC. 2. Every male citizen of the United States of the age of twenty-one years and upward who has resided in the State or Territory one year and in the county wherein such residence is located sixty days next preceding any election shall be entitled to vote at such election, except as herein otherwise provided: And provided, That there shall be an election in the proposed State of Wyoming on the Tuesday next after the first Monday of November, 1890, for Representative in Congress for the Fifty-first and Fifty-second Congresses, for State, judicial, and legislative officers whose offices are created by the proposed constitution of the State of Wyoming, and for such county, precinct, and municipal officers as may be provided for under the said constitution of the State and under the laws of the Territory of Wyoming; but no county or township officers shall be elected unless their election would take place under the provisions of the laws of the Territory of Wyoming at that time. At said election electors who may be qualified to vote as provided in article 7 of said constitution as amended by this act shall be permitted to vote, and no other. And said election shall be conducted and returns made and canvassed in the manner provided in the laws of the Territory of Wyoming for the election of the Delegate in Congress from said Territory. At said election there may be written or printed on each ballot the words 'For the amended constitution' or the words 'Against the amended constitution.' And if the majority of the legal votes cast on this question shall be for the amended constitution then the governor of the Territory shall certify the result to the President of the United States together with a statement of the votes cast thereon and a certified copy of the amended constitution; and it shall be the duty of the President of the United States upon the receipt of such statement of votes cast and copy of such amended constitution, if it shall appear that said amended constitution has been ratified by a majority of the legal votes cast on that question, to issue his proclamation announcing the result of the election thereon; and thereupon the State of Wyoming shall be deemed admitted by Congress into the Union under and by virtue of this act on an equal footing with the original States from and after the date of such proclamation: And provided further, That no election shall be held in the Territory of Wyoming as provided in the ninth, tenth, eleventh, twelfth, and thirteenth sections of the schedule of the proposed constitution of the State of Wyoming; but in lieu of such election there shall be an election in said Territory as provided in the foregoing provisions of this act."

The question was taken on agreeing to the amendment; and the Speaker declared that the yeas seemed to have it.

Mr. SPRINGER. I call for the yeas and nays.

The yeas and nays were ordered.



The question was taken; and it was decided in the negative—yeas 132, nays 138, not voting 59; as follows:

## YEAS—132.

Abbott,	Culbertson, Tex.	Lawler,	Richardson,
Alderson,	Cummings,	Lee,	Robertson,
Allen, Miss.	Dargan,	Lehlbach,	Rogers,
Anderson, Miss.	Davidson,	Lester, Ga.	Rowland,
Bankhead,	Dibble,	Lester, Va.	Rusk,
Barnes,	Dockery,	Lewis,	Sayers,
Barwig,	Dunnell,	Maish,	Seney,
Biggs,	Dunphy,	Mansur,	Shively,
Blanchard,	Edmunds,	Martin, Ind.	Spinola,
Bland,	Elliott,	Martin, Tex.	Springer,
Blount,	Ellis,	McAdoo,	Stewart, Ga.
Breckinridge, Ark.	Enloe,	McClammy,	Stewart, Tex.
Breckinridge, Ky.	Fitch,	McClellan,	Stockdale,
Briekner,	Fithian,	McCreary,	Stone, Ky.
Brookshire,	Flower,	McMillin,	Stone, Mo.
Brown, J. B.	Forman,	McRae,	Stump,
Brunner,	Forney,	Mills,	Tarsney,
Buchanan, Va.	Fowler,	Montgomery,	Tillman,
Buckalew,	Geisenhainer,	Moore, Tex.	Tracey,
Bullock,	Gibson,	Morgan,	Tucker,
Burnum,	Goodnight,	Mitchler,	Venable,
Campbell,	Grimes,	Oates,	Walker, Mo.
Carlton,	Hare,	O'Ferrall,	Washington,
Catchings,	Hatch,	O'Neil, Mass.	Wheeler, Ala.
Chipman,	Hayes,	Outhwaite,	Whiting,
Clancy,	Haynes,	Owens, Ohio	Wike,
Clarke, Ala.	Heard,	Parrett,	Wilkinson,
Clements,	Herbert,	Peel,	Willcox,
Clunie,	Holman,	Penington,	Williams, Ill.
Cobb,	Hooker,	Pierce,	Wilson, Mo.
Cooper, Ind.	Kilgore,	Price,	Wilson, W. Va.
Crain,	Lane,	Quinn,	Wise,
Crisp,	Lanham,	Reilly,	Yoder.

## NAYS—138.

Adams,	Craig,	Laidlaw,	Keyburn,
Anderson, Kans.	Culbertson, Pa.	Laws,	Rockwell,
Arnold,	Cutcheon,	Lodge,	Roswell,
Atkinson, Pa.	Dalzell,	Mason,	Russell,
Atkinson, W. Va.	Darlington,	McComas,	Sanford,
Baker,	De Haven,	McCord,	Sawyer,
Banks,	Dingley,	McCormick,	Seull,
Bartino,	Dolliver,	McKenna,	Simonds,
Bayne,	Dorsey,	McKinley,	Smith, Ill.
Beekwith,	Farquhar,	Milliken,	Smith, W. Va.
Belden,	Featherston,	Moffitt,	Smyser,
Belknap,	Flick,	Moore, N. H.	Snider,
Bergen,	Funston,	Morey,	Spooner,
Bingham,	Gear,	Morrill,	Stewart, Vt.
Bliss,	Gest,	Morrow,	Stivers,
Bushman,	Greenhalge,	Morse,	Stockbridge,
Boutelle,	Grosvonor,	Mudd,	Struble,
Bowden,	Groat,	Niedringhaus,	Sweeney,
Brewer,	Hall,	Nute,	Taylor, Ill.
Burrows,	Hansbrough,	O'Donnell,	Taylor, E. B.
Burton,	Harmer,	O'Neill, Pa.	Thomas,
Butlerworth,	Haugen,	Osborne,	Townsend, Colo.
Candler, Mass.	Henderson, Ill.	Owen, Ind.	Townsend, Pa.
Cannon,	Henderson, Iowa	Payne,	Turner, Kans.
Carier,	Hermann,	Payson,	Vandever,
Caswell,	Hill,	Perkins,	Walker, Mass.
Cheadle,	Hitt,	Peters,	Wallace, N. Y.
Chenham,	Houk,	Pickler,	Watson,
Clark, Wis.	Kelley,	Post,	Wheeler, Mich.
Cogswell,	Kennedy,	Pugsley,	Williams, Ohio
Coleman,	Kerr, Iowa	Quackenbush,	Wilson, Wash.
Comstock,	Ketcham,	Raines,	Wright,
Conger,	Kinsey,	Randall, Mass.	Yardley.
Council,	Lacey,	Ray,	
Cooper, Ohio	La Follette,	Reed, Iowa	

## NOT VOTING—59.

Allen, Mich.	Cowles,	Magner,	Taylor, J. D.
Andrew,	De Lano,	McCarthy,	Taylor, Tenn.
Boatner,	Evans,	Miles,	Thompson,
Broslus,	Ewart,	Norton,	Turner, Ga.
Brower,	Finley,	O'Neill, Ind.	Turner, N. Y.
Browne, T. M.	Flood,	Paynter,	Turpin,
Browne, Va.	Frank,	Perry,	Van Schaick,
Buchanan, N. J.	Gifford,	Phelan,	Wade,
Bunn,	Hemphill,	Randall, Pa.	Wallace, Mass.
Caldwell,	Henderson, N. C.	Rife,	Whitthorne,
Candler, Ga.	Hopkins,	Seranton,	Wickham,
Carlisle,	Kerr, Pa.	Sherman,	Wilber,
Caruth,	Knapp,	Skinner,	Wiley,
Cochran,	Lansing,	Stahlnecker,	Wilson, Ky.
Covert,	Lind,	Stephenson,	

So the amendment was rejected.

The following additional pairs were announced:

Mr. HOPKINS with Mr. CARLISLE, for the rest of this day.

Mr. SHERMAN with Mr. COVERT, on this question.

Mr. BROWNE, of Virginia, with Mr. MAGNER.

The result of the vote was then announced as above recorded.

Mr. BAKER. I ask unanimous consent to offer the amendment which I send to the desk, relating to the Yellowstone reservation. It has been submitted to our friends on the other side, and is, I believe, unobjectionable. It is intended to protect the rights of the United States in that reservation.

The amendment was read, as follows:

Amend section 1 by adding this proviso:

"Provided, That nothing in this act contained shall repeal or affect any act of Congress relating to the Yellowstone National Park, or the reservation of the park as now defined, or as may be hereafter defined or extended, or the power of the United States over it; and nothing contained in this act shall interfere with the right and ownership of the United States in said park and reservation

as it now is or may hereafter be defined or extended by law; but exclusive legislation, in all cases whatsoever, shall be exercised by the United States, which shall have exclusive control and jurisdiction over the same; and the said State shall not be entitled to select indemnity school lands for the sixteenth and thirty-sixth sections that may be in said park reservation as the same is now defined or may be hereafter defined."

The SPEAKER. The gentleman from New York [Mr. BAKER] asks unanimous consent to offer this amendment.

Mr. KILGORE. I object.

Mr. SPRINGER. I hope the gentleman will not object. This bill puts the Yellowstone Park in the State of Wyoming.

Mr. KILGORE. Let the bill go back to the committee and I shall not object.

Mr. SPRINGER. I hope the gentleman will not object.

The SPEAKER. Objection is made. The Clerk will report the next amendment.

The Clerk read the amendments proposed by the Committee on the Territories, as follows:

Amend section 2, line 3, by inserting, after the word "thereof," the following: "And the personal property of the United States now being in the Territory of Wyoming and which has been in use in the said Territory in the administration of the Territorial government, including books and records, and the property used at the constitutional convention which convened at Cheyenne in the month of September, 1890, are hereby granted and donated."

Also, insert in section 9, line 11, after the word "granted," the words "and donated."

Also, in section 11, line 16, after the word "institution," strike out the following:

"In Carbon County, 30,000 acres; for the penitentiary in Albany County, 30,000 acres; for the fish hatchery in Albany County, 10,000 acres; for the deaf, dumb, and blind asylum in Laramie County, 30,000 acres; for the poor-farm in Fremont County, 30,000 acres; for a miners' hospital, 30,000 acres; for normal schools, 100,000 acres; for State charitable, educational, penal, and reformatory institutions, 210,000 acres, making a total of 500,000 acres."

And insert the following:

"In course of construction in Carbon County, 30,000 acres; for the penitentiary in Albany County, 30,000 acres; for the fish hatchery in Albany County, 5,000 acres; for the deaf, dumb, and blind asylum in Laramie County, 30,000 acres; for the poor-farm in Fremont County, 10,000 acres; for a hospital for miners who shall become disabled or incapacitated to labor while working in the mines of the State, 30,000 acres; for public buildings at the capital of the State, in addition to those heretofore granted for that purpose, 75,000 acres; for State charitable, educational, penal, and reformatory institutions, 250,000 acres, making a total of 500,000 acres; Provided, That none of the lands granted by this act shall be sold for less than \$10 per acre."

Also, in section 16, line 14, after the word "courts," insert "in the said district."

Also, in section 18, line 5, strike out "courts" and insert "court;" in same section, line 8, strike out "courts" and insert "court;" in same section, line 28, strike out "courts" and insert "court."

The SPEAKER. The question is upon agreeing to the amendments. Mr. SPRINGER. There was an amendment which was agreed to by everybody, as I understood, but which was attached to the amendment which was objected to awhile ago; I mean the amendment relating to the sixteenth and thirty-sixth sections of land. The proviso appearing in the text refers to an act of Congress passed at the last session, which allows the State of Wyoming to have indemnity for lands in permanent reservations. The other four States that came in last year were not allowed to take lands equal to the sixteenth and thirty-sixth sections.

Mr. BAKER. That is already provided for by law, and I must object.

Mr. SPRINGER. It is not provided for. The provision was attached to the amendment you offered and which was objected to.

Mr. BAKER. The amendment I offered covers the specific point desired.

Mr. SPRINGER. But it was objected to.

Mr. BAKER. The difficulty can be cured by the gentleman from Texas [Mr. KILGORE] withdrawing his objection. We can not consent to any change of the language at the point indicated by my friend from Illinois.

Mr. SPRINGER. The provision which was objected to by the gentleman from Texas embraces control over the Yellowstone Park. It also relieves the sixteenth and thirty-sixth sections of that park from the school lands of Wyoming. If the bill passes in this shape the State of Wyoming will be allowed the sixteenth and thirty-sixth sections in the Yellowstone Park, which is a public reservation. It will be allowed indemnity for the sixteenth and thirty-sixth sections in this park and can locate them throughout the State. In the other States they were not allowed indemnity land in permanent reservations. They should be made equal in the four States. It was understood gentlemen would move an amendment in the land feature, to apply as in other bills.

Mr. KILGORE. I demand the regular order.

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill. Mr. BRECKINRIDGE, of Kentucky. Is it not in order now to move to recommit the bill to the Committee on Territories?

Mr. BAKER. After the order adopted by the House?

The SPEAKER. The Chair will examine the question.

Mr. SPRINGER. I demand the yeas and nays on that motion.

The SPEAKER. The question is on the motion of the gentleman from Kentucky to recommit the bill.

Mr. BAKER. I move to table that motion.

The SPEAKER. The question is on the motion to recommit.

Mr. BAKER. Is it not in order to move to lay it on the table?

The SPEAKER. The question can be taken as well on the motion itself.

Mr. SPRINGER. Is this the motion to recommit?

The SPEAKER. It is.

Mr. SPRINGER. Then let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 129, nays 142, not voting 58; as follows:

## YEAS—129.

Abbott,	Culbertson, Tex.	Lawler,	Robertson,
Alderson,	Cummings,	Lee,	Rogers,
Allen, Miss.	Dargan,	Lester, Ga.	Rowland,
Anderson, Miss.	Davidson,	Lester, Va.	Sayers,
Bankhead,	Dibble,	Lewis,	Seney,
Barnes,	Dockery,	Maish,	Shively,
Barwig,	Dunnell,	Mansur,	Spinola,
Biggs,	Dunphy,	Martin, Ind.	Springer,
Blanchard,	Edmunds,	Martin, Tex.	Stewart, Ga.
Blount,	Elliott,	McAdoo,	Stewart, Tex.
Blount,	Ellis,	McClammy,	Stockdale,
Breckinridge, Ark.	Enloe,	McClellan,	Stone, Ky.
Breckinridge, Ky.	Fitch,	McCreary,	Stone, Mo.
Brickner,	Fithian,	McMillin,	Stump,
Brookshire,	Flower,	McRae,	Tarnsey,
Brown, J. B.	Forman,	Mills,	Tillman,
Brunner,	Forney,	Montgomery,	Tracey,
Buchanan, Va.	Fowler,	Moore, Tex.	Tucker,
Buckalew,	Geissenhainer,	Morgan,	Walker, Mo.
Bullock,	Gibson,	Mutchler,	Washington,
Bynum,	Goodnight,	Oates,	Wheeler, Ala.
Campbell,	Grimes,	O'Ferrall,	Whiting,
Carlton,	Hare,	O'Neill, Mass.	Wike,
Catchings,	Hatch,	Outwaite,	Wilkinson,
Chipman,	Hayes,	Owens, Ohio	Willcox,
Clancy,	Haynes,	Parrett,	Williams, Ill.
Clarke, Ala.	Heard,	Peel,	Wilson, Mo.
Clements,	Herbert,	Pennington,	Wilson, W. Va.
Clunie,	Holman,	Pierce,	Wise,
Cobb,	Hooker,	Price,	Yoder.
Cooper, Ind.	Kilgore,	Quinn,	
Crain,	Lane,	Reilly,	
Crisp,	Lanham,	Richardson,	

## NAYS—142.

Adams,	Craig,	La Follette,	Reyburn,
Anderson, Kans.	Culbertson, Pa.	Laidlaw,	Rife,
Arnold,	Cutcheon,	Laws,	Rockwell,
Atkinson, Pa.	Dalzell,	Lehlbach,	Rose,
Atkinson, W. Va.	Darlington,	Lodge,	Russell,
Baker,	De Haven,	Mason,	Sanford,
Banks,	Dingley,	McComas,	Sawyer,
Bartine,	Dolliver,	McCord,	Seull,
Bayne,	Dorsey,	McCormick,	Simonds,
Beckwith,	Ewart,	McKenna,	Smith, Ill.
Belden,	Farquhar,	McKinley,	Smith, W. Va.
Belknap,	Featherston,	Milliken,	Smyser,
Bingham,	Flick,	Moore, N. H.	Spooner,
Bliss,	Frank,	Morey,	Stewart, Vt.
Boothman,	Furston,	Morrill,	Stivers,
Boutelle,	Gear,	Morrow,	Stockbridge,
Bowden,	Gesh,	Morse,	Struble,
Brewer,	Greenhalge,	Mudd,	Sweeney,
Brower,	Grosvenor,	Niedringhaus,	Taylor, E. B.
Brown, Va.	Grout,	Nute,	Taylor, Ill.
Buchanan, N. J.	Hall,	O'Donnell,	Thomas,
Burrows,	Hansbrough,	O'Neill, Pa.	Townsend, Colo.
Burton,	Harner,	Osborne,	Turner, Kans.
Butterworth,	Haugen,	Payson,	Vandever,
Cannon,	Henderson, Ill.	Perkins,	Walker, Mass.
Carter,	Henderson, Iowa	Peters,	Wallace, N. Y.
Caswell,	Hermann,	Pickler,	Wheeler, Mich.
Cheadle,	Hill,	Pugsley,	Williams, Ohio
Cheatham,	Hitt,	Quackenbush,	Wilson, Wash.
Clark, Wis.	Houk,	Raines,	Wright,
Cogswell,	Kelley,	Ketcham,	Yardley.
Coleman,	Kennedy,	Kinsey,	
Comstock,	Kerr, Iowa	Lacey,	
Conger,	Ketcham,		
Connell,	Kinsey,		
Cooper, Ohio	Lacey,		

## NOT VOTING—58.

Allen, Mich.	De Lano,	Norton,	Thompson,
Andrew,	Evans,	O'Neill, Ind.	Turner, Ga.
Bergen,	Finley,	Owen, Ind.	Turner, N. Y.
Bosner,	Flood,	Paynter,	Turpin,
Brosius,	Gifford,	Perry,	Van Schaick,
Brown, T. M.	Hemphill,	Phelan,	Venable,
Benn,	Henderson, N. C.	Randall, Pa.	Wade,
Caldwell,	Hopkins,	Rusk,	Wallace, Mass.
Candler, Ga.	Kerr, Pa.	Scranton,	Whitthorne,
Candler, Mass.	Knapp,	Sherman,	Whitman,
Cardinal,	Lansing,	Skinner,	Wilber,
Caruth,	Land,	Stahlmecker,	Wilsey,
Cochran,	Macner,	Stephenson,	Wilson, Ky.
Covett,	McCarthy,	Taylor, J. D.	
Cowles,	Miles,	Taylor, Tenn.	

So the motion to recommit was rejected.

Mr. OWENS, of Ohio. I desire to vote.

The SPEAKER. Upon what ground?

Mr. OWENS, of Ohio. I did not hear my name called.

The SPEAKER. The only proper ground is one where there is reason to suppose a gentleman's name was not called.

Mr. OWENS, of Ohio. The Chair has no reason to suppose I am not stating the fact.

The SPEAKER. Not at all. The gentleman did not hear his name called?

Mr. OWENS, of Ohio. That is the reason I have given.

The SPEAKER. Does the gentleman state he was in his seat at the time the roll was being called, was listening, and did not hear his name called?

Mr. SPRINGER. The gentleman says he did not hear his name called.

The SPEAKER. The gentleman must make his own statement, and the Chair will act on it.

Mr. OWENS, of Ohio. I was here on the second call, but I did not hear my name called.

The SPEAKER. The Chair does not think that is sufficient.

Mr. SPRINGER. That has been considered sufficient.

The SPEAKER. The Chair has ruled upon this point repeatedly.

Mr. SPRINGER. Gentlemen on the other side have stated they were in the Hall and were allowed to vote.

The SPEAKER. If the gentleman will point to such an instance the Chair will be obliged.

Mr. SPRINGER. The RECORD will show it.

The SPEAKER. The RECORD will.

Mr. MORGAN. But, Mr. Speaker, it has been customary heretofore to ask gentlemen under such circumstances if they were listening for their names when they were called.

The SPEAKER. The Chair has been entirely impartial.

Mr. OWENS, of Ohio. I was listening and intending to vote, but did not hear my name.

The SPEAKER. If the gentleman says that he comes within the rule—

Mr. OWENS, of Ohio. I was listening.

The SPEAKER. At the time when your name should have been called?

Mr. OWENS, of Ohio. Yes, sir.

The SPEAKER. The Clerk will call the name of the gentleman from Ohio.

The name of Mr. OWENS, of Ohio, was called and recorded as above.

The following additional pair was announced:

Mr. BERGEN with Mr. VENABLE, on the Wyoming question.

Mr. WILLIAMS, of Ohio. I ask unanimous consent to dispense with the reading of the names.

Mr. SPRINGER. I hope the names will be read.

Mr. BRECKINRIDGE, of Kentucky. There has been so much confusion during the vote that the names ought to be recapitulated.

The Clerk read the names of those voting.

The result of the vote was then announced as above recorded.

Mr. BAKER. In order now that my friends on the other side may have the opportunity to vote right once on this question, I ask the yeas and nays on the passage of the bill.

The SPEAKER. The question is on the passage of the bill, on which the gentleman from New York demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 139, nays 127, not voting 63; as follows:

## YEAS—139.

Adams,	Connell,	Lacey,	Ray,
Anderson, Kans.	Cooper, Ohio	La Follette,	Reed, Iowa
Arnold,	Craig,	Laidlaw,	Reyburn,
Atkinson, Pa.	Culbertson, Pa.	Laws,	Rife,
Atkinson, W. Va.	Cutcheon,	Lehlbach,	Rockwell,
Baker,	Dalzell,	Lodge,	Rose,
Banks,	Darlington,	Mason,	Russell,
Bartine,	De Haven,	McComas,	Sawyer,
Bayne,	Dingley,	McCord,	Seull,
Beckwith,	Dolliver,	McCormick,	Simonds,
Belden,	Dorsey,	McKenna,	Smith, Ill.
Belknap,	Ewart,	McKinley,	Smith, W. Va.
Bingham,	Farquhar,	Milliken,	Smyser,
Bliss,	Featherston,	Moore, N. H.	Spooner,
Boothman,	Flick,	Morey,	Stewart, Vt.
Boutelle,	Furston,	Morrill,	Stivers,
Bowden,	Gear,	Morrow,	Stockbridge,
Brewer,	Gesh,	Morse,	Struble,
Brown, Va.	Greenhalge,	Mudd,	Sweeney,
Buchanan, N. J.	Grosvenor,	Niedringhaus,	Taylor, E. B.
Burrows,	Grout,	Nute,	Taylor, Ill.
Burton,	Hall,	O'Donnell,	Thomas,
Butterworth,	Hansbrough,	O'Neill, Pa.	Townsend, Colo.
Cannon,	Harner,	Osborne,	Turner, Kans.
Carter,	Haugen,	Payson,	Vandever,
Caswell,	Henderson, Ill.	Perkins,	Walker, Mass.
Cheadle,	Henderson, Iowa	Peters,	Wallace, N. Y.
Cheatham,	Hermann,	Pickler,	Wheeler, Mich.
Clark, Wis.	Hill,	Pugsley,	Williams, Ohio
Cogswell,	Hitt,	Quackenbush,	Wilson, Wash.
Coleman,	Kelley,	Raines,	Wright,
Comstock,	Kennedy,	Ketcham,	Yardley.
Conger,	Kerr, Iowa	Kinsey,	
	Ketcham,		
	Kinsey,		

## NAYS—127.

Abbott,	Barwig,	Breckinridge, Ky.	Buckalew,
Alderson,	Biggs,	Brickner,	Bullock,
Allen, Miss.	Blanchard,	Brookshire,	Bynum,
Anderson, Miss.	Bland,	Brown, J. B.	Carlton,
Bankhead,	Blount,	Brunner,	Catchings,
Barnes,	Breckinridge, Ark.	Buchanan, Va.	Chipman,



Clancy,  
Clarke, Ala.  
Clements,  
Clunie,  
Cobb,  
Cooper, Ind.  
Crain,  
Crisp,  
Culberson, Tex.  
Cummings,  
Dargan,  
Davidson,  
Dibble,  
Dockery,  
Dunnell,  
Dunphy,  
Edmunds,  
Elliot,  
Ellis,  
Enloe,  
Fitch,  
Fithian,  
Flower,  
Forman,  
Forney,  
Fowler,

Geissenhainer,  
Gibson,  
Goodnight,  
Grimes,  
Hare,  
Hatch,  
Haynes,  
Heard,  
Herbert,  
Holman,  
Hooker,  
Kilgore,  
Lane,  
Lanham,  
Lawler,  
Lee,  
Lester, Ga.  
Lester, Va.  
Lewis,  
Maish,  
Mansur,  
Martin, Ind.  
Martin, Tex.  
McAdoo,  
McClammy,  
McClellan,

McCreary,  
McMillin,  
McRae,  
Mills,  
Montgomery,  
Moore, Tex.  
Morgan,  
Mutchler,  
Oates,  
O'Ferrall,  
Outhwaite,  
Owens, Ohio  
Parrett,  
Peel,  
Pennington,  
Pierce,  
Price,  
Quinn,  
Reilly,  
Richardson,  
Robertson,  
Rogers,  
Rowland,  
Rusk,  
Sayers,  
Seney,

Shively,  
Spinola,  
Springer,  
Stewart, Ga.  
Stewart, Tex.  
Stockdale,  
Stone, Ky.  
Stone, Mo.  
Stump,  
Tarsney,  
Tillman,  
Tracey,  
Tucker,  
Walker, Mo.  
Washington,  
Wheeler, Ala.  
Whiting,  
Wike,  
Wilkinson,  
Willcox,  
Williams, Ill.  
Wilson, Mo.  
Wilson, W. Va.  
Wise,  
Yoder.

Farquhar,  
Featherston,  
Flick,  
Funston,  
Gear,  
Gest,  
Grosvenor,  
Groat,  
Hansbrough,  
Harmer,  
Haugen,  
Henderson, Ill.  
Henderson, Iowa  
Hermann,  
Hill,  
Hitt,  
Houk,  
Kelley,  
Kennedy,  
Kerr, Iowa  
Kinsey,  
Lacey,  
La Follette,

Laidlaw,  
Laws,  
Lehlbach,  
Lodge,  
Mason,  
McComas,  
McCord,  
McCormick,  
McKenna,  
McKinley,  
Milliken,  
Moffitt,  
Moore, N. H.  
Morey,  
Morrill,  
Morrow,  
Morse,  
Mudd,  
Niedringhaus,  
Nute,  
O'Donnell,  
O'Neill, Pa.  
Osborne,

Owen, Ind.  
Payne,  
Payson,  
Perkins,  
Peterson,  
Pickler,  
Post,  
Pugaley,  
Quackenbush,  
Raines,  
Ray,  
Reed, Iowa  
Reyburn,  
Rife,  
Rockwell,  
Rowell,  
Russell,  
Sanford,  
Sawyer,  
Scul,  
Sherman,  
Simonds,  
Smith, Ill.

Smith, W. Va.  
Smyser,  
Snider,  
Spoonier,  
Stewart, Vt.  
Stivers,  
Stockbridge,  
Struble,  
Sweeney,  
Taylor, E. B.  
Taylor, Ill.  
Thomas,  
Townsend, Colo.  
Townsend, Pa.  
Turner, Kans.  
Vandever,  
Van Schalk,  
Walker, Mass.  
Watson,  
Wheeler, Mich.  
Williams, Ohio  
Wilson, Wash.  
Yardley.

## NOT VOTING—63.

Allen, Mich.  
Andrew,  
Bergon,  
Boatner,  
Brosius,  
Brown, T. M.  
Bunn,  
Caldwell,  
Campbell,  
Candler, Ga.  
Carlisle,  
Caruth,  
Cothran,  
Covert,  
Cowles,  
De Lano,

Evans,  
Finley,  
Flood,  
Frank,  
Gifford,  
Hayes,  
Hemphill,  
Henderson, N. C.  
Hopkins,  
Houk,  
Kerr, Pa.  
Knapp,  
Lansing,  
Lind,  
Magner,  
McCarthy,

Miles,  
Norton,  
O'Neill, Ind.  
O'Neil, Mass.  
Paynter,  
Perry,  
Phelan,  
Randall, Mass.  
Randall, Pa.  
Sanford,  
Scranton,  
Sherman,  
Skinner,  
Stahlnecker,  
Stephenson,  
Taylor, J. D.

Taylor, Tenn.  
Thompson,  
Turner, Ga.  
Turner, N. Y.  
Turpin,  
Venable,  
Wade,  
Wallace, Mass.  
Wallace, N. Y.  
Wheeler, Mich.  
Whithorne,  
Wickham,  
Wilber,  
Wiley,  
Wilson, Ky.

So the bill was passed.

Mr. ENLOE. Mr. Speaker, I desire to have my vote recorded.

The SPEAKER. On what grounds?

Mr. ENLOE. On the ground that I entered the Hall, specially to vote, during the call and before my name was reached. I was listening for it and did not hear it called.

The SPEAKER. Was the gentleman listening for his name at the time when it should have been called?

Mr. ENLOE. I was.

The SPEAKER. The Clerk will call the name of the gentleman from Tennessee.

Mr. ENLOE's name was called, and his vote recorded as above.

The following additional pairs were announced:

Mr. WALLACE, of New York, with Mr. CAMPBELL.

Mr. RANDALL, of Massachusetts, with Mr. O'NEIL, of Massachusetts, for the rest of the day.

Mr. HOUK with Mr. PHELAN, on this vote.

Mr. BAKER. I ask unanimous consent to dispense with the reading of the names.

Mr. SPRINGER. I ask for the recapitulation of the votes.

The Clerk read the names of those voting.

The result of the vote was then announced as above.

Mr. BAKER. I move to reconsider the vote by which the bill was passed; and also move to lay that motion on the table.

Mr. SPRINGER. I call for a division of the motion. I ask for a separate vote on the motion to lay on the table. I desire to give the gentleman an opportunity of recording himself on that question.

Messrs. STRUBLE, BAKER, and others. Then let us have the yeas and nays.

Several MEMBERS. Oh, no.

Mr. STRUBLE. I will not insist.

The SPEAKER. The gentleman from Illinois demands a division of the question.

The question was taken on the motion to lay on the table; and on a division there were—yeas 110, nays 98.

Mr. SPRINGER. Let us have the yeas and nays on this.

The yeas and nays were ordered.

Mr. BAKER. I rise to a question of order. Is not this a dilatory motion? [Laughter.]

Mr. SPRINGER. The gentleman made it himself; he ought to know. [Renewed laughter and applause.]

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 132, nays 120, not voting 77; as follows:

## YEAS—132.

Adams,  
Anderson, Kans.  
Atkinson, W. Va.  
Baker,  
Banks,  
Belden,  
Belknap,  
Bingham,  
Bliss,  
Boothman,

Boutelle,  
Bowden,  
Brewer,  
Brower,  
Browne, Va.  
Buchanan, N. J.  
Burrows,  
Burton,  
Candler, Mass.  
Cannon,

Carter,  
Caswell,  
Cheadle,  
Cheatham,  
Clark, Wis.  
Cogswell,  
Coleman,  
Comstock,  
Conger,  
Connell,

Cooper, Ohio  
Craig,  
Culbertson, Pa.  
Cutcheon,  
Daizell,  
De Haven,  
Dingley,  
Dolliver,  
Dorsey,  
Dunnell,

Abbott,  
Alderson,  
Allen, Miss.  
Anderson, Miss.  
Bankhead,  
Barnes,  
Barwig,  
Bland,  
Blount,  
Breckinridge, Ark.  
Breckinridge, Ky.  
Brickner,  
Brookshire,  
Brown, J. B.  
Brunner,  
Buchanan, Va.  
Buckalew,  
Bullock,  
Bynum,  
Carlton,  
Catchings,  
Chipman,  
Clarke, Ala.  
Clements,  
Clunie,  
Cobb,  
Cooper, Ind.  
Covert,  
Cowles,  
Culberson, Tex.

Cummings,  
Davidson,  
Dibble,  
Dockery,  
Dunphy,  
Edmunds,  
Elliot,  
Ellis,  
Enloe,  
Fitch,  
Fithian,  
Flower,  
Forman,  
Forney,  
Fowler,  
Geissenhainer,  
Gibson,  
Goodnight,  
Grimes,  
Hare,  
Hatch,  
Hayes,  
Haynes,  
Herbert,  
Hooker,  
Kilgore,  
Lane,  
Lanham,  
Lawler,  
Lee,

## NAYS—120.

Lester, Ga.  
Lester, Va.  
Lewis,  
Maish,  
Mansur,  
Martin, Ind.  
Martin, Tex.  
McAdoo,  
McClammy,  
McClellan,  
McCreary,  
McMillin,  
McRae,  
Mills,  
Montgomery,  
Moore, Tex.  
Morgan,  
Mutchler,  
Oates,  
O'Ferrall,  
Outhwaite,  
Owens, Ohio  
Parrett,  
Peel,  
Pennington,  
Pierce,  
Price,  
Quinn,  
Reilly,  
Richardson,

Robertson,  
Rogers,  
Rowland,  
Rusk,  
Sayers,  
Seney,  
Shively,  
Spinola,  
Springer,  
Stewart, Ga.  
Stewart, Tex.  
Stockdale,  
Stone, Ky.  
Stone, Mo.  
Stump,  
Tarsney,  
Tillman,  
Tracey,  
Tucker,  
Walker, Mo.  
Washington,  
Wheeler, Ala.  
Whiting,  
Wike,  
Wilkinson,  
Williams, Ill.  
Wilson, Mo.  
Wilson, W. Va.  
Wise,  
Yoder.

## NOT VOTING—77.

Allen, Mich.  
Andrew,  
Arnold,  
Atkinson, Pa.  
Bartine,  
Bayne,  
Beckwith,  
Bergon,  
Biggs,  
Blanchard,  
Boatner,  
Brosius,  
Brown, T. M.  
Bunn,  
Butterworth,  
Caldwell,  
Campbell,  
Candler, Ga.  
Carlisle,  
Caruth,

Clancy,  
Cothran,  
Cowles,  
Crain,  
Dargan,  
Darlington,  
De Lano,  
Evans,  
Ewart,  
Finley,  
Flood,  
Frank,  
Gifford,  
Greenhalge,  
Hall,  
Heard,  
Hemphill,  
Henderson, N. C.  
Holman,  
Hopkins,

Kerr, Pa.  
Ketcham,  
Knapp,  
Lansing,  
Lind,  
Magner,  
McCarthy,  
Miles,  
Norton,  
O'Neill, Ind.  
O'Neil, Mass.  
Paynter,  
Perry,  
Phelan,  
Randall, Mass.  
Randall, Pa.  
Scranton,  
Skinner,  
Stahlnecker,  
Stephenson,

Taylor, J. D.  
Taylor, Tenn.  
Thompson,  
Turner, Ga.  
Turner, N. Y.  
Turpin,  
Venable,  
Wade,  
Wallace, Mass.  
Wallace, N. Y.  
Whithorne,  
Wickham,  
Wilber,  
Wiley,  
Willcox,  
Wilson, Ky.  
Wright.

So the motion to lay the motion to reconsider on the table was agreed to.

The following additional pairs were announced:

Mr. DARLINGTON with Mr. CRAIN, on all political questions, for this day.

Mr. WRIGHT with Mr. CLANCY, on all political questions for, this day.

Mr. KETCHAM with Mr. BIGGS, for the rest of this day.

The vote was recapitulated.

The vote was then announced as above recorded.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of the bill (H. R. 8458) authorizing the purchase of tents by the Secretary of War, and for other purposes, without amendment.

It also announced that the Senate had passed bills of the following titles; in which concurrence was requested:

A bill (S. 2942) making additional appropriation for the construction of a light-ship with steam fog-signal for the mouth of the Columbia; and

A bill (S. 3279) to suspend the enforcement of the act approved March 2, 1889, entitled "An act to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers."

## ARMY APPROPRIATION BILL.

Mr. CUTCHEON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills, with a view of taking up the Army appropriation bill.

Mr. BREWER. Mr. Speaker, I rise to a parliamentary inquiry. I

find from looking at the RECORD that the Army appropriation bill was reported through the Clerk. I raise the point of order that it was not properly reported to the House.

Mr. SPRINGER. I can not hear what the gentleman says.

The SPEAKER. The Chair thinks the point of order of the gentleman from Michigan is well taken; but the report can now be made and the bill will go to the committee.

Mr. BREWER. Do I understand that the report can be made now and then referred to the committee? It is not on the Calendar.

The SPEAKER. It is not on the Calendar, but it will be as soon as it is reported.

Mr. BREWER. Strictly speaking, I apprehend it would not be under the rules.

Mr. CUTCHEON. Mr. Speaker, as the Chair has held that the point of order made by the gentleman from Michigan is well taken I desire to report the bill and ask for its immediate consideration. The bill was reported by handing it to the journal clerk at the desk.

Mr. McMILLIN. Mr. Speaker, I raise the point of order that there is so much confusion in the Hall that we can not hear what is being said.

The SPEAKER. The gentleman from Michigan [Mr. BREWER] makes the point of order that the Army appropriation bill, being a general appropriation bill, should have been reported to the House; and the gentleman from Michigan [Mr. CUTCHEON] now makes the report to the House and it is referred to the Committee of the Whole House on the state of the Union.

Mr. DOCKERY. I reserve all points of order on that bill.

The SPEAKER. And all points of order will be reserved.

Mr. BREWER. Mr. Speaker, I desire to state that that was my only object in making the point, that I might have the privilege of reserving all points of order.

Mr. CUTCHEON. I am perfectly willing that all points of order shall be reserved.

The motion to go into Committee of the Whole House on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills, Mr. ALLEN, of Michigan, in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk will now read.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I do not think that the order was to go into Committee of the Whole House on the state of the Union on this bill, but on general appropriation bills.

Mr. CUTCHEON. Mr. Chairman, I move that the House proceed to the consideration of the appropriation bill H. R. 7619, being the bill to provide for the support of the Army.

Mr. BRECKINRIDGE, of Kentucky. The point I want to make is that it will require an order of the committee to take the bill up.

The CHAIRMAN. They will be taken up in their order unless the committee otherwise direct.

Mr. BRECKINRIDGE, of Kentucky. Does the other gentleman from Michigan [Mr. BREWER] give way with the fortifications bill?

Mr. BREWER. I have announced to the members of the committee that I shall ask to take up the fortifications bill on Saturday.

Mr. CUTCHEON. Mr. Chairman, this matter has as a matter of fact been upon the Calendar since—

Mr. CASWELL. Mr. Chairman, it is utterly impossible to hear what is going on.

The CHAIRMAN. The committee will be in order. The gentleman from Michigan [Mr. CUTCHEON] moves that the committee now take up for consideration House bill 7619, being the Army appropriation bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will now report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 7619) making appropriations for the support of the Army for the fiscal year ending June 30, 1891, and for other purposes.

Mr. CUTCHEON. Mr. Chairman, I ask that the formal first reading of the bill may be dispensed with. I am not aware that there is any desire for general debate upon the bill. The bill is the ordinary routine bill for the support of the Army—

Mr. BLOUNT. Mr. Chairman, I hope that we will have order.

The CHAIRMAN. The committee will be in order.

Mr. CUTCHEON. I ask unanimous consent to dispense with the formal first reading of the bill; that we proceed to read it by paragraphs until we come to some part upon which gentlemen wish to debate, if there are any such paragraphs in the bill.

Mr. ROGERS. Pending that, I desire to make a parliamentary inquiry, or rather an inquiry for information. I will ask the gentleman from Michigan whether there is any new legislation in the bill?

Mr. CUTCHEON. I think that there is nothing in the bill that can be called new legislation. There are some new appropriations. There is an appropriation for barracks and quarters that are beyond the appropriation of last year, but still it is for a recognized object. I think there is nothing that can be called new legislation.

Mr. ROGERS. I would be loath to ask to have the bill read; but

in view of the fact that we do not know what is coming up until it comes, I think we had better have it read.

The CHAIRMAN. The Clerk will proceed to read the bill.

The Clerk began to read.

Mr. LANSING (interrupting the reading). I wish to say to the gentleman from Georgia [Mr. BLOUNT] that the chairman of the Committee on Military Affairs can point out the items that have what might be called new legislation in the bill. It is the ordinary appropriation bill as passed last year with a great many of the items just as they were last year, and the chairman of the committee can point out any changes made and would point them out. This is a very long bill and it is a mere formal matter to read it.

The CHAIRMAN. Objection has been made.

Mr. LANSING. I ask the gentleman to withdraw the objection.

Mr. ROGERS. I think we had better have the regular order.

Mr. BLOUNT. I want to suggest to the gentleman from Michigan [Mr. CUTCHEON] that this bill has just been reported to the House—

Mr. CUTCHEON. The bill as a matter of fact has been on the Calendar since the 27th day of February—

Mr. BLOUNT. I misunderstood the gentleman, then.

Mr. CUTCHEON. And the report has been in the document-room and accessible to all gentlemen since that time. The point was made simply to save all points of order upon the bill, the objection of the gentleman being to certain provisions in regard to field batteries.

Mr. ROGERS. I am not making this objection for any improper purpose. I simply want to know what is going on; and if the gentleman wants the committee to rise and let it go over until to-morrow, so that we may have an opportunity to read the bill, I shall not ask to have it read.

Mr. LODGE. Regular order.

Mr. BLOUNT. Mr. Chairman, I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLOUNT. Is it not in order that general debate shall proceed?

The CHAIRMAN. The Chair does not hear the gentleman from Georgia.

Mr. BLOUNT. Is it not in order that general debate proceed without the reading of the bill at this time?

The CHAIRMAN. Objection is made, and the reading asked for. The Clerk will proceed.

Mr. BLOUNT. I do not understand my friend from Arkansas [Mr. ROGERS] to object, provided that the general debate is taken up and that the bill is not to be considered by paragraphs at this time.

Mr. CUTCHEON. I ask that there may be order, so that I can hear what the gentleman is saying.

The CHAIRMAN. The committee will be in order and gentlemen cease conversation.

Mr. BLOUNT. The gentleman from Arkansas [Mr. ROGERS] has not objected to general debate proceeding with a view of understanding what the bill is; and he may not demand the reading of the bill if it does proceed. Therefore I suggest, simply with a view of facilitating matters, that perhaps, if the gentleman in charge of the bill would undertake at this time to explain its provisions, it may remove the occasion in the minds of any member to object and have the bill read.

The CHAIRMAN. Does the gentleman withdraw his objection?

Mr. ROGERS. I have no objection if I have an opportunity to consider it.

Mr. CUTCHEON. I will make a brief statement.

Mr. BRECKINRIDGE, of Kentucky. I object. I think we had better commence reading appropriation bills, if that is understood to be the rule.

The Clerk proceeded to read the bill.

Mr. CANNON (during the reading). Mr. Chairman, it will take some time to finish the reading of this bill, and I understand that everybody is willing to consider the reading as completed and let the committee rise.

Mr. CUTCHEON. If the demand for the reading of the bill be withdrawn, I will move that the committee rise.

Mr. McCREARY. If the demand for the reading of the bill has been withdrawn, I then suggest that the bill be printed in the RECORD, so that we can all read it there.

Several MEMBERS. Oh, no!

Mr. McCREARY. Then let us go on with the reading.

The Clerk resumed the reading of the bill.

Mr. CUTCHEON (before the completion of the reading). Mr. Chairman, as the hour of 5 o'clock has arrived, and as there seems to be a general disposition not to go on further with this bill to-night, I will move that the committee now rise, simply stating that in Report 529, which can be had in the document-room, will be found a full tabulated statement of all the appropriations made in this bill compared with those made in the last Army appropriation bill, showing the increases and the decreases, which gentlemen can examine at their leisure. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ALLEN, of Michigan, from the Committee of the Whole,



reported that they had had under consideration the bill (H. R. 7619) making appropriations for the support of the Army for the fiscal year ending June 30, 1891, and for other purposes, and had come to no resolution thereon.

Mr. MORSE. Mr. Speaker—

Mr. CUTCHEON. Mr. Speaker, the gentleman from Massachusetts [Mr. MORSE] has an amendment which he proposes to offer when this bill comes up again for consideration, and which he desires unanimous consent to have printed in the RECORD; and I move that the House do now adjourn, yielding to him simply to make that request.

The SPEAKER. The gentleman can not move to adjourn conditionally. Is there objection to the request of the gentleman from Massachusetts [Mr. MORSE] that his amendment be printed in the RECORD?

Mr. SPINOLA. I desire to have it read, reserving the right to object.

The amendment was read in part, as follows:

Page 17, line 4, after the word "dollars," insert: "Provided, That no alcoholic liquors, including beer and wine, shall be sold or supplied to the enlisted men in any canteen or in any room or building at any garrison."

Mr. SPINOLA. That is enough; I object. [Laughter.]

Mr. PICKLER. Let us have the amendment read through, Mr. Speaker. The gentleman can not interrupt the reading.

The SPEAKER. The Chair thinks the gentleman has the right to object. The request was for unanimous consent, and such a request does not give the right to have the matter read in full if objection is made.

Mr. PICKLER. The gentleman from New York asked to have it read, and now I insist that it ought to be read in full for the information of the House.

The SPEAKER. The Chair does not think that when a request is made for unanimous consent, as in this case, it is necessary to read more than enough to satisfy a gentleman that he wishes to object.

Mr. SPINOLA. I will give my friend plenty of time on this tomorrow. [Laughter.]

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. YARDLEY, for ten days, on account of important business.

To Mr. WALLACE, of Massachusetts, until April 15, on account of important business.

#### ORDER OF BUSINESS.

Mr. CUTCHEON. I move that the House do now adjourn.

The motion was agreed to; and the House accordingly (at 5 o'clock and 10 minutes p. m.) adjourned.

#### EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

##### SALARIES, ETC., IN OFFICE OF CIVIL-SERVICE COMMISSION.

Letter from the Secretary of the Treasury, transmitting a communication of the Civil-Service Commission submitting a supplemental estimate for salaries, etc., in the office of the Commission for the fiscal year ending June 30, 1891—to the Committee on Appropriations.

##### ADDITIONAL SPACE FOR SUPERVISING ARCHITECT OF THE TREASURY.

Letter from the Secretary of the Treasury, calling attention to the necessity of providing additional space for the engineering and draughting division of the office of the Supervising Architect, as recommended in the annual report of the Secretary of the Treasury for 1889—to the Committee on Appropriations.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows, namely:

A bill (S. 2860) to authorize the construction of an addition to the public building at Houston, Tex., and to provide a cistern, heating apparatus, etc., for said building—to the Committee on Public Buildings and Grounds.

A bill (S. 3025) to enable the Secretary of the Treasury to gather full and authentic information as to the present condition and preservation of the fur-seal interests of the Government in the region of Alaska, as compared with its condition in 1870; also full information as to the impending extinction of the sea-otter industry, and kindred lines of inquiry, etc.—to the Committee on Ways and Means.

A bill (S. 2942) making an additional appropriation for the construction of a light-ship, with steam fog-signal, for the mouth of the Columbia—to the Committee on Commerce.

A bill (S. 3279) to suspend the enforcement of the act approved March 2, 1889, entitled "An act to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers—to the Committee on Commerce.

A joint resolution (S. R. 46) authorizing the Secretary of the Navy to remove the naval magazine from Ellis Island, in New York Harbor, and to purchase a site and erect a naval magazine at some other point—to the Committee on Naval Affairs.

#### MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. McRAE: Resolution of the General Assembly of the State of Arkansas, favoring a deep-water port on the Gulf of Mexico—to the Committee on Rivers and Harbors.

#### RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. DORSEY:

Resolved, That Thursday, March 27, immediately after the final vote on the bill for the admission of Wyoming, be set apart for consideration in the House of the bill for the admission of the Territory of Idaho, and that, unless previously ordered by the House, the previous question shall be deemed ordered on the engrossment, third reading, and final passage of the bill at 6 o'clock p. m. of that day;

to the Committee on Rules.

#### REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. DORSEY, from the Committee on the Territories, reported favorably the bill of the House (H. R. 4562) to provide for the admission of the State of Idaho into the Union.

Mr. MANSUR, in behalf of the minority of said Committee on the Territories, submitted their views in writing thereon; and it was

Ordered, That the said bill, together with the said views of the minority, be recommitted to the Committee on the Territories.

Mr. STEWART, of Georgia, from the Committee on the Judiciary, reported favorably the bill of the House (H. R. 3971) to make valid a deed to a certain tract of land in Bibb County, Georgia, made and delivered by Brig. Gen. Davis Tilson, acting assistant commissioner of the Freedman's Bureau, to Samuel L. Gustin, his heirs and assigns—to the House Calendar.

Mr. KERR, of Iowa, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the Senate (S. 221) providing for the erection of a public building at the city of Hastings, Nebr.—to the Committee of the Whole House on the state of the Union.

Mr. GIFFORD, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the Senate (S. 1354) to provide for the purchase of a site and the erection of a public building thereon at Sioux Falls, in the State of South Dakota—to the Committee of the Whole House on the state of the Union.

Mr. VAN SCHAICK, from the Committee on Public Buildings and Grounds, reported with amendment the following bills of the Senate; which were severally referred to the Committee of the Whole House on the state of the Union:

A bill (S. 1453) to provide for the purchase of a site and the erection of a public building thereon at Saginaw, Mich.; and

A bill (S. 1285) to provide for the construction of a public building at Helena, Mont.

Mr. CLUNIE, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the Senate (S. 590) to provide for the construction of a public building in the city of Stockton, Cal.—to the Committee of the Whole House on the state of the Union.

Mr. THOMAS, from the Committee on War Claims, reported with amendment the bill of the House (H. R. 3640) for the relief of the crew of the United States steamship Wyoming—to the Committee of the Whole House.

Mr. DE LANO, from the Committee on Pensions, reported favorably the following bills of the Senate; which were severally referred to the Committee of the Whole House:

A bill (S. 252) granting a pension to John Gallagher;

A bill (S. 133) to increase the pension of Thomas Chapman;

A bill (S. 1075) granting a pension to John Watson;

A bill (S. 19) to pension Bartola Thebant, a soldier in the Florida Seminole Indian war of 1849 and 1850; and

A bill (S. 647) granting a pension to Catherine Simmonds.

Mr. KINSEY, from the Committee on Military Affairs, reported with amendment the bill of the House (H. R. 6843) for the relief of Jacob Theby—to the Committee of the Whole House.

Mr. HERMANN, from the Select Committee on Indian Depredation Claims, reported favorably the bill of the House (H. R. 8150) to provide for the adjudication and payment of claims arising from Indian depredations—to the Committee of the Whole House on the state of the Union.

Mr. PAYSON, from the Committee on the Public Lands, reported favorably the following bills of the Senate; which were severally referred to the Committee of the Whole House on the state of the Union:

A bill (S. 1984) to create the office of surveyor-general in the States of North Dakota and South Dakota; and

A bill (S. 2304) to establish two additional land districts in the State of Washington.

Mr. PAYSON also, from the Committee on the Public Lands, re-

ported with amendment the bill of the House (H. R. 5930) for the relief of the settlers on Northern Pacific Railroad indemnity lands—to the House Calendar.

Mr. SHIVELY, from the Committee on Indian Affairs, reported favorably the bill of the House (H. R. 2084) for the relief of J. G. Fell, Edward Hoopes, and George Burnham—to the Committee of the Whole House.

Mr. CUTCHEON, from the Committee on Military Affairs, reported favorably the bill of the House (H. R. 7974) to establish and define the United States seacoast and frontier reserve—to the House Calendar.

Mr. KINSEY, from the Committee on Military Affairs, reported with amendment the bill of the House (H. R. 4566) granting right of way to the Junction City and Fort Riley Street Railway Company into and upon the Fort Riley military reservation, in the State of Kansas, and for other purposes—to the House Calendar.

Mr. CONGER, from the Committee on Coinage, Weights, and Measures, reported with amendment the bill of the House (H. R. 5381) authorizing the issue of Treasury notes on deposits of silver bullion—to the Committee of the Whole House on the state of the Union.

Mr. BLAND, in behalf of the minority of the Committee on Coinage, Weights, and Measures, submitted their views in writing thereon; which were ordered to be printed as part 2 of Report No. 1086.

Mr. CAREY, from the Committee on Military Affairs, reported with amendment the bill of the House (H. R. 6518) authorizing the Secretary of War to remove the charge of desertion against Mark F. Jones, of Roseburgh, Oregon, and late of Company E, First Regiment Michigan Engineers and Mechanics, and that a certificate of discharge be issued—to the Committee of the Whole House.

#### BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were introduced, severally read twice, and referred as follows:

By Mr. McCREARY: A bill (H. R. 8628) for the erection of a public building at Richmond, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. BROOKSHIRE: A bill (H. R. 8629) providing for a public building in Brazil, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. WALLACE, of New York: A bill (H. R. 8630) to provide for the organization and rate of pay of a veterinary corps of the United States Army—to the Committee on Military Affairs.

By Mr. CRAIN: A bill (H. R. 8631) to create a port of entry at Eagle Pass, Tex., in lieu of Indianola, Tex.—to the Committee on Commerce.

By Mr. SIMONDS: A bill (H. R. 8632) relating to the salaries of the Patent Office officials—to the Committee on Patents.

By Mr. KETCHAM: A bill (H. R. 8633) to amend the act incorporating the Capitol, North O Street and South Washington Railway Company—to the Committee on the District of Columbia.

By Mr. STOCKBRIDGE: A bill (H. R. 8634) for the transmission of two guns to the national cemetery at Baltimore, Md.—to the Committee on Military Affairs.

By Mr. FUNSTON: A bill (H. R. 8635) for the Oklahoma Agricultural College and United States experimental station, and to secure land for same—to the Committee on the Public Lands.

By Mr. LAWS: A bill (H. R. 8636) providing that notice of the sale of real estate sold under the order, judgment, or decree of a United States court shall be published in the county and State where the property is located and that the property after notice be there sold, and for other purposes—to the Committee on the Judiciary.

Also, a bill (H. R. 8637) to amend sections 2275 and 2276 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. WHEELER, of Alabama: A bill (H. R. 8638) to provide for a more efficient veterinary service—to the Committee on Military Affairs.

By Mr. ATKINSON, of West Virginia: A bill (H. R. 8673) for the relief of West Virginia troops acting under authority of the governor of said State during the late war—to the Committee on Invalid Pensions.

By Mr. MCADOO: A bill (H. R. 8674) to impose a discriminating duty on tea imported from this side of the Cape of Good Hope, and for other purposes—to the Committee on Ways and Means.

By Mr. McKENNA: A bill (H. R. 8675) to encourage silk-culture in the State of California—to the Committee on Agriculture.

By Mr. BREWER (by request): A bill (H. R. 8676) for the better administration of justice in the District of Columbia—to the Committee on the Judiciary.

By Mr. McCLAMMY: A bill (H. R. 8677) to amend section 10 of an act approved on the 2d day of March, 1889, entitled "An act to amend an act entitled 'An act to regulate commerce,'" approved February 4, 1887—to the Committee on Commerce.

By Mr. CAMPBELL: A bill (H. R. 8678) to amend an act entitled "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June 3, 1864, and further amended February 3, 1887—to the Committee on Military Affairs.

By Mr. O'NEILL, of Pennsylvania: A bill (H. R. 8679) providing for the appointment of an official indexer of public documents—to the Committee on the Library.

By Mr. WRIGHT: A bill (H. R. 8680) for the erection of a monument to the memory of Brig. Gen. Samuel Meredith, at Belmont Manor, Wayne County, Pennsylvania—to the Committee on the Library.

By Mr. RANDALL, of Massachusetts: A bill (H. R. 8681) to secure the safety of freight cars employed in interstate commerce by the use of proper couplers, freight-car brakes, and other appliances, prescribed by the Interstate Commerce Commission—to the Committee on Railways and Canals.

By Mr. HOUK (by request): A bill (H. R. 8682) to equalize the pay of messengers in the Government service—to the Committee on Reform in the Civil Service.

By Mr. RIFE: A bill (H. R. 8683) to provide for the construction of a public building at Lebanon, Pa.—to the Committee on Public Buildings and Grounds.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BINGHAM: A bill (H. R. 8639) for the relief of Robert Potts—to the Committee on Military Affairs.

By Mr. JASON B. BROWN: A bill (H. R. 8640) granting a pension to Elizabeth Abell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8641) granting a pension to Pauline Barkle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8642) granting a pension to Rebeckah H. Chambers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8643) granting a pension to James Gilmore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8644) granting a pension to Lucy C. Irwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8645) granting a pension to John M. Kesselmark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8646) granting a pension to Elizabeth Louster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8647) granting a pension to Andrew M. Luke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8648) granting a pension to Elijah W. Russell—to the Committee on Invalid Pensions.

By Mr. BYNUM: A bill (H. R. 8649) granting a pension to Matilda Ann Wiley, of Indianapolis, Ind., widow of the late Dr. Delano Wiley—to the Committee on Invalid Pensions.

By Mr. CARLTON: A bill (H. R. 8650) for the relief of Joel A. Bil-lups—to the Committee on War Claims.

Also, a bill (H. R. 8651) to appropriate money to pay to Mrs. John H. Christy the salary of her deceased husband, Hon. John H. Christy, of Georgia, as a member of the Thirty-ninth Congress—to the Committee on Claims.

Also, a bill (H. R. 8652) for the relief of John S. Williford—to the Committee on Claims.

By Mr. CHEADLE: A bill (H. R. 8653) granting a pension to Martin L. Blackledge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8654) authorizing the Secretary of the Navy to remove the charge of desertion from the record of Charles William Reinhardt, of the Marine Band—to the Committee on Military Affairs.

By Mr. CLANCY: A bill (H. R. 8655) to relieve John Brundage of the charge of desertion—to the Committee on Naval Affairs.

By Mr. CLEMENTS: A bill (H. R. 8656) for the relief of the trustees of the African Methodist Church at Marietta, Ga.—to the Committee on War Claims.

By Mr. FITHIAN: A bill (H. R. 8657) granting a pension to Peter R. Clutter—to the Committee on Invalid Pensions.

By Mr. GROUT: A bill (H. R. 8658) to remove charge of desertion against Hiram H. Carpenter, Second Independent Battery, Vermont Light Artillery—to the Committee on Military Affairs.

By Mr. KENNEDY: A bill (H. R. 8659) granting arrears of pension to Job S. Goff—to the Committee on Invalid Pensions.

By Mr. LAWLER: A bill (H. R. 8660) granting a pension to Mrs. Mary Crook, widow of George Crook, late a major-general in the United States Army—to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 8661) granting a pension to Mary T. Crook—to the Committee on Invalid Pensions.

By Mr. MILES: A bill (H. R. 8662) for the relief of Edwin L. Brady, of Stamford, Conn.—to the Committee on Naval Affairs.

By Mr. MONTGOMERY: A bill (H. R. 8663) for the relief of Francis M. Devine—to the Committee on Invalid Pensions.

By Mr. MORRILL: A bill (H. R. 8664) for the relief of George W. Graham—to the Committee on Claims.

By Mr. ROWELL: A bill (H. R. 8665) for the relief of James Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8666) for the relief of Rev. M. M. Travis—to the Committee on Claims.

By Mr. STEWART, of Georgia: A bill (H. R. 8667) for the relief of



the legal representatives of John Carleton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8668) for the relief of George T. Reeves—to the Committee on War Claims.

By Mr. VAN SCHAICK: A bill (H. R. 8669) for the relief of George Isenstein—to the Committee on Military Affairs.

By Mr. WHEELER, of Alabama: A bill (H. R. 8670) for the relief of Mrs. Mary E. Mastin—to the Committee on War Claims.

By Mr. WIKE: A bill (H. R. 8671) to pension Reason R. Nichols and grant him a pension of \$25 per month—to the Committee on Pensions.

By Mr. YODER: A bill (H. R. 8672) granting an increase of pension to Daniel Neill—to the Committee on Invalid Pensions.

By Mr. ATKINSON, of West Virginia: A bill (H. R. 8684) granting a pension to Martha A. Barnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8685) granting a pension to John E. Bing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8686) granting a pension to Richard Crutcher—to the Committee on Pensions.

Also, a bill (H. R. 8687) granting a pension to Joseph W. Cummins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8688) for the relief of William Dillon—to the Committee on Claims.

Also, a bill (H. R. 8689) granting a pension to Jerry S. Fish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8690) granting a pension to Elizabeth A. Jefferson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8691) granting an increase of pension to General J. A. J. Lighthurn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8692) granting a pension to Reuben Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8693) granting a pension to Harriet Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8694) granting a pension to Robert S. Northcott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8695) granting a pension to W. M. Riggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8696) granting a pension to Mrs. J. P. Thatcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8697) granting a pension to George Waddle—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 8698) for the relief of Mrs. Selina Bestor, Orson H. Bestor, and E. Francis Riggs—to the Committee on Claims.

By Mr. BRECKINRIDGE, of Kentucky: A bill (H. R. 8699) for the relief of James Soffell and the executors of John Witherspoon, deceased—to the Committee on Claims.

By Mr. BROOKSHIRE: A bill (H. R. 8700) granting a pension to Mira Baldwin—to the Committee on Pensions.

By Mr. CULBERTSON, of Pennsylvania: A bill (H. R. 8701) to remove the charge of desertion from the service record of Charles E. Dodge—to the Committee on Military Affairs.

By Mr. DORSEY: A bill (H. R. 8702) granting a pension to John McKernan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8703) granting a pension to Aaron Young—to the Committee on Invalid Pensions.

By Mr. FLICK: A bill (H. R. 8704) granting a pension to Wilhelmina M. Martin—to the Committee on Invalid Pensions.

By Mr. FUNSTON: A bill (H. R. 8705) to increase the pension of Lyman E. Bullock—to the Committee on Invalid Pensions.

By Mr. GOODNIGHT: A bill (H. R. 8706) granting a pension to Isaac Maines—to the Committee on Invalid Pensions.

By Mr. HATCH: A bill (H. R. 8707) to increase the pension of Elijah Herring—to the Committee on Pensions.

Also, a bill (H. R. 8708) granting a pension to Samuel W. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8709) granting a pension to Samuel Taylor—to the Committee on Invalid Pensions.

By Mr. LANSING: A bill (H. R. 8710) for the relief of Robert Tillson and Maitland Boon—to the Committee on War Claims.

By Mr. McCORMICK: A bill (H. R. 8711) granting a pension to Margaret Mayer—to the Committee on Invalid Pensions.

By Mr. MCCREARY: A bill (H. R. 8712) to amend and correct the military record of Barnett C. Young—to the Committee on Military Affairs.

By Mr. O'DONNELL: A bill (H. R. 8713) granting a pension to Rhoda Buck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8714) granting a pension to Julius E. Gifford—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 8715) granting an increase of pension to William C. Herschberger—to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 8716) pensioning Maria Gibbons—to the Committee on Invalid Pensions.

By Mr. RIFE: A bill (H. R. 8717) to remove the charge of desertion from the military record of Thomas Connelly—to the Committee on Military Affairs.

Also, a bill (H. R. 8718) granting a pension to Lawrence Gross—to the Committee on Invalid Pensions.

By Mr. ROBERTSON: A bill (H. R. 8719) for the relief of the estate of Odon Deucatte—to the Committee on War Claims.

By Mr. RUSK: A bill (H. R. 8720) for the relief of Gustav Hubert Schmidt—to the Committee on Military Affairs.

By Mr. SMYSER: A bill (H. R. 8721) to place Sarah Croft on the pension-rolls—to the Committee on Invalid Pensions.

By Mr. STIVERS: A bill (H. R. 8722) for the relief of Edgar Brodhead—to the Committee on Naval Affairs.

By Mr. STONE, of Kentucky: A bill (H. R. 8723) for the relief of John W. Bradburn—to the Committee on Military Affairs.

By Mr. TARSNEY: A bill (H. R. 8724) for the relief of Cornelius Boyle—to the Committee on War Claims.

By Mr. TOWNSEND, of Pennsylvania (by request): A bill (H. R. 8725) granting a pension to Margaret Mayer—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 8726) for the relief of Louisa Burnham, widow of Lewis W. Burnham, late of Company H, Fifty-seventh Regiment, Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. WHEELER, of Alabama: A bill (H. R. 8727) for the relief of Mary Laughinghouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8728) to correct the military record of James McGee—to the Committee on Military Affairs.

Also, a bill (H. R. 8729) for the relief of the heirs of Anderson Seale—to the Committee on War Claims.

By Mr. WHEELER, of Michigan: A bill (H. R. 8730) granting a pension to T. G. Metcalf—to the Committee on Invalid Pensions.

By Mr. WILSON, of West Virginia: A bill (H. R. 8731) restoring to the pension-roll Mrs. Martha A. Beerbower, widow of Dr. Jesse Beerbower, late assistant surgeon, Third Regiment, Potomac Home Brigade, Maryland Infantry—to the Committee on Invalid Pensions.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill of the Senate (S. 5) for the relief of Bessie S. Gilmore—Committee on Banking and Currency discharged, and referred to the Committee on Claims.

A bill of the House (H. R. 7598) granting a pension to William H. Heister—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill of the House (H. R. 7054) authorizing and directing the Secretary of the Treasury to pay to the city of Lincoln, Nebr., one-half the cost of constructing pavements in front of the public square owned by the United States Government in said city—Committee on Public Buildings and Grounds discharged, and referred to the Committee on Claims.

A bill of the House (H. R. 7684) for the relief of Albert Wood—Committee on War Claims discharged, and referred to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. BAKER: Petition of farmers of Monroe County, New York, in favor of higher tariff on farm products—to the Committee on Ways and Means.

Also, petition from same persons, for same relief—to the Committee on Ways and Means.

Also, petition of Hough & Ford and other manufacturers residing in Rochester, N. Y., asking that no duty shall be imposed on hides—to the Committee on Ways and Means.

By Mr. BROWER: Protest of the Society of Friends of Guilford and Randolph Counties, North Carolina, against the recommendations of the Senate Naval Committee and other measures which propose a large expenditure for Navy and coast defenses—to the Committee on Naval Affairs.

By Mr. CANNON: Petition of G. A. Dorbloser and others, of Kansas, Ill., favoring passage of law authorizing the payment of \$3 per day to Union soldiers during confinement in rebel prisons—to the Committee on Invalid Pensions.

By Mr. CLEMENTS: Petition of John Mussey, for pension—to the Committee on Invalid Pensions.

By Mr. COOPER, of Indiana: Petition of George W. Hoss, professor of rhetoric and elocution of Baker University, Baldwin, Kans., and 100 others, including ministers, lawyers, teachers, and prominent business men of Topeka and Baldwin, Kans., praying for certain reforms in the spelling of the English language—to the Committee on Printing.

By Mr. ENLOE: Petition of Jacob Surratt, Tippah County, Mississippi, asking the reference of his claim to the Court of Claims under the Bowman act—to the Committee on War Claims.

Also, a resolution of the Memphis Cotton Exchange, in favor of the increase of the salaries of judges of the United States district courts—to the Committee on the Judiciary.

Also, resolutions of Memphis Merchants' Exchange, for same purpose—to the Committee on the Judiciary.

Also, resolutions of Memphis Commercial Association, for same purpose—to the Committee on the Judiciary.

Also, petition of M. C. Sanders, of McNairy County, Tennessee, asking for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, resolutions of the Jackson Board of Trade, against the compound lard bill—to the Committee on Agriculture.

Also, resolutions of the Farmers' Exchange of Memphis, Tenn., for same purpose—to the Committee on Agriculture.

Also, resolutions of the Memphis Cotton Exchange, for same purpose—to the Committee on Agriculture.

Also, resolutions of Memphis (Tenn.) Merchants' Exchange, for same purpose—to the Committee on Agriculture.

By Mr. FITHIAN: Petition of Peter R. Clutter, for pension—to the Committee on Invalid Pensions.

By Mr. FUNSTON: Resolutions of George Graham Post, Grand Army of the Republic, Seneca, Kans., relating to service pension—to the Committee on Invalid Pensions.

Also, three petitions of Oklahoma Agricultural College and experimental station—to the Committee on Agriculture.

By Mr. GEST: Petition of 212 citizens of Henderson County, Illinois, for such legislation as will suppress the publication and transmission through the mails of impure literature—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Petition of E. S. Boss and 36 others, for cold storage for butter between New York and Boston and English ports—to the Committee on Merchant Marine and Fisheries.

By Mr. KERR, of Iowa: Petition of John B. Hanax Post, No. 314, Belle Plaine, Iowa, favoring the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. LACEY: Resolutions of Baxter (Iowa) Grand Army of the Republic post, favoring a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LEHLBACH: Petition of members of Subordinate Union No. 16, of Newark, N. J., of Bricklayers and Masons' International Union, asking that preference be given to citizens of the United States in the employment of men on Government works—to the Committee on Labor.

Also, protest of members of the Newark Turnverein Deutsche Pioneer Society, of New York, N. Y., and others, against all measures materially changing the laws on immigration and naturalization—to the Select Committee on Immigration and Naturalization.

By Mr. MAISH: Resolution of Captain Colwell Post No. 202, Grand Army of the Republic, 201, Carlisle, Pa., urging the passage of the bill for the relief of Comrade R. R. Matthews—to the Committee on Invalid Pensions.

By Mr. MARTIN, of Indiana: Remonstrances of certain Monthly Meetings of Friends, of Grant County, Indiana, representing 1,221 persons, against proposed expenditures of public money for naval and coast defense and other warlike measures—to the Committee on Naval Affairs.

By Mr. MCADOO: Petition of citizens of Jersey City, N. J., in favor of H. R. No. 3863, in favor of increasing pay of letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. MCCLELLAN: Papers and evidence in support of H. R. 5013, for relief of James Wilkinson—to the Committee on Military Affairs.

Also, papers and evidence in case of Capt. William Lyne in support of H. R. No. 7239—to the Committee on Military Affairs.

By Mr. MCKINLEY: Petition of citizens of Columbiana County, Ohio, favoring employment of home labor in preference to aliens—to the Committee on Labor.

By Mr. MORRILL: Resolutions of George Graham Post, Grand Army of the Republic, Seneca, Kans., asking for a service pension—to the Committee on Invalid Pensions.

By Mr. PAYNE: Petitions of Grand Army of the Republic of Parish, N. Y., and Grand Army of the Republic of Lyons, N. Y., for service pensions—to the Committee on Invalid Pensions.

By Mr. PEEL: Resolutions of city council of Little Rock, Ark., asking appropriations to improve the deep-water harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, resolutions to regulate salary of House elevator conductors—to the Committee on Accounts.

By Mr. ROWELL: Papers in the claim of Rev. M. M. Travis, to accompany bill for his relief—to the Committee on Claims.

By Mr. SMITH, of Illinois: Memorial from Lodge No. 267, Randolph County, Illinois, F. M. B. A., requesting legislation in the interest of farmers—to the Committee on Agriculture.

Also, memorials from Benton Lodge No. 263, F. M. B. A.; Lodge No. 280, F. M. B. A., Johnson County, Illinois; Lodge No. 34, F. M. B. A., Lick Creek, Ill., praying for same character of legislation—to the Committee on Agriculture.

Also, petition of Knights of Labor Lodge No. 3833, Murphysborough, Ill., relative to statistics to be gathered in taking the eleventh census—to the Select Committee on the Eleventh Census.

Also, memorial of F. M. B. A. organization, Perry County, Illinois, asking for free coinage of silver, etc.—to the Committee on Coinage, Weights, and Measures.

Also, memorial from Brush Prairie Lodge No. 322, F. M. B. A., Perry County, Illinois, asking for the establishment of loan agencies in each county and the loaning of money by the Government to farmers at a low rate of interest on real-estate security, etc.—to the Committee on Banking and Currency.

Also, resolution of Simpson Post No. 683, Grand Army of the Republic, Johnson County, Illinois, asking speedy pension legislation, etc.—to the Committee on Invalid Pensions.

Also, memorial of Lodge No. 329, F. M. B. A., Perry County, Illinois, asking for the free coinage of silver, etc.—to the Committee on Coinage, Weights, and Measures.

Also, memorial F. M. B. A., Perry County, Illinois, petitioning not to withdraw legal-tender notes—to the Committee on Banking and Currency.

Also, resolution of Post No. 221, Grand Army of the Republic, of Illinois, praying for action and aid toward passage of "service-pension bill" and repeal of limitation clause in arrears act—to the Committee on Invalid Pensions.

By Mr. STEWART, of Texas: Petition of sundry citizens of Val Verde County, Texas, asking for establishment of military post at Del Rio, Tex.—to the Committee on Military Affairs.

By Mr. STIVERS: Petition of Subordinate Union No. 5, city of Newburgh, N. Y., of the Bricklayers and Masons' International Union of America, praying Congress will amend the laws so that on all Government works, whether let by contract or otherwise, none but citizens of the United States shall be employed, and that proper penalties for the enforcement of the same be imposed, etc.—to the Committee on Labor.

By Mr. WALLACE, of Massachusetts: Petition of Subordinate Union No. 19, city of Fitchburgh, Mass., of the Bricklayers and Masons' International Union of America, praying for such an amendment to the laws as will secure to citizens of the United States preference of work on the construction of public buildings and other Government structures—to the Committee on Labor.

By Mr. WHEELER, of Alabama: Petition of Hon. James E. Saunders, praying that Congress will not enact a bill taxing lard which contains cotton-seed oil—to the Committee on Agriculture.

Also, petitions of Memphis Merchants' Exchange and Henry C. Butcher, president of Southern Cotton Oil Company, for same purpose—to the Committee on Agriculture.

By Mr. WILSON, of Washington: Memorial from the Legislature of Washington, praying for defensive works on Puget Sound—to the Committee on Appropriations.

By Mr. ALLEN, of Michigan: Petition of Frank Bartholomew, Company H, Fourteenth Ohio Infantry Volunteers, for special-act pension—to the Committee on Invalid Pensions.

By Mr. ANDREW: Petition of Subordinate Union No. 8, city of Boston, Mass., of the Bricklayers and Masons' International Union of America, for the amendment of the laws of the United States so as to prevent the employment of any other than citizens of the United States upon Government works—to the Committee on Labor.

By Mr. BELDEN: Petition of the farmers of Onondaga County, New York, requesting that the duties on the products of the farm be increased—to the Committee on Ways and Means.

By Mr. BRECKINRIDGE, of Arkansas: Petition of 26 citizens of Clarendon, Ark., against the passage of the Conger or Butterworth lard bill—to the Committee on Agriculture.

By Mr. BROOKSHIRE: Petition and papers to accompany H. R. 8629, providing for a public building in Brazil, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. CRAIN: Petition of Bricklayers and Masons' Union, of Galveston, Tex., for amendment of laws governing employment of labor on public buildings and other Government works—to the Committee on Labor.

By Mr. CULBERTSON, of Pennsylvania: Petition of physicians of Pennsylvania, for repeal of that portion of the internal-revenue law which classes druggists as liquor-dealers—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. DALZELL: Petition of Bricklayers and Masons' International Union of America, in favor of laws for protection of American against alien labor—to the Committee on Labor.

By Mr. DORSEY: Petition from members of Drury Post, No. 128, Grand Army of the Republic, asking that pension be granted to Aaron Toumy—to the Committee on Invalid Pensions.

By Mr. GEISSENHAIN: Protest of the Canned Goods Association, against any increase of the tariff upon tin-plate—to the Committee on Ways and Means.

By Mr. HARMER: Memorial of the Southern Cotton Oil Company, of Philadelphia, against the passage of House bill No. 283, relating to compound lard—to the Committee on Agriculture.

By Mr. HATCH: Petition and affidavits to accompany House bill granting a pension to Samuel Taylor—to the Committee on Invalid Pensions.

Also, petition to accompany House bill to increase the pension of



Elijah Herring, a soldier of the Black Hawk war—to the Committee on Pensions.

Also, petition to accompany House bill granting a pension to Samuel W. Martin—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of Philip Deitz and 34 others, citizens of Scott County, Iowa, protesting against the passage of any law changing present naturalization and immigration laws—to the Select Committee on Immigration and Naturalization.

By Mr. HAYNES: Petition of H. J. Webb & Co. and 250 other owners of vessels, of Cleveland, Ohio, for the early completion of Toledo Harbor improvement—to the Committee on Rivers and Harbors.

Also, petition of John Nelson and 28 others, owners and masters of vessels of same city, for same purpose—to the Committee on Rivers and Harbors.

By Mr. JOSEPH: Petition from citizens of New Mexico, asking Congress to pay Indian depredation claims filed in the office of Indian Affairs—to the Select Committee on Indian Depredation Claims.

By Mr. LAWLER: Protest of the Thompson-Houston Electric Company, against placing heavy duties on mica—to the Committee on Ways and Means.

By Mr. MAISH: Petition of Elijah N. Hoffman, Adam K. Bollinger, David Conover, and W. N. Flaherty, praying for the removal of the charge of desertion—to the Committee on Military Affairs.

Also, petition of Charles P. Keble, late sergeant Company L, Cole's Maryland Cavalry, praying for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. MCCORMICK: Petition of Subordinate Union No. 19, of Williamsport, Pa., of Bricklayers and Masons' International Union of America, asking protection against alien labor—to the Committee on Labor.

Also, petition of sundry citizens of Lawrence County, Pennsylvania, favoring Sunday-rest legislation—to the Committee on Labor.

By Mr. MARTIN, of Indiana: Petition of Harmony Lodge, F. M. B. A., No. 1566, and of W. D. Boller, president thereof, and 25 other members, of Grant County, Indiana, for the enactment of a law for the payment of the coin obligations of the United States in equal proportions in the legal-tender gold and silver money of the country—to the Committee on Banking and Currency.

Also, petition of Harmony Lodge, F. M. B. A., No. 1566, of Grant County, Indiana, for the abolition of the national-bank system, and for full remonetization of silver, and the issue of sufficient money to meet the demands of trade, and for other purposes—to the Committee on Banking and Currency.

Also, petition of Harmony Lodge No. 1566, of Grant County, Indiana, for legislation prohibiting the loan of the money of the United States to national banks or corporations, or for making loans of money to farmers on equally favorable terms as those granted to such corporations—to the Committee on Banking and Currency.

Also, petition of Frank Ringle and others, citizens of Grant County, Indiana, for legislation prohibiting the loaning of the public moneys of the United States, from loaning its public funds to national banks or other corporations, or that farmers shall be granted loans on equally favorable terms—to the Committee on Banking and Currency.

By Mr. MORROW: Petition from the Board of Trade of Santa Cruz County, California, relative to the survey of the harbor at that point—to the Committee on Rivers and Harbors.

By Mr. O'NEIL, of Massachusetts: Petitions of the Masons' International Union of America, in favor of a law to allow only citizens of the United States to be employed on Government works—to the Committee on Labor.

By Mr. PARRETT: Petition and other papers of Andrew J. Ricketts, for relief from the charge of desertion, to accompany H. R. 4486—to the Committee on Military Affairs.

Also, petition of Alonzo Hix, for pension, signed by the clerk and officers of Perry County, Indiana, and others, with other papers to accompany H. R. 5812—to the Committee on Invalid Pensions.

Also, petition of Alonzo Platt, to have the charge of desertion removed, to accompany H. R. 5337—to the Committee on Military Affairs.

Also, petition of Frederick Stombush, for pension, to accompany H. R. 5336—to the Committee on Invalid Pensions.

By Mr. PAYNE: Petition of vessel-owners and masters, for an appropriation for harbor of refuge at Port Ontario, N. Y.—to the Committee on Rivers and Harbors.

Also, petition of sailors, lake captains, and others, residents of Port Ontario, N. Y., for same purpose—to the Committee on Rivers and Harbors.

Also, petition of manufacturers of New York, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of supervisors and county officials of Oswego County, New York, for same purpose—to the Committee on Rivers and Harbors.

Also, letter of superintendent of Lehigh Valley Railroad Company, upon the same subject—to the Committee on Rivers and Harbors.

Also, certificate of R. D. Ehle, deputy collector, upon the same subject—to the Committee on Rivers and Harbors.

By Mr. PERKINS: Petition of S. M. Roseberry and 88 others, residents of Winfield, Kans., and vicinity, asking for legislation provid-

ing for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. POST: Resolutions of the Peoria (Ill.) County Grange, Patrons of Husbandry, indorsing the Post silver bill—to the Committee on Coinage, Weights, and Measures.

By Mr. PUGSLEY: Memorial of 352 Friends, of Dover, Clinton County, Ohio, against warlike expenditures—to the Committee on Naval Affairs.

By Mr. RAINES: Petition of citizens of Avoca, N. Y., for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. REED, of Iowa: Petition of 200 citizens of Audubon County, Iowa, in favor of a service pension—to the Committee on Invalid Pensions.

By Mr. RUSK: Petition for relief of G. H. Schmidt—to the Committee on Military Affairs.

By Mr. SHIVELY: Petition of Samuel D. Straw and 15 others, citizens of Elkhart, Ind., for liberal appropriations for the encouragement of fish culture—to the Committee on Appropriations.

By Mr. SIMONDS: Petition of Subordinate Union No. 1, of the Bricklayers and Masons' International Union of America, of Hartford, Conn., against employment of aliens upon Government works—to the Committee on Labor.

By Mr. SMITH, of Illinois: Memorial of Lodge No. 63, F. M. B. A., of Johnson County, Illinois, asking legislation in the interest of farmers—to the Committee on Agriculture.

By Mr. STEPHENSON: Petition of the Michigan State board of agriculture, relative to the transfer of national weather service to the Department of Agriculture—to the Committee on Agriculture.

By Mr. STOCKDALE: Petition of William R. Jackson, of Jones County, Mississippi, to have a bill passed for his relief and to pay his claim for work done for the Government during the war—to the Committee on War Claims.

By Mr. STRUBLE: Petition of B. F. Robie and 29 other veteran soldiers, citizens of Cherokee County, Iowa, urging the passage of the service-pension bill—to the Committee on Invalid Pensions.

Also, petitions of A. W. Moore and 67 others, citizens of Hopedale, Ohio; of Lynn Farmers' Alliance, No. 1239, Sioux County, Iowa; of Wilson Township Alliance, No. 111, Osceola County, Iowa, and of Plymouth Farmers' Alliance, No. 1249, Plymouth County, Iowa, urging the passage of bill H. R. 5978, imposing penalties to lessen and prevent gambling in farm products—to the Committee on Agriculture.

By Mr. TARSNEY: Petition of Cornelius Boyle, praying that his claim for property be referred to Court of Claims—to the Committee on War Claims.

By Mr. TOWNSEND, of Pennsylvania: Petition of citizens of Pennsylvania, against alien labor on Government works—to the Committee on Labor.

Also (by request), petition of 206 citizens of Beaver County, Pennsylvania, asking that needless Sabbath work, etc., be forbidden—to the Committee on Labor.

By Mr. VANDEVER: Petition for improvement of spelling—to the Committee on Education.

By Mr. WATSON: Petition against alien labor—to the Committee on Labor.

By Mr. WHEELER, of Michigan: Petition to Congress for removal of charge of desertion from R. W. Campbell—to the Committee on Military Affairs.

Also, petition of Perry Hannah and other vessel-owners and masters of Michigan, praying for an appropriation for construction of a breakwater at Petoskey, Mich.—to the Committee on Rivers and Harbors.

By Mr. WISE: Petition from the Chamber of Commerce of Richmond, Va., relative to the regulation of the number of officers in the engineer corps of the Navy—to the Committee on Naval Affairs.

## SENATE.

THURSDAY, March 27, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

### EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the Senate, a report of the Ordnance Board and an extract from the annual report of Maj. Gen. O. O. Howard to the Adjutant-General, in regard to certain tests at Sandy Hook of a new method of firing shells charged with nitro-glycerine from ordinary guns; which was read.

The VICE-PRESIDENT. The communication will lie on the table until the Senator from Missouri [Mr. COCKRELL], who offered the resolution to which this is a response, comes into the Chamber.

Mr. COCKRELL subsequently said: I move that the communication and accompanying papers from the Secretary of War laid before the Senate this morning during my absence in the Committee on Appropriations be ordered to be printed and lie on the table.

The motion was agreed to.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a communication from John C. Gates, secretary of District Assembly No. 66, Knights of Labor, Washington, D. C., inclosing resolutions favoring the enforcement of the eight-hour law; which, with the accompanying papers, was referred to the Committee on Education and Labor.

He also presented a petition of Subordinate Union No. 2 of the Bricklayers and Masons' International Union of America, of Norfolk, Va., praying that none but American citizens be employed on Government works; which was referred to the Committee on Education and Labor.

He also presented a communication from C. Burton Lyon, making certain suggestions in regard to the proposed world's fair; which was referred to the Select Committee on the Quadro-Centennial.

Mr. SHERMAN presented a petition of 30 citizens of Stark County, Ohio; a petition of 33 citizens of Stark County, Ohio; a petition of 34 citizens of Stark County, Ohio; a petition of 42 citizens of Stark County, Ohio, and a petition of 45 citizens of Stark County, Ohio, praying for the free coinage of silver; which were referred to the Committee on Finance.

He also presented a memorial of the Cincinnati (Ohio) Monthly Meeting of Friends, remonstrating against large expenditures for the Navy and coast defenses; which was referred to the Committee on Naval Affairs.

Mr. PETTIGREW presented a petition of Union No. 1 of the Bricklayers and Masons' International Union, of Sioux Falls, S. Dak., praying Congress to amend the law so that only citizens of the United States shall be employed upon Government works, whether let by contract or otherwise; which was referred to the Committee on Education and Labor.

Mr. HAWLEY presented a petition of Union No. 1 of the Bricklayers and Masons' International Union, of Hartford, Conn., praying that only citizens of the United States be employed on public works; which was referred to the Committee on Education and Labor.

Mr. SQUIRE presented a memorial of the Legislature of Washington; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF WASHINGTON,  
Office of the Secretary of State.

I, Allen Weir, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the attached instrument of writing, i. e., Senate memorial No. 10, relative to light-house in San Juan Passage, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, at Olympia, this 17th day of February, A. D. 1890.

[SEAL.] ALLEN WEIR, Secretary of State.

[Senate memorial No. 10.]

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists, the senate and house of representatives of the State of Washington, in legislative session assembled, would respectfully represent to your honorable body that the commerce of Puget Sound carried on by steam and sailing vessels in and through the San Juan Archipelago is large and growing, as attested by daily and triweekly mail and passenger routes in constant operation; by an immense business in transporting lime, lime-rock, building-stone, lumber, fruit, wool, dairy and farm products, and other merchantable commodities too numerous to mention; that the shores of navigable channels through said islands are for the most part bold, rocky, and perilous; that said channels are for the most part narrow, tortuous, and difficult to navigate, particularly in foggy or cloudy weather, or in dark nights; that the channel known as "San Juan Passage" is particularly hazardous and is an urgent subject for aids and improvements to navigation therein, being the channel most used. Wherefore your memorialists would earnestly request that an appropriation of at least \$50,000 be made from the national Treasury to erect a light-house at a suitable point at the mouth, or southern termination, of said San Juan Passage. And your memorialists will ever pray.

Passed the senate January 7, 1890.

CHAS. E. LAUGHTON,  
President of the Senate.

Passed the house January 8, 1890.

J. W. FEIGHAN,  
Speaker of the House.

Mr. GORMAN presented the petition of John Kane and William B. Nolan, president and secretary of Subordinate Union No. 3, Bricklayers and Masons' International Union of America, of Baltimore, Md., praying that none but American citizens be employed on public works; which was referred to the Committee on Education and Labor.

Mr. FAULKNER presented the petition of H. M. Turner and 20 other citizens of Jefferson and Berkeley Counties, West Virginia, praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. TURPIE presented the petition of Ann Bramberger, mother of Jonathan Bramberger, late a private of Company F, Tenth Missouri Cavalry Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. HARRIS presented a petition of the Bricklayers and Masons' International Union of America, of Memphis, Tenn., praying that none but American citizens be employed on Government works; which was referred to the Committee on Education and Labor.

Mr. FARWELL presented a petition of citizens of Illinois, praying for the passage of laws forbidding the sale or distribution of immoral literature; which was referred to the Committee on Education and Labor.

Mr. INGALLS presented a petition of Franklin Post No. 68, Department of Kansas, Grand Army of the Republic, of Olathe, Kans., praying for the passage of the service-pension bill; which was referred to the Committee on Pensions.

He also presented a memorial of the Kansas City (Mo.) Commercial Exchange, remonstrating against the passage of the Edmunds meat-exportation bill; which was ordered to lie on the table.

He also presented a petition of 33 members of the Quaker Valley Farmers' Alliance and Industrial Union, of Lyon County, Kansas, and a petition of 21 citizens of Labette County, Kansas, praying for the free coinage of silver; which were referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Wichita, Kans., praying for the improvement of the harbor at Galveston, Tex.; which was ordered to lie on the table.

Mr. PLATT. I present a petition of the representative officers of the Woman's Christian Temperance Union of the District of Columbia, praying for the enactment of a bill prohibiting the manufacture and sale of intoxicating liquors in the District of Columbia. It is a statement of the petitions which have been heretofore presented for the passage of such a bill, and sets forth the reasons why the petitioners desire that such a bill should be passed. As it is not long and is entirely respectful, I move that it be printed as a document, and referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. VEST presented a memorial of Minor Merriweather, of St. Louis, Mo., remonstrating against the maintenance of the sugar trust, and praying for a repeal of the duties upon sugar; which was referred to the Committee on Finance.

Mr. TELLER presented a petition of Subordinate Union No. 3, of Pueblo, Colo., of the Bricklayers and Masons' Union, and a petition of Subordinate Union No. 4, of Colorado Springs, Colo., of the Bricklayers and Masons' Union, praying for an amendment of the statutes so as to give preference to citizens of the United States in the construction of Government buildings, etc.; which were referred to the Committee on Education and Labor.

He also presented the petition of 65 citizens of Chilcott, Colo., praying for the free coinage of silver; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Denver, Colo., praying that an appropriation be made for a deep-water harbor at Galveston, Tex.; which was ordered to lie on the table.

He also presented a petition of citizens of the Territory of New Mexico, praying for legislation providing for the payment of Indian depredation claims; which was referred to the Select Committee on Indian Depredations.

Mr. PADDOCK presented a petition of educators of the country, representing the different States of the Union, praying for the passage of the international copyright bill; which was ordered to lie on the table.

He also presented a petition of the Bar Association of the city of New York, officially signed, praying for the passage of a bill to establish a court of appeals; which was referred to the Committee on the Judiciary.

Mr. REAGAN presented three petitions of citizens of Wichita County, Texas, praying that an appropriation be made for a public building at Wichita Falls, Wichita County, Texas; which were referred to the Committee on Public Buildings and Grounds.

Mr. DANIEL presented a memorial of J. C. Kelly and other citizens of Charlottesville, Va., remonstrating against the advancing to 2 cents per pound of the duty on tin-plate; which was referred to the Committee on Finance.

Mr. ALLEN presented a memorial of the Legislature of the State of Washington; which was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF WASHINGTON,  
Office of the Secretary of State.

I, Allen Weir, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the attached instrument of writing, i. e., house memorial No. 9, in relation to the Puyallup Indian reservation, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, at Olympia, this 17th day of February, A. D. 1890.

[SEAL.] ALLEN WEIR, Secretary of State.

Memorial.

To the Senate and House of Representatives of the United States of America: Your memorialists, the Legislature of the State of Washington, respectfully represent:

That what is known as the Puyallup reservation lies directly in front of the city of Tacoma, a city of 30,000 people, and forms a barrier extending the width of the Puyallup Valley, while beyond the narrow strip of land it embraces lie the extensive and fertile valleys of the Puyallup, Stuck, White, and Green Rivers, becoming a thickly settled country, in which numerous industries are springing into life, necessitating direct, easy, and rapid transit with Tacoma and Seattle.

That there has been organized and incorporated under the laws of the State of Washington a railway corporation known as "The Washington Street Railway, Water, Light, and Construction Company," at Puyallup, Wash., which company hereby respectfully asks of your honorable body the privilege of a right of way through the aforementioned Puyallup reservation.



That the construction of the above-mentioned line of railway will materially aid in the development and progress of the country lying beyond said reservation; said road would run through a fertile region of country that is being rapidly settled by a hardy, industrious, and intelligent class of farmers, but they are sadly deficient in the means of ingress and egress consequent upon the obstruction of said Puyallup reservation.

And, whereas the commercial, financial, agricultural, and social interests of 300,000 people of the cities of Tacoma and Seattle and contiguous country require the immediate granting of the right of way to the above-named railway; and

Whereas the consent of seven-eighths of the Indian council of said Puyallup reservation has been honestly obtained, provided that for the land so taken just compensation would be made; and

Whereas the lands on said reservation over which the line of said railway would be located have been allotted in severalty and a patent issued to each Indian on the 30th day of January, A. D. 1886, for the land selected by him, granting the same to him in fee-simple, with a stipulation restricting alienation until such restriction is removed by the State Legislature, with the consent of Congress; and

Whereas a majority of said Indians of said reservation, and through their council, are most anxious to have railroads as soon as possible upon and across their reservation, believing that thereby their holdings must be greatly enhanced in value; and

Whereas it has ever been the practice of the National Legislature to dispense its favors where the greatest benefits shall be conferred on the greatest number, [and] will now, we trust, grant the prayer of this memorial for the speedy accomplishment of this important enterprise, the necessity of which every citizen acquainted with the growing commercial and manufacturing importance of the city of Tacoma and the vast agricultural resources of the section of country over which the proposed railway will be built must at once acknowledge that it is a subject-matter of absorbing importance:

We therefore, your memorialists, most earnestly and respectfully ask your honorable body, to regard with favor and grant the prayer of this memorial; as in duty bound we will ever pray.

Passed the house December 18, 1889.

J. W. FEIGHAN, *Speaker*.

Passed the senate January 13, 1890.

CHAS. E. LAUGHTON, *President*.

Mr. ALLEN. I present a petition signed by 160 citizens of the State of Washington, setting forth that in its present condition Lewis River is unnavigable for a number of months each year, on account of which a large farming community is prevented from shipping products to market; that the amount of steam-boat traffic is constantly increasing upon Lewis River; that by an expenditure of not to exceed \$25,000 that river may be made navigable throughout the year. The petitioners state that the improvements needed are the construction of dams and the removal of snags from the river, and they pray that Congress will make such appropriation. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. MANDERSON presented a petition of citizens of Grand Island, Nebr., praying for the passage of the international copyright bill; which was ordered to lie on the table.

He also presented a petition of the Bricklayers and Masons' International Union of Grand Island, Nebr., praying for legislation to prevent the employment of aliens on Government work; which was referred to the Committee on Education and Labor.

Mr. BLAIR presented a petition of 208 citizens of Beaver County, Pennsylvania, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. McPHERSON presented a joint resolution of the Legislature of New Jersey, favoring the passage of Senate bill 305, to transfer the revenue marine to the naval establishment; which was ordered to lie on the table.

He also presented petitions of subordinate unions of the Bricklayers and Masons' International Union of America, of Jersey City, Mont Clair, Paterson, Newark, Orange, Plainfield, and New Brunswick, in the State of New Jersey, praying that the laws be so amended as to provide that none but citizens of the United States shall be employed on all Government works, whether let by contract or otherwise; which were referred to the Committee on Education and Labor.

#### REPORTS OF COMMITTEES.

Mr. CULLOM, from the Committee on Commerce, to whom was referred the bill (S. 3174) constituting Cairo, Ill., a port of delivery in the customs collection district of New Orleans, reported it without amendment.

Mr. VEST, from the Committee on Commerce, to whom was referred the joint resolution (H. Res. 105) to continue in force an act authorizing the construction of a bridge over Bayou Bernard, in the State of Mississippi, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2979) to authorize the construction of a bridge across the Mississippi River at some accessible point between the mouth of the Illinois and the mouth of the Missouri River, reported it with amendments.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 2358) for the relief of John O'Keane, of the State of Washington, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

Mr. GORMAN. I am instructed by the Committee on Commerce, to whom was referred the joint resolution (S. R. 62) authorizing the President of the United States to appoint a commission to examine and report on a national harbor of refuge near the mouth of Delaware Bay suitable for deep-draught vessels, to report it with amendments. I ask that certain letters from the Secretary of War on the subject be printed.

The VICE-PRESIDENT. The bill will be placed on the Calendar, and the papers referred to will be printed.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (S. 3163) to reorganize and establish the customs-collection district of Puget Sound, reported it with an amendment.

Mr. DAVIS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2849) authorizing the President to appoint and retire John C. Frémont as a major-general in the United States Army, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1699) authorizing the President to appoint and retire John C. Frémont as a major-general in the United States Army, reported adversely thereon; and the bill was postponed indefinitely.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 2095) to place Henry Zell on the retired-list of the Army, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 339) to construct a road to the national cemetery at Port Hudson, La., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2975) to construct a road to the national cemetery at Port Hudson, La., reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 3050) to provide for the purchase of a site for a military post near Eagle Pass, Tex., and for the construction of suitable buildings thereon, reported it without amendment.

Mr. WALTHALL. At a later day I shall ask the permission of the Senate to submit written reports in all these cases.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 1456) correcting the military history of David A. Parkhurst, reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 3127) amending an act entitled "An act to constitute Lincoln, Nebr., a port of delivery, and to extend the provisions of the act of June 10, 1880, entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' to said port of Lincoln," reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 3872) to amend section 2599 of the Revised Statutes of the United States, designating ports of delivery in the district of Michigan, reported it without amendment.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 376) authorizing the Secretary of War to purchase a lot in the city of St. Augustine, Fla., for military purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 20) granting right of way across the United States lands in St. Augustine, Fla., reported it with amendments, and submitted a report thereon.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 2264) to correct the military record of Fountain C. Pollock, reported adversely thereon; and the bill was postponed indefinitely.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (S. 2812) authorizing the Secretary of the Interior to ascertain and pay the damages resulting to any person who had settled upon the Crow-Creek Indian reservation in South Dakota by reason of the executive order of the President, Chester A. Arthur, issued February 27, 1885, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 3280) authorizing the Secretary of the Interior to ascertain damages resulting to any person who had settled upon the Crow-Creek and Winnebago reservations in South Dakota between February 27, 1885, and April 17, 1885; which was read twice by its title.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 1143) granting a pension to Henry Luisande, reported it with amendments, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2648) granting right of way to the Junction City and Fort Riley Street Railway Company into and upon the Fort Riley military reservation in the State of Kansas, and for other purposes; and

A bill (S. 1518) for the relief of Orin R. McDaniel.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2400) directing the Secretary of War to provide two captured cannon for the use of the Crippled Union Soldiers' Association, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

#### EXPENSES OF CENSUS AGENTS.

Mr. HALE. By direction of the Committee on the Census, I report without amendment the bill (H. R. 7025) to amend an act entitled "An act to provide for taking the eleventh and subsequent censuses."

approved March 1, 1889, and I ask for its present consideration and passage, as it relates to the work of the Census Office.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

*Be it enacted, etc.,* That section 18 of an act entitled "An act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889, be amended by adding to the last line of said section 18, after the words "and actual necessary traveling expenses," the words "and a per diem allowance in lieu of subsistence of \$3 per day."

Mr. EDMUNDS. Will the Senator from Maine explain the bill?

Mr. HALE. The Census Office finds that in dealing with its numerous agents, a large army, the work is hindered and the accounts are suspended for the reason that, if the special agents are obliged to present itemized accounts of every item of subsistence, in many cases there will be little items that give rise to doubt, and, while the amount of the bill is always as large as that here provided it needs an army of clerks to supervise and look over and audit the accounts. It will save much labor, time, and expense in the office if the amount of \$3 per day is substituted, as has been done heretofore by Congress in the case of pension agents and land agents and special inspectors of the Interior Department. In the end it will add nothing to the expense, for the accounts that come in are all up, and this allows a substitution of so much instead of the itemized accounts.

Mr. EDMUNDS. May I ask whether this provision of \$3 a day includes expenses of travel?

Mr. HALE. It does not.

Mr. EDMUNDS. So that the \$3 a day is only for subsistence purely, and the traveling accounts will have to be reported and audited as now provided by law?

Mr. HALE. The traveling accounts can not be commuted, for the reason that they vary so largely upon different routes and by different methods of transportation; but subsistence can be commuted.

The VICE-PRESIDENT. Are there amendments to the bill as in Committee of the Whole?

Mr. EDMUNDS. I wish to ask one more question, if I may. Does this allowance for subsistence cover the time when an agent of the Census Bureau is living at home?

Mr. HALE. It does not.

Mr. EDMUNDS. That is carefully excluded?

Mr. HALE. It only covers the time when he is traveling.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PLATT. I desire to enter a motion to reconsider the vote on the passage of the bill, in order that I may have a few moments to examine one matter in relation to it.

The VICE-PRESIDENT. The motion to reconsider will be entered.

#### TENTS FOR FLOOD SUFFERERS.

Mr. HAWLEY. The Committee on Military Affairs instruct me to report back favorably the bill (H. R. 8458) authorizing the purchase of tents by the Secretary of War, and for other purposes, and to ask for its immediate consideration.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. Let it be read for information, subject to objection.

The VICE-PRESIDENT. The bill will be read for information. The Chief Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized to purchase twenty-five hundred tents, or so many thereof as may be necessary, for the use of the people driven from their homes in the States of Arkansas, Mississippi, and Louisiana by the present floods prevailing in said States.

Sec. 2. That said tents shall be loaned to the authorities of said States for the purposes aforesaid, at the discretion of the Secretary of War.

Sec. 3. That \$25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay for the said tents herein authorized to be purchased; and this appropriation shall be available upon the passage of this act.

Mr. HAWLEY. It will be seen that the bill does not direct the Secretary of War to purchase or direct him to loan tents. It gives him authority to do so if it may seem to be necessary. There is undoubtedly a considerable degree of suffering in the States named. We have been from year to year on various occasions asked to loan tents for different purposes, but the War Department only keeps on hand the supply necessary for the ordinary uses of the Army, and would be unable, even if we authorized it, to loan tents. The bill authorizes the Secretary of War, if it may seem necessary, to buy a certain number and to loan them under such restrictions as may seem best to him in cases of necessity. The committee instructed me to ask for immediate consideration, because if the bill is to be of any service now it ought to be promptly passed.

Mr. EDMUNDS. I do not object to the present consideration of the bill, for it is apparently a very worthy one, to provide means out of the Treasury of the United States in cash to help people who are in distress—in extreme, immediate distress; and I am willing that the people whom I more directly represent shall contribute the necessary part of the \$25,000 for that charity. But I want to call the attention of Senators who have been greatly troubled about the Constitution lately in respect of appropriating money for objects not specifically named in

the Constitution to it, so that they will vote advisedly and, I hope, in favor of the bill.

Mr. HAWLEY. I accept so much of that reference as pertains to myself with very great pleasure. We have abundant precedent for this action. I consider this, and not the Blair bill, as coming legitimately within the expression "general welfare." There have been one, two, three, four, five, six cases in which Congress has done something of this kind. I hold the acts in my hand.

Mr. REAGAN. In reply to the Senator from Vermont, I wish to inquire what part of the State-rights floods are drowning people here.

Mr. HAWLEY. I can not hear the Senator.

Mr. REAGAN. I was referring to what the Senator from Vermont said, and was inquiring what part of the State-right floods are drowning people here.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BERRY. Mr. President, I wish to say that, although my State is the first one named in the bill, I have not received any information either from the governor of Arkansas or any of the citizens there showing that the necessity existed for the relief provided for. The bill, I think, was introduced in the other House by a Representative from Louisiana. One of my colleagues in the other House, Judge ROGERS, made the same statement there that I make here, that he had received no complaint from the State of Arkansas in regard to the suffering of people there which would require this relief. He stated, however, that he did not represent the district lying immediately along the Mississippi River in the Mississippi Valley; that that district was represented by a gentleman whom a majority of the House of Representatives had recently declared was entitled to a seat there, contrary to the opinion of the rest of the delegation from Arkansas. Judge ROGERS called upon him [Mr. FEATHERSTON] to state whether the citizens of his district needed this relief. He made no response to that request of the member, Judge ROGERS.

Therefore, I do not know whether there is real distress in Arkansas or not. I know that there has been quite an overflow there which has flooded a portion of my State. I do not wish to stand in the way of any relief that is proposed to any people there who may need it, but I state again that I have had no complaint from the authorities of the State or any other citizens of the State showing that this relief is required.

Mr. WALTHALL. Mr. President, it is perhaps due that I should state to the Senate what I stated to the committee.

So far as I am informed, sir, there has been no application made by or on behalf of the authorities of Mississippi for the relief proposed by the bill. I understand from the author of the bill that Arkansas and Mississippi were included along with Louisiana because it was anticipated that if the flood continued the needs of those two States might possibly become as great as the present needs of Louisiana, which is the principal sufferer from the flood. The statement made by the author of the bill is this:

The bill has been drawn for a much larger number of tents than is required to provide for this particular case, because we anticipated that there might be needs of the same kind at other points on the Mississippi, in the State of Arkansas, and at other places. It was not expected, however, that the Secretary of War would purchase more tents with the appropriation proposed than would be actually necessary to meet the difficulties of the present situation, but that he should have enough funds to meet any demand that might be made upon him to supply these homeless people.

I deemed it proper to make this statement.

Mr. JONES, of Arkansas. Mr. President, after the statements which have been made here by several gentlemen I think it proper I should say that, while I have received no intimation of any need for tents, yesterday morning a telegram came to Major BRECKINRIDGE, a member of the other House from Arkansas, addressed to Major BRECKINRIDGE and to me, stating that there was a large number of colored people in Monroe County, Arkansas, who were driven from their homes by the flood and who needed assistance, who needed rations, and that there ought to be some sort of provision made to take care of those people.

I believe that Congress has usually, on the occasions when there was very great distress by reason of a great flood, provided supplies for certain suffering people; but, as this telegram came from an isolated spot and does not seem to be general in any way, Major BRECKINRIDGE and I thought it unnecessary to attempt to have any relief sent to those people, at least for the present, even if Congress should undertake the task, as done heretofore, of taking care of those who are suffering from overflows by issuing to them rations.

I have heard no request for tents. I do not know of any necessity for any; and I am inclined to think that if any such necessity exists it must be to a very limited extent.

Mr. GIBSON. Mr. President, this bill passed the other House while I was absent from the city of Washington. It was brought to the attention of the Committee on Military Affairs of the Senate this morning and was favorably reported from that committee. It does not direct the Secretary of War to furnish tents. It merely authorizes the Sec-



retary of War, if in his judgment there should be necessity in any part of the Mississippi Valley for tents, to loan them to the State authorities temporarily for the use of the people who may be driven from their homes.

I have received a large number of dispatches from persons in authority in the overflowed district saying that there were great numbers of colored people who had been driven from their homes and were on the ridges which were not overflowed, and that in their judgment tents should be furnished them. I dispatched to the governor of Louisiana on the subject and he replied that he had sent some tents to the authorities in the overflowed district. I have misplaced the dispatches between us, but will find them and insert them in my remarks.

It is not a matter of charity. The Legislatures of these States are not in session. The authorities have no means by which they can buy tents, no appropriations for that purpose having been made. I am informed that about the 1st of July, under an act of Congress, there will be a certain amount of money going to each State under the militia act; and I can assure the Senate that all the tents that may be required in the State of Louisiana by the authorities there for these people who have been driven from their homes, and which may be furnished now, will be deducted from the number that will come to that State under the act of Congress on or about the 1st of July.

I trust under the circumstances that the bill will meet with no opposition. It has already passed the other House.

The dispatches referred to by Mr. GIBSON are as follows:

To Governor F. T. NICHOLLS, New Orleans, La.:  
Are any of our people in such distress as requires legislation to procure tents?  
Have you not already supplied them?  
R. L. GIBSON.

To Hon. R. L. GIBSON:  
I have sent fifty tents to Colonel Sharp, member of the fifth levee board. He is at Tallulah. He telegraphed me to send all I could, but without details of the situation. I have about fifty more, which I will hold for calls at some other point or points. Colonel Sharp can be reached by telegraph. I telegraphed Robertson several days ago to have impressed upon any resolution which might be passed anticipating turning over to me of Louisiana July quota for militia the right to use tents for overflowed people. I do not know the extent they may be needed. BOATNER must be in direct communication with the district most overflowed.  
F. T. NICHOLLS.

To Hon. J. C. BOATNER, Washington, D. C.:  
Yes. The necessity for tents is very urgent.  
GEO. C. WADDILL.

To Senator R. L. GIBSON:  
The necessity for tents is very great. Secure necessary appropriation.  
H. S. COLTHORP.

Mr. HAWLEY. Allow me to put upon record, as a matter of convenience, this statement:

Tents were loaned in 1879-'80 to the yellow-fever sufferers of Memphis; in 1881 to the sufferers by tornado in Missouri; in 1882 to the sufferers by flood in Mississippi; in 1884 to similar sufferers along the Ohio River; in 1887 to the sufferers by earthquake in Charleston; in 1888 to sufferers by fire in Seattle and Spokane, Washington Territory.

All the tents in those cases have been returned except those loaned to Charleston, which were given finally to the State of South Carolina. I should have no objection to an amendment of the bill if it were not that it would require that the measures shall go back to the other House, and if anything is to be done it should be done to-day.

Mr. HARRIS. Mr. President, I have habitually voted against all bills of this character and am opposed to this one. However, I will not consume the time of the Senate by asking for the yeas and nays, but shall content myself by simply declaring and putting on record my opposition to the bill.

Mr. BATE. I should like to inquire of the Senator from Louisiana if the governor of Louisiana has asked for this relief in his official capacity.

Mr. GIBSON. I read before the Committee on Military Affairs the telegram I received in reply to my dispatch to the governor of Louisiana, but it seems to have been mislaid. I think I must have left it in the committee-room.

Mr. BATE. I ask the Senator to state the substance of it, so that we may know whether the governor has asked for the passage of this bill.

Mr. GIBSON. The substance of the dispatch was that he had furnished the people fifty tents in that particular locality. I think that he had some still in reserve for other points that might be overflowed, and he said he would refer me to the local authorities to ascertain the extent of the suffering and the disaster there. I then telegraphed, and I received dispatches from the local authorities, and on those dispatches the committee acted this morning.

Mr. BATE. I do not yet receive a direct answer to my question. As I understand it, the governor of Louisiana has not asked directly for this measure of relief.

Mr. GIBSON. I do not know whether he asked directly for it or not, because this legislation was pending before the Committee on Military

Affairs on my arrival in the city, having been absent; but I suppose the bill passed the other House on some recommendation of the governor. At all events it is before us on the application of many leading citizens in that part of the State, who are witnesses of the distress and suffering of the people and upon whose judgment the governor would be obliged to rely if there were any occasion for his intervention. He telegraphed me that he has done all he could for the sufferers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LIGHT-SHIPS FOR COLUMBIA RIVER.

Mr. DOLPH. By direction of the Committee on Commerce I report favorably the bill (S. 2942) making an additional appropriation for the construction of a light-ship, with steam fog-signal, for the mouth of the Columbia. The bill consists of less than five lines, and I ask for its present consideration. It will take but a minute.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate \$10,000 additional or the construction of a light-ship, with steam fog-signal, to mark the bar at the mouth of the Columbia River, Oregon.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### LIFE-SAVING APPLIANCES.

Mr. FRYE, from the Committee on Commerce, reported a bill (S. 3279) to suspend the enforcement of the act approved March 2, 1880, entitled "An act to amend sections 4483 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers," which was read twice by its title.

The VICE-PRESIDENT. Having been read twice, the bill will be placed on the Calendar.

Mr. FRYE. Mr. President, not yet. I am instructed by the Committee on Commerce to ask for present action on the bill.

Instructed by the committee, I reported some two or three weeks ago a bill repealing the law which required steamers to carry certain classes of projectiles. That report was made on information received from the Treasury Department, and which seemed to be conclusive; but the bill has gone upon the Calendar, has attracted the attention of the people interested, and I have received such information since the report as to leave me in doubt as to the propriety of passing that bill. The committee, on reference of the matter to them this morning, had the same doubts. I would not dare to ask the Senate to pass the bill formerly reported until a hearing shall have been had before the committee.

But all the lake steamers are to be inspected the next month, and the Secretary of the Treasury this month has issued his circular requiring them to be inspected and the inspector to find that they have provided themselves with these projectiles. They can not be permitted to enter into business unless they have that certificate from the inspector. It would cost them some \$60,000 probably, and the law may be repealed at this very session of Congress. Therefore, it seemed to me entirely proper that a bill should be passed suspending for a year the act requiring the projectiles, thus relieving lake steamers from the necessity of obtaining these projectiles within the next thirty days and enabling them to be permitted to engage in their business. The committee agrees, and unanimously authorizes me to report this bill and ask immediate action, because the inspectors have just received their instructions to require those projectiles in the inspection. I hope the Senate will consent that the bill may be passed at once.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SHERMAN. I feel it my duty to object. Let it go over until to-morrow. I shall have no objection to its being taken up then.

Mr. FRYE. Why not this morning? The steam-boat men on the entire lakes are sending in their requests for this.

Mr. SHERMAN. I will agree, if there can be a vote without debate and no time consumed.

Mr. FRYE. It will take no time at all. I have simply stated the facts.

Mr. SHERMAN. Then let it be taken up, subject to objection.

Mr. McPHERSON. What is the request the Senator from Maine has made?

Mr. FRYE. The bill is simply to suspend for one year the provision of last year which required all steamers to provide themselves with projectiles or cannon.

Mr. McPHERSON. What is the object?

Mr. FRYE. As the law has just come into force and the Treasury regulations have just been made requiring inspectors to find that steamers have these projectiles, and the lake steamers are about being inspected, the object is to relieve them at this present time from that requirement until Congress shall determine whether the bill reported the other week from the committee shall become a law.

Mr. McPHERSON. Then it leaves them, as I understand it, without the appliances for a year?

Mr. FRYE. For a year.

Mr. McPHERSON. The question I asked the Senator from Maine was the particular object in view in relieving them from that necessity.

Mr. FRYE. The Committee on Commerce reported a bill the other week repealing the law requiring projectiles, and it is on the Calendar. Since that bill has been reported the committee have come to be in doubt in relation to the propriety of passing that bill, and hearings are desired before the committee by various parties in the country, humanitarians and ship men, etc., and yet these lake vessels must be inspected within thirty days in order to engage in their business. This is simply to relieve them.

Mr. McPHERSON. It seems to me to be a very extraordinary proceeding to relieve the merchant vessels of this country from the necessity of carrying appliances for the saving of life.

Mr. FRYE. Why, sir, this is simply a projectile, which they never were required to carry by law up to the present time.

The VICE-PRESIDENT. The debate is proceeding by unanimous consent.

Mr. FRYE. The Treasury Department has just issued its circular. It applies to only one kind of projectile.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SHERMAN. I have no objection if there is to be no debate. By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

*Be it enacted, etc., That the provisions of an act to amend sections 4488 and 4489 of the Revised Statutes of the United States, requiring line-carrying projectiles and the means of propelling them to be carried on steamers, and the rules and regulations relating thereto, adopted by the board of supervising inspectors and approved by the Secretary of the Treasury March 2, 1890, be, and they are hereby, suspended from operation and enforcement for the period of one year.*

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MARGARET KENNEDY.

Mr. PASCO. I ask unanimous consent that the vote by which the bill (S. 1618) for the relief of Margaret Kennedy was indefinitely postponed yesterday be reconsidered, and that the bill be put upon the Calendar with the adverse report.

The VICE-PRESIDENT. That order will be made, if there be no objection.

#### BILLS INTRODUCED.

Mr. McPHERSON introduced a bill (S. 3281) to increase the pension of Abbie L. Tucker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FARWELL introduced a bill (S. 3282) for the erection of a public building at Rock Island, Ill.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MOODY introduced a bill (S. 3283) for the relief of Margaret E. Devine; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SQUIRE introduced a bill (S. 3284) for the relief of Thomas Wright; which was read twice by its title, and referred to the Committee on Claims.

Mr. MANDERSON introduced a bill (S. 3285) for the establishment of a national laboratory; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. GIBSON introduced a bill (S. 3286) for the relief of Georgine Campbell; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3287) for the relief of Emma C. Lovelace and Stephen D. Clark; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3288) for the relief of the estate of Odon Deucatte; which was read twice by its title, and referred to the Committee on Claims.

Mr. DANIEL (by request) introduced a bill (S. 3289) making appropriation for payment of a claim found by the Court of Claims to be due to the estate of Anthony R. Fraser, deceased, late of Virginia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3290) to extend the jurisdiction of the Court of Claims to all claims for the use by the Government of patents granted by the United States; which was read twice by its title, and referred to the Committee on Patents.

Mr. INGALLS introduced a bill (S. 3291) granting a pension to Joseph W. Ard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 3292) to secure the safety of freight cars employed in interstate commerce by the use of proper couplers, freight-train brakes, and other appliances prescribed by the Interstate Commerce Commission; which was read twice by its title, and referred to the Committee on Interstate Commerce.

#### HOOR OF MEETING.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from yesterday.

The resolution submitted yesterday by Mr. EDMUNDS was considered by unanimous consent, and agreed to; as follows:

*Ordered, That on and after Monday next, March 31, the daily sessions of the Senate shall commence at 11 o'clock a. m. until otherwise ordered.*

#### TRUSTS AND COMBINATIONS.

Mr. SHERMAN. I now move that the Senate proceed to the consideration of the unfinished business of yesterday, Senate bill No. 1.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. 1) to declare unlawful trusts and combinations in restraint of trade and production.

The VICE-PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. SHERMAN. I ask that the vote on the amendments be taken separately. They can be disposed of rapidly in that way.

The VICE-PRESIDENT. The first amendment will be read.

Mr. WILSON, of Iowa. I desire to offer an amendment.

Mr. SHERMAN. That is not in order until the amendments made as in Committee of the Whole are acted on.

The VICE-PRESIDENT. The amendments will be stated in their order.

The CHIEF CLERK. The first reserved amendment is, in line 4 of section 1, to strike out "citizens" and insert "persons;" so as to read:

Two or more persons or corporations.

Mr. PLATT. Mr. President, I do not think that was the first amendment made in Committee of the Whole, and I desire to say that this bill as printed does not indicate the amendments as made in Committee of the Whole at all. It indicates that after certain amendments had been made in Committee of the Whole they are taken as agreed to and that certain other amendments made after that are a part of the bill. For instance, that portion of the first section of the bill that is not printed in italics is not at all or, if at all, is not the same as was reported to the Senate by the Senator from Ohio, but represents the bill reported by the Senator from Ohio after certain amendments had been made to it.

The matter to which I allude may perhaps be better illustrated by turning to section 6, where the amendment proposed by the Senator from Kansas commences. There is nothing in the printed bill to show that sections 6 or 7 or 8 or 9 or 10 and the subsequent sections came into this bill in Committee of the Whole by amendment, but the only things which are indicated as amendments are certain amendments to the amendment of the Senator from Kansas, like the word "eight" in line 7 of section 6, the words "or producer, or lawful agent of such owner or producer," in lines 9 and 10 of section 7, and the words "and also stocks and bonds" in line 8.

Now, we are not going to act on the amendments as made in Committee of the Whole if we follow this bill as the amendments are indicated in the print of the bill. I only want to get at the matter in proper form.

The VICE-PRESIDENT. The question is on concurring in the amendment which has been read.

Mr. HARRIS. The Senator from Connecticut will allow me to suggest that this is the second reprint of this bill. The first print of the bill and amendments made up to that time was printed without indicating what was the original bill and what the amendments. The Senator is quite right in saying that the bill as now printed does not indicate as amendments anything but minor amendments to the principal amendments that have been made to the bill. The clerks at the desk can not indicate every amendment that has been made, no one of which has yet been considered by the Senate, and the amendments must be called in their order under the order of the Senate of yesterday and a separate vote taken upon each. We shall have to rely not upon this print as to what are amendments and what are not made in Committee of the Whole, but upon the report from the Secretary's desk. The clerks can indicate every amendment that was agreed to in Committee of the Whole.

Mr. PLATT. To show further what I mean and what I was trying to call attention to, let me refer to the fourth line, where the word "citizens" appears in this bill to be stricken out and "persons" inserted. That was about to be reported as the first amendment made in Committee of the Whole; but that amendment was made because there had been stricken out of the bill as originally reported in the first section these words: "of different States or between two or more citizens or corporations, or both, of the United States and foreign states, or citizens or corporations thereof." The striking out of those words in the bill as reported led to the amendment, which the Chief Clerk was about to report, of striking out "citizens" and inserting "persons." Therefore that amendment is clearly not in order unless the amendment is agreed to which had been previously made by striking out three lines in section 1.

Mr. ALLISON. Mr. President, I should be glad to know in some way the exact parliamentary situation of this bill, so that we may see where we are to begin.

This bill, as I understand it, was introduced early in the session by the Senator from Ohio. It was referred to the Committee on Finance, and soon afterwards reported back with one or two amendments. That bill then consisted of three sections. Later on in the discussion the Finance Committee reported a substitute for the original bill, consisting of two sections.

Mr. PLATT. That was treated as the original bill.



Mr. ALLISON. That is what I want to understand.

Mr. SHERMAN. That was done by unanimous consent.

Mr. ALLISON. So I was about to say.

Mr. HARRIS. Allow me to suggest that the Journal shows that that substitute reported by the committee is journalized now as the original bill, and the real original is lost sight of entirely.

Mr. ALLISON. So I understand. The original bill introduced by the Senator from Ohio and the original bill reported back by the Finance Committee have both disappeared, and in lieu of them what have we? The original bill as last reported consisted of two sections. Am I right in that?

Mr. SHERMAN. Yes.

Mr. ALLISON. The original bill consisted of two sections. Now, everything else in this printed bill except those two sections consists of amendments to this bill in all shades and degrees.

Mr. SHERMAN. Certainly, and a separate vote must be taken on the various amendments.

Mr. ALLISON. Very well; but now, as I understand, at the Secretary's desk the clerks are proposing to treat these amendments as they appear in this print.

Mr. SHERMAN. The only mistake the clerks made—and it was a very small mistake—was this: There was one amendment made which does not appear in this print, and the only one that I know of. If the Senator from Connecticut can find any other he may point it out. The Senator from Massachusetts [Mr. HOAR] moved to strike out three lines of the bill specifying combinations made by citizens of different States. That language was put in by the Committee on Finance, and was not in the original bill. He moved to strike it out and it was stricken out. That amendment does not appear on the face of the printed bill, but it will be reported, as a matter of course, by the Chief Clerk in reading the amendments in their order as they are noted in the copy of the bill before him.

Mr. ALLISON. What I fear is that by proceeding to treat these amendments in the manner and order indicated here by taking, for example, the first amendment stated, which is, striking out "citizens" and inserting "persons," we shall get into confusion. That is not the first amendment.

Mr. SHERMAN. It is the first amendment in the bill.

Mr. PLATT. No.

Mr. SHERMAN. We do not take them in point of time as they were offered, but as they occur in the bill. In the order of place the word "persons" occurs before the line that was stricken out.

Mr. ALLISON. Yes; but that is the very point I make. That is not the first amendment. The first amendment is the amendment offered by the Senator from Massachusetts, which does not appear on the face of this print at all.

Mr. SHERMAN. That comes afterwards. We go not in point of time of the adoption of the amendment, but in the point of place in the bill where they occur.

Mr. EDMUNDS. That is right.

Mr. ALLISON. As I understand, the words that the Senator from Massachusetts proposed to strike out are words right in connection with the amendment which we are now asked to consider.

Mr. SHERMAN. After the word "persons."

Mr. ALLISON. I shall be glad to have that amendment reported.

The VICE-PRESIDENT. The amendment will be reported.

Mr. ALLISON. The amendment proposed by the Senator from Massachusetts which was agreed to in the first section.

The CHIEF CLERK. In line 5, after the word "both," the words "of different States or between two or more citizens or corporations, or both, of the United States and foreign states, or citizens or corporations thereof" were stricken out in Committee of the Whole.

Mr. PLATT. Mr. President, that does not reach what I was suggesting. I want an opportunity to vote on the amendment of the Senator from Texas [Mr. REAGAN].

Mr. SHERMAN. The Senator will have that opportunity.

Mr. PLATT. It does not appear here to be an amendment.

Mr. SHERMAN. The Journal will show it.

Mr. PLATT. And also I want an opportunity to vote on the amendment of the Senator from Kansas [Mr. INGALLS].

Mr. SHERMAN. That the Senator will have.

Mr. PLATT. So that I can have these opportunities I make no objection, but they can not be found by an examination of this bill as now printed.

Mr. EDMUNDS. Mr. President, it does not appear to me that there is any difficulty at all about this business practically, although the form of the print, to people who have not followed it all through, might be a little misleading. But if it were misleading in the mere sense of what has been agreed to and what has not, the bill is now for the first time reported back to the Senate from the Committee of the Whole. Every part of this whole thing, text and amendments—it does not make the least difference which—is open to motions to strike out, and insert, and every other allowable motion. Therefore no Senator can be gotten into a trap, as it might be called, or be misled in respect of losing any right to propose to change the bill, to leave something out or put something in anywhere in it from top to bottom; and the Senator from Ohio is

entirely right in saying that these amendments, when they are reported from the Committee of the Whole, must be taken in the order in which they stand in the bill, and not in the order in which they may happen to have been moved at the beginning.

So, then, there is not any practical difficulty about going on, and everybody can vote "yes" or "no," as he likes, on every single line or word that there is in the whole print, from beginning to end, and nothing whatever is concluded.

While I am up I wish to say—I see my friend from Kansas [Mr. INGALLS] is not here, but I will say it, nevertheless—that what I said yesterday in respect of the bill introduced by my friend from Texas [Mr. COKE] was said three or four days ago in respect to its reference to a subcommittee. I find that I was in error with regard to the time of that reference. I think I said three or four days ago that the bill was very soon after its introduction referred to a subcommittee. On looking at the records of the committee I find that it was not referred to a subcommittee until the 10th day of February, but it is due to the committee and the Senator himself to say also that before that time, owing to the press of executive business and the illness of the chairman, no references at all were made except two before that time, and those were of important local matters in the northwestern part of the United States that were referred to subcommittees earlier than this reference; but, owing to the pressure that I stated upon the whole committee about executive matters, those subcommittees have not yet been able to report on the matters which were previously referred to them. So that there was no ground for supposing and I did not intend to intimate that the Senator from Kansas had been in the slightest degree derelict. I only thought that what he said reflected upon himself as one member of the committee, and so upon all the rest of us, as not having been diligent in endeavoring to attend to the business the Senate had committed to us. But it is due to him to say that in every respect he has been one of the most faithful and diligent of the members of that committee, and I say it most gladly.

Mr. PLATT. Mr. President, I have no desire to embarrass the Senate in its action upon this bill; but may I inquire of the Senator from Vermont as to what he understands the order of the Senate to be in relation to voting upon these amendments? For instance, when we come to section 6, all the sections, including section 6 and after that, are parts of an amendment proposed by the Senator from Kansas. But there were certain amendments to that amendment made which are indicated in italics. Now, when we come to section 6 and the subsequent sections, which were proposed by the Senator from Kansas as an amendment, what are we to consider? Are we to consider the sections as amended, or are we to consider amendments to the amendment?

Mr. EDMUNDS. It is perfectly clear, I think, with great respect to my friend from Connecticut.

Mr. PLATT. I ask for information purely.

Mr. EDMUNDS. It is perfectly clear that where an amendment is proposed by a Senator in Committee of the Whole, and that amendment is amended and then agreed to, it becomes one single amendment, and we can not go back into the various amendments to amendments which were made in Committee of the Whole and take each one by itself, but everything is open, and if anything has got into the amendment of the Senator from Kansas, for illustration, that any Senator thinks ought not to be there, all he has to do is to move to strike it out.

Mr. PLATT. After it has been agreed to or before?

Mr. EDMUNDS. Before; while it is pending. So at this present moment, I repeat, there is no single line in this bill from beginning to end which it is not open to any Senator to call the attention of the Senate to and take their opinion upon.

Mr. HARRIS. I want to ask the Senator from Vermont if in his opinion the easiest solution of this trouble, so far as it is a trouble, would not be found in the suggestion that I understood him as making to me privately a few minutes ago, that we abandon the consideration of the amendments, and by unanimous consent treat this bill in the Senate as an original bill subject to amendment in any form that a majority of the Senate may choose?

Mr. SHERMAN. I should have to object to that, because I want a vote—like the Senator from Connecticut—on these amendments. The simple, orderly proceeding will be to act upon the amendments made in Committee of the Whole as they are reached in the reading. If the Chief Clerk is allowed to go on, every Senator will see what each amendment is.

Mr. EDMUNDS. I wish to reply to my friends from Ohio and Tennessee that I think as a mere matter of business the simplest way would be the one the Senator from Tennessee suggests; but if the Senator from Ohio feels that that might prolong the matter I certainly should not be willing to interfere with his wishes about it. There is no difficulty as the thing stands now.

Mr. HARRIS. I state to the Senator from Connecticut that if he deems it important that these amendments shall be considered in their order as to the point of time at which they were introduced, I learn at the Secretary's desk there is no difficulty whatever in pointing out the precise order in point of time in which every amendment was introduced; so that we can have no serious difficulty.

Mr. EDMUNDS. But the time makes no difference.

Mr. HARRIS. I do not say that it does; but I understood the Senator from Connecticut as making the point as to the point of time at which amendments were offered for this reason: An amendment agreed to may make necessary various other amendments that were adopted because of the agreement to the previous amendment.

Mr. PLATT. I beg to say that I did not intend to be technical in the suggestions that I made. My difficulty about it was that I wanted to vote upon some of the amendments to the amendments in Committee of the Whole separately—

Mr. EDMUNDS. Then move to strike them out.

Mr. PLATT. As, for instance, some which were added yesterday afternoon to the amendment of the Senator from Kansas. I wanted to be sure that we should have a separate vote upon some of the additional amendments to his amendment, and I did not want to be concluded by any action which might be taken.

Mr. FAULKNER. I ask the attention of the Senator from Vermont. I rise to ask a parliamentary question, whether an amendment is now in order to section 8, on page 8 of this bill. I understood the Senator from Vermont to say that this bill is now subject to amendment, and as this will be an amendment to the one adopted in Committee of the Whole, of course the amendment would have to be perfected in the Senate before the amendment itself is acted on.

Mr. EDMUNDS. That is it; but the first amendment made in Committee of the Whole is separate from the latter part of the bill, and that of course will have to be first disposed of, and when we reach the part of the bill to which the Senator refers it will then be in order for any Senator to move to put it in any condition he likes.

Mr. FAULKNER. Is that the understanding of the Chair, that an amendment such as I desire to offer will not be in order until we reach the eighth section?

The VICE-PRESIDENT. The question is on the first amendment made in Committee of the Whole.

Mr. EDMUNDS. Let it be again read.

The CHIEF CLERK. In line 4 of the reprinted bill, after the word "more," strike out "citizens" and insert "persons;" so as to read:

That all arrangements, contracts, agreements, trusts, or combinations between two or more persons and corporations.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 5, after the word "both," to strike out "of different States or between two or more corporations, or both, of the United States and foreign states, or citizens or corporations thereof."

Mr. HARRIS. I do not find the language proposed to be stricken out in the printed copy that I hold in my hand.

Mr. PLATT. That is in the original amendment as reported by the Senator from Ohio. It was stricken out from that.

Mr. HARRIS. In my printed copy, in line 5, after the word "both," appears the language "made with a view or which tend to prevent full and free competition."

Mr. PLATT. These words occur in a previous print of the bill.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 15, page 2, after the word "such," to strike out "citizens" and insert "persons."

The amendment was concurred in.

The next amendment was, in section 1, line 17, page 2, after the word "articles," to insert "or of the value of money by which such cost may be advanced or reduced."

The amendment was concurred in.

The next amendment was, in section 1, line 27, page 2, after the word "execution," to insert:

And whenever in any action commenced under the provisions of this act in the name of the United States any arrangement, trust, or combination herein declared void is found by any such court to exist, the court may, in addition to other remedies, issue its writ of injunction, temporary or final, running and to be served anywhere within the United States, prohibiting and restraining the defendants, or any thereof, or their or any of their servants, agents, or attorneys, from proceeding further in the business of said arrangement, trust, or combination, except to wind up its affairs; and in case of any disobedience of any such writ of injunction, or other proper process, mandatory or otherwise, issued in any such cause, it shall be lawful for said court to issue writs of attachment, running and to be served anywhere within the United States, against the defendants, or any thereof, and against their or any of their agents, attorneys, or servants, of whatever name or office, disobeying said injunction or other process; and the court may, if it shall think fit, in addition to other lawful punishment for contempt, make an order directing any such defendants disobeying such writ of injunction, or other process, to pay such sum of money, not exceeding \$1,000, for every day after a date to be named in such order that such defendant or defendants, or their or any of their agents, attorneys, or servants, as aforesaid, shall refuse or neglect to obey such injunction, or other process; and such money shall be paid into court, and may be paid in whole or in part to the party or parties upon whose complaint said action was instituted, or into the Treasury of the United States, as the court shall direct, and in any action brought by the United States under the provisions of this act the Attorney-General may bring the action in any district in which any one of the parties defendant resides or transacts business, and any other parties, corporate or otherwise, may, regardless of residence or location of business, be brought into court in said action in the manner provided by section 738 of the Revised Statutes, and the court shall thereupon have jurisdiction of the defendant or defendants so brought in as fully, to all intents and purposes, as if they had appeared in said action.

Mr. WILSON, of Iowa. In order to put this amendment in harmonious accord with the first clause of the section it will be necessary,

in line 29, after the word "arrangement," to insert the words "contract, agreement," the same being divided by a comma. Inasmuch as the first part of the section provides "that all arrangements, contracts, agreements, trusts, or combinations between two or more persons," etc., of course these terms should all be recited in the amendment proposed by the Senator from Wisconsin.

Mr. SHERMAN. There can be no objection to that.

Mr. WILSON, of Iowa. It is a formal amendment and there can be no objection to it.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In the amendment to section 1, in line 29, after the word "arrangement," it is proposed to insert "contract, agreement."

The amendment to the amendment was agreed to.

Mr. WILSON, of Iowa. In line 36 the same character of amendment should be made after the word "arrangement."

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In line 36, after the word "arrangement," insert "contract, agreement."

The amendment to the amendment was agreed to.

Mr. EDMUNDS. Mr. President, I wish to call the attention of the honorable member of the Committee on Finance in charge of this bill to the clause on page 3, lines 61, 62, 63, and so on, which provides that the Attorney-General may bring the action before mentioned—

In any district in which any one of the parties defendant resides or transacts business, and any other parties, corporate or otherwise, may, regardless of residence or location of business, be brought into court in said action in the manner provided by section 738 of the Revised Statutes, and the court shall thereupon have jurisdiction of the defendant or defendants so brought in as fully, to all intents and purposes, as if they had appeared in said action.

Section 738 of the Revised Statutes is a section that has existed for nearly twenty years respecting suits concerning real estate. The real estate being located in a particular district and therefore there being the *res*, as the lawyers call it, the thing in controversy, within the jurisdiction of the court, the court is authorized, if direct service in that district by the marshal can not be obtained, to give notice by publication or otherwise, what is called a substituted service, to that party to appear and take care of his interests in regard to the property that the court has in hand. All that is right and safe and constitutional.

Now, this provision, as I understand it—perhaps I am wrong—is for a suit concerning a wrong done, and not concerning the right, title, or possession of property that is in the jurisdiction or possession of the court. I respectfully submit to the Committee on Finance that it is impossible under the Constitution of the United States, which provides for the preservation of private rights, for Congress to enact that a court in a particular district of the United States in a personal action between parties, and not in an action that relates to property which the court has in its jurisdiction or possession, can proceed by a publication or in any other such way—publication is enough for the illustration—to bind the defendant to the extent that a judgment against him would induce.

You can provide in this bill with entire safety that the process of the court shall run into any district of the United States, so that if a suit be commenced at Philadelphia and one of the defendants is in San Francisco, a part of a sugar trust, if you please, the court may direct a subpoena to the marshal at San Francisco, or the Philadelphia marshal, if it wishes him to travel so far, to serve that subpoena upon that defendant there and require him to appear at Philadelphia. It not being a criminal action, all this is easy enough; but to undertake to say under the Constitution, which was meant for the preservation of private rights in the United States and in all the States, that a person can be brought within the jurisdiction in this way is to me utterly unreasonable. The law seems, I think, to be perfectly well settled in that respect for a hundred years. It is impossible to give a court jurisdiction of a person unless you give that person personal notice that the matter which is to be tried about him is in hand in the court. If you are dealing with his property and the court has the property, then you may provide—because he is supposed to look out for his property and see what is being done about it—that publication will do; but if I sue my friend from Delaware [Mr. GRAY], who is doing me the honor to attend to what I am saying, in the district court of the State of Vermont on a promissory note, he having no property there to garnish, as the old phrase was, or to attach, as we call it in Vermont, I deny that Congress has the power to say that the circuit court for the district of Vermont may publish a notice in the Burlington Free Press or any other newspaper to the Senator from Delaware to appear and answer to that action, and that if judgment goes against him it binds him. It is totally out of the question.

Mr. GRAY. Let me ask the Senator from Vermont before he takes his seat whether I properly understand him. Section 738 of the Revised Statutes (which I have not before me, but I presume he has) refers entirely to this substituted service, and not at all to any provision enlarging the power of the United States courts to extend their process over an enlarged territory.

Mr. EDMUNDS. Not at all. It only provides that the court in its discretion may publish or do what it likes—and that is perfectly right—in respect of what the lawyers call the *res*, in respect of property that



the court is dealing with in the hands of the court, which is not the case that this bill provides for at all.

Mr. SHERMAN. This amendment was prepared by the Senator from Wisconsin. I am not able to say whether the suggestion of the Senator from Vermont is right or not. I would suggest, however, that the matter be passed over until the Senator from Wisconsin and the Senator from Vermont can consult about the phraseology.

The VICE-PRESIDENT. The amendment will be passed over temporarily, if there be no objection.

Mr. WILSON, of Iowa. I desire to suggest a similar amendment to those heretofore offered by me. In line 15 of section 1, on page 2, I move to insert, after the word "arrangements," the words "contracts, agreements."

The VICE-PRESIDENT. That modification will be made, if there be no objection. The Chair hears none. The question is on concurring in the amendment made as in Committee of the Whole as amended. The amendment was concurred in.

The next amendment made in Committee of the Whole was, in section 1, page 4, line 66, after the word "products," to insert the following:

*Provided, That this act shall not be construed to apply to any arrangements, agreements, or combinations between laborers made with a view of lessening the number of hours of their labor or of increasing their wages; nor to any arrangements, agreements, associations, or combinations among persons engaged in horticulture or agriculture made with the view of enhancing the price of their own agricultural or horticultural products.*

Mr. SHERMAN. That is an amendment offered by the Senator from Rhode Island [Mr. ALDRICH], and I call the attention of the Senate to it. In my judgment this amendment practically fritters away the substantial elements of this bill.

Mr. VANCE. What amendment is being considered?

Mr. SHERMAN. The amendment offered by the Senator from Rhode Island.

Mr. BLAIR. That is not the amendment offered by the Senator from Rhode Island. That is the one offered by the Senator from Ohio himself.

Mr. SHERMAN. This was an amendment offered by the Senator from Rhode Island.

Mr. BLAIR. The amendment of the Senator from Rhode Island is in italics. What was read was your own amendment.

Mr. SHERMAN. The last part was an amendment offered by the Senator from Iowa. I ask that the amendment be again read.

The PRESIDING OFFICER (Mr. MOODY in the chair). The amendment will be again read.

The CHIEF CLERK. In line 66 of section 1, after the word "action," the Senate, as in Committee of the Whole, inserted the following:

*Provided, That this act shall not be construed to apply to any arrangements, agreements, or combinations between laborers made with a view of lessening the number of hours of their labor or of increasing their wages; nor to any arrangements, agreements, associations, or combinations among persons engaged in horticulture or agriculture made with the view of enhancing the price of their own agricultural or horticultural products.*

Mr. SHERMAN. It is the amendment below that in italics that I object to.

Mr. HARRIS. Still, that language is an amendment to the amendment made as in Committee of the Whole.

Mr. SHERMAN. Oh, yes.

Mr. HARRIS. Then it must be acted upon.

Mr. EDMUNDS. Mr. President—

Mr. GRAY. Will the Senator from Vermont allow me to ask the chairman, that we may consider this bill intelligently, whether all the amendments are printed in italics?

Mr. SHERMAN. It seems not. This proviso, from line 66 to line 73, was an amendment, but it is not printed in italics as an amendment because it was adopted before this print was made.

Mr. GRAY. Then there is nothing in this reprint to indicate all the amendments.

Mr. SHERMAN. Not all of them.

Mr. EDMUNDS. I think I may just as well say the little I have to say about the general feature of this bill on this pending amendment as on any other, and perhaps better, because this pending amendment illustrates what I think are some of the intrinsic difficulties in the scheme.

I am in favor of the scheme in its fundamental desire and motive—most heartily in favor of it—directed to the breaking up of great monopolies which get hold of the whole of a particular business or production in the country and are enabled, therefore, to command everybody, laborer, consumer, producer, and everybody else, as the sugar trust and the oil trust, and whatever. Although for the time being the sugar trust has perhaps reduced the price of sugar, and the oil trust certainly has reduced the price of oil immensely, that does not alter the wrong of the principle of any trust; and that, in the brief definition of my friend from Texas [Mr. REAGAN], is a phrase which covers every combination to get control of the life and the industry and the producing and the consuming classes of the country. I am in favor, most earnestly in favor, of doing everything that the Constitution of the United States has given Congress power to do, to repress and break

up and destroy forever the monopolies of that character, because in the long run, however seductive they may appear in lowering prices to the consumer for the time being, all human experience and all human philosophy have proved that they are destructive of the public welfare and come to be tyrannies, grinding tyrannies, that have sometimes in other countries produced riots, just riots in the moral sense, and so on.

We can not shut up our eyes, Mr. President, to the fact that if capital combines, if great industrial establishments combine, like mining industries, iron industries, coal industries, gold industries, pork-packing industries, if any kind of the great operations of society combine, if the people who own the capital and the plant combine to regulate the price of the wages of laborers, just like the great armaments of Europe, labor is compelled to combine to defend itself; and so the country has been turned and other countries have been turned in the last forty years into great social camps of enemies when they ought to be one great camp of co-operative friends. The laborers, therefore, were quite right in combining to resist and defend themselves against the combinations of capital and property and plants, as they may be called. And it runs everywhere. It has run through every class of society, and it is one of the great evils in the social progress of this country, and every other which exists, that there is hardly a trade and there is scarcely an industry except the farmers that, in one way or another, has not combined to defend itself, and make aggressive warfare upon those with whom it is brought in contact by employment upon the one side or the other, or by purchase or sale. In this very Capital of the country, where we have exclusive power of legislation, supreme and unlimited within the boundaries of natural right, that everybody recognizes, every trade nearly, speaking broadly I can say every trade, masons, carpenters, plumbers, bakers, tailors, merchants, printers, have their combinations that are armed camps in the moral sense, making, when they think they can gain anything by it, aggressive warfare against that part of the rest of mankind that they are brought in relation and contact with one day, and defending themselves the next, it may be, against the aggressive warfare of another competition.

Mr. MORGAN. I would like to ask the Senator from Vermont if he has not knowledge of combinations in this city or elsewhere between bar associations and doctors for raising their price or fees also?

Mr. EDMUNDS. I do not. I do not belong to the bar association of this city, if there is one, and I do not know but that they may have a combination; but, as I have not the honor to be a member of that association, or any other that I know of in this world, except the humble church to which I belong, I can not say.

Mr. MORGAN. Does this bill reach any case of that kind?

Mr. EDMUNDS. I do not know whether it does or not. I am speaking of the general subject.

Mr. HOAR. Will the Senator from Vermont allow me to make a statement as to these bar associations, that are very common and almost universal? In the early days in Massachusetts, I have seen the records of one to which some very eminent lawyers belonged, including a gentleman afterwards the Attorney-General of the United States in Mr. Jefferson's time, where they agreed never to charge less to a client for advice than \$1. [Laughter.] I do not know whether the Senator from Vermont ever belonged to that association or not.

Mr. EDMUNDS. I never did. I never got up to a dollar. I gave most of my advice free gratis, as the saying is. [Laughter.]

Now, Mr. President, here is the fundamental difficulty, and, as I was saying, in this very town, where our legislative power is supreme, there go on these injurious armed camps and contests that are really against the interest of everybody in every single camp. I remember it is but a few months since that a citizen of the United States, as I was told and I believe truly, a man of good character and little money—they sometimes go together, Mr. President, even in the Senate of the United States—a man of good character and little money, with an interesting family, a practical printer, ingenious, skillful in his business, applied to be employed at the Government Printing Office, the national, legislative, and executive establishment to print the wise and learned things that we say from day to day. The Public Printer, I was told, wanted him; he was exactly the man for the place which was vacant; but unhappily, although a citizen of the United States of good character and skill, the Public Printer was told that if that man was suffered to enter into the employment of the United States nine-tenths, perhaps ninety-nine-one-hundredths, of all the printers employed by the United States in that establishment would not do any more work and would leave, and the country would go to destruction immediately because what we should have said yesterday would not appear in the RECORD to-day. The Public Printer, I believe, was not able—I will not say did not dare, but did not think it expedient—to take the man he wanted because, although a citizen, he did not belong to one of these particular camps.

If that is not tyranny, I do not know what is, and I think that the tyranny of a thousand men is infinitely worse than the tyranny of one man. All human experience and all human history prove that. The tyranny of the Commune in France while it lasted was infinitely more wicked than the tyranny of the King that the Commune overthrew.

Well, here we are. I do not blame the farmers of the United States at all. On the contrary, I support them, when everybody has turned into an armament against their interests, in organizing themselves to de-

send them. They must do it so long as the thing goes on in this way, and therefore, so far as it is possible for the legislative power to exert itself to break up this international and interstate and intersocial warfare that is going on between classes—not classes of citizens as such, not classes of races as such, but classes of employment and interest, each one of which is right in itself and ought to be promoted to the best of the extent of the endeavors of all persons that are engaged in it—it should interpose against this warfare which is destructive of the welfare of them all.

But, if capital and plants and manufacturing industries organize to regulate and so to repress and diminish, if you please, below what it ought to be, the price of all the labor everywhere that is engaged in that kind of business, labor must organize to defend itself on the other side. If transportation companies and middlemen and exporters and dealers organize and arrange that they will give only so much for wheat, or corn, or pork, or whatever, the people who produce the wheat, the corn, the pork, or whatever, are driven to organize to defend themselves so far as they can against that species of tyranny. However, the whole thing is wrong, as it appears to me; and so I think the amendment is wrong, in the same way, which says that while the capital and the plant in any enterprise shall not combine to defend and protect itself, to increase the price of the product of that capital and plant, the labor which is essential to the production of that plant may combine to increase the price of the work that is to be done to make the production of that enterprise.

What is the consequence, Mr. President? The laborers of the United States, I will say for illustration—and one illustration is as good as the hundreds that might be brought forward—the laborers of the United States engaged in the manufacture of iron (which is, perhaps, the most largely valuable, take it altogether, of all the manufactured products of the United States) combine, as this bill authorizes them to do, to put up the price of their wages; they put them up 50 per cent., for illustration. The manufacturer of iron, the men who and whose fathers by their labor have found the iron mine and have built the iron-mill and the rolling mill, and the steel-process-mill, and all that sort of thing, are prohibited under penalties, as they ought to be under penalties, if they are prohibited at all, from combining to raise the price of the iron that the workmen have made cost 50 per cent. more and to sell at the advanced price if they can.

The consequence would be that, if the labor of the United States thus organized chose through its head men to put up the price of the manufactured iron, that iron could not be produced unless the price at which it was to be sold should be enhanced accordingly. The result is that every iron-mill in the United States must break, or live, not according to the demand for iron, not according to its production, but according to the will of the men employed to make it. Now, put it the other way—

Mr. GEORGE. Will the Senator allow me to ask a question?

Mr. EDMUNDS. Yes.

Mr. GEORGE. Can not the manufacturers of iron practically put up the price, each for himself, according to the cost that it may be to him to manufacture, without combinations?

Mr. EDMUNDS. So he can undoubtedly, and so can the laborer put up the price in any particular mill of his labor in making that iron. They stand on a perfect equality before the law and in morals. There is no sin, I take it, in owning an iron mine or an iron-mill; it is morally right. There is no sin in being a puddler in a furnace, I take it; it is moral and right, and the income of the work of that puddler, his labor and his muscle and his intellect, are the capital that he puts into it. The product is the iron.

Mr. GEORGE. Allow me to ask another question.

Mr. EDMUNDS. Certainly.

Mr. GEORGE. If the capitalists, the manufacturers, are allowed to combine, they having large capital, they having the means to live and support their families during a shut-out or a shut-down of the work, what good will a combination of the laborers do when they would starve for want of their daily wages to feed themselves and their wives and children?

Mr. EDMUNDS. It will not do any good at all; and if on the other hand the laborers combine and say, "We will not do this thing anywhere in the United States of America unless you give us all there is in it, and you shall not arrange among yourselves not to destroy each other and sell your things by common consent at a higher price than you did before, unless you go to the penitentiary" (for that is prohibited), what good will that do except to break down the whole interests of society and destroy everybody?

The fact is that this matter of capital, as it is called, of business, and of labor is an equation, and you can not disturb one side of the equation without disturbing the other. If it costs for labor 50 per cent. more to produce a ton of iron, that 50 per cent. more goes into what that iron must sell for, or some part of it. I take it everybody will agree to that.

Very well. Now, if you say to one side of that equation, "You may make the value or the price of this iron by your combination for wages in the whole Republic or on the continent, but the man for whom you have made the iron shall not arrange with his neighbors as to the price

they will all sell it for, so as not to destroy each other," the whole business will certainly break, because the connection between the plant, as I will call it for short, and the labor that works that plant is one that no legislation and no force in the world—and there is only one outside of the world that can do it—can possibly separate. They can not be divorced. Neither speeches nor laws nor judgments of courts nor anything else can change it; and therefore I say that to provide on one side of that equation that there may be combination and on the other side that there shall not, is contrary to the very inherent principle upon which such business must depend. If we are to have equality, as we ought to have, if the combination on the one side is to be prohibited, the combination on the other side must be prohibited or there will be certain destruction in the end.

Mr. President, as I said before—and I am not going to take up the time of the Senate—I shall be glad within the constitutional limits, which are narrow but clear, in the regulation of commerce to go just as far as Congress has the power to go in breaking up these great monopolies that exist to the detriment and the injury of mankind in this country and in every other. They are in every other country as well as in this. They exist in free-trade countries and in tariff countries and under all social conditions, and have come up mainly within the last twenty or thirty years. But I can not go any further. I do not wish to hold out a false hope to the people of the United States, be they farmers or mere workingmen, as they are sometimes called, although everybody in the United States who is fit to be a citizen and is well ought to be and generally is a workingman in the best sense of the term; whether he drives a cart or whether he devotes himself to the business of the country in the Senate of the United States, he is equally, in my judgment, a workingman.

Mr. GEORGE. I desire to make a request of the Senator before he commences his argument on the constitutional question, and that request is this, that the Senator will not, owing to any pressure or supposed pressure of want of time, fail to go into that matter fully, so that we can all understand his position on that subject. That is the request I make.

Mr. EDMUNDS. The constitutional question, Mr. President, has been discussed so fully that I could add very little, if anything, to the argument; and on that point I will only state, now at any rate, very briefly indeed what I think about it.

The Constitution of the United States intended to leave and did leave, as I think—and I think so because the Constitution says so—to the States of the Union the right of local self-government in every respect except those named that were granted to the National Government. It did not give to the Congress of the United States, and it did not mean to give, and it ought not to have given to it, and ought not to give to it now, I think, the power to enter into the police regulations of the people of the United States to endeavor to conduct or to manage or to regulate their affairs as the States, in every State of the Union, have been authorized—not authorized, but left by the Constitution in their original right to do.

I believe, Mr. President, that the safety of the Republic as a nation, one people, one hope, one destiny, depends more largely upon the preservation of what are called the rights of the States covering a continent than upon any other one thing. I therefore should be slow to step over that line by voting for any act of Congress that I thought went beyond it, over the boundary that the Constitution has prescribed to the authority of the United States in Congress assembled in dealing with the business of the people of the several States, no matter how evil that business may be, no matter how injurious to the public welfare apparently or really at the moment it may be. I think it is better to endure a present evil of even the most grinding and most stupendous of monopolies than to step by one inch or attempt to step by one inch over the clear boundary line that has been established and continued between the Congress of the United States and the legislative and judicial powers of the States in respect of such subjects.

The Constitution has given to Congress the power to impose taxes. It has given to Congress the power to regulate commerce among the several States and with foreign nations. Just as far as we can go in regulating the transition of property from State to State, as we have done in the interstate-commerce law for the benefit of the whole people whose interests are common, as I said before, it is our right to go; and when a clear evil appears, as undoubtedly now exists, just as far as we can go in exerting the power that is given to us, I am willing to go; but I am not willing to go any further.

I am not willing to hold out to the people of the United States, the citizens of each State, any or all of them, an illusory and deceptive attempt at the redress of grievances, which will turn out in the end to be purely deceptive and illusory, mere dust and ashes, when it comes to the test of the resistance of anybody who is undertaken to be dealt with under our law. I have more confidence, Mr. President, in the people of the United States. The citizens of the State of Vermont are no more my constituents than the citizens of the State of California, for a Senator of the United States, although elected by the Legislature of the State from which he comes, becomes a Senator of the United States, and every human being within the broad boundaries of the Republic, from the shore of the stormy sea on the east to the tranquil one on the west, is my con-



stituent; but if every citizen of the State of Vermont, my friends and neighbors, in an impulse, a just impulse of resentment at any grinding monopoly that had got possession of all the sugar that my people consume, should implore me to pass an act of Congress to abolish the sugar trust, as the Legislature of the State of Vermont might do if it were established there, I should feel it my duty to them to say, "No, because I have not the power to do it," and I should expect, if I were a candidate for re-election at the time they elected members of the Legislature, when they had two weeks to think about it, that they would say, "Our Senator has done right; he was put there for six years in order that he might have strength and courage enough, when we were in an impulse of passion, or resentment, or enthusiasm, or whatever you may call it, to do what we sent him to do and what he had sworn to do, that he would stand by the law as it is and follow his duty irrespective of any clamor."

I do not think, therefore, Mr. President, that we need concern ourselves about any popular impulse at this present moment of time, about any outcry in the newspapers, or at meetings, or at alliances, or whatever methods the people have of getting together to express their views concerning what we ought to do or ought not to do beyond what we clearly have a right to do. I do not believe that the people of the United States wish to have the Senate make haste in running to please them with a delusion and a snare which they will find out next year has been perfectly ineffective and perfectly incapable of execution, because Congress had gone beyond the power that it ought to have known it possessed.

That is my faith, Mr. President, in the people of the United States. Having that faith, I do not feel impelled by any sentiment or desire of popularity to-day to go beyond the lines that the Constitution has clearly marked out to us.

If we can exert the taxing power to repress and discourage "futures" and "options," as they are called, I shall be glad to exert it, as we exerted the taxing power in order to diminish the evil of the fraudulent butter or oleomargarine business; but in order to exert the taxing power I had supposed that it was indispensable that what are called the more immediate representatives of the people at the other end of the Capitol should be first appealed to and that they should first act. If, however, you put it, as this bill does, upon the ground of a license, I am unable to see, a license being a police measure, where the Congress of the United States gets the power to license anything whatever, except in the District of Columbia and the Territories, over which the Constitution says Congress shall have control. This bill on the face of it says that this tax is imposed as a police measure in order to repress and suppress the real evil, as it is, of this gambling, for that is what it is, in what are called "futures" and "options" and so on.

It is true that for the purpose of taxation and on the face of the statutes for the purpose of taxation, Congress, in order to raise a tax out of whisky, for instance, provides that every person producing whisky shall be identified. Call it a license if you please; I do not know that it is, but we will call it that if you please; still, it is a tax and a tax as a tax, and by whatever name the phrase of the statute may call it, it is a measure of revenue on its face, whatever may be the motive; and I suppose the motive in the case of whisky is the motive of revenue alone, and in the case of oleomargarine I suppose the motive was the general welfare of the people, to prevent frauds.

But when a statute of the United States is presented to the Supreme Court saying that this license tax which we impose is a police tax, as the bill now says, I am very much afraid, speaking with the greatest possible deference, that the court would say, "We can not inquire into the motives of the legislative body in passing a particular act, but when they put into the statute the ground upon which it rests and the purpose for which it is enacted we are compelled to take it as Congress has stated, and that this is an undertaking to regulate the good order of society" by regulating a business in each State for the purpose of regulating it, just as the State of Vermont and the State of Alabama and every other State provide for the licensing of inn-keepers, if you please, in order to the protection of travelers, and so on, the licensing of doctors in order to protect human life and health against quacks and humbugs and nostrums and all that sort of thing, and so on through; but within our power of levying a tax as a tax upon any kind of business, putting it as a tax and beginning as it ought to do upon any object which is injurious to the general welfare, of course that is the kind of occupation that ought to be taxed.

Every State, when it makes any discrimination at all, taxes those employments and occupations that are least useful to the community and gets the most money it can out of those things that if taken out of it prove the least burden upon the best and the well ordered people of the community. That is all right. That is motive, but it is a tax.

So, Mr. President, so far as we can provide in the regulation of commerce for impeding and harassing and cutting up the commercial transactions between the States of these great monopolies, I am most earnestly for it. So far as we can not do it, I am opposed to it, because I believe that the ultimate and the immediate welfare of the people of the United States is much more largely concerned in not over-

stepping the Constitution by what will turn out to be illusory and ineffectual and void operations merely for the reason that there is a present trouble.

If this bill can be brought within the provisions of impeding just as far as we may as a regulation of commerce the movement of the commodities of these great concerns and the arrangement of their transactions between the different States, as the Senator from Texas had the broad idea in his bill, I should certainly be most glad to do it, but as the thing now stands it is quite impossible for me—very likely I am entirely wrong—but it is quite impossible for me to support it.

I am sorry, Mr. President, to have taken the time which I have.

The PRESIDING OFFICER. The question is upon the amendment last reported.

Mr. EDMUNDS. Let it be read again.

The CHIEF CLERK. On page 4, line 66, section 1, after the word "action," the Senate, as in Committee of the Whole, inserted the following clause:

*Provided, That this act shall not be construed to apply to any arrangements, agreements, or combinations between laborers made with a view of lessening the number of hours of their labor or of increasing their wages; nor to any arrangements, agreements, associations, or combinations among persons engaged in horticulture or agriculture made with the view of enhancing the price of their own agricultural or horticultural products.*

Mr. HOAR. Mr. President, I wish to state in one single sentence my opinion in regard to this particular provision. If I correctly understood the Senator from Vermont—I did not hear him fully, and very likely, hearing only a part of what he said, I did not apprehend it—he thought that the applying to laborers in this respect a principle which was not applied to persons engaged in the large commercial transactions which are chiefly aimed at by this bill was indefensible in principle. Now, it seems to me there is a very broad distinction which, if borne in mind, will warrant not only this exception to the general provision of the bill, but a great deal of other legislation which we enact, or attempt to enact, relating to the matter of labor.

When you are speaking of providing to regulate the transactions of men who are making corners in wheat, or in iron, or in woolen or in cotton goods, speculating in them or lawfully dealing in them without speculation, you are aiming at a mere commercial transaction, the beginning and end of which is the making of money for the parties, and nothing else. That is the only relation that transaction has to the State. It is the creation or diffusion or change of ownership of the wealth of the community. But when a laborer is trying to raise his wages or is endeavoring to shorten the hours of his labor, he is dealing with something that touches closely, more closely than anything else, the Government and the character of the state itself.

The maintenance of a certain standard of profit in dealing in large transactions in wheat, or cotton, or wool is a question whether a particular merchant or a particular class of merchants shall make money or not, or shall deal lawfully or not, shall affect the state injuriously or not; but the question whether the standard of the laborer's wages shall be maintained or advanced, or whether the leisure for instruction, for improvement, shall be shortened or lengthened, is a question which touches the very existence and character of government of the state itself. The laborer who is engaged lawfully and usefully and accomplishing his purpose in whole or in part in endeavoring to raise the standard of wages is engaged in an occupation the success of which makes republican government itself possible and without which the Republic can not in substance, however it may nominally do in form, continue to exist.

I hold, therefore, that as legislators we may constitutionally, properly, and wisely allow laborers to make associations, combinations, contracts, agreements for the sake of maintaining and advancing their wages, in regard to which, as a rule, their contracts are to be made with large corporations who are themselves but an association or combination or aggregation of capital on the other side. When we are permitting and even encouraging that, we are permitting and encouraging what is not only lawful, wise, and profitable, but absolutely essential to the existence of the commonwealth itself.

When, on the other hand, we are dealing with one of the other classes, the combinations aimed at chiefly by this bill, we are dealing with a transaction the only purpose of which is to extort from the community, monopolize, segregate, and apply to individual use, for the purposes of individual greed, wealth which ought properly and lawfully and for the public interest to be generally diffused over the whole community.

Without entering upon a general discussion of the merits of this bill, it seemed to me proper to make this observation in regard to what, if I understand him correctly, had fallen from my honorable and distinguished friend from Vermont.

Mr. EDMUNDS. Mr. President, the Senator from Massachusetts, for whose opinions I have the greatest possible respect, understood me quite correctly, as he has stated, and he has stated a great deal better and more strongly than I could the value of improving the condition of the laboring people of the United States, in the sense in which he uses that term, as people who earn their daily bread by the work of their hands, not having accumulated sufficient capital or not hav-

ing had sufficient opportunity to go into business for themselves. I agree to all that entirely. But when the laborer, unless he labors for himself in his own plant—and then he is not laboring for wages—when the wage-earner is to earn wages he must earn them from somebody that employs him. That is absolutely indispensable, and it only needs stating; it is the merest commonplace. There must be somebody on the other side of what I called a little while ago the equation. They are inseparable.

The laborer can not earn wages by looking at the sky, as beautiful as it is; he cannot earn wages by looking at the sea, as deep as it is. He must earn wages by finding somebody who can afford—unless he breaks and they both go to the bottom—to pay him the price he demands for his day's work. That somebody is a corporation, as the Senator says as one illustration. That corporation is only an association of persons. There is no corporation in the world and never can be, for business purposes at any rate, that is not simply a form of association of human beings just like the association of the laborers.

He deals, therefore, on the other side with a human being, and he wishes to earn the highest wage he can. If he gets that wage paid to him, the thing that he has done must be worth the money that is paid to him for doing it or his employer will fail, and then he will have nothing to do and the whole business will stop. That sort of thing has happened a thousand times, and it is happening every day in every State of the Union where an enterprise in which five men, ten men, one hundred men, a thousand men and women are engaged in helping carry on by the work of their hands, for wages, goes down into the bottomless pit of bankruptcy because the amount of wages paid and the other expenses of the establishment do not bring out money enough to carry it on on that scale. There is no getting away from that, and therefore, if the wage-earner is to command the operation of the statute and the wage-payer can not go to the community and to his brother manufacturers in the same town and say, "Let us agree to put up the wages of our laborers in all our establishments, as they wish a dollar a day more, and let us put the price on our commodity that goes out a dollar a ton more, or whatever it may be, to make that good so that we can all live and get on," the two sides of the equation are not on an equal footing.

On the one side you say that is a crime and on the other side you say it is a valuable and proper undertaking. That will not do, Mr. President. You can not get on in that way. It is impossible to separate them; and the principle of it, therefore, is that if one side, no matter which it is, is authorized to combine the other side must be authorized to combine, or the thing will break and there will be universal bankruptcy. That is what it will come to, and then the laborer, whose interest and welfare we are all so really desirous to promote, will turn around and justly say to the Senate of the United States, "Why did you go to such legislation as that? Why did you attempt to stimulate and almost require us to combine against our employers, and thus break down the whole industry of the country and leave us all beggars? When you allowed us to combine and to regulate our wages, why did you not allow the products that our hands produced to be raised in price by an arrangement, so that everybody that bought them might pay the increased price, and everybody that was making them all around for whom we were working could live also?" I do not think, as a practical thing, Mr. President, that anybody will thank us for making a distinction of that kind.

Mr. PLATT. Mr. President, a word or two which fell from the lips of the Senator from Massachusetts [Mr. HOAR] induces me to think that he does not comprehend the scope of this bill. In pointing out the difference between allowing associations and combinations of laborers to unite in order to increase their wages and the combinations forbidden by the bill, he spoke of the object of this bill being to reach the great monopolistic and capitalistic corporations and associations which are oppressing the people.

Mr. HOAR. The Senator will pardon me. I did not. If he will allow me I certainly made no such suggestion consciously.

Mr. PLATT. What did the Senator think was the object of the bill?

Mr. HOAR. I said the object of this bill was to prevent the speculation in and engrossing of wheat and similar commodities. I did not speak in that connection of corporations. I said, in speaking generally of the lawfulness and propriety of laborers combining in regard to the matter of their wages, that the persons with whom they were to contract were very largely the corporations which were themselves nothing but a combination or aggregation of capital for that purpose. I made no such suggestion as that corporations were the persons aimed at by this bill. That was in a different connection.

Mr. PLATT. Taking the explanation of the Senator from Massachusetts as he now makes it, that the object of the bill is chiefly to reach the transactions of associated capital engaged in putting up the price of wheat and the necessities of life or putting them down, gambling in them or dealing in them, I want to say that the scope of this bill is very much wider and broader than that, and for that reason I can not vote for it.

If this bill were aimed only at people who are doing wrong, if it

were aimed only at illegitimate business transactions, if it were aimed only at those men and that kind of business which ought to be repressed in this country, it would not have a stronger defender or a more enthusiastic supporter than myself. But it is because it is utterly without discrimination in its provisions that I oppose it. While its supporters say that it is a bill aimed at wrongful transactions, at wrongful combinations of capital, it is in its very terms a bill which is aimed at every business and every business transaction in the United States, and if it should reach, repress, restrain, and prevent the wrongful acts of wrongful associations and combinations, the benefit that would be thereby accomplished would be a hundred, a thousand times outweighed by the disastrous effects which it would have upon the legitimate business interests of this country.

That is the fault with this bill. It attempts, because it sees some guilty persons, to punish all persons, guilty and innocent alike; because certain persons in business are doing things which are deemed to be reprehensible, it would strike an unjust and cruel blow at all business transactions in the country; and it seems strange, Mr. President, that the authors of the bill can not see this.

Now, take the portion of the bill as it stands to-day which was in the original bill reported by the Senator from Ohio [Mr. SHERMAN].

Mr. HOAR. Before my honorable friend proceeds, I should like to ask him to do perhaps what he is about to proceed to do, but I wish to remark that what I said in response to the Senator from Vermont [Mr. EDMUNDS] was not intended either as a defense of the bill or an attack upon it, but to point out what I thought the Senator from Vermont failed to appreciate thoroughly, the distinction between the associations of laborers and this class of cases at which this bill aims.

Now, I should like to ask the Senator from Connecticut to point out to the Senate and to me what he thinks is prohibited in this bill which is not prohibited by the general common law, as he and I learned it in our studies, in regard to such things as are covered by the English common law.

I wish to say in all sincerity that my mind is yet in a state of doubt whether I can or not vote for this bill as it is finally left. I think it has been improved very much since it was reported, and, on the other hand, I have grave doubt whether it is not liable to the objection which the Senator has just stated to us, that it attacks what is innocent and lawful and necessary.

Mr. PLATT. Mr. President, the first section of this bill, which I am now commenting on, is complicated and involved, and I desire to read, leaving out some things from this section, but leaving out nothing which in any way changes the effect or the real intent and meaning of the bill as applied to the persons of whom I am now speaking, and I beg Senators to listen.

The bill provides that—

All arrangements, contracts, agreements between two or more persons, which tend to prevent full and free competition in articles of growth, production, or manufacture of any State or Territory of the United States with similar articles of the growth, production, or manufacture by any other State or Territory, and all arrangements between such persons which tend to advance the cost to the consumer of any such article are hereby declared to be against public policy, unlawful, and void.

That is the real meaning of this bill. That is, all arrangements whatever looking to the objects which are pointed out in the bill, between any two or more persons, are unlawful. In other words, this bill proceeds upon the false assumption that all competition is beneficial to the country, and that every advance of price is an injury to the country. That is the assumption upon which this bill proceeds. There never was a greater fallacy in the world. Competition, which this bill provides for as between any two persons, must be full and free. Unrestricted competition is brutal warfare, and injurious to the whole country. The great corporations of this country, the great monopolies of this country are every one of them built upon the graves of weaker competitors that have been forced to their death by remorseless competition. I am entirely sick of this idea that the lower the prices are the better for the country, and that any effort to advance prices, no matter how low they may be, and that any arrangement between persons engaged in business to advance prices, no matter how low they may be, is a wrong and ought to be repressed and punished.

The true theory of this matter is that prices should be just and reasonable and fair, that prices, no matter who is the producer or what the article, should be such as will render a fair return to all persons engaged in its production, a fair profit on capital, on labor, and on everything else that enters into its production. When the price of any commodity, I do not care whether it is wheat or iron, I do not care whether it is corn or silverware—whenever the price of any commodity is forced below that standard, the whole country suffers. We have been running to bankruptcy and ruin and distress. But the theory of this bill is that, no matter how much the price may have been depressed, no matter how losing the business may be, the parties engaged in it must have no understanding between themselves by which they will come together and say that they will obtain a fair and a fairly remunerative price for the article which they produce. That is wicked, the bill says.

We have five thousand manufacturing establishments in the State of Connecticut, or had by the last census, and I think that gentlemen will



hunt up and down that State and its borders without finding many of the trusts at which it is said this bill is aimed.

Mr. GEORGE. Without finding any?

Mr. PLATT. I said without finding "many" of the trusts.

Mr. GEORGE. I thought the gentleman said "any."

Mr. PLATT. Without finding many of the trusts at which this bill is aimed.

What I mean to say is that the great bulk of manufacturing in Connecticut, both as to the establishments and the amount of production, is carried on by men and associations of comparatively small capital, most of whom have sprung up from the ranks of labor themselves, and who have largely associated with laborers in engaging in their business. I do not deny that there may be some trusts there; but the bill which is aimed at those trusts reaches every arrangement, all arrangements, innocent or guilty, which those persons may make under any circumstances to preserve themselves from ruin and bankruptcy. It reaches more than that: every merchant in the State of Connecticut; all business in which persons who are engaged in this deadly, brutal warfare which is called competition think it for their advantage to come together and obtain fair prices for the articles in which they are dealing.

Mr. HAWLEY. Will my colleague allow me to ask him a question? He says the bill reaches all those corporations and individuals. I want to know how it can reach every citizen in Connecticut whose bargain shall begin and be carried on and finally consummated in the midst of that State?

Mr. PLATT. I will show my colleague.

Mr. HAWLEY. How can it?

Mr. PLATT. I am not speaking about that. I find it is very unpopular here to refer to any proposed act as not being authorized by the Constitution of the United States.

Mr. GEORGE. And unfashionable.

Mr. PLATT. And I find that I am liable to considerable criticism if I make any argument against this bill because it transcends the constitutional power of Congress, and so I am taking the bill as it is on the face of it.

Mr. GEORGE. Will the Senator allow me just one word?

Mr. PLATT. Certainly.

Mr. GEORGE. I think the Senator ought to share the unpopularity of criticising the bill as being against the Constitution as well as some of the balance of us who have convictions that compel us to make those criticisms.

Mr. PLATT. I am not by any means a very strict constructionist of the Constitution; I think in a great many matters I am deemed to be extremely liberal in my views of the powers which Congress may exercise under the Constitution of the United States; but at the risk of unpopularity and of being declared to be unfashionable and of being criticised, I will say that in this whole bill, so far as I read it, there is but one constitutional provision, and that is that provision of the Senator from Texas [Mr. REAGAN] in his amendment which confines the bills to persons engaged in transportation—for that is the effect of his amendment—that uproots the interstate-commerce law, drives that by the board, repeals that law. If it be thought by the Senate that that is good policy, I do not object to that on the ground of unconstitutionality.

I am being diverted for the moment from the answer to the question asked by my colleague, but while I am diverted I desire to say this: It is not two years since this Senate was exercised over the idea that there must be something done to prevent the ruinous rate wars between railroads or that impending disaster was to be precipitated upon the country. And so we provided, in the interstate-commerce act, provisions which we thought would prevent these ruinous rate wars. We agreed then that ruinous competition among railroads was not for the interest of any portion of the people of this country. We provided that if they advanced rates in their joint tariffs they should give ten days' notice; that if they reduced rates by their joint tariffs they should give three days' notice. But here comes this amendment of the Senator from Texas, who has been godfather at least to the interstate-commerce act, and sweeps that all away and says that if those engaged in making joint tariffs shall ever advance a rate they shall go to State prison and pay \$10,000 fine. That is the effect of the amendment of the Senator from Texas.

Now let me return to the question asked me by my colleague. He asked me how it could be done. I do not think it can, but I propose to deal with this bill as it reads. It seizes, lays hold of all articles of growth, production, or manufacture of any State which compete with similar articles of growth, production, or manufacture of any other State. That is what it attempts to lay its hand upon, and that is all-inclusive. It takes all articles. You can scarcely find an article of commerce, an article of merchandise in any State which does not compete with similar articles which are the growth, production, or manufacture of another State. So then, this bill sweeps in all business. It sweeps in the dealing in every article; it sweeps in the transactions of every merchant; it sweeps in the transactions of every manufacturer and of every producer. What does it say shall happen, what does it say is wrong with regard to such articles? for it includes all articles of

trade. That all arrangements and agreements between two or more persons which tend to advance the cost to the consumer of any such article is "hereby declared to be against public policy, unlawful, and void."

Now, I want to illustrate a little. I have just received from the commissioner of labor in the State of Connecticut advance sheets of his forthcoming report. He has investigated a great many industries of the State of Connecticut. He has taken representative establishments in the State of Connecticut, and he has tabulated under different heads the result of their business operations in different years. By this report I want to show what the result was, during the year 1887, in eight representative woolen establishments in the State of Connecticut. They employed 1,967 persons. They had a capital of \$2,904,404. The value of their manufactured goods was \$3,299,871.21. The value of the stock and materials was \$2,076,198.47. The cost of manufacture, less rent, interest, and taxes was \$1,134,058.76. Rent and interest and taxes were \$94,585.59. Superintendence, including all non-producers, was \$96,696.66. Wages paid were \$664,143.77. The gross profits were \$89,613.98. There were no net profits, but a net loss of \$4,971.61.

Mr. GEORGE. A loss of that much?

Mr. PLATT. The net loss in the eight establishments was \$4,971.61.

I allude to this for the purpose of showing that here were eight representative woolen establishments in the State of Connecticut that, not taking into account the matter of loss by bad debts, lost in that year's business in the aggregate \$4,971.61—not a great loss I will agree.

Mr. GEORGE. Is that on the supposition that they collected every debt?

Mr. PLATT. That is upon the supposition that they collected every debt. Nothing is allowed here for loss by bad debts.

Mr. FRYE. Nothing for the depreciation of the property in the mill, either.

Mr. PLATT. No; and I think I am justified in saying that these concerns have since lost many thousand dollars by a failure in New York, but I speak of it for this: They are running their business at a loss; they are making articles to which this bill refers; and this bill says that if those eight men should combine to get a fair, living profit upon their manufacture, that contract, that agreement is against public policy, unlawful and void. That is but an illustration. It runs all through the business of my State and of the United States.

I do not like to vote against this bill. I believe that there are combinations in this country which are criminal, but I believe that every man in business—I do not care whether he is a farmer, a laborer, a miner, a sailor, a manufacturer, a merchant—has a right, a legal and a moral right, to obtain a fair profit upon his business and his work; and if he is driven by fierce competition to a spot where his business is unremunerative, I believe it is his right to combine for the purpose of raising prices until they shall be fair and remunerative. This bill makes no distinction. It says that every combination which has the effect in any way to advance prices is illegal and void. The Senator from Ohio in the first speech which he made here admitted that there were combinations in which there was no wrong, and yet he leveled his bill at them equally with the combinations which are doing wrong.

I do not believe there is in this country among any class of people a real desire that anybody shall do business without receiving a fair profit, without receiving a fair remuneration for the capital, skill, and work employed in carrying on the business, and I do not believe that there is any class of people in this country who, when they face this false assumption that cheap prices are the great, beneficent thing for the country and think of it, will agree to that proposition. Whenever the price of anything is below what it costs to produce it, it ought to be raised, and any combination for the purpose of raising it to a point where the price is fair and reasonable ought not to be condemned; it ought to be encouraged. It will not do, because a few concerns in this country are attempting to put prices where they are unreasonable, to enrich themselves beyond a fair compensation or equivalent for their capital, their skill, and their enterprise—it will not do to cast out your drag-net and bring within the condemnation of your law all the legitimate business enterprises of the country that are struggling along and trying to obtain only fair and reasonable prices for their goods, and who are giving life to labor, and peace and plenty to the whole land.

As I said, there is no greater fallacy than that the cheaper prices are the better it is for the community. It is not true. The farmer understands it when his wheat or his corn does not bring the cost of production, and this Senate is quick to see it and provide in this bill that there may be combinations in such cases. The farmer is not outside of the general economic principle. We do not raise wheat in the East; we consume it. Why should the Eastern man not be permitted to say, then, being a consumer of wheat, according to the theory of this bill, that as the price is down you must not raise it; you must not enhance the cost of flour to the consumer. We make no such contention as that. But there can not be two principles upon which a law shall stand. It must stand upon one principle. The theory of this bill is that prices must never be advanced by any two or more purposes, no matter how ruinously low they may be. That theory I denounce as utterly untenable, as immoral.

So, Mr. President, I can not vote for this bill in the shape in which

I think it will come to a vote or in any shape in which I think it will be perfected. I am ready to go to the people of the State of Connecticut; I have faith and confidence in them; and when I tell them that here is a bill which, under the guise of dealing with trusts, would strike a cruel blow at their entire industries, I know that they will see it and understand it; and if there be a people anywhere in this country who can not understand it it is better for a Senator to answer to his judgment and his conscience than it is to answer to their misapprehension.

I am sorry, Mr. President, that we have not had a bill which had been carefully prepared, which had been thoughtfully prepared, which had been honestly prepared, to meet the object which we all desire to meet. The conduct of this Senate for the past three days—and I make no personal allusions—has not been in the line of the honest preparation of a bill to prohibit and punish trusts. It has been in the line of getting some bill with that title that we might go to the country with. The questions of whether a bill would be operative, of how it would operate, or whether it was within the power of Congress to enact it, have been whistled down the wind in this Senate as idle talk, and the whole effort has been to get some bill headed "A bill to punish trusts" with which to go to the country.

The distinguished author of the bill, the Senator in charge of it on this floor, when the Senator from Texas proposed his amendment, opposed it, and when the Senator from Kansas proposed his amendment opposed it and said that it ought to be voted down; and yet the moment they were put on the bill he seemed to be as thoroughly anxious for the passage of the bill with those amendments upon it as he had been of his own. We should legislate better than that. Every effort to refer this bill to any committee that would give it careful and honest consideration has been voted down in this Senate, and it is better to vote the bill down than it is to go to the people with a measure which shall resemble the apples which grow in the region of that fated plain on which once stood the city of Sodom. We may make this bill look like a beautiful remedy; we may call it a bill to punish trusts, but when you attempt to put it in operation it will be,

Like that Dead Sea fruit,  
All ashes to the taste;

or it will be found to be a blow struck at the legitimate industries of the country such as they will not recover from in years and years.

Mr. WALTHALL. Mr. President, if it be in order at this time, I will move to refer this bill and the amendments to the Committee on the Judiciary with instructions to report within twenty days.

The VICE-PRESIDENT. Is the Senate ready for the question?

Mr. SHERMAN. I call for the yeas and nays.

The VICE-PRESIDENT. The question is on the motion of the Senator from Mississippi [Mr. WALTHALL] to refer the bill to the Committee on the Judiciary with instructions to report within twenty days. On that motion the yeas and nays are demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I transfer the pair I have with the junior Senator from Pennsylvania [Mr. QUAY] to the Senator from Florida [Mr. CALL] and vote. I vote "yea."

Mr. FRYE (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN], who has been called away from the Chamber necessarily.

Mr. HAMPTON (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. DIXON], but as he voted the other day to refer this bill to the committee I shall vote "yea."

Mr. KENNA (when his name was called). I am paired with the Senator from North Dakota [Mr. CASEY].

Mr. MORGAN (when his name was called). I am informed that the Senator from New York [Mr. EVARTS], with whom I have a general pair, would favor this motion. I therefore vote "yea."

The roll-call was concluded.

Mr. EDMUNDS. Following the wishes of the Senator in charge of the bill, I vote "nay."

Mr. ALLISON (after having voted in the negative). On this question I am paired with the Senator from Nevada [Mr. STEWART], and therefore withdraw my vote. The Senator from Nevada, if present, would vote for the reference and I should vote against it.

Mr. HIGGINS. I am paired generally with the Senator from New Jersey [Mr. MCPHERSON]. I do not know how he would vote on this question so I withhold my vote. Were I free to vote, I should vote "yea." [A pause.] I am informed that on a similar motion yesterday the Senator from New Jersey voted in the affirmative, and therefore I feel free to vote. I vote "yea."

The result was announced—yeas 31, nays 28; as follows:

#### YEAS—31.

Barbour,	Faulkner,	Higgins,	Stanford,
Bate,	George,	McMillan,	Stockbridge,
Blackburn,	Gibson,	Morgan,	Teller,
Buller,	Gray,	Pasco,	Vest,
Cameron,	Hampton,	Payne,	Walshall,
Coke,	Harris,	Platt,	Walton of Md.
Daniel,	Hawley,	Ransom,	Wolcott.
Eustis,	Hearst,	Reagan,	

#### NAYS—28.

Berry,	Edmunds,	Moody,	Spooner,
Blair,	Farwell,	Morrill,	Squire,
Chandler,	Hale,	Paddock,	Turpie,
Cockrell,	Hale,	Pettigrew,	Vance,
Cullom,	Ingalis,	Piers,	Voorhees,
Davis,	Manderson,	Pugh,	Washburn,
Dawes,	Mitchell,	Sherman,	Wilson of Iowa.

#### ABSENT—23.

Aldrich,	Call,	Frye,	McPherson,
Allen,	Casey,	Gorman,	Plumb,
Allison,	Colquitt,	Hiscock,	Quay,
Beck,	Dixon,	Jones of Arkansas,	Sawyer,
Blodgett,	Dolph,	Jones of Nevada,	Stewart,
Brown,	Evarts,	Kenna,	

So the motion to refer the bill to the Committee on the Judiciary with instructions was agreed to.

Mr. SPOONER. The vote included the pending amendments?

Mr. EDMUNDS. They go with the bill as a matter of parliamentary law.

I ask unanimous consent to have read at the desk a not very long extract from the last monthly report of the Department of Agriculture which bears upon the question we have been considering, that I intended to have read when I had the honor to address the Senate, but the pamphlet was misplaced. I should hope that the Associated Press would send the substance of it (it is not my speech, but an official document) to the newspapers of the country in order that the people engaged in agriculture may see what the Department of Agriculture says about the causes of the depression in the price of farm products. I ask unanimous consent that the matter may now be read, although the bill has been disposed of.

Mr. PLUMB. What report is it?

Mr. EDMUNDS. It is the last monthly report of the Department of Agriculture.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Vermont?

Mr. COCKRELL. If we give unanimous consent to the reading of that one-sided argument it might appear that the Senate was assenting to the false position taken in it. I simply desire to say that in my judgment the article is not correct either in its facts or in its method of reasoning, and I do not want, by giving my consent for it to be read and printed, to be considered as assenting directly or indirectly to anything that is said in it.

Mr. VORHEES. I desire to say further that while I make no objection I look upon the document as gotten up for an occasion and to serve a purpose.

The VICE-PRESIDENT. The matter referred to will be read, if there be no objection.

The Chief Clerk read as follows:

#### AGRICULTURAL DEPRESSION AND ITS CAUSES.

There is almost universal complaint among farmers of all nations of the prevalence of low prices. The agricultural depression of Great Britain has probably been more severe than that of any other nation. A potent cause in this case is the competition from all parts of the world unrelieved by any taxation of imports. France and Germany are somewhat disturbed by similar complaints of unremunerative rural industry. Italy has also had occasion to make official investigation of the causes of agricultural depression. Other countries are vocal with similar cries of dissatisfaction with the proceeds of agricultural labor. So the trouble appears to be general in monarchies and republics, whether the monetary circulation is gold or silver or paper, and under the influence of various and diverse economic systems.

Not all countries are in the same depths of distress. In ours farmers and farm laborers are doubtless better fed and clothed, able to maintain a higher style of living, and enjoy more of the benefits of civilization and culture than those of any other country. It may be said with absolute truth that in thirty years the scale of living has advanced immensely in this country, not equally in all sections, but manifestly everywhere. There is a tendency to extravagance in town life that has been initiated in rural circles, and the natural ambition for progress and precedence, when generally aroused, will express itself in dissatisfaction with prevailing conditions and a determination to overpower all obstacles to advancement. This is a hopeful sign. It is an indication of conscious dignity. It is a prophecy of progress.

While, therefore, our own country feels the effect of agricultural depression less than almost any other in the world, the reduction in prices of most staples, and in domestic animals and their products, forces a disagreeable comparison with agricultural values at their highest, compels reduced expenditure to keep outgo subordinate to income, increases the number of unfortunates who can not make "both ends meet," and reduces the profits of the enterprising and skillful who are still able to strike a balance in their favor. Retrenchment is not an agreeable alternative, and is therefore delayed until its compulsion is imperative and perhaps destructive. "The times" are universally regarded as "hard" in comparison with more prosperous eras of the past.

It matters not that the prices of implements, utensils, and fabrics, of goods desired by the farmer, have been reduced proportionately; his interest account, if he has one, is unreduced, and his mortgage is a greater burden to lift. He sighs for the good old days of high prices, though they may have been war or famine prices, necessarily temporary, and though they may have been the source of extravagant views, unnecessary expenditure, and the foundation of his present indebtedness. He naturally resents and deplores low valuation of farm products. What are the causes of low prices? They may be various, but the prime cause is the operation of the inexorable law of supply and demand. Abundance leads inevitably to low prices; scarcity to high prices. With either there is fluctuation, a see-saw of prices which increases cost and reduces profit. Medium and uniform values are therefore best for the farmer.

There has been an increase of production in this country even more rapid than the increment of population. America has long been the synonym of plethora. Her people probably consume more than those of any other nation, and have a larger surplus for foreign needs. Immigration has been heavy and unrestricted; railroad building has been stimulated until an empire of new and productive lands has been opened; and these lands have been given *ad libitum* to settlers of native or foreign birth. Speculation first and profitable utilization afterwards



have been the motive for settlement and development which have astonished the world and caused overproduction and low prices. The following statement shows the increase in thirty years in certain products of the farm, as reported by the census:

Products.	1849.	1859.	1869.	1879.
Corn.....bushels...	592,071,104	838,792,742	760,944,549	1,754,591,676
Wheat.....do.....	100,485,944	173,104,924	287,745,626	459,483,137
Oats.....do.....	146,584,179	172,643,185	282,107,157	407,858,999
Potatoes.....do.....	65,797,899	111,148,867	143,337,473	169,458,539
Cotton.....bales.....	2,469,093	5,387,052	3,011,996	5,755,359
Hay.....tons.....	13,638,642	19,083,896	27,316,048	35,150,711

If we extend the comparison to the present date, we find that the corn crop exceeds 2,000,000,000 bushels, wheat approximates 500,000,000, oats exceed 700,000,000, and hay and potatoes have increased in similar proportion. While the product may be three or four times as large, the population is less than three times as much, though the proportion of workers engaged in agriculture was larger than now.

During the forty years from 1850 to the present time the cotton product increased from a little over 2,000,000 bales to more than 7,000,000 bales. Cattle have also increased very rapidly; cows from between 6,000,000 and 7,000,000 to about 16,000,000; other cattle from scarcely 12,000,000 to more than 36,000,000. While sheep have doubled in numbers the wool production has quadrupled. While the milk cows are almost three times as many their average rate of yield of milk has probably doubled.

The improvement of other cattle, through breeding and feeding, has reduced the time required for maturity and increased the weight of carcass to such an extent that the amount of beef produced annually in proportion to numbers of animals kept is immensely increased. Relative numbers, in comparison with the past, in all kinds of domestic animals, have far less significance than improvement in weight and quality, in thriftiness and early maturity.

It is difficult to force a market abroad for a surplus of any product. Every nation is seeking to produce its own food, and as far as possible its raw materials for extension in all forms of industrial production. The instinct of self-preservation compels the adoption of such a policy. This furnishes the motive for the corn laws of France and Germany and other continental countries and the laws of European nations prohibiting the introduction of our pork products.

We can not sell our crops abroad, as a rule, except to fill the gaps in supply that are made by bad seasons or other results of the inevitable or inexorable. When Senator Sumner once proposed to levy an export tax of 20 cents per pound on tobacco and compel a tribute from foreigners, he was soon convinced by practical tobacco men that its only effect would be to destroy our exportation, and he at once abandoned the idea. The amount grown in Europe and the quantity imported are both regulated by governmental control there, and never by Government or growers here, and under the influence of this regulation the proportion of our crop exported is declining, being reduced slightly below one-half, and nothing that our Government or growers can do will change this fact.

Mr. EDMUNDS. I ask the Chief Clerk to read the title of the pamphlet, so that it can be taken down.

The Chief Clerk read as follows:

Department of Agriculture. Report of the Statistician. New series. Report No. 71. Report on distribution and consumption of corn and wheat, and on freight rates of transportation companies. Published by authority of the Secretary of Agriculture. March, 1890. Washington: Government Printing Office, 1890.

Mr. EDMUNDS. Now open the report and give the date.

The Chief Clerk read as follows:

MARCH REPORT.  
DEPARTMENT OF AGRICULTURE, March 15, 1890.

J. R. DODGE, Statistician.

To Hon. J. M. RUSK, Secretary.

Mr. VEST. I wish to make a personal statement in this connection. I wish to state that on the roll-call when the last vote was taken I inadvertently cast my vote in the affirmative under the impression that the Senator from Kansas [Mr. PLUMB], with whom I was paired, had voted. I thought that I heard him vote and thought I saw him on the other side of the Chamber. It is proper for me to say that I was under that impression at the time.

Mr. BUTLER. The Senator's vote did not change the result.

Mr. VEST. It did not change the result at all. If it had done so, I should move a reconsideration. It is due to the Senator from Kansas to say that he would have voted "nay," and that I cast my vote, as I should have done if he had been present, in the affirmative.

Mr. DOLPH. I should like permission to state that I was out of the Chamber for a few moments when the roll was called on the reference of the bill which has been under consideration, and I do not know whether my pair with the senior Senator from Georgia [Mr. BROWN] was announced. I am paired with the senior Senator from Georgia, and if I had been permitted to vote I should have voted against the reference of the bill.

#### ADMISSION OF WYOMING.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. 982) to provide for the admission of the State of Wyoming into the Union, and for other purposes; in which it requested the concurrence of the Senate.

Mr. PLATT. I ask the Chair to lay before the Senate the bill just received from the House of Representatives.

The bill (H. R. 982) to provide for the admission of the State of Wyoming into the Union, and for other purposes was read twice by its title.

Mr. PLATT. I move that the bill be printed and lie on the table. The motion was agreed to.

#### DEPRESSION OF AGRICULTURAL INTERESTS.

Mr. DOLPH. Mr. President, I simply wish to give notice that on Saturday, in the morning hour and immediately after the morning business is concluded, I shall ask the Senate to take up the resolution of the senior Senator from Indiana [Mr. VOORHEES], now upon the table, concerning agricultural depression, for the purpose of submitting some remarks.

#### PENSIONS TO SOLDIERS AND DEPENDENT RELATIVES.

Mr. DAVIS. I move that the Senate proceed to the consideration of the bill (S. 389) granting pensions to ex-soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to dependent relatives of deceased soldiers and sailors.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. INGALLS. Let the pending amendment be stated.

The VICE-PRESIDENT. The pending question is on the amendment submitted by the Senator from Kansas [Mr. PLUMB], which will be read.

The CHIEF CLERK. It is proposed to strike out section 2 of the bill and to insert in lieu thereof:

Sec. 2. That all persons who served three months or more in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom, and who are now or may hereafter be suffering from mental or physical disability, not the result of their own vicious habits, which incapacitates them for the performance of manual labor, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive \$12 per month if such disability be total, that is, equivalent to ankylosis of wrist joint, and such pension shall commence from the date of the filing of the application in the Pension Office, after the passage of this act, upon proof that the disability then existed, and shall continue at that rate during the existence of the same in the degree found to then exist; should such disability, however, be found to exist in a less degree than total, such disability shall be pensioned at a relative rate to total, or a relative proportion of \$12 per month, except that no rating shall be less than \$6 per month: *Provided*, That persons who are now receiving pensions under existing laws or whose claims are pending in the Pension Office may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall be so construed as to prevent any pensioner thereunder from prosecuting his claim and receiving his pension under any other general or special act: *Provided, however*, That no person shall receive more than one pension for the same period: *And provided further*, That rank in the service shall not be considered in application filed under this act.

Mr. PLUMB. Mr. President, it has been some days since this subject was under consideration, and I beg the attention of the Senate while I restate the question.

Under section 2 of the bill, as reported from the Committee on Pensions, there is absolute contrariety of opinion as to what the result will be, either in the total amount to be taken from the Treasury or the effect upon the individual pensioner. Two entirely different opinions have been expressed by members of the Committee on Pensions in regard to its effect. The amendment which I propose has the merit, at least, of being definite and certain of accommodating itself to existing practice in the Pension Office and to the construction put upon existing law by the Secretary of the Interior. Outside of that, my amendment eliminates the dependent provision contained in section 2 of the committee's bill.

I want to say that, independent of anything else, I sincerely hope the Senate will not vote to adopt any section which requires any applicant for a pension to make a pauper declaration. I do not use that term in any specially offensive sense, but I do say it is offensive to a large portion of the men who are entitled to be the beneficiaries of this measure; it is unnecessary; it will be demoralizing, and in the long run will not save a single dollar to the Treasury of the United States. It will set in motion agencies of inquiry, of judgment, of discretion, of comparison which will be just as various as the instrumentalities by which they are decided. The man who in one locality will be held to be without the provisions of the law in another locality will be held to be within them. The line which is drawn between the person who is dependent and the person who is not is shadowy and irregular at the best, and the place where that line should be drawn will depend upon the temper, the disposition, the judgment of the person who draws it. It is absolutely impossible that such a law shall be enforced at any time in the same way as to inclusion and exclusion in all portions of the country. More than that, as this line is shadowy, it would operate today to exclude a man and to-morrow it would be so drawn as to include him.

There would be a great many self-respecting men who would not take advantage of any provision which required them to state that which is untrue. There are a great many more who would not state even the truth in order to get a pension if by so doing they lowered their manhood according to their own conception of what that was. There would then be the spectacle of a large number of people who were entitled by reason of their financial condition to the benefit of the bill who would not receive it, and we should soon witness the spectacle on the other hand of a large number of persons who, according to the construction we put upon it to-day, would not be entitled to the benefits of the bill who would be receiving its benefits.

In my judgment, in the long run the charge upon the Treasury in the one case would be as great as in the other, but with this disadvantage,

so far as the bill is concerned, that we should exclude from its beneficial provisions a very considerable number of people whose self-respect would dictate to them that they should not exhibit their financial inability in order to receive a pension. It is introducing a new element into the pension laws. Under no circumstances heretofore has the United States attached as a condition to the receipt of a pension the pauper declaration on the part of the recipient. It was not done in regard to the war of the Revolution, or in regard to the war of 1812, or in regard to the war with Mexico. It is unknown in the laws now upon the statute-book as applicable to the veterans of any war.

It can have no purpose except it be upon the theory that it is to save money to the Treasury. It has no logical foundation other than that of economy, and in my judgment it will not prove a measure of economy, but will prove a measure of vicious distribution. There is no reason why upon the theory which has underlain all the pension laws of the United States, which brings to-day within their beneficent purview every man who was disabled in the line of duty, whatever his financial circumstances may be, we should not continue to apply that rule to those who are disabled, but who, by reason of lapse of time or unfortunate circumstances, are not now able to prove that that disability was incurred in the line of duty. I think that every soldier who is now disabled, who is unable to bear his part in the heat and burden of the day in comparison with his fellows, wrecked, broken, lingering by the wayside on account of physical disability, is entitled to a pension, and I believe that the people of the United States are ready to give it to him. I might say that they were ready to do far more, but I am making what I conceive to be a conservative statement. When we lay as the foundation of the pension laws disability we stand upon solid rock. It is logical, inevitable, necessary, and just, and any other discrimination to be introduced at this late day not only overturns the whole theory of pensions that has existed since the beginning of the entire system, but is discriminating and will lead to infinite trouble, with no corresponding benefit.

Why should we require the disabled soldier to state and to prove that he is unable to support himself? Are we to accept his statement? Not at all. It is to be a matter of proof. The man, then, who can get the most neighbors to testify to his financial inability will get a pension if he chooses to demean himself to the extent of asserting his own inability by making an application. The man who can not thus get favor from his neighbors can not make the proof. At once you will have men deterred from making the application because those who know them best for some reason or other will not make the necessary statements. Others who are better situated will get proof galore; there will be no trouble whatever; and from the beginning of the execution of this proposed law until the last syllable of time it will be a monument of discrimination and a constant enticement to false swearing.

One of two things we ought to do at this juncture: We ought to stand upon the laws as they are, requiring every applicant who has proved that he is disabled to prove that that disability was incurred in the line of duty according to the rules of evidence established by the Pension Office, and require all applicants now entered to do that, or else we should do nothing unless we are prepared to go the furthest step, and, ignoring all question of disability, say that the time has come when every man who served in the Army shall have a pension on account of that service and on account of no other condition whatever.

But this bill proceeds upon the theory that there are a class of persons who are entitled to pensions and who have not yet been able to make the proof required by the present laws, and adding to that this requirement in regard to the pauper declaration will prevent any considerable number of those who are most entitled to it from receiving the benefit until they become demoralized by example and make declarations which are either inconsistent with their self-respect or inconsistent with the truth. We have had enough of that already. It should not be the purpose of the law to invite anything of that kind. It should not be the purpose of the law to draw distinctions which, to sensitive minds at least, are degrading.

One plain distinction constitutes the theory of our pension legislation, and that is disability. The declaration of disability does not shame a sensitive nature. It touches no man's pride. It is honest; it is consistent with honor, with straightforwardness. The recognition of disability as the foundation of pensions is not only just, but it is one of those things which the Government ought not to be willing any longer to drop.

To these propositions in my amendment is added one more, and that is that there shall be no pension granted at less than \$6 a month. I am not so tenacious about that particular amount, if it should be urged that it would constitute a discrimination, but there ought to be some limit, because nothing is truer than the declaration made by the late Commissioner of Pensions that a pension of a dollar a month or two dollars a month is too small to be taken into account. It represents nothing substantially of advantage to the recipient, and is a refinement upon this subject which is not only unnecessary, but unjust. If \$6 is too much, make it \$4. I do not think \$6 is too much, but there ought to be some limitation whereby these infinitesimal ratings will disappear.

The amendment, then, is coherent; it is logical; it is based upon a just principle. It recognizes disability as the occasion for the pension and fixes a decent limit for the rate.

Mr. BERRY. Mr. President, if the amendment proposed by the Senator from Kansas should be adopted, in my opinion it practically amounts to a service-pension bill. The amendment applies to every man who served a certain length of time in the United States Army and who may be suffering from physical or mental disability, not the result of his own vicious habits, which incapacitates him for the performance of manual labor. It does not say to what extent he shall be suffering; it does not define to what extent he shall be incapacitated; but if he is suffering from any disability which incapacitates him in any way for manual labor, then according to the amendment proposed by the Senator from Kansas he is to be put upon the pension-roll.

Every argument that the Senator has made against the original bill in regard to false affidavits, in regard to misconstruction, in regard to one party being put on and another left out owing to the testimony of witnesses as to whether they are incapacitated or not, applies with equal force to the amendment which the Senator himself offers.

If it be the purpose of the Senator from Kansas and of those who act with him to place every soldier who served in the Union Army upon the pension-roll, then I submit that the manly and direct way would be to come forward and take the responsibility of passing a bill of that character, and not seek to do indirectly what they dare not do openly and publicly.

I have been told that during the last campaign, throughout the Northern States, it was promised the Union soldiers that if the Republican party controlled this Congress they should all be placed upon the pension-roll; that the surplus which is in the Treasury was theirs, and they had a right to have it divided amongst them. If that be the purpose, then I ask the Senator from Kansas to come forward and say so in direct terms, and not seek, under the pretense of an amendment for those who are disabled and unable to take care of themselves, to put them all on the pension-roll.

There is no man, I take it, who served in the Union Army, or perhaps but very few, who is to-day under forty-four or forty-five years of age. Bear in mind this amendment does not require that the disability shall have been incurred during the service, but if it exists to-day they will be entitled to a pension, and there are 95 per cent. of them who can come forward and prove that they are to some extent incapacitated for manual labor and suffering under certain disabilities.

If the Senate is ready to pass a bill giving a service pension to the Union soldiers, let it be put in plain and direct words, and do not mislead the people of the country by saying that we are trying to keep the old soldiers out of the poor-house when the object and purpose is to put them all upon the pension-roll.

If this is to be done, I think we ought to hear something about the probable cost of an amendment of this character. Already we are paying between \$90,000,000 and \$100,000,000 annually for pensions, and still the cry is for more. It was said by the Senator from Minnesota, I think, that some eight hundred thousand soldiers are not yet upon the pension-roll. I want to know where the revenue is to come from, with the enormous expenditures that we are making, if you pass an amendment of this character, which practically puts all upon the pension-roll.

Mr. President, I for one do not believe that is just or fair. I do not believe that the time has come when the soldiers have a right to be quartered upon the other people of the United States of America. While I honor as much as any man the Union soldiers, those who fought for their country and those who were wounded in time of battle, yet there are other citizens whom it is our duty to care for. As was said by the senior Senator from Kansas [Mr. INGALLS] a few days ago, distress exists throughout this country among the farming and laboring classes, and we are standing here to-day and having read statements from the Department of Agriculture giving a reason for this distress among the farmers of the country; yet the appropriation goes on under every pretense whatever to increase it from year to year, and the taxes go on, and there is no relief and no diminution.

I am opposed to the original bill, but the amendment of the Senator from Kansas is far worse than the bill reported from the Committee on Pensions. All that I insist upon is that, if it is the purpose of the Senate to put the men on the pension-roll that this amendment would put upon it, it should be done in an open, manly, and direct way, to give them a service pension, and not to pretend that we are providing for those who are unable to take care of themselves, when the real facts are that it provides for all classes, without regard to the amount of wealth they may have or whether they are dependent or liable to go to the almshouses in the country.

Mr. DAVIS. Mr. President, in all the discussion preliminary to legislation here and in other places on the pension question for the last twenty-five years one requisite has stood in the fore-front of everything else, and that was that the dependent, the disabled, and the maimed Union soldiers should first be provided for by means of pension legislation. In the public opinion, in whatever way it has manifested itself, that has been the precedent idea all through. It is that idea upon which our pension legislation has proceeded from 1862 down



to the present time, until the Committee on Appropriations of this body are now considering a bill from the other House appropriating \$98,000,000 as an estimate for the expenses for the year to come under the pension laws as they now exist.

Under the instruction of that idea the Committee on Pensions, with some experience on this subject, standing in a focus where there is converged upon them, perhaps to a greater extent than upon any other committee or person, public opinion and criticism, have considered patiently and considerately, and with a degree of feeling for the soldier in which I admit no man to exceed the members of that committee, all of these various questions, and particularly the one which has been interposed here by the amendment of the Senator from Kansas [Mr. PLUMB].

Before entering upon an exposition of the bill, which seems to me necessary, owing to the time which has elapsed since it was last up for consideration, I wish to correct one misapprehension, the force and meaning of one word which is continually harped upon here and elsewhere as casting a stigma upon this legislation. It is said that this is a dependent bill, and that is paraphrased by saying that it is a pauper bill, and that as a consequence we should be reluctant to place the soldiers in the attitude of mendicants in their application for a pension.

Mr. President, this bill bears no such construction. This bill does not say by letter, text, or implication that the applicant must be a pauper or a dependent in any sense that implies pauperization. It simply requires, in the language of the bill, that the applicant shall be dependent upon his own labor for support. I have yet to learn that an American citizen who is dependent upon his own labor for support is in any sense a pauper. That is the only phrase in the bill to which the criticisms of the Senator from Kansas are at all applicable, that the laboring man, the honest man for all that, if he is dependent upon his labor for support and has fallen under the influence of a disability which prevents him from employing his labor in sustaining himself and his family, by reason of that dependence upon his labor for support, and not by reason of his dependence upon charity, becomes entitled to a pension. That is the correct explanation of the bill, and I take great pleasure in rescuing it from any such misinterpretation as I have heard here and have seen in the public press.

It is necessary, perhaps, to refresh the recollection of Senators while I give particular attention to the theory of the bill before referring to the remarks of the Senator from Kansas and before criticising his substitute for the second section. As I said the other day, the pension legislation as it now stands and as it has stood for a period of twenty-seven years, requires the disabled soldier who applies for a pension to attribute and trace his disability to his military service and prove that it was incurred by such service. In the lapse of years which has occurred since the close of the war, by reason of the death of comrades, their separation over this vast land, their disappearance from each other, the total severing of ties and communications between most of us who were well acquainted in our little organizations at the time, that mode of proof has become practically difficult, and in nine cases out of ten substantially impossible. So the crying evil in the administration of the pension laws to-day is not as against the justice of the claim, but it is the difficulty of filling the measure of proof which by long established rule has been made necessary to establish a claim.

Acting partly upon that theory, recognizing to its full degree the well known fact that few, if any, who served in the war for any length of time came out as well as they were before, and acting upon a more enlarged idea, however, to which I shall advert in a minute, the bill, as reported by the committee, provides that any person, incapacitated for the performance of labor in such a degree as to render him unable to earn a support and who is depending upon his daily labor for support, shall receive a pension. In other words, the bill provides that the incapacity may be the result of the illness or casualty of a month ago. It ceases to require the soldier to trace by a chain of evidence his present ailment to any disability incurred in the service. In that respect the measure is a just measure. It meets present necessities, according to the experience of the Pension Bureau and of all persons who have had anything to do with the administration of the pension laws.

But it also makes it necessary, prudent, and proper as a matter of business consideration, that a statute which confers a pension by reason of a casualty or an illness which may have happened a month ago, should be restricted to persons who are in absolute and in present need of it by reason of poverty or dependence upon their labor for support. Right here begins the point of divergence between the amendment of the Senator from Kansas and the bill reported by the committee. The bill reported by the committee provides that the man who is dependent upon his labor for support and is incapacitated, no matter when and how, in any degree for earning his support, shall be entitled to a pension. The amendment as proposed by the Senator from Kansas provides that any person now or who may hereafter suffer from mental or physical disability, not the result of his own vicious habits, which incapacitates him for the performance of manual labor, shall, upon making proof of the fact, be placed upon the pension-roll. Whom does that include? It includes everybody who can bring himself within the range of any disability whatever, for the amendment of the Senator from Kansas provides for a grading down from \$12 a month for a dis-

ability which is total and absolute to that disability which may be so slight as to hardly admit of measurement and yet which is large enough to give a man a pension of \$6 a month if he suffers under it.

More than that, while the committee's bill, measuring its justice and liberality by the condition of the men whom it is intended to benefit, does not require these parties to attribute their disease or trace it by evidence to the casualties of military service, the amendment of the Senator from Kansas gives any person who ever served in the Army of the United States for a stated period, no matter how slight the disability, somewhere from \$6 to \$12 a month, even if he may have an estate of a million dollars, or may be a prosperous farmer, or may be in the possession of a fixed income, and be in no more need of a pension than the most opulent member of the community in which he lives.

Now, that is the distinction between these measures. I am not ready as a Senator or a citizen, in the present state of pension legislation, to go to the extent of pensioning under a disability bill (for I hold that the time for a service-pension bill has not yet arrived) every person who has been a soldier in the Union Army at the rate of somewhere from \$6 to \$12 a month, irrespective of his dependence upon his labor for his support according to his estate in life.

This is partly a question of sentiment, but is largely a question of business. I submitted estimates here the other day carefully prepared, and I think as accurate as any estimates can be, based upon such shifting data as estimates of this kind necessarily are.

Mr. COCKRELL. Will the Senator give that statement briefly again, if he can?

Mr. DAVIS. The restricted bill which we have prepared would make necessary an appropriation, in addition to the one which must come to us under existing law, of \$36,000,000 in round numbers. The Senator from Kansas stated on the 1st of March, in his remarks upon his amendment, that from 200,000 to 300,000 men would be benefited by the amendment. I think more than from two to three hundred thousand men of the 800,000 not now on the pension-roll could and would come in under its provision. There can scarcely be any man who has arrived at the years to which he must have arrived if he served in the war of the rebellion who is not under some physical disability which in some degree incapacitates or disables him for labor, and if he is under some degree of such disability which incapacitates him for labor he is entitled to have a graded pension under the amendment of the Senator from Kansas, and the minimum is \$6 a month.

Mr. PLUMB. Mr. President—

The PRESIDING OFFICER (Mr. FRYE in the chair). Does the Senator from Minnesota yield to the Senator from Kansas?

Mr. DAVIS. Certainly.

Mr. PLUMB. The Senator says that his estimate of the cost of the bill which he has reported is \$36,000,000. He supplements that by the statement that according to his belief more than 300,000 ex-Union soldiers out of the 800,000 who are not now borne on the pension-rolls will be put on those rolls by means of the bill.

Mr. DAVIS. No; by the Senator's amendment.

Mr. PLUMB. By my amendment?

Mr. DAVIS. Yes.

Mr. PLUMB. I thought the Senator was talking about the original bill.

Mr. DAVIS. No, sir. We have then an estimate of \$33,000,000, in round numbers, necessary to be appropriated if the bill as it was reported by the committee is passed. If the amendment proposed by the Senator from Kansas shall prevail, taking his own estimate, taking as an average between \$6 and \$12 a month, \$9 a month, the very lowest that must be averaged according to his estimate submitted here on the 1st of March, the appropriation for these pensions for men who do not need them must be \$18,000,000 per annum. In other words, we should add to the \$98,000,000 now under consideration the sum of \$54,000,000 as matter of annual and current expenditure under pension legislation.

Let us scrutinize the amendment of the Senator from Kansas a little more closely in regard to its practical workings. I have already called the attention of the Senate to the practical operations of the amendment whereby everybody disabled in however slight a degree must be pensioned and can not be pensioned at less than \$6 per month. How is it going to work when this system of grading from \$12 down to \$6 a month is attempted to be applied? Of all the causes of dispute, controversy, decision, appeal, overruling, and coming here for special legislation in the whole pension business, the chief is the difficulty in fixing the grades of pensioners. There were 51,000 cases of original invalid pensions filed last year, and there were over 70,000 applications for increase filed where pensions had been already allowed. We are to be called upon, after pensioning to an enormous amount men who do not need it, when we have all this difficulty imposed upon the pension administration, aggravating it exceedingly beyond what it now is, to ascertain whether a person disabled in any degree less than totally shall have \$6, \$7, \$8, and up to \$12 a month.

There is another respect in which this amendment is not as beneficent for the soldier as the bill reported from the committee. The bill reported by the committee provides a pension for any person incapacitated for the performance of labor in such a degree as to render him unable to earn a support, and it gives that man \$12 a month. The fact

being established that he is incapacitated in such a degree as to disable him from earning a support, he receives \$12 a month *ipso facto* as a liquidated compensation. I say when a man brings himself within the requirements of that provision it is not worth while, it never can be worth while, to attempt to grade and scale him according to the degree of his infirmity. The attempt to do that in the grading of pensions from \$2 to \$8 has proved one of the most calamitous and distressing failures in any legislation concerning pensions. If a man is disabled and dependent upon his labor for support in such a degree as to disable him from earning a support, then, as in the estimate of damages by a jury where exact accuracy can not be got at, to reach a fair and just sum they set up an arbitrary and a reasonable amount which in any case, while it does not fully compensate a man falling within its provisions, is given to him as a settlement.

How does it work under the amendment of the Senator from Kansas? Under the committee's bill a man may not be totally disabled to get \$12 a month, but under the amendment of the Senator from Kansas, in order that any soldier may reach the maximum of \$12 per month, he must be totally disabled.

And be entitled to receive \$12 per month if such disability be total; that is, equivalent to ankylosis of wrist joint, and such pension shall commence from the date of the filing of the application in the Pension Office, after the passage of this act, upon proof that the disability then existed, and shall continue at that rate during the existence of the same in the degree found to then exist; should such disability, however, be found to exist in a less degree than total, such disability shall be pensioned at a relative rate to total, or a relative proportion of \$12 per month, except that no rating shall be less than \$6 per month.

So you will find a vast crowd of persons entitled to pensions under one or the other of these provisions, and in the one case, upon a man showing himself unable to earn a support, being incapacitated in such a degree as to entitle him to \$12, and in the other case being required to prove a total incapacity from labor, equivalent to ankylosis of the wrist-joint, to obtain that which under any circumstances is very inadequate compensation for a man who falls within either of these provisions. You talk about discrimination, you talk about a sense of justice that will arise as to men making a comparison with each other; the difference between the two propositions is world-wide in favor of the committee's bill.

See how it will work in another instance. Take the case of a man subject to a recurring or intermittent disease, an affection of the eyes that may disable him from labor half a day in every month. By that fact he is unable to earn his support within the large and general meaning of the provisions of the committee's bill. But under the amendment of the Senator from Kansas, although he would be unable to earn his support, he would not be totally disabled, and therefore the rate must be scaled down, perhaps to the minimum pension.

Mr. President, I have in an imperfect way endeavored to compare these measures and to suggest the difference between them, and to state the considerations in favor of the bill prepared by the committee. The bill which the committee has reported is strictly upon the line of a dependent bill, not giving a pension to a man because he is a pauper. Nobody in the committee ever thought of that. That is a misrepresentation and a misconstruction of the language of the bill. It gives it to him because he is in that condition in which nine-tenths of the fellow-citizens of the man who was a Union soldier are; he is dependent upon his own labor for support, not upon charity, not upon the alms of the neighborhood, not upon the hospitality of the poor-house, as has been suggested; but, because he is dependent upon his own labor for support, which disgraces no man in this country, he can come in and have his pension, provided he is disabled, no matter whether his disability was incurred in the service or not.

The PRESIDING OFFICER. The Chair calls the attention of the chairman of the committee having the bill in charge to the fact that the committee amendments were adopted only down to section 3. From the commencement of section 3 on through the bill the committee amendments have not yet been acted upon.

Mr. DAVIS. I think it was understood the other day that the amendment of the Senator from Kansas should be brought up before those amendments were acted upon, on the ground that if his amendment should be adopted it would be a substitute for the entire second section. I should like to ask the Senator from Kansas if I am not correct.

Mr. PLUMB. I offered my amendment as a substitute for the entire second section.

Mr. DAVIS. That is what I thought.

Mr. PLUMB. Mr. President, the statements of the Senator from Minnesota do not seem to me to be entirely harmonious. He says that the bill as reported by the committee will cost \$36,000,000 per annum. He says that the proposition which I have made in the shape of my substitute for section 2 will result in a cost of over \$50,000,000 per annum, and yet he says that his proposition is much more liberal than mine. I am willing to be convinced on that point; and until I heard the contrariety of opinion expressed by the members of the committee when this subject was up before I was in a measure persuaded that that might be the case. I do not know now that it will not be the case, because I do not know who will be Commissioner of Pensions. I can conceive it possible to hold under the committee's bill that any one who

is disabled in the slightest perceptible degree and who actually labors, as, for instance, upon a farm or in a shop, notwithstanding his labor is not absolutely necessary for his support, might still get \$12 a month. I can conceive it possible that a man upon a farm of a thousand acres who labors because he likes to labor, in obedience to the impulse of his faculties, and yet who could live without that labor, might still get his \$12 a month if he labored perceptibly. I can conceive that as possible. I can conceive it possible also that under the construction to be put upon this bill, and which could not be said to be a violent one, the man who is totally dependent upon his daily labor—that is to say, having no other thing in the world that in any way contributed to his support except the labor of his hands, and who was absolutely bereft of everything else, and whose failure to support himself was the result of disability—would be the only man who would receive the benefit. In the one case the bill would put upon the pension-roll probably 300,000 or 400,000 men. In the other case it might not put upon the pension-roll 50,000 men. No one knows how the bill is going to be construed. I will venture to say that there would be bound to be two opposite opinions upon it in every assemblage of men. I do not believe any man could nearly tell how the bill would be construed by some future Commissioner of Pensions.

I want to make the measure definite. I want to give to the man who is getting \$8 a month now on account of what is called total disability, being a disability equal to ankylosis of the wrist-joint, \$12 a month. I want to give to the man who is disabled below that an amount ratably down to \$6 a month. I prefer that because, in the first place, it can not be doubted what that means precisely. Every element in it has been a subject of construction under the present and past administrations of the Pension Office. No question of a financial condition which may be conceived, no question of a financial condition which may be exaggerated, will ever come in but the one question, and the only question will be the degree of disability, and that is to be settled, as it must necessarily be, as it is now, by a medical examination held for the purpose.

The Senator from Arkansas [Mr. BERRY] appears to be somewhat at variance with the Senator from Minnesota. He says that my amendment is in effect a service-pension bill. That only shows that the Senator did not read the amendment. It gives no pension except for disability, and unless the Senator is prepared to state that all the men who were in the Union Army are disabled, then it is in no sense a service-pension bill.

Mr. BERRY. Will the Senator permit me to interrupt him?

Mr. PLUMB. Certainly.

Mr. BERRY. I said that it does not specify the amount of disability that shall be required, and that of the men who served in the Army 95 per cent. at least can prove to-day that they are more or less incapacitated by reason of ill-health, age, and otherwise, and practically that they can all prove enough to put themselves upon the pension-roll under the Senator's amendment.

Mr. PLUMB. Very well. Then, if that be true, there is a construction under which they can go upon the pension-roll under the bill of the committee as well. I do not object to the Senator's characterization of my amendment as being practically a service pension. If it shall be shown that all these men are disabled, then all will be entitled to the benefits of the measure. But it fixes a rating of \$12 a month for disability thoroughly well understood and recognized now in the practice of the office as pensionable under the existing law at \$8 a month, and grades from that down to \$6 a month.

But, Mr. President, the reproach of the Senator from Arkansas is not enough to deter me from presenting this matter. He seemed to think that it was designed not candidly, but uncandidly, not to be exactly what it appeared to be on its surface, but something else, and a covert way of redeeming a pledge which he says somebody made on the stump. I will acquit him from having made any such pledge on the stump. He, at least, will have no occasion to take anything back.

I should like to ask the Senator from Minnesota if he is entirely certain that the language which is in the bill of the committee means total dependence upon daily labor or only partial dependence? I should like to have the committee polled and put the construction of that committee into the RECORD, in order that it may go along with the passage of the law, so that if it be passed we shall know what it means. If I could believe it was one way I might support it. If I believed it was the other way I should not support it. I want, as far as possible, precision, nobody to be cheated, and no reproach to fall upon this body, either by the general public or by the beneficiaries of the bill, that something was passed which the Senate did not understand the purport of.

Mr. FAULKNER. Mr. President, I shall only submit a few remarks in explanation of the position which I have taken upon this bill as a member of the Committee on Pensions. It fell to my lot to be assigned, as representing the minority upon that committee, as one of the subcommittee to consider several bills that were then before the committee in reference to dependent pensions. In the performance of that duty the subcommittee took into consideration all the several bills before them, and adopted as the groundwork of the bill which they concluded to report the bill introduced by the Senator from Minnesota, adding to it such amendments as are found in the bill in italics.



The basis of my action on that bill may be very briefly stated. In the first place, the pension laws of the United States are exceedingly liberal and fair. In the examination of the questions suggested by the several bills before the committee we were induced to look with favor upon the appeal made to Congress by this class of veterans. We found from our experience in that committee that hundreds of cases were coming before the Bureau of Pensions in which it was impossible to show that the disability originated in the line of duty because of some technical defect in the proof as to the origin of the disability, although the proof of disability was clear. For this reason the pension was rejected.

Having heretofore provided by law for all the cases of those who suffered from a disability by reason of injuries or disease incurred in the line of duty, the next proposition that commanded the attention of the committee was the bill making provision for those men who had sacrificed as much for their country and who had suffered as many hardships in the line of duty as those who were receiving pensions from the Treasury of the United States, but who, because of the technical question of not being able to trace the disability as having been incurred in the line of duty, were deprived of this meager support or assistance given by the Government.

Mr. President, the committee, as stated by the chairman, did not believe the time had yet arrived when a service pension would be proper, but they were of opinion that it was the duty of the Government, acting on behalf of the people of this country, to take care of those soldiers who are suffering equal disability with those who are now being pensioned, but who could not furnish satisfactory proof to the Pension Bureau in tracing the disability to an injury incurred in the line of duty. The committee, with this view, formulated this bill, with its limitations.

All such legislation is necessarily indefinite. It must rest at last on the construction given to its general terms by the Commissioner of Pensions.

The amendment offered by the Senator from Kansas is equally indefinite. The provision of the bill is:

Suffering from mental or physical disability, not the result of their own vicious habits, which incapacitates them for the performance of labor—

Instead of "manual labor," with this limitation and direction to the Commissioner in the construction of that language—

In such a degree as to render them unable to earn a support, and who are dependent upon their daily labor for support.

Mr. President, the Senator from Kansas desires to know what is the construction of each member of the committee of this particular language. I do not mean to say that when the Pension Bureau comes to construe these terms it will require an absolute and total incapacity to be shown before allowing the pension. I do not think that the language admits of that construction; but in order to pension a person under this language it will be necessary for the Commissioner of Pensions to be satisfied that the incapacity from the performance of labor is of such a degree that the person applying for a pension is not in a condition either by manual or mental labor to earn a support. If the claimant is so affected by the disability which exists that he can not earn a support "and is dependent upon his daily labor for support," under the evidence presented to the Bureau the pension attaches and the Commissioner is constrained to allow it. That is my construction of the language employed by the bill in its description of the conditions which will entitle the applicant to a pension.

The affirmative decisions of these two questions are essential before the pension can be allowed. But, Mr. President, who would have thought that any Senator upon this floor or any citizen in this country would have construed the terms used in this bill as placing the pension applicant in the position of a pauper? Sir, the right he derives under this bill is the same right he would derive under any pension law of the United States. It is derived from the implied contract that when he enlisted in the service of the Government for the purposes of its protection the Government impliedly agreed that if injured or disabled in its service he should have a reasonable recompense or compensation for the injury suffered. Not a full compensation, not a complete indemnity for the injury suffered and sacrifices made for his country, because, sir, it would be an absolute impossibility for any government to do that, but it was impliedly agreed that he should, if disabled, be given a reasonable, fair, legitimate compensation as a recompense for the disabilities which he had incurred. It is not placing him in the attitude of a pauper nor in the attitude of a person claiming a charity, as I understand the proposed law or the present pension laws of the United States. It is the execution of the implied contract upon the part of the Government, made with its citizens who enlisted for its defense, that a reasonable and fair compensation would be paid in the form of pensions to those disabled in its service.

Mr. PLUMB. Will the Senator state the degree of dependence he thinks to be necessary to enable a person to get \$12 a month under this bill?

Mr. FAULKNER. I could best illustrate that by saying that I would not suppose, for example, that the Senator from Kansas would apply.

Mr. PLUMB. I am not talking about who will apply. I am talk-

ing about the application of the word "dependent" to the men who shall apply.

Mr. FAULKNER. I presume that the language "dependent upon their daily labor for support" (the word "manual" having been struck out by the committee) would apply to any one who was engaged in either mental or physical occupation and who depended on his daily labor for his support. For example, the Rothschilds of our country, the Cresuses, who have an unbounded amount of wealth, who may have served their country and perhaps may have suffered some disability, would not come within the purview of the provisions of the bill, but any man who is dependent upon his daily labor, either mental or physical, for his support would come fairly within its provisions if his incapacity was such "as to render him unable to earn a support."

Mr. PLUMB. Can the Senator say what he thinks about the degree of dependence, if he is willing to get a little closer than the Rothschilds in this matter?

Mr. FAULKNER. I do not see that there is any degree about it. I do not see that it admits of the question of degree when it comes to that. It is that he is dependent upon his daily labor, either mental or physical, for his support. That fact being proven, the pension attaches at once, the other conditions having been shown.

In the language of the amendment of the Senator from Kansas, "which incapacitates them for the performance of manual labor," I object to the word "manual," as I did in the original bill. I see no reason why if a man is disabled the Government should not give him a pension although he is a person who earns his living with his brain instead of his hand, if he can not earn a support by reason of the disability which affects that mental capacity the same as in the case where he is earning his support by manual labor.

Mr. PLUMB. The Senator will see that the question of support in my amendment is not involved in the question of manual labor at all. That is merely a description. A person is to be incapacitated for the performance of manual labor. That is the general description of his physical condition, and in the succeeding lines it is stated exactly how that disability shall be rated. If it is equal to anchylosis of the wrist-joint, it is to be compensated for at the rate of \$12 per month, and if below that, then as a matter of course it is to have a lower rating down to \$6 per month, but it is not involved in the question as to whether that inability to do manual labor disqualifies a person from earning a support or makes him dependent in any sense.

Mr. FAULKNER. But I will ask the Senator whether his amendment does not exclude from the benefit any one who is incapacitated who does not earn his support by manual labor?

Mr. PLUMB. Not at all.

Mr. FAULKNER. Why does it not?

Mr. PLUMB. Because it does not. It provides simply as to physical incapacity, but it does not relate to what a man may be doing. He may be doing mental labor and yet be disabled physically to the equivalent of anchylosis of the wrist-joint, and no matter what he is doing he gets his pension.

Mr. FAULKNER. Suppose he is disabled by reason of mental disability, and not physical disability?

Mr. PLUMB. It is so stated.

Mr. FAULKNER. The Senator distinguishes between mental and manual, because the use of the word "manual" must have some meaning, and it can only be as drawing a distinction between mental and manual.

Mr. PLUMB. The Senator will see that in the preceding lines the word "mental" is used. If he will look at line 5, he will find the provision is that, if the person is suffering from mental or physical disability which disqualifies him to a certain extent, then he is entitled to the benefit of the proposed act.

Mr. FAULKNER. But under this amendment, I hold, the applicant would have to show, first, that he is suffering from mental or physical disability and, second, that it incapacitates him for manual labor. Now, I say that a man may be engaged in an occupation by which he earns a livelihood while he himself would not be actually engaged in manual labor.

Mr. PLUMB. If the Senator is so tenacious about the word "manual," I will consent that it be stricken out. I am glad to get together with him on that point.

Mr. FAULKNER. The committee struck it out for that reason from their bill. I did not hear the Senator's last remark.

Mr. PLUMB. I say I am very glad to get together with the Senator upon that point.

Mr. FAULKNER. The Senator from Kansas is with me on that point, and he could have been with me from the first if he had supported the bill of the committee, because the committee had that language stricken off the original bill.

Mr. PLUMB. It is not what the committee struck out, but what I inserted that I object to.

Mr. FAULKNER. Mr. President, I believe I have nothing more to refer to in the remarks of the Senator from Kansas, but I felt that it was my duty to myself and to the committee to repudiate the idea which had been thrown out by the Senator from Kansas that the bill placed any soldier who comes within the purview of its provisions in

the position of a pauper, that is, I mean, a pauper in the sense that he is receiving a charity from the United States Government, to which he has no legal or moral claim except—

Mr. PLUMB. Mr. President, the Senator can not put me in a false position in that way. It is not the character of the obligation to which I referred. I agree with him that this is the discharge of an obligation on the part of the Government to the soldier. It is the character in which the Government puts him in order that he may receive what he is entitled to that I object to. It puts him in the attitude of a suppliant and of making what a large majority of men, I fear, a great many of them, I know, will believe to be a degrading admission. I have just been in another capacity investigating a question about the propriety of the purchase of school books by a local government, and it is stated upon the documents in that case that parents who are now entitled to receive books upon making the statement that they are not able to buy them shrink from making that declaration, although they are unable to buy them, and sometimes even keep their children out of school rather than make the declaration that they are not able to buy the school books.

In this case the applicant has to declare that he is incapacitated to perform manual labor in such a degree as to render him unable to support himself, and further that he is dependent upon his daily labor for support, the very declaration which, according to the superintendent of schools of this city, hundreds of parents must make in order to receive school-books for the benefit of their children.

Mr. FAULKNER. I ask the Senator from Kansas whether any difficulty has heretofore been found in inducing persons to make application because of that sensitiveness to which he alludes under existing laws which require similar proof.

Mr. PLUMB. There is no such provision in any existing law.

Mr. FAULKNER. Not as to the soldier, but as to the dependent parents.

Mr. PLUMB. That is an entirely different question.

Mr. FAULKNER. They have no rights except such as come through the soldier, and yet there has been no sensitiveness in introducing proof of dependency both before the bureau and before the committees of Congress. I will state further, for the information of the Senator from Kansas, that in a number of bills which have been before the Committee on Pensions, of which I have been a member for three years, for relief in cases not reached by existing laws, but which are so meritorious that the appeal to the legislative discretion of Congress is entertained and the case treated as exceptional, yet the committee uniformly requires the most complete proof of the necessity for the donation from the Government, as in such cases there is no legal claim upon the Treasury.

Mr. PLUMB. That marks the whole difference in these two cases. In one case there is a contract, at any rate a fairly implied obligation, which the Government can not shirk, as it has no desire to do. The other is something which the Government gives as an endowment, practically as a gift, a recognition, of course, of the moral obligation growing out of the service of a son, but in the other case the party himself is entitled to it. We all agree to that, and yet you propose in the bill to require him to make these declarations as to his financial inability and his dependence of a character which would highly offend many who are not oversensitive.

Mr. FAULKNER. I will ask the Senator from Kansas whether he understands that the implied obligation on the part of the Government to furnish a reasonable and fair pension extends further than to the payment of a reasonable and fair pension to one who was disabled in the line of duty and in the service of his country.

Mr. PLUMB. That depends. In the first place, this bill only says in substance, and my amendment only says in substance, that we give the man the benefit of the presumption that he was disabled in the line of duty.

Mr. FAULKNER. I beg pardon; the bill does not go upon any such theory. There is no presumption about it, but the proof of disability, not the result of his own vicious habits, entitles him to a pension if the other conditions are shown.

Mr. PLUMB. But the Senator himself in his very succinct statement at the outset of his speech said he had ascertained, what we all know, that there was an abundance of cases where the party was undoubtedly disabled in the line of duty, but could not make the technical proof. The law now proposes to step in and merely give him the benefit of the presumption, and while undoubtedly in its sweeping character it will embrace some others, at the same time only a small percentage, no doubt in such a way that there will be only exceptions enough to prove the rule. This, therefore, proceeds upon the theory of obligation, and if it does not then the Senator's idea of contract entirely disappears and he might as well apply "gift" to this class of pensions as to the pensions of dependent parents.

Mr. FAULKNER. No, I never applied the term "gift" to dependent parents. I applied the term "gift" to those persons who applied for pensions and whose cases were so meritorious that for reasons satisfactory to Congress the appeal was entertained and their prayer granted, although there existed no law justifying the bureau in granting a pension. These cases being exceptions, the committees and Congress have

always required the proof of dependence as a prerequisite to favorable action.

Mr. President, the war ended twenty-five years ago. Most of the men who were in the service were men between twenty-one and forty to fifty years of age. We recognize the fact that owing to the time which has elapsed since the war they have aged and become enfeebled, not in the case of the Senator from Kansas perhaps, because he was a young man when he went into the service, but in the majority of cases; consequently disabilities which have been gradually increasing from 1866 on to this time are beginning to be seriously felt. Congress is justified in taking the position that, although the disability from which those parties are suffering can not be traced directly to the service and as having been incurred in the line of duty, the fact that the hardship they endured and the suffering incident to the service must necessarily produce their effect on the physical system gives a firm support to the assumption that that disability has resulted from that service, and under this bill we propose to give them the benefit of that presumption and allow them a reasonable pension upon making proof that they "are dependent upon their daily labor for support."

Then the bill meets another very urgent demand that has been made here, and which appeals strongly to every citizen of the United States: that men who have sacrificed their health in the service of their country should remain no longer in the poor-houses of our counties. There are twenty-odd thousand of those men, and their appeal for relief touches a responsive chord in the heart of every patriotic American citizen to relieve them from the conditions and disabilities which attach to their receiving assistance from their respective counties, and a just public sentiment demands that they be furnished an amount that will enable them to leave such houses and by economy live comfortably the balance of their lives.

For these reasons, Mr. President, I have concurred in the provisions of this bill. I am frank to say that I do it with pleasure, and I do not hesitate to indorse it as framed by this committee. One or two provisions other than those I have alluded to were a little broader than I should have cared to formulate, because I did not think the obligation on the part of the Government was as great in those cases as it is under the second section to those affected by it, but in all other respects I approve of the bill.

Mr. McPHERSON. I desire to offer an amendment to the bill in the nature of a substitute for the second section, which I should like to have printed. Assuming, as I do, that no final action will be reached by the Senate this evening upon the bill, I should like to have the amendment printed in order that it may be considered in due time.

Mr. DAVIS. What is the amendment?

Mr. McPHERSON. I will state for the information of the Senate the theory upon which my amendment proceeds.

Mr. CULLOM. Let it be read.

Mr. McPHERSON. Very well, let the amendment be read.

The PRESIDING OFFICER. The Secretary will read the amendment proposed by the Senator from New Jersey.

The SECRETARY. It is proposed to substitute for the second section of the bill:

That all persons who served three months or more in the military or naval service of the United States during the late war of the rebellion and who have been honorably discharged therefrom, and who are now or may hereafter be suffering from mental or physical disability, not the result of their own vicious habits, which incapacitates them from the performance of labor in such a degree as to render them unable to earn a support, and who are dependent upon their daily labor for support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States and be entitled to receive \$12 per month if such disability be total; that is, equivalent to anchylosis of the wrist joint; and said pension is hereby made divisible upon that basis for any less degree of disability than total, in which case such disability shall be pensioned at a relative proportion of \$12 per month, except that no rating shall be less than \$6 per month.

Mr. McPHERSON. Mr. President, I have expressed a desire since this debate began to have some bill prepared and submitted to the Senate for which I could vote. I have repeatedly heard the question asked of the honorable Senator who has charge of the bill before the Senate as to his own interpretation respecting the amount of disability which would be necessary in order to enable an applicant for a pension to receive \$12 per month under this bill. I have noticed in all cases when these questions were asked him that he has refrained from giving his opinion; he has been entirely speechless. I have further noticed, however, that no less than four members of the Committee on Pensions have expressed their opinion that it made no difference whatever as to the measure of disability with which the applicant was affected, he would be entitled to receive under this bill \$12 per month. Now, sir, I object to that.

Mr. FAULKNER. The Senator did not understand that my answer was to that effect?

Mr. McPHERSON. I did not hear the first of the Senator's remark, but I do remember that as he closed his remarks he gave his express sanction to the bill reported by the committee. Am I correct?

Mr. FAULKNER. Yes.

Mr. McPHERSON. Very well. Now, take the case of a person who has borne the burdens and heat of the day, who has been in the midst of the conflict, who has suffered disability by wounds or by sickness,



and who is to-day totally disabled, who has stood before the door of the Pension Office for the past fifteen or twenty years asking for relief. Under the law the Pension Department has been unable to give him the relief because he was not able to make the necessary proofs by which under the law the Secretary of the Interior or the Commissioner of Pensions could grant him relief. I am informed that there are 200,000 of those cases now upon the list, not upon the pension-rolls, but upon the list begging for pensions. Of that number hundreds and thousands are totally disabled. I am not willing that a man who has dodged under a band-wagon during the fight, who has skulked away, who has been a deserter, if you please, shall come in to-day because of his disability from any cause, whatever it may be, and get the same pension that is to be given to the men whom I have described. It is very difficult to distinguish whether the disability that afflicts a man to-day is not resulting more or less from his own vicious habits, and I take it that the Commissioner of Pensions would hardly take the trouble to ascertain whether the applicant met the full requirements of this bill or not, but would grant him a pension.

Mr. FAULKNER. I ask the Senator from New Jersey to yield to me a moment.

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from West Virginia?

Mr. McPHERSON. I yield.

Mr. FAULKNER. I do not understand the Senator when he says that under this bill a deserter would be pensioned. If a deserter is an honorably discharged soldier, then I could understand him, but that has not been my understanding of an honorably discharged soldier.

Mr. McPHERSON. There have been plenty of soldiers who have been restored, who have been given a discharge since the war, who were not honorably discharged at the close of it. Then I will withdraw the word "deserter." There were plenty of soldiers who skulked in the war and did not perform their duty. That is known to everybody. I do not suppose that it is at all any new subject.

Mr. FAULKNER. I ask the Senator to yield to me again.

Mr. McPHERSON. Certainly.

Mr. FAULKNER. Even admitting those cases in which the person has been restored by reason of a special act of Congress or by the general law which gave the Secretary of War that authority, was it not for good and satisfactory reasons that the technical charge of desertion made against those men was removed?

Mr. McPHERSON. I do not refer to what took place subsequently at all. Everybody knows that those who went into the conflict suffered, as a matter of course, far more than those who kept out of it. Take a man who is totally disabled under the construction of the law as to-day construed by the Pension Bureau. The amendment of the Senator from Kansas fixes the limit of total disability at anchylosis of the wrist-joint. Very well; we will call that total disability. Now, my amendment proceeds to give that man a pension of \$12 per month, and as to all disability less than total disability it grades him down to \$6 a month. If, under the committee's bill, a soldier who has performed any service whatever is perceptibly injured to such an extent that he can not earn a full support, he is entitled to \$12 a month.

I want to ask the Senator from West Virginia and the chairman of the committee, who has charge of this bill, if there is any justice or equity in pensioning one soldier who is only perceptibly injured at \$12 per month while you give to the man who is totally disabled but \$12 per month? There is a distinction drawn between the two men, and you call it a dependent-pension bill. You make no measure of dependence in the bill whatever. A man who is able to earn four-fifths of a support, to state it in that way, is to get from the Government under this bill exactly as much as the man who is totally disabled and who can earn nothing. Is that the principle upon which you propose to base pension legislation and call it fair?

Mr. FAULKNER. It is not the principle upon which we propose to base pension legislation generally. The Senator from New Jersey can see from this bill that the person is not rated according to his disability. That is, a total disability under the general laws is much greater and larger in its monthly payments than \$12 a month. If a person totally disabled could, under some of the general laws, show that he was injured or incurred the disease in the line of duty he would be receiving \$75 a month, but in this case he would only receive \$12 a month. It was because it was a case in which the Government had let up upon the severe rules of evidence required in the other law that it could put them all upon the same plane of \$12 a month.

Mr. McPHERSON. Very well, Mr. President. Now I understand the Senator's position exactly. The Pension Department can pension nobody who can not make the necessary proof under the law, and therefore, as I say, 200,000 applicants have been prevented from getting any pension at all. Then why does not the Congress of the United States constitute itself into a court of equity, as it has the power to do? Let us take up these individual cases and grant pensions in proportion to the measure of disability upon the proof that the applicant is able to give. If the applicant fails to make it appear to the Pension Department that he is entitled to a pension, let him appear with such proofs as he can make before the Pension Committee, and let him get good and full justice in his case. There would be no merit in the bill, I

submit to the Senator from West Virginia, if there were not some pensioners for the same amount of disability receiving more than \$12 per month; but certainly you have no right to strike a balance as between justice and injustice and fix the rate of one man at \$12 per month while another, who is not entitled, either by law or equity, to the bounty of this Government at all is to receive the same sum.

My amendment proposes to grade the disability between \$12 a month and \$6 a month in proportion to the limit of disability. I retain all the features of the committee's bill, all the phraseology. All the proofs that the committee require, I require in my amendment. I fix a limit, which is total disability, as required by the Pension Department to-day, fixing the maximum limit at \$12 a month. Then I grade it from \$12 a month down to \$6, and I say there is a sufficient limit by which justice and equity can be done to each and every individual applicant for a pension. I am not willing that there should be any such invidious work done by Congress with respect to pensions. A whole mass of people have applied for years, as I said before, who have stood at the door of the Pension Department unable to make the necessary proofs that the department and the law required; but they were able, thousands of them, to come here before this body and the body at the other end of this Capitol and convince Congress that there was proof enough and testimony enough to entitle them to pensions, and they have been placed upon the pension-roll by order of Congress.

I want to know if there is any justice or fairness on the part of the committee in regard to a man who has fought through the war, who has suffered wounds and sickness and distress. Is that man to stand upon the pension-rolls of this country upon the same level exactly with the man who, perhaps only a part of the time, you may say for only three months, was in the Army? Hundreds and thousands and tens of thousands of three-months men who went out never saw an engagement. But after twenty-five years have elapsed, and with all that may arise incident to the destruction of health and strength and power to earn a support, they come here and under the committee's bill they are to receive just as much pension as the man who could not get it from the Department who suffered for four long years in the war. I should think that the soldier himself would feel that the Congress of the United States had treated him very badly. I do not believe that there is a soldier in this country disabled either to a greater or lesser degree who would not say to-day that that is a most unjust and unprincipled way of dealing with this great subject.

Therefore, Mr. President, I have offered my amendment, which I should like to have printed.

The PRESIDING OFFICER. Does the Chair understand the Senator from New Jersey to formally offer the amendment now?

Mr. McPHERSON. I offer it as a substitute for the second section of the bill, only upon the idea that the committee would not expect the vote to be taken to-night upon the bill and that it might be printed and go over.

The PRESIDING OFFICER. There is an amendment already pending to section 2, and the Chair supposes the Senator from New Jersey offers his as an amendment to the substitute.

Mr. McPHERSON. Yes, sir; I do. The Chair, I suppose, is referring to the substitute of the Senator from Kansas.

The PRESIDING OFFICER. Yes, the substitute of the Senator from Kansas.

Mr. McPHERSON. Then I offer mine as a substitute for the amendment of the Senator from Kansas.

Mr. MOODY. Mr. President, I shall occupy the attention of the Senate but a few moments. I understand that the chairman of the committee who has charge of the bill is desirous of having the question upon the amendment offered by the Senator from Kansas [Mr. PLUMB] disposed of before we adjourn, but I trust that I shall be permitted to say that I am unwilling to be put in the attitude, or that the Pension Committee shall be put in the attitude, of differing with the Senator from Kansas upon the substantial purpose which we all have in view.

There are, generally speaking, three great classes into which the ex-soldiers are divided, so far as pensions are concerned. First, those who incurred disability during their service or by reason of the service. Second, those who are unable to support themselves through some disability acquired since the service or in the service which can not be established as having been incurred. Third, the great mass of the soldiers who are neither needy nor have suffered any disability. The first class have been pensioned. The present laws provide for the pensioning of those who incurred disability in the service without regard to their necessities, without regard to their condition in life, and without regard to their estate. Nobody can question the propriety of that. People will not differ with reference to such a policy. The next class, those who are suffering from disability, and also are necessities, are the ones who are attempted to be provided for in this bill. They are not necessities to the extent of being subject to be branded offensively as paupers, by any manner of means, but they are those who, through the vicissitudes of life, through the age which is creeping upon them, or through other means, have become unable to support themselves by the labor upon which they are dependent for support. The third class, the great mass of legislators and people of this country I apprehend

are not ready to pension. That would involve simply a service pension. Some of us are willing to go to the extent of granting at once a service pension covering every case. I have declared heretofore in the discussion upon this bill that I am willing to go to that extent.

I believe that the resources of this country will be found to sustain such a provision; but I am willing to yield my judgment, to yield my action, to those who have had these long and distinguished years of experience in the Congress of the nation. I am willing to accept the views of those men who believe that such a measure will not meet with universal public commendation.

Then the next proposition, if that can not be adopted as the policy, is to pension the second class. The committee has undertaken to do it in this bill. I believe, and the committee believe, that it would meet with universal commendation; that it would meet with the approval of the country if those soldiers who are dependent upon their labor and who can not perform that labor should receive at least the sum fixed by the committee as an aid and assistance to them, as a partial compensation to them for the services which they have rendered.

Now, the distinguished Senator from Kansas interposes this amendment, one that the committee has had under careful consideration, and it seems to me the only essential differences between his amendment and the section proposed by the committee are simply these:

First. He, like the committee, proposes a measure of disability, but he proposes to have the relative disability determined by the Bureau of Pensions. The committee came to the conclusion, as has been so well stated by the chairman, that, in view of the fact that this same clause, or a very similar one, has been the very, perhaps the greatest vexation in the administration of the pension laws, that rule should be abrogated, and not adopted in this bill; that there should be no determination of the relative degree of disability, but, that, if the disability existed, no matter to what degree, so that it incapacitated a man from earning his own support, the soldier should be rated at the sum in the bill provided for as the minimum and the maximum, to wit, \$12 per month.

Mr. PLUMB. The Senator will please not forget that there is another condition that he must not overlook, and that is, that not only disability but dependence must be shown.

Mr. MOODY. I was about to speak of the second point of difference. The first point I have spoken of. The question of disability is left alike in the Senator's amendment and in the bill of the committee. Disability is requisite in both, and any degree of disability in the committee's bill, no matter what it may be, entitles the pensioner to \$12 a month, of course coupled with the other condition, and the Senator's amendment undertakes to determine the scale of disability. He scales the soldier down to \$6 a month. The committee thought that not wise.

The second point of difference is this: The Senator's amendment undertakes to give to the soldier, without regard to his necessities, this pension. That was the subject of careful consideration by the committee, and the committee unanimously concluded that at this stage in pension legislation in Congress it was not wise, at least upon a bill of this character, to go to the extent of pensioning every man who had been a soldier and who was suffering from disability, no matter what might be his condition in life, his income from other sources, or his estate.

Senators may conclude that under this amendment of the Senator from Kansas wealthy men will not apply. That has not been the rule under former pension legislation. The exceptions are very rare under other legislation where ex-soldiers have refused a pension, no matter what might be their estate, if the law entitled them to it. What has been the rule heretofore we may presume will be the rule hereafter. If the Senator is ready to go to the extent of pensioning an ex-soldier, no matter what may be his estate, no matter what may be his income, no matter what may be his condition in life, who did not receive his disabilities in the service or by reason of it, then let him so declare. If the Senate is prepared to go to that extent, I agree with other Senators who have spoken on the subject, the manly way to do is to sweep away all question of proof, except the fact of service and honorable discharge, and give to each and every one a service pension.

No, Mr. President, the idea of the committee, as I have said before, was to first reach those who are in such circumstances as that they needed this compensation from the Government. It is not a gift; it is not a bounty even; it is but a partial compensation for the services they have rendered. Let us adhere to that proposition so far as this bill is concerned or let us sweep it aside and go to the full extent that I have indicated, and declare that the obligation of the Government is not discharged until every man who has served three months or more and been honorably discharged shall receive this partial compensation.

Mr. President, I want to say that there is a justification by the bravest and best of the ex-soldiers of the Union Army for those who are opposed to the passage of a service-pension bill at this time. In my own State the commander-in-chief of the soldiers' organization has recently addressed an assemblage of the Grand Army and he advises them in that speech, and he has in speeches made in other States of the Union, that it is not wise for the soldier element now to ask the passage of a service-pension bill, but he commends the bill which is before the Senate to them and to the country and advises them that it

is the proper legislation that ought to be effected by Congress at this time.

Mr. President, I beg the pardon of the Chair and of the Senate for occupying the time of the Senate at this late hour in the day as long as I have. I hope we shall get a vote on the amendment.

Mr. McPHERSON (at 5 o'clock and 20 minutes p. m.). Mr. President, I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from New Jersey moves that the Senate do now adjourn.

The motion was not agreed to.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Jersey.

Mr. INGALLS. The Senator from New Jersey?

The PRESIDING OFFICER. Yes; the Senator from New Jersey [Mr. McPHERSON] offered an amendment as a substitute for the amendment offered by the Senator from Kansas [Mr. PLUMB].

Mr. McPHERSON. I should like to have the amendment again reported, in order that the Senate may thoroughly understand it.

The PRESIDING OFFICER. The amendment will be again reported. The Chief Clerk read the amendment of Mr. McPHERSON, as follows:

That all persons who served three months or more in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom, and who are now or may hereafter be suffering from mental or physical disability, not the result of their own vicious habits, which incapacitates them from the performance of labor in such a degree as to render them unable to earn a support, and who are dependent upon their daily labor for support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive \$12 per month, if such disability be total, that is, equivalent to anchylosis of the wrist-joint; and said pension is hereby made divisible upon that basis for any less degree of disability than total, in which case such disability shall be pensioned at a relative proportion of \$12 per month, except that no rating shall be less than \$6 per month.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was rejected.

Mr. PLUMB. Is it in order to move to amend section 2?

The PRESIDING OFFICER. The committee amendments have not yet been acted upon in section 3 and the following sections.

Mr. PLUMB. I want to strike out some of the propositions inserted by the committee, together with some portions of the original text of the bill.

Mr. PLATT. Why not go through with the committee amendments to the bill first?

Mr. PLUMB. All right.

The PRESIDING OFFICER. The committee amendments have been agreed to up to section 3. The next amendment will be stated.

The next amendment of the Committee on Pensions was, in section 3, line 1, after the word "any," to strike out the words "invalid pensioner" and insert "officer or enlisted man who served three months or more in the Army or Navy of the United States during the late war of the rebellion, and who was honorably discharged;" in line 7, after the word "father," to insert the words "as such dependency is defined under section 1 of this act;" in line 10, after the word "established," to insert the words "for them;" in line 11, before the word "without," to strike out the words "for widows, minor children, and parents;" in line 12, after the word "such," to strike out the word "pension" and insert the words "officer or enlisted man: *Provided*, That the cause of death of such officer or enlisted man was not or is not due to a violation of the civil or military laws, or the result of vicious habits, and;" in line 17, after the word "this," to strike out the words "or any other general law" and to insert the word "act;" and in line 19, after the word "widows," to strike out the word "respectively;" so as to make the section read:

SEC. 3. That if any officer or enlisted man who served three months or more in the Army or Navy of the United States during the late war of the rebellion, and who was honorably discharged, has died, or shall hereafter die, leaving a widow, minor child or children under eighteen years of age, or, in case there be no widow or minor child or children, a dependent mother or father, as such dependency is defined under section 1 of this act, such widow, minor child or children, or mother, or father, shall be placed upon the pension-roll at the rates established for them by law, without regard to the cause of death of such officer or enlisted man: *Provided*, That the cause of death of such officer or enlisted man was not or is not due to a violation of the civil or military laws, or the result of vicious habits, and that said widow was married to the deceased pensioner prior to the passage of this act. All pensions granted to widows under this act shall take effect from the date of the death of the husbands of such widows, but dating back of the passage of this act.

The amendments were agreed to.

The next amendment was, on page 4, after line 20, before the word "That," to insert the words "Sec. 4;" after the word "That" to insert "from the date of the passage of this act;" and in line 3, before the word "dollars," to strike out the word "five" and insert "four;" so as to make the section read:

SEC. 4. That from the date of the passage of this act the increase of pensions for minor children shall be at the rate of \$4 per month instead of \$2 per month as now provided by law, and in case a minor child is insane, idiotic, or otherwise helpless, the pension shall continue during the life of said child, or during the period of such disability.

The amendments were agreed to.



The next amendment was to strike out sections 4, 5, and 6, as follows:

Sec. 4. That any agent, attorney, or other person instrumental in prosecuting any claim under section 2 or 3 of this act who shall, directly or indirectly, contract for, demand, receive, or retain, for his services or instrumentality in presenting and prosecuting such claim, a sum greater than \$10 (payable only upon the order of the Commissioner of Pensions, by the pension agent making payment of the pension allowed), or who shall wrongfully withhold from a pensioner or claimant the whole or any part of the pension or claim allowed and due such pensioner or claimant, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for every such offense, be fined not exceeding \$500 or imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

Sec. 5. That section 4716 of the Revised Statutes is hereby modified so that the same shall not apply to this act: *Provided*, That this act shall not apply to those persons under political disabilities. And no person shall be pensioned under this act for any disability incurred while engaged in any military or naval service against the United States.

Sec. 6. That all laws and parts of laws which conflict with the provisions of this act be, and the same are hereby, repealed.

And to insert in lieu thereof:

Sec. 5. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than \$10, which sum shall be payable only upon the order of the Commissioner of Pensions, by the pension agent making payment of the pension allowed, and any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding \$500, or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

The amendment was agreed to.

Mr. PLUMB. I move to add what I send to the Secretary's desk as section 6.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to add as a new section:

That section 2 of the act of March 3, 1879, chapter 187, entitled "An act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes," be, and the same hereby is, amended so as to read as follows:

"Sec. 2. That all pensions which have been or which may hereafter be granted in consequence of death occurring from a cause which originated in the service since the 4th of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, if the disability occurred prior to discharge, and if such disability occurred after the discharge, then from the date of actual disability, or from the termination of the right of the party having prior title to such pension; and in the consideration of any and all claims for pensions in consequence of death from, or disability resulting from, disease contracted in the service during the late civil war the person on whose account the said pension is claimed shall be conclusively presumed to have been sound and free from disease at the date of entering the service.

Mr. DAVIS. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 28, 1890, at 12 o'clock m.

## SENATE.

FRIDAY, March 28, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

### VISITORS TO NAVAL ACADEMY.

The VICE-PRESIDENT. The Chair, under authority of existing law, appoints the Senator from Maine [Mr. HALE] and the Senator from Kentucky [Mr. BLACKBURN] as members of the Board of Visitors to attend the annual examination at the Naval Academy.

### EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in further response to the resolution of March 3, 1890, additional information in regard to the added membership of the Sac and Fox Indians, and requesting that when the Senate has concluded its inquiry into the subject it will return the papers transmitted; which was read, and ordered to be printed, and, with the accompanying papers, referred to the Committee on Indian Affairs.

The VICE-PRESIDENT. In accordance with the request of the Secretary, the accompanying papers referred to will be returned to the Department of the Interior after examination by the Committee on Indian Affairs.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of 94 educators of the country, praying for the passage of the international copyright bill; which was ordered to lie on the table.

Mr. INGALLS presented a petition of citizens of Topeka, Kans., members of the Bricklayers and Masons' International Union, praying for an amendment of the laws so that none but citizens of the United States shall be employed upon Government works; which was referred to the Committee on Education and Labor.

He also presented two petitions of citizens of Washington, D. C.,

praying for the opening and paving of Fifteenth street east; which were referred to the Committee on Appropriations.

He also presented petitions of Bob McCook Post, No. 31, and Live Eagle Post, No. 197, Department of Nebraska, Grand Army of the Republic, praying for the passage of Senate bill No. 496, to remove the limitation in the payment of arrears of pensions; which were referred to the Committee on Pensions.

He also presented a petition of 20 citizens of Valeda, Kans., praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. BERRY. I present a resolution adopted by the General Assembly of the State of Arkansas, in favor of an appropriation for a harbor on the northwest coast of the Gulf of Mexico, which I ask to have read, and move, as the bill on that subject has been reported, that it lie on the table.

The resolution was read, and ordered to lie on the table; as follows:

Whereas it is of vital importance to all that vast region of our country lying west of the Mississippi River and the commercial and naval advantages of our country generally demand a permanent deep-water port on the northwest coast of the Gulf of Mexico: Therefore,

*Be it resolved by the house of representatives (the senate concurring),* That our Senators and our Representatives in Congress be most earnestly requested to use their best efforts to procure, as early as possible, a permanent available appropriation of the amount necessary to secure a deep-water port on the northwest coast of the Gulf of Mexico, capable of admitting the largest vessels, and at which the best and most accessible harbor can be secured and maintained, and to do all else necessary to accomplish the desired end.

OFFICE OF SECRETARY OF STATE, Little Rock, Ark.

I, B. B. Chism, secretary of state of Arkansas, do hereby certify that the annexed pages contain a true, complete, and full copy of house concurrent resolution of the General Assembly of the State of Arkansas, approved January 23, 1889, as appears by comparing the same with the original roll of said concurrent resolution now on file in this office.

In testimony whereof I have hereunto set my hand and affixed my official seal, at Little Rock, this 21st day of March, A. D. 1890.

B. B. CHISM, Secretary of State,  
H. B. ARMISTEAD, Deputy.

Mr. FAULKNER presented resolutions of the Capital City Assembly, 6194, Knights of Labor, of Charleston, W. Va., signed by William A. Gilleland, master-workman, and Sim Iron, recording secretary, in favor of the establishment of a system of postal telegraph; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions of the Pickaway Farmers' Alliance, of Monroe County, West Virginia, signed by L. A. Houston, secretary, in favor of the "subtreasury plan;" which were referred to the Committee on Finance.

Mr. VOORHEES presented memorials of the Monthly Meetings of Friends of Wayne and Grant Counties, in the State of Indiana, remonstrating against the expenditure of large sums of money for an increase of the Navy and coast defenses; which were referred to the Committee on Naval Affairs.

Mr. CAMERON presented a resolution adopted by the Philadelphia (Pa.) Board of Trade, favoring the passage of a bill granting a pension to Mrs. Caroline Huddell White, widow of the late Commodore George B. White, United States Navy, of \$50 per month; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Reading, Pa., praying for the passage of a bill prohibiting Sunday work; which was referred to the Committee on Education and Labor.

He also presented a memorial of citizens of Pittsburgh, Pa., remonstrating against the passage of any bill regarding the observance of the Sabbath or Lord's Day; which was referred to the Committee on Education and Labor.

He also presented a petition of 34 voters of Philadelphia, Pa., praying for the free coinage of silver; which was referred to the Committee on Finance.

He also presented petitions of subordinate lodges of the Bricklayers and Masons' International Union, of Uniontown, Beaver Falls, Connellsville, Pittsburgh, Franklin, Lancaster, Washington, Butler, Greenville, Altoona, and Williamsport, in the State of Pennsylvania, praying that only citizens of the United States be employed on public works; which were referred to the Committee on Education and Labor.

Mr. ALLEN. I present a petition and resolutions unanimously adopted at the regular meeting of Stevens' Post, No. 1, Department of Washington, Grand Army of the Republic, of Seattle, Wash., setting forth that the soldiers and sailors of the war for the preservation of the Union should receive the substantial and merited recognition of the Government in being granted service pension, and praying the Senators and Representatives in Congress from the State of Washington to advocate a bill giving to every soldier, sailor, and marine who served in the Army or Navy of the United States between April, 1861, and July, 1865, a period of sixty days or more, a service pension of \$8 per month, and to all who served a period exceeding eight hundred days an additional amount of one cent per month for each day's such additional service; also favoring the passage of a bill placing the widows of Union soldiers and marines on the pension-rolls without regard to the time of service or the cause of soldier's death.

I move that the petition and resolutions be referred to the Committee on Pensions.

The motion was agreed to.

Mr. McMILLAN presented a petition of the Bricklayers and Masons' International Union No. 1, of Grand Rapids, Mich., praying for an amendment of the laws so as to provide for the employment of none but citizens of the United States on Government buildings, etc.; which was referred to the Committee on Education and Labor.

Mr. MANDERSON presented a petition of the board of supervisors of Platte County, Nebraska, in favor of a deep-water harbor at Galveston, Tex.; which was ordered to lie on the table.

Mr. BUTLER. I present memorials of C. Fitzsimmons, manager of the Southern Cotton Oil Company; Hon. Johnson Hagood, chairman of the State board of agriculture of South Carolina; Hon. A. P. Butler, commissioner of agriculture of South Carolina; Hon. E. T. Stackhouse, president of the South Carolina State Farmers' Alliance; Hon. E. R. McIver, president of the South Carolina Agricultural and Mechanical Society, and resolutions of the Atlanta Chamber of Commerce, remonstrating against the passage of what is known as the compound-lard bill.

I also present memorials from John Ferguson, a prominent and leading business man of Greenville, S. C.; Frank Hammond, president of the People's Bank and a prominent business man of Greenville, S. C., and Finlay Brothers, of Greenville, S. C., on the same subject.

I move the reference of these memorials to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. BUTLER presented a memorial of the American Meter Company and various other corporations and companies, indorsed by Seth Phelps and Thomas Smith, of Kingstree, S. C., remonstrating against an increase of duty on tin-plate; which was referred to the Committee on Finance.

Mr. BATE presented a petition of the Bricklayers and Masons' International Union of America, of Memphis, Tenn., praying for such an amendment of the laws that none but citizens of the United States shall be employed on public works; which was referred to the Committee on Education and Labor.

Mr. STOCKBRIDGE presented a petition of the Bricklayers and Masons' International Union of America, of Grand Rapids, Mich., praying for such an amendment of the laws that only American citizens shall be employed on public works; which was referred to the Committee on Education and Labor.

Mr. DANIEL presented a petition of 38 citizens of York County, Virginia, and a petition of 11 citizens of Loudoun County, Virginia, praying for the free coinage of silver; which were referred to the Committee on Finance.

He also presented a petition of the Bricklayers and Masons' International Union of America, of Richmond, Va., signed by Master Duke, president, B. L. Ragland, secretary, praying that none but citizens of the United States be allowed to labor on Government works; which was referred to the Committee on Education and Labor.

Mr. VEST presented a petition of the Bricklayers and Masons' International Union, of Kansas City, Mo., praying for legislation giving a preference to native-born mechanics and contractors in building Government structures and on public works; which was referred to the Committee on Education and Labor.

He also presented a petition of 96 citizens of Harrison County, Missouri, praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. SQUIRE. I present a petition of the Legislature of the State of Washington, praying for defensive works on Puget Sound, which I ask may be referred to the Committee on Commerce and printed in the RECORD.

Mr. DOLPH. I call the attention of the Senator from Washington to the fact that the Committee on Commerce has not jurisdiction of the subject named in the petition, which refers to coast defenses, and should be referred to the committee on that subject.

Mr. SQUIRE. Very well; I move that the petition be referred to the Committee on Coast Defenses and printed in the RECORD.

The petition was referred to the Committee on Coast Defenses and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF WASHINGTON,  
Office of the Secretary of State.

I, Allen Weir, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the attached instrument of writing, i. e., senate joint memorial No. 20, praying for defensive works on Puget Sound, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, at Olympia, this 17th day of February, A. D. 1890.

[SEAL.] ALLEN WEIR, Secretary of State.

[Senate joint memorial No. 20, praying the Congress of the United States for the erection and armament of defensive works on Puget Sound.]

To the honorable Senate and House of Representatives of the United States: We, your memorialist, the Legislature of the State of Washington, would respectfully represent:

That since the Government of the United States secured possession of the territory of which a portion is now the State of Washington, including the shores of Puget Sound and the southern shore of the Strait of Fuca, no steps whatever have been taken by the United States to defend these shores from a hostile fleet in case of war, and that there is not now, nor has there been at any time, a sin-

gle defensive work nor a single gun in position for such defense. The shores of Puget Sound are now the sites of large and growing cities and the terminal points of great transcontinental and coast railroads. The tonnage of foreign and domestic vessels engaged in transportation to and from these points is great and growing. The presence of great supplies of timber, coal, and iron ore has led to a rapid increase of population, industry, and wealth. A site for a navy-yard has been selected, and the resources of the country are such as to invite the establishment of furnaces and foundries capable of producing the material for defensive works and their armament.

And we would further respectfully represent that there is at Esquimalt, in British Columbia, within eight hours' steaming of the head of navigation on Puget Sound, a strong naval station of the United Kingdom of Great Britain and Ireland, at which there is maintained a fleet of war vessels which, in the event of hostilities occurring with that power during the present defenseless condition of this State, could paralyze the industries of this region, cut off our communications by sea, and lay under contribution the cities of Puget Sound. The Government of Great Britain has taken steps to defend its naval station by formidable works in its vicinity, and we respectfully and earnestly urge upon your consideration the necessity of adequate and speedy provision for the defenses of Puget Sound.

And we further respectfully invite your attention to the statements in relation to our necessities contained in the annual report for the year 1889 of Brig. Gen. Nelson A. Miles, United States Army, commanding the Division of the Pacific, and to the recommendations therein contained, in which we concur.

And your memorialist will ever pray.

Passed the senate January 16, 1890.

CHAS. E. LAUGHTON,  
President of the Senate.

J. W. FEIGHAN,  
Speaker of the House.

Passed the house January 31, 1890.

#### REPORTS OF COMMITTEES.

Mr. JONES, of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (S. 1904) to provide for railroad crossings in the Indian Territory, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2675) to authorize the Kansas and Arkansas Valley Railway to construct and operate additional lines of railway through the Indian Territory, and for other purposes, reported it with amendments.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3116) to punish the carrying or selling of deadly or dangerous weapons within the District of Columbia, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 2688) providing for the erection of a building for the Central Dispensary and Emergency Hospital in the city of Washington, asked to be discharged from its further consideration and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 2590) to incorporate the Cable Railway Company, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2601) to change the route of the Rock Creek Railway Company, and for other purposes, reported it with an amendment.

Mr. WALTHALL, from the Committee on Military Affairs, submitted reports to accompany the following bills heretofore reported by him:

A bill (H. R. 389) to construct a road to the national cemetery at Port Hudson, La.; and

A bill (S. 3050) to provide for the purchase of a site for a military post near Eagle Pass, Tex., and for the construction of suitable buildings thereon.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 3043) to amend and further extend the benefits of the act approved February 8, 1887, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes," reported it with amendments.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 678) to provide for a building for the use of the post-office, the office of the superintendent of the Hot Springs reservation, a room for a free reading-room and library, and other civil offices in the city of Hot Springs, Ark., reported it with an amendment.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 943) making an appropriation for the establishment of a military post in the interior of Alaska, and for the exploration and survey of the valley of the Yukon River, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2553) to remove the charge of desertion and of having enlisted in the Confederate service from the records of the War Department standing against John McFarland, and to grant him an honorable discharge, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2532) for the relief of William H. Atkins, formerly commissary-sergeant, United States Army, reported it without amendment, and submitted a report thereon.

HENRY ZELL.

Mr. WALTHALL. I move that the bill (S. 2095) to place Henry Zell on the retired-list of the Army be recommitted to the Committee on Military Affairs.

The motion was agreed to.



## BILLS INTRODUCED.

Mr. FRYE (by request) introduced a bill (S. 3293) to amend the act entitled "An act to prevent the importation of adulterated and spurious teas," approved March 2, 1883; which was read twice by its title, and referred to the Committee on Finance.

He also (by request) introduced a bill (S. 3294) to regulate the importation of teas; which was read twice by its title, and referred to the Committee on Finance.

Mr. CAMERON introduced a bill (S. 3295) for the relief of J. W. Dillman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3296) granting a pension to Margaret Mayer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3297) for the erection of a public building at York, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3298) to increase the limit of cost for the public building at Lancaster, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CALL introduced a bill (S. 3299) to provide for the payment of the legal representatives of Alfred A. Fisher, deceased, for the rent of certain property in Tallahassee, Fla., for the use of the Army; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3300) to provide an American register for the wrecking and towing steamer Scythian, of Pensacola, Fla.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VOORHEES introduced a bill (S. 3301) granting a pension to Allison Rudasill; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 3302) for the relief of Charles W. Geddes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3303) for the erection of a public building at Jacksonville, Ill.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SHERMAN (by request) introduced a bill (S. 3304) relating to water-main taxes in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TELLER introduced a bill (S. 3305) granting a pension to Mrs. Margarethe Luthé; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLEN introduced a bill (S. 3306) for the purchase of a site for a naval station and dry-dock in the State of Washington; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3307) granting certain land to the State of Washington, in trust, for cemetery purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FAULKNER (by request) introduced a bill (S. 3308) to regulate the pay of chief clerks of bureaus of the Navy Department; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3309) for the preservation of the public peace and the protection of property within the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MORGAN introduced a bill (S. 3310) to define and punish unlawful interference with commerce among the States, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DANIEL introduced a bill (S. 3311) to require that American citizens be given preference in employment upon public works and in the execution of contracts for work; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. MITCHELL introduced a bill (S. 3312) for the relief of Sol King, administrator of the estate of Isaac Warwick, deceased, of Corvallis, Oregon; which was read twice by its title, and, with the accompanying papers, referred to the Select Committee on Indian Depredations.

Mr. CAMERON introduced a bill (S. 3313) granting a pension to D. B. Bross; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STOCKBRIDGE introduced a joint resolution (S. R. 68) directing the Secretary of the Interior to report to Congress all proceedings by his Department in pursuance of the treaty with the Pottawatomie Indians ratified April 26, 1866, as modified by subsequent treaties; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

## AMENDMENTS TO BILLS.

Mr. CAMERON submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DANIEL submitted an amendment intended to be proposed by him to the bill (H. R. 8393) to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Co-

lumbus by holding an international exhibition of arts, industries, manufactures, and the product of the soil, mine, and sea in the city of Chicago, in the State of Illinois; which was referred to the Select Committee on the Quadro-Centennial, and ordered to be printed.

## IMPROVEMENT OF GRAND RIVER.

Mr. McMILLAN submitted the following resolution; which was read:

Whereas the citizens of Grand Rapids, Mich., have caused a survey to be made of Grand River, between Grand Rapids and Grand Haven on Lake Michigan, at their expense and under the direction of the Board of Trade of said city; Therefore,

*Resolved*, That the Secretary of War be, and he is hereby, authorized to cause an examination to be made of this survey, and be directed to report both as to the practicability of improving Grand River and an estimate of the cost thereof for a channel with sufficient depth to accommodate the commerce of the lakes.

Mr. EDMUNDS. That will not do, Mr. President, because neither one of the Houses can go into an examination through the War Department of the state of a river. That requires a joint resolution, whether it involves expense or not. Calling on the Secretary of War for any information in his possession is one thing; but directing or requesting him to make an investigation and survey of a river is quite out of the line of safe precedent for one House to undertake to do. I have not the least objection to the thing, but I object to the way of doing it.

Mr. McMILLAN. The survey has already been made by the citizens. The resolution simply refers to a survey for the use of the Department. The survey has been made at the expense of the citizens.

Mr. EDMUNDS. Let the resolution go over for the time being. I think by putting it into the form of calling for information the Senate can get at what he wants.

The VICE-PRESIDENT. The resolution will lie over.

## RECALL OF A BILL FROM THE PRESIDENT.

Mr. TELLER. I offer the following resolution, and ask for its present consideration:

*Resolved*, That the President of the United States be, and he is hereby, requested to return to the Senate Senate bill 1332, entitled "An act granting to the city of Colorado Springs, in the State of Colorado, certain lands therein described, for water reservoirs."

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. EDMUNDS. Is that a bill which has passed Congress and gone to the President?

Mr. TELLER. It has gone to the President.

Mr. EDMUNDS. I am rather inclined to think that it ought to be "Resolved by the Senate, the House of Representatives concurring," as bills go to the President by a committee of both Houses.

Mr. TELLER. I should like to say to the Senator that while that has been the common rule I have a precedent for this, and the bill must be either signed or vetoed to-morrow if it is not recalled. There is quite a serious error in it that can be corrected in a moment, and I would rather have the resolution go through in this shape. I find that Presidents have returned bills on just such resolutions.

Mr. INGALLS. I ask that the resolution may be again read.

The Chief Clerk read the resolution.

Mr. EDMUNDS. It is not right.

Mr. TELLER. I find a precedent for it.

The VICE-PRESIDENT. If there be no objection to the present consideration of the resolution, the question is on agreeing to it.

The resolution was agreed to.

Mr. TELLER subsequently said: At the suggestion of several Senators who think that the adoption of a resolution of the kind that I have just had passed might introduce a precedent which might trouble us hereafter, although I find a precedent for it in the last Congress, I should like to call up the resolution which has just been passed and have it made a concurrent resolution.

The VICE-PRESIDENT. The resolution will be back at the desk in a moment.

Mr. HOAR. I should like to make an inquiry of the Senator from Colorado. The question is new to me, though I suppose it is familiar to other Senators. What is the constitutional effect of presenting a bill to the President and then nothing happening within ten days except the return of the bill to one or the other House, without objection on the part of the President? The Constitution is:

Every bill . . . shall, before it become a law, be presented to the President of the United States.

That has happened in this case.

If he approve he shall sign it, but if not he shall return it, with his objections, etc.

If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him—

That of course is the constitutional return, I suppose, with his objections—

the same shall be a law.

I do not state this by way of objection, the Senator will understand, but I think the matter is of interest enough to have him state his view about it.

Mr. TELLER. I do not know about that. It seems to me that if we pass a bill and send it to the President and then both Houses recall

it, of course it goes back to the hands of the proper House as if it had never been sent. That is the way it strikes me. I can see the difficulty of allowing one House to do that without the other, although here is a precedent where we did it on an important bill during the last Congress.

Mr. SHERMAN. I concur entirely with the Senator, but I wish to make a suggestion. As a matter of course, if either House (because the bill must pass both Houses) expresses a desire to reconsider in order to correct a mistake, for that reason the President would immediately, within the ten days, return the bill, and it would be brought here in five minutes. I think the resolution as it stands, upon going to the President, would at once justify him to cause the return of the bill, and it ought to do so.

Mr. TELLER. I find that on the motion of the Senator from Tennessee [Mr. HARRIS] in the last Congress it was

*Resolved*, That the President of the United States be, and he is hereby, requested to return to the Senate the bill (S. 3640) to amend sections \* \* \* of the Revised Statutes of the United States, relating to the District of Columbia.

Then I find that the President returned it and said:

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 18th instant, I return herewith the bill, S. 3640, etc.

It is suggested that there is danger of creating a precedent here that will trouble us. As the bill was passed *nem. con.* I suppose no one will object to the proper correction. If any Senator thinks it ought to be made a concurrent resolution, of course I do not feel that I ought to insist upon the resolution standing as it was adopted. I know that the resolution will undoubtedly bring the bill back, as it stands, because that has been done heretofore, but I submit the matter to the Senate. It will be easier and more agreeable for me to have it stand as it is, but if Senators think it is a bad precedent I must take the trouble of trying to get a concurrent resolution through the other House between this time and to-morrow.

Mr. EDMUNDS. Is the resolution now reconsidered and before the Senate?

Mr. TELLER. I ask that the vote may be reconsidered, so that the resolution may be fairly before the Senate.

The VICE-PRESIDENT. The motion to reconsider will be regarded as agreed to, if there be no objection. The Chair hears none.

Mr. EDMUNDS. Now, I move to amend the opening part of the resolution, so as to read:

*Resolved by the Senate (the House of Representatives concurring).*

I am sure that it will not take ten minutes at the other end to dispose of it.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the resolution submitted by the Senator from Vermont.

Mr. HOAR. I desire to observe, without interposing any objection, that I do not see why one House can not do this alone if both together can do it. If we take the letter of the Constitution nothing can happen after a bill has been constitutionally presented to the President, as this has been, except the President shall sign it, shall return it with his objections, or, in the absence of that, it shall become a law within ten days. Those three things are expressly provided for in the Constitution; and this proceeding is a departure from the strict letter of the Constitution, but undoubtedly sanctioned by precedent and necessary for the safe transaction of the public business. But it must be in the nature of a reconsideration by the Senate after the time fixed by the rule. Of course we can make a rule by which, instead of having one day to reconsider bills, we can have twenty days or thirty days. In the absence of such a rule we can reconsider a bill by unanimous consent after the expiration of the day, or two days, whatever the time is for entering the motion; and if the bill comes back here it is to be treated as a bill which has been lawfully reconsidered. It seems to me that is the only theory on which this proceeding can be supported, and if it is supported on that theory the Senate has a right to do it without the concurrence of the other House. So I respectfully submit, without interposing further against the Senator's desire, that either this thing can not be done at all, or, if it can be done, as I suppose the precedent is settled that it can, as I believe it can, it may be done by the Senate alone.

Mr. TELLER. I will state that the Official Reporter, who is very well posted in these matters, tells me it has been done many and many a time by concurrent resolution, and I find that it has also been done at least once by a resolution of the Senate alone. I have no doubt a simple Senate resolution would bring the bill back, but several Senators, after the resolution was passed, thought it was an unwise thing, creating a precedent that might be troublesome hereafter, and I did not desire to have it done, and therefore I consented that the resolution might be taken up and considered again. If the Senator from Vermont insists upon the amendment, I must submit to it.

Mr. EDMUNDS. I think it is indispensable for safety.

Mr. PADDOCK. I desire to state a circumstance which happened some years ago when General Grant was President. A bill relating to an interest in my State was passed by both Houses and went to the President for his approval. He disapproved the bill and sent it back with his veto. I went to him afterwards and suggested that he make

a request to the Senate to return to him the bill, as it had been vetoed under a misapprehension as to the features of the bill or the effect of certain provisions thereof. The President, being satisfied on a careful re-examination of the bill that it ought not to have been vetoed, sent a written request to the Senate to return the vetoed bill to him for a reconsideration on his part. When that request was presented to the Senate the consensus of opinion then by the lawyers of the Senate, particularly those who were on the Judiciary Committee, was that the Executive had exhausted his powers by the veto, and that there was no authority on the part of the President to make that request of the Senate and no authority in the Senate to return the bill.

I do not know what bearing that historical fact may have upon this question. It is simply the reverse of the present situation. If the President could not withdraw a bill under such circumstances, after he had exhausted his executive power by his veto, the question is whether in a case exactly the reverse of it Congress could properly make such a demand upon the Executive, its legislative power having been exhausted.

Mr. EDMUNDS. Mr. President, I will only take a minute of the time of the Senate.

When a bill, whether a Senate or a House bill, has passed the two Houses and has been signed by the presiding officer of each House it becomes just as much the property, if you can use such a phrase, just as much the proposition, the bill of one House, as it does of the other, because it has then become their united and formal action, acting as a Congress. Then the two Houses, through their respective committees, usually a Joint Committee on Enrolled Bills, present that bill to the President of the United States. Suppose, while he is considering it, one House, without the knowledge of the other, recalls it. The last knowledge the other has is the entry on its Journal that it has been presented to the President. One House calls it back. The Journal of the other House, therefore, would never show what had become of that bill. The records of the State Department of the expiration of the ten days without a Presidential signature would show nothing; and this would leave the business of the Government, in the way of reconsideration after both Houses had finally acted, in an entirely dangerous way, and in a time of stress and excitement (as there is not now about this matter of course) and difference of opinion, with small majorities in either House in passing some bill that excited great public interest, it might be extremely dangerous.

I believe it is intrinsically against the right of the other House in this case, as reciprocally it would be if it had been a House bill, for one body to send for the bill without the concurrence of the other, for it is their joint act.

I do not think the case referred to by my friend from Nebraska applies to this, for there the act, so far as the President was concerned and so far as final action upon the bill was concerned, had been a complete and final constitutional act of his; but until he shall have signed the bill, within the ten days, the process, the matter is still open, if both Houses wish to again reconsider it, and I think the practice of a hundred years has settled that.

Therefore, this being now a concurrent resolution, I do not think there is the least objection to passing it.

Mr. TELLER. I wish to suggest to the Senator from Vermont that I think perhaps this might be reached by another method. It is a little difficult to get a concurrent resolution through the other House, especially on private-bill day, which is to-day. This is a matter of mere form, which does not amount to anything, and yet I should not like to ask the President to sign a bill that conveys 480 acres more land than the bill on its face purported to convey, which was by an error in inserting "and" where the word should have been "of," and that is all of it. Although the land is of no practical value, being 11,000 feet above the level of the sea, it might look as if there was some little advantage being taken of it, and I would not like to do that. I wish to suggest to the Senator from Vermont whether I could not reach this by moving to reconsider, if I could get unanimous consent?

Mr. EDMUNDS. But the Senate can not act on the bill until it gets it back. If the Senator would enter a motion to reconsider, I should not object to his doing so.

Mr. TELLER. If I make the motion by unanimous consent, then would not a resolution of the Senate to bring back the bill be in order?

Mr. EDMUNDS. I think the resolution is in order now.

Mr. TELLER. The resolution as the Senator has moved to amend it?

Mr. EDMUNDS. Yes. I have not the least objection to entering a motion now to reconsider by unanimous consent, but the Senator can have unanimous consent at any time, whether two days have gone or not. However, the right of the two Houses concurring to respectfully request the President of the United States to return a bill that he has not yet signed, about which a mistake is found to have been made, I am sure must exist.

Mr. TELLER. I would not want to establish any improper rule, and I am greatly impressed by the suggestion of the Senator from Vermont that it ought to be done by the action of both Houses. Therefore I will consent to the amendment, and I will undertake to get the resolution through the other House if I can.

Mr. EDMUNDS. It can be got through in ten minutes.



The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Vermont.

Several SENATORS. Let it be read.

The VICE-PRESIDENT. The resolution as proposed to be amended will be read.

The Chief Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring), That the President be, and is hereby, requested to return to the Senate Senate bill 1332, entitled "An act granting to the city of Colorado Springs, in the State of Colorado, certain lands therein described, for water reservoirs."*

The amendment was agreed to.

The resolution as amended was agreed to.

#### EXCLUSION OF CHINESE LABORERS.

Mr. WILSON, of Iowa, submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved, That the Secretary of the Treasury be directed to transmit to the Senate a statement of the number of arrivals and departures of Chinese persons at the port of San Francisco, monthly and annually, since the 2d of August, 1882; and that he further transmit any information in his possession respecting the evasion or violation of the laws now in force for the exclusion of Chinese laborers from the territory of the United States, and respecting the neglect or failure of duty of any officer of the United States under said laws.*

#### SENATORS FROM MONTANA.

Mr. HOAR. I move that 1,500 additional copies of the reports of the majority and minority of the Committee on Privileges and Elections in the Montana contested-election case be printed for the use of the Senate.

The motion was agreed to.

Mr. HOAR. I give notice that, unless the pension bill which is now pending as the unfinished business be completed this week, I shall not ask the Senate to take up the Montana contested-election case until Tuesday next. I do not mean by that to be understood that I shall not call it up on Monday if the pension bill be entirely completed; but I shall consult the Senator from Minnesota [Mr. DAVIS] about that and follow his convenience. I shall not, however, call the election case up on Monday unless the pension bill be out of the way by that time.

#### ORDER OF BUSINESS FOR SATURDAY.

Mr. EDMUNDS. If there are no further resolutions to be offered, I move that the Senate proceed to the consideration of executive business.

Mr. INGALLS. Before the motion of the Senator from Vermont is submitted, I beg to suggest that I have heard an intimation that there was some understanding or agreement by which, in case the Senate should sit to-morrow, the Calendar, under Rule VIII, was to be alone considered. I ask for information, in order that Senators may be fully advised whether that be the understanding or not.

The VICE-PRESIDENT. The Chair is not aware of any such agreement.

Mr. EDMUNDS. I do not think it improper to state that at a conference of my political friends, and I hope the political friends of the gentlemen on the other side (for we are all friends here), in order to get on with the public business it was thought best—and some of the gentlemen on the other side have been spoken with about it—that the unfinished business, the great measures like the one we had up yesterday and the one which is now on the Calendar as the unfinished business, should be taken up every day immediately after the routine morning business, instead of giving the hour or two that the rules provide for to the Calendar, under Rule VIII; but in order that the Calendar, under Rule VIII, the small affairs of local interest and of private justice, etc., that make up the mass of matters treated of under Rule VIII, should not be left out of sight, therefore the best thing to do was to devote every Saturday entirely and exclusively to business that could be considered under Rule VIII all day long, giving that one day of the week to clearing up the Calendar of the small matters of local interest all over the United States, and of private justice and pensions and all that sort of thing. Therefore, I should hope that the Senate all around would think that that was a wise and right way to get on more rapidly with business than in any other way. So, sitting to-morrow, as I trust we shall, I should hope that the Senate would devote itself exclusively to the Calendar, under Rule VIII.

Mr. DOLPH. Mr. President, I have been desiring for some days to submit some remarks upon the subject of the prevailing depression of the agricultural interests; in other words, on the tariff. I did not interpose my remarks upon the discussion of the trust bill, which I might have done if the bill had not been suddenly referred. I do not much like to ask the indulgence of the Senate, when the pension bill is under discussion, to hear me for an hour; and yesterday I gave notice that to-morrow morning, immediately after the routine business, I should ask the Senate to take up the resolution offered by the Senator from Indiana [Mr. VOORHEES], for the purpose of enabling me to submit some remarks. I should very much dislike to do a thing that the Senate would consider to be a violation of any understanding or of any rule of the Senate. I should, however, very much like to be indulged, as it is important to me, and I hope to my constituents, that what I have to submit upon that question should be submitted at an early day.

Mr. EDMUNDS. Mr. President, I am sure, if I may make a remark, that if to-morrow when we commence to go on, or at any time when we are going on with the Calendar under Rule VIII, the Senator from Oregon should ask the Senate to hear him upon the subject he has named, he would get unanimous consent for it without the slightest doubt.

Mr. DOLPH. That is satisfactory. I did not like to be precluded so that if I should make the motion to-morrow it would be regarded as violating the understanding.

Mr. INGALLS. Mr. President, I ask unanimous consent—and I am very sure the Senate will be glad to hear the Senator from Oregon—that at the conclusion of his remarks upon the pending resolution of the Senator from Indiana, the Senate proceed to the consideration of the Calendar under Rule VIII, and that no other business be considered until the Senate shall adjourn on that day—to-morrow.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas? The Chair hears none, and it is so ordered.

#### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the act (S. 140) to prevent the introduction of contagious diseases from one State to another, and for the punishment of certain offenses.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the concurrent resolution of the Senate to print the proceedings and final act of the International Marine Conference and the report thereon by the United States delegates.

The message also announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return to the Senate the enrolled bill (S. 1332) granting to the city of Colorado Springs, in the State of Colorado, certain lands therein described for water reservoirs.

The message further announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 5739) increasing the pension of Sophia Schimmelfennig, widow of Alexander Schimmelfennig, late brigadier-general and major-general by brevet; and

Joint resolution (H. Res. 127) to print the eulogies upon William D. Kelley.

#### EXECUTIVE SESSION.

Mr. EDMUNDS. I renew my motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours and fifty-four minutes spent in executive session, the doors were reopened, and (at 5 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Saturday, March 29, 1890, at 12 o'clock m.

#### NOMINATIONS.

*Executive nominations received by the Senate the 28th day of March, 1890.*

##### POSTMASTERS.

Nathan W. Moody, to be postmaster at Fresno, in the county of Fresno and State of California, in the place of Mary C. Hughes, removed.

Edwin B. Smith, to be postmaster at Pomona, in the county of Los Angeles and State of California, in the place of Philip Stein, removed.

James A. Cochran, to be postmaster at Colorado City, in the county of El Paso and State of Colorado; the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1890.

Benjamin F. Parsons, to be postmaster at Hawkinsville, in the county of Pulaski and State of Georgia, in the place of Edward P. King, whose commission expired March 9, 1890.

John M. Holt, to be postmaster at Moline, in the county of Rock Island and State of Illinois, in the place of Dan. W. Gould, whose commission expired February 19, 1890.

Albert L. Stone, to be postmaster at Marseilles, in the county of La Salle and State of Illinois, in the place of Ebenezer Barber, whose commission expired March 12, 1890.

Francis H. Doran, to be postmaster at Michigan City, in the county of La Porte and State of Indiana, in the place of Henry W. Cook, resigned.

George P. Graf, to be postmaster at Knightstown, in the county of Henry and State of Indiana, in the place of John A. Sample, resigned.

James F. Clough, to be postmaster at Sabetha, in the county of Nemaha and State of Kansas, in the place of Gottlieb Christ, whose commission expired February 10, 1890.

William J. Henry, to be postmaster at Lindsborg, in the county of McPherson and State of Kansas, in the place of John D. England, resigned.

John P. McKnight, to be postmaster at Hiawatha, in the county of Brown and State of Kansas, in the place of Henry C. Baker, whose commission expires April 6, 1890.

James M. Saffell, to be postmaster at Frankfort, in the county of Franklin and State of Kentucky, in the place of G. R. Rodman, whose commission expires April 16, 1890.

Charles A. Johnston, to be postmaster at Lebanon, in the county of Marion and State of Kentucky, in the place of William W. Wathen, whose commission expired January 12, 1890.

Joseph W. Gary, to be postmaster at Caribou, in the county of Aroostook and State of Maine; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1890, Mr. Gary having been nominated and confirmed as Joseph W. Gray.

John A. Truex, to be postmaster at West Plains, in the county of Howell and State of Missouri, in the place of Lemuel G. Eblen, removed.

Mrs. Emma C. Noble, to be postmaster at Raton, in the county of Colfax and Territory of New Mexico, in the place of Robert K. Vandiver, resigned.

James A. Claghorn, to be postmaster at Waseca, in the county of Waseca and State of Minnesota, in the place of Dennis McLaughlin, whose commission expires March 29, 1890.

Benjamin F. Johnson, to be postmaster at Worthington, in the county of Nobles and State of Minnesota, in the place of Lucien B. Bennett, whose commission expired March 1, 1890.

George A. Whitney, to be postmaster at Wadena, in the county of Wadena and State of Minnesota, in the place of Peter Roscoe, whose commission expires March 29, 1890.

Edward E. Bilkey, to be postmaster at Elko, in the county of Elko and State of Nevada, in the place of James P. Smith, removed.

Howard A. Clement, to be postmaster at Haddonfield, in the county of Camden and State of New Jersey, in the place of Thomas Hill, whose commission expires April 28, 1890.

Isaac T. Nichols, to be postmaster at Bridgeton, in the county of Cumberland and State of New Jersey, in the place of Samuel A. Lansing, removed.

Ensign M. Clark, to be postmaster at Niagara Falls, in the county of Niagara and State of New York, in the place of Benjamin Rhodes, removed.

Morris Burns, to be postmaster at Galion, in the county of Crawford and State of Ohio, in the place of William A. Raymond, whose commission expires April 6, 1890.

Robert D. Dole, to be postmaster at Bryan, in the county of Williams and State of Ohio, in the place of Frederick J. Klein, resigned.

Hugh M. Eakin, to be postmaster at Fayetteville, in the county of Lincoln and State of Tennessee, in the place of George E. Blake, removed.

Barclay M. Tillman, to be postmaster at Shelbyville, in the county of Bedford and State of Tennessee, in the place of Eugene Blakemore, whose commission expires March 29, 1890.

Anna B. Baker, to be postmaster at Bowie, in the county of Montague and State of Texas; the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1890.

Edgar M. Johnson, to be postmaster at Terrell, in the county of Kaufman and State of Texas, in the place of Thomas B. Griffiths, resigned, Mr. Johnson having been nominated and confirmed as Edward M. Johnson.

Edward Clark, to be postmaster at Poultney, in the county of Rutland and State of Vermont, in the place of R. J. Humphrey, whose commission expired February 15, 1890.

Alexander W. Davis, to be postmaster at White River Junction, in the county of Windsor and State of Vermont, in the place of Sanford H. Potter, whose commission expires April 21, 1890.

Jasper H. Orcutt, to be postmaster at Northfield, in the county of Washington and State of Vermont, in the place of Henry L. Kenyon, whose commission expired March 9, 1890.

Frank E. Williamson, to be postmaster at Pomeroy, in the county of Garfield and State of Washington, in the place of C. A. McCabe, removed.

Lewis S. Patrick, to be postmaster at Marinette, in the county of Marinette and State of Wisconsin, in the place of Jasen K. Wright, whose commission expires April 21, 1890.

Daniel C. Remington, to be postmaster at Mauston, in the county of Juneau and State of Wisconsin, in the place of Oscar F. Temple, deceased, Mr. Remington having been nominated and confirmed as David C. Remington.

Hiram T. Sharp, to be postmaster at Delavan, in the county of Walworth and State of Wisconsin, in the place of Henry C. Hunt, whose commission expires April 14, 1890.

#### PROMOTIONS IN THE ARMY.

##### Second Regiment of Cavalry.

First Lieut. Edward J. McClernand to be captain, March 24, 1890, vice Gregg, retired from active service.

Second Lieut. Francis G. Irwin, jr., to be first lieutenant, March 24, 1890, vice McClernand, promoted.

##### Fourth Regiment of Cavalry.

Maj. Anson Mills, of the Tenth Cavalry, to be lieutenant-colonel, March 25, 1890, vice Forsyth, retired from active service.

##### Tenth Regiment of Cavalry.

Capt. Stevens T. Norvell, to be major, March 25, 1890, vice Mills, promoted to the Fourth Cavalry.

First Lieut. Levi P. Hunt, to be captain, March 25, 1890, vice Norvell, promoted.

Second Lieut. William H. Smith, to be first lieutenant, March 25, 1890, vice Hunt, promoted.

#### ASSISTANT UNITED STATES TREASURER AT NEW ORLEANS.

Mr. Andrew Hero, of Louisiana, to be assistant treasurer of the United States at New Orleans, in the State of Louisiana, in the place of Samuel Flower, whose term of office will expire April 20, 1890.

#### MELTER OF THE MINT AT DENVER.

Safford R. Hamer, of Colorado, to be melter of the mint of the United States at Denver, in the State of Colorado, in place of John W. Brownling, resigned.

#### SURVEYORS OF CUSTOMS.

Rezin A. Maynard, of Michigan, to be surveyor of customs for the port of Grand Rapids, in the State of Michigan, in place of Andrew F. Schafer, to be removed.

Frank N. Tillinghast, of New York, to be surveyor of customs for the port of Greenport, in the State of New York, to succeed Frank L. H. Phillips, whose term of office will expire by limitation April 1, 1890.

John F. Dravo, of Pennsylvania, to be surveyor of customs for the district of Pittsburgh, in the State of Pennsylvania, to succeed Daniel O. Barr, whose term of office has expired by limitation.

#### COLLECTORS OF CUSTOMS.

Freeland H. Oaks, of Maine, to be collector of customs for the district of Saco, in the State of Maine, to succeed Stephen S. Mitchell, whose resignation has been accepted.

William Davis, of Mississippi, to be collector of customs for the district of Natchez, in the State of Mississippi, to succeed John J. Higgins, whose term of office will expire by limitation April 25, 1890.

George M. Gleason, of New York, to be collector of customs for the district of Oswegatchie, in the State of New York, in place of Thomas L. Harrison, to be removed.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 28, 1890.*

##### MELTER OF THE MINT.

Safford R. Hamer, to be melter of the mint of the United States at Denver, Colo.

##### UNITED STATES MARSHAL.

William Van Buren, of Michigan, to be marshal of the United States for the eastern district of Michigan.

## HOUSE OF REPRESENTATIVES.

FRIDAY, March 28, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

#### APPROVAL OF THE JOURNAL.

The Clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday, March 26.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I desire to raise the point that there is not a quorum present.

The SPEAKER having ascertained by count that there were 168 members present, the Clerk read the Journal.

Mr. SPRINGER. Mr. Speaker, before the Journal is approved I desire to have the Clerk read that part of it which shows the disposition made of the bill for the admission of the State of Idaho into the Union. The report went in under Rule XIII, and the Clerk, I believe, does not usually read the part of the Journal which covers proceedings under that rule; at all events he has not read it this morning, and I want to know what the Journal shows upon that point.

The SPEAKER. The entry will be read as soon as the Clerk can find it.

Mr. SPRINGER. If the Clerk is not prepared to read that part of the Journal at this moment, I will ask the Speaker to state whether the report of the action of the House in regard to the Idaho bill, as found on page 2753 of the RECORD, is the same as what is contained in the Journal.

The SPEAKER. The Chair is informed that what is printed in the RECORD is a correct transcript of what appears in the Journal.



Mr. SPRINGER. Then I desire to know, Mr. Speaker, by what authority this order was made:

That said bill, together with the said views of the minority, be recommitted to the Committee on Territories.

The SPEAKER. The Chair has not seen that.

Mr. SPRINGER. That statement is made in the RECORD at the top of page 2753.

The SPEAKER. The Chair thinks there is a mistake of practice there, but will examine the question, and the entry will not be considered as approved until examination has been made.

Mr. SPRINGER. Allow that to pass, then, for the present.

The SPEAKER. Certainly. The question will be reserved without prejudice. This is a matter of which the Chair had no cognizance.

Mr. MANSUR. Mr. Speaker, I will state for the information of the House that there having been a kind of a quasi-understanding that the case of Idaho was to follow immediately after that of Wyoming, and my minority report not being yet printed, I went to see the Journal clerk, Mr. Smith, and asked him what would be proper, and, after he had talked with me, I suggested that he send for the gentleman from Iowa [Mr. STRUBLE] or the gentleman from Nebraska [Mr. DORSEY], in charge of the majority report. Accordingly we sent out for Mr. DORSEY, and he and I agreed that both reports should be sent down for printing and that the proper order should be made; leaving it, as I understood, to Mr. Smith to make the proper order, because I really did not understand exactly what would be the proper order under the circumstances. We left the entry, therefore, to him, but it was done with the full understanding and approval of the gentleman from Nebraska [Mr. DORSEY] and myself, representing the majority report and the minority report.

The SPEAKER. Without stating a definite opinion upon the question, the impression of the Chair is that such business must be transacted in the presence of the House.

Mr. SPRINGER. That was the point I desired to make.

The SPEAKER. The two rules taken together are not absolutely definite, and but for the question of the reservation of points of order it might be held that either method could be adopted with regard to such bills; but the question of reservation of points of order presents so many difficulties that the Chair would not undertake to decide that way at present.

Mr. MANSUR. I desire to say that I am willing to share equally with my friend from Nebraska [Mr. DORSEY] the responsibility in this matter, entirely relieving the clerk, who did nothing except what we approved.

The SPEAKER. The matter might be settled now by unanimous consent—

Mr. DORSEY. The Chair will allow me to say it was understood that the Idaho bill should not be considered reported, but should remain in charge of the committee; that was the understanding with the gentleman from Louisiana [Mr. BLANCHARD], but he was anxious to have the majority report printed with the minority report—

The SPEAKER. It was done simply with a view to the printing of the report?

Mr. DORSEY. Yes, sir, for his convenience, so as to have the report printed.

Mr. SPRINGER. The report of the majority of the committee was not printed by order of the House.

Mr. DORSEY. There was no order by the House for printing either report.

The SPEAKER. Precisely. Is there objection to printing and recommending the report of the committee, together with the views of the minority? The Chair hears none, and it is so ordered. If there be no further correction, the Journal will be regarded as approved. In the absence of objection, that order is made.

Mr. CRISP. I would like to understand the decision of the Chair upon the order of recommitment as it appears in the Journal. Of course, I understand that the question of printing and recommitment is now settled by unanimous consent. But the action stated in the Journal seems to have been taken under the second clause of Rule XIII; and therefore, as a matter of practice, the question being new, I would like to know what the determination of the Chair was.

The SPEAKER. The Chair thought that for recommitment some action on the part of the House must take place.

Mr. CRISP. Then that action will not appear in the Journal as having been taken without the direct order of the House.

The SPEAKER. It will not; it will simply appear as having been done by unanimous consent this morning.

#### CORRECTION.

Mr. SPRINGER. I desire to correct the RECORD. The gentleman from New York [Mr. BAKER], in his closing five-minute speech yesterday, said:

Following the record made during ten years of consistent opposition to the Dakotas, he has had himself written up as being their firmest friend. In the Magazine of Poetry he is already embalmed in history as the one person entitled to all credit for the admission of the four States last admitted. Hear what he has procured to be said of himself.

That is what I understand the gentleman to say, but I said at the

time that the statement of the gentleman that I had procured this article to be published was not true. The reporter—

The SPEAKER. This hardly appears to be a correction of the RECORD.

Mr. SPRINGER. Yes, sir; it is. My statement should have gone in the RECORD.

The SPEAKER. The gentleman's statement is omitted?

Mr. SPRINGER. Yes, sir; it is omitted from the RECORD. I desire the RECORD to show that I said at the time what I say now, that the statement that I had procured the publication of this article myself was untrue. The reporter has stated to me that he was sitting near the gentleman from New York [Mr. BAKER] at the time, and did not hear my remark, but gentlemen all around me heard it. I desire my statement to appear, and I reiterate it.

Mr. BAKER. That is all right.

#### CHANGES OF REFERENCE.

The SPEAKER. The Chair desires to submit to the House some proposed changes of reference.

There being no objection,

The Committee on Indian Affairs was discharged from the further consideration of a memorial requesting legislation upon the subject of claims arising from Indian depredations; and the same was referred to the Committee on Indian Depredations.

The Committee on Printing was discharged from the further consideration of the bill (S. 567) to continue the publication of the supplement to the Revised Statutes; and the same was referred to the Committee on the Judiciary.

#### OWNERS, ETC., OF BRITISH BARK CHANCE.

The SPEAKER. Without objection, the Committee of the Whole House will be discharged from the further consideration of the bill (H. R. 2234) for the relief of the owners, officers, and crew of the British bark Chance; and the bill will be laid on the table, a Senate bill similar in substance having passed the House.

There was no objection, and it was ordered accordingly.

#### PUBLIC BUILDING AT ALLEGHENY, PA.

Mr. BAYNE. I ask unanimous consent for the present consideration of the bill (S. 2402) to provide for the purchase of a site and erection of a public building thereon at Allegheny, in the State of Pennsylvania.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. Before that question is put, I ask that the report may be read.

Mr. KILGORE. I would like to know how large an expenditure this bill involves.

Mr. BAYNE. Two hundred and fifty thousand dollars.

Mr. ROGERS. I think we had better have the regular order.

The SPEAKER. Objection is made.

#### PRINTING OF EULOGIES ON HON. WILLIAM D. KELLEY.

Mr. RICHARDSON. I desire to make a privileged report. The Committee on Printing has directed me to report back with an amendment the joint resolution (H. R. 127) to print the eulogies upon William D. Kelley.

The joint resolution was read, as follows:

Resolved, etc., That there be printed of the eulogies delivered in Congress upon the late William D. Kelley, a Representative in the Fifty-first Congress from the State of Pennsylvania, 25,000 copies, of which 6,000 copies shall be for the use of the Senate and 19,000 copies shall be for the use of the House of Representatives; and the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said William D. Kelley to accompany said eulogies, and for the purpose of engraving and printing said portrait the sum of \$500, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated. That, of the quota to the House of Representatives, the Public Printer shall set apart fifty copies, which he shall have bound in full morocco, with gilt edges, the same to be delivered when completed to the family of the deceased.

The report of the committee was as follows:

The committee have considered the House joint resolution No. 127, to print the eulogies upon William D. Kelley, and report the same to the House with the recommendation that it do pass with an amendment striking out the words "five hundred" in line 12 and inserting in lieu thereof the words "one thousand."

The estimated cost of printing said eulogies is the sum of \$10,375. The cost of printing the said portrait is the sum of \$1,000.

The amendment reported by the committee, to strike out "five hundred" in line 12 and insert in lieu thereof "one thousand," was agreed to.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed. Mr. RICHARDSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### PRINTING FOR COMMITTEE ON ALCOHOLIC LIQUOR TRAFFIC.

Mr. STIVERS. Mr. Speaker, I desire to submit a privileged report

from the Committee on Printing. I am directed by the committee to report back with favorable recommendation the resolution I send to the desk.

The Clerk read as follows:

*Resolved*, That the Select Committee on the Alcoholic Liquor Traffic be authorized to have printed, in pamphlet form, 1,000 copies of the hearings now being held before that committee.

The resolution was adopted.

#### PRINTING PROCEEDINGS INTERNATIONAL MARINE CONFERENCE.

Mr. RUSSELL. Mr. Speaker, I am directed by the Committee on Printing to report back the concurrent resolution which I send to the desk, and recommend its adoption.

The Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the Secretary of State be, and he is hereby, authorized to have the proceedings and final act of the International Marine Conference, and the report thereon by the United States delegates, printed and bound at the Congressional Printing Office, and that in addition to the usual number there shall be 2,000 extra copies for the use of the Senate and 4,000 for the use of the House of Representatives; for the use of the Department of State 1,300, for the use of the Treasury 600, and for the use of the Navy Department 500 copies.

The resolution was considered and adopted.

Mr. RUSSELL. I ask that the report on the resolution be printed in the RECORD.

The report of the committee is as follows:

The Committee on Printing, to whom was referred the Senate concurrent resolution to print the proceedings and final act of the International Marine Conference, have given consideration to the same, and report back the resolution recommending its adoption. In a letter addressed to the Senate Committee on Printing the Secretary of State says:

"As showing the need of expedition in the printing, I have to inform you that the foreign delegates can not make their reports to their own governments until they shall have received copies thereof from this Government. I shall therefore thank you to take such steps in the premises as will enable this Department to furnish copies to the foreign delegates at the earliest practicable moment."

The estimated cost of printing the number of copies designated in the resolution is \$11,338.50.

#### POST-OFFICE INSPECTORS AND SPECIAL AGENTS.

Mr. BINGHAM. I am directed by the Committee on the Post-Office and Post-Roads to report back, with certain amendments, the resolution I send to the desk, and recommend its adoption.

The Clerk read as follows:

Whereas the Postmaster-General of the United States is authorized under the provisions of existing laws to appoint such post-office inspectors and such special agents as the good of the service and the safety of the mail may require; and

Whereas such post-office inspectors and special agents are allowed a stated salary, and also a per diem allowance for incidental and traveling expenses while actually employed in the service; and

Whereas it is currently reported that the present Postmaster-General has been employing the time of such post-office inspectors and special agents in investigating the claims of contending Republican applicants for appointment as postmasters, and paying for such services out of the public funds; and

Whereas such practices are contrary to the laws of the land, subversive of good government, and such outlays of the public moneys wholly unauthorized; Therefore,

*Be it resolved*, That the Postmaster-General be, and he is hereby, requested to furnish as speedily as practicable to the House of Representatives a statement of what post-office inspectors or special agents, if any, have been employed or directed to investigate the standing and claims of rival applicants for appointments as postmasters, and, if so, when, where, and in what cases reports have been made by such inspectors or special agents, either under the direction of said Postmaster-General or by any officer of the Department under his control, and what amount of money or moneys have been paid out of the public funds for the salaries of such post-office inspectors and special agents while employed as heretofore mentioned, and the amount of per diem so paid such employes.

The committee recommend the adoption of the following amendments:

In line 19 of the engrossed copy of the resolution, after the word "Whereas," insert the words "it is alleged," and also in line 23, after the word "investigate," insert the words "or have investigated."

Mr. HATCH. Mr. Speaker, I wish to call the attention of the gentleman from Pennsylvania to the fact that my colleague, Mr. NORTON, who introduced this resolution, is absent from the House by leave. He is very much interested in this matter, and I ask the gentleman from Pennsylvania if he could not consent to let this lie over without prejudice until after his return.

Mr. DOCKERY. I will state to my colleague that Mr. NORTON has conferred with the chairman of the Committee on the Post-Office and Post-Roads, and I am advised that the amendments are entirely satisfactory to him.

Mr. BINGHAM. This comes unanimously, I will state also, from the committee.

Mr. HATCH. I have no objections under the circumstances.

The amendments were considered, and agreed to.

The resolution as amended was adopted.

#### ORDER OF BUSINESS.

Mr. CUTCHEON. Mr. Speaker, I move that the House resolve itself into a Committee of the Whole on the state of the Union for the consideration of general appropriation bills.

#### SOPHIA SCHIMMELFENNIG.

Mr. MORROW. Mr. Speaker, before the motion of the gentleman from Michigan is put to the House I would like to call attention to the fact that there is a bill on the Speaker's table on which the previous question has been ordered. I refer to the bill (H. R. 5739) increasing the pension of Sophia Schimmelfennig.

The SPEAKER. The gentleman is correct. The Clerk will read the bill to which reference is made.

The Clerk read as follows:

*Be it enacted, etc.*, That the pension of Sophia Schimmelfennig, widow of Alexander Schimmelfennig, deceased, late brigadier-general of the Army of the United States and major-general by brevet, be, and the same is hereby, increased to \$50 a month.

Mr. KILGORE. Is that the bill which was reported from the Committee of the Whole House on Friday last?

The SPEAKER. This bill comes over from the session of Friday night last.

Mr. SPRINGER. Was there not an order that there should be debate for twenty minutes on either side?

The SPEAKER. Fifteen minutes on each side, if desired.

Mr. SPRINGER. I would like to have the report read, and I will take the floor merely for that purpose.

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5739) granting an increase of pension to Sophia Schimmelfennig, submit the following report:

General Alexander Schimmelfennig entered the service as colonel of the Seventy-fourth Pennsylvania Volunteers in 1861; took an active part in the battles of Bull Run, Chancellorsville, and Gettysburg. Was appointed brigadier-general in the summer of 1862; was sent to the harbor of Charleston in the fall of 1863 to assist General Foster and Admiral Dahlgren in their operations against the Confederates; while there distinguished himself as a brave and most excellent soldier and as an officer of integrity and intelligence; was the first general to enter Charleston with his troops after the evacuation. There are on file among the papers of this case several letters of a most highly complimentary character from Admiral Dahlgren and Maj. Gen. J. G. Foster, with thanks of both to General Schimmelfennig for most useful and valuable services.

He died brevet major-general on the 7th of September, 1865, a short time after his discharge, of disease contracted while in the service, for which his widow, Sophia Schimmelfennig, is now receiving a pension of \$30 per month. She has been an invalid for a number of years, requiring throughout constant attendance, and has recently, through the most sad and accidental shooting of her only son, lost her chief support. She is now at the advanced age of sixty-two years, is infirm and poor, without means of support, save that furnished by the pension she is now receiving from the Government.

Your committee believe that this is a worthy case, and recommend that the bill do pass.

Mr. SPRINGER. I desire to ask the amount of the bill?

Mr. MORROW. Fifty dollars.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MORROW moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ORDER OF BUSINESS.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into Committee of the Whole House on the state of the Union.

Mr. ENLOE. Mr. Speaker, I rise to a point of order. The rule of the House provides that on Friday of each week, after the unfinished business has been disposed of, it shall then be in order to move that the House resolve itself into a Committee of the Whole House to consider business on the Private Calendar; and if that motion fails then public business shall be in order, as on other days.

Now, I make the motion that the House resolve itself into a Committee of the Whole House for the consideration of business on the Private Calendar.

The SPEAKER. The Chair thinks that clause 9 of Rule XVI is also in force, and therefore the motion of the gentleman from Michigan takes precedence, being first in order.

Mr. ENLOE. Then, Mr. Speaker, I raise the question of consideration upon this bill.

The SPEAKER. That can not be done.

Mr. RICHARDSON. If that motion of the gentleman from Michigan, chairman of the Committee of Military Affairs, shall be voted down the question will recur on the motion of the gentleman from Tennessee.

The SPEAKER. If that motion shall be voted down it will be perfectly simple. The House has the matter under full control. The question is on the motion of the gentleman from Michigan to go into the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The question was put; and the Speaker announced that the yeas seemed to have it.

Mr. CUTCHEON. Division.

The House divided; and there were—ayes 96, noes 77.

Mr. ENLOE, Mr. RICHARDSON, and others. Yeas and nays.

Mr. CUTCHEON. Oh, no; do not let us waste the time. Let us pass the bill.

The yeas and nays were ordered.



The question was taken; and it was decided in the negative—yeas 104, nays 128, not voting 97; as follows:

## YEAS—104.

Adams,	Culbertson, Tex.	Lanham,	Ray,
Allen, Mich.	Culbertson, Pa.	Lansing,	Reed, Iowa
Anderson, Kans.	Cummings,	Lehlbach,	Reilly,
Andrew,	Cutcheon,	Lind,	Reyburn,
Arnold,	Dalzell,	Lodge,	Rockwell,
Baker,	Dargan,	Mason,	Russell,
Banks,	Dingley,	McCormick,	Scully,
Belden,	Flick,	McKinley,	Sherman,
Bergen,	Funston,	Moitt,	Smith, Ill.
Bliss,	Gear,	Morrill,	Smyser,
Boutelle,	Gest,	Morrow,	Snyder,
Brewer,	Greenhalge,	Morse,	Spinola,
Brookshire,	Grimes,	Nute,	Spooner,
Browne, Va.	Grosvenor,	O'Donnell,	Stewart, Vt.
Buchanan, N. J.	Hansbrough,	O'Neil, Mass.	Stivers,
Burrows,	Harmer,	O'Neill, Pa.	Sweeney,
Burton,	Haugen,	Parrett,	Taylor, E. B.
Butterworth,	Hermann,	Payne,	Townsend, Colo.
Candler, Mass.	Hill,	Payson,	Townsend, Pa.
Carter,	Hitt,	Perkins,	Tracey,
Cheadle,	Holman,	Peters,	Vandever,
Clark, Wis.	Kerr, Iowa	Pugsley,	Van Schaick,
Clunie,	Kilgore,	Quackenbush,	Wheeler, Mich.
Cogswell,	Kinsey,	Raines,	Williams, Ohio
Coleman,	Lacey,	Randall, Mass.	Wilson, Wash.
Conger,	Laidlaw,		

## NAYS—128.

Abbott,	Dockery,	Lee,	Rowland,
Allen, Miss.	Dolliver,	Lester, Ga.	Sawyer,
Anderson, Miss.	Dunnell,	Lester, Va.	Sayers,
Atkinson, Pa.	Dunphy,	Levis,	Seney,
Bankhead,	Edmunds,	Maish,	Shively,
Barnes,	Elliott,	Mansur,	Simonds,
Barwig,	Ellis,	Martin, Ind.	Smith, W. Va.
Bland,	Enloe,	Martin, Tex.	Springer,
Boothman,	Farquhar,	McAdoo,	Stewart, Ga.
Bowden,	Featherston,	McClammy,	Stewart, Tex.
Breckinridge, Ark.	Finley,	McClellan,	Stockbridge,
Brickner,	Fithian,	McCord,	Stockdale,
Brower,	Forman,	McCreary,	Stone, Ky.
Brown, J. B.	Forney,	McMillin,	Stone, Mo.
Brunner,	Geissenhainer,	McRae,	Struble,
Buchanan, Va.	Gibson,	Montgomery,	Tarnsey,
Bullock,	Goodnight,	Moore, N. H.	Thomas,
Bynum,	Grout,	Mudd,	Turner, Kans.
Campbell,	Hall,	Mutchler,	Venable,
Carlton,	Hare,	Oates,	Walker, Mass.
Chipman,	Hatch,	O'Ferrall,	Walker, Mo.
Clancy,	Hayes,	Owens, Ohio	Washington,
Clarke, Ala.	Haynes,	Peel,	Watson,
Clements,	Heard,	Pennington,	Wheeler, Ala.
Cobb,	Henderson, Ill.	Pickler,	Whiting,
Cooper, Ind.	Herbert,	Pierce,	Wilcox,
Cooper, Ohio	Hooker,	Post,	Williams, Ill.
Covert,	Houk,	Price,	Wilson, Mo.
Cowles,	Kennedy,	Richardson,	Wilson, W. Va.
Crisp,	Lawler,	Rogers,	Wise,
Davidson,	Laws,		Yoder.
Dibble,			

## NOT VOTING—97.

Alderson,	Connell,	Magner,	Stephenson,
Atkinson, W. Va.	Cothran,	McCarthy,	Stump,
Bartine,	Craig,	McKenna,	Taylor, Ill.
Bayne,	Crain,	Miles,	Taylor, J. D.
Beckwith,	Darlington,	Milliken,	Taylor, Tenn.
Belknap,	De Haven,	Mills,	Thompson,
Higgs,	De Lano,	Moore, Tex.	Tilman,
Hingham,	Dorsey,	Morgan,	Tucker,
Blanchard,	Evans,	Niedringhaus,	Turner, Ga.
Blount,	Ewart,	Norton,	Turner, N. Y.
Boatner,	Flood,	O'Neal, Ind.	Turpin,
Breckinridge, Ky.	Flower,	Osborne,	Wade,
Brosius,	Fowler,	Outhwaite,	Wallace, Mass.
Browne, T. M.	Frank,	Owen, Ind.	Wallace, N. Y.
Buckalew,	Gifford,	Paynter,	Whithorne,
Bunn,	Hemphill,	Perry,	Wickham,
Caldwell,	Henderson, Iowa	Phelan,	Wilber,
Candler, Ga.	Henderson, N. C.	Quinn,	Wiley,
Cannon,	Hopkins,	Randall, Pa.	Wilkinson,
Carlisle,	Kelley,	Rife,	Wilson, Ky.
Caruth,	Kerr, Pa.	Rusk,	Wright,
Caswell,	Ketchum,	Sanford,	Yardley.
Catchings,	Knapp,	Scranton,	
Cheatham,	La Follette,	Skinner,	
Comstock,	Lane,	Stahlnecker,	

So the motion was not agreed to.

The following pairs were announced:

Until further notice:

Mr. WILBER with Mr. RANDALL, of Pennsylvania.

Mr. HOPKINS with Mr. BLOUNT.

Mr. THOMPSON with Mr. TURNER, of Georgia.

Mr. EVANS with Mr. PERRY.

Mr. WICKHAM with Mr. COTHRAN.

Mr. DE LANO with Mr. TURNER, of New York.

Mr. MILES with Mr. BUNN.

Mr. WADE with Mr. NORTON.

Mr. J. D. TAYLOR with Mr. CARUTH.

Mr. SCRANTON with Mr. HEMPHILL.

Mr. CALDWELL with Mr. MCCARTHY.

Mr. WILSON, of Kentucky, with Mr. PAYNTER.

Mr. GIFFORD with Mr. TURPIN, on contested elections.

Mr. KNAPP with Mr. STAHLNECKER.

Mr. ALDERSON with Mr. ATKINSON, of West Virginia.

Mr. LANSING with Mr. WILEY.

Mr. FINLEY with Mr. CANDLER, of Georgia. (This is not transferable.)

Mr. STEPHENSON with Mr. SKINNER, on election-contest cases.

Mr. FLOOD with Mr. HENDERSON, of North Carolina. (This pair not transferable.)

Mr. THOMAS M. BROWNE with Mr. KERR, of Pennsylvania.

For this day:

Mr. WALLACE, of Massachusetts, with Mr. FOWLER.

Mr. YARDLEY with Mr. BOATNER.

Mr. WALLACE, of New York, with Mr. QUINN.

Mr. OSBORNE with Mr. TILLMAN.

Mr. BINGHAM with Mr. BIGGS, on this vote.

Mr. TAYLOR, of Illinois, with Mr. CRAIN, for the rest of this week.

Mr. DARLINGTON with Mr. MOORE, of Texas, until Monday week.

Mr. TAYLOR, of Tennessee, with Mr. O'NEALL, of Indiana, from March 24 until April 13, both days inclusive. (This pair not transferable.)

The result of the vote was then announced as above recorded.

Mr. CUTCHEON. I desire simply to give notice that I shall renew this motion to-morrow morning.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, requested the return of the bill (S. 1332) entitled "An act granting to the city of Colorado Springs, in the State of Colorado, certain lands therein described for water reservoirs."

## WATER RESERVOIRS FOR COLORADO SPRINGS, COLO.

The SPEAKER. The Chair will lay before the House the message from the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, March 28, 1900.

Resolved by the Senate (the House of Representatives concurring). That the President of the United States be, and he is hereby, requested to return to the Senate bill S. 1332, entitled "An act granting to the city of Colorado Springs, in the State of Colorado, certain lands therein described for water reservoirs."

The resolution was adopted.

## ORDER OF BUSINESS.

Mr. THOMAS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. ALLEN, of Michigan, in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering bills on the Private Calendar. When the committee last rose it had under consideration the bill (H. R. 3913) granting jurisdiction to the Court of Claims, notwithstanding any statutory bar, to the claims of J. F. Bailey & Co. and others. The gentleman from New Jersey [Mr. BUCHANAN] had offered an amendment and had the floor.

Mr. ENLOE. I desire to make a motion that the committee proceed to the consideration of the bill (H. R. 7616) for the allowing of certain claims for stores and supplies taken and used by the United States Army as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act.

The CHAIRMAN. The motion would not be in order now, as the gentleman from New Jersey [Mr. BUCHANAN] has the floor. The gentleman had the floor when the committee last rose.

Mr. BUCHANAN, of New Jersey. Mr. Chairman, on the 14th day of March, the bill—

Mr. ROGERS. Mr. Chairman, a parliamentary inquiry. What is the question before the committee?

The CHAIRMAN. The bill pending before the committee is the bill which the Clerk has reported, and it was being considered when the committee was last in session.

Mr. ROGERS. I did not hear the Clerk read the title of the bill.

The CHAIRMAN. The Clerk will again report the title of the bill.

The Clerk read as follows:

A bill (H. R. 3913) granting jurisdiction to the Court of Claims, notwithstanding any statutory bar, of the claims of J. F. Bailey & Co. and others.

Mr. CULBERTSON, of Texas. Mr. Chairman, I desire to inquire whether the bill is now being debated under the five-minute rule.

The CHAIRMAN. It is not. There is only one section in the bill.

Mr. CULBERTSON, of Texas. Then I understand that the gentleman from New Jersey [Mr. BUCHANAN] has an hour.

The CHAIRMAN. The gentleman from New Jersey [Mr. BUCHANAN] has offered an amendment, which is now pending.

Mr. CULBERTSON, of Texas. Do I understand that he has an hour?

The CHAIRMAN. There has been no limitation of the debate.

Mr. CULBERTSON, of Texas. I would like to have a little time.

Mr. BUCHANAN, of New Jersey, addressed the Chair.

Mr. SPRINGER. Mr. Chairman, I desire to ask the gentleman from New York [Mr. LAIDLAW]—

The CHAIRMAN. The gentleman from New Jersey [Mr. BUCHANAN] has the floor.

Mr. SPRINGER. I understand that, and I desire to ask whether the gentleman from New Jersey is not willing that the bill shall be laid aside to-day, to be taken up at some future time.

Mr. BUCHANAN, of New Jersey. I am not.

Mr. SPRINGER. I understand that the chairman of the Committee on Claims [Mr. LAIDLAW] desires that this bill shall be laid aside for the present.

Mr. LAIDLAW. I would be glad to have it postponed for a while until we can get some additional facts in reference to it.

Mr. SPRINGER. The gentleman from New Jersey [Mr. BUCHANAN] has the floor and unless he will yield for that purpose it can not be done; but if he is willing to yield, holding the floor, I hope he will do so now, and allow the gentleman from New York [Mr. LAIDLAW], who reported this bill, to have it laid aside for the present, because, as he states, he desires to submit some additional facts received from the Department.

Mr. BUCHANAN, of New Jersey. The gentleman from Pennsylvania [Mr. DALZELL], who, I think, either introduced this bill or takes some interest in it, also desires this arrangement to be made, and I am perfectly willing that the arrangement shall be made, retaining the floor.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DALZELL] moves that this bill be laid aside informally, without losing its place on the Calendar.

Mr. CULBERSON, of Texas, and Mr. KILGORE. I object.

Mr. SPRINGER. The gentleman from New York [Mr. LAIDLAW] having charge of the bill has stated that he desires to submit some additional facts at the next meeting of the committee or at some future time, and that he desires this bill to be laid aside until he can procure those facts.

Mr. KILGORE. Let the consideration of the bill go on and let the facts be submitted in the discussion.

Mr. SPRINGER. I supposed it would be better to have the facts before we passed the bill. Mr. Chairman, I move to proceed with the next bill on the Calendar.

Mr. ENLOE. I move to lay this bill aside.

The CHAIRMAN. Does the gentleman from New Jersey [Mr. BUCHANAN] yield the floor?

Mr. BUCHANAN, of New Jersey. I am perfectly willing to yield if any satisfactory arrangement can be made. I have no desire to press the consideration of the bill at this time if the gentleman who reported it or the gentleman from Pennsylvania who is interested in it desires to have it postponed.

Mr. LAIDLAW. I wish to have it postponed temporarily, because I want to get some additional information in regard to it.

The CHAIRMAN. The Chair will state the motion. Does the gentleman from Texas [Mr. KILGORE] object to laying aside this bill informally?

Mr. KILGORE. Yes, I object to it.

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER] moves that the committee proceed to consider the next bill upon the Calendar.

Mr. ENLOE. Mr. Chairman, I think the first motion in order is my motion to lay aside this bill, as objection has been made to laying it aside. I move that the bill be now laid aside.

The CHAIRMAN. If this motion of the gentleman from Illinois is carried that will lay aside this bill.

Mr. ENLOE. I want to make a motion to take up a different bill from the one which the gentleman from Illinois proposes.

Mr. SPRINGER. I will yield to the gentleman from Tennessee if he desires to move to take up a special bill.

Mr. BUCHANAN, of New Jersey. Mr. Speaker, I yielded only for the purpose of having a motion made and an arrangement arrived at.

The CHAIRMAN. The gentleman from Tennessee [Mr. ENLOE] proposes to move to take up another bill.

Mr. KILGORE. Mr. Chairman, I rise to a parliamentary inquiry. Has the pending bill been laid aside by an order of the House?

The CHAIRMAN. The gentleman from Tennessee [Mr. ENLOE] moves to take up a certain other bill. If the committee agree to his motion that virtually lays this bill aside.

Mr. KILGORE. A demand for the regular order will compel the consideration of this bill, and I demand the regular order.

The CHAIRMAN. The Clerk will read the rule.

The Clerk read as follows:

In Committees of the Whole House business on their calendars may be taken up in regular order, or in such order as the committee may determine, unless the bill to be considered was determined by the House at the time of going into committee.

The CHAIRMAN. The Chair holds that the motion of the gentleman from Tennessee [Mr. ENLOE] is in order.

Mr. KILGORE. I make the point of order that this bill was under consideration at the conclusion of last Friday's session on the Private Calendar, and was brought over as unfinished business, and that therefore it is not in order at this time to move to lay it aside and take up another bill.

The CHAIRMAN. The Chair overrules the point of order. The committee have control of their work.

Mr. ENLOE. Mr. Chairman, I move that the committee now take up and proceed to the consideration of the bill (H. R. 7616) for the allowance of certain claims for stores and supplies taken and used by the United States Army as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act.

Mr. THOMAS. Mr. Chairman, I wish to offer a substitute for that motion.

Mr. DOCKERY. Mr. Chairman, a parliamentary inquiry. If this motion and all other motions are voted down, we will then proceed with the regular order, I suppose?

The CHAIRMAN. Yes; under the rule.

Mr. BUCHANAN, of New Jersey. I rise to a parliamentary inquiry. If this motion be adopted, will not the bill which is now pending be in order when the House again goes into Committee of the Whole upon the Private Calendar, and will not its status remain the same?

The CHAIRMAN. It will. The bill will come up as unfinished business. Under the rule of the House all work in Committee of the Whole is under the control of the committee unless otherwise ordered by the House.

Mr. BUCHANAN, of New Jersey. Another inquiry. Is not the motion of the gentleman from Tennessee [Mr. ENLOE] debatable?

The CHAIRMAN. The Chair thinks not. The Clerk will report the title of the bill which the gentleman from Tennessee [Mr. ENLOE] moves to take up.

The Clerk read the title, as follows:

A bill (H. R. 7616) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act.

Mr. THOMAS. Mr. Chairman, I move to amend the motion of the gentleman from Tennessee by substituting a motion to recommit the bill to the Committee on War Claims.

Mr. ENLOE. I make the point of order that the gentleman can not make that motion at this time.

The CHAIRMAN. The bill is not yet before the committee. When the bill is taken up by the committee, then the gentleman from Wisconsin can make his motion.

Mr. THOMAS. I rise to a parliamentary question. I would like to know whether that motion is debatable?

The CHAIRMAN. The motion of the gentleman from Tennessee [Mr. ENLOE] is not debatable.

Mr. THOMAS. I wish to say that this bill contains two hundred and eighty-five claims, amounting to \$545,000—

The CHAIRMAN. No debate is in order. For the information of the Committee of the Whole the Clerk will read Rule XXV.

The Clerk read as follows:

All questions relating to the priority of business shall be decided by a majority without debate.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee.

Mr. KILGORE. Has the bill which the gentleman from Tennessee [Mr. ENLOE] desires to bring up been read?

The CHAIRMAN. It has not.

Mr. KILGORE. I demand the reading of the bill.

The CHAIRMAN. The gentleman can not demand that at the present time. If the House decides to consider the bill it will be read; otherwise not.

Mr. KILGORE. If the bill is not read how are we to determine whether we will take up that bill or proceed with the regular order?

The CHAIRMAN. That is a matter for the Committee of the Whole to decide for itself.

The question being taken on the motion of Mr. ENLOE, there were—ayes 64, noes 61.

Mr. THOMAS. I call for tellers.

Tellers were ordered; and Mr. ENLOE and Mr. THOMAS were appointed.

The committee again divided; and the tellers reported—ayes 82, noes 77.

#### CLAIMS FOR STORES AND SUPPLIES.

The CHAIRMAN. The Committee of the Whole decides to consider the bill, which the Clerk will read.

Mr. THOMAS. I shall ask leave to offer a substitute.

The Clerk proceeded to read the bill (H. R. 7616) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act.

Mr. THOMAS. Mr. Chairman—

The CHAIRMAN. The gentleman from Wisconsin [Mr. THOMAS] is recognized. The pending question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation? The gentleman from Wisconsin offers, by way of substitute, a resolution which will be reported by the Clerk.

The Clerk read as follows:

That the bill be reported back to the House—

Mr. KERR, of Iowa. I make the point of order that this bill is not



properly before the Committee of the Whole. I do not think any such bill has ever been referred to the Committee on Claims; and I make the point of order that that committee has no right to report to the House for consideration a bill involving matters that properly belong to another committee, unless the bill has been first referred by the House.

Mr. RICHARDSON. I suggest that this bill is not reported from the Committee on Claims at all, but from the Committee on War Claims.

Mr. KERR, of Iowa. Whatever committee may report the bill I make the same point; of course the same principle is involved.

Mr. GROSVENOR. In connection with this point of order and before any objection to this bill and its present consideration is waived, I demand a separate consideration and a separate vote upon each item of the bill, these items being separate and distinct matters of legislation.

The CHAIRMAN. The gentleman can reserve that right when the bill comes to be considered by paragraphs.

Mr. MCCOMAS. I rise to a parliamentary inquiry or a remark in the nature of a parliamentary inquiry. I suggest that the verbal and other amendments which are to be submitted by the gentleman in charge of the bill should be offered now and be considered as pending.

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. MCCOMAS. It is in the interest of proper parliamentary procedure that the corrections of spelling and of figures should now be made and a couple of omitted names put in, so that this whole matter may come up together.

Mr. THOMAS. On the question of order I wish to say a word.

The CHAIRMAN. The point of order raised by the gentleman from Iowa [Mr. KERR] must first be considered. The Chair will listen to argument on that question.

Mr. ENLOE. In reference to that point of order I wish to say it is not necessary that a separate bill should be introduced in this House and referred to the Committee on War Claims in order that the committee may get jurisdiction of this subject. The Bowman act requires that all findings of fact by the Court of Claims shall be reported to the House of Representatives, and as a matter of course they are referred—it has been the rule all the time to refer them—to the Committee on War Claims, and that committee has a perfect right to get the bill in such shape as it pleases and report it back to the House.

Mr. THOMAS. I wish to say a word on the point of order. The fact is, as the bill itself will show, that this bill was never introduced in the House except by authority of the Committee on War Claims. Whether that committee had authority to do so or not is, I suppose, the question raised by the gentleman from Iowa. The Committee on War Claims, by a majority vote, authorized the gentleman from Tennessee to report on behalf of the committee this bill. Whether the rules permit the introduction of the bill in that way in this House I am not able to say, but such are the facts.

Mr. ADAMS. In answer to the remark of the gentleman from Tennessee [Mr. ENLOE] I want to insist that neither the Bowman act nor any other act can make rules for the government of the House of Representatives of the Fifty-first Congress; and if our rules provide that a committee can have jurisdiction only of a matter referred to it that committee has no right to report this bill until it has been introduced and referred to the committee.

Mr. ENLOE. Then I would like to know where the Committee on Appropriations get authority to report to the House the bills which they report. Where does that authority come from?

Mr. KERR, of Iowa. There is a special rule of the House authorizing them to do it.

Mr. FARQUHAR. The Committee on Appropriations gets its authority from Rule XI; and it is only from that rule that such authority can be acquired by any committee.

Mr. KILGORE. A single observation upon this point of order. As I understand, all these claims have by act of the House or the act of some committee of the House been referred to the Court of Claims under the Bowman act, and that court has passed on the two questions of fact which alone are submitted to the court: the question as to the amount involved and the question as to the loyalty of the claimant. The question as to the liability of the Government does not belong to that court. When the court has passed upon the two questions of fact I have stated, the report is made to this House; and it would properly be incorporated in some bill which must be referred to a committee having jurisdiction of the subject-matter. Until that is done, until some bill has been reported covering the report of the Court of Claims, I submit this House has no jurisdiction of the question.

As I understand—I am not familiar with the facts in this case—the Court of Claims has reported on all these claims with reference to the two questions of fact as to which alone the court has jurisdiction; those reports by some means or other have gone into the hands of the Committee on War Claims, which committee has chosen to provide for the payment of all these claims, fixing the liability of the Government to all these claimants upon the report of the Court of Claims, although no bill covering these claims has been introduced into the House and referred to the committee.

Now, I understand that is the status of this case. And I assume no bill can be considered in this House until it has been first introduced and referred to the proper committee and reported back by that com-

mittee and called up in regular order, unless it be done by unanimous consent.

Mr. STONE, of Kentucky. Mr. Chairman, there is no question as to the right of the Committee on War Claims to report this bill to the House for its action. Under the Bowman act these claims were referred to the Court of Claims for the purpose of ascertaining and reporting the facts to this House. That Bowman act provided, expressly, these claims should be reported back to Congress after the action of the court had been had upon them. It was provided further that they should be continued from Congress to Congress until final disposition had been made of them.

In the Fiftieth Congress the point of order was made that these claims by right should go to the head of the Calendar; and three of these claims were passed to the head of the Calendar. The point of order was then made that they were not properly at the head of the Calendar, and it was decided by the Speaker of the House at that time that these claims, when reported to Congress, should be referred to the Committee on War Claims. They were referred to the Committee on War Claims, and a bill was prepared by that committee in the Fiftieth Congress and reported to the House covering these claims. Since then these claims have been passed in such bills by the House; that is, these claims, after action of the Court of Claims has been had upon them, when they come to Congress from that court, have been referred by the Speaker of the House to the Committee on War Claims. If you do not continue the same course of action in reference to them, then what are you going to do with them? If they are referred to that committee by the Speaker of the House, and the committee can not bring them back, the action of the committee is estopped, and the action of Congress is estopped in reference to their disposition.

Mr. BURROWS. Will the gentleman allow me to ask him a question?

Mr. STONE, of Kentucky. With pleasure.

Mr. BURROWS. Where does the committee get the right, assuming these claims were properly referred to the committee or to the Court of Claims, where do they get the right to bunch all these claims and report them in a separate bill? Why can not you as well bunch all the claims before that committee and report them in a single bill?

Mr. STONE, of Kentucky. So far as I am concerned, Mr. Chairman, I am willing to report every claim reported to be correct by that committee in one bill and let it be acted upon by the House.

Mr. BURROWS. But where do you get the rule which allows it to be done?

Mr. STONE, of Kentucky. There is no rule prohibiting it. It is in the power of the committee to report them in one bill if the committee shall choose to do so.

Mr. BURROWS. I submit, Mr. Chairman, the committee has no power to bunch all these claims in one bill and report it to the House.

Mr. STONE, of Kentucky. The committee have undertaken only to take all the bills of one class—that is, claims for stores and supplies—and to include them in one bill, and report it to the House.

Mr. BURROWS. I submit the committee has no such authority.

Mr. STONE, of Kentucky. We follow just exactly the practice which has been adopted in reference to what is known as the 4th of July cases, reported by the Quartermaster-General's Office as correct, including such claims as were reported upon favorably in one bill and reporting it to the House. Such bills have been reported back to this House in such cases ever since July, 1864, and Congress has passed them every time without question.

Mr. KILGORE. In what respect are these cases similar?

Mr. STONE, of Kentucky. The 4th of July cases are referred to the Quartermaster-General's Office to investigate and report upon the facts in each case. These claims are referred to the Court of Claims under the Bowman act to report to Congress the facts which may be found to be correct. In the 4th of July cases, when reported to Congress by the Quartermaster-General's Office, they have been included in the same bill by the committee and reported to the House for action. That has been considered as a precedent by this committee as to the course to be taken in reference to these claims sent to the Court of Claims, and they have been included in one bill, as in this case, and reported to the House.

The two points of order are these. The first is, the committee had no right to report these claims, because no bill has been introduced. These claims were referred to the committee under the rules of the House by the Speaker of the House. If the committee can not report them back, then the House is estopped and the Court of Claims and Congress are estopped.

The next point is that we can not bring these claims in a bunch in one bill. We have only followed the precedent adopted in reference to the claims reported from the Quartermaster-General's Office, and which claims, as I have said already, when reported have, since 1864, been provided for in bills of this character. That precedent has been established, and we have only followed it in this case.

Mr. PERKINS. Were these claims referred to the Committee on War Claims by the present House of Representatives?

Mr. STONE, of Kentucky. They were referred to this committee by the present House.

Mr. HOUK. Mr. Chairman, my purpose in asking the attention of

the Chair is because it seems to me the whole question of order is in a nutshell. These cases rested originally on individual bills, all of which were referred to the Committee on War Claims in the last Congress. In obedience to the Bowman act, by explicit legislation of Congress each of these cases with a bill was referred to the Court of Claims for the purpose of ascertaining the loyalty of the claimant and the facts of the claim. The Court of Claims proceeded in each separate case to make its findings as to the facts. It reported its findings in each case to the House. When its findings came to the House, under the law they were referred, by the direction of the Speaker, to the Committee on War Claims, for the purpose of carrying out the intention of the Bowman act, to report them back either favorably or adversely to the House, that we may have the action of the House upon them.

Does it take, Mr. Chairman, a separate bill in each case when the finding of the court has been referred by the House to the committee? Must the committee wait until somebody introduces another bill, and a second, and a third, or a fourth bill, or until all of such cases have been covered by a bill of some shape? Why, it seems to me to be perfectly absurd. If the reference by the House to the committee is not for the purpose of committing the subject-matter to the committee, so that the committee shall determine what disposition it will make of the findings of the court, and the committee can report favorably or unfavorably on such finding—if it is not for the purpose of permitting the committee to do this, what is the purpose? In this case, having elected to report favorably, I think it absolutely absurd to raise the question of order here that the bill is not properly before the House.

It is purely a matter of legislative discretion. The reference of the findings of the Court of Claims to the committee gave it jurisdiction. Having thus acquired jurisdiction, the committee could exercise its own discretion, its own will, in reporting back to the House. It had the undoubted right to report back one bill or any other number of bills which in its judgment were necessary to bring the subject-matter before the House for action. I therefore insist that the question of order is not well founded.

Mr. GROSVENOR. Mr. Chairman, I know of no greater injury that could be done to the course of orderly legislation in this country, upon matters of claims against the Government, than the establishment of a rule of the House, a statute of the country, or a decision of the Chair that would for a moment make possible such legislation as that involved in the pending bill. I know of no greater promise of wrongdoing than would be involved in a bill grouping, as this does, a large number of private individual claims, no one of which depends in any sort of degree upon the good faith or character of the others; all dependent for their validity upon a widely different state of facts, but all, as in this case, to be grouped together, the one to make weight for the other and aid its passage or else to break down and defeat the passage of the others.

So, Mr. Chairman, I want to examine the legal question involved, irrespective of my judgment as to the character of the pending bill, simply premising that the proposition insisted upon by the gentleman from Kentucky [Mr. STONE] and the gentleman from Tennessee [Mr. HOCK] is a proposition fraught with the most dangerous elements to honest legislation.

If there ever was a measure that might with perfect propriety and without the possible censure of anybody be denominated a "log-rolling" measure, the bill now before the House certainly can with perfect propriety lay claim to that title.

Mr. RICHARDSON. Will the gentleman permit me to interrupt him a moment? I wish to ask the gentleman if it has not been the unbroken custom of the House to pass the claims known as the 4th of July claims in a similar manner.

Mr. GROSVENOR. I will come to that in a moment.

Mr. RICHARDSON. Let me complete the question. And, further, if it has not been the unbroken custom of the House also in every appropriation bill at every session of Congress to embrace in one bill the findings of the Court of Claims in such cases and pass them in that way.

Mr. GROSVENOR. If the gentleman from Tennessee will not break into the ill-prepared argument that I have, I will come to the last question in its proper order, and I will show the gentleman from Tennessee, I think, and the chairman of the committee also, that there is a marked difference in the distinction he seeks to draw.

Mr. RICHARDSON. But the 4th of July claims have already been passed.

Mr. GROSVENOR. I answer the gentleman in regard to the 4th of July claims that it may be he is right; his experience is longer than mine; but we have broken more than one "unbroken current" of authority in this House, and it is time that we should break several more. If, therefore, the bill now before the House is in the unbroken line of legislative precedents and authority, I am trying to show that that unbroken line is utterly pernicious in its character and opposed to good legislation.

Mr. RICHARDSON. But you have not broken the line of precedents in regard to the 4th of July claims, for in this session they were passed in the same way.

Mr. GROSVENOR. I will come to the 4th of July claims in the proper time; but I think the gentleman will find, if he will be patient

for a little while, that the argument he seeks to make will be turned against him and destroy the very position that he wishes to assume.

Mr. KILGORE. Will the gentleman let me—

Mr. THOMAS. Let me answer the suggestion of the gentleman from Tennessee, with the consent of the gentleman from Ohio.

Mr. GROSVENOR. Certainly.

Mr. THOMAS. The 4th of July claims were embodied in the bill introduced in the House and referred to the committee. This is a bill introduced by the committee, and never had been referred to them.

Mr. GROSVENOR. So the gentlemen will see that they stand here upon a widely different footing; but I would not have cared if the 4th of July bill came from the same committee. They stand upon a different footing, any way.

Mr. KILGORE. The question I wish to ask the gentleman is, whether or not the point of order ever has been made on what are known as the 4th of July claims.

Mr. GROSVENOR. So far as I know it never has been. But the gentleman knows that it is not uncommon for us to go along here and waive points of order that would be fatal to measures of this character.

Now, I desire to proceed with my argument. Each item of this bill is a separate and an independent measure. Originally it was in the form of a bill introduced in the House of Representatives, which became a separate invocation of legislation, if you please. It was surrounded by its own characteristics and dependent upon no other measure for its standing in the House, and the Bowman act provides exactly what shall be done with that character of claims. All the jurisdiction which this House obtains to-day upon the subject-matter of the pending bill it gets through the Bowman act. I assume that the gentleman from Tennessee [Mr. HOCK] will admit that, inasmuch as he has planted himself already upon the Bowman act.

Now, what is the Bowman act on this question of the separate character of these claims, and, as I shall term it for the purpose of this argument, the separate history of each one of these measures?

Whenever a claim is pending before any committee, either of the Senate or House of Representatives—

Now, that is the starting point; not when they are in a bundle of claims; not when there are several hundred claims. Nobody would pretend that a reference of ten claims or twenty claims or one hundred claims in a bundle could be made under the Bowman act. You start out with a claim—a single claim—and it is put under a certain jurisdiction which never leaves it, which clothes it with its character at every step. Now, what is to be done with a claim, not an omnibus bill, but a single claim? It is to be sent as a claim to the Court of Claims—

the committee or the House may cause the same—

That is the single claim—

with the vouchers, papers, proof, and documents pertaining thereto, to be transmitted to the Court of Claims, and the same there shall be proceeded in under such rules as the court may adopt.

Then it provides that the Court of Claims shall make report to the House of Representatives upon that claim. Would anybody undertake to say that the Court of Claims could lodge subsequent ultimate jurisdiction in the House by a report that would say, "The Court of Claims, having had under consideration 250 claims, as follows, they report that the claimants were loyal, and the following sums are to be allowed," and dump the whole grist into the House and ask it to take that as a compliance with the Bowman act? By no means. Mr. Chairman, it was intended by this legislation that each one of these claims shall constitute a separate and independent bill, standing upon its own merits, as I have said.

Now this report is made. Now comes the other question which the gentleman from Tennessee has spoken about. What is the jurisdiction now of the several committees of this House in the matter of originating legislation—because it is originating legislation to introduce a bill into the House of Representatives? If I introduce a bill to pay a claim, it is an origination of legislation upon that subject; and if I introduce a bill to tax a certain kind of importations into this country, it is an origination of legislation upon that subject. So I find, Mr. Chairman, by examination of the rules of the House, that the various committees of this House have various powers, all differing, or mostly differing, from the other. There is a class of committees that are authorized to introduce bills into the House, and I want to call your attention to the fact that the expression which confers power upon one or more of the committees, but not upon all, to do a certain thing, excludes the other committees from doing similar acts or acts of a similar quality.

I think that no gentleman will deny the soundness of that proposition, and the argument of the gentleman from Kentucky [Mr. STONE], therefore, that the Committee on War Claims is not forbidden to do an act, falls to the ground, because certain other committees of the House are authorized and empowered to do acts of a similar quality, and the Committee on War Claims is not one of those committees. Therefore, the expression of the power in one committee is an exclusion of the power from the other committee. This principle of law, I think, will not be denied.

Mr. FARQUHAR. For instance, the power of the Committee on Appropriations to originate appropriation bills, and the Committee on



Rivers and Harbors to originate the bill for the improvement of rivers and harbors.

Mr. GROSVENOR. I am coming to that directly, but the gentleman is right. The rules of the House must be considered to have had in their construction or origination a purpose that was a wise purpose. What was it? Why, in the very nature of things, the Appropriation Committee should not be bound by the mere introduction of bills into the House. Their duty is to provide appropriations of money for the various purposes of the Government.

Mr. ADAMS. At the instance of the Government.

Mr. GROSVENOR. At the instance of the Government. They are to answer the Departments of the Government, and there is a prescribed form in which the Department shall call upon that committee or those committees.

Mr. HOUK. And it is at the instance of the Government, through the Court of Claims, to allow the payment of these claims.

Mr. GROSVENOR. I know, but my friend has omitted to state that the Bowman act prescribed how these claims are to be adjudicated and allowed.

Mr. HOUK. I did not grasp all of the gentleman's argument, I suppose.

Mr. GROSVENOR. I have no doubt about that. [Laughter.] And for once in his life my friend from Tennessee has made an "honest confession," and that is "good for his soul."

Mr. HOUK. I will do it every time. I suppose that I was incapable of gathering up his loose argument.

Mr. GROSVENOR. Your power of gathering up is not to affect at all the character of my argument.

Mr. PETERS. If the gentleman from Ohio will allow me, in regard to appropriations, I desire to state that even appropriation bills are prepared and introduced to the House and then referred to the committee.

Mr. GROSVENOR. So I understand; and I am strengthened in my position by the suggestion of the gentleman from Kansas [Mr. PETERS] that even appropriation bills—and I have had some connection with one appropriation bill and I agree with him—are always introduced to the House and recommitted before the House can get jurisdiction to pass that bill.

But let me go on. The fifty-first subdivision—

Mr. McRAE. If it does not interrupt the gentleman from Ohio, I would like him to look at section 1 of the Bowman act and section 7, so that he may consider that in the point he is now attempting to make. If you will permit me I will read—

Mr. GROSVENOR. I have the act all before me. If you will permit me to conclude my point as to committees, then I will hear you.

Mr. McRAE. I wanted to call your attention to the first section.

Mr. GROSVENOR. This is not the proper place for me to be interrupted. Just let me go on to say what I am saying about the power and jurisdiction of these committees.

Mr. McRAE. That is the point. It is the question of the jurisdiction of the committees I desire to call your attention to.

Mr. GROSVENOR. Let me have my way about presenting this matter of the committees, and then you can explain your views afterwards.

Now, Mr. Chairman, I want to go forward. I am coming now to the committees of the House that are authorized by the rules of the House to report legislation to the House; that is, to originate legislation in the House. In the ninth page of the pamphlet copy of the rules of the House, in the fifty-first subdivision of Rule XI, I find the following provision:

The following-named committees shall have leave to report at any time on the matters herein stated, viz: The Committee on Rules, on rules, joint rules, and order of business; the Committee on Elections, on the right of a member to his seat; the Committee on Ways and Means, on bills raising revenue; the committees having jurisdiction of appropriations, the general appropriation bills; the Committee on Rivers and Harbors, bills for the improvement of rivers and harbors; the Committee on the Public Lands, bills for the forfeiture of land grants to railroad and other corporations, bills preventing speculation in the public lands, and bills for the reservation of the public lands for the benefit of actual and bona fide settlers; the Committee on Territories, bills for the admission of new States; the Committee on Enrolled Bills, enrolled bills;—

They can not wait for a bill to be introduced, because there has been a bill introduced, passed, and handed over to them, and prepared for the signature of the Speaker, and hence this provision as to that committee—

the Committee on Invalid Pensions, general pension bills; the Committee on Printing, on all matters referred to them of printing for the use of the House or two Houses; and the Committee on Accounts, all matters of expenditure of the contingent fund of the House.

Now, the gentleman from Arkansas [Mr. McRAE] refers to the seventh section of the Bowman act, which provides:

That reports of the Court of Claims under this act, if not finally acted upon at the session to which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be acted upon.

I can not see any pertinence whatever in that suggestion. If a claim is in the form of a bill, the bill goes over. We had a contest in the last Congress, as members of the Fiftieth Congress will remember, upon the question whether those bills were here or had to be reintroduced. That contest sprang up and occupied most of a day. I do not remem-

ber exactly what the decision was, but my best recollection is that the Chair decided that the bills were here and need not be reintroduced.

Mr. STONE, of Kentucky. Will the gentleman permit a question? Mr. GROSVENOR. Yes; if it is in the line of the particular argument I am making at this time.

Mr. STONE, of Kentucky. If I did not misunderstand the gentleman, he was quoting from Rule XI.

Mr. GROSVENOR. Yes, Rule XI, paragraph 51.

Mr. STONE, of Kentucky. The gentleman said that the committees he named were to have charge of certain bills and certain matters.

Mr. GROSVENOR. I read the rule exactly as it stands, and I am now making my argument upon it. It is Rule XI, subdivision or paragraph 51. It was held, as I recollect, in the Fiftieth Congress, by Mr. Speaker CARLISLE—and if I am wrong about that the gentleman from Tennessee [Mr. RICHARDSON] will correct me—that these bills, under the seventh section of the Bowman act, did not have to be reintroduced in that Congress.

Mr. KERR, of Iowa. The Speaker said that the law made it proper for the Clerk to place them on the Calendar. That is just what he said.

Mr. GROSVENOR. Yes; but he by no means undertook to say that they lost their character of bills and became an omnibus matter of claims that might go to a committee having no authority to report bills, and might come back here in the form of a single bill reported from that committee. That is the question that we are arguing about now.

Mr. RICHARDSON. I understand that the gentleman from Ohio claims that this point of order is well taken because there was not a bill introduced in each particular case and referred to the Committee on War Claims.

Mr. GROSVENOR. That is one of my points.

Mr. RICHARDSON. Now, I ask the gentleman if there is no other way by which the committee can get jurisdiction of these matters. And further, if, when a finding of the Court of Claims is submitted to the House, as the Bowman act requires such findings to be submitted by the Speaker, and is referred by the Speaker to the Committee on War Claims, that does not give the committee full jurisdiction of the claim. And, if so, where is there any rule which prevents or prohibits that committee from putting two or more of these claims together in one bill? Also, upon this point, I will ask the gentleman how it is that the Committee on Rivers and Harbors get control of bills for improving the rivers and harbors of the country except by the reference to them of the reports of the Secretary of War or the engineers' reports? There is no separate bill introduced in each case of that kind.

Mr. GROSVENOR. The gentleman does not make that argument seriously, I think.

Mr. RICHARDSON. I want the gentleman to point out the difference.

Mr. GROSVENOR. I will make the difference very plain.

Mr. RICHARDSON. Well, I want the gentleman to tell us what the distinction is.

Mr. GROSVENOR. The distinction is as wide as a distinction can possibly be. In the first place, the Committee on Rivers and Harbors is one of the committees authorized to report bills. That is the first point.

Mr. RICHARDSON. Does the gentleman say that the Committee on War Claims can not report a bill?

Mr. GROSVENOR. I say they can not report an omnibus bill in which they have merged one hundred and fifty bills or claims. That is what I am arguing now. I am sticking to the case at bar, and not wandering off into a philosophical speculation as to what might be in some other case.

Mr. RICHARDSON. Does the gentleman say that the Committee on War Claims can not originate a bill with one hundred claims in it?

Mr. GROSVENOR. I am sticking to the question that is involved here, and I am saying that that committee can not take a set of bills which the law has clothed with an independent character and merge them together—

Mr. RICHARDSON. But they are not separate bills.

Mr. GROSVENOR. I say they are.

Mr. RICHARDSON. Why, the gentleman is complaining because they are not separate bills.

Mr. GROSVENOR. That is exactly what I am doing.

Mr. RICHARDSON. But the matter itself was referred to the committee.

Mr. GROSVENOR. It was referred to them in the form of separate bills, each one of which stood upon its own merits, with a separate report from the Court of Claims, each bill called in the law "a case," each bill having its own characteristics. Now, I deny the power of the Committee on War Claims to do this, and I deny the propriety of the legislative practice which permits or would permit the grouping together of all those bills, the destruction of their individual character, and the massing of them together into one general lump.

Mr. RICHARDSON. It is not a question of propriety that we are discussing here, but a question of order. The question of the propriety of such a method of legislation does not arise.

Mr. GROSVENOR. It does arise.

Mr. RICHARDSON. Now, will the gentleman come back to the Committee on Rivers and Harbors and show me the difference between that case and this. And I want to ask him one further question. Does he take the position that the Committee on Public Buildings and Grounds can not put two or more public buildings together in a bill?

Mr. GROSVENOR. I deny that they can do anything of the kind. Now, I decline to be interrupted further until I complete my argument. But, by way of illustration of my point, I will ask the gentleman from Tennessee [Mr. RICHARDSON] whether he is willing to stand up here and say that the Committee on Invalid Pensions can take one hundred private pension bills and put them into one bill and report them to this House.

Mr. McMILLIN. Will the gentleman allow me a question?

Mr. RICHARDSON and Mr. KILGORE rose.

Mr. McMILLIN. Will the gentleman allow me a question?

Mr. GROSVENOR. I will take you one at a time and answer the whole of you. [Laughter.]

Mr. KILGORE. The gentleman from Ohio as I apprehend does not seem to have the exact facts in this case [laughter], but I am with him in his proposition. The truth of the business is that bills have never been introduced in relation to these matters at all.

Mr. GROSVENOR. I understand that.

Mr. KILGORE. Bills have been introduced in some cases, but in a great many other cases no bills have been introduced.

Mr. GROSVENOR. Then I am very much obliged to the gentleman from Texas, because, if that is so, then all the arguments which have been made on the other side fall to the ground, and there is no question about the illegal character of this bill.

Mr. KERR, of Iowa. That is just the point I made.

Mr. GROSVENOR. And I beg the pardon of the gentleman from Iowa [Mr. KERR] for not allowing that statement to come in. The facts as they now appear settle beyond all peradventure the argument in favor of the position we have occupied. What, then, has been done in this case? Suppose, by way of illustration, that a committee should take, say, one hundred private bills, one hundred pension bills, group them into one bill, and add fifty more private pension claims that the committee saw fit to report upon.

Mr. FARQUHAR. And which never were referred to them.

Mr. GROSVENOR. Never referred to them—claims which never had the character of separate bills.

Now let me finish my argument in answer to the gentleman from Tennessee in regard to the Committee on Rivers and Harbors. That committee receives from the Secretary of War a report as to the propriety and the value of a certain river improvement; it gets reports as to another and another and another such improvement; and under the authority given by the rule I have quoted, the committee introduces in the House one bill making an appropriation of money, not declaring or establishing the propriety of any particular work, but making an appropriation. That bill is referred to the Committee on Rivers and Harbors, and reported back, the original jurisdiction having been conferred on the committee by the action of the House in referring the bill to it. That question does not stand upon all fours with this. In this case bills have never been referred to the War Claims Committee.

The river and harbor bill is first introduced by an individual member of the House, usually a member of the committee, usually the chairman of the committee. He introduces the bill; it is his bill. It goes to the Committee on Rivers and Harbors, and is reported back by that committee, and placed on the Calendar. The House has referred the subject-matter to the committee; it is within their jurisdiction; and the House gets jurisdiction in that way; and not only in that way, but by virtue of the law of Congress which devolves upon the Secretary of War the duty of informing Congress with reference to the meritorious public works of the country. That is a public appropriation, an appropriation for a public purpose. Here is an appropriation to pay a mass of private individuals their private claims. I want the gentlemen who are to reply to tell me the difference between the attitude they occupy in this case and the attitude they would occupy if there were fifty private pension bills and ten claims for pensions, that never were introduced in the House and never referred to the Committee on Invalid Pensions, all grouped in one measure and brought in here for action.

Mr. WHEELER, of Alabama. We report in one measure the appropriation of about \$90,000,000 that we make every year for the payment of pensions, such pension claims as the Pension Office may declare to be valid. The Court of Claims has declared these to be valid claims. We specify these claims separately in the bill, but in the case of the pension bill we appropriate for all in a lump.

Mr. GROSVENOR. I am not talking about the appropriation, my friend. I am asking your views in regard to the case I have stated, and I think you will not differ with me. Suppose there are fifty men asking to be put on the pension-roll by special acts of Congress, and the Committee on Invalid Pensions takes those fifty bills, puts them all into one bill in fifty paragraphs, then takes the names of ten more persons whose applications were never put in any bill, and never referred to the committee, puts ten paragraphs in the bill providing for these

ten persons, making sixty private bills all incorporated in one bill, and the committee asks the House to take jurisdiction of that bill—

Mr. KERR, of Iowa. When not a single bill was before them?

Mr. GROSVENOR. When not one bill was before them. Let me tell the gentleman, further, that the Bowman act contemplates the original character of the claim (that is the bill) pending in Congress. There can not be a claim pending in Congress except by virtue of a bill. I may stand here having in my pocket a claim against the Government; but if I do not introduce a bill covering the claim it does not come under the Bowman act. The very moment it is introduced, it becomes a separate and independent cause of action, if you please. It goes to the Court of Claims. After that court has made its report we have a right to examine the basis upon which the report is made; we have something more to do than merely to make an appropriation. We must pass upon the question of fact. We are to legislate upon the question whether we will pass this bill or not.

Now, does the gentleman say that we are called upon to legislate in one bill upon the questions of fact found in two hundred and fifty claims, one hundred of those claims never having been introduced into Congress at all, never having been claims pending within the scope and meaning of the Bowman act?

Mr. WHEELER, of Alabama. The gentleman from Ohio says we do not differ; I want to show that we did not differ a year ago when, as he will recollect, a bill precisely similar to this was before the House. I read the title of the bill, and it is one upon which the gentleman spoke at that time:

A bill for the allowance of certain claims for stores and supplies taken and used by the United States Army as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act.

The gentleman who now has the floor [Mr. GROSVENOR], in a speech which will be found on page 1679 of the RECORD of the last Congress, advocated that bill. I admit that we are not talking now on the merits of this question, but in the case of the bill to which I refer, and which the gentleman advocated, no point of order was made.

Mr. GROSVENOR. Was not that the bill which we designate as the "4th of July claims bill?"

Mr. WHEELER, of Alabama. It was a bill to pay claims under the Bowman act. You will find the title on page 1670 of the RECORD.

Mr. GROSVENOR. Was a point of order made in that case?

Mr. WHEELER, of Alabama. No, sir; but it was a bill similar to this; and the only object in making a point of order now on your part is to oppose this bill. On that bill you said—

Mr. KERR, of Iowa. No doubt some of these claims are valid; I suppose they are.

Mr. GROSVENOR. Let the gentleman from Alabama complete his statement; and then I will answer him.

Mr. WHEELER, of Alabama. The gentleman advocated the bill to which I have referred, embracing, as this bill does, a number of claims all lumped together. The gentleman from Virginia [Mr. LEE] proposed an amendment at that time to which the gentleman from Ohio [Mr. GROSVENOR] objected, because it tended, as he said, to jeopardize a very meritorious bill. The gentleman from Ohio at that time used this language:

Now, can we not meet this question upon its own merits? Is it necessary that this bill, covering as it does a line of claims about which there seems to be no contention, should be loaded down with a proposition so fraught with ultimate consequences as this question? It seems to me that if this bill stood here upon its own merits it would not last five minutes; and it seems further that it is a strong suggestion against the justice of the bill that it is sought to be put on here as an amendment upon a bill that everybody seems in favor of the immediate passage of, that it should so hamper and delay it.

It will thus be seen that there was no contention last year by the gentleman in regard to claims of this character.

Mr. GROSVENOR. Does the gentleman say these claims are the same quality of claims those were?

Mr. WHEELER, of Alabama. The same quality; exactly the same quality.

Mr. GROSVENOR. Name one of those claims, and tell me how it compares with these.

Mr. WHEELER, of Alabama. Every one of these claims is the same as those.

Mr. GROSVENOR. Are you quite sure?

Mr. WHEELER, of Alabama. Quite sure.

Mr. GROSVENOR. I am very sure you are mistaken.

Mr. WHEELER, of Alabama. I recollect the claim of Coles.

Mr. GROSVENOR. I wish to say to the gentleman from Alabama just this: I have no doubt I supported the bill to which he has referred. I was not opposed to any particular portion or paragraph of it. If the RECORD shows it, then I made that speech. Now, because I was in favor of a bill composed of numerous items against which no objections were made and against which no point of order was raised, the argument of the gentleman from Alabama [Mr. WHEELER] is, I must never oppose a bill on account of misjoinder of items, because on one occasion I waived the point of order. Is not that an argument which will be considered weighty?

Mr. WHEELER, of Alabama. Everybody favored that bill.

Mr. GROSVENOR. Everybody favored it.



Mr. WHEELER, of Alabama. Everybody on that side favored it.  
Mr. GROSVENOR. Everybody does not favor this by a long way, let me tell the gentleman from Alabama.

Mr. PETERS. I injected a statement into the gentleman's speech that appropriation bills were introduced and referred to the committee. I find since that was done only for the purpose of having the bills printed, and also that it is not necessary to have those appropriation bills introduced for reference to the committee.

Mr. GROSVENOR. The ground I stand upon is that the rules of the House give the Committee on Appropriations that power. I am willing to examine each one of these claims. I am willing to take each one of these claims and have it carefully examined. But I say here I will not be bound in my judgment by the action of the Court of Claims during the last four years, as I will show when the proper occasion arrives—not that the court was defective in its patriotism, not that the court was unwilling to arrive at just conclusions, but that the judgment of the Court of Claims in many cases was a default judgment, and many of them are worse than that; they are judgments practically by confession, confession of officers who ought to have been there to defend the position of the Government.

Mr. ENLOE. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ENLOE. If that point is to be gone into we wish to be heard upon it. But I make the point of order that it has nothing to do with the question under discussion.

Mr. GROSVENOR. I wish to say in support of the point of order, Mr. Chairman, that we have the right to examine the action and judgment of the Court of Claims on each one of these items.

Mr. ENLOE. But the gentleman was proceeding to make statements in reference to the method of procedure in the Court of Claims, which is not pertinent at this time.

Mr. GROSVENOR. I will state it when the proper time comes.

Mr. ENLOE. Yes, when the proper time comes.

Mr. GROSVENOR. My point is this: This bill is made up of a large number of claims which find their way here under the Bowman act, and the individual autonomy of each one of those claims is to be maintained until final action is taken on them by Congress. This bill contains matters which properly go to the War Claims Committee, but they are commingled with matters which ought not to go to that committee under any authority which had jurisdiction to refer to the War Claims Committee. I claim by parliamentary law, therefore, this bill is not properly on the Calendar, and that the point of order ought to be sustained.

Mr. McCREARY. Mr. Chairman, the remarks of the gentleman from Ohio have taken such a very wide range that it is very important that we should examine and see what is actually before this committee.

The point of order made by the gentleman from Iowa [Mr. KERE] is before the committee for consideration. It is "that the committee has no jurisdiction of these claims, for the reason that no bill for the payment of either of the claims has ever been referred to the Committee on War Claims." Now, sir, the gentleman from Tennessee, who has charge of this bill and on whose motion it was taken up for consideration to-day, is a member of the Committee on War Claims, and he says—and other members of the Committee on War Claims have made the same statement to me—that all the claims referred to in this bill were either before the Committee on War Claims because of bills referred by the Speaker of the House or because of petitions sent to the Committee on War Claims by the House.

I know that there are two claims embraced in the bill under consideration that I had the honor to embody in bills, for the relief of M. I. Durham, administrator, and for the relief of W. N. Potts; and these were referred by the Speaker of the House to the Committee on War Claims, and subsequently, under the provisions of the Bowman act, were referred by the Committee on War Claims to the Court of Claims. So that the first point of order made by the gentleman from Iowa falls to the ground, because he says that the Committee on War Claims has no jurisdiction of the claims embodied in the bill for the reason that their subject-matter, separately or collectively, had not been referred to the committee, and that no bill or substantial case covering these claims had been so referred.

Mr. ADAMS. Will the gentleman allow an interruption just at this point? Were the bills to which the gentleman from Kentucky now refers as having been introduced by himself presented during the present session of Congress?

Mr. McCREARY. They were; and they were presented also in the Forty-ninth and Fiftieth Congresses. I am informed by members of the Committee on War Claims that the bill now under consideration is made up of claims that were introduced in this or previous Congresses, either by bill or petition, and referred to that committee, either in this Congress or some previous Congress, and then transmitted under the Bowman act to the Court of Claims.

Now, Mr. Chairman, the question arises as to what is the Bowman act, exactly what was designed to be accomplished by Congress in the passage of that act. I will read its first section.

It may be said in this connection that the act was to provide for cases

of just this character. It was an act providing for a fair and impartial adjudication by a competent court of just such claims as are embraced in the bill now under consideration, and it was enacted to afford relief and assistance to Congress in the investigation of claims and demands against the Government. The first section of this act provides—

That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found, the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted, for its consideration.

Now, I hold that the very action required by the Bowman act has been had in this case. The bills were originally introduced in the House of Representatives. They were referred to the War Claims Committee. That committee referred them to the Court of Claims, and the Court of Claims now under the first section of the Bowman act sends the report of the court back to the House and through the House to the committee, which embodies them in its report in the bill which is now before us for consideration, embracing the very matters on which the court has rendered a favorable report. It is admitted by the gentleman from Wisconsin [Mr. THOMAS] that about two-thirds of the claims embraced in the bill were embodied in bills that were referred to the Committee on War Claims and then referred to the Court of Claims. This being so, the bill is not amenable to the objection urged by the gentlemen from Iowa [Mr. KERE]; and it may be stated also that under the Bowman act if the report of the Court of Claims to Congress is not acted on when first reported it shall be continued from Congress to Congress until finally acted on.

The further point is made by the gentleman from Iowa that, if either of these claims was properly before the committee, they have no jurisdiction and no right to report more than one of the claims in any bill; in other words, that they have no right to report a bill embracing a number of them.

For many years the Committee on War Claims has reported a bill similar to this at every session of Congress, and the precedent has been followed this session. But outside of that I call the attention of the committee to subsection 31 of Rule XI of the rules of the House of Representatives, which subsection declares, in directing how legislation shall be referred to the respective committees, that—

Claims arising from any war in which the United States has been engaged shall be referred to the Committee on War Claims.

Now, in accordance with that rule, the claims embodied in this bill under consideration were referred to the Committee on War Claims, and properly referred. They were considered by that committee, referred to the Court of Claims, and have come back to the House, and are all here embodied in one bill. The Committee on Rivers and Harbors has been given similar powers by Rule XI, which declares that subjects relating to the improvement of rivers and harbors shall be referred to the Committee on Rivers and Harbors, and this committee reports a bill every session of Congress containing appropriations for different rivers and harbors, all in one bill. Then why should we not in this case group together all the claims that have been reported favorably by the Court of Claims and embody them in one bill? It has been so held or rather such has been the practice for years. It has been done, as I am informed, ever since Congress first commenced the consideration of claims under the Bowman act. I see no reason why it should not be done now. There is no rule prohibiting it; and as the bill will be read by paragraphs and each claim will be considered separately, I see no proper ground for objection, unless, indeed, there are members on this floor who are opposed to the fair and just consideration of war claims that have been favorably considered by the Committee on Claims. I believe, therefore, that the bill now under consideration is properly before the committee, and the committee has jurisdiction of the claims embraced in the bill, and the point of order made by the gentleman from Iowa should be overruled.

Mr. McCOMAS. Mr. Chairman, the real trouble about this bill, against which is raised this question of order, is that the bill itself is only a partial compliance with the law; strictly, all of these bills ought to have their place, coming over from former Congresses, at the head of the Private Calendar in their order, not where they are now, but far ahead of where this bill places them.

I have been surprised at some of the gentlemen who have presented their views on this question finding a difference between the pending bill and other bills containing separate items. Sir, the 4th of July claims bill, which has passed this House twenty-three times annually since that statute was enacted, is a bill gathering all of the same sort of claims for quartermasters' and commissary stores and supplies, payable in different amounts and to different persons.

But the whole of these claims embodied here have been adjudicated by a court of high authority with a number of judges, on testimony sifted by the examination of lawyers, by cross-examination, rebuttal, and careful elimination in amount, the action being to reject in many of the cases and in others to scale them down; whereas in the 4th of July claims Congress has twenty-three times passed bills covering the whole of them simply upon *ex parte* statements, without trial by judges,

without sifting by lawyers, without cross-examination by counsel for the Government; and upon that slight authority has done what it had a right to do for the same subject-matter, the same class and kind of claims: put them together in one bill and under one title; and the only fault about this bill as it is now is that it should have stated at the end the amount, namely, in all the sum of so many dollars.

It is one bill. The gentleman who last argued this matter has more than once aided here in the passage of the river and harbor bill, relating to various classes of legislation. It embraces at least five or six kinds, while this embraces but one. The river and harbor bill provides for canals, rivers, and harbors, preliminary surveys, locks, gates, and dams at different places—

Mr. WHEELER, of Alabama. And for the purchase of land.

Mr. MCCOMAS. Yes; for the purchase of land and real estate and many other things. This bill the gentleman calls a job, and yet he supports that sort of a bill every year. Here you have your sundry civil appropriation bill covering under one title everything on earth. By its very title it is a "sundry" civil appropriation bill—matters referred to the Committee on Appropriations merely by estimate, and all come in under one bill, amounting to about \$25,000,000; different in classes, different in kind, different in subject-matter, different in everything, "sundry," "various," "varying," different in every degree. And then you have (for I know something of this matter from observation of five years on that committee) the general deficiency bill. In that you have classes of claims of different variety, for different purposes, for different people. During this Congress I voted for a bill of that kind, and I have no doubt that my friend who has just taken his seat also voted for it.

We actually voted to pay in one bill, which I hold in my hand, not only five thousand different persons in different amounts and for four different classes of subjects, but we really enabled the payment of claims upon the finding of one man, not a court—without cross-examination, without investigation, without rebutting or counter testimony, but upon the decision of one man and auditor. Not only that; we went further and provided that we would appropriate in a single bill, called the "urgent deficiency bill," in the second section, for these classes of claims, "for arrears of pay to volunteers." I voted for it. Gentlemen around me voted for it. For "bounty to volunteers"—

Mr. GROSVENOR. Will the gentleman allow me?

Mr. MCCOMAS. Not at this time. We provided for the payment of bounty under the act of July 28, 1864, and we provided for the commutation of rations to prisoners of war in rebel prisons, and we provided not only for the payment of these items, but also for horses and other property. Now, in this Court of Claims bill there is but one class, "for stores and supplies furnished quartermasters and commissaries," and which were "taken and used" by the Army of our Government; but here, in the urgency deficiency bill, every variety of claim under the sun is added and provided for by a clause here:

And for payment of such amounts additional thereto as may be certified to be due by said accounting officers on this account during the fiscal year 1890, so much therefor as may be necessary is hereby appropriated.

And we actually provided for the payment of claims not yet allowed and passed upon, that never will come to any committee, never will be sent before the Appropriation Committee, never will be referred to this House for its action; we passed them in a lump.

It is rather late now, after these things have been passed, for my friend to say that when you put together in one single bill claims for stores supplied by loyal, honest, true men to this country, which have been passed upon by an able court acting under law, it is a bunching of claims (and these have been due for a quarter of a century), when we have passed a bill that has bunched claims, as I have shown, in the provisions of the bill to which I have referred.

Mr. FARQUHAR. Will the gentleman allow me to ask him a question?

Mr. MCCOMAS. Yes, sir.

Mr. FARQUHAR. Is there a single dollar appropriated in the urgency deficiency bill that is not in pursuance of previously existing law?

Mr. MCCOMAS. I am glad the gentleman has asked me that question. In that bill provision is made of \$711,000 for claims in part not yet adjudicated and passed; and we only claim the right to take up these claims and pass them under existing law. They have been sent by special act to some place where somebody might and did pass upon them and report them back to Congress; they come back here because the law did not provide for their payment, and they may be provided for in one bill.

Mr. GROSVENOR. Why did you not put these claims into the urgent deficiency bill and pass them in it?

Mr. MCCOMAS. Because there is no law authorizing their payment in that way; it did authorize their consideration in this way. It is a gratuitous assumption on the part of my friend to say that there is not a law for this. I will show you presently what has been the law on this very subject.

Mr. BOUTELLE. Does the gentleman from Maryland say that a single item of appropriation in the urgent deficiency bill is an appropriation that was not authorized by existing law?

Mr. MCCOMAS. I say that these unaudited claims were not authorized to be paid by any existing law. They have never been audited. But that bill gave them the power to have them paid. I voted for it myself.

Mr. BOUTELLE. What right had you to put it in the bill, then?

Mr. MCCOMAS. The right of this Congress to legislate.

Mr. BOUTELLE. But it is absolutely forbidden by the rules of the House, unless it has been authorized by existing law.

Mr. MCCOMAS. But Congress did not prohibit, but passed the bill.

Mr. BOUTELLE. Then if you did so it was because the point of order was not raised.

Mr. MCCOMAS. I am not going to meet things that do not happen to be up at the time. I am taking the things that did happen and the laws that have passed.

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. MCCOMAS. I should like to know the principle—

Mr. BOUTELLE. I undertake to say that there has never been an urgent deficiency bill passed here containing appropriations that were not authorized by law.

Mr. MCCOMAS. The gentleman said he rose to ask me a question, and now he "undertakes to say;" but I am just now undertaking to say something myself, and therefore I decline to be interrupted. [Laughter.]

Mr. KILGORE. Is it not the fact that those appropriation bills simply made an appropriation of so much money, to be expended in payment of claims after they had been properly adjudicated?

Mr. MCCOMAS. I stated twice, and if the gentleman had listened to what I said he would have understood me, that it was actual legislation authorizing the payment of the money for these claims whenever they should hereafter be audited, which could not have been paid without this additional legislation; and I say that was right.

Mr. BOUTELLE. It may have been right, but it was out of order.

Mr. MCCOMAS. I am not accounting for things now.

Mr. BOUTELLE. This is a question of order.

Mr. MCCOMAS. It is not merely a question of order. This is a question of whether or not, under existing law, there is authority for this House to consider these claims under this bill, and I say the form of the existing law covers the framework of the bill.

Mr. KERR, of Iowa. The question is whether the bill is properly here.

Mr. MCCOMAS. I am discussing that question, if the gentleman will allow me. Now, Mr. Chairman, take the title of this bill itself, "For the allowance of certain claims for stores and supplies taken and used by the Union Army under the provisions of the act of March 3, 1863, known as the Bowman act." It purports in its title to be an appropriation of money under an act of Congress covering a certain class of cases coming before Congress. Now, what light have you—and I now speak of the jurisdiction—what light have you upon the framework of the title to that bill? Turn to the first section of the Bowman act and you will find its language is that when the facts shall have been found the court thereon shall report the same to the committee.

Under that power these claims have come back to Congress in the Forty-ninth, the Fiftieth, and the Fifty-first Congresses. That is the provision in the first section of the Bowman act, which you will find on page 300 of the Manual and Digest. Now turn to section 7. There you will find a section taken in part from the original act of Congress which laid the foundation for the Court of Claims as a separate court. That was copied into the Bowman act as the seventh section, and it provides—

That reports of the Court of Claims to Congress under this act, if not finally acted on during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon.

Now, Mr. Chairman, if you turn to First Court of Claims Reports you will find, in the beginning of the book, the act of 1855 under which this court came into existence. Section 8 of that act is transported into the body of the Bowman act. It provides—

That said reports and the bills reported as aforesaid—

Because they had reports and bills there—and I am coming to the point of the gentleman from Ohio [Mr. GROSVENOR] about reports and bills—

That said reports and bills reported as aforesaid shall, if not finally acted upon during the session to which said reports are made, be continued from session to session.

And so on, proceeding in the very language of the Bowman act from which I have just read, the seventh section of the Bowman act.

Now, what was the ruling of the Speaker in the last Congress, and what has been the practice of Congress upon this subject? The law that I have read particularly required a bill separate and a report separate, but the Bowman act makes a change in that respect; it omits "the bill and the report," and provides only that the reports of the Court of Claims, if not finally acted upon during the session to which they are made, shall be continued from session to session, etc., until disposed of. In the Thirty-seventh Congress, second session, page 42 of the House Journal, the Speaker announced that—

In conformity with law and the usage of former Congresses such bills from the Court of Claims as were left undisposed of at the close of the last Congress



would be again read the second time, and, together with the adverse reports of the said court which were left undisposed of, be committed to the Private Calendar.

Again, when this question came up in the Fiftieth Congress, I had the honor to ask the Speaker a question, which will be found on page 110 of the RECORD of December 19, 1887, and I ask the attention of the House and of the Chair to the ruling which was made by the distinguished Speaker of the last Congress with respect to these very claims about which I am now talking, claims which come under the modification made of the act of 1855 by the Bowman act, which carefully omitted the requirement of separate reports and bills in Congress upon each separate claim, upon which requirement my distinguished friend from Ohio [Mr. GROSVENOR] has based so much of his argument.

That law gave the jurisdiction to the Court of Claims; they were to pass upon the facts and to apply the law; they were to investigate the question of loyalty, and to determine what money was due, and to report the cases back. Then, under this act of Congress, which is something more than a rule of this House when it directs the procedure of the House, the reports of the court are to continue from session to session and from Congress to Congress until disposed of. I asked the eminent Speaker of that Congress [Mr. CARLISLE] a question, which I will read from page 110 of the RECORD, as follows:

Mr. McCOMAS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCOMAS. The Bowman act, chapter 116, etc., volume 22 of the Statutes at Large, in section 7, provides—

"That reports of the Court of Claims to Congress under this act, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon."

Now, in order to give effect and force to that continuance from Congress to Congress, my question is: Will not claims thus reported back from the Court of Claims to the last Congress, and then reported by this committee to the Forty-ninth Congress with an accompanying bill—

As happened—

standing on the Calendars of the last Congress—will not those claims, under the terms of the section which I have read, be placed upon the Calendar and be the first claims in priority on the Calendar for consideration during the present Congress? I send to the Speaker's desk the act to which I have referred.

Now, here is the decision of the Speaker:

The Chair remembers the terms of the act. The practice of the House has been, when a report is received from the Court of Claims, it is referred to the committee which had originally jurisdiction of the matter—the Committee on War Claims or the Committee on Claims, as the case may be. If that committee during that Congress reports the claim back again to the House, the Chair thinks that the section of the act to which the gentleman from Maryland refers requires the report to be continued on the Calendar; and the Chair has so instructed the Clerk in the present session, to place on the Calendar in regular order all the reports made by committees on reports from the Court of Claims. That will be done.

Mr. KERR, of Iowa, and Mr. GROSVENOR rose

Mr. McCOMAS. Now, then—

Mr. KERR, of Iowa. I say, "Now, then"—[Laughter.]

Mr. McCOMAS. Let me make my own argument. My "now, then" is pertinent to my argument. I will hear the gentleman directly when his "now, then" is more appropriate.

Rule XI provides that—

All proposed legislation shall be referred to the committees named in the preceding rule.

What is "proposed legislation" under the Bowman act and what is the practice of the Speaker? These reports come from the Court of Claims, and the Speaker, as stated in the decision I have read, sends them to the Committee on War Claims by reason of the jurisdiction given by that act and the jurisdiction given by the rules of this House in all Congresses, including the present.

All proposed legislation.

That does not mean a report or a bill exclusively.

Mr. CLEMENTS. Do not the estimates for appropriations to pay the 4th of July claims come here in the same way?

Mr. McCOMAS. My friend from Georgia [Mr. CLEMENTS] is right; his suggestion is timely. Reports upon the 4th of July claims come here in the same way; "proposed legislation" in the President's message comes here in the same way, and is referred to the various committees as "proposed legislation." Under the act of Congress these claims come back here from the Court of Claims to be acted on and are continued from session to session and from Congress to Congress until action is finally taken. The rulings of the Speaker of the Thirty-seventh Congress and the Speaker of the Fiftieth Congress have shown what is the proceeding in these cases; and when these reports go to the committee it has full and complete jurisdiction. If that committee has not jurisdiction, where else is jurisdiction lodged? If that committee has not jurisdiction, then this law is a mockery and a fraud.

I put the question to the practical judgment of the Chair. Here are these claims; they come here under an act seven years old, providing for the payment of claims of loyal people for supplies taken by the armies of the Union—taken ordinarily from men who could least afford to bear the loss. The property of these men went to feed the Union armies, while from some of these farms the sons as "boys in blue" were fighting in the ranks.

Mr. WILSON, of West Virginia. As the gentleman from Maryland [Mr. McCOMAS] has had considerable experience in this House and

comes, as I do, from a section of country where a great many of these claims originate, I would like to ask him whether his experience since he has been a member has shown him any hope of relief for these loyal claimants except such as is offered by a bill of this kind.

Mr. McCOMAS. The suggestion of my friend is correct; there is no other hope on earth for any of these people. Unless Congress will honestly take up and consider in their order these separate claims as they may be put at the head of the Calendar (which has not been done), the only other possible hope for the payment of these just claims of loyal men is by a bill of this kind.

Mr. WILSON, of West Virginia. One other question: whether any class of war claims has ever come before this House with higher authentication or upon so thorough investigation for the protection of the interests of the Government as these cases.

Mr. McCOMAS. If the gentleman had heard the first part of my remarks he would know that I had enlarged on that fact; that here is a bill embracing claims which have had more thorough sifting, more careful weighing, than has ever before been given to such cases.

Mr. KILGORE. The interrogatory propounded by the gentleman from West Virginia [Mr. WILSON] relates to the merits of this case, and I would like to ask one question upon that subject myself, if the gentleman will allow me.

Mr. McCOMAS. I hope the gentleman will be very brief, because I do not desire to occupy the time of the House.

Mr. KILGORE. Oh, we have plenty of time. [Laughter.] Is it not a fact that there has been a claims commission for the purpose of passing on these claims; that there has been a court established since the war for the purpose of passing on these Southern war claims? Have there not been two opportunities to have these matters adjudicated?

Mr. McCOMAS. Well, Mr. Chairman—

Mr. KILGORE. I want to ask the gentleman another question. What authority has a committee to act on any matter unless it be some matter which is before it by reason of a bill or resolution introduced in the House and referred to that committee?

Mr. McCOMAS. My friend will pardon me if I decline to consider questions which are irrelevant to this discussion. The facts in regard to the Southern Claims Commission and other commissions are irrelevant to this matter of quartermasters' supplies. There are thousands of facts which have no part in this discussion because they are irrelevant. My friend from Texas is quite a concrete fact; but he and his questions are irrelevant in this discussion. [Laughter.]

Now, Mr. Chairman, I will answer the last question of my friend, the only one which is relevant.

Rule XI, to which I referred awhile ago, provides for the reference, not only of bills, but of all "proposed legislation," which includes the reference of recommendations in the President's message, which includes the reference of reports from the Court of Claims under the Bowman act, which includes the reference to the Committee on Appropriations, of which I am a member, of the Book of Estimates, without any bill or report at all. The report upon the French spoliation claims came into this body and was referred by resolution to the Committee on Appropriations; and those claims, embracing a great number of amounts to be paid to hundreds and hundreds of persons, were included in one bill; and no question of order was made upon their consideration in that form.

In conclusion, let me submit to you, Mr. Chairman, that, if the ruling which you may make should be unfavorable to the consideration of these claims in this form, some method should be pointed out by which, under the statute, the just claims of loyal men, claims which have already been too long delayed, may be considered and paid. The Court of Claims has found the facts in these cases, as it did in the case of the French spoliation claims, under act of Congress. I notice that the minority of the committee, in speaking of these cases having been before the War Claims Committee, do not assail any of these findings; they talk generally; they are not specific. I am not concerned about generalities. When I am discussing a question of fact I like concrete instances. If these findings of the Court of Claims are bad, if these claimants were not loyal, if their claims are not just, if the amounts proposed to be allowed are excessive, the minority of the committee ought to have pointed out any such objections. After seven years of canvassing and sifting, not one of these claims, apparently, has been paid.

I myself now recall one of these claims which came from the Court of Claims. It has been passed by the House three times. It is in a separate bill now. It is a claim of a man, an old abolitionist, who, being opposed to slavery, manumitted his slaves long before the war and paid for their support because in Maryland they could not live as freemen. He sent them to Liberia and there supported them. The Army of the Union took his property, and the items are, with others, here bunched together for supplies and stores for A, B, and C, as you have seen, all under one title providing for the payment of the same class of claims. It is the proper form under the law, under the reference of the claim by the Speaker under the rule, under the terms of our present rules, as well as the last rules of this House.

Mr. GROSVENOR. I wish to say to the gentleman from Maryland that the gross sum put into the urgent deficiency bill was to pay salaries, monthly pay, and allowances to soldiers and officers of the Union

Army who have not yet been paid according to existing statutes of the country, and other claims for payment, for which there exists in the statutes of the country legislation entitling them to their pay. I heard the discussion, and talked with the Second Auditor to-day on the subject.

Mr. MCCOMAS. Not yet audited?

Mr. GROSVENOR. I understand they were not then. That is, A. B. was paid as a sergeant when he ought to have been paid as a lieutenant. The law fixed his pay at so much, but he got a less sum. It was objected to, that this sum of money should not be included to pay these claims when audited, the law standing there in the statutes authorizing their payment.

I make this statement to relieve the question of the insidious, dangerous, and fallacious argument of the gentleman from Maryland; that is all.

Mr. RICHARDSON rose.

Mr. SPINOLA. Who is entitled to the floor?

The CHAIRMAN. The gentleman from Wisconsin has the floor.

Mr. RICHARDSON. I ask the gentleman to yield to me for a few minutes.

Mr. THOMAS. Certainly.

Mr. RICHARDSON. Mr. Chairman, I ask attention to the point I desire to make. It seems to me the point of order the gentleman makes goes to this extent: That the Committee of the Whole House can not consider this bill.

Yet, Mr. Chairman, it seems to me that question ought to have been addressed to the House, and not to the Committee of the Whole House. On the 28th of February the gentleman from Tennessee [Mr. ENLOE] reported this bill to the House of Representatives, and the House reported it to the Committee of the Whole—that is, to this committee—and in fact ordered the committee to consider this bill.

There was no point made against its consideration at that time. There was no point of order reserved against the bill or its consideration, and it is now too late for the Committee of the Whole, a creature of the House of Representatives, to say it is not in order to consider a bill which the House has ordered it to consider.

Mr. GROSVENOR. Let me ask the gentleman a question.

Mr. RICHARDSON. Yes, sir.

Mr. GROSVENOR. How could I know? By the rules of the House I did not know and could not know until the bill was reported, and how could I waive a point of order which I could not make?

Mr. RICHARDSON. I do not undertake to say the rule is right; but the bill was ordered to be reported to the committee and they were ordered to consider it, and the committee can not raise the point of order that it can not consider the bill which on the 28th of February was referred to it for consideration.

Mr. GROSVENOR. But we have excepted and insisted upon the point of order at the very first moment that it could be done.

Mr. KERR, of Iowa. And, moreover, the points of order were reserved.

Mr. RICHARDSON. The record does not show it.

Mr. KERR, of Iowa. They were reserved this morning.

Mr. RICHARDSON. But the action of the House was taken on the 28th day of February, and I claim that it is too late now to reserve the point of order upon what the House did a month ago.

Mr. THOMAS. In answer to the gentleman from Tennessee in regard to the point I was making, if the point he now insists upon has any ground whatever to sustain it, it is that the Committee on War Claims has no power to introduce a bill as an original measure into this House. Under that it seems to me the point of order can be made at any time, and before the Committee of the Whole as well as in the House.

Suppose, Mr. Chairman, that some gentleman not a member of this House, who has no authority or power to introduce a bill, had assumed to do so, and that by chance it should go upon the Calendar, and you, as the Chairman of the Committee of the Whole, when this bill came before the House for consideration, should discover that it had been introduced without authority of law by a person having no right to introduce it, and that it had gotten upon the Calendar. Is it too much to assume that you would hold the point of order against the bill at any time when that discovery was made?

Would it do to say that there had been no point of order reserved? Would it do to say that, because some one who had no right to introduce a bill had done so and that because no notice had been taken of it before, it was then too late to interpose objection? Why, you could destroy in that manner the validity of any legislation whatever in Congress.

But the point to which I desire particularly to refer is as to the jurisdiction of the Committee on War Claims. Had it any right to introduce this omnibus bill? On that point it seems to me that the objection can come at any time, and must be entertained.

Now, I wish to state some facts, Mr. Chairman, upon which you can base a judgment as to whether the bill is rightly before the committee or not. The fact is, and will not be denied, I imagine, by any gentleman, that there are some one hundred and twenty of the cases embodied in this bill in regard to which there was no bill introduced in the House and referred to the Committee on War Claims out of which to draw the pending measure. There are in this bill some two hundred

and eighty-five claims acted upon by the Court of Claims and reported back to this House. But, sir, I wish to state some facts in relation to the draughting of this bill, something that I do not understand or comprehend. The majority of the committee assume to authorize a member of the committee to prepare and introduce a bill; but, sir, I find by the report of the committee that one of the claims embodied in the bill was not certified to this House until March 1, 1890, and this bill was introduced on the 28th day of February, 1890. How could that possibly have happened?

Mr. ENLOE. I can tell the gentleman in a moment how it happened. It was an error of the clerk in making the compilation of the bills, and there has been the necessary action taken to correct it.

Mr. THOMAS. I can not imagine, Mr. Chairman, whose fault it was; but I find upon further examination of the bill that on March 12, 1890, cases were certified by the Court of Claims to the House, and they are embodied in the bill; and yet the bill itself was drawn on the 28th of February. How could the clerk make a mistake in that connection?

Mr. ENLOE. If the gentleman will allow—

Mr. THOMAS. I prefer that the gentleman would not interrupt me now. I say I do not understand how this could have been done. The case was not here; it was in the Court of Claims. Is it not a fact that the bill was drawn up without examining the files and records of the Committee on War Claims of the House of Representatives, but from other files or reports, of which I know nothing? I want to state the further fact, Mr. Chairman, if I were permitted to discuss the merits of the bill itself, that the bills or claims, many of them, embodied in this bill are not for the payment of loyal claimants; I care not whether the Court of Claims so certified or not. If I were permitted to enter upon a discussion of the merits of the case I could show proof of disloyalty taken from the archives of the Confederate States; and, besides this, many of these claimants, instead of proving their loyalty before the Court of Claims, fail utterly on that point.

Mr. HOUK. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOUK. As I understand it the question before this committee is a question of order, as to whether we have proper jurisdiction of this bill. Now, the gentleman is proceeding to discuss the merits of the individual claims it carries. I claim that is not in order, and want to notify the gentleman that when it comes properly before the House we are ready to meet him and discuss that question, and dispose of the evidence which he thinks he has dug up. We will be able to show that it is as false and unreliable as many of the other statements which have been made in regard to this bill.

Mr. BUCHANAN, of New Jersey. Is it not official?

Mr. HOUK. And I insist that the gentleman shall confine himself to the question of order which is to be decided.

Mr. THOMAS. I wonder the gentleman from Tennessee did not feel so much anxiety when the gentleman from Maryland was talking, when he spoke of these claimants as loyal men, and urged that this bill be considered because of the loyalty of the claimants, so found by the Court of Claims.

Mr. HOUK. The gentleman from Maryland never entered into the merits of the case.

Mr. THOMAS. He entered into it sufficiently to say that they were good loyal men.

Mr. HOUK. Well, I think so, too; but the gentleman is going beyond that point.

Mr. THOMAS. Only to dispute that statement and show that they were not loyal.

Mr. HOUK. But the question here is one of order; not whether these claims are just or not or whether the parties were loyal. It is perhaps the question of locality upon which the gentleman is so anxious.

Mr. THOMAS. The Committee on War Claims had no chance to ascertain whether the claims were just or not. They were never investigated when they came before that committee. They were bundled together and put in a bill by order of the majority of the committee; and I made a formal minority report, protesting against the passage of the bill. I allege that none of these claims were examined by or considered by the committee, but were taken and placed in this bill with as much disregard of the merits of any one of these cases as though the Bowman law made the decisions of the court final judgments, when in fact such decisions are only advisory.

And now, sir, upon that question I undertake to say that it would be a dangerous practice to permit a committee to gather together, without examination, claims, every one of which has been repudiated either by the Southern Claims Commission or by the Quartermaster-General's Office as absolutely having no merits, and in most of the cases declaring the claimants disloyal, and placing them in this bill simply because some court had received such information as enabled it to recommend the claims and certify as to the loyalty of the claimants. Why, sir, the bills the gentleman has referred to as the 4th of July bills have never taken such a course.

Mr. ENLOE. I ask the gentleman if he will permit me—

Mr. THOMAS. I decline to be interrupted. These 4th of July bills have all been introduced by members of this House—been presented as other bills are presented. They have been referred to a committee.



They have been examined there. They have been reported upon, and then acted upon by this House. This bill has never taken that course at all. Of course it is all wrong. There is no reason why this House should consider a bill which was never introduced in the House till this committee, without authority and without precedent, introduced it, and which has not received any consideration by a committee except a mere draughting of the bill. There is no rule requiring the House to take up for consideration a bill that was never introduced except by the committee, and which bill the committee to which it was referred has never considered.

The Court of Claims may have investigated these claims after a fashion. There is something remarkable, however, in the fact that notoriously disloyal people have been able to prove to that court their loyalty. It may be, sir, that the fault is with the attorneys of the Government, who have permitted the claimants to prove whatever they pleased, have permitted these disloyal people to prove their loyalty even in the face of the Confederate records, which prove beyond doubt the disloyalty of these people. Men who were in the Confederate army, and men who had sons in the Confederate army, and men who openly gave aid and comfort to the rebellion—these are the men who have, by some mysterious process, been allowed half a million dollars by that court.

Mr. ENLOE. I ask the gentleman from Wisconsin to be at least fair.

Mr. THOMAS. Of course I desire to be fair.

Mr. ENLOE. The gentleman has declined to be interrupted and has refused to permit a question, but proceeds to discuss the merits of the claims. I want to say that that is not fair treatment.

Mr. THOMAS. I desire to say that I want to treat every member of the Committee on War Claims fairly; and I think what I have said is true: That the majority of the committee made up this bill and directed it to be reported to the House without examination of a single item to ascertain whether it was correct or not.

A MEMBER. They say so in their report.

Mr. THOMAS. They say so in their report.

Mr. ENLOE. Upon what item do you make that statement about the bill good?

Mr. THOMAS. What statement?

Mr. ENLOE. The statement that you made.

Mr. THOMAS. I say that there are cases in this bill that were reported from the Court of Claims on the 11th of March and which were not sent to the House before the 12th of that month; and this bill was prepared on the 28th of February, 1890.

Mr. ENLOE. I say that there was a subsequent meeting of the committee at which the gentleman was present, and they took up and authorized the report that embraces these new cases. The gentleman knows—

Mr. THOMAS. Mr. Chairman, how can a bill be amended in the Committee on War Claims after that committee has reported it to the House? How can the gentleman say that this bill was amended in committee after it was reported to the House when these items are original items in the original bill?—a bill drawn containing findings of the court as late as the 12th of March which bill was reported to the House on the 28th of February before.

Mr. ENLOE. In answer to that I say that I am authorized by the committee to offer the amendments in this House.

Mr. THOMAS. But these findings of March 1 and 12 are in the original bill, and how did they get there? That is the question. [Laughter.] You may have afterwards got authority of the committee to put them there, but that was unnecessary, for they were already there—there before the Court of Claims had made their findings.

Mr. ENLOE. Does the gentleman insist that a committee having reported a bill to the House could not authorize any member after that bill had been reported to the House to offer amendments on the floor to perfect that bill, and especially a bill where there are numerous items, names, and amounts?

Mr. THOMAS. I do not deny that the full committee authorized you to make the motion in the House to amend the bill as to names and amounts when you had made mistakes in drawing it up, but in the draughting of the bill there are cases that even the Court of Claims had never certified to Congress.

Mr. ENLOE. Does the gentleman mean to say that when the committee directed the clerk to take all these cases relating to quartermasters' stores that have been reported favorably upon by the Court of Claims and embody them in the one bill, and he does not do it correctly, and there are mistakes on the part of the clerk—does he mean to say that for that reason it is not right to perfect the bill by bringing in amendments to correct the errors of the clerk?

Mr. BUCHANAN, of New Jersey. A *nunc pro tunc* proceeding.

Mr. THOMAS. This bill was drawn in such a manner that the amendments proposed are so many in the bill as to make it black with ink. There is hardly a single item in the whole bill that does not require the name or the amount corrected, and there are some added since the bill was reported, by whose authority I do not know.

But, sir, there are many items that I have found that show that not only has the committee failed to properly examine on their merits,

but that the court has been misled into making rulings as to loyalty that I do not believe will stand the test of examination. I undertake to say that there are many cases in this bill which, if examined in the light of the real facts, would not receive the approval of any man. The committee, however, sir, refused to examine a single case.

Mr. ENLOE. The amendments authorized at a subsequent meeting of the committee cover the objections to which the gentleman is referring.

Mr. THOMAS. I do not think so. The bill was then out of the hands of the committee and reported to the House. I say for this reason it ought not to be entertained here now. I have a motion here which I intend to make when the bill is reached for consideration: to re-refer the same back to the committee with instructions. But, sir, I consider it to be all wrong that this bill should have been, in the manner it was, reported to the House, and that it ought not to be entertained at all now, for I know of no precedent for this proceeding of the Committee on War Claims; and I aver that never before has this committee assumed to introduce a bill like this. All bills heretofore reported by that committee, so far as I am able to learn, have originated in the usual and ordinary way: been introduced into the House and referred to that committee, and then acted upon by this committee. I deny that the Committee on War Claims has the right to introduce bills into this House; there is no precedent or authority for it. The only right any committee has to introduce a bill into this House is in cases where the rules specially authorize it.

The Committee on War Claims is not one of those committees. This omnibus bill covers \$538,419, I believe, of money to be taken out of the Treasury. It has been drawn up and brought before this House without any consideration by the Committee on War Claims. The wrong and disadvantage of that course is that not only the committee failed to give it any consideration, but the members of the House have not had their attention called to it by having it first presented to the House, published in the RECORD, printed, and copies distributed among the members in order that they might know what had been done; on the contrary, this bill for half a million dollars is launched upon the House by the committee without any investigation by the committee whatever as to the justice of the items contained therein; and, for one, I object to that manner of getting this bill before the House.

These claims were at an early day, just after the close of the war, on a fair investigation, rejected by the Southern Claims Commission or the Quartermaster-General's Department, mostly upon the proof of the disloyalty of the claimants; but now, sir, after twenty-five years has elapsed they are enabled to get a certificate of loyalty, whereby they seek to put their hands into the Treasury and withdraw millions of dollars. This is but the commencement, the first effort, an experiment. If it succeeds there will be vast amounts appropriated in the same way. For this reason, Mr. Chairman, I think you should most seriously examine the question now brought before you, the decision of which will involve the saving or expenditure of a vast sum of the people's money.

If a bill of this kind is to be considered at all, let it be considered in the Committee on War Claims, first having been introduced into the House in the regular way; let it be carefully considered by the committee, and if there are any disloyal claims in it, if there are any persons who, under false pretenses, have obtained the decision of the court in their favor, let them and their claims be eliminated from the bill.

It is unfair to those who were honest and who were Confederates that other men, who have no conscience, no honor, should seek to cover up their own disloyalty and, in violation of law, deceive the court, thereby securing for themselves certification of loyalty when the records of their own pretended government show, in many instances, that they were members of the Confederate army.

Mr. ENLOE. That question was thoroughly investigated by members of the committee. The gentleman [Mr. THOMAS] was invited to be present when we came to consider the merits of that question, and if he can establish the identity of a single one of these persons in the bill as of the character he now describes I will agree that his statement is correct. Otherwise I must hold that it is not correct.

Mr. THOMAS. I asked that privilege in the committee when the committee was in session; I asked the privilege in the full committee; I asked the privilege when I should not be surrounded by a crowd of attorneys; I asked the privilege to calmly, deliberately, and judiciously consider the facts, and the majority of the committee refused me the privilege. Afterwards they graciously invited me down amongst a herd of the attorneys in these cases who, I think, have gotten the cases through the Court of Claims in the manner I have stated. If these attorneys did not do that, then the court itself has been most negligent and wrong in some of its decisions, in my judgment. All I want is a fair and honest consideration of the items of this bill by a committee of this House, and then by the Committee of the Whole and by the House.

I have no desire that loyal men should be deprived of their rights; but, sir, I say if one Confederate is going to reap a reward in the way of payment for his property we ought, in justice, to give the same to every one of them, and I believe that every candid gentleman upon this floor who was upon the Confederate side feels as I do about this matter. Here are certain people, who were notoriously disloyal, mix-

ing themselves up in an omnibus bill with those who were loyal and seeking to drag their claims through on the back of the loyal. Why should that be? That is what I object to and that is the reason I am so strenuous and anxious that this bill shall be considered upon its merits.

Mr. COLEMAN. May I ask the gentleman a question?

Mr. THOMAS. Yes, sir.

Mr. COLEMAN. I am trying to get posted upon this subject. Is there any question as to the loyalty or disloyalty of the Court of Claims? [Laughter.]

Mr. THOMAS. Well, sir, there may be a question as to the loyalty or disloyalty of some of the attorneys who acted for the Government in getting up the evidence.

Mr. ENLOE. Could a disloyal attorney go down there and corrupt a loyal court?

Mr. GROSVENOR. He could keep away witnesses.

Mr. BUCHANAN, of New Jersey. He could suppress testimony.

Mr. THOMAS. I will answer that by saying that in one case a local attorney was employed by the Government to get up testimony, and he and the attorney of the claimant met and drew up a deposition and the witness swore to it in the absence of the attesting officer, and it was then taken to that officer and his jurat was attached to it, and that deposition was sent to the Court of Claims and the court rendered a judgment of loyalty in the case, when at the same time the Confederate records showed that the man had been disloyal.

Mr. ENLOE. If the gentleman from Wisconsin [Mr. THOMAS] is going to make an attack upon the Court of Claims, either as to its loyalty or disloyalty or its integrity, we would like to have something to say upon that subject, and, so far as the attorney having charge of the defense for the Government is concerned, I asked him if he could point out any cases in this bill where there was reason to suppose that the findings of the court were not correct, and he pointed out two cases, and they were stricken out of the bill or will be.

Mr. THOMAS. Well, if he found two cases I want to see if there are not more. I know there are many more.

Mr. ENLOE. You can not find more.

Mr. THOMAS. The gentleman is mistaken; I have found a good many more.

Mr. ENLOE. I would like to see your evidence.

Mr. THOMAS. I found one case where the man's name was Wy-song. He is the man who got up the evidence in the way I have stated. Then there was another case where the name of the claimant was Kilmer.

Mr. ENLOE. Who was the attorney in that case?

Mr. THOMAS. I did not take the attorneys' names. I only took the facts. But, Mr. Chairman, I undertake to say that the Confederate records show that the claimants in these last-named cases were disloyal, and I am satisfied that there are many others.

Mr. HOUK. Mr. Chairman, I rise to a point of order, and I must insist upon it.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HOUK. The gentleman from Wisconsin is not discussing the question which is before the committee, but is discussing the merits of the bill. If he is going to do that, let it be understood that we are now upon the merits of the bill.

Mr. WILLIAMS, of Ohio. It looks to me as if we were talking about the demerits.

Mr. HOUK. Well, that depends upon how the gentleman looks at it. If there are demerits in the bill and if gentlemen will proceed in an orderly way and proper manner to dispose of the question of order, then, if the bill is taken up, each case can be considered separately, and I will promise now that I will vote for no claim where the proof does not sustain it.

But, Mr. Chairman, it is unfair, unjust, and improper to occupy a whole day in discussing the merits of a bill which is not before the House, under the pretense of discussing a question of order, and I ask a ruling of the Chair upon my point one way or the other.

The CHAIRMAN. The Chair has already ruled that gentlemen must speak to the point of order, but at the same time the Chair can hardly mark the line wherein they shall walk.

Mr. HOUK. It does seem to me, Mr. Chairman, that even the dull-est perception ought to be able to see that the gentleman from Wisconsin has not been discussing the point for more than half an hour past. [Laughter.]

The CHAIRMAN. The Chair may agree with the gentleman from Tennessee [Mr. HOUK], but still it is not necessarily the duty of the Chair to call the gentleman to order; but when the gentleman from Tennessee calls attention to the point, then the Chair must take notice of it.

Mr. HOUK. In all seriousness, Mr. Chairman, I say it is unfair to this House and it is unfair to these claimants to occupy this day, the only day in the week that we have for the consideration of these private bills, in such a discussion as we have had here. It is a fraud upon the House. [Laughter.]

Mr. THOMAS. And the adoption of this bill would be a fraud on the country. [Laughter.]

The CHAIRMAN. The gentleman from Wisconsin [Mr. THOMAS] will proceed in order.

Mr. THOMAS. Mr. Chairman, I have not in my judgment transgressed any rule of order. What I have said in relation to the formation of this bill and the manner in which it was gotten up was in illustration, not only of the injustice, but of the illegality of bringing in this bill in the way in which it has been brought in from the Committee on Claims. Sir, if they had introduced this bill and had examined the matter as they would have been obliged, under other circumstances, to examine each case to see whether the claim was right as to amount and as to the question of loyalty, that would have been a different matter, and a different bill would now lie before us; but—

Mr. HOUK. Does the gentleman pretend to say that he, as chairman of the Committee on War Claims, has permitted a bill to come in here without any verification of its contents?

Mr. THOMAS. Yes; and I made a minority report against it upon that very ground.

Mr. HOUK. Well, eleven of the gentleman's colleagues do not agree with him.

Mr. THOMAS. They admit in their report that they have never investigated an item of it, and if the gentleman from Tennessee [Mr. HOUK] had not been so anxious that this bill should go through without investigation of its merits he would have learned, by an examination of the report, that the Committee on War Claims never investigated these items, and he would have been better informed as to the justice of this bill. Now, Mr. Chairman, I have no feeling about this matter—

Mr. HOUK rose.

Mr. THOMAS. Mr. Chairman, I have the floor.

Mr. HOUK. And you have had it for two hours. [Laughter.]

Mr. THOMAS. Not so long; but I have no doubt the time seems long to the gentleman.

Mr. ANDERSON, of Kansas. Mr. Chairman, I wish to ask the gentleman from Wisconsin [Mr. THOMAS] whether he is willing to yield for a motion that the committee do now rise.

Mr. THOMAS. If it is the desire of the committee to rise, I certainly do not want to occupy time now with my remarks.

Mr. ANDERSON, of Kansas. My suggestion is that the gentleman yield only for that purpose.

Mr. THOMAS. For that purpose I will yield.

Mr. ANDERSON, of Kansas. The gentleman from Wisconsin yields the floor to me to move that the committee rise. I make that motion.

Mr. THOMAS. Mr. Chairman, I presume I shall retain the right to the floor if the motion should be rejected.

The CHAIRMAN. The gentleman has the right to yield the floor for the purpose of allowing another gentleman to make the motion that the committee rise, and on the resumption of the session of the committee the gentleman will have the floor. The gentleman from Kansas moves that the committee now rise.

Several members addressed the Chair.

The CHAIRMAN. The question is not debatable.

Mr. COLEMAN. I rise to a question of information. I would like to be informed before the committee rises whether there exists any doubt concerning the loyalty of the other Republican—

The CHAIRMAN. That question can not be asked now. The motion that the committee rise is equivalent to a motion that the House adjourn, and is not debatable.

The question being taken on the motion of Mr. ANDERSON, of Kansas, there were—ayes 64, noes 89.

Mr. ANDERSON, of Kansas. I call for tellers.

Tellers were ordered; and Mr. ANDERSON, of Kansas, and Mr. ENLOE were appointed.

The committee again divided; and the tellers reported—ayes 58, noes 87.

So the Committee of the Whole refused to rise.

Mr. THOMAS. Mr. Chairman, as bearing upon this point of order I ask the Clerk to read the names of about forty claimants in behalf of whom no bill has been introduced in this House, but whose names are included in the present bill.

The Clerk read as follows:

W. Shiffer, no bill; A. Poffinberger, no bill; James S. Coleman, no bill; Elias Eakle, no bill; Ann E. Grous, administrator, no bill; Tilman Hilliary, no bill; F. M. and Josiah E. Doan, no bill; Samuel S. Gloyd, no bill; Fieher N. New-comer, no bill; Mary Siden-shiker, no bill; Robert and Dennis and Kilmore, no bill; Brusias Coman, administrator, no bill; William H. Borders, no bill; Elizabeth M. Johnston, no bill; R. W. Montgomery, administrator Benjamin C. Emery, no bill; Theodore S. Barksdale, no bill; A. T. Sauerfer, no bill; Thornton O. Windham, no bill; Charles W. Wood, no bill; Betty R. Reily, no bill; W. Owens, administrator, no bill; Edward Tearney, administrator, no bill; James C. Williamson, administrator, no bill; Frances A. Harnell, no bill; William Johnson, no bill; Jackson P. Lewis, no bill; J. M. Shivers, administrator, no bill; Jacob Friend, administrator, no bill; W. B. Green, administrator, no bill; Anna M. Anderson, et al., no bill; Joseph Grantham, no bill; John R. Reeves, administrator, no bill; John S. Leary, et al., no bill; Jacob H. Keedy, no bill; Malinda Rogers, administrator, no bill; Nesby J. Burrell, administrator, no bill; William Nuckles, no bill; W. C. Davidson, no bill; Ella Bryan, no bill; William G. Davis, no bill.

Mr. THOMAS. Now, Mr. Chairman, the names of those claimants, about forty in number, have been incorporated in this bill, although no bills for their relief have been introduced in this House. I am in-



formed—and a hasty examination leads me to believe the information correct—that the claimants whose names have just been read constitute only one-fourth or certainly not more than one-third of the claimants in whose behalf no bills have been introduced here, although their claims are included in this bill. In my judgment the bill contains at least one hundred claims of this character—claims for the payment of which no bill has been introduced in this House.

Now I submit that a parallel can not be found in the history of legislation in Congress; that a case can not be adduced where the War Claims Committee or any other committee, unless it be the Committee on Appropriations or the Committee on Rivers and Harbors (both of which committees have express authority under the rules), has ever done a thing of this kind.

Mr. WHEELER, of Alabama. Does the gentleman state that the names just read are the names of persons included in this bill?

Mr. THOMAS. Yes, sir.

Mr. WHEELER, of Alabama. Some of those names I can not find in the bill.

Mr. THOMAS. The clerk of the committee has given me these names, having made the examination at my request; and in a note which he sent me he says that many others of the names in the bill are in the same category; and upon examination I find such to be the case.

Mr. WHEELER, of Alabama. I have followed the reading, and I think the clerk of the gentleman's committee is mistaken. The names in the bill are arranged alphabetically and the names which the gentleman has had read are not all in the bill.

Mr. THOMAS. I think the gentleman will find that they are. I do not make this statement upon my own absolute knowledge; and I am glad the gentleman has called my attention to the matter.

Mr. WHEELER, of Alabama. I think there is a mistake, because I had the bill in my hand while these names were read.

Mr. THOMAS. I know of my own knowledge that there are many cases in this bill as to which no bills have been introduced.

Mr. WILSON, of West Virginia. Does the gentleman contend that a petition filed here in the House and referred to the committee is not a good ground of jurisdiction on which that committee may report a bill?

Mr. THOMAS. Certainly I do. The only petition filed in a case of this kind is a petition to send the case to the Court of Claims; there is no other form of petition. The petition does not call upon Congress for any legislation whatever. It is filed under the Bowman act, and asks to have the claim sent to the Court of Claims.

Mr. WILSON, of West Virginia. But that petition, if referred by the House to the committee, gives the committee jurisdiction.

Mr. THOMAS. It gives the Court of Claims jurisdiction when sent to that court, but it does not give the committee any jurisdiction.

Mr. WILSON, of West Virginia. The Court of Claims gets jurisdiction upon the order of the Committee on War Claims referring the case.

Mr. THOMAS. The Bowman act says that the House or the committee before which any such claim may be pending may, on the petition of the claimant, send it to the Court of Claims. Now, I contend that there is no authority on the part of the Committee on War Claims to introduce thereupon a bill seeking to legislate or to have the House legislate upon the matter. If that be not so, why can not the committee introduce a bill as well before as after the Court of Claims has reported? Why should the committee be required to wait for a report from the Court of Claims if the gentleman's position is correct?

Mr. WILSON, of West Virginia. Because the committee would generally report relief according to the prayer of the petition. Now, this petition, as I understand, is addressed to the House of Representatives, and is by the House referred to the Committee on War Claims, which gives the committee ample jurisdiction to take action upon the matter contained in the petition. The Committee on War Claims refers the case to the Court of Claims—

Mr. THOMAS. Let me correct the gentleman. The petition is not always addressed to the House; it is frequently, as I understand, addressed to the Committee on War Claims.

Mr. WILSON, of West Virginia. The House refers it to the Committee on War Claims.

Mr. THOMAS. But the petition does not ask for the passage of a bill; it does not ask Congress to grant the relief set forth in the petition.

Mr. RICHARDSON. It is for the payment of the claim.

Mr. THOMAS. It is for the purpose of having the claim referred to the Court of Claims for the ascertainment of two facts: First, a jurisdictional fact, the question of loyalty; secondly, a statement by the court, from the evidence, of the merits of the claim as to amount, and all that sort of thing. The conclusions of the court upon these two questions of fact are certified back to the committee or to the House, either.

Mr. RICHARDSON. They are certified back to the House.

Mr. THOMAS. The court has a right under the law to send its findings to the committee; it hardly ever does send them to the House.

Mr. ENLOE. As a matter of fact, the report of the court is addressed to the Speaker of the House.

Mr. THOMAS. Yes, it is addressed to the House, but it goes to the committee.

Mr. BUCHANAN, of New Jersey. Considering the number of items in the bill, will the gentleman from Wisconsin state how many petitions were referred to that Committee on War Claims during the present Congress?

Mr. THOMAS. Very few, I suppose; perhaps not a dozen.

Mr. BUCHANAN, of New Jersey. The petitions for these claims, then, were referred to the Committee on War Claims by a dead Congress?

Mr. THOMAS. Does the gentleman ask me how many petitions were referred to Congress at this session in behalf of these claims?

Mr. BUCHANAN, of New Jersey. Yes, sir.

Mr. THOMAS. None at all.

Mr. BUCHANAN, of New Jersey. These claims, then, are reported on petitions referred to the Committee on War Claims of a dead Congress?

Mr. THOMAS. They were referred in the Forty-ninth and Fiftieth Congresses.

Mr. STONE, of Kentucky. These bills were kept on the Calendar under the Bowman act.

Mr. THOMAS. I think the gentleman is mistaken about these cases being kept on the Calendar under the law.

Mr. STONE, of Kentucky. Under the Bowman act it is provided they should be continued from Congress to Congress.

Mr. THOMAS. But not on the Calendar. They were not placed on the Calendar and they did not stand upon the Calendar. They came to the committee, and when they came to the committee they were acted upon and reported to the House.

Now, Mr. Chairman, it strikes me, unless it is the intention of the House to pass an act here now, loose and unwarrantable in its character, it will not grant the privilege to this Committee on War Claims of preparing a bill covering so many items and so many claims and reporting it under one title for the action of the House.

In my judgment it is loose legislation, which ought not to be permitted, and which is not in order under the rules of the House if objection be made to it. It is legislation, if allowed, which will cause the public money to flow from the Treasury in the most reckless manner. For that reason I insist upon the point of order, and hope the bill will be stricken from the Calendar.

Mr. ENLOE. Let me ask the gentleman from Wisconsin whether he would not prefer to reserve a portion of his remarks for another day, as he seems to have exhausted the point of order.

Mr. THOMAS. I thank the gentleman for his advice and his consideration for myself. He is disinterested, I have no doubt, and he makes his remarks as a friend of mine. They do not arise, I suppose, because my remarks will hurt the case which he supports. But I think I will follow his advice, and without detaining the committee further will ask that the point of order be sustained.

Mr. HOOKER. The point I understand, Mr. Chairman, is that under the Bowman act the Committee on War Claims has no power to report the pending bill. I understand every single claim embraced in this bill has some time or other been presented to Congress in a bill introduced and referred to the Committee on War Claims and has been referred to the Court of Claims under the Bowman act. I do not care whether the claims are just or unjust; that is not what I am now proposing to consider. I address myself for a few moments to the point of order.

Under the Bowman act passed March 3, 1883, the Court of Claims, consisting of five judges, was designated as the tribunal for the purpose of relieving Congress of the trouble of investigating the specific claims presented to its consideration. The title of the act is "to afford assistance and relief to Congress and the Executive Departments" in the investigation of these claims.

Under that act, known as the Bowman act, all claims were to be referred to the Court of Claims composed of five judges. They were to consider primarily the question of loyalty. It was a jurisdictional question. The terms of the act required the court should first examine into the question of loyalty, and unless they found favorably on that question they should not further consider the case; that they should stop *in limine*.

When they decide the question of loyalty, then they go into an investigation of the facts as to whether the losses alleged have been incurred. They are to find two facts: First, as to the loyalty of the claimant and, second, whether the property was lost and was worth what the claimants alleged.

The act then further provides that the Attorney-General of the United States shall by himself or his subordinates represent the Government of the United States before the Court of Claims. And when they have made the investigation it is their duty to report the cases back to the Senate or the House on those two isolated points. Now, when they have done that the committee has undoubtedly the right to report, and it is simply a matter whether they report in one bill or in a hundred bills.

And the honorable gentleman from Ohio and others, who object to several matters contained in the bill and say they should not be there,

will have an opportunity to strike them from the bill when they come to consider it hereafter.

Therefore, Mr. Chairman, so far as the question now pending, the simple point of order, is concerned, I maintain that there is no substantial ground for the point of order against the consideration of the bill. The committee had a right to present the bill to the House in this form. It is before the Committee of the Whole now for consideration.

But this Bowman act was further amended by what is known as the Tucker act, which enlarged the power of the Court of Claims, and a reference to section 13 of the act which was passed on the 3d of March, 1887, will be found to enlarge that jurisdiction in the following words:

That in every case which shall come before the Court of Claims or is now pending therein under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments, etc.," approved March 3, 1883, if it shall appear to the satisfaction of the court upon the facts established that it has jurisdiction to render judgment and decree thereon under existing laws and under the provisions of this act, it shall proceed to do so, giving to either party such further opportunity for hearing as in its judgment justice shall require, and report its proceedings thereon to either House of Congress or to the Department from which the same was referred, etc.

Now, the Court of Claims acts under the provisions of these two statutes enacted in 1883 and the amendatory act of 1887, and they find with reference to the cases which are embodied in this bill, and make their report to the House accordingly. That report is now before us for consideration.

Now, an argument has been made against the findings of the Court of Claims. But, Mr. Chairman, that is not the question for our consideration. The question here is a point of order as to the right of the committee to report this bill and the authority to consider it in this manner; and, as has been well said by the gentleman from Maryland [Mr. McCOMAS], the seventh section of the Bowman act itself provides, in order that the reference may not be unsatisfactory, that the reports so returned by the court shall stand until they receive the judgment of Congress upon them; that is to say, that they shall continue from session to session and from Congress to Congress until there has been an adjudication by this high court in regard to them.

There is nothing, however, I submit, in the point of order against the bill, because it has included all the findings of the court—nothing; and, including, as it does, only the findings of the court, it is not, in my judgment, subject to the point of order.

Mr. ROGERS. Mr. Chairman, I desire to invite the attention of the committee and of the Chair briefly to the point of order, and shall confine myself exclusively to that. This question is of far more importance than the mere consideration of this bill under the new rules, and I indulge the hope that I shall be able to convince the Chair that the question presented here, the question of order submitted by the gentleman from Iowa, is not well taken.

If the Chair will examine the second paragraph of Rule XXIV he will find the following provision embodied in it:

2. Business on the Speaker's table shall be disposed of as follows: Messages from the President shall be referred to the appropriate committees without debate. Reports and communications from the heads of Departments, and other communications addressed to the House—

It does not say from whom or what they are, what they may be, or anything about them, but simply "communications addressed to the House"—

and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by members.

Now let us turn to the provisions of the Bowman act. The third paragraph of that act provides:

When the facts shall have been found, the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for its consideration.

When the Court of Claims, therefore, reported these different claims back to the House and the Speaker, under the rules, referred them to the proper committee of the House, that committee acquired the same jurisdiction over the subject-matter involved as if each claim or a single bill embracing all of the individual claims had been regularly introduced in the House and sent to the proper committee in open House. I think under paragraph 2 of Rule XXIV, to which I have referred, that view is manifestly clear and unquestioned, unless I am mistaken in the fact as to whether or not the report was made to the House and sent to the committee by the Speaker.

And upon that point one observation. If in this bill there is one single provision or one single claim which came to the House and was by the House referred or by the Speaker of the House referred to the committee it acquired jurisdiction of that particular provision or claim; and this point of order can not be sustained against that, because the committee had unquestionably proper jurisdiction over it by reason of that order.

Now, one other proposition, and to that I invite the attention of the Chair, because this question has never been raised under the new rules, but has been discussed by those who take an interest in parliamentary law on both sides of this Chamber, to wit, Rule XXII. I will not read the first section of that rule, which relates to the reference of private bills, memorials, etc., by the Speaker.

The Chair will recollect that private bills or memorials are presented by handing them to the Clerk, the member presenting the same

indorsing his name upon the bill; and by the Clerk they are put into a box, to be referred, under the supervision of the Speaker, to the appropriate committees. But in the second paragraph of this rule, which was also a rule of the former House, it is provided that—

Any petition or memorial or private bill excluded under this rule—

That is, of course, such papers as may be of an obscene, indecent, insulting, or improper character—

shall be returned to the member from whom it was received, and petitions and private bills which have been inappropriately referred may, by the direction of the committee having possession of the same, be properly referred in the manner originally presented, and an erroneous reference of a petition or private bill under this clause shall not confer jurisdiction upon the committee to consider or report the same.

So that under this paragraph of Rule XXII, treating this as a private bill, the question of order can not apply to the reference there, for the same reason, namely, that the committee to which it was referred was the proper one. Now, by way of illustrating this, take the next provision, relating to public bills, for I know not what view the Chair may take of this bill, whether it be a public or a private bill, although I am inclined to think it comes under the former category. It uses language which is more far-reaching, because section 3 provides:

All other bills, memorials, and resolutions may, in like manner, be delivered, indorsed with the names of members introducing them, to the Speaker, to be by him referred, and the titles and references thereof and of all bills, resolutions, and documents referred under the rules shall be entered on the Journal and printed in the RECORD of the next day.

Now, how can a correction of such reference be made? The rule itself provides:

And correction in case of error of reference may be made by the House in accordance with Rule XI on any day immediately after the reading of the Journal—

In what manner?—

by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.

And so, Mr. Chairman, we are operating under a rule which has this effect: that when a public bill—as I understand it, and I believe it to be correct, after talking with more competent parliamentarians than myself—we are operating under a rule which, when a public bill is referred by the House and the House has received the report of the committee, it does not matter whether it came from a committee which had or a committee which had not jurisdiction; but when the House receives the report, and by the action of the House it is sent to the Committee of the Whole for consideration, it is then too late to make a point of order at all.

And so, Mr. Chairman, the other day when the first appropriation bill was presented, I rose in my place and made the inquiry of the Speaker as to whether or no it were necessary, under the present rules, that points of order should be reserved before a bill should go into committee. The Speaker did not rule upon it, but simply suggested that I had better reserve the points of order. So I presume this foreshadowed a decision. Now, then, Mr. Chairman, there was no point of order reserved. There is one point to which I desire to call attention, and that is to the question of jurisdiction of committees.

Mr. KERR, of Iowa. Will the gentleman permit me, right there?

Mr. ROGERS. I can not yield now. I want to be consecutive in my argument and at the same time to be courteous to the gentleman.

When a public bill is erroneously referred to an improper committee the rule prescribes the method by which you shall correct that reference: First, on any day immediately after the reading of the Journal by unanimous consent; secondly, by action taken by the House or on motion made by the committee which, under the rules, should have jurisdiction of the subject-matter; and, thirdly, by the committee to which it has been referred erroneously referring it back to the House.

These are the only remedies prescribed by these rules by which you can raise a point of order against a bill when it has once been sent to a committee, referred back to the House, and placed on the Calendar.

Now, apply this principle to the other principle, for it is simply an illustration of the former one. The initial step, I say, was the introduction of a bill into this House and the reference of it to the proper committee—the Committee on War Claims. That committee, under the Bowman act, refers it to the Court of Claims. The Bowman act requires that bill to be referred back to the House under the rule that I first read. Rule XXIV refers these findings, just as it would a communication from the heads of the Departments and other communications addressed to Congress are required by the very terms of the rule to be referred to the appropriate committee.

The Chair, under the direction of the House, referred these bills, certainly some of them, to the Committee on War Claims. They have taken up this bill, formulated it, brought it into the House; it has been received by the Speaker, sent to the appropriate Calendar, and then the House takes it up and refers it to the Committee of the Whole. Now, will the Committee of the Whole undertake to instruct the House what it shall do? It is the duty of the House to instruct the committee what it shall do; the House has sent this bill to the committee, and it is too late to make the point of order in committee.

Mr. KERR, of Iowa. Mr. Chairman, in answer to the last point made by the gentleman, I say that when the House agreed to go into



Committee of the Whole it was for the consideration of no particular bill, but for the consideration of bills upon the Private Calendar. It happened that this bill was the first on the Private Calendar, and when it was presented to us it appears on its face that it was never referred. This is a bill that comes from a committee without authority to report it in such manner that the want of authority appears on the face of the bill itself.

Now, a good deal has been said about the Bowman act. This question of the effect of the Bowman act was discussed in the last Congress. A good deal has been said about what Mr. CARLISLE decided in that case. Mr. CARLISLE never said that the course taken by a former Congress could regulate the rules or procedure of Congress. Gentlemen on that side denied that former Congresses could do anything of that kind. Now, all legislative bodies, or most of them, are more particular about the requirement as to the introduction of bills and their reading a first, second, and third time than this body.

But I undertake to say that no legislative body in the world would be so foolish as to hold that a committee can report anything it pleases to the House, whether it has jurisdiction of the matter or not, or that we can not question its jurisdiction if it so happens that the matter comes before us when we are in Committee of the Whole.

Mr. CARLISLE made the decision in the last Congress on a case stated by the gentleman from Maryland. The inquiry of the gentleman from Maryland was as follows:

Now, in order to give effect and force to that continuance from Congress to Congress my question is, Will not claims thus reported back from the Court of Claims to the last Congress, and then reported by its committee to the Forty-ninth Congress with an accompanying bill, standing on the Calendar of the last Congress?

It was upon this question that the decision was made, and that is as far as Mr. CARLISLE'S decision went; that is, that if there was an accompanying bill in regard to the particular claim that was brought upon the Calendar of this Congress, then it would be entitled to the place given to it according to the law. That is all he decided, and no further. But I hold that there is nothing in the opinion there given that operates against the point of order that I have made, and that is that, in order to give any committee jurisdiction of any matter, that matter must in some manner be brought before the committee by the action of this House, by bill or resolution, and not by the action of law or of a former Congress.

Mr. ADAMS. Or of the Court of Claims.

Mr. KERR, of Iowa. Or of the Court of Claims. Now, that has not been done in this case, and I challenge gentlemen to deny that at least one hundred and twenty of these claims that have been brought here have never been referred to this committee.

Mr. RICHARDSON. If any of them have been formerly referred, would that be obnoxious to the point made by the gentleman?

Mr. KERR, of Iowa. If any of them have not been properly referred, it would vitiate the entire bill.

Mr. BUCHANAN, of New Jersey. Will the gentleman yield so that the committee may rise, as it is within a few moments of the hour for the House to take a recess?

Mr. KERR, of Iowa. Yes, I will yield for that motion; but I desire to say that I have some further remarks I wish to make.

Mr. HOUK. Can we not have the point of order decided before the committee rises?

Mr. KERR, of Iowa. I will yield for the motion that the committee rise.

Mr. BUCHANAN, of New Jersey. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ALLEN, of Michigan, reported that the Committee of the Whole had had under consideration the bill (H. R. 7616) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act, and had come to no resolution thereon.

HARLEM RIVER AND NEW YORK HARBOR IMPROVEMENTS.

Mr. HENDERSON, of Illinois. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on Rivers and Harbors be authorized to send a subcommittee of five members to examine the Harlem River improvements at New York, and such other works as they deem proper in the harbor of New York, and make report to the full committee. The necessary expenses of said subcommittee shall be paid out of the contingent fund of the House upon the certificate of the chairman of said committee.

The SPEAKER. Is there objection to the present consideration of this resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

Mr. HENDERSON, of Illinois, moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported

that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 8458) authorizing the purchase of tents by the Secretary of War, and for other purposes.

The SPEAKER. The hour of 5 o'clock having arrived, the Chair announces that the House is in recess until 8 o'clock p. m.

#### EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m. Mr. MORROW called the House to order and directed the reading of the following communication:

HOUSE OF REPRESENTATIVES, SPEAKER'S ROOM,  
March 29, 1890.

Mr. MORROW, of California, is hereby appointed Speaker *pro tempore* for this evening's session.

T. B. REED, Speaker.

#### ORDER OF BUSINESS.

Mr. WILLIAMS, of Ohio. Mr. Speaker, I move that we adopt the rule for this evening that the roll be called and that each member present, as his name is reached, be allowed to call up a bill for consideration.

Mr. BAKER. Oh, no.

Mr. WILLIAMS, of Ohio. My reason for making that proposition is this. I desire to favor the men who attend these Friday evening sessions. A great many members place their cases in the hands of the Committee on Pensions or the Committee on Invalid Pensions and then pay no further attention to them, while other members come here and stay Friday evening after Friday evening and never have a case called up because their cases are not reached on the Calendar. Now I think that this proposition of mine will have the effect to secure a larger attendance at these Friday evening sessions and at the same time to reward those who do attend.

Mr. MORRILL. I hope, Mr. Speaker, there will be no objection to the arrangement proposed. It can only be made, however, by unanimous consent.

The SPEAKER *pro tempore*. What is the motion?

Mr. WILLIAMS, of Ohio. My proposition is that the members present be allowed each to call up a bill, the names being called in alphabetical order.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. WILLIAMS] moves to change the order of business for this evening, so as to provide that the roll of members be called, and that each member present, as his name is called, be allowed to ask for the consideration of a bill.

Mr. PETERS. Mr. Speaker, as I understand, that can only be done by unanimous consent.

The SPEAKER *pro tempore*. The Clerk will read Rule XXIII, paragraph 4.

The Clerk read as follows:

In Committees of the Whole House business on their calendars may be taken up in regular order or in such order as the committee may determine, unless the bill to be considered was determined by the House at the time of going into committee; but bills for raising revenues, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.

The SPEAKER *pro tempore*. Under the rule just read, it would be competent for the committee to change the method of transacting business at these evening sessions, as proposed by the gentleman from Ohio.

The question was taken on the motion of Mr. WILLIAMS, of Ohio, and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. FINLEY. Mr. Speaker, I shall raise the question of a quorum if that proposition is insisted upon.

The SPEAKER *pro tempore*. Does the gentleman from Kentucky [Mr. FINLEY] raise the question of no quorum?

Mr. FINLEY. I raise the question because I do not want that order of business adopted. I have come here regularly every Friday evening meeting with the view to help other gentlemen to pass their pension cases and they have passed them, and now, when I have got to a point where I shall soon be able to pass some of mine, other gentlemen are to come in ahead, and I object to it.

The SPEAKER *pro tempore*. The gentleman from Kentucky realizes, of course, that under the proposed rule he would have an opportunity to call up his bill.

Mr. FINLEY. I understand that I would have an opportunity to call up one bill each pension night. Other gentlemen, however, have had an opportunity to call up more than one bill because the course pursued has been to call the Calendar. We started on that order of business in good faith and why not pursue it?

Mr. WILLIAMS, of Ohio. I call the gentleman's attention to the fact that at these Friday evening sessions we have generally but from twelve to twenty-five members present. I desire to state that I have been here almost every Friday evening, both in this Congress and in the last Congress. I desired to have this order adopted in order to bring members here to attend to their own business, instead of leaving it to others, who do come from a sense of duty, to attend to their business. Diligence ought always to be rewarded.

Mr. STONE, of Missouri. I demand the regular order, Mr. Speaker. I understand that the gentleman from Kentucky makes, not the point

that there is no quorum present, but the point that there is no quorum voting.

The SPEAKER *pro tempore*. The Chair did not hear the gentleman distinctly, but understood him to say that he raised the point that there was no quorum present.

Mr. MORRILL. He did.

The SPEAKER *pro tempore*. The gentleman from Kentucky can state what his point was.

Mr. FINLEY. I simply asked that we pursue the same course that we have been pursuing heretofore, the regular order of business.

The SPEAKER, *pro tempore*. The Chair has decided that it would be competent for the committee to change that order by a majority vote.

Mr. FINLEY. And I have notified gentlemen that in that case I will make the point that there is no quorum.

Mr. WILLIAMS, of Ohio. Mr. Speaker, rather than have the gentleman block all business, I will withdraw my motion. I desired to show that I, for one, was here in good faith to do business.

Mr. MORGAN. Mr. Speaker, I desire to ask the gentleman from Kentucky a question. (To Mr. FINLEY.) How many bills have you that you would like to dispose of?

Mr. FINLEY. I do not know that that is any business of the gentleman. [Laughter.]

Mr. MORGAN. I suppose the committee would consent to let those bills be called up and disposed of. That is why I asked the question.

Mr. SAWYER. Not with my consent. I would not buy a man off by giving him an advantage that others do not get.

Mr. BAKER. I demand the regular order.

ALLEN COONS.

Mr. BELKNAP. Mr. Speaker, I ask permission to submit a review of the report of the Committee on Invalid Pensions on the bill (H. R. 5238) which was recommended to the committee last Friday night, and which practically stands at the head of the Calendar.

Mr. STONE, of Missouri. For what purpose does the gentleman now make this report? to have the bill take its place on the Calendar?

Mr. BELKNAP. No; to ask for its present consideration. I ask for the immediate consideration of the bill, and I now call for the reading of the report.

Mr. STONE, of Missouri. I suppose it would require unanimous consent to take that bill up out of the regular order until it is reached again on the Calendar.

I have no objection to a proper consideration of the bill at any time, but I am opposed to its passage, and on Friday night last I was prepared to state the grounds of my opposition. When, however, the bill was withdrawn the memoranda which I had here were torn up and thrown among the waste paper, and I would not be able to present tonight the objections which I could have presented last Friday night.

Mr. BELKNAP. I will state that all the papers in connection with this case are here; and if necessary I ask unanimous consent that the bill be considered now.

The SPEAKER *pro tempore*. The gentleman from Michigan asks unanimous consent for the consideration of the bill (H. R. 5238) granting a pension to Allen Coons. Is there objection? The Chair hears none.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Allen Coons, late private Company F, Fifty-seventh Regiment New York Volunteer Infantry.

The SPEAKER *pro tempore*. The Clerk will read the written statement just submitted by the gentleman from Michigan in explanation of this bill.

The Clerk read as follows:

Last Friday evening the report upon H. R. 5238, granting a pension to Allen Coons, late private in the Fifty-seventh New York Infantry, was withdrawn and referred to the Committee on Invalid Pensions, that the following statement made by the gentleman from Missouri (Mr. STONE) might be verified. I read from the RECORD:

"Mr. STONE, of Missouri. Mr. Chairman, I desire to be heard briefly on this bill. I have examined the papers in this case, and am satisfied this is a bill which ought not to be passed. I find this claimant has a long hospital record, unusually long. From the examination of the papers this hospital record is discovered as coming from the Surgeon-General. The claimant had been in and out of the hospital at different times running through a period of months; but that record shows that in every instance but one he was in there for a disgusting disease, which I can not name in the presence of the galleries; that one exception was diarrhea. This man has been several times examined by medical boards."

I wish to submit for your indulgence a review of the report, believing an injustice has been done a most worthy claimant and the Committee of Invalid Pensions by the statement of the gentleman from Missouri. What are the facts, and was the gentleman justified in his statement?

The claimant, Allen Coons, enlisted December 12, 1861. Hospital records show him as treated for disease in January and February, 1862. Basis of claim was for injury in hips and back received six months after this hospital treatment.

He alleges that he was injured in the hips and back at the battle of Malvern Hill, Virginia, on or about the 1st day of July, 1862, was run over by an ambulance wagon; the horses were frightened and ran through the company ranks, throwing him down, the ambulance running over him and so injuring him that he was unable to keep with his company. He was captured and held prisoner of war until August 3, 1862.

The claim was rejected by the Department on the ground that claimant is

unable to furnish proof that injury was received in line of duty. His inability to furnish this proof is due entirely to the fact that he was captured and held as a prisoner of war among strangers.

I now quote you from official records, War Department, Adjutant-General's Office:

Prisoner of war: captured at James River, Virginia, July 2, 1862; confined at Richmond same day; name appears on list as sick and wounded; was held prisoner until August 3, 1862.

The muster-roll of company shows him as missing after engagement Sunday morning, June 29, 1862.

The report of Surgeon-General shows him as discharged March 1, 1863, because of chronic rheumatism in hip joints and injury to back. Another report of Surgeon-General shows him as admitted to hospital August 6, 1862 at Point Lookout, Maryland, sick with scorbutus; this was three days after he left Richmond, a paroled prisoner. And he is discharged from service upon a certificate of Assistant Surgeon-General for chronic rheumatism and injury to back. This is the man's official record-service.

They show fully and plainly that the man was so injured and he was denied a pension by the Department simply because he could not show by witnesses of the occurrence that his injury was received in line of duty.

The evidence on file shows he was an able-bodied man before enlistment. And numerous surgeons who have treated him since the war testify to the continuance of his injury, and many of his neighbors testify that he is not able to work more than half the time, and that he is often sick and confined to his bed from this injury to his back.

The charge made by the gentleman from Missouri that claimant had been in and out of hospital at different times, running through a period of months, and every time but once with this disgusting disease, is not borne out by the records. He was treated the last days of January and in February, 1862, for gonorrhea; one day, May 24, 1862, for diarrhea.

The only other treatment ever received in the hospital was for the injury to back, chronic rheumatism, and scorbutus, scurvy, the result of his injuries and confinement in prison while held as a prisoner of war.

He received three examinations by medical boards and in each one was rated as one-half disabled by reason of rheumatism and injury to back, and they believe his disability due to the cause he alleges.

The claimant bears a most excellent reputation in the city where he has resided for several years, and has the respect of all who know him.

Mr. STONE, of Missouri. Mr. Speaker, I have no disposition to attempt to discuss this case at the present time. I can not do so properly, for the reasons I have already stated. I wish, however, to make a proposition. I have not objected to the consideration of the bill, and the proposition I now make is that it stand where it is until the Committee of the Whole (into which I suppose the House will at once resolve itself) shall have transacted its business for this evening and risen; then let this bill come up when the cases reported from the Committee of the Whole are taken up; and I shall at that time make a proposition that the consideration of the bill be delayed until a future pension session of the House or that it go over for consideration by a full House on Friday next. I desire to have an opportunity to make the statement which I was prepared to make last Friday night, but am not now. I ask unanimous consent that the disposition I have suggested be made of this bill: that it stand in its present position until the Committee of the Whole shall rise this evening.

Mr. BELKNAP. Mr. Speaker, the papers in this case are all here. I do not want it to go over for the reason that a great injustice has been done to this man by the statement which was made last Friday evening by the gentleman from Missouri [Mr. STONE]. The RECORD of last Friday night's proceedings has gone all over the country, branding this man as an unworthy claimant. He is charged with having a very bad hospital record. It has been stated that there is no merit in his claim and that it should not be allowed. Last Friday night I was not prepared to meet the charges against the claimant; I had not the records here, and I did not know what to make of the gentleman's statement. But I now affirm that no such statement can be sustained by the papers in this case. The evidence from the examining board, from the Surgeon-General's Office, and from the War Department is all here. This man's case is a clear and clean one, and he should be vindicated here tonight.

Mr. STONE, of Missouri. I will verify my statement already published in the RECORD as soon as I can have proper opportunity. This certainly is not a case of such serious importance that its consideration can not be delayed for a few days until the matter can be properly heard. It is brought in here at this hour by unanimous consent—

Mr. GEST. What is the objection to hearing this proof now? We can just as well consider it now as at any other time.

Mr. MORRILL. Let the record be read.

Mr. GEST. The papers are here, and the gentleman from Missouri and all of us can be informed of the facts of the case. We do not any of us want to pass the bill if it ought not to pass.

Mr. STONE, of Missouri. I stated last Friday night that I had here a copy of the report made to the Surgeon-General concerning the hospital record to which I alluded and copies of other evidence in the case; but I have not the time now to go through this record and select this testimony. I do not know whether the gentleman from Michigan has here all the papers in the case or not.

Mr. GEST. He says he has.

Mr. BELKNAP. I have them, sir.

Mr. STONE, of Missouri. And, even if he had, I think it is hardly fair when a question of this sort is raised to require me to discuss it under these circumstances. I should at least have the opportunity to take up the case again and investigate the evidence.

Mr. WILLIAMS, of Ohio. Do I understand the gentleman from Missouri would have no objection to this case being reported favorably if he could place his statement and objections in the RECORD?



Mr. STONE, of Missouri. The case can not be "reported favorably," because it is already before the House.

The SPEAKER *pro tempore*. It is now before the House.

Mr. STONE, of Missouri. If the case were before the Committee of the Whole, I should not object to its being reported to the House. The point I now make is that I desire the consideration of this bill to be delayed for the present, until the House shall go into Committee of the Whole and rise again—

A MEMBER. This evening, do you mean?

Mr. STONE, of Missouri. Yes, sir; and then I shall ask at a proper time for such disposition of the bill as I have indicated.

Mr. BLISS. If I understand the gentleman correctly, he is willing we shall take up and consider this bill after the committee rises to-night, which will probably be quarter after 10 o'clock.

Mr. STONE, of Missouri. I did not wish the gentleman so to understand me. I stated that when the committee shall rise I should then make a proposition to the House as to the disposition of the bill. My present request is that its consideration be delayed until the committee shall rise.

Mr. BLISS. I hope that the bill will be favorably considered to-night. I know this man personally. He lives only 20 miles from my residence. The report of last Friday night's proceedings in regard to this case has gone to his home; and I have letters in regard to it. When a man has been unjustly placed in an unfavorable light before his friends and neighbors, I think we ought as soon as possible to repair the injustice.

Six months after the hospital record to which the gentleman from Missouri has alluded, this man went into battle, was wounded and taken prisoner, remaining in prison over thirty days. He could not get a hospital record, and that is the reason the case was rejected in the Department. Now, I will say to the gentleman from Missouri that this man has a family; he has children. We have testimony; some of the best citizens in our town have made affidavit in regard to his standing, in regard to his being sick and not able to do a whole day's work. I am simply telling what I know to be the facts.

The idea of denying to a worthy man who lay in the prison at Richmond what right and justice demand, this small pittance of \$12 a month, I think is a shame. I want to see justice done to him, and I hope the gentleman from Missouri will reconsider his objection and allow the bill to be acted upon now.

The SPEAKER *pro tempore*. The gentleman from Missouri asks unanimous consent that the consideration of this bill be postponed until after the committee rises.

Mr. STONE, of Missouri. The claimant has the benefit of the statement made by his Representative and the benefit of the report submitted to-night. In that view of the case, I ask that the bill be delayed, as I have before suggested.

Mr. LANE. I will object to any delay in the consideration of this bill that will bring it up in preference to other bills hereafter. If it is withdrawn let it take its course.

Mr. STONE, of Missouri. Then I will tell the gentleman that it will take a quorum to pass the bill.

The SPEAKER *pro tempore*. The question is on ordering the bill to be engrossed and read the third time.

The question was taken, and on a division there were—yeas 36, nays 5.

Mr. STONE, of Missouri. I make the point that there is no quorum voting.

Mr. LANE. I move a call of the House.

Mr. OWEN, of Indiana. I trust the gentleman will not do that. We can not get a quorum in time to do any business.

Mr. GROUT. I hope some arrangement will be arrived at rather than do that.

Mr. STONE, of Missouri. I have made a reasonable suggestion and request, so that we can go on and do some business.

Mr. LANE. I will not agree to anything that is not an orderly way of doing business. If the gentleman from Missouri wishes to make the point of no quorum and the bill is not withdrawn, there is no help for it, as far as I can see.

Mr. BOOTHMAN. I raise the point of order against the point that has been submitted.

The SPEAKER *pro tempore*. The gentleman from Illinois has moved a call of the House. That is the only question now before the House.

The question was taken; and the motion was rejected.

Mr. MORGAN. I ask unanimous consent that the roll be called, and each member present be permitted to call up one bill and dispose of it.

Mr. ADAMS. There is only one other motion in order.

The SPEAKER *pro tempore*. The Chair is of opinion that there is only one motion now in order, since the House has refused a call of the House; that is the motion to adjourn. The last vote disclosed the absence of a quorum.

Mr. ALLEN, of Michigan. Was not a call of the House moved?

The SPEAKER *pro tempore*. It was rejected. Now, as the Chair understands the rule there is but one motion in order.

Mr. MORGAN. And that is a motion to adjourn.

Mr. BAKER. If I may be allowed to suggest, I think, under the circumstances, rather than prevent the transaction of any other business, that our friend from Michigan might let this bill lie aside for the present, and let the point of no quorum be withdrawn and some cases on the Calendar considered. I believe that would be a better course.

Mr. BELKNAP. I have no desire to obstruct legislation here, and will do anything to allow the business to proceed. But I protest against this action against this worthy man. Still there are other worthy men waiting for their pensions, widows and orphans of soldiers who ought to have their dues. I will let the bill be laid aside for the present.

Mr. BAKER. Let the bill be laid aside, say, for an hour; and the gentleman from Missouri can take the papers and examine them, and perhaps he will gather new light from them.

Mr. STONE, of Missouri. I did not hear the gentleman's suggestion.

Mr. LANE. I will object to any such arrangement.

Mr. BAKER. I hope the gentleman will take the papers in the case; then he can retire to the Speaker's room and examine them at his leisure. [Laughter.]

Mr. STONE, of Missouri. The gentleman is very kind.

Mr. FLOWER. I hope the gentleman from Michigan will not stand in the way of passing some of these claims to-night.

Mr. BELKNAP. I am not standing in the way. I am ready to withdraw the bill; I am ready to do anything that will facilitate matters here.

Mr. KILGORE. Mr. Speaker, I will have to demand the regular order.

Mr. BAKER. I am willing that the gentleman from Texas may go with the papers in the case. [Laughter.]

Mr. KILGORE. We have done so much already to-day, and have succeeded so admirably at these night sessions, that I think we might as well adjourn.

Mr. ALLEN, of Michigan. Do I understand the gentleman from Michigan has withdrawn his bill?

Mr. STONE, of Missouri. I did not understand that the bill had been withdrawn.

The SPEAKER *pro tempore*. It has been withdrawn to the extent, as the Chair understands, that its further consideration has been postponed until after the committee rises.

Mr. STONE, of Missouri. That is the only proposition I have made.

Mr. LANE. To that I object. If the gentleman withdraws his bill now it must take its chance of coming up hereafter. Let us transact this business in a business-like way.

Mr. BAKER. But we can do some business if the gentleman will allow this bill to be withdrawn.

Mr. LANE. May be we can and may be we can not.

Mr. STONE, of Missouri. We can try, at least.

Mr. ALLEN, of Michigan. I hope the gentleman from Illinois will allow the filibustering, if there is to be any, to come from those who are not recognized as friends of the soldier. The gentleman from Illinois has been regarded as a friend of the soldiers.

Mr. LANE. I object to a conditional withdrawing of the bill, that is all. As I have said, I want to see the business done in a business-like way. If the bill is withdrawn it must be unconditional.

Mr. PETERS. I ask unanimous consent that the consideration of this bill be postponed until the committee rises.

Mr. LANE. I object.

Mr. BAKER. What does the gentleman desire?

The SPEAKER *pro tempore*. The Chair is advised that it will be impossible for the House to transact any business until the question of a quorum shall be disposed of. If that is withdrawn we can proceed with the consideration of business. As the matter now stands there is only one motion in order.

Mr. BAKER. We are trying to do something.

Mr. PETERS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PETERS. Under the rules when it has been disclosed that there is no quorum present, does it require a motion to order a call of the House?

Mr. MORGAN. That motion has been made and voted down.

Mr. BOOTHMAN. I rise to a parliamentary inquiry. I desire to know of the Chair whether the point that no quorum is present has been made this evening. As I understood the statement, the gentleman—

The SPEAKER *pro tempore*. The gentleman from Ohio will please suspend for a moment. The Chair will answer one question at a time. The Clerk will read paragraph 2 of Rule XV.

The Clerk read as follows:

2. In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the doors shall be closed, the names of the members shall be called by the Clerk, and the absentees noted; and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured and retained, and the House shall determine upon what condition they shall be discharged. Members who voluntarily appear shall, unless the House otherwise direct, be immediately admitted to the Hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present.

Mr. ALLEN, of Michigan. Mr. Speaker, a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.  
Mr. ALLEN, of Michigan. The gentleman from Missouri would be entitled to withdraw the point of no quorum if he saw fit.

The SPEAKER *pro tempore*. Undoubtedly; but the gentleman from Illinois [Mr. LANE] made an objection.

Mr. BOOTHMAN. A parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman from Ohio will state it.

Mr. BOOTHMAN. I inquire of the Chair whether the point of no quorum is present has been made. I understand the gentleman from Missouri to make the point that no quorum had voted.

The SPEAKER *pro tempore*. The Chair understood that the point as made was that there was no quorum present. The point was considered and decided.

Mr. BOOTHMAN. I think the record will disclose the fact that the point was made that no quorum had voted.

Mr. MORGAN. Would not the result be the same?

Mr. BOOTHMAN. It would not be the same.

The SPEAKER *pro tempore*. In that case the vote disclosed the fact that there was no quorum present.

Mr. STONE, of Missouri. I do not know the language used, Mr. Speaker, but I desire to say this, that I had no wish, and have none now, to compel a call of the House or to suspend business; and the point I desired to make was made; and if consideration is insisted upon I will make the point that no quorum is present in the House. I made the usual statement, when the vote was taken, that there was no quorum.

The SPEAKER *pro tempore*. Whether the gentleman from Missouri made that point or not, the Chair, in taking the vote of the House, determined that the vote disclosed the fact that there was no quorum present; so that the point was raised, and the Chair passed upon it.

Mr. SAWYER. I am not a parliamentarian, never have read the rules in my life, and never expect to [laughter], but there are some things I have learned here, and I have learned this: That on these Friday evening meetings any one man can prevent the passage of a bill. Whenever an objection is made by one man here we have got to yield to him or else wind up the concern. Now, here to-night the gentleman from Missouri [Mr. STONE] objects to the consideration of this bill. I do not wish to be understood as questioning his good faith in that. He says, "Here, now, I do not want this bill considered."

I have made an examination of this and made some remarks upon it. Somebody else has examined the case and they say that I was mistaken. Now, the position, as I understand, of the gentleman from Missouri is this: "Before I want the House to sit in judgment on the correctness of the review I made heretofore of this question, I want opportunity to re-examine the case and see whether I am right or wrong." That is not the most unreasonable request I have heard made here. I think we can settle this question just as easily as falling off a log. Just so. He asks us to postpone this and give him an opportunity to re-examine the case.

Mr. STONE, of Missouri. If my friend will allow me, I will state that I would be as ready as any man in this House upon examining the record, if I am wrong, to publicly say it before all the House.

Mr. SAWYER. I have no doubt of that. He says here: "Let it go to the meeting of the House—the whole House—next Friday."

Mr. WILLIAMS, of Ohio. He says he will let it come up when the committee rises to-night.

Mr. SAWYER. I am telling the case as I understand it, and maybe I am wrong. I do not want a dozen men to say that I am wrong. I am going on to state it as I understand it. He says that he proposes it shall go before the full House, when a quorum is present on next Friday. That would give him a week's time to look up the case and see whether he was correct in his review of the evidence or not; and let it lie over that he might have such an opportunity. Now, if I got up in this House and said, "I have reviewed this case and I find that there are certain objections to it," and anybody and everybody tells me I am not correct in my views, I should not want the House to sit on and condemn me for my review unless I had an opportunity again to see whether I am correct or not.

I have always voted for any pension case, right or wrong, hit or miss, whether I knew anything about it or not. [Laughter.] I shall vote for this case as I understood it when originally reported; and certainly I shall vote for it as I understood the gentleman from Michigan [Mr. BELKNAP] to make a report after his examination of it. But before I condemn the gentleman from Missouri for making what is claimed to be a very erroneous attack upon this soldier, it is equally fair to him to give him an opportunity to examine the case; and then if he finds he is wrong I have sufficient confidence in his manliness to know that he will rectify the error.

Mr. PERKINS. I rise to a parliamentary inquiry. I desire to ask the Chair what is the status of this bill.

The SPEAKER *pro tempore*. The question before the House was upon the engrossment and third reading of a bill. That question was submitted to the House and the vote was—ayes 26, noes 5. Thereupon the gentleman from Missouri [Mr. STONE] raised the point of no quorum. There was some question afterwards as to whether he had raised the point of no quorum voting or no quorum present. The Chair responded

that in determining the number who had voted ay and no, respectively, the Chair had determined that there was no quorum present.

Mr. PERKINS. Is it in order to ask unanimous consent that this bill be deferred temporarily and that the House resolve itself into Committee of the Whole?

The SPEAKER *pro tempore*. There is nothing in order but a motion to adjourn, unless the point of no quorum shall be withdrawn.

Mr. PERKINS. Would not unanimous consent be equivalent to the withdrawal of the point of no quorum? If unanimous consent is now requested and given that this bill be temporarily postponed and that the House resolve itself into Committee of the Whole, will not that be equivalent to a withdrawal of the point made by the gentleman from Missouri?

The SPEAKER *pro tempore*. The gentleman from Kansas [Mr. PERKINS] will observe that the record as it now stands raises the question of the presence of a quorum and shows that there is no quorum present. That record must be canceled, and it may be canceled by the gentleman from Missouri [Mr. STONE] withdrawing his point of no quorum. If we proceed by unanimous consent, as suggested by the gentleman from Kansas [Mr. PERKINS], it will leave the record showing that there is no quorum present. Therefore, in order to proceed we must have that record canceled by the withdrawal of the point of no quorum; otherwise we must adjourn.

Mr. MORGAN. Mr. Speaker, this matter can be disposed of now in a moment by either one of two gentlemen. The gentleman from Missouri [Mr. STONE] made the point that no quorum had voted and stated at the time that if this bill was postponed he would withdraw that point. The gentleman in charge of the bill agreed that that might be done, but the gentleman from Illinois [Mr. LANE] demanded that the withdrawal should be unconditional.

Mr. MORRILL. No; he objected to the withdrawal.

Mr. MORGAN. I will ask the gentleman from Illinois to state what his position was. I understood the gentleman [Mr. LANE] to object, and to say that the withdrawal should not be made unless it was made unconditionally.

Mr. LANE. I wish to make a statement to the House in order that my position may not be misunderstood.

Mr. MORGAN. Please answer my question first. I have stated this to be the situation: The gentleman from Missouri [Mr. STONE] raised the point that no quorum had voted, stating that he would not insist upon it if the gentleman in charge of this bill would withdraw it until we had got through with the evening's business in Committee of the Whole, and then bring it up again. The gentleman in charge of the bill agreed to do that, and then the gentleman from Illinois [Mr. LANE] objected unless the withdrawal was made unconditionally.

Mr. LANE. That is correct.

Mr. MORGAN. Now, then, Mr. Speaker, either the gentleman in charge of the bill must withdraw it unconditionally or the gentleman from Illinois [Mr. LANE] must withdraw his objection, or else we must go home.

Mr. STOCKBRIDGE. Mr. Speaker, as I understand the situation, the point of no quorum has been raised.

The SPEAKER *pro tempore*. Yes.

Mr. STOCKBRIDGE. Is there anything in order, then, except a motion to adjourn or a call of the House?

Mr. GEST. I understand the record shows this situation, that when the point of no quorum was made there was a motion for a call of the House, and that it was voted down. Now, there is nothing in the world for us to do in the present situation of things except to adjourn.

Mr. MORGAN. If these gentlemen [Mr. BLISS and Mr. STONE, of Missouri] would agree, the one to withdraw his bill unconditionally and the other to withdraw his point of no quorum, we might proceed with the business of the evening.

The SPEAKER *pro tempore*. The Chair is advised that it is impossible to transact any business while the point of no quorum stands on the record.

Mr. BOOTHMAN. Mr. Speaker, I move to reconsider the vote by which the call of the House was voted down.

The SPEAKER *pro tempore*. That motion is not in order at this time.

Mr. SAWYER. I desire to ask a question for information. Has the gentleman from Missouri [Mr. STONE] withdrawn his point of no quorum?

The SPEAKER *pro tempore*. The gentleman from Missouri has not withdrawn the point.

Mr. BLISS. Mr. Speaker, I withdraw the bill unconditionally. I do not want to stop legislation and lose the whole evening.

The SPEAKER *pro tempore*. Does the gentleman from Missouri [Mr. STONE] withdraw the point of no quorum?

Mr. STONE, of Missouri. Certainly I do.

Mr. MORRILL. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the consideration of business on the Private Calendar.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Kansas [Mr. MORRILL] that the House now resolve



itself into Committee of the Whole for the consideration of business under the special order.

Mr. FLOWER. Mr. Speaker, before that motion is put, I move, in fairness to the gentleman who has had charge of this case [Mr. BELKNAP], that it lie over for one week and be then taken up.

The SPEAKER *pro tempore*. The motion before the House is that the House resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. ALLEN, of Michigan, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of business on the Private Calendar under the special order for Friday evening.

#### LUCIAN L. SANBORN.

The first business on the Private Calendar was the bill (H. R. 4422) to increase the pension of Lucian L. Sanborn.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase to \$50 a month the pension of Lucian L. Sanborn, late of Company D, Sixth Regiment of Vermont Volunteer Infantry.

The report (by Mr. NUTE) was read, as follows:

Lucian L. Sanborn was a corporal in Company I, Sixth Vermont Volunteers. He was wounded in the head at the battle of the Wilderness.

He enlisted in December, 1863, and was discharged in March, 1865. He received pension for the disability received at the rate of \$3 a month from June, 1865, and at \$15 a month from January, 1869, and \$20 a month from February, 1871, and \$30 a month from August, 1883.

His wound was made by a bullet passing through his face in such a way as to badly deform him, and as a result produce almost total blindness. The soldier is not able, on account of blindness, to do any work, and is to a considerable extent dependent on the personal care of others, while if a limb were gone he might do some work, but would receive a much higher rate of pension. The committee think that the soldier's disability warrants a higher rate of pension, and the committee reach this conclusion from having seen the soldier in committee-room, where he presented such an appearance as seems to warrant an increase of pension.

Your committee recommend that "forty-five" be substituted for "fifty" in line 4 of the bill, and as so amended that the bill do pass.

The CHAIRMAN. Without objection, this bill will be laid aside to be reported favorably to the House.

Mr. KILGORE. Mr. Chairman, I do not know—

The CHAIRMAN. The Chair overlooked the fact that there is an amendment reported by the committee.

Mr. KILGORE. I understand that amendment is to strike out "fifty" and insert "forty-five." I do not know but that this bill ought to go over for consideration in a full House. I am not inclined to defeat the passage of the bill, as of course I could—

Mr. WILLIAMS, of Ohio. The report of the committee in this case is not based upon the evidence of others, but the applicant appeared personally before the committee, and their knowledge of his condition is derived from personal inspection.

Mr. KILGORE. I understand that if this were a case of total blindness the pension would be \$72.

Mr. WILLIAMS, of Ohio. But this man is nearly blind, so that he can not work.

Mr. KILGORE. Well, it would do no harm for this case to take the same course that has been pursued with other bills of like amount.

Mr. GROUT. The proposition is not to increase this man's pension to \$72. The bill as introduced would increase it to \$50, for which amount the committee propose to substitute \$45.

A MEMBER. What is he receiving now?

Mr. GROUT. Thirty dollars, according to my recollection. I can assure the gentleman from Texas [Mr. KILGORE], from my personal knowledge, that this is clearly a case of great merit.

As has been stated, this man was here in person before the committee. He is nearly blind—has to feel his way along with great care, and, as the committee states, is to a considerable extent dependent upon the personal care of others—not enough to entitle him to a pension of \$72, but enough, in the judgment of the committee, to justify an increase to \$45. There is no question with reference to the merit of the case.

Mr. KILGORE. This is not a large increase such as I have been in the habit of raising a question upon. I believe I will let the matter take its course.

The question being taken on the amendment reported by the committee to strike out "fifty" and insert "forty-five," it was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

#### ESTHER G. BRYANT.

The next business on the Private Calendar was the bill (H. R. 4132) granting a pension to Esther G. Bryant.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, directed and authorized to place the name of Esther G. Bryant, widow of John P. Bryant, late of Company B, Ninth Regiment of Vermont Volunteers, on the pension-roll, subject to the rules and limitations of the pension laws.

The report (by Mr. NUTE) was read, as follows:

Esther G. Bryant, the beneficiary named in bill H. R. 4132, is the widow of

John P. Bryant, deceased, late a private in Company B, Ninth Regiment of Vermont Volunteers.

The soldier died in regimental hospital near Chapin's Farm, Virginia, February 20, 1865, but the records of the hospital do not show of what disease. First Lieut. Edward L. Kelley, who commanded his company, makes oath that the soldier, John P. Bryant, was a good soldier who never shirked, but did his duty well.

The widow named in this bill received on account of the death of this soldier, her husband, a pension, and continued to draw said pension till her marriage on the 13th day of May, 1868, to one Martin Chilson, with whom she lived a short time as his wife; but from his brutal treatment of her she was by the supreme court of Vermont decreed a bill of divorce from him at the January term of court for 1870, less than two years after her marriage. The decree of court says she was divorced for "intolerable severity."

The committee are of the opinion that it would be in strict keeping with full justice to this woman to place her now on the pension-rolls, subject to the provisions of law, as her neighbors and townspeople make oath that she is in every way worthy, that she is destitute, and that she is in poor health.

The committee recommend that the bill do pass.

The CHAIRMAN. Without objection, this bill will be laid aside to be reported favorably to the House.

Mr. STONE, of Missouri. I object.

The CHAIRMAN. Then the question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation? [The question was put.] The ayes appear to have it.

Mr. STONE, of Missouri. I call for a division.

Mr. GROUT. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GROUT. I wish to submit a remark to the Chair.

The CHAIRMAN. The committee is now dividing.

Mr. GROUT. Not yet.

The CHAIRMAN. That is the question before the committee.

Mr. GROUT. I rise to a parliamentary inquiry. When the vote *risa voce* on a question has been completed and a division is called for, is it not in order, between the completion of the vote in one form and the beginning of the vote in another, that remarks may be submitted?

The CHAIRMAN. It is not.

The question being taken, "Shall the bill be laid aside to be reported favorably to the House?" it was determined in the affirmative—ayes 44, noes 2.

#### FANNIE E. WOODBURY.

The next business on the Private Calendar was the bill (H. R. 4424) granting a pension to Fannie E. Woodbury.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to restore to the pension-roll the name of Fannie E. Woodbury, widow of Charles A. Woodbury, late a first lieutenant in Company B, First Vermont Volunteers, subject to the rules and limitations of the pension laws.

The report (by Mr. NUTE) was read, as follows:

Fannie E. Woodbury, named in this bill (H. R. 4424), is the widow of First Lieut. Charles A. Woodbury, who enlisted as second lieutenant in Company I, First Vermont Cavalry, in April, 1862, and was promoted to be first lieutenant in Company B in December, 1863, and was killed in action April, 1863, near Broad Run, Virginia.

His widow, Fannie E. Woodbury, named in this bill, applied for a pension on account of the death of her husband, and received such pension by virtue of certificate No. 10205. This pension she continued to draw till August 18, 1885, when she married one Amasa A. Randall, from whom she was divorced in March, 1888, about two years after marriage, for the cause, as stated in the decree of the court, cruel and inhuman treatment and failure to support.

Randall when proposing marriage promised her that he would deed her, in lieu of the pension which she must give up, certain lands in the West, worth \$4,000, and represented himself to be worth some \$16,000.

It transpired that he was not worth any property as represented, and he did not deed her any land; but abused, neglected, deserted her, so that the court gave her a divorce and restored her to the name of the soldier. Her husband died on the field, so that now in fact she is his widow, bearing his name. She is now fifty-one years old, and dependent on her daily labor for support; she is partially blind and partially deaf.

The widow's own affidavit asserts the facts which appear in this report, and they are supported as to the divorce by a certified copy of the same; as to the fraud perpetrated to induce her to marry, by the affidavits of Lucy F. Graham and Emma W. Scott; as to the dependence and worthiness, by affidavits of L. B. Clough and Mrs. J. B. Hutchinson.

Your committee recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### MINNIE A. BAILEY.

The next business on the Private Calendar was the bill (S. 247) granting a pension to Minnie A. Bailey.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Minnie A. Bailey, daughter of Oscar M. Bailey, who was a private in Company F, Fifteenth Regiment of Connecticut Volunteers, and pay her a pension of \$12 per month.

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 247) granting a pension to Minnie A. Bailey, submit the following report:

A bill identical with this, proposing to put this claimant on the pension-roll at \$12 per month, has previously passed Congress, but reached the President too late for executive action, and therefore failed to become a law.

The applicant is a daughter of Oscar M. Bailey, who was a private in Company F, Fifteenth Connecticut Volunteers, and who died May 8, 1863.

A pension was granted to the widow of the deceased soldier, and at her marriage the pension was paid to the applicant until she was sixteen years of age. She is now thirty years old and has been lame from two years since birth from a disease of the hip-joint. She is unable to earn a living and is dependent upon others for her support.

Your committee believe this to be a just and meritorious claim, and therefore recommend the passage of bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LUCINDA A. CLARK.

The next business on the Private Calendar was the bill (H. R. 4423) to grant a pension to Lucinda A. Clark.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls, subject to the rules and limitations of the pension laws, the name of Lucinda A. Clark, widow of George M. Clark, late lieutenant of Company E, Sixteenth Vermont Volunteers.

The report (by Mr. NUTE) was read, as follows:

Lucinda A. Clark is the widow of George M. Clark, late a lieutenant of Company B, Sixteenth Vermont Volunteers. The soldier enlisted in September, 1862; was promoted to be a lieutenant in January, 1863; discharged August, 1863; and died in June, 1883. In the service the soldier contracted, at or near Union Mills, Va., rheumatic neuralgia, which was aggravated at the battle of Gettysburg.

Soldier received a pension of \$7.50 a month from August 11, 1863, and \$11.25 a month from March, 1883, for the said disability. The soldier died of erysipelas, and his widow is barred from a pension because, as the surgeons say, "there is no pathological sequence between rheumatic neuralgia and erysipelas," though the examining surgeon for the Pension Office says he examined soldier and found him suffering from neuralgia in right hip, impairment of health on account of prolonged suffering from it, and that nutrition of leg became impaired by such suffering that erysipelas quickly developed, and he died. The affidavit of Dr. F. A. Smith accords with this statement, and he says the indirect cause of soldier's death was the disability for which he was pensioned. We think the cause of the soldier's death was the disability for which he was pensioned, and that his widow should draw a pension as his widow. She has not married since his death.

The committee recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HANNAH WARD.

The next business on the Private Calendar was the bill (H. R. 5626) granting a pension to Hannah Ward.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Hannah Ward, widow of David A. Ward, late captain of Company A, Sixth Kentucky Cavalry, at the rate of \$20 per month, subject to the provisions and limitations of the pension laws, in lieu of the pension now received by her.

The report (by Mr. WILSON, of Kentucky) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5626) granting a pension to Hannah Ward, submit the following report: Mrs. Hannah Ward is the widow of David A. Ward, sergeant of Company A, Sixth Kentucky Cavalry, who died January 10, 1865, of wounds received in action December 16, 1864, near Hopkinsville, Ky., and now a pensioner at the rate of \$12 per month.

The bill under consideration provides that she be pensioned as the widow of a captain. This claim is based upon the following facts shown by the evidence before your committee:

David A. Ward was enrolled October 3, 1861, and mustered into service as sergeant of the original Company A, Sixth Kentucky Cavalry, December 23, 1861. He reenlisted and was transferred to the Sixth Kentucky Veteran Cavalry January 1, 1864. Only part of the original company re-enlisted, and those that did not, including all the company officers, were mustered out in October, 1864. Ward was placed in command of the company from that date. He was recommended for promotion to captain, but from some cause, undoubtedly due to delay on the part of the governor of the State, his commission was not issued until December 21, 1864, although a vacancy in that rank existed prior thereto, as shown by the report of the Adjutant-General, and under the provisions of the act of June 3, 1864, a remuster was made to correspond and give him the rank of captain from the date of his commission.

As heretofore stated, on the date of the incurring of the fatal wound and for some considerable time prior thereto, he was in command of his company. There was no commissioned officer then serving with the company, and as a matter of fact Edwin M. Hobbs, who finally succeeded as the captain, signed the inventory of the effects of said deceased Ward on February 1, 1865, as sergeant commanding the company. The widow has been, and is now, paralyzed and dependent upon her friends, having no income from any source. The expenses of her maintenance are therefore necessarily greater than in ordinary cases.

Ward was, to all intents and purposes, the captain of the company when he received the fatal wound after more than three years' evidently faithful and meritorious service.

In the opinion of your committee the facts in the case warrant the granting of the relief asked for, and therefore report favorably on the accompanying bill and ask that it do pass, amended, however, by adding after the word "laws," in line 8, the words "in lieu of the pension now received by her."

The amendment recommended by the committee in the concluding paragraph of the report was read, and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH T. GARRETT.

The next business on the Private Calendar was the bill (H. R. 6166) to grant a pension to Elizabeth T. Garrett.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Elizabeth T. Garrett, widow of Joseph F. Garrett, who was a soldier in Spy Battalion in the Fourth Illinois Regiment, in the Black Hawk war, and pay her a pension at the rate of \$20 per month.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6166) granting a pension to Elizabeth T. Garrett, have considered the same and report: The claimant's late husband, Joseph F. Garrett, was a private in Capt. Elijah Dill's Company, Spy Battalion, Fourth Illinois Volunteers, Black Hawk war, from April 21, 1832, to June 16, 1832. He was granted a pension of \$20 per month

by special act passed September 3, 1888, and died about fifteen months after said pension was allowed, aged over eighty years.

The claimant also asks a pension at \$20 a month, and submits ample proof of her marriage with the soldier; also, that she is almost blind, quite feeble, and in no condition to earn a living. She has no children or kindred to look to for support, and the only property she possesses is a town lot of not over \$250 in value. A large number of witnesses swear to the above-named facts, and in addition thereto one hundred and twenty-two citizens of Plymouth, Hancock County, Illinois, certify that the claimant is old, feeble, almost blind, and very poor, and they petition Congress to grant the relief prayed for.

Your committee think the case a proper one for relief by special act, and the passage of the bill is therefore recommended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WALTER P. HARRISON.

The next business on the Private Calendar was the bill (H. R. 6624) increasing the pension of Walter P. Harrison.

The bill was read, as follows:

*Be it enacted, etc.,* That the pension of \$3 per month now received by Walter P. Harrison, late private Company B, First Regiment Louisiana Volunteers, Mexican war, be, and the same is hereby, increased to \$72 per month, the same to be in lieu of the pension he is now receiving.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6624) granting an increase of pension to Walter P. Harrison, have considered the same and beg leave to report:

Said bill is identical with bill H. R. 10477 of the Fiftieth Congress, which was reported favorably to the House in Report No. 3987, second session, and your committee adopt said report (No. 3987) as applicable to this bill and recommend that the bill do pass.

#### HOUSE REPORT.

The Committee on Pensions, to whom was referred the bill (H. R. 10477) granting an increase of pension to Walter P. Harrison, have considered the same and report as follows:

Walter P. Harrison was a private in Company B, First Louisiana Volunteers, Mexican war, and is now a pensioner at the rate of \$3 per month under the Mexican pension act of January 29, 1887. He also served as a midshipman in the United States Navy from October 19, 1841, until June 10, 1843, when he resigned.

In 1886 he applied for pension for total blindness, declaring that while in the Mexican war he contracted measles, which settled in his eyes and caused disease of the same, resulting in total blindness about the year 1860. He was unable in his pension claim to furnish the evidence of comrades to show the in-currence of his disability in his military service, and hence his claim for pension for his disability has never been adjudicated. As above stated, he has been allowed a service pension of \$3 per month.

Notwithstanding his infirmity, the claimant has for twenty-five years earned his subsistence by acting as a traveling agent, being always attended by another person. He is now sixty-five years of age, his health has failed him, he has no property to afford him a living, and being no longer able to continue business, he is entirely dependent upon his small pension.

Dr. Flavel B. Tiffany, a leading physician of Kansas City, Mo., certifies that the claimant is totally blind from the disease known as choroid retinitis pigmentosa, with secondary cataract following in each eye. There is no history of any disease, other than measles, which might be the cause of Mr. Harrison's blindness.

Many prominent citizens of Kansas City, Mo., certify to his helpless condition.

A prominent attorney, Henry N. Ess, esq., of Kansas City, Mo., states: "I have known W. P. Harrison seven or eight years. He desires an act passed for a pension to him. He served in the Mexican war. He took measles, from which he has wholly lost his eye-sight. There are no records of the disease of the men in service then. The physician, although now living, does not personally recollect this particular disease of Mr. Harrison. Without such outside testimony he can not get any increase of pension under the law as it stands. He is now totally blind, and has been blind for more than twenty-five years. There is just a little failure of evidence that defeats him before the Department. I know Mr. Harrison well, and his character is beyond dispute."

J. V. C. Karnes, of Kansas City, Mo., a prominent lawyer and late United States attorney, states:

"Mr. Harrison is a very remarkable man, and although entirely blind makes a brave fight to do business as far as he can. He is a man of excellent character, honorable in every respect, and entitled to the fullest confidence and consideration. Of course I know nothing of the cause of his blindness, but among those who know him his own statement is all that is required on this or any other subject."

Morrison Munford, editor Kansas City Times, Charles E. Hosbrook, Sanford B. Ladd, and James S. Botsford, all leading citizens of Kansas City, certify to the same effect.

Other testimony before your committee shows the claimant's present condition, and that the eye disease existed for many years before he became blind.

In several similar cases, where pensioners of the Mexican war were totally blind, notably the cases of Titus Wilder and Martin Kellogg, Congress has increased the pension to \$72 per month.

Your committee believe the bill one of merit, and therefore recommend its passage, amended by inserting after the word "volunteers," in line 5, the words "Mexican war."

Mr. PETERS. I understand from the reading of this bill, Mr. Chairman, that it is proposed to increase the pension or to give a pension of \$72 per month. Am I correct?

The CHAIRMAN. The gentleman is correct. That is the amount proposed by the bill.

Mr. PETERS. I would like to know either from the report or from some member of the committee who is familiar with the facts why this amount is given?

Mr. ADAMS. This is a case of total blindness and requires constant attendance. I thought it was stated in the report. I know personally the beneficiary. There is a report referred to, which is made a part of the report that was read, which explains the case.

Mr. TARSNEY. I know the facts from my own personal knowledge. The bill was laid aside to be reported to the House with the recommendation that it do pass.



CHARLES H. PERRY.

The next business on the Private Calendar was the bill (H. R. 3383) granting a pension to Charles H. Perry.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Perry, late of the whaling ship Edward, Mexican war.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3383) granting a pension to Charles H. Perry, have considered the same and report:

The claimant made application to the Pension Bureau March 24, 1887, for a pension under the Mexican war service act of January 29, 1857, declaring that while serving as fourth mate on the United States whaling-ship Edward, commanded by Capt. John S. Barker, the ship touched the shores of Mexico, at a place called San José, where they were spoken by a trading sloop to go to the rescue of the garrison at said place, which was in the possession of our American troops (twenty-eight men), but which was surrounded by several hundred Mexicans, cutting off the water front.

The whaling-ship Magnolia dropped anchor near the Edward, and at the request of the garrison the forces of the two ships were combined, making a force of about sixty men, who landed, drove the enemy back, and remained there until the United States ship Relief relieved them. In order to perform the service above named the ships Edward and Magnolia were left in charge of two men each, and the landing force marched 14 miles to reach the garrison. After relief came the ship Edward took dispatches to Commodore Shubrick, who was stationed at Matland with the squadron. Commodore Shubrick returned thanks in behalf of the Government for the service rendered by the Edward on that occasion, and at his request the Edward carried fixed ammunition, shells, etc., back to the garrison.

The official report of the United States Fish Commission for 1875-'76 contains at the bottom of page 113 the following statement:

"The London Mercantile Gazette of October 22, 1852, said: 'The number of American ships engaged in the southern whale fisheries alone would of themselves be nearly sufficient to man any ordinary fleet of ships of war which that country might require to send to sea. Instances are not wanting, indeed, where whalers have undertaken yeoman service for their country. Thus in November, 1846, Captain Simmons, of the Magnolia, and Captain John E. Barker, of the Edward, both of New Bedford, hearing that the garrison of San José, Lower California, was in imminent danger, landed their crews and marched to its relief, etc.'"

On page 421 of the same volume a table showing returns of whaling vessels sailing from American ports has a marginal note mentioning the fact that Captain Barker, of the Edward, marched with his crew to the relief of the garrison of San José in 1846.

In a letter addressed to your committee under date of February 18, 1890, the collector of customs, port of New Bedford, Mass., says:

"The records of this office show that Charles H. Perry was one of the crew of the ship Edward, Capt. John S. Barker, which vessel cleared from this port July 14, 1845, for a whaling voyage in the Pacific Ocean, and returned from said voyage April 6, 1849."

The application filed in the Pension Bureau by the claimant was rejected January 30, 1888, on the ground that he was not an enlisted man in the military or naval service of the United States.

Your committee believe, however, that in view of the service rendered, by which the garrison of San José and the lives of more than a score of men were probably saved to the Government, the claim is an exceptionally meritorious one and should be so recognized by the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM G. HILL.

The next business on the Private Calendar was the bill (H. R. 4811) to pension William G. Hill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, directed to place on the pension-rolls of the Government the name of William G. Hill, late orderly sergeant of Capt. Jesse Walker's company, Oregon Volunteers, for meritorious service, and for wounds received in October, 1854, while engaged in battle with the Pi-Ute Indians in the Chewaucan Valley, in Oregon, then a Territory, subject to the limitations and regulations of the pension laws of the United States.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4811) granting a pension to William G. Hill, have considered the same and beg leave to submit the following report:

The records of the Third Auditor's Office, Treasury Department, show that the claimant served as first sergeant in Capt. Jesse Walker's company, Oregon Indian war, from August 3, 1854, to November 6, 1854, and that he was dangerously wounded in an engagement with Pi-Ute Indians on the morning of October 11, 1854. He asks a pension for said service and wound.

Hon. BINGER HERMANN, a Representative in Congress from the State of Oregon, makes the following statement:

"I have known him for thirty years. He is now old, infirm, and poor. He has indeed nothing, and his brothers aid him largely. He has never recovered from his wounds received while in active service in the Oregon Indian war. His jawbone was broken while struggling with an Indian in battle. His face is disfigured and scarred, and other wounds have largely disabled him for manual labor for life. He can do no severe physical service, and he suffers much pain. He should have \$20 or \$25 per month, and then it will be hard for him to maintain his wife and those dependent upon him. He is a temperate man."

Your committee recommend the passage of the bill with the following amendment: Strike out the words "subject to the limitations and regulations of the pension laws of the United States," in the ninth, tenth, and eleventh lines of said bill, and substitute in lieu thereof the words "and allow him a pension at the rate of \$25 per month."

The amendment recommended by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

KEZIAH RANDALL.

The next business on the Private Calendar was the bill (H. R. 6607) granting a pension to Keziah Randall, of Mattapoisett, Mass., widow of Richard Randall, who served in the coast guard, 1812-1815.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Keziah Randall, of Mattapoisett, Mass., widow of Richard Randall, who served as coast guard in the war of 1812 to 1815.

The report (by Mr. RANDALL, of Massachusetts) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6607) granting a pension to Keziah Randall, have considered the same, and beg leave to submit the following report:

The claimant, who is shown by record evidence to have been born September 30, 1789, asks a pension by special act, declaring that her husband, Richard Randall, with Josiah Sturtevant, Nathaniel Parlow, William Sherman, and Leabod Burgess, all of Rochester, Mass., went to Wareham and served as coast guard at the time the British sloop Nimrod made a raid on Falmouth, Wareham, and other places along the shores of Buzzard's Bay during the war of 1812; that her said husband was away on duty as coast guard about three weeks the first time, and in all he served about three months. He never enjoyed good health after returning home, and the claimant thinks exposure in said service was the cause. She disposed of her husband's knapsack and gun some fifty-five years ago.

Claimant further declares she has never received any aid from the State or National Government and is poor and needy, depending on her friends for support.

Seth Hiller, William Hammond, George W. Lewis, A. M. Jenney, and Dr. W. E. Sparrow, citizens in high standing at claimant's home, certify that they have known her for forty years and upwards and that she has always been a hard-working and prudent woman. They never knew of her veracity being questioned, and her memory, especially of events occurring in her early life, is remarkable; also that she is dependent upon neighbors and friends for support.

It also appears that claimant is unable to find any one now living who served with her husband in the war 1812, and no record of the service can now be found.

Your committee recommend the passage of the bill with the following amendment: Add to said bill the words "and allow her a pension at \$25 per month."

The amendment recommended by the committee was adopted.

The CHAIRMAN. Without objection, the bill as amended will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. STONE, of Missouri. I object.

The CHAIRMAN. The question is on laying the bill aside.

The motion was agreed to.

The bill was accordingly laid aside to be reported to the House with the recommendation that it do pass.

NANNIE W. METCALFE.

The next business on the Private Calendar was the bill (H. R. 6415) to reissue the pension certificate of Nannie W. Metcalfe and allow her a pension as a surgeon's widow.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to reissue the pension certificate of Nannie W. Metcalfe and allow her a pension with rank of surgeon, which rank was held by her deceased husband, George W. Metcalfe, during the greater part of his service in the Seventy-sixth New York Volunteer Infantry, war of the rebellion.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6415) to reissue the pension certificate of Nannie W. Metcalfe and allow her a pension as a surgeon's widow, have considered the same and beg leave to submit the following report:

The claimant's deceased husband, George W. Metcalfe, was mustered into the service as an assistant surgeon Seventy-sixth New York Infantry Volunteers January 13, 1862, and as surgeon same regiment to date July 30, 1862. He was mustered out November 9, 1864, by reason of expiration of term of service. During a part of his service he served as surgeon-in-chief Second Brigade, and with the exception of the time between January 13, 1862, and July 30, 1862, he ranked as surgeon and rendered long and faithful service to his country while holding that grade.

The soldier filed an application for pension January 9, 1871, alleging that while in line of duty in Fredericksburgh, Va., in July and August, 1862, he contracted malarial disease and chronic diarrhea, which resulted in disease of liver and kidneys. The soldier died October 28, 1874, of the diseases alleged in his application. The widow (this claimant) was allowed a pension under the general pension laws at the rate of \$17 per month, which is the amount fixed by law for the widows of assistant surgeons. The claimant also completed her husband's claim and was allowed the accrued pension, he having died before his claim was completed.

The claimant prays that her pension certificate be reissued so as to pension her as the widow of a surgeon instead of as the widow of an assistant surgeon. She declares that her husband's service was such as to entitle her to this recognition.

It appears from the soldier's allegations and the proof submitted in support of his claim before the Pension Bureau that his diseases were contracted in July or August, 1862. It will be remembered that he was promoted to the rank of surgeon on the 30th of July, 1862.

The soldier was unable to definitely fix the time of contracting the alleged diseases, but at different times gave it as June or July, 1862; July or August, 1862; the summer and autumn of 1862, and once he stated that it was not until after July 25, 1862, that he contracted the diseases claimed for in his original application.

Dr. N. B. Barnes, an assistant surgeon of the soldier's regiment, testifies that the soldier's diseases were contracted in the summer and autumn of 1862. Other witnesses testify that the diseases were contracted while the regiment was at Fredericksburgh, Va., and the soldier himself made the same allegation, but in view of the fact that (as shown by papers in the case) the regiment did not leave that place until some time after the soldier's promotion to surgeon, this throws but little light on the question of the exact date upon which the disability was contracted.

The records of the War Department contain no evidence that the soldier was off duty for any cause until a long time after the date of promotion as surgeon.

In the light of the facts recited herein your committee believe that it is quite as fair to presume the diseases which caused the soldier's death were contracted immediately after the soldier's promotion to surgeon as that they were incurred just before his advancement to that grade. That he contracted disease and received promotion about the same time appear clear, but which appeared first can not, it seems, be definitely shown, and this committee is of the opinion that

whatever doubts there are in the matter should be resolved in the claimant's favor.

The passage of the bill, which is respectfully recommended, will give the claimant \$25 per month in lieu of the amount she is now receiving.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES M. M'KINNEY.

The next business on the Private Calendar was the bill (H. R. 4094) granting a pension to James M. McKinney.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James M. McKinney, late second lieutenant of Company A, North Cumberland Battery, Kentucky State Militia.

The report (by Mr. GOODNIGHT) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4094) granting a pension to James M. McKinney, submit the following report:

A similar bill was introduced during the Fiftieth Congress, and favorably reported by the Invalid Pensions Committee, but was not reached for final action. The report of said committee sets forth the facts in the case as follows:

"The beneficiary named in the bill was second lieutenant of Company A, North Cumberland Battalion Kentucky State Militia. His claim for pension on account of gunshot wound of left shoulder and face, resulting in loss of left eye, was rejected by the Pension Office because claimant was not in the military service of the United States at time of the receipt of the wounds.

"It appears from the evidence on file that McKinney was mustered into the above-named organization October 1, 1864, and mustered out August 28, 1865. While stationed with his command in Union County, Kentucky, in April, 1865, the same was attacked by a force of Confederates. The latter overpowered the militia, and claimant, with others of the command, was captured and taken away as prisoner. The Confederates were shortly thereafter pursued by some Illinois soldiers, and a fight ensued, during which the claimant, while attempting to escape to the Union troops, was shot in the shoulder and face as heretofore stated.

"There being no law now existing under which pensions can be granted to members of State organizations, the action of the Pension Bureau in rejecting the claim was proper. Congress, however, has always recognized the justice of this class of claims, and being fully satisfied of the merit of the case under consideration, your committee report favorably on the accompanying bill and ask that it do pass."

Your committee concur in the conclusions reached in the foregoing report, and likewise recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES S. FERRIN.

The next business on the Private Calendar was the bill (H. R. 3511) granting a pension to James S. Ferrin.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby authorized and directed to place the name of James S. Ferrin, imbecile son of James W. Ferrin, late of Company F, Fourth Kentucky Mounted Infantry, who died in Andersonville prison, upon the pension-roll, and pay him a pension of \$18 per month during life.

Amend the title so as to read: "A bill granting a pension to James S. Ferrin."

The report (by Mr. GOODNIGHT) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3511) granting a pension to James S. Ferrin, have considered the same and report that a similar bill to the one under consideration was considered and favorably reported by the Committee on Invalid Pensions at the second session of the Fiftieth Congress, which report is referred to and adopted by your committee as containing the facts and history in this case. The bill reported to the Fiftieth Congress was not acted upon. They report the bill back to the House with recommendation that it pass with this amendment:

"Said pension payable to the legally qualified trustee or committee of the said James S. Ferrin."

[House Report No. 3937, Fiftieth Congress, second session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3511) granting a pension to James S. Ferrin, have considered the same and report as follows:

The beneficiary of this bill is the imbecile son of James W. Ferrin, who was a soldier in Company F, Fourth Kentucky Mounted Infantry. The soldier was captured on July 30, 1864, and was sent to rebel prison at Florence, S. C., and died there from exposure on November 6, 1864. The child was born on August 15, 1864, shortly after the receipt of news of the imprisonment of the father. The widow was a pensioner until her remarriage in 1869, and the child's pension was paid to the guardian until 1880, when the boy became sixteen years of age. He has been an imbecile from his birth, as shown by testimony, both medical and lay, filed before your committee.

His subsistence is afforded by his mother, who, with a number of small children, has been deserted by the second husband. The family is certified to be in very straitened circumstances.

In several similar instances Congress has afforded relief to the extent asked for in the bill, and hence the bill is reported back with the recommendation that it do pass.

The amendment recommended by the committee was adopted; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SALLIE T. WARD.

The next business on the Private Calendar was the bill (H. R. 1622) granting an increase of pension to Mrs. Sallie T. Ward.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to pay Mrs. Sallie T. Ward, widow of the late General W. T. Ward, a pension of \$50 per month, in lieu of the pension she now receives, during her natural life.

The report (by Mr. GOODNIGHT) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1622) granting a pension to Mrs. Sallie T. Ward, widow of the late William T. Ward, have had the same under consideration, and find that a similar bill to

the one under consideration was passed by the Fiftieth Congress, but was vetoed by the President. The objections of the President were as follows, to wit:

"The bill herewith returned, while fixing the monthly amount to be absolutely paid to the beneficiary, does not make the granting of the pension nor the payment of the money subject to any of the provisions of the pension laws, nor make any reference to the Mexican service pension she is now receiving. While it is the rule under general laws that two pensions shall not be paid to the same person, inasmuch as the widow is entitled to the pension she is now receiving upon grounds different from those upon which the special bill was passed, and no intention is apparent in the special bill that the other pension should be superseded, it may result that, under the peculiar wording of this bill, she would be entitled to both pensions."

The present bill is drawn so as to meet this objection.

Your committee refer to the report of the Committee on Invalid Pensions of the Fiftieth Congress, reporting on a similar bill to this, for a statement of facts and the military history of General Ward, and adopt the same as their report.

They recommend that the bill pass, amended, however, by striking out all after the word "receives," and insert therein instead the words "subject to the provisions and limitations of the pension laws."

[House Report No. 1404, Fiftieth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8574) granting a pension to Sallie T. Ward, widow of William T. Ward, have had the same under consideration, and find that a similar bill to the one before your committee was introduced into the Forty-sixth Congress and passed, but was not called up and acted on in the Senate.

As to the facts and history of this case, the report from the Committee on Invalid Pensions of that Congress is adopted as the report of this committee.

Said report shows that he was mustered into the service October 4, 1847, as major of the Fourth Kentucky Volunteer Infantry, and served with his regiment in Mexico to July, 1848, and was honorably mustered out with his regiment at Louisville, Ky., July 27, 1848.

He was appointed brigadier-general of volunteers 18th September, 1861, and brevetted major-general of volunteers 24th February, 1865.

His services were: Organizing brigade in Kentucky from September 20 to December 1, 1861; commanding troops at Green River Bridge, Kentucky, to January 8, 1862; commanding Sixteenth Brigade, Department of the Ohio, to March 12, 1862; commanding camp of instruction at Bardonia, Ky., and all the troops on the lines south of Louisville, Ky., to July, 1862; commanding troops at Lexington, Ky., during part of July, 1862, and in pursuit of Morgan to August, 1862; commanding at Munfordsville, Ky., to September 5, 1862, and a brigade in Army of Ohio to November, 1862; commanding post and brigade at Gallatin, Tenn., to June, 1863; commanding Second Brigade, Third Division, Reserve Corps, Department of the Cumberland, to October, 1863, and brigade in the district of Nashville, to January 8, 1864; commanding First Division, Eleventh Corps, to April, 1864, and First Brigade, Third Division, Twentieth Corps, to June 29, 1864; commanding Third Division, Twentieth Corps, to September 23, 1864; on leave of absence to October 10, 1864; commanding Third Division, Twentieth Corps, until corps was discontinued, June, 1865. Honorably mustered out of service August 24, 1865.

He distinguished himself in the battles before the fall of Atlanta and in the fights preceding the surrender of General Joseph E. Johnston's army.

While leading his brigade in a charge at the battle of Resaca, Ga., he was severely wounded in the arm and side, but refused to leave the field. He was absent on leave only seventeen days during the whole war.

The fractured bone by the wound at Resaca gave him much trouble, and he finally found the arm useless. On account of his wounds he was receiving a brigadier's pension of \$30 per month at the time of his death (certificate No. 100492).

He died October 12, 1878, a few months after completing his seventieth year of life.

While we can not say that his wounds and exposures in the service of his country were the direct cause of his death, they doubtless tended to diminish his powers to resist the effects of old age and hasten his death.

He left a widow now past sixty years of age and without property or means of support.

Your committee find many precedents for the legislation asked in the accompanying bill passed at every Congress since the war. Among them we will only refer to the pensions to Elizabeth York, widow of Shubal York, surgeon Fifty-fourth Illinois Volunteers (chapter 53, page 582, 14 Statutes at Large); Rose Webster, widow of Reason H. Webster, Company E, One hundred and twenty-third Illinois (chapter 116, page 530, 20 Statutes at Large); Grace Atkins, widow of William R. Atkins, Company A, Eleventh Iowa Volunteers (chapter 226, page 575, 20 Statutes at Large); Caroline S. Webster, widow of Col. Fletcher Webster, \$50 per month; and widow of General James Shields, \$100 per month (chapter 46, page 3, first session Forty-sixth Congress).

Your committee recommend that the accompanying bill be passed.

The amendment recommended by the committee was adopted; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANASTASIA M'GRIEVEY.

The next business on the Private Calendar was the bill (H. R. 3256) granting a pension to Anastasia McGrievy.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll the name of Anastasia McGrievy, widow of Henry McGrievy, late of Company K, Forty-third Regiment Ohio Volunteer Infantry, and pay her a pension, subject to the provisions and limitations of the pension laws.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3256) granting a pension to Anastasia McGrievy submit the following report:

Anastasia McGrievy is the widow of Henry McGrievy, who was a private in Company K, Forty-third Regiment Ohio Volunteer Infantry, who enlisted August 14, 1861, and served until the close of the war; was mustered out of the service July 13, 1865, died December 24, 1873. His widow made application for pension September 22, 1879, alleging that the soldier's death was caused by reason of injuries received while in the service and in the line of his duty by being run over by a hand-car on the railroad, said car having five men upon it, by which he received internal injuries which resulted in his death.

That said soldier, after having been injured as before stated, was sent to the general hospital at Rome, Ga., where he was treated for his injuries.

This claim was rejected in the Pension Office on the ground that the soldier's death was not attributable to his Army service. The evidence on file clearly establishes prior soundness. He was a strong, healthy, robust man when he entered the service, and the records in the War Department report him absent, sick in hospital. He was treated in the general hospital at Rome, Ga., and also in the regimental hospital.



Capt. H. Rhoades, of Company K, testifies he was a good, faithful sergeant, and during the latter part of his service he was poorly, and, for some cause he does not remember, was partially disabled.

Michael G. Robie and Levi Bates, members of his company, testify that on or about May 1, 1863, they were with the soldier in company with five men on a hand-car on the Mobile and Ohio Railway as a guard to bring up the paymaster from Henderson to Fort Hooker, Tennessee. While the car was going very rapidly the soldier was struck in the back by the crank and was thrown very violently from the car in front of it, and the car passed over him. He was picked up for dead, but he regained consciousness, and upon examination it was found that no bones were broken. He was carried back to the hospital at camp and was off duty for some time, having been badly bruised and injured by said accident. The evidence goes to show that the soldier suffered from this injury ever afterward and was material in producing his death.

Samuel Lawler and John Syreian testify:

"We were intimate with the soldier from the time he returned from the Army up to the time of his death, December 23, 1873; saw him frequently during his last sickness. He was sick when he came home, and did not work for three or four months, and was attended by Dr. Neff; but he got better after awhile and went into the railroad blacksmith shops as a helper, and worked under these assistants as a helper. He was never strong, and whenever he overexerted himself he complained of suffering in his stomach from injuries alleged to have been received in the war. At times the pain in his head made him somewhat wild, and Dr. Neff had to give him hypodermic injections over the temples and forehead. He worked in the shops for years, but never able to do a full day's work. He left the shops and was confined to his house. He was a man of good moral habits."

In fact the case well establishes prior soundness, incurrence of injuries in the service, from which he never recovered, and no doubt was the cause of his death in the opinion of your committee. The cause of the rejection in the Pension Office was by reason of an opinion expressed in the testimony of one of the attending physicians, in his last illness, that the disease of the stomach of which he complained was of a cancerous nature.

This opinion, there is no doubt in the minds of your committee, was a mistake; there was no post mortem examination, and no evidence on file to prove that this physician had the opportunity of correctly informing himself so as to give an intelligent opinion as to whether this was cancer or not. Unfortunately for claimant, this doctor's opinion has been the sole cause of the rejection of the claim by the Pension Office, which, to say the least, leaves a grave doubt in the opinion of your committee as to the correctness of his diagnosis. Under the circumstances, there is no reason why this poor dependent widow, with six children, should not be given the benefit of the doubt. Your committee is of the opinion that this is a meritorious bill, and recommend its passage.

The bill was laid aside to be reported to the House, with the recommendation that it do pass.

HARRISON WAGNER.

The next business on the Private Calendar was the bill (S. 645) granting a pension to Harrison Wagner.

Mr. YODER. Mr. Chairman, I made the report in this case, and upon an investigation I find that there are some other matters to be embodied. I ask unanimous consent to withdraw the report, and I will make a supplementary report hereafter, allowing the bill to retain its place on the Calendar.

There was no objection, and it was so ordered.

JOSEPH D. WILLIAMSON.

The next business on the Private Calendar was the bill (H. R. 6603) granting a pension to Joseph D. Williamson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph D. Williamson, late private in Company C, One hundred and nineteenth Regiment Pennsylvania Veterans, and allow him a pension from the date of the filing of his claim in the Pension Office.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6603) granting a pension to Joseph D. Williamson, has had the same under consideration, and beg to submit the following report:

The facts in this case are as follows:

Claimant enlisted April 27, 1861, and re-enlisted as a veteran volunteer December 31, 1863, and served continuously to the date of his muster out of service, June 16, 1865, a term of four years one month and twenty days. During this time he was captured on Weldon Railroad, August 19, 1864, and remained a prisoner of war to March 23, 1865, a term of six months and nine days. On April 18, 1873, he filed a claim for pension, claiming as a cause chronic bronchitis, and December 13, 1879, an amended application, claiming as an additional cause affection of right lung, and on May 1, 1885, a second amended application, claiming disease of rectum and heart, all of which he alleged to be the result of exposure while held in Salisbury prison, during the winter of 1864-'65.

The proofs show that he had severe cough and cold while in prison, and that when paroled he was so weak and feeble that he could not march, but had to be transported by conveyance to place of parole; that when he arrived at Camp Parole, Maryland, he was not able to ride on horseback from the railroad station in Pennsylvania, near his home, without being held on his horse. That his family physician, while home on said furlough, despaired of his life or recovery from his then critical condition. That his furlough was extended thirty more days upon his physician's affidavit that he was unable to travel because of his condition then due to his prison hardships and exposure. That he recovered sufficiently to report to Pittsburgh, Pa., where he was discharged June 16, 1865, on a medical certificate of disability.

That he remained at home and under treatment for disease of lungs and heart and general debility. That his condition became somewhat improved by his treatment and his good constitution, favored by his youth; when, on January 20, 1866, he gained an acceptance in the regular Army, to serve on the frontier, in New Mexico and Arizona, believing that the climate would be favorable to his permanent recovery. That he served in the Third United States Cavalry to October 22, 1868, when he was honorably discharged. That for several years he remained in Texas and the South after his discharge, on account of his disease of bronchitis and lung affection, and finally returned to Pennsylvania, still suffering in a mild or violent form with said disease, and has been continuously suffering on account of said several afflictions in various degrees of severity to this date.

It also appears that claimant's claim has been rejected by the Commissioner of Pensions because the record fails to show treatment for said afflictions while a member of the Third United States Cavalry; the only record of treatment

being for catarrhal ophthalmia and blistered feet at the hospital at Fort Stanton, N. Mex., once on March 30, 1867, and June 14 to 17, 1868. This record the claimant claims is erroneous, inasmuch as he never was afflicted with ophthalmia or blistered feet. He claims this treatment while in said hospital was for hemorrhoids, or piles, and nothing else. His claim of error in the record counts with plausibility, because, as he says, he was always mounted, and never traveled on foot, whereby his feet would likely become blistered.

In view of this failure of record, the Department has applied the doctrine of stopper to the claimant's claim for a pension, and holds that notwithstanding the incurrence of said afflictions in the service and line of duty, his residence in the regular Army, and the absence of any record showing the continuance of said disabilities while therein, the claimant is estopped under the well established rules of that Department from setting up a claim for pension thereafter.

The evidence shows that the claimant entered the service at the breaking out of the rebellion, at eighteen years of age, a stout and healthy man, and that he was a good soldier, discharged for disability due to his prison hardships; that he is now over forty-five years of age, has an invalid wife and eight children, is now and has been for many years unable to perform manual labor, and is and has been dependent on the charity of his friends for his support.

In view of the evidence carefully considered, aside from any arbitrary rules in its application, it seems to us that in this case the presumption herefore held by the Pension Office ought not to be applied to this case; that claim has great merit and ought to be allowed, and therefore we recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHANNA ECKLE.

The next business on the Private Calendar was the bill (H. R. 2958) for the relief of Johanna Eckle.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Johanna Eckle, widow of Joseph Eckle, late private Company E, Second Regiment of Maryland Volunteer Infantry.

The report (by Mr. MARTIN, of Indiana) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2958) for the relief of Johanna Eckle, submit the following report:

Johanna Eckle is the widow of Joseph Eckle, who served as private in Company E, Second Maryland Volunteers, from July 23, 1861, to July 28, 1864. In action before Petersburg, Va., June 16, 1864, he was wounded in left leg, which wound resulted in an aggravated case of varicose veins, for which he was pensioned at \$14 per month.

The widow's claim has been rejected on the ground that soldier's death from fall out of his window is not chargeable to his military service.

It appears in evidence that the soldier was a great sufferer by reason of the diseased condition of the wounded leg, losing much sleep. On the night of his death, the weather being intensely hot, he got up about midnight, telling his son, who was sleeping in the room, that his leg pained him much; went to the window, placing his foot upon the sill, which was but 17 inches from the floor, and applied some liniment.

The son, who had fallen asleep again, was suddenly awakened by a noise on the steps below, and getting up found that his father had fallen out of the window. A physician was immediately called, but before his arrival the soldier had expired. Some of the neighbors testify that they were with the soldier as late as 11 o'clock on that night; that he complained much of the pain in his leg, was perfectly sober, but cheerful as usual.

The reviewer of the Pension Office, in summing up the case, says:

"The evidence shows *prima facie* that soldier's leg was in a most wretched condition, subjecting him at any moment to the possibility of a fall, and that one night in July, 1864, a very hot one, while suffering intense pain and worried with the heat, he got up about midnight, etc. \* \* \* There is nothing particular to arouse the suspicion that soldier was an intemperate man or that he had been drinking on the night in question, the theory being that on getting up to the window to return to bed his leg gave way, and that being unable to recover himself in time he was precipitated into the street with fatal result."

Upon the showing made, the Commissioner of Pensions, under date of December 15, 1886, forwarded the papers in the case to the Committee on Invalid Pensions, in pursuance of the provisions of the joint resolution of Congress approved May 29, 1880, for its favorable consideration, but no action appears to have been taken upon his recommendation.

Your committee are of opinion that the facts in the case, together with the dependent condition of the widow, warrant favorable action in the case, and therefore return the bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BARBARA SCHNAPPINGER.

The next business on the Private Calendar was the bill (H. R. 4482) granting a pension to Barbara Schnappinger.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of \$12 per month, subject to the provisions and limitations of the pension laws, the name of Barbara Schnappinger, widow of Frederick Schnappinger, late private in Company K, Second Maryland Infantry.

SEC. 2. That this act shall take effect from date of soldier's death.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4482) granting a pension to Barbara Schnappinger, submit the following report:

The petitioner, Barbara Schnappinger, is the widow of Frederick Schnappinger, who enlisted August 28, 1861, in Company K, Second Maryland Volunteers, and was discharged September 13, 1864. He died July 8, 1880, and was at the time of his death on the pension-rolls on account of double inguinal hernia.

On August 7, 1880, his widow filed a claim for pension, alleging that soldier's death was due to the hernia for which pensioned, which was rejected by the Pension Office in May 22, 1883, on the ground that soldier's death from apoplexy was not shown to be due to his military service.

From the records of the War Department it appears that the soldier was treated in several hospitals for chronic diarrhea, remittent fever, and rheumatism, and the testimony on file in the case shows that subsequent to his return from the Army the soldier complained of general debility, besides the double rupture; that in 1879 and 1880 he received benefits from a lodge of which he was a member on account of sickness due to rheumatism; and Dr. F. Reinhardt testifies that he treated the soldier during the month of February for articular and muscular rheumatism; that he left him uncured, and that in his opinion his sudden death a few months later was caused by these ailments.

On July 7, 1880, the soldier was suddenly taken ill, and Dr. Birch, who was called, testified he found him unconscious from apoplexy, and when calling the next morning he found him dead.

There can be no doubt that the claim is a meritorious one, and that the apoplexy which caused death was a direct result of the rheumatism which is of record in the service, and which was evidently the general debility testified to by his neighbors and fellow-workmen as having existed since his discharge and for which he received treatment by Dr. Reinhard.

Could it be shown in a more satisfactory manner that the rheumatism had existed continuously since soldier's discharge the widow's claim would have to be admitted by the Pension Office, as said disease is accepted as the exciting cause of apoplexy; but owing to soldier's removal from place to place, remaining in each but a short time, such proof can not be filed by the widow.

The committee believe the claim to be a meritorious one, and therefore return the bill with the recommendation that it do pass, striking out, however, all of section 2 of the same.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MINERVA JANE OLIVE.

The next business on the Private Calendar was the bill (H. R. 1982) granting a pension to Mrs. Minerva Jane Olive.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Minerva Jane Olive, mother of William H. H. Ryman, deceased, late a private of Company C, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1982) granting a pension to Mrs. Minerva Jane Olive, submit the following report: We have had the same under consideration and recommend that the bill do pass, hereby adopting as our report the report of the Senate Committee on Pensions, which is as follows, to wit:

"That the petitioner, Mrs. Minerva Jane Olive, is the mother of William H. H. Ryman, deceased, who was a private in the Nineteenth Regiment of the United States Infantry, and who subsequently, after his discharge from the first service, enlisted in Company C, One hundred and twenty-fourth Regiment of Indiana Volunteers, and was mustered into the service of the United States on the 7th day of December, 1863, for the term of three years, by Captain Farquhar, United States Army, mustering officer.

"The said W. H. H. Ryman, the son of the petitioner, served through the war of the rebellion, was six months a prisoner at Andersonville, and was returning home with others of his regiment on board the steamer Sultana, which vessel was in the service of the Government as a transport, on the 27th day of April, 1865, when she exploded and was wrecked, with much loss of life, on the Mississippi River, about 8 miles above the city of Memphis, Tenn.

"The claimant has not applied for a pension to the Commissioner of Pensions, on account of lack of technical or legal proof of the death of her said son while in the line of military duty and service; but we think the proof of his loss upon the steamer Sultana aforesaid amounts to very near a positive certainty. The explosion took place twenty-four years ago last April. It appears from the affidavits of the mother and other friends and acquaintances of the soldier that he has not been heard of or seen at any time since.

"The certificate of the adjutant-general of Indiana, N. R. Ruckie, containing evidence of the enlistment and service of the soldier, sets out at the close of it: 'Supposed lost on steamer Sultana, April 27, 1865.' The affidavit of Joseph T. Elliott, on file, shows that the affiant was second lieutenant of Company C, One hundred and twenty-fourth Regiment of Indiana Volunteer Infantry, and states that—

"I was on the steamer Sultana with the said William H. H. Ryman the night before the explosion of the vessel. I was well acquainted with him; he was a member of my company, and I talked with him the night before. I know that he disappeared during the explosion. I am morally certain that he was one of the lost on the vessel. I saw him the night before and I have never seen him to this day since."

"This affidavit bears date November 29, 1880.

"We think this evidence, accompanied by the presumption arising from such long absence, is sufficient proof of the death of the soldier. The facts of his enlistment and service and that he was returning home with others to be discharged (not having been discharged) on board a Government vessel, and so in line of duty, are also sufficiently proven.

"The petitioner has been twice married since the death of her first husband, Ryman, father of the soldier. All her three husbands are now dead. She had no children by any except the first husband. By him she had three sons, all of whom entered the Army and served honorably in the war of the rebellion. Two of these are yet living. One is a United States pensioner; the other is in broken health; neither are men of any means or property.

"William H. H. Ryman, the youngest of the three sons of the first marriage, who was lost, as we think, on the Sultana, as aforesaid, contributed, as the evidence shows, substantially to the support of his mother, the petitioner, both before the war and during his service therein. This son was never married; left neither wife nor children surviving him.

"The petitioner is seventy-three years old, is in very feeble health, and has no property or means of support except her own labor and the charity of friends.

"We therefore report herewith and recommend the passage of a bill for her relief."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE B. SMITH.

The next business on the Private Calendar was the bill (S. 1983) granting a pension to George B. Smith.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George B. Smith, late private in Company F, Ninety-ninth Regiment of Indiana Volunteer Infantry, at the rate of \$40 per month, in lieu of the pension he is now receiving.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1983) granting a pension to George B. Smith, submit the following report:

The committee respectfully submit that they recommend the passage of the bill as it passed the Senate, and upon examination of the facts found to be es-

tablished by the evidence herein they adopt the report of the Senate Committee on Pensions as their own, which is as follows, to wit:

"That the said George B. Smith was a private in Company F, Ninety-ninth Regiment of Indiana Volunteer Infantry, enlisted in August, 1862, and served until September 22, 1864. He is now a pensioner, drawing \$8 per month on account of chronic diarrhea and resulting disability. But the present petition is filed for an increase, upon the ground of total blindness. There seems to be no question as to his present condition being that of total blindness, and it has been such since 1877.

"The petitioner alleges that the disease of the eyes which caused blindness originated from being overheated during a two-day march from Moscow to Memphis, Tenn., which occurred on the 7th and 8th of June, 1863; that since said time his power of vision has gradually become weaker until he totally lost his sight in 1877 as aforesaid. The petitioner's claim upon this ground has been presented to the Commissioner of Pensions and has been rejected by the Commissioner, and said rejection has been affirmed upon appeal to the Secretary of the Interior on the ground, chiefly, that the disease of the eyes did not originate in the service in the line of his military duty, and also upon the strength of certain medical opinions that the disease could not have originated from overheating, but that it is due to inflammation of the eyes after the term of service had expired.

"We are not concerned about effects of the technical distinction between overheating and inflammation. We think the evidence in the case, of the facts in the case, shows the origin of the disease to have been during the military service of the soldier. Three special examiners, Thomas W. Burke, under date of November 5, 1887, George E. Woolsey, under date of June 30, 1887, and John W. Clappitt, under date of August 8, 1887, have each certified that they believe there is merit in this claim of total blindness.

"George S. Walker, under date of November 5, 1887, testifies that—

"I was a lieutenant in the same company with the claimant. That while on the march to Memphis in the spring of 1863 from Fort DeHart, near Moscow, the petitioner had to be hauled in an ambulance, as he had been overheated and overcome so that he could not march. This was on the line of march just before the command reached Memphis. It took two days to make the march. It was in the spring of 1863. The weather was very warm. It had been intended to make the march in three days. The distance was 45 miles. The men having just left winter quarters, the march in two days was a very severe one, they not being toughened by previous marching to stand it.

"I waited upon claimant afterwards. He was suffering from diarrhea and sore eyes. The eyes looked sore and angry. He complained that he could not see well out of his eyes, and of his eyes hurting him. After that I understood that he was always troubled with sore eyes in the service and otherwise. I saw him again about January 1, 1864, at Scottsborough, Ala. He had sore eyes when I rejoined him at that place, but while attending on duty."

"This statement of Lieutenant Walker, an eye-witness to the condition of the soldier at the time of the origin of the disease, is corroborated, if it needed corroboration, by the testimony of Manley C. Ramey, who was a private in the same company, and it appears from the evidence of David C. Little, Frederick Jennings, John C. Kitchfield, and Dr. W. W. Butterworth, as well as other comrades and acquaintances, whose affidavits are on file, that this disease of the eye was continued and existed in some degree up to the time of his discharge, and became worse after his discharge, gradually disabling him from work or labor of any kind, until he totally lost his sight in 1877.

"It is true there is some evidence that he (the petitioner) had conjunctivitis of the eyes before this and years prior to his enlistment; but physicians say that when that disease is cured it is cured for good, just the same as other diseases, and it appears that the petitioner was cured of that and that he was in sound condition at the time of enlistment and, as is stated by Special Examiner Woolsey in his report before referred to—

"Physicians also say that overheating would or might cause congestion of the optic nerve, and, though apparently being of no importance at the time, might eventually result in total blindness. As there is no other hypothesis to account for the soldier's present condition, if that was not the cause of the blindness, what was?"

"After a careful examination of all the evidence in this case—and it is very voluminous—we have concluded that the petitioner is entitled to relief principally upon the ground, we think, that more weight ought to be given to the testimony of eye-witnesses, personal acquaintances and neighbors of the soldier, both as to the origin of the disease and as to its continuance and character, than to that of medical experts as to the effect of statements of the same made upon paper.

"The petitioner is now fifty-four years old. He has, he says, 40 acres of broken land, encumbered by \$500 of mortgage, and he has no other means of support. He can not attend to the land himself, and his hire, the interest on the mortgage debt, and the taxes leave no income from that source.

"We therefore report herewith and recommend a bill for his relief."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BARENT S. VAN BUREN.

The next business on the Private Calendar was the bill (H. R. 2057) for the relief of Barent S. Van Buren.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations of the pension laws, the name of Barent S. Van Buren, late a musician in the Fourth Regiment of Illinois Cavalry Volunteers.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2057) granting a pension to Barent S. Van Buren, submit the following report:

The case of Barent S. Van Buren, formerly a musician of the Fourth Illinois Cavalry Volunteers (claim for invalid pension No. 389923), was rejected by the Pension Office September 17, 1885, on the ground that the evidence on file in the case did not show that tumors of breast and thigh originated in the service and the line of duty.

The history of this case is as follows: Soldier, who was the son of Judge E. Van Buren, of Chicago, was a musician and joined the regiment composed of the Fourth Illinois Cavalry Volunteers in October, 1861; was discharged with the other members of the band at Cairo in the spring of 1862. The testimony on file in his case in the Pension Office goes to show that soldier contracted tumors of chest, abdomen, and thigh, on the march from Fort Henry to Fort Donelson, Tennessee, in February, 1862. The weather was wet and cold, and the constant riding day and night and the constant exposure brought on sickness, which resulted in said tumors, which were hard and soft alternately and at times suppurated; always tender and troublesome.

These tumors existed at the date of discharge in April, 1862, and Dr. Joseph W. Freer, who treated him immediately after arriving home, after discharge, for these tumors, is dead, and soldier has been unable to furnish the testimony of a commissioned officer of the regiment as to the incurrence of his disability in the service, owing to the fact that the members of the band were not with the



regiment when traversing the country from Fort Henry to Fort Donelson, Tennessee.

He has furnished the testimony of the different members of the band who were with him at the time, and to whom he showed his tumors at Randolph Forges in February, 1862, after the ride across the country.

The testimony shows that he was a strong, healthy man when he enlisted, by parties who knew him. This is shown by several witnesses, and that he was afflicted as above set forth on his return from the Army. It is certain from the testimony on file that this man was sound and well when he enlisted, and it is equally certain that he was discharged because of his sickness, which he contracted after his enlistment. It seems that by an equitable construction this claimant contracted this disability while in the service and in line of duty.

Therefore the committee recommend that this bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CATLENA LYMAN.

The next business on the Private Calendar was the bill (H. R. 5206) granting a pension to Catlena Lyman.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catlena Lyman, widow of William C. Lyman, late surgeon United States Navy, at the rate of \$50 per month, in lieu of the pension now allowed her.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5206) granting an increase of pension to Catlena Lyman, submit the following report:

This bill passed the Senate of the Fiftyeth Congress, and the following report was made to the Senate on said bill, which report your committee adopt as their own, and which is in words as follows:

"The Committee on Pensions, to whom was re-referred the bill (S. 2626) granting a pension to Catlena Lyman, widow of William C. Lyman, have examined the same and report:

"That the claimant is now a pensioner at the rate of \$25 per month, the rate allowed by law for her husband's rank, that of passed assistant surgeon in the Navy.

"Since the recommitment of the bill it is shown by additional evidence submitted to the committee that the husband, William C. Lyman, although having officially only the rank of passed assistant surgeon, did actually serve as surgeon in the Navy in the war of 1861 with marked ability. He took the place of surgeon at the United States naval rendezvous at Chicago. He had charge of several ships in quarantine outside of New Orleans; he was in the expedition against the forts and fleets of the enemy in the Lower Mississippi. In the discharge of his duties there he took the yellow fever, and only recovered after long suffering.

"He served as surgeon on board the Portsmouth, the flag-ship of Admiral Farragut, and in recognition of the meritorious character of his services he received a testimonial from the Admiral, being a box of surgical instruments, inscribed to him by that officer, which has been shown by the widow, in whose possession it is, to the committee.

"The claimant lost all her property by the Chicago fire, and is now without means of support save the pension. The sum now paid her is inadequate.

"The committee therefore recommend the passage of the bill."

Mr. KILGORE. Mr. Speaker, I do not understand how much the claimant in this case is now receiving.

Mr. LAWLER. Twenty-five dollars a month.

Mr. KILGORE. The probable foundation of that claim is that this claimant lost her property in the Chicago fire. Now, if the Government undertakes that—

Mr. LAWLER. The gentleman is mistaken.

Mr. LANE. The ground for the application for increase in this case is that the husband of the claimant served in a different rank from that to which he was commissioned.

Mr. KILGORE. I will tell you what I will be willing to do about this: Let this case go over the way we have been doing in other cases and go before a full House; let it be considered in the House and give the claimant a chance at it there. This is a considerable increase. I am not inclined to object to the bill to-night, but am willing that it shall go over.

Mr. LAWLER. There is merit in the bill, and for that reason I wanted the gentleman from Texas to listen to the reading of the report, which was short. As stated by the gentleman from Illinois [Mr. LANE], the husband of this woman served in a higher position than that to which he was commissioned.

Mr. KILGORE. There is nothing in that. I never knew a lieutenant who was not willing to serve as a captain. I believe I will insist on the arrangement I suggested.

The CHAIRMAN. The gentleman from Texas moves that the bill be laid aside to be reported to the House with the recommendation that next Friday morning, immediately after the reading of the Journal, the bill shall be taken up, the previous question to be considered as ordered, the privilege of amendment reserved, and that fifteen minutes be given for debate on each side. Is there objection? [After a pause.] The Chair hears none.

JAMES McCUSKER.

The next business on the Private Calendar was the bill (H. R. 2066) granting a pension to James McCusker.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James McCusker, late of Company M, First Connecticut Heavy Artillery.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2066) granting a pension to James McCusker, submit the following report:

The soldier enlisted December 31, 1861, and was discharged September 25, 1865.

The basis of the claim is rheumatism contracted at Gettysburgh, Pa., and also by a fall from his horse at Fredericksburgh, Va., also ague and piles. The claim was rejected at the Pension Office because the injuries complained of were not due to his army services. The soldier himself testifies to the incurring of the several disabilities mentioned. Several comrades testify that the soldier was very sick in the Army, and remained sick for some time, and the report of the examining surgeon rates the disability of this soldier as total. He served nearly four years in the Army. He is nearly sixty years of age and is poor, with a wife and family.

We recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARIA CLARK.

The next business on the Private Calendar was the bill (H. R. 2067) granting a pension to Mrs. Maria Clark.

Mr. STONE, of Missouri. Mr. Chairman, I move that the committee rise.

The motion was not agreed to.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Maria Clark, widow of Thomas J. Clark, deceased, late captain Company G, Second New York Heavy Artillery.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2067) granting a pension to Mrs. Maria Clark, submit the following report:

Thomas J. Clark, the husband of complainant, was on the pension-roll as pensioner in his lifetime for gunshot wound in lung, and at his death his widow applied for pension, but the same was rejected in the Pension Office on the ground that the soldier's death was not due to his army service.

Dr. John A. Robison testifies in the record that he treated the soldier from April, 1865, to May, 1865, for cancer of the larynx, undoubtedly caused by a bullet wound of the left lung received in the service. He further testifies that, in his opinion, the injury to the lung was the exciting cause of the cancer which caused the soldier's death.

Dr. Franklin Brooks swears substantially to the same state of facts. These facts are further sustained by Dr. N. F. Ruall.

Dr. Walter F. Knull testifies that it does not admit of a doubt that the wound of the lung was the beginning of the cancer which caused the soldier's death.

The committee think there can be no doubt that the soldier's death was due to his army service, and therefore recommend that the name of the widow of this soldier be placed on the pension-roll, and therefore recommend that said bill do pass.

The bill was laid aside to be reported to the House, with the recommendation that it do pass.

BARBARA MADDEN.

The next business on the Private Calendar was the bill (H. R. 3046) to grant a pension to Barbara Madden.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Barbara Madden, widow of Bartholamew Madden, late private Company D, Eighty-eighth New York Infantry, on the pension-roll, subject to the restrictions and limitations of the pension laws of the United States, to be paid a pension from

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3046) granting a pension to Barbara Madden, submit the following report:

Bartholamew Madden, the soldier and husband of this widow, enlisted June 23, 1864, and was discharged January 18, 1865, and died August 30, 1875.

This claim was rejected on the ground that the complainant could not show by competent testimony that the soldier's death was due to his army service.

Corporal Peter Coyne swears that the soldier was a sound and healthy man and free from disease, and particularly disease of lungs or throat, and continued in good health up to January, 1865; that about that time, while lying in front of Petersburg, Va., by reason of exposure in sleeping upon the damp and frozen ground the soldier contracted a cold, resulting in a severe cough, affecting him very much, and continued to grow worse, having great difficulty in breathing, and became very hoarse up to the time of the battle of Hatcher's River, about February 5, 1865, when he was very feeble and greatly emaciated.

August Rettig swears substantially to the same state of facts.

Patrick Knight and Patrick McGinnelly testify in the record that they knew the soldier for five years before he enlisted, and that at the time of his enlistment he was a sound and healthy man, and that he was wounded in the Army, and they saw the wound, and that they knew he drew a pension for such wound; that they knew when he came out of the Army, and until his death that he was unable to work on account of said wound, and that the soldier did not die of any disease that he inherited, but as a result of his Army service.

Other witnesses testify to similar facts, all tending to show that the soldier died, as the result of his Army service, of lung trouble caused by a cold caught in the Army.

The committee, therefore, are of opinion that the death of this soldier was due to his Army service, and his widow's name should be on the pension-roll. We therefore recommend that said bill do pass.

The bill was laid aside to be reported to the House, with the recommendation that it do pass.

ELLEN SHEA.

The next business on the Private Calendar was the bill (H. R. 3051) granting a pension to Ellen Shea.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Ellen Shea, mother of Michael Shea, late of Company A, Thirtieth Illinois Volunteers.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3051) granting a pension to Ellen Shea, submit the following report:

This pension was granted by both branches of the Fiftyeth Congress, but failed to secure the signature of the President. The following report was made on said bill at that time, which report this committee adopt as their report, and is in the following language:

"The accompanying bill (H. R. 3579) was introduced in the Senate in the first

session of the Forty-ninth Congress, and the Committee of the Senate on Pensions made a favorable report thereon, which report your committee adopt as their own, and which report is as follows:

"The claimant filed her application on July 1, 1884, alleging that her son, Michael Shea, had contracted a fever in the Army, which resulted in insanity, and that, having wandered from home, he lost his life by reason of a snow-slide which occurred at Woodstock, Colo., on March 10, 1884.

"Mrs. Ellen Shea is a widow, seventy-six of age, lives at Chicago, and is in poor circumstances.

"The deceased soldier, Michael Shea, enlisted on January 13, 1862, in Company A, Thirtieth Illinois Volunteers. He is reported sick in 1863, and sick on furlough, but the nature of the ailment does not appear. He returned to the service, and was discharged January 20, 1865.

"The physician who treated Michael Shea during his furlough testifies that he had brain fever; that he returned to the Army, but never after had the right use of his mind, and could not support himself.

"The claim was rejected by the Pension Department on the ground that the soldier's death was not a result of the service; but your committee are of the opinion that the cause of death may reasonably be traced to the insanity contracted in the service, and that therefore this claim for a pension may properly be allowed."

"In view of the facts of this case your committee recommend that the bill do pass."

Mr. STONE, of Missouri. I object to this bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### ORDER OF BUSINESS.

Mr. MORRILL. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MORROW having resumed the chair as Speaker *pro tempore*, Mr. ALLEN, of Michigan, reported that the Committee of the Whole House on the Private Calendar had had under consideration sundry bills and had directed him to report them back with various recommendations. The committee had also had under consideration the bill (H. R. 5206) granting a pension to Catlena Lyman and recommended that the same be made the special order for next Friday immediately after the reading of the Journal, with the previous question to be considered as ordered, with the right of amendment and debate of fifteen minutes on each side.

The SPEAKER *pro tempore*. The Clerk will report first the bills recommended to the House by the Committee of the Whole without amendment.

Mr. STONE, of Missouri. Mr. Speaker, before that is done I desire just a moment to make a statement. I hold in my hand four bills, one to pension Ellen Shea, one to pension Keziah Randall, one to pension Elizabeth T. Garrett, and one to pension Esther G. Bryant. The persons on account of whose services these bills were introduced served, one of them in the war of 1812, one in the Black Hawk war, and two in the late war. These are bills of a character such as I have been objecting to the passage of.

Now, I make this proposition, to which I ask the unanimous consent of the House: That these four bills may go over, to be taken up immediately after the reading of the Journal on Friday next and to be discussed in the full House for a reasonable time. Then, if the full House shall decide that such bills as these ought to become law I shall have nothing more to say in regard to them. I have no disposition to waste the time or to consume the time of the House at these Friday night sessions unnecessarily. I simply want an expression from a full House in regard to this class of legislation. My proposition is that these four bills go over; that they be taken up after the reading of the Journal on Friday next; that the previous question shall be considered as ordered, after the close of the debate, upon the passage of each of the bills; that two hours, one hour on each side, be allowed for the discussion of the bills, and that I may control one hour of that time leave to print being given for any gentleman who desires to do so, and with the understanding that I shall have the right to occupy as much of the hour on my side as I desire.

Mr. ALLEN, of Michigan. Does the gentleman mean two hours on each of the four bills?

Mr. STONE, of Missouri. Oh, no; one hour on each side upon the four bills taken together, I to have control of the hour in opposition to the bills and to occupy as much of it as I please.

Mr. ALLEN, of Michigan. Thirty minutes on each bill?

A MEMBER. Fifteen minutes on each bill on each side.

Mr. ALLEN, of Michigan. I suggest to the gentleman, as he wants to make a test case, that he had better send one bill to the House in that way, because if he takes two hours' debate on each of these four bills—

Mr. STONE, of Missouri. My friend misunderstands me. I do not care to make a fifteen-minute speech upon each one of these bills, but I want to make a single speech upon the whole four of them, and then let a vote be taken after the close of the debate, first upon one and then upon the others in succession. I can discuss the whole four of them at once.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. STONE] asks unanimous consent that the four bills indicated by him shall go over until next Friday after the reading of the Journal; that the previous question shall be considered as ordered after debate upon the bills; that two hours shall be allowed for debate upon all four bills, one hour on each side, the gentleman from Missouri [Mr. STONE] to control the hour in opposition to the bills.

Mr. LANE. Mr. Speaker, a parliamentary inquiry. Can we lump these bills in that way? I have no objection to the proposition, but I don't think we can do that.

The SPEAKER *pro tempore*. The Chair is of opinion that that order may be made, and if there is no objection, the order will be made.

Mr. STONE, of Missouri. With leave to print remarks in the RECORD if any gentleman desires.

The SPEAKER *pro tempore*. Yes.

There was no objection, and it was so ordered.

#### BILLS PASSED.

The SPEAKER *pro tempore*. The Clerk will now report the bills recommended favorably to the House from the Committee of the Whole without amendment, and if there be no objection such bills as reported will be deemed to be engrossed, read the third time, and passed.

Mr. KILGORE. I have no objection to that except that I think it better to consume the remainder of this night's session in passing these bills regularly. I don't like this lumping business. However, I will not object.

Bills of the following titles, reported from the Committee of the Whole without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed.

A bill (H. R. 4424) granting a pension to Fannie E. Woodbury;

A bill (H. R. 4423) to grant a pension to Lucinda A. Clark;

A bill (H. R. 6624) increasing the pension of Walter P. Harrison;

A bill (H. R. 3383) granting a pension to Charles H. Perry;

A bill (H. R. 6415) to reissue the pension certificate of Nannie W. Metcalfe and allow her a pension as a surgeon's widow;

A bill (H. R. 4094) granting a pension to James H. McKinney;

A bill (H. R. 3256) granting a pension to Anastasia McGrievy;

A bill (H. R. 6403) granting a pension to Joseph D. Williamson;

A bill (H. R. 2958) for the relief of Johanna Eckle;

A bill (H. R. 2057) for the relief of Barent S. Van Buren;

A bill (H. R. 2066) granting a pension to James McCusker;

A bill (H. R. 2067) granting a pension to Mrs. Maria Clark; and

A bill (H. R. 2046) to grant a pension to Barbara Madden.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were ordered to a third reading, read the third time, and passed:

A bill (S. 247) granting a pension to Minnie A. Bailey;

A bill (S. 1982) granting a pension to Mrs. Minerva Jane Olive; and

A bill (S. 1983) granting a pension to George B. Smith.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were taken up, the amendments severally concurred in, the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 4422) to increase the pension of Lucian L. Sanborn;

A bill (H. R. 5626) granting a pension to Hannah Ward;

A bill (H. R. 4811) to pension William G. Hill;

A bill (H. R. 3511) granting a pension to James S. Ferrinn;

A bill (H. R. 1622) granting a pension to Mrs. Sallie T. Ward; and

A bill (H. R. 4882) granting a pension to Barbara Schnappinger.

Mr. O'DONNELL moved to reconsider the votes by which the bills reported from the Committee of the Whole House were severally passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BILLS POSTPONED.

The SPEAKER *pro tempore*. Five bills, of which the titles will be read by the Clerk, reported from the Committee of the Whole House, will, without objection, go over until next Friday immediately after the reading of the Journal, the previous question to be considered as ordered on such bills—

Mr. KILGORE. With the right of amendment and fifteen minutes' debate on each side.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. STONE] to have, however, the opportunity to discuss four of the bills in one speech, not exceeding an hour.

The titles of the bills referred to were read, as follows:

A bill (H. R. 2051) granting a pension to Ellen Shea;

A bill (H. R. 4132) granting a pension to Esther G. Bryant;

A bill (H. R. 5206) granting a pension to Catlena Lyman;

A bill (H. R. 6166) granting a pension to Elizabeth T. Garrett; and

A bill (H. R. 6507) granting a pension to Keziah Randall, Mattapoisett, Mass., widow of Richard Randall, who served in the coast guard, 1812-1815.

There being no objection, the proposed order was made.

#### MARY A. VAN ETEN.

Mr. BAKER. I ask unanimous consent for the present consideration of the bill (H. R. 1041) granting a pension to Mary A. Van Etten.

There being no objection, the House proceeded to the consideration of the bill; which was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Van Etten, widow of James F. Van Etten, late of Company A, Thirtieth Regiment of New York Volunteers.



The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1041) granting a pension to Mary A. Van Etten, submit the following report:  
A bill for the relief of this claimant passed both Houses of the Forty-ninth Congress and was vetoed by the President.

The facts in the case are fully set forth in the report of the Committee on Invalid Pensions of said Congress, as follows:

"The claimant, Mary Ann Van Etten, is the widow of James F. Van Etten, to whom she was married January 9, 1861, at Rochester, Monroe County, New York, by Rev. Israel Foote.

"The husband enlisted and was enrolled on the 14th day of May, 1861, at Elmira, as a corporal in Company F, Thirteenth Regiment New York Volunteers, for two years. He was subsequently transferred to Company A of the same regiment. At the battle of Gaines's Mills he was wounded and taken prisoner, and confined at Richmond, Va. Subsequently he was paroled at City Point July 19, 1862, and was subsequently treated in hospital, where he was sent as sick and wounded.

"This was in Bellevue Hospital, New York City, whither he was transferred by hospital steamer Vanderbilt, July 24, 1862. From August 16, 1861, to February 28, 1862, he was on detached service at Dry Tortugas. He continued in the service until the end of his term of enlistment, being with his company May 31, 1863, at Rochester, N. Y. On the 16th day of July, 1875, he was accidentally drowned, with a son, then nine years of age, at Braddock's Bay, near his residence, being, as alleged, unable to save himself or son in consequence of rheumatism contracted in the service and in the line of duty.

"It appears that the soldier was a good swimmer. This last-mentioned fact appears by the claimant's application for widow's pension, and also by the affidavits of Charles M. Hanford and Asa W. Chappell, credible witnesses. He left surviving him the claimant, his widow, Esther N. (daughter), born October 17, 1865; Martin A. (son), born October 1, 1869, and Rose V. (daughter), born July 8, 1871.

"On the 28th day of July, 1885, the widow filed an application for a pension as such widow, and in addition to her own sworn application and statement of facts she filed the affidavit of Dr. Lovinus L. Hillman, a well known and reputable physician residing at Greece, Monroe County, New York, who had known the soldier for six or seven years prior to his enlistment, and who swears that the soldier was a sound man before such enlistment, and who treated the soldier subsequent to his discharge for inflammatory rheumatism during the summer of 1861 and at different times during the years subsequently; that in 1874 Dr. Hillman found his rheumatic difficulty complicated with organic disease of the heart.

"Also, the affidavit of Myron H. Andrews, who was a comrade and tent-mate in the service, who testifies to the inflammatory rheumatism and trouble from sickness of the soldier in the service.

"Also, the affidavit of Lieut. James Hutchinson, of his company, who testifies to the soldier's enlistment, participation and being wounded in the battle of Gaines's Mills, June 27, 1862, and that he was mustered out with his company May 13, 1863.

"Also, the affidavit of Joseph P. Cleary, who carried soldier off the field at Gaines's Mills, and was with him a fellow-prisoner, and swears that soldier was sick while in prison and suffering from his wounds.

"The widow's application for pension was rejected on the ground that the origin of death (drowning) was not due to his military service.

"Your committee believe that but for the disabilities of the soldier, contracted, it fairly appears, in the line of duty as a soldier, he would have been able to save himself and son from drowning, inasmuch as it is shown he was a good swimmer.

"The man's record as a soldier is good. This claimant, his widow, is poor and needy. She has dependent children. In our judgment her case is entirely meritorious."

"Your committee are of opinion that the widow's claim for pension is entitled to the consideration of Congress, and therefore report favorably on the accompanying bill, and ask that it do pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BAKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRANK TRAYNOR.

Mr. FLOWER. I ask unanimous consent for the present consideration of the bill (H. R. 6078) granting an increase of pension to Frank Traynor.

There being no objection, the House proceeded to the consideration of the bill; which was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Frank Traynor, late of Company F, One hundred and second New York Volunteers, a pension at the rate of \$18 per month, in lieu of the pension now paid him, from and after the passage of this act.

The report (by Mr. TURNER, of New York) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6078) granting an increase of pension to Frank Traynor, submit the following report:

Frank Traynor is a pensioner on account of gunshot wound of right side, at \$8 per month. The wound was received at Chancellorsville. The ball also passed through the right arm, and still remains in the body. He suffers much pain from the wound, and, while the motion of the arm is not greatly impaired, the member is weak.

On the night of July 15, 1882, pensioner, living in the third story of a building in this city, the weather being very warm, he, as had been his custom, fixed his bed on the balcony of said story to get the breeze and sleep. About 3 o'clock in the morning the balcony gave away, he falling to the second-story balcony. He grasped the awning post to save himself from the fall to the street, but could not hold on by reason of the weakened condition of the arm and side, and fell, fracturing his other arm. The injury was such as to necessitate amputation of same below elbow joint. The circumstances under which this injury was incurred are fully shown by evidence before your committee.

By reason of the serious disability incurred in service and the subsequent injury, he is now almost entirely disqualified for the performance of manual labor.

Following numerous precedents, your committee believe themselves justified in returning the bill with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FLOWER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JONATHAN DEAN, SR.

Mr. O'DONNELL. I ask unanimous consent for the present consideration of the bill (H. R. 2418) granting a pension to Jonathan Dean, sr.

There being no objection, the House proceeded to the consideration of the bill; which was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Jonathan Dean, sr., a soldier in the war of 1812, subject to the provisions and limitations of the act granting pensions to the soldiers of the war of 1812.

SEC. 2. That the said Jonathan Dean, sr., be allowed all arrears of pension due all soldiers of said war of 1812, and that he be paid a pension at the rate of \$8 per month, dating from the date of the filing of his application in the Pension Bureau.

Mr. KILGORE. Mr. Speaker, I raise the point of order that the time to which this evening session is limited has expired.

The SPEAKER *pro tempore*. The time fixed by the rule for the adjournment of the House having arrived, the Chair declares the House adjourned until to-morrow at 12 o'clock m.

#### EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

##### EDUCATION OF CHILDREN IN ALASKA.

Letter from the Secretary of the Treasury, transmitting an increase in the estimate for education of children in Alaska, as submitted by the Secretary of the Interior for the fiscal year 1891—to the Committee on Appropriations.

##### APPROPRIATIONS FOR BUREAU OF ENGRAVING AND PRINTING.

Letter from the Secretary of the Treasury, transmitting a communication from the Chief of the Bureau of Engraving and Printing, asking for an additional appropriation for the compensation of employees of said bureau on account of overtime work—to the Committee on Appropriations.

#### RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. BYNUM:

Whereas the Secretary of the Interior, on the day of \_\_\_\_\_, 1888, appointed George Ewing, F. L. Campbell, and Harrison Bruce as a special commission or examining board to examine all pension cases related under Commissioner of Pensions Tanner; and

Whereas said parties made such examination and filed their report, together with a statement of the facts in each case related, with said Secretary of the Interior; and

Whereas said report and said statement of facts was printed and published to the number of about 30 copies, and the printing and publication thereafter stopped; and

Whereas the said statement contains the facts in 465 cases related, showing gross frauds on part of claimants and clerks in the Pension Bureau: Therefore, *Be it resolved,* That the Secretary of the Interior be, and he is hereby is requested to furnish this House with a copy of said report and statement of facts so made to him by said special commission or examining board; to the Committee on Invalid Pensions.

#### REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk, and disposed of as follows:

Mr. STONE, of Missouri, from the Committee on the Public Lands, reported as a substitute for the bill H. R. 5728, a bill (H. R. 5739) providing in certain cases for the forfeiture of certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes; which was read a first and second time, and, with the accompanying report ordered to be printed and recommitted to the Committee on the Public Lands.

Mr. MORRILL, from the Committee on Invalid Pensions, reported favorably the following bills, which were severally referred to the Committee of the Whole House:

- A bill (H. R. 6305) for the relief of Hayden Sorter;
- A bill (H. R. 2590) granting a pension to Charles E. Scott;
- A bill (H. R. 4807) for the relief of Lydia G. Carnes;
- A bill (S. 778) granting a pension to William Church;
- A bill (S. 1339) granting a pension to Joanna W. Turner;
- A bill (S. 788) granting a pension to William H. Mays;
- A (S. 812) granting a pension to Robert A. Bride or McBride;
- A bill (S. 782) granting a pension to Rachel Dillon, mother of James Dillon, deceased; and
- A (S. 758) granting a pension to M. Cornelia Brown.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House:  
A bill (H. R. 6914) pensioning Harriet B. White;

A bill (H. R. 8371) to increase the pension of Thomas N. Gohegan;  
 A bill (H. R. 1906) granting a pension to Levi H. Naron; and  
 A bill (H. R. 994) to increase the pension of Arnold Meyer.

Mr. LANE, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 8589) to amend sections 4783 and 5456 of the Revised Statutes—to the House Calendar.

He also, from the same committee, reported favorably the bill of the House (H. R. 6146) to increase the pension of George C. Quick—to the Committee of the Whole House.

Mr. SAWYER, from the Committee on Invalid Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 3066) granting a pension to John Dunn;  
 A bill (H. R. 7878) granting a pension to Irene D. Swan; and  
 A bill (H. R. 6995) for the relief of Isabella Wentworth.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 7395) for the relief of Amanda F. French, widow of Orrin W. French—to the Committee of the Whole House.

Mr. RICHARDSON, from the Committee on Printing, reported with amendment the joint resolution of the House (H. Res. 127) to print the eulogies upon William D. Kelley—to the Committee of the Whole House on the state of the Union.

Mr. DUBOIS, from the Committee on Indian Affairs, reported with amendment the bill of the House (H. R. 7703) to ratify and confirm certain agreements with the Cœur d'Alène Indians in Idaho Territory, and to make the necessary appropriations for carrying the same into effect, and for other purposes therein named—to the Committee of the Whole House on the state of the Union.

Mr. WALKER, of Missouri, from the Committee on Commerce, reported with amendment the bill of the House (H. R. 380) to amend an act entitled "An act to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Tennessee and Cumberland Rivers," approved January 8, 1889—to the House Calendar.

Mr. MASON, from the Committee on Commerce, reported favorably the bill of the House (H. R. 7985) to amend an act entitled "An act to aid vessels wrecked or disabled in the waters conterminous to the United States and the Dominion of Canada," approved June 19, 1878—to the House Calendar.

Mr. MASON also, from the Committee on Commerce, reported favorably the bill of the House (H. R. 7168) to provide for the establishment of a port of delivery at Rock Island, Ill.—to the Committee of the Whole House on the state of the Union.

Mr. EWART, from the Committee on Claims, to which was referred the bill of the House (H. R. 5091) for the relief of Simeon Wagner and others, reported a substitute therefor, a bill (H. R. 8740); which was read twice, and referred to the Committee of the Whole House.

Mr. SWENEY, from the Committee on Commerce, reported favorably the bill of the Senate (S. 897) to establish a port of delivery at Sioux City, Iowa—to the Committee of the Whole House on the state of the Union.

Mr. RANDALL, of Massachusetts, from the Committee on Commerce, reported favorably the bill of the Senate (S. 2835) to amend an act approved March 3, 1887, entitled "An act to amend sections 2533 and 2534 of the Revised Statutes, and making Hartford, in the State of Connecticut, a port of entry, in place of Middletown"—to the Committee of the Whole House on the state of the Union.

Mr. CAREY, from the Committee on the Public Lands, reported with amendment the bill of the House (H. R. 8245) to provide for the disposal of the abandoned military reservations in Wyoming Territory—to the Committee of the Whole House on the state of the Union.

Mr. CAREY also, from the Committee on the Public Lands, reported with amendment the bill of the House (H. R. 8295) to authorize the purchase of certain public lands by the city of Buffalo, Wyo., and for other purposes—to the Committee of the Whole House on the state of the Union.

Mr. BROWNE, of Virginia, from the Committee on Commerce, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House on the state of the Union:

A bill (H. R. 4622) providing for a life-saving station at the entrance to Tillamook Bay in Oregon, and for life-saving crews, etc.;

A bill (H. R. 425) to erect a light-house and fog-signal at Maryland Point, on the Potomac River, in the State of Maryland;

A bill (H. R. 436) to establish a life-saving station at Gay Head, on the coast of Massachusetts;

A bill (H. R. 3903) to provide for the establishment of a life-saving station at mouth of Siuslaw River, in Lane County, Oregon, and for a crew thereat; and

A bill (H. R. 4578) to establish a life-saving station at Brant Rock, in the town of Marshfield, Mass.

Mr. BROWNE, of Virginia, also, from the Committee on Commerce, reported favorably the bill of the House (H. R. 384) to establish a light-house at Dog River Bar, in Mobile Bay, Alabama—to the Committee of the Whole House on the state of the Union.

Mr. LIND, from the Committee on Commerce, reported with amend-

ment the bill of the House (H. R. 6473) to provide for the establishment of a port of delivery at Ashland, in the State of Wisconsin, and for other purposes—to the Committee of the Whole House on the state of the Union.

#### ADVERSE REPORTS.

Under clause 2 of Rule XIII, the following adverse reports were delivered to the Clerk and laid on the table:

By Mr. MORRILL, from the Committee on Invalid Pensions, on the bill of the House (H. R. 4139) granting a pension to C. C. Blanton.

Also, on the bill of the House (H. R. 5470) granting a pension to Harrison Ferguson.

Also, on the bill of the House (H. R. 5119) for the relief of David Moulder.

Also, on the bill of the House (H. R. 5120) for the relief of Henry Colston.

Also, on the bill of the House (H. R. 5644) for the relief of Francis Marion Hunter.

Also, on the bill of the House (H. R. 5264) granting a pension to Daniel Bliss.

Also, on the bill of the House (H. R. 6373) granting a pension to Martha A. Harris.

Also, on the bill of the House (H. R. 6374) granting a pension to Anderson Weese.

By Mr. SWENEY, from the Committee on Commerce, on the bill of the House (H. R. 468) for the relief of captains, pilots, engineers, and mates of steam-vessels.

#### SENATE BILLS.

Under clause 2 of Rule XIII, the following adverse reports were delivered to the Clerk, and their further consideration was indefinitely postponed:

By Mr. MORRILL, from the Committee on Invalid Pensions, on the bill of the Senate (S. 802) granting a pension to Oliver H. Judd.

Also, on the bill of the Senate (S. 809) granting a pension to J. W. Meadows.

#### BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were introduced, severally read twice, and referred as follows:

By Mr. HARE: A bill (H. R. 8732) to provide for the sale of the lands of the Choctaws and Chickasaws west of the ninety-eighth meridian of west longitude—to the Committee on Indian Affairs.

By Mr. FORNEY: A bill (H. R. 8733) to forfeit certain lands heretofore granted to the State of Alabama by act of Congress approved June 3, 1856, to aid in the construction of a railroad from the Tennessee River, at or near Gunter's Landing, to Gadsden, on the Coosa River, etc.—to the Committee on the Public Lands.

By Mr. ROBERTSON: A bill (H. R. 8734) making an appropriation to meet the emergency caused by the floods in the Mississippi River and its tributaries, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. BECKWITH: A bill (H. R. 8735) in relation to crossings, causeways, and bridges over navigable waters—to the Committee on Commerce.

By Mr. PERKINS: A bill (H. R. 8736) making an appropriation of \$10,000 for the relief of Lucy J. Pruner, daughter and only heir of Black Beaver, a Delaware Indian—to the Committee on Indian Affairs.

Also, a bill (H. R. 8737) to amend and to further extend the benefits of an act entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February 8, 1887—to the Committee on Indian Affairs.

By Mr. CLARKE, of Alabama: A bill (H. R. 8738) to grant to the Mobile, Jackson and Kansas City Railroad Company the use of 4 acres of land belonging to the United States Government, for terminal purposes—to the Committee on the Public Lands.

By Mr. HEARD (by request): A bill (H. R. 8741) relating to water-main taxes in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CAMPBELL: A bill (H. R. 8742) to incorporate the East and West Washington Traction Railway Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. EZRA B. TAYLOR: A bill (H. R. 8743) to amend section 348 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. MCADOO: A bill (H. R. 8744) to amend the act entitled "An act to prevent the importation of adulterated and spurious teas," approved March 2, 1883—to the Committee on Ways and Means.

By Mr. WILLIAMS, of Illinois: A joint resolution (H. Res. 134) to provide for printing the eulogies delivered in Congress upon the late Richard W. Townshend—to the Committee on Printing.



## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ALLEN, of Michigan: A bill (H. R. 8745) to correct the muster of and for the relief of George W. Davenport—to the Committee on Military Affairs.

By Mr. ANDERSON, of Kansas: A bill (H. R. 8746) granting a pension to Charles H. Carr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8747) to pension Julia A. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8748) for the relief of Mrs. Moivere Tousey—to the Committee on War Claims.

By Mr. BOOTHMAN: A bill (H. R. 8749) granting a pension to George W. Vanpelt, late private in Company D, Sixty-eighth Regiment Ohio Volunteers—to the Committee on Invalid Pensions.

By Mr. BRECKINRIDGE, of Arkansas: A bill (H. R. 8750) for the relief of J. J. Evans, A. G. Wilson, and James Boyd, trustees—to the Committee on War Claims.

By Mr. BRECKINRIDGE, of Kentucky: A bill (H. R. 8751) for the relief of Samuel S. Haynes—to the Committee on Claims.

By Mr. CANNON: A bill (H. R. 8752) granting arrears of pension to Mrs. Sarah J. Martin—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: A bill (H. R. 8753) to grant an increase of pension to Harvey T. Alcott, late of Company K, One hundred and twenty-sixth New York Infantry Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8754) to grant a pension to James Y. Law—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8755) to grant a pension to John B. Vile—to the Committee on Invalid Pensions.

By Mr. FORMAN: A bill (H. R. 8756) granting a pension to Henry Gording—to the Committee on Invalid Pensions.

By Mr. FORNEY (by request): A bill (H. R. 8757) for the relief of James N. Buchanan—to the Committee on War Claims.

Also (by request), a bill (H. R. 8758) for the relief of Mrs. Eliza M. Chappell—to the Committee on War Claims.

Also (by request), a bill (H. R. 8759) for the relief of James T. Hawkins—to the Committee on War Claims.

Also (by request), a bill (H. R. 8760) for the relief of J. N. Hawkins—to the Committee on War Claims.

Also, a bill (H. R. 8761) for the relief of the legal heirs of Wiley J. Jamison—to the Committee on War Claims.

Also (by request), a bill (H. R. 8762) for the relief of K. L. Keaton—to the Committee on War Claims.

Also, a bill (H. R. 8763) for the relief of John W. Smart—to the Committee on War Claims.

Also (by request), a bill (H. R. 8764) for the relief of Jesse Stevens, of Jackson County, Alabama—to the Committee on War Claims.

Also (by request), a bill (H. R. 8765) for the relief of Vance B. Tip-ton—to the Committee on War Claims.

Also, a bill (H. R. 8766) for the relief of Charlotte Warren—to the Committee on War Claims.

By Mr. FUNSTON: A bill (H. R. 8767) for the relief of George Maxwell—to the Committee on Indian Depredation Claims.

By Mr. GIBSON: A bill (H. R. 8768) granting a pension to William F. Evans—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 8769) for the relief of Henry Judge, of Ashland, Oregon—to the Committee on War Claims.

By Mr. LESTER, of Georgia (by request): A bill (H. R. 8770) for the relief of Mrs. Albert M. Dukes, of Liberty County, Georgia—to the Committee on War Claims.

Also, a bill (H. R. 8771) for the relief of Jupitar James, of Liberty County, Georgia—to the Committee on War Claims.

Also (by request), a bill (H. R. 8772) for the relief of Malbro Quartermain, of Liberty County, Georgia—to the Committee on War Claims.

Also, a bill (H. R. 8773) for the relief of Sarah A. Watson, of Liberty County, Georgia—to the Committee on War Claims.

By Mr. MCCREARY: A bill (H. R. 8774) for the relief of William Adams—to the Committee on War Claims.

By Mr. McMILLIN (by request): A bill (H. R. 8775) for the relief of E. F. Gobel, of Illinois—to the Committee on Claims.

By Mr. MOREY: A bill (H. R. 8776) for the relief of Samuel Carter—to the Committee on War Claims.

By Mr. OWEN, of Indiana: A bill (H. R. 8777) granting a pension to Thomas Regan—to the Committee on Invalid Pensions.

By Mr. PARRETT: A bill (H. R. 8778) granting a pension to George V. Davis—to the Committee on Invalid Pensions.

By Mr. RIFE: A bill (H. R. 8779) granting a pension to Mary A. Irwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8780) granting a pension to Mrs. Annie E. Morris, widow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8781) providing for the granting of a pension to Thompson Myers for disability from disease contracted while in the service of the United States in the Quartermaster's Department—to the Committee on Invalid Pensions.

By Mr. SMITH, of Illinois: A bill (H. R. 8782) for the relief of Sarah A. Oakes, legal heir of Capt. Hugh Worthington, deceased—to the Committee on War Claims.

By Mr. SMITH, of West Virginia (by request): A bill (H. R. 8783) granting an increase of pension to William Rains, late Captain Company B, First Kentucky Cavalry—to the Committee on Invalid Pensions.

By Mr. SPINOLA: A bill (H. R. 8784) to reappoint Warren C. Beach a captain in the Army, and to place him on the retired-list in addition to the number now authorized—to the Committee on Military Affairs.

By Mr. STOCKBRIDGE: A bill (H. R. 8785) for the relief of William Welsh, of Baltimore, Md.—to the Committee on Pensions.

By Mr. VANDEVER: A bill (H. R. 8786) granting a pension to Emelene Day—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8787) granting a pension to Charlotte O'Neal—to the Committee on Invalid Pensions.

By Mr. WILLIAMS, of Illinois: A bill (H. R. 8788) to increase the pension of Henry Grapple—to the Committee on Invalid Pensions.

By Mr. WILSON, of Missouri: A bill (H. R. 8789) for the relief of the legal heirs of John Woodson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8790) for the relief of Mrs. Ella M. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8791) for the relief of Hannah Wright—to the Committee on War Claims.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

Memorial to Congress requesting legislation upon the subject of claims arising from Indian depredations—Committee on Indian Affairs discharged, and referred to the Select Committee on Indian Depredation Claims.

A bill (S. 567) to continue the publication of the supplement to the Revised Statutes—Committee on Printing discharged, and referred to the Committee on the Judiciary.

A bill (H. R. 5850) to reimburse George S. Fisher for losses sustained by fire in Japan, November 26, 1863—Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. ANDERSON, of Kansas: Petition of Dick Kendall Post, Grand Army of the Republic, Kansas, for early pension legislation—to the Committee on Invalid Pensions.

Also, petition of 64 citizens of Kansas, against running interstate Sunday trains, etc.—to the Committee on Labor.

Also, petition of teachers of public schools of Clay Center, Kans., in favor of international copyright bill—to the Committee on Patents.

Also, resolutions of Board of Trade, Wichita, Kans., in favor of deep harbor on Gulf of Mexico—to the Committee on River and Harbors.

Also, petition of 93 citizens of Kansas, against passage of House bill 537—to the Committee on Banking and Currency.

Memorial of the General Assembly of the Presbyterian Church of the United States, concerning the manufacture and sale of intoxicating drinks—to the Select Committee on the Alcoholic Liquor Traffic.

Also, resolution of city council, Topeka, Kans., relative to deep-water harbor on Texas coast—to the Committee on Rivers and Harbors.

Also, petition of Junction Farmers' Alliance, Valley Brook, Kans., against passage of House bill 537—to the Committee on Banking and Currency.

Also, resolutions of Board of Trade of Kansas City, Kans., in reference to importation of ores—to the Committee on Ways and Means.

Also, resolutions of Hayes Alliance, No. 238, Kansas—to the Committee on Banking and Currency.

Also, resolutions of citizens of Anderson, Kans., in favor of service pension—to the Committee on Invalid Pensions.

By Mr. ATKINSON, of West Virginia: Petition of Pickaway Farmers' Alliance, of Pickaway, W. Va., asking for the adoption of the "subtreasury plan"—to the Committee on Agriculture.

Also, petition of Capital City Assembly, Knights of Labor, Charleston, W. Va., asking for the adoption of the postal telegraph bill now before Congress—to the Committee on the Post-Office and Post-Roads.

Also, petition of Bricklayers and Masons' Union, of Wheeling, W. Va., relating to the employment of Americans and skilled mechanics only on Government works—to the Committee on Public Buildings and Grounds.

By Mr. BELKNAP: Petition of Bricklayers and Masons' Union of Grand Rapids, Mich.—to the Committee on Labor.

By Mr. BOOTHMAN: Resolutions of Oscar P. Randall Post, No. 211, Grand Army of the Republic, in favor of granting a pension to George W. Vanpelt—to the Committee on Invalid Pensions.

Also, petition of ex-Union soldiers, in favor of a service pension—to the Committee on Invalid Pensions.

By Mr. BRECKINRIDGE, of Arkansas: Protest of citizens of Lonoke

County, Arkansas, against the passage of the Butterworth and Conger land bills—to the Committee on Agriculture.

By Mr. BRICKNER: Paper from G. Kuesterman and 76 others, of Green Bay, Wis., indorsing the protest of the North American Turnbund relative to any change of the present laws on immigration and naturalization—to the Committee on Immigration.

By Mr. CANNON: Petition of members of Illinois Farmers' Alliance, asking passage of Senate bill to loan money to farmers, etc.—to the Committee on Ways and Means.

Also, petition of Sarah J. Martin, widow of Samuel Martin, Company H, Sixty-fourth Illinois, for accrued pension, to accompany bill granting arrears of pension to Mrs. Sarah J. Martin—to the Committee on Invalid Pensions.

By Mr. CHEADLE: Resolution of Frederick Post, No. 551, Grand Army of the Republic, Department of Indiana, in favor of service pension and repeal of the arrears act, and against the Senate dependent and Morrill House bill—to the Committee on Invalid Pensions.

By Mr. CLARK, of Wisconsin: Petition of the officers of the Appleton Turnverein, and of 900 citizens of the city of Appleton, Wis., protesting against any material change in the emigration and naturalization laws—to the Committee on the Judiciary.

By Mr. CONGER: Memorial of Pitzer Post, Grand Army of the Republic, Winterset, Iowa, in favor of pensions for widows and orphans of all late soldiers—to the Committee on Invalid Pensions.

By Mr. CRAIG: Petition of ex-soldiers of Armagh, Indiana County, Pennsylvania, for service pension—to the Committee on Invalid Pensions.

By Mr. DORSEY: Resolutions of the board of supervisors of Platte County, Nebraska, in favor of deep harbor at Galveston, Tex.—to the Committee on Commerce.

By Mr. FORMAN: Petition of citizens of Illinois, against alien labor—to the Committee on Labor.

By Mr. HARMER: Memorial of importers and dealers in teas, relative to duty thereon—to the Committee on Ways and Means.

Also, memorial of the National Educational Association, in favor of the passage of the international copyright bill—to the Committee on Patents.

By Mr. HAYES: Petition of Henry Moellen and others, citizens of Scott County, Iowa, protesting against the passage of any law changing present naturalization and immigration laws—to the Select Committee on Immigration and Naturalization.

By Mr. HENDERSON, of Iowa: Resolutions of Farmers' Alliance of Clarksville, Butler County, Iowa, favoring the Butterworth bill against gambling in farm products—to the Committee on Agriculture.

By Mr. KELLEY: Petition of J. M. Dickerson and many other old soldiers of Woodson County, Kansas, asking for the passage of the Ingalls-Cheadle service-pension bill—to the Committee on Invalid Pensions.

Also, petition of F. H. Park and 69 other farmers and members of Farmers' Alliance of Greenwood County, Kansas, asking for the passage of Ingalls-Cheadle service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Cherry Creek Lodge, No. 1576, of Woodson County, Kansas, asking for free coinage of silver, abolition of national banks, a large volume of currency in circulation, election of United States Senators by the people, abolition of trusts, for a reduction of taxation on articles of necessity, and favoring a liberal system of pensions—to the Committee on Banking and Currency.

By Mr. KENNEDY: Petition of citizens of Ohio, asking for an allowance to the widow of Lieut. W. H. Harmon, Tenth United States Cavalry—to the Committee on Invalid Pensions.

Also, petition of soldiers of Madison County, Ohio, asking that the service-pension bill be passed by Congress—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Remonstrance of J. M. Cleerland and 177 others, citizens of Poughkeepsie, N. Y., against the removal of the Southern Utes from their present reservation in Southern Colorado to lands in Utah, for reasons stated—to the Committee on Indian Affairs.

By Mr. MANSUR (by request): Petition of J. B. Gass and 1,094 others, citizens of Missouri, praying for a law prohibiting the sale of fermented liquors within soldiers' homes, arsenals, recruiting stations, navy-yards, forts, and barracks—to the Committee on Military Affairs.

By Mr. McCREARY: Petition of William Adams, late Lieutenant Company A, First Regiment Kentucky Cavalry Volunteers, for the loss of four horses valued at \$670—to the Committee on War Claims.

By Mr. MOREY: Resolution of Soldiers and Sailors' Convention, Xenia, Ohio, in favor of pension legislation—to the Committee on Invalid Pensions.

By Mr. MORSE: Petition of 310 inmates of the National Soldiers' Home at Hampton, Va., praying for a law prohibiting the sale of fermented liquors within soldiers' homes, arsenals, recruiting stations, navy-yards, forts, and barracks—to the Committee on Military Affairs.

Also, petition of 52 members of the International Council of Women, praying for a law prohibiting the sale of fermented liquors within sol-

diers' homes, arsenals, recruiting stations, navy-yards, forts, and barracks—to the Committee on Naval Affairs.

By Mr. OUTHWAITE: Petition of ex-soldiers and citizens of Haynes, Ohio, in favor of pension act recommended by the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. PARRETT: Petition of August Dupont of Perry County, Indiana, for an honorable discharge, to accompany House bill No. 7152—to the Committee on Military Affairs.

By Mr. PAYNTER: Petition of Jackson Brewer, Company K, Twenty-third Kentucky Volunteers, for pension—to the Committee on Invalid Pensions.

By Mr. PERKINS: Petition and papers in support of the pension claim of Johnson Reddick, of Grenola, Kans.—to the Committee on Pensions.

By Mr. RAINES: Petition of 61 persons, of Steuben County, New York, for a law prohibiting the sale of fermented liquors within soldiers' homes, arsenals, recruiting stations, navy-yards, forts, and barracks—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. SMITH, of Illinois: Petition from citizens of the State of Illinois, asking that an appropriation be made for the improvement of the Kaskaskia River, in accordance with the recommendation of Major Miller, in charge of river improvements—to the Committee on Rivers and Harbors.

By Mr. STOCKDALE: Petition of Hon. H. M. Smith, of Smith County, Mississippi, asking reference of claim of William Smith, for store supplies taken during the war, to the Court of Claims, under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. STONE, of Missouri: Petition of W. L. Rowland, asking Congress to refer his quartermaster claim to the Court of Claims, under the so-called Bowman act—to the Committee on War Claims.

By Mr. STRUBLE: Resolutions passed by Dunlap Post, Grand Army of the Republic, No. 147, Rock Rapids, Iowa, urging the passage of the service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions passed by West Side Alliance, Sac County (Iowa) and Plymouth County (Iowa) Farmers' Alliance, No. 1434, urging the passage of House bill 5353—to the Committee on Agriculture.

By Mr. WILEY: Petition of 2,511 citizens of New York, for a law prohibiting the sale of fermented liquors within soldiers' homes, arsenals, recruiting stations, navy-yards, forts, and barracks—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. WILLIAMS, of Illinois: General affidavit in support of claim of Lieut. North Storms, Company E, Thirteenth Regiment Illinois Cavalry—to the Committee on Military Affairs.

By Mr. WILSON, of Missouri: Petition and affidavit, to accompany a bill for the relief of Mrs. Hannah Wright—to the Committee on Invalid Pensions.

By Mr. WISE: Petition of citizens of the city of Richmond, Va., members of the Bricklayers and Masons' International Union of America, relative to the employment of citizens of the United States to labor on Government works in preference to aliens—to the Committee on Labor.

## SENATE.

SATURDAY, March 29, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

### HOUSE BILLS REFERRED.

The bill (H. R. 5739) increasing the pension of Sophia Schimmelfennig, widow of Alexander Schimmelfennig, late brigadier-general and major-general by brevet, was read twice by its title, and referred to the Committee on Pensions.

The joint resolution (H. Res. 127) to print the eulogies upon William D. Kelley was read twice by its title, and referred to the Committee on Printing.

### DISTRICT SCHOOL BUILDINGS.

The VICE-PRESIDENT laid before the Senate a communication from J. W. Douglass, president of the commissioners of the District of Columbia, transmitting, in response to a resolution of the Senate, a report of the District inspector of buildings as to whether the eight-room school buildings provided for under the last appropriation have been or are being so constructed as to render them as nearly fire-proof as possible, etc.; which, with the accompanying report, was, upon motion of Mr. DAWES, referred to the Committee on Appropriations, and ordered to be printed.

### REPRINTING OF DEPENDENT PENSION BILL.

Mr. DAVIS. I move that there be printed for the use of the Senate 300 additional copies of Senate bill 389, the dependent pension bill, with the pending amendments.

The motion was agreed to.

### PETITIONS AND MEMORIALS.

Mr. STOCKBRIDGE presented a memorial of the Bricklayers and



Masons' International Union of America, of Detroit, Mich., remonstrating against the employment of aliens upon any public works; which was referred to the Committee on Education and Labor.

Mr. CULLOM presented a memorial of citizens of Montgomery and Fayette Counties, in the State of Illinois, remonstrating against the transmission through the mails of obscene literature; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. REAGAN presented a petition of Subordinate Union No. 1, Galveston, Tex., of the Bricklayers and Masons' International Union of America, praying that none but citizens of the United States be employed upon Government works; which was referred to the Committee on Education and Labor.

Mr. COCKRELL presented the memorial of T. Bumgardner, of Wilcox, Mo., remonstrating against the maintenance of the sugar trust, and praying for the entire repeal of the sugar duty on all grades above and below No. 13, Dutch standard; which was referred to the Committee on Finance.

Mr. WILSON, of Iowa, presented a memorial of the Monthly Meeting of Friends, of Pleasant Plain, Iowa (354 members), remonstrating against the passage of an act making appropriations for increasing the Navy and for coast defenses; which was referred to the Committee on Naval Affairs.

He also presented resolutions of the Business Men's Association of the State of Iowa and resolutions of the Board of Trade of Burlington, Iowa, in favor of the passage of Senate bill 1605, known as "the Torrey bankrupt bill," which were referred to the Committee on the Judiciary.

Mr. HOAR presented a petition of members of the Masons and Bricklayers' International Union of America, of Boston, Mass., praying that none but citizens of the United States be employed on public buildings, in navy-yards, etc.; which was referred to the Committee on Education and Labor.

Mr. INGALLS presented a petition of teachers of Dodge City, Kans., praying for the passage of the international copyright bill; which was ordered to lie on the table.

He also presented a petition of 32 citizens of Emporia, Kans., praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. SHERMAN presented a memorial of the West Branch Monthly Meeting of Friends, of Miami County, Ohio, numbering 200 adult persons, remonstrating against large expenditures for the Navy and coast defenses; which was referred to the Committee on Naval Affairs.

Mr. FRYE presented petitions of citizens of Boise City and Paris, in the Territory of Idaho, praying for the passage of the Pacific railroad funding bill; which were ordered to lie on the table.

Mr. CALL presented the petition of C. M. Furman and other citizens of South Carolina and Florida, praying for certain legislation in relation to the title of a certain Spanish land grant to Jesse Fish, sr., of Florida; which was referred to the Committee on Private Land Claims.

Mr. PLUMB presented a petition of citizens of Wallace County, Kansas, praying for the reduction of the price of lands within railroad limits; which was referred to the Committee on Public Lands.

He also presented a memorial of the Newton (Kans.) Board of Trade, remonstrating against the imposition of a duty on lead ore; which was referred to the Committee on Finance.

Mr. VEST presented resolutions adopted by Local Assembly No. 3861, Knights of Labor, of St. Louis, Mo., remonstrating against the ratification of the treaty with Russia; which were referred to the Committee on Foreign Relations.

He also presented a petition of citizens of Pettis County, Missouri, praying for the free coinage of silver; which was referred to the Committee on Finance.

He also presented the petition of A. J. Cummings and others, citizens of St. Louis City and County, Missouri, praying that an appropriation be made for the improvement of the Missouri River; which was referred to the Committee on Commerce.

#### REPORTS OF COMMITTEES.

Mr. STANFORD, from the Committee on Education and Labor, to whom was referred the bill (S. 286) to encourage co-operation and to provide for the formation of associations in the District of Columbia for the purpose of conducting any lawful business and dividing the profits among the members thereof, reported it without amendment.

Mr. DAWES, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill (S. 3314) granting right of way to the Red Lake and Western Railway and Navigation Company across Red Lake reservation, in Minnesota, and granting said company the right to take lands for terminal railroad and warehouse purposes; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 2729) granting right of way to the Red Lake and Western Railway and Navigation Company across the Red Lake Indian reservation, in the State of Minnesota, and granting said company the right to enter certain lands in said reservation at private entry for town-site purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 152) for the relief of Samuel Tate, reported it with an amendment, and submitted a report thereon.

Mr. GIBSON, from the Committee on Commerce, to whom were referred the joint resolution (S. R. 55) making an appropriation for preserving the plant and the unfinished works on the Mississippi River, and continuing the improvement thereof, and a bill (S. 3024) making an appropriation for the improvement of the Mississippi River, reported a bill (S. 3324) for improving the Mississippi River from the head of the passes to the mouth of the Ohio River; which was read twice by its title.

#### BILLS INTRODUCED.

Mr. COCKRELL introduced a bill (S. 3315) granting a pension to Ambrose J. Vanarsdale; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL. I present in connection with the bill a letter from the Commissioner of Pensions, dated March 24, 1890, and an affidavit of Dr. C. F. Walden. I move that these papers be referred to the Committee on Pensions, to accompany the bill.

The motion was agreed to.

Mr. WILSON, of Iowa, introduced a bill (S. 3316) granting a pension to Mrs. Rachel Price; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FARWELL introduced a bill (S. 3317) granting an increase of pension to John L. Nichols; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLEN introduced a bill (S. 3318) to authorize Edwin C. Richardson and associates to convey water from Satass Creek during the periods of melting snows; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. INGALLS introduced a bill (S. 3319) for the relief of George Maxwell; which was read twice by its title, and, with the accompanying paper, referred to the Select Committee on Indian Depredations.

Mr. HOAR introduced a bill (S. 3320) granting a pension to Alvah G. Crossley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 3321) to protect land claimants within railroad limits; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. JONES, of Arkansas, introduced a bill (S. 3322) for the relief of John H. Hamiter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. SAWYER introduced a bill (S. 3323) granting a pension to Bertha Walhaupt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VEST. I have received a petition from Mrs. Margaret F. Smith, widow of Commodore William Smith, of St. Louis, Mo., asking for a pension of \$50 a month. I know nothing about the facts, but in obedience to her request, I present the petition and a bill for the relief of Margaret F. Smith. I ask that the bill, together with the petition, be referred to the Committee on Pensions.

The bill (S. 3325) to pension Margaret F. Smith, of St. Louis, Mo., was read twice by its title, and, with the accompanying petition, referred to the Committee on Pensions.

Mr. MOODY introduced a bill (S. 3326) for the relief of William I. Hazen, of Fairburn, Custer County, South Dakota; which was read twice by its title, and referred to the Select Committee on Indian Depredations.

He also introduced a bill (S. 3327) granting to the State of South Dakota section 36 in township No. 94 north of range No. 56 west, in the county of Yankton, in said State, for the purposes of an asylum for the insane, to correct an act approved June 16, 1880, attempting to make such grant to the Territory of Dakota, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1041) granting a pension to Mary A. Van Etten;

A bill (H. R. 1622) granting an increase of pension to Mrs. Sallie T. Ward;

A bill (H. R. 2046) to grant a pension to Barbara Madden;

A bill (H. R. 2057) for the relief of Barent S. Van Buren;

A bill (H. R. 2056) granting a pension to James McCusker;

A bill (H. R. 2067) granting a pension to Mrs. Maria Clark;

A bill (H. R. 2958) for the relief of Johanna Eckle;

A bill (H. R. 3256) granting a pension to Anastasia McGrievy;

A bill (H. R. 3383) granting a pension to Charles H. Perry;

A bill (H. R. 3511) granting a pension to James S. Ferrin;

A bill (H. R. 4094) granting a pension to James H. McKinney;

A bill (H. R. 4422) to increase the pension of Lucian L. Sanborn;

A bill (H. R. 4423) to grant a pension to Lucinda A. Clark;

A bill (H. R. 4424) granting a pension to Fannie E. Woodbury;

A bill (H. R. 4811) to pension William G. Hill;

A bill (H. R. 4482) granting a pension to Barbara Schnappinger;  
 A bill (H. R. 5626) granting a pension to Hannah Ward;  
 A bill (H. R. 6078) granting an increase of pension to Frank Tray-

nor;  
 A bill (H. R. 6415) to reissue the pension certificate of Nannie W. Metcalfe and allow her a pension as a surgeon's widow;

A bill (H. R. 6603) granting a pension to Joseph D. Williamson; and  
 A bill (H. R. 6624) increasing the pension of Walter P. Harrison.

The message also announced that the House had passed the following bills:

A bill (S. 247) granting a pension to Minnie A. Bailey;  
 A bill (S. 1982) granting a pension to Mrs. Minerva Jane Olive; and  
 A bill (S. 1983) granting a pension to George B. Smith.

#### DEPRESSION OF AGRICULTURAL INTERESTS.

The VICE-PRESIDENT. If there is no further morning business, that order is closed.

Mr. DOLPH. I ask that the resolution of the Senator from Indiana [Mr. VOORHEES] in regard to the depression of agricultural interests be taken up for present consideration.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The resolution will be read.

The Chief Clerk read the resolution submitted by Mr. VOORHEES on the 17th instant, as follows:

Whereas the deep and widespread depression and decay of the agricultural interests of the American people, the enormous and appalling amount of mortgage indebtedness on agricultural lands, the total failure of home markets to furnish remunerative prices for farm products, the palpable scarcity and insufficiency of money in circulation in the hands of the people with which to transact the business of the country and effect exchanges of property and labor at fair rates, are circumstances of the most overwhelming importance to the safety and the well-being of the Government: Therefore,

Be it resolved, That it is the highest duty of Congress in the present crisis to lay aside all discussion and consideration of mere party issues and to give prompt and immediate attention to the preparation and adoption of such measures as are required for the relief of the farmers and other overtaxed and underpaid laborers of the United States.

Mr. DOLPH. Mr. President, the Republican party was restored to power at the last Presidential election on account of its position upon the tariff. It is pledged to a reduction of the revenues to an amount sufficient only to meet the necessities of the Government, but in such a manner as to insure the welfare of American industries. The issue was squarely made between the protective system and tariff for revenue only; between the Mills bill, which had passed the House and was the embodiment of the theories of Mr. Cleveland and the free-traders—for tariff for revenue only is nothing but free trade—so far as was practicable for the Democratic House, with so many local interests, some of them demanding protection, to embody those theories into a bill, and the Senate bill, which was framed with the view to secure the necessary reduction of the revenue without injury to the industries of the country or abandoning the policy of protection to American labor and American capital.

The people decided for the national policy of protection, that the present tariff policy should be continued, and that whatever revision of the tariff was required should be made by its friends. It only remains for the dominant party in Congress to execute the will of the people and redeem its pledges. This it is proceeding to do with all possible dispatch considering the magnitude and intricacies of the subject, and before the present session of Congress adjourns it is safe to say that some measure not greatly dissimilar to the Senate bill of last session will become a law.

As was to have been expected, the Democratic party has not profited by defeat. The attitude of the two political parties towards the tariff question has not changed. The contest is to be fought over again on the same lines and with the same old arguments used by them in the last Congress and in the Presidential campaign. The Mills bill, or a measure substantially like it, is to be the proposition of the Democratic party, with which the measure of the majority is to be antagonized.

The Democratic policy at the present session of Congress, as it was at the last, is to continue heavy protection to Louisiana sugar and to place wool, lumber, salt, and vegetables and other farm products, and the products of the mines and raw material generally on the free-list.

Having put their hands to the plow in this matter, the Democratic leaders will not turn back. Having been committed by President Cleveland to free trade, there is no retreat. His free-trade message was the Rubicon, which once crossed was crossed forever. Recognizing this the Democratic leaders, aided by the Cobden Club, are making herculean efforts to propagate free-trade theories. Taking advantage of the overproduction of corn and the low price of farm products in the Western States, they are industriously seeking to convince the farmers of those States that the depression of the farming industry is caused by the protective system and to array them against the other industries of the country. Tons of free-trade literature are being circulated among them, and it is hoped and apparently believed by the Democratic leaders that, aided by the discontent which naturally prevails in times of business depression, Republican farmers can be brought to adopt the Democratic theory of the tariff, or at least be induced to try a change.

In accordance with this general policy, the senior Senator from Indiana a few days ago made a speech, intended no doubt to have a wide circulation, embellished with brilliant rhetoric and glittering generalities, in which his imagination was drawn upon, more than facts, to show that the present depressed condition of the farming interests was due to the protective policy, and to endeavor to turn the present discontent to the advantage of the Democratic party.

I do not propose to answer his speech, but in my humble way to attempt to show that the protective tariff has in no degree contributed to the depression, that the present condition of the farmer is far more prosperous than it would have been under a system of tariff for revenue only, more prosperous than it ever has been in this country when the principle of protection was abandoned, and is far better than the condition of the farmer in any free-trade country in the world.

I listened, in entire accord with him, to his eloquent laudation of the farmer. Agriculture in some form is the oldest of the occupations of man, and is still the most important. There are probably more persons engaged directly in farming and dependent upon the earnings of the farmer than are engaged in or dependent upon all the other industries of the country. I hope I shall be credited with equal sincerity with him when I say that all laws, whether State or national, ought to be so framed as to promote the interests of the farmer in common with the interests of all other citizens engaged in honorable and useful occupations, and so as to prevent all combinations, monopolies, and speculations which have a tendency to control the supply of and demand for farm products; that whenever any existing law can be shown to operate unjustly upon any class of citizens I will be as ready to vote for its repeal as he; and that whenever any measure is proposed which in my judgment is calculated to benefit the farmers of this country, without injustice to other equally deserving classes, my voice and my vote will be found in favor of that measure.

Every impulse of my nature is in full sympathy with the men who till the soil and labor with their hands in every useful occupation. Labor is honorable and the source of all wealth. Idleness is a curse to the individual and the community. I first saw the light on a farm and from necessity passed through an experience which has made me familiar with all phases of farm life. But when we come to discuss the remedies proposed for the existing depression of the agricultural interests, the Senator and myself, on some of them, are as far apart as the poles. He would endeavor to array the farmer against all other classes of producers, while I believe that the interests of the farmer are intimately connected with the well of every other producing class, and that the adjustment is so delicate and sensitive that a blow to one injures the whole. If the manufacturers are not prosperous, farming languishes; if farming is not prosperous, manufactures are depressed. In fact, the surest way to destroy the farmer would be to first destroy the manufactures, which would destroy the home market for farm products and drive the operatives to the cultivation of the soil and to competition with the present farming class.

Employment, not cheapness, is the true basis of all national prosperity. The way to make a nation prosperous and the people happy and contented is to give every one an opportunity of being employed. The measure of our prosperity as a nation is the value of the fruits of labor, of the wool we grow, the cattle and horses, the wheat and corn, and other agricultural products we raise, of the articles we manufacture, and of the useful and precious metals we mine. When all our diversified industries are profitably carried on together, when the soil, the mines, and the forests are all laid under contribution to add to our wealth, when the hill-sides, which are not well adapted to cultivation, are profitably devoted to the raising of sheep, when the cattle industry is fairly remunerative, when wheat and corn bring a fair price, when there is a demand for the products of our mills and our factories which keeps them in operation, every one is prosperous; and individual prosperity makes a prosperous whole.

But let the price of wool be low, let there be a partial failure of the wheat crop, or, as now is the case, the corn crop be in excess of the demand, or the factories and mills compelled to shut down, and prosperity is at once checked, other industries suffer, and hard times are threatened. Let no one suppose for a moment that one class or the class interested in one industry is not interested in all the others. All are intimately connected. The destruction of the wool industry and the throwing of several thousand men out of employment would be an injury to every man, woman, and child in the United States. The man thrown out of employment by the destruction of that industry would be obliged to crowd into some other. The lands now profitably used for grazing purposes would many of them be idle and unproductive.

Whatever hurts Maine hurts Texas and what hurts Massachusetts hurts Oregon. The people of the entire Union are interested in the prosperity of every part. Massachusetts manufactures Oregon wool, but to do so she buys the wool and helps to make a home market for it, and she also buys the food products of other States to feed the operatives in her factories and her mills. The Senator from Indiana and the party to which he belongs two years ago thought they could single out and strike down the wool industry; but the people of this country understood that one



industry could not be stricken down without injury to all the rest, and they made common cause with the wool-grower.

#### THE PRICE OF CORN AND WHEAT.

The low prices of corn and wheat in the West are producing a depression of agricultural interests in the principal corn and wheat growing States. The advocates of free trade charge that the fall in prices is caused by the protective system; but fortunately the cause for the decline in prices is neither obscure nor difficult to understand. The price of corn is fixed by the same law that fixes the prices of all other commodities: the law of supply and demand, in connection with the cost of transportation from the States of production to the places of consumption. But the free operation of this law is often interrupted by combinations of middle-men. The States which produce a surplus of corn, and therefore are sources of commercial supply, are Ohio, Indiana, Illinois, Iowa, Missouri, Kansas, and Nebraska. Owing largely to climatic causes, the crop of corn last year was the largest ever produced in the United States and the largest in the rate of yield since 1880. From a table contained in a report of the statistician of the Agricultural Department, issued in March of this year, I extract the following:

The production of corn in 1887 was 1,456,000,000 bushels; in 1888, 1,988,000,000 bushels; in 1889, 2,113,000,000 bushels; showing a very large increase of the crop during the last two years, and that it has now reached the surprising proportions of over 2,000,000,000 bushels.

From the same table I learn that up to March 1 of this year there had been consumed and distributed a greater amount, with one exception, than in any previous year up to the same period. The amount consumed and distributed up to March 1, 1889, of the crop of 1888 and of the surplus of previous years, was 1,201,000,000 bushels, and the amount consumed up to March 1, 1890, of the crop of 1889 and of the surplus of previous years, was 1,443,000,000 bushels.

These figures show that the demand and consumption have not decreased, but that the supply has largely increased and that the present unmarketable surplus and low prices are caused by overproduction, and that alone. The freight rates for the transportation of corn and other farm products are in many cases too high, but the rate of transportation is not the cause of the present low price of corn. When the question is examined it will be found that rates of transportation have been from time to time reduced, and by some transportation lines, notably the Union Pacific, greatly reduced, upon corn to meet the present emergency; but the situation has not improved, as it could not be; the market has been supplied. There is no legitimate demand for the surplus for present consumption, and if bought at all, must be bought by operators who speculate as to the future demand and therefore buy at their own price. The home market is the principal market; and when the production is largely in excess of the demand for home consumption a fall in prices is inevitable.

On a former occasion I discussed in the Senate the cause of the decline in the foreign market of the price of wheat and presented elaborate tables to show the value of our exports and imports, the amount of agricultural products exported, the amount of wheat and flour exported through a series of years, the amount of the production and distribution, the growth of the production of wheat in India, the aggregate importation of wheat and flour in Great Britain and the countries whence imported. The latter tables were taken from the report of General Bonham, consul-general of the United States at Calcutta. Referring to these tables I summed up the matter as follows:

The facts stated in this report fully justify the views of Judge Bonham, that India is to become a formidable competitor with the United States in the wheat markets of Europe, and in my judgment explain the cause of the decline of wheat in Europe in recent years. The table showing the aggregate imports of wheat and flour into the United Kingdom of Great Britain and Ireland from the several countries named is especially instructive. It shows that, while the imports into Great Britain, although somewhat fluctuating, have not materially increased since 1881-'82, the imports from Russia have increased from 4,089,308 cents in 1881-'82 to 11,986,350 cents in 1885-'86; the imports from India have increased from 7,337,924 cents in 1881-'82 to 12,101,963 cents in 1885-'86, and that the imports from other countries, not including the United States, have increased from 12,229,230 cents in 1881-'82 to 17,083,501 cents in 1885-'86; while the imports from the United States have decreased from 43,776,662 cents in 1881-'82 to 36,007,187 cents in 1885-'86, and that the export of wheat from India has increased from 299,385 cents in 1887-'88 to 21,060,519 cents or 35,100,865 bushels in 1885-'86, a period of nineteen years. These figures show that we are already engaged in a ruinous competition with Russia and India, which must continue to grow greater as the production of wheat in those countries increases to crowd the American product out of the European markets; and yet the free-traders tell us to let our home markets go, buy our manufactures in England, and raise more wheat.

Protection to industry, by creating a diversity of employment and increasing the number of those who are not engaged in farming, but must depend upon the farmer for the means of subsistence, gives him a steady, remunerative market for breadstuffs and creates a market for crops which can not be profitably exported. The foreign market for our wheat is mainly created by England, and is growing every year more uncertain and unsatisfactory. The amount of our corn and wheat required by England depends in the first place upon the crops of Europe, which usually supply from two-thirds to three-fourths of what is needed; then upon the yield in Russia and India; so that the American farmer first takes the chances of his own harvest, and then of a scarcity in Europe, and in late years the further chance of having the price of wheat fixed by the competition of Russian and Indian wheat. And still free-traders assert that the true principle is to buy where you can buy the cheapest, and say that, if our manufacturing industries can not successfully compete with cheap capital, organized industries, and pauper labor of England, our people should turn their attention to something else—that is, to farming—destroy our home markets, and lead our farmers to depend upon a foreign market for the sale of their surplus products.

They propose that we shall increase our exports to pay for our increased imports, and in endeavoring to do so that our farmers shall enter the field in competition with the miserable ryots of India, who live on a few cents a day. If it were proposed to import into the United States several millions of the Indian ryots or of Chinese for agricultural laborers, to enable us to compete with India in producing wheat, every white laborer in the United States could see that American labor was threatened. How does the case differ when it is proposed to drive several millions of American laborers from the manufactures into agriculture and then to force them into competition with the Indian ryots by increasing our surplus wheat crop, which we will be compelled to get rid of by underselling Indian wheat?

In the report of the statistician of the Agricultural Department, already referred to, the cause of the present depression of agriculture is admirably stated. Mr. Dodge shows that the low price of corn and wheat is due to overproduction; that the farmers of this country can not successfully compete with the wheat-growers of India, Russia, and other countries; that other industries should be encouraged and maintained in order to create a home market for farm products and employment for our people, and that farmers should engage in diversified farming and produce all the products we now import. He says:

#### AGRICULTURAL DEPRESSION AND ITS CAUSES.

There is almost universal complaint among farmers of all nations of the prevalence of low prices. The agricultural depression of Great Britain has probably been more severe than that of any other nation. A potent cause in this case is the competition from all parts of the world, unrelieved by any taxation of imports. France and Germany are somewhat disturbed by similar complaints of unremunerative rural industry. Italy has also had occasion to make official investigation of the causes of agricultural depression. Other countries are vocal with similar cries of dissatisfaction with the proceeds of agricultural labor. So the trouble appears to be general in monarchies and republics, whether the monetary circulation is gold or silver or paper, and under the influence of various and diverse economic systems.

Not all countries are in the same depths of distress. In ours farmers and farm laborers are doubtless better fed and clothed, able to maintain a higher style of living, and enjoy more of the benefits of civilization and culture than those of any other country. It may be said with absolute truth that in thirty years the scale of living has advanced immensely in this country, not equally in all sections, but manifestly everywhere. There is a tendency to extravagance in town life that has been imitated in rural circles, and the natural ambition for progress and precedence, when generally aroused, will express itself in dissatisfaction with prevailing conditions and a determination to overpower all obstacles to advancement. This is a hopeful sign. It is an indication of conscious dignity. It is a prophecy of progress.

While, therefore, our own country feels the effect of agricultural depression less than almost any other in the world, the reduction in prices of most staples, and in domestic animals and their products, forces a disagreeable comparison with agricultural values at their highest, compels reduced expenditure to keep outgo subordinate to income, increases the number of unfortunates who can not make "both ends meet," and reduces the profits of the enterprising and skillful who are still able to strike a balance in their favor. Retrenchment is not an agreeable alternative, and is therefore delayed until its compulsion is imperative and perhaps destructive. "The times" are universally regarded as "hard" in comparison with more prosperous eras of the past.

It matters not that the prices of implements, utensils, and fabrics, of goods desired by the farmer, have been reduced proportionally: his interest account, if he has one, is unredressed, and his mortgage is a greater burden to lift. His sighs for the good old days of high prices, though they may have been war or famine prices, necessarily temporary, and though they may have been the source of extravagant views, unnecessary expenditure, and the foundation of his present indebtedness. He naturally resents and deplores low valuation of farm products. What are the causes of low prices? They may be various, but the prime cause is the operation of the inexorable law of supply and demand. Abundance leads inevitably to low prices; scarcity, to high prices. With either there is fluctuation, a see-saw of prices which increases cost and reduces profit. Medium and uniform values are therefore best for the farmer.

There has been an increase of production in this country even more rapid than the increment of population. America has long been the synonym of plethora. Her people probably consume more than those of any other nation and have a larger surplus for foreign needs. Immigration has been heavy and unrestricted; railroad building has been stimulated until an empire of new and productive lands have been opened; and these lands have been given of liberal settlement to native or foreign birth. Speculation first, and profitable utilization afterwards, have been the motive for settlement and development which have astonished the world and caused overproduction and low prices. The following statement shows the increase in thirty years in certain products of the farm, as reported by the census:

Products.	1849.	1859.	1869.	1879.
Corn.....bushels.....	592,071,104	838,792,742	760,944,549	1,754,381,076
Wheat.....do.....	100,485,944	173,104,924	287,745,626	459,181,187
Oats.....do.....	146,584,179	172,643,185	282,107,157	407,884,999
Potatoes.....do.....	65,797,899	111,148,867	143,337,473	160,488,839
Cotton.....bales.....	2,469,083	5,387,052	8,011,996	5,785,489
Hay.....tons.....	13,838,642	19,083,896	27,316,948	35,150,711

If we extend the comparison to the present date, we find that the corn crop exceeds 2,000,000,000 bushels, wheat approximates 500,000,000, oats exceed 700,000,000, and hay and potatoes have increased in similar proportion. While the product may be three or four times as large, the population is less than three times as much, though the proportion of workers engaged in agriculture was larger than now.

During the forty years from 1850 to the present time the cotton product increased from a little over 2,000,000 bales to more than 7,000,000 bales. Cattle have also increased very rapidly; cows from between 6,000,000 and 7,000,000 to about 16,000,000; other cattle from scarcely 12,000,000 to more than 36,000,000. While sheep have doubled in number, the wool production has quadrupled. While the milk cows are almost three times as many, their average rate of yield of milk has probably doubled. The improvement of other cattle, through breeding and feeding, has reduced the time required for maturity and increased the weight of carcasses to such an extent that the amount of beef produced annually in proportion to numbers of animals kept is immensely increased. Relative numbers, in comparison with the past, in all kinds of domestic animals, have far less significance than improvement in weight and quality, in thriftiness and early maturity.

It is difficult to force a market abroad for a surplus of any product. Every nation is seeking to produce its own food, and as far as possible its raw materials.

for extension in all forms of industrial production. The instinct of self-preservation compels the adoption of such a policy. This furnishes the motive for the corn laws of France and Germany and other continental countries, and the laws of European nations prohibiting the introduction of our pork products. We can not sell our crops abroad, as a rule, except to fill the gaps in supply that are made by bad seasons or other results of the inevitable or inexorable.

In wheat overproduction has destroyed the grower's profit. Wheat-growing has become a philanthropic mission for supplying cheap bread to Great Britain and encouraging her manufacturers to keep wages on a low plane. The North-western missionaries are still diligently sowing their seed and floating their bread across the waters, and mourning that the profits do not return to them after many days of weary transportation. The area of the crop of 1889 included about 10,000,000 acres more than the home consumption of the year will require; and the price in Liverpool has of late been the lowest for a century.

We can not force foreigners to buy our bread. There has been a mass of ineffable nonsense regarding "the markets of the world" for wheat. Less than a fourth of the people of the world eat wheat. Half of the people of Europe scarcely know its taste, while few of the nations of Asia and Africa have any knowledge of it. Elsewhere the statistician has thus presented the limitations of our distribution of the wheat surplus:

"South America is now no market for flour, as more wheat is grown there than is required for domestic consumption, and an annually enlarging outlet for wheat is now sought in the distribution of the surplus. Australasia makes more than a home supply. India has a surplus of 10 to 15 per cent. Eastern Europe always has wheat to sell, leaving only Western Europe to supplement its nearly full garner with the contributions of all other countries, those of Europe included. Of the average 4 bushels consumed by each inhabitant of Europe only a half bushel comes from other continents, and this is practically the measure of the market for the wheat surplus of the world, a market which neither reciprocity nor the persuasion of any international comity can enlarge. Nothing but war, famine, or pestilence, nothing but an act of God or a change of crop distribution utterly at variance with long-settled policy and practical sense can swell to sudden importance the demand for wheat and flour that will relieve prevailing stagnation and advance prices."

The production of meat has also advanced faster than population. In 1880 the cattle of all kinds were returned as 39,675,533, and the numbers as now estimated, on farms and ranches, are 52,801,907, or 33 per cent. more. Excluding cows, the increase of other cattle, which includes the heaves, is equivalent to about 40 per cent. Then heaves are brought to maturity more rapidly than formerly, and more meat is made in proportion to numbers, so that the beef supply is greater than in 1880 in proportion to population. The ratio of supply has been very greatly increased since 1850. Our export of beef has grown up in the past thirteen years, and the export of cattle has not only increased, but its character has changed from the shipment of Texas or Florida long-horns to Cuba to the export of fat heaves to Europe, one of which commands the price of five of the original style of Gulf coast cattle. This difference represents not precisely the meat-making capacity of the cattle of 1850 and 1890 respectively, but it suggests the wide disparity between the ratio of meat to numbers of cattle at the two dates.

It is futile to attempt to defy the law of supply and demand. So long as farmers insist on growing only the bread grains, cotton, tobacco, and cattle, and to neglect other products which are needed, which we import at a cost of more than \$200,000,000 annually, just so long will the lamentation over low prices continue. Diversification is essential to agricultural salvation. There are writers and speakers who are doing incalculable injury by their influence in repression of any tendency to a wider range of rural production, encouraging idleness and idleness, paralyzing enterprise, intensifying rural inertia, and encouraging dependence on foreign production, and the draining of the resources of the country to foreign lands. They appear to deprecate any effort towards independence or the cultivation of self-reliance, the stimulation of invention, the acquisition of manual skill, or the development of rural taste. Their advice points in the direction of aimless poverty and practical serfdom.

The agricultural exports of the United States during the past year amounted to about \$530,000,000 at the seaports, or about \$400,000,000 on the farms. The agricultural imports amounted to over \$348,000,000 at ports of shipment, and fully \$600,000,000 with freights and commissions added, without further allowance for undervaluation. Thus it takes most of our agricultural exports to pay for agricultural imports. These imports are largely food and fibers. The heavier items for 1888-89 were as follows:

Sugar and molasses.....	\$93,297,868
Animals and their products, except wool.....	40,419,502
Fibers, animal and vegetable.....	59,453,936
Fruits and nuts.....	18,746,417
Barley and other cereals.....	8,971,722
Tobacco, leaf.....	10,868,226
Wines.....	7,706,772
Total.....	239,464,443

Most of this importation should be produced here, and many minor products not named; in fact, there is little on the list, except tea and coffee, that should be imported. There are many plants yielding fruits, dyes, medicines, and other products useful in the arts or for food that could be profitably grown, after suitable experiment, for the supply of a demand already existing or to be created, and utilizing rural labor and increasing the wealth of the country.

There may be minor causes of depression which have not been considered, but they are impotent and unimportant in comparison with those outlined. The main difficulty is, there is overproduction of a few staples and quite too limited a list of rural products. There is too much hog and hominy, and a narrow range of delicacies that are so eagerly sought by the buyer and so profitable to the producer. There is too much rural labor unemployed, and too much mechanical and manufacturing labor idle in both cases for lack of sufficient variety, and because \$500,000,000 or \$600,000,000 are spent in foreign countries for products that could better be made here. It is useless, it is foolish, to say that we can not sell our surplus unless we buy our food and clothing abroad.

We did sell last year to a single country to the amount of \$201,000,000 more than we bought of that country, and a similar disproportion exists every year. As we become more independent, more self-sustaining, producing all substantial of life, wealth will more abound and be more equally distributed under the industrial than under the commercial idea; and while imports will still be heavy, they will be mainly for luxuries and superfluities of the rich, and will not reduce the resources or limit the comforts of the people.

In a primitive country the first business of farmers is to produce food, to cater to the wants of the stomach; if they go no further, as population advances and its wants increase with the progress of culture and civilization, and so neglect to supply the "raw materials" for the uses of the industrial arts, their country will forever remain primitive and poor. This country can not claim exemption from the inexorable rule. Cotton, by the invention of the gin, and the existence of a suitable soil in the South, became the salvation of its agriculture, and then threatened its existence by its refusal to tolerate other raw materials for other arts. The cotton crop is valuable and will represent a larger value, yet it would not suffice to board the people of the South at first-class hotels for a week. A

score of other products should further enrich her agriculture to relieve existing depression. All the worsted wools and all the carpet wools that can be woven in the country can readily be produced in the South. Only the invention of an effective decorticator is required to make ramie a great industry, supplementing rather than rivaling cotton; and jute and many native and foreign fibers should swell the list of raw materials.

And there should be no more need of going to Italy or Japan for raw silk than there is to India for raw cotton. Further, there should be just as little need of going to Cuba for sugar. Nine-tenths (at least) of all the raw materials required for textile, metallic, mechanical, chemical, oleaginous, or other manufacture can be produced primarily by our farmers, diverting their labor to profitable channels, and swelling the value of their products, steadying the prices of the food staples, and insuring prosperity and comfort to all. No other panacea will cure hard times: a profitable outlet, by diversification and extension, for constantly augmenting rural labor, can alone make rural industry profitable. If the policy of going abroad for all fibers except cotton shall be but into permanent practice, and for all sugar and fruits, barley and oil seeds, to be paid for in corn and wheat and cotton, which are already crowded into foreign markets to the last pound and bushel, there will be no necessity for a "single tax" to make the farmer's land valueless, and no need of account-books or pocket-books, and little demand for books of any kind.

And yet there is gross ignorance abroad of the extent of these limitations of our agriculture and of the means of recuperation. Many of our farmers are delaying the emancipation of rural industry, and seeking to import cordage to bind upon their backs still closer their present burdens. Instead of enlarging the range of profitable production, they are seeking to restrict it. The wheat-growers insist upon going to the antipodes for binder-twine, while a million acres of flax fiber is wasted in adjoining fields, and when they could produce hemp enough within six months to bind the wheat of the world. The cotton-growers want to go to India for jute, which will grow in their cotton fields as readily as weeds. If we will not produce the twine to bind our sheaves or the jute or hemp or flax to cover our bales, we shall have no right to complain of 50 cents per bushel for the one or 5 cents per pound for the other.

During the last ten years more than two million workers in agriculture, armed with improved implements, have been added to the seven millions that were making corn and wheat and cotton; and shall they still insist on the same limited range of effort, walk in the same furrows their fathers turned, and seek to live and die in the same overdone and profitless routine? If so, agricultural depression will become chronic and intensified to a degree unknown at present. Shall farmers hug the chains of their dependence, limit the range of their industry, refuse to strike out into new paths, and sink into comparative idleness and poverty? There are millions of them too intelligent and enterprising and ambitious to co-operate in any such scheme of self-degradation.

Little can be added to this admirable statement of the case. If Mr. Dodge's facts are correct and his conclusions well drawn, it follows that instead of removing duties upon imports of labor products into the United States, the duties should be maintained in order to stimulate every industry which gives employment to labor and creates a demand at home for farm products. Instead of admitting into this country free of duty wool and other farm products we should maintain the present duty, and in some cases the duties should be increased so as to make them practically prohibitory.

In times of business depression, from whatever cause produced, it is natural to blame the laws for the existing condition. The laws may or may not be to blame. The price of every commodity is determined by supply and demand. There is no way in any industry to restrict production to the probable demand, where so many are engaged as are employed in farming, and as a consequence the supply must vary, even if the demand remains reasonably stable. So with other productions. It follows that a business, during the most prosperous condition of the country and under the best possible laws, can not at all times be equally profitable. The farmer will have his good and his bad years. One year the manufacturer will be able to operate his factory at a profit; another year he must operate it at a loss or not at all.

What can Congress do now to aid the farmers? The Senator from Indiana and those who think like him say, "Remove the duties which keep out foreign goods, and let the farmer obtain them at the foreign prices." I and all who believe general employment necessary to national prosperity say, "Continue the protective system so as to maintain existing industries, bring others into existence, build up and strengthen the home market so as to consume at home more farm products, and bring the consumer and producer together, and thus save the cost of transportation." I say also, increase the duties upon all the farm products that are imported into the United States, to enable our farmers as far as possible to produce them at home.

If we examine the last published reports of our imports and exports we shall find that an enormous sum is paid to foreign countries for articles of food, every particle of which should be produced in this country. Why is it necessary to import into this country \$2,500,000 worth of vegetables, including cabbage, from Holland, 317,156 bushels of potatoes from Scotland, 1,441,466 bushels of potatoes and 608,432 bushels of beans and peas from Canada and Nova Scotia? Why is it necessary to import over \$1,000,000 worth of hay and nearly \$8,000,000 worth of breadstuffs, and over 16,000,000 dozen eggs, some of which came from Denmark, Norway, and Sweden, and the Senator from Iowa [Mr. ALLISON] says, some of them from Italy?

I hold in my hand a newspaper clipping from a Canada paper, or at least what purports to be a telegram or letter from Ottawa, Ontario, in which is stated the amount of certain articles imported into Canada from the United States free of duty, the amount of dutiable articles, and the amount of similar articles exported from Canada into the United States. I will submit the table, simply saying that I understand the first two columns represent the value of the articles which are imported into Canada, and the last column represents the articles and the value thereof exported from Canada to the United States.

Taking the trade and navigation returns of the Dominion for the year ending



June 30, 1887, it is shown that the exchange between the Dominion and United States in commodities was as follows:

	Free goods.	Dutiable.	Exported to United States.
Animals of all kinds.....	\$883,146	\$265,521	\$7,291,309
Straw.....		45	21,335
Hay.....		4,535	670,749
Vegetables.....		173,552	494,119
Salt.....		6,623	16,952
Pease.....		5,339	371,349
Beans.....		7,588	296,840
Barley.....		2,557	5,245,994
Malt.....		19,236	146,012
Rye.....		2,539	67,369
Oats.....		7,611	12,210
Buckwheat.....		27	
Rye flour.....		503	
Oatmeal.....		5,585	3,905
Buckwheat flour.....		933	
Butter.....		51,733	17,207
Cheese.....		10,567	30,667
Fishery products.....	5,482	452,893	2,717,509
Stone and marble.....	1,385	83,628	65,330
Lime.....		8,524	41,285
Gypsum.....	2,492		191,276
Lumber, timber, etc.....	474,344	101,707	9,352,506
Grindstones.....	1,809	14,392	23,358

Mr. President, I am glad to know that the dominant party in Congress, at least in the other House, are disposed to take the same view of the question of duties upon agricultural products which I have just indicated.

I hold in my hand an article clipped from yesterday morning's Washington Post, with the heading, "A protection for the Grangers." As the newspapers are supposed to know everything, I presume it to be correct, and from the best information I can obtain I believe it to be so. The article is as follows:

**PROTECTION FOR THE GRANGERS—THE GREAT WORK OF THE LEGISLATIVE COMMITTEE OF THE PATRONS OF HUSBANDRY.**

The legislative committee of the National Grange, Patrons of Husbandry, office 514 F street, has issued an address to the different granges of the country showing the results of its labors with the Committee on Ways and Means. The legislative committee furnishes the following list of farm products which the Ways and Means Committee has agreed to protect, and the amount of tax laid on each article:

<b>Animals:</b>	
Horses and mules.....	\$30.00
Horses and mules valued at \$150 and over.....	30 per cent.
Cattle more than one year old.....	\$10.00
Cattle less than one year old.....	2.00
Hogs.....	.50
Sheep.....	1.50
All other live animals.....	20 per cent.
<b>Breadstuffs:</b>	
Barley.....	30 cents per bushel.
Barley, malt.....	40 cents per bushel.
Barley, pearled patent, or hulled.....	1 cent per pound.
Buckwheat.....	10 cents per bushel.
Corn.....	10 cents per bushel.
Corn meal.....	10 cents per bushel.
Macaroni.....	2 cents per pound.
Oats.....	10 cents per bushel.
Oatmeal.....	1 cent per pound.
Rice.....	14 cents per pound.
Rye.....	10 cents per bushel.
Rye flour.....	1 cent per pound.
Wheat.....	20 cents per bushel.
Wheat flour.....	20 per cent. ad valorem.
<b>Dairy products:</b>	
Butter and substitutes.....	6 cents per pound.
Cheese.....	6 cents per pound.
Milk.....	5 cents per gallon.
Milk, preserved or condensed.....	3 cents per pound.
<b>Farm and field products:</b>	
Beans.....	40 cents per bushel.
Beans, pease, mushrooms, prepared.....	40 per cent.
Broom-corn.....	\$8 per ton.
Cabbages, each.....	3 cents.
Cider.....	5 cents per gallon.
Eggs.....	5 cents per dozen.
Eggs, yolks of.....	25 per cent.
Hay.....	94 per ton.
Hides.....	15 per cent.
Honey.....	20 cents per gallon.
Hops.....	12 cents per pound.
Onions.....	25 per cent.
Pease.....	40 cents per bushel.
Split pease.....	20 cents per bushel.
Potatoes.....	20 cents per bushel.
Flaxseed.....	30 cents per bushel.
Garden seed.....	20 per cent.
Vegetables (prepared).....	45 per cent.
Vegetables (natural state).....	25 per cent.
Straw.....	82 per ton.
Teasels.....	30 per cent.
Tobacco (for wrappers).....	82 per pound.
<b>Fruits and nuts:</b>	
Apples, green.....	25 cents per bushel.
Apples, dried.....	2 cents per pound.
Dates, grapes, plums, prunes.....	1 cent per pound.
Figs.....	2 cents per pound.
Oranges, according to size of package.....	25 cents to \$1 per box or case.
Raisins.....	2 cents per pound.

Fruit preserves.....	20 per cent.
Almonds, not shelled.....	5 cents per pound.
Almonds, shelled.....	71 cents per pound.
Filberts and walnuts.....	2 cents per pound.
Peanuts, unshelled.....	1 cent per pound.
Peanuts, shelled.....	11 cents per pound.
Nuts, not enumerated.....	11 cents per pound.

<b>Meat products:</b>	
Bacon and ham.....	5 cents per pound.
Beef, mutton, and pork.....	2 cents per pound.
Meats of all kinds, prepared and preserved.....	25 per cent.
Lard.....	2 cents per pound.
Poultry, live.....	3 cents per pound.
Tallow.....	1 cent per pound.
Vinegar.....	71 cents per gallon.

The present duty upon horses and mules is 20 per cent. It will be observed that the proposed duty is to be \$30 per head on horses and mules valued at less than \$150, and on those valued at \$150 and over, 30 per cent. Under the existing tariff there are imported into the United States something over \$3,000,000 in value of animals free of duty and about \$780,000 in value of dutiable animals, all animals for breeding purposes and all emigrant teams, etc., being admitted free.

Under the existing law the duty upon barley is 10 cents per bushel, the proposed duty is 30 cents per bushel.

Under the existing law barley malt is 20 cents per bushel; under the proposed law it is 40 cents per bushel.

Under the existing law barley pearled, etc., is one-half a cent per pound; under the proposed law it is to be 1 cent per pound.

Under the existing law buckwheat is 10 per cent., while under the proposed law it is to be 10 cents per bushel.

Under the existing law butter is 4 cents a pound; under the proposed law it is to be 6 cents per pound.

Cheese under the existing law is 4 cents; under the proposed law, 6 cents per pound.

Milk under the existing law is 10 per cent., and under the proposed law it is to be 5 cents per gallon.

Beans and pease, etc., prepared under the existing law are 30 per cent., and under the proposed law the duty is to be 40 per cent.

Broom-corn under existing law is 10 per cent.; under the proposed law it is to be \$8 per ton.

Cabbages under the existing law are 10 per cent.; under the proposed law the duty is to be 3 cents apiece.

Eggs under the existing law are free; under the proposed law the duty is to be 5 cents per dozen.

Under the existing law the duty on hops is 8 cents; under the proposed law it is to be 12 cents per pound.

Under the existing law the duty on onions is 10 per cent; under the proposed law it is to be 25 per cent.

Under the existing law the duty on potatoes is 15 cents per bushel; under the proposed law it is to be 20 cents per bushel.

Under the existing law the duty on flaxseed is 20 cents per bushel; under the proposed law it is to be 30 cents per bushel.

Under the existing law the duty on pease is 10 per cent.; under the proposed law it is to be 40 per cent.

Under the existing law the duty on vegetables prepared is 30 per cent.; under the proposed law it is to be 45 per cent.

Under the existing law vegetables in the natural state pay 10 per cent.; under the proposed law 25 per cent.

Under the existing law straw is free; under the proposed law the duty is to be \$2 per ton.

Under the existing law apples green and apples dried are free; under the proposed law apples green are to pay a duty of 25 cents per bushel and dried apples 2 cents per pound.

Under the existing law the duty on bacon and hams is 2 cents per pound; under the proposed law it is to be 5 cents per pound.

Under the existing law the duty on beef and pork is 1 cent per pound; under the proposed law it is to be 2 cents per pound.

**TRUSTS.**

There is another way in which the producer may be benefited by legislation, and that is by enacting and executing laws to prevent gambling and speculation in the products of labor. I am sorry to say that the power of Congress is limited to deal with this matter; but the power of the States is ample and should be exercised.

Labor is the source of all wealth. No other means of producing wealth have ever been or ever will be found. It must be wrung from the soil by patient toil; it must be brought up from mines deep in the earth by the labor of man; it must be coined from the forest by the axman and the millman; it must be wrought out from raw materials by the skill, the patience, and the labor of human operatives. The curse of this and all other communities to-day is that so many persons are trying to escape this Heaven-ordained law, and to secure something for nothing, wealth without labor.

This is at the bottom of every wild scheme to create wealth without labor and to create its representative (money) by legislation alone, to have the Government do by legislation for the citizen what he can only do for himself by labor. This is at the bottom of all gambling contrivances, speculative combinations, all the attempts to control the products of the mills, factories, and farms, and to fix the prices for both consumer and producer. This fever of speculation grows hotter during

times of business depression when capital is unemployed. Combinations, monopolies, speculators, may indeed acquire wealth, but it is wealth that has been produced by labor. I repeat, labor only can produce wealth, and all schemes, whether of legislation or of speculation, to produce it otherwise will fail. The strong arm of the law should be interposed to protect the producers and consumers of the country from being plundered by such organizations.

The advocates of free trade tell us that trusts and combinations to control products and prices are fostered by the tariff. But every one knows that some of the most gigantic and oppressive trusts in this country were formed to deal in articles of purely domestic manufacture, the prices of which are not affected in the least by the tariff; that others are formed to deal in articles which are imported free; and others still are formed to deal in articles which are both imported and produced in this country. The truth is that the tariff has nothing whatever to do with the question of trusts.

#### FARM MORTGAGES.

A great deal has been said on this floor and elsewhere about farm mortgages, and it appears to be thought by some that if the number of farm mortgages is large in any State or Territory it indicates an unprosperous condition of the farmer. But nothing is further from the truth. Nothing can be absolutely predicated as to the prosperity or lack of prosperity of the farmers of a community from the existence or non-existence of farm mortgages. The inference to be drawn from the number of mortgages in an old, settled country, like one of the New England States, might be very different from the inference to be drawn from the same thing in a newer community. In a new State a large number of farm mortgages may indicate great prosperity, may represent cultivated and productive farms and comfortable homes, where, without the ability to borrow, there would have been a waste and unproductive area. They may have been the means by which day laborers on the farm have been converted into prosperous farmers on their own account. In many cases they represent additional lands, purchased on credit, which are a source of increased prosperity, and so a blessing.

In the State I have the honor in part to represent I can remember when, in the beautiful and fertile Willamette Valley, most of the original claimants still owned and occupied their donation claims of 640 acres free from mortgage and when many of the claims did not even furnish the agricultural productions necessary for the support of their families. But another generation grew up. Enterprising young men, without means, from nearly every State of the Union, went to that State, bought lands on credit, gave mortgages for the purchase price, began to raise from 40 to 60 bushels of wheat to the acre, and in probably forty-nine cases out of fifty have paid off the mortgages and have become wealthy and prosperous farmers.

Mortgages are only necessarily an indication of a want of prosperity of the farming class when they represent indebtedness for living expenses or losses in conducting business; and such cases are as likely to be the result of extravagance and bad management as poor crops and low prices. I repeat, the statements which we hear from time to time in this Chamber and published in the free-trade press, as to the number and amount of farm mortgages, may as well be taken as evidence of prosperity as of the reverse.

#### UNEQUAL DISTRIBUTION OF WEALTH.

The Senator from Indiana [Mr. VOORHEES] dwelt at length upon the unequal distribution of wealth in this country. There is, it is true, a great inequality in the distribution of wealth. This inequality has naturally increased with the growth of the country, the division of labor, and the multiplication of large establishments to conduct every kind of business. But it is produced by causes largely beyond the control of legislation. It will continue while the world endures, for some men will always be industrious, economical, and acquisitive, while others will be indolent, extravagant, and wasteful. Some will possess the ability to make and keep money, while others will have the capacity only for spending it. Some will be enterprising and successful, while others will fail in every undertaking. Fathers will continue to acquire fortunes to be squandered by their sons. If the wealth of the world were to be equally distributed to-day, within five years there would be larger fortunes and more paupers than ever before in the world's history.

Nor do I think there is as much difference between the prosperity of the farmers and of those engaged in other industries as the free-trader would have the farmer believe. In this country every occupation is open to all. A man may obtain a farm from the public domain, by living on it, and it requires but a comparatively small capital to work it. If a farmer believes that he can do better at some other occupation there is nothing to prevent him from entering it. Where there is such freedom for selection of occupation the tendency must constantly be for those engaged in the less profitable to seek the more remunerative employments; and it would appear that if the profits of a farmer are not as large as the profits of those engaged in other occupations there must be some other compensating advantages to induce him to continue his calling.

It is no test of the merits of the protective system that under it, dur-

ing a season of depression and overproduction, the farmer is not prosperous. The real tests are his condition during periods when the protective policy has prevailed as compared with his condition during periods when the policy of a tariff for revenue only has been tried, and his condition in this country during periods of protection as compared with the condition of farmers in countries where free trade prevails. I have not time to enter into details in contrasting the present condition of the farmer in this country with his condition prior to tariff legislation under a Republican administration. Besides, I have something to present, to show his condition as compared with that of the farmers of free-trade countries, quite as important and not so generally understood.

Suffice it to say, in a word, that the condition of the farmers of the United States to-day, notwithstanding the depressed condition of agriculture, is immeasurably better than before the war. I think there is no doubt that in proportion to their numbers there are fewer mortgages upon their farms. Their houses are homes of luxury compared with the farm-houses of that period. The log cabins and the cramped and inconvenient farm-houses, the kitchen fire-places, the bare floors, the rough walls, the home-made furniture, the cupboard of rough shelves, which largely prevailed within my own recollection, have been supplanted by modern cottages, containing the conveniences of life, and the farmers' tables are loaded with food that was then considered luxuries. The appliances for cultivation, the tools for plowing, sowing, reaping, and thrashing, and the facilities for marketing have all been improved. The farmer, as a rule, works fewer hours, and his children do not go to the field as so tender an age. The hardest portions of his work, once done by hand, are now accomplished by machinery. His children are better clothed and better educated. In short, in every way the farmer of to-day, even if his farm is mortgaged, lives better than the man who held the mortgage did in the *ante bellum* days.

What does our experience as a nation during the century of our existence show as to the effect of a protective policy upon the farmer and other productive interests of the country? As I read our history in connection with the tariff it shows that absolutely all the prosperity of the farmers of this country, as well as all the prosperity we have enjoyed as a nation, has been enjoyed when the protective policy has prevailed, and that the abandonment of that policy in whole or in part has always caused business depression, scarcity of employment, low wages, and hard times, and that at such times the farmer has always suffered most.

I have not time upon this occasion to review the history of tariff legislation in this country, but I will briefly refer to a few of the salient points of that history.

One of the strongest reasons which, prior to the adoption of the Constitution, were urged in favor of a stronger government was that the power to regulate commerce, to impose duties upon imports for the protection of manufactures, was necessary to revive and make prosperous our languishing industries. The preamble of the first tariff act, signed by President Washington, recited that the imposition of duties was necessary for the encouragement and protection of manufactures. Until 1816 the duties levied were not sufficient to afford adequate protection to American industries, but under the tariff acts of 1816, 1824, and 1828 more ample protection was given, and the country entered upon a career of unexampled prosperity; every industry prospered and the Treasury was full.

This policy was stricken down, at the demand of the South, by the act of 1832, which provided for a gradual reduction of duties, and which as gradually brought on a crisis which culminated in 1837 in the greatest commercial crash the country ever witnessed. The suffering, low wages, and low prices produced a political revolution, and the Whig party came into power in 1840 pledged to re-enact a protective system, a promise it redeemed in 1842. Again the country began to recover from its business prostration and to prosper.

But under the promise—at least in Pennsylvania—to maintain the tariff of 1842, the Democratic party carried the Presidential election of 1844, and again struck down the protective-tariff system and checked the prosperity of the country. The great commercial crisis of 1857 was a legitimate result of the Democratic tariff policy.

The Republican party came into power in 1861, and the protective policy came to the front. I need not describe the wonderful prosperity of this country under the policy adopted and maintained by the Republican party. It has been without a parallel in the history of the world. Our growth in wealth, in population, in resources, has been constant and rapid, resulting in the improved condition of every class of our citizens.

#### HOW DOES THE CONDITION OF THE AMERICAN FARMER COMPARE WITH THE CONDITION OF THE FARMER IN FREE-TRADE COUNTRIES?

It did not occur to the Senator from Indiana, when he was painting the condition of the poor and the depression of the farming interests in contrast with the luxury and splendor of the rich and advocating tariff for revenue only as a remedy for this inequality, to tell us what had been the effect of free trade where it had been tried; whether it had there secured employment for the laboring classes and filled their homes with comfort.

England is the great free-trade country, and the Senator would have



done better to tell us, in his splendid oratory, of the blessings which free trade had conferred on the laborer and the poor there, rather than to draw on his imagination for the blessings tariff for revenue only would confer upon the same classes here; before he charged the present depression of the farming industries in this country to the protective system, it would have been instructive and would have helped to arrive at correct conclusions to consider how free-trade has affected the farmer in England and her dependencies.

For forty years the tariff-for-revenue-only policy has been tried in England, and during the whole period the condition of the laboring classes has been growing comparatively worse. If the system has benefited any class it has been the rich. It has promoted the accumulation of wealth in the hands of the few and prevented its distribution among the many. The wealth of the favored classes has been wrung by the employers of labor from the labor of the poor, and has, in turn, been wrung from them by the bankers, brokers, and financiers. It has promoted the interests of four millions of capitalists at the expense of thirty millions of workers.

In the present condition of England we have an object-lesson we would do well to study. On one side, four millions of capitalists, titled aristocracy, with wide country seats devoted to parks and game preserves; with magnificent baronial castles filled with costly works of art; stables filled with horses which have never been used in any useful or profitable employment, and are better cared for every day than the thirty millions of human beings who are ground into the earth to supply all this magnificence; bankers who go on from day to day adding bond to bond and stock to stock, who loan their millions to kings and control kingdoms by their wealth; four millions who live in luxury such as no similar number of men in any other country in ancient or modern times ever lived, squandering often in vice the gains wrung from labor under the unequal and unnatural industrial system of Great Britain.

If my friend from Indiana had chosen to picture their great wealth, their baronial castles, their festive boards, and their splendid equipages, their extravagances and their vices, what a field it would have been for his rhetoric. But let us turn to the other side of the picture.

Thirty millions of people, millions of whom were once prosperous farmers, small traders, employers of labor, well-to-do merchants, and day-laborers, under the system which placed their labor in competition with the labor of the world, have been growing poorer and poorer, and their condition has gone from bad to worse. The harvest of the system is thirty millions out of thirty-four millions of people who dwell in poverty and starvation and rags. There are among them one million of paupers; millions who are half clothed; millions out of employment, while fourteen millions find employment for but a portion of the time only, and work for starvation wages at that.

If my friend from Indiana had wanted examples of business depression, poverty, squalor, and wretchedness from which to draw conclusions as to the relative merits of the American system of protection and the British system of free trade, he could have found them in free-trade England, and if he had wanted an illustration of what Great Britain would make this country if she had the power to force her economic theories upon us, he could have found it in Ireland. Does England advocate free trade for the United States from unselfish motives? Do her rich manufacturers maintain agents and circulate their free-trade literature in this country for our good? No; England would like to monopolize the workshops of the world and make the people of all other nations hewers of wood and drawers of water.

All remember how, when President Cleveland sent his free-trade message to Congress and the Mills bill was reported in the House, the whole press of England and Scotland teemed day after day and week after week with eulogies of President Cleveland; how they heralded the message as in the interest of free trade; how they predicted prosperity for their depressed and languishing industries if the Cleveland policy should prevail in the United States. It is for her own interest, or rather, I should say, in the interest of the governing classes, that she advocates free trade. It is with the hope of breaking down the manufacturing and commercial industries of other nations and promoting her own.

In a speech which I made in the Senate on the 12th of March, 1888, I had a passage read from the speech of an English free-trader concerning the controversy between the United States and Great Britain over the Oregon Territory. My apology for repeating it, if one is needed, is its peculiar interest for the people of the Northwest. I then said:

SHALL ENGLAND CONQUER THE OREGON TERRITORY BY FREE TRADE?

The present conspiracy against the material interests of the Pacific coast reminds me of the remarkable utterances of an English statesman, Mr. Fox, nearly forty-three years ago, at Covent Garden Theater, London, April 9, 1845, in discussing the Oregon controversy, during President Polk's administration, when the rallying cry for political parties was "54° 40' or fight." I ask the Secretary to read this remarkable prediction of Mr. Fox.

THE PRESIDING OFFICER (Mr. HISCOCK in the chair). The Secretary will read as requested.

The Secretary read as follows:

"Quarrel about this? Why, we might just as well be invited by Peel and Polk to fight about mountains in the moon.

"But let men have something to do with it; let those who have found no preferable home go there and see what effect they can produce upon the best portions of the soil; as their numbers increase and their exertions tell it will soon

become more valuable. And when man has occupied it, when industry has driven its car of peaceful conquest around the borders of that vast land, when towns have arisen and cities appeared with their thronging numbers, when the Rocky Mountains are tunneled and rail and canal have united the Atlantic and Pacific, when the waters of the Columbia swarm with steam-boats, why, then will be the time to talk of the Oregon territory; then, without a regiment or line-of-battle ship, without bombarding any town whatever, free trade will conquer the Oregon territory for us, and will conquer the United States for us also as far as it is desirable either for us or for them that there should be any conquest whatever in the case. Free trade will establish there all the insignia of conquest. When their products come here, and those of our industry return, there will be scarcely a laborer upon the pine forest that he is clearing but will wear upon his back, to his very shirt, the livery of Manchester. The knife with which he carves his game will have the mark of Sheffield upon its blade as a testimony of our supremacy. Every handkerchief waved upon the banks of the Missouri will be the waving of an English banner from Spitalfields. Throughout the country there will be marks of our skill and greatness, and tribute paid for us received not by warriors or governors, not coming directly into the national treasury, but flowing into the pockets of the industrious and toiling poor, refreshing trade and enriching those who pursue it, giving them an imperial heritage beyond the wide Atlantic. Why, they will be conquered, for they will work for us; and what can the conquered do more for their masters? They will grow corn for us, they will grind it, and send us the flour; they will fatten pigs for us upon the peaches of their large wooded grounds; they will send us whatever they can produce that we want, and without asking us to put our hand in our pocket in order, by taxation, to pay a governor there for quarreling with their representatives or soldiery to bayonet their multitudes. There is nothing upon earth worthier the name of empire than this; this is a nobler kind of dominion, less degrading both for the one party and for the other, less debasing than any sovereignty that was ever won by armies, and, being so won, reluctantly swayed by scepters."

Mr. DOLPH. This passage has heretofore appeared to be a piece of brilliant oratory, the offspring of a vivid imagination. It now, in view of the recommendations of a Democratic administration and the action of a majority of the Committee on Ways and Means of the House, seems almost like the voice of prophecy, and it begins to look as if the Cobden Club, re-enforced by the Administration, is about to succeed in conquering Oregon, destroying her wool interest, and bringing to pass the event predicted by Fox, when there will be scarcely a laborer in Oregon, not only in the pine forests that he is clearing, but in the valleys and on the hill-sides he is tilling, but will wear on his back to his very shirt the costly livery of Manchester, and that to be paid for in wheat at 60 cents per bushel laid down in Liverpool.

Mr. President, the more the boasted prosperity of England under free trade is examined the clearer will it appear to be the prosperity of the privileged classes, a prosperity measured by the increasing fortunes of her millionaires, by the bank accounts of the rich, by the luxuries which inherited fortunes and fortunes wrung from the laboring classes insure to them. Her system of political economy has destroyed agriculture, has driven many important industries from the country, has thrown a large proportion of her population out of employment and driven them to more prosperous countries. Not only is the prosperity of 4,000,000 of her population secured at the expense of the other 30,000,000, but at the expense of her dependencies wherever they have not rebelled against the system, and at the expense of other and weaker nations wherever she could succeed by diplomacy or force in destroying their industrial interests to build up her own.

But as even the rich can not long prosper when labor is unemployed, when agriculture is depressed, when other industries are paralyzed, it was inevitable that a time should come when the depression caused by free trade should become universal. To-day the English capitalist finds it difficult to employ his capital in England and foresees that there is bound soon to be a breaking up of the present system, that a day of reckoning is at hand, and he is casting about for some safe and profitable field for investment. Strange as it may appear, free-trade English capitalists are investing their surplus millions in this country, where labor is protected against the cheap labor and cheap-labor products of England. Millions of dollars of British capital, which, under a system of political economy that would foster industries and give employment to home labor, would be invested in England, are being invested in the United States. English capitalists with free trade drove English artisans and English laborers to protected America, and were themselves driven there to find employment for their capital.

Every great industry in the United States which has been built up by the maintenance of the American system of protection, and which has given employment to American citizens in our towns and cities, and thus created a home market for the products of the farm, is to-day being examined by agents of English capitalists with a view of being purchased by English syndicates. Several important industries of the United States within the past year have been transferred to British owners. I saw a statement not long since—I know not what foundation there may be for it—that a syndicate of English capitalists were negotiating for the purchase of the salmon canneries on the Columbia River with a view of controlling the cannery business in Washington and Oregon. All this shows that at last free trade, by destroying many industries of England, has, in its depressing effects, reached the men who have heretofore been benefited by it, and is driving them for the employment of their capital out of Great Britain, as it has heretofore driven millions of artisans and laborers from England and Ireland to find employment elsewhere for their labor.

THE HANDWRITING ON THE WALL.

The Senator from Indiana predicted that the handwriting is on the wall foreshadowing the downfall of the protective system. On the contrary, let me tell him that the decree is already written in the history of the near future for the abandonment by Great Britain of her nonsensical and suicidal economic system, and that with that will fall the whole fabric of free trade, which is to-day only supported by Eng-

land and her Crown colonies, which have no power to impose duties for their own protection. To prove that I have not overdrawn the picture of the condition of England under free trade, I will quote from an English writer whose burning and eloquent words will show that he possesses the requisite knowledge and ability to enable him to speak with certainty as to facts and to draw correct conclusions from them. He is not one of the thirty million reduced to poverty and pauperism by free trade; he belongs to the aristocratic four million. But his eyes have been opened to see the iniquities of a system which has produced such sad results in England, his ears are open to the cries of distress that come up for relief from every quarter of the United Kingdom, and, in the interest of humanity, inspired by patriotism, he has voiced the wrongs of his countrymen. I hold in my hand a pamphlet entitled *A Forbidden Subject; or, Protection to British Industry*, by Sir Edward Sullivan, Bart. I wish the rules of the Senate permitted me to incorporate in my remarks the suggestive cut upon the first cover, which represents the British Lion securely chained in a barrel labeled "Free trade;" his tail, protruding through a hole, is twisted into a knot on the outside, to further secure his safe confinement, while above him, sailing in cloudless skies in freedom and sunshine, is a bird, which I suppose represents the American Eagle.

Nowhere have I seen the questions of free trade and protection presented with greater terseness and pungency than in this pamphlet. Nearly every sentence is a text. The subject is discussed in a series of short essays under the following titles:

"A forbidden subject." "Near is my shirt, but nearer is my skin." "The cheap loaf No. 1." "The cheap loaf No. 2." "The necklace of Sirva." "General employment." "Is England to go out of tillage?" "Sham." "Shrinkage." "The logic of facts." "Prosperity by arithmetic." "Protection." "A five-shilling duty on corn." "The burning question." "The capital of labor."

I wish every voter in the United States had a copy of this pamphlet that he might read the baronet's eloquent plea on behalf of the 30,000,000 workers in England for protection, and their protest against the foolish free-trade policy of England, and that he might learn, what is the fact, that there is a serious growing sentiment and movement in England against that policy. I propose to incorporate in my remarks quotations from some of these essays, that they may reach some of the farmers and laboring men of my State.

Under the title of "A forbidden subject," the baronet says:

We know perfectly well that very many of us are in our hearts thinking scandal of "free trade;" praying for higher prices, though we know that higher prices can only come with protection.

Yes, there are actually idiots going about the country talking scandal about freetrade—and I am one of them—and this is what I say: That after forty years' experience of one-sided free trade the condition of labor in the United Kingdom is very alarming. That many industries have died out or removed to other countries; that in nearly every industry English labor is undersold by foreign labor; that in most industries four days is now considered a week's work. That agricultural wages are dropping to a point never before reached; that in many counties the laborers are competing for work at 10s. and 9s. a week. That, in spite of excessive cheapness, there are millions in the country who only taste fresh meat once a week, or once a fortnight, and milk never. That the pauper class number 7,000,000 in a population of 34,000,000. That there are 14,500,000 of the community receiving less than 10s. 6d. per week. That flesh and blood never was so cheap, the sweating system never so cruel. That land is rapidly going out of cultivation. That every year, with a rapidly increasing population, we are growing less food. That agriculture in all its branches is rapidly declining. That whilst our lands are going out of tillage those who are ready and anxious to till them are standing idle.

That land-owners, tenants, laborers, county tradesmen, represent 10,000,000 or 12,000,000 directly or indirectly dependent on agriculture. That agriculture, the growing of food for the people, must always be the most important interest in every community. That, of all the ways in which capital can be employed, agriculture is by far the most advantageous to society. That no equal capital puts into motion so much productive labor as that of the farmer. That to impose conditions under which the land can not be cultivated is devising the most gigantic "lock-out" ever conceived. That the United Kingdom is the only country in the world that is going out of tillage. That everywhere else, in France, in Germany, Belgium, tillage is extending. That to advocate a return from tillage to grazing is like advocating a return from express trains to stage wagons. That tillage produces eight times the amount of human food, employs three times the amount of human labor that grazing does. That, therefore, the return from tillage to grazing means the emigration of one-half of the population. That all production that does not pay its cost ceases.

That, therefore, if growing food does not pay its cost, it will cease. That employment, not cheapness, is the mainspring of national prosperity and contentment. That the way to make a nation happy and prosperous is to give everybody an opportunity of being employed. That the idea of supplying a population of 34,000,000 with everything at a lower price than they can produce it is probably the most preposterous nonsense that ever entered the human mind. That this is actually what free trade pretends to do; we are attempting to supply ourselves with everything cheaper than we can produce it. That, in other words, we place before our workers cheap food, but put it out of their power to earn the money to buy it. That there is hardly an article in the world that can not be produced cheaper in some other country than in England. That freight and transport are so cheap that nearly everything will now pay the cost of transport to England. That, owing to her insular position, surrounded on all sides by ports and harbors, England is more vulnerable to industrial invasion than any country in the world. That, owing to the extravagant and unthrifty character of her people, England is the one country in the world that requires to protect its labor.

That it is impossible the price of labor can be maintained in the face of the labor competition of the whole world. That England is now suffering from industrial invasion. That foreign labor is driving out English labor, as the brown rat has driven out the black rat. That, as it is the duty of the government to protect us from an armed invasion, so it is the duty of the government to protect us from an industrial invasion. That an armed invasion means temporary disgrace; that an industrial invasion means ruin. That protection means protection to labor, protection to native industry, protection to those who eat their bread in the sweat of their face. That free trade means untaxed foreign competition. That foreign competition means competition in cheapness; com-

petition in cheapness means competition in cheap labor; competition in cheap labor means competition in flesh and blood; and competition in flesh and blood is slavery. That excessive competition is the greatest curse that can be imposed on a working community. That the unrestricted labor competition of the whole world is rapidly making the conditions of English labor impossible. That cheap clothing and cheap food are of no value if human labor is cheaper still. That excessive cheapness is of no value to the community without employment. That employment means cheapness. That those who have employment can buy. That those who have not employment can not buy.

That the first and paramount duty of every Government is to encourage conditions under which every one can find employment. That we import manufactures and export manufacturers; import agricultural produce and export agricultural laborers; export strong men and import helpless paupers. That to advocate emigration, with our fields untilled and 7,000,000 of our population half clothed, is monstrous. That board of trade returns are mere floundering, the food of fools. That foreign imports and foreign exports alone are no proof of national prosperity. That internal production and internal consumption are the only proofs of national prosperity. That free trade has ruined Ireland, and protection alone can restore it to prosperity and contentment. That the cheapest countries are those most unfavorable to labor. That free trade means cheapness to the rich, the idlers, those with fixed incomes; but longer hours, lower wages, harder work to the workers. That the workers are twenty to one to the idlers, and therefore free trade sacrifices the interests of the nineteen to the interests of the one.

That in no other community in the world has the Government ventured to impose the tyranny of unrestricted foreign competition on the workers. That foreign competition cheapens everything the working classes produce, but cheapens nothing they consume except food. That protection raises the price of one article they consume, but also raises the price of everything they produce. That higher prices for what they produce mean higher wages, less grinding competition, a higher standard of life. That five shillings spent on the produce of English labor benefits the working class more than fifty shillings spent on the produce of foreign labor. That it does not follow we eat more corn because we import more corn; we may grow less. That it does not follow we consume more silks because we import more, if we give up producing silks. That it is home trade enriches the working classes. That 25,000,000 of the population depend on the supply and demand of home trade. That they consume no foreign articles whatsoever. That it is manifestly unjust as between class and class to make everything the poor produce artificially cheap. That indeed the tendency ought to be the other way; that the agricultural classes are the best customers of the manufacturing classes. That they consume no foreign manufactures. That, with the exception of food, foreign competition does not cheapen one single article the working classes consume; as a rule they consume entirely goods of English manufacture. That when the agricultural classes are doing well they buy; that when they are doing badly they "do without." That the wealth of a nation is the value of what it produces. That under foreign competition the value of everything we produce is decreasing every year. That to say that under these conditions we are getting richer is absurd. That every year the balance of foreign trade is £100,000,000 against us. This has to be paid.

Economists may argue until they are black in the face how it is paid; it does not signify twopenny; it has to be paid somehow. That one-sided free trade is a game of heads I lose, tails you win. That every one is getting poorer who deals in labor and every one is richer who deals in money. That unrestricted foreign competition is so evidently destructive of the vested interests and rights of labor that out of England no single statesman has ever considered it worth a moment's consideration. That in America the working classes believe to a man that in England the aristocracy have forced free trade on the working classes in order that they may buy their foreign luxuries cheap. They can not conceive that any working community can be such fools as to invite unrestricted foreign competition, that is killing their industries and driving them out of their country. That thirty-nine fortieths of mankind look upon free trade as absolute nonsense, unworthy a moment's serious consideration. That it is only a question of the majority.

If 5,000 desire protection and 20,000 do not it is a monopoly. If 20,000 desire it and 5,000 do not it is common sense. When the majority are for protection, protection is right; when the majority are against protection, protection is wrong. That free-traders conceal the truth from the working classes. They tell them that labor is in a worse condition in America, France, Germany, and Belgium than it is in England, which is not true. They tell them that under any circumstances they can beat the foreigner, which is not true. They do not tell them that under protection the wages in France, Belgium, and Germany have nearly doubled. That forty years ago these countries had no manufacturing industries; that now they are teeming with them. That fifty years ago America had no manufacturing industry whatever; that now she supplies the entire wants of 50,000,000 of people, besides exporting everywhere. They do not tell them that in every country in the world, except England, agriculture is progressing. They do not tell them that for every sovereign that was in circulation forty years ago there are three sovereigns to-day. That it is the increased circulation of gold and the spread of steam—not England removing her import duties—that have caused the increased trade of the world. They do not tell them that English laborers, with 15s. a week (it ought to be 20s.), can not grow wheat as cheaply as Indian ryots, with 2s. a week; that English operatives, working fifty-two hours for 25s., can not produce as cheaply as French, German, or Belgian operatives, working seventy hours for 20s. The working classes do not know the truth, and those who want their votes have not the courage to tell them.

If English consumers are to be supplied by foreign producers, how are English producers to live? How can they buy if they have not got any money? and how are they to get any money if they don't earn any wages? and how are they to earn any wages if they don't get any work? How can they consume unless they first produce? Did the folly of man ever conceive more suicidal nonsense than a scheme for supplying an industrial community of 34,000,000 with everything they consume from abroad cheaper than they can produce it themselves? It is simply a scheme for depriving our workmen of work. It is only political economists run riot who could have conceived it.

The foolish fellow in the fable who pulled down his chimneys and bricked up his fire-places because the almanac told him it was June was a wise man compared to those who throw off their coats in order to keep warm and encourage cheap labor in order to keep up high wages.

Let me repeat the proposition. If an industrial community insists upon being supplied with everything it consumes cheaper than it can be produced at home, there will soon be no work for that community to do. It must leave the country or starve. It was always a certainty that directly our workers realized the fact that the foreigners were taking the bread out of their mouths they would call for protection. Well, that time has come, and they do realize it. The instinct of self-preservation is awakened, and it is possible they may make it very hot for those who have so long been leading them astray from the paths of common sense. Industrial depression has been so long reaching wages that people began to fancy it would never reach them at all. But it has. The great industrial boom put it off ten years, but at last it has come.

The cause of the delay is very simple. Up to the present time the immense industrial capital of the country has stood between English and foreign workmen, and so long as that buffer remained the former did not feel the full shock



of the competition with cheap labor; now it is gone, and they are face to face with their enemy. First the employers lost their profits, then they lost their capital, and now at last the workers are losing their wages. The shoe is beginning to pinch, and the reaction has commenced. It was a certainty. The employer may manage to live without his profits; he may struggle on even if he loses half his capital; he has his political economy to console him; but when the workman loses employment he is done. No theories will help him then; he wants remedies, and very quickly, too. It is a case of work or the workhouse.

Under the head of "Near is my shirt, but nearer is my skin," he says:

In every industrial country in the world except England it is recognized that the first duty of the Government is to promote the employment of the people; in other words, to protect their industries. In every other industrial country but England the industries of the people are protected. Is it so certain that all the whole world is wrong and England only right? In every country except England it is allowed that the interests of those who both produce and consume are greater than the interests of those who only consume. In every industrial country out of England it is allowed that employment is of more importance than mere cheapness. In England alone it is maintained that cheapness is of more importance than employment. Are even free-traders infallible? Is there any doubt which is right? Employment gives the means of buying; cheapness does not give the means of buying.

The penny roll is now down to a halfpenny; and thousands of the unemployed would be much better off with the penny roll at twopenny if they had twopenny-halfpenny to buy it with. When a cry goes up from the unemployed in England it is met by an assurance from the Cobden Club that workmen are far worse off in foreign countries. The information I have gathered on this subject with much care satisfies me that this statement is absolutely untrue; that it is, in fact, the actual reverse of the truth. There is industrial distress in other countries, no doubt, but nothing like the industrial distress that exists in England. There is this immense difference: Other nations suffer chiefly from the results of their own overproduction, whereas England suffers from the overproduction of the whole world.

Under the title of "Cheap loaf No. 2," he says:

It is important for Englishmen to understand this one great fact, that a population of 34,000,000 of people inhabiting a country of 77,000,000 of acres, with all the resources of civilization and with the cheapest coal and iron in the world, with still working capital left, a good climate, a splendid seacoast, can with the greatest ease supply all its food and all its manufactured requirements, provided the people wish to work; if they won't work, *quæstio*; but they are like other workers all over the world: they will work if the conditions of labor are sufficiently favorable; if they are not, they will not work. The farmers will till their fields if they can make a profit by doing so; if they can not, they will let them lie fallow. Those who tell Englishmen they can not supply their wants in agricultural and manufactured produce tell them what is not true.

Our total imports (1879) were £378,000,000. If we were to return to the practice of common sense and of "civilized mankind," and admit duty free tea, coffee, cocoa, sugar, tobacco, that we can not produce at home, and put a high duty on all foreign luxuries, wine, spirits, and on all agricultural and manufactured produce that interfere with employment at home, we should, if the importation continued, relieve our taxation to the extent of £30,000,000 a year; or, if the importation ceased and we produced these articles ourselves, we should, without exaggeration, add £60,000,000 or £70,000,000 directly and indirectly to the wage-earning class of the community. Now, this is no exaggeration. The nightmare of one-sided free trade, in which England has been away every-thing and received nothing in return, is passing away. The sleeper is already half awake and asking himself uneasily, "Is this true or is it only a dream?" Alas! it is no dream. May the awakening be complete and soon; it can not be too soon.

Under the caption of "Necklace of Siva," he says:

From Cape Comorin to Cashmere the credulous Hindoo bows himself before the great god Siva the Destroyer. From the Land's End to John O'Grout's House the credulous operative bows himself before the great god Competition the Destroyer. The Siva of the Hindoo is a cruel god, adorned with a necklace of skulls, and propitiated with oblations of blood and human sacrifices. The Siva of the British operative is also a cruel god, adorned with a necklace of skulls and propitiated with the life blood of many millions of workers.

Of course, competition must come in this industrial world; but woe to those who add competition to competition till there is no place left for the worker. In the fierce struggle for gold and the fiercer struggle for life, the weak, of course, will go to the wall and get crushed and trodden under foot. All I ask of political economists is to devise laws that shall minimize the number of those that must fall in the industrial strife, not laws that multiply it. The greatest benefactor to industrial mankind is the legislator or economist who diminishes competition, and the greatest curse to industrial mankind is the one who artificially increases it. "But," say our instructors, "competition is not a cruel god that delights in a necklace of skulls," etc. Let us see. A wretched woman stitches shirts at 4d. a dozen, her very life all the time passing through her fingers into her work. "You must look alive, my good woman," says the slopmaster; "you must stitch a good deal harder than you have done if you wish me to employ you. I have been paying you 4d. a dozen for stitching these shirts, but now I find I can get them stitched as well in Belgium, Saxony, and Italy for 3d. per dozen. You must do them for 3d. a dozen or lose my work."

"But I can't stitch them for 3d. a dozen," answers the poor woman; "already I stitch sixteen hours a day, often more; my fingers are sore; I have to pay for my light and for my needles and thread, and all I can earn is 3s. 6d. per week. I will try to stitch cheaper, I will indeed; but for God's sake don't take away my work, or I starve." "I am very sorry," says the slopmaster, who realizes her misery, "but what can I do? Business is business; competition is so severe that I must have the cheapest labor. If shirts can be stitched for 3d. a dozen abroad I must get them stitched for 3d. a dozen at home or lose the trade." And so another skull is added to the necklace of Siva. The same with chainmakers or nailmakers. "Now, then, my man," we say to the foreman or gangman, "you must make these women and children of yours work harder than they have been doing. I find I have been paying you too much. I can get the work done cheaper abroad." "But," says the gangmaster, "I can't get any more work out of them. I work them as long as the law allows me, and longer, too; and if you look at them I think you will see by their appearance that I do not allow them to waste their time."

"Well, I don't know anything about that; all I know is that unless you can supply me with chains and nails cheaper than you have done I shall be obliged to buy my chains and my nails abroad." And so there is another turn of the screw and more skulls added to the necklace of Siva. Sooner or later the competition for cheapness becomes competition in cheap labor, and competition in cheap labor means competition in flesh and blood. Flesh and blood is plenty, pennies are scarce, and therefore the holders of the pennies have the game in their hands. They get a great deal of flesh and blood for their pennies. And then flesh and blood has no claim on them; they have not to replace it. You buy your horse, and if you work him to death you must buy another, but you do not buy the women who stitch your shirts, or your chain-makers, or your

nailmakers, or those who make cheap clothes in the sweating den. They cost you no money. If they worked themselves to death it is no loss to you; a hundred others are always ready to take the vacant place. When men, women, and children can work no more they go to the hospital or the workhouse to die, probably to many of them the happiest hours of their poor, joyless lives, to learn, perhaps, alas, too late, that there are conditions under which life is worth living. But does it signify? Who cares?

"Rattle his bones over the stones;  
He's only a pauper, whom nobody owns."

It's only a few more victims on the altar of competition, a few more skulls added to the necklace of Siva. This is not the fault of the employers of labor. They may be, and very likely are, as kind-hearted as their neighbors, but they have no choice. It is the fault of those vain theorists who have artificially stimulated competition until the conditions of labor have become fatal.

In his essay on "General employment" he says:

The prosperity of an industrial community like England may be summed up in the two words, general employment. General employment means contentment, sobriety, self-respect, and the general progress and improvement of the working classes. The want of it means the very reverse of all this. General employment is of far greater importance to an industrial community than cheap food; the cheapest food will be dear if there are no earnings wherewith to purchase it. It is of far more importance than cheap luxuries. It is of far more moment to the community that the producing class should have general employment, should be able to earn wages to keep themselves and those depending on them in health, comfort, and respectability, than that the owners of realized and fixed incomes should be able to buy their luxuries at a somewhat cheaper rate.

Under the title of "Is England to go out of tillage?" he says:

"Are you appraised," said Grattan, ninety years ago, in one of his magnificent orations, "that the population of Ireland is not less than 6,000,000, and that a great proportion of that number are people connected with tillage? If you go out of tillage, what will you do with that population?" We can answer Grattan's inquiry. Since he spoke one-third of Ireland has gone out of tillage and one-third of her population has left the country; and at her present rate of decrease a few years will see one-third of England also gone out of tillage and one-third of her population leave the country. England and Ireland are going out of tillage. That is the terrible truth I wish to bring home to the conviction of all thinking people. Why are they going out of tillage? For the very simple reason that tillage does not pay, because the value of the article produced is not equal to the cost of producing it.

Under the title of "Sham" he says:

After all, the whole question with the working classes is one of wages. What on earth do they care for theories of political economy, for Adam Smith, or Mill, or Cobden, or Bright, except as guides to a "better land?"

The cost of agricultural produce is everywhere more than anything a case of wages, and when we are urging our agricultural classes to produce corn as cheap as it can be produced in India, in America, Wallachia, Egypt, Turkey, Poland, etc., we are urging them to do what, with their present rate of wages, is impossible. In India, agricultural wages are 1d. a day; in Turkey, Egypt, the shores of the Baltic, about 3d. or 4d. In America and Canada daily wages are very high; but agricultural labor is only employed four months in the year. The farmer only employs labor to plow and sow the seed and harvest the crop. Directly harvest is over he sends his corn to the nearest depot, locks up the farm, and all hands, himself very often included, go off into the forest lumbering till summer comes again. We say to our farmers, "You must grow wheat in competition with Poles, Turks, ryots, fellahs, Wallachians." Suppose they were to answer, "Well, we can do so if we have labor at 1d. a day," what would our economists say then? They want to have their cake and to eat it too. They want high wages and cheap produce, but this is impossible.

And under "Shrinkage" he says:

Now, what do the working classes really want? They want their industrial lives to be brighter, gay, more hopeful, less laborious; they wish to be protected from excessive competition; from the competition of underpaid labor; from competition that makes their industrial life intolerable to them, that lowers their wages, lengthens their hours of labor, destroys their industry. What a sham it is to tell the agricultural laborer he should have 20s. a week, and at the same time to make him compete with the ryot of India, who gets 2s. a week, or with the fellah, who gets 3s. What a sham to tell the poor needlewoman she ought to get 1s. a dozen for stitching shirts, and at the same time to make her compete with the Swiss, or Saxon, or Belgian, who will stitch them for 3d. a dozen. The working classes want protection to wages, protection to labor, protection to industries, protection from "rings" that artificially increase the price of meat, and fish, and bread; protection from adulteration, from false weights and measures; they want a tender poor law for the old, the infirm, those who can't work, a hard one for the able-bodied loafers who won't work. They want free elementary education. They want technical education, agriculture, horticulture, farriery, natural history, taught in every school of the country. What the country requires is legislation that will before all things and in every way encourage and stimulate the employment of the people; that will not, if possible, allow a single industry to be crushed out; that will promote the distribution of wealth instead of the accumulation of wealth.

In France, Germany, and America, protection argues thus: "We have large populations, amounting to from 35,000,000 to 50,000,000. Every individual of this population has to be fed and clothed and housed and supplied with necessities and luxuries. This constitutes an immense home market. If we keep it as much as possible to ourselves, stimulate supply to keep pace with increasing population, exclude foreigners, our workers will find employment, our money will be employed at home and will fructify at home; whereas, if we invite foreign supplies into our markets, our money will go abroad to pay foreign labor and our workers will be thrown out of work." This is what the economists, the statesmen, the thinkers, the workers, all say in France, Germany, Belgium, America. They proclaim aloud that home trade is ten times more profitable to the community than foreign trade, that employment is of ten times greater importance than mere cheapness. Home trade, they say, is the citadel of national wealth and prosperity. Foreign trade is the outworks; we will protect the citadel first of all. "Hang the outworks," say our free-traders; "let that look after itself; we will protect the outworks;" and so the citadel of home trade is neglected in favor of the outworks of foreign trade, internal production and consumption are put on one side in favor of exports and imports. But, in the words of Cicero, "*Urbem proditiis dum castella defenditis*,"—you may lose the city while you defend the outworks,—and we have done so.

In England we have actually reversed the practice of all other nations. We also have a magnificent home market, a population of 34,000,000, great eaters and drinkers and consumers, every one of whom has to be fed, to be clothed, and housed; but instead of keeping this splendid market to ourselves we hand it over to the foreigner. "Come over and supply us," we say. "Certainly," they reply, "but remember you must not come over and supply us." We not only admit them to our markets on equal terms, but we actually offer them

special advantages in the way of cost or transit to come over and supply us. Was there ever such a case of national madness, of industrial suicide?

Every year our population increases, every year their consumption of everything increases, every year our production diminishes, every year we spend less money on production at home and spend more money on production abroad. Are we mad? I think so. It is well the country should realize, if in the ominous murmur of approaching revolution she can realize anything, that the process of industrial shrinkage that is now going on is universal. It affects every industry, manufacturing and agricultural, almost without exception. England is bleeding at every industrial pore. Foreign trade profits individuals, home trade profits the whole community. The money that is turned over once in foreign trade is turned over ten times in home trade. Foreign trade enriches the dealers, home trade enriches the producer. A dozen or so great bankers and brokers and financiers and foreigners and dealers in money are now making money, but all the rest of the community are losing it.

The Senator from Indiana proposes, as a remedy for the existing depression of the agricultural interests of this country, a policy which has been the cause of the destruction of the agricultural interests of Great Britain and of all the misery and wretchedness so vividly and truthfully portrayed by the writer of the foregoing extracts.

But, for fear that it may be claimed that the distress in England has been overdrawn by Mr. Sullivan, I will quote briefly from an official report to the same effect.

I am indebted for it to the speech delivered in the Senate on the 16th of October, 1888, by the junior Senator from Wisconsin [Mr. SPOONER]. The report I refer to is a report from a commission that was appointed on the 29th day of August, 1885. On that date Victoria, "by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, defender of the Faith," issued a commission to certain "trustworthy and well-beloved counsels and counselors" and others, numbering twenty-six, the Earl of Iddlesleigh being the first and the Earl of Dunraven being the second, the object whereof is set forth in the commission, as follows:

Whereas we have deemed it expedient that a commission should forthwith issue to inquire and report upon the extent, nature, and probable causes of the depression now or recently prevailing in various branches of trade and industry, and whether it can be alleviated by legislative or other measures.

Sir James Caird, the senior land commissioner for England and a great authority, testified before the commission to the continual depression and ruin among the agricultural classes of England. After giving the result as to the different countries, he was asked:

Have you made any generalization of the result?  
Answer. Yes, I have. The present as compared with ten years ago as deduced by me from these figures, which I have already given, would show on an average that the landlords have lost 30 per cent., the tenants 60 per cent., and the laborers 10 per cent., and putting that into figures, it brings out that on 265,000,000 of rental for the United Kingdom the landlords' loss of 30 per cent. would be equal to about £20,000,000, and the tenants' 60 per cent., inasmuch as their income may be taken at half the rental, would be just the same; that is to say, 60 per cent. on half the rental is also £20,000,000. With regard to the laborers there was a difficulty in estimating the amount of reduction, but I will place before your lordships the way in which I endeavored to arrive at it.

The following is from the final report:

With very few exceptions trade is reported to be depressed, and in many cases it is considered to be more depressed than at any previous period. The number of workmen out of employment at the time when the answers were drawn up showed considerable variation according to the districts and trades to which they belonged, but there appears to have been a greater want of employment among the unskilled than among the skilled workmen. The rate of wages for time work appears on the whole to be slightly higher than the average of the last twenty years, but it is not now at its highest point. The rate for piecework has diminished for nearly all cases. A reduction is reported in hours of work of from three to four hours a week during the last fifteen years. Both the quantity and the quality of the work produced have largely increased. Summarizing very briefly the answers which we received to our questions and the oral evidence given before us, there would appear to be a general agreement among those whom we consulted—

A. That the trade and industry of the country are in a condition which may be fairly described as depressed.  
B. That by this depression is meant a diminution and in some cases an absence of profit, with a corresponding diminution of employment for the laboring classes.  
C. That neither the volume of trade nor the amount of capital invested therein has materially fallen off, though the latter has in many cases diminished in value.

D. That the depression above referred to dates from about the year 1875, and that, with the exception of a short period of prosperity enjoyed by certain branches of trade in the years 1880 to 1883, it has proceeded with tolerable uniformity and has affected the trade and industry of the country generally, but more especially those branches which are connected with agriculture.

As regards the causes which have contributed to bring about this state of things, there was, as might be expected, less unanimity of opinion, but the following enumeration will, we think, include all those to which any importance was attached:

First. Overproduction.  
Second. The continuous fall of prices caused by the depreciation of the standard value.  
Third. The effect of foreign tariffs and bounties and the restrictive commercial policies of foreign countries in limiting our markets.  
Fourth. Foreign competition, which we are beginning to feel both in our own and neutral markets.  
Fifth. An increase in local taxation and the burdens of industry generally.  
Sixth. Cheaper rates of carriage enjoyed by our foreign competitors.  
Seventh. Legislation affecting the employment of labor in industrial undertakings.

Eighth. Superior technical education of the workmen in foreign countries. Those who may be said to represent the producer have mainly dwelt upon the restriction and even the absence of profit in their respective businesses. It is from this class, and more especially from the employers of labor, that the complaints chiefly proceed. On the other hand, those classes of the population who derive their income from foreign investments, or from property not directly connected with productive industries, appear to have little ground of complaint. On the contrary, they have profited by the remarkably low prices of many commodities.

We may therefore sum up the chief features of the commercial situation as being:

A. A very serious falling off in the exchangeable value of the produce of the soil;  
B. An increased production of nearly all other classes of commodities;  
C. A tendency in the supply of commodities to outrun the demand;  
D. A diminution in the profits obtainable by production; and  
E. A similar diminution in the rate of interest on invested capital.  
The diminution in the rate of profit obtainable from production, whether agricultural or manufacturing, has given rise to a widespread feeling of depression among all the producing classes. Those on the other hand, who are in receipt of fixed salaries or who draw their incomes from fixed investments, have apparently little to complain of, and we think that so far as regards the purchasing power of wages a similar remark will apply to the laboring classes.

We are disposed to think that one of the chief agencies which have tended to perpetuate this state of things is the protectionist policy of so many foreign countries, which has become more marked during the last ten years than at any previous period of similar length. The high prices which protection secures to the purchaser within its protected area naturally stimulate production and impel him to engage in competition in foreign markets. The surplus production which can not find a market at home is sent abroad, and in foreign markets undersells the commodities produced under less artificial conditions. The natural growth of the industries of foreign countries, possessing in many cases the population and other resources required for successful manufacturing enterprise, has also contributed to produce the same result.

We have, as above pointed out, suffered a serious loss in our purchasing power by reason of the deficient or unremunerative character of the produce of the soil. Sir James Caird estimates the loss in purchasing power of the classes engaged in or connected with agriculture at £12,800,000 during the year 1885, and the loss in several of the preceding years must no doubt have been equal to or even greater than this. This amount has been lost to the markets in which it was formerly agent, and can not fail to have had an important influence upon the demand for manufactured goods.

All the colonies of England which have the power to do so have repudiated free trade and adopted a protective system. Under protection the condition of the Canadian Dominion has wonderfully improved. She calls the system "the National System." She follows the example of the great Republic, and hopes to secure under that policy some measure of the prosperity we enjoy. Australia is also demonstrating the wisdom and benefits of a protective policy. Her industries, which languished under free trade, are to-day flourishing under a tariff which protects her people against the manufacturers of Great Britain. All this could not take place without creating doubts, not only among the 30,000,000 workers, but among the privileged classes of Great Britain, as to the wisdom of free trade; and, as I have said, the sentiment there in favor of protection is to-day strong and rapidly growing.

Injurious as free trade has been to England, it has been far more so to her colonies, where they have had no power to set up barriers against her commercial policy.

#### IRELAND AND INDIA.

Ireland and India illustrate the ruinous effects of free trade. The squalor and wretchedness of the masses of Ireland exceed that of any other civilized people on the face of the globe. Her people flee from her borders into exile to escape starvation; and yet Ireland is a fertile and productive country, possessing abundance of resources, if developed, to sustain all her people in comfort and even luxury. Her people are naturally industrious and economical. Ireland, under a protective system, has been made to bud and blossom as the rose and her people to prosper. Under such a system contentment, happiness, and good order reigned. All her poverty and all her woes to-day can be traced to the commercial policy of Great Britain. A writer, discussing the processes by which Ireland has been impoverished, says:

Ireland has an extremely rich soil and is pre-eminently adapted to the raising of cattle, sheep, and all kinds of grain. She has the richest pasture land in Europe, has an abundance of cheap fuel, is rich in mineral resources, and has many of the finest natural harbors in the world.

The Irish, at a very early date, devoted their attention to the raising of cattle for English markets. In the seventeenth century it became a very lucrative business and the first great source of Irish wealth. But Parliament, in obedience to the demand of England landlords, passed a law prohibiting the importation from Ireland of all cattle, sheep, and swine, of beef, pork, bacon, mutton, butter, and cheese.

The source of Irish industry having been destroyed, the Irish having a few ships built others and betook themselves to commerce, establishing a large and flourishing trade with the colonies, with the East and West Indies and the continent. But again England interfered, and Parliament, to please English shipbuilders and traders, passed the celebrated navigation laws, prohibiting the Irish from carrying on trade with the colonies, and thus Ireland's flourishing colonial trade was cut off and forever destroyed.

Ireland was now completely at England's mercy. Forbidden to raise cattle for English markets, forbidden to build up a merchant marine, forbidden to trade with other nations, they were still determined to live on the beautiful soil God had given them. Though crushed in spirit and discouraged they still had the indomitable pluck so characteristic of the Irish race, and they turned their attention to the raising of sheep and manufacturing wool, and it soon became a flourishing industry. "Irish wool," says Froude, "was the finest in Europe, and Irish cloth was eagerly sought after." All were for a time prosperous, but England became alarmed and jealous at Ireland's prosperity, and Parliament again crippled them by prohibitory laws.

The Irish wool industry was wiped out and the ruin was absolute and complete. At the time of the destruction of the woolen industry it afforded employment to fifty thousand families. They were thrown upon the land; rents rose to a ruinous state; thousands had no employment, and those who had work earned only their board. Many emigrated to America.

What did the Irish do next? They developed their fisheries, but as the industry became profitable they were once more pounced upon by England, and the poor Irish fisherman, blessed with an abundance of fish in his own waters, was by statute compelled to fish in English ships manned by English sailors. No wonder the spirit of the people was for a time broken—their commerce swept from the seas, their manufactories closed, their operatives perishing from want and famine, or fleeing to other countries to find a home.

But soon after, a few leaders came to Ireland's rescue. Grattan, Flood, Charlemont, and others worked for this downtrodden people. The Irish Volunteers with Grattan, supported by Flood, made demands of England which were granted, and once more Ireland was free. One of the first acts of the newly



enfranchised legislature was to introduce measures for the protection of Irish industries by placing heavy duties on all imported goods. Then sprung up a wonderful spirit of enterprise, and soon Ireland's industry and prosperity was the greatest she had ever known. The island was dotted over with busy hives and marts of industry. Her ports were alive with commerce, her ships visited every sea, her flag floated in every port, her people were peaceful, contented, and happy; landlord and tenant were alike satisfied.

There was a ready home market for produce, and a continually increasing demand for the wares of the manufacturer. The laborers had steady employment at high wages; they were well fed, comfortably housed, and decently clothed. This was Ireland under "protection." But, alas, it could not last long. English monopolists and landlords could not brook such growing prosperity. Pitt came upon the scene, and by one of the foulest acts known to history Ireland was drawn to England, and England's free trade was forced upon her. Thus again was Ireland robbed of her prosperity. English manufacturers glutted the Irish market, undersold them, crushed them. Five million of operatives were thrown out of work. Almost all manufacturers closed their doors and sought elsewhere a living.

According to the Government report, in 1892, the first year of English free trade under the "act of the Union," there was a population of 8,000,000; employed, 2,000,000; unemployed, 6,000,000. Those without work had to seek it somewhere, and many, as in 1699, went upon the land. Rents rose from one pound to ten. There being no home consumption, the price of produce fell almost to nothing. The tenants could not pay the rent; the landlords were bankrupt; the whole island was in gloom and despair. Then came the famine, with all its horrors; whole families lay down and died. Over 2,000,000 perished by famine and 2,000,000 more came to America. And so it has continued to this day.

Ireland is a down-trodden country, and Irishmen at home are suffering want and poverty and degradation, and simply for the want of self-government and the right to adopt and maintain a protective policy.

Free trade was forced by Great Britain upon British India, and her extensive manufactures were annihilated, her factories dwindled away, her commercial activity was destroyed, her agriculture impoverished. In short, like a blight, free trade blasted and scorched her prosperity, made her a producer of raw materials for English manufactures, and bound her people in abject and hopeless commercial servitude to English masters.

#### FRANCE.

France has had for three-quarters of a century a protective system, and by her tariff laws the importation of many articles is absolutely prohibited, and as to others her duties are prohibitory. Her tariff is so comprehensive in its character that the smallest industry is protected and the largest not neglected.

#### GERMANY.

Germany, on account of the alarming depression of many of her industries, was compelled to adopt a protective policy. A little over a decade of protection has there produced the same beneficent results that it has always produced elsewhere; new life has been infused into old industries; new ones have been prosperously inaugurated; wages have advanced, and the condition of her laboring people has been greatly improved.

I do not believe a case can be found of any civilized country which has tried the protective policy whose prosperity has not been materially increased thereby, and I do know that, judging by the standards by which the people of a Republic measure prosperity, there is not a civilized country on the face of the globe whose material interests have been advanced by free trade.

#### THE INDUSTRIES OF THE COUNTRY ARE AT PRESENT IN THE HANDS OF THE FRIENDS OF THE PROTECTIVE SYSTEM.

Whatever is done by Congress at this session, and as long as the Republican party has a majority in either branch of Congress, will be in accordance with that policy. The friends of protection, however, ought not to be forgetful of the position of the Democratic party upon the tariff issue or unmindful of the consequences of a victory which would enable them to put those theories into practice. A good illustration of the difference between the policies of the two parties is afforded by the manner in which they propose to treat two important productions of the country.

#### WOOL AND SUGAR.

The Senator from Indiana and the party to which he belongs propose to put wool on the free-list and to maintain a heavy duty upon sugar. The Republican party proposes to maintain and strengthen the tariff on wool and to reduce or remove the tariff on sugar.

What would be the effect of putting wool on the free-list?

President Cleveland, Mr. Manning, and Mr. Mills all said it would make wool cheaper, and they justified their attempt to put it on the free-list by the assertion that it would make clothing cheaper. But some demagogues, during the last Presidential campaign, at least in Oregon, undertook to make the people believe that removing the duty would not decrease the price.

What fixes the price of wool? The same law that fixes the price of any other commodity: the law of supply and demand. The wool clip of the world and the demand of the world govern the price of wool in London, the great wool market; and the price in the United States is fixed, and has been for the last quarter of a century, by the London price, and has always been the London price with the cost of transportation and duty added, except when the customs laws have been avoided and wool imported at an undervaluation. Every time the price of wool has gone down in London it has gone down in this country, and the only reason that it has not gone as low in this country as in London is that our tariff prevented its importation.

There has been no free wool since the year 1816. Duties were in-

creased in 1830, and this was followed by an advance of over 5 cents per pound in the average price of American wool. From 1833 to 1842 the tariff was systematically reduced each year. When this reduction began the price of wool was 61 cents per pound, and when it ended the price was 43½ cents, and the tendency of prices was generally downward.

When the tariff was reduced in 1883 wool in the United States fell, in anticipation of the admission of foreign wools under the new tariff, 5 cents per pound, although the reduction in the duty was less than 2 cents per pound.

It is apparent to every thinking person that wool-growing in the United States would be doomed should wool be placed on the free-list or the tariff on imported wool reduced. Consider the magnitude of the loss which would ensue. It is estimated that in the United States there are 700,000 wool-growers, employing 500,000 additional men as assistants. The most of these men have families, and there are probably 4,000,000 persons interested in the industry, about one-fifth of our entire population. There are probably 150,000 more owners of small flocks. These wool-growers own 700,000 farms, averaging 160 acres of land, or 112,000,000 acres in the aggregate, portions of which are too rough to be cultivated, but are valuable for sheep-raising.

The effect of putting wool on the free-list would be to make wool-growing unprofitable. It would render unproductive the rough and poor portions of these seven hundred thousand farms now used for grazing sheep; it would decrease the value of the sheep and of the wool clip; it would decrease the wages paid to the employes and deprive the farmer of his profit. I have seen this loss put in this way:

Depreciation of the value of land, \$2.50 per acre.....	\$280,000,000
Depreciation of the value of labor.....	25,000,000
Depreciation of the value of sheep.....	25,000,000
Depreciation of wool.....	25,000,000
Total.....	355,000,000

The loss on account of the price of wool would be an annual and continuing loss.

The free-traders assert that if wool is placed on the free-list our manufacturers can make their goods cheaper and send them into foreign markets and successfully compete with foreign manufacturers, but before they can do this we must supply ourselves, which we have not yet done. In 1887 we imported \$45,000,000 worth of woolen goods, which not only bore the cost of transportation but paid the duties. In the year ending June 30, 1898, we imported nearly \$50,000,000 worth of woolen goods. Before we can supply the markets of the world we must supply our own market, and to do this we must reduce the price below the cost of woolen goods now sent to our country from abroad, and in addition pay the transportation to distant countries. This we can never do and pay existing wages to the laborers who make the goods and existing prices to farmers who produce the wool.

The free-traders, while industriously endeavoring to make the farmer believe that he is unjustly taxed by a protective tariff, are seeking to put wool on the free-list, which is one of the principal sources of revenue to the American farmer. Who demands this sacrifice? Not the wool-growers; not the farmers; not the manufacturers, who, with few exceptions, are in favor of according the wool-grower the same protection enjoyed by themselves. No organization, no class of citizens engaged in industrial pursuits, demands it. It is proposed to sacrifice this great industry for a theory, upon the theory that the members of the Cobden Club know better what is to the advantage of the farmers of the United States than they know themselves; that the sugar and cotton planters of the South know better what is good for the laboring men of the North than they know themselves.

It is said free wool will reduce the price of clothing. So far at least as the price of the poor man's clothing is concerned this is untrue. Clothing is cheaper to-day in the United States than ever before in the history of this country; the laboring man can now buy more and better clothing with the product of a month's labor than ever before. The fact is that the domestic competition in a nation of 60,000,000 of people, with skilled artisans, with improved machinery, and a long and constant demand of the best market on the face of the globe, has reduced the cost of plain clothing to the lowest living prices. But consider how trifling the effect of the tariff on wool must be on the price of a suit of clothes. There are from 3 to 5 pounds of wool in a suit of clothes. The average duty is, say, 10 cents per pound. The price of the wool in a suit of clothing would, until our wool industries were destroyed and our sheep driven to the slaughter-pen, be decreased from 30 to 50 cents per suit, but as soon as our wool industry was destroyed it would be largely increased.

The fact is that the wool which is in a suit of clothes is but a small part of its cost. After the wool is prepared for market by the grower there is the home buyer with his commissions, the wool broker with his charges, transportation, storage, insurance, the manufacturer of the cloth, the profits of the wholesale and retail merchants who handle the cloth before it reaches the manufacturer of clothing, the manufacturer of the clothing, the wholesale merchant and the retail merchant who sell the clothing, with their profit. Undertake to trace this 30 or 50 cents reduction in the price of the wool which is used in making a suit of clothes from the wool-grower until it comes back to him in clothing.

and how much would be returned to him? You might as well expect to irrigate your garden by pouring a pail of water on a mountain top 10 miles away as to expect to see the visible effects of cheaper wool under free trade in cheaper clothing. Then only a small proportion of the laborer's wages is expended for woolen clothing.

No complaint has ever been heard from the laboring man about the price of clothing, and American laborers and their families are better clothed to-day than ever before in the history of this country, and better than the laboring men of any other country on the face of the earth at this or any other time in the history of the world. The crusade against the protective tariff on wool is conducted by the free-trader upon a deceptive plan. He tells the farmer that free trade will increase the price of wool and benefit him; he assures the manufacturer that it will decrease the price of wool and benefit him; the laboring man that it will cheapen clothing by foreign importation, and the manufacturer that he can make goods cheaper and thus keep out the foreigner and be enabled to find a market abroad; while at the same time importers and foreign manufacturers are intriguing and subscribing funds to place wool on the free-list. If they succeed some one will be cheated, and it will not be the importers or foreigners. Clothing will not be perceptibly cheapened. The power of the farmers and laboring men to purchase will be reduced, the demand for home consumption diminished, foreign importations greatly increased, and home production decreased.

For a period of nearly forty years a heavy duty has been imposed upon imported sugar in the interest of the sugar-planters of the South. More than a thousand millions of dollars has been during that time paid by the consumers of sugar in the United States to swell the profits of sugar-planters, who for a portion of the time raised their cane and manufactured their sugar with slave labor, and since the war, owing to the peculiar conditions in the South, have carried on business with the poorest paid labor in the United States, and yet the production of sugar in the United States is chiefly carried on in Louisiana, and is now only about half as large as it was in 1862. The tariff has not, owing to the peculiar conditions in the South, developed the sugar industry in the United States, and to-day, while we consume one-fourth of the sugar manufactured in the world and more than one-fourth of our entire revenue from customs duties is derived from the duty on sugar, we raise less than one-tenth of the sugar we consume.

How can we account for the fact that the advocates of tariff reform propose to place wool, lumber, vegetables, fruit, and other articles, the production of Northern States, upon the free-list and to retain the enormous duty on sugar? Is it because the sugar industry is an industry of the South, the support of which is indispensable to the Democratic party, that Louisiana demands protection for it, and the Democratic party, North and South, dare not refuse to comply with her demand? There can be no other conclusion.

In order to reduce the surplus \$5,000,000 and to reduce taxation, if it be admitted the consumer pays the duty, 8½ cents per capita upon an estimated population of 60,000,000, the Democratic party proposes to put wool, which is a profitable industry in almost every Northern State, upon the free-list, in order to sustain a tax of \$58,000,000 upon imported sugar, which is a necessity to every household in the Union, and thus taxing, if the duty be a tax upon the consumer, all the people of the United States 96½ cents per capita annually to protect a few sugar-planters in Louisiana.

The duties paid upon imported wool have averaged about 41 per cent.; the duty on sugar as the law now stands is 83 per cent.

There is another thing in this connection worthy of note. The wool industry not only is an important industry in nearly every Northern State, but it gives employment to white laborers, to the laborers who are not only citizens of the United States in name, but in fact, who are independent and intelligent, whose votes count for as much in the control of public affairs as the votes of the millionaires (men who work or decline to work, as interest or caprice dictates), men who constitute the very foundation upon which the superstructure of our political fabric rests: the farmer, the herder, and the shearer, who all share in the profits of the business.

But the profits of the sugar industry in Louisiana and other Southern States go alone to the planters. The men who plant and cultivate and harvest and crush the cane are free only in theory, they are citizens only in name, they enjoy only such civil rights as the dominant class chooses to accord to them. As to political rights, they are permitted to exercise none where their votes would affect the result. They must work for such wages as are offered. They are not even allowed, in many cases, to freely dispose of the wages earned. They are compelled to take it in barter, and, between low wages, excessive profits of the planter, and interest paid to the employer, the laborer receives only starvation wages. If they combine for an improvement of their condition, strike for better wages, they are forced into submission.

The protection afforded by the tariff on imported sugar, on account of the peculiar social, business, and political condition of the South, is in no sense a tariff to protect American labor, but a tariff which taxes 60,000,000 of people at the rate of nearly \$1 per capita annually to enrich a few men, many of whom tried to destroy the Union in order to construct upon the ruins of the fabric a confederacy the corner-stone

of which should be slavery and free trade, and who now, disregarding the Constitution and laws of the United States, are depriving the former slaves of their political rights and have reduced them to a condition little better than slavery.

Let me make another suggestive comparison. The bulk of the cane sugar is raised in Louisiana; all the balance of the domestic product is raised in two or three Southern States. It is all the product of the South. There were in 1887 only 9,241,410 sheep in the thirteen Southern States; of these, 4,761,831 were in Texas. The total number of sheep in the United States is 44,759,314. The total number of sheep in the Southern States is only about one-fifth of the whole number in the United States. The three Pacific Coast States have more sheep than the thirteen Southern States. New Mexico has nearly as many sheep as Texas, while California exceeds Texas by about 2,000,000.

#### THE SURPLUS REVENUE.

The surplus revenue has been exaggerated—magnified for political purposes—to advance the free-trade policy. For this purpose appropriations demanded by public necessity and in the interest of economy have been withheld. Money has been hoarded in the vaults of the Treasury or deposited with favored banks which should have been used in carrying on public improvements and paying off the interest-bearing debt. In some remarks I made in the Senate on December 21, 1887, I called attention to the fact that the surplus revenues were being overstated and to some objects of national and public importance to which the surplus could be profitably applied. If Congress had then adopted a policy which would have distributed among the people the surplus revenues, after providing for the sinking fund, by expenditures for the improvement of rivers and harbors, the erection of necessary public buildings, the survey of the public lands, and the construction of coast defenses, it is more than probable that the present stringency of money and consequent depression of the farming interest would not have arisen.

The senior Senator from Connecticut [Mr. HAWLEY] the other day presented in the Senate a statement of the estimated probable revenues and appropriations for the next fiscal year. I will incorporate it in my remarks. It is as follows:

Estimated revenues, \$450,400,000. That includes post-office revenues. *Per contra*, probable appropriations, exclusive of deficiencies, \$323,080,000; permanent appropriations, including sinking fund, \$101,600,000; probable deficiency—a guess, but a guess from the best judges of what it will be—\$31,000,000. That makes on the other side \$455,680,000. But add proposed appropriations reported to the Senate and not included in probable deficiency—return of direct tax, \$17,500,000, which we have passed and sent to the other House; Blair bill, \$7,000,000; French spoliation claims, which the courts have adjudged that we owe, and we owe as truly as we owe our board bills, \$1,742,000; naval ships, \$7,000,000; increased pensions, \$35,000,000, as the committee has told you here. This aggregate makes \$98,242,000, and added to \$455,680,000 it makes proposed appropriations \$553,922,000. The estimated revenues being \$450,400,000, there is in view a probable deficit, if that be anything like truth, of \$73,442,000.

This statement does not include all the proposed appropriations. On the other hand, the Blair bill has probably been defeated for this Congress, and it is not likely that some of the other appropriations will be made, at least to the amount stated. But some of them will be, including the item for pensions, and it is possible that some of the estimates will be exceeded. These figures are worthy of the attention of those who are immediately intrusted with the tariff legislation, and of those who are demanding a great reduction of the revenues.

#### HOW ARE PENSIONS TO BE PAID IF THE TREASURY IS DEPLETED?

The Senator from Indiana, after advocating a revenue policy which would inevitably impoverish the country, empty the Treasury, and prevent any further increase of pensions and of the list of pensioners, and after enumerating certain measures which he supposed would remedy the existing agricultural depression, said:

In the interest of the farmer I would add a liberal policy of pensions.

And adds:

But for the large sums which for years have been distributed by the Pension Office, and thus reached nearly every neighborhood in the United States and gone into general circulation, the present financial crisis among the farmers and laborers would have come at an earlier day.

I am, the party to which I belong is, and the members of the Senate on this side of the Chamber are in favor of recognizing the just claims of the men who, when the Union was assailed, the national existence threatened, and republican institutions were imperiled in the interest of human slavery, carried the flag to victory, overthrew the great rebellion, and saved the Union. We are in favor of caring for them in their old age and decrepitude, and for their widows and orphans, not as a charity to them, but as the discharge of an obligation. Their necessities and just claims should be the measure of our response to their demands. Whatever is just, whatever is equitable, whatever is dictated by patriotism and grateful recognition of the services of the Union soldiers, should be done, even if it should become necessary to increase taxation and the public debt.

But it appears to me that the argument that distributing the public revenues among the people in the way of liberal pensions is a public blessing, is the weakest of all the arguments in favor of pensions. The same argument may be made in favor of other expenditures of the revenues for public purposes. The Republican party, while it favors just and liberal pensions for the Union soldiers and would discharge every obligation to them and to those dependent upon them, is in favor of maintaining sufficient revenues to enable the obligations of the Gov-



ernment to them to be met, knowing that if large disbursements are to be made for pensions the ability of the Government to meet them must be maintained.

#### RIVER AND HARBOR IMPROVEMENTS.

This reference to the suggestion of the Senator from Indiana, of liberal pensions for the relief of the farmer, is made in part as an introduction to something I desire to say in regard to another expenditure of public moneys, which not only distributes them among the people, and thus benefits the farmer, but is of direct and lasting benefit to the farmers and producers of the country, but which, like increased appropriations for pensions, can not, or at least will not, be made unless the Government maintains a tariff policy which affords a sufficient revenue for the purpose. Already what is termed the extravagance of Congress, both in regard to pensions and appropriations for rivers and harbors, is being denounced in and out of Congress, and it is evident that the condition of the Treasury is to be used as an argument against large appropriations for these purposes.

How does the improvement of rivers and harbors benefit the farmer? Experience has demonstrated that water routes are the only effectual cheapeners and regulators of railroad charges. The tendency is to the consolidation of railroad lines; and what are intended as competing lines of railroad when constructed often become parts of existing systems, and, instead of cheapening freight charges and proving beneficial to the farmers and consumers, only add to their burdens. But wherever railroad lines come in competition with free and unobstructed water ways no combination is possible, and the cheapest water transportation becomes the rate for transportation by rail as well.

The cost of transportation is an onerous tax upon producer and consumer, and it is the part of wise statesmanship to endeavor to reduce it to the minimum by improving and utilizing the great water ways which nature has abundantly provided for us in such a way as to promote the freest competition in our internal carrying trade. We have a grand system of water transportation, which is already of incalculable value to the people, which should be adequately improved by the General Government. It is time we realized that we have a great country, great in territory, in resources and possibilities for the future, and by wise legislation help to lay broad and deep the foundations of our future prosperity.

The farmers and producers have come to understand—at least in the State I have the honor in part to represent—that the money expended for the improvement of rivers and harbors is spent directly for their benefit; that river competition and improved harbors will lessen the cost of transportation, and that whatever does this increases the price of everything they have to sell and lessens the cost of everything they have to buy. They have learned by disappointing experience that insufficient appropriations, instead of being economical, are wasteful and extravagant. The less the cost of transportation the more the producer receives.

The market price is composed of, or at least represents, two elements: the cost of production and the cost of delivery; and often the cost of transportation forms a large part of the commercial value of the product at the place of consumption. Unfortunately for the farmer who produces the wheat and the wool, the market price of wheat and wool is not fixed by the cost to him of the production and of transportation, but he must compete in the foreign market with the wheat and wool growers of other countries, and even in the home market with foreign wool. He can not control the cost of transportation. He must be content to receive for his labor and the use of his capital what is left of the selling price of his product at the place of delivery after the cost of transportation is paid, whether it is fair compensation or not. Low rates of transportation not only benefit the producer and the consumer, but stimulate production, develop the resources of the country, increase the amount of transportation, and increase the individual and aggregate wealth of the country.

If time would permit I could show, in like manner, how a protective policy which stimulates industry and gives employment to labor drawn from agriculture, and thus in manufacturing pursuits lessens competition to the farmer and at the same time furnishes him a market for his surplus products, supplies the Government with revenues, and enables it to undertake public works which directly and indirectly benefit the farmer.

Take one instance more. Once the Government relied to a great extent for current expenditures upon the proceeds of sales of public lands, and then the object of the Government in disposing of the lands was to realize as much revenue as possible from them. But, with the advent of the Republican party to power and with the tariff which at once started the country upon the highway of prosperity and filled the public Treasury, the policy of the Government has been changed, and now free homes upon the public domain are given to all citizens who will avail themselves of the gift.

#### HOW SHOULD THE REVENUE BE REDUCED?

The Republican party says by placing articles which we do not produce on the free-list, by repealing the tobacco tax and tax on alcohol used in the arts, and reducing the tariff on sugar. How does the Democratic party propose to reduce the revenue? The revenue of the Government is principally derived from duties on imports and from internal-

revenue taxes. The total annual revenue derived from these sources is something over \$300,000,000. Of this about \$212,000,000 is derived from duties on imports and nearly \$100,000,000 from internal-revenue taxes, mainly from tobacco and spirits. The Democratic party does not propose to remove the war or internal-revenue taxes; that would reduce the revenue without benefiting British manufacturers and without injuring American industry or removing protection to the American laborer. To secure votes in the tobacco-growing States they did yield in the Mills bill to the demands of the tobacco-planters for a reduction of taxes on tobacco and cigars. But they propose to obtain the principal reduction of the revenue by reduction of the duties upon imports, not upon articles which we do not produce at home, but, so far as possible, by the reduction of duties upon articles which our own people manufacture. The revenue at present derived from tariff duties may be divided as follows: About fifty-eight millions from sugar, nearly fifty millions from luxuries, and about one hundred millions from manufactured articles, woollens, cotton fabrics, clothing, steel, and various products of the looms, factories, furnaces, mills, and shops, and about twelve millions from what the free-traders term raw material. "Raw materials" as used by them embraces wool. For the same reason that the Democratic party does not propose to repeal the internal-revenue taxes, namely, that the repeal of such taxes would not permit interference with the manufacturing interests of the country, they propose to retain protection to the sugar industry. They say that the sugar produced in the United States is so small a portion of the whole amount consumed that the fact that the price of the domestic product is increased by the amount of the duty on imported sugar (which is not admitted) is not objectionable like the duty upon wool, which, collected on a hundred millions of pounds of imported wool, increases the price also of three hundred millions of pounds of the domestic product.

The \$50,000,000 received from duties on luxuries, as it is paid altogether by the rich, all parties agree must not be touched. This leaves as the only alternative the reduction of revenue to be made from the \$100,000,000 derived from manufactured articles and from raw materials, and the policy of the party, as unequivocally and emphatically stated in President Cleveland's message and in the annual reports of the Secretaries of the Treasury under his Administration, is to make the necessary reduction of the revenue in this direction. If this policy should be carried out, what sources of revenue would be left? The internal-revenue tax, duty on sugar, and the duty on luxuries, that is all.

The Democratic policy strikes at the whole system of protection to American industries, threatens the destruction of our American manufacturing and the prosperity of the entire North. Is it any wonder that in foreign countries, and especially in England, it is popular? Why should it not be? It is the policy which Great Britain has advocated for the United States for many years, which she endeavored before the Revolution to enforce in the colonies, which she has enforced in Ireland and India, where she has the power, which her manufacturers and capitalists have spent millions of dollars to promulgate in the United States, and which even now they are contributing to advance—a policy which, if it ever prevails, which may God grant it may not, will open up to the manufacturers of England the markets of sixty-odd millions of people, who consume more of the products of labor than any other equal number of people in the world.

In the United States the land required for manufacturing purposes, for raising agricultural products, the buildings and other improvements used for carrying on the great industries, the tools and machinery, the profits of the manufacturers and returns for the capital invested, the savings of the laborer, whether invested in a house or placed in a savings-bank, or loaned on bond and mortgage, are taxed, and bear their proportion of the public burdens. They contribute to support a State government, maintain a county organization, build and keep in repair highways, to support municipal governments, and to support schools. The more prosperous the business, the more it contributes.

Home industries, diversified labor, increased manufactured products, all help, by increasing the amount and value of taxable property, to bear these public burdens and to decrease the burden to be borne by any one member of society. The duty which is levied upon foreign products at the custom-house for the support of the General Government is but an equivalent for the State, county, city, and school taxes levied in this country upon the plant of manufacturers and product of labor. What is proposed by the free-trader or the advocate of a tariff for revenue only? It is to place our manufacturers at a disadvantage with the foreign manufacturers, by admitting to this country the products of foreign labor untaxed to compete with the products of domestic labor, which in every stage, from the raw material to the finished product, has in some manner been subject to taxation.

But, says the Democratic party,

#### BUY WHERE YOU CAN BUY CHEAPEST:

obtain what you consume at the lowest price, no matter how reached. The great argument made against protection is that we shall be able with free trade to get from abroad at a lower cost articles which we now produce for ourselves under the protection of the tariff. Once remove the barrier against the cheap-labor products of foreign countries, which has been erected by a protective tariff, and, as surely as water

seeks its level, the prices in the United States, not only of labor products, but of labor itself, will find a level with the prices of those commodities in the countries where they are cheapest.

The law of supply and demand is as certain as the laws of nature. Let us see where this principle of buying where you can buy cheapest would lead us. There is scarcely a product of human industry that, owing to more favorable conditions of climate, cheaper lands, or cheaper labor, can not be produced cheaper in some portion of the world than in the United States, unless we are willing to cheapen labor in the United States to the standards in Europe and Asia. To buy where we can buy cheapest would be to buy our wool of Australia, the Argentine Republic, Africa, Asia, and Turkey; our woolen fabrics of England and Germany; our cotton fabrics of Great Britain and other European nations; our iron and steel of Great Britain and Germany; our fish of Canada; in a word, to transfer our workshops and factories across the sea to give employment to the laborers of other countries.

The enterprising woolen manufacturer would purchase his wool of Australia and manufacture it in China with Chinese labor. If admitted duty free, clothing manufactured by cheap labor under the operation of the "sweating system" in Great Britain or by Chinese labor in China could be purchased cheaper abroad than at home. Even our wheat would eventually be purchased from India and our great agricultural interests destroyed, as has been the case in Great Britain. However broad our philanthropy may be, however much we may sympathize with the laborers of other countries, charity should begin at home.

In dealing with humanity we owe our first duty to our own country and our own countrymen. It is the duty of the Government to protect its citizens in the enjoyment of their rights upon land and sea wherever they may rightfully go. This duty of the Government is but the correlative of the duty of the citizen of allegiance to his Government. Though it may be powerless at this time to do so, it is the duty of the Government to secure to every citizen of the Republic, white or black, on every foot of American soil, civil and political rights which the Constitution guarantees to him; to see that he enjoys rights of life, liberty, and the pursuit of happiness, that he receives the fruit of his own labor, that when he has a right to vote he is not intimidated or driven from the polls, and when he has voted that his vote shall be honestly counted. So it is the duty of the Government to protect the laboring men of the United States against the cheap labor of Asia and the pauper labor of Europe, to dignify labor, and to secure the independence and to promote the intelligence of the American laborer; to protect the American laborer, not only against the admission into this country of laborers who work for starvation wages, but from the products of cheap labor everywhere. The Democratic party has entirely abandoned the principle of protection to American industries and to American labor. Urged on by the solid South and cheered on by British manufacturers and free-traders, the Democratic party stands to-day, as Samson stood in the temple of the Philistines, with its arms around the pillars of American industry, blind, waiting only for strength to pull down the great structure which has been so many years in building, and which, if it does fall, will bring ruin and distress upon the country and will grind the Democratic party to powder.

#### TREASURY NOTES AND BULLION.

Mr. REAGAN. Mr. President, I desire to give notice that after the morning business on Monday, or the first day thereafter, when I can have the opportunity, I shall ask the indulgence of the Senate to make some remarks upon Senate bill 2350, reported from the Committee on Finance, authorizing the issue of Treasury notes on deposits of silver bullion, and the bill (S. 1558) to provide for the free coinage of both gold and silver, and for the issuance of coin certificates to circulate as money, and for the retirement of United States legal-tender and national-bank notes of small denominations, and for other purposes, which lies upon the table.

#### IMPROVEMENT OF GRAND RIVER.

Mr. McMILLAN. I ask permission to submit a resolution as a substitute for the resolution proposed by me yesterday, and I ask for its immediate consideration.

The PRESIDING OFFICER (Mr. MOODY in the chair). The resolution now offered will be read.

The Secretary read as follows:

*Resolved*, That the Secretary of War be, and he is hereby, directed to furnish the Senate with all information in his possession concerning the survey which has been made by the citizens of Grand Rapids of the Grand River between Grand Rapids and Grand Haven on Lake Michigan; and he is directed to report to the Senate his views as to the practicability of improving Grand River, with an estimate of the cost of making a channel of sufficient depth to accommodate the commerce of the Lakes.

The resolution was considered by unanimous consent, and agreed to.

Mr. McMILLAN. I now ask leave to withdraw the resolution which I submitted yesterday upon this subject.

The PRESIDING OFFICER. The Senator from Michigan has leave, if there be no objection. The Chair hears none; and leave is granted to withdraw the resolution yesterday submitted by him.

#### IMPROVEMENT OF ST. MARY'S RIVER AND HAY LAKE CHANNEL.

Mr. DAVIS. Is the Calendar now in order?

The PRESIDING OFFICER. The Calendar is now in order.

Mr. SHERMAN. The Calendar, under Rule VIII, is in order.

Mr. DAVIS. I move that the Senate proceed to the consideration of the bill (S. 1631) making appropriations for improving the St. Mary's River and for improving the Hay Lake Channel. The bill was passed over the other day without prejudice under Rule VIII.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to appropriate, to be immediately available and to be expended under the direction of the Secretary of War, for improving Hay Lake Channel, Michigan, for continuing and completing the improvements, \$1,684,115; and for improving Saint Mary's River at the falls, Michigan, continuing and completing improvements on the new lock, dam, and approaches, \$3,738,864.

For the purpose of securing uninterrupted work on these improvements and the speedy completion thereof, the Secretary of War, upon the application of the Chief of Engineers, is authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury for such sums as may be necessary to do the work; but an itemized statement of such expenses shall accompany the annual report of the Chief of Engineers.

Mr. SHERMAN. I give notice that after this bill is disposed of I shall call for the regular order. I think it is a violation of the unanimous understanding to call up bills out of their order.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### SCHILLINGER PAVING PATENT.

Mr. PLATT. When the Calendar, under Rule VIII, was under consideration on a former day, Senate bill 1024 was passed over without prejudice upon the objection of the Senator from Arkansas [Mr. JONES]. It is a bill to send a case to the Court of Claims. I understand that the Senator from Arkansas has since examined the case, is ready to withdraw his objection, and is willing that the bill shall be passed. If so, I ask that the Senate consider it at this time.

Mr. JONES, of Arkansas. I withdraw my objection to the consideration of the bill, and am willing that it shall be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1024) conferring jurisdiction upon the Court of Claims to finally determine the claim of Charles E. Creecy for the use of the Schillinger patent in the Capitol grounds.

Mr. PLATT. The bill has been read and there is an amendment from the Committee on Patents, which has been read. If anything is read now it should be the amendment which is proposed.

The PRESIDING OFFICER. The amendment reported by the Committee on Patents will be again read.

The CHIEF CLERK. The Committee on Patents report to strike out all after the enacting clause, and insert:

That the Court of Claims be, and hereby is, authorized to hear and determine the claims of John J. Schillinger and his assignees and their licensees, for compensation for the use by the United States of the invention of John J. Schillinger for laying concrete pavement in blocks, as secured by letters patent to said Schillinger, dated July 19, 1870, numbered 105599, reissued May 2, 1871, numbered 4964, and modified by disclaimer filed March 1, 1875, on account of laying of pavement in and about the Capitol grounds, under the direction of the Architect of the Capitol, from October 11, 1875, to October 18, 1881; and if said court shall find the patent of said Schillinger to be valid and to have been infringed by the laying of said concrete pavement in the Capitol grounds it is hereby authorized and directed to render judgment in favor of said Schillinger or his assignees or their licensees or either of them, as the case may be, for a fair and reasonable compensation for the infringement and use of such invention by the United States, notwithstanding said claims, or some portions thereof, may be barred by the statute of limitations. From such judgment either the said Schillinger or his assignees or their licensees, or either of them, or the United States may appeal to the Supreme Court of the United States within sixty days from the rendition thereof; and if judgment shall be finally rendered in favor of said Schillinger or his assignees or their licensees, or any of them, pursuant to the provisions of this act, the Secretary of the Treasury is hereby authorized and directed to pay the same out of any money in the Treasury not otherwise appropriated.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Patents.

Mr. COCKRELL. I should like to know why the contractor was not responsible for this amount.

Mr. PLATT. When this pavement was laid the Government, through the Architect of the Capitol, was notified that it was thought to be an infringement of this patent. The United States went ahead, under that notice, to make the contract, and it put into the contract a clause that the contractor should indemnify the United States.

Mr. COCKRELL. Yes; that is the point.

Mr. PLATT. The United States is the party who violated the patent in that way. It has under the contract a claim upon the contractor if it should be found that it ought to pay damages.

Mr. COCKRELL. Now, the point is this: The patentee neglected to bring his suit against the Government, or against the contractor, who was the actual violator or infringer of the patent right, until after his claim was barred. If we authorize this man to come in against the United States and we pay him, have we not lost our remedy against the contractor?

Mr. PLATT. I do not know how that may be. I do not think that is the case; but whether it is or not this party has not been in fault. He came to Congress and asked to have this matter referred to the



Court of Claims. It was referred under the Bowman act, and the Court of Claims found that the patent was valid and sent the case back to Congress. It was not acted upon then, because Judge Hagner, of this District, had rendered a decision in another case which went to the point that there was no infringement in this case. Judge Hagner's decision has since been overruled by the Supreme Court of the United States. This party has been diligent in trying to get his rights as against the Government. All he asks is an opportunity to go to the Court of Claims.

I think that when any one claims that the Government has thus infringed a patent after notice given to it he ought at least to have an opportunity to go where he can try his case, he not having been in fault by any laches on his part. It was the United States that was the infringer of this patent, if anybody infringed it, because it had notice. It then made the contract, and it proposed to recoup on the contractor if it should be determined that it was liable for damages.

I do not think that if this case were fully explained here or the report read anybody would think that the patentees made themselves liable to be charged with laches or negligence.

Mr. COCKRELL. Here is the point I suggested and the point that strikes me. We made a contract for paving around the Capitol grounds with asphalt. Certain parties claimed that the contractor with whom we made the contract had no right to use the asphalt which was employed. We, the Government, put a clause into the contract that the man with whom we contracted should indemnify the United States and should be responsible for any infringement of any patent. That is a plain contract. Now, the Government did not do the work; they had it done. The contractor is the man who infringed the patent, who violated the rights and interests of this patentee. The patentee has a perfect right to sue this man. If he has a patent that is worth anything he does not have to go to the Court of Claims to establish it. He had his remedy against the contractor. He did not pursue his remedy against the violator, the infringer of his patent, the man who had contracted with the Government and who did the work and who used the material which was an infringement of his patent. He did not proceed against him. He delayed until he has no remedy either against that man or against the United States.

Then he comes in and asks that he may be allowed to have a remedy against the United States. Now, if we grant him that remedy against the United States we necessarily have lost our remedy against the contractor. The contractor was bound to indemnify the United States. Now he is not bound to indemnify it when we come in voluntarily and restore a right which the man has forfeited by the lapse of time.

Mr. PLATT. I do not think so. I think the contractor is bound to indemnify the United States if any judgment shall be rendered against it, because the right of action which the United States would have against the contractor does not begin to run until it has been made to pay, as I understand.

Mr. COCKRELL. I ask the Senator to examine that point and let the bill be passed over, retaining its place on the Calendar. Without going under Rule IX let it retain its place so as to be called up the next time the Calendar is considered.

Mr. PLATT. The bill has once been passed over, and I should like to have it disposed of some time or other. I am perfectly clear in my mind that the decided cases settle that the right of action does not begin to run until the United States has had to pay something for it. I think I am correct in that.

Mr. COCKRELL. But when the United States is not liable, and when all liability on the part of the United States has ceased and it voluntarily comes in and gives a remedy against it, it can not go upon the other party.

Mr. PLATT. I may have been unfortunate in my expression. What I intended to say was that the right of the United States to bring an action against the contractor does not accrue until it has had to pay something. If it shall be found in this case that the United States has to pay anything to the inventor, then its right of action against the contractor will accrue, and it will have six years after that time to seek its indemnity against the contractor. That is plain and familiar law with reference to the statute of limitations.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Patents.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill conferring jurisdiction upon the Court of Claims to finally determine the claim of John J. Schillinger and his assignees for the use of the Schillinger patent in the Capitol grounds."

#### ORDER OF BUSINESS.

Mr. COKE. I ask the Senate to go back to Order of Business 430, Senate bill 2715, which was passed over under Rule VIII informally and without prejudice, and to take it up.

The PRESIDING OFFICER. The Senator from Texas asks for the present consideration of the bill mentioned by him, the title of which will be read.

Mr. SHERMAN. As the bill is already on the Calendar to be called up at any moment, I shall not object, because it has not yet had its day in court; but I give notice that if any bill is called up after the point previously reached on the Calendar I shall object, and I wish now to enter an objection.

Mr. COKE. Mr. President—

Mr. SHERMAN. With the leave of the Senator from Texas I should like to enter an objection now to Order of Business 422 being considered under this call; that is, I do not wish it to be called up without my objection being entered, and let it go over under Rule IX. It is the bill (S. 305) to transfer the revenue-marine to the naval establishment.

Mr. COCKRELL. What does the Senator desire to do?

Mr. SHERMAN. I wish to enter my objection now to the bill to transfer the revenue-marine to the naval establishment being considered under this call, so that it shall not be taken up without my being present. It involves very grave considerations, and nearly doubles the expense of the establishment. I wish to enter the objection now.

Mr. HARRIS. What is the order of business?

Mr. SHERMAN. Order of Business 422.

The PRESIDING OFFICER. Does the Senator from Texas yield the floor?

Mr. COKE. I yield the floor to the Senator from Ohio to make his explanation.

Mr. SHERMAN. I simply wish to enter my objection to Order of Business 422 being considered to-day under Rule VIII. It has been passed over without prejudice. I wish to enter the objection now so that when it is called up by any one it will be subject to objection. It has already been passed over informally.

Mr. GRAY. I only wish to say to the Senator from Ohio that I have charge of that bill and expect to call it up; as I understand him, he registers an objection now to its consideration.

Mr. SHERMAN. Yes, sir.

Mr. GRAY. I shall insist upon its consideration notwithstanding the objection.

Mr. SHERMAN. It can not be done to-day, I imagine.

Mr. SPOONER. A motion to proceed to its consideration I think would be in order.

Mr. SHERMAN. I think I can give very good reasons why it should not be considered.

#### GALVESTON HARBOR.

Mr. COKE. Now, I ask that the Senate take up Order of Business 430, being Senate bill 2716.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2716) to provide for the completion of the improvement of the entrance to Galveston Harbor, Texas.

For the purpose of securing the work of improving the entrance to Galveston Harbor, Texas, the bill provides that the Secretary of War, upon the application of the Chief of Engineers, may, in his discretion, draw his warrant or requisition, from time to time, upon the Secretary of the Treasury for such sums as may be necessary to do such work, not to exceed in the aggregate \$6,200,000, the amount estimated as necessary for the completion of the same, as shown in the reports of the Chief of Engineers for the year 1889. But the amount drawn from the Treasury is not to exceed \$1,000,000 in any one year, and an itemized statement of the expenditures is to accompany the annual report of the Chief of Engineers.

Mr. MANDERSON. I should like to ask the Senator from Texas, who has moved the consideration of this bill, what is proposed to be done with reference to two other very important harbors on the coast of Texas, one known as Sabine Pass, the other known, I think, as Aransas Pass.

I will say that I make this inquiry because I realize the fact that the trans-Mississippi country is interested in the harbors on the Gulf of Mexico, and, so far as I am concerned, I have from constituents in my own State numerous inquiries concerning these other harbors.

If it is proposed to improve the harbor at Galveston and do nothing in the way of establishing deep-water harbors at Sabine Pass and Aransas Pass, then I certainly should feel like opposing this bill, perhaps to the extent of objecting to its consideration.

Mr. COKE. Mr. President, I have to say, in reply to the Senator from Nebraska, that, in obedience to a law of Congress requiring the Secretary of War to appoint a board of engineers to examine the northwest coast of the Gulf of Mexico and select the best point for a deep-water harbor which would accommodate ships of the largest draught, Lieut. Col. Henry M. Robert, Lieut. Col. G. L. Gillespie, and Lieut. Col. Jared A. Smith, of the Corps of Engineers, were appointed, and I hold in my hand the report of these gentlemen, in which they discuss the Texas coast and all the points on it that are susceptible of improvement, and they unanimously agree that Galveston is the only one that fills the requirements of the act of Congress under which they acted.

I will state further to the Senator from Nebraska that there is no intention of abandoning the improvement of Sabine Pass or Aransas Pass. Both will make good harbors with 20 feet of water, and this board of engineers recommend that the improvement of these two harbors should continue, but they recommend that Galveston be selected as the point for the great commercial harbor of that coast.

I will state further that from the mouth of the Mississippi River for a thousand miles west, on the Gulf coast, there is not a harbor where a vessel drawing 15 feet of water can enter for refuge. The engineers in this report say that they can, for the amount of money appropriated by this bill, put 30 feet of water over the Galveston bar, and after entering the harbor there are 1,300 acres of harbor room over which there will be from 30 to 50 feet of water, making it a first-class harbor.

Mr. MANDERSON. I ask the Senator from Texas what is the present depth of water on the bar at Galveston?

Mr. COKE. About 13½ or 14 feet.

Mr. MANDERSON. The proposition is to increase from 13 to 30 feet at Galveston Harbor, and the depth of water at the other two harbors is perhaps about 20 feet, as I understand, at this time.

Mr. COKE. Oh, no. I have a letter here from Colonel Ernst, the engineer who has been in charge of these points, and he gives the depth of water at each place. He says that at Sabine Pass it is 9 feet and at Galveston 12½ feet to 13½ feet, at Aransas 8½, and at Brazos Santiago 7 feet.

That is the depth given by Major Ernst, who for several years has been in charge of the works at these points—that is, at Galveston and Aransas Pass—and who is now here in the city of Washington. This letter was written in July, 1888.

Mr. FRYE. Will the Senator from Texas allow me one moment?

Mr. COKE. Certainly.

Mr. FRYE. The Senator from Nebraska [Mr. MANDERSON] has raised a question which has been frequently brought to the attention of the committee since this bill has been reported. There was a fear that if this bill was reported and passed other harbors in Texas would receive practically the go-by, especially Sabine Pass. Now, I feel authorized to say that there was a hearing, while this bill was progressing before the committee, on the part of those who were friendly to the appropriations at Sabine Pass, and it was of such a nature that beyond any question it convinced every member of the committee that an appropriation was absolutely necessary and must be made there, whatever was done for Galveston.

There is within reach of Sabine Pass one of the most enormous fields of the best pine lumber to be found in the whole world, and the port of delivery for that lumber is Sabine Pass, but that pass does not need more than 15 feet of water. The bottom is very muddy, and with 15 feet of water a vessel loaded and drawing 16 feet can be very easily taken through with the tide. The 15 feet will be reached within two years with the usual expenditure, and I took the liberty, after consulting with the committee, of saying to those representing Sabine Pass that the appropriation would be made in this year's river and harbor bill for that pass as usual.

Now, as to Aransas Pass, there is a bill offered by a corporation for the privilege of improving Aransas Pass to the extent of obtaining 20 feet of water over the bar, no tolls to be charged under any circumstances, and the Government to be under no obligation to take it, but simply giving its permission that the work shall be done. That bill has been referred to the Secretary of War, and a report has been made this morning, or I received it this morning, favoring the enactment of that bill. If that should be enacted into law, as a matter of course that takes care of Aransas Pass; but no harbor where an appropriation is an absolute necessity to the business of the country will be permitted to go without an appropriation because the committee have recommended that a sufficient amount be appropriated to perfect the work at Galveston.

Mr. MANDERSON. Right there I should like to ask the Senator from Maine, the chairman of the Committee on Commerce, for a little light on the proposition. What is to be the rule by which certain rivers or certain harbors are to be taken out of the general operation of the river and harbor bill? Is it proposed as to certain of them that they shall be considered in separate bills? If so, what class of harbors and what class of rivers are to receive the consideration of Congress by this special process? Undoubtedly the course has been that all rivers and harbors which are to be improved under the policy of the Government should come in under the general bill, and I should like to know why this and one or two other cases have been made an exception to that general rule.

Further, while I am on my feet, I wish to ask, if it is a desirable thing to improve Sabine Pass and make, at a much less expenditure, a harbor there which will be of the value described by the Senator from Maine, why should that not be linked with this and the appropriation be made sufficient to improve both this harbor and that, and also the one at Aransas Pass, under the proposition suggested by the Senator from Maine? It seems to me that in selecting out this one harbor and expending in the next few years \$6,200,000 there, when a harbor of equal importance and value could be made at either of the other points by an expenditure perhaps of one-third of that amount, is not good legislative policy.

Mr. FRYE. Mr. President, frequent charges have been made of a wrongful expenditure of money in the river and harbor bills. Now, I am prepared to say that the only wasteful expenditure really made in the river and harbor bills is that expenditure which calls for too little money. We have been appropriating for Galveston Harbor for the last

six or eight or ten years and have not gained upon that bar more than 6 inches of water, simply because you make an appropriation one year of \$300,000, the next year you have no appropriation bill, or it may be vetoed, and the third year you will make an appropriation of \$250,000, and that will not recover the loss of the year for which you appropriated nothing. The result is that you have poured into Galveston Harbor eight or ten hundred thousand dollars without effecting any purpose.

Mr. MANDERSON. I ask the Senator if that is not true as to many other harbors, notably the mouth of the St. John's River, in Florida, where there has been poured into the ocean an enormous sum of money and yet through the operation he speaks of no beneficial result has been secured.

Mr. FRYE. I only used Galveston as an illustration. I say that charges are made against the bills making appropriations for rivers and harbors that they appropriate money for creeks and bayous and little rivers, where there is no possibility of any commerce existing, and these charges go broadcast over the country when there is no truth in them. I say that if you take the last river and harbor bill that passed Congress and go into the South, as to which these charges are particularly made, you can not find a river there where the appropriation has not paid \$15 in the increase of commerce for every dollar expended, and I say that the extravagance and waste are not in appropriations for little rivers whose names are comparatively unknown or for places called creeks in South Carolina or North Carolina, but in the misappropriation for the great improvements, the misappropriation being a too small appropriation.

The President of the United States in his message called attention to this very thing, and he recommended that you make appropriations in your river and harbor bill sufficiently large so that the waste of a too small appropriation shall not exist, and that has been the impression and the opinion of the committee for years, that you ought to make an appropriation that shall be economical, no matter whether it be large or be small.

Now, the committee desire to test the House of Representatives on this very question, and they selected for that test two appropriations, one for the completion of Galveston Harbor and the obtaining of 30 feet of water there, and the other for the completion of the Sault Ste. Marie. That Galveston Harbor is a national necessity the committee understood nobody will deny. That Sabine Pass or Aransas Pass can be compared to it in its national importance nobody will assert, and therefore they selected Galveston Harbor as one test to see what the House of Representatives will do, whether or not they will adopt that principle. If they will, the Committee on Commerce on the part of the Senate is ready to proceed in the same direction with divers great rivers and great harbors of national importance.

Sault Ste. Marie, of course, nobody makes any question about at all. There is more commerce at Sault Ste. Marie by 800,000 tons than there is on the great Suez Canal this very day; there was more last year by 800,000 tons than there was on the Suez Canal. The Suez Canal is open to the commerce of the world the year round, and the Sault Ste. Marie Canal is closed for four months during the year. There is a great lock to be completed there, an enormous lock, absolutely necessary to that immense commerce, and shall the United States be dealing with that lock for the next ten years? Shall the United States make an appropriation of half a million this year, and then when next year comes around have no appropriation, and the next year perhaps one vetoed, or shall the Congress of the United States, recognizing the absolute necessity of that great highway of commerce, the absolute necessity of this lock, appropriate money enough to complete it? The money will not be called for any faster than it must be expended. But this course has this immense advantage: It enables contracts to be made for the whole work. The money is to be called for only so much each year, but the contracts can be made for the entire work. For Galveston Harbor with the enormous amount—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPOONER. I ask unanimous consent that the Senator from Maine may be allowed to proceed.

Mr. COKE. I hope the Senator may be allowed to conclude his remarks.

The PRESIDING OFFICER. The Chair hears no objection, and the Senator from Maine will proceed.

Mr. FRYE. Galveston Harbor, with its enormous jetties, calls for a large expenditure of money and of labor. Those jetties can be constructed 25 per cent. less if Congress will appropriate the entire amount necessary, even if it limits the expenditure, as it does in this bill, to a million dollars a year. Why? Because a contract can be made to-day for the building of both jetties for a much less sum of money than a contract can be made to expend \$500,000 this year. It calls for no more money on the part of the Treasury; the work gets no more each year than it is entitled to. The money is to be paid out in the next six years; and my judgment is that with the immense demand that has been made for Galveston Harbor from the whole Western country no man ought to object for a single moment to the enactment of this bill into a law by both Houses.

Now, as to any other propositions of this kind, there may be some other



propositions made. I understand that the Senators from Oregon desire that the mouth of the Columbia River shall be improved somewhat in the same way. The mouth of the Columbia River ought to be improved in the same way; there is no doubt about that. You go up there to the mouth of the Columbia River to-day, and they are building a jetty 4 or 5 miles long out into the Pacific Ocean. The Government has all the plant necessary, an immensely expensive plant, and it is doing the work in the most economical way I ever saw work done in my life. They run along there and do work for six months, the money is out, and the entire work on that operation ceases at once, the men are discharged, the machinery has to lie idle, much to its injury.

Why should not the appropriation of \$1,500,000, if that is the amount required, be made, to be expended so much a year, and then the contract can be made to-day for the completion of the work, extending over the three years, and no more money be called for. It is the way Germany does such work; it is the way England does it; it is the way France does it; it is the way every country does it that has the power. It examines with the utmost care to see whether or not a canal shall be built, a harbor shall be created, the river Clyde, for instance, shall be made a river which shall float a ship drawing 30 feet of water; and, having determined that, it obtains estimates from its engineers as to the cost. Having obtained estimates it makes the appropriation for the entire work, and then the money is expended in the most economical possible way.

The Committee on Commerce in these bills are undertaking to do only that, to see whether or not Congress would recognize and agree to a policy which every Senator in the United States Senate who ever examined this subject will admit at once is the most economical policy that can be by any possibility be adopted.

Mr. PADDOCK. I should like to inquire of the Senator if the same reasons which he has given would not apply to Sabine Pass?

Mr. FRYE. No; they do not. A vessel went out of Sabine Pass loaded with lumber the other day, drawing 12 or 13 feet of water, 1 foot being drawn by a tug through the mud in the water. The only trade at Sabine Pass practically is the lumber trade. There is an immense belt of the best pine lumber all around within 75 miles of Sabine Pass, which necessarily is to be exported at Sabine Pass.

The lumber vessels of this country drawing more than 15 feet of water are scarce. We do not use the great ships that were formerly used in the ocean traffic for the lumber business, and you find very few vessels to-day drawing more than 15 feet of water engaged in the lumber trade; and those who were here for Sabine Pass simply asked that they might have 16 feet of water. Now, with the provisions made in the next two years, if they progress as they have at Sabine Pass in the last two years, they will get 16 feet of water, all that is really required there. But Galveston is the harbor of the world. It is the harbor for the whole Northwest; it is the harbor for the whole East; and our Eastern ships can not go into Galveston now; a ship drawing 16 feet of water can not go over the bar at Galveston now. Hardly a ship that is used in crossing the ocean to-day can cross the Galveston bar; and that is different from Sabine Pass, the one being a harbor for the world and the other being a harbor for Sabine and the surrounding country within a hundred miles and no more.

I think the engineers who selected Galveston were undoubtedly right in that selection. There is another project upon the Gulf for an island, for an outlying harbor, and a private corporation is undertaking now to build that harbor. Galveston is the only place that has really been thoroughly examined and settled upon as the harbor for the great Gulf country there, the country bordering on the Gulf, and the question here is only, will you do as you have done for the last eight years, make annually appropriations utterly insufficient and waste every dollar that you appropriate, or will you make an appropriation ample to complete the work and let that be drawn upon, as it must be under this bill, at the rate of a million dollars a year, remembering when you do it that your contract can be made for the whole \$6,200,000?

I beg pardon of the Senate for having taken more than the time allowed.

Mr. REAGAN. I wish to make an additional statement in response to the suggestion made by the Senator from Nebraska as to the special necessity for the creation of a deep-water harbor on the coast of Texas and for the creation of the particular deep-water harbor that he mentioned.

By consulting the map of the United States it will be seen that a larger area of country is within the reach of tide water from the vicinity of Galveston than from any other point upon the American continent or upon this hemisphere.

Then there are some other facts of interest which I may state briefly. A radius of a thousand miles describing a circle with New York as a center would pass through Minnesota; a radius of a thousand miles taking its center at Galveston would bisect that circle in the southeast corner of Minnesota. An air line from Olympia, the capital of the State of Washington, to New York City is 500 miles longer than an air line from Olympia to Galveston; a little more than that by any traveled route. An air line from San Francisco to New York is about 900 miles longer than an air line from San Francisco to Galveston. That immense territory which is tributary to tide water there is dependent to a large

extent for the cheapening of transportation and the value of its products upon the making of a deep harbor at Galveston.

Not very long ago there was a convention of the States and Territories of the West held at Fort Worth, Tex., and they passed resolutions in favor of securing a deep-water harbor on the coast of Texas, not alone for the benefit of Texas, but for the benefit of the Northwest. Subsequently another convention for the same purpose was held at Denver, Colo., represented by most of the States and Territories of the West. They united in recommending an appropriation for a deep-water harbor on the coast of Texas. Subsequently, and during the last year, another convention was held at Topeka, Kans., in which some ten States and Territories were represented, and they again repeated the request for a deep-water harbor on the coast of Texas.

Mr. MANDERSON. However, I beg to say to the Senator that none of those conventions recommended any particular deep-water harbor on the coast of Texas. Their effort was not for Galveston or for Sabine Pass or Aransas Pass.

Mr. REAGAN. I will refer to that.

Mr. MANDERSON. But as many as could be had—

Mr. REAGAN. I have only five minutes now, and if the Senator will allow me I should like to occupy that time, so as to make my statement as complete as I can within that limited period.

The great populations and agricultural interests of Texas, of Western Arkansas, of the Indian Territory, of Kansas, of Nebraska, of Colorado, and all the country north and west of them and east of the Pacific Ocean, with the Territories and Northern Mexico, would be benefited in their commerce and business by a deep-water harbor on that coast.

Now, the Senator says that those conventions did not recommend any particular place. He is right. The Legislature of Texas and some other Legislatures have joined in these recommendations. The Congress, pursuant to the recommendations of these conventions, passed an act authorizing the appointment of a board of engineers of high rank to go to that coast and select a place for this deep-water harbor. Pursuant to that act of Congress a board of engineers, none below the rank of major and all of whom I understand are officers of the highest character, examined the different places within the limits prescribed by the act of Congress, and unanimously agreed that Galveston presented advantages more than any other point.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MANDERSON. I ask unanimous consent that the Senator from Texas have leave to proceed.

Mr. COCKRELL. I give notice that I shall object to the further extension of any time after this. This will be the last time it will be extended by unanimous consent.

The PRESIDING OFFICER. Is there objection to the Senator from Texas proceeding? The Chair hears none.

Mr. REAGAN. The engineers, after examining the different points, unanimously recommended this one point.

The people of Texas never asked for any particular place, the Legislature of Texas never asked for any particular place. The object was to get a deep-water harbor where it could be obtained the cheapest and the best, and where it would best accommodate the largest class of ships, and the engineers met with the understanding that, by the act of Congress and by the act of the Texas Legislature, they were to select a place for a deep-water harbor which would accommodate the world's commerce and the vast commerce tributary to it at the least expense, and in view of all the facts they selected Galveston. All the great West is interested in this; its commerce is interested in it; the cheapening of its transportation is interested in it; the value of its farms is interested in it, because it will bring increased value to their products.

While this is so, we do not propose and have never proposed to abandon the important works at Sabine Pass and at Aransas Pass, but those are to go on as they have gone on under the river and harbor bill, and continue to be improved, or by such other means as Congress may provide.

I suggest to the Senator from Nebraska, if he will think of the vast interests concerned and that we need a deep-water harbor, he will hesitate before he will obstruct the adoption of a measure which accommodates half the territory of the United States with cheaper transportation.

Mr. MANDERSON. I propose an amendment, to insert in line 4, after the words "Galveston Harbor," the words "Sabine Pass and Aransas Pass."

The PRESIDING OFFICER. The Secretary will report the amendment.

The CHIEF CLERK. In line 4, after the word "Harbor," it is proposed to insert the words "Sabine Pass and Aransas Pass;" so as to read:

That for the purpose of securing the work of improving the entrance to Galveston Harbor, Sabine Pass, and Aransas Pass, Texas, the Secretary of War, upon the application of the Chief of Engineers, is hereby authorized, etc.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. MANDERSON].

Mr. MANDERSON. Mr. President, the Senate is laboring under some difficulty in its consideration of the pending bill, by the fact that there is no report giving that detailed information which it seems to

me should come to this body when a bill of the importance of this is to be considered, and we are compelled hurriedly to grope into the reports of the engineers to see what has been the history of legislation and of the expenditures made upon these harbors.

I agree with everything that has been said with reference to the importance of a deep-water harbor on the coast of Texas. The State that I have the honor in part to represent is deeply interested in this project. Every interest that we have (that is, the interest of every producer) leads us to desire that there should be some active, vigorous competition with the East in the marketing of the products of the trans-Missouri country. But everything has seemed to tend in the direction of the improvement of Galveston Harbor, to the exclusion of the other points named upon that coast. Why it has been so I am at a loss to conceive, but I submit that if one harbor is desirable upon the coast of the Gulf of Mexico for the trans-Missouri country, two or three would be infinitely better. That would make a competition which is most desirable. I understand the fact to be that in the direction of Aransas Pass and Sabine Pass railroads are already projected, and if the improvements are made and those harbors established there will be to the Western producer an opportunity for competition on rates and a bettering of his condition because of that very fact.

If this sort of legislation is any indication as to what is designed, there seems an effort here to create a monopoly at Galveston to the exclusion of these other competitive and properly competitive points. I find on hurriedly examining the report of the engineer that at Sabine Pass there have been enormous appropriations by the Government and very great expenditures of money. In August, 1882, \$150,000 were appropriated; in July, 1884, \$200,000; in August, 1886, \$198,000; in August, 1888, \$250,000; and the result has been that from a depth of 6½ feet upon the bar in the first instance there has been reached at mean low tide the least depth of 10 feet and 5 inches, making probably an average stage of water of 13 feet upon the bar mentioned by the Senator from Texas.

On looking at the expenditures made at Galveston Harbor (and I can not take time in the five minutes allotted me, under this amendment, to read at length) I find that there has been a much less expenditure at Galveston Harbor than at Sabine Pass, and yet the proposition now is to abandon the work that has been done upon the Sabine Pass, or at least to leave the expenditure in that locality to the tender mercies of the river and harbor bill.

Mr. REAGAN. If the Senator will allow me, he has the wrong information. There has been a great deal more expended at Galveston.

Mr. MANDERSON. It may be that I am wrong in that, from my hurried examination.

Mr. FRYE. A great deal more has been expended at Galveston.

Mr. MANDERSON. The fact that I am mistaken in the matter, it seems to me, is a fair commentary upon the proposition that under the five-minute rule and in this hurried and unexpected manner, without a report from the Committee on Commerce, we should be compelled to consider a bill which proposes to take over \$3,000,000 from the public Treasury.

My proposition is simply this, that if it is proper to make this enormous expenditure of money for the purpose of creating a deep-water harbor upon the coast of Texas, a fair thing to do is to expend a part of this enormous sum of money at Sabine Pass and at Aransas Pass. If, in the opinion of the Committee on Commerce, that action is unnecessary as to Aransas Pass because a private corporation proposes the expenditure, then certainly that reason does not operate against the other proposed deep-water harbor.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. COKE. Mr. President, the States of Texas, Colorado, Kansas, and Arkansas and the Territories of Utah and Wyoming, through their Legislatures, have memorialized Congress in favor of a deep-water harbor at Galveston. I hold in my hand a list covering three pages of petitions from the boards of trade, exchanges, etc., from the States of Iowa, Kansas, and Colorado, and in fact from all the States of the West, asking that the entrance to the harbor at Galveston be improved and that Galveston be made a first-class seaport.

From the mouth of the Mississippi River indefinitely west, I believe to Vera Cruz, there is not a single harbor of refuge into which a vessel drawing 15 feet of water can go. The Gulf front in the United States, from the mouth of the Mississippi River to the mouth of the Rio Grande, must be about 700 miles. In rear of that 700 miles of Gulf coast lies two-thirds of the territorial area of the United States, being that part west of the Mississippi River which finds its nearest route to the sea by way of the waters of the Gulf of Mexico at Galveston. In this area of country is produced the vast surplus of wheat, corn, oats, and live-stock for which there can be found now no remunerative market, while east of the Mississippi River the production is not sufficient for its population. In addition, west of the Mississippi River, in the area that I have spoken of, tributary to the Gulf of Mexico, nearly half of the cotton of the United States is raised.

Now, that country—and when I speak of it I speak of all the States and Territories, for they are all represented in their memorials here—demands access to the sea by way of the Gulf of Mexico. They desire this outlet for their vast surplus. Every Farmers' Alliance, that

Granges in all the States, all the agricultural people of the West demand this outlet to the sea for their productions. An outlet is needed to take the produce out of our country, where they have more than can be consumed, where they have to burn corn for fuel, where beef and pork have gone down so low that they do not pay the cost of production.

An outlet is desired upon the Gulf of Mexico for these products, and the only question is where that outlet shall be. They do not need a harbor with an entrance of only 15 or 20 feet; they need a harbor that will be open to the largest ships that engage in the foreign trade, for it will be remembered that while this vast area of country that I have spoken of lies behind the Gulf coast in the United States, in front, across the Gulf, are the Island of Cuba, and Brazil, and all the South American Republics, with which our commerce, already great, is to be indefinitely increased in the near future.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. COKE. I would like to speak a minute or two longer.

The VICE-PRESIDENT. Is there objection?

Mr. SPOONER. I ask unanimous consent that the Senator from Texas may proceed.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none, and the Senator will proceed.

Mr. COKE. The amendment of the Senator from Nebraska proposes to load this bill down with two other points of improvement on the Texas coast.

Mr. HEARST. Will the Senator allow me to ask him a question?

Mr. COKE. Yes, sir.

Mr. HEARST. What is the distance between these points on the Gulf coast where it is proposed to build these harbors?

Mr. COKE. I suppose the distance from Galveston to Aransas Pass is about 150 miles. The distance from Galveston to Sabine Pass I imagine is about 60 or 70 miles.

Mr. HEARST. It seems to me that one place might answer as a deep-water harbor.

Mr. COKE. The Senator from Nebraska desires to amend the bill by putting on Aransas Pass and Sabine Pass. I have assured him and the honorable chairman of the Committee on Commerce has assured him that a bill has been introduced and has been recommended by the Chief of Engineers, giving over to a private corporation the right to improve Aransas Pass without charge to the Government and without charge upon commerce.

This corporation proposes to make Aransas Pass a free port without charge to the Government or upon commerce; and the Senator has been assured that Sabine Pass will be amply and bountifully cared for in the river and harbor bill. We desire at Galveston a great national harbor. I do not underrate Sabine Pass or Aransas Pass. Both of these points will be, and ought to be, improved, and good harbors can be made at both, and each will have a grand back country for its support, but Galveston is the place for a great port in which the largest vessels in the world can ride safely at anchor.

I will read to the Senate what Colonel Ernst, of the Engineer Corps, says about Galveston. Speaking of the acres of deep water, he says:

We find at Sabine Pass, after entering the harbor there are 100 acres of deep water for anchorage; at Galveston there are 1,304 acres of deep water for anchorage; and at Aransas there are 60 acres of deep water.

Colonel Ernst goes on to show the cost of improvement per acre. He says the cost of improvement for Sabine would be \$23,790 per acre; for Aransas, \$24,517 per acre; and for Galveston it would be \$1,687 per acre.

Galveston is a city of 50,000 inhabitants. It has all the appliances for handling commerce. Eight thousand miles of railroad in Texas alone point to and concentrate just above Galveston on Buffalo Bayou.

Mr. MANDERSON. I should like to ask the Senator from Texas from what document he reads.

Mr. COKE. I read from a letter of Colonel Ernst, now on duty as an engineer in the city of Washington, who for several years was in charge of the work at Galveston and at Aransas Pass.

Mr. MANDERSON. Has that been published for the use of the Senate?

Mr. COKE. It has been read before the Committee on Commerce, and it has been published.

Mr. MANDERSON. But not in any report on this bill?

Mr. COKE. It is among the printed documents that accompany the bill.

Now, Mr. President, there is no trouble about the improvement of Aransas Pass. There will be no trouble about the improvement of Sabine Pass on the river and harbor bill. We want one great commercial port, one into which all the vessels of the world can enter, and Galveston, by the report of the engineers, by the convergence there of the greatest commerce on the Gulf coast west of New Orleans, by the indications of nature, is the point, and the only point, upon the Texas coast where we can get such a port.

We do not need it for Texas alone. We have in Texas a sufficient area to make five States as large as the States of old Virginia and West Virginia combined. Then behind us is the Indian Territory, that great area so shortly to be settled, and then Arkansas, Missouri, Kansas, Iowa,



Nebraska, Colorado, and all that country which has memorialized Congress for a deep-water port upon the Gulf of Mexico; and all of them, I think, which have designated any point have named Galveston as the place.

Mr. MANDERSON. If the Senator will allow me to interrupt him, does he not know that from the State of Nebraska, and I think, also, from Kansas, there have been petitions presented and referred to the Committee on Commerce (some perhaps are lying on the table), in favor of a deep-water harbor both at Sabine Pass and Aransas Pass?

Mr. COKE. I do not know of such. There will be a harbor at Sabine Pass. The improvement is going on. The Committee on Commerce intend to make a liberal appropriation on the river and harbor bill for that improvement. If the improvement at Sabine Pass is what is wanted it will be had, without embarrassing this bill with the proposed amendment. The only effect of the Senator's amendment would be to endanger the passage of this bill, and I hope it will not prevail.

Mr. PLUMB. Mr. President, I share some of the doubt that has been expressed here and elsewhere about the possibility of the construction of a good harbor on the coast of the Gulf of Mexico, in Texas or elsewhere; and, whether I share any doubt with anybody else on the subject, I am profoundly affected with a belief that we shall never get a harbor there or elsewhere at the hands of the engineers of the United States Army at any reasonable cost. But we have certain instrumentalities in our employ which we are bound to make use of, as it seems, even although they are a great deal more expensive to us than if we entirely discarded them.

Logically and necessarily a deep-water harbor on the coast of the Gulf of Mexico would be a very great advantage to an immense area of country lying west of the Mississippi River, and the people have made up their minds that it is worth while to have a serious effort made to have such a harbor constructed. They realize that we shall blunder about this business, that we shall spend two dollars where one dollar ought to answer the purpose; that when we get it it will not probably be what we want, but it is by instrumentalities of this kind that we are to get everything which we are to get at all in the nature of river and harbor improvements until we extirpate root and branch the engineer part of the United States Army.

I have no doubt that a million dollars of Chicago capital will make a good harbor at the mouth of the Brazos; that is to say, as good a harbor as can be made on the Texas coast. That is simply because they employ competent civil engineers to do the work. It is because the men who spend the money are on hand to see that it is properly spent. The Engineer Corps know that they are to go on and on, and it does not make a cent's difference whether they spend the money wisely or not. Their salaries are assured, their proportion of the money is bound to come, and they perform their work with recklessness and an entire disregard of the responsibilities of the situation, such as would not be tolerated in any other country in the world. But we tolerate it and seem to enjoy it.

Mr. President, a harbor, in order to be available for present needs on the Texas coast, must be at a place where there are other things besides deep water. It must be at a place where there is already a large investment of private capital in the shape of railroads, elevators, and so on. I undertake to say that there is no place on the Texas coast that answers these conditions even remotely except Galveston.

There is another very important consideration. An enterprising people have built up a city there under very unfavorable conditions, and I would rather spend a million or two million dollars more at Galveston for a harbor with only the assurance of getting the same result than I would spend a much less amount at some other point where this investment of capital and enterprise had not been made. I do not believe the Government has any right in the ordinary sense of the term to destroy the investment of its citizens by building up instrumentalities which depreciate or put out of sight entirely the investments which they have made. In other words, the Government ought to link itself in whatever it does to this energy and to this enterprise and to the investment of its own people, giving encouragement and help thereto as far as it can. In order that there may be use for a harbor and its construction there must be, as I said, railroads to carry the products there; there must be elevators; there must be capital ready to invest in grain, and all the other instrumentalities of trade without which natural facilities go for nothing.

The people of the section of country which I in part represent here have a deep and abiding interest in this question, and they are interested in it whether they believe that any of their products will go to Galveston or not. I have sometimes doubted whether so great a portion of our trade would go that way as some of the more enthusiastic supporters of this proposition seem to think, but I do know at least that it will furnish a counter-irritant; and the very moment there is a prospect that the one, two, five, ten, fifteen, or fifty million bushels of grain of the State of Kansas which must be exported will really go that way, I know that the transportation companies which are interested in carrying this grain to Chicago, to St. Louis, and in other directions, will come in and say, "We will give you better rates if you will go our way in place of going this new way."

Therefore this proposition, in any event, if it is to result in a harbor,

will be of great benefit to the people of the State of Kansas and to all people who lie between the borders of that State and the Gulf of Mexico; and they feel that while we are spending millions of dollars in comparatively trivial enterprises, good enough in a local way, it is not unreasonable to say that \$6,000,000, a large—

The VICE-PRESIDENT. The Senator's time has expired.

Mr. PADDOCK. I ask unanimous consent that the Senator from Kansas be allowed to proceed.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator will proceed.

Mr. PLUMB. They feel that it is not unreasonable that \$6,000,000 shall be spent on this enterprise and appropriated in such a way as to make it certain that it shall be forthcoming at every step of the work and that its final completion shall be made perfectly manifest. The trouble about our river and harbor bill generally is that it appropriates for a particular work \$1,000, or \$5,000, or \$10,000, or \$50,000 a year, only a small portion of the amount which will finally be required for the completion of the work. I have in my mind a single harbor upon the coast of Lake Erie, estimated to cost \$100,000, which by this process of piecemeal appropriation cost \$200,000, and there is an estimate for the present year of \$50,000 for its completion, whereas if we had appropriated \$100,000 in the beginning we not only should have had a harbor for that money, but we should have had it within two years.

It ought to be possible to apply to the great harbors of this country, or to the great places where great harbors are possible, and where the larger investments of private capital are already made, the sensible business principle of providing enough money in order that the work once undertaken upon any plan may be proceeded with to its final and logical conclusion.

The late Mr. Eads, a noted engineer, said that he could make a harbor at Galveston which he would guaranty to be of a depth of 30 feet, for \$7,500,000. The people of Galveston, under the influence of that promise and looking to the melancholy exhibit of the expenditure of \$2,000,000 out of the Government Treasury which had entirely disappeared, of which there was not a single trace either in the depth of water or in a stone or a bit of timber or anything else to evidence its expenditure, asked Congress not to give them any money to be expended by the Government engineers, in the hope that Congress would do, as it had done in regard to the improvement of the mouth of the Mississippi River, appropriate a lump sum to be expended by an engineer whose reputation was at least a reasonable guaranty that we should get something for the money.

But Congress did not close with that proposition. The engineers finally adopted nearly Eads's plan. They would not adopt it entirely. Of course it would not have been consistent with their reputation to do that, because that would be confessing that they patterned after somebody outside, and that an Army officer never would admit; but they came nearly to that plan, and there is now a reasonable hope that if we appropriate this money we shall get something in the way of deep water at that harbor at all events; and whether we get it or whether we do not, we shall at any rate have made an honest effort to do it, and if we fail the failure will be such that its repetition will not be invited.

For that reason, Mr. President, I think we ought to pass this bill. I wish to say to the Senator from Nebraska that I think his amendment would be bad in this, that it would be putting us back upon the old plan of small appropriations and minimize or utterly negative the result. If it is proper to have, as it is, more than one harbor on the Texas coast, let us at the proper time appropriate money for those purposes; but, if there were a harbor to-day at Sabine Pass or if there were one at Aransas Pass, it would not lighten the labors or increase the value of the products of a single agriculturist of Kansas or Nebraska, because there is nobody there to buy what we have to sell; there are no ships coming in there to receive what we have to export; there are no railroads even going there for the purpose of carrying it there; and all those things would have to be built up at a later period.

Mr. PADDOCK. If the Senator will allow me, I will state that he is in error in respect to Sabine Pass. There is a railroad there and very considerable commerce.

Mr. PLUMB. Well, there is no railroad there that connects with the multiplied system of Northern Texas, the Indian Territory, Kansas, and Nebraska, and there are not facilities enough there to store the products of a single Kansas or Nebraska farm.

Mr. PADDOCK. That may be.

Mr. PLUMB. They might come, and they might not. What we want is as nearly as possible present relief, and let these speculative places that may come along later make their investments and thereby make the appeal to us that comes from Galveston to-day, to recognize what individuals have done, and at the same time in doing so make it perfectly certain that when we get a harbor we shall have all the other things that go along with it in order to make it valuable to the producers of the country.

Mr. PADDOCK. I should like to inquire of the chairman of the Committee on Commerce what the estimate for Sabine Pass for the present year is, if he remembers.

Mr. FRYE. I do not remember. The appropriations have run from

\$150,000 to \$250,000 a year. I will say to the Senator that the committee has already practically determined to make the usual appropriation for Sabine Pass. There was a hearing before the committee, and some of the most intelligent men I ever saw came from down in that neighborhood and presented their case admirably, and satisfied the committee that Sabine Pass must be reasonably improved for the business which is to seek the ocean there, not as a great deep-water harbor for the world.

Mr. PADDOCK. I wish to say to the Senator from Texas that he must not infer from anything said by my colleague or any one else that there is any disposition on the part of my colleague or myself or anybody in the State of Nebraska to defeat his proposition. There is an idea prevailing in our State, and has been for a good while, that Sabine Pass is the better place and that a better deep-water harbor could be made there, but there is no disposition to get in the way of or to antagonize the proposition on behalf of Galveston. It was only on account of the apprehension that, Galveston being excepted in this irregular and unprecedented manner, the other places were to be ignored that there was any disposition whatever to interrogate him or others as to the purpose of the committee. Upon the assurance of the chairman of the committee in respect to his own view and that which he understood to be the view of his committee and the informal conclusion of the committee, so far as I am concerned I have no disposition to antagonize the bill or to ask for its amendment.

Mr. MANDERSON. I do not know that my colleague has stated as fully as need be the motive which prompted me to offer the amendment. It has accomplished its purpose in inducing the argument that has been made upon the bill and the presentation of the facts which were not in the possession of the Senate by means of any report that was within our reach. It may be that papers went to the Committee on Commerce which influenced their action and induced this result; but no member of the Senate unless he was a member of that committee has had access to them. I felt as though here was an effort by the creation of this one deep-water harbor to create that which was monopolistic in its tendencies and to exclude any appropriation for these other very important points on the coast of Texas. But with the assurance made in the open Senate by the chairman of the Committee on Commerce and corroborated by other members of the committee, that it is their purpose on the river and harbor bill to make a liberal appropriation for the improvement of Sabine Pass, I am content, and I withdraw the amendment.

The VICE-PRESIDENT. The amendment of the Senator from Nebraska is withdrawn.

Mr. HALE. I have a report of the highest privilege to present, but if a vote can be had upon the pending bill I shall withhold it for a few minutes.

Mr. FRYE. We can get a vote now, I think.

Mr. REAGAN. I suppose we can have a vote now.

Mr. TELLER. Mr. President, I intend to vote for this bill, although I do not believe myself that Galveston is the cheapest or the best place at which to build a harbor on the Gulf. I believe there should be at least three harbors on the Gulf, and I believe nature has provided three appropriate places. I do not know that Galveston is absolutely one of them, but there is a large city growing up there, large interests have centered there, and they are connected now by a system of railroads with a large portion of the country. It seems to me that, whether it is one of the best places by nature or not, it is one of the places where we are compelled to build a harbor.

If it can be built for \$6,200,000 the Government of the United States can afford to build it. It is for the benefit, not of Texas alone, but for the benefit of all the Northwest, which has had very little advantage of the harbor appropriations, practically I may say none. So I do not care if it seems to be somewhat of a large sum; the largeness of the country back of it and the great interests to be promoted justify the expenditure.

The harbor at Sabine Pass is, I think, of equal importance, and at Aransas Pass, on the other side, the harbor is of equal importance. Both of those harbors can be made equally good, in my opinion, with the harbor at Galveston with very much less money, and while I vote for the improvement at Galveston I vote for it with the distinct understanding that this is not the only experiment which is to be made, because if this experiment should fail, as a great many people have an idea it may, we should be left without any outlet in that direction.

The Senator from Nebraska [Mr. MANDERSON] said that more money had been spent at Sabine Pass than at Galveston. That is a mistake. Large expenditures have been made at Galveston and have failed for the reason that the chairman gave, in my opinion. The expenditures at Sabine Pass have been more remarkably valuable to commerce. I think it would be very difficult to find any port anywhere in this country where the Government obtained as good results from the amount of money expended as at Sabine Pass, and therefore it can not be the policy of the committee or of Congress to abandon any one of those three ports. I shall insist when the river and harbor bill comes here that the two other ports shall be also taken care of, because I think the great Northwest is entitled to at least three ports on the Gulf.

Mr. COKE. If the Senator will permit me I will inform him that

the report of the engineers who selected Galveston as the principal point on the coast for improvement especially recommended that Sabine Pass and Aransas Pass be also improved.

Mr. TELLER. I understand that matter very well. I have given a good deal of attention to this subject, because the people in my section of the country are just as much interested in it as the Texas people. I have been getting letters and resolutions of boards of trade, and the Legislature of my State I believe indorsed this scheme. Therefore I am for the three ports. I am going to vote for the bill because I believe the money will bring deep water at Galveston. If it does not, I know it can be got somewhere on the coast, and the Government is bound to give it to the people in the Northwest.

Mr. VEST. Mr. President, I simply wish to supplement what I understand has been said in regard to the Sabine Pass improvement by the statement that there has been no public improvement upon rivers and harbors in the United States, with the exception of the jetties at the mouth of the Mississippi River, that has brought about such valuable results as the improvement at Sabine Pass. The evidence shows that for every \$100,000 expended there we have had a permanent increase of 1 foot in the depth of water upon the bar.

Mr. PADDOCK. What has been the result, I should like to inquire, at Galveston?

Mr. VEST. The result has been so far exceedingly favorable, and there is no sort of question that with comparatively small expenditures hereafter, which I think every member of the Committee on Commerce favors, there can be a splendid harbor at Sabine Pass.

Now, I want to say a word in all frankness in regard to the harbor at Galveston, in which the people in my State are as much interested as those of any other State in the Union. I was not entirely satisfied with the reports of the engineers as to the work already done at Galveston. They have made some terrible mistakes there. They have thrown away a large amount of money.

Mr. INGALLS. How much?

Mr. VEST. Well, over \$2,000,000.

Mr. FRYE. Oh, no.

Mr. VEST. I think in that vicinity.

Mr. FRYE. They have not thrown it away.

Mr. VEST. I mean to say that there is nothing to show for it.

Mr. FRYE. Oh, yes, there is.

Mr. VEST. I do not know what you would call it, whether thrown away or not. They adopted a plan there which they found out to be impracticable. After Captain Eads went down there, in order to make a contract like the one he made in regard to the mouth of the Mississippi, to secure so many feet of depth of water for so much money, he came to the conclusion that they had placed the jetty too far out, that there was too much width, and that it would not secure the scouring from the reaction of the tide, upon which the success of the whole experiment is based, if it is an experiment. The engineers accepted his criticism in good nature and have undertaken to remedy that defect.

Now, I am not an expert as to such matters, especially the improvement of harbors upon the seacoast or upon the Gulf of Mexico, and I found myself, as a member of the committee, in this simple condition: we were without any other authority except a board of engineers, and they reported with great unanimity in favor of this deep-water improvement at Galveston in preference to every other point upon the coast. The interests involved are so enormous, the exigencies are so great, that I did not feel at liberty to say that I would vote for no appropriation at Galveston because I did not like the manner in which the money has been hitherto expended.

I shall vote for this measure and do all I can to secure its passage, but I want to say now that I would not be surprised if it turns out that we shall be compelled to adopt some other place hereafter upon the coast and some other plan. This, however, is the best that is now presented, and so long as the present system of putting these river and harbor improvements under the control of the Bureau of Engineers continues there is no alternative left us but to abandon the idea of a deep-water improvement upon the Gulf coast or else to take their recommendation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. 2442) to extend to Tampa, Fla., the privilege of immediate transportation of unappraised merchandise;

A bill (S. 2501) to provide for an American register for a steamer to be named San Benito, owned by a corporation of the State of California; and

A bill (S. 3279) to suspend the enforcement of the act approved March 2, 1889, entitled "An act to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers."

The message also announced that the House had passed the following bills, with amendments in which it requested the concurrence of the Senate:

A bill (S. 2402) to provide for the purchase of a site and the erection



of a public building thereon at Allegheny, in the State of Pennsylvania; and

A bill (S. 1306) for the erection of a public building at Hudson, N. Y. The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 164) to increase the limit of cost of the erection of the public building at Wilmington, Del.;

A bill (H. R. 6845) directing the issue of a duplicate of a lost check, drawn by O. M. Carter, lieutenant, United States Engineer Corps, in favor of Charles C. Ely; and

A bill (H. R. 7175) for the erection of a public building at Tuscaloosa, Ala.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 3279) to suspend the enforcement of the act approved March 2, 1899, entitled "An act to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers;" and

A bill (H. R. 8458) authorizing the purchase of tents by the Secretary of War, and for other purposes.

#### COLORADO SPRINGS WATER RESERVOIRS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and ordered to lie on the table:

To the Senate of the United States:

In compliance with the resolution of the Senate of the 28th instant, the House of Representatives concurring, I return herewith the bill (S. 1332) entitled "An act granting to the city of Colorado Springs, in the State of Colorado, certain lands therein described for water reservoirs."

BENJ. HARRISON.

EXECUTIVE MANSION, March 29, 1899.

#### ADDED MEMBERSHIP OF SAC AND FOX INDIANS.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Indian Affairs be directed to investigate all the facts concerning the adoption, by action of the Interior Department, of certain persons as members of the tribe of Sac and Fox Indians of Missouri, as reported to the Senate by the Secretary of the Interior, in response to resolution of date 14th instant, and report to the Senate at the earliest practicable date.

#### URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report, which was read:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7496) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1899, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 19, 21, 60, 61, 62, 63, 64, 65, 66, and 67.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 7, 11, 13, 14, 15, 16, 17, 20, 22, 23, 25, 26, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 57, 58, 59, and 68, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 55, and agree to the same.

On the amendment of the Senate numbered 41, the committee of conference have been unable to agree.

EUGENE HALE,  
W. R. ALLISON,  
F. M. COCKRELL,  
*Managers on the part of the Senate.*  
D. B. HENDERSON,  
J. G. CANNON,  
WM. C. P. BRECKINRIDGE,  
*Managers on the part of the House.*

The VICE-PRESIDENT. The question is on concurring in the report.

Mr. COCKRELL. I should like to know—I did not catch it from the reading—what was done with the amendments numbered 60, 61, 62, 63, 64, and 65?

The Chief Clerk read as follows:

That the Senate recede from its amendments numbered 19, 21, 60, 61, 62, 63, 64, 65, 66, and 67.

Mr. COCKRELL. I should like to ask the Senator from Maine what is still in controversy.

Mr. HALE. The only matter in controversy between the two Houses is amendment numbered 41, on page 21 of the bill, relating to the location of artesian wells in the Western country. All the rest of the bill stands disposed of in the conference by agreement, the House conferees yielding in certain matters and the Senate conferees yielding in other matters, the committee coming to an accord upon the entire bill except the amendment referred to, 41 in number, upon page 21. That is a Senate amendment to which the House conferees declined to agree, and it must be the subject of further meeting or controversy.

Mr. COCKRELL. Before the report is adopted I desire to make a statement in regard to the amendments numbered 60, 61, 62, 63, 64, and 65, on pages 24 and 25, and also amendments numbered 66 and 67, on page 25.

It will be observed by reading these provisions of the bill as they came from the other House that for certain objects, for example, arrears of pay, bounty under the different acts, and commutation of ration, the House made an indefinite appropriation, "so much as may be necessary is hereby appropriated." That was the language used in every one of the provisions to which these amendments were made. The Senate Committee on Appropriations amended the provisions by inserting an amount, in the first instance, the sum of \$200,000, or so much as may be necessary; in another instance, the sum of \$175,000, or so much as may be necessary, and, in another, the sum of \$15,000, or so much as was necessary, and, in another, the sum of \$22,000, or so much as was necessary.

Mr. CULLOM. So much more?

Mr. COCKRELL. No; only so much as was necessary.

Mr. CULLOM. So much more or so much under that amount?

Mr. COCKRELL. So much under that amount. That was the deliberate action of the Committee on Appropriations, and I think for good and sufficient reasons. Here, for years past, with two or three exceptions, no appropriation has been made in advance to pay the claims audited and allowed for balance of bounty or bounty arrears, arrears of or for commutation of rations. For many years they have been reported to Congress by the Secretary of the Treasury, and Congress at each session has made a specific appropriation to pay the amount audited and allowed. In this deficiency bill there was an amount inserted by the Senate which we thought was sufficient to pay the claims already audited since the last report and all those that could be audited up to the 30th of June. We were met in conference by the statement that the officials said that the amount we had inserted would not be sufficient to pay all the claims which would be audited and allowed between this time and June 30, the end of the present fiscal year. We offered to increase the amount. We offered to increase the amount to any sum they would say was sufficient to meet all possible allowances which might be made, and the members of the other House on the conference peremptorily refused to accede to the proposition.

Mr. President, why is it that the Republican House of Representatives refuses to fix an amount in an appropriation bill? I say it is the deliberate purpose on the part of that House to conceal and suppress from public knowledge and from the country the amounts of money actually appropriated, and to do it by saying "so much as is necessary is appropriated."

Mr. President, I am using no language now that I did not use to the committee of conference. I think it is a very poor, miserable, contemptible subterfuge to conceal and cover up the amount of money that the Republican House will have to appropriate, and it is beneath the dignity of any great political party.

Mr. HALE. The Senator from Missouri must deal with the rules and with the House of Representatives in his contemptuous allusions to that body. The committee of conference found itself confronted with a provision applying to these appropriations upon which the conferees representing the other House were not only firm, but obdurate. The whole question in controversy is simply this: Here is a distinctive class of claims, the evidence of which is found upon the files and archives of the Treasury Department. They relate exclusively to soldiers' claims, old arrearages due to the soldiers of the Republic for arrears of bounty and commutation. Heretofore, as the Senator from Missouri has said, Congress has generally (not always, with some exceptions) appropriated in detail specific amounts beyond which the auditors and auditing officers of the Treasury Department could not go.

Every year cases, in some instances many cases, have arisen where claims have been audited and approved and no appropriations have been made until months afterwards. A soldier living in a certain town, upon a certain street, receives his money because he gets in time, before the appropriation is expended. Another soldier in the same town, in the same street, in another house, does not get his claim in until after the money is expended, and he has to wait six months or a year.

Acting upon these considerations the House of Representatives decided, after full debate, that upon this class of cases Congress was justified in making an indefinite appropriation, and provided in terms that so much money as might be necessary to pay these old-soldier claims should be appropriated in the bill, so that every man, wherever he came from, wherever he served, wherever he lives now, should have his money as soon as his claim should be audited.

The practice of indefinite appropriations is a vicious practice; there is no doubt about that. The Senator is right in saying that generally Congress should hold the jurisdiction over these appropriations, and should appropriate specifically so that it may be known what the amounts are that are carried in each of the annual appropriation bills. But the House of Representatives, because of the nature of these claims, because they are based upon the evidence that the Government alone can furnish, because it is not outside testimony that is produced, because it is the fault of the Government, as they claim, that they do not complete and certify these claims and hunt up the soldiers and pay them—because of these reasons the House of Representatives determined to make an exception in this case, and to make an indefinite appropriation, so that no old soldier of the war, twenty-five years older to-day

than when his service commenced, with all the added infirmities that have come to him, should wait longer or die waiting for the promised land.

We found in conference that the representatives of the House of Representatives upon the conference committee were, as I have said, obdurate upon this point, and at last, because of the reasons that they gave, the majority of the Senate conferees yielded and gave up the controversy. And all the more, Mr. President, because under a plan of doing business in these Departments, set on foot by the Senator from Missouri and carried out with his usual vigor and persistency, these claims are all to be brought to a head and disposed of and audited and paid within the next two or three years. Therefore, with one exception, the Senate conferees believed that no great harm would come from letting down the rule about indefinite appropriations, and that is simply the reason why it is that the majority of the conferees on the part of the Senate yielded in order that these old soldiers, these old claimants, these broken-down, aged men, passing off the scene of human action, might not be kept delayed even one week or one day. That is all there is of it, Mr. President.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference.

The report was concurred in.

REPRESENTATIVES OF GEORGE M'DOUGALL.

The VICE-PRESIDENT. The next bill on the Calendar will be proceeded with.

The bill (S. 316) for the relief of the legal representatives of George McDougall, deceased, was considered as in Committee of the Whole. It proposes to pay to the legal representatives of the estate of George McDougall the sum appropriated in the general deficiency bill of August 4, 1896, to pay the judgment of the Court of Claims in favor of John Paul Jones, administrator, to wit, \$31,250, in the same manner as though the judgment had been affirmed on appeal to the Supreme Court of the United States, but without interest or costs.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPRON COLLECTION OF JAPANESE ART.

Mr. VOORHEES. I ask the indulgence of the Senate to call up Order of Business 452, Senate bill 321, a bill that was passed over under the rule a few days ago in my absence.

The bill (S. 321) providing for the purchase of "the Capron collection of Japanese works of art" was considered as in Committee of the Whole. It proposes to appropriate \$14,675 for the purchase of "the Capron collection of Japanese works of art," now on temporary deposit in the National Museum, at Washington.

Mr. SHERMAN. What is the amount appropriated?

Mr. CULLOM. Fourteen thousand dollars.

Mr. VOORHEES. The Senator from Ohio is familiar with this subject. I will state that it is the amount fixed by the authorities of the Smithsonian a year or more ago. The bill was reported after a very full examination by the Committee on the Library. It passed I think twice through the committee and was passed once by the Senate in a former Congress. The Senator from Massachusetts [Mr. HOAR], of the committee, is present. The Senator from New York [Mr. EVARTS] is not here, but I hope the Senate will pass the bill.

Mr. PLATT. Will the Senator be kind enough to explain to those Senators who have not had the time and opportunity to visit the National Museum, what this collection of Japanese works consists of? I simply want information about it.

Mr. VOORHEES. General Capron was abroad a number of years in the service of the Government in Japan, and when he returned he brought a rare collection of those peculiar works of art for which Japanese civilization and skill are famous. The collection has been valued by those who are experts in that business and this is the value placed on the collection by Spencer F. Baird and others connected with the Smithsonian Institution and the National Museum. The collection now belongs to Mrs. Capron, a very aged lady, General Capron being dead. The matter, as the Senator from Massachusetts as well as myself can assure the Senate, has had very careful consideration, and I trust that no obstacle will be presented to the passage of the bill.

Mr. HARRIS. What is the amount involved?

Mr. VOORHEES. Fourteen thousand and some hundred dollars.

Mr. VEST. I should like to ask my friend from Indiana a question. I do not know anything in the world about this matter, except that I know that the prices paid for Japanese curios have gone down very much in the last two or three years. They used to be considered quite rare, but now hardly a week passes when there are not large auction sales in this city of Japanese articles. I have never seen this collection, and I do not know whether it consists of articles that can not be obtained elsewhere or whether they are antiques, which would give particular value to such articles, but I happen to know that all the large cities to-day are filled with Japanese curios. I simply want to inquire whether this price is considered as being the value to-day or whether there has been any recent valuation, so as to know whether \$14,000 is an exorbitant sum or not.

Mr. DAWES rose.

Mr. VOORHEES. I yield to the Senator from Massachusetts.

Mr. DAWES. I do not profess to know the value of such things, but I have had the opportunity to see the selections made by Mr. Capron and they are not of any ordinary character, like those which are in the shops of cities.

Mr. VOORHEES. Oh, no.

Mr. DAWES. They are of a very rare kind, and are nowhere to be found in any of the shops, and they are of inestimable value as compared with all those that are seen in shops. I would not undertake to express an opinion as to their value, but there are no such specimens of the wonderful art of the Japanese people as those that were collected by Mr. Capron. They are peculiarly valuable specimens of what is done in that country, and they are of great value of themselves, as compared with other specimens, though I am not able to express an opinion upon their money value. I know that heretofore they have been valued by those in whose judgment I should have great confidence as being of great value to this country to obtain the possession of and keep in the National Museum.

Mr. VOORHEES. In further answer to the Senator from Missouri I will state that during the last session of Congress there was a letter read here which is in the CONGRESSIONAL RECORD. It ought to be on file now. I tried to find it a little while ago. The Senator from Massachusetts knows of the existence of the official communication which we secured from the Smithsonian in respect to the value of these rich and rare specimens of works of art in Japan, and the amount appropriated in the bill is the value placed by them. We did not pretend to appraise them ourselves; we did not know how; and so we secured the written official statement of what such works would be worth at this time, and that was within the last year or eighteen months.

Mr. HALE. Mr. President, these works are of such transcendent value that it raises a condition of wonderment in the human mind that has ever considered them why they were ever allowed to be brought from the country where they were made. They are not works that can be estimated by any valuation or appraisal, but depend largely upon the imagination. Having had some experience in committees that have viewed and investigated such matters, I have found that no two persons agree as to their value. They are somewhat like the Sibylline Leaves. They come to us first with an estimate of a few thousand dollars, as these did originally—

Mr. VOORHEES. The Senator is mistaken about that.

Mr. HALE. And they have been constantly increasing in value. It is an additional argument in favor of passing this bill and getting rid of it, that if we do not pass it now at \$14,000 it will come in next year at \$20,000. The Senator from Massachusetts [Mr. DAWES] says to me in an aside that he has no doubt that will be so. The Senator from Indiana will appreciate that consideration. It may be that he would favor it if more money should be called for.

Mr. VOORHEES. That is an argument in favor of the passage of the bill now.

Mr. DAWES. Will the Senator allow me to interrupt him?

Mr. HALE. Certainly.

Mr. DAWES. I have no doubt that as years go on more and more the real value of these specimens will be appreciated, and that will increase their value in the market. I agree with the Senator that if we had purchased them five years ago in the market we could have got them for much less than now. Every year that we come to be more and more familiar with what is done there these specimens will be prized above all others.

Mr. HALE. What I was coming at is that there is a pronounced demand for this kind of appropriation from the laboring men and the farmers of the country. The representatives of that sentiment which the Senator from Indiana so earnestly and eloquently urged upon the Senate the other day, the downtrodden and oppressed farmers of the country, who are disregarded by Congress, who are passed over in their claims in favor of fanciful things and in favor of monopolists, desire this appropriation! Nothing can carry to the breast of the Western farmer so complete and thrilling a feeling of satisfaction with the Congress of the United States as to know that it is hunting up old relics from Japan, collections that have been for years and years here in Washington, and without which the Government has gone on in a very respectable fashion, but which now, in obedience to their demand, are being purchased for their benefit! It is not a fanciful thing, Mr. President; it is a real thing, the desire that the great West has for the purchase of these products of Japanese art!

Fourteen thousand dollars is a small sum to the farmer of the West. He is willing to expend it for these subjects; he is entirely satisfied; and the Senator from Indiana is doing much in this cause that he is now pleading to pacify the farmers whom the other day he unduly stirred up. I congratulate him that he is engaged now in a crusade that will be beneficial to the farmers of the country and will tend to make them more content. And for that reason, and to relieve the burdens under which they exist, I am going to vote with him, because I thought the other day that he was stimulating a feeling of discontent on the part of the farmers, and now I see that he has slept over it and that he has found something that they are interested in, and that he knows



will go through, and we are all going to join him and put him in favor in sending this appropriation through.

Mr. VOORHEES. Mr. President, I will forgive the very mean speech that preceded a very excellent conclusion and will ask for a vote, only saying that General Capron was a very acceptable Commissioner of Agriculture in his day, and this little appropriation goes to his widow in her poverty. Now I hope we shall have a vote.

Mr. BERRY. I desire to ask the Senator from Indiana if it is true that these works of art have been offered for \$2,000?

Mr. VOORHEES. I will not put it in any offensive way, but I will answer in this way: I was trying to tax my best recollection when the Senator made that statement, and my best recollection is—I am not to be held responsible if it is a little different from that—that I introduced a bill for the purchase of the Capron collection for \$10,000. Then the committee asked officially the officers who had these works in charge at the Smithsonian Institution for an estimate of their value, and they made an estimate over the amount that was asked for them. Then I amended the bill myself in accordance with it.

I represent a constituency, Mr. President, who would not abolish the Smithsonian Institution or the National Museum, and I suppose the Senator from Maine [Mr. HALE] would criticise them for not doing so; but, as I stated, I forgive him for his speech for the sake of the vote he is going to give.

Mr. HOAR. I suppose everybody is in favor of ornamenting this Capital and making it to the American people who come here attractive to a reasonable and proper extent with works of art. A good many of us have voted for larger expenditures than this for single objects which hardly come within that designation when they are completed. I remember Mr. Sumner said that the most polite thing he ever knew in his life was when a distinguished Englishman walked with him straight by the statue of Andrew Jackson and did not manifest the slightest consciousness that there was such a thing in sight.

Now, I think in the selection of these works we can trust, better than we can ourselves, the judgment of the men who have the charge of the Smithsonian Institution and the National Museum. Professor Baird, I believe, reserved this large space in the National Museum to their custody and exhibition; they are among the most attractive and interesting objects which are examined by the persons who go there, and he desired their purchase. I think I am not mistaken in making that assertion. The Senator from Indiana knows whether I am correct or not in that statement.

Mr. VOORHEES. The Senator is correct about that.

Mr. HOAR. When the present accomplished secretary of the Smithsonian Institution, who is not only one of the most distinguished and learned men in the country, but who has been a special student of the history of art, who is familiar with the history of the great works of art in the world, and who has been a special student in that most delicate art matter of engraving, desires a small appropriation of this kind for an object of art to be preserved in his National Museum, and sets a price on it, I, for one, am willing to act upon his authority, and I do not think there is better authority in the country.

The bill was reported to the Senate without amendment.

Mr. GEORGE. Mr. President, in the absence of the Senator from Texas [Mr. REAGAN], in order to guard the people against such extravagant appropriations as this, I shall be compelled to put in my feeble protest against any such expenditure of the public money. I will not make any speech about it, for the reason that I can not get—let me see, what is the word?—I can not get the forgiveness of the Senator from Indiana [Mr. VOORHEES] for making a mean speech in opposition to this bill, by voting for it. My position is that I shall have to vote against it.

Mr. BERRY. Mr. President, I desire to say that while \$14,000 is a small sum it is an appropriation that ought not to be made. I fully agree with all the Senator from Indiana [Mr. VOORHEES] so well said a few days ago in regard to the condition of the farmers of the country, and I furthermore agree that this character of appropriation is not the kind that they approve, and I do not believe that it should be made by the Senate of the United States.

It is practically admitted that these articles are not worth this sum of money, and that the bill was originally introduced for a far less amount. The persons who own these works did not consider them worth \$14,000, and yet the Senator from Indiana says he changed the amount on his own motion when the lady for whose benefit the appropriation is to be made did not expect that amount.

Mr. President, if it was our own money with which we were dealing we should have the right to take it and give it to this lady, to give her more than she asked, to give her more than it is admitted these articles are worth, and to give her more than they are valued at, but I do not believe that I as a Senator here have the right to vote the people's money in any such way, and therefore I am in earnest against this and all kindred appropriations.

Mr. VOORHEES. I am astonished at the inaccuracy of the Senator from Arkansas [Mr. BERRY], who is usually very accurate and fair. The amount was not changed on a claim of the claimant or on an estimate of more than the works were worth. I stated that I changed the

face of the bill upon an official estimate made by experts in the Smithsonian Institution upon the official request of the committee, and that that was the basis of changing the amount. That was the statement.

Mr. BERRY. I understood the Senator to state that the bill was originally introduced for \$10,000, with which sum the owner of these articles was content. Is that correct?

Mr. VOORHEES. I did not say whether she was content or not. I did not ask the poor, old, impoverished lady on that subject, but I did find out what the articles were said to be worth by those who were competent to judge. I never jew and I never haggle and I never beat down, especially a widow woman in poverty, and I represent a constituency who do not expect me to do it.

Mr. BERRY. In regard to jewing and beating down the poor, and talking about a poor old woman, there are thousands of poor old women in the State of Indiana and in Arkansas who are as much entitled to the consideration of the Congress of the United States as this lady or any other lady.

When the Senator talks about never trying to beat down, that argument goes very well with a man's own property and his own money, but when we are dealing with other people's money, I, for one, do not believe that we have a right to vote any more than the article we purchase is worth, and the fact that the lady is old and poor makes no difference in that particular, if we are dealing with her for articles which the Government desires to possess.

That is my idea of the right and wrong of the proposition, and no remarks about the character of constituency the Senator represents or that I may represent will affect me when it comes to voting away money which we admit is not ours, and when the Senator admits that the bill has been changed from the amount provided for when it was originally introduced.

I ask for the yeas and nays on the passage of the bill.

The VICE-PRESIDENT. The question is on ordering the bill to be engrossed for a third reading. Does the Senator from Arkansas desire the yeas and nays on that question?

Mr. BERRY. No; I ask for the yeas and nays on the passage of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The VICE-PRESIDENT. On the passage of the bill the Senator from Arkansas asks for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HALE (when his name was called). I am paired with the Senator from Kentucky [Mr. BECK].

Mr. HAMPTON (when his name was called). I am paired with the Senator from Rhode Island [Mr. DIXON].

Mr. QUAY (when his name was called). I am paired with the junior Senator from West Virginia [Mr. FAULKNER]. If he were present I should vote "yea."

Mr. SAWYER (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT] on all political questions; but I do not consider this as a question of that kind and I vote "yea."

Mr. SQUIRE (when his name was called). I am paired with the Senator from Virginia [Mr. DANIEL]. If he were present I should vote "yea."

Mr. TURPIE (when his name was called). I am paired with the Senator from Minnesota [Mr. DAVIS] and withhold my vote.

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB]. I do not know how he would vote on this question and withhold my vote.

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON].

The roll-call was concluded.

Mr. EDMUNDS. I believe the Senator from Alabama [Mr. PUGH] has not voted.

The VICE-PRESIDENT. He has not voted.

Mr. EDMUNDS. I am paired with him, subject to making a quorum, and so I withhold my vote unless it be necessary to make a quorum.

Mr. QUAY. I understand from Senators on the other side that my pair with the Senator from West Virginia [Mr. FAULKNER] does not apply to this bill in case my vote is necessary to make a quorum. Understanding that a quorum has not yet voted, I feel at liberty to vote, and I vote "yea."

Mr. SQUIRE. I understand the Senator from Virginia [Mr. DANIEL] with whom I am paired, if present, would vote "yea," and therefore I am at liberty to vote, and I vote "yea."

Mr. PADDOCK. I am assured that the Senator from Louisiana [Mr. EUSTIS] with whom I am paired, if here, would vote "yea," and I vote "yea."

Mr. EDMUNDS. May I ask if a quorum has voted?

The VICE-PRESIDENT. Not yet.

Mr. EDMUNDS. I will respond to my name then. I vote "nay."

Mr. VEST. I am at liberty to vote to make a quorum, and I vote "nay."

Mr. WILSON, of Maryland. In order to make a quorum I vote.  
I vote "nay."  
The result was announced—yeas 27, nays 15; as follows:

YEAS—27.			
Allen,	Dawes,	Mitchell,	Spooner,
Blackburn,	Dolph,	Morrill,	Squire,
Blair,	Gorman,	Paddock,	Stockbridge,
Butler,	Hoar,	Payne,	Teller,
Call,	Kenna,	Quay,	Voorhees,
Chandler,	McMillan,	Sawyer,	Washburn.
Cullom,	Manderson,	Sherman,	
NAYS—15.			
Bate,	Coke,	Ingalls,	Vest.
Berry,	Edmunds,	Pierce,	Walthall,
Casey,	Frye,	Platt,	Wilson of Md.
Cockrell,	George,	Reagan,	
ABSENT—40.			
Aldrich,	Dixon,	Hawley,	Pettigrew,
Allison,	Eustis,	Hearst,	Plumb,
Barbour,	Everts,	Higgins,	Pugh,
Beck,	Farwell,	Hiscock,	Ransom,
Blodgett,	Faulkner,	Jones of Arkansas,	Stanford,
Brown,	Gibson,	Jones of Nevada,	Stewart,
Cameron,	Gray,	McPherson,	Turpie,
Colquitt,	Hale,	Moody,	Vance,
Daniel,	Hampton,	Morgan,	Wilson of Iowa,
Davis,	Harris,	Pasco,	Woolcott.

So the bill was passed.

#### LABAN HEATH & CO.

Mr. PIERCE. I ask that the next bill on the Calendar, Order of Business 455, being the bill (S. 948) for the relief of Laban Heath & Co., of Boston, Mass., may be passed over without prejudice, as the Senator from West Virginia [Mr. FAULKNER], who reported it, is not present.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

#### PUBLIC BUILDING AT GRAND FORKS, N. DAK.

Mr. PIERCE. I ask that Order of Business 444, Senate bill 1571, which was heretofore passed over without prejudice, may be now taken up.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1571) to provide for the erection of a public building in the city of Grand Forks, N. Dak.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States courts and post-office and other Government offices, in the city of Grand Forks and State of North Dakota, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$100,000, which said sum of \$100,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plans, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plans, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$5 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of North Dakota shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Archi-

tect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.  
The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT BURLINGTON, IOWA.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

Mr. SPOONER. I ask the Senator to withdraw that motion to enable me to make a report.

Mr. SHERMAN. I withdraw the motion for that purpose.

Mr. SPOONER. I am instructed by the Committee on Public Buildings and Grounds to report back the bill (S. 954) authorizing the construction of a public building at Burlington, Iowa, with a recommendation that the Senate do not concur in the amendments made to the bill by the House of Representatives. I ask for the present consideration of the bill.

There being no objection, the Senate proceeded to consider the amendments of the House of Representatives to the bill (S. 954) authorizing the construction of a public building at Burlington, Iowa.

Mr. SPOONER. I move that the Senate non-concur in the amendments made by House of Representatives, and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. MORRILL, and Mr. VEST were appointed.

#### PUBLIC BUILDING AT CEDAR RAPIDS, IOWA.

Mr. SPOONER. I am instructed by the Committee on Public Buildings and Grounds to report back the bill (S. 903) for the erection of a public building in Cedar Rapids, Iowa, with the same recommendation.

The VICE-PRESIDENT. The question is on the motion of the Senator from Wisconsin that the Senate non-concur in the amendments of the House of Representatives, and ask a conference on the disagreeing votes.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. MORRILL, Mr. SPOONER, and Mr. PASCO were appointed.

#### ORDER OF BUSINESS.

Mr. COCKRELL. Regular order, Mr. President.

Mr. MITCHELL. Mr. President, I have requested the Senator from Ohio to yield to me a moment before going into executive session for the purpose of enabling me to call up a little bill to which there is no objection, a pension bill.

Mr. COCKRELL. There are a good many pension bills on the Calendar, and I do not think we can violate a unanimous agreement by seeking to call up a single pension bill out of the hundred or more on the docket. I must insist on the regular order. I have several constituents who are interested in pension bills on the Calendar, and they are just as needy as the constituent of the Senator. I regret very much to object, but I feel compelled to do it.

Mr. MITCHELL. I doubt very much whether any one of them is as needy as this widow, who is absolutely destitute, but I shall not insist on my motion now.

#### HOUSE BILLS REFERRED.

The bill (H. R. 164) to increase the limit of cost for the erection of the public building at Wilmington, Del., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The bill (H. R. 6845) directing the issue of a duplicate of a lost check drawn by O. M. Carter, Lieutenant, United States Engineer Corps, in favor of Charles C. Ely, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 7175) for the erection of a public building at Tuscaloosa, Ala., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

- A bill (H. R. 1041) granting a pension to Mary A. Van Etten;
- A bill (H. R. 1622) granting an increase of pension to Mrs. Sallie T. Ward;
- A bill (H. R. 2046) to grant a pension to Barbara Madden;
- A bill (H. R. 2057) for the relief of Barent S. Van Buren;
- A bill (H. R. 2066) granting a pension to James McCusker;
- A bill (H. R. 2067) granting a pension to Mrs. Maria Clark;
- A bill (H. R. 2958) for the relief of Johanna Eckle;



A bill (H. R. 3256) granting a pension to Anastasia McGrievy;  
 A bill (H. R. 3383) granting a pension to Charles H. Perry;  
 A bill (H. R. 3511) granting a pension to James S. Ferrin;  
 A bill (H. R. 4094) granting a pension to James H. McKinney;  
 A bill (H. R. 4422) to increase the pension of Lucian L. Sanborn;  
 A bill (H. R. 4423) to grant a pension to Lucinda A. Clark;  
 A bill (H. R. 4424) granting a pension to Fannie E. Woodbury;  
 A bill (H. R. 4482) granting a pension to Barbara Schnappinger;  
 A bill (H. R. 4811) to pension William G. Hill;  
 A bill (H. R. 5626) granting a pension to Hannah Ward;  
 A bill (H. R. 6078) granting an increase of pension to Frank Traynor;  
 A bill (H. R. 6415) to reissue the pension certificate of Nannie W. Metcalfe, and allow her a pension as a surgeon's widow;  
 A bill (H. R. 6603) granting a pension to Joseph D. Williamson; and  
 A bill (H. R. 6624) increasing the pension of Walter P. Harrison.

#### PUBLIC BUILDING AT ALLEGHENY, PA.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2402) to provide for the purchase of a site and the erection of a public building thereon at Allegheny, in the State of Pennsylvania.

Mr. QUAY. In the case of the bill for the erection of a public building at the city of Allegheny, in the State of Pennsylvania, I move that the Senate concur in the amendments of the House of Representatives.

Mr. PLATT. Does that bill as amended make an appropriation?

Mr. QUAY. No; the House of Representatives have stricken out the appropriation.

The VICE-PRESIDENT. The Senator from Pennsylvania moves that the Senate concur in the amendments made by the House of Representatives to the bill for a public building at Allegheny City, Pa.

Mr. INGALLS. Before that is acted upon I should like to inquire whether this bill contains the same provisions which appear in the other bills similarly amended, to the effect that the necessary expenses for the sketch-plans and for the inspection of the site and for the payment of the expenses of the agent sent out by the Treasury Department are to be paid out of the sum herein appropriated. If it does, it is obviously improper for the Senate to concur in the amendments, because by them the bill is left in an insensible and unintelligible condition. There is a similar bill for a public building at the town where I reside, and if the terms are not different in the bill which the Senator from Pennsylvania calls up from those in the bill to which I refer, then it is not possible for the Senate to concur in the amendments without doing a stultifying thing. I ask that the bill may be read before we concur in the amendments.

The VICE-PRESIDENT. The bill will be read.

Mr. QUAY. The bill may go over and I will call it up at another time.

The VICE-PRESIDENT. The bill will lie on the table subject to call.

#### PUBLIC BUILDING AT HUDSON, N. Y.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1306) for the erection of a public building at Hudson, N. Y.; which were ordered to lie on the table.

#### FIRE-PROOF BUILDING FOR NATIONAL MUSEUM.

Mr. MORRILL. I ask the Senate to take up Order of Business 461, being the bill (S. 2740) to provide for the erection of an additional fire-proof building for the National Museum.

Mr. COCKRELL. I hope the Senator will not do that. That is out of order and in violation of our understanding that we should proceed regularly with the Calendar.

Mr. MORRILL. I should be very glad to have the bill acted on.

Mr. COCKRELL. I am in favor of the bill and should like to see it pass.

#### EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until Monday, March 31, 1890, at 11 o'clock a. m.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 29, 1890.*

#### SECRETARY OF LEGATION.

Francis McNutt, of the District of Columbia, to be secretary of the legation of the United States at Constantinople.

#### COLLECTOR OF CUSTOMS.

L. Edward P. Dennis, of Maryland, to be collector of customs for the eastern district in the State of Maryland.

#### RECEIVER OF PUBLIC MONIES.

Quinby Vance, of Hillsborough, N. Mex., to be receiver of public monies at Las Cruces, N. Mex.

#### UNITED STATES MARSHAL.

Daniel Lake, of New York, to be marshal of the United States for the eastern district of New York.

#### INDIAN AGENT.

Robert Waugh, of Mount Pleasant, Iowa, to be agent for the Indians of the Uintah and Ouray agency (consolidated), in Utah.

#### SURVEYORS OF CUSTOMS.

John F. Dravo, of Pennsylvania, to be surveyor of customs for the district of Pittsburgh, in the State of Pennsylvania.

Rezin A. Maynard, of Michigan, to be surveyor of customs for the port of Grand Rapids, in the State of Michigan.

#### REGISTER OF LAND OFFICE.

James E. Russell, of Coeur d'Alène, Idaho, to be register of the land office at Coeur d'Alène, Idaho.

#### POSTMASTERS.

Michael Keating, to be postmaster at Centreville, in the county of Queen Anne's and State of Maryland.

Amzi G. Patterson, to be postmaster at Harper, in the county of Harper and State of Kansas.

William C. Charles, to be postmaster at Kiowa, in the county of Barber and State of Kansas.

George S. Smith, to be postmaster at Marion, in the county of Smyth and State of Virginia.

Calvin L. Spaulding, to be postmaster at Brainerd, in the county of Crow Wing and State of Minnesota.

Edwin B. Smith, to be postmaster at Pomona, in the county of Los Angeles and State of California.

Edward E. Bilkey, to be postmaster at Elko, in the county of Elko and State of Nevada.

Nathan W. Moody, to be postmaster at Fresno, in the county of Fresno and State of California.

Frank E. Williamson, to be postmaster at Pomeroy, in the county of Garfield and State of Washington.

Edgar M. Johnson, to be postmaster at Terrell, in the county of Kaufman and State of Texas.

Anna B. Baker, to be postmaster at Bowie, in the county of Montague and State of Texas.

George P. Graf, to be postmaster at Knightstown, in the county of Henry and State of Indiana.

Francis H. Doran, to be postmaster at Michigan City, in the county of La Porte and State of Indiana.

John A. Truex, to be postmaster at West Plains, in the county of Howell and State of Missouri.

Alexander W. Davis, to be postmaster at White River Junction, in the county of Windsor and State of Vermont.

Edward Clark, to be postmaster at Poultney, in the county of Rutland and State of Vermont.

Jasper H. Orcutt, to be postmaster at Northfield, in the county of Washington and State of Vermont.

Joseph W. Gary, to be postmaster at Caribou, in the county of Aroostook and State of Maine.

Hiram T. Sharp, to be postmaster at Delavan, in the county of Walworth and State of Wisconsin.

Daniel C. Remington, to be postmaster at Mauston, in the county of Juneau and State of Wisconsin.

Lewis S. Patrick, to be postmaster at Marinette, in the county of Marinette and State of Wisconsin.

George A. Whitney, to be postmaster at Wadena, in the county of Wadena and State of Minnesota.

Benjamin F. Johnson, to be postmaster at Worthington, in the county of Nobles and State of Minnesota.

James A. Claghorn, to be postmaster at Waseca, in the county of Waseca and State of Minnesota.

John M. Holt, to be postmaster at Moline, in the county of Rock Island and State of Illinois.

Albert L. Stone, to be postmaster at Marseilles, in the county of La Salle and State of Illinois.

Robert D. Dole, to be postmaster at Bryan, in the county of Williams and State of Ohio.

Barclay M. Tillman, to be postmaster at Shelbyville, in the county of Bedford and State of Tennessee.

Charles A. Johnston, to be postmaster at Lebanon, in the county of Marion and State of Kentucky.

Hugh M. Eakin, to be postmaster at Fayetteville, in the county of Lincoln and State of Tennessee.

Morris Burns, to be postmaster at Galion, in the county of Crawford and State of Ohio.

James M. Saffell, to be postmaster at Frankfort, in the county of Franklin and State of Kentucky.

## HOUSE OF REPRESENTATIVES.

SATURDAY, March 29, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

BARBARA MADDEN.

Mr. LANE. Mr. Speaker, I ask unanimous consent that House bill 2046, passed last night, be corrected verbally by striking out the last six words, which are mere surplusage, before the engrossment of the bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent to strike out of the bill (H. R. 2046) to grant a pension to Barbary Madden the words at the end of the bill "to be paid a pension from," as the words are superfluous. Is there objection?

There was no objection, and it was so ordered.

PUBLIC BUILDING, ALLEGHENY, PA.

Mr. BAYNE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2402) to provide for the purchase of a site and the erection of a public building thereon at Allegheny, in the State of Pennsylvania.

The SPEAKER. The Chair will state that the bill and report to which the gentleman from Pennsylvania refers were read on yesterday. Is there a demand for their reading now? If not, the reading will be dispensed with.

There was no objection, and it was so ordered.

Mr. BAYNE. There are certain amendments—

The SPEAKER. The first question is, Is there objection to the consideration of the bill?

There was no objection.

Mr. BAYNE. There are certain amendments, Mr. Speaker, to the bill to which I desire to direct the attention of the House.

First, I move the usual amendment which has been made in such cases, to strike out the appropriating clause embraced in lines 13, 14, and 15.

The SPEAKER. The Clerk will read the words proposed to be stricken out.

The Clerk read as follows:

Strike out "which said sum of \$250,000 is hereby appropriated for said purpose, out of any moneys in the Treasury not otherwise appropriated."

The amendment was adopted.

Mr. BAYNE. There are other amendments which I will ask the Clerk also to read.

The Clerk read as follows:

Amend by striking out, after the word "expenses," in line 50, down to and including line 60, the following:

"So much of the appropriation herein made as may be necessary to defray the expense of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

"So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site."

Also amend, in line 62, by striking out the words "no money appropriated" and insert in lieu thereof "no part of the sum authorized;" also strike out, in the same line and in line 63, the words "available except as hereinbefore provided" and insert "expended;" so that it will read:

"No part of the sum authorized by this act shall be expended until a valid title," etc.

Also strike out lines 70 to 77, inclusive, as follows:

"After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches."

The several amendments were considered and adopted.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BAYNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider to be laid on the table.

The latter motion was agreed to.

The SPEAKER. Without objection, the bill H. R. 747, of the same title, will be laid on the table.

There was no objection, and it was so ordered.

PUBLIC BUILDING AT WILMINGTON, DEL.

Mr. PENINGTON. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 164) to increase the appropriation for the erection of a public building at Wilmington, Del., and put it upon its passage.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the amount heretofore fixed as the limit of cost of site and for the erection of a public building at Wilmington, Del., be, and the same

is hereby, increased to \$250,000, and that sum is hereby fixed as the limit of cost of site and for the erection of said building; and the sum of \$100,000, in addition to the sum heretofore appropriated for that purpose, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I hope the report will be read first.

The report (by Mr. LEHLBACH) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 164) entitled "An act to increase the appropriation for the erection of the public building at Wilmington, Del.," have had the same under consideration and report:

That the city of Wilmington, Del., is one of the most flourishing of the manufacturing cities of the country, having a population of between 60,000 and 70,000 inhabitants, and the present post-office building is insufficient for the accommodation of the patrons of the office. The Federal courts are held there, as well as the office of the collector of the port for the district of Delaware and internal-revenue office.

The bill increases the limit of cost from \$150,000, appropriated August 4, 1886, to \$250,000, being an increase of \$100,000. The sum asked for in this bill is not too much when the importance of this city is fairly considered, and the committee respectfully recommend the passage of the bill.

Mr. HOLMAN. I trust, Mr. Speaker, that some statement will be made as to the necessity for this increase by my friend from Delaware, because there is nothing contained in the report to indicate what it is.

Mr. PENINGTON. Mr. Speaker, in the Forty-ninth Congress there was an appropriation of \$150,000 to construct a public building at the city of Wilmington for the purpose of a post-office, custom-house, the accommodation of the Federal courts, and internal-revenue offices. After the appropriation was made the Supervising Architect drew the plans and sent them up to the city and immediately it was seen that the plans so submitted, covering the appropriation of \$150,000, or rather so much thereof as was left after the purchase of the site, which cost \$30,000, would not be sufficient for the erection of a building suitable for the needs of the city. They therefore asked an additional appropriation for this purpose.

The Supervising Architect in passing through the city took occasion to stop and view the ground, looking to the interest of the city and the Government, and on investigation came to the conclusion that the appropriation was not sufficient; and so he recommended in the Fiftieth Congress that, in his opinion, it would require \$250,000 to construct a suitable building for that city.

This city is increasing at the rate of from five to ten thousand in population per annum, so that in 1880, with a population of 40,000 people, the city has increased until now the population is about 67,000. The postal receipts are increasing at a rate of about \$6,000 per year.

Her manufacturing interests alone amounted last year to between thirty-five and forty millions of dollars, leaving out her commercial interests. She is one of the cities of the country where they manufacture the cars that are found on our railroads through all parts of the land and steam-boats which ply upon the waters; Pullman cars are manufactured there, and, in fact, almost every branch of manufacturing is carried on that is found in the country. In my humble judgment the appropriation here recommended is rather small than large, and I hope the bill will pass.

Mr. HOLMAN. What are the gross revenues of the post-office and custom-house?

Mr. PENINGTON. The gross revenues of the post-office for the last year were a little over \$60,000; the internal-revenue receipts were about \$300,000, although I have not the exact figures, but in that neighborhood; I think about \$300,000.

Mr. HOLMAN. And from the customs?

Mr. PENINGTON. The receipts from the customs were about \$15,000, according to my recollection.

The Federal courts are in session ten months in the year, and have not ample accommodations.

Mr. HOLMAN. Have they not a building now?

Mr. PENINGTON. There is an inferior building now, which is adaptable to other purposes; and when the new one is erected it will compensate largely for the extra expense.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. PENINGTON. I move to strike out the appropriating clause.

Mr. McMILLIN. What is the object in striking out that clause?

Mr. PENINGTON. It has been stricken out of all the other bills.

Mr. McMILLIN. But the money has to be spent.

Mr. PENINGTON. That is true; but it is to go into an appropriation bill.

Mr. SPINOLA. We want them referred to the Committee on Appropriations.

The amendment to strike out the appropriating clause was agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The SPEAKER. If there be no objection, the title will be amended by striking out the words "appropriation for" and inserting the words "limit of cost of."

There was no objection, and it was so ordered.



Mr. PENINGTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### PUBLIC BUILDING AT HUDSON, N. Y.

Mr. KETCHAM. I ask for consideration of the bill (S. 1306) for the erection of a public building at Hudson, N. Y.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Hudson and State of New York, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$100,000, which sum of \$100,000 is hereby appropriated for said purpose, out of any money in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plans, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury a written report of their conclusion in the premises, accompanied by all statements, maps, plans, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$5 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of New York shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendments recommended by the committee were read, as follows:

In lines 12 and 13 strike out "one hundred" and insert "seventy-five." Also strike out the following: "Which sum of \$100,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated."

The SPEAKER. Is there objection to the consideration of this bill? Mr. HOLMAN. I hope the report will be read.

The report was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill of the Senate (S. 1306) for the erection of a public building at Hudson, N. Y., respectfully report:

That the bill is substantially similar to the bill (H. R. 596) reported by this committee on the 25th ultimo. An explanatory of the bill, the committee annex hereto, and make a part of this report, the report accompanying said House bill, which is as follows:

"The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 596) for the erection of a public building at Hudson, N. Y., having had the same under consideration, respectfully report:

"That the city of Hudson contains a population of about 14,000, but fully 15,000 people receive their mail matter through this office. The city shows a small though steady increase, and its business is likely to be materially augmented by the recent erection of five knitting mills and other projected industries which will employ skilled labor and artisans. The original plant of the Allen Paper Car Wheel Company, one of the most successful enterprises in the country, is located here; also the Clapp & Jones fire-engine works, two smelting iron works, bridge works, tobacco manufactory, three national-banking institutions, savings-banks, freighting establishments, etc., all of which expect and require prompt and efficient postal service, but to afford which additional facilities and conveniences are indispensable.

"Suitable accommodations are also required for the internal-revenue office. The business transactions at the post-office for the year ending June 30, 1889, were as follows: The gross receipts amounted to \$14,472.

"The committee, regarding the accommodations now afforded inadequate for the business requirements and believing a public building necessary to meet the present and prospective needs of the public service at that place, recommend for passage House bill No. 596 as amended:

"In line 13 strike out 'one hundred' and insert 'seventy-five,' and in line 17 strike out 'one hundred' and insert 'seventy-five.'"

In accordance with the recommendation made above, your committee recommend the passage of the said bill, striking out the words "one hundred" wherever they occur in the bill and inserting in lieu thereof the words "seventy-five;" and also by striking out, in section 1, all after the word "dollars," the words so stricken out being a clause appropriating the amount of money to erect the building.

The SPEAKER. Is there objection?

Mr. McMILLIN. I object.

Subsequently,

Mr. McMILLIN said: I withdraw my objection to the bill the consideration of which is asked by the gentleman from New York [Mr. KETCHAM].

The SPEAKER. Is there further objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. KETCHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. Without objection, the bill H. R. 596, on the same subject, will be laid on the table.

There was no objection, and it was so ordered.

#### LIFE-SAVING APPLIANCES ON STEAMERS.

Mr. BAKER. I ask unanimous consent to consider the bill which I send to the Clerk's desk, and do so by direction of the Committee on Commerce.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The Clerk read as follows:

A bill (S. 3279) to suspend the enforcement of the act approved March 2, 1889, entitled "An act to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers."

*Be it enacted, etc.,* That the provisions of an act to amend sections 4488 and 4489 of the Revised Statutes of the United States, requiring line-carrying projectiles and the means of propelling them to be carried on steamers, and the rules and regulations relating thereto adopted by the Board of Supervising Inspectors and approved by the Secretary of the Treasury March 2, 1889, be, and they are hereby, suspended from operation and enforcement for the period of one year.

Mr. HOLMAN. That is a Senate bill. I hope an explanation will be made for the necessity for passing it.

Mr. BAKER. The report which accompanies this bill from the Committee on Commerce contains a letter from the Secretary of the Treasury which covers the whole ground; but, perhaps, I can state it more briefly. A year ago Congress passed an act to amend sections 4488 and 4489 of the Revised Statutes by inserting in the law a requirement for steamers to carry line-carrying projectiles and the means of propelling them. The act was to take effect on the first of February this year, but actually took effect on the 11th February by the approval of the board of inspectors. Immediately after this, the enterprising patentees of the projectiles and the means of propelling them put the prices up from two to four hundred per cent.—a perfect swindle, little less than an outrage on the commerce of the country. The Secretary of the Treasury recommends the passage of this bill. It was passed the day before yesterday in the Senate, and the steam-boat interests of the country urgently require its passage now. In order to avoid the imposition of this swindle which is proposed to be perpetrated on them, putting three and four prices on the projectiles, it is asked that this bill shall be passed.

Mr. KILGORE. We can not hear over here what the purpose of the bill is.

Mr. BUCHANAN, of New Jersey. It suspends the operation of the act for a year.

Mr. BAKER. The gentleman from Michigan [Mr. CHIPMAN] had particular charge of the bill before the Committee on Commerce, and I will yield the floor to him.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

Mr. EZRA B. TAYLOR. I would like to suggest an amendment to this bill in the nature of a substitute. I move that sections 4488 and 4489 of the Revised Statutes, referred to in this bill, be repealed.

Mr. BAKER. That would be a wise thing to do undoubtedly, but I hope it will not be done, as we are acting under the advice of the Treasury Department; and all that is needed and required by the interests affected is to pass this bill. I hope my friend will not insist on his amendment.

Mr. MCCREARY. The gentleman on my right [Mr. CHIPMAN] has had the bill in charge, and I would like to hear his statement in regard to it.

Mr. CHIPMAN. Mr. Speaker, under the act of 1889 vessels are required to have line-carrying projectiles. Under that act the Secretary of the Treasury has made certain regulations, and it is found that the carrying out of these regulations is going to cost millions of dollars to the owners of vessels. They contend, on the one hand, that the regulations are unnecessary and, on the other, that the projectile selected is too expensive; that, even if the regulations are right, the projectiles

selected under it cost too much and are no better than other projectiles which would cost less.

All that they desire is that time be given to have the whole subject investigated. The effect of this bill will be simply to suspend the action of that regulation during the present season.

Now, the object of bringing this bill up at the present time is this: that all the vessels in the lake trade are inspected in the spring of the year. Not one of them can leave port and enter into the business of the season as the law now stands without being fitted with this apparatus. The vessel-owners desire now, in anticipation of their spring inspection, to have this law suspended, so that they need not go to the expense of supplying their vessels with these projectiles.

There is a bill pending in this House, and one in the Senate, repealing the law of last year; but all that is now desired is a suspension of the law long enough for a thorough investigation of the subject. It is felt that the legislation upon this subject was hasty and improvident; that it was not based on information that was thoroughly reliable. It is also felt that at the bottom of this there was a comfortable thing for the inventor of this projectile, which they will be obliged to use. If the present law is suspended, the entire matter can be brought to the attention of the House when the bill is brought before it.

Mr. COVERT. Will the gentleman yield to a question?

Mr. CHIPMAN. Yes, sir.

Mr. COVERT. Is the limit of suspension established by this bill?

Mr. CHIPMAN. Yes, sir; it is simply for this season.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BAKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### PUBLIC BUILDING, TUSCALOOSA, ALA.

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7175) for the erection of a public building at Tuscaloosa, Ala.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise provide a site and cause to be erected thereon a suitable and commodious building, with fire-proof vaults, for the use and accommodation of the post-office and other Government uses at Tuscaloosa, Ala. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of \$50,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of \$50,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Alabama shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The committee recommended an amendment striking out the word "fifty" wherever it occurred in the bill and substituting "forty;" so as to make the appropriation \$40,000 instead of \$50,000.

The amendment was agreed to.

The SPEAKER. The question is upon ordering the bill to be engrossed and read the third time.

Mr. HOLMAN. I ask that the report be printed in the RECORD.

There was no objection, and it was so ordered.

The report (by Mr. BANKHEAD) is as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 7175) providing for the erection of a public building at Tuscaloosa, Ala., has duly considered the same, and submit the following report:

Tuscaloosa is situated on the Warrior River, at the head of navigation, in Tuscaloosa County, and was at one time the capital of the State; but for the convenience of the southern portion of the State the capital was removed to a more central locality, namely, Montgomery.

Tuscaloosa is the county seat of one of the richest counties in the State, both in minerals and agriculture.

The State University and State Lunatic Asylum are both located there. These institutions are the pride of the whole people.

In an educational way it is the Athens of the South.

Besides the above-mentioned university there are two flourishing female colleges, a successful system of public schools, and a private military school, besides a number of other private schools. The people are all cultured and prosperous.

There are three national banks, the Tuscaloosa Land Company with a paid capital of \$1,000,000, and an electric plant but just completed, by which the public institutions and the city are lighted.

Cotton factories grace the banks of the Warrior River.

Furnace companies are organized and manufacturing establishments are being erected.

Street-car lines run parallel with the river and other car lines intersect these at right angles.

The great Queen and Crescent system of railroad runs through Tuscaloosa, and two other trunk lines are being rapidly built and cross each other at Tuscaloosa.

The postal receipts have been very materially reduced, because it was necessary to establish two branch offices, one at the university, the other at the asylum, for the reason that business could not be successfully or properly done in the small and poorly managed office now existing.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BANKHEAD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### NATIONAL ZOOLOGICAL PARK.

Mr. CANNON. Mr. Speaker, I desire to present a privileged report. I report back from the Committee on Appropriations the bill (S. 2284) for the organization, improvement, and maintenance of the National Zoological Park, and recommend that it do pass with certain amendments.

The bill was read, as follows:

*Be it enacted, etc.,* That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the organization, improvement, and maintenance of the National Zoological Park, to be expended under the direction of the Regents of the Smithsonian Institution, the following sums of money:

For the shelter of animals, \$15,000.

For shelter-barns, cages, fences, and inclosures, and other provisions for the custody of animals, \$9,000.

For repairs to the Holt mansion, to make the same suitable for occupancy, and for office furniture, \$2,000.

For the creation of artificial ponds and other provisions for aquatic animals, \$2,000.

For water supply, sewerage, and drainage, \$7,000.

For roads, walks, and bridges, \$15,000.

For miscellaneous supplies, materials, and sundry incidental expenses not otherwise provided for, \$5,000.

For current expenses, including the maintenance of collections, food supplies, salaries of all necessary employes, and the acquisition and transportation of specimens, \$37,000.

SEC. 2. That the National Zoological Park is hereby placed under the direction of the Regents of the Smithsonian Institution, who are authorized to transfer to it any living specimens, whether of animals or plants, now or hereafter in their charge, to accept gifts for the park at their discretion, in the name of the United States, to make exchanges of specimens, and to administer the said Zoological Park for the advancement of science and the instruction and recreation of the people.

SEC. 3. That the heads of Executive Departments of the Government are hereby authorized and directed to cause to be rendered all necessary and practicable aid to the said Regents in the acquisition of collections for the Zoological Park.

Mr. HOLMAN. Is this bill now before the House for consideration, Mr. Speaker?

Mr. CANNON. I should be glad to have it considered at this time. I think that as there is but one substantial amendment the bill can be disposed of in ten minutes.

Mr. HOLMAN. I wish to reserve the point of order upon it.

The SPEAKER. That is not necessary. The point of order is open at any time before consideration of the bill is begun.

The amendments recommended by the Committee on Appropriations were read, as follows:

Page 1, lines 3 and 4, strike out the words "there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated," and insert in lieu thereof the following: "the one half of the following sums named, respectively, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia."

Same page, line 7, strike out the words "the following sums of money" and insert in lieu thereof the following: "to be drawn on their requisition and disbursed by the disbursing officer for said institution."

Same page, line 28, after the words "United States," insert the following: "and the District of Columbia."

Mr. HOLMAN. Mr. Speaker, I suppose that the reading of these amendments may possibly be regarded as entering upon the consideration of the bill, and I think it is a bill that ought to be considered in Committee of the Whole.

Mr. CANNON. I think it can be disposed of very promptly.

Mr. BLOUNT. Mr. Speaker, it seems to me that this matter rather belongs to the sundry civil appropriation bill, and these little detached appropriation bills originating in the Senate are entirely contrary to the rules of the House.

Mr. CANNON. I am not aware of any rule of the House which prohibits the Committee on Appropriations from reporting a bill or bills to provide for the sundry civil expenses of the Government.

Mr. BLOUNT. I understand that the sundry civil appropriation bill is one bill. This is a detached portion of it, in advance of the regular bill. This item is brought in here by itself, and if this practice is to be continued the appropriations will be scattered in every direction, and we shall have no sundry civil bill at all or shall not know what the bill is.

Mr. CANNON. In reply to the gentleman from Georgia, I wish to say that the committee have the same authority, under the rule, to report a bill providing for the sundry civil expenses of the Government, in whole or in part, that we have to report an urgent deficiency bill, and several of those bills have been already reported. The rule does not speak of a sundry civil bill and does not know of such a bill, but matters covering the sundry civil expenses of the Government are referred to the Committee on Appropriations and are privileged. I think this can be disposed of to the gentleman's satisfaction, upon the merits, in a very few minutes, because this appropriation ought to be made, if at all, early in the season, so that it can be utilized at the beginning of spring, so as to care for the animals already in possession.

Mr. BLOUNT. If it does not pass at all I do not think that there



will be any serious trouble. I hope the gentleman from Indiana [Mr. HOLMAN] will insist on the point of order.

Mr. McMILLIN. There is one objection to which the gentleman from Illinois [Mr. CANNON] has not addressed himself; that is, that this is an appropriation bill originating in the Senate. I remember the time when the gentleman from Illinois fought strenuously and properly against the origination of appropriation bills in the Senate.

Mr. CANNON. I understand that where there is an origination of a great appropriation bill in the Senate that point may well be made. Not that there is any express inhibition in the Constitution to the origination of appropriation bills in the Senate, but as a matter of practice such bills have nearly always originated in the House.

Mr. McMILLIN. It is a fact, if I remember correctly, that a document now becoming extinct, a document known as the Constitution of the United States, has been construed to mean that appropriation bills should originate in the House.

Mr. CANNON. Oh! The Constitution is silent on that matter. I hope, however, that this bill will not get wound up in the Constitution, because it is a matter that ought to receive prompt attention.

Mr. McMILLIN. Well, it is very certain to get wound up in Committee of the Whole, if nowhere else.

Mr. CANNON. Very well. If the gentleman makes that point of order I think it is good.

Mr. McMILLIN. Well, I make it.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] has already made it, and the Chair sustains the point of order.

#### DUPLICATE OF A LOST CHECK.

Mr. LESTER, of Georgia. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk, a bill directing the issue of a duplicate of a lost check drawn by Owen Carter in favor of Charles C. Ely.

Mr. CANNON. I think we had better have the regular order. Honors are easy now between the two sides. However, I do not object. There being no objection, the House proceeded to the consideration of the bill; which was read, as follows:

Whereas it appears that O. M. Carter, Lieutenant Engineer Corps, United States Army, did, on the 3d day of July, 1889, issue a check, numbered 139164, upon the assistant treasurer of the United States at New York, in favor of Charles C. Ely, for the sum of \$3,929.95, in payment of contract work done at Brunswick, Ga., which check is alleged to have been lost in transmission through the United States mails by Benjamin D. Greene, of Philadelphia, Pa., to whom it had been assigned; and

Whereas the provisions of the act of February 16, 1885, amending section 3646, Revised Statutes of the United States, authorizing United States disbursing officers and agents to issue duplicates of lost checks apply only to checks drawn for \$2,500 or less: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That said Lieut. O. M. Carter be, and he is hereby, instructed to issue a duplicate of said original check, under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks under the provisions of section 3646, Revised Statutes of the United States.

Mr. HOLMAN. Mr. Speaker, I desire to ask the gentleman whether this matter has been referred to the Treasury Department or not?

Mr. LESTER, of Georgia. Yes, sir. The bill was drawn there.

Mr. HOLMAN. And was there a report received from the Treasury Department?

Mr. LESTER, of Georgia. Yes, sir.

Mr. HOLMAN. Then, Mr. Speaker, I ask that that report from the Treasury Department be printed in the RECORD.

The report (by Mr. CABLTON) is as follows:

The Committee on Claims have had under consideration the bill (H. R. 6845) directing the issue of a lost check, drawn by O. M. Carter, Lieutenant United States Engineer Corps, in favor of Charles C. Ely, which they report back with the recommendation that the same do pass.

Your committee herewith attach the correspondence between the Treasury Department and the parties at interest, also a certified statement from Lieut. O. M. Carter, stating that he did issue check No. 139164 in favor of Charles C. Ely, which they ask shall be made a part of their report.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., January 25, 1890.

SIR: I have received your letter of the 22d instant, stating that on July 3, 1889, Lieut. O. M. Carter, Engineer Corps, United States Army, issued his check, No. 139164, on the assistant treasurer of the United States at New York, in favor of Charles C. Ely, for \$3,929.95, in payment of contract work done at Brunswick, Ga.; that said check was indorsed by the payee payable to your order; that you sent it to the American Exchange National Bank of New York City for collection and deposit to your credit, and that said check was lost in the mails. You asked to be furnished with a form of act of Congress necessary to enable the Secretary of the Treasury to issue a duplicate of said lost check, it being for a larger sum than is authorized by law.

In reply I have to inform you that only the drawer of an original check can issue a duplicate thereof, and the act of Congress should instruct Lieutenant Carter to issue a duplicate of said lost check.

I inclose herewith a draught of a bill which it is thought will answer your purpose; also a blank bond of indemnity which may be adapted to your purpose after authority has been given by Congress for the issue of a duplicate check.

Respectfully yours,

GEO. S. BATCHELLER, Assistant Secretary.

Mr. B. D. GREENE,  
1905 Walnut street, Philadelphia, Pa.

UNITED STATES ENGINEER OFFICE,  
RIVER AND HARBOR IMPROVEMENTS AND FORTIFICATIONS  
IN GEORGIA AND NORTHEASTERN FLORIDA,  
Savannah, Ga., January 22, 1890.

I certify that I issued check No. 139164 on the United States assistant treas-

urer at New York, N. Y., for \$3,929.95 to the order of Charles C. Ely, in payment for jetty work done in Brunswick Harbor, Georgia, and, so far as I am informed by the assistant treasurer at New York, this check has not yet been presented for payment. This check was dated Savannah, Ga., July 3, 1889.

O. M. CARTER,

First Lieut., Corps of Engineers, U. S. Army.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LESTER, of Georgia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### AMERICAN REGISTER FOR STEAMER SAN BENITO.

Mr. BINGHAM. Mr. Speaker, I am directed by the Committee on Merchant Marine and Fisheries to ask the immediate consideration of the bill (S. 2501) to provide for an American register for a steamer to be named San Benito, owned by a corporation in California.

The bill was read, as follows:

*Be it enacted, etc.* That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer Kimberley, owned at the port of San Francisco, State of California, by the Pacific Improvement Company, a corporation of said State of California, and now rebuilding in the United States, to be registered as a vessel of the United States, under the name of San Benito.

SEC. 2. That the Secretary of the Treasury be, and hereby is, authorized and directed to authorize and direct the inspection of said steam-vessel, steam-boiler, steam-pipes, and the appurtenances of said boiler, and cause to be granted the proper and usual certificate issued to steam-vessels of the merchant marine without reference to the fact that said steam-boiler, steam-pipes, and appurtenances were not constructed pursuant to the laws of the United States, and were not constructed of iron stamped pursuant to said laws; and the tests to be applied on the inspection of said boiler, steam-pipes, and appurtenances will be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes, save that the fact that said boiler, steam-pipes, and appurtenances, not being constructed pursuant to the requirements of the laws of the United States and are of unstamped iron, shall not be an obstacle to the granting of the usual certificate if said boiler, steam-pipes, and appurtenances are found to be of sufficient strength and safety.

Mr. BLOUNT. Mr. Speaker, I understand that this is a bill providing an American register for a foreign-built ship.

Mr. BINGHAM. Yes, sir; it is to grant an American register to a foreign-built ship upon which there has been expended by citizens of the United States \$80,000.

Mr. BLOUNT. Is there any objection to making the bill general, so as to allow an American register to all foreign-built ships owned by Americans? [Laughter.]

Mr. BINGHAM. I am not authorized by my committee to enter into that question. [Laughter.]

Mr. BAKER. I must object to the consideration of this bill unless the report be read.

Mr. BINGHAM. The report is short, but it is at the same time a full one.

The report (by Mr. BINGHAM) was read, as follows:

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (S. 2501) to provide for an American register for a steamer to be named San Benito, owned by a corporation in the State of California, submit the following report:

The committee direct a favorable report upon Senate bill 2501, and submit that the language of the bill is identical with House bill No. 6411, and herewith make the following statement of facts, and recommend the passage of the Senate bill.

The steamer Kimberley was built at Point Glasgow, Scotland, in 1884, for English owners.

On December 1, 1887, on a voyage from New Orleans to Liverpool (via Norfolk for coal), being then insured for \$200,000, the ship was wrecked on Curruck Beach on the coast of North Carolina, where she remained for nearly two months exposed to the storms of the North Atlantic, pounding and twisting badly. At the end of January, 1888, she was got off and taken to Norfolk. Salvage on vessel and cargo was fixed at \$100,000. At Norfolk the ship was kept afloat by continual pumping by steam-pumps of the Baker Salvage Company, at an additional expense of about \$10,000.

In May, 1888, she was towed to New York, where she was put in dock at the Erie Basin and carefully surveyed, and where temporary repairs were made, all at a cost of upwards of \$15,000.

The vessel was abandoned by her owners, and the underwriters settled for her as a total loss.

She lay in the Erie Basin until the latter part of 1889 when she was purchased by citizens of the United States for \$80,000, which, however, included upwards of \$45,000 for salvage expenses which had been incurred in saving and preserving the vessel, cost of temporary repairing, etc., leaving less than \$35,000 for value of the ship.

Her British register has been surrendered at her port of English registry and canceled.

After her purchase by citizens of the United States she was towed to the yards of the Chesapeake Dry Dock and Construction Company at Newport News, Va., where she is now being rebuilt for her American purchasers, and the estimated cost of her repairs will amount to upwards of \$60,000.

Mr. BUCHANAN, of New Jersey. Mr. Speaker, I wish to ask the gentleman from Pennsylvania [Mr. BINGHAM] to explain the necessity for some provisions in this bill which seem to be exceptional in their character.

Mr. BINGHAM. The bill is literally, in every word, the form that is always adopted for giving an American register to foreign-built vessels.

Mr. BUCHANAN, of New Jersey. Including the provisions as to the boiler?

Mr. BINGHAM. The point as to the boilers is simply that they have not been built from American iron, but, so far as inspection is concerned, they must pass inspection under our law.

Mr. BUCHANAN, of New Jersey. That is provided in the bill?  
Mr. BINGHAM. Yes, sir; that is absolutely required.  
The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BINGHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### TAMPA, FLA.

The SPEAKER. The Chair desires to lay before the House a bill from the Senate, which is in substance the same as a House bill already reported by the Committee on Commerce of the House.

The Clerk read as follows:

A bill (S. 2447) to extend to Tampa, Fla., the privilege of immediate transportation of unappraised merchandise.

Be it enacted, etc., That the provisions of the first section of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1890, be, and the same are hereby, extended to the port of Tampa, Fla.

Mr. DAVIDSON. Mr. Speaker, I have been directed by the Committee on Commerce to ask the consideration of this bill at the present time. A House bill exactly similar in its provisions has been favorably reported by that committee.

The bill was ordered to a third reading, read the third time, and passed.

Mr. DAVIDSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. In the absence of objection, House bill No. 6421, similar in substance to the Senate bill just passed, will be laid on the table.

There was no objection.

#### ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins at 12 minutes after 1 o'clock, and the call rests with the Committee on Indian Affairs.

Mr. McRAE. Mr. Speaker, is it in order now to make a privileged report?

The SPEAKER. The Chair thinks not.

#### RIGHT OF WAY FOR RAILROAD THROUGH INDIAN TERRITORY.

Mr. PERKINS. Mr. Speaker, when business was last transacted under this order the Committee on Indian Affairs had under consideration a bill which now comes up as unfinished business, the bill (H. R. 344) to grant the right of way to the Pittsburgh, Columbus and Fort Smith Railway Company through the Indian Territory; and for other purposes. An amendment offered by the gentleman from Indiana [Mr. CHEADLE] was adopted; and the gentleman from Arkansas [Mr. ROGERS], stating that he had voted upon the amendment under a misapprehension, moved to reconsider the vote by which the amendment was adopted.

The SPEAKER. The question is on the motion to reconsider. The amendment will be read.

The Clerk read as follows:

In line 4 of section 2, after the word "land," strike out the word "two" and insert "one."

Mr. CHEADLE. I move that the motion to reconsider be laid on the table.

Mr. PERKINS. As will be observed, Mr. Speaker, the effect of this amendment is to strike out "250 feet" and insert "150 feet." The gentleman from Arkansas [Mr. ROGERS], whom I do not now see in his seat, moved to reconsider the vote adopting the amendment.

Mr. CHEADLE. Mr. Speaker, by the terms of this bill as amended—

The SPEAKER. This question is not debatable, the gentleman from Indiana [Mr. CHEADLE] having moved to lay the motion to reconsider on the table.

Mr. PERKINS. I ask unanimous consent that the gentleman from Indiana may be permitted to make his statement and I would like to follow him in a brief statement.

The SPEAKER. The gentleman from Indiana can withdraw his motion to lay on the table.

Mr. CHEADLE. I withdraw that motion temporarily, in order that a statement of this matter may be made.

The SPEAKER. The gentleman from Indiana will proceed.

Mr. CHEADLE. Mr. Speaker, by the terms of the bill as amended this railway is granted right of way, 100 feet in width, through this Territory. The bill as originally reported provided that for depot purposes, etc., there should be granted to the company in every 10 miles of their line 250 feet additional for a distance of 3,000 feet. The amendment which was adopted on my motion reduced this additional grant at stations from 250 feet, exclusive of the right of way, to 150 feet.

If the amendment already adopted should be retained this company will have at every station for a distance of 3,000 feet a strip of land 250 feet in width, which I am sure will be sufficient for the transaction of business. It is certainly as much as great lines of railway have

throughout the State of Indiana, and I am satisfied it is not less than the average width enjoyed by great trunk-lines of railroad through sections of country much more densely populated than this Indian Territory, and where there is transacted a business many times greater than what will be transacted in this Territory for many years to come. It does seem to me that, in giving for right of way and depot purposes, every 10 miles, a strip of land 250 feet in width and 3,000 feet in length, we make sufficient grant of the public domain for these purposes. I hope that the motion to reconsider will be rejected.

Mr. PERKINS. Mr. Speaker, I wish to call the attention of the House to the fact that we have passed several bills granting to different railroad companies right of way through the Indian Territory, and in every instance we have granted for every 10 miles of the line a strip of ground 3,000 feet in length and 300 feet in width, for cattle yards, stations, depots, and other railroad purposes. This has been our grant, in addition to the right of way, to all companies except this company. By the bill as reported this company is restricted to a width of 250 feet, being less than has been granted in this particular to any other company. The requirement is that the land thus granted shall not be used for anything else than railroad purposes, though the company may permit its employees to reside upon the land while in their employ. The land under the requirements of the bill is to be used for cattle-yards, stations, and other railroad purposes, and for such purposes alone. There is no reason, so far as I know, why this company should be treated differently from other companies. My friend from Arkansas [Mr. PEEL] will verify the statement I have made on this subject.

Mr. PEEL. Mr. Speaker, this amendment restricting the grant to this company for depot purposes, etc., as proposed in the bill, was offered by the gentleman from Indiana [Mr. CHEADLE]. I hope the House on reconsideration will vote down the amendment. I know that the gentleman has offered it in good faith; but I trust that the House will not discriminate against this company; for, as my colleague on the committee, the gentleman from Kansas [Mr. PERKINS], has said, it has been the almost universal rule, sanctioned by the reports of the Committee on Indian Affairs and the action of the House, to grant to these railroad companies for depot purposes, etc., in addition to the ordinary right of way, a strip of land 300 feet in breadth by 3,000 in length for every 10 miles of road. As my colleague has said, this bill is restricted to 250 feet instead of 300 feet heretofore given to other roads, and I hope the House will not reduce it, and from this fact that it is a privilege and they can not use it for any other purpose. If it turns out to be too much, they can not divert it, and it is better with a view to the commerce of the country to give more than less.

Mr. OUTHWAITE. Mr. Speaker, I think the motion of the gentleman from Indiana [Mr. CHEADLE] is the right one. The only reason given for this provision in the bill is that we have heretofore given greater privileges to other companies. The fact is these companies are becoming too numerous and are taking too much of the land of this Territory. What does it amount to? In every 10 miles three-fifths of a mile in length and 250 feet in width are given to these railroad companies virtually, because the price at which they are to purchase the land is equivalent to an additional 250 feet to the right of way.

Mr. PERKINS. No.

Mr. OUTHWAITE. Well, even if it is not 250 feet in addition to the right of way it is objectionable. They can not need any more than that provided for in the motion as amended. The motion is already amended and the House has already passed upon it. The question now is, shall that action of the House heretofore taken be reconsidered as to this company? I for one object to reconsidering; and now, Mr. Speaker, I make the motion to lay upon the table the motion to reconsider.

Mr. PEEL. I should like to be heard for a moment.

Mr. OUTHWAITE. I move to lay the motion to reconsider upon the table.

The question was put to the House.

The SPEAKER. The yeas seem to have it.

Mr. CHEADLE. Division.

A MEMBER. What is this for?

Mr. OUTHWAITE. It is to give a railroad lands; that is what it is for.

The House divided; and there were—ayes 28, yeas 31.

Mr. CHEADLE. I make the point there is no quorum.

Mr. PEEL. You are not going to filibuster?

Mr. CHEADLE. I do not think it should prevail. If the majority wishes to take the responsibility, let them do so.

The SPEAKER (after counting the House). There are 141 members present—not a quorum.

Mr. PERKINS. I move that there be a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll; and the following-named members failed to answer to their names:

Anderson, Miss.	Beckwith,	Bland,	Brower,
Andrew,	Belknap,	Boothman,	Brown, J. B.
Baker,	Bergen,	Boutelle,	Browne, T. M.
Banks,	Biggs,	Bowden,	Browne, Va.
Barnes,	Bingham,	Breckinridge, Ark.	Buckalew,
Bayne,	Blanchard,	Brosius,	Bunn,



Burrows,  
Butterworth,  
Caldwell,  
Campbell,  
Candler, Ga.  
Cannon, Mass.  
Carlisle,  
Carlton,  
Caruth,  
Cheatham,  
Clark, Wis.  
Clarke, Ala.  
Clements,  
Cogswell,  
Conger,  
Cothran,  
Cowles,  
Craig,  
Crain,  
Cutcheon,  
Darlington,  
Davidson,  
De Haven,

De Lano,  
Dolliver,  
Evans,  
Farquhar,  
Fitch,  
Flick,  
Flood,  
Forman,  
Fowler,  
Grosvenor,  
Grout,  
Harner,  
Haugen,  
Hayes,  
Henderson, N. C.  
Herbert,  
Hitt,  
Hooker,  
Kelley,  
Kennedy,  
Kerr, Pa.  
Knapp,  
Lind,  
Magner,

Mason,  
McAdoo,  
McCarthy,  
McCreary,  
Miles,  
Milliken,  
Mills,  
Moore, Tex.  
Norton,  
O'Neill, Ind.  
O'Neill, Pa.  
Osborne,  
Perry,  
Phelan,  
Post,  
Quinn,  
Randall, Pa.  
Rife,  
Robertson,  
Rusk,  
Sanford,  
Scranton,  
Smith, W. Va.  
Spooner,

Stahlnecker,  
Stephenson,  
Stockbridge,  
Taylor, Ill.  
Taylor, J. D.  
Taylor, Tenn.  
Townsend, Pa.  
Turner, Ga.  
Turner, N. Y.  
Turpin,  
Venable,  
Wade,  
Walker, Mass.  
Wallace, Mass.  
Wallace, N. Y.  
Washington,  
Wheeler, Mich.  
Whitthorne,  
Wickham,  
Wilke,  
Wilber,  
Wilkinson,  
Wright,  
Yardley.

The following members, under the rule, presented themselves and were recorded as present:

Mr. ANDREW, Mr. BAKER, Mr. BINGHAM, Mr. BLANCHARD, Mr. BLAND, Mr. BRECKINRIDGE of Arkansas, Mr. BROWNE of Virginia, Mr. COGSWELL, Mr. DAVIDSON, Mr. DE HAVEN, Mr. DOLLIVER, Mr. GROSVENOR, Mr. GROUT, Mr. HAUGEN, Mr. HOOKER, Mr. MCADOO, and Mr. MOORE of Texas.

The SPEAKER. Two hundred and eight members are present, which is more than a quorum.

Mr. PERKINS. I move that all further proceedings under the call be dispensed with.

The motion was agreed to.

The question recurred on the motion of Mr. OUTHWAITE to lay the motion to reconsider upon the table.

The House divided; and there were—ayes 35, noes 72.

So the motion was disagreed to.

The motion to reconsider was agreed to.

The question then recurred on Mr. CHEADLE's amendment, which was read, as follows:

In line 4 strike out "two" and insert "one;" so it will read: "A strip of land 150 feet in length."

Mr. OUTHWAITE. Mr. Speaker, by this bill we have already virtually granted to this railroad company a right of way of 100 feet in width throughout the Indian Territory. The proposition now pending is to permit them to take and use a strip of land not exceeding 250 feet in width, with a length of 3,000 feet, in addition to the right of way, for station and depot purposes, for every 10 miles of the road. The bill, as it was originally presented to this House, proposed to grant virtually to this railway company, every 10 miles, a strip of land 400 feet wide and 3,000 feet long for the purpose of railway stations. It is asserted by the advocates of the proposition that a necessity exists for this additional land to enable the railway company to do what? Why, I answer, to let out the privilege to their employes.

Now, it is not possible that there will be a sufficient number of employes in the railway company's service to need one-half of this grant of land, three-fifths of a mile in length every 10 miles, 400 feet in width, which is the proposition of the bill. Gentlemen favorable to this measure say, "Why, we have done so with respect to every other bill that has been introduced and passed the House granting the right of way through this Territory." But, Mr. Speaker, it is that very fact that awakens my opposition. Almost every week in this House a bill comes in granting a right of way to some railroad corporation through this Indian Territory, and giving this amount of land, which is not now a part of the public domain, but which may, by purchase from these Indians, become a part of the public domain, and as such become subject to the provisions of the homestead laws and homestead entry to be disposed of by the United States for the benefit of the people of the United States. But if this bill stands as now drawn there will be so much land withdrawn from the chance of homestead entry.

I feel sure that the amount of land covered by the amendment of the gentleman from Indiana [Mr. CHEADLE] reducing this grant, so that the proposition will be to grant them, in addition to the right of way, 150 feet in width every 10 miles for a distance of 3,000 feet for station purposes, instead of 400 feet, will be amply sufficient. Let us cease granting so much land to these railroad companies. Let us make a precedent now more favorable to the people of this country than the precedents which gentlemen plead in favor of the passage of the bill as it stands. Let us reduce the amount in this bill that has heretofore been granted to other companies, and apply the same rule hereafter to the other companies that will come, and there are many of them now waiting with bills in the committee. There are other bills which will come in from time to time for similar purposes, and I suggest that it is time that we were making a precedent reducing the amount of land to be turned over to these corporations for railroad purposes.

Mr. PERKINS. Mr. Chairman, a word in response to the gentleman from Ohio. The gentleman is somewhat mistaken in one particular at least in his discussion. By consent of the committee the right of way to this railroad company has been reduced to 100 feet.

Mr. OUTHWAITE. I used that figure in my illustration, though I did not say that it had been reduced.

Mr. PERKINS. It has been reduced to 100 feet in width, and this provision gives to the company the right to acquire a strip of adjacent land each 10 miles, in addition to the right of way, for depot purposes, cattle-yards, ware-houses, and other necessary equipments of a station, 250 feet in width and 3,000 feet in length.

Mr. OUTHWAITE. That is in addition to the right of way?

Mr. PERKINS. Yes, sir. Now, what is the reason for this additional grant? It is necessary because in that Territory not a foot of land can be purchased by the railroad company. It is true that at every station along the line this amount of land may not be needed; but the company have no right and no opportunity to acquire ground for such purpose except as they get it under the provision of this bill. The Indians themselves can not authorize the lease or sale of a foot of the lands; and hence it is necessary that we make this provision in the bill for depots, side tracks, and such necessary purposes.

Mr. ROGERS. Will the gentleman permit me to ask him a question? I would like to inquire of the gentleman from Kansas, for I have not had an opportunity to run over the bill, if it is not provided in the bill that wherever they take the additional land allowed they are required to pay the Indians for it by the very terms of the bill itself?

Mr. PERKINS. The general provisions of the bill are such as to require full compensation to the Indians for the land.

Mr. OUTHWAITE. What do you mean by full compensation? How much per acre?

Mr. PERKINS. Appraisers are to be appointed, as provided in the bill, and their duties are to appraise the damages as well as the right of way; and in addition the company are to pay the Indians each year for the use of the ground. Then, besides, there is this provision in the bill:

*And provided further,* That no parts of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purpose only as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone line; and when any portion thereof shall cease to be used, such portion shall revert to said nation or tribe of Indians from which the same shall have been taken.

Mr. OUTHWAITE. Do you suppose that any railway company will let any part of the lands revert?

Mr. PERKINS. It necessarily reverts by the very provision of the bill, unless it is used for the purposes specified in the bill.

Mr. HOOKER. Will the gentleman from Kansas be kind enough to state to the committee what are the termini of this road; where does it begin and end?

Mr. PERKINS. The road begins on the southern boundary of the State of Kansas in Cherokee County, near the center of the county, and by way of Talequah to Fort Smith, in Arkansas.

Mr. HOOKER. Immediately across the Indian Territory?

Mr. PERKINS. Yes, sir; I will say that the road starts at Pittsburgh, in Kansas, and runs to Fort Smith, Ark.

Mr. OUTHWAITE. Will the gentleman state whether any portion of the road goes through that portion of the country proposed to be established as the Territory of Oklahoma?

Mr. PERKINS. No, sir; no part of it.

Mr. HOOKER. Mr. Chairman, I desire to be heard upon the subject-matter of this bill generally, especially in regard to that portion of it which is proposed by section 2 to grant certain rights of way to this railroad company.

The SPEAKER. The House is now considering the amendment of the gentleman from Indiana, which reduces the amount of land granted for station purposes.

Mr. HOOKER. Then I will address myself to that amendment.

As I understand it, there are only two lines of railway which are to be constructed through the Indian Territory, or Indian Nation. These Indians have agreed with the Government of the United States, under the treaty of 1866, that there shall be one railroad built north and south and one east and west through the Indian Territory, and any power on the part of the Congress of the United States to grant the right of way to any railroad company is predicated solely upon the rights conceded by the treaty stipulations to which I have referred between the United States Government and the Indian tribes.

I refer to article 11 of the treaty of 1866, which makes this provision; and while it is true it is with one of these tribes it respects all:

The Cherokee Nation hereby grant a right of way not exceeding 200 feet wide, except at stations, switches, water stations, or crossing of rivers, where more may be indispensable to the full enjoyment of the franchise herein granted; and then only 200 additional feet shall be taken, and only for such length as may be absolutely necessary, through all their lands, to any company or corporation which shall be duly authorized by Congress to construct a railroad from any point north to any point south and from any point east to any point west of and which may pass through the Cherokee Nation. Said company or corporation, and their employes and laborers, while constructing and repairing the same and in operating said road or roads, including all necessary agents on the line, at stations, switches, water-tanks, and all others necessary to the successful operation of a railroad, shall be protected in the discharge of their duties, and at all times subject to the Indian intercourse laws now or which may hereafter be enacted and be in force in the Cherokee Nation.

The provisions of this treaty make a grant to two railways, grants that the Government of the United States may concede by virtue of enactments passed by the Congress of the United States. Understand

that these east and west and north and south railroads have already been constructed, and this railway is an additional railway proceeding not north and south or east and west, but is an entirely different and independent railway, not alluded to in any treaty with the Cherokees or any other of the five semi-civilized tribes. It is an effort, Mr. Speaker, in this bill to take lands which do not belong to the United States, under the idea that the Government possesses the right of eminent domain over them.

They are not public lands of the United States, but are lands which by solemn compact you have settled on these Indians. It was thought necessary to construct these two lines of road, one running north and south, the other east and west, and in order to do so to make a treaty with the Indian tribes to get that right. If that power is exhausted, then there is no power to get any other road through the lands belonging to the five semi-civilized tribes except by their consent.

I say there is no power to grant a right to any corporation proposing to construct a line of railway which shall run through lands belonging to these civilized Indians except to acquire the right by treaty. You did acquire that right to construct these roads under the eleventh section of the treaty of 1866, to construct a road north and south and a road east and west, because it was important for military and other purposes that the Government of the United States should have the power to traverse the Indian Territory with their troops, munitions, provisions, and stores of every description. Therefore they contracted with the Indian tribes for the construction of a road north and south and for the construction of a road east and west; but they have not contracted with the Indian tribes in regard to this road.

If you may pass this bill, then you can make a perfect network of railroads all through the Indian lands which do not belong to you, without the consent of the Indian tribes. When this bill was up before I offered an amendment providing that the consent of the Indians be first obtained, and when that portion of the bill is reached I shall call attention to it.

The SPEAKER. The question is on the amendment.

Mr. PEEL and Mr. ROGERS rose.

The SPEAKER. The Chair recognizes the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, the observations just made by my courtly friend from Mississippi [Mr. HOOKER] have been made perhaps to the House in the last three or four years twenty times. The House has uniformly conceded the right of the Government of the United States to exercise the right of eminent domain over lands belonging to the five civilized tribes, and it would be a strange construction if they did not hold that they had the right to exercise it over every foot of American soil wherever for governmental purposes it was thought necessary to do so.

Mr. Speaker, the gentleman from Kansas [Mr. PERKINS] properly stated the necessity for this action. In the Indian Territory the tribes do not undertake to exercise the right of eminent domain at all. There never has been a law either of that sort or one which had power to do it. They have a sort of quasi-government, but not a sovereignty in its full sense, as that of the Federal Government, but a government just such as there is in the Territories of this Union and in the District of Columbia. So I take it that they have no power to exercise the right of eminent domain. If, therefore, these railroad companies at any point between the termini of this road find it necessary in the construction of the road to use more land than conceded to be used by the terms of this bill, they must come to Congress for a new enactment. It does not follow that, because Congress authorizes the road to use this land every 10 miles, they will use it, and it is not presumed that they will, because railroad companies, like private individuals, buy what they want and do not take what they do not want if they know that they have to pay for it. Now, by the terms of this bill ample provision is made for the adjustment and settlement of any controversy between the tribes or between any individual of the tribes and this road: First, by the appointment of arbitrators, one to be appointed by the President, one to be appointed by the chief of the tribe, and the third, I believe, by the Federal court. If they fail by amicable process and if they can not come to terms with the tribe of Indians and get their consent for the sale of the land, then appeal is made to these arbitrators. After the arbitrators have made their award, if either party is not satisfied, it can go to the Federal court; there a jury is impaneled, testimony adduced, and this property condemned for the specific purpose embraced in this bill. Another part of this bill provides that the company shall deposit twice the value of the land before they begin the construction of the road. Finally, when the decree is obtained, this money is appropriated to the payment and is turned over to the proper authorities. That is all that can be asked by any Government of any of its citizens, and why should we not exercise the power of eminent domain through land belonging to these five civilized tribes the same as we exercise that power as to the land belonging to any private individual in any State or Territory in the Union?

Mr. BUCHANAN, of New Jersey. Because we have not agreed to.

Mr. ROGERS. That is a mistake. We have heard that matter discussed before. There is no treaty provision with the five civilized tribes that inhibits the Congress from exercising the right of eminent do-

main, and I hold that you could construct a thousand railroads through that Territory if it was deemed fit to do so.

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. ROGERS. In a moment. Gentlemen argue that, because by the terms of the treaty provision was granted to build two roads through there, because we have done so by negotiation in those instances, it can not now be done without negotiation; that the naming of one road excludes all the others—*expressio unius est exclusio alterius*. That has no application at all. Because a former Congress has seen fit to make that provision it does not therefore follow that Congress has any power by that to put any limit on its sovereignty, certainly not in dealing with a people who have only a quasi-government and whose rights are given under laws of Congress.

Mr. GROSVENOR. I have not the bill by me, and the gentleman from Arkansas [Mr. ROGERS] no doubt understands the provisions of it better than I do, but what I desire to ask him is whether the railroad company, as a condition of the condemnation of the property—for that is what I call it—is compelled to show in some way the necessity of it for the operations of the railroad line?

Mr. ROGERS. Not by the express terms of the bill, I think, but that is the law of all condemnation.

Mr. GROSVENOR. The law is that they must prove upon the threshold that they need the property for the operations of their line?

Mr. ROGERS. Certainly; that is a condition precedent to all condemnation.

Mr. OUTHWAITE. But it is not contained in this bill in any way.

Mr. GROSVENOR. Then the opinion of the gentleman from Arkansas is that that would be required now, as a condition of the exercise of this power of condemnation?

Mr. ROGERS. I have no sort of question of that. Upon the contrary, Mr. Speaker, no railroad company can go into a State, under any organization, and condemn a thousand acres of land, or any quantity of land, unless they can show the necessity for it. Suppose a railroad company should undertake to go inside the limits of a town, or near to a town, and ask, for the purposes of a depot and necessary sidings, switches, and so forth, the condemnation of a thousand acres of land, does anybody suppose that any court would grant such a decree? It is absurd. Upon the very threshold they must show the necessity for it.

Mr. COBB. Where will they show it?

Mr. ROGERS. In the Federal court at Fort Smith or at Muscogee. The terms of the bill provide for that.

Mr. OUTHWAITE. Where do they provide for it?

Mr. ROGERS. On page 4, line 36, there is this provision:

Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after making of the award and notice of the same, to appeal by the original petition to the United States district court at Muscogee, Indian Territory, which court shall have jurisdiction to hear and determine the subject-matter of said petition according to the laws of the State of Kansas provided for determining the damage when property is taken for railroad purposes. When proceedings have been commenced in court the railroad company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with construction of the railroad.

Mr. COBB. Does not that simply refer to the amount of damages which the railroad company is to pay, and not to the extent of the condemnation?

Mr. ROGERS. Certainly not. It embraces all.

Mr. COBB. Is it not true that the act of Congress passed here is itself a condemnation of the lands named in the bill?

Mr. ROGERS. Not at all, Mr. Speaker; because, by the very terms of this bill, before they can take one foot of these lands at any point in the Indian Territory they have got to acquire it, first, by referees; second, by negotiation; and, third, by condemnation.

Mr. COBB. You did not read that part of the bill.

Mr. ROGERS. I had not time to read the whole of the bill; the gentleman should read it for himself; but everything that I have stated is contained in it. So, Mr. Speaker, there is nothing new about this matter at all. If the railroad company see fit, at some little way station along the road, to undertake to condemn a piece of land 3,000 feet in length and 130 yards in width, if they have no use for it they will not be allowed by the court to make the condemnation. Before they can make any condemnation at all they must first show the necessity, and so all along the line.

Now, one word more. This road passes by the Cherokee capital, where there are institutions of learning, where there is a court-house, where they have the capitol building. It is one of the most important points in the entire Territory, and I know of my personal knowledge that those people have wanted railway communication there for years, and my friend from Mississippi [Mr. HOOKER] is a decade behind the people of the Indian Territory on this question of the construction of railroads.

Again, Mr. Speaker, another observation. There have been various charters granted for railroads through that Territory, and this bill, as I understand, because I never examined it until this morning, conforms to what has now become the stereotyped bill of this House for such purposes, which was produced after careful investigation, consideration, and debate of every proposition contained in it.

Now, why make fish of one and flesh of another? This form of bill,



I believe, was settled in the Forty-eighth Congress, and has been applied to every railroad charter of this kind granted since; so that, if practice, debate, deliberate judgment, calm consideration of any question settles it, the questions involved in these railroad charters must be regarded as settled. I myself know of no sound principle that would not dictate the treating of this Territory in this respect just as you would treat any other portion of the country. It would have been better, infinitely better, perhaps, if in the beginning, ten years ago, we had passed a general law giving to all parties the right to go in there upon the terms embraced in this bill. Certainly we ought not to continue to debate this question over and over again, Congress after Congress, session after session, for a quarter of a century. We ought now to regard it as settled.

Mr. PERKINS. Mr. Speaker, I move the previous question on the amendments.

Mr. HOOKER. I hope that will be voted down, in order that we may have an opportunity for discussion, because I want to reply to the gentleman from Arkansas [Mr. ROGERS].

The question was taken on ordering the previous question, and the Speaker declared that the ayes seemed to have it.

A division was called for.

The House divided; and there were—ayes 77, noes 23.

Mr. HOOKER. No quorum.

The SPEAKER. Does the gentleman make the point that no quorum is present?

Mr. HOOKER. I make the point that no quorum has voted.

The SPEAKER. The Chair overrules the point of order.

Mr. HOOKER. Then I make the point that there is no quorum present.

The SPEAKER, having ascertained by count that there were only 140 members in the Hall, announced that there was not a quorum present.

Mr. PERKINS. I move a call of the House.

A call of the House was ordered.

The Clerk proceeded to call the roll; when the following-named members failed to answer:

Allen, Miss.	Clunie,	Hitt,	Quackenbush,
Anderson, Miss.	Coleman,	Holman,	Quinn,
Andrew,	Comstock,	Houk,	Randall, Pa.
Arnold,	Cooper, Ohio,	Kelley,	Rife,
Atkinson, Pa.	Cothran,	Kennedy,	Robertson,
Baker,	Cowles,	Kerr, Pa.	Rockwell,
Bankhead,	Crain,	Knapp,	Rusk,
Barnes,	Darlington,	La Follette,	Sanford,
Bartine,	De Lano,	Lansing,	Scranton,
Bayne,	Dibble,	Laws,	Seney,
Beckwith,	Dingley,	Lehlbach,	Smith, W. Va.
Belknap,	Dolliver,	Lind,	Stahneck,
Bergen,	Edmunds,	Magner,	Stephenson,
Boatner,	Elliott,	Mason,	Stockbridge,
Boutelle,	Ellis,	McAdoo,	Sweeney,
Bowden,	Enloe,	McCarthy,	Taylor, Ill.
Breckinridge, Ark.	Evana,	McComas,	Taylor, J. D.
Bickner,	Ewart,	McCormick,	Taylor, Tenn.
Brosius,	Fitch,	McKinley,	Turner, Ga.
Brown, J. B.	Fithian,	McMillin,	Turner, N. Y.
Browne, T. M.	Flood,	Miles,	Turpin,
Buckalew,	Flower,	Moore, Tex.	Venable,
Bunn,	Forman,	Morgan,	Wade,
Burrows,	Fowler,	Morrill,	Walker, Mass.
Burton,	Gear,	Norton,	Wallace, Mass.
Butterworth,	Gifford,	O'Donnell,	Wallace, N. Y.
Caldwell,	Goodnight,	O'Neill, Ind.	Washington,
Campbell,	Greenhalge,	O'Neill, Mass.	Whitthorne,
Candler, Ga.	Grout,	O'Neill, Pa.	Wickham,
Candler, Mass.	Hall,	Owen, Ind.	Wilber,
Cannon,	Harmer,	Payne,	Wilkinson,
Carlisle,	Hayes,	Perry,	Wise,
Carter,	Henderson, Ill.	Phelan,	Yardley.
Caruth,	Henderson, Iowa	Pierce,	
Cheatham,	Henderson, N. C.	Price,	

The following-named members, who entered the Hall during the roll-call, were recorded as present, under the second clause of Rule XV:

Mr. ANDERSON of Mississippi, Mr. BANKHEAD, Mr. BECKWITH, Mr. BRECKINRIDGE of Arkansas, Mr. BRICKNER, Mr. BURTON, Mr. BUTTERWORTH, Mr. CARTER, Mr. CLUNIE, Mr. COLEMAN, Mr. COOPER of Ohio, Mr. DIBBLE, Mr. DOLLIVER, Mr. ELLIS, Mr. ENLOE, Mr. FITHIAN, Mr. FLOWER, Mr. GOODNIGHT, Mr. HENDERSON of Illinois, Mr. HENDERSON of Iowa, Mr. HITT, Mr. MCADOO, Mr. MCCORMICK, Mr. McMILLIN, Mr. O'DONNELL, Mr. PRICE, Mr. ROCKWELL.

The SPEAKER. One hundred and ninety members, being more than a quorum, have answered to their names.

Mr. PERKINS. I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The question recurs on the demand of the gentleman from Kansas for the previous question.

The previous question was ordered; and under the operation thereof the amendment of Mr. CHEADLE was rejected.

Mr. OUTHWAITE. I desire to offer an amendment to strike out, in line 5 of section 2, the words "and fifty."

The SPEAKER. There is already pending an amendment offered by the gentleman from Mississippi [Mr. HOOKER], which will be read.

The Clerk read as follows:

Add to section 2 the following:

"Provided, That the consent of the Indian tribe or tribes through whose reservation this railroad shall pass shall first be had and obtained."

The SPEAKER. The question is upon agreeing to this amendment. Mr. HOOKER. Mr. Speaker, I desire to say a word on the amendment. It has been said by my friend from Arkansas, in discussing a question with regard to the very point presented by this amendment, that the Indian tribes themselves are in favor of this grant of land to this railroad. If that be the fact, Mr. Speaker, why should there be any objection to this provision for obtaining the consent of the Indians to the passage of this road through their Territory? I may be a decade behind other gentlemen on this question, but it seems to me a very simple proposition that if the Indians are in favor of having this line of railway constructed through their Territory, if they believe that when permission is granted the road will be constructed and they will be benefited, it is but fair that we should give them the opportunity to say so.

I have just read a section of the treaty of 1866 with one of these tribes—and I believe a similar stipulation will be found in all these treaties—providing that a certain railroad may be constructed; and this provision shows that so far from the legislation of the country having demonstrated, as contended by my friend from Arkansas, that the right of eminent domain has always been asserted by the United States over this territory as over any part of the public domain, it was not considered that there was sufficient power and authority on the part of the Government of the United States, under the right of eminent domain, to force railroads through the Indian Territory without the consent of the Indians. Else why these provisions in the treaty? And, if it was necessary to make a treaty with the Indians in order to obtain the right to construct a railroad north and south and a railroad east and west through the Indian Territory, how is it that now you appeal to another and a different principle, ignoring the necessity of obtaining the consent of the five semi-civilized tribes? If it be true, as contended, that the Indians are favorable to this measure, why should we not pursue the course that the Government has always pursued with regard to the Indian tribes when it was desired to construct a railroad through their Territory?

In making the treaty of 1866 with the Cherokees and the other civilized tribes the Government conceded by solemn treaty stipulations that the right to this soil existed in the Indians themselves, and that in order to run a railroad north and south through the Territory and another east and west it was necessary that the consent of the Indians should be obtained, and obtained in the most solemn form, the form in which one governmental power deals with another, the form of a treaty, with commissioners to agree upon its terms. If this was necessary with regard to one railroad, why is it not necessary with reference to all?

But if the theory of my friend from Arkansas is correct, that under the right of eminent domain the Government of the United States may at its own option construct any number of railways through the Indian Territory, then there is no necessity for having any treaty stipulation with them on this subject. But the Government must have conceded the idea there was necessity for treaty stipulation, or they would not have made treaties in reference to the lines of railroad referred to.

When you come to look at the subsequent provisions of this act, the idea the Government of the United States must treat with them as people having possession of these lands before they can run lines of railroad through the Territory, you will find embraced in the fifth section, and though we have not yet reached it, you will find there the idea prevails that the right of these Indians to this land must be conceded, because in that section 5 of the bill it is provided:

That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of \$50, in addition to compensation provided for in this act, for property taken and damages done to individual occupants by the construction of the railway for each mile of railway that it may construct in said Territory, said payment to be made in installments of \$1,250 as each working section of 25 miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose land said railway may be located shall, within four months after the filing of the maps of definite location, as set forth in section 6 of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section 3 for the determination of the compensation to be paid to the individual occupants of lands, with the right of appeal to the courts upon the same conditions, terms, and requirements as therein provided.

Section 5 looks to the fact that the assent of these tribes must be obtained, and therefore I say if it were necessary to make treaties to run a line through this Territory from north to south and another from east to west, when we wish to construct another road you must get the power in the one case as you got it in the other, by the consent of these tribes.

In section 5 you concede you must pay a certain price. You say these railroads are necessary for the development of the Territory, and, if that is conceded, why not then put this provision in the bill? I have always understood these five civilized tribes are an intelligent people and capable of taking care of their own affairs. And if they are and

we have to get their consent to this railroad on the terms proposed, then it is the easier way than by exercising the right of eminent domain, which has not been exercised towards roads heretofore constructed.

[Here the hammer fell.]

Mr. PERKINS. I demand the previous question.

Mr. ROGERS. I hope not.

Mr. CUTCHEON. I raise the point of order that the morning hour has expired.

The SPEAKER. If the gentleman raises that point it will have to be overruled.

Mr. CUTCHEON. I move, then, that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of taking up for consideration the bill (H. R. 7619) making appropriations for the support of the Army for the fiscal year ending June 30, 1891, and for other purposes.

Mr. PERKINS. Before that is done I hope the gentleman will allow the previous question to be seconded.

Mr. CUTCHEON. I must insist on my motion; and I wish, before the House resolves itself into Committee of the Whole on the state of the Union, that all general debate in committee be limited to ten minutes.

Mr. SAYERS. Let me inquire whether there is anything in the way of new legislation contained in the bill.

Mr. CUTCHEON. There is nothing in the bill in the way of new legislation. I move that the general debate be limited to ten minutes. The motion was agreed to.

The question then recurred on Mr. CUTCHEON's motion that the House resolve itself into the Committee of the Whole on the state of the Union; and it was agreed to.

#### ARMY APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. ALLEN, of Michigan, in the chair.

The CHAIRMAN. The question before the committee is the bill (H. R. 7619) making appropriations for the support of the Army for the fiscal year ending June 30, 1891, and for other purposes, and by order of the House all general debate has been limited to ten minutes.

Mr. CUTCHEON. I am not aware, Mr. Chairman, that any member of the committee desires to engage in general debate, and before asking that the bill be read by paragraphs for amendment I will merely say that this annual appropriation bill for the support of the Army carries \$24,458,220.52. The bill for 1889-'90 carried \$23,824,615.73, and the increase arises almost entirely under the heading of "Pay of the Army," and the increase under the operation of law arises from the greater longevity of the officers in the service and increase in the retired-list.

There is allowed under the head of "Pay of the Army" an item of \$12,200 more than was carried in the last appropriation bill.

Mr. ROGERS. May I be permitted to interrupt the gentleman for a moment, if it will not disturb him?

Mr. CUTCHEON. Certainly.

Mr. ROGERS. You stated, I believe, with some little hesitation, or at least I inferred from your answer you had some doubt, that there was no new legislation in this bill. I want to know in that connection what is meant by the statement on page 2 of the report, which refers to the clerks for the inspectors-general?

Mr. CUTCHEON. I will take pleasure in explaining to the gentleman. Under the head of pay of the Army, eleven clerks are provided for inspectors-general at a compensation of \$1,200 each per annum. These clerks are to be provided for these officers in the field. It is done, I will state to the gentleman, in accordance with the recommendations made by the Secretary of War. It does not create any new offices, but simply provides an additional appropriation, so that each of the inspectors-general at the headquarters of the three great divisions of the Army and the headquarters of the departments may have a clerk to accompany him in the field. The duties of these positions are at present performed, I will state to the gentleman, by detailed men—men detailed from other portions of the Army—and the Inspector-General thought, and the Secretary of War also, that this force should be entirely independent of the Army for this reason: The Inspector-General is required to inspect every other division of the Army, the disbursing officers, the Quartermaster's Department, the Medical and Engineer Departments, Ordnance, and in fact every other part of the Army, and it is believed to be a poor policy to borrow clerks from the department he is required to inspect to aid him in the performance of that duty. He therefore asks that an additional appropriation be made to attach the clerks permanently to the inspectors' department and to be used exclusively for that purpose.

Mr. ROGERS. I understand the effect of that is to restore a dozen enlisted men to the Army and to put in their places a dozen clerks. Now, is there any such law or any provision of law that warrants it?

Mr. CUTCHEON. It is to restore eleven men who are now detailed with the inspectors-general to the Army and put in their places a dozen men who are shown to be competent to perform the clerical duty required.

Mr. ROGERS. But the question is whether there is a provision of law to warrant this.

Mr. CUTCHEON. When that paragraph is reached, of course the gentleman will have the right to make the point. I can only say that the committee believed it to be in the interest of economy to allow the request in part, and while it does make an additional appropriation I do not think it changes at all the existing law.

The Secretary of War, I will state, submitted an estimate for eleven clerks for the inspectors-general at a salary of \$1,400 each, and for eleven messengers; but the committee in considering the matter acceded only in part to this request, and granted eleven permanent clerks for the inspectors-general at \$1,200 each, and we believe, as I have said, that it is in the interest of economy.

Mr. SAYERS. I would like to call the attention of the gentleman from Michigan to the proviso found on page 22 of the bill in the following words:

*Provided, That section 3709 of the Revised Statutes shall not apply to the purchase of supplies not exceeding in value the sum of \$200.*

Mr. CUTCHEON. That is the existing law.

Mr. SAYERS. It occurs to me that this provision is a change of the existing law.

Mr. CUTCHEON. No, sir; this is a provision of the existing law, word for word.

Mr. SAYERS. I think not.

Mr. CUTCHEON. You will find it in the last appropriation bill and in the last but one.

Mr. SAYERS. I know it changes existing law as it appears in the statutes.

Mr. CUTCHEON. The gentleman will find it in the last appropriation bill, and I will call his attention—

Mr. SAYERS. I do not question the gentleman's statement. I am satisfied with what he says.

Mr. CUTCHEON. It is word for word the existing law.

I will complete, Mr. Chairman, the statement I was about to make by saying that in the Subsistence Department no change whatever was made. Under the head of Quartermaster's Department an additional amount is appropriated under the head of barracks and quarters, which will be explained when we reach that provision. I will state, however, that there is an apparent increase of \$55,000 over the last bill for this purpose; but in reality no increase at all is made, because that sum was the exact amount appropriated in the last general deficiency bill for the same purpose.

The committee recommend an appropriation of \$100,000 for buildings for garrison purposes at the different military posts, in accordance with the recommendation of the Secretary of War. The committee has also recommended an appropriation for the enlargement of the cavalry post at Fort Myer, in Virginia, and we recommend for this purpose the appropriation of \$32,600. This cavalry post of Fort Myer is the only one east of the Mississippi River. At present it has a capacity of but two companies, but it is designed to increase that to four companies, and the amount appropriated will allow the erection simply of the barracks and stables, leaving the other necessary buildings to be provided for in future appropriation bills.

An allowance is also made of \$16,500—a new item—for additional land needed for a rifle-range at Fort McPherson, near Atlanta, Ga. In the Medical Department there is no change. In the Engineer Department there is a reduction of \$1,500, and no other change. In the Ordnance Department the committee recommend an appropriation of \$14,920 for the procurement of four mounted guns, with the necessary equipments therefor. This is a new item, but not a new class of expenditures.

The committee have also recommended the sum of \$180,135 for field batteries—light field batteries—with their carriages and equipments. There will probably be a point of order in regard to that when it is reached in the bill, which may then be discussed. As I understand, the gentleman in charge of the fortifications bill claims that it should go properly to that committee. I desire to be entirely frank with the committee in regard to it, and will say that in the Book of Estimates this is carried under the head of "Fortifications and other works of defense." But being for the equipment of light batteries in the field, for troops, the committee felt it their duty to lay it before the House for its action. In conclusion I will state, Mr. Chairman, that omitting the item to which I have just referred, embodying \$180,135 of expenditure, the bill would present a reduction of \$38,000 from the bill of last year.

Now, Mr. Chairman, I ask that the bill be read by paragraphs for amendment and debate, under the five-minute rule.

The CHAIRMAN. By order of the House, the time fixed for general discussion has expired; and the Clerk will read the bill by paragraphs.

The Clerk read as follows:

#### FOR PAY OF THE GENERAL STAFF.

Adjutant-General's Department: For pay of the officers in the Adjutant-General's Department, as now authorized and provided by law, \$52,500.

For additional pay to such officers for length of service, to be paid with their current monthly pay, \$16,000.

Mr. GROSVENOR. I desire to offer an amendment at this point. At the end of the Adjutant-General's Department I think is the place where I ought to offer it.

Mr. CUTCHEON. I will hear the amendment.



The Clerk read as follows:

At the end of line 24, page 2, add the following:

"To enable the Secretary of War to complete the series of maps now in progress of the campaign for and battles about Chattanooga, including the field survey and office expenses, \$3,000."

Mr. CUTCHEON. As this relates entirely to the pay of the Army, I would request the gentleman from Ohio to withdraw his amendment for the present, and to offer it at a later stage of the bill, where it will come in more properly.

Mr. GROSVENOR. At the suggestion of the gentleman, I will withdraw the amendment; but I would like the gentleman from Michigan (the chairman of the committee) to state where it ought to be offered.

Mr. CUTCHEON. I will indicate that to the gentleman before we reach the point.

The Clerk read as follows:

For pay of not exceeding thirty-eight paymasters' clerks, at \$1,400 each; not exceeding thirty paymasters' messengers, and traveling expenses of paymasters' clerks; in all, \$82,087.20: *Provided*, That the maximum sum to be allowed paymasters' clerks and contract surgeons when traveling on duty shall be 4 cents per mile, and, in addition thereto, when transportation can not be furnished by the Quartermaster's Department, the cost of same actually paid by them, exclusive of parlor-car fare and transfers.

Mr. CUTCHEON. Mr. Chairman, I desire to offer an amendment, by direction of the committee, in the proviso of this section, which I now send to the Clerk's desk.

The Clerk read as follows:

On page 6, line 21, strike out the word "paymasters'" before the word "clerks," and after the word "clerks," in the same line, insert "in the Pay and Inspector-General's Department;" making it read as follows:

"*Provided*, That the maximum sum to be allowed clerks in the Pay and Inspector-General's Department and contract surgeons," etc.

Mr. PETERS. I would like to ask the gentleman if that excludes paymasters' clerks?

Mr. CUTCHEON. Not at all. It is for clerks of the Pay and Inspector-General's Department.

The amendment was agreed to.

The Clerk read as follows:

For compensation of witnesses attending upon courts-martial and courts of inquiry, \$3,407.

Mr. CUTCHEON. By direction of the committee I offer the following amendment, to come in at line 3, page 7.

The Clerk read as follows:

Page 7, line 3, before the word "witnesses," insert the words "reporters and;" to make it read as follows:

"For compensation of reporters and witnesses attending upon courts-martial and courts of inquiry, \$3,407."

The amendment was agreed to.

The Clerk read as follows:

For additional pay to officer in charge of public buildings, and so forth, in Washington, District of Columbia, \$1,000.

Mr. SAYERS. I would suggest to the gentleman in charge of the bill that he strike out the words "and so forth," in line 7. They ought not to be in an appropriation bill.

Mr. CUTCHEON. I have no objection, and will move to strike out the words "and so forth," in line 7.

The amendment was agreed to.

Mr. SAYERS. I would like to ask the gentleman whether this is a customary appropriation?

Mr. CUTCHEON. It is. One word in explanation, Mr. Chairman. This item in the last bill was \$500, but since that there has been a change made in the grade of the officer by the provisions of law.

The officer who performs the duty of taking charge of the public buildings and grounds in the District of Columbia is to have the pay and allowance of a colonel; and in accordance with that it became necessary, on account of Major Ernst not having the same grade as his predecessor, to make an additional appropriation of \$500. It would have come in the deficiency bill if not made here.

The Clerk again proceeded to read.

Mr. CUTCHEON. Before passing that, I suggest that this was copied from the last appropriation bill, and as we have stricken out the words "and so forth" in line 7, I think the words "and grounds" should be inserted in the place of "and so forth."

The amendment was agreed to.

The Clerk read as follows:

For the pay of a clerk attendant on the collection and classification of military information from abroad, \$1,500; and the officers detailed to obtain the same shall be entitled to mileage and transportation and also commutation of quarters while on this duty, as provided when on other duty.

Mr. SAYERS. I want to ask the gentleman from Michigan if the intention of this provision is to allow to each one of these officers sent abroad a clerk?

Mr. CUTCHEON. No, sir.

Mr. SAYERS. I noticed in the papers the other day where several officers had been sent abroad to different countries, and my idea was to know whether this provision was intended to furnish each one of these officers with a clerk.

Mr. CUTCHEON. No, sir; we have what are termed military attachés at five of the principal courts of Europe, whose business it is to observe the military operations and improvements in those countries,

and operations of the armies generally, and report them to the Department at home. It is necessary to have a clerk (and I think there is some position of the kind in the War Department) whose business it is to collate, collect, and prepare for publication the reports so made.

Mr. SAYERS. While the gentleman is upon his feet, I want to ask him a general question.

Mr. CUTCHEON. Certainly.

Mr. SAYERS. How many additional clerks does the present bill provide for, including these clerks who are to take the place of enlisted soldiers?

Mr. CUTCHEON. None whatever. No new clerks except the eleven provided in the Inspector-General's Office to take the place of other clerks now there.

Mr. SAYERS. Were these other clerks enlisted soldiers?

Mr. CUTCHEON. They belong to what are known as general-service clerks.

Mr. SAYERS. What is done with these clerks?

Mr. CUTCHEON. They are returned to their proper department whence they have been borrowed, so to speak, by the Inspector-General.

Mr. SAYERS. Then these eleven clerks are additional to those that exist now.

Mr. CUTCHEON. I suppose that is a fact. They are additional, and therefore we make an additional appropriation of \$13,200.

Mr. LANHAM. It is made, however, on an estimate from the War Department.

Mr. CUTCHEON. Yes, and the Inspector-General of the Army appeared before the committee and convinced us that these additional clerks were necessary.

Mr. SAYERS. I simply desired to know whether they were additional to the existing force or not; that was all.

The Clerk read as follows:

For mileage to officers when traveling on duty without troops, when authorized by law, \$150,000: *Provided*, That in disbursing this amount the maximum sum to be allowed and paid to an officer shall be 4 cents per mile, distance to be computed over the shortest usually traveled routes, and, in addition thereto, the cost of the transportation actually paid by the officer over said route or routes, exclusive of parlor-car fare and transfers: *And provided further*, That when any officer so traveling shall travel in whole or in part on any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, or over any of the bond-aided Pacific railroads, he shall be allowed for himself only 4 cents per mile as a subsistence fund for every mile necessarily traveled over any such railroads: *And provided further*, That the transportation furnished by the Quartermaster's Department to officers traveling without troops shall be limited to transportation in kind, not including sleeping or parlor car accommodations, over free roads, over bond-aided Pacific railroads, and by conveyance belonging to the said department.

Mr. PETERS. Mr. Chairman, if I understand this provision it allows officers traveling upon duty 4 cents a mile in addition to the amount they pay for transportation.

Mr. CUTCHEON. Yes; I think the gentleman is right about that.

Mr. PETERS. The provision is this:

That when any officer so traveling shall travel in whole or in part on any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, or over any of the bond-aided Pacific railroads, he shall be allowed for himself only 4 cents per mile as a subsistence fund for every mile necessarily traveled over any such railroads.

Now, of course, over a bond-aided railroad the transportation of such officers would be free, as I understand it.

Mr. CUTCHEON. Yes, sir.

Mr. PETERS. Then there is a provision in the first part of the paragraph, as follows:

*Provided*, That in disbursing this amount the maximum sum to be allowed and paid to an officer shall be 4 cents per mile, distance to be computed over the shortest usually traveled routes, and, in addition thereto, the cost of the transportation actually paid by the officer over said route or routes.

Mr. CUTCHEON. Yes, 4 cents a mile is his subsistence allowance.

Mr. PETERS. In lieu of rations?

Mr. WHEELER, of Alabama. It used to be 8 cents a mile.

Mr. CUTCHEON. In lieu of everything. This is in the words of the existing law; not a change of a word has been made.

The Clerk read as follows:

#### QUARTERMASTER'S DEPARTMENT.

Regular supplies: For the regular supplies of the Quartermaster's Department, consisting of stoves and heating apparatus, and repair and maintenance of the same, for heating barracks and quarters; of ranges and stoves for cooking; of fuel and lights for enlisted men, guards, hospitals, store-houses, and offices, and for sales to officers; of forage in kind for horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, including its care and protection; for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; of straw for soldiers' bedding; and of stationery, including blank-books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for printing division and department orders and reports, \$2,675,000: *Provided*, That no part of this appropriation shall be expended on printing unless the same shall be done by contract, after due notice and competition, except in such case as the emergency will not admit of the giving notice for competition: *Provided further*, That after advertisement all the supplies for the use of the various departments and posts of the Army shall be purchased where the same can be purchased the cheapest, quality and cost of transportation considered.

Mr. CUTCHEON. I am instructed by the committee to offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 11, line 15, after the word "dollars" insert: "Provided, That for the current fiscal year, and hereafter, there shall be included under the appropriation for regular supplies the necessary equipments of a bake-house to carry on post bakeries; also the necessary furniture, text-books, paper, and equipments of the post schools; tableware and mess furniture for kitchen and mess halls; garden utensils and agricultural implements for post gardens; each and all for the use of enlisted men of the Army."

Mr. ROGERS. Mr. Chairman, I reserve the point of order upon that amendment until we can obtain some explanation of it.

Mr. CUTCHEON. This does not change the appropriation at all, but is desired in order to make the bill comply with the new Army regulations of 1889. It has been transmitted by the Secretary of War in Executive Document 292, with the regulations referred to.

Mr. SAYERS. How much does that add to the expense?

Mr. CUTCHEON. Not at all. It simply authorizes this expenditure for this purpose out of the general fund. That is all. It does not enlarge the appropriation.

The Clerk read as follows:

Incidental expenses: For postage; cost of telegrams on official business, received and sent by officers of the Army; extra pay to soldiers employed under the direction of the Quartermaster's Department in the erection of barracks, quarters, and store-houses, in the construction of roads, and other constant labor, for periods of not less than ten days, and as clerks for post quartermasters at military posts; for expense of express to and from the frontier posts and armies in the field, of escorts to paymasters and other disbursing officers, and to trains, where military escorts can not be furnished; expenses of the internment of officers killed in action, or who die when on duty in the field, or at military posts and on the frontiers, or when traveling under orders, and of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, or guides for the Army; compensation of clerks and other employes to the officers of the Quartermaster's Department, compensation of forage and wagon masters authorized by the act of July 5, 1838; for the apprehension, securing, and delivering of deserters, and the expenses incident to their pursuit; and for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, and for the trains, to wit: Hire of veterinary surgeons; purchase of medicine for horses and mules, picket-ropes, blacksmiths' tools and materials, horseshoes and blacksmiths' tools for the cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movement and operations of the Army, and not expressly assigned to any other department, \$675,000. *Provided*, That \$25,000 of the appropriation for incidental expenses, or so much thereof as shall be necessary, shall be set aside for the payment of enlisted men on extra duty at constant labor of not less than ten days in the Quartermaster's Department, but no such payment shall be made at any greater rate per day than is fixed by law for the class of persons employed at the work done therein.

Mr. ROGERS. I move to strike out the last word in order to get some information upon this subject. I notice in this a reference to cases where soldiers are in "constant labor." That is rather a peculiar expression, but I do not rise to criticize that. What I want to know is whether the committee have made any investigation to ascertain whether or not any part of the apparent or the real discontent among the soldiers of the Army has grown out of extra service to which they have been assigned not in the line of their regular duty.

Mr. CUTCHEON. We have made no special inquiry on that particular subject, but I think this matter of extra-duty pay, instead of being avoided, is rather sought by men in the Army. Where they are mechanics, for instance, and can labor upon some building that is going on, it is called "constant labor" as distinguished from mere police duty.

Mr. ROGERS. They are not, as I understand from this amendment, paid for that extra service at all, unless they work for ten days.

Mr. CUTCHEON. Not less than ten days.

Mr. ROGERS. Is that construed, in its actual operation, as meaning ten consecutive days?

Mr. CUTCHEON. I understand that it is.

Mr. ROGERS. Does the gentleman think that it is a proper thing to allow an officer to detail a man to do extra work independent of his regular duties for nine days and pay him nothing?

Mr. CUTCHEON. The gentleman will remember that at the present time our Army is not overburdened with labor, and ordinarily such light duties as may be necessary about a post the enlisted men are detailed to perform, and the work is regarded as a portion of their duty.

Mr. ROGERS. Is not that open to very great abuse? Why might not an officer work a man nine days upon such labor and then let him off for a day, then work him again nine days and then let him rest for a day, and then work him nine days again, and so on?

Mr. CUTCHEON. I can only say that this is the long-established usage of the Army, and we have not undertaken to introduce any new legislation upon this bill.

Mr. ROGERS. And there are no complaints arising from that cause?

Mr. CUTCHEON. None have been made to us and none have come to our knowledge.

Mr. ROGERS. Well, I would ask the gentleman if the discontent in the Army has not excited sufficient public attention to justify the Committee on Military Affairs in making some inquiry with reference to that question, which it seems to me every day grows in importance.

Mr. CUTCHEON. We have been giving very careful and serious attention to the matter of desertions from the Army, and have reported a bill which is intended to reach and check that evil, but of course we could not put it upon this appropriation bill. In due time we shall ask the House to consider that bill, which we believe will greatly dimin-

ish the causes of discontent in the Army and greatly decrease desertions.

Mr. ROGERS. Mr. Chairman, I am much gratified to know that the Military Committee have had their attention enlisted in that direction, and I withdraw the *pro forma* amendment.

The Clerk read as follows:

For buildings for garrison purposes: For construction of or purchase of buildings at military posts for libraries, gymnasiums, amusement-rooms, canteens, etc., \$100,000.

Mr. MORSE. I move *pro forma* to amend by striking out the last word of the paragraph just read.

Mr. Chairman, it would appear by the accompanying report, recommending an appropriation of \$100,000 for canteens at the Army posts, that among the things that are to be sold at these "canteens" are beer and light wines and that this Government beer saloon may be connected with a library and reading-room, if not in the same room. I protest against this proposition to open drinking saloons at the Army posts and denounce it as an outrage against the temperance and christian people of this country. I denounce it as against the best and highest interests of the soldiers themselves. The report argues that the sale of light drinks to the soldiers would prove a temperance measure. The man who wrote that report and the Army officer who made this recommendation have not learned the A B C of temperance reform, and it seems to me as though, like Rip Van Winkle, they had waked up after a lapse of centuries.

The argument is contrary to science and experience. Beer and the lighter drinks are the devil's kindling wood for stronger drinks, and are the sure and certain road to intemperance and drunkenness and all that implies.

Fifty years ago, when Congressmen came to Washington in stage-coaches, the proposition to prevent intemperance by the use of fermented liquors, wine, cider, might have been respectfully received by the American people, but in this age of scientific investigation such a suggestion is simply ridiculous.

On the 20th day of May, 1886, the President of the United States signed a bill, making it a law, enacted by the Forty-ninth Congress, to provide for the study of the nature of alcoholic drinks and narcotics and their effects upon the human system by the pupils of the public schools in the Territories, the District of Columbia, and in the Military and Naval Academies, and in Indian and colored schools of the Territories of the United States.

Now, the officer who made this recommendation as a temperance measure should study these books, several of which I have on my desk, and I suggest that he begin with the primer used in the primary department. On page 27, question:

What is the nature of alcoholic poison? Alcohol is a bad poison. It is in its nature to make one who takes a little—such drinks as cider and beer—to want more, and if he takes more he will still want more.

It is in the nature of alcohol to make a person not care if he does wrong. Often it makes those who wish to drink it do wicked and evil deeds.

One more quotation from temperance primer:

Q. What is the effect of beer drinking?

A. It is the nature of beer to make those who drink it want more and more beer. It is also the nature of beer to make its drinkers dull, stupid, and wicked.

Now, supposing the officer who made this recommendation as a temperance measure to have absorbed the teaching of the primer class, let me read him from the grammar-school and high-school text-book on the effects:

*The alcoholic appetite.*—We have seen that a little alcohol taken at frequent intervals affects the drinker as slow poison; and that in large quantities taken at one time it will speedily destroy life. But one of its most dangerous characteristics is the fascinating power that a little alcohol has, in such liquors as beer, wine, and cider, to create a craving desire for more alcohol.

The drinker does not at first seem to realize his danger; but the more he takes of this poison the more he cares for it and the less he cares about doing right. As he keeps on, the time comes when anything may be sacrificed for this selfish gratification of the appetite which he seems to have no power to resist. The alcoholic appetite once fastened upon a person persistently clings to its victim. After being long resisted it may be roused to redoubled fury by a slight taste or even smell of an alcoholic liquor. The nature of alcohol is not changed by its being put into food. A little there, as anywhere else, has the power to rouse an appetite for more. The only safe course for a person who has an alcoholic appetite is to at once and forever refuse to take any form of alcohol.

Now a brief quotation from the high-school text-book used in this District by order of Congress:

*The alcoholic appetite.*—It must be remembered that in whatever quantity or wherever alcohol is found, its nature is the same. It is not only poison, but a narcotic poison. It belongs to the same class with opium, chloroform, ether, hydrate of chloral, etc., one great peculiarity of which is that they never leave the body through which they have once passed in quite the same condition in which they found it. The person who has once taken them is apt to feel a desire to take them again. And this desire is not like the ordinary appetite for food. It is not that their smell or taste is agreeable, for the reverse is often the case. It is the after-effect that is sought. The oftener this desire is gratified, the more imperious it becomes, until finally the man is no longer master of himself; he neglects his daily affairs and takes no interest in anybody or anything but plans for a fresh supply of the poison.

The alcohol found in beer and other light liquors, though present only in small quantities, possesses this cumulative attraction for itself, which tends sooner or later to lead to excess. The craving for alcohol, when indulged, becomes a disease both of body and mind. The only remedy for the disease is to remove the cause, by adhering strictly to total abstinence. Such abstinence is also the absolute safeguard against forming this unnatural craving. In view



of this easily formed and more easily aroused appetite, the custom of flavoring food of any kind with any form of alcohol is a dangerous one that should be avoided.

Having shown by these quotations the utter fallacy of the argument of this report that the sale of the milder drinks will promote temperance at the army posts, I denounce the provision of this law for the establishing of canteens, in which are many useful and beneficial things which ought to be provided for the benefit of the soldiers, such as a reading-room, gymnasium, library, with innocent games—I say I denounce the provision which connects a beer saloon with the room in which are contained these other luxuries and necessities for the defenders of our flag. What is the excuse offered for the United States going into the saloon business in this report? Why, that of any common rum-seller: "If I don't sell the rum some one else will."

Many, if not most, of these soldiers are young men, not hardened or confirmed drunkards, and I denounce this proposed Government saloon for putting a temptation in the way of these young men. But the argument is that many of them are already addicted to drink; and here I desire to answer by a quotation from the temperance text-book of the grammar-school grade, on page 37, series No. 2, as follows:

The alcoholic appetite once fastened upon a person persistently clings to its victim. After being resisted it may be aroused to redoubled fury by a slight taste or even smell of an alcoholic liquor. The only safe course for a person who has an alcoholic appetite is at once and forever to refuse to take any form of alcohol.

Think of the effect of these Government beer saloons upon a reformed man in the army who is struggling with an appetite for alcoholic drink.

Another complication and difficulty will arise and bring State and Government authority into conflict where there are military posts and canteens in prohibition States. I warn my party associates on this side that the passage of this appropriation for army "canteens" containing drinking saloons without my amendment will be used with telling effect by the third-party people against us, with telling effect on the stump, and will lose us thousands of votes of the christian people and temperance people of the Northern States.

The idea that the so-called lighter liquors—beer, wine, and cider—will prevent intemperance is a relic of the past age and is utterly exploded by the investigations of our times. The man is belated in his research who recommends such a remedy. The children of this nation who study these text-books in the public schools would laugh at such a legislator. I hold in my hand the heading of a petition from the Woman's Christian Temperance Union, protesting against this Government beer saloon, which bears over 9,000 signatures. I hold in my hand a letter from the chaplain of one of these posts, where one of these drinking canteens has been established, in which he denounces the thing as destructive to the morals and the highest and best interests of the soldiers.

I quote the following from an article from the pen of Mrs. S. V. La Fetra, of Washington, as giving expression to the sentiment of the christian women of the country:

The christian mothers of this nation have long since learned that the use of wine and beer are not conducive to temperance, and their protest will ring out loud and strong against the proposed and now earnestly recommended measure of this Congress to establish such canteens throughout the regular Army "for the promotion of temperance!" This reads too much like the wine and beer journals of our land, and should make every christian fearful for the result.

Shall we carry the matter further, and open wine and beer canteens in every home to keep our boys from strong drink outside, and aid in enforcing parental discipline? While prohibition is the christian's battle cry all along the line, shall we utter no protests against this proposition to establish liquor saloons in army posts, appropriating the people's money to purchase or erect buildings for the accommodation of such a business?

Is there not a confession of deplorable weakness somewhere in the appeal for wine and beer canteens as a necessity for the better enforcement of discipline and to make desertions less frequent? God forbid that any of our sons shall enter our Army when this is the established regulation! True, legitimate articles of food, clothing, etc., are and will be sold in these canteens, but in this day of enlightened public sentiment on the liquor question we are far from endorsing a wine and beer saloon in a dry-goods store, or even a grocery, "for the promotion of temperance."

Our prohibitory laws have always been a failure unless the wine and beer were also prohibited, and now our Army professes itself unable to protect itself against the drunkenness and desertion of the soldiers, unless liquor of at least a mild form can be sold inside the lines to assist in the enforcement of good order.

President Harrison prohibited the wine and beer canteen at Fort Washington when we appealed to him in behalf of the militia of the District of Columbia, and now it is proposed to set up liquor canteens at every army post. If this is done, how long until we shall have an army of drunkards?

Pitiful appeals are coming to us from all parts of the country from soldiers, chaplains, and others, urging an immediate and strong protest against this legislation. The English army had to prohibit liquor in its canteens because of the drunkenness among the soldiers. It is proposed here to make our soldiers accessory by a share in the proceeds. The national and local Women's Christian Temperance Unions offer a solemn protest against the sale of wine and beer in any or all soldiers' homes and army posts, and will appeal and pray for relief so long as sons, husbands, and brothers are ruined by wine and strong drink. It is said that probably some action will be taken in the House of Representatives the coming week.

I have this morning filed a petition from 310 inmates of the National Soldiers' Home at Hampton, Va., praying for the suppression of the sale of drink at homes and arsenals, recruiting stations, navy-yards, forts, and barracks.

I have here letters from private soldiers, where these drinking saloons have been established, who say in a whisper, not to be repeated, that

the effect is bad and only bad. They will not allow their names to be used for self-evident reasons.

I hold in my hand General Order No. 24, dated at Washington, February 22, 1881, which reads as follows:

By direction of the President, the sale of intoxicating liquors at military stations and posts is prohibited.  
By command of General Sherman.

R. C. DRUM, Adjutant-General.

I understand that this order has never been revoked or rescinded. I ask for the adoption of my amendment to the appropriation bill, and in the name of my constituents I ask that General Order No. 24 may be enforced at all the army posts in the country.

I submit that the people of this country are not to any extent aware of this proposed legislation, to establish drinking-saloons under the auspices of the Government, and I tell you that when the people become aware of the enormity of this proposition they will be heard from, and this Capitol will thunder with protests from the law-abiding temperance and christian people of the nation.

(During the delivery of the foregoing remarks, when five minutes had expired, Mr. KERR, of Iowa, obtained the floor and yielded his time to Mr. MORSE.)

Mr. SPINOLA. Mr. Chairman, I am sorry indeed—

The CHAIRMAN. The Chair does not understand that any question is pending.

Mr. SPINOLA. I move to strike out the word "canteen."

Mr. MORSE. I desire to offer an amendment.

The CHAIRMAN. The gentleman from New York [Mr. SPINOLA] has been recognized.

Mr. GROSVENOR. I would like, before the gentleman from New York begins, to ask him a question.

Mr. SPINOLA. My dear friend, sit down for a minute—just a minute.

Mr. MORSE. Will the gentleman from New York give way long enough to allow me to offer this amendment?

Mr. SPINOLA. Not at present.

The CHAIRMAN. The gentleman from New York declines to yield.

Mr. SPINOLA. Mr. Chairman, my sympathies throughout my entire life have gone out, like the river to the sea, toward reformed drunkards [laughter], and I do not know of anything which will check that sympathy. No speech delivered on the floor of this House by any gentleman, whether he has been guilty in early life of indiscretions or not, will have the least influence upon me on a question of this character.

Now, sir, we have listened with great attention—I have, and I believe the whole House has done the same—to a gospel man's views on a business subject. [Laughter.] I hold in my hand a little card, which I received this afternoon in my seat, announcing that "Hon. ELLIOT A. MORSE, M. C., of Massachusetts, will give an address," which today he has prematurely dropped upon the floor of this House [laughter], an address that was not to be given until to-morrow night. Now, this is a sort of miscarriage, it strikes me [laughter], and I am very sorry for it, for the simple reason—

Mr. KERR, of Iowa. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. KERR, of Iowa. My point of order is that the remarks of the gentleman are not pertinent to the subject before the committee.

The CHAIRMAN. The Chair overrules the point.

Mr. SPINOLA. Why, sir, I am speaking on the "canteen" itself. [Laughter.] There is no mistake about that. The "canteen!" Every soldier knows what that is; and every soldier was glad during the war to have it filled; and I have helped to fill many a one myself for many a marching boy who was weary and thirsty.

Mr. HENDERSON, of Iowa. And helped to empty some of them, General.

Mr. SPINOLA. No, sir; thank God, I never helped to empty one. I stand here as a genuine absolute enemy of rum, never having drunk a gallon in my life, put it all together.

A MEMBER. At one time. [Laughter.]

Mr. SPINOLA. At no time; and I am very sorry that my friend from Massachusetts does not occupy the same position. [Laughter.]

Now, sir, the raid which the gentleman has made here on this subject of the "canteen" is met by the Army Regulations in this language:

The sale or use of ardent spirits in canteens is strictly prohibited.

There can be no drunkenness around a canteen. These canteens exist to-day at more than forty army posts; and they have been of the utmost benefit, the greatest service, to the enlisted men of the Army (as well as the officers), who can go there and get what they require.

I read further:

The sale of beer and wine may be restricted or interdicted, at the discretion of the commanding officer, and is to be authorized only as a means of preventing excesses outside, and to promote temperance—

To which my whole life has been devoted. [Laughter.] This is entirely disconnected with polish of every kind—either stove polish or any other kind of polish. [Laughter.]

Now, sir, a little cheap capital made on the floor of this House in the delivery of a temperance speech is entirely out of place, in my judgment.

It should be reserved for some other place than the House of Representatives.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MORSE. I desire to offer an amendment.

Mr. WHEELER, of Alabama. I make the point of order that the gentleman from Massachusetts has already spoken once on his amendment.

The CHAIRMAN. The gentleman sends to the desk another amendment.

Mr. MORSE. I withdraw my former amendment and offer this.

Mr. MCADOO. As the gentleman from Massachusetts [Mr. MORSE] has occupied ten minutes, I ask unanimous consent that the gentleman from New York [Mr. SPINOLA] may be allowed the same length of time.

The CHAIRMAN. The gentleman from Massachusetts sends to the Chair an amendment, which will be read.

Mr. WHEELER, of Alabama. Mr. Chairman, the request for unanimous consent has not yet been put to the Committee of the Whole.

The CHAIRMAN. What was it?

Mr. WHEELER, of Alabama. The request of the gentleman from New Jersey [Mr. MCADOO] that by unanimous consent the time of the gentleman from New York [Mr. SPINOLA] be extended for five minutes.

Mr. SPINOLA. Never mind; let it go.

The CHAIRMAN. That request can be put after the amendment of the gentleman from Massachusetts has been read.

The Clerk proceeded to read the amendment of Mr. MORSE.

Mr. WILLIAMS, of Ohio. I ask that members be compelled to take their seats so we may hear what is going on.

The CHAIRMAN. Members will take their seats and preserve order.

If the gentleman from New York [Mr. SPINOLA] desires further time the Chair will hold the amendment in abeyance. If the gentleman from New Jersey [Mr. MCADOO] asks that the gentleman from New York [Mr. SPINOLA] shall have five minutes more time the Chair will put the request to the committee. Is there objection? The Chair hears none, and it is so ordered.

Mr. SPINOLA. Mr. Chairman, I find that Washington, commander-in-chief of our earliest armies—Washingtonians came afterwards; they were reformed drunkards [laughter]; they came from Baltimore; three of them sitting around a stove in a gin-mill, a place I never visited [laughter and applause], and I trust my friends on the other side, who are so enthusiastic on the temperance question, can say as much. [Laughter and applause.] But, to continue. This is what was enacted when Washington had charge of the soldiers of our country:

Sec. 10. And be it further enacted, That every non-commissioned officer, private, and musician aforesaid shall receive daily the following rations of provisions, or the value thereof: One pound of beef, or three-quarters of a pound of pork, one pound of bread or flour, half a gill of rum, brandy, or whisky, or the value thereof at the contract price where the same shall become due, and at the rate of one quart of salt, two quarts of vinegar, two pounds of soap, and one pound of candles to every hundred rations.

[Laughter and applause.]

What becomes of my friend, Mr. MORSE, basking under the shadow of Bunker Hill, when the Father of our Country provided that these men should be taken care of with a proper ration? I want to say here, as every member will verify who served in the Army, that it is an absolute medicinal necessity in the Army in active service. And, sir, out upon the plains, where the water is alkaline, there is nothing so good to purify it as a little pure whisky. [Laughter and applause.]

If you were to stir it up with some kind of stove-blackening [great laughter and applause], how would that meet with the taste of the soldiers? It might change their complexion, I admit, but it would be a dangerous drug to mix with the ration of the soldiers. They then would indeed have a chromo in their stomachs, as my friend from Massachusetts has said [great laughter], but the inside of their stomachs would become polished. [Renewed laughter.]

Now, sir, my friend is altogether wrong in relation to this question. He ought to know himself, having served in the Army. He ought to know himself the necessity of the soldier being served with a ration of whisky after a long day's march in the rain, if you please, or after having bivouacked on damp ground, sleeping in a swamp perhaps over night. He ought to know that nothing could be of greater service than a proper ration of something to stimulate him and preserve and protect his life. [Applause.]

I will go as far in remedying any evil existing in this country by the extravagant use of alcoholic liquors or drunkenness as any man on the floor of this House. But I will draw the line myself where I will stop, and not permit it to be done by men who do not understand it. [Applause.]

I will not stand here, Mr. Chairman, to make speeches for home consumption or to cater to the caprice and whimsical notions of the ladies in the land. [Laughter.] The gentleman has made his remarks. Let him make them in the name of the temperance ladies of the country. Perhaps he did so. They can do much good, more than the men can. They have exercised it in all directions, but it is not to be done in an arbitrary way, for such action in reference to temperance has never accomplished anything and never will. It is only to be done by suitable

and wholesome restrictive action, and I am in favor of such action only. [Applause.]

The CHAIRMAN. The gentleman's time has expired.

The amendment of Mr. MORSE, of Massachusetts, was read, as follows: After the word "dollars" insert "provided no alcoholic liquors, including beer and wine, shall be sold or supplied to the enlisted soldier."

Mr. MORSE was recognized.

Mr. LANSING. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. LANSING. I make the point of order that under Rule XXI this is new legislation injected into an appropriation bill, and that therefore the amendment proposed by the gentleman is out of order.

The CHAIRMAN. To what rule does the gentleman refer?

Mr. CUTCHEON. This will be found in clause 2 of Rule XXI, which provides:

2. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

Mr. Chairman, in order that the committee may clearly understand the point of order, I desire briefly to call the attention of the Chair to the manner in which this paragraph now under consideration comes into the bill, what it is for, and the reasons for its incorporation in the bill, so that the Chair may be enabled to rule intelligently upon the question. If the members of the committee will refer to the report accompanying this bill, on page 9, they will find there that an estimate is made by the Secretary of War under the head of appropriations for the fiscal year ending June 30, 1891, under the head of "buildings for garrison purposes:"

For construction of or purchase of buildings at military posts for libraries, gymnasiums, amusement-rooms, canteens, etc., \$150,000.

The committee allowed \$100,000 for the purpose of these buildings.

This committee will observe, and the chairman will take notice of the fact in considering the point of order, that this is for the construction of or purchase of buildings at military posts, and for nothing else. The only thing that I understand the amendment is directed towards is the canteens. Now the word "canteen" is a name that is new to our Army nomenclature. While it is old in the armies of Europe, it has existed in the Army in this country only for the past ten years. They are in existence to-day at forty-one of the Army posts.

Mr. LANHAM. Fifty-seven.

Mr. CUTCHEON. Yes, fifty-seven. I should have said forty-one at the time that this report was submitted.

What is a canteen? It is a co-operative store that is maintained by the officers and enlisted men at the military posts, which takes the place of the old sutler's store, or what was more recently called the post-trader's store.

They supply the officers and men with such articles as may be needed to supplement their rations, and with the little necessities that they may require at the different posts.

If gentlemen now will turn to page 24 of the report they will find set forth at length a general order issued from the Headquarters of the Army, bearing date of February 1, 1889, General Orders, No. 10, in the following language:

[General Orders, No. 10.]

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,  
Washington, February 1, 1889.

By direction of the Secretary of War, the following rules and regulations for the establishment and government of post canteens are published to the Army:

1. Canteens may be established at military posts where there are no post traders, for supplying the troops, at moderate prices, with such articles as may be deemed necessary for their use, entertainment, and comfort; also for affording them the requisite facilities for gymnastic exercises, billiards, and other proper games. The commanding officer may set apart for the purposes of the canteen any suitable rooms that can be spared, such rooms, whenever practicable, to be in the same building with the library or reading-rooms.

2. The sale or use of ardent spirits in canteens is strictly prohibited; but the commanding officer is authorized to permit wines and light beer to be sold therein by the drink, on week days, and in a room used for no other purpose, whenever he is satisfied that the giving to the men the opportunity of obtaining such beverages within the post limits has the effect of preventing them from resorting for strong intoxicants to places without such limits and tends to promote temperance and discipline among them. The practice of what is known as "treating" should be discouraged under all circumstances.

3. Gambling or playing any game for money or other thing of value is forbidden.

4. Civilians, other than those employed and resident on the military reservation, are not to be permitted to enter the rooms of the canteen without the authority of the commanding officer. Commanders of canteen posts situated in States or surrounded by communities not tolerating the sale of intoxicants will not permit the residents or members thereof to visit the canteen for the purpose of obtaining beer or wine, etc.

This, then, is not a new thing. It is established by the law at the military posts now throughout the Army. It is not, therefore, to ask in the bill any authority to establish the canteens, for they are already established. Neither does the question of policy here arise. The only question presented by the appropriation bill to the committee is whether it is advisable to give to the Secretary of War an appropriation with which he can erect buildings, among other things, for a library, gymnasium, for amusement rooms, and canteens, which is, as I have said, another name for the co-operative stores. The amendment proposed applies



legislation to the bill. Now, whatever my sentiment may be in regard to the policy of that legislation if it came in a different form, it is now here in the shape of new legislation on an appropriation bill, and subject to the point of order which has been raised against it.

Mr. SKINNER. Will the gentleman allow me to ask him a question?

Mr. CUTCHEON. Certainly.

Mr. SKINNER. Is there any other legislation on the subject than that contained in that general order, to which you have referred, establishing canteens?

Mr. CUTCHEON. That is the law of the Army.

Mr. SKINNER. But is there a general law passed by Congress?

Mr. CUTCHEON. No; this is only a regulation.

Under the old sutler system, Mr. Chairman, the sutler was permitted to sell not only wines and beer, but also strong drinks; and that was one reason for breaking up that system, ultimately. Then the post-trader system was inaugurated; and under that system the post-trader has always sold these lighter beverages, openly and admittedly, but also, covertly, he sold strong drinks as well. Now, I will send to the desk a letter bearing on the question from the Adjutant-General of the Army, received by the chairman of the committee a day or two since.

Mr. SAYERS. While that is being sent to the desk I will suggest to the gentleman the propriety of striking out the words "and so forth" wherever they appear in the bill.

Mr. CUTCHEON. I have no objection to that.

I now ask the Clerk to read the communication.

The Clerk read as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,  
Washington, March 23, 1890.

DEAR SIR: I have just received your letter of the 22d instant requesting to be informed (1) whether under the post-trader system liquors were sold by the trader; (2) whether under the canteen system a regular "bar-room" is set apart in the same building with the amusement room and library; (3) what, if any, limitation is set upon the sale of liquors to the men at a post. You also say you will be glad to receive any other information and suggestions upon the subject which it may be in my power to give to you.

1. Originally ardent liquors as well as wine and beer were freely dispensed to officers and men under the post-trader system. The demoralizing effect of this practice, described at length in the report from this office to the Secretary of War, dated December 31, 1888 (see page 12, Report 529, House of Representatives, present session, copy herewith), resulted in the issuance on February 22, 1891, of an Executive order, prohibiting the sale at military posts of intoxicating liquors stronger than wine or beer. But for reasons explained on page 15 of the same report the War Department found it impossible to enforce this prohibition with any degree of thoroughness, and this fact constitutes one of the most potent arguments for the superseding of the trader's store, the operations of which the higher military authorities can never fully control, by the canteen system, which is directly managed by officers of the Army, liable to trial by court-martial and dismissal from the service for any violation of regulations and orders.

2. The regulations for the government of the canteen system (page 24, Report 529) absolutely forbid the sale of ardent spirits in or by the canteen, and direct that when the commanding officer shall, as a means of preventing men from resorting for strong drink to places without the post limits and of promoting temperance, deem it advisable to allow wine and beer to be sold, such sales must be made "in a room used for no other purpose." These regulations likewise provide that the canteen, comprising (besides the store or place where merchandise needed by the troops is exposed for sale) the billiard and amusement room, and, if there be any such, the wine and beer room, is to be established whenever practicable in the same building with the reading-room and library; but this provision was inserted for the sole reason that many of our military posts are known to be overcrowded and that a separate building for canteen purposes would rarely be available. Should Congress appropriate the desired amount for "garrison buildings," quarters apart from the building containing the library can and doubtless will be assigned to the canteens.

3. As has been stated under the second head, the sale at military posts of such liquors as whisky, brandy, or rum is positively interdicted. It is left to the discretion of the post commanders to decide what quantity of beer or wine, if any, shall be sold to the men on week days. Commanders of posts, being on the spot, are best capable of determining the expediency of permitting or prohibiting the sale of these lighter drinks; personally they derive no benefit, direct or indirect, from such sales, the profits accruing from which are paid into the company (i. e., mess) funds; and as their professional standing depends largely upon the state of their respective companies they have a direct interest in the welfare and sobriety of their men, and hence can be safely trusted to regulate this matter.

That the latitude thus given to the local commanders is distinctly promotive of temperance and of good morals can not be doubted. Statistics prepared in the War Department on the subject warrant the inference that five-sixths of all military offenses are directly or indirectly traceable to drunkenness; and the report of the Acting Judge-Advocate-General for the year ending October 31, 1889, shows that of two hundred and ninety-nine men convicted of desertion, nearly one-half admitted that over-indulgence in drink led them to commit the crime. Impelled by a craving for strong drink, soldiers leave their barracks with the intention, in nine cases out of ten, of resuming their duties after gratifying it; but once under the influence of the intoxicant they often either overstay the limit of their permit (those of them that do not go without leave) or, returning within such limit, commit more or less serious breaches of discipline that they would not be guilty of while in their sober senses. In either case good order and military discipline necessitate the commitment of the offenders to the guard-house for trial and punishment.

It is admitted on all hands that the discretionary authority vested in commanders of posts to permit the sale of light drinks in reasonable quantities has been wisely exercised and attended with highly beneficial results. A citation of all reports showing this gratifying fact would unduly extend the limits of this communication; and I content myself with quoting from a few of them, selected at haphazard, premising that the high character of the writers shuts out all suspicion of a lack of candor on their part.

The following are extracts from reports of commanders of posts below mentioned:

Mount Vernon Barracks, Alabama:

"In my opinion the canteen tends to improve the discipline of the command in that it keeps the men within the garrison and reduces the number of cases of drunkenness and trials by courts-martial."

Fort Keogh, Montana:

"The influence of the canteen upon the welfare of the command is very marked. Notwithstanding it has been in operation so short a time, not half the number of men were confined or tried by court-martial after the payment in this month as were after the previous monthly payments."

Fort Custer, Montana—commanding officer, in forwarding report of canteen officer, says:

"The report shows a very favorable condition of the canteen, and it is probably one of the best canteens in the Army. It has greatly improved the discipline of this command, as shown by the post records, and at posts where I have observed the operations of canteens, in contradistinction to the post-trader establishment, it has decreased drunkenness more than 50 per cent. There is very rarely now a case of drunkenness that can be traced to the canteen. This canteen has given great satisfaction to the officers and enlisted men of the post, and through its instrumentality all persons, whether enlisted men or officers, have been enabled to live with a greater degree of comfort and less expense than formerly."

Fort Sidney, Nebraska:

"The canteen has now become an established institution in the United States Army, and its merits are so many and so great that I think it altogether improbable it will ever be disturbed. It may be improved upon, but will never be dispensed with. After ten years' continuous, careful observation of the effect of a canteen upon the well-being and general morale of commands, I am prepared to say that when properly conducted it is a beneficial institution at a military post. It allays discontent, is a source of economy to the enlisted men; keeps those in the garrisons who would otherwise find their social enjoyments beyond its limits; enables men to preserve their self-respect by keeping them from public drinking places and other questionable resorts, reduces the use of strong intoxicants to a minimum, affords orderly, clean, and well lighted rooms in which the men can enjoy themselves with games and innocent amusements without being brought in contact with the reckless and disorderly elements of civil society, and promotes sociability and good manners among the men of the different organizations. It has been observed in this command that larger amounts of money are deposited with paymasters when the canteen is in successful operation than at any other time. It is a fact which has been noticed by merchants that soldiers in garrisons where there are well conducted canteens expend more money in articles of dress and comfort than do soldiers at garrisons not similarly situated."

David's Island, New York Harbor, Capt. F. H. E. Ebstein, Twenty-first Infantry:

"I conversed with a number of enlisted men of long service as to the advantages of the canteen, and their unanimous expression was in favor of the canteen as against the former method of post-traders. At this depot the canteen has been a material aid to discipline. At no time have there been so few confinements in the guard-house as since the establishment of the canteen. The guard report shows from twenty-five to thirty-five confinements within the first two days after a pay day. After the last pay day—the first since the canteen was opened—there were but three confinements, and these not chargeable to the canteen."

General Gibbon, commanding Department of the Columbia, in forwarding report of the commanding officer, Vancouver Barracks, Washington, remarks:

"The post of Vancouver Barracks lies close alongside the town of Vancouver, the street next the post being lined with saloons to which the soldiers of the garrison resorted for liquors. The establishment of the canteen inside the garrison gave the enlisted men a home-like and convenient resort, where they could read, play cards and billiards, get lunches, and drink their beer comfortably and moderately, and at a profit to themselves. A marked improvement in the discipline of the garrison resulted. Most post-traderships are now little better than beer saloons, the immense profits of which go into the trader's pocket. In the case of the canteen the soldiers themselves get these profits. An application to the post of Vancouver Barracks of the prohibition (to sell wine and beer) will result in the loss of these profits to the soldiers, and increase of dissipation, and a decrease in discipline."

In submitting the paper to the Adjutant-General, General Miles remarks:

"There has not been a post-trader at Vancouver Barracks for ten years, and although it is one of the largest posts in the country it is one of the best disciplined and most orderly. The post canteen and gymnasium are excellent substitutes for the ordinary post-traders' establishments. Beer and light wines are not regarded as alcoholic liquors and should not, in my opinion, be so classed."

Colonel Wheaton, the commanding officer, Fort Omaha, says: "The post canteen since its institution in August, 1887, has been a boon to the soldiers, not only in supplying them with amusement and recreation and in greatly improving their morals, but in keeping them out of the low bar-rooms adjacent to the post which they formerly frequented and which are now closed in for lack of patronage," adding that the canteen has "reduced desertion, and in all respects been so beneficial to the troops that, in the interest of good order, good morals, and good discipline, I dread seeing a return to the old system." And the department commander, General Brooke, who, being on the spot, has opportunities for personal observation, adds that he has noted the closing of the dram-shops on the outskirts of the reservation, as described by Colonel Wheaton, and "also the other benefits described of a post canteen, not only at this but at other posts in this department." Concerning the sale of beer and light wine at a post canteen, General Brooke says: "It has this advantage over the sale of the same by a post trader, namely, that the men will patronize their own canteen, but where opportunity offers will go to a neighboring village or town in preference to the post trader, being thus thrown in the way of temptation."

In conclusion I beg to reiterate my conviction that to couple the appropriation of the money needed for the purchase or erection of "garrison buildings" with the proviso that beer or wine shall not be sold therein, so far from representing dissipation, would tend to encourage it, as it would result in the reopening near the outskirts of military reservations of low grogeries and haunts of vice now to a great extent closed in consequence of the introduction of the canteen system.

The paper accompanying your letter is returned as requested.

Very respectfully,

J. C. KELTON, Adjutant-General.

Hon. B. M. CUTCHEON,  
Chairman Committee on Military Affairs,  
House of Representatives, Washington, D. C.

Mr. CUTCHEON. That shows, Mr. Chairman, that these beverages are permitted to be sold at present under the post-trader system; that they are permitted by general orders; and the amendment of the gentleman would be a change of existing law in the shape of legislation upon an appropriation bill.

Mr. PICKLER. I would be glad to ask the gentleman from Michigan, if this is not new legislation, what is meant by the report of the committee on page 21, where the Adjutant-General says:

Although the canteen has at no time been expressly authorized, and has only been indirectly countenanced by the War Department, etc.

Mr. LANHAM. That was previous to the general order establishing the canteen system.

Mr. PICKLER. This is the report submitted by the committee, or a part of their report.

Mr. WHEELER, of Alabama. That is a year and one-half old.

Mr. CUTCHEON. It was anterior to the establishment of the canteen system.

Mr. PICKLER. But why do you put into this bill a provision of that character relating to this system any more than a hundred other things which are equally applicable as to what is allowed under the canteen system? Why not establish regulations as to the selling of eggs, butter, and cheese?

Mr. CUTCHEON. The report accompanying the bill, as the gentleman will observe, gives the whole history of the canteen system.

Mr. PICKLER. But this is a lengthy report in favor of the United States Government opening saloons for the sale of wines and liquors in the barracks.

Mr. LANHAM. I do not think it is. It was designed in the interest of temperance, to promote temperance; and by a wonderful unanimity of testimony from the officers at those different posts it has promoted temperance, has decreased intoxication, and has had the effect of decreasing the number of desertions.

Mr. PICKLER. Would the gentleman take army officers as *par excellence* authority on temperance?

Mr. WHEELER, of Alabama. I would. They are a far better body than any other class in the country. [Laughter and applause.] There is no class of men who stand higher as men of temperance and high morality than the officers of the Army and Navy.

Mr. PICKLER. I am not attacking the officers of the Army and Navy; but I know that no men drink as generally as officers of the Army.

Mr. BOUTELLE. Mr. Chairman, I desire to say a word on the point of order. I must say that I was a great deal surprised—if I understand my friend, the chairman of the Committee on Military Affairs, correctly—to be informed that the United States Government has at any time legislated in favor of granting authority for the sale of intoxicating liquors to enlisted men in the United States Army. I never heard of any such legislation; and I can not conceive that any such legislation has been had.

Mr. LANHAM. If the gentleman from Maine had paid attention to the reading of General Order No. 10, or the portion of it which was read by the chairman of the Committee on Military Affairs, he would have discovered that—

The sale or use of ardent spirits in canteens is strictly prohibited; but the commanding officer is authorized to permit wines and light beer to be sold therein by the drink.

There was a prohibition in this order of the sale of strong intoxicants.

Mr. BOUTELLE. That is not the law; but—

Mr. LANHAM. But has not the War Department the right to make regulations governing military posts?

Mr. BOUTELLE. That is not the question involved in this discussion. The fact that the War Department may have issued a general order, upon the idea of some Secretary of War as to the authority of that Department, certainly does not furnish a sufficient basis to claim that the instruction given in such an order would have the force of existing law so as to prohibit an amendment on a regular appropriation bill.

Mr. PETERS. But if that order was made in pursuance of existing law, then it is part of existing law.

Mr. BOUTELLE. I have not had the law called to my attention which has authorized the Secretary of War or any other official of this Government to undertake to promote the cause of temperance by promoting the sale of wine and beer.

Mr. PETERS. But, if the gentleman will allow me, there is a general law which places power in the Secretary of War to make all needed rules for the regulation of the Army, and this is such a regulation.

Mr. BOUTELLE. Very good.

Mr. PETERS. And this order is made in pursuance of a former law.

Mr. BOUTELLE. Therefore you hold that this gives it the force of law to the extent that when it is proposed for the first time in the history of our legislation to make the establishment of these rum shops by act of Congress, the fact that the Secretary of War at some time has assumed authority to grant such permission under a general and vague power of making regulations for controlling army posts, and when it is proposed to launch out into a new arena of national legislation authorizing the establishment of these drinking places under the sanction and authority of the United States Government, that an amendment to strike it out is not admissible on the ground that this sort of temperance establishments have already been authorized by existing law.

Mr. LANHAM. This very legislation contemplated was substituted in the place of sutlers' stores and post-traderships, to correct abuses like "Belknepery." [Laughter and applause on the Democratic side.]

Mr. BOUTELLE. I will not launch out into that, because it might take more time than the exigencies of the discussion on a point of order would admit to reply. This proposition in itself, as stated in the re-

port of the committee, recognizes the fact that these liquor-shops are liable to be abused. A further provision in the report says in regard to—

the moral aspects of the Government permitting its officers to carry on an institution supplying intoxicants, however light, to enlisted men, it is sufficient to point out that we must take the soldier as we find him, and that he is not by any means a perfect being, and that among other defective traits he is apt to have a fondness for strong drink.

And if we find the soldiers have an appetite for liquor we must perforce pass a law authorizing the establishment of places where it is most convenient for the soldier to gratify that appetite.

Mr. LANHAM. Will the gentleman read the two succeeding lines?

Mr. BOUTELLE. I will:

If now, by offering him the opportunity of procuring in moderate quantities comparatively harmless beverages, such as light wines and beer, we prevent him from indulging in, or diminish his temptation to indulge in, whisky, brandy, rum, and gin, the frequent use of which makes drunkards of men, who will deny that a good result has been accomplished?

[Here the hammer fell.]

Mr. BOUTELLE (to Mr. ADAMS). Give me some further time.

Mr. ADAMS. There is no time to give. I desire to speak on the point of order.

Mr. BOUTELLE. Mr. Chairman, has my time expired? I would like to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOUTELLE. What was the purpose of the rap of the gavel?

The CHAIRMAN. To call attention to the fact that the Chair was prepared to make a ruling. [Laughter.]

Mr. BOUTELLE. If the Chair will kindly and courteously observe the usage of the House in permitting me to try to inform it a little further on this subject under consideration for a few minutes I will be greatly obliged.

[Cries of "Rule!"]

The CHAIRMAN. The Chair would state in reply to the gentleman from Maine that he supposed the object of the argument was to convince the Chair, and the Chair was already convinced. [Laughter.]

Mr. BOUTELLE. I hope to be able to convince the Chair if he will allow me. When I was interrupted I was in the middle of a sentence which I would like to complete.

Mr. PETERS. The Chair is with you now, and he may not be if you proceed. [Laughter.]

Mr. BOUTELLE. The gentleman from Kansas! [Laughter.] I read further:

The purpose of the canteen to promote temperance should, however, be distinctly and constantly borne in mind; it should be within the power of the commanding officer to impose restrictions upon and even to completely interdict the sale of the drinkables mentioned—

That is, wine, beer, and these other promotives of temperance—

and they should, if practicable, be dispensed, if at all, at a place apart and not immediately accessible from the billiard, reading, or recreation rooms.

I undertake to say, Mr. Chairman, that the attempt to put this into an appropriation bill is new legislation of a most remarkable and astonishing kind.

The CHAIRMAN. The Chair will pass upon the point of order. The Chair is of opinion that the words "existing law," in paragraph 2 of Rule XXI, apply to statute law, and that, unless there is a law now upon the statute-book allowing the sale of these liquors to soldiers, the amendment would not be a change of existing law. The Chair, therefore, overrules the point of order, and the committee will pass upon the amendment on its merits.

Mr. LANSING rose and was recognized.

Mr. CANNON. I wish to ask the Chair a question, to see whether I understand the ruling. Does the Chair hold that the making of law where none exists is not a change of law within the rule?

The CHAIRMAN. The Chair does not understand that that would necessarily be the case. The question is whether this amendment changes existing law. Is there any existing law on this subject? The Chair has ruled, and the gentleman [Mr. CANNON] can appeal if he desires. The gentleman from New York [Mr. LANSING] is recognized.

Mr. LANSING. Mr. Chairman, the point of order having been decided, I desire now to speak to the merits of this proposed amendment. I can be a personal witness before this House of the beneficial results of the canteen system in a garrison. I call the attention of the House to a clause in the official letter written on this subject by Col. Richard I. Dodge, of Madison Barracks, which are located within my district and within my immediate neighborhood. He says:

In my opinion no step has been taken for the improvement of the moral, social, and intellectual condition of the enlisted men more efficacious than the establishment of the canteen. With pride I am able to say that in discipline and general good conduct I have a command superior to any I have ever seen in the Army.

Now, Mr. Chairman, the gentleman from Maine [Mr. BOUTELLE] insists that we are legislating intemperance into the Army and putting temptation in the way of the enlisted men. Sir, as I have said, I live within a few miles of a barrack where there is a regimental organization and has been for a great many years, and until the inauguration of the canteen system our county jail was full half the time with soldiers from that garrison. The little village in which the garrison is



situated, Sackett's Harbor, was filled with rum-shops from one end to the other, and the garrison there got to be a perfect nuisance—a social nuisance—and so continued until the inauguration of the canteen system; but now absolute quietude rests upon the town, and a great many of the men who kept the rum-shops there have gone out of the business for want of customers.

The canteen has made that garrison to-day the most orderly one that has been there for twenty years. I speak confidently upon this subject, for I have seen regiment after regiment. Now, sir, I protest against outside people, people who drive in one line, one-idea people, coming into legislative bodies and trying to force legislation along some peculiar line of their own. "It is a condition, and not a theory, that confronts us" in this respect, and the condition is, I say it of my personal knowledge, in every respect better than it ever has been in the garrison with which I am particularly acquainted.

The report of the committee contains a number of letters and reports from the commandants of regimental posts. Those reports and letters are collated here, and every one of those commanding officers states that the canteen system has been advantageous to the cause of temperance and of good discipline in his command. Now, sir, it is only fair to assume that intelligent gentlemen, officers who have grown old in the service naturally have a pride in the decent and orderly conduct of their commands, and when Col. Richard I. Dodge and other like officers, men whose names are revered throughout the country as heroes of the war, men whose military and social positions can not be questioned anywhere, send reports to the Secretary of War saying that this system has been beneficial to their commands in every particular, this House ought to have some respect for their opinion and their reports ought to control, instead of the whimsical ideas of some outside society seeking for impossible good. [Applause.]

Mr. LANHAM. Mr. Chairman, I am very earnestly a friend to the cause of temperance, and yet I believe that when all the facts and circumstances are considered the adoption of this amendment offered by the gentleman from Massachusetts [Mr. MORSE] will not lead to the promotion of that cause in the military service. It has long been a subject of careful inquiry in military circles how to prevent as far as possible desertions from the Army, to reduce to a minimum the intemperance of the soldiers, to relieve the irksomeness of army life, to promote contentment therein, and conserve wholesome discipline, as well as to escape the evils which have usually attended the cutlers' or traders' stores and their influence and effects upon the morale of the Army.

One result of this inquiry led to the establishment of what is known as the canteen system; and accordingly in February of last year a general order, by direction of the Secretary of War, Mr. Endicott, was issued authorizing the same. I quote the following extracts from that order:

1. Canteens may be established at military posts where there are no post traders for supplying the troops, at moderate prices, with such articles as may be deemed necessary for their use, entertainment, and comfort; also for affording them the requisite facilities for gymnastic exercises, billiards, and other proper games. The commanding officer may set apart for the purposes of the canteen any suitable rooms that can be spared, such rooms, whenever practicable, to be in the same building with the library or reading-rooms.

2. The sale or use of ardent spirits in canteens is strictly prohibited; but the commanding officer is authorized to permit wines and light beer to be sold therein by the drink, on week-days, and in a room used for no other purpose, whenever he is satisfied that the giving to the men the opportunity of obtaining such beverages within the post limits has the effect of preventing them from resorting for strong intoxicants to places without such limits, and tends to promote temperance and discipline among them. The practice of what is known as "treating" should be discouraged under all circumstances.

3. Gambling or playing any game for money or other thing of value is forbidden.

There is a further rule and regulation for the government of post canteens in the following language:

4. Civilians, other than those employed and resident on the military reservation, are not to be permitted to enter the rooms of the canteen without the authority of the commanding officer. Commanders of canteen posts situated in States or surrounded by communities not tolerating the sale of intoxicants will not permit the residents or members thereof to visit the canteen for the purpose of obtaining beer or wine.

From this it will be observed that in States or communities where the sale of intoxicants is not permitted the residents or members thereof are not even to be allowed to visit the canteen for the purpose of obtaining beer or wine.

On the 1st of February of this year fifty-seven of the one hundred and ten garrison posts in the Army had canteens in active operation, and the testimony of Army officers, who have had abundant opportunity for a practical observation as to the effects of this system, is overwhelmingly in its favor, showing conclusively that it has reduced intemperance and otherwise resulted well wherever it has been enforced. The present Secretary of War, Mr. Proctor, says:

The reports that we have in regard to the canteen system are very strong in its favor; it conduces to order, temperance, and contentment among the men.

In the brief time allowed me I can not more than quote from what certain officers of the Army say on this subject. In the first place Major-Generals Crook and Howard are both on record in favor of the canteen system. In a letter of the Adjutant-General to the chairman of the Committee on Military Affairs [Mr. CUTCHEON] we find the following questions and answers:

But has the canteen system proved of any real benefit to the soldiers? Has

it improved the discipline, increased the morale, rendered the soldiers more contented with their lot? Has it as yet reduced the percentage of desertions?

The answer comes from Mount Vernon Barracks, Alabama:

In my opinion the canteen tends to improve the discipline of the command, in that it keeps the men within the garrison and reduces the number of cases of drunkenness and trials by courts-martial.

[Here the hammer fell.]

Mr. LANHAM. I trust I may be allowed to proceed a few moments longer.

Mr. CUTCHEON. If the gentleman from Texas desires to proceed I will yield him my time.

Mr. LANHAM. I am very much obliged to the gentleman.

From Fort Keogh we have the following testimony:

The influence of the canteen upon the welfare of the command is very marked. Notwithstanding it has been in operation so short a time, not half the number of men were confined or tried by court-martial after the payment in this month as were after the previous monthly payment.

From Fort Sidney, Nebr., the report is as follows:

After ten years' continuous careful observation of the effect of a canteen upon the well-being and general morale of commands, I am prepared to say that when properly conducted it is a beneficent institution at a military post. It allays discontent, is a great source of economy to the enlisted men, keeps those in the garrisons who would otherwise find their social enjoyments beyond its limits, enables men to preserve their self-respect by keeping them from public drinking places and other questionable resorts, and reduces the use of strong intoxicants to a minimum.

From Fort Custer, Montana, we have the following:

There is very rarely now a case of drunkenness that can be traced to the canteen.

The commanding officer at Fort Mackinac, Michigan, reports after but six weeks' trial:

The canteen has proved the greatest conservator of discipline I have ever seen.

The commanding officer at Fort Wadsworth says:

As an improver of discipline there is no doubt that it is an important factor.

The following testimony comes from Fort Abraham Lincoln:

The canteen system tends not only to the comfort and pleasure of the men, but prevents dissipation. The morale of this command has improved; the men appear more contented with their surroundings, and but few apply to leave the post on passes.

The commanding officer at Madison Barracks, Col. Richard I. Dodge, says:

In my opinion no step has been taken for the improvement of the moral, social, and intellectual condition of the enlisted men more efficacious than the establishment of the canteen. With pride I am able to say that in discipline and general good conduct I have a command superior to any I have ever seen in the Army. As my general rules and mode of command have not changed, as this post differs from others only in being surrounded with even more numerous grogshops and other temptations, I can attribute the very marked improvement only to the very wonderful influence of the canteen.

This and other testimony which could be cited seems to leave no room for doubt as to the beneficial results of the canteen system. It has passed the experimental stage and may now be considered a fixed institution at army posts. The sale or use of strong intoxicants is absolutely prohibited in the canteen, and discretionary authority is given the commanding officer as to the sale of wines and light beer under the circumstances and for the purposes mentioned in the general order.

It is manifest that a great reform has already been accomplished, and those who best understand the nature and disposition of soldiers and are most conversant with all the conditions of garrison life, and whose duty it is to administer this military regulation, unite in its commendation. It seems to me we ought to leave the matter in the shape already given it by the War Department, where the responsibility belongs, and attempt no further legislation upon the subject in this bill, and I shall accordingly vote against the proposed amendment.

Mr. CUTCHEON. Mr. Chairman, I move that all debate on the pending amendment be limited to ten minutes, the time to be equally divided between the two sides.

The CHAIRMAN (having put the question) said: The ayes have it.

Mr. PICKLER (who had been addressing the Chair during the putting of the question). I call for a division.

Mr. BOUTELLE. I hope the House will give the gentleman who offered the amendment a reasonable opportunity to be heard in favor of it.

The question being again taken on the motion of Mr. CUTCHEON to close debate on the pending amendment in ten minutes, there were—ayes 62, noes 60.

Mr. PICKLER. I demand tellers.

Mr. WHEELER, of Alabama. I ask unanimous consent that thirty minutes' debate be allowed.

Tellers were ordered.

Mr. KERR, of Iowa. I ask unanimous consent that the debate be limited to thirty minutes, fifteen minutes on each side.

Mr. WILLIAMS, of Ohio. That is right.

The CHAIRMAN. The Chair can hardly entertain the proposition now.

Mr. CUTCHEON. I prefer that the time should be occupied in debate rather than in voting by tellers or any such proceeding; and if the gentleman from South Dakota [Mr. PICKLER] desires to be heard I shall be glad that the time be extended to thirty minutes, to be divided equally.

Mr. PICKLER. I accept that proposition, and withdraw my demand for tellers.

The CHAIRMAN. The gentleman from Iowa [Mr. KERR] asks unanimous consent that debate on the pending amendment be limited to thirty minutes, fifteen minutes on each side. Is there objection? The Chair hears none. The gentleman from South Dakota is recognized to control the time on his side of the question.

Mr. PICKLER. Mr. Chairman, I desire to say a few words on this question because I feel a deep interest in it. It seems to me that this is an effort by the United States Congress to legislate the saloon into the Army.

The gentleman from Texas [Mr. LANHAM] has read evidence here from different commanding officers in regard to this canteen system. And what do these officers, gentlemen, certify to? They simply certify they can control drunkenness among the enlisted men better by having them at canteens within the barracks than they can when they get drunk down in town. This is only comparison—

Mr. CUTCHEON. Who says that?

Mr. PICKLER. These officers all say that. That is the argument adduced by these officers, simply that they can control this matter better if they have it in the barracks.

I inquire of gentlemen on this floor what you are going to do with military posts situated in a State like mine, where the people of that State have voted to prohibit the sale of all intoxicating liquors, including wine and beer? Now you propose by this action at every barracks in my State to set up wine and beer shops for the sale of intoxicating liquors to the enlisted men of the Army. You propose further to protect them in this sale by bayonets. You propose to have your saloons protected by bayonets in States which prohibit the sale of these articles by law.

I need not say to gentlemen here what every man knows, that if they are permitted to sell in a bar in these canteens they will sell every drink a man calls for.

Mr. CUTCHEON. Will the gentleman permit me to ask him a question?

Mr. PICKLER. Yes, sir.

Mr. CUTCHEON. Suppose the amendment prevails and the sale of wine and beer in canteens is prohibited; does not the gentleman know the post-trader will take up the business at the post and carry it on?

Mr. PICKLER. I reply to that that the United States Congress have never given their consent to making a profit out of the enlisted men. Let it remain there. Let them get their wine and beer as they have obtained them in the past. I am in favor of these canteens so far as everything is concerned except the sale of intoxicating liquors. I am in earnest about that, and I do protest against this House of Representatives indorsing the sale of wine and beer by passing this law.

I protest against that, Mr. Chairman; and, gentlemen, there is in this land, as you all know, a sentiment that is working against the sale of all intoxicating liquors. And mark my prediction, the time will come, and it is not far in the future, when a proposition like this will not be laughed at in the House of Representatives of the United States. That time is coming, and it is near at hand. The conscience of the nation is aroused on this question, and the people who advocate temperance sentiments are asking for what they believe is right. Their conscience is in it, and where conscience is in anything it will not be put down until it is settled, and settled in a right way.

I am opposed, Mr. Chairman, to sanctioning by law the setting up of a saloon in every barracks of the United States. I was for three years and a half in the Army. I was for two years in the ranks as an enlisted man. I saw service all the way through. I never needed whisky, but when it was offered to me in those days I took it. [Laughter.] You have all been there and you know how it is yourselves. [Renewed laughter.]

But I am opposed to sanctioning this by law.

Now, the gentleman from New York [Mr. SPINOLA] will not assert to-day that it is necessary to good order and the welfare of the soldiers they should have intoxicating liquor sold to them. He will not in all candor argue such a proposition to the House. He does not believe that, and with his gray hairs and honorable years he will not say it is necessary for good order in the Army to sell these intoxicating liquors to the enlisted soldiers.

Mr. CUTCHEON. That it is not a military necessity.

Mr. PICKLER. No; it is not a military necessity.

I just want to read one paragraph from the report of this committee and I will then yield the floor. I want to call your attention to the report of the Adjutant-General, J. C. Kelton, and it strikes me as most extraordinarily singular that this committee in making this report, embracing about fifty pages, confines thirty-seven or thirty-eight of them to an argument for the sale of wine and beer in these canteens. But I will read what the Adjutant-General says in regard to this to show that the officers themselves are ashamed of it. He says expressly:

It must be remembered that the sale of beer and wine at canteens is not encouraged by the regulations.

And I ask your particular attention to that, gentlemen. No army regulations encourage it; in fact, they have always been the other way. And I say that from my own experience in the Army the only trouble

I have ever seen on this account was because of the sale of liquors to the men and their consequent intoxication.

Mr. LANHAM. Will the gentleman be kind enough to read just a little below what he has read?

Mr. PICKLER. I will yield to the gentleman from Iowa.

Mr. LANHAM. Will the gentleman read from Adjutant-General Kelton's statement a little further?

Mr. PICKLER. Oh, he makes an argument the other way, I know.

Mr. LANHAM. Just one sentence below what you have read, or may I read it?

Mr. PICKLER. I have no objection.

Mr. LANHAM. Adjutant-General Kelton says further on:

It is only tolerated for the reason that many men do, unfortunately, crave stimulants, and that experience has shown that indulgence therein can not be prevented, but may be regulated and restricted. The sale of beer and wine ought not to be made a prominent feature in the conduct of the canteen.

Mr. PICKLER. The effort here is to make it paramount.

Mr. LANHAM. He says it is simply tolerated.

Mr. PICKLER. Well, we do not want it tolerated.

Mr. BUCHANAN, of New Jersey. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. BUCHANAN, of New Jersey. I understand the gentleman from Massachusetts [Mr. MORSE] offered an amendment. Now, the point I make is that the gentleman ought to be recognized to control the time.

The CHAIRMAN. The gentleman from Massachusetts will be recognized on his amendment.

Mr. PICKLER. I yield to the gentleman from Iowa [Mr. KERR].

The CHAIRMAN. The Chair will recognize a gentleman on the other side first.

Mr. WHEELER, of Alabama. Mr. Chairman, I desire to say a word in reply to the gentleman from South Dakota. Instead of this being an effort, as suggested by him, to legislate saloons into the Army, the object of the committee is to legislate the whole business out of the Army, or at least to do what can be done by legislation to keep the soldiers out of the saloons. Now, the gentleman from Dakota argues—and there has been a great deal of talk in the last few minutes by gentlemen who evidently did not know what they were talking about—in regard to this matter and about this General Order No. 10, which is the only basis on which we propose to allow beer or light wines to be sold in canteens at certain times. This order commences by stating that the sale of ardent spirits is to be prohibited. It then says that at these canteens they are authorized to permit wines and light beers to be sold when, and only when, it will have the effect to prevent the soldiers from resorting to places outside of the camp for these beverages. Therefore, if they have no light wines or beer in Dakota, then the officers in that State will exercise the discretion which they have to prevent even the selling of light wines and beers in the canteens of Dakota.

Now, I want to say that no army on earth has ever succeeded in enlisting the very highest class of people in any country, especially in times of peace. You can not get a man to serve in time of peace, either in Europe or America, for the small pittance that is given to the soldier, who, if he had not entered the army, could have reached the higher walks of life. That class of men will not enlist at such times, and hence all countries are compelled, in controlling an army, to devise the very best means possible to bring the material of which it is composed up to the very highest standard.

A word also, Mr. Chairman, in regard to the fling made by the gentleman against the officers of the Army and Navy. I assert that there is no class of men in Dakota or out of Dakota, in the United States or out of the United States, who stand as high as men of temperance, as men of high morals, as men of the highest tone of character and honor, as the officers of the Army and Navy, against whom the gentleman hurls that imputation.

Mr. ALLEN, of Mississippi. Will not the gentleman except Congress? [Laughter.]

Mr. PICKLER. I hurled no fling at the army officers, except that I thought, as drinking men themselves, they were not competent to lay down a law on this question, and the gentleman knows it.

Mr. WHEELER, of Alabama. In response to that I say, as a rule, I know they are not drinking men.

Mr. PICKLER. You do not know them.

Mr. WHEELER, of Alabama. I do know them; many of them personally.

Mr. PICKLER. So do I.

Mr. WHEELER, of Alabama. And I have served with them, and know what I say to be a fact.

Mr. PICKLER. I know what I say is a fact.

Mr. WHEELER, of Alabama. You may have met some such men in Dakota, where, by your peculiar laws, you encourage that system. [Laughter and applause.] But in the great country at large, where laws are made upon proper democratic principles, we have no such charge to make against the officers of the Army and Navy.

Mr. PICKLER. Well, you do not have to live under our laws.

Mr. WHEELER, of Alabama. No, I do not; and I thank Heaven I do not. [Laughter.]



Mr. PICKLER. Well, we are satisfied.

Mr. WHEELER, of Alabama. Nor do I live in your climate; I live in the sunny South, in God's country, where the Dakota people are trying to come, and we are ready to welcome them.

Now, Mr. Chairman, I have nothing further to say in regard to this matter except to call the attention of the gentleman to the fact that there is nothing but a permission under certain circumstances for the officers commanding posts to allow the canteens to sell light wine and beer, to be sold when in their opinion they will tend to the preservation of the morals and temperance of the Army and prevent the soldiers from resorting to other places to obtain liquors.

Mr. PICKLER. Will the gentleman answer a question?

Mr. WHEELER, of Alabama. Yes, sir.

Mr. PICKLER. Do you think it advisable at this late day to sanction this practice by giving it the force of law in this appropriation bill?

Mr. WHEELER, of Alabama. I think it advisable to-day to do whatever is best for the Army. I think it advisable to do what this law does—that is, positively to prohibit the sale of ardent spirits; and, in cases where the Army is located near towns where liquors are accessible to the men, to allow these light wines and beer to be sold in the canteens, when, under such circumstances, it will have the effect of keeping the soldiers in the barracks and prevent them from going outside to the grogeries, getting drunk and robbed and broken down in health and morals. [Applause.]

Mr. PICKLER. Make them drink by law.

Mr. ALLEN, of Mississippi. Mr. Chairman, I want to correct the statement of my friend from Alabama as to the high state of morals among the officers of the Army. I think he ought to except the clergy and members of Congress. [Laughter.]

Mr. WHEELER, of Alabama. When members of Congress are attacked I will defend them.

The CHAIRMAN. The Chair will now recognize the gentleman from Massachusetts [Mr. MORSE].

Mr. Chairman, I desire to occupy the attention of the House only for a moment or two longer; and I will say that since the remarks of the gentleman from New York [Mr. SPINOLA] and his personal attack on me, I have referred to his autobiography in the Congressional Directory, and I understand his speech better when I read that he was five times elected an alderman of New York City, with all that that implies.

Mr. SPINOLA. I never was an alderman of New York City. I was an alderman of Brooklyn, the city of churches.

Mr. MORSE. Well, that is the same thing, only across the river.

Now, Mr. Chairman, I am fond of wit, and shall have to repeat to my friend from New York the story I once told in Massachusetts, of a gentleman who drank at a hotel seven cups of coffee, when the waiter remarked to him that he must be very fond of coffee. He replied that he was fond of coffee, and he hated to drink so much slosh to get a little.

Now, I enjoy wit, but I do not like to have it too thin and scattered. [Laughter.]

The gentleman from New York has seen fit to refer to my personal business. Now, I submit that in every legislative body on earth, by all rules of parliamentary law, as well as decency, it is entirely out of order to refer to the personal business of a member, and such a reference was entirely unworthy of the gentleman from New York.

Mr. SPINOLA. I take it back.

Mr. MORSE. In the course of his argument he told us that he never drank two quarts of whisky in his life.

Mr. SPINOLA. Wrong again. I said I never drank a gallon.

Mr. MORSE. Whisky is evidently not the weakness of my venerable friend from New York. He rather fancies and his weakness is for a very tall and high shirt collar. [Laughter.]

But seriously, Mr. Chairman, there is no joke about this business. The moral principle involved in my amendment is one of great and serious import. The gentleman from Arkansas [Mr. ROGERS] rises here and demands to know from the chairman of the Committee on Military Affairs what is the meaning of the discontent, want of discipline, and frequent desertions from the Army. I submit that the answer from the gentleman [Mr. CUTCHEON] was unsatisfactory, and I will answer the question of the gentleman from Arkansas by saying that I believe the evils of which he complains are largely due to the forty-one canteens already established in which drink is sold.

Yes, Mr. Chairman, a member of this House, told me this very day that he had a letter from a soldier who committed a crime under the influence of drink bought at one of these canteens, was court-martialed, and is now serving a three-year sentence in prison.

I have on my desk here a letter from an Army chaplain. I wish my time would admit of my reading it. In this letter he can not find words strong enough to denounce these Government saloons.

Mr. Chairman, I have no objections to other provisions of this bill. Indeed, I believe in it. I believe that it is right and proper that the canteens should contain a reading-room, a library, a gymnasium. This provision is all right and I shall be glad to vote for it, but for the saloon attachment I will never vote. And again, I warn my party associates

on this side of the House that the Republican party can not afford to reject my amendment and legalize these Government saloons. Refuse to pass this amendment, and I tell you that when the people are heard from a protest will come up here that will shake this Capitol from its foundations.

Mr. CUTCHEON. I desire to ask the Chair how much time there is remaining?

The CHAIRMAN. Upon one side there is four minutes in favor of the amendment, and eight minutes in opposition to the proposition. The gentleman from Michigan will be recognized.

Mr. CUTCHEON. I would like the friends of the amendment to exhaust their time now.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. KERR] for four minutes.

Mr. KERR, of Iowa. Mr. Chairman, I think that the remark of the gentleman from New York needs correction. I do not think there is anything in Army life that so seriously interferes with the service of men and officers as the sale of intoxicating liquors. The gentleman from Dakota [Mr. PICKLER] says that he was in the Army three years and that his experience was that the sale of liquor was an injury. I know it was an injury. I know that the men in my company who never drank a drop of intoxicating liquors were the men who stood the service best. That was my experience; and they were in the swamps of the South; they were in the most unhealthy places in the South; and the men who were entirely free from the use of liquors were the men who got through the service in the best health and with the best constitutions.

Now, I make another statement, that we are having men come here from day to day asking us to pension the widows of officers in the Army at from \$50 to \$100 per month, and in nearly every one of those cases it is reported that these officers have left a poor widow, without a dollar in the world. Why is it? It is because, notwithstanding the fact that they have for thirty or forty years had a salary of two, three, or five thousand dollars a year, they have spent every dollar of that money in extravagant habits, including the use of large quantities of wine. Why, a man can not have a dinner with a general officer of the United States Army without having dollars of money expended for wines and beers and costly liquors, where there is a tenth of that that would be of advantage to the individual. And if you want to save the money of the United States, if you want to save unnecessary expenditures in the Army, you must suppress this habit of using intoxicating liquors in the Army, because it is a thing which costs a vast amount to the American people.

I come from a State that has prohibited the sale of wine and beer, as well as intoxicating liquors of every kind, and their experience has been that crime has been reduced. While the population of the State has increased one-fourth, the criminal expenses have been reduced fully one-third while that law has been in force, and the same result will apply to the Army.

Why do we find so many disabled men in the Army, men who are lying around disabled? It is because they have acquired the habit of using intoxicating drinks. They begin with the use of the milder beverages, but we all know that as those are indulged in the persons who use them come to demand stronger liquors. I do not find any man who is not in the habit of using liquor himself who is in favor of permitting its sale to other men. At the bottom of the matter you will find, in almost every instance, that a man who advocates the sale of liquor to others is in the habit of using it himself.

Now, the gentleman from New York [Mr. SPINOLA] has attempted to ridicule this question. I say, Mr. Chairman, that there is not a question before the American people to-day which occupies so much of their thought or that is weighing so heavily upon their consciences as this great question of the suppression of the sale of intoxicating liquor; and are we, while this question is weighing so heavily upon the conscience of the people, to set the example of licensing the sale of ardent spirits by the Congress of the United States?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CUTCHEON. I yield three of the eight minutes remaining on our side to the gentleman from Ohio [Mr. WILLIAMS].

Mr. MILLS. Mr. Chairman, we are under the five-minute rule, and the chairman of the committee does not control all the time.

Mr. CUTCHEON. It was the understanding that I should control the time against the amendment.

The CHAIRMAN. There were eight minutes left upon that side.

Mr. MILLS. But the chairman of the committee need not control it all. That is not necessary. The Chair can recognize some one else on that side.

Mr. McMILLIN. Mr. Chairman, I believe the amendment upon which the debate was limited was the motion to strike out the last word.

The CHAIRMAN. No, sir; it was upon the amendment offered by the gentleman from Massachusetts [Mr. MORSE].

Mr. McMILLIN. The proposition to strike out the last word was pending, but it may have been acted upon before the limitation was put upon the debate.

Mr. KERR, of Iowa. I make the point of order that the chairman

of the Military Committee has not the right to control the time. There was no authority given to him for that purpose.

The CHAIRMAN. It is not necessary for the gentleman to raise that point of order. The Chair recognized the gentleman from Michigan [Mr. CUTCHEON], and the gentleman from Michigan yielded three minutes to the gentleman from Ohio [Mr. WILLIAMS].

Mr. KERR, of Iowa. Well, the gentleman from South Dakota [Mr. PICKLER] yielded two minutes to me, but the Chair refused to recognize the arrangement.

The CHAIRMAN. The Chair misunderstood the gentleman. The gentleman from Ohio will proceed.

Mr. WILLIAMS, of Ohio. Mr. Chairman, we can not legislate evil out of the country, neither can we control human appetite by legislative enactment. The gentleman from Massachusetts [Mr. MORSE] talks about this bill as establishing beer saloons. There is nothing of that kind in the bill. It provides for canteens. What is a canteen? It is a store-house that is run by the soldiers themselves, a co-operative store-house. Now, what do these gentlemen propose to do? They propose to amend the bill so as to prevent the soldiers from selling wine and beer in the canteens, these co-operative store-houses, if they desire to do so. In other words, these temperance people—no better temperance men than I am myself—propose to send the soldiers out from the garrison, from the canteen, from the co-operative store-house into the hell-holes and rum-shops of the villages near which these Army posts are situated. They propose to take the control from the officers who have these men under their command and send the men out into the villages in order that they may fill themselves with this "fire of hell" as it is called. That is the practical view which sensible men take of the effect of such an amendment as is offered here by the gentleman from Massachusetts.

Mr. Chairman, I am for practical common sense in dealing with this question. If these gentlemen desire to promote temperance among the soldiers, why will they not take the universal and uncontradicted testimony of the officers who have had this matter under consideration and who tell us that this canteen system is a great means of promoting temperance? But these gentlemen will probably reply by reading the letter of some crank, some man who has but little sense, some man who has but one idea in his head, and if he don't get it out his head will burst wide open. [Laughter.] We propose to place this matter under the control of the officers of the Army and to allow the soldiers to have what the people have in Massachusetts, local option. If the public sentiment at a post is not in favor of having these liquors sold, "local option" can be invoked and can control the matter.

Mr. CUTCHEON. Mr. Chairman, in the brief time that remains I desire to say a few words. This is a choice between the canteen and the post-trader. The post-trader is an existing institution, authorized by law to exist at every military post, with the right to sell these light wines and beer that are sold in the canteens, and he is beyond the jurisdiction of a military court to try him for a military offense if he evades the law. The object of the Secretary of War in recommending this legislation to enable him to establish these canteens is purely in the interest of morals and of temperance.

I talked with the Secretary upon the subject this morning. He said to me that he had been a prohibitionist for thirty-five years, that he had been in favor of prohibition in Vermont, that he had voted for prohibition in both branches of the Legislature of that State, that he had been an open and avowed advocate of it everywhere, that he was a temperance man himself, and yet that the concurrent testimony of the military officers at every post where the canteen system had been tried certified to him that it had decreased drunkenness and other offenses in the Army more than 50 per cent.

Mr. SPINOLA. Mr. Chairman—

The CHAIRMAN. There are three minutes remaining of the time allowed for debate on this amendment. The gentleman from Michigan, who had five minutes, yielded two to the gentleman from Ohio, and has now spoken three. The Chair will recognize the gentleman from New York [Mr. SPINOLA] for three minutes.

Mr. SPINOLA. Mr. Chairman, we have always been taught that "consistency is a jewel," and to some extent I agree with that suggestion. The last resolution of the last Republican platform reads as follows:

*Resolved, That the first concern of all good government is the virtue and sobriety of the people and the purity of the home. The Republican party sympathizes with all wise and well directed efforts for the promotion of temperance and morality.*

Now, that sounds beautiful. [Laughter.]

Mr. BOUTELLE. It sounds better than anything we have had from the gentleman from New York.

Mr. SPINOLA. It comes like a bugle blast in the night. But I want the people of the United States to understand the fact that the Republican party, being in possession and control of this House of Congress and everything pertaining to it, has established a "canteen" for the sale of rum in the basement underneath, where we are supposed to legislate soberly, for the good of our common country. [Laughter and applause on the Democratic side.] That is the kind of "consistency" we are invited to admire—the consistency which is proclaimed "a jewel" by the gentleman from Maine [Mr. BOUTELLE].

I accept the proposition made by the excited gentlemen on the other side of the House, and if they wish to vote this intemperate proposition into the bill, let them do so. We will go to the people upon the fact as to whether they will sustain the Republican party in the running of an unlicensed rum-shop in the basement of the Capitol of this country.

Now, my friend from Massachusetts [Mr. MORSE], whom I love [laughter], made some allusion to my collar. Why, it is here as stiff as a rail and as clean as cleanness itself; and if it were three or four times as large as it is, and he were wearing it, it would not hide his ears. [Laughter and applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CUTCHEON. I call for a vote on the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts [Mr. MORSE].

The question having been put,

The CHAIRMAN said: The yeas appear to have it.

Mr. PICKLER. I call for a division.

The question being again taken, there were—ayes 20, noes 41.

Mr. PICKLER. I demand tellers.

Tellers were ordered; and Mr. PICKLER and Mr. CUTCHEON were appointed.

The committee again divided; and the tellers reported—ayes 62, noes 45.

So the amendment was adopted.

The Clerk read the following:

For shelter, shooting-galleries, ranges, repairs, and expenses incident thereto \$10,000.

Mr. ADAMS. I offer the amendment which I send to the desk.

The Clerk read as follows:

For rifle-range at Fort Sheridan, \$10,000.

Mr. CUTCHEON. The hour has arrived when it seems proper that the Committee of the Whole should rise. This amendment can go over to be pending when the committee shall sit again, as the gentleman from Illinois [Mr. ADAMS] prefers that course. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ALLEN, of Michigan, reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 7619) making appropriations for the support of the Army for the fiscal year ending June 30, 1891, and for other purposes, had come to no resolution thereon.

#### ENROLLED BILL SIGNED.

Mr. MOORE, of New Hampshire, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 3279) to suspend the enforcement of the act approved March 2, 1889, entitled "An act to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers."

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced agreement to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7496) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1890, and for other purposes, and that the Senate further insisted on its amendment numbered 41 to the said bill.

#### RELIEF OF SUFFERERS BY MISSISSIPPI OVERFLOW.

Mr. BLANCHARD. I ask unanimous consent for the present consideration of the joint resolution which I send to the desk. It looks to the saving of human life and involves no appropriation.

The Clerk read as follows:

*Resolved by the Senate and House of Representatives, etc., That the president of the Mississippi River Commission be, and is hereby, authorized, out of any money heretofore appropriated for the improvement of the Mississippi River, to purchase or hire such boats as may be immediately necessary to rescue inhabitants in the overflowed districts of the Mississippi River Valley, and to use said boats for the purpose named.*

There being no objection, the House proceeded to the consideration of the joint resolution (H. Res. 136).

Mr. CUTCHEON. I would be glad to hear from the gentleman from Louisiana [Mr. BLANCHARD] a statement of the urgency or necessity which calls for the passage of this joint resolution.

Mr. BLANCHARD. Mr. Speaker, I am very glad to give the gentleman the information he desires. I hold in my hand two telegrams from the United States engineer stationed in the district along the Mississippi Valley opposite the States of Arkansas, Mississippi, and Northern Louisiana. I read these telegrams:

MEMPHIS, TENN., March 27, 1890.

To CHIEF OF ENGINEERS, Washington, D. C.:

Twenty skiffs needed to rescue overflowed people; telegraphic authority requested at not exceeding \$30 each.

YOUNG, Engineer.



MEMPHIS, TENN., March 27, 1890.

To CHIEF OF ENGINEERS, Washington, D. C.:  
Telegraphic authority requested to charter small steamer and barge at \$75 per day, to rescue people on Steele's Bayou.

Captain YOUNG.

A letter addressed by the honorable Secretary of War to the gentleman from Mississippi [Mr. CATCHINGS] reads as follows:

WAR DEPARTMENT, Washington, March 29, 1890.

SIR: I have the honor to inclose for your information two telegrams received from Captain Willard Young, Corps of Engineers, dated Memphis, Tenn., March 27, relative to hiring water transportation for the relief of sufferers by the overflow in Mississippi.

Authority has been granted to this officer to use the Government boats and barges to rescue the inhabitants in the overflowed districts, but the purchase or hire of boats for this purpose from the appropriation for the improvement of the Mississippi River is not authorized by law.

Very respectfully,

REDFIELD PROCTOR, Secretary of War.

HON. T. C. CATCHINGS,  
House of Representatives.

Two copies of telegrams, herewith.

The resolution which I have presented merely gives to the president of the Mississippi River Commission authority to use a part of the money now to the credit of the improvement fund of the lower Mississippi River in the purchase of skiffs and barges and the hire of boats to rescue the people in the overflowed districts. And I will say that nine-tenths of those people are negroes.

Mr. CUTCHEON. State how much there is of this fund which is allowed to be used.

Mr. BLANCHARD. There is to the credit of Captain Young, engineer in charge of that district, by allotment made recently by the Mississippi River Commission, as I am informed by telegrams received to-day by the gentleman from Mississippi [Mr. CATCHINGS], the sum of \$20,000; and he wishes authority to be given that a part of that amount may be used in the hire of boats and skiffs to rescue these people.

Mr. CUTCHEON. The confusion was so great when the joint resolution was read I did not hear it perfectly, and I ask to have it read again.

The SPEAKER. The joint resolution will be again read.

The resolution was read.

Mr. CANNON. I offer the following amendment to the resolution.

The Clerk read as follows:

Provided the expenditure under this resolution shall not exceed \$3,000.

Mr. BLANCHARD. I submit to my friend from Illinois that is too small an amount. Human life is at stake here.

Mr. CANNON. I have listened to the gentleman's telegrams. Fifteen skiffs, at \$30 each, and the hire of a boat at \$30; is not \$3,000 enough?

Mr. BLANCHARD. Not for the hire of boats.

Mr. CANNON. It does not say anything about the hire of boats. It says skiffs—

Mr. BLANCHARD. The gentleman is mistaken.

Mr. CANNON. I mean the purchase of boats.

Mr. CUTCHEON. I ask the gentleman from Louisiana whether he does not think the local, municipal, and State authorities will come to the rescue of these people?

Mr. BLANCHARD. Mr. Speaker, this joint resolution is based on these telegrams received from the United States engineer in charge down there to the Secretary of War. The Mississippi River Commission have boats down there which are needed and are now permitted to be used, but additional boats are needed, and the Secretary of War states the purchase and hire of boats for saving life can not be made under the appropriation for the improvement of the Mississippi River. This resolution simply authorizes the Mississippi River Commission to use a portion of this fund for this purpose so far as it may be necessary.

Mr. BLOUNT. Is not \$3,000 enough?

Mr. BLANCHARD. It appears to me to be too small a sum. This joint resolution does not carry an appropriation. Out of moneys already appropriated it provides a portion shall be used for this purpose.

Mr. COLEMAN. Let me inquire whether the State of Louisiana has petitioned for this appropriation.

Mr. BLANCHARD. This is not in our State.

Mr. COLEMAN. I object to the State of Louisiana being presented here in the attitude of a pauper. If there is necessity for anything being done there is no necessity for the people of Louisiana to come to the General Government and appeal for the necessary funds to save life.

Mr. BLANCHARD. If my colleague will permit me a moment, this does not come from the State of Louisiana. I do not offer it on the part of the people of that State.

Mr. COLEMAN. Does the gentleman say it comes from Mississippi?

Mr. BLANCHARD. It is based on telegrams from Captain Young, the engineer officer in charge.

Mr. CATCHINGS. Mr. Speaker, I think I can make this matter entirely plain in a very few moments.

In the first place I will state that the communication referred to by the gentleman from Louisiana came to me, as has been stated by him, and, being very much occupied in the room of the Committee on Rivers and Harbors, I prepared the resolution in conjunction with my friend from Louisiana, and it was agreed between us that each would look

out for an opportunity to get it in; if I should be absent that he would avail himself of the first chance, and if he was absent that I would do likewise, the Speaker of the House kindly consenting to allow us to present the resolution for the consideration of the House.

This resolution is designed, I will state for the information of the House, to rescue a number of negroes who are living off on bayous and creeks where they are cut off from assistance and are rendered absolutely helpless because of the floods.

It has been asked if the State of Mississippi could not itself afford this relief. I suppose it could afford it if the State Legislature was in session and an opportunity was presented to frame an appropriation to meet the emergency. But we have no contingent fund which is available or which the governor could use for any such purpose. This information comes to me from authentic sources; it comes from the engineer of the Government, who is competent to determine the extent of the danger that threatens. It did not originate with me. I knew nothing about it until I received this communication recently which has been laid before the House.

Mr. CANNON. Will the gentleman allow me a moment?

Mr. CATCHINGS. Certainly.

Mr. CANNON. I do not want to limit the appropriation if it is important or necessary as far as that is concerned, and yet I do not desire that it should be an indefinite appropriation. If the gentleman thinks that \$3,000 is not enough, then I will make it \$5,000 or \$8,000.

Mr. BLANCHARD. Better make it \$10,000.

Mr. CATCHINGS. I am of the opinion, Mr. Speaker, that ordinarily it is a proper thing to fix a limit to the expenditure of the public money, but this is a case of emergency and the need of relief is pressing. You may be perfectly satisfied that the president of the Mississippi Commission will not waste the money which may be assigned for this purpose. I have just read a telegram in the Evening Star, foreshadowing one of the greatest disasters that have ever befallen the Mississippi Valley; it is to the effect that the levees on both sides of the river are melting away like mush. Now, if we undertake to fix any such limit as that assigned by the gentleman from Illinois, we may so cramp the exertions of these people in their efforts to preserve human life that what we appropriate will be of little value.

Mr. STRUBLE. But Congress can come to the rescue at any time just as it has come to-day.

Mr. CATCHINGS. Of course, if there was time to make an appeal here and have it acted upon that might be done. But I am not finding fault with the suggestion of the gentleman from Illinois, although I think it would be better to make the amount much larger.

Mr. ROGERS. If the gentleman from Mississippi will permit me a moment, I would like to say a word on this question.

Mr. CATCHINGS. Certainly.

Mr. ROGERS. I do not know what importance is to be attached to the predictions or prophecies of the Signal Service. Certainly in some instances we have had evidence that they have afforded most valuable information as to the approach of storms, and I have just read in the papers of to-day a prediction by Sergeant Dunn, of the Signal Service, if I recollect aright, that in the near future the Mississippi Valley will be visited with the most disastrous calamity of modern times, one of the greatest floods known in the history of the country, and he supplements his prediction with the statement that if he were living in the city of New Orleans at the time the flood wave strikes that city he would not regard his life as being worth five cents.

Mr. KILGORE. That shows pretty plainly that he does not know anything whatever about the condition of affairs at New Orleans.

Mr. ROGERS. But, Mr. Speaker, whether that prediction is based on any supposed reliable data or not, I know one thing is certain, that if an appropriation is to be made for the relief of these people who are now in danger, it does not seem to me it ought to be left in that situation that the Army officers should be cramped in their operations, but that they should be permitted to use these boats for relief wherever needed. I do not know whether they will be needed at all; but if they are needed this provision ought to be made effective, whether they are to be used in Louisiana, Arkansas, or Mississippi. In a case where human life is at stake we ought not to draw any strict lines as to appropriations of this character.

Mr. CATCHINGS. I would like also to impress upon the House the fact that the president of the Mississippi Commission is General Comstock, who is well known to many here present, and there is not to-day in the service of the Government a more prudent, painstaking, or efficient officer. He will have the disposition of this fund, and, knowing him as I do, I would not hesitate, if it were a contribution from my own private funds, to leave it entirely to his discretion. If, however, it is deemed best to limit the appropriation, as the gentleman suggests, of course I can not object. I feel that I have discharged my duty in bringing the matter to the attention of the House, and hope it will receive the attention which I think its importance demands.

Mr. COLEMAN. In connection with the prediction of Sergeant Dunn, Mr. Chairman, I desire to read a telegram which is addressed to me, and sent by B. F. Eshleman, the president of the New Orleans Board of Trade, in which he says:

Sergeant Dunn's sensational forecast will work great injury to this section unless authoritatively contradicted by General Greeley.

Mr. STRUBLE. I move that be referred to General Greely.

Mr. PRICE. Has General Greely made any authoritative denial?

Mr. COLEMAN. Can the gentleman tell me where I may find him?

Mr. PRICE. At the Signal Office, I presume.

Mr. COLEMAN. I have not received this telegram more than a half an hour ago, but I desire to submit it to him.

Mr. CANNON. I will withdraw the amendment, as the gentleman thinks it is in the interest of saving human life and as the Arkansas and Mississippi Legislatures are not in session and no fund provided to take care of these people. In the presence of death or great danger I do not feel like insisting on the amendment, and will withdraw it.

Mr. BOUTELLE. I hope that this resolution will be passed in a liberal form. I shall certainly take great pleasure in voting for it, if it is to relieve Louisiana and Mississippi, as I have always done; and I do not know of anything that could add to the pleasure I should feel for either of these States unless it would be the especial pleasure it would give me to vote for some such relief for the people of Arkansas, representing as I do the liberal-minded people of the town of Eastport, in the State of Maine. [Laughter.]

The resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLANCHARD moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CUTCHEON. I move that the House do now adjourn.

#### REPAIR SHOPS FOR THE POST-OFFICE DEPARTMENT.

Mr. BINGHAM. I hope the gentleman will withdraw the motion to adjourn until I can ask unanimous consent for the passage of a joint resolution from the Committee on the Post-Office and Post-Roads.

Mr. CUTCHEON. I will withdraw that motion temporarily.

The resolution was read, as follows:

Joint resolution (H. Res. 123) construing part of act of March 2, 1889, making appropriations for the office of Second Assistant Postmaster-General.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That such part of the act of March 2, 1889, making appropriations for the office of Second Assistant Postmaster-General as appropriates \$10,000 "for the purpose of enabling the Postmaster-General to make a lease of a suitable place in the city of Washington, and to furnish and equip the same with tools, implements, and machinery and other material which may be necessary to repair mail bags and sacks, and mail locks and keys," shall be construed so that the appropriation (until exhausted) shall cover all expenses of purchasing tools, implements, and machinery and other material, and that the "other material" mentioned above shall be construed to mean such other material as is necessary to put the building leased for the shops in a suitable condition for repairing the various mail equipments used by the Post-Office Department, and that all other material and machinery found necessary to the successful operation of the repair shops shall be purchased and paid for out of the funds appropriated for the purchase of mail bags and locks.

The SPEAKER. Is there objection to the consideration of this joint resolution? [After a pause.] The Chair hears none.

Mr. McMILLIN. I want to ask of the gentleman in charge of it what is the necessity for it?

Mr. BINGHAM. I will explain the necessity of it. It is simply this: That in the construction by the Sixth Auditor of the Treasury of the words "other material," which were in the last appropriation bill, and which was intended for the purchase of lumber and other material to put the shops in a condition for repair, the use of the words "other material," this Sixth Auditor has construed, applies to the purchase of hemp, jute, leather, and all that pertains to the repair of the mail bags and sacks and that which goes to the repair of the mail locks and keys. The construction is simply on the words "other material." The \$10,000 was wanted for the shops, to put the shops in perfect repair for the work of repairing the mail sacks and the like.

Mr. McMILLIN. What I inquired was whether that is allowed under any existing law.

Mr. BINGHAM. This is made necessary by the construction of the Sixth Auditor; in view of the fact that it authorizes the Department to buy material for the repair of mail locks, keys, and mail bags and sacks, that the appropriation, therefore, would be exhausted. This appropriation of \$10,000 went to the equipment of the building, and not to the repair of that which is to be repaired in the building.

The gentleman from Georgia [Mr. BLOUNT], chairman of the Committee on the Post-Office and Post-Roads in the last Congress, thoroughly understands the proposition. It was so intended when we passed that paragraph in the last appropriation bill, and it comes unanimously reported from the committee for the reason that the entire repair shop to-day is tied up because the Sixth Auditor says you can not spend as you have heretofore spent out of the appropriation for the repair of mail locks, keys, sacks, and the like for repairing, but this money can only be used for that purpose.

Mr. ADAMS. Has it the approval of the Department?

Mr. BINGHAM. It is urgently asked for by the Department.

Mr. BLOUNT. Mr. Speaker, it was held by the last Postmaster-General, when this scheme was inaugurated, that it would effect a very large saving to the Government in the matter of mail-bag repairs. It was passed in the House without any adverse criticism. I think it is very important that it should be passed now.

The resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BINGHAM moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ELECTIVE FRANCHISE IN THE CHICKASAW NATION.

Mr. HARE obtained unanimous consent to have the following memorial, which was referred to the Committee on Indian Affairs, printed in the RECORD:

Answer of the Chickasaws to the memorial of certain white men, complaining that they have been unlawfully deprived of the elective franchise in the Chickasaw Nation.

*To the Senate and House of Representatives of the United States of America in Congress assembled:*

In answer to the memorial of certain white men, complaining that they have been unlawfully deprived of the elective franchise in the Chickasaw Nation, the Chickasaws respectfully ask leave to submit the following statement:

It is true that article 33, of the treaty of April 28, 1866, contains the following provision:

"Every white person who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw Nation, or who has been adopted by the legislative authorities, is to be deemed a member of said nation."

But this provision of the treaty contemplates the actual relation of marriage, maintained in good faith, and not the mere performance of the marriage ceremony, as a device for the acquisition of Chickasaw citizenship and Chickasaw lands, to be followed by immediate and permanent separation of the persons so nominally married. If only such white men as the treaty was intended to embrace had sought the benefit of its provisions, the Chickasaws would not have withheld from them the elective franchise. But in recent years the appreciation of the value of the Chickasaw lands has stimulated the rapid development of a new branch of business in the Chickasaw Nation. To get a Chickasaw wife is, in the language of the new industry, to "get a Chickasaw right."

The white husband abandons the Chickasaw wife as soon as the marriage ceremony is performed; but he never relaxes his hold on the pasture lands to which he claims to have acquired a treaty right by this fraud upon the Chickasaw Nation. In view of the rapidly increasing number of such frauds and the vast amount of land thereby acquired, the Chickasaws are constrained, as a matter of self-defense, to withhold the ballot from the men by whom they are perpetrated. Frauds of this class resemble each other so closely that one will fairly illustrate all. A citizen of Texas, having realized a considerable sum of money from the sale of property in Texas, crossed the Red River into the Chickasaw Nation on Sunday to establish a cattle ranch, stating that he was going over to "get a right" in the Chickasaw Nation.

On Monday he proposed marriage to an estimable Chickasaw woman and was contemptuously rejected. On Wednesday he married a Chickasaw woman who had had several children, but had never had any husband. When he applied for a license he was unable to give the name of his intended wife. The marriage ceremony was performed, and when he became the husband of this woman of ill-fame and the stepfather of her illegitimate children, he became a Chickasaw citizen. But as soon as the ceremony was performed the husband abandoned his wife and his stepchildren. One of the undersigned remonstrated with the county judge who performed this marriage ceremony, but was informed that it was the seventh ceremony of a similar kind performed by the same county judge during the year.

In compensation for the honor resulting to the Chickasaws from this nominal relation of husband of a Chickasaw woman and stepfather of Chickasaw children, the Chickasaw Nation is compelled by the treaty of 1866 to recognize this man as a citizen of the Chickasaw Nation and to permit him to occupy as a cattle ranch a tract of land with a front of 2 miles on the Canadian River. The Chickasaws submit that this is a high price for the honor realized out of the transaction, without a grant of the ballot to the covetous husband and stepfather. This case is a representative of a large class of the cases covered by the memorial now under consideration. But another large class is represented by the case of a Chickasaw citizen whose citizenship was acquired as follows:

T. C. Thomas, a white man, married Susan Love, a Chickasaw woman, the daughter of one of the subscribers of this statement. The wife died. Thomas then married Martha Jones, a white woman, and subsequently himself died. The widow of Thomas afterwards married Perry Thompson, a white man. Perry Thompson then claimed that the marriage of the white man, Thomas, to Susan Love made Thomas a Chickasaw Indian; that the subsequent marriage of Thomas to the white woman, Martha Jones, made Martha a Chickasaw Indian; that the subsequent marriage of Thompson to Martha, the widow of Thomas, made Thompson a Chickasaw Indian, and, accordingly, by this ingenious circuitry, Thompson claimed and secured all the advantages of citizenship in the Chickasaw Nation. He represents a class of the persons who now seek redress at the hands of Congress.

The Chickasaws respectfully submit that, while bona fide marriage does secure citizenship under the provisions of the treaty of 1866, the citizenship so secured does not include the right to vote. The right of suffrage is a political right originally conferred as well as regulated by law; a right which may be conferred upon or withheld from those who do not exercise it by those who do exercise it, and may be withdrawn from such of those who exercise it as the others may be able in the mode prescribed by constitutional or valid statutory provisions to deprive of the right. Accordingly the Chickasaws availed themselves of the right, which is inalienable in every government, to withhold the elective franchise from all white men who had married Chickasaw wives, finding it impossible to separate in practice those who in good faith maintained the marriage relation from those who resorted to the marriage ceremony merely as a trick for robbing the Chickasaws of their pasture land.

The governor of the Chickasaw Nation applied, through the Secretary of the Interior, to the Attorney-General for his interpretation of the clause of the treaty of 1866, just cited, and the Chickasaws were ready to abide by his interpretation of that treaty provision. The reply of the Attorney-General was that the treaty of 1866, while it did secure to the white men mentioned in article 33 citizenship in the Chickasaw Nation, did not secure to them the elective franchise; that the elective franchise was not a necessary incident of citizenship, and that it was competent for the Chickasaw Nation to grant to or withhold from these white men the right to vote in that nation.

Subsequently the same white men applied for redress to the Commissioner of Indian Affairs. The Commissioner adopted the decision of the Attorney-General.

The claim of the memorialists that the right to vote has been vested by the Chickasaw constitution in these white men is erroneous. It is impossible for the people or the authorities exercising, at one time, the power to frame the organic law, to so fetter the people or other depositaries of political power that, at a subsequent time, they can not, by an amendment of their constitution, either confer a right to vote upon those who had not previously enjoyed that right or withhold the right to vote from those who had previously enjoyed it. The words "succeeding Legislature," in section 11 of the general provisions of the Chickasaw constitution, as there used, mean "succeeding session" of the Legislature. The Chickasaw constitution contemplates no succession of legislatures. The constitutional amendment withholding suffrage from these white men is valid.



It is true, as the memorialists state, that the right of suffrage has been heretofore accorded to white men, and the Chickasaws would never have thought of withdrawing it if no frauds had been practiced upon the nation under cover of the treaty stipulations. But it came to pass that a large proportion of the white men, who exercised the right of suffrage by virtue of marriage with Chickasaw women, had either lost their Chickasaw wives and married white women or abandoned or become divorced from their Chickasaw wives. And these facts, coupled with the rapid accumulation of cases in which marriages were sought for the sole purpose of enabling white men to obtain the use of Chickasaw lands, compelled the Chickasaws in self-defense to withhold a privilege which had been generously bestowed, but had been most unjustly abused.

J. D. COLLINS,  
OVERTON LOVE,  
Chickasaw Delegates.

MARCH 26, 1890.

#### ORDER OF BUSINESS.

Mr. CUTCHEON. I now move that the House adjourn.

Mr. LACEY. I hope the gentleman will withdraw that motion for a moment.

Mr. CUTCHEON. I yield for a moment.

#### CHANGE OF THE REFERENCE OF A BILL.

Mr. LACEY. I ask unanimous consent to have a reference corrected. The Clerk read as follows:

*Resolved*, That the Committee on Manufactures be discharged from the further consideration of the bill H. R. 313, and that the same be referred to the Committee on the Judiciary.

Mr. McMILLIN. What is the object of the reference, Mr. Speaker?

Mr. LACEY. The object—

Mr. MILLS. Regular order, Mr. Speaker. It is Saturday evening.

The SPEAKER. The gentleman from Texas demands the regular order. Pending the motion to adjourn, the Chair will lay before the House the following personal requests of members:

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ATKINSON, of Pennsylvania, for four days, on account of important business.

To Mr. STIVERS, until Friday, the 4th of April, on account of important business.

To Mr. KENNEDY, indefinitely, on account of private business.

To Mr. ARNOLD, indefinitely, on account of important business.

To Mr. MUDD, for Monday, on account of important business.

The motion of Mr. CUTCHEON was then agreed to; and accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned until Monday, March 31, at 12 o'clock m.

#### EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

##### EMOLUMENTS OF OFFICERS OF THE CUSTOMS-SERVICE.

Letter from the Secretary of the Treasury, transmitting an abstract of the official emoluments of officers of the customs-service, received by them during the fiscal year ended June 30, 1889, prepared in the office of the Commissioner of Customs, in accordance with section 2639 of the Revised Statutes of the United States—to the Committee on Appropriations.

##### AQUEDUCT TUNNEL.

Letter from the Secretary of War, inclosing copy of a letter from the Attorney-General of the United States touching the matter of the prosecution of the contractors for the lining of the Washington Aqueduct tunnel, in connection with the War Department letter of the 18th instant on the subject, and in further response to the resolution dated March 10, 1890—to the Committee on the District of Columbia.

##### ROCK ISLAND BRIDGE AND WATERTOWN ARSENAL.

Letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War of the 27th instant, submitting additional estimates by the Ordnance Department of the Army for appropriations for Rock Island bridge, Rock Island, Ill., and Watertown arsenal, Watertown, Mass.—to the Committee on Appropriations.

#### REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. KINSEY, from the Committee on Mines and Mining, reported with amendment the bill of the Senate (S. 1397) to aid the State of Colorado to support a school of mines—to the Committee of the Whole House on the State of the Union.

Mr. ABBOTT, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the House (H. R. 5375) for the erection of a public building at Sherman, Tex.—to the Committee of the Whole House on the State of the Union.

He also, from the same committee, reported favorably the bill of the Senate (S. 2860) to authorize the construction of an addition to the public building in Houston, Tex., and to provide a cistern, heating ap-

paratus, etc., for said building—to the Committee of the Whole House on the state of the Union.

Mr. SMITH, of Arizona, from the Committee on Mines and Mining, reported with amendment the bill of the House (H. R. 4654) to amend chapter 340, United States Statutes at Large, volume 24, Forty-ninth Congress, and to promote and encourage mining—to the House Calendar.

Mr. McCORMICK, from the Committee on the Judiciary, reported with amendment the bill of the House (H. R. 271) for the establishment of a prison bureau—to the Committee of the Whole House on the state of the Union.

Mr. TARSNEY, from the Committee on Claims, reported favorably the bill of the House (H. R. 7597) for the relief of Edward S. Armstrong—to the Committee of the Whole House.

He also, from the same committee, reported with amendment the bill of the House (H. R. 1447) for the relief of the legal representatives of George McDougall, deceased—to the Committee of the Whole House.

Mr. KERR, of Iowa, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the House (H. R. 3305) to provide for the erection of a public building in the city of Moberly, in the State of Missouri—to the Committee of the Whole House on the state of the Union.

Mr. QUACKENBUSH, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the House (H. R. 7797) to provide for the purchase of a site and the erection of a public building thereon at Amsterdam, in the State of New York—to the Committee of the Whole House on the state of the Union.

Mr. CLUNIE, from the Committee on Public Buildings and Grounds, reported favorably the bill of the House (H. R. 7899) to increase the appropriation for the erection of a public building at Jackson, Mich.—to the Committee of the Whole House on the state of the Union.

Mr. BANKHEAD, from the Committee on Public Buildings and Grounds, reported favorably the bill of the House (H. R. 7626) for the erection of a public building at Selma, Ala.—to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH, from the Committee on Public Buildings and Grounds, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House on the state of the Union:

A bill (H. R. 558) for the erection of a public building at Atlantic City, N. J.; and

A bill (H. R. 773) for a public building at Altoona, Pa., and appropriating money therefor.

Mr. LEHLBACH also, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 4576) for the erection of a public building at Baltimore, Md., reported as a substitute therefor, a bill (H. R. 8823) to provide for the purchase of additional land in the square now occupied by the custom-house in the city of Baltimore, Md., and for the preparation of plans and specifications for a new custom-house building; which was read twice, and referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, reported favorably the bill (S. 234) for the erection of a public building at Waterbury, Conn.—to the Committee of the Whole House on the state of the Union.

Mr. POST, from the Committee on Public Buildings and Grounds, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House on the state of the Union:

A bill (H. R. 5433) for the erection of a public building at the city of Steubenville, Ohio;

A bill (H. R. 719) providing for the purchase of a site and the erection of a suitable post-office building thereon at Defiance, Ohio;

A bill (H. R. 677) to provide for the erection of a public building at Piqua, Ohio; and

A bill (H. R. 6460) to increase the appropriation for the erection of a public building at Portsmouth, Ohio.

Mr. POST also, from the Committee on Public Buildings and Grounds, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House on the state of the Union:

A bill (H. R. 588) for the erection of a public building in the city of Elmira, N. Y.; and

A bill (H. R. 239) for the purchase of suitable grounds in the city of Richmond, in the State of Indiana, and the erection thereon of a public building for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purposes.

#### BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. DUNNELL: A bill (H. R. 8792) to authorize the construction of a foot and carriage bridge across the Mississippi River from

Winona, in the State of Minnesota, to the oppositeshore in Wisconsin—to the Committee on Commerce.

By Mr. THOMAS: A bill (H. R. 8793) to insure the purity of elections in the Territory of Arizona—to the Committee on the Territories.

By Mr. BINGHAM (by request): A bill (H. R. 8794) to regulate the number of officers in the Engineer Corps of the Navy—to the Committee on Naval Affairs.

By Mr. STOCKBRIDGE: A bill (H. R. 8795) for the establishment of a light-house at or near the mouth of the new cut-off channel, Baltimore Harbor, Maryland—to the Committee on Commerce.

By Mr. ATKINSON, of West Virginia: A bill (H. R. 8796) amending section 5515 of the Revised Statutes of the United States, relating to misconduct of officers of elections for members of Congress—to the Committee on the Judiciary.

By Mr. MORRILL: A bill (H. R. 8797) providing for the establishment of a bureau of public documents—to the Committee on Printing.

By Mr. CRISP: A bill (H. R. 8798) for the erection of a public building at Americus, Ga., and appropriating money therefor—to the Committee on Public Buildings and Grounds.

By Mr. COBB: A bill (H. R. 8799) to repeal the proviso of the act making appropriation for the Cahaba River, in Alabama, approved August 5, 1886—to the Committee on Rivers and Harbors.

By Mr. HAYES: A bill (H. R. 8800) to provide for the construction of a public building at Iowa City, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. GROUT: A bill (H. R. 8801) to provide for opening alleys and constructing sewers in the District of Columbia—to the Committee on the District of Columbia.

By Mr. REED, of Iowa: A joint resolution (H. Res. 135) authorizing the Secretary of the Interior to appoint six additional members of the board of pension appeals—to the Committee on Expenditures in the Interior Department.

#### PRIVATE BILLS.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ADAMS: A bill (H. R. 8802) for the relief of Mary Walsh—to the Committee on Invalid Pensions.

By Mr. BAKER: A bill (H. R. 8803) for the relief of Francis Irsch—to the Committee on Military Affairs.

By Mr. BINGHAM: A bill (H. R. 8804) for the relief of Matilda Caldwell, late Matilda Sparks—to the Committee on Invalid Pensions.

By Mr. BURROWS: A bill (H. R. 8805) for the relief of Return T. Anderson—to the Committee on Invalid Pensions.

By Mr. COGSWELL: A bill (H. R. 8806) granting a pension to Abigail M. Spofford—to the Committee on Invalid Pensions.

By Mr. COOPER, of Ohio: A bill (H. R. 8807) for the relief of Thomas J. Sheppard—to the Committee on Military Affairs.

By Mr. FITHIAN: A bill (H. R. 8808) granting a pension to William Gaines—to the Committee on Invalid Pensions.

By Mr. GOODNIGHT: A bill (H. R. 8809) for the relief of Benjamin Bruner—to the Committee on Indian Affairs.

By Mr. GROUT: A bill (H. R. 8810) to remove charge of desertion against Jeremiah Emery—to the Committee on Military Affairs.

Also, a bill (H. R. 8811) granting pension to Emma A. Johnson, widow of James D. Johnson, Company K, Thirty-sixth Massachusetts Infantry—to the Committee on Invalid Pensions.

By Mr. HOUK: A bill (H. R. 8812) for the relief of Willis N. Arnold—to the Committee on War Claims.

By Mr. KINSEY: A bill (H. R. 8813) to grant a pension to Jacob Gansner—to the Committee on Invalid Pensions.

By Mr. LANHAM (by request): A bill (H. R. 8814) for the relief of George James, of San Angelo, Tex.—to the Select Committee on Indian Depredation Claims.

By Mr. LAWLER: A bill (H. R. 8815) granting a pension to Anna M. Allen—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 8816) for the relief of L. E. Bowen—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 8817) for the relief of Albert A. Ide—to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 8818) granting a pension to Benjamin S. Hough—to the Committee on Invalid Pensions.

By Mr. SIMONDS: A bill (H. R. 8819) removing the charge of desertion from the record of John E. Sisson—to the Committee on Military Affairs.

By Mr. STONE, of Kentucky: A bill (H. R. 8820) for the relief of Mrs. E. H. Hopper—to the Committee on War Claims.

Also, a bill (H. R. 8821) for the relief of John F. White—to the Committee on War Claims.

By Mr. WILSON, of Missouri: A bill (H. R. 8822) increasing the pension of Samuel D. Pitcher—to the Committee on Pensions.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (H. R. 3516) to reimburse the Compagnie Générale Transatlantique for tonnage duties illegally exacted by the customs officers

of the United States—Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

A bill (H. R. 8533) for the relief of Miller & Thompson—Committee on Claims discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 7825) to increase the pension of Henry Sommers—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 7824) granting a pension to Bridget Mallon—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (S. 431) for the relief of Alfred J. Worcester—Committee on Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 8136) for the relief of James M. Watts—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 6880) for the relief of James Bookhamer—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 8482) for the relief of O. M. Laraway—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 8024) for the relief of John D. Waterman, late postmaster at Rockford, Ill.—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. ADAMS: Petition of Frances E. Willard and 87 others, officers and members of the National Woman's Christian Temperance Union, praying for a law prohibiting the sale of fermented liquors within soldiers' homes, arsenals, recruiting stations, navy-yards, forts, and barracks—to the Committee on Military Affairs.

By Mr. ALDERSON: Resolutions of Capital City Assembly, No. 6174, Knights of Labor, of Charleston, W. Va., signed by William A. Gilliland, master workman, and Sim Ivon, recording secretary, in favor of the establishment of a system of postal telegraph—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Pickaway Farmers' Alliance of Monroe County, West Virginia, signed by L. A. Houston, secretary, in favor of "subtreasury plan"—to the Committee on Banking and Currency.

By Mr. ANDREW: Remonstrance of Arthur Rotch and 40 others, Boston architects, against increasing the duty on lime—to the Committee on Ways and Means.

By Mr. ATKINSON, of West Virginia: Petition of Pickaway Farmers' Alliance, of Pickaway, W. Va., asking for the adoption of the subtreasury plan—to the Committee on Banking and Currency.

By Mr. BAKER: Petition of 23 persons of Monroe County, New York, praying for a law prohibiting the sale of fermented liquors within soldiers' homes, arsenals, recruiting stations, navy-yards, forts, and barracks—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition from 68 persons in Rochester, N. Y., for same purpose—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of 200 members of the North American Turnerbund, residing at Rochester, N. Y., remonstrating against any material change in the naturalization and immigration laws—to the Select Committee on Immigration and Naturalization.

By Mr. BLAND: Petition and letter of Mrs. Murphy, for pension—to the Committee on Invalid Pensions.

By Mr. CAINE: Petition of Bricklayers and Masons' International Union, No. 1, of Salt Lake City, Utah, asking Congress to so amend the laws that none but citizens of the United States shall be employed upon Government works—to the Committee on Labor.

By Mr. COGSWELL: Petition of Abigail M. Spofford, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. COLEMAN: Petition of employes of the customs service at New Orleans, La., asking to be accorded the same privileges as other employes of the Government in regard to being paid during leave of absence or when sick (when such sickness is certified by a physician), provided the absence is not more than thirty days in each year, which privilege they were deprived of last year by instruction of the Attorney-General, although this privilege had been accorded for ninety years—to the Committee on Expenditures in the Treasury Department.

Also, resolution of New Orleans Board of Trade (limited), that the manufacture of compound lard is a legitimate industry, deserving encouragement rather than restrictive legislation, and against any legislation taxing compound lard—to the Committee on Agriculture.

By Mr. COOPER, of Ohio: Petition of Spencer Garwood and 50 others, citizens of Union County, Ohio, for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DE LANO: Petition of the farmers of Chenango County, State of New York, asking protection to barley, potatoes, and numerous other farm products—to the Committee on Ways and Means.

By Mr. DUNNELL: Memorial and resolutions of Chamber of Com-



merce of St. Paul, Minn., heartily approving enlarged relations and reciprocal trade with Canada—to the Committee on Foreign Affairs.

By Mr. DORSEY: Resolutions of Farmers' Alliance of Kearney, Nebr., favoring the Butterworth options bill—to the Committee on Agriculture.

By Mr. ELLIS: Proofs to accompany H. R. 4062, for the relief of John W. Alves—to the Committee on War Claims.

By Mr. FUNSTON: Petition of citizens of Lane, Kans., for passage of bill to relieve mortgage debtors—to the Committee on Banking and Currency.

By Mr. GEAR: Petition of S. P. Howe and 198 others, citizens of Iowa, asking that a law be enacted preventing the admission of obscene books to the mails—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Best Post, Grand Army of the Republic, Iowa, asking per diem, and also that the greenbacks they were paid shall be made as good as gold—to the Committee on Invalid Pensions.

Also, protest of the Society of Friends of Pleasant Grove, Iowa, against appropriations for Navy and coast defenses—to the Committee on Naval Affairs.

By Mr. GROUT: Petition, etc., for pension of Samuel N. Rice—to the Committee on Invalid Pensions.

Also, petition and affidavit of Marion M. Smith, widow of David Smith, Company D, Ninth Vermont Volunteers—to the Committee on Invalid Pensions.

Also, papers in re Jeremiah Smith, desertion—to the Committee on Military Affairs.

By Mr. HAYES: Petition of H. H. Sindt and 126 others, citizens of Scott County, Iowa, protesting against the passage of any law changing present naturalization and immigration laws—to the Select Committee on Immigration and Naturalization.

Also, memorial of State Business Men's Association of Iowa, asking for the passage of the Torrey bankrupt bill—to the Committee on the Judiciary.

Also, resolutions of N. B. Howard Post, De Witt, Iowa, in favor of pensions to widows and children of soldiers—to the Committee on Invalid Pensions.

Also, resolutions of R. M. Smith Post, Andrew, Iowa, in favor of service pension—to the Committee on Invalid Pensions.

Also, resolutions of Lincoln Center Farmers' Alliance, Iowa County, Iowa, in favor of the Butterworth option bill—to the Committee on Agriculture.

By Mr. KELLEY: Petition of the Board of Trade of the city of Topeka, Kans., asking for the admission of certain ores from Mexico free of duty, relating, as the law now stands, such ores have been admitted free of duty, and under said law large smelting interests have been built up in Kansas; under a recent ruling of the Secretary of the Treasury the importation of said ores has been embarrassed, resulting in a retaliatory tax by Mexico upon our exports, excluding Kansas meats and placing a duty of 28 cents on Kansas corn; protesting against such rulings, and asking Congress to provide for the introduction of said ore free of duty and thereby preserve the smelting industry in Kansas, and preserve to this country the markets of Mexico for our agricultural products and thereby relieve the depression of the agricultural interests of Kansas—to the Committee on Ways and Means.

Also, petition of Robert Anderson Post, Grand Army of the Republic, of Kansas, asking for the passage of the Ingalls service-pension bill—to the Committee on Invalid Pensions.

Also, petition of 600 citizens of Reading, Lyon County, Kansas, asking for the free coinage of silver and protesting that the act demonetizing silver was uncalled for by the people and productive of great wrong to the people, especially to the producing classes, but restricting the money supply and increasing the value of gold and forcing down the value of other commodities; and asking that silver be placed as money, exactly as it was from the foundation of the Government up to 1873—to the Committee on Banking and Currency.

By Mr. McCLELLAN: Petition of E. L. Olmstead and 40 others, praying for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. MORSE: Petition of 194 persons, praying for a law prohibiting the sale of fermented liquors within soldiers' homes, arsenals, recruiting stations, navy-yards, forts, and barracks—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. O'NEIL, of Massachusetts: Remonstrance of Hanagan Bros. and 14 others, against increasing duty on lime—to the Committee on Ways and Means.

By Mr. OWENS, of Ohio: The petition of George W. Richardson and 102 others, citizens of Muskingum County, Ohio, and members of Maj. J. C. Robinson Post, Grand Army of the Republic, of Chandlersville, in favor of a service pension and protesting against the passage of a dependent-pension bill—to the Committee on Invalid Pensions.

By Mr. RAINES: Petition of 65 persons of Ontario County, New York, praying for a law prohibiting the sale of fermented liquors within soldiers' homes, arsenals, recruiting stations, navy-yards, forts, and barracks—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of citizens of the Twenty-ninth district of New York,

for same purpose—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of 135 citizens of Steuben County, New York, upon the same subject—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. RUSSELL: Petition of citizens of Mystic Bridge, Conn., in favor of short method of spelling—to the Committee on Printing.

By Mr. SMITH, of Arizona: Remonstrance against passage of land court bill, by citizens of Arizona—to the Committee on Private Land Claims.

By Mr. SNIDER: Resolutions of the Trades and Labor Assembly of Minneapolis, Minn., protesting against passage of a bill permitting judges of elections to be all of one political party—to the Committee on Elections.

Also, resolutions of the Board of Trade of St. Paul, Minn., favoring reciprocal trade relations with Canada—to the Committee on Commerce.

Also, petition of directors and members of the Board of Trade of Duluth, Minn., favoring protection to flax and hemp industries—to the Committee on Ways and Means.

Also, petition of Stone-Masons' Union, of Minneapolis, Minn., against employment of alien laborers on public buildings and works—to the Committee on Labor.

By Mr. STIVERS: Petition of Mrs. Louisa Winters and 22 others, of the Woman's Christian Temperance Union, of Chester, Orange County, New York, praying for a law prohibiting the sale of fermented liquors within soldiers' homes, arsenals, recruiting stations, navy-yards, forts, and barracks—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. STOCKDALE: Petition of the Cotton Exchange of Natchez, Miss., against the bill levying a tax on cotton-seed oil or compound lard—to the Committee on Agriculture.

By Mr. STRUBLE: Petition of A. W. Moon, and 67 others, citizens of Hopedale, Ohio, urging the passage of H. R. 5978, and imposing penalties to lessen and prevent gambling in farm products—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. SWENEY: Resolutions of C. H. Hughes post, Grand Army of the Republic, Decorah, Iowa, in favor of pensioning widows, and also pensioning minor children of deceased soldiers—to the Committee on Invalid Pensions.

Also, resolution of Reynolds Post, Grand Army of the Republic of Maynard, Iowa, upon the same subject—to the Committee on Invalid Pensions.

Also, resolution of Hassenderfd Post, Grand Army of the Republic, Guttenberg, Iowa, in favor of service pension—to the Committee on Invalid Pensions.

By Mr. TOWNSEND, of Pennsylvania (by request): Petition of 9 members of the Grand Army of the Republic, and 105 officers and members of the Woman's Christian Temperance Union, both of Sharon, Pa., praying for a law prohibiting the sale of fermented liquors within soldiers' homes, arsenals, recruiting stations, navy-yards, forts, and barracks—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. TRACEY (by request): Petition of citizens of Voorheesville, N. Y., asking for an increase of duty on hay—to the Committee on Ways and Means.

Also (by request), petition from Albany County, New York, praying for a law prohibiting the sale of fermented liquors within soldiers' homes, arsenals, recruiting stations, navy-yards, forts, and barracks—to the Committee on Military Affairs.

Also, petition of 14 persons of Albany County, New York, upon the same subject—to the Committee on Military Affairs.

By Mr. VAN SCHAICK: Resolutions of Department of Wisconsin, Grand Army of the Republic, asking that E. R. Parks be restored to his former rank in the Army—to the Committee on Military Affairs.

By Mr. WILLIAMS, of Ohio: Petition of West Branch Monthly Meeting of Friends, of Miami County, Ohio, against further expenditures for Navy and coast defenses—to the Committee on Appropriations.

## SENATE.

MONDAY, March 31, 1890.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

Mr. HARRIS. There does not seem to be a quorum of the Senate present, and I ask that the roll be called.

The VICE-PRESIDENT. The roll of the Senate will be called.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Edmunds,	Manderson,	Sawyer,
Bate,	Farwell,	Moody,	Stockbridge,
Berry,	Frye,	Morgan,	Teller,
Butler,	George,	Morrill,	Turpie,
Call,	Gibson,	Paddock,	Vance,
Cockrell,	Gray,	Pasco,	Vest,
Coke,	Hampton,	Payne,	Walthall,
Cullom,	Harris,	Pettigrew,	Wilson of Iowa,
Davis,	Hawley,	Platt,	Wilson of Md.
Dawes,	Ingalls,	Ransom,	
Dolph,	McMillan,	Reagan,	

The VICE-PRESIDENT. A quorum being present, the Journal of Saturday's proceedings will be read.

The Journal of the proceedings of Saturday last was read and approved.

Mr. EDMUNDS. I wish to call the attention of the Senate to the fact that by an order of the Senate heretofore made the Committee on the Judiciary is authorized to sit during the sittings of the Senate, and that if all the members of that committee are not present to-day it is not because they do not believe in 11 o'clock meetings, but because they are doing what the Senate has authorized and required them to do.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of A. P. Watson, of New Wilmington, Pa., praying for certain pension legislation; which was referred to the Committee on Pensions.

He also presented a communication from L. Bonestell, corresponding secretary of the Independent Union, Boys in Blue, of Cleveland, Ohio, transmitting memorials adopted by that organization remonstrating against a revival of the grade of Lieutenant-General of the Army until the soldiers and their families are properly cared for, etc.; which were referred to the Committee on Military Affairs.

Mr. CULLOM presented a petition of citizens of Jasper County, Illinois, praying for legislation to prevent the transmission of obscene literature through the mails; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of 63 citizens of Bethel, Oxford County, Maine, praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. WILSON, of Iowa, presented a petition of Holtzinger Post, No. 210, Grand Army of the Republic, of Hamburg, Iowa, praying for the passage of Senate bill 1094 granting a service pension; which was referred to the Committee on Pensions.

He also presented the petition of James Vincent, sr., of Tabor, Iowa, praying for the passage of a bill granting him a pension; which was referred to the Committee on Pensions.

Mr. FARWELL presented a petition of the Bar Association of Illinois, praying for the passage of a bill for the relief of the Supreme Court of the United States from the accumulation of its business; which was referred to the Committee on the Judiciary.

Mr. MORRILL presented a petition of members of the bar of Bennington County, Vermont; a petition of members of the bar of Portland County, Vermont; a petition of members of the bar of Rutland County, Vermont, and a petition of members of the bar of Vermont, praying for some measure of relief for the Supreme Court; which were referred to the Committee on the Judiciary.

Mr. PASCO. I present a resolution of the Board of Trade of Jacksonville, Fla., in the nature of a petition, calling attention to the provision for an increased duty on leaf-tobacco suitable for wrappers in the bill known as the "McKinley bill," which the petitioners say strikes a blow at the cigar-manufacturing interests of the State and country, and praying for such modification as will protect this industry. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. PASCO presented a letter, sundry affidavits, and other papers in relation to the claim of Salvador Costa, for the seizure and destruction of the sloop Mary Lawrence; which were referred to the Committee on Claims.

Mr. BATE presented a petition of Subordinate Union No. 2 of the Bricklayers and Masons' International Union of America, of Chattanooga, Tenn., praying that Congress will amend the laws so that on all Government works, whether let by contract or otherwise, none but citizens of the United States shall be employed, and that proper penalties for the enforcement of such amendments of the law be imposed upon the contracting firm or individual for each and every violation of the enactment; which was referred to the Committee on Education and Labor.

Mr. WILSON, of Maryland, presented a petition of 292 members of the bars of Baltimore City, Md., and of fourteen counties of the State of Maryland, praying for the enactment of a law by Congress relieving the Supreme Court of the accumulation of cases on its docket; which was referred to the Committee on the Judiciary.

Mr. GEORGE presented a petition of members of the bar of Natchez, Miss., praying for legislation for the relief of the Supreme Court of the United States; which was referred to the Committee on the Judiciary.

Mr. VEST presented a petition of 113 citizens of Atchison County, Missouri, praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. BUTLER presented a memorial of the Board of Trade of Greenville, S. C., remonstrating against the imposition of a tax on compound lard or cotton-seed oil; which was referred to the Committee on Agriculture and Forestry.

Mr. COCKRELL. I present two petitions from members of the bar of St. Louis, Mo., very largely signed by the leading judges and members of the bar there, praying for the passage of some law for the removal of the accumulated business before the Supreme Court, and praying that action may be taken at the present session.

I move that the petitions be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. MORGAN presented a petition of Subordinate Union No. 3 of the Bricklayers and Masons' International Union, of Montgomery, Ala., praying that none but citizens of the United States be employed on public works; which was referred to the Committee on Education and Labor.

Mr. WALTHALL presented a memorial of the Cotton Exchange of Greenville, Miss., remonstrating against legislation taxing compound lard, etc.; which was referred to the Committee on Agriculture and Forestry.

Mr. GIBSON presented a petition of the Chamber of Commerce and Industry of Louisiana, signed by Robert Bleakley, secretary, praying for the transfer of the revenue marine service to the Navy Department; which was ordered to lie on the table.

He also presented a memorial of the New Orleans (La.) Board of Trade, signed by Adolpho Wolfe, acting secretary, remonstrating against any legislation taxing compound lard; which was referred to the Committee on Agriculture and Forestry.

Mr. ALLISON presented a petition of Advance Alliance No. 415, of Polk Township, Shelby County, Iowa, and a petition of W. H. Wheat, corresponding secretary, and others, of Alta, Iowa, praying for the passage of a bill defining options and futures and imposing penalties to prevent gambling in farm produce; which were referred to the Committee on the Judiciary.

He also presented a petition of the Stuart (Iowa) Meeting of the Society of Friends and others and a petition of Iowa Falls (Iowa) Meeting of the Society of Friends and others, praying for the rejection of the recommendation of the Senate Naval Committee and other measures which propose a large expenditure for the Navy and so-called coast defenses and other warlike preparations; which were referred to the Committee on Naval Affairs.

He also presented a petition of Subordinate Union No. 2 of the Bricklayers and Masons' International Union of America, of Des Moines, Iowa, praying that none but citizens of the United States be employed on Government works, whether let by contract or otherwise; which was referred to the Committee on Education and Labor.

He also presented a petition of Wisner Post, No. 127, Grand Army of the Republic, Montezuma, Iowa; a petition of McMillen Post, No. 463, Grand Army of the Republic, Baxter, Iowa, and a petition of C. G. Francis Post, No. 181, Grand Army of the Republic, Walker, Iowa, praying for the passage of the service-pension bill; which were referred to the Committee on Pensions.

Mr. HOAR. I present the petition of Charles Theodore Russell, John Lowell, and 268 other members of the bar of Boston, Mass., comprising substantially the persons who are employed at the bar in that city, praying for the relief of the Supreme Court. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. HOAR presented the petition of F. W. Clarey and 31 other members of the bar of New Mexico; the petition of H. F. Titus, A. H. Higgins, and A. L. Brown, of the bar of Phillipsburgh, Mont.; the petition of Henry N. Blake and 31 other members of the bar of Helena, Mont.; the petition of M. H. Parker and 5 other members of the bar of Boulder City, Mont.; the petition of F. H. Moody and 14 other members of the bar of Missoula County, Montana; the petition of O. F. Goddard and 6 other members of the bar of Billings, Mont.; the petition of J. W. Stanton and 8 other members of the bar of Great Falls, Mont.; the petition of F. K. Armstrong and 7 other members of the bar of Gallatin County, Montana; and the petition of T. Campbell and 28 other members of the bar of Butte City, Mont., praying for the relief of the Supreme Court; which were referred to the Committee on the Judiciary.

Mr. DAVIS presented petitions of subordinate unions of the Bricklayers and Masons' International Union, of St. Paul and Minneapolis, in the State of Minnesota, praying for legislation prohibiting the employment of any but citizens of the United States upon public buildings; which were referred to the Committee on Education and Labor.

He also presented a petition of the Bar Association of St. Paul, Minn., and a petition of members of the bar of Hennepin County, Minnesota, praying for legislation for the relief of the Supreme Court of the United States; which were referred to the Committee on the Judiciary.

He also presented resolutions of the Chamber of Commerce of St. Paul, Minnesota, favoring the establishment of reciprocal trade relations between the United States and Canada; which were referred to the Committee on Foreign Relations.

He also presented a petition of citizens of Duluth, Minn., praying for legislation to protect the flax and hemp-growing industries; which was referred to the Committee on Finance.

Mr. SHERMAN presented a memorial of citizens of Cincinnati, Ohio, remonstrating against any modification of the import duty on tin; which was referred to the Committee on Finance.

He also presented a petition of Farmers' Alliance No. 38, of Mallet Creek, Ohio, praying for the passage of House bill 5353, defining options, futures, etc.; which was referred to the Committee on the Judiciary.



He also presented a petition of a mass-meeting of ex-soldiers and sailors of Muskingum County, Ohio, praying for the passage of the service-pension bill and the repeal of limitation in the arrears act; which was referred to the Committee on Pensions.

He also presented a petition of Dick Cheatham Post, No. 317, Grand Army of the Republic, of Beverly, Ohio, praying for the passage of the per diem pension bill; which was referred to the Committee on Pensions.

Mr. STOCKBRIDGE presented a petition of members of the Michigan Bar Association, praying for legislation to relieve the United States Supreme Court; which was referred to the Committee on the Judiciary.

Mr. SQUIRE presented a memorial of the Legislature of Washington; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD; as follows:

UNITED STATES OF AMERICA, STATE OF WASHINGTON,  
Office of the Secretary of State.

I, Allen Weir, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the attached instrument of writing, i. e., senate memorial No. 19, asking that subsidies be granted for establishing lines of steamers to foreign ports of the Pacific Ocean, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, at Olympia, this 17th day of February, A. D. 1890.

[SEAL.]

ALLEN WEIR, Secretary of State.

[Senate memorial No. 19.]

To the honorable the Senate and House of Representatives  
of the United States in Congress assembled:

Your memorialist, the Legislature of the State of Washington, would respectfully represent:

That, notwithstanding the great volume and immense value of the agricultural and manufactured products of the United States, the percentage thereof exported to foreign countries in American vessels is insignificant; which fact, when compared with the earlier history of the commerce of the country, is extremely humiliating to the pride as well as detrimental to the interests of every patriotic American citizen;

That we are the producers of various articles of agriculture, the manufacturers of oleaginous and cereal merchandise, of agricultural implements, of milling and mining machinery, of woolen and cotton fabrics, of furniture and household wares, which are unexcelled by those of any other country, but the great and pressing want is efficient means of transportation to those who would be consumers of our products, and thereby afford us a wider market and encourage the development of our resources;

That the establishment of a steam-ship line or lines between the United States of America and the republics of Central and South America and the empires of Japan and China would place our farmers and manufacturers in a position to compete successfully in their markets with other countries, and thereby secure the trade that properly belongs to us;

That our merchant marine, which was once the pride of every American citizen, has declined from its former proud eminence to comparative decay and unimportance, a result largely attributable to the neglect of our General Government and the liberality and fostering care of foreign nations in subsidizing their steam-ship lines, and as there can be no doubt that a similar course of subsidizing our own merchant marine by our Government would enable us to regain our share of the commerce of the world;

Therefore, your memorialist, the Legislature of the State of Washington, would most respectfully and earnestly petition your honorable body to enact speedy and effective legislation making appropriations and granting subsidies for the purpose of aiding American citizens and American capital in establishing and maintaining at least two lines of steam-ships from the Pacific coast of the United States, one from the port of San Francisco to the Central and South American republics, and one from Puget Sound to China and Japan.

And as in duty bound your petitioners will ever pray.  
Passed the senate January 13, 1890.

CHAS. E. LAUGHTON,  
President of the Senate.

Passed the house January 15, 1890.

J. W. FEIGHAN,  
Speaker of the House.

Mr. PADDOCK presented seven petitions of Farmers' Alliances of Nebraska, praying for the free and unlimited coinage of silver, the defeat of the Windom bill, and the defeat of the bill to issue bonds as a basis for bank-notes, etc.; which were referred to the Committee on Finance.

He also presented sundry petitions from Farmers' Alliances of Nebraska, praying that the time for the payment of the indebtedness of the Union Pacific Railroad Company to the Government be not extended; which were ordered to lie on the table.

He also presented a petition of the mayor and council of Lincoln, Nebr., praying that an appropriation be made for a deep-water harbor at Galveston, Tex.; which was ordered to lie on the table.

Mr. PLATT presented a petition of Subordinate Union No. 1 of the Bricklayers and Masons' International Union of America, of Hartford, Conn., praying that on public works employment be given to citizens of the United States in preference to aliens; which was referred to the Committee on Education and Labor.

Mr. HALE presented a paper containing additional signatures to the petition of iron and steel manufacturers of New England, praying that iron ore and coal be put upon the free-list, and that the duty on pig-iron, scrap-iron, and scrap-steel be restored to 24 per cent. ad valorem; which was referred to the Committee on Finance.

Mr. INGALLS presented a petition of the county commissioners of Edwards County, Kansas, praying that an appropriation be made for a deep-water harbor at Galveston, Tex.; which was ordered to lie on the table.

Mr. HOAR. I was requested by the senior Senator from Rhode Island [Mr. ALDRICH], who is obliged to be absent, to present in his be-

half sundry petitions of members of the bar of that State, praying for the passage of legislation for the relief of the Supreme Court. I move that the petitions be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. TELLER presented a petition of members of the bar of the State of Colorado, praying for action for the relief of the Supreme Court of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of Subordinate Union No. 1 of the Bricklayers and Masons' International Union of America, at Denver, Colo., praying that none but American citizens be employed on Government works; which was referred to the Committee on Education and Labor.

Mr. EVARTS presented memorials of subordinate unions of the Bricklayers and Masons' International Union of America, of New York City, Brooklyn, Newburgh, Cohoes, Long Island City, Johnstown, and Ogdensburgh, in the State of New York, praying for such amendment of the laws as will require the employment of none but citizens of the United States on all Government works; which were referred to the Committee on Education and Labor.

He also presented a petition of the New York State Engineers' Society, numbering 604 members; a petition of 152 citizens of the city of New York; and a petition of 177 citizens of New York City, praying for the free coinage of silver; which were referred to the Committee on Finance.

He also presented a memorial of the committee on peace and arbitration of the religious society of the New York Yearly Meeting of Orthodox Friends, of Purchase, N. Y.; a memorial of the Elba Monthly Meeting of Friends, of Genesee County, New York; a memorial of the Farmington Monthly Meeting of Friends, of Ontario County, New York; and a memorial of the Smyrna Monthly Meeting of Friends, numbering 80 persons, of Chenango County, New York, remonstrating against large expenditures on the Navy and so-called coast defenses; which were referred to the Committee on Naval Affairs.

He also presented a petition of about 1,000 members of the bar of the city of New York, praying legislation for the relief of the Supreme Court of the United States; which was referred to the Committee on the Judiciary.

Mr. DAWES presented a petition of the Letter-Carriers' Association of Pittsfield, Mass., praying for certain amendments of House bill 3863, in relation to the compensation of letter-carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DANIEL presented the petition of Holmes Conrad, Richard E. Byrd, A. R. Pendleton, and others, members of the bar of Winchester, Va., praying for relief of the Supreme Court of the United States from over-accumulation of cases; which was referred to the Committee on the Judiciary.

Mr. WASHBURN presented resolutions of the Chamber of Commerce, of St. Paul, Minn., favoring reciprocal relations with Canada; which were referred to the Committee on Foreign Relations.

He also presented the memorial of the city council of Anoka, Minn., praying for the erection of a public building in that city; which was referred to the Committee on Public Buildings and Grounds.

Mr. PLUMB presented a petition of Subordinate Union No. 3 of the Bricklayers and Masons' International Union of America, of Topeka, Kans., praying for legislation against the employment of aliens on Government works; which was referred to the Committee on Education and Labor.

He also presented a petition of the Typothetæ of Topeka, Kans., praying for the passage of the bill now pending for an international copyright law; which was ordered to lie on the table.

Mr. BLAIR presented the petition of 9 leading members of Cheshire County bar, State of New Hampshire; the petition of 14 members of Coos County bar, State of New Hampshire; the petition of 13 members of Hillsborough County bar, State of New Hampshire, praying for legislation for the relief of the Supreme Court of the United States; which were referred to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 3295) for the relief of J. W. Dillman, asked to be discharged from its further consideration and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, to whom was referred the bill (H. R. 6942) to divide the judicial district of North Dakota, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 1448) to subdivide the judicial district of North Dakota and to provide four subdivisions thereof and authorize district and circuit courts of the United States to be held once each year at the cities of Bismarck, Fargo, Grand Forks, and the city of Devil's Lake, N. Dak., on condition that the local authorities furnish the room and facilities for holding said courts at said cities free of charge to the United States, reported adversely thereon; and the bill was postponed indefinitely.

Mr. REAGAN, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 557) for the relief of H. J. Cheney, reported it without amendment, and submitted a report thereon.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3221) granting a pension to Margaret J. Fletcher;  
A bill (H. R. 3228) for the relief of William Carroll;  
A bill (H. R. 3225) granting an increase of pension to Daniel M. Maulding; and  
A bill (H. R. 3227) for the relief of Samuel L. M. Proctor.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 2160) for the relief of Samuel L. M. Proctor, reported adversely thereon; and the bill was postponed indefinitely.

J. M. BRYAN.

Mr. TELLER. On the 10th of March I introduced a bill (S. 3056) to compensate J. M. Bryan for property at Choteau Station taken from him by the Cherokee Nation, and it was referred to the Select Committee on Indian Depredations. I find that that was a wrong reference, and I move that the Select Committee on Indian Depredations be discharged from the further consideration of the bill and that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

#### BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3328) granting a pension to Mary Norman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BUTLER introduced a bill (S. 3329) authorizing the city of Charleston to open Concord street through the grounds of the United States in that city; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. EVARTS introduced a bill (S. 3330) for the relief of George W. Quintard; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3331) to reappoint Warren C. Beach a captain in the Army, and to place him on the retired-list, in addition to the number now authorized; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. DOLPH introduced a bill (S. 3332) granting an increase of pension to Margaret E. Pierce; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3333) to place Romeo Friganza on the retired-list; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3334) authorizing the Secretary of War to deliver to Charles W. Thomas two James rifled cannon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. STOCKBRIDGE introduced a bill (S. 3335) granting an increase of pension to Clinton Spencer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON, of Iowa, introduced a bill (S. 3336) granting a pension to James Vincent, sr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VEST introduced a bill (S. 3337) donating Lake Contrary, in the State of Missouri, to the city of St. Joseph, Mo.; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BLACKBURN introduced a bill (S. 3338) to provide for the purchase of a site and the erection of a public building thereon at Henderson, in the State of Kentucky; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3339) for the relief of the Christian Church of Henderson, Ky.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3340) for the relief of Francis M. Nisbet; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS (by request) introduced a bill (S. 3341) to provide for the appointment of an official indexer of public documents; which was read twice by its title, and referred to the Committee on the Library.

Mr. DAVIS introduced a bill (S. 3342) granting a pension to Andrew Hopper; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McPHERSON introduced a bill (S. 3343) for the purchase of a site and the erection of a public building thereon in the city of Elizabeth, N. J.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. INGALLS (by request) introduced a bill (S. 3344) to incorporate the Washington and Great Falls Electric Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. COCKRELL introduced a bill (S. 3345) to authorize the St. Louis and California Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following joint resolutions; in which it requested the concurrence of the Senate:

Joint resolution (H. Res. 128) construing part of act of March 2, 1889, making appropriations for the office of Second Assistant Postmaster-General; and

Joint resolution (H. Res. 136) for the relief of sufferers in the Mississippi Valley.

#### PUBLIC BUILDING AT ATCHISON, KANS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2406) to provide for the purchase of a site and the erection of a public building thereon at Atchison, in the State of Kansas.

Mr. SPOONER. I move that the Senate non-concur in the amendments made to the bill by the House of Representatives.

Mr. HARRIS. Let the amendments be read.

The VICE-PRESIDENT. The amendments of the House of Representatives will be stated.

The Chief Clerk read the amendments.

The VICE-PRESIDENT. The Senator from Wisconsin moves that the Senate non-concur in the amendments made to the bill by the House of Representatives.

The motion was agreed to.

Mr. SPOONER. I move that the Senate insist upon its disagreement to the House amendments and request a conference on the disagreeing votes of the two Houses.

Mr. ALLISON. May I ask the Senator from Wisconsin what disposition has been made of the bill relating to a public building at Cedar Rapids, in the State of Iowa?

Mr. SPOONER. It gives me great pleasure to inform the Senator from Iowa that the Senate at its last sitting non-concurred in the amendments made by the House of Representatives to the Cedar Rapids bill and the Burlington bill, and that a conference has been requested.

Mr. HAWLEY. Can the Senator give me the same assurance about the New London public-building bill?

Mr. SPOONER. I can assure the Senator from Connecticut if he will have patience that the New London bill will come along in season.

The VICE-PRESIDENT. The Senator from Wisconsin moves that the Senate insist upon its disagreement and request a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. MORRILL, and Mr. VEST were appointed.

#### TREASURY NOTES AND BULLION.

The VICE-PRESIDENT. Is there further morning business? If not, that order is closed.

Mr. REAGAN. In pursuance of the notice given by me on Saturday, I call up the bill (S. 2350) authorizing the issue of Treasury notes on deposits of silver bullion and the bill (S. 1558) to provide for the free coinage of both gold and silver, and for the issuance of coin certificates to circulate as money, and for the retirement of United States legal-tender and national-bank notes of small denominations, and for other purposes, with a view of submitting some remarks thereon.

The VICE-PRESIDENT. The Chair hears no objection, and the Senator from Texas will proceed.

Mr. REAGAN. Mr. President, the Senate bill No. 2350, "authorizing the issue of Treasury notes on deposits of silver bullion," as reported by the Committee on Finance, deserves most serious consideration. I suppose it is intended to relieve the country from the evil effects of the worse than blunder of Congress in suspending the coinage of silver dollars by the act of February 12, 1873. It is a hopeful sign that a Republican Senate should join in this great work, though the remedy proposed may not be the best. It is something to the country that the existence of this great wrong has at last been recognized and admitted, and that a remedy may now be hoped for.

I will go beyond a strict discussion of the merits of this bill, and will inquire what are the causes and what the meaning of all the complaints of hard times and scarcity of money, burdensome debts, and mortgaged farms, which are coming to us from all parts of the country? And what are the remedies for these grievances?

Gold and silver have been the money of the world as far back as we know either its history or its traditions. These constituted the money of the mother country and of the English colonies before they became American States.

The Constitution of the United States provides that—

The Congress shall have power to coin money, regulate the value thereof, and of foreign coin.

And that—

No State shall \* \* \* coin money \* \* \* or make anything but gold and silver coin a tender in payment of debts—

Thus making gold and silver coin the lawful and constitutional money of this country.



For a more full understanding of this important question I submit the following statements as to amounts of the precious metals.

The world's estimated product of the precious metals from 1498 to 1889, as estimated by Dr. Soetbeer from 1493 to 1879, and by the American Almanac from 1880 to 1886, and E. O. Leech, Director of the Mint, from 1887 to 1889, has been:

Of gold .....	\$5,740,918,565
Of silver .....	7,222,227,433
Aggregating .....	12,963,546,435

I do not assume that the whole of this is now available as money, as there has been some loss by abrasion and by other casualties, and a still greater reduction by the amount which has gone into the arts.

I also give the world's estimated production of the precious metals from 1873, when Congress suspended the coinage of silver dollars, to 1889. It was:

Of gold .....	\$1,666,150,000
Of silver .....	758,495,000
Aggregating .....	2,424,645,000

The estimated production of the precious metals in the United States from the organization of the Mint, in 1792, to 1889 was:

Gold .....	\$1,839,061,769
Silver .....	921,645,000
Aggregate .....	2,760,706,769

The production of the precious metals in the United States from 1873, when Congress demonetized silver, to 1889 was:

Gold .....	\$804,600,000
Silver .....	850,300,000
Aggregate .....	1,657,900,000

The production of the precious metals in the United States from 1878, when Congress provided for the limited recoinage of silver, to 1889 was:

Gold .....	\$420,075,000
Silver .....	584,145,000
Aggregate .....	1,004,220,000

I have thought it best to make these statements to aid in an understanding of the questions I shall discuss, and to show, approximately at least, the amount of metal money which is employed in and produced by this country, and to show the relative amounts of gold and silver so employed.

The amount of coinage in the mints of the United States from the organization of the Mint to June 30, 1889, was as follows:

Five-cent pieces .....	\$9,917,060.90
Three-cent pieces .....	940,785.45
Two-cent pieces .....	912,020.00
One-cent pieces .....	8,754,804.06
Half-cent pieces .....	39,926.11
Gold .....	1,500,666,207.00
Silver .....	567,291,251.45
Minor coins .....	20,564,596.52
Aggregate .....	2,109,086,651.49

Omitting the several kinds of minor coins, this table shows that there has been coined since the organization of the mint \$933,375,045.55 more gold than silver.

By the eleventh section of the act of Congress of April 2, 1792, it was provided that the proportioned value of gold and silver coins should be as 15 to 1; "that is to say, every fifteen pounds weight of pure silver shall be of equal value in all payments with one pound weight of pure gold." By this act silver was overvalued as compared with the standards of other countries. The effect of this was to some extent to drive gold out of the country.

By the ninth section of the act of Congress of January 18, 1837, the proportioned value of silver to gold coins was made as 16 to 1. By this act silver was undervalued as compared with the standards of other countries, which, in about all the commercial nations of the world, was then, as now, 15½ to 1. This undervaluation of our silver-dollar coins, making them worth about 3 per cent. more than coins of like denominations in Europe and elsewhere, it is believed caused the exportation of much of the silver bullion produced in this country up to the time of the degradation of silver by the legislation of the United States and of the most of the nations of Europe; and it is believed that this fact accounts for the very limited amount of silver coinage from 1837 to 1878, at which latter date Congress provided for the compulsory coinage of not less than two million nor more than four million dollars worth of silver bullion per month.

The bill under consideration proposes to repeal so much of the act of 1878 as requires the coinage of not less than two million nor more than four million dollars' worth of silver per month, and to require the Secretary of the Treasury to purchase silver bullion to the amount of \$4,500,000 worth per month, and to issue Treasury notes for a like amount, redeemable in the lawful money of the United States, and made receivable for customs, taxes, and all public dues, and which,

when held by national-banking associations, may be counted as part of their lawful reserve.

If this bill should become a law it would no doubt give temporary relief to the people, but I think it is to be regretted that the committee did not report a bill providing for the free and unlimited coinage of silver the same as of gold.

While this bill provides for a largely increased use of silver it perpetuates the legal discriminations now existing against silver and in favor of gold. It still retains for the Government the exclusive privilege of coining on Government account silver bullion as money, while gold is coined for any private person who may take it to the mints free of charge. And this bill recognizes the idea that there is too much silver produced and that the amount to be put in circulation must be limited by law.

It was not the great amount of the world's product of silver nor the amount of silver in circulation which caused its deterioration in value; for at the date of the passage of our act of Congress in 1873, suspending the coinage of silver dollars, our silver dollars were commanding a premium above gold. The reason for the demonetization of silver was that it would increase the value of gold and of bonds and other evidences of indebtedness, and that it would increase the value of fixed incomes; that it would tend to enrich the creditor classes and those who owned money. This would, of course, in a corresponding degree increase the burdens of those who were debtors, whether persons, corporations, or States, and of those who create wealth by labor. It was inspired chiefly by the English and German bondholders, by the privileged and wealthy of Europe who lived on fixed incomes, and by the bondholders and bankers of this country. It sprang from the venal and corrupt motives of those who designed to enrich themselves by oppressing and wronging others. And I am persuaded history will write it down as the greatest legislative crime and the most stupendous conspiracy against the welfare of the people of the United States and of Europe which this or any other age has witnessed.

While the masses of the people of this country and of the Governments of Europe which participated in this conspiracy all suffered greatly from the effects of silver demonetization, the holders of gold have, by this policy, had their hoards increased about 30 per cent. in value. The holders of Government and corporate securities have realized a like or greater increase in their value. And those who enjoy fixed incomes find the purchasing power of those incomes greatly increased.

The United States was, in 1873, as now, a great debtor country. The several States, nearly all of them, the municipal corporations of this country, most of them, and the railroads, and many other corporations of this country were debtors then, as they are now, to an enormous extent, mostly to English capitalists, but to a considerable extent to German capitalists, not to speak of the great aggregate of indebtedness of joint-stock companies and individual citizens of this country. And on this account it was against the interests and policy of this country to add some 33 per cent. to this vast volume of indebtedness, as was done by the demonetization of silver in 1873. The United States, then as now, was the largest silver-producing country in the world.

The world's production of silver during the calendar years 1878 to 1889, inclusive, was \$1,368,200,000. The production of silver in the United States during the same time was \$584,145,000. It is thus seen that during the last twelve years the United States has produced about 43 per cent. of all the silver produced in the world. A principal effect of the demonetization of silver was greatly to depreciate this vast fund of wealth in its value while reducing the value of all other property to gold prices. The royal commission of Great Britain, in 1886, which was appointed to investigate the recent changes in the relative values of the precious metals, estimate that the reduction of the prices of commodities generally was about 33 per cent. by demonetizing silver. Other authorities estimate this reduction at from 30 to 35 per cent. The value of all the property in the United States in the year 1850 was estimated at \$7,135,780,228.11. In 1860 it was estimated at \$16,159,616,068. In 1870 it was estimated at \$30,068,518,507. In 1880 it was estimated at \$43,642,000,000. These estimates are taken from Spofford's Almanac for 1890. The New York World Almanac for this year estimates, on the authority of the financial officers of each State and Territory, that the value of the property in the United States is this year \$61,459,000,000. If the revolution in prices caused by the degradation of silver has reduced the value of this property by the sum of 33 per cent., it means a loss to the owners of this property \$18,437,700,000.

The wages of labor went down in very nearly the same ratio. And by the depression of business thousands of laboring people in this and other countries were thrown out of employment. And Senators will remember how bankruptcy and financial ruin spread their sickening pall all over this country from 1873 until 1878 and the vast amount of property which, during that time, was sold for taxes, because money was so scarce and dear that a large part of the people could not obtain it to pay either debts or taxes.

On December 31, 1888, Poor's Manual shows the interest on the indebtedness of the railroads of the United States to have been \$361,835,317.69.

The net earnings of these railroads for that year was \$382,261,557, only \$20,426,240 more than the interests on their debts.

The same authority shows that the excess of available revenue over actual payments for that year was only \$14,708,010; which was the sum available for that year for the payment of their enormous debts and their accruing interest of about 7 per cent. per annum. The interest on some of this indebtedness is higher and on some lower than the rate above supposed. But the average is probably about 7 per cent.

These figures are presented to show how difficult, if not impossible, it will be for our American railroads to pay their indebtedness in gold with the prices of commodities and of transportation reduced to gold rates.

Most of this indebtedness was created when gold and silver and United States legal-tender notes were the current and lawful money of the country, and before the prices of commodities and of transportation had been reduced by the demonetization and degradation of silver by our own and other countries.

With values reduced 33 per cent. by the degradation of silver by the combined action of the United States and the Governments of Western Europe this would be equal to adding to the indebtedness of our railroads the sum of \$1,705,795,069, increasing it to the sum \$6,874,871,036. It would require, on the basis of last year's receipts, the entire net earnings of our railroads for about eighteen years to pay the principal of this indebtedness without reference to the supposed interest of \$361,835,317 which would accrue annually. And this without being compounded would, in eighteen years, produce an aggregate of interest of \$6,513,035,706. In the year 1873, when silver was demonetized, the public debt of the United States amounted \$2,234,482,993.

The reduction of the value of commodities and labor out of which this debt was to be paid 33 per cent. by the demonetization of silver resulted substantially in increasing the debt about \$737,379,387.

The State, county, and municipal debts in the United States in the year 1880, as shown by the census, amounted to \$1,056,584,146. Thirty-three per cent. of this sum makes \$348,672,768.

We have no means of determining the amount of other descriptions of corporate indebtedness and of the debts of associations and individuals, the payment of which, like those just mentioned, was influenced and rendered more difficult by the demonetizing of silver. But their aggregate doubtless amounted to more than a thousand million dollars.

Now, let us recapitulate the supposed increase of the items of known indebtedness as just stated:

Increase of railroad indebtedness.....	\$1,705,795,069
Increase of national debt.....	737,379,387
Increase of State, county, and municipal debts.....	348,672,768

Aggregating..... 2,791,847,224

I make these statements to show that the act of Congress of 1873 demonetizing silver, in connection with the hostile policy of Great Britain and Germany and the Latin Union and other governments of Europe towards silver as money, was the equivalent, to the people of the United States, of the creation of a new debt of \$2,791,847,224 in connection with the three items of indebtedness I have mentioned above. How great the other burdens of debt and taxation imposed on our people in connection with other classes of corporations and associations and individuals by this legislation and policy I have no means of stating, but it must have been enormous.

Now, let us not forget that this was debt created by law, for which those who have to pay it received no consideration and for which those who received it have not paid anything. It was simply the transfer of that enormous amount of values from one class of our people, without price or consideration, by a bold, bald, audacious, and fraudulent piece of legislation, for the purpose of making the rich richer and the poor of the country poorer, of making dear money and cheap labor and property.

Will this Senate continue to sanction this great wrong and outrage and refuse to adopt a partial remedy by restoring our ancient and constitutional currency of silver and gold, without any legal discrimination against silver? I say "partial remedy," because much injustice, much wrong, has already been done by demonetizing silver which can never be remedied.

The reduction of the value of farms, factories, and other kinds of property and labor in this country by the degradation of silver is almost incalculable. This policy has been the cause of the sacrifice of thousands of homes, and has entailed a vast amount of poverty and suffering on the people, for which no action which Congress can take can ever reward them. In the name of justice and humanity let us now, by an act of wise statesmanship, protect our people against such wrongs in the future.

These percentages of loss may to some extent have been influenced by other causes, such as the increased use of improved machinery and improved facilities for transportation. But I think there can be no doubt that it is mainly due to the efforts of the capitalistic classes to control the financial policy of this and other countries, so as to enrich the few at the expense of the many. I submit the following table to illustrate the fall of the prices of various staple commodities from the year 1873, when silver was demonetized by the United States, to the

year 1886, as shown by the American Almanac. I have not the data to show later and lower prices:

## WHEAT, PER BUSHEL.

Years.	Highest price.	Lowest price.	Average price.	Decrease, per cent.
1873.....	\$2.25	\$1.50	\$1.90	.....
1878.....	.90½	.86	.90½	52.3

## MESS PORK, PER BARREL.

1873.....	\$19.00	\$13.00	\$16.00	.....
1878.....	12.00	10.00	11.00	31.3

## RAW COTTON, PER POUND.

1873.....	\$0.21	\$0.13	\$0.17	.....
1878.....	.09½	.08½	.08½	48.3

## FLOUR, PER BARREL.

Years.	Highest price.	Lowest price.	Average price.	Decrease, per cent.
1873.....	\$7.25	\$4.62	\$5.93½	.....
1878.....	3.50	2.15	3.07½	48.3

## CORN, PER BUSHEL.

1873.....	\$0.77	\$0.53	\$0.63½	.....
1878.....	.55	.43	.47	26.3

## SALT, PER SACK.

1873.....	\$3.50	\$3.00	\$3.25	.....
1878.....	2.15	.70	1.42½	56.4

Average per cent. of decrease, 43.3 on these staple articles.

As additional evidence of the continuous reduction of the prices of farm products, I submit the following table, showing the relative amount and value of the corn, wheat, and oats crops of the United States for the years 1888 and 1889, as shown by the report of Mr. J. R. Dodge, the statistician of the Agricultural Department, for December, 1889, giving the increase in the number of bushels of each and the decrease in the value of each from 1888 to 1889:

## CORN.

Years.	Bushels.	Increase in quantity.	Value.	Decrease in value.
1888.....	1,987,790,000	.....	\$677,561,580	.....
1889.....	2,112,892,000	125,102,000	597,918,830	\$79,642,750

## WHEAT.

1888.....	415,868,000	.....	385,248,030	.....
1889.....	490,560,000	74,692,000	349,491,707	42,756,223

## OATS.

1888.....	701,735,000	.....	195,421,240	.....
1889.....	751,575,000	49,790,000	171,781,006	23,640,232
Aggregates.....	.....	249,665,000	.....	145,942,215

Average decrease in value, 13.57 per cent.

While such of the foregoing were some of the consequences of the demonetization of silver upon the interests of the people of this country, let us see how it affected the interests of Great Britain and Germany. Great Britain produced very little silver, and therefore had to make but little sacrifice in taking from it the quality of money. The United States produced a great deal of silver, and therefore had to make a great sacrifice in impairing its use as money. The following table shows the amount of silver produced in the United States and Great Britain, respectively, during the years of 1883, 1884, 1885, and 1886:

	1883.	1884.	1885.	1886.	Aggregate.
United States.....	\$46,200,000	\$48,800,000	\$51,600,000	\$51,000,000	\$197,600,000
Great Britain.....	209,000	335,000	316,000	420,750	1,280,750

This table shows that the United States produced during those years more than one hundred and fifty-four times as much silver as Great Britain. And by the demonetization of silver in 1873, in addition to other losses, the interests of tens of thousands of men engaged in silver mining and of their dependent families were to a large extent sacrificed



by that Congress. While the interests of our people in these many respects were being thus sacrificed, Great Britain, by the shrewdness of her statesman and financiers, was enriching her people as the result of the stupidity of our Congress.

Our silver dollars of 412½ grains of standard silver, from the year 1834 to 1873, had ranged from the par of gold to a premium of 4.69 per cent. above gold. Since 1873 the discount on our silver dollars has ranged from 1.4 per cent. to the present discount of over 28 per cent.

Great Britain has profited by our folly by buying the greater part of our silver bullion at the current London rates of discount and coining it into rupees and using them or the bullion so purchased at par in her trade with India.

The amount of silver produced in the United States, at coinage rates, from 1873 to 1889, inclusive, was \$584,145,000. The discount on silver in the London market during the years just named averaged about 15 per cent. If all this had been sold in Great Britain, as the greater part of it was, our loss and her gain would have been \$87,621,750 in the single item of discount on silver bullion.

Great as this sacrifice has been to the people of this country and great as the profit growing out of it has been to Great Britain, it is the smallest part of the profit that country has derived from the demonetization of silver.

Capitalists of Great Britain own, and did then own, hundreds of millions of dollars' worth of the interest-bearing bonds of other countries and of the corporations of other countries. They are the owners and holders of a considerable part of the bonds of the United States, of the bonds of the several States, of the bonds of the municipal corporations of this country, and of the bonds of the railroad corporations of this country. The bonds they hold on this and other countries constitute a considerable part of their dividend-paying property. It is to the interest of Great Britain to give these bonds the largest value.

To reduce the volume of the money of the world and the kinds of money out of which they can be paid is to increase the difficulty of paying them, by reducing the value of the property and labor required for their payment. For instance, a million bushels of wheat in 1873, when the average price of wheat was \$1.90 cents per bushel, would have paid off \$1,900,000 of American indebtedness. While a million bushels in 1886, when wheat was only worth 90½ cents a bushel, would only have paid off \$907,500 of our indebtedness to that country.

So a million pounds of raw cotton in 1873, when its average price per pound was 17 cents, would have paid off \$170,000, while a million pounds of cotton in 1886, when it was worth 8½ cents a pound, would only have paid off \$88,880 of our debts to Great Britain. Germany has the same kind of an interest in this respect which Great Britain has, only in a less degree, as her people hold a less amount of the bonds of other countries.

The interest of the capitalists of both those countries was to secure the adoption of a financial policy which would make money scarce and dear and property and labor cheap, while on account of the large indebtedness of the governments, corporations, and people of this country, our true interest was to have had an ample volume of money with good prices for property and labor. And our statesmen and financiers owed it to our people to sustain such a policy instead of weakly or wickedly aiding to carry out the British and German policy by demonetizing silver.

The monometallists, the bondholders, most of the bankers and large money-holders, and many of those who have fixed incomes in this and other countries continue their war on silver as money. They are continuing this struggle for dear money and cheap labor and cheap property. It is this that justifies, at this time, my review of the unwise and impolitic demonetization of silver. The pretense for this was that there was too much silver.

That pretense is answered fully by the fact that from the time of the adoption of the ratio between gold and silver of 16 to 1 by the act of Congress of January 18, 1837, until the passage of the act of February 12, 1873, which suspended the coinage of silver dollars, that is, for the thirty-six years immediately preceding our demonetization of silver, it was continuously at a premium over gold. In 1854 that premium was 4.26 per cent. and in 1857 it was 4.67 per cent. These facts show conclusively that silver coinage was not suspended on account of its value as money being reduced by its abundance, for our silver dollars up to that time were worth more than our gold dollars, but that its depreciation was due alone to the hostile legislation of this and other countries.

This review is also made necessary by the fact that every administration of the Federal Government from the time of the passage of the Bland-Allison law of 1878, providing for the coinage of not less than two million nor more than four million dollars' worth of silver bullion per month, has been hostile to silver coinage; and each of these Administrations has limited the amount of silver coinage to about the minimum amount prescribed by that law. And the officers of the Treasury Department have all this time used their official positions and influence to degrade silver for the benefit of capital and to the injury of the industry and labor of the country. And in my opinion each of these Administrations and every officer who has so acted ought to be held up to public reprobation for the violation of this great public trust.

The same interests and the same influences which have opposed

silver coinage in this country have induced Congress and the Treasury Department, under the third section of the act of Congress of January 14, 1875, "to provide for the resumption of specie payments," and under the twelfth section of the act of June 12, 1882, "to enable national-banking associations to extend their corporate existence, and for other purposes," held idly and uselessly in the United States Treasury from year to year for ten years \$100,000,000 in gold on the pretense that this was necessary to enable the Government to redeem and retire from circulation the outstanding legal-tender (greenback) notes. And this large sum of gold has for years been withheld from circulation and from use in the business and industrial interests of the country in disregard of the provisions of the act of May 31, 1878, "to forbid the further retirement of United States legal-tender notes," which provides that "when any of said notes may be redeemed or be received into the Treasury under any law from any source whatever, and shall belong to the United States, they shall not be retired, canceled, or destroyed, but they shall be reissued and paid out again and kept in circulation."

I refer to this among other things to show that for years the Treasury Department has disregarded the requirements of an act of Congress designed for the benefit of the general public, by preserving the legal-tender notes as a part of the money of the country instead of a part of the public indebtedness, and under which this reserve of \$100,000,000 of gold should have been released and should have gone into circulation. But the national banks wanted the legal-tender notes retired so that they might supply their place with bank paper, while the bondholders, large money-holders, the creditor class, and those having fixed incomes required the contraction of the volume of circulating money. And their will seems to govern the financial policy of the United States instead of considerations looking to the general good of the public.

We are informed by the Secretary of the Treasury in his last annual report that the Government sold \$100,000,000 of 4 per cent. bonds to accumulate \$100,000,000 in gold, to be held for the redemption of the outstanding legal-tender notes; and that—

We have already paid out \$40,000,000 interest on these bonds, as a portion of the cost of maintaining the outstanding \$340,000,000 of United States notes, and we are still paying \$4,000,000 a year for that purpose.

That is, we have already paid \$40,000,000 for the luxury of keeping \$100,000,000 of gold idle in the Treasury, to redeem notes which the law requires to be kept in circulation, and instead of using that hoard to pay \$100,000,000 of our public debt and to relieve the people from paying \$4,000,000 interest a year, we tax them \$4,000,000 a year to keep \$100,000,000 of gold out of circulation.

In view of the fact that the Government collects annually about \$400,000,000 of revenue and has an annually increasing surplus of revenue in the Treasury, the Secretary of the Treasury made, without comment, a statement which leaves the impression that the sacrifice of \$4,000,000 a year is necessary as a means of maintaining at par the outstanding legal-tender notes. I doubt if there is an intelligent person in the country, outside of the Treasury Department and of the class benefited by the present financial policy of the Government, who does not know that the people prefer the legal-tender notes to gold. And there is no reason to doubt that, if this \$100,000,000 of gold were paid out and put in circulation and the public debt and interest on it reduced by that means, still the legal-tender notes would remain at par with gold.

In this statement I do not forget the relative dates of the acts of Congress of 1875 and 1882 to which I have just referred. But the latter act does not repeal the former, and the retention of that large sum of gold in the Treasury is certainly unnecessary for the redemption or for the preservation of the value of the legal-tender notes as currency.

Besides the wrong of keeping this large sum of money out of circulation, I submit that while the Government is collecting a million and a half dollars of revenue a day, even if the legal-tender notes were required to be redeemed, it would not be necessary for it to retain so large a reserve as this. Its position is entirely different from that of a bank, which draws no revenue from the public except the interest on its loans, and its policy, by the rules of common sense, ought also to be different.

I call attention to the following paragraph in the late annual report of the Secretary of the Treasury:

If the issue of silver dollars, or the certificates which represent them, should become so numerous as to endanger the free circulation of gold and its representatives, gold certificates and legal-tender notes, the dues of the Government would soon be paid in silver, and as heretofore the interest and principal of the obligations of the Government have been paid in gold, it would only be a question of time when the specie reserve in the Treasury would change from gold to silver to such an extent as to force the Secretary to pay out silver.

The Secretary seems to forget that the customs duties, which constitute the principal part of the revenues of the Government, are now payable in silver and silver certificates and have been for twelve years past. The financial policy of the present Administration, as of all its predecessors for the last seventeen years, draws its inspiration from the bondholders and money-sharks of Great Britain, Germany, and this country, and gets its law from Wall street for the virtual repeal of the act of Congress which makes silver dollars and legal-tender notes a lawful tender in payment of all debts, public and private, except the interest on the public debt.

Wall street and the Treasury Department recognize silver dollars as a good legal-tender in the payment of public contractors and the officers of the Government and in the payment of the Army and Navy and pensioners; but this Administration, like its predecessors, assumes that nothing but gold is good enough to pay to the bondholders. In reaching this conclusion it seems to have been convenient for the present and past Administrations to forget that these bonds originally cost the holders of them only about 50 cents in specie on the dollar.

Notwithstanding this fact, they have by the unjust policy of the Government been made its preferred creditors and have been allowed to dictate the financial policy of the Government. And this will continue to be the case until we elect a President who may draw his financial inspirations from the people of this country and from the consideration of what is their interest, and who will not permit Wall street to dictate to him who shall be Secretary of the Treasury. In this connection I wish to call attention to a few other paragraphs in the recent annual report of the Secretary of the Treasury. He says:

The continued coinage of the silver dollar, at a constantly increasing monthly quota, is a disturbing element in the otherwise excellent financial condition of the country, and a positive hindrance to any international agreement looking to the free coinage of both metals at a fixed ratio.

Mandatory purchases by the Government of stated quantities of silver and mandatory coinage of the same into legal-tender dollars are an unprecedented anomaly and have proved futile, not only in restoring the value of silver, but even in staying the downward price of that metal.

The Secretary also forgets that we had the unlimited coinage of silver for eighty-one years, from 1792 to 1873, without disturbance of our finances on that account, and at par with gold all that time.

Again he says:

Surely the stock of these dollars which can perform any useful function as a circulating medium must soon be reached, if it has not been already, and the further coinage and storage of them will become a waste of public money and a burden upon the Treasury.

Again:

While many favorable causes have co-operated to postpone the evil effects which are sure to follow the excessive issue of an overvalued coin, the danger none the less exists.

Again:

The amount of gold and gold certificates owned by the people and in circulation, exclusive of \$187,572,386 owned by the Treasury on November 1, 1889, was \$196,622,300. Free coinage of silver dollars would, as already stated, very soon put this large amount of gold at a premium and cause it to be hoarded or exported, and thus retire it from circulation.

We were told a few years ago by a Secretary of the Treasury that the country could not stand more than \$50,000,000 of silver coin. And we have from time to time been warned in many ways that silver coinage would drive the gold out of the country. But we have gone on coining silver up to \$343,638,001 on the 1st of November last; and still the increasing accumulation of gold in the Treasury and in the country goes on, from \$213,199,977 in 1873, when we commenced the limited coinage of silver, to \$680,063,505 last year, as shown by the following table:

Revised estimate of the stock of metallic money in the United States at the close of each fiscal year ending June 30, 1873, to June 30, 1889.

GOLD.

Year.	Coin.	Bullion in mints.	Fine bars in sub-treasury, New York.	Total coin and bullion.	Estimate of—
1873	\$119,330,019	\$15,669,961	.....	\$135,000,000	Director Linderman.
1874	137,708,051	9,671,442	.....	147,379,493	Director Burchard, less deductions for employment in arts and error.
1875	111,507,562	6,259,631	\$3,367,713	121,134,906	Do.
1876	120,368,663	6,320,511	3,367,713	130,056,907	Do.
1877	158,456,111	7,677,648	3,367,713	167,501,472	Do.
1878	225,794,675	7,495,102	.....	213,199,977	Do.
1879	240,466,008	5,273,834	2,483,784	245,741,857	Do.
1880	308,633,996	40,723,426	2,483,784	351,841,206	Do.
1881	389,452,058	86,548,696	2,500,000	478,484,538	Do.
1882	450,557,490	53,700,225	.....	506,757,715	Do.
1883	486,980,099	55,801,964	.....	542,732,063	Do.
1884	501,307,747	44,198,050	.....	545,500,797	Do.
1885	521,849,941	66,847,095	.....	588,697,036	Director Kimball.
1886	548,330,031	42,454,430	.....	590,774,461	Do.
1887	569,008,065	85,512,270	.....	654,520,335	Do.
1888	595,349,837	110,469,018	.....	705,818,855	Do.
1889	614,068,360	65,993,145	.....	680,063,505	Director Leech.

E. O. LEECH, Director of the Mint.

TREASURY DEPARTMENT,  
BUREAU OF THE MINT, March 11, 1890.

Further on he says:

Every silver dollar coined at the ratio of 16 to 1 (actually 15.98 to 1) is an additional obstacle in the way of the adoption of any practicable ratio by international agreement, which is the only final solution of the silver question.

No one knows better than the Secretary of the Treasury that it is not possible to secure an international agreement as to silver coinage as long as the capitalists of Great Britain and Germany believe they are securing advantage and profit by degrading silver. The Latin Union and other governments of Europe will not agree to any arrangement on this

subject without the concurrence of Great Britain and Germany. And while the masses of the people of those two governments need and want silver coinage, as our people do, the wealthy and titled classes there control the financial as well as all other questions of public policy.

The capitalists there know as well as we do the advantage they are deriving from the present vicious policy in relation to silver. They will not surrender that advantage until forced to do so by the distress of their own people. The talk here about an international agreement on this subject is no doubt intended to amuse and delude our people and to postpone any action by the Government of the United States for their relief.

The President of the United States is understood to indorse the financial policy of his Secretary of the Treasury.

After referring in his recent annual message to the fact that neither the present Secretary of the Treasury nor any of his predecessors had deemed it safe to exercise the discretion given by the law to increase the monthly purchases of silver bullion for coinage into silver dollars, they having heretofore limited such purchases to about the minimum provided for, the President says:

I think it is clear that if we should make the coinage of silver at the present ratio free we must expect that the difference in the bullion values of the gold and silver dollars will be taken account of in commercial transactions, and I fear the same result would follow any considerable increase of the present rate of coinage. Such a result would be discreditable to our financial management and disastrous to all business interests. We should not tread the dangerous edge of such a peril. And, indeed, nothing more harmful could happen to the silver interests.

I quote the above extracts to show, among other things, how thoroughly the present Administration is opposed to the free coinage of silver dollars, notwithstanding the President in his annual message and the Secretary in his annual report express themselves as being in favor of silver as money. I appeal to the Senate and to the country to require our Secretaries of the Treasury to obey the acts of Congress, made for the good of our people, and to cease their subservience to the selfish interests of bondholders and large money-holders, by surrendering themselves to the guidance in financial law and morals of Wall street.

The functions and value of silver dollars depend mainly on their use.

The policy of our Government of late years and the policy of the present Administration is to assume that the product of silver is too great to admit of its use as money, that its coinage should be limited, that it must be treated as a commodity and used for what it is worth as a commodity.

I am aware that both the President and the Secretary of the Treasury have used expressions in treating of this question which indicated that the use of silver as money was desirable. But no one can read all they have recently said on the subject without feeling that those expressions were meant to propitiate the general public, while the effect of their policy and recommendations is against the free use of silver as money. They keep up the policy of holding our laws on this subject in abeyance and carry out a financial policy in conflict with them, as I will show further on.

The bill under consideration, while it proposes to enlarge the use of silver as money, falls into the trap of monometallists by recognizing the principle that too much silver is being produced, and that its coinage, or the use of its representative, silver certificates, must be limited. This bill perpetuates this legal discrimination against silver. And it perpetuates two other important legal discriminations against that metal: the one that the silver dollar shall not be a unit of value and the other that the Government is to have a monopoly of the coinage of silver bullion, and that it shall not be coined free for all holders of bullion, as gold is.

So it will be seen that I do not agree with what I understand to be the policy of the Administration on this subject or with the principles and purposes of the committee's bill.

I will recapitulate my objections to the committee's bill:

First. It perpetuates the legal discriminations against silver and in favor of gold.

Second. It fixes a legal limitation to the amount of silver to be coined.

Third. It denies free coinage to the holders of silver bullion, while allowing the free coinage of gold.

Fourth. It fails to make the silver dollar a unit of value the same as the gold dollars.

Fifth. It by implication admits that there is too much silver produced in the world to allow its free use as money.

These defects in the scheme of the bill are likely to perpetuate fluctuation in the value of silver and the value of marketable commodities.

I will suggest what seems to me to be a much wiser and better policy on this question than either of those I have combated. First, I would provide for the free and unlimited coinage of silver the same as of gold, and I would make the silver dollar, like the gold dollar, a unit of value. This would abrogate all legal discriminations against silver and restore it to its former status as money.

Second. I would require the Secretary of the Treasury to use silver as well as gold in the payment of our bonded indebtedness. This would serve the double purpose of giving it use, employment, as money, and it would at the same time put it into the possession of the classes



of men who have done so much to degrade it, and who would, when they had become the possessors of it, be interested in giving it full value and character as money. This course would without doubt do much towards restoring it to its par with gold. It would take away the temptation to degrade it. And it would place our Government in the just and logical position of desiring the use of silver as money and of doing justice to our own people by paying other public creditors in the same sort of money with which they pay our soldiers, sailors, pensioners, contractors, and public servants.

Third. I would call in the gold certificates and silver certificates now outstanding and issue in their stead coin certificates, and I would issue like coin certificates and use them at par for the purchase of gold and silver coin and bullion, and for any gold and silver coin or bullion which might come in the Treasury, and make these coin certificates redeemable in either gold or silver coin or bullion at the option of the Government; and I would make them receivable for all public dues and taxes, a lawful tender in the payment of all public and private debts, and allow them to be counted as so much of the reserve required to be held by the national banks. In this way I would have the Government hoard as much gold and silver coin and bullion as it could; and by so doing make it the interest of the governments of Europe to accept silver again as money at the customary ratio with gold.

Whatever doubt may be entertained as to the soundness of the opinion of the Supreme Court of the United States in holding that the issue of legal-tender notes of the Government, which rest on the general promise of the Government for redemption, was warranted by the Constitution, it seems to me there could be no difficulty in making coin certificates, which would simply be the representatives of so much gold and silver coin in the Treasury, a legal tender. These certificates would be the same as that much coin.

Fourth. I would also issue coin certificates on the \$100,000,000 of gold now held in the Treasury for the pretended redemption of legal-tender notes, or use the gold as might be thought best along with silver in paying off so much of the public debt and thus relieve the people of that much of the principal and the annual \$4,000,000 of interest on that debt.

Fifth. I would provide for the retirement from circulation of all legal-tender and national-bank notes of denominations less than \$10 and substitute the small legal-tender notes thus retired by the issuance of legal-tender notes of denominations of \$10 and more; and I would issue coin certificates to take their place and to take the place of the national-bank notes of denominations less than \$10, and thus by use give value to the coin certificates.

Such a course would enable us to get the full benefit of our extensive mines of gold and silver. It would give us a steady and reliable currency free from fluctuations, and (with the \$346,000,000 of legal-tender notes) of sufficient volume, and it would make our Government the master of its own financial policy and enable it to defy the intrigues of money sharks to use it for selfish, unjust, and unpatriotic purposes.

The coinage of \$4,500,000 of silver annually, or its use as bullion upon which to issue Treasury notes, as provided by the committee's bill, would still be a recognition of a necessity for fixing a limit to the amount of silver to be used, would preserve the Government monopoly of its coinage, and would leave it subject to fluctuations in price.

The public mind is now ripe for just legislation on this question. The question is better understood than ever before, and it is now before us for consideration. The best interest of our own country and of mankind requires its settlement, not by means of a compromising expedient which may seem to tide over present troubles for a time, not with a view to the promotion of class and selfish interests, but upon sound financial principles, and so as to do justice to all, and so as to make the United States lead the nations of Europe out of the mire of wicked speculation into a condition of financial confidence and prosperity.

On the 20th day of December last I introduced a bill, Senate bill 1558, made up mainly from the provisions contained in a bill introduced by the Senator from Nevada [Mr. STEWART] and one introduced by the Senator from Kentucky [Mr. BECK], proposing such legislation as I have just suggested. At the proper time I will offer that bill as a substitute for the bill reported by the Finance Committee now under consideration.

No more important question than that under consideration could occupy the attention of the Senate, and I trust the result of our action may prove to be a blessing to our own and to other countries.

In view of the depressed condition of the agriculture of the country and the reduced values of all kinds of property and of the wages of labor we can not afford to let the present session of Congress end without the passage of measures to remedy these evils. Congress and the State Legislatures have commenced the great work of economic reform by the subordination and control of our great lines of transportation by the political authorities.

Let us continue this great work:

First. By providing for the free and unlimited coinage of silver and the issuance of coin certificates.

Second. By the adoption of a tariff for revenue, limiting the amount to be collected to the actual needs of the Government economically ad-

ministered, so as to prevent the robbery of the farmers, laborers, and others for the benefit of the wealthy barons of protection.

Third. By the crushing out of existence, by Congressional and State legislation, of trusts and combinations in restraint of free trade among the people, for the purpose of raising prices on them and of plundering them to enrich corporations and monopolies.

Fourth. The repeal of all such legislation as is intended to benefit a part of the people at the expense of another part of them.

Fifth. The suppression of stock gambling in futures by the Legislatures of the several States and by Congress as far as it has power to act.

With these things done, and all combinations of capital against labor and production ended, there would be no further necessity for labor organizations as a means of protection against the combinations of capitalists and class legislation.

This would terminate the contentions and jealousies between different classes of people and allow all to go forward, under equal laws, in the race for success in business. It would restore the condition which many of us are old enough to remember, when there was no such thing as class legislation, class interests, or class prejudices; when every class respected the rights of every other class, and when all felt that they were blessed not only by the freest and happiest Government on earth, but by the fairest and most just laws on earth. Then every citizen was proud of the prosperity of every other citizen, and loved with patriotic fervor the Government which secured such blessings to all alike.

#### DEATH OF REPRESENTATIVE GAY.

Mr. GIBSON. I give notice that on Friday, the 18th proximo, I will call up the resolutions from the House of Representatives in regard to the death of Hon. Edward J. Gay, late a Representative in the House of Representatives from the State of Louisiana.

#### PENSION AGENTS.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Interior be directed to inform the Senate whether or not it is expedient to increase the number of pension agents in the United States.

Mr. SHERMAN also submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Committee on Pensions be directed to report to the Senate as to the expediency of increasing the number of pension agents in the United States.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 29th instant approved and signed the following acts:

An act (S. 3279) to suspend the enforcement of the act approved March 2, 1889, entitled "An act to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers;" and

An act (S. 1296) for the relief of the owners, officers, and crew of the British bark Chance.

#### PENSIONS TO SOLDIERS AND DEPENDENT RELATIVES.

Mr. DAVIS. I now move that the Senate proceed to the consideration of the unfinished business, the pension bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 389) granting pensions to ex-soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to dependent relatives of deceased soldiers and sailors.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. DAVIS. Before that is proceeded with, I desire to submit a verbal amendment. On page 4, section 3, line 16, I move to strike out the word "pensioner," and insert "officer or enlisted man"—a mere verbal amendment.

Mr. PLUMB. Is my amendment pending?

Mr. DAVIS. I stated that before that was acted on, I wished to offer a verbal amendment.

Mr. PLUMB. What is the amendment?

Mr. DAVIS. On page 4, section 3, line 16, I move to strike out "pensioner," and insert "officer or enlisted man."

The VICE-PRESIDENT. The amendment will be stated at the desk.

The CHIEF CLERK. On page 4, section 3, line 16, it is proposed to strike out "pensioner" and insert "officer or enlisted man;" so as to read:

That said widow was married to the deceased officer or enlisted man prior to the passage of this act.

Mr. PLUMB. You had better insert the word "soldier."

Mr. DAVIS. The phraseology of the act that precedes this reads in that way.

Mr. PLUMB. Very well.

The amendment was agreed to.

The VICE-PRESIDENT. The question now is on the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. BERRY. Is that the amendment offered by the Senator from

Kansas when the bill was last before the Senate in regard to repealing the limitation on the arrears of pension?

The VICE-PRESIDENT. It is.

Mr. BERRY. That is the amendment?

Mr. PLUMB. That is the amendment.

Mr. PADDOCK. That is the amendment which is now pending.

Mr. BERRY. I ask for the yeas and nays on the adoption of the amendment.

Mr. PADDOCK. It strikes me that the amendment ought to be read in full.

The VICE-PRESIDENT. The amendment will be read.

The CHIEF CLERK. It is proposed to add as a new section:

That section 2 of the act of March 3, 1879, chapter 187, entitled "An act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes," be, and the same hereby is, amended so as to read as follows:

"SEC. 2. That all pensions which have been or which may hereafter be granted in consequence of death occurring from a cause which originated in the service since the 4th of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, if the disability occurred prior to discharge, and if such disability occurred after the discharge then from the date of actual disability or from the termination of the right of the party having prior title to such pension; and in the consideration of any and all claims for pensions in consequence of death from, or disability resulting from, disease contracted in the service during the late civil war the person on whose account the said pension is claimed shall be conclusively presumed to have been sound and free from disease at the date of entering the service."

Mr. COCKRELL. I have just sent to the Senate document-room for a copy of this bill, which was ordered to be reprinted on last Saturday, and have received information that it has not been received there. I think it is remarkable that when an order was made to reprint a bill on Saturday it should not be in the document-room at 1 o'clock on Monday. I hope the Secretary of the Senate will take some means to ascertain whether the Public Printer received that copy and why it has not been returned here. We want the copy for examination in discussing the bill.

Mr. FAULKNER. I ask for information. Who offered the amendment just read?

The VICE-PRESIDENT. The Senator from Kansas [Mr. PLUMB].

Mr. FAULKNER. I wish to state that no such amendment or provision as the one read or embodied in that amendment was at all considered by the Committee on Pensions.

Mr. PLUMB. I will state in regard to the amendment that the proposition covered by it has been before the Committee on Pensions for a long time in the shape of bills offered to accomplish a purpose similar to that of the amendment which I have proposed. It is not a new subject by any means. It is one which has been agitated for a long time and grows out of the passage by Congress of the act of 1879, to which reference has been made. By that act only those who applied prior to the 1st day of July, 1880, were entitled to receive arrears, notwithstanding they might be able to prove that the disability for which they were pensioned occurred in the line of duty and had since continued.

The spectacle is therefore presented of the man who applied on the last day of June, 1880, receiving arrears and the man who applied the next day or the succeeding day being denied arrears, although his disability was of precisely the same character and covered the same period of time. The obligation of the Government to the first class has been recognized and fairly met; that to the second class, whose cases are covered by the amendment, are outstanding unsettled, and they deserve recognition at this time especially. There is no reason why the Government should not now respond to this sacred obligation, too long deferred, and every reason why there should be no further delay.

Mr. BERRY. I should like to inquire of the Senator from Kansas if the present Commissioner of Pensions has made an estimate of the probable cost which the adoption of this amendment would add to the bill. In other words, if the limitation on the arrears act be repealed, how much will it cost the Government? Has an estimate of that kind been made by the present Commissioner? If so, I ask the Senator to state what that estimate is.

Mr. PLUMB. The Commissioner of Pensions was interrogated by the House Committee on Pensions some weeks since, and, if my recollection now serves me, he said that the cost of this proposition, that is, the amount of money which would be necessary to discharge the obligation recognized by this amendment, would be about \$478,000,000. An estimate has been made by the chairman of the House committee which somewhat exceeds that, and perhaps puts the sum at \$500,000,000; but that the amount will be somewhere between \$470,000,000 and \$500,000,000, I presume can not be questioned. The amount is large, but not larger than the Government can readily meet, and if it were even larger there should be no hesitation about it.

It is not a question of amount; it is a question of the recognition of that obligation which the Government has heretofore freely conceded and about which there has never been any controversy either as to the soldiers of the late war or those of preceding wars, that whenever proof was made of the incurrence of disability in the line of duty there followed the obligation of the Government to respond according to such

ratings as had been established by law to be paid to the person who was suffering under the disability.

Mr. COCKRELL. Will the Senator permit me to ask a question for information?

Mr. PLUMB. Certainly.

Mr. COCKRELL. Has there ever been any law prior to that of 1879 which gave pensions back of the date of application?

Mr. PLUMB. There was a limitation under the law in existence at the time of the close of the war, of five years during which the application must be made, but the application being made during that period it related back to the date of the disability, and up to the time of the passage of the law of 1879 a large number of cases had accumulated, and at the time of the passage of that law it was supposed in a more or less definite way that the cases which had been filed would represent the larger number of beneficiaries of the act of 1879. The facts show that there was a very large number of people who had not then applied, but yet who were entitled by reason of the incurrence of disability in the line of duty to pension, and whose cases came in subsequent to the passage of the law of 1879.

But, Mr. President, Congress has in various cases removed similar limitations, and the Senator from Missouri has himself been instrumental in doing it on one or two occasions, especially in having the limitation removed in regard to claims for lost horses. There has always been a feeling that for the Government to insist upon a limitation in a matter of this kind, where it had all the instrumentalities for the allowance of claims in its own hands, was inequitable and unjust, and it was a recognition of this fact in the passage of the act of 1879 and the filing of claims subsequent thereto which brought to light the necessity for the adoption of this amendment.

Mr. DAVIS. Mr. President, I desire to state for the information of the Senate that there are pending before the Committee on Pensions some eight separate bills covering the entire question of arrears. While the committee have considered those bills, they have deemed it their duty to take up first the bill now under consideration, providing for those who are dependent upon their labor for their support, and who are on that account disabled. It has stood prior in desire and order of expressed wish by the persons interested for many years, and it has been the objective point of legislation in Congress for the last three Congresses. Logically and as a matter of relief it naturally and necessarily comes first.

The amendment of the Senator from Kansas is on a different subject, covering a different ground and introducing other considerations, and, until the bill now under consideration is disposed of, your committee have not felt free to report upon the other matters.

The VICE-PRESIDENT. Is the demand for the yeas and nays by the Senator from Arkansas [Mr. BERRY] seconded?

The yeas and nays were ordered.

Mr. FAULKNER. Before the yeas and nays are taken upon the amendment, I think it is fair and just to the Senate and to the committee to state that a matter of such grave importance as this should not be passed upon by the Senate without having been acted upon by the committee to whom it properly should be referred. In this case, as it has not been brought before the committee, it strikes me that the Senate should not approve of this method of introducing it into the Senate and trying to affix it upon an important measure and one so essential to the interests of those disabled as the bill now before us for our consideration. I hope, therefore, that the amendment will be voted down.

Mr. HARRIS. Before the vote is taken on the amendment I should be glad to know from the Senator from Kansas if he has any approximate or accurate estimate as to the amount of money that will be involved in his amendment if it is agreed to.

Mr. PLUMB. I have already stated that the Commissioner of Pensions has recently made an estimate for the benefit of the House committee on this subject to the effect that it would take somewhere between \$470,000,000 and \$480,000,000.

Mr. HARRIS. I had not heard that statement.

Mr. PLUMB. It has been estimated to be somewhat higher by other persons, but I should think it would be safe to say that the amount would be nearly or quite that estimated by the Commissioner of Pensions.

Mr. HARRIS. Within a range of \$500,000,000?

Mr. PLUMB. Somewhere in that neighborhood, I should say.

Mr. COCKRELL. In connection with the question of the amount involved in this proposition to allow arrears of pensions, I desire to present to the Senate the minority report made in the Fiftyeth Congress, first session, in the House of Representatives, being Report 2120, part 2, which contains a letter from the then Commissioner of Pensions, and also the views of the minority of the committee in that Congress in the House of Representatives. That report was submitted by Hon. JAMES P. WALKER, of Missouri. I send the document to the desk to be read.

The VICE-PRESIDENT. The paper will be read.

The Chief Clerk read as follows:

Mr. WALKER, from the Committee on Invalid Pensions, submitted the following views of the minority:

The undersigned, a minority of the Committee on Invalid Pensions, submits the following reasons why, in his opinion, said bill should not become a law.



From the last annual report of the Commissioner of Pensions, and also a special communication from him (a copy of which is hereto appended), the following facts are obtained: The total sum paid in pensions up to June 30, 1887, amounted to \$883,440,294. Add to this the amount paid in pensions the present fiscal year, ending June 30, 1888, say eighty millions, and we have a grand total to the present time of \$963,440,298 paid in pensions during the past twenty-five years.

In addition to the above our ever-increasing annual pension appropriations must be made, in order to meet present obligations to the ex-soldiers or those whom they have left dependent on them. The last annual pension appropriation bill, as it passed the House, amounted to the large sum of \$90,276,000.

The majority of the Committee on Invalid Pensions, in the face of these facts, gravely propose to add to the above the enormous sum of \$380,581,300, this being the amount estimated by the Commissioner of Pensions.

In the light of past experience with such estimates, all of which have fallen far below the actual amounts required, it is my deliberate judgment that the passage of the bill will necessitate the expenditure of at least five hundred millions. The majority of the committee suggest that this would be a splendid method of dissipating the surplus millions now in the Treasury. I desire to make the further suggestion that the passage of the bill would not only accomplish that purpose, but it would add several hundred millions to the annual tax burdens of a nation already weighted down under too much taxation.

The facts and figures show conclusively that the American people have not only been fair and just to the ex-soldiers, but have enacted pension laws with a liberality and generosity unparalleled in the pension legislation of any other country on earth. In behalf of the tax-paying public, a large majority of whom are struggling to make a living, many even struggling "to keep the wolf from the door," I respectfully dissent from the opinions of the majority and protest against the passage of the bill.

JAS. P. WALKER.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,  
Washington, D. C. May 19, 1888.

SIR: In response to your recent request that I furnish to you an estimate of the probable cost to the Government should the limitation imposed by the arrears acts of January 25 and March 3, 1879, be repealed, I have the honor to make the following statement, the estimates submitted being the result of a careful consideration of all the accessible data in this bureau:

To pay the arrears in invalid claims which have already been allowed I estimate will require.....	\$139,548,500
To pay widows' and others' claims allowed.....	13,500,000
Total to pay those now on the rolls.....	153,048,500
Total to pay invalid claims which are now pending and which will be allowed.....	189,830,000
Total to pay claims of widows and others now pending and which will be allowed.....	87,702,800
Total in pending claims.....	227,532,800
Grand total of probable cost of the repeal of limitation imposed by arrears acts of 1879.....	380,581,300

Very respectfully,

JOHN C. BLACK, Commissioner.

HON. JAMES P. WALKER,  
House of Representatives.

MR. COCKRELL. Mr. President, this report shows that according to a very low and mild and underestimate of the Commissioner of Pensions in 1888 the amount which would be allowed as arrears upon pending claims which have since then been adjudicated or would be very soon adjudicated after the passage of an arrears bill amounted to over \$227,000,000. That is upon claims already pending and already adjudicated. There would have to be over \$153,000,000 paid out on the claims which had been already adjudicated and upon which the pensioners are now receiving their monthly pensions. That would go right out of the Treasury at once, and on the first pension pay-day after that time, \$153,000,000, and then upon the claims that were then pending, May 19, 1888, many of which have since been allowed and the arrears upon which would have to be paid at the first pension pay-day after the passage of the bill, another sum of \$227,000,000 would be paid out.

As a matter of course, we can not tell exactly what proportion of that would have to be paid out on the first pension pay-day, but the pensioners will be entitled to it, and he estimated that the total would be \$380,000,000. Those in the House equally as familiar with the facts estimate it at \$500,000,000. I have paid some attention to these guesses about arrears of pay, and in my judgment not one solitary dollar less than five hundred millions of dollars will be taken out by this amendment. I think it is absolutely safe to say that \$500,000,000 would be taken out by it, and that at least \$300,000,000 of it will be payable inside of six months, if the Pension Office does its duty, if not within three months after the passage of the bill.

This bill as reported by the committee proposes an annual expenditure of \$36,000,000. That is the lowest estimate, and the estimate the committee have put upon it is that the present bill as it is reported and will probably pass the Senate will incur an annual expenditure of \$36,000,000. This amendment proposes to put upon it an immediate expenditure within a very short time of \$300,000,000 more. I think we ought to put on some amendment to provide the revenues to pay it. I can not vote for such a proposition as this.

MR. BLAIR obtained the floor.

MR. BERRY. Will the Senator from New Hampshire allow me just one moment? I wish to correct a statement made by the Senator from Missouri. The present Commissioner of Pensions, as admitted by the Senator from Kansas, says it will cost \$478,000,000 instead of \$300,000,000, and the Senator from Kansas admits that it will cost \$500,000,000.

MR. COCKRELL. I understood that perfectly well, but I was not talking about the estimate of the present Commissioner. I read the

estimate of a former Commissioner, and I was not paying any attention to the estimate of the present Commissioner.

MR. BERRY. The estimate has been increased \$200,000,000 since the estimate of the former Commissioner.

MR. COCKRELL. When the report was made in 1888 I estimated upon the facts then that it would take \$500,000,000, and now the present Commissioner (I had not noticed that fact) brings it up to \$478,000,000. If the present Commissioner of Pensions has estimated it at \$478,000,000, I will say, then, that it will take \$600,000,000 instead of \$500,000,000.

MR. BLAIR. Mr. President, I appreciate the motives which have actuated the chairman of the committee in objecting to the adoption of the pending amendment, which is substantially a bill by itself and of greater importance perhaps than the one pending. I do not think it should be adopted as an amendment to this bill. I seriously and earnestly trust that the bill itself will cost more than \$36,000,000 a year, and I believe it will. I shall be greatly disappointed if it shall not. A much larger amount of relief is required by the soldiery of the country who saved it, and if the pending bill does not cost twice the amount estimated I shall be greatly disappointed. I believe that the bill will be found in practical operation to reach nearly all the destitution and actual necessity for relief that exist among those who defended the country and its institutions at the time when those who now make the chief objection to the passage of the bill and the relief of the soldiery generally were themselves the cause of that necessity and of this necessity.

But I wish to say a few words in regard to this arrears-of-pension measure itself. There never was a more just measure presented to the American people than that for the payment of arrears of pensions. So great was the equity behind it that prior to 1880 we enacted a law under the provisions of which before the 1st day of July, 1880, applications were made which have been taken from the Treasury somewhere between \$250,000,000 and \$300,000,000, as I remember, and that money was justly taken from the Treasury. If the re-enactment of that bill into a law would take from the Treasury of this country \$500,000,000, nevertheless it would be as justly paid, and more justly paid, than almost any other indebtedness which this Government ever liquidated.

What is the principle upon which arrears of pensions are to be paid? It is not the case of a man who establishes his claim early and draws his pension year by year, from the moment when his disability commenced, that disability originating in the service of his country. It is not that case by any means. The ordinary pensioner who establishes his claim under the law in season draws his annual payment from the date when the disability was contracted. He has the use of the money as he needs it. The common pensioner, the man who avails himself of the law seasonably, has drawn his pension from the beginning. He has had it all of these thirty years since the commencement of hostilities. He has received the good of it. He has appropriated that money in the maintenance of himself and his family. To a certain extent it may be said that the Government has discharged its obligation to that man. He has little to claim of the Government, for he availed himself of all that, by the contract and by the obligation of his country, was due him from the beginning.

But here is another class of claimants, those who claim under the arrears-of-pension law, which ceased its operation in 1880 and which the amendment proposes to revive. They are men who failed to present their application during the specific periods, from whatever motive it may have been, oftentimes from failure to know of their rights under the law, sometimes from inadvertence, oftener still (more often than from any other reason) because of a high-spirited patriotism which prevented their making application for that money to which they were entitled under the laws of the country, giving to the American people for the time being what was their due in addition to the services which they had rendered in war and the disabilities which they had contracted in the service of their country. These men waiting, giving the country the use of the money which was theirs during all these years, at last with age and infirmity increasing upon them, availed themselves of the privilege of drawing their arrears, establishing their claims upon precisely the same evidence as the evidence which was required in any other instance, proving the disability, proving after the lapse of years that it was contracted in the service, and at last asking for their money and receiving it, not as though paid to them originally, but receiving it after fifteen or twenty years had elapsed, and losing meanwhile more than the original sum itself, which the Treasury and the American people had been thus enabled to avail themselves of. So it came to be that the man who was entitled to the money in the beginning really gave to the country one-half of that which was his due. That was the arrears-of-pensions act.

In 1880 that act ceased to operate, and since that time a large number of other claimants equally meritorious have established their right to a pension and have pending claims for pension, the allowance of which depends upon their proving that they contracted their disability in the service of their country. They have given what belonged to them to the country for these twenty-five years. Now they ask the opportunity of asserting that claim and of receiving, it may be, one-third of the money which would have been a burden upon the Treasury

of the country had they asserted their claim when it first originated. After giving to the Treasury two dollars that belonged to them they ask that one of the three which the Government owes may come to themselves in their old age. That is what they ask and that is all they ask.

If any Senator can conceive of a more equitable claim than this or a claim which it is more despicable to refuse, I should like him to state it. I am unable to see why these men should be denied who come here year after year and ask permission to file their claims, when the United States never allows the pleading of the statute of limitation in any case where the nation itself has a claim at all events, and ask that the United States shall not set up as against them in their old age a claim for one-third of what belongs to them. If anybody can make any reply to the justice and equity and what ought to be the legality of this claim for arrears of pension, I should be very glad to hear it stated on the floor. No one has ever undertaken to meet the justice of this claim in argument. I have been here some years; this matter has been up for discussion several times. I have had occasion at least four or five times to state this line of argument, and no man has ever undertaken to make any reply save the reply of the Senator from Missouri, who says it will cost \$500,000,000.

Great God! it cost six times that amount to keep the Senator in the Union, and, now we have twice the wealth, we have three times the available population, yes we have four times the wealth, and we repudiate this honest obligation rather than raise \$500,000,000! Mr. President, there never was a more execrable shame recorded in the history of any nation or any apology for a nation than that which we perpetrate here year after year in denying to the men who ask their arrears the allowance of this slight sum comparatively. Sometimes I am ashamed of my country when she refuses to educate her children and when she refuses to pay a bill like this. Only day before yesterday we passed a bill for Texas, to put \$6,200,000 into a little spot of shallow water down there and make her a port on the seacoast. But we repudiate the very foundation principles upon which this country is built as a Republic when we come to a matter like the arrears of pension for those old soldiers who have given us twice as much as they will receive if we do them justice. They have to prove these claims under all the disadvantages which will be gathered about their claims by reason of the lapse of time, and we repudiate the opportunity to let them establish their claims, taking advantage of the meanest form of the statute of limitations, which we never enforce in any other instance than as against the soldier.

But it will take money? Why, Mr. President, of course it will take something in the way of taxation. No governmental debt can be paid without taxation. The question is not whether the debt be large or small, but whether it be a debt, and then even if we can not pay it we ought to acknowledge it and allow the soldier the opportunity to prove it.

But can we not pay it? Has the time arrived when the Republic is without the credit to hire the necessary money, if she has it not by ordinary taxation? Can we issue no more bonds if need be? Can we not raise this \$500,000,000 for the sake of keeping a pure record for the country, a consistent record, what we have admitted to be the proper record to make against the country by allowing this act to be operative down as far as the year 1880?

No, Mr. President, the time is coming when the American people have got to think of something besides the tariff and material wealth; things of more consequence and of more value than most of those we are thinking upon at this session and in these more recent times. It will not be long before a halt will be called in these low and earthly and sensual and devilish things with which we are dealing principally.

Mr. President, I felt as though I ought to speak my mind upon the merits of the arrears of pension bill, and I have done so. As a friend, as all here are friends, to soldiers, I should be glad to compromise, since I see the impossibility of getting full justice, and to pass a bill which would allow these old soldiers to establish their claims under the provisions of an arrears-of-pension act which would drop back fifteen years if we can not give twenty years or thirty years, the whole period of time up to the date when they received their wounds or contracted their other disabilities, by reason of which they should receive arrears of pension. Give them ten years, give them back to 1880, if you can go no further in the way of justice. If you must rob them of something, rob them of fifteen years, but allow them what belongs to them for the last ten years. That would help them in their old age.

But as to the idea that we can not pay this debt, it is a reply to all the considerations which we hear urged before the Senate and the country to say that it will cost \$500,000,000; that even the present Commissioner of Pensions admits it will cost \$478,000,000, and my friend from Kansas is willing to admit that it will cost \$500,000,000. I suppose it will cost more than that. Very likely it will cost six hundred millions, and perhaps a billion; but we spent three billions in the great war which kept us a nation, and we can well afford to give these old soldiers at least a part of the arrears which belong to them when the amount due them is three times that which, under any allowance, we shall be likely to give them.

Mr. FRYE. Mr. President, I regret that this amendment is before

the Senate. Not that it places me in a position where I must vote for or against it, but because I should regard its adoption as a terrible menace to the soldiers of this country. In addressing bodies of soldiers, especially in my own State, I have undertaken to show them that there was a pace too rapid altogether for their welfare and for their good; that there was a danger of overleaping in this matter of pensions. When Mr. Cleveland was elected President of the United States and immediately commenced to veto special pension bills and also the general pension bill known as the dependent measure, and I saw the Democratic party of this country ratifying what he did, and not only the Democratic party of the country, but many of the business men in the Republican party, too, extending to him their approval for what he was doing; when I saw that over his veto it was impossible to pass any pension bill; when, if I remember aright, there never was but one so passed, and that I had the honor to present here to the Senate, and it did not succeed in the other House at first, but it did at the next session—I say when I saw these evidences of opposition to pensions, I felt that while there was a safe course for the soldier there was an exceedingly unsafe and dangerous one.

Now, sir, there are thousands and tens of thousands of as good soldiers as ever wore the uniform of the Union in this Republic to-day without pensions—men disabled, as much so as the men who lost arms or legs, men who served four years in the Army and never were in hospital, who never were under the surgeon's care—faithful, brave, true soldiers; but to-day age has crept over them, and it is indicated beyond a peradventure that those four years of service were not without bitter and terrible wounds. Their constitutions were pricked, though they went into no hospital, and old age shows the prick of the constitution beyond peradventure. Those tens of thousands of true soldiers to-day are asking that they may be pensioned. They have been asking of Congress for the last eight years that they might be pensioned as well as those who lost arms and legs, and Congress has refused to listen to their request. The Senate three times has passed a bill which would give those men pensions, and three times it has either been rejected in the other House or has not been acted upon there.

When the sentiment of Congress indicates itself in this way, what will be the sentiment of the country clearly expressed when \$500,000,000 or \$600,000,000 are appropriated to pay the arrearsages due to the soldiers? I say to Senators who are pressing this measure that they are imperiling the truest interests of the soldiers when they undertake to enact it into a law, and they will create a prejudice against pensions amongst the business interests of this country which Congress can not overleap and will not dare try to.

Then, come behind, those men shortly who by reason of old age have attached to themselves the presumption of disability. It will not be ten years before that presumption will attach, and then it will be the duty of the Congress of the United States to provide service pensions for all of the soldiers who were in the United States Army. Adopt this amendment and enact the bill into a law, and I say to you, Senators, and to the soldiers of the country, that they may look long, and wearily, and earnestly, and finally lose heart for the service pension, and in my judgment for even a pension that shall apply to the disabled soldiers of to-day.

Sir, I yield to no man in my acknowledgments of the debt which is due to the soldiers of this country. I am willing to do everything that I believe to be in the interest of the soldiers. I dare not vote for a proposition which I believe away down in my heart will be absolutely destructive of the truest interests of the soldiers of the United States, and, however reluctantly it may be and however liable I may be to be misunderstood, in the interests of the men whom I admire, in the interests of the men who saved the Republic, in the interests of the men to whom we owe everything that we are and everything that we have—in their interest alone I shall be obliged to record my vote on this amendment "nay."

Mr. HAWLEY. Mr. President, unfortunately I have not heard all that the Senator from Maine [Mr. FRYE] has said, but I am personally obliged to him for saying what I believe to be the serious truth. It is not agreeable to say no to what even is supposed to be the request of soldiers of the Republic. I do not believe that the American soldiers ask for this amendment. I will stake whatever little my political salvation is worth that I can meet five thousand old soldiers and get a heavy majority vote against this amendment after an hour's argument.

The Senator is right. This headlong extravagance will bring men into power who will scrimp and squeeze and deny the soldier. A silent conservatism in the Republic that will be glad to stay with the Republican party, and will stay with it if it can be permitted to do so, will utter no loud word against the soldier nor against the old party, but it will quietly stay away from the polls.

There is a limit to this. I appeal to every old soldier to permit us to be reasonable and to be just. God knows the American nation is not stingy in this matter. Including the present fiscal year and what is proposed for the next, the appropriations for pensions since the war will by June, 1891, amount to nearly \$1,300,000,000. I do not complain so far as a dollar of it was necessary to relieve real distress, nor do the American people complain. But no nation in the world ever appropriated a sum that could be compared with it. All that they have



done for their soldiers in their distress sinks into utter insignificance in comparison with what we are doing for ours.

I beg the old soldiers to remember that, if we are threatened with war again, that which will scare the people who pay taxes will be, not the cost or the blood of the war, but the consequences of it. I beg them to remember that it is pauperizing and degrading them to constantly insist in their behalf that they have claims and claims and claims. So they have in a sense, but they know—no man knows better than that gallant body of survivors—that we owe every cent we have and every drop of blood to the Republic, and they offered it all proudly. Let them remember that these enormous sums to be paid come out of the pockets very largely of people as poor as themselves. You may lay the tax upon the rich man, but it filters down and down, and a large portion of it finally comes out of his tenant in the tenement house, or out of the subfarmer, or out of the mechanic. Remember the other people in the country who pay taxes.

When General Grant last visited this building, with his characteristic modesty he kept out of this Chamber and sat in that cloak-room in the spot I am pointing at. Nearly every Senator of both parties visited him before he left, manifesting in the most gratifying manner their personal respect. He sat with his accustomed cigar and talked freely upon any question that anybody proposed. I will try to relate as if I were on the witness-stand what he said apropos of this question. He said, "On my way here"—or this morning, or something of that sort—"a clergyman came to me with a petition or memorial to Congress asking that every man who had ever been a prisoner of war should be pensioned. I told him he ought to be in better business; that there were all kinds of prisoners. There was the volunteer prisoner, who got caught easily, because he thereby escaped from an impending battle. There were prisoners who, when the signs in the air, that were infallible to the old soldier, indicated a coming fight, had a stomach-ache or a sore toe, or staid behind fixing their shoes, or bathing, or something of that sort, and got caught by a squad of rebel cavalry. There were others who, without meaning anything out of the way, were getting a little extra ration from a neighboring farm-house and got swept in. Then there were the laughing boys, always to be found, who were away out on the skirmish line and ahead of it, to see the first grayback and to get a shot at him, and before they knew it they looked around and there were the rebel cavalymen behind them. There were all kinds of prisoners. Some of them staid but a short time, had a good rest, missed a battle or two, and were better off for having been prisoners. Many others suffered fearfully and all who show the effects can get a pension. Now," said he, concluding, "I will tell you what I would do if I were President. I would sign any reasonable bill seeking to relieve the distress of an honest old soldier, or his widow, or his children, but I would not vote one dollar to the able-bodied man." That last expression is precisely as he stated it. It sank into my memory. I do not think I have changed a syllable in the last twenty words of his remarks.

I live up to that statement. That is my platform. I would not care to see an old soldier going to the almshouse. If he goes to the almshouse, either his State or the nation must pay the cost, and I would as lief the nation should pension him. I am not going ahead of my State when I vote liberally for the soldier. We have our soldiers' home; we have two hospitals, and the finest, where they may live royally so long as they need any medical or surgical care. Not a soldier in my State has been allowed to suffer. The beneficence of the State gives \$80,000 a year in addition to all the soldiers get from the Federal Government, expended from our own treasury freely and gladly.

The theory of a pension is that it takes care of a man to-day, a sufferer to-day, a sufferer by reason of service or from a disability, if you please, whether he can trace it directly or not. It is the theory of a pension bill not to take up a case and go back and give the man two, four, six, eight, or ten thousand dollars when he did not apply for it till ten, fifteen, twenty, or twenty-five years after the war. To date back to what we may believe to be the origin of his disability is not the correct theory of pensions. The date of the application is the true time. You had a great deal better, if you are going to spend this \$500,000,000, take it and divide it pro rata among the men who actually need the money. Deal liberally with the man who actually needs it. Do not throw out \$500,000,000 or \$100,000,000 or \$50,000,000 at random, and to a considerable extent to strong men who are in comparative health and have a little property or who did not suffer enough to induce them to apply till from fifteen to twenty-five years after the war. Perhaps the man can get along pretty well without it. Aim as sharply as you can at the actual necessity and take care of the old soldiers, and do not—I was about to say something that is not polite—do not be stampeded by claim agents. Do exactly what you think is generous and right. The country will sustain you, and it will not otherwise.

Mr. TELLER. Mr. President, I intend to vote for this bill as near as it came from the Committee on Pensions as I can, because I believe some bill of this kind is proper. I do not mean now to commit myself to saying that when the proper time comes I may not vote for the bills that the Senator from Maine and the Senator from Connecticut think are so dangerous, but at this particular time I shall vote against the pending amendment and I shall vote against all amendments of this

general character that shall materially change the bill as it came from the committee. I vote in that way in the interest of the soldier. I do not want by that vote to have it said that I am hostile to further legislation in his behalf.

I do not agree with the Senator from Connecticut who sits by my side that we have been extravagant in pension legislation, nor do I agree that we have been particularly liberal in our appropriations.

Mr. HAWLEY. The Senator will please allow me. I do not know that I said we had been extravagant. I said we had been generous above all nations in the world, and I am proud of it.

Mr. TELLER. I did not mean to charge the Senator with what he had not said. I got the impression that he thought we had been rather extravagant. However, I want to challenge the statement he made that we have been generous. We have not been overgenerous with the soldiers of this country, and when the Senator says we have been more generous than any other nation in the world I challenge that statement.

I made a showing here two years ago (I could repeat it now if I felt at liberty to take the time) that the French people have taken better care of their soldiers, have been more liberal towards them and treated them with greater equity than we have treated ours. Of course it is true that no nation in the world ever poured out its money for its soldiers as we have poured it out, but no nation in modern times ever put such a number of men in the field; no nation ever put men of the same class in the field. They were not the serfs or the slaves or the cheap people of the country. We took the flower of this land and put it into the Army. There were thousands and tens of thousands of them who carried their rifles and their knapsacks as privates who were the peers of anybody on this floor intellectually, morally, by education, and by family attachment and family ties. No other people ever had such an army; no other people ever had at the close of a war such obligations put upon it as we had put upon us.

Mr. President, there never was such a war in the history of the world as ours. There never was a contest in all the long line of history that had any comparison to it. No other people ever fought their equals as we fought ours—a national affair, with the very pick and flower of the world on both sides, the men of the highest intellectual standing and culture on the face of the earth. When we got through with that conflict we had lost one-half of the accumulated wealth of the country for two hundred years and we had incurred a debt that the great majority of men in this country and all over the world believed was past the possibility of being paid. We have paid it. We have paid \$2 of interest to the men who advanced money to carry on the war where we have paid a single dollar to the soldier.

I do not complain of that, although they bought their bonds at a discount. They bought them when everything was high and they made money on them, but it was the plighted faith of the Government that they trusted. We said, "We will pay this public debt," and we are paying it. That is right; we ought to pay it. But we said more than that. We said to the soldiers and to the sailors of this country that if they incurred disabilities we would pay them a pension. We said more than that. We said in every public place in the North, we said it on the rostrum, we said it from the pulpit, that there was a merit in going into the American Army; that we would ever hold its members in grateful remembrance; and that there was nothing they could demand of this Government that they should not receive. When we can pay the great debt of \$3,000,000,000 and pay it within a generation and less, we can afford to do justice to the soldier; and whenever it shall be made to appear to me that there is a just and proper demand I shall respond to it without reference to the amount.

The Senator from Connecticut [Mr. HAWLEY] the other day undertook to demonstrate that we could not do certain things because there was not enough money; that there would not be sufficient revenues, and that is the cry every time it is proposed that we shall do something for the soldier. At this hour, right now, to-day, we could call on the Treasury for \$300,000,000 for any purpose that we might desire and the money is there, and it could be taken without detriment to the public interest. If it is necessary to do justice, either to pay our debts, whether they be represented by a bond or whether they be represented by our obligation to the soldier, we can in an hour's notice raise more money, and millions more money, than is in the Treasury. We have the power to make legal-tender notes, if that be necessary, which we made in the hour of our distress, and which we made these men take when they were worth 40 cents on the dollar and when they were working at \$13 a month. While the bondholders and the business men who the Senator from Maine says are to rise up in arms against our legislation were piling up their money by the millions, these men were working for \$13 per month, many of them, and taking their pay in paper money worth 40 cents on the dollar only. If we could then make a legal-tender and impose it upon the community, we may do it now if there is an obligation on us to do it. I do not believe there is. There is revenue enough. There is abundance of money in our hands and coming in to do justice to the soldier and the sailor.

While I shall vote for this bill clean as it came from the committee, because I want to secure practical results, I wish it distinctly understood that when any fair and legitimate measure comes here looking to

the interests of the soldiers it will get my vote, and it will get it without any fear of the business interests or a change of Administration.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. PLUMB], on which the yeas and nays have been ordered.

Mr. BLAIR. Mr. President, before the vote is taken I wish to say a few words in addition to what I before remarked on this question.

As I intimated in what I observed a few moments ago, I can not vote for this as a substantive measure to be attached to the pending bill, but I am in favor of the principle of the arrears-of-pension bill. On this occasion, when again it is called to the attention of the Senate, no man upon either side of the Chamber rises to say that this is not a just debt. No man rises to say that it is not a more just obligation than that which we have discharged to the pensioner who has drawn his dues from the beginning.

It is a withheld obligation. These men have not asserted their claim, when it was as just as any claim which we have honored at the Treasury; and if it were paid to-day, considering the saving of interest to the Government, which is a loss to them, they would receive not more than 33 cents on the dollar of that which the ordinary pensioner has received. The disability by reason of which they finally receive their pension, and which they must establish before they draw anything, is a disability precisely like that for which the ordinary pensioner is receiving his payment from the country. It was a disability contracted in the service, which under existing laws entitled them to draw a pension from the Treasury from the date when it was received. Now, we set up the statute of limitations against that man in his old age for 33 cents on the dollar, when he has offered to compromise with us at that rate. We will not pay him that, nor give him the opportunity to prove his claim in the forum of conscience even, when, richer than ever before, with three times the population and four or five times the wealth, with the old obligations nearly discharged, we are only called upon at the utmost, as is claimed by those who object to this measure, to raise \$500,000,000, when we pay annually \$300,000,000 or \$350,000,000 for the common expenses of the Government.

Mr. President, the great name of General Grant has been summoned to this arena of debate, and he is quoted against the justice of the claim which is set forth in the amendment. General Grant never could have wished to be understood, and never would, if he were living, say that 33 cents on the dollar should not be given to those who bled and suffered and contracted their disabilities under his command. Allusion is made to the prisoners of war and to the somewhat slighting manner in which he seemed to have discoursed in the confidence of private conversation in regard to them; but General Grant never would have said to the American people what has been quoted on this floor as coming from his lips. He never would have desired it to be understood that there was anything like a general application proper in the observation he made with reference to our prisoners of war. If Grant could have said that, it would have been a corroboration of the charges of a cruel nature which the whole Confederacy laid to him when they said that he was the man who was responsible for the sufferings of Andersonville by refusing an exchange of prisoners of war. It would revive the surmises that a certain disgraced Union officer restored to his position and to his old standing in the Army owed what the Union soldiers generally looked upon as a foul blot upon our escutcheon to the secret influence of General Grant. Sir, I disavow the whole; and I say the language is not justly attributable to that great man who first organized victory in the West and led to its culmination at Appomattox, and saved this country, if to any mortal man our restoration to integrity, to prosperity, and to perpetuity is to be attributed.

Mr. HAWLEY. If the Senator will kindly allow me, I want to say that there was not a word said in that conversation about the arrears of pension or any claim of that sort. He was speaking upon the general policy of pensions, his aim evidently being to take care of all distress that could be reached.

Mr. BLAIR. That is what we are trying to do, and in doing that we should first seek to be just before we undertake to claim anything due upon the ground of generosity. This claim for arrears of pension adjusted at this late day at 33 cents on the dollar is certainly just. If it be not just, let some one rise in argument and explain wherein it is unjust. Let some one make some reply to this claim, save the everlasting and disgraceful one that it will cost something, when our pockets are full of money. No, the arrears of pension ought to be paid. We are able to pay them. We simply will not do it because we are not obliged to. There is nothing else in the way at all, and it is a disgrace to the American people, as I look at it.

Now, I wish no Senator to vote for this bill in ignorance of what I conceive to be its true force, scope, and construction. I believe it goes to the full extent of relieving all existing necessity on the part of the old soldier, so far as \$12 per month will do it. I believe that the bill reaches to the full extent of a service pension, stopping only this side of those who have no necessity to plead for its application. I believe that there will be an end of the claims for a service pension when it is enacted into a law, and when, under a just and liberal construction of its provisions, it is seen what is really included in the scope of this

bill of the committee. If it were less than that, if it could be narrowed in its construction to that which was placed upon the former bill by the Executive in a previous Congress who vetoed it, I would never support this measure. I believe it reaches every case where a soldier depends upon his labor to any degree for support and is disabled at all. It does not touch the millionaire; it does not touch the wealthy man; it does not touch the man who, with or without disability contracted in the service, is yet amply able to support himself; and that man never in my judgment, at least in the existing condition of affairs in this country, should set up a pension claim. Nor does he ask it. If he asks it he has that craven nature which would be a good reason for refusing him anything whatever from the country.

I believe we have here a measure which reaches all cases of proper claim against the Government so far as the soldier is concerned, except the one of arrears, and I would not encumber this great and beneficent measure in its passage by attaching to it this other measure, in regard to which there is a different line of argument necessary in its support and in reference to which there may be opposition which will not attach to the original measure itself.

I have not found it necessary, in what little I have had occasion to say upon the stump and upon public occasions to the soldiers and my fellow-citizens in this country, to intimate to them that it was likely injustice would be done them by reason of the assertion on their part of just claims. I have never found it necessary to caution them in setting up proper claims against the country that the meanness of the country would assert itself and deprive them of just payment. I have never seen among the soldiers of this country any, I have hardly seen a man, who was opposed to the granting of these arrears.

It may be that in a miscellaneous gathering of soldiers there may be a great many who could not claim under such a law, but I have never seen them when they would undertake to pretend, or any body of them did pretend, that it was not a just claim. Even if it were so, a body of soldiers who had been made to believe that, if this act of justice were done to the few comparatively who will claim under it, they would be deprived of what belonged to them, would hardly be a fair jury to whom to submit this right. When popular orators undertake to create a wrong impression among a body of men who are to act as a jury upon claims which do not interest them generally, they can hardly be looked upon as the proper body from whom to select jurors as to a legal obligation or an equitable obligation.

No, Mr. President, the soldiers of this country want justice done, simple justice and no more than justice, and the American people want justice done to the soldiers as well as to themselves. I do not believe that the business men of this country will object to justice being done. There may be a few bodies, rich by accumulation, who care little for others. There are extortioners who would be very glad to keep their hoards and not disburse to those whose valor and whose sacrifices gave them the opportunity for their acquisitions. There may be a few of such persons, but the masses of the American people will do justice, and it is safe to assume that.

I think we can enact this bill reported by the committee into a law; and I think, too, that in another measure, properly matured and presented at the proper time, we may be able to do something with reference to arrears, and that justice, absolute justice, is at the foundation of that claim if it is at the foundation of any claim whatever against the country.

Mr. QUAY. I ask unanimous consent of the Senate to proceed to the consideration of my motion made on Saturday to concur in the House amendments to the bill (S. 2402) to provide for the purchase of a site and the erection of a public building thereon at Allegheny, in the State of Pennsylvania. I moved a concurrence in the amendments, but the Senator from Kansas [Mr. INGALLS] objected on the ground that he stated.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that the Senate now proceed to consider the House amendments to the bill named by him.

Mr. PLUMB. Let us have the yeas and nays on the pending amendment and have this matter disposed of, and then I shall not object.

The PRESIDING OFFICER. Objection being made to the request of the Senator from Pennsylvania, the roll will be called on the pending question, which is the amendment of the Senator from Kansas [Mr. PLUMB].

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired generally with the Senator from Delaware [Mr. GRAY] and therefore withhold my vote.

Mr. DOLPH (when his name was called). I am paired with the Senator from Georgia [Mr. BROWN]. As I do not know how he would vote on this question, I feel constrained to withhold my vote.

Mr. HAMPTON (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. DIXON]. I do not know how he would vote on this question. Were he present, I should vote "nay."

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. I should vote "nay" if he were here.

Mr. PADDOCK (when his name was called). I am paired with



the Senator from Louisiana [Mr. EUSTIS]. If he were here he would undoubtedly vote "nay," and I should vote "yae."

Mr. RANSOM (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. I do not know how he would vote, and I therefore withhold my vote.

Mr. RANSOM (when Mr. VANCE's name was called). My colleague [Mr. VANCE] is paired with the Senator from Michigan [Mr. McMILLAN].

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON], whom I do not see in the Chamber, and I therefore withhold my vote.

The roll-call was concluded.

Mr. FRYE. My colleague [Mr. HALE] is detained from the Senate to-day, and is paired with the senior Senator from Kentucky [Mr. BECK]. I do not know how either would vote if present.

Mr. CAMERON. I am paired with the Senator from South Carolina [Mr. BUTLER]. I do not know how he would vote. I therefore withhold my vote. If he were present, I should vote "yae."

Mr. BLACKBURN. I desire to say that my colleague [Mr. BECK] is detained from the Senate by sickness. If he were here, he would vote "nay."

The result was announced—yeas 9, nays 46; as follows:

YEAS—9.			
Allison, Ingalls, Manderson,	Mitchell, Plumb,	Quay, Sherman,	Turpie, Voorhees,
NAYS—46.			
Allen, Barbour, Bate, Berry, Blackburn, Blair, Call, Chandler, Cockrell, Coke, Colquitt, Davis,	Dawes, Edmunds, Evarts, Farwell, Faulkner, Frye, George, Gibson, Harris, Hawley, Hearst, Higgins,	Hoar, Jones of Arkansas, Jones of Nevada, Kenna, McPherson, Moody, Morgan, Morrill, Pasco, Payno, Pettigrew, Platt,	Pugh, Reagan, Sawyer, Spooner, Stewart, Stockbridge, Teller, Vest, Walthall, Washburn.
ABSENT—27.			
Aldrich, Beck, Hodgett, Brown, Butler, Cameron, Casey,	Cullom, Daniel, Dixon, Dolph, Eustis, Gorman, Gray,	Hale, Hampton, Hiscock, McMillan, Paddock, Pierce, Ransom,	Squire, Stanford, Vance, Wilson of Iowa, Wilson of Md., Wolcott.

So the amendment was rejected.

Mr. PLUMB. I now withdraw my objection to the consideration of the motion of the Senator from Pennsylvania [Mr. QUAY] with regard to the bill which he has in charge.

Mr. QUAY. I ask unanimous consent that the Senate proceed to the consideration of the amendments of the House of Representatives to the bill (S. 2402) to provide for the purchase of a site and the erection of a public building thereon at Allegheny City, in the State of Pennsylvania.

The PRESIDING OFFICER. Is there objection?

Mr. MCPHERSON. I shall have to object to the motion, because it seems to me entirely wrong to interject any other business while proceeding upon this bill.

The PRESIDING OFFICER. The Chair understands the Senator from New Jersey to object to the present consideration of the bill named by the Senator from Pennsylvania. Objection being made, the bill can not be considered at this time. The dependent-pension bill is in Committee of the Whole and still open to amendment.

Mr. CALL. I offer the following amendment: On page 3, section 3, line 3, after the word "rebellion" I move to insert the words "or in the Florida Indian Seminole war, or in any of the wars between the United States and the Indians;" so as to read:

That if any officer or enlisted man who served three months or more in the Army or Navy of the United States during the late war of the rebellion, or in the Florida Indian Seminole war, or in any of the wars between the United States and the Indians, and who was honorably discharged, etc.

Mr. President, the soldiers who served in the wars between the Indians and the United States, in all parts of the United States, are now very old and are dependent to a very large extent. The service which they rendered was one of very great merit and resulted greatly to the advantage of the country. I suppose that no military service ever rendered exhibited greater personal courage and greater adventure or resulted more largely in the settlement and development of the country than that rendered in the various wars between the United States and the Indians. Upon the Southern frontier, we are all well advised that the wars were long, destructive, and very cruel, and they resulted in the end in the acquisition of Florida and were largely instrumental in the acquisition and annexation of the province of Louisiana.

In all these years this service was rendered both upon the southern frontier and upon the northwestern frontier by the pioneers who were organized under the authority of the United States into companies of volunteers. Their service was demanded for the protection of the women and children from the most terrible atrocities. They are now,

as I said, almost all of them very old and entirely dependent, and I ask that this amendment may be incorporated in the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida.

Mr. MITCHELL. I should like to have the amendment reported again.

The PRESIDING OFFICER. It will be again read.

The Chief Clerk again read the amendment of Mr. CALL.

Mr. CALL. Before that is voted on I wish to change the language so as to say, "The Florida Seminole Indian wars." There were several of them.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. BLAIR. I suggest to the Senator that he add to his amendment, "Occurring prior to the year 1860."

Mr. CALL. I have no objection at all to that.

The PRESIDING OFFICER. Does the Senator so modify his amendment?

Mr. BLAIR. So that it may relate only to the wars prior to 1860.

Mr. MITCHELL. The Senator proposes to limit the provision to the Indian wars occurring prior to 1860.

Mr. BLAIR. The reason I had in my own mind was this: That these were old claims which have been before the country for a long time and often discussed and moved as amendments to almost every pension bill we have had for many years; and if we allow the provision to include those who may take under our general laws, where disabilities have been contracted in recent years, it might raise comparisons as to the number and extent of the expenditures and require some modification of the general law and perhaps embarrass action upon the amendment.

Mr. MITCHELL. I would suggest "prior to the year 1870;" that is, twenty years ago.

Mr. BLAIR. I will agree to that.

Mr. CALL. I have no objection to modifying the amendment in that way.

Mr. PLUMB. The modification is totally unnecessary, because the amendment as proposed by the Senator from Florida only refers to the Florida Seminole wars.

Mr. BLAIR. All Indian wars.

Mr. CALL. "Or any other Indian war."

The PRESIDING OFFICER. Does the Senator modify his amendment?

Mr. CALL. I modify it, in accordance with the suggestion of the Senator from Oregon, by saying "prior to the year 1870."

The PRESIDING OFFICER. The amendment as modified will be read.

The CHIEF CLERK. In section 3, line 3, after the word "rebellion," it is proposed to insert:

Or in the Florida Indian Seminole wars, occurring prior to the year 1870, and in any of the wars between the United States and the Indians.

Mr. CALL. The words "prior to the year 1870" should be placed after the words "or any of the Indian wars between the United States and the Indians."

The CHIEF CLERK. So as to read:

Or in the Florida Indian Seminole wars, and in any of the wars prior to the year 1870, between the United States and the Indians.

Mr. MITCHELL. I have no objection to this amendment and shall vote for it so far as I am concerned. The only fault I find with it is that it does not go far enough. The men who fought in the Indian wars of this country, the pioneers who imperiled their lives in the defense of the people of the West and of the South in the early history of our country, most of whom are now advanced in years, should, in my judgment, be placed on the service-pension rolls. They should be classed, without any question at all, in my judgment, with the Mexican-war soldiers, those who fought in the Mexican war, and all of whom have been placed on a service-pension roll by an act of Congress passed some few years since. There is a bill of that character now before the Committee on Pensions, introduced by myself early in this session, and I hope, whether this amendment be adopted or not, that that bill will receive the favorable consideration of the Committee on Pensions. I have some reason to believe that it will. I know of no good objection why it should not, and I wish it to be understood in voting for this amendment that it simply places the pioneer soldiers, who risked their lives and property and everything else in the Indian wars of the West and South, upon the same footing as the soldiers of the war of the rebellion, that is, on the dependent-pension list. So if this is adopted I shall still hope to have the privilege of voting for other bills to which I have referred, which I trust will be reported from the Committee on Pensions at an early day.

Mr. BLAIR. If the Senator will allow me a word before he takes his seat, he will observe that this is a disability act. It relates only to those who rendered service prior to 1865 or the early part of that war, and the amendment offered by the Senator from Florida [Mr. CALL], if amended so as to embrace down to the date of 1870, gives to those who participated in Indian wars the advantages of this bill to a still later date than it conveys them to those who otherwise were covered by the bill. So it is an advantage to the class he is speaking of.

Mr. MITCHELL. I understand that they have five years' advantage, so to speak. It includes all who served in the Indian wars prior to the year 1870, while a soldier of the war of the rebellion under this bill must have rendered his service prior to 1865.

I do not wish to detain the Senate and do not wish to interfere with the passage of this bill, but I desire to state that I at one time thought something of offering my bill, which is a service-pension bill for men who fought in Indian wars, as an amendment to this bill. I hesitate, however, to do that for fear that it may embarrass the passage of the pending bill, which I am very anxious, as we all are, to see passed at an early date, but I do hope that the bill which I introduced will receive the favorable consideration of the Committee on Pensions at an early day.

Mr. SPOONER. I desire to ask the chairman of the Committee on Pensions if there is pending before that committee a bill which covers the amendment now offered by the Senator from Florida.

Mr. DAVIS. I will inform the Senator from Wisconsin that such a bill is before the committee, and my impression is that the Senate at the last session of Congress passed a bill which afforded full relief in such cases.

Mr. SPOONER. I shall vote against the amendment offered by the Senator from Florida [Mr. CALL], and in so doing I do not wish my negative vote to imply an opinion on my part that there is not merit in his proposition. I believe it has merit. There are men in the State of Wisconsin, who served the country many years ago in the Black Hawk war and other Indian wars, who need pensions, and who, I think, are entitled to be remembered in the pension legislation of the country; but the bill now before the Senate is a bill carefully matured by the Committee on Pensions, which relates to a class of persons whose needs are palpable and pressing. It is to afford relief to disabled soldiers of the last war, to dependent fathers and mothers, and to widows and orphans who need the appropriation which will be made by this measure. Its operation will obliterate, I believe—and it can come none too soon—a stigma and a disgrace upon this Government existing in many States of the North.

There is merit in the amendments which have been proposed to the bill as independent propositions, and there will doubtless be merit in amendments which will be proposed to it, but for myself, regardless of the merits of different propositions, I do not intend, against the judgment of the Committee on Pensions, to vote to place upon this dependent pension bill, so called, any proposition which will lumber it up and weigh it down, upon which there can be difference of opinion, and which will thereby endanger its passage.

For that reason I shall vote against the amendment offered by the Senator from Florida, and any other amendment which does not seem to be fairly germane and cognate to the main propositions of this bill.

Mr. BERRY. Mr. President, I can not understand what objection the Senator from Wisconsin [Mr. SPOONER] can have to placing the soldiers in the Florida war upon the same basis with the soldiers in the late war between the States.

The Senator from Wisconsin says that this present bill will relieve many Union soldiers who at this time are dependent, etc. Every word that is said in their behalf can be said with equal truth of those old soldiers of the Florida Indian wars occurring before the late war. The Committee on Pensions have had the case before them Congress after Congress, and they have made no provision for those soldiers.

How can it possibly be said that it will injure this bill or delay its passage in any way or embarrass it in any respect by putting on the soldiers who fought in the Seminole war, who fought for the Government, and who are as much entitled to its consideration as those who fought in the late war?

I ask the Senator from Wisconsin or any other Senator who opposes this provision for these old soldiers, many of whom are much older and far more dependent than those included in the terms of the present bill, what objection he can have to the amendment, save and except the objection that some of those who will be the beneficiaries of it happen to live in the Southern States of this Union. If the Senator can bring forward any other objection to giving pensions to those soldiers who fought the battles of the Union in the Indian wars and giving the same consideration to them that he gives to the Union soldiers, save and except that they live in the southern part of the Union, I ask him to present that objection to the Senate and not attempt to prevent justice in their behalf. If this be justice to the others it should be justice to them. I say that these soldiers have waited long and no provision has been made for them, and it seems to me unfair that they should be left out and not provided for while ample provision is made for those who fought in the late war.

Mr. PASCO. Mr. President, I heartily concur in everything which has been said by the Senator from Oregon [Mr. MITCHELL] with reference to the old soldiers of the Indian wars. I myself introduced a bill in their behalf during the last Congress and again in the early part of the present session, and I hope that before long some action will be taken in their behalf by the Committee on Pensions. Whether the amendment now offered by my colleague is adopted or not, I shall still urge the bill which I introduced or the one that was introduced by the Sen-

ator from Oregon [Mr. MITCHELL] covering the cases of the soldiers of the old wars between the United States and the Indians.

These veterans have now reached an advanced age. Very few of them who were engaged in the Seminole war are now under seventy and many are over eighty. My mail is constantly filled with letters coming from them and their friends urging that the benevolent and generous policy of the Government which has been extended towards other soldiers should be extended towards them.

I hope that the amendment of my colleague will prevail; but whether it prevails or not, I hope that at an early day some action will be taken in behalf of these veterans and that their names will be placed upon the pension-roll and that proper provision will be made for them and for the widows of such as have died.

Mr. CALL. Mr. President—

Mr. MITCHELL. Before the Senator proceeds I wish to inquire at what point his amendment comes in.

Mr. CALL. Section 3, page 3, line 3.

Mr. MITCHELL. Three all around, then.

Mr. CALL. Three all around.

Mr. MITCHELL. Is it the intention of the Senator to limit his amendment simply to the widows of the soldiers?

Mr. CALL. As I propose to amend it, the section will read:

That if any officer or enlisted man who served three months or more in the Army or Navy of the United States during the late war of the rebellion, or in the Florida Indian Seminole wars, or in any of the wars between the United States and the Indians.

Mr. MITCHELL. If that were adopted just as the Senator has read it, it would simply give pensions to the widows of those persons.

Mr. CALL. I see that is true.

Mr. MITCHELL. Is that the intention of the Senator?

Mr. CALL. That is not my intention.

Mr. MITCHELL. I thought not.

Mr. CALL. I think the soldier himself ought to have a pension.

Mr. MITCHELL. The effect of the amendment, if adopted as proposed, will be simply to pension the widows, and I think that is not what the Senator intends. The amendment should come in at another point.

Mr. CALL. It should be in the second section, line 3, after the word "rebellion."

The PRESIDING OFFICER. The Senator from Florida, as the Chair understands, changes his amendment so that it will operate as follows.

The CHIEF CLERK. In section 2, line 3, after the word "rebellion," it is proposed to insert:

Or in the Florida Indian Seminole wars, and in any of the wars occurring prior to the year 1870 between the United States and the Indians.

Mr. MITCHELL. Now, I wish to make another suggestion to the Senator before he proceeds, and that is that I hope he will strike out all in regard to the Seminole war, because there is no propriety, it seems to me, in picking out one particular Indian war and mentioning it, and then following it by saying "all others."

Mr. CALL. I accept that suggestion.

Mr. MITCHELL. Then let the amendment be modified in that way.

The PRESIDING OFFICER. The amendment will be read as modified.

The CHIEF CLERK. The amendment is modified so as to read:

Or in the Indian wars and in any of the wars occurring prior to the year 1870 between the United States and the Indians.

Mr. PLUMB. Is that to be added after the word "rebellion?"

The PRESIDING OFFICER. The Chair so understands it—in the third line of section 2.

Mr. MITCHELL. Please report the amendment again.

The CHIEF CLERK. In section 2, line 3, after the word "rebellion," it is proposed to insert:

Or in the Indian wars and in any of the wars occurring prior to the year 1870 between the United States and the Indians.

Mr. MITCHELL. Why not say "in any Indian war?"

Mr. HARRIS. I suggest that the Senator say "in any of the Indian wars." It seems to me that will cover the whole case.

Mr. CALL. I will modify the amendment so as to read: "Or in the Indian wars," "or in the wars between the United States and the Indians."

Mr. BLAIR. Why not use this language: "Or in any Indian war occurring prior to 1870."

Mr. CALL. I will accept that modification or any language which conveys the idea.

Mr. MITCHELL. Say "or in any Indian war occurring prior to the year 1870."

Mr. CALL. That will answer. I accept that suggestion.

The PRESIDING OFFICER. The Secretary will report the amendment as again modified.

The CHIEF CLERK. In section 2, line 3, after the word "rebellion," it is proposed to insert "or in any Indian wars occurring prior to the year 1870," so as to read:

That all persons who served three months or more in the military or naval



service of the United States during the late war of the rebellion, or in any Indian wars occurring prior to the year 1870, and who have been honorably discharged, etc.

Mr. CALL. Mr. President, this is a dependent pension bill providing for the soldiers of the late war who are dependent and in a condition of disability. The amendment which I propose is of the same character precisely. There is no difference except as to the different wars in which this service was rendered.

I have offered this amendment, embracing all the Indian wars and the soldiers who served in them, for a number of years to every general pension bill which has come up. I think everybody upon all occasions has admitted that they were a proper subject for pension; that the service they rendered was equal in importance and in the character displayed, in the courage and in the heroism, and in the results of the protection and development and improvement of the country to any rendered by any soldiers in any war. Their condition now is one that demands consideration from the public.

They are to be found in all of the Northwestern States and in many of the Southern States, and their number is quite considerable. Nearly all of them have died, and while I should be glad to concur in the action proposed by the Senator from Oregon [Mr. MITCHELL] and support a bill giving a service pension to all the pioneers who were distinguished and who incurred danger or disability in the early settlement of the country, this amendment is germane to this bill, and in my judgment this is the time and the occasion in which it should become a part of the law.

I hope the amendment will be adopted.

Mr. DAVIS. Mr. President, it has been the desire of the Committee on Pensions to keep this bill as much as possible disengaged from matter which could be at all considered as extraneous to it. Now, the Committee on Pensions have under consideration a bill draughted and introduced by the Senator from Oregon [Mr. MITCHELL], upon which it proposes to take early and, I trust, favorable action. The bill under present consideration covers the soldiers in a particular war whose relations to the Government are well ascertained and definitely known, a subject easy to be considered by the committee, and in their deliberations the committee were not at all invited to consider whether we could properly or conveniently introduce into this measure the element of appropriation for soldiers in the Indian wars. Those Indian wars were very different. Very often they sprang up and were suppressed by people who were not mustered into the service of the United States; and yet those people, thus putting down a war of that character, are eminently entitled to be considered favorably in any application for a pension.

I trust this amendment will not be adopted. I make the statement in not to hostility to the general spirit of the amendment, but this bill is not the place for it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida.

Mr. GIBSON. I should like to ask the Senator from Florida whether there is any limit as to the time of service.

Mr. CALL. All the conditions of this bill applicable to the Union soldiers are applicable to the soldiers of the Indian wars. Three months is the time.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida.

Mr. CALL. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER] and withhold my vote.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. I should vote "nay" if he were present.

Mr. DOLPH (when his name was called). I am paired generally with the senior Senator from Georgia [Mr. BROWN], but after consulting with his colleague [Mr. COLQUITT] I feel at liberty to vote on this amendment, and I vote "yea."

Mr. HAMPTON (when his name was called). I am paired with the Senator from Rhode Island [Mr. DIXON].

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. RANSOM (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. SQUIRE (when his name was called). I am paired with the Senator from Virginia [Mr. DANIEL]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. JONES, of Arkansas (after having voted in the affirmative). I desire to inquire if the Senator from New York [Mr. HISCOCK] has voted.

The VICE-PRESIDENT. He has not.

Mr. JONES, of Arkansas. I withdraw my vote. I am paired with him.

Mr. PLATT. I wish to inquire if the Senator from Virginia [Mr. BARBOUR] is recorded.

The VICE-PRESIDENT. He is not.

Mr. PLATT. I am paired with him. If he were present, I should vote "nay."

Mr. BLAIR. I vote "nay" upon this amendment, and I ask leave to say that I should be glad to vote for the amendment, but that in the judgment of the committee, of which I am a member, it is not deemed proper to place it on this bill, and therefore I vote against it.

Mr. WILSON, of Maryland. I am paired with the Senator from Iowa [Mr. WILSON].

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS]. I do not know how he would vote on this amendment, and therefore I withhold my vote.

The result was announced—yeas 20, nays 28; as follows:

#### YEAS—20.

Bate,  
Berry,  
Blackburn,  
Call,  
Dolph,

Gibson,  
Gray,  
Harris,  
Ingalls,  
Payne,  
Kenna,

Mitchell,  
Morgan,  
Pasco,  
Payne,  
Plumb,

Pugh,  
Quay,  
Vest,  
Voorhees,  
Walthall.

#### NAYS—28.

Allen,  
Allison,  
Blair,  
Casey,  
Chandler,  
Cockrell,  
Coke,

Cullom,  
Dawes,  
Farwell,  
Frye,  
Hawley,  
Hearst,  
Hoar,

Jones of Nevada,  
Manderson,  
Moody,  
Morrill,  
Pettigrew,  
Pierce,  
Reagan,

Sawyer,  
Sherman,  
Spooner,  
Stewart,  
Stockbridge,  
Teller,  
Washburn.

#### ABSENT—34.

Aldrich,  
Barbour,  
Beck,  
Blodgett,  
Brown,  
Butler,  
Cameron,  
Colquitt,  
Daniel,

Davis,  
Dixon,  
Edmunds,  
Eustis,  
Evarts,  
Faulkner,  
George,  
Gorman,  
Hale,

Hampton,  
Higgins,  
Hiscock,  
Jones of Arkansas,  
McMillan,  
McPherson,  
Paddock,  
Platt,  
Ransom,

Squire,  
Stanford,  
Turpie,  
Wilson of Iowa,  
Wilson of Md.,  
Wolcott.

So the amendment was rejected.

Mr. DAVIS. I desire to amend the bill in a matter of punctuation. On page 3, section 3, line 4, I move to insert a comma after the word "discharged."

The amendment was agreed to.

Mr. VEST. I offer the amendment which I send to the desk as a new section.

The CHIEF CLERK. It is proposed to add as a new section the following:

That, for the purpose of raising the money necessary to meet the appropriations made by this and other acts of Congress providing for pensions, there shall be levied, collected, and paid annually upon the annual gains, profits, or income of every person residing in the United States, or of any citizen of the United States residing abroad, whether derived from any kind of property, rents, interest, dividends, salaries, or from any profession, trade, employment, or vocation carried on in the United States or elsewhere, or from any other source whatever, except as hereinafter mentioned, if such annual gains, profits, or income exceed the sum of \$2,000, a duty of 5 per cent. on the excess over \$2,000 and not exceeding \$5,000; and a duty of 7½ per cent. per annum on the excess over \$5,000 and not exceeding \$10,000; and a duty of 10 per cent. on the excess over \$10,000. And the duty herein provided for shall be assessed, collected, and paid upon the gains, profits, or income for the year ending the 31st day of December next preceding the time for levying, collecting, and paying said duty: *Provided*, That income derived from interest upon notes, bonds, and securities of the United States shall be included in estimating incomes under this section.

Mr. TELLER. I should like to ask the Senator from Missouri if he thinks that is an appropriate amendment. Does he think it is in our power to raise revenue in this way on a Senate bill? In other words, is it in the power of the Senate to originate a revenue bill, which this amendment is? Is the Senator serious in that?

Mr. VEST. Mr. President, this amendment simply provides a fund out of which this appropriation is to be met, and it seems to me that the objection made by the Senator from Colorado would not apply to it. We discussed that matter to some extent when we had the anti-trust bill before the Senate a few days ago, and it seemed to be the general opinion that we had the right to raise revenue for the purpose of meeting an appropriation which we were making here by pending legislation.

I ask for the yeas and nays on the amendment.

Mr. TELLER. It seems to me that the Senator has confounded the rule. I understand that it is perfectly proper for the Senate to determine how the distribution of appropriations may be made. That is not the question. This is for the purpose of raising revenue, not simply to meet the requirements of this bill, because it is not confined to this bill, but to raise generally revenue. In other words, here is an income tax proposed as an amendment upon a pension bill. The Senator from Missouri certainly can not be in earnest when he thinks we can do that.

Mr. VORHEES. I ask for the re-reading of the amendment, as part of it escaped me.

The VICE-PRESIDENT. The amendment will be again read.

The Chief Clerk read the amendment of Mr. VEST.

Mr. DAVIS. Mr. President—

Mr. VEST. Will the Senator permit me a moment?

Mr. DAVIS. Certainly.

Mr. VEST. I ask unanimous consent to strike out that portion of the amendment which refers to other pension bills, so as to confine it to the pending measure. The Secretary can note the modification.

The VICE-PRESIDENT. The amendment as modified will be read.

The CHIEF CLERK. It is proposed to strike out the words "and other acts of Congress providing for pensions;" so as to read:

That, for the purpose of raising the money necessary to meet the appropriations made by this act, there shall be levied, collected, and paid annually, etc.

Mr. DAVIS. Mr. President, I can not believe that the Senator from Missouri is serious in proposing an amendment of that character. It is in direct contravention to section 7 of Article I of the Constitution of the United States, which provides that—

All bills for raising revenue shall originate in the House of Representatives.

In the very forefront of this amendment it is stated that for the purpose of raising money the following revenues shall be raised and levied.

I move to lay the amendment of the Senator from Missouri upon the table.

The VICE-PRESIDENT. The Senator from Minnesota moves to lay the amendment offered by the Senator from Missouri on the table.

Mr. VOORHEES. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY], whom I do not see present, and I withhold my vote.

Mr. HAMPTON (when his name was called). I announce for the last time my pair with the junior Senator from Rhode Island [Mr. DIXON]; and the Senator from North Carolina [Mr. RANSOM] desired me to announce his pair with the senior Senator from Rhode Island [Mr. ALDRICH].

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here I should vote "yea" and he would probably vote "nay."

Mr. PLATT (when his name was called). The Senator from Virginia [Mr. BARBOUR], with whom I am paired, has been obliged to leave the Chamber on account of indisposition. If he were present I should vote "yea."

Mr. PUGH (when his name was called). I have a general pair with the Senator from Vermont [Mr. EDMUNDS]. If he were present I do not know how he would vote on this motion, but I should vote "nay."

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON].

The roll-call was concluded.

Mr. BATE (after having voted in the affirmative). I did not understand that the motion was to lay the amendment on the table; I could not hear the motion of the Senator across the way, and I desire to change my vote. I vote "nay."

The result was announced—yeas 29, nays 17; as follows:

#### YEAS—29.

Allen,	Frye,	Moody,	Squire,
Allison,	Hawley,	Morrill,	Stewart,
Blair,	Hearst,	Pettigrew,	Stockbridge,
Casey,	Hoar,	Plumb,	Teller,
Chandler,	Ingalls,	Quay,	Washburn.
Davis,	Jones of Nevada,	Sawyer,	
Dawes,	Manderson,	Sherman,	
Farwell,	Mitchell,	Spooner,	

#### NAYS—17.

Bate,	Coke,	Pasco,	Voorhees,
Berry,	Colquitt,	Payne,	Walthall.
Blackburn,	George,	Pierce,	
Call,	Harris,	Reagan,	
Cockrell,	Kenna,	Vest,	

#### ABSENT—33.

Aldrich,	Dixon,	Hale,	Platt,
Barbour,	Dolph,	Hampton,	Pugh,
Beck,	Edmunds,	Higgins,	Ransom,
Blodgett,	Eustis,	Hiscock,	Stanford,
Brown,	Evarts,	Jones of Arkansas,	Turpie,
Butler,	Faulkner,	McMillan,	Vance,
Cameron,	Gibson,	McPherson,	Wilson of Iowa,
Cullom,	Gorman,	Morgan,	Wilson of Md.
Daniel,	Gray,	Paddock,	Wolcott.

So the motion to lay the amendment on the table was agreed to.

Mr. PLUMB. I move to add as a separate section what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to add as a new section:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll of the United States the name of any officer

or enlisted man of sixty-two years of age or over, or who shall hereafter reach that age, who shall have served ninety days or more in the Army, Navy, or Marine Corps of the United States during the war of the rebellion and shall have received an honorable discharge therefrom, said pension to commence from the date of the application therefor and to continue during the term of the life of said officer or enlisted man, at the rate of \$8 a month.

Mr. PLUMB. Mr. President, this proposition is precisely the same as the one adopted by Congress on the 29th day of January, 1887, with reference to the survivors of the Mexican war. It is provided in that act—

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval services of the United States, who, being duly enlisted, actually served sixty days with the Army or Navy of the United States in Mexico, or on the coasts or frontier thereof, or en route thereto, in the war with that nation, or were actually engaged in a battle in said war, and were honorably discharged, and to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said war, and the surviving widow of such officers and enlisted men: *Provided*, That such widows have not remarried: *Provided*, That every such officer, enlisted man, or widow who is or may become sixty-two years of age, or who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension, shall be entitled to the benefits of this act.

Mr. President, there does not seem to be any reason why, since this policy of pensioning all the survivors of the Mexican war sixty-two years of age and upward has been adopted, we should not apply it to the survivors of the war of the rebellion similarly situated.

I have a statement prepared at the War Department which possesses some authority at least, which I will ask to have inserted in the RECORD at the close of my remarks, from which it appears that the number of the survivors of the war of the rebellion who will on the 30th day of June next be sixty-two years of age or over will be 149,531. The estimate is not made here, at least I do not find it on a cursory examination, as to the number of those who are now pensioned, but I have seen a statement which would indicate that somewhere about 90,000 of them were not now on the pension-rolls, and would therefore be embraced within the purview of this amendment.

The statement which I have in my hand and which I have asked to have printed is somewhat elaborate, and shows the number to be added to this list in each succeeding year down to 1909. It also gives an approximate estimate of the number of ex-Union soldiers now surviving and the death rate which may be anticipated until the last one has passed beyond.

This statement has been challenged to some extent by persons who have examined it, and I do not say that it possesses absolute authority. The challenge, however, has been because the statement is too large as to the number of ex-Union soldiers surviving, but I think it is in all probability substantially accurate.

At all events, Mr. President, the amount that will be added to the pension payment during the coming year by reason of this amendment would be a little less than \$10,000,000. Of course the amount would increase, as, for instance, in 1891 there would be an addition of 20,817 persons. In 1892 the number would be 22,692; in 1893, 24,891, and so until the maximum of 106,043 is reached in 1905. The number then declines until in 1906, 97,836 are left; in 1907, 44,147; in 1908, 5,672; and in 1909, 820.

It seems to me that we can not do at this time any less for the survivors of the war of the rebellion than we did for the survivors of the Mexican war. There was no controversy about that measure. It received practically the unanimous support of Congress, and it was signed by the President, and I may add at the same session of Congress, as I remember now, and perhaps with the same pen with which he vetoed the bill giving a pension to the survivors of the war for the Union who were disabled.

The amendment is in the line of a precedent recently established, one which is wholesome and one which I do not think we can at this time afford to disregard.

The statement referred to by Mr. PLUMB is as follows:

TABLE NO. 1.—Showing the probable total number, on June 30, 1890, of the survivors of the war of the rebellion (excluding deserters); the number who will be sixty-two years of age or over on that date; also the number who will attain sixty-two years after 1890, with the year in which they will reach that age.

Probable number of survivors in 1890, 1,285,471; probable number of survivors in 1890 sixty-two years of age or over, 149,531.

Will live to be sixty-two years old in year—	Number of men.	Will live to be sixty-two years old in year—	Number of men.
1891.....	20,817	1901.....	62,414
1892.....	22,692	1902.....	70,799
1893.....	24,891	1903.....	80,234
1894.....	27,480	1904.....	90,733
1895.....	30,530	1905.....	106,043
1896.....	34,073	1906.....	97,836
1897.....	38,293	1907.....	44,747
1898.....	43,025	1908.....	5,672
1899.....	48,611	1909.....	820
1900.....	55,042		



TABLE No. 2.—Showing the probable total number of survivors of the war of the rebellion (excluding deserters) on June 30 of each year from 1890 to 1909, inclusive, and at the close of each quinquennial period thereafter until none shall remain.

Year.	Survivors.	Year.	Survivors.
1890.....	1,285,171	1904.....	858,002
1891.....	1,261,252	1905.....	829,687
1892.....	1,236,476	1906.....	782,722
1893.....	1,209,968	1907.....	744,196
1894.....	1,182,889	1908.....	705,197
1895.....	1,154,810	1909.....	665,832
1896.....	1,125,725	1910.....	626,231
1897.....	1,095,628	1915.....	429,727
1898.....	1,064,524	1920.....	251,727
1899.....	1,032,418	1925.....	116,073
1900.....	999,339	1930.....	37,053
1901.....	965,313	1935.....	6,296
1902.....	930,380	1940.....	340
1903.....	894,385	1945.....	0

TABLE No. 3.—Showing the probable number, June 30, 1890, of the pensionable survivors of the war of the rebellion who are either not pensioned or are rated at less than \$8 per month; the number who will be sixty-two years of age or over on that date; also the number who will attain sixty-two years after 1890, with the year in which they will reach that age.

[Excluding pensioners at \$8 a month or over.]

Probable number of survivors in 1890: Excluding pensioners at \$8 or over, 1,083,934; excluding pensioners at \$8 or over, sixty-two years of age or over, 126,087.

Will live to be sixty-two years old in year—	Number of men.	Will live to be sixty-two years old in year—	Number of men.
1891.....	17,554	1901.....	52,623
1892.....	19,135	1902.....	59,700
1893.....	20,989	1903.....	67,655
1894.....	23,171	1904.....	76,507
1895.....	25,743	1905.....	89,417
1896.....	28,731	1906.....	102,497
1897.....	32,214	1907.....	117,732
1898.....	36,279	1908.....	134,783
1899.....	40,990	1909.....	162,692
1900.....	46,413		

TABLE No. 4.—Showing the probable total number of pensionable survivors at sixty-two years of age or over, who are not now on the pension-rolls or are rated at less than \$8 per month, on June 30, of each year from 1890 to 1909, inclusive, when practically all will have become sixty-two, and at the end of each quinquennial period thereafter until none shall exist.

Survivors at sixty-two years or over, excluding pensioners at \$8 and over per month.

Year.	Survivors.	Year.	Survivors.
1890.....	126,087	1904.....	497,205
1891.....	137,900	1905.....	561,248
1892.....	150,584	1906.....	615,360
1893.....	164,344	1907.....	621,868
1894.....	179,457	1908.....	593,925
1895.....	195,230	1909.....	561,442
1896.....	215,001	1910.....	528,050
1897.....	236,418	1915.....	362,354
1898.....	260,218	1920.....	212,261
1899.....	287,660	1925.....	97,875
1900.....	319,068	1930.....	31,227
1901.....	355,067	1935.....	5,309
1902.....	396,319	1940.....	287
1903.....	443,484	1945.....	0

TABLE No. 5.—Summary.

Total number of men furnished during the war (credits).....	2,778,304
To Army.....	2,672,341
To Navy.....	105,963
Estimated total number of re-enlistments.....	564,939
In Army.....	543,393
In Navy.....	21,546
Estimated total number of desertions.....	121,896
From Army.....	117,247
From Navy.....	4,649
Total number of deaths.....	364,116
In Army.....	359,528
In Navy.....	4,588
Estimated total number of individuals in service.....	2,213,365
In Army.....	2,128,948
In Navy.....	84,417
Estimated total number of survivors at termination of service (deserters excluded).....	1,727,353
Army.....	1,652,173
Navy.....	75,180
Estimated total number of pensionable survivors, June 30, 1890.....	1,285,171
Less pensioners at \$8 or over per month.....	1,083,934
Estimated total number of pensionable survivors sixty-two years of age or over, June 30, 1890.....	149,531
Less pensioners at \$8 or over per month.....	126,087

Mr. DAVIS. The consideration of this question of the service pension, as to when it shall be passed, as to what age, upon what basis, and what is to be expected from such a bill when it goes into operation, is undoubtedly very interesting, and, as a matter of duty, it should receive the consideration of Congress; but I regret very much that the figures which the Senator from Kansas has just now submitted to the Senate have never been submitted to the Committee on Pensions in connection

with any measure which has been introduced and referred for their consideration. Then the amendment itself has no proper place or relation to this bill, which is a dependent pension bill on account of disability, a bill devised for the purpose of aiding and relieving those who are in immediate straits and need, by reason of disability, a bill which by its very terms and upon its very theory excludes entirely the idea of a service pension. Now, to go on in this manner upon an amendment sprung upon this bill at the closing hours of its consideration, voting pensions for amounts which are not vouched for and for numbers which are not vouched for, strikes me as very hasty legislation and likely to be improper. I hope the amendment will not prevail.

The VICE-PRESIDENT. Is the Senate ready for the question on the amendment proposed by the Senator from Kansas [Mr. PLUMB]?

Mr. PLUMB. I think I shall venture to have the yeas and nays on that if I can get a second.

The yeas and nays were ordered.

Mr. PIERCE. Mr. President, this dependent pension bill is not altogether satisfactory to me, but I want to vote for it because it will relieve a good many of those who are in distress now, and it will relieve the nation from the odium of having a large number of its defenders in the poor-houses of the country. It has been going on now for weeks and no action has been reached. It seems to me that it is time that this one bill was carried through the Senate and placed in the progress of enactment by both Houses of Congress.

I wish to say in regard to the amendment which has just been submitted by the Senator from Kansas, speaking for myself alone, that I object to it because it does not go far enough, and I make this remark now in order that my vote upon the amendment may not be misunderstood by the soldiers. At the proper time I hope there will be introduced in this Chamber (and if no one else introduces it I shall take occasion to do so myself) a bill which is more liberal in its character than the amendment which has been submitted by the Senator from Kansas. I have examined the figures very carefully, and I do not believe they go far enough or are liberal enough to the old soldiers.

I simply desired to make that explanation before the vote was taken.

Mr. PLUMB. One little thing did not seem to occur to the Senator; and that is, he did not move any amendment to make it more liberal.

Mr. PIERCE. I am not prepared to do it in proper form at this moment; otherwise I should be glad to do so.

The Secretary proceeded to call the roll.

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY], who is detained from the Senate Chamber by official business. I therefore withhold my vote.

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. I should vote "yea" if he were present.

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARDOUR].

Mr. PUGH (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. I should vote "nay" if he were present.

The roll-call was concluded.

Mr. CULLOM. I have received word from the Senator from Delaware [Mr. GRAY], with whom I have announced a pair, that I am at liberty to vote on this amendment. I therefore vote "yea."

Mr. FRYE. I wish to announce that my colleague [Mr. HALE] is paired with the senior Senator from Kentucky [Mr. BECK].

Mr. JONES, of Arkansas (after having voted in the negative). I am paired with the Senator from New York [Mr. HISCOCK]. As he is not in the Chamber I withdraw my vote.

Mr. DOLPH. I announce my pair with the senior Senator from Georgia [Mr. BROWN].

The result was announced—yeas 19, nays 38; as follows:

YEAS—19.			
Allison,	Hoar,	Moody,	Squire,
Cullom,	Ingalls,	Pettigrew,	Turpie,
Dawes,	Jones of Nevada,	Plumb,	Voorhees,
Everts,	Manderson,	Quay,	Wilson of Iowa.
Frye,	Mitchell,	Sherman,	
NAYS—38.			
Allen,	Colquitt,	Higgins,	Sawyer,
Bate,	Daniel,	Kenna,	Spooner,
Berry,	Davis,	McMillan,	Stockbridge,
Blackburn,	Farwell,	McPherson,	Teller,
Blair,	Faulkner,	Morgan,	Vest,
Call,	George,	Morrill,	Walthall,
Casey,	Gibson,	Pasco,	Washington,
Chandler,	Harris,	Payne,	Wilson, of Md.
Cockrell,	Hawley,	Pierce,	
Coke,	Hearst,	Reagan,	
ABSENT—25.			
Aldrich,	Dixon,	Hampton,	Stanford,
Barbour,	Dolph,	Hiscock,	Stewart,
Beck,	Edmunds,	Jones of Arkansas,	Vance,
Blodgett,	Eustis,	Paddock,	Wolcott.
Brown,	Gorman,	Platt,	
Butler,	Gray,	Pugh,	
Cameron,	Hale,	Ransom,	

So the amendment was rejected.

Mr. HOAR. I desire, with the permission of the Senate, to say one word in regard to the amendment which has just been rejected. I voted for it because I desired in this way to express my belief that the principle of a service-pension bill ought to be adopted with reference to those veterans who have attained a certain advanced age, and I suppose the age fixed in the amendment is the proper one to conform to the present laws. I do not, however, altogether like the amendment as it was proposed, and should prefer, when the system or doctrine of service pensions is adopted that there should be something in the way of a graduation of the pension to the length of service. I do not think that a three-month man, who perhaps never was in the front, who merely enlisted and guarded some fort, perhaps sometimes even a fort in one of the Northern harbors, should be entitled to precisely the same amount of service pension as a veteran who went to the war and staid all through and bore the burden and heat of the day.

I introduced some two years ago, at the request of a person who had carefully studied this matter, a bill giving so much a day, a service pension proportioned to the length of service, which I think would be a more just and reasonable provision than the one just now proposed. I recorded my vote in favor of this project of the Senator from Kansas because, as I said, I desired to express my approbation of the principle and my belief that the time has come when we ought to be dealing with this pension subject in that line.

Mr. PLUMB. I move to strike out, commencing in line 6, page 2, of the reprint of the bill, in section 2, these words:

Which incapacitates them from the performance of labor in such a degree as to render them unable to earn a support, and who are dependent upon their daily labor, or on the contributions of others not legally bound thereto, for their support.

That eliminates from the section what is known as the dependent feature of it. I have already stated all I care to say upon that point, and now will say something in response to what the Senator from Massachusetts [Mr. HOAR] has said.

There is great force in the suggestion, upon general principles, that whoever served the longest should have the greatest pay where that pay was given because of the service alone, not on account of disability. In proposing the amendment which I did, and which has been voted down, I followed the example which Congress has recently set with reference to the survivors of the Mexican war and the precedent which was set in the pensions to survivors of the war of 1812. It may be proper at this date now to make a new rule in regard to the survivors of the war of the rebellion. Upon that I do not care to express any final opinion, but merely to say that it is totally opposed to every principle of legislation which we have heretofore applied in the shape of pensions, and that whoever seeks to apply it in such a way as to do exact justice will find there is considerable difficulty before him. Yet I would be willing to vote for some such proposition as the Senator from Massachusetts has spoken of, perhaps the identical one that he has suggested, and I hope the fact that I have presented these amendments which have been criticised by a member of the committee and by the Senator from Massachusetts as being crude—

Mr. HOAR. I did not criticise—

Mr. PLUMB. As being objectionable because they did not go far enough, and so on. I hope they will not be restrained by any means, now, inasmuch as this matter has been voted down, to propose another measure which they think will more nearly meet the situation.

Mr. HOAR. Will the Senator—

Mr. PLUMB. Excuse me. The Senate furnishes stationery, pen, ink, paper, and things of that sort. The Senator from North Dakota who spoke [Mr. PIERCE] has had some experience in putting his thoughts upon paper. The Senator from Massachusetts [Mr. HOAR] himself is somewhat of an adept in that line. I hope there will not be any restraint growing out of any lack of appreciation of the ability of Senators on that subject or of any innate modesty either.

Mr. BLAIR. I suppose it will be remembered that nearly all who would be covered by this proposition to give a service pension upon attaining the age of sixty-two years are already included in the terms of the present bill, for not less than three-fourths of the soldiers of the country who are not already pensioned under other laws are included under the provisions of this bill whether they have reached the age of sixty-two or are younger. Of those sixty-two years of age there are at least three-fourths who are incapacitated by "mental or physical disability" "from the performance of labor in such a degree as to render them unable to earn a support, and who are dependent upon their daily labor, or on the contributions of others not legally bound thereto, for their support." The universal construction of the language used in the pension laws is that the support or the dependence need not be total in order to enable the claimant to avail himself of the provisions of the law, and this incapacity to earn a support need not be a total support.

Any incapacity such as is included in the language which I have read here in the sixth and tenth lines, any lack of support or any degree of dependence, whether it be dependence wholly or in part, or support wholly or in part, is sufficient to bring the soldier within the terms of the bill. Any one who knows aught of the condition of the soldiers of the country must see that the bill covers everybody who ought to have help, no matter what the age is, and the amendment

proposed by the Senator from Kansas would simply be inclusive of those soldiers who are over sixty-two years of age who do not need any assistance whatever. For my own part I am against the pensioning of millionaires, I do not care what their age is or what their service may have been.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on the amendment offered by the Senator from Kansas [Mr. PLUMB]. Is the Senate ready for the question?

Mr. SHERMAN. Let it be read.

The PRESIDING OFFICER. It will be read.

The CHIEF CLERK. In section 2 of the reprint of the bill, line 6, after the word "habits," it is proposed to strike out all down to and including the word "support" in line 10, as follows:

Which incapacitates them from the performance of labor in such a degree as to render them unable to earn a support, and who are dependent upon their daily labor, or on the contributions of others not legally bound thereto for their support.

So as to read:

That all persons who served three months or more in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from mental or physical disability not the result of their own vicious habits, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive \$12 per month.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. PLUMB. I move to add as a new section the following:

Sec. —. That, when it shall appear that any applicant for pension on account of disability was confined in a Confederate prison for a period of thirty days or more, such applicant shall be entitled to the benefit of the presumption that such disability was incurred while he was in the military service and in the line of duty, and be pensioned accordingly.

The PRESIDING OFFICER. The question is upon agreeing to the amendment proposed by the Senator from Kansas.

Mr. PLUMB. Mr. President, there has been for a long time a contention, with which members of the Committee on Pensions especially are familiar, that the men who were confined in Andersonville, Salisbury, and other Confederate prisons should be entitled to a recognition of their sufferings and disabilities which they are not able to make proof of for reasons which are entirely obvious. The bill as reported from the committee will give a certain recognition to them, but it will not give a recognition which carries a rating above \$12 per month. This amendment is in the line of the provisions of the second section, but will have the advantage of giving a greater rating than \$12 to a number of these very deserving men. I know the chairman of the Committee on Pensions, with that preference for his own bantling which all parents have, does not want the bill amended, but I hope he will see that in this amendment there is sufficient merit to warrant the exception. It will make at the same time a very just recognition of a deserving class of people who may not get relief if they do not get it through the medium of this bill.

Mr. DAVIS. The amendment has no proper place in this bill. The question of presumption under the bill, when or where a man was disabled, is entirely done away with by its very provisions. By the bill it is sufficient if a man is disabled at the time he filed his application, no matter when or where he may have incurred the disability. So far as benefits under the bill are concerned, whether he incurred the disability in prison twenty-five years ago or yesterday as the result of any of the ordinary casualties of life makes no difference. Hence the amendment of the Senator from Kansas, however apparently meritorious, is not harmonious with the provisions or the theory of the bill.

Mr. HAWLEY. It is quite possible that, as the discussion proceeds, I shall vote against something, perhaps more than one thing, that I heartily believe in. But an experience of some years in Congress has taught me this at least, whether it has others, that if you have a committee you trust, and that committee give great time to a bill and are sure of it, and it is well considered, and the committee come in unanimously and beg you to stand by the measure and not listen to plausible amendments, it is better to do it practically, because then we shall get something done certainly. I am afraid to vote for amendments in this way. I shall vote against any amendment to the bill simply on that ground, and I want to get through a first-rate proposition.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. PLUMB].

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. Shall the bill pass?

Mr. VEST. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were here I should vote "nay."



Mr. CULLOM (when his name was called). I am paired generally with the Senator from Delaware [Mr. GRAY]. If he were present I should vote "yea."

Mr. DOLPH (when his name was called). I am paired with the Senator from Georgia [Mr. BROWN]. If I were at liberty to vote I should vote "yea."

Mr. JONES, of Arkansas (when his name was called). I am paired with the Senator from New York [Mr. HISCOCK]. If he were present I should vote "nay."

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. If he were present I should vote "yea."

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR], who is detained from the Senate by indisposition. If he were present I should vote "yea."

The roll-call was concluded.

Mr. PADDOCK. I desire to transfer my pair with the Senator from Louisiana [Mr. EUSTIS] to the Senator from New York [Mr. HISCOCK], who is paired with the Senator from Arkansas [Mr. JONES], so as to enable both the Senator from Arkansas and myself to vote. That being agreeable to the Senator from Arkansas, I vote "yea."

Mr. JONES, of Arkansas. On the transfer of pairs, as stated by the Senator from Nebraska, I vote "nay."

Mr. CAMERON. I am paired with the Senator from South Carolina [Mr. BUTLER]. If he were present, I should vote "yea."

Mr. CULLOM. I will inquire if any Senator has announced a pair with the Senator from Rhode Island [Mr. ALDRICH]? I understand he is paired with some Senator and I shall not attempt to transfer my pair to him.

Mr. EVARTS (after having voted in the affirmative). I ask whether the vote of the Senator from Alabama [Mr. MORGAN] is recorded.

The PRESIDING OFFICER. It is not.

Mr. EVARTS. Then I must withdraw my vote.

Mr. FARWELL (after having voted in the affirmative). I desire to inquire if the junior Senator from Florida [Mr. PASCO] has voted.

The PRESIDING OFFICER. He is not recorded.

Mr. FARWELL. I withdraw my vote.

Mr. STEWART. The Senator from California [Mr. STANFORD] has a general pair with his colleague [Mr. HEARST]. I understand that his colleague voted "yea."

Mr. PLATT. As the Senator from California [Mr. STANFORD] is absent and unpaired, I will transfer my pair with the Senator from Virginia [Mr. BARBOUR] to the Senator from California and vote.

Mr. HARRIS. Which Senator from California does the Senator from Connecticut refer to?

Mr. PLATT. I refer to the senior Senator from California [Mr. STANFORD]. His colleague has voted.

Mr. HARRIS. My understanding has been that the Senator from California [Mr. STANFORD] is generally paired with his colleague [Mr. HEARST].

Mr. PLATT. And his colleague [Mr. HEARST] voted the same way which he would vote.

Mr. HARRIS. That answers my question.

Mr. PLATT. I vote "yea."

The PRESIDING OFFICER. The Chair announces that his colleague [Mr. HALE] is necessarily detained from the Senate and is paired with the Senator from Kentucky [Mr. BECK]. If permitted, he would vote "yea."

Mr. BLACKBURN. I desire again to announce the absence of my colleague [Mr. BECK] on account of ill-health. If he were here, he would vote "nay."

Mr. CULLOM. I will make another inquiry. I wish to ascertain whether the Senator from Rhode Island [Mr. DIXON] has been announced as paired with any Senator?

Mr. BLACKBURN. The Senator from Rhode Island [Mr. DIXON] is paired with the Senator from South Carolina [Mr. HAMPTON].

Mr. CULLOM. All right; I can not get in my vote.

Mr. BATE. The Senator from Rhode Island [Mr. ALDRICH] is paired with the Senator from North Carolina [Mr. RANSOM]. The Senator from Rhode Island asked me to arrange the pair and wished me to state that he is in favor of the bill, and if present would vote for it.

The result was announced—yeas 42, nays 12; as follows:

## YEAS—42.

Allen,	George,	Moody,	Spooner,
Allison,	Gibson,	Morrill,	Squire,
Blair,	Hawley,	Paddock,	Stewart,
Call,	Hearst,	Payne,	Stockbridge,
Casey,	Higgins,	Pettigrew,	Teller,
Chandler,	Hoar,	Pierce,	Turpie,
Davis,	Ingalls,	Platt,	Voorhees,
Dawes,	Jones of Nevada,	Plumb,	Walthall,
Edmunds,	McPherson,	Sawyer,	Washburn,
Faulkner,	Manderson,	Sherman,	Wilson of Iowa.
Frye,	Mitchell,		

## NAYS—12.

Bate,	Cockrell,	Harris,	Reagan,
Berry,	Colquitt,	Jones of Arkansas,	Vest,
Blackburn,	Daniel,	Pugh,	Wilson of Md.

## ABSENT—28.

Aldrich,	Coke,	Gorman,	Morgan,
Barbour,	Cullom,	Gray,	Pasco,
Beck,	Dixon,	Hale,	Quay,
Blodgett,	Dolph,	Hampton,	Ransom,
Brown,	Eustis,	Hiscock,	Stanford,
Butler,	Evarts,	Kenna,	Vance,
Cameron,	Farwell,	McMillan,	Wolcott,

So the bill was passed.

The PRESIDING OFFICER. The title of the bill must be amended. The CHIEF CLERK. The committee report to amend the title, so as to read: "A bill granting pensions to soldiers and sailors who are incapacitated for the performance of labor, and providing for pensions to their widows, minor children, and dependent parents."

Mr. HOAR. I should like to inquire of the chairman of the Committee on Pensions how a soldier who is now incapacitated for labor can have a widow.

Mr. DAVIS. I ask unanimous consent that the word "their" be stricken out before the word "widows."

The PRESIDING OFFICER. The Chair hears no objection, and the title will be amended as it will now be read.

The title was amended so as to read: "A bill granting pensions to soldiers and sailors who are incapacitated for the performance of labor, and providing for pensions to widows, minor children, and dependent parents."

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MARTIN, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7496) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1890, and for other purposes; that it further insisted on its disagreement to the amendment of the Senate numbered 41 to the said bill, and that it asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HENDERSON of Iowa, Mr. CANNON, and Mr. BRECKINRIDGE of Kentucky managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 2542) further to provide for the administration of oaths, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 753) authorizing and directing the sale of certain property belonging to the United States, situate in Pittsburgh, Pa.;

A bill (H. R. 2142) for the relief of the heirs of Lewis Steelman;

A bill (H. R. 6952) to amend section 1018 of the Revised Statutes;

A bill (H. R. 8049) to provide for the disposal of the abandoned Fort Ellis military reservation in Montana under the homestead law, and for other purposes;

A bill (H. R. 75) to fix the regular terms of the circuit and district courts for the southern district of Alabama;

A bill (H. R. 3971) to make valid a deed to a certain tract of land in Bibb County, Georgia, made and delivered by Brig. Gen. Davis Tilton, acting assistant commissioner of the Freedman's Bureau, to Samuel I. Gustin, his heirs and assigns;

A bill (H. R. 7044) to amend section 707 of the Revised Statutes;

A bill (H. R. 7305) to deprive the judge in a court of the United States of the authority to give an opinion upon questions of fact;

A bill (H. R. 8240) to require the United States circuit and district judges to instruct the jury in writing when requested; and

Joint resolution (H. Res. 14) authorizing the use and improvement of Castle Island, in Boston Harbor.

## NATIONAL MUSEUM.

Mr. MORRILL. I am directed by the Committee on Public Buildings and Grounds to move that the communication from the secretary of the Smithsonian Institution, dated January 21, 1890, in relation to the National Museum and its contents, be printed as a document.

The motion was agreed to.

## REPORT OF CHIPPEWA INDIAN COMMISSION.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back the message from the President of the United States, transmitting the final report of the Chippewa Indian Commission, and to recommend that the usual number of this document only be printed. I ask that that order be made now.

The VICE-PRESIDENT. That order will be made, in the absence of objection. The Chair hears none.

## DUTY ON WORKS OF ART.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Finance, and ordered to be printed:

To the Senate and House of Representatives of the United States in Congress assembled: I herewith transmit a report from the Secretary of State in relation to the discriminating duty now imposed upon foreign works of art, and recommend that

action thereon, looking to the removal of the discrimination, be taken by Congress during its present session, if practicable.

BENJ. HARRISON.

EXECUTIVE MANSION,  
Washington, March 31, 1890.

#### SENATORS FROM MONTANA.

Mr. HOAR. I move to proceed to the consideration of the report of the Committee on Privileges and Elections in regard to the Montana contested-election case. I will state that it is not my purpose to urge the Senate to proceed with the matter to-night, but to make it the unfinished business.

Mr. GORMAN. I call the attention of the Senator from Massachusetts to the fact that the Senator from Delaware [Mr. GRAY] who submitted the views of the minority is not here.

Mr. HOAR. I have an understanding with the Senator from Delaware that this case shall not be proceeded with until to-morrow, Tuesday. I call it up, as I just stated, for the sake of making it the unfinished business for to-morrow. I propose now to move to proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on agreeing to the motion made by the Senator from Massachusetts [Mr. HOAR].

The motion was agreed to.

#### EXECUTIVE SESSION.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and forty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 1, 1890, at 11 o'clock a. m.

#### NOMINATIONS.

*Executive nominations received by the Senate the 31st day of March, 1890.*

##### ASSOCIATE JUSTICE OF WYOMING.

Clarence D. Clark, of Wyoming, to be associate justice of the supreme court of the Territory of Wyoming, *vice* Samuel T. Corn, whose term expired March 29, 1890.

##### UNITED STATES ATTORNEY.

Frank D. Allen, of Massachusetts, to be attorney of the United States for the district of Massachusetts, *vice* Owen A. Galvin, resigned.

##### UNITED STATES MARSHAL.

Frank Buchanan, of Missouri, to be marshal of the United States for the eastern district of Missouri, *vice* John W. Emerson, to be removed.

##### UNITED STATES CONSUL.

Alton Angier, of Georgia, to be consul of the United States at Rheims, *vice* Samuel H. Keedy, recalled.

##### ASSISTANT SURGEON IN THE NAVY.

Leckinski Ware Spratling, a resident of Alabama, to be an assistant surgeon in the Navy, to fill a vacancy.

#### CONFIRMATION.

*Executive nomination confirmed by the Senate March 31, 1890.*

##### UNITED STATES ATTORNEY.

John F. Selby, of North Dakota, to be attorney of the United States for the district of North Dakota.

## HOUSE OF REPRESENTATIVES.

MONDAY, March 31, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. E. MILBURN, D. D.

The Journal of the proceedings of Saturday was read.

#### CORRECTIONS OF THE JOURNAL.

Mr. LEWIS. Mr. Speaker, I desire to have the Journal corrected. The Clerk read that Mr. LEWIS had asked for unanimous consent for the consideration of the bill to issue a duplicate check to O. M. Carter. It should have been Mr. LESTER, of Georgia.

The SPEAKER. The correction will be made.

Mr. BAYNE. Mr. Speaker, I desire to correct the Journal. The amendments presented to the bill (H. R. 2402) to provide for the purchase of a site and the erection of a public building thereon at Allegheny, in the State of Pennsylvania, are stated to have come from the Committee on Public Buildings and Grounds. The amendments did not come from that committee, but were proposed by myself.

The SPEAKER. The correction will be made. The Journal as corrected will, without objection, be approved.

#### PURE LARD.

Mr. MORGAN obtained unanimous consent to have printed in the RECORD the following memorial from the presidents of eleven State Farmers' Alliances:

At a meeting of presidents of the various State Farmers' Alliances, called by the president of the National Farmers' Alliance and Industrial Union, held in Atlanta, Ga., on the 19th day of March, 1890, the following resolution was adopted: "Resolved, That the representatives of the cotton States, here assembled, do assert that the compound-lard bill now pending in Congress is unwise, special, and class legislation, and will increase the burdens of one class of producers and only benefit a monopoly that by no means manufactures a pure article of hog's lard, and members of Congress are hereby most respectfully and earnestly requested to oppose the passage of said measure."

It was also resolved that the above resolution pertaining to national legislation on the compound-lard bill shall be printed in The National Economist and be placed on the desk of each Senator and Representative.

The above resolutions were unanimously adopted.

L. L. Polk, president; W. S. Morgan, Arkansas; W. I. Vason, Florida; T. S. Adams, Louisiana; S. B. Alexander, North Carolina; S. D. A. Duncan, Texas; J. P. Buchanan, Tennessee; S. M. Adams, Alabama; L. F. Livingston, Georgia; J. B. Dines, Missouri; E. T. Stackhouse, South Carolina; R. W. Coleman, Mississippi.

#### SALE OF UNITED STATES PROPERTY IN PITTSBURGH, PA.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 753) authorizing and directing the sale of certain property belonging to the United States, situate in Pittsburgh, Pa.

The Clerk proceeded to read the bill.

Mr. ROGERS. I would like to reserve the right of objection until explanation has been made of the bill.

The SPEAKER. The bill has not been read.

Mr. HOLMAN. There is so much confusion we are unable to hear what business is being transacted.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and hereby is, authorized and directed to sell and convey to the purchaser or purchasers all the right, title, and interest of the United States in and to all that certain parcel of ground, belonging to the United States, situate in the city of Pittsburgh, Pa., at the northwest corner of Penn avenue and Garrison alley, in the fourth ward of said city, fronting 100 feet on the west side of Penn avenue and extending northwardly along the west line of Garrison alley, preserving the same width, to low-water line of the Allegheny River, subject, however, to such public easements as exist thereon and thereover.

Sec. 2. That said sales shall be by public auction after due advertisement, daily, for three weeks in three newspapers of the city of Pittsburgh, and after publication of notice by printed hand-bills posted for that length of time on said property and in ten of the most conspicuous places in the said city, and shall be of the property as a whole or in parts, for cash, as in the judgment of the Secretary of War may best subserve the interest of the United States and secure the best price for said entire property.

Mr. HOLMAN. Mr. Speaker, before unanimous consent is given I hope that the report from the Secretary of War, if there is one, will be read.

Mr. DALZELL. I will say to my friend from Indiana, if he will give me his attention, that the sale of this property has been recommended by four different Secretaries of War: first by Secretary Belknap, then by Secretary Lincoln, then by Secretary Endicott, and last by Secretary Proctor.

Mr. HOLMAN. I hope the reasons given by the present Secretary for the sale will be stated.

Mr. DALZELL. The reason assigned is that the property is of no use to the Government. It is worth, perhaps, \$250,000 or \$300,000, and the Government is substantially paying \$18,000 a year rent for property that it does not use. This is a piece of old fort property which was abandoned as a fort seventy-five years ago. It is now in the business portion of the city of Pittsburgh and is very valuable, while it is of no use to the Government. On the last page of the report there appears an extract from a communication from General S. V. Benét, Chief of Ordnance and Acting Secretary of War, in which he says:

This land is not needed for the use of this Department, but the United States should sell what it owns—all its right, title, and interest—for cash, at public auction, the proceeds of the sale to be covered into the Treasury.

And under date of January 15, 1890, Quartermaster-General S. B. Holabird, in a letter to the committee, says:

The property in question, a part of old Fort Fayette, has been in the possession of the United States since 1794. It is not now needed, and will not be needed in the future for military purposes.

Mr. CUTCHEON. I may add to what the gentleman from Pennsylvania has said, that the bill is reported unanimously from the Committee on Military Affairs.

Mr. MAISH. And it was reported unanimously by the Committee on Military Affairs in the last Congress.

Mr. DALZELL. Yes.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. HOLMAN. I hope the report will go into the RECORD as showing the basis of this action.

Mr. BLOUNT. I do not see the object of printing the report after the bill is passed.

The SPEAKER. It tends to keep the proceedings of Congress from being read.



Mr. HOLMAN. We often sell property low and afterwards buy it back at high prices, and I wish to have this report printed to show the reasons for this sale.

Mr. BLOUNT. I do not object to this report being printed; but, Mr. Speaker, we are in the habit almost every day of passing bills first and then printing the reports in the RECORD, and I do not see the object of that practice.

Mr. CUTCHEON. It is convenient as a matter of reference.

Mr. BLOUNT. But there is no use in printing the report after the bill is passed.

The SPEAKER. Is there objection to printing the report?

There was no objection.

The report (by Mr. WILLIAMS, of Ohio,) is as follows:

The Committee on Military Affairs have considered House bill No. 753, authorizing and directing the sale of certain property belonging to the United States, situate in Pittsburgh, Pa., and recommend that it do pass for the following reasons:

The property in question constitutes a portion of what was originally Fort Fayette, situate on the banks of the Allegheny River. By an act of Congress approved August 2, 1813, all of the property originally owned at this place by the United States was authorized to be disposed of by public sale, and subsequently all was so disposed of excepting the portion now embraced in this bill. This has been for some years under the control of the Quartermaster's Department. It has on it a two-story brick house and some other buildings of no importance.

Owing to the growth of the business portion of the city of Pittsburgh the property has now become very valuable and would command a high price in the market if exposed to sale. As long ago as 1874 this property was the subject of special examination and report by the Quartermaster's Department. In a communication dated June 2, 1874, addressed to the Adjutant-General, C. G. Sawtelle, quartermaster and brevet brigadier-general of the United States Army, who had made a special examination of this property, reported as follows:

"The whole property is centrally located, is admirably adapted for business purposes, and is very valuable. There seems to be no probability of it ever being needed for military purposes. I am therefore of opinion and I recommend that the whole property be sold at public auction, after due public notice, so soon as requisite authority therefor can be obtained."

Following this report Quartermaster-General M. C. Meigs, in June, 1874, in his report to the Secretary of War, made the following statement:

"As this real estate of the United States is said to be worth \$100,000 and is not now needed for use of the Quartermaster's Department, it is believed to be advisable that the question of its sale at public auction should be submitted to Congress. Six per cent. of the estimated value of \$100,000 is \$6,000 per annum, which is probably greatly in excess of what the rent of any quarters and storehouses needed in the future at Pittsburgh will cost."

This report to the Secretary of War was sent to Congress with the favorable indorsement of the then Secretary of War, Hon. William W. Belknap. For some reason or other no action was taken by Congress in the premises.

Since the proceedings recited were had the value of this property has very greatly increased, and its retention by the Government is now, in the judgment of the committee, very unwise. It does not seem to be needed for Government purposes, and the amount that it would bring at a fair sale would yield in interest a rent which the Government is not justified in paying for property that is practically useless to it. A communication to the committee, signed "S. V. Benét, brigadier-general, Chief of Ordnance and Acting Secretary of War," under date of March 7, 1888, says:

"This land is not needed for the use of this department, but the United States should sell what it owns—all its right, title, and interest—for cash, at public auction, the proceeds of the sale to be covered into the Treasury."

Quartermaster-General S. B. Holabird, in a letter to the committee dated January 15, 1890, states that—

"The property in question, a part of old Fort Fayette, has been in the possession of the United States since 1794. It is not now needed and will not be needed in future for military purposes."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DALZELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEWIS STEELMAN.

Mr. DUNNELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk (H. R. 2142), for the relief of the heirs of Lewis Steelman.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of State be, and he is hereby, authorized and directed to withdraw from the files of the Department of State, and deliver the same to the heirs of Lewis Steelman, or their legal representative, the papers and evidence presented to the late American and Mexican Claims Commission, organized pursuant to the convention of July 4, 1888, between the United States and Mexico, in his claim against Mexico for \$54,500, for the seizure of wrecking apparatus by the captain of the port of Salina Cruz, September 19, 1889, which case is known as 563 on the docket of said commission, to enable said heirs, through their legal representatives, to further prosecute said claim against Mexico through the Department of State.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. SPRINGER. I desire to hear an explanation, reserving the right to object.

Mr. DUNNELL. I will make the explanation in a very few words. Mr. Steelman in 1870 filed some papers in the State Department, to be placed before the Mexican Commission, but it turned out that the papers were filed too late. They are of no use there, and the State Department does not desire their possession, as it declines to make any use of them in the prosecution of the claim. This citizen simply desires to withdraw those papers from the Department, and the Department makes no objection, but concedes the fitness of this legislation, with the amendment which is found in the latter part of the bill.

Mr. SPRINGER. Does it require an act of Congress to enable a man to withdraw such papers?

Mr. DUNNELL. It does.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The amendment recommended by the committee was read, as follows: Amend by striking out all after the word "commission," being the following words: "to enable said heirs, through their legal representatives, to further prosecute said claim against Mexico through the Department of State."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CASTLE ISLAND, BOSTON HARBOR.

Mr. O'NEIL, of Massachusetts. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. Res. 14) authorizing the use and improvement of Castle Island, in Boston Harbor.

The joint resolution was read, as follows:

*Resolved, etc.*, That permission be, and is hereby, granted to the city of Boston, in the State of Massachusetts, through its park commissioners, to improve and beautify Castle Island, situated in said city, and belonging to the United States, in connection with a public park to be laid out on land adjoining and connecting with said island, with the right to the said city of Boston to make such excavations and fillings, and erect and maintain such structures as the Secretary of War may from time to time approve: *Provided*, That this resolution shall not be construed to pass any title in said island, but that the ownership and control of the said grounds shall remain entirely in the United States, and shall be subject to such changes and uses for military or other purposes as the Secretary of War may direct.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

There was no objection.

An amendment recommended by the committee was read, as follows:

Amend by adding the following words:

"And that the bridge leading from the harbor line to the island shall not be constructed until the plans for the same have been approved by the Secretary of War."

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'NEIL, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HARBOR LINES IN PORTAGE LAKE, MICHIGAN.

Mr. HERMANN. I am directed by the Committee on Rivers and Harbors to ask for the present consideration of the bill (H. R. 7345) authorizing and directing the Secretary of War to establish new harbor lines in Portage Lake, Houghton County, Michigan.

Mr. BYNUM. I call for the regular order.

PORT ELLIS MILITARY RESERVATION.

Mr. MCRAE. I desire to make a privileged report from the Committee on Public Lands upon the bill (H. R. 8049) to provide for the disposal of the abandoned Fort Ellis military reservation, in Montana, under the homestead law, and for other purposes.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to cause the lands embraced within the abandoned Fort Ellis military reservation, in Montana, to be regularly surveyed by an extension of the public surveys over the unsurveyed portions thereof.

SEC. 2. That upon approval of such surveys by the Secretary of the Interior said lands shall become a part of the public domain and subject to exploration, location, entry, and settlement under the mining and homestead laws of the United States, and not otherwise: *Provided*, That nothing herein contained shall limit the operations of any grant of land heretofore made to the State of Montana for educational or other purposes.

SEC. 3. That the Secretary of the Interior shall cause any improvements, buildings, building materials, and other property which may be situate upon such lands not heretofore sold by the United States authorities to be appraised by three competent and disinterested men, to be appointed by him, who shall, after each having been duly sworn to impartially and faithfully execute the trust imposed in him, appraise the said improvements, buildings, building materials, and other property situate thereon and report their proceedings to the Secretary of the Interior for his action thereon; and thereupon the Secretary of the Interior shall cause the same to be advertised for sale at public auction, to the highest bidder, for cash, in at least two newspapers of general circulation published in said State of Montana for four successive weeks, giving the time and place of said sale. Any sale of improvements made under the provisions of this act shall be subject to the approval of the Secretary of the Interior.

SEC. 4. That all acts and parts of acts in conflict herewith are hereby repealed.

The amendments recommended by the Committee on the Public Lands were read, as follows:

Amend section 2 by inserting after the word "lands" in line 2 the words "and otherwise disposed of."

Add to section 2 the following:

"And be it further provided, That nothing in this act shall be construed to waive or release in any way any right of the United States to have the lands granted to the Northern Pacific Railroad Company forfeited for any failure, past or future, to comply with the conditions of this grant."

The amendments were agreed to.

The SPEAKER. The question is upon ordering this bill as amended to be engrossed and read a third time.

Mr. HOLMAN. Mr. Speaker, I wish to say that since the reporting of this bill to the House I have received from a gentleman named J. W. Imes, claiming to reside on the land in question, a telegram requesting that action on this bill be suspended, and stating that he would send to the distinguished gentleman representing that State [Mr. CARTER] affidavits on the subject. I understand that those affidavits have been received. I have conversed with the gentleman from Montana, and in view of his statement I do not feel justified in asking further postponement of this question, as he is of opinion that the rights claimed by this party are not injuriously affected by the bill.

Mr. Speaker, I wish to say a word in addition. I notice that my friend from Arkansas [Mr. MCRAE] has not excepted from the homestead provision in this bill the commutation clause. I thought that exception had been made. I hope there will be no objection to making the exception by inserting a provision that "agricultural lands shall be disposed of under the provisions of the homestead law, except section 2301, which shall not apply."

Mr. ROGERS. I rise to a question of order. Mr. Speaker, I do not see any use in debate proceeding unless we have order enough to hear it. I have not heard a word that the gentleman from Indiana has said, and I have been listening intently.

The SPEAKER. The Chair thinks the point is well taken. The House will come to order. Gentlemen in the aisles will please take their seats.

Mr. HOLMAN. I would be glad to have the view of the gentleman from Arkansas [Mr. MCRAE] in regard to the matter I have suggested.

Mr. MCRAE. Mr. Speaker, if this bill becomes law these lands are opened for settlement under the homestead law. No general bill repealing the commutative section of this law has ever passed Congress, and none has been favorably reported to this House at this session from the Committee on Public Lands. The committee is unwilling, I think, to make at this time any special law to apply to these lands which does not apply to other public lands. The pre-emption law will not operate as to the lands to be opened by this bill. This is the law under which the frauds, if any, have been committed. We simply extend to this 33,000 acres the provisions of the homestead law. I think that is right, and so far as I am concerned I would like to make such a general law. I do not see the use of the pre-emption law; but with it out of the way there is use for section 2301. Some such law is necessary to protect settlers against unforeseen casualties. I hope the bill will pass. It ought to pass, and pass speedily, so that the land may be opened in time for settlement during the coming season. It is right and gives no preference to any one.

Mr. HOLMAN. Mr. Speaker, in our later legislation this commutation clause has been almost uniformly suspended, for the reason that under it the purchaser generally buys for purposes of speculation, not for the purpose of securing a home, and because with that section in operation, you might as well apply at once the pre-emption law.

Mr. MCRAE. The person taking up this land under the homestead law must swear that he does so for actual settlement and cultivation, and not for the purpose of speculation. He can only get it in this way, and after so swearing, he must, before he receive title, prove this fact by two witnesses.

Mr. HOLMAN. Our experience, however, has been that vast bodies of land have been taken up for speculation under the commutation provision, as my friend knows.

Mr. MCRAE. I think the gentleman is mistaken about that. The frauds have been committed under the pre-emption law.

Mr. HOLMAN. As I was not present in the committee when this subject was acted on, I do not feel justified in antagonizing this bill, although I am not satisfied with it in this respect.

Mr. MCRAE. I will say further, in support of the position assumed by the committee, that in the passage of the Oklahoma bill through the last Congress, section 2301 and also the provisions of the pre-emption law were not permitted to operate in that Territory; but when we came back here at this session we found there was a clamor from that country for some relief of this kind, and the result was that, while in the bill organizing the Oklahoma Territory the exception that my friend from Indiana would insist upon was inserted, the provisions of the pre-emption law, much more dangerous, were at the same time extended to that Territory.

Mr. HOLMAN. Certainly; but the reason was that the section having that effect was never reached for consideration by the House. If it had been reached, I have no doubt it would have been struck out.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCRAE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

Mr. FRANK. I ask unanimous consent—

The SPEAKER. The regular order has been demanded.

#### URGENCY DEFICIENCY APPROPRIATION BILL.

Mr. HENDERSON, of Iowa. I desire to submit a privileged report from a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7496) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 19, 21, 60, 61, 62, 63, 64, 65, 66, and 67.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 7, 11, 13, 14, 15, 16, 17, 20, 22, 23, 24, 25, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 57, 58, 59, and 68, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 53, and agree to the same.

On the amendment of the Senate numbered 41, the committee of conference have been unable to agree.

D. B. HENDERSON,  
J. G. CANNON,  
WM. C. P. BRECKINRIDGE,  
*Managers on the part of the House.*  
EUGENE HALE,  
W. B. ALLISON,  
F. M. COCKRELL,  
*Managers on the part of the Senate.*

Mr. HENDERSON, of Iowa. I now ask that the written statement of the House conferees be read.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on amendments of the Senate to the bill (H. R. 7496) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year 1890, and for other purposes, submit the following written statement in explanation of the action agreed upon by the conference committee, namely:

On amendments numbered 1 and 2: Appropriates \$35,000 for the expenses of the National Marine Conference.

On amendment numbered 3: Appropriates \$4,000 for office expenses of the Coast and Geodetic Survey in connection with the preparation of charts, instead of \$4,000, as proposed by the House, and \$12,000, as proposed by the Senate.

On amendment numbered 4: Appropriates \$1,000 for miscellaneous expenses of the Coast and Geodetic Survey.

On amendment numbered 7: Appropriates \$20,000, instead of \$10,000, as proposed by the House, for the expenses of propagation of food-fishes.

On amendment numbered 11: Appropriates \$5,000 for completion of the public building at Manchester, N. H.

On amendment numbered 13: Appropriates \$500 for rent of building for the office of the Sixth Auditor.

On amendment numbered 14: Strikes from the bill the provision proposed by the House authorizing the Secretary of the Treasury to transfer to the mints for coinage any uncurrent fractional silver coins now in the Treasury, and providing that the expenses of the same shall be reimbursed from the silver-profit fund.

On amendment numbered 15: Appropriates \$5,000 for printing and publishing lists of overdue taxes in the District of Columbia.

On amendments numbered 16 and 17: Appropriates \$2,000 to aid the Industrial Christian Home Association in Utah Territory.

On amendment numbered 19: Strikes out proposed appropriation of \$50,000 for continuing the publication of the Official Records of the War of the Rebellion.

On amendment numbered 20: Appropriates \$50,000 for the new cruisers San Francisco and Philadelphia, and the new gunboats Concord and Bennington.

On amendment numbered 21: Strikes out the proposed increase of the appropriation for contingent expenses of Land Office from \$25,000 to \$35,000.

On amendment numbered 22: Appropriates \$17,962.15 to meet the expense of protecting timber and public lands.

On amendment numbered 23: Appropriates \$19,500 for the protection of public lands from illegal and fraudulent entry or appropriation.

On amendment numbered 25: Appropriates \$3,200 for completing the improvement of free bath-house and bathing pools at Hot Springs, Ark.

On amendment numbered 26: Authorizes the Secretary of the Interior to use the sum of \$5,000 of the amount appropriated by the act of February 27, 1890, for the relief of the Sioux Indians at Devil's Lake agency, for the purchase of subsistence and clothing and other necessary articles to relieve the wants of the Chippewas of the Turtle Mountain band of Indians.

On amendments numbered 36, 37, 38, 39, and 40: Appropriates, respectively, as follows:

For furniture cases and repairs for the Agricultural Department, \$2,000.

For contingent expenses of the Agricultural Department, \$5,000.

For experimental agricultural stations in the Territories of Arizona, New Mexico, and Utah, \$30,000, and in the State of Rhode Island, \$15,000.

On amendments numbered 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54: Appropriates in the aggregate \$124,200 for salaries of Senators and for miscellaneous and contingent expenses of the Senate.

On the amendment of the House to the amendment of the Senate numbered 58: Appropriates \$7,500 for finishing and fitting up rooms in the House side of the Capitol Terrace.

On amendments numbered 56, 57, 58, and 59: Appropriates, respectively, as follows:

For public printing and binding, \$200,000;

For printing and binding for the Department of Agriculture, \$7,000; and

To enable the Public Printer to provide for the removal and storage of certain property as authorized by the joint resolution of February 6, 1883, \$4,000.

On amendments numbered 50, 61, 62, 63, 64, 65, 66, and 67: Strikes out the proposed specific appropriations to pay the claims of soldiers for back pay, bounty, and commutation of rations that may be allowed by the accounting officers of the Treasury prior to July 1, next, and leaves the appropriations for such purposes indefinite, as originally proposed by the House.

On amendment numbered 68: Strikes out the proposed indefinite appropriation for the payment of claims for horses lost in the military service that may be allowed prior to July 1, next.

The bill as passed by the House appropriated \$23,650,213.72; as passed by the Senate it appropriated \$24,308,777.69, exclusive of the proposed specific amounts for certain soldiers' claims; so far as agreed upon by the conference committee, it appropriates \$24,253,277.49.

On the amendment of the Senate numbered 41, appropriating \$20,000 for the location of artesian wells under the authority of the Secretary of Agriculture, the committee of conference have been unable to agree.

D. B. HENDERSON,  
J. G. CANNON,  
WM. C. P. BRECKINRIDGE,  
*Managers on the part of the House.*



Mr. HENDERSON, of Iowa. Mr. Speaker, I move the adoption of this report.

Mr. BRECKINRIDGE, of Kentucky. Before the question is taken on adopting this report, I would like the gentleman from Iowa to explain to the House, so that it may be fully understood, that in this conference report the Senate has receded from its amendments by which a maximum amount was appropriated for the payment of arrears of pay of two and three year volunteers, for commutation of rations to prisoners of war and soldiers on furlough, and of claims for bounty, about which we had a discussion in the House. I think the House ought to understand that the Senate receded from those amendments; and I deem it due to myself to state that I do not withdraw the opposition which I originally made to the form of the bill as brought into the House by the Committee on Appropriations.

Therefore, the amount which the Senate put on, and which was stricken out nominally, is not really stricken from the appropriation carried by the bill. It is not as a matter of fact that \$412,358 is stricken from the bill, for it is only nominally stricken out, for in point of law we do appropriate, possibly not that precise sum, but an indefinite and perhaps larger sum, a sum that may be larger than the amount named. As it was shown by our associate on the committee, the gentleman from Missouri [Mr. DOCKERY], last year these items of expenditure amounted to \$1,332,998.

This bill carries \$711,000 for this purpose and it still leaves the sum of \$621,000 to be expended under the provisions of the bill, provided the claims audited this year equal the amount passed last year.

Mr. SAYERS. Do I understand the gentleman to say that the Senate recedes from all these amendments?

Mr. BRECKINRIDGE, of Kentucky. No, not from all. It recedes from all of the items except that as to the pay of claims for lost horses. The amendment is numbered 68 from which we recede and concur with the Senate.

Mr. ROGERS. Will the gentleman from Kentucky explain why this rule is applied to only one class of cases or claims and another class is provided for differently?

Mr. BRECKINRIDGE, of Kentucky. Yes. There is a very clear distinction between the two; whether it justifies the action of the committee or not is for others to decide, but in the judgment of the committee there is a clear distinction. The claims in the other items are provable by the records of the Government. All that is necessary for a claimant to prove under the other items is his own identity. The claimant for a horse, however, has to prove his claim by testimony outside of the record.

Mr. SAYERS. You refer in the other class to those claims that are for back pay and bounty, etc.?

Mr. BRECKINRIDGE, of Kentucky. In the former items to which I have referred, bounty, etc., the claims are proved by testimony which is kept by the United States, is furnished by the United States, and is wholly a matter of record belonging to the Government, in which case the claimant has only to prove identity. In such cases, therefore, the chance for fraud is comparatively slight, and there is a real distinction between such claims and those known as horse claims, where the Senate adhered to its amendment and the House conferees receded. I believe I state it fairly, so that the gentleman from Arkansas and the gentleman from Texas can see the distinction.

But I thought it only proper and due to myself that the House might understand that the managers on the part of the House insisted on the position taken by the House, and the Senate receded, and that therefore the statement that this bill carries twenty-four million two hundred and one thousand and odd dollars ought to be coupled with a statement, or at least should be understood to mean, that this is the amount it appropriates specifically and by name, but it also carries an appropriation of possibly \$600,000 additional for the payment of these items, which the auditing officers under it will have a right to pay as soon as the auditing is completed.

Mr. ROGERS. Will the gentleman yield to me for a moment?

Mr. BRECKINRIDGE, of Kentucky. If I am permitted to do so. I believe that I am occupying the floor in the time of my colleague, and by his courtesy.

Mr. HENDERSON, of Iowa. Does the gentleman desire to be heard?

Mr. ROGERS. Just for a moment, for the purpose of asking a question.

Mr. HENDERSON, of Iowa. I yield to the gentleman.

Mr. ROGERS. As I understand this question, when the identity of a soldier who claims bounty or back pay is once established the records of the Government show the amount due him or furnish the proof of the amount of his claim?

Mr. BRECKINRIDGE, of Kentucky. Yes.

Mr. ROGERS. And as to that we make the indefinite appropriation?

Mr. BRECKINRIDGE, of Kentucky. That is correct.

Mr. ROGERS. But when you make provision for claims of the other class how are they audited, I would ask the gentleman?

Mr. BRECKINRIDGE, of Kentucky. In precisely the same manner.

Mr. ROGERS. By the same officer?

Mr. BRECKINRIDGE, of Kentucky. By the same general class of officers. Some of them fall under the Second Auditor and some of them under the Third Auditor.

Mr. ROGERS. But the testimony?

Mr. BRECKINRIDGE, of Kentucky. The testimony is made up by proof outside.

Mr. ROGERS. Wholly extraneous to the record?

Mr. BRECKINRIDGE, of Kentucky. Altogether.

Mr. ROGERS. In that case how is the appropriation made by the bill?

Mr. BRECKINRIDGE, of Kentucky. In that case we adhere to the old mode; the auditing officer has the power under the law to audit the claim, and must report to the Secretary of the Treasury, who reports to Congress, and Congress, of course, has power to make the necessary appropriation for it.

Mr. ROGERS. So you only provide in this bill for the claims that are not reported to Congress?

Mr. BRECKINRIDGE, of Kentucky. That's all.

Mr. ROGERS. Now, one word further in this connection. How will Congress, which is supposed to hold the purse-strings, be advised as to the expenditure for that class of claims and the amount required to pay them?

Mr. BRECKINRIDGE, of Kentucky. Well, as a matter of legislation Congress will not be so advised; but will be advised as a matter of information. It is the duty of the officer charged with the disbursement of such funds to report the expenditure and amount of the payments made, and it will be a matter of information which Congress will receive. Congress will have no duty to perform in the premises unless it discover that some fraud has been perpetrated which will require impeachment.

Mr. ROGERS. I only desire to know whether there is any period, near or remote, when these officers will be able to report to Congress that they had struck bottom.

Mr. BRECKINRIDGE, of Kentucky. They will, of course, report to Congress the amount of money expended; but that, however, will be subsequent to the expenditure. The whole question here is that in this class of cases payment can be made by the auditing officers prior to a report to Congress. They are meritorious cases, and payments ought to have been made long ago, and have not been made for reasons with which I am not entirely familiar and which I do not mean to criticize. Such cases can be audited from documentary proof in the possession of the Government; and under some late improvements inaugurated in the War Department, originally suggested under the advice of a gentleman named Ainsworth, I believe, these cases can be more speedily audited, and payments probably made more rapidly.

It is a temporary matter which should expire in the next three or four years; so that in and of itself it is mainly objectionable, as affording a dangerous precedent in favor of indefinite appropriations. In addition to that there is, of course, the objection that it conceals, in the appropriation bill, the amount of the appropriation itself. It is a mode of making appropriations which conceals the amount appropriated. It also confers powers on auditing officers which they ought not to possess.

I simply wanted to call the attention of the House to these points.

Mr. DOCKERY addressed the Chair.

Mr. HENDERSON, of Iowa. How much time does the gentleman want?

Mr. DOCKERY. I simply wanted to ask the gentleman a question.

Mr. HENDERSON, of Iowa. All right.

Mr. DOCKERY. I desire to ask the gentleman from Iowa a question. I was not here when the debate commenced and do not know what has been said.

Mr. HENDERSON, of Iowa. I have not heard what has been stated on that side.

Mr. DOCKERY. I desire to ask of the gentleman in charge of this bill what amount he estimates is concealed by this indefinite appropriation for the balance of this fiscal year?

Mr. HENDERSON, of Iowa. Mr. Speaker, there is nothing concealed in this bill; not a dollar. No living man can state the amount that will be required to meet the indefinite appropriations for back pay, bounty, commutation of rations, etc. The amount estimated when we made up the bill for the House was \$412,000; but a subsequent letter has been received from one of the auditing officers, who finds that there will be about \$30,000 more required. They are allowing them at a more rapid rate than heretofore, and we can not tell how much it will be; but we are agreeing, and the Senate agreeing to the proposition, receding from their amendment; so that whatever the amount may be it is provided for in this bill.

Mr. DOCKERY. The gentleman estimates—

Mr. HENDERSON, of Iowa. It will be at least \$412,000, and may be a great many thousands more than that.

Mr. BRECKINRIDGE, of Kentucky. Does he not believe that it will be somewhere over \$600,000, because last year the amount necessary was \$1,330,000 in round numbers? This bill gives \$711,000, which gives a distinction of over \$600,000, and the statement was made that these claims are being audited much more rapidly and efficiently

than they ever have been, so that there probably will be a larger payment made this year, and probably the payment will require \$600,000 more than the sum named in our bill, will it not?

Mr. HENDERSON, of Iowa. Mr. Speaker, I know nothing of what the amount will be, except that the auditing officer made an estimate for \$412,000; a few days afterwards they made an estimate of \$30,000 more. But we propose that when these claims are considered and allowed these poor fellows shall have their cash, be it more or be it less. I will say, while on that subject, that I had not referred to it, because it is explicitly referred to in the extended report we have made, and it is stated therein in express terms that the \$24,308,770.49 embraced in the bill contains a provision of \$412,000 for these indefinite appropriations. There is nothing covered, nothing concealed, and the report made by the conference committee on this bill, if adopted, will enable the gentlemen to make the fullest use of it in the campaign, if they want to.

Mr. DOCKERY. Have no fear as to that. We will use it to the fullest extent.

Mr. HENDERSON, of Iowa. And when that time comes we will meet them successfully on the stump in regard to it. We will be prepared with wholesome reasons for consumers in the campaign.

The gentleman from Illinois [Mr. ADAMS] asked for a minute, and I yield it to him.

Mr. ADAMS. Mr. Speaker, I criticised the other day the manner in which conference reports were formerly drawn. I desire only to say that this report is drawn as I think all such reports ought to be drawn, and when the Clerk read item after item I followed it with my pen in my hand. If I had had any serious difference with the committee on any point I should have been enabled to discuss it at once without asking any question. I respectfully and sincerely hope that the Committee on Appropriations will keep up the good practice.

Mr. HENDERSON, of Iowa. Mr. Speaker, the statement of the gentleman from Illinois has encouraged me to renew my motion for the adoption of the report.

The report was adopted.

Mr. HENDERSON, of Iowa. I now move that the House insist upon its disagreement to the amendment of the Senate numbered 41 and ask for a further conference thereon.

The motion was agreed to.

The Chair announced as managers of the conference on the part of the House Mr. HENDERSON of Iowa, Mr. CANNON, and Mr. BRECKINRIDGE of Kentucky.

#### SERVICE-PENSION BILL.

Mr. MORRILL. I desire to offer the following resolution.

The Clerk read as follows:

*Resolved*, That 1,000 copies extra of House bill 8297 and accompanying report be ordered printed.

Mr. BRECKINRIDGE, of Kentucky. What report is that?

Mr. MORRILL. It is House bill 8297, providing for a service pension for the soldiers of the rebellion and their widows, and for other purposes, which has been reported back to the committee.

Mr. BRECKINRIDGE, of Kentucky. What is the bill?

Mr. MORRILL. A general pension bill.

Mr. BRECKINRIDGE, of Kentucky. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

#### DUTIES ON BREADSTUFFS AND PROVISIONS IN FOREIGN COUNTRIES.

Mr. CARLISLE. Mr. Speaker, I make the following privileged report from the Committee on Ways and Means.

The Clerk read as follows:

*Resolved*, That the Secretary of State be, and he is hereby, requested to furnish the House of Representatives a statement showing what, if any, changes have been made by foreign countries since 1879 in the rates of duty imposed upon breadstuffs and provisions imported in said countries from the United States, and what laws, if any, have been enacted or regulations have been made in such countries since said date prohibiting, obstructing, or in any manner interfering with the importation and sale of such articles.

The resolution was agreed to.

#### RIGHT OF WAY THROUGH THE INDIAN TERRITORY.

The SPEAKER. The morning hour begins at 1 o'clock and fifteen minutes, and the call rests with the Committee on Indian Affairs. The question is on agreeing to the amendment offered by the gentleman from Mississippi [Mr. HOOKER] to the bill (H. R. 344) to grant the right of way to the Pittsburgh, Columbus and Fort Smith Railway Company through the Indian Territory, and for other purposes.

Mr. HOLMAN. I hope the amendment will be reported.

The SPEAKER. The amendment has been reported a number of times.

Mr. HOLMAN. Not to-day.

The SPEAKER. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

*Amend by adding to section 2 the following:*

*"Provided, That the consent of the Indian tribe or tribes through whose reservation this railroad shall pass shall first be had and obtained."*

The amendment was rejected.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The Committee on the Territories was called.

Mr. STRUBLE. The Committee on Territories have nothing to present this morning.

The Committee on Labor was called.

Mr. BUCHANAN, of New Jersey. Mr. Speaker, the chairman of that committee has been called away by serious illness in his family. Before he left he requested me to ask that the committee be passed over without prejudice, and under the circumstances I think the request ought to be granted.

The SPEAKER. Does the gentleman know that there is anything to be presented by the committee?

Mr. BUCHANAN, of New Jersey. The chairman asked me to make the request that the committee be passed without prejudice.

The SPEAKER. Is there objection to the request that the Committee on Labor be passed on this call without prejudice?

There was no objection, and it was so ordered.

Mr. DIBBLE. I ask unanimous consent that the Committee on Public Buildings and Grounds—

The SPEAKER. It is too late to make that request.

The Committee on the Militia was called.

Mr. HENDERSON, of Iowa. Mr. Speaker, by instruction of the committee I offer the resolution which I send to the desk, and move its adoption.

The SPEAKER (after examining it). This resolution would not be in order. The committee has only the right to call up a measure that is on the House Calendar.

Mr. HENDERSON, of Iowa. This is on the Calendar of the Committee of the Whole House, and it is merely a resolution to fix a day.

The SPEAKER. But it is not on the House Calendar, and is not in order.

The Committee on Patents was called.

Mr. SIMONDS. Mr. Speaker, I ask unanimous consent that the Committee on Patents be passed without prejudice.

There was no objection, and it was so ordered.

The Committee on Invalid Pensions was called.

Mr. MORRILL. Mr. Speaker, on behalf of the Committee on Invalid Pensions I call up the bill (S. 390) to amend paragraph 3 of section 693 of the Revised Statutes, and for other purposes.

The bill was read.

The SPEAKER. Is this bill on the House Calendar?

Mr. MORRILL. It is not on the House Calendar.

The SPEAKER. Then it is not in order at this time.

Mr. MORRILL. The committee have no bills on the House Calendar.

The Committee on Expenditures in the Treasury Department was called.

Mr. COGSWELL. Mr. Speaker, I ask unanimous consent that in the absence of the chairman of that committee the committee be passed without prejudice.

Mr. DUNNELL. I object.

Mr. OUTHWAITE. Mr. Speaker, was the Committee on Expenditures in the Treasury Department called?

The SPEAKER. It was.

Mr. OUTHWAITE. I see the chairman of that committee is not present, and I should like to ask that it be passed now with leave to return to it on a subsequent call.

The SPEAKER. Is there objection to the request that the Committee on Expenditures in the Treasury Department be passed without prejudice?

Mr. DUNNELL. Mr. Speaker, I am informed that the chairman of that committee is sick, and, if so, I will withdraw my objection.

The SPEAKER. Is there further objection?

There was no objection, and it was so ordered.

The Committee on Accounts was called.

Mr. HAYES. Mr. Speaker, I desire to ask whether the Chair has just decided that it is not in order upon this call to move to fix a day for the consideration of a bill.

The SPEAKER. Only bills on the House Calendar are in order under this call.

Mr. HAYES. A bill or resolution that is on the Calendar of the Committee of the Whole is not in order?

The SPEAKER. It is not in order.

The Committee on the Judiciary was called.

#### SECTION 1018, REVISED STATUTES.

Mr. EZRA B. TAYLOR. Mr. Speaker, on behalf of the Committee on the Judiciary, I call up the bill (H. R. 6952) to amend section 1018 of the Revised Statutes.



The bill was read, as follows:

*Be it enacted, etc.* That section 1018 of the Revised Statutes be amended so as to read as follows:

"Sec. 1018. Any party charged with a criminal offense and admitted to bail may, in vacation, be arrested by his bail and delivered to the marshal or his deputy at the place of trial before any judge or other officer having power to commit for such offense, and at the request of such bail the judge or other officer shall recommit the party so arrested to the custody of the marshal and indorse on the recognizance, or certified copy thereof, the discharge and exoneration of such bail; and the party so committed shall therefrom be held in custody until discharged by due course of law."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. EZRA B. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ADMINISTRATION OF OATHS.

Mr. EZRA B. TAYLOR. I call up the bill (S. 2542) to provide for the administration of oaths, for which a substitute is reported by the committee, embodying the provisions of House bill 121.

The SPEAKER. The Clerk will read the Senate bill and then the House bill which is proposed as a substitute.

The Senate bill was read, as follows:

*Be it enacted, etc.* That, in addition to the persons now authorized by law, the Chief Justice and associate justices of the Supreme Court of the United States, the circuit and district judges of the United States, and the clerks of the United States courts, and the commissioners of the circuit courts of the United States be, and they are hereby, respectively authorized to administer all oaths authorized or required by the laws of the United States, excepting in cases in which any such oaths are required to be taken before a particular officer of the United States.

The proposed substitute was read, as follows:

*Be it enacted, etc.* That any justice, judge, clerk, or commissioner of any court of the United States is hereby authorized and empowered, within his territorial jurisdiction, to administer oaths in any matter or proceeding, civil or criminal, that may hereafter arise under or wherein an oath may now or hereafter be required by or administered under the laws of the United States. And any oath so administered shall be operative and valid for all the purposes contemplated in its administration in every part of the United States.

Sec. 2. That in every case wherein an oath has heretofore been administered by any officer mentioned in the preceding section, in any matter or proceeding, civil or criminal, provided for in said section, said oath shall be valid and have the same force and effect upon any civil rights or matters involved, where no adverse right has vested before the passage of this act, and in criminal matters as to all acts hereafter performed in violation of said oath which would constitute an offense if said oath were valid, as if administered after the passage and under the provisions of said act.

The substitute was agreed to.

The Senate bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. EZRA B. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### OPINIONS BY FEDERAL JUDGES ON QUESTIONS OF FACT.

Mr. EZRA B. TAYLOR. I yield to my colleague on the committee, the gentleman from North Carolina [Mr. HENDERSON].

Mr. HENDERSON, of North Carolina. I am directed by the Committee on the Judiciary to call up the bill (H. R. 649) to deprive the judge in a court of the United States of the authority to give an opinion upon questions of fact. The committee recommend as a substitute for this bill the provisions of House bill 7305.

The SPEAKER. The Clerk will read the original bill.

The Clerk read as follows:

*Be it enacted, etc.* That no judge in a court of the United States, in delivering a charge to the jury in a civil or criminal action, shall give an opinion whether a fact is fully or sufficiently proven, such matter being the true office and province of the jury; but he shall state plainly and correctly the evidence given in the case, and shall declare and explain the law arising thereon.

The SPEAKER. The Clerk will now read the proposed substitute. The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That no judge in a court of the United States, in delivering a charge to the jury in a civil or criminal action, shall express any opinion upon the facts."

Mr. SPRINGER. Is there a Senate bill pending here in regard to this question?

Mr. HENDERSON, of North Carolina. No, sir; there is a Senate bill in regard to judges delivering their charges in writing.

Mr. DAVIDSON. Let the report in this case be read.

Mr. SPRINGER. Why should not the judges be required to deliver their opinions in writing?

Mr. EZRA B. TAYLOR. If the gentleman will wait a moment we shall bring before the House a bill to that effect.

Mr. HENDERSON, of North Carolina. I ask the Clerk to read the report.

The Clerk read as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 649) to deprive the judge in a court of the United States of the authority to give an opinion upon questions of fact, beg leave to report:

In nearly all the States the rule prevails that the judge can not give to the jury any opinion upon the facts or on the weight of evidence. The Supreme Court of the United States has decided in several cases that the contrary rule prevails in the courts of the United States, and that the powers of these courts in this

respect are not controlled by the statutes of the State forbidding judges to express any opinion upon the facts. (Nudd vs. Burrows, 91 U. S., 426; Vicksburg and Meridian Railroad Co. vs. Putnam, 118 U. S., 545; St. Louis, etc., Railroad Co. vs. Vickers, 122 U. S., 360; United States vs. Reading Railroad, 123 U. S., 113; Williams vs. Conger, 125 U. S., 307.)

Your committee are of the opinion that the judges of the courts of the United States should not be permitted, in submitting a case to the jury, to express any opinion upon the facts, and therefore report the following substitute, with the recommendation that it do pass and that bill H. R. 649 do lie upon the table.

Mr. HOPKINS. I wish to inquire of the gentleman in charge of this bill whether any serious complaint has been made to the Committee on the Judiciary as to the manner of transacting business in the Federal courts under the existing law in this respect.

Mr. HENDERSON, of North Carolina. No, sir; I do not know that there has been.

Mr. HOPKINS. Is there any necessity, then, for the passage of this bill?

Mr. HENDERSON, of North Carolina. I think there is.

Mr. HOPKINS. If this bill becomes a law, it will deprive a Federal judge of any power to instruct the jury to find a verdict, even if there is no evidence at all.

Mr. HENDERSON, of North Carolina. No, sir.

Mr. EZRA B. TAYLOR. Not by any means.

Mr. HOPKINS. Why not?

Mr. EZRA B. TAYLOR. That is a question of law.

Mr. HOPKINS. It may not be.

Mr. EZRA B. TAYLOR. It always is; it can not be anything else than a question of law. In such a case the charge of the judge is that under the state of facts as proven there is no law sustaining the action.

Mr. HOPKINS. But, if this bill becomes a law, it seems to me it will require the judge in every instance to send the jury out to find whether there is any evidence sustaining the action.

Mr. EZRA B. TAYLOR. The gentleman is very much mistaken in regard to that matter.

Mr. COBB. If there is no evidence at all it is a question of law for the court.

Mr. EZRA B. TAYLOR. In reply to the question whether any serious complaint has been made on this subject, I will say that no such complaints have been made in form to the Judiciary Committee; but every member of that committee who has had experience before the courts has seen occasions where complaint ought to have been made. Under our general system in the States, the jury is the judge of the facts, the court the judge of the law, and the jury takes the law from the court. But in the Federal courts, under the decisions of the Supreme Court, the judges are allowed not only to state what the verdict should be under a given state of facts, but to say what the facts are, what the evidence is, to comment upon the evidence, to argue the case upon the facts, to become in effect attorneys, if they see fit. I think, for one, and the committee so thought, that this is a power which ought not to be exercised.

Mr. HOPKINS. I would like the chairman of the Judiciary Committee to state whether during the one hundred years that our judges have had this power there has been any serious complaint made or whether any judge has been charged with corruptly using this power.

Mr. EZRA B. TAYLOR. That is a question so broad that I shall have to allow the gentleman himself to answer it. I will say this: that serious complaint is continually made, but no complaint, so far as I know, of corruption on the part of the judge.

Mr. HOPKINS. But, Mr. Speaker, every lawyer in a Federal court who in a jury trial is defeated by reason of the ruling of the judge, thinks probably for the time being there is something wrong; but the experience of practitioners generally in our courts is that this power is exercised for the public good.

This bill is an innovation on the common law. This power has been exercised by the Federal judges since the adoption of the Constitution and the establishing of the courts.

It seems to me, unless some complaint is made and some facts are presented to this committee showing the necessity or expediency of such a measure, these gentlemen ought not to propose an innovation of this character on the Federal judiciary.

Mr. EZRA B. TAYLOR. The Committee on the Judiciary reported favorably on this bill because it is here. If the House thinks otherwise, it is of course in the power of the House to defeat the bill.

The fact in regard to the matter is this: For most of the judges it has been understood heretofore that they were compelled on this question to adjust their practice to the practice of the States in which they hold their courts. It has not been until lately there was a different assumption, and when that assumption arose it met with complaint. In four or five cases, commencing with 91 United States Reports, the question came before the Supreme Court. It was there decided that the courts were not bound by the policy of the States in like cases, but they had the common-law power to direct the jury as to what the facts were, to direct the jury as to the meaning of the evidence, and to comment on it as they did in the days of Jeffreys for that matter. And it struck many of the courts, as it did most lawyers, as being an innovation, and one which ought to be corrected. It was an innovation. The judges did not understand before that they had the power to do it. Now complaints exist and come from every quarter. These innovations are growing, and

this difficulty is becoming more and more burdensome. The gentleman from Illinois [Mr. HOPKINS] would not submit for a single moment to have his own judges have common-law authority. He would not allow that. He would have resisted it in his own case. We merely think the practice in the United States courts should conform to the principles and practice which the State courts generally have adopted.

Mr. LANSING. Is not this practically a statutory reversal of the traditions of the common-law courts?

Mr. EZRA B. TAYLOR. They claim it in the eastern courts.

Mr. LANSING. They do.

Mr. EZRA B. TAYLOR. Do you like it?

Mr. LANSING. Certainly, I like it. Let me ask the gentleman how a judge can charge a jury without referring to facts in some way. If this legislation be adopted you make exceptions which are carried up, and thereby make litigation interminable.

Mr. EZRA B. TAYLOR. Of course there is no question the judge may refer to facts; he may claim the charge was so and so, but the safe practice is to have the court hold that it can not act as attorney for either party.

Mr. CHIPMAN. Under the State practice you have referred to, do not the judges do what you say, that is, advert to the facts? Do they not refer to the facts by stating what the facts are?

Mr. EZRA B. TAYLOR. They may advert to the testimony.

Mr. CHIPMAN. Is it not a fact they do so advert to the facts under the State law?

Mr. EZRA B. TAYLOR. They do not with us in Ohio.

Mr. CHIPMAN. They do with us.

Mr. EZRA B. TAYLOR. They are not allowed to sum up the matter.

Mr. CHIPMAN. They do it under the State law (similar to the bill under consideration) with us. They do it everywhere, and I have known error to arise on it.

Mr. EZRA B. TAYLOR. They may.

Mr. LANSING. I believe the enactment of this law is in the interest of the lawyers. I believe if you go into court with this system, with the judge between a question he can speak on and one he can not, you will have appeals in every case coming before the court. If I were to characterize it, it is an act to increase litigation.

Mr. BUCKALEW. The law now is that where a judge attempts to instruct a jury on a question of fact it is error, and may be reversed.

Mr. EZRA B. TAYLOR. I am willing to yield to the gentleman from Pennsylvania if he will state the time he needs, but I do not wish the whole hour to be taken up in this discussion.

Mr. BUCKALEW. I do not ordinarily speak for the mere purpose of speaking. I shall only want three or four minutes.

Mr. EZRA B. TAYLOR. I will yield to the gentleman from Pennsylvania five minutes if he wants the time.

Mr. BUCKALEW. Mr. Speaker, in my own State we have no difficulty upon the question to which this bill is directed. One result of its passage, however, will be that the rule which applies to the instructions of the judges in my State will not be the rule in the Supreme Court of the United States.

Mr. HOPKINS. Nor in the Federal courts.

Mr. BUCKALEW. Nor in the Federal courts of the United States.

Another inevitable result will be questions constantly arising by counsel as to whether the judge, in stating the facts of the case to the jury, has not indicated an opinion; and I take it, sir, that instead of decreasing litigation the inevitable effect of such a measure as this will be to inaugurate and increase it.

I can conceive of no reason—and I am speaking of my own State now and the trial of causes in our courts and the practice of the courts of that State—I can conceive of no reason for the passage of an act of Congress like that now proposed, except to emancipate the bar from the reasonable, necessary, and proper control of the judges over litigation in our courts. The reasonable, judicious, and intelligent charge before a court upon the facts is necessary to control and give direction to the action of juries. Why should a lawyer, a powerful advocate, a man who can play upon human passions, be permitted, as constantly is the case in our courts, to pour into the jury-box powerful, impressive, eloquent harangues in regard to the testimony, unless it is placed within the power of the judge, or even sometimes made his duty, to correct it by a lucid presentation of the facts? And that is what is embodied in the ordinary charge.

Mr. REED, of Iowa. But there is nothing in this act which would prevent the judge from doing that.

Mr. BUCKALEW. Speaking from experience in my own State and looking at the probable consequences to flow from this change, I am opposed to this bill.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman permit a question?

Mr. BUCKALEW. Certainly.

Mr. BRECKINRIDGE, of Kentucky. Does not the argument of the gentleman simply mean that the judge may have the concluding speech, if he thinks proper, against the counsel on the other side? [Laughter.]

Mr. BUCKALEW. I stated in the outset of the discussion of this

case that if he transgresses the legal boundaries and gives to the jury instructions upon the facts of the case he is liable to be, and can be, reversed in his rulings.

Mr. EZRA B. TAYLOR. I now yield five minutes to my colleague on the committee, the gentleman from Iowa [Mr. HAYES].

Mr. HAYES. Mr. Speaker, it is the opinion of everybody who has given thought to the matter that so far as the power to judge of facts is concerned, upon the evidence before a court or jury, the judge is no more able to correctly determine than the jury. But every practitioner before the courts of the country knows that, whenever a judge undertakes to express an opinion upon facts, such expression of opinion is liable to have, and does have, an undue influence upon the jury. The object of this bill is to prevent that in future.

So far as the trouble suggested by the gentleman from Pennsylvania is concerned, it is purely imaginary. No judge in a written charge ever states the facts of a case to the jury, but simply the issue as written down in the pleadings of the parties. He does not state the facts or anything relating to them; and what he does allege he takes from the pleadings of the parties themselves.

Mr. REED, of Iowa. Has not that been substantially the practice in our courts for thirty years?

Mr. HAYES. You mean in the Federal courts?

Mr. REED, of Iowa. In the State courts.

Mr. HAYES. Yes, sir.

Mr. REED, of Iowa. And did you ever know an appeal taken on the ground that the judge had invaded the precincts of the jury; have you ever known a case to be reversed on that plea?

Mr. HAYES. No, sir; and so far as our State courts are concerned there has been no such evil, and there will be no necessity for the change in the law. But in other States there have been great complaints, and in our State also, as to the Federal courts.

Mr. REED, of Iowa. That is true.

The SPEAKER. The question is on agreeing to the substitute proposed by the committee.

The substitute was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDERSON, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### UNITED STATES COURTS, SOUTHERN DISTRICT OF ALABAMA.

Mr. EZRA B. TAYLOR. I now yield to my colleague on the committee, Judge REED.

Mr. REED, of Iowa. I call up, by instruction of the Committee on the Judiciary, the bill (H. R. 75) to fix the regular terms of the circuit and district courts of the southern district of Alabama.

The bill was read, as follows:

*Be it enacted, etc.,* That the regular terms of the circuit and district courts of the United States for the southern district of Alabama shall be held annually on the fourth Monday in November and the first Monday in May, at the city of Mobile, in said district.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. REED, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### CASES BEFORE THE COURT OF CLAIMS.

Mr. REED, of Iowa. I now call up the bill (H. R. 7044) to amend section 707 of the Revised Statutes.

The bill was read, as follows:

*Be it enacted, etc.,* That section 707 of the Revised Statutes be, and the same hereby is, amended by adding thereto, at the end thereof, the following proviso: "Provided, however, That where, in cases pending in the said Court of Claims in which the sum in controversy is less than \$3,000, it shall appear from the affidavit of the plaintiff, or otherwise, that the decision of the court will affect a class of cases or furnish a precedent for the future action of any Executive Department of the Government in the adjustment of a class of cases, an appeal may be allowed to the Supreme Court, on behalf of the plaintiff, without regard to the amount involved, in the manner now allowed by law."

The committee recommend the adoption of the following amendment:

Strike out, in lines 8 and 9, "from the affidavit of the plaintiff" and insert "to the satisfaction of the court by competent evidence."

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. REED, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### SALE OF LAND IN BIBB COUNTY, GEORGIA.

Mr. EZRA B. TAYLOR. I now yield to the gentleman from Georgia [Mr. STEWART].

Mr. STEWART, of Georgia. Mr. Speaker, by instruction of the Com-



mittee on Judiciary, I call up for present consideration the bill (H. R. 5971) to make valid a deed to a certain tract of land in Bibb County, Georgia, made and delivered by Brig. Gen. David Tilson, acting assistant commissioner of the Freedman's Bureau, to Samuel I. Gustin, his heirs and assigns.

The bill was read, as follows:

*Be it enacted, etc.,* That the title conveyed by deed from David Tilson, brigadier-general of volunteers and acting assistant commissioner of the Freedman's Bureau, on the 27th day of April, 1865, to Samuel I. Gustin, of the county of Bibb, State of Georgia, to 4 acres 1 rood and 10 perches of land situated in said county and State, being a part of the 20-acre lot of No. 8 in the Macon Reserve, west of the Ocmulgee River, and further known as a part of that portion of said lot which H. I. Peters and Jacob Russell deeded to Samuel P. Moore in his capacity of surgeon-general of the Confederate States, is hereby confirmed to, and whatever right or interest which the United States may be supposed to have in said described tract of land is hereby granted and released to, the said Samuel I. Gustin, his heirs or assigns.

SEC. 2. That all laws and parts of laws militating against this act be, and the same are hereby, repealed.

Mr. HOLMAN. Is there a report accompanying this? If so, I ask that it be read.

Mr. STEWART, of Georgia. I can make a brief statement which will show the facts.

This property was claimed by the Confederate States and was conveyed by the surgeon-general. At the close of the war it was confiscated and sold and the money was covered into the Treasury. General Tilson, then in command, made a deed of it, and the question arose as to his authority to make said deed. This is simply to validate the title made by him without any special statute.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STEWART, of Georgia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MESSAGE FROM THE PRESIDENT.

A message was received from the President, by Mr. PRUDEN, one of his secretaries, who also announced approval of acts of the following titles:

On the 27th instant:

An act (H. R. 417) for the erection of a public building at Houlton, Me.;

An act (H. R. 3592) granting a pension to Mrs. Anna Butterfield; and An act (H. R. 5751) to increase the pension of Isaac Endaly.

On the 28th instant:

An act (H. R. 346) to extend "An act to grant the right of way to the Kansas City and Pacific Railroad Company through the Indian Territory, and for other purposes."

On the 29th instant:

An act (H. R. 6099) granting an increase of pension to Elmer A. Snow. JUDGES OF UNITED STATES COURTS TO REDUCE CHARGES TO WRITING.

Mr. EZRA B. TAYLOR. I now yield to the gentleman from Wisconsin [Mr. CASWELL].

Mr. CASWELL. I call up for consideration the bill (H. R. 530) to require the United States circuit and district judges to instruct the jury in writing in certain cases and substitute thereto, both of which I send to the Clerk's desk.

The SPEAKER. The Clerk will read the bill and then the substitute.

The bill was read, as follows:

*Be it enacted, etc.,* That in all States wherein by the laws thereof judges of courts of record are required to reduce charges and instructions to juries to writing judges of the district and circuit courts of the United States shall conform to such practice, and such written instructions shall be taken by the jury on their retirement, returned with their verdict, and retained with the files and be a part of the record in each case.

The substitute, the bill (H. R. 8240) to require the United States circuit and district judges to instruct the jury in writing when requested, was read, as follows:

*Be it enacted, etc.,* That judges of the United States circuit, district, and Territorial courts shall, when so requested, previous to the commencement of the argument before the jury, reduce their charge to the jury in writing; and such charge shall be filed with and become a part of the record in the case.

Mr. HOPKINS. I call for the reading of the report of the committee on that bill.

The SPEAKER. Does the gentleman desire it read in his time?

Mr. HOPKINS. No, sir; I desire it read for the information of the House, so that we may know what is being done.

Mr. DOCKERY. Take the floor and have it read.

Mr. HOPKINS. I will take the floor and have it read in my time.

The SPEAKER. Does the gentleman from Wisconsin yield?

Mr. CASWELL. I will yield for that, but I do not think it will afford much information.

Mr. HOPKINS. I may want to take some time in the discussion of the bill.

The report was read, as follows:

The Committee on the Judiciary, to whom was referred the bill to require the United States circuit and district judges to instruct the jury in writing when requested, submit the following report:

The committee have carefully considered this bill and approve its objects and

purposes. But they have prepared and herewith submit a substitute, and recommend its passage, and that the original bill lie upon the table.

Mr. HOPKINS. I want to ask the gentleman in charge of the bill a question. Does the substitute provide that the Federal practice shall conform to the State practice?

Mr. CASWELL. It does not. Mr. Speaker, the substitute in that respect differs from the original bill. The committee thought that they would make it so that only when requested the judge should charge the jury in writing, but that the request should be made before the argument begins. In offering this substitute it was believed that in a great many cases of small account the request would not be made; but in important cases, involving land titles and many other important trials, it was thought that if either side should make a request that the charge should be made in writing, in order that there should be no question in settling the bill of exceptions, they should have the right, whether that conforms to the practice of the State courts or not.

They are, as a general rule, all over the country requiring in all the State courts that these charges shall be made in writing; and we simply permit it in Federal practice when one of the parties shall make a request before the argument begins that they shall be entitled to have the charge in writing.

Mr. HOPKINS. Mr. Speaker, I do not desire to antagonize the Committee on the Judiciary on all proposed legislation here to-day by this committee, but it does seem to me that some of these bills that are being offered for consideration by the House are remarkable in character in the proposed changes in Federal practice.

Now, I think the experience of disinterested persons is that the practice of the Federal court for one hundred years is such that no serious trouble has come of judges having the power that they now exercise under existing law. For example—

Mr. CASWELL. If the gentleman wishes to make a detailed argument, I believe I shall have to ask him how much time he wants.

Mr. HOPKINS. I do not intend to make a detailed argument. I just want to say a word or two.

Now, upon the question of judges commenting on the evidence in the charge to the jury. One of the gentlemen has said that the juror is as capable of passing upon the facts as the judge himself. I controvert that statement, and I controvert it by the experience of every man who has had any considerable practice in the trial of jury cases. They are selected from various vocations in life, with no experience in the examination of evidence to determine what is material and what is not in the written pleadings of the case. It often requires the skill and the ability of the learned judge who sits upon the bench to aid the jury in eliminating the chaff that has been dragged in during the progress of the trial in evidence from the real wheat or material point that is to be passed upon by them. Now, by the bill that has passed that is substantially taken from the judge.

Mr. CASWELL. I can not yield to the gentleman to discuss a bill that has passed.

Mr. HOPKINS. But I have the floor.

The SPEAKER. The gentleman from Wisconsin has the floor.

Mr. HOPKINS. Well, one minute, then. I want to say a word about the bill under consideration. The Judiciary Committee propose to require the judge to reduce his instructions to the jury to writing. Take the Federal judiciary at Chicago and New York City, or in any of those great commercial centers, and this imposes a burden upon those judges that ought not to be placed upon them. The amount of work that they do is simply tremendous in its character. Now, by the aid of short-hand reporters, that every lawyer has in his office, all parties engaged in litigation can have the opinion of the judge taken in short-hand, and no trouble whatever will arise in settling a bill of exceptions; but if the judge is compelled on the request of a lawyer to write out his opinion before it is delivered to the jury it frequently will delay the trial of the case and will impose an extra amount of work upon him that is not only unnecessary, but uncalled for in the interest of justice.

Now, it seems to me that that requirement ought not to be made, especially in these days when every lawyer can have a short-hand reporter at his command, so that the opinion of the judge can be taken down exactly as it is delivered.

Mr. CASWELL. Mr. Speaker, I call for a vote.

Mr. HENDERSON, of Iowa. I wish to ask the gentleman [Mr. CASWELL] whether this bill requires the Federal judges to give their instructions to the jury in writing.

Mr. CASWELL. It does, when the request is made before the argument begins.

Mr. HENDERSON, of Iowa. Does it make that requirement without providing for stenographers or reporters?

Mr. CASWELL. It makes no reference to reporters.

Mr. HENDERSON, of Iowa. I think that requirement would impose an excessive tax upon the judges.

A MEMBER. The State judges do it.

Mr. HENDERSON, of Iowa. Yes; but they have reporters.

Mr. HOPKINS. Suppose a cranky lawyer gets into court; he can compel the judge, in any trivial case, to reduce his opinion to writing.

Mr. MORROW. Will the gentleman in charge of this bill permit

me a suggestion? It seems to me that when this bill was before the House on a former occasion there was a proposition that the instructions given to the jury might be taken down by short-hand reporters, and I think there was at that time some suggestion of a compromise or an amendment which would provide for that method of procedure.

Mr. CASWELL. That may be; but there is no such bill pending before the House now.

Mr. MORROW. Well, the gentleman must see that in courts where the business is pressing this requirement would very materially retard the business of the court.

Mr. CASWELL. I can see that where there are short-hand reporters employed it will greatly facilitate the business; but the Federal courts do not, as a rule, have short-hand reporters attached to them.

Mr. MORROW. They always have them in the United States courts in California.

Mr. CASWELL. Even where a short-hand reporter was employed the proceedings would have to be suspended until he could have time to write out his notes in long-hand, so that they could be understood.

Mr. MORROW. The short-hand reporter takes down the proceedings, the charge of the court, and the exceptions of the attorneys as the case proceeds, and there is no difficulty whatever in getting a statement on a motion for a new trial or a bill of exceptions.

Mr. CASWELL. There is no objection to the judge employing the services of a short-hand reporter to give him his charge if he chooses to do so.

Mr. HOPKINS, of Illinois. But that would require the judge to employ a short-hand reporter.

Mr. CASWELL. Not necessarily. If, as the gentleman from California [Mr. MORROW] states, there is a reporter attached to the court, he can do this work.

Mr. HENDERSON, of Iowa. Why, most of the judges are starving now on their petty salaries.

Mr. EZRA B. TAYLOR. The remark of the gentleman from Wisconsin [Mr. CASWELL] was made in reply to the suggestion of the gentleman from California [Mr. MORROW] that there are reporters connected with the courts in California.

Mr. CASWELL. I know there are such reporters in many of the State courts, and perhaps in a few of the Federal courts in some of the States. I can conceive how the employment of short-hand reporters might facilitate the business in a great many cases, but in the main the committee thought it best to have this work done by the judges.

Mr. MORROW. There is no objection to securing greater accuracy in these proceedings, but you ought to provide the means.

Mr. OATES. Gentlemen seem to overlook the fact that this bill does not require the judge to write out his charge in every case, but only in cases where one of the parties requests it.

Mr. MORROW. And there will always be one party who will make that request.

Mr. OATES. Oh, no; gentlemen who have practiced in those courts know that there will not be one case in fifty where such a request will be made. Lawyers are not so unreasonable. They will not make such a demand unless where they suspect the judge is prejudiced against their side of the case, and then they ought to have the right to have his instructions put in writing.

The question was taken on agreeing to the substitute; and there were—ayes 123, noes 19.

Mr. HOPKINS. There is no quorum, Mr. Speaker.

Mr. CUTCHEON. Mr. Speaker, would it be in order to move that the House resolve itself into Committee of the Whole?

The SPEAKER. Not pending the question of a quorum.

Mr. HOPKINS. I withdraw the point of no quorum.

The SPEAKER. The point of no quorum is withdrawn and the substitute is agreed to.

#### ORDER OF BUSINESS.

Mr. CUTCHEON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the further consideration of the bill (H. R. 7619) making appropriations for the support of the Army.

Mr. BOUTELLE. Before that question is put, Mr. Speaker, I ask the gentleman to yield to me that I may ask unanimous consent for the consideration of an important resolution which I send to the desk.

The title of the resolution was read, as follows:

Joint resolution (H. Res. 125) authorizing the Secretary of the Navy to remove the naval magazine from Ellis Island, in New York Harbor, and to purchase a site and erect a naval magazine at some other point, and for other purposes.

Mr. COVERT. I object, Mr. Speaker.

Mr. BOUTELLE. Why, I understood it was the unanimous desire of the gentleman's committee to have this resolution passed.

Mr. COVERT. No, sir.

#### MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President; which was read, and referred to the Committee on Ways and Means:

To the Senate and House of Representatives:

I herewith transmit a report from the Secretary of State in relation to the discriminating duty now imposed upon foreign works of art, and recommend that

action thereon, looking to the removal of the discrimination, be taken by Congress during its present session, if practicable.

BENJ. HARRISON.

EXECUTIVE MANSION,  
Washington, March 31, 1890.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage of bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2716) to provide for the completion of the improvement of the entrance to Galveston Harbor, Texas;

A bill (S. 1571) to provide for the erection of a public building in the city of Grand Forks, N. Dak.;

A bill (S. 1631) making appropriations for improving the St. Mary's River and for improving the Hay Lake Channel;

A bill (S. 1024) conferring jurisdiction upon the Court of Claims to finally determine the claims of John J. Schillinger and his assignees for the use of the Schillinger patent in the Capitol grounds;

A bill (S. 321) providing for the purchase of the Capron collection of Japanese works of art; and

A bill (S. 316) for the relief of the legal representatives of George McDougall, deceased.

It also announced disagreement to the amendment of the House to the bill (S. 2406) to provide for the purchase of a site and the erection of a public building thereon at Atchison, in the State of Kansas; asked a conference on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. SPOONER, Mr. MORRILL, and Mr. VEST.

Also, that the Senate disagreed to the amendments of the House to the bill (S. 903) for the erection of a public building at Cedar Rapids, Iowa, asked a committee of conference thereon, and had appointed as conferees on the part of the Senate Mr. MORRILL, Mr. SPOONER, and Mr. PASCO.

Also, that the Senate disagreed to the amendment of the House to the bill (S. 954) authorizing the construction of a public building at Burlington, Iowa, asked a conference thereon, and had appointed as conferees on the part of the Senate Mr. SPOONER, Mr. MORRILL, and Mr. VEST.

#### ORDER OF BUSINESS.

Mr. COVERT. I rise to a parliamentary inquiry. The joint resolution just read at the Clerk's desk, with reference to the occupancy of Ellis Island as a site for an immigrant bureau, involves two distinct propositions: one the removal of the explosives from the island and the other an amendment of the Senate carrying an appropriation of \$75,000 for fitting up the island as the site for an immigrant bureau. I wish to know whether that resolution can be divided so that the proposition to remove the explosives can be passed upon at this time. I have no objection to that branch of the resolution.

Mr. BOUTELLE. The resolution is an entirety.

The SPEAKER. The Chair knows no way in which the resolution could be divided, except by unanimous consent, or hardly then.

Mr. SPINOLA. I object.

Mr. COVERT. The other branch of the proposition I object to.

The SPEAKER. The question is upon the motion of the gentleman from Michigan [Mr. CUTCHEON] that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the Army appropriation bill. [The question was put.] The ayes seem to have it.

#### UNITED STATES JUDGES TO REDUCE THEIR CHARGES TO WRITING.

Mr. CASWELL. I call for a division. I hope the gentleman from Michigan [Mr. CUTCHEON] will withhold his motion for a few minutes until we can dispose of the bill which was pending from the Committee on the Judiciary.

Mr. CUTCHEON. At the request of the gentleman from Wisconsin [Mr. CASWELL], I will withdraw my motion for a few moments, with leave of the House, in order that the pending bill may be finished.

Mr. EZRA B. TAYLOR. Gentlemen have withdrawn their objection to its passage.

The SPEAKER. The substitute having been agreed to, the question is now upon ordering the bill as amended to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CASWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### NATURALIZATION OF NAVAL RECRUITS.

Mr. EZRA B. TAYLOR. I now yield to the gentleman from New Jersey [Mr. BUCHANAN].

Mr. BUCHANAN, of New Jersey. I desire to call up House bill No. 8104, with the understanding—

Mr. CUTCHEON. How much time will it occupy?

Mr. BUCHANAN, of New Jersey. I will finish my statement in a moment. With the understanding that the committee shall have the call to-morrow—



The SPEAKER. The gentleman will send up the bill to the Clerk's desk to be read.

The Clerk read as follows:

A bill (H. R. 8104) to amend section 2166, Revised Statutes of the United States.

Mr. BUCHANAN, of New Jersey (before the reading of the bill was concluded). To save time, I will ask that the bill, with the substitute and the report, be printed in the RECORD, so that they will come up in the morning; and then I understand the gentleman from Michigan (Mr. CUTCHEON) desires to renew his motion.

The SPEAKER. Without objection, the further reading of the bill will be dispensed with, and the bill with the amendment and report will be printed in the RECORD. Is there objection? The Chair hears none.

The bill is as follows:

*Be it enacted, etc.*, That section 2166 of the Revised Statutes of the United States be, and the same is hereby, amended by inserting therein immediately after the word "armies" the word "Navy," so that the section will read:

"Sec. 2166. Any alien of the age of twenty-one years and upward who has enlisted, or may enlist, in the armies or Navy of the United States, either the regular or the volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States."

The amendment of the committee is to strike out all after the enacting clause and insert the following:

That the provisions and benefits of section 2166 of the Revised Statutes of the United States be, and they are hereby, extended to those who enlisted in the Navy of the United States prior to the 1st day of May, 1865, and who have been honorably discharged therefrom.

The report (by Mr. BUCHANAN, of New Jersey) is as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 8104) to amend section 2166, Revised Statutes of the United States, submit the following report:

Section 2166 of the Revised Statutes of the United States was originally passed in 1862 (see act of July 17, 1862, chapter 200, section 12, page 597). A copy of that act as embodied in the Revised Statutes is hereto appended.

The object of that act, passed in the earlier years of the late civil war, was undoubtedly to confer upon those who in that war enlisted in the Union forces and were honorably discharged therefrom the privilege of becoming more readily naturalized citizens of the country whose Government they had given their services to uphold and offered their lives to defend.

It has recently been held by the judges of some of the State courts that the terms of the act do not include those who served in the Navy. To remedy this technical defect, and to give to those who during the late war served in the Navy of the United States the benefit of this act, the committee recommend that the accompanying amendment be adopted, and that when so amended the bill do pass.

#### APPENDIX.

"Sec. 2166. Any alien of the age of twenty-one years and upwards who has enlisted, or may enlist in the armies of the United States, either the regular or the volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States."

#### ARMY APPROPRIATION BILL.

Mr. CUTCHEON. I now renew my motion that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the Army appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. ALLEN, of Michigan, in the chair), and resumed the consideration of the bill (H. R. 7619) making appropriations for the support of the Army for the fiscal year ending June 30, 1891, and for other purposes.

The CHAIRMAN. The pending question is upon an amendment offered on Saturday last by the gentleman from Illinois [Mr. ADAMS], which the Clerk will read.

The Clerk read as follows:

Add at the bottom of page 17 the following: "For rifle-range at Fort Sheridan, \$10,000."

Mr. ADAMS. In the Book of Estimates there is an item of \$10,000 for rifle-ranges generally. That item has been incorporated in the bill. After that Book of Estimates was prepared supplementary estimates were forwarded by the Secretary of War, embracing an estimate of \$10,000 for the new rifle-range at Fort Sheridan. This is separate and distinct from the general appropriation. I trust that the Committee on Military Affairs will have no serious objection to incorporating in the bill this amendment, which is recommended by the Department.

Mr. CUTCHEON. Mr. Chairman, it is true, as stated by the gentleman from Illinois [Mr. ADAMS], that this item was embraced in the recommendation sent to the committee by the Secretary of War. It will be found in Appendix A attached to the report of the committee, with this note:

NOTE.—This rifle-range will probably be the most important one in the Army and should be completely equipped in every respect. It must serve not only

for the practice of a considerable garrison, but also for department, division, and army competitions. It is moreover probable that increased demands will be made upon it by the impossibility of securing suitable ranges at other posts.

The estimate is as follows:

Fort Sheridan rifle-range: For the construction of a range house, visitors' stand, and other buildings necessary to properly equip the rifle-range at Fort Sheridan, Ill., \$10,000.

The committee did not incorporate this recommendation in the bill because there were so many urgent matters, and as we did not desire to swell the bill unduly we thought this item could probably wait until the next session of Congress. I know of no strenuous objection to the incorporation of the item, except that the committee thought it might wait until the next session.

Mr. ADAMS. On that point the gentleman will allow me to say it is especially important that this appropriation should be made now because other work is going forward now at Fort Sheridan which would render this money much more available at present than next year. The expenditure would go further. Excavation for building purposes is now going on, and the dike against which the shooting is to be had can be made out of the earth now being excavated. There is economy in making the appropriations this year rather than next.

Mr. CUTCHEON. This is an important military post adjacent to Detroit. I have no authority from the committee to accept the amendment. I know of no positive opposition to it. As Chicago is to have the world's fair in a couple of years perhaps it would be well to have this rifle range.

Mr. HOPKINS. I hope there will be no objections to this item. As stated, the work going on there now makes it economy to allow this in the present bill.

Mr. CUTCHEON. I submit to the judgment of the committee.

Mr. ADAMS's amendment was agreed to.

Mr. COVERT. I offer the following amendment.

The Clerk read as follows:

On page 21, at the end of line 7, insert the following:

"Provided, That in the conduct of ordnance, rifle, or target practice at the post or depot at Willet's Point, New York, such practice shall be so conducted as not to jeopardize or in any way injuriously affect the safety of persons or property lawfully in or upon Little Neck Bay or upon the shores of or lands adjacent to said bay. And that if said practice be continued at said post it be conducted under such regulations or orders of the Secretary of War as shall prevent injury or jeopardy to such persons and property."

Mr. CUTCHEON. I reserve the point of order.

Mr. COVERT. Mr. Chairman, Willet's Point, occupied as an army post, is located on the shore of Little Neck Bay and is distant only some dozen miles from New York City. The bay is an important and much-used body of water. Its shores are dotted with beautiful suburban homes, and it is in every way one of the most attractive localities within equal distance of the great metropolis. At the fort established here rifle practice under governmental regulations is conducted generally from early in April to late in October every year. This practice continues every week-day from about 7 in the morning to 4 in the afternoon, the range covering Little Neck Bay.

Raw recruits are almost constantly drilled here in this practice, and the rifle-balls in many instances go very far from the breastworks, making it extremely hazardous for any one to venture out upon the bay while the firing is going on. So dangerous has the practice grown that the bay is rendered useless to very great extent for boating and bathing purposes. The natural advantages which induced many well known gentlemen of taste and means to establish homes at this point and to expend thousands of dollars in beautifying them, have been to great extent offset by this practical disbarment of the benefit and enjoyment of the bay.

Mr. CUTCHEON. Will the gentleman from New York permit a question?

Mr. COVERT. With great pleasure.

Mr. CUTCHEON. Have any fatal casualties occurred at this point?

Mr. COVERT. Fortunately not as yet, I am most glad to say. While no fatal accidents have thus far happened, it is by no means an unusual occurrence to have balls from the fort whistle by in the near neighborhood of those venturesome enough to be upon the water during the hours of practice. An instance has been brought to my attention which illustrates the dangers of the situation. Not long ago one of the residents of Bayside was sailing in his pleasure-craft, when a ball from the fort came tearing through the sail of his boat. It occurs to me that this, in time of peace, is carrying the art of war to an extreme and reprehensibly dangerous limit.

Mr. LANHAM. Will the gentleman from New York permit a question?

Mr. COVERT. Certainly, sir.

Mr. LANHAM. Have any formal complaints been made as to the dangerous character of the practice?

Mr. COVERT. I hold in my hand duplicates of petitions just filed with the Secretary of War, numerous signed by influential gentlemen resident in the vicinity, asking that the practice be stopped. The bay is the natural home of the saddle rock oyster and little-neck clam industry, and one of these petitions, bearing over a hundred signatures, is from baymen and those connected with the oyster and fishing industries at this point. The petition sets forth the serious interference oc-

casioned to their work by this system of practice at the fort, and asks for its suppression. The constant and dangerous firing practically prevents this large body of workers from following their calling during the most of the working hours of every day for more than half of every year.

I think that this practice at the Willet's Point post should be entirely stopped. The State of New York maintains a complete and perfect range at Creedmoor, only a few miles distant, at which the Federal soldiers frequently practice. Such arrangements should, in my judgment, be made as would confine practice, so far as Willet's Point soldiers are concerned, to this safe and secure range.

I most sincerely trust and can not but believe that the War Department will take favorable action on the petitions filed with it. In the event of non-action in this regard, the proposed amendment, which, I submit, is eminently conservative, should be operative. It simply provides that, if the practice can be continued, such safeguards shall be established by departmental regulations as shall insure the safety of persons and property lawfully upon the bay or in its immediate vicinity.

Mr. CUTCHEON. I insist on the point of order against the amendment.

Mr. COVERT. Then, Mr. Chairman, I desire to be heard briefly upon the point of order.

It occurs to me that this comes clearly and plainly within the rule which was established by the Chair on Saturday, when a kindred provision was under discussion. There is no legislation existing with reference to rifle practice. At Fort Willet there is absolutely no statutory provision prescribing that that practice shall be had at that point. There is no statutory law existing, so far as I am advised, as to the measure, which is entirely under the control and jurisdiction of the Secretary of War. It seems to me, therefore, that this proposition is entirely germane to the bill and is within the scope and limit of the rule established by the Chair on Saturday. That being the case, believing such to be the fact, I submit that the amendment is not subject to the point of order.

Mr. CUTCHEON. Mr. Chairman, there is scarcely a military post in the United States which has not this rifle-range and rifle-practice, and yet no such provision has been incorporated anywhere in any appropriation bill since the foundation of the Government. It seems to me that it is legislation clearly and openly upon an appropriation bill and is therefore out of order, and unless some other gentleman desires to debate the question further I submit the point to the ruling of the Chair and ask a decision.

The CHAIRMAN. The Chair is clearly of opinion that the amendment is not germane.

Mr. COVERT. May I ask the Chair how this differs in principle from the amendment which was offered on Saturday last and which was held to be in order?

The CHAIRMAN. The Chair could hardly stop to give reasons as between the ruling to-day and that of last Saturday on an entirely different proposition. The Chair holds only that this is not germane to the subject-matter of the bill now under consideration, and is not in order.

The Clerk will read.

The Clerk read as follows:

*Provided, That section 3709 of the Revised Statutes shall not apply to the purchase of supplies not exceeding in value the sum of \$200.*

Mr. CLEMENTS. Mr. Chairman, I make the point of order against the proviso just read, lines 12, 13, 14, and 15. I make the point of order that this is new legislation.

Mr. CUTCHEON. I think the gentleman is mistaken.

Mr. CLEMENTS. I am sure the gentleman from Michigan will find, if he has the law of last year before him, that I am not mistaken, but that the statement I have made is absolutely correct.

A provision exactly similar to this was contained in the last year's appropriation bill, and was stricken out on the point of order. It is a modification of the Revised Statutes or section which has just been named, and which requires all purchases to be made after due advertisement and proposal, except in cases of emergency, where immediate delivery was required. This proviso undertakes to amend that section of the Revised Statutes, and, as I have said, was ruled out last year on the point of order.

Mr. CUTCHEON. Mr. Chairman, I think the gentleman is correct in regard to that. It was reported in the last year's bill, with the reasons for it. It is recommended by the Secretary of War and is also desired by the Chief of Ordnance. It is believed to be economical and good legislation. I think the gentleman, however, from Georgia is correct in his statement that a similar provision was stricken out of last year's bill on the point of order. I hope, however, that the point of order here will be withdrawn, because in making small purchases they can be made more economically in open market than by advertisement.

Mr. SAYERS. I understood the gentleman from Michigan in charge of this bill to state on last Saturday that this very same provision was in the law of last year.

Mr. CUTCHEON. It was my impression at that time, but I think I was guided rather by the report of last year than by an examination

of the statutes. But I now recall that the same point of order was made, and on an examination of the statute, which is before me, I find that it is not in the last year's act. Therefore, if the gentleman insists upon the point of order I suppose it is good. I hope, however, that it will not be insisted upon, because this proposition is inserted here in the interest of economy.

Mr. CLEMENTS. But this is an exceedingly sweeping proposition, and it will not only affect purchases under the War Department, but in all the Departments, and will enable the officers of the Government to make these purchases in small amount and thereby allow collusion between the contractors and the Government. Therefore I feel compelled to insist upon the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For steel field-guns of 3.20 inches caliber, \$25,000.

Mr. BREWER. Mr. Chairman, I desire to make the point of order on the clause just read.

The CHAIRMAN. The gentleman will state the point of order.

Mr. CUTCHEON. I wish the gentleman from Michigan would withhold the point of order until the remainder of this clause of the bill is read.

Mr. BREWER. I will do that with the understanding that I shall be permitted to embrace them all in one point of order.

Mr. CUTCHEON. There are several other provisions immediately following to which the same point of order would apply.

Mr. BREWER. Very well; let them all be read.

The CHAIRMAN. The Chair understands the point of order of the gentleman to be reserved on that portion of the bill just read, embracing lines 19 and 20 and the two following clauses.

Mr. BREWER. That point of order is reserved for the present.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For metallic carriages for field-gun batteries, \$143,135.  
For steel shell or shrapnel for field-guns, \$12,000.

In all, \$180,135.

Mr. CUTCHEON. Mr. Chairman, before the gentleman makes his point of order, if he will permit me, I wish to submit a slight verbal amendment, a single word, to perfect the language of the bill which has just been read.

Mr. BREWER. Very well.

Mr. CUTCHEON. In line 19, on page 22, after the word "twenty," I move to strike out the word "one;" so that it will read "twenty-hundredths," in place of "twenty-one-hundredths," as it may be ambiguous in its present form.

Mr. BREWER. I have no objection to that.

The amendment was adopted.

Mr. BREWER. Mr. Chairman, my point of order against the several items which have just been read goes to the question of jurisdiction. We find in the Book of Estimates which is sent to the House of Representatives, embodying the needs of the various Departments for each fiscal year, that these three items just read are sent to the House under the head of "Fortifications and coast defenses." We find it in the Book of Estimates under that heading. It never has been referred to the Committee on Military Affairs in any sense of the word. This is a question of jurisdiction as between two committees upon this point, and this question has been raised on several different occasions.

During the first session of the Fiftieth Congress when the general appropriation bill for the Army was under consideration it was presented and very thoroughly discussed and decided, so far as the various points of order then under discussion were concerned, in favor of the jurisdiction of the Committee on Appropriations, and not in favor of the Committee on Military Affairs.

Mr. LANHAM. Were these three items, if the gentleman will permit me, involved in that discussion?

Mr. BREWER. Some of them were involved. Items precisely like these now under consideration were then under discussion. So far as the first item is concerned—

For steel for field-guns of 3.20 inches caliber, \$25,000—

the steel for making those guns was then under consideration and discussion. The point of order was made upon that by the gentleman who is now the chairman of the Committee on Military Affairs [Mr. CUTCHEON], and I call the attention of the House to the ruling then made after the discussion which took place, and which is found in the RECORD of the session of January 19, 1889, on pages 1007 and 1008.

Now, this is the question which was involved:

For the purchase of steel forgings for field and siege cannon, as follows:

For steel forging for not less than twenty-four 3.6-inch field-guns, \$24,000.

This was the steel for the construction of the guns in question. Upon that occasion the following discussion took place:

Mr. CUTCHEON. Upon that part of the paragraph in the following words—

"For steel forgings for not less than twenty-four 3.6-inch field-guns, \$24,000"—

I make the point of order, the same point that was made by the gentleman from Illinois on the preceding paragraph; but I shall not take any time to discuss it, only to say that this relates expressly to field-guns for field batteries of the Army.

Mr. SAYERS. Under the head of "Armament for fortifications," page 170 of the



Book of Estimates, the Chair will find that clause is embraced providing for steel forging for the manufacture of certain small guns. It belongs to the armament of fortifications. I will send the estimates to the Chair.

Mr. TOWNSHEND. The Chair will observe that the caption of these estimates is entitled "Fortifications and other works of defense," and this is only one of the minor items under that caption.

Mr. CUTCHEON. I would like to be heard further just one moment, and I will not take more than a minute. I simply want to call the attention of the Chair and of the gentleman from Texas also to the estimates under the head of "Armament of fortifications," to which he refers. We have first for finishing and assembling guns under section 4 of the act heretofore passed providing for such purchase, and next is the manufacture of approved field and siege guns and their carriages; in other words, siege guns are guns for fortifications, while field guns are guns for use in the Army in the field; and there is no possibility of mistaking that, and they are not separated in the estimates. But I make the point against that paragraph which relates to the manufacture of field guns only at the present time.

Mr. RANDALL. I only desire to say that an examination of the law passed at the last session of Congress will show that the same character of armament was provided for in that bill. Hence the precedent has been set and jurisdiction is established. I have marked the paragraphs of the bill and of the estimates, which I send to the Chair, and think there can be no controversy on that point. The CHAIRMAN. The Chair will examine them.

Mr. RANDALL. I think gentlemen will admit that, as this is the language of the law, it establishes the jurisdiction, because, as will be seen, the language there refers to field guns of exactly the same character.

The CHAIRMAN (Mr. BLOUNT in the chair). The Chair has examined the authorities cited and overrules the point of order.

The Clerk will read.

The Clerk read as follows:

"For the test of experimental guns procured under the act of September 22, 1888, namely, for one 10-inch wire-wound gun, steel, \$28,000; for one 12-inch gun, steel-hooped, \$39,500; for procuring one 10-inch disappearing gun carriage, \$13,500; for gun-platforms at proving-ground, \$6,500; for projectiles for field, siege, and seacoast guns for issue to the service, \$28,500; for siege-gun powder for issue to the service, \$7,000; for fuses and implements for issue to the service, \$2,000; in all, \$125,000."

Mr. CUTCHEON. Mr. Chairman, I make the point of order upon so much of the paragraph just read as embraces projectiles for field guns. I find by a reference to the report of the committee, on page 3, that under the head of "Projectiles" the following provision is made:

"One thousand steel shrapnel for field guns."

"Four thousand eight hundred projectiles, cast-iron, for field guns."

Now, sir, if it is competent for the Committee on Appropriations to provide shrapnel for field guns, it is also clearly proper and in order for them to undertake to furnish cartridges for the muskets of the infantry, and therefore they had better take control and jurisdiction of the whole matter. In the army bill we have \$400,000 provided for the manufacture of small-arms, but if this Committee on Appropriations are going to assume the whole thing, why, we had just as well drop that too.

Mr. RANDALL. I submit that the Committee on Appropriations is assuming nothing at all. We have only been asserting our rights and doing what we have always done under the law.

Mr. CUTCHEON. When it comes to providing shrapnel for field guns, why then you might just as well take the whole Army under your wing at once.

Mr. BUCHANAN. Will not the gentleman from Michigan allow us to go on and get this little miserable amount for our seacoast defenses, and not seek to scrap even that amount by rescuing the jurisdiction of his committee, scrap by scrap, in this manner?

Mr. CUTCHEON. I do not mean to sit here in silence and see the jurisdiction of the committee of which I am a humble member seized and trampled upon without protest.

Mr. SPINOLA. It applies to gunpowder for the siege guns also.

Mr. SAYERS. What is the ruling upon the point of order raised by the gentleman from Michigan?

The CHAIRMAN. The Chair has made no ruling.

Mr. SPINOLA. Before the Chair rules I find away down in the bill—

Mr. RANDALL. Wait till we get there.

Mr. SPINOLA. Powder for siege guns. Now, whether the Committee on Appropriations have the right to appropriate for the powder or not I do not know. Mr. RANDALL. We certainly have jurisdiction to provide for the testing of guns, and we can not test them without powder and projectiles.

Mr. SPINOLA. I do not want us to lose our powder. [Laughter.]

The CHAIRMAN. The Chair overrules the point of order.

Now, Mr. Chairman, it would seem that this question of jurisdiction ought to be settled. That was not the first occasion that points of order had been raised upon these items or similar items to the ones in question. They have always been decided in favor of the jurisdiction of the Committee on Appropriations.

Now, Mr. Chairman, I desire to refer very briefly to former legislation upon the subject of the items involved here, and to point out more clearly the reason why the point of order now raised should be sustained.

By reference to the Book of Estimates for the fiscal year 1891, page 166, it will be observed that the War Department submits estimates for these objects under the head of "Fortifications and other works of defense."

The estimates for the military establishment, with the consideration of which the Committee on Military Affairs is charged under a rule of the House and the reference of the President's message, pages 87 to 101, contain nothing for field guns or ammunition for the same.

There is no rule of the House or statute which defines what either one of the regular appropriation bills shall carry. Their subject-matter, if fixed by anything, is regulated only by practice. In this connection a careful examination of the Army appropriation acts for the past twenty years shows that during all that period no specific appropriation was made in any of them for field guns or for ammunition for the same.

At the first session of the Forty-eighth Congress, in the Army appropriation bill for 1885, as reported from the Committee on Appropriations and passed by the House, an appropriation of \$15,000 was proposed for field guns and metal carriages, but the Senate, by amendment, struck it from the bill, and the House agreed to their action, presumably because the item was regarded as out of place on a bill making appropriations simply for the support of the Army.

An examination of the fortifications appropriation acts from 1870 to 1886 discloses that appropriations were made from year to year for purchase of machine guns, for howitzers for flank defense, carriages, projectiles, and ammunition.

In the fortification act passed during the first session of the Fiftieth Congress appropriations were made for steel forgings for field and siege cannon and for ammunition for the same.

The first specific appropriation for steel rifled field guns was made in the fortifications appropriation act passed at the first session of the last Congress. Twenty-five such field guns were in process of manufacture at the Watervliet arsenal prior to the passage of the above-mentioned act, but the expense of their construction was being defrayed from proceeds of sales of obsolete and unserviceable ordnance material, authorized by the act of 1876. (Supplement Revised Statutes, page 159.)

The division of appropriations for the support of the Government into different bills and the nomenclature of such bills were never recognized by any rule or action of the House until the adoption of the rules at the first session of the Forty-ninth Congress, when the jurisdiction of appropriations was divided between several committees. At that time, and by the rules, the several appropriation bills as they existed in the preceding Congress were recognized by their titles.

During the first forty years of our history the general appropriations for the support of the Government were made in one bill. As the country grew and the objects of public expenditure increased in number and amount, the committee having control of all the appropriations from year to year segregated them into different bills for convenience of consideration in committee and by the House. The fortifications bill was one of the first distinctive bills thus created.

In making this division of the whole work of appropriations into separate and distinct bills the rules governing the committee at the time are quite apparent now by an examination of the several appropriation laws and the annual estimates for a series of years.

In the case of the Army bill it is manifest that the committee, following the lines laid down in the annual estimates and the logic of what seemed to be the natural elements of such a distinctive bill, confined it almost exclusively to appropriations for the pay, subsistence, clothing, quartermaster supplies, and transportation of the Army, and for its ordnance supplies in the nature of ammunition and small-arms. Even permanent structures at, and enlargement of, military posts, except in rare instances, have been treated as out of place on the Army bills, and have been almost uniformly provided for in the sundry civil bill on the well accepted theory that they belonged to the class of appropriations known as "public works." On the other hand, the money necessary for the repair of buildings at established military posts and for temporary buildings at frontier posts has been appropriated in the Army bills, as such expenditures are naturally treated as in the line of current and necessary annual expenses of the Army.

Now, as I stated, Mr. Chairman, this question has been many times before this House, and in no single instance has jurisdiction been conferred on the Committee on Military Affairs, but in every case it has been conferred on the Committee on Appropriations. Under instructions of the House the Committee on Appropriations has placed the items in question in the fortifications appropriation bill, which I hope will be taken up as soon as this is disposed of. It does seem to me that it is useless for the Committee on Military Affairs to take the time and attention of this committee to have a question which has been adjudicated so many times again adjudicated and decided again to-day.

Mr. CUTCHEON. Mr. Chairman, the question presented here is a very simple one: the question of jurisdiction between two committees of the House. That jurisdiction must be determined by the rules of the House, and I think by the rules of the House alone; because I think that the practice heretofore throws very little light upon this question, as this is the first time we have an appropriation for this class of light field batteries. The third subdivision of Rule XI of the rules of the House, for apportioning the subjects to the several committees, is as follows:

3. to appropriation of the revenue for the support of the Government, as herein provided, namely, for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for the District of Columbia; for pensions; and for all deficiencies: to the Committee on Appropriations.

Mr. SAYERS. Now read in that connection to the Committee on Military Affairs.

Mr. CUTCHEON. Just a moment. The Committee on Appropriations, if it gains jurisdiction at all, does so under the words "appropriation of the revenue \* \* \* for fortifications and coast defenses."

Now we will turn to subdivision 12 of the same rule. Subjects relating—

12. to the military establishment and the public defense, including the appropriations for its support and for that of the Military Academy: to the Committee on Military Affairs.

Now, Mr. Chairman, it is a well recognized principle of legal interpretation that where a general jurisdiction is conferred upon one court or body, and a less jurisdiction of the same general nature is carved out of the larger and more general jurisdiction, the words constituting the lesser jurisdiction must be strictly construed. Under subdivision 12

of Rule XI, subjects relating to the military establishment and the public defense, including appropriations, go to the Committee on Military Affairs, subject, however, to this clause in paragraph 3, of appropriations "for fortifications and coast defense." In other words, the Military Committee takes general jurisdiction of all matters relating to the military establishment and the public defense. Now, out of that large and general jurisdiction a lesser jurisdiction is carved for the Committee on Appropriations, expressed in the words, "for fortifications and coast defenses."

Now, Mr. Chairman, the question, the single question, the only question, is this: Does this appropriation for light steel batteries of 3.2 inch caliber come under the words "fortifications and coast defenses?"

As bearing upon that, I desire to have read at the Clerk's desk a communication from the major-general commanding the Army, who is at the same time the chairman of the board of ordnance and fortifications. The communication was read, as follows:

HEADQUARTERS OF THE ARMY,  
Washington, D. C., March 5, 1890.

DEAR SIR: In reply to your communication of this date I have the honor to say that the "field guns of 3.20 inch caliber," "metallic carriages for field-gun batteries," and "shell and shrapnel for field guns" are intended for the service of light batteries, of which there are two in each regiment of artillery, which serve with the infantry and cavalry in the field, but not in the fortifications or coast defenses.

It would therefore seem clear that everything relating to these field-gun batteries belongs to the "military establishment and the public defense" in general, rather than to "fortifications and coast defenses." These last belong, not to the now existing military establishment, but to the new fortifications and armament of the seacoasts, which are proposed, and which involve new methods, new materials, and large expenditures of a nature not heretofore for many years included in the appropriations for the military establishment, and hence requiring special care and supervision, both in the appropriations and in the expenditure thereof, while the former, namely, the field-gun batteries, are part of the well tried and fully established equipment of the Army, required for its current service, and not involving any question as to cost, of efficiency, or of necessity to the military service.

Very respectfully,

J. M. SCHOFIELD,  
Major-General Commanding.

Hon. B. M. CUTCHEON,  
Chairman Committee on Military Affairs,  
House of Representatives.

Mr. CUTCHEON. Now, Mr. Chairman, here we have the opinion of the major-general commanding the military establishment, who, as I have said, is also at the same time the chairman of the board of ordnance and Fortifications, which has charge of all matters pertaining to seacoast defense, and his opinion clearly and unqualifiedly is that these light steel batteries pertain rather to the permanent military establishment—that is, to the troops in the field—than to fortifications and coast defenses. Or, to quote his own words:

It would therefore seem clear that everything relating to these field-gun batteries belongs to the "military establishment and the public defense" in general, rather than to "fortifications and coast defenses."

But, Mr. Chairman, it seems to me it does not require the opinion of the general commanding the Army to determine this question. What are the light batteries? Are the light batteries ever used in coast defenses or in the permanent fortifications? The light batteries never form any part of the coast defenses or of the permanent fortifications. As Chief of Ordnance Benét said to the chairman of the committee recently, "It might as well be contended that the armament of the infantry belongs to the seacoast defenses and permanent fortifications, because we always man the parapets with the infantry, but we never use light steel batteries in permanent fortifications." Of course, when the troops are engaged in hostilities in the field, light batteries are used in temporary field-works, but never in permanent fortifications. Therefore, Mr. Chairman, if we go back to the rule, this appropriation is pertinent to the military establishment, and not to coast defenses or fortifications. My colleague from Michigan [Mr. BREWER]—and he and I will have no difference except upon this matter of jurisdiction—attempts to draw an argument from what took place upon the point of order raised upon the fortification bill in the last Congress. That appropriation related to the steel that was to be worked up in the Army gun factory. Upon that I made the point of order, and it appeared to be the opinion of the House that that factory, being designed chiefly for the fabrication and assembling of the new high-power ordnance for coast defenses, the appropriation should properly go to the committee which had charge of coast defenses.

Mr. BREWER. If my colleague will permit me, is it not a fact that these guns are manufactured or assembled at the Watervliet arsenal?

Mr. CUTCHEON. That is true. If this appropriation is made—and this is the first appropriation that has ever been made for 3.2-inch breech-loading, steel guns—if this appropriation is made, the guns will be fabricated at the Watervliet arsenal under this appropriation. The carriages have been made at the Springfield arsenal, and the shrapnel shell by contractors under private contract. But no argument can be drawn from that. The simple question is, ought this appropriation for light batteries in the field to be in the bill for the support of the military establishment, of which they are to form a part, or should it be in that special bill which is designed to carry the appropriations for the heavy coast defenses and their armament?

It seems to me that the case is so plain, so axiomatic, that no further argument can be required. It makes no difference practically from

which committee this appropriation comes. The same appropriation, I believe, without the change of a word or a figure, is in the other appropriation bill. There is a well known principle of equity jurisprudence that where two tribunals may have concurrent jurisdiction of the same subject-matter the one getting the jurisdiction first will hold it; and it may well be that, even if it should be the opinion of the Chair that if the other bill had come in here first containing this appropriation it might properly be retained in that bill, nevertheless it is also properly in this bill, and this is the bill which is first presented for the consideration of the House. So, Mr. Chairman, we say again that under the rules giving to the Committee on Military Affairs jurisdiction of the military establishment and its armament, this appropriation belongs to that committee, and no argument can be drawn from the practice which has prevailed heretofore, because heretofore we have never made an appropriation for this particular variety of field gun.

Now, Mr. Chairman, if any other gentleman desires to add to what I have said, I will give way for that purpose. I think, however, that I have covered the whole ground, and I am willing to submit the question for the decision of the Chair.

Mr. CANNON. Mr. Chairman, I want to say a word upon this, and I will be exceedingly brief. Under clause 3 of Rule XI, certain matters contained in the President's message were referred to the Committee on Appropriations, and by reference to the Book of Estimates it will be found that these precise estimates were referred specifically to that committee.

That consideration of itself, it seems to me, ought to determine the jurisdiction of the Committee on Appropriations and the non-jurisdiction of the Committee on Military Affairs.

Again, during the last Congress this precise question in principle came before the Committee of the Whole time and time again; and after full discussion on each occasion the point of order was ruled in favor of the Committee on Appropriations.

Mr. CUTCHEON. My friend will pardon me; not this precise question, because we did not have these field batteries before us.

Mr. CANNON. I say a question precisely the same in principle. Now, the gentleman has well said that the Army bill which we are now considering carries these items to which we object, and he has well said that the fortification bill now upon the Calendar, reported from the Committee on Appropriations, carries among others these same items. So that it is a mere question of technical jurisdiction, and it is well enough to keep the jurisdiction right.

Again, it is good policy to let the jurisdiction touching these matters remain as it always has been, so that any one following the legislation can by an examination of the fortification bill exhaust the whole question of appropriations for guns for fortifications or field-guns.

The Chair will see at once the propriety of so holding when he examines the Book of Estimates and the two bills, the fortification bill and the Army bill. I now read from the fortification bill:

Army gun factory: For machinery and plant for the manufacture of steel shell or shrapnel for field guns, \$5,000.

That is in the fortification bill, but not in the Army bill.

For machinery to complete the full capacity of present gun factory building at Watervliet arsenal, West Troy, N. Y., \$165,000.

Here is an appropriation for machinery to make these very guns that the gentleman seeks to include in the Army bill.

Mr. CUTCHEON. There is no question upon the gun factory.

Mr. CANNON. So, taking the fortification bill, it carries an appropriation for the steel out of which these field guns are to be made.

Now, it does appear to me that as the fortification bill has always carried these items that enter into the manufacture of these guns, as the jurisdiction has always been with the Committee on Appropriations, and as the fortification bill now carries these items, it is worse than folly to put in the Army bill for the first time the appropriation for field guns, for steel for field guns, for steel shell or shrapnel for field guns, for enlargement of the building for field guns, and many other items. In the interest of sound legislation, one bill or the other should exhaust this whole subject; and the unvarying practice has been all along that the fortification bill should carry this whole subject. I trust, therefore, that the point of order will be sustained, and that the fortification bill will carry this whole subject now.

Mr. CUTCHEON. Will the gentleman allow me a question?

Mr. CANNON. Certainly; with great pleasure.

Mr. CUTCHEON. Why did you not carry that principle further, and include in the fortification bill the whole subject of ordnance: the Springfield Armory, for instance, with its \$400,000 for small arms?

Mr. CANNON. The fortification bill never has carried the appropriation for small arms; and that is not the question.

Mr. CUTCHEON. But all these carriages are manufactured at the Springfield arsenal.

Mr. CANNON. We do not claim that the fortification bill should now carry those; we only ask that it carry, under the rules of the House, what it has always carried and what it is proper it should carry. We claim that not only the rules and the unbroken practice support this position, but sound legislation suggests that one bill should exhaust this whole subject.

Mr. CUTCHEON. The gentleman will allow me to say that the



metallic carriages for field-gun batteries, for which this bill carries an appropriation of \$143,135, are manufactured at the Springfield arsenal, the same as the small arms for the infantry are. They do not come under the gun factory at all.

Mr. WHEELER, of Alabama. Mr. Chairman, I am surprised to see gentlemen who seek to sustain this point of order insisting that no effort in the line of improvement should be made in the system of legislation adopted in this House. The gentleman from Michigan [Mr. BREWER], in giving a very interesting history of the various plans adopted by Congress since the organization of our Government, stated that for the first forty years there was but one general appropriation bill. The wisdom of our legislators recognized in the course of time the importance of segregating or dividing the appropriations for the various departments of the Government; and finally, in the Forty-ninth Congress, a great and well directed stride was made by the rule which distributed the appropriation bills among those committees that were supposed to take the most interest in the subjects to which the appropriations referred.

Now, the only question for the House to decide to-day, without reference to what has been decided before, is whether, under a rule which provides for appropriations for fortifications and coast defenses, there should be included appropriations for field guns of small caliber, a kind of gun which, under ordinary circumstances, does not form a part of the armament of coast defenses or fortifications.

Mr. SAYERS. Will not the gentleman admit that heretofore this class of armament has been provided for by the Appropriations Committee?

Mr. WHEELER, of Alabama. I admit that has been the case, very improperly; and I say that the House of Representatives, seeking to place the various appropriations with those committees that are supposed from their jurisdiction to take most interest in the subjects, and because of the character of the investigations required of them to know most about them, seeks now to place the appropriations for field guns with the committee whose special—

Mr. SAYERS. You claim, then, that the Committee on Military Affairs knows more about these things than the Committee on Appropriations.

Mr. WHEELER, of Alabama. Knows more about them, because its duties require its members to give more investigation to the subject of field guns than a committee whose investigation is confined to fortifications and coast defense.

Mr. COGSWELL. How do you account for the War Department placing these matters under the item of "fortifications and coast armament?"

Mr. WHEELER, of Alabama. Simply because a clerk followed the erroneous proceedings of his predecessors.

Mr. COGSWELL. Does the gentleman undertake to say that the armament of a fort is complete without field guns?

Mr. WHEELER, of Alabama. I say that field guns of 3½ inch caliber are never used as a part of the armament of fortifications for coast defense, but, when armies are brought to bear upon such fortifications and the opposing army is called to their defense, light batteries composed of guns of this character are used in conjunction with the small arms of the infantry and riflemen.

Mr. COGSWELL. The gentleman does not answer my question. Does he say that the armament of a fort is complete without field guns?

Mr. WHEELER, of Alabama. Under the present plans of armament it is, but when fortifications are attacked by infantry they should have infantry and field batteries for defense.

Mr. COGSWELL. I differ from you decidedly.

Mr. WHEELER, of Alabama. I have never seen guns of 3½ inches placed in coast defenses as a part of its armament.

Mr. COGSWELL. I am not asking what you have seen.

Mr. WHEELER, of Alabama. Of course a little battery thrown up in the field is different. What is meant by coast defenses are permanent forts.

Mr. SAYERS. The gentleman is a military man, a graduate of West Point, I believe, and let me ask him, do you know of a fortification in the United States now—take Fortress Monroe, and I am asking for information—do you know of a fortification on the seaboard or elsewhere in the United States where there are not these field batteries?

Mr. WHEELER, of Alabama. I have never seen any 3½-inch guns placed in a coast fortification as a part of its armament.

Mr. SAYERS. I am not asking what you have seen; are they not there now?

Mr. WHEELER, of Alabama. I have been at several coast fortifications, and looked at guns mounted for defense, and never saw small field guns mounted as part of the armament. They are sometimes, I might say frequently, kept in forts for their better care and preservation, and a few guns are sometimes kept for salutes and for the morning and evening gun.

Mr. SAYERS. You say that you did not see them.

Mr. WHEELER, of Alabama. I did not see them mounted as part of the armament.

Mr. SAYERS. They are not, then, there, in your opinion?

Mr. WHEELER, of Alabama. Not at coast fortifications.

At Fortress Monroe there is an artillery school, and light batteries are stationed at that post.

The distinguished chairman of the Committee on Appropriations alluded to the fact that so much of the President's message as alluded to the subject of fortifications and coast defense was referred to the Committee on Appropriations. In that same message matters referring to the public defense and military establishment, and including everything of that character, were referred to the Committee on Military Affairs. Everything, therefore, pertaining to the Army and the equipments of the Army in the field, such as guns of this caliber, which are put in the field as field guns, certainly belong to and should be referred to and provided for in bills reported from this committee.

The only argument so far made in this discussion which tends to show that they ought not to be referred to the Committee on Military Affairs seems to be based upon the assumption that having been there improperly for several years the improper reference should be indefinitely continued. The gentleman from Illinois [Mr. CANNON] also argues that the Committee on Appropriations should exhaust the whole subject. If they should exhaust the whole subject they would be compelled to take jurisdiction of the entire armament of the Army, which would be in direct violation of the rules. I insist the Committee on Military Affairs ought to exhaust the whole subject so far as it is necessary to provide for the arms, equipments, and guns for the military establishment, because this committee is specially required to do so under the rules which govern this House. It seems to me, Mr. Chairman, that it is hardly necessary to say anything further upon the subject.

Mr. LANHAM. I only wish to say a word on the point of order raised by the gentleman from Michigan [Mr. BREWER]. It seems to me that it is not very material to those who shall pay the taxes involved in the appropriations for these items, aggregating \$180,135, whether that burden is imposed by the Committee on Appropriations or by the Committee on Military Affairs. Nor does it seem to me that the question ought to be controlled, as suggested by the gentleman from Illinois [Mr. CANNON], by former references of such matters to any particular committee. The essential point to determine is whether or not the authority to appropriate for these items properly belongs to the Committee on Military Affairs, and whether the guns, carriages, etc., for which these appropriations are to be made belong to and constitute a part of the military establishment.

The committee taking jurisdiction of it heretofore would not necessarily prevail in jurisdiction now simply for that reason. If there has been a mistake in former references, a mistake in conferring or assuming jurisdiction in the past, it does not follow that such mistake should be perpetuated. If we wish to ascertain clearly what belongs to the military establishment or what the terms imply, it would be but natural to refer to those who are specially qualified to speak in such matters from military training and practical experience. In the letter read from the Clerk's desk, coming from the General of the Army, who is, as I understand, president of the board of fortifications and ordnance, it is clearly and distinctly defined that the subjects named are properly classed under the head of military establishment, and hence the jurisdiction for the appropriation obviously belongs to the Committee on Military Affairs.

General Schofield says:

In reply to your communication of this date, I have the honor to say that the "field guns of 3.3-inch caliber, metallic carriages for field-gun batteries," and "shell and shrapnel for field guns" are intended for the services of light batteries, of which there are two in each regiment of artillery, which serve with the infantry and cavalry in the field, but not in the fortifications or coast defenses.

If this interpretation be correct, the Committee on Appropriations is manifestly without jurisdiction over this subject-matter, for the items mentioned are disconnected from fortifications or coast defenses.

Now, there is in this letter a construction by a very high military authority as to whether or not these items of appropriation belong to the military establishment, and it seems to me that his judgment and interpretation would be infinitely better than that of any number of gentlemen in the House of Representatives. It is also clear, Mr. Chairman, that under the provisions of Rule XI, referring all matters of legislation pertaining to the military establishment to the Military Committee, that committee logically and legally has jurisdiction of this subject-matter and has the right to report accordingly in this appropriation bill. We took jurisdiction of the question, as we thought we ought to do, and reported to the House our bill on the 28th day of February, 1890—

Mr. SAYERS. Will my colleague yield for a question?

Mr. LANHAM. Certainly.

Mr. SAYERS. By what authority did you take jurisdiction of the question when this matter was first presented?

Mr. LANHAM. We had submitted to us the estimates from the War Department.

Mr. SAYERS. But how did it get to the House?

Mr. LANHAM. I do not know about that, and in fact I do not think it would be at all material in correctly determining the question of jurisdiction. This bill, I say, was reported on the 28th day of February, 1890. The bill making appropriations for fortifications and coast

defenses was reported to the House on the 18th day of March, 1890. We had already taken jurisdiction of the subject-matter involved in this appropriation before that time. We had the judgment of a man of great military ability, a man of splendid military education and high military character, to the effect that these matters belong to the military establishment, and I think we ought not to be prejudiced by any previous reference to another committee or by the fact that the estimates went to one committee or the other. It is important, if there has been an error committed heretofore, to correct it now when the opportunity is presented.

Mr. CANNON. Will the gentleman yield for a question?

Mr. LANHAM. Certainly.

Mr. CANNON. If these items of appropriation belong to the military establishment under the rules of the House, and the jurisdiction is given for the reason assigned by the gentleman, is not the jurisdiction also given to recommend appropriations for the steel out of which they are made? Why did you not recommend appropriations for them? You claim jurisdiction, and yet the gentleman did not seek to cover that and various other matters. Now, where is the distinction?

Mr. LANHAM. We have only placed these three items in our bill on which the point of order has been made. We sought no doubtful jurisdiction, and upon the propriety of our course we have submitted the judgment of perhaps the highest military authority in the country.

Mr. CANNON. Ah, but your highest military authority in the country does not regulate the rules of this House.

Mr. LANHAM. But our highest military authority, it seems to me, would be persuasive, to say the least, as to the definition of what is meant by the term "military establishment" rather than the judgment of the civilian members of the House; and that these items belong to that establishment has been affirmatively made to appear by the commanding general of the Army himself. It is a question for the Chair, of course, as to whether they appertain to the Military Committee or otherwise; but if they are a part of the military establishment, and outside of fortifications or coast defenses, then the Chair must inevitably hold, in my judgment, that the Committee on Military Affairs had jurisdiction of them and has properly incorporated them in its bill.

Mr. SAYERS. Mr. Chairman, this is a contest with which I am somewhat familiar, by reason of my having had in charge during the last Congress the fortifications appropriation bill. It is the same old fight between the two committees. Now, it will be admitted, it can not be denied, by the Committee of Military Affairs, that before the distribution of appropriations amongst the various committees in the Fiftyth Congress, items of this character were always carried in the bill for fortifications and coast defenses, and not upon the bill for the support of the military establishment. It will be also admitted by the Committee on Military Affairs that no estimate or document of any kind whatever authorizing these items of appropriation went to it from the House.

I therefore ask the gentleman in charge of the bill, how comes it that he reports these items, if there was no estimate or proper document submitted by the Department, through the regular and ordinary channel, to the Committee on Military Affairs?

Mr. CUTCHEON. Does the gentleman desire an answer now?

Mr. SAYERS. I do.

Mr. CUTCHEON. The Book of Estimates is submitted to all of the appropriation committees, to the Committee on Military Affairs as well as to the Committee on Appropriations. If, therefore, the gentleman had read the report of the committee accompanying this bill he would have found that the committee dealt in entire frankness with the House when we say, on page 3 of the report:

In the Book of Estimates, at page 166, among other items (under the head of fortifications and other works of defense), occur the following.

And then, in connection with that, we submitted the various items to which that paragraph referred.

But we submit further, Mr. Chairman, that the error of a subordinate in the War Department in submitting an estimate of appropriation under the wrong head can not thereby control the jurisdiction of the House. We had this communicated to the committee in a special communication from the Secretary of War himself.

Mr. SAYERS. How? In what manner? Through the House?

Mr. CUTCHEON. Directly to the committee, under the date of February 20th.

Mr. SAYERS. But did it come through the House?

Mr. CUTCHEON. It did not come through the Speaker of the House, if that is what the gentleman means, but directly to the committee, the Secretary of War communicating this item for field batteries in a special estimate on the date mentioned.

Mr. SAYERS. Now, Mr. Chairman, only a few words more. It has been shown that for more than twenty years items like those under consideration have, without interruption, been placed upon the bill which made appropriations for fortifications and coast defenses. It is also true that the estimates for these particular appropriations came to the House regularly and were referred by the Speaker to the Committee on Appropriations, and that the Committee on Military Affairs, except upon the communication sent to it irregularly by the Secretary of

War, had nothing upon which to base the jurisdiction which has been assumed.

Mr. LANHAM. Will my colleague permit me to ask if he thinks this reference by the House to the committee is absolutely decisive of the question of jurisdiction?

Mr. SAYERS. I think so, when properly referred under the rules, especially as no question has been raised as to the propriety of the reference until now.

Mr. LANHAM. But suppose this to belong to the military establishment; would its reference to the Committee on Appropriations be decisive of the question of jurisdiction?

Mr. SAYERS. I think where the reference is made, under the rule, of a matter to a particular committee it would have the jurisdiction, unless an objection were raised within the proper time and in the manner prescribed by the rules of the House.

Mr. CUTCHEON. In other words, reference to a wrong committee would confer jurisdiction.

Mr. SAYERS. I do not agree that this is a wrong reference.

Mr. CUTCHEON. If this pertains to the military establishment, it would be a wrong reference.

Mr. SAYERS. Not so.

Mr. WHEELER, of Alabama. I would like to ask the gentleman a question. Take, for instance, the items for the Military Academy. We find estimates in one part of the book for the Military Academy and in another for the public works.

Mr. SAYERS. Well, the gentleman will find that all these items have gone to the Committee on Military Affairs.

Mr. WHEELER, of Alabama. Yes, sir. All of these are not, however, for the Military Academy, and yet the Committee on Military Affairs have jurisdiction.

Mr. SAYERS. Because they have been referred to your committee under the rules of the House.

Mr. Chairman, this whole question was exhaustively discussed in the last Congress, and it was definitely settled when the fortifications bill was up for consideration, and also when the bill for the support of the Army was before the House.

Mr. CUTCHEON. If the gentleman will allow me to interrupt him there; he says that this whole subject was exhaustively discussed in the last Congress. Allow me to read from a letter received from the Secretary of War.

Mr. SAYERS. Mr. Chairman, I have great respect for the Secretary of War; but he is not a member of this House.

Mr. CUTCHEON. It is simply as to a matter of fact.

Mr. SAYERS. I do not understand that the Secretary of War is a better judge of parliamentary law than an experienced member of this House.

Mr. CUTCHEON. No, no; but as to a matter of fact.

Mr. SAYERS. The gentleman has been reading communications from the General of the Army and from the Secretary of War and his officers as to the jurisdiction of committees of this House.

Mr. CUTCHEON. The simple point I desire to make, if my friend will allow me, is that we have never appropriated for these 3.2-inch caliber guns before. We have appropriated for guns of larger caliber, but never for guns of this caliber.

Mr. SAYERS. The gentleman can read it.

Mr. CUTCHEON. He writes:

Twenty-five steel field guns of 3.2-inch caliber, \$25,000. Congress has heretofore made no appropriation for the steel field guns of 3.2-inch caliber as named in this item; such as have been made have been procured from proceeds of sales of obsolete and unserviceable materials.

Mr. SAYERS. Well, read further.

Mr. CUTCHEON. That is all I desire to read.

Mr. SAYERS. Read it all.

Mr. CUTCHEON. Very well.

At the second session of the Fiftyth Congress an estimate for field guns of 3.6-inch caliber was, after a discussion in the House, referred to the Committee on Appropriations and action thereon was taken by that committee as stated.

Mr. SAYERS. Suppose you read all of the letter.

Mr. CUTCHEON. I do not desire to take up the time of the committee.

Mr. SAYERS. Well, let me see it then.

Mr. CUTCHEON. That is all that bears upon this question.

Mr. KERR, of Iowa. Mr. Chairman, will it be in order in this discussion of the point of order to limit debate to thirty minutes on a side?

The CHAIRMAN. The Chair will limit it in a moment.

Mr. SAYERS. I will read, Mr. Chairman:

An item for projectiles, including steel shrapnel for the field service, was embodied in the fortifications act approved March 2, 1889. The assignment of the estimate for this purpose and the action taken in the Fiftyth Congress, second session, was the same as stated for the two preceding items of this memorandum.

Mr. Chairman, I submit that the jurisdiction of the Committee on Appropriations over the items under consideration is amply sustained by the uniform and uninterrupted practice of the House for more than twenty years; by the unquestioned rulings of three Chairmen of the Committee of the Whole on different occasions during the last preced-



ing Congress; by the reference of that portion of the President's message and of the departmental estimates bearing upon the subject during the present Congress; under a fair construction of the rules themselves; and, finally, because sound policy demands that the appropriations for the erection of arsenals, for the purchase of machinery and of steel, and for the manufacture of guns should be considered, reported, and recommended by one and the same committee.

Mr. DOCKERY. Mr. Chairman, I shall detain the committee but a moment. This whole field has been very thoroughly gone over and I have, therefore, no disposition to trespass at length upon the time of the House or the patience of the Chair. The question at issue here is a question of jurisdiction, not to be determined by the opinion of the General of the Army, but to be decided under the rules and practice of this House. Substantially the same issue was decided in the last Congress, both by the gentleman from Georgia [Mr. BLOUNT], who was in the chair when the fortifications bill was being considered, and by myself when in the chair on the Army appropriation bill.

Mr. Chairman, I desire first to call your attention to the preliminary observations of the gentleman from Georgia [Mr. BLOUNT] in the decision referred to. He said:

An examination of the statutes and of the practice of the House for a long series of years shows that prior to the adoption of the present rules the rules simply assigned the work of appropriations to the Committee on Appropriations. That committee subdivided their work into various general appropriation bills. Not by virtue of any rule of the House, but for their own convenience. They were designated as the legislative, executive, and judicial bill, the sundry civil bill, the fortification bill, the District of Columbia bill, the pension bill, the deficiency bill, the military bill, the naval bill, and the bill in relation to post-offices and post-roads, etc.

The subject-matter of these several bills was designated by the Committee on Appropriations itself, and the Chair thinks that the only way of ascertaining the nature of these bills is by an examination of the substance of them. Under these designations they have been crystallized in the practice of the House until they have a significance as pregnant as the strongest language could give them.

Again, Mr. Chairman, when the Army appropriation bill was being considered at the second session of the Fiftieth Congress the question of jurisdiction was raised on the "torpedo item" of that bill; and, following in the line of the premises laid down by the gentleman from Georgia which I have just quoted, the Chair said:

In endeavoring to reach a just conclusion it occurs to the Chair that it is well to go back to the practice of the House in respect to this item before the change of rules distributed the appropriation bills; for that change of rules made no change in their phraseology—

I desire the Chair to take especial note of this fact—

but simply assigned certain appropriation bills to committees which prior to that time had not been given the consideration of them.

Further on, in summing up conclusions, I also stated:

The Chair, therefore, thinks that the intent of the House in distributing these appropriation bills was to give to the fortification bill that which it carried prior to the distribution, to the post-office appropriation bill that which it carried prior to the distribution, and so with respect to the bills assigned to the other committees.

Now, Mr. Chairman, the change in the distribution of the bills made no change whatever in the phraseology of the rule. The gentleman from Georgia and myself accordingly held that these bills, as distributed by the change of rules, carried with them to their respective committees only that which they contained when they were under the jurisdiction and control of the Committee on Appropriations.

Now, Mr. Chairman, tried by that construction, which has been repeatedly approved by this body, the items against which the point of order is made must be carried in the fortification bill, for examination reveals the fact that for more than twenty years prior to the distribution they always found a place in that bill. As has already been stated, the estimates sent to the House for field guns have been referred by the Speaker to the Committee on Appropriations, which fact ought to confer on that committee unchallenged jurisdiction.

Mr. WHEELER, of Alabama. Does not the gentleman yield the whole question when he says that the Committee on Appropriations once had this all in their hands and that they segregated the appropriations into different appropriation bills, as appeared to them to be proper? Upon the same principle would it not be proper now to give this appropriation for field guns to the Committee on Military Affairs?

Mr. DOCKERY. I think not. My point is very clear; at least I have endeavored to make it so. It is this: That in the distribution of the appropriation bills, there being no change in the phraseology of the rules, the military bill as reported from the Committee on Military Affairs should carry those matters which it formerly carried when it was reported from the Committee on Appropriations; that the Post-Office bill should carry under this construction only those items which it carried before the change of rules sent it to the Committee on the Post-Office and Post-Roads; and so on through the entire list of committees.

Now, apply that standard, and the decision must be in favor of the Committee on Appropriations, for I have here a memorandum prepared by the clerk of the Committee on Appropriations which shows that for more than twenty years past the Army appropriation bill has never carried an appropriation for field guns.

Mr. CUTCHEON. Because we have not been making appropriations for this kind of light field batteries.

Mr. BUTTERWORTH. But the line was drawn before.

Mr. DOCKERY. The line was clearly drawn before. Now, Mr. Chairman, the memorandum just read, showing that the 3.2-inch guns have not been made before, is not at all germane to the point of order. The question at issue is the question of jurisdiction of field guns, not the size of any particular gun.

Mr. LANHAM. What part do these guns play in fortifications?

Mr. DOCKERY. I do not know much about military affairs. I was fortunately so young at the time of the war that I got in only during the last six months, in the militia, and I did not therefore see much military service. [Laughter.] I am arguing this question under the rules and the practice of the House, and the Chair will observe that the practice of the House has been uniform in its support of the views I have presented.

Mr. SPINOLA. Mr. Chairman, it seems to me that this is narrowing itself down to a question of common sense. No gentleman upon the floor of this House will for a moment undertake to claim that a 3-inch gun is to be used in a fortification. A 3-inch gun, as I understand it, is to be used upon the battle-field. No man can point to a fortification in this country where a gun of only 3 inches caliber has ever been used. If these guns were intended to be used for fortifications they would be of much larger caliber. A 3-inch gun is designed to be hauled about by horses and to be handled by men in the field in action. Gentlemen desire to take jurisdiction of this matter for the Committee on Appropriations, but the jurisdiction of that committee is confined to fortifications and does not apply to light field arms.

This gun is a field arm, just like a rifle, only that it is of a little calibre, requiring five or six or seven men to handle it instead of one, and it comes strictly under the jurisdiction of the Committee on Military Affairs. We do not propose to interfere with the jurisdiction of the Committee on Appropriations as to fortifications. They claim that jurisdiction, and we say, let them have it; but when it comes to a matter entirely separate and distinct from that, which comes legitimately within the authority of the Committee on Military Affairs, we insist that that committee shall have its jurisdiction, and that is this case, because, as I have said, these guns are never used in fortifications, but are strictly for field purposes.

The CHAIRMAN. The question presented is not without difficulty, and the discussion has not been sufficiently full to entirely satisfy the Chair, but he understands that the exigencies of the work before the House will not permit further delay.

The practice of the House for the last twenty years preceding the last six years in large part has obtained under different conditions as between committees from those which now exist, and the Chair will confine himself strictly to the rule as he understands it.

Rule XI provides as follows:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating,

To appropriation of the revenue for the support of the Government, as herein provided, namely: \* \* \* for fortifications and coast defenses \* \* \* to the Committee on Appropriations.

All appropriations relating—

12. to the military establishment and the public defense, including the appropriations for its support, etc.—to the Committee on Military Affairs.

As the Chair understands this rule, the Committee on Appropriations in this matter is confined strictly to that which pertains to fortifications and coast defenses. The Chair holds that the provision of the bill before the committee providing for steel field guns and carriages for the same, not used in fortifications, nor made for fortifications, nor for coast defenses, properly goes to the Committee on Military Affairs, and he therefore overrules the point of order.

Mr. CANNON. Mr. Chairman, I move to strike out the provisions of this bill, on page 22, from line 16 to line 2, page 23, inclusive.

The Clerk read the paragraphs proposed to be struck out, as follows:

For four mountain guns, carriages, limbers, accessories, and ammunition therefor, \$14,920;

For steel field guns of 3.20 inches caliber, \$25,000;

For metallic carriages for field-gun batteries, \$143,135;

For steel shell or shrapnel for field guns, \$12,000;

In all, \$180,135.

Mr. CANNON. A single word upon this amendment. I hold in one hand the Army appropriation bill, from which I move to strike out these items. In the other hand I hold the fortifications appropriation bill, in which all these items appear, and, in addition, various other items of appropriations for steel to make these guns, as well as other guns, for an addition to the Watervliet arsenal, for tools, machinery, and plant for the manufacture of field guns, shell, and shrapnel, and for various other items necessarily used in the making of these guns and this shrapnel and shell.

I make this motion because the fortification bill has always carried, and now carries, the items I have indicated, and the Army bill has not heretofore carried these items, and members of this House as well as the country at large are entitled, when they pick up an act of appropriation and read it, to assume that the whole subject is exhausted in that act. Therefore, either the Army bill or the fortification bill, as a matter of sound legislative policy, should exhaust this whole subject of field guns and kindred affairs. I hope, therefore, that these items will be stricken out of this bill, and that the fortification bill, which is to

follow and carries all these items, including the steel which makes these guns, the enlargement of the factory in which they are made, the tools with which to make them, shall carry also the guns.

Mr. BUTTERWORTH. May I ask the gentleman a question before he takes his seat?

Mr. CANNON. Certainly.

Mr. BUTTERWORTH. This question, as I have understood, has been determined over and over again heretofore, both by the Chair and by a vote of the House.

Mr. CANNON. Yes, sir; and invariably one way.

Mr. BUTTERWORTH. Has there been any change in the rules on this subject?

Mr. CANNON. Not in the least.

Mr. BUTTERWORTH. I understood the Chair to say, in deciding this question, that to-day the conditions are different, or the rules different, from what they were when previous decisions were made, by which, I supposed, the Chair would be guided.

Mr. CANNON. I say again that the rules in this respect are the same as in the Forty-ninth and Fiftieth Congresses when this question was decided differently upon a point of order.

But I care nothing about the point of order. Whether the Army bill or the fortification bill carries this appropriation—and the items are in both bills—in either event these guns will be constructed. But I do say that in the estimates and in the fortification bill are these additional matters of appropriation for gun factory, for steel out of which these guns are to be made, for tools with which they are to be made, and that one bill or the other ought to carry the whole of these appropriations. I trust that they will be stricken out of the Army bill and that we shall let the fortification bill carry these four items, as it carries a dozen other items which it is necessary that the fortification bill, or some other bill, should carry in order that these guns may be made.

Mr. LANHAM. Suppose the motion of the gentleman should now prevail and that, when we come to the fortification bill, these items should be struck out on a point of order, what would then become of them?

Mr. CANNON. Well, "sufficient unto the day is the evil thereof." I hardly think that any Chairman of the Committee of the Whole could be found who would reverse the unbroken rulings of the House on this subject, by holding that these items are not in order on the fortification appropriation bill.

Mr. LANHAM. The present Chairman has very wisely decided that these items are properly on the Army bill.

Mr. WHEELER, of Alabama. I wish to ask the gentleman from Illinois [Mr. CANNON] whether it is not true that during the last ten years there have been at least four occasions when we failed to have any fortification bill at all. What has happened in previous Congresses may happen in this.

Mr. CANNON. Well, of course, if Congress does not choose to make an appropriation there will be no money.

Mr. WHEELER, of Alabama. We always pass the Army appropriation bill; but the fortification bill frequently fails to get through in time.

Mr. MOREY. I wish to make an inquiry. If these appropriations be made on the fortification bill, under the direction of what officer or what board will the expenditure be made?

Mr. CANNON. There will not be the slightest difference in that respect from the expenditure under this bill as I understand it. When I make this point, it is not because in either event these guns will not be made; they will be. My point is in the interest of harmonious legislation, upon the principle that one bill or the other should exhaust the whole subject. If these items are left in the Army bill, then you have in the fortification bill a larger number of items than are necessary for the construction of these guns. I want the Committee of the Whole to strike out in this bill these items which are duplicated in the fortification bill, and let them remain in that bill where they are found now, and which has carried them heretofore.

Mr. CUTCHEON. I desire that we shall get through with this question, go on with the bill, and finish it to-night; and for that reason I shall detain the Committee of the Whole only a single moment.

If these items remain in this bill, these light guns will be constructed under the supervision of the Bureau of Ordnance, not under the supervision of the Board of Ordnance and Fortification. The gentleman says that the fortification bill carries the machinery and the plant for the gun factory. That is so. We have conceded that, and the House has so decided, because the principal business of that gun plant is the manufacture of heavy ordnance for coast defense; and the major jurisdiction carries with it the minor.

Now, if these items be retained here, these guns will be made at the Watervliet arsenal; they will be made under the same general supervision; but they will be made under the direction of the Bureau of Ordnance, as I have said, instead of the board of ordnance and fortification; and the money will be appropriated in this bill instead of the other. That will be the only difference.

We are providing to-day for the Army. There are two light batteries in each of the five artillery regiments—ten light batteries in all; and the object of this provision is to furnish with light guns those light bat-

teries, which are just as much a part of the military establishment as the cavalry, or the infantry, or the engineers, or any other of the corps. I now ask for a vote.

Mr. BUTTERWORTH. Allow me a single moment. This item, to which my honored friend from Michigan [Mr. CUTCHEON] has called attention and to which attention is called also by the chairman of the Committee on Appropriations [Mr. CANNON], might possibly, with propriety, be in either bill.

Mr. CUTCHEON. I think so, possibly.

Mr. BUTTERWORTH. Now, in either event these guns will be constructed by the Bureau of Ordnance and at the same establishment.

Mr. CUTCHEON. Not under the direction of the board of ordnance and fortification, if provided for in this bill.

Mr. BUTTERWORTH. But, Mr. Chairman, the point is that the House has a right to determine for itself whether these items shall go into one bill or the other; and after the House has deliberately determined the question over and over again, in the face of the appeal of my honored friend from Michigan and others, we had the right to suppose that, without superhuman effort, this House and the Chair would adhere to that ruling.

So far as concerns the distribution of these different items, they are carried now by the same bill that has carried them for twenty-odd years.

Mr. CUTCHEON. We have not had them before—not these.

Mr. BUTTERWORTH. Well, the principle is the same. Whether a gun has a caliber of 4 inches or 3 inches or an inch and a half is not of any significance in determining the application of the principle which the House has laid down.

Now, for twenty years; nay, I will say to my friend for forty years, ever since the Committee on Appropriations has had existence, these lines of demarcation between different bills have been as distinct as now. When one bill was turned over to the Committee on Military Affairs it took with it the items it carried while in charge of the Committee on Appropriations. The attempt was made by my honored friend [Mr. CUTCHEON], backed by my equally zealous friend from Alabama, to revise the rules and to reverse the decision of Chairman after Chairman. Now you have succeeded. I congratulate you, although I think the decision is clearly wrong, not because the item in controversy may not be carried in the military bill, but because the House has otherwise ordered and refused over and over again to change or modify that ruling. And it would seem that there should be an end to this controversy. I do not deny that the language of the rule warrants the interpretation the honorable Chairman has given it. The error is, I claim, in departing from the construction the House has, time after time and Chairman after Chairman, given to the clause in question.

[Here the hammer fell.]

Mr. CUTCHEON. The motion to strike out includes the four mountain guns. They are in the bill. They are designed to be taken to pieces and carried over the mountains. The War Department desires them for instruction. The point of order was not made until afterwards so far as they are concerned.

Mr. CANNON. Very well, then, as the gentleman says the point of order was not made until afterwards, I withdraw the amendment as to four mountain guns and accessories.

The CHAIRMAN. Debate is exhausted.

Mr. BREWER. I move to strike out the last word.

I wish to show, Mr. Chairman, the anomalous condition in which the committee will be placed if those items remain in the bill. The last item is:

For steel shell or shrapnel for field guns, \$12,000.

That is taken from a clause containing several other items in the Book of Estimates by the Committee on Military Affairs without any estimate to base their report on except as they find it under that referred to the Committee on Appropriations. I desire to call the attention of the Chair and the committee to this language in the estimate:

Steel shell or shrapnel for field guns \$12,000, and for cast-iron projectiles for field, siege, and seacoast guns \$24,500.

The committee did not take all, but only took that covered by the \$12,000 item. If they have jurisdiction of that part of the clause then both items should be in the bill. Why is only one item included?

Mr. WHEELER, of Alabama. We will get them as fast as we can.

Mr. BREWER. They were mixed up, it is true, but why insert one and leave the other out? Why separate them? I insist the committee should strike out these items, and let them remain where they properly belong.

The question recurred on Mr. CANNON's motion to strike out.

The committee divided; and there were—ayes 91, noes 57.

So the motion was agreed to.

The Clerk read as follows:

#### RECRUITING SERVICE.

For expenses of recruiting and transportation of recruits from rendezvous to depot, and in keeping recruits at recruiting depots before assignment to regiment, \$113,695.

Mr. CUTCHEON. I move, in lines 5 and 6, page 23, to strike out the words "and in keeping recruits at recruiting depots before assignment to regiment."



One word in regard to that amendment. There was an estimate of \$25,000 for keeping recruits at recruiting depots before assignment to regiment. The committee did not grant that \$25,000, and the rest should go out. The Secretary of War and the Adjutant-General asked the bill be so amended.

The amendment was agreed to.

The Clerk read as follows:

To defray expenses of sending recruiting parties to small towns and rural districts adjacent to recruiting rendezvous, \$25,000.

Mr. CUTCHEON. I move to strike out the words "adjacent to recruiting rendezvous;" so it will read:

To defray expenses of sending recruiting parties to small towns and rural districts, \$25,000.

This is also here by recommendation of the Secretary of War, and is simply to give a little more liberality in sending out recruiting parties.

The amendment was agreed to.

The Clerk read as follows:

To defray expenses of sending recruiting parties to small towns and rural districts, \$25,000.  
In all \$138,696.

Mr. CUTCHEON. I offer an amendment, Mr. Chairman, to come in after line 12, on page 23.

The Clerk read as follows:

And which shall be disbursed and accounted for as expenses of recruiting, and shall constitute one fund.

Mr. CUTCHEON. The object is that the entire \$138,696 may be drawn upon as an entire fund. It does not change the appropriation.

The amendment was adopted.

The Clerk read as follows:

#### SIGNAL SERVICE.

For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs; signal equipments and stores; binocular glasses, telescopes, heliostats, and other necessary instruments, including absolutely necessary meteorological instruments for use on target-ranges; telephone apparatus and maintenance of same; in all, \$10,000.

Mr. CUTCHEON. On behalf of the Committee on Military Affairs I offer the following proviso, to come in at the end of this clause.

The Clerk read as follows:

Provided, That, from the signal stores herein appropriated for, the Chief Signal Officer, on proper application in writing by the adjutant-general of any State, may sell to such State for use of its militia at contract prices such signal equipments and stores, field-glasses, telescopes, heliographs, and other apparatus as may be necessary for instruction in military signaling; the money received therefor, which shall revert to the appropriation for the current year in which the sale may be made, must be duly accounted for as other public money, and may be used in the purchase of like articles to replace those so sold.

Mr. CUTCHEON. This provision would undoubtedly be new legislation, if the point was made.

The object of it is, Mr. Chairman, to enable certain States, especially the State of California, to purchase signal instruments, and purchase them at cost price, from the signal stores of the Government, the money to be covered back into the same fund. It will cost the Government nothing. It is simply a temporary transfer for the accommodation of the militia of the States which may desire it. I hope it will be adopted.

The amendment was adopted.

The Clerk read as follows:

#### CONTINGENT EXPENSES.

For contingent expenses of the office of the commanding general, \$1,750.  
For contingent expenses of the Adjutant-General's Department at the headquarters of the several military divisions and departments, \$2,000, being for the necessary articles of office, toilet, and desk furniture, stationery, binding, maps, books of reference, police utensils, etc.

For binding current orders and purchasing maps for the Inspector-General's Department, \$500.

Mr. CUTCHEON. On behalf of the Committee on Military Affairs I offer the amendment which I send to the desk, to the last paragraph.

The Clerk read as follows:

On page 24, in line 4, strike out "current" and insert "reports," and in the same line, before the word "maps," insert the words "books of reference and;" so that it will read:

"For binding reports and orders and purchasing books of reference and maps for the Inspector-General's Department, \$500."

Mr. CUTCHEON. This change is made at the request of the Inspector-General in a communication which reached the committee since the bill was framed and reported. He states that there are valuable orders and reports not of the current series to be bound. It does not make any change in the appropriation, but simply enables him to bind orders of the past series as well as the current series. I hope it will be adopted.

The amendment was adopted.

Mr. CUTCHEON. I move that the bill be laid aside and reported to the House with the recommendation that it do pass.

The motion was agreed to.

Mr. BREWER. Mr. Chairman, I ask unanimous consent now to take up and consider House bill 8391, making appropriations for fortifications and other works of defense, etc.

Mr. CUTCHEON. I desire to call the attention of the Chair to the fact that the motion to go into Committee of the Whole was to further

consider House bill 7619. I simply make this statement in justice to the Chair and to the committee.

Mr. BREWER. I hope that while we are in committee we will be enabled to take up this bill.

The CHAIRMAN. It can be done without objection. Is there objection?

Mr. WILLIAMS, of Ohio. I think we had better finish up the other bill.

The CHAIRMAN. Unless there is objection, the bill referred to by the gentleman from Michigan will be proceeded with.

Mr. DUNNELL. Regular order.

Mr. WILLIAMS, of Ohio. I move that the committee do now rise.

Mr. BREWER. I desire to call up this bill, so that it may be read now for the information of the House; and then, if desired, I will move that the committee rise.

The CHAIRMAN. But the regular order has been demanded; and the gentleman from Ohio moves that the committee do now rise.

Mr. CANNON. If the gentleman will permit me a moment, I submit, Mr. Chairman, that it will not take three minutes to dispose of the Army bill after we get into the House, unless a separate vote is called for, and it seems to me that we might as well enter upon the general debate and probably conclude it upon the fortifications bill.

Mr. WILLIAMS, of Ohio. I think it is in the interest of the dispatch of public bills to rise and dispose of the military bill.

The motion of Mr. WILLIAMS, of Ohio, was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ALLEN, of Michigan, reported that the Committee of the Whole House on the state of the Union, having had under consideration the Army appropriation bill, had directed him to report the same to the House with sundry amendments; and that, as so amended, the bill do pass.

The SPEAKER. The Clerk will read the amendments recommended by the Committee of the Whole.

The amendments were read at length.

Mr. ROGERS. I desire to call the attention of the gentleman from Michigan to the top of page 17, where the words "and so forth" are used, in line 3. I was under the impression that it was understood these words were to be stricken out where they occurred in the bill.

Mr. CUTCHEON. I had intended to do that, at the suggestion of the gentleman from Texas [Mr. SAYERS]. I therefore move now to strike out the words "and so forth," and insert the word "and" before "canteens," in the same line.

The amendment was adopted.

Mr. CUTCHEON. There is also a similar amendment which should be made in the third line on page 24. The words "and so forth" were used in the estimate, and by some means crept into the bill. I think it better to strike them out and insert the word "and" before the words "police utensils;" so it will read "maps, books of reference, and police utensils."

The amendment was adopted.

The SPEAKER. Is a separate vote demanded on any of the amendments?

Mr. BYNUM. I ask a separate vote on the amendment in regard to the sale of alcoholic liquors in the canteen.

The SPEAKER. If no other separate vote is demanded, the vote will be taken upon the remaining amendments.

The remaining amendments were adopted.

The SPEAKER. The question is upon the amendment indicated by the gentleman from Indiana, which the Clerk will report.

The Clerk read as follows:

Provided, That no alcoholic liquors, including beer and wine, shall be sold or supplied to the enlisted men in any canteen or in any room or building at any garrison or military post.

Mr. BYNUM. Upon that I demand the yeas and nays.

Mr. CUTCHEON. A parliamentary inquiry. Would any remarks be in order upon this at this time?

Mr. PAYSON. We do not need any remarks.

Mr. CUTCHEON. I will waive that question; but I will say on behalf of the Committee on Military Affairs that they do not ask a separate vote on this amendment, and do not ask for the yeas and nays.

Mr. BLOUNT. Debate is not in order.

The yeas and nays were ordered.

The question was taken, and it was decided in the negative—yeas 32, nays 135, not voting 142; as follows:

#### YEAS—52.

Allen, Mich.	Cooper, Ohio	Kerr, Iowa	Pickler,
Anderson, Kans.	Craig,	Lacey,	Pugsley,
Arnold,	Cuibertson, Pa.	Laidlaw,	Ray,
Baker,	Dalsell,	Laws,	Russell,
Bergen,	Darlington,	Lewis,	Sherman,
Boothman,	Dolliver,	McComas,	Skinner,
Brewer,	Dorsey,	Moore, N. H.	Smith, W. Va.
Burrows,	Dunnell,	Morse,	Stockbridge,
Butterworth,	Featherston,	Nute,	Struble,
Caswell,	Flick,	O'Donnell,	Sweeney,
Cheadle,	Funston,	Owen, Ind.	Taylor, E. B.
Comstock,	Hansbrough,	Payno,	Vandever,
Conger,	Henderson, Iowa	Peters,	Wright.

## NAYS—135.

Adams,	Coleman,	Lester, Va.	Sayers,
Allen, Miss.	Connell,	Lind,	Scranton,
Anderson, Miss.	Covert,	Maish,	Scull,
Andrew,	Cowles,	Mansur,	Shively,
Bankhead,	Crap,	Martin, Ind.	Smoyer,
Banks,	Culbertson, Tex.	Martin, Tex.	Snider,
Barnes,	Cutcheon,	Mason,	Spinola,
Barwig,	Dargan,	McAdoo,	Spooner,
Bayne,	Dibble,	McClammy,	Springer,
Beckwith,	Dunphy,	McClellan,	Stahneck,
Belknap,	Edmunds,	McCord,	Stewart, Tex.
Bland,	Finley,	McCreary,	Stockdale,
Blount,	Forney,	McMillin,	Stone, Ky.
Boatner,	Frank,	McRae,	Tarsney,
Rowden,	Gear,	Mills,	Tillman,
Breckinridge, Ark.	Geissenhainer,	Montgomery,	Townsend, Colo.
Breckinridge, Ky.	Gibson,	Morgan,	Townsend, Pa.
Brickner,	Goodnight,	Mutchler,	Tracey,
Brookshire,	Hare,	O'Ferrall,	Tucker,
Brunner,	Haugen,	O'Neil, Mass.	Turner, N. Y.
Buchanan, Va.	Hayes,	Osborne,	Van Schaick,
Bunn,	Hemphill,	Owens, Ohio	Venable,
Hurton,	Herbert,	Parrett,	Walker, Mo.
Bynum,	Hill,	Paynter,	Washington,
Cannon,	Hooker,	Payson,	Wheeler, Ala.
Carter,	Hopkins,	Peel,	Whiting,
Caruth,	Kinsey,	Quinn,	Wike,
Chipman,	La Follette,	Reed, Iowa	Wiley,
Clancy,	Lane,	Reilly,	Willcox,
Clark, Wis.	Lanham,	Reyburn,	Williams, Ill.
Clements,	Lansing,	Rife,	Williams, Ohio
Clunie,	Lawler,	Robertson,	Wilson, Mo.
Cobb,	Lee,	Rockwell,	Wilson, Wash.
Cogswell,	Leibach,	Rogers,	

## NOT VOTING—142.

Abbott,	Dockery,	Lester, Ga.	Sanford,
Alderson,	Elliott,	Lodge,	Sawyer,
Atkinson, Pa.	Ellis,	Magner,	Seney,
Atkinson, W. Va.	Enloe,	McCarthy,	Simonds,
Bartine,	Evans,	McCormick,	Smith, Ill.
Belden,	Ewart,	McKenna,	Stephenson,
Biggs,	Farquhar,	McKinley,	Stewart, Ga.
Bingham,	Fitch,	Milliken,	Stewart, Vt.
Blanchard,	Fithian,	Miles,	Stivers,
Bliss,	Flood,	Moore, Tex.	Stone, Mo.
Boutelle,	Flower,	Morey,	Stump,
Brosius,	Forman,	Morrill,	Taylor, Ill.
Brower,	Fowler,	Morrow,	Taylor, J. D.
Brown, J. B.	Gest,	Mudd,	Taylor, Tenn.
Browne, T. M.	Gifford,	Niedringhaus,	Thomas,
Browne, Va.	Greenhalge,	Norton,	Thompson,
Buchanan, N. J.	Grimes,	Oates,	Turner, Ga.
Buckalew,	Grosvenor,	O'Neill, Ind.	Turner, Kans.
Bullock,	Grout,	O'Neill, Pa.	Turpin,
Caldwell,	Hall,	Outhwaite,	Wade,
Campbell,	Harmer,	Pennington,	Walker, Mass.
Candler, Ga.	Hatch,	Perkins,	Wallace, Mass.
Candler, Mass.	Haynes,	Perry,	Wallace, N. Y.
Carlisle,	Heard,	Phelan,	Watson,
Carlton,	Henderson, Ill.	Pierce,	Wheeler, Mich.
Catchings,	Henderson, N. C.	Post,	Whitthorne,
Cheatham,	Hermann,	Price,	Wickham,
Clarke, Ala.	Hitt,	Quackenbush,	Wilber,
Cooper, Ind.	Holman,	Raines,	Wilkinson,
Cottrill,	Houk,	Randall, Mass.	Wilson, Ky.
Crain,	Kelley,	Randall, Pa.	Wilson, W. Va.
Cummings,	Kennedy,	Richardson,	Wise,
Davidson,	Kerr, Pa.	Rowell,	Yardley,
De Haven,	Ketcham,	Rowland,	Yoder.
De Lano,	Kilgore,	Rusk,	
Dingley,	Knapp,		

So the amendment was rejected.

The following pairs were announced until further notice:

Mr. WILBER with Mr. RANDALL, of Pennsylvania.

Mr. THOMPSON with Mr. TURNER, of Georgia.

Mr. EVANS with Mr. PERRY.

Mr. WICKHAM with Mr. COTHRAN.

Mr. WADE with Mr. NORTON.

Mr. CALDWELL with Mr. MCCARTHY.

Mr. ATKINSON, of Pennsylvania, with Mr. FORMAN.

Mr. KENNEDY with Mr. YODER.

Mr. ATKINSON, of West Virginia, with Mr. ALDERSON.

Mr. BELDEN with Mr. FLOWER.

Mr. POST with Mr. JASON B. BROWN.

Mr. THOMAS M. BROWNE with Mr. KERR, of Pennsylvania.

Mr. GIFFORD with Mr. TURPIN on contested elections.

Mr. FINLEY with Mr. CANDLER, of Georgia. (This is not transferable.)

Mr. FLOOD with Mr. HENDERSON, of North Carolina. (This pair not transferable.)

For the rest of this day:

Mr. KNAPP with Mr. CARLISLE.

Mr. DE LANO with Mr. PIERCE.

Mr. MILES with Mr. HOOKER.

Mr. GROSVENOR with Mr. FOWLER.

Mr. SIMONDS with Mr. ELLIOTT.

Mr. LODGE with Mr. BUCKALEW.

Mr. RICHARDSON with Mr. STIVERS.

Mr. YARDLEY with Mr. OUTHWAITE.

Mr. QUACKENBUSH with Mr. FITCH.

Mr. KETCHAM with Mr. PENNINGTON.

Mr. ARNOLD with Mr. BULLOCK.

Mr. WATSON with Mr. DAVIDSON.

Mr. WALLACE, of New York, with Mr. ABBOTT.

Mr. WALLACE, of Massachusetts, with Mr. COOPER, of Indiana.

Mr. MOFFITT with Mr. STUMP.

Mr. BINGHAM with Mr. WILKINSON.

Mr. MOREY with Mr. HATCH.

Mr. BROWNE, of Virginia, with Mr. SENEY.

Mr. STEPHENSON with Mr. ENLOE.

For this day:

Mr. TAYLOR, of Illinois, with Mr. CRAIN.

Mr. HOOK with Mr. KILGORE.

Mr. CANDLER, of Massachusetts, with Mr. WILSON, of West Virginia.

Mr. STEWART, of Vermont, with Mr. OATES.

Mr. FARQUHAR with Mr. HOLMAN.

Mr. MORRILL with Mr. DOCKERY. Mr. DOCKERY would vote against this amendment.

Mr. FITHIAN with Mr. SMITH, of Illinois, for the remainder of this day.

Mr. JOSEPH D. TAYLOR with Mr. CARLTON, on this vote. If present Mr. TAYLOR would vote for the amendment, and Mr. CARLTON against it.

Mr. DARLINGTON with Mr. MOORE, of Texas, on all political questions from March 28 until Monday week.

Mr. TAYLOR, of Tennessee, with Mr. O'NEALL, of Indiana, on all political questions, from March 24 until April 13, both days inclusive. (This pair is not transferable.)

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is upon ordering the bill to be engrossed for a third reading.

Mr. PICKLER. Mr. Speaker, I desire to submit an amendment.

Mr. CUTCHEON. I move the previous question on the passage of the bill.

Mr. PICKLER. Mr. Speaker, I offered my amendment before the previous question was demanded.

The SPEAKER. The gentleman in charge of the bill is entitled to recognition under the practice of the House, and if the House desires any further amendments the previous question can be voted down.

Mr. CHEADLE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CHEADLE. I wish to know whether a provision authorizing the Government to engage in the whisky business has ever been contained in any previous appropriation bill.

The SPEAKER. That is not a parliamentary inquiry.

Mr. CHEADLE. I think if I could get an answer to that question—

Mr. PICKLER. I had obtained the floor and offered my amendment before the previous question was ordered; and under the rule, Mr. Speaker, after a bill has been reported from the Committee of the Whole with amendments, it is in order to submit additional amendments; that the first question is upon the amendments reported by the Committee of the Whole, if the previous question be not ordered. Now, Mr. Speaker, I offered this amendment, and the previous question was not moved until I had offered it. I submit, therefore, that I am in order. The amendment—

The SPEAKER. The gentleman from South Dakota is correct. The Chair supposed it was in answer to an inquiry. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding, after the word "dollars," in line 4, on page 17, the following words:

"Provided, That no article the sale of which is prohibited by State or Territorial law shall be sold or offered for sale at any canteen provided for by this act within such State or Territory."

Mr. PICKLER. I think everybody can vote for that.

Mr. CUTCHEON. I have no objection to that.

The question was put; and the Speaker announced that the ayes seemed to have it.

Several MEMBERS. Division.

The SPEAKER. No gentleman has arisen and asked for a division.

Mr. SPRINGER (rising). Division, Mr. Speaker.

The House divided; and there were—ayes 39, noes 82.

Mr. PICKLER and Mr. STRUBLE. Yeas and nays.

The yeas and nays were ordered.

The question was taken on the adoption of the amendment; and it was decided in the negative—yeas 72, nays 97, not voting 160; as follows:

## YEAS—72.

Allen, Mich.	Brewer,	Dibble,	Haugen,
Allen, Miss.	Buchanan, Va.	Dolliver,	Henderson, Iowa
Anderson, Kans.	Butterworth,	Dorsey,	Hill,
Anderson, Miss.	Cheadle,	Dunnell,	Hopkins,
Baker,	Coleman,	Edmunds,	Kerr, Iowa
Banks,	Comstock,	Featherston,	Lacey,
Belknap,	Cooper, Ohio	Finley,	Laidlaw,
Bergen,	Craig,	Flick,	Lansing,
Boothman,	Culbertson, Pa.	Funston,	Laws,
Boutelle,	Dalzell,	Hansbrough,	Lee,



Lewis,  
Lind,  
McComas,  
McKinley,  
Moore, N. H.  
Morse,  
O'Donnell,  
O'Ferrall,

Owen, Ind.  
Payne,  
Payson,  
Peters,  
Pickler,  
Pugsley,  
Ray,  
Rife,

Rowland,  
Russell,  
Scranton,  
Seull,  
Skinner,  
Smith, W. Va.  
Smyser,  
Stockbridge,

Stockdale,  
Struble,  
Sweney,  
Taylor, E. B.  
Tucker,  
Vandever,  
Williams, Ohio  
Wright.

# NAYS—97.

Adams,  
Andrew,  
Bankhead,  
Barnes,  
Barwig,  
Bayne,  
Beckwith,  
Bland,  
Blount,  
Boatner,  
Breckinridge, Ark.  
Breckinridge, Ky.  
Brickner,  
Brookshire,  
Brunner,  
Burton,  
Bynum,  
Cannon,  
Carlton,  
Carter,  
Caruth,  
Chipman,  
Clancy,  
Clark, Wis.  
Clements,

Clunie,  
Cobb,  
Cogswell,  
Covert,  
Crisp,  
Culberson, Tex.  
Cummings,  
Cutcheon,  
Dargan,  
Dunphy,  
Forney,  
Frank,  
Geisshainer,  
Gilson,  
Goodnight,  
Hare,  
Hayes,  
Hemphill,  
Hooker,  
Kinsey,  
Lane,  
Lanham,  
Lawler,  
Leibach,  
Lester, Va.

Maish,  
Mansur,  
Martin, Ind.  
Martin, Tex.  
McAdoo,  
McClellan,  
McCord,  
McRae,  
Mills,  
Montgomery,  
Morgan,  
Mutchler,  
O'Neil, Mass.  
Osborne,  
Owens, Ohio  
Parrett,  
Paynter,  
Peel,  
Price,  
Quinn,  
Reilly,  
Reyburn,  
Robertson,  
Rockwell,  
Rogers,

Sayers,  
Snider,  
Spinola,  
Spooner,  
Springer,  
Stahnecker,  
Stewart, Tex.  
Stone, Ky.  
Tarsney,  
Tillman,  
Townsend, Colo.  
Tracy,  
Turner, N. Y.  
Van Schaick,  
Venable,  
Walker, Mo.  
Wheeler, Ala.  
Whiting,  
Willcox,  
Williams, Ill.  
Willson, Mo.  
Wilson, Wash.

# NOT VOTING—160.

Abbott,  
Alderson,  
Arnold,  
Atkinson, Pa.  
Atkinson, W. Va.  
Bartine,  
Belden,  
Biggs,  
Bingham,  
Blanchard,  
Bliss,  
Bowden,  
Brosius,  
Brower,  
Brown, J. B.  
Browne, T. M.  
Buchanan, Va.  
Buchanan, N. J.  
Buckalew,  
Bullock,  
Bunn,  
Burrows,  
Caldwell,  
Campbell,  
Candler, Ga.  
Candler, Mass.  
Carlsle,  
Casswell,  
Catchings,  
Cheatham,  
Clarke, Ala.  
Conger,  
Connell,  
Cooper, Ind.  
Cottrian,  
Cowles,  
Crain,  
Darlington,  
Davison,  
De Haven,

De Lano,  
Dingley,  
Dockery,  
Elliott,  
Ellis,  
Enloe,  
Evans,  
Ewart,  
Farquhar,  
Fitch,  
Fithian,  
Flood,  
Flower,  
Forman,  
Fowler,  
Gear,  
Gest,  
Gifford,  
Greenhalge,  
Grimes,  
Grosvenor,  
Grout,  
Hall,  
Harmer,  
Hatch,  
Haynes,  
Heard,  
Henderson, Ill.  
Henderson, N. C.  
Herbert,  
Hermann,  
Hitt,  
Holman,  
Houk,  
Kelley,  
Kennedy,  
Kerr, Pa.  
Ketcham,  
Kilgore,  
Knapp,

La Follette,  
Lester, Ga.  
Lodge,  
Magner,  
Mason,  
McCarthy,  
McClammy,  
McCormick,  
McCreary,  
McKenna,  
McMillin,  
Miles,  
Milliken,  
Moffitt,  
Moore, Tex.  
Morey,  
Morrill,  
Morrow,  
Mudd,  
Niedringhaus,  
Norton,  
Nute,  
Oates,  
O'Neill, Ind.  
O'Neill, Pa.  
Outhwaite,  
Pennington,  
Perkins,  
Perry,  
Phelan,  
Pierce,  
Post,  
Quackenbush,  
Raines,  
Randall, Mass.  
Randall, Pa.  
Reed, Iowa  
Richardson,  
Rowell,  
Rusk,

Sanford,  
Sawyer,  
Seney,  
Sherman,  
Shively,  
Simonds,  
Smith, Ill.  
Stephenson,  
Stewart, Ga.  
Stewart, Vt.  
Stivers,  
Stone, Mo.  
Stump,  
Taylor, Ill.  
Taylor, J. D.  
Taylor, Tenn.  
Thomas,  
Thompson,  
Townsend, Pa.  
Turner, Ga.  
Turner, Kans.  
Turpin,  
Wade,  
Walker, Mass.  
Wallace, Mass.  
Wallace, N. Y.  
Washington,  
Watson,  
Wheeler, Mich.  
Whithorne,  
Wickham,  
Wike,  
Wilber,  
Wiley,  
Wilkinson,  
Wilson, Ky.  
Wilson, W. Va.  
Wise,  
Yardley,  
Yoder.

So the amendment was rejected.  
The following additional pairs were announced for the rest of this day:  
Mr. BROSIOUS with Mr. HERBERT.  
Mr. BOWDEN with Mr. COWLES.  
Mr. BUCHANAN, of New Jersey, with Mr. SHIVELY.  
Mr. JOSEPH D. TAYLOR with Mr. CARLTON.  
Mr. MUDD and Mr. RUSK were announced as paired until further notice.

Mr. KILGORE. Mr. Speaker, I am paired with the gentleman from Tennessee [Mr. HOUK]. If I were not paired, I should vote "no."  
On motion of Mr. ANDERSON, of Kansas, the recapitulation of names of members voting was dispensed with.

The result of the vote was then announced as above recorded.  
Mr. CUTCHEON. I move the previous question upon ordering the bill as amended to be engrossed and read a third time.

Mr. PICKLER. No quorum, Mr. Speaker.  
The SPEAKER. Upon what ground does the gentleman say there is no quorum?

Mr. PICKLER. Not enough votes cast.  
The SPEAKER. The yeas were 72 and the nays 97, making 169. [Laughter.]

Mr. SPRINGER. I am sorry to see a disposition to filibuster on an appropriation bill. [Laughter.]

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CUTCHEON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CUTCHEON. I have been requested by several gentlemen to ask unanimous consent that remarks upon this bill which have not been delivered may be printed in the RECORD.

Mr. PICKLER. I object.

# ORDER OF BUSINESS.

Mr. ROCKWELL. I ask unanimous consent for the present consideration of the bill which I send to the desk.

Mr. BLOUNT. I move that the House do now adjourn.

Mr. MANSUR. Before that motion is put I ask consent—

The SPEAKER. The question is on the motion of the gentleman from Georgia that the House do now adjourn.  
The motion was agreed to.

# ENROLLED BILLS SIGNED.

Pending the announcement of the result,  
Mr. MOORE, of New Hampshire, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2501) to provide for an American register for a steamer to be named *San Benito*, owned by a corporation of the State of California;  
A bill (S. 1982) granting a pension to Mrs. Minerva Jane Olive;  
A bill (S. 2447) to extend to Tampa, Fla., the privilege of immediate transportation of unappraised merchandise;  
A bill (S. 247) granting a pension to Minnie A. Bailey; and  
A bill (S. 1983) granting a pension to George B. Smith.

# LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:  
To Mr. FORMAN, for fifteen days, on account of important business.  
To Mr. ATKINSON, of West Virginia, for four or five days, on account of sickness in his family.  
To Mr. FLOWER, for two days, on account of important business.  
To Mr. SMITH, of Illinois, on account of important business.  
The House then (at 5 o'clock and 35 minutes p. m.) adjourned.

# RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. QUACKENBUSH:

*Resolved*, That the Doorkeeper of the House be, and he is hereby, authorized and directed to appoint Judson H. Marsh an additional page of the House and assign him to attend as an additional messenger to the Committee on Military Affairs;

to the Committee on Accounts.

By Mr. HENDERSON, of Iowa:

*Resolved*, That Tuesday, the 15th day of April, 1890, after sixty minutes of the morning hour have passed, be fixed for the consideration, in Committee of the Whole House on the state of the Union, of the bill (H. R. 8151) to promote the efficiency of the militia, and at 4 o'clock and 30 minutes p. m. the said committee shall report the said bill to the House, with all amendments agreed to, and the previous question shall then be considered as ordered on said bill and amendments; this order not to interfere with the consideration of revenue and general appropriation bills and prior special orders;

to the Committee on Rules.

By Mr. HOUK (by request):

*Resolved*, That the Select Committee on the Election of President, Vice-President, and Representatives in Congress is hereby instructed to inquire into the propriety of adopting and purchasing a ballot-box to be used in all elections for Representatives to Congress and electors for United States Senators, and to report by bill or otherwise;

to the Select Committee on the Election of President, Vice-President, and Representatives in Congress.

By Mr. MCKINLEY:

*Resolved*, That on and after the 3d day of April, 1890, the House shall assemble daily at 11 o'clock a. m.;

to the Committee on Rules.

By Mr. CONGER:

*Resolved*, That Tuesday, April 15, immediately after the approval of the Journal, be fixed for the consideration of H. R. 5381, authorizing the issue of Treasury notes on deposit of silver bullion, and this shall be a continuing order, not, however, to interfere with bills raising revenue, general appropriation bills, nor special orders already made;

to the Committee on Rules.

# REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. BROWER, from the Committee on War Claims, reported favorably the bill of the Senate (S. 1016) for the relief of Mrs. Sarah A. Wood—to the Committee of the Whole House.

Mr. DUNPHY, from the Committee on Claims, to which was referred the petition of George C. Ellison, asking to be reimbursed for loss of salary withheld and for expenses incurred in his defense in and during a prosecution growing out of the discharge of his duty as chief

engineer of the House of Representatives of the Forty-fifth Congress, reported a bill (H. R. 8827) to provide for the reimbursement of costs and expenses in certain judicial proceedings, and for the relief of George C. Ellison, late chief engineer of the House of Representatives; which was read twice, and referred to the Committee of the Whole House.

Mr. MORRILL, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 8297) providing for a service pension for the soldiers of the rebellion, and their widows, and for other purposes—to the Committee of the Whole House on the state of the Union.

Mr. DINGLEY, from the Committee on Ways and Means, reported favorably the bill of the Senate (S. 3025) to enable the Secretary of the Treasury to gather full and authentic information as to the present condition and preservation of the fur-seal interests of the Government in the region of Alaska, as compared with its condition in 1870; also full information as to the impending extinction of the sea-otter industry, and kindred lines of inquiry, etc.—to the Committee of the Whole House on the state of the Union.

Mr. STRUBLE, from the Committee on the Territories, reported with amendment the bill of the House (H. R. 6975) to provide for an additional associate justice of the supreme court of Arizona—to the Committee of the Whole House on the state of the Union.

Mr. THOMAS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 7199) for the relief of George T. Vance and Guy S. Vance, executors of the estate of William Vance, deceased, late of Memphis, Tenn., reported as a substitute therefor the following resolution, namely:

*Resolved*, That the claim represented by the bill H. R. 7199, with all the papers relating thereto, be, and the same hereby are, referred to the Court of Claims to find the facts under the provisions of the act of Congress of March 3, 1883, chapter 116, commonly called the "Bowman act," as amended by section 14, chapter 359, of the act of March 3, 1887, commonly called the Tucker act; to the Committee of the Whole House.

Mr. THOMAS also, from the Committee on War Claims, reported with amendment the bill of the House (H. R. 2070) for the relief of F. M. Wadley—to the Committee of the Whole House.

Mr. HALL, from the Committee on Indian Affairs, reported with amendment the bill of the House (H. R. 7898) to allow right of way through Indian reservation—to the House Calendar.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill of the Senate (S. 289) for the relief of the trustees of the German Evangelical Church of Martinsburgh, W. Va.;

A bill of the House (H. R. 2937) for the relief of Merritt Rose;

A bill of the House (H. R. 4314) for the relief of the sureties of Dennis Murphy; and

A bill of the House (H. R. 2856) for the relief of Edward P. Alsbury, sole surviving heir of Harriet R. Alsbury.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 4217) for the relief of Samuel Berry;

A bill (H. R. 1351) for the relief of James C. Newman; and

A bill (H. R. 2768) for the relief of Charles A. Danolds.

Mr. CAREY, from the Committee on Military Affairs, reported favorably the bill of the House (H. R. 3164) for the relief of Peter Crenshaw—to the Committee of the Whole House.

Mr. CUTCHEON, from the Committee on Military Affairs, to which were referred various joint resolutions of the House, petitions, and memorials relative to the appointment of Managers of the National Home for Disabled Volunteer Soldiers; also the annual report of the Board of Managers of said home, reported, as a substitute for said joint resolutions, a joint resolution (H. Res. 138) to increase the number of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers and to fill vacancies in such board; which was read twice, and referred to the House Calendar.

#### BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were introduced, severally read twice, and referred as follows:

By Mr. SNIDER: A bill (H. R. 8824) to incorporate the Washington and Great Falls Electric Railway Company—to the Committee on the District of Columbia.

By Mr. HERMAN: A bill (H. R. 8825) to prescribe proof of naturalization to be furnished with entries of public lands—to the Committee on the Public Lands.

By Mr. DIBBLE: A bill (H. R. 8826) granting the right of way through the custom-house grounds at Charleston, S. C., for the extension of Concord street—to the Committee on Public Buildings and Grounds.

By Mr. FINLEY: A bill (H. R. 8828) giving a military and pensionable status to the officers, enlisted men, their wives, children, and dependent parents, of all military organizations of the loyal States during the late civil war—to the Committee on Military Affairs.

By Mr. PEEL: A bill (H. R. 8829) to authorize the St. Louis and

California Railway Company to construct and operate a railway through the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. WALLACE, of New York: A bill (H. R. 8830) to regulate the course of study at the Naval Academy, and for other purposes—to the Committee on Naval Affairs.

By Mr. TARSNEY: A bill (H. R. 8831) to amend an act entitled "An act authorizing the construction of a bridge over the Missouri River at or near Kansas City, Kans., and not over 10 miles above the Hannibal and St. Joseph Railway bridge at Kansas City, Mo.," approved March 1, 1889—to the Committee on Commerce.

By Mr. WILSON, of Missouri: A bill (H. R. 8832) to grant Lake Contrary to the city of St. Joseph, in the State of Missouri—to the Committee on the Public Lands.

By Mr. CARTER (by request): A bill (H. R. 8833) for the relief of the officers and crew of the North Pacific and Arctic exploring expedition in 1853, 1854, 1855, and 1856—to the Committee on Naval Affairs.

By Mr. SPRINGER: A bill (H. R. 8834) for the erection of a public building at Jacksonville, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8835) for the erection of a public building at Pekin, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8896) authorizing the President to appoint and retire NATHANIEL P. BANKS as a major-general in the United States Army—to the Committee on Military Affairs.

By Mr. BLISS: Joint resolution (H. Res. 137) to provide for binding 30,000 copies of the Congressional Globe, stored in the Government Printing Office, and for their distribution—to the Committee on Printing.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ANDERSON, of Kansas: A bill (H. R. 8836) for the relief of John C. Estes—to the Committee on Military Affairs.

By Mr. ALLEN, of Mississippi: A bill (H. R. 8837) for the relief of Thomas P. Young, of Alcorn County, Mississippi—to the Committee on War Claims.

By Mr. ATKINSON, of West Virginia: A bill (H. R. 8838) to remove the charge of desertion from the records of the War Department as to Henry Boreman—to the Committee on Military Affairs.

Also, a bill (H. R. 8839) for the relief of the heirs of the late Moses Cunningham—to the Committee on War Claims.

Also, a bill (H. R. 8840) to remove the charge of desertion from the records of the War Department as to Henry T. Davis—to the Committee on Military Affairs.

Also, a bill (H. R. 8841) increasing the pension of Emanuel Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8842) granting relief to Joseph B. Harrison for property taken from him by General Jones, of the Confederate army—to the Committee on War Claims.

Also, a bill (H. R. 8843) granting a pension to George W. Hedrick, late of Company B, Seventh Regiment West Virginia Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8844) to remove the charge of desertion from the records of the War Department as to David P. McMorrow—to the Committee on Military Affairs.

Also, a bill (H. R. 8845) for the relief of John W. Ramsburg, for lumber taken during the late war—to the Committee on War Claims;

Also, a bill (H. R. 8846) granting a pension to Isaac Sturm, late a private in Company A, One Hundred and forty-eighth Regiment of Virginia Militia—to the Committee on Invalid Pensions.

By Mr. BELKNAP: A bill (H. R. 8847) authorizing the President to place upon the retired-list of the Army James W. Long, late a captain in the United States Army—to the Committee on Military Affairs.

By Mr. BINGHAM: A bill (H. R. 8848) for the relief of Patrick Hyland—to the Committee on Military Affairs.

By Mr. BROWNE, of Virginia: A bill (H. R. 8849) for the relief of Benwood Hunter, late private in Putnam Rangers, District Scouts—to the Committee on Invalid Pensions.

By Mr. BUTTERWORTH (by request): A bill (H. R. 8850) granting a pension to Frederick Ford—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 8851) for relief of Elizabeth J. Serrels—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 8852) granting accrued pension to the heirs of Abel Carnes, deceased—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8853) granting pension to the heirs of James F. Cassatt—to the Committee on Invalid Pensions.

By Mr. CARUTH: A bill (H. R. 8854) granting an increase of pension to Mrs. Anna E. Pennebaker—to the Committee on Invalid Pensions.

By Mr. CRAIG: A bill (H. R. 8855) for the relief of William Scott—to the Committee on Claims.



By Mr. DE LANO: A bill (H. R. 8856) for the relief of James A. Hull—to the Committee on Invalid Pensions.

By Mr. GEST: A bill (H. R. 8857) to grant a pension to Charlotte A. Heavilin—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 8858) for the relief of Anne C. Livingston—to the Committee on War Claims.

By Mr. HARMER: A bill (H. R. 8859) granting a pension to John K. McGinly—to the Committee on Invalid Pensions.

By Mr. HATCH: A bill (H. R. 8860) granting a pension to Edward Ring—to the Committee on Pensions.

By Mr. HAYES: A bill (H. R. 8861) granting a pension to Jane N. Terry—to the Committee on Invalid Pensions.

By Mr. KELLEY: A bill (H. R. 8862) for the relief of Catherine Williams—to the Committee on Invalid Pensions.

By Mr. LAWLER: A bill (H. R. 8863) for the relief of Lemuel C. Canfield—to the Committee on War Claims.

Also, a bill (H. R. 8864) to remove the charge of desertion from the military record of William N. Pringle, late private in Company B, Ninety-eighth New York Volunteers—to the Committee on Military Affairs.

By Mr. McCLELLAN: A bill (H. R. 8865) granting a pension to Angelina Silver—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 8866) for the relief of James D. Bastin—to the Committee on War Claims.

Also, a bill (H. R. 8867) for the relief of Matt Wakefield, administrator of M. A. Wakefield—to the Committee on War Claims.

By Mr. MASON: A bill (H. R. 8868) for the relief of Charles T. Garrard—to the Committee on Military Affairs.

Also, a bill (H. R. 8869) for the relief of Mary P. Wilson—to the Committee on Invalid Pensions.

By Mr. MOREY: A bill (H. R. 8870) granting a pension to Samuel Bell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8871) granting a pension and arrearages to Elizabeth Owens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8872) granting a pension to William R. Stuart—to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 8873) to restore to the pension-roll the name of Carlton R. Cheney—to the Committee on Invalid Pensions.

By Mr. PRICE (by request): A bill (H. R. 8874) for the relief of Mrs. E. H. Briant, of La Fourche Parish, Louisiana—to the Committee on War Claims.

By Mr. SNIDER: A bill (H. R. 8875) for the relief of the heirs or legal representatives of George N. Morgan—to the Committee on Military Affairs.

By Mr. SPOONER: A bill (H. R. 8876) granting a pension to Benjamin Bogman—to the Committee on Invalid Pensions.

By Mr. STOCKBRIDGE (by request): A bill (H. R. 8877) for the relief of Nicholas Ganster—to the Committee on Military Affairs.

By Mr. STRUBLE (by request): A bill (H. R. 8878) for the relief of George E. Butin—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 8879) for the relief of John Butler—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 8880) for the relief of Joseph M. Clark—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 8881) for the relief of Willis F. Hanson—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 8882) for the relief of Benjamin F. Hershe—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 8883) for the relief of Michael Houps—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 8884) for the relief of Theodore S. Loveland—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 8885) for the relief of Daniel Madden—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 8886) for the relief of August Schlapp—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 8887) for the relief of Austin A. Scott—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 8888) for the relief of Ira Seeley—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 8889) for the relief of Orcinus C. Snyder—to the Committee on Military Affairs.

Also, a bill (H. R. 8890) granting an increase of pension to Lewis Solomon, a private in Company A, First Indiana Infantry, Mexican-war service—to the Committee on Pensions.

Also (by request), a bill (H. R. 8891) for the relief of Abram Treadwell—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 8892) for the relief of Henry H. Wright—to the Committee on Military Affairs.

By Mr. TARSNEY: A bill (H. R. 8893) for the relief of Charles Pitcher—to the Committee on the Public Lands.

By Mr. WHEELER, of Alabama: A bill (H. R. 8894) providing for the distribution of seeds—to the Committee on Agriculture.

By Mr. WILSON, of Kentucky: A bill (H. R. 8895) for the relief of Samuel May, of Floyd County, Kentucky—to the Committee on War Claims.

# PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON, of Kansas: Petitions, etc., against extending the time for the payment of the indebtedness of the Union Pacific Railroad to the Government; which were severally referred to the Committee on the Pacific Railroads, as follows:

Petition of 31 members of Gage County (Kansas) Farmers' Alliance.  
Petition of 30 members of Oak Creek Alliance, Negunda, Nebr.  
Petition of Alliance No. 852, Osceola, Nebr., of 155 members.  
Petition of a Farmers' Alliance of Nebraska, of 56 members.  
Protest of 70 citizens of Nebraska.  
Petition of 31 members of Ulysses Alliance, Nebraska.  
Petition of 42 members of Alliance No. 544, Crystal, Nebr.  
Petition of Alliance No. 689, 55 members, Beaver City, Nebr.  
Petition of Aurora (Nebr.) Alliance No. 731, with 19 members.  
Petition of 18 members Farmers' Alliance, Nebraska.  
Petition of 35 members of Alliance at Gibbon, Nebr.  
Petition of 140 members of St. Paul (Nebr.) Alliance.  
Petition of 28 members of Cameron (Nebr.) Alliance.  
Petition of 34 members of Seney Alliance, Nebraska.  
Petition of 57 members of Alliance No. 757, Shickley, Nebr.  
Petition of 12 members of Nebraska Alliance.  
Petition of 130 members of Divide Alliance, Phelps County, Nebraska.

Petition of Weeping Water Alliance, 165 members, Nebraska.  
Petition of Rushville (Nebr.) Alliance, 25 members.  
Petition of 33 members of Mount Olive Alliance, No. 572, Nebraska.  
Petition of 12 members of State of Nebraska Alliance.  
Petition of 24 members of Alliance No. 887, Johnson, Nebr.  
Petition of 77 members of Alliance in Nebraska.  
Petition of 37 members of Alliance of State of Nebraska.  
Petition of 111 members of Alliance of State of Nebraska.  
Petition of 37 members of Alliance of State of Nebraska.  
Petition of 38 members of Alliance in State of Nebraska.  
Petition of 13 members of Antelope (Nebr.) Alliance, No. 1083.  
Petition of 18 members of Alliance in State of Nebraska.  
Petition of 15 members of Alliance in State of Nebraska.  
Petition of 9 members of State of Nebraska Alliance.  
Petition of 23 members of an Alliance in Nebraska.  
Petition of 27 members of an Alliance in the State of Nebraska.  
Petition of 38 members of an Alliance in Nebraska.  
Petition of 17 members of an Alliance in Nebraska.  
Petition of 39 members of an Alliance in Nebraska.  
Petition of 21 members of an Alliance in Nebraska.  
Petition of 41 members of Tecumseh Alliance, Nebraska.  
Petition of 37 members of an Alliance in Nebraska.  
Petition of 26 members of an Alliance in Nebraska.  
Petition of 50 members of an Alliance in Nebraska.  
Petition of 10 members of an Alliance in Nebraska.  
Petition of 12 members of an Alliance in Nebraska.  
Petition of 20 members of Venango Alliance, Nebraska.  
Petition of 16 members of Alliance No. 446, Stratton, Nebr.  
Petition of 45 members of an Alliance in Nebraska.  
Petition of 22 members of Elwood Alliance, Jasper County, Nebraska.  
Petition of 40 members of No. 628 Alliance, Aurora, Nebr.  
Petition of 50 members of an Alliance in the State of Nebraska.  
Petition of 10 members of Cowles Alliance, Nebraska.  
Petition of 35 members of Stratton Alliance, Nebraska.  
Petition of 38 members of an Alliance in the State of Nebraska.  
Petition of 21 members of Randolph Alliance, Nebraska.  
Petition of 49 members of Alliance No. 948, Odell, Nebr.  
Petition of 95 members of Aston Alliance, Nebraska.  
Petition of 10 members of Alliance No. 1101, Beatrice, Nebr.  
Petition of 27 members of Malcolm Alliance, Nebraska.  
Petition of 45 members of No. 955, Blue Hill Alliance, Nebr.  
Petition of 18 members of Alliance at Fremont, Nebr.  
Petition of 15 members of an Alliance in the State of Nebraska.  
Petition of 31 members of Big Sandy Ranch Rush Star Alliance, in Nebraska.  
Petition of 34 members of Sappa Alliance, Nebraska.  
Petition of 29 members of an Alliance in the State of Nebraska.  
Petition of 16 members of an Alliance in the State of Nebraska.  
Petition of 41 members of an Alliance in the State of Nebraska.  
Petition of 28 members of an Alliance in the State of Nebraska.  
Petition of 24 members of an Alliance in Nebraska.  
Petition of 47 members of an Alliance in Nebraska.  
Petition of 34 members of Guide Rock Alliance, Nebraska.  
Petition of 62 members of an Alliance in Nebraska.  
Petition of 79 members of an Alliance in Nebraska.  
Petition of 45 members of an Alliance at Johnson, Nebr.  
Petition of 114 members of an Alliance in Nebraska.  
Petition of 48 members of an Alliance in Nebraska.  
Petition of 66 members of an Alliance in Nebraska.  
Petition of 43 members of an Alliance in Nebraska.

Petition of 15 members of an Alliance in Nebraska.  
 Petition of 24 members of Friendship Alliance, No. 1147, Nebraska.  
 Petition of 73 members of an Alliance in the State of Nebraska.  
 Petition of 41 members of an Alliance in Nebraska.  
 Petition of 29 members of an Alliance in the State of Nebraska.  
 Petition of 14 members of an Alliance in Nebraska.  
 Petition of 53 members of an Alliance in Nebraska.  
 Petition of 17 members of an Alliance in Nebraska.  
 Petition of 74 members of an Alliance in the State of Nebraska.  
 Petition of 32 members of an Alliance in Nebraska.  
 Petition of 17 members of an Alliance in Nebraska.  
 Petition of 57 members of an Alliance in Nebraska.  
 Petition of 47 members of an Alliance in Nebraska.  
 Petition of 18 members of an Alliance in Nebraska.  
 Petition of 28 members of an Alliance in Nebraska.  
 Petition of 15 members of Mullahy Alliance, Harlan County, Nebraska.  
 Petition of 47 members of an Alliance in Nebraska.  
 Petition of 41 members of an Alliance in Nebraska.  
 Petition of 27 members of an Alliance in Nebraska.  
 Petition of 68 members of an Alliance in Nebraska.  
 Petition of 55 members of an Alliance in Saunders County, Nebraska.  
 Petition of 37 members of an Alliance in Nebraska.  
 Petition of 71 members of an Alliance in Nebraska.  
 Petition of 28 members of an Alliance in the State of Nebraska.  
 Petition of 20 members of an Alliance in Nebraska.  
 Petition of 40 members of an Alliance in Nebraska.  
 Petition of 21 members of Blue Valley Alliance, Nebraska.  
 Petition of 36 members of an Alliance in Nebraska.  
 Petition of 9 members of Summerset Alliance, Nebraska.  
 Petition of 23 members of an Alliance in Nebraska.  
 Petition of 53 members of an Alliance in Nebraska.  
 Petition of 21 members of an Alliance in Nebraska.  
 Petition of 137 members of an Alliance in Nebraska.  
 Petition of 42 members of an Alliance in Nebraska.  
 Petition of 29 members of an Alliance in Nebraska.  
 Petition of 41 members of an Alliance in Nebraska.  
 Petition from 62 members of an Alliance in Nebraska.  
 Petition of 21 members of an Alliance in Nebraska.  
 Petition of 41 members of an Alliance in Nebraska.  
 Petition from 26 members of an Alliance in Nebraska.  
 Petition from 22 members of an Alliance in Nebraska.  
 Petition from 24 members of an Alliance in Nebraska.  
 Petition from 59 members of Hayes Nebraska Alliance.  
 Petition from 36 members of an Alliance in Nebraska.  
 Petition from 132 members of an Alliance in Nebraska.  
 Petition from 95 members of Marble Alliance, Nebraska.  
 Petition from 150 members of an Alliance in Nebraska.  
 Petition of 34 members of an Alliance in Nebraska.  
 Petition from 22 members of an Alliance in Nebraska.  
 Petition from an Alliance in Nebraska.  
 Petition of 65 members of an Alliance in Nebraska.  
 Petition of 180 members of an Alliance in Nebraska.  
 Petition from 22 members of Alliance No. 1009, Nebraska.  
 Petition from 30 members of an Alliance in Nebraska.  
 Petition from 30 members of an Alliance in Nebraska.  
 Petition of 13 members of an Alliance in Nebraska.  
 Petition from 14 members of an Alliance in Nebraska.  
 Petition from 140 members of an Alliance in Nebraska.  
 Petition from 60 members of an Alliance in Nebraska.  
 Petition of 50 members of an Alliance in Nebraska.  
 Petition from 66 members of an Alliance in Nebraska.  
 Petition from 231 members of an Alliance in Nebraska.  
 Petition of 45 members of an Alliance in the State of Nebraska.  
 Petition from 70 members of an Alliance in Nebraska.  
 Petition of Salem Alliance, No. 895, of 39 members, Nebraska.  
 Petition from 65 members of an Alliance in Nebraska.  
 Petition from 30 members of an Alliance in Nebraska.  
 Petition from 42 members of an Alliance in Nebraska.  
 Petition from 72 members of an Alliance in Nebraska.  
 Petition of 30 members of an Alliance in Nebraska.  
 Petition of Liberty Alliance, No. 899, 35 members, Nebraska.  
 Petition of 11 members of an Alliance in Nebraska.  
 Petition from 50 members of an Alliance in Nebraska.  
 Petition from 34 members of an Alliance in Nebraska.  
 Petition of 40 members of an Alliance in Nebraska.  
 Petition of Valley Grange Alliance, No. 1142, 13 members, Nebraska.  
 Petition of 28 members of an Alliance in Nebraska.  
 Petition from 26 members of an Alliance in Nebraska.  
 Petition from 63 members of an Alliance in Nebraska.  
 Petition of 24 members of an Alliance in Nebraska.  
 Petition of 22 members of an Alliance in Nebraska.  
 Petition of 21 members of an Alliance in Nebraska.  
 Petition of 22 members of an Alliance in Nebraska.  
 Petition of 30 members of an Alliance in Nebraska.  
 Petition of Gordon Hill Alliance, No. 629, 22 members.

Petition of 28 members of an Alliance in Nebraska.  
 Petitions from 164 members of six Farmers' Alliances in the State of Nebraska, asking for the free and unlimited coinage of silver—to the Committee on Banking and Currency.

By Mr. BARNES: Petition of 8 members of the bar of Augusta, Ga., for relief of the Supreme Court of the United States—to the Committee on the Judiciary.

By Mr. BELDEN: Petition of 98 citizens of Cortland County, New York, praying for a law prohibiting the sale of fermented liquors within soldiers' homes, arsenals, recruiting stations, navy-yards, forts, and barracks—to the Select Committee on the Alcoholic Liquor Traffic.

Also, a petition of 319 citizens of Onondaga County, New York, upon the same subject—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. BELKNAP: Remonstrance of the Woman's National Indian Association, of Kentucky, against the passage of any act to force the Ute Indians to remove from their reservations in Colorado—to the Committee on Indian Affairs.

By Mr. BLAND: Petition for pensions for Missouri State Militia—to the Committee on Invalid Pensions.

By Mr. BLOUNT: Petition of 29 members of the bar of Macon, Ga., for relief of the United States Supreme Court—to the Committee on the Judiciary.

Also, a petition from 9 members of the Milledgeville, Ga., bar, praying for the same relief—to the Committee on the Judiciary.

By Mr. BOATNER: Petition of William Kelley, administrator of Luson A. Beggs, deceased, late of Madison Parish, Louisiana, for reference of claim to Court of Claims under provisions of the Bowman act—to the Committee on War Claims.

Also, memorial of Daniel G. Grayson, for relief—to the Committee on War Claims.

By Mr. BRECKINRIDGE, of Kentucky: Petition of J. H. Loevenhart, and other citizens of Lexington, Ky., for the passage of H. R. 8278—to the Committee on Commerce.

By Mr. BROWER: Protest of the New Garden Monthly Meeting of Friends, Guilford County, North Carolina, against the recommendation of the Senate Naval Committee, and other measures which propose a large expenditure for Navy and coast defenses—to the Committee on Naval Affairs.

Also, protest of the New Garden Quarterly Meeting of Friends in Guilford County, North Carolina, against the recommendation of the Senate Naval Committee, and other measures which propose a large expenditure for Navy and coast defenses—to the Committee on Naval Affairs.

By Mr. BROWNE, of Virginia: Petition of 36 members of the Virginia bar for the relief of the United States Supreme Court—to the Committee on the Judiciary.

By Mr. BULLOCK: Petition of members of the bar of Ocala, Fla., asking relief of business of the Supreme Court of the United States—to the Committee on the Judiciary.

By Mr. CARLTON: Petition from bar of Washington, Ga., for relief of the Supreme Court of the United States—to the Committee on the Judiciary.

Also, petition from bar of Elberton, Ga., for same purpose—to the Committee on the Judiciary.

By Mr. CARTER: Petition of 126 members of the Montana bar, for the relief of the Supreme Court—to the Committee on the Judiciary.

By Mr. CHIPMAN: Papers in the case of Stephen Martin, applicant for pension by special act—to the Committee on Invalid Pensions.

By Mr. COMSTOCK: Petition from Chamber of Commerce of Duluth, favoring protection of hemp and flax—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of St. Paul, favoring reciprocity with Canada—to the Committee on Foreign Affairs.

By Mr. CRAIG: Petition of ex-soldiers of Curllsville, Clarion County, Pennsylvania, for a service-pension law—to the Committee on Invalid Pensions.

By Mr. CRISP: Petition of members of the bar of Dublin, Ga., for relief of the Supreme Court—to the Committee on the Judiciary.

Also, petition of members of the bar of McRae, Ga., for same purpose—to the Committee on the Judiciary.

Also, petition of members of the bar of Hawkinsville, Ga., for same purpose—to the Committee on the Judiciary.

Also, petition of members of the bar of Americus, Ga., for same purpose—to the Committee on the Judiciary.

By Mr. CUTCHEON: Petition of 43 members of the Michigan bar, for the relief of the Supreme Court—to the Committee on the Judiciary.

By Mr. DAVIDSON: Petition of 33 members of the bar of Florida, for the relief of the Supreme Court of the United States—to the Committee on the Judiciary.

Also, petition of 11 members of the bar of Tampa, Fla., for the relief of the Supreme Court of the United States—to the Committee on the Judiciary.

By Mr. DINGLEY: Petition of the Woman's Christian Temperance Union and others (126 names), for the suppression of the sale of alco-



holic liquors within soldiers' homes, arsenals, recruiting stations, navy-yards, forts, and barracks—to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance Union and others, of Maine, praying for a law prohibiting the sale of fermented liquors at military and naval institutions—to the Committee on Military Affairs.

Also, petition of Woman's Christian Temperance Union and others, Washington, D. C., for same purpose—to the Committee on Military Affairs.

By Mr. DORSEY: Petition of citizens of Nebraska, asking for enforcement of laws against Union Pacific Railway Company—to the Committee on the Pacific Railroads.

Also, remonstrance of citizens of Nebraska against the Windom silver bill—to the Committee on Coinage, Weights, and Measures.

By Mr. FITHIAN: Petition of Hale Johnson, J. M. Honey, Susie B. Kendal, and Nancy Utterback, with 90 others, to prohibit any book, pamphlet, magazine, newspaper, story paper, or other printed paper devoted to the publication or principally made up of criminal news, police reports, or accounts of criminal deeds, or pictures and stories of deeds of bloodshed, lust, or crime from being deposited and carried in the United States mails—to the Committee on the Post-Office and Post-Roads.

By Mr. FUNSTON: Memorial of Pleasant Valley Lodge, No. 1250, declaring against trust combinations—to the Committee on Agriculture.

Also, memorial of Antietam Post, No. 64, Grand Army of the Republic, Parsons, Kans., asking for an appropriation for the purpose of improving cemetery lots owned by Antietam Post, in Oakwood Cemetery—to the Committee on Appropriations.

Also, petition of 316 persons in Kansas, praying for a law prohibiting the sale of fermented liquors within soldiers' homes, arsenals, recruiting stations, navy-yards, forts, and barracks—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. GEISSENHAINER: Petition of the owners of sailing vessels, asking an appropriation for the improvement of Compton's Creek, Monmouth County, New Jersey—to the Committee on Rivers and Harbors.

By Mr. GEST: Petition and proof upon the pension claim of Charlotte A. Heavilin—to the Committee on Invalid Pensions.

By Mr. GRIMES: Three petitions of the bars of Talbotton, Greenville, and Columbus, Georgia, for relief of the Supreme Court of the United States—to the Committee on the Judiciary.

By Mr. HARE: Answer of the Chickasaws to the memorial of certain white men, complaining that they have been unlawfully deprived of the elective franchise in the Chickasaw Nation—to the Committee on Indian Affairs.

By Mr. HAUGEN: Six petitions of the bar of Wisconsin, for the relief of the United States Supreme Court—to the Committee on the Judiciary.

By Mr. HAYES: Resolutions of Master Plumbers' Association of Davenport, Iowa, in favor of a bill for plumbing regulations in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of John B. Merrell and 180 others, owners and masters of vessels, of Milwaukee, Wis., for the early completion of the Toledo Harbor improvement—to the Committee on Rivers and Harbors.

Also a protest of citizens of Coos County, Oregon, against the passage of Sunday-rest bill—to the Committee on Labor.

By Mr. HENDERSON, of Iowa: Petition of 4 members of the Iowa Bar for the relief of the Supreme Court—to the Committee on the Judiciary.

By Mr. HERMANN: Petition of 427 persons, of Oregon, asking for a national Sunday-rest law against needless Sunday work in the Government's mail and military service and interstate commerce—to the Committee on Labor.

By Mr. HOLMAN: Remonstrance of Joseph Hopkins, of Grand Rapids, Mich., against the granting of large pensions by special act of Congress to favorite officers and their widows, and demanding equal rights to all soldiers of the Union Army and their widows on the pension-roll—to the Committee on Invalid Pensions.

By Mr. HOOKER: Petition of Cicero Herd, administrator of Samuel Herd, deceased, for reference of claim to Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. JOSEPH: Petition of 22 members of the New Mexico bar for the relief of the Supreme Court—to the Committee on the Judiciary.

By Mr. KELLEY: Petition of 175 citizens of North Topeka, Kans., asking Congress to start the reform of spelling by adopting certain rules herein mentioned in the printing of public documents and other printing done by the Government, and stating that under the present system much waste of time and ink occurs that might be saved if such rules were adopted—to the Committee on Education.

Also, petition of certain citizens of Topeka, Kans., asking that the laws of the United States be so amended as to employ only citizens of the United States on the public works—to the Committee on Labor.

By Mr. KINSEY: Petition of 77 members of the Missouri bar for the relief of the Supreme Court—to the Committee on the Judiciary.

By Mr. LACEY: Resolution of Sigourney (Iowa) Grand Army of the

Republic post, favoring a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LANE: Three petitions of citizens of Illinois, against the transmission of obscene literature through the mails—to the Committee on the Post-Office and Post-Roads.

Also, a petition of citizens of the Seventeenth Congressional district of New York, praying for a law prohibiting the sale of fermented liquors within soldiers' homes, arsenals, recruiting stations, navy-yards, forts, and barracks—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. LANSING: Petition from Twenty-second Congressional district of New York, of Women's Christian Temperance Union and others, for the suppression of the sale of alcoholic liquors in the military and naval institutions of the country—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of the Women's Christian Temperance Union and others of Potsdam, St. Lawrence County, New York, for same purpose—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. LEE: Petition of Trevelian's Alliance, No. 410, favoring the subtreasury plan—to the Committee on Banking and Currency.

By Mr. LESTER, of Georgia: Petition of members of Savannah (Ga.) bar, for relief of the Supreme Court—to the Committee on the Judiciary.

By Mr. LIND: Petition of 20 members of the Stillwater (Minn.) bar for the relief of the Supreme Court—to the Committee on the Judiciary.

Also, petition of the Winona (Minn.) bar, for same purpose—to the Committee on the Judiciary.

By Mr. MASON: Petition of James E. White and others, against the proposed Sunday law—to the Committee on Labor.

Also, petition of Charles T. Garrard, late of Sixth United States Cavalry—to the Committee on Invalid Pensions.

Also, six petitions of citizens of Chicago, favoring the short method of spelling—to the Committee on Education.

By Mr. McCLELLAN: Petition of Angelina Silvers and 80 others, asking for pension for said Angelina Silvers—to the Committee on Invalid Pensions.

By Mr. MCKINLEY: Petition of 86 members of the Ohio bar, for the relief of the Supreme Court—to the Committee on the Judiciary.

By Mr. MILLIKEN: Petition of 341 citizens of Maine, praying for a law prohibiting the sale of fermented liquors within soldiers' homes, arsenals, recruiting stations, navy-yards, forts, and barracks—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. MOORE, of New Hampshire: Petitions of citizens of New Hampshire, praying for a law to prohibit the sale of fermented liquors within soldiers' homes, arsenals, recruiting stations, navy-yards, forts, and barracks—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of 5 members of the New Hampshire bar, for the relief of the Supreme Court—to the Committee on the Judiciary.

By Mr. MOREY: Resolution of Farmers' Alliance of Carlisle, Ohio, favoring the passage of the Butterworth bill preventing dealing in options—to the Committee on Agriculture.

Also, petition of John C. and Mary Gally, of Xenia, Ohio, for payment of property alleged to have been destroyed during the war—to the Committee on War Claims.

By Mr. MORROW: Memorial of the fruit-growers of California, praying for increased duties on oranges, prunes, and other fruits and nuts—to the Committee on Ways and Means.

By Mr. MORSE: Memorial from Sarah A. McClees, superintendent, etc., Ada M. Bittenbender, superintendent, etc., and Mary H. Hunt, superintendent, etc., against the sale of fermented liquors from Army canteens—to the Committee on Military Affairs.

By Mr. O'NEIL, of Massachusetts: Remonstrance of Morrison & Bacon and 14 others, against increasing the duty on lime—to the Committee on Ways and Means.

By Mr. OUTHWAITE: Protest of Charles Leibrick and other citizens, against sections 24 and 25 of H. R. 82, to amend an act to regulate commerce—to the Committee on Commerce.

By Mr. PARRETT: Petition of the Indiana Canning Company and 17 other business companies, of Evansville, Ind., against any increase of the duty on tin-plate—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of citizens of Twenty-seventh district of New York, for the passage of joint resolution 76—to the Committee on Printing.

Also, a petition of Grand Army of the Republic post at Constantia, N. Y., for service pension—to the Committee on Invalid Pensions.

Also, petition of 110 citizens of the Twenty-seventh district of New York, praying for a law prohibiting the sale of fermented liquors within soldiers' homes, arsenals, recruiting stations, navy-yards, forts, and barracks—to the Committee on Military Affairs.

By Mr. PENINGTON: Petition of 61 members of the Delaware bar, for the relief of the Supreme Court—to the Committee on the Judiciary.

By Mr. PERKINS: Petition of J. C. Beale and 37 others, sons of veterans of Osage Camp, at McCune, Kans., asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of J. M. Mahr and 112 others, ex-Union soldiers of

Osage Grand Army of the Republic, No. 156, of McCune, Kans., asking for the same relief—to the Committee on Invalid Pensions.

Also, petition of F. A. Chambers and 248 others, residents of the Third Congressional district of Kansas, asking that the amount of land set apart for the benefit of friendly Indians educated at the Chillicothe schools be reduced in size—to the Committee on Indian Affairs.

Also, petition and memorial of Antietam Post, Grand Army of the Republic, of Parsons, Kans., asking for an appropriation to assist in improving the soldiers' cemetery at such place—to the Committee on Appropriations.

By Mr. PETERS: Memorial of Antietam Post, Grand Army of the Republic, Parsons, Kans., asking for an appropriation for Oakwood Cemetery—to the Committee on Appropriations.

Also, resolution of commissioners of Edwards County, Kansas, favoring appropriation for Galveston Harbor—to the Committee on Rivers and Harbors.

By Mr. PIERCE: Petition of J. N. Lawrence, of Gibson County, Tennessee, for pay for stores and supplies, and reference of claim to Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

Also, petition of John W. Overall, of Gibson County, Tennessee, for reference of claim to Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. POST: Petition of President Newton Bateman and the faculty of Knox College, Galesburgh, Ill., for the passage of a bill to bring the law of Illinois and the United States mail law into harmony in order to check the transmission and sale of impure literature—to the Committee on the Post-Office and Post-Roads.

Also, a petition of F. A. Freer and 24 others, citizens of Knox County, Illinois, for same purpose—to the Committee on the Post-Office and Post-Roads.

By Mr. PRICE (by request): Petition of James T. Chivers, of Lafourche Parish, La., for reference of claim to Court of Claims under provisions of the Bowman act—to the Committee on War Claims.

Also (by request), petition of Mrs. E. H. Brout, of Lafourche Parish, La., for reference of claims, under the provisions of the Bowman and Tucker acts—to the Committee on War Claims.

By Mr. ROGERS: Petition of Frances N. Moody, widow, of Pulaski County, Arkansas, for reference of claim to Court of Claims under provisions of the Bowman act—to the Committee on War Claims.

Also, memorial of the Choctaw Nation, as to the leased district, two exhibits—to the Committee on Indian Affairs.

Also, memorial of the city council of Hot Springs, Ark., in relation to certain property mentioned therein—to the Committee on the Public Lands.

By Mr. ROWELL: Petition of 73 members of the Illinois bar, for the relief of the Supreme Court—to the Committee on the Judiciary.

By Mr. RUSSELL: Petition of 53 members of the Connecticut bar, for the relief of the Supreme Court—to the Committee on the Judiciary.

By Mr. SAWYER: Petition of Woman's Christian Temperance Union and others, of the Thirty-first district of New York, against the sale of alcoholic liquors at military and naval institutions—to the Committee on Military Affairs.

Also, petition of Woman's Christian Temperance Union and others, of Hulburton, Orleans County, New York, for same purpose—to the Committee on Military Affairs.

Also, petition from 92 persons in Thirty-first district, New York, Woman's Christian Temperance Union organization, and others, for same purpose—to the Committee on Military Affairs.

By Mr. SHERMAN: Petition of 1,200 members of the New York bar, for the relief of the Supreme Court—to the Committee on the Judiciary.

Also, a petition of 65 citizens of the Twenty-third district of New York, praying for a law prohibiting the sale of fermented liquors within soldiers' homes, arsenals, recruiting stations, navy-yards, forts, and barracks—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. SNIDER: Memorial and resolution of the Board of Trade of Anoka, Minn., in favor of a public building at that city—to the Committee on Public Buildings and Grounds.

By Mr. SPOONER: Petition of Benjamin Bogman, for pension—to the Committee on Invalid Pensions.

Also, petition of 94 members of the Rhode Island bar, for the relief of the Supreme Court—to the Committee on the Judiciary.

By Mr. STEPHENSON: Resolution of the Lake-Carriers' Association, favoring the lighting of St. Mary's River—to the Committee on Rivers and Harbors.

Also, resolutions of the Lake Carriers' Association, protesting against the passage of House bill 6450—to the Committee on Merchant Marine and Fisheries.

By Mr. STEWART, of Georgia: Petition of 64 members of the Atlanta (Ga.) bar, for the relief of the Supreme Court of the United States—to the Committee on the Judiciary.

By Mr. STOCKBRIDGE: Nineteen petitions of 335 members of the Maryland bar, for the relief of the Supreme Court—to the Committee on the Judiciary.

By Mr. STOCKDALE: Petitions of 57 members of the Mississippi bar, for the relief of the Supreme Court—to the Committee on the Judiciary.

By Mr. STRUBLE: Resolutions adopted by Newall Post 416, Grand Army of the Republic, Newall, Iowa, favoring the extension of the pension laws to the widows and children of deceased soldiers—to the Committee on Invalid Pensions.

Also, resolutions passed by Kennebec Industrial Alliance No. 1271, Monona County, Iowa, urging the passage of H. R. No. 5353, defining "options" and "futures," and providing penalties to lessen and prevent gambling in farm products—to the Committee on Agriculture.

By Mr. TOWNSEND, of Colorado: Petition of Subordinate Union No. 1, of Denver, Colo., of the Bricklayers and Masons' International Union of America—to the Committee on Labor.

By Mr. TURNER, of New York: Petition of the Woman's Christian Temperance Union, for the suppression of the sale of alcoholic liquors in military and naval institutions—to the Select Committee on the Alcoholic Liquor Traffic.

Also, a petition of the Woman's Christian Temperance Union and citizens of New York, for the suppression of the sale of alcoholic liquors in military and naval institutions—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. VANDEVER: Petition of Union 56, United Brotherhood of Carpenters and Joiners, of Los Angeles, Cal., for an eight-hour law which shall apply to all Government work, whether under contract or otherwise—to the Committee on Labor.

By Mr. WALKER, of Missouri: Protest against House bill 8278, by David Nicholson and others, of St. Louis, Mo.—to the Committee on Commerce.

By Mr. WASHINGTON: Resolution asking increase of salaries of district judges—to the Committee on the Judiciary.

## SENATE.

TUESDAY, April 1, 1890.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

Mr. HARRIS. I do not see the Senator from Vermont [Mr. EDMUNDS] in his seat, who, I am sure, if present, would not let business proceed without a quorum. I suggest the absence of a quorum and ask that the roll be called.

The VICE-PRESIDENT. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Davis,	McMillan,	Sherman,
Bate,	Dawes,	Manderson,	Teller,
Blair,	Farwell,	Morrill,	Turpie,
Blodgett,	Faulkner,	Paddock,	Vance,
Butler,	Frye,	Pasco,	Walthall,
Call,	Gibson,	Platt,	
Cockrell,	Harris,	Ransom,	
Cullom,	Kenna,	Sawyer,	

The VICE-PRESIDENT. Twenty-nine Senators have responded to their names. No quorum is present.

Mr. COCKRELL. I move that the absentees be sent for.

The VICE-PRESIDENT. The question is on the motion made by the Senator from Missouri.

Mr. SHERMAN. The roll of absentees had better be called.

Mr. COCKRELL. We have had one call. A call of the Senate is first in order.

Mr. HARRIS. That is the only method of getting a quorum.

Mr. COCKRELL. It is the only method of getting a quorum.

The VICE-PRESIDENT. The roll will be called of Senators who are absent.

The Secretary called the names of the absentees, and the following Senators responded to their names: Messrs. CASEY, GRAY, MOODY, PETTIGREW, PLUMB, REAGAN, and STEWART.

The VICE-PRESIDENT. Upon the call of absent Senators seven Senators have answered to their names. Thirty-six Senators are now present; no quorum.

Mr. COCKRELL. I move that the Sergeant-at-Arms of the Senate be directed to call upon the absentees and, if necessary, compel their attendance.

Mr. HARRIS. "Request the attendance of absent Senators."

Mr. PLUMB. I move that the Senate take a recess until 12 o'clock, the usual hour of meeting, and I think all the Senators will be here at that time by natural process.

Mr. HARRIS. That motion is first in order.

Mr. SHERMAN. There is no motion in order except to adjourn or to request the attendance of absent Senators.

The VICE-PRESIDENT. The question is on the motion of the Senator from Missouri.

Mr. HARRIS. Is not the question on the motion of the Senator from Kansas, to take a recess until 12 o'clock? That takes precedence, I suppose.



Mr. SHERMAN. That is not in order. No motion is in order except to adjourn or request the attendance of absent Senators.

Mr. CULLOM. We can not take a recess without a quorum.

Mr. SHERMAN. Certainly not without a quorum.

The VICE-PRESIDENT. The Chair understands that the motion of the Senator from Kansas is not in order.

Mr. BUTLER. I think, if we had the Senator from Vermont here, we might go on.

Mr. BLAIR. Debate is not in order.

Mr. BUTLER. If the Sergeant-at-Arms would require him to be present we might proceed with business.

Mr. ALLISON. I object to debate.

Mr. SHERMAN. But two motions are in order: one to proceed with the call and enforce the attendance of absentees and the other to adjourn.

The VICE-PRESIDENT. The rule will be read.

The Chief Clerk read as follows:

Rule V. \* \* \*

3. Whenever upon such roll-call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

Mr. HARRIS. A motion to take a recess is clearly out of order, I see, by that rule.

Mr. COCKRELL. If the Senator from Kansas desires to move to take a recess, which I think will probably be the best course, I shall withdraw my motion.

Mr. PLUMB. A motion for a recess is not in order, it seems.

Mr. BLAIR. I ask for the regular order. The absent Senators will be here before the Journal is read.

The VICE-PRESIDENT. The motion made by the Senator from Missouri the Chair holds to be in order.

Mr. HARRIS. That is in order.

Mr. BUTLER. I suppose a motion to adjourn is in order under the rule.

The VICE-PRESIDENT. A motion to adjourn is in order.

Mr. BUTLER. I move that the Senate adjourn.

Mr. PADDOCK. I suggest that the roll be called again. Quite a number of Senators have just come in.

Mr. BUTLER. I believe a motion to adjourn takes precedence.

The VICE-PRESIDENT. It does.

Mr. ALLISON. I ask for the yeas and nays on the motion to adjourn.

Mr. BUTLER. I think that is a good idea.

The VICE-PRESIDENT. The Senator from South Carolina moves that the Senate do now adjourn, and on that motion the Senator from Iowa demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am generally paired with the Senator from Pennsylvania [Mr. CAMERON]; but believing that he would vote "yea" on this proposition, I vote "yea."

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY]. Believing that he would vote "nay" I will vote. I vote "nay."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PLATT (when his name was called). I am paired generally with the Senator from Virginia [Mr. BARBOUR]; but believing that he would desire the business of the Senate to go on to-day I take the liberty of voting. I vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON], but I vote "nay," believing that the Senator with whom I am paired would vote "nay."

The roll-call was concluded.

Mr. MANDERSON. My vote seems to be necessary to make a quorum. I vote "nay."

Mr. GIBSON (after having voted in the affirmative). I am paired with the Senator from Minnesota [Mr. WASHBURN] and I withdraw my vote, as he is not present.

The result was announced—yeas 9, nays 34; as follows:

YEAS—9.			
Date, Butler, Call,	Cockrell, George,	Gray, Kenna,	Pasco, Plumb.
NAYS—34.			
Allison, Blair, Blodgett, Casey, Chandler, Coke, Cullom, Davis, Edmunds,	Evarts, Farwell, Frye, Harris, Hoar, Ingalls, McMillan, Manderson, Moody,	Morrill, Paddock, Payne, Pettigrew, Platt, Ransom, Reagan, Sawyer, Sherman,	Stewart, Teller, Turpie, Vance, West, Wilson of Md Wolcott.

# ABSENT—39.

Aldrich, Allen, Barbour, Beck, Berry, Blackburn, Brown, Cameron, Colquitt, Daniel,	Dawes, Dixon, Dolph, Eustis, Faulkner, Gibson, Gorman, Hale, Hampton, Hawley,	Hearst, Higgins, Hiscock, Jones of Arkansas, Jones of Nevada, McPherson, Mitchell, Morgan, Pierce, Pugh,	Quay, Spooners, Squire, Stanford, Stockbridge, Voorhees, Walthall, Washburn, Wilson of Iowa.
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So the Senate refused to adjourn.

The VICE-PRESIDENT. A quorum is present.

Mr. INGALLS. I wish to explain my absence by stating that I was present at a meeting of the Committee on the Judiciary which, by order of the Senate, has leave to sit during its session.

Mr. VEST. The same statement applies to all of us upon this side of the Chamber who are members of the Judiciary Committee.

Mr. EDMUNDS. It applies to all the members of that committee.

Mr. VEST. The committee met at 9 o'clock this morning and has been in continuous session and at work until a few moments ago.

Mr. PLUMB. That leaves all the rest of us in a rather unfortunate situation, and unless we make explanations it will be presumed that we were not performing our public duty.

Mr. VEST. I have nothing to say about that.

Mr. PLUMB. I was talking about the conjoined effort of my colleague and the Senator from Missouri, and what the result will be upon the very sensitive public mind, which is much exercised on such questions, about our getting here at 11 o'clock in the morning, and I therefore want to see if I can not get leave that every member may print and put into the RECORD in detail his excuse for not being present at 11 o'clock sharp.

Mr. TELLER. We were here.

Mr. BUTLER. If the Senator will allow me I wish to say, by way of explaining why I was present, that I had to neglect a great many important matters I should like to have attended to before I came here at 11 o'clock; and I think I ought to apologize for being present at 11 o'clock.

Mr. REAGAN. If it is in order, I move to rescind the order for meeting at 11 o'clock, and I desire to say a word about it.

Mr. SHERMAN. I call for the regular order.

The VICE-PRESIDENT. The reading of the Journal is first in order. The Journal of yesterday's proceedings will be read.

The Journal of yesterday's proceedings was read and approved.

## COLORADO SPRINGS WATER RESERVOIR.

Mr. TELLER. The other day Senate bill 1332 was recalled from the President of the United States. I ask unanimous consent that the vote passing the bill may be reconsidered for the purpose of making two clerical amendments. It is, I understand, a question of privilege and may be brought up now.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Colorado? The Chair hears none. The message from the President of the United States will be read.

The Chief Clerk read as follows:

To the Senate of the United States:

In compliance with the resolution of the Senate of the 28th instant, the House of Representatives concurring, I return herewith the bill (S. 1332) entitled "An act granting to the city of Colorado Springs, in the State of Colorado, certain lands therein described for water reservoirs."

BENJ. HARRISON.

EXECUTIVE MANSION, March 29, 1890.

Mr. TELLER. I now move that the word "and" in line 21 of the print may be stricken out and the word "of" inserted. I understand the order was entered to reconsider the vote by which the bill was passed.

The VICE-PRESIDENT. The order to reconsider will be regarded as agreed to, if there be no objection. The vote on the third reading will be regarded as reconsidered, if there be no objection, so that the bill may be open to amendment. The amendment of the Senator from Colorado will be stated.

The CHIEF CLERK. In line 21 of section 1 it is proposed to strike out the word "and" where it occurs the second time and insert in lieu thereof the word "of;" so as to read:

Also lots numbered 1, 2, 3, 4, and 5 of the north half and the southeast quarter of—

Mr. INGALLS. Is this another error of the clerks in enrollment? And, if so, by whom was the mistake made, if we may be informed?

Mr. TELLER. The Senator will allow me to say that it is a little uncertain, but I think the mistake was made in the Printing Office in printing the bill as it passed this body.

I think the Chief Clerk has read the wrong "and" in reading the amendment. It is the third "and," in line 21, in the phrase "and the north half and." The word "and" following "half" should be stricken out; and in line 23 the word "and" should be stricken out and the words "of the" inserted.

The VICE-PRESIDENT. The amendment will be again stated.

The CHIEF CLERK. In line 23, strike out the second word "and" and insert in lieu thereof the words "of the;" so as to read:

Lots numbered 3 and 4 and the east half of the southwest quarter of section 22

Mr. TELLER. I want to see that the clerks get this right. I think a mistake has been made.

The VICE-PRESIDENT. The amendment will be again stated.

The CHIEF CLERK. In line 21 of section 1, after the word "half," strike out the word "and" and insert the word "of;" and in line 23, after the word "half," insert "of the;" so as to read:

Also lots numbered 1, 2, 3, 4, and 5, and the north half of the southeast quarter of section 28; lots numbered 3 and 4 and the east half of the southwest quarter of section 22.

The amendment was agreed to.

Mr. TELLER. That is right. Now, I should like to say, in answer to the inquiry of the Senator from Kansas, that it is not the fault of the clerical force of this body that this error occurred. That is clear.

Mr. INGALLS. It is evidently the fault of somebody, and this is a spectacle that has been too often repeated, not only at this session, but at previous sessions. There ought to be some way devised by which bills can pass this body and be enrolled as they are passed. We have been repeatedly compelled to recall bills from the House of Representatives and from the President and have amendments inserted that nobody knows anything about by resolution, by joint resolution, or by some proceeding unknown to parliamentary law, because, on account of the neglect of somebody, the bills do not express the declared will of the House in which they originated. If it is the fault of the enrolling clerks or of the Senators, there ought to be something done by which we shall be enabled to have some regular parliamentary proceedings for the passage of bills.

The Secretary informs me that the clerks enrolled this bill as it came to them from the Printer. Now, certainly the Printer is not an officer of this body, and we ought not to be held responsible for what is done in the Government Printing Office. I am told that it is the habit to send out from the Senate the original files of the bills to the Government Printer, and that they do not appear again until some indefinite period in the future. What is sent back here is a printed copy that goes into the files of the Senate without examination or collation. Nobody knows whether a bill that comes back from the Printer is a copy of the bill that went to him or not, and what becomes of the original file nobody knows.

Mr. HALE. Does the Senator understand that the original bill which is written out and upon which we act is not returned at once to the Senate or to the House of Representatives?

Mr. INGALLS. It is not. The original bill introduced leaves the custody of the Senate, goes into the hands of a person who is not an officer of or connected with this body, is printed, and the print, without correction and without collation, is sent back here and a printed copy goes into the files, and we act on that.

Mr. HALE. What becomes of the original bill itself?

Mr. INGALLS. I do not know.

Mr. HALE. We ought to know.

Mr. INGALLS. I think the practice is entirely defective, and it is impossible that errors should not occur by such proceedings.

Mr. ALLISON. Mr. President, as I understand the course pursued, it is that the original bills are introduced here and sent to the Printer. Then they come back and are placed on our files in print; and when we consider bills they are considered from the printed copy and amended by the insertion or the striking out of words. When a bill has passed this body, partially printed and partially written, for the amendments are in writing, it is engrossed and sent to the other House. That bill does not go back to the Printer.

Mr. HALE. No, but is not the result of the action of the two Houses always written out and enrolled distinctly in one written document, and we have that original?

Mr. ALLISON. We have that.

Mr. HALE. And that is what we act upon finally and that is what goes to the President, of course.

Mr. ALLISON. Undoubtedly; but this mistake, as I understand it, must have been a mistake in the print.

Mr. TELLER. There is not any complaint that there was any mistake either by the enrollment here or at the House of Representatives. Undoubtedly the wrong word was in the print.

Mr. HALE. Where and at what time did it get there?

Mr. TELLER. At the Printing Office in the print of the bill. The report was not compared with the print, and therefore there were 320 acres of land conveyed in this way that ought not to have been conveyed. While the land is practically worthless, it was not thought best to allow the bill to go through in that way, and therefore I had it recalled, and I now ask that it be passed, the correction having been made.

I should like to say before I quit that this is not a new thing. I have found that it has been the custom for years to call back and correct bills in this way. I have found a line of precedents to that effect; sometimes it is done in one way and sometimes in another.

Mr. INGALLS. If the bills were properly examined before they passed the errors would be detected. The difficulty is that the examination is made after the bills are passed and have gone out of the custody of the two Houses and gone to the President of the United States, and how many errors there are that escape detection nobody can tell.

The statement that the Senator from Colorado makes is an illustration of the vice of our proceedings. He says that the Public Printer, a man who has nothing more to do with our proceedings than the Emperor of Persia ought to have, sees fit to change the word "of" to the word "and," and that comes back here and we give, in consequence of that change in a bill, 320 acres more to a corporation than they ask for or than they want. Now, does the Senator from Colorado pretend to tell me that that can not be prevented? It certainly would be prevented by examining the bill before it has passed; and why not provide for an examination before the bill passes to see whether it is right or wrong?

Mr. CULLOM. In reference to this particular bill, the original bill introduced is in the hands of the Clerk, and it shows the mistake is in the original bill introduced at this session of Congress exactly as it is enrolled. So there is no fault of the Clerks in connection with this matter whatever. The mistake perhaps occurred by virtue of the bill having come over from a past session and been reintroduced.

Mr. TELLER. I should like to say that of course this might have been avoided. If I had compared the report I held in my hand with the bill as passed I should have seen the mistake, but it did not occur to me to make the comparison; and when the Land Office made the comparison with the report they had sent here they discovered the error and called my attention to it. I presume the bill might have been signed in that way because it was inconsequential, but I did not feel that I ought to let a bill go through in that way, although the land involved is mountain land nearly 12,000 feet above the level of the sea.

Mr. CULLOM. All I want to say is that it is clear that the clerks are not at fault in this case.

Mr. TELLER. It is not the fault of the clerks. That I have stated.

Mr. INGALLS. What becomes of the bill now?

Mr. TELLER. I ask that the bill may be passed as corrected.

Mr. INGALLS. The bill is not in condition now to pass the House of Representatives. The bill passed the House of Representatives as it has been reported here already and sent to the President.

Mr. TELLER. The President has returned it. I ask that the bill may now be passed as amended.

Mr. INGALLS. I want to know what is going to be done with it when it is passed.

The VICE-PRESIDENT. It will be sent to the House of Representatives for concurrence in the amendment.

Mr. HAWLEY. The Senator from Kansas incidentally made a remark showing that he is not entirely familiar with the rules of printing offices. It is the uniform rule in printing offices, especially in the United States, to follow copy even if you have to follow it out of the window. The Printing Office would not dare to change the word "of" to the word "and" or to cross a "t" or dot an "i" hardly, unless it was in the bill.

Mr. MANDERSON. Before this matter passes away, in justice to the Public Printer I desire to say that he followed copy in the first instance exactly. The difficulty was in the original bill that was introduced. That is apparent.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### EXPENSES OF CENSUS AGENTS.

Mr. PLATT. A few days since, upon the passage by the Senate of the bill (H. R. 7025) to amend an act entitled "An act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889, I entered a motion to reconsider the vote by which the bill was passed. I now desire to withdraw that motion.

The VICE-PRESIDENT. The motion to reconsider will be withdrawn if there be no objection, and the bill will stand passed.

#### EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, recommending that provision be made for the acquisition by the Government of the strip of land upon which the money appropriated by the act of March 2, 1889, is to be expended in building a roadway or entrance to the national cemetery at Hampton, Va.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in further response to a resolution of March 24, 1890, certain information relative to tests made with new methods of firing shells loaded with high explosives.

The Chief Clerk proceeded to read the communication.

Mr. HALE. Mr. President, it is impossible for the Senate to hear a word that the Chief Clerk is reading.

Mr. SHERMAN. I have been trying to listen to that document and I have not heard two words of it, so that I do not know what it is about, on account of the conversation all around.

Mr. HALE. I have not been able to distinguish a single word.

Mr. BLAIR. And I am not able to hear a word that the Senator from Ohio [Mr. SHERMAN] has spoken.

Mr. SHERMAN. That is worse yet. [Laughter.]

The VICE-PRESIDENT. The Senate will be in order. [A pause.] The reading will proceed.



The Chief Clerk resumed the reading of the communication, but before concluding—

Mr. SHERMAN. I move that the communication be referred to the Committee on Military Affairs.

Mr. COCKRELL. There is no occasion for a reference of that communication. It is simply sent for information, and I ask that it be printed and laid upon the table.

Mr. SHERMAN. Very well.

Mr. HOAR. I should think as the document has been half read and then broken off the whole of it had better go into the RECORD.

Mr. COCKRELL. Let it go into the RECORD and also be printed as a separate document.

The VICE-PRESIDENT. That order will be made, in the absence of objection.

The communication is as follows:

WAR DEPARTMENT, Washington, March 31, 1890.

SIR: In connection with my letter of the 26th instant replying to the Senate resolution of March 24, 1890, relative to tests made with a new method of firing shells loaded with high explosives, I have the honor to transmit, as pertinent thereto, the following extract from the programme of tests for high explosives adopted by the board of ordnance and fortification, of which General Schofield is president, and to whom the special explosive under consideration was referred by the War Department for the necessary action under the provisions of section 3 of the act approved September 22, 1888, and which appropriated \$100,000 for tests of high explosives, namely:

"As to the explosives, we have now before the board explosive gelatine, gun-cotton, Emmentite, the Schwalm mixture, dynamite, and Americanite or the Smolianoff compound.

"Experiments of the kind to be undertaken involve no little time, labor, and expense; and they should therefore be restricted to what promise ultimate success. This is not the case with Americanite, because the liquid form and the liability to become dangerous through evaporation or by lying in store would forbid its use in the military service unless trials should demonstrate that no other variety free from these objections can be so used. That this explosive is liable to deterioration has been proved to the satisfaction of your committee by the results of a personal examination of a sample left in store at Sandy Hook after the trials made by the Ordnance Board in November, 1887. This sample is contained in a glass bottle, stored in a magazine of the fort. On April 5, 1888, a surface stratum of different appearance from that below was noted by Colonel Mordecai. It was then half an inch thick. On July 10 it was fifteen thirty-seconds of an inch thick. On January 3, 1889, it was fully half an inch thick. On March 26, 1889, the date of our inspection, it was seven thirty-seconds of an inch thick, the whole height being 6 inches. Samples of the two strata were then carefully taken with a pipette and at once tested with a hammer on an iron slab. The upper gave no decrepitation, but the lower acted in all respects like pure nitro-glycerine, except that it was perhaps a trifle less sensitive. Shaking the mixture with a glass rod produced no apparent change for recombination of the fluid; but at a subsequent examination, on June 1, a great change had occurred. The appearance then was for 2 inches at the bottom a white fluid; above that for about 1 inch a cloudy combination of white and yellow fluid; the remaining fluid to surface was of uniform yellow color. An explosive possessed of such characteristics would be extremely dangerous in a loading room, and your committee therefore recommends that the action already taken by the board on ———, 1889, in advising that experiments with this explosive be deferred for the present, be adhered to.

Very respectfully,

REDFIELD PROCTOR,  
Secretary of War.

To the PRESIDENT OF THE UNITED STATES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of March 25, 1890, a report from the Commissioner of Indian Affairs in regard to the number of patents issued up to date to Indians under the severalty act; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

#### HOUSE BILLS REFERRED.

The following bills, received yesterday from the House of Representatives, were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 75) to fix the regular terms of the circuit and district courts for the southern districts of Alabama;

A bill (H. R. 3971) to make valid a deed to a certain tract of land in Bibb County, Georgia, made and delivered by Brig. Gen. Davis Tilson, acting assistant commissioner of the Freedman's Bureau, to Samuel I. Gustin, his heirs and assigns;

A bill (H. R. 7044) to amend section 707 of the Revised Statutes;

A bill (H. R. 7305) to deprive the judge in a court of the United States of the authority to give an opinion upon questions of fact; and

A bill (H. R. 8240) to require the United States circuit and district judges to instruct the jury in writing when requested.

The bill (H. R. 6952) to amend section 1018 of the Revised Statutes was read twice by its title.

Mr. EDMUNDS. What is that about? Please read the first paragraph of the bill.

The Chief Clerk read as follows:

"That section 1018 of the Revised Statutes be amended so as to read as follows: 'Sec. 1018. Any party charged with a criminal offense'—"

Mr. EDMUNDS. That is enough. It should be referred to the Committee on the Judiciary.

The VICE-PRESIDENT. The bill will be referred to the Committee on the Judiciary.

The bill (H. R. 753) authorizing and directing the sale of certain property belonging to the United States, situate in Pittsburgh, Pa., was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 2142) for the relief of the heirs of Lewis Steelman was read twice by its title, and referred to the Committee on Foreign Relations.

The joint resolution (H. Res. 14) authorizing the use and improvement of Castle Island, in Boston Harbor, was read twice by its title, and referred to the Committee on Military Affairs.

The joint resolution (H. Res. 128) construing part of act of March 2, 1889, making appropriations for the office of Second Assistant Postmaster-General was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 8049) to provide for the disposal of the abandoned Fort Ellis military reservation in Montana under the homestead law, and for other purposes was read twice by its title, and referred to the Committee on Public Lands.

#### SUFFERERS BY MISSISSIPPI OVERFLOW.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. Res. 136) for the relief of sufferers in the Mississippi Valley; which was read the first time by its title.

Mr. GEORGE. I ask the unanimous consent of the Senate to act on that resolution without a reference. It is a matter of urgency, and, if passed at all, it should be passed at once.

Mr. EDMUNDS. If referred, it can be reported to-morrow.

Mr. GEORGE. It is a case of urgency, and, if passed at all, it ought to be passed at once. The resolution is very short, and when the Senator hears it I think he will not object.

Mr. EDMUNDS. Let it be read at length, subject to objection in all its stages. I do not want to prolong debate about it.

The joint resolution was read the second time at length, as follows:

*Resolved by the Senate and House of Representatives, etc., That the president of the Mississippi River Commission be, and is hereby, authorized, out of any money heretofore appropriated for the improvement of the Mississippi River, to purchase or hire such boats as may be immediately necessary to rescue inhabitants in the overflowed districts of the Mississippi River Valley, and to use said boats for the purpose named.*

Mr. EDMUNDS. I have no objection. Pass it right along.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ADMINISTRATION OF OATHS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2542) further to provide for the administration of oaths.

Mr. HOAR. I think that had better go to the Committee on the Judiciary. I will observe that the House seems to have made this bill cover all customs oaths and other special oaths where taken before special officers, which the Senate carefully avoided.

The VICE-PRESIDENT. The Senator from Massachusetts moves that the amendment of the House of Representatives be referred to the Committee on the Judiciary.

The motion was agreed to.

#### URGENT DEFICIENCY BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives on the bill (H. R. 7496) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1890, and for other purposes, further insisting upon its disagreement to the amendment of the Senate, numbered 41, and asking for a further conference on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate further insist upon its forty-first amendment and agree to the request of the House of Representatives for a further conference thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

#### CORRECTIONS OF RECORD.

Mr. PADDOCK. Referring to my request this morning to make a correction in the RECORD of my vote yesterday on an amendment to the pension bill, I desire to state that on an examination of the Journal at the desk I find that the error was not there; that the Journal is correct and shows my vote exactly as it was given, but the error was made at the Reporters' table; and I desire here to state that if I was in the habit of making speeches in the Senate, as I am not, I should insist upon it that the Reporters' table be changed from its present position.

Mr. BUTLER. May I interrupt the Senator from Nebraska one moment?

Mr. PADDOCK. Certainly.

Mr. BUTLER. I want to say, out of justice to the Reporters, that it is sometimes absolutely impossible for them to take down what is being said by Senators on this floor on account of the continuous conversation going on in the Senate Chamber and in the galleries. I think that much is due to the Reporters. I have a rather acute hearing, and I have been able to catch scarcely a word which has fallen from the Senator from Nebraska, although he is speaking in a very distinct tone. It is due to

the Reporters to say that it is a fact that owing to the confusion which prevails it is oftentimes impossible to catch the words which fall from the lips of Senators.

Mr. PADDOCK. If the Senator had waited a moment—  
Mr. BUTLER. I am not complaining of the Senator from Nebraska or of what he is stating, but I am simply saying that it is due to the Reporters to state that they can not always hear what is going on, and I can not hear half of what is going on, and I am making this statement as much out of regard for myself as for the Reporters. I do hope that order will be maintained in the Senate while the Senator is making his remarks.

Mr. PADDOCK. I want to say that the Reporters themselves have stated to me that it is an utter impossibility for them to hear what is said from this corner of the Chamber by myself and Senators behind me. Therefore, I was about to say that if I was in the habit of speaking to any extent, which I am not, I should ask that the table be placed so that the Reporter might sit at it with his face this way in order to hear what we have to say and how we vote.

#### PETITIONS AND MEMORIALS.

Mr. ALLISON presented a petition of 462 citizens of Iowa, a petition of 32 citizens of Iowa, a petition of 27 citizens of Iowa, a petition of 32 citizens of Iowa, a petition of 42 citizens of Iowa, a petition of 37 citizens of Iowa, a petition of 19 citizens of Iowa, a petition of 18 citizens of Iowa, and a petition of 35 citizens of Iowa, all residing in the Seventh Congressional district of that State, praying for the free coinage of silver; which were referred to the Committee on Finance.

He also presented a petition of the M. S. Holtzinger Post, No. 210, Grand Army of the Republic, of Hamburg, Iowa, praying for the passage of a service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the State Business Men's Association of Iowa, praying for the passage of what is known as the Torrey bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented a petition of the members of the faculty of the law department of the State University of Iowa, a petition of the members of the bar of Ottumwa, Iowa, a petition of the members of the bar of Muscatine County, Iowa, and a petition of the members of the bar of Iowa County, Iowa, praying for the passage of some act for the relief of the Supreme Court of the United States; which were referred to the Committee on the Judiciary.

Mr. DAWES presented a memorial of the Choctaw Nation in reference to lands styled the "leased district" of that nation; which was referred to the Committee on Indian Affairs.

Mr. STEWART presented twenty-five petitions of 621 members of the Farmers' Alliance and citizens of Nebraska, praying for the free coinage of silver; which were referred to the Committee on Finance.

Mr. WOLCOTT presented petitions of subordinate unions of the Bricklayers and Masons' International Union of America, of Denver, Pueblo, and Colorado Springs, in the State of Colorado, praying for a change of the laws of the United States in respect to the erection of public buildings, navy-yards, fortifications, etc.; which were referred to the Committee on Education and Labor.

Mr. EVARTS presented petitions of the Associated Trades of the city of New York; of 28 citizens of Alton, N. Y.; of 13 members of Local Assembly 6129, Knights of Labor, of Albany, N. Y.; of 37 members of Local Assembly 2020, Knights of Labor, of Albany, N. Y.; of 13 members of Local Assembly 4045, Knights of Labor, of Albany, N. Y.; of 28 members of Local Assembly 1758, Knights of Labor, of Albany, N. Y.; of 33 members of Local Assembly 1758, Knights of Labor, of Albany, N. Y.; of 35 members of Local Assembly 1758, Knights of Labor, of Albany, N. Y.; and of 32 citizens of Albany, N. Y., praying for the free coinage of silver; which were referred to the Committee on Finance.

He also presented the petition of H. P. DeGraaf, president of the Bowery National Bank, of New York City; A. J. Rogers, justice of the tenth judicial district court in New York City, and 107 other prominent business men of New York City, praying that Congress authorize the Secretary of War to contract with Charles Stoughton and associates for the entire work of building the Harlem Canal; which was referred to the Committee on Commerce.

Mr. STOCKBRIDGE presented a petition of 34 citizens of Berrien County, Michigan, praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. CULLOM presented a petition of members of the Farmers' Alliance of the State of Illinois, praying for the passage of Senate bill No. 1655, authorizing the Secretary of the Treasury to loan money to farmers of the United States at 2 per cent. per annum; which was referred to the Committee on Finance.

Mr. FAULKNER presented a petition of Subordinate Union No. 1 of the Bricklayers and Masons' International Union of America, of Wheeling, W. Va., signed by Burt Watson, president, and Francis A. Ferguson, recording secretary, praying Congress to enact such laws as will secure to skilled and unskilled laborers who are citizens of the United States preference over aliens in the erection and construction by the Government or by contract of public buildings, navy yards, for-

tifications, and other structures and works; which was referred to the Committee on Education and Labor.

Mr. CALL. I present a petition of the Bricklayers and Masons' International Union of America, signed by George Walker, president, and Alex. Robinson, recording secretary, of Pensacola, Fla., praying for the employment of American laborers, skilled and unskilled, where labor is required in the erection of public works, navy-yards, fortifications, and other structures or works of the United States. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. CALL. I also present a petition of members of the bar of Tampa, Fla., praying for such legislation as will enable the Supreme Court of the United States to dispose of the accumulated business upon its docket. I also present a similar petition from members of the bar of Tallahassee, Fla., signed by the governor of the State, the attorney-general, and other officers of the State government, to the same effect; also, a similar petition from members of the bar of Ocala, Fla.

I move that these petitions be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. CALL. I also present, by request, the petition of John Pope Hodnett, of Washington, D. C., in reference to some interests claimed by him in Great Britain. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. GIBSON. I present a memorial adopted by a committee of a convention of sugar-producers which assembled in New Orleans March 21, 1890, L. C. Keever (chairman), John Dymond, Philip Hirsch, H. C. Warmoth, J. C. Morris, John H. Murphy, William C. Stubbs, Branch M. King, C. Kennedy Hamilton, jr., and E. W. Deming, delegates, remonstrating against the proposed change in Schedule E of the existing tariff in regard to sugar. I move the reference of the memorial to the Committee on Finance.

The motion was agreed to.

Mr. PADDOCK presented a memorial of the city council of Salt Lake City, Utah Territory, and a memorial of the Chamber of Commerce of Salt Lake City, Utah Territory, remonstrating against the conversion of the Industrial Home into a Government building; which were referred to the Committee on Public Buildings and Grounds.

Mr. INGALLS presented the petition of J. F. Reynolds Post, No. 26, Grand Army of the Republic, of the State of Nebraska, and the petition of Lombard Post, No. 57, Grand Army of the Republic, of the State of Nebraska, praying for the passage of Senate bill No. 496, to remove the limitation in the payment of arrears of pensions; which were referred to the Committee on Pensions.

He also presented a petition of Antietam Post, No. 64, Grand Army of the Republic, of Parsons, Kans., praying for an appropriation by Congress of \$5,000 to aid in improving their cemetery; which was referred to the Committee on Military Affairs.

Mr. SPOONER presented petitions of members of the bar of the fourteenth, second, fourth, and seventh judicial circuits of the State of Wisconsin, praying Congress to pass some act for the relief of the Supreme Court of the United States; which were referred to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 216) to prevent the summary cancellation of pension certificates, and providing for a hearing in cases relating thereto, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1840) granting a pension to Sallie Douglass Hartranft, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1817) granting a pension to Mary F. Hopkins, reported it with an amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2950) for the erection of a public building at Leadville, Colo., reported it with amendments.

Mr. MOODY, from the Select Committee on Irrigation and Reclamation of Arid Lands, to whom was referred the bill (S. 622) providing for a survey and development, for irrigation purposes, of the artesian basin underlying the State of South Dakota, and making an appropriation therefor, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1401) providing for a survey, for irrigation purposes, of the State of North Dakota, reported adversely thereon; and the bill was postponed indefinitely.

Mr. MOODY. The same committee, in lieu of the two bills just reported adversely, instructed me to report a new bill.

The bill (S. 3346) authorizing and directing the Secretary of Agriculture to cause to be made all necessary field examinations, surveys, and experiments for the purpose of demonstrating the extent, and so forth, with reference to irrigation, of the underflow waters between the ninety-seventh degree of west longitude and the foot-hills of the eastern



slope of the Rocky Mountains, and making an appropriation therefor, was read twice by its title.

Mr. REAGAN. I wish to give notice that I desire at a future day to present the views of the minority, in opposition to the passage of the bill which has just been reported.

Mr. HALE. In the bill which was just reported I thought, as I listened to it, that the words "and so forth" were used in the title. I do not think that those are good words.

The VICE-PRESIDENT. Those words are used.

Mr. HALE. I do not think those are good words in the title of a bill or in the text of a bill and I suggest that they be struck out.

The VICE-PRESIDENT. That can be done when the bill is under consideration.

Mr. MOODY, from the Committee on Pensions, to whom was referred the bill (H. R. 1678) granting a pension to John R. Petrie, reported it without amendment, and submitted a report thereon.

Mr. HALB. By direction of the Committee on the Census, I report back with amendments the bill (H. R. 6420) to amend an act entitled "An act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889. This is what is known as the Chinese census bill, and I ask that it be printed with the amendments numbered, as there are several of them; and as it is very important if the bill passes that it should be passed at once, so that the census work may not be impeded, I give notice that I shall ask the Senate to take up the bill tomorrow early, or the next day.

The VICE-PRESIDENT. If there be no objection, the bill will be printed as indicated, and it will be placed on the Calendar.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (H. R. 1041) granting a pension to Mary A. Van Etten;
- A bill (H. R. 5010) granting a pension to Mary Taffe;
- A bill (H. R. 2615) for the relief of Mattie W. House;
- A bill (H. R. 5516) to increase the pension of Alonzo Alden; and
- A bill (H. R. 3954) granting an increase of pension to General Horace Boughton.

Mr. BLODGETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (S. 1928) for the relief of Henrietta E. Boggs;
- A bill (S. 1681) granting a pension to John Bridenback, late private Company L, Fourth Regiment Ohio Volunteer Cavalry; and
- A bill (S. 563) for the relief of Cornelia A. Stanley.

Mr. BLODGETT, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

- A bill (S. 1206) granting a pension to Melvin L. Cook;
- A bill (S. 1899) granting a pension to John Mickle; and
- A bill (S. 2300) granting a pension to John Mickle.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the bill (S. 2765) granting a pension to William Richardson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

- A bill (S. 1138) granting a pension to Hiram H. Benefield; and
- A bill (S. 1139) granting a pension to Mary Forsythe.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the petition of Daniel M. Richey, praying for an invalid pension, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1282) granting a pension to Alice Nichols, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1408) granting a pension to Miss Charlotte Bradford, reported it with an amendment, and submitted a report thereon.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (H. R. 6603) granting a pension to Joseph D. Williamson;
- A bill (S. 329) granting a pension to John L. Russell; and
- A bill (S. 448) granting a pension to Dobson Amick.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 780) granting a pension to John G. Banks, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. 633) for the relief of the Oregon Paving and Contract Company, reported it with an amendment, and submitted a report thereon.

#### REVENUE-MARINE SERVICE.

Mr. GRAY. I move that the bill (H. R. 6944) to transfer the revenue-marine service from the Treasury Department to the Navy De-

partment be taken from the table and referred to the Committee on Naval Affairs.

The motion was agreed to.

#### BILLS INTRODUCED.

Mr. WILSON, of Iowa (by request), introduced a bill (S. 3347) to forbid maintenance and oppression in suits brought upon letters-patent; which was read twice by its title, and referred to the Committee on Patents.

Mr. ALLEN introduced a bill (S. 3348) granting a pension to Mary J. Milroy; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3349) granting a pension to Jasper N. Warren; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WASHBURN introduced a bill (S. 3350) for the relief of the heirs of Joseph Anderson; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 3351) authorizing the President to place upon the retired-list of the Army James W. Long, late a captain in the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3352) for the relief of Patrick Culhan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WOLCOTT introduced a bill (S. 3353) imposing a special tax upon and regulating the manufacture, sale, and importation of adulterated lager beer; which was read twice by its title, and referred to the Committee on Finance.

Mr. CHANDLER introduced a bill (S. 3354) for the relief of George F. Ormsby; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CULLOM introduced a bill (S. 3355) granting a pension to Helen C. Keeney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 3356) increasing the rate of pension of W. A. Shappee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (S. 3357) for the relief of Leonard Martin; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CHANDLER introduced a joint resolution (S. R. 69) for the improvement and use of Bedloe's Island, in New York Harbor, as a free public park; which was read twice by its title, and referred to the Committee on Immigration.

#### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SHERMAN, it was

Ordered, That the petition of the children of Zachariah Taylor, late of Company D, Forty-ninth United States Colored Troops, now on the files of the Senate, be referred to the Committee on Pensions.

Mr. BERRY. I ask for the adoption of the following order:

Ordered, That the papers on file with Senate bill 1148, entitled "A bill to authorize the Secretary of the Treasury to adjust and settle the account between the United States and the Memphis and Little Rock Railroad Company for customs duties," etc., introduced in the Forty-seventh Congress, be filed with Senate bill 3129 now before the Committee on Claims.

The VICE-PRESIDENT. The order will be made in the absence of objection.

Mr. EDMUNDS. Was there an adverse report before?

Mr. BERRY. I am not advised as to whether there was or was not.

Mr. EDMUNDS. Let the order be taken subject to the rules. Undoubtedly it will come out all right.

The VICE-PRESIDENT. The order will be made subject to the rules of the Senate.

#### HOOR OF MEETING.

Mr. HALE. I offer a resolution which I ask to have printed and lie over. The reasons for it will be so apparent I think to every Senator's mind that I do not need to go into them at present. I ask that the resolution be read.

The resolution was read, as follows:

Ordered, That on and after Monday, April 7, 1890, the daily sessions of the Senate shall commence at 12 o'clock, meridian, until otherwise ordered.

Mr. HALE. Let the resolution lie over.

The VICE-PRESIDENT. The resolution will lie over.

Mr. PLUMB. I move that when the Senate adjourn to-day it be to meet to-morrow at 12 o'clock.

Mr. EDMUNDS. Pending that—no, that is a privileged motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Kansas that when the Senate adjourn to-day it be to meet at 12 o'clock to-morrow. [Putting the question.] The "ayes" appear to have it.

Mr. EDMUNDS. Let us have the yeas and nays.

The yeas and nays were ordered, and taken.

Mr. FAULKNER. I am paired with the Senator from Pennsylvania [Mr. QUAY]. Not knowing how he would vote, I reserve my vote.

Mr. EDMUNDS (after having voted in the negative). I see that

the Senator from Alabama [Mr. PUGH] who is ill is not present, and as the vote has taken a substantially political turn I feel bound in honor to withdraw my vote, as I am paired with him on political questions.

Mr. EVARTS. I am paired with the Senator from Alabama [Mr. MORGAN] and therefore can not vote.

Mr. DOLPH. As I am paired with the senior Senator from Georgia [Mr. BROWN], I think I ought to withhold my vote on this question.

Mr. PADDOCK (after having voted in the negative). I am paired with the Senator from Louisiana [Mr. EUSTIS] and feel that I had better withdraw my vote after the statement made by the Senator from Vermont [Mr. EDMUNDS].

Mr. HISCOCK (after having voted in the negative). I should like to inquire whether the Senator from Arkansas [Mr. JONES] has voted on this question.

The VICE-PRESIDENT. He has not.

Mr. HISCOCK. Then I withdraw my vote.

Mr. RANSOM (after having voted in the affirmative). Seeing that pairs are being observed, I withdraw my vote.

Mr. BUTLER (after having voted in the affirmative). Has the senior Senator from Pennsylvania [Mr. CAMERON] been recorded?

The VICE-PRESIDENT. He is not recorded.

Mr. BUTLER. Then I withdraw my vote.

Mr. HAMPTON (after having voted in the affirmative). It seems that Senators are withdrawing their votes on account of pairs. Although I think we have a right to vote on a question of adjournment when paired, I withdraw my vote.

Mr. DOLPH. I observe that the Senator from California [Mr. HEARST] has voted. I understand that he is paired with his colleague [Mr. STANFORD], and I will transfer my pair with the senior Senator from Georgia [Mr. BROWN] to the Senator from California [Mr. STANFORD] and vote. I vote "nay."

The result was announced—yeas 25, nays 23; as follows:

YEAS—25.			
Barbour,	Coke,	Payne,	Voorhees,
Bate,	George,	Pierce,	Walthall,
Berry,	Gibson,	Plumb,	Wilson of Md.
Blackburn,	Gray,	Reagan,	Wolcott.
Blodgett,	Harris,	Turpie,	
Call,	Hearst,	Vance,	
Cockrell,	Pasco,	Vest,	
NAYS—23.			
Allen,	Farwell,	Manderson,	Sherman,
Allison,	Frye,	Mitchell,	Spooner,
Blair,	Hawley,	Moody,	Stewart,
Chandler,	Higgins,	Morrill,	Stockbridge,
Cullom,	Hoar,	Pettigrew,	Teller,
Dawes,	Inglis,	Platt,	Washburn,
Dolph,	McMillan,	Sawyer,	Wilson of Iowa.
ABSENT—29.			
Aldrich,	Davis,	Hampton,	Pugh,
Beck,	Dixon,	Hiscock,	Quay,
Brown,	Edmonds,	Jones of Arkansas,	Ransom,
Butler,	Eustis,	Jones of Nevada,	Squire,
Cameron,	Evarts,	Kenna,	Stanford,
Casey,	Faulkner,	McPherson,	
Colquitt,	Gorman,	Morgan,	
Daniel,	Hale,	Paddock,	

So the motion was not agreed to.

#### TITLE TO ANASTASIA ISLAND.

Mr. CALL submitted the following resolution; which was referred to the Committee on Private Land Claims:

*Resolved*, That the Attorney-General of the United States be, and he is hereby, requested to submit to the Senate his opinion under the resolution adopted by the Senate on the — day of June, 1888, which is in the following words:

*Resolved*, That the Attorney-General of the United States is hereby directed to report to the Senate whether Anastasia Island, near St. Augustine, Fla., is the property of the United States, and whether the whole or any part of it is covered by any grant from Spain which has been confirmed and is recognized as valid by the United States under the treaty between Spain and the United States for the cession of the provinces of the East and West Floridas, made in 1819.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MARTIN, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 567) to continue the publication of the Supplement to the Revised Statutes;

A bill (S. 1984) to create the offices of surveyor-general in the States of North Dakota and South Dakota; and

A bill (S. 2653) to provide for the times and places to hold terms of the United States courts in the State of Washington.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 64) to limit the time to six years within which suits may be brought against accounting officers and the sureties on their official bonds;

A bill (H. R. 278) to amend paragraph 3 of section 4414 of the Revised Statutes;

A bill (H. R. 578) in relation to oaths in pension and other cases;

A bill (H. R. 843) to provide an additional mode of taking depositions of witnesses in causes pending in the courts of the United States;

A bill (H. R. 5874) to admit free of duty articles intended for the St.

Louis Exposition in 1890 which may be imported from the Republic of Mexico;

A bill (H. R. 6956) to amend section 790 of the Revised Statutes;

A bill (H. R. 7619) making appropriations for the support of the Army for the fiscal year ending June 30, 1891, and for other purposes;

A bill (H. R. 7993) to amend section 4 of "An act to authorize the county of Laurens, in the State of Georgia, to construct a bridge across the Oconee River, at or near Dublin, in said county," approved June 18, 1888;

A bill (H. R. 8104) to amend section 2166, Revised Statutes of the United States;

A bill (H. R. 8239) to amend section 4488, Title LII, of the Revised Statutes as amended by chapter 418 of the acts passed at the second session of the Fiftieth Congress; and

A bill (H. R. 8296) to allow the erection of bridges across the Iowa River at Wapello, Iowa.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 247) granting a pension to Minnie A. Bailey;

A bill (S. 1982) granting a pension to Mrs. Minerva Jane Olive;

A bill (S. 1983) granting a pension to George B. Smith;

A bill (S. 2447) to extend to Tampa, Fla., the privilege of immediate transportation of unappraised merchandise;

A bill (S. 2501) to provide for an American register for a steamer to be named San Benito, owned by a corporation of the State of California; and

A bill (S. 7025) to amend an act entitled "An act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889.

#### EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five hours and thirty minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, April 2, 1890, at 11 o'clock a. m.

#### CONFIRMATION.

*Executive nomination confirmed by the Senate March 29, 1890.*

#### POSTMASTER.

Ensign M. Clark, to be postmaster at Niagara Falls, in the county of Niagara and State of New York.

### HOUSE OF REPRESENTATIVES.

TUESDAY, April 1, 1890.

The House met at 12 o'clock m. The Chaplain, Rev. WILLIAM H. MILBURN, D. D., offered the following prayer:

Almighty God, again we are called upon to mourn the death of an honored member of this House, dear to many upon this floor. In the arms of our sympathy we bring his bereaved family, beseeching Thee to comfort and uphold them as they weep the loss of a beloved husband and a revered father. May they find, in the blessed hope of everlasting life which Thou hast given us in Thy Son, the consolation which can alone support in such an hour of grief. As these solemn lessons of our mortality are taught us from time to time, we pray that Thou wilt bring home to every one of us the sense that the supreme concern of human life is peace with God, through His Son, our Lord and Savior Jesus Christ, in whose sacred name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### CHANGE OF REFERENCE.

On motion of Mr. SMITH, of Illinois, by unanimous consent, the Committee on War Claims was discharged from the further consideration of the bill (H. R. 8782) for the relief of Sarah A. Oakes, legal heir of Capt. Hugh Worthington, deceased, and it was referred to the Committee on Claims.

#### PRACTICE IN UNITED STATES COURTS IN CRIMINAL CASES.

Mr. OATES. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of a resolution, reported from the Committee on the Judiciary, to investigate the practice of certain United States district courts and other officers in criminal cases; and that the House now proceed to consider the resolution.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Whereas it appears by official reports filed in the Attorney-General's office that the practice of suspending sentence in criminal cases after conviction prevails in many of the district courts of the United States, and particularly in the northern, middle, and southern districts of Alabama; Therefore,

*Resolved*, That the Committee on the Judiciary be, and it is hereby, authorized



to inquire into the extent, cause, and result of such practice and report their findings to the House; and to this end said committee be authorized and empowered to send for persons and papers, administer oaths, take testimony, to employ a stenographer (if needed), to send a subcommittee to such localities to take testimony, and report the same to said committee as may be necessary, said subcommittee to have while so engaged the same powers herein given said Committee on the Judiciary as to taking testimony, and also to employ a clerk if his services are found to be required; that the Sergeant-at-Arms furnish said committee an officer to attend it or said subcommittee, and to serve such process as may be issued by said committee or said subcommittee; and that the expenses of such investigation be paid out of the contingent fund of the House.

The proposed substitute, reported by the Committee on the Judiciary, was read, as follows:

Whereas it is alleged by the Attorney-General of the United States, and appears by official reports filed in the Department of Justice, that in many of the United States district courts the practice of suspending sentence after conviction in criminal cases prevails without warrant of law; and whereas it also appears, from accounts submitted to the accounting officers of the Treasury for audit and allowance, reports of special agents of the Treasury Department, and information obtained from apparently well informed and credible persons, that in some parts of the country United States district attorneys, marshals, and their deputies, United States commissioners, and clerks of the United States courts have been guilty of maladministration and of corruption in office: Therefore,

*Resolved*, That the Committee on the Judiciary be, and it is hereby, authorized and instructed to inquire into the extent, cause, and effect of the alleged illegal practice of the United States district courts wherever the same prevails; and also to investigate any alleged abuse of United States process or other maladministration or corrupt official conduct of any of the officers connected with the judicial department of the Government; and to report its findings to the House, accompanied by bill or otherwise; and to this end said committee be authorized and empowered to send for persons and papers, administer oaths, take testimony, to employ a stenographer, if necessary, to send a subcommittee wherever deemed necessary, to take testimony for the use of said committee; said subcommittee while so engaged to have the same powers in respect to obtaining testimony as are herein given the said Committee on the Judiciary; and may also employ a clerk or stenographer, one or both, if found to be necessary; that the Sergeant-at-Arms, by himself or deputy, attend said committee, or any subcommittee thereof, to execute its orders, and to serve such process as may be issued by said committee or subcommittee; and that the expenses of such investigation be paid out of the contingent fund of the House; and that said committee have leave to report at any time.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the House proceeded to the consideration of the resolution.

The substitute reported by the Committee on the Judiciary was agreed to.

The resolution as amended was adopted.

Mr. OATES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### NATIONAL BANKING CODE.

Mr. WALKER, of Massachusetts. I ask unanimous consent to print in the RECORD a brief explanation of a bill which I have this day introduced (House bill 8897) to establish a national-banking code.

Mr. BYNUM. I call for the regular order.

The SPEAKER. The gentleman from Indiana objects.

#### WIDOW OF THOMAS SETTLE.

The SPEAKER. The bill (H. R. 3993) for the payment to the widow of Thomas Settle, late district judge for the northern district of Florida, the balance of a year's salary was referred to the Judiciary Committee. That committee reports that it should be referred to the Committee on Claims. Without objection, the change of reference will be made.

There was no objection.

#### PUBLIC-BUILDING BILLS.

Bills of the following titles, returned from the Senate with the notification that the Senate disagreed to the amendments of the House of Representatives and asked a conference on the disagreeing votes of the two Houses, were severally taken up, the amendments of the House insisted upon, and the request of the Senate for a conference agreed to:

A bill (S. 903) for the erection of a public building in Cedar Rapids, Iowa;

A bill (S. 954) authorizing the construction of a public building at Burlington, Iowa; and

A bill (S. 2406) to provide for the purchase of a site and the erection of a public building thereon at Atchison, in the State of Kansas.

#### PUBLIC BUILDING AT FREMONT, NEBR.

The SPEAKER laid before the House the bill (H. R. 533) for the erection of a public building at Fremont, Nebr., said bill having been returned from the Senate with an amendment in the form of a substitute, and with a request for a conference on the bill and amendment.

Mr. HOLMAN. I ask that the amendment of the Senate be read. The Clerk proceeded to read the amendment.

Mr. HOLMAN (before the reading was concluded). I do not ask for the further reading of the amendment; but I ask that the first part of the House bill may be read.

The Clerk proceeded to read.

Mr. HOLMAN (before the reading was concluded). I do not ask for the further reading.

Mr. DORSEY. I move that the House non-concur in the amendment of the Senate and agree to the request for a conference.

The motion was agreed to.

#### SURVEYORS-GENERAL FOR NORTH AND SOUTH DAKOTA.

Mr. PAYSON. I ask unanimous consent for the present consideration of the bill (S. 1984) to create the offices of surveyor-general in the States of North and South Dakota. This bill has been favorably reported by the Committee on Public Lands.

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] asks unanimous consent for the present consideration of a bill which will be read.

The Clerk read as follows:

*Be it enacted, etc.*, That there shall be appointed by the President, by and with the advice and consent of the Senate, a surveyor-general each for the States of North Dakota and South Dakota, embracing, respectively, one surveying district.

Sec. 2. That the surveyors-general of North Dakota and South Dakota shall each receive a salary at the rate of \$2,000 per annum.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BYNUM. I withdraw the call for the regular order to allow this bill to be considered, as I understand it is a matter of great public necessity.

There being no objection, the House proceeded to the consideration of the bill.

Mr. SPRINGER. I desire to ask the gentleman from Illinois [Mr. PAYSON] what is the necessity for the passage of this bill? Does not the general law cover this matter?

Mr. PAYSON. Prior to the division of the Territory of Dakota and the admission of the States of North and South Dakota there was a surveyor-general for the Territory, whose office, under the statute, was located at Huron, now in South Dakota. When we provided for the division of the Territory and the admission of North and South Dakota no provision was made, as the gentleman is aware, for these officers. There is now no officer having charge of surveys in North Dakota, and the Interior Department is of opinion that the officer appointed under the statute creating the office of surveyor-general for Dakota Territory has no power in South Dakota. Hence the necessity for the passage of this bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ARTICLES FOR ST. LOUIS EXPOSITION OF 1890.

Mr. FRANK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5874) to admit free of duty articles intended for the St. Louis Exposition in 1890 which may be imported from the Republic of Mexico.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

*Be it enacted, etc.*, That all articles which shall be imported from the Republic of Mexico for the sole purpose of exhibition at the St. Louis Exposition, to be held in the city of St. Louis during September and October, in the year 1890, shall be admitted without the payment of duty or customs fees or charges, under such regulations as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles as shall be sold in the United States or withdrawn for consumption therein at any time after such importation shall be subject to the duties, if any, imposed on the like articles by the revenue laws in force at the date of the importation: *And provided further*, That in case any articles imported under the provisions of this act shall be withdrawn for consumption or shall be sold without payment of duty, as required by law, all the penalties prescribed by the revenue laws shall be applied and enforced against such articles and against the persons who may be guilty of such withdrawal for sale.

The committee recommend the adoption of the following amendment:

Insert, in line 4, after the word "Mexico," "being the growth or product thereof."

There being no objection, the bill was considered, the amendment agreed to, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FRANK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SPOONER, indefinitely, on account of important business.

#### ORDER OF BUSINESS.

Mr. KILGORE. I demand the regular order.

The SPEAKER. The regular order is the morning hour, which begins at 12 o'clock and 37 minutes p. m. The call rests with the Committee on the Judiciary.

Mr. EZRA B. TAYLOR. I yield to my colleague on the committee, the gentleman from New Jersey [Mr. BUCHANAN].

## NATURALIZATION OF NAVAL RECRUITS.

Mr. BUCHANAN, of New Jersey. Mr. Speaker, on yesterday when the morning hour terminated the House was considering the bill (H. R. 8104) to amend section 2166, Revised Statutes of the United States.

The SPEAKER. The question is on agreeing to the amendment reported by the Committee on the Judiciary.

Mr. HOLMAN. I ask for the reading of the amendment.

The amendment was read, as follows:

The committee recommend the striking out of all after the enacting clause and inserting:

"That the provisions and benefits of section 2166 of the Revised Statutes of the United States be, and they are hereby, extended to those who enlisted in the Navy of the United States prior to the 1st day of May, 1865, and who have been honorably discharged therefrom."

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUCHANAN, of New Jersey, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## OATHS IN PENSION AND OTHER CASES.

Mr. BUCHANAN, of New Jersey. On behalf of the Committee on the Judiciary I now call up for consideration the bill (H. R. 578) in relation to oaths in pension and other cases.

The bill is as follows:

*Be it enacted, etc.,* That any and all affidavits and declarations to be hereafter made or used in any pension or bounty cases, or in claims against the Government for back pay or arrears or increase of pension, or for quarterly vouchers, or oath of allegiance may be taken by any officer authorized to administer oaths for general purposes in the State, city, or county where said officer resides. If such officer has a seal and uses it upon such paper, no certificate of a county clerk, or prothonotary, or clerk of a court shall be necessary; but when no seal is used by the officer taking such affidavit, then a clerk of a court of record, or a county or city clerk, or prothonotary having a seal shall affix it thereto and shall certify to the signature of said officer, to the effect that such certifying officer believes his signature is genuine.

The committee recommend the adoption of the following amendment:

Strike out all after the enacting clause and insert:

That any and all affidavits and declarations to be hereafter made or used in any pension or bounty cases, or in claims against the Government for back pay or arrears or increase of pension, or for quarterly vouchers may be taken by any officer authorized to administer oaths for general purposes in the State, city, or county where said officer resides. If such officer has a seal and uses it upon such paper, no certificate of a county clerk, or prothonotary, or clerk of a court shall be necessary; but when no seal is used by the officer taking such affidavit, then a clerk of a court of record, or a county or city clerk, shall affix his official seal thereto, and shall certify to the signature and official character of said officer.

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUCHANAN, of New Jersey, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## CUSTODY OF PRISONERS IN CERTAIN CASES.

Mr. EZRA B. TAYLOR. Mr. Speaker, I now call up, on behalf of the Committee on the Judiciary the bill (H. R. 6956) to amend section 790 of the Revised Statutes, with an amendment recommended by the committee.

The bill is as follows:

*Be it enacted, etc.,* That section 790 of the Revised Statutes be amended so as to read as follows, to wit:

"Sec. 790. Every marshal shall be held responsible for the delivery to his successor of all persons who may be in his custody at the time of his removal or when the term for which he is appointed expires, and for that purpose he may retain such prisoners in his custody until his successor is appointed and qualified."

The committee recommend the adoption of the following amendment:

Add to the bill this proviso:

"Provided, That if process is being served at the time the qualification of the marshal's successor is perfected, such service may be completed by the officer serving the same."

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. EZRA B. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## DEPOSITIONS OF WITNESSES, UNITED STATES COURTS.

Mr. EZRA B. TAYLOR. I now yield to my colleague on the committee, the gentleman from Ohio [Mr. THOMPSON].

Mr. THOMPSON. I call up for consideration the bill (H. R. 843) to provide an additional mode of taking depositions of witnesses in cases pending in the courts of the United States.

The bill was read, as follows:

*Be it enacted, etc.,* That in addition to the mode of taking the depositions of witnesses in cases pending at law or equity in the district and circuit courts of the United States it shall be lawful to take the depositions or testimony of witnesses in the mode prescribed by the laws of the State in which the courts are held.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. THOMPSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## LIMITATIONS OF SUITS AGAINST ACCOUNTING OFFICERS, ETC.

Mr. EZRA B. TAYLOR. I now yield to my colleague on the committee, the gentleman from Alabama [Mr. OATES].

Mr. OATES. Mr. Speaker, on behalf of the committee I ask consideration of the bill (H. R. 64) to limit the time to six years within which suits may be brought against accounting officers and the sureties on their official bonds.

The bill is as follows:

*Be it enacted, etc.,* That no suit shall be commenced and prosecuted against any disbursing officer or other person intrusted with any moneys belonging to the United States, or the sureties upon the official bond of any such officer or person, after six years from and after the expiration of the term of such officer or person, or from and after such officer or person ceases from any cause to exercise the functions of such office or trust.

Sec. 2. That no suit shall be commenced or prosecuted against any disbursing officer or person intrusted with moneys belonging to the United States whose term of office has expired or trust ceased before the approval of this act, or against the sureties on the official bond of such, unless such suits be commenced within six years next after the approval of this act.

Mr. HOPKINS. I ask that the report accompanying this bill be read.

Mr. OATES. I will state in brief, Mr. Speaker, the reasons for recommending the passage of the bill. I introduced this bill in the last Congress, and it was favorably reported then without amendment, and is unanimously reported now from the committee. The purpose is to create a statute of limitation of six years, within which time the Government shall bring suit on the bonds of a defaulting officer or his sureties, after he has gone out of office, or whose authority has ceased from any cause. There is now no statute of limitation; and there are often cases arising where an officer had passed out of office, had been removed, resigned, or his term of office had expired, and where no final settlement had been made; yet, perhaps, after the expiration of fifteen or twenty years, when his sureties had a right to suppose that all the accounts had been settled, suits have been brought, and men have been ruined in cases where they were not aware that there was any latent liability.

This bill requires the Government to bring such suit within six years after the officer ceases, from any cause, to perform the functions of his office or after the expiration of his term of office, or else such suit is barred.

Mr. HOOKER. Does it also include suits on the official bond of sureties?

Mr. OATES. Yes.

Mr. HOOKER. That is proper; it should do so.

Mr. HOPKINS. But in the case of an officer whose official term shall expire within six years after this becomes a law it will bar the prosecution of the case against his sureties, as I gather from the reading of the bill.

Mr. ADAMS. No.

Mr. OATES. It will take six years, after the officer has gone out of office, before the bar of this statute will run; in other words, it will take six years after the approval of this act before the bar is completed.

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time.

Mr. HOLMAN. I ask that the report be read.

The SPEAKER. Does the gentleman from Alabama yield to have the report read?

Mr. OATES. The report, I will say to the gentleman from Indiana, contains nothing more than I have already stated in regard to the purposes of the bill.

Mr. HOLMAN. I am opposed to the bill. The accounts of officers are often not made up within six years.

Mr. OATES. Does the gentleman say that they can not be made up in that time?

Mr. HOLMAN. I say that often they are not made up in six years.

Mr. OATES. They ought to be.

Mr. HOLMAN. That is true, but it is the case, nevertheless, that they are frequently not made up within that time, and the fact that they are not made up is not proof of any neglect on the part of the auditing officers.

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Indiana?

Mr. OATES. I do not understand what the gentleman desires.

Mr. HOLMAN. At present I wish to hear this report read.

Mr. OATES. Well, then, I will have it read in my time.

The report was read, as follows:

The Committee on the Judiciary, to whom was referred House bill No. 64, have



had the same under consideration and respectfully recommend that the same do pass.

The effect of the bill is to limit the right of action by the Government against any disbursing officer or other person intrusted with any moneys belonging to the United States, and the sureties upon official bonds, to six years from and after the expiration of the term when such officer or person ceases from any cause to exercise the functions of such office or trust.

The committee believe that the proposed bill, if enacted into law, will have the effect of bringing about speedy settlements by the Government with its disbursing officers and others intrusted with public funds, and will thus save large sums that might otherwise be lost. Whilst effecting this purpose it will prevent those cases of extreme hardship, now far too frequent, where sureties upon official bonds are obliged by the Government to pay large sums of money when no liability was supposed to exist, and after the lapse of so many years that legal defenses that might have existed fail by reason of the fact that the principal or his witnesses or both are dead.

Mr. HOLMAN. Mr. Speaker, I hope the gentleman from Alabama will allow an amendment to strike out so much of this bill as applies to the disbursing officer himself, and permit it to apply only to the sureties.

Mr. OATES. I can not yield to that, but I will yield the gentleman time if he desires to debate the bill.

Mr. HOLMAN. I do not care to discuss this matter unless I have opportunity to submit an amendment. While I sympathize with this measure so far as it affects the sureties, it seems to me that a disbursing officer having charge of public funds ought not to be relieved at the expiration of six years from any action covering any deficit or liability so far as the officer himself is concerned.

Mr. OATES. Six years after the time he ceases to be an officer.

Mr. HOLMAN. While I am not able to assert it with confidence, yet I feel reasonably certain that many instances can be found where, without any official negligence on the part of the auditing officers, the accounts have not been made up within six years; and while I can sympathize with the sureties, I think that as to the officer himself no such favor ought to be extended as proposed in this bill.

Mr. OATES. The Government ought to be stimulated to make out its accounts and have them settled within six years. I yield two minutes to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I can now recall quite a number of cases of this character which have come before the Committee on the Judiciary for consideration within the last six years, wherein the defalcations charged were made from fifteen to thirty years ago. Manifestly the law of lapse of time, the death of sureties, the insolvency of the parties, and various facts have occurred during that time make it necessary to exculpate or release the sureties, and the argument of the gentleman from Indiana that the principal ought not to be released is destructive of itself.

In nearly every one of these cases the principal has become insolvent. The very object of the bill is to spur the flanks of the Government and make it bring these parties to a settlement while they are solvent. The sureties ought to be discharged and the other party exculpated if the Government does not find any defalcation in the accounts of the officer within six years after the time of his going out of office. If the Government does not settle its accounts within that time, it is one of the very highest reasons to make it do its duty in order that the people may be protected from these defaulting officers. So that I conceive that the very argument that the gentleman from Indiana makes destroys itself and illustrates the necessity of a bill of this character, which will compel the Government to bring suits within a reasonable time after the defalcations of its officers. That is in the interest of the Government and of the people.

Mr. OATES. I demand the previous question on the engrossment and third reading of the bill.

Mr. HOLMAN. I indulge in the prediction that if this bill is passed many an embezzler of the public funds will be relieved thereby.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. OATES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### UNITED STATES COURTS IN WASHINGTON.

Mr. EZRA B. TAYLOR. Mr. Speaker, there is no other bill from our committee ready for action this morning except a bill fixing the time and place for holding courts in the State of Washington. It is a Senate bill. That bill was reported favorably by the Committee on the Judiciary this morning, but is not accompanied by any written report and could not be. If it is in order, I would like to submit it; if not, I will withhold it.

The SPEAKER. If the gentleman sends up the bill and no point of order is made against it, it can be considered.

The Clerk read as follows:

A bill (S. 2653) to provide for the times and places to hold terms of the United States courts in the State of Washington.

*Be it enacted, etc.,* That the State of Washington shall constitute one judicial district.

SEC. 2. That the circuit court of the United States in and for the State of Washington shall be held at the times and places provided by law for the holding of the United States district court in and for said district, and one grand and one

petit jury only shall be summoned to serve in both said courts when held at the same place.

SEC. 3. That, for the purpose of holding terms of the district court, said district shall be divided into four divisions, to be known as the eastern, southern, northern, and western divisions. The counties of Spokane, Stevens, Okanogan, Douglas, Lincoln, Adams, and Kittitas, including any and all Indian reservations in one or more of said counties, shall constitute the eastern division, the court for which shall be held at the city of Spokane Falls. The counties of Whitman, Asotin, Garfield, Columbia, Walla Walla, Franklin, Yakima, and Kiklat, including any and all Indian reservations in one or more of said counties, shall constitute the southern division, the court for which shall be held at the city of Walla Walla. The counties of Whatcom, Skagit, San Juan, Island, Snohomish, Clallam, Jefferson, Kitsap, and King, including any and all Indian reservations in one or more of said counties, shall constitute the northern division, the court for which shall be held at the city of Seattle. The counties of Pierce, Mason, Thurston, Chehalis, Pacific, Lewis, Wahkiakum, Cowlitz, Clarke, and Skamania, including any and all Indian reservations in one or more of said counties, shall constitute the western division, the court for which shall be held at the city of Tacoma.

SEC. 4. That all civil suits not of a local character, which shall be brought in the district or circuit courts of the United States for the district of Washington, in either of the said divisions against a single defendant, or where all the defendants reside in the same division of said district, shall be brought in the division in which the defendant or defendants reside, or, if there are two or more defendants residing in different divisions, such suit may be brought in either division, and all process subject to the provisions of this act, issued in either of said divisions, may be served and executed in either or all of said divisions. All issues of fact in civil cases triable in any of the said courts shall be tried in the division where the defendant or one of the defendants resides, unless by consent of both parties the case shall be removed to some other division.

SEC. 5. That the clerk of the circuit and district courts for said district shall each appoint a deputy clerk at the place where their respective courts are required to be held in the division of the district in which such clerk shall not himself reside, each of whom shall, in the absence of the clerk, exercise all the powers and perform all the duties of clerk within the division for which he shall be appointed: *Provided*, That the appointment of such deputies shall be approved by the court for which they shall have been respectively appointed, and may be annulled by such court at its pleasure, and the clerks shall be responsible for the official acts and negligence of all such deputies.

SEC. 6. That the terms of the district court for the district of the State of Washington shall be held at the city of Spokane Falls on the first Tuesday of September and April in each year, at the city of Walla Walla on the first Tuesday of November and May in each year, at the city of Seattle on the first Tuesday of December and June in each year, and at the city of Tacoma on the first Tuesday in February and July of each year. And the provision of statute now existing for the holding of said courts on the first Monday in April and November in each year is hereby repealed, and all suits, prosecutions, process, recognizances, bail bonds, and other things pending in or returnable to said court on the days last named are hereby transferred to and shall be made returnable to and have force in the said respective terms in this act provided, in the same manner and with the same effect as they would have had had said existing statute not been passed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. EZRA B. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### CONTINUING PUBLICATION OF SUPPLEMENT TO REVISED STATUTES.

Mr. EZRA B. TAYLOR. I now yield to the gentleman from Alabama [Mr. OATES].

Mr. OATES. Mr. Speaker, I ask consideration of the bill (S. 567) to continue the publication of the Supplement to the Revised Statutes.

The bill was read, as follows:

*Be it enacted, etc.,* That the publication of the Supplement to the Revised Statutes, embracing the statutes general and permanent in their nature, passed after the Revised Statutes, with references connecting provisions on the same subject, explanatory notes, and citations of judicial decisions, be continued and issued in one volume, to include the general laws of the Forty-seventh, Forty-eighth, Forty-ninth, Fiftieth, and Fifty-first Congresses, with a table of alterations and a general index to the whole, to be prepared and edited by the editor of the existing Supplement, authorized by the joint resolution of June 28, 1890, numbered 44 (Supplement to Revised Statutes, page 582), to be stereotyped at the Government Printing Office, using the present plates, as far as practicable, with such alterations as may be found necessary; the work and plates and all right and title therein and thereto to be in and fully belong to the Government for its exclusive use and benefit.

SEC. 2. That a sufficient number of copies be printed and bound for distribution, and to be distributed to members of Congress for themselves, and for distribution by them, to the Departments, libraries, public officers, and others, the same number to each as heretofore provided by Congress for the distribution of the Revised Statutes of the United States, and the same number to the editor as to a member of Congress, and such additional copies on the order of the Secretary of State as may be necessary from time to time to supply deficiencies and offices newly created, and for keeping for sale in the same manner and like terms as the Revised Statutes are required to be kept for sale. For preparing and editing said supplement, including the legislation of the Fifty-first Congress, and the indexing and all clerical work necessary to fully complete the same, there shall be paid to said editor the sum of \$6,000.

SEC. 3. That the publication herein authorized shall be taken to be prima facie evidence of the laws therein contained, but shall not change nor alter any existing law, nor preclude reference to nor control, in case of any discrepancy, the effect of any original act passed by Congress.

Mr. OATES. This bill is unanimously reported by the Committee on the Judiciary, and is for the continuation of the publication of the Supplement to the Revised Statutes.

Mr. BRECKINRIDGE, of Kentucky. Does it carry an appropriation?

Mr. OATES. It does; but I hope the gentleman will not make a point of order.

The SPEAKER. It is proper for the Chair to say to the House that this is not strictly within the rule for business during the morning hour, and would, under the rule, go to the Committee of the Whole House on the state of the Union.

Mr. OATES. Mr. Speaker, it is a measure in which every one is interested, and I presume no one will object to its passage.

The SPEAKER. The Chair thought it its duty to inform the House.

Mr. COVERT. Mr. Speaker, may I ask what is the pending proposition?

The SPEAKER. The pending proposition is the third reading of the Senate bill 567, providing for continuing the publication of the Supplement to the Revised Statutes.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. OATES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ORDER OF BUSINESS.

Mr. EZRA B. TAYLOR. I now yield to my colleague on the committee, the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, the Committee on the Judiciary request me to ask for a change of reference of the bill (H. R. 313) to prohibit the formation of interstate trusts and trade conspiracies, which I send to the Clerk's desk.

The SPEAKER. That should be made at another time. The Chair would suggest immediately after the reading of the Journal.

Mr. ROGERS. I had some little doubt about that question, and expressed it to the chairman.

Mr. EZRA B. TAYLOR. I also had some doubt.

The SPEAKER. The Chair will present it to-morrow at the proper hour.

Mr. ROGERS. Very well.

Mr. EZRA B. TAYLOR. Mr. Speaker, I have nothing more from the Committee on the Judiciary.

The SPEAKER. The other day the Chair omitted to call the select committees, and thinks now they ought to be called if the mistake puts them at any disadvantage.

The Select Committee on Irrigation of Arid Lands in the United States was called.

Mr. LANHAM. I ask unanimous consent that the committee be passed without prejudice.

Mr. DUNNELL. I object.

The Committee on Banking and Currency was called.

Mr. DORSEY. Mr. Speaker, I ask that the Committee on Banking and Currency be passed without prejudice.

There was no objection, and it was so ordered.

The Committee on Commerce was called.

Mr. BAKER. Mr. Speaker, the Committee on Commerce desire to present certain bills, and I now yield the floor to my colleague on the committee, the gentleman from Georgia [Mr. TURNER].

#### BRIDGE ACROSS THE OCONEE.

Mr. TURNER, of Georgia. Mr. Speaker, I ask the present consideration of the bill which I send to the desk.

The Clerk read the bill, as follows:

A bill (H. R. 7933) to amend section 4 of "An act authorizing the county of Laurens, in the State of Georgia, to construct a bridge across the Oconee River at or near Dublin, in said county and State," approved June 18, 1888.

Be it enacted, etc., That section 4 of "An act to authorize the county of Laurens, in the State of Georgia, to construct a bridge across the Oconee River at or near Dublin, in said county and State," approved June 18, 1888, which reads as follows: "That if the construction of the bridge hereby authorized shall not be commenced within two years from the time this act takes effect, and be completed within four years after its commencement, then this act shall be void," be, and the same is hereby, so amended as to read as follows: "That if the construction of the bridge hereby authorized shall not be commenced within three years from the 1st day of January, 1891, and be completed within four years after its commencement, then this act shall be void."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TURNER, of Georgia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BAKER. I now yield to the gentleman from Maryland [Mr. STOCKBRIDGE].

#### LINE-CARRYING PROJECTILES.

Mr. STOCKBRIDGE. Mr. Speaker, I ask the present consideration of the bill (H. R. 8239) to amend section 4488, Title LII, of the Revised Statutes, as amended by Chapter 418 of the acts passed at the second session of the Fiftieth Congress.

The bill was read, as follows:

Be it enacted, etc., That section 4406, Title LII, of the Revised Statutes, as amended by Chapter 418 of the acts passed at the second session of the Fiftieth Congress, be, and the same is hereby, amended as follows: By adding to the said amended section the following words: "Provided, That so much of the foregoing provisions as relates to line-carrying projectiles and the means of propelling them shall not be construed as applicable to steamers plying exclusively upon any of the lakes, bays, or sounds of the United States."

SEC. 2. That this act take effect from the date of its passage.

The SPEAKER. The question is upon ordering the bill to be engrossed and read a third time.

Mr. ADAMS. Mr. Speaker, I should like to have this bill explained.

Mr. McMILLIN. Mr. Speaker, let us have the report read or else a statement of the object of the bill.

Mr. STOCKBRIDGE. Mr. Speaker, in explanation of this bill I will say that the act of the Fiftieth Congress upon this subject requires all steamers to carry, in addition to life-preservers and life-boats, certain life-saving appliances for the throwing on shore of life-lines, so called. It is proposed by this act to exempt from the operation of that law steamers which navigate solely the inland waters of the United States, while leaving the law in full force in its application to ocean vessels. In further explanation of the reason for this proposed legislation—and gentlemen will remember that it was brought up incidentally on Saturday last when the time for the taking effect of the law was extended for one year—in further explanation I will say that upon the passage of the law requiring these appliances to be carried on steamers certain life-line-carrying instruments were greatly increased in price. The requirement of the law is, as I conceive, an eminently proper one in relation to vessels navigating the ocean or along other coasts where there are life-patrols; but upon bays and sounds, and in regions where there are no such patrols, the law simply entails an expense upon the vessels, a large number of which are small, and at the same time is of no practical benefit for the saving of life.

Mr. BOUTELLE. I wish to ask the gentleman whether it is not possible to frame legislation which will provide some method to be used by steamers for getting a line on shore without subjecting them to the extortion of any particular inventor or manufacturer.

Mr. STOCKBRIDGE. In response to that I will say that upon a large portion of the mileage of the shores of the inland waters there would be no one to receive the line if it were thrown ashore. The provisions of the law require the appliances that are used to be approved by the officials of the Treasury Department. Three such appliances have been approved by the Department, the Hunt gun, the Lisle gun, and the Cunningham rocket, and it would not be a compliance with the law to use any other methods. In fact, to use any instruments except those approved by the Department would entail a fine of \$1,000 upon the vessel, as well as a forfeiture of its license.

Mr. BOUTELLE. What amendment does your committee propose to the law?

Mr. STOCKBRIDGE. The proposed amendment is to relieve vessels on the inland waters, but not ocean vessels, from the requirement that they shall carry these life-line-throwing appliances, the belief being that, in the shallower depths in which they run, the other provisions of law providing for life-preservers, life-boats, and life-rafts afford ample security.

Mr. BOUTELLE. I should like to hear from some of the gentlemen on the Lake shores upon this point. There is a very large commerce on the Great Lakes.

Mr. STOCKBRIDGE. There have been numerous requests from the lake-shore region directly in the line of this proposed legislation. The gentleman from Michigan [Mr. CHIPMAN] was before the committee as representing the lake interests, and also ex-Senator Conger, representing the same interests, asking the enactment of this very legislation.

Mr. BOUTELLE. But did not those gentlemen represent rather the steamboat interests than the interests of the people to be benefited by these life-saving appliances?

Mr. BREWER. I wish to ask the gentleman whether the Senate bill which we passed here the other day did not relate to this subject and was not somewhat similar to this bill.

Mr. STOCKBRIDGE. That bill suspended for one year the operation of the law of last Congress as to all steamers, both ocean-going and on inland waters. This bill proposes to fix the law definitely upon the expiration of that extension of time.

Mr. LIND. Will the gentleman state whether the extraordinary advance in the price of these rockets and other appliances after they had been approved by the Treasury Department was not one of the reasons which suggested this proposed repeal.

Mr. STOCKBRIDGE. It is one of the very important reasons.

Mr. BREWER. Does this bill propose to substitute anything in the place of the requirement of the existing law?

Mr. STOCKBRIDGE. It does not.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STOCKBRIDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BRIDGES ACROSS IOWA RIVER.

Mr. BAKER. I yield to my colleague on the committee, the gentleman from Iowa [Mr. SWENEY], that he may call up two bills.

Mr. SWENEY. On behalf of the committee, I call up the bill (H. R. 8296) to allow the erection of bridges across the Iowa River at and below Wapello, Iowa.

The bill was read, as follows:

Be it enacted, etc., That, subject to the laws of Iowa, any person, corporation, or association may erect and maintain railroad or wagon and foot-passenger bridges or railroad and wagon and foot-passenger bridges across and over the Iowa River, within the State of Iowa, between the mouth of said river and the



town of Wapello, in Louisa County, Iowa, and at said town of Wapello; and in said bridge or bridges no draw shall be required.

Sec. 2. That the right to modify, alter, or amend this act is hereby expressly reserved.

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time.

Mr. DUNNELL. I wish to inquire whether there is any navigation on this river where these bridges are to be constructed?

Mr. SWENEY. There is not, practically, any navigation there, and has not been for nearly thirty years. The report of the committee includes a letter on this subject from the Army engineer. This portion of this river, embracing 21 miles, all in one county, is not, and for many years has not been, navigable except occasionally when there was very high water. This measure is desired by all the people living along the river.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SWENEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### INSPECTORS OF HULLS AND BOILERS, FIFTH DISTRICT.

Mr. SWENEY. I now call up the bill (H. R. 278) to amend paragraph 3 of section 4414 of the Revised Statutes.

The bill was read, as follows:

*Be it enacted, etc.,* That paragraph 3 of section 4414 of the Revised Statutes of the United States be amended as follows: Strike out the word "Galena," in said paragraph 3, and insert the word "Dubuque."

Mr. HOLMAN. Mr. Speaker, the nature of this bill is not indicated by the proposed amendment. I hope the bill itself will be read.

The SPEAKER. The bill has been read. The gentleman from Iowa [Mr. SWENEY], who has charge of the bill, can explain it.

Mr. SWENEY. The report of the committee gives an explanation.

Mr. HOLMAN. I waive my request.

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time.

Mr. HITT. Mr. Speaker, the gentleman from Indiana [Mr. HOLMAN] has very pertinently asked for an explanation of this bill. I will explain it. It is a bill to take two public offices from a town on the east side of the Mississippi River, in my district, and transfer them across the river to a town in the district of my honorable friend from Iowa [Mr. HENDERSON]—the town where he resides. Two inspectors, one of hulls and one of boilers, are now at Galena, in public offices built at great expense, where they have been for many years, where they are well accommodated, as are the public. This proposition is to take them across the river to Dubuque, where the public building is now overcrowded, as I learn from a Dubuque paper which has been handed me, which says of the United States Government building there:

The building is not adequate to the needs of the Government offices here—

This is a report of the statement made at a meeting of the board of trade—

and the assistant superintendent of public buildings is now under orders to come to Dubuque and report on the needs of the Government here.

It was suggested at this meeting that the Government might be induced to build a \$500,000 custom-house if the county would buy the old building and proper representations were made.

Supervising Inspector Sloan was at the town of Galena recently, since this bill was brought to the House, and I have a telegram—there has not been time for much communication—that he then declared that he preferred that the offices should remain at Galena. I will give the language that was communicated to me by the mayor's telegram:

Supervising Inspector John D. Sloan was here yesterday, and he is earnest in his statement that the public is as well served by the officers being in Galena as they could possibly be in Dubuque.

Mr. BRECKINRIDGE, of Kentucky. The gentleman from Illinois will allow me to ask as to the location of Galena with reference to the river—

Mr. HITT. About three miles and a half distant from the Mississippi River.

Mr. BRECKINRIDGE, of Kentucky. And whether it is entirely convenient in all stages of water for large steam-boats to go to Galena.

Mr. HITT. I will explain the facilities of the inspectors. Galena, formerly an active port, is also a railway station; there are three railways giving quick communication with every place up and down the river. The inspectors uniformly go to the boats and they go by rail.

Mr. BRECKINRIDGE, of Kentucky. I do not think the gentleman caught correctly the question I asked, which was this: Is Galena so situated that in all stages of water the boats to be inspected can go to Galena?

Mr. HITT. They can not go there ordinarily.

Mr. HOPKINS. It is not necessary they should.

Mr. HITT. But the inspectors go from their offices to the boats.

Mr. BRECKINRIDGE, of Kentucky. Then, as I understand, matters are so fixed that the inspectors can go down to the boats by rail. Now, if these offices be removed to Dubuque, would the inspectors still have to go by rail?

Mr. HITT. They would.

Mr. BRECKINRIDGE, of Kentucky. Could they not then go by street car?

Mr. HITT. The case is not as the gentleman thinks. A boat is inspected generally where it is owned. The headquarters of a boat is its place of ownership. They are inspected whenever and wherever they are ready. There are more owned at La Crosse than at Dubuque. They are owned at Davenport, at Clinton, and at points all along the river; and the inspectors, being summoned by telegram or note, go to the boats whenever they are required to be inspected. I know that Captain Scott, the late inspector, now deceased, who at one time, for family reasons, lived at Dubuque, did not generally inspect boats there; he was going to different points on the river all the while.

Now, the steam-boat men have been canvassed for the purpose of securing petitions on this subject. The gentleman from Iowa [Mr. HENDERSON] stated the other day that he had been seven years working at this matter. He has, no doubt, done it well. We all know how the petition business, when conducted by men of great ability, as the gentleman from Iowa undoubtedly is, backed, too, as he is by many friends who have local interest and influence in Dubuque, can induce the presentation of a great number of names.

Mr. HENDERSON, of Iowa. The gentleman will allow me to correct him. I made no such statement; but I said that the shipping interests of the Mississippi River, the owners of the shipping interests of that river, had for eight years been knocking at the doors of Congress to have these offices, not the officers (for one of them has been at Dubuque any way), taken from Galena, 12 miles by rail from the Mississippi River, and located on the river.

These are the interests which have fought for it. I have simply tried to present their wishes.

Mr. HITT. You will have an opportunity.

Mr. HENDERSON, of Iowa. I desire to correct you.

Mr. HITT. You will have an opportunity to state your case. Boatmen of the Mississippi undoubtedly, at Dubuque with local interests, would be unanimous. They would be as enthusiastically unanimous to get that as a public building or anything else.

Mr. HENDERSON, of Iowa. They are unanimous from St. Paul to Keokuk—not at Dubuque alone.

The SPEAKER. The gentleman from Iowa must not interrupt without the gentleman's consent.

Mr. HENDERSON, of Iowa. I supposed the gentleman gave his graceful tacit assent.

Mr. HOPKINS. He dared not refuse you, you went at him so fiercely.

The SPEAKER. It would be difficult for the gentleman, under the circumstances, to do anything else than assent. [Laughter.]

Mr. HITT. I gave way to the gentleman when he first rose, supposing he would ask, as he usually does, some pointed question. He only answered the question which had arisen in his own mind. He will have a chance to state his views further on.

The boating interest at any place desires local advantage, which is natural. Every gentleman knows that who has a public-building question brought to his attention. These buildings or offices at Galena, which were erected for the purpose of public business, have served that public business well. The Government has expended there over \$70,000. Do you propose vacating them in order to facilitate this project of bringing on a \$500,000 building, a great structure to be erected at Dubuque? Undoubtedly that is a popular scheme at Dubuque. This Dubuque paper says: "The office is of no particular benefit to Galena, but would be a big thing for Dubuque."

River men are divided on this question by local influence. From a carefully made statement before me in a Galena paper, the Gazette, it appears that "exclusive of roustabouts, there are three times as many steam-boat men live in Galena as in Dubuque." It is an ancient seat of commerce, a strong old town, and the owners of these boats are there yet, and steam-boat men of all kinds are there in great numbers.

It is not on the immediate bank of the Mississippi River; the stream that passes through Galena is at present obstructed and the harbor impaired, but it is the place where this public business has been done so satisfactorily that, when I inquired at the Treasury if there were complaints of the fact that the offices were at Galena or the inspectors had not been prompt and faithful and convenient, I could find none. I have given you the latest word of the officer of the Government who has charge of that duty on the ground.

This matter was suddenly brought before the House for consideration a short time ago, and was, at my request, referred back to the committee, which of course adhered to its original decision. I asked for further time, which the House was courteous enough to give me, that I might present my constituents' side properly in the committee, but as was expected the committee adhered to its decision, as committees usually do.

I trust, Mr. Speaker, this House will not change two public offices from the place where they have been for a lifetime, where they have served the convenience of commerce, where they have been at the call of steam-boats, and have never failed. I know of no complaint of their failing to be present when their duty required them for inspection. Rail-

roads take them quickly up and down the river, for the river is lined on both sides with convenient railroad stations, and inspectors meet boats at whatever point is required. I trust the House will reject the bill.

Mr. SWENEY. I wish to make an explanation. I had no opportunity to make it.

Mr. HATCH. Mr. Speaker, I do not desire to take any time of the House unnecessarily—

The SPEAKER. The Chair understood the gentleman from Missouri to rise for the purpose of asking a question.

Mr. HATCH. Then I ask the gentleman in charge of the bill to yield to me for a moment or two.

Mr. SWENEY. I will yield to the gentleman for a few minutes.

Mr. HATCH. I do not propose to take any part in the personal controversy between the two distinguished gentlemen who represent these districts upon opposite sides of the Mississippi River. I have the highest feeling of regard for both of them, outside of their politics. But I want to state to the House what I know of the facts of this case, as coming from that class of citizens most directly interested in the change suggested by this bill.

I was up the Mississippi River on two or three occasions last spring, as late as August, and had occasion to confer with steam-boat men with whom I came in contact, either on the steam-boats or in connection with them, at different points on the river, and found that all with whom I conversed were most earnestly in favor of this transfer and gave their reasons for it. Many of the large shippers, large lumbermen, and those interested in the carrying trade of the river talked to me from day to day and most earnestly requested, when this measure came up for consideration in Congress, that I would support it, and they gave me their reasons in favor of it. I did not see a single steam-boat man connected with any of the lines on the Upper Mississippi River who was not seriously and earnestly urging it, and without taking any part in the personal feeling between these gentlemen on this question I hope the House will vote for the bill in the interest of the steam-boat men and in the interest of the carrying trade of the Upper Mississippi River.

Mr. HOPKINS. Will the gentleman allow me a question?

Mr. HATCH. Certainly.

Mr. HOPKINS. Does the gentleman live on the west side of the Mississippi River?

Mr. HATCH. He does, and is proud of it.

Mr. HOPKINS. And these offices are to be transferred from the east to the west side if the bill passes?

Mr. HATCH. They are. But I will state to the gentleman that I do not even live in the inspection district and have no more interest, except as a citizen of the Mississippi Valley, than any other man living in that whole region of country. I live in the St. Louis inspection district; but am very proud that I am on the west side of the river.

Mr. HOPKINS. Well, the east side are proud in the same manner.

Mr. SWENEY. Mr. Speaker, this bill was reported from the House Committee on Commerce with the recommendation that it should be passed by the House; but upon the request of the gentleman from Illinois [Mr. HITT] it was referred back to the committee in order that he might have a hearing before the committee should act finally upon it. That hearing was had and the committee have reported the bill again and recommend its passage, without any minority report, there being only one vote in the committee, I believe, against it, the member from Illinois.

Galena used to be a city of considerable commercial importance, but it has long ceased to be such, and the 6 miles of bayous leading from the Mississippi River to Galena have long since filled up entirely or almost entirely with mud, and navigation has ceased.

A project is before Congress at the present time for the appropriation of \$190,000 for the purpose of opening up a channel of 6 miles for navigation from the river to Galena.

This bill proposes to transfer the office of inspector of hulls and boilers from a town 6 miles from the Mississippi River to a town located upon the river, though it is on the west side. That is all the bill proposes.

The Supervising Inspector-General of Hulls and Boilers as long ago as 1881 recommended urgently that this change should be made, and there is no reason why this legislation should longer be delayed or this office should longer be located at Galena. The committee believe the bill should be adopted for these and other reasons, which are fully stated in the report; and now, Mr. Speaker, I believe that the House has been placed in possession of all the facts by the discussion, and is sufficiently informed to act upon the matter, and I therefore move the previous question upon the bill.

The previous question was ordered; under the operation of which the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SWENEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ORDER OF BUSINESS.

Mr. BAKER. I now yield to the gentleman from Georgia [Mr. TURNER].

Mr. BREWER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the fortification appropriation bill.

The motion was agreed to.

#### FORTIFICATION APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYSON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 3891) making an appropriation for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service for the fiscal year 1891, and for other purposes.

Mr. BREWER. I desire that the bill should be read by paragraphs, but I ask unanimous consent to dispense with the first formal reading of the bill.

Mr. McMILLIN. I think the bill should be read at length.

Mr. BREWER. Then let the bill be read.

The bill was read at length.

Mr. BREWER. Mr. Chairman, I desire to present to the House as briefly as possible the reasons which have induced the Committee on Appropriations to present this bill, and to ask its consideration. For fifteen years and more those at the head of the Executive Department of the Government have been calling the attention of Congress and the country to the defenseless condition of our seacoast and urging that steps be taken to put the same in a reasonable state of defense. Let me call your attention to what has been said upon this point by the later Presidents as well as by their Secretaries of War.

VIEWS OF PRESIDENTS HARRISON, CLEVELAND, ARTHUR, AND HAYES, AND SECRETARIES OF WAR PROCTOR, ENDICOTT, AND LINCOLN AS TO SEACOAST DEFENSES.

[President Harrison, in annual message, first session Fifty-first Congress, 1889.]

Judged by modern standards, we are practically without coast defenses. Many of the structures we have would enhance rather than diminish the perils of their garrisons if subjected to the fire of improved guns; and very few are so located as to give full effect to the greater range of such guns as we are now making for coast-defense uses. This general subject has had consideration in Congress for some years, and the appropriation for the construction of large rifled guns, made one year ago, was, I am sure, the expression of a purpose to provide suitable works in which these guns might be mounted. An appropriation now made for that purpose would not advance the completion of the works beyond our ability to supply them with fairly effective guns.

The security of our coast cities against foreign attack should not rest altogether in the friendly disposition of other nations. There should be a second line wholly in our own keeping. I very urgently recommend an appropriation at this session for the construction of such works in our most exposed harbors.

[President Cleveland, in annual message, second session Forty-ninth Congress, 1886.]

The defenseless condition of our seacoast and lake frontier is perfectly palpable; the examinations made must convince us all that certain of our cities named in the report of the board should be fortified, and that work on the most important of these fortifications should be commenced at once; the work has been thoroughly considered and laid out in the Secretary of War reports, but all is delayed in default of Congressional action.

The absolute necessity, judged by all standards of prudence and foresight, of our preparation for an effectual resistance against the armored ships and steel guns and mortars of modern construction which may threaten the cities on our coasts is so apparent that I hope effective steps will be taken in that direction immediately.

The valuable and suggestive treatment of this question by the Secretary of War is earnestly commended to the consideration of the Congress.

[President Arthur, in annual message, second session Forty-eighth Congress, 1884.]

The Secretary of War submits the report of the Chief of Engineers as to the practicability of protecting our important cities on the seaboard by fortifications and other defenses able to repel modern methods of attack. The time has now come when such defenses can be prepared with confidence that they will not prove abortive; and, when the possible result of delay in making such preparation is seriously considered, delay seems inexcusable. For the most important cities—those whose destruction or capture would be a national humiliation—adequate defenses, inclusive of guns, may be made by the gradual expenditure of \$50,000,000, a sum much less than a victorious enemy could levy as a contribution. An appropriation of about one-tenth of that amount is asked to begin the work, and I concur with the Secretary of War in urging that it be granted.

The War Department is proceeding with the conversion of 10-inch smooth-bore guns into 8-inch rifles, by lining the former with tubes of forged steel or of coiled wrought-iron. Fifty guns will be thus converted within the year. This, however, does not obviate the necessity of providing means for the construction of guns of the highest power, both for the purposes of coast defense and for the armament of war vessels.

The report of the gun foundry board, appointed April 2, 1883, in pursuance of the act of March 3, 1883, was transmitted to Congress in a special message of February 18, 1884. In my message of March 26, 1884, I called attention to the recommendation of the board that the Government should encourage the production at private steel works of the required material for heavy cannon, and that two Government factories, one for the Army and one for the Navy, should be established for the fabrication of guns from such material. No action having been taken, the board was subsequently reconvened to determine more fully the plans and estimates necessary for carrying out its recommendation. It has received information which indicates that there are responsible steel manufacturers in this country who, although not provided at present with the necessary plant, are willing to construct the same and to make bids for contracts with the Government for the supply of the requisite material for the heaviest guns adapted to modern warfare, if a guaranteed order of sufficient magnitude, accompanied by a positive appropriation extending over a series of years, shall be made by Congress. All doubts as to the feasibility of the plan being thus removed, I renew my recommendation that such action be taken by Congress as will enable the Government to construct its own ordnance upon its own territory, and so to provide the armaments demanded by considerations of national safety and honor.



[President Hayes, in annual message last session, Forty-sixth Congress, 1890.]

Special attention is asked to the report of the Chief of Engineers upon the condition of our national defenses. From a personal inspection of many of the fortifications referred to, the Secretary is able to emphasize the recommendations made, and to state that their incomplete and defenseless condition is discreditable to the country. While other nations have been increasing their means for carrying on offensive warfare and attacking maritime cities, we have been dormant in preparations for defense. Nothing of importance has been done toward strengthening and finishing our casemated works since our late civil war, during which the great guns of modern warfare and the heavy armor of modern fortifications and ships came into use among the nations, and our earthworks, left by a sudden failure of appropriations some years since, in all stages of incompleteness, are now being rapidly destroyed by the elements.

[Redfield Proctor, Secretary of War, annual report for fiscal year 1889.]

#### COAST DEFENSE.

I assume that the exposed condition of our seacoast requires no proof, nor the necessity of defending it any argument. If there is an apparent sense of security among our people it is born not of ignorance, but of thoughtlessness. Although our position and the traditions of our national diplomacy tend to the maintenance of peace, a defenseless condition will ever invite attack. The actual value of the property thus exposed to a public enemy, although many times the cost of amply protecting it, bears but little proportion to the magnitude of the material interests of the whole nation equally endangered thereby. It is not a local question. Not only is the national honor alike dear to all, but a hostile shell in the streets of New York strikes the prairies as well; their corn and wheat share in the loss. Still the greater burden will fall upon the States contiguous to the seaboard in the immediate maintenance of the militia required to man the defenses in case of danger.

Celerity promises to be an essential element in any warfare of the future. We have shown our ability to equip and place in the field with rapidity large numbers of men, and could undoubtedly do so again. The defenses and the armament, however, necessary for withstanding the attacks of modern guns cannot be extemporized. We must substantially have them before the necessity arises. Their creation is not a matter of hours and days, but of months and years. Hence I deem it quite as self-evident that if we are to have such works at all they should be begun earnestly and systematically at once.

I submit as a basis to start from that no time is to be lost in placing the Capital of the country, the commercial metropolis on the Atlantic seaboard, and at least one port on the Pacific in the best possible state of defense. How rapidly the work shall be carried on until it embraces every important vulnerable point from the St. John's to the Rio Grande and the ports of the Pacific is the only question. In my view progress can not be too rapid. The major-general commanding has given in detail the requirements in armament and men for the Atlantic and the Gulf coast, and General Miles has devoted special attention to the defenses of the Pacific and made an excellent report thereon.

Not only does this subject demand attention now, but fortunately our general prosperity points to the present as the auspicious time for pressing the work. I trust, therefore, that Congress will make a liberal appropriation for this purpose. We are making excellent progress with our Navy, but it has no safe base for repairs and supplies or harbor of refuge in case of accident or disaster. It is impossible to overestimate the services it will render in encouraging and protecting our commerce. But however important it may be to carry our flag to foreign ports, to defend it in our own is imperative.

[W. C. Endicott, Secretary of War, annual report for the fiscal year 1898.]

The attention of Congress is again invited to the defenseless condition of our seacoast and lakefrontiers. The last appropriation for the permanent defenses of the country was made in 1875, and has long since been exhausted. The importance of immediate and liberal action looking to the effective defense of our principal seaports has been fully set forth in previous reports, especially in that of November 30, 1886. It would appear now more important than ever that such action should be taken at the second session of the present Congress, in view of the fact that the last session gave appropriations for the construction of heavy ordnance. Without heavy platforms, strong armored protection, and other permanent emplacements, these guns and mortars when finished will be of comparatively little use.

The building of modern gun and mortar batteries requires longer periods of time than the construction of the armament. It would appear the part of wisdom that the preparation of these two important components of a well equipped defense should proceed simultaneously. For the beginning of the construction of such defenses an appropriation of \$2,840,000 is asked for.

For the preservation and repair of the existing works, many of which are still of great value for secondary defense or as important parts of the contemplated new primary defense, no funds have been available since the appropriation of March 3, 1885. The consequent rapid and extensive deterioration is fully set forth in the report of the Chief of Engineers. For the preservation and repair of existing works \$200,000 is requested.

[Robert T. Lincoln, Secretary of War, annual report for the fiscal year 1884.]

The Chief of Engineers presents in his annual report a review of the modern requirements for the defense of our important seacoast cities, and in his comprehensive but brief discussion shows not only the urgent necessity of beginning the defensive works which can not be improvised, but their small cost in comparison with our national resources. Steel forts and turrets to resist guns which can send a projectile weighing a ton through 60 feet of sand, and which must themselves have like guns, with steam machinery to load and manipulate them, can not be built in the short time which would be given us by an enemy for preparation after the cessation of diplomatic intercourse; and, as is said by the Chief of Engineers, "the contribution which could be levied from New York alone would probably pay four or five fold the cost of all the fortifications of the important harbors of the country." I trust that the earnest attention of Congress may be invited to this subject, and that adequate appropriations may be made to carry out the views of the Chief of Engineers.

The estimates upon which the bill is based will be found in the Book of Estimates for the fiscal year 1891 (pages 165-167), and aggregate \$8,488,998, of which sum there is recommended \$4,521,678, being \$3,967,320 less than the estimates, \$3,288,084 more than the amount appropriated by the act making appropriations for fortifications, etc., passed at the last session of Congress, and \$599,678 more than was appropriated by the act passed at the first session of that Congress.

From 1875 to 1886, both inclusive, the average annual appropriations for fortification purposes were only \$463,500, and there were no specific appropriations made for fortification purposes for the years 1887 and 1888. The appropriations made for the years 1875 to 1886, inclusive, were made principally for the purpose of keeping our old forts in repair, and in changing our old smooth-bore heavy guns by the insertion of a steel rifled tube into the bore thereof. Under an act of Congress

approved March 3, 1883, a board called the "gun foundry board" was created to fully consider the question of ordnance, the manner of its production, and what steps should be taken by the Government touching the manufacture of heavy guns. The report of this board was transmitted to Congress by the President on February 18, 1884. The board visited all the principal heavy-gun factories in England, France, and Germany, as well as those in Russia and other countries, and its report contained much valuable information touching the subject-matter of its investigation. This board substantially recommended that policy which was afterward adopted by Congress; that is, that the forgings should be produced at private works by contract, while the finishing and assembling of the guns should be done by the Government at its own works. During the first session of the Fiftieth Congress there was a determined effort put forth looking towards carrying out the recommendation of President Cleveland and his immediate predecessors.

Under the act of Congress of September 22, 1888, Congress appropriated for fortifications and coast defenses \$3,922,000, and of this amount \$1,500,000 was for rough steel forgings for 8-inch, 10-inch, and 12-inch guns, and \$250,000 was for 12-inch breech-loading mortars, and \$700,000 for the construction of a portion of the Watervliet arsenal, and for suitable machinery, tools, and fixtures for the assembling and finishing of such 8, 10, and 12 inch steel guns. Under such act of appropriation for the furnishing rough steel forgings, a contract was entered into with the Bethlehem Iron Company, at South Bethlehem, Pa., on January 31, 1889, for the production of twenty-three sets for 8-inch guns, twenty-four sets for 10-inch guns, and fifteen sets for 12-inch guns, and such other additional forgings as the Government should require under such appropriation, at the prices stated.

It is estimated that the sum of \$1,500,000 thus appropriated will pay for the number of steel forgings mentioned and perhaps one set of 10-inch forgings extra, and that such rough steel forgings will be furnished as follows:

	8-inch guns.	10-inch guns.	12-inch guns.
	Sets.	Sets.	Sets.
May 1, 1890.....	1		
May 1, 1891.....	18	1	
July 1, 1891.....	4		
August 1, 1891.....			1
May 1, 1892.....		12	
August 1, 1892.....			4
April 1, 1893.....		11	
December 1, 1893.....			8
Total.....	23	24	13

The entire number, sixty-two sets, will thus be delivered in about five years from date of contract, January, 1889.

Several of the 8-inch forgings have been delivered, and one 8-inch gun has been completed at the Watervliet arsenal, and tested to a certain extent, as stated in letter which I here append.

ORDNANCE OFFICE, WAR DEPARTMENT,  
Washington D. C., March 26, 1890.

Sir: In reply to your letter of the 20th instant, in relation to the first steel gun turned out at Watervliet arsenal, I have the honor to state as follows: An 8-inch gun was completed at the Watervliet arsenal during the latter part of last year. The steel of which this gun is made is entirely of American manufacture and was obtained from the Midvale Steel Works, Nicetown, Philadelphia, Pa. The weight of the gun is about 14 tons and the length of bore about 32 calibers.

The gun is now at Sandy Hook and has been fired some twenty rounds, with charges, after the fifth round, of from 113 to 140 pounds in weight and a projectile of 300 pounds weight. The best result obtained was with a charge of 140 pounds of German brown prismatic powder. The velocity with a 300-pound shot was 1,957 feet, and the pressure about 18 tons per square inch. The muzzle energy was 7,965 foot-tons, which is the highest power, so far as known, that has been developed from any gun of 8 inches caliber. The gun is in perfectly sound condition and further firings will be made to work up a suitable powder of American manufacture.

Very respectfully,

S. V. BENÉT,

Brigadier-General, Chief of Ordnance.

Hon. M. L. BREWER,  
Chairman Subcommittee on Fortifications Bill,  
House of Representatives.

In accordance with the act of appropriation of September 22, 1888, the ordnance board proceeded to construct the north wing of the arsenal and to let the contract for the necessary machinery to put therein. The building on the north wing and central part has been nearly completed, but much of the heavy machinery has not yet been finished. Part of the machinery it will take nearly four years to complete from the time the contract was let.

As I have stated, \$700,000 was appropriated for the construction of the north wing and for the machinery to put therein, and it will require \$165,000 more to complete the payment for such machinery, and this sum we have recommended in this bill. When this portion of the building shall be fully supplied with the requisite machinery, so that it may be run to its full capacity, it will have an annual output of twenty-four guns, twelve 8-inch, seven 10-inch, and five 12-inch.

In 1883 Congress created a board known as the "board of fortifica-

tion or other defenses," which was composed of officers of the Army and the Navy and certain civilians, and this board, after full investigation, submitted its report to Congress January 23, 1886, giving specific recommendations and detailed estimates touching the defenses and armaments required. It named twenty-seven ports in order of urgency requiring fortification or other defenses, of which number, eleven points were specified as most urgently requiring the same: New York, San Francisco, Boston, Lake ports, Hampton Roads, New Orleans, Philadelphia, Washington, Baltimore, Portland, and Rhode Island ports. To complete the fortifications needed at these ports it will require about 434 of the steel guns and 552 of the mortars. For the twenty-seven ports urgently in need of defense it is estimated that it will require 571 steel guns and 742 of the breech-loading mortars. To complete the guns required for the fortifying of the eleven named ports it will take, with the present or completed capacity of the Watervliet arsenal (not including the south wing), twenty-one years, and to supply the necessary guns for the twenty-seven ports mentioned it would take about twenty-eight years. Should the south wing of Watervliet arsenal be completed and the machinery put in, as this bill provides for, the total capacity of the arsenal would be annually about 46 guns, as follows: Twelve 8-inch, fourteen 10-inch, and twenty 12-inch. With this output annually, it would take about thirteen years to produce the steel guns for the eleven ports named, and fifteen years to furnish the steel guns for the twenty-seven ports mentioned, after the factory was in condition to run at its full capacity. It will require to complete the building for the south wing \$248,743, and to purchase and supply the requisite machinery therefor \$780,000, or a total of \$1,028,743. Fully believing that the Watervliet arsenal should be completed so as to produce the greatest number of guns mentioned, annually, we have put in this bill the amount required for the construction of the building and the putting in the requisite machinery. It will require from sixteen to eighteen months to complete the building of the south wing, while to construct the heavy machinery entire it will require nearly four years from the time the contracts shall be made. This appropriation is most urgently asked for by the Secretary of War, and by the Ordnance Board, and the Chief of Ordnance, and I feel fully convinced that good business policy, as well as the welfare and safety of our country, demands it. After mature deliberation it has been thought best not to enter upon the production of guns above 12-inch caliber for the present. The utility and durability as well as the effectiveness of such guns are very much a matter of conjecture or doubt. The south wing of the Watervliet arsenal, when completed, will be large enough to finish or assemble 16-inch guns by enlarging the machinery therein.

By the act of September 22, 1888, Congress appropriated \$250,000 for the procuring of 12-inch breech-loading mortars, hooped with steel, and under said act a contract was entered into with the Builders' Iron Foundry, of Providence, for the rough turned and bored cast-iron bodies for such mortars, and with the Midvale Steel Company for the trunnion hoops and the breech mechanism therefor. Contract was also made with the Builders' Iron Foundry, of Providence, for the finishing and assembling of such mortars. The total cost of such mortars under the contracts mentioned will be \$7,970 each, and the \$250,000 appropriated will pay for thirty mortars when completed. We have recommended the appropriation of \$250,000 in this bill for the further production of such mortars, and we estimate the same will complete thirty more. These mortars are said to be very effective weapons in coast defense. Some of them have been completed and one has been very thoroughly tested by the Ordnance Board. They are made of cast-iron, hooped with steel; weight, 14.25 tons; caliber, 12 inches; length, 10.75 feet; length of bore, 9 feet; weight of powder charge, 80 pounds; weight of projectile, 630 pounds; initial velocity, 1,152 feet per second; range at maximum elevation, 6 miles.

But if we provide for the construction of guns we must necessarily prepare for the placing of the same by the construction of batteries, forts, etc. Previous to the late war our seacoast was in a fair state of defense, when we consider the weight and effective power of the guns of that time. Our fortifications were then armed with the smooth-bore cast-iron gun, with less than one-half the range of the guns of today. Our forts were located with reference to the shortness of the range of the enemies' guns as well as those of our own. To-day the location of many of our forts, as well as the guns with which they are armed, makes them almost useless for defensive purposes. Take the forts about the harbor of New York. Castle William and other forts on Governor's Island are entirely useless for defensive purposes. This is so with regard to forts near other cities. The line of defense about New York must now be out about Sandy Hook, and the guns we are now providing for must be placed in forts and batteries at Sandy Hook, Coney Island, and at the Narrows. The armor-clad ships of war of England, France, and other countries, armed with the 8, 10, and 12 inch steel guns, can safely rest at anchor 12 miles from Castle Garden and plant their missiles of death and destruction at the subtreasury in New York.

Many of the inner forts about our seacoast cities are now armed or being armed by such cast-iron guns as have been lined with rifled steel tubes, and such guns for the present will answer a good purpose, as the

range will not generally be very great and their power of penetration at short range makes them quite effective. They are said to have a range of some 6 miles, with a penetrating power of some 6 or 8 inches. It is expected that there will be completed and ready for placing the following high-power, breech-loading steel guns previous to January 1, 1892: One 12-inch rifle, one 10-inch, and four 8-inch, and also thirty-six of the 12-inch steel-hooped mortars. And it is for these that we must provide places. It is expected these guns and mortars will be placed as follows: At New York, one 12-inch gun and eight mortars at Sandy Hook; at Coney Island, eight mortars; at Staten Island, one 8-inch gun on disappearing carriage; at Fort Schuyler, four mortars, and at Willet's Point, one 8-inch gun on disappearing carriage. At San Francisco, one 10-inch gun on disappearing carriage on bluff above Fort Point, one 8-inch gun on disappearing carriage at Alcatraz Island, eight mortars on bluffs west of city. At Boston, one 8-inch gun on disappearing carriage at Fort Warren and eight mortars at Grover's Cliff. The estimated cost for placing these guns and mortars and for the construction of batteries, etc., is \$1,221,000; and this amount we have provided for in this bill. The sites for the mortar batteries at Coney Island, Grover's Cliff, and at San Francisco are not owned by the Government, and provision must be made for the purchase of the same. There are also many other places where it will be necessary to purchase sites for batteries as guns and mortars are completed before the same can be placed. The Secretary of War and the Chief Engineer of the Army are very desirous that provision shall be made for the purchase of such sites, and they believe the same can be purchased or procured at an early day at much better terms than later. We therefore have placed \$500,000, the amount asked for this purpose, in this bill, and have given the Secretary the power to procure the sites needed by gift, purchase, or condemnation. If we are to proceed in placing our seaports in a state of defense, this appropriation is absolutely necessary. It will be the policy of the Department to place the guns and mortars, as completed, in such places and at such points as will make them the most serviceable and useful, and I have no doubt that with our torpedo system the ports may be fairly protected with less guns and mortars than are estimated by the War Department to put them in a perfect state of defense.

Mr. Chairman, there are other items of appropriation in the bill, but the necessity for these will readily present itself to all, but if explanation should be desired it can be given under the five-minute rule. In reporting this bill and in considering the items mentioned therein we have sought to give liberal sums where the same is to be used for the accomplishing of some object which will take a long time to bring about, like the production of heavy machinery, but where the object can be completed within a short time and is not absolutely needed we have reduced the amounts that have been asked for somewhat. The subcommittee, as well as the whole Committee on Appropriations, have given the matters referred to in the bill much and careful consideration. We have had the Secretary of War and the Chief Engineer of the Army, and representatives of the Ordnance Bureau, as well as the board of ordnance, before the subcommittee, and from these persons and from all other available sources we have gathered such information as possible. We do not claim the bill to be perfect, but feel that it represents the best judgment of the committee. We have felt at all times desirous of keeping the amount appropriated down to the lowest reasonable amount, and yet we have felt that such sum should be appropriated as would reasonably advance the object in view and as could be economically and judiciously expended. We know there are some of our people, and perhaps some members of this House, who feel that we need no forts, fortifications, or coast defenses; that we need no heavy guns or armored ships; that money spent in seacoast defenses and armored ships is wasted. They argue that we are as a nation at peace with all the world and are likely to remain so; that our country and coast is isolated and a long distance from other lands and other nations; that we have had no foreign wars for many years, and that we are able to settle our international difficulties without bloodshed.

Mr. Chairman, no one can hope for lasting peace more than myself. I am a man of peace, and I firmly believe that the policy adopted by our country and Great Britain in the settlement of the Alabama claims and the fishery disputes was a most wise and humane policy and one which redounds to the honor and credit of both lands, but so long as human nature is what it is, so long as men permit their better judgments to be overcome by their angry passions, so long will there at times be wars between different nations of the earth. When national honor or national existence is at stake, when the territory of one nation is sought to be overrun or taken by another, a resort to arms seems perfectly justifiable and is likely to take place.

There are members on this floor who have undoubtedly kept their buildings insured for twenty years or more, yet they did not expect a fire. Their building was isolated, they will tell you, and perhaps constructed of material not liable to readily ignite, but they kept the same insured because a fire might occur. The unfortunate victims of the Johnstown flood knew of the existence of the dam above them. The same had been there for years. But the great majority of the people



in that fated city felt perfectly safe, and when the alarm was sounded they would not believe the dam had given away, and refused to flee from danger. Common prudence and national honor and national safety dictate that we exercise wisdom by placing our seacoast in a reasonable state of defense. Without this, should war come, who can tell the injury that will be inflicted upon our large seacoast cities? Hundreds of millions of property and many lives could be destroyed by the heavy ordnance carried by immense ships of war. It is true that a majority of the members do not represent any portion of our seacoast or the cities lying along such seacoast. The lives of our constituencies may not be endangered by the guns on these ships; the property of our constituents may not be destroyed, but this great nation is, thank God, but one body politic. You can not injure or destroy one portion without weakening the whole, any more than you can take from the physical man a limb without injuring and weakening his whole system. Should the ships or guns of a foreign power be permitted to destroy the cities of New York, Boston, New Orleans, or San Francisco, every American citizen would hang his patriotic head in shame. If we love our country we can not take any chance by refusing to protect it. This measure has no party politics in it. There was no division on party lines in the committee, and it is hoped there will be none here. It is a measure founded on patriotism. No part of the money appropriated goes to pay for partisan service. The works will be superintended and the money handled by Army officials, and the money appropriated will not only aid in maintaining our national defense, but will give employment to many of our laboring people, who, as in the past, will ever stand ready to defend national unity, national life, and national honor.

Again it will be said by some that we should not at the present time start out to place our seacoast in a defensive state; that we should not expend large sums of money in the construction of heavy guns, because of the great improvements made in ordnance, in projectiles, powder, etc. For fifteen years and more this argument has been used. It succeeded in staying all efforts for the construction of the Navy until quite re-

cently. It has for years placed the Government in a state of "innocuous desuetude," so far as the protection of our seacoast is concerned. If this argument be good now and has been in the past, why will it not be good for all time to come? It is true the inventive genius of the world has been very great for the past fifty years, but is this genius likely to be manifested less in the future? We have no reason to suppose so, and therefore if we wait until the human mind shall cease to work out new ideas and produce new machinery or improve the old, we shall never have any seacoast defenses or protection for our seaboard cities. Such a course would not be in harmony with our conduct in other business affairs of life. We did not in our cities decline to expend large sums of money to put in gas to light our streets because some one might have had a faint notion that the time would come when they might be lighted by electricity. The farmer, thirty years ago, did not refuse to buy the reaper and mower because it was not in its highest state of perfection.

This same suggestion might be properly applied to all the productions of man. We should as business men utilize, in the accomplishing of our desires, in the construction of our guns and our war-ships, and in the fortifying of our seacoast, and in the protection of our cities, the best means and instruments which have been devised, and not fold our hands in quietness waiting for the highest state of perfection. The nation or individual who acts upon any other theory must in time regret it. Shall we, Mr. Chairman, use those instruments which God, through the genius of man, has given us to protect and defend our seacoast, our cities, and our people, or shall we fold our hands in quiet slumber and say there is time enough to act when no further improvements can be made in the instruments or means which we are to use? We here have the responsibility, and I, for one, am ready to assume it in the line of action, rather than in the line of inaction.

The following tables, furnished by the Ordnance Bureau, contain interesting as well as valuable information touching the cost of heavy guns, their weight, range, effectiveness, etc.

TABLE 1.—United States Army breech-loading rifled steel ordnance.

	Caliber.	Weight.	Total length.	Length of bore.	Weight of powder charge.	Weight of projectile.	Initial velocity.	Muzzle energy.	Penetration in wrought iron at muzzle.	Penetration in wrought iron at 1 mile.	Range in miles, maximum elevation.	Penetration in iron at 5 miles.
<b>MOUNTAIN AND FIELD ARTILLERY.</b>												
	<i>Inches.</i>	<i>Pounds.</i>	<i>Feet.</i>	<i>Calibers.</i>	<i>Pounds.</i>	<i>Pounds.</i>	<i> Ft. per sec.</i>	<i>Foot-tons.</i>	<i>Inches.</i>	<i>Inches.</i>		<i>Inches.</i>
3" B. L. steel mountain gun .....	3.0	218	3.7	13.6	0.85	12.0	870	63	1.8		2.3	
3.2" B. L. steel horse-artillery gun .....	3.2	829	7.5	26.0	3.75	13.5	1,700	263	4.2			
3.6" B. L. steel field-artillery gun .....	3.6	1,230	7.5	22.7	4.63	20.0	1,554	335	4.6			
3.6" B. L. steel field mortar .....	3.6	250	2.0	5.25	1.00	20.0	650	58			4.8	
<b>SIEGE ARTILLERY.</b>												
5" B. L. steel siege gun .....	5.0	3,660	12.1	23.5	12.50	43.0	1,829	997	7.5			
7" B. L. steel siege howitzer .....	7.0	3,710	8.0	10.5	9.75	105.0	1,085	857	5.5		3.4	
<b>SEACOAST ARTILLERY.</b>												
		<i>Tons.</i>										
8" B. L. steel seacoast gun .....	8.0	14.25	23.2	32.0	130.00	300.0	1,935	7,787	18.2	15.5	9.25	
10" B. L. steel seacoast gun .....	10.0	30.00	30.6	34.0	256.00	575.0	1,940	15,000	22.4	19.9	10.80	12.5
12" B. L. steel seacoast gun .....	12.0	52.00	36.6	34.0	440.00	1,000.0	1,940	26,000	26.8	24.3	11.85	16.5
14" B. L. steel seacoast gun .....	14.0	82.00	42.7	35.0	700.00	1,590.0	1,950	41,600	31.2	28.7	13.00	20.5
16" B. L. steel seacoast gun .....	16.0	126.00	49.6	35.0	1,040.00	2,370.0	1,950	62,400	35.7	33.2	15.00	21.5
12" B. L. seacoast mortar, cast-iron hooped with steel .....	12.0	14.25	10.75	9.0	80.00	680.0	1,152	5,796			6.00	
12" B. L. seacoast mortar, steel .....	12.0	13.00	11.7	10.0	100.00	800.0	1,150	7,334			6.00	

TABLE 2.—Cost of rifled steel ordnance and ammunition.

	Weight of gun.	Estimated cost of gun.	Weight of powder charge.	Cost of powder charge.	Weight of projectile.	Cost of cast-iron projectile.	Cost of steel projectile.*	Maximum cost of one round.
	<i>Pounds.</i>	<i>Dollars.</i>	<i>Pounds.</i>	<i>Dollars.</i>	<i>Pounds.</i>	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>
3" B. L. mountain gun .....	218	500	.85		12	Cartridge and projectile complete, \$4.10.		4.10
3.2" B. L. horse-artillery gun .....	829	1,000	3.75	.675	13.5	1.75	5.00	6.75
3.6" B. L. field-artillery gun .....	1,230	1,605	4.63	.833	20	2.07		2.91
3.6" B. L. field mortar .....	250	325	1.00	.18	20	2.07		2.25
5" B. L. siege gun .....	3,660	2,740	12.50	2.25	43	6.02		8.27
7" B. L. siege howitzer .....	3,710	3,280	9.75	1.75	105	12.25		14.90
<b>SEACOAST ARTILLERY.</b>								
	<i>Tons.</i>							
8" B. L. seacoast gun .....	14.25	16,000	130.00	35.10	300	21.00	150.00	181.10
10" B. L. seacoast gun .....	30.00	36,000	256.00	69.12	575	34.50	287.50	322.02
12" B. L. seacoast gun .....	52.00	58,000	440.00	118.80	1,000	50.00	500.00	618.80
14" B. L. seacoast gun .....	82.00	100,000	700.00	189.00	1,580	79.00	790.00	969.00
16" B. L. seacoast gun .....	126.00	150,000	1,040.00	280.00	2,370	118.50	1,185.00	1,463.50
12" B. L. seacoast mortar (cast-iron and steel) .....	14.25	8,000	80.00	21.60	630	31.50	220.50	252.10
12" B. L. seacoast mortar (steel) .....	13.00	15,000	100.00	27.00	800	40.00	280.00	317.00

\* Owing to the higher requirements which must now be fulfilled by forged and tempered steel armor-piercing projectiles, the prices given above are greater than those in tables previously published. It is thought that steel projectiles can be manufactured for the service at an average cost of 50 cents a pound when the industry is fully established.

NOTE.—No seacoast carriages for high-power steel guns have been manufactured in this country, and no estimates of cost can be furnished until the approved types have been definitely settled upon.

The Clerk read as follows:

For the procurement of land, or right pertaining thereto, needed for the site, location, construction, or prosecution of works for fortifications and coast defenses, \$500,000, or so much thereof as may be necessary, and in the expenditure of this sum or any part thereof the Secretary of War may cause proceedings to be instituted, in the name of the United States, in any court having jurisdiction of such proceedings, for the acquisition, by condemnation, of any land, or right pertaining thereto, needed for the site, location, construction, or prosecution of works for fortifications and coast defenses, such proceedings to be prosecuted in accordance with the laws relating to suits for the condemnation of property of the States wherein the proceedings may be instituted: *Provided*, That when the owner of such land or rights pertaining thereto shall fix a price for the same, which in the opinion of the Secretary of War shall be reasonable, he may purchase the same at such price without further delay: *Provided further*, That the Secretary of War is hereby authorized to accept on behalf of the United States donations of lands or rights pertaining thereto required for the above-mentioned purposes: *And provided further*, That nothing herein contained shall be construed to authorize an expenditure, or to involve the Government in any contract or contracts for the future payment of money, in excess of the sum of \$500,000 herein appropriated.

Mr. HOLMAN. Mr. Chairman, I move to strike out the section just read appropriating \$500,000 for the purchase of sites for fortifications.

There is no intimation in the bill where this money is to be expended, or how it is to be expended. I do not object to it especially on that account. I object to the measure because there seems to be no necessity for it. There seems to be no reasons why half a million dollars, or any other sum, should be appropriated for such a purpose. I object to it because, manifestly, it is the initiative step for the appropriation of vast sums of money. I say all our past experience has demonstrated that it would not result in any public benefit in matters of public defense when the hour of peril really comes. Therefore I move to strike out the paragraph.

Mr. BREWER. I hope the motion made by the gentleman from Indiana will not prevail. I have some information which I can present, after which I apprehend the gentleman will not even press his motion. We are making appropriations here for the purpose of placing certain guns which will be ready to be placed previous to the 1st of January, 1892. In three of the places where batteries are to be located the Government does not own the property; hence it will be absolutely necessary that provision shall be made for the purchase of the site. I hold in my hand a letter from the Chief Engineer of the War Department which I ask to have read for the information of the committee.

The Clerk read as follows:

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY.  
Washington, D. C., March 22, 1890.

Sir: I have the honor to acknowledge the receipt of your communication of the 20th instant, requesting me to inform you by letter as to the necessity of the appropriation of \$500,000 for the purpose of sites for fortifications, being an item included in the pending fortification bill.

In reply I have to state that the introduction of long-range, high-power guns into modern naval armaments has rendered it necessary to occupy with guns and rifled mortars the outlying headlands and points adjacent to our harbors, to the end that the naval vessels of the enemy may be kept beyond bombarding range of our cities. A number of the new positions required are not owned by the United States and must be acquired, and the sum named, as far as it will go, will undoubtedly be needed for such sites in and about Boston, New York, San Francisco, Washington, and Hampton Roads.

For the defenses of New York City at the eastern and southern entrances to its harbor, sites will have to be obtained for ten gun batteries and six mortar batteries.

For the defenses of Boston, for six gun batteries and eight mortar batteries.

For San Francisco, for one gun battery and two mortar batteries.

For Hampton Roads, for one mortar battery, and for the defense of Washington, D. C., for two gun batteries.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,  
Brig. Gen., Chief of Engineers.

Hon. MARK S. BREWER,  
Chairman of Subcommittee on Fortifications,  
Committee on Appropriations, House of Representatives.

Mr. BREWER. Mr. Chairman, I desire to say briefly that this comes to us in the estimates in Executive Document 98. We have had before our committee the Secretary of War, the Chief Engineer of the Army, and we have also consulted with a part at least of the ordnance board. All agree that it is absolutely necessary that this appropriation shall be made if we undertake to proceed as we have started out in fortifying our seacoast in order to protect our cities thereon.

I think I need not take any further time in discussing the matter, for I apprehend that my friend from Indiana will now see that it is absolutely necessary that there should be an appropriation made for the purchase of sites.

Mr. HOLMAN. A word.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. HOLMAN. I move to strike out the last word.

Of course the gentleman from Michigan [Mr. BREWER] is correct upon the theory that we are entering upon an extensive system of fortifications. If there was any necessity for entering on such a system the bill itself would seem to indicate a grand system of fortifications. The fortification bill has for many years past borne an appropriation of from a million to two millions of dollars mainly to keep up the forts as ornaments. This bill, I believe, is larger than any known in our history for fortifications, at least in the future expenditure it contemplates. The estimates for 1891 are \$8,488,991, while this bill carries, including half a million for the purchase of sites, \$4,521,678, while the law of the last session involved a little over \$1,200,000.

There seems to be reasonably good ground why arsenals should be kept up and carried on as necessary establishments for the construction of arms to meet any possible emergency; that seems to be a matter of reasonable prudence; and of course there is no objection to appropriations for that purpose. I think that a comparatively small amount of money, \$200,000 or \$300,000 a year, would be reasonable. If the appropriations are kept within one million or two million dollars for all such purposes, including the torpedo system, there would be no reasonable ground of complaint. But when we enter upon so large an expenditure, present and prospective, as this bill contemplates for these objects, I think it is time to stop and consider the matter.

It is obvious, from the experience we have had and are having now, that whatever we shall need in the hour of danger for coast defense in coming years, if ever we shall need to make such a defense, will be found entirely available in our torpedo system, which is from year to year being rapidly developed, the efficiency of which for the purposes of defense is now recognized, I believe, by naval and military authorities in all nations. That will be our manner of defense. Fortifications have not been found to be effective in matters of national defense. We expended hundreds of thousands of dollars prior to the late war in fortifying the Lower Mississippi River, and yet when the hour of trial came it was found that even wooden steam-ships could pass with safety right under the guns of those forts without any peril. Considering the extent of our coast upon both oceans, this system of fortifications would seem to be impracticable, if not wholly unnecessary.

Gentlemen overlook in legislation of this character the present position of our country amongst the nations, its geographical position, with the great natural barriers on all sides which afford us absolute protection, our resources considered. We have now reached that point of national greatness where there seems to be no reason for anxiety on the part of our people or on the part of Congress to enter upon an extensive system of fortifications at the expense of our industries. We have heretofore relied on the spirit and strong arms of our people in the hour of emergency, even when we were a feeble power.

We did so in the war of 1812, and also in the war with Mexico, and likewise in the late war. The people of this country were then found sufficient for the occasion. The arms which had been accumulated in former years at great expense at the opening of the late war were turned over to the junk-shops—arms which had cost millions of dollars having been found to be valueless for real war.

The real fortifications, which were found to be of value, were those which were improvised and thrown up on the spur of the hour. These extensive fortifications proposed will furnish no protection. We are protected by our geographical position and by the fact that we have now reached a point of national greatness which affords absolute safety. Our legislation for our Army and Navy looks as if we were doubtful of our resources and power, when actually we could put in a real emergency a force of 7,500,000 men in the field with every possible facility for their employment in aggressive war or defense. We are not justified in taxing our people countless millions of dollars for arms, for fortifications, and ships of war in this period of assured peace.

Even if we were a feeble power as to numbers we would not be justified in doing this, but, occupying our present position, giving law to the nations, with resources such as we possess, acting always justly to all nations, it seems to me absolutely unreasonable and unjust to the industries of the people of the country to be expending vast sums of money through such agencies as these.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLMAN. I withdraw the *pro forma* amendment.

The amendment was rejected.

The Clerk read as follows:

For steel field guns of 3.2-inch caliber, \$25,000.

Mr. CUTCHEON. Mr. Chairman, I desire to make the point of order upon lines 18 and 19, on page 4, the paragraph just read.

Mr. SAYERS. I suggest to the gentleman that if there are any other similar provisions in the bill upon which he desires to make the point of order he had better address himself to all of them at once.

Mr. CUTCHEON. I made the point of order at this time in order that it might not be passed over. I desire to apply the same point of order to line 25, on the same page, and to lines 1 and 2, on page 5, and also to so much of lines 14 and 15, on page 5, as relates to these field guns.

Mr. BREWER. I suggest to my colleague that he withhold his points of order until we have passed the items, and then let them be considered all together.

Mr. CUTCHEON. I am entirely willing to do that.

The CHAIRMAN. The point of order will be considered as reserved.

The Clerk read as follows:

For breech-loading rifled seacoast mortars, cast-iron, hooped with steel, of 12-inch caliber, \$250,000.

For sights and implements for guns and for fuses, \$2,000.

For metallic carriages for field-gun batteries, \$143,135.

For alteration of existing carriages for 10-inch and 15-inch smooth-bore guns to adapt them to present service conditions, \$100,000.

For carriages for breech-loading rifled mortars of 12-inch caliber, procured under the fortification act of September 22, 1888, \$225,000.

For powder for proving seacoast mortars of 12-inch caliber, procured under the fortification act of September 22, 1888, and for testing projectiles, \$10,000.



For steel shell or shrapnel for field guns, \$12,000, and for cast-iron projectiles for field, siege, and seacoast guns, \$24,500 for issues to the service; in all, \$36,500.

Mr. CUTCHEON. Now, Mr. Chairman, the point that I make is that the three items I have indicated are improperly inserted in this bill, without jurisdiction in the committee reporting it. We had this discussion yesterday on the Army appropriation bill, and it is not my desire or intention to detain the Committee of the Whole at the present time by going in *extenso* over the argument that was then had. These same items, word for word and dollar for dollar, were carried in the Army appropriation bill. They are, first, for steel field-guns, 3.2 caliber, \$25,000; for metallic carriages for field-gun batteries, \$143,135, and for steel shell or shrapnel for field guns, \$12,000, making a total of \$180,135.

The question that I raise is simply this, whether or no this committee has properly taken jurisdiction of these items or whether they should be carried in the bill for the support of the military establishment. The question is not entirely new. As is known to the Chair, up to the Forty-ninth Congress the appropriation bills came from one committee, all of them, I believe, save the river and harbor bill and possibly another bill. There was no distinction between the jurisdiction which reported the Army appropriation bill and that which reported the so called fortification bill. In the Forty-ninth Congress a redistribution of appropriations was made and the Military Committee became an appropriation committee, and by the rule of the House (which remains the same to-day as it was then so far as this point is concerned), in subdivision 12, it was provided that—

Subjects relating . . . to the military establishment and the public defense, including the appropriations for its support and for that of the Military Academy—

should go to the Committee on Military Affairs.

Under the rules as they then existed, subjects pertaining to the appropriation of the revenue for fortifications went to the Committee on Appropriations. The rule has been amended at the present session by adding the words "and coast defenses," so that now that committee have jurisdiction of fortifications and coast defenses. As I said in arguing this same question yesterday, the question is a single one and a simple one. It is this: Do these light field batteries, their carriages, and the fixed ammunition therefor, belong to the subject of fortifications and coast defenses or do they belong to the military establishment and the public defense as it is generally understood?

The chairman of the Committee of the Whole, when the Army bill was under consideration, ruled, unquestionably correctly as I think, that these were a part of the armament of the military establishment in the accepted sense and should be carried in the Army bill. I do not desire to trouble the House with a reargument of that question, but I wish at the present time to make this point, in order that the committee which I have the honor to represent may not appear to waive the point. We believe that we were right. I have no objections to this appropriation being made; I believe it a proper appropriation; I believe it ought to be made. Up to the last year or two we have had for the armament of our light batteries nothing but the old muzzle-loading guns such as were used during the war; but of late we have commenced to manufacture the new, light, steel breech-loading pieces. Up to this time we have never asked any appropriation for this purpose, because the fifty pieces that have been made so far have been paid for from the sale of obsolete materials. Now, therefore, for the first time this question arises.

In the Forty-ninth Congress we had no fortification bill that came before the House for action—at least, none that passed. I believe that in that Congress the question about these guns was never raised. In the Fiftieth Congress a very much broader question was raised.

A bill providing for the erection of an army gun factory at Watervliet arsenal and for the purchase of steel or steel forgings for heavy guns, as well as for light guns and for seacoast mortars, and many other things, was referred to the Committee on Military Affairs. That committee, under the order of the House, took jurisdiction of that bill, considered it, and reported it. It was upon the Calendar for a long time, the committee of course not having the privilege of the Appropriations Committee. Finally, in the Senate the substance of that bill was attached to the Army appropriation bill and came back to the House as part of that bill. A point of order was made upon it as part of the Army bill; but before that was decided the fortification bill, carrying substantially the same appropriations, came into the House; and on the 15th of August, 1888, the then chairman of the Committee on Military Affairs, Mr. Townshend, made a point of order against the entire section of the bill carrying the whole matter of armament of seacoast defenses. After a somewhat lengthy discussion, in which I did not participate, being then absent on account of ill-health, the Appropriations Committee at that time retained jurisdiction of the matter of the gun factory and of the armament of seacoast defenses.

In the second session of the Fiftieth Congress, also, a point of order was made upon a paragraph or section carrying the heavy ordnance for seacoast defenses and also some siege guns and heavy field pieces. At that time the decision was in favor of the retention of the items in the fortification bill.

The CHAIRMAN. The Chair desires to inquire at this point whether

these specific items, or items practically the same, have not uniformly been carried heretofore in the fortification bill.

Mr. CUTCHEON. I am coming to that. I say this is practically a new question. We have had questions—

Mr. SAYERS. Will the gentleman allow me to interrupt him?

Mr. CUTCHEON. Certainly.

Mr. SAYERS. I wish to say that we do not altogether accept that statement as made by the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. I suppose not altogether, from what I heard yesterday.

These items and similar items have been carried in both bills. I read from the remarks of Mr. Townshend, late chairman of the Committee on Military Affairs, delivered August 15, 1888, and to be found on page 75-1 of the RECORD of that session. The fortification bill being then under consideration, Mr. Townshend said:

When this bill was under consideration last I had made the point of order which has not yet been disposed of. Since the last discussion upon the point of order I have looked into the precedents of the House and I find that I can show by bills I hold in my hand, which have become law, that the House, in addition to other items, upon the question of jurisdiction, have during the years 1876, 1877, 1878, and 1879, and as far back as 1864, placed in the Army appropriation bills appropriations of the nature contained in the Senate amendments to the Army bill.

Now, in the year 1864 a provision is contained in the regular Army appropriation bill for the armament of fortifications, \$2,000,000. In the bill for the year 1876 the House placed on the Army bill an appropriation "for the alteration of carriages now in use in seacoast forts, \$100,000." In the bill for 1877 a similar appropriation was made. In the bill for 1878 the House, on the Army bill, made an appropriation for the conversion of 10-inch smooth-bore guns into rifle-guns, and for carriages, \$50,000. In the bill that became law in 1879 an appropriation for conversion of smooth-bores of \$50,000 was placed in the Army bill. I merely allude to these bills that have become law in past years to sustain the position I have taken heretofore upon the question, that it is in order to place these amendments on the Army appropriation bill.

I read this simply for the purpose of showing that items similar to this have heretofore been carried in both these bills. But the item before us to-day is not complex. It carries nothing but light field batteries of 3.2 inches caliber. Now, everybody knows that a 3.2-inch gun is not a fortification gun, not a gun that is ever used in seacoast defenses. Every one who knows anything about military affairs knows that this light field-gun is entirely and solely a field-gun; that there is no use for it in permanent fortifications or in seacoast defenses. Now, if that proposition be true, that this gun is exclusively for use in the field, then it pertains to the military establishment. And bearing upon that question I desire to have read, as I think the present chairman of the Committee of the Whole did not hear it yesterday, the letter of Major-General Schofield, who is not only the head of the Army, but also the head of the board of ordnance and fortifications, having charge of all matters of the fabrication of ordnance at the Army gun factory.

The Clerk read as follows:

HEADQUARTERS OF THE ARMY, Washington, D. C., March 3, 1890.

DEAR SIR: In reply to your communication of this date I have the honor to say that the "field guns of 3.2-inch caliber," "metallic carriages for field-gun batteries," and "shell and shrapnel for field guns" are intended for the service of light batteries, of which there are two in each regiment of artillery, which serve with the infantry and cavalry in the field, but not in the fortifications or coast defenses.

It would therefore seem clear that everything relating to these field-gun batteries belongs to the "military establishment and the public defense" in general, rather than to "fortifications and coast defenses." These last belong, not to the now existing military establishment, but to the new fortifications and armament of the seacoasts, which are proposed, and which involve new methods, new materials, and large expenditures of a nature not heretofore for many years included in the appropriations for the military establishment, and hence requiring special care and supervision, both in the appropriations and in the expenditure thereof, while the former, namely, the field gun batteries, are part of the well tried and fully established equipment of the Army, required for its current service, and not involving any question as to cost, of efficiency, or of necessity to the military service.

Very respectfully,

J. M. SCHOFIELD, Major-General Commanding.

Hon. B. M. CUTCHEON,  
Chairman Committee on Military Affairs,  
House of Representatives.

Mr. CUTCHEON. Now, Mr. Chairman, we have here the highest military authority in this country, the General of the Army, the chairman of the Board of Ordnance and Fortifications, who has charge of the Army gun factory, who has charge of heavy ordnance and fortifications, and who also has charge of the military establishment; and he says it would seem clear that everything relating to these field-gun batteries belongs to the military establishment and the public defense in general, rather than to fortifications and coast defenses. Now, this is a matter of military terminology or military definition; and it would seem that the opinion of the gentleman who stands at the head of the military establishment and also at the head of the board of ordnance and fortifications would be the very highest authority that I can quote to the Chair on this occasion. If his opinion be correct, then beyond all question, under the rules of this House, these appropriations belong where the Committee on Military Affairs placed them, in the bill for the support of the Army, and not in the bill for fortifications and seacoast defenses.

I think I have made myself clear on this question. I have no desire to consume needlessly the time of the House. This is a question of the rules. I know what my friend and colleague who is in charge of this bill will say: that his committee took the estimates as they found them; that they found these items estimated under the head of forti-

cations and other works of defense. That is admitted; the simple question for you to decide, Mr. Chairman, is whether a subordinate officer of the War Department can fix the jurisdiction of committees of this House by the erroneous placing of an estimate under a wrong heading. That is all there is about it.

The Chairman of the Committee of the Whole, when the Army appropriation bill was under consideration, was of the opinion these items belonged to the Committee on Military Affairs. I believe he was right, and I submit the question, so far as I am concerned, to the considerate judgment of the Chair.

Mr. SAYERS. I desire to answer the remarks of the gentleman from Michigan [Mr. CUTCHEON]. As to the remarks made by Mr. Townshend, the House will remember I read from the RECORD that Mr. Townshend after having spoken withdrew his point of order, but the point was renewed by the gentleman from Kansas. The Chairman ruled on the point of order as raised by Mr. Townshend, but which had been abandoned by him and subsequently renewed by the gentleman from Kansas [Mr. TURNER].

Mr. CUTCHEON. What was the decision?

Mr. SAYERS. He sustained the Committee on Appropriations.

Mr. CUTCHEON. Overruled the point of order?

Mr. SAYERS. Yes.

Mr. CUTCHEON. But that point was not this point. That was in regard to a gun factory and the fabrication of seacoast guns. It carried that whole matter, and not merely field guns.

Mr. SAYERS. No, sir.

Mr. CUTCHEON. Under that ruling, when all these matters were in one bill much more would the committee have charge of field batteries.

Mr. SAYERS. It will be found by inspection of the RECORD the remarks of the gentleman from Illinois [Mr. Townshend] did not apply to the whole bill, but rather to the point of order he previously raised when the bill was before the House, and this was a mere continuation of the discussion.

I will read the opinion so the Chair may understand the point involved.

It is as follows:

The CHAIRMAN. The gentleman from Kansas [Mr. TURNER] having renewed the point of order, the Chair will state what he understands to be the question that was raised by the gentleman from Illinois [Mr. Townshend] and subsequently withdrawn by him. As the Chair remembers, the point was this: That the items contained in section 4 of this bill were matters which properly belonged to the Committee on Military Affairs and were within the jurisdiction of that committee, and therefore could not be reported by the Committee on Appropriations in the fortifications bill. The same question was raised when the Army bill was under consideration, and the chairman of the committee at that time, the present occupant of the chair, made a ruling, a portion of which he will ask the Clerk to read as expressing his views upon this question.

The Chairman further said:

The Chair desires to add further, in connection with this ruling, that the bill then under consideration was the Army bill, and the Chair held that the provisions referred to should be reported in the fortifications bill. They have now been reported in that bill, and the Chair is of the opinion that they properly belong in the bill, as they pertain to fortifications, a subject committed expressly by the rules of the House to the Committee on Appropriations. The Chair therefore overrules the point of order raised by the gentleman from Kansas.

Mr. CUTCHEON. Will the gentleman allow me?

Mr. SAYERS. Certainly.

Mr. CUTCHEON. In order to fairly understand the application of the ruling, let the paragraph upon which the ruling was made be read.

Mr. SAYERS. While the gentleman from Michigan [Mr. BREWER] is addressing the Chair I will find the points upon which this decision was made.

Mr. BREWER. It seems almost impossible, Mr. Chairman, to settle the question of jurisdiction on minor items in the bill under consideration. I do not know whether the gentleman filling the chair at the present time was here yesterday during the discussion on the Army bill or not, but these facts were developed and are undisputed, that, when the Committee on Appropriations had charge of the Army bill and the fortification bill also, invariably these or similar items were always placed in the fortification bill.

The CHAIRMAN. That is the recollection of the present occupant of the chair.

Mr. CUTCHEON. No point of order was made, they being from the same committee.

Mr. BREWER. When the rules were amended in the Forty-ninth Congress bills carrying the same or similar items to those which had formerly been in the Army bill passed, by reason of the division, to the Committee on Military Affairs.

My colleague says that no point of order was raised against these items because both bills came from the same committee. Whatever may be the facts in that regard, we do know that points of order have been made many times by my colleague, now the chairman of the Committee on Military Affairs, as well as by Mr. Townshend, formerly the chairman of that committee, upon items precisely, or very nearly, similar to those now under consideration, and invariably the points of order have been overruled by the chairman of the Committee of the Whole or by the Committee of the Whole on the state of the Union itself. It is stated by my colleague that such guns have not been produced at the Watervliet arsenal or appropriated for by the committee reporting the fortifications appropriation bill.

Mr. CUTCHEON. I mean of this precise caliber.

Mr. BREWER. Well, certainly, because there happens to be an inch difference in the caliber it would not change, it seems to me, the principle or affect the merits of the question involved. Now, in the fortifications appropriation bill approved on the 2d of March, 1889, I find the item for the production of 3.6-inch calibers, 5-inch and 7-inch steel field and siege guns.

The CHAIRMAN. To what bill does the gentleman from Michigan refer?

Mr. BREWER. That was the fortifications appropriation bill which was approved on the 2d of March, 1889, in which these appropriations are made.

Mr. CUTCHEON. The last appropriation bill.

Mr. BREWER. Yes, the last bill.

Now, right in this bill, Mr. Chairman, we are asked to appropriate \$36,000 more for finishing and assembling these very guns; and, more than that, we are asked to appropriate \$14,000 of that which was appropriated in the last appropriation bill, in order to make it available for the next fiscal year. In that bill provision was made for 3.6-inch guns, and in this for 3.2-inch guns, and this question I will state has been ruled upon—

Mr. CUTCHEON. Will my colleague allow an interruption just there?

Mr. BREWER. Certainly.

Mr. CUTCHEON. The 3.6-inch guns are bound up, however, in the same paragraph with the 5 and 7 inch guns which unquestionably come within the jurisdiction of that committee.

Mr. BREWER. Yes; and so are the shrapnel bound up with other items of this bill which my friend seeks to throw out on the point of order.

Mr. CUTCHEON. Yes; but the amount is carried separately, while in the other it is not carried separately, but is a part of an aggregate sum.

Mr. BREWER. Now, Mr. Chairman, without taking further time of the committee, I desire to call the attention of the Chair to the discussion and the ruling on these items or on items similar to the ones now under consideration. When the last fortifications appropriation bill was under consideration the following item was reached:

For steel forgings for not less than eighty-four 3.6-inch field guns, \$24,000.

The point of order was made by my colleague, the chairman of the Committee on Military Affairs, and that question was discussed. The chairman of the Committee of the Whole, Mr. BLOUNT, of Georgia, overruled the point of order.

The CHAIRMAN. Please read the decision of the Chair on that occasion.

Mr. BREWER. The Chairman simply overruled the point of order without entering into the reasons for the decision.

But I come to another item of the same bill which was sought to be stricken out on the point of order made by my colleague, and that is for 1,000 steel shrapnel for field guns. Here is also an item for 4,800 projectiles of cast-iron for field guns, all in that appropriation bill.

The point of order was made upon them by my colleague also, and after that had been fully and thoroughly considered and discussed the point of order was overruled. I shall not take the time of the committee, nor is it necessary to go into the full discussion which took place on that occasion; but on yesterday the point of order was made against these same items which had been put in the military appropriation bill; and after the matter had been discussed the Chair overruled the point of order, and that left the items, of course, in the bill.

A motion was made immediately by the gentleman from Illinois to strike them out, and this Committee of the Whole—or rather the Committee of the Whole then considering that bill—by a vote of 91 to 57, I believe it was, struck them out of the bill altogether. And why? Because, Mr. Chairman, they found that they should come up, as it was understood they would come up, in the fortifications bill. Now, in this connection I desire to quote from my colleague, the distinguished chairman of the Committee on Military Affairs, the language used by him in the discussion yesterday in regard to the question of jurisdiction. He said:

There is a well known principle of equity jurisprudence that where two tribunals may have concurrent jurisdiction of the same subject-matter the one getting the jurisdiction first will hold it, and it may well be that, even if it should be the opinion of the Chair that if the other bill had come in here first containing this appropriation it might properly be retained in that bill, nevertheless it is also properly in this bill, and this is the bill which is first presented for the consideration of the House.

In this language my colleague virtually conceded the fact that either of these committees would have jurisdiction to report the items that are now under consideration. But the House wiped them out of the Army bill, and so they stand; and, if the point of order is to be sustained and the items go out of this bill, then there is no appropriation whatever for the items named. The committee on yesterday decided that the Fortifications Committee had jurisdiction and substantially that the Committee on Military Affairs had not; and now to-day if you reverse that action you give no appropriation at all for these items, and in that condition of the question it seems to me it is useless to take further time of the committee.

Mr. CUTCHEON. A single word, Mr. Chairman, by way of repli-



cation. It is possible that in the remarks just quoted by my friend from Michigan in charge of the pending bill, the chairman of the Committee on Military Affairs conceded more than the case warranted, because I did not believe then, nor do I now believe, that the guns for the armament of light field batteries, to be used in the field exclusively and with the troops in the field, which are now so used and are never used in permanent fortifications or coast defenses, could properly be carried in the fortification bill.

Mr. BREWER. Will my colleague allow me to ask him a question?

Mr. CUTCHEON. Certainly.

Mr. BREWER. Does he know of, or has he ever seen, a general appropriation bill coming from the Committee on Military Affairs that carried an appropriation for field guns?

Mr. CUTCHEON. Well, last year we had a large appropriation for pneumatic dynamite guns and every class of armament; but at that time there was no occasion for these particular guns, simply because prior to that time all guns furnished of that caliber were made from the sale of obsolete material.

The CHAIRMAN. The Chair is prepared to rule.

Mr. COGSWELL (to Mr. CUTCHEON). And still you hope that these items will pass?

Mr. CUTCHEON. Oh, I think the guns ought to be made, and if stricken out of this bill they can be restored in the Army bill in the Senate.

The CHAIRMAN. Without entering into a critical examination of the language of the rules as they now exist, as compared with the old rules and practice, it is enough, in the judgment of the Chair, to say that so far as the present occupant of the chair remembers or is advised the practice has been uniform and universal to have items of this character contained and considered in the fortifications bill. This has been the practice ever since the present occupant of the chair has been a member of this House. The Chair thinks precedents so well established ought not to be overturned without serious reasons. These reasons do not exist in the judgment of the Chair, and so the Chair feels disposed to adhere to the precedents followed uniformly in the House, and always in Committee of the Whole until the last legislative day, and therefore overrules the point of order.

Mr. CUTCHEON. While I have the utmost respect for the opinion of the Chair and while I heap coals of fire on my colleague from Michigan [Mr. BREWER], I shall not appeal from the decision of the Chair. [Laughter.]

The Clerk read as follows:

That the President is hereby authorized to appoint a board to consist of three officers of the Army, who shall inquire into the facilities for producing steel forgings for high-power guns at or near the Pacific coast and in the vicinity of the Rock Island arsenal and the advisability of erecting gun factories for finishing and assembling high-power guns, to be mounted in fortifications, at the Benicia arsenal, in California, and at the Rock Island arsenal.

Said board shall also examine and report as to the capacity, cost of erection, and equipment of each of such gun factories.

For the payment of the necessary expenses of said board, \$3,000.

Mr. CHEADLE. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend by inserting after the words "Rock Island arsenal," in line 23, page 7, the following: "and in the vicinity of the Indianapolis arsenal."

Mr. CHEADLE. Mr. Chairman, I desire to call the attention of the committee to the fact that if it is determined to select anywhere in the Mississippi Valley a location for producing steel forgings for high-power guns in my judgment there is no city or locality in any section of the country that will offer equal facilities with the Indianapolis arsenal.

That city is in the great natural-gas belt; and experience has shown that in producing the finer qualities of steel, by reason of the evenness of the heat of natural gas and its cheapness, there is no process by which it can be manufactured so well and so economically as by that fuel. In addition to this natural gas as a fuel, Indianapolis arsenal is located within 50 miles of the great block-coal field of Indiana. That is a coal which produces iron without being reduced to coke. As a distributing point there is no place in the Mississippi Valley that excels Indianapolis, as more than twenty railroads radiate in every direction from that place. The Government owns 70 acres of land there, near the great Belt Railway, and a very short switch will connect it with the entire system of railways centering at that place. The buildings there can be changed and modified, if necessary, for the production of these steel forgings at a very small expense; and it is nearer to the iron out of which the very finest quality of steel is made than Rock Island. For these reasons it seems to me that if the Government proposes to establish a place anywhere in the Mississippi Valley for the manufacture of this class of forgings the committee that goes out for the purpose of selecting that point ought to be called upon to investigate the facilities and advantages of this point as well as the others.

Mr. BYNUM. Mr. Chairman, I have no desire to discuss this provision at any great length. This provision of the bill would probably be subject to a point of order; but the friends of Indianapolis do not desire to make that point, believing that the House, upon a mere statement of the case, would be inclined to do what is perfectly right, proper, and fair. There is a bill pending before the Committee on Military Affairs for the establishment of a gun factory at Indianapolis. No action has yet been taken on that, and it is probably awaiting the rec-

ommendation of the Secretary of War. This provision is for the appointment of three Army officers to investigate the arsenal grounds on the Pacific coast and at Rock Island, Ill., and ascertain whether they are proper sites for the location of gun foundries.

The Government owns valuable grounds and buildings at Indianapolis, and that city should not be excluded without a hearing. The arsenal grounds and buildings at Indianapolis are very valuable and can easily be converted into buildings for manufacturing purposes. The central location of Indianapolis, her railroad facilities, her proximity to the natural-gas and block-coal fields give to her an advantage in these particulars over any other city in the West for the location of a gun factory.

I have here a communication addressed to the Secretary of the Treasury by Major Comly, now stationed at the arsenal at Indianapolis, an extract from which will give some idea of the importance of that location:

As a centering point of railways, Indianapolis is perhaps as important as any in the country, and for distributing purposes certainly the most important in the West. Its facilities for reaching by direct lines all important points in the West and South—such points as would naturally be used for the concentration of troops in the event of war—are unequalled, and give it very marked advantages as a point of storage for ordnance supplies. The property owned by the Department here is valuable, well located, and finely adapted to the purposes of an arsenal of deposit and repair, and for manufacturing purposes as well, should it at any time in the future become necessary for the Department to so employ it.

All that Indianapolis desires is simply to be included in this investigation. Whatever the commission may report, Indianapolis will, of course, be willing to abide by. If they say that Rock Island is the proper place for the location of this foundry, that is only to the greater advantage of that city. If they say that Indianapolis is a better location for the same, Rock Island ought not to have it. I can see no reason why Indianapolis or any number of cities should be excluded from this investigation.

Mr. CANNON. Mr. Chairman, I want to make a single observation in reply to the two gentlemen from Indiana [Messrs. CHEADLE and BYNUM]. If gentlemen will notice this bill it carries in round numbers a million dollars for the erection of a south wing of the gun factory and the furnishing of tools at Watervliet, N. Y. There has already been a large amount of money expended in the erecting a center and a north wing there, and providing them with tools for a gun factory. The committee, after consideration, recommend the erection of this south wing, the intention being at this time to utilize the factory already provided at Watervliet and build up the gun factory so that guns can be constructed there in considerable quantities, 8, 10, 12, and even 16 inch guns.

Mr. SAYERS. If the gentleman will permit me I will state that this bill does not provide for the construction of any 16-inch gun.

Mr. CANNON. I believe it does not, but still there will be sufficient buildings and tools and capacity to admit of their being constructed there hereafter. But I do not care anything about that further than the reference I have made to it. The Committee on Appropriations, after investigation, were of the opinion that for the purposes of the Government at this time the factory at Watervliet was sufficient, at least during the present experimental stage. But the Government also owns an arsenal and a factory in California, at Benicia, a very desirable place perhaps for a gun factory, 3,000 miles away. The Government also owns on the Mississippi River, at Rock Island, a magnificent island and a great arsenal, which has already cost in round numbers thirteen or fourteen millions, with many shops, with railroad transportation, with the great river which leads to the Gulf.

It is thought by many people connected with the Army, and by many who are not so connected, that Benicia, on the Pacific coast, and Rock Island, where the Government already has this great establishment, ought, in the early future, to be utilized for gun factories as well as for other purposes. I do not know whether they ought to be so utilized or not; but there are these great establishments, and there is the location, and the committee thought proper, with all the representations that were made to it and with all the information it had, to authorize the President to appoint these three Army officers, "who shall inquire into the facilities for producing steel forgings for high-power guns at or near the Pacific, and in the vicinity of Rock Island arsenal, and the advisability of erecting a gun factory for finishing," etc. The committee have brought in this amendment in good faith, for the reasons I have stated. Now, if it is to be amended by inserting Indianapolis, where the Government does own some ground, to be sure, but where there are no buildings of any value—

Mr. BYNUM. The gentleman is mistaken as to the buildings.

Mr. CANNON. If it is to be amended in that way, then with greater propriety you might insert Chicago, which is rapidly becoming the great center for the production of steel and iron; you might insert Cairo; you might insert St. Louis, and I see my good-natured friend across the way [Mr. TAFT] who, I have no doubt, would be glad to have Kansas City inserted; but by such amendments the purpose of the amendment reported by the committee would be entirely changed.

The CHAIRMAN. The question is upon agreeing to the amendment of the gentleman from Indiana [Mr. CHEADLE].

Mr. BYNUM. I move to strike out the last word.

I desire simply to say, in reply to the gentleman from Illinois, that we are not insisting upon anything here. We have not been heard before the Committee on Appropriations, and no friend of Indiana was

on that committee, while Illinois and California were both represented. We were not called before the committee to present the claims of Indianapolis. All that we ask now is that we may be heard, so that when this commission goes out it will investigate the advantages of Indiana as well as of these other points.

Mr. CANNON. But why should not the advantages of other cities be investigated as well?

Mr. BYNUM. I think that would be perfectly proper. In locating a navy-yard we have never pursued the policy of limiting the persons authorized to select a site to any particular points, but they have been sent out to scan the whole coast and select the best point; and I think it would be entirely proper to let this commission go out without any instructions at all and let them select the most favorable location. I would be willing to let them go out to investigate all the leading points, St. Louis, Kansas City, Louisville, Indianapolis, Rock Island. I think that would be entirely proper and fair; but as no other city is making a contest here we have been satisfied to present the claims of our own city, leaving it to other gentlemen to present theirs.

Mr. CANNON. In justice to the committee reporting this amendment, it is proper to remind gentlemen that the Government already owns the Rock Island arsenal, has already spent \$13,000,000 there, and has its post there and its shops.

Mr. BYNUM. Then it is a bad place to sink any more money, if it has already cost \$13,000,000.

Mr. CANNON. It is far better to utilize the situation and the plant that we have there than it would be to select a new place where the Government has never spent a dollar. But, Mr. Chairman, this amendment does not require the expenditure to be made; it simply provides for investigation and a report.

Mr. BYNUM. That is the very reason we are insisting on this amendment. On the Indianapolis grounds there is a large warehouse, large enough for this manufacture. It would only be necessary to improve it and put in the machinery.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana.

Mr. CHEADLE. I move to strike out the last word. I simply want to say in reply to the gentleman from Illinois [Mr. CANNON] that if Rock Island possesses so many special advantages for this factory he ought not to oppose the amendment I have offered, because, if the facilities there are so superior to those of Indianapolis, I am sure that a committee of competent officers, selected, as they will be, by the President, will find in favor of Rock Island; but, if the Government of the United States proposes to go into the business of producing these steel forgings, then I ask that the advantages, if any, which Indianapolis possesses may be considered by the committee to be selected for the purpose of investigating and reporting upon that question.

I affirm—and no man can deny the proposition—that the experience of the past few years has shown that in the production of the finer qualities of steel there is no fuel known that will compare with gas. I trust therefore that this amendment will prevail.

The amendment was adopted.

Mr. CHEADLE. I move a further amendment, which is necessary to complete that just voted upon.

The Clerk read as follows:

Amend by inserting after the word "arsenal," in line 2, page 8, the words "or at the Indianapolis arsenal."

Mr. BYNUM. This amendment simply completes the amendment previously adopted.

The amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. SAYERS. Mr. Chairman, without taking further time, I desire to submit certain communications addressed me by the Chief of Ordnance, and also a clipping from a newspaper of recognized authority in the matter of ordnance. They show the cost attending the manufacture of heavy ordnance, ammunition, and firing.

ORDNANCE OFFICE, WAR DEPARTMENT,  
Washington, D. C., January 25, 1890.

MY DEAR SIR: In response to your inquiries of the 23d instant, I have the honor to submit the following tables:

#### STEEL GUNS.

Caliber.	Weight.	Estimated cost.	Range.	Penetration in wrought-iron at distance of 5 miles.
Inches.	Tons.		Miles.	Inches.
10	30	\$36,000	10.8	12.5
12	52	60,000	11.8	16.5
14	82	100,000	13.0	20.5
16	126	150,000	15.0	24.5
20	246	300,000	18.0	33.0

#### MORTARS.

Cast-iron, 12	14.25	8,000	6.0	6.0
Steel, 12	13.00	15,000	6.0	8.0

#### STEEL GUNS.

Caliber.	Weight of projectile.	Estimated cost of projectile, steel.	Weight of powder charge.	Cost of powder charge.	Life of gun.	Cost of boring for cartridge.
Inches.	Pounds.		Pounds.		Rounds.	
10	575	\$27.50	256	\$69.12	250	\$3.00
12	1,000	500.00	440	118.80	250	5.00
14	1,580	790.00	700	189.00	200	10.00
16	2,370	1,185.00	1,040	280.00	200	15.00
20	4,630	2,315.00	2,030	548.00	150	20.00

#### MORTARS.

Cast-iron, 12	630	220.50	80	21.60	500	.70
Steel, 12	800	280.00	100	27.00	500	1.00

The column, "life of gun," indicates the estimated number of rounds before the gun requires relining. After it is relined it acquires a new lease of life.

No seacoast carriages for high-power steel guns have been manufactured in this country, and no estimates of cost can be furnished until the approved types have been definitely settled upon; 20-inch and 16-inch guns if constructed would be mounted in turrets. The estimated cost of a turret for two 16-inch guns is given by the Board on Fortifications or other Defenses in their report as at least \$700,000.

There is no means of determining the amount of deterioration in dollars and cents of the gun from one firing.

No rifled gun of steel or any other metal, of a greater caliber than 18 inches, exists, and none are projected so far as known.

The other data called for are printed in appendices to Notes on Estimates for Armament of Fortifications, which will be sent to you early next week.

Respectfully,

S. V. BENÉT,

Brigadier-General, Chief of Ordnance.

HON. JOSEPH D. SAYERS,

Member of Subcommittee on Fortifications,  
House of Representatives.

ORDNANCE OFFICE, WAR DEPARTMENT,  
Washington, D. C., January 28, 1890.

MY DEAR SIR: In reply to your letter of the 27th instant, I have the honor to state as follows: In estimating the number of rounds which would constitute the life of seacoast guns, I supposed each round to be fired with the battering charge of powder used in actual warfare. When use is made of the reduced charges, employed in ordinary practice firing, a considerably greater number of rounds can be fired before the gun needs relining. The estimated cost of relining seacoast guns is as follows:

8-inch	\$2,400
10-inch	3,500
12-inch	4,500
14-inch	6,000
16-inch	8,000
20-inch	12,000

After relining, the guns, it is thought, will be good for at least 100 rounds with battering charges, after which they can be relined a second and a third time. On account of the relatively small charges used and the consequently greatly diminished erosive effect of the powder, the life of mortars will probably greatly exceed the conservative estimate of 500 rounds given in my previous letter, and it is thought that they will not require relining. The carriages to be used for the 10-inch, 12-inch, and 14-inch guns are of three kinds: disappearing, barbette, and casemate. The cost of an Elswick 10-inch hydropneumatic disappearing carriage is given at \$17,500. No disappearing carriage has ever been made for a rifled gun of greater caliber than 10 inches. It is proposed to mount some of our 12-inch and 14-inch guns on gun-lift disappearing carriages, which are merely barbette carriages raised and lowered by gun-lifts, which are properly part of the fortifications and should be included in their cost.

The price of a 10-inch barbette carriage at the Creusot (French) works is known to be about \$14,000, and for 12-inch and 14-inch carriages the price would probably be about \$17,500 and \$23,000, respectively. Casemate carriages are the most expensive of all, and the intention is to use them for 12-inch guns only. Estimates for a 12-inch carriage of this kind will shortly be procured from abroad. The cost will probably not be less than \$35,000. As to 12-inch seacoast mortar carriages, the English firm of Easton & Anderson will contract for them in quantities at \$6,000 apiece, while Whitworth holds his Canet 12-inch mortar carriages at \$10,000 apiece when made in quantities. The above carriages manufactured in this country would cost 50 per cent. more for some types and calibers, and for others perhaps 75 per cent. more. Their endurance, when properly constructed, may be practically considered as unlimited.

Perhaps a better idea of the probable prices of gun carriages will be obtained from the following table, though it must be remembered that the data at hand are so meager that the estimates of cost can not be called even approximate:

#### Cost of seacoast carriages of American manufacture.

Caliber of guns.	Disappearing.	Barbette.	Casemate.
10-inch	\$27,000	\$20,000 to 25,000	
12-inch	25,000 to 30,000	25,000 to 30,000	\$45,000
14-inch	35,000 to 40,000	35,000 to 40,000	
Without gun-lift.			
12-inch	35,000 to 40,000	35,000 to 40,000	

Twelve-inch mortar carriages, \$12,000 to \$15,000, according to type.



The delivery of steel for forgings procured from the Bethlehem Iron Company, under the fortifications act of September 22, 1883, will be as follows:

Date.	8-inch guns, sets.	10-inch guns, sets.	12-inch guns, sets.
May 1, 1890.....	1		
May 1, 1891.....	18	1	
July 1, 1891.....	4		
August 1, 1891.....			1
May 1, 1892.....		12	
August 1, 1892.....			6
April 1, 1893.....		11	
December 1, 1893.....			8
Total.....	23	24	15

The deliveries will be completed by December 1, 1893. The progress to be expected in finishing and assembling of the guns at Watervliet arsenal will be as follows:

Date.	8-inch.	10-inch.	12-inch.	Remarks.
December 1, 1891.....	3			Provided the additional sum of \$165,000 estimated for is appropriated.
December 1, 1892.....	9	3	1	
December 1, 1893.....	17	5	3	
December 1, 1894.....	23	12	8	
December 1, 1895.....		24	15	

If the south wing is erected all can be completed in 1894; otherwise the twenty-three 8-inch, twenty-four 10-inch, and fifteen 12-inch guns will be completed by December 1, 1895.

The Department has met with unexpected delays in procuring the machine tools for the new gun factory, which will reduce the output of finished guns for the first few years materially. The deliveries of all the large gun lathes will not be completed until 1894; the production of these large tools in this country is very slow work. But it emphasizes the importance of making immediately available the appropriations for completing the gun factory and procuring the additional machinery asked for in the annual estimates of the Department. It will require at least a year to erect the south wing of the gun factory. As respects its equipment the small machines could be procured within a year, but for the large lathes from three to four years would be required.

The prompt passage of the fortifications bill with the proviso that all the items of appropriation touching the completion and equipment of the gun factory shall be made immediately available would materially assist in procuring necessary manufacturing facilities with as little delay as possible, and I earnestly recommend such action on the part of Congress.

As regards a further appropriation for steel forgings, say \$1,500,000, I think it would be wise to make such an appropriation. It might result in the development of a second steel-making establishment in our country capable of producing the forgings for large guns. Such a result is quite probable and certainly very desirable, not only for economic reasons as respects the cost of steel guns, but for procuring the armament required for coast defense at a more rapid rate. Under present conditions the armament of the coast promises to be a very slow and lengthy operation. Several manufacturers should be engaged in the production of the steel and larger facilities should be provided for assembling and finishing guns. If the forgings should be delivered more rapidly than they can be worked up by the Department, part of the work could be given out at contract to private manufacturers. This whole question will be more fully discussed in a memorandum now being prepared for your committee.

Very respectfully,

S. V. BENÉT,  
Brigadier-General, Chief of Ordnance.

Hon. J. D. SAYERS,  
House of Representatives.

#### LIFE OF HEAVY GUNS.

It is stated that a 110-ton Armstrong gun has bent during test, says the Engineer, from which we take the following particulars regarding the life of heavy guns: It appears that the 110-ton gun—16½ inches—will fire 95 ordinary rounds, after which the gun is unfit for service. The 67-ton gun, 13½ inches, will fire 127 rounds, and the 45-ton gun, 12 inches, will fire 150 rounds, after which these guns are absolutely unfit for service. The cost of the 110-ton gun is £16,500, the 67-ton gun, £10,900, and the 45-ton gun, £5,300. Thus the cost of the 110-ton gun alone will be for each discharge of shot £174, for the 67-ton gun £86, and for the 45-ton gun £43. The cost of a single round for material alone for the 110-ton gun is as follows:

	£	s.	d.
900 pounds of powder.....	70	0	0
1,800 pounds of projectile.....	80	0	0
Silk for cartridge.....	3	0	0
Deterioration of gun (life of gun taken at 95 rounds).....	174	0	0

Total net cost of each round..... 327 0 0

For the 67-ton gun:

	£	s.	d.
520 pounds of powder.....	40	10	0
1,250 pounds of projectile.....	55	10	0
Silk for cartridge.....	2	0	0
Deterioration of gun (life of gun taken at 127 rounds).....	86	0	0

Total net cost of each round..... 184 0 0

For the 45-ton gun:

	£	s.	d.
295 pounds of powder.....	23	0	0
714 pounds of projectile.....	31	0	0
Silk for cartridge.....	1	0	0
Deterioration of gun (life of gun taken at 150 rounds).....	43	0	0

Total net cost of each round..... 98 0 0

The 67-ton gun would penetrate 27 inches of wrought-iron at 1,000 yards, and the 45-ton gun would penetrate 20 inches of wrought-iron at the same distance.

Mr. BREWER. Mr. Chairman, I ask that all members may have leave to print remarks on this bill.

There being no objection, leave was granted.

Mr. BREWER. I move now that the committee rise and report this bill favorably to the House.

Mr. CANNON. I suggest that the gentleman modify his motion so as to provide that the bill be laid aside to be reported with a favorable recommendation. I wish to call up another bill on the Calendar.

Mr. BREWER. Very well; I modify my motion as suggested by the gentleman.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a favorable recommendation?

The question was decided in the affirmative.

#### NATIONAL ZOOLOGICAL PARK.

Mr. CANNON. I desire now to call up the bill (S. 2284) for the organization, improvement, and maintenance of the National Zoological Park.

The Clerk having completed the first reading of the bill—

Mr. CANNON. I now ask that the bill be read by paragraphs or sections for amendment and debate under the five-minute rule.

The CHAIRMAN. No general debate being desired, the bill will now be read by paragraphs for amendment.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the organization, improvement, and maintenance of the National Zoological Park, to be expended under the direction of the Regents of the Smithsonian Institution, the following sums of money:

The amendments reported by the Committee on Appropriations to the pending paragraph were read, as follows:

Strike out "there be, and hereby is, appropriated out of any money in the Treasury not otherwise appropriated" and insert "the one half of the following sums named, respectively, is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia."

At the end of the paragraph strike out the words "the following sums of money" and insert the words "and to be drawn on their requisition and disbursed by the disbursing officer for said institution."

Mr. CANNON. Mr. Speaker, the amendments which have just been read, and which are recommended by the Committee on Appropriations, explain themselves. Their effect is to provide that one-half the money appropriated by the bill for the improvement of this park shall come from the revenues of the District of Columbia and the other half from the Treasury of the United States. They further provide that the money shall be drawn on requisition of the regents of the Smithsonian Institution, and disbursed by the disbursing officer for that institution.

Mr. SPINOLA. Which park does this refer to?

Mr. CANNON. The Zoological Park.

The question being taken, the amendments were agreed to.

The Clerk read as follows:

For the shelter of animals, \$15,000.

For shelter-barns, cages, fences, and inclosures, and other provisions for the custody of animals, \$9,000.

For repairs to the Holt mansion, to make the same suitable for occupancy, and for office furniture, \$2,000.

For the creation of artificial ponds and other provisions for aquatic animals, \$2,000.

For water supply, sewerage, and drainage, \$7,000.

For roads, walks, and bridges, \$15,000.

For miscellaneous supplies, materials, and sundry incidental expenses not otherwise provided for, \$5,000.

For current expenses, including the maintenance of collections, food supplies, salaries of all necessary employes, and the acquisition and transportation of specimens, \$37,000.

SEC. 2. That the National Zoological Park is hereby placed under the direction of the Regents of the Smithsonian Institution, who are authorized to transfer to it any living specimens, whether of animals or plants, now or hereafter in their charge, to accept gifts for the park at their discretion, in the name of the United States, to make exchanges of specimens, and to administer the said Zoological Park for the advancement of science and the instruction and recreation of the people.

The amendment reported by the Committee on Appropriations was read, as follows:

After the words "United States," in the sixth line of section 2, insert "and of the District of Columbia."

Mr. CANNON. Mr. Chairman, the Committee on Appropriations in reporting this bill recommended the adoption of the amendment just read. Since the presentation of the report I have arrived at the opinion (not speaking for the committee) that the amendment should not be adopted. It is urged, and with some force, as it seems to me, by parties who represent the Smithsonian Institution, that gifts of animals and other valuable donations to the Zoological Park would probably be made more readily, if received in the name of the United States than if accepted in the name of the United States and of the District of Columbia. As this property was bought by the joint revenues of the United States and of the District and is to be conducted and maintained by their joint contributions, there can be no doubt that any gifts which may be made will inure to the benefit of the park, while, by rejecting the amendment, we may relieve the Smithsonian Institution from some embarrassment in this matter. Therefore, while submitting the amendment by direction of the committee, I express my individual opinion that it is advisable it should not be adopted.

Mr. DOCKERY. I desire to express my concurrence in the view of the gentleman from Illinois that this amendment should not be adopted. The question being taken, the amendment was rejected. The Clerk read as follows:

Sec. 3. That the heads of Executive Departments of the Government are hereby authorized and directed to cause to be rendered all necessary and practicable aid to the said Regent in the acquisition of collections for the Zoological Park.

Mr. McCOMAS. Mr. Chairman, I move to amend by striking out the last word. I desire only to say that I vote for this bill in its present shape because I think a bill for the maintenance of this park ought to pass; but I believe that before the park is two years old Congress will conclude that a national park ought not to be made a District park. The committee has amended the bill so as to make it local and narrow. But, rather than have no park, I am in favor of this bill. I hope to have an opportunity, perhaps at the next session, to vote in favor of making this a national park in accordance with the title of this bill. I withdraw the *pro forma* amendment.

Mr. CANNON. I move that this bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Mr. CANNON. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. PAYSON reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (S. 2284) for the organization, maintenance, and improvement of the National Zoological Park and the bill (H. R. 8391) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service for the fiscal year ending June 30, 1891, and for other purposes, and had directed him to report the same back with sundry amendments.

#### FORTIFICATION BILL.

The House took up for consideration the bill (H. R. 8391) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service for the fiscal year ending June 30, 1891, and for other purposes, reported from the Committee of the Whole House on the state of the Union with amendments.

The amendments were read.

Mr. BREWER. I move the amendments be concurred in.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BREWER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### NATIONAL ZOOLOGICAL PARK.

The next business reported from the Committee of the Whole House on the state of the Union was the bill (S. 2284) for the organization, improvement, and maintenance of the National Zoological Park.

The amendments were read and agreed to, and the bill as amended was ordered to a third reading; and it was accordingly read a third time.

The question recurred on the passage of the bill.

Mr. HOLMAN and Mr. HATCH demanded a division.

The House divided; and there were—yeas 62, noes 33.

Mr. HATCH. I make the point no quorum has voted, as I regard this bill as such an outrage upon the tax-payers of the country—

The SPEAKER. This is not open to debate.

Mr. HATCH. The previous question has not been ordered.

The SPEAKER. The gentleman knows this is not open to debate.

Mr. HOLMAN. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and there were—yeas 116, nays 66, not voting 146; as follows:

#### YEAS—116.

Adams,	Clancy,	Hall,	Mason,
Allen, Mich.	Clark, Wis.	Harmer,	McAdoo,
Anderson, Kans.	Clements,	Hayes,	McCarthy,
Anderson, Miss.	Cogswell,	Hemphill,	McClammy,
Andrew,	Coleman,	Henderson, Iowa	McComas,
Baker,	Conger,	Hermann,	McCord,
Banks,	Connell,	Hill,	McKenna,
Bayne,	Cooper, Ohio	Hitt,	McKinley,
Bergen,	Cutcheon,	Kelley,	Moore, N. H.
Bushman,	Dalzell,	Kerr, Iowa	Morey,
Boutelle,	Dibble,	Kinsey,	Morrow,
Bowden,	Dingley,	La Follette,	Morse,
Breckinridge, Ky.	Dockery,	Laidlaw,	Mudd,
Brewer,	Dorney,	Lansing,	Mutchler,
Brickner,	Dunneil,	Lawler,	Oates,
Campbell,	Dunphy,	Laws,	O'Donnell,
Candler, Mass.	Featherston,	Lee,	Payne,
Cannon,	Flick,	Lehbach,	Perkins,
Carter,	Gear,	Lewis,	Peters,
Caswell,	Gest,	Lind,	Price,
Cheadle,	Gibson,	Magner,	Pugaley,
Chipman,	Grout,	Maish,	Quinn,

Reilly,  
Reyburn,  
Rusk,  
Sanford,  
Sawyer,  
Sayers,  
Seall,

Sherman,  
Simonds,  
Smith, W. Va.  
Smyster,  
Springer,  
Stump,  
Taylor, E. B.

Townsend, Colo.  
Townsend, Pa.  
Tracey,  
Turner, Kans.  
Vandever,  
Walker, Mass.  
Wheeler, Ala.

Wheeler, Mich.  
Wickham,  
Wilkinson,  
Williams, Ohio  
Wilson, Ky.  
Wilson, Wash.  
Wilson, W. Va.

#### NAYS—66.

Abbott,  
Bankhead,  
Barnes,  
Barwig,  
Bland,  
Blount,  
Brookshire,  
Buchanan, Va.  
Bunn,  
Bynum,  
Caruth,  
Clarke, Ala.  
Cobb,  
Covert,  
Cummings,  
Edmunds,  
Elliott,

Ellis,  
Enloe,  
Fithian,  
Forney,  
Fowler,  
Geissenhainer,  
Goodnight,  
Hatch,  
Haugen,  
Henderson, Ill.  
Holman,  
Kerr, Pa.  
Kilgore,  
Lacey,  
Lane,  
Lanham,  
Lester, Ga.

Lester, Va.  
Mansor,  
Martin, Ind.  
Martin, Tex.  
McLellan,  
McCreary,  
McRae,  
Montgomery,  
Morgan,  
Parrott,  
Paynter,  
Payson,  
Peel,  
Pierce,  
Reed, Iowa  
Rogers,  
Rowland,

Skinner,  
Smith, Ill.  
Stewart, Ga.  
Stewart, Tex.  
Stone, Ky.  
Swaney,  
Tarsney,  
Tucker,  
Turner, Ga.  
Walker, Mo.  
Whiting,  
Wike,  
Williams, Ill.  
Wilson, Mo.  
Wise,

#### NOT VOTING—146.

Alderson,  
Allen, Miss.  
Arnold,  
Atkinson, Pa.  
Atkinson, W. Va.  
Bartine,  
Beckwith,  
Belden,  
Belknap,  
Biggs,  
Bingham,  
Blanchard,  
Bliss,  
Boatner,  
Breckinridge, Ark.  
Brosius,  
Brower,  
Brown, J. B.  
Browne, T. M.  
Browne, Va.  
Brunner,  
Buchanan, N. J.  
Buckalew,  
Bullock,  
Burrows,  
Burton,  
Butterworth,  
Caldwell,  
Candler, Ga.  
Carlisle,  
Carlton,  
Catchings,  
Cheatham,  
Clunie,  
Comstock,  
Cooper, Ind.  
Cothran,

Cowles,  
Craig,  
Crain,  
Crisp,  
Culbertson, Tex.  
Culbertson, Pa.  
Dargan,  
Darlington,  
Davidson,  
De Haven,  
De Lano,  
Dolliver,  
Evans,  
Ewart,  
Farquhar,  
Finley,  
Fitch,  
Flood,  
Flower,  
Forman,  
Frank,  
Funston,  
Gifford,  
Greenhalge,  
Grimes,  
Grosvenor,  
Hansbrough,  
Hare,  
Haynes,  
Heard,  
Henderson, N. C.  
Herbert,  
Hooker,  
Hopkins,  
Houk,  
Kennedy,  
Ketcham,

Knapp,  
Lodge,  
McCormick,  
McMillin,  
Miles,  
Milliken,  
Mills,  
Moffitt,  
Moore, Tex.  
Morrill,  
Niedringhaus,  
Norton,  
Nute,  
O'Ferrall,  
O'Neill, Ind.  
O'Neil, Mass.  
O'Neill, Pa.  
Osborne,  
Outhwaite,  
Owen, Ind.  
Owens, Ohio  
Pennington,  
Perry,  
Phelan,  
Pickler,  
Post,  
Quackenbush,  
Raines,  
Randall, Mass.  
Randall, Pa.  
Ray,  
Richardson,  
Rife,  
Robertson,  
Rockwell,  
Rowell,  
Russell,

Scranton,  
Seney,  
Shively,  
Snider,  
Spindola,  
Spooner,  
Stahlnecker,  
Stephenson,  
Stewart, Vt.  
Stivers,  
Stockbridge,  
Stockdale,  
Stone, Mo.  
Struble,  
Taylor, Ill.  
Taylor, J. D.  
Taylor, Tenn.  
Thomas,  
Thompson,  
Tillman,  
Turner, N. Y.  
Turpin,  
Van Schaick,  
Venable,  
Wade,  
Wallace, Mass.  
Wallace, N. Y.  
Washington,  
Watson,  
Whitthorne,  
Wiley,  
Willcox,  
Wright,  
Yardley,  
Yoder.

So the bill was passed.

The following pairs were announced until further notice:

Mr. THOMAS M. BROWNE with Mr. RANDALL, of Pennsylvania.

Mr. WADE with Mr. NORTON.

Mr. EVANS with Mr. PERRY.

Mr. ATKINSON, of Pennsylvania, with Mr. FORMAN.

Mr. KENNEDY with Mr. YODER.

Mr. ATKINSON, of West Virginia, with Mr. ALDERSON.

Mr. POST with Mr. JASON B. BROWN.

Mr. BELDEN with Mr. FLOWER.

Mr. GIFFORD with Mr. TURPIN.

Mr. FINLEY with Mr. CANDLER, of Georgia.

Mr. FLOOD with Mr. HENDERSON, of North Carolina.

Mr. DE LANO with Mr. COTHRAN.

Mr. GROSVENOR with Mr. BLANCHARD.

Mr. NIEDRINGHAUS with Mr. CATCHINGS.

Mr. STIVERS with Mr. RICHARDSON.

Mr. TAYLOR, of Tennessee, with Mr. O'NEALL, of Indiana, until April 13.

Mr. MORRILL with Mr. HEARD, for April 1 and 2.

Mr. DARLINGTON with Mr. MOORE, of Texas, until next Monday.

Mr. HOUK with Mr. McMILLIN, for April 1 and 2.

The following were paired for the rest of the day:

Mr. BROWNE, of Virginia, with Mr. KERR, of Pennsylvania.

Mr. STRUBLE with Mr. CARLISLE.

Mr. TAYLOR, of Illinois, with Mr. CRAIN.

Mr. RANDALL, of Massachusetts, with O'NEIL, of Massachusetts.

Mr. SCRANTON with Mr. TILLMAN.

Mr. MILES with Mr. HOOKER.

Mr. BLISS with Mr. CLUNIE.

Mr. STOCKBRIDGE with Mr. VENABLE.

Mr. FARQUHAR with Mr. BUCKALEW.

Mr. FRANK with Mr. GRIMES.

Mr. WATSON with Mr. SHIVELY.

Mr. KETCHAM with Mr. DAVIDSON.

Mr. RIFE with Mr. DARGAN.

Mr. KNAPP with Mr. PENNINGTON.



Mr. GROSVENOR with Mr. OUTHWAITE.  
Mr. BUCHANAN, of New Jersey, with Mr. COOPER, of Indiana.  
Mr. SPOONER with Mr. BULLOCK.  
Mr. RUSSELL with Mr. ALLEN, of Mississippi.  
Mr. QUACKENBUSH with Mr. HARE.  
Mr. MOFFITT with Mr. MILLS.  
Mr. ARNOLD with Mr. STOCKDALE.

Mr. McMILLIN. My colleague [Mr. RICHARDSON] is detained from the House by sickness. I also desire, Mr. Speaker, to withdraw my vote. I voted in the negative, but am paired with my colleague [Mr. HOUK] on this question.

The result of the vote was then announced as above recorded.

Mr. CANNON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MESSAGE FROM THE SENATE.

A message from the Senate by Mr. McCook, its Secretary, announced the passage, without amendment, of a bill (H. R. 7025) to amend an act entitled "An act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889.

It further announced the passage of a bill and joint resolution of the following titles; in which concurrence was requested:

A bill (S. 389) granting pensions to soldiers and sailors who are incapacitated for the performance of labor, and providing for pensions to widows, minor children, and dependent parents; and

Joint resolution (H. Res. 136) for the relief of sufferers in the Mississippi Valley.

It further announced that the Senate still further insisted on its amendment to the bill (H. R. 7496) to provide for certain of the most urgent deficiencies in the appropriation for the fiscal year ending June 30, 1890, and for other purposes, had agreed to the conference asked for, and had appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL as conferees on its part.

#### NAVAL APPROPRIATION BILL.

Mr. BOUTELLE, from the Committee on Naval Affairs, reported a bill (H. R. 8900) making appropriations for the naval service for the fiscal year ending June 30, 1891, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BRECKINRIDGE, of Kentucky. I desire to reserve the points of order on this bill.

The SPEAKER. All the points of order will be reserved.

#### NATIONAL BANKING.

Mr. WALKER, of Massachusetts. Mr. Speaker, I do not desire to detain the House further than to ask unanimous consent to print a brief explanatory statement of the provisions of the bill (H. R. 8897) proposing a national banking system, which I have to-day introduced in the House.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. WALKER, of Massachusetts. Mr. Speaker, to illustrate the working of banks to-day under the existing law, I have had prepared the following statement to accompany the draught of the bill I present to establish a national banking code. What is said of the banks named is true of banks the country over, and each bank can figure out for itself the results in its own case should the code proposed be adopted:

*Number of banks, the amount of their capital, bonds deposited to secure circulation, circulation outstanding, net deposits, and reserve held of the national banks having \$100,000 capital or less in the States of Missouri, Minnesota, Georgia, Tennessee, Pennsylvania, and Massachusetts, as shown by their reports of condition at the close of business on December 11, 1889.*

States.	No. of banks.	Capital.	Bonds.	Circulation.	Net deposits.	Reserve held.
Missouri.....	44	\$2,975,235	\$797,730	\$668,435	\$5,175,418	\$1,663,193
Minnesota.....	40	2,645,000	762,300	682,100	5,294,656	1,283,410
Georgia.....	19	1,310,500	505,500	443,190	2,642,015	1,310,128
Tennessee.....	31	2,260,000	667,750	589,100	3,469,092	914,954
Pennsylvania.....	166	13,059,660	5,722,800	5,001,615	37,328,668	10,435,819
Massachusetts.....	53	4,902,500	1,353,000	1,650,867	9,766,023	2,722,492
Total.....	353	27,152,895	10,309,100	9,085,307	63,665,879	18,314,996

The bonds owned by these banks of the par value of \$10,309,100 would cost a premium to-day at 24 per cent. per annum, or \$2,474,184.

It will be seen that they were entitled to receive circulating notes to the amount of \$242,883 more than they have taken. They are entitled to receive 90 per cent. of their par value in circulating notes, or \$9,278,190; but no banking business can be safely done without a redemption fund for its notes and a reserve fund also.

The note-redemption fund required by the Government is 5 per cent. on their circulation, or \$463,909.50, which deducted from their circulating notes leaves available to them only \$8,814,280.50. It comes to this, then, that the banks are obliged to pay for that amount of currency notes, at 24 per cent. premium on their United States bonds, their price in the market to-day, \$12,783,284.

The banks get interest on the par value of the \$10,309,-

100 bonds held by them, at 4 per cent..... \$412,364.00  
Interest on \$8,814,280.50 circulation, at 6 per cent --- 528,856.83

Total possible income on bonds and currency notes. --- 941,220.83

The banks lose on \$12,783,284, price of bonds, at 6 per cent..... \$766,997.04

Tax of 1 per cent. per annum on its currency notes, \$9,278,190..... 92,781.90

Yearly loss on premium paid..... \*236,149.00

Redemption charges..... 9,510.14 + 1,105,438.68

Annual net loss to all banks named..... 164,217.25

That is to say, that notwithstanding the Government pays to these banks 4 per cent. per annum upon the bonds it compels the banks to buy in order to secure \$9,278,190 in promissory currency notes to circulate as money, the banks still lose, on a basis of a 6 per cent. rate of interest, 1½ cents on every dollar of currency notes they get from the Government, which an individual banker would save, or over 6 mills per cent. per annum on their total capital.

The banks throughout the country are now calling for a 2 per cent. fifty-year bond, upon which to secure circulation. Their currency account would then be as follows:

\$10,309,100 of bonds, at 2 per cent..... \$206,182.00  
\$8,814,280.50 currency notes, at 6 per cent..... 528,856.83

Total possible income on bonds and currency notes 735,038.83

\$10,309,100 cost of bonds, at 6 per cent..... \$618,546.00

Tax of 1 per cent. on \$9,278,190 currency notes 92,781.90

Redemption charges..... 9,510.14

720,838.04

Yearly gain on circulating notes..... 14,200.79

But by continuing the present system, using either the 4 per cent. at their price or the 2 per cent. bond, if one were issued, the principle of sound banking is violated. It is wasteful beyond the thought of persons who have not critically examined the system, or rather the want of system, of the United States.

If currency notes are made to cost more than their normal price in the end it comes out of the people. Banking is as necessary in the conduct of the business of the country as is the means of transportation. If railroads are made to cost more than is necessary, the people are compelled to pay higher freight charges and are also hindered from putting their capital into railroads, to their great loss. So if the loaning of the capital put into banks is hindered by the circulating notes of banks called money, which are proper and necessary to the banks in loaning the capital of the banks, being made to cost the bank an exorbitant price, the people having capital to loan are hindered from putting their capital into banking and the people borrowing the capital of the bank are made to pay a high price for the capital they borrow.

Instead of the banks named losing by the present system, over a proper system of issuing currency bank notes on their 4 per cent. bonds, only \$164,217.25 they really lose about \$1,229,765.39, or at the rate of about 4½ per cent. on their capital, in an unwise system of providing currency notes for the use of these banks. This is an utter waste, and comes out of the people by a system of banking more costly than that of any other christian country.

By the system which is embodied in the proposed banking code which I herewith present the banks named would be entitled to receive currency notes, practically as safe to the holders of them as those now issued on United States bonds, to the amount of \$22,893,745, and the currency-note account, computed as in the other cases, would be as follows:

\$22,893,745 of currency notes at 6 per cent..... \$1,373,624.70

The banks would lose at the same rate of

interest as a 2 per cent. bond on circulation

of \$4,578,749, bought of the United

States Treasurer at 2 per cent..... \$91,574.98

Redemption charges..... 23,351.62

114,926.60

Annual saving to the banks and the people..... 1,258,698.10  
in banking under the proposed bill.

This is not a sum "given to the banks." It is a sum of which they are now deprived and to which they are justly entitled.

This loss is made up of loss of use, and therefore loss of interest, upon

\*English table of annuities. Jones on Annuities, volume 1.

a considerable part of the capital originally paid into the banks by their owners, which they received for their farms, or houses, or merchandise they sold to get the capital to form the bank, and of its depositors, namely:

\$18,314,996 in coin or lawful money in their reserve fund at 6 per cent. per annum	\$1,098,899.76
Interest on the 5 per cent. note redemption fund in the hands of the Treasurer of the United States of \$463,909.50 at 6 per cent.	27,834.57

Total interest on actual capital the banks own that is tied up under the present system	1,126,734.33
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There will be, however, a loss to the banks under the code which can only be justified upon the principle that the Government has a right to impose a tax upon them.

This annual loss to the banks will be in the nature of a tax upon the circulation the banks would get under the proposed banking code, of about 4 mills per annum in loss of 2 per cent. annually on the money bought of the United States Treasurer.

This matter is of prime importance to the people, for there is no one thing more necessary to secure to working people their fair share of the products of a country without excessive tribute to middle men than a circulating medium, uniform and unvarying in value. Men in middle life can not realize the great loss that came to producers and consumers in this country from the imperfect monetary system that existed in the United States for fifty years prior to 1863.

Exchanges during that period were as high as 10 per cent. between Chicago and Boston, and this great expense of making money exchanges in exchanging products came out of the consumer, who at the same time is the producer of the country, and went into the pockets of middle men. Exchanges are now made between the most remote parts of the country practically without cost, which is all in the interest of the consumer.

Our present banking system, while the best this country ever saw, is enormously expensive, and it can not continue much longer without some means is devised for continuing its excellences and remedying its defects. The banking bill which I have prepared is intended to furnish the cheapest possible circulating medium for the use of the people, costing them the least possible sum for its use, and that is at the same time safe and enduring.

It proposes to release all the United States bonds now held by the banks so that the United States Government may buy them at the cheapest rate—at their normal and natural price in the market—without any fictitious price being given to them by the requirement that national banks shall hold them to secure their currency notes.

The bill proposes that the banks shall, in place of the bonds, deposit United States notes, coin, or coin certificates for the circulating notes of the bank to the extent of 10 per cent. of its capital for associations having a capital of \$250,000 or less, and for those whose capital exceeds \$250,000 to the extent of \$25,000; that these notes, upon the insolvency or expiration of the charter of the bank, shall be redeemed by the Treasurer of the United States in coin or coin certificates, and confers upon him the right to sell bonds for coin to redeem such notes. Practically the redemption of these notes will never be required.

Secondly. That the bank shall have the right to issue notes to an amount not to exceed its coin or coin-certificate reserve, as determined from time to time by the Comptroller of the Currency; that the notes issued redeemable by the bank and not by the Treasurer of the United States shall differ in color and in the affirmation printed upon them from the notes received from and to be redeemed by the United States Treasurer, with provisions for their payment in case of the insolvency of the bank that assure their final payment.

Of the money deposited with the Treasurer for circulation 90 per cent. shall be used for the redemption and destruction of United States notes to that amount, the notes issued under the bill taking their place; that 10 per cent. be set aside in coin or coin certificates for the redemption of the notes of each bank; that all the provisions of law now existing for supervision and control of banks are retained.

The provisions of this bill make the bank equally as secure and the redemption of its circulating promissory notes equally certain with the present system and at the same time save to the people the interest on the lawful money held in the redemption accounts which under any other system is lost to the people. The coin held by the Government outside of the banking system of the country is so much capital held out of practical use, and the interest upon that amount of capital is lost to the country, while coin to the amount necessary to safety, held in the banking system in its reserve account, is represented in the circulating medium of the country, as is the case in every christian country excepting the United States.

In the latter case there is no advantage to the people in the amount of coin held by the Government. In the case of the banks holding it, with the right to issue notes to the same amount, the coin performs two offices: it ministers to the safety of the banking system of the country, which it can not do while in the Treasury of the United States, and also is represented in the currency notes of the banks.

The \$621,000,000, more or less, of coin now in the United States Treasury is a certain loss to the people, at 4 per cent. per annum interest, of over \$24,000,000 per annum, and this loss is not lessened by issuing certificates that circulate for money among the people, because if these certificates were issued by the banks as bank promissory currency notes, representing coin held by the banks, it makes coin a part of the monetary system of the country and performs the two offices named. When held in the United States Treasury it is no more a part of the monetary system of the country than it would be if it were held in other countries or held by an individual.

If it is said the people of the United States do not lose this \$24,000,000 because the Government has certificates for it in circulation, then the banks lose it, and the money gotten out of the banks, in loans by the people, costs the people that much more in interest charged by the banks than they would pay if the banks held this amount of coin as a part of the monetary system of the country and issued notes upon it instead of the Government. The people are, therefore, justified in their complaints of the banking system. A bank owes to the community in which it exists and the country that charters it two offices which it ought not to be released from performing.

The first is to furnish circulating notes to answer for the checks, drafts, bills of exchange, etc., for the common people, and, secondly, to hold a sufficient amount of coin to measure the value of products exchanged in the country by settling balances between the banks with it. No monetary system ought to be allowed to exist that does not do these two things. To furnish a safe deposit for such capital of individuals as they do not at that time need and lend the same to other individuals who do need it at that time is not enough. Finally, no more supervision, control, or burdens should be imposed upon banks than experience has proved, not theory has suggested, is absolutely necessary to their proper safety and service of the people.

#### PROPOSED AMENDMENTS TO IDAHO BILL.

Mr. MANSUR. Mr. Speaker, I desire to ask unanimous consent to have printed in the Record the amendments which the minority will submit when the bill for the admission of Idaho is presented for consideration.

The SPEAKER. In the absence of objection, the amendments will be printed, as requested by the gentleman from Missouri.

There was no objection.

The amendments are as follows:

Amendments proposed by the minority of the Committee on the Territories to the bill (H. R. 4562) to provide for the admission into the Union of the State of Idaho, and for other purposes.

#### FIRST AMENDMENT.

Strike out sections 1 and 2 and in lieu thereof insert the following sections, and change the numbers of the other sections accordingly:

"SECTION 1. That the inhabitants of all that part of the area of the United States now constituting the Territory of Idaho, as at present described, may become the State of Idaho, as hereinafter provided.

"SEC. 2. That all persons who shall have resided within the limits of said proposed State for sixty days, and are otherwise qualified by the laws of said Territory to vote for representatives to the Legislative Assembly thereof, are hereby authorized to vote for and choose delegates to form a convention in said Territory; and the qualifications for delegates to such convention shall be such as, by the laws of said Territory, persons are required to possess to be eligible to the Legislative Assembly thereof; and the aforesaid delegates to form said convention shall be apportioned among the several counties within the limits of the proposed State, in proportion to the aggregate number of votes in each of said counties for Delegate in Congress, at the election held in said Territory on the Tuesday next after the first Monday in November, 1885. One delegate shall be allowed for every 300 votes cast in each county, and one delegate for any fraction of 150 votes cast in each county. That said apportionment shall be made by the governor, the chief justice, and the United States attorney of said Territory; and the governor of said Territory shall, by proclamation, order an election of the delegates aforesaid in said Territory to be held on the Tuesday after the first Monday in June, 1890, which proclamation shall be issued within thirty days after the passage of this act; and such election shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such convention issued in the same manner as is prescribed by the laws of the said Territory regulating elections therein for Delegate to Congress. All persons resident in said proposed State, who are qualified voters of said Territory, as herein provided, shall be entitled to vote upon the election of delegates, and upon the ratification or rejection of the constitution, under such rules and regulations as said convention may prescribe, not in conflict with this act: *Provided*, That if any elector in said Territory who may offer to register as a voter or to vote at either of said elections shall be challenged on the ground that he is a bigamist or polygamist, or is living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of Idaho or of the United States forbidding any such crime, or who in any manner teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law or to commit any such crime, or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation, or society which teaches, advises, counsels, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or which teaches or advises that the laws of Idaho prescribing rules of civil conduct are not the supreme law of the Territory, it shall be the duty of one of the judges of the registration or of the election where such elector is challenged to tender him the oath prescribed in section 24 of the act of Congress approved March 3, 1887, known as the anti-polygamy act, with such modification only as is necessary in order to comply with the laws of the Territory of Idaho in respect to his residence therein; and if such elector shall take and subscribe said oath so modified, his vote shall be received and counted at such elections. But if said elector shall swear falsely in taking such oath, he shall, on conviction, be deemed guilty of perjury, and he shall be punished accordingly.

"SEC. 3. That the delegates to the convention thus elected shall meet at the seat of government of said Territory on the 4th day of July, 1890, and after organization shall declare, on behalf of the people of said proposed State, that they adopt the Constitution of the United States; whereupon the said convention shall be, and is hereby, authorized to form a constitution and State government for said



proposed State. The constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide, by ordinance irrevocable without the consent of the United States and the people of said State:

"First, that perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship;

"Second, that the people inhabiting the said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the State shall never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use; but nothing herein or in the ordinance herein provided for shall preclude the said State from taxing, as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indians or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation; but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress may prescribe;

"Third, that the debts and liabilities of said Territory shall be assumed and paid by the said State; and

"Fourth, that provision shall be made for the establishment and maintenance of a system of public schools which shall be open to all the children of said State and free from sectarian control.

"Sec. 4. That, in case a constitution and State government shall be formed in compliance with the provisions of this act, the convention forming the same shall provide by ordinance for submitting said constitution to the people of said State for their ratification or rejection at an election to be held in said Territory on the Tuesday after the first Monday of October, 1890, at which election the qualified voters of said proposed State shall vote directly for or against the proposed constitution, and for or against any provisions separately submitted. The returns of said election shall be made to the secretary of said Territory, who, with the governor and chief-justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast on that question shall be for the constitution, the governor shall certify the result to the President of the United States, together with a statement of the votes cast thereon, and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances; and if the constitution and government of said proposed State are republican in form, and if all the provisions of this act have been complied with in the formation thereof, it shall be the duty of the President of the United States to issue his proclamation announcing the result of said election; and thereupon the proposed State of Idaho shall be deemed admitted by Congress into the Union under and by virtue of this act on an equal footing with the original States from and after the date of said proclamation."

#### SECOND AMENDMENT.

Amend the bill by adding to section 1 the following:

"Provided, That this constitution shall not take effect until the same shall have been submitted to a vote of the people of the Territory of Idaho. That for the purpose of such submission the governor of Idaho shall issue his proclamation calling upon the voters of said Territory to assemble at their respective places for voting on the Tuesday next after the first Monday of November, A. D. 1890, then and there to cast their ballots for or against the adoption of such constitution; and the said governor may prescribe such form of ballot as shall be used at the said election; and the said election shall be conducted in the manner and by the officers as now provided by the laws of the said Territory; and returns thereof shall be made, and the same shall be canvassed, in the same manner as is required by the laws of the said Territory in case of an election of Delegate to the Congress; and if the majority shall vote in favor of the adoption of the said constitution the governor shall issue his proclamation thereof: *Provided*, That if any elector in said Territory who may offer to register as a voter or to vote at said election shall be challenged on the ground that he is a bigamist or a polygamist, or is living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of Idaho or of the United States forbidding any such crime, or who, in any manner, teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime, or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation, or society which teaches, advises, counsels, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or which teaches or advises that the laws of Idaho prescribing rules of civil conduct are not the supreme law of the Territory, it shall be the duty of one of the judges of the registration or of the election where such elector is challenged to tender him the oath prescribed in section 24 of the act of Congress approved March 3, 1887, known as the anti-polygamy act, with such modification only as is necessary in order to comply with the laws of the Territory of Idaho in respect to his residence therein; and if such elector shall take and subscribe said oath so modified, his vote shall be received and counted at such election. But if said elector shall swear falsely in taking such oath, he shall, on conviction, be deemed guilty of perjury, and he shall be punished accordingly."

#### THIRD AMENDMENT.

Add to section 1 of the bill the following:

"*Provided*, This act shall not take effect except upon the fundamental condition that within the said State of Idaho there shall be no denial of the right of suffrage, or of the right to hold office, or to serve on juries because of crime, except after conviction thereof by a court of competent jurisdiction: *Provided*, That the right of suffrage may be denied prior to conviction for a crime committed in connection with a pending election and in violation of the election laws where conviction would be impossible prior to such election; but in case an elector is challenged on account of such crime he may deny under oath that he is guilty thereof; and after taking such oath his vote shall be received; but if he swears falsely in taking such oath he shall be deemed guilty of perjury, and, on conviction thereof, he shall be punished accordingly; and upon the further condition that the Legislature of said State shall, by a solemn public act, declare the assent of said State to the said condition, and shall transmit to the President of the United States an authenticated copy of said act, upon receipt whereof the President, by proclamation, shall forthwith announce the fact, whereupon said condition shall be held as a part of the organic law of the State, irrevocable without the consent of Congress; and thereupon and without any further proceeding on the part of Congress the admission of said State in the Union shall be considered as complete. Said State Legislature shall be convened by the governor of Idaho within thirty days after he shall take his office, to act upon the conditions submitted herein."

#### ADMISSION OF IDAHO.

Mr. McKINLEY. Mr. Speaker, I desire to submit from the Committee on Rules a substitute for the resolution fixing the time for the consideration of the bill for the admission of Idaho.

The Clerk read as follows:

*Resolved*, That the House meet at 11 o'clock on Wednesday and Thursday next; and that after sixty minutes of the morning hour on those days the House proceed to consider the bill for the admission of Idaho; and that the previous question be considered as ordered at 3 o'clock on Thursday on the bill to its passage, and pending amendments, together with the three amendments proposed by the minority.

The question was taken, and the Speaker announced that the resolution had been adopted.

Mr. BRECKINRIDGE, of Kentucky. I demand a division.

Mr. McKINLEY. This resolution was understood to meet the approval of the minority of the committee. It was agreed to as being satisfactory to that minority, and is presented in its present shape for that reason.

Mr. BRECKINRIDGE, of Kentucky. After the statement of the gentleman from Ohio I withdraw the demand for a division.

Mr. McMILLIN. Will the gentleman from Ohio permit me to ask him a question? Why is it that these things can not be considered under the general code of rules that we have adopted? I do not say that to interfere with this arrangement, but it does seem to me that we ought to have general rules, and not to take these things up piecemeal under special rules.

Mr. McKINLEY. Speaking for myself, I think that this seems to be the better and the speedier way of admitting States into the Union.

Mr. McMILLIN. What is the objection to the usual way? We were told that we were to have rules under which we could operate successfully, and yet you are bringing in a new rule every day or two.

Mr. McKINLEY. The gentleman ought to remember, and he doubtless knows, that under the rules of this House the Committee on Rules have the right to report these special orders at any time.

Mr. McMILLIN. I understand that the Committee on Rules have that privilege.

Mr. McKINLEY. And we are getting on excellently with the conduct of public business.

Mr. McMILLIN. But you are making a new rule every day.

Mr. McKINLEY. And making a rule to promote the public business every day; just what we ought to do.

Mr. McMILLIN. And that was what the old rules would accomplish.

Mr. McKINLEY. Well, we did not think the old rules good enough and we changed them, and we are getting on very well on the whole under the new system.

The SPEAKER. The demand for a division has been withdrawn.

Mr. BYNUM. I ask for a division.

The House divided; and there were—ayes 91, noes 42.

So the resolution was agreed to.

#### FORFEITURE OF LAND GRANTS.

Mr. PAYSON. Mr. Speaker, I rise to make a privileged report. I am directed by the Committee on Public Lands to report back the following substitute bill for certain bills named, and to ask that the bill and report may be printed and recommitted to the committee.

The Clerk read the title of the bill, as follows:

A bill (H. R. 8919) to declare a forfeiture of certain lands granted to aid in the construction of railroads, and for other purposes.

Mr. PAYSON. I also request that the gentlemen from Missouri [Mr. STONE] and the gentleman from Indiana [Mr. HOLMAN] have leave to file the views of the minority, to be printed at the same time as the report of the majority.

Mr. HOLMAN. I ask leave to file the views of the minority.

The SPEAKER. Without objection, the bill will be ordered to be printed, with leave to the minority to file their views, and the bill and report will be recommitted.

There was no objection.

#### SHORT METHOD OF SPELLING.

Mr. LAWLER. Mr. Speaker, I ask unanimous consent for the reprint of Miscellaneous Document No. 76, on the short method of spelling.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and it is so ordered.

#### ENROLLED BILLS SIGNED.

Mr. MOORE, of New Hampshire, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 7025) to amend an act entitled "An act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889; when the Speaker signed the same.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BUCHANAN, of New Jersey, for the remainder of the day and for to-morrow.

To Mr. HAYES, for fifteen days, on account of important business.

## DEATH OF HON. DAVID WILBER.

Mr. SHERMAN. Mr. Speaker, it becomes my sad duty to announce the demise of Hon. David Wilber, of New York. The lamp of his life, which for months has been failing, to-day went out. The time is not here to speak his eulogy. At some future time I shall ask the House to turn aside from its business to pay fitting tribute to his memory. For the present I offer the resolutions which I send to the Clerk's desk. The Clerk read as follows:

*Resolved*, That the House has learned with profound regret of the death of Hon. David Wilber, a Representative from the State of New York.

*Resolved by the House of Representatives (the Senate concurring)*, That a special committee of seven members of the House of Representatives and three members of the Senate be appointed to take order for attending his funeral at his residence in the State of New York; and the necessary expenses attending the execution of this order shall be payable out of first funds in the contingent fund of the House available therefor.

That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

*Resolved*, That the Clerk communicate the foregoing resolutions to the Senate.

*Resolved*, That as a further mark of respect to the memory of the deceased the House do now adjourn.

The resolutions were unanimously agreed to.

The SPEAKER. The Chair will appoint the following members on the special committee just created: Mr. BELDEN, Mr. DE LANO, Mr. SAWYER, Mr. WALLACE of New York, Mr. BYNUM, Mr. TRACEY, and Mr. LEE.

Then (at 4 o'clock and 10 minutes p. m.) the House adjourned until 11 o'clock a. m. to-morrow.

## EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

## UNPAID JUDGMENTS DUE THE UNITED STATES.

Letter from the Secretary of the Treasury, transmitting a communication from the Solicitor of the Treasury in regard to unpaid judgments due the United States, and recommending the appropriation of a sum for making the collection—to the Committee on Appropriations.

## ENTRANCE TO NATIONAL CEMETERY AT HAMPTON, VA.

Letter from the Secretary of War, inclosing a copy of the report of the Judge-Advocate-General of the Army and recommending that provision be made for the acquisition by the Government of a strip of land upon which is to be built a roadway or entrance to the national cemetery at Hampton, Va., and inclosing a draught of a bill—to the Committee on Appropriations.

## SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

The bill (S. 316) for the relief of the legal representatives of George McDougall, deceased—to the Committee on Claims.

The bill (S. 321) providing for the purchase of "the Capron collection of Japanese works of art"—to the Committee on the Library.

The bill (S. 1024) conferring jurisdiction upon the Court of Claims to finally determine the claim of John J. Schillinger and his assignees for the use of the Schillinger patent in the Capitol grounds—to the Committee on Claims.

The bill (S. 1571) to provide for the erection of a public building in the city of Grand Forks, N. Dak.—to the Committee on Public Buildings and Grounds.

The bill (S. 1631) making appropriations for improving the St. Mary's River and for improving the Hay Lake Channel—to the Committee on Rivers and Harbors.

The bill (S. 2716) to provide for the completion of the improvement of the entrance to Galveston Harbor, Texas—to the Committee on Rivers and Harbors.

## RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. MCCOMAS:

*Resolved*, That Rule XIII be amended by adding thereto as an additional clause the following, namely:

"3. All reports from the Court of Claims under (the Bowman act) the act of March 3, 1883, made to the House of Representatives shall be placed on the Private Calendar in regular order when reported from the Committees on Claims and War Claims, with accompanying bills, and all such reports with accompanying bills made by the same committees in prior Congresses shall be placed at the head of the Private Calendar in the order reported from said committees, and said reports shall have precedence over other reports in the order made; "to the Committee on Rules.

By Mr. MCCOMAS:

*Resolved*, That the Clerk of the House is hereby authorized to prepare a compilation of the findings of fact of the Court of Claims upon claims referred to said court under the provisions of the so-called "Bowman act" transmitted to Congress during the Forty-eighth, Forty-ninth, Fiftieth, and Fifty-first Congresses, with a complete index thereto; to the Committee on War Claims.

## REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. PERKINS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 532) requiring purchasers of land on Pawnee reservation, in the State of Nebraska, to make payment, and for other purposes, reported, as a substitute therefor, a bill (H. R. 8906) requiring purchasers of lands in the Pawnee reservation, in the State of Nebraska, to make payment, and for other purposes; which was read twice, and referred to the House Calendar.

Mr. HALL, from the Committee on Indian Affairs, reported with amendment the bill of the House (H. R. 113) to provide for the disposition and sale of lands known as the Klamath River reservation—to the Committee of the Whole House on the state of the Union.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the bill of the House (H. R. 7383) for the benefit of Elizabeth Moore—to the Committee of the Whole House.

Mr. WISE, from the Committee on Military Affairs, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 1286) to perfect the military record of James Hughes; and

A bill (H. R. 4011) to remove the charge of desertion against William Gibbon.

## BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were introduced, severally read twice, and referred as follows:

By Mr. WALKER, of Massachusetts: A bill (H. R. 8897) to secure to the people the profit that may accrue from the issue of circulating promissory notes by banks and called money, and for the organization, direction, and control of banks by the people—to the Committee on Banking and Currency.

By Mr. GEST: A bill (H. R. 8898) to repeal certain provisos in the sundry civil act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, approved March 2, 1889—to the Committee on Commerce.

By Mr. SPINOLA: A bill (H. R. 8899) to regulate the salaries of certain employes in the classified service of the appraiser's office at the port of New York—to the Committee on Expenditures in the Treasury Department.

By Mr. CLUNIE: A bill (H. R. 8900) to provide for the sale of a portion of the site of Lime Point reservation, in Marin County, California—to the Committee on Military Affairs.

By Mr. MORRILL (by request): A bill (H. R. 8901) to amend section 4702, Title LVII, Revised Statutes of the United States, amended August 7, 1882—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 8902) to amend section 4707, Title LVII, Revised Statutes of the United States, and to repeal the limits as to dependent relatives' applications for pensions—to the Committee on Invalid Pensions.

By Mr. BURTON (by request): A bill (H. R. 8903) to define the routes of steam-railroads in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. PERKINS: A bill (H. R. 8904) to forbid maintenance and oppression in suits brought upon letters patent—to the Committee on the Judiciary.

Also, a bill (H. R. 8905) to amend and to further extend the benefits of an act entitled "An act to provide for allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February 8, 1887—to the Committee on Indian Affairs.

By Mr. CHIPMAN: A bill (H. R. 8907) to regulate the time when increase of pension shall take effect—to the Committee on Invalid Pensions.

By Mr. FARQUHAR: A bill (H. R. 8908) providing for additional leave of absence for employes of Bureau of Engraving and Printing—to the Committee on Printing.

By Mr. TURNER, of New York: A joint resolution (H. Res. 139) for the better protection of human life on the Atlantic Ocean, and for other purposes—to the Committee on Merchant Marine and Fisheries.

By Mr. SPRINGER: Joint resolution (H. Res. 140) authorizing the printing of committee reports—to the Committee on Printing.

By Mr. HEARD: Joint resolution (H. Res. 141) to provide for the settlement of the claims of the officers and enlisted men of the various militia organizations of the State of Missouri for horses and equipments lost while engaged in the military service of the United States—to the Committee on War Claims.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BREWER: A bill (H. R. 8910) granting an increase of pension to Clinton Spencer—to the Committee on Invalid Pensions.



By Mr. BURROWS: A bill (H. R. 8911) for the relief of Sarah Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8912) for the relief of Andrew J. Beers—to the Committee on War Claims.

By Mr. CARUTH: A bill (H. R. 8913) increasing the pension of Mrs. Ruth M. Allen—to the Committee on Pensions.

By Mr. COOPER, of Indiana: A bill (H. R. 8914) for the relief of George W. Barnes—to the Committee on Invalid Pensions.

By Mr. ENLOE (for Mr. PHELAN): A bill (H. R. 8915) for the relief of Ellen P. Malloy, of Memphis, Tenn.—to the Committee on War Claims.

By Mr. GROUT: A bill (H. R. 8916) granting a pension to Cordelia Cheney—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 8917) for the relief of Samuel Moorehead—to the Committee on Military Affairs.

By Mr. HITT: A bill (H. R. 8918) granting a pension to Mrs. Emeline Jane Bushnell—to the Committee on Invalid Pensions.

By Mr. LA FOLLETTE: A bill (H. R. 8920) granting a pension to John M. Williams, father of Jabes Williams, deceased—to the Committee on Invalid Pensions.

By Mr. MOORE, of New Hampshire (by request): A bill (H. R. 8921) granting Edwin A. Knight the arrearages due him—to the Committee on Invalid Pensions.

By Mr. PEEL (by request): A bill (H. R. 8922) for the relief of the heirs or legal representatives of Mary Christian, deceased—to the Committee on War Claims.

By Mr. PETERS: A bill (H. R. 8923) increasing the pension of James M. Munroe—to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 8924) for the relief of J. S. Williams—to the Committee on Claims.

By Mr. SAWYER: A bill (H. R. 8925) granting a pension to Nathan G. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8926) granting a pension to Mary Ann Griswold—to the Committee on Invalid Pensions.

By Mr. SMITH, of West Virginia: A bill (H. R. 8927) granting a pension to F. R. Hasler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8928) granting a pension to D. M. Miller—to the Committee on Invalid Pensions.

By Mr. STAHLNECKER: A bill (H. R. 8929) to pay John Hunter for part of Hart's Island, in Westchester County, State of New York, condemned and taken for light-house purposes—to the Committee on Claims.

By Mr. SWENEY: A bill (H. R. 8930) granting a pension to Wilhelm Ambing—to the Committee on Invalid Pensions.

By Mr. WILSON, of Kentucky: A bill (H. R. 8931) for the relief of John Samuels—to the Committee on War Claims.

By Mr. YODER: A bill (H. R. 8932) to remove the charge of desertion against the name of Francis Culliton—to the Committee on Military Affairs.

Also, a bill (H. R. 8933) granting a pension to Mrs. Sue Ditto—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8934) granting a pension to Mary Fetterly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8935) granting a pension to Margaret E. Hearn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8936) to remove the charge of desertion or absence without leave against Henry Klockner—to the Committee on Military Affairs.

Also, a bill (H. R. 8937) to remove the charge of desertion against the name of John Zedeker—to the Committee on Military Affairs.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (H. R. 8782) for the relief of Sarah A. Oakes, legal heir of Capt. Hugh Worthington, deceased—Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 3993) for the payment to the widow of Thomas Settle, late district judge for the northern district of Florida, the balance of a year's salary—Committee on the Judiciary discharged, and referred to the Committee on Claims.

A bill (S. 2481) to improve the marine hospital at Vineyard Haven, Mass.—Committee on Naval Affairs discharged, and referred to the Committee on Commerce.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNES: Petition of Typographical Union, Augusta, Ga., in behalf of employes Government Printing Office—to the Committee on Printing.

By Mr. BELDEN: Petition of 43 persons of Twenty-fifth district of New York, against sale of liquors in military and naval institutions—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. CHEADLE: Petition of Indiana State Pension Association,

held at Indianapolis, Ind., March 10, 1890, asking for the enactment of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: Petition of Grand Army of the Republic post at Ruthven, Iowa, for service pension—to the Committee on Invalid Pensions.

By Mr. FUNSTON: Remonstrance of 72 colored citizens of Clarksdale, Miss., against any law discriminating against cotton-seed oil—to the Committee on Agriculture.

By Mr. GEAR: Resolution of Cigarmakers' Union No. 72, Burlington, Iowa, in regard to eight-hour law—to the Committee on Labor.

Also, resolution of Fisher Post, Grand Army of the Republic, of Milton, Iowa, in regard to service pension—to the Committee on Invalid Pensions.

Also, evidence in claim of W. F. Baird for a pension—to the Committee on Invalid Pensions.

By Mr. GEST: Petition by citizens of Hancock County, Illinois, for reduction of duties on certain articles—to the Committee on Ways and Means.

By Mr. HAYES: Petition of Society of Friends, numbering 154 members, of Muscatine, Iowa, against naval or other warlike appropriations—to the Committee on Naval Affairs.

By Mr. HENDERSON, of Iowa: Resolution by the State Business Men's Association, of Iowa, indorsing the Torrey bankrupt bill—to the Committee on the Judiciary.

Also, petition from Chicago branch of the National Association of Letter-Carriers, asking for an increase of salary—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Coldwater Alliance of Farmers, No. 1189, from Greene, Butler County, Iowa, and No. 1924, from Jonesville, Bremer County, Iowa, favoring the Butterworth bill against gambling in farm produce—to the Committee on Agriculture.

By Mr. HITT: Petition of Mrs. E. J. Bushnell, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. KELLEY: Petition of Farmers' Alliance of Reading, Lyon County, Kansas, asking for the abolition of the national banks, for free coinage of silver, abolition of trusts, more paper currency, for a Presidential term of six years, and only one term, and that all persons who buy or sell votes be dealt with as traitors, be hanged—to the Committee on Banking and Currency.

Also, petition of 64 citizens of Lyon County, Kansas, asking for the free and unlimited coinage of silver, and insisting that its demonetization in 1873 was uncalled for by the people, and has worked great wrong to the producing classes by restricting the money supply, and increasing the demand for and value of gold, thus forcing down prices of commodities, to the detriment of the great body of the people, and asking that it be accorded the same place in the currency of the country as it occupied from the foundation of the Government up to 1873—to the Committee on Banking and Currency.

Also, petition of 34 members of Lodge No. 2248 F. M. B. A., of Byron, Woodson County, Kansas, asking that the Government loan money direct to the people at a low rate of interest on real estate security, money to be loaned through agents who should be farmers and laborers, as lawyers are not to make loans, and asking that the salary of the agents should not be more than \$2,500 per year, and asking for the repeal of all laws creating national banks—to the Committee on Banking and Currency.

By Mr. LACEY: Resolutions of Iowa State Business Men's Association, favoring the Torrey bankrupt bill—to the Committee on the Judiciary.

By Mr. LAWLER: Protest by M. D. Wells & Co., against duty being placed on hides—to the Committee on Ways and Means.

Also, petition of Farmers' Trust Company, for the passage of resolution directing the Public Printer to adopt the rules set forth in the resolution—to the Committee on Printing.

Also, a protest against the passage of House bill 8278, an act to regulate commerce and passenger transportation—to the Committee on Commerce.

By Mr. MCKINLEY: Petition of Hazlett Post, No. 81, Zanesville, Ohio, favoring the passage of service-pension bill and abolition of arrears laws—to the Committee on Invalid Pensions.

Also, petition of citizens of Mahoning County, Ohio, favoring employment of home labor on Government works as against aliens—to the Committee on Labor.

By Mr. MARTIN, of Indiana: Petition of Ford's Lodge, F. M. B. A., of Huntington County, Indiana, by John T. Leonard, its president, and by George L. Niras, its secretary, and by Jonathan L. Taylor and others, members thereof, for the abolition of the national-banking system and asking legislation authorizing the United States to loan money upon farm products—to the Committee on Banking and Currency.

By Mr. MOORE, of New Hampshire: Remonstrance of citizens of Weare, N. H., against large naval expenditures—to the Committee on Naval Affairs.

By Mr. MORRILL: Resolutions of Franklin Shanks Post, Grand Army of the Republic, Lutesville, Mo., asking for certain pension legislation—to the Committee on Invalid Pensions.

By Mr. MORROW: Resolutions from the Substitute Letter-Carriers'

Association of San Francisco, Cal.—to the Committee on the Post-Office and Post-Roads.

By Mr. O'NEILL, of Massachusetts: Remonstrance of John Cavanagh & Son and 13 others, against increasing the duty on lime—to the Committee on Ways and Means.

Also, remonstrance of William H. Saywood and 21 others, for same purpose—to the Committee on Ways and Means.

By Mr. O'NEILL, of Pennsylvania: Petition of Michael McGarry, formerly of Company G, Ninety-fifth Regiment Pennsylvania Infantry, asking for the removal of the record of desertion—to the Committee on Military Affairs.

By Mr. OSBORNE: Memorial of importers of tea—to the Committee on Ways and Means.

Also, petitions of 94 citizens of Edwardsville, Luzerne County, Pennsylvania, favoring passage of Taylor Government telegraph bill—to the Committee on the Post-Office and Post-Roads.

By Mr. PARRETT: Protest of J. T. Bridwell and 18 others, citizens of Evansville, Ind., against the passage of sections 24 and 25 of H. R. 8278, being an act to regulate commerce—to the Committee on Commerce.

By Mr. PAYNTER: Petition of Alzira Smithers, widow of William Smithers, Companies H and D, Eleventh and Twelfth Kentucky Cavalry, for arrears of pay, bounty, and pension—to the Committee on Invalid Pensions.

By Mr. PEEL: Petition of James Ervin, of Marion County, Arkansas, asking relief—to the Committee on War Claims.

Also, petition of Elizabeth S. Shirley, praying for the reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. PENINGTON: Memorial of sundry citizens of New York, Philadelphia, Boston, and Chicago on the subject of a tax or duty on the importation of tea—to the Committee on Ways and Means.

By Mr. PERKINS: Petition of Samuel Ballentine and 66 others, of Uniontown, Kans., and vicinity, asking for legislation restoring silver to its rightful place as a money metal—to the Committee on Coinage, Weights, and Measures.

By Mr. RICHARDSON: Petition of C. J. Ballentine, executor, asking that the papers relating to the claim of Mary T. Ballentine, deceased, for commissary stores, claim No. 87070, in the office of the Third Auditor of the Treasury, be called for and referred to the Court of Claims under the provisions of the act of Congress approved March 3, 1883—to the Committee on War Claims.

By Mr. ROCKWELL: Petition for amendment to House bill 3863—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSK: Petition of citizens of Baltimore, against the employment of alien labor upon Government works—to the Committee on Labor.

By Mr. SMITH, of West Virginia: Petition of Col. F. R. Hapsler, for pension—to the Committee on Invalid Pensions.

By Mr. TAYLOR, of Illinois: Petition asking that the Public Printer be directed to make certain proposed changes in spelling—to the Committee on Education.

By Mr. TOWNSEND, of Colorado: Petition in favor of House bill 3863—to the Committee on the Post-Office and Post-Roads.

By Mr. WALKER, of Missouri: Petition of presiding justice of the county court of Stoddard County, Missouri, asking Congress to refer rent claims to Court of Claims under so-called Bowman act—to the Committee on War Claims.

Also, protest of A. Frankenthal and others, citizens of St. Louis, against House bill 8279—to the Committee on Commerce.

By Mr. WIKE: Memorial of Volksverein of Adams County, Illinois, against change in naturalization laws making naturalization more difficult—to the Select Committee on Immigration and Naturalization.

By Mr. WISE: Petition of citizens of Richmond, Va., relative to the bill to amend the interstate-commerce law—to the Committee on Commerce.

## SENATE.

WEDNESDAY, April 2, 1890.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The VICE-PRESIDENT. The Journal of yesterday's proceedings will be read.

Mr. BUTLER. Before we begin the reading of the Journal, as there is evidently not a quorum present, I move a call of the Senate.

The VICE-PRESIDENT. The roll will be called.

The Secretary called the roll and the following Senators answered to their names:

Barbour,	Dolph,	Ingalls,	Reagan,
Bate,	Edmunds,	Jones of Arkansas,	Sawyer,
Berry,	Evarts,	McMillan,	Sherman,
Blackburn,	Faulkner,	Mitchell,	Spooner,
Blair,	Frye,	Moody,	Stockbridge,
Butler,	George,	Morrill,	Teller,
Cameron,	Gibson,	Paddock,	Turpie,
Chandler,	Hampton,	Pasco,	Vance,
Coke,	Harris,	Pierce,	Walthall,
Cullom,	Higgins,	Platt,	Washburn,
Davis,	Hoar,	Pugh,	Wilson of Iowa.

Mr. BLACKBURN. I desire to state that my colleague [Mr. BECK] is detained from the Chamber by sickness.

The VICE-PRESIDENT. On the roll-call forty-four Senators have answered to their names. A quorum is present. The Journal of yesterday's proceedings will be read by the Secretary.

The Journal of yesterday's proceedings was read and approved.

### HOUSE BILLS REFERRED.

The following bills received yesterday from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary.

A bill (H. R. 64) to limit the time to six years within which suits may be brought against accounting officers and the sureties on their official bonds;

A bill (H. R. 843) to provide an additional mode of taking depositions of witnesses in causes pending in the courts of the United States; and

A bill (H. R. 6956) to amend section 790 of the Revised Statutes.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 278) to amend paragraph 3 of section 4414 of the Revised Statutes;

A bill (H. R. 7993) to amend section 4 of "An act to authorize the county of Laurens, in the State of Georgia, to construct a bridge across the Oconee River at or near Dublin, in said county," approved June 18, 1888;

A bill (H. R. 8239) to amend section 4488, Title LII, of the Revised Statutes as amended by chapter 418 of the acts passed at the second session of the Fiftieth Congress; and

A bill (H. R. 8296) to allow the erection of bridges across the Iowa River, at and below Wapello, Iowa.

The bill (H. R. 578) in relation to oaths in pension and other cases was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 5874) to admit free of duty articles intended for the St. Louis Exposition in 1890 which may be imported from the Republic of Mexico was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 8104) to amend section 2166, Revised Statutes of the United States was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 7619) making appropriations for the support of the Army for the fiscal year ending June 30, 1891, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

### DEATH OF REPRESENTATIVE WILBER.

A message from the House of Representatives, by Mr. CHARLES S. MARTIN, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. David Wilber, a Representative from the State of New York, and transmitted the resolutions of the House of Representatives thereon.

### PETITIONS AND MEMORIALS.

Mr. CAMERON presented a petition of 11 citizens of Crawford County, Pennsylvania, and a petition of 17 citizens of Crawford County, Pennsylvania, praying for the free coinage of silver; which were referred to the Committee on Finance.

He also, presented the petition of Charles Cunningham, of Philadelphia, Pa., praying to be allowed a pension for services in the United States Navy during the late war; which was referred to the Committee on Pensions.

Mr. SHERMAN presented a memorial of the Monthly Meeting of Friends of Harrison County, Ohio, numbering 130 persons, remonstrating against large appropriations for the Navy and coast defenses; which was referred to the Committee on Naval Affairs.

Mr. ALLEN presented a petition of Subordinate Union No. 3 of the Bricklayers and Masons' International Union of America, of Spokane Falls, Wash., praying Congress to amend the laws so that in skilled or unskilled labor in the construction of all Government works, whether let by contract or otherwise, none but citizens of the United States shall be employed; which was referred to the Committee on Education and Labor.

Mr. PASCO presented a communication from S. A. Murden, transmitting a memorial and resolution of the orange-growers of the lake region assembled at Leesburgh, Fla., favoring an increase of the duty on imported oranges to 25 cents a cubic foot as boxed; which, with the accompanying paper, was referred to the Committee on Finance.

Mr. COLQUITT presented sundry petitions of lawyers of the State of Georgia, praying for legislation for the relief of the Supreme Court of the United States; which were referred to the Committee on the Judiciary.

He also presented a petition of Subordinate Union No. 2 of the Bricklayers and Masons' International Union of America, of Augusta, Ga., praying for an amendment of the laws of the United States prohibiting the employment of aliens on public works; which was referred to the Committee on Education and Labor.

Mr. BLAIR presented the petition of J. W. Powell and 13 others, of the Geological Survey of the United States, praying for a statistical



investigation of industrial and technical schools; which was referred to the Committee on Education and Labor.

Mr. CHANDLER presented the petition of Clarissa Weare and 5 other citizens of New Hampshire, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. PIERCE presented the petition of J. J. Richards, vice-president and manager of the Chicago Bullion, Metals, Securities, Storage, Transfer, and Exchange Company, praying for the passage of a joint resolution by Congress authorizing and instructing the Secretary of the Treasury to commission under seal such persons as registrars of its issued bullion-storage receipts and such persons as assayers of bullion for which its receipts are issued that said corporation under its seal may ask the appointment of; which was referred to the Committee on Finance.

He also presented the petition of William H. Oglesby, of North Dakota, praying for the appointment of a commission to investigate the causes of agricultural depression; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Sumter Post, No. 118, Department of Dakota, Grand Army of the Republic, praying for the passage of certain pension legislation for the relief of the ex-Union soldiers; which was referred to the Committee on Pensions.

Mr. VEST presented a memorial of 111 employes of the freight department of the Missouri Pacific Railroad, residing at St. Louis, Mo., remonstrating against the Conger bill and against placing compound lard under the supervision of the Internal Revenue Department, and declaring that not enough hog lard can be produced in this country to supply the demand, and that the bill if passed will create a monopoly; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of 32 employes of the Quick Meal Stove Company, of St. Louis, declaring that compound lard is a cheap, wholesome, and popular substitute for hog lard, and remonstrating against the passage of the Conger bill, which they denounce as class legislation and which if passed will throw thousands of employes out of employment; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of 58 citizens of Westboro', Atchison County, Missouri, praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. REAGAN presented the petition of Hon. W. G. W. Jowers and 27 other citizens of Anderson County, Texas, praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. MITCHELL presented resolutions adopted by the Chamber of Commerce of San Francisco, Cal., remonstrating against a reduction exceeding 25 per cent. of the present duty on sugar; which were referred to the Committee on Finance.

Mr. PAYNE presented a petition of Subordinate Union No. 9 of the Bricklayers and Masons' International Union of America, of Bellaire, Ohio, praying for the enactment of laws which will secure to citizens of the United States the right to labor on Government works in preference to aliens; which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Produce Exchange of Toledo, Ohio, favoring the passage of the bill transferring the revenue marine to the Navy Department; which was referred to the Committee on Naval Affairs.

Mr. MANDERSON. I present a petition signed by 109 farmers of Antelope County, Nebraska, calling attention to the present low prices of agricultural products and the necessity of diversified farming as a remedy for that evil, including the raising of beets for the production of sugar, and praying that the tariff on sugar may not be largely reduced pending the present efforts made to develop the beet-sugar and sorghum industries, and that a bounty may be offered to encourage those industries. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. MANDERSON presented a petition of 53 ex-soldiers of the late war residing in Furnas County, Nebraska, praying for the repeal of the limitation on the arrears act, for service pensions, and equalization of bounties; which was referred to the Committee on Pensions.

He also presented a memorial of the Omaha (Nebr.) Board of Trade, remonstrating against the partial celebration of the world's fair at some place other than Chicago; which was referred to the Select Committee on the Quadro-Centennial.

Mr. PLUMB presented a petition of citizens of Alta Vista and other places in the State of Kansas, praying for the passage of an equitable bankrupt law and other legislation for the relief of mortgage debtors; which was referred to the Committee on Finance.

Mr. DANIEL presented a petition of 20 citizens of Loudoun County, Virginia, praying for the free coinage of silver; which was referred to the Committee on Finance.

He also presented the memorial of J. E. Calvert and R. L. Alley, on behalf of the Bricklayers and Masons' International Union of America, of Petersburg, Va., remonstrating against the employment of aliens on public works; which was referred to the Committee on Education and Labor.

Mr. PADDOCK presented memorials adopted by the Board of Trade

and the Real Estate Exchange of Omaha, Nebr., remonstrating against obstructive legislation affecting the holding of the world's fair at Chicago, Ill., in 1892; which were referred to the Select Committee on the Quadro-Centennial.

Mr. BLAIR. I present a petition of the Gammon Theological Seminary of Atlanta, Ga., addressed to the Senate, in which the petitioners say:

Believing that the condition of the country and especially of this southland demands such a measure, and that all the interests of the present and of the future will be subserved by it, we most earnestly petition your honorable body to immediately reconsider and pass the Blair bill for Federal aid to education.

On motion of the faculty of Gammon Theological Seminary.

Respectfully submitted.

W. P. THIRKIELD, President,  
E. L. PARKS, Secretary.

I move that the petition lie on the table.

The motion was agreed to.

Mr. VOORHEES. I present the petition of Charles Förster, late consul at Elberfeld, Germany, in regard to the consulate at that place. I move that the petition, together with the accompanying papers, be printed as a document, and referred to the Committee on Commerce.

The motion was agreed to.

Mr. JONES, of Arkansas. I present petitions of members of the bar of Little Rock, Pine Pluff, and Hot Springs, in the State of Arkansas, numerous signed by attorneys, praying for the passage of legislation for the relief of the Supreme Court of the United States from the pressure of business. I move that the petitions be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. JONES, of Arkansas, presented a petition of citizens of Hot Springs, Ark., praying for the cession to the city of Hot Springs of a certain lot located therein, for public purposes; which was referred to the Committee on Public Lands.

Mr. HOAR presented a memorial of ministers of the Congregational Church of Boston, Mass., remonstrating against the proposed enumeration of the Chinese; which was ordered to lie on the table.

#### REPORTS OF COMMITTEES.

Mr. BLACKBURN, from the Committee on Naval Affairs, to whom was referred the bill (S. 3261) for the relief of Maj. G. C. Goodloe, paymaster United States Marine Corps, reported it without amendment.

Mr. FRYE, from the Committee on Commerce, to whom was referred a resolution of the Boston Chamber of Commerce favoring the transfer of the revenue marine service to the Navy, asked that the committee be discharged from the further consideration of the resolution and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 293) referring the claim of William F. Wilson to the Court of Claims, reported it with an amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 1184) to pension Mrs. Theodora M. Piatt, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 683) granting a pension to Theodora M. Piatt, submitted an adverse report thereon, which was agreed to; and the bill was indefinitely postponed.

Mr. BUTLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 192) providing for the appointment of a board of trustees for the United States Naval Academy, reported it with amendments.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 1486) to create a board of audit to adjust all claims for special damages to real estate by reason of public improvements in the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (S. 170) to refund illegal internal-revenue tax collected of the late Alexander W. Baldwin as United States district judge for the district of Nevada, reported it without amendment, and submitted a report thereon.

Mr. PLUMB, from the Select Committee on Irrigation and Reclamation of Arid Lands, to whom was referred the bill (S. 2104) to provide for the conservation and use of natural water supplies upon certain portions of the public lands of the United States, and for other purposes, reported it with an amendment.

Mr. REAGAN. In reference to the bill just reported, I ask leave to present what I send to the desk as representing the views of the minority of the committee, which I shall offer at the proper time as a substitute for the majority bill.

The VICE-PRESIDENT. The proposed amendment will be printed to accompany the bill.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 1861) for the relief of the National New Haven Bank of the State of Connecticut, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

Mr. GRAY, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 6944) to transfer the revenue-cutter service from the Treasury Department to the Navy Department, reported it with amendments.

Mr. GRAY. I move that Senate bill 305 to transfer the revenue-marine to the naval establishment, now on the Calendar, be indefinitely postponed.

The motion was agreed to.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. 1160) for the relief of George W. Quintard and George E. Weed, assignees of John Roach, deceased, reported it without amendment, and submitted a report thereon.

Mr. INGALLS, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 182) for the relief of the First National Bank of Newton, Mass., reported it with an amendment, and submitted a report thereon.

#### TRUSTS AND COMBINATIONS.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, in obedience to the order of the Senate sending to that committee the bill (S. 1) to declare unlawful trusts and combinations in restraint of trade and production, to report back the bill within the time mentioned by the Senate in its order with an amendment—one amendment—striking out all after the enacting clause and inserting the measure that the committee reports.

I will state that there is one section in the amendment which I think goes further than it ought to do, but for the sake of unity all around I shall be entirely willing to support the measure as it is reported. I ought to say, as I stated to the committee, that owing to a little necessity of health I shall probably not be in town at the time the matter may be properly and fairly taken up, and so some other gentleman of the committee will move it whenever it is convenient to the Senate to consider it.

Mr. MORGAN. I should like to hear the bill, as reported, read.

Mr. VEST. I want to state in connection with the report made by the chairman of the Committee on the Judiciary that I agreed to that report, but with the understanding that there was one section of the bill as now reported which I desired amended. In my judgment, it does not go far enough. I wish to state that in justice to myself.

Mr. CULLOM. I will inquire if it is the same section the Senator from Vermont says goes too far in some provisions of it, which the Senator from Missouri thinks does not go far enough?

Mr. EDMUNDS. It is the same provision.

Mr. CULLOM. It is the same section?

Mr. VEST. It is the same section. I think it is numbered 7 in the substitute reported by the committee.

Mr. GEORGE. Some Senators on the committee have deemed it necessary to state their exact position with reference to the bill and I will state mine.

I regard the bill, so far as it goes, as a very good one, the best I think that can be framed under that particular power of Congress, the power over commerce, which the committee have attempted to frame a bill under. There are one or two powers of Congress which may be exercised, in my judgment, very effectually in the direction of the suppression of these trusts and combinations, which the committee did not see proper to exercise.

I shall support the bill as it has been reported, and if, on consultation with friends who agree with me, it should be deemed the best course, I may then ask the Senate to look to other and additional powers in the way of suppressing these trusts; and I may offer amendments which will look to additions to the bill, not to striking out or amending anything that is in the substitute reported by the committee.

The VICE-PRESIDENT. The Senator from Alabama [Mr. MORGAN] asks that the substitute be read.

Mr. MORGAN. Yes; I ask for the reading of the proposed substitute.

The VICE-PRESIDENT. The substitute reported by the committee will be read.

Mr. COKE. I desire to state that I concur with the bill as reported, with the exception that I would prefer one of the sections, the one referred to by the Senator from Missouri, to be in a little different form, and if an amendment placing it in a different shape shall be offered I shall support it.

The VICE-PRESIDENT. The substitute reported by the Committee on the Judiciary will be read.

The CHIEF CLERK. The committee report to strike out all after the enacting clause of the bill and to insert:

SECTION 1. Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding \$5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize any part of the trade or commerce among the several States or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding \$5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 3. Every contract, combination in form of trust or otherwise, or conspiracy in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations is hereby declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding \$5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 4. The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the United States in their respective districts, under the direction of the Attorney-General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and, pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

SEC. 5. Whenever it shall appear to the court before which any proceeding under section 4 of this act may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpoenas to that end may be served in any district by the marshal thereof.

SEC. 6. Any property owned under any contract or by any combination or pursuant to any conspiracy (and being the subject thereof) mentioned in section 1 of this act, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

SEC. 7. Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained and the costs of suit, including a reasonable attorney's fee.

SEC. 8. That the word "person" or "persons" wherever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

Amend the title so as to read: "A bill to protect trade and commerce against unlawful restraints and monopolies."

Mr. EDMUNDS. I ought to say that as this bill was under discussion and had the lead on the Calendar when it was referred to the Committee on the Judiciary I shall hope it will be the pleasure of the Senate to take it up very soon, indeed perhaps as soon as the pending matter of privilege is out of the way.

JOSEPH H. MADDOX.

Mr. SPOONER. I am directed by the Committee on Claims to report a resolution for which I ask present consideration.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate at the earliest practicable date copies of all letters, papers, and reports on file in the War Department bearing upon the loyalty and fidelity of Joseph H. Maddox to the Government of the United States during the war of the rebellion, and bearing in any wise upon his relations to the Southern Confederacy, so called, and also bearing upon the title to and ownership of the tobacco for which said Maddox during his lifetime laid claim, and to which his representatives now lay claim by bill pending in the Senate Committee on Claims.

Mr. COCKRELL. I should like to know some reason why that information is called for. That bill has been reported favorably heretofore several times and the committee found that the man was loyal and that the claim ought to be paid, and I should like to know why that information is desired now at this date.

Mr. SPOONER. Mr. President, the Senator from Missouri is accurate in his statement that the bill for the relief of Joseph H. Maddox has been several times reported favorably by the Committee on Claims. The bill has been pending for many years. It has been several times favorably reported by the Committee on Claims of the Senate; it has been many times reported favorably by the Committee on Claims of the House of Representatives; it has several times passed the Senate and I think it has several times passed the House of Representatives. Last session it passed both Houses and was vetoed by President Cleveland upon some technical ground. It was reintroduced at this session of Congress, and referred, as usual, to the Committee on Claims. A couple of weeks ago I received an anonymous letter, evidently written by a person of intelligence, in which I was advised that this claimant was a spy for the Confederate Government as well as in the secret service at one time of the United States Government, and informing me that an investigation of the Confederate archives in the War Department would develop the fact.

I explored the archives upon the subject and I found a bundle of papers which had not been examined for ten years, among which were letters signed by Mr. Maddox and in the handwriting of Mr. Maddox, and his handwriting was exceedingly beautiful, dated in Richmond in 1861 and in 1862 and 1863, addressed some of them to Mr. Davis, President of the Southern Confederacy, in which he protested his loyalty to the Confederacy and referred to the fact that he had offered to raise at



his own expense in Maryland a battalion of mounted men to serve the Confederacy.

There are papers there also which tend to show that at one time he furnished to the Confederate authorities the status of the Union forces at Fortress Monroe. I find also statements, I think one of them over his signature, that he sustained intimate and friendly relations with prominent gentlemen on both sides and was engaged in running the blockade, one communication from the medical department of the Confederacy stating the great need of opium and quinine and brandy and other articles of the kind, and asking him to obtain them within the Federal lines, and his reply, in his own handwriting and over his own signature, that he was in bad odor in the United States by virtue of his services to the Confederacy and he would not dare to be found within our lines, but that in a manner pointed out he could, he thought, secure the accomplishment of the desired end; also a letter from him submitting a plan for the capture of Leonardtown, Md., by the Confederate forces, which he offered to head and to lead.

I also find among the papers, not in the archives, but on the files of the War Department, some very interesting information bearing upon the general question as to his fidelity, and among other things a statement which I do not say shows, but which tends to show, that by a signal dispatch communicated to a signal officer of the Confederate authorities, and referred to as "M," they were advised of the entire plan of the Union forces to mine Petersburg and of the attack which was to follow the explosion.

Mr. COCKRELL. I am perfectly satisfied with the explanation as far as it has gone.

Mr. SPOONER. The papers are in great number. There is also, if I may conclude the statement which has been called for by the Senator from Missouri, the statement of a Confederate commissary that the tobacco for which this claim was made was in fact Confederate tobacco, and papers from the railway company which transported it from Richmond to the point where the Federal forces captured and destroyed part of it, showing that it was shipped and receipted for as Confederate tobacco.

I have thought that it was due to the situation generally that this information be called for and brought to the Senate in such shape that it might be printed for easy and ready reference hereafter, if it should be thought at any time that the public interests required that it be consulted.

Mr. COCKRELL. I am very glad the Senator has presented the resolution. It only confirms what I have suspected, and why I have been opposing this bill for the last eight or ten years, and I want to say now to the Senator that there are one or two other bills pending in this committee. I will name one of them, the bill for the relief of the heirs of Joseph H. Shannon, or somebody else as assignee. He was in the Confederate service, but, notwithstanding, the bill has been reported here time and again favorably. I have told the Senator about it and if the bill is ever reported back to the Senate I will prove it in the man's own handwriting. It is due to the committee and the distinguished chairman to say that the bill has not been reported since I presented to him the information I had.

Mr. SPOONER. A number of times I have received suggestions of the same kind from the Senator from Missouri, and I take great pleasure in saying to him that the bill to which he refers, and several others which I need not name, are being very carefully investigated by the committee.

I ought to say, Mr. President, that some of these papers are consistent with the loyalty of this man Maddox to the Federal Government, and might have been so written to protect him if he were within the Confederate lines, but altogether I thought the information ought to be brought to the attention of the Senate.

Mr. HOAR. Mr. President, I should like to make one statement in regard to this matter, and I think I can do it with entire impartiality, for I have myself when upon the Committee on Claims reported this bill both ways. In the first place, it appears that this gentleman was authorized to make certain purchases of tobacco under an act of Congress in the Confederate lines, but it appeared, however, that he had not complied with all the Treasury regulations, and I reported against the claim on that ground. Then it was made to appear by evidence brought to my attention by the Senator from Maryland [Mr. GOEMAN], who knew the party, that this man was in the employ of President Lincoln, and that he had manifestly the implied assent of President Lincoln and of the Secretaries of the Treasury under his Administration to the departure from the law. Whether they were authorized to allow any such departure from the law might be doubted; but it was evident, according to the testimony before the committee then, that this man was acting in the employ of the National Government, and was acting in very important and delicate service directed by President Lincoln himself personally. Therefore I thought it was proper to waive those irregularities of the proceeding and to consider the substance of his claim.

Now, it seems to appear that there is some evidence that he also was acting in the employment of the Confederate government. I suppose it is true in fact, where spies, secret officials, are employed by Governments in time of war, that they establish the semblance of such em-

ployment with both Governments, and it is often a difficult thing to find out afterwards to which Government they were true. Sometimes they are true to neither; sometimes they are true and loyal to one.

I suppose every Senator remembers Cooper's famous novel of *The Spy*, where Harvey Birch, who is the chief character of that novel, who was one of the most valuable servants of General Washington during the war, one of the most loyal of men, parted with all his neighbors and everybody except General Washington, and was regarded as the spy of the other side, and that character is taken from an actual personage who dwelt in the neighborhood of Cooper's own county in New York, Westchester County, I think.

Mr. MITCHELL. Will the Senator allow me?

Mr. HOAR. Let me finish this statement. A similar condition of things had been alleged and charged against one of the most famous, able, and, as I believe, most thoroughly loyal generals of our Revolutionary war, General Solomon H. Parsons.

Mr. MITCHELL. I should like to suggest to the Senator, before he sits down, that it is undoubtedly true, as stated by the Senator from Massachusetts, that a person acting in the capacity of a spy for any government will seek to establish such relations with the opposing government as will effectually deceive that other government; but I suggest that proof which would be absolutely conclusive against the person acting in that capacity, as far as any claim is concerned, would be this: If it could be shown to the satisfaction of the committee or of the Senate that the person, while acting in the capacity of spy, had actually given the Confederate government information as to our forces—

Mr. EDMUNDS. That made him a spy on both sides.

Mr. MITCHELL. That would be conclusive evidence against him, as far as his claim goes.

Mr. SPOONER. I only want to say in addition to what has been said—and I did not intend to discuss this case at all, for this is information to be considered by the committee—that Mr. Stanton (if he ever had faith in the fidelity of this gentleman, Maddox), a very cultivated, and able, and fearless man, must have lost it, for he ordered Maddox's incarceration ultimately in the Old Capitol prison upon the ground that he was not true to the cause of the Union.

The VICE-PRESIDENT. The question is on the resolution reported by the Senator from Wisconsin.

The resolution was agreed to.

#### COMMITTEE SERVICE.

Mr. BLAIR. I ask to be excused from further service on the Committee on Public Lands.

Mr. PLATT. Mr. President—

Mr. EDMUNDS. The Senator from New Hampshire has made a request.

Mr. PLATT. I suppose the Senator will be excused without objection. If so, I ask unanimous consent that the President of the Senate be authorized to fill the vacancy thus created.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from New Hampshire [Mr. BLAIR] and to that made by the Senator from Connecticut [Mr. PLATT]? The Chair hears none.

#### BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3358) for a public building for a marine hospital at Gallipolis, Ohio; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3359) to compensate the heirs of Joseph Henry; which was read twice by its title.

Mr. SHERMAN. This bill is accompanied by a very interesting statement by the daughter of Mr. Henry, formerly chairman of the Light-House Board, setting out the savings he had made and the claim for this compensation. I ask that the papers be printed as a document. The bill will be printed of course in the ordinary way, and I ask that the papers accompanying it be printed as a document and referred, with the bill, to the Committee on Finance. As the services performed relate to the Treasury Department, I suppose that will be the proper reference.

The bill was referred to the Committee on Finance, and the accompanying papers were ordered to be printed.

Mr. SPOONER introduced a bill (S. 3360) granting an increase of pension to James Shaahan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 3361) granting a pension to Edith S. Read; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KENNA (by request) introduced a bill (S. 3362) to regulate, define, establish, and secure the civil, political, and property rights of such American citizens as have intermarried with the Chickasaw Indians, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MOODY introduced a bill (S. 3363) to provide for the survey of public lands in the State of South Dakota; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. DANIEL introduced a bill (S. 3364) for the relief of Robert N. Blake; which was read twice by its title, and referred to the Committee on Claims.

Mr. FAULKNER introduced a bill (S. 3365) for the relief of the trustees of Trinity Episcopal Church; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BLODGETT introduced a bill (S. 3366) granting a pension to Sarah J. Alexander; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 3367) to incorporate the Columbia Electric Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3368) for the relief of James Jones; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PLATT introduced a bill (S. 3369) granting a pension to Frank Alcott; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3370) granting a pension to Betsey A. Matthews; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT. I have also been requested to introduce a bill, and do so with the statement that having read it I do not commit myself to the provisions of the bill nor do I believe in them.

The bill (S. 3371) to invalidate wills made in the District of Columbia under certain conditions was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PLUMB introduced a bill (S. 3372) to amend and to further extend the benefits of an act entitled "An act to provide for allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February 8, 1867; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3373) for the relief of Patrick Montgomery; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3374) for the purpose of improving, completing, and beautifying a soldiers' cemetery at Parsons, Kans.; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 3375) to increase the pension of Samuel A. Tate; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3376) for the relief of John A. Barton; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MANDERSON (by request) introduced a bill (S. 3377) restoring E. L. May to the Navy retired-list, with the rank of Lieutenant-commander; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

#### AMENDMENT TO A BILL.

Mr. CALL submitted an amendment intended to be proposed by him to the bill (S. 2751) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes; which was referred to the Committee on Public Lands, and ordered to be printed.

#### HOUR OF MEETING.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day.

The Chief Clerk read the resolution submitted yesterday by Mr. HALE, as follows:

*Ordered, That on and after Monday, April 7, 1890, the daily sessions of the Senate shall commence at 12 o'clock, meridian, until otherwise ordered.*

Mr. EDMUNDS. I move to amend by striking out "7" and inserting "14," and after the amendment is read I wish to say a word.

The CHIEF CLERK. It is proposed to amend the resolution in line 1, after the word April, by striking out "7" and inserting "14;" so as to read:

*Ordered, That on and after Monday, April 14, 1890, the daily sessions of the Senate shall commence at 12 o'clock, meridian, until otherwise ordered.*

Mr. EDMUNDS. In support of that amendment, Mr. President, I have to say very briefly (because I do not wish to waste the time of the Senate on such matters) that there have been already reported from committees at this session more than eight hundred separate subjects. The highest number on the Calendar to-day is 801 in the regular order, being bills that came from committees, besides a considerable number of affairs that are laid on the table to be taken up, as they can be, on anybody's motion. Some of these numbers are out, of course, because the original numbers, I think, stand, but it is safe to say, I think, that now there are more than seven hundred subjects reported from committees on our Calendar requiring action, and I thought, and I supposed a large majority of the Senate thought, that more useful service in the public interest could be done by endeavoring to get on with very important public measures and devoting one day in the week to the Calendar and by meeting an hour earlier here rather than giving that hour to our committee work to pile up this Calendar. That is the whole reason of my amendment, to try to get along.

Mr. HALE. I introduced the resolution because I thought I perceived that the operation of the 11 o'clock meeting was very embarrassing and inconvenient, and resulting in little good. I for one am not very strenuous whether the time be fixed at next Monday or next Monday a week, but the operation of the 11 o'clock hour of meeting is practically to dissolve the committees. Whether there be upon the Calendar seven or eight hundred or seventeen or eighteen hundred bills already reported by the different committees of the Senate, it is undoubtedly true that the committees of the body were never more busy than to-day, than this week, or next week. I know that I have been obliged to attend five different committee meetings this week since last Sunday. To meet here at 11 takes away not only the opportunity for Senators to attend committee meetings, but also renders it impossible to attend to any departmental business, which Senators know is as much needed as anything else in the course of our duties here.

I introduced the resolution with no desire or disposition to shirk work or responsibility, because I believed (and in conference with many other Senators I found that they agreed with me) that the business of the Senate would, for the present, be better disposed of by returning after this week, having tried the 11 o'clock meeting for one week, to the old hour of 12 o'clock. With these considerations I am entirely willing to leave the matter to a vote of the Senate.

Mr. PLUMB. Mr. President, I think a week of this meeting at 11 o'clock will be enough. I do not know how it is with other Senators, but I find myself so burdened with business relating to affairs in the Departments and before committees that I am under constraint to do one of two things, either abandon that or abandon the purpose of coming here at 11 o'clock as a rule. I do not believe that in any event it is helpful. I believe the experience of all members of this body is that after we stay here, say, for six hours or five hours, for some reason which is perhaps personal to the members of the Senate, if not to human beings generally, we find that more or less friction arises, and the question whether to move an adjournment or not is uppermost, and we make several vain attempts to stay, and it finally results in adjourning anyhow after about so much has been done. I do not believe we are going to help that by meeting at 11 o'clock.

I admit that it is better to repent at the eleventh hour than not to repent at all, but I confess I should have been a little more considerate on this point if we had attempted some of this haste in legislation as applicable to the ordinary business of the session three or four months ago. If we had done that, and had taken up the Calendar and other things which have been before us all this time, and which have been measurably neglected and put aside, we should not have been under the necessity of exhibiting now to the country what must appear an eleventh-hour repentance and lacking somewhat in sincerity.

I believe in transacting the public business as rapidly as any one, but that public business is composed of what is to be done here, and what is to be done in committee-rooms, and what is to be done in the Departments, including, of course, the correspondence with which every Senator is confronted, and which must be disposed of in order to meet situation which is just as material to his comfort and to the public service as it is that he should be here.

I am satisfied that the purpose of the Senator from Vermont, and which he does not have altogether alone, will be better accomplished by returning to the old order next Monday. In fact, I should be glad to return to it to-morrow. The proposition never had my consent except under constraint; and, while I should be willing in the last days of the session to conform to the practice which then prevails of putting the Senate under whip and spur, I do not believe it is wise to do it now.

Mr. JONES, of Arkansas. Mr. President, I believe the practice is whenever reports are made from committees to enter them in regular order on the Calendar. There have been 801 such reports made and entered on this Calendar. Noting on page 6 of the Calendar the point reached the last time when the Calendar was under consideration, I find that the Senate has either considered or passed over informally 455 cases, according to number. Of those all have been disposed of except 59. Out of the 455 cases which have been reached by the Senate, all but 59 have been disposed of, leaving the difference between 455 and 801 as the number on the Calendar that have not yet been reached.

It seems to me that this of itself would be a sufficient argument to prove that the Senate ought to meet at 12 o'clock and allow the committees some time to work. It is a fact notorious to Senators who have paid any attention to the matter that it has been practically impossible to get committee meetings this week. A vast quantity of important business is now pending before the committees, and with the lapse of a short time the Senate will go to the Calendar as it at present exists. It seems to me to be absolutely necessary that some time should be allowed to committees, or else, if we do nothing else, the order ought to be made general that all committees may sit during the sessions of the Senate, as the Judiciary Committee does now, and that all committees may have their sessions without regard to the sessions of the Senate.

Mr. DAWES. A feature of this case was illustrated yesterday. While some of the committees have such pressure of business upon them that they are obliged to ask leave to sit during the sessions of the Senate, the members of one of the committees came in yesterday and



very properly excused themselves for their absence. I do not say it with any disposition to criticize them, because they were obliged under the pressure of business to sit during the Senate's session. Other committees have a great pressure of business upon them, and I have no doubt if they should ask leave of the Senate to sit during its session it would be granted them. But as soon as that is done it would be impossible to do business here. If any two or three committees should be granted the privilege that one or more of the committees now have, to sit during the Senate's sessions, we could not work here between 11 and 12 o'clock.

It seems to me, therefore, that, for the present at least, until the work of the committees is cleared off more than it is, we had better return to the old method. I will come here, I have no doubt all the members of the Senate will come here, at 11 o'clock just as soon as the business of the committees will justify it.

I do not allude to what transpired here yesterday with any other disposition than to illustrate the necessity of Senators doing either one of two things: either coming here at 11 o'clock and neglecting their committee work or getting leave of the Senate to sit during its sessions and then break up a quorum by doing it. Those two things can not go together.

Mr. HAWLEY. I was one of nine Senators this morning who held a meeting as a special committee on matters of importance where speedy action is important. We deliberately sat, notwithstanding the roll-call, for ten or fifteen minutes after 11. Otherwise our meeting would have been almost lost. Yet we are under reproach for not attending to business and not being here to answer to the roll-call!

Mr. REAGAN. My impression is that we shall facilitate and expedite business by meeting at 12 o'clock rather than at 11. Senators have to look over their mail in the morning; they have to attend to their committee business, dispose of their correspondence, and investigate questions, and to do that and meet at 11 o'clock is calculated to bring members here with their brains fevered and wearied and unfitted for the duties of the day.

It seems to me if we attend to the duties that necessarily devolve upon us, give the proper time for thought and preparation for the disposition of questions which come before us, and sit here from 12 to 5, we shall do more business and do it more satisfactorily than by driving ourselves in such a way that we can not attend to our correspondence properly, and can not visit the Departments and do our duties there, and investigate the subjects which come before us here.

I trust the amendment will not be adopted. I concur with the Senator from Kansas [Mr. PLUMB]. I have been opposed to meeting at 11 o'clock, and I wish we could make the resolution offered by the Senator from Maine [Mr. HALE] operative from to-morrow.

Mr. EDMUNDS. As I moved the amendment, I may be allowed to say a word in reply.

I affirm with emphasis my belief that the practice of the Senate under the 11 o'clock order since it was made, nearly a week ago, has already saved to the Senate the passage of a great many bills that would otherwise have still been on the Calendar; that it has saved to the Senate more than two days of time on important measures which came up right after the routine business, and that instead of being a loss to the general service of the business we have to do here it has already demonstrated itself to be a great gain.

Now, what is the trouble about meeting at 11 o'clock? The Departments are all open at 9. I notice when I come to the Capitol, passing the houses of two heads of Departments in the shortest way to come here, at 9 o'clock or a little before that they are coming out of their doors and going to their business, to see Senators and Members at 9 o'clock or ten minutes after 9, to carry on their work and attend to their correspondence, and I do not know that they think it a very great hardship to get up in the morning and breakfast at half past 7 or 8 o'clock and go to work.

I have found in the committee that is supposed to be the slowest and laziest of any committee of this body or any other that when under this 11 o'clock rule a meeting is called at half past 9 o'clock, as it was at half past 10 o'clock before, we have no more delay in getting a quorum at half past 9 than we had at half past 10 when the hour of meeting was 12. I have observed in the Senate notwithstanding, whatever the motive may have been, a demand by ambitious and always attentive and industrious Senators for a call of the Senate because 42 Senators were not here, although day after day and week after week, when the hour was 12, as will be the case when it is 12 again, it is just as long after 12 o'clock before a quorum is really in the Chamber as it is now after 11 o'clock, and longer.

I have moved the amendment in accordance with what I thought was a general impression that we might go on for a week longer with this effort to clear up the Calendar and dispose of half a dozen very important public measures that are already reported, and I hope that we may do so without doing ourselves or the public interest any very serious injury.

Mr. HAWLEY. I shall vote for the Senator's amendment. I am willing to come here at 11 o'clock another week, but I must respectfully protest against the intimation on the part of the Senator that we should get here earlier and work harder. I insist the record will show that there is not such a hard-working legislative body in the world,

and that the average business men in the United States do not work as hard as the Senators in this body.

Mr. EVARTS. Mr. President, the system by which legislation is carried on in the two Houses, as we all know, is by preparation in committee, in that way securing attention to the details and responsibilities which belong to legislation that do not attract from important interests in the Senate or in the public. Now, that is a very laborious business. It is proper that there should be some portion of the day adequate for that business. We have some forty-five committees in this body. It is not too much to say that some twenty of that number may be considered as effective and constant committees in the examination of subjects of legislation. The method now proposed is to take out of the time which our custom has assigned for committee service one hour away from every committee of the twenty I have spoken of, and thus check the methods of preparation for the confident and assured action of the united Senate when they come together.

I can not look with complacency upon such an arrangement. For myself I shall be quite satisfied to devote more hours of the day-time to the business of the Senate in session if we could adopt a system, which would be quite convenient to me, to take from 9 to 10 every evening about committees. But that is not our custom, and we are not likely to come to that. Then these preparatory hours of the morning that ought to be, and might usefully be, extended to two hours of session for committees will do much more to facilitate business and establish confidence here after the matter comes from the committees than can be done under the other system. But situated as my colleague and myself are in reference to a great State like that of New York, and so near to the seat of Government, the morning hour before coming here is an occasion when we need to see constituents and need to do proper errands, not connected with office-seeking. Therefore, until you are willing to adopt a system by which committees shall meet in the evening, it is very wrong to take away from these twenty committees a preparatory preparation of legislation from each committee in order to add one hour to the Senate in session.

Mr. INGALLS. Mr. President, the enumeration on the Calendar of the Order of Business is somewhat misleading. While it stands now, as the Senator from Vermont says, at 801, as a matter of fact there are but 380 bills on the Calendar. So somewhere between four hundred and five hundred have already been disposed of at this session.

With regard to the particular question under consideration, I shall endeavor to accommodate myself to the order of the Senate, whether it be to meet at 11 or at 12, or, as the British Parliament does, at 4 o'clock in the afternoon. But the great majority of our work is done in committees. Senators will observe that in the majority of cases bills that have been matured in committee and reached the Calendar very seldom excite much debate unless they are subjects in which the public is specially interested.

I believe that it would be wise to fix the hour of meeting at 12 o'clock, but at the same time, like others who have spoken, I am entirely willing to have the order as now standing continued for a week, because there are two or three measures of very great importance that ought to be disposed of and which I shall hope within that time may be reached and considered. Among them are the bill this morning reported from the Committee on the Judiciary, known as the anti-trust bill, the railroad forfeiture bill, the question of privilege concerning the admission of the Senators from Montana, and perhaps the silver question. It seems to me that while the weather is agreeable, the temperature mild and moderate, and before the summer solstice appears, we ought to improve the shining hours and get rid of these important measures now on the Calendar. I therefore cordially concur with the amendment of the Senator from Vermont, that until these matured measures of great consequence now upon the Calendar are considered we ought to meet at 11 o'clock and dispense with further committee meetings.

Mr. PLUMB. I want to state, in response to my colleague and for the benefit of the Senate, that there are to-day about 3,000 bills in committees. The number of Senate bills is about 3,500, and 400 or 500 have come over from the other House, making about 4,000, of which 800 or 1,000 have been disposed of so far as the committees are concerned. Now, as I happen to know, there are many bills of very great importance pending in committee. I do not believe that meeting at 11 o'clock is going to dispense with the consideration of all those measures and others, but I think we shall make more progress, not only for the time being, but for all the work of this session, by meeting at the accustomed hour of 12 o'clock.

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from Vermont [Mr. EDMUNDS] to the resolution submitted by the Senator from Maine [Mr. HALE].

Mr. EVARTS. Let the amendment be stated.

The VICE-PRESIDENT. The amendment will be read.

The CHIEF CLERK. In the first line of the resolution it is proposed to strike out the figure "7" and insert the figure "14," so as to read: Resolved, That on and after Monday, April 14, 1890, the daily sessions of the Senate shall commence at 12 o'clock meridian, until otherwise ordered.

Mr. EDMUNDS. I ask for the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HAMPTON (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. DIXON]. I should vote "nay" if he were present.

Mr. RANSOM (when his name was called). I am paired with the senior Senator from Rhode Island [Mr. ALDRICH]. I should vote "nay" if I were not paired.

The roll-call was concluded.

Mr. FAULKNER. I am paired with the Senator from Pennsylvania [Mr. QUAY] and therefore withhold my vote.

Mr. PLATT. I am paired with the Senator from Virginia [Mr. BARBOUR]. If he were present I should vote "yea," but, especially as this seems to be in some sense a political question, I withhold my vote.

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here I should vote "yea."

The result was announced—yeas 27, nays 29; as follows:

YEAS—27.			
Allen,	Dawes,	Hoar,	Sherman,
Allison,	Dolph,	Ingalls,	Spooner,
Blair,	Edmunds,	McMillan,	Stockbridge,
Cameron,	Evarts,	Mitchell,	Teller,
Casey,	Farwell,	Moody,	Washburn,
Chandler,	Frye,	Morrill,	Wilson of Iowa,
Cullom,	Hawley,	Sawyer,	
NAYS—29.			
Bate,	George,	Morgan,	Vest,
Berry,	Gibson,	Pasco,	Voorhees,
Blodgett,	Gray,	Payne,	Walthall,
Butler,	Hale,	Plumb,	Wilson of Md.,
Call,	Harris,	Pugh,	Wolcott.
Cockrell,	Hearst,	Reagan,	
Coke,	Jones of Arkansas,	Turpie,	
Daniel,	Kenna,	Vance,	
ABSENT—26.			
Aldrich,	Dixon,	Jones of Nevada,	Quay,
Barbour,	Eustis,	McPherson,	Ransom,
Beck,	Faulkner,	Manderson,	Squire,
Blackburn,	Gorman,	Paddock,	Stanford,
Brown,	Hampton,	Pettigrew,	Stewart.
Colquitt,	Higgins,	Pierce,	
Davis,	Hiscock,	Platt,	

So the amendment was rejected.

The VICE-PRESIDENT. The question recurs on agreeing to the resolution submitted by the Senator from Maine.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SPOONER. Let the resolution be again read.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution submitted yesterday by Mr. HALE, as follows:

Resolved, That on and after Monday, April 7, 1890, the daily sessions of the Senate shall commence at 12 o'clock meridian, until otherwise ordered.

The VICE-PRESIDENT. The Secretary will call the roll on the question of agreeing to the resolution.

The Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. PLATT (when his name was called). I announced my pair with the Senator from Virginia [Mr. BARBOUR]. If he were present I should vote "nay."

Mr. RANSOM (when his name was called). I am paired with the senior Senator from Rhode Island [Mr. ALDRICH]. If he were here I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 32, nays 25; as follows:

YEAS—32.			
Bate,	Dawes,	Jones of Arkansas,	Turpie,
Berry,	Evarts,	Kenna,	Vance,
Blodgett,	George,	Morgan,	Vest,
Butler,	Gibson,	Pasco,	Voorhees,
Call,	Gray,	Payne,	Walthall,
Cockrell,	Hale,	Plumb,	Wilson of Iowa,
Coke,	Harris,	Pugh,	Wilson of Md.,
Daniel,	Hearst,	Reagan,	Wolcott.
NAYS—25.			
Allen,	Dolph,	McMillan,	Stewart,
Allison,	Edmunds,	Mitchell,	Stockbridge,
Blair,	Frye,	Moody,	Teller,
Cameron,	Hawley,	Morrill,	Washburn,
Casey,	Hiscock,	Sawyer,	
Chandler,	Hoar,	Sherman,	
Cullom,	Ingalls,	Spooner,	
ABSENT—25.			
Aldrich,	Dixon,	Jones of Nevada,	Quay,
Barbour,	Eustis,	McPherson,	Ransom,
Beck,	Farwell,	Manderson,	Squire,
Blackburn,	Faulkner,	Paddock,	Stanford,
Brown,	Gorman,	Pettigrew,	
Colquitt,	Hampton,	Pierce,	
Davis,	Higgins,	Platt,	

So the resolution was agreed to.

#### ECKINGTON AND SOLDIERS' HOME RAILWAY.

Mr. HOAR. I call the attention of the Senator from Vermont [Mr. EDMUNDS] to the motion I am about to make. I move to take up the motion to reconsider the vote by which the Senate agreed to the amendment of the House of Representatives to the bill (S. 157) to amend the charter of the Eckington and Soldiers' Home Railway Company.

Mr. EDMUNDS. I hope the Senator will not press that motion this morning, but let it wait until to-morrow morning. I shall make no objection to his renewing it to-morrow.

Mr. HOAR. Then I give notice that I shall call up to-morrow morning at this time the motion to reconsider.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MARTIN, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (S. 1332) granting to the city of Colorado Springs, in the State of Colorado, certain lands therein described for water reservoirs.

The message also announced that the House had passed the following bills:

A bill (S. 1738) to authorize the construction of a railroad bridge across the Missouri River, in the county of Monona, in the State of Iowa, and in the county of Burt, in the State of Nebraska;

A bill (S. 2026) authorizing the construction of a bridge across the Arkansas River, connecting Little Rock and Argenta, Ark.;

A bill (S. 2323) to authorize the construction of a bridge across the Arkansas River at or near Pendleton, Desha County, Arkansas; and

A bill (S. 2324) to authorize the building of a bridge across White River, Arkansas, by the Mississippi and Little Rock Railway Company.

The message further announced that the House had passed the following bills, with amendments in which it requested the concurrence of the Senate:

A bill (S. 1873) authorizing the Brazos Terminal Railway Company to construct a bridge across the Brazos River, in the State of Texas; and

A bill (S. 2284) for the organization, improvement, and maintenance of the National Zoological Park.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 380) to amend an act entitled "An act to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Tennessee and Cumberland Rivers," approved January 8, 1889;

A bill (H. R. 5729) to authorize the construction of a bridge across the Oconee River, in the State of Georgia;

A bill (H. R. 7164) to amend and continue in force "An act to authorize the construction of a bridge across the Missouri River at Forest City, Dak., by the Forest City and Watertown Railway Company," approved August 6, 1888;

A bill (H. R. 7985) to amend an act entitled "An act to aid vessels wrecked or disabled in the waters contiguous to the United States and the Dominion of Canada," approved June 19, 1878;

A bill (H. R. 8391) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1891, and for other purposes; and

A bill (H. R. 344) to grant the right of way to the Pittsburgh, Columbus, and Fort Smith Railway Company through the Indian Territory, and for other purposes.

#### URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 41 to the bill (H. R. 7496) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows:

Add at the end of said amendment the following:

"Provided, That no part of said amount shall be expended in sinking wells or the construction of irrigation works; and the work done under this appropriation shall be completed and a report of the same made within the appropriation, and nothing herein shall commit the Government to any plan of irrigation or the construction of works therefor."

And the Senate agree to the same.

EUGENE HALE,  
W. B. ALLISON,  
F. M. COCKRELL,  
Managers on the part of the Senate.  
D. B. HENDERSON,  
J. G. CANNON,  
W. C. P. BRECKINRIDGE,  
Managers on the part of the House.

The report was concurred in.

#### REGISTRY OF BARGES.

Mr. HAMPTON. I ask unanimous consent to call up the bill (S. 3131) for the registry or enrollment of the barges Herdis and Agostinoc. It is a matter of great consequence to a gentleman engaged in transporting fertilizers or phosphate rock. It will not take a minute to dispose of the bill.



Mr. HOAR. I should like to call up the Montana case at this time, according to notice, but I will yield to the Senator from South Carolina if his bill involves no debate.

The VICE-PRESIDENT. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 3131) for the registry or enrollment of the barges Herdis and Agostinoc.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. Let it be read for information.

The VICE-PRESIDENT. The bill will be read.

The Clerk read the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Commerce with an amendment, in line 8, to strike out the word "Agostinoc" and insert "Agostino C."

The amendment was agreed to.

Mr. EDMUNDS. Will the chairman of the Committee on Commerce inform us why these vessels do not fall within the general law, and, if they do not, why they ought to be brought into an American registry? I dare say he can do it in a moment.

Mr. FRYE. Because in the general law which provides for issuing a register to wrecked vessels barges are not included. There is another law which includes canal-boats, barges, etc., entirely within the inland waters and lakes. These two barges do not happen to come under that provision of law, simply because they sail between Charleston and Savannah.

Mr. EDMUNDS. So it is entirely within the spirit of the general law?

Mr. FRYE. It is entirely within the spirit of the law.

Mr. EDMUNDS. All right.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the registry or enrollment of the barges Herdis and Agostino C."

#### SENATORS FROM MONTANA.

Mr. HOAR. I desire to call up the resolution reported by the Committee on Privileges and Elections in regard to the Montana Senatorial contest.

The VICE-PRESIDENT. The report will be stated.

The CHIEF CLERK. Report No. 538, by Mr. HOAR.

Mr. HOAR. I suppose it will be more agreeable to the Senate not to have these two long reports read in full from the desk. I can state the substance of the majority report. I think I can make a clear and compact statement of it in fifteen minutes, if the Senate will kindly give me their attention for that time, which will put them in possession of the points in the case as I understand them and will save a good deal of time and labor. If the Chief Clerk will read the first resolution reported from the committee I will proceed to make that statement, if no Senator calls for the reading of the report.

The Chief Clerk read as follows:

Resolved, That William A. Clark is not entitled to be admitted to a seat in the Senate from the State of Montana.

Mr. HOAR. Mr. President, this case involves the title to two seats in this body of persons claiming to be elected from the new State of Montana.

There is no difference whatever that I have heard between the case of the two claimants, Mr. Sanders and Mr. Power on one side and the two claimants, Mr. Clark and Mr. Maginnis, on the other. The question between those two sets of persons depends wholly upon the point whether five Republicans or five Democrats were authorized to sit in the house of representatives of Montana, to take part in the organization of that body, and vote for Senators. There was a valid organization of the senate. Two bodies met, each claiming to be the true house. There was no choice of the United States Senators by any concurrent vote and at the time and in the manner fixed by the Constitution and laws of the United States. One-half exactly of the senate of Montana met in a joint convention with one of these bodies and everything necessary to elect a Senator, if they had the right to do it, took place, and the other half met in a joint convention with the other body.

The question is, therefore, which of those two joint conventions contained the members of a lawful house? That question is settled by determining which of the two groups or sets of five had the right to act as representatives for the State of Montana from the county of Silver Bow, and that question in its turn depends ultimately in one of its aspects on transactions at precinct No. 34 in that county. I can state, I think, the propositions on which the majority report rests very briefly for the satisfaction of the Senate.

In the first place, each of these two bodies of five persons claimed to have lawful credentials. One had credentials from a Territorial board consisting of the chief-justice and two other Territorial officers, and the other set had credentials from a county clerk. The question is, which of those two were the lawful credentials?

There was necessary for a quorum in Montana the presence of twenty-nine persons. In one of these houses there were twenty-five persons unquestionably elected and unquestionably having lawful credentials. In the other house there were twenty-four persons unquestionably elected. Adding to those twenty-five the five disputed persons, one of the bodies would have thirty. Adding in the other body to the twenty-four the five persons, that body would have twenty-nine—enough in each instance to make a quorum.

The first question therefore is who had lawful credentials which entitled them to sit and vote in the house of representatives of the State of Montana until the house itself by its constitutional judgment had determined favorably or adversely to their title to the seat.

Then the second question in the case is this: Whether, supposing one of these bodies was made up of twenty-five persons lawfully and unquestionably entitled to sit in it and of five persons who had lawful credentials, and the other was made up of twenty-four or twenty-five persons who unquestionably had a title to sit in it and five persons who had not lawful credentials, but are now found by the Senate to have been really elected by the people—which of those two bodies is entitled to be treated by it in determining this question as the lawful and constitutional house.

The third question in the case is the final question, which of these two sets of five persons were lawfully and actually elected by the people, without regard to the technicalities or to the credentials, but upon the substance of the election as we have the evidence before us.

The majority of the committee are of opinion that the five men that sat in what is known as the Iron Hall, or Republican house, who claimed to be elected as Republican members from the county of Silver Bow, had the lawful credentials and that they were entitled to sit in the representative chamber of the State of Montana when the house of representatives organized and to retain those seats, as they did retain them, acting in all respects as lawful representatives until there had been a judgment of the house itself to the contrary, which it is not claimed ever happened.

In the next place, the majority of the committee are of opinion that, if this body of persons had the lawful and constitutional certificates of their election, that title is a good title against all the world, governing their associates in that body, governing the senate, governing everybody who has a lawful duty to determine who are lawfully elected representatives until there be an adjudication of the house itself to the contrary, and that nobody can be heard to say and that no authority can be permitted to inquire into or determine the actual facts of the election as against that title. That is the second proposition.

The third proposition is that, upon the merits of the election itself, the five claimants in the Iron Hall, or Republican legislature, from the county of Silver Bow were truly and lawfully elected. I wish to say, speaking for myself and speaking for my associates who have joined in this report, that, as I believe, not desiring to be inmodest and with entire deference to the opinion of the gentlemen who differ from me, this case seems to me to be absolutely impregnable on all three of these propositions, and there has not been presented for my determination, either in the Senate or in the other House, since I have been in public life, what, when properly understood, seems to me to be a clearer case for the decision of the Senate or the House.

Now, the question about the lawful credentials is just this: The statute, the enabling act, authorized the constitutional convention of Montana to provide for taking the sense of the people upon the adoption or rejection of the constitution and for the election of the State officers at the same time, for which the convention which proposed the constitution should provide. The convention exercised that authority by an ordinance known as the election ordinance, ordinance No. 2, which accompanied the constitution itself; and that ordinance provided that—

The votes cast at said election for the adoption or rejection of said constitution shall be canvassed by the canvassing boards of the respective counties not later than fifteen days after said election, or sooner if the returns from all of the precincts shall have been received, and in the manner prescribed by the laws of the Territory of Montana for canvassing the votes at general elections in said Territory, and the returns of said election shall be made to the secretary of the Territory, who, with the governor and the chief-justice of the Territory, or any two of them, shall constitute a board of canvassers, who shall meet at the office of the secretary of the Territory on or before the thirtieth day after the election and canvass the votes so cast and declare the result.

That is the method providing for ascertaining the result as to the constitution itself. Then the seventh section of the ordinance provides:

That on the first Tuesday in October, 1889, there shall be elected by the qualified electors of Montana a governor, a lieutenant-governor, a secretary of state, an attorney-general, a State treasurer, a State auditor, a State superintendent of public instruction, one chief-justice and two associate justices of the supreme court, a judge for each of the judicial districts established by this constitution, a clerk of the supreme court, and a clerk of the district court in and for each county of the State, and the members of the Legislative Assembly provided for in this constitution.

Seventh. There shall be elected at the same time one Representative in the Fifty-first Congress of the United States.

Eighth. The votes for the above officers shall be returned and canvassed as is provided by law, and returns shall be made to the secretary of the Territory and canvassed in the same manner and by the same board as is the vote upon the constitution, except as to clerk of the district court.

The clerk of the district court was a district officer, confined either to one county or to two or more counties, and he was a local officer. With that exception, the law expressly provided that the votes for all these officers and for the Legislative Assembly shall be returned to and canvassed in the same manner and by the same board as is the vote upon the constitution, which is this State board. Then it goes on to say that "there shall also be elected at the same time the following county and township officers, and the votes for these officers shall be returned and canvassed as now provided by law." That old Territorial law provided that the votes for these county officers should be canvassed by a county board and the result certified by the county clerk. There were no other officers in the Territory elected by the people. All the officers were appointed either by the governor or by the President of the United States. Many of the offices enumerated in this first section did not exist at all in the Territory. The only general Territorial election was for a Delegate in Congress, in regard to which there was a special mode of canvass by Territorial officials provided by a special law for that purpose.

Now, then, our friends on the other side think that because this statute says that the votes shall be returned and canvassed as provided by law there is to be a canvass and a declaration of the result by the county board, and a certificate given, although the ordinance contains the express provision that after that canvass the votes shall be further returned to the secretary of state and canvassed like the votes for the constitution.

That proposition seems to us entirely inadmissible.

But it is said the statute does not say that when this State or Territorial board have canvassed the votes for the entire Territory they shall declare the result and give a certificate of it. But we understand that that duty and obligation are involved in the obligation to make the canvass.

Now, let us see what is the alternative and to what result the proposition made by our learned friends on the other side must bring them. In the first place, if they say that the method of declaring and certifying the result provided by the old Territorial law is the one still in force, you have not any provision for either certifying the result or declaring the result or giving certificates in regard to all of these officers, who were only created by the constitution for the first time, because the Territorial law never applied to them. In the next place, in creating the Legislature for the State of Montana there was the old body of the house of representatives corresponding to this like body in the Territorial legislation, and there was an entirely new and legal and constitutional creation of the senate, the only thing at all resembling which was a legislative council, which had certain functions like that of the executive council in States where they have them, and certain other functions of a legislative character. But it does not now exist.

When you have a statute which declares that the vote shall be cast for a legislative assembly and canvassed as required by law, if the votes are to be canvassed and the result declared for members of the house by the old district officers alone, not by the State officers, you have got the extraordinary result that, while precisely the same phrase is used, Legislative Assembly, including both houses, you have one method of declaring the result and giving the certificate provided as to the house of representatives and no method at all provided as to the senate. The old law never applied to it and the phraseology of the new law, according to our friends on the other side, does not reach it.

Then you have got this further result, which seems to me practically an absurdity. If these votes are to be canvassed by this State board and the result of that canvass declared and certificates given by the county board, it follows that an inferior officer, who has no connection with the State board whatever, who has no access even to what they do except such access as may be the right of all citizens in general, is to certify the result of this State body of canvassers. These clerks reside and perform their duties at a distance from the seat of government. I am told by good authority that one of them has his office at a distance of 460 miles from the seat of government in that Territory. There is no provision made for his compensation, for his travel; there is no express enactment that he shall perform this duty; and yet our learned friends on the other side are inevitably driven to this position: that in the face of that express provision that this canvass shall take place—that is, that votes for the constitution are to be canvassed, which is the case with representatives to the General Assembly—these clerks are expected to travel 460 miles to inspect the documentary evidence of a canvass which is kept in a State office at the capital, and which, of course, can not be sent away from it, ascertain the result, and give the certificate to the members elected. To my humble apprehension that proposition is clearly and manifestly preposterous.

Then we come to the next step. Suppose, now, we have a Legislative Assembly of whom enough to make a constitutional quorum have lawful certificates from the lawful canvassing board, as these men from the State canvassers. Are they entitled, under the uniform parliamentary and constitutional practice of this country, to take their seats in that body, organize it, and hold those seats until, acting on each case one by one, the body itself has adjudged against their title there to remain? Nobody is hardy enough to question that proposition as a general rule. I suppose nobody on the other side will doubt it for a moment.

It is too well established in parliamentary processes in this country to be doubted now. But it is said that that doctrine does not apply to the case where there happen to be two bodies, each claiming to be the lawful body, and that in that case if it takes thirty to make a quorum and you have got twenty-five, lawfully elected, with lawful credentials, acting with five men who have gotten credentials, but whose election is disputed, and another body of twenty-five men, lawfully elected and with lawful credentials, acting with five men who have not got any credentials, but who claim that they were really elected, any other party who is to deal with these rival claims (including the Senate of the United States, who are to determine the question of the validity of the election) may in that case go behind the credentials and go behind every technicality or paper title or certificate to the fact and truth of the election itself; and for that proposition the authority of a report made by Mr. Carpenter, of Wisconsin, chairman of the Committee on Privileges and Elections, I think, at the time, at any rate a member of it, is cited.

That proposition I wish respectfully to deny; but I desire to say in denying it that a political advantage would ensue to the party to which I belong from its adoption, an immediate political advantage which would go very far beyond, in its attractiveness, if those were the things which attracted us here, anything which could happen by seating two Republican Senators from the State of Montana. If you gentlemen on the other side of this Chamber tell us and will establish as the constitutional law of this country that whenever, for the past fourteen years, a Republican minority has met in the House of Representatives, that minority had in the original organization of that House the lawful right to send for the men who we believe were honestly elected, but had not got the credentials of their States, to make up the body, and then it was the duty of the President and the Senate to recognize them, it is something that had not dawned on our understanding hitherto and may possibly be a useful hint or rule for our guidance in what may happen in the future.

If it be true that ever, in any State, South or North, East or West, the party in the minority who have credentials may get the men who they think were lawfully elected, and have not got them, to make a quorum and then organize and legislate and elect Senators, and it is the duty of this Senate to seat them, I think you will agree that somebody here has exercised a most remarkable abstinence from exercising a constitutional power for the last twenty years. There has not been a Congress for fourteen years, with one or two exceptions, where there was a House of Representatives, in regard to which a large portion of this country and a large majority of this body have not conscientiously believed, whether right or wrong, that there ought to have been added enough to make a majority and to organize a House of men elected, but without credentials. There has not been a time for the last twenty years when there has not been a large number of the people of this country—I am not saying whether right or wrong in that belief—who have not honestly and conscientiously believed that there were Senators sitting in this body whose title to their seats would not have stood against this proposition which is now suggested, if I understand it correctly, on the part of the minority.

This is a much larger question than the question of the seats of the two gentlemen entitled to sit from the State of Montana. I have always believed and have always acted upon that belief, and shall continue to act upon it until the authority of the Senate or the authority at least of some great constitutional lawyers who have seats here—and there are such on the other side of this Chamber and on the other side of this committee—shall declare the contrary, that it is impossible to conduct a free constitutional and legislative government on any other theory than that there must be somebody, from the necessity of the case, who ascertains the result of an election and certifies to that result, and that when that is done, right or wrong, honest or dishonest, as that may be, that certificate clothes the person who receives it with the lawful and rightful authority to exercise the function of a legislator subject only to one judgment, and that is the judgment of the house itself where he undertakes to claim a seat.

How can it be that a Republican minority two years ago or four years ago in the House of Representatives in Washington might have gathered to itself contestants from Democratic districts where they had credentials or that a Democratic minority this winter might have done the same thing in regard to its Republican opponents and undertaken to organize a House, and in that case have put upon the Senate the duty of inquiring into every contested-election case in this country?

If that duty were to be put upon the Senate in determining what body it would recognize and act with, a like duty of course would be imposed upon the President of the United States in the exercise of his constitutional functions, and possibly a third duty upon the courts, and unless it happened that all three of those bodies came to the same conclusion in regard to the debated and disputed and doubted facts of a contested election in a State for Representative in Congress, the whole constitutional legislative function of this country is to be thrown into disorder.

Mr. Carpenter made a report in the Alabama case, where a condition of things like that took place, in which he affirmed that doctrine, it is said, and the majority of the Committee on Elections of course must have assented to his report, though he signs it alone. But in the first



place that doctrine is not heard of or suggested in the debate in the Senate on that Alabama case, which was conducted by Mr. Oliver P. Morton, of Indiana, on the part of the then majority in this body, but Mr. Carpenter in his report puts the doctrine expressly on the assertion that the true and valid election of the Republicans in the State of Alabama was conceded.

Mr. MORGAN. That was not true.

Mr. HOAR. That is what he says.

Mr. MORGAN. That was not true. I deny that it was true.

Mr. HOAR. That is what he said. You do not deny that is true, for there it is in the book, and that is enough for my purpose.

Mr. VANCE. The minority report denies it also. I should like to know who made that concession.

Mr. HOAR. I should, too.

Mr. MORGAN. It was not made.

Mr. HOAR. I should like to know who made it, but the only man who is found affirming this doctrine anywhere puts the doctrine expressly on the fact that it is conceded, and makes his distinction between that and the contrary doctrine, which he admits is true everywhere else, upon the fact that that is conceded.

Now, whether Mr. Carpenter or whether the Senate of the United States, in that angry and heated time immediately after the war, committed a political act upon which they could not stand in logic or in law, I am not obliged now to discuss. Mr. Halbert E. Paine, the author of the book on contested elections, long ago, some years ago, before the question had come up again, declared in reference to that report of Mr. Carpenter that, if he were seeking to say something in defense of a totally untenable position, that might possibly be as well as anything else he could say, and that was all there was of it.

Mr. GRAY. Will it interrupt the Senator if I ask him a question?

Mr. HOAR. I do not want to make this statement under much interruption, because I am trying to bring it to a close as soon as I can.

The PRESIDING OFFICER (Mr. FRYE in the chair). Does the Senator from Massachusetts yield to the Senator from Delaware?

Mr. HOAR. I yield.

Mr. GRAY. Only a moment, and I trust it will not interfere with the Senator. I am interested in the statement just made by the Senator from Massachusetts that Senator Morton, an exceedingly able man, in the debate that occurred in the Senate upon the report of this committee in the Spencer and Sykes case, did not put any stress upon the position taken by Mr. Carpenter, and argued the case not upon that ground, but avoided that position. I did not so understand, and I would ask the Senator what interpretation he puts upon this language used by Mr. Morton when he says:

Here are two rival bodies, each claiming to be the Legislature, and the question for us to determine is now, not which appeared at first to have the legal right, but which in point of fact was the true Legislature of Alabama, which body had the quorum of men who were actually elected? Upon that question there is no sort of difficulty at all.

Mr. HOAR. If that sentence conveys to anybody the fact that Mr. Morton is affirming Mr. Carpenter's view I do not so understand it. If it is, it is the only thing that I think will be found. Mr. Morton put it upon the ground that they were to throw everything to the winds and in this revolutionary condition of things undertaking to overthrow by the forms of law the will of the people, that the Senate should interpose with its authority and find out what the people of Alabama wanted in regard to the Senator, without any regard to lawful or constitutional methods. That is the substance of that speech of Mr. Morton.

Now let me go back or I shall forget what I was saying when I rose.

Mr. GRAY. I beg the Senator's pardon. I would not have interrupted him but that I was interested in the statement.

Mr. HOAR. Mr. President, I understand that Mr. Carpenter, whether he could rightfully or wrongfully maintain the distinction, stood as well as he could on that distinction alone. Whether it was true in fact or whether it was well founded in law I have nothing to say. We have our own duty at this time; and that was when he was dealing with a case where this fact was conceded, and that if it had not been conceded the law would have been otherwise. If that report of Mr. Carpenter were put upon any other ground, I wish to say for myself, and I think my associates on the committee agree with me, that I dissent from it utterly and absolutely, and I understand the constitution and law to be as I have stated.

Then comes the third proposition. But I do not think that it can be maintained upon the evidence before the committee that the five Democrats from the county of Silver Bow were duly and lawfully elected on the facts or on the merits, but I think on the other hand it is perfectly clear and indisputable to any reasonable apprehension, to any impartial man, that their five competitors were elected. That all depends upon the question whether in truth and in fact the votes which were cast at precinct No. 34, with one exception, which I will state presently, were as reported by the election officers there. That precinct was a precinct in the neighborhood of and including a railroad camp; that precinct was composed very largely of persons employed in the construction of a new railroad. There has not a single mark been brought to our attention in the conduct of that election which indicates to my mind an honest and free election.

The election was held under the Australian ballot system, which had been established there some time before, but the law before the establishment of that ballot system was one which very carefully provided for the security and honesty of elections. It provided for five judges in precincts where there were over 100 votes cast—I think those were the limits—five judges of election and two clerks. They were to have two poll-books and on those poll-books they were required by law to set down in their order the numbers of the voters as they cast their votes. Then at the end of the balloting the two poll-books were to be compared, and if they did not agree the error in one or the other was to be corrected until they did agree. Then the number of voters was to be compared with the number of ballots, and if the number of ballots exceeded the number of voters, enough were to be thrown out of the ballot-box by a very familiar process to reduce and remove the excess.

Now, what happened at that election? In the first place there were not five judges; there were only three. That I concede, taken alone, would be an indication perhaps of a mistake in the officials which ought not to defeat the true will of the people. In the second place, the duty is imposed upon the clerks of the election of carefully scrutinizing the poll-books, making the register, and identifying the voters as they come, and no single duty of either of those clerks was performed by the clerks. They were two illiterate men, and one judge of the election testifies that he did most of the duty which the law imposed upon the clerks. There was no sworn officer therefore who did the clerical duty at that election at all, and, instead of having seven sworn officers to inspect that election, there were but three.

But let that all go. That is not of the essence of the people's will, and perhaps the people were not to blame for that. These persons who were to be voted in regular order and put upon the poll-book in that order turned out to have voted in alphabetical order, the five election officers noting them first, and then they go on in regular alphabetical order from A to Y, and Robert Youngberg was the last voter; and that great safeguard and security by which if a man personates another he can be identified by the man who voted next before and the man who voted next after, so that the election officers would have known about what time he cast his vote, was washed away.

It is said that this also was an honest mistake, that they took the registry list which had been furnished them alphabetically and checked the men as they voted, and that undoubtedly if they disregarded this important provision of the law it was a mistake of the election officers, which ought not to deprive the voters of their due and rightful share in the election. But that does not seem to me to hold water, for they had a copy of the register; and all these facts were furnished by the Democratic contestants. We have not assumed a single fact except what appears from the papers put in by Messrs. Maginnis and Clark and the Democratic judge who tried the title of one or the other of the district officers to his office.

We had, as I said, the register before us, and it is very manifest that this is not a copy of the poll-list; for, in the first place, in the register the christian name follows the surname, and in the poll-list the christian name comes first. In some names in the registry the initials only of the christian names are given, while in the same names in the poll-list the christian names are given in full and in some cases the names are spelled differently or the spelling would require a different pronunciation. This pretended poll-list is a list of somebody who got up that fraudulent election and furnished these men for the purpose of some railroad official who was voting the whole of them. It seems to me that it is an absolute fraud, showing that this is a manufactured, concocted, and pretended election, and not a real one, which it is impossible to mistake by any impartial mind.

But let us go a little further. There are 171 Democratic votes and 3 Republican votes, varying once or twice so that there are 4 for one and 170 for another, and 172 for one and 2 for another, and here was a hotly contested election in the State of Montana, and the election in that county of Silver Bow was so close that a change of 60 votes the one way or the other would have defeated the candidate declared elected or elected the candidate declared defeated—generally an average of 60 or 70 votes—and yet it is found in this one precinct, newly settled, a place where men of all nationalities and gathering from all parts of the Union had come together, that the remarkable and miraculous result is that the votes were divided between the two parties there, when it is so even over all the rest of the Territory and over all the rest of that county, in the proportion of 171 to 3.

Beyond that and another badge of fraud, there was no political division in regard to the constitution of Montana. The Republicans and the Democrats alike were supporting and favoring the adoption of that constitution, and yet substantially the same division in regard to the constitution that existed between the two parties is found in that report.

I remember once going up to the Secretary of the Treasury, Mr. Bristow, and meeting a Massachusetts official who had been charged with various delinquencies, and he explained them one after another by some accidents that happened to him; he had been misled and had meant all right. After that interview was over Mr. Bristow came down to the Capitol and said I to him: "What do you think of that fel-

low?" "Well," said he, "he reminded me of a justice of the peace in Kentucky. A man had been brought before him for stealing cow-bells. He had stolen five or six cow-bells, and he said he never stole them from the cows, but he was out in the pasture and the cows had scratched them off and he had picked them up. 'Well,' said the justice, 'you might possibly have picked up one of those cow-bells in that way; but when it comes to six, I rather think you have stolen them all.'"

Now, when you take up these badges of fraudulent elections, any one of which may possibly be reconciled with honesty, and put them all together, I think the gentlemen who had charge of running that side of that election there stole it all.

But there is another suggestion which is not reconcilable with anything else, and that is apparent upon this fact, that enough of those men who voted the Democratic ticket in the county of Silver Bow were not legal voters, and that appears on the findings of this Democratic judge himself, as to change the majority. The Revised Statutes of the United States, section 1860—

Mr. VANCE. The Senator does not mean to say that the judge acknowledged that those votes were illegal?

Mr. HOAR. No; I say that the judge finds the fact.

Mr. VANCE. From which you infer?

Mr. HOAR. I am going to read to see how it strikes the Senators. The statute of the United States in regard to suffrage in the Territories is this. This is section 1860 of the Revised Statutes:

At all subsequent elections, however, in any Territory hereafter organized by Congress, as well as at all elections in Territories already organized, the qualification of voters and of holding office shall be such as may be prescribed by the Legislative Assembly of each Territory; subject, nevertheless, to the following restrictions on the power of the Legislative Assembly, namely:

First, the right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years and by those above that age who have declared on oath before a competent court of record their intentions to become such and have taken an oath to support the Constitution and Government of the United States.

In other words, there is an emphatic and express enactment that it shall not be within the legislative power of any Territory to confer the right of suffrage upon any person who has not taken two oaths: first, the oath that he intends to become a citizen of the United States and, second, the oath to support its Constitution and Government, thereby renouncing all other allegiance.

That latter oath it is not pretended was taken by the aliens who voted at precinct 34 and at precinct 26 in the county of Silver Bow, and that is so found by the judge expressly to whose decision I have already referred. He says that as the law of Montana expressly declares.

All male citizens of the United States . . . who shall have declared their intention of becoming citizens, and who, under existing laws of the United States, may ultimately become citizens thereof, shall be deemed electors of this Territory.

And the Territorial law did not put in this qualification of the act of Congress, although the act of Congress says that it shall be a limitation on the power of the Territory itself, that it shall not admit anybody who has not taken this other oath. The judge says it was not necessary for these men to take that other oath, because the enabling act says that persons who are qualified electors may vote for State officers, and he thinks they meant qualified electors according to the Territorial statute, and not qualified electors according to the existing law.

Mr. BUTLER. Of the United States law?

Mr. HOAR. Of the United States law. Now, let me repeat it. The honorable Senator from South Carolina [Mr. BUTLER] asks a question about that. The United States law says that the Territorial Legislature may prescribe who shall be qualified electors, subject to the restriction that they shall not let anybody in who has not taken an oath to support the Constitution and Government of the United States. The Territorial law of Montana did not put in that restriction. Undoubtedly it was an accident, but it is not there. It did say that all persons who have declared their intention to become citizens may vote in this Territory.

Then the enabling act says the constitutional convention may provide for the choice of State officers. The constitutional convention says the qualified electors of the Territory shall vote at this election. Now, this judge says that he thinks when they said that they meant the men who were described in the Territorial statute, without regard to the restriction of the act of Congress.

Mr. EDMUNDS. That is, that they had forsworn their allegiance?

Mr. HOAR. They meant that the man who had forsworn his foreign allegiance and taken this oath could vote, although Congress in express words had provided that no Territorial Legislature whatever should do it.

Mr. BUTLER. Was that confined to Silver Bow County?

Mr. HOAR. I will state the facts about that; I do not know; there is no evidence on that point. It appears from this judge's own finding, which I have given, that at precinct 34 and at precinct 26 a certain number of men voted who, he said, it was not necessary should take this oath, and in the statement which he makes there is no claim that they had taken it. I do not suppose it is pretended by anybody that they had taken the oath I speak of.

Now, giving all these numbers in these precincts to the Republicans to make up the entire Republican vote in both precincts, you have got enough of them left who must have voted the Democratic ticket to change the result. If we subtract those from the Democratic ticket you let in every one of the Republicans.

Although I make the statement as full as I can in the majority report, I think the minority report must have been written before that was read. Our friends on the other side seem to think that our notion is that these aliens did not properly take the oath of their declaration of intention. The oath they did take was before the clerk, or the clerk's deputy, away from the court-house. The provision of the law on that is this—it is in the statute I have read—that these people who took the oath to support the Constitution—I mean their preliminary declaration—must take it before some court. Afterward a practice grew up, which, I think, is authorized by statute, that for purposes of naturalization it might be taken before the clerk or a deputy away from the court.

Now, it is a very grave question, although that oath might have been taken away from the court for the purpose of naturalization, whether where the statute speaking of the qualification of voters says it must have been taken before the court that would do; but it being a question, we did not care to raise it and debate it here as a doubtful question, because this other thing seems to my humble understanding—I do not think it is very lawyer-like, or very statesmanlike, or very Senatorial to be too confident in your own judgment—but it does seem to my mind that this other proposition is absolutely clear and indisputable.

I do not see any method of getting rid of it, and therefore it is not necessary to talk about the question whether these declarations of intention to become citizens of the United States might have been taken before the clerk or his deputy away from the court. The substantial and decisive point is that no Territorial Legislature could clothe an alien with the right to vote unless he had taken the oath to support the Constitution and laws of the United States, and therefore when the constitutional convention of Montana declared that the qualified electors should elect State officers it did not mean, although the judge of that district said he thinks it did, persons who had been enumerated in an old statute of Montana that omitted this recitation, but it meant the persons who were qualified according to the sovereign dominant authority of the prevailing law, a law necessary on all principles of decent, orderly government in this country.

In order that the gentlemen on the other side may see that I am not overstating what the position of this judge is, let me read it the way the judge states it:

Counsel for contestant seems to think that the court was perhaps misled in making its ruling; that the oath provided by the laws of the United States relating to suffrage in the Territories to be taken by an alien, in addition to his declaration, to make him a qualified elector did not apply at the election held the 1st day of October, 1889. The court reiterates the opinion that Congress having delegated to the constitutional convention of Montana the right to provide for said election, and had prescribed the qualifications of voters thereat, that when such convention provided by ordinance for said election and "that the persons who are then qualified electors, under the laws of this Territory, shall be qualified to vote at said election"—

That is not the phrase. The phrase is "qualified electors." I will read it from the ordinance declaring it in a moment—

it referred to the qualifications prescribed by the Territorial Legislature, and not to those prescribed by any laws of the United States relating to the Territory.

The little phrase on which the judge hangs under the law of the Territory is not really in the ordinance, but if it were I suppose that no law of that Territory could be made by a Territorial Legislature contrary to an act of Congress which expressly declared that the Territorial Legislature could not make that law. Now let me read the phrase in the ordinance:

Sixth. That on the first Tuesday in October, 1889, there shall be elected by the qualified electors of Montana a governor, a lieutenant-governor, and a secretary of state—

And the other officers I have mentioned—  
and the members of the Legislative Assembly provided for in this constitution.

In the preceding provision about the election the second section is:

Second. At said election the constitution framed and adopted by this convention shall be submitted to the people of the Territory for their ratification or rejection, and all persons who are then qualified electors under the laws of this Territory shall be qualified to vote for the ratification or rejection thereof.

That is what the judge quotes. I do not think it makes any earthly difference in the meaning, but the provision as to the election of a Territorial Legislature simply says, "The qualified electors of the Territory."

Mr. BUTLER. What does the enabling act say?

Mr. HOAR. The enabling act says:

That the constitutional convention may, by ordinance, provide for the election of officers for full State governments, including members of the Legislature and Representatives in the Fifty-first Congress.

Now, Mr. President, I believe I have stated the salient points in this case. There has been another suggestion made by a gentleman of the committee, a very interesting one, but one which, whether accepted or not, indicates a careful and thoughtful and a philosophic view of the question, which, perhaps, I ought to say a word about, although it



does not appear, I think, in the minority report with any great emphasis at any rate, if at all, and I do not know how far it is relied upon, but I should like to say a word upon it.

Mr. GRAY. If the Senator will allow me, as I understand the suggestion made in committee, that suggestion was not first made by a member of the minority, but by a member of the majority.

Mr. HOAR. I do not so understand it. I have seen that stated publicly in the newspapers, but I do not understand that any member of the majority of the committee ever made that suggestion, certainly not in my hearing. I suppose the member of the committee to whom the Senator refers will answer that question for himself if the Senator sees proper to put it to him. But the proposition is this: It is said that this matter ought to be sent back to the people of Montana and the election treated as a nullity because the Constitution of the United States requires this function of appointing Senators to be performed by the Legislature of the State, and that the term "Legislature" implies a law-making power, a body assembled, an organization that does not simply mean a number of men who might put themselves into the position where they would exercise the authority and be invested and clothed with this function, but it means a body actually capable at the time of the election or appointment of the Senator of making a law, and that when either house, or the governor who assents to the making of laws, or at any rate who must receive laws or have them submitted to him before they can be enacted, refuses to recognize either body claiming to be a legislative assembly, however lawful that body may be, that at once puts out of joint the legislative machinery, and you have not got any longer a body or authority with the present capacity of law-making. They have had it once before and they resume it hereafter, but so long as that condition of things exists there is not a Legislature in the constitutional sense, and that so far as the senate of Montana refused to recognize either of these bodies as the true house of representatives, the senate being evenly divided politically, and so long as the governor of Montana refused to recognize this particular body which took part in this election at that time, it follows that there was not any Legislature.

I do not think that suggestion, however astute or interesting it may be, will bear very full examination. It is an absolute overthrow of the law-making power of this country, national or State, at the will of either of the three persons or bodies which ordinarily take part in it. The Constitution of the United States says that if we pass a law and present it to the President he must either sign it or return it with his objections for our reconsideration, or it will become a law at a certain time. This theory says that by simply refusing to recognize us as a legislative body—what a marvelous suggestion to President Johnson that would have been—he may at once put an end to the entire legislative function and authority here, and so that either body may put an end to the other.

It would overthrow very easily and simply the arrangement which the act of Congress for the election of Senators has provided, because it was the very purpose of the act of Congress, whose constitutionality has been accepted without any considerable dissent, that no legislative body a majority of whom may happen to prefer that their State should go unrepresented here rather than have it represented by a person whom they do not approve shall have the power of putting an end to the appointing or elective function of the State Legislature by its refusal to go on with it.

We found that this function of electing a Senator, just like the function of counting the votes for President according to the opinion of many of us, was to be performed by an assembly or tribunal consisting of two persons, of an even number, and who might, if they acted in the ordinary way, be found to have no majority either way, so that the function could not be performed. The act of Congress declared that in that case should be done what has been done in nearly every State of the Union in regard to the matter of the election of certain of its officers, and which the Legislature elected, that they should be elected on joint ballot, and for the purpose of that election or appointment the two bodies should be merged in one. Accordingly it is declared, not that the senate shall meet the house in the case of a failure to elect by a concurrent vote, but that the members of the two bodies shall meet in joint assembly. The question what constitutes a quorum of that joint assembly is another question that it is not necessary to deal with here.

But the act of Congress is express that the functions of appointment shall be discharged by an assembly, not consisting of the two houses of the State Legislature, but of the members of the two houses of the State Legislature. I do not think it is necessary to pursue this suggestion into its practical consequences any further.

So, Mr. President, I maintain that the State of Montana had a lawfully organized senate and a lawfully organized house, and that the members of those two bodies met and duly elected Mr. Sanders and Mr. Power as provided by law and in the exercise, the due and proper and orderly exercise, of their constitutional and lawful functions. I maintain that the house of representatives of Montana which took part in that appointment contained within it men enough to make a quorum and more who had the lawful credentials and certificates of their election, and thereby were clothed with the authority and the title to take part in that election and to exercise the functions of members of that house in

all respects until a lawful and constitutional judgment of the house itself deprived them of that title; that in truth and in fact the persons so elected and having those credentials and certificates constituted as against all the world the lawful members of that house.

Neither the Senate nor any other body, nor the House itself, can go behind that into the facts of the election; but going behind it and taking the facts of the election as they are furnished us by the contestants here the result is the same; so that in electing these gentlemen this house of representatives exercised an authority with which they had been not only technically and lawfully clothed, but with which they had been clothed by the true and honest choice of the people who were their constituents.

Mr. GRAY. Mr. President, the Constitution enjoins that the Senate "shall be the judge of the elections, returns, and qualifications of its own members," and by that clause it confers upon this body a judicial power which I think all will admit should be exercised judicially. In approaching the discussion of the case that is now before the Senate to be thus judicially determined I should be very glad if even party nomenclature could be banished. So far as that shall be resorted to by me, it will only be because it is part of the history of the case and arises out of the facts which are necessary to be considered in arriving at a correct determination of this matter. I should be glad, too, if I could see these seats filled by their lawful occupants when this discussion is going on, not of course as a personal compliment to myself, because I should have been equally glad to see them filled when the distinguished Senator from Massachusetts [Mr. HOAR] presented his side of the case on behalf of the Committee on Privileges and Elections, but because this question is as important as any that can come before this body, and it is impossible that it should be determined satisfactorily or in the mode that the Constitution contemplates it should be determined unless we have the benefit of every individual judgment upon it. It is just as important that we should have this individual judgment of each Senator as that a case presented to the Supreme Court of the United States should be determined after due consideration by each member of that court.

Approaching the question in this temper, I trust that I shall say nothing in the remarks which I shall submit, and which I shall endeavor to make as brief as is consistent with the somewhat complicated nature of the facts, that will be inconsistent with the attitude which it seems to me ought to be assumed by each Senator in considering a case of this kind.

The Senator from Massachusetts, in behalf of the Committee on Privileges and Elections—strangely enough, because we all know how careful he is in the study of all questions committed to him by this body—seems to have not read, or if he has read has not comprehended, the position taken by the minority of that committee and which they have presented in a minority report to this body. There is not from beginning to end of that report a syllable, so far as I know, to justify the statement that the minority in considering this case placed itself or sought to place this case upon the principles enunciated in the report made by Senator Carpenter in the Sykes and Spencer case.

So far as this argument goes, I may say for the minority of the committee that we accept as a postulate the proposition laid down by the Senator from Massachusetts, and do not differ at all, in considering this case, from him in the position that we should seek here in the first place to discover the lawful body clothed with legislative power who have chosen a Senator, and that to determine whether it be such lawful body we shall be bound in the first instance by the fact that such body is composed of members who hold credentials from an officer or board clothed with authority in the premises to make such credentials. So, then, the attention of the Senate, so far as I am at present concerned with the question, will be called away from what occurred at this little precinct 34 far up in the Rocky Mountains, and I shall endeavor to present to the Senate for its consideration questions that concern the technical composition of this Legislature which has presented here as its choice as United States Senators those estimable gentlemen, Messrs. Power and Sanders, and I shall endeavor to show, to the satisfaction of every reasonable mind, while I occupy the floor, that there is not a shadow of legal authority or authority founded in any just or safe precedent of this body for the resolution reported by the committee, that these gentlemen are entitled to seats in this body.

I need not detain the Senate by reciting what the Senator from Massachusetts has already stated in regard to the composition of this so-called Legislature and the facts and circumstances that surround that so-called election. It will suffice if I call the attention of the Senate again to the single fact that in considering this question we are met at the outset with this condition of things: that in the capital city of Helena, in the State of Montana, there were two bodies sitting, each claiming to be the lawful Legislature of that State, one composed of a senate legally organized, and whose lawfulness and right to sit are questioned nowhere, and a so-called house of representatives consisting of thirty members, twenty-five of whom are admitted to have been entitled to sit as such and five of whom are disputed as to their title, and sitting in what is called the Iron Hall house of representatives, and another body composed of this same senate, and twenty-nine persons claiming to be elected as a house of representatives, and, if elected, constituting a quorum of the house of representatives, but composed of twenty-four gentlemen whose

seats are questioned by nobody and not in dispute, and five others whose seats are in dispute. That is the situation that we find when we are invited to leave this Chamber and make our inquisition in the capital city of Helena in order to ascertain whether any body that can properly be called a Legislature in the sense of the Constitution of the United States is there sitting, and has armed these gentlemen, Messrs. Sanders and Power, with credentials that we can or should regard.

The first matter which we must determine is this: Inasmuch as neither of these competing houses of assembly had a quorum of members whose seats were uncontested and admitted on all hands, inasmuch as neither had a quorum of those elected to the Legislature without counting in one or the other of these two sets of five members from Silver Bow County whose lawful election is disputed, there could not be, in the nature of the case, a determination of this question by that highest judicial authority in the premises, to wit, the house of representatives itself, which by the constitution of Montana, in conformity to most other State constitutions, is made the judge of the elections and returns of its own members. That, then, would have been the first and highest authority in the premises and would have been conclusive upon this body. But for the reason I have stated it was impossible to find such a judicial determination of that question. I think all will admit—and it requires no special authority to enforce the proposition—that no man ought to sit as a judge in his own cause, and no legislative body in the world would determine the right to seat the members whose seats are contested where it was necessary, to make a quorum, that those contested members should be counted.

If authority were required for a proposition so elementary as that and one so consonant with the genius of American institutions, I would ask leave to read a single sentence from McCrary, who has given us a very valuable work on elections and collected a great deal of interesting matter in a very philosophical and impartial manner. At section 340 Judge McCrary says:

On the trial of a contested election before a board or legislative body, the members returned as elected are not competent to vote upon the question of the validity of their own election. The rule grows out of the doctrine that no man should have a voice in deciding his own case.

I therefore may pass that point as one that will be conceded on all hands, that neither of these competing houses made any judicial decision as to the right of the five members from Silver Bow County to sit, and, further, that neither of them was competent to make such a decision. That being so, what occurs?

Mr. HOAR. Does the Senator understand that when there are five or any number of members whose seats are contested on the same question none of them can vote in the others' case?

Mr. GRAY. I do.

Mr. HOAR. That is not my understanding of the law.

Mr. GRAY. We can not make even a commencement. The first man must be voted upon, and if all are elected to represent the same constituency, it seems to me that there is a unity as to those five, or whatever the number may be, which would equally prevent any one of them from participating in such a judicial determination. I am quite clear in my own mind, and I submit it with all respect to other gentlemen, that this proposition is true to the extent that I have stated it. Nevertheless, in this case no such judicial determination ever has been made as to the right of these five men, or attempted to be made, so far as there is any evidence before the Senate or before the Committee on Privileges and Elections.

What must happen if we are to pursue further our judicial inquisition, as certainly we must in order to satisfy ourselves in some way as to which of these two competing houses was in fact and lawfully to be considered the house of representatives of the State of Montana? We must manifestly go outside the doors of either house; we should have stopped there if we could have had such judicial determination as I have referred to; but we must leave the doors of both of those competing houses and must pursue this judicial inquiry, which we are now compelled by the Constitution of the United States to pursue, outside the doors of either, and we must ask for ourselves the very question put by the Senator from Massachusetts with absolute accuracy, I think, as applied to the situation, which of those two sets or groups of five members from Silver Bow County had in their lawful possession the credentials or the certificates, or the finding or deliverance, of any officer or board clothed by law with the power to make such? That is our inquiry.

I agree with the Senator from Massachusetts for the purposes of this case—in fact, I agree with him absolutely in regard to this case or others—that that is our first duty; but I think I may speak certainly for all the members of the minority of this committee that for the purposes of this case and under the facts and the circumstances that surround us here that is our first duty.

Mr. President, I should like Senators who have not examined this question to go with me while we make this inquisition, while we ask this question, and wait for the reply: Who has the lawful certificate or credential or finding of an officer or board upon whom by law the duty has been devolved to make such? And I think that we shall find that certainly the five members who sat in that house, called the Iron Hall house, and who participated in the choice of Messrs. Sanders and

Power as United States Senators, did not have such credentials, and did not have such a certificate from any board or officer clothed with the power under the circumstances to make such.

It is a fact that under the enabling act passed a year ago, which authorized a convention to be held in the State of Montana for the purpose of forming a constitution, it was also declared that that convention might provide by ordinance for the election of all State officers necessary to thoroughly equip a State government, including representatives in a legislative assembly, and that that convention, sitting under authority of that enabling act, did, by an ordinance called ordinance No. 2, provide:

First, That an election shall be held throughout the Territory of Montana on the first Tuesday of October, 1889, for the ratification or rejection of the constitution framed and adopted by this convention.

Second, At said election the constitution framed and adopted by this convention shall be submitted to the people of the Territory for their ratification or rejection, and all persons who are then qualified electors under the laws of this Territory shall be qualified to vote for the ratification or rejection thereof.

Third, Said elections shall be held at the several polling places and precincts throughout the Territory appointed for the holding of elections under the laws of the Territory, and shall be conducted in the manner prescribed by the laws of the Territory regulating elections. The boards of county commissioners of the several counties of the Territory shall appoint judges and clerks of such election in each of said polling places and precincts in the same manner as is now required by law for the appointment of judges and clerks of general elections in the Territory.

Then it goes on to provide, as the Senator from Massachusetts has already observed, but which for my purpose it will be necessary for me to ask the attention of the Senate to again, in section 5:

Fifth, The votes cast at said election for the adoption or rejection of said constitution shall be canvassed by the canvassing boards of the respective counties not later than fifteen days after said election, or sooner if the returns from all of the precincts shall have been received, and in the manner prescribed by the laws of the Territory of Montana for canvassing the votes at general elections in said Territory, and the returns of said election shall be made to the secretary of the Territory, who, with the governor and the chief-justice of the Territory, or any two of them, shall constitute a board of canvassers, who shall meet at the office of the secretary of the Territory on or before the thirtieth day after the election and canvass the votes so cast and declare the result.

Ah, Mr. President, here we have, I must admit, a canvassing board created by lawful authority and invested with power of canvassing the returns of votes coming up from the canvassing boards of the counties on the question of ratification or rejection of the Constitution. Undoubtedly that is so and they are invested with the power to canvass the votes so cast and declare the result. Now, in the eighth section—not pausing to read the intervening sections—it is provided that—

The votes for the above officers—

That is, certain State officers above enumerated, and which include a member of the House of Representatives—

shall be returned and canvassed as is provided by law, and returns shall be made to the secretary of the Territory and canvassed in the same manner and by the same board as is the vote upon the constitution, except as to clerk of the district court.

Omitting, I observe in passing, the words "to declare the result," upon which I shall not now comment. I admit that here we have constituted by competent legal authority a canvassing board clothed with the power of doing what? Of canvassing the returns from the county canvassing boards as to the election of members of the house of representatives of Montana. We are told that we must inquire and look for the finding or certificate of some such board, and I agree with the distinguished Senator from Massachusetts, in so far that I proceed side by side with him to this point, and find with him that here is a board upon which by law has been devolved a duty of making a canvass of the returns from the counties; but our inquiry must not stop there. It is not every act of such a board, even, that can have the conclusive effect upon us of deciding the question unless we are satisfied that that act is within the scope of authority legally conferred upon that board. Surely no Senator will take issue with me upon a proposition so plain as that. If I shall show that there has been no such act of such a board within the scope of its authority to make, no finding of such a board which it was authorized to declare in regard to the election of the five members from Silver Bow County who sat in the house of representatives which joined in the election of Messrs. Sanders and Power, then I must challenge that Senator's conscience and his judicial instinct to declare with me that there is no support for the proposition that we have a Legislature legally and technically constituted which has returned to us the election of Messrs. Sanders and Power as Senators of the United States from Montana.

Is it necessary that I should argue this question, so plainly and so obviously true, that where you are called upon to inquire for the finding or the certificate or the deliverance of an officer or a board clothed with authority to make such you should also inquire whether any given finding or certificate or deliverance was in pursuance of that very power which has been called to our attention? The Senator from Massachusetts says here is the finding of the board. We say to him respectfully that is true; but what is that finding? Here is the credential from the three gentlemen mentioned in this ordinance, the governor, the secretary of state, and the chief-justice. We say that is true; but what is that credential? Certainly he must answer satisfactorily that question before we can go hand in hand with him a step



further and declare that we are concluded by that finding. What is that certification, what is that finding, what is that act of this board that must be, if it be within the scope of its authority, conclusive upon us in the determination of the question now before us? Surely we are not to close our eyes and ears at the bidding of the Senator from Massachusetts and fail to scrutinize this supposed credential, this supposed finding, this alleged credential, that is to work results so important as to determine the question as to who shall occupy seats in this body.

Then if we must inquire, let us do so fearlessly, and first ask the question, what was it that this board was authorized to do? You can not object to that. You must ask and answer that question before you are justified in proceeding another step in this judicial inquiry. And we find by referring to the ordinance that they were authorized to canvass what? Votes? No. Poll lists? No; but returns from the canvassing boards of the counties, canvasses made under authority of the law of the Territory.

That was the very thing which they were authorized to canvass, and we must, if we do our duty and regard as sacred this high judicial function that we are now endeavoring to perform, require a strict adherence to that duty as prescribed by law. We can not go outside of that so much as a hair's breadth, for outside of it their acts are no more binding upon us than the acts of any three gentlemen, respectable or otherwise, who choose to get together and say that a certain thing has been done or announce a certain result as being a lawful result.

That being the thing required by law for them to do, that being the authority with which they were clothed, surely I shall meet with no dissent when I say the next inquiry must be, what did they do in conformity or pretended conformity to this authority which I have recited? We do not have to look far for that. We have the evidence of those gentlemen themselves as to just what they did, and in this case there is no Senator here, I know, that will for an instant say that as to what they did we are bound by what they say they did. If there be any such I should have to abandon the argument; I could not argue a proposition so plain as that.

What did they say they did? Did they say that they, Mr. Chief Justice, Mr. Governor, and Mr. Secretary of the Territory, have canvassed the returns from Silver Bow and find that so and so, naming them, were elected? No, they did not. If they had found that the situation would have been a very different one; but we find in this deliverance, which is the only evidence in this case as to what was done by that board, that they not only did not canvass the returns from Silver Bow County, but that they did not have those returns before them when they put their names to that deliverance or finding.

What are we to do in a case like that? Admit that when they did a lawful act in pursuance of a lawful authority it would be conclusive upon us as showing us the five members who had the *prima facie* right to sit in that house? Surely that admission will not carry us to the extent of saying that we are bound by anything they choose to do, whether within or without the scope of their authority, and that for the purposes of this case they were more absolute in their powers than a czar or the most absolute monarch who ever sat upon a throne. That is not in conformity to the genius of republican institutions, of liberty regulated by law.

I will go as far as any Senator in paying the respect of my homage to all those legal forms and technical proceedings by which self-government has achieved its triumphs in this country of ours, and made liberty regulated by law on this continent the envy of the whole world, but I do not propose to stand uncovered before shams and mockeries, before those who pose masked in the forms of law and at the same time are trampling under foot all lawful authority and all orderly legal procedure.

This Territorial board of canvass, armed with the power to do those things which I have mentioned, undertakes to do something entirely different from those things which it lawfully by the letter of the statute may do.

Mr. GEORGE. I should like to interrupt the Senator to ask him a question.

The VICE-PRESIDENT. Does the Senator from Delaware yield to the Senator from Mississippi?

Mr. GRAY. Certainly.

Mr. GEORGE. I suppose that it is not a matter in dispute between the minority and majority of the committee that the canvassing board constituted under the ordinance of Montana had no judicial power, but only ministerial powers to look into the returns lawfully before them and to perform the arithmetical duty of adding them up and ascertaining the result of the vote.

Mr. GRAY. I do not suppose there will be any dispute about that. I shall have a word to say about it in a moment.

I was saying when interrupted that the thing this board was authorized to do was to canvass the returns made by the canvassing boards of the several counties as to the elections held therein, and I was about to say just at this point and in the line of the suggestion made by the Senator from Mississippi very aptly that that thing which they were authorized to do was undeniably a ministerial duty; that there was no judicial function attaching to that duty.

Mr. HOAR. Will it disturb the Senator before he passes to that

point to put to him a question with reference to the other? If it does I will not do it.

Mr. GRAY. The Senator will interrupt me less in a moment when I get through with this point.

The duty is undeniably a ministerial one, and not a judicial one. As the Senator from Mississippi has said, it was to count up, to aggregate as a matter of arithmetic, the returns from the counties. Although I do not understand that the majority of the committee have contended that any other than a ministerial duty was devolved upon this board, it will be important in passing to call attention to the perfectly well settled doctrine upon that respect in this country.

I will not detain the Senate with reading, for it has been embodied in the report of the minority, in regard to the settled American doctrine that canvassing boards, unless expressly clothed with judicial power by statute, have none but ministerial duties to perform. Several authorities have been cited in the report of the minority, and the current of decision in State and Federal courts, from the beginning down to very recent times and to the very last decision, all run in one direction and all speak one voice on the subject. That is, then, the settled American doctrine.

It is also well known by every lawyer in this body that even a judicial tribunal that is clothed with limited jurisdiction, a court of statutory jurisdiction, must, before its judgments can be regarded and have the force and effect that belong to a judgment of a court, show by its record in a given case that the particular matter in which they were concerned was within its jurisdiction. Either the parties or the subject-matter or both must appear affirmatively in the record to have been within the jurisdiction of such court. And even in regard to a court of general jurisdiction, if it shall appear on the record that the matter or thing or parties were without its jurisdiction, then its judgment in that case is a nullity and entitled to no regard whatever. *A fortiori*, in regard to a merely ministerial board or officer who has no judicial function whatever to perform must it affirmatively appear when they call upon us to be bound by its or his act or deliverance that the special matter which gives them jurisdiction was properly before them, that the thing they undertook to do was within the scope of their legal authority. I need say no more upon the points that are so absolutely elementary as these and understood by every lawyer.

Mr. TELLER. Will the Senator allow me to ask him a question?

Mr. GRAY. Certainly.

Mr. TELLER. Where does the Senator find the authority for this body to inquire whether the board of canvassers exercised or attempted to exercise judicial power or the right in any manner to question their acts?

Mr. GRAY. I have not asked this body to inquire whether the Territorial board of canvassers exercised or attempted to exercise judicial power. I have said that they were clothed with no judicial power whatever, and that is true. But I have been trying to show, and if I have not my argument so far is a failure, that we must necessarily ask, what was this board constituted by law to do? What is the thing which it is authorized by law to do? This necessarily follows when the Senator points to this board and says that its finding in the premises is conclusive. We are bound as judges to look at the law of its creation. We must go with our eyes open and not shut, with our ears open and not closed, and act as intelligent human beings, and say what is the thing that you are authorized by law to do and which when done is to be conclusive and binding on us? It must be conceded, I think; I can not argue with any one who would dispute it; it is too elementary. Then must we not ask what was the act that you have done and compare the act with the legal authority? That is what I am proceeding to do now. I hope the Senator will not—

Mr. TELLER rose.

Mr. GRAY. I hope the Senator will not interrupt me just now. I do not object to an interruption, but let me get through with this point, and then I shall very gladly answer to the best of my ability.

Mr. TELLER. The Senator does not seem disposed to answer my question.

Mr. GRAY. I can not answer the question *uno flatu*. I must answer it in the course of my argument, if I am able to answer it at all. I do not think the Senator has done me the honor to listen to the first part of my argument on this question. Perhaps, however, I am more at fault than I think myself to be.

Mr. President, having asked first what the legal authority of this board is and then what it has done in pretended conformity to that legal authority, let us examine the evidence. That evidence, as I said awhile ago, is none other than what they say themselves, which is upon the face of the record. We are examining the jurisdiction of this court, if court it were, by what we find upon the face of the record itself. Here is what we find:

TERRITORY OF MONTANA,  
County of Lewis and Clarke, ss:—

Mr. MORGAN. On what page does the Senator read?

Mr. GRAY. On page 129. It is a very formal document, indeed:

TERRITORY OF MONTANA,  
County of Lewis and Clarke, ss:—

We, Benjamin F. White, governor, Henry N. Blake, chief justice, and Louis

A. Walker, secretary of the Territory of Montana, the duly appointed and authorized canvassing board designated in the act of Congress approved February 22, A. D. 1889, providing for the admission of Montana as a State in the Union, and also under and by authority of ordinance No. 2, passed and enacted by the constitutional convention of the said Territory, do hereby certify that the above and foregoing is a full, true, and correct abstract of the votes cast in said Territory at the election held on the first Tuesday in October, A. D. 1889, as appears by the duly certified returns from the counties named, and as counted and canvassed by us this the 4th day of November, A. D. 1889.

Mr. President, I assume (for I do not want to discuss this case otherwise than with the most absolute candor) that if this board had stopped there and that in this list to which they refer we had found Silver Bow County as one of the counties canvassed, we would have been concluded by their finding. But they did not stop there, and we have no right to stop there, for they afterwards and immediately proceeded to separate and segregate Silver Bow County from the counties before named, and we have no right in the face of their action in that respect to include it. They say:

And we further certify that, having duly convened as such canvassing board on the 31st day of October, A. D. 1889, the same having been the thirtieth day after the close of said election, and having received no duly certified returns from the county of Silver Bow in said Territory, we duly appointed and commissioned Benjamin Webster a special messenger to proceed forthwith to the said Silver Bow County and to demand and receive from the county clerk of said county a properly certified copy of the abstract of the votes cast in said county at said election as canvassed and declared by the proper canvassing board.

Mr. President, what are we to do with a declaration of that kind? First, they had no properly certified returns from Silver Bow County, and then, as if to clinch that statement of fact, they tell us that they sent a messenger for those returns which confessedly were not before them. Why did they send a messenger down to Silver Bow County, if by any construction we could say that those returns were before them? They said they had none and they sent a messenger for them.

That the said messenger, Benjamin Webster, duly appointed as aforesaid, did proceed to the said Silver Bow County, and did demand of the county clerk of said county the duly certified copy of said abstract of votes as aforesaid, and thereafter returned to Helena and made his sworn return that the demand for said abstract was by the said county clerk refused.

Where is this board now? By its own deliverance, by its own statement made in the most solemn and formal manner that at the time they canvassed the returns from all the other counties named in the list preceding, they had no returns from Silver Bow County and sent a messenger after them, who returned and made his sworn report that he could not obtain them. Talk about a board like that canvassing and certifying as to the election of five members of this General Assembly from Silver Bow County, the returns of which, by its own statement, were not before them! I shall be glad to hear the Senator from Colorado in his own time answer that part of this argument.

Being therefore—

This board proceeds to say. They were in a very communicative mood. They were very anxious to give the reasons for their decision, always a dangerous thing to do for an unequipped judge. If they had only decided and had not given us their reasons, they would have done better for themselves; as Lord Mansfield, I believe, advised a judge in one of the colonies, to give his decision, but to avoid giving reasons, and he could get along pretty well. They have given their reasons and have made their statements, which state them out of court; for they go on:

Being therefore—

Now, listen, Senators—

Being therefore without any proper copy of the abstract of votes cast in Silver Bow County and having exhausted the authority given by the statute in endeavoring to obtain the same, it now becomes our duty—

Says this board—

to ascertain and declare the same from the best sources of information obtainable.

Is there a Senator within the sound of my voice who will rise in this Chamber and say on his responsibility as a Senator that this board was clothed with any authority whatever to canvass the result in Silver Bow County upon any information obtained from any source other than from the returns which were sent to them from the canvassing board of the county according to the provisions of law? They might have certified that, not having such a return, they could not certify that anybody was elected, and that is what under their view of the situation they honestly should have done. But men who were so driven and so whipped by the party lash that they could gain their own consent to make a deliverance like that should also have been whipped at the cart-tail through every county town in the State. I have never seen, in my experience, a usurpation anywhere so bald and flagrant as the one attempted by this so-called Territorial board of canvassers in the State of Montana.

Mr. President, we are pursuing here a judicial inquiry. We are honestly seeking for the legally authorized finding or certificate of some board or officer, in the language of the Senator from Massachusetts, upon whom the law devolved the duty of making such a certificate. Have we found it or him? Have we found such a deliverance or such a certificate? Is there any one who can answer that question in the affirmative?

But the board did not stop there. They were afflicted with a *cacœthes scribendi* or *loquendi*, as the case may be, and they went on to say:

We have before us the official certificate of Charles F. Booth, county clerk of

Silver Bow County, showing that a certain number of votes were cast for the different candidates in that county in the different precincts thereof, naming each of them and the number received by each candidate in each precinct, and including the thirty-fourth precinct as having voted at said election.

And there it is embodied in print in the report, "including precinct 34." If they were guided by that, then it would be an impossibility as a matter of mere arithmetic to say that the five members in the Iron Hall house of representatives were elected, but on the contrary they would be compelled to say that the five members in the Court-House Legislature were the duly accredited members. But they say:

We also have before us an official notice signed by Mr. Booth as county clerk of said county, stating in effect that the board of canvassers in said county met as such on the 14th day of October, 1889—

Now, this is on the 4th of November they are talking—

and did then and there canvass and count the vote of Silver Bow County and declare the result thereof, and that they did not count, but did reject, as false, fraudulent, and void, all of the votes reported as cast and counted in election precinct No. 34, in said county.

Here is another evidence of the design artfully to make a case to suit the ambitions of some people in that State, for it is most disingenuously stated here that this official notice, signed by Mr. Booth as county clerk, was sent along with this abstract of votes, including precinct 34. You can not read that paragraph in that finding without coming to the conclusion, if you rested upon the evidence of that alone, that along with this abstract of votes came this disqualifying statement of Mr. Booth. It is not so. The abstract of votes came to their possession on the very day that they met, the 31st of October, and they have told us that that was not a proper or legal abstract and that they had none before them, although they say they had that. Now they say there is none. Then they tell us that Mr. Booth, the county clerk, sent a communication or a notice that on the 14th of October the county canvassing board had thrown out precinct 34, whereas the fact is that that notice had been sent to them on the 21st of October, ten days prior to their receipt of this abstract of votes to which they allude. There was no possible connection between the two. Mr. Booth, on the 21st of October, was notifying this central board of canvass of the reasons why he had not sent up the returns from the county. Here is what Mr. Booth says, on the 21st of October—

Mr. GEORGE. On what page?

Mr. GRAY. On page 124 of the report, at the bottom of the page. On the 21st of October he writes a communication to this central board of canvass to tell them why the abstracts from Silver Bow County had not yet been sent in. It was not an unnatural thing for him to do, because in the ordinary process that return ought to have been made days before; and he tells them that the county board had eliminated a certain precinct, but that while they were still in session and still engaged in making up that abstract a writ of mandamus had been served upon them, issued by the district court of the county, commanding them to include precinct 34 in the abstract of votes.

Mr. GEORGE. All that was upon the same notice?

Mr. GRAY. All that was upon this letter of the 21st of October. He says:

That by reason of said order from the district court the abstract of votes for said county is incomplete, and by reason of the fact that said abstract of votes is not complete I am unable to forward the copy of such abstract, as is required by law, to the secretary of the Territory, and that I shall be unable to forward such copy until after the 7th day of November, 1889.

And yet with that statement in that very communication which they, I am compelled to say, disingenuously would have us believe came to them with that abstract, and of which they likewise disingenuously state only a part—in that same communication is what I have just read, the information that by reason of the order of the court the work of the canvassing board of Silver Bow County was incomplete, that the abstract was not made up and would not be made up until the 7th of November, 1889. With that information before them these gentlemen gained their own consent to say:

We have before us the official certificate of Charles F. Booth, county clerk of Silver Bow County, showing that a certain number of votes were cast for the different candidates in that county in the different precincts thereof, naming each of them and the number received by each candidate in each precinct, and including the thirty-fourth precinct as having voted at said election. We also have before us an official notice signed by Mr. Booth.

The official notice had come ten days before, and was for the purpose I have stated and contained what I have recited. Now, they go on to say:

No other or further action having been had by the canvassing board of said county—

That is true—

in relation to the canvass of the vote therein, we conclude that the true result as canvassed and declared must be found by eliminating from the list of votes cast, as certified by County Clerk Booth, the vote of precinct 34, which was rejected by said canvassing board, as stated in the certificate of said county clerk, and which shows the true vote of Silver Bow County to be as follows.

That is what they did, and accompanied by the declaration that they had no proper return before them, that there was no abstract from Silver Bow County before them as required by law; and they undertook, upon the best information, as they say, that they could otherwise obtain, to canvass the true result of the vote in that county. You can not decide the title to seats in this august body from a deliverance such as I have recited in the presence of the Senate. For in that very deliver-



ance they have told you that the only thing that the law authorized them to do in the premises, to wit, canvass the returns from the county board of Silver Bow County, they did not do, and could not, for the reasons stated, do.

Mr. President, I submit to the Senate in entire candor whether I have not abundantly and overwhelmingly shown that this board acted without the scope of its authority; that it has stated itself out of court; that no judicial tribunal in the world, and certainly not this Senate acting in its judicial capacity, can for one moment be bound by or consider a finding like this. Suppose they told us that they had canvassed the census returns or reports of the United States as to the population of Montana Territory, suppose they had told us that they had canvassed the tax-lists of Silver Bow County or the license-lists that were published in a county newspaper, are we, as the Senator from Colorado would seem to think, bound by such an act as that? Are we to stultify ourselves by the proposition that whatever they chose to do and called a performance of their duty is to bind us?

Mr. TELLER. If the Senator means to ask me, I can tell him what I think about it.

Mr. GRAY. I should be glad to hear the Senator's answer.

Mr. TELLER. I think it is the universal rule of law that when we are not authorized to review the finding of a court we can not know what they have decided; our ears are closed; no information can come to us of a wrong that we can not remedy. If we have no right to review their proceeding, it is immaterial what they did, it is conclusive as to us. That is the ground we have taken in the Senate repeatedly, and that is what I say. They might have proceeded upon a tax-list or anything else. We do not know what they proceeded upon and we have no right to inquire.

Mr. GRAY. Mr. President, if a doctrine so astounding as that uttered by the Senator from Colorado and receiving the high authority of his name is to be considered the law for the Senate, then I would abandon the argument here. I venture the assertion that nowhere, by judicial authority or by finding of either House of Congress, was such a doctrine ever indorsed—

Mr. TELLER rose.

Mr. GRAY. In one moment—as to say that, when you have appointed an officer or a board to do a particular thing, to perform a ministerial act, you are not to inquire, when he tells you or they tell you that that act has been performed, whether it be the act authorized by law or not. I do not believe that on farther reflection the Senator from Colorado will allow himself to reassert that proposition.

Mr. GEORGE. I desire to ask the Senator a question. Is this document, Appendix A, from which the Senator has been reading and on which he has been commenting and which is certified by the secretary of state of Montana, the paper which constitutes the credentials of those five men?

Mr. GRAY. That is the only paper.

Mr. GEORGE. The only one?

Mr. GRAY. It is the only one that anywhere by anybody is referred to as the credentials of those five members.

Mr. TELLER. Oh, no, Mr. President.

Mr. GRAY. I am glad to be corrected, if I am wrong.

Mr. GEORGE. Then you want to get outside of it and find another.

Mr. TELLER. I must correct the Senator as to the statement of fact. That is not the fact; nobody goes to that. They give a certificate and the Legislature recognizes that certificate.

Mr. GRAY. Where is that certificate?

Mr. TELLER. It does not make any difference. When the Senator says that my proposition never has been made before, I wish to state that I made it here in the Senate in the Turpie case, and it met the approval then of the Senator from Delaware because it seated a Democrat. My proposition is that things you are not authorized to inquire into you can not review; you must stop; *cadit questio*. That is the end of the question right there, and every lawyer knows that is the end of the inquiry. You may say that there is fraud in the conduct of the Legislature; you may believe that; but you have no right to pass upon it and predicate a judgment on it, because you have not been authorized to review the proceedings of the legislative body.

Mr. GRAY. Well, Mr. President, I am a poor sort of a country lawyer; but I do know that I am not claiming the right to review the proceedings of a legislative body.

Mr. GEORGE. I should like to interpose again. I interrupted the Senator from Delaware to ascertain a fact. I think it is a material fact to know whether this paper, Appendix A, from which the Senator from Delaware has been reading and upon which he has been commenting, constitutes the only credentials of the Silver Bow men who were seated.

Mr. PUGH. The majority report says it. It admits it.

Mr. GRAY. I answer most positively and upon knowledge that there is no other paper or writing of any kind whatever that is pointed to by anybody as a credential except that.

Mr. GEORGE. Then I want to ask the Senator another question right here. Is there any evidence in this record that the Legislature of which what is called the Iron Hall house claimed to be a part ever performed a legislative act, ever passed any law whatever?

Mr. GRAY. None whatever.

Mr. TELLER. I must correct the Senator from Delaware again. There were various communications between the Iron Hall house and the senate of a legislative character.

Mr. GRAY. One-half the senate.

Mr. GEORGE. I ask, did they ever pass a law?

Mr. TELLER. They did pass an appropriation law.

Mr. GRAY. With the permission of the Senator from Colorado and the Senator from Mississippi I will proceed.

Mr. GEORGE. I shall not interrupt the Senator again.

Mr. GRAY. I shall be very glad of interruptions of this kind on either side. I hope the Senator from Colorado does not understand me as objecting to any question that is really intended to draw my attention to a point upon which he is interested.

I am informed—I may as well allude to it in passing—that no legislative act has been performed by the Legislature of which this Iron Hall house is a part. That is my information. There have been communications, I believe, running from the senate which was organized to this Iron Hall house, backwards and forwards, but there was no legislative act. They communicated with them as they might have communicated with the common council of the city of Helena, so far as any lawful legislative performance is concerned.

Mr. GEORGE. Then let me ask the Senator one more question. There is no evidence here, then, that there was a body composed of the Iron Hall house and any other body called a senate, which was *de facto* a legislative body exercising legislative functions.

Mr. GRAY. Oh, no; not at all. There was not the slightest evidence, not a scintilla of that kind before the committee. More than that, the governor of the State, who by the constitution of the State of Montana must approve every bill that passes both houses before it can become a law, never has recognized this Iron Hall house of representatives, but has positively and by official declaration refused to so recognize it, and has on the contrary recognized the house of representatives sitting in the court-house at Helena as the lawful and rightful house of representatives of that State.

Mr. SPOONER. Will it disturb the Senator if I ask him a question, not going to his argument at all, but in reference to a matter of fact?

Mr. GRAY. Not at all.

Mr. SPOONER. It is stated in this certificate of the State board of canvassers—

Mr. PUGH. Not the State board, but the Territorial board.

Mr. SPOONER. Well, the Territorial board; and I merely say that in the way of distinction from the county board—

We have before us the official certificate of Charles F. Booth, county clerk of Silver Bow County, showing that a certain number of votes were cast for the different candidates in that county in the different precincts thereof, naming each of them and the number received by each candidate in each precinct, and including the thirty-fourth precinct as having voted at said election. We also have before us an official notice signed by Mr. Booth as county clerk of said county—

showing the result of the canvass.

Were those papers laid before the committee?

Mr. GRAY. Which papers?

Mr. SPOONER. The papers referred to in this official notice.

Mr. GRAY. Yes; here they are, on page 123. In the appendix to the minority report you will find the list or abstract of votes to which he refers; and the Senator will find the letter of Mr. Booth, the county clerk, on page 51 of the case of Messrs. Clark and Maginnis. It is a little out of order, but I may as well, now that I can lay my hands on it, and I was not able to lay my hand on it before, say that that communication, which was sent on the 21st day of October, states:

That while the clerks were engaged in their work, and before the completion of said abstracts—

That is, the abstract made by the county board—

all the members of the canvassing board were served with a writ of mandate from the district court commanding them to make an abstract of the votes cast at said precinct No. 34, or to appear before the court on the 7th day of November, 1899, and show cause why they had not done so; that the canvassing board did not make an abstract of the votes cast at precinct No. 34, as directed by the court, nor have they shown cause why they have not done so; that by reason of said order from the district court the abstract of votes for said county is incomplete, and that by reason of the fact that said abstract of votes is not complete I am unable to forward the copy of such abstract as is required by law to the secretary of the Territory, and that I shall be unable to forward such copy until after the 7th day of November, 1899.

Thus all the evidence in the case conspires to drive home the conclusion that what this board stated in their deliverance on the 4th of November was the truth, to wit, that there was not before them, and could not have been before them, any abstract of the votes of Silver Bow County.

Mr. HOAR. Will the Senator allow me? When the Senator from Mississippi put a question of fact just now I sent for the document, which I had not before me at that moment, so that I might be able to answer. I think I can suggest to the Senator the fact, if he has no objection.

Mr. GRAY. Certainly.

Mr. HOAR. In the first place, as to the credentials, the journal of the house of representatives is—

Mr. GRAY. What page is the Senator reading from?

Mr. HOAR. Page 15 of the statement reported by the Senator from Delaware and myself of the facts made to the committee.

The roll of the members elected and holding certificates of the State canvassing board was called by the auditor, as follows, by counties.

Then on the eighteenth page, being part of the statement which has been rendered, is the following:

And we hereby further certify that the following-named persons, having received a majority of all the votes cast for the respective offices named and hereinafter designated, are, and they are hereby declared to be, duly elected.

Now, if the Senator will allow me to call his attention to the fact, upon this statement which he and I prepared, there is no other evidence existing at this moment in the world of the title of Governor Toole or any other State officer of the State of Montana or of anybody else in the senate or house of representatives except the declaration, leaving out now this claim that the county officers might certify to their representatives, except this very canvass which the Senator says was not only wrong in itself, but which was so wrong that it carries no legal validity or authority to the certainty of its result whatever. I want to call the attention of the Senator from Delaware and the Senator from Mississippi to my answer.

Mr. GEORGE. How is that?

Mr. HOAR. I will repeat it. The journal of the house of representatives shows—

Mr. GEORGE. The journal of the Iron Hall house?

Mr. HOAR. The journal of the Iron Hall house shows that the roll of men present and having credentials was called as follows. Then follows this certificate in the journal, the one which the Senator from Delaware has commented upon.

Mr. GEORGE. Is the Senator reading from the report in the Montana case?

Mr. HOAR. I am reading from the report of facts in the Montana case made to the Committee on Privileges and Elections by a subcommittee constituted of the Senator from Delaware and myself.

Mr. GEORGE. I have no copy of that. I have only the report proper.

Mr. HOAR. That is the reason why I read it now. I did not have it before me when the Senator put his question.

Now, I wish to repeat. These credentials were before that body. The body was made up of the men who had them, and there is no other lawful evidence of title of Governor Toole or any other State officer in the State of Montana, omitting now those about which it is questioned whether the county clerk's certificate was not a good one, except this very canvass which the Senator from Delaware says is so illegal that a declaration which followed it by the board who made it has no validity whatever.

In the next place, the Senator from Mississippi put the question whether there were any laws passed by this House, to which I reply, though that is not found in this pamphlet, that I am informed by one of the claimants here that it is a matter of public history that seven different laws were passed by this House, sent to the Senate, and passed by them so far as going through all the steps, except that the presiding officer of that senate refused to certify to them in the presence of the senate, because before he could make his certificate a certain number of senators ran away and left the State. That, of course, all appears in the record.

Mr. GEORGE. So, if the Senator will allow me, no consummated and complete legislative act was ever performed by that legislature.

Mr. HOAR. The act of Congress proceeds—

Mr. GEORGE. Please answer that question.

Mr. HOAR. I understand. Let me say, in answer to the Senator from Mississippi, if I can have the indulgence of the Senator from Delaware, that the act of Congress for the election of Senators proceeds on the very ground, theory, and expectation that the first thing which shall be done by a State Legislature when it meets substantially shall be the election of United States Senators.

It puts first in order the election of United States Senators where there is a vacancy or where they are to be appointed, and the Legislature is required to do it on the second Tuesday after their organization, or perhaps the first.

Mr. MORGAN. On the second Tuesday.

Mr. HOAR. They are required to do it on the second Tuesday, when in the ordinary course of legislative proceedings bills will not be ripe for action. This is to be done before any legislative functions of any importance are exercised.

Mr. GRAY. Mr. President, I do not care to take up time by discussing the proposition whether any pretended legislation was had or participated in by the Iron Hall house of representatives. I am informed that no legislative act of that kind was performed, but whether it be true or not does not in the slightest affect my argument. Confessedly by the position taken by the distinguished Senator from Massachusetts this very morning in this very Chamber, the question for us to discuss, and to which I have tried respectfully to address myself, is, which set or group of five members from Silver Bow County had the credentials of a board or officer (I am quoting his exact words, I believe) upon whom the law devolved the duty to make such certificate or credential? That is the question I am discussing. The Senator has ad-

mitted by his argument, impliedly if not expressly, that we were not to stay within the doors of either house in order to determine this question, but that we must go outside of it and anywhere for some such board or officer so invested by law with this duty, and then find what has been done by them under that authority of law. I have totally misunderstood the Senator if that is not the position he took in his opening this morning.

Mr. HOAR. If the Senator will pardon me, I wish to say that I entirely agree with him in that statement. He has stated my opinion much more clearly and distinctly than I could state it myself as to the point of difference between him and me.

Mr. GRAY. I should be very glad—

Mr. HOAR. One sentence only in reply, because that states our point of difference. The point of difference between the Senator and me in this part of the case is exactly this: He thinks that if it appeared that the proceedings of the board in getting at the result of which they make the certificate that the man is elected were incorrect or illegal or otherwise, so that it was not a just and proper canvass, then the value of their certificate is destroyed, so that we may inquire into it and disregard it. I say when that board has certified that A. B. is elected he is clothed with authority to act as a representative until he is unseated by the house who alone are judges of that question. There is the point of difference between us.

Mr. GRAY. The Senator from Massachusetts has with his usual candor admitted, and I am gratified to hear him admit, that I have not misstated his position; but I must beg leave to state my own, for I submit that the distinguished Senator has not quite apprehended it. It is not that we are authorized as in this judicial inquiry to go behind the certificate or finding of a lawfully constituted board; it is not that bald proposition, but that we must inquire what that finding is before we can pass upon it at all. We must ask ourselves the question, and we must ask that board the question, which is more to the point, what did you do under the authority of this law that created you? for if you did a certain thing we confess we are bound by it. Let us see what you did. Tell us what is the nature and character of this act that is to be conclusive on the Senate of the United States. In answer to that inquiry, the only declaration we have, the only particle of evidence in this case is this finding of the board which I have read, in which they tell us they did not canvass the returns from Silver Bow County; that they did not have those returns before them, and that then they proceeded on the best information they could obtain outside of the certificates to declare the result. I say that the act of no officer or board that was ever created by an English-speaking people or by any State in this Union or by authority of any law ever passed by Congress ever was invested with an authority such as is claimed for this board by the Senator from Massachusetts and the Senator from Colorado.

As I was saying, they may tell us in their deliverance, "We have no returns from Silver Bow County, but we have taken the census of the United States and we have canvassed that. We have no proper abstract of votes from that county, but we have taken the tax-lists of the county and we have run over the names on those, and we have satisfied ourselves that so and so was the result." That can not be. It is not in the nature of things. We do not want authority to deny a proposition so monstrous as that.

If they had stopped short, such is the effect of our traditions, such is the result of liberty regulated by law, that if a lawfully constituted board authorized to say a certain thing says it we can not inquire into their motives, we can not say that they were corrupt, we can not inquire what the evidence was upon which they said it; but when they undertake to tell us that they did not do the thing the law required them to do, we should only stultify ourselves by undertaking to make ourselves a party to usurpation so monstrous.

Mr. President, I did not think it necessary and did not intend to trouble the Senate by reading authority from text-book or report in support of a position so manifestly true, so necessarily true as that which I have just stated, but since the colloquy which has taken place between the Senators and myself I will ask the attention of the Senate to a passage from a very painstaking book, and I have no doubt a very good book on elections, written by Mr. Halbert E. Paine, who was the counsel before the committee, and has filed a brief and made an argument in behalf of Messrs. Sanders and Power, a very able argument, too, and who, in his work on elections, at section 626, says what I shall read. I ask the attention of Senators to this, not as binding of course upon the Senate by way of authority, but as coming from a respectable gentleman who has made a book, and I have great respect for any man who has made a book, and as entirely confirming the position I have taken. He says:

A certificate of a board of canvassers, in which they declare that certain candidates were elected, but, at the same time, state facts which disprove their declaration—

I ask Senators to mark the language— and show that such candidates were not elected, is not *prima facie* evidence of the title of the persons certified to be elected.

That is in his chapter in which he is treating of the *prima facie* effect of the certificates of canvassing boards and officers upon whom the law devolves the authority to make a certificate, declaring, as I declare and



as the minority of this committee declare, that such a finding is *prima facie* evidence of title; but when they go further, says Mr. Paine, and state facts which disprove their declaration, their certificate is not *prima facie* evidence of title.

There is a case in 19 Howard's Reports of the Supreme Court (Hart vs. Harvey) that concerned the election of certain trustees in a religious society. There were certain persons authorized by law to hold the election and declare the result. I need not go into the facts of the case, but I call the attention of the Senate to this language of the court in that case:

I have no doubt—

Says the judge—

I have no doubt that the certificate under the hands and seals of the inspectors, that a person has been elected a trustee, is *prima facie* evidence of his right; and had the certificate given to the defendants contained nothing but the declaration that defendants are elected, I should deem myself bound to so regard it. But it recites the facts upon which they rely as their justification and authority for declaring these parties elected; and these facts most clearly show that the defendants, Harvey and Tompkins, were not elected. When the inspectors admit that 64 votes only were received by them and placed in the box, and that of these the plaintiffs had each 33, it is shown to be legally impossible that the defendants, Harvey and Tompkins, could be legally elected. The certificate destroys itself. While it declares the right, it demonstrates that no such right existed.—19 Howard's Practice Reports (New York), pages 251, 252.

So in this case the canvassers have undertaken to say that no return or abstract of votes from Silver Bow County was before them, and yet they have undertaken to declare a result.

McCrary on Elections, to whom I have already referred (and the Senate will pardon me for citing such elementary authority on a proposition so plain), when speaking of the *prima facie* character of a certificate from a canvassing board, says:

Yet something may appear upon the face of the certificate itself to destroy or impair its value as *prima facie* evidence. If, for instance—

I call the attention of Senators to the instance he makes—

If, for instance, the certificate states that the vote of one county out of five had not been canvassed, it seems that this would make it necessary even to the determination of the *prima facie* case to inquire into what the vote was in the county omitted.

That is precisely what has been done by the board of canvassers in this case. They have told us that they had no returns from Silver Bow County, and therefore, as I shall show presently, it devolves upon the Senate as a judicial duty to inquire what those returns were.

Mr. President, I do not think that I need occupy the time of the Senate longer, after having already trespassed so far upon its patience, by further argument or illustration on this point. I submit to the Senate that in the opinion of the minority of this committee it has been clearly demonstrated by the facts and evidence in this case that there is no finding or deliverance or certificate of any Territorial board in regard to the election of the five members from Silver Bow County that can be or is worthy of being regarded in this case.

The Senator from Massachusetts and I started out from the doors of these two competing houses hand in hand, and in the most friendly and amicable spirit I wanted to inquire with him for the certificate of a board or officer clothed with the legal authority to give one. So far we have been in company. So far as I am concerned I hope the company has not been unpleasant to the Senator from Massachusetts and that I have conducted my part of this inquiry with due decorum and courtesy to him.

I certainly have not been able to find any lawful authority or any legal character that can be attached to this thing that he points me to. He says there is a certificate; but in finding it to be what I have displayed to the Senate to the best of my humble ability, and considering what my duty as a Senator is and what is the duty of every Senator in exercising his judicial function, I must seek elsewhere than this Territorial board for evidence of what was the vote in Silver Bow County, and we must look further for some certificate or finding by competent authority as to what that vote was. We must look for the very thing that this Territorial board say they did not have, and that is a return of the canvassing board of Silver Bow County. Surely that becomes a necessity now. Surely we can not refuse to take this further step in pursuing this judicial inquiry on the part of the Senate of the United States, that having found that this Territorial board had no returns from the county board which it was authorized to canvass, that being demonstrated by their own declaration, we must leave them on one side and seek for the thing itself by our own methods and by such ways as we believe are lawful and justifiable.

We do not have to go very far. Let me, before proceeding further, though—as it seems necessary that I should fortify myself at every step by something like authority—call the attention of the Senate to Paine on Elections, at section 622, to justify the step that we are about to take under the theory which seems a true one to the minority of the committee. Mr. Paine, at section 622, says this, to which I call the attention of the Senate:

Under a statute conferring upon the county canvassers power to determine primarily the result of a county election and upon the State canvassers power to make a final and conclusive determination of such result, the failure of the State canvassers to make a proper determination has the effect to leave that of the county canvassers final and conclusive.

Accepting that as the true doctrine which I had arrived at before I

saw that citation from Mr. Paine—but it was very gratifying to me to be supported in this conclusion to which I seem to have been driven in pursuance of that invitation—what was the lawful action of these county canvassers? We have the certificate of the Territorial board that on the 4th of November, 1889, they had taken no action, for they had sent down to them a messenger to get their abstract of votes, and he returned and made a sworn report that none could be obtained.

We have also the report of Mr. Booth, the county clerk, indorsed by this Territorial board of canvassers, that no such abstract had been made on the 31st of October, and none could be made until the 7th of November. We have also the fact that a writ of mandamus had been served upon the members of this board on the 14th or 15th of October, an alternative writ returnable on the 28th of October.

No lawful action of that board of canvassers had been taken, if we are to accept the deliverance of the Territorial board, on the 4th of November, which is the date of that finding by them; but we do find—and it is in the evidence before the Senate, properly certified, questioned by no one, discussed in the committee, but nowhere invalidated as competent evidence—the certified record of a court of competent jurisdiction that it was the duty of this canvassing board to perform this plainly ministerial function and include precinct 34 in their abstract of votes. That mandate was served upon that board, and certain proceedings were had which at last resulted in a peremptory mandate, issuing on the 31st of October in one case and on the 1st of November in another, the judgment delivered awarding the writ on the 31st of October in one case and the 1st of November in another, in which the whole matter of the proceedings of that board was considered by this competent judicial authority and it was declared by them in a judgment which is cited in the report:

Ordered, adjudged, and decreed by the court that said motion be sustained—

That is, a motion for a judgment—

and that defendants, William M. Jack, William E. Hall, and Caleb E. Irvine, the canvassing board aforesaid, had no power or authority to exclude the votes as shown by the returns from said precinct No. 34, in said county, and that their action therein was illegal and void, and that the returns, including the said precinct, constitute the true and correct result of said election, and that said relators have their peremptory writ of mandate, as prayed for in their petition.

And it is further ordered, adjudged, and decreed that it is the duty of the said clerk of the said county commissioners to issue a certificate to relators, as prayed for in said petition and affidavit, and that a peremptory writ of mandate issue to compel him to issue said certificates, and that said relators recover cost and disbursements in this behalf expended.

That writ was awarded on the 1st of November; the judgment awarding the writ in the other case was on October 31. This Territorial canvassing board, it is interesting to observe, convened on the 31st day of October, the day before, and they sat upon the 4th of November, upon which date they made this deliverance which I have discussed before the Senate. So while they were in session, and the very next day after they convened, this judgment awarding the peremptory writ on the county board was made by this court, whose jurisdiction in the premises no one questions. That writ, for some reason was not served until the 7th of November, but the county clerk swears in an affidavit, which is before the Senate as it was before the committee, that when he sent this communication to the board on the day of their assembling and sent this abstract that he made of the votes, including precinct 34, he attached a copy of this judgment of the court to that paper, and they had this judgment of the court before them, according to the affidavit of Clerk Booth, and it is not denied anywhere.

Mr. GEORGE. The State canvassers had it before them?

Mr. GRAY. The State canvassing board had a certified copy.

Mr. GEORGE. Before they made their certificate?

Mr. GRAY. Before they made their certificate, and it is not denied by any member of that board or anybody on their behalf, so far as I know.

It may be well to pause for one moment in the progress of this argument to comment upon the fact, so patent upon the face of these proceedings, of the indecent haste with which this Territorial board sought to evade the performance of their sworn and lawful duty, to note the fact that by the evidence in this case they became the participants in a conspiracy as base and as black and as unjustifiable (if conspiracy could ever be justifiable) as ever was proved to exist against the liberties and freedom of a people of our race and lineage.

It is an irresistible conclusion which every unbiased and unprejudiced mind must draw from the facts in this case, that this canvassing board called the Territorial board, in order to evade their duty in regard to Silver Bow County and the election of representatives, rendered their judgment on the 4th of November with the knowledge that a court of competent jurisdiction had ordered those returns to be made, and the further fact that within three days after their adjournment, in obedience to the order of the court, that return was made and certified to by that canvassing board, including precinct 34. That is the thing to which we turn as the only and best evidence remaining to us of who were the lawfully elected members from Silver Bow County to the Legislative Assembly of Montana.

Mr. GEORGE. Did the canvassing board obey the order of the court?

Mr. GRAY. They did.

Mr. BUTLER. And made their return?

Mr. GRAY. And made their abstract from the return, and that was duly sent to the secretary of the Territory.

Mr. VANCE. And was duly disregarded.

Mr. GRAY. And, as the Senator from North Carolina says, it was duly disregarded. I know personally none of these gentlemen; I do not suppose that any member of the committee knows any of them personally; but it is my duty here in my place in the Senate to say that conduct such as that appears to be by the evidence in this case deserves and should receive the condemnation of every law-abiding and law-loving citizen in this broad land. There was no excuse for this indecent haste. They could have sat until now, if it was necessary, to perform their duty. There was no necessity that the State of Montana should have been admitted into the Union on the 8th day of November rather than on the 10th or 12th or 20th of November, but so it was. They made their finding on the 4th of November, and that finding has to be brought to the knowledge of the President of the United States in order that in obedience to the enabling act his proclamation can make the admission of the State into the Union complete.

Mr. GEORGE. Let me ask another question, because I want to get the facts right. I have not studied this record. Does the Senator desire to be understood as saying that before this State or Territorial canvassing board adjourned they had notice of the decree of the court or the judgment of the court directing this thirty-fourth precinct to be counted by the canvassers of that county?

Mr. GRAY. In answer to the Senator from Mississippi, I distinctly say that according to the affidavit of Charles F. Booth he attached to that abstract of the vote of Silver Bow County which he sent to that board on the 31st day of October, the day on which they convened, a certified copy of the judgment of this court ordering that mandamus.

Mr. HOAR. Mr. President—

Mr. GRAY. One moment, and I will allow the Senator from Massachusetts to ask me a question. There is the admission of that State or Territorial board that they had before them that abstract. There is no denial anywhere in this record that the certified copy of the judgment was not also a matter within their cognizance.

Mr. HOAR. Does not the Senator also understand that that was the judgment of a local and inferior district court?

Mr. GRAY. Ah!

Mr. HOAR. From whose judgment an appeal was taken and which judgment was rendered absolutely null and void upon that appeal.

Mr. GRAY. I will tell the Senator what I understand. I understand that the judgment was by a court of competent jurisdiction. It was by the district court, authorized by law to sit in and for the county of Silver Bow. No one here or elsewhere, so far as I know, has ever denied that jurisdiction at all, and, it being the mandate of a court of competent jurisdiction, it was bound to be obeyed by the county canvassers, and was entitled to be respected by every law-abiding citizen in that community, including their high mightinesses, the members of the Territorial canvassing board.

Mr. HOAR. The Senator does not answer my question.

Mr. GRAY. Wait one moment, and I will. Part of this indecent conduct will appear to any Senator who will take the trouble to read this record, when he looks at the dilatory motions which were made all through the conduct of that case; but he will find that the appeal of which the Senator from Massachusetts speaks was unavailing for any purpose under the laws of Montana, because the laws of that Territory required that an appeal bond, or undertaking, as it is called, should be filed within five days of the notice of appeal, and we find that the notice of appeal was given on the 1st day of November, and the appeal bond was not filed until the 7th.

Mr. GEORGE. Two days too late?

Mr. GRAY. Two days too late. I have not the statutes of Montana here, but I will quote them with sufficient accuracy to satisfy the Senate (and if I am wrong I can easily be corrected by reference to the statute itself), that, where an appeal is taken the provision is that unless an appeal bond is filed within five days of the notice of the appeal, the said appeal shall be unavailing for any purpose whatever. That being the condition of this case, with this mandate of this court of competent jurisdiction lying before them, as in the absence of their denial or countervailing testimony we must agree that it was, what did this board do? They adjourned on the 4th of November, when they might have sat until the 10th, much less might have sat until the 7th, with this communication from C. F. Booth before them, too, upon which they lay so much stress, in which he tells them that this writ could not issue until the 7th of November, and that after the 7th of November he would send them the abstract of votes from that county.

Mr. GEORGE. Let me ask the Senator again, is there no limitation in the statutes of Montana as to the period of time at which this board could hold its sessions?

Mr. GRAY. None at all. It could, so far as the ordinance providing for it was concerned, have sat until the present time, and it should have sat just so long as truth and justice and a regard for the orderly conduct of lawful proceedings required them to sit. That was their duty; and I am in view of that fact and of that plain duty, when we find what their conduct really was, that they stand convicted in the mind of every honorable man of a participation in these sharp practices which the ma-

jority of this committee by their report would have this Senate be made a participant in.

Mr. President, party exigency is a thing of terrible strain and great effect, I know; but there are limits even to party pressure and what it can do with honest men. Party exigency and party necessity will take us all sometimes to the verge of the conduct that a citizen of a self-governing republic ought to engage in, but it should never take us beyond that verge. Admitting that that is a potent factor in this as in other cases where politics are involved, the ambition of party leaders in this young State should never have caused them to have so far departed from propriety as to make them hurry this case beyond the law, beyond decency, and beyond the evidence that admittedly was before them. What do we find? Why this haste? Is it so important that these worthy gentlemen, Mr. Power and Mr. Sanders, one of whom I have the pleasure of knowing and against whom I have not a word to say and never heard a word that could in any way impinge upon his high standing as a citizen and a gentleman—is it so important that these gentlemen should occupy seats in this body that this canvassing board might not have waited to see the result of the judgment of this court, a certified copy of which they had before them?

Only three days they would have had to wait, and this anxiety that they express, this perturbation of mind in which they seem to have been by reason of the want of this return of Silver Bow County, would all have been dissipated, and they would have had not only the returns, including precinct 34, before them, but they would have had them there in obedience to a law-directed duty, as interpreted by the judicial department of the State. They ran away from that. This judicial court was not a court that pleased them in its conduct of this suit. Seeking for motives, we must seek those that lie on the surface. It did not please them. The admission of the State of Montana ousted, too, the jurisdiction of all the Territorial courts, and the judge who rendered this judgment and awarded this peremptory mandamus would be out of office the moment that State was admitted; and so making their findings as to the vote on the constitution and as to the officers and representatives on the 4th of November somehow, by some winged messenger, faster than the iron steed, more swift than any method of transportation of which we have any knowledge, as swift as the lightning comes the proclamation of the President of the United States telling them that he had the certified proceedings of that board before him, and that in obedience to the law he proclaimed Montana duly admitted as a State into this Union.

I will not pause to criticize the preparation of that proclamation and the evidences of haste upon its face it also bears when compared with the other proclamations in regard to the others of this sisterhood of Northwestern States, but we find this remarkable thing about it. I am not here to accuse the President of the United States of being a participant in this crime—far from it; but he has been persuaded by this active cabal of conspirators in a distant State to make himself an instrument in consummating their designs. We find this proclamation was dated on the 8th day of November, and that board made its deliverance on the 4th day of November; and we find also that it was not late in the day on the 8th day of November, but in a note it is stated:

Ten o'clock and 40 minutes a. m., Friday, November 8, President's signature attached.

This is an official copy from the State Department obtained yesterday. No such note as to the hour of the proclamation or the attachment of the President's signature appears upon any proclamation for the admission of the new States but this, and I have them all in my hand, Washington, North Dakota, and South Dakota.

Mr. HOAR. The Senator from Mississippi [Mr. GEORGE] put a question to the Senator from Delaware—

Mr. GRAY. I wish the Senator would let me answer.

Mr. HOAR. Certainly, if the Senator desires. I do not wish to interfere.

Mr. GRAY. The Senator may proceed. I do not object.

Mr. HOAR. The Senator said he would like to have the facts made right.

Mr. GRAY. If I have made any mistake or misstatement I shall be glad to be corrected.

Mr. HOAR. The Senator from Mississippi asked the Senator from Delaware just now in regard to a peremptory mandamus issued by the district court, and the Senator from Delaware answered that that mandamus had issued, and that this returning board, knowing the fact, had proceeded to make up their judgment or take action disregarding it. I asked the Senator if he was not aware that that was a district court of local jurisdiction and that an appeal had been entered, to which the Senator, with great earnestness of manner, undoubtedly forgetting the facts, I am sure, but still with very great earnestness of manner, made what seemed to him to be quite a triumphant answer.

Mr. GRAY. The Senator will allow me to interrupt him a moment. I am very willing to answer a question, but I want to get through. I am very tired, and the Senator will have his own time to answer me.

Mr. HOAR. I wish to call the Senator's attention to one fact; I do not wish to make any speech. The Senator said, as I understood him, that the bond was not filed in time. Now I wish to read from the statement of facts made by the Senator himself: "To which ruling of



the court defendants, by counsel, duly except and file notice of appeal." That is the 1st of November. This other bond was not filed for six days afterwards, while the statute requires five. There was entered in the cause an agreement that the whole matter should remain unchanged, *in statu quo*, until the 12th of November. This is the proposition.

Mr. GRAY. I have considered that matter and examined the record. If that appeal bond had been filed within the time prescribed by the statute, then this peremptory writ of mandamus could not have issued on the 7th, because it would have been a supersedeas. Now, as a matter of fact, that mandate did issue on the 7th, and therefore we must conclude that this understanding or note of an agreement by counsel in court had no effect at all upon extending the time prescribed by the statute within which an appeal bond should be filed. Therefore, I say you can not change the statute by agreement; you can not extend the time prescribed by law by mere agreement, although it may be where a right has accrued it may be waived by agreement, but the statute of Montana, as I understand it, is positive and mandatory that if an appeal bond is not filed within five days from notice of the appeal said appeal shall be unavailing for any purpose whatever. That is the language.

Mr. HOAK. Mr. President—

Mr. GRAY. I do not object to answering any question of the Senator from Massachusetts or to having him call my attention to anything that is a mistake of fact; I will only be grateful to him for doing it, and I hope he does not understand me as objecting on that ground; but I am anxious to conclude my remarks.

I was commenting when interrupted by the question of the Senator from Massachusetts, which I do not object to, on the fact that is here in the record, that the President of the United States, to whom I attribute no unworthy motive at all, had been induced by this active cabal of conspirators out in this distant State to issue his proclamation of the 8th of November, certifying to a fact that was not officially found until the 4th day of November, 2,000 miles away from this city and a distance so great that it could not by any possibility have been traversed by any of the ordinary modes of communication between those two dates.

Now, we find, as I said before, what seems to me a significant thing, showing the extraordinary zeal with which these parties in Montana pressed upon the President of the United States, that they were so anxious that this Territorial court should be ousted from its jurisdiction by the admission of the State, and prior to the service of the writ of peremptory mandamus, that they would not leave it in doubt as to whether the fraction of a day, which the law does not regard, might save them or not; and so they put in that the President's signature was attached to this proclamation at 10.40 a. m. on that 8th day of November, a note which is not found in any other proclamation in regard to States in the Northwest, as to the hour at which the President's signature was attached. But, unfortunately for them, fast as they traveled, swift as this lightning was, it was not swift enough to anticipate the service of this peremptory writ, for it was served on the 7th of November, and 10.40 a. m. on the 8th could not save them.

Mr. GEORGE. I desire to ask the Senator a question right there, if he will allow me.

Mr. GRAY. Certainly.

Mr. GEORGE. The Senator said that the communication of this constitution and these proceedings could not have been made from Helena—I believe that is the name of the capital of the Territory, where these proceedings were had—within the time limited. I desire to ask the Senator if he has inquired into that fact particularly and satisfied his mind that it is true.

Mr. GRAY. I am satisfied about that. I do not know of my own knowledge, of course, but I have been informed that there are no trains running across this continent anywhere within reach of Helena that can bring anybody here except by about the consumption of five days. I am informed that the first possible train that could have brought any one here from the 4th of November, the date of this finding by the board as to the vote on the constitution, the earliest date at which any one could arrive here would be at 5 o'clock on the afternoon of Friday, and this proclamation was issued on Thursday at 10.40 a. m. Do not forget that. But, unfortunately for these conspirators, at 10.40 a. m. on Thursday, the 8th of November, in the year of our Lord 1889, the peremptory writ of mandamus issued by this court of competent jurisdiction, and not superseded, had been served upon these county canvassers and had been obeyed. That was complete. There is no room to question the legality in any sense of that proceeding. It was *fait accompli*.

Now, Mr. President, apologizing for the time that I have already taken, which has been somewhat due to the interruptions, which were, of course, pertinent, but have led me somewhat off from the orderly track of my argument, we come to inquire into what is this thing done by the county board; what is this act performed by them in accordance with their law-directed duty, interpreted by a court of competent jurisdiction, which this Territorial canvassing board complained was not before them or in their jurisdiction. Why, here it is; here it is in the evidence before the committee, and, of course, before the Senate, this return from Silver Bow County, in the name of all the commissioners

who constituted that county board, certifying to the result, adding up the figures, including precinct 34, and clearly showing that the five members who sat in the Iron Hall house of representatives, and who participated in the election of Messrs. Sanders and Power, were not elected, but, on the contrary, the five members who sat in the Court-House assembly, and participated in the election of Messrs. Clark and Maginnis, were elected.

What are we going to do about it? How shall we treat it? Oh, it is the Democratic party, and it elects Democratic members, and therefore some different law and rule of action must apply than if the contrary had been the fact. Oh, no; I do not accuse our friends on the other side of any feeling of that kind. I know that they feel bound, as I feel bound, to treat this case according to the law and evidence, and to exercise this judicial function of the Senate on a high plane of conscience and loyalty to duty.

What must we do? If we have no finding of this Territorial board that is binding upon us, are we not bound, in the language of Mr. Paine, on Elections, to turn to the canvassing board of the county which has been omitted to be canvassed by the Territorial board? I do not know how to state the case more plainly. Argument on my part could not make our duty plainer. It would not emphasize, it seems to me, the force and pressing urgency of this duty for me to dwell upon it and seek by argumentation to press it further on the minds of Senators. I conceive, of course, that Senators agree with me, as I submit they must, that we have no finding of the Territorial board in the premises, because they tell us that this very thing we are now face to face with was not before them.

Then, it seems to me, under the circumstances, as reasonable beings, much less as men fit to occupy as we do occupy positions as lawyers, as Senators, and as statesmen, this finding of the county canvassing board under the law of the Territory of Montana, recognized by Montana, recognized by all departments, must be conclusive upon us. And if that is so, we have found, in the language of the Senator from Massachusetts, five members holding credentials of an officer or a board upon whom was devolved by law the duty of making such a finding; and there this case rests, and from that point it can not be moved, except by sophistry and a process of reasoning which must disregard the facts, disregard the principles which have always governed this Senate heretofore, and arbitrarily seek to accomplish results over and in spite of both facts and principles.

Now, Mr. President, unless I have demonstrated that this finding of the county board is binding upon the Senate and is the lawful and sufficient evidence of title of the five members who sat in the Court-House house of representatives and participated in the election of Messrs. Maginnis and Clark as Senators of the United States from Montana, of course I have failed to accomplish what I had in view. That evidence is all before the Senate, as it was before the committee. You have here, in the record, and it is in no way denied to be a veritable and true record in that respect, the finding of that county board of canvassers, made in obedience to law, made in obedience to the mandate of a judicial tribunal competent to make and issue such a mandate, and that is the only lawful certificate we have. We are not seeking to go behind the returns; we are not taking any of the positions which the Senator from Massachusetts attributed to the minority; we are not indorsing the doctrine of the Senator from Wisconsin, Mr. Carpenter, distinguished as he was in his lifetime as a lawyer and as a statesman, and which I, as well as the Senator from Massachusetts, depart from and decline to indorse; not at all.

We are trying to answer truly, to answer as a judicial tribunal upon a judicial inquisition, as we must, the question which of these two groups of members had in their lawful possession a lawful credential from a board or officer authorized by law to give it, and we have found it going step by step from the doors of either house and seeking, first, the highest or central authority, and failing to find it there, seeking for the next, which was the county board of the county in which and from which alone these members were elected, and there we stop. We do not seek to go behind these returns; we do not seek for the purposes of this case to engage in any discussion with the Senator from Massachusetts as to the fairness and legality of the election that was held at precinct 34, although on that subject we have something to say, but we simply say that, standing upon the same ground, professing to indorse the same principles, and governed by the same rules, we have found this result; and I think, with becoming respect for the majority of the committee, I may say we challenge them to show wherein we have not, pursuing that very path that they have pointed out, come to a strictly just, logical, and legal conclusion of this whole matter, and that is that Messrs. Maginnis and Clark, as the duly chosen and accredited Senators of a body duly elected and composed of members holding lawful credentials, are entitled to sit in this body.

Mr. President, we might pause there and I might well, and perhaps should, apologize to the Senate for continuing longer in what must already have been a tiresome deliverance on my part, but for the fact that the Senator from Massachusetts, both in the report of the majority which he submitted and also in his remarks this morning, has reflected upon the integrity of those polls at precinct 34, in Silver Bow County, of the then Territory of Montana, and perhaps it is my duty, because

I am thoroughly possessed with the conviction that the honest vote of that precinct will have to be suppressed in order to support the resolution of the Senator from Massachusetts, that I should say a word in defense of those as yet undefended people.

Mr. President, it seems to me that it will be utterly impossible and, but for the fact that the Senator from Massachusetts did undertake to impugn the fairness of that election, I would have said that it was impossible for any honest mind to examine the evidence that is before the Senate, to examine it all, all that the Senator from Massachusetts had before him, all that was spread before the committee, all that I have ever heard of, and then say that the election at that poll was not as peaceable, as fair, as orderly, and as legally conducted as in any precinct of which any one of us ever had any knowledge anywhere in the course of our lives.

It seemed to have been a part of the exigency of this case, which from the first to the last appears to have been so pressing in every direction and on all sides upon the majority of this committee, that they should attack the integrity of that poll at precinct 34; and upon what sort of evidence and upon what ground? The Senator from Massachusetts told you this morning, and he has told you in the report submitted by him on behalf of the majority of this committee what those grounds were, and when I recite them I will venture to say that every Senator who does me the honor to listen will agree with me that never before in his experience were objections so frivolous, so light, so unfounded, brought as a ground to throw out and discard the votes of American freemen in any election in this country.

Mr. President, I heard it suggested, not by the Senator from Massachusetts, but in some of the arguments made in behalf of these interested gentlemen in Montana, that this was a poll up in the Rocky Mountains, far away from the centers of civilization, where none but those rough and rugged spirits, who are the pioneers of our civilization nevertheless, were congregated—"laborers on railroads" was sneeringly said, working under a railroad contractor, continuing those mighty works which have done more to civilize this continent, to magnify its importance, and demonstrate its strength and greatness than all other labor combined—that these were the class of men at those polls, presumably ignorant and controlled by their bosses. That was urged and that was suggested in argument made on behalf of these gentlemen, Messrs. Power and Sanders, to commence with, and then what were the facts? So far from its being very distant, I do not know that it would make any difference if it was distant, but as a mere matter of fact it is interesting to observe as we pass along that it is only 9 miles from this precinct to the city of Butte, the largest and most important and most populous town in the Territory of Montana—only 9 miles, with railroad communication part of the way.

Well, they were not so far off from the civilizing illumination that comes from the urban populations of this country that they might not have enjoyed some of that light and been entitled to enjoy the right of an American freeman to cast a ballot. Almost within the sight of the lights of that great city, they might be presumed to have been so far advanced in civic virtue and civic attainments that they might have been allowed, without this unnecessary aspersion, to drop their ballots in the box and exercise that ordinary but most precious gift of every freeman, the right to cast one vote and have it counted. Well, they did presume that they had that right, and they came down to precinct 34, and under the Australian ballot law—the law which the State of Massachusetts was the first of all the States, I believe, in this country to enact, and which I should be glad to see everywhere—under that Australian system they came down and they dropped their ballots in the box. One man went into the booth at a time—I am reciting the substance of the evidence now in this case, though I will not stop to read it at large—each man went into the booth unattended and alone, and there he had communication with that mysterious being, the election officer, who sat back there, and who, at his direction and in his presence, marked the ticket and designated the names for whom he wished to vote, and that vote was stamped as official by another judge, and by another was dropped in the box. There is no evidence that there was any intimidation, bribery, corruption, or undue influence exercised towards any man on that day. There is no evidence that a man was offered so much as the value of a nickel to cast his vote one way or the other, and, therefore, there were certainly some presumptions—some presumptions that even partisans must entertain—in favor of the regularity of the ballot of an American freeman cast in this way.

Oh, but the Senator says—for I really think the Senator from Massachusetts was not able to go the length that the gentleman who represented these aspiring Senators did—the returns were irregular, the election was not conducted according to law, and we get up, lawyers of some experience as most of us are, and make objections. These poor railroad men went down there and cast their ballots under the Australian system, and then, with an additional safeguard (which I am sure some of my friends on the other side will think an additional safeguard), the majority of the judges were of the Republican party, put their ballots in the box, and they fancied that they had performed this great duty of an American citizen, and their self-respect was increased and magnified, and it ought to have been.

They went back to their work, humble though it was, and with pick, and ax, and shovel sought to make advance towards the setting sun with this great line of railway over the Rocky Mountains, it is true, 9 miles away from this center of illumination and enlightenment, the city of Butte; but going back to that work, honest, though humble, they had a right, we would suppose, to think of this act of theirs as properly contributing to that great drama enacted on that day all over Silver Bow County and all over the Territory of Montana. They had a right, one would think, to believe with some satisfaction that their votes would be taken into the account when they came to reckon up the results. That is all they had a right to ask. They certainly had a right to ask that much.

But now come the lawyers from Helena, with 1 Dogberry, bound in boards, under their arms. They walked down to these polls, and they pick up the returns, and they put on their gold-bowed eye-glasses, and they sneer and laugh at these poor, innocent laborers, and they say, "All right; you voted; the election officers swear the election was honestly and peaceably conducted; that is all so; but after you had gone back to your work these officers of the election, over whom you had no control whatever and for whose acts you were not responsible, have in making their returns, we observe, not signed their names in the proper place, and we will call your attention, gentlemen"—or laborers from this tunnel—"to the fact, in regard to which, no doubt, when you observe, you will be quite content to share our conclusions, that, whereas the law of Montana requires the returns to be signed by the clerks and attested by the judges, these returns are signed by the judges and attested by the clerks, and surely under circumstances of that kind you do not expect your votes to be counted!"

Now, that is the first objection seriously urged before a tribunal of American Senators, and to-day it stands among the objections upon which this Senate is called to pass. The law of Montana said that these returns must be signed by the clerks and attested by the judges, but actually they were signed by the judges and attested by the clerks. That is the first objection.

That is not all. There are other objections. But, as the Senator from Massachusetts says, it is not one objection he places it upon, but upon the cumulative force of several such objections. Now, let us see. There is another as to the laws of Montana—and the Senator from Massachusetts dwelt with great emphasis upon this—that under this new law for the Australian ballot passed in March of last year, just about a year ago, this being the first election held under it, it was directed that there should be five judges of election at each precinct, except that the county commissioners, whose duty it was to appoint the judges, might, where there were less than 100 votes, appoint only three judges.

This was a new precinct established for the first time. It was a small precinct, and there was no evidence of any previous vote by which the county commissioners could be guided, and, therefore, on the best evidence I suppose that they could get, they supposed there was only occasion to appoint three judges, and three judges only they did appoint. But then these laborers, these railroad laborers up in this tunnel, called Homestake tunnel, did not know about this when they went down to cast their votes, and they dropped their ballots in the box all unsuspecting of the fact that only three judges had been appointed by the county commissioners who supposed that not more than one hundred votes would be cast at this new precinct. That was not their fault, but, according to the Senator from Massachusetts, they must suffer for it.

Mr. HOAR. Oh, no.

Mr. GRAY. And their votes must be thrown out and trampled under foot as unworthy of being counted with the votes of other freemen of that county because for that and other reasons they were not entitled—

Mr. HOAR. The Senator from Delaware will permit me to say that he entirely misrepresents me in consequence of having entirely misunderstood me. In pointing out the numerous badges of fraud and irregularity in this election, when I alluded to each one of those irregularities I said expressly, for that the people who cast the votes ought not to suffer if it were taken alone. Every time I made that observation.

Mr. GRAY. I meant to, if I did not, quote that language of the Senator from Massachusetts.

Mr. HOAR. The Senator says "for this the Senator from Massachusetts would have them suffer."

Mr. GRAY. "And for other reasons."

Mr. HOAR. "For this the Senator from Massachusetts would have their votes thrown out." Then he repeated "for this and other reasons."

Mr. GRAY. Of course I would not do the Senator an injustice knowingly, and I am perfectly willing he shall make that explanation.

Mr. HOAR. The Senator would do himself a great injustice if he should let it pass.

Mr. GRAY. I agree with the Senator from Massachusetts that I would do myself a great injustice if I misrepresented the Senator from Massachusetts or any other Senator.

Mr. EVARTS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Delaware yield to the Senator from New York?

Mr. GRAY. Yes, sir.



## DEATH OF HON. DAVID WILBER.

Mr. EVARTS. I ask that a communication from the House of Representatives, giving us notice of the death of a colleague of ours in that body, may now be read.

The VICE-PRESIDENT. The resolutions of the House of Representatives will be read.

The Secretary read as follows:

*Resolved*, That the House has learned with profound regret of the death of Hon. David Wilber, a Representative from the State of New York.

*Resolved by the House of Representatives (the Senate concurring)*, That a special committee of seven members of the House of Representatives and three members of the Senate be appointed to take order for attending his funeral at his residence in the State of New York; and the necessary expenses attending the execution of this order shall be payable out of the first funds in the contingent fund of the House available therefor.

That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

*Resolved*, That the Clerk communicate the foregoing resolutions to the Senate.

*Resolved*, That as a further mark of respect to the memory of the deceased the House do now adjourn.

Mr. EVARTS. I offer the resolutions which I send to the desk.

The VICE-PRESIDENT. The resolutions will be read.

The Secretary read as follows:

*Resolved*, That the Senate have heard with deep sensibility the announcement of the death of Hon. David Wilber, late a Representative from the State of New York.

*Resolved*, That the Senate concur in the resolutions of the House of Representatives, providing for the appointment of a special joint committee to take order for attending the funeral of the deceased at his residence in the State of New York, and that the members of the committee on the part of the Senate be appointed by the Vice-President.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives.

The resolutions were agreed to unanimously.

The VICE-PRESIDENT. The Chair will appoint as members of the committee representing the Senate Messrs. HISCOCK, SQUIRE, and KENNA.

Mr. EVARTS. Mr. President, as a further mark of respect to the memory of the deceased, I move that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 3, 1890, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 2, 1890.

The House met at 11 o'clock, a. m.

The SPEAKER. The Chair is informed that the Journal of yesterday's proceedings is not quite ready to be submitted to the House; therefore, without objection, that matter will be passed over for the present.

There was no objection.

## CHANGE OF REFERENCE.

Mr. LACEY. I ask unanimous consent that the Committee on Manufactures be discharged from the further consideration of House bill No. 313 and that the bill be referred to the Committee on the Judiciary. This is a bill involving the question of trusts. Some of the bills on this subject have been sent to the Committee on Manufactures and others to the Committee on the Judiciary. I understand that the Judiciary Committee is about to take up this subject, and therefore I would like to have this bill before them.

There being no objection, the Committee on Manufactures was discharged from the further consideration of the bill (H. R. 313) to prohibit the formation of interstate trusts and trade conspiracies, and the same was referred to the Committee on the Judiciary.

## IRRIGATION.

Mr. LANHAM. I ask unanimous consent that House Report No. 409, from the Select Committee on Irrigation of Arid Lands, be printed in the RECORD, together with extracts from letters received by me from the Secretary of State and the Secretary of the Interior.

There being no objection, leave was granted.

The documents referred to are as follows:

Mr. LANHAM, from the Select Committee on Irrigation of Arid Lands, submitted the following report (to accompany bill H. R. 324):

The Select Committee on Irrigation of Arid Lands in the United States, to whom was referred House bill No. 324, entitled "A bill concerning the irrigation of arid lands in the valley of the Rio Grande River, the construction of a dam across said river at or near El Paso, Tex., for the storage of its waste waters, and for other purposes," have considered the same and respectfully report it to the House with the recommendation that it do pass.

The reasons which commend this bill to legislative attention, the conditions which have given rise to its introduction, and the necessities which have brought about its consideration are substantially formulated in the preamble. (See copy of bill hereto attached.) The statements therein made have been affirmatively established. The investigation of the committee has been aided by the presence and testimony of gentlemen who are fully conversant with the facts and have had ample opportunity for an actual observation of their existence; besides, documentary and historic evidence bearing upon the situation has been available, from which additional information, believed to be reliable and accurate, has been obtained.

It will be observed that the measure proposed is inceptive and initiatory in its character, contemplating in its terms no present final or conclusive legislation, carrying no appropriation, but reserving any ultimate proposition on the subject to be controlled by the future judgment and discretion of Congress, after international consultation and methods for concert of action shall have been considered and devised. It is not expected that the remedies suggested for a solution of the troubles indicated can be rendered operative without the preliminary negotiations provided for shall be followed by appropriate and necessary legislation to carry them into effect. A mutual understanding and co-operation by and between the respective Governments concerned will be a necessary antecedent, and any practical results are contingent on the event that, after full conference shall be had and full investigation shall be made, it shall be regarded expedient and of such importance as to warrant future authoritative and conjoint execution by the two countries. Accordingly the fourth section of the bill provides—

"That the President is requested to communicate to Congress the result of said negotiation, together with his recommendation thereon, at the earliest practicable opportunity."

The committee are of the opinion that the issues involved are of such moment, the complications so embarrassing, the national and international interests so important, and the situation one of such gravity as to suggest the wisdom and propriety of the two Republics conferring and reasoning together, and inaugurating all suitable and possible measures for the conservation of that harmony and prosperity of their respective citizens and that amicable and orderly administration of their respective Governments so greatly to be desired, and yet so seriously menaced by the existence of the causes stated in the preamble. These difficulties will, it may be assumed, grow more serious and critical the longer the correctives are delayed, and it would seem to be the part of prudence to anticipate and provide against their consequences as far as it is possible to be done.

The Republic of Mexico is our near neighbor, separated from us, in part, by the Rio Grande River for a distance of some 1,200 miles. With its twelve millions of people, with its developing resources and wonderful possibilities, with its invitation to and reception of American capital, with its great trunk-line railroads, practically extensions of ours, with its varied fields for our commerce and constant demand for our products, with all its multiplied relations to us, it is a neighbor with whom we shall always have to deal and whom it is both our duty and policy to treat and cultivate in a neighborly way. There are many Mexicans who are citizens of the United States, enjoying all the immunities of such. They are to be found all along on our side of the Rio Grande. The treaty of Guadalupe Hidalgo in its eighth and ninth articles made especial provision for such citizenship.

In a report relating to troubles on the Rio Grande, transmitted to the House of Representatives by the Secretary of War in 1878 (see Ex. Doc. No. 84, Forty-fifth Congress, second session), Colonel Hatch says:

"The people are one and the same on the two sides of the river; although subjects and citizens of different nations, they are one in race and religion, and bound by the closest ties of interest and blood; their customs, habits, and traditions are the same, and there is hardly a family on the one side but is related by ties of blood or marriage with those on the other; hence, when you touch one you touch all, and when one is hurt all feel it. \* \* \* One [trouble] which must be looked for sooner or later is in connection with the water taken from the Rio Grande for irrigation. As soon as the attempt is made to largely extend cultivation in this valley (there will not be enough water for all, and both sides have an equal right), from this trouble are certain to arise sooner or later, which may involve the two countries seriously."

In the report of the board of officers (see Ex. Doc. No. 93, Forty-ninth Congress, second session), March 16, 1878, is to be found the following statement: "The Rio Grande, at this season of the year even an insignificant stream, its channel often shifting and always erratic, but during the heats of summer sometimes dry, affords, by being directed into *acueductos* on either bank, a vast and variable supply of water to the people of both nationalities, but is utterly insufficient to irrigate this extensive valley, where the yearly rainfall measures but a few inches. As time progresses and the country is opened by accessions to its populations, sure to come—for it is a most fertile region and gloriously rewards the labor spent in irrigation—the question must grow in importance, and may occasion trouble beyond the reach of diplomacy to settle."

Time has verified in a great degree these prognostications, as will appear subsequently. The "accessions to the populations" have been rapidly made. A new and different citizenship has been attracted here and added to those residing in the valley at the time when these official reports were submitted. Energetic and progressive Americans have since made their homes and invested their capital here, while substantial and material development by the Mexicans is also observable. Our people along the border are thrown in daily contact with the people of Mexico. Notwithstanding our covenants of amity, it has been not only difficult but at times impossible to prevent outbreaks and conflicts on the Mexican frontier from various causes, despite the efforts of good men in either country to maintain friendly relations. Depredations, reprisals, bloodshed, and retaliations have occasionally marked and marred the history of these border peoples. General Stanley, commanding the department of Texas, in his official report, dated September 12, 1889 (see Report of General Schofield to Secretary of War, 1889, page 100), says:

"Our relations with our Mexican neighbors upon the long line of the Rio Grande have been kindly, although they are a good deal excited over what they deem the violation of their riparian rights, through our people taking all the water of the Rio Grande for the irrigation of the San Luis Valley, which leaves the Rio Grande a dry bed for 500 miles. The question is one that must be settled by the State Department, and thus far there has been no call for military force. The remedy for this water famine and consequent ruin to the inhabitants of the Rio Grande Valley must be found in storage reservoirs, so easy of construction, one in the cañon opposite Taos, and the other in the cañon near and north of El Paso."

The Rio Grande is quite a long stream, being with its meanders some 2,000 miles in length. It rises in Colorado and is supplied from a number of tributaries in that State and Northern New Mexico, the rainfall and melting of the snow and ice. There are frequently vast accumulations of snow and ice in the deep cañons of that region during the long winters. If the snowfall be great and its melting accompanied by rains in the spring, the river becomes a raging torrent from about the 1st of April until July, carrying enormous quantities of water through its entire length. Much of this time it is wholly unused and unnecessary for irrigating purposes in either Colorado or Upper New Mexico, and its flow is not only vastly more than is required for such purposes lower down the stream, but, because of its temporary superabundance, becomes really destructive. In such cases it goes on unused to the Gulf, carrying as waste that which if it could be conserved for the seasons later on would be precious indeed to the people along its course. If the snowfall in the mountains above be light, and its melting unaccompanied by rains, the water from the snow is in a great degree evaporated and the floods are less enormous.

The middle third of this river, say from Albuquerque, N. Mex., to Presidio del Norte, Mexico, a distance of about 500 miles, has no important living confluents and passes through an extremely arid belt, where the evaporation from a water surface is many times the rainfall annually; and in unusually dry seasons its history for the past forty years shows that it failed to carry a current for short periods during August or September on an average of about once in seven years. At and below Presidio del Norte it has living confluents from

Mexico and Texas which maintain a constant flow to the Gulf of Mexico. Midway in this arid belt are the two large valleys of the river—Mesilla in New Mexico and El Paso in Texas and Mexico—where agricultural pursuits have been maintained almost since prehistoric times certainly, and of record for more than two centuries, essentially dependent on irrigation, the ordinary rainfall not being an important factor in the growth of crops.

Near and just above El Paso, Tex., the Rio Grande, or rather "the middle of that river, following the deepest channel" (treaty 1853), or "the center of the normal channel," etc., (convention 1884), becomes the international boundary of the United States of America and the Republic of Mexico. But for the last forty years the river has been so continuously changing its bed from one side of the valley to the other, more or less with each recurring flood, in many cases it being unknown whether caused by avulsion or gradual erosion and deposit, that it is frequently impossible to determine to which country the land on either bank of the river belongs in different localities and to great extent in area.

These floods have sometimes become devastating torrents, inundating the whole valley for miles, cutting new channels, and sweeping everything before them. In 1842, in the El Paso Valley, the river changed its bed for a distance of 30 miles, and in some places 7 miles laterally. Hundreds of smaller changes have been made since. In 1884 it began moving back from the Mexican side at this point, and in a few months carried away 15 miles of the Southern Pacific Railroad, and threw a single body of over 5,000 acres of land on the south side of the river, although it is still claimed to be within the domain of Texas. This land was just above the Mexican town of San Ygnacio, and as the river left the town for miles its people were compelled to take a canal from the river where it is entirely in Texas and carry it for more than 3 miles over Texas soil to irrigate their land and for domestic purposes. The situation is further well described in an able report submitted in the last Congress by the Hon. Mr. HITT, of the Committee on Foreign Affairs, as follows:

"It [the Rio Grande] has shifted its channels so often and so far, in some cases gradually, in others abruptly and by cut-offs, that no man knows accurately where the boundary is to-day. Sometimes the stream will suddenly cut a new channel, abandoning the old ones altogether, and in a single day, by a cut-off, a tract or 'banco' of a hundred acres will be found to be on the other side of the river. These causes have produced uncertainty as to the boundary, and this encourages smuggling, which is always carried on more or less on the border. When a man smuggles from a 'banco' it is almost impossible to catch and convict him. No surveys are made nor official records kept of the time and place of cut-off changes and no one can tell with accuracy the extent of a cut-off. The bed of the old channel is the boundary, though it may be long since dry. There are sometimes two or three old beds, and it is hard to tell where is the middle of the old bed contemplated by the treaty.

"At the last term of the United States district court at Brownsville, the most noted case of smuggling was lost by the Government for want of that accurate knowledge that would satisfy the court. . . . These bancos with their uncertain boundaries afforded retreats for smugglers, thieves, kidnappers, murderers, and every class of criminals, as well as bases of supplies from which to carry on their operations, free from interference by either Government."

He concludes his report with a recommendation from the committee in favor of the creation of a boundary commission, "in view of the protection of the revenue, the prevention of crime, the maintenance of good order, and the preservation of international harmony."

"Article 5 of the convention of 1884 between the two countries provides that rights of property in respect of lands which may have become separated through the creation of new channels shall not be affected thereby, but such lands shall continue to be under the jurisdiction of the country to which they previously belonged."

It is easy to be perceived how serious are the difficulties to both countries in the adjustment of titles to land, the prevention of smuggling and the arrest and punishment of all kinds of criminals on account of the confusion of boundary and doubtful jurisdiction, which arise from the facts stated.

But a further complication has arisen in recent years, growing out of the fact that in Colorado and New Mexico a great number of irrigating ditches and canals have been taken from the Upper Rio Grande and its tributaries, resulting to a great degree in the absorption of the water before it reaches the point of international boundary. By reference to the fourth biennial report (pages 287 to 325) of the State engineer of Colorado for 1887-'88 it will be seen that more than three hundred ditches have been taken out in that State alone, while vast quantities of water have been and are being similarly appropriated in New Mexico. The result has been a great depletion of the flow of the river in the driest part of the year, July and August, when it is most needed. This has been so great for the last three years in the above-indicated middle third of the river's course as to almost entirely destroy the growing annals, the younger vines and fruit trees, and unless corrected in some way will finally eventuate in the total destruction of the agricultural interests in this entire section.

In 1888 the river was absolutely dry for over sixty days about August and September, and in 1889 it had no flow whatever from the 5th of August to the 20th of December, a period of 137 days. While this dearth of water may not be wholly imputed to the irrigating agencies and consumption of water by the people of Colorado and New Mexico—for it must be admitted that these seasons were dry, with little snow in the mountains—still there can be no doubt that they have materially contributed to that end, and will continue to do so in the future in an increasing ratio as the number of ditches multiply. It is stated by Major Powell, Director of the Geological Survey, as a reasonable probability, that within a comparatively short period, with the growing development of agricultural interests in the region of the Upper Rio Grande, the impounding, distribution, and utilization of the waters of that river and its tributaries after the manner already begun, there will be a wholly inadequate, if not utter absence of, supply of water in the stream below.

Such continued and serious dearth of water in the river has never been known before by those inhabitants of the valley who are and have been for many years best acquainted with its history and characteristics, and both Americans and Mexicans claim that the deprivation of their accustomed water supply is attributable to the action of the people of the United States in the localities mentioned. They further insist that the Rio Grande is an international stream, belonging not to Chihuahua or other Mexican States or to Texas or its people, but that an equal undivided one-half interest in it, with all its privileges, belongs to the United States of America and the Republic of Mexico, and that as such it is entitled to receive the care and attention of the respective Federal Governments.

The El Paso Valley extends from the pass at El Paso 90 miles below, and is from 4 to 10 miles wide. It contains about 200,000 acres of magnificent lands, situated about equally on the Mexican and Texan side of the river, that under proper and possible conditions could be reduced to a fine state of cultivation. There are now in this valley about 50,000 people, nearly equally divided between the two countries. They at present cultivate about 50,000 acres of land, which in fertility is not surpassed on the continent. Here are grown fruits and vegetables of the rarest quality, with cereals of nearly every kind. Perhaps the best grapes in the world are produced here, and this vineyard-dotted valley, under proper auspices, can nowhere be equaled. Of many products the climate and soil afford more than one crop per year; there are numerous valuable farms and gardens, and the people have been heretofore prosperous. There are towns on either side of the river some of which are centuries old. It would not be extravagant to say that this valley and these people represent values aggregating \$25,000,000.

These people claim vested rights in the water of the Rio Grande antedating

even the written history of the country, of which they insist they are being unjustly deprived by those seeking to form new communities above them. They look with dismay on the manifest and "consequent ruin," described by General Stanley, which inevitably awaits them, if not already upon them, unless some solution of the water question can be found and the "water famine" averted. Their values will be dissipated, their valley depopulated, their homes abandoned, and their possessions useless unless some relief can be afforded and some remedy applied. Severe as these sacrifices may be, it is to be seriously apprehended that they will not peaceably be made.

If these be the facts, and such conditions as above described exist, is not the subject one that should challenge the thoughtful inquiry of Congress, and is it not worth the while and within the proper functions of our Government to take a step in time for promoting some authoritative investigation of the matter through the medium of international negotiation, looking to an ultimate application of any proper correctives? And is it not obvious that the sooner this is done the better it will be for the interests of both Governments?

Confronted as they were with these conditions, it was quite natural that both Americans and Mexicans in the El Paso Valley should take a lively interest in the discussion and discovery of some feasible and practicable remedy for and solution of their troubles. Much was thought, said, and written about it. Finally, Maj. Anson Mills, of the Tenth Cavalry, United States Army, who had lived along the Rio Grande before and since the war and was familiar with the people and history of that part of the country, as well as the characteristics of the river, conceived the idea of impounding the torrential flow of the river in the pass just above El Paso, where the channel is narrow and passes between the mountain walls on either side, and over a solid rock bottom, by means of the construction of a dam about 60 feet high. In this way it is maintained that a vast lake or reservoir, 15 miles long by 7 miles wide, with immense storage capacity, can be created.

There is certainly a wonderful natural adaptation at this point for such a purpose, both in the basin and rim for a lake of such dimensions, and the advantages afforded for the construction of a dam, one end of which to rest on the mountain wall on the Mexican side, and the other on the American side. The project was submitted by Major Mills to the Secretary of State in December, 1884.

By the approval of the Secretary of War he was detaile to make observations and to act under the instructions and directions of the Director of the Geological Survey at this point. He has made full and exhaustive examination and submitted an elaborate report in the premises. He was assisted in the work by Señor Ygnacio Garfias, an accomplished and distinguished Mexican engineer, who was detailed by his Government for that purpose, and whose judgment fully approves the plan. The Senate Committee on Irrigation, appointed at the last Congress, accompanied by Major Powell, of the Geological Survey, visited the locality last September, and also made considerable examination concerning the matter. Major Powell pronounces the plan feasible, and stated before your committee that the only remedy to be found was in such a storage of the water, expressing at the same time the apprehensions before mentioned with reference to the possible future consumption of the water near the sources of the river. The Select Committee on Irrigation and Reclamation of Arid Lands in the Senate have at this session considered and favorably reported a measure substantially the same as that here presented.

The following extract from a recent letter addressed to the writer of this report by the Hon. JOHN G. CARLISLE contains an admirable statement of the situation. He was at El Paso during the long period of drought mentioned, and was afforded an opportunity for personal observation of the conditions which there obtained. Believing that anything said on the subject by so eminent a man as the ex-Speaker can not fail to be of interest, a portion of his letter is here copied:

"I had an opportunity last summer, while on a visit to Mexico, to investigate this matter to some extent, and became satisfied that the situation on that part of the river to which your bill relates was such as to demand the immediate and careful attention of both countries. The diversion of the water of the river in New Mexico and Colorado for irrigation purposes has practically destroyed, during a large part of the year, a very considerable section of it flowing between the two countries, and thus deprived the people on both banks of the use of the stream for any purpose whatever. Besides this the numerous changes that occur in the channel render it difficult, if not impossible, to determine precisely where the boundary line between the two countries is located. This is a source of constant irritation, and unless some remedy can be devised may ultimately produce serious disagreement between the two Governments.

"The subject is an international one in both its aspects. Whether the people of Mexico can be lawfully deprived of the waters of the Rio Grande as they would, if not diverted, naturally flow from that part of the stream within the United States, may be a disputed question; but there certainly is a moral obligation upon our part to co-operate with the Government of that country in such measures as may be necessary to prevent injury in the future. Of course the question of boundary is one which equally concerns both Governments and must be settled, if at all, by their joint action.

"As your bill proposes only to open negotiations upon the subject and leaves final action to be taken hereafter when the results of the conference have been communicated, I think it ought to pass."

The preliminary investigation heretofore made by Major Mills and Mr. Garfias, representing both countries, leads to the conclusion and has demonstrated, so far as their concurrent judgment is concerned, that it is possible, by the construction of the dam before described, to solve both the water and boundary problems. The proposed dam, it is affirmed, can be built upon solid bed-rock abutting on the solid-rock walls on the bluffs of the Pass, with a length of about 450 feet. It can be constructed upon the approved principles of modern masonry dams. The plan used in the preliminary survey was from the profile recommended by Mr. Alphonse Fteley for adoption in the building of the great Quaker Bridge Dam in the Croton River, New York, designed to be 270 feet high and 1,350 feet long, and is "Practical profile No. 2" of Wegman's Design and Construction of Masonry Dams, which is understood to be the best and latest authority on that subject.

It gives a historical description of some forty of the principal dams constructed throughout the world in the last three hundred years. It describes the Almanza dam in the province of Albacete, Spain, which has successfully impounded water for three centuries. This is 67 feet high and 22 feet long. Another is the Alicante dam, also in Spain, which is 134 feet high and 190 feet long, which has had a safe and successful existence for about the same length of time. Most of the other dams described in this work are on a grander scale, but of more recent construction. The opinion seems to be sustained that masonry dams, if properly constructed, can be rendered absolutely safe and permanent.

The proposed reservoir or lake, it is maintained, can be supplied with a "by-wash" or "waste-weir," 200 feet wide by 5 feet deep—that is, with its crest 5 feet below the crest of the dam—and through and over one of the solid rock walls or banks of the river, having an easy outward slope for the passage of the waste waters in their descent to the channel of the river below, avoiding the shock or tremor of a perpendicular fall, injurious to masonry work. It is estimated that such a sized weir will pass all the waters in excess of the storage capacity between its crest and that of the dam proper possible to come from any extended flood in the river.

To maintain a constant and uniform channel of the river below, when the surface of the lake may be below the crest of the by-wash, it is stated that six 48-inch cast-iron pipes may be placed through the masonry of the dam near its base, three on each side of the river, and that each of these pipes can be provided



with valve gates, so arranged that one person can easily adjust one or all of them, to permit just the desired amount of water to pass through them from the lake. By this means it is claimed that there can be maintained a small stream of clear water, unburdened by silt, equal to the mean annual flow constantly each day in the year, the bed and channel of which could be permanently directed and controlled in such a manner as to fix and determine a boundary line of a living and permanent stream between the two countries for 200 miles below El Paso to the point where a sufficient water supply is afforded by confluents of the Rio Grande.

It is not intended in this report to discuss the scientific details of the proposition, but simply to submit a general and substantial statement. It may be said, however, that no essential feature of the project was overlooked or left unconsidered by the parties who made the preliminary investigation. The amount of silt and its effects on the reservoir, the liability to evaporation, the extent of percolation, the structural security of the dam, and all cognate questions were made subjects of careful and intelligent inquiry. Connected necessarily with the measure for the rectification and establishment of the boundary line is the benefit to be afforded to our own and the Mexican people in the use of the waters to be stored for the purpose of irrigation, and the restoration, as far as the same could be accomplished, of those ancient and valuable rights of which they are being deprived by reason of the facts mentioned.

It is believed, from statements made by prominent Mexican citizens and the profound interest known to be felt and taken by them in this matter, that such a movement as is here proposed on our part will not only receive their grateful acknowledgment and cordial approval, but that it will be earnestly indorsed by the authorities of their Government, and that they will readily be disposed to participate in the expense involved, should the negotiations contemplated result in any practical execution.

Whatever project may be finally considered the proper one for the settlement of the troubles described, whether the plan suggested shall ultimately be adopted, the bill reported will open the way for a thorough international conference and comprehensive consultation concerning the whole matter, the results of which can not be in any sense injurious, but on the contrary give promise of some satisfactory adjustment of difficulties and complications manifestly serious and worthy of earnest consideration. To avoid greater length in this report, a further discussion of the bill is omitted, as it is believed that with the explanations already made a simple inspection of its provisions will enable its scope and purpose to be fully understood. It is accordingly here subjoined.

A bill concerning the irrigation of arid lands in the valley of the Rio Grande River, the construction of a dam across said river at or near El Paso, Tex., for the storage of its waste waters, and for other purposes.

Whereas the Rio Grande River is the boundary line between the United States and Mexico; and

Whereas, by means of irrigating ditches and canals taking the water from said river, and other causes, the usual supply of water therefrom has been exhausted before it reaches the point where it divides the United States of America from the Republic of Mexico, thereby rendering the lands in its valley arid and unproductive, to the great detriment of the citizens of the two countries who live along its course; and

Whereas in former years annual floods in said river have been such as to change the channel thereof, producing serious avulsions, and oftentimes and in many places leaving large tracts of land belonging to the people of the United States on the Mexican side of the river and Mexican lands on the American side, thus producing a confusion of boundary, a disturbance of private and public titles to lands, as well as provoking conflicts of jurisdiction between the two Governments, offering facilities for smuggling, promoting the evasion and preventing the collection of revenues by the respective countries; and

Whereas these conditions are a standing menace to the harmony and prosperity of the citizens of said countries and the amicable and orderly administration of their respective Governments: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to negotiate with the proper authorities of the Republic of Mexico, to the end that these conditions may be improved and the proper correctives applied.

SEC. 2. That he is further empowered to negotiate in the premises for the construction of an international dam across the Rio Grande River in the vicinity of El Paso, Tex., at such points as may be determined upon by competent engineers, to be appointed for that purpose by the respective Governments, with the object of storing the waste waters of said river during the torrential flow thereof, and affording a permanent reservoir for the necessary water supply of the citizens of the two countries who reside in the immediate valley below, having in view the proper definition and protection of their respective rights to the use thereof for irrigation and other purposes, as well as the maintenance of a uniform and steady flow of water in the channel of the stream below said dam and the direction of its current in such a manner as to insure permanency of the channel in said river as far as the same may be done.

SEC. 3. That he is further empowered to negotiate for the creation of a joint international commission, to consist of not exceeding three persons on the part of each Government, whose duty it shall be to adjust and determine the respective water rights of the citizens of the two countries in and to said reservoir, to mark and define the correct bed or channel of said river, to hear and investigate conflicting claims as to titles to land growing out of the avulsions aforesaid, and report their action and finding thereon to their respective Governments. He may also negotiate concerning any additional authority of said commission touching other matters of an international character between the two countries, the length of its existence, and further definition of its duties.

SEC. 4. That the President is requested to communicate to Congress the result of said negotiations, together with his recommendation thereon, at the earliest practicable opportunity.

Mr. LANHAM. Under date of March 8, 1890, in a letter to me relating to this report, the Secretary of the Interior says, among other things:

I have read the report with great interest. The subject is most important, and at the present time demands the earnest consideration of Congress.

I concur in the general purport of the report and think that it has fully covered the subject and presented all that is necessary to be said in support of the bill.

The Secretary of State, under date March 12, 1890, says:

\* \* \* The matter is important, and the results would seem to promise benefit to the agricultural interests in those regions no less valuable to Mexico than to us. Much advantage, too, is discernible in the opportunity which such an engineering work would give for regulating the flow of the river in torrential seasons through the unstable channels below the rocky gorge at El Paso, and thus doing away with the questions involved in the construction of wing-dams and revetments on either bank for the protection of the river front or as feeders for local irrigation. Disputes in such cases are constantly liable to arise, and, as you are aware, a pending convention looks to the establishment of an international commission to decide them.

It is very desirable that an international dam, such as your report contemplates, should be controlled, and the water supply dispensed, for the equal benefit of the inhabitants on either side, and not through the interested management of a local corporation. It is probable that should the proposal take more definite shape any successful negotiation with Mexico would turn upon the practical guaranties for a fair distribution of water and open enjoyment of water rights by Mexicans and Americans alike under international supervision, by a mixed commission or otherwise, on behalf of the respective Governments, as proposed in section 3 of the bill which accompanies your report.

#### CLAIM OF SCHUYLKILL COUNTY, PENNSYLVANIA.

Mr. REILLY. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill which I send to the desk, and that it be now considered by the House.

The Clerk read the title of the bill, as follows:

A bill (H. R. 5601) to authorize the proper accounting officers of the Treasury to audit and pay the claim of the county of Schuylkill, in the State of Pennsylvania, for money advanced by it under allotments made by soldiers from said county during the late rebellion, by virtue of section 12 of the act of Congress entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July 22, 1861.

The bill having been read at length,

The SPEAKER said: Is there objection to the present consideration of this bill?

Mr. KILGORE. I call for the regular order.

Mr. REILLY. I hope the gentleman will allow this bill to pass. It is a unanimous report, and there has been a favorable report on several previous occasions.

Mr. KILGORE. I can not withdraw the objection.

Mr. REILLY. Is this the highest duty the gentleman can perform here—to make objection to meritorious bills? It is a very capacious objection, I think.

#### ORDER OF BUSINESS.

The SPEAKER. The regular order being called for, the morning hour begins at eight minutes past 11 o'clock. The call rests with the Committee on Commerce.

Mr. BAKER. I yield to the gentleman from Georgia [Mr. TURNER].

#### BRIDGE ACROSS OCONEE RIVER, GEORGIA.

Mr. TURNER, of Georgia. I call up the bill (H. R. 5729) to authorize the construction of a bridge across the Oconee River in the State of Georgia.

The bill was read, as follows:

Be it enacted, etc., That the assent of Congress is hereby given to the Wrightsville and Tennville Railroad Company, an organization incorporated under the laws of the State of Georgia, its successors and assigns, and such other person or persons as may be associated with it to construct and maintain a bridge over the Oconee River, in the State of Georgia.

SEC. 2. That said bridge shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object said company or corporation shall submit to the Secretary of War a design and drawings of said bridge, for his examination and approval, and a map of its location, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject, and in all things shall be subject to such rules and regulations as may be prescribed by the Secretary of War; and until said plan and location of said bridge are approved by the Secretary of War said bridge shall not be commenced or built; and should any change be made in the plan of said bridge during the progress of the work of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 3. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or passengers or freight passing over said bridge, than the rate per mile paid for the transportation over the railroads or public highways leading to said bridge; and they shall enjoy the rights and privileges of other post-roads of the United States. And equal privileges in the use of said bridge shall be granted to all telegraph companies, and the United States shall have the right of way across said bridge and its approaches for said postal telegraph purposes.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, or its removal, at the expense of the owners thereof, whenever the Secretary of War shall decide that the public interest requires it, is also expressly reserved.

SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof.

Mr. TURNER, of Georgia. Mr. Speaker, before the reading of the amendment reported by the committee I ask unanimous consent to make a verbal correction in the fourth line of section 1. The name "Tennville" should be "Tennille."

The SPEAKER. Without objection, that correction will be made. There was no objection.

The amendment reported by the Committee on Commerce was read, as follows:

Strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. That the bridge shall be so constructed by draw-pan or otherwise that a free and unobstructed passage may be secured to all vessels and other water craft navigating said river. That any bridge constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company shall submit to the Secretary of War, for his examination and approval, the design and drawings of the bridge, piers, and approaches, and a map of the location, giving for the space of at least 1 mile above and 1 mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, and the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, and the location of other bridge or bridges, wharves, landings, or ferries, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built.

and after such approval by the Secretary of War the approved plans and designs for the bridge shall not be deviated from or aided to, either during the construction or after the completion of the bridge, until the proposed change shall have been submitted to the Secretary of War and received his approval; and the said bridge shall be at all times so kept and managed as to offer reasonable and proper means for the passage of vessels through or under said bridge; and if said bridge be built with a draw said draw shall be opened promptly upon reasonable signal for the passage of boats, and the said company or corporation shall maintain at its own expense, from sunset until sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe; and, if at any time the navigation of said river shall in any manner be obstructed or impaired by the bridge authorized by this act to be constructed, the Secretary of War shall have authority, and it shall be his duty, to require said company to alter and change the said bridge, at its own expense, in such manner as may be proper to secure free and complete navigation without impediment; and if, upon reasonable notice to said company to make such change or improvements, the said company fails to do so, the Secretary of War shall have authority to make the same, and all the rights conferred by this act shall be forfeited, and Congress shall have power to do any and all things necessary to secure the free navigation of the river: *Provided, also*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt this bridge from the operations of the same."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TURNER, of Georgia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BRIDGE ACROSS MISSOURI RIVER AT FOREST CITY, S. DAK.

Mr. BAKER. On behalf of the Committee on Commerce I call up the bill (H. R. 7164) to amend and continue in force "An act to authorize the construction of a bridge across the Missouri River at Forest City, Dak., by the Forest City and Watertown Railway Company," approved August 6, 1898.

The bill was read, as follows:

*Be it enacted, etc.*, That the time for the commencement and completion of the bridge authorized by the act of Congress entitled "An act to authorize the construction of a bridge across the Missouri River at Forest City, Dak., by the Forest City and Watertown Railway Company," approved August 6, 1898, as provided for in section 7 thereof, be, and it is hereby, extended two years from the date of the passage of this act.

Sec. 2. That wherever in said act the term "Territory of Dakota" is used it shall be held to mean and shall read "State of South Dakota."

The amendment reported by the committee was read, as follows:

Amend by adding the following as a new section:

Sec. 3. That so much of said act as authorizes the said bridge to be built as a draw-bridge be, and the same is hereby, repealed, and any bridge constructed under the authority granted by said act shall be built as a high bridge.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BAKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### FREE BRIDGE ACROSS ARKANSAS RIVER.

Mr. BAKER. I yield to the gentleman from Missouri [Mr. WALKER].

Mr. WALKER, of Missouri. By direction of the Committee on Commerce I call up the bill (S. 2026) authorizing the construction of a free bridge across the Arkansas River, connecting Little Rock and Argenta, Ark.

The bill was read, as follows:

*Be it enacted, etc.*, That it shall be lawful for the county of Pulaski, State of Arkansas, to build a free foot, wagon, and street-railway bridge across the Arkansas River, at the city of Little Rock, in Arkansas; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river by reason of the construction of said bridge the cause may be tried before the district court of the United States having jurisdiction over that portion of the State of Arkansas where said bridge shall be located.

Sec. 2. That if any bridge built under the provisions of this act shall be constructed as a draw-bridge the same shall be constructed as a pivot draw-bridge, with a draw over the main channel of the river, at an accessible and navigable point, and with the spans of not less than 160 feet in length in the clear, on each side of the central or pivot pier of the draw; and the next adjoining spans to the draw shall not be less than 250 feet; and said span shall not be less than 20 feet above high-water mark, measuring to the bottom cord of the bridge: *And provided, also*, That said draw shall be opened promptly upon reasonable signal for the passage of boats whose construction shall not be such as to admit of their passage under the permanent spans of said bridge; and the bridge-piers shall be parallel to the current of the river.

Sec. 3. That any bridge constructed under this act and according to its limitations shall be a lawful structure and shall be recognized and known as a post-route, upon which no charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States.

Sec. 4. That the United States shall have the right of way for postal telegraph purposes across said bridge. And all telegraph and telephone companies shall have equal rights and privileges as to constructing their lines across said bridge.

Sec. 5. That the said county of Pulaski shall submit to the Secretary of War, for his approval, a plan with the necessary drawings of the said bridge conforming to the above requirements, and until the Secretary of War approve the plan and location of said bridge and notify the county court of the said county of the same in writing, the bridge shall not be built or commenced; and should any change be made in the plan of the bridge during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War.

Sec. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the approval of this act.

Sec. 7. That Congress shall have power at any time to alter, amend, or repeal

this act, or any part thereof, if, in its judgment, the public interests so require, and any change in the construction of the bridge hereby authorized made necessary by the action of Congress, or the entire removal of the same, if required, shall be at the expense of the owners of said bridge or the parties controlling and using the same.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WALKER, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BAKER. I now yield to the gentleman from Georgia [Mr. TURNER].

#### BRAZOS TERMINAL RAILWAY COMPANY.

Mr. TURNER, of Georgia, on behalf of the Committee on Commerce, I call up the bill (S. 1873) authorizing the Brazos Terminal Railway Company to construct a bridge across the Brazos River, in the State of Texas.

The bill was read, as follows:

*Be it enacted, etc.*, That the assent of Congress is hereby given to the Brazos Terminal Railway Company, a corporation incorporated and organized under the laws of the State of Texas, and to its successors and assigns, to construct and maintain a bridge and approaches thereto across the Brazos River, in the State of Texas, between its mouth and a point 12 miles up said river. Said bridge shall be so constructed as to provide for the passage of railway trains, and, at the option of said corporation, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers, for reasonable rates of toll, to be fixed by said company and approved by the Secretary of War.

Sec. 2. That any bridge built under this act shall be constructed as a pivot draw-bridge, with a draw over the main channel at an accessible and the best navigable point, and with spans giving a clear water way, measured at the lowest stage of water known at the locality, of such width and height as the Secretary of War may, upon examination, prescribe; and the lowest part of the superstructure of the bridge shall be of such elevation above the plane of the highest flood known at the locality as the Secretary of War may deem advisable; and the piers of said bridge shall be parallel to and the bridge shall be at right angles to the current of the river: *Provided*, That the draw shall be opened promptly upon reasonable signal for the passage of boats and other water craft, except when trains are passing over the draw; but in no case shall unnecessary delay occur in opening the draw during or after the passage of trains; and said corporation shall maintain, at its own expense, from sunset to sunrise, such lights and other signals on said bridge as the Light-House Board shall prescribe, and said corporation shall provide, at its own expense, such sheer-booms, guides, piers, and other devices as may be necessary to facilitate the safe passage of boats or other water craft through the spans of such bridge. The said bridge shall be located and built under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company shall submit to the Secretary of War, for his examination and approval, a design and drawings of said bridge and a map of the location, giving for the space of 1 mile below and 1 mile above the proposed location the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed and channel of the stream, and shall furnish such other information as shall be required for a full and satisfactory understanding of the subject; and until the said location and plans of the bridge hereby authorized to be constructed are approved by the Secretary of War, the said bridge shall not be built; and should any change be made in the plan of such bridge during the progress of construction thereof, such change shall be subject to the approval of the Secretary of War; and in case of any litigation arising from the obstruction or alleged obstruction caused by said bridge to the free navigation of said river, the cause may be tried before the circuit court of the United States in whose jurisdiction any portion of the bridge is located.

Sec. 3. That the bridge authorized to be constructed under this act shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, troops, and the munitions of war of the United States, or for through railway passengers or freight passing over said bridge, than the rate per mile for their transmission over the railroads leading to said bridge; and equal privileges in the use of said bridge shall be granted to all telegraph companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

Sec. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any of them, desiring such use, shall fail to agree upon the sum or sums to be paid and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

Sec. 5. That the right to alter, amend, or repeal this act, when ever Congress shall consider it necessary to the public interest, is hereby expressly reserved; and any alterations or changes that may be required by Congress in the bridge constructed under this act, or the entire removal of said bridge, if required by Congress, shall be made by the corporation owning or controlling the same at its own expense; and if said bridge shall not be commenced within one year and be finished within three years from the passage of this act the rights and privileges hereby granted as to such bridge shall be null and void.

Mr. CRAIN. Mr. Speaker, I desire to offer an amendment which I send to the desk.

The amendment was read, as follows:

In section 3, line 6, strike out the words "or for through railway passengers or freight."

Mr. TURNER, of Georgia. How would the section read with that amendment?

The SPEAKER. The Clerk will read the provision as it would stand amended.

The Clerk read as follows:

That the bridge authorized to be constructed under this act shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, troops, and the munitions of war of the United States passing over said bridge than the rate per mile for their transmission over the railroads leading to said bridge.



Mr. SWENEY. Mr. Speaker, I do not believe that amendment ought to be adopted. It changes the bill from the usual form of bills of this character. The word "through" as incorporated in the bill is different from that sometimes employed in these bills, but it is not usual to permit without restriction the imposition of charges for the passage of freight and passenger over a railroad bridge.

Mr. CRAIN. The bill authorizes a terminal railway company to construct the bridge. It will not be more than 600 feet long, and to limit the charge on through passengers and freight to the rates that are collected on the road on land will not pay. This is not a bridge such as are provided for in the bills to which the gentleman refers, but it is intended as a terminal railway bridge. There will be a town near the mouth of the Brazos River, or as soon as deep water is obtained there.

Mr. SWENEY. Is it not a part of a line of railroad?

Mr. CRAIN. No, sir; there is no railroad there. There is not a house where this bridge is intended to be built. A private corporation is endeavoring to procure deep water at the mouth of the Brazos. If that attempt is successful the corporation contemplates establishing a town somewhere on the river, and this bill is intended to enable them to cross the river with a bridge if they see proper to do so.

Mr. SWENEY. With a railroad?

Mr. CRAIN. There may or may not be a railroad. There is nothing of that kind provided for in the act establishing the corporation.

Mr. SWENEY. If a railroad is to cross the bridge then I think the bill ought to conform to the provisions usually contained in bills passed for such cases, requiring that no higher rate shall be charged over the bridge than over other parts of the railroad line.

Mr. CRAIN. Well, I have stated the reasons why I think these words should be stricken out.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. TURNER, of Georgia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BAKER. I now yield to the gentleman from Iowa [Mr. SWENEY].

#### BRIDGE ACROSS THE MISSOURI.

Mr. SWENEY. On behalf of the Committee on Commerce I call up the bill (S. 1738) to authorize the construction of a railroad bridge across the Missouri in the county of Monona, in the State of Iowa, and the county of Burt, in the State of Nebraska.

The bill was read, as follows:

*Be it enacted, etc.,* That the Iowa and Decatur Bridge Company, a corporation organized under the laws of the State of Iowa, its successors and assigns, be and they are hereby, authorized to construct and maintain a railroad bridge over the Missouri River from and through section numbered 7, in township numbered 83 north of range 46 west of the principal meridian, in the county of Monona, State of Iowa, and in and through the county of Burt, in the State of Nebraska.

SEC. 2. That any bridge built under the provisions of this act shall be built as a high bridge, with unbroken and continuous spans, all spans over the waterway to have a clear channel way of not less than 300 feet and a clear head room of not less than 50 feet above high-water mark; and the piers of said bridge shall be parallel with the current of the river, and the bridge itself at right angles thereto: *Provided*, That if actual construction of the bridge herein authorized shall not be commenced within two years from the passage of this act, and be completed within four years from the same date, the rights and privileges herein granted shall cease and be determined.

SEC. 3. That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be known as a post-route, and the same is hereby declared to be a post-route, upon which no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States and for passengers or freight passing over said bridge than the rate per mile paid for their transportation over the railroads and public highways leading to said bridge; and equal privileges in the use of said bridge shall be granted to all telephone and telegraph companies, and the United States shall have the right of way for postal-telegraph purposes across said bridge.

SEC. 4. That all railway companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all the approaches thereto under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties, in case they shall not agree.

SEC. 5. That the structure herein authorized shall be built and located under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War for his examination and approval a design and drawing of the bridge and a map of the location, giving for the space of 1 mile above and 1 mile below the proposed location, the topography of the banks of the river, the shore-line at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as shall be required for a full and satisfactory understanding of the subject; and, until the said plan and location of the bridge are approved by the Secretary of War, the bridge shall not be commenced or built; and, should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War; and the said bridge shall be constructed with such aids to the passage of said bridge, in the form of booms, dikes, piers, or other suitable and proper structures for confining the flow of water to a permanent and easily navigated channel for a distance of not less than 1 mile above the bridge location, and for the guiding of rafts, steam-boats, and other crafts safely through the draw and raft spans as the Secretary of War shall prescribe and order to be constructed and maintained, at the expense of the company owning said bridge; and the said structure shall be at all times so kept and managed as to offer reasonable and proper means for the passage of vessels through or under said structure;

and for the safety of vessels passing at night there shall be displayed on said bridge, from the hours of sunset to sunrise, such lights as may be prescribed by the Light-House Board; and the said structure shall be changed or removed at the cost and expense of the owners thereof as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river; and the authority to erect and continue said bridge shall be subject to revocation and modification by law, when the public good shall, in the judgment of the Secretary of War, so require, without any expense or charge to the United States.

SEC. 6. That said company or its successors may construct and maintain defensive and corrective works in or along said river above and below said bridge, for the protection of the same, and the approach thereto, or the improvement, correction, or control of the channel of said river.

SEC. 7. That in case the western end of said bridge shall abut upon the Omaha Indian reservation in the State of Nebraska the right to construct the same thereon and the approaches thereto, together with all structures proper for the construction, maintenance, and operation of said bridge is hereby granted and confirmed: *Provided*, That compensation therefor shall first be made to the Indians holding in severalty or by allotment the lands upon or over which said approaches, tracks, or structures are erected, built, and maintained, to their satisfaction, or to the satisfaction of the Secretary of the Interior, or by proceeding for condemnation in the usual manner under the laws of the State of Nebraska.

SEC. 8. That the right to alter, amend, or repeal this act is expressly reserved.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SWENEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BAKER. I now yield to the gentleman from Missouri [Mr. WALKER], who desires to call up three bills.

#### RAILROAD BRIDGE ACROSS THE TENNESSEE AND CUMBERLAND RIVERS.

Mr. WALKER, of Missouri. On behalf of the Committee on Commerce, I call up the bill (H. R. 380) to amend an act entitled "An act to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Tennessee and Cumberland Rivers," approved January 8, 1889.

The Clerk proceeded to read the bill.

Mr. BAKER. I ask unanimous consent that the reading of these bills be dispensed with. They are in the usual form in all respects, and the reading consumes time unnecessarily.

The SPEAKER. The gentleman from New York [Mr. BAKER] asks unanimous consent that the reading of these bills be dispensed with. Is there objection?

Mr. HOLMAN. Mr. Speaker, I think all bills ought to be read at least once.

The bill was read, as follows:

*Be it enacted, etc.,* That an act of Congress approved January 8, 1889, entitled "An act to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Tennessee and Cumberland Rivers," be, and the same is hereby, amended by striking out the words "below Aurora," in section 1, and inserting in lieu thereof "from Birmingham, in Marshall County, Kentucky, to the," and in section 4, line 3, after the word "such" insert "reasonable," and in line 16, section 4, after the words "Secretary of War" insert "or conform to the existing laws of Congress concerning the building of such bridges across navigable streams;" and in section 6, line 3, strike out "two" and "three" and insert in lieu thereof "three" and "four."

The committee recommended an amendment in line 16, striking out "four" and inserting "five."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

#### BRIDGE ACROSS THE ARKANSAS AT OR NEAR PENDLETON, ARK.

Mr. WALKER, of Missouri, also, on behalf of the Committee on Commerce, called up the bill (S. 2323) to authorize the construction of a bridge across the Arkansas River at or near Pendleton, Desha County, Arkansas.

The bill was read, as follows:

*Be it enacted, etc.,* That it shall be lawful for the Arkansas and Gulf Railroad Company, a corporation organized, chartered, and duly perfected under and in full accordance with the statutes of the State of Arkansas, or its successors or assigns, to construct and maintain a bridge and approaches thereto over the Arkansas River, at a point on said river at or near Pendleton, Desha County, in the State of Arkansas, and to lay on and over said bridge a railroad track or tracks, for the more perfect connection of any railroad or railroads that are or shall hereafter be constructed to the said river, on either or both sides thereof, at or opposite said point, under the limitations and conditions hereinafter provided; said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the builders and owners thereof, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals of all kinds, and for foot-passengers for such reasonable rates of toll as may be approved from time to time, by the Secretary of War.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, troops, and the munitions of war, or other property of the United States than the rate per mile paid for the transportation of the same over the railroad or public highways leading to the said bridge, and it shall enjoy the rights and privileges of other post-roads in the United States. Equal privileges in the use of said bridge shall be granted to all telegraph companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

SEC. 3. That the said bridge shall be constructed with a draw or pivot span, which shall be over the main channel of the river at an accessible navigable point, and the openings on each side of the pivot-pier shall be of such width as the Secretary of War shall prescribe, and, as nearly as practicable, both of said openings shall be accessible at all stages of water; that the spans shall be of such height above extreme high-water mark, as understood at the point of location, to the lowest point of the superstructure of said bridge as may be directed by the Secretary of War in the interests of navigation; that the piers and draw-

rests of said bridge shall be built parallel with the current at that stage of the river which is most important for navigation, and the bridge itself at right angles thereto; and that no riprap or other outside protection for imperfect foundations be permitted to approach nearer than 4 feet to the surface of the water at its extreme low stage or otherwise to encroach upon the channel-ways provided for in this act: *Provided*, That said draw shall be opened by the company or persons owning said bridge upon reasonable signal for the passage of boats; and there shall be maintained, at the expense of the owners thereof, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches to the same, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions which each shall perform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon hearing of the allegations of proofs of the parties.

SEC. 5. That any bridge authorized to be constructed under this act shall be built and located under and subject to the regulations for the security of said river as the Secretary of War shall prescribe; and to secure that object the owner or owners thereof shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge and a map of the location, giving, for the space of 1 mile above and 1 mile below the proposed location, the topography of the banks of the river, the shore-line at high or low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for the full and satisfactory understanding of the subject; and until such plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built, and, should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, whenever the Secretary of War shall decide that the public interest requires it, is also expressly reserved.

SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within five years from the date thereof.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### BRIDGE ACROSS WHITE RIVER, ARKANSAS.

Mr. WALKER, of Missouri, also, on behalf of the Committee on Commerce, called up the bill (S. 2324) to authorize the building of a bridge across White River, Arkansas, by the Mississippi and Little Rock Railway Company.

The bill was read, as follows:

*Be it enacted, etc.*, That it shall be lawful for the Mississippi and Little Rock Railway Company, a corporation created and existing under and by virtue of the laws of the State of Arkansas, its successors and assigns, to erect, construct, and maintain a bridge over the White River in sections 16 and 21, in township 1 south, range 3 west. Said bridge shall be constructed to provide for the passage of the railway trains, and, at the option of the corporation, or its assigns, by which it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, foot-passengers, and of all kinds of commerce, travel, or communication.

SEC. 2. That any bridge built under the act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no other charges shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States or for passengers or freight passing over said bridge than the rate per mile paid for the transportation over the railroad or public highways leading to said bridge, and it shall enjoy the rights and privileges of other post-roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

SEC. 3. That said bridge may be constructed as a draw-bridge, with an opening over the center of the channel of such width as the Secretary of War shall determine, and which shall be at least 120 feet in the clear: *Provided, also*, That said draw shall be opened promptly upon reasonable signal for the passage of boats, vessels, or other water craft, and in no case shall unnecessary delay occur; and said company or corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe, and such sheer-booms or other structures as may be necessary to safely guide vessels, boats, rafts, or other water craft safely through said draw openings as shall be designated and required by the Secretary of War.

SEC. 4. That said bridge shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe, and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge and a map of the location, giving, for the space of 1 mile above and 1 mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the current at all stages, and the sounding, accurately showing the bed of the stream, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location are approved by the Secretary of War the bridge shall not be built, and, should any changes be made in the plan of said bridge during the progress of construction, such change shall be submitted to the approval of the Secretary of War.

SEC. 5. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains, engines, or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use, and in case the owner or owners of said bridge, and the several railroad companies, or any one of them, desiring such use, fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties: *Provided*, That the provisions of section 2, in regard to charges for passengers and freight across said bridge, shall not govern the Secretary of War in determining any question arising as to the sum or sums to be paid to the owners of said bridge by such railroad companies for the use of said bridge.

SEC. 6. That the right to alter, amend, or repeal this act or to require any changes in such structure, or its entire removal at the expense of the owners thereof, whenever the Secretary of War shall decide that the public interest requires it, and the right to prescribe such rules and regulations in regard to toll and otherwise as may be deemed reasonable, are expressly reserved.

SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within five years from the date hereof.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WALKER, of Missouri, moved to reconsider the several votes by which the three bills called up by him were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### WRECKED OR DISABLED VESSELS.

Mr. BAKER. I now yield to my colleague on the committee, the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Speaker, I call up for present consideration the bill (H. R. 7985) to amend an act entitled "An act to aid vessels wrecked or disabled in the waters contiguous to the United States and the Dominion of Canada," approved June 19, 1878.

The bill is as follows:

*Be it enacted, etc.*, That an act entitled "An act to aid vessels wrecked or disabled in the waters contiguous to the United States and the Dominion of Canada," approved June 19, 1878, be, and the same is hereby, amended so that the same will read as follows:

"That Canadian vessels and wrecking appurtenances may render aid and assistance to Canadian or other vessels and property wrecked, disabled, or in distress in the waters of the United States contiguous to the Dominion of Canada: *Provided*, That this act shall not take effect until proclamation by the President of the United States that the privilege of aiding American or other vessels and property wrecked, disabled, or in distress in Canadian waters contiguous to the United States has been extended by the Government of the Dominion of Canada to American vessels and wrecking appliances of all descriptions. This act shall be construed to apply to the Welland Canal, the canal and improvement of the waters between Lake Erie and Lake Huron, and to the waters of the St. Mary's River and Canal: *And provided further*, That this act shall cease to be in force from and after the date of the proclamation of the President of the United States to the effect that said reciprocal privilege has been withdrawn, revoked, or rendered inoperative by the said Government of the Dominion of Canada."

Mr. ADAMS. I desire to ask my colleague what the present state of the law is in respect to aid afforded to American vessels by Canadian wrecking tugs, and, on the Canadian side of the water, with respect to Canadian vessels by American wrecking tugs.

Mr. MASON. Under the present law neither the Canadian nor the American wrecking tugs can assist vessels of the other nationality.

Mr. ADAMS. They can not operate at all?

Mr. MASON. We can not operate on Canadian vessels in our waters, if they are in distress, nor can Canadian wrecking boats operate on American vessels in distress in Canadian waters.

The present bill provides that we may now assist them, provided the Canadian Government passes a similar legislative act to this; and the law now proposed goes into force and effect upon a proclamation by the President after a similar bill shall have been passed by the Canadian Parliament.

Mr. ADAMS. I noticed that, but I notice also that there is a restrictive provision in the act as to aid to Canadian vessels—

Mr. STOCKBRIDGE. If the gentleman will permit an interruption, I think I can explain this matter. A bill similar to this is pending and is about to become a law in the Canadian Parliament, and the object of the present bill is to make this reciprocal, for the mutual extending of aid to disabled vessels of either nationality.

Mr. ADAMS. But if this passes and the Canadian legislature passes a similar act, still it would be unlawful for Canadian tugs to help American vessels or for American tugs to help Canadian vessels under these circumstances.

Mr. STOCKBRIDGE. After the proclamation of the President has been issued, however, this becomes a mutual arrangement—

Mr. ADAMS. But the gentleman does not understand my point. Suppose that the President's proclamation shall issue, announcing that proper legislation has been had under the purview of this bill by the Canadian Parliament, then the bill becomes effective; but, after that, still it would be unlawful for a Canadian tug to help an American vessel or for an American tug to help a Canadian vessel in distress.

Mr. MASON. Oh, I should say not.

Mr. ADAMS. It so appears from the bill.

Mr. MASON. That is not the understanding of the committee nor of the author of the bill. The gentleman from Michigan, who introduced the bill, is in his seat.

Mr. BAKER. Let us have a vote and not consume any more time, as we are limited to-day. [Cries of "Vote!" "Vote!"]

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MASON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BRIDGE ACROSS THE HUDSON RIVER, N. Y.

Mr. BAKER. I now call up for consideration the bill (H. R. 3856) to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road.



The bill is as follows:

*Be it enacted, etc.,* That authorization is hereby given to Jordan L. Mott, John King McLanahan, James Andrews, Thomas F. Ryan, Garrett A. Hobart, W. A. Roebbing, Charles J. Canda, Edward F. C. Young, Henry Flad, Gustav Lindenthal, John H. Miller, Samuel Rea, William F. Shunk, Philip E. Chapin, and their associates, as a corporation as hereinafter provided, to locate, build, maintain, equip, and operate a bridge, proper approaches thereto and terminals, appurtenances, and works connected therewith, across the Hudson River in and between the city of New York, in the State of New York, and the State of New Jersey, and to lay tracks thereon for the connection of the railroads on either side of said river, in order to facilitate interstate commerce in the transportation of persons and property, and for postal, military, and other purposes: *Provided*, That said bridge shall have not less than six railroad tracks and shall be constructed with a single span over the entire river between the established pier lines in either State, and at an elevation above the river to be determined by the Secretary of War as hereinafter provided, and that no pier or other obstruction to navigation shall be constructed in the river between said pier lines, and that the bridge shall be completed within seven years after the passage of this act; but no time, if any, unavoidably consumed by the pendency of legal proceedings shall be deemed a part of any period of time limited in this act.

SEC. 2. That the plans for said bridge shall be approved by the Secretary of War, and the structure shall be built subject to such regulation for the security of navigation as he may prescribe. Before the construction of said bridge shall be begun, a design and plan thereof must be submitted to the Secretary of War with a map of its location, showing, for the distance of one-half mile above and below, the existing bulkhead, pier, and shore lines, and any existing piers, docks, and basins, and also a profile of the bottom of the river on the center line of said bridge, with such other information as the Secretary of War may require for a full and satisfactory understanding of the subject; and before he approve the plans for said bridge the Secretary of War may order such changes in the same relative to the clear height of the superstructure above ordinary high water as may be necessary or reasonable for the security of navigation on said river; and any subsequent changes in the plans shall be subject likewise to the approval of the Secretary of War.

SEC. 3. That the bridge, with its approaches and railroad thereover, constructed under the provisions of this act shall be a lawful structure and a military and post road, but no toll charges shall be made for the transmission over the same of the mails of the United States or for the right of way for United States postal-telegraph purposes.

SEC. 4. That, for the purpose of carrying into effect the objects stated in this act, the persons named in the first section hereof, and their associates, are hereby constituted and created a body corporate in law, to be known as the North River Bridge Company, and by that name, style, and title shall have perpetual succession; may sue and be sued, implead and be impleaded, complain and defend, in all courts of law and equity, of record, and otherwise; may make and have a common seal, and shall have and possess all the rights, powers, franchises, and privileges incident to or usually possessed by such companies. It may receive, purchase, and also acquire by lawful appropriation and condemnation upon making proper compensation therefor, to be ascertained according to the laws of the State within which the same is located, real and personal property and rights of property, and may mortgage, encumber, charge, pledge, grant, lease, sell, assign, and convey the same. And to aid in the construction of said bridge and approaches thereto, and railroad terminals, appurtenances, and works connected therewith, and to carry out the purposes of this act, the said North River Bridge Company is hereby authorized to issue its bonds and secure the same by mortgage on its property and rights of property of all kinds and descriptions, including its franchise to be a corporation. And, generally and specially, for the fully carrying out of the purpose and intentions of this act, the said North River Bridge Company, and its successors, shall have and possess all such rights and powers to enter upon lands, and for the purchase, acquisition, condemnation, appropriation, occupation, possession, and use of real estate and other property, and for the location, construction, operation, and maintenance of said bridge, with its approaches, terminals, and appurtenances, as are possessed by railroad or bridge companies in the States of New York and New Jersey, respectively. That all persons, railroad and telegraph companies, respectively, desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage over and the use of the same and the approaches thereto, for a reasonable compensation, to be approved by the Interstate Commerce Commission, as hereinafter determined, and to be paid to the North River Bridge Company, which is hereby duly empowered to collect the same. And sufficient trackage and terminal facilities shall be provided for all railroads desiring to use said bridge and appurtenances. In case any litigation arises out of the construction, use, or operation of said bridge or approaches thereto and railroad thereon, or for the condemnation or the appropriation of property in connection therewith under this act, the use so arising may be heard and decided before the circuit court of the United States for the judicial district in which the bridge or one of the approaches is located. Applications for condemnation or appropriation of property shall be made in the circuit court of the United States for the district in which such property is situated, upon the petition of said company, and the hearing and trial of all other proceedings thereon shall conform as nearly as may be to the practice in the courts of the State in which such district is situated, in the case of condemnation or appropriation of property for railroads.

SEC. 5. That the Interstate Commerce Commission is hereby authorized to require the said North River Bridge Company, in addition to such reports as it may lawfully require of railroad companies, a statement, certified to by the president of said North River Bridge Company, of the actual cash expenditure for all property acquired and for the cost of construction of all structures and appurtenances, for equipment and for other proper and legitimate expenses incurred under this act; said statement shall be made on the completion of all the work and before the said North River Bridge Company shall collect tolls from the connecting railroad companies. The Interstate Commerce Commission shall be authorized to employ, at the expense of said North River Bridge Company, such expert accountants as it may appoint and direct to examine the accounts of said North River Bridge Company for the purpose of verifying the said actual cash expenditures under this act. And the said ascertained cash expenditures shall form the basis on which the Interstate Commerce Commission shall approve the toll charges to be paid by the connecting railroad companies to said North River Bridge Company for the use of said bridge, approaches, tracks, and terminals, in such manner that whenever the net revenue derived from said toll charges after paying all expenses for the proper and safe operation and maintenance of its property, and after paying all taxes, and after deducting 5 per cent. of the gross revenue for the sinking fund, to be applied to the liquidation of any indebtedness, shall exceed 10 per cent. on the above-specified cash expenditure, the Interstate Commerce Commission may order a reduction of toll charges: *Provided*, That said reduction shall not be ordered oftener than once in three years.

SEC. 6. That the government and direction of said company shall be vested in a board of seven directors, who shall be stockholders of record, and who shall hold their office for one year, and until their successors are duly elected and qualified. The said directors, five of whom shall be a quorum, shall elect one of their number president; they shall also appoint a secretary and treasurer. The directors of said company shall have power to make such prudential by-laws as they shall deem proper for the management and disposition of the

stock, property, and business affairs of said company, not contrary to the laws of the United States, and prescribing the duties of officers, artificers, and servants that may be employed, for filling vacancies, and for carrying on all business within the objects and purposes of said company. There shall be an annual meeting of the stockholders for choice of directors, to be held at such time and place, under such conditions, and upon such notice as the by-laws may prescribe; and such directors shall annually make a report of their doings and of the business of the company to the stockholders, a copy of which, sworn to and signed by the president of the company, shall be transmitted to the Interstate Commerce Commission. Failure to elect directors on the day fixed by said by-laws shall not be deemed to dissolve said company, but such election may be held on any day appointed thereafter by the directors, first giving thirty days' notice thereof in manner provided in said by-laws. The capital stock of said company shall consist of not less than 10,000 shares of \$100 each, which shall in all respects be deemed personal property, and shall be transferable in such manner as the by-laws of said company shall provide; but no share shall be transferable until all calls thereon shall have been fully paid in, and it shall not be lawful for said company to use any of its funds in the purchase of any stock in its own or any other corporation. The amount of such capital stock may be increased upon the vote of two-thirds of such stock of said company at any time out of meeting.

SEC. 7. That the said North River Bridge Company shall maintain on the bridge, at its own expense, from sunset to sunrise, such lights or signals as the United States Light-House Board shall prescribe.

SEC. 8. That nothing in this act shall be held or construed to in any manner involve the United States Government in any pecuniary obligations whatever, other than the payment of tolls over said bridge and approaches for troops and munitions of war, for which no higher charge per mile shall be made than the rate paid to railroads connecting with said bridge; but Congress hereby reserves the right to alter, amend, or repeal this act as the contingencies of commerce or the public good may require, and said company shall further be subject to the provisions of the interstate-commerce laws and any amendments and supplements thereof.

The committee recommend the adoption of the following amendment in the nature of a substitute:

That authorization is hereby given to Jordan L. Mott, John King McLanahan, James Andrews, Thomas F. Ryan, Garrett A. Hobart, F. W. Roebbing, Charles J. Canda, Edward F. C. Young, Henry Flad, Gustav Lindenthal, A. G. Dickinson, John H. Miller, William Brookfield, Samuel Rea, William F. Shunk, Philip E. Chapin, and their associates, as a corporation as hereinafter provided, to locate, build, maintain, equip, and operate a bridge, proper approaches thereto, and terminals, appurtenances, and works connected therewith, across the Hudson River in and between the city of New York, in the State of New York and the State of New Jersey, and to lay tracks thereon for the connection of the railroads on either side of said river, in order to facilitate interstate commerce in the transportation of persons and property, and for vehicle, pedestrian, postal, military, and other purposes: *Provided*, That said bridge shall have not less than six railroad tracks, with a capacity for four additional tracks for future enlargement, and shall be constructed with a single span over the entire river between the towers, located between the shore and the established pier-head lines in either State, and at an elevation above the river not less than that of the existing Brooklyn suspension bridge over the East River, and which elevation may be increased by the Secretary of War as hereinafter provided, and that no pier or other obstruction to navigation, either of a temporary or permanent character, shall be constructed in the river between said towers.

SEC. 2. That the construction of said bridge shall be commenced within three years after the passage of this act, and shall be completed within ten years after the commencement of construction. But that the Secretary of War is hereby authorized to extend the time for the commencement of construction for two additional years upon cause shown by the company, and provided that the Secretary of War shall deem such cause sufficient and satisfactory; and that if the company fail to commence the construction of said bridge within the time so extended this act shall be null and void. And the company, at least three months previous to commencing the erection of said bridge, shall submit to the Secretary of War a plan of the bridge, with a detailed map of the river at the proposed site of the bridge, and for the distance of one-half of a mile above and below the site, with such other information as the Secretary of War may require for a full and satisfactory understanding of the subject. And the Secretary of War may, upon receiving said plans and map and other information, order a hearing before a board of engineers, appointed by him for taking testimony of persons interested in railroads and navigation, relative to the clear height of the superstructure above ordinary high water. Such clear height shall not be less than that named in section 1 of this act, and the Secretary of War may thereupon order such additional clear height as he shall deem necessary for the security of navigation. And he is hereby authorized and directed, upon being satisfied that a bridge built on such plan and at said locality will conform to the conditions of this act, to notify the said company that he approves the plans therefor; whereupon said company may proceed to the erection of said bridge. But until the Secretary of War approve the plan and location of said bridge the erection of the same shall not be commenced; and should any change be made in the plan of the bridge during the progress of the work thereon, such change shall likewise be subject to the approval of the Secretary of War.

SEC. 3. That the bridge, with its approaches and railroad thereover, constructed under the provisions of this act, shall be a lawful structure, and a military and post road, but no toll charges shall be made for the transmission over the same of the mails of the United States or for the right of way for United States postal-telegraph purposes.

SEC. 4. That for the purpose of carrying into effect the objects stated in this act the persons named in the first section hereof and their associates are hereby constituted and created a body corporate in law, to be known as the North River Bridge Company, and by that name, style, and title shall have perpetual succession; may sue and be sued, implead and be impleaded, complain and defend, in all courts of law and equity, of record and otherwise; may make and have a common seal, and shall have and possess all the rights, powers, franchises, and privileges incident to or usually possessed by such companies. It may receive, purchase, and also acquire by lawful appropriation and condemnation, upon making proper compensation therefor, to be ascertained according to the laws of the State within which the same is located, real and personal property and rights of property, and may mortgage, encumber, charge, pledge, grant, lease, sell, assign, and convey the same. And, to aid in the construction of said bridge and approaches thereto, and railroad terminals, appurtenances, and works connected therewith, and to carry out the purposes of this act, the said North River Bridge Company is hereby authorized to issue its bonds and secure the same by mortgage on its property and rights of property of all kinds and descriptions, and its franchise to be a corporation. And, generally and specially, for the fully carrying out of the purposes and intentions of this act, the said North River Bridge Company and its successors shall have and possess all such rights and powers to enter upon lands, and for the purchase, acquisition, condemnation, appropriation, occupation, possession, and use of real estate and other property, and for the location, construction, operation, and maintenance of said bridge, with its approaches, terminals, and appurtenances, as are possessed by railroad or bridge companies in the States of New York and New Jersey, respectively. That all persons, railroad and telegraph companies, re-

spectively, desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage over and the use of the same, and the approaches thereto, for a reasonable compensation, to be approved by the Interstate Commerce Commission as hereinafter determined, and to be paid to the North River Bridge Company, which is hereby duly empowered to collect the same. And sufficient trackage and terminal facilities shall be provided for all railroads desiring to use said bridge and approaches. In case any litigation arises out of the construction, use, or operation of said bridge or approaches thereto and railroad thereon or for the condemnation or the appropriation of property in connection therewith under this act, the cause so arising shall be heard and tried before the circuit court of the United States for the judicial district in which the bridge or one of the approaches is located. Applications for condemnation or appropriation of property shall be made in the circuit court of the United States for the district in which such property is situated upon the petition of said company, and the hearing and trial of all other proceedings thereon shall conform as nearly as may be to the practice in the courts of the State in which such district is situated in the case of condemnation or appropriation of property for railroads.

SEC. 5. That the Interstate Commerce Commission is hereby authorized to require the said North River Bridge Company, in addition to such reports as it may lawfully require of railroad companies, a statement, certified to by the president of said North River Bridge Company, of the actual cash expenditure for all property acquired and for the cost of construction of all structures and appurtenances, for equipment, and for other proper and legitimate expenses incurred under this act; said statement shall be made on the completion of all the work and before the said North River Bridge Company shall collect tolls from the connecting railroad companies. The Interstate Commerce Commission shall be authorized to employ, at the expense of said North River Bridge Company, such expert accountants as it may appoint and direct to examine the accounts of said North River Bridge Company for the purpose of verifying the said actual cash expenditures under this act. And the said ascertained cash expenditures shall form the basis on which the Interstate Commerce Commission shall approve the toll charges to be paid by the connecting railroad companies to said North River Bridge Company for the use of said bridge, approaches, tracks, and terminals in such manner that whenever the net revenue derived from said toll charges, after paying all expenses for the proper and safe operation and maintenance of its property, and after paying all taxes, and after deducting 5 per cent. of the gross revenue for the sinking fund, to be applied to the liquidation of any indebtedness, shall exceed 10 per cent. on the above specified cash expenditure, the Interstate Commerce Commission may order a reduction of toll charges: *Provided*, That said reduction shall not be ordered oftener than once in three years: *Provided further*, That nothing contained in this section shall be construed as establishing contract rights between the United States and said North River Bridge Company as to the rate of toll authorized to be collected, but this section shall be subject to amendment or repeal as is provided may be in relation to every other section of this act.

SEC. 6. That the government and direction of said company shall be vested in a board of seven directors, who shall be stockholders of record, and who shall hold their office for one year, and until their successors are duly elected and qualified. The said directors, five of whom shall be a quorum, shall elect one of their number president; they shall also appoint a secretary and treasurer. The directors of said company shall have power to make such prudential by-laws as they shall deem proper for the management and disposition of the stock, property, and business affairs of said company, not contrary to the laws of the United States, and prescribing the duties of officers, artificers, and servants that may be employed, for filling vacancies, and for carrying on all business within the objects and purposes of said company. There shall be an annual meeting of the stockholders for choice of directors, to be held at such time and place, under such conditions, and upon such notice as the by-laws may prescribe; and such directors shall annually make a report of their doings and of the business of the company to the stockholders, a copy of which, sworn to and signed by the president of the company, shall be transmitted to the Interstate Commerce Commission. Failure to elect directors on the day fixed by said by-laws shall not be deemed to dissolve said company, but such election may be held on any day appointed thereafter by the directors, first giving thirty days' notice thereof in manner provided in said by-laws. The capital stock of said company shall consist of not less than ten thousand shares of \$100 each, which shall in all respects be deemed personal property, and shall be transferable in such manner as the by-laws of said company shall provide; but no share shall be transferable until all calls thereon shall have been fully paid in, and it shall not be lawful for said company to use any of its funds in the purchase of any stock in its own or any other corporation. The amount of such capital stock may be increased upon the vote of two-thirds of such stock of said company at any time outstanding.

SEC. 7. That the real and personal property of the company shall be subject to taxation for State, county, and municipal purposes in the State where the same is located, but at no higher rate than other real and personal property in the State.

SEC. 8. That the said North River Bridge Company shall maintain on the bridge, at its own expense, from sunset to sunrise, such lights or signals as the United States Light-House Board shall prescribe.

SEC. 9. That nothing in this act shall be held or construed to in any manner involve the United States Government in any pecuniary obligations whatever, other than the payment of tolls over said bridge and approaches for troops and munitions of war, for which no higher charge per mile shall be made than the rate paid to railroads connecting with said bridge; but Congress hereby reserves the right to alter, amend, or repeal this act as the contingencies of commerce or the public good may require, and said company shall further be subject to the provisions of the interstate-commerce laws and any amendments and supplements thereof.

Amend the title so as to read: "A bill to incorporate the North River Bridge Company and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road."

THE SPEAKER. The Chair would suggest to the gentleman in charge of the bill that in the seventh line of the printed bill, on page 18, the word "reserves" is printed "reverses."

MR. BAKER. I ask that the proper correction be made.

THE SPEAKER. In the absence of objection the correction will be made.

There was no objection, and it was so ordered.

The amendment recommended by the committee was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title of the bill was amended as recommended by the committee.

MR. BAKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the bill (S. 1332) granting to the city of Colorado Springs, in the State of Colorado, certain lands therein described for water reservoirs, having been returned from the President, in compliance with the request of the two Houses, the vote on said bill had been reconsidered, and the Senate had passed the same, with amendments in which the concurrence of the House was requested.

#### COLORADO SPRINGS WATER RESERVOIR.

THE SPEAKER. If there be no objection, the Chair will lay before the House the bill just received from the Senate, as the amendments are merely verbal.

The Clerk will read the amendments.

The Clerk read as follows:

In line 21, strike out "and" and insert "of;" also, in the same line, strike out "and" where it occurs the second time and insert in lieu thereof the words "of the."

The amendments were agreed to.

#### ORDER OF BUSINESS.

MR. DORSEY. Mr. Speaker, this day being set apart under the special order for the consideration of the Idaho bill, I desire now to proceed with the consideration of that measure.

MR. BOUTELLE. Will the gentleman yield to me for a moment? I ask unanimous consent to take up Senate resolution No. 46, which is on the Speaker's table, for immediate consideration.

MR. COVERT. Mr. Speaker, I am constrained to object, unless the same measure of consideration can be given to this proposition as it would be entitled to receive in the Committee of the Whole; that is, that it shall be open for discussion and amendment.

MR. MANSUR. I shall feel compelled to object if this is to consume any time.

MR. BOUTELLE. This is a very important matter. I will state to the House that it relates to the removal of a powder magazine in New York Harbor, which has been reported as dangerous to life and property; and both the Navy and the Treasury Departments are desirous that the resolution shall be passed. This has already passed the Senate and is unanimously recommended by the Naval Committee and recommended by the Committee on Immigration; and I trust that we may be able to dispose of it at this time. It is most important that it should be considered now.

MR. COVERT. If the joint resolution went no further than stated by the gentleman from Maine, there would be absolutely no objection on my part; but unfortunately it is complex in its character and goes a great deal further than suggested by the gentleman. It not only provides for the removal of the magazine, as suggested by the gentleman from Maine, but it seeks to establish a site for the landing of immigrants as well. It is the latter portion of it to which I object.

MR. BOUTELLE. On that point, I will state that it is even more important than the other consideration, because the lease of the present immigrant station in the city of New York expires on the 18th of this month and it is absolutely necessary that provision be made for the establishment of an immigrant station on the island to be vacated by this magazine.

MR. MANSUR. I demand the regular order.

THE SPEAKER. The gentleman from Missouri [Mr. MANSUR] demands the regular order.

MR. BOUTELLE. Very well; I hope it will be understood by the House and the country how this matter is obstructed.

#### ADMISSION OF IDAHO.

MR. DORSEY. I am directed by the Committee on Territories to call up for consideration the bill (H. R. 4562) to provide for the admission of the State of Idaho into the Union, and ask for its consideration under the order adopted yesterday.

The bill was read, as follows:

A bill (H. R. 4562) to provide for the admission of the State of Idaho into the Union.

Whereas the people of the Territory of Idaho did, on the 4th day of July, 1889, by a convention of delegates called and assembled for that purpose, form for themselves a constitution, which constitution was ratified and adopted by the people of said Territory at an election held therefor on the first Tuesday in November, 1889, which constitution is republican in form and is in conformity with the Constitution of the United States; and

Whereas said convention and the people of said Territory have asked the admission of said Territory into the Union of States on an equal footing with the original States in all respects whatever: Therefore,

Be it enacted, etc., That the State of Idaho is hereby declared to be a State or the United States of America, and is hereby declared admitted into the Union on an equal footing with the original States in all respects whatever; and that the constitution which the people of Idaho have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed.

SEC. 2. That the said State shall consist of all the territory described as follows: Beginning at the intersection of the thirty-ninth meridian with the boundary line between the United States and the British Possessions, then following said meridian south until it reaches the summit of the Bitter Root Mountains; thence southeastward along the crest of the Bitter Root Range and the continental divide until it intersects the meridian of thirty-four degrees of longitude; thence southward on this meridian to the forty-second parallel of latitude; thence west on this parallel of latitude to its intersection with a meridian drawn through the mouth of the Owyhee River; thence north on this meridian to the mouth of the Owyhee River; thence down the mid-channel of the Snake River



to the mouth of the Clearwater River; and thence north on the meridian which passes through the mouth of the Clearwater to the boundary line between the United States and the British Possessions, and east on said boundary line to the place of beginning.

SEC. 3. That until the next general census, or until otherwise provided by law, said State shall be entitled to one Representative in the House of Representatives of the United States, and the election of the Representative to the Fifty-first and Fifty-second Congresses shall take place at the time and be conducted and certified in the same manner as is provided in the constitution of the State for the election of State, district, and other officers.

SEC. 4. That sections numbered 16 and 36 in every township of said State, and where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one quarter-section and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said State for the support of common schools, such indemnity lands to be selected within said State in such manner as the Legislature may provide, with the approval of the Secretary of the Interior.

SEC. 5. That all lands herein granted for educational purposes shall be disposed of only at public sale, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the Legislature shall prescribe, be leased for periods of not more than five years, and such lands shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

SEC. 6. That fifty sections of the unappropriated public lands within said State, to be selected and located in legal subdivisions as provided in section 4 of this act, shall be, and are hereby, granted to said State for the purpose of erecting public buildings at the capital of said State for legislative, executive, and judicial purposes.

SEC. 7. That 5 per cent. of the proceeds of the sales of public lands lying within said State which shall have been sold by the United States prior and subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said State.

SEC. 8. That the lands granted to the Territory of Idaho by the act of February 18, 1881, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes," are hereby vested in the State of Idaho to the extent of the full quantity of 72 sections to said State, and any portion of said lands that may not have been selected by said Territory of Idaho may be selected by the said State; but said act of February 18, 1881, shall be so amended as to provide that none of said lands shall be sold for less than \$10 per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said State, and the income thereof be used exclusively for university purposes. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said State, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

SEC. 9. That the penitentiary at Boise City, Idaho, and all lands connected therewith and set apart and reserved therefor, and unexpended appropriations of money therefor, and the personal property of the United States now being in the Territory of Wyoming and which has been in use in the said Territory in the administration of the Territorial government, including books and records and the property used at the constitutional convention which assembled in the said Territory at Boise City in the year 1889, are hereby granted and donated to the State of Idaho.

SEC. 10. That 90,000 acres of land, to be selected and located as provided in section 4 of this act, are hereby granted to said State for the use and support of an agricultural college in said State, as provided in the acts of Congress making donations of lands for such purposes.

SEC. 11. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September 4, 1841, which section is hereby repealed as to the State of Idaho, and in lieu of any claim or demand by the said State under the act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the State of Idaho, and in lieu of any grant of saline lands to said State, the following grants of land are hereby made to the State of Idaho, namely: For the establishment and maintenance of a scientific school, 100,000 acres; for State normal schools, 100,000 acres; for the support and maintenance of the insane asylum located at Blackfoot, 50,000 acres; for the support and maintenance of the State University located at Moscow, 50,000 acres; for the support and maintenance of the penitentiary located at Boise City, 50,000 acres; for other State, charitable, educational, penal, and reformatory institutions, 150,000 acres. None of the lands granted by this act shall be sold for less than \$10 an acre.

SEC. 12. That the State of Idaho shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act. And the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purpose herein mentioned, in such manner as the Legislature of the State may provide.

SEC. 13. That all mineral lands shall be exempted from the grants by this act. But if sections 16 and 36, or any subdivision, or portion of any smallest subdivision thereof in any township shall be found by the Department of the Interior to be mineral lands, said State is hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said State, in lieu thereof, for the use and the benefit of the common schools of said State.

SEC. 14. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the surveyed, unreserved, and unappropriated public lands of the United States within the limits of the State entitled thereto. And there shall be deducted from the number of acres of land donated by this act for specific objects to said State the number of acres heretofore donated by Congress to said Territory for similar objects.

SEC. 15. That the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for defraying the expenses of the said convention and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial Legislatures and for elections held therefor and thereunder. Any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

SEC. 16. That the said State shall constitute a judicial district, the name thereof to be the same as the name of the State; and the circuit and district courts thereof shall be held at the capital of the State for the time being, and the said district shall, for judicial purposes, until otherwise provided, be attached to the ninth judicial circuit. There shall be appointed for said district one district judge, one United States attorney, and one United States marshal. The judge of the said district shall receive a yearly salary of \$3,500, payable in four equal installments, on the first days of January, April, July, and October of each year, and shall reside in the district. There shall be appointed clerks of said courts, who

shall keep their offices at the capital of said State. The regular terms of said courts shall be held in said district, at the place aforesaid, on the first Monday in April and the first Monday in November of each year, and only one grand jury and one petit jury shall be summoned in both said circuit and district courts. The circuit and district courts for said district, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerks of the circuit and district courts of said district, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compensation allowed by law to other similar officers and persons performing similar duties in the State of Oregon.

SEC. 17. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of said Territory, or that may hereafter lawfully be prosecuted upon any record from said court, may be heard and determined by said Supreme Court of the United States; and the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court hereby established within the said State from or to the supreme court of such State, as the nature of the case may require. And the circuit, district, and State courts herein named shall, respectively, be the successors of the supreme court of the Territory, as to all such cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same and award mesne or final process therein; and that from all judgments and decrees of the supreme court of the Territory mentioned in this act, in any case arising within the limits of the proposed State prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States as they shall have had by law prior to the admission of said State into the Union.

SEC. 18. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of the said Territory at the time of the admission into the Union of the State of Idaho and arising within the limits of such State, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory; and in respect to all other cases, proceedings, and matters pending in the supreme or district courts of said Territory at the time of the admission of such Territory into the Union, arising within the limits of said State, the courts established by such State shall, respectively, be the successors of said supreme and district Territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and State courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of the State shall be pending, in any Territorial court in said Territory shall abate by the admission of such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district, or State court, as the case may be: *Provided, however*, That in all civil actions, causes, and proceedings in which the United States is not a party transfers shall not be made to the circuit and district courts of the United States, except upon written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper State courts.

SEC. 19. That from and after the admission of said State into the Union, in pursuance of this act, the laws of the United States not locally inapplicable shall have the same force and effect within the said State as elsewhere within the United States.

SEC. 20. That the Legislature of the said State may elect two Senators of the United States as is provided by the constitution of said State, and the Senators and Representative of said State shall be entitled to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

SEC. 21. That, until the State officers are elected and qualified under the provisions of the constitution of said State, the officers of the Territory of Idaho shall discharge the duties of their respective offices under the constitution of the State, in the manner and form as therein provided; and all laws in force made by said Territory at the time of its admission into the Union shall be in force in said State, except as modified or changed by this act or by the constitution of the State.

SEC. 22. That all acts or parts of acts in conflict with the provisions of this act, whether passed by a Legislature of said Territory or by Congress, are hereby repealed.

Mr. SPRINGER (during the reading of the bill). I ask unanimous consent to dispense with the further reading of the bill, as it is to come out of the time allotted for debate.

The SPEAKER. The gentleman from Illinois asks unanimous consent to dispense with the further reading of the bill. Is there objection? The Chair hears none.

Mr. DORSEY. Before opening debate I offer the following amendment, to come in at the end of section 3 of the bill.

The Clerk read as follows:

Add to section 3 the following: "The law of the Territory of Idaho for the registration of voters shall apply to the first election of State, district, and other officers held after the admission of the State of Idaho. The county and precinct officers elected at the first election held after the admission of the State of Idaho shall assume the duties of their respective offices on the second Monday of January, 1891."

Mr. DORSEY. The minority of the committee make no objection to this amendment, and I move its adoption.

The amendment was agreed to.

The SPEAKER. The Chair understands that there are several verbal amendments which can be adopted.

Mr. DORSEY. There are several verbal amendments that can be adopted now.

The SPEAKER. The Chair understands that they are merely verbal amendments, and the Clerk will report them.

The Clerk read as follows:

In section 2, line 11, on page 2 of the printed bill, strike out the word "thence." In section 3, line 5, strike out the word "Congresses" and insert the word "Congress;" in line 4, after the word "Fifty-first" insert the word "Congress;" and in line 5, after the word "and," insert the words "the Representative to

the;" also, in line 8, insert after the word "officers" the following words: "in the first instance."

In section 7, line 2, strike out the words "have been" and insert the word "be;" also, in line 3 of section 7, strike out the words "prior and."

In section 9, after the word "of" in line 5, strike out the words "Wyoming and" and insert "Idaho;" also, in the same section, in lines 8 and 9, strike out the following words: "assembled in the said Territory," and insert in lieu thereof the word "convened;" also, in line 9, after the word "the," strike out the word "year" and insert in lieu thereof "month of July."

In section 11, in line 12, strike out the word "namely."

In section 15, in the first line of the section, strike out the word "five" and insert the word "eight" in lieu thereof.

In line 13 of section 16, after the word "courts," insert the following words: "in the said district."

The amendments were agreed to.

Mr. SPRINGER. I desire to call the attention of the gentleman from Nebraska to section 4. The proviso that was in the four-States bill, and which was agreed to be put in here, was not reported, the provision in regard to the sixteenth and thirty-sixth sections for permanent reservations.

Mr. DORSEY. The Delegate from the Territory [Mr. DUBOIS] will offer an amendment to cover that before the final vote is taken on the bill.

Mr. SPRINGER. All right.

Mr. DORSEY. Mr. Speaker, in presenting the claims of the Territory of Idaho for admission to statehood, I shall not attempt to discuss the policy that should be pursued by Congress touching the admission of new States. In the great political contest waged in 1888 this question was freely discussed and was decided by the American people. In the future no political party, no man who aspires to leadership in either party, will dare oppose the admission to statehood of a Territory that is shown to possess the constitutional requirements. The Constitution provides that "New States may be admitted by the Congress into this Union." Hereafter we will interpret that clause so as to read: "New States shall be admitted by the Congress into this Union whenever the constitutional requirements are complied with."

We all know the position taken by the people upon this subject, and, as representatives of the people sent to this Chamber to voice their will, we have in this case a very simple duty to perform; that is, we shall investigate the claims of the Territory of Idaho, and if we find that this Territory has a sufficient population, that its material resources are sufficient, and that her people are intelligent and progressive and are attached to the principles of the Constitution of the United States, then our votes on the roll-call for the admission of Idaho must be in the affirmative. We should not consider to which one of the great political parties a majority of the citizens of a Territory may belong. Every case should be tried upon its merits, and if the showing is satisfactory its admission should be speedy.

Let us apply the tests to Idaho. Idaho was created a Territory by act of Congress March 3, 1863, and was formed from parts of the Territories of Dakota, Nebraska, and Washington. By the creation of the Territories of Montana and Wyoming Idaho was reduced to its present size of 86,294 square miles, extending from the British Possessions on the north to Utah and Nevada on the south, and from Montana and Wyoming on the east to Oregon and Washington on the west, having a length from north to south of 410 miles and a width from east to west varying from about 50 miles on the line of the British Possessions on the north to 306 miles on its southern boundary line. This Territory contains in round numbers 55,000,000 acres, 16,000,000 acres of which are agricultural, 10,000,000 acres forests, 20,000,000 acres grazing and mineral lands, 8,000,000 acres rough and mountainous, and 1,200,000 acres in lakes and rivers.

Idaho has a greater area than New York, New Jersey, Massachusetts, and New Hampshire combined, and being on the west side of the Rocky Mountains, the warm currents from the Pacific sweep over the Territory and have a most beneficial effect on the arable and grazing belts. The average mean temperature is about 51°. Idaho is well supplied with water, and in fact better than any of the States or Territories west of the Missouri River. The great Snake River, which in volume of water is about equal to the Ohio, traverses the Territory from east to west. The Salmon River courses through the Territory for over 500 miles; Clarke's Fork, Spokane, Boise, Payette, Weiser, Big and Little Wood Rivers, Clearwater, Coeur d'Alene, St. Joseph, Bear River, and other large streams, into which hundreds of tributaries empty, also flow through the Territory.

Of the 16,000,000 acres of agricultural lands in the Territory but a small portion has been surveyed. About 4,500,000 acres have been filed upon under the several land acts of Congress.

The deep soil in the valleys and on the plateaus in the eastern and southern counties is composed of decayed vegetable matter mixed with sufficient mineral and disintegrated rock to give warmth and great productivity. In the northern counties a dark loam of great depth prevails. This section of Idaho does not require irrigation and is in itself an empire.

The yield of all kinds of cereals and vegetables is most gratifying, wheat ranging from 30 to 50 bushels, potatoes from 250 to 500 bushels, oats from 50 to 75 bushels per acre, and other cereals and vegetables in the same proportion. The agricultural report for the Territory for 1889,

compiled after the most careful inquiry and investigation by Governor Shoup, shows the following as the amount of grain raised in 1889:

Wheat.....	bushels.....	4,600,000
Oats.....	do.....	2,014,800
Barley.....	do.....	1,150,400
Corn.....	do.....	47,400
Rye.....	do.....	64,900
Flaxseed.....	do.....	555,000
Grass-seed.....	do.....	17,350
Potatoes.....	do.....	1,085,900
Other vegetables.....	do.....	838,350
Apples.....	do.....	277,000
Pears.....	do.....	29,850
Peaches.....	do.....	34,850
Plums and prunes.....	do.....	34,350
Hay.....	tons.....	424,740
Grapes.....	boxes.....	18,200
Berries.....	baskets.....	76,600

The fruits and berries raised in the Territory are not excelled in any country. The sage-brush lands of Idaho are more easily turned into fruit farms and with as little expense as in any other State. For the past ten or twelve years from 25,000 to 40,000 fruit trees have been set out annually. Their growth is rapid, and trees bear abundantly when quite young, especially so in all valleys and plateaus not exceeding 3,500 feet above tide water. Trees mature and bear fruit at the altitude of 4,500 feet, but do not produce so abundantly as in the lower valleys.

Shorn of all other resources, the agricultural lands of Idaho alone are sufficient to support a large population and build up a great State.

Stock-raising is one of the great industries of the Territory. On the large area of grazing lands there are now 385,896 cattle of all grades, 123,840 horses, 2,480 mules, and 447,924 sheep.

The 10,000,000 acres of forest land will be a source of large revenue to Idaho for hundreds of years and will give employment to a large population.

I desire to call the particular attention of the House to the wonderful productions of the mines of Idaho.

The mines of the Territory have produced to date \$157,720,962.84, the production of last year, 1889, being the largest in the history of the Territory, amounting to the princely sum of \$17,344,600, namely:

Gold.....	\$3,204,500
Silver.....	7,564,500
Lead.....	6,490,000
Copper.....	85,900

Idaho is rapidly advancing to the front as a bullion-producing State, and with the present rate of increase will soon be the greatest bullion-producing State in the Union. The Territory has developed several of the largest mines on the globe, the production of which will be largely increased during the year 1890. Besides the bullion-producing mines, Idaho also has an abundance of iron, salt, sulphur, marble, sandstone, granite, limestone, and mica, with tin and cinnabar in limited quantities. Coal is known to exist in nearly every county in the Territory, but is not sufficiently developed to determine its extent.

As to population, I submit a table showing the number of inhabitants of the Territory for the different years from 1880 to 1889. These estimates are based upon the census taken of the school children. Under the law the enumeration of children of school age is taken annually.

Years.	Children of school age.	Rates.	Total population.
1881.....	6,698	4.87	32,619
1882.....	8,193	4.87	39,999
1883.....	9,650	4.87	46,995
1884.....	10,936	4.87	53,258
1885.....	13,140	4.87	63,991
1886.....	15,399	4.87	74,993
1887.....	17,372	4.87	84,601
1888.....	19,994	4.87	97,370
1889.....	24,071	4.87	117,225

I also desire to call particular attention to what has been done by this Territory to foster the public-school system.

The total number of schools in the Territory was, on the 21st day of August last, 434; total number of children of school age reported, 24,071. A large number of families live many miles from organized school districts and their children are not included in the above enrollment. Total receipts for school purposes (independent of private schools), \$198,782; expenditures, \$175,579; balance remaining in the school fund at the close of school year, \$23,203.

The following gains appear in the report of the superintendent of public instruction for the Territory for the year 1889: Increase of children of school age, 4,077; schools, 69.

There is a compulsory school law in the Territory, and the greatest interest is taken by the people in educational matters. Substantial and commodious school-houses adorn and add to the attractions of every town and settlement. Besides the public schools there are several independent school districts, and many religious denominations



have schools of their own. The estimated cost of buildings used for school purposes for public schools in the Territory is \$344,500, an increase of \$65,000 during the past year.

There are 109 church edifices in the Territory, valued at \$220,500, with a membership of 11,137. I append a table showing the membership and number of church buildings of the different denominations. Idaho is not behind the Western States and Territories so far as public buildings are concerned:

Denominations.	Number of churches.	Value of churches.	Number of members.
Presbyterian.....	14	*\$20,000	762
Baptist.....	16	15,500	375
Catholic.....	23	60,000	8,000
Episcopal.....	19	40,000	*500
Methodist.....	*23	*70,000	*1,000
Other denominations†.....	*15	*15,000	*500
Total.....	109	220,500	11,137

\* Estimated.

† In addition to the above, the Congregationalists, Christians, and other denominations not enumerated have ministers and places of worship.

The above does not include the adherents to the Mormon faith.

The Territory has constructed and furnished, unaided by the General Government, a capitol building, at a cost of over \$100,000. The capitol is a most substantial building, the basement being solid masonry, while the main structure is of the best quality of brick and is heated by the latest improved heating apparatus. This fine structure contains spacious and elegantly furnished rooms on the first floor for governor, surveyor-general, Territorial secretary, comptroller, superintendent of public instruction, and United States attorney, library, and armory. On the second floor are the council chamber, representatives' hall, the supreme court-room, the judges' chamber, and various committee-rooms. The third floor is connected with the galleries, and also has book and committee rooms.

The Territory has in course of construction, at Moscow, in Latah County, a State university. This fine structure, when completed, will cost \$75,000. The Territory appropriated from the general fund \$15,000 for the building, and an annual Territorial tax of one-half mill is levied and collected, the proceeds going to the university fund.

The Territory constructed at Blackfoot, Bingham County, a fine three-story brick building for an insane asylum, with a two-story wing and other annexes. The building, furniture, and grounds cost the Territory about \$55,000. In December last the main structure was destroyed by fire, but the sixty-five patients are comfortably quartered in the wing and annexes.

The United States assay office, located in the heart of Boise City, is the property of the United States, and cost the Government \$81,000.

The United States penitentiary, located 2 miles from Boise City, is built of sandstone. It has forty-two cells. An appropriation has been made and the contract let for a wing duplicating the one now in use. There are now incarcerated in the prison sixty-six Territorial and three United States prisoners.

The governor of the Territory, in his report for 1889, places the number of miles of railroad in the Territory at 888.73, the products exported to outside markets by railroads and steam-boats at 184,015 tons, and the imports at 119,000 tons.

There are 917 miles of telegraph lines and 41 newspapers are published within the Territory.

The finances of this Territory are in the most satisfactory condition.

The comptroller, in his annual report to the governor, December, 1889, states that on the 20th day of January, 1890, the registered or floating debt would be paid in full, leaving the bonded indebtedness alone unpaid. The total bonded indebtedness of the Territory is \$146,715.06. Under the act of 1887 there were issued, for general purposes of indebtedness, bonds amounting to \$46,715.06. The denomination of these bonds is \$1,000 and the rate of interest 10 per cent. per annum. The interest is payable semi-annually, in June and December, at the office of the Territorial treasurer. They mature December 1, 1891. There will be an ample fund in the Territorial treasury to redeem these bonds at maturity and without additional taxation.

Under the act approved February 2, 1885, \$100,000 additional bonds were issued for the following purposes: Eighty thousand dollars for the capitol building and twenty thousand to aid in construction of insane asylum. These bonds were issued in denominations of \$1,000 each, bearing 6 per cent. per annum coupons, payable semi-annually, in July and January. The capitol building bonds mature in 1905 and the asylum bonds fall due in 1892, 1893, 1894, and 1895, in multiples of \$5,000 annually. The capitol building fund is maintained by one-tenth of the receipts arising from the Territorial and county licenses and the proceeds of all rents derived from the use of the capitol building.

These bonds are redeemable at the pleasure of the Territory at any time after the expiration of ten years from the date of issue. All these bonds will be extinguished in ten years from date of issue from the

sinking fund, as the receipts are increasing annually. There is in this fund at the present time over \$20,000.

The rate of Territorial tax is a fixed sum of four mills on the dollar, three and a half mills for general and one-half mill for university funds. The assessed valuation of property in the Territory for the last fiscal year (1889) is in round numbers \$24,000,000.

Mines and lands not patented are not assessed. Fully one-half of the improved farms in the Territory are not patented. These lands are worth from \$10 to \$40 per acre. The present cash value of property in Idaho will equal \$100,000,000 at a conservative estimate.

The admission of Idaho to her place among the States of the Union has been agitated by her people for many years, and to-day the press of the Territory, irrespective of party, is urging admission, and the people of the State, irrespective of party, are anxious that this Territory shall take her place in the galaxy of States, and what has been done looking to this end has been in strict conformity to the Constitution.

A proclamation was issued by Governor E. A. Stevenson on the 2d day of April, 1889, recommending the election by the people of Idaho of seventy-two delegates, to assemble at Boise City, the capital of the Territory, on the 14th day of July, 1889, for the purpose of framing a constitution for the State of Idaho, and a proclamation of his successor, Governor George L. Shoup, was issued on the 11th day of May, 1889. A majority of the delegates elected to said Territorial convention of Idaho assembled at Boise City, the capital of the Territory, on Thursday, the 4th day of July, 1889. The convention was called to order on that day by his excellency Governor George L. Shoup, governor of Idaho, and a temporary organization was effected by the election of John T. Morgan, of Bingham County, temporary president, and James W. Reed, of Nez Percé County, temporary secretary. Seventy delegates presented their credentials and were found entitled to seats in the convention. Sixty-nine delegates took the oath and participated in the proceedings. A permanent organization was effected by the election of William H. Claggett, of Shoshone County, as president; James W. Reed, of Nez Percé County, as vice-president, and Charles H. Reed, of Ada County, as secretary. The oath as prescribed by the rules of the convention was administered to the officers and members of the convention by his honor Chief Justice Hugh W. Weir, of Idaho.

In the convention every county of the Territory was represented, and at no time during the convention was there less than a majority of the delegates in attendance. The deliberations of the convention were characterized by harmony and a single purpose, a good constitution for statehood for Idaho. The session of the convention lasted thirty-four days, and after adopting a constitution for the State of Idaho adjourned *sine die* on the 6th day of August, 1889. The constitution as adopted by the convention was signed by all the delegates present at the adjournment with the exception of one member. In compliance with the direction of the convention, the constitution as adopted by the convention and signed by the delegates and all the records thereof were deposited with the secretary of Idaho.

On the 2d day of October, in pursuance of section 6 of schedule and ordinance of said constitution, George L. Shoup, governor of Idaho, issued a proclamation submitting the constitution of the State of Idaho to the people of the Territory for its adoption or rejection at an election to be held on Tuesday the 5th day of November, 1889, said election to be conducted in all respects as provided by law for general elections, and abstracts of such returns, duly certified, to be submitted to the board of canvassers as now provided by law for canvassing the return of votes for Delegates to Congress.

As provided in section 6, article 21, of schedule and ordinance of the constitution of the State of Idaho, a meeting of the board of canvassers therein provided for was held in the executive office, December 2, 1889; present, Edward J. Curtis, secretary of the Territory, and Joseph F. Wilson, United States marshal of the Territory. In the presence of his excellency George L. Shoup, governor of the Territory, said board of canvassers proceeded to a canvass of the votes cast for the adoption or rejection of the constitution at an election held November 5, 1889, as returned by the canvassing boards of the several counties. Returns from all the counties were found to have been received by the Territorial secretary, which were opened, examined, and canvassed, with the following results:

For the constitution.....	12,88
Against the constitution.....	1,73
Scattering.....	11
Total.....	14,72

Thus the people of Idaho, by an overwhelming majority, ratified the action of the delegates to the convention which framed their constitution.

The character of the population of Idaho is the highest type of American manhood, being composed principally of the descendants of New England, Southern, and Western States. The foreigners are the hardy sons of Norway, Sweden, Germany, Canada, and Great Britain. There is no question that with a stable and settled government, which statehood will insure, the increase in population and development will equal that of other Western States. There is no doubt that Idaho has the

resources, wealth, and population to sustain without difficulty a State government. The people of the Territory are almost unanimous in asking this recognition.

The only opposition to the admission of Idaho under the constitution, which the legal voters of the Territory adopted almost unanimously, came from the Mormons. They protested because of section 3 of article 6 of the constitution. I will ask the Clerk to read this section, and I ask the particular attention of the House, as it is against this section of the constitution that the minority of the committee make their assault.

The Clerk read as follows:

Sec. 3. No person is permitted to vote, serve as a juror, or hold any civil office who is under guardianship, idiotic, or insane or who has, at any place, been convicted of treason, felony, embezzlement of public funds, bartering or selling or offering to barter or sell his vote, or purchasing or offering to purchase the vote of another, or other infamous crime, and who has not been restored to the right of citizenship, or who at the time of such election is confined in prison on conviction of a criminal offense, or who is a bigamist or polygamist, or is living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of this State or of the United States forbidding any such crime, or who in any manner teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law or to commit any such crime, or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation, or society which teaches, advises, counsels, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or which teaches or advises that the laws of this State prescribing rules of civil conduct are not the supreme law of the State; nor shall Chinese nor persons of Mongolian descent not born in the United States, nor Indians not taxed who have not severed their tribal relations and adopted the habits of civilization, either vote, serve as jurors, or hold any civil office.

Mr. DORSEY. A law similar to the section of the constitution complained of has been in force in Idaho since 1864. It will be found in section 501 of the revised statutes of Idaho. I will ask the Clerk to read this section.

The Clerk read as follows:

No person under guardianship, *non compos mentis* or insane, nor any person convicted of treason, felony, or bribery in this Territory or in any other State or Territory in the Union, unless restored to civil rights; nor any person who is a bigamist or polygamist or who teaches, advises, counsels, or encourages any person or persons to become bigamists or polygamists, or to commit any other crime defined by law, or to enter into what is known as plural or celestial marriage, or who is a member of any order, organization, or association which teaches, advises, counsels, or encourages its members or devotees or any other persons to commit the crime of bigamy or polygamy, or any other crime defined by law, either as a rite or ceremony of such order, organization, or association or otherwise, is permitted to vote at any election or to hold any position or office of honor, trust, or profit within this Territory.

Mr. DORSEY. The Mormon citizens of the Territory were represented before the Committee on Territories by Judge Wilson and Bishop Budge, of Idaho, who objected to the admission of Idaho under a constitution containing such provisions as are embodied in section 3 of article 6. The committee accorded the gentlemen patient hearings and were instructed by the arguments submitted. During the time this was under discussion a decision of the Supreme Court delivered by Justice Field settled the constitutionality of the Idaho statute, and should have been accepted as final by those who opposed the admission of the Territory on account of this section preventing polygamous Mormons from voting.

The minority of the committee, however, have taken a different view of the case and have filed a report that quotes from the constitution of nearly every State of the Union as well as from statesmen and sages of the past. I will not at this time attempt to reply to the argument submitted in the minority report, but will wait until the gentlemen who made this report have given to the House their views on the subject of the admission of Idaho. Later in this discussion we will endeavor to answer satisfactorily the objections urged against admission by the minority of the committee.

In my judgment, Idaho should now be admitted into the sisterhood of States. I am very sure that the citizens of that State are in full sympathy and accord with the best and most advanced thought of the country. We should do this in order that they may be able to enjoy the privileges of American citizens, and the admission of Idaho by this Congress under the constitution adopted by its people will give encouragement to other Territories that contain Mormon population.

Mr. Speaker, the case of the Territory of Idaho is now before us, and I sincerely hope that this House may carefully consider the claims presented, and that we will no longer keep the people of Idaho in political vassalage, but will give to them the rights and privileges to which they are entitled under the Constitution of the United States, by their admittance into the great American Union, and thus add another star to the bright galaxy of States, feeling sure, as I do, that no act of the hardy men who have brought Idaho to her present high position will ever cause the Representatives of the people to regret their action in giving to Idaho the rights of statehood. [Applause.]

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman has spoken twenty-two minutes.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage of a bill (S. 3131) for the registry or enrollment of the barges Herdis and Agostino C., in which concurrence was requested.

It further announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7496) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1890, and for other purposes.

#### URGENT DEFICIENCY BILL.

Mr. HENDERSON, of Iowa. I ask, by unanimous consent, to call up for consideration at this time the conference report which has just come over from the Senate.

The SPEAKER. The Chair hears no objection, and the report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on amendment of the Senate numbered 41 to the bill (H. R. 7496) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

First. That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows:

Add to the end of said amendment the following: "Provided, That no part of said amount shall be expended in sinking wells or the construction of irrigation works, and the work done under this appropriation shall be completed and a report of the same made within the appropriation, and nothing herein shall commit the Government to any plan of irrigation or the construction of works therefor;" and the Senate agree to the same.

D. B. HENDERSON,  
J. G. CANNON,  
WM. C. P. BRECKINRIDGE,  
Managers on the part of the House.  
EUGENE HALE,  
WILLIAM E. ALLISON,  
F. M. COCKRELL,  
Managers on the part of the Senate.

The statement accompanying the report under the rules is as follows:

The managers on the part of the House of the conference on the disagreeing vote of the two Houses on the amendment of the Senate numbered 41 to the bill (H. R. 7496) to provide for certain of the most urgent deficiencies, submit the following written statement in explanation of the action agreed upon and recommended in the accompanying conference report:

The provision covered by said Senate amendment numbered 41, as agreed upon by the conference committee, reads as follows:

"Location for artesian wells: To authorize the Secretary of Agriculture to make such preliminary investigation of an engineering and other character as will, so far as practicable, determine the proper location for artesian wells for irrigation purposes within the area west of the ninety-seventh meridian and east of the foot-hills of the Rocky Mountains, \$20,000; and a report of all operations and expenditures hereunder shall be made to Congress immediately after July 1, 1890: *Provided*, That no part of said amount shall be expended in sinking wells or the construction of irrigation works and the work done under this appropriation shall be completed and a report of the same made within the appropriation, and nothing herein shall commit the Government to any plan of irrigation or the construction of works therefor."

D. B. HENDERSON,  
J. G. CANNON,  
WM. C. P. BRECKINRIDGE,  
Managers on the part of the House.

Mr. HENDERSON, of Iowa. I wish to say a word which I feel it to be my duty to say in this connection. This, the only item the former House conferees did not concur in, appropriates \$20,000 for the investigation of artesian wells for irrigation. The House conferees were unwilling to enter upon this investigation at this time and preferred to wait until the Committee on Irrigation of the House and the same committee of the Senate could thoroughly investigate the matter and bring it before the House, so the House might have the opportunity to pass on this question.

The proposition in the amendment also places it under the control of the Agricultural Department. The conferees of the House were unwilling to accede to that proposition. They thought, if the irrigation matter was gone into at all, that, inasmuch as we have already an equipped department of the Government for scientific observations, that bureau should make the scientific investigations, and not transfer it to the Department of Agriculture; but we have waived this consideration by offering the amendment which the House accepted, and which the Senate conferees agreed to, which was adopted by the Senate, providing that no wells should be sunk out of this appropriation, which was acceptable to the friends of the proposition in the Senate, and also that whatever should be done with this appropriation should be complete in itself, leaving no opening for any future appropriation to be fitted on to this. It was deemed advisable not to treat this as an entering wedge, but to make this a complete report in itself, and not bind or commit Congress to the system of irrigation by sinking artesian wells.

Speaking only for myself, Mr. Speaker, I do not believe that irrigation by the method of artesian wells for agricultural purposes is possible. I am afraid of entering into that wide field, and regretted the necessity for having to do so at this time even to the extent proposed here through the Appropriations Committee of the House, preferring that it should be done through the committees having charge of the matter after a thorough and complete investigation of the whole subject. But under the heavy pressure which has been made for this preliminary, as they say, investigation, we have yielded with the adoption of the amendment.

Mr. MANSUR. Mr. Speaker, I would like to inquire if the time



consumed in the consideration of this report is to be taken from the time allowed for the debate on the Idaho bill?

The SPEAKER. It will not be counted against the time allotted to the gentleman from Missouri, but generally to the time fixed for debate on the bill.

Mr. SPRINGER. But this time, it seems to me, ought not to come out of the debate allowed on the Idaho bill.

The SPEAKER. Whatever time is consumed in the discussion of this matter will necessarily be taken from that time.

Mr. SAYERS. I desire to ask the gentleman from Iowa, in charge of this report, before he takes his seat, for what purpose this appropriation is to be used?

Mr. HENDERSON, of Iowa. Simply to ascertain what irrigation wells can be found, not by sinking the wells themselves, but by an inspection of the surface of the earth.

Mr. VANDEVER. I desire to be heard for a few moments on this.

Mr. SPRINGER. I have no objection to the consumption of time on this report if the time will be extended to-morrow before the final vote is to be taken on the Idaho bill. At present that time is limited to 3 o'clock, and it seems to me it is not right to consume it for other purposes.

Mr. HENDERSON, of Iowa. This will consume but a very few moments. How much time does the gentleman from California want?

Mr. VANDEVER. I should like to have about five minutes.

The SPEAKER. Within five minutes is it not possible to dispose of the report?

Mr. HENDERSON, of Iowa. Entirely possible. We can conclude it in that time, I think.

Mr. SPRINGER. I ask unanimous consent that the time consumed on the conference report be added to the time to-morrow when the previous question is to be considered as ordered on the Idaho bill.

The SPEAKER. That time has been agreed upon, and the House will govern itself accordingly. There is difficulty, of course, about the new arrangement, as the gentlemen must see.

Mr. SPRINGER. But if all of that time should be consumed with other matters?

The SPEAKER. It is always within the control of the House itself.

Mr. PERKINS. This will only take a minute or two, I think.

Mr. HENDERSON, of Iowa. I will yield three minutes to the gentleman from California, if that is sufficient.

Mr. MANSUR. With the understanding that no further time is consumed I will not object.

The SPEAKER. It is understood that the previous question will be then demanded upon the report.

Mr. VANDEVER. I desire only to say a word in response to the remarks which the gentleman from Iowa has made. Irrigation is a branch of agriculture; and if the views expressed by the conference committee in regard to the necessity of investigating this subject of artesian wells scientifically is a valid reason, it will apply to all agricultural operations.

Now, sir, the Committee on Irrigation have this matter under consideration, and they will be prepared, in the course of a short time, to make their report to this House, which shall include irrigation by surface water as well as underflow and artesian wells. It is not necessary, therefore, at this time to conclude the question by turning this over to the Agricultural Bureau to keep it open, to let us consider whether that bureau has not something to do with it as well as the scientific bureau referred to.

Mr. HENDERSON, of Iowa. That is what the amendment does.

Mr. VANDEVER. I do not understand it so.

Mr. SPINOLA. I ask unanimous consent, in this connection, that my colleague from New York [Mr. FLOWER] may be permitted to publish certain remarks on this question.

There was no objection.

Mr. HENDERSON, of Iowa. I ask a vote on the report.

The conference report was adopted.

#### ADMISSION OF IDAHO.

Mr. MANSUR. Mr. Speaker, from the time that the Lord God of the universe created man and woman and placed them in the Garden of Eden, the law of nature and nature's God has undoubtedly been one man for one woman and one woman for one man, and the practices of all civilized nations, without exception, have proven undoubtedly that this relation is that in which the destinies of the race are best preserved and advanced. All civilized nations, so far as I know without exception, visit the heaviest hand of punishment upon all violations of this law, sanctified by the wisdom of men as well as created by the God of nature. Hence, I desire in opening this debate, at the very beginning, to say that I have no sympathy nor do I believe that any person on this side of the House has any sympathy whatever with the institution of bigamy or of polygamy; but while so stating and so confessing, and urging implicit belief in the truth of the fact that these offenses should be crushed out, yet we find in this bill there is a mode of striking at these offenses that is in violation of all the best of our doctrines and tenets of liberty as we have universally understood and enforced them in all the past to the present time.

We find, furthermore, that up to this day and this hour no State in the Union has ever sought to enforce what this constitution, if it shall be granted to the people of Idaho, seeks to enforce; and we find that the proposition upon principle that is to be debated before Congress at the present hour is whether we shall turn back on all the wisdom of the past, whether we shall turn back on each and every State constitution of this Union without a single exception—constitutions that have given to the several States of this Union all their power, all their prestige, all their glory, and enabled them to develop so that in the aggregate they constitute to-day the greatest nation on the globe.

The proposition is whether the gentlemen on the other side will permit a violation of what we believe to be one of the highest Republican as well as Democratic principles upon which our institutions of liberty are founded, and strike down a man without a hearing in a court, without indictment, without trial, or without opportunity of defense, because of an alleged belief in certain doctrines, when the fact is the constitution does not say what in reality they intend, which is that it shall strike down the Mormon Church. I repeat, then, the attitude which is presented by the minority here is not a question of the absolute rejection of the State of Idaho, because, if the plan and policy outlined by the Democratic minority in their report and in the amendments submitted to this bill shall prevail, the State of Idaho is as certain to be represented in this Congress by its Senators and its Representatives at the assembling of Congress at its next session in December as that that day shall roll around.

Then let it be understood that, so far as our amendments are concerned and so far as the attitude of the minority is concerned in their report, it is not an absolute factious fight or opposition to the admission of Idaho, but is because we believe that they are seeking to ingratiate upon the constitution under which they seek admission a principle that ought not to find any toleration in the mind or in the heart of any lover of liberty, whether he be Republican or Democrat; and that is, never to strike down, never to punish an American citizen without first giving to him a trial and a hearing.

That the men who may be involved in the penalties attached to section 3, article 6, of the constitution submitted for your consideration are American citizens in the general sense of the term no one can doubt; and yet, under the peculiar system which prevails in this country and has prevailed from the time of the establishment of the Federal Constitution, it is equally plain that, while men are citizens of the United States, yet they gain their right of suffrage solely and entirely from the States. This has been decided divers times by the Supreme Court of the United States. From that standpoint, then, it will be urged by gentlemen on the other side, especially with reference to the case of *Davis vs. Beason* in the Supreme Court of the United States two or three weeks ago, that this section 3, to which exception is taken by us, is constitutional; that is, the Supreme Court of the United States has decided that a State has a right to prescribe an oath as a prerequisite to the right to vote. That may be so. That is constitutional because the Supreme Court say it is so.

But the Supreme Court do not decide the other point which is involved in this case, that when you prescribe that oath for a man he can be accused at the threshold and be deprived of his right of suffrage on the day and at the hour of accusation without a trial and without a hearing under the prescribed forms of law. To this assumption we object, and the question here is simply whether men shall be deprived of three great rights—the right to vote, the right to hold office, and the right to serve upon juries—without being first convicted of crime. That is the question and that is the proposition that is challenged by the Democratic minority in their report.

Let us see now what is the character of the people assailed and what are their numbers. There is some little difference of opinion, perhaps, in the committee who have had this subject under investigation as to the number of people that may be in the Territory of Idaho. I do not think that any estimate I have heard or now remember places the population at over 110,000 or 115,000. I think, however, that that estimate is probably a little swollen. I doubt very much if they have more than 100,000 people, if so many. But take the population at 100,000; from all we can learn there are 25,000 of that population who are Mormons in their belief. In other words, 25 per cent. of the entire population of the Territory of Idaho at this time belongs to the Mormon faith.

Assuming that there is one male adult voter to every five of the population, there would be 5,000 adult Mormon voters in the Territory. I come now to what I believe to be the real reason, or at least one of the real reasons, why the Mormons there are to be disfranchised. It is because it is understood and charged, and not denied anywhere, that almost every Mormon in the Territory of Idaho is a Democrat and votes the Democratic ticket. Let it be understood that I am now charging distinctly that, from all the information we have, nearly every Mormon in Idaho is a Democrat, and when he votes at all or has an opportunity to vote under their test-oath laws, votes the Democratic ticket.

On the other side gentlemen may laugh this to scorn, but it is true all the same. Just pass across the line, an imaginary line at that, into Wyoming Territory, which you admitted as a State the other day, and,

while there are not so many Mormons there as in Idaho, yet they are nearly all Republicans, and, because of the well understood fact that every Mormon there votes the Republican ticket, you let them vote; and not merely that, but you provided the other day that their wives should have the right to vote, thus giving to every Mormon and his wife in Wyoming two votes, while in Idaho you deny the right to vote even to Mormon men! Let these things be understood as we go along. Let it be understood that this is not a question of principle anywhere, but is, in every instance, a question of expediency alone for the Republican party.

Let it be further understood that from forty-eight hours after the Republicans began to think that they had carried the Presidential election of 1888 the whole political world of the United States was filled with rumors of the new programme to be inaugurated by that party. One feature of that programme was the admission of new States to strengthen the party in the Senate. It was also reported and published that there was to be a revolutionizing of the rules of parliamentary procedure; that there was to be the unseating of divers members on the Democratic side, and that the Republicans were to fortify themselves by the passage of such laws in this Congress as they deemed from their standpoint necessary to be passed, and if new Territories were admitted as States, the Republican party being thus strengthened in the Senate, it would be many years before, under any circumstances, the legislation of this Congress could be repealed or done away with. These, then, are the circumstances that have led up to the Republican demand for the admission of these two Territories, the youngest of our remaining Territories, certainly the smallest in population, and not the best equipped in their financial ability to maintain statehood.

Let us next inquire what is the character of the alleged reasons for the disfranchisement of these people in Idaho. They are white, all of them. If they were black there would be protection for them under the fifteenth amendment of the Constitution of the United States. Then legislation for their disfranchisement could not be inaugurated and carried into effect by the Republican party under the Constitution. But they are white and Democrats, and so your victims. What is the character of these people? It is necessary perhaps here to state that which some gentlemen present undoubtedly well know, but others may not know, that the Mormons are divided into two classes, known as Josephites and Brighamites. The Josephites to a man repudiate polygamy and bigamy; do not believe in them; say they never were embraced in the original revelations, and they live a sober life of monogamy, as much so as any class of people on this continent. It is the other class, the Brighamites alone, who believe in bigamy and in polygamy.

Just what are the proportions of these two classes of Mormons I do not know. Judge J. M. Wilson, who appeared for these people before the committee, estimates that there are 25,000 Mormons in the Territory of Idaho. Of this number he places the male adults having the right to vote at 5,000, and he seems to be careful and accurate in his figures and in his information. Furthermore, he says that from investigation and upon reports which he deemed reliable from every source and quarter, there are not over 125 of these Mormons, out of 5,000, that are now or have been living either in polygamy or in bigamy. That number is 2½ per cent. of the male population. Of the whole population of 25,000 it would be only one-half of 1 per cent.

Now, if these figures be true, we have the numbers and proportion of the Mormons addicted to these habits, and for whose sins is to be inflicted upon their whole people the penalty of disfranchisement and degradation from the rank of American citizenship.

What is the general character of these people for thrift, industry, sobriety, forecast, and similar qualities? I may say, in the light of the evidence before the committee, that their character in this respect is remarkable. Mr. Carlton was appointed a member of the Utah commission by President Arthur under the anti-polygamy law of March 22, 1882. He went to Utah and served there seven years, so that his experience comes down to last year. Here is his statement in regard to that people:

At that time—

The time of his appointment—

I had the usual predilections in regard to the Mormons, which were not at all to their advantage. But I resolved that, so far as possible, I would divest myself of all prejudice and judge for myself fairly and impartially. I was not long in discovering that in many respects things were quite different from what I had anticipated, and I began to strongly suspect that the Mormon people had been greatly misrepresented and misunderstood. I found them to be intensely devoted in their religion and as honest and sincere in their creed as any church or religious society of which I have any knowledge; and at the end of seven years' careful investigation I can say emphatically that, for honesty, industry, temperance, and peace and good order, they deservedly stand as high as any other community on this continent.

At this, the honored chairman of our committee, the gentleman from Iowa [Mr. STURGEON], said:

Judge Carlton, you need not dwell on this point, for we are satisfied of the good qualities of the Mormons in these respects.

Judge Carlton proceeded:

Then I will pass from this topic, only remarking that it is a serious thing for the Government to disfranchise a whole community possessed of such good qualities for the building up of a Commonwealth. But, as it is one of the schemes of the anti-Mormon agitators in the West and elsewhere to represent the Mormons as incorrigible rogues and criminals as an excitatory to hostile

action by Congress, I wish to state another fact: That while the Mormons of Utah are over 75 per cent. of the whole population, yet seven-eighths of the heinous and felonious offenses, as murder, manslaughter, burglary, robbery, rape, and the like, are committed by the non-Mormon minority. This is proved by the statistics, and is confirmed by my own investigations.

But there is further evidence in regard to the character of these people. Bayard Taylor, the celebrated traveler, after paying them a visit, said:

We must admit that Salt Lake City is one of the most quiet, orderly, and moral places in the world. There are a few Gentile liquor saloons, but the Mormons, as a people, are the most temperate of Americans. They are chaste, laborious, and generally cheerful; and what they have accomplished in so short a time, under every circumstance of discouragement, will always form one of the most remarkable chapters in our history. The Territory does not owe a dollar; the people have established manufactories, built roads and bridges, irrigated wastes of sage-bush, colonized the basin of the interior desert for an extent of 500 miles, and made a nucleus of permanent civilization in the most forbidding part of the continent.

Dr. Miller, the editor of the Omaha (Nebr.) Herald, writes:

One feature of the influx into this hitherto quiet, sober, moral, and intelligent Mormon community carries with it its own comment to the thoughtful. To the lasting honor of the Mormon people and system be it said that for twenty-five years such machines of moral infamy as whisky shops, harlots, faro-banks, and all the attendant forms of vice and iniquity were totally unknown in Utah. It can not be denied that the Mormons have achieved victories and conquests over the most gigantic evils that curse our race, and which are to-day the chief banes of every civilized state. Already the hydra-headed monsters of infamy are gaining footholds in Salt Lake City. The gambler and woman of the town are there. The damning fact, so creditable to Mormon morality, is that it is only by the surreptitious evasion and overthrow of Mormon authority that these and kindred curses now invade the beautiful city of Salt Lake.

Elder Miles Grant, the Adventist and editor of the World's Crisis, says:

After a careful observation for some days, we came to the settled conclusion that there is less licentiousness at Salt Lake City than in any other one of the same size in the United States, and were we to bring up a family of children in these last days of wickedness we should have less fears of their moral corruption were they in that city than in any other. Swearing, drinking, gambling, idleness, and licentiousness have made but little headway there when compared with other places of equal size. As a body they are a very sincere people and believe the Lord led them there. They are close Bible students, and are very familiar with the Old Testament prophecies, upon which they dwell much in their preachings. Among them are a number of able men who are capable of entertaining an intelligent audience. They preach without notes and present such thoughts as come to them on the occasion.

Mrs. Emily Pitt Stevens, editor of the Pioneer, a woman's journal, writes as follows:

Utah wants to assume the prerogative of State sovereignty. She has population and wealth superior to any other Territory, and why should she not enjoy the privilege of self-government? Utah is the wisest and best governed of any large section of people in the United States. In Great Salt Lake City there is less of rowdyism, drunkenness, gambling, idleness, theft, conspiracy against the peace of society, and crime generally than there is in any other city of the same population in the country, if not on the globe.

And Chief-Justice White, in charging the grand jury, at Salt Lake City, in February, 1876, said:

This land they have redeemed from sterility, and occupied its once barren solitudes with cities, villages, cultivated fields, and farm-houses, and made it the habitation of a numerous people, where a beggar is never seen and almshouses are neither needed nor known.

Please note this language:

Where a beggar is never seen and almshouses are neither needed nor known. These are facts and accomplishments which any candid observer recognizes and every fair mind admits.

Mr. KERR, of Iowa. Does the gentleman claim that this is the result of Mormonism there?

Mr. MANSUR. It is evident it is not the result of Gentile rule.

Now, this is the character of that people, as a rule; yet it is proposed to disfranchise them *en masse* and to deprive them of the highest privilege of American citizenship. It goes without saying that if these men were other than Mormons no such provision would be sought to be placed in the Idaho constitution. It is leveled, then, at polygamy and bigamy; and I, in common with every man on this side, say that so far as it is leveled against those offenses it is right; that there ought to be and must be in that community, as in all others, strict laws prohibiting those crimes, and grave penalties inflicted which shall stamp them out of existence. While the American citizen everywhere is willing, as a rule, to tolerate a man's belief in almost anything, yet when a man attempts to carry out his belief in action, and that action is a violation of any law of the land, then Americans claim the right absolutely, under our civilization and our precedents and all the laws of the land, to punish him for such action, and we do punish him.

Why, on account of the few men who are thus engaged in the practice of bigamy or polygamy, whether the number be one hundred and twenty-five, as Mr. Wilson estimates, in the whole Territory of Idaho, or whether it be greater, as gentlemen on the other side will contend, but certainly not the whole Mormon population, why should we, on account of the conduct of these comparatively few persons, visit the penalty of disfranchisement upon every male adult of that church merely because he is a Mormon? And why should we refuse him even the poor, pitiful right of purging himself by an oath in which he shall swear that he does not thus believe? For, gentlemen, please observe that in said section 3, which it is sought to ingraft into the constitution of Idaho, there are quite a number of provisions whereby a man is declared to have the right of trial and shall not suffer the penalty of disfranchisement until after his conviction, whereas those offenses connected with the Mormon Church are taken outside of the list of ordi-



nary offenses, and a man can not purge himself by his own oath that he does not believe in bigamous or polygamous practices, does not countenance them, and does not aid or assist in their perpetration.

I will read and call the attention of gentlemen to this remarkable section, a part of it being as follows:

No person is permitted to vote, serve as juror, or hold any civil office who is under guardianship, idiotic, or insane, or who has at any place been convicted of treason, felony, embezzlement of public funds, bartering or selling or offering to barter or sell his vote, or purchasing or offering to purchase the vote of another, or other infamous crime, and who has not been restored to the right of citizenship, or who at the time of such election is confined in prison on conviction of a criminal offense.

As to all that, this side of the House agrees to its truth and soundness, because here you have said that any man who attempts to deprive the people of their choice by outrages perpetrated on the ballot at the time of the election whereby that certainty necessary to public peace each and every man must have in the purity of that election and the belief those who voted were entitled to vote, as well as that those charged with heinous crimes like the embezzlement of public funds, felony, treason, every one of these offenses, has the right to be placed on trial by the presentment of a grand jury, with the right to be heard in his own defense by himself or his attorney, has the right to have his case under the rules of law presented to a jury.

When that is done he can not complain if he be deprived of his privileges if convicted. That is universal law in all the States and it is correct. I have been at the trouble of collating the law from all the several States, and there is not to be found in one of the States of the Union any different law than that there must be first conviction of crime before you can degrade a man or deprive him of those inestimable rights, the right to vote, the right to serve on a jury, or the right to hold an office. In no State of the Union can such rights be taken from him without conviction for crime first being had.

I ask each and every gentleman on the other side, if you vote to strike down these men without a hearing and you go home and the men in your district ask you how you could deprive citizens of Idaho of these privileges without a hearing, what will your answer be, when you know the people universally in your own State believe in a different doctrine and decreed it should become a part of the fundamental constitution of each and every one of your States—how, I repeat, will you answer your own people when they put that question to you?

We now come to the remarkable part of section 3. Up to this point conviction must precede his degradation and deprivation of his political rights.

I now invite the attention of the House to the remainder of the remarkable provisions of section 3 in the constitution under consideration:

Or who is a bigamist or polygamist, or is living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of this State or of the United States forbidding any such crime, or who, in any manner, teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime, or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation, or society which teaches, advises, counsels, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or which teaches or advises that the laws of this State prescribing rules of civil conduct are not the supreme law of the State; nor shall Chinese or persons of Mongolian descent, not born in the United States, nor Indians, not taxed, who have not severed their tribal relations and adopted the habits of civilization, either vote, serve as jurors, or hold any civil office.

Of course we take no exception to the disfranchisement of Chinese or Indians not taxed. The denial of the right of suffrage under all the constitutions of the States of our country, almost from the establishment of the Government and without exception, applies to the Chinese and to Indians not taxed; but the remainder goes on the idea that if there be such persons as are described in this section, to wit, the bigamist, or the polygamist, or he who believes in patriarchal, plural, or celestial marriage, or who is living in that condition, or supports, aids, or encourages any order, organization, association, corporation, or society which teaches, advises, counsels, or encourages anything of the kind—that evidently means the Mormon Church—can not mean anything else, and that the church teaches these things, asserting that the church does teach them, then thereby, at once, from that very moment, he is disfranchised and deprived of all of these inestimable rights, without trial, without opportunity to be heard, without opportunity to purge himself even by taking an oath before the officers of election denying the fact that he does so believe.

It is this violation of the fundamental principle of the right of a man to be heard and to be considered innocent until he has heard the charge, has been brought face to face with his accusers, and convicted of the offense—it is a violation of this fundamental right of every American citizen, as I believe, without which neither Republicanism nor Democracy is of much value, that caused us to take this stand against these particular provisions of this constitution. The charge being made, if he denies it before the registering board there is to be no trial or hearing. He is at once deprived of his right, which is the most valuable right of an American citizen. It is the very corner-stone upon which our ideal Republic is built. The strength and perpetuity of our Republic and of its institutions alike depend upon the free suffrage of its citizens.

Another very remarkable feature of this oath, you will observe, is that while the constitution guarantees to a man who is accused of many minor offenses that are commonly and popularly known as misdemeanors, that are merely *mala prohibita*, he has the right of trial, while as to others, *mala in se*, he can have no trial. It can not be conceded with any good reason that if a man is living in polygamy or living in bigamy his offense can not be proven upon him. The open, overt act of living in bigamy or living in polygamy can be proven upon a man who is guilty of those offenses, or of either of them, just as well as the offense of horse-stealing or of murder can be proved upon him, and yet this constitution provides no such punishment for these offenses.

There is no sympathy on our part, nor do I believe there is any on this side of the Chamber, for any one who may be guilty of polygamy or bigamy. We say that he ought to be punished severely when tried and convicted of these offenses; and it would be eminently right and just after conviction for crime to put upon him the degradation of this section; that is to say, deprive him of the right of suffrage, of the right to hold office, or the right of serving on a jury.

It will be conceded by every person that it is hard, in fact absolutely impossible, to show why a man should be entitled to a trial and the right of jury as in these *mala prohibita* and minor offenses, and to the right of a jury in a case of treason against the very life of the nation itself; also in embezzlements and in felonies of all kinds other than bigamy and polygamy, and then deny it in bigamy and polygamy—I say it would be very hard, except upon the principle of arbitrary power, by which a man is condemned who is accused of these two offenses, to take him from out of the right and privilege guaranteed him of a trial in all other offenses.

It is certain that no reason why this should be done can be suggested that will stand the test of our judgment. Observe its effect. A man walks up on election day and tenders his suffrage. The charge is made against him by the register or other election officer: "You believe in these things, polygamy or bigamy, or you are a member of the Mormon Church, that teaches them." He is branded at once as infamous; he is branded as an outcast. He has stricken from him the highest right of American citizenship, and a character of punishment is visited upon him that makes him stand humbled and degraded in his own eyes and in his own estimation.

Let us consider, if you please, the value of suffrage, remembering that in this argument we are taking ground against this section 3 simply because it is discriminating and deprives the citizen of inestimable rights without a hearing and defense before constituted tribunals of the country of his liberties and franchises, and these ought, in the eyes of an American citizen, to be more precious than life itself.

It is evident that under the provisions of section 4, which immediately follows section 3, the Legislature possesses the power of prescribing other limitations and conditions upon the right of suffrage, additional to those that are prescribed in section 3, that contains the disfranchisement proper. But it also goes a step further, and says that the Legislature shall never possess the power to annul the provisions of section 3 or any of the provisions that Article VI contains.

That being the case, the Legislature is put undoubtedly in this position: That when it goes on to frame the necessary machinery to carry out section 3, the effect of it will be to invest the register or the election officer, by whatever name known, with summary power similar to that possessed by a drum-head court-martial to bear a charge and to determine it then and there. Of course, if he is, as he is likely to be, of the dominant party and a believer in the tenets of disfranchising this class of people, he will rule rigidly upon it; and it is not too much to say that all that will have to be done is to accuse a man and thereby rob and deprive him of his right to vote, without any opportunity to show the falsity of the charge made against him, and, if you please, without the constitutional right of his being enabled to deny that he does believe in these doctrines or that he has ever lived in a condition of polygamy or bigamy.

It was hardly to be expected under ordinary circumstances that a hundred years after the adoption of the Constitution of the United States, with all its guarantees in behalf of personal liberty, such a provision as this should have been submitted to the deliberate consideration of an American Congress. Yet we have it here before us.

Let us see a little bit further into the inconvenience and the trouble of enforcing these provisions, namely: The right to serve on a jury, the right to hold office, and the right, possibly, to become a member of the Legislature.

These are the rights upon which depends practically the preservation of the liberties and of the property, not alone of the man himself, but of the community in which he lives. Let us suppose that a trial is going on and a man is summoned as a juror. There being no provision in the Constitution by which you can determine from the looks of a man whether he is a Mormon or whether he is a Gentile, this man is summoned, and when he comes into court some one knowing him says, "This man is a Mormon." What is the judge to do? It is evident that he can not stop the trial in the midst of which he is engaged, yet it must be held *in statu quo*, at least until the question is determined whether this man is a Mormon or not, because, if he denies that he is a Mormon, then it is the duty of the court to investigate that question.

But how is the court to do that? There are no rules prescribed here. Naturally, therefore, the judge would call to his aid all the adjuncts that go to the trial of any question submitted to the court, he himself sitting as both judge and jury; in other words, trying the question from the standpoint of a judge in equity. He would have to hear testimony pro and con. Now, it has been stated that in some of those counties, in one, in particular, in Southern Idaho, there are six or seven thousand people, and there are not 100 Gentile voters in the whole county who will administer public affairs there. But to return. At every stage of the procedure in the gathering of the jury and at every stage until the complete impanelment of it, there would arise vexed questions which might take hours and days for the court to determine.

Again, supposing a man should run for office and be elected and the question should come up, when he was about to take the oath of office, as to whether or not he was a Mormon, who is to try him in such a case? How is the accusation to be made good? By what authority? In the mean time in what way and manner are the interests of the people in the conduct of the office to which this man has been elected to be conserved and carried out? These, however, are some of the minor disadvantages connected with this provision of this constitution.

Passing them by for the present, let me for a little while call the attention of the House to the value of suffrage and the estimate that has been placed upon it in the past by some of the wisest and best men of the land, not only of our own country, but of the motherland whence we came.

Alexander Hamilton, in an extract which is cited in 4 Wallace, 291, says:

A share in the sovereignty of the state, which is exercised by the citizens at large in voting at the elections, is one of the most important rights of the subject, and in a republic ought to stand foremost in the estimation of the law. It is that right by which we exist as a free people, and it will certainly therefore never be admitted that less ceremony ought to be used in divesting any citizen of that right than in depriving him of his property.

But the Constitution has an impregnable bulwark, in so many words, whereby it is declared that as to our property we can not be deprived except for just compensation. We are bulwarked by the very provisions of the Constitution in the protection and in the value of our property, but we are not so bulwarked in our right of suffrage.

Again, on another occasion Mr. Hamilton said:

It is that right by which we exist as a free people.

How much of blood and treasure has not been sacrificed to obtain it? When will men who know and appreciate liberty cease to value it above fortune and even life? The supreme court of Pennsylvania say:

The most important of all our franchises is the right of an elector and citizen. It is true that, in a confined sense, it can not be called property; it is not assets to pay debts, nor does it descend to the heir or administrator; but who does not feel its value? And who would not turn pale if he thought he could be deprived of it, without a hearing or trial, by an act of assembly?

The court speak of the right of an elector as a franchise; but by all authorities, English and American, "liberty" and "franchise" are synonymous terms (4 Tom. Jac. Law Dic., 148; 2 Black, 21-37). The right of the people to elect officers is a franchise (2 Bouv. Dic., 1593). In Mr. Webster's argument, Dartmouth College case (5 Webster's Works, 479-481), he said, "Liberties and franchises are the same."

Mr. Madison held that the citizen had not only a right to his property, but a property in all his rights (4 Writings of Madison, 478-480). When, under the English common and statute law, one was made a citizen of London or other city or free burgess of any town corporate, "he had a freehold in his freedom during life" (2 Tom. Jac. Law Dic., 378). Can it be possible that in America the liberty of suffrage is less secure than it is under the rule of lords and kings? Is it true that while an acre of land or \$50 in money is protected by a jury trial the liberty of suffrage is not?

There is one case which the minority have cited in their report which comes down to us from ancient days in England, a case which is so appropriate, so strong, and which states the doctrine of the value of the right of suffrage and what depends upon it so tersely, so strikingly, that I desire to read it:

In the case of *Ashby vs. White* and others (Lord Raymond's Reps., 938), after verdict for the plaintiff, the judgment was arrested in the court of the Queen's Bench by Justices Gould, Powys, and Powell. The action was brought against the returning officers (who fill the same place in England that judges of election fill in this country) for refusing to receive the vote of the plaintiff. This case is a most interesting one.

Gould, Justice, was of opinion that the action was not maintainable, first, because the returning officers were judges of the qualification of voters; second, because the plaintiff's privilege of voting is not a matter of property or credit, so that the hindrance of it is merely *damnum absque injuria*.

Justices Powell and Powys concurred mainly on the last point. Lord Holt dissented. He said:

It is not to be doubted but that the Commons of England have a great and considerable share in the Government and a share in the legislature, without whom no law passes; but because of their vast numbers this right is not exercisable by them in their proper persons, and, therefore, by the constitution of England it has been directed that it should be exercised by representatives chosen by and out of themselves, and this representation is exercised in three different qualities, either as knights of shire, citizens of cities, or burgesses of boroughs; and these are the persons entitled to represent all the Commons of England. The election of knights belongs to the freeholders of the county and it is an original right vested in an inseparable form from the freehold, and can be no more severed from the freehold than the freehold itself can be taken away. \* \* \* The right of election is an original right incident to and inseparable from the freehold. As for citizens and burgesses, they depend on the same right as knights of shire, and differ only as to the tenure, but the right and the manner of their election is on the same foundation.

After examining the various tenures of the different cities and boroughs, he proceeds:

Hence it appears that any man that is to give his vote on the election of members to serve in Parliament has a several and particular right in his private capacity as a citizen or burgess; and surely it can not be said that this is so inconsiderable a right as to apply that maxim to it, *de minimis non curat lex*; a right that a man has to give his vote at the election of a person to represent him in Parliament, there to concur in the making of laws which are to bind his liberty and property is a most transcendent thing and of a high nature, and the law takes notice of it as such in several statutes. \* \* \* The right of voting at the election of burgesses is a thing of the highest importance, and so great a privilege that it is a great injury to deprive the plaintiff of it. \* \* \* But my brother says we can not judge of this matter because it is a parliamentary thing. Oh! by all means, be very tender of that. \* \* \* To allow this action will make public officers more careful to observe the constitution of cities and boroughs, and not to be so partial as they commonly are in all elections, which is indeed a great and growing mischief, and tends to the prejudice of the peace of the nation. \* \* \* If it be a matter within our jurisdiction, we are bound by our oaths to judge of it. This is a matter of property determinable before us.

Such was the opinion of Lord Holt. He was overruled by the three associate judges, but most fortunately a writ of error was taken to the House of Lords, and the judgment of the Court of Kings Bench was reversed by the vote of fifty lords to sixteen. Trevor, chief-justice of the common pleas, and Baron Price, of the exchequer, were of opinion with the three judges of the King's Bench. Ward, chief baron of the exchequer, with his associates, Bury and Smith, agreed with the Lord Chief-Justice Holt. Tracy, justice, agreed with Holt on the main point, but differed on the point of pleading.

When this case was argued in the House of Lords, Holt, chief-justice, said, addressing those in favor of affirming the judgment:

The plaintiff has a particular right vested in him to vote. Is it not then a wrong and an injury to that right to refuse to receive his vote? \* \* \* This action is brought by the plaintiff for the infringement of his franchise. You would have nothing to be a damage but what is pecuniary. \* \* \* Let all people come in and vote fairly. It is to support one or the other party to deny any man's vote.

I repeat that language for the benefit of my friends on the other side:

It is to support one or the other party to deny any man's vote. By my consent, if such an action comes to be tried before me, I will direct the jury to make him, the defendant, pay well for it. It is denying him his English right; and if this action be not allowed, a man may be forever deprived of it.

Oh, that I could say here on the floor of this American Congress, "it is denying a man his American right;" but you, gentlemen on the other side, if I were to make such a statement, would, I am very fearful, give the lie to it by your votes on this bill.

Then Lord Holt wound up his address with these memorable words, which ought to be graven in letters of living light upon the heart of every American lover of liberty:

It is a great privilege to choose such persons as are to bind a man's life and liberty by the laws they make.

Yet this is a privilege of which gentlemen are seeking by this bill, if it should become a law, to deprive 5,000 men, representing 25,000 people.

The case to which I have just referred has been cited at length in order to combat the notion that the right of suffrage is of slight estimation in the eye of the law, is not regarded as having the same sacredness which hedges and protects rights as to things tangible, the right to personal and real property. In reply to those who would make light of this right of suffrage we cite this case as an authority for the proposition that the right of suffrage is eminently a right belonging to every American; that it is his property, something which is his own, the infringement of which debases and degrades him, being a deprivation of that which constitutes the principal dignity of his position as an American citizen.

Any one who controverts this ground must be prepared to maintain three propositions: First, deny this right to these men by adopting this constitution and then tell me if you dare that the liberty of an American citizen is on a par or anything like equal with that of an English citizen. Next, it must be maintained that popular rights in America which are sought to be conserved and protected by our constitutions as the bulwark of those principles of liberty upon which our entire institutions are framed are less secure, are on a less assured basis in America than they are by this decision in England. Thirdly, it must be held that the right of suffrage, if possessed by a man in England by virtue of being a freeholder or a member of a borough, is more invaluable, more sacred, than it is in this country under the constitutions of the several States as they exist, and of infinitely more value than under the constitution of Idaho, if it shall now be admitted as a State of the Union.

It must be evident, then, with this review, that the deprivations put upon citizens by this constitution are, from the standpoint of the framers of that constitution, imposed upon them because these things alleged against them are, in the minds of the people of Idaho, crimes. I confess if they can be proved guilty of polygamy or bigamy those are crimes, and for them the guilty parties ought to be disfranchised—ought to be punished to the extent of the law.

[Here the hammer fell.]



Mr. MANSUR. Inasmuch as I shall have charge of the time on this side of the House, I ask unanimous consent to proceed for ten minutes longer.

There being no objection, leave was granted.

Mr. MANSUR. I have within the last two or three days been placed in possession of a copy of the Philadelphia Record, dated Wednesday, March 26, 1890, not over six days old. I desire to call the attention of the House to the remarkable progress in public sentiment and the extent to which the dominant majority, when they believe their ideas are being trampled upon, are emboldened to go, the length to which they are seeking to carry their doctrines because of the presentation of this constitution of Idaho to Congress and because of the recent decision by the Supreme Court of the United States in the case of Davis vs. Beason.

I am not familiar with the causes which led to the creation of the committee of one hundred in the city of Boston; but they have issued a pamphlet reviewing the last encyclical letter of the Pope and taking the position that according to this encyclical no man can be an obedient and loyal Catholic and at the same time be a loyal citizen of the United States. This pamphlet takes the position that the relation of Catholics towards our Government is similar to that of Mormons who have taken the oaths of the Endowment House, and then declares: "No ballot for the man who takes his politics from the Vatican." This is a remarkable length for such an organization to go, and it shows the extent to which some leading citizens are aroused over the attitude of the Catholic authorities towards the public schools.

The close of the address is in these words:

We have no hesitation in affirming that the oath of allegiance to our Government taken by Romanists, and by which they have obtained the rights of the ballot, citizenship, and office, amounts to nothing—if they are good Romanists—and has no binding obligation where the interests of the church or the Pontiff require it to be disregarded. \* \* \* We do not hesitate to say as a measure for the nation's self-protection that no man who confesses allegiance to the Pontiff should be allowed to participate as a citizen in either holding an office or casting a ballot. The United States Supreme Court has decided that the law of one of our States disfranchising Mormons is constitutional, on the theory that the man who takes the oath the Mormons are required to take can not be a good citizen. Why should not this principle be applied to those who confess allegiance to the Papal hierarchy?

Let Romanists who would become citizens of the United States be required not only to take the oath of allegiance to the Government, but to take an oath also renouncing all allegiance to the Pope of Rome. This is not a question of religious intolerance, nor is it one of antagonism to foreigners who are willing to homologate with us in accordance with the spirit of our institutions. But this is a question of self-protection and self-preservation, and the law of self-preservation is supreme in all social and political organizations. Romanism is a political system; it is a political power. As a political power it must be met; as a political force it must be treated when viewed in its relations to our institutions. We can have no divided citizenship. No man should be allowed to participate in the political affairs of this country who is the subject or ally of a foreign power that is at war with her national institutions. No ballot for the man who takes his politics from the Vatican.

This is the address now being issued by a committee of one hundred citizens of Boston. I think I can fairly say to the Catholics that if the Mormons are stricken down, if this bill is to be carried into effect in this way, thus emboldening the dominant majority, it will not be long before we shall find certain denominations and certain classes of people in this country inaugurating a crusade against the Catholic because he is a Catholic.

Mr. ALLEN, of Michigan. Will the gentleman allow a question?

Mr. MANSUR. Yes, sir, although my time is very short.

Mr. ALLEN, of Michigan. Is it not true that Catholics are as much opposed to polygamy as are Protestants?

Mr. MANSUR. I presume they are absolutely as much opposed to it—more so, if anything, because they come nearer to holding the bond of marriage inviolable than Protestants do.

Mr. ALLEN, of Michigan. Do you, then, expect Catholics to object to polygamy being restricted for fear that afterward their church will be attacked?

Mr. MANSUR. That is not the question. The question is that any one who believes in a church that teaches belief in a higher power shall be disfranchised. I tell you original Republicans, I tell you original Abolitionists, under this section 3, word for word, line for line, Seward never could have voted, nor could Wendell Phillips, nor Lloyd Garrison, for they believed in the higher law. I wish you gentlemen on the other side to think whether you are willing to go to the extreme this clause indicates.

Mr. KERR, of Iowa. Did not the gentleman and all his party denounce them because they believed in the principles of human liberty?

Mr. MANSUR. I never denounced the principles of liberty, and I never knew you people to believe in the Constitution where the question of a higher law was involved.

Mr. DUBOIS. Will the gentleman allow me to ask him a question?

Mr. MANSUR. Certainly.

Mr. DUBOIS. You are not stating the law at all.

Mr. MANSUR. That is not a question. I insist I am stating it without possibility of mistake. I am fairly stating it. I say word for word:

Or who in any manner teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime, or who is a member of or contributes to the support, aid, or encourage-

ment of, any order, organization, association, corporation, or society which teaches, advises, counsels, or encourages or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or which teaches or advises that the laws of this State prescribing rules of civil conduct are not the supreme law of the State; nor shall Chinese nor persons of Mongolian descent not born in the United States, nor Indians not taxed who have not severed their tribal relations and adopted the habits of civilization, either vote, serve as jurors, or hold any civil office.

Now, recollect the proposition is, if any man or person belongs to any organization, association, corporation, or society which teaches or advises the laws of the State are not the supreme law of the land, he shall be disfranchised.

Mr. STRUBLE. That is, if he belongs to those organizations.

Mr. MANSUR. Yes, sir; and I say that if Seward, or Garrison, or Phillips, who belonged to the Abolition party and its organization, and believed in the higher law—I say this Idaho constitution doctrine would apply to them and would break down every barrier by which they were protected and enjoyed the privilege of voting.

Mr. STRUBLE. Does the gentleman claim there is any analogy between the old association of Abolitionists and the established Mormon church?

Mr. MANSUR. It is a very far-fetched one, I will admit; but the only question of similarity which is true is this: They were an association of free-soilers; they were an association of Abolitionists, to bring about eventually the doctrine in which they believed, that when any law of the State was in conflict with the higher law, then they were relieved from their obedience to the law of the State, and they were bound only to obey that higher law. [Applause.]

[Here the hammer fell.]

Mr. DUBOIS. Mr. Speaker, the subject which I arise to discuss is the grandest, politically, that ever engaged the thoughtful consideration of man. I have the distinguished honor, which comes to but few, of representing freemen and American citizens who ask for themselves a place among the States of the American Union. These people who have subdued the desert and the forest, who have wrenched untold millions from the solemn and reluctant hills, thus aiding struggling humanity everywhere, who have borne the hardships which have opened up an empire for thousands of homes, are the worthy descendants of their fathers of the Revolution, and seek now by petition what their fathers gained one hundred years ago by arms and blood, the right of self-government.

In these days of centennial celebrations, when we are commemorating the achievements which marked the real beginning of the Government by the people; in these days when our institutions have proved themselves so strong and the prosperity of our people under them so great that their contemplation shakes thrones; in these days when we are swift as a nation to recognize the sovereignty of foreign republics and to send words of cheer to Ireland, struggling for "home rule," it is fortunate for Idaho that she presents her claims and petitions to her kindred.

I ask of this Congress of the American people that they will divest their minds of all prejudice for or against Idaho, and that they will consider our claims as presented regardless of the claims or conditions of any other Territory. I trust above all things that no partisan consideration will influence your judgment. I promise you to state facts as they exist and confidently rely on the patriotic judgment which you will form.

In the discussion on the Wyoming bill, precedents were cited in detail and numbers to show that Wyoming was possessed of sufficient population and resources to entitle her to admission. It was abundantly proved by comparison that if she were kept out, it would be contrary to precedent. Those arguments apply with greater force to Idaho, but as they have been presented so recently I will not take your time to repeat them in detail. I will, however, call your attention to some unanswerable expressions concerning the admission of States.

Before I enter into a discussion of our resources and capabilities for State government, I desire to have it understood that I speak of non-Mormons only. Our Mormon population contribute nothing practically to our local government. Any one of half a dozen counties pay more taxes than all the Mormons combined.

#### DUTY OF CONGRESS.

In the famous ordinance of 1787, for the government of the Northwest Territory, appear these words:

To provide also for the establishment of States and permanent government therein and for their admission to a share in the Federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest: It is hereby ordained and declared that the following articles shall be considered as articles of compact between the original States and the people and the States in the said Territory. \* \* \* Article V. \* \* \* Whenever any of the said States shall have 60,000 free inhabitants therein such States shall be admitted by its delegates into the Congress of the United States on an equal footing with the original States, in all respects whatever, and shall be at liberty to form a permanent constitution and State government. \* \* \* and so far as it can be consistent with the general interest of the Confederacy such admission shall be allowed at an earlier period and when there may be a less number of free inhabitants in the State than 60,000.

For more than a century a mighty and fructifying tide of immigration has poured into and over the West, converting the vast waste into a rich garden, the harder and more progressive spirits in the East, who have constituted that unceasing flood, parting for a time with the

most valued of their political privileges in full trust of their restoration so soon as the conditions of the great ordinance shall be fulfilled. Over and over again communities planted and rooted upon the faith of that compact or in reliance upon the broad and unchanging principle that underlies it have come knocking at the door of Congress, asking for "the establishment of States," for "permanent government," and "admission to a share in the Federal councils," according to the letter and the spirit of the irrevocable compact. Over and over again Congress has listened to and granted the appeal, never standing upon the maximum requirements of the ordinance, but, conformably to its true intent, heeding most the special admonition that "so far as it can be, consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period."

It was not without reason that the ordinance of 1787 sought rather to hasten than to retard the time when the unorganized and unpeopled public domain of that day should be divided and erected into sovereign members of the family of States. American statesmen have never imagined to themselves, nor proposed to their countrymen, a political system or arrangement under which that portion of their fellow-citizens who should take upon them or upon whom should fall the task of national expansion should remain for the space of an unnecessary moment in a state of public dependence upon or inferiority to the remaining portion of the national community. So far was this from their ideas and purposes that when the Supreme Court was called upon to expound the provisions of the Constitution framed almost contemporaneously with the ordinance of 1787, it said, through the lips of its presiding member:

There is certainly no power given by the Constitution to the Federal Government to establish and maintain colonies bordering on the United States. \* \* \* No power is given to acquire a territory, to be acquired and permanently held in that character. \* \* \* The power to expand the United States by the admission of new States is plainly given, and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of territory, not fit for admission at the time, but to be admitted as soon as its population and situation entitle it to admission.

Agreeably to this judicial view of the purposes of the Constitution are the utterances of distinguished statesmen of various parties and sections. Madison, advocating the admission of Tennessee in the early days of the Union, said:

The inhabitants in that district are in a degraded situation; at present they are deprived of a right essential to freemen, the right of being represented in Congress. Laws are made without their consent or by their consent in part only. An exterior authority appoints their executive, which is not analogous to the other parts of the United States and not justified by anything but an obvious and imperious necessity.

Douglas, speaking on the admission of Kansas, said:

I helped to admit Florida into the Union when she had a population of 49,000. \* \* \* While I think it is not right to admit new States with too small a population—30,000, or 40,000, or 50,000—yet it has ever been done. \* \* \* Under these circumstances, I think we had better waive these small technical objections and treat this question on its merits.

Mr. Seward, supporting the bill for the admission of Oregon, said, among other things:

She is to be admitted some time, and, inasmuch as she is to be admitted, it is only a question of time whether you admit her here to-day or admit her six months hence or seven years hence. What objection is there to her being admitted now? You say she has not 100,000 people. What of that? She will have 100,000 in a very short time. \* \* \* The State of Oregon is here of her own free will, is here ready to be admitted.

I think there is nobody who doubts that the people are ready, desirous, willing to come in. They have made a constitution which is acceptable to themselves, a constitution which, however it may be criticised here, after all complies substantially with every requirement which the Congress of the United States or any considerable portion of either House of Congress has ever insisted on in regard to any State. For one, sir, I think that the sooner a Territory emerges from its provincial condition the better; the sooner the people are left to manage their own affairs and are admitted to participation in the responsibilities of this Government, the stronger and more vigorous the States which those people form will be.

Senator Collamer, in the Kansas debate, said:

The Territorial condition is not one which it is desirable to extend. It is an unnatural condition in our Government.

It was James Buchanan, afterwards President of the United States, who spoke these words:

Congress will never turn a deaf ear to a people anxious to enjoy the privileges of self-government. Their desire to become one of the States of the Union will be granted the moment it can be done with safety.

Trusten Polk, of Missouri, declined to accept the population test in the case of Oregon, but conceding the comparatively small population of that Territory, said:

That population is settled, industrious, and well-to-do in all respects.

The late Senator Howe, of Wisconsin, said, with reference to the admission of Colorado:

I have but one test by which to judge for myself when this thing we call a State ought to be admitted or not. Whenever I find a community friendly to the United States and able to pay the expenses of their own government, defray the charges of their own control, if they say they are willing to do it, I am not the man to forbid them. If my own judgment is not quite in accord with theirs, if I find a pretty spirited and pretty plucky people saying that they are equal to the work of self-government, when I am not quite satisfied of the fact myself, I rather yield my own opinion to theirs. I would rather encourage a little ambition of this kind than discourage it.

With such a consensus of constitutional, judicial, and political provision, action, and opinion, it is not surprising that the principle of

erecting new States as fast and as soon as their own desire and the general interest coincides, has become so axiomatic that not even the bitterest strifes of party or of sections have succeeded in overriding the principle. It would be an unexampled misfortune to Idaho if party lines should be drawn against her upon this bill for her admission to statehood. The movement for her enfranchisement and the popular support behind the present application have been the movement and support of her people of both parties, and Democrats and Republicans alike in Idaho would feel and deplore the injustice and hardship of raising a partisan question at Washington, which has been universally ignored and reprobated within the confines of the Territory.

The records of the two great parties that confront each other on the floors of Congress and of the great parties that have preceded them since the institution of Federal government are undimmed by factional strife over the admission of States whose inhabitants had earned the privilege of full participation in the affairs of the nation, and the people of Idaho may reasonably hope that their cause may be heard and determined upon the broad and elevated grounds to which Congress has heretofore honorably and patriotically conformed. Armed with proofs and arguments against all valid objections, they could only meet partisan opposition by reminding Congress of its own past history in dealing with waiting States.

The duty of Congress to admit Idaho to statehood is made plain by the examples of the early Confederation Congress, the Supreme Court, the past legislation of Congress itself, and the arguments of leading American statesmen.

#### RIGHTS AND EQUITIES OF THE TERRITORY.

Inasmuch as Idaho is not one of the alternative three or five States proposed to be carved out of the Northwest Territory by the ordinance of 1787, it can not be said that her case is literally provided for by the text of that organic enactment. On the other hand, it can not be gainsaid that she, as well as every other nascent State similarly situated, is within the spirit and purview of that ordinance. Her need is as great as was that of any and every State heretofore admitted into the Union to be incorporated into the "establishment of States," to have a "permanent government," to possess "a share in the Federal councils."

Her present organization and situation are but provisional and temporary; her people have advised Congress of their wish to be developed into a full and permanent Commonwealth, and the only true issue raised by her application is, whether it "may be consistent with the general interest" to admit her now or keep her in dependence for a time longer. How is that issue as to the proper time of admission to be determined? The Supreme Court, as already quoted, has said:

As soon as its population and situation entitle it to admission.

Mr. Buchanan said:

The moment it can be done with safety.

The test of Senator Polk, of Missouri, was that the population should be "settled, industrious, and well-to-do in all respects." The only test proposed by Senator Howe, of Wisconsin, was that of "a community friendly to the United States and able to pay the expenses of their own government; defray the charges of their own control." Two striking arguments for prompt rather than dilatory admission were made by Senators Seward and Douglas in the case of Oregon. The first said:

She is to be admitted some time, and inasmuch as she is to be admitted it is only a question of time whether you will admit her here to-day or admit her six months hence or seven years hence. What objection is there to her being admitted now? You say she has not 100,000 people. What of that? She will have 100,000 in a very short time.

The last-named said:

I have seen Oregon and Washington Territories suffer in their interests because of the want of representation here, and it was not in my power to prevent it. California has had vigilant Senators here looking after her interests and drawing everything that the Government could control into California, when if there had been representation of the whole coast we would have heard oftener of the Columbia River and Puget Sound when you came to the distribution of the patronage of this Government or the distribution of money for public works and to develop the country.

Two of the immediate neighbors of Idaho have been recently admitted as States, and unless it be deemed actually unsafe to the general interest to advance Idaho to an equal situation and opportunity, the Federal Congress, her natural guardian and protector, should not leave her to languish in an unequal race.

Idaho has a larger population, excepting Wisconsin, than any State admitted to the Union prior to 1889. The now great State of Illinois came into the Union with but little more than a fourth part of the population of Idaho, and another great State, Ohio, had but little more than a third in number of Idaho's population. Though her population is still considerably below the basis of representation in Congress, that basis will be reached within three years at the present rate of growth, and probably materially within that limit.

Illinois, Florida, California, Oregon, Kansas, Nebraska, and Colorado all came into the Union with populations below the basis of representation. In the Oregon debate, William Pitt Fessenden, of Maine, said that he did not choose to commit himself to require any particular number; Judah P. Benjamin, of Louisiana, said that the want of a



number fixed for a Representative would not debar him from voting for the admission of a new State; Truxton Polk, of Missouri, said it might be well enough to have a rule as to population, but he would not discriminate against a people that came, like Oregon, seeking admission; Stephen A. Douglas, of Illinois, said that while it was a good rule to require the ratio requisite for a member of Congress, they had never adhered to the rule, and William H. Seward, of New York, said that he could conceive of a State with a million of people that he would not admit into the Union, and of another that he would admit upon a population of 40,000. Speaking of Oregon, Mr. Seward said:

You say she has not 100,000 people. What of that? She will have 100,000 in a very short time.

No doubt he had in mind the prodigious rate of growth of population in Michigan, Ohio, Iowa, and Wisconsin during the first few years after their admission; a growth to which Alabama, Illinois, and California made a good second. Idaho simply invokes principle and precedent when she asks that the question of population in her case be dealt with as prior questions of population have been, so that she may have equity and equality in the common forum. She simply invokes the principle of the ordinance of 1787, the doctrine enunciated by the Supreme Court, and the precedents created by uniform Congressional action and utterance, when she asks to be admitted as she now stands, not as a favor, but as an equitable right.

On February 19, 1890, the Senate of the United States ordered publication of the report of its Committee on Territories on the bill before that Chamber for the admission of Idaho as a State. The report ends with the following recommendation:

It is the conclusion of the committee that Idaho's right to admission is full and complete. Some verbal and formal amendments to the bill are suggested, and so amended the committee recommend that the bill do pass.

Here was no partisan division, the report being unanimous. The assigned grounds of the recommendation are that the Territory is rich in natural resources; that its population and wealth are increasing at a rate that affords a sure prospect of a stable and prosperous commonwealth; that the inhabitants are of a high grade of intelligence and morals; that they have, by harmonious and non-partisan popular action, framed and adopted a State constitution the provisions of which are agreeable to the Federal Constitution and in all other respects commendable; and that, in view of the present condition, substantial progress, and assured future of the Territory, the time has arrived for redeeming the standing Federal pledge of statehood, with full safety to Federal interests.

The Committee on Territories of the House of Representatives has likewise submitted a similar report and recommendation upon a bill for the admission of the Territory as a State of the Union. This committee reviews in much detail the characteristics and circumstances of the Territory and its people, and reports in favor of immediate admission.

The habitual deference paid by both Houses of Congress to the action and opinions of their committees leads the people of Idaho to entertain the strongest kind of hope and expectancy that these reports to the respective Houses will meet with the customary ratification by the votes of the two Chambers.

#### PHYSICAL CHARACTERISTICS OF THE TERRITORY.

Idaho lies between the forty-second and forty-ninth degrees of north latitude, having British Columbia on the north, Utah and Nevada on the south, Montana and Wyoming on the east, and Washington and Oregon on the west. Its area is 55,228,160 acres, or upwards of 86,000 square miles; thus exceeding in size every State of the Union except Texas, California, Oregon, Nevada, Colorado, and Montana. Of this imperial domain fully 85 per cent. is adapted to industrial occupation, and the other 15 per cent. has a considerable aggregate of valuable timber.

The physical constitution of the Territory is worthy a brief attention. Mountains rich in the precious metals stretch along its eastern frontier and in the center of the Territory, forming countless and fertile valleys, and innumerable like valleys are projected into the Territory from extensive and exterior mountain ranges lying south, southwest, and westward of Idaho. The Territory is a table-land, diversified by mountains. What is called Southern Idaho is an immense plateau, with an average elevation of fully 3,000 feet above the ocean level. In the northern part of the Territory is a very beautiful, fertile, and salubrious lake region. The rest of the inhabitable parts of the Territory may be classed as the valley lands.

Idaho is richly watered. The great Snake River wanders along the eastern, southern, and western parts for upwards of a thousand miles before leaving the Territory, and its volume of water is enormous. The Clarke and Spokane Rivers are large streams in the north. The Salmon River crosses the center of the Territory from east to west, and the Clearwater River flows northwesterly across the Territory. Owing to the mountainous formation of the whole region, the tributaries of these great rivers are almost without number. Many of them, such as the Boise, Payette, Weiser, and Wood, in the center and south, and the Coeur d'Alene, St. Joseph, and Kootenai, in the north, have distinctive names and reputations, and outrank in size and volume some of the

famous commercial rivers of the Atlantic Slope and the Mississippi Valley.

The important lakes of Idaho are Pend d'Oreille and Coeur d'Alene in the north and Bear Lake in the southeast. Of smaller lakes there are a considerable number, as would be natural in any such mountainous formation.

Apart from the medicinal springs which constitute one of the physical characteristics of Idaho, there are a vast number of pure springs which supply the domestic and industrial needs of the towns, villages, farms, ranches, and mining camps. Many are so large as to constitute natural reservoirs for irrigation. There can be no fear that the Territory will ever run short of water for all its needs.

The climate of Idaho is bracing but not severe, and is happily free from either torrid or frigid conditions. The atmosphere is unusually clear, bright, and dry, the average of fair days being three hundred per annum. The Rocky Mountains to the eastward shelter it from the blizzards and cyclones that sweep the Missouri Valley, and from the westward it receives the warm wind locally known as the "Chinook." It is owing to this warm current that the temperature belt is extended so far northward into British America, westward of the Rocky Mountains. The mean temperature is higher than that of Eastern and Western States of more southerly latitude.

The inhumidity of the air gives the Territory an advantage which may be expressed by saying that it would require a summer temperature of 105° at Boise City to make one as uncomfortable as 85° would do at New York or Boston, while 12° below zero at the Idahoan capital would be no more severe than 8° above zero at the eastern cities named. Sunstrokes and frost-bites are equally unknown. The character of the climate, supplemented by the elevation of the land above the sea-level, insures an extraordinary salubrity. The scarcity of rainfall is compensated by the ease with which irrigation is applied to land under cultivation.

#### NATURAL RESOURCES OF IDAHO.

One of the surest and steadiest sources of industry and wealth in the Territory is mining. Gold, silver, lead, copper, iron, salt, sulphur, marble, limestone, sandstone, granite, and mica are abundant. Coal measures are profusely spread over the Territory, but these deposits have not been sufficiently prospected to determine their value. In 1880, when placer-mining was about worked out, \$1,634,637 represented the total value of the precious metals obtained. Mechanical mining then came into vogue, and in 1889 the yield of gold was \$3,204,500; of silver, \$7,564,500; of lead, \$6,490,000, and of copper, \$85,600; or \$17,344,600 in all. The value of the mines taken up is about \$50,000,000, but all that has been done hardly amounts to a scratching of the surface. According to the surveys of the mineral deposits, the business of mining is capable of extending over centuries of time. The Territory is now third on the list of bullion-producers and is expected to obtain the second place during the present year.

Nearly 20 per cent. of the area of the Territory, or about 10,000,000 acres, consists of timber land, producing oak, white and yellow pine, fir, cedar, spruce, and tamarack. This timber is habitually tall, large, and of dense growth, and easily gotten to market. The timber trade of the Territory shows a steady and vigorous growth. There are several hundred thousand acres of scattered timber not included in the forest lands, properly so called. Allowing for the destructive use of timber in the United States but having regard also to the competition of other industries, localities, and materials, it is evident that the lumber interests of Idaho will afford employment and support for all that choose to turn to them for a great number of years—more years than need to be scanned by this generation.

More than 35 per cent. of the area, or nearly 20,000,000 acres, is good grazing land. A recent live-stock return shows 385,896 cattle, 123,840 horses, 2,480 mules, and 447,924 sheep, representing a value of \$12,000,000 in round figures. So long as the Territory shall be inhabited by civilized man cattle-raising, horse-breeding, and wool-growing are sure to be among the important industries. This is insured by the gradual conversion of the method of business from the primitive range system to close herding and winter feeding, with their attendant inducement to introduce highly bred stock. For a number of years to come, however, those who prefer the range system will be able to find sufficient and proper lands, and the supply of natural grasses is simply inexhaustible. For winter grazing there is an abundance of sage and greasewood shrubs. The people of the Territory set a high value on their stock-raising resources and are never in want of a market.

Now that the General Government is giving so much attention to increasing and varying the supply of food fishes throughout the Union, it may not be unimportant to mention that the people of Idaho might subsist on the trout, sturgeon, and red-fish that abound and multiply in the innumerable streams of the Territory, if they should take chiefly to a piscatorial diet from taste or necessity. Trout, especially, are so plentiful that those who catch them for market do so by wagon-loads. Antelope, deer, wild duck, grouse, and quail are very plentiful among the eatable varieties of game in the Territory. In addition to these, the sporting and hunting resources of Idaho afford, in much abundance, grizzly, black, and cinnamon bears, elk, moose, Californian, yellow wolf, coyote, wolverine, lynx, four varieties of the fox, wild-

cat, mountain sheep, weasel, badger, marten, mink, four varieties of the squirrel, raccoon, jack rabbit, and other small game; also bald and golden eagles, wild swan, wild geese, and a multitude of smaller land and water birds. The peltry trade will not be unimportant, and a stream of tourists, anglers, and hunters, in the not distant future, will solve the problem of working and living for a due proportion of the inhabitants; for nature has been very bountiful in natural beauty and in native attractions for rod and gun, as well as in the natural wealth of the industrial kind.

#### AGRICULTURAL RESOURCES OF IDAHO.

The popular belief in and reliance upon agriculture as the chiefest source of national prosperity and the principal object of human industry render it fitting that this Territory, in asking to be admitted into the Union as a sovereign State, should truly exhibit her agricultural capacities. Her surface wealth in placer mining naturally left agriculture to become an afterconsideration in the earlier days of her history. In the same manner and for the same reason the agricultural aspects of California were disregarded for a season, but none would venture to say now that agriculture is not the leading industry of the Golden State. Furthermore, Idaho being in the so-called arid region, it needed the popular understanding and appreciation of the place and function of irrigation in the economic system to realize the agricultural position and prospects of the Territory. The theory and practice of irrigation have now been sufficiently developed to enable a trustworthy agricultural estimate of Idaho to be made.

Although irrigation is in its earliest infancy, 6,000,000 acres of the arid belt have already been successfully and profitably reclaimed. In this widespread and scattered reclamation Idaho has shared to the extent of over 12 per cent. The Director of the Geological Survey, Major Powell, to whom the country is indebted for its fullest and most accurate knowledge of irrigation, has stated and explained that irrigation implies neither a defect nor a disadvantage; that it is a better fertilizer than rainfall; that the bright skies of the arid region are more favorable to vegetation than cloudy skies; that the arid soil is the most fertile soil, so that irrigation is now opening the best lands of the Union to cultivation; that irrigable soils are more productive than those fertilized by showers, and that irrigation is favorable to the creation of a numerous class of comparatively small proprietors, because, owing to the interstate questions arising respecting the use and direction of the water supply, the General Government must control the subject of irrigation, and so incidentally defeat attempts at monopolization which could only produce an undesirable class of hired farm laborers or rack-rented tenants.

Major Powell estimates the average first cost of irrigation at \$10 per acre for the irrigable part of the arid region; but in Idaho the first cost has thus far been considerably less than \$3 per acre, which is a favorable indication for the Territory at large, though the cost must necessarily average higher as the more difficult part of the irrigable lands are brought under the system.

The waters of the Snake River are the most important for irrigation use in Idaho at present, but there are almost innumerable other streams and bodies of water that can be turned to the same account.

About 30 per cent. of the area of the Territory, or 16,000,000 acres, is agricultural land, and of this 14,000,000 acres are of exceptional richness. The Snake River plateau, occupying the eastern, southern, and southwestern parts of Idaho, contains 5,000,000 of these acres, the rest being disposed in numberless valleys of all sizes, from very small to very great. Something less than one-half of the aggregate area of agricultural land is in Northern Idaho, and nearly all of this proportion is fertile without irrigation. The valuable irrigable lands amount to upwards of 6,000,000 acres, being 43 per cent. of the really desirable lands. The waste lands, attractive neither for mining, lumbering, grazing, nor agriculture, are under 15 per cent. of the whole area of the Territory, including the water area.

The valley soils consist of a dark, deep loam, with gravel subsoil, well drained and highly fertilized by the vegetable and mineral wash from the mountains. The plateau soils contain a very large proportion of vegetable mold. The alkali soils are of very limited extent and so disposed as not to interfere with agriculture. They have now a value for their cattle grass, but when needed for cultivation in the future they can be reclaimed by leaching and converting into what the principal expert of the Geological Survey deems "among the most fertile" of soils.

Some conception of the agricultural future of Idaho may be had by considering that when the lands that may be profitably irrigated are so redeemed the area of the practicable and valuable arable lands will equal one-half of the whole area of the great State of Ohio.

The average yield of wheat to the acre in Idaho is 30 bushels, as against 17 in California and 13 in the East; rye, 25 bushels, as against 13 in California and the East; oats, 55 bushels, as against 30 in California and 31 in the East; barley, 40 bushels, as against 23 in California and the East; and potatoes, 250 bushels, as against 114 in California and 69 in the East. The average yield of hay is 5 tons to the acre. Corn grows well in Southern Idaho, averaging 35 bushels, to 34 in California and 28 in the East. Tobacco and sweet potatoes are also profitably grown in the south.

The official statistics of agriculture for 1889 show a production of 4,000,000 bushels of wheat, over 2,000,000 bushels of oats, 1,000,000 bushels of barley, 65,000 bushels of rye, 50,000 bushels of corn, 555,000 bushels of flax-seed, 17,350 bushels of grass-seed, 1,000,000 bushels of potatoes, 850,000 bushels of other vegetables, and 424,740 tons of hay. That this was below the actual product is probable from the difficulty of reporting every case of production.

The readiness and cheapness with which the extensive areas of sagebrush lands can be converted to fruit farms have laid the foundations of a great fruit-growing industry. Apples, pears, peaches, nectarines, apricots, plums, prunes, and grapes are now good marketable crops, apples growing remarkably well—as much as 2 bushels per tree in a young orchard—and finding a quick sale. Among the smaller fruits, strawberries are cultivated at a good profit and command a ready market, and a similar remark may be made as to raspberries, blackberries, and dewberries. An official return of fruit culture shows that in 1889 there were marketed 275,000 bushels of apples, 30,000 bushels of pears, 34,800 boxes of peaches, 34,350 boxes of plums and prunes, 18,000 boxes of grapes, and 75,000 baskets of berries. These totals would be a little swelled by the transactions that escaped enumeration.

In the presence of the facts and figures that have now been given respecting the agricultural capacities of Idaho, it must be with a grim humor that one reads, in the narratives and reports of twenty and as late as ten or twelve years ago, that Idaho is a bleak and sterile country, resorted to by daring and adventurous men for the purpose of picking enough gold from the surface to enable them to live in comfort elsewhere. Such mistakes were common as to the whole Rocky Mountain region, from the British to the Mexican boundary, but the present condition, as to population, society, and agricultural industry of Idaho, Montana, Wyoming, Colorado, New Mexico, and Arizona, is their best refutation. Orderly communities inhabit these States and Territories, living in unexampled abundance, under skies as genial as those of Southern Europe, and their treasures in precious minerals are simply an addition to the more ordinary sources of wealth and employment.

The growth and movement of population and the occupation and development of the public domain have forever effaced from the maps of the United States the legend Great American Desert, borne by them so long. This "desert," says the Director of the Geological Survey, consists of lands more fertile and productive than the American farmer has yet been privileged to cultivate. All that is needed to unlock their potentiality is that the evaporated waters, which in rainfall regions are returned to the earth in capricious and often injurious showers, shall be conducted back to the soil by the hand and art of man at such times and in such manner and quantity as best accords with the special necessities created by the practice of tillage.

A fact bearing upon the future capacity and resources of Idaho is that, up to the present time, not more than one-tenth of the useful area of the Territory has been appropriated. Thus a magnificent endowment of natural resources remains for the support and enrichment of succeeding generations, to say nothing of the reproductive capabilities of present animal and vegetable life, and the new creations of productive industry.

#### POPULATION OF THE TERRITORY.

By the Federal census of 1880 the population of Idaho was 32,619 persons, whereof one in five were children of school age. From the statistics gathered by the Bureau of Education and from the rapid flow of adult immigration during the past two years, there is good reason to believe that the ratio has declined too little more than one in seven. But letting the higher ratio stand and applying it to the careful, but unavoidably incomplete enrollment of children of school age made last year, the population would be close upon 120,000 persons, not including the 4,500 Indians.

If it be assumed that only one child in twenty has missed in making a school enrollment over so large and thinly settled an area, that very reasonable assumption would carry the population to quite 125,000, and if there should be the further assumption that the true ratio is one child of school age to six of the population, that exceedingly reasonable assumption would carry the population to 140,000 souls at least. The average annual gain in population from 1881 to 1889, inclusive, was 10,500, which would make the population slightly over 127,000. Beginning with 1887, however, the average annual growth has been 14,500, and by estimating on that basis the population would be 140,000 and a trifle over. It seems certain that the population is somewhere between 120,000 and 140,000 persons, and between those limits it must rest till the new census shall be taken.

The people of Idaho are very largely of native birth, and principally from the New England, Western, and Southwestern States. The leading foreign elements are Scandinavian, German, Canadian, and British. The health of the population is admirable, dry air, bright skies, a moderate temperature, an elevated situation, and freedom from swamps and other aids to malaria, reducing disease and death to a minimum. The rate of mortality is but four in a thousand, as against eight in Oregon, the healthiest of States. While the death-rate will naturally increase with the growth of density in population and of town life and the addition of larger proportions of infantile and aged elements to the



whole number of inhabitants, the salubrity of Idaho must long remain superior to a rate of 18 per 1,000, which is that of Massachusetts; of nearly 16 in New York, 11 in Ohio and Indiana, upwards of 9 in Michigan and Wisconsin, 15 in Missouri, 12 in Kansas, upwards of 10 in Georgia and Alabama, and 16 in California.

The sanitary statistics of the American, British, and French armies and the Canadian Northwest force show that, while the deaths of soldiers in garrison are only 3.74 per thousand in Idaho, they are 4.76 in the Dakotas, 6.05 on the great lakes, 6.88 on the Pacific coast, 17.83 on the Atlantic coast, 22.50 on the Gulf coast, 10 in the south of France, a health resort; 14.50 in Algiers, another sanitarium; 7.5 at Gibraltar, in the sanitary zone of the Mediterranean; 12 in Australia, 6.50 in Eastern Canada, and only 3.4 at the station in British Columbia immediately north of Idaho and having a similar climate.

#### PUBLIC EDUCATION.

The one institution of Idaho whereof the people are most proud, in which they take the liveliest interest, and upon which they spend their means without stint is the public-school system. Under a compulsory school law more than 13,000 children, organized into nearly 450 schools and occupying 300 school buildings, which dot and glorify the Territory, are the actual daily wards of the community during the school term. The people have spent \$350,000 on these buildings and their fixtures; they are spending some \$200,000 for current expenses this present year, and the increase and maintenance of schools is costing them at the rate of \$75,000 per year over each preceding year. They employ good teachers, to whom they pay good salaries, and the school fund is so promptly and liberally supplied that the session of 1889 opened with a clear balance of \$40,000 in the treasury.

Take the Eastern States of New Hampshire and Connecticut, the Middle States of New York and New Jersey, the Southern States of North Carolina, Georgia, Alabama, and Mississippi, the Northwestern States of Indiana, Illinois, Wisconsin, and Minnesota, the Southwestern States of Kentucky, Missouri, and Kansas, and the far Western States of Colorado, California, and Oregon—they have an average population of 49 to the square mile. Idaho has, at most, but 1.56 persons to the square mile. If, with regard to the distribution of population, her school attendance were as 1 to 20, as compared with the average attendance of the States named, she would be doing well. As a matter of fact, it is greater than as 1 to 2, so that she is doing more than ten times as well as she might be expected to do in the matter of attendance. This comparison shows how earnest and devoted her people are to the cause of popular education.

But the whole story has not been told. The ratio of children of school age to the whole population in the States named is 18.56 per cent., but in Idaho it is but 16.66 per cent.; so she might do worse than as 1 to 20 in the matter of school attendance and still be doing relatively as well as the average of the eighteen States selected for illustration.

The people of Idaho are neither so rude nor so sordid as to be blind or deaf to the advantages or claims of higher education. They are building a home for a Territorial university at a cost of \$75,000, and have imposed on themselves a special tax of one-twentieth of 1 per cent. on the assessed value of their taxable property for its present institution and maintenance. When Idaho shall have become a State and its lands shall have reached a good value, this university will have a rich endowment, already provided by the wisdom of the Federal Congress.

Supplementary to the public-school system are numerous private and denominational schools, established by individual enterprise and religious zeal.

For the service of religion churches have been erected at a cost of \$225,000 or thereabouts.

There are forty-one newspapers to inform and instruct the people of the Territory.

#### MEANS OF COMMUNICATION.

Two great trunk lines of railway connect Idaho with the rest of the civilized world. The Union Pacific runs east and west and north and south, across Central and Southern Idaho. The Northern Pacific runs east and west across Northern Idaho. Local railways supplement these greater agencies. There are 894 miles of railway in operation and 535 miles in various stages of location and construction.

There are more than 900 miles of telegraph lines in the Territory.

#### INDUSTRIAL STATISTICS AND INFORMATION.

There were 600,000 acres of land in cultivation in 1889, producing more than 7,000,000 bushels of cereals, nearly 2,000,000 bushels of vegetables, upwards of 400,000 tons of hay, and large and small fruits in the quantities already stated. The wool clip was over 2,000,000 pounds.

Nearly 1,800,000 acres of tillable land are in preparation for cultivation, part of them included in the 400,000 acres entered at the land offices during the year.

The mineral yield, in spite of a bad year from drought, was more than \$17,000,000, and some of it from the richest ores known to the annals of mining.

The products of 1889 had a market value of \$27,000,000, and 350,000 tons of freight were moved during the year.

Large stocks of goods are carried by the merchants; mercantile profits average 20 per cent. net; the average rate of interest is 12 per cent., wages are \$4 to \$5 per day for artisans and \$2 to \$2.50 per day for unskilled laborers, and living expenses as a whole are not more than 10 per cent. above Eastern rates.

In Northern Idaho the chief industries are mining, lumbering, cereals, and fruits. Burke, Coeur d'Alène, Moscow, Lewiston, Mullen, Post Falls, Murray, Grangeville, Wallace, Mount Idaho, and Wardner are the important towns.

Northeastern Idaho is devoted to mining, cereals, and fruits, and has also rich stores of timber. Salmon City and Challis are the principal towns.

Central Idaho is a great mining, lumbering, and grazing district.

West Central Idaho is distinctively a mining district.

South Central Idaho is a mining and grazing region. Bellevue, Shoshone, Hailey, Mountain Home, Albion, and Ketchum are large and busy towns.

Eastern Idaho is an agricultural and stock-raising district. Soda Springs is a famed sanitarium and pleasure resort, with magnificent hotels and appurtenances. Blackfoot, Pocatello, and Eagle Rock are also important towns.

Southeastern Idaho is noted for fruits, cereals, grazing, cattle, and lumbering. Franklin, Malad City, and Montpelier are notable towns.

Western Idaho is an agricultural, grazing, and fruit country. Boise City, the Territorial capital, and Caldwell, Silver City, Weiser, Payette, and Salubria, important towns, are in this section.

Southern Idaho is an agricultural and grazing district and contains much building stone.

This review of the Territory by sections shows that its industries are diversified and that it already has numerous seats of trade and manufacture.

#### FINANCIAL CONDITION OF THE TERRITORY.

The estimated value of real and personal property, including marketable mines, is about \$100,000,000, and is growing at the rate of 15 to 20 per cent. annually. The total cost of general and local government is \$533,000, of which only \$28,000 comes from the national Treasury. The expense of Territorial government, excluding the Federal contribution, is \$84,000, and is met by a levy of 3.5 mills per \$1 on taxable property, assessed at about 40 per cent. of its real value, and some license and poll taxes. The Territorial debt is \$146,715.06, but there is a balance of \$60,000 in the treasury, and there are public buildings costing \$150,000.

In 1891 indebtedness to the amount of \$47,000 will mature, and it can be paid, and \$4,700 in annual interest saved thereafter, without increase of taxation. Part of the remaining debt is provided for by a sinking fund, and, so far as can be seen, the whole debt will disappear without raising the taxes. The estimated additional cost of State government will be less than 2 mills upon the hundred dollars, and, as the people are now paying less than 7 mills per hundred dollars upon the actual value of their property for the whole expense of central and local government, the increase will not be appreciably felt, while statehood will bring them a large accession of population and capital.

#### PREPARATION FOR STATEHOOD.

After Idaho had been an organized Territory for twenty-six years the Committee on Territories of the United States Senate reported a bill providing for her admission to the Union. The bill died on the Calendar of the Fiftieth Congress; but, acting pursuant to its moral force and authority, the Democratic governor of the Territory issued a call for a convention to frame a State constitution, which call was ratified and repeated by his Republican successor. Party divisions were not regarded in the selection of delegates, nor was there a material preponderance of either political party in the membership of the convention.

A constitution was framed by the labors of 69 out of the whole number of 72 members of the convention. It was then with due deliberation submitted to a popular vote, which resulted in 12,398 ballots for and 1,733 ballots against its adoption. This constitution has been examined by the Committees on Territories of the two Houses of Congress and has met their approval. Whenever it may please the Congress of the United States to pass an act for the admission of Idaho into the family of States, this constitution, prepared for the people by the people, will enable the change or political status to be effected without public or private injury or inconvenience.

The minority of the Committee on Territories has seen fit to make a report against our admission. It becomes my duty to discuss it, but before doing so I will ask the Clerk to read what I now send to the desk.

The Clerk read as follows:

[Headquarters Democratic Territorial central committee. Francis E. Ensign, chairman, Hailey, Alturas County; James H. Wickersham, secretary, Boise City, Ada County. Executive committee: Charles C. Sterenson, chairman; J. B. Wickersham, Boise City; J. B. Mullen, Pocatello; Green White, Boise City; A. D. Greene, Lewiston; W. G. Lane, Shoshone; D. W. Stanrod, Malad.]

BOISE CITY, IDAHO, March 10, 1890.

At a meeting of the Democratic Territorial central committee of Idaho Territory, held at the capitol, in Boise City, on September 10, A. D. 1889, the following resolutions were unanimously adopted, to wit:

Resolved, That the Democratic party of Idaho Territory through its represent-

atives, the central committee, heartily indorses the movement in behalf of statehood, and we pledge ourselves to use every endeavor to secure the ratification by the people of the constitution framed and submitted by the constitutional convention recently in session in Boise City.

*Resolved*, That the Democratic county committees of the various counties be instructed to use every effort to present the constitution fairly before the people and bring out the full vote of the party at the election in November next.

*Resolved*, That E. A. Stevenson, George Ainslie, and Jas. H. Wickersham are hereby appointed the agents of this committee to act in behalf of this committee, with like agents already appointed by the Republican Territorial central committee, to devise ways and means to properly present before the people the benefits to be derived through the admission of Idaho as a State.

I, the undersigned, secretary of the Democratic Territorial central committee of Idaho Territory, do hereby certify that the above and foregoing is a true and correct copy of the resolutions adopted by the said committee on September 10, 1889.

JAMES H. WICKERSHAM,  
Secretary.

WASHINGTON, D. C., March 31, 1890.

To the Democratic Members of the Fifty-first Congress:

I have the honor of handing you a copy of a telegram received by me from Idaho on yesterday:

"BOISE CITY, IDAHO, March 29, 1890.

"Hon. GEORGE AINSLIE,  
"Metropolitan Hotel:

"Democratic Territorial central committee in session unanimously requested Democratic members of Congress to vote for admission of Idaho.

"F. E. ENSIGN, Chairman.  
"J. H. WICKERSHAM, Secretary."

I can assure you that such action of the committee reflects the sentiments of the Democracy of Idaho beyond question.

Respectfully,

GEORGE AINSLIE, Ex-Delegate from Idaho.

Mr. DUBOIS. It is very plain that the distinguished gentleman from Illinois [Mr. SPRINGER] and his colleagues who sign the minority report do not represent the Democratic party of Idaho or any portion of it. They themselves even will not claim that they represent the Republicans of Idaho. Whom, then, do they represent? They represent the Mormon Church and nothing and nobody else.

Could partisan zeal go to more extreme limits? I do not believe they can command the solid support of the gentlemen on that side of the Chamber on this proposition.

I desire to state now that I will be glad to answer any questions which may be asked concerning any statements I may make respecting the Mormons. Having lived among these people and studied their system and having been brought in contact with their modes of life, I speak from actual knowledge. Should the members of the minority committee or others, in their defense of Mormonism, undertake to quote any authorities from Idaho newspapers or individuals, I trust they will extend the same courtesy to me and allow me the privilege of questioning them. I presume the country desires facts on this important subject.

As soon as our constitution was submitted to Congress the Mormons appeared here through a retained attorney, one of the ablest in the country, and fought the progress of the bill step by step before the Senate and then the House committee.

The attorney was untiringly assisted by the Delegate from Utah, a Mormon, and by the leading Mormon of Idaho, William Budge, a president of a "stake." President Budge well represented his people, for he stated to each committee that at the present time he was blessed with three wives. No one else from Idaho, nor the representatives of any one else from Idaho, appeared against our constitution or against statehood. Yet, in the face of the fact that both political parties in Idaho are a unit for statehood under this constitution, the minority of the Committee on Territories totally disregard their wishes and do the bidding of the Mormon chiefs; and, to emphasize the fact that they intend to represent the Mormons, they object to but one clause of our constitution, that which is aimed at this organization. Does it count for nothing that the Supreme Court of the United States has unanimously affirmed the constitutionality of this very clause? It seems not.

Does it count for nothing that Congress has passed laws excluding bigamists and polygamists from the franchise? It seems not, for the minority insist that while yet in a Territory bigamists and polygamists shall be permitted to vote for delegates to a constitutional convention, the Edmunds law to the contrary notwithstanding. This is the language of the minority:

*Provided*, That no person otherwise qualified shall be denied the right to vote at said election (for delegates) because of alleged crime, for which the punishment embraces disfranchisement as a part of the penalty therefor, except where he has been duly convicted thereof by a court of competent jurisdiction.

The language of the Edmunds law, passed March 22, 1882, is as follows:

SEC. 8. That no polygamist or bigamist or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory.

Nothing is said in this law about conviction.

The minority also recommend the adoption of an additional proviso to section 1 of the bill, namely, making it a fundamental condition to our admission that no one shall be denied the right of suffrage unless convicted of crime and that the Legislature shall give its assent to that

fundamental condition. In other words, they insist that bigamists and polygamists shall vote in Idaho Territory, when the Edmunds law says they shall not vote, and they insist that bigamists and polygamists shall always vote in the State of Idaho, when the people of that State clearly and distinctly insist that they shall never vote. The minority say:

We insist, therefore, that when Idaho is admitted it shall not be with a provision in the constitution which deprives a citizen of the right of suffrage or of the right to serve on juries and to hold office because of alleged crime of which the party has not been convicted. We insist that these disqualifications shall only result from a conviction of crime.

Methinks they insist too much. What right or precedent have they to impose upon Idaho conditions which have never been imposed upon any State coming into the Union? Heretofore and always the qualified electors of the Territory only have been allowed to vote on the constitution. There is nothing in the Mormon system so commendable as to call for such a radical and unjust departure in their behalf. Should the minority prevail, bigamy and polygamy will be firmly fastened upon the State of Idaho.

The gentleman from Tennessee [Mr. WASHINGTON] signs this report. Let us see what the constitution of Tennessee says on the subject of franchise. By article 9:

Ministers of the gospel are forbidden to hold office, also persons who deny God or fight duels.

Yet the gentleman from Tennessee signs a report which says:

We insist that in Idaho disqualifications for holding office shall only result from a conviction of crime.

The people of Idaho say bigamists and polygamists shall not hold office in Idaho, the people of Tennessee say ministers of the gospel shall not hold office in Tennessee.

The State of Texas, whose Representative, Judge KILGORE, signs this report, disqualifies paupers. Several States disqualify those who fight duels, send or accept challenges to fight duels, or aid or assist others to fight duels, without requiring a conviction, as Virginia, Indiana, Kansas, Kentucky, Michigan, and others.

Running through the debates in Congress on the laws affecting the Mormons, I notice that those who uphold the institution invariably preface their remarks with the earnest statement that they themselves are opposed to bigamy and polygamy, but, forsooth, their conscience and regard for the Constitution will not permit them to vote for any measure which will tend to destroy these practices. In our country we have a *genus homo* called "Jack-Mormon," an individual or class of individuals who do not belong to the Mormon church, who profess abhorrence of polygamy, yet who are ever found doing the bidding of Mormon priests and fighting with them to render futile the laws aimed at the destruction of their pernicious practices.

I observe that the minority in their report iterate and reiterate that they must not be classed with the sympathizers of polygamy, yet they would force us to eradicate the only laws which have been at all effective in checking this crime. If the distinguished gentleman from Illinois [Mr. SPRINGER] were in Idaho I fear he would be classed as a "Jack-Mormon."

Why is it, gentlemen of the minority, that there has always been bitter strife and contention between the Mormons and their neighbors? Why were they driven from Ohio to Missouri, from Missouri to Illinois, from Illinois to Iowa, then across the trackless desert? Why, now, do men range themselves solidly into hostile classes of Mormons and anti-Mormons in Utah and Idaho? Does it bode no significance to the minority that every American citizen brought in contact with this organization is opposed to it? No question has ever confronted citizens of our country, save this one, which absolutely and surely breaks down party lines. The Mormons claim to be Democrats, yet every Democrat in Idaho is in favor of this clause.

In Utah, where the evil is greater, they do not even have Democratic and Republican parties and never have had. Will you attempt to answer with the stale and unprofitable slanders that the Gentiles want their property, and the scheme is a political one? Will you not for once calmly and honestly confront the cold fact that here is a theocracy, made worse because its foundation stone is polygamy, in whose polluted embrace every tender and fond recollection of mother and home withers and dies? Could you but see, as I have seen, the wretched and appalling misery and degradation of polygamist women and children, you would stop at no legal means to destroy the power of a corrupt hierarchy which holds its fanatical and ignorant followers in an iron grasp.

I have seen three sisters living in one room and each raising a family to the same husband. I have seen a mother and daughter who were married to the same husband. I have seen an alleged second wife on the witness stand and heard her swear that she was not married to the defendant, and heard her father, mother, sisters, and brothers swear to the same thing while at the time she was the mother of one child by him and pregnant with another.

I have heard time and time again a father or mother swear they did not know who the father of their daughter's children was, nor did they feel curious to inquire. These are not exceptions which I cite. Every term of court brings numerous cases of this character.



No crime can be greater, in my estimation, than to bring children into the world with this brand upon them, without the ability to furnish sufficient nourishment for their bodies and none for their minds. But with all its hideousness polygamy is not what impels the fiercely partisan ex-Confederate Democrat from Tennessee and the unyielding ex-Union Republican from Illinois to range themselves under the same banner, in opposition to this so-called church, so soon as they come in contact with it.

No matter how different the methods of the ex-Confederate and ex-Unionist, each is loyal to his Government and jealous of its fame and power, and their differences melt away as the snow before our "Chinook" winds when the startling truth quickly and inevitably dawns upon them that here is an organization, firmly entrenched, which is hostile to the Government and its laws in every fiber; that here is a government within our Government in which the priests are supreme and the followers slaves. They quickly recognize that there is but one law, that of the theocracy; they feel instinctively, it is in the very air, that they are dealing with an organized community which has not one element of democracy in it.

There is absolutely no difference of opinion, and all who live among these people are irresistibly led to the same conclusion. They all know that every privilege which is granted this community they use not as other citizens, to build up and strengthen the nation, but to destroy it. These facts are patent, and you must deal with them as statesmen, and not as partisans. All the high civil and ecclesiastical offices were formerly lodged in the hands of the polygamists. The polygamists can not hold civil office now, but they control the politics of the organization as firmly as of old, and still retain the chief offices of the church. They are the dictators. When you break down polygamy, the institution will crumble to pieces; when you break down the political power of the institution, which is the source of strength to polygamy, it will perish.

In this connection I call your attention to the very significant fact that the polygamous Mormons are the ones who represented their church here and opposed this constitution; they are the ones who are vitally interested; it is not a matter of such deep concern by far to the monogamous Mormons.

The effect of this legislation in Idaho has been extremely good, and if we are admitted as a State with this clause in our constitution the monogamous Mormons, who compose the large majority of the organization, as the polygamists themselves persistently state, will either demand that polygamy be abandoned as the foundation stone of the institution or the monogamists will abandon the church.

The monogamists will not consent to be deprived of political privileges in order to maintain the doctrine of polygamy which they themselves do not practice. Either of these courses will be fatal to the polygamists who now, as always, absolutely rule the church. When polygamy is abandoned the members will commence to think for themselves, will refuse to be governed in all their temporal affairs by their leaders, will divide on political lines, and will become the same as members of any other church organization. When the monogamists leave the church and refuse it and polygamy their support the polygamists will occupy the position of ordinary criminals and will quickly meet the fate of other criminals.

In 1884-'85 the Legislature of Idaho passed a law which deprived of the franchise those who are bigamists or polygamists or who belong to an organization which practices, teaches, and encourages bigamy or polygamy. The vote was practically unanimous. Two successive Legislatures have confirmed the law. The same law was put in our constitution by a unanimous vote both in convention and at the polls. I do not deny that its object was to take the political power away from the Mormons. We defend it on that ground. We claim that it is a duty we owe our State and country to protect the State against the insidious and constant attacks of an alien government.

The delegates charged by their fellow-citizens with the preparation of a State constitution for Idaho rightly considered themselves bound to so frame that instrument as to afford guaranties to the Federal Government that the State, when admitted, would become and remain a useful and creditable member of the Union, and guaranties to the people of Idaho that the constitution made for them would secure to them and to their posterity the blessings of political liberty and social integrity. In other words, the framers of this constitution sought, by its agency and assistance, to found an American State, with all the traditional and wholesome characteristics of such a community. In pursuit of this object, the constitutional convention was confronted by the fact that a part of the inhabitants of Idaho, numbering between one-ninth and one-tenth of the present population, were organized into a religious body, holding and exercising a doctrine professedly based on divine revelation, one of the tenets of which doctrine is that polygamous marriage is lawful, meritorious, and beneficial.

There are now forty-two States in the American Union, and in each of them the form of government is republican and the political institutions are those of an advanced democracy. That is to say, there is no State in the Union having any other form or operation of government than that of a government of the people, by the people themselves. In each of these States the social structure of the community, which un-

derlies and precedes the political institutions, is based upon a family organization wherein monogamous marriage is alone recognized or permitted and wherein the practice of bigamy or polygamy is prohibited and treated as an assault upon the safety and welfare of the Commonwealth and pursued and punished at the public expense as a crime against the State.

Furthermore, the people of these forty-two States are organized into a Federal Union, and, through their Federal legislative, executive, and judicial departments of government, they enforce monogamous and suppress bigamous and polygamous marriage in those parts of the national territory not within the boundaries of any State. In view of these examples the people of Idaho could not hope for nor expect admission into the Union, unless they could show the taking of reasonable precautions, in their organic instrument of government, for the maintenance and vindication of the only kind of marriage admitted or permitted by public law or public sentiment throughout the length and breadth of the United States.

At present, in Idaho, this kind of marriage is under the patronage and protection of the Federal Government, the laws of which forbid and suppress bigamy or polygamy within the Territory; but after the admission of Idaho as a State of the Union the enforcement of monogamy must depend wholly upon the State. How the people of Idaho propose to provide for the contingency is disclosed in section 3, article 6, of the constitution for the proposed State. The provisions of that section, so far as they relate to bigamy and polygamy, are substantially identical with the statute law of the Territory on the same subjects, and the legality of the statute has been recently and unanimously affirmed by the Supreme Court of the United States in the case of Davis against Beason, No. 1261 of the October term, 1889. Nothing is left, therefore, for present consideration but the question of the policy of the polygamy clauses of the constitution adopted for and by the expectant State.

The polygamists of Idaho, including both those who merely profess and those who actually practice polygamy, are an inconsiderable minority of the population. Individually considered, their profession of polygamy, being at war with the profession and practice of the whole of the civilized world, is not dangerous, and the individual practice of it could be met by the common-law provisions and remedies against bigamy, adultery, and fornication. But, unhappily for all parties, the polygamists of Idaho can not be individually considered. They belong, each and all, to a theocracy, set up and maintained within the sphere and limits of the democracy constituting the United States of America. All other members of this democracy, whatever their religious beliefs, professions, and practices, reserve to themselves their individual freedom and independence in public affairs, and do not look further than to human advice and guidance in the shaping and performing of their political action.

Not so with the polygamists of Idaho. To them polygamy comes as a divine revelation and injunction, designed for the spiritual and eternal exaltation of those who accept and exemplify the revelation. If this religious doctrine was of such a form and structure that the exemplification of it was, in each case of its acceptance, to be postponed to a future stage and state of existence, the matter would not come within the domain of civic policy or human law. Unfortunately, the doctrine is so constituted that the practice of it is to begin and endure on earth, and thus a rivalry and conflict is precipitated within the sphere of human society and of human regulation for the government of that society.

The laws of civilized communities not providing for the practice of polygamy, but, on the contrary, being directed to its suppression, it follows that polygamy can only be practiced outside the territorial jurisdiction of civic law or in defiance or evasion of that law. In Idaho those who profess and practice polygamy reside within the jurisdiction of civic law and can only enforce their profession or practice by violation of the law, to which every inhabitant of the Territory is equally subject. In order to facilitate this violation of the common law of the Territory, the members of the body by which the doctrine of polygamy is held as a religious tenet, being the denomination commonly known as the Mormon Church, mingle their spiritual and temporal concerns in such wise and to such extent as to subordinate their secular conduct as members of the body politic to the advice, control, and direction of their religious superiors, who have no lawful authority whatever in secular matters, and in case of conflict between the law of the church and the law of the Territory or of the Union preference is given to the former, both as a matter of principle and conduct, wherever and whenever the preference can be practically effected or attempted.

The people of Idaho, without wish or procurement of their own, are thus brought face to face with the question whether or not any individual among them, upon plea of conscience or religion, shall be exempted from prohibitions which the great majority, in common with the vast majority of their race, deem essential to the safety and perpetuity of civilization, and permitted to pursue practices, form connections, and help to found a social system which, in the belief and opinion of this vast majority, would undermine morality, weaken intelligence, impair energy and enterprise, degrade women, debase men, deprive children of necessary example and discipline, substitute for the stability of

the family group a fluctuating and temporary relation, based on sordid considerations of convenience or sexual passion, and ultimately destroy the State. Upon such a question there can be but one decision.

If the State constitution for Idaho had provided that any person who should practice, aid, or encourage polygamy should not be permitted to gain or retain a residence within the expectant State it would have gone no further than the exigency justified or than the Federal law has gone in excluding incongruous, enfeebled, and corrupt elements from the population of the Union. But the Idaho constitution stops very far short of remedies with which the people of the United States are already familiar and which they have themselves adopted. This constitution simply proposes to disqualify as an elector, a juror, or an office-holder any person who practices bigamy or polygamy or who teaches, counsels, encourages, or aids others to engage in bigamy or polygamy, or who adheres to, supports, aids, or encourages any organization that teaches, counsels, encourages, or aids persons to engage in bigamy or polygamy, or which teaches or advises that the civic laws, prescribing rules of civic conduct, are not the supreme law of the land.

A polygamist or propagandist of polygamy, as an elector, either from individual preference or from obedience to an authority claiming a divine commission, would vote so as to advance or defend the interests of polygamy; as a juror, he could not render an unbiased verdict in a cause involving polygamy; as an officer, he would not feel free to enforce the laws against polygamy. The people of Idaho, having solemnly and deliberately determined that authorized polygamy within their borders would be inconsistent with their social and political perpetuity and prosperity, and not wishing to persecute their polygamous fellow-citizens, nor to dispute their integrity and sincerity, but being willing that honest differences of belief or opinion should exist and have all the freedom and tolerance that the paramount interests of the community may allow, have sought for a *modus vivendi* between the monogamists of Idaho, who are in a very great majority, and the polygamists, who are in a very marked minority, until such time as these differences may disappear without heat or violence.

This *modus vivendi* the people of Idaho believe they have found by leaving the actual individual practice of polygamy to the operation of the common law of the civilized world and by imposing a limited disqualification and disability upon those who desire to propagate polygamy by individual or concerted action, such disqualification being shaped and measured strictly according to the known mode and extent wherein polygamy seeks to promote and shelter itself among the communities wherever it exists.

Is polygamy better than monogamy, having regard to what the American people are now and what they hope to be hereafter? Is it as good as monogamy from that point of view? Can polygamy and monogamy subsist, side by side, on equal terms, without altering, as Americans do not wish them to be altered, the character, the institutions, the destiny of American people, American communities, American States, and the American Union? If each and all of these questions be answered in the negative, as they must be, should not some discouragement and restraint be laid upon polygamy? If so, should it not be efficient enough to prevent polygamy from obtaining any undue advantage in legislation, in the administration of justice, and in the execution of the law?

Is the greatest good of the greatest number to be promoted by first placing polygamy under the ban of the law and public opinion, and then offering opportunity to polygamists, in fact or in principle, to evade the law and defy public opinion? Would it be kind to polygamists themselves to first tell them that their religious teachings and practices are too destructive of the foundations of modern society and public morals to be sanctioned and then tempt them to violate their obligations as citizens in favor of their preferences as religionists? The Catholic, the Protestant, the Israelite, the agnostic, keeps his theological principles and practices apart from his secular character. He votes, he legislates, he renders verdicts, he discharges the functions of office free from theological control or direction.

The sincere and faithful Mormon knows nor recognizes no such separation between religious and secular affairs. To him the hierarchy at Salt Lake City unites in itself the several characters and qualities of prophet, priest, and king. Its revelations are divine, its ministrations sacred, its commands imperative. To prophets and priests of every kind and name the American Commonwealth extends an equal hospitality; it tolerates no sovereigns but the people themselves, speaking and acting through the laws they ordain and the agencies they constitute.

Legal functions are secular functions, and whenever the Mormon Church withdraws from the secular field and confines itself, as do all other religious orders, organizations, and bodies, to prophetic utterances and priestly ministrations, so that the civic sovereignty may exert itself unchallenged within its own sphere, the Mormons will cease to be "a peculiar people" and to be subjected to peculiar laws. That time not having arrived and the people of Idaho, both upon national and local grounds, being unwilling to have two independent, separate, and inconsistent systems of civic government operating within the same limits upon the same matters and subjects, confidently submit the provision they have made for maintaining the vigor and integrity of Ameri-

can principles among them to the considerate judgment of Congress. If they can not have statehood without subjecting themselves to the stagnating and corrupting secular activities of an exterior theocratic government, they will remain under the provisional protection of Federal laws, expressly aimed at the baleful rule and effects of such a theocracy as the Mormon Church under its present constitution.

I will close this branch of the subject by saying to you, gentlemen of Congress and of the country, that the issue is fairly joined here. If you are in earnest in your desire to crush this corrupt institution, which has been a disgrace and a stain upon our national honor for half a century, the opportunity is offered. The head of the church in Idaho comes here in person to tell you so. The results of this clause in our legislative enactment convince me of it. On the one hand is a commercial and political organization, held together by crime; on the other are your own kindred, as brave and loyal people as ever founded a State.

Will you sustain this treasonable and lascivious institution or will you hold up the hands of the brave pioneers who have gone to Idaho, who on this proposition have abandoned all party ties and unite in saying, "We earnestly desire statehood, but we desire it only for loyal American citizens?" Give us statehood under our constitution and the Mormon question will soon be an issue of the past. The responsibility is no longer with us. We have done our full duty as American citizens.

Trusting that I have shown, at least, that, firmly holding to the views in regard to the Mormons which I have so imperfectly given expression to, our people could not consistently with the duty they owe to their country change their position or laws in regard to this organization, and thanking you for your courtesy and patience I will conclude my remarks with a résumé of the reasons why statehood should be granted us.

#### CONCLUSION.

The whole field has now been traversed and surveyed. It has been seen how, even before the dawn of the Federal Constitution, the Congress of the Confederation, feeble in power, but strong in great individualities, invited the enterprising spirits of the seaboard to move upon and build up the unoccupied spaces of the West, pledging themselves that their temporary deprivation of American rights should be minimized and shortened to the uttermost degree. It has been seen how the Congress of the Union, beginning within five years of the giving of the pledge, has repeatedly and consistently redeemed the promise of its precedent Congress. It has been seen how, in cases of doubt, the collective judgment of the national legislature and the voices of its great leaders have always gone in the direction of liberally anticipating the maturity of the promise rather than risk the least injury or injustice to the holders of it by delay in realization.

It has been seen how numerically weak and how poorly endowed with accumulated wealth, when erected into States, were some of the communities that are now so great and strong and rich that they might figure as kingdoms in other worlds or times than ours. It has been seen how the transformation from the inferior to the superior political condition wonderfully stimulates the growth and prosperity of a newly admitted State; for it is quite true that men feel deeply their temporary disfranchisement so long as it lasts. It is to be seen of all how richly the wisdom and courage of the Federal Congress have been rewarded by the marvelous growth of the Union under its Territorial policy.

The rights and equities of Idaho in the matter of present admission to statehood have been made plain to view. The precepts of statesmen and the precedents of state-manship are all on her side. She can neither be denied nor delayed without the exercise of an invidious discrimination altogether indefensible. There are no principles of public policy, no precedents of party action, to excuse or condone her exclusion if it should be effected.

Idaho, in its material embodiment, is large enough, rich enough, and prolific enough to serve as a theater for the activities of a great American community for more centuries than mortal beings are warranted to think or dream about. Partly by her common inheritance in the beneficent forces of nature and partly by a bountiful endowment, all her own, she is able to tender to the custodians of the national welfare every reasonable guaranty and prospect that she will be no laggard in the never-ceasing onward race. Even her soil has been fattened for ages, that the skill and energy of man may fit it to his own further advancement when he shall have become capable for and worthy of the prize.

None can be otherwise than willfully blind to the high rank, character, and promise of Idaho's people, nor the guaranty that their devotion to popular enlightenment affords, who doubts that the Commonwealth of Idaho will always be found armed with a trusty sword and shield for the assertion and defense of American principles and institutions, and always prepared to use those weapons of safety with intelligence and effect. The social condition of this people, their possessions, their connection with other communities, their industries, their finances, and pecuniary ability for the support of the Government, and last, but not least, their eager desire for the political independence which they have earned and are able to maintain, have all been passed in review.

If further argument or entreaty were needed to establish a persuasion in the mind of the National Legislature that Idaho should be admitted



to representation therein, the very requirement or necessity for such additional urgency would be proof that the Territory had been singled out for exceptional treatment. To assume such a possibility would be unfair to Congress and to Idaho. The former has never been deaf to the appeals for statehood and the latter has yet had no occasion for doubt in her own case. She is simply waiting upon the public convenience and waiting in confidence as much as in hope. [Applause.]

During the delivery of the foregoing remarks the hammer fell.

The SPEAKER *pro tempore* (Mr. GEAR in the chair). The time of the gentleman has expired.

Mr. BAKER. I ask unanimous consent that the gentleman from Idaho may be permitted to continue his remarks and conclude them.

Mr. DORSEY. I will yield whatever time the gentleman may require.

Mr. DUBOIS. I shall not want more than a few minutes longer.

Mr. DORSEY. I yield the gentleman ten minutes.

Mr. DUBOIS resumed and concluded his remarks as above.

Mr. SMITH, of Arizona. Mr. Speaker, I have lived so long under a Territorial form of government, I have been so long subject to the legislative caprices and whims of Congress, I have been so long dominated by a reign almost as bad as reconstruction was at its very worst that I would not on this floor and in this presence, nor would I elsewhere, raise my voice against the admission of any Territory to the Union of States now within the confines of this Republic which produced a constitution republican in form for the approval of Congress. That is not my purpose in taking the floor at this time. Far from it.

But, Mr. Speaker, it is my purpose to say that the people who sent me here have been unfairly and unjustly treated in this regard. It is my purpose to say that the people of the Territory of Arizona, having every qualification for statehood that exists in Wyoming or Idaho, or Montana or Washington, or in any one of the Territories, complain that that Territory is unjustly treated in being kept out of the Union and in being kept under Territorial degradation; and this, too, with a population larger, with a wealth greater than either Wyoming or Idaho, simply because she has seen fit and proper to send a Democrat to represent her in the Congress of the United States.

It is, I repeat, unfair treatment, and, Mr. Speaker, I but voice the Republican sentiment of my Territory in that assertion. It is unmanly treatment to force my people and the people of New Mexico, which has a population larger than the Territories of Wyoming and Idaho combined—I say it is unmanly and unfair that these should be denied statehood while those are accorded admittance. Wyoming and Idaho are received into the Union, but I am, by your partisan action, forced to go back to my people and tell them that, although they possess all the qualifications necessary for statehood, yet they made a serious mistake in sending a man here to represent them who happened to be a Democrat, for I am free to confess that I can not see any other reason for such treatment of my people at the hands of the dominant party of this House.

But, Mr. Speaker, I will go further. I had assurances from Republican members of the committee that my Territory would be reported favorably with the others. But from some unknown source, for some reason yet unexplained (and I will wait patiently for an explanation if any member of the Committee on Territories of this House wants to make one), for some reason unexplained and yet unknown to me, from some voice reaching the committee unheard by me, my Territory, with a population as large as the others, has been kept in the Committee on the Territories, and, I believe is now, by some equally strange and unexplained reason, referred to a subcommittee for further action. There was no reason for such reference. The full committee had already been placed in full possession of the facts. There was no such delaying reference made in the case of Wyoming or Idaho. Yet my case, or, more strictly speaking, the case of my people, has been relegated to a subcommittee and it is kept there, Mr. Speaker, as far as I can see, without reason, except such as may be explained in the hope of partisan advantage; and I am to go home to my people, who sent me here for the purpose, if possible, of securing statehood for them—I am to be sent back to them and have the taunt, the unjust taunt, thrown in my face that "You did not use the exertion and the energy which was used by the other Delegates on the floor of the House of Representatives; for if you had you would have received the same kind treatment, the same gracious consideration from Congress that the others received." In response to this I ask this House, has the Committee on the Territories met once since I arose from a sick-bed in January last, without my asking to be heard on Arizona's claims to recognition? Was it not accorded me after a report on both of the other Territories, and did not I lay convincing facts before the committee, which failed to convince any save the minority?

Mr. Speaker, this morning it struck me that there was peculiar suggestiveness in the fact that the divine favor was not asked at the beginning of the proceedings of the House. It seemed to me that an injustice was contemplated, and God's favor was not asked. [Laughter and applause.] Why was it? Was it a coincidence—

Mr. STRUBLE. That is a Democratic coincidence, is it not?

Mr. SMITH, of Arizona. No; Democrats had nothing to do with it. They never fail to invoke divine blessings on legislative acts, and

sincerely desiring, as I did, the prosperity and happiness of my people I was much in hope that the Speaker of the House himself would invoke the divine aid for Arizona. [Laughter and applause.]

It reminded me, gentlemen—and I believe I agree with the child who, with its parents, was going to take a permanent western trip (perhaps you have heard it). The child, after offering its invocation to the blessed throne and concluding the prayer, pathetically said, "Good-by, God; we are going to Arizona in the morning." [Laughter and applause.] And I think that is just about what the Republican committee has done its best to say to me: "Good-by, SMITH; you are going to Arizona to stay, simply because you are a Democrat." [Renewed laughter.]

Gentlemen, this treatment is not fair. If you knew the promptings of this people, if you knew their desire, if you knew their burdens, if you had, with me, for ten long years borne what you could of their burdens and suffered with them as they have suffered, you would not permit a mere question of population to settle their right to statehood. It should not be a question of party domination in House or Senate, but a question upon which men should rise to a high constitutional standpoint, far above political parties, and act on the higher plane of American statesmanship and American manhood. It is the right of freemen, it is the right of republican government, a right which belongs to a people who pay taxes (and my people bear their burdens of the government equally with any other portion of the country), for which I here contend. Why, then, is Arizona left out? Does any one know? Why are my people to be branded with disgraceful Territorial servitude and New Mexico to be likewise branded, while blessed Wyoming and Idaho are to be admitted? Action on these great problems should not be one-sided or partisan.

Mr. Speaker, I do not desire it to be understood that I am making complaint because of Idaho's admission, for if I had a hundred votes I would cast each and every one of them for the admission of both Wyoming and Idaho under proper constitutions, and I would not let politics affect my action. It matters not to me whether their people be Protestant or Catholic, Jew or Gentile, Greek or Scythian; if they have the qualifications for statehood they are entitled under the Constitution to State government. My people have the qualifications, and I shall demonstrate it in a very few moments by comparison with Idaho, which you will admit to-morrow as a State. And in this comparison you will please remember that Idaho far exceeds Wyoming in population as well as resources. You have already voted favorably on Wyoming.

Now, let us look fairly at the facts. Will any one of the Republican members of the Committee on Territories (and I will wait for any one) answer the question, and give me an explanation, any one, from the chairman down to the last man put on it, why New Mexico, with double the population (I believe more than double) either of the Territories of Idaho or Wyoming, one already passed the House and the other to pass to-morrow—why New Mexico, with a population of more than double, with wealth double, with settlements and homes anchored in the soil three times what either of them have, is denied statehood, while they are granted it? Arizona, producing more than Wyoming in every single line that I have been able to find from looking at every report, is retarded in her aspirations and Wyoming is encouraged in hers? Is it because poor Mr. JOSEPH got started wrong in his early life and became a Democrat? [Laughter and applause on the Democratic side.]

Gentlemen, is this the way the Fiftieth Congress acted with Washington and the two Dakotas? Did not Democrats come to the rescue? Can I expect Republicans outside of the committee to help me get a report out of the Committee on Territories? Would not fourteen or fifteen gentlemen on that side help me, as they were helped in the dividing of Dakota, and bringing in the two Republican States of North and South Dakota, and admitting Washington, a well known Republican State, and Montana, which, as every man of information knew, was doubtful? Yet we are kept back. No reason is assigned. My friend from New York [Mr. BAKER], with his smiling countenance and rotund form, did say that after Wyoming was disposed of Arizona would receive due consideration, and he thought she was entitled to it.

Mr. BUCKALEW. In due time, he said.

Mr. SMITH, of Arizona. Yes, he said that in due time it would receive consideration; and I hope he will adhere to it, but I fear that he will let four years—the usual statute of limitations—run if he does not change his peculiar way of giving due consideration in due time to a Democratic Territory.

Now, gentlemen, let us look sensibly and reasonably at this matter. To be understood, I repeat again and again, that I am heart and soul for Idaho and Wyoming being admitted into the Union with proper constitutions. Now, I want to ask gentlemen opposed to the admission of Arizona and New Mexico to tell me why we are not equally entitled to admission with Wyoming and Idaho.

Mr. STRUBLE. I wish to say right here that the gentleman knows very well that this is not the time to answer such a question as that.

Mr. SMITH, of Arizona. Yes, it is. This is the very time.

Mr. STRUBLE. He knows very well that it will take at least one hour to make an exhibit of the reasons why New Mexico ought not to be admitted into this Union.

Mr. SHIVELY. It will take more time than that to tell why that Territory has been so treated.

Mr. BRECKINRIDGE, of Kentucky. Give him an hour.

Mr. SMITH, of Arizona. It would take a month.

Mr. STRUBLE. And I say here that the gentleman is not doing himself or his Territory very great service in reflecting upon the action of the Republican party because an answer is not made to a question of that kind now.

Mr. SMITH, of Arizona. You could have answered it in the time you have been on the floor if it could have been answered at all. Why do you postpone the answer? Your side has plenty of time to answer it in.

Mr. STRUBLE. But not properly now.

Mr. SMITH, of Arizona. Then let us have an answer at the proper time.

Mr. Speaker, the facts as they exist in relation to these Territories have not been thoroughly understood.

Mr. PERKINS. I ask the gentleman from Arizona why the Democratic committee of the last House did not report a bill for the admission of Arizona.

Mr. SPRINGER. It did report one.

Mr. SMITH, of Arizona. It did report one, if you please. It was not partisan. It was patriotic. It was not blinded by prejudice, nor was it deaf to the voice of justice. That Democratic Congress not only admitted three known Republican Territories, but went further and reported a bill in the form of an enabling act for Wyoming, Idaho, New Mexico, and Arizona.

Mr. PERKINS. I asked one of the members, and he did not so inform me.

Mr. SMITH, of Arizona. It did so report, whether you were so informed or not.

Mr. PERKINS. Why did it not bring it up for consideration?

Mr. SMITH, of Arizona. Because it could not.

Mr. PERKINS. Why could you not, when you had the majority?

Mr. SMITH, of Arizona. Because we had unfortunate rules that we could not "do business" under against the will of the minority. [Laughter.]

Mr. KELLEY. That is an honest confession.

Mr. SMITH, of Arizona. But we can now do so, your way, only. [Laughter.]

Mr. BAKER. If my friend will allow me, was there any disposition on the part of the Democratic side of the House to admit Arizona during the last Congress; and was not there a disposition to force in New Mexico before that Territory had fairly asked consideration for herself?

Mr. SMITH, of Arizona. In answer to the first inquiry, I say yes, there was such disposition. In answer to the second, I say emphatically no. New Mexico twelve years ago was voted in as a State by the Republican party. If competent then, why incompetent now?

Mr. BAKER. She is coming in.

Mr. SMITH, of Arizona. Then, if she is coming in and if Arizona is to come in, we are on pleasant grounds again; there will be no further trouble between me and my excitable friend from Iowa [Mr. STRUBLE].

Mr. STRUBLE. It is merely a little plain talk. That is all.

Mr. SMITH, of Arizona. Yes, that is what I am, as usual, indulging in. I want now a little plain action. If it was just talk only, I would not care. Action is what I have been praying for and working for, but non-action meets me in this committee. I am not arraigning gentlemen personally. I am not asserting that the Committee on Territories has been indecently and outrageously unfair. I do not say that, because, you know, it might not be parliamentary; and another reason is because I might expect some sort of favor from that committee hereafter, even in the discouraging light of what it has signally failed to do in behalf of those who sent me here.

Mr. DORSEY. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DORSEY. Is the gentleman from Arizona discussing the question under consideration? [Cries of "Oh!" "Oh!"]

Mr. SHIVELY. The gentleman from Arizona is giving us a very interesting argument.

The SPEAKER. It is very difficult to state what are arguments for or against a bill. [Laughter.]

Mr. SMITH, of Arizona. I think the Speaker is exactly right, for I have listened to all these arguments about admission and I am from them thoroughly convinced of the correctness of the Speaker's statement. [Laughter.] I thought of raising the same point against the gentleman, but I saw he was not hurting anybody.

Mr. STRUBLE. Well, we know you are in favor of admission.

Mr. SMITH, of Arizona. Yes, all here know I am.

But to return: The population of Arizona in 1880 by the national census was 40,000; the population of Idaho was 32,619. The registered vote of Arizona in 1888 was 16,230; the vote for Delegate in Idaho in 1888 was 16,013. The area in square miles of Arizona is 113,929; the area in Idaho is 86,234. The forest acreage of Arizona is 20,000,000—a thing unknown to this House—20,000,000 acres of land of as fine forest as there is in the world; yet this is called an arid country, with nothing in it, nothing but sand-hills and waste and sage-brush. Yet

there stands within it the largest body of untouched timber to-day on this continent; and by the way, our people have not the right to touch it. If they want to build a church to worship the living God they must send to Oregon to get the lumber at \$35 per thousand feet, when trees are growing within a hundred miles of them as fine as grace the earth.

Those 20,000,000 acres of forest alone stands a guaranty to Congress of Arizona's power and willingness to take care of herself. Idaho has only 10,000,000 acres.

Take, now, the assessed property of these Territories, which I estimate at about one-third or one-quarter of the actual value. In 1889 Arizona had, by the figures taken from the county tax-lists, \$30,000,000; Idaho, \$24,000,000. The estimated values are: Arizona, \$95,000,000; Idaho, \$68,000,000.

The bullion output of 1887 was: Arizona, \$10,751,555; Idaho, \$9,000,000. I have not the figures for Arizona for 1889; but it is safe and honest for me to say that, in my opinion, Idaho has far outstripped her in the product of the mine in that period if the Idaho returns are correct. That discrepancy may have resulted from some great discovery of rich mines in Idaho. I do not know the exact reason; but I see from the report that Idaho has made the marvelous output of \$17,000,000 from her mines during the past year. How these figures were obtained I do not know. Whether they are accurate or not I do not know.

The cattle of Arizona are estimated at 1,150,000, and by the same estimate, which is derived from the tax-lists of the various counties in the Territory, I find that Idaho has less than 1,000,000. Of sheep we have 1,390,000; Idaho, 900,000. The figures in the report of the Department of Agriculture are taken, I presume, from the tax-lists of the various counties, and when you gentlemen understand that these herds of cattle roam over an area of hundreds of miles, that there are sometimes 15,000 or 20,000 in a herd, and that the tax-gatherer has no earthly means of knowing the exact number, but must take what is given him, you will readily understand that the real number is probably greatly understated. In the county where I live we know that the figures do not represent over one-third of the actual number. But, taking the figures as representing one-third, the report of the Department of Agriculture shows cattle in Arizona 698,000; in Idaho, 480,000.

Comparing railroads, we have 1,097 miles in Arizona, with some 150 or 200 miles more under construction, while Idaho has 888 miles by the last report, and no further lines under contract.

Now, gentlemen, it seems to me that the proper thing to have done at the outset with these four Territories, so similar, so much alike, so nearly equal in the resources they claim, was to bring in an "omnibus bill," in which each one could have been treated at the same time with the same justice you now accord Wyoming and Idaho. We all know that this House will get busy after the admission of Idaho and have no time for Arizona. [Laughter.] Do not we all know it? Is there a man here who disputes that very patent fact? When I get my report for the admission of Arizona, as I know I shall get it, from the Committee on Territories, what is going to be the result? I am going to get the bill on the Calendar, and then the House is going to be too busy to consider it.

Mr. BAKER. My friend ought to understand that under the rules of the House bills for the admission of States have precedence. They can be reported and moved along at any time.

Mr. SMITH, of Arizona. I am aware of that, my friend; but these rules to which you refer happen to be so constructed that the majority of the committee as well as the majority of the House can "do business" in aid of the majority. If you will permit me to paraphrase a statement of the Speaker in one of his celebrated rulings, I would say that "action" for the Republican party and "non-action" for the Democratic party "is the function of the House."

Yes, I know that these bills for admission of States have precedence under the rules, but that preference can not be given effect by my motion. I can not make the motion. I can not press the question. If Arizona were properly represented I could, and it would be very delightful for me to do it. Under present conditions I can not even vote when the question comes up. I could not vote when Silcott was leaving the country with all my money. [Laughter.] What am I to do when you are running off with or running over all my rights?

Mr. STRUBLE. Well, you can take your money when it comes.

Mr. SMITH, of Arizona. Oh, I can do that with as much expert grace as any man you ever saw. [Laughter.]

But earnestly, gentlemen, if I get from the Committee on Territories a report in favor of the admission of Arizona, as I hope against hope I shall, all I ask is that this House will take up the bill and pass it and admit her under my enabling act to the Union. I am in favor of the admission of Idaho, and, as I have already said, I have made these suggestions for no other purpose than to call the attention of this House and of my people at home to the fact that whatever could be done toward the admission of Arizona I have attempted in my poor way to do. I do not want to go home and I do not intend to go home and have it truthfully said to me or of me that I stood here a laggard in the race for statehood. [Applause.]

I have done my best, and every man on the committee knows it, and I can only now express my earnest hope that when the Committee on Territories shall report a bill for the admission of Arizona as a State of



this Union she will receive the same proper, prompt, and adequate action that has characterized your conduct in the case of Wyoming. I hope for that. That is what ought to be done.

Mr. Speaker, it is an outrage to keep out of this Union a State containing 100,000 of as well educated people as are to be found within the borders of this broad land, a people with less illiteracy and with as much patriotic devotion to the country and as much ability to take care of themselves as can be found in any equal number of people in any other part of the Union. Yet those people are kept out of the Union, are kept in disgraceful servitude, while this Congress legislates about their affairs without consulting them. Bills are introduced and considered here affecting the interests of the people of Arizona that have never been asked for by them, bills which, if passed, will ruin or greatly damage them.

Such bills, I say, are introduced and pressed here, and I am not consulted about them nor even so much as notified as to who introduced them or when it was done. But I ought to say that this has not occurred, so far as I know, in the Committee on Territories, and my remarks on this point do not apply to the members of that committee, for I have always received the most graceful attention at their hands when I have been before them, but am sorry to say that my importunate eloquence had no effect further than to secure their graceful attention. I know in this matter they did not do what I asked of them, but why they did not I forbear an attempt to explain.

Now, I repeat that I took the floor on this occasion for no other purpose than to call the attention of the House and the attention of the country, and the attention of my people at home to the fact that I have been doing and that I am doing all I can do to secure the admission of our Territory as a State; that I am pleading for that in and out of season; that I am working day and night to secure for Arizona the justice which her sister Territories, with equal or with less claims, are receiving from this Congress. That is all I ask. I know that we can rise here, or ought to rise, above any question of party in these matters, and I think we shall do so.

All that I claim for the people of Arizona is the constitutional right to vote on the taxes which they have to bear, the constitutional right to local self-government. If these other Territories are entitled to statehood Arizona is likewise; and the mistake of this Congress, the mistake of the last Congress, and the mistake of every Congress since twelve years ago, when New Mexico was voted into the Union by both Houses, has been that they did not treat the Territories as they deserved to be treated; that they did not facilitate and encourage their admission as States of this Union. You have not advanced them as they should have been advanced; you have not helped to encourage in their hour of need those struggling people. Now they have grown in strength. They feel and know that they can bear on their own shoulders their own burdens. We ask of Congress simply to give as law the enabling act which I have introduced.

Let us bear our own burdens; let us run for ourselves the race of life; throw off the handicap; give us a fair chance, and we will show you that the State of Arizona will yet rise to be a great, almost unbounded land, of the pleasantest homes, of the most patriotic people, that the sun in all its course ever smiled upon.

Our demands are not those of a hostile people. Four-fifths of our adult population were born and have resided amid the same influences and civilization that surround you. They represent the rugged strength and dauntless courage and inflexible patriotism of all the States. They are as brave as they are strong, and when the nation yet may need defenders it is certain that the contingent from Arizona can be relied upon "for everything that man can do in the way of toil or dare in the way of danger."

Mr. Speaker, these men for whom I speak are your kindred by the ties of a common country and by the closer ties of blood. In behalf of these and for the recognition of their right to the liberties enjoyed by you, I appeal to your sense of justice in the same spirit in which our fathers prayed redress of English wrongs, and, using the language of their petition, I beg of you to "listen to the voice of justice and clemency."

This appeal is prompted by no personal ambition, is actuated by no hope of personal aggrandizement, but it is simply the reflection of the sentiments of those who commissioned me to speak for them here.

True, the Committee on Territories has been informed by several self-constituted ambassadors from Arizona that the people of that Territory did not desire statehood. Prominent among these was the present governor, whose term of office is lengthened or shortened by the action the committee may take on the enabling act which I have introduced. Statehood for Arizona means his descent from the high office which he now holds.

In answer to his assertions, I submit, first, that the press of the Territory, regardless of politics, favor my enabling act. Second, the representatives of the people convened in General Assembly at its last session passed an act providing for a constitutional convention. By the terms of the act the governor was directed to make the call by proclamation for the election of delegates to such convention. This bill passed both houses and received the sanction of the then governor. It was thus the law of the land which all were bound to respect.

Just at this time Governor Wolfley's appointment was confirmed by the United States Senate. He came on from Washington and began to review the acts of the Legislature. He immediately deemed this particular act unwise and violated public conception of his duty by refusing to see that the laws were "faithfully executed," and outraged the people by refusing to issue the proclamation required of him by law. Yet he comes before members of the committee and asserts that Arizona does not want statehood. He did not represent the people in such action any more than he represents their choice as governor.

I think, under such circumstances, the majority of the Committee on Territories might have given my statement of the desire and wishes of my constituents fully as much weight as was accorded to his. I am sure the committee did do so. I think any volunteer statements by unaccredited representatives had no more effect than to furnish an excuse for the wrong done Arizona in refusing to report this enabling act.

I have no personal controversy with Governor Wolfley. I desire for him a successful administration, and what I have said has been forced on me by his action, and would not even now have been said except to show this House that such statement by the governor was no valid excuse for the non-action of the committee. I am sorry that I met his opposition to this enabling act. I wish he could have seen fit to assure the committee that Arizona desired to have an enabling act passed and give the people an inexpensive vote on the question. At the polls they could say whether or not they desired statehood. It was not for him, but for them, to settle.

It is not for me, nor for you, but for them, to determine. Why not, then, pass the measure for which I am contending and take the people's word as expressed in their ballot? If they do not want statehood they will not have it. They know their own condition. They will see that their wishes are carried out. And as for me, I am happy to assert that their action on this great question will receive my hearty commendation, no matter what their verdict may be. I am contending for their right to act, not suggesting what their course should be. And in this contention I represent no party or clique, no political, religious, or other combine, but the whole people of Arizona, regardless of distinctions or differences, political or otherwise.

My people have made no political question of this matter. They are above it. They love their land of sunshine and silver more than they love party politics. They love their country more than they love candidates. I commend them in this regard as examples worthy the emulation of Congress.

It has been urged that Arizona's debt is large, and therefore she should not be admitted to the Union of States. The debt will remain until paid, whether we be Territory or State. Kept down by a condition of dependence, the debt will grow faster than our resources. Given statehood, a rapid increase of population and wealth will follow, our wonderful resources will be speedily developed, and the debt will soon and easily be paid. What is now a grievous burden might then become a light and easy load.

The existence of such a debt is to my mind the strongest possible argument against a Territorial form of government. The existence of such a debt is in a measure due to reckless legislation, but ill advised legislation is not by any means the only reason for it. We have never received one cent of aid from the National Government in any public building. We have built many at great cost from our own means. Court-houses, school-houses, asylums, jails, hospitals, and colleges are necessary adjuncts of modern civilization. We have assumed a large debt in order to maintain charity, preserve order, educate the young, protect the helpless, and aid the infirm, and this very fact is here offered as an argument against our ability to sustain proper government. Is it not rather an assurance that we are eminently able and willing to do it?

The population of Arizona has been urged as insufficient. I admit that we are much below the present ratio of representation in Congress; but so is Idaho and so was Wyoming. A waiver of the objection in the case of these two ought equitably to apply in our case. But that we have a far greater population than many States had at the date of their admission the following table, taken from the report in the Wyoming case, will clearly show. The table, I think, was compiled by the industry of my friend from Wyoming [Mr. CAREY]. It is as follows:

State.	Population when admitted.	State.	Population when admitted.
Ohio.....	45,000	Missouri.....	66,000
Indiana.....	63,000	Oregon.....	45,000
Mississippi.....	35,000	Kansas.....	100,000
Illinois.....	35,000	Nebraska.....	100,000
Alabama.....	40,000	Colorado.....	100,000

The population noted in each instance was based upon an estimate or an imperfect census. It shows an average population of but little above 60,000 for each State. Nearly every State doubled its population in five years after admission.

From the same source I also obtain the following table, showing the votes cast at Presidential elections at different periods in the history of the several States mentioned:

States.	Years after admission.	Votes cast.	Members of Congress.
Tennessee.....	28	20,725	9
Indiana.....	8	15,725	3
Illinois.....	10	8,344	1
Do.....	14	19,576	3
Missouri.....	15	5,192	2
Do.....	19	19,332	2
Mississippi.....	15	5,067	2
Do.....	19	19,067	2
Arkansas.....	4	3,638	1
Do.....	12	11,209	1
Do.....	16	16,888	2
Do.....	19	19,357	2
Michigan.....	23	11,360	1
Louisiana.....	3	18,914	4
Florida.....	7	4,963	1
Do.....	15	7,193	1
Texas.....	3	14,345	1
Do.....	7	15,177	2
Do.....	7	18,647	2
Iowa.....	3	24,303	2
Wisconsin.....	2	39,166	3
Oregon.....	2	12,410	1
Do.....	14	14,649	1
Nebraska.....	2	15,168	1
Do.....	6	26,141	1

Wisconsin Territory at election preceding admission cast 20,318 votes, admitted with two Representatives, and she cast, first Congressional election, 24,600.

Iowa admitted with two Representatives, who were elected with total vote of 20,064.

Kansas cast at second Congressional election after admission 15,272.

Nebraska cast first Congressional election subsequent to admission 14,710.

Colorado cast at election previous to admission 17,100.

California at her first State election, after a most bitter political fight, when the selection of governor, judiciary, and other State officers, including United States Senators, was dependent upon the result, cast only 12,875 votes.

In the great debate over the admission of Oregon and Kansas it was not claimed that more than 10,121 votes had ever been cast in the former, and 13,289 votes in the latter, Territory. The votes rejected as well as those counted were included in these totals.

At almost every Presidential election up to and including that of 1872 there were from three to five States that did not have as many male voters as there were in Wyoming in 1888.

Now let us proceed to a comparison of the actually assessed valuation of property of several States shortly after admission. I am indebted to Mr. CAREY, of Wyoming, for the following facts:

State.	Assessed wealth.	State.	Assessed wealth.
Wisconsin.....	\$31,200,000	Minnesota.....	\$32,087,730
Arkansas.....	23,400,000	California.....	13,296,000
Florida.....	13,800,000	Kansas.....	22,506,000
Iowa.....	13,200,000	Wyoming.....	31,509,000
Oregon.....	11,400,000		

Arizona has actually on her assessment roll \$30,000,000, which is less than one-third of her actual wealth. It is safe, then, in view of our scattered population and large herds of cattle and sheep that can not be definitely listed, our vast wealth in untaxed mines, that we now have more than double the property that any of the foregoing States possessed at the time of their admission to the Union.

Now, Mr. Speaker, as I said in my argument before the Committee on Territories when an enabling act for Arizona was under discussion, "I can see no reason in the world, from the showing made, why any one of these four Territories should be refused admission to the Union as a State. I think New Mexico is largely ahead of the others in developed wealth, and certainly largely ahead of any in population. But why any distinction should be made between Idaho, Wyoming, and Arizona is inexplicable to me. Why should one be taken and another left? There is no earthly reason why all should not be taken in together, and for the life of me I can not see why we should not provide a bill for an enabling act, passing a law allowing them all to come in together. There is no use in keeping them standing out in this way. It is wearying to them and to Congress."

Arizona is superior to any of your new-made States in natural resources and only requires fair treatment in order to illustrate her boundless possibilities. On her silver-ribbed mountains and verdant valleys, in the hushed stillness of her primeval forests, "God's hand has written the charter" of her ultimate imperial supremacy.

I appeal to the Committee on Territories and to Congress to give an enabling act to these people. Relieve her from "a system of courts

which are inherently wrong and which never can be made suitable" to rapidly developing conditions. Give her people a chance to say whether or not they desire to govern themselves or prefer to be governed by officers selected at the dictates of politicians who never saw the Territory or felt an emotion or impulse in common with her citizens. I am not forecasting their conclusion on the question of statehood, but, knowing them, I can make a reasonably fair guess as to their course.

In portraying the tribulations incident to Territorial vassalage I can do no better, nor can any man do better, than to repeat what was said in the Fiftieth Congress by the present governor of Montana in advocacy of Montana's right to statehood. In his picture of our wrongs he very truthfully showed what Congress has done for the Territories:

"It has regulated the number of our judges, which is grossly inadequate in every instance, resulting in the delay, and in many cases the denial of justice.

"It has arbitrarily fixed the time when our local Legislature shall meet and adjourn, to our great damage and inconvenience.

"It has reserved the right to invalidate any law which our Legislature may pass, thereby destroying that full faith and credit which our legislation ought to command.

"It has bound us hand and foot by a law which restricts these growing and ambitious communities in the expenditure of money for public improvements.

"It has declared what we shall teach in our public schools, and manifested a lack of confidence in us in other instances of legislation too numerous to mention.

"It has attempted to stifle our industries by prohibiting us from selling our mining properties in foreign markets, thus laying upon us an embargo not borne by citizens of the States.

"It has exempted a railroad and the improvements on its right of way for 820 miles in length from taxation, furnishing another evidence of the gross inequality of citizenship in and out of the Territories.

"It has withheld from us our dower of lands which belong to our school fund and refuses to give to us any kind of supervision or control over it until we become a State, and then sets deliberately to work to prolong the time when that event shall happen.

"It has professed to give us a representative in the lower House of Congress, but denies to us a vote, the only element of representation which gives character or influence to a Member.

"It has left us without any kind of representation in the Senate and remits us to the beggarly methods of the lobbyists.

"It has imposed upon us, with an iron hand, the obligations and burdens of citizenship, while it withholds its corresponding benefits by steadily denying to us participation in the framing of Federal legislation and the right of suffrage in national elections.

"It has refused to appropriate the salaries provided by law for the hungry officials whom it has been pleased to send us, and compels them to accept a measly sum in full compensation, notwithstanding an overflowing Treasury.

"It has refused to appropriate sufficient money to extend the public surveys in the Territories, but has doled out annually its dribblets, which have oftentimes been covered back into the Treasury, leaving our boundaries undefined and our titles insecure.

"It has failed to cause to be surveyed, selected, and conveyed to the grantees the lands falling to railroad grants in the Territories, as required by law, whereby millions of acres of land owned by rich corporations escape taxation.

"It has persistently refused to pass laws by which timber or timber lands in the Territories (except Washington) may be leased or purchased, professing, however, to give the right to actual settlers to cut and remove the same for domestic purposes, while it has hedged in this privilege with an odious and impracticable system of rules and regulations which has resulted in harassing our citizens with expensive civil and criminal proceedings based wholly upon the *ex parte* statements of a crouching and obsequious special agent or spy, who has been taught to believe that his term of office will be measured by the extent of his activity in stirring up strife.

"It has, by the organization of these Territories, invited settlement and occupancy of the frontier upon the promise and obligation that our persons and property should be protected against depredations by hostile Indians. These promises have been honored more in the breach than in the observance. The history of our early settlement is red with the blood of the pioneers who blazed the trails of civilization in these remote lands by the lurid light of their burning homes, which went down in ashes before the merciless savage. Millions of dollars of unpaid claims, mildewed by age, growing out of these atrocities, are piled up in the Departments, while the heroes of those troublous times, overcome with the weight of years and no longer able to conquer their feelings, have gone to join the silent majority, leaving destitute widows and orphans to keep alive before Congress the memory of their trials and tribulations. Verily the cruelty of Congress cuts as keenly as the scalping-knife or the tomahawk."

Is it any wonder, then, Mr. Speaker, that I find difficulty in restraining the expression of indignation at any attempt by anybody for any purpose to prevent the people who sent me here from having a fair chance by their votes to inform Congress whether or not they are tired



of this, whether or not they want a change, whether or not they want a voice in the selection of those who are to execute the law, whether or not they want a voice in the enactment of laws under which they are to survive or perish.

This is all I ask for them; it should be speedily accorded. Short of that you outrage justice. I am not ready to believe that you will intentionally do that. I have great confidence in the sense of justice which usually does, and always should, actuate the chosen Representatives of the American people. I invoke it now. I know that the thousand varied duties devolving on us here render it impossible for each to act intelligently on every bill presented for consideration, and you all are forced to rely largely on the findings and reports of committees to which was specially delegated the duty of investigation. This fact of necessity defeats many proper measures and passes some bad ones. But these mistakes are incident to every large legislative body and in the shortcomings of human wisdom can not be avoided.

But, sirs, you can avoid injustice in this case. Forget party politics, look unprejudiced to the rights of men and see that their rights are respected, and a proper enabling act will be passed whereby the people of Arizona can express their will to Congress.

I had intended to express somewhat my views on the constitutions presented here by both Wyoming and Idaho, and to call the attention of the House to what appear to me objectionable and unrepugnant features appearing in each. But the question has been so worthily presented by abler men than I that nothing which I could say would influence or entertain the House. I can not, however, forbear recording my objection to a constitutional provision conferring female suffrage and I equally oppose any purely sectarian or, if you please, church legislation. It is well enough and very proper to prescribe and punish crime, but very dangerous to prescribe and punish opinions or creeds or faiths.

The constitution of Idaho, in my opinion—granting proper sectarian supremacy in the State—can prevent a Presbyterian or a Catholic from voting. All good Presbyterians and all good Catholics and, in fact, all other Christians believe the law of God superior to an unjust law of man and more deserving obedience. The constitution of Idaho says that all persons who belong to any organization, order, society, or association "which teaches or advises that the laws of this State prescribing rules of civil conduct are not the supreme law of the State \* \* \* shall neither vote, serve as jurors, nor hold any civil office." Suppose the law of the State should prescribe bigamy, then every member of every church or society which taught that such law was not supreme would be disfranchised.

I repeat, it is a dangerous constitutional provision and may reach further, under fanaticism, than the builders ever designed. The legislature, not the constitutional convention, should determine the qualification of electors.

With these brief suggestions of change in the proposed constitutions, I am, as I have already repeatedly said, heart and soul in favor of the admission of all these candidates for statehood. In my judgment, obedience to the law, not opinion of the law, should determine the question of guilt.

Now, in conclusion, Mr. Speaker, these people of the Territories should have fair, impartial treatment at the hands of Congress. Their wishes should have respectful consideration. They should be kept no longer under guardianship than is absolutely necessary to their welfare and happiness. In my heart of hearts I beg for my people fair and impartial treatment at the hands of this Congress. I ask nothing more. I thank the House cordially for its considerate attention. [Applause.]

Mr. CHIPMAN. Mr. Speaker, I agree entirely with the gentleman from Arizona [Mr. SMITH] that it would have been better if all four of the Territories mentioned by him had been put into one bill and submitted to our consideration. I can see no reason—I never have, since I have been in Congress, seen any reason—why either New Mexico or Arizona should not be admitted to the sisterhood of States. As compared with the Territory of Wyoming and with the Territory of Idaho, they have all the elements which entitle them to admission. If there is any objection to New Mexico, it is an objection which applies to it in common, as it would seem, with the Territory of Idaho.

What has been urged against New Mexico is the character of her population. If the extraordinary provision concerning suffrage in the sixth article of the constitution now before us is justified by the facts, it shows that there is an improper population in Idaho, a population in numbers so great as to be a menace to the prosperity of the State, a population which, upon the hypothesis of this clause in the constitution, is hostile to our institutions and unfit to take part in the government. This is the argument which has been urged against New Mexico. It is the only argument which I have ever heard against it, and it now stands, if I am correctly informed, as a barrier against a bill being reported to the House for the admission of that Territory.

But, sir, I would not upon any political ground oppose the admission of any Territory into the Union. My political brethren will bear me witness that in the last Congress I was an advocate for the admission of all the Territories, and that in our party councils I asserted, what I now repeat, that it is impossible to exact any pledge of party fealty from a State prior to its admission—not only impossible, but

wrong and unpatriotic in every way in which you can view it. I believe that it is best—best for the country—to get rid of these Territorial governments, and it is infinitely best for the people of a Territory themselves to enjoy the rights and privileges of statehood.

Yet while I feel in this way I can not forget that the Constitution of the United States imposes upon us the duty of guarantying a republican form of government to the States which constitute the members of the Union. "What is a republican form of government?" would open a wide range of discussion. There are republics and there are republics—republics which in our view utterly fall short of the true definition of a commonwealth of that nature. And our own Republic, even in the estimation of many of the best thinkers, does not contain that popular freedom which constitutes the ideal of a truly democratic state.

But I think I may say safely that no government is republican in form which makes oppressive distinctions between the citizens of a State. A government which in its policy, in its constitution and laws, distinguishes oppressively against one class of citizens and in favor of another falls far short of the model which we set before us as the true one of republican institutions.

This is especially true of distinctions which impair in any way a proper enjoyment of the elective franchise. That franchise is the very breath of republican institutions. Manhood suffrage is the very body of liberty.

The American people have adopted this as a faith, and though nowhere expressed in so many words in any of our constitutions, I think I am fully justified in saying that it may be considered as a sort of natural right, because it is the only method which the world has yet discovered by which a full and perfect liberty may be maintained for the people.

The report of the majority on this bill seems to treat manhood suffrage as a mere political right. It undoubtedly is such a right; but it bears the same relation to freedom as the right to pray and to preach bears to the full exercise of the religion in which we believe. And just so far as men are unjustly debarred from exercising it, just so far are they debarred from a full enjoyment of self-government.

I admit, Mr. Speaker, that there ought to be disabilities to vote. It is not wise to permit every one to exercise this great right. I know of no State in the Union, I can conceive of no civilized State, which would allow every one to exercise it. I certainly have no particular objection to the disqualifications prescribed in section 3 of article 6 of this constitution proposed for the State of Idaho. Almost all the States in the Union have disabilities of this kind; but in almost every one of them they are clearly defined, and not only are they clearly defined, but the method of ascertaining them and of applying them as a barrier to the exercise of the elective franchise is explicitly set forth.

This constitution prescribes two classes of disabilities; and in my judgment it prescribes two different ways of ascertaining whether a citizen is subject to them. First, there are those disabilities which arise from conviction in a court of justice; and the ascertainment of such a disability is, by the very nature of the language, referred to the action of a court, making it dependent upon the prior action of a judicial tribunal, as in the case of persons under guardianship and persons convicted of certain offenses.

As to the second class, no method of ascertainment is prescribed *en nomine*, but the matter is plainly left to the discretion of the Legislature and the election officers. This class embraces idiots, insane persons, persons in prison, every person who is a bigamist or polygamist or is living in patriarchal, spiritual, or plural marriage, and so on. The last clause of the provision supposed to refer to the Mormons embraces persons who are excluded because they belong to an organization which teaches and advises that the laws of the State prescribing rules of civil conduct are not the supreme law.

In this second class of disabilities no reference is made to convictions whatever. There is nothing in the proposed constitution on that subject. Everything is left in this important, in this most precious, matter to the citizen, to the will of the legislator.

The provision in regard to membership of organizations which teach or advise that the laws prescribing rules of civil conduct are not the supreme law of the land is of a very grave nature.

I do not say that it is intended to trench upon religion; I do not say it is meant to interfere between a man and his God; but I do say that it has a broad latitude, a latitude so great that in times of popular passion it may embrace within its fold many and many an organization, spiritual or temporal, which to-day we have no idea can be subject to it. Wrong ideas grow. It is not the prerogative of good alone to thrive.

Why, Mr. Speaker, it is only a few years ago that that great and beneficent order, the Masonic body, was attacked from one end of the country to the other as being hostile to the freedom of the country and as setting itself above courts and above the laws themselves. There is another body, a church, venerable with years, noted for its learning, for the great good it has done in the world, and for buttressing civilization against paganism, against which this very reproach is made, a church which like the Masonic body denies the truth of that reproach and denounces it as a calumny invented by its enemies. And yet I can imagine, and any man on this floor can imagine, in times of high

excitement, especially of high religious excitement, excitement the most unreasonable, the most vindictive to which the human mind can be subject—I can imagine that in such times men might become so frenzied by prejudice and fear that even the very convent fires which were the shame of Boston may be relighted and sectarian hate rule men with savage power.

Why, even the Savior of mankind was accused of setting up and teaching a religion which claimed to be superior to the state. The histories of your race and the histories of all religions are crowded with thumb-screws, racks, scaffolds, and the fires in which men have been tortured or destroyed because accused of making this very claim; men who we now see in the clear, calm light of history were done to death unjustly, as they were treated cruelly and barbarously while living. While error is multiform, its essence is the same.

And it is only just to say of this Mormon Church that it denies the imputation that it essays to overturn the law.

Shall it be honored with the cross or martyred at the stake? Shall its adherents, deluded though they are, be robbed of the hearing in the courts we give to every class of criminals? Shall their rights as citizens be determined by less solemn methods than your rights and mine? Shall a mere election board have power to ostracize, to disfranchise a citizen and their finding of the facts be conclusive on the courts? This may be done under this constitution, and—

Mr. STRUBLE. Is it within the recollection of the gentleman that any court in this land has ever held as to either of these societies or to any except the Mormon Church that it was a criminal organization?

Mr. CHIPMAN. No, sir; I do not remember anything of that kind. But I do not see the pertinency of the question.

Mr. STRUBLE. Is not the gentleman aware that one court in Utah and another in Idaho have held to that effect as to the Mormon Church?

Mr. CHIPMAN. Now, what else do you want to ask? Ask your question and then sit down.

Mr. STRUBLE. Are you not aware of such a decision having been rendered by judges of your own party?

Mr. CHIPMAN. Party! What do I care for party? [Applause.] We are discussing the rights of the people. We are discussing a grave question of elemental right; but the gentleman talks of party. It is party when you try to pension soldiers. It is party when you essay to give any laws to the people. It is party when we seek to protect the sanctity of the franchise. [Applause.] I think nothing of party. I care nothing for party in this discussion. I am making no attack on your party. I am making no attack on you, and you will please sit down and let me go on.

Mr. STRUBLE rose.

Mr. CHIPMAN. Take your seat.

But let us go another step, Mr. Speaker. What have these decisions to do with the controversy which is pending here? If the gentleman is no better lawyer than his question implies, if he has no more idea of the force of authority than his question illustrates, I feel very sorry for him indeed. [Laughter.]

What I am contending is not that the courts have not decided it, nor that polygamy is not a crime, but that the constitution you bring here silences the courts, the true refuge of all our rights and the only certain asylum against oppression and corruption. That is my contention.

But the gentleman answers me that somewhere in the country, somewhere else, the very thing has been done which I contend ought to be done under this instrument which you bring here and ask us to vote for. I suppose the answer will be that this clause of the constitution does not execute itself, that it can not execute itself. Although I am not entirely certain how far that is true, I am certain that in one sense it does execute itself. In one sense it prohibits the recourse to the courts.

It does that not only by what it says, but by what it does not say. It provides in what case you shall go the courts, and it makes provision by which a person having a certain belief or doing a certain act shall, without the intervention of a court, be disfranchised. In the case of guardianship, in the case of conviction of crime, other provisions apply. In those cases the courts are invoked; but in the case of insanity, which is a condition of body, and also in the case of Indians and Mongolians and of the Mormons, it expressly strikes at the interposition of the courts. I have looked at the provision of this constitution in regard to the jurisdiction of the supreme court, and in my judgment, unless a law is passed very carefully guarded, the entire decision of the facts will rest or may rest with boards of election officers, and so strip the courts of all real jurisdiction.

I believe the gentlemen say that this will not be done. But how do you know it will not be done? How do you know that the strong tide of passion which ingrafted on this constitution so dangerous a provision will not induce the people to pass laws to carry it out in the most severe and obnoxious manner possible? You say it will not be done. I say liberty, the rights of the citizens, public safety, demand that you shall confer no power, give no opportunity to inflict an oppressive rule upon the citizen.

Mr. BAKER. Will the gentleman yield for a suggestion in the shape of a question?

Mr. CHIPMAN. Yes, sir; with great pleasure.

Mr. BAKER. Has the gentleman overlooked the provision in the constitution which meets the point he makes?

Mr. CHIPMAN. What is it?

Mr. BAKER. That a person claiming a right to vote may purge himself of this disqualification by taking the oath.

Mr. SPRINGER. Where is it?

Mr. MANSUR. It is not in the constitution.

Mr. BAKER. The test oath.

Mr. CHIPMAN. I have not found it.

Mr. MANSUR. You can answer it by saying that it is not in the constitution.

Mr. CHIPMAN. I have not seen such a provision.

I have observed, though, I will state to the gentleman from New York [Mr. BAKER], in the majority report of the committee something which they roll as a sweet morsel under their tongue, and bearing about the same relation and potency as authority to the matter at issue as the question of the gentleman over there a short time ago, but which is cited by the committee as conclusive. In the case of a Mr. Davis against a sheriff, suit was brought in Idaho involving the legality of a test oath disclaiming connection with Mormonism, and the Supreme Court held that the oath was a proper and a constitutional requirement. I have no doubt of it; no one doubts it.

But how do we know that the Legislature of Idaho will prescribe a test oath in this case and so give an opportunity of purgation? You say that they probably will. I say that they ought to. But is there no doubt that they will do so? There is none that it should be done; but where is the authority that compels it? Where is the warrant; the surety? Where is the assurance that they will not leave this entire matter to the kind of men whom I will not undertake to characterize here; the men who may compose election boards; the low politicians; the hucksters of public life; the seekers for the little offices; the hangers-on of great men; the mean implements of base ambitions; the general doers of dirty work throughout the nation?

How do we know, I ask, that it will not be left entirely to these men? In vain is it to say it will not probably be left to them. It may be; and where there is an opportunity for corruption, where in the mad delirium and loose morals of politics there is an opportunity for oppression, you may be as sure that they will appear promptly at the time, when they can do the most good or the most harm that can be done, as that the sun will rise or set.

Now, Mr. Speaker, I am not an apologist for Mormonism; but it is very cheap, it is very easy to stand here and rail at it. There is, sir, a demagoguery of virtue just as there is a hypocrisy of religion. The virtue which is performed vicariously is the sweetest in the world to a great many people. I know gentlemen whose virtue consists solely in condemning polygamy and who are sober only by trying to enact laws to keep the poor soldier from getting his beer. [Laughter and applause.]

The world is full of this kind of saints; and to stand here where we have no real potency over the subject, where we are not called upon to act—to stand here and hurl epithets at Mormonism seems to me to be a very mean piece of business. There is no risk, there is no bravery in this kind of talk; there are no votes to be lost by it, and so it is cheap and easy. I condemn Mormonism root and branch. I agree entirely with the framers of this constitution that persons guilty of bigamy and polygamy and of the practices set forth in section 3 of article 6 of the Idaho constitution ought to be disfranchised. But they are human beings, they are American citizens, and I contend for them and in their behalf that they should have the rights of all other citizens. No one of them ought to lose his right to vote unless he is duly convicted.

I contend for them, and not for them alone, but for all citizens, Protestant or Catholic, Jew or Gentile, for the black and the white, for every form of religion, for every form of political belief, that their rights should be judicially ascertained. I know that in the State of Illinois statutes have been passed for the first time in the history of this country making penal certain expressions of opinion. That law may be the outgrowth of a great necessity and be so well guarded that no harm can be done to free speech and legitimate political action, but I tell you gentlemen here to-day that it is a dangerous road to enter upon. It is the road followed by this constitution, and is doubly dangerous because it is in an organic law.

I know the answer will be that by this route you seek to attain certain good. But after all you set a precedent; and all the evil I have ever read of in history comes from evil precedents bent to good uses. It is the exigency of occasions which causes reason to be blind and desperate courses to be pursued. It is from high and holy purposes, often indeed for the preservation of the state itself, that an evil example is set and a rule established which ultimately baptizes the liberties of the people in blood or drowns them in despotism.

Strike Mormonism, if you please; strike it hard; but give it a fair trial. Let the courts condemn it; not irresponsible election officers. Let them condemn the man whose vote you seek to take from him, upon some charge of crime proved by lawful evidence. Let them solemnly by judgment and by record determine that he falls within the law and has committed an offense which takes from him, and ought to take from him, the right of the elective franchise. We can not afford, for the suppression of Mormonism, to introduce into this country a prece-



dent so dangerous. We can not afford to do this clear off in Idaho, even, for that is not so far away but that it may ripen in mischief and be cited in courts and in senates against the liberties of the people. I contend simply for the protection of the law through the judgment of the courts on the conduct of all men. Discrimination made in the very teeth of denials that the accused are subject to them can not fail to be most hurtful and most dangerous. I would blot out Mormonism if I could, but I would not, even to blot out Mormonism, take one step which might impair the freedom of the American people. [Applause on the Democratic side.]

Mr. DUBOIS. Will the gentleman allow me a question before he takes his seat?

Mr. CHIPMAN. Yes, sir.

Mr. DUBOIS. Do you approve of the Edmunds law?

Mr. CHIPMAN. Oh, my dear sir, we are not discussing the Edmunds law.

Mr. DUBOIS. The Edmunds law disfranchises them without proof.

Mr. CHIPMAN. I would be very glad to hear your views on the Edmunds law.

Mr. DUBOIS. Are you in favor of the Edmunds-Tucker law?

Mr. CHIPMAN. If the Speaker will permit I would like to hear the gentleman's views of the Edmunds law. It has nothing to do with this discussion; but I will not object.

Mr. MANSUR. Under the Edmunds law he is not disfranchised. If a man takes the oath he votes; but you do not permit him to take the oath and vote.

Mr. DUBOIS. We do. I beg your pardon. That case came to the supreme court, and on that issue the man took the oath and voted, and we then convicted him of perjury.

Mr. MANSUR. You misunderstood me. Now, under the constitution you do not permit him to take the oath.

Mr. DUBOIS. I beg your pardon. It is the same law that we have on the statute-books. Now, any man can take the oath and vote. Then we proceed against him for perjury.

Mr. MANSUR. Now, under the statutes you allow him to take the oath and then he votes. Under this constitution you do not grant him that privilege.

Mr. DUBOIS. I beg your pardon. It is identically the same with the statute.

Mr. SPRINGER. The Edmunds-Tucker act allows a man to vote. He must swear that he is not a polygamist or bigamist, and is not guilty of these crimes. Under your bill he must swear, in addition to that, that he does not believe in Mormonism.

Mr. DUBOIS. Why, certainly; but the Edmunds act does not require conviction, which you argue is necessary in every case.

Mr. SPRINGER. I will ask you if you will submit an amendment to allow the Edmunds act to operate in Utah? And if you will we will withdraw our amendment.

Mr. DUBOIS. We will not take that. We propose to extirpate Mormonism, while you propose we shall not.

Mr. SPRINGER. In Utah the Delegate could vote and in Idaho he could not.

Mr. PERKINS. Mr. Speaker, I regret that the attractions at Benning's are so great that we are compelled to talk to empty benches rather than to the intelligent members of this House who will be called upon to vote and determine by their votes whether or not the Territory of Idaho shall be admitted as a State. In the time that I consume I shall not enter upon a general discussion of the material resources of Idaho nor of the intelligence and patriotism of her people and their excellent qualifications for the duties and responsibilities of citizenship; nor shall I enter upon a general discussion of the policy that should be respected by Congress concerning the admission of new States into the sisterhood of States. Other members have done that and may do so in the discussion that is to follow. Nor shall I consume any considerable time in answering the criticisms of my friend from Arizona, who is disposed to complain because bills have not been reported by the Committee on Territories providing for the admission of Arizona and New Mexico. I would say to him, as I have said in committee and elsewhere, that I believe each one of these applications for admission should be considered carefully and dispassionately and that each applicant should stand upon its own merits, and, if upon full, fair, and intelligent investigation it was determined that it deserved and was entitled to statehood, it should be admitted. I do not believe now, and I did not believe at the last Congress, in uniting several Territories in one bill and attempting thereby to bring into the sisterhood of States by the strength of one or two Territories another Territory that should not be admitted and that did not possess the qualifications that entitled it to admission. In due time the application of Arizona will be considered; and it is but fair that I should say here, in answer to the criticism of my friend, that he knows, as every member of the Committee on Territories knows, that more than one-half of the gentlemen from Arizona who have appeared before our committee and talked upon the subject of Arizona have argued against its admission.

Mr. SMITH, of Arizona. If the gentleman will permit me, I will ask him how many Federal officers appeared before the committee with four-year terms before them.

Mr. PERKINS. I am not prepared to say how many of them did, but I am prepared to say that one was the present governor of the Territory of Arizona, who says to the Committee on Territories, as he says to the people of the United States, that, in consequence of the bonded debt of that Territory, in consequence of its involved financial condition, and because of the peculiar conditions that exist there, that Territory ought not to be admitted into the Union at this time.

Mr. SMITH, of Arizona. Will the gentleman allow me there?

Mr. PERKINS. And I can say, sir, that gentlemen who were not office-holders, as I know, but property-holders, leaders of the Territory of Arizona, without any interest except the best interests of that Territory and the best interests of her people, have said to our committee that that Territory ought not to be admitted into the Union as a State.

Mr. SMITH, of Arizona. Will you name him?

Mr. PERKINS. One, for instance, was Mr. Cameron.

Mr. SMITH, of Arizona. Ah, Mr. Cameron!

Mr. PERKINS. The gentleman exclaims "Mr. Cameron!" But that gentleman is a very bright, intelligent citizen of Arizona, who is not an office-holder and who is not concerned in any office in Arizona.

Mr. SMITH, of Arizona. Is he not? I know the gentleman from Kansas [Mr. PERKINS] does not want to make a misstatement.

Mr. PERKINS. Of course I do not.

Mr. SMITH, of Arizona. Mr. Cameron holds the most lucrative office in Arizona to-day.

Mr. PERKINS. What is it?

Mr. SMITH, of Arizona. Clerk of two courts—the district and the Federal court—under an appointment that he will lose the minute the Territory is admitted into the Union as a State, for he could not be elected constable of a precinct. [Laughter.]

Mr. PERKINS. It may do for the gentleman to talk in that way, but, as I said, I do not desire to consume time now in discussing the merits of Arizona. [Laughter on the Democratic side.]

Oh, we will do that, gentlemen, all in good time. We will meet you at the proper time, and you will probably have all the opportunity you desire of discussing these questions to your satisfaction and to the satisfaction of my friend from Arizona. I am only suggesting now that sufficient for the day is the evil thereof. When the bill for the admission of Arizona or the bill for the admission of New Mexico comes here it will be discussed, and discussed, I hope, fairly and dispassionately. I have said what I have said in answer to the criticisms and the fault-finders of my friend from Arizona [Mr. SMITH], because he knows, as I know, that there is a division of opinion among the American citizens of Arizona as to the propriety of its admission to statehood at this time, and he knows that our committee has been addressed by respectable gentlemen from that Territory who say that it ought not to be now admitted. It is no answer to those statements made to our committee for the gentleman [Mr. SMITH] to say that these gentlemen are Federal office-holders and that their tenure of office is involved. That is the only answer I have heard, but it is not a sufficient answer, and it will not be found a sufficient answer by this House.

Mr. SMITH, of Arizona. Will not the gentleman permit me, for my own justification, to interrupt him again for a moment?

Mr. PERKINS. I will yield to the gentleman.

Mr. SMITH, of Arizona. I know that the gentleman from Kansas has acted upon statements made by others; but I would say to my friend, for whom I entertain the very highest personal and official regard, that he knows that none of those gentlemen happened to represent Arizona. Every one of them came here of his own accord and for his own purposes. Some of the gentlemen to whom he alludes have confessed to me that they were mistaken in this matter; not Mr. Brewster Cameron, nor the governor of the Territory. One remark further, and then I will not again interrupt the gentleman. The Legislative Assembly passed an act calling for a legal constitutional convention. That was duly passed by a Legislature in which the council was Republican and the house Democratic, and I do not know that there was a dissenting vote. This same governor, who afterwards came before your committee and made his irresponsible statement, is the very man who violated the law and his sworn duty in failing to call a constitutional convention, as required by law.

Mr. PERKINS. I can not permit the gentleman to occupy my time in order to make a speech or that he may indulge in accusations against office-holders in that Territory who have no opportunity to defend themselves here. If he does that he must do it in his own time.

Mr. SMITH, of Arizona. The accusation is not made from a political standpoint. The Republican papers of the Territory unanimously denounced his action.

Mr. PERKINS. Mr. Speaker, I have been simply stating facts in answer to the gentleman from Arizona, and, as I have said, I will not attempt to enter in this connection upon any discussion of the merits or the demerits of the Territory of Arizona as a candidate for admission as a State of this Union.

Mr. SMITH, of Arizona. There is no division among the people of Arizona upon that point.

Mr. PERKINS. I desire, however, to call the attention of the House to the points of difference between the majority and the minority members of the Committee on Territories concerning the propriety of ad-

mitting Idaho into the sisterhood of States. They make an issue as distinct as it can possibly be made by the English language. No objection is made by the minority members of that committee to the admission of Idaho because it lacks intelligence, because it lacks wealth, because it lacks patriotism, because it has not the material resources which would entitle it to be admitted into the sisterhood of States.

No such objection is made, no such suggestion is made in the minority report. The only objection made is that, by the provisions of the constitution which was framed by the people of Idaho, polygamy and bigamy, or rather the men who believe in polygamous and bigamous practices, are disfranchised. The only reason the minority have offered for objecting to the admission of Idaho is that men who are guilty of these crimes, men who believe in these practices, men who believe in teaching these monstrous doctrines, are disfranchised by the constitution under which the Territory is asking admission.

Mr. SPRINGER. The gentleman does not mean to say that.

Mr. PERKINS. I will read from the minority report.

Mr. SPRINGER. You mean that we object to men being disfranchised until they are convicted of these things.

Mr. PERKINS. I will read from your report to show that the only point the minority make in opposition to the admission of Idaho is the one I have suggested. I read:

The minority find themselves unable to agree with the majority in relation to one of the provisions of the proposed constitution for Idaho.

The particular provision which is the subject of this disagreement—

And that is the only point of disagreement between the majority and the minority members, as stated by the minority themselves—

is the one relating to the right of suffrage, the right to hold office, and the right to serve on juries, to which reference will hereinafter be more specifically made.

The precise point of difference between the majority and the minority is this: That the majority assent to and approve of a provision which deprives a citizen of the right of suffrage, disqualifies him from holding office, and prevents him from serving on juries, for criminal conduct imputed to him when he has not been convicted of such conduct—

Mr. SPRINGER. That is it.

Mr. PERKINS—

while the minority insist that no citizen, being otherwise qualified should be deprived of these rights and privileges on account of alleged crime, unless he has been convicted of such crime by some court of competent jurisdiction, and where the penalty for such crime, or a part thereof, is such disqualification.

That is a clear statement of the difference between the majority and the minority of the committee. This House is called upon to determine by its vote whether Idaho should be admitted into the Union with a constitution which disfranchises persons who practice polygamy or whether before persons are disfranchised they shall be arraigned in court and convicted as common felons. That is the only distinction. The majority members of the committee have said, as Congress has heretofore said, that men who are guilty of these practices, these crimes against society, whether they have been convicted or not, shall not be permitted to exercise the right to vote.

It is the man who is guilty of these crimes who is disfranchised, and only he; it is the man who believes in these practices that is disfranchised, and only he. Men who believe in a church which teaches the monstrous doctrine that the church is superior to the Government of the United States and that supreme allegiance is due to the church, not to the Government, that when the edict of the church commands a man to do that which by the law of the land he is forbidden to do, he must obey the church and ignore the statutes of his Government—men who believe in this way are disfranchised by the provisions of this bill, whether they have been convicted or not, while our friends on the other side, who represent and speak for these polygamous practices, say that men should not be disfranchised until they have been arraigned and convicted in court. That is the difference and the only difference.

My friend from Missouri [Mr. MANSUR], whom I recognize as an able lawyer, labored most earnestly, and while listening to him I sympathized with him in his effort—knowing his excellent qualities as a man, knowing his qualifications as a lawyer, knowing his worth as a citizen, I really sympathized with him in the labored effort he made here to find some excuse for making a minority report in this case. He would have this House believe, if he could, that this bill is a new departure in American legislation; that legislation of this character, which has been upheld by the courts, would be a new departure in judicial proceedings.

Why, sir, is there a State in this Union—a single one—that does not prescribe the qualifications of citizenship and the qualifications of electors? In the State of Missouri, from which my friend comes, a man, in order to be a voter, must have been a resident of the State for at least twelve months; he must be a citizen of the United States; he must have been a resident of the county and precinct in which he offers to vote for at least thirty days prior to the election. When he tenders his ballot to the judges of the election, claiming the right to vote, an inquiry is at once entered upon, an investigation is at once begun, to ascertain whether that man, under the constitution and laws of Missouri, is a qualified voter or not.

If it is found that he is not a citizen of the United States he can not vote. If it is found that he has not been a resident of Missouri for

twelve months prior to the election, he can not vote. If it is found that he has not been a resident of the county and precinct for thirty days prior to the election, he can not vote. These and other qualifications are imposed; and every one of these qualifications is inquired into by the judges of the election when the man tenders his ballot on election day and asks to be permitted to exercise the privileges of an elector.

So with this constitution of Idaho. The judges of the election sit there prepared to perform the duties imposed upon them under the law with the solemnity of an oath resting upon them. A man tenders to those judges his ballot, asking that he may be permitted as a citizen of Idaho to exercise the privileges of an elector. He is asked the question: "Are you a bigamist? Are you a polygamist? Do you believe in the doctrines of the Church of Latter-Day Saints? Do you believe that it is right to teach to the people of Idaho that their allegiance is to the church rather than to the Government of the United States? Do you believe that the people of this Territory should be taught that, if the church issues an edict commanding them to do that which is forbidden by the laws of the Government of the United States, it is their duty to obey the church and to trample upon the statutes of the Congress of the country?" These questions are put to the man who offers to vote. If he answers them in the negative, if he answers that he is not a polygamist, that he does not belong to a polygamist church, that he does not believe in the doctrines of that church, he is permitted to vote as other citizens are; there is nothing in this constitution to disqualify him.

The practice which would prevail in Idaho under this constitution is the practice which prevails in Missouri to-day, which prevails in Illinois, and every State of the Union, under the laws and constitutions of those States. This is not a new departure; it is such legislation as we have known as American citizens from the day when we cut loose from dependence on Great Britain and organized this Government of ours.

I could run over the constitutions of the several States showing how in some States men are disfranchised for one reason and in some for another. For instance, as suggested by my friend from Idaho, a man is disfranchised in Texas because he is poor, because he is a pauper. Yet my friend from Texas, who upholds a constitution which disfranchises a man because he is poor, comes here and argues against a constitution which disfranchises a man who is guilty of the monstrous crime of bigamy or polygamy. If he can explain his position satisfactorily to his constituents and to his State, it is his privilege to undertake to do so. But this shows the inconsistency of our friends on the other side; it shows the strait to which they are driven in order that they may find some foundation upon which to base a minority report in this case.

As I have said, Mr. Speaker, this is not new legislation. Already to-day the polygamists and bigamists of Utah and of Idaho are disfranchised. These men are disfranchised to-day by the laws of the United States in all the Territories of the Union. This constitution of Idaho simply continues the disfranchisement which now exists. Under the Edmunds law, which has been upheld by the Supreme Court of the United States, which met the sanction of an overwhelming vote upon the floor of this House in the Forty-seventh Congress—under the provisions of that law these men in Idaho, for whom our friends on the other side speak to-day, are disfranchised, are disqualified from voting.

Mr. SPRINGER. That act did not apply to Idaho. It applied to Utah only.

Mr. PERKINS. No; it was a general statute.

Mr. SPRINGER. I am speaking of the Tucker-Edmunds law.

Mr. PERKINS. The Edmunds law passed in the Forty-seventh Congress is a general statute, applying to all the Territories of the Union; and it disfranchises every Mormon, every man who believes in the polygamous practices of that church, whether he resides in Idaho or Utah or any other Territory.

Mr. OATES. I wish to inquire of the gentleman what would have been the difference in effect if this constitution, instead of the provision which it contains, had adopted the language of the test-oath of the Edmunds-Tucker law?

Mr. PERKINS. That law requires the man to prove that he is not guilty of these practices, does not believe in the doctrine of this church; and so it would be under this constitution. If Idaho should be admitted into the Union under this constitution and a man should tender his ballot to the election judges, claiming the privilege of an elector, the inquiries would be what I suggested a moment ago. If those inquiries should be answered in the negative, if the man could prove that he is not a bigamist, not a polygamist, that he does not believe in the doctrines of this Church of the Latter-Day Saints—

Mr. OATES. Does not the provision of this constitution go a great deal further than the test-oath of the Tucker-Edmunds act?

Mr. PERKINS. The provisions of this constitution and the provisions of the Edmunds act are much the same. It is barely possible the provisions of this constitution go a little further than those of the Edmunds act.

Mr. OATES. That is the point to which I wish to call your attention. I think I voted for the Edmunds act.

Mr. PERKINS. Yes, I think you did; and I will call upon some other friends upon the floor to reconcile their votes on that act with



their opposition here to day to this constitution, because this constitution, against which gentlemen argue, is only a re-enactment, with perhaps a little enlargement, of the Edmunds act. It enlarges it only to the extent of including those who believe in the teaching and practices of the Mormon Church that the Mormon doctrines are superior to the laws of the land.

Mr. OATES. If it went no further than the Edmunds act I might be inclined to favor it, but it is my judgment this constitution goes a great deal further. The Edmunds act does not require them to swear they do not belong to the Mormon Church, but this constitution disfranchises them if they do belong to that church.

Mr. PERKINS. I have the act and will read it if necessary.

Mr. OATES. Many members of the Mormon Church disclaim polygamy and do not believe in it.

Mr. PERKINS. And they may disclaim it under the provisions of this constitution.

Mr. OATES. This excludes them if they belong to the church; that act, if they belong to it and uphold polygamy. This goes much further and disfranchises them if they belong to the Mormon Church.

Mr. PERKINS. If I had more time in this debate I would read with you every provision. My friend from Missouri [Mr. MANSUR], my friend from Alabama [Mr. OATES], as well as my friend the distinguished lawyer from Pennsylvania [Mr. BUCKALEW], know under the Edmunds act those men are disfranchised without being convicted of crime. It is not necessary under that act they should be convicted. Disfranchisement is carried by that act as it is by this constitution which the people of Idaho have formulated and brought to us for consideration and indorsement. Gentlemen who uphold the Edmunds act put themselves in a rather inconsistent position when they oppose a constitution which carries the same disqualification to this people.

It is now 5 o'clock; I do not know what is the disposition of the House, whether to continue or adjourn till the morning, when I can resume my remarks.

#### MEMBERS' PAY.

Mr. PAYSON. Mr. Speaker, I desire to ask unanimous consent to have printed in the RECORD the opinion delivered by Judge Davis, of the Court of Claims, in the case of the gentleman from Texas [Mr. CRAIN] involving the right of members to their November pay. The motion to reconsider the report of the select committee is a question of unfinished business to be brought up hereafter. It is a matter of interest to everybody. Therefore I ask it be printed in the RECORD.

There was no objection, and it was so ordered.

It is as follows:

Court of Claims. No. 16716. William H. Crain vs. The United States,

Davis, J., delivered the opinion of the court.

A member of the House of Representatives seeks in this action to recover salary for the month of November last, which has not been paid him because the money intended for that purpose was embezzled by a subordinate of the Sergeant-at-Arms. The incident which leads to the proceeding in this court has given rise to debate in the House of Representatives and has attracted the attention of the country, not only because of the personal financial loss suffered by the people's Representatives, but also because of the interesting historical and legal questions which have been developed in the endeavor to fix the responsibility for that loss.

Briefly the history of the transaction is this: According to statute and custom, the Sergeant-at-Arms and the Clerk of the Fifth Congress continued in the exercise of their duties after the 4th of March last, when that Congress ceased to exist. Members of the House of Representatives receive their salaries upon certificates, signed by the Speaker when the House is in session, by the Clerk during vacation, and it has been a long-continued and consistent custom for the members early in vacation to attach receipts to a number of blank certificates, which are deposited with the Sergeant-at-Arms.

These certificates are printed in blank upon a slip of paper in the following form:

No. —

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,  
Washington, D. C.,

I certify that there is due to the Hon. ————— dollars as a member of the House of Representatives for the Fifty-first Congress.

Below the certificate are printed the words "Received payment;" below these two words the Member signs his name, and afterwards the date and amount are filled in, and across the end of the paper, upon its face, outside its margin, and at right angles to the lines thereof, is inserted the word "salary," preceded by the name of the appropriate month. This crossing of the certificate is done at the suggestion of the Treasurer's office and for the convenience of that office.

The Sergeant-at-Arms, towards the end of each month during vacation procures from the Clerk of the House his signature upon the appropriate blank certificate, to which the member has before attached his receipt; he then presents the certificate at the Treasury, receives the amount named therein, deposits it in his safe at the Capitol, credits the account of the member with the month's salary, and pays it over or retains it as he may be instructed by the member.

Following this custom, plaintiff (who had been a member of the Fifth Congress), before leaving Washington last March, signed in blank nine such receipts, one for each month during the vacation, and received his salary in due course except that for the Congressional month beginning the 4th of November and ending the 4th of December last.

Upon the 27th, 29th, and 30th of November (the 28th being Thanksgiving Day) one Silcott, who was then cashier in the office of the Sergeant-at-Arms, took to the Treasury many members' salary receipts accompanied by certificates filled out for the month of November, and was there given the money necessary to pay the receipted certificates. A large part of this money Silcott appropriated to his own use, and he is now a fugitive from justice. As a result of this crime, plaintiff and other members of the House have not received the salary which is their due.

It must be noted that this action relates only to the salary of a member of the House of Representatives for the month of November, 1889. We emphasize this, as it appears that some members had made private deposits with the Ser-

geant-at-Arms, treating him somewhat as a banker, and some members had not drawn salary for several months, but had allowed it to accumulate in that officer's hands. Any rights arising from these transactions are not now in issue.

The defaulting cashier, while paid by the Government, was the subordinate of the Sergeant-at-Arms; he was appointed by that officer, was responsible to him, was subject to his orders, and gave bond to him in the sum of \$50,000 for the faithful performance of his duties as cashier. It is admitted that in drawing the money from the Treasury the cashier acted for the Sergeant-at-Arms and represented him in fact and in law. There is no complication in this regard, and the responsibility, whatever it may be, is to be ascertained from the relations of the Sergeant-at-Arms, the cashier's principal, to the House of Representatives, or to the Members and Delegates individually, or to the Government of the United States.

On one side it is contended that in collecting the money at the Treasury the Sergeant-at-Arms acted as a public agent, and that, therefore, the loss occasioned by the default of his subordinate should fall upon the Government. The defendants urge that the Sergeant-at-Arms, so far as the subject-matter of this action is concerned, was the private agent of the members, authorized by them individually, for convenience, to collect their salaries at the Treasury. This is the main point in the case, the point of most general interest and importance, and its discussion has involved an investigation of the fiscal system of the United States, a review of the practice which has prevailed since the foundation of the Government, both in the House of Representatives and in the Treasury Department, in relation to the payment of these salaries, and an analysis of the statutes claimed to have a bearing upon the issue.

A subsidiary argument is advanced by plaintiff in which it is contended that, as his November salary was only due December 4, payment by the Treasury to the Sergeant-at-Arms upon November 30 or at any time prior thereto was unauthorized and illegal; and also it is urged that the Clerk can by statute certify to salary account during vacation only; the certificate therefore for the November salary, which was in this case signed by the Clerk, was, it is alleged, void and of no effect, as the salary was not due until after the 2d of December, when the House organized and elected a Speaker, who thereupon, and until the summer recess, alone could certify the members' salary accounts.

This position is controverted, and the arguments thereon will be considered by us after we have examined the first issue presented.

When the Sergeant-at-Arms presented to the Treasurer plaintiff's receipt for November salary, with the Clerk's certificate, and received the cash therefor, was he acting as a public agent or as plaintiff's personal agent?

There is no statute which in express terms makes the Sergeant-at-Arms a disbursing officer of the Government, nor is such a statute necessary. A Government servant may have the powers, duties, and responsibilities of a public agent without express antecedent statutory authority. As a rule, agency to bind the Government is created by statute, but there are many cases decided by this court and the Supreme Court where allegations of contract have been sustained, and the Government has been held bound by the acts of an officer performed within the general scope of his duties, but without specific statutory authority for the particular act or class of acts declared upon.

In cases of this nature which have been decided in this court or by the Supreme Court upon appeal, there has appeared a user by the Government or a benefit to it. The agent had not specific antecedent authority for his course; but not exceeding the general scope and intent of the authority given him, he took for the Government property of a citizen without disputing the individual ownership; then, as the Government had enjoyed the benefit and advantage of the act of the agent, compensation was allowed the citizen.

This proposition would probably not be controverted, while its application to the present case might be denied. Nor do we assert that our statement is more than illustrative of the principle, which we deem established, that a specific antecedent statutory authority is not necessary to invest a Government officer with power to bind the United States to compensation for loss to an individual benefitting the Government, occasioned by the officer in the rightful performance of his duties.

Executive officers are, properly, most careful to act within specific delegated powers given them, by statute or regulation, antecedent to action, and we have occasion constantly to see and commend the jealous regard these officers exhibit for the literal commands of statutes, and their great care in the protection of the revenue. The line of argument which this habit of thought engenders, while technical, is undoubtedly to be encouraged in all executive officers charged with the disbursement of public funds, and is perhaps largely due to their close construction of statutory grants of power that the fiscal system has been so successfully managed since its establishment in 1789.

The judiciary is, however, compelled to make a more philosophical examination of statutory provisions, and must interpret the law, which includes statutes, but is not made up of statutes, in accordance with recognized rules not within the proper jurisdiction of an executive officer to apply.

The Supreme Court has made this apparent in many cases, among them that of the United States against McDaniel (7 Peters, 1). In that case it appeared that defendant had been a salaried clerk in the Navy Department, and for some fifteen years had acted as a disbursing officer under the direction of the Secretary of the Navy. For this service he had been paid additional compensation. The Government denied the right to extra compensation, insisting that there was no law authorizing his appointment as a disbursing officer, and that usage, without law or against law, can never lay the foundation of a legal claim.

To this the court answered, in substance, that it is often necessary for a head of Department to exercise his discretion; he is limited in the exercise of his powers by the law, but it does not follow that he must show a statutory provision for everything he does. Whilst the great outlines of the movements of governmental machinery may be marked out and limitations imposed upon the exercise of power, there are numberless things which must be done that can neither be anticipated nor defined, and which are essential to the proper action of the Government. "Hence of necessity [say the court] usages have been established in every department of the Government which have become a common law, and regulate the rights and duties of those who act within their respective limits; and no change of such usage can have a retrospective effect, but must be limited to the future. Usage can not alter the law, but it is evidence of the construction given to it and must be considered binding on past transactions."

and the court held that, while there was no law authorizing the appointment of defendant as a disbursing officer, the duties were necessary, they were ordered by the Secretary, the charge for compensation was reasonable, and during fifteen years has been sanctioned by the Treasury, and has not been objected to by the committees of Congress, who annually inspected the Department books, and the judgment given below in plaintiff's favor was affirmed, the court saying, "It would be a novel principle to refuse payment to the subordinates of a Department because a chief, under whose direction they had faithfully served the public, had mistaken his own powers and had given an erroneous construction of the law." (See also United States vs. Fillebrown, 7 Peters, 42.)

In Wells vs. Nichols (104 U. S., 441) it was decided that while no act of Congress expressly authorized the Secretary of the Interior or other officer of the Land Department to appoint timber agents, the appropriation by Congress of money to pay them was a recognition of the validity of the appointment.

We may, therefore, assume that antecedent express statutory authority is not always necessary to invest a Government officer with right to compensation for services rendered or with power to bind the United States for his acts; of course there must be prior authority or there must be subsequent acts which amount

to ratification of what has been done, and we at this point simply find that the authority is not of necessity antecedent to the agent's act, nor is it necessarily conferred by the express terms of a statute.

So much weight is attached in this case to the custom which has prevailed in the payment of the salaries of members of the House of Representatives, and that custom is so necessary to an understanding of the statutes which we shall hereafter cite, that some examination of the history of disbursements of this nature becomes important.

Prior to the adoption of the Constitution the finances of the Government were managed by Congress through committees and commissioners, who directed a force of comptrollers and auditors, a treasurer, and the necessary clerks and accountants, all of whom held office immediately under the Congress. Demands upon the Treasury at that time were examined by the Legislature, either directly through a submission to the Congress or indirectly through the appropriate committee. After approval in one or the other form, the accounts were passed as public accounts and paid by the Treasurer. The whole fiscal administration, whatever its details of management, was in the hands of the Legislature.

By an act approved September 2, 1793, the Treasury Department was established, and thus the fiscal administration under the new Government was transferred from the Legislature to the executive branch (1 Stat. L., 65). Twenty days later (section 6, act September 22, 1793, 1 Stat. L., 71) it was enacted that the compensation of officers of the House of Representatives should be certified by the Speaker and passed as public accounts, and paid out of the public Treasury. This rule was several times re-enacted and now appears in the Revised Statutes. The date of this act is important, in view of the subsequent practice under it, and it can not fail to be noted that it was the work of the same Congress which established the Treasury Department, and that it was approved only twenty days after the new fiscal administration had been authorized. In this act provision was made for the compensation of officers of the House, and in section 5 there was allowed "to the Sergeant-at-Arms, during the sessions and while employed in the business of the House, \$4 per day."

During this, the First, Congress warrants for members' salaries were drawn at the Treasury, in favor of the Speaker, and this practice was followed until the Twenty-sixth Congress. In the Twenty-sixth Congress some warrants were drawn in favor of the Speaker, others in favor either of the Treasurer or of certain individual members or of certain assignees of members.

After the Twenty-sixth Congress, to and including the Thirty-second Congress, all warrants were drawn either in favor of the Speaker or upon his order, when in favor of others. As it was impracticable for the Speaker in person to supervise the payment of members' salaries, he early called to his aid the Sergeant-at-Arms, who performed the clerical and administrative labor incident to this duty.

During the Twenty-fifth Congress the Committee of Accounts of the House of Representatives was instructed, among other things, to inquire in relation to the subordinate officers of the House, with a view to a definition of their respective duties.

At that time the Sergeant-at-Arms was not recognized in the rules as a disbursing officer, and the duties of that nature imposed upon him he discharged only as an agent of the Speaker. The committee made a report dated March 31, 1838 (Twenty-fifth Congress, second session, H. R. Doc. 750), in which they stated, in substance, that early in the history of the House an unofficial arrangement had been made by the Speaker and the Secretary of the Treasury by which the money appropriated for the pay of members was advanced to the Speaker, who paid the members, taking their individual receipts, which, with the Speaker's accounts for the whole transaction, were at the termination of the session, transmitted to the Treasury Department, there to be passed upon by the accounting officers.

This, the committee said, "was deemed a compliance with the spirit of the law." Adverting to the "voluntary and gratuitous" work of the Speaker in this regard and of the Sergeant-at-Arms in assisting him, they stated that the practice contributed to public convenience and the dispatch of public business; it had so long prevailed that there was scarcely a member who did not suppose it a part of the official duty of these officers "not only to settle and audit the accounts of the members, but actually obtain the money and place it in their hands." The committee commended the practice and recommended its continuance, suggesting only that it receive legislative sanction, as a measure of such "high responsibility and importance" "should not rest alone upon custom or antiquity" for its sanction or authority. They then reported certain resolutions, which were adopted by the House (April 4, 1838), but which never took the form of a statute.

These resolutions were three in number. The first required the Speaker at the commencement of Congress to designate to the Secretary of the Treasury some suitable depository wherein he should place the money for the compensation of members, "subject to be drawn out by the check of the Speaker, indorsed by the member of the House entitled to mileage and per diem pay." The second, as more important, we quote literally:

"Resolved, That it shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of the members, to prepare checks for members, and, if required to do so, to draw the money on said checks for the members; the same being previously signed by the Speaker and indorsed by the member in whose favor the same may be drawn, and pay over the same to the member entitled thereto."

The third resolution directed the Sergeant-at-Arms to give bond "to the United States" conditioned "faithfully to account for the money coming into his hands for the pay of the members of the House," and for his increased duties and liabilities he was allowed extra compensation, to be paid out of the contingent fund of the House.

These resolutions approved a practice already existing and recommended its continuance as contributing to the public convenience and to the dispatch of the public business, and while the committee thought legislative sanction advisable they apparently were of the opinion that a rule of the House constituted sufficient sanction and an act of Congress was unnecessary.

While the Sergeant-at-Arms was thus directed to keep the accounts of members, to prepare checks for them, and, if required to do so, to draw the money on the checks, the Treasury Department continued to advance moneys to the Speaker until the close of the Thirty-second Congress. From the first session of the Thirty-third Congress, beginning December 5, 1833, to the present time warrants to pay the compensation and mileage of the members have been drawn in favor of the Treasurer of the United States, the moneys advanced have been charged against him on the Treasury books, and the accounts have been settled in the name of the Treasurer.

The Treasurer has regularly advanced to the Sergeant-at-Arms the compensation of members of the House in return for certificates signed, during the session by the Speaker and during vacation by the Clerk, when accompanied by the members' receipts, and, by order of the Secretary of the Treasury, made in 1870, the Treasurer's accounts have since that time been balanced afterwards by an "accountable" warrant issued in the Treasurer's favor for the gross sum so advanced, instead of by warrants issued from time to time, as was done prior to June, 1870.

It is interesting to note in this connection that, March 12, 1853, President Pierce issued an order in accordance with the act of January 31, 1823 (3 Stat. L., 723), now section 3648 of the Revised Statutes, directing advances to be made to certain officers called in the act "disbursing officers" of the Government, and at the head of a long list appear, first, "the Speaker of the House of Representatives of the United States," second, "the Clerk of said House." As the Clerk

controls the contingent fund out of which are paid all expenses of the House except the salary and mileage of members, it is evident that the advance of public moneys to the Speaker, contemplated by this order, was to enable him to pay to the Representatives and Delegates their compensation, although the Speaker's authority in this regard was never conferred by express statute.

Since 1843 the Sergeant-at-Arms has given bond, approved by the Speaker, to the United States for the faithful disbursement of money in his hands, and these bonds have regularly and without objection or comment been received and filed in the Treasury Department. The only public money which comes into the hands of this officer is that intended for the salary and mileage of members; all other money, including that which pays the Sergeant-at-Arms his own salary and the salaries of his subordinates, is under the control of the Clerk of the House.

The duties of the Sergeant-at-Arms of the House of Representatives of the Fiftyth Congress were prescribed by the fourth rule, and besides those inherent in the office, such as maintaining order and serving process, we find him directed to "keep the accounts for the pay and mileage of Members and Delegates, and pay them as provided by law." This rule differs from the resolution of 1838 (*supra*) in that the rule directs the Sergeant-at-Arms absolutely to pay the Members and Delegates, whereas the resolution ordered him to pay only when "required to do so." This change in phraseology took place in 1880; the rule has since existed in this form and is still in force.

The rule further requires "the Sergeant-at-Arms to give a bond for the faithful disbursement of all moneys intrusted to him by virtue of his office and the proper discharge of the duties thereof." It has been shown that the bond given by the Sergeant-at-Arms of the Fiftyth Congress is not drawn in this form, but is conditioned only that he "shall well and faithfully account for all money coming into his hands for the pay of members of the House of Representatives of the Fiftyth Congress." As the bond is to the United States and no Government money comes into the Sergeant-at-Arms's control except that intended to pay the salary and mileage of Members and Delegates, and as the word "pay" may perhaps be held to include mileage as well as salary (although as to this we express no opinion), the difference in phraseology between the bond and the rule may not perhaps be important so far as the Fiftyth Congress was concerned. It will, however, be immediately noticed that the bond is no protection to the Fifty-first Congress.

Still the main fact important to this issue remains that by the rule and by the bond it appears that the Sergeant-at-Arms was intended and understood by the House to control the funds necessary to pay Members' and Delegates' salary and mileage, and his responsibility for honest administration of moneys coming into his hands for that purpose is pledged, not to the House of Representatives, not to the members individually, but to the United States. This bond, like those preceding it, was received and filed at the Treasury without comment or criticism.

Finally we find that the Sergeant-at-Arms is allowed, as salaried subordinates, a cashier, a teller, a book-keeper, and a messenger; that he has a large and expensive safe; that his office is fitted in a manner similar to the arrangement of an establishment where moneys are received and paid out.

The custom, then, is consistent and long continued. The Congress which created the fiscal system retained the executive control of the members' compensation, first leaving it in the Speaker's hands, who, as the House grew in numbers, called to his aid the Sergeant-at-Arms, who, later, was ordered by the House to act as its disbursing officer for this one purpose.

The argument thus far shows that while no express statute conferred upon the Sergeant-at-Arms the duty of a disbursing agent, he is an officer chosen by the House under their constitutional right; that so far as in their power the House has assigned to him the duties of a disbursing officer in regard to one subject, and that for many years he has performed these duties.

The House of Representatives evidently believed that a rule was sufficient legislative sanction for this course. In this we do not agree. But it is further urged on behalf of plaintiff that even if the rule have not the force contended for and if there be not sufficient statutory authority to authorize the course hitherto pursued in this regard, plaintiff may invoke the doctrine *Communis error facit jus*; and he cites in support of this contention two cases where it was allowed to override express statutory provision. (*Clay vs. Sudgrave*, 1 Salk., 32; *Maier vs. The State*, 1 Porter, 265.)

We do not think there is necessity in this case to examine the doctrine or to decide whether it here applies.

Having defined the custom, we turn now to the statutes. They provide that one of the officers of the House shall be a Sergeant-at-Arms; and while the appropriation acts each year recognize the existence of the office, nowhere do we find its duties definitely marked out by statute. The necessary and proper inference is that the duties were to be those prescribed by the House if consistent with the Constitution and with law.

It is true that where a statute creates an office previously known to the common law, without defining its powers and duties, it must be assumed that the powers and duties were those legally performed by the officer prior to the statutory recognition (*Kirksey vs. Bates*, 7 Porter, 529; *Kennedy vs. Brunst*, 26 Wis., 414); but this doctrine might well be held not to warrant the inference that these acts recognized as legal the discharge by the Sergeant-at-Arms of the duties of a disbursing officer, duties usually expressly prescribed by a statute even when required by the rules; but there are other provisions in the acts which admit of no sensible interpretation unless the Sergeant-at-Arms be in fact a disbursing officer.

There are provisions for a cashier with a salary of \$3,000, a book-keeper with a salary of \$1,900, and a paying teller with a salary of \$2,000. Unless the Sergeant-at-Arms is to disburse the salaries of members (and no other public moneys come into his hands) no duties exist for these officers to perform and their salaries are a useless charge upon the public Treasury. To assume that Congress intended this would be unreasonable, and the natural inference is that these officers were to perform duties of the nature indicated by their titles—that is, duties of a financial nature in relation to the only public funds in the Sergeant-at-Arms' hands, those intended to pay members. Neither a paying teller nor a book-keeper could be of service to an officer required only to maintain order and to serve the process of the House.

The provision for a cashier has particular significance, for it has a definition affixed to it by the Supreme Court (*Merchants' Bank vs. State Bank*, 10 Wall., 604):

"The cashier is the executive officer through whom the whole financial operations of the bank are conducted. He receives and pays out its moneys, collects and pays its debts, and receives and transfers its commercial securities. Tellers and other subordinate officers may be appointed, but they are under his direction, and are, as it were, the arms by which designated portions of his various functions are discharged."

When Congress assigned to the Sergeant-at-Arms a "cashier" it intended to give to the former the aid of a financial officer, one who would receive and pay out money coming into his superior's hands; this money was that, and that only, destined to pay Members of the House and Delegates. No other reasonable construction can be given to these provisions of the law. As we have already stated, money has been provided by statute and applied to the fitting up of the office of Sergeant-at-Arms in the manner usual in financial establishments. Money has been appropriated by statute to provide for him a large safe, books of account, and other paraphernalia of an office where money is handled. Here again Congress recognized the financial duties of the officer.

Further legislative sanction for the custom is found in other statutes. Section



40 of the Revised Statutes requires the Secretary of the Senate and the Sergeant-at-Arms of the House to deduct from the monthly payment of Senators and Members the salary for each day's absence except in case of sickness.

The Secretary of the Senate is by express terms of statute made a disbursing agent, and the linking of these two officers in the same section of the law with direction to perform the same duty indicates the legislative understanding that their responsibilities in regard to compensation of members of the Senate or of the House were similar. What reason could there be for directing the Sergeant-at-Arms to make this deduction unless he was recognized as having the funds under his control out of which these payments were to be made.

Section 45 speaks again of a disbursing officer of the House who is to pay mileage and accounts; it does not name him, but when that statute was passed the Sergeant-at-Arms had for many years been acting as a disbursing officer in charge of these accounts.

In January, 1890, the Treasurer of the United States addressed a letter to the Select Committee on Rules of the House of Representatives calling attention to the practice which had prevailed in regard to the payment of members' salaries and recommending that "one of the officers of the House of Representatives be designated as a disbursing officer, giving such bond as may be required, in the same manner as the Secretary of the Senate is now charged with the disbursement and mileage of Senators."

The matter was very fully explained to the House and legislation was suggested as necessary to effect the desired end. No statute was passed on the subject, however, but the discussion was followed by the rule which we have already cited, and which contained a most important modification in this: that it specially charged the Sergeant-at-Arms with the duty of paying the salaries, and that not when "required to do so" by the members, as before, but charged him to "pay them as provided by law;" so, since 1890, the Sergeant-at-Arms pays the salaries under express direction of the rule, whereas, prior to this change, he had paid only when required to do so by the members.

June 16, 1882 (first session, Forty-seventh Congress), a bill was passed in the House of Representatives, by unanimous consent, which made the Sergeant-at-Arms a disbursing officer for the compensation and mileage of Representatives and Delegates; but this bill did not become a law; it was referred to the Committee on Appropriations of the Senate, and we do not find that they took any action upon it. An explanation of this is, perhaps, to be found in the fact that June 22, 1882, six days after the last-mentioned bill passed the House, the following act of Congress was approved by the President:

"Whenever any appropriation made for the payment of the salaries of Senators, Members, and Delegates in Congress, or the officers and employees of both or either of the Houses thereof, or for the expenses of the same, or any committee thereof, can not be lawfully disbursed by or through the officers specially charged with such disbursements, such disbursements may be made for the purpose named in said appropriation by the Treasurer of the United States, who shall take proper vouchers therefor, and charge such disbursements against such appropriations, and the accounts therefor shall be audited and passed or rejected, as the law may require, in the same manner that similar accounts are or may be required by law to be audited and passed or rejected."

In this statute it is assumed that there existed in the House of Representatives some "officer specially charged" with the disbursement of moneys paid by the Government for the salaries of Members and Delegates. It is the statutory recognition of the existence of an officer in the House charged with duties in relation to members' pay.

The phraseology of the statute immediately attracts attention, for it does not speak of disbursing officers. The Clerk of the House and the Secretary of the Senate are both disbursing officers; and if the statute had intended simply to refer to them, what more natural than to use this familiar title to which is attached a fixed legal significance? The statute relates not only to the funds controlled by the Secretary of the Senate and to those controlled by the Clerk of the House, but also to those intended for the compensation of the Representatives and Delegates in the House of Representatives, which, under the House rule, were in the charge of the Sergeant-at-Arms.

At the time this statute was under consideration there was pending a bill which had passed the House intended in express terms to make the Sergeant-at-Arms a disbursing officer for these funds, and a debate upon the subject had just taken place in the House which, coupled with the debates of 1883 and of 1880, had shown that there existed some doubt as to the powers of the Sergeant-at-Arms in this regard. The pending bill specifically making the Sergeant-at-Arms a disbursing officer did not become a law, while the other bill was passed and approved. It speaks not of disbursing officers of the Senate and House, but of "officers specially charged" with certain disbursements, and the Sergeant-at-Arms was by the rules of the House, and with full understanding of the position by Congress at that time, as before, "specially charged" with the disbursement of Members' and Delegates' salaries and mileage.

There is no reason to suppose that this statute of 1882 was passed under any misunderstanding of the law or facts, Congress was familiar with the custom which for many years had prevailed in the House of Representatives and which was the subject of debate; they knew the House rules and the law. It is much more reasonable to infer that, recognizing the existing facts, they deem the course theretofore pursued to have been in accordance with law, and that the statute of June, 1882, cured any doubt, than to assume that a mistake was made in a matter so immediately within the personal knowledge and direct observation of members of Congress.

Even if it be assumed that the Congress had shut their eyes to what was occurring in their midst and had failed to examine the law or to correctly construe it, still it does not necessarily follow that the statute is without effect. In *Postmaster-General vs. Early* (12 Wheaton, 136) the court was required to construe an act giving certain jurisdiction to the district and State courts. This jurisdiction was to be exercised concurrent with the circuit courts, and there was no grant in this act of power to the circuit courts, Congress erroneously supposing that these courts already possessed this jurisdiction.

Nevertheless the Supreme Court held that the grant to the district and State courts of a jurisdiction which was to be exercised "concurrent with" the circuit courts conferred jurisdiction upon those courts. The words "concurrent with," said the Supreme Court, speaking by Chief Justice Marshall, "perhaps manifest the opinion of the Legislature that the jurisdiction was in the circuit courts, but ought, we think, to be construed to give it, if it did not previously exist." It is true that the language of the section indicates the opinion that jurisdiction existed in the circuit courts rather than an intention to give it, and a mistaken opinion of the Legislature concerning the law does not make law, but this mistake is manifested in words competent to make the law in the future. We know of no principle which can deny them this effect. The Legislature may pass a declaratory act which though inoperative in the past may act in the future. This law expresses the sense of the Legislature on the existing law as plainly as a declaratory act, and expresses its terms capable of conferring the jurisdiction.

Courts endeavor to uphold statutes, and, if possible, to give them effect. This statute of 1882 refers to some officer not named, but recognized as in existence and as having power to disburse the money appropriated for members' salaries; that officer did in fact then exist in the person of the Sergeant-at-Arms. Whether he, at the outset, was legally authorized to perform the duties in fact imposed upon him becomes now unimportant, as the statute of 1882, interpreted by the rule of 1890 and the situation when the statute was passed, contains a legislative declaration of the power assumed by Congress then to exist in this officer, a declaration sufficient to operate upon him in the future, and to consti-

tute him thenceforward in law what he had long been in fact (if not in law), a public agent, charged with the duty of paying to Members and Delegates their salaries.

It was argued in the very excellent brief filed by the defense, and it was pressed in the discussion, that the Treasurer of the United States is the disbursing agent charged with the financial duty performed by the Sergeant-at-Arms. There is no statute which in terms makes the Treasurer a disbursing officer of the House of Representatives, but the defendants rely upon his general power. The practice would seem to negative this contention, although it is not without considerable force, and has given rise to much discussion. It may have been understood in the Treasury that the course pursued did not technically involve an advance of money to the Sergeant-at-Arms, perhaps because the accounts have been kept in the name of the Treasurer.

On the other hand, the Sergeant-at-Arms, upon presenting members' receipts and the Speaker's and Clerk's certificates, in fact has been regularly paid in advance the salaries due Members and Delegates, a practice which is forbidden by law unless the Sergeant be a public officer with right to disburse Government funds. The position is also negated by the statute of 1882 (*supra*), which, in specifying a time when the Treasurer shall pay, may well be held to forbid him from paying at other times. The course of the Treasury in this matter is subject for argument, but we do find that Department receiving the Sergeant-at-Arms's bond, and advancing him money, in fact, through the Treasurer, whose accounts were not balanced until after the entire transaction for each month was closed, and the money was in the hands of the Sergeant-at-Arms.

If the Sergeant-at-Arms was a private agent, then the Treasurer violated section 305 (Revised Statutes), which directs him to disburse upon warrants drawn by the Secretary, countersigned by the Comptroller, and recorded by the Register; instead of this, trusting to subsequent ratification of his acts, he disbursed upon the certificates of the Speaker or Clerk and the receipts of the members prior to the issue of any warrant, and this practice was ordered by the Secretary and sanctioned by the Comptroller. Further, section 2648 forbids an advance of public money; yet these moneys were regularly advanced.

The arrangement with the Treasury was made many years ago. It has since been followed consistently; it was specifically recognized and ratified in 1870, when the Secretary directed the warrant in settlement of the Treasurer's accounts for this money to issue for a sum in gross after the whole amount had been paid. The course is certainly irregular, but it has the support of convenience and long-continued custom, and aids in the dispatch of public business; it has been assented to by the Legislature and the Executive since the foundation of the Government, and was the continuation of the system which had existed prior to the act of 1789.

The Treasury Department has been most carefully administered since its organization, and the only criticisms made upon its officers are based upon allegations of an overstrained care in the protection of the interests of the Government against those of an individual creditor, criticisms which those officers can well afford to incur when courts are open to rectify any errors of theirs which may lead to injustice to a citizen. It can not be supposed that these officers have for many years violated the specific provisions of familiar statutes, statutes which it is part of their daily duty to apply. Is it not more reasonable to assume that they find authority for their course in the law as interpreted by rules and custom?

In any event the fact that the Sergeant-at-Arms, or the Treasurer, or the Comptroller, or the Secretary of the Treasury followed a practice not in harmony with the statutes or regulations which govern disbursing officers can not operate to the injury of an individual, whether a member of the House of Representatives or a private citizen. What rights (if any there be) the Government may have against the Sergeant-at-Arms or the fiscal agents of the Executive is not for us to examine into or to decide upon, but it is apparent that if they in the administration of their duties failed to comply with the statute or regulation in the manner of performance, while not exceeding their powers in the thing done, no responsibility falls upon a third person ignorant of the illegal manner in which a legal act was done. If the Sergeant-at-Arms was a public agent, authorized by law to pay these salaries, a failure on his part, or on the part of the Treasury officers, to comply with the forms prescribed by law for drawing from the Treasury the money necessary for this purpose, can not affect the innocent Member or Delegate.

In the view we take of this case it seems unnecessary to more than advert *arguendo* to the second main point advanced by plaintiff.

It is undoubtedly a general rule, as argued upon his behalf, that where an agent is empowered to collect a debt at a given time payment made to that agent prior to that time is at the peril of the one who pays, or, as Lord Ellenborough tersely stated it, "Every person who pays money beforehand pays it at his own risk." (*Parnter vs. Galtskill*, 13 East, 432.) It is no less true that, as plaintiff's salary was not due until December 4, the Speaker's certificate should have been demanded at the Treasury, as the Clerk, who in fact did sign, was powerless to certify to such an account after December 2, when the Fifty-first Congress convened and elected a Speaker.

On the other hand, it is contended with force that plaintiff was familiar with the custom of advance payments, which had so long prevailed, and that if by his receipt attached to a blank certificate he did make the Sergeant-at-Arms his private agent, he is charged with notice of the manner in which such power had been customarily exercised, and must be presumed to have foreseen that the money as heretofore would be paid at the Treasury to the Sergeant-at-Arms prior to the date when in law due; and as the agent had in fact received the money in accordance with notorious custom, then his principal can not disavow his act and fall back upon him who paid.

The rule of the House did not attempt to create in the Sergeant-at-Arms personal agency; this no rule could do unless passed by the consent of every Member and Delegate. No personal relations, therefore, were created by the rule as between this plaintiff and the incumbent of the office. The personal agency, then, if there were one, arose from the transaction, not from the official position of the Sergeant-at-Arms, and that transaction consisted in the signing of a receipt in blank, understood to cover a month's salary, the particular month not being specified, and its deposit with the Sergeant-at-Arms. There remained, as a legal statutory prerequisite to payment of this salary, a certificate made by the proper officer; without such a certificate no payment could be legally made.

The certificate in this case was not signed by the proper officer, but was on its face illegal, because signed by the Clerk when it covered salary due not in vacation, but due after the House had convened and organized, when only the Speaker could sign. Yet, in view of this irregular certificate, to say nothing of the general law of agency as to payments before date, the Government advanced the Sergeant-at-Arms the money.

We can not assume that trained and trusted officers would have made this advance to the private agent of an individual; and the fact that payment was made in this way, and has for so many years been made in this way, without dissent or criticism, is another argument, drawn from long executive construction, tending to confirm the result we reach that the Sergeant-at-Arms acted as a public officer.

Since the organization of the Government, the House of Representatives has retained control of the payment of the salaries of Members and Delegates. The Congress which established the Treasury Department intended to reserve to the House the power previously exercised by it, and this power was exercised always thereafter by officers of the House; first, by the Speaker directly; then

by the Speaker acting through the Sergeant-at-Arms as his subordinate; then by the Sergeant-at-Arms acting under direction of the House as expressed in the rules.

No change has been made in the practice except in its details of administration: it was public, uniform, long continued, expressly sanctioned by the House, and was not objected to by the Treasury, which recognized it and acted in harmony with it. Usage can be appealed to for the interpretation of statutes, and we find the only reasonable construction of the statutes relating to this subject is the one which harmonizes with the usage. We all agree that judgment shall be entered in plaintiff's favor in the sum of \$366.

#### HUDSON RIVER BRIDGE.

Mr. BAKER. I ask by unanimous consent that leave be granted to print remarks on the Hudson River Bridge bill passed this morning.

Mr. SPRINGER. And on the Idaho bill.

Mr. KERR, of Iowa. I object.

#### ORDER OF BUSINESS.

Mr. PERKINS. Mr. Speaker, I believe I have thirty minutes' time remaining and am entirely willing to consult the temper of the House as to whether I shall proceed this evening or allow the debate to go over until to-morrow.

Mr. BUCKALEW. If the gentleman will yield to me I will make a motion to adjourn.

Mr. DORSEY. I hope the gentleman from Kansas will exercise his own pleasure.

Mr. PERKINS. I would prefer not to go on to-night.

Mr. DORSEY. Then I hope the gentleman from Pennsylvania will not press the motion to adjourn now, as there are several matters that gentlemen want to present for unanimous consent.

Mr. BUCKALEW. I will not press the motion.

#### NATIONAL ARMORY, SPRINGFIELD, MASS.

Mr. ROCKWELL. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 445) for the erection of a shop at the National Armory, Springfield, Mass., and put the same upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to cause to be erected at the National Armory, Springfield, Mass., a fire-proof building for machine-shop, finishing shops, etc., including steam-engine, boilers, shop fixtures, heating, lighting, grading, etc. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for said building complete the sum of \$211,639.54.

SEC. 2. That for the purpose of this act the sum of \$211,639.54 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of the Secretary of War.

The committee recommend the adoption of the following amendment:

Strike out the second section of the bill.

Mr. ROCKWELL. This is the appropriating clause of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BRECKINRIDGE, of Kentucky. Let me ask, Mr. Speaker, if the order we are operating under to-day is not an exclusive order, that the time of the House shall be occupied in doing a certain thing.

The SPEAKER. That is the order, but of course the House can dispense with it by unanimous consent. This is a request for unanimous consent. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ROCKWELL. The clause proposed to be stricken out by the amendment is the appropriation clause.

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROCKWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### NATIONAL CEMETERY AT STAUNTON, VA.

Mr. TUCKER. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 1612) to construct a road from the city of Staunton to the national cemetery in the county of Augusta, in the State of Virginia, and put the same upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill is as follows:

*Be it enacted, etc.,* That the sum of \$11,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing a macadamized road from the city of Staunton, in the State of Virginia, to the national cemetery, in the county of Augusta, in said State, to be expended under the direction of the Secretary of War, or so much of the above-named sum as may be necessary for said purpose.

SEC. 2. That the Secretary of War is hereby directed to advertise and let the contract for the construction of said road to the lowest bidder, taking bond with good security from the contractor for the completion of said road.

There being no objection, the bill was considered and ordered to a third reading; and being read the third time, was passed.

Mr. TUCKER moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. Without objection, the bill (H. R. 924) covering the same subject-matter will be laid upon the table.

There was no objection, and it was so ordered.

#### CLAIMS OF SCHUYLKILL COUNTY, PENNSYLVANIA.

Mr. REILLY. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 5601) to authorize the proper accounting officers of the Treasury to audit and pay the claim of the county of Schuylkill, in the State of Pennsylvania, for money advanced by it under allotments made by soldiers from said county during the late rebellion, by virtue of section 12 of the act of Congress entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July 22, 1861, and put it upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Whereas the county of Schuylkill, in the State of Pennsylvania, during the late rebellion advanced money upon allotments made by soldiers from the said county then in the service of the United States to the families of said soldiers and to others, under and by virtue of section 12 of the act of Congress entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July 22, 1861, and the orders and regulations of the Secretary of War made in pursuance of said section of said act of Congress: and

Whereas the said county claims that the whole sum so advanced by it has not heretofore been refunded to it by the United States: Therefore,

*Be it enacted, etc.,* That the proper accounting officers of the Treasury be, and are hereby, authorized and directed to audit the claim of the said county of Schuylkill, and when audited to pay, out of any money in the Treasury not otherwise appropriated, to the said county such portion of the sum advanced upon allotments as aforesaid by the said county which the accounting officers aforesaid may thereby ascertain has not heretofore been refunded to said county by the United States: *Provided,* That no sum shall be so refunded when it shall appear to said accounting officers that the soldier making such particular allotment or allotments shall have been also paid by the United States, unless it shall also appear that such double payment was not through any negligence in reference thereto on the part of the officers of said county charged with the duty of making such advances.

Mr. REILLY. I ask unanimous consent to consider this bill now. This morning a similar request was objected to by the gentleman from Texas, who has withdrawn his objection.

The SPEAKER. The Chair is informed that the gentleman from Texas, who is not now present, has withdrawn his objection.

Is there further objection?

There being no objection the bill was considered, and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. REILLY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ADDITIONAL LAND DISTRICTS IN WYOMING.

Mr. CAREY. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of the bill (H. R. 7498) to establish three new land districts in the Territory of Wyoming.

The bill was read, as follows:

*Be it enacted, etc.,* That all the public lands in the Territory of Wyoming bounded and described as follows, beginning at a point on the eastern boundary of the said Territory where the tenth standard parallel north intersects the same; thence running west along said tenth standard parallel north to the southeast corner of township 41 north, range 75 west; thence north on the line between ranges 74 and 75 west to the northern boundary line of the said Territory; thence east along said northern boundary line to the northeast corner of the said Territory; thence south along the said eastern boundary line of the said Territory to the place of beginning, shall constitute a new land district, and the land office of the said district shall be located at such place in said district as the President may direct.

SEC. 2. That all the public lands of the Territory of Wyoming bounded and described as follows, beginning at a point on the northern boundary of the said Territory where the twelfth guide meridian will, when extended, intersect with the same; thence south along said guide meridian to the eleventh standard parallel north; thence east along said parallel to the eleventh auxiliary meridian; thence south along said meridian, when extended, to the seventh standard parallel north; thence west along said seventh standard parallel to the southwest corner of township 29 north, range 104 west, of the sixth principal meridian; thence north along said line between ranges 104 and 105 west to the ninth standard parallel north, when extended; thence along said parallel, when extended, to the western boundary of the said Territory; thence north along said western boundary to the northern boundary of the said Territory; thence east along said northern boundary to the place of beginning, shall constitute a new land district, and the land office of the said district shall be located at such place in the said district as the President may direct.

SEC. 3. That all the public land in the Territory of Wyoming bounded and described as follows: Beginning at a point on the eastern boundary of the said Territory where the tenth standard parallel north intersects the same; thence running west along the said tenth standard parallel north to the eleventh auxiliary meridian; thence south along said meridian when extended to the seventh standard parallel north; thence east along the said seventh standard parallel to the southeast corner of township 29 north, range 71 west; thence north on the line between ranges 70 and 71 west to the southeast corner of township 31 north, range 71 west; thence east along the line between townships 30 and 31 north to the eastern boundary-line of the said Territory to the place of beginning, shall constitute a new land district, and the land office of the said district shall be located at such place in said district as the President may direct.

SEC. 4. That the President be, and is hereby, authorized to appoint, by and



with the advice and consent of the Senate, or during the recess thereof and until the next session after such appointment, a register and receiver for each of said districts, who shall be required to reside in the town in their respective districts as may be designated for the location of the land office, and they shall be subject to the same laws and be entitled to the same compensation as is or may be provided by law in relation to the existing land offices and officers in said Territory.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLOUNT. I would like to know if this is recommended by the committee unanimously or if there is a division of opinion in regard to it?

Mr. CAREY. The Committee on Public Lands recommend the bill unanimously; the Commissioner of the General Land Office has also approved the bill, which is for the convenience of the people of that Territory.

There being no objection, the bill was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DORSEY moved to reconsider to vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### INCREASED PAY TO LETTER-CARRIERS.

Mr. QUINN, by unanimous consent, obtained leave to print in the RECORD the following memorial of the National Association of Letter-Carriers, with resolutions urging an increase of salary:

[Chicago Branch of the National Association of Letter-Carriers. T. L. Hartigan, president; J. F. Walsh, secretary; J. J. Redmond, treasurer; Joseph Field, corresponding secretary; J. J. Gallivan, financial secretary; vice-presidents: R. H. Sampson, T. Cairns, L. Berg, H. Putz, J. Campion, A. McLeod, T. W. Wittler, R. H. Andrews, A. Lamme, C. J. Bormann, E. Hale, H. F. Gates, J. Anderson.]

To Hon. JOHN QUINN:

At a meeting of the Chicago Branch of the National Association of Letter-Carriers, held in this city March 8, 1890, the following reasons why letter-carriers should receive an increase of salary were unanimously ordered printed:

First. Because the present pay of the carriers is not sufficient compensation for the services rendered.

Second. Because the carrier service of to-day requires intelligence, zeal, and fidelity for its faithful performance.

Third. Because of the responsibilities of the position and its exacting nature.

Fourth. When a carrier is first appointed he serves as a substitute, on an average for about one year, during which time his pay amounts to less than \$15 per month, nearly all of which is paid by the regular carriers who, on account of sickness or other causes, are compelled to absent themselves. After appointment as a regular carrier, the salary is \$600 for the first year, \$800 for the second, and \$1,000 for the third, which is the maximum pay possible at present. The carrier, after having faithfully served the Government four years, has received a sum not exceeding \$1.75 per day.

Fifth. Because the carriers are required to purchase their own uniforms and this, with the great cost of living in large cities, makes it practically impossible for a carrier with a family to meet his current expenses.

Sixth. Because no allowance is made by the Government for loss of time, occasioned by sickness, which in nearly all cases is contracted in the line of duty and from which very few carriers escape during the year.

We believe these reasons are sufficient to show that the present compensation of carriers is not commensurate with the services rendered.

In submitting them we respectfully ask you to give them a careful consideration, and to give your assistance in the passage of House bill No. 3363, now in the hands of the Committee on the Post-Office and Post-Roads.

A true copy from the minutes of said meeting.

J. F. WALSH, Secretary.

#### RESOLUTIONS.

At a meeting of the San Francisco post-office clerks, held March 24, the following resolutions were unanimously adopted:

Whereas it has come to the knowledge of the San Francisco post-office clerks that an organized effort is being made by postal clerks throughout the Union to better the condition of the service and of the employees of the postal department: Therefore,

Resolved, That we hereby express our sentiments and our wishes concerning Congressional legislation having that end in view.

We desire the passage of House bill 6449, which provides that eight hours' labor shall constitute a day's work.

We most earnestly desire the passage of House bill 6448, which provides for a period of rest or vacation for post-office clerks, of fifteen days annually; for the reason that it is the custom and practice with commercial houses and with Governments the world over, who recognize the fact that their employees do better work and more of it when endowed with the renewed vitality which such a recreation gives.

The principle involved has been recognized by Congress in granting to carriers such a vacation, and we ask the extension of that privilege to ourselves, on the ground that our work is unhealthy and confining, and that a periodical rest is a necessity to men who work every Sunday in the year, and who know that holidays are being celebrated only through reading the newspapers.

The last Congress recognized, and the President approved, of the principle for which postal clerks have fought so long and so well, that of classification; but the application of the principle is unsatisfactory.

A lump sum was appropriated to pay salaries, and as it was insufficient the pay of clerks was ruthlessly cut down or increased by a ridiculously small sum.

In the business world a faithful employee is considered to become more efficient and his services more valuable in proportion to his additional years of service.

It seems to us that the application of that idea would be a solution of the vexed question of what should be the test of a clerk's worth.

We indorse the proposed amendment in the classification bill, which provides that probationary clerks shall be paid at the rate of \$6.00 per annum, and for the first year thereafter they shall be paid \$7.00, and that for each succeeding year they shall be paid an additional \$1.00 until they are in receipt of \$1,300 per annum; and that 20 per cent. of the clerks in each office shall be paid \$1,300 per annum, and that 10 per cent. shall receive \$1,400 per annum. Also, that the words "money-order and registry clerks" shall be inserted after the words "stamp clerks" in House bill 12490.

The general public, and even many of our Senators and Representatives, have only a faint conception of the duties and of the trials and hardships of a post-office clerk.

Many overworked people complain that their hours of labor are such that they can not cultivate social ties, nor the physical and mental qualities with which they have been endowed by nature. Happily, this is something of which postal clerks can not complain. They have no social ties; they live and breathe only for the post-office.

Throughout the livelong weary day and into the silent watches of the night the postal clerk labors at any and at all hours, sacrificing his sight in dimly lighted rooms, sacrificing his health breathing the polluted atmosphere of overcrowded and overheated rooms, exhausting his nervous energy by the efforts necessary to keep pace with the never-ceasing rush and worry, till at last as the years go by he is, because of impaired eyesight and shattered health, unable to earn a living for himself or for those who depend on him.

Is it not just that men who make these sacrifices, who resist temptations which are well nigh irresistible, to whose care is committed the social, political, and commercial correspondence and literature, which is the great artery conveying the rich blood of knowledge and civilization, throughout the world, that these men should receive a compensation which will enable them to live and to save sufficient to provide against want, when the day comes that the failing memory no longer retains its impressions and the nerveless hand refuses to respond to the command of the clouded brain?

Resolved, That these resolutions be ordered printed, and that a copy be sent to the Postmaster-General, and to his assistants, to each Senator and Representative in Congress, to the National Convention of Post-Office Clerks, to each association of post-office clerks throughout the Union, and to each of the San Francisco daily papers.

#### LEAVE TO PRINT.

Mr. KERR, of Iowa. I made objection to printing remarks on a measure, because it had not been discussed in the House. I now withdraw the objection.

The SPEAKER. Unanimous consent is asked for leave to print remarks upon the Hudson River bridge bill, passed to-day, and also upon the pending bill for the admission of Idaho. Is there objection? [After a pause.] The Chair hears none.

#### ORDER OF BUSINESS.

Mr. DORSEY. I move that the House do now adjourn.

The SPEAKER. Pending that, the Chair will lay before the House the following personal requests of members.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SPINOLA, until Monday next.

To Mr. SNIDER, for two days, on account of important business.

To Mr. DUNNELL, indefinitely, on account of death in his family.

#### SUFFERERS IN THE MISSISSIPPI VALLEY.

Mr. MOORE, of New Hampshire, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. Res. 136) for the relief of sufferers in the Mississippi Valley; when the Speaker signed the same.

#### CHANGE OF COMMITTEE SERVICE.

The SPEAKER. The gentleman from Michigan [Mr. BURROWS] desires to be excused from further service on the Committee on Manufactures. Without objection this request will be granted.

There was no objection.

The SPEAKER. The Chair also desires to announce the following appointments on committees, which the Clerk will read.

The Clerk read as follows:

On the Committee on the District of Columbia, Mr. MUDD.

On the Committee on Manufactures, Mr. BUCHANAN, of New Jersey, chairman, and Mr. SMITH, of West Virginia.

The motion of Mr. DORSEY was then agreed to; and accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned until 11 o'clock a. m. to-morrow.

#### EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

##### PUBLIC BUILDING AT WINONA, MINN.

Letter from the Secretary of the Treasury, calling attention to the necessity for an additional appropriation to complete the public building at Winona, Minn., as authorized by law—to the Committee on Appropriations.

#### MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following memorials and resolutions were introduced and referred as follows:

By Mr. CAREY: Memorial of the Eleventh Legislative Assembly of Wyoming Territory, praying that a funding bill be passed for the relief of the Union Pacific Railroad Company—to the Committee on the Pacific Railroads.

#### RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. FUNSTON:

Resolved, That Tuesday and Wednesday, April 15 and 16, after sixty minutes of the morning hour have expired, be fixed for the consideration, in committee and in the House, of such bills as may be indicated by the Committee on Agriculture of the bills reported by that committee; not to interfere with revenue or general appropriation bills or prior orders or reports privileged under Rule XI;

to the Committee on Rules.

By Mr. GEST:

Whereas Washington, Montana, North Dakota, and South Dakota are now States of the Union and entitled to full recognition as such; and  
Whereas there are no stars to represent them on the flag that hangs above the Speaker:

Resolved, That the Sergeant-at-Arms be directed to procure and put in place, without delay, a flag with forty-two stars, that every State in the Union may have a star in the flag that hangs in the nation's House, and that the same be paid for out of the contingent fund of the House;  
to the Committee on Accounts.

#### REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. LACEY, from the Committee on Elections, to which was referred the contested-election case of Edmund Waddell, jr., vs. George D. Wise, from the Third Congressional district of the State of Virginia, submitted a report, accompanied by the following resolutions:

Resolved, That George D. Wise was not elected as a member of the Fifty-first Congress from the Third district of Virginia, and is not entitled to a seat therein.  
Resolved, That Edmund Waddell, jr., was elected as a member of Congress from the Third district of Virginia, and is entitled to a seat therein.

Mr. DOLLIVER, from the Committee on War Claims, reported with amendment the bill of the House (H. R. 4174) for the relief of D. W. Bontwell—to the Committee of the Whole House.

He also, from the same committee, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 7784) for the relief of Agnes and Maria De Leon; and  
A bill (H. R. 2182) for the relief of the Madison Female Institute, located at Richmond, Ky.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 4366) for the relief of A. B. Carter;  
A bill (H. R. 2630) for the relief of Alexander Moffitt;  
A bill (H. R. 3182) for the relief of the heirs of Dr. Nathan Fletcher; and

A bill (H. R. 3191) to refer the claim against the United States of the Florence Masonic Lodge, of Florence, Ala., to the Court of Claims.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 4446) for the relief of William Large; and  
A bill (H. R. 3723) for the relief of Stephen Duncan Marshall and George M. Miller, executors of the will of Levi R. Marshall, deceased.

Mr. MAISH, from the Committee on War Claims, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 3552) for the relief of O. P. Phillips;  
A bill (H. R. 4419) for the relief of the heirs of Asa O. Gallup;  
A bill (H. R. 7748) for the relief of the legal representatives of Henry W. Archer, deceased; and

A bill (H. R. 7934) for the relief of Henry W. Freedley, late captain, Third Infantry, and assistant quartermaster United States Army.

Mr. CULBERTSON, of Pennsylvania, from the Committee on War Claims, reported favorably the following bills of the Senate; which were severally referred to the Committee of the Whole House:

A bill (S. 230) for the relief of the heirs of Charles B. Smith, deceased;

A bill (S. 2622) for the relief of John S. Neet, jr.;  
A bill (S. 2412) for the relief of Joseph W. Carmack; and  
A bill (S. 231) for the relief of Robert H. Montgomery;

Mr. CULBERTSON, of Pennsylvania, also, from the Committee on War Claims, reported favorably the bill of the House (H. R. 876) directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore, growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812—to the Committee of the Whole House on the state of the Union.

Mr. RAY, from the Committee on Claims, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 7949) for the relief of the heirs of John Howard Payne; and

A bill (H. R. 4155) for the relief of P. B. Sinnott, late Indian agent at Grande Ronde agency, State of Oregon.

Mr. STOCKBRIDGE, from the Committee on Commerce, reported with amendment the bill of the Senate (S. 1739) providing for a steam-vessel for the use of the civil government of Alaska—to the Committee of the Whole House on the state of the Union.

Mr. SWENEY, from the Committee on Commerce, reported with amendment the bill of the House (H. R. 7622) to authorize the construction of a ponton bridge across the Mississippi River at or near Davenport, Iowa—to the House Calendar.

Mr. PEEL, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 5713) to pay Bluford West for

saline salt-work in Cherokee Nation, reported as a substitute therefor, a bill (H. R. 8947) providing for compensation to the estate of Bluford West, deceased, for property taken by the Cherokee Nation; which was read twice, and referred to the Committee of the Whole House.

Mr. MCCORD, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 4647) to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians, in the State of Wisconsin, reported as a substitute therefor, a bill (H. R. 8948) to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians in the State of Wisconsin; which was read twice, and referred to the House Calendar.

Mr. CARLTON, from the Committee on Claims, reported favorably the bill of the House (H. R. 6994) for the relief of Albert Blaisdell—to the Committee of the Whole House.

Mr. ROBERTSON, from the Committee on Military Affairs, reported with amendment the bill of the House (H. R. 637) to provide for the construction of a macadamized road to the national cemetery near Wilmington, N. C., and for other purposes—to the Committee of the Whole House on the state of the Union.

Mr. LANSING, from the Committee on Private Land Claims, reported with amendment the bill of the House (H. R. 2717) to confirm to the heirs of Mrs. Courtney Ann Claiborne the title to a certain tract of land in the State of Louisiana—to the Committee of the Whole House.

Mr. FARQUHAR, from the Committee on Merchant Marine and Fisheries, reported with amendment the bill of the House (H. R. 4663) to place the American merchant marine engaged in the foreign trade upon an equality with that of other nations—to the Committee of the Whole House on the state of the Union.

Mr. FITHIAN and Mr. WHEELER, of Alabama, in behalf of the minority of said Committee on Merchant Marine and Fisheries, submitted their views in writing thereon; which were ordered to be printed.

Mr. BOUTELLE, from the Committee on Naval Affairs, reported with amendment the joint resolution of the Senate (S. R. 46) authorizing the Secretary of the Navy to remove the naval magazine from Ellis Island, in New York Harbor, and to purchase a site and erect a naval magazine at some other point, and for other purposes—to the Committee of the Whole House on the state of the Union.

#### BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were introduced, severally read twice, and referred as follows:

By Mr. ROGERS: A bill (H. R. 8938) to define and regulate the jurisdiction of the courts of the United States—to the Committee on the Judiciary.

By Mr. MORROW: A bill (H. R. 8939) to provide for an American register for the steamer Australia, owned by a corporation of the State of California—to the Committee on Merchant Marine and Fisheries.

By Mr. FINLEY: A bill (H. R. 8940) to construct a macadamized road from the town of Somerset, Pulaski County, Kentucky, to the national cemetery at Logan's Cross-Roads—to the Committee on Military Affairs.

By Mr. BLAND: A bill (H. R. 8941) relating to the fractional silver coins of the United States and their legal-tender character, and to repeal the act of June 9, 1889, making such coins a legal tender for only \$10—to the Committee on Coinage, Weights, and Measures.

By Mr. CRAIN: A bill (H. R. 8942) for the improvement of Aransas Pass, Texas—to the Committee on Rivers and Harbors.

By Mr. POST: A bill (H. R. 8943) to provide for the establishment of a port of delivery at Peoria, Ill.—to the Committee on Commerce.

By Mr. HATCH (by request): A bill (H. R. 8944) to pension licensed pilots who have lost a leg or an arm, or received other permanent disability, while in the discharge of their duties—to the Committee on Commerce.

By Mr. PICKLER: A bill (H. R. 8945) granting right of way to the Omaha and South Dakota Railway Company through the Crow-Creek Indian reservation—to the Committee on Indian Affairs.

By Mr. WASHINGTON: A bill (H. R. 8946) to refund the direct tax, and for other purposes—to the Committee on the Judiciary.

By Mr. CUTCHEON: A bill (H. R. 8949) to reorganize certain staff corps of the Army and to reduce the expense thereof—to the Committee on Military Affairs.

By Mr. SAYERS: A bill (H. R. 8950) to authorize the Haines' Brackett, Fort Clark and Rio Grande Railroad Company to construct and operate a railway through the Fort Clark military reservation in Texas, and for other purposes—to the Committee on Military Affairs.

By Mr. CONNELL: A bill (H. R. 8951) to amend an act entitled "An act for the relief of settlers on railroad lands," approved June 22, 1874—to the Committee on the Public Lands.

Also, a bill (H. R. 8952) providing for the construction of a military store-house and offices for army purposes at the Omaha military depot, Nebraska, and for other purposes—to the Committee on Military Affairs.

Also, a bill (H. R. 8953) for the erection of a public building at Lincoln, in the State of Nebraska—to the Committee on Public Buildings and Grounds.



## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BRECKINRIDGE, of Kentucky: A bill (H. R. 8954) to adjust the accounts of Maj. Green Clay Goodloe, paymaster of the United States Marine Corps—to the Committee on Naval Affairs.

Also, a bill (H. R. 8955) for the relief of James Miller, of Bourbon County, Kentucky—to the Committee on War Claims.

Also, a bill (H. R. 8956) to pension Mrs. Millie Ritchey, widow of Greenberry Ritchey—to the Committee on Invalid Pensions.

By Mr. CONNELL: A bill (H. R. 8957) authorizing and directing the Secretary of the Treasury to pay to Robert W. Farnas the sum of \$400, for trees furnished and planted on the public square owned by the Government of the United States at Lincoln, Nebr.—to the Committee on Claims.

Also, a bill (H. R. 8958) granting a pension to Mrs. E. M. Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8959) granting a pension to Amos D. Hewell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8960) restoring Robert L. May to the Navy retired-list—to the Committee on Naval Affairs.

Also, a bill (H. R. 8961) to remove the charge of desertion from the military record of Joseph McGraw—to the Committee on Military Affairs.

Also, a bill (H. R. 8962) authorizing and directing the Secretary of the Treasury to pay to Frank Rother \$225 due him for services as route agent—to the Committee on Claims.

Also, a bill (H. R. 8963) granting a pension to William A. Whitaker—to the Committee on Invalid Pensions.

By Mr. DORSEY: A bill (H. R. 8964) for the relief of Daniel Donovan—to the Committee on Claims.

By Mr. O'DONNELL: A bill (H. R. 8965) granting a pension to Mattie E. Anson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8966) increasing the pension of Charles F. Sumner—to the Committee on Invalid Pensions.

By Mr. OSBORNE: A bill (H. R. 8967) for the relief of Mathias Kindt, late private of Company H, One hundred and seventy-eighth Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 8968) granting a pension to Susan Stout, widow of William R. Stout, late of Company D, Seventh Regiment Pennsylvania Cavalry Volunteers—to the Committee on Invalid Pensions.

By Mr. STOCKBRIDGE: A bill (H. R. 8969) granting a pension to Edward Johannes—to the Committee on Pensions.

By Mr. TOWNSEND, of Colorado: A bill (H. R. 8970) for the relief of James Brown—to the Committee on Military Affairs.

By Mr. TRACEY: A bill (H. R. 8971) granting a pension to Victoria Douglass—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8972) to pension Mary A. Ring—to the Committee on Invalid Pensions.

By Mr. WILLIAMS, of Illinois: A bill (H. R. 8973) granting a pension to Daniel M. Banks—to the Committee on Invalid Pensions.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (H. R. 313) to prohibit the formation of interstate trusts and trade conspiracies—Committee on Manufactures discharged, and referred to the Committee on the Judiciary.

A bill (H. R. 7275) to increase the pension of James H. Wright—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4791) granting a pension to Mrs. Lydia Avery Pierce—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 5215) granting an increase of pension to Joseph D. Tate—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 7272) granting a pension to Mary S. Carr—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 7274) granting a pension to Loretta Strutton—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 7271) granting a pension to Bridget Turley—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 7273) granting a pension to Julius M. Bates—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 7270) granting a pension to Louis A. Bright—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4792) granting a pension to Mrs. Abigail Richards—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 5537) for the relief of James A. Rice—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDREW: Remonstrance of William H. Sayword and 21 others, against increasing the duty on lime—to the Committee on Ways and Means.

By Mr. BLAND: Petition of Richard W. Isbell, for pension—to the Committee on Invalid Pensions.

By Mr. CANDLER, of Massachusetts: Protest of the New England Shoe and Leather Association, against a duty on hides—to the Committee on Ways and Means.

By Mr. CASWELL: Petition of D. B. Lovejoy and 190 others, citizens of Evansville, Wis., praying for the erection of a public building in that city—to the Committee on Public Buildings and Grounds.

By Mr. COVERT: Petition of James S. Wright and others, citizens of Queens County, New York, for an increase of duty on farm products—to the Committee on Ways and Means.

Also, petition of Amelia A. Chichester and others, for the suppression of the liquor traffic in military and naval stations—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. DALZELL: Petition of certain merchants of Pittsburgh and Allegheny, Pa., relative to proposed duties on linens, etc.—to the Committee on Ways and Means.

Also, resolution of Encampment No. 6, Union Veteran League, in favor of passage of bill amending homestead laws—to the Committee on the Public Lands.

By Mr. DINGLEY: Resolutions of American Sabbath Union, favoring an amendment of the Constitution of the United States changing the day of inauguration of the President—to the Committee on the Judiciary.

By Mr. DORSEY: Resolution of Board of Trade of Omaha, relative to world's fair—to the Select Committee on the World's Fair.

By Mr. ENLOE: Petition of the Bricklayers and Masons' International Union of Memphis, Tenn., in favor of the amendment of the laws so that only American citizens shall be employed on Government works—to the Committee on Labor.

By Mr. FRANK: Memorial for improvement of Missouri River—to the Committee on Rivers and Harbors.

By Mr. GEISSENHAINER: Petition of citizens of Elizabeth, N. J., to secure to citizens of the United States the right to labor on United States works in preference to aliens—to the Committee on Labor.

By Mr. HENDERSON, of North Carolina: Petition of the Holly Springs Monthly Meeting of Friends of Randolph County, North Carolina, against large expenditures for the Navy and coast defenses—to the Committee on Naval Affairs.

By Mr. HOOKER: Memorial and resolution favoring the subtreasury plan—to the Committee on Ways and Means.

By Mr. KELLEY: Petition of George Graham Post, Grand Army of the Republic, of Seneca, Kans., asking for the passage of a service-pension bill, and representing that the bondholders have hitherto banded together to make party platforms and to control legislation affecting the financial policy of the Government, and asking for an increase of the circulating greenbacks by the hundred millions to correspond with the increase of our population and business—to the Committee on Invalid Pensions.

Also, petition of 470 farmers of Butler County, Kansas, against the passage of a bill said to have been recommended by the Committee on Banking and Currency, providing for the issuing of \$2,300,000 of bonds to perpetuate the present banking system, which they consider, if made a law, will work great evil to the country—to the Committee on Banking and Currency.

By Mr. KETCHAM: Remonstrance of the Stanford Society of Friends (68), against the enlargement of the Navy—to the Committee on Naval Affairs.

Also, memorial of John H. Evers, Christian Körner, and 109 others, prominent business men of New York, to the Fifty-first Congress, to authorize the Secretary of War to contract with Charles Stoughton and associates for the entire work of building the Harlem Canal—to the Committee on Rivers and Harbors.

By Mr. LACEY: Petition of A. Donyard and others, citizens of Ottumwa, Iowa, against the passage of legislation restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, resolution of Board of Trade of Burlington, Iowa, indorsing the Torrey bankrupt bill—to the Committee on the Judiciary.

By Mr. LANE: Petition of citizens of Illinois, favoring Cullom bill—to the Committee on Banking and Currency.

By Mr. LAWS: Petition from Farmers' Alliance of Nebraska, urging passage of House bill 5353, being the Butterworth bill—to the Committee on Agriculture.

By Mr. MORRILL: Petition of E. N. Hutchins and 46 others, citizens

of Jefferson County, Kansas, asking that Mexican ore be admitted free—to the Committee on Ways and Means.

Also, memorial of the County Farmers' Alliance of Kansas, in representative convention, through B. H. Clover, president, and S. M. Dalton, secretary, upon the same subject—to the Committee on Ways and Means.

By Mr. OSBORNE: Resolutions of San Francisco Post-Office Clerks' Association, favoring the passage of House bill 6447—to the Committee on the Post-Office and Post-Roads.

By Mr. PERKINS: Petition of C. S. Wicks and 50 others, ex-Union soldiers of the late war, and residents of Fredonia, Kans., asking for the passage of the service-pension bill recommended by the last two national encampments of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. REILLY: Petition of Susan Stout, Pottsville, Pa., to accompany House bill—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition of Ware Clark and others, citizens of Lewis County, New York, asking for increased duty on certain farm products—to the Committee on Ways and Means.

By Mr. STOCKBRIDGE: Petition of Bricklayers' Union No. 1, of Baltimore, Md., for the employment of none but American mechanics on Government works—to the Committee on Labor.

By Mr. STRUBLE: Resolutions from ex-soldiers and citizens of Smithland, Woodbury County, Iowa, requesting the passage of the service-pension bill and army nurse bill, etc.—to the Committee on Invalid Pensions.

By Mr. WALKER, of Massachusetts: Petition of Maria S. Whiting, praying for pension as mother of John Whiting, deceased, late of the United States Navy—to the Committee on Invalid Pensions.

Also, petition of Martha A. Hale, for pension as widow of Herbert L. Hale—to the Committee on Invalid Pensions.

By Mr. WATSON: Petition of about 200 citizens of Warren County, favoring passage of service-pension bill—to the Committee on Invalid Pensions.

## SENATE.

THURSDAY, April 3, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read.

Mr. JONES, of Arkansas. I think it is important that there should be a quorum present, and as it is evident there is not one here now I ask for a call of the Senate.

The VICE-PRESIDENT. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cullom,	McMillan,	Sherman,
Allison,	Davis,	Manderson,	Stewart,
Barbour,	Dawes,	Mitchell,	Stockbridge,
Bate,	Edmunds,	Morrill,	Teller,
Berry,	Evaris,	Paddock,	Turpie,
Blackburn,	Farwell,	Pasco,	Vance,
Blair,	Faulkner,	Payne,	Voorhees,
Blodgett,	Harris,	Pettigrew,	Walthall,
Casey,	Hawley,	Platt,	Wilson, of Iowa,
Chandler,	Hoar,	Plumb,	Wolcott.
Cockrell,	Jones, of Arkansas,	Pugh,	
Coquitt,	Kenna,	Reagan,	

Mr. BLACKBURN. I desire to state that my colleague [Mr. BECK] is detained from the Senate by reason of sickness.

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is present. The Journal will stand approved as read, if there be no objection.

### ADJOURNMENT FOR GOOD FRIDAY.

Mr. EDMUNDS. I rise to make a privileged motion, that, to-morrow being Good Friday, when the Senate adjourn to-day it be to meet on Saturday.

The VICE-PRESIDENT. The question is on agreeing to the motion made by the Senator from Vermont.

The motion was agreed to.

### COMMITTEE SERVICE.

The VICE-PRESIDENT. As authorized by the Senate, the Chair appoints the Senator from South Dakota [Mr. PETTIGREW] as a member of the Committee on Public Lands in place of the Senator from New Hampshire [Mr. BLAIR], who has been excused from service on that committee.

### NATIONAL ZOOLOGICAL PARK.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2284) for the organization, improvement, and maintenance of the National Zoological Park.

The amendments of the House of Representatives were in section 1, line 1, after the first word "that" to strike out the words "there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated," and to insert "the one half of the following sums named, respectively, is hereby appropriated, out of any money in the

Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia," and in line 11, after the word "Institution," to strike out the words "the following sums of money" and to insert "and to be drawn on their requisition and disbursed by the disbursing officer for said Institution;" so as to read:

That the one half of the following sums named, respectively, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, for the organization, improvement, and maintenance of the National Zoological Park, to be expended under the direction of the Regents of the Smithsonian Institution, and to be drawn on their requisition and disbursed by the disbursing officer for said Institution.

Mr. MORRILL. I ask for present action upon the bill.

The VICE-PRESIDENT. The Senator from Vermont asks for present consideration of the bill. The Chair hears no objection, and the question is on concurring in the amendments of the House of Representatives.

Mr. MORRILL. I desire to say a single word in relation to the matter. It is very desirable that there should be an opportunity given to put up the structures and fences that are necessary to be placed upon the park for the keeping of the animals they have already obtained, and such as may be hereafter obtained. It should be done at an early moment; and while the first amendment of the House is one which I think ought not to have been made, because the park is a national park or it is nothing; it as much concerns the States of California and Maine or Texas and New York as it does the city of Washington, and therefore the whole expense should be borne by the nation—

Mr. CULLOM. I hope the Senator is going to ask for a conference in preference to concurring in the House amendments.

Mr. MORRILL. No, I do not propose to ask for a conference, because I understand it would be some time before it would be reached, and it is doubtful at the present time whether or not a delay might not be very inconvenient in getting the park into working order.

Mr. HARRIS. If the Senator from Vermont will allow me, I desire to make a suggestion to him.

Mr. EDMUNDS. We can not hear the debate, Mr. President.

The VICE-PRESIDENT. The Senate will be in order.

Mr. HARRIS. Agreeing, as I do, with the opinion expressed by the Senator from Vermont, I beg to suggest to him that a conference upon the House amendments will not necessarily involve more than a day or two, and I would prefer that he should move to insist upon a non-concurrence and ask for a conference upon the disagreeing votes. I shall quite agree with him after such a conference in doing whatever may be necessary to accomplish this object, but I think we ought at least to make the effort by a conference with the other House upon the disagreeing votes before we agree to the amendments proposed by the House of Representatives.

Mr. SHERMAN. I feel it a matter of justice to the people of this District to protest against this effort to throw upon them a mere governmental matter. This Zoological Garden is no more a part of the District of Columbia or to be provided for by the money of the people of the District of Columbia than the Coast Survey or any other scientific object fostered by the Government of the United States.

I think there is a disposition in Congress now to throw upon the people of this District, who are heavily taxed at best, a great many objects of expenditure which belong to the Government of the United States; for instance, such as the great tunnel that was put through here, and which has been for the time abandoned. It is a cruel thing to compel the people of this District to pay for that. They have no part or lot in it. So it is with this matter; and I fear that if we shall agree now to this proposition to throw the half of this expenditure upon the people of this District it will be a precedent the effect of which it will be difficult to avoid. It is better, I think, to let it be understood that this Zoological Garden belongs to the people of the United States. The District government has nothing to do with it, and the people of this District have no other interest in it than as citizens of the United States. If we once set the precedent of making the District government bear one-half the expenditures for this rather expensive toy at best, it will probably be continued year after year. I think, therefore, it is better to disagree to the amendments and request a conference.

Mr. MORRILL. I yield to the general expression of Senators, and will ask that the amendments be disagreed to and a conference requested.

The VICE-PRESIDENT. The Senator from Vermont moves that the Senate disagree to the amendments made by the House of Representatives and request a conference on the disagreeing votes of the two Houses.

Mr. CULLOM. I desire to say a few words which I should like to have said a few moments ago, but I did not desire to come in conflict with the Senator from Vermont. It seems to me that, if the Government is going to have a Zoological Park, to be of any account it ought to be cared for entirely by the Government of the United States, and we should not divide responsibilities with the District of Columbia or any one else. It was for that reason that I inquired whether the Senator was going to ask for a conference or simply move to agree to the amendments of the other House. It seems to me that we ought to insist upon our original proposition.



Mr. EDMUNDS. I agree with the Senator from Illinois that this park ought to be purely under national control and purely a charge upon the nation, for it is of more benefit to the people of the United States altogether who come here, and for the uses of general instruction, than it is to those inhabitants who happen to live within the boundary of this District, just as this Capitol and the other public buildings are. But I should not have needed to say that.

However, I do wish to say in reference to what the Senator from Ohio [Mr. SHERMAN] has said concerning the cruelty, as he thinks, to the tax-payers of this District in paying for the expenditure upon that tunnel which turned out to be unfortunate, that I do not agree with him, and I do not wish what he has said to go as if everybody agreed to his proposition. The government of the District, as we all know, has for many years been under the regulation of Congress, just as the government of a State is under the regulation and authority of its Legislature. If the Legislature of a State, through some mistake or misapprehension, passes a law which imposes a tax or a burden upon some part of the people of the State and not upon them all, a local matter, and it turns out to be unfortunate, I have never heard of a case in which it was thought by anybody that those local people had any claim in morals or in any way upon the State to be reimbursed for the mistake, because mistakes will happen in every government. When this District was under the charge of men elected by people here things never went more wildly and injuriously to the tax-payers of the District than they did then. Therefore I can not see any ground upon which the tax-payers of this District have any moral right to complain that they have borne a part of the expense of a tunnel that turned out to be fraudulently built and of very doubtful expediency if it had been a success.

I only wanted to say that in view of what my friend from Ohio had stated.

Mr. PLUMB. Mr. President, I want to say a word or two in response to what the Senator from Ohio said. I do not undertake to decide now for myself what ought to be done about the expenditure made necessary by the creation of this Zoological Park, but I want to say that I do not think it is inconsistent with the public use of it that part of the expense should be paid for by the District of Columbia. The United States is dealing to-day very handsomely and very generously by the people of this District. Upon the theory that the Government owned one-half of the property or some other theory which satisfied the consciences of those who voted for it, Congress some years ago agreed to saddle one-half the burden of carrying on the government of this District upon the people of the United States, and I was somewhat amazed when I found members of this body justifying themselves in that apportionment of expense upon the theory that the Government owned half of the property in the District, when nearly all that property which it does own consisted of the streets, of which the Government is the owner, it is true, but without any use; that is to say, it is a trustee without use.

In the State in which I live the counties severally own one-half the title to all the streets of all the towns within their respective limits; and yet in that State, filled with inventive people, I never heard any one suggest that because the county was the trustee for all the public in respect of the streets it should pay any part of the taxes on account thereof. The city of Topeka, the capital of that State, does not exact or claim anything from the State in respect of payment of public money because the capital happens to be located there. On the contrary, they are glad it is there, and only wish there was more of it.

Now, the General Government not only pays one-half the expenses of this District, including the cost of the improvement of streets, which in other cities is levied upon the abutting property, but it takes care of every reservation, of all these squares which are so many parks for the benefit of these people. They are an especial tax upon the people of the United States, of which no portion is paid by the people of the District, except as they pay it ratably as the remainder of the people of the United States do. In other words, the Government pays half the taxes and then it takes care, out of its own Treasury, of all the parks of the city, every one of them. It polices the White House grounds; it polices all these different parks and employs an Army officer to look after them and beautify them and adorn them, and to see that they are put in the best possible shape for the delectation and use of the inhabitants of the District as well as everybody else.

It seems to me this Zoological Park might be carried on in the same way. I do not understand that because the Government pays for these parks thereby the people of the District of Columbia are not to use them or that because the District pays for them the people of the United States are not to use them. I think I understand that they want the people of the United States to come here; and yet it would seem that if the District of Columbia should pay for part of this park they would want to exclude the people of the United States from coming here, and put up an advertisement of that kind at their front door and their back door, and say they do not want people to come here, and thus manifest their sincerity in this desire to be excluded from the burdens of maintaining this park.

While it is proper to be just to the people of the District, it is equally proper that we should be just to the great body of the people of the United States. This is a favored District. It is favored in the matter

of taxation. There is no city in the United States where the taxes are so small as they are here. I am glad of it. I do not care about that; I do not begrudge them any prosperity; but I undertake to say that it is one of those benefits which largely grow out of the fact that Congress has dealt with them with a generosity which certainly is without a parallel anywhere else in this country.

The Senator from Massachusetts [Mr. DAWES] asks me what makes real estate here so valuable. It is because this is the Capital. It is because the Government has assumed one-half the burden of maintaining the local government, and thereby makes it an attractive place for people to come; and on other grounds besides its being the Capital the burden of taxation ought to be comparatively small.

I did not start out to say, and I do not say now, as a matter of final conclusion, that this Zoological Park ought not to be the specific property of the Government, to be provided for and maintained out of the national Treasury, but I do want to file a caveat against the idea that we are to go on here upon the theory that these things are to be done out of the Treasury of the United States without making a corresponding burden on the people of this District. It has been proposed in the other body in regard to the enlargement of this park that some portion of the burden should be assessed upon the adjoining proprietors. That is a practice which prevails under the constitutions of various States in regard to public improvements, as well, I think, as in regard to railroads, and it is founded in justice. It would not be unfair, at all events, to say in reference to this park that inasmuch as the adjoining property and all the property of the District is benefited it ought to pay some portion of the burden. I am not saying now that it ought, but I say it would not be unfair to do it. I think when we come to this question it is just as well to take into account all these things and the people out of whom these taxes must come outside of this District, as well as to enlarge all the while upon the duty of the Government to beautify the District and all that sort of thing, and having a large amount of property here of its own which is equally available for all the people of the District, and which adds to the value of the property of the District.

Mr. HAWLEY. Mr. President, as it seems to be considered in order to discuss the general merits of this proposition, I have a few words to say.

I concur with the Senator from Kansas in holding that it may possibly be quite equitable that some moderate practical expense of this park should be laid upon the adjoining proprietor, who will be greatly benefited by it, as a fair pecuniary transaction. As far as the body of the District is concerned, I do not think it right to charge them one dollar of it. In the first place, no city of 200,000 population in the United States would dream of establishing such a park, so expensive a thing as a zoological collection. It is not done by Congress for the benefit of these people. It is done for general scientific purposes, to adorn the national Capital, and as an object-lesson, a place of instruction for the whole people of the United States. I do not think that it would be equitable to put a dollar of that expense upon the people of the District, though there should be some moderate assessment upon those adjoining pieces of property which are unquestionably to be greatly benefited by it.

Mr. BLAIR. In connection with this important discussion upon the expenditure proposed in favor of our wild beasts and reptiles and bad birds and all manner of creeping things, I desire to read a memorial which I have just received which bears upon the interests of the children of this country:

WASHINGTON, D. C., March 23, 1890.

At the close of the evening service of the Metropolitan W. Z. Church, D street southwest, between Second and Third, Rev. R. H. G. Dyson, pastor, the following was submitted and unanimously adopted by a standing vote of the entire assembly:

"Whereas we, the communicants and congregational members of the Metropolitan W. Z. Church, believe that the failure to pass the Blair educational bill in the Senate of the United States on last Thursday, March 21, 1890, is a great public calamity, especially to the poorer classes of white and a very large majority of colored youths in the Southern States, and we further believe that the great race problem can be solved only by the educating and improving the condition of all classes of citizens of the United States: Therefore,

"Be it resolved, That we respectfully petition the Congress of the United States to reopen the case and present a new or modified bill that will give our people all the benefits that the defeated bill would have secured, and that we as a unit ask the Senate and House of Representatives to pass the same."

R. H. G. DYSON, Pastor.

J. D. BALTIMORE,

Financial Secretary.

Mr. GIBSON. Mr. President, this Zoological Park established by Congress was not established for the benefit of the people of this District, but for the benefit of the scientific men of this country who would desire to preserve the types of the different wild animals that inhabited this continent. So far from being beneficial to the property-holders adjacent to it, I should think it would be a disadvantage. Surely if I owned property adjoining a zoological park I would be disposed to sell it at a much less price than if it was not located near such a park filled with wild animals.

I can not, therefore, see any propriety whatever in charging any of the benefits of this park either to the adjacent land-holders or the people of the District of Columbia. This is the seat of the National Government, the Capital of a great nation, and for one I feel like making

it worthy of a nation of a hundred million or two hundred million people. Among other things, I think it proper that Congress should establish a zoological park to preserve the types of the animals that originally inhabited this continent and that are fast fading away.

I am opposed to the House amendments, but, if it is impossible to pass the bill without concurring in them, under that restraint I shall vote for the bill as it comes from the other House.

I will add that the Senator from Kentucky himself, who is seated in front of me [Mr. BLACKBURN], may remember that near the village in which we were both born there was a park preserved by one of the original settlers of that State, in which the buffalo, the elk, the bear, and the deer were preserved in large numbers, and it became a great object of interest and a curiosity not only to the people in that vicinity, but to people from the Eastern States, many of whom came there to see that large park filled with these animals.

I am sure if this park were established here it would be an object of interest, not to the people of the District of Columbia who are engaged in their business here, nor to the members of Congress who pass but a few years of their lives here, but to the scientific men of the whole country who might be disposed to investigate the laws that relate to these wild animals and all other animals in connection with the discovery of the truth in every direction.

Mr. STEWART. With regard to this particular appropriation, it seems to me that it is proper for the United States to bear all of the expense for the reasons assigned by the Senator from Louisiana, which appear to me to be controlling. But I should like to make a suggestion. I do not think that the policy of charging the Government with half of the expense of the streets in the District by general taxation is working well. It occasions at every session of Congress a fierce conflict as to where the money shall be used, and those who are most successful in pressing their claims get their streets improved and the others do not.

The system of improving streets out of a general fund has generally, in most of the Western cities at least, been a bad one. I do not know how it is here. They tried it on the Pacific coast for many years and it led to controversy as to where the money should be appropriated, and there was dissatisfaction. They finally passed a law in California applying to all cities a general act requiring the property abutting on the street to pay for the improvement, and a street would be improved whenever a majority of the property-owners on the line of the proposed improvement asked for it. That has occasioned a great deal of improvement in San Francisco and other California cities which would not have been made if the money had been paid from a general appropriation.

If that were done here it would relieve the Government and relieve the large tax-payers and improve property considerably, and then the General Government could well afford to expend more money in beautifying the parks and in what relates more to general matters.

I know it will be said that a large portion of the city having been improved from the general fund, to make the change would be unjust and the rest should have the same advantage; but now is a good time to make the changes because the taxes have been principally levied on the property inside the boundaries of the city. I say that it occurs to me that now would be a good time to make the change inasmuch as nearly all the streets inside of the boundary are already improved, and the plan in most of the cities is that where the streets are once improved the necessary repairs shall come out of the general fund. Many new divisions are now being laid out outside of the city, and if the property-owners who expect to make money out of them were allowed to improve the streets whenever they feel disposed to do so at their own expense, it would be a great relief to the District generally and to the Government.

The money expended by the Government should be applied to more general purposes in keeping the streets in repair, but the new work that is to be done might be done by the property-owners. Whenever a majority of the property-owners on any street for any particular distance desire to have work done, let them do it, and the city would then grow fast enough; but if things go on in this way there will be a contest as to the improvement of this and that street out of the general fund, and that will become more and more intense as the city extends outside of the boundary.

There is no objection to having the District all improved if the people are willing to put their own money in it; but there is objection to taxing the Government or the portion of the city that is built up for extending streets into the country. If people are willing to do it for the benefit of the District and to increase the assessable value of property and aid everybody by the expenditure of the money, it seems to me that such a policy would be best. It has been tried in the Western cities and has been found to work well, and I suggest that it be tried here.

As to the present appropriation, it seems to me this park for the purpose of preserving animals ought to be a national park, and I think that is a thing for which the Government should pay the whole expense.

Mr. BLACKBURN. I am very sure, Mr. President, that this Zoological Park has no more sincere advocate or friend than I am, but I

will not vote for any bill that proposes to impose upon the people of the District of Columbia any portion of the expense incident to its purchase or its maintenance. I do not intend, either, to offer the plea of poverty on behalf of the people of this District in support of this provision. There is not within the limits of this land a heavier taxed community than the people who reside in this District to-day. It is not going beyond the record nor overstating the facts to say that the bulk of the indebtedness which rests upon this city and this District to-day was put there by reason of the negligence of Congress, it having absolute legislative control over the District.

The Government of the United States supports and maintains the Yellowstone Park at its own expense. It would be just as rational and just as fair to levy a 50 per cent. tax upon the District of Columbia property for the maintenance of the National Park in the Yellowstone as for this park here. It would be just as fair to levy upon the property-holders in the District of Columbia a percentage of the tax that is needed to support the Botanical Garden right near the Capitol, or the public building in which we are sitting, or any of the public property that this Government owns within the limits of this District.

With all deference to the action that the other House may take or may have taken, protesting and declaring my earnest and honest support of the measure that looks to the establishment and maintenance of a park here in this District, not only for entertainment and enjoyment, but for the education of the people of this country, I protest that I will not vote for any bill that is so unfair in its exactions as to require one-half of the money which is needed either to purchase or to maintain it to be collected from the property-holders of this District.

Why, Mr. President, we are told by those whose sources of information are the most reliable that the herds of buffaloes which once roamed the prairies and the plains of this country in uncounted numbers, which many of us within the last ten years have spent weeks in the pleasure time of hunting and destroying, have shrunk until to-day there are less than one hundred buffalo within the limits of the United States outside of the Yellowstone Park and the private parks of private citizens. There are less than one hundred, according to the information that we get from those whose business it is to inform themselves and know. The moose has disappeared practically from our country. Now and then a stray specimen is found in the woodlands of Maine; but from the Northwest the moose has disappeared almost entirely.

This proposition is to establish here at the Capital city a zoological park where these rapidly disappearing specimens of the animals indigenous to this country may be preserved for all time to come, if it be possible; and I am amazed that any gentleman should reach the conclusion that in order to carry out and perfect this national purpose the tax-ridden people of the District of Columbia, who have no voice in either House of Congress, who by the express terms of the Constitution are the victims of any arbitrary power that Congress sees fit to inflict, should be made to contribute a portion of that expense.

Mr. DAWES. Mr. President, I agree with the Senator from Kentucky [Mr. BLACKBURN] that the Zoological Park should be maintained by the Government of the United States. I want, however, to enter my protest against the idea that this is an awfully tax-ridden city.

Mr. President, when the proposition to make the Zoological Park first appeared in the Committee on Appropriations it was suggested that the District commissioners could see to it that those whose real estate was to border it would donate or contribute something out of the lands which they were to sell to the Government for the purposes of this park. Instead of that, every one of them not only refused to contribute a square foot of land, but put up the price of the land that they were to sell to the Government of the United States 100 per cent. more than it was before.

It is contemplated to embrace this park in a larger park, which I hope will be done, but those who reap the most benefit pecuniarily from it and all who do reap it are the tax-payers of this District, and all of the advance in their property serves to lessen the per cent. of their taxation.

The Government of the United States has assumed \$33,000,000, expended in grading and paving the streets and avenues of this city, and is paying now the bonds issued by the District for that purpose. The expenditure of these \$33,000,000 has enhanced the value of every square foot of taxable property in this city four hundred fold; and yet the Senator from Kentucky talks about a tax-ridden District which can not be compelled to pay upon its enhanced value something towards the money taken out of the Treasury of the United States. They are only taxed \$1.50 on the hundred dollars for all their real estate; and every dollar that we expend in these parks here, and which we ought to expend for them, is enhancing the value of the property. The limitation which is fixed by law on taxation here is a rate less than in any other city that I know of in this country.

Mr. President, I believe in beautifying this city; I believe in making everything pertaining to it in some way correspond to the grandeur and greatness of the Government; but those who have pocketed money day by day out of this expenditure, those who are reaping these rich rewards benefiting the real estate of this city and this District, are the last men who ought to come here and complain of the taxes which the citizens of



this District pay, the part which they contribute to the necessary expenditures of the District. Nobody asks, nobody ought to ask them to pay for such improvements as these parks, but they ought not to content themselves with merely paying one-half of the current expenses of this District, but they ought to thank God that the lines have fallen to them in such pleasant places.

Mr. MORRILL. I hope that the vote may be now taken.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont that the Senate non-concur in the amendments of the House of Representatives.

The motion was agreed to.

Mr. MORRILL. I move that the Senate insist on its non-concurrence and ask for a committee of conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. MORRILL, Mr. SPOONER, and Mr. VEST were appointed.

#### BRAZOS TERMINAL RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1873) authorizing the Brazos Terminal Railway Company to construct a bridge across the Brazos River in the State of Texas; which was, on page 2, line 30, to strike out after the word "States" down to and including the word "freight," in line 31.

Mr. COKE. This being a Senate bill which has come from the other House with a very small verbal amendment, I ask that it may have consideration at this time and that the amendment be concurred in.

Mr. INGALLS. Let the amendment be read.

Mr. VEST. What bill is that?

Mr. INGALLS. Let us hear the bill read as it will be when amended.

The VICE-PRESIDENT. The bill will be read as proposed to be amended.

The CHIEF CLERK. On page 2, line 30, after the word "States," strike out down to and including the word "freight," in line 31; so as to read:

SEC. 3. That the bridge authorized to be constructed under this act shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, troops, and the munitions of war of the United States, passing over said bridge, than the rate per mile for their transmission over the railroads leading to said bridge; and equal privileges in the use of said bridge shall be granted to all telegraph companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

Mr. INGALLS. Is that the part that was stricken out?

The VICE-PRESIDENT. That is the way the section reads as amended.

Mr. INGALLS. Now, let us hear the part that is stricken out.

Mr. VEST. Has that bill as amended been before the Committee on Commerce?

Mr. COKE. It has not. It is a Senate bill which went to the House and is returned with an amendment.

Mr. VEST. I suggest that it had better go to that committee so that we may examine the amendment.

Mr. COKE. Very well. It will take some little time, but if the Senator so desires I am willing that the bill with the amendment shall be referred.

The VICE-PRESIDENT. The bill with the amendment will be referred to the Committee on Commerce.

#### HOUSE BILLS REFERRED.

The bill (H. R. 344) to grant the right of way to the Pittsburgh, Columbus and Fort Smith Railway Company through the Indian Territory, and for other purposes was read twice by its title, and referred to the Committee on Indian Affairs.

The following bills received yesterday from the House of Representatives were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 380) to amend an act entitled "An act to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Tennessee and Cumberland Rivers," approved January 8, 1889;

A bill (H. R. 5729) to authorize the construction of a bridge across the Oconee River, in the State of Georgia; and

A bill (H. R. 7985) to amend an act entitled "An act to aid vessels wrecked or disabled in the waters contiguous to the United States and the Dominion of Canada," approved June 19, 1878.

The bill (H. R. 8391) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service for the fiscal year ending June 30, 1891, and for other purposes was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. 7164) to amend and continue in force "An act to authorize the construction of a bridge across the Missouri River at Forest City, S. Dak., by the Forest City and Watertown Railway Company," approved August 6, 1888, was read twice by its title.

Mr. MOODY. I understand that that is precisely similar in its provisions to a bill which has been reported from the Committee on Commerce and is now on the Calendar. I should like to ask unanimous

consent for the consideration of the measure, as it is important that it should become a law as speedily as possible.

Mr. INGALLS. What is the bill?

Mr. MOODY. It is a bill to amend and continue in force "An act to authorize the construction of a bridge across the Missouri River at Forest City, in South Dakota, by the Forest City and Watertown Railway Company." A similar bill has been favorably reported by the Committee on Commerce of the Senate, and this is a House bill.

Mr. INGALLS. I rise to morning business.

The VICE-PRESIDENT. That being in the nature of an objection, the bill will be referred to the Committee on Commerce.

Mr. EDMUNDS. The bill, I think, ought to be referred, for I see it repeals a section about a draw.

The VICE-PRESIDENT. The bill will be referred to the Committee on Commerce.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 445) for the erection of a shop at the National Armory, Springfield, Mass.;

A bill (H. R. 3886) to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road;

A bill (H. R. 5601) to authorize the proper accounting officers of the Treasury to audit and pay the claim of the county of Schuylkill, in the State of Pennsylvania, for money advanced by it under allotments made by soldiers from said county during the late rebellion, by virtue of section 12 of the act of Congress entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July 22, 1861; and

A bill (H. R. 7498) to establish three new land districts in the Territory of Wyoming.

The message also announced that the House had passed the bill (S. 1612) to construct a road from the city of Staunton to the national cemetery in the county of Augusta, in the State of Virginia.

#### ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 136) for the relief of sufferers in the Mississippi Valley; and it was thereupon signed by the Vice-President.

#### PETITIONS AND MEMORIALS.

Mr. STEWART presented fourteen petitions signed by 654 members of the Farmers' Alliance and citizens of Nebraska, praying for the free coinage of silver; which were referred to the Committee on Finance.

Mr. VANCE. I present a memorial of the New Garden Quarterly Meeting of Friends, in Guilford County, North Carolina, respectfully and earnestly remonstrating against the increase of expenditure for naval purposes and for increasing the Army of the United States, treating such action as a menace against the peace of the country. I move that the memorial be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. VANCE. I also present petitions of members of the bar of Halifax, Beaufort, Edgecombe, Wilson, Northampton, and Martin Counties, in the State of North Carolina, praying for the passage of a bill for the relief of the Supreme Court of the United States, in consequence of the excess of business which has accumulated upon it. I move that these petitions be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. VANCE presented a petition of 42 citizens of Granville County, North Carolina, praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. BLODGETT. I present six petitions, all emanating from subordinate unions of the Bricklayers and Masons' International Union of America, located in Jersey City, Newark, Mont Clair, New Brunswick, and Elizabeth, in the State of New Jersey, praying for the enactment of laws to secure to citizens of the United States preference over aliens in performing labor on Government works. I move that the petitions be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. BLAIR presented a petition of a convention of the Loyal Templars of Temperance, assembled in Lansing, Mich., favoring woman suffrage; which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of the Methodist Wesley Zion Church, of Washington, D. C., Rev. R. H. G. Dyson, pastor, praying for the passage of the educational bill; which was ordered to lie on the table.

Mr. VOORHEES presented the petition of Martin Landis, late a private in Company I, Seventh West Virginia Cavalry Volunteers, praying for a correction of his military record; which was referred to the Committee on Military Affairs.

He also presented petitions of subordinate unions of the Bricklayers and Masons' International Union of Indianapolis, Evansville, and Whiting, in the State of Indiana, praying for an amendment of the laws so

that only citizens of the United States may be employed on public works; which were referred to the Committee on Education and Labor.

He also presented memorials adopted by Monthly Meetings of Friends of Henry, Rush, Lake, Randolph, Wayne, and Bartholomew Counties, in the State of Indiana, remonstrating against the expenditure of any more money for the Navy or Army; which were referred to the Committee on Naval Affairs.

Mr. VEST presented a petition of Subordinate Lodge No. 6, of the Bricklayers and Masons' International Union, of Nevada, Mo., praying for legislation giving preference to native-born citizens in work on public improvements; which was referred to the Committee on Education and Labor.

He also presented a memorial of 83 retail grocers of the city of St. Louis, Mo., representing that the Conger bill taxing compound lard is an evasion of the police powers reserved to the States; that it will increase the army of revenue officials; that the revenue raised will go into an already overflowing Treasury, and remonstrating against placing a tax on compound lard; which was referred to the Committee on Agriculture and Forestry.

Mr. COCKRELL presented a petition of Subordinate Union No. 6, of the Bricklayers and Masons' International Union of America, of Nevada, Mo., praying for an amendment of the laws so that only citizens of the United States may be employed on public works; which was referred to the Committee on Education and Labor.

Mr. PASCO presented memorials adopted by the Board of Trade of Ocala, Fla., remonstrating against the terms of the bill known as the McKinley bill, now pending, so far as they relate to an increase of duty on leaf-tobacco suitable for cigar-wrappers, as destructive to the industry of manufacturing Havana cigars; which were referred to the Committee on Finance.

Mr. CALL presented petitions of the Fernandina (Fla.) Board of Trade and the Pensacola (Fla.) Chamber of Commerce, praying for the passage of the bill transferring the revenue marine to the naval establishment; which were referred to the Committee on Naval Affairs.

Mr. STOCKBRIDGE presented a petition of merchants and manufacturers of Battle Creek, Mich., praying for the passage of a national bankrupt law; which was referred to the Committee on the Judiciary.

Mr. INGALLS presented a petition of 20 citizens of Labette County, Kansas, praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. SHERMAN presented a petition of 40 citizens of Atlanta, Ohio, praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. GORMAN presented a petition of L. Kuszmaul, president, and F. V. Zoeller, secretary, of Subordinate Union No. 1, Baltimore, Md., of the Bricklayers and Masons' International Union of America, praying that aliens may not be employed on public works; which was referred to the Committee on Education and Labor.

He also presented joint resolutions of the General Assembly of Maryland; which were read and ordered to lie on the table, as follows:

Joint resolutions requesting and directing the Senators of the State of Maryland in the Congress of the United States to use their best efforts to secure the passage of a bill (No. 694) of the House of Representatives of the United States, passed by said House of Representatives March 17, 1890, having for its object the transfer of the revenue-marine service from the Treasury Department to the Navy Department of the United States.

Resolved by the senate and house of delegates of Maryland, That the Senators of this State in the Congress of the United States be, and they are hereby, requested and directed to use all proper means in their power to secure the passage by said Senate of House bill No. 694 of the House of Representatives of the United States, passed by said House of Representatives on the 17th day of March, 1890, having for its object the transfer of the revenue-marine service from the Treasury Department of the United States to the Navy Department.

Resolved, That a copy of these resolutions be immediately transmitted by his excellency the governor to each of our Senators in the Congress of the United States.

R. F. BRATTAN,  
President of the Senate.  
JOHN HUBNER,  
Speaker of the House of Delegates.

Mr. EDMUNDS presented the petition of U. A. Woodbury and others, of Chittenden County, Vermont, praying that a pension be granted to Mary A. Lands, the daughter of a soldier; which, with accompanying papers, was referred to the Committee on Pensions.

Mr. WILSON, of Iowa, presented a memorial of the Monthly Meeting of Friends (306 members) of Le Grand, Marshall County, Iowa, remonstrating against appropriations for the construction of a navy; which was referred to the Committee on Naval Affairs.

Mr. MITCHELL presented the petition of Peter Grant Stewart, of Gervais, Oregon, praying compensation for property owned by him and taken and used by the United States for a military reservation near the mouth of the Columbia River, in Pacific County, now the State of Washington; which was referred to the Committee on Claims.

Mr. PLUMB presented a petition adopted by a mass meeting of old soldiers and seamen, held at Junction City, Geary County, Kansas, praying for the passage of service-pension legislation; which was referred to the Committee on Pensions.

He also presented a petition of farmers of Reading, Lyon County, Kansas, praying for the passage of certain financial and other legislation; which was referred to the Committee on Finance.

Mr. HOAR presented a memorial of the Baptist Ministers' Conference of Boston and vicinity, in the State of Massachusetts, and a memorial of the executive committee of the American Baptist Missionary Union, remonstrating against the proposed enumeration of the Chinese in this country; which were ordered to lie on the table.

He also presented a petition of citizens of Massachusetts, praying for an increased appropriation for the work of the Civil Service Commission; which was referred to the Committee on Appropriations.

Mr. MORRILL presented a petition of citizens of Delta, Colo., praying for the free coinage of silver; which was referred to the Committee on Finance.

#### REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on Military Affairs, to whom was referred the bill (S. 1951) for the relief of John Fuller, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. STEWART. I am also instructed by the Committee on Military Affairs, to whom was referred the bill (S. 80) to authorize the promotion of certain assistant surgeons of the Army after twenty years' service, to report it back to the Senate adversely. The necessity for the passage of the bill having passed, the committee recommend that it be indefinitely postponed.

The VICE-PRESIDENT. That order will be made.

Mr. McMILLAN, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the bill (S. 2601) to change the route of the Rock Creek Railway Company and for other purposes; which was ordered to lie on the table and be printed.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 3231) for the relief of the legal representatives of George K. Otis, asked to be discharged from its further consideration and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1506) granting relief to Samuel D. Harper, reported it with an amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 471) for the relief of the Norfolk County Ferry Committee, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1666) for the relief of the legal representatives of John H. Jones and Thomas D. Harris, reported it with amendments, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 1761) for the relief of Hector F. Phelps, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 753) authorizing and directing the sale of certain property belonging to the United States, situate in Pittsburgh, Pa., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (S. R. 41) authorizing the use and improvement of Castle Island, in Boston Harbor, reported adversely thereon; and the resolution was postponed indefinitely.

He also, from the same committee, to whom was referred the joint resolution (H. Res. 14) authorizing the use and improvement of Castle Island, in Boston Harbor, reported it without amendment, and submitted a report thereon.

Mr. HOAR. Mr. President, I do not know whether the Senate would take up that resolution and pass it now. I should like to do it. It is very important that the public work in that park should go on, and if there be no objection I should like to have it considered at the present time.

Mr. HAWLEY. I shall be very glad to have it done.

Mr. VEST. Let us get through with the morning business.

The VICE-PRESIDENT. Objection being made, the joint resolution goes on the Calendar.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 1852) for the relief of Sidney J. Hare, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2794) for the relief of Royal E. Dake, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1696) for the relief of Asher W. Foster, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2086) to correct the military record of John Hunsmann, late of Company G, Eleventh Regiment Kentucky Cavalry, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 7993) to amend section 4 of "An act to authorize the county of Laurens, in the State of Georgia, to construct a bridge across the Oconee River at or near Dublin, in said county and State," approved June 18, 1888, reported it without amendment.



## BILLS INTRODUCED.

Mr. PUGH introduced a bill (S. 3378) to grant to the Mobile, Jackson and Kansas City Railroad Company the use of 4 acres of land belonging to the United States Government, for terminal purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. VOORHEES introduced a bill (S. 3379) for the relief of Daniel Donovan; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3380) for the relief of James Entwistle; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3381) to amend the military record of William M. Porter, alias William S. Mackay; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3382) to increase the pension of Mrs. Antonia B. Lynch; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3383) to appropriate the sum of \$60,000 to aid in the proper decoration of the soldiers' and sailors' monument now being constructed at Indianapolis, Ind., under the authority of said State; which was read twice by its title, and referred to the Committee on the Library.

Mr. MITCHELL introduced a bill (S. 3384) for the relief of Peter Grant Stewart, of Oregon; which was read twice by its title, and referred to the Committee on Claims.

Mr. SHERMAN introduced a bill (S. 3385) for the relief of James A. Stewart; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. CULLOM introduced a bill (S. 3386) for the relief of Aquila C. Fetting; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. EDMUNDS introduced a bill (S. 3387) to provide for an additional associate justice of the supreme court of the Territory of New Mexico; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. INGALLS introduced a bill (S. 3388) granting a pension to George Wolf; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 3389) for the relief of M. M. Lynch; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. PETTIGREW introduced a bill (S. 3390) to define the routes of steam-railroads in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PLUMB introduced a bill (S. 3394) for the relief of Robert McGee; which was read twice by its title, and, with the accompanying papers, referred to the Select Committee on Indian Depredations.

Mr. FAULKNER introduced a bill (S. 3395) to restore the pension of Jane M. McCrabb; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 3391) to regulate the compensation of per diem employees of the United States Government; which was read twice by its title.

Mr. BLAIR. This bill has been pending in one or two Congresses, and it provides that the lowest sum paid to per diem employees shall be \$2 a day. A vast number of laboring people are interested in this bill, and I am informed that in two States a general law has been enacted. I move that the bill be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. WASHBURN introduced a bill (S. 3392) to amend an act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890, approved March 2, 1889; which was read twice by its title, and referred to the Committee on Post-Offices and the Post-Roads.

Mr. JONES, of Arkansas, introduced a bill (S. 3393) to provide for the sale of the arsenal grounds and for the establishment of a new military post at Little Rock, Ark.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. INGALLS introduced a bill (S. 3396) granting a pension to James M. Monroe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS introduced a joint resolution (S. R. 70) providing for the distribution of certain publications of the Government to depositories of public documents; which was read twice by its title, and referred to the Committee on Printing.

Mr. DOLPH, from the Committee on Coast Defenses, reported three amendments intended to be proposed to the fortification appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

## LAND DISTRICTS IN WYOMING.

Mr. PADDOCK. I ask that House bill 7498, which came from the House of Representatives this morning, be laid before the Senate.

The bill (H. R. 7498) to establish three new land districts in the Territory of Wyoming was read twice by its title.

Mr. PADDOCK. A bill exactly similar to this has been reported from the Committee on Public Lands, being Senate bill 2804, Order of Business 490. I ask that the House bill may take the place of the Senate bill, and I ask for the present consideration of the House bill.

Mr. PLUMB. I object to that.

The VICE-PRESIDENT. Objection is made and the bill will lie over.

Mr. PLUMB. I do not see any reason why that bill any more than any other should have such a preference and be taken out of order. The bill can take its place on the Calendar, and it will probably be reached on Saturday or any time the Calendar is in order. It is not fair to the Senate to take up measures in that way.

The VICE-PRESIDENT. The bill will be referred to the Committee on Public Lands.

Mr. PLUMB. I have no objection to its going on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar in the place of the Senate bill without a reference, if there be no objection. The Chair hears none.

## HOUSE BILLS REFERRED.

The bill (H. R. 445) for the erection of a shop at the National Armory, Springfield, Mass., was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 3886) to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 5601) to authorize the proper accounting officers of the Treasury to audit and pay the claim of the county of Schuylkill, in the State of Pennsylvania, for money advanced by it under allotments made by soldiers from said county during the late rebellion, by virtue of section 12 of the act of Congress entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July 22, 1861, was read twice by its title, and referred to the Committee on Military Affairs.

## PRESERVATION OF ORDER.

The VICE-PRESIDENT. The Chair desires to call the attention of the Senate to the fact that there is so much conversation on the floor of the Senate that it is with great difficulty that the reporters can hear Senators when they address the Chair. At times it is quite impossible for them to take down the remarks made by Senators. Senators will facilitate the proper transaction of business if when they desire to engage in conversation they will retire to the cloak-rooms.

## PORT OF FERNANDINA, FLA.

Mr. PASCO. I ask unanimous consent that Order of Business 634 be taken up now. It is a short bill, rendered necessary by the extension of the commerce of Fernandina, and it is unanimously reported from the Committee on Commerce. I shall be absent from the city for a few days and I should very much like to have the bill passed now. It is but five lines long.

The VICE-PRESIDENT. The Senator from Florida [Mr. Pasco] asks unanimous consent to consider a bill the title of which will be reported.

The CHIEF CLERK. A bill (S. 2897) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, A. D. 1880.

The VICE-PRESIDENT. Is there objection?

Mr. EDMUNDS. Let it be read for information.

Mr. HOAR. Let the bill be read in full, subject to objection.

The bill was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It declares that the privileges of the first section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes" shall be extended to the port of Fernandina, Fla.

Mr. EDMUNDS. Is there a report?

The VICE-PRESIDENT. There is no report accompanying the bill.

Mr. FRYE. We are not in the habit of making reports in these cases. This is rendered necessary by the discovery of phosphate in the vicinity.

Mr. EDMUNDS. I should like to reserve the right to object and to ask the chairman of the committee, as there is no written report, to explain the bill.

Mr. FRYE. We only propose to make Fernandina a port of delivery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## ABSENCE OF THE VICE-PRESIDENT.

The VICE-PRESIDENT. The Chair desires to inform the Senate that he expects to be absent several days during next week. The announcement is now made so that the Senate may take such action as

may seem proper in view of the resolution passed March 12 with reference to the appointment of a President *pro tempore* of the Senate.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills: A bill (S. 428) to amend article 103 of the Rules and Articles of War; and

A bill (S. 3025) to enable the Secretary of the Treasury to gather full and authentic information as to the present condition and preservation of the fur-seal interests of the Government in the region of Alaska, as compared with its condition in 1870; also, full information as to the impending extinction of the sea-otter industry, and kindred lines of inquiry, etc.

The message also announced that the House had passed the bill (S. 430) to authorize the Secretary of the Treasury to cause to be examined certain vouchers filed, or to be filed, by the State of Missouri, or her agent or agents, for sums claimed to be due from the Government of the United States on account of payments made by said State since April 22, 1832, to the officers and enlisted men of her militia forces for military services rendered to the United States in the suppression of the rebellion, as evidenced by the proper pay-rolls heretofore filed with, examined, and accepted by the Government of the United States, and to report to Congress, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 4553) to authorize the Secretary of War to deliver to the State of Colorado the flags carried by Colorado regiments;

A bill (H. R. 8201) to amend the Articles of War relative to the punishment on conviction by courts-martial;

A bill (H. R. 8394) to amend chapter 67, volume 23, of the Statutes at Large of the United States;

Joint resolution (H. Res. 68) authorizing Capt. George S. Anderson, Sixth Cavalry, to accept from the President of the French Republic a diploma conferring the decoration of Chevalier of the National Order of the Legion of Honor;

Joint resolution (H. Res. 93) authorizing the heirs of Rear-Admiral Charles H. Baldwin to receive a snuff-box from the Czar of Russia;

Joint resolution (H. Res. 120) authorizing Henry Vignaud to accept from the President of the French Republic a diploma of commander of the Legion of Honor; and

Joint resolution (H. Res. 121) authorizing Lieut. Aaron Ward, United States Navy, and Capt. H. C. Cochran, United States Marine Corps, to accept from the President of the French Republic diplomas of the Legion of Honor.

#### ECKINGTON AND SOLDIERS' HOME RAILWAY COMPANY.

Mr. HOAR. I move to take up the motion to reconsider the vote on the bill referred to yesterday.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Massachusetts moves that the Senate proceed to the consideration of the motion to reconsider the vote by which the amendment of the House of Representatives was agreed to on the bill (S. 157) to amend the charter of the Eckington and Soldiers' Home Railway Company.

Mr. EDMUNDS. That motion is not debatable I know, but I ask to be allowed to say that I hope the question of reconsideration will be taken because it is right to take the sense of the Senate about it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts to take up the motion to reconsider.

The motion was agreed to.

Mr. EDMUNDS. I move to postpone the consideration of this motion until the first Monday in December next. That will test the sense of the Senate just as well as it can be done in any other way, and when I can be heard I will state why I make the motion just as briefly as I possibly can.

The PRESIDING OFFICER. The Senator will please pause a moment. When Senators cease conversation and resume their seats the business of the Senate will proceed.

Mr. EDMUNDS. Mr. President, when this bill, it being a Senate bill, passed the Senate originally my attention was not called to it, and probably on account of my own fault of absence from illness or whatever, and it apparently passed the Senate in the ordinary course of routine business, and saying that implies no reflection upon anybody whatever. It provided that this company—

Is hereby authorized to extend its tracks and run its cars thereon through and along the following-named streets: Beginning at the intersection of New York avenue and Fifth street, northwest, south along Fifth street, northwest, to G street, northwest, and thence west along G street, northwest, to the east line of Fifteenth street, northwest—

Which is the Treasury corner—

and also beginning at the present terminus of its Cemetery Branch on the east side of Lincoln avenue, and thence northerly along Lincoln avenue to a point opposite the entrance to Glenwood Cemetery, and also beginning at the intersection of New York avenue and North Capitol street; thence north along said street to the south boundaries of grounds of the Soldiers' Home: Provided, That if electric wires or cables are used to propel its cars over said streets from New

York avenue and Fifth to Fifteenth street northwest the same shall be placed under ground—

Which was very right and proper if the line is to go there at all—

And provided further, That the said company shall not be permitted to stop its cars at its western terminus, or at any point within the city limits, for a longer time than is necessary to take on and let off its passengers. Said company shall charge not exceeding five cents fare for one continuous ride from any point on its line to the terminus of its main line or any of its branches—

That I need not allude to, because it is a mere matter of detail about the management of trains, and I want to save the time of the Senate all I can—

And said company is authorized to use overhead wires on its North Capitol street branch.

Sec. 2. That so much of the original charter of the Eckington and Soldiers' Home Railway Company, granted by act approved June 19, 1888, as authorized the construction of a branch on First street, west, from New York avenue to the south boundary of the Soldiers' Home be, and the same is hereby, repealed.

That is to say, it is moved by this act from First street to North Capitol street, and then it provided for an increase of capital stock to which there is no objection, and then it provided for limitations of time within which these extensions should be made, namely, on G street to commence within three months and operate within a year; and on the North Capitol street line going about 2 or 3 miles, I suppose, from the Capitol, but starting where it does, probably a mile and three-quarters, or whatever it may be, to the Soldiers' Home. They were to have one year to complete the North Capitol street line after the street should have been opened and graded; that is to say, at the public expense, so as to give them a preliminary and fixed route to monopolize, to have the advantage of using that street, practically, of course, to the exclusion of everybody else whenever the settlements in that direction should justify the public purse in putting the street in a condition for habitation.

Mr. President, the bill went to the other House in that way, and the House of Representatives sent it back with this amendment, that it is to be considered as an amendment of the act of June 19, 1888, granting the charter and subject to the limitations and conditions mentioned in that act.

When the matter was up before I was not familiar with the history of the transaction except in one respect, and so the amendment that I offered did not, as I now think on examining the whole subject and getting all the papers, come anywhere near doing what Congress ought to do for the protection of the public interests, and that is the reason why I have moved to postpone this motion to reconsider, which is in effect of course postponing the subject until December in the hope that meanwhile on some appropriation bill or otherwise Congress will provide for some commission to examine the whole street-railway subject as to places and plants and overhead or underground wires, etc., so that at the next session we may act on all these subjects, for there are ten or fifteen different projects going everywhere to be considered, knowing what we are doing justly for the benefit of the Capital and the people of the District. That is the reason of my motion.

Now, it is to be said that the original charter of this company gave it very large privileges and did not require the company to comply by building any roads. It only got, as they say on the canals in New York, a lockage, a preliminary grant to hold out until it should be convenient to exercise it for a great extent of territory. It may be wise or unwise to have railways there when the time comes. But since the matter was up before I have sent to the commissioners and Engineers' Office and have got a map of the District of Columbia which shows all the existing railways, those incorporated and not constructed and the proposed extensions of this particular railway; that is, the G street line and that going up North Capitol street instead of First street inside of the city for two or three blocks—about three blocks, I suppose—and then striking on north. The rights the company now has by grant, not to be exercised until the condition of public affairs in the way of the growth of the city to the northward shall make it necessary for the public interests to open streets and grade them and put them in condition so that the company can lay down its tracks without any expense, are represented by the red dotted lines which begin at Boundary street and First street, east, I think, or very near there, just east of North Capitol street, and extend up around the east side of the Soldiers' Home, and finally lose themselves at what is called the Riggs road, which is almost the boundary of the District.

Then another route that it already has, to take effect whenever it is convenient and not expensive to lay down the tracks, goes straight on over to what was the National Fair Association ground, a horse-trotting ground, which, I believe, has come to grief, but still it is good ground and somebody will take it up. Then there is another authorized line that goes up First street—now changed to North Capitol street—to the boundary of the Soldiers' Home, up to the east side of the new basin or water reservoir.

All the red lines on the map before me represent a grant that Congress made in the original charter, excepting that one of these is changed by a street, but in effect it is the same thing; they represent an unlimited grant in point of time, giving a monopoly in advance of settlement and street grading, and that need only be exercised and put in operation whenever there are streets laid there and the proper grading, etc., done, so that the tracks can be laid down.



I submit, with great respect to the Senate of the United States, that that was not a wise thing to do, but it has been done. Now comes the company with this bill, having all these prearranged exclusive rights in effect. Congress, of course, would not allow two railways to run through the same street with the same outlets unless they ran on the same tracks. So—for that is the fundamental thing, I suppose, as regards the interest of the company—they want to run a line through G street from Seventh street and New York avenue, where they now start, with their overhead wires, against all the morality of the act of Congress of last year; but they got it through the commissioners in some way just before the time expired that Congress had provided, and after the Senate and the House had both expressed their opinions about overhead wires. They ask the Senate to give them authority to run through G street to the Treasury—that is the short way of stating it—with a double track, but with under-ground wires, which so far as the wires are concerned is perfectly right and necessary, for that is the only way it should be done, in my opinion, and I could show it if I had the time, for we have had a great deal of information since this matter was up before.

G street is a narrow street. I believe it is 42 feet wide between the curbs. That is the most that has been stated. A double track in that street operated by any sort of railway contrivance will make the spaces between the outside of the tracks and the projection of the cars and the curbs such that two carriages can not pass unless they are both in the same longitudinal line. If any carriage is backed up or any cart or wagon or whatever to unload anything, and is not in its true line in movement, there is not space between the car and the curb, as I understand, to get on at all.

When you come to the Interior Department, going west on G street from Fifth, where this thing is to start, there is a jog in G street, because when the Interior Department was built, in order to make it of the size thought proper, it had to make a projection to the north; the street was jogged out at right angles, crossing the block between Seventh and Ninth streets and crossing Eighth street so as to make the street the same width, and then at Ninth street G street jogs back again.

With these two curves and with this double track in this narrow street, it is going to be a great injury to any property that is not used for business purposes, and there is no provision (as there ought to be in everything of this kind) that when any private property, whether it is taken or not, is injuriously affected, to the extent of that injury, offsetting the benefit, compensation ought to be made. That is justice, as was found in the city of New York about their elevated railroads and so on.

There is another thing about this G street matter. For the most of this distance, for all of it in fact, from Fifth street, which is on the west side of Judiciary Square, clear to the Treasury building, there is a line already, one block off, on F street, and if any more east-and-west lines are needed, it would appear to me, and I think to anybody else, that they ought to be at least two blocks off. So instead of being on G street this line ought to be on H street. But when you come to H street there is the H street line which begins out west and goes clear through to Seventeenth street and goes east on H street to Fourteenth street. Then there is the New York avenue line, which runs up New York avenue until it strikes H street at about Fifth, I imagine, or Sixth, perhaps—somewhere there—and goes through H street east, I do not know but to the very boundary of the city, certainly to the Government Printing Office; so that H street is already occupied for all substantial purposes of public convenience, including the New York avenue line, which takes a part of it, and the Metropolitan line, which takes the other part. Then, in order to get this line for the benefit of the stockholders and persons interested, to communicate with the center of affairs at the Treasury corner, we are to have three street-railway lines on three distinct streets, only a block apart, side by side. I do not think myself that that is a wise thing to do. If it can be shown that it is, of course I am for it.

Then it is to be said, Mr. President, that, so far as I know or have heard, there has been no petition, representation, or application on the part of the citizens and property owners of G street asking for any street railway at all. It is what on the continental system might be called an application of this railway for its own interest to have a competing through line to the Treasury Department for the benefit of its stockholders. Well, they have a perfect right to ask it, and if we are wise or unwise enough to give it, the thing is done; but in respect of any public necessity felt by any body of citizens of Washington living on that street or owning property on it or anywhere else in the city of Washington, except the owners of this railway, I have not heard of any petition or application.

That is the way the matter stands. Therefore, Mr. President, with the greatest respect to the Committee on the District Columbia, who, I think, were misled about this business, I have thought that it would be better to postpone the consideration of this matter of a demand for private interests until a further investigation could be had.

Now, I have only to say this in addition, because by and by perhaps I shall speak about the overhead-wire question, for we have a great deal of more valuable information about that. I do not think this company is justly entitled to appeal just now for any favors from Congress. It put its overhead wires from Seventh street along New York avenue

to the boundary of the city after Congress had expressed its opinion in definite language that overhead wires were not for the safety of the public and had passed an appropriation bill which provided that after the 15th of September no overhead wires should be put up.

Mr. INGALLS. Will the Senator permit me one moment at that point?

Mr. EDMUNDS. Certainly.

Mr. INGALLS. As it is important for the just consideration of this question, I admit that the appearances are against the corporation under the statement of the Senator from Vermont, but the truth is that the arrangement and contract was made between the commissioners, the parties then authorized to give this consent, and this corporation, a considerable period of time before the expression of Congress in the section of the appropriation bill to which the Senator refers. Therefore, while there may be a technical and apparent violation, yet as a matter of fact, and as I am informed, a contract was made and the materials purchased, and it was thought that it was not in any sense a violation of the order of Congress as expressed in that section of the appropriation bill to allow these vested rights to be carried out.

Mr. HOAR. The Senator from Vermont will allow me to supplement the statement of the Senator from Kansas. I venture to say that my acquaintance with the Senator from Vermont will allow me to state one fact—

Mr. EDMUNDS. With great pleasure.

Mr. HOAR. My knowledge of this subject comes from a corporation in Massachusetts which is engaged in the manufacture of all sorts of electrical appliances, the Thomson-Houston company. It is a corporation controlled and managed by men of very high character and of very high scientific attainments, and they have taken great pains in the equipment of this particular road which they had contracted, as the Senator from Kansas says, to have built, to make it a model road as far as the exhibition of electrical appliances goes.

At the time when that bill was passed, of which the Senator from Vermont speaks—the original bill authorizing this Eckington road to be built was before the Senate—the Senator from Vermont rose in his place and made a very earnest and impressive statement indeed to the Senate in regard to the danger from overhead wires, and arrested the progress of the bill at that time, and it was staid. Thereupon, receiving information from these constituents of mine, I moved that a committee of the Senate be requested to investigate the subject, to investigate the correctness of the information on which the Senator from Vermont had made his statement. That committee investigated—the Senator from Tennessee [Mr. HARRIS] can correct me if in any respect I am in error in my recollection—that committee investigated the subject very carefully according to the scientific lights then existing and made a unanimous report to the Senate, unless I err now in my recollection, affirming the entire safety of these arrangements, and thereupon this bill, which had been staid to await the result of that investigation, this Eckington bill, was passed.

So they had every right to understand that with regard to this very matter the Senate had concluded its inquiry, was satisfied with its inquiry, and had passed the bill authorizing the construction of this road. They put up, as is well known, the overhead wires only where the road runs out of the city, where they are not a disfigurement to the travel of inhabited streets on which there are costly dwellings. That is the story about that.

Mr. EDMUNDS. Mr. President, I am glad that the Senator from Massachusetts has made the statement that he has, for what I wish to do only is to endeavor to promote the interests and safety and comfort of the people of the United States who live in this District and who come to it. I have not any constituents who are interested in the matter, and if I had it would not make any difference to me, as I am sure it does not to my friend from Massachusetts. I do not remember about the passage of the original charter or my having said anything in regard to it, but I dare say the Senator from Massachusetts is right if he has looked it up, because we have so many things to do that I very frequently say something about a bill that a year afterwards I have forgotten about entirely.

I have no recollection of it at all. No doubt what the Senator states is right; but before this road was built and before, as I now remember—and I think the documents are in these papers, but I will not go over them much, because I do not wish to prolong the time of the Senate, which is valuable—before this railroad was built, and, as I believe the documents will show, before the railway had any authority to put an overhead wire above the streets at all (which must depend upon a permit from the District commissioners), the act of Congress was passed which said that after the 15th of September there should be no more overhead wires. That act of Congress was passed on discussion, and not *sub silentio*, but with everybody's eyes wide open, right or wrong, to the danger or safety of that sort of thing. When that act passed this company had no right under its charter, whatever that was, to put an overhead wire in the streets of this city at all. When the act passed saying that after the 15th of September nothing more of that kind should be done, though, to be sure, leaving it so that the commissioners might, as Congress supposed—in order to make the necessary connection or some little thing of administration in the existing overhead

wires—let parties have a little leeway, they proceeded deliberately to grant to this new corporation with a new grant the right to put overhead wires from Seventh street northwest to the Boundary, I think, as I stated the other day—

Mr. HARRIS. Will the Senator from Vermont allow me?

The PRESIDING OFFICER (Mr. COCKRELL in the chair). Will the Senator from Vermont yield to the Senator from Tennessee?

Mr. EDMUNDS. With great pleasure.

Mr. HARRIS. If I understood the Senator from Kansas [Mr. INGALLS], the chairman of the District Committee, he was quite right in the statement that he made. If the Senator from Vermont will go back to the original charter of this railroad company he will find that it authorized the use of horse, electric, or cable power, without defining as to how either power should be applied. The permission to put up the poles and the overhead wires was obtained from the District commissioners before the passage of the act to which he refers. The contract was made by the company for the construction of the road and the material necessary to construct it, and it was partly constructed before the passage of that act.

Mr. HOAR. May I ask the Senator from Tennessee if it is not also his belief that the postponement of the operation of that act from May to September was inserted for the very purpose, which was just, that existing contracts should be permitted to be carried out?

Mr. HARRIS. As to the motives of the Senators reporting and the Senators passing that act, of course my opinion is worth no more than that of any other Senator or any other person, and in addition to that statement the Senator will remember that the Senate passed a resolution requiring or directing the Committee on the District of Columbia to report such a resolution forbidding the putting up of overhead wires. The Committee on the District of Columbia did report such a resolution, but unanimously recommended that it be not agreed to. It never was agreed to by the Senate.

Mr. EDMUNDS. Mr. President, if I can have the floor for a few minutes to interrupt my friends on all sides, I should like to say on that subject that if this statement of the 15th of September, as the time when the provision in the appropriation bill should take effect and be absolutely prohibitory, was inserted for the purpose of giving this railway the right to get up its overhead lines and so on before that time, I feel safe and certain in stating that I never heard of it, and I affirm my belief that nobody else ever heard of it on the floor of this Chamber, and if there is anybody on the floor of this Chamber who had heard of it on the floor, I should like him to stand up and say it now, and in the language of the ancient statesman, "I pause for reply." There was not any. The object, as the discussion on the appropriation bill will show, of this extension until the 15th of September was what I stated before, that no small matter of connection of the telephone, of the telegraph, or of the lighting companies might be interrupted, in order to get what for the time being might be done, and that was all.

I am not blaming this company. Like every other corporation that has capital and pluck and energy and friends, it was going in to make money in the best way it could in conformity with the law, and the law did not prevent the commissioners of the District, until the 15th of September, from granting this very thing. They got the commissioners to do it. In my opinion the commissioners did very wrong. I will not characterize it by any stronger statement which perhaps it deserves. These business gentlemen got it out of them. So the road was built.

The charter provided most liberally—for I am now on the point of any particular favor or urgency this company is entitled to ask—the charter of the company provided that, in lieu of all other taxes, all the contribution that they should make to the public purse in this District should be 4 per cent. of their gross earnings from passengers. "Gross receipts" it said, but that of course did not mean stock paid in, but gross earnings from travel.

There have been passed since that company began to operate, as I have found to the grief of my slender purse, two, if not three, periods of paying taxes in this District, and I have found, as one humble citizen owning the little house in which I live, that the payments of taxes for ordinary persons is like death, very inevitable. After this matter happened the other day, I tried to find out all about this company and about its reports which it was required to make, sworn reports to the Secretary of the Treasury or somebody by its officers of its doings and operations and income and receipts and expenditures, and a sworn report of the names of its stockholders. I sent to the Treasury Department, which I supposed had to do with the public moneys in the District of Columbia as well as of the United States, to inquire whether this company had paid the 4 per cent. on its gross income. I received a reply from the Secretary of the Treasury, dated the 10th of March, as follows:

I learn through the office of the District commissioners that the Eckington and Soldiers' Home Railway Company has not paid to the District of Columbia the 4 per cent. of its gross earnings required under the terms of the act of June 12, 1888.

They made the first report called for by the charter, but by a mere accident, I suppose, did not make it under oath as it regarded who the stockholders were; but I suppose that was a mere accident, because it

is impossible to conceive that there would be any subterfuge, or color, or misarrangement about who were the people really interested in the road, as in some State might possibly happen, but certainly not here in the District of Columbia; and so I assume that the failure to give a sworn report of the list of stockholders was a mere accident.

There was a sworn report of the receipts and disbursements and the gross earnings of the line for a short time of the first six months report, that a few thousand dollars (the 4 per cent. on which might not be more perhaps than \$500), a sum that perhaps one half of the Senators, if they were taxed against them, as we are all said to be millionaires, might possibly raise the money to pay like anybody else. They did not pay it. Then the next time for paying taxes came, when the receipts of this company had of course gone up immensely. They did not pay that; and in the face of that delinquency they come, and if they have paid it since then they have paid it probably as they did the assessment of \$10,000 for putting the streets in order that they built through in the District on the very day, by some curious coincidence, that my friend from Kansas, whom I do not see here, introduced a resolution directing the commissioners to report whether that company had paid for the expenditures of the District in putting the streets in order, as the charter and general law required.

The PRESIDING OFFICER. The Senator will suspend until the Chair lays before the Senate the unfinished business.

Mr. CULLOM. It is only 1 o'clock.

The SECRETARY. Report of the Committee on Privileges and Elections on the contested seats in the Senate from the State of Montana.

Mr. CULLOM. I think, under the circumstances, as the election case is up for consideration, that it ought to be finished to-day, and this bill had better go over for the present.

Mr. HARRIS. I do not propose to raise any question of order.

Mr. EDMUNDS. My friend from Massachusetts has the Montana matter in charge. I am perfectly willing to go on or not, as may be the pleasure of the Senate.

Mr. HOAR. I understand the Senator from Vermont desires, in consequence of the state of his health, to be absent from Washington, and that that absence may begin very soon. I thought it was just to him to call up this motion while he was here, rather than call it up in his absence, and the Senate will see from what he has already said that it would have been very improper to call it up after his departure. Now, whether this matter had better be finished or the Montana case gone on with at once I will leave to the determination of the Senate.

The PRESIDING OFFICER. The Senator from Delaware [Mr. GRAY] is entitled to the floor.

Mr. HARRIS. I wanted to suggest—

Mr. HOAR. I think we had better finish this matter.

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Tennessee?

Mr. GRAY. Yes.

Mr. HARRIS. I wanted to suggest to the Chair that when the order was made to meet at 11 o'clock instead of 12 o'clock I am not aware of any change of the rule that requires the transaction of routine business and the consideration of the Calendar under Rule VIII up to the hour of 2 o'clock, and I am inclined to think that the unfinished business should not be laid before the Senate until the hour of 2 o'clock.

The PRESIDING OFFICER. The following is the order in regard to the morning hour:

Resolved, That after to-day, unless otherwise ordered, the morning hour shall terminate at the expiration of two hours after the meeting of the Senate.

Mr. HARRIS. I thought the language of the rule was "until 2 o'clock."

The PRESIDING OFFICER. "Two hours after the meeting of the Senate."

Mr. INGALLS. What is the date of that order?

The PRESIDING OFFICER. August 10, 1888.

Mr. INGALLS. That would not of course apply to the present order of the Senate.

The PRESIDING OFFICER. That fixes the morning hour two hours after the meeting of the Senate.

Mr. INGALLS. For that session.

The PRESIDING OFFICER. "Until otherwise ordered."

Mr. INGALLS. It has been since otherwise ordered, for after that the Senate amended it to meet at 12 o'clock. But while it is true that the custom has been when the hour of meeting was fixed at 11 o'clock to have the consideration of morning business expire at the end of two hours, it has always been in pursuance of a stated order of the Senate. The precedent would not apply; and in regard to the matter now under consideration it seems to me that the wishes of the Senator from Delaware [Mr. GRAY] ought to be consulted. If he is ready to go on, he ought to be allowed to proceed, as he was on the floor at the time of the adjournment last evening.

The PRESIDING OFFICER. That was the reason why the Chair recognized the Senator from Delaware [Mr. GRAY] as entitled to the floor.

Mr. EDMUNDS. If the Senator from Delaware will allow me, I wish to say to my friend from Massachusetts and the rest of the Senate that if I should not be present when this Eckington matter again



comes up I beg that nobody will wait for me. I have stated almost all that I could have wished to state in regard to it.

Mr. HOAR. I think in view of what the Senator from Vermont has said in regard to a possible absence from the Senate when this matter is resumed I shall endeavor to call it up again on Saturday morning at the conclusion of the routine morning business. I think I ought to say that I shall submit to that Senator, if I can have an opportunity, an amendment which will cover, as I understand, all the objections he has heretofore so far raised to the condition of legislation in regard to this company, except the single objection that the locality where it is authorized to go will not be affected by these amendments. In other words, I understand that this company is willing to have its right to maintain overhead wires absolutely expire in three years, according to this amendment. So, unless the public opinion of the country is so informed as to the entire safety and security of these contrivances that the authority is then renewed, it shall end.

I understand they are also willing, in answer to what the Senator has been saying last, to have a provision enacted that all the rights which they have got to lay down any tracks or any roads in this District shall expire in one year from the present time, and if the thing is not completed in that time all rights shall be forfeited if not acted upon in that time. I make that suggestion to the Senator.

#### ELECTION OF PRESIDENT PRO TEMPORE.

Mr. CULLOM. Will the Senator from Delaware allow me to introduce a resolution?

Mr. GRAY. Certainly.

Mr. CULLOM. In pursuance of the announcement of the Vice-President a few moments ago of his desire to be absent from the Senate, I offer the resolution which I send to the desk.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read as follows:

*Resolved*, That JOHN J. INGALLS, a Senator from the State of Kansas, be, and he hereby is, elected the President *pro tempore* of the Senate, to hold office during the pleasure of the Senate in accordance with the resolution of the Senate adopted on the 12th day of March, 1890, on the subject.

The PRESIDING OFFICER. Does the Senator ask for the present consideration of the resolution?

Mr. CULLOM. I do.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered, and agreed to.

The PRESIDING OFFICER. The Chair will designate the Senator from Illinois [Mr. CULLOM] to conduct the Senator from Kansas [Mr. INGALLS], the President *pro tempore* of the Senate, to the chair.

Mr. INGALLS, escorted by Mr. CULLOM, advanced to the desk, and the oath of office having been administered to him he took the chair as President *pro tempore*.

#### NOTIFICATION TO THE PRESIDENT.

Mr. CULLOM. I offer an additional resolution.

The PRESIDENT *pro tempore*. The resolution will be read.

The Secretary read the resolution, as follows:

*Ordered*, That the Secretary wait upon the President of the United States and inform him that the Senate has elected JOHN J. INGALLS, a Senator from the State of Kansas, President of the Senate *pro tempore*, to hold and exercise the office in the absence of the Vice-President from time to time, during the pleasure of the Senate, in accordance with the terms of its resolution passed March 12, 1890, as follows:

*Resolved*, That it is competent for the Senate to elect a President *pro tempore*, who shall hold the office during the pleasure of the Senate and until another is elected, and shall execute the duties thereof during the future absences of the Vice-President, until the Senate otherwise orders.

The resolution was considered by unanimous consent, and agreed to.

Mr. CULLOM submitted the following order; which was considered by unanimous consent, and agreed to:

*Ordered*, That the Secretary inform the House of Representatives that the Senate has elected JOHN J. INGALLS, a Senator from the State of Kansas, President of the Senate *pro tempore*, to hold and exercise the office in the absence of the Vice-President from time to time, during the pleasure of the Senate, in accordance with the terms of its resolution passed March 12, 1890, as follows:

*Resolved*, That it is competent for the Senate to elect a President *pro tempore*, who shall hold the office during the pleasure of the Senate and until another is elected, and shall execute the duties thereof during the future absences of the Vice-President, until the Senate shall otherwise order.

#### ADJOURNMENT FOR GOOD FRIDAY.

Mr. SHERMAN. I enter a motion to reconsider the order by which we agreed to adjourn over to-morrow, and I will call it up later.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The Senator from Ohio enters a motion to reconsider the vote by which the Senate this morning agreed to adjourn over to-morrow. The motion will be entered.

Mr. SHERMAN. I should like to have the sense of the Senate as to whether they will sit to-morrow. I think there was not a quorum of Senators present when the order was made to adjourn over, and I think we ought to sit. I do not wish to say anything more about it.

Mr. EDMUNDS. I hope the matter of adjourning over Good Friday, Mr. President, will be settled now.

The PRESIDING OFFICER. The Senator from Delaware [Mr. GRAY] is entitled to the floor. Does he yield?

Mr. GRAY. Yes, sir.

The PRESIDING OFFICER. If there be no objection, the motion of the Senator from Ohio will be presented to the Senate; that is, to reconsider the order adopted by the Senate this morning by which the Senate agreed that when it adjourned to-day it adjourn to meet on Saturday.

Mr. EDMUNDS. The question is on reconsidering.

The PRESIDING OFFICER. On reconsidering the vote by which the Senate agreed to adjourn over from to-day till Saturday.

Mr. EDMUNDS. I believe it is not a debatable motion, but I want to implore my friend from Ohio not to press his motion. Good Friday is recognized by all Christians of every description as being just as holy a day as Sunday, and for years and years we have thought it not fit, as the Supreme Court thinks it not fit, to sit on that day.

Mr. SHERMAN. All I can say is that I do not know but that it may be correct that the records will show we have adjourned over Good Friday, but I think in the present condition of the public business the best thing we can do is to attend to the public business. Good Friday is not a legal holiday, and we have no right to make a mere calendar holiday a legal holiday.

The PRESIDING OFFICER. Is the Senate ready for the question?

Mr. PLATT. Mr. President, while I am exceedingly anxious to get on with the business—

The PRESIDING OFFICER. The Senator can not proceed except by unanimous consent.

Mr. PLATT. I thought a motion to reconsider was debatable?

Mr. EDMUNDS. It is an undebatable motion.

The PRESIDING OFFICER. The Senator from Connecticut will proceed in the absence of objection.

Mr. PLATT. I have only a word to say. I am, as I think, as anxious as any member of this Senate to get on with the business of the Senate, and I myself should have no particular scruples about sitting to-morrow, but I am aware that with many members of the Senate this question of adjourning or sitting to-morrow takes the form of a religious matter. They have religious scruples, so to speak, against sitting to-morrow, and I think that when Senators have those opinions and those scruples the Senate ought to recognize them. I shall therefore vote against a reconsideration.

The PRESIDING OFFICER. The question is on the motion to reconsider the vote by which the Senate agreed to adjourn over to-morrow.

The motion to reconsider was not agreed to.

#### SENATORS FROM MONTANA.

The Senate resumed the consideration of the report of the Committee on Privileges and Elections in regard to the Montana Senatorial contest.

Mr. GRAY. Mr. President, when the Senate adjourned last evening I was attempting to display to the Senate and to the country something of the character of the objections that were made to the regularity and fairness of the election as it was held at precinct 34 of Silver Bow County on the first Tuesday of October, 1889. The Senate will pardon me, I am sure, if in resuming this topic this morning I somewhat repeat myself in order to make the remarks that I shall submit to-day consistent with themselves, and, so far as they can be dignified by the name of argument, a complete argument.

It will be remembered that the provocation to a discussion of what occurred at this precinct 34 came from what was said by the Senator from Massachusetts [Mr. HOAR] in regard to the fairness and regularity and conduct of that election. It was because he, as I thought, unjustly aspersed the character of the voters and of the vote at that election precinct that I thought it was incumbent upon me to say a word out of common respect to the people, part of the citizens of this great Republic, who voted at that election, and to display as well as I might how perfectly unfounded those criticisms were, and not at all because I considered that we, in this judicial investigation that we are carrying on as to who are entitled to be seated as Senators of the United States from the State of Montana, are properly engaged in a discussion of what took place at those polls, or can appropriately, for any purpose of deciding the question before us, go behind the returns which we have already on both sides at some length discussed.

Then, as a matter of public interest introduced by the Senator from Massachusetts in his speech yesterday, and also in the report which he submitted on behalf of the majority of the Committee on Privileges and Elections, let us inquire what really happened at those polls and examine the objections that are made to their regularity and fairness, and upon which it is seriously contended, as I understand by that Senator and by the majority of the committee, that that poll was properly thrown out, and that those votes ought not to be regarded as of any account whatever in determining the result of the election that was had on the 1st day of October, 1889, in that State.

In the first place, I suppose it will be admitted that there are some presumptions that run in favor of the regularity and of the due and fair performance of civic duties by the citizens of this country, as well as in favor of the due performance of official duties by officers. Certainly it would be a most dangerous and pernicious doctrine to intro-

duce or consider seriously for one moment that there could be any presumption against the fairness and against the regularity of the votes of any citizens at any precinct, great or small. So we commence with a presumption in favor of that regularity and in favor of the legality and fairness of the votes cast at that election precinct, precinct 34, in Silver Bow County. Then we are to consider what was the character of the objection, and I was proceeding yesterday at the adjournment to enumerate them and hold them up to the Senate, that they might consider whether they were worthy of one moment's serious consideration or not.

I have already called the attention of the Senate to one of these objections, or two of them, but I wish to group them all together this morning, because I recognize the fact that the Senator from Massachusetts did say that perhaps no single one of these objections was sufficient to throw out and disregard the 174 votes that were cast at that precinct, but that taking them together they did constitute an indictment of that poll upon which he was willing that that poll should be thrown out, and he was of the opinion that it was properly disregarded by those returning boards in Montana. He used some very strong language in regard to the effect these objections had upon his mind.

Mr. GEORGE. Mr. President—

The PRESIDING OFFICER. Will the Senator from Delaware yield to the Senator from Mississippi?

Mr. GRAY. Certainly.

Mr. GEORGE. I should like for the Senator before he goes into those objections to give me and the Senate this information: First, were a majority of the judges or inspectors who held that election, of the Republican party? and, second, whether or not these inspectors or judges of the election, after having held it, did or did not canvass the vote and certify it, the majority of them being Republicans, to the county board of canvassers, and whether or not the county board of canvassers did not at first accept this return from the Silver Bow County precinct as right and proper, and that only after it was discovered that if this precinct were thrown out the character of the Legislature as Republican or Democratic would be changed, were any objections made, and when those objections were made did not the county canvassers, who were also Republicans, reverse their former action on that subject?

Mr. GRAY. Mr. President, I had intended to allude to the subject which is covered by the questions of the Senator from Mississippi, but perhaps I may as well now as at another time answer his questions.

This election at precinct 34, in favor of which I have undertaken to show every presumption as to its regularity and fairness at the outset obtains, was held on that 1st day of October, 1889, by three judges and two clerks. Two of those judges were Republicans, one a Democrat. That appears in the record that is before the Senate, and I do not know that it is denied anywhere. The agent under the registry laws who, prior to that election, registered 182 voters as appropriately belonging to that voting precinct was also a Republican, as was every other registry agent in Silver Bow County. As I have already said, the majority of the judges of election at those polls were Republicans, as were the majority of judges at every election poll in Silver Bow County. That I understand to be a fact, and I have not heard any controversy upon it.

The presumption to which I have alluded seems to be strengthened by the fact that I have just stated in this respect, that the result of the vote at precinct 34 was adverse to the party to which a majority of the judges belonged. I do not mean to say that the judges of one party or the other would have done wrong or done differently, but in considering this question as a matter of fact and of antecedent probability the presumption of fairness and regularity which arises is strengthened, I think, by that fact in the mind of every fair man. So we have that state of things at the commencement; and that vote so cast was returned by those judges over their hands and attested by the clerk to the canvassing board of Silver Bow County.

It might be interesting to Senators who have not examined this record to call their attention to a bit of positive evidence upon this same point, not relying merely upon this presumption of which I have spoken, but of positive evidence that has not been directly controverted, and that is the evidence that is obtained from the sworn testimony of these judges, two of them being Republicans, these clerks and the county clerk of Silver Bow County. They all swear to a state of facts which may be summarized. I will not detain the Senate by reading their several affidavits, but I will only say that there are no counter-affidavits whatever to dispute what is testified to by them; and I shall state the substance of what transpired and is testified to by them as it is recited in the report of the minority of the committee.

In the first place, it appears by the law of Montana and by the testimony that was before the committee and before the Senate that the registry provided for by the act of March, 1889—

Itself is a thorough challenge and examination of every voter whose name is entered thereon.

In the case of naturalized persons the facts necessary are required, at the instance of the register, to be proven by a witness in addition to a personal examination of the voter.

Mr. GEORGE. That examination goes on before the election?

Mr. GRAY. Days before the election.

Mr. GEORGE. Making the registry?

Mr. GRAY. Making the registry. This registry is publicly posted for seven days or more before the election for further challenge, if any cause for challenge be known to any one.

That in precinct 34 of Silver Bow County, as to which alone inquiry is material, all these requirements were fully complied with, and the registry list of 182 voters was perfected, filed, and placed in the hands of the election officers.

Now, that is a fact established.

That the election on the ratification of the constitution and for State and county officers and members of assembly was conducted in said precinct 34 on the first Tuesday of October, 1889, as elsewhere in said Territory, under the Territorial act of March 15, 1889, which is a carefully considered and revised form of the Australian ballot system.

That is a fact that is proven to the committee and is established before the Senate. The ballots were prepared at public expense, by the county clerk, with all the careful circumspection required by law. At the proper time he placed in the hands of the judge of the election authorized to receive them 800 ballots, being 200 ballots for every 50 registered voters or fraction thereof. One hundred and seventy-four of these ballots were stamped and delivered by the proper officers of the election, one to each voter, as the act provided. Twenty-six of the ballots were used by the election board for posting up according to law and supplying such as were destroyed by the wind after they had been posted for public examination. Six hundred were returned after the election to the county clerk.

Now, this appears from the affidavit of the county clerk, who, in the first place, issued the 800 ballots, receiving back 600, and the remaining 200 are accounted for under oath by the judges of election by the fact that 174 were voted and 26 were posted up and reposted when they were blown down by the wind. In fact, every requirement of the law was carefully and honestly carried out. Every precaution that human ingenuity has been enabled to devise to secure the freedom and purity of the ballot, and to exclude fraud or corruption, is shown by the evidence to have been vigilantly and carefully observed. The count of the ballots began at the proper hour in a tent where the election was held, in which there was no fire. About 11 o'clock p. m., the wind having arisen and the tent becoming very cold, the boxes and ballots were removed into a room in a house on the same lot and almost in contact with the tent in which the counting had been begun, and the count was there finished.

The poll-list showed 174 names. The ballots deposited in the box showed 174 votes, and every ballot was regularly and officially stamped. The proper and truthful returns were prepared and executed. They were sealed up by the board, and by one of their number—that is, by one of the judges—delivered personally, with seal unbroken, to the clerk of the board of county commissioners, who was the legally designated depository of the same, there being no mail facilities nearer the place of election than the place of delivery to the clerk. The returns thus prepared and delivered were opened by the county canvassing board. When they were opened the vote cast for the candidates of one of the parties varied between 168 and 172 votes. The votes of the other party varied from 2 to 6.

Mr. President, those are the facts in regard to the conduct of this election that appear by sworn testimony that is before the Senate and is in this record, and is nowhere, so far as I know, controverted or denied.

That being the case and the law requiring that within fifteen days after the returns the county board should canvass, it appears that they met upon Friday, which was the 11th, and made an abstract of the votes of all the voting precincts in Silver Bow County; that they were engaged in that work on Friday and Saturday and adjourned over until Monday, and on Monday, as the Senator from Mississippi has suggested by his question, news got out and down came the lawyers from Helena. They had found what would be the result of counting this precinct, and they came before that board to disfranchise 174 white American freemen by objections which I am now about to recount to the Senate, and which are indorsed only in theory, only in part, I will say, by the Senator from Massachusetts, for there seem to be some of them which he could not gain his own consent to repeat.

To the first objection I have already alluded, but will pray the indulgence of the Senate while I repeat what I have already said.

Mr. GEORGE. Will the Senator allow me to interrupt him?

Mr. GRAY. Certainly.

Mr. GEORGE. I wish him to explain a phrase he used. The Senator said the news got out on Monday. Will he please state so that I can understand it, to what news he referred?

Mr. GRAY. I said the news of what the result of counting precinct 34 would be upon the election of members of the assembly from Silver Bow County got out.

Mr. GEORGE. That is, if that precinct was not thrown out the Legislature would be Democratic?

Mr. GRAY. Exactly.

Mr. GEORGE. And if thrown out it would be Republican.



Mr. GRAY. Yes, sir.

Mr. GEORGE. That was the news?

Mr. GRAY. We must use party names; and that was the fact.

That being the state of facts and those returns being before a canvassing board who were clothed with none but ministerial duties, who had no judicial function whatever to perform (and it is not claimed by the majority of the committee or any one so far as I know that they had other than ministerial duties to perform), that canvassing board, so assembled on the Monday after the Friday upon which they convened, received these learned gentlemen of the law who, on behalf of some of these ambitious leaders of one of the political parties, came before them to show why those votes of 174 white American freemen should be thrown out and trampled under foot, despised and rejected as unworthy to go into the general count or be reckoned in the result that was to be made up all over the State of Montana.

What do they say? Do they say that the votes were illegal, that any man voted who ought not to have voted? No. Do they attempt by proof, affidavit, or evidence of any kind to impugn the right of a single one of those 174 men to vote? Not at all. With all the stimulus that partisan interest and a retainer gave them, they were not able to impeach the regularity and legality of a single vote, and they did not attempt to do it. But they said—and this was the first objection—I read from the record:

That what purported to be returns from precinct No. 34, Silver Bow County, Montana Territory, were not received by the clerk of the board of county commissioners in a registered package or by mail at all.

As the law required. And yet they knew that one of the judges took that sealed package containing those returns and personally handed it to the county clerk of Silver Bow County.

That was one objection, and the first objection, seriously urged by these learned gentlemen before this county canvassing board when these 174 freemen were busy with their picks and shovels up at Homestake tunnel, on the eastern slope of the Rocky Mountains. I do not care whether there were mail facilities or not; but think of urging that as a reason for disfranchising 174 or any number of voters, that the return of the votes made by the judges and in a sealed package was handed by one of them personally to the clerk instead of being sent by mail! That is Dogberry *rediculus*; nothing can equal that.

Mr. GEORGE. It is the "dog" without the "berry," I think.

Mr. GRAY. Now, what was the next objection? The next objection—I read from the record—was—

That what purported to be the returns from said voting precinct showed upon their face that they were not made out by the clerks of said election at said precinct; that they were not certified to by said clerks and their signatures attested to by the said judges of election.

As to the first, it appears by the evidence in the case—

Mr. SPOONER. From what is the Senator reading?

Mr. GRAY. I am reading from page 118 of the case of Clark and Maginnis. It appears by the evidence on this record and by the affidavits of one of the judges that one of these clerks was an illiterate man, although a sensible man and a good man, and he asked one of the judges, who was a better penman, when they came to make up these returns, to perform that office for him.

Mr. GEORGE. It was done in his presence?

Mr. GRAY. It was done in his presence so far as it appears. Now, that is another objection.

All the time these 174 men are working away with pick and shovel, utterly ignorant of the monstrous character of the votes they had cast, and of their utter illegality and unworthiness to be counted with their fellow-citizens of Montana in the general result which was to be made up on the 1st of October. What is the next objection? It is—

That they were not certified to by said clerks and their signatures attested to by the judges of election.

I explained that yesterday. The law required that these returns should be signed by the clerks and attested by the judges, and the blanks that were sent out by the clerk of the county commissioners and distributed at all these voting precincts had columns with proper headings, and at the bottom of the sheet was in brackets "for judges" "for clerks," then over on the left-hand corner was the word printed "attest;" and it so happened that these clerks wrote their names opposite to the printed word "attest," and not below it, and the judges signed above it. That is the objection. All the names were there, attested by their signatures, not one of those signatures denied or challenged. There is the third objection. You would think if they had a good case they would put their strongest objections first, and so they have apparently done. What comes next?

Mr. GEORGE. The signatures were all there, as I understand, under a proper certificate that the returns were just and legal and proper and right?

Mr. GRAY. Yes. These learned gentlemen go further in their zeal to disfranchise these 174 men. You will notice that there is not a single word of impugnement of the legality or fairness of a vote that was cast or the want of qualification of a single elector. Here is another objection:

That the names of the persons voting at said precinct were not written down on the poll-books of said precinct by said clerks.

There they repeat themselves. I have already considered that.

That the tally-list of votes, as counted by the judges of election at said precinct, were not made or kept by said clerks of election at said precinct. That the said clerks in no way participated in the canvass of the votes of said precinct, or participated in the making out of the returns of votes cast thereat, at said election.

That will bring me to discuss this objection, which seems to be indorsed by the Senator from Massachusetts, that the tally-lists were not kept.

That the tally list of votes, as counted by the judges of election at said precinct, were not made or kept by said clerks of election at said precinct.

That has already been considered. That is, that one of these clerks asked one of the judges, who was a better penman, to write for him upon a blank list what was required to be written or what they intended to write. That is not the objection that the Senator from Massachusetts dwells upon.

It will very much surprise Senators who have not studied this record to be told, as I tell them now, that that is a complete list of the objections made by these learned attorneys on behalf of these ambitious citizens of Montana as to the returns from precinct 34. They are signed—

Hiram Knowles and Thompson Campbell, attorneys for defendant board.

Mr. GEORGE. Attorneys for whom?

Mr. GRAY. For defendant board. They are in the mandamus proceedings.

Now, those are the objections that are urged by them. We hear among these objections and in the answer in the mandamus proceedings nothing whatever of the want of qualification by reason of not having taken the oath to support the Constitution. We hear nothing whatever of any fact or thing that goes to impugn the fairness of the election by reason of any one voting who was not lawfully authorized to vote. The only thing that approaches it, which I will submit to the Senate whether it at all modifies what I have said, is that after these objections had been filed, and upon another day, five affidavits were produced—I was going to say hunted up, but were produced; I will not characterize it—the affidavits of five men who swore that they voted the Republican ticket.

Mr. TELLER. Seven.

Mr. GRAY. There are in this record produced by any party, by Mr. Power or Mr. Sanders, but five affidavits. If I am wrong I shall be glad to be corrected.

Mr. TELLER. If the Senator will allow me I will state that Messrs. Power and Sanders do not present any affidavits.

Mr. GRAY. They presented an argument before the committee in print, in which five affidavits are introduced.

Mr. TELLER. The affidavits presented were presented by the other side. The answer in this case that the Senator refers to sets up seven affidavits.

Mr. GRAY. Very well, take it at seven. I have not time to stop on that. Take it at seven. I shall not stop to discuss that matter.

Mr. VANCE. Will the Senator allow me to interrupt him?

Mr. GRAY. Certainly.

Mr. VANCE. I simply want to remind the Senator of that which perhaps had escaped his observation, that of these five affidavits the makers of two of them swore positively that they had voted the straight Republican ticket; one swore that he had voted the Republican ticket in part and another swore that he had voted the Republican ticket to the best of his knowledge and belief.

Mr. GRAY. That had escaped my notice.

Mr. HOAR. Will the Senator allow me to interrupt him?

Mr. GRAY. Certainly.

Mr. HOAR. I will ask the Senator from North Carolina to explain to the Senate how it happens that if four persons swore they had voted the Republican ticket there were only three Republican votes on the poll.

Mr. GRAY. Oh, there were 5 Republican votes, and it was so returned by these precinct judges. I leave it to my friend from North Carolina to fortify my statement without stopping myself now to do that. I do not mean that there were 5 Republican votes all along the ticket for every man, but certainly there were men on the Republican ticket who received 5 votes.

Mr. President, wounded birds are known by their fluttering sometimes, and while we are on this point I am not surprised that my friends want to increase the affidavits, if only by two. That is a little better than five, but take it at seven, take it at nine, if they had them here, I do not care what it is, when we are considering the purpose for which they are brought and the result that is hoped to be affected by it. Take seven affidavits, if you please. My friend from North Carolina has explained what these affidavits were. Take seven affidavits, if you please, to throw out 174 votes.

There is other evidence in this case. I shall not pause now to consider it, because I do think it is utterly immaterial. There are affidavits to show how the affidavits as to the way some of these affidavits were obtained which entirely destroy any confidence that we might before have had in the truthfulness of what those affidavits stated. But I shall not pause, as I said, to consider that now.

I only want to call the attention of the Senate to the fact that when the vote of precinct No. 34 is sought to be impugned by these learned attorneys before this canvassing board the only objections that they urged were those I have recited, frivolous, flimsy, and unworthy as they are, and upon these they rested, unless they may be supposed to have rested also upon these five or seven affidavits, if you please, of men who swore that they had voted the Republican ticket.

Mr. GEORGE. I wish to ask the Senator right there if these affidavits contain any matter except as to how the affiants respectively voted.

Mr. GRAY. Not at all.

Mr. GEORGE. They did not impeach the election in any other respect?

Mr. GRAY. Not at all. On the contrary, one of those men who made affidavit says that the election was peaceable, fair, and regular throughout, so far as he knew.

Now, that being the case, why was it that it remained for the Senator from Massachusetts to add to this indictment? He must have realized how perfectly rotten every link in that chain of objection was, and how the chain itself was no stronger than any single link. He says not upon one objection would he throw out these votes, but upon all together. I submit to the candor and fairness of the Senators who hear me to say whether singly or cumulatively, segregated or all together, they have the effect of not only legally impugning that vote, but of creating a doubt in your mind as to the fairness and regularity of the vote at that precinct No. 34.

But the Senator from Massachusetts has added another and two others. I know he must have felt compelled to help out these lame apologies for an indictment against the integrity of those polls at precinct 34. What are they? One is that a large number of these men, sixty-odd of them, he says, were not qualified to vote by reason of the fact that they had not taken the oath to support the Constitution of the United States, as aliens are required to do by the act of Congress before they can vote in a Territorial election. Now, what are the facts? Let us examine them and see whether this objection adds the weight of a feather to those already registered.

The law of Montana by which according to the act of Congress and the ordinance of the convention this election was to be held provided that every male citizen of the age of twenty-one years and who had such and such residence could be an elector, and also any other person than a citizen, of sufficient age, who had declared his intention to become such citizen, and who could ultimately be made such, should be a qualified elector. Under that law of Montana, so far as I am informed, elections had been held for years and years, for twenty-five years, I am informed, and men had voted over and over again, electing Democrats and electing Republicans, in which elections had participated men who had not taken this oath to support the Constitution, but had taken the oath declaratory of their intention and of their abjuration of allegiance to any foreign prince, potentate, or power. Over and over again had the elections been repeated at which electors thus qualified under the laws of Montana had voted, so far as I know, without objection and without challenge. On that very Tuesday in October, 1889, they voted all over the Territory of Montana, so far as I know anything to the contrary, without objection and without challenge, and these learned attorneys did not think it worth while to include that as a count in this indictment.

Mr. President, are we seriously asked to disfranchise these 174 men upon the mere suggestion that they had not, in addition to the oath declaratory of their intention to become citizens, also taken a distinct and separate oath to support the Constitution of the United States, and should these 174 men all be disfranchised, or enough of them to change the result of the election? All over that Territory we know as a fact, because it has never been suggested otherwise, men with precisely the same qualifications had voted at every precinct. Would you punish these men after a lapse of twenty-five years of continuous practice in that way in order to accomplish a partisan result and to seat these ambitious leaders of a political party in the Senate of the United States? I think that disposes of that objection.

Now, what is the other that the Senator from Massachusetts adds to the indictment made by the attorneys out in Montana? He thinks it necessary to add another, and that is, he says, it is remarkable and miraculous that this poll-list which was returned with the official count to the board of canvassers should be in alphabetical order. Men do not vote in alphabetical order, we all know that; and the Senator from Massachusetts dwells upon that fact, that exceedingly suspicious fact, ignoring the explanation of that fact that was right beneath his eyes. It is no longer miraculous when you hear the explanation, and whether the Senator from Massachusetts continues to think it miraculous and exceedingly suspicious or not, I will venture the assertion that no Senator who for the first time to-day hears this explanation will think it either miraculous or suspicious. It is true that the laws of Montana required, among other things, that the judges of election should return a poll-list to the canvassing board with their abstract of votes; and that that poll-list should be kept by the clerk and the names written upon it as the voters deposited their ballots. That was the law of Montana under which, I think, this election was properly held, and

had been the law of elections for many preceding years. But in March, 1889, the Territorial Legislature provided for a registry law for the first time, and it provided that—

The registry agent shall prepare and complete, not later than two days next preceding that on which the election is to be held, in "index books," one for each election precinct, and which shall be known as the "check-lists," lists of the names of all electors found on the official register for such election precincts, alphabetically arranged (the surname first), with the number such name bears in the official register placed at the left of the name of the elector, and with a blank column at the right of the column of names, formed by two parallel perpendicular lines, in which the judges of election shall check the names of those voting by some particular character, thus, "V" for voted. said blank columns last mentioned shall have written headings made by the registry agents, showing what particular election the said "check-lists" apply to; as, for instance, "Voted at the general election, 1888."

The copy of the official register, together with the "check-lists" for election precinct, as herein provided, shall be carefully preserved and duly certified by the registry agent, and delivered, together with affidavits of objection, to some one of the judges of election in each election precinct, at a time not later than the day next preceding that on which such election is to be held, and such "check-lists" shall be carefully preserved, and any surrendered certificates which may have come into the hands of such registry agents pursuant to this act, and after election they shall be transmitted by the judges of the election to the clerk of the board of county commissioners in connection with and as a part of the "election returns," as provided by law.

This election on the first Tuesday of October, 1889, was the first election held after that law went into effect, and in obedience to the provisions of that law the registry agent of Silver Bow County furnished the judges of election with a check-list, as it is called in the law, made of all the names that were entitled to vote, and in this case 182 at the given precinct, precinct 34. They are alphabetically arranged, as required by law, the surname first. I hold in my hand a copy of that check-list as it was returned to this canvassing board, with the marks opposite to each name as the vote was cast—the letter V (voted). When the poll-list, in addition to this check-list, was made it appears not to have been regularly kept. Now, that is not in evidence, but we may make some inferences. I have not heretofore been making any inferences; I have been dealing with proven facts; but I think we may reasonably infer in all charity to our fellow-men that the clerks and judges of that election thought that whereas for the first time they were required to keep the check-list by marking V opposite the name of each one as the vote was cast, perhaps it dispensed with the necessity of keeping a separate poll-list.

I do not think so, but it appears that they thought so, and therefore to make a poll-list they copied from this check-list the names of all who were checked, and of course they appeared in alphabetical arrangement. You will find by looking at the appendix of the report of the minority, on page 154, a specimen page of this check-list, and then you will see the poll-list that was made from it, which contains only the names of those marked with a V, omitting those which were not marked at all.

Mr. President, that is a short and simple and it seems to me a very satisfactory explanation of this somewhat peculiar feature of these election returns. I think when made I have the right to challenge any Senator's opinion as to whether or not that would be sufficient alone or coupled with what has gone before to justify his vote that precinct 34 ought not to be considered in summing up the result of the election in Silver Bow County on the 1st of October, 1889.

The Senator from Wisconsin [Mr. SPOONER], whose attention was drawn away at the moment I was speaking on this point, asks that I repeat what my explanation of this matter is. It is this: That for the first time the election of October, 1889, was held under the registry law, and by that registry law the registry agent was required to furnish on the day before the election to the judges of each voting precinct a check-list made up of the names of those entitled to vote at his precinct, arranged in alphabetical order, and the judges were enjoined by law, or the clerks, to check off by the letter V opposite to it the name of each voter as he deposited his ballot in the box. That was done in this election precinct 34, but they seem to have thought that that dispensed with the necessity of keeping the separate poll-list, and after the election was over they made up what they called a poll list by copying the checked names in necessarily alphabetical order on paper and returning that as the poll-list.

Mr. HOAR. May I ask the Senator if he understands that check-list to have been before the committee?

Mr. GRAY. I will answer that. When that objection was made and my attention was first called to the peculiar character of what was called the poll-list, which was in alphabetical order, I sought an explanation of the matter myself, and with another member of the minority of the committee we sent for an explanation out to the Territory of Montana. A reply to that inquiry did not come until after the committee had passed upon this question, and after the reports had been in process of preparation, both the majority and the minority; but when it was received I took such papers as I had explanatory of this matter over to the Senator from Massachusetts and left them with him at his desk in order that he, who had charge of the majority report, might see for himself any evidence we had or proposed to use.

Mr. SPOONER. Will the Senator allow me to ask him if I understand him to state that that check-list was copied from the registration list?

Mr. GRAY. That check-list is a list made from the registration list.



of that district or county, and contains the names of all those who were entitled to vote at the given precinct, and it is required by law to be handed to the judges of each election precinct the day before the election, and the judges of election by the same law are required to check off the name of each person as he votes on that list.

Mr. GEORGE. So if the check was made the letter "V" was put opposite the name of each man as he voted, and there was a complete list of those voting preserved?

Mr. GRAY. Oh, certainly. It is impossible, it seems to me, for any reasonable man to say that, whether he thinks the check-list dispensed with the necessity of a separate poll-list or not, and I do not think it did—it is impossible for such a person to say that all the objects of the law were not substantially complied with and obtained by the poll-list or the check-list, made as I have described it to be made. You have a list of all the men who voted. It is true that you have them in alphabetical order. It is true that you have them not in the order in which they voted, but with that exception it accomplishes every purpose that a poll-list would possibly accomplish in regard to testifying to what occurred at an election poll.

Mr. GEORGE. Would the fact of keeping the list so as to show the order in which the voters voted be of any conceivable use in determining the fairness of the election?

Mr. GRAY. I do not think it could. The Senator from Massachusetts made a plausible suggestion in that regard, I am bound to say, but really I do not think a poll-list so kept would promote the fairness of the election, and the law did not expressly require it to be so kept.

There may be an object in a poll-list showing the exact order in which the votes were deposited, so that if an inquiry came as to whether a certain man voted you might locate him by saying he voted before a certain man or after this one; but I can not conceive, except perhaps in that one respect suggested by the Senator from Massachusetts, any possible object to be accomplished by the keeping of a poll-list that was not accomplished by the keeping of that check-list.

Mr. HOAR. Will the Senator allow me to ask him a question?

Mr. GRAY. Certainly.

Mr. HOAR. In order to understand this matter I should like to ask the Senator one or two questions if he pleases, not with reference to his arguments, but to get the facts before the Senate.

Mr. GRAY. Certainly.

Mr. HOAR. I understand the Senator to say that he brought those papers to my desk, which is true. I agree with him on that; but is the check-list in print, except this specimen page?

Mr. GRAY. The check-list is in print in the appendix of the minority report.

Mr. HOAR. I find nothing but Appendix D.

Mr. GRAY. It is a specimen page. I did not care to encumber the record with the whole list.

Mr. HOAR. Did the Senator examine and compare the check-list with the poll-book to see whether it verifies his theory that one is a copy of the other?

Mr. GRAY. I did. I ought not to say that I did it personally. It was done for me.

Mr. HOAR. Now, I desire to ask the Senator another question. I found when I compared the old registry-list with the poll-book it was manifest one was not a copy of the other. I did not see but that they might have taken the registry-list, but in one the christian name followed the surname, which was not the case in the other; and the names are often spelled differently, and the christian name will sometimes be abbreviated and sometimes written out. I have not looked fully, but I find on this specimen page that the same difficulty exists and very clearly the poll-book is not a copy of the check-book. Look, for instance, at the name of Mulligan. You turn to the poll-book, and it is John Mulligan in one case and James Mulligan in the other.

Mr. KENNA. Is it the same Mulligan?

Mr. HOAR. Undoubtedly. There was but one Mulligan.

Mr. KENNA. There are a thousand Mulligans.

Mr. HOAR. I understand, but there was but one Mulligan at that election who voted there, and he is the same who is marked as having voted, so that it is clear that one is not a copy of the other.

Mr. GRAY. Does that conclude the Senator's question?

Mr. HOAR. Yes, sir.

Mr. GRAY. I am glad the Senator recalled me to the point he made yesterday, and which I might have overlooked. The Senator from Massachusetts, who seems to have recognized the force of that explanation, tries to evade it; I do not mean to say that he tries to evade it in any unworthy sense, but he submits an explanation which justifies him in still insisting upon this objection in this, that in the check-list the surname comes first in alphabetical order and the christian name afterwards, while in the poll-list it is just reversed. I think it is quite competent and quite reasonable that in making a copy of that check-list one man would have called off the names, as he probably did, while another wrote them down, and that for the purpose of the poll-list they chose to put the christian name first. But the name was there, and whether you say Mulligan, James, or James Mulligan, does not make much difference. That criticism and explanation of the Senator from Massachusetts reminds me of the story of an Irishman who was more

witty than brave, which is not often the case with Irishmen. He was called on to explain why he was ejected from his neighbor's house so easily. "Ah," says he, "John said, 'McCarthy, get out of my house,' and I went. If he had said, 'Get out of my house, McCarthy,' I would have killed him on the spot." [Laughter.] So I do not think it makes much difference whether it is Mulligan, James, or James Mulligan; it is the same Mulligan after all.

But I should like to call the attention of the Senator from Massachusetts to the fact that he compared the specimen page of the check-list with the printed copy of the registry. I have in manuscript a certified copy of that registry in which the name is James Mulligan. So it must be a mistake of the printer which makes it John. So much for that.

Mr. GEORGE. I submit to the Senator that the mistake of a printer here in Washington is sufficient ground to change the election of a United States Senator.

Mr. GRAY. Now, so much for that. But before I leave this point entirely, urged with so much persistency and eloquence by the Senator from Massachusetts as sufficient ground, with these foregoing objections which he does not think sufficient of themselves, such as they may be, that these returns were handed to the clerk by the judge instead of being sent by mail, let me call the attention of the Senate to another fact which throws a little light upon this subject and makes an interesting commentary upon these objections. It appears to have been an opinion shared by many in Silver Bow County on that 1st day of October, 1889, that this provision of the registry law that was passed that year superseded the law requiring a separate poll-list to be kept and returned.

I do not agree with that opinion, but it was not a unique position taken only by the officers of precinct 34, for I hold in my hand a certified copy of the poll-list of precinct 17, which is in alphabetical order precisely as is precinct 34, and I have not heard that it has ever been attempted to disfranchise the voters at precinct 17, 199 of them, because the clerks of election, over whom they had no control, saw fit to return the poll-list of their names in the order of the alphabet. It may be that the explanation of that fact is found in what I am told. It may be entirely wrong, but it may be that the explanation of that fact is found in this, that the voters at that precinct 17 were two to one of the party which agrees with that side of the Chamber. I have avoided the word "Republican."

Now, Mr. President, in the name of that fairness, of that straightforward dealing, of that honesty between man and man which should characterize every transaction concerning an election, I appeal to the Senate and to Senators individually whether they can gain the consent of their own consciences to vote to seat two men as United States Senators when to do so they are obliged to trample under foot and throw out as unworthy of being counted 174 electors on objections like these.

One other count is added to the indictment by the Senator from Massachusetts, because he must have recognized the utter weakness of the indictment as it was framed by these attorneys out in Montana, and it is this:

But let us go a little further—

Says the Senator from Massachusetts—

There are 171 Democratic votes and 3 Republican votes, varying once or twice, so that there are 4 for one and 170 for another, and 172 for one and 2 for another, and here was a hotly contested election in the State of Montana, and the election in that county of Silver Bow was so close that a change of 60 votes the one way or the other would have defeated the candidate declared elected or elected the candidate declared defeated—generally an average of 60 or 70 votes—and yet it is found in this one precinct, newly settled, a place where men of all nationalities and gathering from all parts of the Union had come together, that the remarkable and miraculous result is that the votes were divided between the two parties there, when it is so even over all the rest of the Territory and over all the rest of that county, in the proportion of 171 to 3.

That is the last objection the Senator from Massachusetts contributes to this indictment of precinct 34, that it is miraculous that there should be that disproportion between the Democratic and Republican vote. Has it come to this, Mr. President, that a Senator of the United States can rise in his place and seriously attempt to impeach the right of any number of American freemen to cast their ballots and have them counted in the general result on the ground that they have not so divided their votes as to meet his approval? Is it to be said that, before the railroad laborer out in the Rocky Mountain district of Montana Territory can hope to enjoy the right the Senator from Massachusetts and every other Senator on this floor claims and enjoys, he must consult that Senator or somebody else as to how many of his compatriots vote the Republican or the Democratic ticket? It seems to me that but for the fact that that objection was seriously made by the distinguished Senator you should reject it with all the scorn and contempt that otherwise it would deserve. A suspicious fact; sufficient to justify the casting out of these 174 votes; miraculous!

What is the proportion that is to come within the bounds of human probability? Four to 171 or 5 to 171, it appears, is not sufficient, for in the precinct to which I have just alluded, precinct 17, I am told (I do not know; I may be mistaken), the proportion of the Republican to the Democratic vote was as two or three to one. Then, perhaps, that must be the standard and those votes must be counted. I see nothing remarkable or miraculous in that result. In all candor and with no

intention of indulging in the slightest degree in any mere partisan appeal or an appeal that might be attributed to a demagogue, I say to the Senator that there is nothing remarkable in this country that 171 or any other large number of white laborers should vote the Democratic ticket when you consider that those men themselves, or their ancestors, have come to this country and left their own in order to escape class rule and the privileged conditions which they largely believe would be reinstated in this country by a party or parties opposed to the Democratic party.

It is no uncommon thing that men of that class who earn their living by their daily labor should vote with such unanimity the Democratic ticket when you recollect that the large majority of the white voters of this country vote the Democratic ticket. More than a million majority of the white voters of this country all over it are found in the Democratic ranks. That is a fact upon which I am at liberty to comment in the face of this remarkable statement of the Senator from Massachusetts that, because 171 to 4 or 5 at this particular precinct chose to vote the Democratic ticket, that poll must be thrown out on account of the exceeding improbability of such a vote being a fair or an honest one.

Mr. President, how much and how far have the Committee on Privileges and Elections who have brought this case before the Senate strengthened it by a discussion of the facts and the truth as it appears by the evidence in respect to what occurred on the first Tuesday of October, 1889, at precinct No. 34, in Silver Bow County? It seems to me that it does not require any emphasis of statement on my part, that it requires no enforcement by attempted argument to show the Senate that these objections are unworthy of their consideration; that if they shall be considered as the committee would have the Senate consider them it would make a blot in the history of this great Republic so far as it is represented in this Chamber; that we are invited to make ourselves participants in the sharp practices of these sharp attorneys of a political party in that distant State; and that party exigency may sometimes be so powerful that it will hurry even the Senate of the United States away from the fact, away from the truth, in order to accomplish a partisan result. I do not believe it, and I shall not believe it until the vote is recorded at that desk that declares it to be so.

I had intended, but I will not detain the Senate longer by doing so, to refer to the opinion of the court of the State of Montana after the Territory had become a State, in a cause that was properly before it concerning the election of the sheriff in Silver Bow County, in which the whole conduct of that election at precinct 34 was gone into judicially, and judicially found and determined. In that contest, in February last, where the very issue was as to the vote in that one county, and it turned upon this very precinct 34, contested on both sides, the court make a finding of facts and of law most interesting in connection with the inquiry we are now making. I shall not detain the Senate by reading the opinion of the court.

Mr. GEORGE. What was the result of that judicial inquiry?

Mr. GRAY. Some Senators ask that I should allude to it. In the case to which I have just alluded, decided in February, the court make certain findings. They are very interesting, of course not binding on the Senate, but certainly persuasive as the judgment of a court upon the facts that were in contest before it in a case pleaded to issue and in which the issue involved the integrity of these polls. Certainly, if we assume him to have the ordinary amount of self-respect that we find in judges who sit in our State courts everywhere in this broad land, the finding of that judge upon the facts out there in that very county, with the power to summon witnesses, and with interested parties on both sides with their attorneys competent to develop all the facts on either side of the case, must be very persuasive to us at this distance, who have not the same opportunity to ascertain what the real truth of the matter was. To that end and for that purpose I may be allowed to detain the Senate at the request of one or two Senators around me by reading what the finding was. I will only read one passage of many that I had marked:

On the whole evidence the court finds that the said election held at precinct 34 in said county on the 1st day of October, 1889, was fairly and honestly conducted; that no fraud was committed or attempted at said precinct by the election officers or others; that such irregularities as occurred thereat were without fraudulent intent, and resulted in injury to no one, and did not affect the result nor the fairness of the election; that all voters registered for said precinct, who applied to vote, were permitted to vote; that no intimidation or undue influence was exercised or attempted upon the voters by any one; that the said judges and clerks, nor either of them, did not mark any ballot after its delivery by the voter to the judge of election, nor were said ballots marked by the judges of election in any manner, except by the official stamp placed thereon before they were delivered to the voter; and that the said returns from the said precinct 34 express and show the true and correct result of said election held thereat.

Then he goes on to make conclusions of law. There are other matters in that finding which I may, if there is no objection, have permission to print as part of my remarks, but I shall not detain the Senate further by reading them.

There is also the finding of the Territorial court in the mandamus case by another judge in which substantially the same thing is found, that this election at precinct 34 was honestly, fairly, and legally conducted. We have the opinions of two courts, one a Territorial court and one a State court, pronounced upon that very fact in causes that were before them and which they were competent to decide, and in

which it was necessary to pass upon the fairness of the election at precinct 34, for in those contests, it may be observed, the court by the common law were not bound by the returns, and the parties who contested the election were permitted to go behind them and contest every vote that were put into the ballot-box and challenge it just as it might have been challenged when it was offered at the polls on the day of the election. In those two cases the judges have pronounced emphatically that the election was conducted fairly and honestly, without intimidation or undue influence of any kind.

It would be only wasting time to cumulate further affirmative evidence that goes to prove the absolute fairness of this election, to say nothing of any comment upon the utter failure on the part of those who object to it to produce any proof whatever.

There are some affidavits which are attached in an appendix to the minority report which go further and open up an unpleasant subject, I admit, but they are there for Senators to read. They go to show the desperate condition in which this party found itself in the State of Montana after the election, and what was attempted in order to change the result that had been fairly attained and honestly announced. We have affidavits repeated, four, five, six, or seven, I do not remember correctly the exact number, to show that the agents of ambitious leaders of the Republican party went down into this wilderness at precinct 34, to Homestake tunnel, and offered large sums of money to some of these poor railroad men if they would find something by which precinct 34 could be thrown out. The judges of election were approached, and they, according to their affidavits, if they are to be believed, were offered sums of money to aid in throwing out precinct 34 after it had been returned.

Mr. President, in the face of all that, and there is more of it, can it be that the line which divides this Senate Chamber right there in that aisle is to so distort the intellectual processes, is to so change the human conscience, is to so operate upon the human heart that upon evidence like this that line shall be the line of demarkation between an affirmative and a negative vote on these resolutions? I do not believe it. I will not believe that I have any more hope in addressing this side than I profess to have in addressing that, to convince them that to vote for the resolutions proposed by the majority of the committee would be to violate all the most sacred traditions of American history and American liberty.

It is a poor service, sir, to one of this fair sisterhood of States that we welcomed so gladly into this Union in November last to blazon upon her coat of arms the odious mark of a bar sinister thus early in her career. She has come, this fair State of Montana, with all her wealth and her vast proportions, to contribute, as I fondly hope, to the common glory and the common prosperity of this great Union of ours. I do not wish to see the star that shines for her in the constellation of our flag dimmed or obscured while only thus high in the horizon. She has come to be part and parcel of this great American Union, to be one sovereignty among many that go to make it great and glorious, and to remain such forever and forever. But long as her history may be, it will never be forgotten, if the resolution reported by the Committee on Privileges and Elections is adopted, that her birth was attended by fraud, and that in order to give her representation in this Chamber a portion of her citizens were denied the equal privilege of their fellow-citizens in that State and Territory, and their votes were ruthlessly thrown aside as unworthy of being counted in making up the general result of that election.

Mr. President, for her sake, and for the sake of her future history, I trust that no such stain will be put upon her.

Mr. HOAR. Mr. President, I do not rise, of course, to reply to the Senator from Delaware now, but I wish to set right one particular fact which he dwelt on with a good deal of emphasis, and which I judge, from its bringing out a question from the Senator from Mississippi, impressed certainly some Senators other than the Senator from Delaware. The Senator stated that a district judge in the county where this Silver Bow precinct exists had issued a writ of mandamus directing the count of the vote of the precinct in Silver Bow County, and charged that the State canvassing board had hastened their proceedings when they knew that that writ was about to issue, with a view of counteracting its effect. I rose during the Senator's speech and asked him if he was not aware of the fact that that decree of the court was vacated by an appeal, to which the Senator responded with great warmth of manner that the statute of Montana required in the case of an appeal, which otherwise would have made this thing wholly void, the filing of a bond within five days; that the appeal was taken on the 1st of November and a bond was not filed until the 8th. Now, I want to call the attention of the Senator exactly to the law and the fact upon that subject. I hold in my hand the statutes of Montana, and read from section 421:

An appeal may be taken \* \* \* from an order granting or dissolving an injunction.

All other final appeals may be taken at any time within a year, but "from an order granting or dissolving an injunction" within sixty days. That is the time for the appeal.

An appeal is taken by filing with the clerk of the court \* \* \* a notice stating the appeal from the same, or some specific part thereof, and serving a similar notice on the adverse party or his attorney.



Then there must be either "a deposit of money" or "an undertaking be filed" to abide by the result and pay the costs.

The undertaking on appeal must be in writing and must be executed on the part of the appellant, by at least two sureties, etc.

I have not the next section here, but the substance of it is that if the undertaking be not filed in five days, as the Senator stated, the appeal shall be void. Now, what happened? I read from the report of the facts made by the Senator from Delaware and myself.

Mr. GRAY. From what page?

Mr. HOAR. I am reading from page 72:

To which ruling of the court—

That is the order of the court to issue the mandamus—  
defendants by counsel duly except and file notice of appeal. Defendants also offer—

That is on the day the appeal is taken—

for filing an undertaking on appeal; objection was made by counsel for relators to the filing of said undertaking, and filing the same was suspended pending the order of the court in relation thereto.

Then, on the 8th of November:

This day, by agreement of counsel for the relators and defendants, proceedings are to remain *in statu quo* until Tuesday, the 12th day of November, at 2 o'clock p. m.

Mr. GEORGE. Will the Senator read the date of that agreement and read the agreement again? I did not catch it.

Mr. HOAR. I have just read it. It was on the 8th of November. In other words, the undertaking was filed at the time of the appeal, on the same day, and a question being raised by the counsel on the other side in relation to it, the whole proceeding was suspended by order of the court until that should be disposed of. Then, on the 8th of November, all proceedings in the case were ordered to be suspended and remain *in statu quo*, and on the 12th of November the whole authority of that court was swept away and overthrown by the admission of the State.

Mr. GRAY. That superseded everything.

Mr. HOAR. It superseded everything.

Mr. GRAY. The appeal and everything else.

Mr. HOAR. The appeal and the original writ of mandamus and the decree.

Mr. GEORGE. So, if that was the case, the judgment of the original court awarding the peremptory mandamus stands unaffected by the appeal and is now in full force and effect.

Mr. HOAR. The Senator from Mississippi may stand on that proposition if he wants to plant himself on that rickety and tottering platform. Here is a case where the whole thing is vacated by an appeal, and the appeal in its turn is to be vacated unless the man files his undertaking within five days; he filed his undertaking within five minutes, and the court undertook to determine the question whether it was valid or not. The parties agreed that the thing should remain *in statu quo* for a certain time, and within that time the authority of the court was gone. Now, if the gentlemen on the other side, or any of them, want to put the weight of this case, or any part of it, or their own reputation as lawyers upon the assertion that in that state of things you have got the judgment valid and the appeal void, they are welcome to make the argument.

Mr. BUTLER. What was the objection to the undertaking, if I may inquire of the Senator?

Mr. HOAR. It does not appear. The defendant filed his undertaking and the counsel on the other side objected to filing it. That is all. It does not say that they objected to its character. Now, the proposition is well settled, and I happen to have heard it affirmed by one of the judges of the Supreme Court of the United States in an opinion within a year or two, that where anybody is bound to file with a certain officer a document at a particular time, as, for instance, in the case of the filing a deed for record or filing a claim of any kind, and the party interested in it files the document, the neglect of the recording officer to record it or his refusal for any reason does not destroy the legal right which the party offering it has so gained.

Mr. GRAY. Now, Mr. President, one word further. The Senator from Massachusetts thinks this is an exceedingly attenuated ground on which to place any contention on this side of the question.

Mr. HOAR. To charge the authorities of a great State with fraud. That is the ground.

Mr. GRAY. Very well. He thinks this is a very attenuated ground. I do not think, and I have not so contended, that anything material in this case on this side of the question turns upon the filing of that appeal bond; but it did occur to me in passing, and in reply to what seemed to me the attenuated position taken by the Senator from Massachusetts, that this appeal had superseded the writ of execution, which in that case was a peremptory mandamus, to reply, for I do not think that position was material either, that as I read the laws of Montana, somewhat hastily it is true, it seemed to me that that appeal had not been perfected under the law, and that the undertaking or appeal bond not having been actually filed until after the five days which the laws of Montana prescribe it shall be filed within, therefore the appeal ceased to be a supersedeas. That is all.

There can be an appeal pending, a valid appeal, which is not a su-

persedeas. I do not know what peculiarity there is in the laws of Montana, but I believe that the general law of this country, obtaining in all the States, is that the provision in regard to appeal bonds only affects the appeal in respect to the question whether it is a supersedeas or not. The appeal is just as good whether you file a bond or not. In my State, in the State of Pennsylvania, and in other States with whose laws I am familiar, and in the courts of the United States, it is just as good as an appeal, and gives the appellate court a jurisdiction, but it is not a supersedeas unless a bond or undertaking is filed according to the provisions of a statute or the rules of court.

There is a statute here regulating this, which says that unless an appeal bond or undertaking is filed within five days from the notice of the appeal the said appeal shall be unavailing for any purpose whatever. That is a very marked and emphatic provision of the law, and I do not know whether a similar one can be found anywhere else. It may be; but it certainly goes a great deal further than any provision in regard to appeals with which I am familiar.

I do not know how it is in the State of Mississippi or in the State of Massachusetts, but I never knew a law regulating appeals which undertook to say that the failure to file an appeal bond within a certain time after the notice of appeal would make the appeal unavailing for any purpose whatever. In my own State it does not affect the right of appeal. The court gets jurisdiction when the appeal is entered, and if the bond is entered in due time then a supersedeas of the execution of the judgment of the court below is the necessary result.

Mr. VANCE. I wish to suggest to the Senator, with his permission—I do not know that it is material—the fact that this agreement, to wit, that all proceedings should remain *in statu quo* until Tuesday, the 12th day of November, 1889, at 12 o'clock m., was entered into after the peremptory writ of mandamus had been served and obeyed.

Mr. GRAY. That was on the 8th of November.

Mr. VANCE. On the 8th of November, and the further proceedings, whatever they were, were to remain *in statu quo*.

Mr. GRAY. That is a fact, as the Senator from North Carolina has observed. I do not wish to make a speech supplemental to the long one I have already made, but it is very significant to me that, as he says, this entry of an agreement was after the whole matter had become *fait accompli*, after the writ of mandamus had been served and obeyed, and therefore that writ was *functus officio* at that time, and all that it could do had been performed, and the obedience of these canvassers to that writ took the matter out of court, took the matter out of litigation, and there was nothing upon which an appeal could operate.

Mr. HOAR. The undertaking was tendered to the court at the moment of claiming the appeal, and the judge then took into consideration the objection which the counsel made to filing it. That was the day; and from that time forward that appeal and undertaking had utterly voided the whole authority of the judgment of the court. It is true that this subsequent agreement of counsel only extended to the still further time when the court itself went out. Any court in the United States, in my humble judgment—and I think the Senator from Delaware will not differ from me—would have issued to that inferior court a writ of prohibition against proceeding further, or whatever the process was, in undertaking to go on and issue this mandate, or having issued it in undertaking to treat it in force for the rendering of that function.

This proposition, the Senator says, he does not regard as very important in answer to something that was said on my part. The Senator forgets the use he made of it. The Senator attacked the State authorities of the State of Montana with great vehemence and eloquence and severity, and charged them with dishonor in hastening their action when they knew that this mandamus was coming.

Now, certainly whatever arguments may be attenuated or not, the Senator from Delaware does not make such charges on the floor of the Senate or anywhere else against eminent State officials or anybody else, high or low, without what seems to him sound reason; and when he makes such a charge he will agree with me that it is something important that has been said, and therefore it seemed to me that it was important to call his attention to the fact that that can not be as he thought, because, when the inferior court announced that judgment that the mandate should go, the appeal which vacated it was instantly taken, to which the Senator replied that these men knew very well, or it was very well known, at any rate, that it was not followed up by the bond or undertaking within the five days.

Mr. GRAY. The Senator from Massachusetts will allow me to ask him a question there.

Mr. HOAR. When I finish the sentence I am now uttering.

The Senator said that it was not followed up by the bond or undertaking within five days, and hence was void, to which I replied by calling his attention to the fact that at the moment of taking the appeal that undertaking was tendered, which was all that the parties could do, and the court took into consideration whether it should be filed. That was a lawful filing for all lawful purposes, and it would have been a lawful filing if the court had ordered it not to be filed. The man had got all his rights and the judgment had become absolutely void. But before the court had issued its final judgment upon the question whether it

should be filed or not, the parties agreed that everything should remain *in statu quo*. That was after this writ had been served, it is true, but then the whole thing was swept away, so that the supreme court of the Territory, which had gone out of office, as well as the lower court and everything else, could no longer issue its restraining process upon the court below.

That is the whole story. Now I will answer any question of the Senator with great pleasure.

Mr. GRAY. I thought the Senator was through.

Mr. HOAR. I am through.

Mr. GRAY. I will answer the Senator in the course of what I am going to say. I will occupy the floor for a few moments only, because in the first place I do not know that it is necessary, but if it is I want promptly to avail myself of the opportunity of disabusing the Senator's mind of any idea or feeling that I have in any way attempted to treat any part of his argument with disrespect.

Mr. HOAR. I did not so understand.

Mr. GRAY. I am glad that the Senator did not so understand me. When I said that the position was attenuated, it was only in reply to what I understood the Senator from Massachusetts to say, that it was a very rickety and tottering sort of ground that Senators on this side were attempting to stand upon when they attempted to place this case upon the effect of the not filing of this undertaking for an appeal; and I attempted in reply to that to say that we did not attempt to place this case on that ground at all; it was merely a comment made by me some time ago in passing upon what had been urged by the Senator from Massachusetts, a mere incident to the argument, and not all a necessary premise to any part of it.

But now, to come to this very question, which is not material and I hope Senators will not get into their minds the idea that we are now discussing anything that affects the result of this case at all, whatever opinion we may have about it; it is just an interesting question between the Senator from Massachusetts and myself about this matter, and does not at all affect the merits of this case.

Premising so much, let us examine and consider for a moment what the law of Montana provides for and what the effect of what was done in Silver Bow County in this court really was.

It appears that on the 1st day of November a notice of appeal was filed which the Territorial law of Montana required should be the first step in taking an appeal. It was filed. The statute then goes on to provide—and as the Senator from Mississippi [Mr. GEORGE] has the statute before him, if he will read the section in regard to the effect of filing an undertaking I shall be obliged to him.

Mr. GEORGE. I will read the whole section.

Mr. GRAY. Yes, read the whole section.

Mr. GEORGE. It is in these words:

SEC. 422. An appeal is taken by filing with the clerk of the court in which the judgment or order appealed from is entered a notice stating the appeal from the same, or some specific part thereof, and serving a similar notice on the adverse party or his attorney. The order of service is immaterial, but the appeal is ineffectual for any purpose unless within five days after service of the notice of appeal an undertaking be filed or a deposit of money be made with the clerk, as hereinafter provided, or the undertaking be waived by the adverse party in writing.

Mr. GRAY. Mr. President, that being the state of the law, what was done by the parties to this litigation? It appears by the record we have before us, and the only one that I know anything about, that on the 1st day of November the "defendants, by counsel, duly except and file notice of appeal."

That is the first step.

Defendants also offer for filing an undertaking on appeal; objection was made by counsel for relators to the filing of said undertaking, and filing of same was suspended pending the order of the court in relation thereto.

I do not dispute the principle of law announced by the Senator from Massachusetts, that where a man has a legal right, a right conferred by positive law, to do a certain thing at a certain time, an offer to do it may, under certain circumstances, amount to the same thing as the doing of it if it is objected to or if he is hindered by those who ought to co-operate with him. But he may or may not consent to that objection. He may or may not prosecute and persist in his offer.

It was perfectly competent for these defendants, upon the suggestion of the court or of the counsel that the filing of the appeal be suspended until a later day, to acquiesce, and there is no evidence here that they did not so acquiesce. There is no evidence here that they were hindered or interfered with in doing this thing which the law gave them the right to do; and we must take it, in the absence of any evidence to the contrary, it seems to me, that they did acquiesce, did decline, and did as a matter of fact omit and fail to file actually this undertaking of appeal until six days thereafter, and then they actually filed it.

Why did they not stand on their own original offer instead of on the 7th day of November actually filing an undertaking? It would seem to negative the idea thrown out by the Senator from Massachusetts that the offer must be considered as the actual filing. If so, and they thought they had important rights under the filing of that appeal, they could have kept that appeal bond away from the files of that court entirely. They did not rely upon the offer on the 1st day of November. Now, as the fact is that the appeal undertaking or bond was not on file until the 7th, and that was more than five days after the notice of ap-

peal, then the law of Montana must have the effect which it declares, shall obtain in such case, as was read by the Senator from Mississippi that such an appeal shall be ineffectual for any purpose whatever.

Mr. President, I do not understand that the effect of an appeal is to vacate a judgment. I do not know whether I understood the Senator from Massachusetts correctly or not, but he spoke of the entry of the appeal or the taking of the appeal on the 1st day of November as vacating the judgment of the court below. It may be so. It may be so in the State of Massachusetts, but here is a state of things out in the State of Montana which is unknown and very peculiar, so far as I know anything about such things, and I never heard of an appeal vacating a judgment. After an appeal is taken an execution may issue upon that judgment, which could not be the case if it were vacated; and unless the execution is superseded by an appeal bond properly filed that execution can go until the case below is reversed by the appellate court. That is my understanding. If that be so this peremptory writ of mandamus properly issued on the 7th day of November was legally and lawfully served, even if we admit that there was a proper appeal pending in the Territorial court.

This is all I have to say about it.

Mr. GEORGE. Mr. President, an allusion has been made by the Senator from Massachusetts to myself and in reference to what has been said by the Senator from Delaware which makes it proper that I should respond.

I admit that I am not familiar with the laws of Montana. I might go further and say that I am not familiar with the laws of any State or country in the world. The question in this case, as I understood it to be made between the Senator from Massachusetts and the Senator from Delaware, is the allegation on the part of the Senator from Massachusetts that a writ of mandamus which had been issued by this court to the returning or canvassing board of the county of Silver Bow demanding them to count precinct 34 was a void order, and, therefore, that the counting or canvassing of that return by the canvassing board was also void, because, as I understood the Senator from Massachusetts to allege, at the time this peremptory writ was issued there was no authority in the court to issue it for the reason that at that time there was a valid, subsisting appeal from the decree of the court which rendered it incompetent for the court to make the order. That is the issue on the part of the Senator from Massachusetts, as I understand it. Am I correct?

Mr. GRAY. That is the way I understand it.

Mr. GEORGE. The Senator from Delaware took issue upon that, alleging that at that time there was no valid order of appeal, and that is the issue upon which I desire to address a few remarks to the Senate now.

At the civil law, and I believe in admiralty, an appeal, when once validly granted, has the effect to set aside the judgment or decree appealed from, and the power in the appellate court was what the lawyers call *de novo*, to try the case exactly as if there had been no appeal at all. In Montana I discover from reading the statute, which the Senator from Massachusetts loaned me, an appeal has no such effect. It has the same effect exactly as a writ of error at common law as to a judgment rendered in a common-law court; that is, merely to remove the record from the inferior court to the superior court in order that the superior court may try whether there is an error in that record or not. Section 428 of the Revised Statutes of Montana says:

Whenever an appeal is perfected, as provided in the preceding sections of this chapter, it stays all further proceedings in the court below upon the judgment or order appealed from.

That is, when the appeal is taken it does not vacate the judgment, but has a suspensive effect prohibiting that court from further proceeding in that case. The judgment stands, and it stands with this legal presumption—and I desire to call the attention of Senators to that—the presumption that it is correct.

Now, if I concede all that the Senator from Massachusetts claims, that a valid appeal had been taken, and that, by virtue of the admission of this Territory then as a State into the Union, it could not be further prosecuted, that there was no court to try it, then in what condition did that leave this judgment in the inferior court? As I have before stated and as I have read from the statute, that judgment is valid to all intents and purposes until set aside, and until set aside by what and by whom? By the superior court to which the appeal is taken. The effect of suspension is simply to prevent the inferior court from proceeding with the judgment until the appeal is disposed of.

Mr. President, now comes a law, a valid, constitutional law, which disposes of the appeal by enacting that this appellate court can not and that no other appellate court ever can exercise any jurisdiction to hear the appeal. What is the attitude of the judgment, then? I call the attention of Senators to that view of it. What was the attitude of that judgment when, by the admission of Montana into the Union, no further prosecution of the appeal could be had? It was simply to suspend, to destroy, to forever obliterate any effect whatever arising from the appeal, and leaving the original judgment, which was wholly unaffected by the appeal, in full force and effect.

That is the way the thing stands; so that, if we concede all that the Senator from Massachusetts claims, we have a judgment not exactly



unappealed from, but a judgment appealed from, the appeal having been destroyed by law and leaving the original judgment in full force and effect. I should like to hear the answer to that. Where is the answer to that?

Mind, Mr. President, if the appeal had had the effect that it had at the civil law, annulling the judgment appealed from, then the inability of the party to prosecute his appeal would have left that judgment exactly where the appeal left it when it was taken. It would have been no judgment. It would have been set aside and defeated, and that judgment would have been remitted to an original suit to recover the rights embraced in that judgment. But here the man has his judgment, he has a valid judgment; the appeal from that judgment has been destroyed by law, and on the face of the record in the inferior court he has a valid and subsisting judgment. If he can not enforce it, what can he do? I call the attention of the Senate to that. If he can not enforce the judgment as it stands upon the record, what can he do with it? He can not sue again upon the original cause of action, because the answer to that is, "You have already recovered a judgment upon that and you can not recover two judgments upon the same cause of action." Then this remarkable result comes from the destruction of the appellate court and the appeal: that the plaintiff who has recovered a judgment, which has not been set aside or vacated in any sense whatever, a valid, subsisting judgment, which can only be set aside by the prosecution of the appeal, the appeal being destroyed, the plaintiff, according to the position of the Senator from Massachusetts, is like Mohammed's coffin, suspended between heaven and earth, that is, suspended between the original court and the appellate court, with no power to take any step in either. Of course a result so remarkable as that, so absurd as that, can not be entertained by this Senate for a moment.

One other point, and I am through. Suppose we concede to the Senator from Massachusetts all he claims, suppose we concede that this judgment is there and can not be enforced. We are trying here what is the right of the case. Certainly, the judgment has the effect, because it would have that effect on the trial before the appellate court, of carrying with it the presumption that it was correct. How are you going to destroy that presumption, a legal presumption, a presumption which will stand until the end of time according to the law of the land, until the appellate court sets aside the judgment?

Then, the Senate stands with reference to this case in this attitude: We have the judgment of the highest court allowed by law to pass upon this question. I say "highest" because I concede to the Senator that upon the admission of the Territory into the Union as a State no other court was left with capacity and power to revise and reverse it. I repeat, the Senate stands in this attitude with reference to this judgment, or this judgment stands in this attitude for the consideration of the Senate: A judgment of the highest court authorized by law to pass upon this case, adjudging that precinct No. 34, in Silver Bow County, must be counted. How are you going to get around that? There is the court, there is the judgment. It is unrevoked, and, according to the Senator from Massachusetts, there is no earthly tribunal that can reverse it. There it stands.

We have something more than that. Who are the parties that have a right to complain that this judgment is suspended? Who were the defendants in this mandamus suit? Will the Senator from Massachusetts and the Senator from Delaware correct me if I mistake in saying that the county board of canvassers of Silver Bow County were the defendants? Is that so? [Mr. GRAY nodded assent.] Then we have this remarkable thing: We have a judgment that is irreversible and we have the voluntary compliance with that judgment by the only men in this broad world who have a right to complain that the judgment is suspended. I think that closes out the controversy upon that point.

Mr. HOAR. Mr. President, there is one simple answer to all this, and the lawyers of the Senate will know whether I am wrong. It is claimed that the taking of an appeal or the bringing to the court of an undertaking vacated the judgment.

Mr. GEORGE. No, sir; suspended it.

Mr. HOAR. It never suspended it; it was vacated. That is the law everywhere, as I understand the law.

Mr. GEORGE rose.

Mr. HOAR. Let me finish.

Mr. GEORGE. All right.

Mr. HOAR. An appeal from the judgment of an inferior court lawfully taken vacates that judgment till the appeal is denied, and nothing whatever has happened in the lower court after that in legal contemplation, except the foundation of the preliminary step necessary for the jurisdiction of the superior court; and when that court under that appeal was applied to the judgment of the lower court was vacated. Then came in the statute and said that the appeal should not operate, that it should itself be void under a condition subsequent, to wit, a failure to file the undertaking within five days. Now, at the moment of claiming the appeal the undertaking was tendered to the court and was filed with the clerk. Whether the judge had any power over it I do not know, but the question was raised whether it should be filed, and that question was adjudged.

Now, as I understand the law to be, when a particular document is

required to be filed in a public office and it is tendered for filing, that is enough. As the Senator from Delaware said, when a document is required to be filed in a public office in order to give the citizen a legal right, the bringing of that document to the office secures that right, whether the clerk or register or recorder writes on the back of it that it is filed then or postpones it until the next day or the next week or does not do it at all.

That I understand to be the settled law in the United States in proceedings under the bankruptcy act and I understand the courts of the United States have, within a few years, so held. So, then, before this mandate issued the power of that court had been taken from it; the proceedings (except so far as to give jurisdiction to the superior court) before the court that rendered the judgment had been wiped out as if with a wet sponge on a blackboard. That is my understanding of the law.

Mr. GEORGE. Mr. President, I take issue with the Senator upon the effect of the appeal. The Senator says the appeal sets aside and annuls the judgment. That was so under the civil law, but in the statute of Montana, section 428, which I read, and which I suppose the Senator did not hear me read, or else he would not have made the statement, we have this language:

SEC. 428. Whenever an appeal is perfected as provided in the preceding sections of this chapter, it stays all further proceedings.

Not that it vacates the judgment, but it suspends and supersedes all further proceedings. That answers that part of the Senator's argument. Now, I will answer the other part. The Senator says that when the record shows that an offer has been made to file an undertaking or file a paper and that offer has been refused, it is equivalent to filing. That may be so when the offer is made to a ministerial officer, but it is not true when it is offered to the court, and if it were true then this record does not show that all the papers necessary to make that undertaking a valid and proper paper to be filed were offered to be filed.

Mr. President, I was about to quote from memory from that paper, but I have a copy of it now by the kindness of my friend from Delaware. Here it is:

To which ruling of the court defendants, by counsel, duly except and file notice of appeal. Defendants also offer for filing an undertaking on appeal; objection was made by counsel for relators to the filing of said undertaking, and filing of same was suspended, pending the order of the court in relation thereto.

All that was offered to be filed was the undertaking, and upon objection being made, not to a ministerial officer, but to the court reviewing it, the court ruled that the offer was insufficient, or at least—and that is the legal meaning of it—the court declined to accept the filing; and why? The record is silent. But now again calling the attention of Senators who are lawyers to the universal principle that the decision of every court upon a question before it is to be presumed to be right unless the record shows to the contrary, and if there be things which are required to be done by law to make this filing perfect and effectual, and the record does not show that those things were offered to be done, the presumption to which I have alluded and which no lawyer will dispute, that the court's ruling is right, will prevail in the silence of the record showing that the court was wrong.

Now let us see what other papers were required to be filed besides this undertaking:

SEC. 430. An undertaking upon appeal shall be of no effect—

Utterly worthless—

unless it be accompanied by the affidavits of the sureties that they are each worth the amount specified therein, over and above all their just debts and liabilities.

The court had a right to refuse the filing of this paper without these affidavits. The record is silent as to whether they were offered or not, and the presumption of law is that they were not offered; for if they had been offered the court would have been in error in declining to accept the undertaking.

Mr. HOAR. Mr. President, one of the Senators belonging to the minority of the committee I supposed would proceed this afternoon, but I understand that Senator would find it inconvenient, in consequence of the condition of his throat, to enter upon debate at the present time, and so—

Mr. CULLOM. Will the Senator allow me to call up a bill?

Mr. HOAR. If the Senator will allow me, I shall be through in a moment. I should like at the present time to understand whether it is the desire of the Senate to proceed with this case on Saturday or on Monday. I suppose the general understanding that Saturday should be devoted to the Calendar would probably prevail; but if any Senator thinks otherwise, I should like to have him now state it. Otherwise I shall not call up this case again until Monday.

Mr. HALE. Was it not the general understanding on the part of the Senate that if the Calendar was not taken up for an hour or more each day Saturdays should be devoted to it?

Mr. HOAR. I say that is my understanding, but if any Senator thinks differently, now is the time to settle that question.

Mr. COCKRELL. The understanding is that all Saturdays are to be devoted to the Calendar of unobjected cases.

Mr. HOAR. Then, unless some other desire is manifested by the

Senate, I will now ask that this matter stand over, to be taken up as unfinished business immediately after the close of the routine morning business on Monday next, and the Senator from North Carolina [Mr. VANCE] will then have the floor. He can take it now and retain it if he pleases.

Mr. VANCE. That is agreeable to me, Mr. President.

Mr. CULLOM. I believe the Senator from Massachusetts agreed to yield to me for a minute.

The PRESIDING OFFICER (Mr. TURPIE in the chair). The further consideration of the report in the Montana case will be postponed and remain the unfinished business on Monday next, if there be no objection. The Chair hears no objection.

#### PUBLIC BUILDING AT AURORA, ILL.

Mr. CULLOM. I believe I have not made a personal request of the Senate this session, and I do not make one now on my own account, except that I think it probable I shall not be able to be here on Saturday, and I am very anxious, for reasons not necessary to relate to the Senate, to call up Senate bill 2714, Order of Business 639, and I ask for present action upon it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HARRIS. What is the Order of Business?

The PRESIDING OFFICER. The bill will be reported by its title.

The CHIEF CLERK. A bill (S. 2714) for the erection of a public building at the city of Aurora, Ill.

Mr. CULLOM. I ask for the consideration of the bill at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Aurora and State of Illinois, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$75,000, which said sum of \$75,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$5 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Illinois shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Aurora, in the State of Illinois."

#### ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 7496) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1890, and for other purposes; and it was thereupon signed by the President *pro tempore*.

#### CENSUS OF CHINESE.

Mr. HALE. I move that the Senate proceed to the consideration of Calendar No. 785, being the bill (H. R. 6420) to amend an act entitled "An act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

#### PUBLIC BUILDING AT LEADVILLE, COLO.

Mr. TELLER. I ask the Senator from Maine to yield to me while I secure the passage of Senate bill 2950.

Mr. HALE. If the pending bill can be laid aside temporarily I shall yield to the Senator.

Mr. ALLISON. Let us have the regular order.

Mr. TELLER. I ask unanimous consent for the consideration of Senate bill 2950, a public-building bill.

The PRESIDING OFFICER. The Senate is asked to take up Senate bill 2950 on the request of the Senator from Colorado [Mr. TELLER]. Previous to that an order was made to take up a bill on motion of the Senator from Maine [Mr. HALE], which has been temporarily laid aside.

Mr. TELLER. I do not understand the Senator from Iowa [Mr. ALLISON] to insist on the regular order now.

Mr. ALLISON. The only desire I have is that whatever Order of Business is transacted to-day shall be concluded to-day. I do not want to have any unfinished business remaining over.

Mr. TELLER. The bill I called up would have been passed by this time.

Mr. HALE. The Senate has already taken up House bill 6420, which is the regular order, I take it, without question, after the bill of the Senator from Colorado shall be disposed of.

Mr. ALLISON. I ask for the regular order, whatever it is.

Mr. TELLER. I hope the Senator will not object to this bill.

Mr. ALLISON. I will not object to this bill, but after it is concluded I shall ask for the regular order.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2950) for the erection of a public building at Leadville, Colo.

Mr. COCKRELL. What is the regular order?

The PRESIDING OFFICER. The regular order is the first bill on the Calendar.

Mr. HALE. I beg pardon; the regular order is the bill taken up on my motion, which is temporarily laid aside till the bill of the Senator from Colorado shall be disposed of.

The PRESIDING OFFICER. The bill (S. 2950) for the erection of a public building at Leadville, Colo., is before the Senate as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Leadville and State of Colorado, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators and approaches, complete, not to exceed the sum of \$100,000, which said sum of \$100,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$5 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the



expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Colorado shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon, at Leadville, in the State of Colorado."

#### COLLECTION DISTRICT OF PUGET SOUND.

Mr. HALE. Mr. President—

Mr. ALLEN. Will the Senator from Maine yield to me for a moment?

Mr. HALE. I will, if the Senator from Iowa [Mr. ALLISON] does not call for the regular order.

Mr. ALLISON. I will withdraw my call for the present, but after the Senator from Washington is through with whatever he has to present, I shall ask for the regular order.

Mr. ALLEN. Thank you, sir. I ask unanimous consent for the immediate consideration of Order of Business 747, Senate bill 3163.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3163) to reorganize and establish the customs collection district of Puget Sound.

The bill was reported from the Committee on Commerce with an amendment, in section 2, line 12, after the words "subject to the," to strike out "provision" and insert "supervision," so as to read:

Subject to the supervision of the collector of customs at Port Townsend.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PERSONAL EXPLANATION.

Mr. HALE. I now ask that the bill which was taken up on my motion be proceeded with.

Mr. STEWART. I rise to a question of privilege. I am credited in various newspaper dispatches with having introduced a bill to regulate the manufacture, sale, and importation of lager beer. It is stated that "Senator STEWART to-day introduced a bill to regulate the manufacture, sale, and importation of lager beer," and I find that it is commented upon very extensively in the newspaper dispatches. I simply wish to say that I know nothing about the bill and have not introduced such a bill.

#### CENSUS OF CHINESE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6420) to amend an act entitled "An act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889.

Mr. HALE. I ask, now that the bill is before the Senate, that the formal reading may be dispensed with, and that it be read with the committee amendments to be acted upon as they are reached in the reading.

The PRESIDING OFFICER. Is there objection to that request? The Chair hears none, and it will be so ordered.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on the Census was, in section 1, line 8, after the word "complete," to strike out "an" and insert "and;" so as to read:

That the seventeenth section of an act entitled "An act to provide for taking the eleventh and subsequent censuses" be so amended as to authorize and require the Superintendent of Census to enumerate the Chinese population in such manner and with such particulars as to enable him to make a complete and accurate descriptive list of all Chinese persons of either sex who may be found in the United States at the time of taking the census, etc.

The amendment was agreed to.

The next amendment was, in section 1, line 20, after "United States," to insert "except as hereinafter provided;" so as to read:

And that the Superintendent of Census be, and he is, further authorized and required to give to each Chinese person so enumerated in the census an engraved certificate, to be duly numbered and registered in the Census Office, which shall contain all the particulars necessary to fully and accurately identify the Chinese

person to whom such certificate shall be issued, and such certificate, when produced by any Chinese person and found to appertain and belong to the holder thereof, shall be the sole evidence of the right of such Chinese person to be and remain in the United States, except as hereinafter provided.

The amendment was agreed to.

The next amendment was, in section 1, line 28, after the word "census," to insert:

Chinese children born in the United States subsequent to June 1, 1890, shall not be held to be Chinese persons within the meaning of this act.

The amendment was agreed to.

The next amendment was, in section 3, line 3, after the word "refuse," to insert "to give the information required by the census enumerators at the time of taking the census in June, when so called upon, or who shall fail or refuse," and in line 7 of the same section, after the word "act," to strike out "in submitting himself for such enumeration and;" so as to read:

SEC. 3. That any Chinese person subject to enumeration on the 1st day of June, 1890, who shall fail or refuse to give the information required by the census enumerators at the time of taking the census in June, when so called upon, or who shall fail or refuse, for the period of ninety days from said 1st day of June, to comply with the provisions of this act in obtaining the certificate of identification herein provided, and all Chinese persons found thereafter in the United States without such certificates of identification, shall be deemed to be unlawfully in the United States, etc.

The amendment was agreed to.

The next amendment was, after section 3, to insert as a new section:

SEC. 4. That any Chinese person arrested under the provisions of this act may show by competent testimony that he or she was a resident of the United States prior to the 1st day of June, A. D. 1890, and has been accidentally or otherwise omitted from the census enumeration; and upon establishing such fact to the satisfaction of the court such person shall not be subject to the penalties of this act, but shall be given the certificate provided for in this act by the Secretary of the Interior upon the certification by said court, under its seal, of its judgment in the case, and such certificate shall entitle such said Chinese person to the same privileges and immunities as if originally issued by the Superintendent of the Census; and any enumerator or other officer, agent, or employé of the Census Bureau who shall knowingly omit to enumerate any such Chinese person with intent to subject said person or persons to the penalties of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding \$1,000 and imprisoned for a term not exceeding two years.

The amendment was agreed to.

The next amendment was, in section 6, line 7, after the word "required," to insert:

And every Chinese person other than a laborer who may enter the United States after the enumeration herein required shall have been concluded, and who shall be the bona fide holder of the certificate prescribed by section 6 of an act entitled "An act to amend an act entitled 'An act to execute certain treaty stipulations relating to Chinese,'" approved July 3, 1894, and who shall have entered the United States in conformity with the requirements of said act approved July 3, 1894, shall be deemed to be lawfully entitled to be and remain in the United States.

The amendment was agreed to.

Mr. EUSTIS. I should like to ask the chairman of this committee to explain to the Senate what is the necessity for this proposed law; whether its object be to take a census of the Chinese or whether that census will not be taken under existing law.

Mr. HALE. It is desirable, Mr. President, for many reasons, which will be apparent to Senators, that there should be a complete enumeration of the Chinese inhabitants of the United States. That enumeration, without raising any of the other questions which are called up by the provisions of the bill, would perhaps be difficult to be taken completely and accurately by the ordinary enumerators. The subdivisions of the districts need to be different, and, therefore, in accordance with the general proposition that the Superintendent of Census should have extraordinary powers in the way of affording enumerators for this distinct purpose, the committee thus far has agreed to the bill.

Beyond that is an undoubted object, aside from what is strictly census business, in the demand that comes from the Pacific coast that there should be an identification of the Chinaman who is here and has a right to remain here, as against the Chinaman who, contrary to the spirit and letter of the late legislation of Congress, is constantly stealing into the United States. Do the best our officials can under the old certificates, which were authorized by the acts of 1882 and 1884, Chinamen are constantly coming in, as it is alleged, by the thousands, coming in over the line between us and the British Provinces, coming in by way of Mexico, and it is impossible to send them away under the present acts which Congress has passed.

Taking advantage of the forthcoming census, which is to include Chinamen, this bill provides that every Chinese person enumerated by the census-takers shall receive within three months from the time when he is enumerated a certificate, which shall be engraved and formal and shall be lodged in the form of a copy in the Census Office, and shall be a permanent record of all Chinamen that are found here on the 1st day of June next. That certificate is to take the place of all other certifications which are only partial and which apply in only certain cases under the previous legislation of the United States.

The bill as it came from the House of Representatives to the Census Committee has been altered in very material ways. Under the provisions of the House bill, as Senators will have noticed if they have followed the reading of the bill, it was provided that any question arising hereafter with reference to the right of a Chinaman to remain in

this country, he being found here, would depend upon this certificate, which was to be, in the language of the House bill, the sole evidence of his right. The Committee of the Senate did not deem that just to the Chinaman who is already here, and in the amendment which is found upon page 5, and which now forms section 4 of the bill, it is provided that when any question arises hereafter about the right of a Chinaman to remain in this country he shall have the right by competent evidence to show that he was a resident at the time when the census was taken in 1890. Otherwise the committee thought it would be hard upon the Chinamen if the enumerator escaped them or for any cause declined to take them, or if they could not be reached, that they should be confined to the evidence furnished by the document alone and nothing else, and therefore the provision is found.

Provisions have also been inserted in the interest of a fair enumeration in order that these alien people may have the protection of the laws if they are here, making it imperative upon enumerators to take the enumeration of every Chinaman by special penalties which are fixed upon the enumerators.

In reference to another class, which the House bill left out, the present legislation is based, as Senators will remember, on the labor clauses in the acts of 1882 and 1884 and 1888, applying only to laborers. It does not exclude the Chinese merchant; it does not exclude the Chinese student; it does not exclude the Chinese traveler; but under the ordinary comity existing and pervading the relations of nations they, under the Senate amendments, are allowed to come here, and they are not made subject to the drastic provisions of the bill. That is another amendment that the Senate committee put on.

The committee dealt with the subject after several hearings of persons upon both sides of the question, and deemed it wise and just and fair that the extreme features found in the House bill should be modified so that the Chinaman who is here on June 1 should have the chance of establishing that fact hereafter.

It is undoubtedly the purpose of the bill to segregate these people by this enumeration, which shall describe and define and limit them, so that subsequent accessions to this population shall be prevented. That I am free to say, Mr. President. I fully agree to, and I am in sympathy with, the purposes of the bill. The committee did not attempt to strike out that, because it considered that this question had been settled over and over again in important debates which have arisen in Congress, and in important legislation which has been placed upon the statute-book, legislation which has passed the scrutiny of the courts, and which has been decided to be constitutional legislation.

All that great domain which was brought out in the discussion that occurred heretofore in this body and elsewhere about the advisability of legislating so sharply against the spirit of treaties and against a nation with whom we were friendly and with whom we were engaged somewhat in commercial relations, was left outside of the purview of the amendments submitted by the committee.

The committee admitted that that had been settled heretofore; but upon the question of giving protection to the Chinaman who is here, who is upon our hands, whom we have permitted to come and who is found here now, the committee's amendments were based upon the proposition that these people should have the full rights that any people should have in this regard.

That, Mr. President, is the spirit of the bill with the amendments which have been provided for by the Senate Committee on the Census.

Mr. EVARTS. Mr. President, I received only this morning a petition bearing upon the provision which is now under discussion, and as I have not had an opportunity to look at the bill with the amendments, I am somewhat in the dark as to the extent to which the amendments now made by the committee meet the objections on the part of the religious boards that are opposing this provision as it has passed the other House, in reference to their attitude and their missionaries and their relation to China and our obligation. I will ask that this petition may be read now for information, as it is a short statement of the subject.

The Secretary read as follows:

MISSIONARY SOCIETY OF THE METHODIST EPISCOPAL CHURCH.  
150 FIFTH AVENUE, New York, March 31, 1890.

To the Senate of the United States, Washington, D. C.:

The undersigned, corresponding secretaries of the Missionary Society of the Methodist Episcopal Church, respectfully present this our protest against the passage of the bill now pending before your body, and which passed the House of Representatives on the 17th instant, providing that any Chinese found in the United States after a certain date without certificates from the census enumerators shall be liable to deportation or imprisonment.

We would respectfully represent that the spirit of retaliation is rapidly rising in China, and that our missionaries and merchants are in danger from the repeated acts of unfriendly legislation toward the Chinese in this country; that these acts have already gone too far; that there is no national danger to us from the presence of the Chinese now in this country, who number less than 100,000; that they are among the most quiet and inoffensive of all the immigrants within our borders; that they are seldom found in our jails or in our poor-houses; that it would be a great outrage to add this additional act of injustice to the rigid measures already passed against these people.

The society which we represent has large interests in China. We have four separate missions, with 75 American missionaries, associated with whom are nearly 70 ordained native preachers, besides a large number of unordained preachers, with over 5,000 native Christians connected with our churches; with church property and mission-houses valued at over \$160,000, besides orphanages, schools, hospitals, and printing-presses valued at over \$50,000. Societies

of other Christian denominations in this country have similar large interests. Our missionaries and our property are gravely imperiled by the proposed additional, unnecessary, and unjustifiable legislation.

In the name of common humanity, in the interest of the fair reputation of our beloved country, and in the interest of continued peaceful relations between us and the greatest nation of the Orient, we protest against the proposed enactment, and beg the Senate to wait until the Christian sentiment of the United States can be heard upon this subject.

C. C. McCABE,  
J. O. PECK,  
A. B. LEONARD,  
Corresponding Secretaries.

Mr. HALE. The subject-matter of this memorial was before the committee and is covered by the amendment at the end of section 6. As the House of Representatives left this bill, there was no exception to its provisions, excepting consular and diplomatic officers and their attendants. The Senate committee reported the amendment which is found at the end of section 6, which includes all of the classes referred to in the petition which has been presented by the Senator from New York, and leaves that as it is at present, so that merchants, travelers, students, missionaries, if there are any, and in fact any person other than laborers shall be unrestricted, because the committee considered that the fundamental proposition upon which our Chinese legislation has proceeded was the exclusion of laborers, the element that comes into competition with American labor, and it found on investigating the statutes that the distinction had been carefully maintained. Therefore the amendment which was submitted by the committee is in the interest of the Chinese merchant, traveler, student, and in fact all others than laborers, and that amendment has been reported and read to the Senate and already adopted.

Mr. STEWART. Mr. President, I wish to make one suggestion in reply to the memorial which has been read. If the good people who sent that memorial here would go into any country where the Chinese are and see how they drive out churches and other institutions which are necessary to civilization, they would not be in the way of excluding Chinamen from this land. If we wish to maintain churches and school-houses in this country and maintain them in their perfection, as we do in some sections, we must exclude the Chinese. Where you establish one school-house or one church in China, the presence of 50,000 or 100,000 of those people here will drive out ten times the number in our own country. If these good people would go and see the spectacle which is presented on the Pacific coast and wherever these Chinamen resort, and see the effect which their presence has upon our society and our people, it would soon be manifest to them that the little good which they can hope to accomplish in China would amount to nothing as compared with the evil which the Chinese by their presence inflict on our country.

Mr. EVARTS. Mr. President—

Mr. HALE. I wish to say, if the Senator from New York will permit me, that, so far as I am concerned, I should have been willing to go further and stronger in the way of exclusion than the bill does as reported from the Census Committee of the Senate. I did not vote for all the amendments in the committee, but I am here and now representing the sentiment and voice of the committee in ameliorating, as I think it does in many respects, fairly and wisely, some of the provisions of the House bill.

I fully agree with the Senator from Nevada [Mr. STEWART] that if the gentlemen who are behind this petition, and others having that feeling, would go to the Pacific coast and see this population and be about where it lives and exists for a few days, many of the feelings which they honestly harbor and which are represented in their petitions here would disappear.

The amendments of the committee are all in the direction of making the bill less severe, and I fear it has gone so far that it may be difficult even to make its provisions operate to the exclusion of Chinese who are not here already.

Mr. EVARTS. Mr. President, it will not, I think, be safe for the Senator from Nevada or the Senator from Maine to assume that these able and eminent men, distributed all over this country in the Methodist connection and in all the other religious societies of this land, had not fixed their eyes on the question of the Chinese and the Chinese here, nor on the inconveniences or the enormities, if I may use a large word, connected with their presence here. I know no right we have to suppose that this large and organized and ever-active religious sentiment and obedience is not as attentive to the welfare of this country as the Senators here are, and I know their eyes are more prevalent in these investigations than those that we have.

Mr. President, I have always been from the beginning, and am now, for the exclusion of Chinese immigration. Every step that has been taken has been taken with my concurrence, either in this place or in other forms of authority. I except, however, what I must regard as a great error, the course taken when the Chinese treaty was still pending.

As I have said to the Senator from Maine, I spoke somewhat in the dark, wholly in the dark, as to this provision, and I ask that as the Senator pointed it out it may now be read.

Mr. HALE. The Secretary had better read the whole of section 6, because the first part of it to line 7 shows how the other House left the bill, and the succeeding part shows that we have adopted all the provisions under the present law and treaty with reference to other persons.



The PRESIDING OFFICER. The section will be read as indicated.

The SECRETARY. Section 6—

Mr. EUSTIS. I should like to ask the Senator from Maine a question. Leaving out of view this proposed law, what is the condition of a Chinaman who is in this country in violation of the exclusion act?

Mr. HALE. Will not the Senator state that question again, so that I may see just what class of Chinamen he is inquiring about?

Mr. EUSTIS. Suppose that a Chinaman is to-day in the United States, and he is in the United States in violation of the exclusion act, what is his condition as regards the Government? Can he be punished?

Mr. HALE. He can be deported.

Mr. EUSTIS. I know; but can he be punished? Is it a criminal offense?

Mr. HALE. I am not certain about that. He can be deported.

Mr. EUSTIS. I know he can be deported. What I want to know is whether he can be prosecuted criminally.

Mr. HALE. I am not certain about that.

Mr. STEWART. Oh, no; he can not.

Mr. EUSTIS. He can not?

Mr. STEWART. No.

Mr. EUSTIS. Mr. President, it strikes me as a little strange that the Census Committee, which is a committee charged, as I understand, with simply the duty of having the population of this country enumerated and charged with the duty of having a census taken, for instance, in regard to occupations, and so on, should undertake to report to the Senate a bill which has nothing to do with the question of census, but has a great deal to do with the question of not only municipal police, but of international-law relations and obligations, and by what is called an amendment to the census law to present for our consideration questions which have nothing whatsoever to do with the census, to provide penal statutes with reference to a certain class of people residing in the United States by reason of treaty rights, to subject them to peculiar degradation, to give what I would consider just cause of complaint by a foreign government, a government which we consider within the range of the family of nations, a civilized government with which we have entered into solemn treaties, with which nation we are engaged in important and valuable commercial relations, a nation which from our standpoint up to this time has no right to complain of what the Congress of the United States has thought proper to do with regard to this important question, but a nation which we all know has not submitted to our legislation without some feeling of resentment and some feeling of indignation.

Now, for us, without any cause, without any necessity, without any provocation, to aggravate and to intensify that feeling, to cause more irritation between our Government and the Chinese Government, to reopen wounds which have been healing, by a proposition which is brought from the Census Committee, by a measure that has no possible connection with the question of enumeration or the question of census, seems to me most remarkable.

While I have voted in favor of every exclusion act which has been proposed in Congress and while I have believed that that legislation, harsh and stern as it may appear to the Chinese Government, has been necessary and wise, I do not feel prepared to go beyond the point which we have reached and to offer what I consider an insult to the Chinese nation and to the Chinese Government. I for one am prepared to insult foreign governments when it is necessary to do so, when it is necessary to maintain and preserve the dignity and the power of our Government; but why, in the absence of any provocation whatsoever, should we provide in taking a census that this people shall wear a tag like animals, for it will be as degrading to them to receive this chromo, this engraving for their identification, as it would be to carry any badge to exhibit to the public that they are subject to the suspicions of our Government and are therefore a degraded people? We propose to spend \$100,000 to present these Chinese laborers with engravings, pictures of themselves, to have a vast Chinese picture gallery at the expense of our Government, to have hundreds of additional Republican enumerators, and for what? To discover whether a Chinaman has a right to be in this country or not, to identify him.

Why, Mr. President, we have laws upon that subject already in existence. We have stringent laws, rigid laws, governing the question of excluding the Chinese from our territory and their right to reside in our territory. I think that the Census Committee ought to adopt some other mode than the mode here proposed. If they want to increase the expenditures for this census and to increase their vast army of enumerators, it can be done without presenting to the Chinese residents of our country chromos and engravings. A leather tag would be much cheaper. I have no doubt that you could buy one for 10 cents and tie it to a string and let a Chinaman wear it around his neck.

Mr. President, I am not pandering to the feeling on the Pacific Slope. I am not prepared to vote for a law which accomplishes no beneficial purpose. If the laws excluding the Chinese are not sufficiently severe, if they are not sufficiently comprehensive, if there are loop-holes and gaps in those laws by which evasions are made on the part of the Chinese, let amendments be proposed to those laws, and I shall vote for those amendments, as will every Democratic Senator in this Chamber, as we have done in the past. We have been the advocates of Chinese

exclusion. It was during the administration of Mr. Cleveland that the most exclusive of all Chinese exclusion acts was passed. We stand on that platform to-day.

You have a race prejudice against these Chinese. So have I. I avow it. I proclaim it. I say that there is such a thing as antagonism of races. You deny it when it comes to the question of the negro and the white man. You say that the negro is not the inferior of the white man; that he is the equal of the white man; that he can live in harmony and in peace with the white man; that the white and colored races can share the responsibilities and duties of Government; that they can march shoulder to shoulder and advance in the great strides of civilization; that they can build up social order, promote the greatness and prosperity and majesty of our great country and of our great Government. We have denied that principle. We believe that God Almighty has created different races in this world; that the Chinese race is a different race from the Anglo-Saxon race; that the African race is a different race from the Anglo-Saxon race; and we Democrats and Southern Senators have voted upon this Chinese question in order to prevent and avoid those terrible collisions and terrible conflicts which are likely to arise between those different races. We have voted in order to secure peace and prosperity to the Pacific Slope when we have heard the appeals from our fellow-countrymen that the enormous influx of the Chinese race should be arrested. We have set treaties aside and passed laws in order to exclude that foreign race and that foreign element in favor of the Anglo-Saxon race because we believe that this is a white man's country and a white man's Government.

That is not your platform. Those are not your doctrines. Those are not your proclaimed beliefs. You are ready at any sacrifice to make war upon the Chinese race, but you ask us to keep in lovable embrace the African race, which is inferior to the Chinese race in every respect.

And now you come forward with a proposed law which asks us to go much further than we have ever gone. That is the reason why I ventured to propound to the chairman of the committee the inquiry what was the necessity for this legislation. I say that if we are to reopen this question of Chinese exclusion, let it be done in a proper way and not under disguise and concealment, under the sham and mockery of taking a census. We have a Committee on Foreign Relations; we have a Committee on the Judiciary; we have committees which can carefully scrutinize these measures, who can weigh these important questions, who can consider these important matters, and let us know whether or not we shall promote the interests of our people and of our Government by furnishing material for further irritation and further provocation to arise between the Chinese Government and the American Government.

I repeat, sir, that upon the naked proposition of absolutely excluding the Chinese I have voted every time in favor of that proposition, and I propose to do it in the future; but here you have a measure which degrades a class of people, insults a foreign Government, puts an indelible stigma upon a foreign nation, places our Government in a false position and in a false attitude, ay, even making it a penal offense, a penitentiary offense, for a Chinaman not to answer the enumerator's questions that he may propound to him, whereas under existing law that is not an offense with regard to any other class of people, as I understand.

I say, Mr. President, that the Census Committee has bowed down to this House bill, which, in my judgment, is the most outrageous bill that was ever sent to this body. The idea that a Chinese student, a Chinese merchant, a Chinese scholar, a Chinese scientist, as the House bill proposes, should be required to have an engraving, or chromo, or picture of himself in order that he shall be identified while he is in this country, not only by virtue of treaty rights and treaty obligations, but by virtue of treaties which were made at the solicitation of our Government, and not at the solicitation of the Chinese Government!

Mr. DAWES. Why should a Chinese laborer carry around his neck a ticket-of-leave any more than a Chinese student?

Mr. EUSTIS. That is what I do not understand.

Mr. HALE. There is nothing of that kind provided for in the bill.

Mr. EUSTIS. I will say that the Senate Census Committee have eliminated from the bill that feature, and, as amended by them, it allows Chinese noblemen and Chinese merchants and Chinese scientists to be relieved from wearing that badge of degradation.

If it be the purpose to have a census of the Chinese, if that be the object of the measure, I think that is fully and amply covered by existing statutes. If that be not the object of the measure, as I understood the Senator from Maine to intimate very candidly and very clearly, I say that this is too important a question for us to deal with in this way. Our trade with China is exceedingly important. We are in competition to-day with Germany and with England in securing the advantage of that trade. It is known to us that the Chinese people and the Chinese Government are to-day engaged in vast works of public improvement. There is great competition for influence with regard to that people and with regard to our Government; and while we have felt it our duty to exclude the Chinese laborer from our territory, and we have done that by prohibitory and stringent laws, while I approve and justify that legislation, I see no necessity why the Chi-

nese Government and the Chinese people shall be insulted, affronted, and degraded by the Committee on the Census of this body.

Mr. BERRY and Mr. HALE addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HALE. Before the Senator from Louisiana sits down, I should like to ask him if he does not perceive that the object of the bill, aside from the mere taking of an enumeration of the numbers of the Chinese, is to carry out the settled policy of the Government as shown by its legislation in the past, in which he says he has willingly participated, of excluding Chinese laborers from coming in hereafter? That is the only object. It is no degradation to the Chinaman who is here that there shall be afforded to him an opportunity of showing by a certificate which the Government gives to him free that he may remain here, and that no rude hand can be laid upon him to molest him in that right. It is not a tag, as the Senator says, that is to be hung about his neck as a badge of degradation, but it is to show what is the number and who are the persons from China who are here on the 1st day of June, and to let them remain here, while it is to exclude others who come in afterwards and are coming in all the time.

The Senator may declaim as much as he will about his desire to participate in the exclusion theory with reference to Chinese, unless the Senate passes this bill or some such bill as this hundreds and thousands of them will come in from month to month and from year to year, as they are now coming in. The object of the bill is to prevent that.

Mr. EUSTIS. Mr. President—

The PRESIDING OFFICER. The Chair has recognized the Senator from Arkansas [Mr. BERRY].

Mr. EUSTIS. I merely want to answer the Senator from Maine in a few words.

Mr. BERRY. I yield to the Senator from Louisiana.

Mr. EUSTIS. I was admitting that to be the object and purpose of the bill. That is a matter with which the Census Committee has nothing whatever to do, in my judgment.

Mr. HALE. The other House sent the bill over here as a proposition from the Census Committee of the House, and the Senate referred it to the Census Committee, and as we all know, as the Senator from Arkansas [Mr. BERRY] knows, whom I do not wish to interrupt, we found the matter before us and dealt with it accordingly.

Mr. BERRY. Mr. President, I think the Senator from Louisiana [Mr. EUSTIS] wholly misunderstands the scope of the amendments which have been adopted by the Senate committee. The argument he made would apply very well, I admit, to the bill as it came from the other House, but it does not apply to the bill reported with amendments from the Senate committee.

I agree with all the Senator from Louisiana has said on the race question. I believe with him that there are race antagonisms which can not be reconciled, and so long as it is attempted there will be irritation and friction. I agree with the Senator from Louisiana that the Senator from Maine and others who agree with that Senator are wholly inconsistent when they make rigid laws against the Chinese and treat them as an inferior race and entitled to no rights, and at the same time claim that the African is the equal in all respects with the white man and should be protected in every privilege. For that reason and for the same reason that has actuated the Senator from Louisiana, I have voted for every Chinese exclusion bill that has arisen since I have been a member of the Senate. But it seems to me that what the Senator from Louisiana says in regard to race questions and his argument in favor of these Chinese do not agree. I am upon the same line that I have been, while he seems disposed to part company.

The object and purpose of the bill as it came from the other House was, as avowed by the California delegation which appeared before our committee, to carry out the act of 1884, which excluded Chinese laborers from this country. The act of 1884 was passed under a treaty with China which authorized us to exclude Chinese laborers from this country, and was passed for that effect. It was claimed by the Representatives from the Pacific coast, Democrats and Republicans (every Representative from California, I believe, and the Senator from Oregon appeared before the committee), that that law was being constantly evaded by Chinese, who crossed from British Columbia, from Vancouver's Island, and from Mexico and other points, and were coming in by the hundreds, in violation of the law of Congress. They claimed that it was necessary to have a registration of the Chinese who are here now and entitled to remain. The committee of the Senate believed that the provisions of the bill as it came from the other House were harsh and unjust and would operate to exclude some of those who are already here and who have a right to remain.

The bill as it came to the Senate provided that the sole evidence of the right of a Chinaman to be here ninety days after the 1st day of June should be the certificate given by the supervisor of the census.

I for one believed that that was unjust, that it was not right, and I fought the provision from the beginning until the time the bill was reported. A majority of the committee agreed with me, and we amended the bill so as to authorize any one who did not have the certificate, who failed to receive it from the enumerator, who by mistake did not get it, to show before a United States court that he was here on the 1st day of June and that he had a right to be here at that time, and when he

did show that that he should receive a certificate from the court. That is one of the Senate committee amendments to which I say the entire delegation from the Pacific Slope objected, but it was passed by the Senate committee over their objection and we provided that it should be done.

The bill as it came from the other House furthermore practically excluded all merchants, all students, all missionaries, and all travelers in this country who should not be here on the 1st day of June. They had a representative before the committee, General Foster, who was formerly minister to Mexico, and, I think, to Spain, who appeared in their behalf. He advocated these amendments, which, as I understood him, would be entirely satisfactory to those he represented, the Chinese merchants and others of the country, if they were adopted.

The Senate committee did adopt an amendment by which no man is excluded under this measure who is not already excluded by the law of 1884. The Senate committee amendments, I repeat, leave every man who has a right to come under the present law so that he still has the right. Then the only effect of the bill will be simply to register those who have a right to be here and who are now here. It excludes no Chinaman who has a right to come in under the present law, but, on the contrary, it affords protection to those who are here by showing that they have been registered and hereafter their right to have been here on the 1st day of June can not be questioned. If they have a certificate it is an absolute protection to them from being deported from the country on the ground that they have come here since that time.

As I said, and I repeat, every member from the Pacific Slope objected to these amendments and fought them from the very beginning, and as I understand to-day they are opposing them in the other House and will insist upon the bill as it passed that body. The amendments that were adopted by the Senate committee were in the interest and for the protection of the Chinese. The bill as amended by the Senate committee does not exclude any Chinaman who now has a right to come, but it will have the effect to keep out laborers who, under the present law, have no right to be here.

Mr. President, I for one am opposed to the Chinese coming here. As I said awhile ago, I sympathize to a great extent with the feeling on the Pacific Slope, that these people, an alien race, who have nothing in common with the white people of this country, ought not to be permitted to come, and that as to those who are excluded by the present law such a law should be passed as will keep them out.

Therefore, I say that the bill as amended by the Senate committee can do no injury to them, but, on the contrary, it will afford a protection to those already here. It will exclude those from coming in who are violating the law which is now upon our statute-book. Therefore, I think the bill should be passed as proposed to be amended by the committee.

Mr. HALE. Mr. President, only a few words, because it is getting late, and I should be glad, if practicable, to reach a vote. I merely wish to call the attention of the Senate to the point made by the Senator from Louisiana that there is something like putting a stigma upon the Chinese population which is here, by granting this certificate. So far from that being the fact, all the legislation in connection with the treaty that now exists in reference to the dealing with these people provides for the method of certification. No student, however earnest may be his desire to become indoctrinated or informed upon our institutions, who comes here for that purpose; no merchant, however large may be his dealings with his fellow-men; no missionary, however beneficent may be his object; no professor, however learned he may be, under the law that the Senator from Louisiana has helped to make can now set foot upon this shore without a certificate identifying him, describing him, a chromo, if the Senator chooses to call it, tied about his neck, because early in this controversy it was learned that some method of discriminating between persons allowed to come here and persons not allowed should be fixed upon, and the certification was so fixed. It is for protection, and not as a disgrace.

Mr. President, the course of legislation upon this subject has been clear and plain and in one direction. Under the acts of 1882 and 1884 Chinese laborers departing were allowed to return. Hundreds and thousands and tens of thousands came into this country without certificates, which were furnished by the law and which nobody believed were a stigma or disgrace to them, and the courts in San Francisco and other ports were crowded with thousands of cases wherein it was claimed that they had a right to land, because it was alleged in their affidavits and testimony furnished that they came in during the time between 1880 and 1882, when the first exclusion act was passed. Congress legislated, if possible, to cover that in the act of 1888 known as the Scott exclusion act, which is simple, clear, plain, decisive, ruthless if you choose so to call it, in its provisions. It declares in a few sections—

That from and after the passage of this act it shall be unlawful for any Chinese laborer who shall at any time heretofore have been, or who may now or hereafter be, a resident within the United States, and who shall have departed—

No matter what his certificate—

or shall depart therefrom, and shall not have returned before the passage of this act, to return to or remain in the United States.

All the previous legislation that sought to regulate departures and



returns was swept away by that act, which has been decided to be constitutional by the courts of the United States. Now, the communities where this population is found, the entire Pacific Slope without distinction of party, come to us and say that they labor under a grievance which involves not the treatment of these people who are here, but the constant inflow and accession of thousands who are coming in against the act that was adopted in 1888, and that the only protection which exists on that coast (unless the Senator from Louisiana wants to invalidate the whole law in its scope and spirit) is to segregate the population that is here now by a system of certification that shall take the place of all other certifications, that is open and free to every Chinese person on the 1st day of June, and that shall be the rule to be followed hereafter, and the limitation as to the extent of Chinese population.

The Senator may disguise his act as much as he chooses, he may declaim about his allegiance to the proposition of exclusion, but I tell him (and the whole Pacific coast delegation are a unit upon that subject), unless you here and now do pass a bill, this or another like it, that gives the certification so that you may identify this population, thousands and tens of thousands of Chinamen will come in over the border, north and south, and you have no law to regulate it. It is the imploring appeal again of the Pacific coast population that Congress shall here and now, taking advantage of the occasion of this census which enables us to seize upon this subject and legislate upon it, give them protection against the thousands of Chinese who are coming in. That is all there is in the bill.

The Senator says that it is a new departure; that it is more extreme than any other measure. I deny it. As the House bill stands to-day, amended by the amendments that have been reported from the Committee on the Census, it is only in the line of carrying out the proposition that was assented to in the Scott exclusion law of 1888. It is only to breathe the breath of life into that act. It is only to prevent the incursion, the coming in of thousands more and more every year of these people. That is the whole scope and purpose.

The Committee on the Census, confronted with this proposition referred to them by the Senate, passed upon by the committee in the other House, having to act upon it, recognized that there were provisions in the bill which were unduly severe and struck them out. But they did not, and I venture to say that that committee never will, depart from the original purpose of the bill, and that is to make effective the legislation that has heretofore been built up by Congress to exclude new Chinese persons from coming in. I say again that, disguise it as the Senator may, his opposition to this bill is in opposition to the vital purpose of it, which is one of exclusion of more and more of this element from coming here.

Mr. EVARTS. Mr. President, I had asked while I had possession of the floor that the amendment might be read, and thereupon the Secretary was proceeding to read it, and this debate sprang up. I now ask that the sixth section be read.

The PRESIDING OFFICER. Section 6 will be read by the Secretary.

The Secretary read as follows:

SEC. 6. That the preceding sections shall not apply to Chinese diplomatic or consular officers or their attendants, who shall be admitted to the United States under special instructions of the Treasury Department, and be entitled to remain without production of other evidence than that of personal and official identity, when such identification is required.

Mr. HALE. So far that is the House proposition. What follows, as the Secretary will read it, is the amendment that the Senate Census Committee has put upon the bill.

The Secretary read as follows:

And every Chinese person other than a laborer who may enter the United States after the enumeration herein required shall have been concluded and who shall be the bona fide holder of the certificate prescribed by section 6 of an act entitled "An act to amend an act entitled 'An act to execute certain treaty stipulations relating to Chinese,' approved July 5, 1884, and who shall have entered the United States in conformity with the requirements of said act approved July 5, 1884, shall be deemed to be lawfully entitled to be and remain in the United States.

Mr. EVARTS. Mr. President, I believe that I am not alone in finding this bill now presently presented for passage a new one. This bill has been passed by the other House and sent up here and referred to a committee, and during that process no attention, perhaps, is drawn on the part of Senators to the bill pending. Now, it is produced to-day. The Senator from Maine, with great intelligence, and, I have no doubt, with great fidelity, assures me that the amendments proposed by the committee cover all the objections of this religious community that I have brought to the notice of the Senate. There is, however, as appears, an opinion which seems to be somewhat substantial, and that is, that in the provisions of this bill, besides what accompanies a census and an identification, there are also some provisions of a penal character that are connected with the continuance in this country of those who are not entitled to remain here. Am I right in that opinion?

Mr. HALE. Undoubtedly.

Mr. EVARTS. Now, that does not belong to a census enumeration. A census enumeration is to learn who the people are, who are here; and this method of identification is not to be objected to if the legislation itself, and with which I am now finding no quarrel, is right. The

process or the method that is necessary to identify these peculiar people in order to execute our rightful authority as shown in our law-making is not to be found fault with. If there be an extravagance or an oppression or an opprobrium in the method, that is a subject of criticism by itself, and I am assured by the Senator from Maine that those elements are not in this bill.

Mr. President, why should this census bill proceed into the region of crimes legislation? Unless I can receive some reason beyond what suggests itself to me from my general views and purposes in regard to legislation, I can not see that it belongs in a census-enumeration bill. But it is impossible for me, and I must assume that there are others on this floor who are unable to form their own judgments regarding this somewhat complex bill, which partakes of the innocent character of census and also of an efficient probable agency of prospective criminal legislation. I would ask, therefore, that this matter might go over till another day, that we may have an opportunity to examine it.

Mr. HALE. I have no objection, as it is late, that the bill shall go over, provided an agreement can be reached as to some particular time when it can be taken up and finished. I do not believe it will take much more time in debate, and meanwhile Senators can have an opportunity to examine it. I will ask the Senator from Massachusetts who is in charge of the Montana resolutions, which will undoubtedly give rise to extended and long debate, whether he objects, if his measure is not displaced as the unfinished business, to this bill being taken up to occupy some brief time on Monday morning after the routine business.

Mr. HOAR. I am hardly at liberty to answer the question of the Senator from Maine just now, because I would have to consult some absent Senators, who have something to do with that case, as to the course to be pursued on Monday. I do not think there will be any difficulty in getting the bill up, however.

Mr. VOORHEES. Will the Senator from Maine yield to me for a motion to adjourn?

Mr. HALE. My remarks were preliminary to that motion. I do not propose to keep the Senate here longer to-day.

Mr. HOAR. Before a motion to adjourn is made I should like to put a question to the Senator from Maine about this bill. He can answer it in one-half minute.

Mr. VOORHEES. Certainly.

Mr. HOAR. It is a question about its machinery. If there is anything in the point, he may want to consider it before the bill comes up again. If I understand a hasty reading of this bill, anybody found without the certificate—

Mr. VOORHEES. I am informed by Senators on the other side of the Chamber that it is desirable to have a short executive session. That being the case, I withdraw my motion for an adjournment.

Mr. HALE. Will the Senator withhold the motion for a moment?

Mr. VOORHEES. Certainly.

Mr. HOAR. Let me complete my question to the Senator from Maine, please, which I had half put. The bill provides that a person found without the certificate shall either be imprisoned or sentenced to deportation, of course at the expense of the United States, because the judgment of deportation is to be executed. A later section, section 8, provides that when a Chinese person wishes to depart he shall not be at liberty to depart unless he produces his certificate or shows what in substance is an excuse for the loss of the same, or something of that kind. I wish to ask the Senator from Maine why it is that if a man is departing, leaving the country at his own expense, it is worth while to arrest him and have a trial of him simply for the sake of carrying him out of the country at the expense of the United States.

Mr. HALE. The Senator has got it just wrong, and I am glad he has asked the question. It is necessary to have some alternative discretion that the court may exercise where a Chinaman comes, being ready to depart, without a certificate. Otherwise, if he is to be sent home, not at his own expense, but at the expense of the Government, unless you have some alternative provision allowing the judge the right to put a penalty upon the Chinaman, whenever he has got such accumulations as satisfy him, and he is ready to depart, he will destroy his certificate.

Mr. STEWART. Or sell it.

Mr. HALE. Or sell it to another man, and he will come up and will be adjudged as having no right to be here and will go back at the expense of the Government. To prevent that, which has been an evil already, the provision was put in that there should be an alternative of punishment.

Mr. MITCHELL. The Senator from Indiana yields to me for a moment.

Mr. VOORHEES. I have agreed with the Senator from Wisconsin [Mr. SAWYER] to move a short executive session. I now yield the floor to the Senator from Oregon [Mr. MITCHELL].

Mr. HALE. Will the Senator from Oregon let me make a statement simply about the order of business?

Mr. MITCHELL. Certainly.

Mr. HALE. I propose to ask the Senate on Monday morning, directly after the routine business, to take this bill up and finish it. It is not agreed upon, because the Senator from Massachusetts can not confer with Senators who then have the floor on the Montana case, but I

have no doubt I can make that arrangement and have the unfinished business postponed for an hour or two, if that shall be necessary.

Mr. MITCHELL. I desire to occupy the attention of the Senate just one minute. I was not aware that this bill was to be called up this evening and was unavoidably absent from the Senate Chamber, and coming here I find that it is up, which I regret, as I desired to propose two or three amendments. As the bill is to go over I wish now to suggest the amendments, which I think are very important, because on an examination of the bill I am perfectly satisfied that the effect of one or two of the amendments that have been made by the committee is wholly and entirely different from that intended, as I think they will find upon a careful examination.

Mr. HALE. The Senator means by that to say that the committee has gone too far in its amendments?

Mr. MITCHELL. Certainly.

Mr. HALE. That is the Senator's belief, I have no doubt.

Mr. MITCHELL. I believe that. Of course this is not an exclusion bill. It is not intended to be an exclusion bill. This is a bill to enforce the provisions of the Constitution in relation to the taking of the census. If it were an exclusion bill, then of course I would desire it to go very much further; but what I mean to say is just what I did say precisely in the first place, that I hardly think the effect of the amendments that have been offered by the committee is precisely what the committee intended. I think they have been led into an error. I think they will find that out on a careful examination of the case.

Mr. HALE. Which way?

Mr. MITCHELL. I think they have been led into this error: I think they have made an amendment here which, if finally adopted, would be an absolute repeal of the Scott exclusion act. That is what I mean. Now, that was hardly intended, I presume.

Mr. HALE. No, it was not. The Senator is not alone in this fear. Other representatives from the Pacific coast fear that the amendments reported by the committee not only emasculate the Scott law in its action, but the previous settled legislation of Congress.

Mr. MITCHELL. I have no doubt about it at all.

Mr. HALE. I do not think so.

Mr. MITCHELL. I will state my amendments that they may go into the RECORD and may be considered when the bill comes up again. I shall move when the proper time comes to strike out the words "prior to," in line 3, on page 5, section 4, and insert in lieu thereof the words "on the 17th day of November, 1880, and so continued until." Then I would move again as a second amendment—

Mr. HALE. Let these amendments be taken down and printed.

Mr. MITCHELL. They are being taken down for the RECORD, I suppose.

Mr. PIERCE. In what line was the Senator's first amendment?

Mr. MITCHELL. The first amendment is, in line 3, section 4, page 5, to strike out the words "prior to" and insert in lieu thereof "on the 17th day of September, 1880, and so continued until."

The second amendment I suggest is to strike out the words "and every," in line 7 of section 6, on page 6, and to insert in lieu thereof "nor shall it apply to any."

The third amendment I would suggest is to insert, after the words "holder of," in line 10, on page 6, section 6, the words "and entitled to."

The next amendment I would suggest is to strike out the following words, in lines 16 and 17, on page 6, section 6: "shall be deemed to be lawfully entitled to be and remain in the United States," and to insert in lieu of those words the following: "but said certificate may be controverted and the facts therein stated disproved by the authorities of the United States."

That is all I wish to say at this time.

#### EXECUTIVE SESSION.

Mr. VOORHEES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until Saturday, April 5, 1890, at 11 o'clock a. m.

#### NOMINATIONS.

*Executive nominations received by the Senate the 3d day of April, 1890.*

##### SURVEYOR-GENERAL OF NEVADA.

George F. Turritin, of Winnemucca, Nev., to be surveyor-general of Nevada, *vice* Charles W. Irish, to be removed.

##### RECEIVERS OF PUBLIC MONEYS.

John J. Lambert, of Pueblo, Colo., to be receiver of public moneys at Pueblo, Colo., *vice* Jonathan B. Kilbourn, whose term of office will expire April 15, 1890.

George C. Thaxter, of Carson City, Nev., to be receiver of public moneys at Carson City, Nev., *vice* Edmund James, whose term of office will expire April 10, 1890.

#### REGISTERS OF THE LAND OFFICE.

Henry C. Olney, of Gunnison, Colo., to be register of the land office at Gunnison, Colo., *vice* Frank P. Tanner, to be removed.

James I. Fleming, of Ottumwa, Kans., to be register of the land office at Topeka, Kans., *vice* John L. Price, whose term of office will expire April 13, 1890.

#### PENSION AGENTS.

Edward H. Harvey, of Paw Paw, Mich., to be pension agent at Detroit, Mich., *vice* Robert McKinstry, whose term of office will expire April 15, 1890.

John G. Mitchell, of Columbus, Ohio, to be pension agent at Columbus, Ohio, *vice* Gilbert H. Bargar, whose term of office will expire April 27, 1890.

#### INDIAN AGENTS.

Charles S. Kelsey, of Montello, Wis., to be agent for the Indians of the Green Bay agency in Wisconsin, *vice* Thomas Jennings, whose term of office will expire April 14, 1890.

James McLaughlin, of Fort Totten, N. Dak., to be agent for the Indians of the Standing Rock agency in North Dakota, whose term of office will expire April 19, 1890. (Reappointment.)

#### FIRST DEPUTY AUDITOR OF THE TREASURY.

Alexander F. McMillan, of Michigan, to be Deputy First Auditor of the Treasury, to succeed Orrin B. Hallam, whose resignation has been accepted to take effect on the 30th day of April, 1890.

#### POSTMASTER.

William W. Winterbotham, to be postmaster at Eau Claire, in the county of Eau Claire and State of Wisconsin, in the place of Hiram P. Graham, removed.

#### CONFIRMATIONS.

*Executive nomination confirmed by the Senate March 31, 1890.*

#### POSTMASTER.

Patrick E. McMurray, to be postmaster at Jacksonville, in the county of Duval and State of Florida.

*Executive nominations confirmed by the Senate April 3, 1890.*

#### UNITED STATES ATTORNEY.

Frank D. Allen, of Massachusetts, to be attorney of the United States for the district of Massachusetts.

#### PROMOTIONS IN THE ARMY.

##### Second Regiment of Cavalry.

First Lieut. Edward J. McClernand, to be captain.

Second Lieut. Francis G. Irwin, jr., to be first lieutenant.

##### Fourth Regiment of Cavalry.

Maj. Anson Mills, of the Tenth Cavalry, to be lieutenant-colonel.

##### Tenth Regiment of Cavalry.

Capt. Stevens T. Norvell, to be major.

First Lieut. Levi P. Hunt, to be captain.

Second Lieut. William H. Smith, to be first lieutenant.

#### SURVEYOR OF CUSTOMS.

Frank N. Tillinghast, of New York, to be surveyor of customs for the port of Greenport, in the State of New York.

#### RECEIVER OF PUBLIC MONEYS.

Edmond W. Eakin, of Blunt, S. Dak., to be receiver of public moneys at Pierre, S. Dak.

#### COLLECTORS OF CUSTOMS.

George M. Gleason, of New York, to be collector of customs for the district of Oswegatchie, in the State of New York.

William Davis, of Mississippi, to be collector of customs for the district of Natchez, in the State of Mississippi.

Freeland H. Oaks, of Maine, to be collector of customs for the district of Saco, in the State of Maine.

#### POSTMASTERS.

Isaac T. Nichols, to be postmaster at Bridgeton, in the county of Cumberland and State of New Jersey.

Howard A. Clement, to be postmaster at Haddonfield, in the county of Camden and State of New Jersey.

Mrs. Emma C. Noble, to be postmaster at Raton, in the county of Colfax and Territory of New Mexico.

John P. McKnight, to be postmaster at Hiawatha, in the county of Brown and State of Kansas.

William J. Henry, to be postmaster at Lindsborg, in the county of McPherson and State of Kansas.

James F. Clough, to be postmaster at Sabetha, in the county of Nemaha and State of Kansas.

James A. Cochran, to be postmaster at Colorado City, in the county of El Paso and State of Colorado.



## HOUSE OF REPRESENTATIVES.

THURSDAY, April 3, 1890.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of Tuesday, April 1, was read and approved.

The Journal of the proceedings of yesterday was read and approved.

## PROTEST AGAINST THE IMPOSITION OF DUTY ON HIDES.

Mr. LODGE. Mr. Speaker, I desire to offer a memorial, and ask that the prayer be printed in the RECORD.

The memorial was read, as follows:

NEW ENGLAND SHOE AND LEATHER ASSOCIATION,  
234 DEVONSHIRE STREET,  
Boston, March 24, 1890.

*The honorable the Ways and Means Committee of the  
National House of Representatives, Washington, D. C.:*

SIRS: The undersigned, manufacturers of leather and shoes and dealers in leather and articles produced from leather, believe that any duty imposed upon raw hides and skins would be very detrimental to one of the largest business interests of New England and the Middle States, and that it would increase the cost to the consumer of every pair of shoes produced in this country.

It is also the opinion of all leading houses that the imposition of any duty would cause great embarrassment to the large export trade, now amounting to \$10,000,000 or \$12,000,000 annually, and tend to drive it to the Dominion of Canada, where labor and materials for tanning are much lower than they are in the United States.

For these and many other reasons which could be enumerated we respectfully and earnestly protest against the proposed duty.

[Applause on the Democratic side.]

The SPEAKER. Is there objection to having the memorial printed in the RECORD?

Mr. SPRINGER. Oh, no; let it be printed in the RECORD two or three times.

The SPEAKER. The Chair hears no objection, and the memorial will be printed in the RECORD and referred to the Committee on Ways and Means.

## SUPPRESSION OF TRUSTS.

Mr. BLANCHARD. Mr. Speaker, I present a memorial of members of the Farmers' Alliance of Winn Parish, Louisiana, signed by 952 farmers, indorsing the action of the National Farmers' Alliance and Industrial Union at the meeting held in the city of St. Louis on the 3d of December last, and asking, further, for the enactment of laws for the suppression of trusts. I ask unanimous consent to print the memorial, exclusive of the names, in the RECORD, and that the memorial be referred to the Committee on Ways and Means.

The SPEAKER. Without objection, the request of the gentleman from Louisiana will be granted. The memorial will be referred to the Committee on Ways and Means and printed in the RECORD. The Chair hears no objection.

The memorial is as follows:

WINNFELD, La., January 10, 1890.

*To the honorable the Senators and Representatives in the United States Congress:*

We, your petitioners, with respect, represent that at a regular meeting of the Winn Parish Farmers' Union, of the State of Louisiana, held this day, resolutions were passed indorsing heartily and without reserve the action of the National Farmers' Alliance and Industrial Union at the meeting held in the city of St. Louis, Mo., on the 3d day of December last, relative to the demands to be made on the Congress of the United States at the present session.

Would further represent that in the opinion of this Parish Union the time has come when the farmers of the United States must appeal to their trusted Representatives in Congress for relief against the robbery and oppression of trusts and monopolies.

Therefore we most earnestly pray that you exert all possible means to procure the passage of such measures as may be introduced at the request of the joint committee of the National Farmers' Alliance and Industrial Union and the Knights of Labor.

Hon. GEO. A. KELLY,  
Winnfield, La., Chairman,  
S. R. NEWSOM,  
Flat Creek, La.,  
JAS. M. FLETCHER,  
Montgomery, La.,  
Committee on Memorial.  
R. L. TANNEHILL,  
President, Winnfield, La.  
H. L. BRIAN,  
Secretary, Millsborough, La.

[SEAL.]

## RELIEF FROM TRUSTS, ETC.—PENSIONS.

Mr. STONE, of Missouri, obtained unanimous consent to have printed in the RECORD the following resolution adopted by the Farmers and Laborers' Union of Jasper County, Missouri, praying for certain legislation; which was referred to the Committee on Ways and Means:

[Resolutions of Liberty Union, No. 464.]

Whereas we know beyond doubt that unless the masses of our people are speedily relieved through the enactment of laws which will prevent the favored few from robbing the many, as they have been doing for years, we will soon be a nation of millionaires and paupers, thus creating conditions calculated not only to provoke widespread disorder, but to endanger the very existence of our governmental institutions; and although we do not believe that Congress has robbed the people outright, we do believe that the laws enacted by Congress during the last thirty years have been in the interest of capital and against labor, in the interest of the favored few and against the many:

We therefore beseech Hon. GEORGE G. VEST and Hon. F. M. COCKRELL, our Senators, and Hon. W. J. STONE, as Representative, as well as other Senators and Representatives who love their country, to devise such means and enact such laws as will relieve the suffering masses of our nation and save them from

ruin, and at the same time to preserve this Government from danger and destruction. The people of the United States are willing for the Shylocks to keep the wealth which they have robbed the people of, inasmuch as the process of robbing was done under the forms of law; but we ask for laws to stop the process of robbing before the industrial classes are overwhelmed with utter exhaustion.

Through class legislation we have been forced into our present deplorable condition; through legislation we wish to be relieved. We ask for laws that will be just alike to the creditor who loans money and the debtor who borrows it; to the manufacturer who furnishes capital and to the operative who does the work; and especially to the consumer who pays for all. We ask for laws to protect agriculture, the foundation of all prosperity, from the plundering manipulation of trusts and combines—trusts which wage wars alike upon the producer and consumer. And

Whereas we still believe that if Congress knew what legislation we need and ask for we would not ask in vain, as the true policy of all legislation should be to protect the weak against the strong, the just against the unjust: Therefore, *Be it resolved, first, That we ask Congress to enact laws, with heavy penalties, prohibiting trusts and combines of all kinds which tend to reduce prices received by the producer or to raise prices paid by the consumer.*

2. That we ask Congress to pay particular attention to Armour and his meat trust, the most damnable robbers' den on this continent, by which the producers as well as the consumers of the country are robbed of millions every year. We would like to see it decided in the near future whether the "big four" combination is all-powerful or whether our Government has yet the will, the energy, and the power to check them in their unholy career.

3. We ask for unlimited coinage of silver, and that paper money be issued by the Government direct in sufficient amounts for all commercial and industrial purposes, and which shall be a legal tender for all debts of the nation. We also ask for a sufficient amount of fractional paper currency.

4. We ask that the laws regulating tariff on imports be revised so that a tariff for revenue only shall be collected, and that it shall be placed as much as possible on articles of luxury. We, the members of the Farmers and Laborers' Union of Jasper County, Missouri, do not ask for any other protection for our products than to be protected from the greed of high protectionists themselves.

5. We ask that all lines of public communication and transportation shall be owned and controlled by the people, and that equitable rates be everywhere established on the basis of the United States postal system.

6. We ask that all lands donated to railroads which have not been earned by a literal compliance with the terms of the grants be reclaimed by the Government, and that not another acre of public land be donated or sold to corporations or syndicates, and that all lands heretofore purchased or obtained from the Government by misrepresentation or any unlawful means shall be reclaimed by the Government and held for actual settlers.

7. We ask that our patent laws be so amended as to prevent the renewal of patents on any invention after the expiration of the legal term for which the patent has been granted.

8. We ask that a law be enacted that the next census of the United States shall show what proportion of the citizens of this country occupy their own homes and farms; what proportion of the homes and farms are under mortgage, and what percentage is so mortgaged. We need official evidence on these points to prove that those who are trying to make us believe we are living in an era of unprecedented prosperity are either not informed or are trying to mislead us; for we know beyond a doubt that this great nation is fast coming to a point when the middle classes will be obliterated and we will have but two classes of citizens, landlords and tenants, millionaires and paupers.

9. That we will not vote for any man for public office unless we know him to be qualified and trustworthy, and who will not indorse the declarations of principles of our order, of which the above resolutions are a part.

10. That a copy of these resolutions be sent to Hon. GEORGE G. VEST and Hon. F. M. COCKRELL, Senators, and Hon. W. J. STONE, Representative from our Congressional district, and a copy to the Journal of Agriculture, the official organ of the Farmers and Laborers' Union of Missouri, for publication.

D. W. ALGEO, President.  
C. L. HAYZLETT, Secretary.

Also, the following resolution adopted by the Zincite Post, 356, Grand Army of the Republic, Department of Missouri, in regard to pensions; which was referred to the Committee on Pensions:

*Resolved, That the members of Zincite Post, No. 356, Grand Army of the Republic, Department of Missouri, in post meeting assembled January 17, 1890, do approve, by a unanimous vote, of the disability, service, and arrears of pension bills as presented to Congress by General Hovey, and that a copy of this resolution be forwarded to General Hovey and to our Representative, Hon. W. J. STONE, with an urgent request for their immediate passage.*

W. J. HOLDEN, Commander.  
D. G. VANDAMANT, Adjutant.

## ORDER OF BUSINESS.

Mr. SPRINGER. Unless some gentleman desires to offer another remonstrance against the imposition of a tax on hides, I will demand the regular order.

The SPEAKER. The gentleman from Maine [Mr. DINGLEY] desires to ask unanimous consent for the consideration of a matter.

## FUR-SEALS OF ALASKA.

Mr. DINGLEY. I ask to take from the Calendar a bill which is unanimously reported from the Committee on Ways and Means, and for which there is urgency for its immediate passage.

The Clerk read as follows:

A bill (S. 3025) to enable the Secretary of the Treasury to gather full and authentic information as to the present condition and preservation of the fur-seal interests of the Government in the region of Alaska, as compared with its condition in 1870; also, full information as to the impending extinction of the sea-otter industry, and kindred lines of inquiry, etc.

*Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to appoint some person well qualified by experience and education a special agent for the purpose of visiting the various trading stations and native settlements on the seal islands, the Aleutian Archipelago, the peninsula of Alaska, and adjacent islands, for the purpose of collecting and reporting to him all possible authentic information upon the present condition of the seal fisheries of Alaska, the effect and extent of whatever injury has been inflicted upon them by pelagic sealing, the present status of the sea-otter industry, together with like information respecting the fur-bearing animals of Alaska generally; the statistics of this fur trade, and the condition of the people or natives of Alaska who are dependent upon the successful prosecution and perpetuation of the seal and sea-otter industries; such agent to receive as compensation the sum of \$10 per day while actually thus employed, and to remain thus employed only as long as the Secretary of the Treasury deems it best for the full development of this inquiry, with all actual and necessary traveling expenses incurred*

therein, to be paid out of any moneys in the Treasury of the United States not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BRECKINRIDGE, of Kentucky. What committee unanimously reported it?

Mr. DINGLEY. The Committee on Ways and Means. It is reported by request of the Treasury Department also. I may say I think there is no objection to it, but on the contrary there is great necessity for immediate action. The necessity arises from this state of facts:

Under the authority of an act similar to this, passed in 1870, the Secretary of the Treasury sent Prof. Henry W. Elliott, of the Smithsonian Institution, to the Alaskan seal islands to make an investigation of the extent of the herds of fur seal and measures necessary to prevent their extinction. Professor Elliott made a very able report on the subject, which was subsequently revised by him and published as a census monograph.

On the basis of this report the Secretary of the Treasury has framed regulations for the protection of the herds of seal on these islands, and has determined the number to be killed each year. During the past three years poachers have slaughtered so large a number of female seals in the waters of Behring Sea adjacent to the seal industry as to seriously reduce the herds. As under the contract recently entered into by the Government with the sealing company which made the highest bid, about \$10 per skin is to be paid into the Treasury, and the Secretary of the Treasury is to determine the number of seals to be killed each year, it is of the utmost importance that the Treasury Department should have authority to send an agent to these islands, thoroughly informed on the subject, to resurvey the herds of seals, with a view of having information which will enable him to determine such number under the new contract.

It is important also that the Treasury Department should have reliable information as to the condition of the sea-otter industry, on which the Aleuts largely depend for existence, and also as to the condition of the natives themselves.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DINGLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### CLAIMS OF MISSOURI MILITIA.

Mr. HEARD. I ask unanimous consent to take up the bill (S. 430) to authorize the Secretary of the Treasury to cause to be examined certain vouchers filed or to be filed by the State of Missouri, or her agent or agents, for sums claimed to be due from the Government of the United States on account of payments made by said State since April 22, 1882, to the officers and enlisted men of her militia forces for military services rendered to the United States in the suppression of the rebellion, as evidenced by the proper pay-rolls heretofore filed with, examined, and accepted by the Government of the United States, and to report to Congress.

Mr. SPRINGER. Pending that, I hope the gentleman from Nebraska [Mr. DORSEY] will be recognized to ask unanimous consent to dispense with the morning hour for this day.

Mr. DORSEY. As there has been one recognition for unanimous consent on this side, I will withhold that motion until the bill called up by the gentleman from Missouri [Mr. HEARD] shall be disposed of.

Mr. PAYSON. What is the present request?

The SPEAKER. The present request is for unanimous consent for the consideration of a bill.

The bill was read, as follows:

A bill (S. 430) to authorize the Secretary of the Treasury to cause to be examined certain vouchers filed or to be filed by the State of Missouri, or her agent or agents, for sums claimed to be due from the Government of the United States on account of payments made by said State since April 22, 1882, to the officers and enlisted men of her militia forces for military services rendered to the United States in the suppression of the rebellion, as evidenced by the proper pay-rolls heretofore filed with, examined, and accepted by the Government of the United States, and to report to Congress.

Whereas it is claimed that there is due from the Government of the United States to the State of Missouri certain sums on account of payments made by said State since April 22, 1882, to the officers and enlisted men of her militia forces, for military services rendered to the United States in the suppression of the rebellion, as evidenced by the proper pay-rolls of said military organization, bearing the names of such officers and enlisted men, and which said pay-rolls are now on file in the office of the Third Auditor of the Treasury, and have heretofore been examined, accepted, and paid upon by the Government of the United States: Therefore,

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the proper accounting officers of the Treasury Department to examine the vouchers now on file, or which may hereafter be filed by the State of Missouri, or her agent or agents, for moneys expended by the said State of Missouri since April 22, 1882, for military services rendered to the United States in the suppression of the rebellion by the officers and enlisted men of the militia forces of the said State of Missouri, whose names are borne on the proper pay-rolls of their respective military organizations, and which said rolls are now on file in the office of the Third Auditor of the Treasury, and have heretofore been examined, accepted, and paid upon by the Government of the United States, and to report to Congress, at the earliest practicable day, the result of such examination, and the amount, if anything, which appears to be due to said State, according to the laws of the United States, on account of the expenditures so made.

Mr. HEARD. The Clerk has read the Senate instead of the House bill. The House bill is offered as a substitute for the Senate bill, and limits the appropriation for auditing these accounts to nine hundred and odd dollars.

The SPEAKER. The Senate bill has to be read first before the House bill can be offered as a substitute.

Mr. HEARD. I understand that, but wished to call attention to the limitation in the House bill which distinguishes it from the bill read.

The Clerk read the substitute, as follows:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to cause the proper accounting officers of the Treasury Department to examine the vouchers now on file or which may hereafter be filed by the State of Missouri, or her agent or agents, for moneys expended by the said State of Missouri since April 22, 1882 (not to exceed the sum of \$1,000 in the aggregate), for military services rendered to the United States in the suppression of the rebellion by the officers and enlisted men of the militia forces of the State of Missouri, whose names are borne on the proper pay-rolls of their respective military organizations, and which said rolls are now on file in the office of the Third Auditor of the Treasury and have heretofore been examined, accepted, and paid upon by the Government of the United States, and to report to Congress, at the earliest practicable day, the result of such examination and the amount, if anything, which appears to be due to said State on account of the expenditures so made.

Mr. HEARD. I want just one minute in which to explain this bill. It provides for the auditing of the remainder of what the State claims to be due on account of these demands, a part of which was formerly paid, and there being now nine hundred and ninety-odd dollars due. This bill provides simply for the auditing of the accounts and a report to Congress; and, if there is any reason why they should not be paid, Congress will have the opportunity for discovering it and of refusing to pay the claim. This bill has passed the Senate three times, but failed to pass the House.

Mr. KILGORE. I desire to make an inquiry concerning it. If I understand correctly, this is a proposition to have the Government of the United States ascertain the amount paid by the State of Missouri to its militia for service during the war.

Mr. HEARD. Under certain conditions the State organized, equipped, and maintained a certain militia force, and for the expense of this the State was to be reimbursed by the Government of the United States. A portion of it was paid, and this is for the remainder—nine hundred and ninety-odd dollars. This bill authorizes the accounting officer of the Government to audit these claims and see if they are correct, and, if so, to report the amount due to Congress for its action.

Mr. KILGORE. It goes no further than that?

Mr. HEARD. Oh, no; it limits the amount to be audited to \$1,000.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HEARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ORDER OF BUSINESS.

Mr. DORSEY. I ask unanimous consent that the morning hour be dispensed with.

Mr. PAYSON and Mr. SIMONDS objected.

The SPEAKER. Objection is made. The morning hour begins at twenty minutes of 12 o'clock, and the call rests with the Committee on Rivers and Harbors.

Mr. BAKER. Mr. Speaker, I thought the Committee on Commerce had the floor.

The SPEAKER. The gentleman from New York [Mr. BAKER] has got that idea too firmly fixed in his mind. [Laughter.] The call is with the Committee on Rivers and Harbors.

Mr. HENDERSON, of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Rivers and Harbors be passed without prejudice.

There was no objection, and it was so ordered.

#### COASTWISE SAILING VESSELS.

The Committee on Merchant Marine and Fisheries was called.

Mr. HOPKINS. Mr. Speaker, on behalf of the Committee on Merchant Marine and Fisheries I call up the bill (H. R. 1003) exempting American coastwise sailing vessels piloted by their licensed masters, or by a United States pilot, from the obligation to pay State pilots for services not rendered. The bill is on the House Calendar.

The bill was read, as follows:

Be it enacted, etc., That the local inspectors mentioned in section 4442 of the Revised Statutes may, upon application, examine the master or mate of any sailing vessel of the United States employed in the coastwise trade, and if satisfied from personal examination of the applicant and proof which he offers that he possesses the requisite knowledge, experience, and skill, they shall grant such master or mate a license for the term of two years to pilot such vessel, or any other sailing vessel belonging to the same owners, in such ports, harbors, or waters within the limits of such inspection district as may be prescribed in his license, with the same liability to suspension or revocation as licenses given to pilots of any steam-vessel under the laws of the United States; and no such sailing vessel shall be licensed or shall be held or obliged to take any other pilot in any such port, or be compelled to pay any charges or fees to any pilot for pilotage services offered and declined under the pilotage laws or regulations of any State.

Sec. 2. That no sailing vessel of the United States employed in the coastwise trade taking and having the aid or towage of a steam-vessel into or out of any port of the United States, when such steam-vessel is in command of a licensed pilot for such port under the laws of the United States, shall be obliged to take any other pilot in any such port, or, declining the offer or tender of pilotage services in such port of any pilot appointed under the laws or regulations of any State, be compelled to pay any fee or charges to such State pilot.

Sec. 3. That so much of the last clause of section 4441 of the Revised Statutes as is inconsistent with this act is hereby repealed.

Sec. 4. That this act shall take effect six months after its passage.

The committee recommended an amendment, inserting, after the word



"owners," in the eleventh line of section 1, the words "employed in the coastwise trade."

The SPEAKER. The question is upon agreeing to the amendment. Mr. CUMMINGS. Mr. Speaker, is it in order to raise the question of consideration at this time?

The SPEAKER. The Chair thinks it is.

Mr. CUMMINGS. Then I raise the question of consideration.

The question was taken; and there were—ayes 70, noes 86.

Mr. HOPKINS. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 93, nays 107, not voting 128; as follows:

## YEAS—93.

Adams,	Dalzell,	Mason,	Simonds,
Allen, Mich.	De Haven,	McComas,	Smith, Ill.
Andrew,	Dingley,	McCord,	Smith, W. Va.
Banks,	Dorsey,	McCormick,	Springer,
Bartine,	Farquhar,	McKinley,	Struble,
Hayne,	Featherston,	Milliken,	Sweeney,
Belknap,	Flick,	Moffitt,	Taylor, Ill.
Bingham,	Gear,	Moore, N. H.	Taylor, E. B.
Bliss,	Greenhalge,	Morey,	Thomas,
Boothman,	Groat,	Morrill,	Townsend, Colo.
Brewer,	Hall,	Morse,	Townsend, Pa.
Buchanan, N. J.	Hansbrough,	Niedringhaus,	Vandever,
Burton,	Hitt,	Nute,	Van Schaick,
Candler, Mass.	Hopkins,	O'Donnell,	Walker, Mass.
Cannon,	Ketcham,	Osborne,	Wallace, N. Y.
Carter,	Kinsey,	Owen, Ind.	Wheeler, Mich.
Clark, Wis.	Lacey,	Payne,	Whigham,
Cogswell,	Laidlaw,	Peters,	Willcox,
Comstock,	Lansing,	Pickler,	Williams, Ohio
Conger,	Laws,	Randall, Mass.	Wise,
Connell,	Lee,	Ray,	Wright.
Craig,	Lehlbach,	Reed, Iowa	
Culbertson, Pa.	Lind,	Rowell,	
Cutcheon,	Lodge,	Scully,	

## NAYS—107.

Abbott,	Crisp,	Lester, Ga.	Robertson,
Anderson, Kans.	Cummings,	Lester, Va.	Rogers,
Anderson, Miss.	Davidson,	Lewis,	Rowland,
Baker,	Dibble,	Magner,	Sayers,
Barnes,	Dockery,	Mansur,	Scranton,
Barwig,	Elliott,	Martin, Ind.	Seney,
Biggs,	Enloe,	Martin, Tex.	Shively,
Blanchard,	Ewart,	McClammy,	Skinner,
Bland,	Finley,	McClellan,	Stewart, Ga.
Boatner,	Fithian,	McCreary,	Stewart, Tex.
Bowden,	Flower,	McMillin,	Stewart, Va.
Breckinridge, Ky.	Forney,	McRae,	Stockbridge,
Brickner,	Fowler,	Montgomery,	Stockdale,
Brookshire,	Geisshainer,	Morgan,	Stone, Ky.
Brown, J. B.	Gibson,	Morrow,	Stone, Mo.
Brunner,	Goodnight,	Mudd,	Tillman,
Buchanan, Va.	Grimes,	Mutcher,	Tucker,
Bunn,	Hare,	Oates,	Turner, Ga.
Bynum,	Hatch,	Owens, Ohio	Turpin,
Campbell,	Haugen,	Parrett,	Walker, Mo.
Caruth,	Haynes,	Paynter,	Washington,
Cheadle,	Herbert,	Pennington,	Wheeler, Ala.
Chipman,	Hooker,	Pierce,	Whiting,
Clancy,	Kerr, Pa.	Price,	Wike,
Clarke, Ala.	Lane,	Raines,	Wilkinson,
Coleman,	Lawham,	Reilly,	Wilson, Mo.
Cowles,	Lawler,	Reyburn,	

## NOT VOTING—128.

Alderson,	Cothran,	Kelley,	Rusk,
Allen, Miss.	Covert,	Kennedy,	Russell,
Arnold,	Crain,	Kerr, Iowa	Sanford,
Atkinson, Pa.	Culbertson, Tex.	Kilgore,	Sawyer,
Atkinson, W. Va.	Dargan,	La Follette,	Sherman,
Bankhead,	Darlington,	Maish,	Smyser,
Beckwith,	Dolliver,	McAdoo,	Snider,
Belden,	Dunnell,	McCarthy,	Spinola,
Bergen,	Dunphy,	McKenna,	Spooner,
Blount,	Edmunds,	Miles,	Stahnecker,
Boutelle,	Ellis,	Mills,	Stephenson,
Breckinridge, Ark.	Evans,	Moore, Tex.	Stivers,
Brosius,	Fitch,	Norton,	Stump,
Brower,	Flood,	O'Ferrall,	Tarsney,
Browne, T. M.	Forman,	O'Neill, Ind.	Taylor, J. D.
Browne, Va.	Frank,	O'Neill, Mass.	Taylor, Tenn.
Buckalew,	Funston,	O'Neill, Pa.	Thompson,
Bullock,	Gest,	Outhwaite,	Tracey,
Burrows,	Gifford,	Payson,	Turner, Kans.
Butterworth,	Grosvener,	Peel,	Turner, N. Y.
Caldwell,	Harmer,	Perkins,	Venable,
Candler, Ga.	Hayes,	Perry,	Wade,
Carlisle,	Heard,	Phelan,	Wallace, Mass.
Carlton,	Hemphill,	Post,	Watson,
Caswell,	Henderson, Ill.	Pugaley,	Whitthorne,
Catchings,	Henderson, Iowa	Quackenbush,	Wiley,
Cheatham,	Henderson, N. C.	Quinn,	Williams, Ill.
Clements,	Hermann,	Randall, Pa.	Wilson, Ky.
Clunie,	Hill,	Richardson,	Wilson, Wash.
Cobb,	Holman,	Rife,	Wilson, W. Va.
Cooper, Ind.	Houk,	Rockwell,	Yardley,
Cooper, Ohio			Yoder.

So the House refused to consider the bill.

The following-named members were announced as paired until further notice:

Mr. THOMAS M. BROWNE, with Mr. RANDALL, of Pennsylvania.

Mr. WADE with Mr. NORTON.

Mr. EVANS with Mr. PERRY.

Mr. ATKINSON, of Pennsylvania, with Mr. FORMAN.

Mr. KENNEDY with Mr. YODER.

Mr. ATKINSON, of West Virginia, with Mr. ALDERSON.

Mr. SHERMAN with Mr. TRACEY.

Mr. DE LANO with Mr. COTHRAN.

Mr. GROSVENOR with Mr. BLANCHARD.

Mr. NIEDRINGHAUS with Mr. CATOWINGS.

Mr. STIVERS with Mr. RICHARDSON.

Mr. FINLEY with Mr. CANDLER, of Georgia.

Mr. THOMPSON with Mr. CULBERSON, of Texas.

Mr. BURROWS with Mr. COBB.

Mr. BELDEN with Mr. FITCH.

Mr. DUNNELL with Mr. HAYES.

The following members were announced as paired on this vote:

Mr. WALLACE, of Massachusetts, with Mr. KILGORE.

Mr. GROSVENOR with Mr. ELLIS.

Mr. HENDERSON, of Iowa, with Mr. HOLMAN.

Mr. KNAPP with Mr. DARGAN.

Mr. QUACKENBUSH with Mr. CARLTON.

Mr. SAWYER with Mr. CRAIN.

Mr. SPOONER with Mr. CARLISLE.

Mr. MILES with Mr. BULLOCK.

Mr. RUSSELL with Mr. RUSK.

Mr. YARDLEY with Mr. BLOUNT.

Mr. BROSIUS with Mr. CLEMENTS.

Mr. RIFE with Mr. BANKHEAD.

Mr. POST with Mr. CLUNIE.

Mr. O'NEILL, of Pennsylvania, with Mr. McADOO.

Mr. BECKWITH with Mr. ENLOE.

The following-named members were announced as paired on all political questions for this day:

Mr. BROWNE, of Virginia, with Mr. VENABLE.

Mr. PERKINS with Mr. BRECKINRIDGE, of Arkansas.

Mr. SPINOLA and Mr. COVERT were announced as paired on this bill.

Mr. HOUK and Mr. McMILLIN were announced as paired on all political questions for April 1 and 2.

Mr. DARLINGTON and Mr. MOORE, of Texas, were announced as paired on all political questions from the 28th of March until Monday week.

Mr. TAYLOR, of Tennessee, and Mr. O'NEALL, of Indiana, were announced as paired on all political questions from March 24, 1890, to April 13, 1890, both days inclusive.

Mr. FLOOD and Mr. HENDERSON, of Illinois, were announced as paired on all political questions from March 21, 1890, until further notice.

Mr. FINLEY. Mr. Speaker, I am paired with the gentleman from Georgia [Mr. CANDLER] on political questions; but, not regarding this as a political question, I have voted.

On motion of Mr. CUMMINGS, the recapitulation of the names of members voting was dispensed with.

The result of the vote was then announced as above recorded.

The SPEAKER. The call is with the Committee on the Merchant Marine and Fisheries.

Mr. FARQUHAR. The committee have no business on the Calendar, and if there is any time remaining I ask that it be reserved.

The SPEAKER. If there are no more bills there is no more time. [Laughter.]

## INTERNATIONAL ARBITRATION.

The Committee on Foreign Affairs was called.

Mr. HITT. Mr. Speaker, by direction of the committee, I call up Miscellaneous Document No. 113, which is the Senate concurrent resolution as to differences between nations.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, February 14, 1890.

Resolved by the Senate (the House of Representatives concurring). That the President be, and is hereby, requested to invite, from time to time, as fit occasions may arise, negotiations with any Government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two Governments which can not be adjusted by diplomatic agency may be referred to arbitration, and be peaceably adjusted by such means.

Mr. HITT. This resolution of the Senate has received the unanimous assent of the Committee on Foreign Affairs.

The question being taken, the resolution was concurred in.

## SEIZURE OF SCHOONER REBECCA AT TAMPICO.

Mr. HITT. By direction of the Committee on Foreign Affairs I call up the resolution which I send to the desk, being Miscellaneous Document No. 165.

The Clerk read as follows:

Resolved, That the President be requested, if it is not inconsistent with the public interests, to send to the House of Representatives copies of all correspondence between the United States and Mexico relating to the seizure, at port of Tampico, of the schooner Rebecca, in February, 1884, said schooner having left the port of Margan in January, 1884.

The resolution was adopted.

## FOREIGN GIFTS AND DECORATIONS FOR UNITED STATES OFFICERS.

Mr. HITT. On behalf of the Committee on Foreign Affairs I call up the joint resolution which I send to the desk.

The Clerk read as follows:

Joint resolution (H. Res. 93) authorizing the heirs of Rear-Admiral Charles H. Baldwin to receive a snuff-box from the Czar of Russia.

*Resolved by the Senate and House of Representatives, etc.,* That the heirs of the late Rear-Admiral Charles H. Baldwin, United States Navy, be, and hereby are, authorized to receive the snuff-box set in diamonds presented to the rear-admiral by the Czar of Russia while he was special naval representative of the Government at the coronation of the Emperor in 1883.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HITT. I am directed by the committee to call up the joint resolution which I send to the desk.

The Clerk read as follows:

Joint resolution (H. Res. 120) authorizing Henry Vignaud to accept from the President of the French Republic a diploma of Commander of the Legion of Honor.

*Resolved by the Senate and House of Representatives, etc.,* That Henry Vignaud is hereby authorized to accept from the President of the French Republic a diploma of Commander of the Legion of Honor.

Mr. HITT. The circumstances and the reasons on which this joint resolution is based appear fully in the report, which, without detaining the House, I will publish in connection with my remarks:

Mr. ROCKWELL, from the Committee on Foreign Affairs, submitted the following report (to accompany H. Res. 120):

The Committee on Foreign Affairs, to whom was referred the memorial, together with letter of Secretary of State, to permit Henry Vignaud to receive the decoration of Commander of the Legion of Honor, respectfully report:

That a bill conferring on Henry Vignaud the decoration of the Legion of Honor was carefully considered by the Committee on Foreign Affairs of the Forty-eighth Congress, and portions of the report then made are found, after further careful consideration, to present the facts and conclusions so justly that your committee adopt such portions of said report as their own.

Henry Vignaud is a citizen of the United States who has long been known to the reading world, especially in Europe, for his writings on questions of international law, philosophy, and political science. The series of articles in the *Mémorial diplomatique*, in which, through that able and dignified periodical, he vindicated the American position in the celebrated controversies growing out of the Alabama claims, drew the attention of thinkers on both sides of the Atlantic, and contributed powerfully to form a correct public opinion in Europe and insure the success of American diplomacy.

"The French Government, in pursuance of its liberal policy of recognizing achievements in science, art, invention—in all that contributes to the welfare of the human race, among not only Frenchmen, but foreigners, inscribed his name in the Legion of Honor, and the decoration of the order was bestowed upon him.

"Mr. Vignaud's wide knowledge and discreet counsel had been constantly given with patriotic alacrity to our legation during the troublesome days of 1870 and 1871, and often through subsequent years. He was of invaluable assistance at the time of the settlement of the Alabama-claims dispute. In 1878 he was induced by Minister Washburne to accept the post of second secretary.

"The Legion of Honor is an order of merit, originally instituted by the French Republic, after abolishing orders of nobility, and founded upon republican principles, recognizing the absolute equality of man, without regard to birth, fortune, race, or occupation."

Last year, in further recognition of Mr. Vignaud's character as a thinker and writer, especially on questions of public law and international intercourse, and following the extraordinary solemnities by which the French Republic celebrated the national anniversaries of both countries, the 4th of July for America and the 14th of July for France, the French Government conferred upon him the diploma of commander of the Legion of Honor.

Your committee see no reason why our Government should refuse permission to him to accept an expression intended to convey to the world evidence of the esteem in which an American citizen is held by our sister Republic.

Your committee therefore report and recommend the adoption of the accompanying bill.

DEPARTMENT OF STATE, Washington, February 5, 1890.

SIR: I have the honor to transmit to you herewith, for the information and consideration of your committee, a copy of a dispatch to this Department from our minister at Paris concerning a decoration of the Legion of Honor which has been tendered to Mr. Henry Vignaud, secretary of our legation at Paris, for services rendered by him at the recent international exhibition.

I respectfully recommend that permission be granted to Mr. Vignaud to accept the above-named decoration, subject to the provisions of the second section of the act of Congress approved January 31, 1881.

I have the honor to be, sir, your obedient servant,

WILLIAM F. WHARTON, Acting Secretary.

Hon. ROBERT R. HITT.

Chairman Committee on Foreign Affairs, House of Representatives.

No. 33.]

LEGATION OF THE UNITED STATES, Paris, July 29, 1889.

SIR: I have the honor to send herewith a decoration of commander of the Legion of Honor, which has been presented to Mr. Vignaud by the French Government, and which he desires me to send to the Department, accompanied by his request that Congress be asked to grant him permission to accept it. This decoration was in no way solicited by Mr. Vignaud. It followed the unusual celebrations this year of anniversaries of the two countries, the 4th and the 14th of July, both of which were observed by the French Government, and it was tendered by the President through Mr. Spuller as a compliment to the United States, in whose diplomatic service Mr. Vignaud has been for many years, and as a mark of special regard for him.

Mr. Vignaud has been found a most valuable public servant, and I respectfully commend his request to your favorable consideration.

A copy and a translation of the note from the foreign office transmitting the same are herewith inclosed.

I have the honor to be, very respectfully, your obedient servant,

WHITELEW REID.

Hon. JAMES G. BLANE, Secretary of State.

[Translation.]

Mr. Spuller to Mr. Reid.

PARIS, July 13, 1889.

Mr. MINISTER: It is very agreeable to me to make known to you that the President of the Republic, desiring to give a special mark of its high esteem for Mr. Vignaud, first secretary of your legation, who resides since a long time in Paris, has, on my proposition, promoted him to the grade of commander of the Legion of Honor. I am happy to have been able to advocate the titles Mr. Vignaud has acquired to this high distinction, and I shall take care to transmit

to you before long the insignia of the order, so that you may have the pleasure of handing them to him yourself.

Please accept, etc.,

Mr. WHITELEW REID,  
Minister of the United States, Paris.

E. SPULLER.

LEGATION OF THE UNITED STATES OF AMERICA,  
Paris, July 29, 1889.

SIR: The French Government having been pleased to offer me the decoration of commander of the Legion of Honor, I respectfully request that the necessary application be made to Congress to enable me to accept it.

I have the honor to be, very respectfully, your obedient servant,

HENRY VIGNAUD.

Hon. JAMES G. BLANE, Secretary of State.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. HITT. I call up House joint resolution No. 121.

The Clerk read as follows:

Joint resolution (H. Res. 121) authorizing Lieut. Aaron Ward, United States Navy, and Capt. H. C. Cochran, United States Marine Corps, to accept from the President of the French Republic diplomas of the Legion of Honor.

*Resolved by the Senate and House of Representatives, etc.,* That Lieut. Aaron Ward, United States Navy, and Capt. H. C. Cochran, United States Marine Corps, are hereby authorized to accept from the President of the French Republic diplomas of the Legion of Honor.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HITT. I am also directed by the committee to call up House joint resolution No. 68.

The Clerk read as follows:

Joint resolution (H. Res. 68) authorizing Capt. George S. Anderson, Sixth Cavalry, to accept from the President of the French Republic a diploma conferring the decoration of chevalier of the National Order of the Legion of Honor.

*Resolved by the Senate and House of Representatives, etc.,* That Capt. George S. Anderson, Sixth Cavalry, is hereby authorized to accept from the President of the French Republic a diploma conferring upon him the decoration of chevalier of the National Order of the Legion of Honor.

Mr. CHIPMAN. Mr. Speaker, as a member of the Committee on Foreign Affairs I have submitted the views of a minority upon this joint resolution. I have dissented, and do dissent, from all these resolutions, my views upon the subject being embodied in the minority report in this particular case. I do not care to take up the time of the House in discussing the question; but I ask that my views as expressed in the minority report be published in the RECORD.

The SPEAKER. If there be no objection, the views of the minority of the committee will be published in the RECORD.

Mr. HITT. I ask that the report of the committee be also published.

The SPEAKER. In the absence of objection, the report of the committee and the views of the minority will be printed in the RECORD.

There was no objection.

The documents referred to are as follows:

Mr. ROCKWELL, from the Committee on Foreign Affairs, submitted the following report (to accompany H. Res. 68):

The Committee on Foreign Affairs, to whom was referred joint resolution (H. Res. 68) authorizing Capt. George S. Anderson, Sixth Cavalry, to accept from the President of the French Republic a diploma conferring the decoration of chevalier of the National Order of the Legion of Honor, submit the following report:

Last year the French Government invited our Government to send an officer of our Army to France to witness certain maneuvers on a grand scale of the French army. The orders designating Captain Anderson for that service are hereto annexed and made a part of this report. Similar invitations have been extended annually by France to this Government as to those in Europe, and it has been the custom of the great European powers to always send distinguished officers. Twenty-three officers, representing twenty-one foreign Governments, attended last year and followed the maneuvers for ten days and were present at the grand review of the corps at Rouen on September 14. All the foreign officers present received and accepted similar diplomas.

Our system requires an act of Congress to allow the acceptance of such diplomas, and hence this resolution. A similar resolution was reported from this committee and passed the House without objection (being S. R. 59) in the last Congress, authorizing General Baird to accept a diploma. This diploma was given by the French Republic to the officers present as an expression of friendly feeling toward the Governments they represent and as a mark of respect for the position and ability of the officers themselves.

Your committee see no reason why this expression of friendship for the United States and its representative by the sister Republic of France should be refused by this Republic alone among all those Governments to whose representatives similar diplomas were accorded, and therefore recommend that the resolution granting permission to Captain Anderson to accept the diploma be adopted.

[Special Orders, No. 106.]

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,  
Washington, D. C., August 24, 1888.

[Extract.]

By direction of the Acting Secretary of War, Capt. George S. Anderson, Sixth Cavalry, is designated, under an invitation extended by the Government of France, to witness the maneuvers of the Third Corps of the French army, to take place this year. He will proceed to Paris, France, and report to the minister of the United States for such further instructions or information as he may require. Such journeys as he may be required to make under this order, from his station to the place where the maneuvers shall take place and return, via Paris, are necessary for the public service.

By command of Major-General Schofield.

Official: R. C. DRUM, Adjutant-General.

O. D. GREENE, Assistant Adjutant-General.



WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE.  
Washington, D. C., August 24, 1888.

SIR: I have the honor to transmit herewith an order designating you, under an invitation extended by the Government of France, to witness the maneuvers of the French army (Third Corps) to take place this year. The object in designating an officer for this duty is not only to recognize an international compliment, but also to obtain information that will be useful to our Army. The Secretary of War desires you to give particular attention to such matters as are not usually given in text-books, and that, as soon as practicable after your return, you prepare and transmit to this office a report of your observations, embodying whatever may, in your judgment, be of value or interest to the military service of the United States.

Very respectfully, your obedient servant,

J. C. KELTON, Acting Adjutant-General.

Capt. GEO. S. ANDERSON,  
Sixth Cavalry, Fort Myer, Virginia.

VIEWS OF THE MINORITY.

Mr. CHIPMAN, from the Committee on Foreign Affairs, submitted the following minority report:

The acceptance and display by a citizen, and especially by an officer of the United States, of a foreign decoration is a reprehensible act. Our Government is forbidden to confer a title of nobility and its officers to accept any title without consent of Congress. No doubt that body has power to authorize the gentleman named in the resolution to be made a chevalier and to wear the decoration emblematic of chivalry. The question is one of propriety, of true republicanism, of thorough Americanism.

Orders and decorations are mere baubles and are nothing in this country but an evil example, which tends to foster a taste for the vulgarities of royalty. It is true that the decoration in this case is offered by a Republic; but the claim that there is a courtesy which compels our acquiescence for that or for any other reason growing out of international comity is ill-founded. Our moral sense must not be surrendered to complacency. While it is not our province to decide the propriety of the existence of the national order in a popular government, we must not forget that it is the offspring of the first Empire. Whether the retention of it is wise, or even useful in any high sense, is a question for the French people alone. It certainly would be neither wise nor useful here.

Every decoration is a tribute to the latent savagery of human nature, as barbarous in garters and crosses as in scalp-locks and bears' claws. A grown man jeweled and gilded with oriental magnificence is hardly a spectacle of dignity; certainly not of republican simplicity. We have forbidden the court dress to our foreign representatives. We have no distinctive costume for the great officers of the Government, but we do have, unfortunately, a prurient taste in certain classes of our people who imitate foreign manners, and a decorated man is only a provocative to unrepentant appetites.

No doubt the Legion of Honor is a respectable order, its insignia are comparatively modest, and our great respect for the French Republic teaches us high consideration for any institution she cherishes; but even a moderate patriotism demands that the fountain of honor to every American shall be his own country. There is, therefore, no rudeness in deciding that any foreign decoration will be useful neither to the nation nor to its recipient, for we only cling to our own American fashion. The resolution ought not to pass.

Mr. KERR, of Iowa. Mr. Speaker, has this matter been discussed?

The SPEAKER. That is not for the Chair to say. The gentleman has been present and has heard what has transpired.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HITT. I will not occupy further the time of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the adoption of the following resolutions:

Resolved, That the Senate have heard with deep sensibility the announcement of the death of Hon. David Wilber, late a Representative from the State of New York.

Resolved, That the Senate concur in the resolutions of the House of Representatives, providing for the appointment of a special joint committee to take order for attending the funeral of the deceased at his residence in the State of New York, and that the members of the committee on the part of the Senate be appointed by the Vice-President.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

FLAGS OF COLORADO REGIMENTS.

The Committee on Military Affairs was called.

Mr. CUTCHEON. I call up Housebill No. 4553, and yield to the gentleman from New York [Mr. LANSING], who is in charge of the bill.

The Clerk read as follows:

A bill (H. R. 4553) to authorize the Secretary of War to deliver to the State of Colorado the flags carried by Colorado regiments.

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to turn over and deliver to the State of Colorado the flags now in his custody that were carried by the regiments and other military organizations raised and enlisted into the United States service from the then Territory of Colorado during the war of the rebellion.

Mr. LANSING. I understand that by the uniform course of our legislation these Army flags have been turned over to the State authorities. Colorado having been a Territory during the war is now a State; and this bill simply proposes that the same course be pursued with her flags that has been adopted in regard to the flags of other States.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CONVICTIONS BY COURTS-MARTIAL.

Mr. CUTCHEON. On behalf of the Committee on Military Affairs I call up the bill (H. R. 8201) to amend the Articles of War relative to punishment on convictions by courts-martial.

The bill was read, as follows:

Be it enacted, etc., That whenever by any of the Articles of War for the government of the Army the punishment on conviction of any military offense is left to the discretion of the court-martial, the punishment therefor shall not, in time of peace, be in excess of a limit which the President may prescribe.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

WAR SERVICE COMPUTED AS DOUBLE TIME.

Mr. CUTCHEON. I call up, on the part of the Committee on Military Affairs, the bill (H. R. 8394) to amend chapter 67, volume 23, of the Statutes at Large of the United States, for present consideration. The bill was read, as follows:

Be it enacted, etc., That chapter 67 of volume 23 of the Statutes at Large of the United States, being an act entitled "An act to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served as such for a period of thirty years or upward," approved February 14, 1865, be amended so as to read as follows:

"That when an enlisted man has served as such thirty years in the United States Army or Marine Corps, either as private or non-commissioned officer, or both, he shall, by application to the President, be placed on the retired-list hereby created, with the rank held by him at the date of retirement, and he shall receive thereafter 75 per cent. of the pay and allowances of the rank upon which he was retired: *Provided*, That if said enlisted man had war service with the Army in the field, either as volunteer or regular, during the war of the rebellion, such war service shall be computed as double time in computing the thirty years necessary to entitle him to be retired.

Mr. CUTCHEON. I desire on the part of the committee to present an amendment.

Mr. BRECKINRIDGE, of Kentucky. If I caught the provision of the bill from the reading by the Clerk, let me inquire does not this make an appropriation, and is it not liable to the point of order?

Mr. CUTCHEON. No, it calls for no appropriation.

Mr. BRECKINRIDGE, of Kentucky. Does it not increase to the extent here provided the retired-list, and does it not to that extent make a charge upon the Government? In other words, does it not retire those who under other circumstances would not be retired?

Mr. CUTCHEON. If the gentleman will allow me I will make a word of explanation.

Mr. BRECKINRIDGE, of Kentucky. I would like to hear some explanation of the bill.

Mr. CUTCHEON. The Committee on Military Affairs, to which was referred the bill (H. R. 8394) to amend chapter 67 of volume 23 of the Statutes at Large of the United States, report that the existing law is incorporated in the part of this bill which precedes the proviso, the only change being made by the addition of the proviso, in the following words:

*Provided*, That if said enlisted man had war service with the Army in the field, either as volunteer or regular, during the war of the rebellion, such war service shall be computed as double time in computing the thirty years necessary to entitle him to be retired.

This amendment is in strict accord with the resolution adopted at the last national encampment of the Grand Army of the Republic.

The number of the old veterans of the war who still continue as enlisted men of the Army can not be large, and this amendment would have the effect of allowing war service to be computed as double time in making up the required thirty years of service to entitle them to retirement. Probably it would not reduce the period of actual service below twenty-seven years in any case.

The entire number of enlisted men now on the retired-list is 249, and this amendment would only anticipate the date of retirement by the length of war service with the Army in the field.

The committee recommend the passage of the bill.

Mr. BRECKINRIDGE, of Kentucky. I did not hear the reading of the bill; but as far as I did hear it, it seems to me this is a charge upon the Government by making a new class upon the retired-list.

Mr. CUTCHEON. Not at all, but it has the effect of allowing war service to be computed as double time in making up the required thirty years' service to entitle to retirement.

The SPEAKER. It is one of those cases repeatedly decided requiring argument to show it would tend to increase of expenditure. It has been ruled in. It is on the border line.

Mr. CUTCHEON. I hope the gentleman will not insist upon his point of order.

Mr. BRECKINRIDGE, of Kentucky. My impression is from the ruling heretofore it has been ruled in. I do not desire to antagonize the Chair.

Mr. McMILLIN. It is quite apparent, it seems to me, that this authorizes the retirement of parties embraced in the bill at an earlier date under certain contingencies than they would be entitled to under existing law. Inasmuch as their places are filled immediately by others and the retired-list is increased it necessarily increases the charge upon the Treasury, and is subject, I think, to the point of order requiring its first consideration in the Committee of the Whole.

The SPEAKER. The Chair thinks, according to the rulings of former Speakers, it is in order.

Mr. ROGERS. I hope the gentleman will make some explanation. Mr. CUTCHEON. I have already made an explanation, but as it will take but a word or two, I will repeat it.

By the act of 1864 enlisted men who served for thirty years in the Army should go on the retired-list. There are now 249 of these enlisted men. This provides those who have had war service with the Army in the field shall have that service computed as double time. As it is now twenty-five years after the war it would not in effect exceed 50 men.

Mr. ROGERS. Is it confined to service in the war of the rebellion?  
Mr. CUTCHEON. The original act provides—

That when an enlisted man has served as such for thirty years in the United States Army or Marine Corps, either as private or non-commissioned officer, or both, he shall by application to the President be placed on the retired-list hereby created, with the rank held by him at date of retirement, and he shall receive thereafter 75 per cent. of the pay and allowances of the rank upon which he was retired.

This is the same as the original law, but the change which is proposed is contained in the following proviso:

*Provided, That if said enlisted man had war service with the Army in the field, either as volunteer or regular, during the war of the rebellion, such war service shall be computed as double time in computing the thirty years necessary to entitle him to be retired.*

There has been no war since the war of the rebellion and active service in that war is allowed to be computed as double time.

I offer the following amendment.

The Clerk read as follows:

Amend, in line 18, by inserting, after the word "field," the following: "Or in the Marine Corps in active service."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CUTCHEON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### COURTS-MARTIAL.

Mr. CUTCHEON. Mr. Speaker, I now call up the bill (S. 428) to amend article 103 of the Rules and Articles of War.

The bill is as follows:

*Be it enacted, etc., That the one hundred and third article of the Rules and Articles of War be, and the same is hereby, amended by adding thereto the following words:*

"No person shall be tried or punished by a court-martial for desertion in time of peace and not in the face of an enemy, committed more than two years before the arraignment of such person for such offense, unless he shall meanwhile have absented himself from the United States, in which case the time of his absence shall be excluded in computing the period of the limitation: *Provided, That said limitation shall not begin until the end of the term for which said person was mustered into the service.*"

Mr. McMILLIN. Will the gentleman from Michigan in charge of this bill please state what the limitation is now and what change is proposed by this bill?

Mr. CUTCHEON. If the Clerk will read the first paragraph of the report it will state succinctly the purpose of the bill.

I will state, however, that at the present time there is a general limitation upon courts-martial that no person shall be tried for a given offense committed more than two years prior to arraignment. It has been a question under this article of war whether it applied to cases of desertion or not, because the desertion being a continuing offense must be a continuing offense until the expiration of the term of enlistment. This bill is designed to make certain that which has heretofore been uncertain and applies to desertion, providing that the statute of limitation in such cases shall not begin to run until the end of the term of service for which the person was mustered into the service. There is also a provision as to the case where a person has absented himself from the United States.

Mr. McMILLIN. I do not ask for the reading of the report. The gentleman's statement is satisfactory.

The bill was ordered to a third reading; and being read the third time, was passed.

Mr. CUTCHEON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ORDER OF BUSINESS.

Mr. SPRINGER. I now demand the regular order.

The SPEAKER. The regular order is the continuation of the special order, the bill for the admission of the Territory of Idaho.

Mr. CUTCHEON. I hope the gentleman will allow me to introduce one other bill. I have several others, and this will take but a short time.

Mr. SPRINGER. I can not yield, because the time has largely been taken up already, and we are limited to-day.

Mr. DORSEY. I ask unanimous consent that the time for closing the debate on the Idaho bill be fixed at 3.30 to-day instead of 3 o'clock, as a considerable part of the time was taken up on yesterday by the consideration of the appropriation bill.

Mr. SPRINGER. I hope that will be done.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection, and it was so ordered.

#### ADMISSION OF IDAHO.

Mr. DORSEY. Will the Chair be kind enough to state what time has been occupied on either side in the discussion?

The SPEAKER. The Chair thinks each side has occupied about two hours.

Mr. DORSEY. I think that is correct. I yield now to the gentleman from Kansas [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, I would be obliged to the Chair for information as to what length of time I have already consumed?

The SPEAKER. The gentleman occupied twenty-three minutes on yesterday.

Mr. PERKINS. Mr. Speaker, in consequence of the limited time at my disposal I shall be compelled to omit some suggestions that I had intended to make in connection with the consideration of this bill. I desire, however, in the time remaining to me to emphasize as far as practicable the fact that the only objection that has thus far been made by the minority of the committee, and by gentlemen who are opposed to the passage of the bill providing for the admission of Idaho into the Union as one of our States, is the objection that under the constitution which was framed by the people of that Territory and indorsed almost unanimously by them at an election called for that purpose Mormonism is denounced and those who are believers and professors of the practices of Mormonism are discriminated against. In other words, Mr. Speaker, those who believe in polygamous or bigamous practices are disfranchised under this constitution. That is the only objection that has been urged against the passage of the bill.

My friend from Illinois [Mr. SPRINGER] says that is not quite a correct statement of the proposition; he says they only object to that provision of the constitution because such people are disfranchised prior to their arraignment in court and conviction of the offense alleged, and he thinks that a constitution which disfranchises these Mormons because of their belief or because of their practices prior to the time of their indictment and conviction by a court is not right and ought not to be indorsed by this House. That, I repeat, is the only objection made by my friend from Illinois [Mr. SPRINGER] or by the minority of the Committee on the Territories, and I desire the members of this House, those who are friendly to this measure as well as those who are opposed to it, to understand clearly the issue. I want the members who occupy seats upon the floor of this House as well as the country to understand clearly the point of division, and to remember that the only objection that is made by any one, so far as we have heard, to the passage of the bill is that the Mormons who profess and practice and teach the doctrines of their church and believe in them are disfranchised.

My friend says he does not believe in polygamy; the minority of the members of the committee say they do not believe in polygamous practices, but yet they say they do not believe in disfranchising those who do in the Territory of Idaho in advance of conviction in court. But in this connection, Mr. Speaker, I desire to call the attention of my friend from Illinois, the distinguished gentleman representing the minority of the committee [Mr. SPRINGER], to his vote in this House on what is known as the Edmunds act. When that bill was considered in the House my friend took a conspicuous part in the debate and was one of its most active supporters, and that measure disfranchised absolutely in all of the Territories of the United States every man guilty of polygamy or bigamy, no matter whether he was convicted in court or not. The fact that he was guilty of such practices disfranchised him.

But, notwithstanding his vote on that measure, notwithstanding his advocacy of that bill which is to-day the law of Idaho and Utah and of all of the Territories of the United States, notwithstanding his support of it, now he comes forward and says that the bigamist and the polygamist of Idaho ought not to be disfranchised until indicted and convicted in court. The majority members of the Committee on Territories say, as I believe the majority of the members of the House will say when they come to vote on it, that the man who is guilty of these practices, or the man who encourages them, or who encourages the church which teaches them, or believes that the chief allegiance of the citizen is to that church rather than to the United States, should be disfranchised, whether convicted or not. When the Legislature of Idaho, under the constitution, convenes, it will enact legislation to carry into effect this provision. Then a test oath will be provided for as it is now provided for; and, as I said on yesterday, the citizens of that State who can satisfy the judges of election that they are not disqualified by the provisions of the constitution or by the law that may be framed to carry it into effect will be permitted to vote, as they should be.

But, Mr. Speaker, I desire again to call my friend's attention—the gentleman from Illinois—to his action when what is known as the Edmunds act was considered in the House in the Forty-seventh Congress. The distinguished gentleman from Texas [Mr. MILLS] moved to strike out the section disfranchising the polygamists and the bigamists of the Territories, and my friend from Illinois voted against that motion; he voted against the motion to strike out from the Edmunds act the section which disfranchised and disqualified bigamists and polygamists, whether convicted or not; and notwithstanding that vote, which was creditable to him as a citizen, which was creditable to him as a member on the floor of this House, notwithstanding the record then made and his vote, he now sets up a different rule and asks us to follow a different practice to be embodied in the constitution of the State of Idaho, to the effect that the people who encourage, who teach, who believe in



or follow these unlawful practices shall not be disfranchised until convicted by a court of justice.

Mr. OATES. I ask my friend if the Edmunds law was not passed by the Forty-eighth Congress?

Mr. PERKINS. No; it was passed in the Forty-seventh Congress. Mr. OATES. When was it that the Edmunds-Tucker bill was passed?

Mr. PERKINS. The Edmunds-Tucker bill was passed and became a law in the Forty-ninth Congress. The Edmunds-Tucker bill is simply a bill to carry into effect and to enlarge and emphasize the provisions of the Edmunds law. So unanimous was this House in the Forty-ninth Congress for the passage of the Edmunds-Tucker bill that those who were opposed to it and who demanded the yeas and nays upon the passage of that bill could get but 8 votes in favor of that proposition. Both sides of the House believed that the Edmunds law should be strengthened and its provisions enlarged, so that polygamy could be broken up and its followers punished, no matter whether residing in Idaho, Utah, or whatever Territory, and disfranchised and not permitted to exercise the privileges of electors in any of the Territories. That is all that this constitution provides for. As I explained on yesterday, if they do not believe in these tenets, if they do not practice them, if they do not belong to this church which encourages and teaches them, then they are authorized by the constitution prepared by the people of Idaho to exercise the same privileges that are exercised by others, the privileges of electors.

Now, will it be said by any one that these Mormons ought to be permitted to vote? Will it be said by any that they ought to exercise the important privileges of electors or that they ought to be eligible to positions of trust in that State, that they might be elected to the Legislature to frame and pass laws for that people or to perform other important official privileges that might be given them?

I desire for just one moment to call attention to what this church teaches and believes. I will admit that there are good men, moral men, perhaps conscientious men, who are followers and members of this church; but as an organization I believe it is pernicious and bad; and I think it ought not to receive the indorsement of any man upon the floor of this House.

Mr. MANSUR. Mr. Speaker, I desire to ask the gentleman if he will yield to me for a question.

Mr. PERKINS. I will do so with pleasure.

Mr. MANSUR. Why, then, did you not vote to disfranchise the Mormons in Wyoming?

Mr. PERKINS. No such proposition was advanced, nor is it claimed that in Wyoming, so far as I know, men believe, practice, and follow the teachings of Mormonism. No such proposition was brought to the attention of the committee; and under the provisions of the Edmunds law, if there were, they are disfranchised. My friend from Missouri on yesterday suggested that the Mormons of Idaho are disfranchised because they vote the Democratic ticket, and for that reason the Republican members are in favor of this constitutional provision. I suppose it follows necessarily that the Democrats are opposed to it because they vote the Democratic ticket.

Now, I am willing that he should confess for himself. I am willing that he should admit that he is in favor of enfranchising these men who practice the faith and teachings of the Mormon Church because they vote the Democratic ticket; but he can not confess for me and for this side of the House, and say that we believe in disfranchising them for that reason. I believe in disfranchising them because of their practices and because of the practices of their church and because of the obligations it imposes upon its members. And in that connection, as I said—

Mr. MANSUR. I desire to ask the gentleman, as he has said that the Edmunds-Tucker act will keep the Mormons from voting in Wyoming as a Territory, will it do it after it becomes a State?

Mr. PERKINS. When it becomes a State it will be a matter for the people of that State by proper legislative enactment and constitutional provision to determine, and they will declare the qualifications of the electors as they have been declared in the State of Missouri by the constitution of that State and in other States—

Mr. MANSUR. You knew when the constitution of Wyoming was under consideration that the Mormons were there as well as you know it now. Why did you not oppose their right to vote under that constitution?

Mr. PERKINS. Now, I desire to say this: That I am a little surprised at the position taken by my friend from Missouri in connection with this bill. Knowing the excellent characteristics he possesses, knowing his learning, and appreciating him as a man and as a lawyer, I know he does not believe in or indorse the teachings and practices of the Mormon Church, and I am surprised that he should become its defender upon the floor of this House, its "Jack-Mormon." [Laughter.]

I sympathized with him on yesterday when for more than an hour he attempted to frame some excuse for opposing this bill and yet sat down without being satisfied with his effort. He had my sincere commiseration.

Now, Mr. Speaker, just one moment, and I will call the attention of this House to what this church teaches. I will read from a sermon de-

livered by Mr. Cannon, second in authority in the Mormon Church, and known to many members of this House personally. He is a man who occupied a seat as Delegate from Utah upon this floor for years. After the Edmunds law had received the sanction of both Houses of Congress and the approval of the President of the United States and had become a law, he said this in a sermon to his people:

God has said there was but one channel through which His commandments should come to His people. It was not to be *vox populi vox dei*, but it was to be *vox dei vox populi*. God has chosen but one man to counsel His people, and by obeying him they have been successful. I am willing to stake my reputation as a prophet that if you abide his counsel you can not be overcome. Our enemies hope to divide us. They (Congress) have by their laws (the Edmunds bill) deprived the leaders of this people of those rights that belong to us as much as to them. They have sought to humble the *elite* of this people. They have sought out the enterprising men, the chiefs, the ruling men. They have deposed them, and another class of our people have been told they might come to the front and enjoy the privileges that rightly belong to others. It rests with the saints to say whether the Edmunds law shall take away the power of the men whom God has chosen as our leaders.

Later, after the Edmunds-Tucker act became a law, the gentleman from Utah who has the honor to occupy a seat upon this floor to-day presented to the President of the United States a protest against the enforcement of that law, which was signed by the representatives of his people, and from which I will read a brief extract:

As to our religious faith, it is based upon evidence which to our minds is conclusive. Our convictions can not be destroyed by legislative enactments or judicial decisions. Force may enslave the body, but it can not convince the mind. To yield at the demand of the legislature or judge the rights of conscience would prove us recreant to every duty we owe to God and man. Among the principles of religion is that of immediate revelation from God. One of the doctrines so revealed is celestial or plural marriage, for which ostensibly we are stigmatized and hated. This is a vital part of our religion, the decision of the courts to the contrary notwithstanding.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. PERKINS. How much time have I occupied, Mr. Speaker?

The SPEAKER *pro tempore*. Forty minutes.

Mr. PERKINS. The gentleman from Nebraska yielded me forty-five minutes.

Mr. DORSEY. Mr. Speaker, the gentleman is correct.

The SPEAKER *pro tempore*. Then the gentleman will proceed for five minutes.

Mr. PERKINS. After this law had been passed and had been approved by the Chief Executive of the nation, the leaders and representatives of this Mormon Church continued to teach these doctrines to their followers, and sent to represent them upon the floor of this House men who believe these doctrines and observe them. And yet we are told, notwithstanding this, that the Mormons in Idaho ought to be permitted to exercise the important privileges of electors until they are convicted in court of polygamy or bigamy; that is, we are told in effect that the existing law is wrong and ought to be changed. I shall watch with anxiety and with pleasure the vote that will be taken upon this bill, to see how many gentlemen will stand with the minority of the Committee on Territories in the position which they have taken. Whom do our friends of the minority of that committee represent? It was said on yesterday that all the Republicans in Idaho believed in this constitutional provision, that all the Democrats in Idaho believed in this constitutional provision, that all the good people of Idaho believed in this constitutional provision, but that the Mormons of Idaho were opposed to it. Will our friends, then, put themselves in opposition to the wishes of the Democrats of Idaho, in opposition to the wishes of the Republicans of Idaho, in opposition to the wishes of all the law-abiding people of Idaho, and say that, in the interest of the Mormons alone, statehood shall be denied to that Territory, and that this bill shall not become a law? The Delegate from Idaho had read here yesterday a telegram received from the Democratic Territorial committee, addressed to a gentleman lately a Delegate upon this floor, in which they say:

The Democratic Territorial committee unanimously request Democratic members of Congress to vote for the admission of Idaho.

That is signed by F. E. Ensign, chairman, and J. W. Wickersham, secretary, and is dated March 31 of the present year.

Mr. Speaker, in conclusion, it is for this House to say—it is for the gentlemen who have the honor to occupy these seats to say—whether by the votes they will cast upon the passage of this bill they will crown that criminal organization which is known as the Church of Latter-Day Saints with an indorsement and an approval which will say to the intelligent, patriotic, and law-abiding people of Idaho: "You can not be admitted into the Union as a State until you have taken into full fellowship the men who are guilty of the practices of bigamy and polygamy." Will the members who are to vote upon the passage of this bill put themselves in this position and say to all the good people of Idaho: "Stay out; remain a Territory as you are until you submit to us a constitution giving full recognition and full fellowship to the Mormon Church, to those who believe in its doctrines, who take part in its practices, and who promulgate its teachings?" I thank the House for its attention. [Applause.]

Mr. DORSEY. I yield ten minutes to the gentleman from Vermont [Mr. STEWART].

Mr. STEWART, of Vermont. Mr. Speaker, I desire briefly to state

some reasons why I think this bill should become a law. It is very easy, as has been said, to inveigh against the practice of polygamy. The civilization of nineteen centuries has pronounced against it, and men only float with the tide when they denounce it. Let me say to my friend from Michigan [Mr. CHIPMAN]—and I have heard the same arguments over and over again on this question, because I had the honor to be associated with Mr. Tucker on the subcommittee which reported what is known as the Edmunds-Tucker bill—that it is very easy also to declaim upon the rights of men to what we regard as the sacred privileges of suffrage and office-holding. It is, however, not so easy to come up to the point of inaugurating such legislation as shall meet and overcome the evil of polygamy.

There is the rub. I have heard many times before the Judiciary Committee the same argument which my friend from Michigan made yesterday, though not so eloquently or forcibly put as it was put by him. This organization, which is known as the Church of Jesus Christ of Latter-Day Saints, which is the Mormon community pure and simple, has been represented before the committees of both Houses of Congress and before Congress by the ablest lawyers in the country, and the same arguments were addressed to the committee against the Edmunds-Tucker bill which the learned gentleman from Missouri [Mr. MANSUR] presented yesterday to the House, and which were presented also by my eloquent and learned friend from Michigan [Mr. CHIPMAN].

It is known to every student of American history who has examined the subject that this organization has been at war not only with christian civilization, but with the American Government and the American people from the beginning of the organization in 1849. I refer to the formation of the Territorial government of the state of Deseret, which in itself was an act of usurpation; from that hour to this it has antagonized every step which Congress has undertaken in order to extirpate this evil of polygamy; and the same arguments, the same stale, stock arguments, have been presented over and over again.

Mr. Speaker, the question presented by this proposition which is so strenuously resisted on the part of some of the gentlemen on the other side is not a new question. Precisely the same question was presented by the Edmunds-Tucker bill. Precisely the same arguments were urged against that measure; yet the House almost unanimously adopted that act.

It is said that this bill goes further than the Edmunds-Tucker act. It goes no further in principle. It does go a little further in detail; it is a little more radical; but it is precisely in the line of the Edmunds-Tucker act; and it is for the same purpose—for no other—to wit, the extinction, the extirpation, of a great public evil.

Our friends on the other side say that this is the infringement of a sacred right. I maintain, Mr. Speaker, that the right of suffrage and the right to hold office are not natural rights. We prescribe, and rightly, qualifications for voters. It has been said—I have not examined the constitutions of the different States in this respect—that in the State of Tennessee a man who happens to be a clergyman is disqualified from holding office. I do not challenge the wisdom of that provision. It is said that in the State of Texas a man who is unfortunately poor, although he may be as wise as Diogenes in his tub, is disqualified for the exercise of the elective franchise. I do not question the wisdom of that provision. It is a part of the duty of the freemen of every State to prescribe such qualifications for the exercise of suffrage on the part of its citizens as they may think the welfare of the State requires.

Now, the man who practices polygamy is disqualified. Everybody agrees that that is right. But my friends on the other side say that if a man belongs to an organization which proclaims that the practice of polygamy is a divine injunction, that polygamy ought to be a part of the system of human society in order that men may reach the highest rewards in the kingdom to come, such a man should be permitted to vote. Now, this is radical legislation—

Mr. OATES. I wish to say that the disqualification in the constitution of Texas to which the gentleman has referred applies only to those who are denominated "paupers." A man is not disfranchised "because he is poor," which was the language the gentleman used. Disqualification applies only to those who are known as "paupers."

Mr. STEWART, of Vermont. I understand that; but I understand also that a pauper may become such without any act of his own. A man may be paralyzed, unable to help himself, may have no relatives to help him; and in such a case, though he may have the brain of Solon or Solomon, may be as wise even as my friend from Alabama and quite as capable of exercising the high duty of the elective franchise, yet the constitution of Texas says that because he is a pauper he shall not vote.

Now, my friends on the other side who have argued this question seem to overlook the fact that, while by this legislation we strike the individual and so touch individual rights, we are dealing with an organization—an organization which, as I have said, every student of history knows to be hostile to our institutions of Government. Its people are not homogeneous with our people; the two systems can not live together. A polygamist community and a monogamous community can not and ought not to live together. Our theory is that the home is the unit of society; and the home of christian civilization, where the father

and the mother exercise the governmental control over the family, that is the ideal home; we all believe in that.

Now, let me say to my Democratic friends on the other side—and I see very many gentlemen here who were in the Forty-ninth Congress and who voted to sustain the Edmunds-Tucker bill—let me say to those gentlemen that if they were then sincere in their desire to strike a blow at this infamous system which has afflicted this country and has antagonized everything good in the country, not only the Government and the Army, but the judiciary and the general welfare of the community, a system which, as I have said, can not in the nature of things harmonize with the sort of community in which we believe—let me say to those gentlemen that if they are sincere in their desire to root out this evil they should let the good citizens of Idaho, the Democrats and Republicans there, who are a unit on this question, control this subject as they have already undertaken to do in their Territorial legislation.

Let them say what persons shall be qualified to vote; let them say, if they please, that not only the man who practices bigamy or polygamy, but the man who belongs to an organization which sustains and upholds that system, advises and counsels it—that all such men shall be disqualified from exercising the right of suffrage. If that be the character of our legislation, let me say to my friends on the other side that the christian communities to which they will return will say, "Well done, good and faithful servants; you have done the right thing; this evil ought to be ended, and you have adopted the proper way to do it."

Mr. STOCKDALE. I would like to ask the gentleman a question, though I do not mean to indicate by it how I shall vote on this subject. I have listened to this discussion, but nobody seems to have explained the point about which I wish to inquire. The gentleman argues, as others have done, that those who believe in and practice polygamy should not be allowed to vote. I think that is right. But the provision under consideration goes much further; it applies the exclusion to all those who shall sympathize with, aid, or abet (there are a number of words of that sort) the practice of polygamy. Now, when and by whom are these disabilities to be determined?

Mr. STEWART, of Vermont. They are to be determined by the individual man. If he says he does not belong to an organization which advises, counsels, aids, or abets polygamy—an organization a part of whose system it is to practice it—he is permitted to vote.

Mr. STOCKDALE. I do not understand that there is anything of that kind in this constitution.

Mr. STEWART, of Vermont. It is in the constitution, and it ought to be in the constitution.

[Here the hammer fell.]

Mr. DORSEY. I yield to the gentleman one minute more.

Mr. STEWART, of Vermont. I maintain that a man who belongs to an organization such as I have described ought to be disfranchised. I ask my friends, if they have not studied the history of this organization, to go back and do so. In connection with the Edmunds-Tucker legislation, I went through the entire history of this business from the adoption of the constitution of 1849 to which I have referred. In that constitution they said they would come into the Union as a State; and until they should come into the Union they would govern themselves as a State. That was a piece of usurpation. My friend may smile, but he knows it is the truth.

[Here the hammer fell.]

Mr. SPRINGER. I will yield a portion of my time to the gentleman from New Mexico [Mr. JOSEPH].

Mr. JOSEPH. Mr. Speaker, the House of Representatives has passed the bill for the admission of the Territory of Wyoming as a State. The bill for the admission of Idaho now stands before the House recommended for passage. It will not be long before the final vote of the House will be taken, and it will doubtless be favorable to the bill. I do not rise to oppose the Idaho bill now under discussion. I am glad to see the recognition of the rights of both Wyoming and of Idaho, as these Territories are richly entitled to the benefits of statehood.

My object in addressing the House is to show the title of New Mexico to the same consideration and to establish by incontrovertible proofs that in all which constitutes the right to statehood New Mexico is not only equal to, but far surpasses both of the other Territories, one of which the House has already voted to admit. New Mexico is not only the oldest, but also the largest in area, population, and wealth of all the Territories still remaining outside the sisterhood of States. Her admission to statehood was promised more than forty years ago by solemn treaty obligations. The time has long since passed for the fulfillment of these, but still New Mexico is not heeded. She now applies for the fifth time to be admitted as a State. While the House voted to admit Wyoming, and, if I mistake not, is about to vote to admit Idaho, the bill for the admission of New Mexico, which I introduced at the very first opportunity in this Congress, is still awaiting the action of the Committee on Territories, although all necessary information, both to show the propriety of New Mexico's admission and to enable proper legislation to be perfected, have long been before the committee. Is New Mexico to be longer punished by this delay, which retards her development and causes her citizens to feel that Congress forgets the solemn duties and obligations which devolve upon it?



In my remarks in the House of Representatives on the 17th of January, 1889, in relation to the admission of New Mexico, I made quite elaborate statements of the resources of New Mexico as compared to those of Montana, Washington, and North and South Dakota. The bill under which these States were admitted to the Union when before the House provided also for the admission of New Mexico. I believe that I then demonstrated that on every ground of population, resources, and natural advantages, and devotion to American citizenship New Mexico was entitled to admission as well as those great and noble States whose stars have so recently adorned the national flag. But the last Congress did not see fit to include New Mexico in the group of States then admitted.

In the present Congress the rights of the Western Territories are being again considered. Idaho and Wyoming have presented their claims to admission, and I hope that before the present Congress has closed Representatives from these new States will have taken their seats in the House. Justice to these Territories and a desire for their development vigorously demand their admission. But I can not think that New Mexico should again be excluded from the benefits of statehood while the sister Territories of Wyoming and Idaho are admitted. Both of these Territories fall below New Mexico in population and present development. It would be the greatest injustice to New Mexico and Arizona if, in passing the just and proper measures for the admission of Idaho and Wyoming, New Mexico and Arizona should not also be given the benefits of statehood.

A comparison of population and resources will be made between New Mexico and Wyoming, which the House has already approved for admission to the Union. I desire to be carefully understood that the ob-

ject of this comparison is not to disparage the abundant resources of Wyoming, but merely to show that New Mexico is entitled to admission to statehood upon the basis furnished by the proposition to admit the Territories of Wyoming and Idaho.

The population of Wyoming is stated by the influential and active Delegate who represents that Territory in the House at 125,000. The census of 1880 showed a population of far more than 100,000 in New Mexico at that time. There are no accurate statistics to show positively what the population of New Mexico is at the present time, but in a very conservative estimate made by the present governor he puts the population at 195,000. I believe that it reaches 225,000. There has been a very steady increase every year since 1880, and the filings at the two land offices in the Territory during the year ending June 30, 1889, amounted to 283,537 acres. Since that time two additional land offices have been opened, and the increase in filings has been very great. This increase has been largely from the farming States of Missouri, Indiana, and Illinois, and is of the very best class of settlers.

The assessed property in Wyoming in 1889 was \$31,500,000; in New Mexico, for 1889, the last available figures, it was \$48,690,723. It must be remembered also, in this connection, that the values of cattle and sheep have somewhat diminished during the past few years. These are two of the great sources of wealth of New Mexico. Notwithstanding the present decrease in the prices there is a constant increase in the assessed value of the property in the Territory. This increase must, as the governor well states, represent considerable increase in the real-estate values.

The tax levy of the Territory shows a total of \$418,406.13, according to the table hereto annexed.

*Statement of tax levy of 1889.*

[Prepared by Trinidad Alarid, auditor.]

Counties.	Penitentiary interest.	Capital interest.	Penitentiary current expense.	Capital current expense.	Salary.	Court.	Sinking fund for redemption of warrants.	Provisional indebtedness.
Bernalillo	\$2,851.29	\$2,393.21	\$6,374.59	\$1,194.28	\$1,363.45	\$14,589.30	\$2,055.02	\$1,541.10
Colfax	2,446.63	2,395.16	7,720.45	1,447.58	1,054.38	17,046.74	2,481.57	2,481.57
Dona Ana	1,695.16	1,438.95	8,839.34	719.14	821.86	8,752.57	1,233.42	1,233.42
Grant	2,438.32	2,048.00	5,461.90	1,024.09	1,170.38	12,483.91	1,755.50	1,755.50
Lincoln	1,864.42	1,565.35	4,174.45	782.84	894.37	9,542.78	1,342.11	1,342.11
Mora	1,116.33	944.09	2,549.43	467.26	533.90	5,683.48	801.56	801.56
Rio Arriba	599.45	503.09	1,259.53	200.98	285.36	2,997.89	430.98	430.98
San Juan	278.82	234.20	624.55	117.10	133.83	1,427.53	200.75	200.75
San Miguel	3,728.65	3,132.06	8,352.17	1,566.03	1,789.35	19,090.68	2,684.62	2,684.62
Santa Fe	1,536.50	1,290.66	3,441.76	645.33	737.52	7,866.88	1,106.28	1,106.28
Sierra	1,059.90	890.32	2,374.13	445.16	508.72	5,426.57	763.10	763.10
Socorro	1,837.83	1,542.93	4,115.70	771.36	882.19	9,405.30	1,322.20	1,322.20
Taos	357.17	301.37	797.23	149.80	171.22	1,818.82	262.23	262.23
Valencia	1,157.94	972.67	2,503.78	496.33	555.81	5,928.64	833.71	833.71
Totals	23,968.41	20,152.26	53,719.00	10,026.34	11,502.74	122,596.00	17,253.06	16,649.34

Counties.	Miscellaneous.	Current expense interest.	Assessors.	Transportation of convicts.	Territorial institutions.	Cattle, etc.	Total, less assessors, convict institutions, and cattle indemnity.	Grand total.
Bernalillo	\$5,464.56	\$2,055.02	\$2,557.45	\$861.44	\$5,700.58	\$116.37	\$39,883.91	\$49,119.75
Colfax	6,617.52	1,861.18	3,101.61	1,033.98	6,893.26	890.79	48,252.78	60,172.77
Dona Ana	3,274.88	925.65	1,542.68	514.62	3,426.68	268.61	25,934.39	29,686.88
Grant	4,681.27	1,316.73	2,194.67	731.36	4,876.58	840.66	34,135.61	42,778.88
Lincoln	3,577.27	1,066.63	1,677.90	559.62	3,728.52	1,061.19	26,092.53	33,119.75
Mora	2,136.12	603.80	996.07	334.63	2,286.84	343.60	15,637.53	19,368.95
Rio Arriba	1,096.48	160.79	1,318.03	224.71	1,066.42	.....	8,008.53	9,332.30
San Juan	535.32	150.56	250.93	83.64	557.63	136.39	3,903.41	4,432.90
San Miguel	7,169.00	2,013.47	3,355.24	1,118.05	7,457.30	826.03	52,201.10	64,957.72
Santa Fe	2,960.08	829.71	1,382.85	460.95	3,073.00	36.16	21,514.00	25,466.95
Sierra	2,064.97	572.37	953.84	317.95	2,119.77	317.36	14,838.38	18,547.30
Socorro	3,637.11	992.15	1,633.28	550.96	3,674.43	659.04	5,718.98	32,256.74
Taos	681.03	262.23	321.92	106.47	715.64	14.07	4,991.51	6,149.61
Valencia	2,223.24	625.29	1,042.14	347.38	2,315.87	84.83	16,211.12	20,001.34
Totals	45,958.86	13,375.58	22,348.96	8,235.65	47,892.57	5,495.10	335,323.78	418,406.13

The agricultural resources of the Territory have been very fully referred to by me in my speeches of April 14 and May 28, 1888, and January 17, 1889. The last report of the governor also refers to this subject:

A SPLENDID SHOWING—OFFICIAL FIGURES ON NEW MEXICO'S AGRICULTURE—A FLATTERING FUTURE ASSURED.

Statistician Dodge, of the Government Agricultural Department, has just issued some official figures on western agriculture for 1889 which make a very gratifying exhibit for our fair yet much-maligned Territory; figures which will prove of especial interest to a large class of the New Mexican's readers, not only the friends of statehood, but also to the hundreds of people at home and abroad who are now engaged in making it possible to enlarge the cultivable area by the construction of irrigation enterprises. These figures show what New Mexico has done while handicapped in a manner that no other section of the Union has ever been called upon to fight against; they make it plain that

New Mexico will advance, despite every obstacle, and when one considers that more than \$1,000,000 are now going into new irrigation companies, which will reclaim within the present year more than 200,000 acres of New Mexico valley land, some idea of New Mexico's outlook from the standpoint of horticulture and agriculture may be arrived at. Statistician Dodge's figures for the corn crop are as follows:

	Acres planted.	Bushels realized.	Value of crop.
Colorado	42,983	1,092,000	\$633,372
New Mexico	56,279	1,126,000	675,468
Utah	35,175	614,000	393,650

The returns for the wheat crop are from a more extended territory, as follows:

	Acres planted.	Busheis realized.	Value of crop.
Colorado.....	87,300	1,851,000	\$1,332,517
Nevada.....	18,396	335,000	251,250
Arizona.....	25,930	337,000	252,218
Idaho.....	81,427	1,440,000	.....
Montana.....	85,000	1,519,000	.....
New Mexico.....	86,295	1,096,000	800,041
Utah.....	122,878	1,880,000	1,410,025

The following are the estimates of the oat crop:

	Acres planted.	Busheis realized.	Value of crop.
Colorado.....	97,791	3,129,000	\$1,251,725
Idaho.....	5,725	1,000,000	450,135
Montana.....	85,937	2,278,000	1,134,382
New Mexico.....	16,668	340,000	142,642
Utah.....	36,658	916,000	412,403

It will be seen that in quantity and value, excepting oats, of the three grains estimated, New Mexico ranks Colorado and Montana. New Mexico also raises in superabundance:

Alfalfa, per cutting tri-annually.....	tons.....	2
Potatoes, sweet.....	bushels per acre.....	75 to 100
Parsnips.....	do.....	175 to 275
Mangoes (weighing 30 to 40 pounds each).....	do.....	500 to 800
Beets.....	do.....	175 to 400
Carrots.....	do.....	175 to 300
Cabbages.....	weighing pounds per head.....	5 to 30
Tomatoes.....	weighing pounds each.....	1 to 1
Cucumbers.....	do.....	1 to 6
Squash (Hubbard).....	do.....	10 to 25
Squash (marrowfat).....	do.....	30 to 75
Pumpkins.....	do.....	10 to 25

Besides these, New Mexico valleys raise cotton, flax, hemp, tobacco, sorghum, rice, chili, egg-plant, beans, and other garden vegetables, with excellent hops; and, more yet, after harvesting her crop of wheat, oats, barley, or pease, she plows anew, and the same year secures a crop of corn, cabbage, beets, or turnips.

In fruits, her apples, pears, peaches, apricots, plums, cherries, gages, quinces, equal those of any State in the Union, while her almonds, chestnuts, English walnuts, and filberts will bear successful competition with the nut-growers of the world. Her vineyards have for ten years stood equal with any in America in product, flavor, and wine yields; her melons have, so far, met with no superior on the continent; while her small fruits, such as strawberries, gooseberries, raspberries, currants, etc., with asparagus, celery, spinach, radishes, and peanuts, are unrivaled, and your Agricultural Department will tell you her onions beat the world.

Her plains now and for years past have been dotted with profitable ranches crowded with cattle, sheep, and horses, with more favorable round-ups and less percentage of loss than any cattle country of the West can show, and with her beef, mutton, wool, and horses standing on the first grade in Chicago and Eastern marts. The most nutritious grasses cover the broad plateaus of New Mexico, which will continue for years to grow, to offer the best grazing facilities of any cattle country in the United States. The cost of beef-raising is nominal, as stock need never be housed or fed. The high and dry climate precludes almost the possibility of disease among sheep and cattle. At least half the lands of New Mexico are especially adapted to grazing purposes; and even if future improvement tempted agriculture, stock-raising would always be more profitable. So that New Mexico will forever be one of the main supplies of the beef-eaters of the world.

Governor Army said of New Mexico: "For the profitable raising of horses, mules, cattle, goats, and sheep, and on the most extensive scale, no portion of the world can rival this district. Its mild climate presents no rigors, while its mountain slopes, valleys, and plains are unlimited extents of pasturage."

Her mountains and high table-lands offer immense forests of pine and spruce, enough for ample supply of lumber to her growing population and rapidly building cities.

I might be more explicit with regard to her capacity as a wine-producing country. The Rio Grande and Pecos River valleys produce grapes in wild profusion, whose wines are ranked for table use and compare favorably with Rhine wines. Fair estimates, from practicable sources, give the value of an acre of land well set with vines at from three to five hundred dollars. As early as 1804 Baron Humboldt said of this country: "The vineyards produce excellent wines, which are preferred even to the wines of Parras and New Biscay." Almost any of the side-hills offer excellent vineyard sites, but especially wealthy in this respect is the Rio Grande valley, extending a distance of 350 miles in New Mexico.

#### HER MINERAL RESOURCES.

It has been stated, and I believe is true, that "the knowledge of the

mineral wealth of New Mexico had caused it for a long time previous to its acquisition, in 1846, to be looked upon by the United States as a most desirable addition to the Union."

Early after 1846 rumors of its still fabulous wealth, added to the historical mineral riches it had given for years to Old Mexico, induced hardy pioneers to test its richness, and during that period (from 1846 to 1880), notwithstanding its isolation and its then total lack of transportation, notwithstanding the difficulty of obtaining tools or supplies, notwithstanding the miners had to work with arms and ammunition at hand to meet the persistent attacks of hordes of savages—in spite of such almost insurmountable obstacles, in those few years your mint statistics show that those brave delvers dug from the plethoric bowels of New Mexico \$13,972,000 in ore, of which \$10,350,000 was gold and \$3,622,000 silver.

The succeeding five years, from 1885 to 1889, the production of the Territory was:

Years.	Gold.	Silver.	Total.
1885.....	\$691,000	\$1,985,000	\$2,676,000
1886.....	700,000	3,375,000	4,075,000
1887.....	709,000	3,700,000	4,409,000
1888.....	911,000	4,381,000	5,292,000
1889.....	797,000	5,671,000	6,468,000
Total.....	3,808,000	19,113,000	22,921,000

The production of copper was, for the years 1888 and 1889, \$10,000,000.

This does not include many valuable shipments of ore sent to other States for reduction. But the figures demonstrate that the product of the precious metals increased rapidly every year.

Gold has been found in nearly every county in the Territory, either in the river or creek beds as placers, or in the mountain ranges in veins or lodes as quartz.

Lead and smelting ores abound in nearly every portion of the Territory, comprising gold and silver ores, which, being allied to the baser metals, as lead, zinc, sulphur, etc., can not be profitably reduced except by smelting.

Silver, in the form of native, ruby, or vitreous silver, is found in richly paying quantities in many districts of the Territory. Copper has been found in many districts in largely profitable veins, but the depressed condition of that market and the high rate of railroad transportation during the past two years have prevented its extensive working.

Lead, iron, mica, cement, gypsum, fire-clay in inexhaustible amounts, excellent marble, turquoise of purest blue—but, sir, I would weary the House and myself to enumerate the extent and variety of the authentically recorded minerals of this Territory, and I close with a brief allusion to her coal, the mining of which, though in its infancy, has already become an important factor in the resources of the Territory. The United States Geological Survey report gives some instructive facts and figures, as published by your Interior Department. It says:

In New Mexico coal is found in seven counties in beds from 1 to 14 feet thick. The quality ranges through all varieties, from brown to anthracite. The most important fields yet opened are those in Colfax County, and embrace an area of 600,000 acres, the product being a lignite, which varies greatly in quality. The following analyses were made from specimens taken near the surface:

Constituents.	Top of vein.	Middle.	Bottom.
	Per cent.	Per cent.	Per cent.
Moisture.....	2.00	3.10	2.60
Volatile matter.....	37.10	35.00	34.30
Fixed carbon.....	51.60	51.50	47.50
Ash.....	9.30	10.40	15.60
Total.....	100.00	100.00	100.00

The report further says of the coal mined from the Los Cerillos beds:

The coal is hard, dense, and of a brilliant luster, and is said to be, so far as application for all practical purposes is concerned, fully equal to the best Pennsylvania anthracite.

It also gives minute reports of bituminous coal-beds in other portions of the Territory, and closes generally with the following:

The New Mexico coals compare favorably with those found farther north. The production of the Territory since 1885 has been:

	Raton.	Gallup.	Monero.	Cerillos.	San Pedro.	Total.
1885.....	91,798	33,373	12,000	3,600	16,321	157,092
1886.....	112,089	42,000	17,240	3,000	37,018	211,347
1887.....	102,513	62,802	11,203	3,000	41,039	220,557
1888.....	135,833	97,755	14,568	1,000	56,656	296,202
1889.....	.....	.....	.....	.....	.....	271,285
Grand total.....	.....	.....	.....	.....	.....	1,116,483

And continues:

Placing the value of these coals at \$5 per ton (which is a fair average for the entire period), the value of the product of the Territory during the past five years is, in total, \$5,832,415.



It is surely not necessary, Mr. Speaker, that this intelligent House should be burdened with further citations to prove the capacity of New Mexico for State government and her promise in native resources for enriching all the myriads of industrious people who will eventually crowd her borders, and for adding one of the most lustrous to the galaxy of States that glorify this Union.

It is enough, sir, to say that New Mexico offers population sufficient, resources adequate, wealth enough to make and keep her statehood. She has made the same offer for years, and for years she has been refused admittance as a State.

As to sheep, I can only compare the 4,328,753 sheep in New Mexico as shown by the official reports with the 1,250,000 estimated by the distinguished Delegate from Wyoming as in that Territory. In cattle, New Mexico and Wyoming, each of them with about 1,500,000, are striving in friendly rivalry for the superiority.

New Mexico has now in round figures 1,500 miles of railroad and five more roads in course of construction, which will give us 500 miles more during the present year, making the entire railway mileage 2,000.

As to banking facilities in New Mexico, the Comptroller of the Currency reports to me that there are nine national banks, with an aggregate capital of \$975,000, with bonds to secure circulation aggregating \$277,500, and a circulation of \$249,750. Besides the national banks there are fourteen county banks, which are capitalized at an average of \$50,000 each, or \$700,000, making a total of \$1,675,000 as the banking capital of the Territory. Wyoming shows nine national banks and eleven private banks. The capital of the national banks is \$1,175,000, but that of the private banks is not stated.

In Wyoming there are ten organized counties; in New Mexico there are fourteen. In Wyoming eight of the counties have substantial court-houses and jails; in New Mexico the report of the governor shows that ten of the fourteen counties have such buildings, that one additional county has purchased land and is about to erect such a building, and that another is building a fine modern court-house whose value, with the land on which it stands and surrounding buildings, will be \$70,000. All of these buildings have been erected within the past ten years, thus showing the march of public spirit in the Territory during that period.

The financial system of the Territory has been placed upon a sound basis by a recent act of the Legislature. The pleadings in the courts by another act have recently been brought into entire harmony with the best systems of the States, while constant improvements are being made by the Legislature in the laws relating to administration, the business and the control of property. Two new counties have just been established, and four important Territorial institutions—a university, an agricultural college, a school of mines, and a lunatic asylum—show the regard the people of New Mexico have for education and the care of the unfortunate.

No very definite figures have been submitted in regard to education in Wyoming. It is stated that nearly 300 teachers are employed and that good graded schools are maintained in all the towns and cities of the Territory. In the governor's report for New Mexico it is shown that 342 public schools were in active operation in the Territory on October 1, 1889, with an enrollment of 16,803 pupils. In 143 of these schools nothing but English is taught; in 93 some instruction is included in Spanish, and in 106 the instruction is in the Spanish language, but even in these latter schools the pupils, with very few exceptions, understand English. This makes a total of 236 schools under English instruction.

The instruction in Spanish is found principally in the older counties, while in the counties in which there has been the greater proportion of immigration from the East the English language is taught, to the exclusion of Spanish. In addition to the public schools there are a very large number of private educational institutions which are well attended and ably conducted. The people of New Mexico are deeply interested in the maintenance of the public-school system, and it is only a matter of a few years' continuance of the present generous support for the school system of New Mexico to be on a par with the best in the country so far as can be in a less thickly populated locality.

This review of the population and resources of New Mexico shows that New Mexico has certainly an equal title to statehood with Wyoming. Indeed, I maintained in the last Congress, and I believe that I fully established, that her title to statehood in point of population and resources was as good as that of the States recently admitted.

But in one respect New Mexico has a greater title to immediate admission to statehood than any of the recently admitted States or those now applying for admission. New Mexico is the only Territory which holds the pledge of the United States Government that it shall be admitted as a State. By the treaty of Guadalupe Hidalgo, the provisions of which have been quoted by me heretofore, statehood was guaranteed to Mexico, but the time was left discretionary in Congress.

That discretion, however, must be exercised as a reasonable discretion, and can not lawfully be used as an excuse for indefinite delay in admission. It has now been over forty years since the date of that treaty, and yet the admission of New Mexico is denied. In 1850 Senators and a Representative were elected and the admission of New Mexico was discussed in both Houses of Congress, but failed. The peo-

ple of New Mexico believed themselves entitled to admission, but on account of the excitement of the civil war and other interruptions no further action was taken until the year 1874, when an enabling act passed both Houses of Congress, but was defeated only by reason of the close of the session before questions of difference could be settled in conference. In 1876 the Senate again passed a bill for this purpose.

In the various votes, upon these occasions, upon this bill numerous distinguished gentlemen who now hold seats in both Houses of Congress voted for New Mexico's admission, among them being Messrs. CANNON, HARMER, MILLS, and O'NEILL, of the present House, and Senators ALLISON, DAWES, FARWELL, FRYE, INGALLS, MITCHELL, SAWYER, and STEWART, in the Senate. Other distinguished persons, members of the party which now dominates in both of the national legislative chambers, but who no longer hold seats in either house of Congress, also voted for the bill, among them being the late President Garfield; the late Vice-President Hannibal Hamlin; the present Secretary of the Treasury, Hon. William Windom; the Hon. John A. Logan, of Illinois; Hon. Simon Cameron, of Pennsylvania; Hon. George S. Boutwell, of Massachusetts; and Hon. John A. Kasson, of Iowa.

In the last Congress the Committee on Territories reported in favor of the admission of New Mexico, but, in order not to endanger the passage of the bill for the admission of the other States, the name of New Mexico was stricken out. Many members declared, when voting for striking out the name of New Mexico from the general bill, that they would favor the passage of a special bill for its admission, but no opportunity for this purpose came during that Congress. The honor of the United States is pledged to the redemption of the treaty obligation. A further delay would be in violation of that reasonable discretion which was granted to Congress by the terms of the treaty.

In view of the facts which I have recited, what objection can be made to the admission of New Mexico? It has been intimated to me that there has been some opposition to her admission on the ground that a large number of her inhabitants are members of the Catholic Church. I can not believe that any member of this House could permit his action to be influenced by a motive of this kind. Religion and politics must be kept separate. No doctrine is more firmly fixed in the minds of the American citizens than this. We are ready to submit to an examination as to our wealth, our education, our honor, to determine our right to statehood, but it would be foreign to our institutions to cause an investigation of our religious faith to determine whether we are qualified to exercise the full rights of citizenship. I therefore feel compelled to exclude from all consideration any possibility that the objections to the admission of New Mexico are based on religious grounds.

I have read in some of the newspapers of the country various slurs upon New Mexico upon the ground that her people are not as well educated as those of the more densely populated parts of the East. I am ready to admit that with her undeveloped resources New Mexico has not been able to give the same educational privileges as Massachusetts or New York, but I reply to this by saying that the people of New Mexico have shown their devotion to the cause of education by the establishment of an elaborate system of public schools and increased appropriations from year to year for their support, and that the gift of statehood to the people of New Mexico would do more than any other one thing to aid in the increase of schools within her borders. I may claim, too, for those citizens of New Mexico who have not had the advantages of education that they are as peaceful and law-abiding and as earnestly devoted to free institutions as the inhabitants of any part of this great country.

Finally it is asserted that the people of New Mexico are not Americans, that they speak a foreign language, and that they have no affinity with American institutions. It is true that we have a large population in New Mexico who speak the Spanish language, and that among the older persons who are descended from the original settlers of the country some still remain who are ignorant of English. But it is undoubtedly true that there are very few persons in New Mexico under thirty years of age who are unable to speak English, and that year by year the use of the English language is taking the place of Spanish. The gentle accents of the Spanish tongue will always be dear to those who are descended from the first settlers of New Mexico; they will always look with affection upon that language, and its familiar use may never be wholly eradicated. But the people of New Mexico realize that they are a part of the United States, and that the English language is the national language, and it is a fixed and definite principle among them all that the English language shall be taught to every child in New Mexico.

Can the Congress of the United States refuse admission as a State because a part of the people of the proposed State speak the Spanish language? The pledge to admit New Mexico as a State contained no condition that all the inhabitants should learn the English language. On the contrary it was known that Spanish was their tongue, and the treaty-making power was well aware that the language would not wholly disappear for years or even centuries. Yet the agreement was absolute that New Mexico should be admitted as a State within a reasonable discretion remaining in Congress as to the time and manner of admission. I therefore maintain that it would be in utter violation

of the treaty pledge if the people of New Mexico should be told that they could not exercise the rights of statehood until after every inhabitant had learned to speak and write the English language.

But if we exclude entirely from our calculation as to the number of inhabitants of New Mexico the native New Mexican population, I do not doubt that we would find that over 100,000 persons—nearly equal to the whole population of Wyoming—are now living in New Mexico who came there from the Eastern States, and who have not a drop of Spanish or Mexican blood in their veins. The persons of Spanish descent in New Mexico are now in a minority, which will proportionately decrease with the constant stream of immigration from the States into New Mexico.

But it is not by blood and language that the devotion of the people of New Mexico to the United States and to republican institutions is to be measured. These are the descendants of the bold discoverers who left the monarchical institutions of Spain and came to the New World, and who, with their fellow countrymen in Old Mexico, shook off the chains of foreign domination, as did the hardy English forefathers of the Atlantic States. The devotion to republican institutions of the ancestors of our Spanish and Mexican descended inhabitants of New Mexico was not less than that of the heroes of the Revolution. When New Mexico became a part of the territory of the United States her people were living under republican institutions and devoted to them.

They were therefore fitted to exercise republican rights; they were merely transferred from one republic to another.

Since that time more than forty years have elapsed, and all during this period they have been under the protection of the United States flag. Have they any other allegiance? Can any other power ever call for their assistance? The people of New Mexico are as much citizens of the United States as the people of Ohio, Indiana, or Illinois. What we desire is that we should be admitted to the full rights of citizenship and allowed to bear our share of the burdens of the common defense and general welfare. If New Mexico becomes a State her mines will be developed, her railroads extended, her schools enlarged, and she will take upon herself a new encouragement for progress. When once the resources of New Mexico are developed the whole nation will wonder that so choice a Territory should so long have been neglected. Differing in many points from the other parts of our great Union, she will minister to the wants of the whole country.

There are no more loyal or patriotic people in the United States than the Mexican citizens of my Territory. They are by nature mild and sympathetic, their hearts are as tender as that of a child, but in the hour of peril brave as lions. For the past forty years, when necessity has required it, they have defended themselves against constantly recurring incursions of hostile Indians. History testifies that they were always the first to rally around the standard of the new country of their adoption in defense of its honor and sovereignty. They have spent during that period in their own defense over \$1,000,000 on account of organized militia, and sustained losses on account of Indian depredations aggregating some \$5,000,000.

During the late rebellion, true to their natural instincts, they were loyal to the Union and fought most bravely to drive out invaders, as the bleaching bones of their dead soldiers in the scorching sands of Valverde, Glorieta, and Cañoncito to this day bear unimpeachable testimony.

The bill introduced by me in the early part of this session providing for the admission of New Mexico was merely an enabling act to permit the people of the Territory to form a State constitution under which they would be admitted to the Union. A constitution for New Mexico adopted by a convention composed almost exclusively of Republican delegates has been presented to this House, and I understand that a proposition has been placed before the Committee on Territories that New Mexico should be admitted under this constitution. In opposing such a condition to the admission of New Mexico I believe that I represent not only the wishes of all the Democratic voters of the Territory, but of more than three-fourths of its Republican voters. An act was passed by the Territorial Legislature authorizing a constitutional convention, but the apportionment of delegates to this convention was characterized by the most outrageous partisanship. The following extract from a letter by ex-Governor Edwin G. Ross to the gentleman from Missouri [Mr. MANSUR], of January 5, 1890, shows the partisan nature of the apportionment of delegates and the action of the Democratic voters and Democratic central committee of New Mexico:

Primarily, that refusal was based on the exceeding unfairness of the apportionment fixed in the act of the Legislature authorizing the election of the delegates to the convention. That apportionment made it impossible for the Democrats to elect anything approaching a proportionate representation in that convention. It was so fixed with the avowed purpose, by the reputed author of the convention bill, of preventing such a representation.

Including and since the election of 1882 the popular vote of the Territory for Delegate in Congress has been Democratic by more than 1,500 majority at every election, though by reason of an equally unfair apportionment for the election of members of the Legislature (which was made the basis of the apportionment for the election of the convention), the several Legislatures have uniformly been Republican.

To illustrate that unfairness a few examples will suffice. The counties of Colfax and Mora are contiguous northern counties. At the last general election they cast, respectively, 1,680 and 2,212 votes, or an aggregate of 3,892—Democratic by majorities of 168 and 700 respectively. They were each allowed four delegates in the convention, making eight. The county of

Bernalillo is Republican by 430 majority. It has a voting population of 3,564, 325 less than Colfax and Mora, yet was given ten delegates, two more than were allowed the larger number of voters in Colfax and Mora.

The Democratic county of Doña Ana, with 2,015 voters, was allowed three delegates, while the Republican county of Valencia, with 2,964 voters, was allowed six.

The Democratic county of Grant, with 2,237 voters, had three delegates, while the Republican county of Socorro, with 2,324 voters, had six.

These data were before the convention, and there can be no justification of these inequalities.

These constitute one-half of the counties and more than one-half of the population of the Territory, and fairly illustrate the character of the system of apportionment that has prevailed in the election of our Legislatures and of delegates to this constitutional convention.

To have gone into that election under such conditions would have been folly and suicidal.

The Democrats were practically and intentionally disfranchised, but, unwilling to be placed in the attitude of obstructionist until all efforts for a compromise should have failed, it was determined to seek an arrangement whereby this unjust disparity could be at least partially remedied, and they permitted, without an absolute sacrifice of self-respect, to contest the election of delegates to the convention.

Accordingly a conference between the central committees of the two political parties was asked and had.

The whole number of delegates to the convention was 73. Though in a large majority on the popular vote and believing themselves entitled to and could elect, with a fair apportionment, a corresponding majority of the delegates, the Democratic committee proposed to concede to the Republicans, as the basis of an arrangement under which they would consent to go into the election, a majority of 5 in the convention.

That more than fair proposition was rejected by the Republican committee, and it was then determined to take no part in the election.

At the last election for Delegate to Congress a vote of nearly 32,000 was polled. At the election for delegates to the constitutional convention so great was the disapprobation of the people for the methods used in calling this constitutional convention, which should have been as free from partisanship as possible, that the total vote for delegates was but little in excess of 7,000.

The constitution as adopted contains numerous provisions which might be acceptable to the people of New Mexico if adopted by a convention properly representing them; but in the apportionment of the new State Legislature therein provided for the same partisanship as described in the letter of Governor Ross, just quoted, prevails. If the Territory should be admitted as a State under this constitution, the wishes of the popular majority would not be expressed by the Legislature which should be elected under this partisan apportionment. My own county of Taos is by a large proportion in excess of the adjoining county of Rio Arriba. The former has a Democratic majority and the latter a Republican. Under the system adopted by this constitutional convention the former county, although greater in population, has but two representatives in the lower house of the Legislature, while the latter, in consideration of the politics of its citizens, is given three.

The framers of this constitution knew so well that it could not receive the approbation of a majority of the voters of the Territory that they made no provision in it nor has the Legislature since made any provision for its submission to the people. A popular vote upon it would disclose that the people would not submit to having a constitution foisted upon them under which the Legislature would wholly fail to represent the popular will. Out of 32,000 voters in New Mexico, but 7,000 participated in the election of delegates to this constitutional convention. The remaining 25,000 voters had no part in the formation of this constitution.

If an enabling act be passed, the people of the Territory will be united in the election of a constitutional convention which will frame a constitution in substantial accord with the wishes of all the people. Such an enabling act should provide for an apportionment of the delegates to the constitutional convention in accordance with the number of votes cast at the last Congressional election, the largest polled at any election in the Territory. In this way the whole people of New Mexico will be represented in proportion to their numbers and the constitution adopted will be a true expression of the popular will.

Mr. SPRINGER. I now yield for five minutes to the gentleman from Pennsylvania [Mr. BUCKALEW].

Mr. BUCKALEW. Mr. Speaker, disguise it as gentlemen may, this Idaho constitution, in the provision which has been debated, outlaws the Mormon membership in that Territory from suffrage, from the privilege of holding office, and from serving on juries. For it provides that any person who belongs to a church to which is imputed a doctrine holding bigamy to be permissible from a religious point of view, and any person who contributes to a church with such assumed opinion, shall be excluded from suffrage, from office, and from jury service.

If this is not in violation of the principles which we suppose were fundamental in all our constitutions from one ocean to the other, I do not know what could be.

Now, sir, the act of Congress which defined for the Territories the sentiments of the law-making power of the United States provided simply that a preliminary oath should be required from a man seeking to vote; and that oath was that he had not broken the law of Congress, that he would not break it in the future, and that he would not encourage or assist others to break it.

That was a legitimate oath, and under it the great mass of members of the Mormon church in Utah have been voters, and are now voters, accepted as such under the Constitution and laws of the United States.

It is not true, therefore, that this constitution proposed for Idaho



follows the same line that Congress traveled before for the repression of bigamy in the Territories of the United States. The departure from the statute is fundamental and complete. The constitution outlaws without trial, without hearing, without judgment, all members of that odious church (odious to other churches and odious to public sentiment in general), because of its former practices which the United States undertook to correct, and which in the main, and substantially as a prospective regulation, has been accomplished by that law.

If I had time I would read what has been done in my own State. Why, sir, at the date of the Revolution there were but three States with complete religious toleration, and they were the States founded by Roger Williams and William Penn, the States of Rhode Island, Pennsylvania, and Delaware, in which there was no obligation in their civil institutions or laws resting upon the citizen to belong to a religious society or to contribute in any manner, directly or indirectly, to any religious church, an obligation which to a greater or less extent prevailed elsewhere in all the colonies. And in the State convention of 1776, when the provision in regard to holding office was proposed requiring belief in the New Testament for a seat in the General Assembly, Benjamin Franklin opposed it, but being overborne he succeeded in grafting an amendment on the provision that no other test except that for members of the Assembly should be recognized as a qualification for office.

The SPEAKER. The gentleman's time has expired.

Mr. BUCKALEW. A moment longer.

Mr. SPRINGER. I will yield to the gentleman from Pennsylvania a minute longer.

Mr. BUCKALEW. Fourteen years afterwards the Franklin doctrine went into the constitution of Pennsylvania, in condemnation of such propositions as that which the House is called upon to support in this bill.

[Here the hammer fell.]

#### CITATIONS ADDED.

"The revolution changed the relation of the religious denominations to the State. In New England, Congregationalism was the established religion, and every citizen was required to aid in the support of some church. In all the southern colonies the Episcopal Church was equally favored, and partially so in New York and New Jersey. Only in Pennsylvania, Rhode Island, and Delaware were all the Protestant sects on an equality as to their religious rights."—*Fulton's History United States*, 523.

Constitution of Pennsylvania, Article I, § 3: "No human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given to any religious establishment or modes of worship."

"§ 4. No person who acknowledges the being of a God and a future state of rewards and punishments shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth."

Mr. SPRINGER. I yield seven minutes to the gentleman from Alabama [Mr. OATES].

Mr. OATES. Mr. Speaker, the Edmunds-Tucker law, passed by Congress some years ago, which prescribed a test oath for suffrage in Utah, received my vote and sanction for the reason that I believed it in order to extirpate polygamy and bigamy some such strong measure was necessary, and that law has practically, as I am informed, dug up that evil by the roots.

The constitution which Idaho presents for our consideration in the provision regarding suffrage and other rights of the citizen goes a step further, and without conviction disfranchises or denies the right to vote and sit on a jury to those who will not, in addition to swearing that they are not polygamists nor believers or teachers of polygamist practices, swear that they do not belong to any church where such doctrines are taught.

It is well known that there are Mormons who do not advocate plural marriage or polygamist practices. These men belong to the same church where some others do teach and practice a different polygamy or celestial marriage, just as we know that in other denominations all over the country there are differences of opinion; and, that being true, is it quite fair and right to disfranchise those who may belong to a church where such doctrines are taught by others or where other members of such churches may be guilty of such practices? I would have them all disfranchised after conviction and would favor a test oath for registration similar to that contained in the Edmunds-Tucker law.

In the main, however, this is a good constitution, and the bill for the admission of this State is comparatively free from objection. There is one other section in the constitution to which I wish to call the attention of the House, and which I regard as very objectionable, and that is in regard to compulsory education. I refer to section 9, article 9 of the constitution, which reads:

SEC. 9. The Legislature may require by law that every child of sufficient mental and physical ability shall attend the public school throughout the period between the ages of six and eighteen years for a time equivalent to three years, unless educated by other means.

I regard this as quite objectionable. In the short time, however, at my disposal, Mr. Speaker, I can not state at length my objections to compulsory education, but I desire further to call the attention of the House just here to the fact that the elections in Milwaukee, Wis., the other day turned right on this point. The Bennett law provided for compulsory education and that English should be taught in the schools. I think it quite proper to require the English language

to be taught in the public schools, but the feature making education compulsory is, in my judgment, un-American and undemocratic; it is an importation from Germany or from China, and incompatible with our free institutions, and the popular verdict the other day so declared in the case I have just cited. That feature, therefore, I regard as a most objectionable one in this Constitution, and Republican members here must take the responsibility of indorsing it. But in many respects this is a most acceptable constitution.

I have not time now to refer to the features in detail which I think are good, but I wish specially to commend the good sense of the people in the construction of the judicial department of this constitution, especially for the embodiment of a provision which strikes down the foolish distinction between law and equity and provides for a speedy determination of causes and the administration of justice to the people.

Besides the two objections I have pointed out there is the unfair advantage which the Republican side of this House takes in bringing in as a State this Territory under an apportionment contained in the constitution which will surely enable the Republicans to make their Legislature Republican and thereby add two more Senators to the majority they now have in the Senate. I do not think it fair to bring in as States the smallest Territories because they are Republican, while keeping out Utah, New Mexico, and Arizona because they are Democratic. But as I am in favor of admitting Idaho freed from the objections named, I will not vote against her, and yet I can not vote for her, and expect to withhold my vote.

Mr. SPRINGER. I now yield five minutes to the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. Mr. Speaker, I am substantially in favor of the admission of Idaho as a State. It has not, it is true, as large a population as I think a Territory ought to have to become a State of the Union, but the population is much larger than some which have been already admitted, and the Territory has many of the material advantages that go to make a successful State.

I am much opposed to the polygamist practices and the polity of the Mormons as any man can be. I believe the polygamist feature, if admitted, would undermine our entire civilization, which is based fundamentally on the union of one man and one woman, in such a relationship as makes them as a family the true unit in the state. But, Mr. Speaker, the provision of the constitution now under consideration, which discourages and discountenances Mormonism, in my opinion has gone entirely beyond the evil that it seeks to eradicate, and has invaded the domain of religious belief.

I make this point, that the best and only test of loyalty to the State is obedience to the law, not the opinion of the citizens about the law.

Mr. KERR, of Iowa. Will the gentleman yield for a question?

Mr. MCADOO. I have but five minutes, but will yield for a question.

Mr. KERR, of Iowa. Can a man claim to be obedient to the law while teaching a violation of the law?

Mr. MCADOO. I say the only test of loyalty to the State is obedience to the law.

Now, in the familiar passage in the New Testament where our Savior takes the coin which is handed to him, and, in response to the query whether tribute should be paid to Caesar, replies, "Render unto Caesar the things which are Caesar's, and unto God the things which are God's," he teaches absolute obedience to the civil authority, although at that time all the teachings of the Christian religion were opposed to the basic elements of the government of the Roman Empire. The opinions of the Savior and his teachings did not coincide with the mandates of the emperors or the customs and laws of the empire; but obedience to the law was promulgated as a fundamental tenet of Christianity.

Now, Mr. Speaker, there is one clause in this constitution to which I wish to call attention. I am loath to believe that the framers intended it to apply to anybody but the Mormons; but it is manifestly capable of a construction which would apply to other religious denominations as well as to the Mormons. I mean the provision which declares that any man who expresses the belief or encourages any organization which teaches that there is a higher law than the law of the State shall be disfranchised. One of the most memorable and historic bodies of theologians and laymen that ever met was the Westminster body of divines; and my friend from Iowa will admit what I say in regard to that. They held their session from 1643 to 1648, beginning with the regicide and continuing under the Parliament, and formulated that most memorable confession of the Christian faith of that particular sect; a body of men who, after a debate which arrested the attention of the kingdom and the Parliament and which engaged the ablest minds of that most illustrious body of scholars and divines, formulated this as their theory of the relationship of the church to the state:

The Lord Jesus Christ, as King and head of His church, has therein appointed a government in the hands of church officers, distinct from the civil magistracy.

Now, I ask my friend whether a man who belongs to a church like that—the Presbyterian Church of to-day—in this coming State is not inhibited by this constitution from casting his vote where it is distinctly set down that the church government is in its own legitimate

sphere sovereign and independent of the government of the State, so far, at least, as belief is concerned.

I am sorry that this one sentence found its way into this constitution, because I am heartily in favor of the admission of new States under proper constitutions. I was in favor of the Edmunds bill, for which I voted, to exterminate the vicious and un-American features of Mormonism; but in this constitution you have gone too far. You have placed power in the hands of those who are to administer the laws of the new State that can be used for despotic purposes, and which can infringe upon the conscience and belief as well as on the action of men in this new State. It does not matter what a man's opinion of the law of the State is; but the question is, does he obey it? Why, there are gentlemen on this side of the House who think that the present tariff laws are infamous and ought not to remain on the statute-books for a moment; but they do not turn smugglers because of that. And, as I said, the test of loyalty to the law is obedience to it. We deal with overt acts, not opinions. Let us keep church and state absolutely separate. The bigotry of religious controversies is not part of our politics. We have no kings or queens who claim divine right to have dominion of affairs, spiritual as well as temporal. Religion rules by love, and not by act of Congress.

[Here the hammer fell.]

Mr. SPRINGER. Mr. Speaker, the position of this side of the House with reference to this bill seems to be very much misunderstood by gentlemen who have addressed the House on the other side so far upon this subject. The minority of the Committee on Territories have proposed certain amendments which we will ask the House to vote upon, and in these amendments we have formulated the position which the Democratic party of this House has assumed with reference to this bill. I hope gentlemen will give attention to these amendments, so that they may understand the position that this side of the House has taken and will ask Congress to take in regard to this bill.

I have not opposed the admission of Idaho into the Union. I do not now oppose her admission into the Union under a proper constitution and in a proper way. During the last Congress I had the honor to report a bill for the admission of this Territory into the Union as a State. I regret very much that that bill did not pass at that time. If the provisions of that bill could be applied to Idaho now I would heartily support this bill; but gentlemen have seen fit to frame a bill in such a way and with such provisions as to secure partisan advantage instead of such legislation as should be enacted by Congress with a view of bringing a State into the Union.

The first amendment proposed by the minority of the Committee on Territories strikes out the first and second sections of the pending bill, which sections admit Idaho into the Union at once with the constitution already made, and provides for calling another convention by delegates elected at an election called in pursuance of an act of Congress, which will frame a constitution and submit it to the votes of the people, as was done in the cases of the two Dakotas, Washington, and Montana by the last Congress.

I do not need to state to the House, for the fact is well understood, that there was no law of Congress or of the Territorial Legislature which authorized the calling of a constitutional convention in the Territory of Idaho. The governor, upon his own motion, issued a proclamation calling for an election of delegates to a constitutional convention and divided the Territory into certain districts. This convention was held without any authority of law, and any one could have voted at that time without having been subject to any penalty or punishment for illegal voting. Any fraud could have been committed and nobody prosecuted for it. There is, as I said on the Wyoming bill, no precedent in the legislation of this country for a case of this kind, and there being no precedent for it, there being no good reason for such a course, the minority of the committee insist that there should be another convention held there, and that that convention should be held in pursuance of law.

Now, what are the qualifications of the delegates in that convention by the amendment which we propose? They are such as are required of members of the Territorial Legislature of Idaho. Gentlemen upon the other side have said that we desire to admit bigamists and polygamists to the exercise of the elective franchise and to hold office. On the contrary, this amendment provides that the laws of Idaho shall govern as to the qualifications of the voter and of the officials; and gentlemen know what these laws provide. I will call attention to that subsequently. They not only prohibit bigamy and polygamy and polygamous cohabitation, but they prohibit belonging to or contributing to any organization that encourages such practices. But there is incorporated in the amendment a provision which is contained in the Edmunds act passed by the Forty-seventh Congress, and the oath prescribed by the Tucker-Edmunds act passed in the Forty-ninth Congress. When those acts passed this House I voted for them, and I stand by that vote to-day, and I only ask gentlemen that they shall apply those laws to Idaho.

What is that provision? If you will turn to the Tucker-Edmunds act you will find in the twenty-fourth section the oath prescribed there applied only to Utah. But these amendments we propose shall apply to

the voters in Idaho as well, the principle having been laid down by Congress. The act of March 3, 1887, provides that as a condition precedent to the right to vote at any election in the Territory of Utah every male person of twenty-one years of age shall take and subscribe to an oath or affirmation before the registering officer of each precinct that he is of proper age, etc. And, further, in such oath or affirmation he shall state his full name and place of business; his status, whether single or married, and, if married, the name of his lawful wife, and that he will support the Constitution of the United States, faithfully obey the laws, and especially to obey the law of Congress approved March 22, 1882, entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes."

The voter in Idaho is to take the same oath under the amendment which this committee proposes that was prescribed by Congress for the Mormons in Utah.

Mr. STRUBLE. I beg the gentleman's pardon. Does not that act contain a provision applying it to all the Territories?

Mr. SPRINGER. The act prescribing the oath does not.

Mr. STRUBLE. But the act.

Mr. SPRINGER. The Edmunds act was to apply to all the Territories. That was passed on the 22d day of March, 1882.

Mr. STRUBLE. That is the one I had in mind.

Mr. SPRINGER. That act applied to all the Territories; and section 8 of the Edmunds act, approved March 22, 1882, provides—

That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

That was the law passed in 1882, known as the Edmunds act, and that is the law which applies to all the Territories. I call the attention of gentlemen now to the proviso in the ninth section of that act, which applies to Utah only, which says that—

Said board—

The board of registration, composed of five persons—

shall not exclude any person, otherwise eligible to vote, from the polls on account of any opinion such person may entertain on the subject of bigamy or polygamy, nor shall they refuse to count any such vote on account of the opinion of the person casting it on the subject of bigamy or polygamy.

Thus it will be seen that by the Edmunds act itself the exclusion of persons from voting because of their opinions on the subject of bigamy or polygamy was expressly prohibited.

In 1887, on the 3d of March, Congress passed what is known as the Tucker-Edmunds act, in which was prescribed the oath to which I have already called attention. Therein the voter was required to swear that he would obey this act "in respect to the crimes by said act defined" and that he would not aid or abet, counsel or advise any other person to commit any of said crimes. That is the oath prescribed by this amendment, and the distinction between the oath prescribed in the amendment submitted by the minority of the committee and the provision of the Idaho constitution is this: By the Tucker-Edmunds act this oath which we have made applicable to future elections in the Territory relates to acts committed, and not to opinions; while under the Idaho constitution, as avowed by its friends and supporters upon this floor, every person who belongs to the Mormon Church, every person whether he belongs to that church or not, if he contributes to its support, is excluded from voting. He may be a Gentile, but if he contributes to the support of that church in any way, even by dropping a nickel in the contribution box, he is disfranchised.

That is the difference, a difference which amounts in practice to this: that, while the Tucker-Edmunds law is enforced in Utah, 90 per cent. of the adult members of the Mormon Church vote at every election in the Territory, but under this provision of the Idaho constitution not one of the members of the Mormon Church in Idaho will be allowed to vote. The Tucker-Edmunds act does not disfranchise 10 per cent. of the voters in Utah; the Idaho constitution would disfranchise 100 per cent. of the Mormon voters in Idaho, the entire vote. Yet gentlemen say they can not see any difference between the two. The gentleman from Vermont [Mr. STEWART] says they seem to be about the same thing, and the gentleman from Kansas [Mr. PERKINS] could scarcely see any difference between them, but thought they were in the same line and had the same object in view. The difference is in the practical point to which I have called the attention of the House, and practical results are what gentlemen are looking to, or ought to be looking to, in legislating here.

By the Idaho constitution you disfranchise every Mormon in that Territory, while by the Tucker-Edmunds act, I repeat, not to exceed 10 per cent. of the Mormons in Utah, the Territory to which that act applied, were disfranchised. So much for the first amendment which we propose. That amendment requires that this Tucker-Edmunds oath shall be taken by every person who is to vote for delegates or for the ratification of the constitution. When the constitution is framed in pursuance of that law, then it is to be submitted to a vote of the peo-



ple, and, if ratified, Idaho will come into the Union; and, under the operation of this amendment, Idaho could be here at the next session of Congress with her two Senators and her Representative upon this floor.

Mr. MOREY. Will the gentleman yield for a question?

Mr. SPRINGER. For a question, but not for a speech.

Mr. MOREY. I wish to ask the gentleman to give the language of the proposed amendment which would require the taking of the Tucker-Edmunds test oath.

Mr. SPRINGER. If the gentleman will turn to page 2996 of the RECORD he will find it. It is this:

*Provided, That if any elector in said Territory who may offer to register as a voter or to vote at said election shall be challenged on the ground that he is a bigamist or a polygamist, or is living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of Idaho or of the United States forbidding any such crime, or who, in any manner, teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime, or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation, or society which teaches, advises, counsels, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or which teaches or advises that the laws of Idaho prescribing rules of civil conduct are not the supreme law of the Territory, it shall be the duty of one of the judges of the registration or of the election, where such elector is challenged, to tender him the oath prescribed in section 24 of the act of Congress approved March 3, 1867, known as the anti-polygamy act, with such modification only as is necessary in order to comply with the laws of the Territory of Idaho in respect to his residence therein; and if such elector shall take and subscribe said oath so modified, his vote shall be received and counted at such election.*

Mr. MOREY. Is that in the minority report?

Mr. SPRINGER. It is in the amendment submitted by the minority, but not in the pamphlet which the gentleman holds in his hand.

Mr. STRUBLE. It is an amendment submitted since the views of the minority were filed, I understand.

Mr. SPRINGER. Yes, sir. Now, if that amendment should be voted down and if gentlemen refuse to have a convention called in pursuance of law in the manner I have pointed out, another amendment is suggested which provides that this constitution itself, which has been framed by the Idaho convention, shall be submitted for ratification or rejection by the people of that Territory, and that at such election the same oath shall be prescribed to which I have called attention. So that there is no effort here to keep Idaho out of the Union. The object is simply to treat Idaho the same as we have treated the other Territories.

Another amendment goes further than either of these and prescribes that the Territorial Legislature shall accept the principle that no person shall be deprived of the right to vote on account of crime, unless conviction has preceded the disfranchisement, except where conviction prior to election would be impossible. The gentleman from Kansas [Mr. PERKINS] assumes that because in a case of polygamy or bigamy we insist upon conviction prior to disfranchisement therefore we are in favor of polygamy and bigamy. For the same reason the gentleman from Kansas is in favor of treason and murder and felony and bribery. This constitution of Idaho provides in section 3 that—

No person is permitted to vote, serve as a juror, or hold any civil office who is under guardianship, idiotic, or insane, or who has at any place been convicted of treason, felony, subornation of the public funds, bartering or selling or offering to barter or sell his vote, or purchasing or offering to purchase the vote of another, or other infamous crime, and who has not been restored to the rights of citizenship.

So that in regard to treason, which is the highest crime known to the law, you do not, under this Idaho constitution, undertake to disfranchise a man until he has been convicted of the crime. That is the provision of this constitution, and that is the law in nearly every State in the Union, that conviction for an infamous offense must precede disfranchisement on account of that offense. Now, under this constitution of Idaho, if a man has been arrested for murder, or for arson, or for the most heinous offense known to the law, he may at any time prior to conviction, even while he is out under bail, go to the polls and vote. No crime is too heinous to prevent a man from going to the polls and voting under such circumstances prior to conviction, but, if he is even suspected of belonging to the Mormon Church or of contributing to its support, then he is to be disfranchised without being convicted!

Gentlemen assume that it is a very difficult matter to convict a person of the crime of bigamy or polygamy. Why, gentlemen, these are the easiest crimes in the world to be proven. A man may conceal stolen money or other property, but he can not conceal his wife; he can not conceal his children.

Mr. STRUBLE. He may have so many wives that he can not get around very often so as to be identified with the cohabitation. [Laughter.]

Mr. SPRINGER. He will not have so many wives that the officers of the law will not find them. If a United States marshal in Idaho is so blind that he can not find a Mormon's wives or his children when the fees are tempting him to institute prosecutions all along the line, he certainly can not be very much in favor of the enforcement of the law. With public sentiment condemning these offenses and the offenses themselves the easiest thing in the world to be proved, it is not

unreasonable to insist that you must convict a man before, on the ground of such offenses, you deprive him of so sacred a right as the elective franchise.

So much for these amendments. I desire now to call attention to the partisan character of this Idaho constitution. As soon as it was known to the country that the Republican party had elected a majority in both branches of Congress and also the President of the United States, the party leaders began to make arrangements for increasing their representation in the Senate, and this movement in Wyoming and in Idaho was started for the purpose of securing two Republican Senators from each of these States, so that they may be already installed when the Democratic party shall again come into power, as it will in the next Congress, and when it shall, as I believe it will, carry the next Presidential election. It will then desire to repeal some of the laws that have been passed by this Republican Congress, to reduce the tariff, to monetize silver, to respond to the wishes of the people in putting down "trusts" and other monopolies; but according to the scheme adopted by the Republican party the monopolists will then be entrenched in the Senate so that the Democrats will be unable to pass their measures.

Mr. STRUBLE. Have you not recently had six years for that kind of work?

Mr. SPRINGER. No, sir; there has never been a time since the war when the Democratic party has been in power in both branches of Congress and has at the same time had the President of the United States.

Mr. STRUBLE. You had a very good opportunity in this House, but you did not do very much in those lines.

Mr. SPRINGER. You were obstructionists then and would not let us do anything. [Laughter.]

Mr. BREWER. Will the gentleman allow me to ask him two questions?

Mr. SPRINGER. I can not yield now.

Mr. BREWER. They shall be direct questions.

Mr. SPRINGER. Very well; direct them.

Mr. BREWER. The only objection you have to the admission of Idaho, as I understand, is on account of this clause relating to the disfranchisement of Mormons?

Mr. SPRINGER. Oh, no; I have a great many objections; if the gentleman will permit me I will at once state another.

Mr. BREWER. Let me ask the other question.

Mr. SPRINGER. I prefer the gentleman should wait.

Mr. BREWER. If the admission of this Territory had been brought here in connection with the admission of New Mexico and Arizona in an "omnibus bill," such as the gentleman desired, would he not have waived all the objections he now urges?

Mr. SPRINGER. If the omnibus bill were such as I have proposed, I would favor the passage of the bill. But I should oppose the admission of New Mexico with any such provision in her constitution as this Idaho constitution contains.

I desire to call attention to some other provisions of this constitution.

This statehood movement was controlled, as I have said, in the interest of perpetuating the power of the Republican party in the Senate of the United States.

I ask gentlemen to look at this Idaho constitution and see the apportionment that has been made for the election of the first Legislature. I have seen a great many apportionment bills which were denominated "gerrymanders;" but this one is the most stupendous fraud of the kind that I have ever seen. Gentlemen will scarcely believe the facts; but I have the figures here to prove the truth of what I will state.

The following is the official vote of Idaho by counties, taken from Spofford's Almanac of 1889, page 208 (the county of Alturas has, since November, 1888, been divided into three counties, as stated below):

Idaho.—Official vote for Delegate, November, 1888.

Counties.	Dubois (Republican).	Hawley (Democrat).	Buck (Independent).
Ada .....	1,008	661	
Alturas .....			
Logan .....	1,613	1,133	
Elmore .....			
Bear Lake .....	82	532	
Bingham .....	781	635	
Boise .....	478	371	
Cassia .....	201	213	
Custer .....	563	234	
Idaho .....	255	365	58
Kootenai .....	269	278	66
Latah .....	341	267	864
Lemhi .....	494	269	
Nez Percé .....	494	155	631
Oneida .....	253	87	
Owyhee .....	301	171	
Shoshone .....	1,833	737	35
Washington .....	433	326	4
Totals .....	8,151	6,404	1,458

The following is the population of the Territory of Idaho, 1880, as estimated in the report of the governor to the Secretary of the Interior:

Population of Idaho, 1889.

Counties.	Population.	Counties.	Population.
Ada .....	11,275	Latah .....	11,250
Alturas .....	3,300	Lemhi .....	5,500
Bear Lake .....	5,900	Logan .....	6,300
Bingham .....	14,773	Nez Percé .....	5,200
Boisé .....	4,900	Oneida .....	6,900
Cassia .....	4,500	Owyhee .....	4,000
Custer .....	4,900	Shoshone .....	9,500
Elmore .....	4,500	Washington .....	5,700
Idaho .....	2,879		
Kootenai .....	2,500	Total .....	113,777

The following is the provision of the Idaho constitution under which the first Legislature is to be elected, and subsequent Legislatures until otherwise provided:

## ARTICLE XIX.

## Apportionment.

SECTION 1. Until otherwise provided by law the apportionment of the two houses of the Legislature shall be as follows:

The first senatorial district shall consist of the county of Shoshone, and shall elect two senators.

The second shall consist of the counties of Kootenai and Latah, and shall elect one senator.

The third shall consist of the counties of Nez Percé and Idaho, and shall elect one senator.

The fourth shall consist of the counties of Nez Percé and Latah, and shall elect one senator.

The fifth shall consist of the county of Latah, and shall elect one senator.

The sixth shall consist of the county of Boise, and shall elect one senator.

The seventh shall consist of the county of Custer, and shall elect one senator.

The eighth shall consist of the county of Lemhi, and shall elect one senator.

The ninth shall consist of the county of Logan, and shall elect one senator.

The tenth shall consist of the county of Bingham, and shall elect one senator.

The eleventh shall consist of the counties of Bear Lake, Oneida, and Bingham, and shall elect one senator.

The twelfth shall consist of the counties of Owyhee and Cassia, and shall elect one senator.

The thirteenth shall consist of the county of Elmore, and shall elect one senator.

The fourteenth shall consist of the county of Alturas, and shall elect one senator.

The fifteenth shall consist of the county of Ada, and shall elect two senators.

The sixteenth shall consist of the county of Washington, and shall elect one senator.

SEC. 2. The several counties shall elect the following members of the house of representatives:

The county of Ada, three members.  
The counties of Ada and Elmore, one member.  
The county of Alturas, two members.  
The county of Boise, two members.  
The county of Bear Lake, one member.  
The county of Bingham, three members.  
The county of Cassia, one member.  
The county of Custer, two members.  
The county of Elmore, one member.  
The county of Idaho, one member.  
The counties of Idaho and Nez Percé, one member.  
The county of Kootenai, one member.  
The county of Latah, two members.  
The counties of Kootenai and Latah, one member.  
The county of Logan, two members.  
The county of Lemhi, two members.  
The county of Nez Percé, one member.  
The county of Oneida, one member.  
The county of Owyhee, one member.  
The county of Shoshone, four members.  
The county of Washington, two members.  
The counties of Bingham, Logan, and Alturas, one member.

In this constitution the Republican leaders have so gerrymandered the districts for the senate and house of representatives of Idaho as to perpetuate the power of the Republican party in that State indefinitely. I will show how this is done. According to this apportionment, based upon the vote for Delegate in 1888, which I will print in the RECORD, the senate of Idaho at its first session will consist of 15 Republicans and 3 Democrats. That is the State senate. I will print in the RECORD the representation of each county under this apportionment, both for the senate and house of representatives:

Senate of Idaho as it will stand at the first election under the constitution, according to the vote for Delegate in 1888.

Districts.	Counties.	Republican.	Democratic.
First .....	Shoshone .....	2	
Second .....	Kootenai and Latah .....	1	
Third .....	Nez Percé and Idaho .....		1
Fourth .....	Nez Percé and Latah .....		1
Fifth .....	Latah .....	1	
Sixth .....	Boisé .....	1	
Seventh .....	Custer .....	1	
Eighth .....	Lemhi .....	1	
Ninth .....	Logan .....	1	
Tenth .....	Bingham .....	1	
Eleventh .....	Bear Lake, Oneida, and Bingham .....		1
Twelfth .....	Owyhee and Cassia .....	1	

Senate of Idaho as it will stand at the first election, etc.—Continued.

Districts.	Counties.	Republican.	Democratic.
Thirteenth .....	Elmore .....	1	
Fourteenth .....	Alturas .....	1	
Fifteenth .....	Ada .....	2	
Sixteenth .....	Washington .....	1	
		15	3

\* By 2 majority—864 votes were cast for Buck in Latah. This district is therefore doubtful.

## House of Representatives.

Districts.	Counties.	Republican.	Democratic.
First .....	Ada .....	3	
Second .....	Ada and Elmore .....	1	
Third .....	Alturas .....	2	
Fourth .....	Boisé .....	2	
Fifth .....	Bear Lake .....		1
Sixth .....	Bingham .....	3	
Seventh .....	Cassia .....		1
Eighth .....	Custer .....	2	
Ninth .....	Elmore .....	1	
Tenth .....	Idaho .....		1
Eleventh .....	Idaho and Nez Percé .....		1
Twelfth .....	Kootenai .....		1
Thirteenth .....	Latah .....	2	
Fourteenth .....	Kootenai and Latah .....	1	
Fifteenth .....	Logan .....	2	
Sixteenth .....	Lemhi .....	2	
Seventeenth .....	Nez Percé .....	1	
Eighteenth .....	Oneida .....	1	
Nineteenth .....	Owyhee .....	1	
Twentieth .....	Shoshone .....	4	
Twenty-first .....	Washington .....	2	
Twenty-second .....	Bingham, Logan, and Alturas .....	1	
	Total house .....	31	5
	Total senate .....	15	3
	Total on joint ballot .....	46	8

The house of representatives, under this apportionment based upon the vote for delegates in 1888, will consist, as will be seen, of 31 Republicans and 5 Democrats. On joint ballot the Republicans will have 46 members and the Democrats 8.

Mr. STRUBLE. Does not that result from the scarcity of Democrats, rather than from any inequality in the arrangement of the districts?

Mr. SPRINGER. No, sir; it results from the ingenuity with which this apportionment has been drawn. See how cunningly these districts have been divided. It is provided, for instance, that in the second senatorial district the counties of Kootenai and Latah shall elect one senator. The fourth district consists of the counties of Nez Percé and Latah; the fifth consists of the county of Latah by itself. All through, as will be seen, these counties are interwoven with each other, dovetailed together, so as to make them almost unanimously Republican.

Let me call attention to another fact. It will require 1,280 Democrats to secure one member of the house of representatives in Idaho under this constitution and 2,168 Democrats to elect one senator; while 263 Republicans will be able to elect one representative and 543 to elect one senator. There were 8,151 votes cast for the republican candidate for Delegate in 1888 and 6,404 votes for the Democratic candidate. The 8,151 Republican votes will be represented in the senate by fifteen senators, one senator for every 543 Republican votes; and every 263 Republican votes will be represented by one representative.

But the 6,404 voters will be represented by only three senators and five representatives; that is, it will require 2,165 Democrats to elect one senator and 1,280 Democrats to elect one representative. In other words, in the election of State senators 543 Republicans will equal 2,168 Democrats, and in the election of members of the lower house of the Legislature 263 Republicans will equal 1,280 Democrats, or in constituting the senate of Idaho one Republican equals four Democrats, and in the house of representatives one Republican equals nearly five Democrats.

I will give some example to show how this was brought about. The gentleman from Iowa [Mr. STRUBLE] suggests that it was the scarcity of Democrats. The figures do not support that assertion. In Shoshone County, which is Republican, with a population of 9,500, four members are allowed by this apportionment in the house of representatives. In Democratic Bear Lake, with 5,900 population, only one member is allowed. In Democratic Cassia, with a population of 4,500, only one member is allowed or two members for a Democratic population of 10,400, while Shoshone County with 9,500, or 900 less, has four representatives in the Legislature. That was not due to scarcity of Democrats, but to a plentiful supply of Republican ingenuity and gerrymandering skill. And in Republican Custer, with a population of 4,900,



two members are allowed, while in Democratic Bear Lake, with 5,900, only one member is allowed. Although Bear Lake has a thousand more population than Republican Custer it has only one representative in the Legislature. Republican Lemhi, with a population of 5,500, has two members. It has a population of 400 less than Democratic Bear Lake, and yet it has one representative more in the Legislature.

Thus we see by the ingenuity of the Republican bosses who formulated this constitution they have not only suppressed votes of 4,500 Mormons, who it is alleged would vote the Democratic ticket, but they have suppressed by a constitutional gerrymander more than half the Democratic party of the Territory who are Gentiles and were never even suspected of being in sympathy with Mormons.

Mr. DORSEY. Will the gentleman allow me to ask him a question?

Mr. SPRINGER. I will yield to a question.

Mr. DORSEY. Has any Gentile Democrat of Idaho complained of this constitution?

Mr. SPRINGER. No, sir; not that I know of.

Mr. DORSEY. Any made objection to it?

Mr. SPRINGER. No, sir; not to me.

Mr. DORSEY. Are not the Democrats in Idaho rather in favor of this constitution?

Mr. SPRINGER. I believe they are. I believe they are in favor of it because they would rather live in a Republican State than in a Republican Territory. That is the only difference with them. I want to acquit the Democrats of that Territory, however, from any responsibility for this legislative apportionment.

Mr. STRUBLE. It does not seem to have troubled them much.

Mr. SPRINGER. They will thank me for exposing these provisions by which half of their votes have been suppressed under this iniquitous apportionment.

Years ago the Republican party dismembered Virginia and created two States out of the Old Dominion. But the State of Virginia is now represented in the Senate by Democrats, and has been from that day up to this, with the exception of a very few years.

Mr. STRUBLE. But they have been coming to the Republican column all the time.

Mr. SPRINGER. I want to remind you gentlemen on the other side of the fact that you "but teach bloody instructions, which, being taught, will return to plague the inventors." This Idaho disfranchisement and partisan apportionment will return to plague you in the future. You will be required to confront these measures hereafter; and I want to predict now that those you disfranchise in Idaho will qualify under this constitution and demand the right of voting; and I believe you concede that if these people vote they will vote the Democratic ticket and the Democrats will, if they should qualify, carry the State. The Legislature, of course, is absolutely hopeless unless there should be a political revolution in Idaho. You have put that under the control of the Republican party beyond question.

But this gerrymandering conspiracy is not confined to Idaho alone. Since this bill for the admission of Idaho has been under consideration I have taken occasion to examine the provisions of the bill as to the apportionment in Wyoming, for the reason that remarkable features of this Idaho apportionment induced me to examine that of Wyoming also to see whether the same line of policy had been pursued there. I have gone over the Wyoming apportionment and find that the Wyoming apportionment is a part of the same scheme. In Wyoming the State senate, under the constitutional apportionment, will contain 14 Republican senators and 2 Democrats; the house of representatives will contain 29 Republicans and 4 Democrats, or 43 Republicans on joint ballot and 6 Democrats. So much for Wyoming.

Mr. WASHINGTON. Why did they not take them all? [Laughter.]

Mr. SPRINGER. Why did not they take them all? my friend says. Well, they might as well have done so. That reminds me of an incident that occurred in Crook County in the so-called election in Wyoming for the constitution, where three men were committing fraud on the ballot-box, which in that case was in a cigar-box, and had put in 300 votes in favor of the constitution, when one remarked that he was getting tired all the time voting for one man, and he was going to put in a few votes "for the other fellow," and then voted 7 against the constitution. It was thought in this case, I suppose, that it would be too plain and palpable to deny any Democrat a right to a seat, so four were allowed to slip in.

Mr. CAREY. Will the gentleman yield?

Mr. SPRINGER. No, sir; not now.

Mr. CAREY. I only want the gentleman to yield long enough for me to state that that whole story is manufactured out of the whole cloth. There is not a word of truth in it.

Mr. SPRINGER. If you refer to the cigar-box ballot fraud, I refer you to the editor of the Sundance Gazette, upon whose authority the statement is made. But if you refer to the Wyoming apportionment, every word I have stated is the truth and I will show the record in support of it; and it was done for the purpose of securing votes enough in the Legislature to elect the gentleman to the United States Senate, and now he is trying to deny responsibility for it. [Laughter.]

Mr. CAREY. I am much obliged to the gentleman. I say it is not true, that is all.

Mr. SPRINGER. The gentleman may deny the truth of the cigar-box fraud—that I know nothing about, except what I find in a Wyoming newspaper. I refer him to the editor of that paper. But he will not deny what I said in reference to the Wyoming legislative apportionment. I will give the facts. The following is the official result of the election for Delegate in Wyoming, November, 1888, taken from the Albany Evening Journal Almanac for 1889:

Wyoming.—Official vote for Delegate, November, 1888.

Counties.	Carey, Republican.		Organ, Democrat.
Albany.....	1,584		1,024
Carbon.....	1,701		932
Converse.....	696		610
Crook.....	650		590
Fremont.....	499		586
Johnson.....	362		554
Laramie.....	1,928		1,767
Sheridan.....	489		386
Sweetwater.....	1,153		594
Uinta.....	1,437		690
Total.....	10,451		7,567

The following is the legislative apportionment contained in the Wyoming constitution:

Sec. 4. Until an apportionment of senators and representatives as otherwise provided by law they shall be divided among the several counties of the State in the following manner:

Albany County, two senators and five representatives.  
Carbon County, two senators and five representatives.  
Converse County, one senator and three representatives.  
Crook County, one senator and two representatives.  
Fremont County, one senator and two representatives.  
Laramie County, three senators and six representatives.  
Johnson County, one senator and two representatives.  
Sheridan County, one senator and two representatives.  
Sweetwater County, two senators and three representatives.  
Uinta County, two senators and three representatives.

I have been unable to procure a statement of the estimated population of Wyoming at this time by counties, nor have I been able to procure a statement of the vote by counties on the ratification of the constitution.

Under this apportionment, based upon the vote of 1888, the senate and house of representatives of Wyoming will be constituted as follows at the first Legislature:

Apportionment of senate and house of representatives of Wyoming.

Counties.	Senate.		House.	
	Rep.	Dem.	Rep.	Dem.
Albany.....	2		5	
Carbon.....	2		5	
Converse.....	1		3	
Crook.....	1		2	
Fremont.....		1		2
Laramie.....	3		6	
Johnson.....		1		2
Sheridan.....	1		2	
Sweetwater.....	2		3	
Uintah.....	2		3	
Total.....	14	2	29	4

Or, on joint ballot, 43 Republicans and 6 Democrats.

I base my calculation on the figures of the vote given at the election in 1888, when the Delegate from Wyoming [Mr. CAREY] was elected a member of this House. Now, I have no objection to the gentleman being returned as a Republican Senator, if the Republicans are to have the Senators, but I do not understand why he wanted it by such a large majority. [Laughter.] Why not let a few Democrats in?

Mr. WASHINGTON. Why not make the race interesting?

Mr. SPRINGER. Yes, as my friend here says, why not make the race interesting? Here are the figures by counties, showing how many delegates will be elected in Wyoming, and I will put them all in the RECORD. So much for that apportionment.

The gentleman from Kansas and the Delegate from Idaho desired to know whom the minority on this side represented. They said we did not represent the Democrats of Idaho and certainly that we did not represent the Republicans. We do not claim it. But we do claim to represent the people of the United States who sent us here. We represent the 5,500,000 Democrats who voted for Cleveland at the time we were elected members of this body. [Applause on the Democratic side.] And I desire to remind the gentleman that at that election 95,000 more votes were cast for Cleveland than for Harrison. [Renewed applause.] So we represent the majority of the people of the United States in protesting against this constitution. [Applause on the Democratic side.] And it seems from the returns coming from Chicago, Springfield, and other cities in Illinois, and Milwaukee—

A MEMBER. And Rochester.

Mr. SPRINGER. Yes; and Rochester, and Schenectady, that the Democratic party is not losing any ground from what it held in that election.

Mr. STRUBLE. And the Ohio gerrymandering? [Laughter.]

Mr. SPRINGER. Yes, and Ohio will help elect the Democratic ticket in 1892; and the district that the gentleman represents has gone Democratic since he was elected to the House, I believe. We represent the majority of the American people, and that majority is increasing every day, and by the time November, 1892, comes around we will be able to elect a President of the United States, who will represent the people of the country as against the minority man now representing trusts and monopolies.

Mr. PERKINS. They will be ready to do penance then for their votes now. [Laughter.]

Mr. SPRINGER. You will have to do penance. It will be for you to do penance.

Mr. Speaker, the gentleman in the course of his remarks stated that the Idaho constitution only went a little further than the Tucker-Edmunds act—a little further. I have already pointed out how much further it went. It went far enough to disfranchise every man in Idaho who belonged to the Mormon Church, although he might have been a monogamist all of his life and opposed to polygamy just as much as any man on this floor, while the Tucker-Edmunds act only affected those who were actually polygamists.

The gentleman from Kansas, whom I am now glad to see in his seat, dwelt upon the word "convicted," as if the requirement of conviction in advance of disfranchisement repealed the law which prohibited polygamists from voting. Nothing of the kind. The laws stand that were passed in 1882 and 1887 on this subject, and apply to all of the Territories. We do not interfere with them. We do not propose to interfere with them; and that is the position of the Democratic side of the House on that question.

One point further, Mr. Speaker. The gentlemen on the other side of the Chamber do not claim that the Mormons in Idaho are sufficiently numerous to give them control, even if they did vote. They are not, therefore, afraid of Mormon domination. If the Mormons should vote, the Democratic party would probably secure their votes, and that party would, in that event, be able to secure a majority in the new State. The Democrats, who are allowed to vote in Idaho, it is conceded by gentlemen on the other side, are Gentiles, and have no sympathy with the Mormon Church or its doctrines. If Mormons should vote, therefore, it would not result in Mormon domination, but in Democratic rule. It is Democratic rule, then, that gentlemen on the other side are so anxious to prevent. If the Mormons in Idaho would only vote the Republican ticket there would be no provision in the Idaho constitution to disfranchise them. In Wyoming the male Mormons and their wives and daughters are allowed to vote by the constitution, which the Republicans in this House approved only a few days ago by voting for the bill to admit Wyoming into the Union as a State. The Mormons in Wyoming vote the Republican ticket. From this it appears that Mormon Democrats only are to be disfranchised. Mormonism is therefore only the pretext for disfranchisement. The real reason for disfranchisement is that the persons disfranchised are Democrats. This view is supported by the fact that I have already made clear by showing the suppression of at least half of the Gentile Democratic vote in Idaho by means of an iniquitous partisan gerrymander. If Democrats can not be disfranchised in one way they are to be suppressed in another. If Idaho can not be brought into the Union as a Republican State the Republican majority in Congress would oppose her admission and keep her in a Territorial condition indefinitely.

The SPEAKER *pro tempore* (Mr. PAYSON). The time of the gentleman has expired.

Mr. SPRINGER. I believe I am entitled to more time on this side.

The SPEAKER *pro tempore*. The present occupant of the chair was advised that the gentleman had forty-three minutes; and that time has been occupied.

Mr. BAKER. Mr. Speaker, the only issue upon this bill is joined by the reports made by the majority and minority. It is upon the one question affecting the political status of the Mormons in Idaho. The contested question to be determined by the passage of the bill is whether we shall nullify in Idaho the provisions of the Edmunds bill passed in the Forty-seventh Congress and the Edmunds-Tucker bill, which passed in the Forty-ninth Congress. The gentleman from Illinois [Mr. SPRINGER] has posed as the leader of the Democratic party upon the question of admitting States into the Union. He assumes to be their leader in prescribing what shall be voted for in this and similar bills and as to what shall constitute wise legislation; he lays down the question for consideration by the House and dictates the vote of his colleagues upon the Democratic side; but therein he has utterly failed to voice the sentiment of the Democratic party in the case of any State recently admitted, certainly in the cases of Wyoming and Idaho, as I shall show by extracts from leading Democratic journals and from the evidence in the Idaho case.

The gentleman says that he represents the Democratic party. Now, everybody knows from the history of former Congresses that he misrepresented the Democratic party in all the contests prior to the ad-

mission of the two Dakotas, Montana, and Washington. I am prepared to demonstrate by very high Democratic authority that he misrepresented the Democrats of Wyoming when he opposed the bill for the admission of that State the other day. To-day he is opposing the admission of Idaho, and in every word, in every sentence, he misrepresents the views of the Democratic party of the country, and Democratic Representatives blindly follow him. Therefore, Mr. Speaker, I feel it my duty to protest in the name of the great Democratic party of the country. [Laughter.]

The Democratic party does seem to have no representative here. Now, I have asserted, and will presently prove by evidence fresh from Democratic journals in the new State of Wyoming, that my distinguished friend from Illinois has misrepresented them here.

Mr. SPRINGER. Why, Mr. Speaker, he has been repudiated by the Republicans of his district since the election.

Mr. BAKER. I propose to back it up by Democratic authority, the truth of the assertions just made by me, and will quote first from the Rawlins Journal, published by John C. Friend, a Democratic official in Wyoming during the administration of President Cleveland, who writes:

A special to a Denver paper says Congressman SPRINGER is antagonizing the bill for Wyoming's admission on account of the woman suffrage or universal suffrage clause in the constitution. Mr. SPRINGER professes to be a Democrat, but unless he and other Democrats in Congress adhere to the principles of the party Wyoming, instead of being a doubtful quantity, will come in as a solid Republican State when admitted.

Now, that is the condition as to the leader of the Democratic party, and that is Democratic testimony from a high official under the late Democratic President, Mr. Cleveland. [Laughter.]

The same journal says:

There is not a Democrat in Wyoming who does not condemn the captious opposition to the statehood bill by the Democratic members of the House.

[Laughter.]

More Democratic testimony illustrating the misrepresentation and bad leadership of my kindly friend from Illinois. [Laughter.]

The Leader, the principal Democratic paper, of March 29 (and it is printed on red paper, so that it may be read even by my esteemed friend from Illinois) says:

#### THE PARTY VOTE.

The Leader has no apologies to offer for the Democratic members of Congress who voted against the Wyoming admission bill in the House yesterday. The Democrats of Wyoming left no stone unturned to bring about the result which was yesterday reached, and they had the best of reasons to believe that a large portion of the Democratic minority would earnestly support the measure. There is no Democrat in Wyoming who has any sympathy with the Democratic action in the House yesterday. Forced upon them, though it undoubtedly was, their action was purely partisan, and as such it deserves hearty condemnation. Wyoming people to-day, irrespective of party and purely as citizens, rejoice over their assured enfranchisement, and, thanking the General Government for past favors, hope to merit a continuance of the same.

[Laughter.]

I suppose if they have any foundation on which to build their hopes for future favors they will naturally look to the Republican party.

[Laughter.]

Mr. TURNER, of New York. They will lean on a broken reed.

Mr. BAKER. Judge Corn, an Illinois man, serving in Wyoming as judge of the supreme court, was in Washington recently, and interviewed Mr. SPRINGER. I will call attention to what he said:

The Cheyenne Leader has interviewed Judge Corn, who has recently returned from Washington, upon the subject of statehood. The judge is reported as follows:

He thinks the story of Democratic opposition to the bill is nothing but mere bluff, and feels altogether sanguine that the Wyoming enabling act will be passed. In an interview with SPRINGER, of Illinois, who was said to be opposed to the bill, Judge Corn was pleasantly disappointed to find that the matter has been misunderstood or misrepresented. Mr. SPRINGER said that two years ago he had made a favorable report from the Committee on Territories upon the admission of Wyoming, and saw no reason now why he should work against us. While he made no absolute statement that he would favor the bill, he left the impression that he certainly would do nothing to keep Wyoming out.

I admit that the gentleman did nothing to keep her out, but at the same time he tried to.

Judge Corn feels the greatest confidence that Wyoming will receive recognition at the present session of Congress.

[Laughter.]

I have also a letter from a woman in Wyoming. It is an open letter to Mr. SPRINGER, published in a leading Western journal, and ought to be spread on the record. It is as follows:

#### OPEN LETTER TO CONGRESSMAN SPRINGER FROM LADIES OF WYOMING.

DEAR SIR: While we have not the pleasure of your acquaintance, you assume to know us very well; but we think you have formed a wrong estimate of us in your opposition to the suffrage clause in our constitution. It is not too late before that fateful next Tuesday. We want your attention a moment. Please remember that it is by the moderation and good sense that our 1 dies have shown in this matter that we have retained the right of suffrage for over twenty years. There has been no stump-speaking, crusades, or "boodle" giving. Then when our constitutional convention met they had the chivalry and justice to seek to insure it to us under the blessings of statehood. If our own men stand by us so nobly, I can not see how it is any one else's affair. Your fear that women would be so interested in temperance as to have undue influence in the State affairs is not troubling the Wyoming German Republicans one-half so much as it is the Illinois Democrats.

Out West we believe temperance to be a moral question that should be kept out of politics.

Right is might and sure to prevail, whether women vote or not. Cheyenne



and Wyoming generally boast of as good citizens among the Germans as any other nationality, and they are proud to have their rosy *fräuleins* stand beside them. I feel like telling Mr. SPRINGER to "Speak for yours if, John," as pretty Priscilla told John Aiden, for it looks to a disinterested observer as if you were speaking one word for the Chicago Republicans and two for yourself.

But we will let that pass and only ask you to let us try it for ourselves. If it brings disaster, we will blame only ourselves. If it proves a blessing to the Commonwealth, we can depend upon the fairness and generosity of the rest of the world to approve.

## A WYOMING WOMAN.

[Laughter and applause.]

Now, then, let it be understood that not a single Democratic voice has come from Idaho against the passage of this bill. No resolution, no action from any Democratic authority, but they unanimously ask for the passage of this bill and for the approval of this constitution which they have adopted without a dissenting voice in either branch of the Idaho Legislature. These are facts which have not been disputed. So I say that my distinguished friend from Illinois as a Democratic leader is not a safe leader. You, my Democratic friends, made a mistake in voting against Wyoming. You made a mistake in voting against Montana, Washington, and the Dakotas. Do not make the mistake of voting against Idaho; because every Democrat from Idaho demands with one voice that you vote it in as we did Wyoming in spite of Democratic opposition. [Applause.]

Mr. DORSEY. I yield two minutes to the gentleman from Wyoming [Mr. CAREY].

Mr. CAREY. Mr. Speaker, I had supposed when the debate closed a few days ago that the Wyoming question was disposed of in this House, but the gentleman from Illinois [Mr. SPRINGER] has taken especial delight in reading, on two different occasions, extracts from a paper published in Northeastern Wyoming, where a contest has been going on between two rival towns as to whether the county of Crook should be divided or not, and I desire to say to the gentleman that what is stated is absolutely false. I stated a few days ago, but he has reasserted it to-day. Both political parties in Wyoming are satisfied with the constitution and the manner in which it was submitted and adopted.

Mr. SPRINGER. I stated that I had taken it from the *Sundance Gazette*, a paper published in your Territory, and that I knew nothing about it except what was in that paper. If you want to get up a question of veracity, get it up with the editor of that paper, and not with me.

Mr. CAREY. Please give me the benefit of my two minutes.

Mr. SPRINGER. I will give the gentleman that and more, too.

Mr. CAREY. I want to recall the attention of the gentleman from Illinois now to the fact that he himself reported a bill last spring for the admission of my Territory as a State. I want to say to him further that the Democratic party in Wyoming Territory is unanimously in favor of Wyoming's admission under the constitution submitted. They are satisfied with the apportionment, they are satisfied with the suffrage clause, they are satisfied with its every provision, and nobody appears to be dissatisfied except the gentleman from Illinois.

I want to say to him, further, that he must never accuse me of bad faith in this matter, in view of his own action and conduct with reference to the Wyoming bill. It took six weeks to find out whether he proposed to file a minority report, and he did not file that report until after the bill had been under consideration in this House. I want to say to him, further, that one of his backers in his own district has sent me a telegram congratulating me on the success of the Wyoming bill in the House, a gentleman who has large interests in the West.

Mr. SPRINGER. What is his name?

Mr. CAREY. I mean De Witt Smith, one of the most honorable Democrats in your district or State. [Applause on the Republican side.] I want to say to the gentleman, further, that the people of the entire West believe that Wyoming should be relieved from its condition of vassalage, and among the letters I have received upon that subject one of the warmest and strongest has come from a gentleman by the name of Joseph K. Toole [applause], governor of Montana. Does the gentleman from Illinois know who he is?

Mr. SPRINGER. A good man.

Mr. CAREY. All the Democrats of the great West are for us. I want to say to the gentleman, further, that the monstrosity known as "minority representation," which he forced into the omnibus bill against the wishes of the new States, which put the apportionment of Montana Territory into the hands of three Democratic office-holders, two of them non-residents of Montana, has brought about all the trouble that has come upon that Territory. The apportionment of the Territory in delegate districts for the constitutional convention was no better than a piece of juggling.

Mr. SPRINGER. The Republican governor of the Territory fixed that apportionment up.

Mr. CAREY. A Republican governor had nothing to do with it.

Mr. DORSEY. I yield eight minutes to the gentleman from Ohio [Mr. MOREY].

Mr. MOREY. Mr. Speaker, the right of every Territory, when it appeals for admission as a State into the Federal Union, to fix the qualifications of its voters is a conceded right. The Democratic minority of the Committee on Territories have opposed the admission of the Ter-

ritory of Wyoming as a State of the Union on the ground of their opposition to the laws granting suffrage to the women of that Territory. In that Territory that right had been exercised by the women for a period of more than twenty years; so that Wyoming came here with a constitution embracing in its provisions a right which had existed there for twenty years and encountered the stern opposition of the Democratic minority of the Committee on Territories. In the case of Idaho, which is now under consideration, the provisions of the constitution in relation to suffrage have been in existence in the law of that Territory for many years, and again the opposition of that minority is encountered to the incorporation of that provision into the organic law of this proposed new State. In the one case the Democratic minority have opposed the continuance of woman suffrage, and in the other case they come here and try to strike down a provision which excludes from political power that un-American, that un-Christian system and practice of polygamy which has stood as a menace to this Government in its Territories for more than a quarter of a century.

The same provisions that are found in this constitution of Idaho have been a part of the general Federal law for many years. It has been claimed, and erroneously claimed, in the objections that have been made to this provision of the constitution of Idaho, that there is an attempt to disfranchise the Mormon people on the ground of their religious belief, and I noticed that some of my colleagues on this side of the House through inadvertence fell into an admission of the correctness of that erroneous statement. Under the provisions of the Edmunds law all bigamists and polygamists were disqualified from voting, and by the test oath which was provided under the subsequent act every person desiring to vote was required to take an oath that he was not a bigamist or a polygamist, and that he would not aid or abet any one to commit those offenses or either of them. In the Idaho constitution that practice is scrupulously adhered to. In that constitution it is provided, first, that bigamists and polygamists shall be disqualified to vote; that all who counsel, aid, or encourage others to commit those offenses shall be disqualified to vote; that all who belong to any organization or order which counsels, aids, or procures others to commit these crimes shall be disqualified to vote.

There is no departure in the constitution of Idaho from the principles of the Federal law. It is simply extended so as to include not only those who commit those crimes, but those who aid and abet them. The constitutionality of this provision has been settled by the highest court of our land in a test case brought up from the Territory of Idaho.

[Here the hammer fell.]

Mr. DORSEY. I yield five minutes to the gentleman from Massachusetts [Mr. LODGE].

Mr. LODGE. Mr. Speaker, the question submitted to the House in connection with this bill is an extremely plain one. No one, so far as I know, has attempted to argue that by her resources, her population, and all the qualities that entitle a community to admission into the Union Idaho is not fit for statehood. The whole debate has turned on the single point as to the clause in the proposed constitution which disfranchises in the new State the people known as Mormons, and on this point the Democratic minority of the committee have argued that it is neither right nor legal nor constitutional to disfranchise a man for a crime of which he has not been convicted. That position, Mr. Speaker, is begging the question. This is not a question of dealing with a specific crime on the part of a particular individual; it is a question of dealing with a system which propagates and organizes and gives a religious sanction to that which is declared a crime under the laws of the United States.

Still less, Mr. Speaker, is this a question involving religious liberty. The American doctrine is that of absolute religious toleration: "a free church in a free state." That doctrine was first established in all its breadth in this country by the founder of Pennsylvania, William Penn; and since his day it has become the accepted doctrine and practice of every State in the Union. If the secular power should attempt to cross the border line and interfere with a man's religious opinion, it deserves and would receive the reprobation of every right-thinking American. But, on the other hand, when a religious organization crosses the same line in the opposite direction and sets itself in open defiance of the laws of the United States, then it becomes the duty of the United States to refuse recognition to the people who thus defy its laws. They make themselves, by their own creed and by their own action, outlaws; and they deserve to be treated as outlaws by the United States.

From the beginning of their history the Mormons have defied the laws of the United States and of every State in the Union; they have outraged and made war upon all that in one direction the people of the United States believed to make for good morals, for decent government, and for pure homes. Guarded by their remoteness, they have maintained that attitude until the present day. Now the great tide of American civilization and American population is rising around them on every side, and their church, with its vicious and illegal doctrines of marriage, is threatened with destruction. Their effort now, therefore, is to get themselves recognized as citizens of a State—to have the United States and the State of Idaho confer upon them the most precious rights of

citizenship, so that perhaps they can find immunity, if not protection, by offering their support to one or the other political party. That support, improbable as it might seem, Mr. Speaker, they have already found at the hands of the Democratic minority of this committee. If we may believe my ever accurate friend from Illinois, the minority of the committee have in this the support also of 5,500,000 Democrats throughout the country. [Laughter and applause on the Republican side.]

The minority of the committee is against polygamy and bigamy, but in favor of the bigamist and polygamist; they are against the crime, but would make the criminal a voter, and, if we may believe my friend from Illinois, that is the view of the Democratic party, and the Democrats of the committee and the country now demand that we should confer on these men the most sacred rights of American citizenship. Instead of that, it is the duty of the United States, as it is the duty of the State of Idaho, to shut them out from those privileges until in the marriage relation at least they live in conformity with the laws of the United States. This is not a question of constitutional or legal technicality; it is a question of decency, of good morals, and of national self-respect. If the State of Idaho had failed to shut out these people she would not deserve statehood at the hands of this House.

[Here the hammer fell.]

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced disagreement to the amendments of the House to the bill (S. 2284) for the organization, improvement, and maintenance of the National Zoological Park, asked a conference on the disagreeing votes of the two Houses, and had appointed as conferees on its part Mr. MORRILL, Mr. SPOONER, and Mr. VEST.

It also announced the passage of the bill (S. 2897) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, A. D. 1887; in which concurrence was requested.

It also announced as follows:

#### IN THE SENATE OF THE UNITED STATES, April 3, 1890.

Ordered, That the Secretary inform the House of Representatives that the Senate has elected JOHN J. INGALLS, a Senator from the State of Kansas, President of the Senate *pro tempore*, to hold and exercise the office in the absence of the Vice-President from time to time during the pleasure of the Senate, in accordance with the terms of its resolution passed March 12, 1890, as follows:

"Resolved, That it is competent for the Senate to elect a President *pro tempore*, who shall hold the office during the pleasure of the Senate and until another is elected, and shall execute the duties thereof during all future absences of the Vice-President until the Senate shall otherwise order."

#### ADMISSION OF IDAHO.

Mr. DORSEY. I yield five minutes to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. Mr. Speaker, this is a familiar sight to the country. It is the Democratic party behind its old shield—a constitution of its own making, not the one made by the fathers. No political organization ever cried "Constitution" more and obeyed it less. What is this battle? It is the Democratic party in the old breeching, pulling back, back, back, when the civilized world says, "Forward and onward!" That is the issue.

Why, sir, the Democratic party is a polygamist. You have had [addressing the Democratic side of the House] a whole batch of wives. Some of them, thank God, are dead and damned.

Mr. TURNER, of New York. We never had but one name.

Mr. HENDERSON, of Iowa. That is so; you never had but one name, but you had a plurality of wives; and what were they? Slavery was one of them; slave territory; treason. [Derisive cries on the Democratic side.] Oh, you recognize them, boys; you know your names when you hear them. Now you have polygamy for one of your wives; a polluted ballot-box is one of them, and antagonism to education is one; free trade is one of your pets and free whisky is one of your darlings. And let me tell you this: you have been true to every one of them. [Applause and laughter on the Republican side.] You never left their bed or board for a single minute—not once. I like your loyalty to them.

But do not come sneaking behind with your so-called constitutional shields to cover up your purposes. You never consented to the admission of any State into the Union as a free State until you could weigh it down with slave States, too.

This country has carved four States, the two Dakotas, Montana, and Washington, out of the Territorial lands, and made them free States without you, without your aid and in spite of your opposition. If the Democratic party had had the power to prevent this from being done not one of these four States would now be in the Union of States. The Republican party, aided by a few Democrats who dared not face Heaven and their own people, enabled us to bring them into the Union; and now, gentlemen, when the little Territory of Idaho has set an example in intelligence, an example in integrity and in morality that should appeal to this legislative body, you bring in your subtlest logicians with fine-spun constitutional shields and try to fight under that flag in opposition. But the gentlemen on this side have uncovered your guns and the people know where you are and who you are. Stick to your

women, gentlemen; we will help Idaho and stick to the principles she has announced. [Applause on the Republican side.]

Mr. McMILLIN. You had better go and try to carry your own State, which has slipped its moorings and gone into the Democratic port.

Mr. HENDERSON, of Iowa. Iowa will take care of herself and help to take care of your ballot-box-stuffers, too.

Mr. DORSEY. I yield now one minute to the gentleman from Idaho [Mr. DUBOIS].

Mr. DUBOIS. Mr. Speaker, I desire simply to make a correction. The RECORD inadvertently had me state on yesterday that in Idaho we disfranchise those who believe in polygamy. As a matter of fact we do nothing of the sort. We disfranchise those only who uphold and practice this crime, offensive to every one.

Mr. DORSEY. I now yield the remainder of the time to the gentleman from Iowa [Mr. STRUBLE], the chairman of the Committee on the Territories.

[Mr. STRUBLE withholds his remarks for revision. See Appendix.]

#### ENROLLED BILL SIGNED.

Mr. MOORE, of New Hampshire, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1890, and for other purposes; when the Speaker signed the same.

#### LEAVE OF ABSENCE.

By unanimous consent, Mr. LEHLBACH, Mr. STUMP, and Mr. OWEN of Indiana obtained indefinite leave of absence, on account of their duties in connection with the immigration investigation ordered by concurrent resolution of the two Houses.

#### CHANGES OF REFERENCE.

The SPEAKER. House bills numbered 8245 and 8295 have been placed on the Calendar of the Committee of the Whole on the state of the Union. The Chair thinks they should be placed for the present upon the House Calendar. Of course the point of order can be made at any time in the future—

Mr. ROGERS. What are the bills?

The SPEAKER. The Clerk will read the titles.

The Clerk read as follows:

A bill (H. R. 823) to provide for the disposal of the abandoned military reservations in Wyoming Territory.

A bill (H. R. 826) to authorize the purchase of certain public lands by the city of Buffalo, Wyo., and for other purposes.

The SPEAKER. Of course the point can be made at any time—

Mr. ROGERS. What Calendar are they now sent to?

The SPEAKER. The House Calendar.

Mr. ROGERS. I will reserve the point.

The SPEAKER. The point of order can be taken at any time prior to consideration of the bills. The Chair thinks that, subject to whatever may appear in argument hereafter, the bills should now go to the House Calendar. Something may be developed later to indicate the propriety of a different judgment.

#### ADMISSION OF IDAHO.

The SPEAKER. The time having arrived, under the order of the House, for voting upon the bill for the admission of Idaho, the question is now upon the amendment submitted by the minority of the Committee on Territories. The Clerk will read the first amendment submitted by the minority.

The Clerk read as follows:

Strike out sections 1 and 2 and in lieu thereof insert the following sections, and change the numbers of the other sections accordingly:

"SECTION 1. That the inhabitants of all that part of the area of the United States now constituting the Territory of Idaho, as at present described, may become the State of Idaho, as hereinafter provided.

"SEC. 2. That all persons who shall have resided within the limits of said proposed State for sixty days, and are otherwise qualified by the laws of said Territory to vote for representatives to the Legislative Assembly thereof, are hereby authorized to vote for and choose delegates to form a convention in said Territory; and the qualifications for delegates to such convention shall be such as, by the laws of said Territory, persons are required to possess to be eligible to the Legislative Assembly thereof; and the aforesaid delegates to form said convention shall be apportioned among the several counties within the limits of the proposed State in proportion to the aggregate number of votes in each of said counties for Delegate in Congress at the election held in said Territory on the Tuesday next after the first Monday in November, 1888. One delegate shall be allowed for every 300 votes cast in each county, and one delegate for any fraction of 150 votes cast in each county. That said apportionment shall be made by the governor, the chief-justice, and the United States attorney of said Territory; and the governor of said Territory shall, by proclamation, order an election of the delegates aforesaid in said Territory to be held on the Tuesday after the first Monday in June, 1890, which proclamation shall be issued within thirty days after the passage of this act; and such election shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such convention issued in the same manner as is prescribed by the laws of the said Territory regulating elections therein for Delegates to Congress. All persons resident in said proposed State who are qualified voters of said Territory, as herein provided, shall be entitled to vote upon the election of delegates and upon the ratification or rejection of the constitution, under such rules and regulations as said convention may prescribe, not in conflict with this act. *Provided*, That if any elector in said Territory who may offer to register as a voter or to vote at either of said elections shall be challenged on the ground that he is a bigamist or polygamist, or is living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of Idaho or of the United States



forbidding any such crime; or who in any manner teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law or to commit any such crime, or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation, or society which teaches, advises, counsels, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or which teaches or advises that the laws of Idaho prescribing rules of civil conduct are not the supreme law of the Territory, it shall be the duty of one of the judges of the registration or of the election, where such elector is challenged, to tender him the oath prescribed in section 24 of the act of Congress approved March 3, 1877, known as the anti-polygamy act, with such modification only as is necessary in order to comply with the laws of the Territory of Idaho in respect to his residence therein; and if such elector shall take and subscribe said oath so modified, his vote shall be received and counted at such elections. But if said elector shall swear falsely in taking such oath, he shall, on conviction, be deemed guilty of perjury, and he shall be punished accordingly.

"SEC. 3. That the delegates to the convention thus elected shall meet at the seat of government of said Territory on the 4th day of July, 1890, and after organization shall declare, on behalf of the people of said proposed State, that they adopt the Constitution of the United States; whereupon the said convention shall be, and is hereby authorized to form a constitution and State government for said proposed State. The constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide, by ordinance irrevocable without the consent of the United States and the people of said State:

"First, that perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship;

"Second, that the people inhabiting the said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the State shall never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use; but nothing herein or in the ordinance herein provided for shall preclude the said State from taxing, as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation; but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such an extent as such act of Congress may prescribe;

"Third, that the debts and liabilities of said Territory shall be assumed and paid by the State; and

"Fourth, that provision shall be made for the establishment and maintenance of a system of public schools which shall be open to all the children of said State and free from sectarian control.

"SEC. 4. That, in case a constitution and State government shall be formed in compliance with the provisions of this act, the convention forming the same shall provide by ordinance for submitting said constitution to the people of said State for their ratification or rejection at an election to be held in said Territory on the Tuesday after the first Monday of October, 1890, at which election the qualified voters of said proposed State shall vote directly for or against the proposed constitution and for or against any provisions separately submitted. The returns of said election shall be made to the secretary of said Territory, who, with the governor and chief justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast on that question shall be for the constitution, the governor shall certify the result to the President of the United States, together with a statement of the votes cast thereon, and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances; and if the constitution and government of said proposed State are republican in form and if all the provisions of this act have been complied with in the formation thereof, it shall be the duty of the President of the United States to issue his proclamation announcing the result of said election; and thereupon the proposed State of Idaho shall be deemed admitted by Congress into the Union under and by virtue of this act on an equal footing with the original States from and after the date of said proclamation."

The SPEAKER. The question is upon agreeing to the amendment just read. [The question was put.] The yeas seem to have it.

Mr. SPRINGER. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 112, nays 125, not voting 91; as follows:

## YEAS—112.

Abbott,	Cooper, Ind.	Lanham,	Rogers,
Allen, Miss.	Cowles,	Lawler,	Rowland,
Anderson, Miss.	Crain,	Lee,	Rusk,
Andrew,	Crisp,	Lester, Va.	Sayers,
Bankhead,	Dangan,	Lewis,	Seney,
Barnes,	Davidson,	Maish,	Skinner,
Barwig,	Dibble,	Mansur,	Springer,
Blanchard,	Dockery,	Martin, Ind.	Stewart, Ga.
Bland,	Edmunds,	Martin, Tex.	Stewart, Tex.
Blount,	Elliott,	McAdoo,	Stockdale,
Boatner,	Ellis,	McClammy,	Stone, Mo.
Breckinridge, Ky.	Enloe,	McCreary,	Stump,
Brickner,	Fithian,	McMillin,	Tarsney,
Brookshire,	Flower,	McRae,	Tillman,
Brown, J. B.	Forney,	Montgomery,	Tucker,
Buchanan, Va.	Fowler,	Morgan,	Turner, Ga.
Buckalew,	Gibson,	Mitchler,	Turner, N. Y.
Bunn,	Goodnight,	Oates,	Turnin,
Bynum,	Grimes,	O'Ferrall,	Walker, Mo.
Campbell,	Hare,	Outhwaite,	Washington,
Carlton,	Hatch,	Owens, Ohio	Wheeler, Ala.
Caruth,	Haynes,	Parrott,	Whiting,
Catchings,	Hemphill,	Paynter,	Wike,
Chipman,	Herbert,	Peel,	Wilkinson,
Clancy,	Holman,	Penington,	Willcox,
Clarke, Ala.	Kerr, Pa.	Pierce,	Williams, Ill.
Clements,	Kilgore,	Quinn,	Wilson, Mo.
Cobb,	Lane,	Kelly,	Wise,

## NAYS—125.

Adams,	Cutcheon,	Lodge,	Rockwell,
Allen, Mich.	Dalzell,	Mason,	Rowell,
Anderson, Kans.	De Haven,	McComas,	Sanford,
Baker,	Dingley,	McCord,	Seranton,
Banks,	Dolliver,	McCormick,	Seull,
Bartine,	Dorsey,	McKenna,	Simonds,
Belknap,	Farquhar,	McKinley,	Smith, Ill.
Bergen,	Featherston,	Milliken,	Smith, W. Va.
Bingham,	Flick,	Moffitt,	Smoyer,
Biss,	Frank,	Moore, N. H.	Stewart, Vt.
Boothman,	Funston,	Morey,	Stockbridge,
Boutelle,	Gear,	Morrill,	Struble,
Bowden,	Gest,	Morse,	Stromey,
Brewer,	Greenhalge,	Mudd,	Taylor, E. B.
Buchanan, N. J.	Grosvenor,	Nute,	Taylor, Ill.
Burrows,	Hall,	O'Donnell,	Thomas,
Burton,	Hansbrough,	O'Neill, Pa.	Thompson,
Butterworth,	Harmer,	Osborne,	Townsend, Colo.
Caldwell,	Haugen,	Payne,	Townsend, Pa.
Cannon,	Henderson, Ill.	Payson,	Turner, Kans.
Carter,	Henderson, Iowa	Perkins,	Vandever,
Caswell,	Hermann,	Peters,	Van Schaick,
Cheadle,	Hitt,	Pickler,	Walker, Mass.
Cheatham,	Houk,	Post,	Wheeler, Mich.
Clark, Wis.	Kelley,	Pugsley,	Wickham,
Coleman,	Kerr, Iowa	Raines,	Williams, Ohio
Comstock,	Ketcham,	Randall, Mass.	Wilson, Ky.
Conger,	Lacey,	Ray,	Wilson, Wash.
Connell,	La Follette,	Reed, Iowa	Wright,
Cooper, Ohio	Laidlaw,	Reynburn,	
Craig,	Laws,	Rife,	
Culbertson, Pa.			

## NOT VOTING—91.

Alderson,	Cummings,	Lehbach,	Sherman,
Arnold,	Darlington,	Lester, Ga.	Shively,
Atkinson, Pa.	De Lano,	Lind,	Snider,
Atkinson, W. Va.	Dunne,	Magner,	Spinola,
Bayne,	Dunphy,	McCarthy,	Spooner,
Beckwith,	Evans,	McClellan,	Stahlnecker,
Belden,	Ewart,	Miles,	Stephenson,
Biggs,	Finley,	Mills,	Stivers,
Breckinridge, Ark.	Fitch,	Moore, Tex.	Stone, Ky.
Broslus,	Flood,	Morrow,	Taylor, J. D.
Brower,	Forman,	Norton,	Taylor, Tenn.
Browne, T. M.	Geissenhainer,	O'Neill, Ind.	Tracey,
Browne, Va.	Gifford,	O'Neill, Mass.	Venable,
Brunner,	Grout,	Owen, Ind.	Wade,
Bullock,	Hayes,	Perry,	Wallace, Mass.
Candler, Ga.	Heard,	Phelan,	Wallace, N. Y.
Candler, Mass.	Henderson, N. C.	Price,	Watson,
Carlisle,	Hooker,	Quackenbush,	Whitthorne,
Cumie,	Hopkins,	Randall, Pa.	Wiley,
Cogswell,	Kennedy,	Richardson,	Wilson, W. Va.
Cothran,	Kinsey,	Robertson,	Yardley,
Covert,	Knapp,	Russell,	Yoder,
Culbertson, Tex.	Lansing,	Sawyer,	

So the amendment was disagreed to.

During the roll-call the following additional pairs were announced:

For the rest of the day:

Mr. COGSWELL with Mr. O'NEIL, of Massachusetts.

Mr. WATSON with Mr. BULLOCK.

Mr. BROWER with Mr. BLANCHARD.

Mr. KINSEY with Mr. ROBERTSON.

Mr. CANDLER, of Massachusetts, with Mr. CARLISLE.

Mr. OWEN, of Indiana, with Mr. HOOKER.

Mr. MORROW with Mr. BIGGS.

Mr. GROUT with Mr. BRECKINRIDGE, of Arkansas.

Mr. BAYNE with Mr. MILLS.

Mr. LIND with Mr. SHIVELY.

Mr. SPOONER with Mr. CLUNIE.

Mr. EWART with Mr. CUMMINGS.

Mr. LANSING with Mr. COVERT.

Mr. MILES with Mr. SPINOLA.

Mr. HOPKINS with Mr. PRICE; on this vote Mr. HOPKINS would vote against it and Mr. PRICE for it.

Mr. BECKWITH with Mr. GEISSENHAINER.

Mr. LEHLBACH with Mr. BRUNNER, until further notice.

The vote was then announced as above recorded.

The next amendment was read, as follows:

Add as a proviso to the first section:

"Provided, That this constitution shall not take effect until the same shall have been submitted to a vote of the people of the Territory of Idaho. That for the purpose of such submission the governor of Idaho shall issue his proclamation calling upon the voters of said Territory to assemble at their respective places for voting, on the — day of —, A. D. 1890, then and there to cast their ballots for or against the adoption of such constitution; and the said governor may prescribe such form of ballot as shall be used at the said election; and the said election shall be conducted in the manner and by the officers as now provided by the laws of the said Territory; and returns thereof shall be made, and the same shall be canvassed, in the same manner as is required by the laws of the said Territory in case of an election of Delegate to the Congress; and if the majority shall vote in favor of the adoption of the said constitution, the governor shall issue his proclamation thereof: *Provided*, That no person otherwise qualified shall be denied the right to vote at said election because of alleged crime for which the punishment embraces disfranchisement as a part of the penalty therefor, except where he has been duly convicted thereof by a court of competent jurisdiction."

The question was put, and the Speaker declared the yeas seemed to have it.

Mr. SPRINGER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 104, nays 121, not voting 103; as follows:

## YEAS—104.

Abbott,	Davidson,	Lewis,	Senev,
Allen, Miss.	Dockery,	Maish,	Skinner,
Anderson, Miss.	Edmunds,	Mansur,	Springer,
Andrew,	Elliott,	Martin, Ind.	Stewart, Ga.
Bankhead,	Ellis,	Martin, Tex.	Stewart, Tex.
Barnes,	Enloe,	McAdoo,	Stockdale,
Barwig,	Fithian,	McClammy,	Stone, Ky.
Bland,	Flower,	McClellan,	Stone, Mo.
Boatner,	Forney,	McCreary,	Stump,
Breckinridge, Ky.	Fowler,	McMillin,	Tarsney,
Brickner,	Goodnight,	McRee,	Tillman,
Brookshire,	Grimes,	Montgomery,	Tucker,
Brown, J. B.	Hare,	Morgan,	Turner, Ga.
Buchanan, Va.	Hatch,	Mutcher,	Turner, N. Y.
Bu n,	Haynes,	Oates,	Turpin,
Bynum,	Hemphill,	O'Ferrall,	Walker, Mo.
Campbell,	Herbert,	Owens, Ohio	Washington,
Carlton,	Holman,	Parrett,	Wheeler, Ala.
Caruth,	Kerr, Pa.	Peel,	Whiting,
Chipman,	Kilgore,	Pennington,	Wike,
Clancy,	Lane,	Pierce,	Wiley,
Clarke, Ala.	Lanham,	Quinn,	Wilkinson,
Clements,	Lawler,	Reilly,	Willcox,
Cobb,	Lee,	Rogers,	Williams, Ill.
Cooper, Ind.	Lester, Ga.	Row and,	Wilson, Mo.
Cowles,	Lester, Va.	Sayers,	Wise,

## NAYS—121.

Adams,	Culbertson, Pa.	Lacey,	Rife,
Allen, Mich.	Cutcheon,	La Follette,	Rowell,
Anderson, Kans.	Dalzell,	Laidlaw,	Sanford,
Baker,	De Haven,	Laws,	Scranton,
Banks,	Dingley,	Lodge,	Scull,
Bartine,	Dolliver,	McComas,	Simonds,
Belknap,	Dorsey,	McCord,	Smith, Ill.
Bliss,	Farquhar,	McCormick,	Smith, W. Va.
Boothman,	Featherston,	McKenna,	Smyser,
Boutelle,	Flick,	McKinley,	Stewart, Vt.
Bowden,	Frank,	Milliken,	Stockbridge,
Brewer,	Funston,	Moffitt,	Struble,
Buchanan, N. J.	G. ar,	Moore, N. H.	Sweeney,
Buckalew,	Gest,	Morey,	Taylor, E. B.
Burrows,	Greenhalge,	Morrill,	Thomas,
Burton,	Grosvenor,	Morse,	Thompson,
Butterworth,	Groat,	Nute,	Townsend, Colo.
Caldwell,	Hall,	O'Donnell,	Townsend, Pa.
Cannon,	Hansbrough,	O'Neill, Pa.	Turner, Kans.
Carter,	Harmer,	Osborne,	Vandever,
Caswell,	Haugen,	Payne,	Van Schaick,
Cheadle,	Henderson, Ill.	Payson,	Walker, Mass.
Cheatham,	Henderson, Iowa	Perkins,	Wheeler, Mich.
Clark, Wis.	Hermann,	Peters,	Wickham,
Coleman,	Hill,	Pickler,	Williams, Ohio
Conger,	Hitt,	Post,	Wilson, Ky.
Connell,	Hopkins,	Pugsley,	Wilson, Wash.
Cooper, Ohio	Houk,	Raines,	Wright,
Craig,	Kelley,	Randall, Mass.	
Culbertson, Tex.	Kerr, Iowa	Reed, Iowa	
	Ketcham,	Reyburn,	

## NOT VOTING—103.

Alderson,	Covert,	Lansing,	Rockwell,
Arnold,	Crain,	Lehibach,	Rusk,
Atkinson, Pa.	Crisp,	Lind,	Russell,
Atkinson, W. Va.	Cummings,	Magnus,	Sawyer,
Bayne,	Dargan,	Mason,	Sherman,
Beckwith,	Darlington,	McCarthy,	Shively,
Belden,	De Lano,	Miles,	Snider,
Biggs,	Dibble,	Mills,	Spinoia,
Bingham,	Dunnell,	Moore, Tex.	Spooner,
Blanchard,	Dunphy,	Morrow,	Stahlnecker,
Blount,	Evans,	Mudd,	Stephenson,
Breckinridge, Ark.	Ewart,	Niedringhaus,	Stivers,
Brosius,	Finley,	Norton,	Taylor, Ill.
Brower,	Fitch,	O'Neill, Ind.	Taylor, J. D.
Browne, T. M.	Flood,	O'Neill, Mass.	Taylor, Tenn.
Browne, Va.	Forman,	Outhwaite,	Tracey,
Brunner,	Geissenhainer,	Owen, Ind.	Venable,
Bullock,	Gibson,	Paynter,	Wade,
Candler, Ga.	Gifford,	Perry,	Wallace, Mass.
Candler, Mass.	Hayes,	Phelan,	Wallace, N. Y.
Carlisle,	Heard,	Price,	Watson,
Catchings,	Henderson, N. C.	Quackenbush,	Whitthorne,
Clunie,	Hooker,	Randall, Pa.	Wilson, W. Va.
Cogswell,	Kennedy,	Ray,	Yardley,
Comstock,	Kinsey,	Richardson,	Yoder,
Cothran,	Knapp,	Robertson,	

So the amendment was rejected.

The following additional pairs were announced:

Mr. TAYLOR, of Illinois, with Mr. CRAIN, on all political questions, for the rest of the day.

Mr. COMSTOCK with Mr. PRICE, on this vote.

Mr. BINGHAM with Mr. BLOUNT, on all political questions, for the rest of the day.

On motion of Mr. DORSEY, by unanimous consent, the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

The SPEAKER. The Clerk will now read the third amendment.

The Clerk read as follows:

Add to section 1 of the bill the following:

Provided, This act shall not take effect except upon the fundamental condition that within the said State of Idaho there shall be no denial of the right of suffrage, or of the right to hold office, or to serve on juries because of crime, except after conviction thereof by a court of competent jurisdiction: *Provided*, That the right of suffrage may be denied prior to conviction for a crime com-

mitted in connection with a pending election and in violation of the election laws where conviction would be impossible prior to such election; but in case an elector is challenged on account of such crime he may deny under oath that he is guilty thereof; and after taking such oath his vote shall be received; but if he swears falsely in taking such oath he shall be deemed guilty of perjury, and, on conviction thereof, he shall be punished accordingly; and upon the further condition that the Legislature of said State shall, by a solemn public act, declare the assent of said State to the said condition, and shall transmit to the President of the United States an authenticated copy of said act, upon receipt whereof the President, by proclamation, shall forthwith announce the fact, whereupon said condition shall be held as a part of the organic law of the State, irrevocable without the consent of Congress; and thereupon, and without any further proceeding on the part of Congress the admission of said State in the Union shall be considered as complete. Said State Legislature shall be convened by the governor of Idaho within thirty days after he shall take his office, to act upon the conditions submitted herein."

The amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. SPRINGER. There is an amendment in regard to the sixteenth and thirty-sixth sections, which, I believe, the gentleman from Idaho is to offer.

The SPEAKER. But the previous question has been ordered.

Mr. DORSEY. I ask a vote on the bill.

Mr. SPRINGER. There was an amendment in regard to the sixteenth and thirty-sixth sections of land. I supposed the gentleman from Idaho would offer it to the fourth section of the bill. This would make it conform to the other bills passed on this subject, and we were informed in the Committee on Territories that it would be made to conform exactly in that respect. It relates to the sixteenth and thirty-sixth sections in permanent reservations—

Mr. PAYSON. I demand the regular order.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. SPRINGER. I understood the amendments were to be offered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. SPRINGER. On the passage of the bill I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 129, nay 1, not voting 198; as follows:

## YEAS—129.

Adams,	De Haven,	Lewis,	Rife,
Allen, Mich.	Dingley,	Lodge,	Rockwell,
Anderson, Kans.	Dolliver,	Mason,	Rowell,
Baker,	Dorsey,	McComas,	Sanford,
Banks,	Farquhar,	McCord,	Scranton,
Bartine,	Featherston,	McCormick,	Scull,
Belknap,	Flick,	McKenna,	Simonds,
Bergen,	Frank,	McKinley,	Smith, Ill.
Bliss,	Funston,	Milliken,	Smith, W. Va.
Boothman,	Gear,	Moffitt,	Smyser,
Boutelle,	Gest,	Moore, N. H.	Stewart, Vt.
Bowden,	Greenhalge,	Morey,	Stockbridge,
Brewer,	Grosvenor,	Morrill,	Struble,
Buchanan, N. J.	Groat,	Morrow,	Sweeney,
Burrows,	Hall,	Morse,	Taylor, E. B.
Burton,	Hansbrough,	Mudd,	Taylor, Ill.
Caldwell,	Harmer,	Niedringhaus,	Thomas,
Cannon,	Hangen,	Nute,	Thompson,
Carter,	Henderson, Ill.	O'Donnell,	Townsend, Colo.
Caswell,	Henderson, Iowa	O'Neill, Pa.	Townsend, Pa.
Cheadle,	Hermann,	Osborne,	Turner, Kans.
Cheatham,	Hill,	Payne,	Vandever,
Clark, Wis.	Hitt,	Payson,	Van Schaick,
Coleman,	Hopkins,	Perkins,	Walker, Mass.
Comstock,	Houk,	Peters,	Wheeler, Mich.
Conger,	Kelley,	Pickler,	Wickham,
Connell,	Kerr, Iowa	Post,	Williams, Ohio
Cooper, Ohio	Ketcham,	Pugsley,	Wilson, Ky.
Craig,	Kinsey,	Raines,	Wilson, Wash.
Culbertson, Pa.	Lacey,	Randall, Mass.	Wright,
Cutcheon,	La Follette,	Ray,	
Dalzell,	Laidlaw,	Reed, Iowa	
	Laws,	Reyburn,	

## NAY—1.

Buckalew.

## NOT VOTING—198.

Abbott,	Brosius,	Cooper, Ind.	Fithian,
Alderson,	Brower,	Cothran,	Flood,
Allen, Miss.	Brown, J. B.	Covert,	Flower,
Anderson, Miss.	Browne, T. M.	Cowles,	Forman,
Andrew,	Browne, Va.	Crain,	Forney,
Arnold,	Brunner,	Crisp,	Fowler,
Atkinson, Pa.	Buchanan, Va.	Culbertson, Tex.	Geissenhainer,
Atkinson, W. Va.	Bullock,	Cummings,	Gibson,
Bankhead,	Bunn,	Dargan,	Gifford,
Barnes,	Butterworth,	Darlington,	Goodnight,
Barwig,	Bynum,	Davidson,	Grimes,
Bayne,	Campbell,	De Lano,	Hare,
Beckwith,	Candler, Ga.	Dibble,	Hatch,
Belden,	Candler, Mass.	Dockery,	Hayes,
Biggs,	Carlisle,	Dunnell,	Haynes,
Bingham,	Carlton,	Dunphy,	Heard,
Blanchard,	Caruth,	Edmunds,	Hemphill,
Bland,	Catchings,	Elliott,	Henderson, N. C.
Blount,	Chipman,	Ellis,	Herbert,
Boatner,	Clancy,	Enloe,	Holman,
Breckinridge, Ark.	Clarke, Ala.	Evans,	Hooker,
Brickner,	Clements,	Ewart,	Kennedy,
Brookshire,	Cobb,	Fitch,	Kilgore,



Knapp,  
Lane,  
Lanham,  
Lansing,  
Lawler,  
Lee,  
Leibach,  
Lester, Ga.  
Lester, Va.  
Lind,  
Lind,  
Magnier,  
Maish,  
Mausur,  
Martin, Ind.  
Martin, Tex.  
McAdoo,  
McCarthy,  
McClammy,  
McClellan,  
McCreary,  
McMillin,  
McRae,  
Miles,  
Mills,  
Montgomery,  
Moore, Tex.

Morgan,  
Mutchler,  
Norton,  
Oates,  
O'Ferrall,  
O'Neill, Ind.  
O'Neill, Mass.  
Outhwaite,  
Owen, Ind.  
Owens, Ohio  
Parrett,  
Paynter,  
Peel,  
Pennington,  
Perry,  
Pichler,  
Pi rce,  
Price,  
Quackenbush,  
Quinn,  
Randall, Pa.  
Reilly,  
Richardson,  
Robertson,  
Rogers,  
Rowland,

Rusk,  
Russell,  
Sawyer,  
Sayera,  
Seney,  
Sherman,  
Shively,  
Skinner,  
Snider,  
Spinola,  
Spoonier,  
Springer,  
Stahneck,  
Stephenson,  
Stewart, Ga.  
Stewart, Tex.  
Stivers,  
Stockdale,  
Stone, Ky.  
Stone, Mo.  
Stump,  
Tarsney,  
Taylor, Tenn.  
Taylor, J. D.  
Tillman,  
Tracey,

Tucker,  
Turner, Ga.  
Turner, N. Y.  
Turpin,  
Venable,  
Wade,  
Walker, Mo.  
Wallace, Mass.  
Wallace, N. Y.  
Washington,  
Watson,  
Wheeler, Ala.  
Whiting,  
Whithorne,  
Wike,  
Wiley,  
Wilkinson,  
Willcox,  
Williams, Ill.  
Wilson, Mo.  
Wilson, W. Va.  
Wise,  
Yardley,  
Yoder.

The Clerk recapitulated the names of those voting.

During the roll-call,

Mr. GROUT said: I am paired with the gentleman from Arkansas, but not to break a quorum, and voted "ay."

Mr. TAYLOR, of Illinois. I was paired with a live man, but as the Democrats are all dead I voted "ay." [Laughter.]

The following additional pair was announced:

Mr. BOATNER with Mr. ANDREW, on this vote. Mr. BOATNER would vote for and Mr. ANDREW against the bill.

Mr. MORROW. I am paired with my colleague, Mr. BIGGS, reserving, however, the right to vote to make a quorum, and have accordingly voted.

Mr. COGSWELL. I am paired with Mr. O'NEIL, of Massachusetts, but voted to make a quorum.

Mr. MAISH. I voted under a misapprehension, and withdraw my vote.

The SPEAKER. The Clerk will report the names of members present and refusing to vote.

The Clerk read as follows:

Mr. ALLEN of Mississippi, Mr. BARNES, Mr. BLAND, Mr. BOATNER, Mr. BRECKINRIDGE of Kentucky, Mr. J. B. BROWN, Mr. BYNUM, Mr. CARUTH, Mr. CLARKE of Alabama, Mr. CLEMENTS, Mr. COVERT, Mr. COWLES, Mr. CRISP, Mr. CULBERTSON of Texas, Mr. CUMMINGS, Mr. DAVIDSON, Mr. DOCKERY, Mr. EDMUNDS, Mr. ENLOE, Mr. FITHIAN, Mr. FORNEY, Mr. GEISSENHAINER, Mr. GIBSON, Mr. GOODNIGHT, Mr. HARE, Mr. HATCH, Mr. HAYNES, Mr. HENPHILL, Mr. HENDERSON of North Carolina, Mr. HOLMAN, Mr. KERR of Pennsylvania, Mr. LAKE, Mr. LANHAM, Mr. LAWLER, Mr. LEE, Mr. MAISH, Mr. MANSUR, Mr. MARTIN of Indiana, Mr. MARTIN of Texas, Mr. MCADDOO, Mr. MCCREARY, Mr. MCRAE, Mr. MORGAN, Mr. MUTCHLER, Mr. OATES, Mr. OWENS of Ohio, Mr. PENNINGTON, Mr. PIERCE, Mr. QUINN, Mr. ROGERS, Mr. ROWLAND, Mr. SAYERS, Mr. SPRINGER, Mr. STEWART of Georgia, Mr. STEWART of Texas, Mr. STOCKDALE, Mr. STONE of Missouri, Mr. STUMP, Mr. TILLMAN, Mr. TUCKER, Mr. TURNER of Georgia, Mr. WALKER of Missouri, Mr. WASHINGTON, Mr. WHEELER of Alabama, Mr. WIKE, Mr. WILLIAMS of Illinois, and Mr. WISE.

The SPEAKER. The Clerk reports the names of 67 members present and refusing to vote. On this vote the yeas recorded are 129, the nays 1, and, there being a constitutional quorum present to do business, the Chair declares the bill to be passed.

Mr. DORSEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ORDER OF BUSINESS.

Mr. BOATNER. Mr. Speaker—

Mr. BOUTELLE. Mr. Speaker, I ask unanimous consent to take from the Calendar of the Committee of the Whole House on the state of the Union the Senate joint resolution No. 46—

Mr. BOATNER. I rise to a question of personal privilege.

Mr. BOUTELLE. The gentleman can rise to a question of privilege at any time hereafter. I ask unanimous consent—

Mr. BOATNER. I object.

The SPEAKER. The Chair does not understand a word the gentleman from Louisiana says.

Mr. BOATNER. I addressed the Chair twice.

The SPEAKER. But the Chair can not understand the purpose of the gentleman in rising.

Mr. BOATNER. I rose to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. BOATNER. I am reported by the Chair as being present and refusing to vote. I did not vote because I was paired on the bill. I was present all the time.

The SPEAKER. The Chair does not think that makes any difference as far as the question of order is concerned. A pair is a matter between the gentleman and the one with whom he pairs. His duty as a member under the rules of the House is very plain. It is not a reflection upon him unless—unless it is. [Laughter.]

Mr. BOUTELLE. I trust there will be no objection to the consideration of this resolution. It is a matter of very great importance.

A MEMBER. What is it?

Mr. BOUTELLE. It is a Senate joint resolution providing for the transfer of the naval powder magazine from Ellis Island, New York Harbor, to a safer place; and also authorizing the Secretary of the Treasury to provide at Ellis Island for an immigrant station.

Mr. SPRINGER. The gentleman from New York [Mr. COVERT] desires to be heard on this bill.

Mr. BOUTELLE. The gentleman from New York [Mr. COVERT] understands all about it. The gentleman is here, understands it, and desires it to be taken up.

Mr. McMILLIN. Is that all it embraces?

Mr. BOUTELLE. It provides for the removal of the powder magazine from this island and for fitting up Ellis Island as an immigrant station.

Mr. LANHAM. Has any House committee acted upon it?

Mr. BOUTELLE. It has passed the Senate, it has been unanimously reported by the Committee on Naval Affairs, and is recommended by a majority vote of the Committee on Immigration.

Mr. MCCREARY. I would like to hear the resolution read.

Mr. BLOUNT. Does the gentleman say it has been unanimously reported by the Committee on Immigration?

Mr. BOUTELLE. I say that it has been unanimously reported by the Committee on Naval Affairs and it has been recommended by a majority of the Committee on Immigration.

Mr. BLOUNT. Mr. Speaker, I understand from the gentleman from Alabama [Mr. OATES] that the Committee on Immigration, of which he is a member, have had it in charge and have not agreed.

Mr. BOUTELLE. Yes; they have agreed.

Mr. OATES. Mr. Speaker—

Mr. MCADDOO. I will say to the gentleman from Georgia that it is a matter involving the question of human life in the harbor of New York.

Mr. MCCREARY. Mr. Speaker, I make the point of order that we can not tell whether we will object or not until the resolution is read.

The SPEAKER. The gentleman's point of order is a perfectly good one; but the Chair will state, however, that the resolution has been read once or twice, and supposed that the House was informed as to its purpose.

Mr. MCCREARY. But it has not been read this evening.

The SPEAKER. It has not been read this evening, and the Clerk will read the resolution.

Mr. BOUTELLE. It is urgently recommended by the Secretary of the Treasury and the Secretary of the Navy.

Mr. BLOUNT. Mr. Speaker, I desire to make a suggestion to my friend from Maine. The gentleman from Alabama [Mr. OATES] will object to this matter unless it is debated.

Mr. BOUTELLE. There is no objection to debate.

Mr. BLOUNT. Other gentlemen also want to speak; and I suggest that it had better come up to-morrow morning, so that gentlemen who want to debate it will have an opportunity to do so.

Mr. BOUTELLE. If I can have unanimous consent that it shall come up to-morrow morning immediately after the reading of the Journal, I desire to meet the wishes of the House as far as possible for reasonable debate.

Mr. McMILLIN. That will be the time for the gentleman to ask permission for the consideration of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Maine, that this resolution be taken up for consideration to-morrow morning, immediately after the reading of the Journal?

Mr. MCCREARY. I shall object until I know what is in the resolution.

The SPEAKER. Then the Clerk will read the resolution; and the House will be in order to hear what is in the resolution.

The joint resolution was read, as follows:

*Resolved by the Senate and House of Representatives, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to take immediate measures for the removal of the naval magazine from Ellis Island, in the harbor of New York.*

*Sec. 2. That the sum of \$75,000, or so much thereof as may be found necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to purchase, or to obtain by condemnation, a site for, and for the erection of, a naval magazine; and that the Secretary of the Navy shall select a site at a safe distance from populous cities and from the shipping of the harbor of New York. And the further sum of \$75,000, or so much thereof as may be necessary, is hereby appropriated to enable the Secretary of the Treasury to improve said Ellis Island for immigration purposes.*

Mr. OATES. Mr. Speaker, I desire to make a statement before the question is put asking unanimous consent, as a member of the Committee on Immigration and Naturalization. The two committees of the House and Senate visited New York, and since their return, after an inspection of this island and looking into the question of the removal of the landing station for immigrants, have come to a vote on the question of adopting Ellis Island. The majority of the committee voted in favor of that proposition. I voted against it, for reasons that I desire to give the House at the proper time. I will not object, however, to the consideration of the resolution. I think it is a matter that ought to be considered very soon and disposed of. The gentleman from New York [Mr. COVERT] desires to be heard in opposition

to it; but I think, however, that it ought to go over until to-morrow morning, so that we can have a brief discussion on the question. I can, when it comes up, give in a very few minutes the reasons for my opposition.

Mr. BOUTELLE. I will state that there is no desire on the part of any one to prevent a reasonable and proper discussion of this matter. It is, as the gentleman from Alabama says, important that this matter should be determined as early as possible, and I ask unanimous consent that it may be brought up to-morrow morning immediately after the reading of the Journal.

Mr. BLOUNT. Does that request preclude consideration in Committee of the Whole?

Mr. BOUTELLE. We can consider it in the House as in Committee of the Whole, if necessary.

Mr. BLOUNT. I hope the gentleman will not insist on that. Mr. Speaker, I ask if this request will preclude the idea of considering it in Committee of the Whole?

Mr. BOUTELLE. I should hope that it might be considered in the House as in Committee of the Whole.

Mr. BLOUNT. There is some objection to that. I think it could be disposed of in a short time.

Mr. KILGORE. I demand the regular order.

Mr. BOUTELLE. I only ask to have it disposed of promptly.

The SPEAKER. The gentleman from Texas demands the regular order.

Mr. DORSEY. I move that the House do now adjourn.

The SPEAKER. The Chair hopes the gentleman will withdraw that motion for a moment.

Mr. DORSEY. I withdraw it.

#### DEATH OF HON. S. S. COX.

Mr. CUMMINGS. Mr. Speaker, so many Representatives desire to pay tribute to the memory of Hon. Samuel Sullivan Cox, late a member of this House, that I wish to ask unanimous consent to postpone the special order from this evening until 1 o'clock of April 19. There is not time enough to allow those who desire to speak in the evening session.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and that order will be made.

#### ORDER OF BUSINESS.

Mr. CLEMENTS. I ask unanimous consent to have printed in the RECORD a short protest against what is known as the compound-lard bill, without the names.

Mr. BUCHANAN, of New Jersey. But the regular order has been demanded by the gentleman from Texas, and until it is withdrawn these requests for unanimous consent can not be entertained.

The SPEAKER. The gentleman from Texas demands the regular order, which is the motion to adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 14 minutes p. m.) the House adjourned until 12 o'clock m. to-morrow.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

The bill (S. 3131) for the registry or enrollment of the barges Herdis and Agostino C.—to the Committee on Commerce.

The bill (S. 339) granting pensions to soldiers and sailors who are incapacitated for the performance of labor, and providing for pensions to widows, minor children, and dependent parents—to the Committee on Invalid Pensions.

#### REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. STONE, of Kentucky, in behalf of the minority of the Committee on the Public Lands, submitted their views in writing on the bill of the House (H. R. 8919) to declare a forfeiture of certain lands heretofore granted to aid in the construction of railroads, and for other purposes; which was ordered to be printed as part of Report No. 1176.

Mr. BOOTHMAN, from the Committee on Claims, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill of the House (H. R. 2351) for the relief of Asa Ellis, collector of internal revenue for the first collection district of California; and

A bill of the Senate (S. 5) for the relief of Bessie S. Gilmore.

Mr. ROWELL, from the Committee on Elections, to which was referred the contested-election case of Henry Bowen vs. John A. Buchanan, from the Ninth Congressional district of the State of Virginia, submitted a report, accompanied by the following resolutions:

Resolved, That John A. Buchanan was duly elected to the Fifty-first Congress from the Ninth Congressional district of Virginia, and is entitled to retain his seat.

Resolved, That Henry Bowen was not elected a Representative to the Fifty-first Congress from the Ninth Congressional district of Virginia, and is not entitled to the seat.

Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8109) to provide for the purchase of land for a military post at Eagle Pass, Tex., reported, as a substitute therefor, a bill (H. R. 8977) to provide for the purchase of land for a military post at Eagle Pass, Tex.; which was read twice, and referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, reported with amendment the bill of the House (H. R. 671) for the erection of additional quarters and a hospital at Columbus barracks, in the State of Ohio—to the Committee of the Whole House on the state of the Union.

Mr. PICKLER, from the Committee on the Public Lands, reported favorably the bill of the House (H. R. 8247) to authorize entry of the public lands by incorporating cities and towns for cemetery and park purposes—to the House Calendar.

Mr. FUNSTON, from the Committee on Agriculture, reported favorably the bill of the House (H. R. 4323) to erect a laboratory building for the use of the Department of Agriculture in Washington, D. C.—to the Committee of the Whole House on the state of the Union.

Mr. BERGEN, from the Committee on Elections, to which was referred the contested-election case of Francis B. Posey vs. William F. Parrett, from the First Congressional district of the State of Indiana, submitted a report, accompanied by the following resolutions:

Resolved, That Francis B. Posey is not entitled to a seat in the Fifty-first Congress as Representative from the First Congressional district of Indiana.

Resolved, That William F. Parrett is entitled to a seat in the Fifty-first Congress as Representative from the First Congressional district in Indiana.

Mr. CASWELL, from the Committee on the Judiciary, reported favorably the bill of the House (H. R. 785) to extend the time for the redemption of school farms in Beaufort County, South Carolina—to the House Calendar.

Mr. DAVIDSON, from the Committee on Commerce, reported favorably the bill of the House (H. R. 8203) authorizing the construction of a new steam-tender for service in the sixth light-house district—to the Committee of the Whole House on the state of the Union.

#### BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. VANDEVER: A bill (H. R. 8974) to provide for the conservation and use of natural water supplies upon certain portions of the public lands of the United States, and for other purposes—to the Select Committee on Irrigation of Arid Lands in the United States.

By Mr. LAWLER: A bill (H. R. 8975) to test and try the science of spelling and to provide for establishing one hundred schools for this purpose—to the Committee on Education.

By Mr. SWENEY: A bill (H. R. 8976) amending section 3893 of the Revised Statutes, relating to excluding obscene and immoral literature from the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. JASON R. BROWN: A bill (H. R. 8978) to appropriate the sum of \$60,000 to aid in the ornamentation of the soldiers' and sailors' monument now being constructed at Indianapolis, Ind., under the authority of said State—to the Committee on the Library.

By Mr. HANSBROUGH: A bill (H. R. 8979) authorizing and directing the Secretary of Agriculture to cause to be made all necessary field examinations, surveys, and experiments for the purpose of demonstrating the extent, etc., with reference to irrigation of the underflow waters between the ninety-seventh degree of west longitude and the foot-hills of the eastern slope of the Rocky Mountains, and making an appropriation therefor—to the Select Committee on Irrigation of Arid Lands in the United States.

By Mr. CULBERSON, of Texas: A bill (H. R. 8980) for the prevention of trusts—to the Committee on the Judiciary.

By Mr. MUDD: A bill (H. R. 8981) providing for the purchase or condemnation of a lot of ground in the city of Annapolis, Md., for the extension of King George's street to the Naval Academy grounds—to the Committee on Naval Affairs.

By Mr. JOSEPH D. TAYLOR: A bill (H. R. 8982) for the relief of sane persons confined in insane asylums in the District of Columbia, the forts and arsenals, and the Territories of the United States, by placing the inmates of insane asylums under the protection of the laws, by securing to them their postal rights—to the Committee on the Judiciary.

Also, a bill (H. R. 8983) to change the common law of marriage to the customs of modern civilization in the District of Columbia and the forts and arsenals of the United States—to the Committee on the Judiciary.

By Mr. WALKER, of Missouri: A bill (H. R. 8984) to tax incomes and to free certain articles of great necessity from further taxation—to the Committee on Ways and Means.

By Mr. OSBORNE (by request): A bill (H. R. 8985) to invalidate wills made in the District of Columbia under certain conditions—to the Committee on the District of Columbia.

By Mr. McCREARY: A bill (H. R. 8986) to erect a public building at Shelbyville, Ky.—to the Committee on Public Buildings and Grounds.



By Mr. HANSBROUGH: A bill (H. R. 8987) to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes—to the Committee on the Post-Office and Post-Roads.

By Mr. TUCKER: A bill (H. R. 8988) to construct a road from Appomattox station (on the line of the Norfolk and Western Railroad) to Appomattox Court-House, in the county of Appomattox, State of Virginia—to the Committee on Military Affairs.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BELKNAP: A bill (H. R. 8989) granting a pension to Johana Judge, widow—to the Committee on Invalid Pensions.

By Mr. BRECKINRIDGE, of Kentucky: A bill (H. R. 8990) for the relief of C. W. Threlkeld—to the Committee on Claims.

By Mr. CANDLER, of Massachusetts: A bill (H. R. 8991) granting a pension to Elijah T. Weatherbee—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 8992) for the relief of the honorably discharged soldiers Thomas Wright and John Lamb—to the Committee on Military Affairs.

By Mr. CHEADLE: A bill (H. R. 8993) granting a pension to Julia A. Bailey, widow of Alfred Bailey, Company D, Thirty-third Regiment Indiana Volunteers—to the Committee on Invalid Pensions.

By Mr. FITCH: A bill (H. R. 8994) granting an additional invalid pension to George W. Farnum—to the Committee on Invalid Pensions.

By Mr. GROUT: A bill (H. R. 8995) to provide for the remission of taxes on the property of the Eastern Presbyterian Church, of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. HILL: A bill (H. R. 8996) for the relief of Charles L. Eastergreen, sole surviving heir and legal representative of Sarah M. Eastergreen, deceased—to the Committee on Claims.

Also, a bill (H. R. 8997) granting a pension to Charlotte B. Nutting—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8998) granting a pension to Isabel Wallace, daughter of General W. H. L. Wallace—to the Committee on Invalid Pensions.

By Mr. MASON: A bill (H. R. 8999) for the relief of William L. Orr—to the Committee on Claims.

By Mr. McCORMICK: A bill (H. R. 9000) granting a pension to Mary Karstetter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9001) granting a pension to Margarette Mayer—to the Committee on Invalid Pensions.

By Mr. MORRILL: A bill (H. R. 9002) to amend the military record of George Miller, late captain Company F, Fifty-seventh United States Colored Troops—to the Committee on Military Affairs.

By Mr. PETERS: A bill (H. R. 9003) granting a pension to William J. Scarbrough—to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 9004) for the relief of the heirs or legal representatives of Lewis Moore, deceased—to the Committee on War Claims.

By Mr. ROWELL: A bill (H. R. 9005) for the relief of John P. Drennan—to the Committee on Invalid Pensions.

By Mr. SMITH, of Illinois: A bill (H. R. 9006) for the relief of William R. Crain, of Villa Ridge, in Pulaski County, Illinois—to the Committee on Claims.

By Mr. JOSEPH D. TAYLOR: A bill (H. R. 9007) granting an increase of pension to George W. Montgomery—to the Committee on Invalid Pensions.

By Mr. TURPIN: A bill (H. R. 9008) to increase the pension of Zo S. Cook, of Wilcox County, Alabama—to the Committee on Invalid Pensions.

By Mr. WRIGHT: A bill (H. R. 9009) to pension Eri P. Jackson, of Company G, One hundred and forty-third Regiment of Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. YODER: A bill (H. R. 9010) granting a pension to Mrs. Mary A. Winder—to the Committee on Invalid Pensions.

#### CHANGES OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (H. R. 4913) to pay to Daniel T. Hedges and Edward B. Spaulding, executors of Charles E. Hedges, deceased, the amount found due them by the Court of Claims—Committee on Claims discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 2218) to increase the pension of Mrs. Mary L. Scott, of Lincoln County, Kentucky—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5028) to place the name of Jacob L. Tussey on the pension-roll—Committee on Invalid Pensions discharged, and referred to Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Two protests from citizens of Chicago against H. R. 8278—to the Committee on Commerce.

By Mr. BELKNAP: Papers in the case of the legal representatives of Joshua Hill, deceased—to the Committee on War Claims.

By Mr. BLAND: Petition of John J. Hughes, for relief—to the Committee on War Claims.

By Mr. BROOKSHIRE: A paper signed by B. V. Marshall and 19 others, of Terre Haute, Ind., with reference to H. R. 8278—to the Committee on Commerce.

By Mr. BROWER: Resolutions of the Royal Templars of Temperance, in favor of universal suffrage without regard to sex—to the Select Committee on the Election of President, Vice-President, and Representatives in Congress.

By Mr. CHEADLE: Petition of Nathaniel Craigmile and 20 others, citizens of La Fayette, Ind., against the passage of House bill 8278, Fifty-first Congress—to the Committee on Commerce.

Also, petition of H. W. Moon and 19 others, citizens of same city, for same purpose—to the Committee on Commerce.

Also, petition for granting a pension to Julia A. Bailey, widow of Alfred Bailey, late of Company D, Thirty-third Indiana Volunteers—to the Committee on Invalid Pensions.

By Mr. CHEATHAM: Protest of citizens of Wake County, North Carolina, producers of cotton seed, against the passage of H. R. 283, relative to the manufacture of compound lard—to the Committee on Agriculture.

Also, petition for the relief of Alfred Hollowell—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: Petition of vessel-owners and navigators of Bay City, Mich., for deepening the west channel of Detroit River—to the Committee on Rivers and Harbors.

Also, petition of vessel-owners of Buffalo, N. Y., for same purpose—to the Committee on Rivers and Harbors.

By Mr. CLUNIE: Memorial by mayor of San Francisco, asking for an appropriation to pay for improving streets in front of Government property in San Francisco—to the Committee on Public Buildings and Grounds.

By Mr. COGSWELL: Protest of Gardner Bros. and others, of Massachusetts, manufacturers of leather and shoes, against putting hides and skins upon the dutiable list—to the Committee on Ways and Means.

Also, protest of Hamilton Brown Shoe Company and others, of Massachusetts, manufacturers of boots and shoes and clothing, against any increased duty on flax—to the Committee on Ways and Means.

Also, protest of James Fairfield and others, of Massachusetts, against any increased duty on imported lime—to the Committee on Ways and Means.

By Mr. CONGER: Memorial of Farmers' Alliance, at Knoxville, Iowa, in favor of Butterworth bill—to the Committee on Agriculture.

Also, memorial of Randolph Post, Grand Army of the Republic, Indianola, Iowa, in favor of widows' pension—to the Committee on Invalid Pensions.

Also, memorial of State Business Men's Association, of Iowa, in favor of Torrey bankrupt bill—to the Committee on the Judiciary.

Also, memorial of Farmers' Alliance, of Joy, Polk County, Iowa, in favor of the Butterworth bill—to the Committee on Agriculture.

By Mr. CONNELL: Petition of the mayor and council of Lincoln, Nebr., favoring the appropriation of \$6,200,000 with which to construct a deep-water harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, petition of Bricklayers' Protective Union No. 1, Omaha, Nebr., to amend existing laws relating to Government work so that none but citizens of the United States shall be employed thereon—to the Committee on Labor.

Also, petition of Bricklayers' Union No. 2, Lincoln, Nebr., praying for same relief—to the Committee on Labor.

By Mr. ENLOE: Papers in the case of C. M. Kennedy—to the Committee on Claims.

By Mr. FARQUHAR: Petition of Woman's Christian Temperance Union, etc., of Thirty-second district of New York against sale of fermented liquors in military and naval institutions—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. FITCH: Petition of George W. Farnum, late of Battery E, First Regiment Vermont Heavy Artillery, for additional invalid pension—to the Committee on Invalid Pensions.

By Mr. FITHIAN: Resolution of Miehle Lodge, No. 1948, F. M. B. A., Jasper County, Illinois, against the ship-subsidy bill—to the Committee on Merchant Marine and Fisheries.

By Mr. FUNSTON: Petition of citizens of Fort Scott, Kans., remonstrating against H. R. 8278, a bill to regulate commerce—to the Committee on Commerce.

By Mr. GEAR: Petition of H. E. Wing and 40 others, citizens of Iowa, asking Congress to prohibit the carrying of obscene literature in the United States mails—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Petition of S. Newton and others, that commutation money paid on account of the draft be refunded—to the Committee on Military Affairs.

By Mr. HENDERSON, of Iowa: Paper from the Board of Trade of

Burlington, Iowa, indorsing the Torrey bankrupt bill—to the Committee on the Judiciary.

Also, resolutions of Alliance of Farmers, No. 1023, Owasa, Hardin County, Iowa, favoring the Butterworth bill against gambling in farm produce—to the Committee on Agriculture.

Also, resolutions of Defense Alliance of Farmers, No. 1288, Greene, Butler County, Iowa, for same purpose—to the Committee on Agriculture.

By Mr. HOUK: Petition of A. L. Anderson, asking Congress to refer his quartermaster claim to the Court of Claims, under the so-called Bowman act—to the Committee on War Claims.

Also, the petition of heirs and representatives of Mrs. Nancy Havron, asking Congress to refer her quartermaster claim to the Court of Claims, under the so-called Bowman act—to the Committee on War Claims.

By Mr. KELLEY: Petition of old soldiers of Gray County, Kansas, asking for the repeal of the arrears act and for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Antietam Post, No. 64, Grand Army of the Republic, Parsons, Kans., asking for the appropriation of \$5,000 to improve the soldiers' cemetery at Parsons, Kans.—to the Committee on Public Buildings and Grounds.

By Mr. KINSEY: A protest of 321 employes of the St. Louis, Iron Mountain, and Southern Railroad, residing in Carondelet (St. Louis), Mo., against the passage of the Conger bill taxing compound lard, declaring that such legislation taxes the food of the laboring man—to the Committee on Agriculture.

Also, protest of 87 employes of St. Louis Cotton Conference, against placing a tax on compound lard and declaring that the Conger bill is class legislation—to the Committee on Agriculture.

Also, a memorial of 62 employes of the Ganahl Lumber Company, declaring that compound lard is a cheap, wholesome, and popular substitute for hog lard, and protesting against the passage of the Conger bill—to the Committee on Agriculture.

Also, a protest of 104 employes of the Shicke, Harrison & Howard Iron Company, against same measure—to the Committee on Agriculture.

By Mr. LANSING: Petition of citizens against passage of H. R. 8278—to the Committee on Commerce.

By Mr. MARTIN, of Indiana: Petition of the Service-Pension Association of Wells County, Indiana, and of James B. Plessinger, William E. Kinert, and 300 others, Union ex-soldiers, for the passage of the service-pension, "arrears," and "equalization" bills recommended by the Twenty-second National Encampment of the Grand Army of the Republic, Columbus, Ohio—to the Committee on Invalid Pensions.

Also, petition and resolution of Jacob Stahl Post, No. 227, Grand Army of the Republic, Department of Indiana, for the enactment of the service-pension bill formulated by the national encampment of the Grand Army of the Republic at Columbus, Ohio, in 1883, and by L. O. Edson and others, ex-soldiers of Blackford County, Indiana—to the Committee on Invalid Pensions.

Also, petition of Edward Hayon, Nelson D. Clouser, and others, Union ex-soldiers of Hartford City, Ind., for the enactment of the Indiana-Kansas service-pension law—to the Committee on Invalid Pensions.

Also, petition of T. A. Howell, S. W. Turner, and others, Union ex-soldiers of Blackford County, Indiana, for the enactment of the Indiana-Kansas service-pension law—to the Committee on Invalid Pensions.

Also, petition of Daniel Bonye and 50 others, Union ex-soldiers of Blackford County, Indiana, for the enactment of the Indiana-Kansas pension law—to the Committee on Invalid Pensions.

Also, petition of John Bronstetter, Thomas J. Cartwright, and 100 others, Union ex-soldiers of Jay County, Indiana, for the enactment of the service-pension bill proposed by the Indiana Service-Pension Association—to the Committee on Invalid Pensions.

Also, petition of B. R. Dunn Post, No. 440, Grand Army of the Republic, H. M. Davis, adjutant, Department of Indiana, for the enactment of a service-pension law—to the Committee on Invalid Pensions.

Also, petition of Alexander Trimble Post, No. 213, Grand Army of the Republic, Department of Indiana, and of T. A. Baker and others, Union ex-soldiers of Red Key, Ind., for the enactment of a service-pension law and the repeal of the limitations of arrears—to the Committee on Invalid Pensions.

Also, memorial of E. B. Lightfoot, a Union ex-soldier of Grant County, Indiana, for more liberal pension laws—to the Committee on Invalid Pensions.

Also, memorial of the Indiana State Service-Pension Association and of the Kansas State Service-Pension Association, for the enactment of the Indiana-Kansas service pension—to the Committee on Invalid Pensions.

Also, petition of Enoch Beals, John Ink, and 50 others, Union ex-soldiers of Grant County, Indiana, for the repeal of the limitation of the arrears of pensions—to the Committee on Invalid Pensions.

By Mr. NIEDRINGHAUS: Protest of 697 citizens of St. Louis, members of the St. Louis Furniture Association, against the passage of the Conger bill taxing compound lard, declaring it will deprive thousands of laborers of employment if passed and will tax a healthy food product—to the Committee on Agriculture.

Also, protest of 118 members of the St. Louis Board of Trade, against the Conger bill, which imposes a tax on cotton-seed lard, which, if passed, will create a monopoly in behalf of the large packers of hogs—to the Committee on Agriculture.

Also, protest of 21 employes of the Wiggins Ferry Company, of St. Louis, Mo., against the passage of the Conger bill, which places a tax on compound lard—to the Committee on Agriculture.

Also, a protest of 15 citizens of St. Louis, Mo., and employes of the Flanagan Milling Company, against the same measure—to the Committee on Agriculture.

By Mr. O'DONNELL: Petition of 70 manufacturers and merchants of Battle Creek, Mich., asking the passage of the Torrey bankrupt bill—to the Committee on the Judiciary.

By Mr. PETERS: Resolutions of the Board of Trade of Newton, Kans., for free ore from Mexico—to the Committee on Ways and Means.

By Mr. PUGSLEY: Petition from 49 voters of Scioto County, Ohio, for passage of service-pension bill—to the Committee on Invalid Pensions.

By Mr. RAINES: Petition of residents of Steuben County, New York, for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. SANFORD: Petition of 23 officers and members of the Woman's Christian Temperance Union of Quaker Springs, Saratoga County, New York, praying for a law prohibiting the sale of fermented liquors within soldiers' homes, arsenals, recruiting stations, navy-yards, forts, and barracks—to the Committee on Military Affairs.

Also, petition of 122 farmers and others, residents of the Twentieth Congressional district of New York, for legislation to increase the duty on hay from \$2 to \$4 per ton—to the Committee on Ways and Means.

Also, petition of 79 residents of Quaker Street, Schenectady County, New York, for same relief—to the Committee on Ways and Means.

By Mr. SMITH, of Illinois: Memorial of Lodge 307, Farmers' Mutual Benefit Association, Pinckneyville, Ill., for abolition of national banks, remonetization of silver, etc.—to the Committee on Coinage, Weights, and Measures.

By Mr. STEPHENSON: Resolutions of the Pacific Board of Commerce, relative to Chinese immigration, to pass such laws as will prevent it—to the Select Committee on Immigration and Naturalization.

By Mr. STONE, of Missouri: Petition of Subordinate Union No. 6, Nevada, Mo., of the Bricklayers and Masons' International Union of America, asking that the laws be so amended that none but citizens of the United States be employed on Government work—to the Committee on Public Buildings and Grounds.

By Mr. STRUBLE: Resolutions of Farmers' Alliance No. 1305, Spencer, Clay County, Iowa, urging the passage of House bill 5353—to the Committee on Agriculture.

Also, resolutions adopted by William Baker Post, No. 298, Grand Army of the Republic, Department of Iowa, urging the extension of the pension laws to include the widows and children of all Union soldiers—to the Committee on Invalid Pensions.

By Mr. SWENEY: Remonstrance of J. H. Kuerzel and 24 others, citizens of Clayton County, Iowa, against the enactment of laws materially restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, a petition of K. Tousey and 29 others, citizens of Nordness, Winneshiek County, Iowa, praying for an amendment to the Constitution of the United States requiring the election of United Senators and postmasters by the people—to the Select Committee on Reform in the Civil Service.

Also, petition of Amos O. Rowley, E. C. Stebbins, and 120 others, men and women of Chickasaw County, Iowa, praying for the enactment of more stringent laws against sending obscene or immoral books, papers, or pictures through the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. JOSEPH D. TAYLOR: Petition of the Bricklayers and Masons' International Union of America, of Bellaire, Ohio, in favor of the passage of a law to prevent aliens from being employed on public works—to the Committee on Labor.

Also, petition of William McCreary and 193 others, citizens of Guernsey County, Ohio, in favor of the passage of an equitable service-pension law—to the Committee on Invalid Pensions.

Also, petition of William Soldert and 59 others, soldiers of Guernsey County, Ohio, praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of 30 citizens of Steubenville, Ohio, in favor of the restoration of silver with the same right of coinage as is now accorded to gold—to the Committee on Coinage, Weights, and Measures.

Also, petition of Monthly Meeting of Friends of Harrison County, Ohio, officially signed, praying for the rejection of the bill to increase naval expenditures—to the Committee on Naval Affairs.

Also, petition of J. W. Smith and 111 others, citizens of Jefferson County, Ohio, praying for the passage of H. R. 5956, in favor of the appointment of a commission to investigate the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of J. W. R. Smith and 34 others, citizens of Jefferson County, Ohio, praying for the passage of H. R. 5978, to prohibit the



transportation of liquors from any State or Territory or the District of Columbia into another State, contrary to the law—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of G. W. Lyett and 180 others, citizens of Jefferson County, Ohio, in favor of restricting foreign immigration into the United States—to the Select Committee on Immigration and Naturalization.

Also, petition of Hon. Thomas S. Lussock and 202 others, citizens of Guernsey County, Ohio, praying for the restoration of silver to its constitutional place as a money metal, with the same rights of coinage and legal tender as existed prior to 1873—to the Committee on Coinage, Weights, and Measures.

Also, petition of A. G. Kaufman and 160 others, citizens of Jefferson County, Ohio, for restriction of foreign immigration into the United States—to the Select Committee on Immigration and Naturalization.

Also, resolutions of various posts of the Grand Army of the Republic, approving and indorsing an appeal to the loyal people of the United States and their Representatives in Congress, by Alvin P. Hovey, president of the Service-Pension Association of the United States of America, and praying the Fifty-first Congress of the United States to pass an act giving to every soldier, sailor, and marine who served in the Army or Navy of the United States between April, 1861, and July, 1865, for the period of sixty days or more, a service pension of \$8 per month, and to all who served a period of exceeding eight hundred days an additional amount of 1 cent per day for each day's service exceeding that period, in accordance with the resolutions of the Grand Army of the Republic passed at Columbus, Ohio, in September, 1888, and Milwaukee, Wis., 1889—to the Committee on Invalid Pensions.

By Mr. THOMPSON: Petition of 47 ex-Union soldiers of Scioto County, Ohio, for the passage of a service-pension law—to the Committee on Invalid Pensions.

Also, petition of 145 ex-Union soldiers of Jefferson County, Pennsylvania, for the passage of the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. WILLIAMS, of Illinois: Petition of Captain Utt, on behalf of John H. Vincent's claim—to the Committee on War Claims.

By Mr. WILLIAMS, of Ohio: Memorial of Charles E. Louis and 42 others, in opposition to the passage of House bill 8278—to the Committee on Commerce.

By Mr. WILSON, of Missouri: Petition of A. C. White, C. D. De Armond, George N. Dragoo, and 112 others, citizens of Fairfax, Mo., praying for the restoration of silver to its constitutional place as a money metal, with the same rights of coinage and legal tender as accorded to gold—to the Committee on Coinage, Weights, and Measures.

Also, petition of Burroak Alliance, No. 88, Nodaway County, Missouri, earnestly asking for the passage of the Butterworth bill defining options and futures, the same being H. R. 5353—to the Committee on Agriculture.

By Mr. YODER: Petition of citizens of Allen County, Ohio, against the passage of House bill 8278, to amend an act to regulate commerce—to the Committee on Commerce.

## HOUSE OF REPRESENTATIVES.

FRIDAY, April 4, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

### ORDER OF BUSINESS.

Mr. HENDERSON, of Illinois. Mr. Speaker, I am instructed by the Committee on Rivers and Harbors to report the resolution which I send to the desk and ask its passage. It is a resolution of inquiry.

The SPEAKER. The Chair is informed that the previous question has been ordered upon certain pension bills, which must first be taken up. The Clerk will read the first bill.

CATLENA LYMAN.

The Clerk read as follows:

A bill (H. R. 5206) granting an increase of pension to Catlena Lyman.

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catlena Lyman, widow of William C. Lyman, late surgeon, United States Navy, at the rate of \$60 per month, in lieu of pension now allowed her.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. KILGORE. Mr. Speaker—

The SPEAKER. Does the gentleman desire to discuss this bill?

Mr. KILGORE. I desire to make a statement in relation to it. There are four or five bills that have come over under the order of the House to be disposed of this morning.

The SPEAKER. The Chair understands that it was agreed that this bill should be debated for fifteen minutes on each side or that fif-

teen minutes on each side should be allowed for the discussion of this bill.

Mr. KILGORE. That is correct, but I am not insisting now on pursuing that order as far as I am concerned. Several other bills have come over under the same order. The gentleman from Missouri [Mr. STONE] has charge of some of those bills. An order was made for two hours' debate upon those bills, one hour for each side, and he desires, I presume, to consume the time which is to be allowed to him, which I suppose will be one hour. Now, I am willing that these four or five bills shall all be taken up under the order of the House and that the time allowed for their discussion shall be given to the bills controlled by the gentleman from Missouri [Mr. STONE]; and in view of that I have nothing to say myself upon this bill at this time.

Mr. LANE. Mr. Speaker, I wish to say, in reply to what the gentleman from Texas [Mr. KILGORE] has stated, that there is nothing in common between this case and the other four bills to which he refers. He states that there were five bills brought over from last Friday evening under the order of the House, to be disposed of this morning, and he intimates that all those bills are of the same class and are to be considered together. I wish to say that this claims to be separate from the other four. They turn upon an entirely different question, and there is no reason why this one should be considered with them. This is the case of an increase for a widow. The ground of the increase is, namely, that her husband served in one capacity while he held rank in another, and when he died the widow drew the pension for the lower rank when, as a matter of fact, she should have drawn a pension for the service which her husband had actually rendered. This bill passed the Senate at last session and was reported favorably by the House committee and placed on the Calendar, but failed to be reached. In view of these facts, unless some gentleman wishes to discuss this particular case I ask that it be now put upon its passage.

Mr. KERR, of Iowa. Does this bill provide for a pension at the same rate that would have been allowed had the husband's commission been for the service he performed?

Mr. LANE. Not exactly. The regular pension for the service he was performing would have been \$30 a month, but on account of the extraordinary services which he rendered it is proposed to grant the widow a pension of \$50 a month, an increase of \$20 a month above what she should have received under the law. Under the law she would be entitled to draw \$30 a month, but in fact she has been drawing only \$25 when she was entitled to \$30; so that the Government will really lose nothing by this proposed increase.

Mr. FARQUHAR. What is the rank for which this widow has been drawing a pension?

Mr. LANE. The rank was "passed assistant surgeon," when it should have been surgeon.

Mr. FARQUHAR. What was the character of the service rendered?

Mr. LANE. This man was on the flag-ship with Admiral Farragut, which had yellow fever aboard, and he performed extraordinary services there. Admiral Farragut presented him a set of instruments in recognition of his meritorious services.

Mr. KILGORE. Does the gentleman from Illinois [Mr. LANE] insist upon the consideration of this bill separately?

Mr. LANE. Yes, sir. This bill has nothing at all to do with the other four. It rests upon a different principle entirely.

Mr. KILGORE. Well, I have no objection to its being considered separately. [Cries of "Vote!" "Vote!"]

Mr. CHEADLE rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. CHEADLE. I rise for the purpose of submitting some remarks on the pending measure.

The SPEAKER. The gentleman from Illinois [Mr. LANE] has the floor.

Mr. LANE. I will yield the floor if any gentleman desires to discuss the bill. I thought there was no desire to debate the bill, as it has no connection whatever with the other four, but if any gentleman wishes to discuss it I will yield for that purpose.

The SPEAKER. The Chair understood that the arrangement was that fifteen minutes on each side should be allowed for debate upon this bill if desired, and that the other three bills should be discussed together for one hour.

Mr. LANE. The arrangement was that an hour on each side should be allowed for the discussion of the other four bills, and that on this bill there might be fifteen minutes' debate on each side. Nobody wishes to oppose this bill, as I understand.

Mr. LAWLER. There was no point made on this bill in the Committee of the Whole. The point was made on the others.

The SPEAKER. The arrangement seems to have been for one hour of debate on each side upon the four bills.

Mr. LANE. Yes, sir; but this is not one of the four.

The SPEAKER. And fifteen minutes on each side upon this bill?

Mr. LANE. Yes. Now, if any one wishes to oppose this bill I am willing to yield the floor; but nobody does, so far as I know.

The SPEAKER. If no one wishes to oppose it, the question is on ordering the bill to be engrossed and read a third time.

other fifteen. Brevity is said to be the soul of wit, and perhaps I ought not to speak of that feature of the testimony, and I would not if, in being brief, he had also been more specific and not so general in his statements. One of the affidavits is as follows:

Michael Shea was insane most of the time since he had brain fever, while a soldier in the late war. I treated him when he was home on furlough. His mother took the best care of him. It is my opinion he came to his death from disease contracted while serving as a soldier in the late war.

That is the whole of that affidavit. The doctor was mistaken in his opinion as to the cause of death, for it was afterwards ascertained by officers of the Pension Department that Mr. Shea was crushed or suffocated in a snow-slide. The other affidavit of this doctor is substantially to the same effect, except he says:

Michael wandered away and got killed while suffering from a disease of the mind caused from a fever he contracted after one of the battles during the war.

Now, that is the entire testimony by which this claim is supported. If there is any other, I could not find it. There are three or four other affidavits among the papers made by the neighbors of Mrs. Shea, but they relate wholly to other matters, such as the marriage of the parents, the birth of the soldier, his residence with the mother both before and after the war, and to things of that sort.

There is also a petition signed by thirty-nine ex-soldiers, asking that a pension be granted this lady. But not one of them, neighbor or soldier, has testified that Mr. Shea was insane or of unsound mind. The whole case rests on the vague, brief, unsatisfactory statements of Dr. Bullock. It is remarkable that no comrade of this man could be found to say a word in support of this case. Where are the regimental surgeons? Where are all his officers and comrades, that not one can be found to speak? Where are all the neighbors, that no one could be found to give a full and complete statement of this case? The attorney who filed Mrs. Shea's application was Louis K. Gillson, of Chicago. On October 28, 1884, he wrote the Commissioner of Pensions, withdrawing from the case, stating that he had begun it under a misapprehension of the facts. He said that he did not know when he filed the application that the soldier's death was due to a snow-slide, in which "upwards of a dozen other persons who are admitted to have been of sound mind were overwhelmed with him."

Mr. Gillson concludes his letter as follows:

I regret that I have been instrumental in causing such a case to be placed on file, but can say that my present knowledge, obtained by correspondence with a gentleman who was at the place when the soldier lost his life, is quite different from that derived from the statement made to me by the claimant and her friends. I think Mrs. Shea honestly believes herself entitled to a pension, and I do not charge that she sought to pervert the facts, but she took a peculiar view of them.

Now, Mr. Speaker, here is a man with anything but a reputable record as a soldier. Here is a claim based upon his service. The theory is that he became insane from disease contracted in the Army, and wandered away in a demented condition and lost his life in the mountains of Colorado. I would not like to say that going to Colorado is an evidence of insanity, for there were sane men there with this soldier who likewise lost their lives by the same disaster. Besides, there are gentlemen in Congress who think Colorado is a pretty good place to go to. The evidence supporting the claim is exceedingly unsatisfactory. It can be allowed arbitrarily, but no just theory upon which pensions should be granted can justify it. Unreflecting and ill-considered sentiment is the only basis for such a claim.

There are some pathetic letters among the files from Mrs. Shea. She is poor and growing old. In one of her letters, dated March 30, 1885, she says she lost two sons in the war—William and Michael. She says both boarded with her before the war, one paying \$3, and the other \$1 per week, thus contributing to her support. Of Michael she says he "was more or less insane until his death one year ago. He wandered away and got killed in one of his spells."

Of the other son, she says:

My son William was wounded in the ankle and one day his foot caught in the stairs. He fell down and broke his neck. So you see I lost two sons by the war.

Mr. Speaker, it is against the passage of such bills as these I enter my protest. Nearly all these thousands of claims coming into Congress have been rejected by the Department specially charged with investigating them as being without merit. These rejected claimants get the ears of Representatives in Congress, and bills are slipped through by wholesale. It is unjust to the soldier, the deserving claimant, and the tax-payer. And right here, Mr. Speaker, I desire to address some general observations to the House on this subject of pensions.

It is a question about which politicians generally, and members of Congress especially, are oversensitive, and I fear my utterances on this occasion will not, in their judgment, be in accord with the admonitions of prudent politics. But I can not help that; I do not intend longer to be coerced by men whose judgment or whose personal interests would carry me along a line of action which they themselves place on no higher grounds than that of mere prudential policy. I think the time has come when the truth should be known or rather when the truth already known should be proclaimed from these Halls. I think the time has come when the visionary theories of impractical sentimentalists, when the artful dogmatism of demagogues, and the pathetic ap-

peals of political trimmers, when the insatiable greed of selfish monopoly, and the aggressive arrogance of the Treasury looter should cease to dominate the Congress of the United States or longer to suppress the independent and self-respecting members of this body.

I give it as my deliberate judgment, I state it as a fact, that no people on earth, since governments were instituted among men, have been so despoiled and plundered in the name of patriotism and under the guise of pension laws as have been the people of the United States.

Mr. Speaker, it is the duty of every man of proper age and physical ability to render military service to his Government when an emergency demands it. I state this as true in a general way, without reference to possible exceptions, in the sense in which it should be applied to our conditions in this country. Patriotism inspires a prompt and voluntary performance of this service, but in the absence of willing hands to grasp the sword the Government has the right when occasion demands to exact even a reluctant performance of this public duty. The Government has the right to offer such rewards and inducements as it may deem expedient to secure voluntary enlistments into its military service, and whatever it promises on this account, being in the nature of a contract, should be kept with scrupulous fidelity. Whatever it offers in the way of wages, bounties, pensions, or whatever else, should be paid to the uttermost farthing. That much the soldier has an undoubted right to demand. But beyond that he has no legal right. The Government is obliged, in the exercise of good faith, to go to the utmost limit of its promise, and the soldier has the right to demand that the Government shall do so. But at that point the question of legal obligation upon the one hand and the question of legal right upon the other are exhausted. I do not say that the Government should stop there; I do not say it should not go further in voluntary beneficence. My statement is that when the Government has performed its express promises it has discharged its legal obligations, and the men to whom those promises were made have no lawful claims beyond them.

Promises of the kind I speak of made by the Government, however, are voluntary; they are not necessary. For, as I have said, the Government has the right to command the service of its citizens when there exists a public need for it, and it is the duty of the citizen to render it. I hold it to be the duty of the citizen in times of desperate emergency to respond to the call of his Government, even without immediate regard to the question of compensation. Certainly he has a right to be compensated for any service, but where the emergency is imminent and the necessity immediate and pressing, the question of compensation may be deferred even until after the service has been completed. In such a case the citizen has a right afterwards to demand ample compensation for his service according to its nature. In such a case there may be legitimate controversy between the individual and the public as to the extent of the compensation to be awarded. But when compensation has been made the subject of antecedent contract, where it has been previously agreed upon, there is no ground for controversy. When the measure of compensation is fixed by prior agreement, the public obligation is discharged and the individual claim is satisfied by the execution of the contract.

I have said this much because there seems to be an idea abroad that those who have served in the armies of the United States, especially during the war of the rebellion, have some right or claim against the Government beyond and in excess of any promise or agreement made by the Government at the time and as the basis of enlistment and as the consideration for the service, a right or claim which it would be bad faith on the part of the Government not to recognize. I utterly repudiate and deny the existence in legal contemplation of any such right or claim.

Waiving any abstract question of duty, the fact is that every man who enlisted in the armies of the United States during our civil war did so under a contract with the Government. The Government proposed to pay certain wages, to furnish certain rations, to pay certain bounties, and in given contingencies to pay certain pensions to those who should volunteer to render service in its armies, and as the consideration for that service. So far as the Government proposed or agreed, by any form of action recognized as binding, to pay any pension to any volunteer or his dependents, it is the solemn duty of the Government to observe and execute that agreement in every particular. But I repeat, what I have already said, that when that is done the Government is discharged of its legal obligations. If the Government does not see proper to stop short at that point and close the books, if it feels that it ought under the circumstances to go further and do more than it promised, well and good. I do not complain that it has seen proper to go further and do more than it promised; I heartily approve it. I believe there is a moral obligation upon the Government, as binding in conscience as if it were expressed in contract, to care for those who have been disabled in bearing its arms. I believe it would be a public shame if the Government refused or neglected to provide with reasonable liberality for the support of those who suffered permanent and serious injury while engaged in its military service or for the needy dependents of those who perished in its defense. I should have felt humiliated if the Government had refused to act with noble generosity in this behalf. Still it must not be forgotten that whatever



the Government—that is, the people of the United States—may do or shall do along this line in excess of the original contract is a mere voluntary beneficence, and the recipient must accept it, not as the fruit of legal right, but as the generous gift of an appreciative patriotism.

How far the Government should go in this direction, how far it should extend these voluntary gifts beyond the obligations of its contract, is a question of public policy to be determined by the disposition and the will of the people. For one I think we have gone far enough. That there are minor inequalities and inequities in the existing laws which should be adjusted, I have no doubt; that there are administrative defects in the existing system which should be removed, I am certain; but I am equally without doubt and equally certain that we should call a sharp and peremptory halt on the galloping gait at which we have been riding this pension horse in recent years. I think every consideration of personal patriotism, of national pride, of decent regard for the interests of the great toiling masses who bear this enormous burden without at all sharing its benefits, requires of us that we should not dishonor generosity by excess nor make noble charity an excuse for public plunder.

Mr. Speaker, before we determine what more we should do, it would be well to recall what we have done. During the war, in 1861 and 1863, a comprehensive and liberal system of pension laws was enacted. Since the termination of the war, since the great armies called into the field to prosecute it have been disbanded and returned to the walks of civil life, a great mass of additional legislation has been enacted, always increasing in scope and liberality. For instance, pensions for the loss of both hands have been increased from \$25 to \$100 per month; for the loss of both feet from \$20 to \$72; for the loss of both eyes, or of one eye, the other having been previously destroyed, from \$25 to \$72; for the loss or total disability of one hand and one foot from \$20 to \$36; for deafness from \$13 to \$30, and so on *ad infinitum*. I can not discuss the acts in detail. Pensions are provided for almost every possible disability, serious or inconsequential, whether the result of wounds or disease, and ranging in amounts from \$2 to \$100 per month. The laws are as liberal with respect to the persons they embrace as in the sums they give.

Pensions are not only provided for soldiers who suffer a disability while living, but also for their widows and minor children under sixteen years of age, and for dependent fathers, mothers, minors, brothers, and sisters of soldiers who fell in battle or have died during or since the war of wounds received or disease contracted while on duty. The only important limitation fixed by the law is that the death or disability must have been the result of the soldier's legitimate service while in line of duty. And that one limitation in the administration of the law has been most liberally construed. It has been held that an infantryman who shot himself with a pistol, a species of arms not authorized in that branch of the service, while out on a foraging expedition in pursuit of a farmer's hog, was wounded in line of duty. It has been held that a man injured in a wrestling match was disabled in line of duty, on the theory that he was taking necessary exercise.

It has been held that a man shot at a dancing frolic, while two of his companions, rivals no doubt for the smiles of some nymph of the night, were engaged in combat, was wounded in line of duty. It has been held that a man who deserted the Confederate army, doffed the gray and put on the blue, was entitled to a pension, notwithstanding a necessary doubt as to which master he served when the germ of disease was contracted. It has been held likewise that a man who deserted his own flag, the flag of the Union, and abandoned dishonorably the cause he was sworn to defend, was entitled to share in this indiscriminate distribution of public money. I assert on the authority of General Black's report while Commissioner of Pensions that in no other country on earth can an instance be found where a pension is allowed for services dishonorably terminated or marked by a disreputable record.

Oh, yes, Mr. Speaker, these liberal laws are most liberally construed. And they are liberally administered. We have a great department devoted exclusively to the business of auditing and settling claims for pensions. It employs a force of more than 1,500 persons, who are directly engaged in the settlement of claims. In addition to these there are distributing agents located at convenient points throughout the country, and more than 2,500 surgeons stationed in all sections of the country, whose duty it is to examine applicants and aid them and the Department in adjusting claims as speedily as possible. The Government maintains this enormous establishment, employing a force exceeding 4,000 people, at an annual expense of more than three and one-quarter millions of dollars. During the fiscal year ending June 30, 1889, the Government expended through the Pension Department alone \$89,131,968.44, which was one-third of the total public expenditures for that year. This year the expenditures will amount to more than \$100,000,000.

Up to June 30, 1889, the Government had paid in the aggregate on account of pensions the enormous sum of \$1,134,993,775.63. In addition to maintaining this vast establishment for the consideration and adjustment of pension claims, the doors of Congress are always open, wide open, to those who have been denied at the Department and come here in search of special relief.

Besides all this it should be remembered that there are laws upon

the statute-books which give to ex-soldiers who have been disabled a preference over all other citizens in appointments to the civil service of the Government. Again, by existing laws preferences and great advantages are given to ex-soldiers, their widows, and minor orphans in entering homesteads upon the public lands of the United States. They are authorized to make homestead entries in person or by agent on any of the public lands of the United States, including reserved sections along the lines of land-grant railroads or adjacent to any public work of the United States. The law provides that the time which the soldier who makes an entry, or in whose name it is made, served in the Army shall be deducted from the time generally required to perfect title, or, if discharged on account of any disability incurred in the line of duty, then the whole term of enlistment shall be deducted, without reference to the time actually served.

Mr. Speaker, the generosity shown by the people of the United States to those who have served in their armies is unexampled in the annals of mankind. It is not only without a parallel, but there is nothing in history which approaches it.

Still the cry is for more. There is a class of people in this country dominating one of our great political parties who are interested in having high taxation. In order to maintain high taxation, that there may be an excuse for it, they are forced to create occasion for large expenditures. They found the ex-soldiers of the country in condition to be approached. The Grand Army of the Republic had been organized for social and benevolent purposes, and hundreds of thousands of men who had borne our arms were connected with it. Here was an opportunity. They were approached by cunning artifice and misled by deceptive sophistry. Cautiously and gradually the poison of selfish desire has been breathed upon this benevolent organization until it has become permeated by it. They have been led step by step to make this demand and that growing bolder and more aggressive from year to year, until the Grand Army of the Republic has degenerated into a great military-political organization, whose chief object now seems to be to extort pensions from the Government.

The plutocrat has locked hands with the pretorian. One desires exorbitant taxation in order that monopoly may be created or maintained and tribute wrung from the hand of industry; the other desires exorbitant taxation in order that redundant revenues may be raised for gratuitous distribution. They dictate the nomination of candidates and dominate the policy of parties. Weak men are intimidated, timid men are overawed, and demagogues crook the pliant hinges of the knee that the thrift of office may follow personal fawning. Public men of all degrees and of all parties are flattered or driven into acquiescence. Some demands are evaded or delayed by subterfuge, but scarcely a man in public life can be found bold enough openly to oppose them.

The Presidency is put up and sold to the highest bidder. Thank God, there was one grand man who declined to bid for it. [Applause.] He turned proudly from the temptation, no matter whether the bribe was offered to him by the velvet hand of the plutocrat or the mailed hand of the pretorian. He stood for the people and the right, and, though he fell, he went down bearing the deathless reputation of wise and incorruptible statesmanship and enjoying the respect of every honest man in America. [Applause on the Democratic side.] Mr. Speaker, Didius Julianus bought the Roman crown from the pretorian cohorts of that ancient empire and paid for it in glittering gold. Benjamin Harrison is the Didius Julianus of this century. He bought the Presidency. He paid so much in cash, raised by Wanamaker and Quay and distributed through men like Dudley to one class of people; the remainder he promised to pay in largess to another class. It was a princely promise he made. If he keeps faith the scruples of the apothecary must not be used when the demands of the Grand Army are weighed on the scales of the Treasury.

I know he shrinks now from the responsibilities of his promise. I know that all sorts of flimsy subterfuges are being resorted to to evade it. And no wonder. It would be a rare thing for a man who keeps public office to keep faith with those who sell it. But there is no escape. The President and his party must keep their promises or break them without excuse. He has both Houses of Congress at his back, rules have been adopted which prevent obstruction, and there is no reason why every promise made should not be kept. It will not do to keep one or two and break the rest. If you are honest men, if you did not mean to deceive, you must perform your whole contract, and not merely a part of it. What is it you promised to do? What are the extraordinary promises you held out to seduce the Grand Army of the Republic and with which you obtained its support in the great struggle of 1888? What are the promises you made which that organization has a right to exact of you the complete performance of? What are the demands it has the right, by virtue of solemn contract, to make upon you? Those demands have been formulated and presented to you here without any diplomacy of manner and with abundant emphasis of expression. What are they? Here are some of them:

1. The minimum pension now granted is \$2 per month. You are required to raise the minimum to \$4 per month. It is estimated by the present Commissioner of Pensions that a statute of that kind will add \$668,000 to the public burden.

2. You are required to pass a bill granting pensions to all ex-prisoners of war, and in addition to pay them the sum of \$2 per day each during the entire period of their respective imprisonments. It is estimated by the present Commissioner of Pensions that such a law would require the immediate expenditure of \$7,500,000 to pay the per diem of \$2 during imprisonment, and would thereafter entail an annual burden of \$3,768,600. This bill, I am informed, has been already favorably reported by the House Committee on Invalid Pensions.

3. You are required to pass the dependent parents and widows bills and other dependent bills. The present Commissioner of Pensions intimates that such laws would entail an additional public burden of \$35,670,000.

4. There is an existing statute which provides that arrears should not be allowed on claims filed after July 1, 1880, but that the pension on such claims, when allowed, should run from the date of the application instead of from the date of the alleged incurrence of the disability. It was supposed by the authors of that measure, passed years ago, that every soldier who left the Army conscious of a disability would have his application filed by 1880, and as abuses of the arrears act were growing with alarming rapidity it was deemed absolutely necessary to fix some limitation upon the granting of arrears. Hence the law to which I have referred was passed. But that was before the Grand Army of the Republic became a great political factor. Now that organization comes and demands of you, Mr. President Harrison and gentlemen of this Republican Congress, that you repeal that limitation act and grant arrears to all who have had pensions allowed them since 1880 or whose pensions may be allowed hereafter, without regard to the date of application. The present Commissioner of Pensions estimates that such a law would require the expenditure of \$471,000,000.

5. Not only do they demand that the minimum pension be raised from \$2 to \$4; not only do they demand the ex-prisoners bill; not only do they demand the dependent parents and widows bill; not only do they demand the repeal of the limitation-of-arrears act, but they come also and demand that you pass a service-pension bill. Such a bill, the present Commissioner of Pensions estimates, would entail an additional public burden of \$144,000,000 per year.

These are the demands made by the Grand Army of the Republic as the conditions upon which it offered its support in the memorable contest of 1888, and these are the demands accepted and agreed to by Mr. Harrison and his party associates. It was an immense obligation to assume, but it was assumed, and it remains to be seen how faithfully you will keep it.

That is your business. For myself I made no such promises. I followed down to defeat the banner of a man who refused to accede to any such demands and declined to make any such promises. I speak upon this question from the high ground of untrammelled independence. I have no campaign promises to keep, no election debts to pay. I shall be influenced in my speech and conduct alone by my sense of justice and my conception of public duty. Above all things I desire to be just—just not only to the soldier and sailor who have served their country in any of its wars, but just likewise to those hard-pressed and toiling millions who bear the heavy burdens of the nation, and who also serve their country in those industrial pursuits which develop it and make it great. I believe in generous pensions; I advocate them. But I believe we have been generous enough already. Under the laws as they exist to-day every soldier who suffered a disability in the line of duty can obtain a pension. Under the laws as they exist to-day the dependent relatives of every soldier who has died from wounds or disease incurred in the line of duty can obtain a pension.

The pensions granted are liberal. The machinery provided and employed for administering the law is ample. The facilities furnished for prosecuting claims are complete. Speaking for myself alone, without authority to speak for any one else, and speaking I know against the judgment of many of my party associates, I declare that I have gone as far in this direction as I intend to go; and I represent one of the largest ex-Union soldier districts represented upon this floor.

Mr. Speaker, as I have heretofore said, I believe that this Government has been already generous to the verge of fault. But to hear the pension agents talk—these pension lawyers to whom the Commissioner says he pays in fees for collecting claims more than \$1,500,000 per year; to hear the extravagant claims put forth by the ex-soldier organizations and by their official organs; to hear the florid and ill-considered declarations uttered by many gentlemen upon this floor, often with a multitude of dramatic contortions, one unacquainted with the facts would suppose that this was the closest and stingiest nation on the earth. Such an one would suppose that there is a great army of ex-soldiers, lame, halt, and sick, without the means to live or the ability to earn them, limping about ignored and neglected by an ungrateful people. Such an one would suppose that at the beginning of the war men, inspired alone by patriotic motives, rushed to the front with impetuous haste, filling the ranks of our armies with buoyant life and rosy health, while at the end of the war there was nothing left but grave-yards and hospitals. But who familiar with the facts does not know that these pictures are extravagant and overdrawn. They are painted by those who deal in exaggerated metaphor. They are pathetic, but unreliable.

Certain it is that our military history is replete with shining examples of heroic effort and daring exploit, the story of which recounted stirs the blood like a bugle blast; but it is not true that every man who bore our arms was a hero or put on the uniform of a soldier purely from the impulse of patriotism. Certain it is that much was endured and much suffered on the march, in bivouac, and on the red field of battle; but it is not true that every man who bore our arms suffered grievously in person or estate.

I desire in this connection before I close to put in the record a few statistics which may prove interesting and possibly instructive. In the report of the Commissioner of Pensions for the year 1888 I find a mass of statistics compiled by James S. Cowden and James D. Holman, special statisticians, under the direction of the Commissioner himself. I have compared a large part of these statistics with those compiled from official sources in the War Department by Mr. Spofford, the Librarian of Congress, and find that they substantially agree. From these statistics I learn that the total number of men furnished by all the States to the Union armies during the war from 1861 to 1865, for all purposes, was 2,778,304. This entire number, however, did not bear arms. By analyzing the statistics I make it out that the men under arms, that is the fighting force, exclusive of the regular Army, numbered 2,514,670. The remainder were otherwise employed. Now, of these 2,514,670 men, 1,776,995 are set down in the tables as "bounty men." These bounties were of two kinds, those paid by the Government and those paid by the local authorities.

The United States paid in bounties \$300,223,500 and the local authorities paid \$285,941,030, making the total bounties \$586,164,530. I also find from the reports that the average service of pension soldiers was two years and three months, and I take it that that will not be far from the general average. If any one is curious to know how much of this bounty each man received on the average and how much the share of each would amount to per month during the term of his service, he can discover it by resorting to very simple mathematical processes. Whatever it was, it was in addition to the regular compensation of the soldier.

There is another curious fact. In this Army of 2,514,670 men there were 123,190 substitutes, that is, men hired to enter the service. As I understand it, these are exclusive of substitutes hired to take the place of drafted men. Now it appears from a table prepared by Mr. Spofford in 1889 that there were 119,954 men who were put into the service as drafted men or as their substitutes. Add the 123,190 substitutes to the 119,954 drafted men, and we have 243,144 men of those two classes. Now, whether they are included in the 1,776,995 "bounty men," I do not know. If they are not and we should add them to the "bounty men" we would have a total of 2,019,139 men who received either public or private bounties as an inducement to enter the service or else were drafted. Subtract the 2,019,139 men from the whole fighting force of 2,514,670 men and we will have left 495,531 men who entered the Army without pecuniary inducement. This latter number would be increased, of course, if the 243,144 substitutes and drafted men are included among those designated in the tables as "bounty men." It also appears that 199,105 men deserted.

These tables support my statement that although a wild wave of patriotic excitement swept the country when the call to arms was sounded, and tens of thousands sprang instantly into line, still every man who shouldered a musket did not do so from purely patriotic motives. And I will venture the assertion that drafted men, that hired substitutes, that men who thought more of the bounty than of the flag, will not be the last to apply for a pension nor the least importunate in urging their claims. I do not mean to say that every man to whom a bounty was offered and who accepted it enlisted alone for the sake of the bounty. I have no doubt that thousands who received bounties would have enlisted just as promptly if none had ever been offered; but I feel equally sure that there were other thousands who would never have enlisted at all except for the bounty. But when we come to consider these new claims put forth on behalf of soldiers and when, in that connection, we come to consider what has been already paid to them, it is immaterial whether a particular soldier belongs to one of the classes referred to or the other. It is important simply to know that these bounties were paid.

In the tables of Mr. Spofford for 1889 I also find some interesting statistics on the casualties of the war. From those statistics I learn that during the war 61,362 men were killed in battle and 34,727 died of wounds received. Treat all these as killed, add them, and the death loss in battle will aggregate 96,089. That represents the number of men slain during the war.

The same tables also show that during the war 183,287 men died of disease. Add those to the number killed, and the total death loss from all causes amounts to 279,376.

I take it that all these did not have wives or dependent relatives entitled to pensions on their account. I personally knew of some who did not. I venture to say that not over 200,000 of that number had wives or dependent relatives, and that pensions have not been granted to the relatives of more than that number of those who lost their lives during their service.

But there is another and still larger class entitled to pensions, namely,



those who were wounded or disabled, but did not die. I have had no means of ascertaining with certainty the number either so wounded or diseased. Statistics of that character have not been preserved with reference to the civil war. But I can approximate it by comparison. There are such statistics with reference to other wars. From the records of the War Department Mr. Spofford has compiled a table relative to the war of 1812, from which it appears that our military force in that war consisted of 471,622 men. The number killed during the war was 1,877 and the number wounded was 3,737. He has also prepared a similar table for the Mexican war, from which it appears that the number killed and dying of wounds was 2,501 and the number wounded was 5,522. It will be observed that the number wounded was about double the number killed. Applying the same ratio to the civil war, that is two wounded to one killed, the number wounded, who survived their injuries, would be 192,178.

Adopting the same basis for estimates with reference to those who left the Army diseased, that is, two for every one who died, we will have 376,574 men accredited to that account.

Now, taking these figures as a basis upon which to calculate the probable number killed, wounded, and diseased in any degree during the war, the account may be thus stated:

Killed.....	96,089
Died of disease.....	183,287
Left the Army wounded.....	192,178
Left the Army diseased.....	376,574
Total.....	848,128

That constitutes one-third of the entire Army, of all lines and of all lengths of service, from beginning to end. Many wounds were slight and many were entirely cured. Many who left the Army with diseases of a temporary nature shook them off and were restored to health. Many of the dead left no wives or dependent relatives. But let that pass. I desire to present these estimates upon a liberal scale.

One step further. By reference to the last report of the Commissioner of Pensions, I find that up to June 30, 1889, applications for pensions have been filed as follows:

By ex-soldiers of the late war.....	730,642
By widows and dependent relatives.....	407,943
Total.....	1,138,585

By reference to the same report I find that pensions have been allowed on these applications as follows:

To ex-soldiers.....	440,097
To widows, etc.....	263,392
Total.....	703,489

Now, I submit that, if my estimates as to the number wounded and diseased are approximately correct and keeping in view the facts that many who died left no dependents and many who were wounded and diseased have since recovered, it must follow that the number of pensions already granted equals the number entitled to pensions under the theory of our laws.

But to-day there are in the Pension Department something like half a million of unsettled claims, and every day that number is augmented by new applications. There seems to be no apparent end to it. Hundreds of claims are being allowed every day. During the last fiscal year 145,298 pension certificates were issued. But as one goes out adjusted another comes in for adjudication. The further we get from the war the more burdensome it becomes. Twenty-five years have elapsed since the war was ended. One would suppose that nearly every man who left the Army with a pensionable wound or disease, and nearly every dependent relative of those who lost their lives, would have filed an application by 1890, during the first fifteen years after the termination of the war.

On December 7, 1876, General James A. Garfield, then a Representative from the State of Ohio, while discussing the pension appropriation bill for the ensuing fiscal year, then pending before the House, made this statement:

My idea is, that we have reached and perhaps passed the summit of appropriations for this object; and it took a number of years to develop, to get through with the regular form of laws to admit to the rolls the persons entitled to pensions, and that the time must necessarily come when we shall pass the climax and begin to go downward. I suppose we have already passed the maximum.

That bill carried \$28,533,000, which was less than the bill for the preceding year. General Garfield then thought the summit had been passed.

But the fact is that the applications filed since 1880, during the last ten years, exceed those filed during the fifteen years preceding 1880 by more than a quarter of a million, and vastly more claims have been allowed since 1880 than were allowed prior thereto. The number of pensioners on the rolls to-day is more than double the number on the rolls in 1880, notwithstanding the fact that during these years since the war 300,000 names have been dropped from the rolls by reason of death or other causes.

The total disbursements made through the Pension Office during the fiscal year ending in 1879 were \$33,780,526.19. The total disbursements made during the last fiscal year were \$89,131,968.44, showing an increase of about 133 per cent. in ten years. The enormous annual in-

crease in the public burden on account of pensions may be illustrated by reference to the expenditures made during the last three or four years. In 1886 the expenditures amounted to \$64,584,270.45, in 1887 to \$74,815,486.85, in 1888 to \$79,646,146.37, in 1889 to \$89,131,968.44, and this year we will appropriate \$100,000,000. Still the applications pour in; still the pension-rolls lengthen; and still the expense increases from year to year by millions.

Mr. Speaker, I can not tell with certainty the amounts expended for pensions in other countries. I have found one table, prepared by Mr. Spofford in 1879, from which it appears that the aggregate sum then being paid for pensions by five European countries, namely, Great Britain, France, Germany, Austria, and Belgium, was \$31,002,050. I have no doubt that the United States is to-day paying more for pensions than all the other nations of the earth combined.

We hear much about the enormous and almost insupportable burdens imposed upon the peoples of Europe in the maintenance of their great standing armies. Austria maintains a standing army of 271,596 men at an annual cost of \$55,116,248. France maintains a standing army of 541,472 men at an annual cost of \$111,689,400. Great Britain maintains a regular army of 149,667 men at an annual cost of \$83,515,640. Russia maintains a standing army of 871,764 men at an annual cost of \$131,649,250.

Now, our regular Army costs us \$38,522,436. Add that to our pension expenditures, and what may be termed the military establishment of the United States will cost us from \$135,000,000 to \$140,000,000 for the current year. I do not see wherein we have occasion to congratulate ourselves or bemoan the unhappy fate of others.

Mr. Speaker, I shall not longer detain the House. My chief purpose has been to enter my protest in unmistakable language against what I conceive to be indefensible extravagances in the distribution of public gratuities. I repeat at the close what I said at the beginning, that I favor a liberal system of pension laws, and I desire that they should be liberally administered. But when I reflect that nearly \$600,000,000 in bounties were distributed among those who bore our arms at the beginning of their service; when I reflect that they are given preference in appointments to the civil service by express enactment of law; when I reflect that they are given extraordinary advantages in acquiring titles to the public lands of the United States; when I reflect that under the laws as they exist every soldier who suffered a disability in the service, and every widow, minor child, and dependent relative of a soldier whose death can be traced to his service, is already entitled to a liberal pension; when I reflect that more than \$1,000,000,000 have been paid out in pensions in less than twenty-five years and that our annual expenditures on this account have already reached \$100,000,000 and continue still to increase from year to year, I think it is time some one should call a halt and say to those who come clamoring with fresh demands that we have done enough.

I favor liberality, but I am unalterably opposed to any form of extravagance or excess. I have a large soldier constituency, but soldiers are not the only people I represent. There are others to be remembered, others towards whom I must be just, others whose interests I must not forget. I do not complain of laws already upon the statute-books, but when you are asked to vote additional gratuities I call upon you to remember and have some regard for the tax-payers of the country who bear these enormous burdens. I ask you to remember that the great industrial classes are under thick shadows, which bode nothing but evil to them. [Applause.] I ask you to remember that labor is poorly paid and greatly distressed. I ask you to remember the mortgages piled mountain high on the homes of our Western farmers, who are to-day, in many sections, burning their gathered crops for lack of a market and because they are without means to purchase other fuel.

I ask you to remember these things as you go along. Ay, more, I turn from the President and the legislator, from demagogues of all complexions in public place who vie with each other for mastery, to the soldier himself. From the hired substitute, from the deserter, from the bounty-jumper, from those who were unworthy, I expect no generous response. I do not appeal to such. I appeal to the real soldier, to those of high courage, whose valorous deeds have made glorious the pages of our military history. I appeal to those who, if they had lived in France during the sanguinary years of the first empire, would have made history in the ranks of the Old Guard, or, if they had been at Balaklava, would have ridden smiling down into the red valley of death singing the war song of the immortal Six Hundred. I appeal to them to illustrate by their example the true character of the American soldiery. A good soldier must be a good citizen. A hero in war should be a patriot in peace. A brave man can not be mercenary. It is hard to believe that those whose fearless hands bore the flag on perilous fields can degenerate into an unreasoning rabble of pension-mongers. I appeal to them to stand in the way and preserve the honor of the American soldier as a precious heritage to the children of the Republic. I appeal to them to see to it that the splendor of their achievements shall not be dimmed by the ignoble vice of sordid selfishness.

Turn from the glittering bribe thy scornful eye,  
Nor sell for gold what gold should never buy.

[Prolonged applause on the Democratic side.]

Mr. MORRILL. Mr. Speaker, I have no desire at this time to enter

into a general discussion of the pension question, but it seems to me it is only proper that I should say a word in defense of the Committee on Invalid Pensions, whose action has been attacked by the gentleman from Missouri.

Mr. BUCHANAN, of New Jersey. I rise to a question of order. The congratulations being extended by the gentleman's party on the other side on the sentiments just uttered disturb the House.

The SPEAKER *pro tempore* (Mr. BURROWS in the chair). The House will be in order.

Mr. MORRILL. It must be evident to every member of this House that it would be a matter of utter impossibility to so frame a general pension law as to meet all of the meritorious cases which would naturally arise under it. Cases arise and are presented daily of every conceivable shape; they come in every possible form—cases that are isolated, that are different in their character from any other cases that can come up or that have ever been considered by the Pension Department; and it is for this purpose alone, for the purpose of making enactments to meet such cases, that special bills are brought before Congress, and that thousands upon thousands of such bills are presented at each session of Congress to the Committees on Invalid Pensions of the House and Senate.

These cases are carefully examined by the committee, and the merits of the case are set forth in reports as briefly as possible, and each individual case is decided upon its own merits. The committee exerts, in the consideration of such cases, its best judgment and gives to each all the time possible. But I know, Mr. Speaker, that there are occasionally cases which pass through the committee without merit, though from my own long experience on the committee I am satisfied that not more than one in ten is an improper case, or, in fact, is a case without great merit. Nine-tenths of all of the claims reported by the committee, I am satisfied, ought to be allowed; and it is a fact, and all of the old members of the House are aware of it, that the House has again and again, not only ratified the action of the committee, but has even gone beyond the recommendations of the committee in granting liberal pensions in such cases.

Now, Mr. Speaker, the cases referred to by the gentleman from Missouri, and selected by him as sample cases, will be considered in detail by the House. In the cases to which the gentleman refers, and which he has thus selected, it seems to me he has been singularly unfortunate. The case of Esther G. Bryant is a case where the husband of the claimant died in the hospital while in the service. She afterwards contracted an unfortunate marriage, and subsequently secured a divorce from her second husband on grounds which are fully set forth in the report of the committee. Under the circumstances in this case the committee deemed it entirely proper that she should be restored to the pension-rolls. And in this connection I desire to say that for many years that was the general law, namely, that a widow of a soldier who was receiving a pension, but who afterwards married, and the pension was thereby withdrawn, should, on the death of the second husband or on her divorce from him, be allowed restoration to the pension-rolls. In fact, I think it will be generally conceded that good morals will sustain such a law; and I believe it ought to be the general law at present. As the law now stands it tends to discourage marriage and is against good morals.

But this soldier died in the hospital, his widow receiving a pension on account of his death; afterwards she remarried, was unfortunate in her second marriage, a divorce followed, and the committee simply restored her to the rolls. Again and again have the committee recommended similar bills, and time after time has the House ratified the action of the committee.

In the next case, that of Ellen Shea, I will leave the defense of that to the able gentleman from Illinois [Mr. LANE], the member of the committee who reported the bill. I simply desire to defend the committee against the charge of hasty or improper action; for I know from my own personal experience that the most patient and painstaking investigation has been given in all of these cases by the committee. It is impossible, of course, for the full committee to take up the papers in each case and examine them, because there are such numbers of cases pending. If that were done but very few could be reached for consideration. To each member of the committee have been assigned certain cases for examination; and each member has taken the evidence in the particular case assigned, carefully examined it in all its details, and reported the bills favorably which are believed to be meritorious. We have had certain rules of action, certain precedents have been established, and we have endeavored in the consideration of all of these cases to apply these rules of action to them as they came up.

I have no desire, Mr. Speaker, to say anything further than to say that no committee of this House has ever labored more earnestly, more conscientiously, to discharge their full duty than has the Committee on Invalid Pensions.

I yield five minutes to the gentleman from Massachusetts [Mr. RANDALL], who reported one of the cases which is in controversy.

Mr. RANDALL, of Massachusetts. Mr. Speaker, the first bill referred to by the gentleman from Missouri was the bill (H. R. 6607) granting a pension to Keziah Randall, Mattapoisett, Mass., widow of Richard Randall, who served in the coast guard, 1812 to 1815.

The claimant in this case is one hundred years and six months old and has outlived every person upon whom she has any claim for support. Although she has reached this extreme old age, her mind is clear, and she realizes fully the fact that she is entirely dependent upon the charity of her neighbors and friends, and that but for that charity she would end her days in the poor-house. Her husband did serve in that war. I beg leave to correct the statement of the gentleman from Missouri [Mr. STONE]. He says that the husband of this woman served three weeks, while the report says that he served three months. It is true, as stated, that no record can be found of his service during that war, and that I can easily explain. The large majority of the men of Southeastern Massachusetts enlisted in the war, and their names can now be found on the rolls.

A small number were left at home to take care of their farms, the women and children; but when the British ship *Nimrod* came and destroyed Falmouth and a portion of New Bedford and adjacent towns and a vast amount of property, these young men started as a coast guard and went with others to protect life and property; and there they served faithfully until the ship had to leave on account of their resistance.

The Committee on Pensions have given great attention to this case. They waited carefully until they could get such evidence as would prove to them conclusively the justice of this claim. There is a local history or diary, written at the time, giving every fact and every date and the names of those who served in that coast guard at that period of our history; and it is unquestionable that the husband of the claimant served faithfully, and no claim was ever made for that service until recently, when this poor old woman really required assistance, and your committee, after giving the claim careful attention, felt that it was an act of justice to grant it, for her life can now be measured by months, and it seems that this little pension of \$25 a month should be given her for the few remaining months of her life, and I hope the vote of this House will justify the committee in its action.

Mr. MORRILL. I now yield fifteen minutes to the gentleman from Illinois [Mr. LANE], who reported one of the bills.

[Mr. LANE withholds his remarks for revision. See Appendix.]

Mr. MORRILL. I yield fifteen minutes to the gentleman from Michigan [Mr. CHIPMAN].

Mr. CHIPMAN. Mr. Speaker, I have a very high regard and a very great respect for the gentleman from Missouri [Mr. STONE], but I was surprised at the character of the remarks which he made this morning, and I only regret that the time which is allotted to me is so short that I can not follow the argument which he delivered here, that argument so carefully prepared and elaborated, as it should be followed.

I think the gentleman was unfortunate, very unfortunate, in the selection of the case upon which he laid the most stress. Ellen Shea is an old woman. She was the mother of two soldiers. Two of her boys served the country. One of them was wounded, and, as a result of that wound, an accident occurred to him by which his neck was broken. The other incurred disease in the Army, which rendered him insane and made him a care and a burden to her during his life and which may reasonably be supposed to have hastened his death. I say "may reasonably be supposed," and if there is any doubt upon that point that doubt should be resolved in favor of the mother. I have no fear that the House will reject this old woman's claim, or her prayer, rather, for it is not a claim save as gratitude and honor make it a claim upon the country.

Mr. Speaker, the general tone of the remarks made by the gentleman from Missouri shows that some of us begin to count the cost, that we begin to add up figures in regard to the pension system. I have heard a great deal of talk in this House lately in that direction; and yet I remember well the day when the cost was not counted, when we were prodigal of money, when we were lavish of blood, when the motives which took men under the flag were not scanned and analyzed as they have been here in the cold blood of this discussion, when the man who enlisted was the hero of the hour, when the youth, the very flower of our land, with stalwart form, with rosy cheeks, and with flowing locks, went forth, beloved and regretted, but honored, to fight the battle for the Union.

I remember all that well. Nobody stopped then to ask, as the gentleman from Missouri has asked this morning, what kind of patriotism they had; nobody was mean enough to suggest that those men went out to risk their lives for the mere pittance of \$13, \$14, or \$15 a month and "hard-tack." The man who would have made such a suggestion as that would have been whipped and scourged from all decent society; he would have been treated almost as a rebel: he could not have lived in any community in which loyal sentiment prevailed. No one then talked of "Treasury looters," as if keeping from poverty and want the men who served their country is looting the Treasury. No one then talked of "pretorian guards;" and I am amazed at the folly, the utter stupidity, which induces any man to talk of them now. "Pretorian guards" on crutches! "Pretorian guards" with patches over their eyes, without arms, without legs, with gray hairs, and forms bent with disease! "Pretorian guards" who have not the strength to raise their shields above their heads! I would like to see this army of "pretorians!"



ranged before the gentleman; and instead of being eloquent against them, his heart would melt with pity and he would wish that he had never made this speech here this morning. [Applause.]

We are told that it was the duty of men to serve the country. That is a beautiful theory; no one doubts it; yet did all men serve the country? Did all men give two sons to it, as the widow Shea did? Did the men of wealth, did the men who had the greatest stake in the country—did they, as a rule, enlist and fight the battles of the war? Could all men go? Was it possible for a population to go *en masse* into the Army? Did the Government make any such demand? Was there ever any such necessity?

Whom, then, did we appeal to? We appealed to the young and hopeful, to the men of sentiment, to the men whose enthusiasm would carry them beyond prudence, would carry them beyond all mercenary motives. Those were the men we appealed to, and those were the men who went to "the front." Were they thinking of a little bounty? Why, look at the troops from the Northwest, from Minnesota, from Wisconsin, from Michigan, the men from the farms, the decent men, the good men, the young men, and, as they proved themselves, the brave men! What took them there? What motive had they? And yet, I repeat it, the gentleman is here to-day in cold blood scanning their motives after the fact.

We are determining as to what influenced the patriot who went forth to fight for his country, dissecting his heart, his patriotism. Why, Mr. Speaker, we shall soon hear a question as to what motives influenced George Washington. We shall soon hear a question as to what motives instigated all the patriots of the Revolution and all the patriots of every war. It seems from the gentleman's speech that there were some men who performed great deeds and deserved great praise in the last war; but if we are to judge by that speech the great mass of the soldiers were unworthy men, mercenary men, and are not to-day entitled to consideration at the hands of this Congress. In this he is wrong—wrong in every degree, to every extent.

Now, Mr. Speaker, the pension laws are insufficient. We could not foresee the future, we could not anticipate all the evil consequences of internecine strife. The gentleman "cries a halt;" but the time to halt has not come. The time to halt will not come until a reasonable provision is made for the necessities of every soldier in this country, necessities growing out of the war and out of the condition into which he was brought by the war. There was his wasted youth—a youth gone forever. There were the hardships of campaigns which left ineradicable blights upon the person. There were wounds of battle. There was the fever, the gangrene of the hospital. There was the long march. I suppose all this is to be deemed sentiment now, but all these things, borne in the heyday of youth and hardly minded then, are bearing their fruit of suffering and misery. And all this must be paid for—no, not paid for, but tenderly assuaged. The gentleman speaks as if every duty to the soldiers has been fulfilled, as if the pension laws are perfect.

Why, Mr. Speaker, we need a service pension; we need a pension for the widows of soldiers; we need better provision for the deaf, dumb, and blind who are left in these conditions by the war; we need a provision by which increases of pension shall be paid from the day on which they are applied for, provided the disability exists at that time. We need act after act to make our laws efficient. And above all we need and we ought to pass a law establishing a rule of testimony in the Pension Bureau by which the oath of a private soldier shall receive as much honor and credibility as the oath of a commissioned officer. There are many things we need; there are many things which we ought to do. The logic of the entire situation will compel us to those things—things which are reasonable, things which are just, things which are demanded by the very best sentiment of the country.

It is said the pension-list is large. Gentlemen must remember that we had a large war. No war of modern times has equalled it. Over two millions of men enlisted and fought under the banners of the Union. Some of them were killed in the war, on the battle-field; some languished away in the hospital or died in the Confederate prisons; some of them have since died of diseases contracted there; but many of them are with us now. I ask you, gentlemen, what will you do with those who are with us now? Call them "pension looters?" Call them "pretorians?" Tell them to go to the poor-house? Tell them to go and kill themselves? Some of them are in disease and want because they served their country. What are we to do with them? Accuse them that they live too long? Tell them that they ought to have met friendly bullets in the days of their glory? Sir, they are here; they are with us. This country may soon—God grant the day may not come!—but this country may soon need another army of volunteers; and what inducement to patriotism will there be in poor-houses filled with the veterans; with a class of honest, brave, meritorious, loyal men who are called "looters of the Treasury," who are stigmatized as the "pretorian guard" of the country?

The time for a halt has not come; and so far as any argument made this morning upon these bills is directed against the general pension system and proceeds upon the ground that the system is extravagant, improvident, ill-judged, I protest against that argument. We will go further in this system, not extravagantly, not pinchingly, not with the head or the heart alone, but with both combined. We must continue

until the last soldier who served his country in that war, and the last widow of a soldier who served his country in that war, who suffer by reason of service done for the country, have died and been gathered to their fathers. [Applause.]

Mr. MORRILL. I yield the remainder of my time to the gentleman from Iowa [Mr. DOLLIVER].

Mr. DOLLIVER. Mr. Speaker, I did not intend when I took a seat in this Chamber to violate the golden rule of silence which the traditions of the House, for its own protection, have applied to the probationary term of legislative service.

I am led from that purpose by the opportunity afforded by the chairman of the Committee on Invalid Pensions [Mr. MORRILL] to say a few words in reply to what has been said by the gentleman from Missouri [Mr. STONE] in regard to the rights of the veterans of the Union Army. And I take a deeper interest in the discussion because it has been said by a distinguished advocate of more liberal pension legislation, in a public appeal to the loyal people of the United States, that the men born since 1850, knowing little or nothing of the real sufferings and services of the civil war, can not be relied upon to do justice to its surviving veterans.

Speaking in a humble sense for the men born since 1850, I challenge the truth of that suggestion. On the other hand, the young men of the United States, without distinction of party politics, recognize that the most solemn duty of these times is to fulfill along the straight lines of justice the promises made by the American people when the Union Army was recruited, and afterwards repeated when its worn and faded regiments were discharged in honor and in victory. [Applause.]

They understand that in fighting for the unity of the Republic the armies of the nation carried on their swords the welfare of centuries and in their hearts the great hope of posterity. They understand that the success of the Confederate arms would have been fatal both to the form and substance of popular government in the world and that human slavery was not only a felony against the slave, but an offense against the industrious millions of the earth. They have no ear for voices out of the past that reargue the case of the rebellion and restate the forgotten apology of the slave power. They perceive distinctly that the effort to break up the Union into fragments was a blunder so stupendous that it hides its odious features only in the refuge of common charity. So that to-day, even in the South, the generation born since 1850 understand that the armed hosts of 1865, visiting upon Virginia and Georgia the desolation of war, were in a larger sense the enlisted regiments of civilization, fighting for North and South, for the American commonwealth, for the generations yet to come. Feeling so and thinking so, the young men of the United States, while they know little or nothing of the real services and sufferings of those memorable years, are ready to join in gratitude and affection with the veterans of the Grand Army of the Republic in the universal popular demand for justice.

I have heard it said on this floor that no nation has ever yet provided so large a fund for invalid pensions. That is true, for the plain reason suggested by my friend from Michigan [Mr. CHIPMAN], that no nation ever called into the field so great an army or ever discharged an army with so grievous an affliction of wounds and disease. Our pension laws from the beginning have been prone to discern the disability of a wound and to ignore the less tangible but not less fatal infirmity of disease. Yet the record shows that less than one-third of the death loss of the Army is traceable to the accidents of the field. In the camps of contagion and in the prison more than 200,000 men met their last enemy. Fever, and hunger, and exposure did for them what in a less visible way they did for countless multitudes, who are now beginning to realize in failing health and strength the hardships of their service.

The gentleman from Missouri [Mr. STONE] protests for himself against an increase of the pension-rolls on the ground that the Government has already made a liberal provision for its veteran soldiers. While it is true that much has been done, it is equally certain that much remains to be done; so that I think a remark like that is either the invention of hostility or the hallucination of ignorance. What are the facts? Thirty-five men receive \$1 a month. I can not imagine what form of disability this monthly allowance is intended to cover, nor can I suggest the delicate shading of disease that is relieved by the payment of \$2 a month, now received by nearly 27,000 men. Four men are on the roll for \$2.25, while in one case the law has cut a penny into vulgar fractions and passed to the pensioner's credit the quaint and princely allowance of \$2.33 $\frac{1}{3}$  per month. To another we give \$2.50.

To five we give \$2.66, having first weighed their merits upon balances to separate them from the more fortunate eight who monthly receive from the Government they defended the sum of \$2.66 $\frac{2}{3}$ . Fifteen hundred and fifty-six men have \$3, while 331 get \$3.75. Sixty-nine thousand are paid \$4 a month, and 52,000 more range between \$4 and \$6, receiving in many cases that highest proof of the Government's attention—an attention that often cuts copper cents in two and counts the halves, as Providence is said to number the hairs of our heads. Rising through all the grades of addition from \$6 to \$8 we find 70,000 more provided for oftentimes to the fraction of our smallest coin.

In other words, of the 356,000 soldiers now upon the pension-roll more than 221,000 receive between \$1 and \$8. What sort of a liberality is that which counts out to a pensioner \$12 a year, or \$24, or \$48, or \$96? I say that such a payment disparages both the nation and the claimant. Yet \$8 a month is the accepted unit for total disability. Where did the idea come from that a man could live in the United States on \$96 a year? That idea must have originated in an almshouse, must have been discovered in a garret. Yet we find it in the general pension act of 1818, when our fathers made provision for the survivors of the Revolution.

In contemplating—

Said President Monroe, in his first annual message—

the happy situation of the United States our attention is drawn with peculiar interest to the surviving officers and soldiers of our Revolutionary army, who so eminently contributed by their services to lay its foundation. Most of these very meritorious citizens have paid the debt of nature and gone to their repose. It is believed that among the survivors there are some not provided for by existing laws who are reduced to indigence or even to real distress. These men have a claim on the gratitude of their country, and it will do honor to their country to provide for them. The lapse of a few years more, and the opportunity will be forever lost. Indeed, so long already has been the interval that the number to be benefited by any provision which may be made will not be great.

The act of 1818, passed after nearly all those to be benefited "had paid the debt of nature and gone to their repose," has ever since served the double purpose of justifying the delay of Congress and of fixing as if by a divine revelation the maximum for total disability.

Yet that law, at the time, was commonly accepted as a tardy correction of an almost fatal mistake, and the amount fixed by its terms would have been deemed discreditable if the Treasury had not had the excuse of being empty. Nevertheless, that historic space of forty years is still the favorite measure of our duty as to time, and that historic \$8, which in seventy years has seen the wages of every trade advance, the salary of every office multiplied, and the cost of decent living everywhere increased, while it alone remains to suggest the narrow circumstances of our ancestors, is now paraded as a token of our liberality. I think it is time to shut our mouths on the question of liberality and look the demands of justice squarely in the eye.

The great body of the Union veterans when they gave their names to the Army were young men and poor men. In keeping step with the ranks they lost step with their generation; they got behind in the race of business, and to-day many of them are burdened with poverty, more of them with disease, and all of them are in the shadows of approaching age. To them the nation's duty is limited only by its resources. In the words of Washington—

It would be a comfortless reflection to any man that after he had contributed to securing the rights of his country at the risk of life and at the ruin of his fortune there would be no provision made to prevent himself and family from sinking into indigence and wretchedness.

The American people demand that every one who bore a part in the national service shall be protected from want, not with the pinched and starved gift of charity, but in the exact spirit of Abraham Lincoln's great promise, to care for him who had borne the battle and for his widow and his orphan children. I shall support every measure that looks towards the faithful keeping of that promise. I want to see the pension code of this country so simplified that an army of claim agents may not be required to convey to the pensioner the certificate of his meager allowance. I know a man in my own district, in the last stages of consumption, whose claim had been pending ten years. Upon presenting the need of his situation I had the satisfaction of seeing \$10 a month doled out to a dying man with a family on his hands.

In my own town I know as gallant a man as ever fought for his country, who for eleven years has sat by the bedside of an invalid wife by night, and by day worked in weakness and bodily pain to support his family, whose claim is held up because his disease is remotely traceable to symptoms appearing before his enlistment. I say that, when the Government has found a man fit for the business of war and has used him for that purpose for a term of years at the average wages of 20 cents per day, it is in all equity estopped from referring his disability to the diseases of infancy. The proving of a pension claim under our system has become more burdensome than a lawsuit.

In these cases we find a new rule of evidence unknown to the courts—a rule that determines a man's credibility not by his character, but by his rank. Under this rule, as the gentleman from Michigan has suggested, one officer equals two privates to prove a fact; that is to say, truth is more likely to be found on horseback than on foot. I do not recite these examples of technicality and delay to disparage the present or any former administration of the Pension Office. I believe that the bureau has done the best that could be done under our system with the facilities at hand. I recite them for the purpose of emphasizing the absurdity of sending a man for evidence of his disability to comrades that are scattered, to officers that are dead, to surgeons that have forgotten the sickness occurring in their own families. In my judgment the time has come to give an honorable discharge from the Union Army its par value, in grateful recognition of the heroic service which, in the words of Abraham Lincoln's message to the Congress of 1863, "gave to the world the home of freedom disenthralled, regenerated, enlarged, and perpetuated." Let us not repeat the ingratitude of the past.

John Quincy Adams, in his first message, describes the Revolutionary pensioners of 1820 as "the venerable relics of an age gone by." In vain had the patriots of that day interposed their influence in behalf of their old comrades. The spirit of mercantile times had postponed the day of justice till only a few tottering men were left to tell the story of the Revolution; and the treatment these received is one of the scandals of our national history. In response to some such clamor as that which a few months ago emanated from the White House, at the time my friend from Missouri says he was accustomed to fall down and worship before its occupant, the act of 1820 was amended to strike from the roll all who failed to file a schedule of their earthly possessions, and thereby demonstrate that they had in fact landed at starvation's gate.

It was against this bloodless provision of the law that Mr. Adams asked a question which ought to be repeated in the ears of every Congress until justice be done. "May not the want," said he, "in most cases be inferred from the demand, when the service can be duly proved, and may not the last days of human infirmity be spared the mortification of purchasing a pittance of relief only by the exposure of its own necessities?" To us the veterans of the Grand Army of the Republic, to whom my friend from Missouri has referred, are not the relics of an age gone by. They are our fathers, our brothers, our friends, our neighbors, our associates. If this Government is to reserve its bounty for the venerable relics of an age gone by, we may as well at once complete the national humiliation by openly discrediting the national duty.

The old soldiers stand before the public Treasury, not as paupers, not as mendicants, not even as beneficiaries. They are the preferred creditors of the nation of America. They hold the bonds of the real national debt. To its payment the public faith is sacredly pledged. We must not question it. We can not without infinite penalties repudiate it. Nor ought we to go into partnership with the grave and plead the precedent that enables us to drive a hard bargain with old age. Now is the accepted time to complete the act of national gratitude. Within twenty years the most of the veterans will be gone. Already the great commanders, except one, have joined the innumerable company of their comrades on the other shore.

Every year time touches the wasting ranks with a heavier hand. Soon the last will have departed, and little children playing upon the streets will hush their laughter to look with curious reverence upon bent and white-haired men, the last of the Grand Army of the Republic. I do not know what others may think, but in that day I want to feel that the public faith has been kept in the ample measure of gratitude and of justice. I shut my eyes while the busy fingers of calculation compute the cost. It makes absolutely no difference what it costs. The defense of the Union was an undertaking so vast that no worldly arithmetic can estimate its expense. But the American people, with eager patriotism, were ready to pay all that it cost to the last farthing. [Applause.] Nay, more, they were willing to bury their dead; they were willing to put the signs of mourning upon nearly every family altar; they were willing to take back their loved ones from the hospitals of disease, from the stockades of merciless prisons, from the flag of the great Republic might live through the storm of battle. [Applause.]

My countrymen, it was a costly sacrifice; but it was worth all it cost and infinitely more. [Applause.] And to-day there is not in all our borders one veteran of the civil war but we are his personal debtor; not one woman whose broken heart gave to the nation husband, or son, or brother, but we are her personal debtor; not one old man, stricken by years, the staff of his support taken away by the service of his country, but we are his personal debtor. [Applause.]

I could not help feeling a sentiment of indignation when I heard their necessities sneered at on the floor of this Congress. I say to the gentleman from Missouri, and to you, gentlemen, that the need which stands in pathetic eloquence behind the pressing urgency of the demands of the old soldiers of the United States is no badge of dishonor. [Applause.]

It is rather a mournful witness, like the homeless lot of the Workingman of Nazareth, that they who were rich in the exultant wealth of youth and strength for our sakes have become poor. [Applause.] And so when I hear men talking of the extravagance of pension appropriations and read in newspapers the idle babble that the old soldiers of the country are seeking to loot the Treasury, I reply that every dollar of the national wealth, in the Treasury and out of it, is encumbered first of all by the inviolable lien of our duty to the men and women who thought not of their blood and their tears in the hour of the national trial. [Applause.]

Horace Greeley, in the editorial columns of the old Tribune of the common people, just after the war, foreseeing the hardships that must follow the return of the country to a sound currency, predicted that the popular discontent would be organized by demagogues and used to destroy the public credit. He was mistaken. For the American people stood in the midst of their shriveled and scattered fortunes for six patient years, deaf to every whisper of seduction, and to-day among the money-changers of the world the American promise is better than the shining gold. [Applause.] And for one I am glad that it is so. I am glad that in all the earth there is no bank, no bourse, no narrow



street of speculation that questions the credit of the United States of America. [Applause.] But, before God, I had rather see the whole framework of our financial system put to an open shame before the world than to see the care-worn remnant of the old Union Army driven from the public Treasury by the money power of the United States, holding in their trembling hands the broken promise of Abraham Lincoln. [Loud and prolonged applause on the Republican side.]

Mr. FLOWER. Mr. Speaker, I believe there is a little of the time remaining of the gentleman from Missouri? If so, I desire to occupy it.

The SPEAKER. There are seven minutes of the time remaining.

Mr. FLOWER. In that time, Mr. Speaker, I desire to occupy the floor and to raise my voice in favor of the Union soldier and the pension laws. In every war in which this country has been engaged, from the first War of our Independence until the Union war of 1861, it has been the policy of the Government to give pensions, and liberal pensions, to its soldiers. When these men in 1861 went to the battle-field, we promised to make their wives and children wards of the nation. I am in favor of carrying out that policy and that promise to-day.

I am one of those Democrats who believe—and I believe I voice the sentiments of every Democrat in the State of New York here represented—that they fought in a more just cause than any soldiers who have ever preceded them. [Applause.]

Napoleon fought to conquer. A poet speaks of him as one—

Whose game was empires and whose stakes were thrones,  
Whose table earth, whose dice were human bones.

Alexander wept because he had no more worlds to conquer. The soldiers of the Old World fought to make their rulers stronger and greater over themselves. But these Union men fought to make their enemies equal to them. We made a line 3,000 miles long to make you men of the South equal to us and to save this country as a common heritage to you, your wives, and your children forever. [Applause.] I am in favor of carrying out the promises made at that time, when they went to the front. I think there may be individual cases in which it would be unjust to grant pensions; but there are hundreds of cases that are left to dangle along in this House that are just and honest, and I hope they will speedily have their due. [Applause.]

Mr. MORRILL. Mr. Speaker, I believe I have a little time remaining. I will yield five minutes to the gentleman from Illinois [Mr. LAWLER].

Mr. LAWLER. Mr. Speaker, I do not want to take more than a minute or two. I listened very patiently to the speech very ably prepared by the gentleman from Missouri [Mr. STONE] and I am sorry that it was not directed against other cases than those brought over from the meeting on Friday night last. I only want to speak of one case, that of Ellen Shea, which was mentioned by my colleague from Illinois [Mr. LANE].

This boy did go into the war. He was continuously in the Army, and though absent on one or two occasions, he did come back from the war in this demented condition. His mother to-day, had it not been for the entering of this boy into the Army, would have had his services, and I am sorry to see an attack made upon a woman of seventy-six years of age, without any support from any source, and without the support that her two sons would have given her, and dependent upon her neighbors for subsistence. This is one of the cases that have been made a special mark by my friend from Missouri.

I want to say right here that I introduced a bill in Congress that ought to have been considered and passed. It was a bill giving every soldier in the Army and Navy, or, if dead, to his widow, a pension of \$12 a month. If that bill could have been passed and pension agencies and inspectors abolished in this country, and we could stop giving large pensions beyond that, we would take away a great deal of this feeling always manifested in Congress, and our time, in place of being taken up for two long hours, as to-day, with an issue against a few old, aged, and decrepit people, could have been devoted to the consideration of legislation for the people. [Applause.]

Mr. MORRILL. I yield the balance of my time to the gentleman from Iowa [Mr. KERR].

Mr. KERR, of Iowa. I desire to take the attention of the House but for a moment. A great deal has been said about the pledges made by the Republican party. I am in favor of redeeming every pledge that has been made by the American people to the soldiers of the Union Army. I was one of them myself, and I sympathize very greatly with every man who to-day is in need on account of being in the Army.

I will say, Mr. Speaker, that there are men upon that side of the House who are to-day calling attention to the pledges made by the Republican party, but who all through the last Administration were unable to secure, and made no effort to secure, an appropriation for the relief of men who were in the almshouses of the country.

It was to emphasize the demand of the American people that these men should be cared for, that no man who had performed his duty to his country in its hour of need should be committed to the tender mercies of an almshouse, that the Republican party made the only pledge they made to the American people in the last campaign. That was that these men who had been made poor by their service, who were disabled at the present time, and who are in danger of becoming a public charge shall be cared for. That pledge we made in the national platform; and unless I am very greatly mistaken it will be redeemed

before the close of the present Congress. That is the only pledge that, as a party, we made, except the general pledge that we would be liberal in our pensions to the Union soldiers. As has been said by every speaker who has spoken here to-day, this Government has contributed larger sums for the support of the disabled soldiers of the late war than any Government ever did because of any war.

I make this remark because you who during the last Congress were not able to secure any such legislation are making demands upon this Congress and claiming that we made pledges that we never made. Just before the last election a message was sent here by the late President advocating some general pension legislation; but the committee of this House never considered that message. They never made any attempt to do it during the last Congress, and I make the assertion that there is no considerable body on that side of the House that has ever been in favor of taking any measures for the relief of the soldiers of the Union Army any further than has been made by the legislation now on the statute-books. We propose to go further, and to provide that no man who was true to his country and suffered from disease or wounds in the service or is a loser by his service, whether able to prove it or not, if he is at present disabled, shall be deprived of the right to be placed upon the pension-rolls. [Applause.]

The question was taken on ordering the bill to engrossment for a third reading; and the Speaker announced that the ayes seemed to have it.

Mr. STONE, of Missouri. Division.

Mr. MORRILL. I would like to ask the Chair which of the four bills this is.

The SPEAKER. It is the bill that has been read. The Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 2057) granting a pension to Ellen Shea.

The House divided; and there were—ayes 93, noes 5.

So the bill was ordered to be engrossed and read a third time.

The question then recurred on the passage; and the Speaker announced that the ayes seemed to have it.

Mr. STONE, of Missouri. Division.

The House divided; and there were—ayes 87, noes 8.

So the bill was passed.

The next bill read reported from the Committee of the Whole House was the bill (H. R. 4132) granting a pension to Esther G. Bryant.

The question was taken on ordering the bill to be engrossed for a third reading; and the Speaker announced that the ayes seemed to have it.

Mr. STONE, of Missouri. Division.

The House divided; and there were—ayes 77, noes 4.

So the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The next bill coming from the Committee of the Whole House was the bill (H. R. 6166) granting a pension to Elizabeth T. Garrett.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurred on the passage of the bill; and the Speaker announced that the ayes seemed to have it.

Mr. STONE, of Missouri. Division.

The House divided; and there were—ayes 73, noes 3.

So the bill was passed.

The next bill coming from the Committee of the Whole was the bill (H. R. 6607) granting a pension to Keziah Randall, of Mattapoisett, Mass., widow of Richard Randall, who served in the Coast Guard, 1812 to 1815.

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

#### DUTY ON HIDES.

Mr. MORSE. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a memorial from Massachusetts shoe manufacturers, remonstrating against a duty on hides.

There was no objection, and it was so ordered.

The petition is as follows:

NEW ENGLAND SHOE AND LEATHER ASSOCIATION,  
234 DEVONSHIRE STREET, Boston, March 31, 1900.

The honorable the Ways and Means Committee of the  
National House of Representatives, Washington, D. C.:

SIRS: The undersigned, manufacturers of leather and shoes and dealers in leather and articles produced from leather, believe that any duty imposed upon raw hides and skins would be very detrimental to one of the largest business interests of New England and the Middle States, and that it would increase the cost to the consumer of every pair of shoes produced in this country.

It is also the opinion of all leading houses that the imposition of any duty would cause great embarrassment to the large export trade, now amounting to \$10,000,000 or \$12,000,000 annually, and tend to drive it to the Dominion of Canada, where labor and materials for tanning are much lower than they are in the United States.

For these and many other reasons which could be enumerated we respectfully and earnestly protest against the proposed duty.

#### ORDER OF BUSINESS.

Mr. ENLOE rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. KILGORE. I do not wish to consume any time in debate, but will ask the reading of the report in the time which would be allowed me for discussion.

The SPEAKER. The gentleman from Texas [Mr. KILGORE] desires that the report be read in his time.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5206) granting an increase of pension to Catlena Lyman, submit the following report:

This bill passed the Senate of the Fiftieth Congress, and the following report was made to the Senate on said bill, which report your committee adopt as their own and which is in words as follows:

"The Committee on Pensions, to whom was re-referred the bill (S. 2626) granting a pension to Catlena Lyman, widow of William C. Lyman, have examined the same and report:

"That the claimant is now a pensioner at the rate of \$25 per month, the rate allowed by law for her husband's rank, that of passed assistant surgeon in the Navy.

"Since the recommitment of the bill it is shown by additional evidence submitted to the committee that the husband, William C. Lyman, although having officially only the rank of passed assistant surgeon, did actually serve as surgeon in the Navy in the war of 1861 with marked ability. He took the place of surgeon at the United States naval rendezvous at Chicago. He had charge of several ships in quarantine outside of New Orleans. He was in the expedition against the forts and fleets of the enemy in the Lower Mississippi. In the discharge of his duties there he took the yellow fever and only recovered after long suffering.

"He served as surgeon on board the Portsmouth, the flag-ship of Admiral Farragut, and in recognition of the meritorious character of his services he received a testimonial from the admiral, being a box of surgical instruments, inscribed to him by that officer, which has been shown by the widow, in whose possession it is, to the committee.

"The claimant lost all her property by the Chicago fire and is now without means of support save the pension. The sum now paid her is inadequate. The committee therefore recommend the passage of the bill."

Mr. KILGORE. Mr. Speaker, I desire to make one statement in relation to this bill. I state upon information given me by others—not upon my own knowledge—that the beneficiary under this bill is now employed by the Government at a salary of \$1,000 a year. If this is true, I submit that the increased pension proposed in the bill ought not to be granted. I suppose the gentleman from Illinois [Mr. LANE] can tell whether it is true or not. The information has been given to me from a very reliable source.

Mr. LANE. I do not know whether it is true or not.

Mr. KILGORE. The pensioner in this case is now receiving \$25 a month. This bill proposes to increase the pension to \$50 a month.

Mr. LANE. I do not know whether this lady is now drawing a salary from the Government or not, and I do not care. In preparing the report I did not ask what salary she might be drawing. I recognized the case as a meritorious one, and considered that she was entitled to the amount of money which this bill proposes to pay. That was my reason for reporting the bill, and the committee approved it.

Mr. CHEADLE. I wish to make a parliamentary inquiry. Is this bill now subject to amendment under the order?

The SPEAKER. The previous question has been ordered, and, as the Chair understands, the bill is not subject to amendment.

Mr. KILGORE. The order of the House was that the bill should come up this morning with the right of discussion for fifteen minutes on each side and the privilege of amendment.

The SPEAKER. The gentleman from Texas is right.

Mr. CHEADLE. If the bill is subject to amendment, I move to amend by striking out "\$50" and inserting "\$30."

The SPEAKER. The Chair thinks that under the somewhat unusual order made by the House last Friday night the bill is subject to amendment.

Mr. CHEADLE. An order of that kind is very often made in reference to bills which are carried over in this way for a vote in a full House. I submit the amendment I have already stated.

Mr. ADAMS. I ask the Chair to consider whether the word "amendment" as used in the order may not be construed as meaning amendments pending. That, I think, is the usual order entered with reference to these bills coming over from the Friday night session.

The SPEAKER. The order reads:

The previous question to be considered as ordered, with the right of an amendment, and debate for fifteen minutes on each side.

This language would seem to confine the right of amendment to one amendment.

Mr. CHEADLE. I move to amend by striking out "\$50" and inserting "\$30." I do not wish to repeat what I have said over and over again on this question of private pensions. I would not, if I could, detract one jot or tittle from the well earned fame of the man who was the husband of this widow. But I undertake to say that under our theory of Government there can be no classes in widowhood. No widow can make a greater sacrifice for her country than to yield up the life of her husband. It has been deemed proper under the general law to give to the widows of one class of officers \$30 a month, to the widows of another class \$25, of another \$20, of another \$17, and to the widows of private soldiers \$12 a month. If it be true, as stated by the gentleman from Texas, that the claimant in this bill is in the employ of the Government at \$1,000 a year, in addition to receiving a pension of \$25 a month, making in all \$1,300 a year from the Government, then in view of the fact that thousands of the widows of men who died that this Government might not

perish are now living in penury and want—not pensioned at all—I protest here against giving to any one any pension outside of the amount authorized by the general statutes of the country. I hope that the amendment I have proposed will prevail.

Mr. LAWLER. Mr. Speaker, I desire to have read a letter from the Admiral of the Navy in reference to this case.

The Clerk read as follows:

OFFICE OF THE ADMIRAL, Washington, D. C., April 3, 1890.

MY DEAR SIR: Mrs. Catlena Lyman has applied to me for a letter to you in her behalf.

Her bill (H. R. 5206) was reported favorably by Mr. LANE, from the Committee on Invalid Pensions, March 1, and it only now wants a favorable consideration from the House to make her happy.

When it is considered that the naval pensions are paid from the pension fund raised by the officers and men of the Navy from prizes captured from the enemy, we can not but wonder why there should exist any hesitation on the part of Congress in granting pensions to the widows of officers and sailors, who in nine cases out of ten are left without means of subsistence, while the Army, which really has no fund to draw upon, is most liberally dealt with, and in most cases their pensioners get double what is paid to those of the Navy.

We feel this discrimination in the Navy keenly, especially when it falls upon the widow of a deserving officer like Dr. Lyman, who faithfully performed his duty during the civil war.

I could not undertake to specify all of Dr. Lyman's services, but no doubt Mrs. Lyman will make you acquainted with all the facts in the case.

I am always a friend to the widow, and I write now particularly to request that you will do all in your power to obtain for Mrs. Lyman the pension that she asks.

I remain, very respectfully and truly, yours,

DAVID D. PORTER, Admiral.

Hon. FRANK LAWLER, M. C.,

United States House of Representatives.

Mr. LAWLER. Mr. Speaker, this letter was unsought by myself; it came to me through the mail. Time will not permit me to recount the services rendered by Dr. Lyman, particularly at the time the fever was raging, when he filled an important position, not by appointment, but in the absence of the commanding officer. I did not expect there would be any opposition to the passage of this bill.

Mr. KILGORE. Will the gentleman allow me a moment?

Mr. LAWLER. Yes, sir.

Mr. KILGORE. This report made by the gentleman from Illinois [Mr. LANE], from the Committee on Invalid Pensions, recites that—The claimant lost all her property by the Chicago fire.

Is that true?

Mr. LAWLER. It is true; the fact is well known.

Mr. KILGORE. The report further states that—

She is now without means of support save the pension. The sum now paid her is inadequate.

Is that true?

Mr. LAWLER. That was the question raised; I do not know anything about those facts.

Mr. KILGORE. Is it not the fact that she is in the employ of the Government at a salary of \$1,000 a year?

Mr. LAWLER. I would like to ask you in return—

Mr. KILGORE. I am interrogating you now; you are on the stand; I do not propose to be cross-examined.

Mr. LAWLER. I will answer the gentleman, if he will state where he got his information.

Mr. KILGORE. I am asking information of the gentleman from Illinois. I suppose this statement which has come to me must be true; and it must have been withheld from the committee or the committee must have withheld it from the House. Somebody has been uncandid or somebody has given me incorrect information. And the gentleman from Illinois himself is not entirely candid or he would answer the question one way or the other.

Mr. LAWLER. I will answer—

Mr. KILGORE. Well.

Mr. LAWLER. I will answer that it is true—

Mr. KILGORE. That is right.

Mr. LAWLER. But the lady's health is so much impaired that she wants to retire, and will do so, from that position, and with this pension support an aged mother. That is true.

Mr. KILGORE. Nothing is said about that in this report.

Mr. LAWLER. Well, I do not understand that the committee were called upon to embody everything in the report. They have taken this case on its merits; we have let the case rest on its merits. I leave it there now.

Mr. KERR, of Iowa. If the amendment has not already been proposed, I move to amend so as to make the amount of this pension \$30.

The SPEAKER. That amendment is pending.

The question was taken on the amendment; and there were on a division—ayes 92, noes 54.

Mr. LAWLER. Mr. Speaker, I ask for the yeas and nays on this question.

The yeas and nays were refused, 23 members only voting in favor thereof.

Mr. LAWLER. I ask for tellers on the yeas and nays.

Tellers were refused, there being 20 members only rising in favor of the demand.

Mr. SPRINGER. Is not that one-fifth of the last vote?



The SPEAKER. But it requires one-fifth of a quorum to order tellers.

So the amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

#### CONTESTED ELECTION—WADDILL VS. WISE.

Mr. LACEY. Mr. Speaker, I desire to announce for the information of the House that, under direction of the Committee on Elections, I will call up on Thursday next for consideration the contested-election case of Waddill vs. Wise.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage of bills of the following titles; in which concurrence was requested, namely:

A bill (S. 2714) to provide for the purchase of a site and the erection of a public building thereon at Aurora, in the State of Illinois;

A bill (S. 2950) to provide for the purchase of a site and the erection of a public building thereon at Leadville, in the State of Colorado; and

A bill (S. 2163) to reorganize and establish the customs collection district of Puget Sound.

#### PENSIONS—ELLEN SHEA.

The SPEAKER. The Clerk will read the next bill on which the previous question was ordered, coming over from last Friday.

The Clerk read as follows:

A bill (H. R. 2051) granting a pension to Ellen Shea.

*Be it enacted, etc.* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Ellen Shea, mother of Michael Shea, late of Company A, Thirtieth Illinois Volunteers.

Mr. STONE, of Missouri. Mr. Speaker, there are four bills coming over under the order referred to by the Chair, and the agreement was that there should be an hour's debate on each side on them.

The SPEAKER. The Chair will have to rule that the time can be exhausted on the first bill.

Mr. STONE, of Missouri. Mr. Speaker, there are four bills coming over from the evening session of last Friday. It was agreed by unanimous consent that I might control one hour in the discussion when the first bill should be called up, to use the whole of it if I desired at one time. I stated then, as I do now, that what I wish to say in regard to all these bills I would say in one speech. I prefer to put what I have to say in a single speech, as I can not express what I desire to in fifteen minutes. I shall not therefore discuss the bills in the order in which they appear on the Calendar, but in the order rather of the service of the soldier.

I selected these four bills somewhat at random from those which were considered on last Friday night as illustrating the class of pension bills to the passage of which I object. The first of these is a bill granting a pension to Keziah Randall. Mrs. Randall is a very old lady. She was born in 1789. She is also poor. She states that during the war of 1812 her husband, with four others, went to Wareham and served about three weeks as coast guard at the time the British sloop Nimrod was "making a raid along the shores of Buzzard's Bay." She says he also did other service, being engaged altogether about three months. When or how the "other service" was rendered or what it was does not appear. She says, "He did not enjoy good health after returning home, and thinks exposure in said service was the cause." It appears also that she "disposed" of her husband's knapsack and gun about fifty-five years ago. Several citizens of high standing at the claimant's home "certify" that she is a woman of good reputation. The report of the committee contains this clause:

It also appears that claimant is unable to find any one now living who served with her husband in the war of 1812, and no record of the service can now be found.

Thereupon the committee recommend the passage of the bill.

Now, I sympathize with this old lady, as I do with all ladies who are old and, unfortunately, poor. But when I am called upon to levy a tax on other people, many of them old and poor and already over-taxed, for the benefit of this one, I would like to know upon what ground such an act can be defended. Aside from the statement of the beneficiary herself, there is no evidence or pretense of evidence that her husband ever rendered any service at all of any kind. He certainly never belonged to any military organization. The only specified service that she says he performed was watching Buzzard's Bay about three weeks while a British war-ship was in its waters.

She says "he never enjoyed good health" after that and she "thinks exposure in that service was the cause." It does not appear what his disease was, how much he suffered, or when he died. There is no merit in the case from any proper legislative point of view. There is nothing in the case unless the American Congress wishes to encourage longevity by pensioning people who succeed in living a hundred years. I doubt, however, whether there is a gentleman upon this floor who would not enter into a solemn contract under seal to remain in this "vale of tears" a full century without any hope or promise of a pension.

The next bill is one granting a pension to Elizabeth T. Garrett. It

appears from the committee report that her husband was in the Black Hawk war one month and twenty-five days. He joined a military organization in Illinois to protect himself against an uprising of savages, just as he would protect himself against wolves surrounding his home. He does not appear to have been wounded or diseased. Whether he was in a battle, or what he did, I do not know, nor does the committee vouchsafe to inform us. He did live to be an old man, dying only about four months ago, aged over eighty years. Being an old man in rather reduced circumstances, Congress passed a special act September 3, 1898, granting him a pension at the rate of \$20 per month, which he drew until his death, which occurred about the first of last December.

Inasmuch as Congress was liberal with the husband by supporting him at public expense, now hardly is he buried until the widow comes and informs you, Mr. Speaker and gentlemen, that the only property she possesses is a town lot worth \$250, and that she is old, feeble, and partially blind, and asks that the pension of \$20 per month granted her husband may be continued to her. Her claim has at least this merit, that she is just as much entitled to it as her husband was, although there is no pretense that his death was in any way connected with his service of one month and twenty-five days.

The next bill is one granting a pension to Esther G. Bryant. Her first husband died in the service on February 20, 1865. On May 13, 1868, she remarried. Two years thereafter she obtained a decree of divorce on the ground of "intolerable severity." Now she asks to be restored to the pension-rolls.

I object to this sort of legislation, first, because she knew she would forfeit her pension by contracting a second marriage, and hence surrendered it voluntarily; second, because this sort of legislation offers a premium on divorce. It is as if you should say: "You can swap your pension for a husband when you like, and if he doesn't suit you you can swap back again."

I am told there used to be a law or a practice of the Department which authorized the restoration to the rolls of women situated like Mrs. Bryant. But if there was such a law it has been repealed or if there was such a practice it has been discontinued. Whether it was one or the other a stop was put to it, presumably because the thing was wrong. If it was wrong to apply it generally it is wrong to apply it specially.

The next bill is one granting a pension to Ellen Shea, as the dependent mother of Michael Shea, deceased, who served in the Thirtieth Illinois Cavalry during the civil war. The claim of Mrs. Shea was rejected at the Pension Office on January 27, 1885. This bill, or a similar one, passed the Fiftieth Congress, but did not receive the approval of the President.

I have examined the papers on file at the Pension Office. This bill is predicated on the evidence on file there. The Surgeon-General reports that the name of this soldier does not appear on any hospital record, though his regimental medical records are not on file. The military history of the soldier is given in a report made by the Adjutant-General to the Commissioner of Pensions in 1884. He enlisted January 13, 1862, for three years, and was mustered out January 20, 1865. He was reported as deserting at Memphis from the steamer Gladiator in October, 1862. He is subsequently reported present from October 31, 1862, to February 28, 1863, with this remark:

Reported on last muster-roll as a deserter; since returned from arrest in Memphis, Tenn., where he left the boat without leave.

He was reported absent sick at Helena in July and August, 1862, though the Surgeon-General certifies that his name is not on the records of the hospital at that place. He afterwards returned to his regiment and deserted from the steamer Gladiator in October, 1862, as I have stated, and was arrested and returned to the regiment. From August to October, 1863, he was reported present sick. He was not in any hospital, unless it was a regimental hospital, and the nature of his disease does not appear. During November and December, 1863, he was absent on sick furlough. January and February, 1864, he was absent without leave. From March to June, 1864, he was present. From June to October, 1864, he was present in confinement. For what he was confined does not appear. November and December, 1864, he was with the regiment, and was mustered out in January, 1865. That is the military record of the soldier. He seems to have spent a good part of his time in unauthorized absences and under arrest.

Nineteen years after he left the service, on March 10, 1881, he was caught in a snow-slide at Pitkin, near Woodstock, Colo., and lost his life, as did a number of others at the same time. On July 12, 1884, the mother filed her application for a pension. Her declaratory statement, upon which she bases her claim, is as follows, that her son—

Contracted a fever, the nature of which claimant does not now remember, at Pilot Knob, Ark., which resulted in insanity, and from the results of which he died at Woodstock, Colo.

That was her declaration, and the whole of it, as to the origin of her son's disease and the cause of his death. Apart from her own statement, the only testimony she offered to support the declaratory statement which I have quoted were two affidavits made at different times by the same man, one Dr. J. R. Bullock, of Waukegan, Ill. Those affidavits are very brief. One contains five lines of written matter, the

Mr. ENLOE. I rise for the purpose of making a motion that the House resolve itself into Committee of the Whole for the consideration of business upon the Private Calendar.

Mr. HOPKINS. Will the gentleman withdraw that motion for a moment, in order that I may call up a bill which has just come from the Senate?

The SPEAKER. If the gentleman from Tennessee withdraws his motion he must do so absolutely.

Mr. ENLOE. I do not withdraw the motion.

The SPEAKER. The Chair does not mean to say that the gentleman can not withdraw it, but that if he does the withdrawal must be unconditional.

Mr. ENLOE. At the request of the gentleman from Illinois [Mr. HOPKINS] I withdraw the motion.

Mr. HOPKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 2714.

Mr. ENLOE. What is the character of the bill?

Mr. HOPKINS. It is a public-building bill.

Mr. ENLOE. I can not withdraw for that purpose. I renew my motion, Mr. Speaker.

Mr. CULBERSON, of Texas. Mr. Speaker, I desire to antagonize the motion of the gentleman from Tennessee, and to move that the House resolve itself into Committee of the Whole for the purpose of considering the first bill on the Calendar, the bill to create a court of patent appeals. I hope the motion of the gentleman from Tennessee will be voted down.

Mr. ENLOE. Mr. Speaker, I do not understand that the gentleman's motion is in order at this time. This is Friday, a day set apart by the rules for the consideration of business on the Private Calendar.

The SPEAKER. The gentleman from Texas has not made any motion. The motion before the House is the motion of the gentleman from Tennessee [Mr. ENLOE] that the House resolve itself into Committee of the Whole for the consideration of business upon the Private Calendar.

The question was taken on the motion of Mr. ENLOE; and the Speaker declared that the yeas seemed to have it.

Mr. ENLOE. I ask for a division.

The House divided; and there were—ayes 67, noes 64.

Mr. KILGORE. I demand tellers.

Tellers were ordered; and the Speaker appointed Mr. KILGORE and Mr. ENLOE.

The House again divided; and the tellers reported—ayes 85, noes 67. So the motion of Mr. ENLOE was agreed to.

The SPEAKER. Pending the announcement of the result of the vote on the motion of the gentleman from Tennessee [Mr. ENLOE] the Chair desires to lay before the House certain personal requests.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RAINES, for ten days, on account of important business.

To Mr. TOWNSEND, of Pennsylvania, for one week from to-morrow, on account of important business.

To Mr. KINSEY, until the 12th instant, on account of important business.

To Mr. O'DONNELL, for ten days, on account of important business.

To Mr. WHITING, for ten days, on account of important business.

To Mr. RAY, for one week, on account of important business.

To Mr. ROCKWELL, for two weeks.

#### ENROLLED BILLS SIGNED.

Mr. MOORE, of New Hampshire, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1612) to construct a road from the city of Staunton to the national cemetery in the county of Augusta, in the State of Virginia; and

A bill (S. 1984) to create the offices of surveyor-general in the States of North Dakota and South Dakota.

#### CLAIMS UNDER THE BOWMAN ACT.

The House, in pursuance of the motion of Mr. ENLOE, resolved itself into Committee of the Whole, Mr. ALLEN, of Michigan, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of business on the Private Calendar. When the committee rose last week it was considering the point of order raised by the gentleman from Iowa [Mr. KERR] upon the bill H. R. 7616, and the gentleman from Iowa had the floor.

Mr. THOMAS. Mr. Chairman, if the gentleman will permit me, I will offer a resolution which I think will do away with his point of order.

Mr. KERR, of Iowa. Mr. Chairman, I reduced my point of order to writing at the suggestion of the gentleman from Kentucky and handed it to the Chairman. I do not think it has been printed exactly as it was written, so I ask that it be again read.

The CHAIRMAN. The Clerk will read the point of order submitted in writing by the gentleman from Iowa [Mr. KERR] on Friday last.

The Clerk read as follows:

The committee had no jurisdiction of these claims, for the reason that no bill for the payment of either of these claims had ever been referred to the Committee on War Claims; second, if either of these claims was properly before the committee, they had no jurisdiction and no right to report more than one of those claims in a single bill.

Mr. KERR, of Iowa. Mr. Chairman, before this question is decided I desire to submit some additional remarks and to call attention to some additional authorities; but in order to avoid unnecessary delay, I will now yield for the resolution of the gentleman from Wisconsin [Mr. THOMAS].

Mr. ENLOE. Mr. Chairman, I demand the regular order.

Mr. HOOKER. I hope we shall have a ruling upon the point of order, Mr. Chairman.

The CHAIRMAN. The first point of order that the Chair rules upon is that order must be maintained on the floor. [Laughter.]

Mr. THOMAS. I would like to have my resolution read.

Mr. ROGERS. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS. My point is that while the point of order of the gentleman from Iowa is pending, the gentleman from Tennessee [Mr. ENLOE] having demanded the regular order, the resolution of the gentleman from Wisconsin [Mr. THOMAS] is not in order.

Mr. WILLIAMS, of Ohio. Let us hear the resolution read first.

The CHAIRMAN. The point of order is not well taken until we know what the resolution of the gentleman from Wisconsin is. It may be a privileged motion. The Clerk will read the resolution.

The Clerk read as follows:

Whereas House bill 7616 is alleged to be composed of a large number of items, many of which have not been referred to the Committee on War Claims by bill or otherwise by the House of Representatives of the Fifty-first Congress: Therefore,

Resolved, That the Committee of the Whole House report said bill to the House with the recommendation that it be referred to the Committee on Rules to investigate the status of said bill in connection with the practice of the House, and as early as practicable to make such recommendations in the premises as they may deem proper for the consideration of the House, including any change of rules deemed by them necessary for just action on the part of the House as to this and similar bills.

Mr. ROGERS. I now renew the point of order.

The CHAIRMAN. The gentleman will state his point.

Mr. ROGERS. My point is that there is now a point of order pending, the point made by the gentleman from Iowa; and pending the consideration of that point nothing is in order until it has been decided by the Chair or withdrawn.

The CHAIRMAN. The Chair holds that the resolution just offered is a privileged motion, being one to refer to a committee, and that if adopted it virtually does away with the point of order now pending. Therefore the Chair will entertain the resolution offered by the gentleman from Wisconsin.

Mr. ENLOE. I move, in lieu of that resolution, this resolution.

The CHAIRMAN. The gentleman will send his resolution to the desk to be read.

The Clerk read as follows:

Resolved, That the committee report to the House that House bill No. 7616 be, and the same is hereby, recommitted to the Committee on War Claims, with authority to report it back to the House at any time, to be placed on the Calendar; and the bill shall be considered the first Friday after it shall have been reported again to the House.

The CHAIRMAN. Is this offered by way of amendment?

Mr. ENLOE. It is offered as a substitute.

The CHAIRMAN. It is a motion to commit to another committee than the one named in the original resolution?

Mr. ENLOE. Yes, sir.

Mr. CANNON. It seems to me that this proposition is subject to a point of order, because it undertakes to change the rules of the House, which can not be done in this way, either in the House or in Committee of the Whole.

The CHAIRMAN. It is very clear that this can not be done. The Chair sustains the point of order. The question is on the adoption of the resolution of the gentleman from Wisconsin.

Mr. RICHARDSON. It seems to me, Mr. Chairman, that the resolution offered by the gentleman from Wisconsin is clearly out of order. If I understand it, it proposes to refer a bill relating to war claims to the Committee on Rules, while the rules of the House expressly provide that all bills relating to war claims shall go to the Committee on War Claims.

Mr. ENLOE. The resolution of the gentleman from Wisconsin is as much a proposition to change the rules as mine.

The CHAIRMAN. That is a matter of argument. It is not for the Chair to argue that with the gentleman.

Mr. KERR, of Iowa. The point of order raised by me went to the jurisdiction of the Committee on War Claims—

The CHAIRMAN. The Chair so understood.

Mr. KERR, of Iowa. The proposition of the gentleman from Wisconsin is to submit that question to the Committee on Rules—the committee that frames the rules—and have them determine the question whether this bill was properly reported by the Committee on War Claims.



Mr. RICHARDSON. What do you refer to the Committee on Rules? Let me ask.

Mr. ENLOE. The point of order, the gentleman from Iowa said.

Mr. RICHARDSON. Do you want to refer the point of order to the Committee on Rules? That is something unheard of, it seems to me.

The CHAIRMAN. Of course what members say is not to be treated as the statement of the Chair.

Mr. HOOKER. I would like to be heard a moment.

The CHAIRMAN. The gentleman from Mississippi [Mr. HOOKER] is recognized.

Mr. HOOKER. Mr. Chairman, I understand the proposition is now to refer this point of order to the Committee on Rules. I do not know how other gentlemen may feel about this matter, but I utterly object to giving to the Committee on Rules any more power than it already possesses. As a Committee on Rules its function is to report rules for the guidance of the House in the consideration of matters that may arise before it. Now, here is a matter which has sprung up from the Committee on War Claims; a point of order has been made; it was debated all last Friday, and not decided by the chairman of the committee; the committee rose and the House adjourned, leaving pending the question presented by the gentleman from Iowa [Mr. KERR]. Now, with that question pending, undecided by the Chairman, the proposition is to refer this matter to the Committee on Rules—to do what? To decide the point of order? If so, sir, you might just as well abdicate your seat and leave the five men constituting the Committee on Rules to suggest everything and decide everything in this House. I objected to this—

Mr. KERR, of Iowa. Mr. Chairman—

Mr. HOOKER. I am not through.

Mr. KERR, of Iowa. I rise to a point of order. I hold that this debate is not in order. The point of order comes too late. I make the point that the point of order on the resolution of the gentleman from Wisconsin was not made until we entered upon the discussion of the resolution and the gentleman from Tennessee [Mr. ENLOE] submitted an amendment to it; and it is too late for him now to say—

Mr. HOOKER. That amendment has been ruled out of order.

Mr. KERR, of Iowa. I am aware of that; but we had entered upon a discussion of the resolution—

Mr. HOOKER. We are considering the other resolution—not the one to which the gentleman from Iowa refers—and upon that question I believe I have the floor. I want to get through and then I will yield to my friend on the other side.

I have but a single word to say upon this matter. In the last Congress, when this House was Democratic, I opposed with as much persistence and earnestness as I do now the investing of the Committee on Rules with any power beyond that defined by the rules themselves. The subject-matters which are, by the rules, to be referred to this committee are plainly expressed and easily understood, just as are the subject-matters referred to the Committee on Ways and Means, the Committee on War Claims, the Committee on Claims, or any other committee. But, sir, I observe that the Committee on Rules, instead of confining itself to its province as a Committee on Rules, is now resolving itself into a "steering committee" of the House, to dominate every subject presented for consideration here, by determining, as that committee has done in numbers of instances, that the House shall consider certain propositions for a certain length of time; and at the expiration of that time, by resolution from the Committee on Rules, the hands of the House are tied, the previous question is considered as ordered, and in that way individual Representatives here are rendered absolutely powerless.

The Committee on Rules is thus clothed with power to determine everything. The result will be that when you come to consider even the question of taxation—the question what burdens shall be laid upon the people or what relief shall be given to them—the five members constituting the Committee on Rules, two on one side and two on the other, with the Speaker as *ex officio* chairman, will determine how long the question shall be considered, what debate shall be allowed, and when the previous question shall be ordered, thus stifling entirely the sentiment and the voice of the House.

I now yield the floor to my friend on the other side.

Mr. SIMONDS. Mr. Chairman, it is my misfortune to be a member of the Committee on War Claims. If I could find it consistent with what I conceive to be my duty, I should refrain from saying anything upon this matter, but that is not the way I look at my duty.

As I understand it, the resolution offered by the gentleman from Wisconsin [Mr. THOMAS] is practically on all fours with the point of order raised by the gentleman from Iowa [Mr. KERR]. That point of order is, first, that the Committee on War Claims has not the right to report this bill because no bill of the same general nature has been referred to the War Claims Committee, and, second, if any particular bill or bills of this nature have been referred to the Committee on War Claims, it is not proper to report them all back in an omnibus bill. If that proposition is correct, then according to the view I take of the matter, the Committee on War Claims is of less rank and less power than the other committees of this House. I utterly deny that proposition.

It is conceded that the Committee on Rules, the Committee on Ways and Means, the six appropriation committees, and the Committee on Rivers and Harbors may originate bills when the subject-matter is before them and report them to this House in such shape as suits the discretion and the judgment of those committees. That is a conceded fact in regard to the rules of procedure of this House, and unless there is something in the rules of the House to prevent it the Committee on War Claims has as good a right to go along these lines of procedure as any other of these committees I have named.

And when you come to consider anything which gives one committee more rank and power than another it is a matter to be strictly construed, because it is in derogation of the powers of the other committees of the House.

The gentleman who prepared the Digest of the Rules has referred to this matter in one or two places. On the first point we have on page 319 of the Digest:

It is not competent for a committee to report a bill when the subject-matter has not been referred to them by the House, by the rules or otherwise.

The clear inference from the language used by the person who made the Digest is that if a subject-matter has been referred to a committee in any way, then it is proper to report on it by bill or otherwise.

Again, referring to the Digest on page 318:

The committee have full power over the bill or other paper, except that they can not change the title or subject.

This means that a committee can so change a single bill as to make it an omnibus bill, embracing other matters of like nature. That is the way it would strike a person studying this question dispassionately and with no special case before his mind. There is no better authority to appeal to than some competent person studying the question with no particular case before him.

It has been ably and ingeniously said by my friend from Ohio [Mr. GROSVENOR], in the best argument I ever heard made on the spur of the moment and upon such a topic, that when any particular committee exercise this authority they do so under clause 51 of Rule XI.

What is that clause 51? Look at it judicially. Its purpose is not to say that certain committees may originate bills, but its purpose is to say what committees have the right to report at any time.

That is the purpose of clause 51 of Rule XI, and the other question remains untouched as to whether the power exists to originate bills in committee. The purpose is to show by this clause 51 of Rule XI what committees may report at any time, and it goes on to say on what subjects those committees may report at any time.

I submit that, treating this matter judicially, as it is the duty of every member of this House to treat it, it is not fair to base an argument on that clause 51 of Rule XI to which I have referred, to the effect that it is intended to give certain committees power to originate bills in committee. The power to originate bills in committee is just the same with the Committee on War Claims as with any other committee of the House. It is a power that does not differ. It is the same with the Committee on War Claims as with the Committee on Rules, or with the Committee on Ways and Means, or with the six appropriation committees, or with the Committee on Rivers and Harbors. I do not think that clause 51 of Rule XI touches the matter at all.

Mr. Chairman, no gentleman has been able to discuss this question without touching upon the merits of it. I shall be the last man in the House to impugn the sincerity and earnestness of the chairman of the War Claims Committee in the opposition which he has seen fit to offer to the bill, but that opposition is based upon the idea that if we consider this bill in the way we are trying to consider it we shall pay certain claims which we ought not to pay. If that be so the proper way to meet the objection the gentleman urges, is, when the bill comes before the House, to amend it, by providing that no finding of the Court of Claims shall be paid until it has first passed the inspection of the Attorney-General, and it shall be certified by him that there is no probable cause for a new trial, and that he sees no reasonable cause why such claim should not be paid. In this connection I wish to say that I have draughted an amendment covering precisely that point, which it is my purpose to offer if we ever reach the consideration of the bill.

Now, as to the merits of the case, permit me to say a word. I began by saying that I was unfortunately a member of the Committee on War Claims; and I do consider it a misfortune. It was a surprise to me when I found myself there. But the Speaker saw fit to put me on the committee, and I shall take it with all the seriousness of which I am capable and shall do my duty as well as I may. This Committee of the Whole should look at the facts of the case. These men came here with their claims years and years ago, and you, instead of acting upon them, then said: "We have created a Court of Claims for the consideration of such matters. Go there with your claims, and come back here with the findings of the court." Now, the plain inference from the action of the House was that if they come back with just and reasonable findings of the court the House will do the just and proper thing by them and pay the amount of the claim so found. Has that been done? What are the facts?

For six years you have sent these men to the Court of Claims; they have hired their attorneys; they have endured all the trouble and ex-

pense of trial; they have obtained the findings of the court, and they come back here to be trifled with in a way that it seems to me is utterly unworthy of the dignity of the American Congress.

I undertake to say, Mr. Chairman, that there is not a gentleman on this floor who in the conduct of his own private business would do the things that are done on this floor every day and which gentlemen seem willing and anxious to do in the conduct of the public business. Take the case of a man who has ample revenues to pay his debts; other men present claims against him, and there is a tribunal to which he is willing to submit the justice of the claims. The claimants go to the tribunal thus selected, try their causes, and come back with the findings of fact by a court composed, as in this case, of five judges, who are all reputable gentlemen, so far as I know or have reason to think. There is not a gentleman in this House who would not in the case of his own private affairs pay every one of such claims so passed upon. And I would like to know how gentlemen are justified in having two consciences, one for the conduct of their private business and one for the conduct of public business as Representatives in the United States Congress? It does not seem to be a consistent line of conduct.

One thing you have to bear in being a member of the Committee on War Claims is this: Claimants come to you with tragedies innumerable; and a man would be more or less than human if he could hear the stories with indifference—

Mr. KILGORE. Will the gentleman permit a question?

Mr. SIMONDS. Are you very anxious?

Mr. KILGORE. I am anxious to put the gentleman from Connecticut right.

Mr. SIMONDS. Very well.

Mr. KILGORE. The gentleman assumes that it is a duty of Congress to make appropriations to pay claims favorably passed upon by the Court of Claims without inquiring as to the liability of the Government. Congress itself must be the judge of the law. The fact is that having taken the findings by the court it is the right and duty of Congress to determine the questions of law involved.

Mr. SIMONDS. I undertook to say nothing of the sort; and what I am asking for just now is that these claims may be heard in this court and the questions of law, if there are any, may be passed upon by this Congress. That is the only thing I have asked. I am seeking no short cut in this matter.

I am not entirely pleased with the fact that all of these persons who present claims seem to be from the South; I would much prefer to see more of them from the North, where I come from; but that does not alter my sense of justice. And I repeat that I can see no reason why gentlemen should have two consciences, one for the conduct of their private business and another for their guide in the transaction of the public business in this House.

Mr. ENLOE. Mr. Chairman, I would ask the gentleman from Connecticut if there is any question coming from the Court of Claims to be decided by Congress, except the question as to whether or not they will appropriate the money to pay the claims that have been investigated by the court under the rules of law, and with all the evidence before it, in which they found against the Government and for the claimant?

Mr. SIMONDS. Mr. Chairman, the question asked embodies its own answer. As I understand it, there are no other questions. But if there are, the gentleman can bring them in separately and settle them in this forum. It would seem that these claims have been made the foot-ball of politics for years; and I must say that I suspect that a part of the willingness of the gentlemen on the other side to have these claims considered at this time is because the Republican party is in power; and if they are paid they will swell the total of our appropriations. But that is not to my mind a sufficient excuse for not paying them. I feel that I am called upon to do my duty and to pass upon these claims irrespective of any such questions as that; and I appeal to the other members of the House to do the same.

The CHAIRMAN. The question is on the amendment of the gentleman from Connecticut.

Mr. ROGERS. I desire to make another point of order against that resolution.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS. My point of order is that this resolution is not in order. The consideration of this bill has been entered upon, and that this motion, if in order at all, would be in order after the bill had been reported back to the House.

The CHAIRMAN. The Chair overrules the point of order.

Mr. ROGERS. I desire to appeal from the decision of the Chair upon that point of order.

Mr. GROSVENOR. I would like to make a remark or two upon the point of order made by the gentleman from Arkansas. Will the gentleman allow—

Mr. ROGERS. Mr. Chairman, I desire to state my point of order and then ask that the Chair will state it to the House.

Mr. GROSVENOR. I want to say a word in favor of the point of order made by the gentleman from Arkansas.

Mr. ROGERS. Would it not be better to have the point of order stated?

Mr. ENLOE. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. ENLOE. And that is, that on various and sundry propositions and on two points of order the entire time of the House on last Friday was consumed, and the entire time to-day has been taken up in a discussion not for the enlightenment of the Chair and the committee.

The CHAIRMAN. The Chair will be glad, of course, to proceed to the consideration of the matter.

Mr. MCCREARY. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MCCREARY. I desire to know what has become of the two points of order raised by the gentleman from Iowa last Friday, which were discussed nearly all day.

These motions are pending, and, as I understand, these were the first points of order to be considered by this House, and the duty of the Chairman was to pass upon these points of order before we can proceed any further.

The CHAIRMAN. The gentleman from Kentucky states the matter as it is. The questions before the committee are the points of order raised by the gentleman from Iowa. The gentleman from Iowa had the floor upon that question at the time when the committee rose last Friday, but gave way that a motion that the committee rise might be made by another member. Upon the committee coming to order, the gentleman from Iowa [Mr. KERR] having the floor, the gentleman from Wisconsin [Mr. THOMAS] offered a motion or resolution which the Chair will now have read again in connection with what the Chair is stating.

Mr. MCCREARY. Decide that point of order first.

Mr. KERR, of Iowa. Mr. Chairman—

The CHAIRMAN. The gentleman will please wait and let the Clerk read the resolution.

The Clerk read as follows:

Whereas House bill 7616 is alleged to be composed of a large number of items, many of which have not been referred to the Committee on War Claims by bill or otherwise by the House of Representatives of the Fifty-first Congress: Therefore,

Resolved, That the Committee of the Whole House report said bill to the House with the recommendation that it be referred to the Committee on Rules to investigate the status of said bill, in connection with the practice of the House, and as early as practicable to make such recommendations in the premises they may deem proper for the consideration of the House, including any change of rules deemed by them necessary for just action on the part of the House as to this or similar bills.

The CHAIRMAN. The Chair held that this was a privileged motion; and, further, it is privileged because of the fact that it raises the question of the jurisdiction of a standing committee of this House among other things, and properly it could be referred to the committee which has the interpretation of parliamentary law. The Chair held the motion privileged and held the point of order made by the gentleman from Iowa in abeyance, because if the resolution is adopted the point of order ceases to be of any consequence and is virtually eliminated by the action of the committee in adopting the resolution. If the committee fail to adopt the resolution, the question then would recur on the point of order made by the gentleman from Iowa. In the mean time the gentleman from Arkansas raised a point of order upon the motion, and the Chair overruled it. Now the gentleman from Arkansas raises another point, a second point, which the gentleman will please state.

Mr. ROGERS. I hope that I may be permitted to state my point of order. I want to ask the Chair to state it and then I want to be heard upon it. The point of order I made was this: That this resolution of the gentleman from Wisconsin to refer this bill to the Committee on Rules before the bill itself had been under consideration, or general debate had begun, or any opportunity had been afforded for amending the bill or perfecting it, was premature and not in order. In other words, that this resolution can not be considered by the committee so long as anybody in the committee desires to be heard and so long as anybody sought to amend, alter, perfect, or change the provisions of the bill, and on that point I have asked the attention of the committee. So that my point of order is that this resolution offered by the gentleman from Wisconsin is not in order, and can not be in order in any respect, without reference to the point of order made by the gentleman from Iowa, until we have finished the consideration of the bill.

Mr. KERR, of Iowa. I make the point of order that the point of order comes too late, for the reason that we had entered upon discussion.

Mr. ALLEN, of Mississippi. I rise to a question of personal privilege.

The CHAIRMAN. The Chair has recognized the gentleman from Arkansas.

Mr. HOOKER. I desire to ask the gentleman from Arkansas to ask the Chair (in view of the fact that he is on the floor and that I can not obtain the floor) the question as to whether there is any power in the Committee of the Whole to refer a subject-matter under consideration to any other committee.

The CHAIRMAN. The Chair will say, in reply to the inquiry of the gentleman from Mississippi as to the scope of the resolution of the gentleman from Wisconsin, that it proposes that the committee shall recommend to the House the reference of the bill to the Committee on Rules.



Mr. ROGERS. Whether it is put in the form of a recommendation or not, the effect of it is, as the Chair has properly stated, to take this matter out of the Committee of the Whole, and, therefore, if the resolution is carried, it takes the matter to the Committee on Rules. Now, I hold that no motion which takes this bill from the Committee of the Whole House until they have had an opportunity to debate and mature it is in order, or could be in order, even without reference to the question of whether it was in order at the time it was submitted for consideration. Otherwise every bill, when the House goes into Committee of the Whole to consider it, would be subject at once, before the consideration began, to a motion to refer it to a committee other than the one to which the House had referred it; and in that way the consideration of any bill on the Calendar might be prevented, for we might take up one bill after another and exhaust the time in votes to refer it to other committees.

Mr. GROSVENOR. Not only so, Mr. Speaker—

Mr. ROGERS. If the Chair does not care to state my point of order, there are two or three things that I want to say by way of debate.

The CHAIRMAN. The Chair would like to have the gentleman's point of order reduced to writing, so that there will be no mistake about its being stated accurately by the Chair.

Mr. ENLOE. Did not the Chair decide the point of the gentleman from Arkansas to be out of order?

The CHAIRMAN. The first point of order raised by the gentleman from Arkansas the Chair ruled out, and the Chair was about to rule out the second when the gentleman from Arkansas expressed a desire to be heard.

Mr. ENLOE. Well, I wish the Chair would rule it out and let us proceed with the transaction of public business. [Laughter.]

The CHAIRMAN. The gentleman knows that the Chair must observe the proper courtesies of parliamentary procedure in these cases.

Mr. ROGERS. I suggest to the gentleman from Tennessee [Mr. ENLOE] that if he will reflect for a moment he will recollect that every member on this floor has exactly the same rights, and I have just the same right to present my views as he has to undertake to attempt to take me off the floor or to lecture me. [Laughter.]

Mr. ENLOE. Mr. Chairman, will the gentleman permit me to state—

The CHAIRMAN. Does the gentleman from Arkansas yield the floor?

Mr. ROGERS. I will yield to the gentleman if he desires to make a statement.

Mr. ENLOE. I want to state that I had no such purpose in view as lecturing the gentleman from Arkansas. If any lecture was intended it was meant to apply somewhere else. But, Mr. Chairman, I do not like to see the entire time of this House taken up in this way, to the defeat of these claims and the prevention of the transaction of public business, by the discussion of these technical points day after day.

Mr. KILGORE. Mr. Chairman, if, as I think, that lecture is, in part at least, meant for me, I want the gentleman to understand—

Mr. ROGERS. I resume the floor, Mr. Chairman.

Mr. ENLOE. I never thought of the gentleman from Texas.

Mr. WALKER, of Massachusetts, rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WALKER, of Massachusetts. I rise to discuss the point of order pending before the committee.

The CHAIRMAN. The gentleman from Arkansas [Mr. ROGERS] has the floor.

Mr. REILLY. Mr. Chairman, what is the question before the committee, the resolution of the gentleman from Wisconsin [Mr. THOMAS] or the point of order of the gentleman from Arkansas [Mr. ROGERS]?

The CHAIRMAN. The question before the committee now is the point of order of the gentleman from Arkansas, which he is discussing.

Mr. ROGERS. Now, Mr. Chairman, if the committee will preserve order, I will try to state as best I can the precise situation.

The CHAIRMAN. The Chair will first state the point of order raised by the gentleman from Arkansas. The gentleman from Arkansas [Mr. ROGERS] makes the point of order that the resolution offered by the gentleman from Wisconsin [Mr. THOMAS] can not be considered, if at all, until the bill has been proceeded with by paragraphs and amendments offered; in other words, until the bill has been considered. That is the point raised by the gentleman from Arkansas.

Mr. THOMAS. I make the point of order that that point comes too late.

The CHAIRMAN. The Chair is of the opinion that it does not come too late. The gentleman from Arkansas will proceed.

Mr. ROGERS. Mr. Chairman, I appreciate the fact that there seems to be a disposition to waste Fridays and to transact no public business, but I desire to be heard now because the question presented to the Chair now and the question which the Chair has recently ruled upon are of far-reaching importance in the orderly conduct of the public business. The question presented is this: By an act of Congress known as the Bowman act, either House of Congress, or a committee of either House of Congress having jurisdiction of what are known as war claims, was given the power to refer those claims to the Court of Claims to have the facts ascertained and reported to Congress. In pursuance of that

law the Court of Claims adjudicated various claims of individuals and reported them back to the House, as the report in this case, I am informed, shows.

Under Rule XXIV of our present code it is provided that these communications, with all others addressed to the House, shall be referred, under Rule XI, just as a bill which is introduced relating to a similar subject-matter would be referred to the proper committee.

The Speaker of the House, acting under this rule, referred these reports from the Court of Claims to the Committee on War Claims, and that committee consolidated various of these private claims into one bill and reported them in that form back to the House, and they now stand upon the Calendar.

The House took up that bill, and on the 28th of February referred it to the Committee of the Whole for its consideration. On last Friday the bill came up for consideration. At that stage in the proceedings and before the consideration began, the gentleman from Iowa [Mr. KEER] made two points of order against the consideration of the bill. Pending those points of order the gentleman from Wisconsin [Mr. THOMAS], the chairman of the Committee on War Claims, offers to-day a resolution the effect of which (without reference to its exact wording) is to take this bill, before we enter upon its consideration at all, and refer it to the Committee on Rules for their advice and counsel as to what should be the proper disposition of this particular bill.

I undertake to say that in the history of the House of Representatives from its first session down to the present hour there never was a proposition of this character presented under these circumstances—never in the history of the whole country. But the Chair ruled that, notwithstanding the gentleman who made this point of order was occupying the floor, he had the right to yield to allow the gentleman from Wisconsin to offer this resolution; and the Chair held this resolution, pending that point of order, without its withdrawal or disposition, to be in order; and the resolution was read from the Clerk's desk. My point of order against its being in order was overruled.

At this stage of the proceedings—and here I am somewhat in doubt as to what the debate which took place on the other side was addressed to, whether to the merits of the resolution or something else—I made the point of order that until we had entered upon the consideration of this bill, until it has been open for debate and amendment, and is finally completed and ready to be reported back to the House, a resolution which seeks to take the bill from the Committee of the Whole anterior to that is out of order. It is this point of order which I propose now briefly to discuss.

I first cite to the Chair clause 5 of Rule XXIII:

When general debate is closed by order of the House, any member shall be allowed five minutes to explain any amendment he may offer, after which the member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.

The clause which precedes that is in these words:

In Committees of the Whole House business on their calendars may be taken up in regular order, or in such order as the committee may determine, unless the bill to be considered was determined by the House at the time of going into committee, but bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.

Clause 6 of the same rule provides:

The committee may, by the vote of a majority of the members present, at any time after the five-minute debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments (which motion shall be decided without debate); but this shall not preclude further amendment, to be decided without debate.

Now, Mr. Chairman, these citations from the rules show that when we are proceeding in Committee of the Whole no motion that the committee rise can be made, no motion for a reference of the bill to another committee can be entertained, no disposition of the bill at all in the committee can be had, until you have entered upon the consideration of the bill. But the position of the Chair is that pending a point of order against the consideration of the bill and before its consideration is begun a resolution is in order to refer the bill to some committee to advise the Committee of the Whole or the House of Representatives what is the proper disposition of the bill. You propose not to take up the bill at all. The House instructs you to go into Committee of the Whole and consider this bill; but instead of considering it, as directed by the House, the Committee of the Whole undertakes by this resolution to take the bill out of the committee, to go back into the House and direct the House to send it to the Committee on Rules for its instruction and advice.

Now, Mr. Chairman, there are some things which in parliamentary bodies ought to be tolerated and some things which ought not to be tolerated. If we are to have a code of rules by which the House of Representatives is to be governed, we ought to have some uniformity in the enforcement of those rules. The boast of your party was that these rules were made for the disposition of the public business; that you wanted to do business. Now you are face to face with business; and why can we not go on in pursuance of the instructions of the House and face the issues involved in this business, and do the business either

one way or another? Why is it necessary, by a sort of parliamentary legerdemain or sleight of hand or "now you see it and now you don't see it" performance, to take this bill out of the Committee of the Whole and send it to the Committee on Rules to have them smother it or sidetrack it in some way? Are you unwilling to trust the members of your own party? What is the object of this proceeding? It is without a precedent anywhere. I defy the production of a precedent by anybody.

Mr. Chairman, I appreciate to a certain extent the questions involved directly or indirectly in this bill. The French spoliation claims stand behind it; other bills of similar character stand behind it. You want to devise some means to get rid of this measure, which you do not wish to consider, without side-tracking those that occupy the same parliamentary status which you do wish to consider. When I say "you," I mean your party, Mr. Chairman; not you individually. This irregular proceeding, without any sort of authority or precedent, is to be invoked to get rid of these measures and to accomplish purposes which you could not undertake to accomplish by the regular, orderly methods of parliamentary law.

Mr. COLEMAN. Will the gentleman allow me one minute for a correction? The gentleman says our party want to do this. Not all of them, if you please.

Mr. ROGERS. I will except my friend, if he desires to be excepted.

Mr. ALLEN, of Mississippi. We are glad to see evidences of repentance.

Mr. ROGERS. I am inclined to except a good many of the gentlemen on the other side.

But, Mr. Chairman, there is something behind that chair in which you sit, some "power behind the throne" that wants to make some disposition of these measures that is not orderly or parliamentary under the rules. It can not be otherwise. When a bill of this kind comes up, embracing claims from one section of the country only, why is it that some parliamentary process never before invoked in this House is to be resorted to in order to get rid of the bill?

Why, Mr. Chairman, if there is any class of persons in this country who, viewed from a broad, patriotic standpoint, ought to have some consideration in this House, it is these loyal claimants from the South, for where they were it was worth something to be loyal.

Why is it these claims which come from a section of the country, the Southern section of the country, are to be driven out of the House and resorted had by parliamentary legerdemain and trick to get rid of their bill when you are professing such loyalty to those friendly to the Union cause during the war? Why is it you do this thing?

Let some of these gentlemen who have inaugurated this business, answer. Let them get up the precedents by which this is done; let them point out in these rules some authority for it; let them go back to the history of parliamentary law in every period of the country's history, and see if they can find a single instance where, pending a point of order in a Committee of the Whole, involving the jurisdiction of that committee, and before the point of order could be heard and decided, the bill could be taken out of the committee into the House on a motion and referred to another committee, before its consideration had been begun, much less without having an opportunity to perfect and amend it.

Mr. McCOMAS. I rise to a parliamentary inquiry.

Mr. ROGERS. I desire to yield for a minute to the gentleman from Mississippi [Mr. ALLEN].

Mr. McCOMAS. I desire to make a parliamentary inquiry.

Mr. GROSVENOR. The gentleman from Arkansas has no power to yield the floor.

Mr. ROGERS. I promised to yield for a minute to the gentleman from Mississippi, and I do so now to hear what he has to say.

Mr. GROSVENOR. But the gentleman has no right to yield the floor.

The CHAIRMAN. When the gentleman yields the floor during the discussion of a point of order he yields it absolutely.

Mr. ROGERS. I wish to say only that I intended to yield to the gentleman from Mississippi, but I forgot it when I took my seat.

Mr. ALLEN, of Mississippi. Then I will rise to a question of personal privilege.

Mr. McCOMAS. I have the floor for a parliamentary inquiry.

The CHAIRMAN. The gentleman will proceed.

Mr. McCOMAS. This is my inquiry: The motion was made, as I understand it, to take up and consider the bill which we are now all talking about. [Laughter.]

A MEMBER. And anxious to have considered.

Mr. McCOMAS. A motion was then made to recommit that bill to the Committee on War Claims, upon which the gentleman from Iowa [Mr. KERR] made a point of order as to its consideration, which was discussed a whole day. Subsequently a resolution, as read, was offered referring it with instructions to the Committee on Rules. An amendment to that proposition was offered and ruled out of order. Then the gentleman from Arkansas [Mr. ROGERS] made the point of order which he has just now discussed.

My parliamentary inquiry is whether the Chair by deciding simply on the first point of order, to wit, that against the consideration of the

bill, disposes for the time of this whole matter. Upon that parliamentary inquiry I only wish to ask the Chair whether that point of order is not too late on account of the discussion of the bill, as will be seen on page 2824 of the RECORD that there were division and debate before the point of order was made by the gentleman from Iowa [Mr. KERR]. It will settle, too, this controversy pending and all points of order thereon.

The CHAIRMAN. As to the parliamentary question of the gentleman from Maryland, the Chair will reply by stating that the motion made by the gentleman from Wisconsin [Mr. THOMAS] is in the nature of a privileged motion, and it is not for the Chair to say that such a motion shall not be considered in this body. The Chair is not ready to go that far. Being a privileged question, the Chair holds it is properly before this committee for decision.

As to the point of order of the gentleman from Arkansas [Mr. ROGERS], he had the right to make that point under the rules. The consideration of the motion made by the gentleman from Wisconsin [Mr. THOMAS] is now pending. The Chair can not propose to do anything except by sitting here and hearing gentlemen discuss the question. That is all he can do.

A MEMBER. I should like to hear the decision of the Chair.

Mr. GROSVENOR. Mr. Chairman, I wish to say a single word in relation to the point raised by the gentleman from Arkansas. The gentleman from Arkansas seems to have pointed his heaviest ammunition towards me, as though I were in some way responsible for the lamentable parliamentary condition in which we now find ourselves.

Mr. ROGERS. If the gentleman from Ohio will pardon me, I will state that I had no reference on earth to him.

Mr. GROSVENOR. Well, I only want to say to the gentleman that I am in favor of sustaining his point of order, and the reason is this: The original point of order raised the question of jurisdiction in this House as to the subject-matter under consideration. If that motion is decided affirmatively, then the bill goes out of consideration here; and I deny that there is any parliamentary procedure that justifies the reference by this committee of the bill, pending this question of the right to consider the bill at all.

Mr. ROGERS. I agree with the gentleman fully on that point.

Mr. GROSVENOR. Why, Mr. Chairman, what would you say of a court that upon a demurrer that raised the question of jurisdiction of the court should undertake to refer the subject-matter to a referee? The court can not render a judgment for the costs; it has to stay right there. The proceeding must stop at that point until that is determined. Therefore it is not in order to refer a bill, or a question growing out of the bill, to another committee pending the consideration of the question whether the House has jurisdiction or not. This is manifest for the reason that if the Chair should now overrule this point of order, and thereafter the House should sustain the motion affirmatively, why, what have you done? You have taken jurisdiction of a bill by its reference which you say the House had no jurisdiction of; and hence we have a right to the judgment of the Chair upon the question whether the bill is properly here or not.

Mr. ALLEN, of Mississippi, rose.

Mr. CANNON. Mr. Chairman, just a word. I was not here on last Friday when the point of order was made—

Mr. ALLEN, of Mississippi. I believe I was recognized. [Laughter.]

The CHAIRMAN. The Chair recognized the gentleman from Illinois.

Mr. CANNON. I will yield to the gentleman.

Mr. ALLEN, of Mississippi. What I wanted to say was more in the nature of a matter of personal privilege than on the point of order: not personal to myself, but personal to the family name. [Laughter.]

The CHAIRMAN. The Chair will be very glad to hear the gentleman.

Mr. ALLEN, of Mississippi. To pass this resolution, Mr. Chairman, or to entertain it, is to do what a friend of mine down in Mississippi would call "putting the brand of stigma on the Chair." [Laughter.] For the first time, sir, in the history of this Government it is proposed here, where the discussion of a point of order is pending before a gentleman who has reflected honor on the Chair, whose able and dignified rulings have gone out and made him famous before the world, to vote a want of confidence in him by sending this matter to the Committee on Rules. [Laughter.]

And now, sir, the names of "ALLEN, of Mississippi," and "ALLEN, of Michigan," are so nearly like each other, and occupying a position in the same Congress, too, that I am unwilling to have this "brand of stigma" put even upon the family name. [Laughter.] And I tell you gentlemen over there, who are fathering this thing that the gentlemen on this side charge has something else behind it, I charge you now and warn you when you attempt to cast opprobrium on the Chair that you are making an attack upon the name of Allen. [Laughter and applause.] And I hope, Mr. Chairman—why, sir, if I were you I would rule on this question anyhow, like the justice of the peace who did not propose "to have his own proceeding's squelched." [Great laughter.] When was there ever such effrontery? When was there such a proposition made to a presiding officer before, when a question of order has been discussed before him for a whole day—



Mr. MORGAN. Two days.

Mr. ALLEN, of Mississippi. Yes, for two whole days—

Mr. COLEMAN. But one of them was a holy day.

Mr. ALLEN, of Mississippi. Then to come up and face him with the proposition "You are not capable of doing this, sir, but the distinguished Committee on Rules"—a committee, I confess, that is capable of doing anything under God's heaven [laughter]—"will have to do it." But they are not the only people who are capable of doing anything. [Laughter.] And with this explanation of my personal attitude on the question, I will let you gentlemen do as you please. [Laughter and applause.]

Mr. CANNON. Now, Mr. Chairman, I was not here on last Friday when this point of order was made against the bill and was discussed. But I have glanced my eye over the debate on Friday last and to-day I was present when the resolution was offered by the gentleman from Wisconsin [Mr. THOMAS]. It was entirely competent for the gentleman from Wisconsin to offer the resolution or any resolution touching this matter. The gentleman from Wisconsin did offer it; it was read at the Clerk's desk, it was discussed, and then the gentleman on that side offered an amendment to it. The point of order was made on the amendment, and the point of order sustained. There was further discussion, and then the gentleman from Arkansas [Mr. ROGERS] gets up and makes the point of order against the resolution offered by the chairman of the committee [Mr. THOMAS]. It is too late. An amendment had been offered to the resolution, and whether in order or not it is too late to make a point of order on the resolution, as all gentlemen can see at once by the mere statement of the proposition. I am not saying that the resolution is not in order, even if the point of order had been made in the first instance. I think it is entirely probable that the resolution is in order; and I want to call the attention of the committee just a moment now to the status of the whole question.

These claims covered in this bill are claims under the Bowman act, as I understand it, that have been accumulating for two or three, perhaps four, Congresses; certainly for two—

Mr. McCOMAS. For three Congresses.

Mr. CANNON. For three Congresses, my friend from Maryland says. From time to time they have been reported back to Congress; and I hold in my hand a statement that on the 19th of December, 1887, the then Speaker of the House [Mr. CARLISLE] held that certain claims then on the Calendar, which had been brought forward from the Forty-ninth Congress by operation of the preceding section, referring to the Bowman act, were properly there, and on the 13th of January, 1888, he held that such should stand first on the Private Calendar.

That gave them a status according to that decision. Subsequently—and I ask the attention of the committee—when one of these claims was reached for consideration, the Speaker *pro tempore* [Mr. COX] held that these bills, which were reported to a preceding Congress, while properly on the Calendar for such appropriate action as the House might adopt, could not be considered for final disposition. I recollect the decision very well and have it here. The question was made in Committee of the Whole, when the gentleman from Missouri [Mr. HATCH] was in the chair, and the gentleman from Missouri at once stepped down and out. A report was made to the House, and then Mr. COX, the Speaker *pro tempore*, made that ruling, that notwithstanding Speaker CARLISLE's ruling that they stood at the head of the Calendar, they did not stand there for consideration. Consideration was refused absolutely by the decision of the then Speaker of the House, and that bill was not considered.

Now, in due course of time that Congress expired by limitation, and in this Congress certain claims under the Bowman act, in the shape of an omnibus bill, are reported to this House from the Committee on War Claims. The position is taken that these matters were never referred to that committee. They do not stand on the Calendar by virtue of the CARLISLE decision. It has been held, as Speaker COX held, that they can not be considered. They were reported under our new rules not in open House, but by handing to the Speaker or to the Clerk and referred to the Calendar, and came up on Friday last as to what disposition should be made of these bills. The gentleman from Wisconsin [Mr. THOMAS] said that this matter had never been referred to the Committee on War Claims, and there is no evidence on the face of the bill that they had ever been.

Mr. BYNUM. Will the gentleman permit me to ask him a question there?

Mr. CANNON. Certainly, with great pleasure.

Mr. BYNUM. I understand that the difference between the bills placed on the Calendar of the Fiftieth Congress and this bill is this: That the bills in the Fiftieth Congress never had been introduced in that Congress, but had been placed on the Calendar as having been on the Calendar in the Forty-ninth Congress. In other words, that they had not been considered in the Fiftieth Congress or considered as reported in this bill. But this bill has been considered by the Committee on War Claims and has been reported to this Congress, so that the two classes of bills are not similar.

Mr. CANNON. If the gentleman will allow me, it is alleged, and I understand such is the fact, that these bills were never referred to the Committee on War Claims in this House.

Mr. OUTHWAITE, Mr. McCOMAS, Mr. ENLOE, and others. That is a mistake.

Mr. BYNUM. It was the case in the Fiftieth Congress, and they could never come up.

Mr. CANNON. Now, I understand from several gentlemen on that side that it is a mistake, and that some of these bills were referred to the Committee on War Claims, and that some were not. Yet this omnibus bill is reported back, not by way of a substitute, in whole or in part, under any jurisdiction that was given to that committee—

Mr. ENLOE rose.

Mr. CANNON. And now, pending—if the gentleman will allow me one sentence—pending the point of order, which goes to the jurisdiction of the committee to report this bill, and consequently the jurisdiction of the Committee of the Whole to consider it—pending that point of order the gentleman from Wisconsin [Mr. THOMAS] introduced a resolution that this Committee of the Whole report and recommend to the House that this whole question of these bills (those that were referred to the Committee on War Claims, if you please, and those that were not), under the rules of the House in connection with the Bowman act and in connection with the Calendar, be referred to the Committee on Rules, to be reported back as soon as practicable with such recommendation involving a change of rules as will enable the House to proceed of its own motion to get jurisdiction to cut this Gordian knot.

Now, then, my own belief is that, the point of order not being made when that resolution of the gentleman from Wisconsin was offered nor until after amendment had been offered to it, it is in order for that reason. I am inclined to believe that it is in order as a matter of privilege; and I believe in the present tangled condition, with other claims in this Calendar to follow, and for the consideration of these identical claims themselves, the most speedy way out of the difficulty is to adopt the resolution of the gentleman from Wisconsin.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman permit me to ask him a question?

Mr. CANNON. Certainly; with great pleasure.

Mr. BRECKINRIDGE, of Kentucky. If the Committee of the Whole had no jurisdiction to consider the bill, where does it get jurisdiction to close consideration by recommending that it be sent to the Committee on Rules? If it can not consider it, it can not recommend that it be recommitted to the committee, if it has no jurisdiction of the bill.

Mr. CANNON. If the gentleman will allow me, I have not said that the committee has or has not jurisdiction of the bill. I meant the Committee of the Whole. The point of order involving that question was made last Friday and is pending.

Mr. BRECKINRIDGE, of Kentucky. Yes.

Mr. CANNON. That has been argued. Pending that this resolution was offered and considered. Now, then, whether that point of order first made was well taken or not, I apprehend that the Committee of the Whole, finding the bill upon its Calendar, may adopt this resolution and send it to the House and let the House do as it pleases.

Mr. BRECKINRIDGE, of Kentucky. Now, the question I asked the gentleman, because he is a parliamentarian and a member of the Committee on Rules, is this: Does not the point of order raised by the gentleman from Iowa necessarily attach itself to this motion, because that point of order is that this committee has no jurisdiction? Now, therefore, when that motion is made it can not possibly supersede the point of order which goes to the very root of the matter; that is, the power of the committee to consider it, and it does not require any point of order.

We have, however, a point of order that was pending, and as soon as the motion was made a point of order was made against that motion as against all other motions; and now, therefore, in the interest of the Chair, meeting the responsibilities of that question and deciding it, let him rule, and, if gentlemen are not satisfied with his decision, upon an appeal let the committee affirm or reject his judgment. If the committee shall affirm it, then we have nothing further to do with the question. If it shall reject it, then that motion of the gentleman from Wisconsin would be in order, and we could consider it and take that course if we saw proper. That would relieve the tangle and make perfectly plain a solution of the question.

The question as to the jurisdiction could be determined, and if any gentleman desires to appeal from the decision he can do so, and that is an end to it. Then if the committee determines that we have jurisdiction let the gentleman from Missouri make the motion, and that relieves us of all apparent tangle, which is purely apparent, of undertaking to put a question of jurisdiction against a question of consideration.

Mr. CANNON. The Chair is perfectly able, I think, to take care of itself.

Mr. BRECKINRIDGE, of Kentucky. I am not taking care of the Chair. I am only saying what should be done with the resolution of the gentleman from Wisconsin, and in stating that I am giving my opinion what it is politic to do with a view of discharging the business of the House, including this business. Of course I wish to be understood as not intimating that the Chair is not able to take care of himself. I was trying as far as I could to relieve him of the guardianship of the gentleman from Wisconsin and the gentleman from Illinois, so that he might take care of himself. [Laughter.]

Mr. CANNON. I have always noticed how kind the gentleman from Kentucky is to volunteer in this and in many other matters. In fact, I do not know any gentleman so anxious to volunteer to get everybody out of trouble as the gentleman from Kentucky, and he always does it well. [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. And I am exceedingly sorrowful that the occasion for it should arise so often in the parliamentary life of my friend from Illinois. [Renewed laughter.]

Mr. BYNUM. Mr. Chairman, I desire to be heard upon this question.

The CHAIRMAN. Does the gentleman desire to speak to the point of order?

Mr. BYNUM. I do.

A MEMBER. Which one? [Laughter.]

Mr. BYNUM. Mr. Chairman, I desire to submit a few remarks upon the point of order. I do not wish to discuss the merits of the bill, as I do not know whether I shall support it even if its consideration is had. I am free from any bias or prejudice as to the merits of the bill that might warp my judgment upon the point of order. I have no desire to trespass upon the time of the committee, who seem to be growing impatient, further than to call the attention of the Chair to the importance of this question and of the necessity of maintaining the correct rules of parliamentary procedure. In discussing the point of order raised by the gentleman from Arkansas [Mr. ROGERS] I may be pardoned for contending that the Chair should have ruled the resolutions of the gentleman from Wisconsin [Mr. THOMAS] out of order for reasons additional to those assigned by the gentleman from Arkansas.

Clause 4 of Rule I, defining the duties of the Speaker, declares that—

He shall sign all acts, addresses, joint resolutions, writs, warrants, and subpoenas or orders issued by order of the House, and decide all questions of order, subject to an appeal by any member, on which appeal no member shall speak more than once, unless by permission of the House.

The duties of the Chairman of the Committee of the Whole correspond, so far as questions of order are concerned, with those of the Speaker of the House.

Clause 8 of Rule XXIII provides that—

The rules of proceeding in the House shall be observed in Committees of the Whole House so far as they may be applicable.

When a question of order is raised in the committee relative to modes of proceeding with a bill referred to it by the House the Chairman must decide it, and decide it before any other question, except a question of privilege, can be entertained or further proceedings be had.

The Chair, as I understand, has, on a previous point of order, held that the resolution of the gentleman from Wisconsin is a privileged question; if so, under what rule of the House does it become privileged?

Rule IX defines questions of privilege, and we must look to its provisions, and to them alone, to sustain the motion or resolution upon that ground.

#### RULE IX.

##### QUESTIONS OF PRIVILEGE.

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only; and shall have precedence of all other questions, except motions to adjourn.

Does the resolution of the gentleman from Wisconsin "affect the rights of the House collectively, its safety, dignity, and the integrity of its proceedings?" Most assuredly not! Does it affect the rights, reputation, and conduct of the members individually in their representative capacity only? No one will contend that it does! It is not a motion to adjourn or its kindred motion, which is applicable in Committee of the Whole House, a motion "that the committee rise." So far, Mr. Chairman, as the consideration of measures in Committee of the Whole is concerned there is but one privileged motion, and that is the motion "that the committee rise," which can be made at any stage of consideration or progress.

Clause 4 of Rule XVI provides as follows:

When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

No one will contend that these motions are proper or can be made in Committee of the Whole. The sole object and purpose in considering measures in Committee of the Whole is to avoid the operation of these different motions.

I call attention to these motions and to the fact that they are in order only in the House, so that there may be no controversy or question in the mind of the Chair as to whether there may be priority of motions in the committee as in the House.

I apprehend, however, that no precedent can be found or cited in support of the proposition that any motion in the House, except the privileged motion to adjourn, could be entertained or was in order while a question of order was pending. Such a procedure would at once set at naught all rules, all modes of procedure, and bring upon the

House and the committee confusion and chaos. When, in the history of any parliamentary body, has a pending question of order been taken away from the chair and referred to a committee?

What is the House to do while the committee is deliberating upon the question and how is their determination to become the decision of the House? because all points of order may finally be decided by the House. Will the committee bring in a report? If so, when? Will the report be accepted by the House or will it be committed to some other committee? During the time these difficulties may arise what has become of the measure which has priority of right under the rules we have adopted for our government and to facilitate the proceedings of the House?

There is, Mr. Chairman, a well known parliamentary rule which, so far as my knowledge goes, obtains at all times and under all circumstances, which will be overturned should this resolution be entertained by the committee or by the Chair. It is a valuable rule and one that ought never be lost sight of, because in its violation all orderly procedure may be destroyed and the body involved in inextricable confusion. It is that cumulative motions are never in order. Similar questions can not be entertained or be pending at the same time. For this reason but one appeal can be entertained at the same time. While one appeal is pending another can not be taken. If such were not the case appeal upon appeal might be taken and it would become impossible to reach a decision that would relieve the body of the objectionable question and enable it to proceed with the question under consideration.

In this matter we are confronted with the same evil, with the same difficulty. One question of order is now pending, and while that is under consideration another matter is brought before the committee and another question of order is precipitated before us. I submit that no emergency, no exigency ought to arise that will for a moment influence the Chair or the committee to depart from the pathway of orderly procedure, which is so distinctly marked and so essential to the transaction of business. It is the duty of the Chair to decide questions of order as they may arise, and there is no other mode known to parliamentary law of getting rid of them.

Mr. STONE, of Kentucky. Mr. Chairman, this point of order has been discussed as much, it seems to me, as there is any necessity for discussing the real point of order. The parliamentarians of the House, both young and old, have had a tilt at this question, and they have differed as widely as the poles. I have sat here for two days and listened to the discussion of the merits of this bill and of the questions involved in the different points of order, and I have become more thoroughly convinced to-day than I have ever been before that it is the object the parliamentarian desires to accomplish that influences the argument he will make. [Laughter.] Now, the point of order made by the gentleman from Arkansas [Mr. ROGERS] is, to my mind, clearly correct. The entertainment of the resolution offered by the gentleman from Wisconsin [Mr. THOMAS] was clearly wrong, in my opinion, with all due deference to the judgment of the Chair.

But this discussion has gone beyond the merits of these different motions; it has gone into a criticism of the action of the last House of Representatives; it has gone into a criticism of the action of the Committee on War Claims, and in the case of the gentleman from Illinois [Mr. CANNON], a distinguished member of the Committee on Rules, it has gone to the extent of exemplifying what I have seen in all the proceedings of Congress since I have had the honor of being a member here, that the Committee on Rules and the other leading committees of this House try to grasp all the power and all the legislation of Congress. I am not astonished that the gentleman from Illinois should argue so vigorously in favor of the position that this resolution of the gentleman from Wisconsin is in order. Why, sir, he is a member of the Committee on Rules, and if that committee can throw out a drag-net and bring within the bounds of its jurisdiction all the powers of Congress, leaving only a very small part to the Committee on Appropriations, then I think that the ambition of the gentlemen who serve on that committee will be gratified.

The gentleman from Illinois in discussing this question to-day has exhibited an ignorance of the subject which is certainly lamentable for a gentleman occupying the position that he does before the country. Mr. Chairman, I have been "unfortunately," to use the expression of the gentleman from Connecticut [Mr. SIMONDS], a member of the Committee on War Claims in three Congresses; I say "unfortunately" because of the amount of work imposed upon that committee and because of the small results accomplished by that work so far as the final action of Congress is concerned. I have been a member of that committee, as I have said, in three Congresses—why I can not tell.

The questions presented to us are largely questions of law. I am not a lawyer; I am a farmer by occupation; but when I came here and was put on the Committee on War Claims I was compelled to enter into a study of the law bearing on these questions in order to be able to do my duty on this committee. The Speaker of the Forty-ninth Congress saw fit to assign me that duty and in the Fiftieth Congress I had the honor to serve as chairman of this committee. In the present Congress the Speaker went so far as to do me the particular honor of placing me upon no other committee than the Committee on War Claims. I have



thus been compelled, perforce, in opposition to my own desires, to study the law governing this question of war claims; and I believe I am "posted" in reference to the action of the House on these questions from the beginning until the present time.

Having had this experience, having been compelled to investigate this matter as I have, I am astonished at the ignorance in this respect of gentlemen who have served longer on this floor than I have and who ought to know better than to make the mistakes they have made to-day. They tell you, in order to bring the influences to bear to refer this question to the Committee on Rules, that these claims have never been before Congress. Why, sir, I have no doubt that every page on this floor knows better than that. Certainly every member of Congress ought to know that these claims come here by the authority of a law of Congress. Every solitary one of them is introduced into this House by bill or petition. They are all referred to the Committee on War Claims; and the law of the land gives that committee power to refer these claims to the Court of Claims for investigation and report. That same law says in express terms that these claims shall continue pending from Congress to Congress until disposed of.

These claims came into the Fifty-first Congress upon bills introduced or reports or references made in the Fiftieth Congress. They went to the head of the Calendar by a ruling of the Speaker. Three bills at the head of the Calendar were passed before any question as to the authority by which they were put there was raised. Then the Speaker *pro tempore* decided that they were there for proper action by the House, not necessarily for final action until the House shall see fit to adjudge them. Then, Mr. Chairman, a bill was introduced and referred to the Committee on War Claims containing a few of those claims which were at the head of the Calendar. By the action of the House, under the provisions of the Bowman act, when these cases are reported from the Court of Claims they are referred to the Committee on War Claims. So that the statement made on the floor to-day that these claims have never been properly before the committee falls to the ground in the face of the facts. They have been before the committee, and before it rightly.

The committee, exercising the power given to it under the rules of the House, saw fit by a vote of all its members, with one solitary exception, the honorable chairman of the committee disagreeing with the remainder of the committee, to put these claims into one bill and report them back here.

It is said that there is no precedent for this action. Sir, in the Fiftieth Congress a large number of these claims were reported here in one bill, and this House spent every Friday for about two months in the discussion of those claims *seriatim* as they came up in that bill, and finally the last claim included in the bill was passed by the House. So that these claims are here to-day in this bill in accordance with a precedent set in the Fiftieth Congress.

The act creating the Southern Claims Commission made it the duty of the persons appointed commissioners "to receive, examine, and consider the justice and validity of such claims as shall be brought before them of those citizens who remained loyal adherents to the cause and Government of the United States during the war for stores or supplies taken or furnished during the rebellion for the use of the Army of the United States in States proclaimed as in insurrection against the United States."

This act created, in fact, a judicial tribunal limited to a particular class of claims, and contemplated that its proceedings should be conducted in accordance with judicial methods in common use in the courts of the United States. It was an inferior judicial body, and, like all such organizations acting under the authority of the Government, was bound to follow the decisions of the Supreme Court in its constructions of the statutes on all subjects upon which the commission was required to act. It was to "examine and consider the justice and validity"—judicial acts—of all claims that under the law could be presented to it, and the members could no more disregard the law of the land, as expounded and declared by the courts of the United States, in their examinations and decisions, than can arbitrators in civil cases disregard the laws under which they are acting.

Congress certainly never intended by the act in question to create a body and invest it with judicial power which should be above all law and know no law that interfered with the exercise of its own sweet will. Prior to the enactment of the statute, the Court of Claims and the Supreme Court had had under consideration the various laws of Congress requiring proof of loyalty, and had made a number of decisions defining loyalty and what constituted proof of it, and these decisions of the highest judicial tribunal known to the Constitution were a part of the law of the land, in full force when the law creating the commission was enacted, and became impliedly a part of the statute. Congress was familiar with these decisions of the courts, and the presumption is strong that the law was enacted with reference to them.

But these commissioners held that they were "a law unto themselves." They set themselves above the Supreme Court and ignored its decisions. They utterly disregarded all judicial methods common to the courts of the country, and established a system of their own which violated all the rules of evidence and set at defiance every well established principle of law affecting the rights of individuals.

While I do not wish to reflect unnecessarily upon the gentlemen com-

posing the commission, I do not hesitate to say that the mode of proceedings adopted resulted in such a perversion of justice as was never committed by any other legal tribunal in this country. The truth is that the time was not auspicious for the investigation intrusted to their hands. The bitter feelings engendered by the war had not died out to any extent.

It was the common opinion all over one section of the country that all who resided in the insurrectionary States were disloyal to the Union and deserved to be punished as rebels. The commissioners were all from what are called the loyal States and were thoroughly impregnated with the opinions and prejudices of their section. They entered upon their duties with the conviction that it was their mission to protect the Treasury from a horde of rebels who, having failed to destroy the Union by force of arms, were now determined to bankrupt it by demands upon the national Treasury. They were regarded as Mulberry Sellers, in favor of "the Union and an appropriation."

The rules adopted by which testimony was to be taken and the eighty-odd interrogatories prepared to be propounded to the claimants were not only insulting to every man who became a witness, whether interested or otherwise, but plainly demonstrated that the cases were prejudged before being considered.

The testimony was taken by officers appointed by the commissioners, who were thoroughly in their interests and well knew what was required of them. They were sent South not merely to take the testimony of the witnesses called by the claimants, but they were to act and did act as attorneys for the Government, and they were thus rendered unfit to take the testimony impartially. The claimant and his witnesses were examined by the special commissioners separately and alone, thus being treated as though a criminal on trial. The claimants in many cases were not allowed to have an attorney present to protect their rights or to afford them the opportunity to explain any statement they had made; and it is not stating the fact too strongly to say that these special commissioners in many cases did not fail to report the testimony most strongly against the claimants. The accuracy of testimony taken under such circumstances, and by persons in the interest of one of the parties to the contest, may well be questioned.

Nor is this all. It was made a part of the duties of these special commissioners and special agents, in addition to taking the depositions, to hunt up testimony against the claimants and to report their views of each case.

The more active these special agents in securing all kinds of hearsay statements from irresponsible parties or, as has been suspected, from myths existing only in the lively imaginations of the agents, the greater favor those agents enjoyed.

That the claimants were not allowed to be present, either in person or by counsel, at the time of the taking of the testimony on behalf of the Government by the special commissioner, I need but refer to the statement of the commissioners themselves, in the case of Otey, No. 5174 (Commissioners' Report, 1877, page 34).

In disallowing this claim the commissioners use this language:

In justice to Mr. Edwards, who is charged by claimant with deceiving him in saying he might go to Memphis and the testimony would not be taken in his absence, when in fact Mr. Edwards proceeded immediately to take it in his absence, we deem it proper to say that as Mr. Edwards at that time, according to his uniform custom, did not allow any claimants to be present at the taking of the testimony and the examination of the witnesses we see no motive for deceit, as is alleged, and think that the claimant must have misunderstood what Mr. Edwards said.

Under the rules of the commission claimants were compelled to bring their witnesses to Washington. Of course this involved a great expense. After their witnesses were examined in open court their testimony was given to a special agent and that agent was dispatched to the home of the witness. There he could call witnesses to disprove the allegations of the claimant or he could examine the residents of the vicinage in the manner I have shown was done and make his report to the commission.

The claimant was compelled to bring other witnesses to Washington to disprove the statements in the agent's reports. Very few, if any, of the claimants were able in their impoverished condition to do this. The result was that most of the cases went to trial without the claimants having the opportunity to rebut the so-called testimony taken by the special agents, and the commissioners gave more weight to the unsworn statements thus reported by their special agents than to the legal testimony taken by claimants.

The agents of the Quartermaster-General adopted a similar policy, and the files of that bureau will show that the claims were rejected not upon testimony taken in accordance with the forms of law—not even upon *ex parte* affidavits—but upon the bare reports of the special agents of the bureau, without any verification whatever. It was not until Congress, by an amendment to the bill making appropriations for the payment of the allowances made by the Quartermaster-General, on June 13, 1880 (21 Stat., 536), that claimants or their attorneys were allowed to be present to cross-examine witnesses before the special agents of the Quartermaster-General. Their investigations were conducted secretly, and so reported to the Quartermaster-General. They were regarded by that officer as confidential communications, to which the claimant or the attorney was not permitted to have access.

It was a star-chamber proceeding in every sense of the word, and this practice continued for a period of sixteen years. Thousands of claims were disallowed without the claimant being advised of the grounds of disallowance or furnished the opportunity to meet the charges thus alleged against him. In many instances the special agents withheld the names of their informants, stating in their reports that the names were withheld for "prudential reasons."

Now as to claims before the Commissary-General, some of which are included in the bill now before the committee. None of these claimants ever had a hearing before the Commissary-General. None of them ever had the opportunity to take any testimony to establish their claims. Congress failed to make any appropriation for the appointment of agents to investigate this class of claims, and only those were allowed by the Commissary-General that were supported by vouchers or affidavits furnished by officials. Upon this subject the Commissary-General, in his report of 1873, says:

It will be impracticable to properly investigate the claims presented under the act of July 4, 1864, unless an appropriation be made for the employment and transportation of officers and agents to investigate the claims.

And no such appropriation was ever made. These cases, then, never had a hearing by, nor were they ever investigated before the Commissary-General, and the facts in each case for the first time are developed in the findings of the Court of Claims.

But, Mr. Chairman, this is not the worst, and yet this is bad enough. To return to the conduct of the commission, I here make the broad assertion that the great majority of the cases before that body were never legally adjudicated. The act creating the commission provided that two of the three commissioners should constitute a quorum, and no claim could legally be adjudicated or rejected but by the concurrence of a majority of the commission. The fact is, however, and I make the statement upon the authority of an officer of the commission, that the commissioners entered into an agreement that no claim should be reported favorably except upon the concurrence of each member of the commission, thus conferring upon one of the body the power to nullify the action of the majority, which was in itself a violation of the statute. Then the cases were parceled out among the commissioners, and if any one of them reported against a claimant—found him disloyal—the claim was at once laid aside as rejected, without any examination by the others.

Thus one commissioner did what the law required to be done by at least two of them; there was no valid examination of the testimony, and claims were rejected in violation of the letter as well as the spirit of the law. And the records of the commission abundantly sustain the assertion I have made. Those records show that few of the decisions are signed by all of the commissioners; that some are signed by only two; a good many by one only; while many are not signed by any of the commissioners at all, thus proving that they were never considered and adjudicated by the commission. These are stubborn facts, supported by records of the commission, and demonstrate that the claimants have not been justly dealt with, after having been put to great expense to prove up their cases.

As one who served in the Confederate army and as representing in part a State which furnished many soldiers to both armies, I am not here to advocate particularly the claims of men residing in the Southern States during the war who claim to have adhered to the United States and to have opposed the Confederacy throughout that conflict. But Congress, by the act of March 3, 1871, which created the Claims Commission, held out to this class of our citizens the promise of payment for the stores and supplies furnished the Federal military forces during the progress of the war which the Government, by reason of their remoteness from their base of supplies, was unable to supply. The Bowman act, by means of which the cases rejected by the Claims Commission have been referred to the Court of Claims, renewed that promise. Some of these claimants are from my State, some my constituents, and I should be wanting in duty to them if I did not insist that they shall receive that justice to which they are entitled under the law.

Mr. Chairman, as a member of the War Claims Committee I concurred in the report made by the majority of the committee, recommending the passage of the bill now before the House. While the amount proposed to be appropriated is a large one, it must be remembered that the sum covers the findings of the Court of Claims under the Bowman act, which was enacted more than seven years ago. It is the result of the labors of that court in this class of cases during the whole of that period of seven years, and if appropriations had been made annually to pay these awards, as is done in the case of judgments of that court, they would have amounted to less than \$100,000 per annum. At the first session of the last Congress this House passed a bill making an appropriation to pay the awards rendered up to that period, but the bill never was reached in the Senate.

That question has been fully discussed by the committee who reported this bill; and your committee, waiving the question of the abstract right of Congress to review the action of the Court of Claims, reached the conclusion that effect could only be given to the Bowman act by imitating the ruling of the Supreme Court in analogous cases, and holding the facts thus found by the court "to import absolute

verity and conclude each party to the controversy." This is the rule adopted by the Supreme Court in all appeals from the Court of Claims, and is the only practicable rule in the case of private claims before Congress. It is consonant, too, with the purposes of the Bowman act. It was the avowed object of that statute to afford relief to Congress in the investigation of private claims by leaving the ascertainment and determination of facts to a judicial tribunal, where testimony could be taken according to the rule of evidence, the witnesses cross-examined, the parties fully heard, and each case decided in accordance with the facts and the law.

This is the course of proceedings adopted by the Court of Claims; each case is determined in accordance with judicial methods, methods followed in every impartial legal tribunal and which the experience of ages has demonstrated to be the best adapted for the ascertainment of truth. All these cases have been thus heard and determined by the Court of Claims, and the findings reported here, and the awards made, are before us as required by the Bowman act, and are the deliberate result of its best judgment. Are we not morally, if not legally, bound by this action of the court? To repudiate that action, by refusing to appropriate money to pay the awards thus made, would be not only to impose hardships upon the claimants, who have been put to great expense in taking additional testimony to prove up their claims and establish their loyalty, but an implication upon the court and a virtual nullification of the Bowman act itself.

I regret to say that my friend from Wisconsin, the chairman of the War Claims Committee, differs with all the other members of the committee on the binding effect of the findings of fact by the Court of Claims and has made a minority report in opposition to the passage of the bill. His theory is that the decisions of the court are advisory only, and not conclusive, and he complains that in the "preparation of the bill the committee has not considered a single one of the findings of fact or conclusions of the court;" in other words, he insists that the War Claims Committee should act the part of an appellate tribunal and review the decisions of the court, affirming or reversing its action as, in the judgment of the committee, we may approve or disapprove its decisions.

The committee do not deny the right of Congress or the committee to ignore the action of the court, but they deem that course impracticable and unsafe as well. The truth is that it is utterly impossible for any one committee, however industrious its members may be, to examine all these cases in detail, without utterly neglecting other equally important duties as members of the House. And not only this, but, if you adopt the theory that the findings of the court, when in favor of the claimants, may be ignored, the reasons are equally strong for ignoring its decisions when made in favor of the Government.

The claims included in the bill number 284. Of this number there were disallowed for other reasons than alleged disloyalty 163. And of this number there were rejected because the proof of loyalty was not deemed satisfactory 121.

Mr. THOMAS. Does it include all the decisions of the Court of Claims?

Mr. STONE, of Kentucky. Not all.

Mr. THOMAS. No, not half of them.

Mr. STONE, of Kentucky. Not all. It is only for stores and supplies which are included in this bill. The percentage allowed by the Court of Claims is only about 7 per cent. of the amount referred to them. You go beyond that; you impeach the court; you impeach next to the highest tribunal in the United States by this action.

Mr. ENLOE. I ask the gentleman from Kentucky whether it is not a fact that this bill does not include any class except those under the Southern Claims Commission, and which were embodied in an omnibus bill at every session under the 4th of July act.

Mr. STONE, of Kentucky. They are all of the very same character of claims, paid by bills amounting to \$600,000 as coming from the Southern Claims Commission and passed here at every session of Congress as coming from the Quartermaster-General's Department.

And it is thus shown that more than half of the claims rejected by the Southern Claims Commission and the Quartermaster and Commissary Generals were so rejected, not for want of sufficient proof of loyalty, but for entirely different reasons, some of the reasons being that the claimants were not shown to be citizens; that some were naturalized citizens, but the legal evidence of the fact had not been produced; others because it appeared that the claimants had become bankrupt and the assignees had not been made parties; and others for the reason that the loyalty of the heirs and creditors of deceased claimants had not been established.

We are next told by the gentleman in his minority report that after these cases are transmitted to the Court of Claims they are "reopened and testimony unheard of at the time of the first investigation, and it is claimed not in all cases entirely reliable, is brought forward, establishing, in the opinion of the court, the conclusion that claimants are loyal and should be paid vast sums out of the Treasury."

From whom comes this suggestion? Certainly no information has been laid before the committee upon which to base the statement, and it appears for the first time in the report of the gentleman. None of the new witnesses, whose testimony is thus assailed, have been im-



peached by the attorneys representing the Government, and their integrity stands without question. The gentleman kindly says that he "does not censure the court for this."

Why should the gentleman censure the court? What right has he or I to sit in judgment upon the acts of this court, second only in dignity and power to that august tribunal the Supreme Court of the United States, and second only to it in the character and ability of the men chosen to constitute it?

Mr. Chairman, what is the court? A body of able lawyers before whom, and before whom only, a citizen of the United States may come and say to the Government, the sovereign, "Pay me that thou owest." Within the precincts of this court, and there alone, the citizen and the Government are placed upon an equality. There the greatest nation of the earth delegates its sovereignty, and laying aside its power says to the citizen, "Prove that I am indebted to you and I will place no privilege against you. I am here as your equal, not as your sovereign."

The Constitution of the United States created the Supreme Court and vested Congress with the power to create other needed tribunals. Congress has exercised that power and has created numerous courts with limited powers. The district courts are limited to suits involving not more than \$1,000 as against the United States and between the citizens of different States; the circuit courts, to \$10,000. But this court has no limit to its jurisdiction either in the amount involved or the class of cases. It has jurisdiction in law, equity, and admiralty, as is shown by the following extract from the law:

All claims founded upon the Constitution of the United States or any law of Congress, except for pensions, or upon any regulation of an Executive Department, or upon any contract expressed or implied with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect to which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable.

Look at a few of the cases which this court has considered. The Hot Springs case, involving property claimed by individuals and the Government worth not less than \$6,000,000. The Supreme Court sustained its action. Take "the great Choctaw case," but recently decided by the same judges now on the bench. The Court of Claims held that the Government was indebted to the Choctaw tribe about \$300,000. The Supreme Court upheld the findings of law, but said the amount due the Indians was nearly \$3,000,000.

It can not be charged that the judges of this court have any sectional sympathy with these "rebel claims," as some people choose to designate the class of cases now under consideration. None of the judges are from that section or sympathized with the rebellion; but, sir, you will find no man from the South complaining because of this. We believe the judges to be honest, impartial, able, and experienced. That they are painstaking in the examination of the cases brought before them is abundantly proven by the records of the War Claims Committee.

Over one thousand cases have been examined and reported upon within the seven years since the Bowman act was put into operation, and over 90 per cent. of the cases have been decided in favor of the Government. This does not show any dangerous bias of the court in favor of claimants. Less than one dollar in ten of the sums claimed have been allowed and we are asked to pay this allowance. The court has evidently weighed well and examined carefully the cases before it, and has carefully considered the rights and interests of the Government.

Mr. Chairman, there is one way in which this Congress can "censure the court" and besides do a great injustice. The court was constituted to attend to and adjudicate this class of cases. We made the court. We authorized the claimants to enter it and prosecute the Government. In doing that we entered into a contract to pay the awards made by the court. We have neither the right nor the power to change that contract.

Alexander Hamilton, one of the greatest men this nation ever produced, said:

It is in theory impossible to recognize the idea of a promise which obliges, with a power to make a law which can vary the effect of it.

We contracted with the claimants in these cases that if they would go into this court of ours, to which we gave power and jurisdiction greater than those we have ever conferred upon any other court, and there establish, first, loyalty, and, second, the value of the articles proven to have been used by the United States, we would pay for them. The claimants accepted our terms when they filed their petitions. They expended large sums of money to establish the facts.

The court has discharged its functions, and we not only insult the court, do injustice to the claimants, but we violate law if we refuse to appropriate money to pay these awards, because Chief-Justice Waite, in rendering a decision of the Supreme Court, said:

The United States are as much bound to pay their contracts as individuals.

And Justice Strong, in giving another opinion, said:

Where is the power of Congress to add new terms to any contract with the United States? Where is the power to annul vested rights? It is certainly not to be found in the Constitution.

And we entered into a contract with these claimants and gave them vested rights in the awards of this court.

But the chairman of the committee, while not censuring the court,

is not so considerate of those who represent the Government at its bar, for he says in his report:

The testimony is taken by deposition, and the court has no means of knowing how much of it is false or whether there has been collusion between the claimants and the agents of the Government in any particular case in the taking of it or no.

I have no disposition to assail men who can not be heard in their own vindication, at least until I am furnished with some tangible evidence of their misconduct. I have reason to know that these agents of the Government thus assailed have been instructed to make vigorous efforts to defeat claims of the character embraced in the bill and to examine the witnesses thoroughly; and the depositions taken by the claimants show that the cross-examinations were most rigid and that these agents faithfully obeyed their instructions.

If it is intended to charge that there was corruption or fraud perpetrated by the agents of the Government in any case favorably reported here by the Court of Claims, then the answer is that it is not too late to prevent the consummation of that fraud. If any such fraud or corruption has been discovered, it is only necessary for the Attorney-General to make the fact known to the court or to Congress, and in that case, I doubt not, the court will promptly recall the case, revoke its findings, and punish the delinquents. Until such a case is pointed out I can only regard the insinuation of the chairman of the committee as a gratuitous attack upon those who have been afforded no opportunity to defend themselves, and one not warranted by the facts.

The gentleman then complains that the committee have neglected and refused to investigate each case, and then makes this declaration:

If in each case the testimony taken by the court and the testimony taken by the Southern Claims Commission or the Quartermaster-General's Department had been compared, the conviction in many instances would have forced itself upon the committee that the case was rotten from top to bottom and that claimants were well known during the entire war as disloyal.

This, Mr. Chairman, is a very broad assertion, and should not have been uttered without indisputable testimony of its truth. Not a single case is produced to establish so bold a proposition. If any such case exists, it has not come to my knowledge.

As chairman of the War Claims Committee of the last Congress and as a member of this committee in this Congress, I have had occasion to examine a large number of these cases. I have found some in which there was failure to prove that the claimants adhered to the United States throughout the war or that they refused to aid the Confederate cause. There may be many such cases, but none such, to my knowledge, ever passed the committee or were reported favorably by the Court of Claims. Besides, the assertion of the report is not a frank one, for it leaves the inference that the testimony taken by both the Court of Claims and the Quartermaster-General was not before that court when each case came before it for consideration.

All the papers in these cases were on file in the office of the Clerk of this House. When a case is sent to the court, under the provisions of the Bowman act, all the papers, including testimony of every description, is transmitted with the order of transfer; and when the case is tried in the Court of Claims, all the testimony and other proofs, whether on the part of the claimant or the Government, is before the court, and that court does what the chairman complains of the committee for not doing, namely, compares not only the new testimony offered, but all the testimony used on former hearings, whether before the Claims Commission or the Quartermaster-General.

In other words, the court investigates and determines the facts from all the testimony before it, just as the Bowman act requires it should do, and does the work far more fully and completely, and with more consideration, than any committee of Congress ever can. As I have already remarked, the testimony in many of these cases is very voluminous; there are many such cases; small ones, as well as large ones, require time and seclusion to investigate properly; and it must be apparent to the House that to require such examination from the committee would occupy the whole time of the members, to the utter neglect of their other equally important duties.

But, Mr. Chairman, suppose I concede, for the sake of the argument, that the court has erred in a few cases—and I know of none—and that awards have been made when the proof was insufficient and the claims should have been rejected. Should an error of this kind invalidate other claims against which no such complaint has been or can be made? Errors of this kind will occur so long as judges, as well as men, are fallible. They occur in every Department of the Government. How many pensions have been granted that have proved to be fraudulent? How many land patents have been issued that had no valid foundation to rest upon? It is well known that the grossest frauds have been perpetrated upon the Treasury in cases in which the fraud could not have been successful if the cases had been before a court and passed through a judicial examination.

Errors of this kind and the mistakes of clerks are sometimes the result of carelessness, but more of them are caused by the haste in which the public business is transacted, and not from corrupt intention. Because of such errors shall we refuse to grant pensions or to issue land patents? The answer to this argument by the author of the minority report is that, if he can point out a single claim in the bill in which an award has been made by the court which is not supported by the tes-

timony in the case, strike it out, refuse to appropriate money for its payment; but the fact that such a case exists is no sufficient reason for refusing to pay other claims to which an objection can not be raised.

It is somewhat ungenerous, to say the least, to attack a whole body of claimants because some one of them may not be justly entitled to be paid; and this the chairman of the committee does in the closing paragraph by his assertion that "the real fact is that in very many of these claims the claimants were disloyal, and for that reason should be excluded under the act from receiving compensation"—a reflection upon the Court of Claims.

I have dwelt too long, perhaps, upon the subject, but I desired to fully inform the committee as to the true status of these claims, to show the treatment to which they had been subjected by the Claims Commission and the Quartermaster and Commissary Generals, and to assure the committee that they had never had a fair and impartial consideration until submitted to the Court of Claims under the Bowman act for re-examination. The labor of the court is now before us in this bill, and the simple question is, will Congress pass the bill and make an appropriation for the payment of these claims?

And, if not, why not? These claims are all for stores and supplies furnished for or taken by the Federal forces during the war, and were necessary for their subsistence. These supplies performed no insignificant part in the success of the Union armies. The soldiers had to live, and, if to live, they had to eat. With intervening hostile armies between them and their base of supplies, the Government was unable to reach them with the rations required for their support, and they were compelled to live upon the country through which they marched. The Union generals have all, more or less, recognized the aid received from this source. Without these supplies the "march to the sea" would have proved a failure. The soldiers would have perished from hunger and exhaustion.

If these claimants throughout the conflict maintained their allegiance to the Union cause and contributed no aid to the Confederacy, and the court has adjudged that they did—and that judgment is conclusive upon us unless we repudiate the action of a court of our own selection for the solution of the question—these claimants are entitled to compensation. And it may be well to inquire who these claimants are. As the records of the commission show, some of them were foreigners who took no part in the conflict of arms, but remained neutral, and under treaties with the nationalities to which they belonged were entitled to protection; others, again, were widows and minor heirs; while some were negroes, all of whom were faithful to the United States and awaited the boon of freedom which they confidently believed would follow the triumph of the Federal arms.

All of these were non-combatants, and being such their private property was exempt from capture as booty of war. In the case of *Klein vs. The United States*, 13 Wallace, 138, the Supreme Court went even further than this, for in that case the court held that "the Government recognized to the fullest extent the humane maxims of the modern law of nations, which exempt private property of non-combatant enemies from capture as booty of war." And the court adds, "The cases were few indeed in which the property of any not engaged in actual hostilities was subjected to seizure and sale." Much of the property was furnished or taken upon promises of payment by military officers high in command, as the testimony in many of the cases shows, and these promises strengthen the equitable claims of the claimants.

Finally, Mr. Chairman, we have held to these men "the word of promise to the ear;" shall we "break it to the hope?" By the several acts to which I have referred in the course of my remarks Congress has given them to understand that if they established their loyalty they would be entitled to pay for the property used for the subsistence of the Army in the field; and the honor and dignity of the nation demand that the promise should be sacredly fulfilled.

Mr. Chairman, I have endeavored as briefly as possible to give the facts and the law in these cases. So far as the facts are concerned, I know them to be correct. I believe I have not misstated the law. When the idle, the vicious, and unfortunate violate the law and set justice aside, the danger to the community is remote. But the patriotic heart feels a pang when the law-makers of the country, upon the floor of this House, through honest ignorance, catering to sectional prejudices or spurred on by the ambition of the demagogue, propose to violate the Constitution, to break the contracts we have made, to take private property without just compensation, to set aside the decrees of the courts, divest vested rights, and trample with ruthless feet upon principles of law and canons of right consecrated in every virtuous heart for centuries. I yield the floor.

Mr. KERR, of Iowa. Mr. Chairman, I made this point of order, and I believe I am the only one who has not been permitted to discuss it.

Much has been said about the delay involved in the discussion of the point of order, but justice compels me to state that most of the delay has been occasioned by speeches made upon the other side, evidently with the impression that unless their case was presented very strongly the decision of the point of order would be against them.

Now, Mr. Chairman, this point of order is no new matter. My position on this question is by no means a new one. This question was discussed in the last Congress on a point of order made by the gentle-

man from Texas [Mr. LANHAM]; the ground was all gone over, and I am not surprised at the position taken to-day by the gentleman from Kentucky, in view of the fact that in the last Congress he went so far as to say that this House had jurisdiction of a bill of the Forty-ninth Congress, and to pass an act for the payment of a claim that had never been introduced in the Fiftieth Congress or had never been framed in a committee of that Congress, and found fault then because that bill was not passed.

That question was brought to the attention of the House and the same length of time, about, was consumed in the discussion of it as has been consumed on this point of order; and in reference to that I made an inquiry in the following language:

Let me ask the gentleman this question—

Referring to Mr. Dunn, of Arkansas—

Can any bill be passed by this Congress to carry out recommendations of the Court of Claims, in any given case, without first having the bill introduced and properly referred in this Congress?

Now, that is the point of order I made in this case. I hold that either there must be some act of this House authorizing a committee to assume jurisdiction or else the matter must be referred to that committee in order that it may be authorized to act upon it.

Mr. ROGERS. Will the gentleman from Iowa permit me just there a word?

Mr. KERR, of Iowa. Certainly.

Mr. ROGERS. In connection with that point I desire to ask the attention of the gentleman to the second paragraph of Rule XXIV, which reads as follows:

Reports and communications from the heads of Departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by members.

Mr. KERR, of Iowa. Yes—

Mr. ROGERS. Now, I just want to take a moment on that point, with the gentleman's permission.

Here, then, is a report made in pursuance of the act of Congress to the House, and the Speaker, under this rule, refers it to the proper committee. The committee assumes jurisdiction and reports it back. Now, is that not as regular as the jurisdiction of the Appropriations Committee, acquired by virtue of the estimates sent to that committee, or the President's message referred to it, under the act of Congress or under the Constitution, as either may apply to the respective case?

Mr. KERR, of Iowa. But we have no evidence that the reports of the Court of Claims have ever by any action of the House been referred to that committee.

Mr. ROGERS. I have not myself examined the report, but that is conceded.

Mr. RICHARDSON. There is no question about that.

Mr. KERR, of Iowa. That is not conceded, but, on the contrary, the report of the committee as presented by the gentleman from Tennessee [Mr. ENLOE] leads to the conclusion that no such matter was referred. Let me read. The report goes on to say:

The Committee on War Claims, having classified all claims for quartermaster stores and supplies furnished for the use of the United States Army during the late war and reported from the Court of Claims with favorable findings has embraced all such claims in the accompanying bill, and reports the same with the recommendation that it pass.

Mr. ROGERS. My friend wants to be entirely fair, I am sure.

Mr. KERR, of Iowa. Certainly.

Mr. ROGERS. I understand from gentlemen interested in the bill—I am interested only in the point of order—that every single case was reported to the House and by the Speaker referred to the committee.

Mr. RICHARDSON. And bills offered in nearly every one of them.

Mr. THOMAS. That is not the case.

Mr. KERR, of Iowa. I deny that, and I make the denial by authority of the chairman of the Committee on War Claims. Fully one-half of these bills were never reported to the committee.

Mr. ROGERS. Never referred to the committee, you mean?

Mr. KERR, of Iowa. Never referred to the committee.

Mr. THOMAS. If the gentleman from Iowa will permit me a moment. As I understand it, in the Forty-eighth, Forty-ninth, and Fiftieth Congresses the Court of Claims reported back their findings in these cases; but in a very large number of cases in this omnibus bill, at least one hundred and twenty, no other action has been taken, no reference by any officer of the House, by any committee of the House, by the Speaker of the House to anybody has been had until they were found in this omnibus bill; and that is the exact situation.

Mr. KERR, of Iowa. Now, Mr. Chairman, I am not making that statement without authority.

Mr. ENLOE. Will the gentleman permit me just a moment?

Mr. KERR, of Iowa. Yes.

Mr. ENLOE. I wish to say that the statement of the chairman of the committee is substantially correct so far as the reference of the findings is concerned. There are about one hundred and thirty-nine cases in this bill, or one hundred and forty, where bills have been introduced; and probably twenty-five or thirty, maybe fifty, I can not remember the exact number, that have been referred from the House at this session, the others having been reported at previous Congresses.



Mr. KERR, of Iowa. Now, I have quoted the report of the committee, and in that they seem to base their jurisdiction entirely on the fact that these claims have been acted upon by the Court of Claims.

That whole matter was discussed in the last Congress, and it was claimed that, because the Speaker [Mr. CARLISLE], on the 19th December, had held that the claims were properly on the Calendar, it followed that they were properly before the House for consideration. The question was discussed on the 29th day of January, 1888, and in that discussion a number of gentlemen on the other side participated. The point of order, as I said before, was raised by Mr. LANHAM, and the late Mr. Cox, then in the chair as Speaker *pro tempore*, made this decision:

The Chair is ready to decide the question. After hearing attentively the argument in the Committee of the Whole, the present occupant of the chair would decide that the class of bills of which the bill referred to is one were reported to the Forty-ninth Congress with accompanying reports from the Court of Claims. They were, by direction of the Speaker, during the present session, ordered to be placed on the Private Calendar for consideration on Fridays. In the opinion of the Chair it does not follow that these bills of a former Congress are here for passage by the present House without the formalities contemplated by our rules. They are on the Calendar for appropriate action. What is that appropriate action? It may be the reference of them to a committee—

Now, I make the point of order that fully one-half of these bills have not been referred to any committee—

It may be to lay them on the table. The reference of bills to the Calendar does not necessarily imply that they are to be passed or to be considered with a view to final disposition. Even messages from the President are directed to be placed on the Calendar; but no one would suppose that because a message of the President is placed on the Calendar of the Committee of the Whole the committee should at once consider, for instance, the question of the tariff, presented in that message, without such preliminary steps as the rules contemplate.

Now, that was the decision made when Mr. Cox was in the chair as Speaker *pro tempore*.

Mr. REILLY. But as a matter of fact were not the bills placed on the Calendar without any action of the House?

Mr. KERR, of Iowa. I say this, that there is no evidence in anything I have heard that there has been any action of the House with reference to these bills.

Now, the gentleman from Kentucky [Mr. MCCREARY] the other day mentioned the fact that he had introduced one bill, and that that bill was in this list. I hold that the Committee on War Claims had no right to endanger the bill of the gentleman from Kentucky by putting it in an omnibus bill with two hundred and fifty other claims.

Mr. WASHINGTON. Will the gentleman allow me to ask him a question?

Mr. KERR, of Iowa. Certainly.

Mr. WASHINGTON. I introduced two other bills that are in there as pending, and as there are a great many others in this omnibus bill which were regularly introduced and referred to the Committee on War Claims and reported back, why do you object to their consideration?

Mr. KERR, of Iowa. Mr. Chairman—

Mr. WASHINGTON. Let me get to the point. Why not proceed with the consideration of this omnibus bill, and then, if your objection holds to these claims that have not been introduced formally, strike them out and let the other claims in the bill be considered.

Mr. KERR, of Iowa. Let me tell you that when we go into Committee of the Whole and move to strike these claims out gentlemen have their claims in there and are associated in this omnibus bill. They will all vote against striking out these items. Now, what is the remedy? We can not have a vote in the House on it.

Mr. OUTHWAITE. Your remedy is in a point of order. You make a point of order on any of those items, and it goes out.

Mr. KERR, of Iowa. Well, I have made a point of order on all of them. I made the point of order on all the claims involved in this bill, and it certainly ought to be sustained.

Mr. WASHINGTON. But you are making it against all these amounts claimed in this bill, in which bills were presented as well as those in which bills were not.

Mr. KERR, of Iowa. It ought to be sustained. The question is whether a committee of this House shall have jurisdiction to group a large number of bills, bad, good, and indifferent, place them in an omnibus bill, and have the good ones ride the bad ones through.

Now, I think the point of order is right. The gentleman from Wisconsin [Mr. THOMAS], chairman of the committee, proposed to leave this to the Committee on Rules. I wish to call the attention of the House to a clause of our present rule which authorizes the reference of these matters to the Committee on Rules. I call attention to clause 45 of Rule XI:

All proposed action touching the rules, joint rules, and order of business shall be referred to the Committee on Rules.

I hold that under this provision of Rule XI the motion of the gentleman from Wisconsin was in order, and that it ought to be sustained.

Now, Mr. Chairman, in regard to the Bowman act itself. I deny that the Bowman act authorizes these bills to be placed on the Calendar; and, if it did authorize it, the rules of this House make it void. No body of men anywhere have the right to dictate to this body under what rules it shall proceed. That argument was forcibly made, if I mistake not, by the gentleman from Arkansas [Mr. ROGERS] in the last session of Congress.

Mr. ROGERS. I agreed to that.

Mr. KERR, of Iowa. I say there is no difference between the old rules and the new rules as to the committee getting jurisdiction. The only difference is this: That in the rules of former sessions a bill had to be read in open House, whereas under the rules we have here they may be read and referred by the Speaker. But there is no change in the rules with reference to what is necessary to give jurisdiction. There must be a bill and a reference.

Mr. ROGERS. My friend certainly does not comprehend the rule I just read. It says that "all communications addressed to the House shall be referred as other bills;" and the Speaker refers it in that way.

Mr. KERR, of Iowa. Now, in regard to the Bowman act. It prescribes that when the facts shall be found the court shall not enter judgment thereon. The law expressly denies jurisdiction in the court to enter judgment thereon. Why? Because it was believed that this body should consider the question and determine upon the merits as to whether or not they ought to pass, and Congress denied to the court the authority to enter judgment. The law says:

Who shall report the same to the committee or to the House by which the case was transmitted for its consideration.

The law further provides that if a bill is not disposed of in that Congress the court shall report again to the next Congress all bills not disposed of in the former Congress.

Now, the gentleman from Mississippi [Mr. HOOKER] the other day spoke of the Tucker act. The Tucker act has no reference whatever to any of these claims. By an express provision of the Tucker act no claim can be considered unless it arose within six years before the time it was presented; so that it can have no application to matters that arose more than twenty-five years ago. Now, this report expressly excludes and the bill expressly excludes from the consideration of the House the merits of every case. The court are in duty bound to report to us the facts in the case, so that we will know upon the presentation to Congress of the report as to whether the bill ought to pass the House or not. Here we have presented to us in a single omnibus bill two hundred and fifty claims in a body, without a single reference as to many of these cases.

The CHAIRMAN. The Chair is prepared to rule upon the question of order raised by the gentleman from Arkansas.

Mr. ENLOE. Mr. Chairman—

The CHAIRMAN. The Chair will proceed with the ruling.

Mr. ENLOE. Mr. Chairman, I want to say this: I had the promise of the Chair that I should be recognized on this resolution before the matter was wound up.

The CHAIRMAN. The Chair desires to say that gentlemen on that side who were recognized by the Chair occupied so much time that it is now impossible to recognize the gentleman from Tennessee, the hour for recess having nearly arrived. It is not the fault of the Chair.

The point of order raised by the gentleman from Arkansas [Mr. ROGERS] is that the resolution offered by the gentleman from Wisconsin [Mr. THOMAS] can not be entertained until this bill has been considered by the Committee of the Whole, paragraph by paragraph, and amendments offered if desired. The Chair thinks he states the gentleman's position correctly.

Mr. ROGERS. I think that is a fair statement of it, but if the Chair will permit me, I would rather put it in this way: Until the committee has entered upon the consideration of the bill.

The CHAIRMAN. In other words, until the committee has entered into the merits of the question. The Chair holds that the resolution offered by the gentleman from Wisconsin [Mr. THOMAS] is a privileged motion, and as such takes precedence of everything except a motion to rise. The Chair is not prepared to hold that he will not consider, or allow this committee to consider, a privileged motion or resolution as soon as presented, and in support of his ruling the Chair will have read from the Digest what is there said under the head of "Questions of Privilege" upon this question generally. Of course it is for the committee to say whether they wish to adopt the resolution offered by the gentleman from Wisconsin, but it is not for the Chair to withhold, or in any way to impede or retard, a privileged motion. The Clerk will now read from the Digest.

The Clerk read as follows:

Whenever the Speaker is of the opinion that a question of privilege is involved in a proposition he must entertain it in preference to any other business, such opinion, of course, being subject to an appeal; and when a proposition is submitted which relates to the privileges of the House it is his duty to entertain it, at least to the extent of submitting the question to the House as to whether or not it presents a question of privilege.

The CHAIRMAN. This statement in the Digest is followed by a long list of references to decisions bearing upon the question in all its aspects. Now, a point of order is addressed to the Chair, and it is for the Chair to consider and pass upon it; but a question of privilege is a very different and a far higher question, and the Chair, considering that this resolution is such, felt it his duty to entertain it, notwithstanding the fact that in so doing it interfered with the question of order raised by the gentleman from Iowa [Mr. KERR]. For these reasons the Chair overrules the point of order made by the gentleman from Arkansas [Mr. ROGERS] upon the resolution offered by the gentleman from Wisconsin [Mr. THOMAS].

Mr. ROGERS. And from that I appeal.

Mr. SPRINGER. Pending that I move that the committee rise. It is but a minute before the regular time when the committee has to rise under the rules.

The motion was agreed to.

The committee according rose; and the Speaker having resumed the chair, Mr. ALLEN, of Michigan, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 7616) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act, and had come to no resolution thereon.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LESTER, of Virginia, for four days, on account of important business.

To Mr. DIBBLE, for ten days, on account of important business.

The hour of 5 o'clock p. m. having arrived, the House, under the rule, took a recess until 8 o'clock p. m.

#### EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m.

The House was called to order by Mr. MORROW, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,  
Washington, April 4.

Mr. MORROW is hereby appointed Speaker *pro tempore* for this evening's session.

T. B. REED, Speaker.

Mr. MORRILL. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar under the special order for Friday evening sessions.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. PETERS in the chair.

#### HARRISON WAGNER.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of business on the Private Calendar under the special order. The Clerk will report the first bill.

The Clerk read as follows:

A bill (S. 645) granting a pension to Harrison Wagner.

Mr. YODER. Mr. Chairman, I reported that case and last Friday evening I asked that it be laid aside. I now ask unanimous consent to withdraw it for the present.

There was no objection.

#### JAMES H. FLEMING.

The next business on the Private Calendar was the bill (H. R. 2044) granting a pension to James H. Fleming.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James H. Fleming, of Company E, One hundred and fifth Ohio Volunteer Infantry.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2044) granting a pension to James H. Fleming, submit the following report:

The soldier in this case enlisted August 11, 1862, and was discharged June 3, 1865. The basis of this claim is injury to knee in battle at Jonesborough, Ga., which finally resulted in amputation of the leg.

The claim was rejected by the Pension Office for the reason that the injury was not due to the service. It is in evidence that this man was sound and healthy when he entered the Army, and he was in the battle of Jonesborough, Ga., and he swears that while on a double-quick in that battle he fell on his knee and received the injury in question, but no one saw him just at that moment. It is in evidence by several comrades that just after the battle he complained of the injury to his knee, and after this several witnesses testify during several years after the war as to the injury of the soldier's knee, until it became so affected that amputation was necessary in order to save the soldier's life.

This claimant was in the Army over three years, and in the absence of any testimony that he ever received any injury but in the battle mentioned, it is not asking too much to believe the sworn statement of this soldier, and the committee resolve the doubt, if there is any, in favor of the soldier, and recommend that the bill do pass.

Mr. ENLOE. Mr. Chairman, upon this bill I submit the resolution which I send to the desk.

The resolution was read, as follows:

*Resolved,* That the Committee of the Whole House report House bill 2044 to the House with the recommendation that it be referred to the Committee on Rules, the committee to investigate the status of said bill in connection with the practice of the House, as early as practicable to make such recommendation in the premises as they may deem proper for the consideration of the House, including any change of rules deemed by them necessary for just action on the part of the House as to this and similar bills.

Mr. LANE. Mr. Chairman, I move to lay that motion on the table.

Mr. ENLOE. I would like to know if the Chair entertains that resolution.

The CHAIRMAN. The gentleman from Illinois [Mr. LANE] moves to lay the resolution on the table, but the Chair will state to the gentleman that a motion of that kind is not in order in Committee of the Whole.

Mr. ENLOE. Do I understand that the Chair rules that resolution out of order?

The CHAIRMAN. The Chair has not made any such ruling. The Chair has simply stated that the motion of the gentleman from Illinois is not in order.

Mr. ALLEN, of Michigan. Mr. Chairman, I raise the point of order that the resolution is not in order. It sets up no alleged or real facts as a reason why the bill should be referred. It is a bare, naked resolution to refer a bill now on the Calendar of the Committee of the Whole to a committee of this House. No reason is given for such action, and hence this is not a privileged motion and should not be entertained by the Chair at all at this time. In other words, the motion is out of order. It is not a privileged motion. If the gentleman from Tennessee [Mr. ENLOE] wanted to be as brilliant as this attempt would indicate, he should have gone further and made his motion a privileged one, which he has entirely failed to do. You can not by any possibility offer a simple resolution to refer a bill to any committee while we are in Committee of the Whole; you can only recommend that it be done. There must be some reason alleged and that reason sufficient to make it a privileged question, going to the rights and privileges of some member of this House, of the House itself, or of some committee of the House, to make it analogous to the one partially copied. I give this parliamentary exposition gratuitously for the benefit of the gentleman from Tennessee, who evidently wants to undertake to repeat here this evening the afternoon's proceedings, but he has not undertaken it in such a way as will stand the test.

Mr. ENLOE. Mr. Chairman, I am very much obliged to the gentleman from Michigan [Mr. ALLEN] for his reference to the supposed fact that I would like to display some of my brilliancy by offering this resolution, and I am also very much obliged to him for giving us some further evidence of his own brilliancy in addition to that which he gave while he was presiding in Committee of the Whole to-day. The resolution I have offered is the same in terms as the one which the gentleman, while he occupied the chair to-day in Committee of the Whole, decided to be in order. It makes no difference whether it is a privileged question or not. I got the floor to offer this resolution, and I did not need to make it a privileged question. There is as much privilege in it as there was in the resolution which the gentleman ruled to be in order to-day. He decided that a resolution in these identical terms, to take a bill out of the hands of the Committee of the Whole and send it to the Committee on Rules, was in order.

I am here to-night to commend to the gentleman's lips the chalice from which he made me drink to-day. And the question upon this resolution will be decided. Either the Chair will rule it not in order or he will rule it in order, and then I will proceed to take the same course that has been taken here with reference to the bill I had the honor to report to this House from the Committee on War Claims. I say there is as much ground, as much right, as much parliamentary law for taking this bill out of the hands of this committee and referring it to the Committee on Rules as there was for taking the bill that I had in charge to-day out of the hands of the Committee of the Whole and referring it to the Committee on Rules. What was good sauce for our goose to-day is good sauce for your gander to-night, and I propose you shall take it.

The gentleman says this is a plain bill and there is no reason for referring it. So was the other a plain bill, and there was no reason for referring that, except that the gentleman, as occupant of the chair, found himself involved in parliamentary difficulties out of which he could not extricate himself, so that he needed the advice of the Committee on Rules, or else because there is behind this movement a deeper purpose, because certain gentlemen who are undertaking to influence, shape, and control the action of this House in regard to the class of claims presented in the bill that I had in charge to-day want to take it out of his hands and have it referred to them. For what purpose? To settle any legitimate question; to settle the parliamentary status of the bill? That was the duty of the Chair. To make a new rule? The Committee on Rules had that opportunity for three weeks, but they would not report any rule in regard to these cases. Is it because these claims are not just? There has been no man here who could successfully impeach their justness. Insinuations and false charges have been made, but we have had no opportunity to present the facts, and we are not to be given that opportunity.

These claims, coming as they do from eleven of the Southern States, are just claims of loyal citizens against the Government—adjudged to be loyal by a loyal court, after the Government has had its day in court, has made its defense, and has had access to every department of the Government for the purpose of making that defense; and yet by this parliamentary legerdemain and trickery the bill is to be taken out of the status given it under the rules of the House and referred to that graveyard for just measures, the Committee on Rules.

Mr. WILLIAMS, of Ohio. I would like to make a parliamentary inquiry. I would be glad to know whether we meet to-night to discuss the question of pensions or the Southern claims bill.

Mr. ENLOE. I am very much obliged to the gentleman for the question. I will answer it. I will state to the gentleman that I am proceeding simply in accordance with the rules that have governed this



House for two Fridays, when every gentleman who has taken the floor has talked about everything else than the point of order. I have not attempted to discuss that question on these two Fridays, because I wanted a vote; I wanted action on the bill; I wanted a decision from the Chair. I have appealed to the Chair time and again to stop the discussion, to say that he was satisfied on the point and ready to render his decision.

If it is permissible on Friday to talk the day away on everything except the business before the House, I suppose it is strictly in order on Friday night to repeat the performance.

I will have something to say about the merits of that bill when it comes up. I am prepared to defend the action of my committee and my action in this House when I get an opportunity to do so. But I have not been willing, under pretense of discussing the point of order, to talk about the merits of the claims involved in that bill. I am obliged to the gentleman for calling my attention to the point now.

A MEMBER. Sit down.

Mr. ENLOE. Yes, I will sit down and let the Chair rule. I have said all that I want to say at present, but I am going to have a vote taken upon it.

Mr. ALLEN, of Michigan. Mr. Chairman—

The CHAIRMAN. The Chair is ready to rule.

Mr. ALLEN, of Michigan. But I would like to say a word in answer to what has been said by the gentleman from Tennessee [Mr. ENLOE]. That gentleman has failed to comprehend either the resolution he has now sent to the Chair or the question that was before the Committee of the Whole this afternoon. The resolution sent to the Chair by the gentleman is a naked request on the part of the mover that a certain bill be referred to the Committee on Rules. That motion is entirely out of order. But the gentleman seems to think that it is similar to the question raised this afternoon; and in his criticism of those who have spoken to-day, who, by the way, were two to one upon his own side of the House, and his criticism of the then occupant of the chair, he has undertaken to show that the two propositions are similar and that the present occupant of the chair must rule as the occupant of the chair did this afternoon.

The motion this afternoon, reciting that a bill which the gentleman himself reported contained matters never submitted to his committee (a grave charge against him and his committee), presented a question of the highest privilege, which any man of candor and brains must at once recognize as a question of privilege. And that is the difference between the resolution of to-day and the resolution to-night. The resolution of to-day charged the gentleman impliedly with introducing into this House a bill which he had no authority to introduce. That raised the question of privilege at once, and to shield the gentleman, to shield his committee, to give members who were thus charged an opportunity as a matter of privilege to refute this charge, the motion was entertained as a privileged motion, not in the interest of delay, not against the bill, but to see to it that the rules should not be violated, that when a privileged question comes up it shall be entertained.

But the motion before the House submitted by the gentleman from Tennessee has none of these elements. If the gentleman had intended to raise the question he should have gone further and put into his resolution, what if he had put into it he would have known to be false, that this bill got upon the Calendar to-night under false pretenses. He did not dare do it, and there is nothing for the Chair to do but to rule the motion out of order. It has no privilege.

Mr. ENLOE. Mr. Chairman, I want to say in reply to the remarks of the gentleman from Michigan that he has given convincing evidence, ever since he has been called upon to preside in Committee of the Whole, not only to this House, but to the whole country, that upon questions of parliamentary law he is *par excellence* the authority in the United States. He undertakes to say that there was a grave charge against the Committee on War Claims. I say in reply that there is no charge contained in the motion or any proposition that is pending before this House that in the least degree reflects upon the action of that committee. It is a parliamentary question simply, going to the jurisdiction of the committee over this bill.

But I am not astonished that the gentleman from Michigan is not able to draw a distinction between a parliamentary question and the right of the committee to embody the claims in the bill. It is a convincing evidence, if any further evidence was required, that the gentleman does not know a parliamentary question when he meets it in the road.

Mr. ALLEN, of Michigan. Do not scold; do not scold. That is an old lady's prerogative, and not that of a member of Congress.

Mr. ENLOE. I am not going to scold; not going to scold at all. I am simply following the example set by the gentleman himself. He has criticised my opinion. I am criticising his.

So far as raising any question of privilege is concerned, I want to say to the gentleman that it is impossible a question of privilege should be raised upon the jurisdiction of the Committee of the Whole to consider a bill because the committee reporting that bill had transcended its authority. That is all there was in the bill. There was nothing in the proposition to-day more than there is in the proposition to-night to give that resolution a parliamentary standing before the Committee

of the Whole. And I want this Chair to decide upon the same point that was presented to the occupant of the chair to-day, so that we may be able to see what is to be done in respect to questions that may arise when a bill is in the Committee of the Whole upon motions of this character, taking it out of the hands of the committee, referring it to some other committee than that from which it originated, or refer it back even to the committee in which it had originated before being considered by the committee or its consideration entered upon before the House.

Now, I will yield the floor and ask the Chair for a ruling upon the point of order raised.

The CHAIRMAN. The Chair does not think the motion of the gentleman is in order, and therefore sustains the point of order made against it.

Mr. ENLOE. From that decision, Mr. Chairman, I take an appeal.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The decision of the Chair was sustained.

The CHAIRMAN. If there be no objection, the bill will be laid aside to be reported to the House with the recommendation that it do pass.

There was no objection, and it was so ordered.

THOMAS J. CASSIDY.

The next business on the Private Calendar was the bill (H. R. 3043) granting a pension to Thomas J. Cassidy.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Cassidy, late of Company B, Thirtieth New York Heavy Artillery.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3043) granting a pension to Thomas J. Cassidy, submit the following report:

The soldier enlisted August 10, 1863, and was discharged August 24, 1865. The basis of the claim is gunshot wound while returning from furlough and on board a boat between Baltimore and Fortress Monroe, about January, 1864, which gunshot wound was accidental.

The claim was rejected first on the ground that the incurrence of the alleged wound was not while in line of duty, which ground of rejection was afterwards changed to the claimant's inability to furnish the proof necessary to establish his case.

Two of his comrades testify in the record that the soldier was wounded accidentally, through no fault of his own, on a boat between Fortress Monroe and Baltimore, in January, 1864, by a gun falling from a stack of guns and being discharged by such fall, and the ball of said gun striking him in the right breast and coming out in his arm just below his right shoulder. These witnesses were there present and saw this matter themselves, and these facts are not disputed. The examining surgeons in their report state that this soldier's disability is three-fourths total, incapacitating him from performing manual labor.

We see no good reason why the name of this soldier should not be placed on the pension-roll, and therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA RICHARDSON.

The next business on the Private Calendar was the bill (H. R. 3531) granting a pension to Eliza Richardson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Eliza Richardson, mother, by adoption, of Thomas Marmaduke Hogg, who enlisted under the name of Thomas Marmaduke in Company D of the Tenth Regiment of Missouri Volunteer Infantry, and who died on the 18th day of February, A. D. 1863, and that said Secretary cause to be paid to said Eliza Richardson a pension of \$12 per month.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3531) granting a pension to Eliza Richardson, submit the following report:

The claimant in this case is eighty-one years old. She was the mother, by adoption, of Thomas Marmaduke Hogg, who enlisted in Company D of the Tenth Missouri Infantry under the name of Thomas Marmaduke.

Gilbert D. Gray, who was first lieutenant in said company, states that the soldier enlisted in July or August, 1861. That shortly after enlistment, while on march, by an accident, he was ruptured very badly. That in February or March, 1862, he was taken sick and sent to the hospital at St. Charles, Mo., and thence to hospital at Keokuk, Iowa, from which he was discharged.

The claimant states that the soldier contracted catarrhal fever and pleurisy in the service as the result of an attack of measles; that he died February 18, 1863, and left no widow or child.

That her husband is seventy-eight years old and unable to work; that she has had no child other than this one by adoption.

S. V. Elliott states that the soldier's health was much broken when he came out of the service, and that he was never married.

D. R. Thomber states that he was intimately acquainted with the soldier before and after his service, and that his health was much impaired by the service, and that he was never married; that from infancy he was intimately acquainted with the soldier up to the time of his service and after; while he was in hospital at Keokuk and after his discharge; that he visited him at the hospital and he was then suffering from wounds. After his discharge he frequently complained of catarrh and pleurisy, and at times was totally disabled; that he was the chief support of his parents by adoption; that both parents are unfit for labor, and the mother is an invalid and a cripple; that their means of support is a small farm of 25 acres; that he firmly believes the soldier died from diseases contracted in the service.

Thomas Powell states he is a physician; is a near neighbor of claimant, and has known the family for twenty-five years, and for twenty years has been their family physician. The family consisted of Mr. and Mrs. Richardson and their adopted son, the soldier; they never had any other children. That since his service the soldier was troubled with catarrh and pleurisy, and on February 18, 1863, he died from those diseases; that the father is feeble and often confined to his room. The claimant is lame and feeble.

Other witnesses make similar statements to the above recited. While he was in the service he sent money home to his adopted parents.

Your committee believe the case is meritorious and recommend the passage of the bill, but amend said bill by inserting after the words "pension-roll" the following words: "subject to the provisions and limitations of the pension laws," and strike out the last two lines of said bill.

The amendments recommended by the committee were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN C. BADDELEY.

The next business on the Private Calendar was the bill (H. R. 6292) for the relief of John C. Baddeley.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John C. Baddeley, dependent father of James Baddeley, who was killed in the battle of Jonesville, Va., while fighting as a private soldier in the Sixteenth Illinois Cavalry.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6292) granting a pension to John C. Baddeley, submit the following report:

The committee find that James C. Baddeley, a son of this claimant, entered the Army in 1863, then but seventeen years of age, and that he was too young to be mustered into the service and was not mustered in, but notwithstanding this fact he joined Company I, Sixteenth Illinois Cavalry.

That evidence shows that in all battles in which said regiment was engaged said James C. Baddeley took a part and was with the regiment at the battle of Powell's Valley, November, 1863; also in the battle of Jamesville, Va., January 3, 1864, in which battle he was killed while doing a soldier's duty in the ranks. The father is now seventy-two years of age and has been totally paralyzed since 1860, and that the soldier's mother is sixty-eight years of age, and that they have no means of a livelihood, and that if said son was now living they would both be depending on said son for their support. The mother's name is Ellen Baddeley.

These facts are incontestably proven in this case, so the committee recommend that said bill be amended by striking out the name of John C. Baddeley from said bill and insert in lieu thereof the name of Ellen Baddeley; and also strike out the word "father" in the sixth line of said bill and insert in lieu thereof the word "mother," and that the title of the bill be amended accordingly, and that the bill as so amended do pass.

Mr. KILGORE. I would like to have some member of the committee in this case explain why the mother is made the beneficiary instead of the father.

Mr. LANE. That is the law now.

Mr. MORRILL. The father can not be the beneficiary while the mother is living.

Mr. KILGORE. Is that the rule?

Mr. MORRILL. That is the law.

The amendments recommended by the committee were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DOUGLASS SMITH.

The next business on the Private Calendar was the bill (H. R. 5915) granting a pension to Douglass Smith.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Douglass Smith, of Cedar Falls, Iowa, and pay him a pension at the rate of \$12 per month.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5915) granting a pension to Douglass Smith, submit the following report:

The beneficiary was employed as an officer's servant by Bvt. Maj. Gen. William W. Averell, United States Army, from November, 1861, to December, 1863, under the then existing laws and regulations of the Army. That on the 19th of December, 1863, near Covington, Va., while accompanying said General Averell on the "Salem raid," and while, by command of General Averell, he was taking care of Capt. L. Markbrut in an ambulance, the said Smith and said captain were both taken prisoners, and said Smith was taken to Andersonville prison, Ga., where he remained about sixteen months, the said Smith being one of the eleven survivors of the ninety soldiers captured at the same time from the command of General Averell.

General Averell says of him:

"He was a very active and intelligent man, who, besides performing the duties of an officer's servant in an acceptable manner, carried arms, and was frequently employed by me to carry orders when it was important they should be delivered clearly and intelligently. He was fearless and cool-headed in action, and, being a competent and skillful nurse, frequently gave attention to wounded officers and men.

"The hardships, privations, and horrors of the prison left him an emaciated, demented, human wreck, who came back to me in 1865 covered with sores."

He was not an enlisted man, but an officer's servant, whose status is recognized by the Rules and Articles of War and the Regulations of the Army. His employment was authorized and his conduct regulated by law. He performed his duties as an officer's servant, and often those of a soldier, faithfully and well, and it was as orderly that he was captured and held a prisoner. He is found so reported namely, "General Averell's orderly," by the enemy. His physical condition has not materially improved.

Your committee, believing this to be a very meritorious bill, would recommend its passage.

Mr. TARSNEY. Mr. Chairman, I would like to inquire of some member of the committee in what years this soldier was sixteen months in Andersonville prison. This prison was established in February, 1864, and General Sherman was in that part of the country in the fall of the year.

Mr. MORRILL. That is probably a clerical error in the report.

Mr. TARSNEY. For he could not have been there sixteen months.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EVELINE M. ALEXANDER.

The next business on the Private Calendar was the bill (H. R. 4411) granting a pension to Eveline M. Alexander.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eveline M. Alexander, and rate her pension at \$30 per month, which shall be in lieu of the pension she now receives.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4411) granting a pension to Eveline M. Alexander, submit the following report: That a bill similar in all respects to the present one was introduced into the last Congress and referred to this committee, and by them favorably reported upon. The bill failed to pass the last Congress.

The committee, believing this to be a meritorious case, would adopt the report of the last Congress, hereto annexed, and recommend that the bill do pass.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4578) granting a pension to Eveline M. Alexander, widow of Bvt. Brig. Gen. Andrew J. Alexander, submit the following report:

It appears from the report of the Adjutant General, on file in the Pension Office, that General Alexander entered the regular Army of the United States July 25, 1861, as second lieutenant, and remained until May 4, 1867, when he died, holding the rank of lieutenant-colonel. He served as adjutant-general of the Third Army Corps of Army of the Potomac and of the Seventeenth Corps of the Department of the Tennessee. Served as chief of staff to General Stoneman, commanding Department of the Tennessee, and also as inspector-general in 1865. Subsequently served with his regiment and in other capacities in Arkansas, New Mexico, Arizona, Colorado, Texas, and Montana. That in 1864 he was retired from active service in consequence of disabilities incurred in the line of duty as an officer of the Army.

It appears that in 1865 he commanded the Second Brigade, Fourth Division Cavalry Corps, Military Division of the Mississippi.

Mrs. Alexander is now receiving a pension of \$30 per month as the widow of a lieutenant-colonel.

The evidence shows that she is a lady in ordinary circumstances, with a young son, about twelve years of age, and at that age when the expenses of education are rapidly increasing.

The letter from General Wilson, one of the most distinguished cavalry officers of the Army, addressed to one of the committee, is annexed hereto and made a part of this report.

The committee believe that this lady, the widow of so distinguished an officer, who bravely commanded a brigade while in active service, who was in fact a brevet brigadier-general, there being no vacancy in the full rank, is under the circumstances fairly entitled to the relief this bill seeks to give, and therefore recommend that the bill pass.

WASHINGTON, March 14, 1888.

Sir: I beg to call your attention to the claim of Eveline M. Alexander, widow of the late General Andrew S. Alexander, for an increase of pension.

It was my good fortune to know General Alexander during the rebellion—appointed into the Army from Missouri, and by conspicuous merit rose to the command of a brigade of cavalry in the corps which I had the honor of organizing and commanding. Prior to that he was a lieutenant-colonel and assistant adjutant-general of the Seventeenth Army Corps, on the staff of his brother-in-law, Maj. Gen. Frank Blair.

After serving with me as chief of staff through the Nashville campaign, during which he rendered most valuable service, I secured for him the rank of brevet brigadier-general (it being understood that he could not be appointed to the full rank because there were no vacancies in that grade) and assigned him to the command of a brigade of cavalry in Upton's (Fourth) division, which command he held during the final campaign through Alabama and Georgia, with which the war was ended. He greatly distinguished himself in the battles at Montevallo, Ebenezer Church, the assault and capture of Selma, the passage of the Alabama, the assault and capture of Columbus, Ga., and finally in the operations which resulted in the capture of Jefferson Davis.

In all these battles and operations he was conspicuous for the energy, courage, activity, and ability with which he commanded and led his brigade. He was constantly under my observation, and I most cheerfully bear witness to his high qualities and character, as well as to the untiring industry and persistency with which he performed every duty.

I was personally a witness to an incident which I do not doubt was proximately the cause of his death. During the passage of the Alabama by the corps on a ponton bridge, built for the occasion, Alexander, with a small boat and crew, was trying to protect the bridge from the drift-wood with which the river was filled by the rapidly rising flood. An enormous tree caught his frail craft between it and the bridge, overturned the craft, threw the general into the water, and as he arose to the surface and seized the bow one of the pontoons caught and crowded him almost to death. He was rescued with great difficulty; two of his ribs were broken, his back was severely injured, and his lungs badly bruised.

Twenty-two years afterwards, while suffering from disease directly the result of his long and faithful services, he died from the bursting of an abscess on his lungs, which I doubt not had its origin from the injury just described. He was at the time in the line of his duty as a brigadier-general, and it was not his fault that he did not hold the full rank. He was regularly assigned to command before that date as a brevet brigadier-general, and for all purposes of the military service and for the law he was just as much a brigadier-general as a dozen appointments to that grade could have made him. He commanded and was obeyed as such, he was injured as such, and now that he is dead, leaving his wife and young son dependent upon the justice and liberality of his country, I submit that they should receive a pension according to his services and command as a brigadier-general, and not according to the literal rank he had when he died.

I am well acquainted with Mrs. Alexander and her father's family, one of the most distinguished in New York, and as such she has no support and no means of educating her young son except what she derives from the small pension now allowed her and from the meager savings from her husband's army pay, which he invested several years before he became disabled.

She needs, and ought to have, the largest pension ever paid under such circumstances, and no one who will take time to read the little volume I prepared and which his wife published, giving an account of his life and services, can doubt the justice of this conclusion.

He was a brave, virtuous, heroic soldier, and of the highest character in all the relation of life, and as the actual commission of brigadier-general of volunteers could have imposed no additional service, danger, or command upon him, I trust his widow's petition may be promptly granted. He who gives quickly gives twice. In this case I hope there will be no delay.

If deemed necessary, I will cheerfully make affidavit to the truth of the foregoing statement.



Perhaps I should add that General Alexander was also the brother-in-law of Major-General Upton, of New York, and that young Upton Alexander is now the sole representative of those two most gallant and patriotic soldiers, and is dependent upon this increased pension for the education a boy of such lineage should receive.

Very respectfully, your obedient servant,

JAMES H. WILSON,  
*Lt. Maj. Gen. Vol., Comdg. Cav. Corps M. D. M.,  
 and Brevet Maj. Gen., U. S. A.*

HON. JOHN G. SAWYER,  
*House of Representatives.*

Mr. KILGORE. Mr. Chairman, I do not understand exactly what is the amount carried by this bill.

The CHAIRMAN. It is \$50.

Mr. KILGORE. The habit has been when a bill of this size has been brought before the committee to require that it be reported to the full House for consideration when a quorum is present. I think it is well enough to adhere to that practice.

Mr. PAYNE. I want to suggest to the gentleman from Texas that this would be a good time to make an exception to that rule and to let it go. There will be enough bills that will go back to the House in all probability, and I think he had better let this case go through.

Mr. KILGORE. I am very much obliged to the gentleman from New York for the suggestion just made, but still I am not inclined to take it.

Mr. PAYNE. I am very much surprised that the gentleman is not inclined to take a good suggestion.

Mr. KILGORE. There are a great many good things that I do not take. [Laughter.]

Mr. PAYNE. Not when they are so easily within reach. [Laughter.]

Mr. KILGORE. Now, I say this, that something may turn up that will bring on an investigation, and it may turn out to be not as meritorious a case in the mind of the House as it is in the mind of the gentleman from New York. We had an exhibition of that to-day in a case brought over from the previous Friday night, where it was proposed to increase a pension from \$25 to \$50. When the question was submitted to the full House by a large majority it refused to agree to the report of the Committee of the Whole. That change occurred by an investigation in the time which intervened between Friday night's session and the action of the House to-day.

Now, I am willing to accommodate the gentleman. Of course I could prevent him taking any course with it, but I am not inclined to. So long as I am in good humor I am not going to do so. [Laughter.]

Mr. PAYNE. Oh, let it go through.

Mr. KILGORE. I make the motion that the Committee of the Whole report this bill back to the House with the recommendation that it be considered in the House on Friday next with the previous question ordered, the right of amendment and of discussion of fifteen minutes on either side reserved.

Mr. ROGERS. Mr. Chairman, I desire to make a suggestion before the motion is put. To-day is Friday—Good Friday. We took up about half of Good Friday's regular session in passing bills that came over from last Friday night relating to pensions, and all the balance of this Friday and all the balance of last Friday was taken up in discussing points of order with reference to a bill providing for paying loyal claimants in claims that are pending and coming from the southern portion of the country.

Now, I suggest, therefore, that this claim shall not go over till next Friday, or any other Friday, until we have some disposition made of the bill that we had up to-day, unless you get a quorum. And, of course, when you get a quorum you can do as you choose. When this session opened we proceeded under general parliamentary law, and things worked in a way to suit the Speaker. Then we got a code of rules, a Draconian code of rules; and even when we come to-day under them to a measure that is on the Calendar, then we are switched off to one side and side-tracked. We have been told that for the last six years we have not had rules that could dispose of the business of the House, and the rules have been changed. We are told that under these new rules business can be done, and when we come to the consideration of these bills the whole of this day is consumed without reaching the bill. So I state that these bills shall not go over until Friday unless you have a quorum to do so, and when you get a quorum you can take them up and dispose of them, and there will be no necessity for them to go over; but you can take any other day, Sunday or any other day, and dispose of them, if you like, except Friday.

Mr. WILLIAMS, of Ohio. I would like to ask the gentleman to explain to this House why, in the Fiftieth Congress, which had a large Democratic majority, under the rules they loved so well, they did not take up and pass a similar bill?

Mr. ROGERS. In answer to that I say we did do it. We passed the bill and it went to the Senate, and there it perished. These are claims for the people in the southern portion of the country, and we are not asking you to vote for them, but we are asking you that they shall be considered. You gentlemen are always pretending friendship for loyal men, not only in the South, but all over the country, and declaring everybody else disloyal, and with these men interested in these claims to be loyal was worth something; but when any measure comes up here for their relief and provision is made so that they are to get a

just allowance of their claims out of the great taxation that has been imposed upon them in common with all others, you propose to switch them off and side-track them and not meet the issue at all. Now, I want to fight it out. I do not care which way it goes, but I want the issue to be met.

Mr. WILLIAMS, of Ohio. I have voted for every claim that was ever brought to the attention of this House from the committee wherein the loyalty of the claimant was established, and I expect to do so.

Mr. ROGERS. Mr. Chairman, I do not care how the gentleman voted, whether he voted for them or voted against them. What I insist upon is that you consider the bill, and say whether you want to pay these people or whether you will not pay them. So far as I am personally concerned, I believe that with one exception there is not one of those parties mentioned in that bill known to me. The one that I do know is a man who had lived in Tennessee and has moved to my district, with whose claim I became acquainted from correspondence that has taken place. I find his matter in this list, so I insist that this arrangement shall not be made. I insist on it in the interest of fair play. I have already learned that those who want to get anything here have to fight for it, and I have the war-paint on and mean to fight from this time forward until justice and right shall be done in the disposition of public business.

Mr. KERR, of Iowa. Will the gentleman yield for a question?

Mr. ROGERS. I will.

Mr. KERR, of Iowa. Would the gentleman be willing to hang about two hundred and fifty pension claims together in one bill and pass them all, all in one, without giving any opportunity for investigation?

Mr. ROGERS. I propose to "hang" a thousand of them until you gentlemen suffer the consideration of this bill to pay the claims of loyal men at the South. That is all there is about it. Now if you are willing to deal fairly, rightly, and properly and to consider these issues I am willing to do it. I have never come here to obstruct the passage of pension bills, and I do not want to do it to-night, but I am not willing to let you take up next Friday and every other Friday with other business, so as to prevent the consideration of this one bill which you evidently propose to side-track so as not to have to meet the issue that is involved.

Mr. CUTCHEON. Will the gentleman yield for a question?

Mr. ROGERS. I will yield to the gentleman from Michigan.

Mr. WILLIAMS, of Ohio. I want to say to the gentleman that it is too late, we have passed along in civilization too far, to allow threats from the South or from any other portion of this great country to sway the action of the House of Representatives.

Mr. ROGERS. I have made no threats, Mr. Chairman.

Mr. WILLIAMS, of Ohio. I do not understand the English language if the gentleman was not threatening the House in language that I thought was entirely uncalled for.

Mr. ROGERS. Mr. Chairman, nobody disputes the gentleman's not understanding the English language. [Laughter.] I agree to that. I do not say that we are going to threaten you with anything. What I do say is that you must do this business according to the rules of the House; your own rules, not ours; the rules that you said you adopted for the purpose of "doing business." All I ask is that you will consider these claims. Vote them down or vote them up, as you choose; it does not make any difference to me.

Mr. WILLIAMS, of Ohio. I understand that that is what we are doing.

Mr. ROGERS. I understand that you are side-tracking them off. You have spent forty-eight hours here in the discussion of points of order.

Mr. WILLIAMS, of Ohio. The only difference that I observe is that the occupant of the chair to-day ruled against the gentleman's points of order.

Mr. ROGERS. The gentleman says that he understands that the only difference is the difference between the Chair and myself. There is no difference between the Chair and myself at all. It is perfectly manifest, Mr. Chairman, what this thing means, and we had just as well understand it to-night as at any other time. The French spoliation claims stand upon the very same basis in a parliamentary sense as the bill about which I have been speaking. If the point of order had been sustained, away would go the French spoliation bill and away would go this bill; but there is a certain party in the House who want the French spoliation claims to pass and who do not want these claims to pass, and therefore they can not afford to have this question ruled upon. And this remark applies not only to the French spoliation bill, but to a good many others back of that.

Now, as far as I am concerned, I always thought the French spoliation claims should go to the Supreme Court, because they involved a great constitutional and international question, the first of the kind ever presented to the judiciary of this country. If the Supreme Court decide that those claims should be paid, I am for paying them, as I am for paying every other claim that is passed upon favorably by that or any other competent tribunal. But it has been decided otherwise, and therefore I am disinclined to see those claims paid until they do go to the Supreme Court. Upon the question of these loyal claims I am disposed to consider that the findings of the Court of Claims as to the question

of fact ought to be final, and that we ought to apply the rules of law to them so as to do justice to these claimants.

But it can be seen at a glance that, if gentlemen can side-track this bill and get rid of it in that way, they can bring up the French spoliation bill, have a similar point of order overruled, as it should be in this case, and have that bill passed. I do not intend that that shall be done. If you gentlemen want to do business, let us do business. The Speaker of this House has lectured us oftener in the last six years than any school-teacher ever lectured his pupils about "doing business," about "obstruction," about "filibustering," and about the necessity of rules under which we can do business. Now you have got your rules. We are not obstructing you.

We want you to go forward and keep your pledges to the people of this country, not treat them as you did your promises about the Blair bill, by defeating it. Pass your French spoliation bill; pass these loyal claims; pass your direct-tax bill; pass your pension bills; pass them all according to your promises made to the people, and do not undertake to side-track them or switch them off as you have attempted to do with this bill. If you do, I insist that the country shall understand your true position; and, as to this case, I insist that you shall not dodge it, but back out of it, refuse to do it, break your pledges or face the issue, one or the other. Now I yield to my friend from Michigan.

Mr. CUTCHEON. I was going to put a question to my friend from Arkansas, for whom I have a very high regard.

Mr. ROGERS. It is reciprocated entirely.

Mr. CUTCHEON. I think my friend is himself "side-tracking" these matters a little—

Mr. ROGERS. That is what I came here for. [Laughter.]

Mr. CUTCHEON. There are on this Calendar, I suppose, something like two hundred and fifty private pension bills; I have not counted them. I suppose there is not a shadow of doubt about the loyalty of every one of these pension claimants. These cases have been before a court of claims consisting of fifteen members of this House, all good and true men. They have reported in favor of every one of these bills.

Now, I want to ask my friend this question: Suppose the chairman of the Committee on Invalid Pensions should "pool" these two hundred and fifty bills all together into a single bill; suppose he should bring here in one indivisible bill two hundred and fifty claims, the loyalty of every claimant established, every case favorably reported separately and individually, but the claims "pooled" in a single bill so that we could not separate them. Would the gentleman feel like voting on that bill in a lump?

Mr. ROGERS. I might not want to vote for any part of the bill; but I should not be here voting against the consideration of the measure. And I think there is just the same right to bunch claims from the Pension Committees as there is for bunching these loyal claims. But I am not opposing any of these claims—

Mr. CUTCHEON. I am perfectly willing, of course, that your bill shall be considered.

Mr. ROGERS. I am not opposing any bill on this Calendar. I do not know that there is a single pension claim on the Calendar that is not just and meritorious. I am bound to presume, in the absence of any knowledge on the subject, that they are just and proper claims, for they have received the sanction of a committee of this House who, it is to be presumed, have investigated them. The proposition with which I started out was that you shall not take up Friday (which is now the only day of the week, under our rules, devoted to private business) with the passage of bills coming over from night sessions. If you want to take up these bills next Saturday, next Sunday, or next Monday, you can come here and do so.

Mr. CUTCHEON. The point of my observation is that it is not fair to obstruct the consideration of these private pension bills, each one of which comes here separately on its merits—

Mr. ROGERS. I am not obstructing any of them. The motion of the gentleman from Texas is that this bill shall go over until next Friday. To that I interpose my objection, and say that it shall not be carried over until next Friday unless you have a quorum here; and, furthermore, that you shall never do it until you have come to a disposition of that bill now on the Private Calendar upon which already the last two Friday sessions have been consumed.

A MEMBER. The discussion was on the point of order.

Mr. ROGERS. That does not make any difference. The Chair could have cut off the debate at any moment and could have ruled on the question. Instead of having a ruling, we have had a lot of parliamentary legerdemain for the purpose of getting rid of the question without a ruling.

Mr. PAYNE. I want to make a suggestion. The matter pending here now is simply a little pension claim. I do not want to have it involved with the fight upon the bill embracing the claims from the Court of Claims. I suggest that this bill go over until to-morrow morning, instead of next Friday, and that the previous question be considered as ordered.

Mr. ROGERS. I have no objection to that. I do not care what disposition be made of this bill so that it be not placed in such a position as to consume a part of the day session of Friday.

Mr. PAYNE. I suggest also that there be a provision in the order that fifteen minutes' debate be allowed on each side.

The CHAIRMAN. The proposition, then, of the gentleman from New York [Mr. PAYNE] is that this bill be laid aside to be reported to the House with a recommendation that the previous question be ordered, and that it be considered by the House to-morrow morning immediately after the reading of the Journal, with the privilege of amendment and with fifteen minutes' debate on each side.

Mr. KILGORE. I am very peaceably inclined myself, but I have a considerable hankering for the man who kicks up a row in the House. I am generally ready to co-operate with any member of the House who undertakes to make legislation difficult. It is much too easy now, and this is a great and growing evil.

To-day I was with the Republican side of the House in opposition to the omnibus claims bill. To-night I am with a Democrat or two who appear to have a grievance and who are inclined to discuss pending legislation and ventilate the opposition. To-day I agreed with my friend from Iowa [Mr. KERR] in his opposition to the consideration of the omnibus bill embracing all these Southern war claims, some two hundred and fifty in number, involving over \$500,000. There may be in that long bill claims for which I would be willing to vote. I have seen very few of these Southern war claims that I would be willing to support. There are some, however, and there may be a number of such in that bill.

But I think it is the judgment of this House that the Committee on War Claims should treat cases of that character just as the Committee on Invalid Pensions treat private pension bills. They should be presented like other similar questions; that each claim should stand upon its merits; and in that view and to that purpose each claim should be reported in a separate bill; that a bill should be first introduced providing for each claim separately; that it should be referred to a committee, that the committee should report upon it separately, giving all the facts and circumstances upon which the House must act in passing upon the matter. That has not been done in relation to the claims embraced in this omnibus bill. This is a fundamental objection to the bill—one which I am unwilling to yield, however zealous and earnest may be the friends of the measure in urging it.

The committee present simply a short report, saying in substance that the Court of Claims has passed upon these claims; that the court has found that the property claimed by the beneficiaries in this bill was taken by or furnished for the use of the Army during the war, that the claimants were loyal to the Federal Government, and they have ascertained and fixed the amount involved in each claim. Upon that brief report, and that is all it contains, the friends of the measure in the House demand that Congress shall pass upon this great mass of claims without the right, without the liberty or the opportunity to investigate the facts of each case for themselves and determine the question of the liability of the Government.

Why, Mr. Chairman, they insist, or it was insisted by the friends of the measure to-day, that the House had no discretion and was bound to make the appropriation. If that be the correct view of the case, then let me ask why should Congress be called on at all to act in the matter? Why not authorize the Treasury officials to pay the judgment of the Court of Claims without special appropriations on the part of Congress? If the House has to act on it at all it must exercise its own judgment and discretion on a full examination of the question presented; and if it must do that—and no one questions the duty of the House in that respect—it must have the facts before it, for it can not exercise that right, it can not pass upon the claims intelligently without being in possession of all the facts. Yet the committee choose to withhold the facts, and this committee, instead of reporting each claim separately for the House to act on separately, report all in one bill, with a brief report, not referring to specific items of the bill, but in general terms to the whole batch, good, bad, and infamous.

Mr. LANE. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. LANE. The rules of the House require the gentleman to address himself to the subject before the House for consideration. Now, I have listened to a great deal that has been said to-night, and I have seen a great deal of time wasted on matters entirely outside of the purpose for which we meet. The gentleman from Texas is not addressing the committee on the question before it.

The CHAIRMAN. The Chair hopes the gentleman from Texas will confine himself to the question.

Mr. KILGORE. Well, sir, if the gentleman wants to cut me off, of course he can do so, but it would be much better to let me have my own way awhile anyhow. [Laughter.]

Mr. LANE. I do not want to cut the gentleman off, but this is pension night and our time is limited.

Mr. KILGORE. Well, I will leave it to him to say, after listening to the discussion to-day, whether or not I am quite as much out of order as other gentlemen who have addressed the House during the last twenty-four hours. It is his right, of course, and I have my remedy. [Laughter.]

Mr. LANE. You can exercise it, then.



Mr. BAKER. Will not my friend from Texas consent to cut himself off and let us go on with the pension business?

Mr. KILGORE. Yes; I will yield in a moment. I have about finished what I wanted to say.

Mr. ENLOE. I suppose the gentleman from Texas will not object to a question from me that is pertinent to the subject he is discussing?

Mr. KILGORE. I reckon not. But I will have to be brief in answering it.

Mr. ENLOE. I wish to ask the gentleman what was the object of Congress in referring these claims to the Court of Claims, if it was not for the purpose of having a judicial determination of the law and the facts, to be reported back to Congress so that the appropriation could be made?

Mr. YODER. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. YODER. If the gentleman from Texas and the gentleman from Tennessee can not confine themselves to the business before the House, would they not be willing to retire to settle their little matters? [Laughter.]

The CHAIRMAN. The Chair thinks the gentleman does not present a question of order.

Mr. KILGORE. Now, in answer to the question of the gentleman from Tennessee I will say, and this will conclude my remarks on this question, and I think it is due me that I should put myself right on record on this point—

Mr. BAKER. You are all right now.

Mr. KILGORE. Because the gentleman from Arkansas has defied the Republican side of the House on this question to-night. He has discussed it, and as I have been acting with that side to-day I am included in the defiance. [Laughter.]

Mr. FLOWER. May I ask you a question?

Mr. KILGORE. Let me answer the question of the gentleman from Tennessee first.

Now, the gentleman from Tennessee propounds this question: "What was the purpose of referring these claims to the Court of Claims if not to have the court determine the law and facts of each case?" I say that was not the purpose of the reference; because the law under which these claims were referred forbids the Court of Claims from rendering a judgment upon the law and facts.

They simply find the facts, the three facts. They find first on the question of the loyalty of the claimant; that is the fact which gives the court jurisdiction. If the finding is against the loyalty of the claimant, that is the end of the case. If the loyalty of the claimant is established to the satisfaction of the court, then it proceeds to determine, secondly, whether the property was taken or furnished to the Government for the use of the Army or not, and, thirdly, the amount of property involved. These are the facts to be determined by the court. The question of the liability of the Government is a question of law and is wholly within the discretion of the House; the court is forbidden to find upon that question. It is a matter on which the House must exercise its own discretion. It is not concluded on the facts by the finding of that court. It may disregard the case made by the finding of the court. It may act on other facts showing the finding untrue or the non-liability of the Government.

Mr. FLOWER. Now, let me ask the gentleman from Texas a question.

Mr. KILGORE. Well, sir.

Mr. FLOWER. The other side of the House, as I understand it, make a point on the Southern war claims that the Court of Claims have no jurisdiction and that their judgment is not worth a rush—

Mr. KILGORE. That is not the proposition.

Mr. FLOWER. Just wait a moment. Now, the Silcott defalcation has been decided in the Court of Claims to the effect that the Sergeant-at-Arms is a disbursing officer of the Government. Do you think that wise decision will be questioned by the other side of the House? [Laughter.]

Mr. KILGORE. Well, now, I do not want to bring any more new matter in this discussion. The complaint now is that there is a large overproduction of irrelevant questions on hand and figuring in this contention to-night. We have enough to deal with at present. [Renewed laughter.]

Mr. PAYNE. I appeal to my friend from Texas to ask unanimous consent of the committee that the Southern claims business be postponed until next Friday morning and the Silcott matter until the motion to reconsider is called up, and that we may go on with the pension business. I hope my friend will adopt the suggestion. I do not want, of course, to interrupt his remarks, but if he has concluded I hope he will allow this course to be pursued.

Mr. KILGORE. I have said about all I desire to say just now. The principal object I had in view was to put myself on record as opposing that omnibus bill and to give the reasons why I oppose it in the shape in which it is presented, and it is certainly pertinent to the discussion to-night. I have been with the other side of this House on that bill, but I am not alone on this side of the Chamber in opposition to it; have displayed a little activity in the contest.

Mr. ROGERS. I do not blame you for apologizing.

Mr. KILGORE. I have no apology to make. I have my convictions on the question, and they are as firmly fixed as are those of my friend from Arkansas. I am generally inclined to stand by them and to urge them, too, on all proper occasions.

Mr. FLOWER. But you do not want to discuss the Silcott matter.

Mr. KILGORE. I do not want to give an opinion on the Silcott case. It is still pending in court. I renew my proposition that this bill shall go over until to-morrow or to such time as will be agreeable to the gentleman from Arkansas, Mr. ROGERS.

Mr. ROGERS. Any time, except Friday.

Mr. KILGORE. Then I move that the Committee of the Whole shall report this bill to the House with the recommendation that it be considered to-morrow morning after the reading of the Journal, with the privilege of discussion fifteen minutes on either side, with the right of amendment reserved, the previous question being considered as ordered. With that proposition I will be content.

Mr. BRECKINRIDGE, of Kentucky. That is to be done by the House after the committee shall rise.

The CHAIRMAN. That is the understanding.

The motion was agreed to.

HARRIET E. BROWN.

The next business on the Private Calendar was the bill (H. R. 3596) for the relief of Harriet E. Brown.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, directed to place the name of Harriet E. Brown, widow of Eleazer H. Brown, late of Battery G, First Regiment Rhode Island Light Artillery Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3596) for the relief of Harriet E. Brown, submit the following report:

The claimant is the widow of Eleazer H. Brown, who enlisted in Company G, First Rhode Island Light Artillery, November 4, 1861, and died March 22, 1862. Her claim has been rejected by the Pension Office on the ground that the soldier's fatal disease was incurred after his discharge from the military service. Soldier was discharged upon surgeon's certificate of disability February 15, 1862. There being no certificate of disability on file in the War Department, the cause for such discharge is only known from his final statement, which gives the same as general debility.

From the records of Patent Office General Hospital it appears that the soldier died in said hospital March 22, 1862, of erysipelas; "that he was waiting to be paid and had his papers for discharge, but did not live to have them executed." He was admitted there on March 11, 1862. From a letter written to soldier's relatives by the surgeon in charge of the hospital, under date of May 15, 1862, it further appears that soldier had no money at time of his admission to the same, but had pay due him from January 1, 1862.

It is also shown that soldier, prior to his enlistment, was a very industrious, sober, and steady man, and well thought of in the community in which he resided.

How long he remained in camp of the company at Edwards Ferry, Md., after receiving his final statement is not shown, but the captain, in a letter of March 5, 1862, states that Brown, in company with four other discharged soldiers, went to Washington to get his pay. He had not received it on March 11, 1862, was admitted to hospital as heretofore shown. The delay in the payment of troops, and particularly of discharged soldiers at that period, is well known by those who then served the Government.

Whether the fatal disease was contracted before or after discharge is immaterial. He was to all intents and purposes a soldier until the Government paid him the money due him for his services to enable him to return to his home; in fact, was bound to return him to the place of his enlistment.

The committee believe the claim of his widow meritorious, and therefore report favorably on the accompanying bill and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

M. J. FOGG.

The next business on the Private Calendar was the bill (S. 283) granting a pension to M. J. Fogg.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of M. J. Fogg, late a second lieutenant in Battery E, First Virginia Light Artillery.

The Senate report was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 283) granting a pension to M. J. Fogg, have carefully examined the same, and report as follows:

We adopt the report hereto annexed made by this committee in the first session of the Fiftieth Congress, and recommend the passage of the bill.

[Senate Report No. 456, Fiftieth Congress, first session.]

The records in the office of the Adjutant-General show that M. J. Fogg was enrolled as a private in Battery E, First Virginia Light Artillery Volunteers, on the 9th of August, 1862, at Buckhannon, W. Va., for three years. He was discharged, to date from the 16th of October, 1862, for promotion to second lieutenant in the same battery. The muster-roll of the said battery dates September 13, 1862.

The claimant filed his petition for original invalid pension August 21, 1885, alleging as the basis of his claim that "while in the service, on the retreat from Buckhannon to Clarksburgh, W. Va., on or about the 21st of August, 1862, he incurred rupture of the stomach."

His claim was rejected August 13, 1887, on the ground that "the assault by which he was injured had no connection with his military service; therefore the alleged rupture was not received in the line of duty in the service."

The circumstances under which the injury was received by the claimant are fully set forth in his affidavit, and are sustained by his comrades who were present at the time when it occurred, and also by the corroborating statement of Capt. Alex. C. Moore, in charge of the battery. They are as follows:

The company had been enlisted and was in camp at the town of Buckhannon, Upshur County, West Virginia, when the Confederate General Jenkins made a

raid upon the town. The citizens fled, leaving this company to protect the town. They had not sufficient force, and retreated in the direction of Clarksburgh, W. Va. When they had arrived within a short distance of Clarksburgh they met a number of the citizens of Buckhannon returning to that point, among whom was one Charles Trimble, who, supposing that the horse that was being ridden by the claimant was his, endeavored to take it by force, which caused the horse to leap over an embankment, throwing the claimant over his head upon the pike, which accident produced the rupture.

Capt. Alexander C. Moore makes affidavit that—  
"After the enlistment of the company, and before they were regularly mustered in, on or about the 30th day of August, 1861, the claimant, with other members of that company, took part in an engagement with the enemy at Buckhannon, W. Va. Affiant recollects of hearing said Fogg afterwards, while he was in the service, complain of being injured by a fall he had received on the retreat from Buckhannon, and spoke of having a knot in his side."

The evidence to sustain the fact of the rupture on that occasion is the testimony of his comrades, Michael Boyle, William F. Bryan, Lemuel Rollins, M. S. Thomas, and N. G. Munday, who testify, as does the captain of the company, that when he was enlisted he was physically sound, and that after the fall he was injured by a rupture, so that it was impossible for him to lift any heavy article by reason of this rupture. The fact of the rupture is further shown by the report of the examining board, who certify "the rupture is about the size of a hen's egg; all other organs healthy."

There being no dispute as to the facts of this case, the only question presented is, whether these facts present a case that is pensionable? If the claimant had been wounded by the enemy in their attack upon Buckhannon no one would question his right to a pension.

The fact that on the retreat, under the orders of his superior officer, he was met in the public road and attempted to be unhorsed by one claiming the animal, which in truth did not belong to him, and which act of a third party caused the horse that he was riding to leap over an embankment and throw him to the ground, by reason of which the injury occurred, presents to the minds of your committee a case clearly coming within the provisions of the statute which authorizes the pensioning of soldiers for injuries received in the line of duty.

The soldier is now sixty-seven years of age. He is, in fact, unable by manual labor to earn a livelihood for himself and family. His character and respectability are certified by fifty-five of the leading citizens living in the community in which he resides, and the credibility of the witnesses who testify to the facts on which his claim rests is amply sustained by the papers in the case. His character as a soldier is not only vouched for by the captain of his company, but also by Brig. Gen. B. S. Roberts. (See orders hereto annexed as a part of this report, marked Exhibit A.)

[Special Order No. 35.]

HEADQUARTERS INDEPENDENT DIVISION, MIDDLE DEPARTMENT,  
Weston, W. Va., May 18, 1863.

1. Second Lieut. M. J. Fogg, Upshur Battery, is hereby relieved from duty as temporary aid-de-camp in Brig. Gen. B. S. Roberts's staff.

2. Lieut. M. J. Fogg having been deprived of his leave, granted from Headquarters Eighth Army Corps, Baltimore, Md., on account of the recent rebel raid into West Virginia, has permission to take advantage of it now; at the expiration of which he will join his command without delay.

By order of Brig. Gen. B. S. Roberts.

JOS. MCC. BELL,  
Captain and A. A. G., U. S. Army.

HEADQUARTERS INDEPENDENT DIVISION, MIDDLE DEPARTMENT,  
Weston, W. Va., May 18, 1863.

Lieut. M. J. Fogg, Upshur Battery, having just arrived at his home at the time of the recent rebel raid into West Virginia, reported to me at once for duty at Buckhannon. In the want of artillery officers, he was assigned to duty by me to Ewing's Battery, where he remained until my arrival at Clarksburgh. His complete knowledge of the country and inhabitants induced me, in consequence of the interruption of railroad communication and his inability to join his battery, to attach him to my staff, where he has since been rendering efficient and praiseworthy service. Thus he has been unable (as he has been unwilling under existing circumstances) to take advantage of his leave, and I think it but just that he now be permitted to visit his home and give his personal attention to his family, who have suffered at rebel hands. I have therefore relieved him from duty with me and granted him permission to visit his home.

By order of Brig. Gen. B. S. Roberts.

JOS. MCC. BELL,  
Captain and A. A. G., U. S. Army.

Your committee recommend that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DAVID H. LUTMAN.

The next business on the Private Calendar was the bill (S. 284) granting a pension to David H. Lutman.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David H. Lutman, late a private in Company F, Second Maryland Regiment.

The Senate report was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 284) granting a pension to David H. Lutman, have examined the same and respectfully report: We adopt the report hereto annexed made by this committee in the first session of the Fiftyeth Congress, and recommend the passage of the bill.

David H. Lutman enlisted as a private in Company F, Second Maryland Regiment, September 6, 1861; discharged September 30, 1864, by reason of the expiration of his term of enlistment; filed his declaration for a pension February 13, 1880; granted a pension for one-half disability in 1885; applied for an increase, his claim was rejected, and he was dropped from the pension-rolls April 22, 1886.

The evidence accompanying the papers shows that the claimant was a strong, healthy man when he enlisted in 1861. That in a forced march of his regiment from New Creek to Romney in December, 1861, just after his return to the Army from the hospital at Cumberland, where he had been ill with the measles, he was compelled to wade several streams, the water at that time being extremely cold, which exposure led to his being sent back to the hospital. When he returned to the regiment he was still suffering from the effects of the disease, and continued to be so affected up to the date of his discharge, it being necessary during that entire period, by reason of his physical condition, to assign him to light duty. The evidence further shows that he has been treated from the date of his discharge to the present time by four or five physicians. His neighbors

and comrades who knew him before, during, and after the war testify to the effects of this exposure and the disability which followed it. He was granted a pension for "spinal irritation, result of measles."

When examined for an increase of pension he was certified as not entitled to any rating. He charges, in an affidavit filed November 17, 1887, that the surgeon who examined him was in a "state of intoxication and entirely unfit to make the examination," and at the same time filed a letter from his family physician sustaining his right, by reason of his disease, to a pension. He had, however, prior to this date been examined by a board at Hagerstown, and the Pension Bureau therefore refused to reopen the case on the ground—

"That the unsworn statement of Dr. Greene is not sufficient to controvert the adverse findings of two boards, and therefore does not warrant an examination looking to restoration. If the claimant wishes restoration he must furnish good and sufficient sworn testimony, medical preferred, showing as a fact, and from personal knowledge of the affiant, that pensionable disability, due to formerly pensioned cause, has existed since the date of dropping, and this testimony should intelligently state how the claimant is affected and what his condition is irrespective of the claimant's say-so to neighbors or doctors."

Acting under these instructions the claimant filed the following sworn statement of Dr. E. B. Pendleton, one of the most intelligent and able physicians of that section of the country, and a gentleman of the highest character, who states:

"I have on this 4th day of February, 1888, made a careful examination of David H. Lutman, late a private in Company F, Second Regiment Maryland Volunteers, and find that he is suffering from spinal irritation, which incapacitates him from the performance of the manual labor upon which he is dependent for a livelihood."

Second. The affidavit of Dr. C. S. Greene, his family physician, who had been fully vouched for by replies to several confidential inquiries from the Pension Office. His statement is as follows:

"I have this 4th day of February, 1888, examined D. H. Lutman, late a private in Company F, Second Regiment Maryland Volunteers, and find him suffering from an irritation of the spine, caused (as he informs me) from having taken cold on the measles while in the Army, and said spinal irritation prevents him from performing manual labor to any very great extent, and at times he is unable to work at all. I have known said D. H. Lutman for fifteen years and have been consulted by him in regard to his back on a number of occasions."

Third. The affidavit of William R. Jackson, as follows:

"That he has been personally acquainted with David H. Lutman, who is an applicant for reinstatement on the pension-rolls, for the last twenty years, and during said time said Lutman has been a sufferer from disease said to have been contracted in the Army during the war, and that he further knows that the said Lutman has been in a great measure incapacitated from performing any kind of manual labor, and that he is at this time incapacitated from performing anything like the labor of a full hand. I have worked with said Lutman and know that he can not perform a half day's work regularly, and at many times is not able to work at all for weeks."

Fourth. The affidavit of Henry H. Michael, as follows:

"That he is a resident of Morgan County, West Virginia, and a farmer by occupation; that he is personally acquainted with David H. Lutman, late private in Company F, Second Regiment Maryland Volunteers, who is an applicant for reinstatement on the United States pension-rolls; that the said David H. Lutman is now, and has been for years, suffering from, as I firmly believe, the effects of disease contracted in the line of duty in the Army. I further certify that the said Lutman is not now, nor has he been for a number of years, able to perform more than the half of the work of an ordinary hand, and frequently is not able to work at all."

These last two are also creditable witnesses.

After these affidavits were filed the Pension Office refused to order the claimant before a board for examination, although he proposed to go to the expense of coming to Washington to be examined, if required by the Department. The Pension Office held "that the medical and lay evidence recently presented does not warrant another examination looking to restoration, as it fails to describe the claimant's physical condition or to show that a ratable disability has existed from the alleged 'spinal irritation' since March 4, 1864."

Do the facts set out in these affidavits warrant this conclusion? We think not, and for the following reasons: The claimant was pensioned in 1885 for "spinal irritation, result of measles," to date from 1864.

Dr. Pendleton makes oath that on the 5th of February, after a most careful examination of the claimant, he finds him suffering from spinal irritation which incapacitates him from the performance of manual labor, a "ratable disability" that had, under the decision of the bureau, existed from 1864 to April, 1885. Dr. Greene, his family physician, testifies to the same physical condition of the claimant, and that he had attended him for fifteen years for said disability. Jackson and Michael, neighbors of the claimant, testify that he has been in a great measure incapacitated from performing any kind of manual labor, and that he is at this time incapacitated from performing anything like the labor of a full hand; the statement of Michael being "that claimant is now, and has been for years, suffering from disease contracted in the line of duty; that he is not now, nor has he been for a number of years, able to perform one-half of the work of an ordinary man, and frequently is not able to work at all."

In the judgment of the committee, these affidavits from physicians of high standing and laymen of credibility cover every point suggested by the medical department of the Pension Office. It is no evidence of the "say-so" of the claimant, but is the affirmative, personal knowledge of those who have spoken.

The committee is of opinion that under these affidavits a pensionable disability has been shown, and that the claimant is entitled to be reinstated on the pension-rolls as a pensioner in accordance with the provisions and limitations of the pension laws.

Senate bill No. 2206 is reported favorably, with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE FITZCLARENCE.

The next business on the Private Calendar was the bill (S. 755) granting a pension to George Fitzclarence.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George Fitzclarence, late private in Company B, Washington Territory Infantry, and Company F, Fourth Regiment of California Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Pensions, to whom was referred the bill granting a pension to George Fitzclarence, have examined the same and report:

This soldier enlisted April 10, 1855, as a private in Company F, Fourth Regiment California Volunteer Infantry. He had formerly served an enlistment, commencing March 27, 1852, to March 27, 1855, in Company B, First Washington Territory Volunteers. He was discharged from his second service November 30, 1855. On September 17, 1857, he filed an application for pension, alleging



that he contracted rheumatism and disease of the kidneys in California, October 15, 1865. The claim was rejected by the Commissioner of Pensions October 25, 1888, on the ground that there is no record in the War Department of alleged rheumatism and disease of kidneys and no evidence on file showing incurrence of said disabilities while in service, and claimant states his inability to furnish such evidence.

The claimant states further in his application that these disabilities were contracted while en route from Fort Humboldt, California, with Indian prisoners, to Grand Ronde Valley, California, having no surgeon with the command. He was discharged in about six weeks afterwards. He states that he has since been treated in the City Hospital at Little Rock, Ark.; at City Hospital at St. Louis, Mo.; also at the poor-farm, in Pottawatomie County, Kansas; and that he is unable to find any of his comrades, and that he is unable to make a living. He is now an inmate of the Soldiers' Home at Leavenworth, Kans. He furnishes the affidavits of Dr. M. A. Malord and Dr. J. W. Fulton, showing treatment for rheumatism and disease of kidneys; and the board of examining surgeons at Leavenworth, Kans., rate him at four-eighths for rheumatism.

The fact that this old soldier, after an honorable service of nearly four years, has had to be cared for by the supervisors of the poor warrants your committee in recommending the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DANIEL A. CULMAN.

The next business on the Private Calendar was the bill (S. 765) granting a pension to Daniel A. Culman.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Daniel A. Culman, late of Company B, Eleventh Regiment New Jersey Volunteers.

The report was read at length.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE L. SANDERS.

The next business on the Private Calendar was the bill (S. 772) granting a pension to George L. Sanders.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of George L. Sanders, Company A, One hundred and twenty-first Pennsylvania, and Company I, Two hundred and second Pennsylvania.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 772) granting a pension to George L. Sanders, submit the following report:

A similar bill passed the Senate at the first session of the Fifty-third Congress. The facts are fully set forth in the following report, made at that time:

"George L. Sanders, the claimant under this bill, enlisted July 25, 1862, in Company A, One hundred and thirty-first Regiment Pennsylvania Volunteers, and served until August 19, 1862.

"He again enlisted August 16, 1864, and was discharged August 3, 1865.

The latter service was as private in Company I, Two hundred and second Regiment of Pennsylvania Volunteers. On June 18, 1867, he made application for pension, alleging 'that while at Camp Couch, near Chambersburg, Pa., in October, 1864, he contracted a severe cold and diarrhea and night sweats, from thirty-six hours' exposure to cold rain at Baltimore, and was sent to the hospital at Alexandria, Va. The doctor called his trouble intermittent fever.'

"The claim was rejected by the Commissioner of Pensions May 16, 1882, after a thorough special examination, upon the ground that 'disease of lungs and throat and deafness, the disabilities for which pension is claimed, did not originate in the United States service, but existed prior to enlistment.'

"In an affidavit, in response to call from Pension Office to state specifically what disabilities he claims pension for, the claimant states:

"That he claims pension for loss of hearing as the result of intermittent fever, and for lung and throat disease, the sequence of his army life.' Amos G. Becker, Henry W. Sanders, John M. Brown, Jacob Neyhoft, and J. O. Keeley all swear 'that claimant was a sound man previous to his enlistment.' The credibility of these affidavits is satisfactorily established. Amos G. Becker, comrade, swears that 'claimant contracted disease of lungs, cough, and spit up matter in the service.'

"This is corroborated fully by comrades Henry W. Sanders and John M. Brown. The presence of these comrades is verified by the report of the Adjutant-General, United States Army. In the matter of continuance claimant swears:

"That for a considerable time after discharge he treated himself, but at last got so bad that he availed himself of the treatment of Dr. Thornton.'

"Dr. Thornton swears, September, 1877, that—

"He treated claimant for four years past (1873 to 1877) for chronic inflammation of the bronchi, of which at times he is completely disabled from all work. Disease was of long standing when affiant first saw him.' Jacob Neyhoft testifies that he has known claimant from discharge to present time (May 7, 1878), and that he has been suffering all the time with trouble of lungs and spitting up.

"Dr. A. W. Eyer swears, July 3, 1878:

"From a personal examination of claimant, I find hyper-resonance and sibilant rales, large and small crepitation over both sides of his chest, disconnected from any discovered disease of heart. I believe him to be suffering from chronic bronchitis and emphysema, and unfit for any active work.'

"This diagnosis is corroborated by Dr. William Leiser.

"Comrade Amos G. Becker, November 29, 1878, swears that 'claimant has had an affection of the lungs and cough ever since contracting it, while in the service, to the present time.'

"Daniel Sanders, Joseph O. Keeley, Amos G. Becker, John M. Brown testify to continuance. The board of examining surgeons at Williamsport, Pa., under date of May, 1889, states disability as permanent and rates him C one-half total. The same board, February 14, 1893, rates him C three-fourths total.

"The claim was referred to Special Examiner J. P. Wooten, who is of the opinion that the claim is meritorious and recommends further examination. It was then sent to Special Examiner John F. Fitzpatrick for further examination in the field as to merit. The examiner recommends that the claim be rejected. Mr. Fitzpatrick took the testimony of W. M. Brown, a comrade, who states that—

"He was hard of hearing prior to enlistment, but not deaf; he remembers well, also, that he had a bad cough; he had a cough when he joined Company I, Two hundred and second Regiment, and thinks he was still hard of hearing.

"Was not requested to testify for claimant; can't say we are on friendly terms; don't bear any malice toward him in the sense of hurting him."

"On this report, as before stated, the claim was rejected. Mr. Brown was certainly biased against the claimant. Since the rejection of the claim additional testimony has been filed, but which seems to have been considered of no importance by the Commissioner, showing unquestionably and beyond any reasonable doubt the soundness of the soldier at enlistment. With this testimony before us, your committee are of the opinion an injustice was done by the Pension Bureau in rejecting his claim, and therefore recommend the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### ORDER OF BUSINESS.

Mr. FLOWER. Now, Mr. Chairman, I want to make a suggestion. We have worked very hard here to-day all day, and it has been Good Friday. Now, I suggest that we try our best to make a few homes happy, and I ask unanimous consent that the list of members present be called and that each one be allowed to call up a bill.

Mr. MORRILL. Mr. Chairman, the Committee on Invalid Pensions have voted unanimously that we should follow the Calendar; and for the very good reason that we can pass about 20 per cent. more bills than we could when we have the delay of hunting up the bills. I think we had better go on in the regular order.

The CHAIRMAN. The gentleman from Kansas objects.

THOMAS DENNIS.

The next business on the Private Calendar was the bill (S. 767) granting a pension to Thomas Dennis.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Dennis, late private of Company A, One hundred and twelfth Regiment of Illinois Volunteer Infantry.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Pensions, to whom was referred the bill granting a pension to Thomas Dennis, have examined the same and report:

The claimant enlisted as a private in Company A, One hundred and twelfth Regiment Illinois Infantry, on the 8th day of August, 1862, and was honorably discharged June 23, 1865. On November 7, 1882, he made application for a pension, alleging "that at Somerset, Ky., in May, 1863, he contracted deafness and was ruptured on right side; also had his left leg badly crushed by his horse falling on him."

The claim was rejected by the Commissioner of Pensions February, 1886, on the ground of "no record and claimant's inability to furnish any evidence of origin." The claimant states that he is unable to furnish the testimony of comrades or a commissioned officer, for the reason "that he did not let any of his officers or comrades know he was ruptured or had received injury to his left leg," and that he does not know the whereabouts of his family physician, Hiram Nance, who treated him from about July, 1865, to 1866, and again at sundry times until 1881. That Dr. Nance provided him with a truss. "That he believes him to be dead. The post-office address of Dr. Nance was Kewanee, Ill.

That he has not employed medical attendance since his removal to Kansas for the reason that he was too poor. James R. Hatten and William L. Gochman, comrades, swear that claimant was an able-bodied man when he entered the Army, and that after his return he was not the same man, so far as health and being able to perform manual labor were concerned.

Dr. Lewis J. Warren, examining surgeon, Clay Center, Kans., finds under date of December 27, 1882, "that claimant is partially deaf in both ears, and from the several disabilities claimed gives a rating of three-fourths total."

There was a natural disposition among good soldiers to conceal such disabilities as rupture; and taking into consideration the present enfeebled condition of the claimant, his poverty, and circumstances, your committee recommend the passage of the bill.

Mr. ENLOE. Mr. Chairman, I rise for the purpose of replying to some remarks of the gentleman from Michigan [Mr. ALLEN] with reference to the bill under consideration in the House to-day and to some extent here this evening. My attention has been called by gentlemen around me to a remark made by the gentleman from Michigan which I did not hear, a statement that I was charged with having reported to this House and placed upon the Calendar a bill without any authority to do so. I have examined the notes of the Reporter, and the gentleman is reported as saying:

The motion this afternoon reciting that a bill which the gentleman himself reported contained matters never submitted to his committee (a grave charge against him and his committee) presented a question of the highest privilege, which any man of candor and brains—

That evidently means the gentleman from Michigan himself—

must at once recognize as a question of privilege. The resolution of to-day charged the gentleman impliedly with introducing into this House a bill which he had no authority to introduce. That raised a question of privilege at once, and to shield the gentleman, to shield his committee, to give members who were thus charged an opportunity as a matter of privilege to refute this charge, the motion was entertained as a privileged motion.

There is a plain and distinct charge that I placed upon the Calendar of this House a bill embracing matters which had never been submitted to my committee, and that the gentleman from Michigan, as Chairman of the Committee of the Whole, entertained the resolution offered to-day by the gentleman from Wisconsin [Mr. THOMAS] as a question of privilege for the purpose of protecting me against that charge and giving me an opportunity to defend myself. Mr. Chairman, I say that if any gentleman gave him any such information he gave it falsely, and unless the gentleman from Michigan can name the man who gave it the charge rests upon him.

I say there was not an item in that bill, and nobody ever charged on this floor that there was an item incorporated in that bill, without the authority of the Committee on War Claims, and when I reported the bill to this House I reported it by the united action of that committee, with the exception of the chairman, who was the only member

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